

VICTORIA



VOTES

AND

PROCEEDINGS

OF THE

LEGISLATIVE

COUNCIL

SESSION

1887

COUNCIL  
CHAMBER



XV

VICTORIA.



VOTES AND PROCEEDINGS

OF THE

LEGISLATIVE COUNCIL

DURING THE SESSION

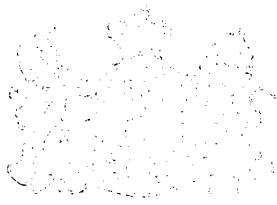
1887,

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

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# REGISTRATION AND RECORDS

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RETURN OF MEMBERS OF THE LEGISLATIVE COUNCIL AT THE OPENING OF  
PARLIAMENT, 7TH JUNE, 1887.

Names arranged in Order of Retirement.	Elected at—		Dates of Retirement.	Remarks.
	Nomination.	Polling.		
<b>MELBOURNE PROVINCE :</b>				
The Honorables—				
Cornelius Job Ham ... ..	27 Aug. 1886	...	1892	Retired by rotation, and re-elected. Accepted an office of profit and was re-elected.
Sir James Lorimer ... ..	2 Mar. 1886	...	1890	
William Edward Hearn ... ..	...	27 Aug. 1878	1888	Assigned from original Central Province.
<b>NORTH YARRA PROVINCE :</b>				
The Honorables—				
William Henry Roberts ... ..	...	9 Sept. 1886	1892	Retired by rotation, and re-elected.
James George Beaney ... ..	...	11 Sept. 1884	1890	
Francis Edis Beaver ... ..	...	30 Nov. 1882	1888	
<b>SOUTH YARRA PROVINCE :</b>				
The Honorables—				
Simon Fraser ... ..	27 Aug. 1886	...	1892	Retired by rotation, and re-elected. Retired by rotation, and re-elected.
Frederick Thomas Sargood ... ..	29 Aug. 1884	...	1890	
Sir James MacBain ... ..	17 Nov. 1882	...	1888	
<b>SOUTHERN PROVINCE :</b>				
The Honorables—				
Donald Melville ... ..	27 Aug. 1886	...	1892	Retired by rotation, and re-elected.
Thomas Henty ... ..	...	11 Sept. 1884	1890	
Sir William John Clarke, Bart. ... ..	17 Aug. 1878	...	1888	Assigned from original South Province.
<b>SOUTH-EASTERN PROVINCE :</b>				
The Honorables—				
James Buchanan... ..	...	9 Sept. 1886	1892	Assigned from original South Province. Assigned from original South Province, retired by rotation, and re-elected for the South-Eastern Province.
James Balfour ... ..	17 Aug. 1880	...	1890	
Frank Stanley Dobson ... ..	17 Nov. 1882	...	1888	
<b>NELSON PROVINCE :</b>				
The Honorables—				
Thomas Dowling ... ..	...	9 Sept. 1886	1892	Retired by rotation, and re-elected. Elected in place of Hon. R. Simson. Assigned from original Western Province.
Thomas Bromell ... ..	...	11 Sept. 1884	1890	
James Williamson ... ..	...	30 Nov. 1882	1888	
<b>WESTERN PROVINCE :</b>				
The Honorables—				
Nathan Thornley ... ..	27 Aug. 1886	...	1892	Retired by rotation, and re-elected. Assigned from original Western Province.
Thomas Forrest Cumming ... ..	...	2 May 1881	1890	
William Ross ... ..	29 Aug. 1878	...	1888	
<b>WELLINGTON PROVINCE :</b>				
The Honorables—				
Henry Gore ... ..	...	9 Sept. 1886	1892	Accepted an office of profit and was re-elected.
Henry Cuthbert ... ..	2 Mar. 1886	...	1890	
David Ham ... ..	...	30 June 1886	1888	Elected in place of Hon. J. Campbell, resigned.
<b>SOUTH-WESTERN PROVINCE :</b>				
The Honorables—				
Francis Ormond ... ..	27 Aug. 1886	...	1892	Retired by rotation, and re-elected. Elected in place of Hon. Philip Russell, resigned.
Joseph Henry Connor ... ..	15 May 1886	...	1890	
William Robertson ... ..	20 July 1886	...	1888	Elected in place of Hon. C. J. Jenner, resigned.

RETURN OF MEMBERS—*continued.*

Names arranged in Order of Retirement.	Elected at—		Dates of Retirement.	Remarks.
	Nomination.	Polling.		
<b>NORTH-EASTERN PROVINCE :</b>				
The Honorables—				
Frederick Brown ... ..	27 Aug. 1886	...	1892	Retired by rotation, and re-elected.
John Alston Wallace ... ..	29 Aug. 1884	...	1890	Retired by rotation, and re-elected.
Patrick Hanna ... ..	17 Nov. 1882	...	1888	
<b>GIPPSLAND PROVINCE :</b>				
The Honorables—				
William Pearson... ..	...	9 Sept. 1886	1892	Retired by rotation, and re-elected.
William McCulloch ... ..	...	16 Sept. 1880	1890	Assigned from original Eastern Province.
John George Dougharty ... ..	...	7 Aug. 1880	1888	
<b>NORTH-CENTRAL PROVINCE :</b>				
The Honorables—				
William Edward Stanbridge ... ..	...	9 Sept. 1886	1892	Retired by rotation, and re-elected.
Nicholas FitzGerald ... ..	29 Aug. 1884	...	1890	Retired by rotation, and re-elected.
William Austin Zeal ... ..	17 Nov. 1882	...	1888	Retired by rotation, and re-elected.
<b>NORTHERN PROVINCE :</b>				
The Honorables—				
David Chaplin Sterry ... ..	27 Aug. 1886	...	1892	Retired by rotation, and re-elected.
William Irving Winter ... ..	10 Dec. 1884	...	1890	Elected in place of Hon. Sir W. H. F. Mitchell, deceased.
Walter Peacock Simpson ... ..	...	9 April 1886	1888	Elected in place of Hon. F. Robertson, deceased.
<b>NORTH-WESTERN PROVINCE :</b>				
The Honorables—				
David Coutts ... ..	27 Aug. 1886	...	1892	Retired by rotation, and re-elected.
George Young ... ..	29 Aug. 1884	...	1890	Retired by rotation, and re-elected.
James Bell ... ..	...	30 Nov. 1882	1888	

JOHN BARKER,  
Clerk of the Legislative Council.

Legislative Council,  
Melbourne, 7th June, 1887.



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No. 1.

# Minutes of the Proceedings

OF THE

## LEGISLATIVE COUNCIL.

TUESDAY, 7TH JUNE, 1887.

1. The Council met pursuant to the Proclamation of His Excellency the Governor, bearing date the 19th day of May, 1887, which Proclamation was read by the Clerk, and is as follows :—

### SECOND SESSION OF THIRTEENTH PARLIAMENT.

#### PROCLAMATION

By His Excellency SIR HENRY BROUGHAM LOCH, Knight Commander of the Most Honorable Order of the Bath, Governor and Commander-in-Chief in and over the Colony of Victoria and its Dependencies, &c., &c., &c.

WHEREAS by *The Constitution Act* it was amongst other things enacted that it should be lawful for the Governor to fix such places within Victoria, and, subject to the limitation 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 might 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 should deem it expedient : And whereas the said Council and Assembly, called "The Parliament of Victoria," stand prorogued until Thursday the nineteenth day of May instant, and it is expedient further to prorogue the same, and to fix the time for holding the next Session thereof : Now therefore I, the Governor 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 Thursday the nineteenth day of May instant until Tuesday the seventh day of June next ensuing ; and also I do hereby fix Tuesday the seventh day of June 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 o'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 nineteenth day of May, in the year of our Lord One thousand eight hundred and eighty-seven, and in the fiftieth year of Her Majesty's reign.

(L.S.)

HENRY B. LOCH.

By His Excellency's Command,  
D. GILLIES,  
Premier.

GOD SAVE THE QUEEN !

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

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

MR. PRESIDENT AND HONORABLE GENTLEMEN OF THE LEGISLATIVE COUNCIL :

MR. SPEAKER AND GENTLEMEN OF THE LEGISLATIVE ASSEMBLY :

I have called you together at a time when the whole Empire is preparing to celebrate the completion of fifty years of an eventful and glorious reign ; and it will be one of your first and most pleasing duties to submit a joint address of congratulation to Her Majesty.

My Government was invited by the Queen to depute representatives to attend a conference in London, in which the Imperial Government might discuss certain important questions that concern the general welfare of the Empire with representatives of the principal Colonial Governments. My Advisers readily responded to this invitation, which has been the first attempt to

associate all parts of Her Majesty's dominions in joint deliberations. It will be a satisfaction to you to reflect that your representatives have discharged their important duties with credit and efficiency, and that public feeling in the British Isles is beginning to understand the present importance and future possibilities of the Queen's dominions in this part of the Empire.

The suggestions that have been made at the Conference for our co-operation with Great Britain for the defence of our own shores and of British commerce in these seas will naturally engage and receive your earnest attention. Meanwhile, it is satisfactory to know that General Schaw, a military engineer of great experience, has reported with high commendation on the judgment shown in selecting sites for batteries and forts, and on the skill with which they have been erected. Five years ago we were at the mercy of any enemy. Within a short time, when the present works are completed and strengthened by some slight and not very costly additions, we may absolutely defy insult or attack.

The important question of the government of the British portion of New Guinea was discussed in the Conference, and Great Britain has agreed to a settlement on the lines that have been steadily advocated by my Advisers. There is reason to hope that the firm tone of the Australian delegates on the subject of the independence of the New Hebrides and on the transportation of convicts to New Caledonia will have great weight with the Imperial Government in the action they may take with a view to the early settlement of these questions.

During the recess a numerous and influential Commission has been appointed to prepare for the holding of a Centennial Exhibition. We may count it among the direct gains of the presence of our representatives at the Imperial Conference that the Prince of Wales, as a special mark of his favour, has consented to be President of the Commission in London that is to co-operate with our own. Great Britain is in this way pledged to support us with all her interest on the Continent and at home.

The legislation of last session was largely directed towards the promotion of irrigation. There is already great promise of success; Water Trusts are being formed or are extending their operations; and the necessary steps have been taken to establish an Irrigation Colony in a remote and arid part of the Murray district. This enterprise has been welcomed in every part of Victoria as likely to enrich us with a new territory.

The approaching termination of our Postal Convention has made it necessary to enter into a new contract for the conveyance of mails. It is indicative of the growing wealth of these communities and of the strong commercial links that bind them to Europe, and especially to Great Britain, that we have been able, in concert with two of our neighbours, to increase the frequency of the Home mails four-fold within the last eight years, to effect a saving for ourselves of a quarter of a million, and to diminish the time of transmission by ten days. The Post Office has further arranged to extend its operations so as to undertake the carriage of small parcels throughout Victoria. From the eagerness with which the proposal of a parcels post has been welcomed, it seems evident that a great public want will be met.

Two Royal Commissions have been issued during the recess. In one case the Commissioners have been charged to inquire in what way the laws that regulate banking may best be amended; and, in the other case, to ascertain the practicability of extending the city of Melbourne to the west. It is hoped that the valuable reports of these Commissions may shortly be laid before you.

Blessed with good seasons and free from internal dissensions, Victoria has enjoyed singular prosperity during the past year. The increasing revenue from Customs shows that our people are in a position to spend freely, and the progress payments for Crown land indicate that the selectors are prosperous. The year would have been without a cloud if a terrible railway disaster had not brought suffering or sorrow home to all of us. The causes of that collision are being rigorously investigated.

MR. SPEAKER AND GENTLEMEN OF THE LEGISLATIVE ASSEMBLY :

The Estimates for 1887-8 will be laid before you at an early date. They will be framed with a view to the increasing exigencies of the Public Service, but with a due regard to economy.

MR. PRESIDENT AND HONORABLE GENTLEMEN OF THE LEGISLATIVE COUNCIL :

MR. SPEAKER AND GENTLEMEN OF THE LEGISLATIVE ASSEMBLY :

The attention demanded last session by the question of irrigation did not allow of dealing with certain Bills of very great importance. One of the most urgent of these measures was the Bill for codifying and amending the law that relates to young offenders and to neglected children, and which introduced the principle of the probation system. The whole subject has received the attention of my Advisers during the recess, and two Bills will this session be submitted to you, separating Reformatories from the Industrial School system, in accordance with the best precedents, and providing for each a legislation that shall be more in accordance with actual facts and needs. This legislation, it is hoped, will broaden the line that separates young offenders from inveterate criminals, will save those who are not yet hardened from imprisonment, and will substitute reformation for punishment where such substitution is possible. Another measure that requires consideration is the Bill to amend the Education Act. Every month shows that there are difficulties in connexion with the compulsory clauses and with the statutory age which can only be remedied by legislation. A Bill for the permanent endowment of our State School system out of Crown lands will also be submitted to you. It is most desirable that this matter should be settled with all possible promptitude, so that lands which are now reserved from sale or lease may be made available.

The principles of the Public Service Act have stood the test of several years' working and command general assent. Meanwhile, some defects in the machinery have become apparent, and in some respects there is needless friction. The necessary amendments to remedy these will be submitted for your consideration.

The valuable Report of the Royal Commission on Asylums for the Insane and Inebriate has engaged the careful attention of my Advisers, and a Bill has been prepared giving effect to several of their recommendations which cannot be provided for by administration.

A Bill for the better Protection of Women will, it is hoped, place our laws in this important particular on a level with the best portion of the legislation of England and America.

For a considerable time back the necessity for an amendment of the laws relating to shipping has been urgently felt. A Marine Bill has been prepared with the object of remedying known defects and of placing the administration on a better basis, and this will be submitted to Parliament at the earliest moment.

Advantage has been taken of the recess to obtain information in connexion with the important question of our Forest requirements. The area of land reserved for timber supply purposes has been largely increased, and a Bill will be submitted to amend the system of Forest Management.

A Bill was introduced last year to amend the Local Government Act. This will be submitted to you again. It is hoped that the municipalities interested will be able to agree on a Bill for constituting a Metropolitan Board of Works; the necessity of providing for the more efficient drainage of Melbourne and its suburbs having become very apparent. It will also be necessary to amend the laws relating to public health in some important particulars.

It is proposed to submit important amendments in detail of the Licensing Act and of the Factories and Shops Act. Your consideration will also be asked to a Bill to introduce some changes in the present system of Transfer of Land. The Bill for establishing a Military College will be introduced again.

I congratulate you on the general well-being of our people; on the patriotic union among all classes; and on the loyal attachment which has been so emphatically displayed towards the exalted Lady who is the symbol of unity in the Empire. I trust that your deliberations, by the blessing of Divine Providence, may advance the welfare and happiness of the community.

7th June, 1887.

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

The Legislative Assembly then withdrew.

3. The President took the Chair and read the Prayer.

4. DECLARATIONS OF MEMBERS.—The Honorable The President, J. Balfour, Dr. Beaney, F. E. Beaver, J. Bell, F. Brown, J. Buchanan, Sir W. J. Clarke, J. H. Connor, H. Cuthbert, Dr. Dobson, T. Dowling, N. Fitz Gerald, S. Fraser, H. Gore, C. J. Ham, D. Ham, P. Hanna, W. E. Hearn, W. McCulloch, D. Melville, F. Ormond, W. Pearson, W. H. Roberts, F. T. Sargood, W. P. Simpson, D. C. Sterry, N. Thornley, J. A. Wallace, J. Williamson, W. I. Winter, and W. A. Zeal severally delivered to the Clerk the declaration required by the thirteenth clause of the Act 45 Victoria, No. 702, as hereunder set forth :—

“In compliance with the provisions of the Act 45 Victoria, No. 702, I, JAMES MACBAIN, do declare and testify that I am legally or equitably seised of or entitled to an estate of freehold for my own use and benefit in lands or tenements in the colony of Victoria of the yearly value or Three hundred and eighty pounds, above all charges and incumbrances affecting the same, other than any public or parliamentary tax or municipal or other rate or assessment; and further, that such lands or tenements are situated in the municipal district of Prahran, and are known as land containing 7 acres 2 roods and 5 perches or thereabouts, part of Crown portion 27, in parish of Prahran, county of Bourke, with dwelling-house, out-houses, stable, &c., &c., erected thereon, in my own occupation.

“And I further declare that such of the said lands or tenements as are situate in the municipal district of Prahran are rated in the rate-book of such district upon a yearly value of Three hundred and eighty 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.

“JAS. MACBAIN.”

“In compliance with the provisions of the Act 45 Victoria, No. 702, I, JAMES BALFOUR, do declare and testify that I am legally or equitably seised of or entitled to an estate of freehold for my own use and benefit in lands or tenements in the colony of Victoria of the yearly value of Four hundred and fifty pounds above all charges and incumbrances affecting the same, other than any public or parliamentary tax or municipal or other rate or assessment; and further, that such lands or tenements are situated in the municipal district of Prahran, and are house and grounds known as Tyalla, Toorak.

“And I further declare that such of the said lands or tenements as are situate in the municipal district of Prahran are rated in the rate-book of such district upon a yearly value of Four hundred and fifty 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.

“JAMES BALFOUR.”

“In compliance with the provisions of the Act 45 Victoria, No. 702, I, JAMES GEORGE BEANEY, do declare and testify that I am legally or equitably seised of or entitled to an estate of freehold for my own use and benefit in lands or tenements in the colony of Victoria of the yearly value of Nine hundred and twenty-eight pounds above all charges and incumbrances affecting the same, other than any public or parliamentary tax or municipal or other rate or assessment; and further, that such lands or tenements are situated in the municipal district of Melbourne, and are known as 44, 46, 48, and 50 Russell-street, and 114, 116, and 119 Collins-street east, in the city of Melbourne.

"And I further declare that such of the said lands or tenements as are situate in the municipal district of Melbourne are rated in the rate-book of such district upon a yearly value of Seven hundred and fifty 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.

"JAMES GEO. BEANEY, M.D."

"In compliance with the provisions of the Act 45 Victoria, No. 702, I, FRANCIS EDIS BEAVER, do declare and testify that I am legally or equitably seised of or entitled to an estate of freehold for my own use and benefit in lands or tenements in the colony of Victoria of the yearly value of One hundred and fifty pounds above all charges and incumbrances affecting the same, other than any public or parliamentary tax or municipal or other rate or assessment; and further, that such lands or tenements are situated in the municipal district of Northcote, and are known as—

"About thirty acres of land, situated in High-street, in the borough of Northcote, with house and out-building, in my own occupation. .

"And I further declare that such of the said lands or tenements as are situate in the municipal district of Northcote are rated in the rate-book of such district upon a yearly value of Three hundred and fifty 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.

"F. E. BEAVER."

"In compliance with the provisions of the Act 45 Victoria, No. 702, I, JAMES BELL, do declare and testify that I am legally or equitably seised of or entitled to an estate of freehold for my own use and benefit in lands or tenements in the colony of Victoria of the yearly value of One hundred and twenty pounds above all charges and incumbrances affecting the same, other than any public or parliamentary tax or municipal or other rate or assessment; and further, that such lands or tenements are situated in the municipal district of Dunolly, and are known as my private residence, being allotments 4, 5, 6, 7, and 9 of section 26, town of Dunolly.

"And I further declare that such of the said lands or tenements as are situate in the municipal district of Dunolly are rated in the rate-book of such district upon a yearly value of One hundred and twenty 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.

"JAMES BELL."

"In compliance with the provisions of the Act 45 Victoria, No. 702, I, FREDERICK BROWN, do declare and testify that I am legally or equitably seised of or entitled to an estate of freehold for my own use and benefit in lands or tenements in the colony of Victoria of the yearly value of One hundred and ten pounds above all charges and incumbrances affecting the same, other than any public or parliamentary tax or municipal or other rate or assessment; and further, that such lands or tenements are situated in the municipal district of Beechworth, and are known as—

"Shrublands—Allotments 2, 3, and 4 of section A, with dwelling-house and out-houses, occupied by me; also allotment 8 of section P 1, 17 of section 4, and part of allotment 3 of section B, all in the town and parish of Beechworth.

"And I further declare that such of the said lands or tenements as are situate in the municipal district of United Shire of Beechworth are rated in the rate-book of such district upon a yearly value of One hundred and ten pounds ten shillings.

"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.

"FRED<sup>K</sup>. BROWN."

"In compliance with the provisions of the Act 45 Victoria, No. 702, I, JAMES BUCHANAN, do declare and testify that I am legally or equitably seised of or entitled to an estate of freehold for my own use and benefit in lands or tenements in the colony of Victoria of the yearly value of One hundred and five pounds above all charges and incumbrances affecting the same, other than any public or parliamentary tax or municipal or other rate or assessment; and further, that such lands or tenements are situated in the municipal district of Berwick, and are known as house and land in my own occupation.

"And I further declare that such of the said lands or tenements as are situate in the municipal district of Berwick are rated in the rate-book of such district upon a yearly value of One hundred and five 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.

"JAMES BUCHANAN."

"In compliance with the provisions of the Act 45 Victoria, No. 702, I, SIR WILLIAM JOHN CLARKE, Baronet, do declare and testify that I am legally or equitably seised of or entitled to an estate of freehold for my own use and benefit in lands or tenements in the colony of Victoria of the yearly value of Nine hundred and eighty pounds above all charges and incumbrances affecting the same, other than any public or parliamentary tax or municipal or other rate or assessment; and further that such lands or tenements are situated in the municipal district of the shire of Merriang, and are known as—Three thousand four hundred and sixty-one acres, in the parishes of Kalkallo, Mickleham, and Darraweit Guim, No. 83 in the rate-book.

"And I further declare that such of the said lands or tenements as are situated in the municipal district of the shire of Merriang are rated in the rate-book of such district upon a yearly value of Nine hundred and eighty 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.

"W. J. CLARKE."

"In compliance with the provisions of the Act 45 Victoria, No. 702, I, JOSEPH HENRY CONNOR, do declare and testify that I am legally or equitably seized of or entitled to an estate of freehold for my own use and benefit in lands or tenements in the colony of Victoria of the yearly value of One hundred and thirty pounds above all charges and incumbrances affecting the same, other than any public or parliamentary tax or municipal or other rate or assessment; and further, that such lands or tenements are situated in the municipal district of shire of Colac, and are known as allotments 57 A and B, parish of Cundare, county of Grenville.

"And I further declare that such of the said lands or tenements as are situated in the municipal district of Colac, shire of Colac, are rated in the rate-book of such district upon a yearly value of One hundred and thirty pounds (£130).

"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.

"JOSEPH HENRY CONNOR."

"In compliance with the provisions of the Act 45 Victoria, No. 702, I, HENRY CUTHBERT, do declare and testify that I am legally or equitably seized of or entitled to an estate of freehold for my own use and benefit in lands or tenements in the colony of Victoria of the yearly value of Two hundred pounds above all charges and incumbrances affecting the same, other than any public or parliamentary tax or municipal or other rate or assessment; and further, that such lands or tenements are situated in the parish of Ballarat, in the county of Grenville, the description of which lands and tenements are as follows:—

"Part of allotment 4 of sec. 9, city of Ballarat, county of Grenville; and

"Allotment 2 of sec. 14, parish of Cardigan, county of Grenville.

"And I further declare that such of the said lands or tenements as are situate in the municipal district of the city of Ballarat are rated in the rate-book of such district upon a yearly value of £80; and that such of the said lands or tenements as are situate in the shire of Ballarat are rated in the rate-book of such district upon a yearly value of £120.

"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.

"HENRY CUTHBERT."

"In compliance with the provisions of the Act 45 Victoria, No. 702, I, FRANK STANLEY DOBSON, do declare and testify that I am legally or equitably seized of or entitled to an estate of freehold for my own use and benefit in lands or tenements in the colony of Victoria of the yearly value of One hundred and thirty pounds above all charges and incumbrances affecting the same, other than any public or parliamentary tax or municipal or other rate or assessment; and further, that such lands or tenements are situated in the municipal districts of Hawthorn and Prahran, and are known as—

"House, No. 44 Darling-street, South Yarra, in my own occupation; and land in Denham-street, Hawthorn, unoccupied; also land in Yarra-street, Hawthorn, unoccupied.

"And I further declare that such of the said lands or tenements as are situate in the municipal district of Prahran are rated in the rate-book of such district upon a yearly value of One hundred and fifty pounds, and that such of the said lands or tenements as are situate in the municipal district of Hawthorn are rated in the rate-book of such district upon a yearly value of Ninety 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.

"F. STANLEY DOBSON."

"In compliance with the provisions of the Act 45 Victoria, No. 702, I, THOMAS DOWLING, do declare and testify that I am legally or equitably seized of or entitled to an estate of freehold for my own use and benefit in lands or tenements in the colony of Victoria of the yearly value of Two hundred pounds above all charges and incumbrances affecting the same, other than any public or parliamentary tax or municipal or other rate or assessment; and further, that such lands or tenements are situated in the municipal districts of Hampden and Mortlake, and are known as Jellalabad, situated on Mount Emu Creek, and bounded on the south by the town of Darlington, on the east by lands belonging to Messrs. Cole and Dodd, on the north by Station known as Terrinallum, and on the west by the Station known as Mount Fyans.

"And I further declare that such of the said lands or tenements as are situate in the municipal district of Mortlake are rated in the rate-book of such district upon a yearly value of One thousand seven hundred and twenty pounds, and that such of the said lands or tenements as are situate in the municipal district of Hampden are rated in the rate-book of such district upon a yearly value of Five hundred and forty-six 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.

"THOMAS DOWLING."

"In compliance with the provisions of the Act 45 Victoria, No. 702, I, NICHOLAS FITZ GERALD, do declare and testify that I am legally or equitably seized of or entitled to an estate of freehold for my own use and benefit in lands or tenements in the colony of Victoria of the yearly value of One hundred pounds above all charges and incumbrances affecting the same, other than any public or parliamentary tax or municipal or other rate or assessment; and further, that such lands or tenements are situated in the municipal district of St. Kilda, and are known as—

"Dwelling-house, Alma-road, St. Kilda, in the county of Bourke.

"And I further declare that such of the said lands or tenements as are situate in the municipal district of St. Kilda are rated in the rate-books of such district upon a yearly value of Four hundred 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.

"N. FITZ GERALD."

"In compliance with the provisions of the Act 45 Victoria, No. 702, I, SIMON FRASER, do declare and testify that I am legally or equitably seised of or entitled to an estate of freehold for my own use and benefit in lands or tenements in the colony of Victoria of the yearly value of Four hundred pounds above all charges and incumbrances affecting the same, other than any public or parliamentary tax or municipal or other rate or assessment; and further, that such lands or tenements are situated in the municipal district of Echuca Shire, and are known as land containing an area of three thousand three hundred and four acres, or thereabout, in the parishes of Terrick and Patho.

"And I further declare that such of the said lands or tenements as are situate in the municipal district of Echuca Shire are rated in the rate-book of such district upon a yearly value of Three hundred and fifty-three 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.

"SIMON FRASER."

"In compliance with the provisions of the Act 45 Victoria, No. 702, I, HENRY GORE, do declare and testify that I am legally or equitably seised of or entitled to an estate of freehold for my own use and benefit in lands or tenements in the colony of Victoria of the yearly value of Six hundred and forty pounds above all charges and incumbrances affecting the same, other than any public or parliamentary tax or municipal or other rate or assessment; and further, that such lands or tenements are situated in the municipal district of Korong, and are known as—

"Spring Hill and Richmond Plains pre-emptive rights, &c.

"And I further declare that such of the said lands or tenements as are situate in the municipal district of Korong are rated in the rate-book of such district upon a yearly value of Six hundred and forty 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.

"HENRY GORE."

"In compliance with the provisions of the Act 45 Victoria, No. 702, I, CORNELIUS JOB HAM, do declare and testify that I am legally or equitably seised of or entitled to an estate of freehold for my own use and benefit in lands or tenements in the colony of Victoria of the yearly value of Five hundred pounds above all charges and incumbrances affecting the same, other than any public or parliamentary tax or municipal or other rate or assessment; and further, that such lands or tenements are situated in the municipal district of Prahran, and are known as—

"Dwelling-house and premises (known as 'Lalbert') situated in the Orrong-road, Prahran, with about eleven acres of land, in my own occupation.

"And I further declare that such of the said lands or tenements as are situate in the municipal district of Prahran are rated in the rate-book of such district upon a yearly value of Five hundred 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.

"C. J. HAM."

"In compliance with the provisions of the Act 45 Victoria, No. 702, I, DAVID HAM, do declare and testify that I am legally or equitably seised of or entitled to an estate of freehold for my own use and benefit in lands or tenements in the colony of Victoria of the yearly value of Five hundred pounds above all charges and incumbrances affecting the same, other than any public or parliamentary tax or municipal or other rate or assessment; and further, that such lands or tenements are situated in the municipal district of Ballarat East, and are known as houses and land in Victoria-street.

"And I further declare that such of the said lands or tenements as are situated in the municipal district of Ballarat East are rated in the rate-book of such district upon a yearly value of Three hundred 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.

"DAVID HAM."

"In compliance with the provisions of the Act 45 Victoria, No. 702, I, PATRICK HANNA, do declare and testify that I am legally or equitably seised of or entitled to an estate of freehold for my own use and benefit in lands or tenements in the colony of Victoria of the yearly value of One thousand pounds above all charges and incumbrances affecting the same, other than any public or parliamentary tax or municipal or other rate or assessment; and further, that such lands or tenements are situated in the municipal districts of Melbourne and Wyndham, and are known as—

"121, 123, 125, half acre, corner of William and Latrobe streets; also, the Alliance Engineering Shops; also, the Royal Mint Foundry, Little Lonsdale-street; and freehold property in the Shire of Wyndham, Ballerine.

"And I further declare that such of the said lands or tenements as are situate in the municipal district of Melbourne are rated in the rate-book of such district upon a yearly value of Seven hundred and fifty pounds, and that such of the said lands or tenements as are situate in the municipal district of Wyndham are rated in the rate-book of such district upon a yearly value of Two hundred and fifty pounds, and several other freehold property.

"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.

"PATRICK HANNA."

"In compliance with the provisions of the Act 45 Victoria, No. 702, I, WILLIAM EDWARD HEARN, do declare and testify that I am legally or equitably seized of or entitled to an estate of freehold for my own use and benefit in lands or tenements in the colony of Victoria of the yearly value of upwards of One hundred pounds above all charges and incumbrances affecting the same, other than any public or parliamentary tax or municipal or other rate or assessment; and further, that such lands or tenements are situated in the municipal district of Flinders and Kangerong, and are known as Crown allotments 22 and 29 in the parish of Wannaeue, in the county of Mornington, and as part of Burrell's Pre-emptive Right, near Dromana in the said county.

"And I further declare that such of the said lands or tenements as are situated in the municipal district of Flinders and Kangerong are rated in the rate-book of such district upon a yearly value of One hundred and nine 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.

"W. E. HEARN."

"In compliance with the provisions of the Act 45 Victoria, No. 702, I, WILLIAM McCULLOCH, do declare and testify that I am legally or equitably seized of or entitled to an estate of freehold for my own use and benefit in lands or tenements in the colony of Victoria of the yearly value of Two hundred and ninety-eight pounds above all charges and incumbrances affecting the same, other than any public or parliamentary tax or municipal or other rate or assessment; and further, that such lands or tenements are situated in the municipal district of Broadmeadows, and are known as Glenroy.

"And I further declare that such of the said lands or tenements as are situate in the municipal district of Broadmeadows are rated in the rate-book of such district upon a yearly value of Two hundred and ninety-eight 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.

"W. McCULLOCH."

"In compliance with the provisions of the Act 45 Victoria, No. 702, I, DONALD MELVILLE, Brunswick, do declare and testify that I am legally or equitably seized of or entitled to an estate of freehold for my own use and benefit in lands or tenements in the colony of Victoria of the yearly value of Two hundred and thirty-eight pounds above all charges and incumbrances affecting the same, other than any public or parliamentary tax or municipal or other rate or assessment; and further, that such lands or tenements are situated in the municipal districts of Brunswick and Pyalong, and are known as—

"My residence, situate in Albion-street, West Brunswick, with thirty acres land, and also two hundred and six acres of land within the municipal district of Pyalong.

"And I further declare that such of the said lands or tenements as are situate in the municipal district of Brunswick are rated in the rate-book of such district upon a yearly value of Two hundred and ten pounds, and that such of the said lands or tenements as are situate in the municipal district of Pyalong are rated in the rate-book of such district upon a yearly value of Twenty-eight 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.

"D. MELVILLE."

"In compliance with the provisions of the Act 45 Victoria, No. 702, I, FRANCIS ORMOND, do declare and testify that I am legally or equitably seized of or entitled to an estate of freehold for my own use and benefit in lands or tenements in the colony of Victoria of the yearly value of Four hundred and fifty pounds above all charges and incumbrances affecting the same, other than any public or parliamentary tax or municipal or other rate or assessment; and further, that such lands or tenements are situated in the municipal district of Prahran, and are known as Egoleen house and land.

"And I further declare that such of the said lands or tenements as are situate in the municipal district of Prahran are rated in the rate-book of such district upon a yearly value of Four hundred and fifty 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.

"FRANCIS ORMOND."

"In compliance with the provisions of the Act 45 Victoria, No. 702, I, WILLIAM PEARSON, do declare and testify that I am legally or equitably seized of or entitled to an estate of freehold for my own use and benefit in lands or tenements in the colony of Victoria of the yearly value of Two



thousand nine hundred pounds above all charges and incumbrances affecting the same, other than any public or parliamentary tax or municipal or other rate or assessment; and further, that such lands or tenements are situated in the municipal district of Rosedale, and are known as—

“Kilmany Park, near Sale, containing 14,741 acres more or less freehold land.

“And I further declare that such of the said lands or tenements as are situate in the municipal district of Rosedale are rated in the rate-book of such district upon a yearly value of Two thousand nine hundred 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.

“WM. PEARSON.”

“In compliance with the provisions of the Act 45 Victoria, No. 702, I, WILLIAM HENRY ROBERTS, do declare and testify that I am legally or equitably seised of or entitled to an estate of freehold for my own use and benefit in lands or tenements in the colony of Victoria of the yearly value of One hundred pounds above all charges and incumbrances affecting the same, other than any public or parliamentary tax or municipal or other rate or assessment; and further, that such lands are situated in the municipal districts of Williamstown and Melbourne, and are known as Tudor House, Electra-street, Williamstown, and No. 90, Chancery-lane, Melbourne.

“And I further declare that such of the said lands or tenements as are situate in the municipal district of Williamstown are rated in the rate-book of such district upon a yearly value of One hundred pounds; and that such of the said lands and hereditaments as are situate in the municipal district of Melbourne are rated in the rate-book of such district upon a yearly value of Two hundred and sixty 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.

“WM. H. ROBERTS.”

“In compliance with the provisions of the Act 45 Victoria, No. 702, I, FREDERICK THOMAS SARGOOD, do declare and testify that I am legally or equitably seised of or entitled to an estate of freehold for my own use and benefit in lands or tenements in the colony of Victoria of the value of Five thousand pounds above all charges and incumbrances affecting the same, other than any public or parliamentary tax or municipal or other rate or assessment; and further, that such lands or tenements are situated in the municipal district of Caulfield, and are known as Rippon Lea, consisting of—

“Forty-six acres of land, with dwelling-house thereon.

“And I further declare that such of the said lands or tenements as are situate in the municipal district of Caulfield are rated as follows :—

Rate	...	£58	6	8	...	Valuation	...	£20,000	0	0
”	...	11	1	8	...	”	...	1,800	0	0

“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.

“F. T. SARGOOD.”

“In compliance with the provisions of the Act 45 Victoria, No. 702, I, WALTER PEACOCK SIMPSON, do declare and testify that I am legally or equitably seised of or entitled to an estate of freehold for my own use and benefit in lands or tenements in the colony of Victoria of the yearly value of One hundred and ninety-four pounds above all charges and incumbrances affecting the same, other than any public or parliamentary tax or municipal or other rate or assessment; and further, that such lands or tenements are situated in the municipal district of Sandhurst, and are known as Sandhurst Horse Bazaar and Sale Yards, Charing Cross and Hargreaves-street, Sandhurst.

“And I further declare that such of the said lands or tenements as are situate in the municipal district of Sandhurst are rated in the rate-book of such district upon a yearly value of One hundred and ninety-four 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.

“W. P. SIMPSON.”

“In compliance with the provisions of the Act 45 Victoria, No. 702, I, DAVID CHAPLIN STERRY, do declare and testify that I am legally or equitably seised of or entitled to an estate of freehold for my own use and benefit in lands or tenements in the colony of Victoria of the yearly value of One hundred and eight pounds above all charges and incumbrances affecting the same, other than any public or parliamentary tax or municipal or other rate or assessment; and further, that such lands or tenements are situated in the municipal district of Sandhurst, and are known as—

“Lands and buildings in Inglewood-road, and land in Forest-street, Sandhurst.

“And I further declare that such of the said lands or tenements as are situate in the municipal district of Sandhurst are rated in the rate-book of such district upon a yearly value of One hundred and ten 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.

“D. C. STERRY.”

“In compliance with the provisions of the Act 45 Victoria, No. 702, I, NATHAN THORNLEY, do declare and testify that I am legally or equitably seised of or entitled to an estate of freehold for my own use and benefit in lands or tenements in the colony of Victoria of the yearly value of One

hundred pounds above all charges and incumbrances affecting the same, other than any public or parliamentary tax or municipal or other rate or assessment; and further, that such lands or tenements are situated in the municipal district of Kew, and are known as—

“Part of Crown portion 71, parish of Booroondara, county of Bourke.

“And I further declare that such of the said lands or tenements as are situate in the municipal district of Kew are rated in the rate-book of such district upon a yearly value of One hundred 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.

“N. THORNLEY.”

“In compliance with the provisions of the Act 45 Victoria, No. 702, I, JOHN ALSTON WALLACE, do declare and testify that I am legally or equitably seised of or entitled to an estate of freehold for my own use and benefit in lands or tenements in the colony of Victoria of the yearly value of Two hundred and fifty pounds above all charges and incumbrances affecting the same, other than any public or parliamentary tax or municipal or other rate or assessment; and further, that such lands or tenements are situated in the municipal districts of Beechworth, Towong, and Port Melbourne, and are known as—

“No. 1. Lands and tenements situated at Wooragee, in the united shire of Beechworth, county of Bogong, area, 666a.

“No. 2. Lands and tenements situate near Bethanga, parish of Berringa, electoral district of Benambra, shire of Towong, area, 639 acres.

“No. 3. Lands and tenements, the Bay View Hotel, situate Beach-street, Port Melbourne.

“And I further declare that such of the said lands or tenements as are situate in the municipal district of Beechworth are rated in the rate-book of such district upon a yearly value of Sixty pounds, and that such of the said lands or tenements as are situate in the municipal district of Towong are rated in the rate-book of such district upon a yearly value of One hundred pounds, and that such of the said lands or tenements as are situate in the municipal district of Port Melbourne are rated in the rate-book of such district upon a yearly value of One hundred and sixty 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.

“JOHN A. WALLACE.”

“In compliance with the provisions of the Act 45 Victoria, No. 702, I, JAMES WILLIAMSON, do declare and testify that I am legally or equitably seised of or entitled to an estate of freehold for my own use and benefit in lands or tenements in the colony of Victoria of the yearly value of Four hundred pounds above all charges and incumbrances affecting the same, other than any public or parliamentary tax or municipal or other rate or assessment; and further, that such lands or tenements are situated in the municipal district of Prahran, and are known as—

“‘Tintern,’ Toorak.

“And I further declare that such of the said lands or tenements as are situate in the municipal district of Prahran are rated in the rate-book of such district upon a yearly value of Four hundred 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.

“JAS. WILLIAMSON.”

“In compliance with the provisions of the Act 45 Victoria, No. 702, I, WILLIAM IRVING WINTER, do declare and testify that I am legally or equitably seised of or entitled to an estate of freehold for my own use and benefit in lands or tenements in the colony of Victoria of the yearly value of Ten thousand and sixty-two pounds above all charges and incumbrances affecting the same, other than any public or parliamentary tax or municipal or other rate or assessment; and further, that such lands or tenements are situated in the municipal districts as hereunder named, and are known as—

“Noorilim, in the shire of Goulburn.	
“Noorilim	” Waranga.
“Carpendeit	” Hampden.
“Tirrengower	” Colac.
“Allotments	” Tambo.
“Allotment	” Malvern.
“Mount Scobie	” Echuca.
“Stanhope	” Echuca.
“Colbinabbin	” Waranga.

“And I further declare that such of the said lands or tenements as are situate in the municipal district of Goulburn are rated in the rate-book of such district upon a yearly value of Seven hundred and thirteen pounds; and that such of the said lands or tenements as are situate in the municipal district of Waranga are rated in the rate-book of such district upon a yearly value of Six thousand three hundred and eighty-one pounds; and that such of the said lands or tenements as are situate in the municipal district of Hampden are rated in the rate-book of such district upon a yearly value of Four hundred and fifty-nine pounds; and that such of the said lands or tenements as are situate in the municipal district of Colac are rated in the rate-book of such district upon a

yearly value of Three hundred and seventy-three pounds ; and that such of the said lands or tenements as are situate in the municipal district of Tambo are rated in the rate-book of such district upon a yearly value of Six pounds ; and that such of the said lands or tenements as are situate in the municipal district of Malvern are rated in the rate-book of such district upon a yearly value of Thirty pounds ; and that such of the said lands or tenements as are situate in the municipal district of Echuca are rated in the rate-book of such district upon a yearly value of Two thousand one hundred 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.

“ WM. IRVING WINTER.”

“ In compliance with the provisions of the Act 45 Victoria, No. 702, I, WILLIAM AUSTIN ZEAL, do declare and testify that I am legally or equitably seised of or entitled to an estate of freehold for my own use and benefit in lands or tenements in the colony of Victoria, of the yearly value of Six hundred pounds above all charges and incumbrances affecting the same, other than any public or parliamentary tax or municipal or other rate or assessment ; and further, that such lands or tenements are situated in the municipal districts of Prahran and South Melbourne, and are known as—

“ Parts of Crown portions 17 and 18, parish of Prahran (at Toorak), county of Bourke ; and Crown allotment No. 4, section I, and Crown allotment section L, city of South Melbourne, county of Bourke.

“ And I further declare that such of the said lands or tenements as are situate in the municipal district of Prahran are rated in the rate-book of such district upon a yearly value of (£620) Six hundred and twenty pounds ; and that such of the said lands or tenements as are situate in the municipal district of South Melbourne are rated in the rate-book of such district upon a yearly value of (£388) Three hundred and eighty-eight pounds, or a total rating of One thousand and eight 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.

“ W. A. ZEAL.”

5. PAPERS.—The Hon. H. Cuthbert presented, by command of His Excellency the Governor—

Statistical Register of the Colony of Victoria for the year 1885—

Part VI.—Production.

Part VII.—Law, Crime, &c.

Part VIII.—Accumulation.

Part IX.—Religious, Moral, and Intellectual Progress.

Colonial Conference in London.—Correspondence respecting the holding of a Conference in London of Representatives of the principal Colonial Governments.

Severally ordered to lie on the Table.

The Hon. H. Cuthbert presented, pursuant to Act of Parliament—

Friendly Societies—Eighth Annual Report of the Proceedings of the Government Statist in connection with—being for the year 1885.

University of Melbourne—Report of the Proceedings of the—for the year ended 31st December, 1886.

Public Accounts.—Addition to Regulation No. 26.

Supreme Court.—Regula Generalis.

Court of Insolvency.—Amending Rules.

Severally ordered to lie on the Table.

6. JUSTICES OF THE PEACE LAW CONSOLIDATION BILL.—The Honorable H. Cuthbert moved, That he have leave to bring in a Bill to consolidate and amend the Law relating to Justices of the Peace and Courts of General and Petty Sessions.

Question—put and resolved in the affirmative.

Ordered—That the Honorable H. Cuthbert do prepare and bring in the Bill.

The Honorable H. Cuthbert then brought up a Bill, intituled, “ *A Bill to consolidate and amend the Law relating to Justices of the Peace and Courts of General and Petty Sessions,*” and moved that it be now read a first time.

Question—put and resolved in the affirmative.—Bill read a first time, ordered to be printed, and read a second time to-morrow.

7. STANDING ORDERS COMMITTEE.—The Honorable H. Cuthbert moved, by leave of the Council, That the Honorables The President, Dr. Dobson, W. E. Hearn, F. T. Sargood, J. Balfour, W. A. Zeal, and the Mover be appointed a Select Committee on the Standing Orders of the House.

Question—put and resolved in the affirmative.

8. LIBRARY COMMITTEE.—The Honorable H. Cuthbert moved, by leave of the Council, That the Honorables The President, D. Melville, F. Brown, W. E. Hearn, and the Mover be members of the Joint Committee of both Houses to manage the Library.

Question—put and resolved in the affirmative.

9. PARLIAMENT BUILDINGS COMMITTEE.—The Honorable H. Cuthbert moved, by leave of the Council, That the Honorables The President, N. FitzGerald, W. I. Winter, N. Thornley, and W. A. Zeal be members of the Joint Committee of both Houses to manage and superintend the Parliament Buildings.

Question—put and resolved in the affirmative.

- 10. REFRESHMENT ROOMS COMMITTEE.—The Honorable H. Cuthbert moved, by leave of the Council, That the Honorables J. A. Wallace, J. Buchanan, J. Williamson, D. C. Sterry, and W. P. Simpson be members of the Joint Committee of both Houses to manage the Refreshment Rooms.  
Question—put and resolved in the affirmative.
- 11. PRINTING COMMITTEE.—The Honorable J. Bell moved, by leave of the Council, That the Honorables The President, G. Young, T. F. Cumming, F. E. Beaver, F. Ormond, and the Mover be appointed a Printing Committee.  
Question—put and resolved in the affirmative.
- 12. DAYS OF BUSINESS.—The Honorable H. Cuthbert moved, by leave of the Council, That Tuesday, Wednesday, and Thursday in each week be the days on which the Council shall meet for despatch of business during the present Session, and that half-past four o'clock be the hour of meeting on each day; and that on Tuesday and Thursday in each week the transaction of Government Business shall take precedence of all other business.  
Question—put and resolved in the affirmative.
- 13. CHAIRMAN OF COMMITTEES.—The Honorable H. Cuthbert moved, by leave of the Council, That the Honorable Dr. Dobson be Chairman of Committees of the Council.  
Question—put and resolved in the affirmative.
- 14. SPEECH OF HIS EXCELLENCY THE GOVERNOR.—The President reported the Speech of His Excellency the Governor.  
The Honorable W. H. Roberts moved, That a Committee be appointed to prepare an Address to His Excellency the Governor in reply to His Excellency's Opening Speech.  
Question—put and resolved in the affirmative.  
The Honorable W. H. Roberts moved, That the Committee consist of the Honorables H. Gore, J. Bell, F. E. Beaver, F. T. Sargood, S. Fraser, C. J. Ham, F. Brown, N. Thornley, H. Cuthbert, and the Mover.  
Question—put and resolved in the affirmative.  
The Committee retired to prepare the Address.  
The Honorable W. H. Roberts brought up the Address prepared by the Committee, which was read at the Table by the Clerk, and is as follows:—

*To His Excellency SIR HENRY BROUGHAM LOCH, Knight Commander of the Most Honorable Order of the Bath, Governor and Commander in Chief in and over the Colony of Victoria and its Dependencies, &c., &c., &c.*

We, Her Majesty's most dutiful and loyal subjects, the Members of the Legislative Council of Victoria, in Parliament assembled, beg leave to approach Your Excellency with renewed expressions of our loyalty and attachment to Her Majesty's Throne or Person.

We thank Your Excellency for having called us together at a time when the whole Empire is preparing to celebrate the completion of fifty years of an eventful and glorious reign. It will be one of our first and most pleasing duties to submit a joint Address of congratulation to Her Majesty.

It affords us much gratification to hear that your Government was invited by Her Majesty the Queen to depute representatives to attend a conference in London, in which the Imperial Government might discuss certain important questions that concern the general welfare of the Empire, with representatives of the principal Colonial Governments. We are glad that Your Excellency's Advisers readily responded to this invitation, which has been the first attempt to associate all parts of Her Majesty's dominions in joint deliberations. It is a satisfaction to us to reflect that the representatives of this Colony have discharged their important duties with credit and efficiency, and that public feeling in the British Isles is beginning to understand the present importance and future possibilities of the Queen's dominions in this part of the Empire.

The suggestions that have been made at the Conference for our co-operation with Great Britain for the defence of our own shores and of British Commerce in these seas, will naturally engage and receive our earnest attention. Meanwhile, it affords us satisfaction to know that General Schaw, a military engineer of great experience, has reported with high commendation on the judgment shown in selecting sites for batteries and forts, and on the skill with which they have been erected. Although five years ago we were at the mercy of an enemy, we are glad to learn that within a short time, when the present works are completed and strengthened by some slight and not very costly additions, we may absolutely defy insult or attack.

We thank Your Excellency for informing us that the important question of the government of the British portion of New Guinea was discussed in the Conference, and that Great Britain has agreed to a settlement on the lines that have been steadily advocated by Your Excellency's advisers. We are also glad to learn that there is reason to hope that the firm tone of the Australian delegates on the subject of the independence of the New Hebrides and on the transportation of convicts to New Caledonia will have great weight with the Imperial Government in the action they may take with a view to the early settlement of these questions.

We are gratified to hear that during the recess a numerous and influential Commission has been appointed to prepare for the holding of a Centennial Exhibition. We agree with Your Excellency in counting it among the direct gains of the presence of our representatives at the Imperial Conference that the Prince of Wales, as a special mark of his favour, has consented to be President of the Commission in London that is to co-operate with our own, and that Great Britain is in this way pledged to support us with all her interest on the Continent and at home.

We learn with satisfaction that there is already great promise of success arising out of the legislation of last session which was largely directed towards the promotion of irrigation; that Water Trusts are being formed or are extending their operations; that the necessary steps have been taken to establish an Irrigation Colony in a remote and arid part of the Murray district; and that this enterprise has been welcomed in every part of Victoria as likely to enrich us with a new territory.

We concur with Your Excellency that the approaching termination of our Postal Convention has made it necessary to enter into a new contract for the conveyance of mails, and that it is indicative of the growing wealth of these communities and of the strong commercial links that bind them to Europe and especially to Great Britain that we have been able, in concert with two of our neighbours, to increase the frequency of the Home mails four-fold within the last eight years, to effect a saving for ourselves of a quarter of a million, and to diminish the time of transmission by ten days. We are glad to learn that the Post Office has further arranged to extend its operations so as undertake the carriage of small parcels throughout Victoria. We agree with Your Excellency, that from the eagerness with which the proposal of a Parcels post has been welcomed, it seems evident that a great public want will be met.

We are gratified to learn that two Royal Commissions have been issued during the recess; and that in one case the Commissioners have been charged to enquire in what way the laws that regulate banking may be best amended; and, in the other case, to ascertain the practicability of extending the city of Melbourne to the west. We concur with Your Excellency in the hope that the valuable reports of these Commissions may shortly be laid before us.

We reciprocate Your Excellency's satisfaction upon the fact that, blessed with good seasons and free from internal dissensions, Victoria has enjoyed singular prosperity during the past year. We concur in the opinion expressed by Your Excellency, that the increasing revenue from Customs shows that our people are in a position to spend freely; that the progress payments for Crown land indicate that the selectors are prosperous; and that the year would have been without a cloud if a terrible railway disaster had not brought suffering or sorrow home to all of us. It is satisfactory to know that the causes of that collision are being rigorously investigated.

We coincide with Your Excellency in the view that the attention demanded last session by the question of irrigation did not allow of dealing with certain Bills, and are pleased to find that Bills on the following subjects will be submitted for our consideration, viz.:—Bills for codifying and amending the law that relates to young offenders and to neglected children, separating Reformatories from the Industrial School system, to amend the Education Act, and for the permanent endowment of our State School system out of Crown lands.

We agree with Your Excellency that the principles of the Public Service Act have stood the test of several years' working, and command general assent, and that the necessary amendments to remedy defects in the machinery in this Act which have become apparent, will be submitted for our consideration.

We thank Your Excellency for the information that Bills will be submitted to us relating to the management of Asylums for the Insane and Inebriate—for the better Protection of Women—for an amendment of the laws relating to shipping—to amend the system of Forest Management, and to amend the Local Government Act.

We share Your Excellency's hope that the municipalities interested will be able to agree on a Bill for constituting a Metropolitan Board of Works; the necessity of providing for the more efficient drainage of Melbourne and its suburbs having become very apparent. We concur with Your Excellency in the opinion that it will also be necessary to amend the laws relating to public health in some important particulars.

It affords us satisfaction to learn that it is proposed to submit important amendments in detail of the Licensing Act and of the Factories and Shops Act. We are also gratified to be informed that our consideration will be asked to a Bill to introduce some changes in the present system of Transfer of Land; and that the Bill for establishing a Military College will be introduced again.

We reciprocate Your Excellency's congratulations on the general well-being of our people; on the patriotic union among all classes; and on the loyal attachment which has been so emphatically displayed towards the exalted Lady who is the symbol of unity in the Empire. We trust that our deliberations, by the blessing of Divine Providence, may advance the welfare and happiness of the community.

The Hon. W. H. Roberts moved, That the Address be now adopted.

Debate ensued.

The Hon. F. T. Sargood moved, That the debate be now adjourned.

Question—That the debate be now adjourned until to-morrow—put and resolved in the affirmative.

The Council adjourned at eighteen minutes past four o'clock until to-morrow, at half-past four o'clock.

JOHN BARKER,  
*Clerk of the Legislative Council.*

## VICTORIA.

No. 2.

## Minutes of the Proceedings

OF THE

## LEGISLATIVE COUNCIL.

WEDNESDAY, 8TH JUNE, 1887.

1. The Council met in accordance with adjournment.
2. The President took the Chair.
3. The President read the Prayer.
4. THE QUEEN'S HALL.—The President having informed the Council that the Royal Commission on the Parliament Buildings had resolved to report that, in their opinion the great hall of the Parliament House should be designated "The Queen's Hall,"

The Honorable H. Cuthbert moved, That the great hall of the Parliament House be called "The Queen's Hall" in honour of Her Majesty Queen Victoria, and that His Excellency the Governor be invited to attend at the Parliament House for the purpose of designating "The Queen's Hall."

Question—put and resolved in the affirmative.

5. DECLARATIONS OF MEMBERS.—The Honorables David Coutts and George Young severally delivered to the Clerk the declaration required by the 13th clause of the Act 45 Victoria, No. 702, as hereunder set forth :—

"In compliance with the provisions of the Act 45 Victoria, No. 702, I, DAVID COUTTS, do declare and testify that I am legally or equitably seized of or entitled to an estate of freehold for my own use and benefit in lands or tenements in the colony of Victoria of the yearly value of One hundred and twelve pounds above all charges and incumbrances affecting the same, other than any public or parliamentary tax or municipal or other rate or assessment; and further, that such lands or tenements are situated in the municipal districts of East Loddon and Korong shires, and are known as 240 acres freehold land, parish of Hayanmi, shire of East Loddon; 320 acres freehold land, parish of Powlett; and 273 acres of freehold land, parish of Salisbury West, shire of Korong.

"And I further declare that such of the said lands or tenements as are situate in the municipal district of East Loddon are rated in the rate-book of such district upon a yearly value of Twenty-four pounds; and that such of the said lands or tenements as are situate in the municipal district of Korong shire are rated in the rate-book of such district upon a yearly value of Eighty-eight pounds; 240 acres freehold land, parish of Hayanmi, East Loddon shire; 320 acres freehold land, parish of Powlett; and 273 acres freehold land, parish of Salisbury West, Korong Shire.

"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.

"DAVID COUTTS."

"In compliance with the provisions of the Act 45 Victoria, No. 702, I, GEORGE YOUNG, do declare and testify that I am legally or equitably seized of or entitled to an estate of freehold for my own use and benefit in lands or tenements in the colony of Victoria of the yearly value of Two hundred and fifty pounds above all charges and incumbrances affecting the same, other than any public or parliamentary tax or municipal or other rate or assessment; and further, that such lands or tenements are situated in the municipal district of Horsham, and are known as land and premises situated in Wilson-street, Horsham.

"And I further declare that such of the said lands or tenements as are situate in the municipal district of Horsham are rated in the rate-book of such district upon a yearly value of Two hundred and fifty 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.

"GEO. YOUNG."

6. PAPERS.—The Honorable H. Cuthbert presented, by command of His Excellency the Governor—  
 Melbourne Mint—Report of the Deputy Master of the Royal Mint, London, on the weight and fineness of gold coins struck at the Melbourne Branch.  
 Post Office Savings Bank—Statement of Accounts of—for the year ended 31st December, 1886.  
 Intercolonial Press Messages to and from New Zealand.—Order in Council.  
 Sludge Question—Report of the Board appointed by His Excellency the Governor in Council to inquire into the—

Severally ordered to lie on the Table.

The Honorable H. Cuthbert presented, pursuant to Act of Parliament—

Explosives—Reports of the Inspectors of—on the working of the Explosives Act during the year 1886.

Ordered to lie on the Table.

7. 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 an Address of congratulation to Her Most Gracious Majesty the Queen, adopted this day by the Legislative Assembly, with which they desire the concurrence of the Legislative Council.

Legislative Assembly Chamber,  
 Melbourne, 7th June, 1887.

PETER LALOR,  
 Speaker.

And the said Address was read by the President, and is as follows :—

MOST GRACIOUS SOVEREIGN,

We, Your Majesty's most dutiful and loyal subjects, the Legislative Assembly of Victoria in Parliament assembled, beg leave to approach Your Majesty with feelings of the deepest loyalty and attachment.

We desire to convey to Your Majesty our heartfelt congratulations on the occasion of the Jubilee of Your illustrious Reign, and in doing so we beg to assure Your Majesty of the devoted feeling existing in this part of Your Empire to Your Majesty's sacred Person.

We are deeply sensible of the many blessings we have enjoyed during Your Majesty's beneficent Reign, and we humbly pray to Almighty God that He will continue to watch over a Life so highly prized by Your Majesty's loyal subjects in the Colony of Victoria.

Debate ensued.

The Honorable H. Cuthbert moved, That the words "Legislative Council and the" be inserted before the words "Legislative Assembly."

Question—put and resolved in the affirmative.

On the motion of the Honorable H. Cuthbert, the Council unanimously adopted the above Address, the Members present giving their voices standing, and singing the National Anthem.

Ordered—That a Message be sent to the Legislative Assembly to acquaint them that the Council have concurred with the Assembly in the Address.

8. LEAVE OF ABSENCE—THE HONORABLE THOS. HENTY.—The Honorable H. Cuthbert moved, pursuant to notice, That leave of absence for the remainder of the Session be granted to the Honorable Thos. Henty, in consequence of his ill-health.

Question—put and resolved in the affirmative.

9. 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 an Address to His Excellency the Governor adopted this day by the Legislative Assembly, with which they desire the concurrence of the Legislative Council.

Legislative Assembly Chamber,  
 Melbourne, 8th June, 1887.

PETER LALOR,  
 Speaker.

And the said Address was read, and is as follows :—

*To His Excellency SIR HENRY BROUGHAM LOCH, Knight Commander of the Most Honorable Order of the Bath, Governor and Commander-in-Chief in and over the Colony of Victoria and its Dependencies, &c., &c., &c.*

MAY IT PLEASE YOUR EXCELLENCY—

We, the Legislative Assembly of Victoria in Parliament assembled, beg respectfully to request that Your Excellency will be pleased to communicate the accompanying Address of Congratulation to Her Majesty the Queen, that has been agreed to by both Houses of Parliament, to the Principal Secretary of State for the Colonies for presentation to Her Majesty.

On the motion of the Honorable H. Cuthbert, the Council ordered that the words "Legislative Council and the" be inserted before the words "Legislative Assembly."

The Honorable H. Cuthbert moved, That the Council agree with the Assembly in the said Address.

Question—put and resolved in the affirmative.

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

10. ADDRESS IN REPLY TO GOVERNOR'S OPENING SPEECH.—The Order of the Day for the resumption of the debate, on the question, That the Council agree with the Committee in the Address to His Excellency the Governor, in reply to His Excellency's Opening Speech, brought up by the Committee, yesterday, having been read—

Debate resumed.

Question—put and resolved in the affirmative.

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

Question—put and resolved in the affirmative.

11. POSTPONEMENT OF ORDER OF THE DAY.—The Council ordered that the consideration of the following Order of the Day be postponed until Wednesday, 6th July next:—

*Justices of the Peace Law Consolidation Bill.—To be read a second time.*

12. ADJOURNMENT.—The Honorable J. Bell moved, That the Council at its rising adjourn until Wednesday, 6th July next.

Question—put and resolved in the affirmative.

The Council adjourned at twenty-five minutes to ten o'clock until Wednesday, 6th July next, at half-past four o'clock.

JOHN BARKER,

*Clerk of the Legislative Council.*





VICTORIA.

No. 3.

Minutes of the Proceedings

OF THE

LEGISLATIVE COUNCIL.

WEDNESDAY, 6TH JULY, 1887.

- 1. The Council met in accordance with adjournment.
- 2. The President took the Chair.
- 3. The President read the Prayer.
- 4. DECLARATIONS OF MEMBERS.—The Honorables T. F. Cumming and James Williamson severally delivered to the Clerk the declaration required by the thirteenth clause of the Act 45 Victoria, No. 702, as hereunder set forth :—

“In compliance with the provisions of the Act 45 Victoria, No. 702, I, THOMAS FORREST CUMMING, do declare and testify that I am legally or equitably seised of or entitled to an estate of freehold for my own use and benefit in lands or tenements in the colony of Victoria of the yearly value of Three hundred and eighty pounds above all charges and incumbrances affecting the same, other than any public or parliamentary tax or municipal or other rate or assessment; and further, that such lands or tenements are situated in the municipal district of Malvern, and are known as Chesterfield, corner of Glenferrie and Toorak roads, part of section 24, parish of Prahran, shire of Malvern, and in the electoral division of Gardiner.

“And I further declare that such of the said lands or tenements as are situate in the municipal district of Malvern are rated in the rate-book of such district upon a yearly value of Three hundred and eighty 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.

“ THOS. F. CUMMING.”

“In compliance with the provisions of the Act 45 Victoria, No. 702, I, JAMES WILLIAMSON, do declare and testify that I am legally or equitably seised of or entitled to an estate of freehold for my own use and benefit in lands or tenements in the colony of Victoria of the yearly value of Four hundred pounds above all charges and incumbrances affecting the same, other than any public or parliamentary tax or municipal or other rate or assessment; and further, that such lands or tenements are situated in the municipal district of Prahran, and are known as—

“ ‘Tintern,’ Toorak.

“And I further declare that such of the said lands or tenements as are situate in the municipal district of Prahran are rated in the rate-book of such district upon a yearly value of Four hundred 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.

“ JAS. WILLIAMSON.”

- 5. JUBILEE ADDRESS OF CONGRATULATION TO HER MAJESTY THE QUEEN.—The President announced that he had, jointly with the Honorable the Speaker of the Legislative Assembly and several Members of both Houses, presented to His Excellency the Governor the Address agreed to by this House on the 8th June last, and that His Excellency had been pleased to make the following reply thereto :—

MR. PRESIDENT AND HONORABLE GENTLEMEN OF THE LEGISLATIVE COUNCIL :

MR. SPEAKER AND GENTLEMEN OF THE LEGISLATIVE ASSEMBLY :

It will afford me great pleasure to transmit for presentation your loyal Address of congratulation to the Queen on this, the occasion of the completion of the fiftieth year of Her Majesty's Reign.

It is to me personally the greatest satisfaction to be the medium of communicating to Our Gracious Sovereign these expressions of loyalty and attachment from Her Parliament of Victoria, which, I feel assured, reflect the unanimous sentiments of the people of this great and prosperous Colony.

Government Offices,  
Melbourne, 9th June, 1887.

HENRY B. LOCH.

6. **QUEEN'S HALL, PARLIAMENT HOUSE—ATTENDANCE OF THE GOVERNOR.**—The President announced that, in accordance with the Resolution of the Council agreed to on the 8th June last, His Excellency the Governor had been invited to attend at the Parliament House for the purpose of designating the Great Hall "The Queen's Hall," and that he, the President, together with the Speaker of the Legislative Assembly, had met His Excellency, and after requesting him so to designate the Hall, His Excellency was pleased to make the following reply:—

MR. PRESIDENT AND HONORABLE GENTLEMEN OF THE LEGISLATIVE COUNCIL :

MR. SPEAKER AND GENTLEMEN OF THE LEGISLATIVE ASSEMBLY :

It affords me very great pleasure to come to Parliament Houses at your invitation to name the great hall in the magnificent buildings which you are erecting, "The Queen's Hall," in honour of Her Majesty Queen Victoria; and I have further the gratification to inform you that, upon communicating to Her Majesty this desire on the part of the Legislature, I have received by telegram Her Majesty's commands to express her warm appreciation of this intention of the Parliament of Victoria.

HENRY B. LOCH.

Melbourne, 23rd June, 1887.

7. **JUBILEE—ADDRESS OF CONGRATULATION TO HER MOST GRACIOUS MAJESTY THE QUEEN.**—The Honorable H. Cuthbert moved, by leave of the Council, That a Message be transmitted to the Legislative Assembly to acquaint them that the Legislative Council filled up the blank in the Address of Congratulation to Her Most Gracious Majesty the Queen on the occasion of the Jubilee of Her Majesty's Illustrious Reign, as transmitted from the Legislative Assembly, with the words "Legislative Council and the".

Question—put and resolved in the affirmative.

8. **JUBILEE—MESSAGE FROM HIS EXCELLENCY THE GOVERNOR.**—The Honorable H. Cuthbert presented the following Message from His Excellency the Governor, and the same was read, and is as follows:—

HENRY B. LOCH,

Governor.

Message No. 1.

The Governor informs the Legislative Council that he, in accordance with the Joint Address presented to him from the Legislative Council and Legislative Assembly of Victoria, communicated by telegraph, on the 9th inst., to the Principal Secretary of State for the Colonies the Address of Congratulation to Her Most Gracious Majesty the Queen, agreed to by both Houses of Parliament, and that the Governor has this day received the following telegraphic despatch in reply thereto:—

Her Majesty commands me to request you will convey to the Houses of Parliament Her sincere pleasure at receipt of this Loyal Address.

Government House,

Melbourne, 19th June, 1887.

Ordered to lie on the Table.

9. **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 authorise Municipalities to expend money in celebrating the Queen's Jubilee,*" with which they desire the concurrence of the Legislative Council.

PETER LALOR,  
Speaker.

Legislative Assembly Chamber,  
Melbourne, 6th July, 1887.

10. **MUNICIPALITIES JUBILEE EXPENDITURE BILL.**—The Honorable H. Cuthbert moved, That the Bill transmitted by the above Message, intituled "*An Act to authorise Municipalities to expend money in celebrating the Queen's Jubilee*" be now read a first time.

Question—put and resolved in the affirmative.—Bill read a first time, ordered to be printed and read a second time, Wednesday, 13th July instant.

11. **PAPERS.**—The Honorable J. Bell presented, by command of His Excellency the Governor—  
The Land Act 1884—

Regulations—Order in Council—State Forests and Timber Reserves.

Form of Crown grant—Order in Council.

Regulations—Order in Council.

Regulations—Order in Council.—Depasturing Cattle in State Forests.

Regulations—Order in Council.

Regulation—Order in Council. Alteration of Regulation.

Regulations—Order in Council—State Forests and Timber Reserves; thinning licences.

Regulation—Order in Council—Form of Railway and Road Undertaking.

Forms of License under Sections 42 and 49 respectively—Order in Council.

Form of Lease—Order in Council.

Regulations—Order in Council—License under Section 42.

Regulations—Order in Council.

Severally ordered to lie on the Table.

The Honorable H. Cuthbert, presented by Command of His Excellency the Governor—

Small-pox on board the s.s. *Preussen*—Report of the President of the Central Board of Health upon the case.

Statistical Register of the Colony of Victoria for the year 1886—Part I.—Blue Book.

Severally ordered to lie on the Table.

The Honorable J. Bell presented, pursuant to Act of Parliament—

Agricultural Education.—Accounts of the Trustees of Agricultural Colleges, and the Council of—from 1st July, 1886, to 31st December, 1886.

Education Act 1872—Regulation.

Trades Unions—First Annual Report of the Government Statist in connexion with—for the year 1886.

Victorian Mining Accident Relief Fund.—Statement of Accounts rendered by the Trustees of the Fund.

Victorian Military Forces—Regulations for the—Additions.

Victorian Military Forces—Regulations. Alterations, and Additions.

Permanent Naval Forces—Regulations for the—Alterations and Additions.

Victorian Military Forces—Regulations.—Alterations, and Additions.

Naval Brigade—Regulations for the—Additions.

The Irrigation Act—Regulations under Part IX.

Severally ordered to lie on the Table.

12. RAILWAYS, LATERAL DEVIATIONS OF.—The Honorable W. A. Zeal moved, pursuant to *amended* notice—

(1.) That there be laid on the Table of this House a Return showing the maximum lateral deviation from its scheduled route of any railway constructed during the last ten years, including the Gippsland line.

(2.) The number of deviations on each line, and the length of the longest deviation in chains and links.

(3.) Who authorized such deviations from the scheduled route, and upon whose recommendation, and under what authority were they carried into effect.

Debate ensued.

Question—put and resolved in the affirmative.

13. GAOLS LAW AMENDMENT BILL.—The Honorable H. Cuthbert moved, by leave, That he have leave to bring in a Bill to amend the Law relating to Gaols and Persons confined therein.

Question—put and resolved in the affirmative.

Ordered—That the Honorable H. Cuthbert do prepare and bring in the Bill.

The Honorable H. Cuthbert then brought up a Bill intituled "*A Bill to amend the Law relating to 'Gaols and Persons confined therein,'*" and moved, That it be now read a first time.

Question—put and resolved in the affirmative.—Bill read a first time, ordered to be printed, and read a second time Wednesday, 13th July instant.

14. TRANSFER OF LAND STATUTE AMENDMENT BILL.—The Honorable H. Cuthbert moved, by leave, That he have leave to bring in a Bill to alter and amend the "*Transfer of Land Statute*" and for other purposes.

Question—put and resolved in the affirmative.

Ordered—That the Honorable H. Cuthbert do prepare and bring in the Bill.

The Honorable H. Cuthbert then brought up a Bill intituled "*A Bill to alter and amend the 'Transfer of Land Statute,' and for other purposes,*" and moved, That it be now read a first time.

Question—put and resolved in the affirmative.—Bill read a first time, ordered to be printed, and read a second time Wednesday, 13th July instant.

15. POSTPONEMENT OF ORDER OF THE DAY.—The Council ordered that the consideration of the following Order of the Day be postponed until Wednesday, 13th July instant :—

*Justices of the Peace Law Amendment Bill.—To be read a second time.*

16. ADJOURNMENT.—The Honorable H. Cuthbert moved, That the Council at its rising adjourn until Wednesday, 13th July instant.

Question—put and resolved in the affirmative.

The Council adjourned at twelve minutes past five o'clock until Wednesday, 13th July instant, at half-past four o'clock.

JOHN BARKER,

*Clerk of the Legislative Council.*



## VICTORIA.

No. 4.

# Minutes of the Proceedings

OF THE

## LEGISLATIVE COUNCIL.

WEDNESDAY, 13TH JULY, 1887.

1. The Council met in accordance with adjournment.
2. The President took the Chair.
3. The President read the Prayer.
4. **DECLARATION OF MEMBER.**—The Honorable W. Ross delivered to the Clerk the declaration required by the 13th clause of the Act 45 Victoria, No. 702, as hereunder set forth:—

“In compliance with the provisions of the Act 45 Victoria, No. 702, I, WILLIAM ROSS, do declare and testify that I am legally or equitably seised of or entitled to an estate of freehold for my own use and benefit in lands or tenements in the colony of Victoria of the yearly value of One hundred pounds above all charges and incumbrances affecting the same, other than any public or parliamentary tax or municipal or other rate or assessment; and further, that such lands or tenements are situated in the municipal district of Mount Rouse, and are known as ‘The Gums,’ near Caramut.

“And I further declare that such of the said lands or tenements as are situate in the municipal district of Mount Rouse are rated in the rate-book of such district upon a yearly value of Two thousand and eighty-four 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.

“WM. ROSS.”

5. **PRESENTATION OF ADDRESS TO HIS EXCELLENCY THE GOVERNOR.**—The President announced to the Council that the Address of the Council to His Excellency the Governor, adopted on the 8th June last, had been presented in accordance with the resolution of the Council, 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 and on behalf of the Queen for the renewed expressions of loyalty and attachment to Her Majesty’s Throne and Person contained in the Address which you have just presented to me, and trust that the desires with which you are animated to promote the public welfare and happiness of the community may be crowned with the most beneficial results to the Colony.

HENRY B. LOCH.

Government House,  
Melbourne, 13th July, 1887.

6. **CONTROVERTED ELECTIONS (COUNCIL) LAW AMENDMENT BILL.**—The Honorable W. E. Hearn moved, by leave, That he have leave to bring in a Bill to amend the Law relating to controverted elections to the Legislative Council and for other purposes.

Question—put and resolved in the affirmative.

Ordered—That the Honorable W. E. Hearn do prepare and bring in the Bill.

The Honorable W. E. Hearn then brought up a Bill intituled “*A Bill to amend the Law relating to Controverted Elections to the Legislative Council and for other purposes,*” and moved, That it be now read a first time.

Question—put and resolved in the affirmative.—Bill read a first time, ordered to be printed, and read a second time Wednesday, 27th July instant.

7. **LEGISLATIVE COUNCIL ACT 1881 FURTHER AMENDMENT BILL.**—The Honorable W. E. Hearn moved, by leave, That he have leave to bring in a Bill to further amend “*The Legislative Council Act 1881.*”

Question—put and resolved in the affirmative.

Ordered—That the Honorable W. E. Hearn do prepare and bring in the Bill.

The Honorable W. E. Hearn then brought up a Bill intituled “*A Bill to further amend ‘The Legislative Council Act 1881,’*” and moved, That it be now read a first time.

Question—put and resolved in the affirmative.—Bill read a first time, ordered to be printed, and read a second time Wednesday, 27th July instant.

8. PAPERS.—The Honorable H. Cuthbert presented, by command of His Excellency the Governor—  
 British New Guinea.—Report for the year 1886, by Her Majesty's Special Commissioner for  
 the protected territory, and also a sub-report by Mr. Acting Deputy-Commissioner  
 Forbes.  
 Supreme Court.—Report of the Council of the Judges of the Court under section 54 of the  
 Act No. 761, dated June 6th, 1887.  
 Technological and Industrial Instruction.—Report of the Royal Commission for promoting—  
 For the year 1886.

Severally ordered to lie on the Table.

The Honorable H. Cuthbert presented, pursuant to Act of Parliament—

Victorian Military Forces—Regulations for—Alterations and Additions.

Melbourne Harbour Trust—The accounts of the.—For the Quarter ended 31st December, 1886.

Severally ordered to lie on the Table.

9. THE COMMITTEE OF ELECTIONS AND QUALIFICATIONS.—The President laid upon the Table the  
 following Warrant appointing the Committee of Elections and Qualifications, viz. :—

VICTORIA.

Pursuant to the provisions of an Act of the Legislative Council of Victoria, passed in the nineteenth  
 year of Her present Majesty's reign, intituled "*An Act to provide for the Election of Members to  
 serve in the Legislative Council and Legislative Assembly of Victoria respectively,*"

I do hereby appoint—

The Honorable James Bell,  
 The Honorable Nicholas FitzGerald,  
 The Honorable Simon Fraser,  
 The Honorable Cornelius Job Ham,  
 The Honorable Francis Ormond,  
 The Honorable Nathan Thornley,

and

The Honorable William Irving Winter,

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

Given under my hand this thirteenth day of July, One thousand eight hundred and  
 eighty-seven.

JAS. MACBAIN,  
 President of the Legislative Council.

10. MELBOURNE HOSPITAL.—The Honorable Dr. Beane moved, pursuant to notice, That the Report of  
 the Select Committee of last Session on the Melbourne Hospital be adopted.  
 Debate ensued.  
 Motion, by leave, withdrawn.
11. MUNICIPALITIES JUBILEE EXPENDITURE BILL.—The Honorable H. Cuthbert moved, That the  
 Bill be now read a second time.  
 Debate ensued.  
 Question—put and resolved in the affirmative.—Bill read a second time.  
 The Honorable H. Cuthbert moved, That this Bill be now committed to a Committee of the whole  
 Council.  
 Question—put and resolved in the affirmative.  
 And, on the further motion of the Honorable H. Cuthbert, the President left the Chair, and the Council  
 resolved itself into a Committee of the whole for the consideration of this Bill.  
 The President resumed the Chair; and the Honorable W. E. Hearn reported that the Committee had  
 gone through the Bill, and agreed to the same without amendment.  
 On the motion of the Honorable H. Cuthbert, the Council adopted the Report from the Committee of  
 the whole on this Bill.  
 The President having reported that the Chairman of the Committee had certified that the fair print of  
 this Bill was in accordance with the Bill as reported—Bill, on the motion of the Honorable H.  
 Cuthbert, read a third time and *passed*.  
 The Honorable H. Cuthbert moved, That the following be the title of the Bill :—" *An Act to  
 authorize Municipalities to expend Money in celebrating the Queen's Jubilee.*"  
 Question—put and resolved in the affirmative.  
 Ordered—That a Message be transmitted to the Legislative Assembly acquainting them that the  
 Council have agreed to the Bill without amendment.
12. POSTPONEMENT OF ORDERS OF THE DAY.—The Council ordered that the consideration of the following  
 Orders of the Day be postponed until Tuesday, 19th July instant :—  
*Gaols Law Amendment Bill.—To be read a second time.*  
*Transfer of Land Statute Amendment Bill.—To be read a second time.*  
*Justices of the Peace Law Amendment Bill.—To be read a second time.*
13. ADJOURNMENT.—The Honorable H. Cuthbert moved, by leave, That the Council at its rising adjourn  
 until Tuesday next.  
 Question—put and resolved in the affirmative.

The Council adjourned at a quarter to ten o'clock until Tuesday next at half-past four o'clock.

JOHN BARKER,  
 Clerk of the Legislative Council.

## VICTORIA.

No. 5.

# Minutes of the Proceedings

OF THE

## LEGISLATIVE COUNCIL.

TUESDAY, 19TH JULY, 1887.

1. The Council met in accordance with adjournment.

2. The President took the Chair.

3. The President read the Prayer.

4. **DECLARATION OF MEMBER.**—The Honorable Thomas Bromell delivered to the Clerk the declaration required by the 13th Clause of the Act 45 Victoria, No. 702, as hereunder set forth :—

“In compliance with the provisions of the Act 45 Victoria, No. 702, I, THOMAS BROMELL, do declare and testify that I am legally or equitably seized of or entitled to an estate of freehold for my own use and benefit in lands or tenements in the colony of Victoria of the yearly value of Two thousand and seventy-one pounds above all charges and incumbrances affecting the same, other than any public or parliamentary tax or municipal or other rate or assessment; and further, that such lands or tenements are situated in the municipal district of Dundas, and are known as Hensley Park freehold estate.

“And I further declare that such of the said lands or tenements as are situate in the municipal district of Dundas are rated in the rate-book of such district upon a yearly value of Two thousand and seventy-one 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.

“THOS. BROMELL.”

5. **THE COMMITTEE OF ELECTIONS AND QUALIFICATIONS.**—The President again laid upon the Table the Warrant appointing “The Committee of Elections and Qualifications.”

6. **PAPERS.**—The Honorable H. Cuthbert presented, by command of His Excellency the Governor—  
Lunacy Commission—Abstract of Evidence taken before the Royal Commission on Asylums for the Insane and Inebriate.  
Ordered to lie on the Table.

The Honorable H. Cuthbert presented, pursuant to Act of Parliament—

Savings Banks.—General Order of the Commissioners of—in Victoria, made on the 27th June, 1887.

Public Accounts.—General Regulations.

The Irrigation Act 1886.—Order in Council declaring the Twelve Mile Irrigation Trust to be an Irrigation and Water Supply Trust under the provisions of the above Act.

Proposed Swan Hill Irrigation and Water Supply Trust. Copies of Reports, Petitions, Plans, &c.

The Irrigation Act 1886.—Order in Council declaring the Tragowel Plains Irrigation Trust to be an Irrigation and Water Supply Trust under the provisions of the above Act.

Severally ordered to lie on the Table.

7. **JUBILEE ADDRESS.**—ADDRESS TO HIS EXCELLENCY THE GOVERNOR.—The Honorable H. Cuthbert moved, by leave, That a Message be transmitted to the Legislative Assembly to acquaint them that the Legislative Council filled up the blank in the Address to His Excellency Sir Henry Loch, requesting him to communicate the Address of Congratulation to Her Majesty the Queen as transmitted from the Legislative Assembly with the words “Legislative Council and the”

Question—put and resolved in the affirmative.

8. **MESSAGE FROM HIS EXCELLENCY THE GOVERNOR.**—The following Message from His Excellency the Governor was presented by the Honorable H. Cuthbert, and the same was read, and is as follows :—

HENRY B. LOCH,  
Governor.

Message.

The Governor informs the Legislative Council that he has, on this day, at the Government Offices, given the Royal Assent to the undermentioned Act of the present Session, presented to him by the Clerk of the Parliaments, viz. :—

“An Act to authorize Municipalities to expend Money in celebrating the Queen’s Jubilee.”

Government Offices,

Melbourne, 18th July, 1887.



9. GAOLS LAW AMENDMENT BILL.—The Honorable H. Cuthbert moved, That this Bill be now read a second time.

Debate ensued.

Question—put and resolved in the affirmative.—Bill read a second time.

The Honorable H. Cuthbert moved, That this Bill be now committed to a Committee of the whole Council.

Question—put and resolved in the affirmative.

And, on the further motion of the Honorable H. Cuthbert, the President left the Chair, and the Council resolved itself into a Committee of the whole for the consideration of this Bill.

The President resumed the Chair; and the Honorable Dr. Dobson reported that the Committee had made progress in the Bill, and that he was directed to move that the Committee may have leave to sit again.

Resolved—That the Council will, on Tuesday, 26th July instant, again resolve itself into the said Committee.

10. POSTPONEMENT OF ORDERS OF THE DAY.—The Council ordered that the consideration of the following Orders of the Day be postponed until Tuesday, 26th July instant:—

*Transfer of Land Statute Amendment Bill.—To be read a second time.*

*Justices of the Peace Law Amendment Bill.—To be read a second time.*

11. CODIFICATION OF LAWS.—The Honorable W. E. Hearn moved, pursuant to *amended* notice—

- (1.) That a Select Committee be appointed, to join with a Committee of the Legislative Assembly, to consider the best means of obtaining a codification of the laws in force in Victoria, and to report their opinion thereon.
- (2.) That such Committee consist of seven Members, four to be a quorum, with power to send for persons, papers, and records.
- (3.) That the Members of the Committee be the Honorables Jas. Balfour, F. Brown, H. Cuthbert, N. FitzGerald, D. Melville, F. T. Sargood, and the Mover.

Question—put and resolved in the affirmative.

The Honorable W. E. Hearn moved, pursuant to notice, That a Message be sent to the Legislative Assembly to acquaint them that this House has appointed a Committee of seven Members, four to be a quorum, to join with a Committee of the Legislative Assembly to consider the best means of obtaining a codification of the laws in force in Victoria, and to report their opinion thereon; and to request that the Legislative Assembly will be pleased to appoint an equal number of Members to be joined with the Members of this House.

Question—put and resolved in the affirmative.

12. WATER SUPPLY TO GEELONG.—The Honorable F. T. Sargood moved, pursuant to notice given by the Honorable J. H. Connor, That there be laid upon the Table of this House a copy of the Report of the Engineers appointed by the Government to report as to the best scheme for an additional water supply for Geelong and the surrounding districts.

Question—put and resolved in the affirmative.

13. ADJOURNMENT.—The Honorable H. Cuthbert moved, by leave, That the House at its rising adjourn until Tuesday, 26th July instant.

Question—put and resolved in the affirmative.

The Council adjourned at seven minutes to ten o'clock until Tuesday next at half-past four o'clock.

JOHN BARKER,  
*Clerk of the Legislative Council.*

## VICTORIA.

No. 6.

# Minutes of the Proceedings

OF THE

## LEGISLATIVE COUNCIL.

TUESDAY, 26<sup>TH</sup> JULY, 1887.

1. The Council met in accordance with adjournment.
2. The President took the Chair.
3. The President read the Prayer.

4. **DECLARATION OF MEMBER.**—The Honorable William Edward Stanbridge delivered to the Clerk the declaration required by the 13th Clause of the Act 45 Victoria, No. 702, as hereunder set forth :—

“In compliance with the provisions of the Act 45 Victoria, No. 702, I, WILLIAM EDWARD STANBRIDGE, do declare and testify that I am legally or equitably seised of or entitled to an estate of freehold for my own use and benefit in lands or tenements in the colony of Victoria of the yearly value of Two hundred and forty pounds above all charges and incumbrances affecting the same, other than any public or parliamentary tax or municipal or other rate or assessment ; and further, that such lands or tenements are situated in the municipal district of Daylesford, and are known as allotment 4 of section 6, township of Daylesford.

“And I further declare that such of the said lands or tenements as are situate in the municipal district of Daylesford are rated in the rate-book of such district upon a yearly value of Two hundred and forty pounds stg.

“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.

“W. E. STANBRIDGE.”

5. **THE COMMITTEE OF ELECTIONS AND QUALIFICATIONS.**—The President again laid upon the Table the Warrant appointing “The Committee of Elections and Qualifications.”

6. **GAOLS LAW AMENDMENT BILL.**—The Order of the Day for the further consideration of this Bill in Committee of the whole Council having been read—The President left the Chair, and the Council resolved itself into a Committee of the whole for the further consideration thereof.

The President resumed the Chair, and the Honorable Dr. Dobson reported that the Committee had agreed to the same with amendments.

The Honorable H. Cuthbert moved, That this Bill be re-committed to a Committee of the whole Council for re-consideration of Clauses 2 and 15.

Question—put and resolved in the affirmative.

And, on the further motion of the Honorable H. Cuthbert, the President left the Chair, and the Council resolved itself into a Committee of the whole for the re-consideration of Clauses 2 and 15 of this Bill.

The President resumed the Chair, and the Honorable Dr. Dobson having reported that the Committee had agreed to the Bill with further amendments, the Council ordered the same to be taken into consideration this day.

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

MR. PRESIDENT—

The Legislative Assembly acquaint the Legislative Council that they have appointed a Select Committee of seven Members, to join with the Committee appointed by the Legislative Council, to consider the best means of obtaining a codification of the Laws in force in Victoria and to report their opinion thereon, and have empowered the Committee to meet in the South Library, on Wednesday the 27th July instant, at three o'clock.

PETER LALOR,  
Speaker.

Legislative Assembly Chamber,  
Melbourne, 26th July, 1887.

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

MR. PRESIDENT—

The Legislative Assembly transmit to the Legislative Council a Bill intituled “*An Act to apply out of the Consolidated Revenue the sum of One million eight hundred and eighty-three thousand seven hundred and twenty pounds to the service of the year One thousand eight hundred and eighty-seven and eight,*” with which they desire the concurrence of the Legislative Council.

PETER LALOR,  
Speaker.

Legislative Assembly Chamber,  
Melbourne, 26th July, 1887.

9. CONSOLIDATED REVENUE BILL.—The Honorable H. Cuthbert moved, That the Bill transmitted by the above Message, intituled “*An Act to apply out of the Consolidated Revenue the sum of One million eight hundred and eighty-three thousand seven hundred and twenty pounds to the service of the year One thousand eight hundred and eight-seven and eight,*” be now read a first time.  
 Question—put and resolved in the affirmative.—Bill read a first time, ordered to be printed, and read a second time this day.  
 The Honorable H. Cuthbert moved, by leave, That this Bill be now read a second time.  
 Question—put and resolved in the affirmative.—Bill read a second time.  
 The Honorable H. Cuthbert moved, That this Bill be now committed to a Committee of the whole Council.  
 Question—put and resolved in the affirmative.  
 And, on the further motion of the Honorable H. Cuthbert, the President left the Chair, and the Council resolved itself into a Committee of the whole for the consideration of this Bill.  
 The President resumed the Chair; and the Honorable Dr. Dobson having reported that the Committee had gone through the Bill, and agreed to the same without amendment, the Council ordered the same to be taken into consideration this day.  
 On the motion of the Honorable H. Cuthbert, the Council adopted the Report from the Committee of the whole on this 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—Bill, on the motion of the Honorable H. Cuthbert, read a third time and *passed*.  
 The Honorable H. Cuthbert moved, That the following be the title of the Bill :—“*An Act to apply out of the Consolidated Revenue the sum of One million eight hundred and eighty-three thousand seven hundred and twenty pounds to the service of the year One thousand eight hundred and eighty-seven and eight.*”  
 Question—put and resolved in the affirmative.  
 Ordered—That a Message be transmitted to the Legislative Assembly acquainting them that the Council have agreed to the Bill without amendment.
10. POSTPONEMENT OF ORDER OF THE DAY.—The Council ordered that the consideration of the following Order of the Day be postponed until Tuesday, 2nd August next :—  
*Transfer of Land Statute Amendment Bill.—To be read a second time.*
11. JUSTICES OF THE PEACE LAW AMENDMENT BILL.—The Honorable H. Cuthbert moved, That this Bill be now read a second time.  
 Debate ensued.  
 Question—put and resolved in the affirmative.—Bill read a second time.  
 The Honorable H. Cuthbert moved, That this Bill be now committed to a Committee of the whole Council.  
 Question—put and resolved in the affirmative.  
 And, on the further motion of the Honorable H. Cuthbert, the President left the Chair, and the Council resolved itself into a Committee of the whole for the consideration of this Bill.  
 The President resumed the Chair; and the Honorable Dr. Dobson reported that the Committee had made progress in the Bill, and that he was directed to move that the Committee may have leave to sit again.  
 Resolved—That the Council will, on Tuesday, 2nd August next, again resolve itself into the said Committee.
12. GAOLS LAW AMENDMENT BILL.—On the motion of the Honorable H. Cuthbert, the Council adopted the Report from the Committee of the whole on this 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—Bill, on the motion of the Honorable H. Cuthbert, read a third time and *passed*.  
 The Honorable H. Cuthbert moved, That the following be the title of the Bill :—“*An Act to further amend the Law relating to Gaols and to persons confined therein.*”  
 Question—put and resolved in the affirmative.  
 Ordered—That the Bill be transmitted to the Legislative Assembly, with a Message desiring their concurrence therein.
13. LADY LOCH STEAMER.—The Honorable W. A. Zeal moved, pursuant to notice, That there be laid on the Table of this House a return showing—  
 (1.) The total cost of the *Lady Loch* steamer.  
 (2.) Her complement of officers and men, *i.e.*, the number of her officers and the number of her men.  
 (3.) Her average cost per month, when on duty, for wages and fuel.  
 (4.) How often is this steamer used, and what is the nature of her duties.  
 Question—put and resolved in the affirmative.
14. ADJOURNMENT.—The Honorable H. Cuthbert moved, by leave, That the Council at its rising adjourn until Tuesday, 2nd August next.  
 Question—put and resolved in the affirmative.
- The Council adjourned at sixteen minutes to ten o'clock until Tuesday next at half-past four o'clock.

JOHN BARKER,  
 Clerk of the Legislative Council.

## VICTORIA.

No. 7.

# Minutes of the Proceedings

OF THE

## LEGISLATIVE COUNCIL.

TUESDAY, 2ND AUGUST, 1887.

1. The Council met in accordance with adjournment.
2. The President took the Chair.
3. The President read the Prayer.
4. MESSAGE FROM HIS EXCELLENCY THE GOVERNOR.—The following Message from His Excellency the Governor was presented by the Honorable H. Cuthbert, and the same was read, and is as follows:—

HENRY B. LÖCH,  
Governor.

*Message.*

The Governor informs the Legislative Council that he has, on this day, at the Government Offices, given the Royal Assent to the undermentioned Act of the present Session, presented to him by the Clerk of Parliaments, viz. :—

*“An Act to apply out of the Consolidated Revenue the Sum of One million eight hundred and eighty-three thousand seven hundred and twenty pounds to the service of the year One thousand eight hundred and eighty-seven and eight.”*

Government Offices,  
Melbourne, 27th July, 1887.

5. CODIFICATION OF LAWS COMMITTEE.—The Honorable H. Cuthbert moved, by leave, That the Select Committee appointed to join with a Committee of the Legislative Assembly, to consider the best means of obtaining a codification of the laws in force in Victoria, have leave to sit on days on which the Council does not meet.

Question—put and resolved in the affirmative.

6. 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 request that the Legislative Council will give leave to the Honorable Henry Gore to attend in order to his being examined before the Select Committee of the Legislative Assembly on the Sebastopol Plateau and Durham Lead.

PETER LALOR,  
Speaker.

Legislative Assembly Chamber,  
Melbourne, 28th July, 1887.

The Honorable H. Cuthbert moved, That leave be given to the Honorable H. Gore to attend, if he be willing, in order to his being examined before the Select Committee of the Legislative Assembly, as requested by the above Message.

Question—put and resolved in the affirmative.

Ordered—That a Message be transmitted to the Legislative Assembly acquainting them that leave had been given to the Honorable H. Gore to attend, if he be willing, in order to his being examined as requested by the above Message.

7. PAPERS.—The Honorable H. Cuthbert presented, by command of His Excellency the Governor—
  - Protection of Floating Trade in Australasian Waters—Agreement as to additional Force for New Guinea.—Proceedings at Colonial Conference in London, 1887, and Correspondence respecting future administration.
  - Royal Commission on Banking Laws.—Report of the Royal Commission appointed to enquire into and report upon the operation of the Companies Acts 1864 and 1881, in relation to the business of Banking in Victoria.

Severally ordered to lie on the Table.

The Honorable H. Cuthbert presented, pursuant to Act of Parliament—

The Irrigation Act 1886.—Order in Council declaring the Koondrook Irrigation Trust to be an Irrigation and Water Supply Trust under the provisions of the above Act.

The Irrigation Act 1886.—Order in Council declaring the Benjeroop and Murrabit Irrigation Trust to be an Irrigation and Water Supply Trust under the provisions of the above Act.

The Irrigation Act 1886.—Order in Council declaring the Cohuna Irrigation Trust to be an Irrigation and Water Supply Trust under the provisions of the above Act.

Land Act No. 812, and Railway Loan Act 1885, No. 845—Estimate of expenditure which the Railways Commissioners propose to incur during the year ending 30th June, 1888, under the

Severally ordered to lie on the Table.

The Honorable H. Cuthbert presented—

*Lady Loch* Steamer.—Return to an Order of the Legislative Council, on the 26th July last for—

- (1.) The total cost of the *Lady Loch* steamer.
- (2.) Her complement of officers and men, *i.e.*, the number of her officers and the number of her men.
- (3.) Her average cost per month, when on duty, for wages and fuel.
- (4.) How often is the steamer used, and what is the nature of her duties.

Ordered to lie on the Table.

8. TRANSFER OF LAND STATUTE AMENDMENT BILL.—The Honorable H. Cuthbert moved, That this Bill be now read a second time.

Debate ensued.

The Honorable W. H. Roberts moved, That the debate be now adjourned until Tuesday, 16th August instant.

Question—That the debate be now adjourned until Tuesday, 16th August instant—put and resolved in the affirmative.

9. JUSTICES OF THE PEACE LAW AMENDMENT BILL.—The Order of the Day for the further consideration of this Bill in Committee of the whole Council having been read—The President left the Chair, and the Council resolved itself into a Committee of the whole for the further consideration thereof.

The President resumed the Chair; and the Honorable Dr. Dobson reported that the Committee had made progress in the Bill, and that he was directed to move that the Committee may have leave to sit again.

Resolved—That the Council will, on Tuesday, 16th August instant, again resolve itself into the said Committee.

10. POSTPONEMENT OF ORDERS OF THE DAY.—The Council ordered that the consideration of the following Orders of the Day be postponed until Tuesday, 16th August instant:—

*Controverted Elections (Council) Law Amendment Bill.—To be read a second time.*  
*Legislative Council Act 1881 further Amendment Bill.—To be read a second time.*

11. ADJOURNMENT.—The Honorable H. Cuthbert moved, by leave, That the Council at its rising adjourn until Tuesday, 16th August instant.

Question—put and resolved in the affirmative.

The Council adjourned at seven minutes past ten o'clock until Tuesday, 16th August instant at half-past four o'clock.

JOHN BARKER,  
*Clerk of the Legislative Council.*

## VICTORIA.

No. 8.

## Minutes of the Proceedings

OF THE

## LEGISLATIVE COUNCIL.

TUESDAY, 16TH AUGUST, 1887.

1. The Council met in accordance with adjournment.
2. The President took the Chair.
3. The President read the Prayer.
4. PAPERS.—The Honorable H. Cuthbert presented, by command of His Excellency the Governor—
  - The Land Act 1884 and the Mallee Pastoral Leases Act 1883—Report of Proceedings taken under the Provisions of—during the year ending 31st December, 1886.
  - Shipping Returns.—A General Summary of the Import, Export, Transshipment, and Shipping Returns, with an Abstract of Customs Revenue for the year 1886.
  - Statistical Register of the Colony of Victoria for the year 1886—Part II.—Population.
  - Central Board of Health—Report of the Board for the year ended on the 31st May, 1887.
 Severally ordered to lie on the Table.
  - The Honorable H. Cuthbert presented, pursuant to Act of Parliament—
    - Hospitals for the Insane—Report of the Inspector of Lunatic Asylums on—for the year ended 31st December, 1886.
    - Friendly Societies—Report of the Registrar of—for the year ending 31st December, 1886.
    - Education Act 1872—Regulations.
 Severally ordered to lie on the Table.
  - The Honorable H. Cuthbert presented—
    - Geelong Water Supply—Return to an Order of the Legislative Council dated 19th July last, for a copy of the Report of the Engineers appointed by the Government to report as to the best scheme for an additional water supply for Geelong and the surrounding districts.
 Ordered to lie on the Table.
5. TRANSFER OF LAND STATUTE AMENDMENT BILL.—The Order of the Day for the resumption of the debate on the question—That this Bill be now read a second time, having been read—
  - Debate resumed.
  - The Honorable F. T. Sargood moved, That the debate be now adjourned.
  - Question—That the debate be now adjourned until to-morrow—put and resolved in the affirmative.
6. POSTPONEMENT OF ORDERS OF THE DAY.—The Council ordered that the consideration of the following Orders of the Day be postponed until to-morrow:—
  - Justices of the Peace Law Amendment Bill.—To be further considered in Committee.*
  - Controverted Elections (Council) Law Amendment Bill.—To be read a second time.*
  - Legislative Council Act 1881 further Amendment Bill.—To be read a second time.*

The Council adjourned at five minutes to ten o'clock until to-morrow at half-past four o'clock.

JOHN BARKER,  
Clerk of the Legislative Council.



VICTORIA.

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No. 9.

# Minutes of the Proceedings

OF THE

# LEGISLATIVE COUNCIL.

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WEDNESDAY, 17<sup>TH</sup> AUGUST, 1887.

1. The Council met in accordance with adjournment.
2. The President took the Chair.
3. The President read the Prayer.
4. ADJOURNMENT.—The Honorable H. Cuthbert moved, by leave, That the House at its rising adjourn until Tuesday, 23<sup>rd</sup> August instant.  
Question—put and resolved in the affirmative.

The Council adjourned at fourteen minutes to five o'clock until Tuesday next, at half-past four o'clock.

JOHN BARKER,  
*Clerk of the Legislative Council.*





## VICTORIA.

No. 10.

## Minutes of the Proceedings

OF THE

## LEGISLATIVE COUNCIL.

TUESDAY, 23RD AUGUST, 1887.

1. The Council met in accordance with adjournment.
2. The President took the Chair.
3. The President read the Prayer.
4. **DECLARATION OF MEMBER.**—The Honorable John G. Dougharty delivered to the Clerk the declaration required by the 13th clause of the Act 45 Victoria, No. 702, as hereunder set forth:—

“In compliance with the provisions of the Act 45 Victoria, No. 702, I, JOHN G. DOUGHARTY, do declare and testify that I am legally or equitably seized of or entitled to an estate of freehold for my own use and benefit in lands or tenements in the colony of Victoria of the yearly value of Two hundred and fifty pounds above all charges and incumbrances affecting the same, other than any public or parliamentary tax or municipal or other rate or assessment; and further, that such lands or tenements are situated in the municipal shires of Wodonga, Bogong, and Benambra, and are known as and situated in the parishes of Noorongong, Burrowye, Walwa, and Belvoir.

Wodonga, rated £31 net annual value.  
 Noorongong, do. £122 do.  
 Jinjellie, do. £101 do.  
 ” do. £40 do.

“And I further declare that such of the said lands or tenements as are situate in the municipal districts of Wodonga, Noorongong, and Jinjellie are rated in the rate-books of such districts upon a yearly value of £294, as detailed above.

“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.

“JOHN G. DOUGHARTY.”

5. **PAPERS.**—The Honorable H. Cuthbert presented, by command of His Excellency the Governor—  
 Statistical Register of the Colony of Victoria for 1886.—Part III.—Finance, &c.  
 Penal Establishments and Gaols.—Report of the Inspector-General for the year 1886.  
 Severally ordered to lie on the Table.
6. **TRANSFER OF LAND STATUTE AMENDMENT BILL.**—The Order of the Day for the resumption of the debate on the question, That this Bill be now read a second time, having been read—  
 Debate resumed.  
 Question—That this Bill be now read a second time—put and resolved in the affirmative.—Bill read a second time.  
 The Honorable H. Cuthbert moved, That this Bill be now committed to a Committee of the whole Council.  
 Question—put and resolved in the affirmative.  
 And, on the further motion of the Honorable H. Cuthbert, the President left the Chair, and the Council resolved itself into a Committee of the whole for the consideration of this Bill.  
 The President resumed the Chair, and the Honorable Dr. Dobson reported that the Committee had made progress in the Bill, and that he was directed to move that the Committee may have leave to sit again.  
 Resolved—That the Council will, on Tuesday, 30th August instant again resolve itself into the said Committee.

7. **POSTPONEMENT OF ORDERS OF THE DAY.**—The Council ordered that the consideration of the following Orders of the Day be postponed until Tuesday, 30th August instant:—

*Justices of the Peace Law Amendment Bill.*—*To be further considered in Committee.*

*Controverted Elections (Council) Law Amendment Bill.*—*To be read a second time.*

*Legislative Council Act 1881 further Amendment Bill.*—*To be read a second time.*

8. **ADJOURNMENT.**—The Honorable H. Cuthbert moved; by leave, That the Council at its rising adjourn until Tuesday, 30th August instant.

Question—put and resolved in the affirmative.

The Council adjourned at thirteen minutes past ten o'clock until Tuesday next, at half-past four o'clock.

**JOHN BARKER,**

*Clerk of the Legislative Council.*

## VICTORIA.

No. 11.

## Minutes of the Proceedings

OF THE

## LEGISLATIVE COUNCIL.

TUESDAY, 30<sup>TH</sup> AUGUST, 1887.

1. The Council met in accordance with adjournment.
2. The President took the Chair.
3. The President read the Prayer.
4. PAPERS.—The Honorable J. Bell presented, by command of His Excellency the Governor—  
The Land Act 1884.—Order in Council under section 136.  
The Land Act 1884.—Forms of Railway—Water Supply, and Road Undertaking, and Lease.  
—Order in Council.  
Severally ordered to lie on the Table.  
The Honorable J. Bell presented, pursuant to Act of Parliament—  
Rifle Clubs—Regulations for (amended).  
Ordered to lie on the Table.
5. ADJOURNMENT.—The Honorable W. A. Zeal moved, That the Council do now adjourn. The following six Members, viz.:—The Honorables Dr. Dobson, H. Gore, J. Williamson, D. Melville, W. McCulloch, and J. A. Wallace rose in their places and required the motion to be proposed, and the Honorable W. A. Zeal stated that the subject he proposed to speak to was the proceeding taken by His Honor the Chief Justice in order to compel Mr. Dakin to cease working on his present premises.  
Debate ensued.  
Question—put and negatived.
6. 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 further amend the Law relating to Gaols and to persons confined therein,*” and acquaint the Legislative Council that the Legislative Assembly have agreed to the same, with amendments, with which they desire the concurrence of the Legislative Council.  
PETER LALOR,  
Speaker.  
Legislative Assembly Chamber,  
Melbourne, 30th August, 1887.  
On the motion of the Honorable H. Cuthbert, the Council ordered the amendments to be printed and taken into consideration to-morrow.
7. 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 make better provision for the holding of a Public International Exhibition in Melbourne in the year One thousand eight hundred and eighty-eight and for other purposes,*” with which they desire the concurrence of the Legislative Council.  
PETER LALOR,  
Speaker.  
Legislative Assembly Chamber,  
Melbourne, 30th August, 1887.
8. INTERNATIONAL EXHIBITION BILL.—The Honorable J. Bell moved, That the Bill transmitted by the above Message, intituled “*An Act to make better provision for the holding of a Public International Exhibition in Melbourne in the year One thousand eight hundred and eighty-eight and for other purposes,*” be now read a first time.  
Question—put and resolved in the affirmative.—Bill read a first time, ordered to be printed, and read a second time Tuesday, 6th September next.

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

MR. PRESIDENT—

The Legislative Assembly transmit to the Legislative Council a Bill intituled "*An Act for granting to Her Majesty certain Duties of Customs in lieu of certain other Duties*, with which they desire the concurrence of the Legislative Council.

PETER LALOR,  
Speaker.

Legislative Assembly Chamber,  
Melbourne, 30th August, 1887.

10. CUSTOMS DUTIES BILL.—The Honorable H. Cuthbert moved, That the Bill transmitted by the above Message, intituled "*An Act for granting to Her Majesty certain Duties of Customs in lieu of certain other Duties*, be now read a first time.

Question—put and resolved in the affirmative.—Bill read a first time, ordered to be printed, and read a second time to-morrow.

11. 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 Juries Statute 1876*," with which they desire the concurrence of the Legislative Council.

Legislative Assembly Chamber,  
Melbourne, 30th August, 1887.

PETER LALOR,  
Speaker.

12. JURIES STATUTE 1876 AMENDMENT BILL.—The Honorable H. Cuthbert moved, That the Bill transmitted by the above Message, intituled "*An Act to amend the Juries Statute 1876*," be now read a first time.

Question—put and resolved in the affirmative.—Bill read a first time, ordered to be printed, and read a second time to-morrow.

13. LEAVE OF ABSENCE—THE HONORABLE F. E. BEAVER.—The Honorable Dr. Beaney moved, by leave, That leave of absence be granted to the Honorable F. E. Beaver for the remainder of the Session on account of ill health.

Question—put and resolved in the affirmative.

14. LEAVE OF ABSENCE—THE HONORABLE W. ROBERTSON.—The Honorable H. Cuthbert moved, by leave, That leave of absence be granted to the Honorable W. Robertson for the remainder of the Session on account of urgent private business.

Question—put and resolved in the affirmative.

15. TRANSFER OF LAND STATUTE AMENDMENT BILL.—The Order of the Day for the further consideration of this Bill in Committee of the whole Council having been read—The President left the Chair, and the Council resolved itself into a Committee of the whole for the further consideration thereof.

16. ABSENCE OF THE PRESIDENT.—The Clerk having informed the Council that the President of the Council was unavoidably absent, the Council, on the motion of the Honorable H. Cuthbert, and in accordance with the provisions of the Act No. 702, chose the Honorable Dr. Dobson to fill temporarily the office and perform all the duties of the President during his absence.

The Acting-President took the Chair.

17. TRANSFER OF LAND STATUTE AMENDMENT BILL.—The Honorable Dr. Dobson reported to the Council that the Committee had made progress in the Bill, and that the Chairman of Committees was directed to move, That the Committee may have leave to sit again.

Resolved—That the Council will, to-morrow, again resolve itself into the said Committee.

18. POSTPONEMENT OF ORDERS OF THE DAY.—The Council ordered that the consideration of the following Orders of the Day be postponed until to-morrow :—

*Justices of the Peace Law Amendment Bill.—To be further considered in Committee.*

*Controverted Elections (Council) Law Amendment Bill.—To be read a second time.*

*Legislative Council Act 1881 Further Amendment Bill.—To be read a second time.*

The Council adjourned at seventeen minutes past ten o'clock until to-morrow, at half-past four o'clock.

JOHN BARKER,  
Clerk of the Legislative Council.

## VICTORIA.

No. 12.

## Minutes of the Proceedings

OF THE

## LEGISLATIVE COUNCIL.

WEDNESDAY, 31st AUGUST, 1887.

1. The Council met in accordance with adjournment.
2. The President took the Chair.
3. The President read the Prayer.
4. ADJOURNMENT.—The Honorable D. Melville rose to move, That the Council do adjourn. The following Members, viz.:—The Honorables W. P. Simpson, F. T. Sargood, N. Thornley, J. H. Connor, H. Gore, W. A. Zeal, J. A. Wallace, and Sir W. J. Clarke rose in their places and required the motion to be proposed, and The Honorable D. Melville stated that the subject he proposed to speak to was the changing of the name of the township of Hotham to that of North Melbourne.  
Debate ensued.  
Question—put and negatived.
5. SUCCESSION DUTIES.—The Honorable N. Thornley moved, pursuant to *amended* notice, That there be laid upon the Table of this House a Return showing—
  - (1.) The names of all persons who have died since the 1st July, 1885, to 1st July, 1887, having property in the colony outside of cities, towns, or boroughs, of the value of £5000 and upwards.
  - (2.) The amount of the valuation made in each case for the purposes of probate or succession duty by the representatives of the deceased person, and by the Government valuer, and the amount of his valuation, his name, and the amount of his fee in each case, and also the amount of duty paid on each estate.
  - (3.) Whether in some, if not in all, cases, the amount of the valuation made by the representatives of the deceased person for the above purposes is disclosed to the Government valuer before he makes his valuation.
 Question—put and resolved in the affirmative.
6. GAOLS LAW AMENDMENT BILL.—The Order of the Day for the consideration of the amendments made by the Legislative Assembly in this Bill having been read, the said amendments were read, and are as follow :—
  1. Clause 8, omit this clause.
  2. Clause 9, omit this clause.
 And the said several amendments having been read a second time,  
On the motion of the Honorable H. Cuthbert, the Council agreed to the said amendment (No. 1) made by the Legislative Assembly in this Bill.  
The Honorable H. Cuthbert moved, That the Council agree with the Assembly in amendment 2.  
Debate ensued.  
Ordered—That the debate be adjourned until Tuesday, 6th September next.
7. CUSTOMS DUTIES BILL.—The Honorable H. Cuthbert moved, That this Bill be now read a second time.  
Question—put and resolved in the affirmative.—Bill read a second time.  
The Honorable H. Cuthbert moved, That this Bill be now committed to a Committee of the whole Council.  
Question—put and resolved in the affirmative.  
And, on the further motion of the Honorable H. Cuthbert, the President left the Chair, and the Council resolved itself into a Committee of the whole for the consideration of this Bill.  
The President resumed the Chair; and the Honorable Dr. Dobson reported that the Committee had gone through the Bill, and agreed to the same without amendment.

On the motion of the Honorable H. Cuthbert, the Council adopted the Report from the Committee of the whole on this 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—Bill, on the motion of the Honorable H. Cuthbert, read a third time and *passed*.

The Honorable H. Cuthbert moved, That the following be the title of the Bill :—“ *An Act for granting to Her Majesty certain Duties of Customs in lieu of certain other Duties.*”

Question—put and resolved in the affirmative.

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

8. POSTPONEMENT OF ORDER OF THE DAY.—The Council ordered that the consideration of the 3rd Order be postponed until after the consideration of the 4th Order of the Day.

9. TRANSFER OF LAND STATUTE AMENDMENT BILL.—The Order of the Day for the further consideration of this Bill in Committee of the whole Council having been read—The President left the Chair, and the Council resolved itself into a Committee of the whole for the further consideration thereof.

The President resumed the Chair; and the Honorable Dr. Dobson reported that the Committee had made progress in the Bill, and that he was directed to move that the Committee may have leave to sit again.

Resolved—That the Council will, on Tuesday, 6th September next, again resolve itself into the said Committee.

10. POSTPONEMENT OF ORDERS OF THE DAY.—The Council ordered that the consideration of the following Orders of the Day be postponed until Tuesday, the 6th September next.

*Juries Statute 1876 Amendment Bill.—To be read a second time.*

*Justices of the Peace Law Amendment Bill.—To be further considered in Committee.*

*Controverted Elections (Council) Law Amendment Bill.—To be read a second time.*

*Legislative Council Act 1881 Further Amendment Bill.—To be read a second time.*

11. ADJOURNMENT.—The Honorable H. Cuthbert moved, by leave, That the Council at its rising adjourn until Tuesday, 6th September next.

Question—put and resolved in the affirmative.

The Council adjourned at sixteen minutes past ten o'clock until Tuesday next, at half-past four o'clock.

JOHN BARKER,  
*Clerk of the Legislative Council.*

## VICTORIA.

No. 13.

## Minutes of the Proceedings

OF THE

## LEGISLATIVE COUNCIL.

TUESDAY, 6TH SEPTEMBER, 1887.

1. The Council met in accordance with adjournment.
2. The President took the Chair.
3. The President read the Prayer.
4. MESSAGE FROM HIS EXCELLENCY THE GOVERNOR.—The following Message from His Excellency the Governor was presented by the Honorable H. Cuthbert, and the same was read, and is as follows:—
 

HENRY B. LOCH,  
*Governor.* *Message.*

The Governor informs the Legislative Council that he has, on this day, at the Government Offices, given the Royal Assent to the undermentioned Act of the present Session, presented to him by the Clerk of Parliaments, viz. :—

*“An Act for granting to Her Majesty certain Duties of Customs in lieu of certain other  
“Duties.”*

Government Offices,  
Melbourne, 5th September, 1887.  
Ordered to lie on the Table.
5. PAPERS.—The Honorable H. Cuthbert presented, pursuant to Act of Parliament—
 

Public Library, Museums, and National Gallery of Victoria—Report of the Trustees of the—  
for 1886.

Industrial and Reformatory Schools—Report of the Secretary of the Department of—  
for the year 1886.

Severally ordered to lie on the Table.

The Honorable J. Bell presented, pursuant to Act of Parliament—

Victorian Volunteer Cadet Corps.—Regulations for—(amended).  
Victorian Military Forces.—Regulations for the—Alterations and Additions.  
Council of Defence—Report of the.

Severally ordered to lie on the Table.
6. INTERNATIONAL EXHIBITION BILL.—The Honorable James Bell moved, That this Bill be now read a second time.  
Debate ensued.  
Question—put and resolved in the affirmative.—Bill read a second time.  
The Honorable James Bell moved, That this Bill be now committed to a Committee of the whole Council.  
Question—put and resolved in the affirmative.  
And, on the further motion of the Honorable James Bell, the President left the Chair, and the Council resolved itself into a Committee of the whole for the consideration of this Bill.  
The President resumed the Chair; and the Honorable Dr. Dobson reported that the Committee had gone through the Bill, and agreed to the same with an amendment.  
On the motion of the Honorable James Bell, the Council adopted the Report from the Committee of the whole on this 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—Bill, on the motion of the Honorable James Bell, read a third time and *passed*.  
The Honorable James Bell moved, That the following be the title of the Bill :—“*An Act to make  
“better provision for the holding of a Public International Exhibition in Melbourne in the year  
“One thousand eight hundred and eighty-eight, and for other purposes.”*”  
Question—put and resolved in the affirmative.  
Ordered—That the Bill be returned to the Legislative Assembly with a Message acquainting them that the Legislative Council have agreed to the same with an amendment, and requesting their concurrence therein.



7. **GAOLS LAW AMENDMENT BILL.**—The Order of the Day for the resumption of the debate, on the question that the Council agree with the Assembly in amendment 2 of this Bill, having been read, Debate resumed.  
 Motion, by leave, withdrawn.  
 The Honorable H. Cuthbert then moved, That the Council disagree with the Assembly in amendment 2.  
 Question—put and resolved in the affirmative.  
 The Honorable H. Cuthbert moved, That, as an amendment consequent on the omission of clause 8, the word and figures, section 15, be omitted from column 3 in the First Schedule.  
 Question—put and resolved in the affirmative.  
 Ordered—That the Bill be returned to the Legislative Assembly with a Message acquainting them that the Council have agreed to one amendment, have disagreed to the other amendment, and have made an amendment consequent on the omission of clause 8, with which they desire the concurrence of the Legislative Assembly.
8. **TRANSFER OF LAND STATUTE AMENDMENT BILL.**—The Order of the Day for the further consideration of this Bill in Committee of the whole Council having been read—The President left the Chair, and the Council resolved itself into a Committee of the whole for the further consideration thereof.  
 The President resumed the Chair; and the Honorable Dr. Dobson reported that the Committee had made progress in the Bill, and that he was directed to move that the Committee may have leave to sit again.  
 Resolved—That the Council will, to-morrow, again resolve itself into the said Committee.
9. **JURIES STATUTE 1876 AMENDMENT BILL.**—The Honorable H. Cuthbert moved, That this Bill be now read a second time.  
 Debate ensued.  
 Question—put and resolved in the affirmative.—Bill read a second time.  
 The Honorable H. Cuthbert moved, That this Bill be now committed to a Committee of the whole Council.  
 Question—put and resolved in the affirmative.  
 And, on the further motion of the Honorable H. Cuthbert, the President left the Chair, and the Council resolved itself into a Committee of the whole for the consideration of this Bill.  
 The President resumed the Chair; and the Honorable Dr. Dobson reported that the Committee had made progress in the Bill, and that he was directed to move that the Committee may have leave to sit again.  
 Resolved—That the Council will, to-morrow, again resolve itself into the said Committee.
10. **JUSTICES OF THE PEACE LAW AMENDMENT BILL.**—The Order of the Day for the further consideration of this Bill in Committee of the whole Council having been read—The President left the Chair, and the Council resolved itself into a Committee of the whole for the further consideration thereof.  
 The President resumed the Chair; and the Honorable Dr. Dobson reported that the Committee had made progress in the Bill, and that he was directed to move that the Committee may have leave to sit again.  
 Resolved—That the Council will, to-morrow, again resolve itself into the said Committee.
11. **POSTPONEMENT OF ORDERS OF THE DAY.**—The Council ordered that the consideration of the following Orders of the Day be postponed until to-morrow :—  
*Controverted Elections (Council) Law Amendment Bill.—To be read a second time.*  
*Legislative Council Act 1881 further Amendment Bill.—To be read a second time.*

The Council adjourned at ten o'clock until to-morrow at half-past four o'clock.

JOHN BARKER,  
 Clerk of the Legislative Council.

## VICTORIA.

No. 14.

## Minutes of the Proceedings

OF THE

## LEGISLATIVE COUNCIL.

WEDNESDAY, 7TH SEPTEMBER, 1887.

1. The Council met in accordance with adjournment.

2. The President took the Chair.

3. The President read the Prayer.

4. **TRANSFER OF LAND STATUTE AMENDMENT BILL.**—The Order of the Day for the further consideration of this Bill in Committee of the whole Council having been read—The President left the Chair, and the Council resolved itself into a Committee of the whole for the further consideration thereof.

The President resumed the Chair; and the Honorable Dr. Dobson reported that the Committee had made progress in the Bill, and that he was directed to move that the Committee may have leave to sit again.

Resolved—That the Council will, on Tuesday, 20th September instant, again resolve itself into the said Committee.

5. **JURIES STATUTE 1876 AMENDMENT BILL.**—The Order of the Day for the further consideration of this Bill in Committee of the whole Council having been read—The President left the Chair, and the Council resolved itself into a Committee of the whole for the further consideration thereof.

The President resumed the Chair; and the Honorable Dr. Dobson having reported that the Committee had gone through the Bill, and agreed to the same with amendments, the Council ordered the same to be taken into consideration on Tuesday, 13th September instant.—Bill as amended to be printed.

6. **JUSTICES OF THE PEACE LAW AMENDMENT BILL.**—The Order of the Day for the further consideration of this Bill in Committee of the whole Council having been read—The President left the Chair, and the Council resolved itself into a Committee of the whole for the further consideration thereof.

The President resumed the Chair; and the Honorable Dr. Dobson reported that the Committee had made progress in the Bill, and that he was directed to move that the Committee may have leave to sit again.

Resolved—That the Council will, on Tuesday, 20th September instant, again resolve itself into the said Committee.

7. **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 make better provision for the holding of a Public International Exhibition in Melbourne in the year One thousand eight hundred and eighty-eight and for other purposes,*" and acquaint the Legislative Council that the Legislative Assembly have agreed to the amendment made in such Bill by the Legislative Council.

PETER LALOR,  
Speaker.

Legislative Assembly Chamber,  
Melbourne, 7th September, 1887.

8. **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 Local Government amending Act 1884,*" with which they desire the concurrence of the Legislative Council.

PETER LALOR,  
Speaker.

Legislative Assembly Chamber,  
Melbourne, 7th September, 1887.

9. MUNICIPAL TRAMWAYS 1887 BILL.—The Honorable James Bell moved, That the Bill transmitted by the above Message, intitled “*An Act to amend The Local Government amending Act 1884*” be now read a first time.

Question—put and resolved in the affirmative.—Bill read a first time, ordered to be printed, and read a second time this day.

The Honorable James Bell moved, by leave, That this Bill be now read a second time.

Question—put and resolved in the affirmative.—Bill read a second time.

The Honorable James Bell moved, That this Bill be now committed to a Committee of the whole Council.

Question—put and resolved in the affirmative.

And, on the further motion of the Honorable James Bell, the President left the Chair, and the Council resolved itself into a Committee of the whole for the consideration of this Bill.

The President resumed the Chair; and the Honorable James Balfour reported that the Committee had gone through the Bill and agreed to the same without amendment.

On the motion of the Honorable J. Bell, the Council adopted the Report from the Committee of the whole on this 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—Bill, on the motion of the Honorable J. Bell, read a third time and *passed*.

The Honorable J. Bell moved, That the following be the title of the Bill :—“*An Act to amend the “Local Government Amending Act 1884.”*”

Question—put and resolved in the affirmative.

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

10. POSTPONEMENT OF ORDERS OF THE DAY.—The Council ordered that the consideration of the following Orders of the Day be postponed until Tuesday, 20th September instant :—

*Controverted Elections (Council) Law Amendment Bill.—To be read a second time.*

*Legislative Council Act 1881 further Amendment Bill.—To be read a second time.*

11. ADJOURNMENT.—The Honorable J. Bell moved, by leave, That the Council at its rising adjourn until Tuesday, the 20th September instant.

Question—put and resolved in the affirmative.

The Council adjourned at ten minutes to nine o'clock, until Tuesday, the 20th September instant, at half-past four o'clock.

JOHN BARKER,  
*Clerk of the Legislative Council.*

VICTORIA.

No. 15.

# Minutes of the Proceedings

OF THE

## LEGISLATIVE COUNCIL.

TUESDAY, 20<sup>TH</sup> SEPTEMBER, 1887.

1. The Council met in accordance with adjournment.
2. The President took the Chair.
3. The President read the Prayer.
4. **DECLARATION OF MEMBER.**—The Honorable Sir James Lorimer delivered to the Clerk the declaration required by the 13th clause of the Act 45 Vict., No. 702, as hereunder set forth:—

“In compliance with the provisions of the Act 45 Victoria, No. 702, I, JAMES LORIMER, do declare and testify that I am legally or equitably seized of or entitled to an estate of freehold for my own use and benefit in lands or tenements in the colony of Victoria of the yearly value of Four hundred and seventy pounds above all charges and incumbrances affecting the same, other than any public or parliamentary tax or municipal or other rate or assessment; and further, that such lands or tenements are situated in the municipal district of Malvern, and are known as Belcroft, Albany-road, Toorak, in my own occupation.

“And I further declare that such of the said lands or tenements as are situate in the municipal district of Malvern are rated in the rate-book of such district upon a yearly value of Four hundred and seventy pounds.

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

“JAMES LORIMER.”

5. **MESSAGES FROM HIS EXCELLENCY THE GOVERNOR.**—The following Messages from His Excellency the Governor were presented by the Honorable H. Cuthbert, and the same were read, and are as follow:—

HENRY B. LOCH,  
*Governor.*

*Message.*

The Governor informs the Legislative Council that he has, on this day, at the Government House, given the Royal Assent to the undermentioned Act of the present Session, presented to him by the Clerk of the Parliaments, viz.:—

“An Act to amend ‘The Local Government Amending Act 1884.’”

Government House,  
Melbourne, 8th September, 1887.

HENRY B. LOCH,  
*Governor.*

*Message.*

The Governor informs the Legislative Council that he has, on this day, at the Government Offices, given the Royal Assent to the undermentioned Act of the present Session, presented to him by the Clerk of the Parliaments, viz.:—

“An Act to make better provision for the holding of a Public International Exhibition “in Melbourne in the year One thousand eight hundred and eighty-eight and for other purposes.”

Government Offices,  
Melbourne, 12th September, 1887.

Severally ordered to lie on the Table.

HENRY B. LOCH,  
*Governor.*

*Message.*

The Governor begs to transmit to the Legislative Council a copy of a Despatch which he has received from The Right Honorable the Secretary of State for the Colonies, relative to the Address of Congratulation presented to Her Most Gracious Majesty the Queen by both Houses of the Parliament of Victoria on the occasion of the fiftieth anniversary of Her Majesty's accession to the Throne.

Government House,  
Melbourne, 13th Sept., 1887.

And the said Despatch was read by the Clerk.

Ordered—That the said Message and Despatch do lie on the Table and be printed.

6. PAPERS.—The Honorable Henry Cuthbert presented, by command of His Excellency the Governor—  
 Extension of Melbourne Westward.—Report of the Royal Commission in regard to proposed removal of the Spencer-street Railway Station, to allow of the extension of Melbourne westward, also in regard to the best means of connecting the city with the proposed docks, West Melbourne Swamp, together with the Appendices, Minutes of Proceedings, and Minutes of Evidence.  
 Education.—Report of the Minister of Public Instruction for the year 1886-87.  
 Post Office and Telegraph Department—Report upon the affairs of the—for the year 1886.  
 Severally ordered to lie on the Table.  
 The Honorable H. Cuthbert presented, pursuant to Act of Parliament—  
 Public Accounts—General Regulations respecting.  
 Factories, Workrooms, and Shops—First Report of the Chief Inspector of—for the period from 1st March to 31st December, 1886.  
 Severally ordered to lie on the Table.
7. CODIFICATION OF LAWS COMMITTEE.—The Honorable F. T. Sargood moved, by leave, That the Committee on the Codification of Laws have leave to report the Minutes of Evidence from time to time.  
 Question—put and resolved in the affirmative.
8. TRANSFER OF LAND STATUTE AMENDMENT BILL.—The Order of the Day for the further consideration of this Bill in Committee of the whole Council having been read—The President left the Chair, and the Council resolved itself into a Committee of the whole for the further consideration thereof.  
 The President resumed the Chair; and the Honorable Dr. Dobson reported that the Committee had gone through the Bill and agreed to the same with amendments.  
 The Honorable J. H. Connor moved, That the Bill be re-committed for the re-consideration of clause 14.  
 Debate ensued.  
 Question—put and negatived.  
 Ordered—That the Bill as amended be printed and taken into consideration Tuesday, 27th September instant.
9. 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 further amend the Law relating to Gaols and to Persons confined therein,*" and acquaint the Legislative Council that the Legislative Assembly have agreed to the amendment made by the Legislative Council, consequent on the amendment of the Legislative Assembly to omit clause 8, and do not now insist on their amendment to omit clause 9.  
 Legislative Assembly Chamber,  
 Melbourne, 20th September, 1887.  
 T. COOPER,  
 Deputy-Speaker.
10. 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 Neglected Children,*" with which they desire the concurrence of the Legislative Council.  
 Legislative Assembly Chamber,  
 Melbourne, 20th September, 1887.  
 T. COOPER,  
 Deputy-Speaker.
11. NEGLECTED CHILDREN LAW AMENDMENT BILL.—The Honorable J. Bell moved, That the Bill transmitted by the above Message, intituled "*An Act to amend the Law relating to Neglected Children,*" be now read a first time.  
 Question—put and resolved in the affirmative.—Bill read a first time, ordered to be printed, and read a second time Tuesday, 27th September instant.
12. 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 Juvenile Offenders, and for other purposes,*" with which they desire the concurrence of the Legislative Council.  
 Legislative Assembly Chamber,  
 Melbourne, 20th September, 1887.  
 T. COOPER,  
 Deputy-Speaker.
13. JUVENILE OFFENDERS LAW AMENDMENT BILL.—The Honorable H. Cuthbert moved, That the Bill transmitted by the above Message, intituled "*An Act to amend the Law relating to Juvenile Offenders, and for other purposes,*" be now read a first time.  
 Question—put and resolved in the affirmative.—Bill read a first time, ordered to be printed, and read a second time Tuesday, 27th September instant.
14. DISCHARGE OF ORDER OF THE DAY.—On the motion of the Honorable H. Cuthbert the following Order of the Day was read and discharged :—  
*Juries Statute 1876 Amendment Bill.—Adoption of Report.*

15. JURIES STATUTE 1876 AMENDMENT BILL.—The Honorable H. Cuthbert moved, That this Bill be re-committed to a Committee of the whole Council for re-consideration.

Question—put and resolved in the affirmative.

And, on the further motion of the Honorable H. Cuthbert, the President left the Chair, and the Council resolved itself into a Committee of the whole for the re-consideration of this Bill.

The President resumed the Chair; and the Honorable Dr. Dobson having reported that the Committee had agreed to the Bill with further amendments, the Council ordered the same to be taken into consideration on Tuesday, 27th September instant; Bill as further amended to be printed.

16. POSTPONEMENT OF ORDERS OF THE DAY.—The Council ordered that the consideration of the following Orders of the Day be postponed until Tuesday, 27th September instant:—

*Justices of the Peace Law Amendment Bill.—To be further considered in Committee.*

*Controverted Elections (Council) Law Amendment Bill.—To be read a second time.*

*Legislative Council Act 1881 further Amendment Bill.—To be read a second time.*

17. ADJOURNMENT.—The Honorable H. Cuthbert moved, by leave, That the Council at its rising adjourn until Tuesday, 27th September instant.

Question—put and resolved in the affirmative.

The Council adjourned at twenty-nine minutes past six o'clock, until Tuesday next at half-past four o'clock.

JOHN BARKER,  
*Clerk of the Legislative Council.*



VICTORIA.

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No. 16.

# Minutes of the Proceedings

OF THE

# LEGISLATIVE COUNCIL.

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TUESDAY, 27<sup>TH</sup> SEPTEMBER, 1887.

1. The Council met in accordance with adjournment.
2. The President took the Chair.
3. The President read the Prayer.
4. ADJOURNMENT.—The Honorable H. Cuthbert moved, That the House do now adjourn.  
Question—put and resolved in the affirmative.

The Council adjourned at thirteen minutes to five o'clock, until to-morrow at half-past four o'clock.

JOHN BARKER,  
*Clerk of the Legislative Council.*





## VICTORIA.

No. 17.

## Minutes of the Proceedings

OF THE

## LEGISLATIVE COUNCIL.

WEDNESDAY, 28<sup>TH</sup> SEPTEMBER, 1887.

1. The Council met in accordance with adjournment.
2. The President took the Chair.
3. The President read the Prayer.
4. **ISSUE OF WRIT.**—The President announced to the Council that he had this day issued a Writ for the election of a Member to serve for the Southern Province in the place of the late Honorable Thomas Henty.
5. **PAPERS.**—The Honorable H. Cuthbert presented, by command of His Excellency the Governor—  
 Victorian Water Supply.—First Annual General Report by the Secretary for Mines and Water Supply.  
 Ordered to lie on the Table.  
 The Honorable J. Bell presented, by command of His Excellency the Governor—  
 Australasian Stock Conference—Report, Minutes of Proceedings, Resolutions, &c., of the—  
 Held in Sydney, in September and October 1886.  
 Ordered to lie on the Table.  
 The Honorable H. Cuthbert presented, pursuant to Act of Parliament—  
 Victorian Railways—Report of the Commissioners for the year ending 30th June, 1887.  
 Lunatic Asylums.—Return of the Inspector of Lunatic Asylums of the number of patients visited and the number of miles travelled by him during the six months ended 30th June, 1887.  
 Severally ordered to lie on the Table.  
 The Honorable J. Bell presented, pursuant to Act of Parliament—  
 Agricultural Education.—Accounts of the Trustees of Agricultural Colleges and the Council of  
 Agricultural Education, from 1st January, 1887, to 30th June, 1887.  
 Ordered to lie on the Table.  
 The Honorable Sir J. Lorimer presented, pursuant to Act of Parliament—  
 Naval Forces—Regulations for the Permanent—Addition.  
 Ordered to lie on the Table.  
 The Honorable H. Cuthbert presented—  
 Succession Duties—Return to an Order of the Legislative Council dated 31st August last, for—
  - (1.) The names of all persons who have died since the 1st July, 1885, to 1st July, 1887, having property in the colony outside of cities, towns, or boroughs, of the value of £5000 and upwards.
  - (2.) The amount of the valuation made in each case for the purposes of probate or succession duty by the representatives of the deceased person, and by the Government valuer, and the amount of his valuation, his name, and the amount of his fee in each case, and also the amount of duty paid on each estate.
  - (3.) Whether in some, if not all, cases, the amount of the valuation made by the representatives of the deceased person for the above purposes is disclosed to the Government valuer before he makes his valuation.
 Ordered to lie on the Table and be printed.
6. **GEELONG WATER SUPPLY.**—The Honorable J. H. Connor moved, by leave, that the Report of the Engineers appointed by the Government to report as to the best scheme for an additional Water Supply for Geelong and the surrounding districts, laid on the Table of the Council 16th August last, be printed.  
 Question—put and resolved in the affirmative.

7. **STANDING ORDERS.**—The Honorable Lieut.-Colonel Sargood moved, pursuant to *amended* notice, That Standing Order No. 287 be referred to the Standing Orders Committee, with instructions to such Committee to report fully as to the scope of such Standing Order, and the advisability of making any alteration in the same or other of the Standing Orders.

Debate ensued.

Question—put and resolved in the affirmative.

8. **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 persons charged with offences against ‘The Regulation of Mines and Mining Machinery Act 1883,’ and Act amending the same, to give evidence on their own behalf,*” with which they desire the concurrence of the Legislative Council.

Legislative Assembly Chamber,  
Melbourne, 27th September, 1887.

T. COOPER,  
Deputy-Speaker.

9. **REGULATION OF MINES AND MACHINERY ACT AMENDMENT BILL.**—The Honorable W. P. Simpson moved, That the Bill transmitted by the above Message, intituled “*An Act to enable persons charged with offences against ‘The Regulation of Mines and Mining Machinery Act 1883,’ and Act amending the same, to give evidence on their own behalf,*” be now read a first time.

Question—put and resolved in the affirmative.—Bill read a first time, ordered to be printed, and read a second time Tuesday, 4th October next.

10. **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 County Court Statute 1869,*” with which they desire the concurrence of the Legislative Council.

Legislative Assembly Chamber,  
Melbourne, 27th Sept., 1887.

T. COOPER,  
Deputy-Speaker.

11. **COUNTY COURT STATUTE AMENDMENT BILL.**—The Honorable Lieut.-Colonel Sargood moved, That the Bill transmitted by the above Message, intituled “*An Act to amend the County Court Statute 1869,*” be now read a first time.

Question—put and resolved in the affirmative.—Bill read a first time, ordered to be printed, and read a second time Tuesday, 4th October next.

12. **POSTPONEMENT OF ORDERS OF THE DAY.**—The Council ordered that the consideration of the following Orders of the Day be postponed as under :—

*Transfer of Land Statute Amendment Bill.—Adoption of Report.*

*Neglected Children Law Amendment Bill.—To be read a second time.*

*Juvenile Offenders Law Amendment Bill.—To be read a second time.*

*Juries Statute 1876 Amendment Bill.—Adoption of Report.*

*Justices of the Peace Law Amendment Bill.—To be further considered in Committee—until Tuesday, 4th October next.*

*Controverted Elections (Council) Law Amendment Bill.—To be read a second time.*

*Legislative Council Act 1881 further Amendment Bill.—To be read a second time—until Wednesday, 5th October next.*

13. **ADJOURNMENT.**—The Honorable Sir J. Lorimer moved, by leave, That the Council at its rising adjourn until Tuesday, 4th October next.

Question—put and resolved in the affirmative.

The Council adjourned at two minutes past six o'clock, until Tuesday next at half-past four o'clock.

JOHN BARKER,  
Clerk of the Legislative Council.

## VICTORIA.

No. 18.

## Minutes of the Proceedings

OF THE

## LEGISLATIVE COUNCIL.

TUESDAY, 4TH OCTOBER, 1887.

1. The Council met in accordance with adjournment.
2. The President took the Chair.
3. The President read the Prayer.
4. PAPERS.—The Honorable H. Cuthbert presented, by command of His Excellency the Governor—  
Constitution Act—Statement of Expenditure under Schedule D to Act 18 and 19 Vict. cap. 55,  
during the year 1886–7.  
Ordered to lie on the Table.  
The Honorable H. Cuthbert presented, pursuant to Act of Parliament—  
Proposed Swan Hill Irrigation and Water Supply Trust.—Copies of Petitions, Reports,  
Plans, &c.  
Ordered to lie on the Table.  
The Honorable H. Cuthbert presented—  
Railways—Lateral Deviations of—Return to an Order of the Legislative Council, dated 6 July  
last, for a Return showing—
  - (1.) The maximum lateral deviation from its scheduled route of any railway con-  
structed during the last ten years, including the Gippsland line.
  - (2.) The number of deviations on each line, and the length of the longest deviation  
in chains and links.
  - (3.) Who authorized such deviations from the scheduled route, and upon whose  
recommendation and under what authority were they carried into effect.
 Ordered to lie on the Table.
5. MESSAGE FROM HIS EXCELLENCY THE GOVERNOR.—The following Message from His Excellency the  
Governor was presented by the Honorable H. Cuthbert, and the same was read, and is as  
follows:—  
HENRY B. LOCH,  
*Governor.* *Message.*  
The Governor informs the Legislative Council that he has, on this day, at the Government  
Offices, given the Royal Assent to the undermentioned Act of the present Session, presented to  
him by the Clerk of the Parliaments, viz. :—  
“*An Act to further amend the Law relating to Gaols and to persons confined therein.*”  
Government Offices.  
Melbourne, 3rd October, 1887.  
Ordered to lie on the Table.
6. TRANSFER OF LAND STATUTE AMENDMENT BILL.—On the motion of the Honorable H. Cuthbert, the  
Council adopted the Report from the Committee of the whole on this 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—Bill, on the motion of the Honorable  
H. Cuthbert, read a third time and *passed*.  
The Honorable H. Cuthbert moved, That the following be the title of the Bill:—“*An Act to alter  
and amend the Transfer of Land Statute and for other purposes.*”  
Question—put and resolved in the affirmative.  
Ordered—That the Bill be transmitted to the Legislative Assembly, with a Message desiring their  
concurrence therein.
7. POSTPONEMENT OF ORDERS OF THE DAY.—The Council ordered that the consideration of the second  
and third Orders be postponed until after the consideration of the fourth Order on the Paper for  
to-day.

8. JURIES STATUTE 1876 AMENDMENT BILL.—On the motion of the Honorable H. Cuthbert, the Council adopted the Report from the Committee of the whole on this 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—Bill, on the motion of the Honorable H. Cuthbert, read a third time and *passed*.  
 The Honorable H. Cuthbert moved, That the following be the title of the Bill :—“ *An Act to amend “ The Juries Statute 1876.”*”  
 Question—put and resolved in the affirmative.  
 Ordered—That the Bill be returned to the Legislative Assembly with a Message acquainting them that the Legislative Council have agreed to the same with amendments, and requesting their concurrence therein.
9. NEGLECTED CHILDREN LAW AMENDMENT BILL.—The Honorable J. Bell moved, That this Bill be now read a second time.  
 Debate ensued.  
 Question—put and resolved in the affirmative.—Bill read a second time.  
 The Honorable James Bell moved, That this Bill be now committed to a Committee of the whole Council.  
 Question—put and resolved in the affirmative.  
 And, on the further motion of the Honorable James Bell, the President left the Chair, and the Council resolved itself into a Committee of the whole for the consideration of this Bill.  
 The President resumed the Chair; and the Honorable Dr. Dobson reported that the Committee had made progress in the Bill, and that he was directed to move that the Committee may have leave to sit again.  
 Resolved—That the Council will, this day, again resolve itself into the said Committee.
10. 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 a Grant to the Honorable Peter Lalor,*” with which they desire the concurrence of the Legislative Council.  
 T. COOPER,  
 Deputy-Speaker.  
 Legislative Assembly Chamber,  
 Melbourne, 28th September, 1887.
11. THE HONORABLE PETER LALOR GRANT BILL.—The Honorable H. Cuthbert moved, That the Bill transmitted by the above Message, intituled “ *An Act to provide for a Grant to the Honorable Peter Lalor,*” be now read a first time.  
 Question—put and resolved in the affirmative.—Bill read a first time, ordered to be printed, and read a second time this day.  
 The Honorable H. Cuthbert moved, That this Bill be now read a second time.  
 Debate ensued.  
 Question—put and *unanimously* resolved in the affirmative.—Bill read a second time.  
 The Honorable H. Cuthbert moved, That this Bill be now committed to a Committee of the whole Council.  
 Question—put and resolved in the affirmative.  
 And, on the further motion of the Honorable H. Cuthbert, the President left the Chair, and the Council resolved itself into a Committee of the whole for the consideration of this Bill.  
 The President resumed the Chair; and the Honorable Dr. Dobson reported that the Committee had gone through the Bill, and agreed to the same without amendment.  
 On the motion of the Honorable H. Cuthbert, the Council adopted the Report from the Committee of the whole on this 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—Bill, on the motion of the Honorable H. Cuthbert, read a third time and *passed*.  
 The Honorable H. Cuthbert moved, That the following be the title of the Bill :—“ *An Act to provide for a Grant to the Honorable Peter Lalor.*”  
 Question—put and resolved in the affirmative.  
 Ordered—That a Message be transmitted to the Legislative Assembly acquainting them that the Council have agreed to the Bill without amendment.
12. NEGLECTED CHILDREN LAW AMENDMENT BILL.—The Order of the Day for the further consideration of this Bill in Committee of the whole Council having been read—The President left the Chair, and the Council resolved itself into a Committee of the whole for the further consideration thereof.
13. ABSENCE OF THE PRESIDENT.—The Clerk having informed the Council that the President of the Council was unavoidably absent, the Council, on the motion of the Honorable H. Cuthbert, and in accordance with the provisions of the Act 702, chose the Honorable Dr. Dobson to fill temporarily the office, and perform all the duties of the President during his absence.  
 The Acting President took the Chair.
14. NEGLECTED CHILDREN LAW AMENDMENT BILL.—The Honorable Dr. Dobson reported to the Council that the Committee had made progress in the Bill, and that the Chairman of Committees was directed to move, That the Committee may have leave to sit again.  
 Resolved—That the Council will, to-morrow, again resolve itself into the said Committee.

15. POSTPONEMENT OF ORDERS OF THE DAY.—The Council ordered that the consideration of the following Orders of the Day be postponed as under:—

*Juvenile Offenders Law Amendment Bill.*—*To be read a second time.*

*Justices of the Peace Law Amendment Bill.*—*To be further considered in Committee—until to-morrow.*

*Regulation of Mines and Machinery Act Amendment Bill.*—*To be read a second time—until Tuesday 11th October instant.*

*County Court Statute 1869 Amendment Bill.*—*To be read a second time—until to-morrow.*

The Council adjourned at five minutes past ten o'clock until to-morrow at half past four o'clock.

JOHN BARKER,  
*Clerk of the Legislative Council.*

1. The first part of the document discusses the importance of maintaining accurate records of all transactions. This is essential for ensuring the integrity of the financial statements and for providing a clear audit trail. The records should be kept up-to-date and should be easily accessible to all relevant parties.

2. The second part of the document outlines the procedures for handling discrepancies and errors. It is important to identify the source of the error as soon as possible and to take appropriate corrective action. This may involve adjusting the accounts and notifying the relevant parties of the changes.

3. The third part of the document discusses the role of the auditor in verifying the accuracy of the financial statements. The auditor should perform a thorough review of the records and should be satisfied that the financial statements are true and fair. The auditor should also provide a clear and concise report of their findings.

## VICTORIA.

No. 19.

## Minutes of the Proceedings

OF THE

## LEGISLATIVE COUNCIL.

WEDNESDAY, 5TH OCTOBER, 1887.

1. The Council met in accordance with adjournment.
2. The President took the Chair.
3. The President read the Prayer.
4. MESSAGE FROM HIS EXCELLENCY THE GOVERNOR.—The following Message from His Excellency the Governor was presented by the Honorable Sir James Lorimer, and the same was read and is as follows:—

HENRY B. LOCH,  
*Governor.*

*Message.*

The Governor informs the Legislative Council that he has, on this day, at the Government Offices, given the Royal Assent to the undermentioned Act of the present Session, presented to him by the Clerk of the Parliaments, viz.:—

“An Act to provide for a Grant to the Honorable Peter Lalor.”

Government Offices,  
Melbourne, 5th October, 1887.

Ordered to lie on the table.

5. NELSON'S ROYAL READER—ALTERATIONS IN.—The Honorable J. Balfour moved, pursuant to *amended* notice, That there be laid on the Table of this House a Return showing the alterations made in the new (1887) edition of Nelson's Royal Reader; such Return to exhibit the excised portions and the new matter.  
Debate ensued.  
Question—put and resolved in the affirmative.
6. SUPREME AND COUNTY COURTS—CIVIL CASES IN.—The Honorable N. FitzGerald moved, pursuant to *amended* notice, That there be laid on the Table of the Council a Return of the number of civil cases tried before the Judges of the Supreme Court in the several Circuit Courts throughout the colony, and the amounts sued for and recovered in each case from 1st day of July, 1886, to 1st July, 1887.  
(2.) Also, a Return of the number of civil cases tried before the Judges of the County Courts (exclusive of Melbourne), and the amounts sued for and recovered in each case; also, of the number of appeals and the result of each from the 1st day of July, 1886, to 1st July, 1887.  
Question—put and resolved in the affirmative.
7. CONTROVERTED ELECTIONS (COUNCIL) LAW AMENDMENT BILL.—The Honorable W. E. Hearn moved, That this Bill be now read a second time.  
Debate ensued.  
Question—put.  
Council divided.

Ayes, 13.

The Hon. J. Balfour  
J. Bell  
H. Cuthbert  
Dr. Dobson  
T. Dowling  
N. FitzGerald  
C. J. Ham  
Dr. Hearn  
Sir J. Lorimer  
F. T. Sargood  
N. Thornley  
J. Williamson  
T. F. Cumming (*Teller*).

Noes, 7.

The Hon. J. Buchanan  
H. Gore  
D. Ham  
P. Hanna  
D. Melville  
J. A. Wallace  
W. A. Zeal (*Teller*).

And so it was resolved in the affirmative.—Bill read a second time.



The Honorable W. E. Hearn moved—That this Bill be now committed to a Committee of the whole Council.

• Question—put and resolved in the affirmative.

And, on the further motion of the Honorable W. E. Hearn, The President left the Chair, and the Council resolved itself into a Committee of the whole for the consideration of this Bill.

The President resumed the Chair; and the Honorable Dr. Dobson reported that the Committee had made progress in the Bill, and that he was directed to move that the Committee may have leave to sit again.

Resolved—That the Council will, on Wednesday, 12th October instant, again resolve itself into the said Committee.

8. **NEGLECTED CHILDREN LAW AMENDMENT BILL.**—The Order of the Day for the further consideration of this Bill in Committee of the whole Council having been read—The President left the Chair, and the Council resolved itself into a Committee of the whole for the further consideration thereof.

9. **ABSENCE OF THE PRESIDENT.**—The Clerk having informed the Council that the President of the Council was unavoidably absent, the Council, on the motion of the Honorable H. Cuthbert, and in accordance with the provisions of the Act 702, chose the Honorable Dr. Dobson to fill temporarily the office, and perform all the duties of the President during his absence.

The Acting-President took the Chair. The Honorable Dr. Dobson reported to the Council that the Committee had made progress in the Bill, and that the Chairman of Committees was directed to move that the Committee may have leave to sit again.

Resolved—That the Council will, on Tuesday, 11th October instant, again resolve itself into the said Committee.

10. **POSTPONEMENT OF ORDERS OF THE DAY.**—The Council ordered that the consideration of the following Orders of the Day be postponed as under:—

*Legislative Council Act 1881 further Amendment Bill.*—To be read a second time—until Wednesday, 12th October instant;

*Juvenile Offenders Law Amendment Bill.*—To be read a second time,

*Justices of the Peace Law Amendment Bill.*—To be further considered in Committee,

*County Court Statute 1869 Amendment Bill.*—To be read a second time—until Tuesday, 11th October instant.

11. **ADJOURNMENT.**—The Honorable H. Cuthbert moved, That the Council at its rising adjourn until Tuesday, 11th October instant.

Question—put and resolved in the affirmative.

The Council adjourned at thirteen minutes to ten o'clock, until Tuesday next at half-past four o'clock.

JOHN BARKER,  
Clerk of the Legislative Council.

VICTORIA.

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No. 20.

# Minutes of the Proceedings

OF THE

# LEGISLATIVE COUNCIL.

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TUESDAY, 11<sup>TH</sup> OCTOBER, 1887.

1. The Council met in accordance with adjournment.
2. The President took the Chair.
3. The President read the Prayer.
4. ADJOURNMENT.—The Honorable H. Cuthbert moved, That the Council at its rising adjourn until Tuesday, 18th October instant.  
Debate ensued.  
Question—put and resolved in the affirmative.

The Council adjourned at one minute to five o'clock, until Tuesday, 18th October instant, at half-past four o'clock.

JOHN BARKER,  
*Clerk of the Legislative Council.*



## VICTORIA.

No. 21.

## Minutes of the Proceedings

OF THE

## LEGISLATIVE COUNCIL.

TUESDAY, 18<sup>TH</sup> OCTOBER, 1887.

1. The Council met in accordance with adjournment.
2. The President took the Chair.
3. The President read the Prayer.
4. LEGISLATIVE COUNCIL ACT 1881 REMOVAL OF DOUBTS BILL.—The Honorable H. Cuthbert moved, by leave, That he have leave to bring in a Bill to remove doubts as to the meaning of the word "Owners" in "*The Legislative Council Act 1881.*"  
Question—put and resolved in the affirmative.  
Ordered—That The Honorable H. Cuthbert do prepare and bring in the Bill.  
The Honorable H. Cuthbert then brought up a Bill intituled "*A Bill to remove doubts as to the meaning of the word "Owners" in "The Legislative Council Act 1881,*" and moved, That it be now read a first time.  
Question—put and resolved in the affirmative.—Bill read a first time, ordered to be printed, and read a second time Tuesday, 25<sup>th</sup> October instant.
5. PAPERS.—The Honorable H. Cuthbert presented, by command of His Excellency the Governor—  
Typhoid Fever.—Report by the Central Board of Health.  
Letters Posted in Victoria for New Guinea.—Order in Council.  
Severally ordered to lie on the Table.  
The Honorable H. Cuthbert presented, pursuant to Act of Parliament—  
Defence Department.—Statement of Expenditure. Special Appropriation Act No. 777, section 7, and Appropriation Act No. 895, Financial Year 1886-7.  
Public Accounts.—General Regulations respecting—New Clause substituted for Clause 65.  
Public Accounts.—General Regulations respecting—Addition to Regulation No. 29.  
Severally ordered to lie on the Table.
6. NEGLECTED CHILDREN LAW AMENDMENT BILL.—The Order of the Day for the further consideration of this Bill in Committee of the whole Council having been read—The President left the Chair, and the Council resolved itself into a Committee of the whole for the further consideration thereof.  
The President resumed the Chair; and the Honorable Dr. Dobson reported that the Committee had made progress in the Bill, and that he was directed to move that the Committee may have leave to sit again.  
Resolved—That the Council will, to-morrow, again resolve itself into the said Committee.
7. 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 Juries Statute 1876,'*" and acquaint the Legislative Council that the Legislative Assembly have agreed to the amendments made in such Bill by the Legislative Council.

8. 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 reduce the Rent payable to the Crown on small areas held under 'The Mining on Private Property Act 1884,'*" with which they desire the concurrence of the Legislative Council.

M. H. DAVIES,  
Speaker.

Legislative Assembly Chamber,  
Melbourne, 18th October, 1887.

9. MINING RENTS BILL.—The Honorable James Bell moved, That the Bill transmitted by the above Message intituled "*An Act to reduce the Rent payable to the Crown on small areas held under 'The Mining on Private Property Act 1884,'*" be now read a first time.

Question—put and resolved in the affirmative.—Bill read a first time, ordered to be printed, and read a second time Tuesday, 25th October instant.

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

MR. PRESIDENT—

The Legislative Assembly transmit to the Legislative Council a Bill intituled "*An Act to repeal an Act intituled 'An Act to provide for the registration of Imported Stock,'*" with which they desire the concurrence of the Legislative Council.

M. H. DAVIES,  
Speaker.

Legislative Assembly Chamber,  
Melbourne, 18th October, 1887.

11. REGISTRATION OF IMPORTED STOCK ACT REPEAL BILL.—The Honorable H. Cuthbert moved, That the Bill transmitted by the above Message intituled "*An Act to repeal an Act intituled 'An Act to provide for the registration of Imported Stock,'*" be now read a first time.

Question—put and resolved in the affirmative.—Bill read a first time, ordered to be printed, and read a second time Tuesday, 25th October instant.

12. POSTPONEMENT OF ORDERS OF THE DAY.—The Council ordered that the consideration of the following Orders of the Day be postponed until to-morrow :—

*Juvenile Offenders Law Amendment Bill.—To be read a second time.*

*Justices of the Peace Law Amendment Bill.—To be further considered in Committee.*

*Regulation of Mines and Machinery Act Amendment Bill.—To be read a second time.*

*County Court Statute 1869 Amendment Bill.—To be read a second time.*

*Controverted Elections (Council) Law Amendment Bill.—To be further considered in Committee.*

*Legislative Council Act 1881 further Amendment Bill.—To be read a second time.*

The Council adjourned at ten minutes past ten o'clock, until to-morrow, at half-past four o'clock.

JOHN BARKER,  
Clerk of the Legislative Council.

VICTORIA.

No. 22.

# Minutes of the Proceedings

OF THE

## LEGISLATIVE COUNCIL.

WEDNESDAY, 19<sup>TH</sup> OCTOBER, 1887.

1. The Council met in accordance with adjournment.
2. The President took the Chair.
3. The President read the Prayer.
4. PAPERS.—The Honorable H. Cuthbert presented, pursuant to Act of Parliament—  
Centennial International Exhibition, Melbourne, 1888—First Report of the Proceedings of the Commissioners, together with a Statement of Accounts.  
Supreme Court—Rules for the admission of Barristers and Attorneys.  
Severally ordered to lie on the Table.  
The Honorable H. Cuthbert presented—  
Nelson's Royal Reader—Alterations in.—Return to an Order of the Legislative Council, dated 5th October instant, for a Return showing the alterations made in the new (1887) edition of Nelson's Royal Reader; such Return to exhibit the excised portions and the new matter.  
Ordered to lie on the Table.
5. NEGLECTED CHILDREN LAW AMENDMENT BILL.—The Order of the Day for the further consideration of this Bill in Committee of the whole Council having been read—The President left the Chair, and the Council resolved itself into a Committee of the whole for the further consideration thereof.  
The President resumed the Chair; and the Honorable Dr. Dobson reported that the Committee had made progress in the Bill, and that he was directed to move that the Committee may have leave to sit again.  
Resolved—That the Council will, to-morrow, again resolve itself into the said Committee.
6. POSTPONEMENT OF ORDERS OF THE DAY.—The Council ordered that the consideration of the following Orders of the Day be postponed as under :—  
*Juvenile Offenders Law Amendment Bill.—To be read a second time.*  
*Justices of the Peace Law Amendment Bill.—To be further considered in Committee; until to-morrow.*  
*Regulation of Mines and Machinery Act Amendment Bill.—To be read a second time.*  
*County Court Statute 1869 Amendment Bill.—To be read a second time.*  
*Controverted Elections (Council) Law Amendment Bill.—To be further considered in Committee.*  
*Legislative Council Act 1881 further Amendment Bill.—To be read a second time; until Wednesday, 26th October instant.*
7. SWIVEL GUN BILL.—The Honorable H. Cuthbert moved, by leave, That he have leave to bring in a Bill to further amend an Act intituled "*An Act to Protect Game.*"  
Question—put and resolved in the affirmative.  
Ordered—That the Honorable H. Cuthbert do prepare and bring in the Bill.  
The Honorable H. Cuthbert then brought up a Bill intituled "*A Bill to further amend An Act 'intituled 'An Act to Protect Game,'*" and moved, That it be now read a first time.  
Question—put and resolved in the affirmative.—Bill read a first time, ordered to be printed, and read a second time Wednesday, 26th October instant.

The Council adjourned at two minutes past ten o'clock, until to-morrow, at half-past four o'clock.

JOHN BARKER,  
*Clerk of the Legislative Council.*

PHYSICS

PHYSICS 101

PHYSICS

PHYSICS 102

PHYSICS 103

PHYSICS 104

PHYSICS 105

PHYSICS 106

PHYSICS 107

PHYSICS 108

PHYSICS 109

PHYSICS 110

PHYSICS 111

PHYSICS 112

VICTORIA.

No. 23.

# Minutes of the Proceedings

OF THE

## LEGISLATIVE COUNCIL.

THURSDAY, 20<sup>TH</sup> OCTOBER, 1887.

1. The Council met in accordance with adjournment.
2. The President took the Chair.
3. The President read the Prayer.
4. CODIFICATION OF LAWS COMMITTEE.—The Honorable Lieut.-Col. Sargood, on behalf of the Honorable W. E. Hearn, brought up the Report from this Committee.  
Ordered to lie on the Table, to be printed, and taken into consideration Tuesday, 25th October instant.
5. PAPER.—The Honorable H. Cuthbert presented, by command of His Excellency the Governor—  
Royal Commission on Banking Laws—Further Report of the Royal Commission submitting Draft Bills for consideration.  
Ordered to lie on the Table.
6. NEGLECTED CHILDREN LAW AMENDMENT BILL.—The Order of the Day for the further consideration of this Bill in Committee of the whole Council having been read—The President left the Chair, and the Council resolved itself into a Committee of the whole for the further consideration thereof.  
The President resumed the Chair; and the Honorable Dr. Dobson reported that the Committee had made progress in the Bill, and that he was directed to move that the Committee may have leave to sit again.  
Resolved—That the Council will, on Tuesday, 25th October instant, again resolve itself into the said Committee.
7. POSTPONEMENT OF ORDERS OF THE DAY.—The Council ordered that the consideration of the following Orders of the Day be postponed until Tuesday, 25th October instant :—  
*Juvenile Offenders Law Amendment Bill.—To be read a second time.*  
*Justices of the Peace Law Amendment Bill.—To be further considered in Committee.*

The Council adjourned at eight minutes past six o'clock, until Tuesday next, at half-past four o'clock.

JOHN BARKER,  
*Clerk of the Legislative Council.*





VICTORIA.

No. 24.

# Minutes of the Proceedings

OF THE

## LEGISLATIVE COUNCIL.

TUESDAY, 25<sup>TH</sup> OCTOBER, 1887.

1. The Council met in accordance with adjournment.
2. The President took the Chair.
3. The President read the Prayer.
4. RETURN TO WRIT.—The President announced to the Council that he had received a return to the Writ he had issued for the election of a Member to serve in the Legislative Council for the Southern Province, in the room of the Honorable T. Henty, deceased, from which it appeared that Charles Henry James, gentleman, had been elected in pursuance thereof.
5. MESSAGE FROM HIS EXCELLENCY THE GOVERNOR.—The following Message from His Excellency the Governor was presented by the Honorable Sir J. Lorimer, and the same was read, and is as follows :—

HENRY B. LOCH,  
*Governor.*

*Message No. .*

The Governor informs the Legislative Council that he has, on this day, at the Government Offices, given the Royal Assent to the undermentioned Act of the present Session, presented to him by the Clerk of the Parliaments, viz. :—

“*An Act to amend the Juries Statute 1876.*”

Government Offices,  
Melbourne, 24<sup>th</sup> October, 1887.

Ordered to lie on the table.

6. NEW MEMBER.—The Honorable Charles Henry James, being introduced, took and subscribed the oath required by the 32<sup>nd</sup> clause of the Constitution Act, and delivered to the Clerk the declaration required by the 13<sup>th</sup> clause of the Act No. 702, as hereunder set forth :—

“In compliance with the provisions of the Act 45 Victoria, No. 702, I, CHARLES HENRY JAMES, do declare and testify that I am legally or equitably seised of or entitled to an estate of freehold for my own use and benefit in lands or tenements in the colony of Victoria of the yearly value of Two thousand four hundred pounds above all charges and incumbrances affecting the same, other than any public or parliamentary tax or municipal or other rate or assessment ; and further, that such lands or tenements are situated in the municipal district of Heidelberg, and are known as The Rosanna Estate.

“And I further declare that such of the said lands or tenements as are situate in the municipal district of Heidelberg are rated in the rate-book of such district upon a yearly value of £2400.

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

“CHAS. H. JAMES.”

7. PAPERS.—The Honorable H. Cuthbert presented, pursuant to Act of Parliament—  
Yan Yean Water Supply—Cash Statement from 1<sup>st</sup> July, 1886 to 30<sup>th</sup> June, 1887, and  
Balance Sheet to 30<sup>th</sup> June, 1887.  
Melbourne Harbour Trust—The Accounts of the—For the quarter ended 31<sup>st</sup> March, 1887.  
Severally ordered to lie on the Table.

8. MEMORIAL.—The Honorable S. Fraser presented a Memorial from certain European colonists of Fiji representing all classes and all interests, praying—  
 (1.) That the Council would give the Memorial favourable consideration.  
 (2.) That the Council would approve and support the proposal contained in the Memorial, and, by the Council's powerful representation to the Imperial Government, assist the Memorialists in their endeavour to obtain the incorporation of Fiji with Victoria.  
 Memorial read by the Clerk and ordered to lie on the Table and to be printed.
9. LEGISLATIVE COUNCIL ACT 1881 REMOVAL OF DOUBTS BILL.—The Honorable H. Cuthbert moved, That this Bill be now read a second time.  
 Debate ensued.  
 Question—put and resolved in the affirmative.—Bill read a second time.  
 The Honorable H. Cuthbert moved, That this Bill be now committed to a Committee of the whole Council.  
 Question—put and resolved in the affirmative.  
 And, on the further motion of the Honorable H. Cuthbert, the President left the Chair, and the Council resolved itself into a Committee of the whole for the consideration of this Bill.  
 The President resumed the Chair; and the Honorable Dr. Dobson reported that the Committee had made progress in the Bill, and that he was directed to move that the Committee may have leave to sit again.  
 Resolved—That the Council will, on Tuesday, 1st November next, again resolve itself into the said Committee.
10. 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 Waterworks Act 1880,' and for other purposes.*" with which they desire the concurrence of the Legislative Council.  
 M. H. DAVIES,  
 Speaker.  
 Legislative Assembly Chamber,  
 Melbourne, 20th October, 1887.
11. BALLARAT WATERWORKS BILL.—The Honorable H. Cuthbert moved, That the Bill transmitted by the above Message, intituled "*An Act to further amend 'The Waterworks Act 1880,' and for other purposes,*" be now read a first time.  
 Question—put and resolved in the affirmative.—Bill read a first time, ordered to be printed, and read a second time Tuesday, 1st November next.
12. 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 give effect in Victoria to Probates and Letters of Administration granted in the United Kingdom or any of the other Australasian Colonies,*" with which they desire the concurrence of the Legislative Council.  
 M. H. DAVIES,  
 Speaker.  
 Legislative Assembly Chamber,  
 Melbourne, 25th October, 1887.
13. PROBATE ACT 1886 AMENDMENT BILL.—The Honorable Lt.-Col. Sargood moved, That the Bill transmitted by the above Message intituled "*An Act to give effect in Victoria to Probates and Letters of Administration granted in the United Kingdom or any of the other Australasian Colonies*" be now read a first time.  
 Question—put and resolved in the affirmative.—Bill read a first time, ordered to be printed, and read a second time Wednesday, 2nd November next.
14. MINING RENTS BILL.—The Honorable James Bell moved, That this Bill be now read a second time.  
 Question—put and resolved in the affirmative.—Bill read a second time.  
 The Honorable James Bell moved, That this Bill be now committed to a Committee of the whole Council.  
 Question—put and resolved in the affirmative.  
 And, on the further motion of the Honorable James Bell, the President left the Chair, and the Council resolved itself into a Committee of the whole for the consideration of this Bill.  
 The President resumed the Chair; and the Honorable Dr. Dobson having reported that the Committee had gone through the Bill, and agreed to the same without amendment, the Council ordered the same to be taken into consideration this day.  
 On the motion of the Honorable James Bell, the Council adopted the Report from the Committee of the whole on this 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—Bill, on the motion of the Honorable James Bell, read a third time and *passed*.  
 The Honorable James Bell moved, That the following be the title of the Bill:—"*An Act to reduce the Rent payable to the Crown on small areas held under 'The Mining on Private Property Act 1884.'*"  
 Question—put and resolved in the affirmative.  
 Ordered—That a Message be transmitted to the Legislative Assembly acquainting them that the Council have agreed to the Bill without amendment.

15. REGISTRATION OF IMPORTED STOCK ACT REPEAL BILL.—The Honorable H. Cuthbert moved, That this Bill be now read a second time.

Debate ensued.

Question—put and resolved in the affirmative.—Bill read a second time.

The Honorable H. Cuthbert moved, That this Bill be now committed to a Committee of the whole Council.

Question—put and resolved in the affirmative.

And, on the further motion of the Honorable H. Cuthbert, the President left the Chair, and the Council resolved itself into a Committee of the whole for the consideration of this Bill.

The President resumed the Chair; and the Honorable Dr. Dobson having reported that the Committee had gone through the Bill, and agreed to the same without amendment, the Council ordered the same to be taken into consideration this day.

On the motion of the Honorable H. Cuthbert, the Council adopted the Report from the Committee of the whole on this 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—Bill, on the motion of the Honorable H. Cuthbert, read a third time and *passed*.

The Honorable H. Cuthbert moved, That the following be the title of the Bill:—“*An Act to repeal an Act intituled ‘An Act to provide for the Registration of Imported Stock.’*”

Question—put and resolved in the affirmative.

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

16. NEGLECTED CHILDREN LAW AMENDMENT BILL.—The Order of the Day for the further consideration of this Bill in Committee of the whole Council having been read—The President left the Chair, and the Council resolved itself into a Committee of the whole for the further consideration thereof.

The President resumed the Chair; and the Honorable Dr. Dobson reported that the Committee had gone through the Bill and agreed to the same with amendments.

The Honorable James Bell moved, That this Bill be re-committed to a Committee of the whole Council for re-consideration of clauses 7, 10, 12, 18, 21, 22, 23, 24, 26, 43, 46, 50, 60, 65, and 84.

Question—put and resolved in the affirmative.

And, on the further motion of the Honorable James Bell, the President left the Chair, and the Council resolved itself into a Committee of the whole for the re-consideration of clauses 7, 10, 12, 18, 21, 22, 23, 24, 26, 43, 46, 50, 60, 65, and 84, of this Bill.

The President resumed the Chair; and the Honorable Dr. Dobson having reported that the Committee had agreed to the Bill with further amendments, the Council ordered the same to be taken into consideration Tuesday, 1st November next; Bill as further amended to be printed.

17. POSTPONEMENT OF ORDERS OF THE DAY.—The Council ordered that the consideration of the following Orders of the Day be postponed until to-morrow:—

*Juvenile Offenders Law Amendment Bill.—To be read a second time.*

*Justices of the Peace Law Amendment Bill.—To be further considered in Committee.*

*Codification of Laws.—Consideration of Report from Joint Select Committee.*

The Council adjourned at five minutes past eleven o'clock, until to-morrow at half-past four o'clock.

JOHN BARKER,  
Clerk of the Legislative Council.



No. 25.

# Minutes of the Proceedings

OF THE

## LEGISLATIVE COUNCIL.

WEDNESDAY, 26TH OCTOBER, 1887.

1. The Council met in accordance with adjournment.
2. The President took the Chair.
3. The President read the Prayer.
4. PAPER.—The Honorable H. Cuthbert presented, by command of His Excellency the Governor—  
Colonial and Indian Exhibition 1885–86—Report of the Royal Commission for Victoria  
at the—  
Ordered to lie on the Table.
5. COMPANIES STATUTE 1864 FURTHER AMENDMENT BILL.—The Honorable Sir J. Lorimer moved, pursuant to notice, That he have leave to bring in a Bill to further amend "*The Companies Statute 1864.*"  
Question—put and resolved in the affirmative.  
Ordered—That The Honorable Sir J. Lorimer do prepare and bring in the Bill.  
The Honorable Sir J. Lorimer then brought up a Bill intituled "*A Bill to further amend 'The Companies Statute 1864,'*" and moved, That it be now read a first time.  
Question—put and resolved in the affirmative.—Bill read a first time, ordered to be printed, and read a second time Wednesday, 2nd November next.
6. BANKS AND CURRENCY STATUTE 1864 AMENDMENT BILL.—The Honorable Sir J. Lorimer moved, pursuant to notice, That he have leave to bring in a Bill to amend "*The Banks and Currency Statute 1864.*"  
Question—put and resolved in the affirmative.  
Ordered—That the Honorable Sir J. Lorimer do prepare and bring in the Bill.  
The Honorable Sir J. Lorimer then brought up a Bill intituled "*A Bill to amend The Banks and Currency Statute 1864,*" and moved, That it be now read a first time.  
Question—put and resolved in the affirmative.—Bill read a first time, ordered to be printed, and read a second time Wednesday, 2nd November next.
7. NELSON'S ROYAL READERS.—The Honorable Jas. Balfour moved, pursuant to *amended* notice, That the Return regarding the excisions from Nelson's Royal Readers, Nos. 5 and 6, be printed.  
Question—put and resolved in the affirmative.
8. REGULATION OF MINES AND MACHINERY ACT AMENDMENT BILL.—The Honorable W. P. Simpson moved, That this Bill be now read a second time.  
Question—put and resolved in the affirmative.—Bill read a second time.  
The Honorable W. P. Simpson moved, That this Bill be now committed to a Committee of the whole Council.  
Question—put and resolved in the affirmative.  
And, on the further motion of the Honorable W. P. Simpson, the President left the Chair, and the Council resolved itself into a Committee of the whole for the consideration of this Bill.  
The President resumed the Chair; and the Honorable Dr. Dobson having reported that the Committee had gone through the Bill, and agreed to the same without amendment, the Council ordered the same to be taken into consideration this day.  
On the motion of the Honorable W. P. Simpson, the Council adopted the Report from the Committee of the whole on this 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—Bill, on the motion of the Honorable W. P. Simpson, read a third time and *passed*.

The Honorable W. P. Simpson moved, That the following be the title of the Bill :—“ *An Act to enable persons charged with Offences against ‘The Regulation of Mines and Mining Machinery Act ‘1883’ and Act Amending the same to give evidence on their own behalf.*”

Question—put and resolved in the affirmative.

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

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

MR. PRESIDENT—

The Legislative Assembly transmit to the Legislative Council a Bill intituled “ *An Act to apply out of the Consolidated Revenue the sum of One million four hundred and twenty-two thousand five hundred pounds to the service of the year One thousand eight hundred and eighty-seven and eight,*” with which they desire the concurrence of the Legislative Council.

Legislative Assembly Chamber,  
Melbourne, 25th October, 1887.

M. H. DAVIES,  
Speaker.

10. CONSOLIDATED REVENUE BILL (2).—The Honorable H. Cuthbert moved, That the Bill transmitted by the above Message, intituled “ *An Act to apply out of the Consolidated Revenue the sum of One million four hundred and twenty-two thousand five hundred pounds to the service of the year One thousand eight hundred and eighty-seven and eight,*” be now read a first time.

Question—put and resolved in the affirmative.—Bill read a first time, ordered to be printed, and read a second time this day.

11. COUNTY COURT STATUTE 1869 AMENDMENT BILL. — The Honorable Lieut.-Col. Sargood moved, That this Bill be now read a second time.

Question—put and resolved in the affirmative.—Bill read a second time.

The Honorable Lieut.-Col. Sargood moved, That this Bill be now committed to a Committee of the whole Council.

Question—put and resolved in the affirmative.

And, on the further motion of the Honorable Lieut.-Col. Sargood, the President left the Chair, and the Council resolved itself into a Committee of the whole for the consideration of this Bill.

The President resumed the Chair; and the Honorable Dr. Dobson reported that the Committee had made progress in the Bill, and that he was directed to move that the Committee may have leave to sit again.

Resolved—That the Council will, on Wednesday, 2nd November next, again resolve itself into the said Committee.

12. CONTROVERTED ELECTIONS (COUNCIL) LAW AMENDMENT BILL.—PRIVILEGE.—The Order of the Day for the further consideration in Committee of the whole Council of the Controverted Elections (Council) Law Amendment Bill having been read, the Honorable J. Buchanan raised a question that, as, in his opinion, it was proposed by the Bill to alter the Constitution of the Council, the second reading of the Bill ought to have been carried by an absolute majority of the members of the Council, and—

Debate having taken place,

The President stated that, in his opinion, it is not proposed by the Bill to make an alteration in the Constitution of the Council, but to amend *The Electoral Act 1856* by substituting another tribunal for the trial of disputed Elections.

The President then left the Chair, and the Council resolved itself into a Committee of the whole for the further consideration thereof.

The President resumed the Chair; and the Honorable Dr. Dobson reported that the Committee had made progress in the Bill, and that he was directed to move that the Committee may have leave to sit again.

Resolved—That the Council will, on Wednesday, 9th November next, again resolve itself into the said Committee.

13. CONSOLIDATED REVENUE BILL (2).—The Honorable H. Cuthbert moved, That this Bill be now read a second time.

Question—put and resolved in the affirmative.—Bill read a second time.

The Honorable H. Cuthbert moved, That this Bill be now committed to a Committee of the whole Council.

Question—put and resolved in the affirmative.

And, on the further motion of the Honorable H. Cuthbert, the President left the Chair, and the Council resolved itself into a Committee of the whole for the consideration of this Bill.

The President resumed the Chair; and the Honorable Dr. Dobson having reported that the Committee had gone through the Bill, and agreed to the same without amendment, the Council ordered the same to be taken into consideration this day.

On the motion of the Honorable H. Cuthbert, the Council adopted the Report from the Committee of the whole on this 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—Bill, on the motion of the Honorable H. Cuthbert, read a third time and *passed*.

The Honorable H. Cuthbert moved, That the following be the title of the Bill :—“*An Act to apply out of the Consolidated Revenue the sum of One million four hundred and twenty-two thousand five hundred pounds to the service of the year One thousand eight hundred and eighty-seven and eight.*”

Question—put and resolved in the affirmative.

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

14. THE SWIVEL GUN BILL.—The Honorable H. Cuthbert moved, That this Bill be now read a second time.

Question—put and resolved in the affirmative.—Bill read a second time.

The Honorable H. Cuthbert moved, That this Bill be now committed to a Committee of the whole Council.

Question—put and resolved in the affirmative.

And, on the further motion of the Honorable H. Cuthbert, the President left the Chair, and the Council resolved itself into a Committee of the whole for the consideration of this Bill.

The President resumed the Chair; and the Honorable Dr. Dobson having reported that the Committee had gone through the Bill and agreed to the same without amendment, the Council ordered the same to be taken into consideration this day.

On the motion of the Honorable H. Cuthbert, the Council adopted the Report from the Committee of the whole on this 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—Bill, on the motion of the Honorable H. Cuthbert, read a third time and *passed*.

The Honorable H. Cuthbert moved, That the following be the title of the Bill:—“*An Act to further amend an Act intituled ‘An Act to protect Game.’*”

Question—put and resolved in the affirmative.

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

15. POSTPONEMENT OF ORDERS OF THE DAY.—The Council ordered that the consideration of the following Orders of the Day be postponed as under :—

*Legislative Council Act 1881 Further Amendment Bill.—To be read a second time—until Wednesday, 9th November next.*

*Juvenile Offenders Law Amendment Bill.—To be read a second time.*

*Justices of the Peace Law Amendment Bill.—To be further considered in Committee.*

*Codification of Laws.—Consideration of Report from Joint Select Committee—until Wednesday, 2nd November next.*

16. STANDING ORDERS COMMITTEE.—The Honorable Lieut.-Col. Sargood moved, by leave, That the Standing Orders Committee have leave to meet to-morrow, notwithstanding the adjournment of the Council.

Question—put and resolved in the affirmative.

17. ADJOURNMENT.—The Honorable H. Cuthbert moved, by leave, That the Council at its rising adjourn until Wednesday, 2nd November next.

Question—put and resolved in the affirmative.

The Council adjourned at eleven minutes to ten o'clock until Wednesday next, at half-past four o'clock.

JOHN BARKER,  
*Clerk of the Legislative Council.*





# Minutes of the Proceedings

OF THE

## LEGISLATIVE COUNCIL.

WEDNESDAY, 2ND NOVEMBER, 1887.

1. The Council met in accordance with adjournment.
2. The President took the Chair.
3. The President read the Prayer.
4. 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 confer powers upon the National Trustees, Executors, and Agency Company of Australasia Limited,*" with which they desire the concurrence of the Legislative Council.

M. H. DAVIES,  
Speaker.

Legislative Assembly Chamber,  
Melbourne, 2nd November, 1887.

5. NATIONAL TRUSTEES, EXECUTORS, AND AGENCY COMPANY BILL.—The Honorable Henry Cuthbert moved, That the Bill transmitted by the above Message, intituled "*An Act to confer powers upon the National Trustees, Executors, and Agency Company of Australasia Limited,*" be now read a first time.  
Question—put and resolved in the affirmative.—Bill read a first time, ordered to be read a second time Wednesday, 9th November instant.

6. 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 adapt and assimilate the Trusts of Wesleyan Church Properties to the present Constitution of such Church in Victoria, and for other collateral purposes,*" with which they desire the concurrence of the Legislative Council.

M. H. DAVIES,  
Speaker.

Legislative Assembly Chamber,  
Melbourne, 2nd November, 1887.

7. WESLEYAN CHURCH PROPERTIES BILL.—The Honorable James Balfour moved, That the Bill transmitted by the above Message, intituled "*An Act to adapt and assimilate the Trusts of Wesleyan Church Properties to the present Constitution of such Church in Victoria, and for other collateral purposes,*" be now read a first time.  
Question—put and resolved in the affirmative.—Bill read a first time, ordered to be read a second time Wednesday, 9th November instant.

8. MESSAGE FROM HIS EXCELLENCY THE GOVERNOR.—The following Message from His Excellency the Governor was presented by the Honorable Sir James Lorimer, and the same was read and is as follows:—

HENRY B. LOCH,  
Governor.

Message.

The Governor informs the Legislative Council that he has, on this day, at the Government Offices, given the Royal Assent to the undermentioned Acts of the present Session, presented to him by the Clerk of the Parliaments, viz.:—

"*An Act to reduce the Rent payable to the Crown on small areas held under 'The Mining on Private Property Act 1884.'*"

- “An Act to repeal an Act intituled an Act to provide for the Registration of Imported Stock.”  
 “An Act to enable persons charged with offences against ‘The Regulation of Mines and  
 “Mining Machinery Act 1883,’ and Act amending the same, to give evidence on their  
 “own behalf.”  
 “An Act to apply out of the Consolidated Revenue the sum of One million four hundred  
 “and twenty-two thousand five hundred pounds to the service of the year One thousand  
 “eight hundred and eighty-seven and eight.”

Government Offices,  
 Melbourne, 28th October, 1887.

Ordered to lie on the table.

9. PROBATE ACT 1886 AMENDMENT BILL.—The Honorable Lieut.-Col. Sargood moved, That this Bill be now read a second time.  
 Debate ensued.  
 Question—put and resolved in the affirmative.—Bill read a second time.  
 The Honorable Lieut.-Col. Sargood moved, That this Bill be now committed to a Committee of the whole Council.  
 Question—put and resolved in the affirmative.  
 And, on the further motion of the Honorable Lieut.-Col. Sargood, the President left the Chair, and the Council resolved itself into a Committee of the whole for the consideration of this Bill.  
 The President resumed the Chair; and the Honorable Dr. Dobson having reported that the Committee had gone through the Bill, and agreed to the same without amendment, the Council ordered the same to be taken into consideration this day.  
 On the motion of the Honorable Lieut.-Col. Sargood, the Council adopted the Report from the Committee of the whole on this Bill.  
 The President having reported that the Chairman of Committees had certified that the fair print of the Bill was in accordance with the Bill as reported—Bill, on the motion of the Honorable Lieut.-Col. Sargood, read a third time, and *passed*.  
 The Honorable Lieut.-Col. Sargood moved, That the following be the title of the Bill:—“An Act to give effect in Victoria to Probates and Letters of Administration granted in the United Kingdom, or any of the other Australasian Colonies.”  
 Question—put and resolved in the affirmative.  
 Ordered—That a Message be transmitted to the Legislative Assembly acquainting them that the Council have agreed to the Bill without amendment.
10. DISCHARGE OF ORDERS OF THE DAY.—The Council ordered that the following Orders of the Day be read and discharged:—  
*Banks and Currency Statute 1864 Amendment Bill—To be read a second time.*  
*Companies Statute 1864 Further Amendment Bill—To be read a second time.*  
 Ordered—That the Bills be withdrawn.
11. COUNTY COURT STATUTE 1869 AMENDMENT BILL.—The Order of the Day for the further consideration of this Bill in Committee of the whole Council having been read—The President left the Chair, and the Council resolved itself into a Committee of the whole for the further consideration thereof.  
 The President resumed the Chair; and the Honorable Dr. Dobson reported that the Committee had made progress in the Bill, and that he was directed to move that the Committee may have leave to sit again.  
 Resolved—That the Council will, on Tuesday, 8th November instant, again resolve itself into the said Committee.
12. JUVENILE OFFENDERS LAW AMENDMENT BILL.—The Honorable H. Cuthbert moved, That this Bill be now read a second time.  
 Debate ensued.  
 Question—put and resolved in the affirmative.—Bill read a second time.  
 The Honorable H. Cuthbert moved, That this Bill be now committed to a Committee of the whole Council.  
 Question—put and resolved in the affirmative.  
 And, on the further motion of the Honorable H. Cuthbert, the President left the Chair, and the Council resolved itself into a Committee of the whole for the consideration of this Bill.  
 The President resumed the Chair; and the Honorable Dr. Dobson reported that the Committee had made progress in the Bill, and that he was directed to move that the Committee may have leave to sit again.  
 Resolved—That the Council will, to-morrow, again resolve itself into the said Committee.
13. POSTPONEMENT OF ORDERS OF THE DAY.—The Council ordered that the consideration of the following Orders of the Day be postponed until to-morrow:—  
*Justices of the Peace Law Amendment Bill.—To be further considered in Committee.*  
*Codification of Laws.—Consideration of Report from Joint Select Committee.*  
*Legislative Council Act 1881 Removal of Doubts Bill.—To be further considered in Committee.*  
*Ballarat Waterworks Bill.—To be read a second time.*  
*Neglected Children Law Amendment Bill.—Adoption of Report.*

The Council adjourned at quarter to ten o'clock, until to-morrow at half-past four o'clock.

JOHN BARKER,  
 Clerk of the Legislative Council.

# Minutes of the Proceedings

OF THE

## LEGISLATIVE COUNCIL.

THURSDAY, 3RD NOVEMBER, 1887.

1. The Council met in accordance with adjournment.
2. The President took the Chair.
3. The President read the prayer.
4. **WESLEYAN CHURCH PROPERTIES BILL.**—The Honorable James Balfour produced to the Council a certificate, signed by the proper officer, that the sum of £20 had been paid into the hands of the Treasurer, for the public uses of the colony, to meet the expenses of the Wesleyan Church Properties Bill.
5. **WESLEYAN CHURCH PROPERTIES BILL.**—The Honorable J. Balfour, moved, by leave, 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 that House, to which was referred "The Wesleyan Church Properties Bill."  
Question—put and resolved in the affirmative.
6. **PAPER.**—The Honorable H. Cuthbert presented, pursuant to Act of Parliament—  
Shire of Wimmera Waterworks Trust.—Detailed Statement and Report.  
Ordered to lie on the Table.
7. **JUVENILE OFFENDERS LAW AMENDMENT BILL.**—The Order of the Day for the further consideration of this Bill in Committee of the whole Council having been read—The President left the Chair, and the Council resolved itself into a Committee of the whole for the further consideration thereof.  
The President resumed the Chair; and The Honorable Dr. Dobson reported that the Committee had made progress in the Bill, and that he was directed to move that the Committee may have leave to sit again.  
Resolved—That the Council will, on Tuesday, 8th November instant, again resolve itself into the said Committee.
8. **POSTPONEMENT OF ORDERS OF THE DAY.**—The Council ordered that the consideration of the following Orders of the Day be postponed until Tuesday, 8th November instant :—  
*Justices of the Peace Law Amendment Bill.*—To be further considered in Committee.  
*Legislative Council Act 1881 Removal of Doubts Bill.*—To be further considered in Committee.  
*Neglected Children Law Amendment Bill.*—Adoption of Report.  
*Codification of Laws.*—Consideration of Report from Joint Select Committee.  
*Ballarat Waterworks Bill.*—To be read a second time.

The Council adjourned at one minute to seven o'clock until Tuesday next, at half-past four o'clock.

JOHN BARKER,  
Clerk of the Legislative Council.



VICTORIA.

No. 28.

Minutes of the Proceedings

OF THE

LEGISLATIVE COUNCIL.

TUESDAY, 8TH NOVEMBER, 1887.

1. The Council met in accordance with adjournment.
2. The President took the Chair.
3. The President read the Prayer.
4. RETURN TO WRIT.—The President announced to the Council that he had received a return to the Writ he had issued for the election of a Member to serve in the Legislative Council for the North Yarra Province, in the room of the Honorable F. E. Beaver, deceased, from which it appeared that George Le Fevre had been elected in pursuance thereof.
5. NATIONAL TRUSTEES, EXECUTORS, AND AGENCY COMPANY BILL.—The Honorable Lieut.-Colonel Sargood produced to the Council a certificate signed by the proper officer that the sum of £20 had been paid into the hands of the Treasurer for the public uses of the colony to meet the expenses of the National Trustees, Executors, and Agency Company Bill.
6. NATIONAL TRUSTEES, EXECUTORS, AND AGENCY COMPANY BILL.—The Honorable Lieut.-Colonel Sargood moved, by leave, 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 that House to which "*The National Trustees, Executors, and Agency Company Bill*" was referred during the present session of Parliament.

Question—put and resolved in the affirmative.

7. NEW MEMBER.—The Honorable George Le Fevre, being introduced, took and subscribed the Oath required by the 32nd Clause of the Constitution Act, and delivered to the Clerk the declaration required by the 13th Clause of the Act No. 702, as hereunder set forth:—

"In compliance with the provisions of the Act 45 Victoria, No. 702, I, GEORGE LE FEVRE, of Collins street, Melbourne, M.D. and Surgeon, do declare and testify that I am legally or equitably seised of or entitled to an estate of freehold for my own use and benefit in lands or tenements in the colony of Victoria of the yearly value of One hundred and fifteen pounds above all charges and incumbrances affecting the same, other than any public or parliamentary tax or municipal or other rate or assessment; and further, that such lands or tenements are situated in the municipal district of Brunswick, and are known as "Camla," and situated upon the east side of Harrison street, Brunswick aforesaid, and containing about seven acres.

"And I further declare that such of the said lands or tenements as are situate in the municipal district of Brunswick are rated in the rate-book of such district upon a yearly value of One hundred and fifteen pounds.

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

"GEO. LE FEVRE."

8. PAPERS.—The Honorable H. Cuthbert presented, by command of His Excellency the Governor—  
Statistical Register of the Colony of Victoria for the year 1886—Part IV.—Vital Statistics, &c.  
Ordered to lie on the Table.
- The Honorable H. Cuthbert presented, pursuant to Act of Parliament—  
Wimmera United Waterworks Trust—Additional Loan for £22,000—Detailed Statement and Report.  
Shire of Romsey Waterworks Trust—Additional Loan of £700—Detailed Statement and Report.  
Shire of Bacchus Marsh Waterworks Trust—Additional Loan of £2000—Detailed Statement and Report.  
Nagambie Waterworks Trusts—Additional Loan of £200—Detailed Statement and Report.  
Severally ordered to lie on the Table.
9. MESSAGE FROM HIS EXCELLENCY THE GOVERNOR.—The following Message from His Excellency the Governor was presented by the Honorable Sir J. Lorimer, and the same was read, and is as follows :—
- HENRY B. LOCH,  
*Governor.* *Message.*
- The Governor informs the Legislative Council that he has, on this day, at the Government Offices, given the Royal Assent to the undermentioned Act of the present Session, presented to him by the Clerk of the Parliaments, viz. :—
- “An Act to give effect in Victoria to Probates and Letters of Administration granted in the United Kingdom or any of the other Australasian colonies.”*
- Government Offices.  
Melbourne, 8th November, 1887.  
Ordered to lie on the Table.
10. VOTERS FOR LEGISLATIVE COUNCIL HOLDING RESIDENCE AREAS UNDER MINER'S RIGHT.—The Honorable Lt.-Col. Sargood moved, by leave, That there be laid on the Table of the Council a Return showing—
- (1.) The number of Miners in each Province holding Residence Areas under Miners' Rights.
  - (2.) The number of such in each Province who have applied to be placed on the Council Roll as Leaseholders.
  - (3.) The number of such in each Province who have applied to be placed on the Council Roll as “Owners.”
  - (4.) The number of such “Leaseholders” in each Province who voted at the last election for their respective Provinces.
  - (5.) The number of such “Owners” in each Province who voted at the last election for their respective Provinces.
  - (6.) The number of Crown Tenants, Licensees and Lessees of Crown Lands in each Province rated at £10 and up to £25.
- Question—put and resolved in the affirmative.
11. JUVENILE OFFENDERS LAW AMENDMENT BILL.—The Order of the Day for the further consideration of this Bill in Committee of the whole Council having been read—The President left the Chair, and the Council resolved itself into a Committee of the whole for the further consideration thereof. The President resumed the Chair; and the Honorable Dr. Dobson reported that the Committee had gone through the Bill and agreed to the same with amendments. The Honorable H. Cuthbert moved, That this Bill be re-committed to a Committee of the whole Council for re-consideration of clauses 7, 56, and 57. Question—put and resolved in the affirmative. And, on the further motion of the Honorable H. Cuthbert, the President left the Chair, and the Council resolved itself into a Committee of the whole for the re-consideration of Clauses 7, 56, and 57 of this Bill. The President resumed the Chair; and the Honorable Dr. Dobson having reported that the Committee had agreed to the Bill with further amendments, the Council ordered the same to be taken into consideration on Tuesday, 15th November instant; Bill as further amended to be printed.
12. MESSAGES FROM THE LEGISLATIVE ASSEMBLY.—The President announced to the Council the receipt of the following Messages from the Legislative Assembly :—
- MR. PRESIDENT—  
The Legislative Assembly transmit to the Legislative Council copies of the Report and Evidence of the Select Committee of the Legislative Assembly on the Bill intituled “*An Act to adapt and assimilate the Trusts of Wesleyan Church Properties to the present Constitution of such Church in Victoria, and for other collateral purposes,*” in accordance with the request of the Legislative Council.
- M. H. DAVIES,  
Speaker.
- Legislative Assembly Chamber,  
Melbourne, 3rd November, 1887.
- MR. PRESIDENT—  
The Legislative Assembly transmit to the Legislative Council copies of the Report and Evidence of the Select Committee of the Legislative Assembly on the Bill intituled “*An Act to confer powers upon the National Trustees, Executors, and Agency Company of Australasia Limited,*” in accordance with the request of the Legislative Council.
- M. H. DAVIES,  
Speaker.
- Legislative Assembly Chamber,  
Melbourne, 8th November, 1887.

13. **POSTPONEMENT OF ORDERS OF THE DAY.**—The Council ordered that the consideration of Orders 2 and 3, Government Business, on the Paper for to-day, be postponed until after the consideration of the 4th Order for to-day.
14. **DISCHARGE OF ORDER OF THE DAY.**—On the motion of the Honorable H. Cuthbert the following Order of the Day was read and discharged :—  
*Neglected Children Law Amendment Bill.—Adoption of Report.*
15. **NEGLECTED CHILDREN LAW AMENDMENT BILL.**—The Honorable H. Cuthbert moved, That this Bill be re-committed to a Committee of the whole Council for re-consideration of clauses 25 and 84. Question—put and resolved in the affirmative.  
And, on the further motion of the Honorable H. Cuthbert, the President left the Chair, and the Council resolved itself into a Committee of the whole for the re-consideration of clauses 25 and 84 of this Bill.  
The President resumed the Chair; and the Honorable Dr. Dobson having reported that the Committee had agreed to the Bill with further amendments, the Council ordered the same to be taken into consideration Tuesday, 15th November instant; Bill as further amended to be printed.
16. **JUSTICES OF THE PEACE LAW AMENDMENT BILL.**—The Order of the Day for the further consideration of this Bill in Committee of the whole Council having been read—The President left the Chair, and the Council resolved itself into a Committee of the whole for the further consideration thereof.  
The President resumed the Chair; and The Honorable Dr. Dobson having reported that the Committee had gone through the Bill and agreed to the same with amendments, the Council ordered the same to be taken into consideration Tuesday, 15th November instant; Bill as amended to be printed.
17. **LEGISLATIVE COUNCIL ACT 1881 REMOVAL OF DOUBTS BILL.**—The Order of the Day for the further consideration of this Bill in Committee of the whole Council having been read—The President left the Chair, and the Council resolved itself into a Committee of the whole for the further consideration thereof.  
The President resumed the Chair; and the Honorable Dr. Dobson reported that the Committee had made progress in the Bill, and that he was directed to move that the Committee may have leave to sit again.  
Resolved—That the Council will, on Tuesday, 15th November instant, again resolve itself into the said Committee.
18. **LAND RESERVES—AGRICULTURAL COLLEGES.**—The Honorable J. H. Connor moved, pursuant to notice, That there be laid on the table of the Council plans showing the different sites of land reserved under the provisions of the amended Agricultural Colleges Act, together with particulars as to the extent and the revenue derived from each reserve.  
Question—put and resolved in the affirmative.
19. **POSTPONEMENT OF ORDERS OF THE DAY.**—The Council ordered that the consideration of the following Orders of the Day be postponed until Tuesday, 15th November instant :—  
*County Court Statute 1869 Amendment Bill.—To be further considered in Committee.*  
*Codification of Laws.—Consideration of Report from Joint Select Committee.*  
*Ballarat Waterworks Bill.—To be read a second time.*
20. **ADJOURNMENT.**—The Honorable H. Cuthbert moved, by leave, That the Council at its rising adjourn until Tuesday, 15th November instant.  
Question—put and resolved in the affirmative.

The Council adjourned at sixteen minutes to eleven o'clock, until Tuesday next at half-past four o'clock.

JOHN BARKER,  
*Clerk of the Legislative Council.*





# Minutes of the Proceedings

OF THE

## LEGISLATIVE COUNCIL.

TUESDAY, 15TH NOVEMBER, 1887.

1. The Council met in accordance with adjournment.
2. The President took the Chair.
3. The President read the Prayer.
4. RETURN TO WRIT.—The President announced to the Council that he had received a Return to the Writ he had issued for the election of a member to serve for the Nelson Province in the room of the Honorable Thomas Bromell, deceased, from which it appeared that James Phillip MacPherson, grazier, had been duly elected in pursuance thereof.
5. NEW MEMBER.—The Honorable James Phillip MacPherson, being introduced, took and subscribed the Oath required by the 32nd Clause of the Constitution Act, and delivered to the Clerk the declaration required by the 13th Clause of the Act No. 702, as hereunder set forth:—

“In compliance with the provisions of the Act 45 Victoria, No. 702, I, JAMES PHILLIP MACPHERSON, of Nerrim Nerrim, Streatham, grazier, do declare and testify that I am legally or equitably seised of or entitled to an estate of freehold for my own use and benefit in lands or tenements in the colony of Victoria of the yearly value of One hundred and forty-seven pounds above all charges and incumbrances affecting the same, other than any public or parliamentary tax or municipal or other rate or assessment; and further, that such lands or tenements are situated in the municipal district of Brunswick, and are known as part of portion 126, at Brunswick, parish Jika Jika, county Bourke, 21 acres 2 roods 26 perches and 8-10 perch, and part of portion 125, at Brunswick aforesaid, containing 26 acres 14 perches and 7-10 of a perch.

“And I further declare that such of the said lands or tenements as are situate in the municipal district of Brunswick are rated in the rate-book of such district upon a yearly value of One hundred and forty-seven pounds.

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

“JAMES P. MACPHERSON.”

6. PAPERS.—The Honorable J. Bell presented—

Land Reserves Agricultural Colleges.—Return to an Order of the Legislative Council, dated 8th November instant, for plans showing the different sites of land reserved under the provisions of the amended Agricultural Colleges Act, together with particulars as to the extent and the revenue derived from each reserve.

Ordered to lie on the Table.

The Honorable H. Cuthbert presented—

Supreme and County Courts—Civil Cases in.—Return to an Order of the Legislative Council, dated 5th October last—

- (1.) For a Return of the number of civil cases tried before the Judges of the Supreme Court in the several Circuit Courts throughout the colony, and the amounts sued for and recovered in each case from 1st day of July, 1886, to 1st July, 1887.
- (2.) Also a Return of the number of civil cases tried before the Judges of the County Courts (exclusive of Melbourne), and the amounts sued for and recovered in each case; also, of the number of appeals and the result of each from the 1st day of July, 1886, to 1st July 1887.

Ordered to lie on the table.

On the motion of the Honorable N. FitzGerald, the Council ordered that the Totals of the Cases, the Number of Appeals, and the Results thereof, be printed.

7. VALUATIONS OF ESTATES FOR PROBATE DUTY.—The Honorable N. Thornley moved, by leave of the Council, That there be laid on the Table of the Council the Statement read by the Honorable H. Cuthbert as to—

- (1.) Whether the Crown, before referring a valuation of an estate in country lands, submitted for the purpose of paying probate duty, for the advice of a valuer as to its correctness or otherwise, makes any inquiry—
  - (a) As to his special knowledge and qualifications in every respect for giving such advice.
  - (b) As to whether he has ever inspected the property, and when.
- (2.) Whether in all, or in what per centage of cases such advice is acted upon.
- (3.) After the Crown, on such advice, has determined upon a re-valuation, whether instructions are given—
  - (a) To inspect the estate.
  - (b) To make a declaration upon what date or dates such inspection was made.
  - (c) To value upon the basis of a sale by auction for cash.
- (4.) Is there any scale adopted in the office by which the fees payable to valuers are fixed? If so, what is such scale.
- (5.) Whether it has ever come to the knowledge of the Crown that a re-valuation has been made by a valuer without any inspection having been made.

Question—put and resolved in the affirmative.

8. PAPER.—The Honorable H. Cuthbert presented—

Valuation of Estates for Probate Duty.—Return to above Order.

Ordered to lie on the Table.

9. DISCHARGE OF ORDER OF THE DAY.—On the motion of the Honorable H. Cuthbert the following Order of the Day was read and discharged :—

*Juvenile Offenders Law Amendment Bill.—Adoption of Report.*

10. JUVENILE OFFENDERS LAW AMENDMENT BILL.—The Honorable H. Cuthbert moved, That this Bill be re-committed to a Committee of the whole Council for re-consideration.

Question—put and resolved in the affirmative.

And, on the further motion of the Honorable H. Cuthbert the President left the Chair, and the Council resolved itself into a Committee of the whole for the re-consideration of this Bill.

The President resumed the Chair; and the Honorable W. A. Zeal having reported that the Committee had agreed to the Bill with further amendments, the Council ordered the same to be taken into consideration this day.

On the motion of the Honorable H. Cuthbert, the Council adopted the Report from the Committee of the whole on this 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—Bill, on the motion of the Honorable H. Cuthbert, read a third time and *passed*.

The Honorable H. Cuthbert moved, That the following be the title of the Bill:—“*An Act to amend the Law relating to Juvenile Offenders, and for other purposes.*”

Question—put and resolved in the affirmative.

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

11. DISCHARGE OF ORDER OF THE DAY.—On the motion of the Honorable James Bell, the following Order of the Day was read and discharged :—

*Neglected Children Law Amendment Bill.—Adoption of Report.*

12. NEGLECTED CHILDREN LAW AMENDMENT BILL.—The Honorable James Bell moved, That this Bill be re-committed to a Committee of the whole Council for re-consideration.

Question—put and resolved in the affirmative.

And, on the further motion of the Honorable James Bell, the President left the Chair, and the Council resolved itself into a Committee of the whole for the re-consideration of this Bill.

The President resumed the Chair, and the Honorable W. A. Zeal having reported that the Committee had agreed to the Bill with further amendments, the Council ordered the same to be taken into consideration this day.

On the motion of the Honorable James Bell, the Council adopted the Report from the Committee of the whole on this 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—Bill, on the motion of the Honorable James Bell, read a third time and *passed*.

The Honorable James Bell moved, That the following be the title of the Bill :—“*An Act to amend the Law relating to Neglected Children.*”

Question—put and resolved in the affirmative.

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

13. DISCHARGE OF ORDERS OF THE DAY.—On the motion of the Honorable H. Cuthbert, the following Order of the Day was read and discharged :—

*Justices of the Peace Law Amendment Bill.—Adoption of Report.*

14. **JUSTICES OF THE PEACE LAW AMENDMENT BILL.**—The Honorable H. Cuthbert moved, That this Bill be re-committed to a Committee of the whole Council for re-consideration.  
Question—put and resolved in the affirmative.  
And, on the further motion of the Honorable H. Cuthbert, the President left the Chair, and the Council resolved itself into a Committee of the whole for the re-consideration of this Bill.  
The President resumed the Chair; and The Honorable James Balfour having reported that the Committee had agreed to the Bill with further amendments, the Council ordered the same to be taken into consideration Tuesday, 22nd November instant.
15. **LEGISLATIVE COUNCIL ACT 1881 REMOVAL OF DOUBTS BILL.**—The Order of the Day for the further consideration of this Bill in Committee of the whole Council having been read—The President left the Chair, and the Council resolved itself into a Committee of the whole for the further consideration thereof.  
The President resumed the Chair; and the Honorable J. Balfour reported that the Committee had made progress in the Bill, and that he was directed to move, that the Committee may have leave to sit again.  
Resolved—That the Council will, on Tuesday, 22nd November instant, again resolve itself into the said Committee.
16. **COUNTY COURT STATUTE 1869 AMENDMENT BILL.**—The Order of the Day for the further consideration of this Bill in Committee of the whole Council having been read—The President left the Chair, and the Council resolved itself into a Committee of the whole for the further consideration thereof.  
The President resumed the Chair; and the Honorable Dr. Dobson having reported that the Committee had gone through the Bill, and agreed to the same with amendments, the Council ordered the same to be taken into consideration Tuesday, 22nd November instant; Bill, as amended, to be printed.
17. **BALLARAT WATERWORKS BILL.**—The Honorable H. Cuthbert moved, That this Bill be now read a second time.  
Question—put and resolved in the affirmative.—Bill read a second time.  
The Honorable H. Cuthbert moved, That this Bill be now committed to a Committee of the whole Council.  
Question—put and resolved in the affirmative.  
And, on the further motion of the Honorable H. Cuthbert, the President left the Chair, and the Council resolved itself into a Committee of the whole for the consideration of this Bill.  
The President resumed the Chair; and the Honorable Dr. Dobson having reported that the Committee had gone through the Bill and agreed to the same without amendments, the Council ordered the same to be taken into consideration this day.  
On the motion of the Honorable H. Cuthbert, the Council adopted the Report from the Committee of the whole on this 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—Bill, on the motion of the Honorable H. Cuthbert, read a third time, and *passed*.  
The Honorable H. Cuthbert moved, That the following be the title of the Bill:—“*An Act to further amend ‘The Waterworks Act 1880,’ and for other purposes.*”  
Question—put and resolved in the affirmative.  
Ordered—That a Message be transmitted to the Legislative Assembly acquainting them that the Council have agreed to the Bill without amendment.
18. **POSTPONEMENT OF ORDERS OF THE DAY.**—The Council ordered that the consideration of the following Orders of the Day be postponed until Tuesday, 22nd November instant:—  
*Codification of Laws.—Consideration of Report from Joint Select Committee.*  
*Controverted Elections (Council) Law Amendment Bill.—To be further considered in Committee.*  
*Legislative Council Act 1881 further Amendment Bill.—To be read a second time.*
19. **NATIONAL TRUSTEES, EXECUTORS, AND AGENCY COMPANY BILL.**—The Honorable Lt.-Col. Sargood moved, That this Bill be now read a second time.  
Question—put and resolved in the affirmative.—Bill read a second time.  
The Honorable Lt.-Col. Sargood moved, That this Bill be now committed to a Committee of the whole Council.  
Question—put and resolved in the affirmative.  
And, on the further motion of the Honorable Lt.-Col. Sargood, the President left the Chair, and the Council resolved itself into a Committee of the whole for the consideration of this Bill.  
The President resumed the Chair; and The Honorable Dr. Dobson reported that the Committee had made progress in the Bill, and that he was directed to move that the Committee may have leave to sit again.  
Resolved—That the Council will, on Tuesday, 22nd November instant, again resolve itself into the said Committee.
20. **WESLEYAN CHURCH PROPERTIES BILL.**—The Honorable D. Ham moved, That this Bill be now read a second time.  
Question—put and resolved in the affirmative.—Bill read a second time.  
The Honorable D. Ham moved, That this Bill be now committed to a Committee of the whole Council.  
Question—put and resolved in the affirmative.

And, on the further motion of the Honorable D. Ham, the President left the Chair, and the Council resolved itself into a Committee of the whole for the consideration of this Bill.

The President resumed the Chair ; and the Honorable Dr. Dobson reported that the Committee had made progress in the Bill, and that he was directed to move, That the Committee may have leave to sit again.

Resolved—That the Council will, on Tuesday, 22nd November instant again resolve itself into the said Committee.

21. ADJOURNMENT.—The Honorable H. Cuthbert moved, by leave, That the Council at its rising adjourn until Tuesday, 22nd November instant.

Question—put and resolved in the affirmative.

The Council adjourned at five minutes past ten o'clock until Tuesday next at half-past four o'clock.

JOHN BARKER,  
*Clerk of the Legislative Council.*

# Minutes of the Proceedings

OF THE

## LEGISLATIVE COUNCIL.

TUESDAY, 22<sup>ND</sup> NOVEMBER, 1887.

1. The Council met in accordance with adjournment.
2. The President took the Chair.
3. The President read the Prayer.
4. PETITION.—The Honorable Dr. Dobson presented a Petition from John Noble Wilson, of Mair-street, Ballarat, estate agent, and Thomas Drummond Wanliss, of Ballarat, gentleman, praying the House to take the statements in the Petition into consideration, and to take such steps as to the Council might seem right to remedy the grievances which the petitioners allege they had sustained in the matters set forth in the Petition; and further, that the petitioners might have such further or other relief as the circumstances of the case might require, or to the Council might seem fit.  
The President having stated that, as, in his opinion, the Petition sought for the payment of compensation, it could not be received by the Council.
5. INSTRUMENTS AND SECURITIES STATUTE AMENDMENT BILL.—The Honorable W. A. Zeal moved, by leave, That he have leave to bring in a Bill to amend "*The Instruments and Securities Statute 1864.*"  
Question—put and resolved in the affirmative.  
Ordered—That the Honorable W. A. Zeal do prepare and bring in the Bill.  
The Honorable W. A. Zeal then brought up a Bill intituled "*A Bill to amend 'The Instruments and Securities Statute 1864,'*" and moved, That it be now read a first time.  
Question—put and resolved in the affirmative.—Bill read a first time, ordered to be printed, and read a second time Tuesday, 29th November inst.
6. LOCAL GOVERNMENT ACT FURTHER AMENDMENT BILL.—The Honorable H. Cuthbert moved, by leave, That he have leave to bring in a Bill to further amend "*The Local Government Act 1874.*"  
Question—put and resolved in the affirmative.  
Ordered—That the Honorable H. Cuthbert do prepare and bring in the Bill.  
The Honorable H. Cuthbert then brought up a Bill intituled "*A Bill to further amend 'The Local Government Act 1874,'*" and moved, That it be now read a first time.  
Question—put and resolved in the affirmative.—Bill read a first time, ordered to be printed, and read a second time Thursday, 24th November instant.
7. PAPERS.—The Honorable H. Cuthbert presented, by command of His Excellency the Governor—  
Disputed Boundary between South Australia and Victoria—Proposed Petition and Agreement.  
Imperial Institute for the United Kingdom, the Colonies, and India—To be founded in commemoration of the Fiftieth Year of Her Majesty's Reign.  
Severally ordered to lie on the Table.  
The Honorable H. Cuthbert presented, pursuant to Act of Parliament—  
Melbourne Harbour Trust—The Accounts of the—for the quarter ended 30th June, 1887.  
Ordered to lie on the Table.  
The Honorable Sir James Lorimer presented, pursuant to Act of Parliament—  
Permanent Naval Forces—Regulations for the—Alterations and Additions.  
Military Forces—Regulations for the—Addition.  
Severally ordered to lie on the Table.

8. 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 Sale of Liquors at the Centennial International Exhibition, Melbourne, 1888,*" with which they desire the concurrence of the Legislative Council.

Legislative Assembly Chamber,  
Melbourne, 22nd November, 1887.

M. H. DAVIES,  
Speaker.

9. CENTENNIAL EXHIBITION LIQUORS SALE BILL.—The Honorable H. Cuthbert moved, That the Bill transmitted by the above Message, intituled "*An Act to authorize the Sale of Liquors at the Centennial International Exhibition, Melbourne, 1888,*" be now read a first time.

Question—put and resolved in the affirmative.—Bill read a first time, ordered to be printed, and read a second time Wednesday, 23rd November instant.

10. 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 various expiring Laws,*" with which they desire the concurrence of the Legislative Council.

Legislative Assembly Chamber,  
Melbourne, 22nd November, 1887.

M. H. DAVIES,  
Speaker.

11. EXPIRING LAWS CONTINUATION BILL.—The Honorable H. Cuthbert moved, That the Bill transmitted by the above Message, intituled "*An Act to continue various expiring Laws,*" be now read a first time.

Question—put and resolved in the affirmative.—Bill read a first time, ordered to be printed, and read a second time to-morrow.

12. 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 vest a certain piece of land, situate at Elsternwick, in the borough of Brighton, in the Minister of Public Instruction,*" with which they desire the concurrence of the Legislative Council.

Legislative Assembly Chamber,  
Melbourne, 22nd November, 1887.

M. H. DAVIES,  
Speaker.

13. ELSTERNWICK LAND VESTING BILL.—The Honorable James Bell moved, That the Bill transmitted by the above Message, intituled "*An Act to vest a certain piece of land, situate at Elsternwick, in the borough of Brighton, in the Minister of Public Instruction,*" be now read a first time.

Question—put and resolved in the affirmative.—Bill read a first time, ordered to be printed, and read a second time to-morrow.

14. 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 with regard to Coroners' Juries,*" with which they desire the concurrence of the Legislative Council.

Legislative Assembly Chamber,  
Melbourne, 22nd November, 1887.

M. H. DAVIES,  
Speaker.

15. CORONERS' JURIES LAW AMENDMENT BILL.—The Honorable H. Cuthbert moved, That the Bill transmitted by the above Message, intituled "*An Act to amend the Law with regard to Coroners' Juries,*" be now read a first time.

Question—put and resolved in the affirmative.—Bill read a first time, ordered to be printed, and read a second time Thursday, 24th November instant.

16. 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 Registration of Dentists qualified to practise in Victoria,*" with which they desire the concurrence of the Legislative Council.

Legislative Assembly Chamber,  
Melbourne, 22nd November, 1887.

M. H. DAVIES,  
Speaker.

17. DENTISTS REGISTRATION BILL.—The Honorable H. Cuthbert moved, That the Bill transmitted by the above Message, intituled "*An Act to provide for the Registration of Dentists qualified to practise in Victoria,*" be now read a first time.

Question—put and resolved in the affirmative.—Bill read a first time, ordered to be printed, and read a second time Tuesday, 29th November instant.

18. 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 Mayor, Councillors, and Citizens of the City of Ballaarat to demise for Terms of years certain Lands vested in them, and for other purposes,*” with which they desire the concurrence of the Legislative Council.
- Legislative Assembly Chamber,  
Melbourne, 22nd November, 1887.
- M. H. DAVIES,  
Speaker.
19. BALLAARAT CITY LANDS BILL.—The Honorable H. Cuthbert moved, That the Bill transmitted by the above Message, intituled “*An Act to enable the Mayor, Councillors, and Citizens of the City of Ballaarat to demise for Terms of years certain Lands vested in them, and for other purposes,*” be now read a first time.
- Question—put and resolved in the affirmative.—Bill read a first time, ordered to be printed, and read a second time Tuesday, 29th November instant.
20. 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 Police Regulation Statute 1873,*” with which they desire the concurrence of the Legislative Council.
- Legislative Assembly Chamber,  
Melbourne, 22nd November, 1887.
- M. H. DAVIES,  
Speaker.
21. POLICE REGULATION STATUTE AMENDMENT BILL.—The Honorable D. Melville moved, That the Bill transmitted by the above Message, intituled “*An Act to amend the Police Regulation Statute 1873,*” be now read a first time.
- Question—put and resolved in the affirmative.—Bill read a first time, ordered to be printed, and read a second time Tuesday, 29th November instant.
22. 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 of Slander,*” with which they desire the concurrence of the Legislative Council.
- Legislative Assembly Chamber,  
Melbourne, 22nd November, 1887.
- M. H. DAVIES,  
Speaker.
23. SLANDER LAW AMENDMENT BILL.—The Honorable Lieut-Col. Sargood moved, That the Bill transmitted by the above Message, intituled “*An Act to amend the Law of Slander*” be now read a first time.
- Question—put and resolved in the affirmative.—Bill read a first time, ordered to be printed, and read a second time Tuesday, 29th November instant.
24. MESSAGE FROM THE LEGISLATIVE ASSEMBLY.—The President announced to the Council the receipt of the following Message from the Legislative Assembly:—
- MR. PRESIDENT—  
The Legislative Assembly transmit to the Legislative Council a Bill intituled “*An Act to establish a Marine Board and for other purposes,*” with which they desire the concurrence of the Legislative Council.
- Legislative Assembly Chamber,  
Melbourne, 22nd November, 1887.
- M. H. DAVIES,  
Speaker.
25. MARINE BOARD BILL.—The Honorable Sir James Lorimer moved, That the Bill transmitted by the above Message, intituled “*An Act to establish a Marine Board and for other purposes,*” be now read a first time.
- Debate ensued.
- Question—put and resolved in the affirmative.—Bill read a first time, ordered to be printed, and read a second time Tuesday 29th November inst.
26. JUSTICES OF THE PEACE LAW AMENDMENT BILL.—On the motion of the Honorable H. Cuthbert, the Council adopted the Report from the Committee of the whole on this 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—Bill, on the motion of the Honorable H. Cuthbert, read a third time and *passed*.
- The Honorable H. Cuthbert moved, That the following be the title of the Bill:—“*An Act to consolidate and amend the Law relating to Justices of the Peace and Courts of General and Petty Sessions.*”
- Question—put and resolved in the affirmative.
- Ordered—That the Bill be transmitted to the Legislative Assembly, with a Message desiring their concurrence therein.



27. LEGISLATIVE COUNCIL ACT 1881 REMOVAL OF DOUBTS BILL.—The Order of the Day for the further consideration of this Bill in Committee of the whole Council having been read—The President left the Chair, and the Council resolved itself into a Committee of the whole for the further consideration thereof.  
The President resumed the Chair; and the Honorable Dr. Dobson reported that the Committee had made progress in the Bill, and that he was directed to move, that the Committee may have leave to sit again.  
Resolved—That the Council will, on Tuesday, 29th November instant, again resolve itself into the said Committee.
28. COUNTY COURT STATUTE 1869 AMENDMENT BILL.—On the motion of the Honorable Lieut.-Col. Sargood, the Council adopted the Report from the Committee of the whole on this 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—Bill, on the motion of the Honorable Lieut.-Col. Sargood, read a third time.  
On the motion of the Honorable H. Cuthbert, the Council ordered that the word “ Clause ” be omitted from line 2, of new clause B.  
Question—that this Bill do pass—put and resolved in the affirmative.  
The Honorable Lieut.-Col. Sargood moved, That the following be the title of the Bill :—*An Act to amend the ‘ County Court Statute 1869.’*  
Question—put and resolved in the affirmative.  
Ordered—That the Bill be returned to the Legislative Assembly with a Message acquainting them, that the Legislative Council have agreed to the same with amendments, and requesting their concurrence therein.
29. POSTPONEMENT OF ORDERS OF THE DAY.—The Council ordered that the consideration of the following Orders of the Day be postponed until Tuesday, 6th December next :—  
*Codification of Laws.—Consideration of Report from Joint Select Committee. Controverted Elections ( Council ) Law Amendment Bill.—To be further considered in Committee.*  
*Legislative Council Act 1881 further Amendment Bill.—To be read a second time.*
30. NATIONAL TRUSTEES, EXECUTORS, AND AGENCY COMPANY BILL.—The Order of the Day for the further consideration of this Bill in Committee of the whole Council having been read—The President left the Chair, and the Council resolved itself into a Committee of the whole for the further consideration thereof.  
The President resumed the Chair; and The Honorable Dr. Dobson reported that the Committee had made progress in the Bill, and that he was directed to move that the Committee may have leave to sit again.  
Resolved—That the Council will, this day, again resolve itself into the said Committee.
31. VISITORS.—The Honorable Sir James Lorimer moved, by leave of the Council, That Chairs be provided for the Right Hon. the Earl of Carnarvon and the Marquis of Drogheda on the floor of the Council.  
Question—put and resolved in the affirmative.
32. NATIONAL TRUSTEES, EXECUTORS, AND AGENCY COMPANY BILL.—The Order of the Day for the further consideration of this Bill in Committee of the whole Council having been read—The President left the Chair, and the Council resolved itself into a Committee of the whole for the further consideration thereof.  
The President resumed the Chair; and the Honorable Dr. Dobson having reported that the Committee had gone through the Bill and agreed to the same without amendment, the Council ordered the same to be taken into consideration to-morrow.
33. WESLEYAN CHURCH PROPERTIES BILL.—The Order of the Day for the further consideration of this Bill in Committee of the whole Council having been read—The President left the Chair, and the Council resolved itself into a Committee of the whole for the further consideration thereof.  
The President resumed the Chair; and the Honorable Dr. Dobson having reported that the Committee had gone through the Bill and agreed to the same without amendment, the Council ordered the same to be taken into consideration this day.  
On the motion of the Honorable D. Ham, the Council adopted the Report from the Committee of the whole on this 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—Bill, on the motion of the Honorable D. Ham, read a third time and *passed*.  
The Honorable D. Ham moved, That the following be the title of the Bill :—*“ An Act to adapt and assimilate the Trusts of Wesleyan Church Properties to the present Constitution of such Church in Victoria, and for other collateral purposes.”*  
Question—put and resolved in the affirmative.  
Ordered—That a Message be transmitted to the Legislative Assembly acquainting them that the Council have agreed to the Bill without amendment.
34. ADJOURNMENT.—The Honorable Sir J. Lorimer moved, That the Council at its rising adjourn until Thursday, 24th November instant.  
Question—put and resolved in the affirmative.

The Council adjourned at twenty-five minutes to nine o'clock until Thursday next at half-past four o'clock.

JOHN BARKER,  
*Clerk of the Legislative Council.*

## VICTORIA.

No. 31.

## Minutes of the Proceedings

OF THE

## LEGISLATIVE COUNCIL.

THURSDAY, 24TH NOVEMBER, 1887.

1. The Council met in accordance with adjournment.
2. The President took the Chair.
3. The President read the Prayer.
4. STANDING ORDERS COMMITTEE.—The Honorable Lieut.-Col. Sargood moved, by leave, that the Standing Orders Committee have leave to sit on days on which the Council does not sit.  
Question—put and resolved in the affirmative.
5. PAPERS.—The Honorable H. Cuthbert presented, pursuant to Act of Parliament—  
Lowan Shire Waterworks Trust.—Application for further Additional Loan.—Detailed Statement and Report.  
Shire of Wimmera Waterworks Trust.—Application for Additional Loan.—Detailed Statement and Report.  
Severally ordered to lie on the Table.
6. 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 make provision for the Resumption of Lands for Public Purposes*," with which they desire the concurrence of the Legislative Council.  
M. H. DAVIES,  
Speaker.  
Legislative Assembly Chamber,  
Melbourne, 23rd November, 1887.
7. RESUMPTION OF LANDS FOR PUBLIC PURPOSES BILL.—The Honorable H. Cuthbert moved, That the Bill transmitted by the above Message, intituled "*An Act to make provision for the Resumption of Lands for Public Purposes*," be now read a first time.  
Question—put and resolved in the affirmative.—Bill read a first time, ordered to be printed, and read a second time Tuesday 29th November inst.
8. 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 payment by the Colony of Victoria of a proportional part of the cost of the establishment and maintenance of an additional Naval Force to be employed for the protection of the Floating Trade in Australasian Waters*," with which they desire the concurrence of the Legislative Council.  
M. H. DAVIES,  
Speaker.  
Legislative Assembly Chamber,  
Melbourne, 23rd November, 1887.
9. AUSTRALASIAN NAVAL FORCE BILL.—The Honorable Sir J. Lorimer moved, That the Bill transmitted by the above Message, intituled "*An Act to provide for the payment by the Colony of Victoria of a proportional part of the cost of the establishment and maintenance of an additional Naval Force to be employed for the protection of the Floating Trade in Australasian Waters*," be now read a first time.  
Question—put and resolved in the affirmative.—Bill read a first time, ordered to be printed, and read a second time Tuesday, 29th November instant.

10. NEGLECTED CHILDREN LAW AMENDMENT BILL.—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 Neglected Children,*" and acquaint the Legislative Council that the Legislative Assembly have agreed to some of the amendments made in such Bill by the Legislative Council, and have disagreed to others of the said amendments, and have agreed to two of the said amendments with amendments, with which they desire the concurrence of the Legislative Council.

Legislative Assembly Chamber,  
Melbourne, 24th November, 1887.

M. H. DAVIES,  
Speaker.

On the motion of the Honorable J. Bell the Council ordered the said amendments to be printed and taken into consideration this day.

11. JUVENILE OFFENDERS LAW AMENDMENT BILL.—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 Juvenile Offenders and for other purposes,*" and acquaint the Legislative Council that the Legislative Assembly have agreed to some of the amendments made in such Bill by the Legislative Council, and have disagreed to others of the said amendments, with which they desire the concurrence of the Legislative Council.

Legislative Assembly Chamber,  
Melbourne, 24th November, 1887.

M. H. DAVIES,  
Speaker.

On the motion of The Honorable H. Cuthbert the Council ordered the said amendments to be printed and taken into consideration this day.

12. 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 facilitate the supply of motive power on the high-pressure Hydraulic System for the extinguishing of Fires, and other purposes in Melbourne and its vicinity,*" with which they desire the concurrence of the Legislative Council.

Legislative Assembly Chamber,  
Melbourne, 24th November, 1887.

M. H. DAVIES,  
Speaker.

13. HYDRAULIC SYSTEM BILL.—The Honorable W. A. Zeal moved, by leave, That a Message be sent to the Legislative Assembly, asking them to communicate the Report and Proceedings of the Select Committee of that House to which the Hydraulic System Bill was referred.

Question—put and resolved in the affirmative.

14. HYDRAULIC SYSTEM BILL.—The Honorable W. A. Zeal, having produced a certificate that the sum of £20 had been paid into the hands of the Treasurer for the public uses of the colony by the promoters of this Bill, moved, That the Bill intituled "*An Act to facilitate the supply of motive power on the high-pressure Hydraulic System for the extinguishing of Fires, and other purposes, in Melbourne and its vicinity*" be now read a first time.

Question—put and resolved in the affirmative.—Bill read a first time.

15. 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 alter and extend the Powers of the Melbourne Tramways Trust, and for other purposes,*" to which they desire the concurrence of the Legislative Council.

Legislative Assembly Chamber,  
Melbourne, 24th November, 1887.

M. H. DAVIES,  
Speaker.

16. MELBOURNE TRAMWAYS TRUST AMENDMENT AND EXTENSION BILL.—The Honorable Lieut.-Colonel Sargood moved, by leave, That a Message be sent to the Legislative Assembly, asking them to communicate the Report and Proceedings of the Select Committee of that House to which the Tramways Trust Amendment and Extension Bill was referred.

Question—put and resolved in the affirmative.

17. MELBOURNE TRAMWAYS TRUST AMENDMENT AND EXTENSION BILL.—The Honorable Lieut.-Colonel Sargood, having produced a certificate showing that the sum of £20 had been paid into the hands of the Treasurer for the public uses of the colony, moved—That the Bill transmitted by the above Message, intituled "*An Act to alter and extend the Powers of the Melbourne Tramways Trust, and for other purposes,*" be now read a first time.

Question—put and resolved in the affirmative.—Bill read a first time.

19. LOCAL GOVERNMENT ACT 1874 AMENDMENT BILL.—The Honorable H. Cuthbert moved, That this Bill be now read a second time.

Debate ensued.

The Honorable D. Melville moved, That the debate be now adjourned.

Question—That the debate be now adjourned—by leave withdrawn.

Debate continued.

Question—That this Bill be now read a second time—put and resolved in the affirmative.—Bill read a second time.

The Honorable H. Cuthbert moved, That this Bill be now committed to a Committee of the whole Council.

Question—put and resolved in the affirmative.

And, on the further motion of the Honorable H. Cuthbert, the President left the Chair, and the Council resolved itself into a Committee of the whole for the consideration of this Bill.

The President resumed the Chair; and the Honorable Dr. Dobson reported that the Committee had made progress in the Bill, and that he was directed to move, That the Committee may have leave to sit again.

Resolved—That the Council will, on Tuesday, 29th November instant again resolve itself into the said Committee.

20. AUSTRALASIAN NAVAL FORCE BILL.—The Honorable Sir James Lorimer moved, by leave, That the Order for the reading of the Australasian Naval Force Bill a second time on Tuesday next, be read and rescinded.

Question—put and resolved in the affirmative.

The Honorable Sir J. Lorimer then moved, That the second reading of this Bill be considered this day.

Question—put and resolved in the affirmative.

The Honorable Sir James Lorimer moved, That this Bill be now read a second time.

Debate ensued.

Question—put and resolved in the affirmative.—Bill read a second time.

The Honorable Sir James Lorimer moved, That this Bill be now committed to a Committee of the whole Council.

Question—put and resolved in the affirmative.

And, on the further motion of the Honorable Sir James Lorimer, the President left the Chair, and the Council resolved itself into a Committee of the whole for the consideration of this Bill.

The President resumed the Chair; and the Honorable Dr. Dobson having reported that the Committee had gone through the Bill and agreed to the same without amendment, the Council ordered the same to be taken into consideration this day.

On the motion of the Honorable Sir James Lorimer the Council adopted the Report from the Committee of the whole on this 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—Bill, on the motion of the Honorable Sir James Lorimer, read a third time and *passed* unanimously.

The Honorable Sir James Lorimer moved, That the following be the title of the Bill:—“*An Act to provide for the payment by the Colony of Victoria of a proportional part of the cost of the establishment and maintenance of an Additional Naval Force to be employed for the protection of the floating trade in Australasian waters.*”

Question—put and resolved in the affirmative.

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

21. POSTPONEMENT OF ORDERS OF THE DAY.—The Council ordered that the consideration of the following Orders of the Day be postponed until Tuesday, 29th November instant:—

*Coroners' Juries Law Amendment Bill.—To be read a second time.*

*Centennial Exhibition Liquors Sale Bill.—To be read a second time.*

*Expiring Laws Continuation Bill.—To be read a second time.*

*Elsternwick Land Vesting Bill.—To be read a second time.*

*Juvenile Offenders Law Amendment Bill.—Consideration of the Amendments of the Legislative Assembly.*

*Neglected Children Law Amendment Bill.—Consideration of the Amendments of the Legislative Assembly.*

*National Trustees, Executors, and Agency Company Bill.—Adoption of Report.*

22. SUSPENSION OF SESSIONAL ORDER.—On the motion of the Honorable H. Cuthbert the Council ordered that the Sessional Order appointing the days of meeting of the Council be suspended to allow a motion to be proposed, that the Council meet to-morrow.

23. ADJOURNMENT.—The Honorable H. Cuthbert moved, by leave, That the Council at its rising adjourn until to-morrow at a quarter to Twelve o'clock.

Question—put and resolved in the affirmative.

The Council adjourned at twenty-five minutes to eleven o'clock until to-morrow at a quarter to twelve o'clock.

JOHN BARKER,  
Clerk of the Legislative Council.



VICTORIA.

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No. 32.

# Minutes of the Proceedings

OF THE

## LEGISLATIVE COUNCIL.

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FRIDAY, 25<sup>TH</sup> NOVEMBER, 1887.

1. The Council met in accordance with adjournment.
2. The President took the Chair.
3. The President read the prayer.
4. APPROACH OF THE GOVERNOR.—The approach of His Excellency the Governor was announced by the Usher.
5. ROYAL ASSENT TO BILL.—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 Bill :—

*“ An Act to provide for the payment by the Colony of Victoria of a Proportional Part of the Cost of the Establishment and Maintenance of an Additional Naval Force to be employed for the Protection of the Floating Trade in Australasian Waters; ”*

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

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

The Legislative Assembly withdrew.

His Excellency the Governor left the Council Chamber.

The Council adjourned at two minutes past twelve o'clock, until Tuesday next at half-past four o'clock.

JOHN BARKER,  
*Clerk of the Legislative Council.*



## VICTORIA.

No. 33.

## Minutes of the Proceedings

OF THE

## LEGISLATIVE COUNCIL.

TUESDAY, 29TH NOVEMBER, 1887.

1. The Council met in accordance with adjournment.
2. The President took the Chair.
3. The President read the prayer.
4. MESSAGE FROM HIS EXCELLENCY THE GOVERNOR.—The following Message from His Excellency the Governor was presented by the Honorable Sir James Lorimer, and the same was read, and is as follows :—

HENRY B. LOCH,  
Governor.

*Message.*

The Governor informs the Legislative Council that he has, on this day, at the Government Offices, given the Royal Assent to the undermentioned Act of the present Session, presented to him by the Clerk of the Parliaments, viz. :—

“An Act to further amend ‘The Waterworks Act 1880,’ and for other purposes.”

Government Offices.

Melbourne, 28th November, 1887.

Ordered to lie on the Table.

5. PAPERS.—The Honorable H. Cuthbert presented, by command of His Excellency the Governor—The Observatory—Twenty-second Report of the Board of Visitors to—together with the Annual Report of the Government Astronomer.

Ordered to lie on the Table.

The Honorable H. Cuthbert presented, pursuant to Act of Parliament—

Savings Banks.—Statements and Returns for the year ended 30th June, 1887.

Ordered to lie on the Table.

6. POSTPONEMENT OF ORDERS OF THE DAY.—The Council ordered that the consideration of the 1st Order be postponed until after the consideration of the 2nd Order, Government Business, on the Paper for to-day.

7. NEGLECTED CHILDREN LAW AMENDMENT BILL.—The Order of the Day for the consideration of the Amendments made by the Legislative Council not agreed to by the Legislative Assembly having been read, the said amendments were read, and are as follow:—

*As returned from Legislative Assembly.*

- |  |   |
|--|---|
| (1.) Clause 6, line 38, after “heretofore” insert “recommended by an inspector for approval or heretofore.”  | Disagreed to.   |
| (2.) Clause 7, line 8, after “approved” insert “or recommended by an inspector for approval.”  | Disagreed to.   |
| (9.) Clause 12, line 27, omit “persons” and insert “officers.”   | Disagreed to.   |
| (12.) Clause 17, line 12, omit “superintendent or matron or,” and omit “or of any person acting in any of such offices.”   | Disagreed to.   |
| (15.) Clause 19, at end, insert “and until the charge is heard and disposed of such child shall be placed under the care of some person approved by the Superintendent or Inspector of Police of the district in which such child has been found.” | Agreed to, with the following amendment:—Omit all words after “shall be,” and insert in place thereof “detained under such care and in such manner as may be provided by regulations made hereunder.” |
| (16.) Clause 21, line 2, before “sergeant” insert “constable.”   | Disagreed to.   |
| (22.) Clause 31, line 43, omit “a full record of” and insert “such information as to.”   | Agreed to with the following amendments:—Omit “such” and “as to.”   |



- (23.) Clause 31, after "boarded" at end of clause insert "as may be deemed proper and requisite by the person charged by or under the regulations of the Governor in Council for the time being in force in that behalf with the duty of giving such information, or if there is no such person so charged by the secretary." Disagreed to.
- (34.) Clause 84, line 15, omit "sixteen" and insert "fourteen"; and after "such" insert "depôt." Disagreed to.
- (35.) Clause 84, line 16, after "place" insert "as aforesaid." Disagreed to.
- (38.) Schedule, line 3, before "age" insert "apparent." Disagreed to.
- (39.) Schedule, line 18, omit "convicted" and insert "charged." Disagreed to.
- (40.) Schedule, line 19, after second word "and" insert "finding such charge proved." Disagreed to.

The said amendments having been read a second time,

The Honorable J. Bell moved, That the Council do not insist on amendment 1.  
Debate ensued.

Question—put and negatived.

The Honorable J. Bell moved, That the Council insist on amendment 2.

Question—put and resolved in the affirmative.

The Honorable J. Bell moved, That the Council do not insist on amendment 9.

Question—put and negatived.

The Honorable J. Bell moved, That the Council do not insist on amendment 12.

Question—put and resolved in the affirmative.

The Honorable J. Bell moved, That the Council agree to amendment 15, as amended by the Legislative Assembly.

Question—put and resolved in the affirmative.

The Honorable J. Bell moved, That the Council do not insist on amendment 16.

Debate ensued.

The Honorable Lieut.-Col. Sargood moved, as an amendment, That the words "not insist" be omitted, with a view to insert instead thereof the words "insist thereon with the insertion of the word 'Senior' before the word Constable."

Debate ensued.

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

Council divided.

Ayes, 7.

The Hon. H. Cuthbert  
P. Hanna  
Sir J. Lorimer  
W. Pearson  
W. E. Stanbridge  
D. C. Sterry  
J. Bell (*Teller*).

Noes, 27.

The Hon. J. Balfour  
J. G. Beaney, M.D.  
F. Brown  
J. Buchanan  
J. H. Connor  
T. F. Cumming  
Dr. Dobson  
J. G. Dougharty  
T. Dowling  
N. FitzGerald  
S. Fraser  
H. Gore  
D. Ham  
C. H. James  
W. McCulloch  
J. P. MacPherson  
D. Melville  
F. Ormond  
W. H. Roberts  
W. Ross  
F. T. Sargood  
W. P. Simpson  
N. Thornley  
J. A. Wallace  
W. I. Winter  
W. A. Zeal  
G. Le Fevre, M.D. (*Teller*).

And so it passed in the negative.

Question—That the word "senior" proposed to be inserted before the word "constable" be so inserted—put and resolved in the affirmative.

The Honorable J. Bell moved, That the Council agree to the omission of the word "such" in amendment 22.

Debate ensued.

Question—put and negatived.

The Honorable J. Bell moved, That the Council agree to the omission of the words "as to" in amendment 22.

Question—put and negatived.

The Honorable J. Bell moved, That the Council do not insist on their amendment 23.

Question—put and negatived.

The Honorable J. Bell moved that the Council do not insist on amendment 34, to omit the word “sixteen” and to insert “fourteen.”

Debate ensued.

Question—put.

Council divided.

Ayes, 16.

The Hon. J. Balfour  
J. G. Beaney, M.D.  
J. Buchanan  
H. Cuthbert  
T. Dowling  
P. Hanna  
C. H. James  
Sir J. Lorimer  
D. Melville  
F. Ormond  
W. Pearson  
W. H. Roberts  
W. Ross  
Lt.-Col. Sargood  
N. Thornley  
J. Bell (*Teller*).

Noes, 17.

The Hon. F. Brown  
J. H. Connor,  
T. F. Cumming  
Dr. Dobson  
J. G. Dougharty  
N. FitzGerald  
S. Fraser  
H. Gore  
D. Ham  
W. McCulloch  
J. P. MacPherson  
W. P. Simpson  
W. E. Stanbridge  
J. A. Wallace  
W. I. Winter  
W. A. Zeal  
G. Le Fevre, M.D. (*Teller*).

And so it passed in the negative.

On the motion of the Honorable J. Bell the Council agreed to insist on the insertion of the word “depôt” after the word “such.”

On the motion of the Honorable J. Bell the Council agreed not to insist on the other amendments disagreed to by the Legislative Assembly.

Ordered—That the Bill be returned to the Legislative Assembly with a Message acquainting them that the Council insist on some of their amendments, do not insist on other of their amendments, that they agree with the amendment of the Legislative Assembly on the amendment of the Council in Clause 19, and that they insist on one of their amendments with a further amendment with which they desire the concurrence of the Legislative Assembly.

8. JUVENILE OFFENDERS LAW AMENDMENT BILL.—The Order of the Day for the consideration of the amendments made by the Legislative Council in this Bill disagreed to by the Legislative Assembly having been read, the said amendments were read and are as follow :—

Clause 18, line 13, omit “Superintendent or matron or,” and omit “or of any person acting in any of such offices.”

Clause 51, line 18, omit “sixteen” and insert “fourteen.”

Clause 57, line 34, omit “and may if they think fit require the parent or guardian of such boy to carry out such order,” and insert, “by a constable in the presence of an Inspector or other Officer of Police of higher rank than a constable, and also in the presence, if he desires to be present, of the parent or guardian of the child.”

And the said amendments having been read a second time,

On the motion of the Honorable H. Cuthbert the Council agreed not to insist on their amendment in Clause 18, line 13.

The Honorable H. Cuthbert moved, That the Council do not insist on the amendment in Clause 51, line 18, to omit “sixteen” and insert “fourteen.”

Debate ensued.

The Honorable Geo. Le Fevre moved, That the Council amend the said amendment by omitting the word “fourteen,” with a view to insert instead thereof the word “fifteen.”

Question—That the word “fourteen” be omitted, and the word “fifteen” be inserted instead thereof, put.

Council divided.

Ayes, 19.

The Hon. J. Balfour  
J. G. Beaney, M.D.  
J. Bell  
J. Buchanan  
T. Dowling  
D. Ham  
P. Hanna  
C. H. James  
G. Le Fevre, M.D.  
Sir J. Lorimer  
D. Melville  
F. Ormond  
W. Pearson  
W. H. Roberts  
W. Ross  
Lt.-Col. Sargood  
W. E. Stanbridge  
N. Thornley  
H. Cuthbert (*Teller*).

Noes, 14.

The Hon. J. H. Connor  
T. F. Cumming  
Dr. Dobson  
J. G. Dougharty  
N. FitzGerald  
S. Fraser  
H. Gore  
W. McCulloch  
J. P. MacPherson  
W. P. Simpson  
J. A. Wallace  
W. I. Winter  
W. A. Zeal  
F. Brown (*Teller*).

And so it was resolved in the affirmative.

Ordered—That the Bill be returned to the Legislative Assembly, with a Message acquainting them, that the Legislative Council insist on one of their amendments, do not insist on another of their amendments, and have agreed to another amendment with a further amendment, with which they desire the concurrence of the Legislative Assembly.

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

MR. PRESIDENT—

The Legislative Assembly transmit to the Legislative Council a Bill intituled "*An Act to consolidate the law relating to Juries,*" with which they desire the concurrence of the Legislative Council.

Legislative Assembly Chamber,  
Melbourne, 29th November, 1887.

M. H. DAVIES,  
Speaker.

10. JURIES LAW CONSOLIDATION BILL.—The Honorable H. Cuthbert moved, That the Bill transmitted by the above Message, intituled "*An Act to consolidate the law relating to Juries,*" be now read a first time.

Question—put and resolved in the affirmative.—Bill read a first time, ordered to be printed, and read a second time Thursday, 1st December next.

11. HYDRAULIC SYSTEM BILL.—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 of the Select Committee of the Legislative Assembly on the Bill intituled "*An Act to facilitate the supply of Motive Power on the High Pressure Hydraulic System for the extinguishing of Fires and other purposes in Melbourne and its vicinity,*" in accordance with the request of the Legislative Council.

Legislative Assembly Chamber,  
Melbourne, 24th November, 1887.

M. H. DAVIES,  
Speaker.

12. MELBOURNE TRAMWAYS TRUST ALTERATION AND EXTENSION OF POWERS BILL.—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 of the Select Committee of the Legislative Assembly on the Bill intituled "*An Act to alter and extend the Powers of the Melbourne Tramways Trust and for other purposes,*" in accordance with the request of the Legislative Council.

Legislative Council Chamber,  
Melbourne, 24th November, 1887.

M. H. DAVIES,  
Speaker.

13. DISCHARGE OF ORDER OF THE DAY.—The Honorable Lieut.-Col. Sargood moved, by leave, That the following Order of the Day be read and discharged:—

*Legislative Council Act 1881 Removal of Doubts Bill.—To be further considered in Committee.*

Debate ensued.

Question—put.

Council divided.

Ayes, 22.

The Hon. J. Balfour  
J. G. Beaney, M.D.  
F. Brown  
J. H. Connor  
T. F. Cumming  
Dr. Dobson  
J. G. Dougharty  
T. Dowling  
N. FitzGerald  
S. Fraser  
C. J. Ham  
C. H. James  
G. Le Fevre, M.D.  
W. McCulloch  
D. Melville  
F. Ormond  
W. Pearson  
W. H. Roberts  
W. Ross  
W. E. Stanbridge  
N. Thornley  
Lt.-Col. Sargood (*Teller.*)

Noes, 11.

The Hon. J. Bell  
J. Buchanan  
H. Cuthbert  
H. Gore  
D. Ham  
Sir J. Lorimer  
J. P. MacPherson  
J. A. Wallace  
W. I. Winter  
W. A. Zeal  
D. C. Sterry (*Teller.*)

And so it was resolved in the affirmative.

14. CORONERS' JURIES LAW AMENDMENT BILL.—The Honorable H. Cuthbert moved, That this Bill be now read a second time.

Question—put and resolved in the affirmative.—Bill read a second time.

The Honorable H. Cuthbert moved, That this Bill be now committed to a Committee of the whole Council.

Question—put and resolved in the affirmative.

And, on the further motion of the Honorable H. Cuthbert the President left the Chair, and the Council resolved itself into a Committee of the whole for the consideration of this Bill.

The President resumed the Chair; and the Honorable Dr. Dobson having reported that the Committee had gone through the Bill, and agreed to the same with amendments, the Council ordered the same to be taken into consideration to-morrow; Bill, as amended, to be printed.

15. CENTENNIAL EXHIBITION LIQUORS SALE BILL.—The Honorable H. Cuthbert moved, That this Bill be now read a second time.

Question—put and resolved in the affirmative.—Bill read a second time.

The Honorable H. Cuthbert moved, That this Bill be now committed to a Committee of the whole Council.

Question—put and resolved in the affirmative.

And, on the further motion of the Honorable H. Cuthbert, the President left the Chair, and the Council resolved itself into a Committee of the whole for the consideration of this Bill.

The President resumed the Chair; and the Honorable Dr. Dobson having reported that the Committee had gone through the Bill, and agreed to the same without amendment, the Council ordered the same to be taken into consideration this day.

On the motion of the Honorable H. Cuthbert, the Council adopted the Report from the Committee of the whole on this 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—Bill, on the motion of the Honorable H. Cuthbert, read a third time and *passed*.

The Honorable H. Cuthbert moved, That the following be the title of the Bill :—“ *An Act to authorize the sale of Liquors at the Centennial International Exhibition, Melbourne, 1888.*”

Question—put and resolved in the affirmative.

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

16. POSTPONEMENT OF ORDERS OF THE DAY.—The Council ordered that the consideration of the following Orders of the Day be postponed until to-morrow :—

*Marine Board Bill.—To be read a second time.*

*Resumption of Lands for Public Purposes Bill.—To be read a second time.*

*Local Government Act 1874 Amendment Bill.—To be further considered in Committee.*

*Expiring Laws Continuation Bill.—To be read a second time.*

*Elsternwick Land Vesting Bill.—To be read a second time.*

*Instruments and Securities Statute Amendment Bill.—To be read a second time.*

*Dentists Registration Bill.—To be read a second time.*

*Ballaarat City Lands Bill.—To be read a second time.*

*Police Regulation Statute Amendment Bill.—To be read a second time.*

*Slander Law Amendment Bill.—To be read a second time.*

*National Trustees, Executors, and Agency Company Bill.—Adoption of Report.*

The Council adjourned at two minutes to eleven o'clock until to-morrow at half-past four o'clock.

JOHN BARKER,  
*Clerk of the Legislative Council.*



*Minutes of the Proceedings*  
OF THE  
**LEGISLATIVE COUNCIL.**

WEDNESDAY, 30TH NOVEMBER, 1887.

1. The Council met in accordance with adjournment.
2. The President took the Chair.
3. The President read the Prayer.
4. PAPERS.—The Honorable H. Cuthbert presented, by command of His Excellency the Governor—  
Public Service Board.—Report.  
Charitable Institutions.—Report of Inspector for the year ended 30th June, 1887.  
Severally ordered to lie on the Table.
5. DISTRIBUTION OF PLANTS FROM STATE NURSERIES.—The Honorable W. Ross moved, pursuant to notice, That in order to promote and encourage the planting of trees throughout the colony it would, in the opinion of this House, be well that the Government, following the example of South Australia, should adopt the plan so successfully carried out there of distributing plants from the State nurseries to farmers, corporations, and other bodies who might choose to apply for them.  
Debate ensued.  
Motion by leave withdrawn.
6. SUSPENSION OF STANDING ORDER RELATING TO PRIVATE BILLS.—The Honorable Lieut.-Col. Sargood moved, pursuant to notice, That Standing Order No. 15, relating to Private Bills, be suspended, in order to allow the Melbourne Tramways Trust Amendment and Extension Bill to pass through more than one stage on the one and the same day.  
Debate ensued.  
Question—put and resolved in the affirmative.
7. SUSPENSION OF STANDING ORDER RELATING TO PRIVATE BILLS.—The Honorable W. A. Zeal moved, pursuant to notice, That Standing Order No. 15, relative to Private Bills, be suspended, in order to allow the Melbourne Hydraulic Power Company's Bill to pass through more than one stage on one and the same day.  
Question—put and resolved in the affirmative.
8. THE HYDRAULIC SYSTEM BILL.—The Honorable W. A. Zeal moved, pursuant to notice, That this Bill be now read a second time.  
Debate ensued.  
Question—put and resolved in the affirmative.—Bill read a second time.  
The Honorable W. A. Zeal moved, That this Bill be now committed to a Committee of the whole Council.  
Question—put and resolved in the affirmative.  
And, on the further motion of the Honorable W. A. Zeal, the President left the Chair, and the Council resolved itself into a Committee of the whole for the consideration of this Bill.  
The President resumed the Chair; and the Honorable Dr. Dobson reported that the Committee had made progress in the Bill, and that he was directed to move, That the Committee may have leave to sit again.  
Resolved—That the Council will, to-morrow, again resolve itself into the said Committee.
9. 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 expenditure of certain Sums of Money for the purchase of Permanent-way materials for Lines of Railway authorized to be constructed by 'The Railway Construction Act 1884' and for other purposes,*" with which they desire the concurrence of the Legislative Council.

T. COOPER,  
Deputy-Speaker.

Legislative Assembly Chamber,  
Melbourne, 30th November, 1887.

10. RAILWAY CONSTRUCTION ACT 1884 EXPENDITURE BILL.—The Honorable H. Cuthbert moved, That the Bill transmitted by the above Message intituled “*An Act to authorize the expenditure of certain Sums of Money for the purchase of Permanent-way materials for Lines of Railway authorized to be constructed by the ‘The Railway Construction Act 1884’ and for other purposes,*” be now read a first time.  
Question—put and resolved in the affirmative.—Bill read a first time, ordered to be printed, and read a second time to-morrow.
11. MELBOURNE TRAMWAYS TRUST ALTERATION AND EXTENSION BILL.—The Honorable Lt.-Col. Sargood moved, pursuant to notice, That this Bill be now read a second time.  
Debate ensued.  
Question—put and resolved in the affirmative.—Bill read a second time.  
The Honorable Lt.-Col. Sargood moved, That this Bill be now committed to a Committee of the whole Council.  
Question—put and resolved in the affirmative.  
And, on the further motion of the Honorable Lt.-Col. Sargood, the President left the Chair, and the Council resolved itself into a Committee of the whole for the consideration of this Bill.  
The President resumed the Chair; and the Honorable Dr. Dobson reported that the Committee had made progress in the Bill, and that he was directed to move, That the Committee may have leave to sit again.  
Resolved—That the Council will, to-morrow again resolve itself into the said Committee.
12. MORTGAGEES AND PURCHASERS PROTECTION BILL.—The Honorable W. H. Roberts moved, by leave, That he have leave to bring in a Bill to protect Mortgagees and Purchasers holding assigned Policies of Insurance against acts of Mortgagors or Vendors subsequent to assignment.  
Question—put and resolved in the affirmative.  
Ordered—That the Honorable W. H. Roberts do prepare and bring in the Bill.  
The Honorable W. H. Roberts then brought up a Bill, intituled, “*A Bill to protect Mortgagees and Purchasers holding assigned Policies of Insurance against Acts of Mortgagors or Vendors subsequent to assignment,*” and moved that it be now read a first time.  
Question—put and resolved in the affirmative.—Bill read a first time, ordered to be printed, and read a second time Wednesday, 7th December next.
13. POSTPONEMENT OF ORDER OF THE DAY.—The Council ordered that the consideration of the following Order of the Day be postponed until to-morrow, to take precedence of all other Orders of the Day:—  
*Marine Board Bill.—To be read a second time.*
14. RESUMPTION OF LANDS FOR PUBLIC PURPOSES BILL.—The Honorable H. Cuthbert moved, That this Bill be now read a second time.  
Debate ensued.  
Question—put and resolved in the affirmative.—Bill read a second time.  
The Honorable H. Cuthbert moved, That this Bill be now committed to a Committee of the whole Council.  
Question—put and resolved in the affirmative.  
And, on the further motion of the Honorable H. Cuthbert, the President left the Chair, and the Council resolved itself into a Committee of the whole for the consideration of this Bill.  
The President resumed the Chair; and the Honorable Dr. Dobson having reported that the Committee had gone through the Bill and agreed to the same without amendment, the Council ordered the same to be taken into consideration this day.  
On the motion of the Honorable H. Cuthbert, the Council adopted the Report from the Committee of the whole on this 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—Bill, on the motion of the Honorable H. Cuthbert, read a third time and *passed*.  
The Honorable H. Cuthbert moved, That the following be the title of the Bill:—“*An Act to make provision for the resumption of Lands for public purposes.*”  
Question—put and resolved in the affirmative.  
Ordered—That a Message be transmitted to the Legislative Assembly acquainting them that the Council have agreed to the Bill without amendment.
15. CORONERS’ JURIES LAW AMENDMENT BILL.—On the motion of the Honorable H. Cuthbert, the Council adopted the Report from the Committee of the whole on this 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—Bill, on the motion of the Honorable H. Cuthbert read a third time and *passed*.  
The Honorable H. Cuthbert moved, That the following be the title of the Bill:—“*An Act to amend the Law with regard to Coroners’ Juries.*”  
Question—put and resolved in the affirmative.  
Ordered—That the Bill be returned to the Legislative Assembly, with a Message acquainting them that the Legislative Council have agreed to the same with amendments, and requesting their concurrence therein.
16. EXPIRING LAWS CONTINUATION BILL.—The Honorable H. Cuthbert moved, That this Bill be now read a second time.  
Question—put and resolved in the affirmative.—Bill read a second time.  
The Honorable H. Cuthbert moved, That this Bill be now committed to a Committee of the whole Council.  
Question—put and resolved in the affirmative.  
And, on the further motion of the Honorable H. Cuthbert, the President left the Chair, and the Council resolved itself into a Committee of the whole for the consideration of this Bill.

The President resumed the Chair; and the Honorable Dr. Dobson having reported that the Committee had gone through the Bill and agreed to the same without amendment, the Council ordered the same to be taken into consideration this day.

On the motion of the Honorable H. Cuthbert the Council adopted the Report from the Committee of the whole on this 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—Bill, on the motion of the Honorable H. Cuthbert, read a third time and *passed*.

The Honorable H. Cuthbert moved, That the following be the title of the Bill :—“*An Act to continue various Expiring Laws.*”

Question—put and resolved in the affirmative.

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

17. ELSTERNWICK LAND VESTING BILL.—The Honorable James Bell moved, That this Bill be now read a second time.

Question put and resolved in the affirmative.—Bill read a second time.

The Honorable James Bell moved, That this Bill be now committed to a Committee of the whole Council.

Question—put and resolved in the affirmative.

And, on the further motion of the Honorable James Bell, the President left the Chair, and the Council resolved itself into a Committee of the whole for the consideration of this Bill.

The President resumed the Chair; and the Honorable Dr. Dobson having reported that the Committee had gone through the Bill, and agreed to the same without amendment, the Council ordered the same to be taken into consideration this day.

On the motion of the Honorable J. Bell, the Council adopted the Report from the Committee of the whole on this 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—Bill, on the motion of the Honorable J. Bell, read a third time and *passed*.

The Honorable J. Bell moved, That the following be the title of the Bill :—“*An Act to vest a certain piece of land, situate at Elsternwick, in the borough of Brighton, in the Minister of Public Instruction.*”

Question—put and resolved in the affirmative.

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

18. INSTRUMENTS AND SECURITIES STATUTE AMENDMENT BILL.—The Honorable W. A. Zeal moved, That this Bill be now read a second time.

Debate ensued.

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

Debate continued.

Question—That the debate be now adjourned until Tuesday, 6th December next—put and resolved in the affirmative.

19. DENTISTS REGISTRATION BILL.—The Honorable Dr. Beaney moved, That this Bill be now read a second time.

Question—put and resolved in the affirmative.—Bill read a second time.

The Honorable Dr. Beaney moved, That this Bill be now committed to a Committee of the whole Council.

Question—put and resolved in the affirmative.

And, on the further motion of the Honorable Dr. Beaney, the President left the Chair, and the Council resolved itself into a Committee of the whole for the consideration of this Bill.

The President resumed the Chair; and the Honorable Dr. Dobson reported that the Committee had made progress in the Bill, and that he was directed to move, That the Committee may have leave to sit again.

Resolved—That the Council will, on Tuesday, 6th December next, again resolve itself into the said Committee.

20. POSTPONEMENT OF ORDERS OF THE DAY.—The Council ordered that the consideration of the following Orders of the Day be postponed, as under :—

*Local Government Act 1874 Amendment Bill.—To be further considered in Committee, until Tuesday, 6th December next,*

*Ballaarat City Lands Bill.—To be read a second time, until to-morrow,*

*Police Regulation Statute Amendment Bill.—To be read a second time.*

*Slander Law Amendment Bill.—To be read a second time, until Tuesday, 6th December next.*

21. NATIONAL TRUSTEES, EXECUTORS, AND AGENCY COMPANY BILL.—On the motion of the Honorable Lieut.-Col. Sargood, the Council adopted the Report from the Committee of the whole on this Bill.

Ordered that the Bill be read a third time to-morrow.

The Council adjourned at five minutes to eleven o'clock until to-morrow at half-past four o'clock.

JOHN BARKER,  
Clerk of the Legislative Council.





## VICTORIA.

No. 35.

## Minutes of the Proceedings

OF THE

## LEGISLATIVE COUNCIL.

THURSDAY, 1ST DECEMBER, 1887.

1. The Council met in accordance with adjournment.
2. The President took the Chair.
3. The President read the prayer.
4. PAPER.—The Honorable J. Bell presented, by command of His Excellency the Governor—  
Irrigation Report—Avoca Valley—Prepared at the instance of the Royal Commission on  
Water Supply.  
Ordered to lie on the Table.
5. 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 confer powers upon the Colonial Permanent Trustee, Executor, and Agency Company Limited,*" with which they desire the concurrence of the Legislative Council.  
M. H. DAVIES,  
Speaker.  
Legislative Assembly Chamber,  
Melbourne, 1st December, 1887.
6. THE COLONIAL PERMANENT TRUSTEE, EXECUTOR, AND AGENCY COMPANY BILL.—The Honorable W. A. Zeal moved, by leave, That a Message be sent to the Legislative Assembly asking them to communicate the Report and Proceedings of the Select Committee of that House, to which the Colonial Permanent Trustee, Executor, and Agency Company Limited Bill was referred.  
Question—put and resolved in the affirmative.
7. 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 Licensing Act 1885,'*" with which they desire the concurrence of the Legislative Council.  
M. H. DAVIES,  
Speaker.  
Legislative Assembly Chamber,  
Melbourne, 1st December, 1887.
8. LICENSING ACT AMENDMENT BILL.—The Honorable H. Cuthbert moved, That the Bill transmitted by the above Message, intituled "*An Act to amend 'The Licensing Act 1885,'*" be now read a first time  
Question—put and resolved in the affirmative.—Bill read a first time, ordered to be printed, and read a second time Tuesday, 6th December instant.
9. THE COLONIAL PERMANENT TRUSTEE, EXECUTOR, AND AGENCY COMPANY LIMITED BILL.—The Honorable W. A. Zeal, having produced a certificate showing that a sum of £20 had been paid into the hands of the Treasurer for the public uses of the colony, moved, That the Bill intituled "*An Act to confer powers upon the Colonial Permanent Trustee, Executor, and Agency Company Limited,*" be now read a first time.  
Question—put and resolved in the affirmative.—Bill read a first time.

10. 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 as Loans for Water Supply in the Country Districts and for other purposes,*" with which they desire the concurrence of the Legislative Council.

Legislative Assembly Chamber,  
Melbourne, 1st December, 1887.

M. H. DAVIES,  
Speaker.

11. WATER SUPPLY LOANS 1887 BILL.—The Honorable H. Cuthbert moved, That the Bill transmitted by the above Message, intituled "*An Act to sanction the issue and application of certain sums of money as Loans for Water Supply in the Country Districts, and for other purposes,*" be now read a first time.  
Question—put and resolved in the affirmative.—Bill read a first time, ordered to be printed, and read a second time Tuesday, 6th December instant.
12. MARINE BOARD BILL.—The Honorable Sir James Lorimer moved, That this Bill be now read a second time.  
Debate ensued.  
Question—put and resolved in the affirmative.—Bill read a second time.  
The Honorable Sir James Lorimer moved, That this Bill be now committed to a Committee of the whole Council.  
Question—put and resolved in the affirmative.  
And, on the further motion of the Honorable Sir James Lorimer, the President left the Chair, and the Council resolved itself into a Committee of the whole for the consideration of this Bill.  
The President resumed the Chair; and the Honorable Dr. Dobson having reported that the Committee had gone through the Bill, and agreed to the same with amendments, the Council ordered the same to be taken into consideration Tuesday, 6th December instant; Bill as amended to be printed.
13. JURIES LAW CONSOLIDATION BILL.—The Honorable H. Cuthbert moved, That this Bill be now read a second time.  
Question put and resolved in the affirmative.—Bill read a second time.  
The Honorable H. Cuthbert moved, That this Bill be now committed to a Committee of the whole Council.  
Question—put and resolved in the affirmative.  
And, on the further motion of the Honorable H. Cuthbert, the President left the Chair, and the Council resolved itself into a Committee of the whole for the consideration of this Bill.  
The President resumed the Chair; and the Honorable Dr. Dobson having reported that the Committee had gone through the Bill, and agreed to the same with amendments, the Council ordered the same to be taken into consideration Tuesday, 6th December next; Bill as amended to be printed.
14. RAILWAY CONSTRUCTION ACT 1884 EXPENDITURE BILL.—The Honorable H. Cuthbert moved, That this Bill be now read a second time.  
Question—put and resolved in the affirmative.—Bill read a second time.  
The Honorable H. Cuthbert moved, That this Bill be now committed to a Committee of the whole Council.  
Question—put and resolved in the affirmative.  
And, on the further motion of the Honorable H. Cuthbert, the President left the Chair, and the Council resolved itself into a Committee of the whole for the consideration of this Bill.  
The President resumed the Chair; and the Honorable Dr. Dobson having reported that the Committee had gone through the Bill, and agreed to the same without amendment, the Council ordered the same to be taken into consideration this day.  
On the motion of the Honorable H. Cuthbert the Council adopted the Report from the Committee of the whole on this 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—Bill, on the motion of the Honorable H. Cuthbert, read a third time and *passed*.  
The Honorable H. Cuthbert moved, That the following be the title of the Bill :—"*An Act to authorize the expenditure of certain sums of money for the purchase of the Permanent-way Materials for Lines of Railway authorized to be constructed by the Railway Construction Act 1884, and for other purposes.*"  
Question—put and resolved in the affirmative.  
Ordered—That a Message be transmitted to the Legislative Assembly acquainting them that the Council have agreed to the Bill without amendment.
15. BALLAARAT CITY LANDS BILL.—The Honorable H. Cuthbert moved, That this Bill be now read a second time.  
Question—put and resolved in the affirmative.—Bill read a second time.  
The Honorable H. Cuthbert moved, That this Bill be now committed to a Committee of the whole Council.  
Question—put and resolved in the affirmative.  
And, on the further motion of the Honorable H. Cuthbert, the President left the Chair, and the Council resolved itself into a Committee of the whole for the consideration of this Bill.  
The President resumed the Chair; and the Honorable Dr. Dobson having reported that the Committee had gone through the Bill, and agreed to the same without amendment, the Council ordered the same to be taken into consideration this day.  
On the motion of the Honorable H. Cuthbert, the Council adopted the Report from the Committee of the whole on this 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—Bill, on the motion of the Honorable H. Cuthbert, read a third time and *passed*.

The Honorable H. Cuthbert moved, That the following be the title of the Bill :—“*An Act to enable the Mayor, Councillors, and Citizens of the City of Ballarat to demise for terms of years certain Lands vested in them, and for other purposes.*”

Question—put and resolved in the affirmative.

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

16. **POSTPONEMENT OF ORDERS OF THE DAY.**—The Council ordered that the consideration of the 1st and 2nd Orders be postponed until after the consideration of the 3rd Order, General Business, on the Paper for to-day.

17. **NATIONAL TRUSTEES, EXECUTORS, AND AGENCY COMPANY BILL.**—The President having reported that the Chairman of Committees had certified that the fair print of this Bill was in accordance with the Bill as reported—Bill, on the motion of the Honorable W. A. Zeal, read a third time and *passed*.

The Honorable W. A. Zeal moved, That the following be the title of the Bill :—“*An Act to confer powers upon the National Trustees, Executors, and Agency Company of Australasia Limited.*”

Question—put and resolved in the affirmative.

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

18. **HYDRAULIC SYSTEM BILL.**—The Order of the Day for the further consideration of this Bill in Committee of the whole Council having been read—The President left the Chair, and the Council resolved itself into a Committee of the whole for the further consideration thereof.

The President resumed the Chair; and The Honorable Dr. Dobson having reported that the Committee had gone through the Bill and agreed to the same with amendments, the Council ordered the same to be taken into consideration, Tuesday, 6th December instant.

19. **RESCISSION OF ORDER OF THE DAY.**—The Honorable H. Cuthbert moved, by leave, That the following Order of the Day be read and rescinded :—

*Juries Law Consolidation Bill.—Adoption of Report.*

20. **JURIES LAW CONSOLIDATION BILL.**—On the motion of the Honorable H. Cuthbert, by leave, the Council adopted the Report from the Committee of the whole on this 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—Bill, on the motion of the Honorable H. Cuthbert, read a third time and *passed*.

The Honorable H. Cuthbert moved, That the following be the title of the Bill :—“*An Act to consolidate the Law relating to Juries.*”

Question—put and resolved in the affirmative.

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

21. **MELBOURNE TRAMWAYS ALTERATION AND EXTENSION BILL.**—The Order of the Day for the further consideration of this Bill in Committee of the whole Council having been read—The President left the Chair, and the Council resolved itself into a Committee of the whole for the further consideration thereof.

The President resumed the Chair; and the Honorable Dr. Dobson having reported that the Committee had gone through the Bill and agreed to the same without amendment, the Council ordered the same to be taken into consideration Tuesday 6th December instant.

The Council adjourned at eleven minutes to eleven o'clock until Tuesday next at half-past four o'clock.

JOHN BARKER,  
*Clerk of the Legislative Council.*



## VICTORIA.

No. 36.

## Minutes of the Proceedings

OF THE

## LEGISLATIVE COUNCIL.

TUESDAY, 6TH DECEMBER, 1887.

1. The Council met in accordance with adjournment.
2. The President took the Chair.
3. The President read the prayer.
4. STANDING ORDERS COMMITTEE.—The Honorable Lieut.-Col. Sargood, on behalf of the President, Chairman, brought up the Report from this Committee.  
Ordered to lie on the Table, and to be printed and taken into consideration Thursday, 8th December instant.
5. PETITION.—The Honorable Lieut.-Col. Sargood presented a Petition from certain merchants and owners of property and electors of the Council, praying the Council to refuse its assent to the repeal of section 26 of the Principal Licensing Act, or to lay the Licensing Act Amendment Bill aside.  
Petition read and ordered to lie on the Table.
6. PAPERS.—The Honorable H. Cuthbert presented by command of His Excellency the Governor—  
Australasian Statistics for the Year 1886.  
The New Hebrides and the Leeward Islands of Tahiti.—Letter from Colonial Office with draft Convention between Great Britain and France.  
Severally ordered to lie on the Table.
7. MESSAGE FROM HIS EXCELLENCY THE GOVERNOR.—The following Letter from His Excellency the Governor was presented by the Honorable Sir J. Lorimer, and the same was read and is as follows :—  
HENRY B. LOCH,  
*Governor.*  
The Governor acquaints the Legislative Council that, on the 25th ultimo he forwarded a telegraphic despatch to The Right Honorable The Secretary of State for the Colonies, informing him that the "*Australasian Naval Defence Act*" had been passed unanimously by both Houses of the Victorian Parliament, and that the Governor had on that day, in the name and on behalf of Her Majesty, given the Royal assent to the same.  
The Governor further informs the Legislative Council that he received this day the following telegraphic reply from Her Majesty's Government, viz. :—  
"Her Majesty's Government learn with much satisfaction the passing of *The Naval Defences Act.*"  
Government House,  
Melbourne, 1st December, 1887.  
Ordered to lie on the Table, and to be printed.
8. POSTPONEMENT OF ORDERS OF THE DAY.—The Council ordered that the consideration of Orders 1, 2, and 3 be postponed until after the consideration of 4th Order, Government Business, on the Paper for to-day.
9. DISCHARGE OF ORDER OF THE DAY.—On the motion of the Honorable Sir J. Lorimer, the following Order of the Day was read and discharged :—  
*Marine Board Bill.—Adoption of Report.*
10. MARINE BOARD BILL.—The Honorable Sir J. Lorimer moved, That this Bill be re-committed to a Committee of the whole Council for re-consideration.  
Question—put and resolved in the affirmative.  
And, on the further motion of the Honorable Sir J. Lorimer, the President left the Chair, and the Council resolved itself into a Committee of the whole for the re-consideration of this Bill.  
The President resumed the Chair; and the Honorable Dr. Dobson having reported that the Committee had agreed to the Bill with further amendments, the Council ordered the same to be taken into consideration this day; Bill as further amended to be printed.  
On the motion, by leave, of the Honorable Sir J. Lorimer, the Council adopted the Report from the Committee of the whole on this 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—Bill, on the motion of the Honorable Sir J. Lorimer, read a third time and *passed*.

The Honorable Sir J. Lorimer moved, That the following be the title of the Bill:—“*An Act to establish a Marine Board, and for other purposes.*”

Question—put and resolved in the affirmative.

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

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

MR. PRESIDENT—

The Legislative Assembly return to the Legislative Council the Bill intituled “*An Act to consolidate the Law relating to Juries,*” and acquaint the Legislative Council that the Legislative Assembly have agreed to the amendments made in such Bill by the Legislative Council.

Legislative Assembly Chamber,  
Melbourne, 6th December, 1887.

M. H. DAVIES,  
Speaker.

MR. PRESIDENT—

The Legislative Assembly return to the Legislative Council the Bill intituled “*An Act to amend the Law with regard to Coroners' Juries,*” and acquaint the Legislative Council that the Legislative Assembly have agreed to the amendments made in such Bill by the Legislative Council.

Legislative Assembly Chamber,  
Melbourne, 6th December, 1887.

M. H. DAVIES,  
Speaker.

MR. PRESIDENT—

The Legislative Assembly transmit to the Legislative Council copies of the Report and Evidence of the Select Committee of the Legislative Assembly on the Bill intituled “*An Act to confer powers upon the Colonial Permanent Trustee, Executor, and Agency Company Limited,*” in accordance with the request of the Legislative Council.

Legislative Assembly Chamber,  
Melbourne, 6th December, 1887.

M. H. DAVIES,  
Speaker.

MR. PRESIDENT—

The Legislative Assembly return to the Legislative Council a Bill intituled “*An Act to alter and amend 'The Transfer of Land Statute' and for other purposes,*” and acquaint the Legislative Council that the Legislative Assembly have agreed to the same with amendments, with which they desire the concurrence of the Legislative Council.

Legislative Assembly Chamber,  
Melbourne, 6th December, 1887.

M. H. DAVIES,  
Speaker.

On the motion of the Honorable H. Cuthbert the Council ordered the amendments to be printed and taken into consideration this day.

MR. PRESIDENT—

The Legislative Assembly return to the Legislative Council the Bill intituled “*An Act to amend the Law relating to Juvenile Offenders and for other purposes,*” and acquaint the Legislative Council that the Legislative Assembly have agreed to some of the amendments of the Legislative Council in this Bill, and insist on disagreeing to one amendment, with which they desire the concurrence of the Legislative Council.

Legislative Assembly Chamber,  
Melbourne, 6th December, 1887.

M. H. DAVIES,  
Speaker.

On the motion of the Honorable J. Bell the Council ordered that the amendments, disagreed to by the Legislative Assembly, be printed and taken into consideration this day.

MR. PRESIDENT—

The Legislative Assembly return to the Legislative Council the Bill intituled “*An Act to amend the Law relating to Neglected Children,*” and acquaint the Legislative Council that the Legislative Assembly insist on disagreeing to some of the amendments of the Legislative Council in this Bill; do not insist on disagreeing to other amendments; have agreed to the further amendment of the Legislative Council; do not insist on disagreeing to two of the amendments of the Legislative Council, but have agreed to the same with further amendments, and insist on some of the amendments made by the Legislative Assembly, with which they desire the concurrence of the Legislative Council.

Legislative Assembly Chamber,  
Melbourne, 6th December, 1887.

M. H. DAVIES,  
Speaker.

On the motion of the Honorable J. Bell the Council ordered the several amendments to be printed and taken into consideration this day.

12. POSTPONEMENT OF ORDER OF THE DAY.—The Council ordered that the consideration of the first Order be postponed until after the consideration of the 2nd Order, Government Business, on the Paper for to-day.

13. LICENSING ACT 1885 AMENDMENT BILL.—The Honorable H. Cuthbert moved, That this Bill be now read a second time.

Debate ensued.

Question—put and resolved in the affirmative.—Bill read a second time.

The Honorable H. Cuthbert moved, That this Bill be now committed to a Committee of the whole Council.

Question—put and resolved in the affirmative.

And, on the further motion of the Honorable H. Cuthbert, the President left the Chair, and the Council resolved itself into a Committee of the whole for the consideration of this Bill.

The President resumed the Chair; and the Honorable Dr. Dobson reported that the Committee had made progress in the Bill, and that he was directed to move that the Committee may have leave to sit again.

Resolved—That the Council will, to-morrow, again resolve itself into the said Committee.

14. NEGLECTED CHILDREN AMENDMENT BILL.—The Order of the Day for the consideration of the amendments in this Bill disagreed to by the Legislative Assembly having been read,—On the motion of The Honorable J. Bell, the said amendments were read, and are as follows :—

- (1.) Amendment of the Legislative Council—Clause 6, line 38, after “heretofore” insert “recommended by an inspector for approval or heretofore” —disagreed to by the Legislative Assembly; and insisted on by the Legislative Council. Disagreement still insisted on by Legislative Assembly.
- (2.) Amendment of the Legislative Council—Clause 7, line 8, after “approved” insert “or recommended by an inspector for approval”—disagreed to by the Legislative Assembly; and insisted on by the Legislative Council. Disagreement still insisted on by Legislative Assembly.
- (3.) Amendment of the Legislative Council—Clause 31, line 43, omit “a full record of” and insert “such information as to”—agreed to by the Legislative Assembly with the following amendments, omit “such” and “as to,”—insisted on by the Legislative Council, and amendments of the Legislative Assembly disagreed to. Disagreement still insisted on by Legislative Assembly, and amendments of Legislative Assembly insisted on.
- (4.) Amendment of the Legislative Council—Clause 31, after “boarded” at end of clause insert “as may be deemed proper and requisite by the person charged by or under the regulations of the Governor in Council for the time being in force in that behalf with the duty of giving such information or if there is no such person so charged by the secretary”—disagreed to by the Legislative Assembly; and insisted on by the Legislative Council. Disagreement of Legislative Assembly not insisted on; but agreed to with the following amendments, viz. :—Omit the words “deemed proper and requisite by the person charged” and insert in place thereof the word “prescribed,” and omit the words “with the duty of giving such information or if there is no such person so charged by the Secretary.”
- (5.) Amendment of the Legislative Council—Clause 84, line 15, omit “sixteen” and insert “fourteen,” omission of “sixteen” and insertion of “fourteen” disagreed to by Legislative Assembly, insisted on by the Legislative Council. Disagreement not insisted on by Legislative Assembly, but amendment agreed to with the following amendment:—Omit “fourteen” insert “fifteen.”

On the motion of the Honorable J. Bell the Council agreed not to insist on amendments 1 and 2.

The Honorable J. Bell moved, That the Council do not now insist on amendment 3, disagreed to by the Legislative Assembly, and agree to the amendments made by the Legislative Assembly on the amendment of the Legislative Council.

Debate ensued.

Question—put and resolved in the affirmative.

On the motion of the Honorable J. Bell, the Council agreed to the amendments of the Legislative Assembly on the amendments of the Legislative Council 4 and 5.

Ordered—That a Message be transmitted to the Legislative Assembly acquainting them that the Council do not now insist on their amendments disagreed to by the Legislative Assembly, and agree to the amendments of the Legislative Assembly on the amendments of the Legislative Council.

15. JUVENILE OFFENDERS LAW AMENDMENT BILL.—The Order of the Day for the consideration of the amendment made by the Legislative Council in this Bill, disagreed to by the Legislative Assembly, having been read, the said amendment was read a second time and is as follows :—

- (2.) Amendment of the Legislative Council.—Clause 57, line 34, omit “and may if they think fit require the parent or guardian of such boy to carry out such order,” and insert “by a constable in the presence of an Inspector or other Officer of Police of higher rank than a constable, and also in the presence, if he desires to be present, of the parent or guardian of the child” —disagreed to by the Legislative Assembly; and insisted on by the Legislative Council. Disagreement of Legislative Assembly not insisted on to omit “and may if they think fit require the parent or guardian of such boy to carry out such order,” and disagreement still insisted on to insert “by a constable in the presence of an Inspector or other Officer of Police of higher rank than a Constable and also in the presence if he desires to be present of the parent or guardian of the child.”

The Honorable J. Bell moved, That the Council do not now insist on the said amendment to insert words the disagreement to which is still insisted on by the Legislative Assembly.

Debate ensued.

Question—put.



Council divided.

Ayes, 6.

The Hon. J. Bell  
H. Cuthbert  
T. Dowling  
Sir J. Lorimer  
W. H. Roberts  
D. C. Sterry (*Teller.*)

Noes, 19.

The Hon. J. Balfour  
F. Brown  
J. Buchanan  
J. H. Connor  
T. F. Cumming  
N. FitzGerald  
S. Fraser  
H. Gore  
C. J. Ham  
D. Ham  
W. McCulloch  
J. P. MacPherson  
D. Melville  
Lt.-Col. Sargood  
W. P. Simpson  
W. E. Stanbridge  
N. Thornley  
W. A. Zeal  
G. Le Fevre, M.D. (*Teller.*)

And so it passed in the negative.

Ordered—That the Bill be returned to the Legislative Assembly with a Message acquainting them that the Council still insist on their amendment, and setting out reasons for such insistence.

16. COLONIAL PERMANENT TRUSTEE, EXECUTOR, AND AGENCY COMPANY BILL.—The Honorable W. A. Zeal moved, pursuant to notice, That this Bill be now read a second time.

Question put and resolved in the affirmative.—Bill read a second time.

The Honorable W. A. Zeal moved, That this Bill be now committed to a Committee of the whole Council.

Question—put and resolved in the affirmative.

And, on the further motion of the Honorable W. A. Zeal, the President left the Chair, and the Council resolved itself into a Committee of the whole for the consideration of this Bill.

The President resumed the Chair; and the Honorable Dr. Dobson reported that the Committee had made progress in the Bill, and that he was directed to move that the Committee may have leave to sit again.

Resolved—That this House will, to-morrow, again resolve itself into the said Committee.

17. DISCHARGE OF ORDER OF THE DAY.—On the motion of the Honorable W. A. Zeal the following Order of the Day was read and discharged:—

*Hydraulic System Bill—Adoption of Report.*

18. HYDRAULIC SYSTEM BILL.—The Honorable W. A. Zeal moved, That this Bill be re-committed to a Committee of the whole Council for re-consideration.

Question—put and resolved in the affirmative.

And, on the further motion of the Honorable W. A. Zeal, the President left the Chair, and the Council resolved itself into a Committee of the whole for the re-consideration of this Bill.

The President resumed the Chair; and the Honorable Dr. Dobson having reported that the Committee had agreed to the Bill with further amendments; the Council ordered the same to be taken into consideration this day.

On the motion of the Honorable W. A. Zeal the Council adopted the Report from the Committee of the whole on this Bill.

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

The Honorable W. A. Zeal moved, That the following be the title of the Bill:—“*An Act to facilitate the supply of motive power on the high-pressure Hydraulic System for the extinguishing of Fires, and other purposes in Melbourne and its vicinity.*”

Question—put and resolved in the affirmative.

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

19. POSTPONEMENT OF ORDERS OF THE DAY.—The Council ordered that the consideration of the following Orders of the Day be postponed until to-morrow:—

*Local Government Act 1874 Amendment Bill.—To be further considered in Committee.*

*Water Supply Loans 1887 Bill.—To be read a second time.*

*Transfer of Land Statute Amendment Bill.—Consideration of Amendments of Legislative Assembly.*

*Codification of Laws.—Consideration of Report from Joint Select Committee.*

*Controverted Elections (Council) Law Amendment Bill.—To be further considered in Committee.*

*Legislative Council Act 1881 Further Amendment Bill.—To be read a second time.*

*Instruments and Securities Statute Amendment Bill.—Adjourned debate on second reading.*

*Dentists Registration Bill.—To be further considered in Committee.*

*Police Regulation Statute Amendment Bill.—To be read a second time.*

*Slander Law Amendment Bill.—To be read a second time.*

*Melbourne Tramways Alteration and Extension Bill.—Adoption of Report.*

The Council adjourned at eighteen minutes past eleven o'clock until to-morrow, at half-past four o'clock.

JOHN BARKER,  
Clerk of the Legislative Council.

## VICTORIA.

No. 37.

## Minutes of the Proceedings

OF THE

## LEGISLATIVE COUNCIL.

WEDNESDAY, 7TH DECEMBER, 1887.

1. The Council met in accordance with adjournment.
2. The President took the Chair.
3. The President read the Prayer.
4. REMOVAL OF DOUBTS BILL.—The Honorable Lieut.-Col. Sargood moved, pursuant to notice, That “*The Legislative Council Act 1881 Removal of Doubts Bill*” be referred to a Select Committee of twelve Members; five to form a quorum.  
Debate ensued.  
Motion, by leave, withdrawn.

5. JUVENILE OFFENDERS LAW AMENDMENT BILL.—The Honorable Lieut.-Col. Sargood moved, by leave, That the Council agree to the following reasons for insisting on their amendment to insert the words in clause 136 of this Bill, disagreed to by the Legislative Assembly, viz. :—
  1. Because it is impossible to compel a parent or guardian to “carry out such order” of the justices, and hence the punishment would either not be inflicted at all or be inadequately administered.
  2. Because the Bill does not provide for the punishment being inflicted by any other person in the event of the parent or guardian declining to obey the “order of the justices.”
  3. Because the carrying out of the order of the justices is deemed by the Council to come within the duty that may fairly be required from constables.

Question—put and resolved in the affirmative.

Ordered—That the Bill be returned to the Legislative Assembly with a Message acquainting them that the Legislative Council still insist on their amendment, and transmitting the above reasons for so doing.

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

MR. PRESIDENT—

The Legislative Assembly transmit to the Legislative Council a Message from His Excellency the Governor, recommending an amendment in the Bill intituled, “*An Act to enable the Mayor, Councillors, and Citizens of the City of Ballaarat, to demise for terms of years certain Lands vested in them, and for other purposes,*” and acquaint the Legislative Council that the Legislative Assembly have agreed to the said amendment recommended by His Excellency the Governor in this Bill, with which they desire the concurrence of the Legislative Council.

M. H. DAVIES,  
Speaker.

Legislative Assembly Chamber,  
Melbourne, 7th December, 1887.

And the said Message was read and is as follows:—

HENRY B. LOCH,  
Governor.

Message

Pursuant to the provisions of section 36 of the Constitution Act, the Governor transmits to the Legislative Assembly, for their consideration, the following amendment that he desires to be made in the Bill intituled “*An Act to enable the Mayor, Councillors, and Citizens of the City of Ballaarat to demise for terms of years certain Lands vested in them, and for other purposes.*”

In clause one, in lieu of the words “nineteenth day of May, One thousand eight hundred and eighty-five,” substitute “eighteenth day of August, One thousand eight hundred and eighty-two.”

Government Offices,  
Melbourne, 7th October, 1887.

On the motion of the Honorable H. Cuthbert, the Council agreed to the said amendment and ordered that a Message be transmitted to the Legislative Assembly acquainting them that the Legislative Council have agreed to the said amendment.

7. 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 Victorian Water Conservation Acts 1881-1886,’ and for other puposes,*” with which they desire the concurrence of the Legislative Council.

Legislative Assembly Chamber,  
Melbourne, 7th December, 1887.

M. H. DAVIES,  
Speaker.

8. WATER CONSERVATION ACTS CONSOLIDATION BILL.—The Honorable H. Cuthbert moved, That the Bill transmitted by the above Message, intituled “*An Act to consolidate ‘The Victorian Water Conservation Acts 1881-1886,’ and for other puposes,*” be now read a first time.  
Question—put and resolved in the affirmative.—Bill read a first time, ordered to be printed, and read a second time to-morrow.
9. LICENSING ACT 1885 AMENDMENT BILL.—The Order of the Day for the further consideration of this Bill in Committee of the whole Council having been read—The President left the Chair, and the Council resolved itself into a Committee of the whole for the further consideration thereof.

And the Council having continued to sit till after twelve of the clock,

THURSDAY, 8TH DECEMBER, 1887.

The President resumed the Chair ; and the Honorable Dr. Dobson reported that the Committee had made progress in the Bill, and that he was directed to move, That the Committee may have leave to sit again.

Resolved—That the Council will, this day, again resolve itself into the said Committee.

10. POSTPONEMENT OF ORDERS OF THE DAY.—The Council ordered that the consideration of the following Orders of the Day be postponed until this day

*Mortgagees and Purchasers Protection Bill.—To be read a second time.*

*Local Government Act 1874 Amendment Bill.—To be further considered in Committee.*

*Water Supply Loans 1887 Bill.—To be read a second time.*

*Transfer of Land Statute Amendment Bill.—Consideration of Amendments of Legislative Assembly.*

*The Colonial Permanent Trustee, Executor, and Agency Company Bill.—To be further considered in Committee.*

*Codification of Laws.—Consideration of Report from Joint Select Committee.*

*Controverted Elections (Council) Law Amendment Bill.—To be further considered in Committee.*

*Legislative Council Act 1881 further Amendment Bill.—To be read a second time.*

*Instruments and Securities Statute Amendment Bill.—Adjourned debate on second reading.*

*Dentists Registration Bill.—To be further considered in Committee.*

*Police Regulation Statute Amendment Bill.—To be read a second time.*

*Slander Law Amendment Bill.—To be read a second time.*

*Melbourne Tramways Alteration and Extension Bill.—Adoption of Report.*

The Council adjourned at seven minutes past two o'clock until at half-past four o'clock p.m. this day.

JOHN BARKER,  
Clerk of the Legislative Council.

## VICTORIA.

No. 38.

## Minutes of the Proceedings

OF THE

## LEGISLATIVE COUNCIL.

THURSDAY, 8TH DECEMBER, 1887.

1. The Council met in accordance with adjournment.
2. The President took the Chair.
3. The President read the prayer.
4. PAPER.—The Honorable Sir J. Lorimer presented, pursuant to Act of Parliament—  
Pilot Board.—Accounts of the Pilot Board of Victoria, for the year ended 31st August, 1887,  
together with the Audit Commissioners' Report thereon.  
Ordered to lie on the Table.
5. LICENSING ACT 1885 AMENDMENT BILL.—The Order of the Day for the further consideration of this Bill in Committee of the whole Council having been read—The President left the Chair, and the Council resolved itself into a Committee of the whole for the further consideration thereof.  
The President resumed the Chair; and the Honorable Dr. Dobson reported that the Committee had gone through the Bill and agreed to the same with amendments.  
The Honorable H. Cuthbert moved, That this Bill be re-committed to a Committee of the whole Council for re-consideration of Clause 27 of this Bill.  
Debate ensued.  
Question—put and resolved in the affirmative.  
And, on the further motion of the Honorable H. Cuthbert, the President left the Chair, and the Council resolved itself into a Committee of the whole for the re-consideration of Clause 27 of this Bill.  
The President resumed the Chair; and the Honorable Dr. Dobson having reported that the Committee had agreed to the Bill with a further amendment, the Council ordered the same to be taken into consideration the next day of meeting; Bill as further amended to be printed.
6. 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 trustees of the will of the late John Hastie, Esquire, to distribute the estate of the said John Hastie, in accordance with an agreement between the next of kin of the testator and the several parties entitled under the will,*" with which they desire the concurrence of the Legislative Council.  
M. H. DAVIES,  
Speaker.  
Legislative Assembly Chamber,  
Melbourne, 8 December, 1887.
7. HASTIE BEQUEST BILL.—The Honorable Lt.-Col. Sargood moved, by leave, That a Message be sent to the Legislative Assembly asking them to communicate the Report and Proceedings of the Select Committee of that House to which the Hastie Bequest Bill was referred.  
Question—put and resolved in the affirmative.
8. HASTIE BEQUEST BILL.—The Hon. Lt.-Col. Sargood moved, by leave, That Standing Order No. 15, relative to Private Bills, be suspended, in order to allow the Hastie Bequest Bill to pass through more than one stage in one and the same day.  
Question—put and resolved in the affirmative.
9. HASTIE BEQUEST BILL.—The Honorable Lt.-Col. Sargood, having produced a certificate showing that the sum of £20 had been paid into the hands of the Treasurer for the public uses of the colony, moved, That the Bill transmitted by the above Message, intituled "*An Act to authorize the trustees of the will of the late John Hastie, Esquire, to distribute the estate of the said John Hastie, in accordance with an agreement between the next of kin of the testator and the several parties entitled under the will,*" be now read a first time.  
Question—put and resolved in the affirmative.—Bill read a first time.

10. 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 'County Court Statute 1869,'*" and acquaint the Legislative Council that the Legislative Assembly have agreed to the amendments made in such Bill by the Legislative Council.

Legislative Assembly Chamber,  
Melbourne, 8th December, 1887.

M. H. DAVIES,  
Speaker.

11. 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 establish a Marine Board, and for other purposes,*" and acquaint the Legislative Council that the Legislative Assembly have agreed to several of the amendments made in such Bill by the Legislative Council, and have agreed to others of the said amendments, with amendments, with which they desire the concurrence of the Legislative Council.

Legislative Assembly Chamber,  
Melbourne, 8th December, 1887.

M. H. DAVIES,  
Speaker.

And the said amendments, agreed to by the Legislative Assembly with amendments, were read, and are as follows:—

Clause 18, line 30, omit "Masters (not holding exemption certificates) and" and insert "the Masters of ships registered in Victorian ports and a list." Agreed to by the Legislative Assembly with the following consequential amendment:—After "capacity" in line 32 insert "other than as Master."

„ page 10, line 3, after "capacity" insert "other than as Master." Agreed to by the Legislative Assembly with the following consequential amendment:—In line 2 after "been" omit "Master of or."

Clause 19, line 18, omit "or by persons whose names appear on the Roll of exempt Masters."

„ line 20, omit "and" and insert "or by persons whose names appear on the Roll of." Agreed to by the Legislative Assembly with the following amendment:—After "Masters" in line 20 insert "or by certificated Engineers."

On the motion of the Honorable Sir J. Lorimer, the Council agreed to the amendments made by the Legislative Assembly on the amendments of the Legislative Council.

Ordered—That a Message be transmitted to the Legislative Assembly, acquainting them that the Legislative Council have agreed to the amendments of the Legislative Assembly on the amendments of the Legislative Council.

12. STANDING ORDERS COMMITTEE.—The Order of the Day for the consideration of the Report from this Committee, to which was referred Standing Order No. 287, with instructions to report fully as to the scope of such Standing Order and the advisability of making any alteration in the same or other of the Standing Orders, having been read,

The Honorable Lieut.-Colonel Sargood moved, That the resolutions contained in such Report be now adopted as the Standing Rules and Orders of the Legislative Council relating to the transaction of Public Business.

Question—put and resolved in the affirmative.

The Honorable Lieut.-Colonel Sargood moved, That such Standing Rules and Orders be laid before His Excellency the Governor, and his approval requested thereto.

Question—put and resolved in the affirmative.

13. THE COLONIAL PERMANENT TRUSTEE, EXECUTOR, AND AGENCY COMPANY BILL.—The Order of the Day for the further consideration of this Bill in Committee of the whole Council having been read—The President left the Chair, and the Council resolved itself into a Committee of the whole for the further consideration thereof.

The President resumed the Chair, and the Honorable Dr. Dobson having reported that the Committee had gone through the Bill and agreed to the same without amendment, the Council ordered the same to be taken into consideration this day.

On the motion of the Honorable D. Melville, the Council adopted the Report from the Committee of the whole on this Bill.

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

The Honorable D. Melville moved, That the following be the title of the Bill:—"An Act to confer powers upon the Colonial Permanent Trustee, Executor, and Agency Company Limited."

Question—put and resolved in the affirmative.

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

14. DISCHARGE OF ORDERS OF THE DAY.—The Council ordered that the following Orders of the Day be read and discharged :—

*Codification of Laws.—Consideration of Report from Joint Select Committee.*

*Controverted Elections (Council) Law Amendment Bill.—To be further considered in Committee.*

*Legislative Council Act 1881 Further Amendment Bill.—To be read a second time.*

Ordered—That the said Bills be withdrawn.

15. POSTPONEMENT OF ORDERS OF THE DAY.—The Council ordered that the consideration of the following Orders of the Day be postponed as under :—

*Water Conservation Acts Consolidation Bill.—To be read a second time.*

*Local Government Act 1874 Amendment Bill.—To be further considered in Committee.*

*Water Supply Loans 1887 Bill.—To be read a second time.*

*Transfer of Land Statute Amendment Bill.—Consideration of Amendments of Legislative Assembly.*

*Mortgagees and Purchasers Protection Bill,—To be read a second time until after the consideration of the several Orders General Business on the Paper for to-day ;*

*Instruments and Securities Statute Amendment Bill.—Adjourned debate on second reading until Tuesday 13th December instant.*

16. DENTISTS REGISTRATION BILL.—The Order of the Day for the further consideration of this Bill in Committee of the whole Council having been read—The President left the Chair, and the Council resolved itself into a Committee of the whole for the further consideration thereof.

The President resumed the Chair; and The Honorable Dr. Dobson having reported that the Committee had gone through the Bill and agreed to the same with amendments, the Council ordered the same to be taken into consideration this day.—Bill as amended to be printed.

On the motion of the Honorable Dr. Beaney the Council adopted the Report from the Committee of the whole.

Ordered—That the Bill be read a third time Tuesday, 13th December instant.

17. ALTERATION OF SESSIONAL ORDER.—The Honorable H. Cuthbert moved, pursuant to notice, That the Sessional Order appointing days of meeting of the Council be altered, and that the Council meet for the despatch of business on Fridays at half-past Four o'clock.

Debate ensued.

Question—put and resolved in the affirmative.

18. POLICE REGULATION STATUTE AMENDMENT BILL.—The Honorable D. Melville moved, That this Bill be now read a second time.

The Honorable W. P. Simpson moved, That the debate be now adjourned.

Debate ensued.

Question—That the debate be now adjourned—put.

Council divided.

Ayes, 16.

The Hon. J. Balfour  
Dr. Beaney  
J. Bell  
H. Cuthbert  
Dr. Dobson  
S. Fraser  
H. Gore  
C. J. Ham  
D. Ham  
Sir J. Lorimer  
W. McCulloch  
J. P. MacPherson  
Lt.-Col. Sargood  
W. P. Simpson  
W. E. Stanbridge  
W. I. Winter (*Teller*).

Noes, 9.

The Hon. J. Buchanan  
J. H. Connor  
C. H. James  
G. Le Fevre, M.D.  
D. Melville  
W. H. Roberts  
W. Ross  
J. A. Wallace  
D. C. Sterry (*Teller*).

And so it was resolved in the affirmative.

19. 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 Evidence of the Select Committee of the Legislative Assembly on the Bill intituled "*An Act to authorize the Trustees of the Will of the late John Hastie, Esquire, to distribute the Estate of the said John Hastie in accordance with an agreement between the the next of kin of the testator and the several parties entitled under the Will,*" in accordance with the request of the Legislative Council.

M. H. DAVIES,  
Speaker.

Legislative Assembly Chamber,  
Melbourne, 8th December, 1887.

20. POSTPONEMENT OF ORDERS OF THE DAY.—The Council ordered that the consideration of the following Orders of the Day be postponed as under :—

*Water Conservation Acts Consolidation Bill.*—To be read a second time.

*Local Government Act 1874 Amendment Bill.*—To be further considered in Committee.

*Water Supply Loans 1887 Bill.*—To be read a second time.

*Transfer of Land Statute Amendment Bill.*—Consideration of Amendments of Legislative Assembly.

*Mortgagees and Purchasers Protection Bill.*—To be read a second time—until Tuesday, 13th December instant.

*Slander Law Amendment Bill.*—To be read a second time.

*Melbourne Tramways Alteration and Extension Bill.*—Adoption of Report—until to-morrow.

The Council adjourned at twenty-eight minutes to eleven o'clock until to-morrow, at half-past four o'clock.

JOHN BARKER,  
Clerk of the Legislative Council.

## VICTORIA.

No. 39.

## Minutes of the Proceedings

OF THE

## LEGISLATIVE COUNCIL.

FRIDAY, 9TH DECEMBER, 1887.

1. The Council met in accordance with adjournment.
2. The President took the Chair.
3. The President read the prayer.
4. LICENSING ACT 1885 AMENDMENT BILL.—The Order of the Day for the consideration of the Report from the Committee of the whole on this Bill having been read—The Honorable H. Cuthbert moved, That the Council disagree with the amendment of the Committee to insert in clause 11, line 38, the words “and for the loss of his licence and business.”

Debate ensued.

Question—put.

Council divided.

Ayes, 19.

The Hon. J. Balfour  
 J. Bell  
 Sir W. J. Clarke, Bart.  
 J. H. Connor  
 S. Fraser  
 H. Gore  
 C. J. Ham  
 D. Ham  
 P. Hanna  
 G. Le Fevre, M.D.  
 Sir J. Lorimer  
 J. P. MacPherson  
 D. Melville  
 F. Ormond  
 W. H. Roberts  
 W. Ross  
 Lt.-Col. Sargood  
 N. Thornley  
 H. Cuthbert (*Teller*).

Noes, 7.

The Hon. T. F. Cumming  
 J. G. Dougharty  
 W. McCulloch  
 W. E. Stanbridge  
 J. A. Wallace  
 W. I. Winter  
 C. H. James (*Teller*).

And so it was resolved in the affirmative.

The Honorable H. Cuthbert moved, That the other amendments made by the Committee of the whole Council in this Bill be agreed to by the Council.

Question—put and resolved in the affirmative.

Ordered—That the Bill be read a third time on Tuesday, 13th December instant.

5. POSTPONEMENT OF ORDER OF THE DAY.—The Council ordered that the consideration of the following Order of the Day be postponed until Tuesday, 13th December next :—

*Slander Law Amendment Bill.—To be read a second time.*

6. DISCHARGE OF ORDER OF THE DAY.—On the motion of the Honorable Lieut.-Col. Sargood, the following Order of the Day was read and discharged :—

*Melbourne Tramways Alteration and Extension Bill.—Adoption of Report.*



7. MELBOURNE TRAMWAYS ALTERATION AND EXTENSION BILL.—The Honorable Lieut.-Col. Sargood moved, That this Bill be re-committed to a Committee of the whole Council for re-consideration of Clauses 7, 9, 11, 13, and Schedule to this Bill.

Question—put and resolved in the affirmative.

And, on the further motion of the Honorable Lieut.-Col. Sargood, the President left the Chair, and the Council resolved itself into a Committee of the whole for the re-consideration of Clauses 7, 9, 11, 13, and Schedule to this Bill.

The President resumed the Chair; and the Honorable T. F. Cumming reported that the Committee had made progress in the Bill, and that he was directed to move that the Committee may have leave to sit again.

Resolved—That the Council will, on Wednesday next, again resolve itself into the said Committee.

The Council adjourned at fourteen minutes to six o'clock until Tuesday next at half-past four o'clock.

JOHN BARKER,  
*Clerk of the Legislative Council.*

## VICTORIA.

No. 40.

## Minutes of the Proceedings

OF THE

## LEGISLATIVE COUNCIL.

TUESDAY, 13<sup>TH</sup> DECEMBER, 1887.

1. The Council met in accordance with adjournment.
2. The President took the Chair.
3. The President read the Prayer.
4. PAPERS.—The Honorable H. Cuthbert presented, by command of His Excellency the Governor—  
Protection of the Aborigines—Twenty-third Report of the Board for the—  
Ordered to lie on the Table.  
The Honorable H. Cuthbert presented, pursuant to Act of Parliament—  
Exhibition Trustees—Report of the Proceedings of the—for the year ending 30th June, 1887.  
The Land Act 1884, Section 69, Schedule (No. 4) of Country Lands proposed to be offered  
for Sale by Public Auction during the year 1888.  
Severally ordered to lie on the Table.
5. LICENSING ACT AMENDMENT BILL.—The Order of the Day for the third reading of this Bill having  
been read, and 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, and the Clerk of the Council  
having noted the amendment made on the consideration of the report—Bill, on the motion of the  
Honorable H. Cuthbert, read a third time and *passed*.  
The Honorable H. Cuthbert moved, That the following be the title of the Bill:—“*An Act to amend*  
“*The Licensing Act 1885.*”  
Question—put and resolved in the affirmative.  
Ordered—That the Bill be returned to the Legislative Assembly, with a Messsge acquainting them  
that the Legislative Council have agreed to the same with amendments, and requesting their con-  
currence therein.
6. 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*  
“*facilitate the supply of Motive Power on the High-pressure Hydraulic System for the extinguish-*  
“*ing of Fires, and other purposes, in Melbourne and its vicinity,*” and acquaint the Legislative  
Council that the Legislative Assembly have agreed to the amendments made in such Bill by the  
Legislative Council.  
M. H. DAVIES,  
Legislative Assembly Chamber, Speaker.  
Melbourne, 13th December, 1887.
7. 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*  
“*facilitate the Recovery of Judgments against Debtors who have removed into adjacent colonies, and*  
“*the enforcement of Judgments obtained in adjacent colonies against Debtors who have removed from*  
“*such colonies into Victoria,* with which they desire the concurrence of the Legislative Council.  
M. H. DAVIES,  
Legislative Assembly Chamber, Speaker.  
Melbourne, 13th December, 1887.
8. ABSCONDING DEBTORS BILL.—The Honorable H. Cuthbert moved, That the Bill transmitted by the  
above Message, intituled “*An Act to facilitate the Recovery of Judgments against Debtors who have*  
“*removed into adjacent colonies, and the enforcement of Judgments obtained in adjacent colonies*  
“*against Debtors who have removed from such colonies into Victoria,*” be now read a first time.  
Question—put and resolved in the affirmative.—Bill read a first time, ordered to be printed, and read  
a second time to-morrow.

9. 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 Trustees of Temperance Halls to demise certain lands for terms of years and to raise loans on the rents of such lands and buildings and for other purposes,*" with which they desire the concurrence of the Legislative Council.

Legislative Assembly Chamber,  
Melbourne, 13th December, 1887.

M. H. DAVIES,  
Speaker.

10. TEMPERANCE HALLS BILL.—The Honorable W. A. Zeal moved, That the Bill transmitted by the above Message, intituled "*An Act to enable Trustees of Temperance Halls to demise certain lands for terms of years, and to raise loans on the rents of such lands and buildings, and for other purposes,*" be now read first time.

Question—put and resolved in the affirmative.—Bill read a first time, ordered to be printed, and read a second time this day.

11. 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 Discipline of Volunteer Fire Brigades, and to make better provision for the Protection of Life and Property from Fire, and for other purposes,*" with which they desire the concurrence of the Legislative Council.

Legislative Assembly Chamber,  
Melbourne, 13th December, 1887.

M. H. DAVIES,  
Speaker.

12. FIRE BRIGADES BILL.—The Honorable Lieut.-Colonel Sargood moved, That the Bill transmitted by the above Message, intituled "*An Act to provide for the Regulation and Discipline of Volunteer Fire Brigades, and to make better provision for the Protection of Life and Property from Fire, and for other purposes*" be now read a first time.

Question—put and resolved in the affirmative.—Bill read a first time, ordered to be printed, and read a second time to-morrow.

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

MR. PRESIDENT—

The Legislative Assembly transmit to the Legislative Council a Bill intituled "*An Act to establish a Veterinary Board and to regulate Veterinary Practice in Victoria,*" with which they desire the concurrence of the Legislative Council.

Legislative Assembly Chamber,  
Melbourne, 13th December, 1887.

M. H. DAVIES,  
Speaker.

14. VETERINARY BILL.—The Honorable H. Cuthbert moved, That the Bill transmitted by the above Message, intituled "*An Act to establish a Veterinary Board and to regulate Veterinary Practice in Victoria,*" be now read a first time.

Question—put and resolved in the affirmative.—Bill read a first time, ordered to be printed, and read a second time to-morrow.

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

MR. PRESIDENT—

The Legislative Assembly return to the Legislative Council the Bill intituled "*An Act to consolidate and amend the Law relating to Justices of the Peace and Courts of General and Petty Sessions,*" and acquaint the Legislative Council that the Legislative Assembly have agreed to the same with amendments, with which they desire the concurrence of the Legislative Council.

Legislative Assembly Chamber,  
Melbourne, 13th December, 1887.

M. H. DAVIES,  
Speaker.

On the motion of the Honorable H. Cuthbert the said amendments were read and are as follow :—

- (1.) Clause 2, line 24, omit "February" and insert "May."
- (2.) Clause 6, after sub-clause (c.) insert the following new sub-clause :—
  - (d.) The fees costs and charges under this Act or under any other Act for the time being in force so far as the same relates to any matter or proceeding as to which a court of general or petty sessions or any one or more justices has or have jurisdiction."
- (3.) " line 3, omit "their" and insert "its."
- (4.) " line 6, omit "rules are" and insert "rule is."
- (5.) After clause 6, insert the following new clauses :—

A. Every clerk of petty sessions shall demand receive and take for the use of Her Majesty the several fees allowed by and mentioned in the rules for the time being made by the Governor in Council in pursuance of this Act and no more; and such fees shall be paid in the first instance by the person by whom or on

whose behalf the act or proceeding (in respect whereof the same are payable) is required before such act shall be done or such proceedings shall be issued or taken (as the case may be); but no such fee shall be demanded received or taken from any officer of customs or police acting in the execution of his duty or from any person acting for and by authority of Her Majesty or of the central or any local board of health, and no fee shall be payable on the issue or service of any summons on the complaint of any municipality to enforce payment of any rates or on the complaint of any Water Commission or Irrigation Trust.

B. The clerk of every court of petty sessions shall cause a true and exact printed copy of the said rules so far as the same relate to fees to be exposed and kept constantly in some conspicuous part of the office or room in which any such fee as aforesaid is demanded taken or received, and also in some conspicuous part of the office or room in which such court of petty sessions is holden.

C. If any clerk of petty sessions neglect or omit to keep a printed copy of the said rules so far as the same relate to fees in the places and in the manner in which he ought to keep the same, or if the copy that he keeps be false or inexact, he shall on conviction thereof forfeit the sum of Ten shillings for every day during any part of which he makes such default.

D. If any clerk of petty sessions extort or corruptly demand take accept or receive from any person any fee gratuity or reward not allowed and mentioned as aforesaid or greater in amount than is allowed and mentioned as aforesaid, he shall be guilty of a misdemeanor, and on being convicted thereof shall be liable at the discretion of the court to be imprisoned for any term not exceeding two years.

E. If any person not being a clerk of petty sessions assume or pretend to act as such, or extort demand take accept or receive any fee gratuity or reward under colour or pretext of such office, he shall be guilty of a misdemeanor, and on being convicted thereof shall be liable at the discretion of the court to be imprisoned for any term not exceeding two years.

- (6.) Clause 17, page 5, line 35, after "named" insert "as the person against whom the same is laid or made."
- (7.) Clause 19, line 22, after "issued" insert "by"; and after "either" omit "by."
- (8.) Clause 20, line 25, omit "forty-eight" and insert "seventy-two."
- (9.) " page 7, line 12, after "justice" insert "or clerk."
- (10.) Clause 21, line 23, after "member" insert "or members."
- (11.) Clause 26, line 34, omit "such persons" and insert "witnesses."
- (12.) " " omit "such."
- (13.) " line 35, omit "accordingly."
- (14.) " line 45, before "coroner" insert "police officer in charge of a station or."
- (15.) Clause 33, lines 16 and 17, omit "any person has been summoned to attend before a justice as a witness if any" and insert "it appears to any justice that any person is able to give material evidence or produce material documents on such information and such."
- (16.) " line 20, omit "such" and insert "a."
- (17.) " line 33, omit "such" in both places where the same occurs and insert "a."
- (18.) " " after "warrant" insert "as hereinbefore provided."
- (19.) Clause 56, page 23, line 9, after "thereon" insert "where the interest claimed does not exceed six pounds per centum per annum."
- (20.) Clause 74, page 31, line 20, omit "In every case at" and insert "At."
- (21.) " lines 21, 22, 23, and 24, omit "cause the defendant's statement of defence and the points on which he relies (in cases where such statement and points are given)" and insert "in every case where the defendant is required to give and gives a statement of his defence and the points on which he relies cause such statement and points to be taken down in writing."
- (22.) " page 32, line 1, after "made" insert "for which no fee shall be paid."
- (23.) Clause 74, page 32, after sub-clause (15) insert the following new sub-clause (15A):—  
(15A.) Where a summary conviction or order has been had or made, all parties interested therein shall be entitled to demand and have copies of the information and depositions and of such conviction or order upon payment for the same to the clerk of petty sessions of the sum mentioned for the same in the rules for the time being made by the Governor in Council in pursuance of this Act.
- (24.) Clause 76, line 38, omit "consent" and insert "permission."  
" line 38, omit "complainant" and insert "justice."
- (25.) Clause 80, line 29, omit "as" and insert "that."
- (26.) Clause 86, line 35, at the end of sub-clause 4, add:—"And in such case such court may proceed to hear and determine the information or complaint in respect of which such order was made."

" After sub-clause (5) insert new sub-clause (6):—  
Clause 86, at end, insert—

- (6.) The costs of witnesses, whether they have been examined or not, unless otherwise ordered by the court, shall be allowed to them though they have not been summoned; but their allowance for attendance shall in no case exceed the highest rate of allowance mentioned in the rules for the time being made by the Governor in Council in pursuance of this Act. The amount of costs to be paid by one party to another, whether for the attendance of witnesses or otherwise, shall in all cases be fixed by the court.
- (27.) Clause 92, page 38, line 10, after "person" insert "in."
- (28.) Clause 96, line 5, omit "or" and insert "and."
- (29.) Clause 100, page 40, line 39, after "person" insert "wilfully."
- (30.) Clause 102, line 9, after "gaol" insert "in whatever bailiwick such gaol may be."
- (31.) Clause 123, line 9, after "due" omit "to" and insert "from."

- (32.) Clause 123, line 9, after "him" omit "from" and insert "to."  
 (33.) Clause 132, page 54, line 33, omit "in the event of no counsel being present."  
 (34.) Clause 145, line 35, after "order" insert "(hereinafter called an 'order to review')." "  
 (35.) Clause 191, line 15, omit "a complaint."  
 (36.) " lines 16 and 17, omit "complaint shall be made and such."  
 (37.) " line 17, after "be" insert "made or."  
 (38.) " line 18, omit "or complaint."  
 (39.) Clause 195 after this clause insert New Clauses F and G—

F. Any judge or justice of the court before which any person shall be prosecuted or tried or for trial before which he may be committed or bailed to appear for any felony or misdemeanor is hereby authorized and empowered in his discretion at the request of any person who shall appear before such court on recognisance to give evidence on behalf of the person accused to certify that such witness so appearing ought to be paid his expenses, and in that case the amount to be paid to such witness shall be the same as if he had been a witness for the prosecution, and shall be ascertained in like manner and shall be defrayed out of any moneys provided by Parliament for allowances to witnesses.

If witnesses for accused bound by recognisance appear at the trial, court may allow expenses.  
 11 & 12 Vict. c. 42 s. 5.

G. Every clerk of the peace shall demand receive and take for the use of Her Majesty the several fees allowed by and mentioned in the rules for the time being made by the Governor in Council in pursuance of this Act and no more, and such fees shall be paid in the first instance by the person by whom or on whose behalf the act or proceeding (in respect whereof the same are payable) is required before such act shall be done or such proceeding shall be issued or taken (as the case may be); but no such fee shall be demanded received or taken from any officer of customs or police acting in the execution of his duty or from any person acting for and by authority of Her Majesty or of the Central or any local board of health.

No. 565 s. 20.  
 Fees of clerks of the peace.  
 See No. 565, s. 41.

- (40.) Clause 198, lines 34, 35, 36, and 37, omit "until he have given security to the satisfaction of the Chairman of the Court to the amount of One hundred pounds for the due execution of the duties of his office by himself and his deputies so appointed as aforesaid," and  
 (41.) " line 37, omit "such Chairman," and insert "The Chairman of the Court."  
 (42.) Clause 200, line 13, omit "months" and insert "days."  
 " line 14, omit "fifty" and insert "five."  
 (43.) " " omit "forthwith" and insert "within a time to be fixed by the Chairman."  
 (44.) Clause 202, omit this clause.  
 (45.) Clause 203, line 8, omit "such."  
 (46.) " " after "Court," insert "of General Sessions."  
 (47.) Second Schedule, page 78, Form XIII., 4th line, after A. B. omit "informant" and insert "complainant."  
 (48.) " 6th line, after "date of," omit "information," and insert "complaint."  
 (49.) " page 81, Form XX., 2nd last line of the page, omit "C. D." and insert "J. S."

And the said several amendments, 1 to the first numbered 24 inclusive, were read a second time and agreed to by the Council.

Second amendment, numbered 24, read a second time.

On the motion of The Honorable H. Cuthbert the Council agreed to the same with the following amendment:—Omit "Justice" and insert "Court."

Amendments 25 to 41, both inclusive, read a second time and agreed to by the Council.

Amendments numbered 42 read a second time.

The Honorable H. Cuthbert moved, That the Council agree to the said amendments.

Debate ensued.

Question—put and negatived.

Amendments 43 and 44 read a second time and agreed to by the Council.

The Honorable H. Cuthbert moved as an amendment, consequent on the omission of clause 202, That in clause 196, line 1, the word "eight" be omitted, and the word "seven" be inserted instead thereof.

Question—put and resolved in the affirmative.

And the remainder of the amendments were read a second time, and agreed to by the Council.

Ordered—That the Bill be returned to the Legislative Assembly, with a Message, acquainting the Legislative Assembly that the Legislative Council have agreed to some of the amendments, have disagreed to others, have agreed to one with an amendment, and have made a consequential amendment, with which they desire the concurrence of the Legislative Assembly.

16. POSTPONEMENT OF ORDERS OF THE DAY.—The Council ordered that the consideration of Orders 2, 3, and 4 be postponed until after the consideration of the 5th Order, Government Business, on the Paper for to-day.

17. TRANSFER OF LAND STATUTE AMENDMENT BILL.—The Order of the Day for the consideration of the amendments made by the Legislative Assembly in this Bill, having been read—On the motion of the Honorable H. Cuthbert, the said amendments were read, and are as follow:—

- (1.) Clause 4, at end of clause add—

"And thereupon half the fees paid on the lodging of the document shall be forfeited and dealt with as a penalty under section one hundred and forty-two of the Act, and the other half may be returned to the person lodging the document on his withdrawing the same."

- (2.) Clause 14, line 12, omit "limit" and insert "limits."  
 (3.) " line 13, omit "any" and insert "the."  
 (4.) " line 13, after "city" insert "of Melbourne."  
 (5.) " line 13, after "town" insert "of Geelong."

- (6.) Clause 14, line 19, omit "and in" and insert "In."  
 (7.) " line 20, omit "their" and insert "such body."  
 (8.) " line 20, after "objections" insert "it."  
 (9.) " line 23, after "as" insert "to him."  
 (10.) " at end of the clause add :—

Provided always, that no encroachment so allowed by the Commissioner shall exceed three feet.

Provided also, that the Governor in Council may from time to time upon a petition in that behalf signed by two-thirds of the total number of members of the Council of any shire borough town or city sealed with the common seal of the municipality affected, order that the operation of this section be extended to such shire borough town or city and every order so made shall be published in the *Government Gazette* and shall take effect as from the day of such publication.

- (11.) Clause 18, line 4, omit "four" and insert "five."

- (12.) After Clause 19 insert new Clause—

A. The expense of any survey which the Commissioner shall cause to be made under section fifteen of this Act shall in the first instance be defrayed out of the consolidated revenue, but every applicant who after such subdivision shall apply to bring any portion of the land comprised in such subdivision under the Act or to have a certificate issued or amended as to any such land for the first time after such subdivision shall in addition to any other moneys chargeable in such case pay to the registrar (to be by him paid into the consolidated revenue) such amount as the Commissioner shall under his hand certify to be in his judgment an equitable share of such expense to be contributed in respect of the land comprised in such application.

- (13.) Clause 23, line 4, omit "twenty" and omit "and."

- (14.) Same Clause, line 5, before "of this Act" insert "and twenty-three."

- (15.) Insert New Clause B.

B. Upon any application being made to bring land under the Act the Commissioner shall direct the notice thereof mentioned in section nineteen of the Act to be served on all persons appearing on the register to have a then subsisting estate or interest in the land, by the Registrar sending through the post-office a registered letter marked outside "Office of Titles," containing a copy of such notice addressed to such person at the address (if any) appearing upon the register.

And the said several amendments were read a second time and agreed to by the Legislative Council.

Ordered—That a Message be transmitted to the Legislative Assembly, acquainting them that the Council have agreed to said amendments.

18. WATER CONSERVATION ACTS CONSOLIDATION BILL.—The Honorable H. Cuthbert moved, That this Bill be now read a second time.

Debate ensued.

Question—put and resolved in the affirmative.—Bill read a second time.

The Honorable H. Cuthbert moved, That this Bill be now committed to a Committee of the whole Council.

Question—put and resolved in the affirmative.

And, on the further motion of the Honorable H. Cuthbert, the President left the Chair, and the Council resolved itself into a Committee of the whole for the consideration of this Bill.

The President resumed the Chair; and the Honorable N. Thornley reported that the Committee had gone through the Bill, and agreed to the same without amendment.

On the motion of the Honorable H. Cuthbert, the Council adopted the Report from the Committee of the whole on this 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—Bill, on the motion of the Honorable H. Cuthbert, read a third time and *passed*.

The Honorable H. Cuthbert moved, That the following be the title of the Bill :—"An Act to consolidate 'The Victorian Water Conservation Acts 1881-1886' and for other purposes."

Question—put and resolved in the affirmative.

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

19. POSTPONEMENT OF ORDER OF THE DAY.—The Council ordered that the consideration of the 3rd Order be postponed until after the 4th Order, Government Business, on the Paper for to-day.

20. WATER SUPPLY LOANS BILL.—The Honorable J. Bell moved, That this Bill be now read a second time.

Question—put and resolved in the affirmative.—Bill read a second time.

The Honorable J. Bell moved, That this Bill be now committed to a Committee of the whole Council.

Question—put and resolved in the affirmative.

And, on the further motion of the Honorable J. Bell, The President left the Chair, and the Council resolved itself into a Committee of the whole for the consideration of this Bill.

The President resumed the Chair; and the Honorable N. Thornley reported that the Committee had gone through the Bill and agreed to the same without amendment.

On the motion of the Honorable J. Bell the Council adopted the Report from the Committee of the whole on this 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—Bill, on the motion of the Honorable J. Bell, read a third time and *passed*.

The Honorable J. Bell moved, That the following be the title of the Bill:—" *An Act to sanction the issue and application of certain Sums of Money as Loans for Water Supply in the Country Districts, and for other purposes.*"

Question—put and resolved in the affirmative.

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

21. LOCAL GOVERNMENT ACT 1874 AMENDMENT BILL.—The Order of the Day for the further consideration of this Bill in Committee of the whole Council having been read—The President left the Chair, and the Council resolved itself into a Committee of the whole for the further consideration thereof.

The President resumed the Chair ; and the Honorable N. Thornley reported that the Committee had made progress in the Bill, and that he was directed to move, That the Committee may have leave to sit again.

Resolved—That the Council will, to-morrow, again resolve itself into the said Committee.

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

MR. PRESIDENT—

The Legislative Assembly transmit to the Legislative Council a Bill intituled "*An Act to apply a sum out of the Consolidated Revenue to the service of the year ending on the thirtieth day of June, One thousand eight hundred and eighty-eight, and to appropriate the supplies granted in this Session of Parliament,*" with which they desire the concurrence of the Legislative Council.

M. H. DAVIES,  
Speaker.

Legislative Assembly Chamber,  
Melbourne, 13th December, 1887.

23. APPROPRIATION BILL.—The Honorable H. Cuthbert moved, That the Bill transmitted by the above Message, intituled "*An Act to apply a sum out of the Consolidated Revenue to the service of the year ending on the thirtieth day of June, One thousand eight hundred and eighty-eight, and to appropriate the supplies granted in this Session of Parliament,*" be now read a first time.

Question—put and resolved in the affirmative.—Bill read a first time, ordered to be printed, and read a second time to-morrow.

24. 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 Melbourne Harbor Trust Act 1876,'*" with which they desire the concurrence of the Legislative Council.

M. H. DAVIES,  
Speaker.

Legislative Assembly Chamber,  
Melbourne, 13th December, 1887.

25. MELBOURNE HARBOR TRUST ACT FURTHER AMENDMENT BILL.—The Honorable Sir J. Lorimer moved, That the Bill transmitted by the above Message, intituled "*An Act to further amend 'The Melbourne Harbor Trust Act 1876,'*" be now read a first time.

Question—put and resolved in the affirmative.—Bill read a first time, ordered to be printed, and read a second time to-morrow.

26. 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 Factories and Shops Act 1885,'*" with which they desire the concurrence of the Legislative Council.

M. H. DAVIES,  
Speaker.

Legislative Assembly Chamber,  
Melbourne, 13th December, 1887.

27. FACTORIES AND SHOPS LAW AMENDMENT BILL.—The Honorable H. Cuthbert moved, That the Bill transmitted by the above Message, intituled "*An Act to amend 'The Factories and Shops Act 1885,'*" be now read a first time.

Question—put and resolved in the affirmative.—Bill read a first time, ordered to be printed, and read a second time to-morrow.

28. HASTIE BEQUEST BILL.—The Honorable Lieut.-Col. Sargood moved, pursuant to notice, That this Bill be now read a second time.

Question—put and resolved in the affirmative.—Bill read a second time.

The Honorable Lieut.-Col. Sargood moved, That this Bill be now committed to a Committee of the whole Council.

Question—put and resolved in the affirmative.

And, on the further motion of the Honorable Lieut.-Col. Sargood, the President left the Chair, and the Council resolved itself into a Committee of the whole for the consideration of this Bill.

The President resumed the Chair ; and the Honorable N. Thornley having reported that the Committee had gone through the Bill, and agreed to the same without amendment, the Council ordered the same to be taken into consideration this day.

On the motion of the Honorable Lieut.-Colonel Sargood, the Council adopted the Report from the Committee of the whole on this 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—Bill, on the motion of the Honorable Lieut.-Colonel Sargood, read a third time and *passed*.

The Honorable Lieut.-Colonel Sargood moved, That the following be the title of the Bill:—“*An Act to authorize the trustees of the will of the late John Hastie, Esquire, to distribute the estate of the said John Hastie, in accordance with an agreement between the next of kin of the testator and the several parties entitled under the will.*”

Question—put and resolved in the affirmative.

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

29. INSTRUMENTS AND SECURITIES ACT AMENDMENT BILL.—The Order of the Day for the resumption of the debate on the question that this Bill be now read a second time having been read.

Debate ensued.

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

Council divided.

Ayes, 9.

The Hon. J. Buchanan  
W. McCulloch  
D. Melville  
W. Ross  
W. E. Stanbridge  
J. A. Wallace  
W. I. Winter  
W. A. Zeal  
G. Le Fevre, M.D. (*Teller.*)

Noes, 10.

The Hon. J. Balfour  
J. G. Beaney, M.D.  
F. Brown  
H. Cuthbert  
T. Dowling  
C. J. Ham  
D. Ham  
C. H. James  
W. H. Roberts  
J. H. Connor (*Teller.*)

And so it passed in the negative.

30. DENTISTS REGISTRATION 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—Bill, on the motion of the Honorable Dr. Beaney, read a third time.

On the motion of the Honorable Dr. Beaney, the Council ordered that the words “the remaining” be omitted from line 19, of new clause D; that the words “legally qualified medical practitioners” be inserted in the said line, before the word “registered”; that the words “Act of Victoria” be omitted from line 20 of the same clause, and the words “Statute 1865” inserted instead thereof. That the words “the remaining,” be omitted from line 33 of new clause E; and that the words “legally qualified medical practitioners” be inserted before the word “registered,” in line 34 of the same clause; and that the words “Act of Victoria,” be omitted from line 34, and the words “Statute 1865” inserted instead thereof. That the word “and” be omitted from line 6 of the Third Schedule and the word “or” be inserted instead thereof; and that the Fifth Schedule be struck out.

Question—that this Bill do pass—put and resolved in the affirmative.

The Honorable Dr. Beaney moved, That the following be the title of the Bill:—“*An Act to provide for the registration of Dentists qualified to practice in Victoria.*”

Question—put and resolved in the affirmative.

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

31. POLICE REGULATION STATUTE AMENDMENT BILL.—The Order of the Day for the resumption of the debate on the question, That this Bill be now read a second time, having been read,

Debate resumed.

And the Council having continued to sit till after twelve of the clock,

WEDNESDAY, 14TH DECEMBER, 1887.

Notice being taken that a quorum of Members was not present, the President counted the Council, and a quorum not being present, the President, at five minutes past twelve o'clock, adjourned the Council, without question being first put, until this day, at half-past four o'clock p.m.

JOHN BARKER,  
*Clerk of the Legislative Council.*





## VICTORIA.

No. 41.

## Minutes of the Proceedings

OF THE

## LEGISLATIVE COUNCIL.

WEDNESDAY, 14TH DECEMBER, 1887.

1. The Council met in accordance with adjournment.
2. The President took the Chair.
3. The President read the prayer.
4. PAPERS.—The Honorable H. Cuthbert presented, pursuant to Act of Parliament—  
Shire of Shepparton Waterworks Trust.—Application for Further Additional Loan.—Detailed Statement and Report.  
Ordered to lie on the Table.
5. ADJOURNMENT.—The Honorable W. A. Zeal moved, That the House do now adjourn, and stated the subject he desired to discuss was the Importation of Stock, when the following Members rose in their places and required the motion to be proposed, viz.:—The Honorables W. I. Winter, W. Ross, W. McCulloch, J. Buchanan, J. G. Dougharty, N. Thornley, and S. Fraser.  
Debate ensued.  
Question—put and negatived.
6. MESSAGES FROM THE LEGISLATIVE ASSEMBLY.—The President announced to the Legislative 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 Licensing Act 1885,*” and acquaint the Legislative Council that the Legislative Assembly have agreed to the amendments made in such Bill by the Legislative Council.

M. H. DAVIES,  
Speaker.

Legislative Assembly Chamber,  
Melbourne, 14th December, 1887.

MR. PRESIDENT—

The Legislative Assembly return to the Legislative Council the Bill intituled “*An Act to further amend an Act intituled ‘An Act to Protect Game,’*” and acquaint the Legislative Council that the Legislative Assembly have agreed to the same with an amendment, with which they desire the concurrence of the Legislative Council.

M. H. DAVIES,  
Speaker.

Legislative Assembly Chamber,  
Melbourne, 14th December, 1887.

And the said amendment was read, and is as follows :—Clause 3, line 14, omit “thirty-first” and insert “nineteenth.”

On the motion of the Honorable H. Cuthbert the Council agreed to the said amendment.

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

MR. PRESIDENT—

The Legislative Assembly return to the Legislative Council the Bill intituled “*An Act to amend the Law relating to Juvenile Offenders and for other purposes,*” and acquaint the Legislative Council that the Legislative Assembly do not now insist on disagreeing with the amendment insisted on by the Legislative Council in Clause 57, to insert “by a constable in the presence of an inspector or other officer of police of higher rank than a constable, and also in the presence, if he desires to be present, of the parent or guardian of the child,” but have agreed to the same with an amendment with which they desire the concurrence of the Legislative Council.

M. H. DAVIES,  
Speaker.

Legislative Assembly Chambers,  
Melbourne, 13th December, 1887.

And the said last-mentioned amendment of the Legislative Assembly was read and is as follows—

After the amendment of the Legislative Council insert after "child" the words "or by any other person not being a public official who may be duly authorized for such purpose by the Governor in Council."

And the said amendment having been read a second time,

The Honorable H. Cuthbert moved, That the amendment be now agreed to.

Debate ensued.

Question—put and resolved in the affirmative.

Ordered—That a Message be transmitted to the Legislative Assembly acquainting them that the Council have agreed to the amendment of the Legislative Assembly on the amendment of the Legislative Council in clause 5, line 30, in this Bill.

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

MR. PRESIDENT—

The Legislative Assembly transmit to the Legislative Council a Message from His Excellency the Governor, recommending amendments in the Bill intituled "*An Act to amend the Law relating to Neglected Children*," and acquaint the Legislative Council that the Legislative Assembly have agreed to the several amendments recommended by His Excellency the Governor in this Bill, with which they desire the concurrence of the Legislative Council.

Legislative Assembly Chamber,  
Melbourne, 13th December, 1887.

M. H. DAVIES,  
Speaker.

And the said Message was read, and is as follows :—

HENRY B. LOCH,

Governor.

Message No.

Pursuant to the provisions of section 36 of the Constitution Act, the Governor transmits to the Legislative Assembly, for their consideration, the following amendments which he desires to be made in the Bill intituled "*An Act to amend the Law relating to Neglected Children*":—

Clause 9, line 3 of clause, omit the words "or transferred"; line 10 of same clause, after the words "Neglected Children" insert the words "and remove every such secretary."

Clause 11, line 3 of clause, omit the words "or transferred"; at the end of the same clause, add the words "and remove every such inspector."

Clause 15, line 6 of clause, after the word "appointments" insert the word "and" and omit the words "and transfers."

Clause 21, line 6 of clause, after the word "such" insert the word "constable."

Clause 31, page 9, line 23, after the word "without" insert the word "such," and after the word "information" insert the words "as to."

Clause 55, line 3 of clause, omit the words "any police magistrate or"; lines 7 and 8 of same clause, omit the words "any police magistrate or."

Clause 56, line 6 of clause, omit the word "justice" and substitute the word "justices"; line 15 of same clause, omit the words "some police magistrate or"; line 17 of same clause, omit the words "police magistrate or."

Clause 58, line 7 of clause, omit the words "the same or some other justice or" and insert the words "any two."

Clause 83, line 3 of clause, after the word "child" insert the word "or."

Clause 84, line 14 of clause, after the words "person to" insert the words "or with."

Government Offices,  
Melbourne, 13th December, 1887.

On the motion of the Honorable J. Bell the Council agreed to the amendments recommended to be made by His Excellency the Governor in this Bill.

Ordered—That a Message be transmitted to the Legislative Assembly acquainting them that the Legislative Council have agreed to the said amendments.

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

MR. PRESIDENT—

The Legislative Assembly transmit to the Legislative Council a Message from His Excellency the Governor, recommending amendments in the Bill intituled "*An Act to establish a Marine Board and for other purposes*," and acquaint the Legislative Council that the Legislative Assembly have agreed to the several amendments recommended by His Excellency the Governor in this Bill, with which they desire the concurrence of the Legislative Council.

Legislative Assembly Chamber,  
Melbourne, 13th December, 1887.

M. H. DAVIES,  
Speaker.

And the said Message was read as is as follows :—

HENRY B. LOCH,

Governor.

Message No.

Pursuant to the provisions of section 36 of the Constitution Act, the Governor transmits to the Legislative Assembly for their consideration the following amendments, which he desires to be made in the Bill intituled "*An Act to establish a Marine Board and for other purposes*":—

In clause 18, line 6, of the clause, omit "other"; in line 7 of the clause, after "master" insert "or engineer"; page 10, line 3, after "master" insert "or engineer."

In clause 19, line 3, of the clause, before "certificated engineers" insert "persons whose names appear on the roll of."

In clause 89, line 6, of the clause, omit "ship" and substitute "ships."

In clause 138, last line but two of the clause, before "Board" insert "the."

In clause 141, line 5, of the clause, after "licences" insert "and it shall give effect to such decision"; line 12, omit "that" and substitute "cancel or suspend"; lines 12 and 13, omit "should be cancelled or suspended"; lines 14 and 15, omit "who shall cancel or suspend the same accordingly."

In clause 162, at the commencement of the clause, insert "subject to the express provisions of this Act."

Government Offices.

Melbourne, 13th December, 1887.

On the motion of the Honorable Sir J. Lorimer, the Council agreed to the amendments recommended by His Excellency the Governor to be made in this Bill.

Ordered—That a Message be transmitted to the Legislative Assembly, acquainting them that the Council have agreed to the said amendments.

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

MR. PRESIDENT—

The Legislative Assembly transmit to the Legislative Council a Message from His Excellency the Governor, recommending amendments in the Bill intituled, "*An Act to confer powers upon the Colonial Permanent Trustee, Executor, and Agency Company Limited*," and acquaint the Legislative Council that the Legislative Assembly have agreed to the several amendments recommended by His Excellency the Governor in this Bill, with which they desire the concurrence of the Legislative Council.

Legislative Assembly Chamber,  
Melbourne, 13th December, 1887.

M. H. DAVIES,  
Speaker.

And the said Message was read, and is as follows:—

HENRY B. LOCH,  
Governor.

Message No. .

Pursuant to the provisions of section 36 of the Constitution Act, the Governor transmits to the Legislative Assembly for their consideration the following amendments which he desires to be made in the Bill intituled "*An Act to confer powers upon the Colonial Permanent Trustee, Executor, and Agency Company Limited*":—

Clause 17, line 2 of clause, after the word "committee" insert the word "or."

Clause 19, line 3 of clause, after the word "committee" insert the word "or."

Government Offices,  
Melbourne, 13th December, 1887.

On the motion of the Honorable W. A. Zeal, the Council agreed to the amendments proposed by His Excellency the Governor to be made in this Bill.

Ordered—That a Message be transmitted to the Legislative Assembly acquainting them that the Council have agreed to the said amendments.

10. MELBOURNE TRAMWAYS ALTERATION AND EXTENSION BILL.—The Order of the Day for the further re-consideration of Clauses 7, 9, 11, 13, and the Schedule of this Bill in Committee of the whole Council having been read—The President left the Chair, and the Council resolved itself into a Committee of the whole for the further re-consideration thereof.

The President resumed the Chair; and the Honorable N. Thornley reported that the Committee had re-considered the clauses and Schedule referred to them and had made no amendment therein.

On the motion of the Honorable Lieut.-Col. Sargood, the Council adopted the Report from the Committee of the whole on this 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—Bill, on the motion of the Honorable Lieut.-Col. Sargood, read a third time and *passed*.

The Honorable Lieut.-Col. Sargood moved, That the following be the title of the Bill:—"An Act to alter and extend the Powers of the Melbourne Tramways Trust and for other purposes,"

Question—put and resolved in the affirmative.

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

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

MR. PRESIDENT—

The Legislative Assembly transmit to the Legislative Council a Message from His Excellency the Governor recommending amendments in the Bill intituled "*An Act to amend 'The Licensing Act 1885'*," and acquaint the Legislative Council that the Legislative Assembly have agreed to the several amendments recommended by His Excellency the Governor in this Bill, with which they desire the concurrence of the Legislative Council.

Legislative Assembly Chamber,  
Melbourne, 14th December, 1887.

M. H. DAVIES,  
Speaker.

And the said Message was read and is as follows :—

HENRY B. LOCH,  
Governor.

Message.

Pursuant to the provisions of section 36 of the Constitution Act the Governor transmits to the Legislative Assembly, for their consideration, the following amendments which he desires to be made in the Bill intituled "*An Act to amend 'The Licensing Act 1885'*":—

In clause 11 (3) after "annulled" insert "and for the loss of his licence and business."

In new clauses B and C omit the words "where notice of" in the two places in which the same occur, and substitute "At the hearing of any."

Omit the words "has been given" in the two places in which the same occur.

Government Offices,  
Melbourne, December, 1887.

On the motion of the Honorable H. Cuthbert the Council agreed to the several amendments recommended by His Excellency to be made in the Bill.

Ordered—That a Message be transmitted to the Legislative Assembly acquainting them that the Council have agreed to the said several amendments.

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

MR. PRESIDENT—

The Legislative Assembly return to the Legislative Council the Bill intituled "*An Act to consolidate and amend the Law relating to Justices of the Peace and Courts of General and Petty Sessions,*" and acquaint the Legislative Council that the Legislative Assembly have agreed to the amendment of the Legislative Council on the amendment of the Legislative Assembly in clause 76, that they have made amendments in two of their amendments with which the Legislative Council have disagreed, that they have agreed to the consequential amendment of the Legislative Council in clause 196, and that they have made an amendment in clause 119, with which they desire the concurrence of the Legislative Council.

M. H. DAVIES,  
Speaker.

Legislative Assembly Chamber,  
Melbourne, 14th December, 1887.

And the said amendments were read, and are as follow :—

Clause 119, page 49, line 12, blank to be filled up by inserting "one pound."

Clause 200, line 13, omit "months" and insert "days"—disagreed to by the Legislative Council; insisted on by the Legislative Assembly, but further amended by omitting "days" and inserting "weeks."

Same clause, line 14, omit "fifty" and insert "five"—disagreed to by the Legislative Council; insisted on by the Legislative Assembly with further amendment by omitting "five" and inserting "twenty."

And the said several amendments were read a second time, and agreed to by the Council.

Ordered—That a Message be transmitted to the Legislative Assembly acquainting them that the Legislative Council have agreed to the said amendments.

13. ABSCONDING DEBTORS BILL.—The Honorable H. Cuthbert moved, That this Bill be now read a second time.

Question—put and resolved in the affirmative.—Bill read a second time.

The Honorable H. Cuthbert moved, That this Bill be now committed to a Committee of the whole Council.

Question—put and resolved in the affirmative.

And, on the further motion of the Honorable H. Cuthbert, the President left the Chair, and the Council resolved itself into a Committee of the whole for the consideration of this Bill.

The President resumed the Chair; and the Honorable N. Thornley having reported that the Committee had gone through the Bill, and agreed to the same with amendments, the Council ordered the same to be taken into consideration this day.

On the motion of the Honorable H. Cuthbert, the Council adopted the Report from the Committee of the whole on this 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—Bill, on the motion of the Honorable H. Cuthbert, read a third time and *passed*.

The Honorable H. Cuthbert moved, That the following be the title of the Bill :—"*An Act to facilitate the Recovery of Judgments against Debtors who have removed into adjacent colonies, and the enforcement of Judgments obtained in adjacent colonies against Debtors who have removed from such colonies into Victoria.*"

Question—put and resolved in the affirmative.

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

14. FIRE BRIGADES BILL.—The Honorable Lieut.-Col. Sargood moved, That this Bill be now read a second time.

Debate resumed.

Motion, by leave, withdrawn.

Ordered—That the Bill be withdrawn.

15. **VETERINARY BILL.**—The Honorable W. McCulloch moved, That this Bill be now read a second time. Debate ensued.  
 Question—put and resolved in the affirmative.—Bill read a second time.  
 The Honorable W. McCulloch moved, That this Bill be now committed to a Committee of the whole Council.  
 Question—put and resolved in the affirmative.  
 And, on the further motion of the Honorable W. McCulloch, the President left the Chair, and the Council resolved itself into a Committee of the whole for the consideration of this Bill.  
 The President resumed the Chair; and the Honorable N. Thornley having reported that the Committee had gone through the Bill and agreed to the same with amendments, the Council ordered the same to be taken into consideration this day; Bill as amended to be printed.
16. **POSTPONEMENT OF ORDER OF THE DAY.**—The Council ordered that the consideration of the Order No. 5 be postponed until after the consideration of the 12th Order for to-day.
17. **APPROPRIATION BILL.**—The Honorable H. Cuthbert moved, That this Bill be now read a second time.  
 Question—put and resolved in the affirmative.—Bill read a second time.  
 The Honorable H. Cuthbert moved, That this Bill be now committed to a Committee of the whole Council.  
 Question—put and resolved in the affirmative.  
 And, on the further motion of the Honorable H. Cuthbert, the President left the Chair, and the Council resolved itself into a Committee of the whole for the consideration of this Bill.  
 The President resumed the Chair; and the Honorable N. Thornley having reported that the Committee had gone through the Bill, and agreed to the same without amendment, the Council ordered the same to be taken into consideration this day.  
 On the motion of the Honorable H. Cuthbert the Council adopted the Report from the Committee of the whole on this 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—Bill, on the motion of the Honorable H. Cuthbert read a third time and *passed*.  
 The Honorable H. Cuthbert moved, That the following be the title of the Bill:—“*An Act to apply a sum out of the Consolidated Revenue to the service of the year ending on the thirtieth day of June One thousand eight hundred and eighty-eight, and to appropriate the supplies granted in this Session of Parliament.*”  
 Question—put and resolved in the affirmative.  
 Ordered—That a Message be transmitted to the Legislative Assembly acquainting them that the Council have agreed to the Bill without amendment.
18. **MELBOURNE HARBOR TRUST ACT FURTHER AMENDMENT BILL.**—The Honorable Sir J. Lorimer moved, That this Bill be now read a second time.  
 Question—put and resolved in the affirmative.—Bill read a second time.  
 The Honorable Sir J. Lorimer moved, That this Bill be now committed to a Committee of the whole Council.  
 Question—put and resolved in the affirmative.  
 And, on the further motion of the Honorable Sir J. Lorimer, the President left the Chair, and the Council resolved itself into a Committee of the whole for the consideration of this Bill.  
 The President resumed the Chair; and the Honorable N. Thornley having reported that the Committee had gone through the Bill, and agreed to the same without amendment, the Council ordered the same to be taken into consideration this day.  
 On the motion of the Honorable Sir J. Lorimer, the Council adopted the Report from the Committee of the whole on this 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—Bill, on the motion of the Honorable Sir J. Lorimer, read a third time and *passed*.  
 The Honorable Sir J. Lorimer moved, That the following be the title of the Bill:—“*An Act to further amend 'The Melbourne Harbor Trust Act 1876.'*”  
 Question—put and resolved in the affirmative.  
 Ordered—That a Message be transmitted to the Legislative Assembly acquainting them that the Council have agreed to the Bill without amendment.

And the Council having continued to sit till after twelve of the clock,

THURSDAY, 15TH DECEMBER, 1887.

19. **FACTORIES AND SHOPS LAW AMENDMENT BILL.**—The Honorable H. Cuthbert moved, That this Bill be now read a second time.  
 Question—put and resolved in the affirmative.—Bill read a second time.  
 The Honorable H. Cuthbert moved, That this Bill be now committed to a Committee of the whole Council.  
 Question—put and resolved in the affirmative.  
 And, on the further motion of the Honorable H. Cuthbert, the President left the Chair, and the Council resolved itself into a Committee of the whole for the consideration of this Bill.  
 The President resumed the Chair; and the Honorable N. Thornley having reported that the Committee had gone through the Bill and agreed to the same with an amendment, the Council ordered the same to be taken into consideration this day.  
 On the motion of the Honorable H. Cuthbert the Council adopted the Report from the Committee of the whole on this 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—Bill, on the motion of the Honorable H. Cuthbert read a third time and *passed*.

The Honorable H. Cuthbert moved, That the following be the title of the Bill :—“ *An Act to amend ‘The Factories and Shops Act 1885.’*”

Question—put and resolved in the affirmative.

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

20. POLICE REGULATION STATUTE AMENDMENT BILL.—The Order of the Day for the resumption of the debate on the question, That this Bill be now read a second time, having been read,

Debate resumed.

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

Council divided.

Ayes, 8.

The Hon. J. Buchanan  
T. Dowling  
D. Ham  
C. H. James  
D. Melville  
W. Pearson  
D. C. Sterry  
G. Le Fevre, M.D. (*Teller*).

Noes, 12.

The Hon. F. Brown  
D. Coutts  
H. Cuthbert  
H. Gore  
C. J. Ham  
Sir J. Lorimer  
W. McCulloch  
Lt.-Col. Sargood  
N. Thornley  
W. I. Winter  
G. Young  
J. Bell (*Teller*).

And so it passed in the negative.

21. POSTPONEMENT OF ORDER OF THE DAY.—The Council ordered that the consideration of the following Order of the Day be postponed until this day :—

*Mortgagees and Purchasers Protection Bill.—To be read a second time.*

22. SLANDER LAW AMENDMENT BILL.—The Honorable Lieut.-Col. Sargood moved, That this Bill be now read a second time.

Question—put and resolved in the affirmative.—Bill read a second time.

The Honorable Lieut.-Col. Sargood moved, That this Bill be now committed to a Committee of the whole Council.

Question—put and resolved in the affirmative.

And, on the further motion of the Honorable Lieut.-Col. Sargood, the President left the Chair, and the Council resolved itself into a Committee of the whole for the consideration of this Bill.

The President resumed the Chair, and the Honorable N. Thornley having reported that the Committee had gone through the Bill and agreed to the same with an amendment, the Council ordered the same to be taken into consideration this day.

On the motion of the Honorable Lieut.-Col. Sargood the Council agreed to the amendments made by the Committee of the whole in this 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—Bill, on the motion of the Honorable Lieut.-Col. Sargood, read a third time and *passed*.

The Honorable Lieut.-Col. Sargood moved, That the following be the title of the Bill :—“ *An Act to amend the Law of Slander.*”

Question—put and resolved in the affirmative.

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

23. TEMPERANCE HALL BILL.—The Honorable W. A. Zeal moved, That this Bill be now read a second time.

Question—put and resolved in the affirmative.—Bill read a second time,

The Honorable W. A. Zeal moved, That this Bill be now committed to a Committee of the whole Council.

Question—put and resolved in the affirmative.

And, on the further motion of the Honorable W. A. Zeal, the President left the Chair, and the Council resolved itself into a Committee of the whole for the consideration of this Bill.

The President resumed the Chair; and The Honorable N. Thornley having reported that the Committee had gone through the Bill and agreed to the same without amendment, the Council ordered the same to be taken into consideration this day.

On the motion of the Honorable W. A. Zeal, the Council adopted the Report from the Committee of the whole on this 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—Bill, on the motion of the Honorable W. A. Zeal, read a third time and *passed*.

The Honorable W. A. Zeal moved, That the following be the title of the Bill :—“ *An Act to enable ‘Trustees of Temperance Halls to demise certain lands for terms of years, and to raise loans on the rents of such lands and buildings, and for other purposes.’*”

Question—put and resolved in the affirmative.

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

24. VETERINARY BILL.—On the motion of the Honorable W. McCulloch, the Council adopted the Report from the Committee of the whole on this 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—Bill, on the motion of the Honorable W. McCulloch, read a third time and *passed*.

The Honorable W. McCulloch moved, That the following be the title of the Bill :—“ *An Act to establish a Veterinary Board and to regulate Veterinary Practice in Victoria.*”

Question—put and resolved in the affirmative.

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

25. POSTPONEMENT OF ORDERS OF THE DAY.—The Council ordered that the consideration of the following Orders of the Day be postponed until this day :—

*Local Government Act 1874 Amendment Bill.*—*To be further considered in Committee.*

*Mortgagees and Purchasers Protection Bill.*—*To be read a second time.*

The Council adjourned at half-past two o'clock a.m. until this day at half-past four o'clock p.m.

JOHN BARKER,  
*Clerk of the Legislative Council.*





No. 42.

# Minutes of the Proceedings

OF THE

## LEGISLATIVE COUNCIL.

THURSDAY, 15TH DECEMBER, 1887.

1. The Council met in accordance with adjournment.

2. The President took the Chair.

3. The President read the Prayer.

4. ADJOURNMENT.—The Honorable N. FitzGerald moved, That the House do now adjourn, and stated that the subject he proposed to speak to was a statement made at a public meeting yesterday by the Honorable J. Balfour, reflecting on the action taken by certain Members of the Council in regard to the Licensing Act Amendment Bill, when the following Members rose in their places and required that the motion be proposed, viz.:—The Honorables W. I. Winter, W. McCulloch, W. Pearson, J. A. Wallace, W. A. Zeal, and J. G. Dougharty.

Debate ensued.

Motion by leave withdrawn.

5. 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 of Slander,*" and acquaint the Legislative Council that the Legislative Assembly have agreed to the amendment made in such Bill by the Legislative Council.

M. H. DAVIES,  
Speaker.

Legislative Assembly Chamber,  
Melbourne, 15th December, 1887.

MR. PRESIDENT—

The Legislative Assembly return to the Legislative Council the Bill intituled "*An Act to facilitate the Recovery of Judgments against Debtors who have removed into adjacent colonies, and the enforcement of Judgments obtained in adjacent colonies against Debtors who have removed from such colonies into Victoria,*" and acquaint the Legislative Council that the Legislative Assembly have agreed to the amendments made in such Bill by the Legislative Council.

M. H. DAVIES,  
Speaker.

Legislative Assembly Chamber,  
Melbourne, 15th December, 1887.

MR. PRESIDENT—

The Legislative Assembly return to the Legislative Council the Bill intituled "*An Act to provide for the registration of Dentists qualified to practise in Victoria,*" and acquaint the Legislative Council that the Legislative Assembly have agreed to the amendments made in such Bill by the Legislative Council.

M. H. DAVIES,  
Speaker.

Legislative Assembly Chamber,  
Melbourne, 15th December, 1887.

MR. PRESIDENT—

The Legislative Assembly return to the Legislative Council the Bill intituled "*An Act to amend 'The Factories and Shops Act 1885,'*" and acquaint the Legislative Council that the Legislative Assembly have agreed to the amendment made in such Bill by the Legislative Council.

M. H. DAVIES,  
Speaker.

Legislative Assembly Chamber,  
Melbourne, 15th December, 1887.

MR. PRESIDENT—

The Legislative Assembly return to the Legislative Council the Bill intituled "*An Act to establish a Veterinary Board and to regulate Veterinary Practice in Victoria,*" and acquaint the Legislative Council that the Legislative Assembly have agreed to the amendments made in such Bill by the Legislative Council.

Legislative Assembly Chamber,  
Melbourne, 15th December, 1887.

M. H. DAVIES,  
Speaker.

MR. PRESIDENT—

The Legislative Assembly transmit to the Legislative Council a Message from His Excellency the Governor, recommending amendments in the Bill intituled "*An Act to amend the Law relating to Juvenile Offenders and for other purposes,*" and acquaint the Legislative Council that the Legislative Assembly have agreed to the several amendments recommended by His Excellency the Governor in this Bill, with which they desire the concurrence of the Legislative Council.

Legislative Assembly Chamber,  
Melbourne, 15th December, 1887.

M. H. DAVIES,  
Speaker.

And the said Message was read, and is as follows :—

HENRY B. LOCH,  
Governor.

Message No.

Pursuant to the provisions of section 36 of the Constitution Act, the Governor transmits to the Legislative Assembly for their consideration the following amendments which he desires to be made in the Bill intituled "*An Act to amend the Law relating to Juvenile Offenders and for other purposes*" :—

In clause 6, page 3, line 3, after "deemed" insert "to have been appointed as."

In clause 9, line 3 of the clause, omit the words "or transferred"; line 10 of same clause, after "Reformatory Schools" insert "and remove every such Secretary."

In clause 11, line 3, omit "or transferred"; at the end of the clause add "and remove every such Inspector."

In clause 16, page 5, after "Appointments" insert "and"; in same line omit "and transfers."

In clause 50, line 3, after "Schools" insert "or."

In clause 51 (3) after "being the person to" insert "or with."

On the motion of the Honorable H. Cuthbert, the Council, after debate, agreed to the amendments in this Bill recommended by His Excellency the Governor, and ordered a Message to be transmitted to the Legislative Assembly acquainting them therewith.

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

MR. PRESIDENT—

The Legislative Assembly transmit to the Legislative Council a Message from His Excellency the Governor recommending an amendment in the Bill intituled "*An Act to facilitate the supply of Motive Power on the High-pressure Hydraulic System for the extinguishing of Fires and other purposes in Melbourne and its vicinity,*" and acquaint the Legislative Council that the Legislative Assembly have agreed to the said amendment recommended by His Excellency the Governor in this Bill, with which they desire the concurrence of the Legislative Council.

Legislative Assembly Chamber,  
Melbourne, 15th December, 1887.

M. H. DAVIES,  
Speaker.

And the said Message was read and is as follows:—

HENRY B. LOCH,  
Governor.

Message No.

Pursuant to the provisions of section 36 of the Constitution Act, the Governor transmits to the Legislative Assembly for their consideration the following amendment, which he desires to be made in the Bill intituled "*An Act to facilitate the Supply of motive power on the High-pressure Hydraulic System for the extinguishing of Fires and other purposes in Melbourne and its vicinity.*"

In clause 38, page 13, line 5, after "profits" omit the word "in."

Government House,  
Melbourne, 14th December, 1887.

On the motion of the Honorable H. Cuthbert the Council agreed to the amendment recommended to be made by His Excellency the Governor in this Bill, and ordered a Message to be transmitted to the Legislative Assembly acquainting them therewith.

7. 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 Railway Loan Account 1885,' or temporarily out of 'The Public Account,' certain sums of Money for Railway Works and other purposes,*" with which they desire the concurrence of the Legislative Council.

Legislative Assembly Chamber,  
Melbourne, 15th December, 1887.

M. H. DAVIES,  
Speaker.

8. RAILWAY LOAN ACCOUNT APPLICATION BILL.—The Honorable H. Cuthbert moved, That the Bill transmitted by the above Message, intituled “*An Act to apply out of ‘The Railway Loan Account 1885,’ or temporarily out of ‘The Public Account,’ certain sums of Money for Railway Works and other purposes,*” be now read a first time.

Question—put and resolved in the affirmative.—Bill read a first time, ordered to be printed, and read a second time this day.

The Honorable H. Cuthbert moved, that this Bill be now read a second time.

Question—put and resolved in the affirmative.—Bill read a second time.

The Honorable H. Cuthbert moved, That this Bill be now committed to a Committee of the whole Council.

Question—put and resolved in the affirmative.

And, on the further motion of the Honorable H. Cuthbert the President left the Chair, and the Council resolved itself into a Committee of the whole for the consideration of this Bill.

The President resumed the Chair; and the Honorable N. Thornley having reported that the Committee had gone through the Bill, and agreed to the same without amendment, the Council ordered the same to be taken into consideration this day.

On the motion of the Honorable H. Cuthbert the Council adopted the Report from the Committee of the whole on this 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—Bill, on the motion of the Honorable H. Cuthbert, read a third time and *passed*.

The Honorable H. Cuthbert moved, That the following be the title of the Bill:—“*An Act to apply out of ‘The Railway Loan Account 1885,’ or temporarily out of ‘The Public Account,’ certain sums of Money for Railway Works and other purposes.*”

Question—put and resolved in the affirmative.

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

9. 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 redemption and payment of certain Debentures by increasing the amount of Victorian Government Stock,*” with which they desire the concurrence of the Legislative Council.

M. H. DAVIES,  
Speaker.

Legislative Assembly Chamber,  
Melbourne, 15th December, 1887.

10. DEBENTURES REDEMPTION BILL.—The Honorable H. Cuthbert moved, That the Bill transmitted by the above Message, intituled “*An Act to provide for the redemption and payment of certain Debentures by increasing the amount of Victorian Government Stock,*” be now read a first time.

Question—put and resolved in the affirmative.—Bill read a first time, ordered to be printed and read a second time this day.

The Honorable H. Cuthbert moved, That this Bill be now read a second time.

Question—put and resolved in the affirmative.

The Honorable H. Cuthbert moved, That this Bill be now committed to a Committee of the whole Council.

Question—put and resolved in the affirmative.

And, on the further motion of the Honorable H. Cuthbert, the President left the Chair, and the Council resolved itself into a Committee of the whole for the consideration of this Bill.

The President resumed the Chair; and the Honorable N. Thornley having reported that the Committee had gone through the Bill, and agreed to the same without amendment, the Council ordered the same to be taken into consideration this day.

On the motion of the Honorable H. Cuthbert the Council adopted the Report from the Committee of the whole on this 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—Bill, on the motion of the Honorable H. Cuthbert read a third time and *passed*.

The Honorable H. Cuthbert moved, That the following be the title of the Bill:—“*An Act to provide for the redemption and payment of certain Debentures by increasing the amount of Victorian Government Stock.*”

Question—put and resolved in the affirmative.

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

11. STANDING ORDERS.—The President announced to the Council that His Excellency the Governor had been pleased this day to approve of the Standing Orders adopted by the Legislative Council on the 8th instant.

12. DISCHARGE OF ORDERS OF THE DAY.—The Council ordered that the following Orders of the Day be read and discharged:—

*Local Government Act 1874 Amendment Bill.—To be further considered in Committee.*  
*Mortgages and Purchasers Protection Bill.—To be read a second time.*

The Council adjourned at thirty-four minutes past six o'clock.

JOHN BARKER,  
Clerk of the Legislative Council.



## VICTORIA.

No. 43.

# Minutes of the Proceedings

OF THE

## LEGISLATIVE COUNCIL.

SATURDAY, 17TH DECEMBER, 1887.

1. The Council met in accordance with announcement.
2. The President took the Chair.
3. The President read the Prayer.
4. MESSAGES FROM HIS EXCELLENCY THE GOVERNOR.—The following Messages from His Excellency the Governor were presented by the Honorable Sir J. Lorimer, and the same were read, and are as follow :—

HENRY B. LOCH,  
Governor.

Message No. .

The Governor informs the Legislative Council that he has, this day, at the Government House, given the Royal Assent to the undermentioned Acts of the present Session, presented to him by the Clerk of the Parliaments, viz. :—

- “An Act to adapt and assimilate the Trusts of Wesleyan Church properties to the present Constitution of such Church in Victoria and for other collateral purposes.”
- “An Act to authorize the sale of liquors at the Centennial International Exhibition, Melbourne, 1888.”
- “An Act to make provision for the Resumption of Lands for Public purposes.”
- “An Act to continue various Expiring Laws.”
- “An Act to vest a certain piece of land, situate at Elsternwick in the Borough of Brighton, in the Minister of Public Instruction.”
- “An Act to authorize the Expenditure of certain sums of money for the Purchase of Permanent-way Materials for Lines of Railway, authorized to be constructed by ‘The Railway Construction Act 1884’ and for other purposes.”
- “An Act to enable the Mayor, Councillors, and Citizens of the City of Ballarat to demise for terms of years certain Lands vested in them and for other purposes.”
- “An Act to confer powers upon the National Trustees Executors and Agency Company of Australasia limited.”
- “An Act to amend the Law with regard to Coroners’ Juries.”

Government House,  
Melbourne, 16th December, 1887.

HENRY B. LOCH,  
Governor.

Message No. .

The Governor informs the Legislative Council that he has, this day, at the Government House, given the Royal Assent to the undermentioned Acts of the present Session, presented to him by the Clerk of the Parliaments, viz. :—

- “An Act to consolidate the Law relating to Juries.”
- “An Act to amend the Law relating to Neglected Children.”
- “An Act to amend the ‘County Court Statute 1869.’”
- “An Act to confer powers upon the Colonial Permanent Trustee, Executor, and Agency Company Limited.”
- “An Act to facilitate the supply of Motive-power on the High Pressure Hydraulic System for the Extinguishing of Fires and other purposes in Melbourne and its vicinity.”
- “An Act to alter and amend the ‘Transfer of Land Statute,’ and for other purposes.”
- “An Act to Consolidate ‘The Victorian Water Conservation Acts 1881–1886’ and for other purposes.”
- “An Act to sanction the issue and application of certain sums of money as Loans for Water Supply in the Country Districts and for other purposes.”

- “An Act to authorize the Trustees of the Will of the late John Hastie Esquire to distribute the estate of the said John Hastie in accordance with an agreement between the next of kin of the testator and the several parties entitled under the will.”
- “An Act to amend the ‘Licensing Act 1885.’”
- “An Act to further amend an Act intituled ‘An Act to Protect Game.’”
- “An Act to amend the Law relating to Juvenile Offenders and for other purposes.”
- “An Act to alter and extend the Powers of the Melbourne Tramways Trust and for other purposes.”
- “An Act to consolidate and amend the Law relating to Justices of the Peace and Courts of General and Petty Sessions.”
- “An Act to further amend ‘The Melbourne Harbour Trust Act 1876.’”
- “An Act to enable Trustees of Temperance Halls to demise certain lands for terms of years and to raise Loans on the rents of such lands and buildings and for other purposes.”
- “An Act to establish a Veterinary Board and to regulate Veterinary Practice in Victoria.”
- “An Act to amend the Law of Slander.”

Government House,  
Melbourne, 17th December, 1887.

5. APPROACH OF HIS EXCELLENCY THE GOVERNOR.—The Approach of His Excellency the Governor announced by the Usher.
6. ROYAL ASSENT TO BILLS, AND RESERVATION OF A BILL FOR THE SIGNIFICATION OF HER MAJESTY'S PLEASURE.—His Excellency the Governor came into the Council Chamber and commanded the Usher to desire the attendance of the Legislative Assembly in the Council Chamber; who being come with their Speaker, he, after a short speech to His Excellency, delivered the Appropriation Bill to the Clerk, who brought it to the table.

His Excellency was then pleased to assent, in the name of Her Majesty the Queen, to the following Bills:—

- “An Act to apply a sum out of the Consolidated Revenue to the service of the year ending on the thirtieth day of June One thousand eight hundred and eighty-eight, and to appropriate the Supplies granted in this Session of Parliament.”
- “An Act to facilitate the Recovery of Judgments against Debtors who have removed into adjacent colonies, and the enforcement of Judgments obtained in adjacent colonies against Debtors who have removed from such colonies into Victoria.”
- “An Act to provide for the Registration of Dentists qualified to practise in Victoria.”
- “An Act to amend ‘The Factories and Shops Act 1885.’”
- “An Act to apply out of ‘The Railway Loan Account 1885,’ or temporarily out of ‘The Public Account,’ certain sums of money for Railway Works and other purposes.”
- “An Act to provide for the Redemption and Payment of certain Debentures by increasing the amount of Victorian Government Stock.”

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

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

“HENRY B. LOCH,  
“Governor.”

His Excellency was then pleased to reserve for the signification of Her Majesty's pleasure thereon the following Bill, viz.:—“A Bill intituled ‘An Act to establish a Marine Board and for other purposes.’”

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

His Excellency was then pleased to speak as follows:—

MR. PRESIDENT AND HONORABLE GENTLEMEN OF THE LEGISLATIVE COUNCIL:

MR. SPEAKER AND GENTLEMEN OF THE LEGISLATIVE ASSEMBLY:

I am happy to be able to release you for a time from further attendance in Parliament.

The passage into law of the Australasian Naval Force Bill gives this session an importance and a character of its own. By that measure the defence of the Australian seas will for the first time be adequately assured, and the movements of an Imperial fleet will be determined by the requirements of the Colonies, and subordinated in some measure to the control of the Colonial Governments. The agreement is another link in the chain that binds together the scattered portions of the Empire, and will be understood all the world over as a manifesto of loyalty no less than a precaution of statesmanship.

Some well-grounded apprehensions have been relieved by the announcement that Her Majesty's Government made the evacuation of the New Hebrides an article in the last convention with France; and it may be hoped that the irritating policy of planting convict settlements in our neighbourhood will promptly be discontinued by our powerful neighbour.

It is gratifying to know that the bounty offered last year has stimulated the woollen industry, and that the manufacture of worsteds appears now to be firmly established in two centres.

The legislation of the past session has contributed some important reforms to the Statute Book. By revising and codifying the laws for Neglected Children and for Juvenile Offenders, Parliament has shown its anxiety that the waifs and strays of our civilization should be cared for with

parental solicitude by the State. The codification of a great part of the laws relating to Navigation will make the law more certain in its application, will introduce some obvious reforms, and give our seamen a direct voice in the government of our Marine. The Amended Licensing Bill promises to remove some defects that have been found to exist in the old law, and embodies a compromise between two parties in the State, who seemed to be irreconcilable.

The Bills for amending the Transfer of Land Statute, for amending and consolidating the laws relating to Juries, and those relating to Gaols and Penal Establishments, and the important measure for amending and consolidating the numerous Statutes relating to Justices of the Peace and the Administration of justice in Petty Sessions will, I trust, be found to greatly improve the law and facilitate the transaction of business under it.

MR. SPEAKER AND GENTLEMEN OF THE LEGISLATIVE ASSEMBLY :

I thank you on behalf of Her Majesty for the liberality with which you have granted supplies for the service in all its branches.

MR. PRESIDENT AND HONORABLE GENTLEMEN OF THE LEGISLATIVE COUNCIL :

MR. SPEAKER AND GENTLEMEN OF THE LEGISLATIVE ASSEMBLY :

The prosperity of the country is greater than it has ever been. If there is some falling off in our mineral wealth, it is more than compensated by the growth of our manufactures and by the solid development of agriculture. The first Irrigation Trusts and the Irrigation Colony, which were established by your policy of last year, have been successfully launched, and are now exhibiting such promise of rapid development as is stimulating to similar enterprises. The revenue was never more abundant or more easily collected.

The Centennial Exhibition is now able to count upon liberal support from every part of the world ; and its success can hardly be matter of doubt. It will tax all our energies to the uttermost to bear worthy part in such a competition, but the experience of what we did with smaller resources and less experience, in 1880, may be taken as a pledge that we shall endeavour to hold our own.

I now in Her Majesty's name declare this Parliament to be prorogued till the 20th of January, 1888, and it is prorogued accordingly.

JOHN BARKER,  
*Clerk of the Legislative Council.*





**SELECT COMMITTEES,**  
**APPOINTED DURING THE SESSION 1887.**

No. 1.—STANDING ORDERS.

Appointed 7th June, 1887.

The Hon. The President Dr. Dobson W. E. Hearn F. T. Sargood		The Hon. J. Balfour W. A. Zeal H. Cuthbert.
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No. 2.—LIBRARY (JOINT).

Appointed 7th June, 1887.

The Hon. The President D. Melville F. Brown		The Hon. W. E. Hearn H. Cuthbert.
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No. 3.—PARLIAMENT BUILDINGS (JOINT).

Appointed 7th June, 1887.

The Hon. The President N. FitzGerald W. I. Winter		The Hon. N. Thornley W. A. Zeal.
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No. 4.—REFRESHMENT ROOMS (JOINT).

Appointed 7th June, 1887.

The Hon. J. A. Wallace J. Buchanan J. Williamson		The Hon. D. C. Sterry W. P. Simpson
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No. 5.—PRINTING.

Appointed 7th June, 1887.

The Hon. The President G. Young T. F. Cumming		The Hon. F. E. Beaver F. Ormond J. Bell.
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No. 6.—ADDRESS IN REPLY.

Appointed 7th June, 1887.

The Hon. H. Gore J. Bell F. E. Beaver F. T. Sargood S. Fraser		The Hon. C. J. Ham F. Brown N. Thornley H. Cuthbert W. H. Roberts.
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## No. 7.—ELECTIONS AND QUALIFICATIONS.

Appointed 13th July, 1887.

The Hon. James Bell  
 Nicholas FitzGerald  
 Simon Fraser  
 Cornelius Job Ham

The Hon. Francis Ormond  
 Nathan Thornley  
 William Irving Winter.

## No. 8.—CODIFICATION OF LAWS (JOINT).

Appointed 19th July, 1887.

The Hon. Jas. Balfour  
 F. Brown  
 H. Cuthbert  
 N. FitzGerald

The Hon. D. Melville  
 F. T. Sargood  
 W. E. Hearn.

VICTORIA.

LEGISLATIVE COUNCIL.

SESSION 1887.

WEEKLY REPORT OF DIVISIONS

IN

COMMITTEE OF THE WHOLE COUNCIL.

No. 1.

Extracted from the Minutes.

TUESDAY, 26TH JULY, 1887.

No. 1.—GAOLS LAW AMENDMENT BILL.—Clause 8.—The Inspector-General may order any “prisoner” maintained in custody at the public expense to be set to some work or employment within the gaol or prison in which he is detained provided that such work or employment is not severe.

Amendment proposed—That after the word “prisoner” in the first line of the above clause, the following words be inserted, viz., “other than one awaiting trial.”—(*Hon. N. FitzGerald.*)

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

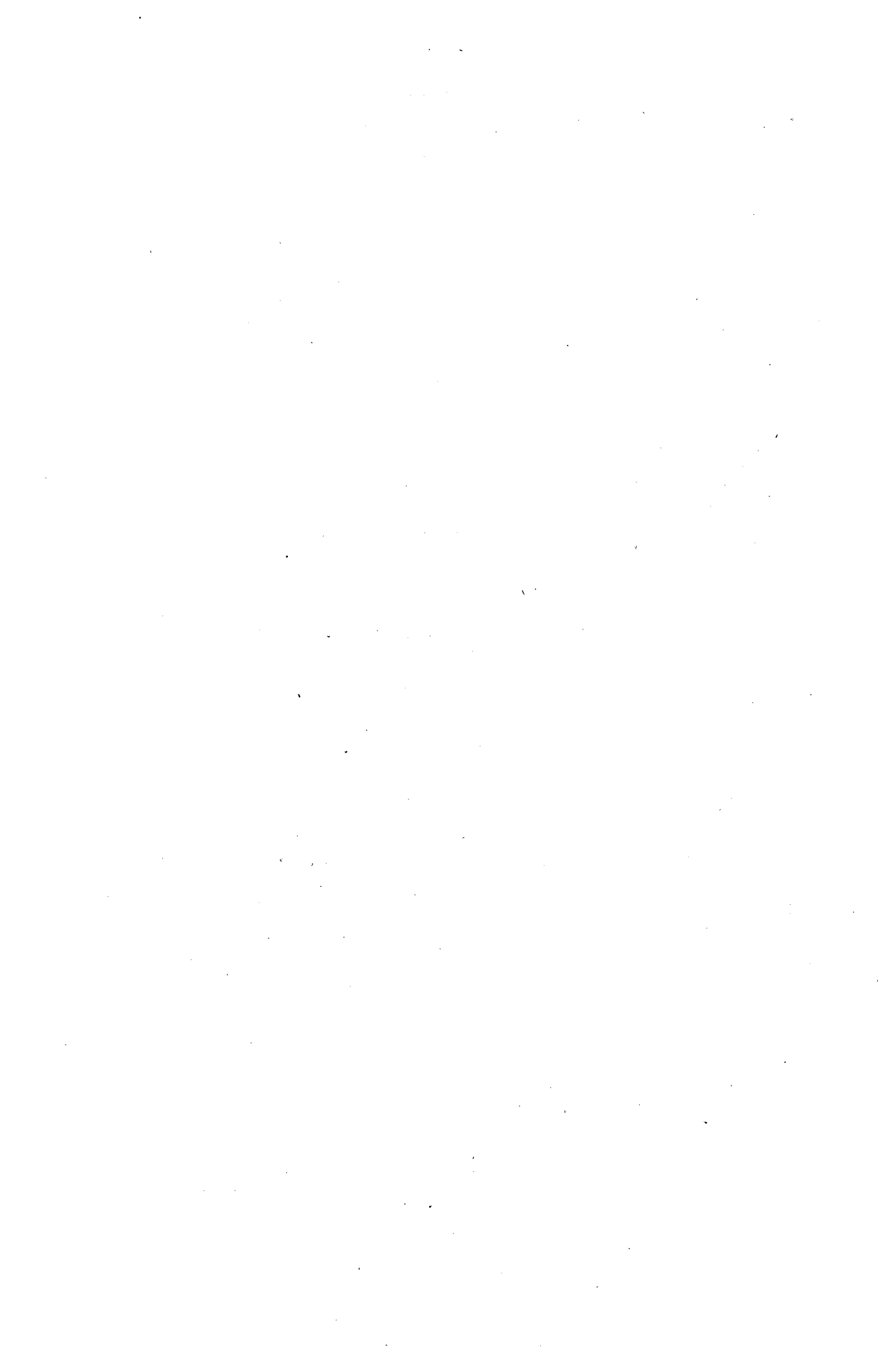
Committee divided.

Ayes, 10.

The Hon. J. G. Beaney, M.D.  
N. FitzGerald  
C. J. Ham  
P. Hanna  
D. Melville  
W. E. Stanbridge  
J. A. Wallace  
J. Williamson  
W. A. Zeal  
W. I. Winter (*Teller*).

Noes, 15.

The Hon. Sir W. J. Clarke, Bart.  
J. H. Connor  
D. Coutts  
H. Cuthbert  
T. Dowling  
S. Fraser  
H. Gore  
D. Ham  
W. McCulloch  
F. Ormond  
W. H. Roberts  
W. Ross  
F. T. Sargood  
W. P. Simpson  
N. Thornley (*Teller*).



VICTORIA.

## LEGISLATIVE COUNCIL.

SESSION 1887.

## WEEKLY REPORT OF DIVISIONS

IN

## COMMITTEE OF THE WHOLE COUNCIL.

No. 2.

Extracted from the Minutes.

TUESDAY, 30TH AUGUST, 1887.

No. 1.—TRANSFER OF LAND STATUTE AMENDMENT BILL.—Clause 14.—If upon an application to bring land under the Act or to amend a certificate it is found that a building of a permanent nature has been erected prior to the passing of this Act so as to encroach upon the width or alignment of a public road street or way within the limits of any city or town, but it is proved to the satisfaction of the Commissioner that such encroachment has continued for a period of not less than fifteen years, the Commissioner may issue a certificate for or including the land covered by such building provided notice of such application and alleged encroachment shall have been duly given to the corporation council board or other body in whom such road street or way is vested or who have the trust or legal control “thereof.”

Amendment proposed—That after the word “thereof,” in the last line of the above clause, the following words be inserted, viz., “and unless the corporation council board or other body objects within one month from the service of such notice to the issue of such certificate.”—(*Hon. F. T. Sargood.*)

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

Committee divided.

Ayes, 11.

The Hon. Sir W. J. Clarke, Bart.  
D. Coutts  
H. Gore  
C. J. Ham  
D. Ham  
D. Melville  
W. H. Roberts  
D. C. Sterry  
J. A. Wallace  
W. A. Zeal  
F. T. Sargood (*Teller*).

Noes, 13.

The Hon. J. Balfour  
J. Bell  
T. F. Cumming  
T. Dowling  
W. McCulloch  
F. Ormond  
W. Pearson  
W. Ross  
W. P. Simpson  
N. Thornley  
J. Williamson  
W. I. Winter  
H. Cuthbert (*Teller*).



VICTORIA.

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LEGISLATIVE COUNCIL.

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SESSION 1887.

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WEEKLY REPORT OF DIVISIONS

IN

COMMITTEE OF THE WHOLE COUNCIL.

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No. 3.

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Extracted from the Minutes.

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TUESDAY, 6TH SEPTEMBER, 1887.

No. 1. JUSTICES OF THE PEACE LAW AMENDMENT BILL.—Clause 132, sub-section (14).—Where any court of general sessions has made an order for the payment of costs by one party to the other then subject to the provisions of this Act and of the rules made hereunder, the amount of such costs shall be fixed by the court itself in such order, or such order shall direct the clerk of the peace within a time therein limited to fix the amount thereof, and ascertain the amount payable and paid to “witnesses.”

Amendment proposed—That after the word “witnesses” at the end of the above clause, the following words be inserted, viz., “Provided that in all appeals to the Court of General Sessions of the Peace the appellant shall be entitled, either by himself, or his counsel, or by his “attorney,” to prosecute such appeal, and to examine and cross-examine witnesses; and every respondent shall be at liberty, either by himself, his counsel, or attorney, to conduct his answer thereto, and to examine and cross-examine the witnesses.”—(*Hon. W. E. Stanbridge.*)

Further amendment proposed—That after the word “attorney” in the third line of the above amendment, the following words be inserted, viz., “in the event of no counsel being present.”—(*Hon. N. FitzGerald.*)

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

Committee divided.

Ayes, 10.

The Hon. F. Brown  
 T. F. Cumming  
 H. Cuthbert  
 N. FitzGerald  
 H. Gore  
 D. Ham  
 D. Melville  
 W. H. Roberts  
 W. A. Zeal  
 W. I. Winter (*Teller*).

Noes, 8.

The Hon. J. Balfour  
 J. Buchanan  
 S. Fraser  
 C. J. Ham  
 W. E. Stanbridge  
 J. A. Wallace  
 G. Young  
 F. T. Sargood (*Teller*).





VICTORIA.

## LEGISLATIVE COUNCIL.

SESSION 1887.

## WEEKLY REPORT OF DIVISIONS

IN

## COMMITTEE OF THE WHOLE COUNCIL.

No. 4.

Extracted from the Minutes.

TUESDAY, 20<sup>TH</sup> SEPTEMBER, 1887.

No. 1.—TRANSFER OF LAND STATUTE AMENDMENT BILL.—Proposed new clause 24.—Any person sustaining any loss or damage in or by the exercise by the Commissioner after the coming into operation of this Act of any of the powers conferred on him by the "*Transfer of Land Statute*" or any statutory amendments or modifications thereof "and who shall not have been party or privy to the application or dealing in connexion with which such power was exercised" may notwithstanding the provisions of section one hundred and forty-four and section one hundred and forty-six of the Act and without prejudice to the rights (if any) of such person thereunder in the first instance and without any obligation to pursue the remedies provided by such sections bring an action against the Registrar as nominal defendant for recovery of damages, and may recover the damages awarded together with the costs of the action out of the assurance fund. And where such person shall have been party or privy to such application or dealing he shall be at liberty to join the Registrar as a nominal co-defendant in any action brought by him in respect of such loss or damage against any other person or persons who shall have been party or privy to such application or dealing, and all damages and costs recovered against the Registrar in such action whether by the plaintiff or a co-defendant may be recovered out of the assurance fund.

Amendment proposed—That the words "and who shall not have been party or privy to the application or dealing in connexion with which such power was exercised" in the fourth line of the above clause be omitted."—(*Hon. Lt.-Col. Sargood.*)

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

Committee divided.

Ayes, 20.

The Hon. J. Bell  
F. Brown  
J. Buchanan  
D. Coutts  
H. Cuthbert  
J. C. Dougharty  
T. Dowling  
N. FitzGerald  
H. Gore  
P. Hanna  
Sir J. Lorimer  
W. McCulloch  
W. Pearson  
W. Ross  
W. P. Simpson  
J. A. Wallace  
J. Williamson  
W. I. Winter  
W. A. Zeal  
N. Thornley (*Teller*).

Noes, 10.

The Hon. Sir W. J. Clarke, Bart.  
J. H. Connor  
S. Fraser  
C. J. Ham  
D. Ham  
D. Melville  
W. H. Roberts  
W. E. Stanbridge  
D. C. Sterry  
Lt.-Col. Sargood (*Teller*).

No. 2.—Proposed new clause.—D. An equitable mortgage or lien upon land may be created by deposit of the grant or certificate of title, and such deposit shall have the same effect on the estate and interest of the depositor as a deposit of title deeds of land not under the operation of the “*Transfer of Land Statute*.”—(*Hon. W. A. Zeal*.)

Question—That the proposed new clause stand part of the Bill—put.  
Committee divided.

Ayes, 6.

The Hon. P. Hanna  
W. McCulloch  
D. Melville  
J. A. Wallace  
J. Williamson  
W. A. Zeal (*Teller*).

Noes, 21.

The Hon. J. Bell  
F. Brown  
J. Buchanan  
Sir W. J. Clarke, Bart.  
J. H. Connor  
D. Coutts  
H. Cuthbert  
J. G. Dougharty  
N. FitzGerald  
S. Fraser  
H. Gore  
Sir J. Lorimer  
W. Pearson  
W. H. Roberts  
W. Ross  
Lt.-Col. Sargood  
W. P. Simpson  
W. E. Stanbridge  
N. Thornley  
W. I. Winter  
C. J. Ham (*Teller*).

VICTORIA.

## LEGISLATIVE COUNCIL.

SESSION 1887.

## WEEKLY REPORT OF DIVISIONS

IN

## COMMITTEE OF THE WHOLE COUNCIL.

No. 5.

Extracted from the Minutes.

TUESDAY, 18TH OCTOBER, 1887.

No. 1.—NEGLECTED CHILDREN LAW AMENDMENT BILL.—Clause 21.—Every child apparently under the age of sixteen years found by “any” sergeant of police or officer of police of superior grade to a sergeant or by any person specially authorized by the Governor in Council in that behalf residing in a brothel or associating or dwelling with a prostitute whether the mother of the child or not shall be immediately apprehended by such sergeant or officer or person without any warrant, and forthwith taken before some two or more neighbouring justices to be dealt with according to this Act.

Amendment proposed—That, after the word “any” in the second line of the above clause, the following words be inserted, viz., “member of the police force.”—(*Hon. W. A. Zeal.*)

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

Committee divided.

Ayes, 7.

The Hon. S. Fraser  
D. Ham  
D. Melville  
J. A. Wallace  
J. Williamson  
W. A. Zeal  
W. H. Roberts (*Teller*).

Noes, 10.

The Hon. J. Bell  
H. Cuthbert  
T. Dowling  
N. FitzGerald  
H. Gore  
P. Hanna  
Sir J. Lorimer  
Lt.-Col. Sargood  
W. P. Simpson  
W. I. Winter (*Teller*).

No. 2.—Clause 24.—Every order “committing” a child to the care of the Department for Neglected Children or to a reformatory school may be in such one of the forms in the Schedule hereto as may be applicable or in any form which may be substituted therefor by the regulations of the Governor in Council for the time being in force or to the like effect, and such order or an office copy thereof without any warrant shall be sufficient authority for any constable to take such child to the reformatory school named therein, or in case of a child committed to the care of the Department for Neglected Children to the place to which the Secretary may direct such child to be taken, or in default of any such direction to such receiving house for children of the same age and sex as may be nearest or most convenient.

Amendment proposed—That the word “committing” in the first line of the above clause be omitted, with the view of inserting instead thereof the word “placing.”—(*Hon. Lt.-Col. Sargood.*)

Question—That the word proposed to be omitted stand part of the clause—put.

Committee divided.

Ayes, 11.

The Hon. J. Bell  
H. Cuthbert  
T. Dowling  
S. Fraser  
Sir J. Lorimer  
W. H. Roberts  
W. P. Simpson  
J. A. Wallace  
J. Williamson  
W. A. Zeal  
W. I. Winter (*Teller*).

Noes, 7.

The Hon. T. F. Cumming  
N. FitzGerald  
C. J. Ham  
D. Ham  
D. Melville  
Lt.-Col. Sargood  
H. Gore (*Teller*).

No. 3.—Clause 26.—Whenever any child is committed or transferred to the care of the Department for Neglected Children under the provisions of this or any other Act for the time being in force authorizing such committal or transfer, the Secretary shall become the guardian of the person of such child to the exclusion of the father and every other guardian until such child attains the age of eighteen years or such greater age not exceeding “twenty” years as the Governor in Council may direct, unless such child is sooner discharged, and the Secretary shall as such guardian have the sole right to the custody of such child and shall deal with such child as directed by this Act and the regulations of the Governor in Council in force hereunder.

Amendment proposed—That after the word “twenty” in the fifth line of the above clause the word “one” be inserted.—(*Hon. Lt.-Col. Sargood.*)

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

Committee divided.

Ayes, 6.  
The Hon. C. J. Ham  
D. Ham  
D. Melville  
Lt.-Col. Sargood  
D. C. Sterry  
J. Williamson (*Teller*).

Noes, 13.  
The Hon. J. Bell  
T. F. Cumming  
H. Cuthbert  
T. Dowling  
N. FitzGerald  
S. Fraser  
H. Gore  
Sir J. Lorimer  
W. H. Roberts  
W. P. Simpson  
J. A. Wallace  
W. I. Winter  
W. A. Zeal (*Teller*).

No. 4.—Clause 31.—Subject to the regulations of the Governor in Council every ward of the Department for Neglected Children may from time to time be dealt with by the Secretary in one or other of the following ways :—

- (1.) Placed in some receiving depôt :
- (2.) Boarded out with some suitable person :
- (3.) Placed at service with some suitable person :
- (4.) Apprenticed to some trade either on land or at sea :
- (5.) Placed in the custody of some suitable person who may be willing to take charge of such ward :
- (6.) Detained in some industrial or probationary school :
- (7.) Transferred with the approval of the Minister to some reformatory school to which such ward might be lawfully committed.

Provided always that in case it shall come to the knowledge of the Minister that any ward after the commencement of this Act committed to the care of the Department for Neglected Children has been leading an immoral or depraved life, such ward shall be transferred to a reformatory school unless under the special circumstances of any case the Minister may think that it would be inexpedient, and it shall be the duty of the Secretary to take the proper steps for that purpose. Provided also that no ward shall be detained in any probationary school for more than six months without the authority in writing of the Minister, who may from time to time authorize the detention of such ward for a further period so that the period of detention of such ward in a probationary school at one time shall not exceed in the whole twelve months, at the expiration of which period such ward must be dealt with in such other of the foregoing ways as under the circumstances of the case may seem proper. Provided also that no “ward” who has been transferred from a reformatory school or residing in a brothel or associating or dwelling with a prostitute shall be boarded out without a full record of the case of such ward being given to the person with whom such ward is proposed to be boarded.

Amendment proposed—That, after the word “ward” in the twenty-second line of the above clause, the following words be inserted, viz., “over ten years of age.”—(*Hon. C. J. Ham.*)

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

Committee divided.

Ayes, 5.  
The Hon. N. FitzGerald  
D. Melville  
Lt.-Col. Sargood  
G. Young  
C. J. Ham (*Teller*).

Noes, 18.  
The Hon. J. G. Beaney, M.D.  
J. Bell  
Sir W. J. Clarke, Bart.  
H. Cuthbert  
J. G. Dougharty  
T. Dowling  
S. Fraser  
H. Gore  
D. Ham  
P. Hanna  
Sir J. Lorimer  
W. McCulloch  
W. H. Roberts  
W. P. Simpson  
J. A. Wallace  
J. Williamson  
W. A. Zeal  
W. I. Winter (*Teller*).

THURSDAY, 20TH OCTOBER, 1887.

No. 5.—NEGLECTED CHILDREN LAW AMENDMENT BILL.—Clause 6.—Any school established by private contributions and “heretofore” approved by the Governor in Council under section nine of the Act No. CCXVI as an industrial school shall unless and until such approval be withdrawn be deemed an industrial school within the meaning of this Act for the denomination or denominations (if any) for which the school is stated to be supported in the Order approving the same, and any person for the time being approved by the Governor in Council for that purpose shall be deemed the superintendent or matron of such school, and no child shall be sent or committed to such school who is not a member of the denomination or of one of the denominations for which the school is approved.

Amendment proposed—That after the word “heretofore” in the second line of the above clause, the following words be inserted, viz., “recommended by an inspector for approval or heretofore”—  
(*Hon. N. FitzGerald.*)

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

Committee divided.

Ayes, 11.

The Hon. J. Balfour  
J. G. Beaney, M.D.  
Sir W. J. Clarke, Bart.  
T. F. Cumming  
T. Dowling  
N. FitzGerald  
C. J. Ham  
D. Melville  
Lt.-Col. Sargood  
J. A. Wallace  
J. Williamson (*Teller*).

Noes, 9.

The Hon. J. Bell  
H. Cuthbert  
H. Gore  
D. Ham  
Sir J. Lorimer  
W. McCulloch  
W. I. Winter  
G. Young  
S. Fraser (*Teller*).



VICTORIA.

## LEGISLATIVE COUNCIL.

SESSION 1887.

## WEEKLY REPORT OF DIVISIONS

IN

## COMMITTEE OF THE WHOLE COUNCIL.

No. 6.

Extracted from the Minutes.

TUESDAY, 25<sup>TH</sup> OCTOBER, 1887.

No. 1.—NEGLECTED CHILDREN LAW AMENDMENT BILL.—The Schedule:—

To Wit. }

Be it remembered that on the \_\_\_\_\_ day of \_\_\_\_\_ in the said colony A.B. of \_\_\_\_\_ in the said colony a boy [or girl] of the age of \_\_\_\_\_ years [on the \_\_\_\_\_ day of \_\_\_\_\_ last passed (*these words to be inserted only if the age can be exactly determined*)] is "convicted" before \_\_\_\_\_ for that the said A.B. [*state offence and time and place where committed*] and \_\_\_\_\_ adjudge the said A.B. to be committed to the reformatory school at \_\_\_\_\_; and \_\_\_\_\_ adjudge that [C.B., the father of the said A.B., or as the case may be] pay the sum of \_\_\_\_\_ shillings every week for or towards the maintenance of the said A.B., the first payment to be made on \_\_\_\_\_ day next; and such payments are to be made to \_\_\_\_\_, collector of imposts at \_\_\_\_\_, or such other person as may be for the time being appointed by the Governor in Council to receive the same.

Amendment proposed—That the word "convicted" in the fifth line of the above Schedule be omitted, with the view of inserting instead thereof the word "charged."—(*Hon. N. FitzGerald.*)

Question—That the word proposed to be omitted stand part of the Schedule—put.

Committee divided.

Ayes, 10.

The Hon. J. Bell  
D. Coutts  
H. Cuthbert  
S. Fraser  
H. Gore  
Sir J. Lorimer  
W. P. Simpson  
J. A. Wallace  
W. A. Zeal  
J. Williamson (*Teller*).

Noes, 11.

The Hon. J. Balfour  
J. G. Beaney, M.D.  
F. Brown  
T. F. Cumming  
T. Dowling  
N. FitzGerald  
D. Melville  
W. H. Roberts  
Lt.-Col. Sargood  
N. Thornley  
C. J. Ham (*Teller*).

No. 2.—(*On re-committal*)—Clause 84.—If any person—

(1.) For the purpose of prostitution or defilement inveigles or entices any unmarried female ward of the Department for Neglected Children or child apparently under the age of eighteen years from any receiving depôt, industrial or probationary school or institution, or from the house or other place where, or from any person to or with whom she may be licensed, placed, boarded out, or apprenticed under the provisions of this Act, or to whose custody she may be committed; or

(2.) Carnally knows any such female, who is apparently under the age of "sixteen" years, in any such depôt, school, house, institution, or place; or

(3.) Aids or assists any person in any of the foregoing offences—

Every person so offending shall be guilty of a misdemeanour, and being convicted thereof shall be liable to be imprisoned for any term not exceeding three years. Provided that no conviction shall be had under the provisions of this section on the unsupported testimony of any one witness, nor unless proceedings be taken within "six" months after the commission of the offence. Provided also that nothing in this section shall exempt any person from prosecution under any other law, but no person shall be punished for the same offence both under this section and any other law.



Amendment proposed—That the word “sixteen” in the eighth line of the above clause be omitted, with the view of inserting instead thereof the word “fourteen.”—(*Hon. N. FitzGerald.*)

Question—That the word proposed to be omitted stand part of the clause—put.

Committee divided.

Ayes, 9.

The Hon. J. Balfour  
J. Bell  
D. Coutts  
S. Fraser  
D. Ham  
Sir J. Lorimer  
D. Melville  
Lt.-Col. Sargood  
H. Cuthbert (*Teller*).

Noes, 10.

The Hon. T. F. Cumming  
T. Dowling  
N. FitzGerald  
H. Gore  
W. H. Roberts  
W. P. Simpson  
J. A. Wallace  
J. Williamson  
W. A. Zeal  
F. Brown (*Teller*).

No. 3.—Clause 84.

Further amendment proposed—That the word “six” in the fourteenth line of the above clause be omitted, with the view of inserting instead thereof the word “twelve.”—(*Hon. Lt.-Col. Sargood.*)

Question—That the word proposed to be omitted stand part of the clause—put.

Committee divided.

Ayes, 15.

The Hon. D. Coutts  
T. F. Cumming  
H. Cuthbert  
T. Dowling  
N. FitzGerald  
S. Fraser  
H. Gore  
Sir J. Lorimer  
W. H. Roberts  
W. P. Simpson  
D. C. Sterry  
J. A. Wallace  
J. Williamson  
W. A. Zeal  
J. Bell (*Teller*).

Noes, 5.

The Hon. J. Balfour  
C. J. Ham  
D. Melville  
Lt.-Col. Sargood  
F. Brown (*Teller*).

VICTORIA.

## LEGISLATIVE COUNCIL.

SESSION 1887.

WEEKLY REPORT OF DIVISIONS

IN

COMMITTEE OF THE WHOLE COUNCIL.

No. 7.

Extracted from the Minutes.

WEDNESDAY, 2ND NOVEMBER, 1887.

No. 1.—COUNTY COURT STATUTE 1869 AMENDMENT BILL.—Proposed new clause B.—On and after the first day of January One thousand eight hundred and eighty-eight any county court judge appointed under the provisions of “*The County Court Statute 1869*” shall permanently reside in the district to which he may be appointed.

Motion made and question put—That the proposed new clause stand part of the Bill.—(*Hon. W. A. Zeal.*)

Committee divided.

Ayes, 4.

The Hon. J. H. O'Connor  
H. Gore  
D. Melville  
W. A. Zeal (*Teller*).

Noes, 16.

The Hon. J. Balfour  
J. Bell  
Sir W. J. Clarke, Bart.  
H. Cuthbert  
J. G. Dougharty  
N. FitzGerald  
P. Hanna  
W. McCulloch  
W. H. Roberts  
Lt.-Col. Sargood  
W. E. Stanbridge  
N. Thornley  
J. A. Wallace  
J. Williamson  
G. Young  
Sir J. Lorimer (*Teller*).

THURSDAY, 3RD NOVEMBER, 1887.

No. 2.—JUVENILE OFFENDERS LAW AMENDMENT BILL.—Clause 43.—When any person “under the age of twenty-one years” not having been previously convicted of any offence, whether an indictable offence or punishable upon summary conviction, for which such person was sentenced or adjudged to be imprisoned not in default of payment of a fine merely, is convicted of any indictable offence or any offence punishable upon summary conviction and sentenced or adjudged to be imprisoned for any term not exceeding three years, the judge or chairman of the court before which or any two or more justices by whom such person is so convicted may if it seem fit suspend the execution of the sentence upon such person entering into a recognizance as hereinafter mentioned.

Amendment proposed—That the words “under the age of twenty-one years” in the first line of the above clause be omitted.—(*Hon. Lt.-Col. Sargood.*)

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

Committee divided.

Ayes, 11.

The Hon. H. Cuthbert  
 N. FitzGerald  
 S. Fraser  
 P. Hanna  
 Sir J. Lorimer  
 W. P. Simpson  
 W. E. Stanbridge  
 J. Williamson  
 W. I. Winter  
 W. A. Zeal  
 J. Bell (*Teller*).

Noes, 5.

The Hon. J. Balfour  
 C. J. Ham  
 C. H. James  
 D. Melville  
 Lt.-Col. Sargood (*Teller*).

VICTORIA.

## LEGISLATIVE COUNCIL.

SESSION 1887.

## WEEKLY REPORT OF DIVISIONS

IN

## COMMITTEE OF THE WHOLE COUNCIL.

No. 8.

Extracted from the Minutes.

TUESDAY, 8TH NOVEMBER, 1887.

No. 1.—JUVENILE OFFENDERS LAW AMENDMENT BILL.—Clause, 51.—If any person—

- (1.) For the purpose of prostitution or defilement inveigles or entices any unmarried female ward of the Department for Reformatory Schools apparently under the age of eighteen years from any reformatory school or from the house or other place where or from any person to or with whom she may be licensed placed or apprenticed under the provisions of this Act; or
- (2.) Carnally knows any such female who is apparently under the age of fourteen years in any such school house or place as aforesaid; or
- (3.) Being the person to whom such female is licensed placed or apprenticed carnally knows any such female who is apparently under the age of eighteen years; or
- (4.) Aids or assists any person in any of the foregoing offences;

every person so offending shall be guilty of a misdemeanour, and being convicted thereof shall be liable to be imprisoned for any term not exceeding three years. Provided that no conviction shall be had under the provisions of this section on the unsupported testimony of any one witness nor unless proceedings be taken within "six" months after the commission of the offence. Provided also that nothing in this section shall exempt any person from prosecution under any other law so that no person be punished for the same offence both under this section and any other law. ENACTED

Amendment proposed—That the word "six" in the fifteenth line of the above clause be omitted, with the view of inserting instead thereof the word "twelve."—(*Hon. Lt.-Col. Sargood.*)

Question—That the word proposed to be omitted stand part of the clause—put.

Committee divided.

Ayes, 19.

The Hon. J. G. Beaney, M.D.  
 J. Buchanan  
 Sir W. J. Clarke, Bart.  
 T. F. Cumming  
 J. G. Dougharty  
 T. Dowling  
 H. Gore  
 D. Ham  
 P. Hanna  
 G. Le Fevre, M.D.  
 Sir J. Lorimer  
 W. McCulloch  
 W. H. Roberts  
 W. P. Simpson  
 J. A. Wallace  
 J. Williamson  
 W. I. Winter  
 W. A. Zeal  
 H. Cuthbert (*Teller*).

Noes, 9.

The Hon. J. Balfour  
 J. H. Connor  
 S. Fraser  
 C. J. Ham  
 C. H. James  
 D. Melville  
 W. Ross  
 N. Thornley  
 Lt.-Col. Sargood (*Teller*).

## No. 2.—JUSTICE OF THE PEACE LAW AMENDMENT BILL.—Clause 56.

Amendment proposed—That at the end of the clause the following words be added, viz.:—

(6.) Provided always that except by consent as aforesaid where the sum claimed exceeds Fifty pounds and is under One hundred pounds the Court of Petty Sessions to hear and determine the following causes of action (that is to say):—

For goods and chattels bargained and sold.

For goods and chattels sold and delivered.

For money lent and interest thereon.

For money paid.

For money received.

For work and labor done.

For work and labor done and materials for the same provided.

For money due upon a bill of exchange promissory note or cheque.

shall consist of a police magistrate and of at least one justice present and acting together during the whole time of the hearing and determination of the case.—(*Hon. Lt.-Col. Sargood.*)

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

Committee divided.

Ayes, 9.

The Hon. J. H. O'Connor  
T. Dowling  
S. Fraser  
H. Gore  
C. J. Ham  
D. Melville  
Lt.-Col. Sargood  
W. P. Simpson  
N. Thornley (*Teller*).

Noes, 16.

The Hon. J. G. Beaney, M.D.  
Sir W. J. Clarke, Bart.  
T. F. Cumming  
H. Cuthbert  
N. FitzGerald  
D. Ham  
G. Le Fevre, M.D.  
Sir J. Lorimer  
W. McCulloch  
W. Ross  
W. E. Stanbridge  
D. C. Sterry  
J. Williamson  
W. I. Winter  
W. A. Zeal  
W. H. Roberts (*Teller*).

VICTORIA.

## LEGISLATIVE COUNCIL.

SESSION 1887.

## WEEKLY REPORT OF DIVISIONS

M

## COMMITTEE OF THE WHOLE COUNCIL.

No. 9.

Extracted from the Minutes.

TUESDAY, 15TH NOVEMBER, 1887.

No. 1.—COUNTY COURT STATUTE 1869 AMENDMENT BILL.—Proposed new Clause B.—The words “such interval” in section seven of the “*County Court Statute 1869*” are hereby repealed and the words “every three months” shall be substituted in lieu thereof.

Motion made and question put—That the proposed new Clause stand part of the Bill.—(*Hon. W. A. Zeal.*)

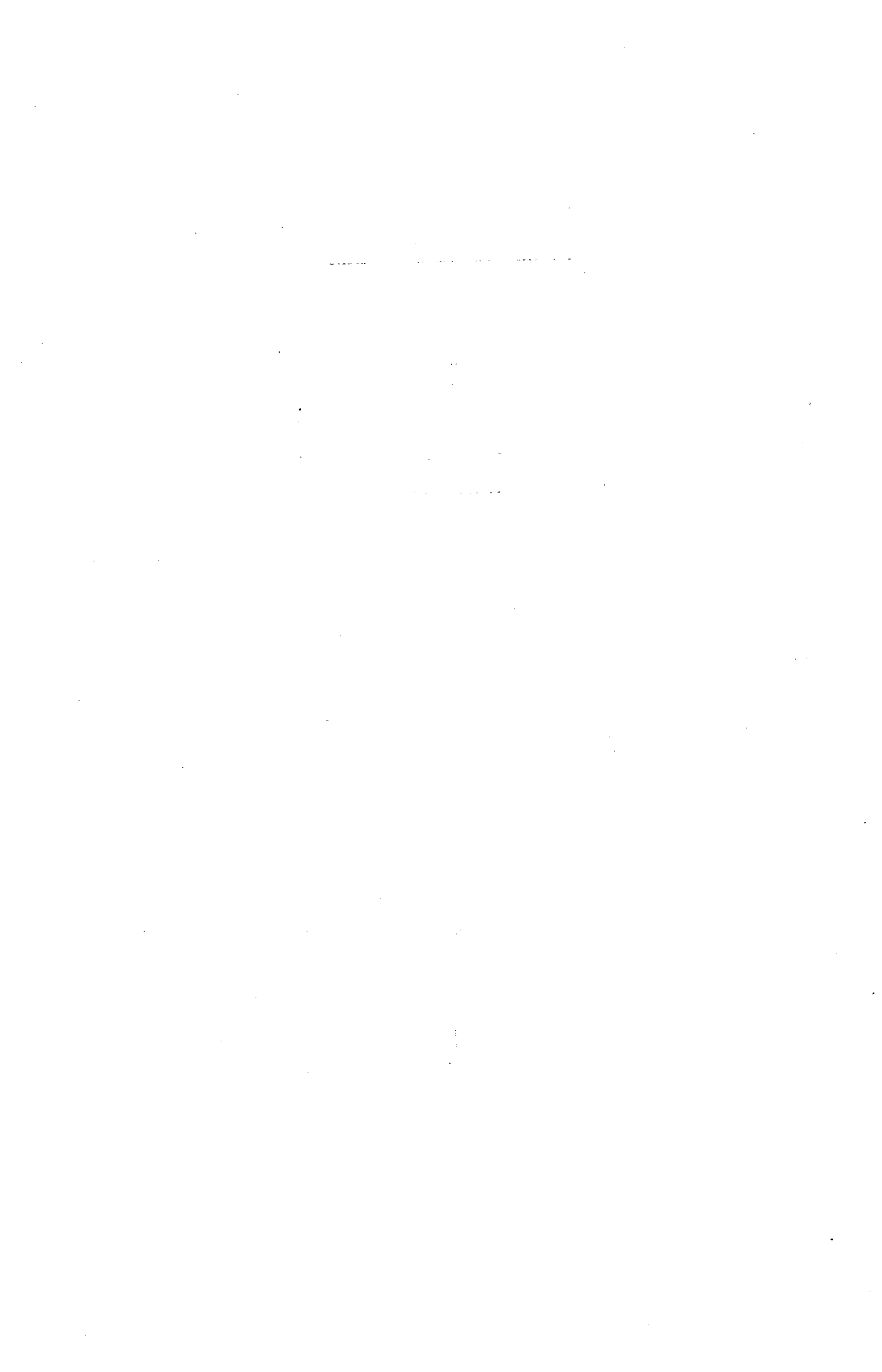
Committee divided.

Ayes, 9.

The Hon. J. Buchanan  
D. Melville  
W. Pearson  
W. P. Simpson  
W. E. Stanbridge  
D. C. Sterry  
J. Williamson  
W. A. Zeal  
W. I. Winter (*Teller*).

Noes, 18.

The Hon. J. Bell  
Sir W. J. Clarke, Bart.  
D. Coutts  
T. F. Cumming  
H. Cuthbert  
T. Dowling  
N. FitzGerald  
S. Fraser  
H. Gore  
C. H. James  
G. Le Fevre, M.D.  
Sir J. Lorimer  
J. P. MacPherson  
W. H. Roberts  
W. Ross  
N. Thornley  
G. Young  
Lt.-Col. Sargood (*Teller*).



VICTORIA.

## LEGISLATIVE COUNCIL.

SESSION 1887.

WEEKLY REPORT OF DIVISIONS

COMMITTEE OF THE WHOLE COUNCIL.

No. 10.

Extracted from the Minutes.

TUESDAY, 22ND NOVEMBER, 1887.

No. 1.—NATIONAL TRUSTEES, EXECUTORS, AND AGENCY COMPANY BILL.—Clause 4.—Any person entitled to obtain administration to the estate of any intestate as wife or husband of the intestate or as his next of kin "or as a creditor" may instead of himself applying for administration authorize the company to apply for administration to such estate, and administration to the estate of the intestate may be granted to the said company upon its own application when so authorized.

Amendment proposed—That the words "or as a creditor," in the third line of the above clause, be omitted.—(*Hon. H. Cuthbert.*)

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

Committee divided.

Ayes, 14.

The Hon. J. Balfour  
 J. Bell  
 J. Buchanan  
 T. F. Cumming  
 J. G. Dougharty  
 T. Dowling  
 S. Fraser  
 C. H. James  
 W. McCulloch  
 J. P. MacPherson  
 W. Ross  
 N. Thornley  
 J. A. Wallace  
 Lt.-Col. Sargood (*Teller*).

Noes, 8.

The Hon. J. G. Beaney, M.D.  
 J. H. Connor  
 H. Cuthbert  
 D. Melville  
 W. H. Roberts  
 W. E. Stanbridge  
 W. A. Zeal  
 J. Williamson (*Teller*).





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# LEGISLATIVE COUNCIL.

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SESSION 1887.

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## WEEKLY REPORT OF DIVISIONS

IN

## COMMITTEE OF THE WHOLE COUNCIL.

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No. 11.

---

Extracted from the Minutes.

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WEDNESDAY, 7TH DECEMBER, 1887.

No. 1.—LICENSING ACT 1885 AMENDMENT BILL.—Clause 11.—“(1.) The proviso to section twenty-six of the Principal Act shall be and the same is hereby ‘repealed.’”

(2.) In section thirty-six of the Principal Act the words “any city or town” in both places where they occur shall be repealed “and the words ‘the city of Melbourne’ shall be substituted therefor”; and the words “and be not less than nine feet in height and” shall also be repealed and the words “except in the case of bedrooms intended for the accommodation of one person only which shall contain at least eight hundred and fifty cubic feet and be” shall be substituted therefor.

(3.) Notwithstanding anything contained in the Principal Act the amount of compensation to be paid to the owner of any licensed premises by reason of the annual value of such premises being diminished owing to the licence being taken away in consequence of the determination of the electors of the licensing district and to the occupier by reason of his lease or agreement being annulled shall be determined by arbitration only.

Provided that in the event of “*The Licensing Act 1885 Fund*” being at any time insufficient to meet the payment of any such compensation granted under this section any sum necessary to make good such compensation shall be paid “only from the proceeds of any duty on liquor hereafter imposed and specially appropriated by Parliament for that purpose.”

On the request of the Minister the owner and occupier jointly shall in writing appoint one arbitrator and the Minister shall in writing appoint another arbitrator. If within fourteen days after such request the owner and occupier jointly fail to appoint an arbitrator then a single arbitrator shall have all the powers of two arbitrators and an umpire under this section.

When two arbitrators shall have been appointed they shall nominate and appoint by writing an umpire (who shall be either a County Court Judge or a Police Magistrate) to decide upon any matters on which they may differ. If the arbitrators shall fail to agree in appointing an umpire within fourteen days the Minister shall appoint such umpire.

The two arbitrators and the umpire shall sit together and hear evidence upon oath and call for the production of documents, and the amount of compensation shall be determined by the arbitrators on a fair and equitable basis. In the event of the arbitrators not agreeing upon a determination within fourteen days after such hearing the umpire shall make a determination on a like basis without again hearing the evidence. Every determination under this section shall be final and conclusive.

Amendment proposed—That the words “(1.) The proviso to section twenty-six of the Principal Act shall be and the same is hereby repealed,” in the first and second lines of the above clause, be omitted.—(*Hon. W. McCulloch.*)

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

Committee divided.

Ayes, 23.

The Hon. J. Balfour  
 J. G. Beaney, M.D.  
 J. Bell  
 J. Buchanan  
 J. H. Connor  
 H. Cuthbert  
 T. Dowling  
 S. Fraser  
 H. Gore  
 C. J. Ham  
 D. Ham  
 C. H. James  
 G. Le Fevre, M.D.  
 Sir J. Lorimer  
 D. Melville  
 F. Ormond  
 W. H. Roberts  
 W. Ross  
 W. P. Simpson  
 N. Thornley  
 G. Young  
 W. A. Zeal  
 Lt.-Col. Sargood (*Teller*).

Noes, 12.

The Hon. F. Brown  
 D. Coutts  
 T. F. Cumming  
 J. G. Dougharty  
 N. FitzGerald  
 P. Hanna  
 W. McCulloch  
 W. Pearson  
 W. E. Stanbridge  
 D. C. Sterry  
 J. A. Wallace  
 W. I. Winter (*Teller*).

No. 2.—Clause 11.—Further amendment proposed—That after the word “repealed” in the second line of the above clause the following words be inserted:—“Provided that all elections shall take place on the same day as municipal elections are held, and shall be under the sole control and direction of the municipal authorities.”—(*Hon. W. A. Zeal*.)

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

Committee divided.

Ayes, 15.

The Hon. J. G. Beaney, M.D.  
 F. Brown  
 T. F. Cumming  
 J. G. Dougharty  
 T. Dowling  
 N. FitzGerald  
 P. Hanna  
 W. McCulloch  
 W. Pearson  
 W. H. Roberts  
 W. E. Stanbridge  
 J. A. Wallace  
 G. Young  
 W. A. Zeal  
 W. I. Winter (*Teller*).

Noes, 18.

The Hon. J. Balfour  
 J. Bell  
 J. Buchanan  
 J. H. Connor  
 H. Cuthbert  
 S. Fraser  
 H. Gore  
 C. J. Ham  
 D. Ham  
 C. H. James  
 Sir J. Lorimer  
 J. P. MacPherson  
 D. Melville  
 W. Ross  
 Lt.-Col. Sargood  
 W. P. Simpson  
 N. Thornley  
 G. Le Fevre, M.D. (*Teller*).

No. 3.—Clause 11.—Further amendment proposed—That the words “and the words ‘the city of Melbourne’ shall be substituted therefor” in the fourth and fifth lines of the above clause be omitted.—(*Hon. W. McCulloch*.)

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

Committee divided.

Ayes, 23.

The Hon. J. G. Beaney, M.D.  
 J. Bell  
 J. Buchanan  
 J. H. Connor  
 D. Coutts  
 H. Cuthbert  
 T. Dowling  
 S. Fraser  
 H. Gore  
 C. J. Ham  
 D. Ham  
 C. H. James  
 G. Le Fevre, M.D.  
 Sir J. Lorimer  
 J. P. MacPherson  
 D. Melville  
 W. H. Roberts  
 W. Ross  
 Lt.-Col. Sargood  
 W. P. Simpson  
 N. Thornley  
 G. Young  
 J. Balfour (*Teller*).

Noes, 11.

The Hon. F. Brown  
 T. F. Cumming  
 J. G. Dougharty  
 N. FitzGerald  
 P. Hanna  
 W. McCulloch  
 W. Pearson  
 W. E. Stanbridge  
 J. A. Wallace  
 W. I. Winter  
 W. A. Zeal (*Teller*).

No. 4.—Clause 11.—Further amendment proposed—That the words “only from the proceeds of any duty on liquor hereafter imposed and specially appropriated by Parliament for that purpose” in the sixteenth and seventeenth lines of the above clause be omitted.—(*Hon. W. McCulloch.*)  
Question—That the words proposed to be omitted stand part of the clause—put.  
Committee divided.

Ayes, 21.

The Hon. J. Balfour  
J. G. Beaney, M.D.  
J. Bell  
J. Buchanan  
J. H. Connor  
H. Cuthbert  
T. Dowling  
S. Fraser  
H. Gore  
D. Ham  
C. H. James  
G. Le Fevre, M.D.  
Sir J. Lorimer  
J. P. MacPherson  
D. Melville  
W. H. Roberts  
W. Ross  
W. P. Simpson  
N. Thornley  
G. Young  
Lt.-Col. Sargood (*Teller*).

Noes, 12.

The Hon. F. Brown  
D. Coutts  
T. F. Cumming  
J. G. Dougharty  
N. FitzGerald  
W. McCulloch  
W. Pearson  
W. E. Stanbridge  
J. A. Wallace  
W. I. Winter  
W. A. Zeal  
D. C. Sterry (*Teller*).

No. 5.—Clause 27.—No victualler's licence shall be transferred unless the person holding it has held a victualler's licence for the same premises for the “six” months preceding the application unless upon the consideration of the exceptional circumstances of any case the court may see fit to transfer the same.

Amendment proposed—That the word “six” in the second line of the above clause be omitted, with the view of inserting instead thereof the word “three.”—(*Hon. F. Brown.*)

Question—That the word proposed to be omitted stand part of the clause—put.  
Committee divided.

Ayes, 17.

The Hon. J. Balfour  
J. Bell  
J. Buchanan  
J. H. Connor  
H. Cuthbert  
S. Fraser  
H. Gore  
C. J. Ham  
D. Ham  
G. Le Fevre, M.D.  
J. P. MacPherson  
D. Melville  
W. Ross  
W. P. Simpson  
N. Thornley  
G. Young  
Lt.-Col. Sargood (*Teller*).

Noes, 12.

The Hon. F. Brown  
D. Coutts  
T. F. Cumming  
T. Dowling  
N. FitzGerald  
W. McCulloch  
W. E. Stanbridge  
D. C. Sterry  
J. A. Wallace  
W. I. Winter  
W. Zeal  
C. H. James (*Teller*).

No. 6.—Clause 27.—Further amendment proposed—That at the end of the above clause the following words be inserted, viz.:—Provided always that whenever a new railway station shall be opened within five miles of the licensed premises of any holder of a victualler's licence it shall be lawful for the licensing court of the district at any time to transfer such licence to any premises within one mile of such new railway station. Provided that such premises contain accommodation equal to the accommodation of the licensed premises from which such licence is to be transferred.—(*Hon. D. Coutts.*)

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

Ayes, 14.

The Hon. F. Brown  
J. H. Connor  
T. F. Cumming  
T. Dowling  
N. FitzGerald  
W. McCulloch  
W. Ross  
W. E. Stanbridge  
D. C. Sterry  
J. A. Wallace  
W. I. Winter  
G. Young  
W. A. Zeal  
D. Coutts (*Teller*).

Noes, 15.

The Hon. J. Balfour  
J. Bell  
J. Buchanan  
H. Cuthbert  
S. Fraser  
H. Gore  
C. J. Ham  
D. Ham  
C. H. James  
G. Le Fevre, M.D.  
J. P. MacPherson  
D. Melville  
W. P. Simpson  
N. Thornley  
Lt.-Col. Sargood (*Teller*).

No. 7.—Clause 32.—If after any holder of a licence under the Principal Act has been twice convicted of offences such person procure the transfer of such licence to his or her wife or husband (as the case may be) and after such transfer such wife or husband be convicted of any offence, the licence of the transferee shall be under the same liability to forfeiture as if the transferor had been the holder of the licence at the time the transferor was convicted of such offences and had been convicted in the place of the transferor.

Question—That the above clause stand part of the Bill—put.

Committee divided.

Ayes, 19.

The Hon. J. Balfour  
 J. Bell  
 J. Buchanan  
 J. H. Connor  
 D. Coutts  
 H. Cuthbert  
 S. Fraser  
 H. Gore  
 C. J. Ham  
 D. Ham  
 C. H. James  
 Sir J. Lorimer  
 J. P. MacPherson  
 D. Melville  
 W. Ross  
 W. P. Simpson  
 N. Thornley  
 G. Young  
 Lt.-Col. Sargood (*Teller*).

Noes, 10.

The Hon. F. Brown  
 T. F. Cumming  
 T. Dowling  
 N. FitzGerald  
 W. McCulloch  
 W. E. Stanbridge  
 J. A. Wallace  
 W. I. Winter  
 W. A. Zeal  
 D. C. Sterry (*Teller*).

THURSDAY, 8TH DECEMBER, 1887.

No. 8.—LICENSING ACT 1885 AMENDMENT BILL.—Proposed new clause.—E. In section 16 of the Principal Act the statutory number applicable to the city of Melbourne shall be 250.—(*Hon. N. FitzGerald*.)

Question—That the proposed new clause stand part of the Bill—put.

Committee divided.

Ayes, 10.

The Hon. F. Brown  
 T. F. Cumming  
 J. G. Dougharty  
 N. FitzGerald  
 P. Hanna  
 W. McCulloch  
 W. E. Stanbridge  
 J. A. Wallace  
 W. I. Winter  
 D. C. Sterry (*Teller*).

Noes, 23.

The Hon. J. Balfour  
 J. G. Beaney, M.D.  
 J. Bell  
 J. Buchanan  
 J. H. Connor  
 D. Coutts  
 H. Cuthbert  
 T. Dowling  
 S. Fraser  
 H. Gore  
 C. J. Ham  
 D. Ham  
 C. H. James  
 Sir J. Lorimer  
 J. P. MacPherson  
 D. Melville  
 F. Ormond  
 W. H. Roberts  
 W. Ross  
 Lt.-Col. Sargood  
 W. P. Simpson  
 N. Thornley  
 G. Le Fevre, M.D. (*Teller*).

VICTORIA.

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LEGISLATIVE COUNCIL.

---

SESSION 1887.

---

WEEKLY REPORT OF DIVISIONS

IN

COMMITTEE OF THE WHOLE COUNCIL.

---

No. 12.

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Extracted from the Minutes.

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WEDNESDAY, 14<sup>TH</sup> DECEMBER, 1887.

No. 1.—MELBOURNE TRAMWAYS AMENDMENT AND EXTENSION BILL.—Clause 7, Sub-section (a).—The company shall also pay to the Trust at the rate of One pound ten shillings per centum per annum on the amount of any capital hereafter borrowed under the authority of this Act for each year from the first day of July One thousand eight hundred and eighty-nine up to and on the first day of July One thousand eight hundred and ninety-nine, and shall thereafter pay to the Trust on the first day of July of each year up to and on the first day of July One thousand nine hundred and nine at the rate of Two pounds per centum per annum on the said capital, and shall thereafter on the first day of July in each year up to and on the first day of July One thousand nine hundred and sixteen pay to the Trust at the rate of Three pounds per centum per annum on the said capital. And which several percentages shall be set aside and accumulated by way of investment and re-investment in Government debentures or Government stock or in tramway debentures issued under any Act relating to the Melbourne Tramways Trust or in debentures of any municipality in the colony of Victoria or on fixed deposit in any of the public banks of issue in the city of Melbourne or on first mortgages of freehold property in the colony of Victoria as a sinking fund to be applied by such Trust ultimately towards the reduction or extinction of the loan.

Motion made and question put—That the above sub-section be struck out.—(*Hon. D. Melville.*)  
Committee divided.

Ayes, 3.

The Hon. J. H. Connor  
C. H. James  
D. Melville (*Teller*).

Noes, 26.

The Hon. J. Balfour  
J. G. Beaney, M.D.  
J. Bell  
F. Brown  
J. Buchanan  
T. F. Cumming  
H. Cuthbert  
J. G. Dougharty  
T. Dowling  
N. FitzGerald  
S. Fraser  
H. Gore  
P. Hanna  
Sir J. Lorimer  
Sir J. MacBain  
J. P. MacPherson  
F. Ormond  
W. Pearson  
W. H. Roberts  
Lt.-Col. Sargood  
W. E. Stanbridge  
J. A. Wallace  
W. I. Winter  
G. Young  
W. A. Zeal  
G. Le Fevre, M.D. (*Teller*.)



1887.

VICTORIA.

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JUBILEE ADDRESS OF CONGRATULATION TO  
HER MAJESTY THE QUEEN.

---

DESPATCH FROM THE RIGHT HONORABLE THE SECRETARY OF STATE  
FOR THE COLONIES.

---

ORDERED BY THE LEGISLATIVE COUNCIL TO BE PRINTED, 20<sup>TH</sup> SEPTEMBER, 1887.

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HENRY B. LOCH,  
*Governor.*

*Message*

The Governor begs to transmit to the Legislative Council a copy of a Despatch which he has received from the Right Honorable the Secretary of State for the Colonies, relative to the Address of Congratulation presented to Her Most Gracious Majesty the Queen by both Houses of the Parliament of Victoria on the occasion of the Fiftieth Anniversary of Her Majesty's accession to the Throne.

Government House,  
Melbourne, 13th September, 1887.

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VICTORIA.  
No. 56.

Downing Street,  
27th July, 1887.

SIR,

I have the honor to acknowledge the receipt of your Despatch, No. 74, of the 10th ultimo, transmitting an Address passed by the Parliament of Victoria, tendering to the Queen the respectful congratulations of the Legislative Council and Legislative Assembly on the occasion of the 50th Anniversary of her accession to the Throne.

The Address has been laid before Her Majesty, who has commanded me to convey to both Houses, through the President and Speaker respectively, her grateful thanks for the expressions of their loyalty and attachment.

I have, &c.,

(Signed) H. T. HOLLAND.

Governor  
SIR HENRY B. LOCH, G.C.M.G., K.C.B.,  
&c., &c., &c.





1887.

VICTORIA.

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AUSTRALASIAN NAVAL DEFENCE ACT.

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TELEGRAPHIC REPLY FROM THE RIGHT HONORABLE THE  
SECRETARY OF STATE FOR THE COLONIES.

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*Ordered by the Legislative Council to be printed 6th December, 1887.*

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HENRY B. LOCH,  
*Governor.*

*Message No. 2.*

The Governor acquaints the Legislative Council that, on the 25th ulto., he forwarded a telegraphic despatch to the Right Honorable the Secretary of State for the Colonies, informing him that the "*Australasian Naval Defence Act*" had been passed unanimously by both Houses of the Victorian Parliament, and that the Governor had, on that day, in the name and on behalf of Her Majesty, given the Royal Assent to the same.

The Governor further informs the Legislative Council that he received, this day, the following telegraphic reply from Her Majesty's Government, viz.:—

"Her Majesty's Government learn with much satisfaction the passing of *The Naval Defence Act.*"

Government House,  
Melbourne, 1st December, 1887.



1887.  
 —  
 VICTORIA.

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# GEELONG WATER SUPPLY.

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RETURN to an Order of the *Legislative Council*,  
 Dated 19th July, 1887, for—

A RETURN showing the Report of the Engineers appointed by the Government to report as to the best scheme for an additional Water Supply for Geelong and the surrounding districts.

(*The Honorable J. H. Connor.*)

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*Ordered by the Legislative Council to be printed, 28th September, 1887.*

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## VICTORIAN WATER SUPPLY.—GEELONG WORKS.

### REPORT BY THE CHIEF ENGINEER OF WATER SUPPLY.

1. The insufficiency of these works to afford a proper supply to the town, and the recurring complaints of shortness of supply in the summer, led to their being supplemented, about three or four years ago, by the construction of a line of earthenware pipes to convey additional water into the Stony Creek storage basins from the Eastern Moorabool, the point of offtake being about four miles below Ballan. This subsidiary work was, for a time, a partial failure, a circumstance which led to further investigation being made, and further reports prepared, on the subject of supplementing the supply. None of these, however, seemed quite conclusive, and, in the beginning of 1886, a professional board was appointed to consider the whole subject. Appendix No. 1 of their report gives an outline of the several proposals that had been submitted down to June, 1886. The Board's report is printed herewith. (Appendix A.)

2. The Board advise that the principal part of the supply to Geelong should be drawn from the upper Werribee, that a small reservoir be built near the head of that river, and that the additional supply be conveyed to the existing Stony Creek basin by a wrought iron pipe conduit. But in paragraph 25 of their report they show that, of the several courses considered, the Barwon would yield the purest and probably the most reliable supply of water. One reason that seems to have weighed with them strongly in favor of the adoption of the Upper Werribee is, that this course would permit of the utilization of the existing headworks, whilst the adoption of the Barwon scheme would not; and therefore the Barwon scheme would probably prove by much the more expensive of the two.

3. The Board's report was referred to me on June 27th, 1886, when I advised that further surveys and examination of the country be made, to set at rest certain doubtful points, before the final adoption of any scheme be decided on; and that, meanwhile, the existing Geelong works be placed and maintained in a condition of proper efficiency. A detailed trial survey was accordingly made by Mr. Craven of the available storage sites at the head of the Werribee, and additional levels were taken along the proposed pipe track.

4. On August 27th, 1886, the Board's report, with the results of Mr. Craven's survey, and all previous papers, were examined, and their contents summarised and reviewed by Mr. Wm. Henderson, who recommended that detailed trial surveys should also be made of the Barwon scheme. On the 8th September the papers were re-submitted to me, when I expressed an opinion that the advantages of the Barwon scheme, as compared with the Werribee, had not been sufficiently considered, and endorsed the recommendation of Mr. Henderson, in favor of a more detailed survey from the Barwon. I further advised the staying of any action on the Board's report until the results of that survey had been examined and fully considered. (Appendix B.) Mr. Craven completed a trial survey of the Barwon on 2nd March of the present year.

5. On the 13th April, Mr. Henderson submitted a memorandum on the results of Mr. Craven's further trial survey, and gave estimates of the cost of proposed schemes for supplies from the Barwon, from the Pennyroyal Creek, from the Werribee, and from the Moorabool. The two latter include the cost of necessary additions to the existing works, so as to render the additional water brought into the storage basins available for the use of the town. All of these schemes are for the delivery of a supply of  $1\frac{1}{2}$  millions of gallons per day, equal to 50 gallons per head per day for a population of 30,000; and they are capable of working up to about 2 millions of gallons, or nearly 70 gallons per head per day for short periods, not exceeding four days, of extreme heat. The present population within the reticulated area of the Geelong Water Supply is about 22,000. Mr. Henderson's memorandum, with estimates, is given in Appendix C.

6. To enable the basis of these proposals to be more clearly understood, it will be well to state here that, though some part of the daily supply to a town may be delivered during each portion of the twenty-four hours, the delivery is by no means uniform throughout the twenty-four hours. In the most efficient town water services one-half of the whole daily supply is generally drawn off in about four hours; and it follows that, to provide this degree of efficiency, the pipes must be capable of delivering the entire daily supply in eight hours. In systems of a lower degree of efficiency, the supply pipes are of a capacity to deliver the whole daily supply in twelve hours. It is usual to arrange for service basins, capable of holding only a few days supply, in or near to the area of reticulation. The piping from these basins is made of sufficient capacity to deliver the whole day's supply in from eight to twelve hours; but the conduit, conveying the water from the storage or head works to the basins, need only be of such capacity as to deliver a full day's supply in twenty-four hours.

Mr. Henderson has given a separate estimate for an eight hours' and for a six hours' delivery in the case of each scheme.

7. The following is a summary of Mr. Henderson's estimates of cost:—

#### BARWON SCHEME.

Open Conduit for whole length.		Conduit part closed.	
12 hours' delivery, £96,000.	8 hours' delivery, £108,000.	12 hours' delivery, £118,000.	8 hours' delivery, £130,000.

#### PENNYROYAL CREEK SCHEME.

Open Conduit for whole length.		Conduit part closed.	
12 hours' delivery, £93,000.	8 hours' delivery, £106,000.	12 hours' delivery, £109,000.	8 hours' delivery, £121,000.

#### WERRIBEE SCHEME.

12 hours' delivery, £78,000.	8 hours' delivery, £90,000.
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#### MOORABOOL SCHEME.

12 hours' delivery, £41,000.	8 hours' delivery, £53,000.
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To ensure the full efficiency of the Werribee and Moorabool schemes, a further expenditure of £6000 would be required to provide an additional service basin at Newtown Hill, and a 15-inch connection to the main in Pakington-street. Without these the service would always be liable to partial failure on the occurrence of sudden bursts of heat. In the case of the Barwon and Pennyroyal Creek schemes, this further expenditure would be unnecessary if the new works were to be carried out at once. But I have not recommended this course, and have therefore omitted the item of £6000 from the two latter schemes, so as to furnish a fair comparison of cost on the basis of the recommendations of this report. I have recommended the expenditure of £6000 on these service works now, so as to impart a higher degree of efficiency to the existing works as they stand, and pending the addition of new head works to bring in a larger supply; and have advised that the construction of new head works be allowed to stand over for a time.

8. The actual mean daily delivery from the Geelong works is about 550,000 gallons, equal to about 25 gallons per head of the present population, working up to an occasional 1,000,000, or 1,200,000 gallons on days of excessive heat. But the works are not capable of delivering these

volumes in 8, nor the larger even in 12 hours. The construction of an additional service basin at Newtown Hill to contain about 750,000 gallons, with a large pipe connection to the Pakington-street main, would enable the present works to deliver about 850,000 gallons in 8 hours, and to work up to 1,000,000 gallons for four successive days of extreme heat. As this would be equal to an efficient ordinary service of 38 gallons per head per day for the present population, and to an emergent service of 45 gallons per head, for a present outlay of £6000, I have recommended that it be the first work undertaken.

9. The financial position of the Geelong works would then be as follows:—

Capital expenditure to June, 1886	...	...	...	£354,502
Expended since on improvements to line of aqueduct, and to Anakie and Lovely Banks Reservoirs	...	...	...	2,700
Proposed expenditure on service basins, &c.	...	...	...	6,000
Total	...	...	...	£363,202
Present gross annual mean revenue	...	...	...	£7,100
„ annual maintenance and management	...	...	...	2,500
Net revenue	...	...	...	£4,600

The statement thus shows an annual return of a little over  $1\frac{1}{4}$  (1.266) per cent. to meet the charge for interest on capital account. No doubt, had proper economy and proper judgment been exercised in the design and execution of the works in the first instance, a large proportion of the capital expenditure might have been avoided; but it does not seem probable that it could, on the lines of the present scheme, have been made a financially sound undertaking, except by a large increase in the rates to consumers.

10. Reverting to the subject of the Board's report—if the Barwon scheme be left out of consideration for the time (and the information regarding that scheme available to the Board was extremely meagre), I concur in the recommendation that a supplementary supply for Geelong should be obtained from the Upper Werribee. But when the Werribee is compared with the Barwon scheme, as it now appears in the light of information supplied by the more recent surveys, the balance of advantage lies decidedly with the latter. It is true that the works necessary to bring a supply from the Werribee into Geelong equal to the requirements of a population of 30,000 persons, is considerably less than would be required to provide a like supply from the Barwon. But, if we look beyond this limit of population, the advantages in favor of the Werribee disappear, and the balance inclines against it. It will be impossible to predict with confidence what the future of Geelong may be; but, in a matter so important as permanent works of water supply for a town, it will be wise policy to allow a large margin for possible increase of population.

11. The following are some of the leading points in favor of the adoption of the Barwon as against the other proposed schemes:—If the supply be drawn from the Werribee, or from any other source entailing the continuance of the service basin at Lovely Banks, no additional head of pressure can be obtained for the town service beyond that at present available. Considerable difficulty is now experienced in affording a proper pressure to the high levels, and by the adoption of the Board's proposals this difficulty would be continued for all time. But by the adoption of the Barwon scheme a suitable site for a service basin can be obtained within six or seven miles of the town, and at an altitude of 100 feet higher than Lovely Banks. The Barwon proposal includes the conveyance of the water by an open channel from the head-work to the service basin, a suitable mode of construction for the character of country traversed. In the event of the town outgrowing the capacity of the works, therefore, the cost of enlargement of this line of conveyance would be a minimum. But, in the case of the Werribee, an open channel would be quite unsuitable. And the growth of the town beyond a population of 30,000 would entail the duplication of the iron mains to Stony Creek; and, what is worse, the duplication of the long and expensive line of conveyance from Anakie to Lovely Banks, as well as from Lovely Banks to Geelong. I think it probable that the cost of these duplications would be so great that, were Geelong ever to outgrow the capabilities of the works, it would lead to their ultimate abandonment, and the search for another source of supply. The water obtainable from the head of the Barwon is of the best and purest quality, being the drainage from forest-clad ranges, of which the greater part is still in the hands of the Government; and its purity may be maintained by the reservation of the unsold lands within the drainage area. The water of the Upper Werribee is also good, but there would probably be greater difficulty experienced in maintaining its drainage area free from settlement than the drainage area of the Barwon. Another point in favor of the Barwon is that, besides providing a supply for Geelong, branches from the channel conveying the water to the service basin might be led off for the supply of Queenscliff and Portarlington.

12. I think the estimates given by Mr. Henderson, in his memorandum of 13/4/87, may be accepted as fairly reliable, both for the Barwon and for the other schemes. The amount set down for purchase of land seems small; but, against this, the margin allowed for engineering and contingencies (£15,790 in the case of the Barwon) is very large, and the estimates may be taken as, on the whole, sufficient. Assuming this to be the case, and assuming also that the Barwon scheme had been carried out in the first instance instead of the Stony Creek scheme, we have—Estimated cost of scheme £130,000; cost of town reticulation, say £40,000; to which we may add

£6000 for the proposed new service basin and connection in the town, making a total of £176,000. It has been shown that the present net revenue from the Geelong works is about £4600 per annum, which would therefore be equivalent to 2·613 per cent. on the cost of these works. The Barwon scheme might have been carried out, on a lower scale of efficiency, for about £136,000, including the reticulation, in which case the present net revenue would have been equal to 3·382 per cent. on the cost, or an addition to the rates charged for water supplied, equal to about 33 per cent. of the net revenue, would have brought it up to the financially sound standard of 4½ per cent. on the capital cost. It must be pointed out that the return of 2·613 per cent. on the estimated cost of works, referred to above, is for a scheme, not for the present population of Geelong only, but for an efficient service for a population of 30,000 persons.

13. On a review of all the facts of the case I feel impelled to advise the adoption of the Barwon scheme, in preference to any other that has been yet proposed. It will involve a larger outlay than the supply from the Werribee, but it will be found more satisfactory in the end. I have now, therefore, the honor to recommend—

- I. That an additional service reservoir be constructed at Newtown Hill, to contain 750,000 gallons, and a 15-inch pipe laid to connect the basin to the main in Pakington-street so as to improve the efficiency of the existing works. I estimate the cost of these at £6000.
- II. That the supply from the head of the Barwon be adopted as the future scheme for the service of Geelong; that the catchment area of the proposed reservoir, and other necessary lands, where not already sold, be at once permanently reserved; but that no actual works be undertaken for the present.
- III. As the adoption of the above will involve the continuance of the service from Stony Creek, until the construction of the new works, it will be advisable that some minor improvements be made at the Upper Stony Creek Reservoir. The waste weir of the dam has had no water passed over it since its construction about six years ago. It should be examined, and if necessary, strengthened. The bye-wash channel may also require some trifling additions; and the inlet drains might, with advantage, be cleared and enlarged. A sum of £1000 should be set apart for these works.

STUART MURRAY,  
Chief Engineer of Water Supply.  
3/6/87.

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## APPENDICES.

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### APPENDIX C.

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#### MEMORANDUM *RE* WATER SUPPLY FOR THE TOWN OF GEELONG.

The cost of works to introduce a supply of water into Geelong from the source of the Barwon River has been ascertained, with a reliable degree of accuracy, from the particulars of the further surveys made by Mr. Craven.

The estimates given in Appendices Nos. 1 and 2 provide for a reservoir on the Barwon River to contain 250 million gallons, a channel from the eastern branch of the Barwon River to the reservoir, an open channel in earth, from the reservoir to the service basin, capable of carrying 2½ million gallons per day, with fencing, bridges, flumes, surface drainage, and other works, two settling ponds, each to contain 750,000 gallons, with service basin to hold 3 million gallons; and the separate estimates include the cost of a cast iron main from the service basin to the town, for a delivery of 1½ million gallons in 8 and 12 hours respectively. Appendices 3 and 4 give estimates for the same works, but substituting a wrought iron pipe conduit for one tenth of the length of the open channel from the reservoir to the service basin, in order to provide for a covered aqueduct at a few homesteads in the district.

The drainage area to the proposed reservoir, and to the offtake on the eastern branch of the Barwon River, is about 26 square miles, and the yield from that area, together with a reservoir to contain three or four months' supply, with an allowance for evaporation, &c., or 250 million gallons, would be ample to maintain a supply of 1½ million gallons daily.

The works in connection with a supply from Pennyroyal Creek would be similar to those for the Barwon scheme, and the estimates of cost of works are given in Appendices 5, 6, 7, and 8. Appendices Nos. 5 and 6 give the cost of the works with an open channel from the reservoir to the

service basin, and a cast iron main for a delivery of  $1\frac{1}{2}$  million gallons in 8 and 12 hours respectively; and in Appendices Nos. 7 and 8 one-tenth of the distance from the reservoir to the service basin is assumed to be a wrought iron pipe conduit.

The drainage area to the proposed reservoir on Pennyroyal Creek, together with that to the Cowbail Creek, is only about 10 square miles; and in this case it would be advisable to have storage for about nine months' supply, or allowing for evaporation, &c., about 600 million gallons.

The cost of works to introduce an additional supply from the Werribee River to ensure a supply of  $1\frac{1}{2}$  million gallons daily, and with piping from Lovely Banks Reservoir, to deliver  $1\frac{1}{2}$  million gallons in 8 and 12 hours, would be as shown in Appendices Nos. 9 and 10.

The estimates for an additional supply from the Werribee River provide for a reservoir to contain 125 million gallons, and for conveying the water to Stony Creek Reservoir in wrought iron piping as contemplated by the Board. The drainage area for the proposed reservoir on the Werribee River is about 29 square miles, and the amount of storage proposed would most likely prove more than sufficient to maintain the additional supply required besides providing for stock and domestic requirements. (See office memoranda, pp. 27 to 31).

Estimates for an additional supply from the Eastern Moorabool River, with piping from Lovely Banks Reservoir for a delivery of  $1\frac{1}{2}$  million gallons in 8 and 12 hours, are given in Appendices Nos. 11 and 12.

The estimates for an additional supply from the Werribee River and Eastern Moorabool River include the necessary additions and alterations to existing works to convey and maintain the delivery of the increased supply to the town.

The duplication of the main from Lovely Banks to the town would materially improve the supply to the higher levels in Geelong, but the supply of those higher levels would still be uncertain at times of greatest demand for water. - It could be arranged to supply those higher levels from Newtown service reservoirs during the time of greatest demand for water, or to keep the town supplied from those reservoirs in the event of repairs being required to the main piping, as the case might happen.

The site for the service basin in connection with the Barwon and Pennyroyal schemes, selected by Mr. Craven, is about 369 feet above low water mark Hobson's Bay, or about 100 feet higher than Lovely Banks Reservoir, and that elevation would ensure a supply to the higher levels in Geelong, and the reservoirs at Newtown Hill would only be required in the case of repairs to the main pipe. It might not be advisable to subject the reticulation of Geelong to an additional pressure of 100 feet, but a lower situation could be selected for the service reservoir consistent with an assured supply to the higher levels in Geelong, and a safe additional pressure in the reticulation.

The open channel in earth provided for in the Estimates for an additional supply from the Moorabool River, and for a supply from the Barwon River and Pennyroyal Creek cannot be considered as on a par with the wrought-iron piping from the Werribee River, but in other respects the works are similar for the different schemes.

The additional head obtainable from the service reservoir in connection with a scheme of water supply from the Barwon River or Pennyroyal Creek would not warrant the extra expenditure on an independent scheme over that required to improve the present works, and bring an increased supply from the Eastern Moorabool River. The Board considered the present point of offtake on the Eastern Moorabool River objectionable—(see Boards' Report, pp. 13 and 14), and if these objections be upheld, the choice of a scheme would be between the Werribee River, in conjunction with the present works, and an independent scheme of water supply. Meantime it appears undesirable to incur greater expense on the present works than is necessary to effect an improvement in the distribution of the supply available in the town.

The present reservoirs, and the supply from the Eastern Moorabool River, give at least 34 gallons per head per day to the present population, and the present main can deliver 1,980,000 gallons in 24 hours with a full reservoir at Lovely Banks, and, unless for two or three days of extreme heat, the demand for water can be met. This can be improved by the construction of an additional service reservoir at Newtown Hill, and laying a 15-inch connection to the main in Pakington-street, at a cost of £6000.

The present works can be added to, at comparatively small cost, to deliver about  $1\frac{1}{2}$  million gallons per day to Geelong; but any increased supply required beyond that quantity would involve reconstruction and addition along the whole line of the present works; and before any extensive works were constructed in connection with the present works, it would be well to have a better knowledge as to whether or not Geelong is likely, in the future, to require a larger supply than  $1\frac{1}{2}$  million gallons daily.

An independent scheme would be less costly for a supply over  $1\frac{1}{2}$  million gallons daily than a scheme in connection with the present works, involving additions to them throughout.

The course to be adopted in connection with Geelong works resolves itself into one involving a large outlay or one of comparatively small outlay. It appears unnecessary and undesirable, at the present time, to expend any large sum on the present works, or in connection with them.

Meantime, £6000 would be judiciously expended on additional storage at Newtown Hill, and a large connection with the main in Pakington-street.

Further expenditure is unnecessary, unless in connection with an extensive scheme to provide an increased supply to the town.

WM. HENDERSON.



## APPENDIX No. 1.

## BARWON SCHEME.

## ESTIMATE OF COST OF WORKS, WITH OPEN CHANNEL FROM RESERVOIR TO SERVICE BASIN.

Reservoir on Barwon for 250,000,000 gallons .....	£6,500
Open channel from E. Branch of Barwon River to reservoir, two miles, at £700 .....	1,400
Open channel from reservoir to service basin, 80 miles, at £200 .....	16,000
Fencing, 164 miles, at £80 .....	13,120
Fluming.....	6,000
Overflow works, bridges and crossings, &c. ....	5,000
Service reservoir for 3,000,000 gallons and two settling ponds, each for 750,000 gallons	13,000
Land for reservoir and channels, &c. ....	3,200
	<hr/>
Main pipe from service reservoir for 1½ million gallons in eight hours.....	64,210
	28,000
	<hr/>
Add for contingencies, surveys and engineering, &c. ....	92,210
	15,790
	<hr/>
	£108,000

## APPENDIX No. 2.

## BARWON SCHEME.

## ESTIMATE OF COST OF WORKS WITH OPEN CHANNEL FROM RESERVOIR OF SERVICE BASIN.

Brought forward from Ap. No. 9.....	£64,210
Main pipe from service reservoir for 1½ million gallons in twelve hours .....	18,000
	<hr/>
	£82,210
Add for contingencies, surveys and engineering, &c. ....	13,790
	<hr/>
	£96,000

## APPENDIX No. 3.

## BARWON SCHEME.

## ESTIMATE OF COST OF WORKS.

Reservoir on Barwon River for 250,000,000 gallons.....	£6,500
Open channel from E. Branch of Barwon River to reservoir, two miles at £700 .....	1,400
Open channel from reservoir, 72 miles at £200.....	14,400
Fencing open channels, 148 miles at £80 .....	11,840
Fluming .....	6,000
Overflow works, bridges and crossings, &c.....	5,000
<i>Closed Conduit—8 miles, W.I. Piping.</i>	
720 tons W.I. piping at £24.....	£17,280
720 " " carriage and cartage at 30s.....	1,080
14,080 L. yds. trench and laying at 2s. 6d.....	1,760
2,800 lead and yarn joints at 12s .....	1,680
Building and sundries.....	200
	<hr/>
	22,000
Service reservoir for 3,000,000 gallons and two settling ponds each for 750,000 gallons	13,000
Land for reservoir and channels, &c. ....	3,200
	<hr/>
	£83,340
Main pipe from service reservoir for 1½ million gallons in 8 hours.....	28,000
	<hr/>
	£111,340
Add for contingencies, surveys and engineering, &c.....	18,660
	<hr/>
	£130,000

## APPENDIX No. 4.

## BARWON SCHEME.

## ESTIMATE OF COST OF WORKS.

Brought forward from Ap. No. 1 .....	£83,340
Main pipe from service reservoir for 1½ million gallons in 12 hours .....	18,000
	<hr/>
	£101,340
Add for contingencies, surveys and engineering, &c.....	16,660
	<hr/>
	£118,000
	<hr/>

## APPENDIX No. 5.

## PENNYROYAL SCHEME.

## ESTIMATE OF COST OF WORKS, WITH OPEN CHANNEL, FROM RESERVOIR TO SERVICE BASIN.

Reservoir on Pennyroyal Creek for 600 million gallons .....	£14,000
Open channel from Cowbail Creek to reservoir, &c., 2 miles at £500.....	1,000
Open channel from reservoir to service basin, 57 miles at £200.....	11,400
Fencing open channels, 118 miles at £80 .....	9,440
Fluming.....	6,000
Overflow works, bridges, crossings, &c. ....	4,400
Service reservoir for 3,000,000 gallons, and two settling ponds each for 750,000 gallons	13,000
Land for reservoir and channels, &c. ....	2,400
	<hr/>
	£61,640
Main pipe from service reservoir for 1½ million gallons in 8 hours.....	28,000
	<hr/>
	£89,640
Add for contingencies, surveys and engineering, &c.....	16,360
	<hr/>
	£106,000
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## APPENDIX No. 6.

## PENNYROYAL SCHEME.

## ESTIMATE OF COST OF WORKS, WITH OPEN CHANNEL, FROM RESERVOIR TO SERVICE BASIN.

Brought forward from Appendix No. 11.....	£61,640
Main pipe from service reservoir for 1½ million gallons in 12 hours .....	18,000
	<hr/>
	£79,640
Add for contingencies, surveys and engineering, &c.....	13,360
	<hr/>
	£93,000
	<hr/>

## APPENDIX No. 7.

## PENNYROYAL SCHEME.

## ESTIMATE OF COST OF WORKS.

Reservoir on Pennyroyal Creek for 600 million gallons .....	£14,000
Open channel from Cowbail Creek to reservoir; two miles at £500 .....	1,000
Open channel from reservoir, 51 miles at £200.....	10,200
Fencing open channels, 106 at £80.....	8,480
Fluming .....	6,000
Overflow works, bridges and crossings, &c. ....	4,400

*Closed Conduit.—6 Miles W.I. Piping.*

540½ tons W.I. piping at £24 .....	£12,960	
540 tons carriage and cartage, 30s. ....	810	
10,560 lin. yds. trench and laying at 2s. 6d. ....	1,320	
2100 lead and yarn joints at 12s. ....	1,260	
Building, &c. ....	150	
		16,500
Service reservoirs for 3,000,000 gallons and 2 settling ponds, each for 750,000 gallons		13,000
Land for reservoir and channels, 600 acres .....		2,400
		<u>£75,980</u>
Main pipe from service reservoir for 1½ million gallons in 8 hours.....		28,000
		<u>£103,980</u>
Add for contingencies, survey and engineering, &c. ....		17,020
		<u>£121,000</u>

## APPENDIX No 8.

## PENNYROYAL SCHEME.

## ESTIMATE OF COST OF WORKS.

Brought forward from Appendix No. 3 .....	£75,980
Main pipe from service reservoir for 1½ million gallons in 12 hours .....	18,000
	<u>£93,980</u>
Add for contingencies, surveys and engineering, &c. ....	15,020
	<u>£109,000</u>

## APPENDIX No. 9.

## WERRIBEE SCHEME.

## ESTIMATE OF COST OF NEW WORKS AND ADDITIONS TO PRESENT WORKS.

Reservoir for 125,000,000 gallons .....	£4,600
1020 tons wrought-iron piping, at £24 .....	24,480
1020 tons carriage and cartage, at 50s. ....	2,550
35,200 lin. yds. trench and laying, &c., at 2s. ....	3,520
Extra for rock-cutting, say .....	1,000
3520 lead and yarn joints, at 9s. ....	1,584
8200 " " at 5s. ....	2,050
Building, &c., say .....	250
Land for reservoir, and wayleave for piping, &c. ....	1,000
	<u>£41,034</u>
Restoring embankment, and raising waste weir of Upper Stony Creek reservoir .....	4,000
Pitching, and broken stones for face of embankment .....	2,000
Additional settling ponds at Lovely Banks .....	3,000
	<u>£50,034</u>
Additional piping for a supply of 1½ million gallons in 8 hours from Lovely Banks.....	28,500
	<u>£78,534</u>
Add for contingencies, survey and engineering, &c. ....	11,466
	<u>£90,000</u>
Additional service reservoir at Newtown Hill, and 15-inch connection with main .....	6,000
	<u>£96,000</u>

APPENDIX No. 10.

WERRIBEE SCHEME.

ESTIMATE OF COST OF NEW WORKS AND ADDITION TO PRESENT WORKS.

Brought forward from Appendix No. 6 .....	£50,034
Additional piping for a supply of 1½ million gallons in 12 hours from Lovely Banks ...	17,500
	<hr/>
	67,534
Add for contingencies, surveys and engineering, &c. ....	10,666
	<hr/>
	78,200
Additional service reservoir at Newtown Hill, and 15-inch connection with main.....	6,000
	<hr/>
	£84,200
	<hr/>

APPENDIX No. 11.

ESTIMATE OF COST OF ADDITIONS TO PRESENT WORKS FOR A SUPPLY OF 1½ MILLION GALLONS PER DAY.

*Moorabool Channel.*

Open channel, 15¼ miles, at £200 .....	£3,050
Fencing, 30½ miles, at £80 .....	2,440
Overflow and minor works .....	500

*Syphons.*

139 tons W.I. piping, at £24 .....	3,336
139 ,, carriage and cartage at £2 .....	278
4290 lin. yds. trench and laying at 1s. 9d.....	375
860 lead and yarn joints at 7s. 6d. ....	322
Building, &c. ....	199

	<hr/>	10,500
Restoring embankment and raising waste weir of Upper Stony Creek reservoir .....		4,000
Pitching and broken stones for face of embankment .....		2,000
Additional settling ponds at Lovely Banks .....		3,000

	<hr/>	£19,500
Additional piping for a supply of 1½ million gallons in 8 hours from Lovely Banks ...		28,500

	<hr/>	£48,000
Add for contingencies, surveys and engineering, &c. ....		5,000

	<hr/>	£53,000
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Add for additional service reservoir at Newtown Hill, and 15-inch connection with them* .....		6,000
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\* See.

	<hr/>	£59,000
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APPENDIX No. 12.

ESTIMATE OF COST OF ADDITIONS TO PRESENT WORKS FOR A SUPPLY OF 1½ MILLION GALLONS PER DAY.

Brought forward from Ap. No. 5 .....	£19,500
Additional piping for a supply of 1½ million gallons in 12 hours from Lovely Banks ...	17,500

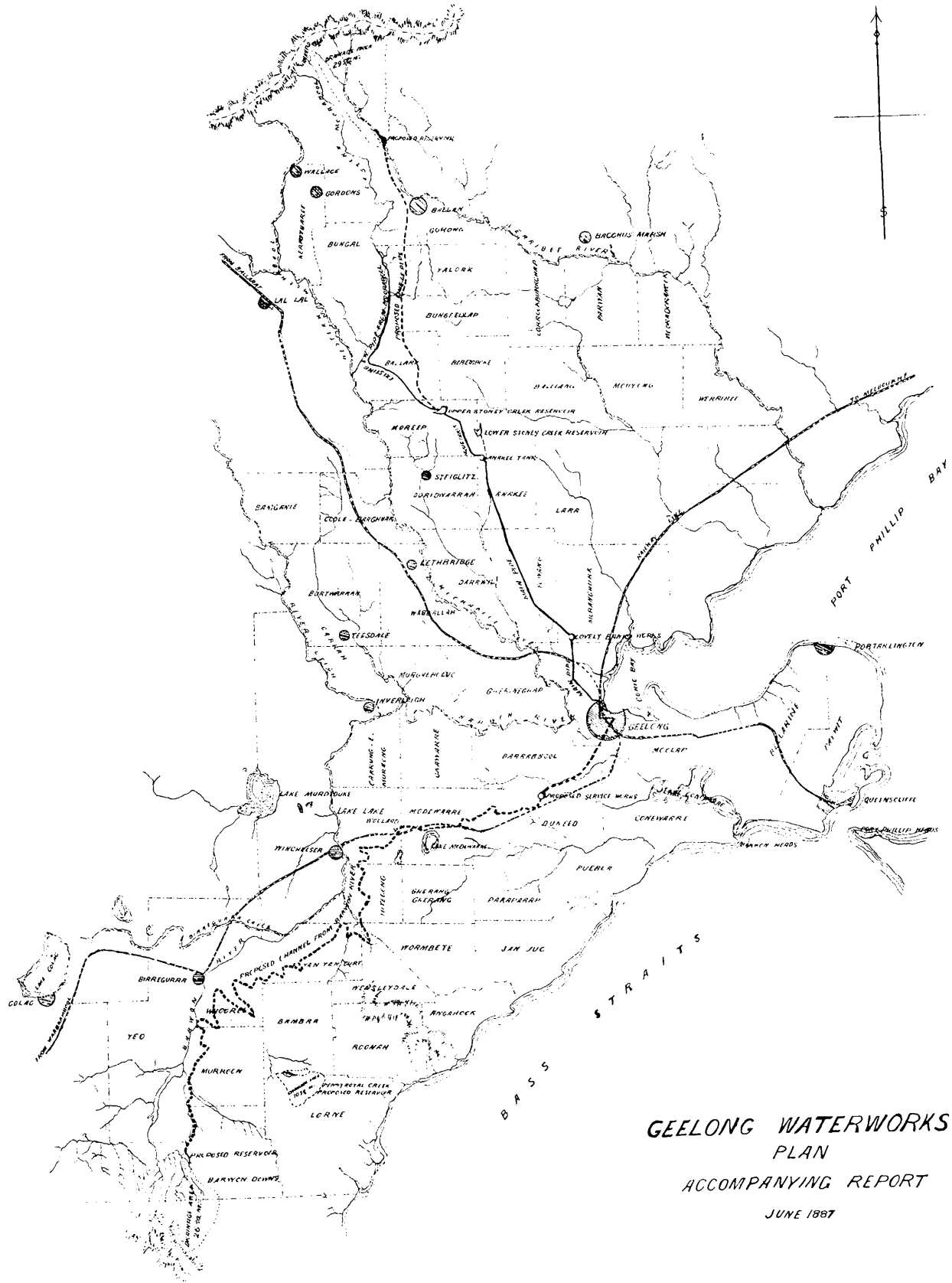
	<hr/>	£37,000
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Add for contingencies, survey, engineering, &c. ....		4,000
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	<hr/>	£41,000
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Add for additional service reservoir at Newtown Hill, and 15-inch connection with main .....		6,000
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	<hr/>	£47,000
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**GEELONG WATERWORKS  
 PLAN**  
 ACCOMPANYING REPORT  
 JUNE 1887

SCALE 4 MILES TO AN INCH.  
*John Murray*

1887.  
 —  
 VICTORIA.

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## SUCCESSION DUTIES.

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RETURN to an Order of *The Legislative Council*,  
 Dated 31st August, 1887, for—

- A RETURN showing—(1.) The names of all persons who have died since the 1st July, 1885, to 1st July, 1887, having property in the colony outside of cities, towns, or boroughs, of the value of £5000 and upwards.
- (2.) The amount of the valuation made in each case for the purposes of probate or succession duty by the representatives of the deceased person, and by the Government valuer, and the amount of his valuation, his name, and the amount of his fee in each case, and also the amount of duty paid on each estate.
- (3.) Whether in some, if not all, cases, the amount of the valuation made by the representatives of the deceased person for the above purposes is disclosed to the Government valuer before he makes his valuation.

(*The Honorable N. Thornley.*)

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*Ordered by the Legislative Council to be printed, 28th September, 1887.*

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RETURN showing the Names of all Persons who have died since the 1st July, 1885, to 1st July, 1887, having property in the Colony of Victoria outside of cities, towns, or boroughs, of the value of £5000 and upwards, for the Valuation of which a paid Valuer has been employed; showing also the Valuation made by the representatives of the deceased for the purposes of Probate Duty, and the amount of the Valuation made by the Government Valuer, giving the name of such Valuer and the amount of his fee in each case, the amount of Duty paid upon the whole estate, and the increase of Duty through the Valuation of such Valuer.

Name.	Place.	Valuation by Representatives.		Government Valuer.	Fee.	Valuation of Government Valuer.	Value ultimately accepted.		Duty Paid.	Increase of Duty.		Remarks.
		Whole Estate.	Real Estate.				Whole Estate.	Real Estate.		Whole Estate.	Real Estate.	
		£	£		£ s. d.	£	£	£	s. d.	£	£	
Geo. Brooks ...	Camberwell ...	7,936	7,400	Mr. Wilmot ...	10 10 0	12,018	11,580	11,044	231 12 4	112	112	
C. A. Cramer ...	Warrnambool ...	4,014	7,110	" ...	12 11 0	9,633	4,854	7,860	48 10 11	8	7	
P. Gleeson ...	Tara ...	27,295	24,420	" ...	57 14 6	34,185	36,728	34,185	1,101 17 1	419	415	
G. Studley ...	Kew ...	6,323	5,150	Mr. Cowderoy ...	6 6 0	5,940	6,923	5,750	103 17 1	9	9	
J. Henderson ...	Wyuna ...	5,099	15,675	Mr. Wilmot ...	5 5 0	18,429	7,729	18,167	115 18 9	39	37	
P. Manifold ...	Purrumbet ...	330,698	242,020	Mr. W. E. King ...	239 9 9	281,400	345,627	256,943	34,562 15 9	1,492	1,492	Including plant and stock.
Mark Sill ...	Heidelberg ...	8,275	6,459	Mr. Cowderoy ...	67 3 0	7,980	9,836	7,980	147 10 10	24	23	
Eliza A. Hopkins ...	Polwarth ...	4,909	4,851	Mr. Wilmot ...	7 7 0	5,255	5,315	5,255	159 8 0	71	71	
G. Carmichael ...	Casterton ...	32,715	62,016	" ...	3 3 0	69,723	38,497	67,643	1,154 18 3	173	169	
C. S. Haley ...	South Yarra ...	107,138	42,744	" ...	53 19 3	51,245	116,742	49,098	5,837 2 4	481	318	
M. Bryant ...	Cairncurran ...	56,473	30,484	" ...	24 17 6	32,334	57,942	31,534	2,028 0 0	51	37	
Obadiah Edwick ...	Mitiamo ...	53,648	45,145	Mr. T. Moore ...	38 10 9	70,572	67,214	58,633	2,688 0 0	812	810	
R. Goldsbrough ...	Melbourne ...	47,279	16,084	Mr. Wilmot ...	63 13 6	32,382	55,179	26,049	3,862 11 0	725	697	
R. Crow ...	Tarrington ...	13,379	23,107	" ...	57 10 0	...	19,459	28,021	583 15 6	182	98	Property sold.
F. Robertson ...	Essendon ...	79,736	34,437	Mr. Cowderoy ...	75 5 6	42,150	87,131	41,967	7,841 1 6	1,463	1,456	Part in borough.
P. G. Gill ...	Monomeith ...	6,829	17,724	Mr. Wilmot ...	2 2 0	22,090	9,515	19,939	285 9 0	80	66	
C. Podger ...	Glenormiston ...	9,475	16,277	" ...	21 0 0	17,908	11,130	17,908	222 15 9	81	80	
Fredk. Griffin ...	England ...	96,086	91,110	Mr. Cowderoy ...	2 2 0	56,891	122,492	117,517	11,213 2 9	3,672	3,672	
E. Bowyer ...	Cheveley ...	18,581	14,811	Mr. Wilmot ...	105 15 6	15,364	19,224	*17,033	768 19 4	25	24	* Including city property,
G. H. Taylor ...	Camberwell ...	6,530	11,626	" ...	7 7 0	7,220	9,031	16,520	135 9 4	74	73	
T. A. Hamilton ...	Toorak ...	6,902	5,000	Mr. Cowderoy ...	12 3 6	5,864	7,768	5,863	233 1 0	26	26	
F. P. Wilson ...	Toorak ...	22,423	15,945	Mr. Wilmot ...	12 11 0	...	22,423	15,945	560 11 7	Nil	Nil	Valued by Mr. Wilmot, executors consenting to pay half expenses, Crown the other half.
S. Ritchie ...	Scotland ...	78,225	62,197	" ...	5 5 0	62,197	78,622	62,197	3,144 17 7	16	Nil	
W. Russell ...	England ...	91,992	90,197	" ...	13 0 0	*81,414	97,934	*96,139	8,814 2 8	858	858	* Including stock.
T. O'Connor ...	Cranbourne ...	8,091	4,860	Mr. Cowderoy ...	29 4 6	6,025	9,447	6,025	283 8 3	40	35	
Jno. Fitzgerald ...	Lake Boloke ...	37,702	66,436	Mr. Wilmot ...	5 15 0	71,972	43,497	71,972	1,522 8 3	391	391	
J. Ritchie ...	Boodcarra ...	68,548	54,314	" ...	49 17 3	67,683	82,715	67,683	3,710 15 0	969	969	
B. Napthine ...	Keilambete ...	10,352	11,246	" ...	40 9 6	14,991	14,096	14,991	281 18 9	75	75	
P. Walker ...	Sydney ...	22,633	21,846	Mr. Cowderoy ...	25 14 0	29,828	30,616	29,828	1,106 8 8	644	644	
J. Alexander ...	Penshurst ...	44,644	32,005	Mr. Wilmot ...	8 8 0	34,130	46,644	34,005	1,632 11 4	70	70	
		£1,313,930	£1,078,726		39 8 3	£1,252,029	£1,475,910	£1,242,694	£94,382 19 7	£13,082	£12,714	

NOTE.—In all cases the valuer is fully informed of the position of the estate, and of the valuation by the executors. In explanation, it should be stated that the Government valuer inspects the papers in the first instance, in order to be in a position to advise whether they present *prima facie* evidence that it is worth while to incur the expense of a special valuation; in many cases, in consequence, no such further valuation takes place.

1887.

VICTORIA.

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# EXCISIONS FROM NELSON'S ROYAL READERS,

## Nos. 5 & 6.

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PART RETURN to an Order of the *Legislative Council*,  
Dated 5th October, 1887, for—

A RETURN showing the alterations made in the new (1887) edition of Nelson's Royal Reader; such Return to exhibit the excised portions and the new matter.

(*The Honorable J. Balfour.*)

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Ordered by the Legislative Council to be printed, 26th October, 1887.

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NELSON'S ROYAL READER, No. 5.

*Excised Portions.*

### DEATH OF LITTLE NELL.

SHE was dead. No sleep so beautiful and calm, so free from trace of pain, so fair to look upon. She seemed a creature fresh from the hand of God, and waiting for the breath of life; not one who had lived, and suffered death. Her couch was dressed with here and there some winter-berries and green leaves, gathered in a spot she had been used to favour. "When I die, put near me something that has loved the light, and had the sky above it always." These were her words.

She was dead. Dear, gentle, patient, noble Nell was dead. Her little bird—a poor, slight thing, the pressure of a finger would have crushed—was stirring nimbly in its cage; and the strong heart of its child-mistress was mute and motionless for ever! Where were the traces of her early cares, her sufferings and fatigues? All gone. Sorrow was dead, indeed, in her; but peace and perfect happiness were born—imaged in her tranquil beauty and profound repose.

And still her former self lay there, unaltered in this change. Yes, the old fireside had smiled upon that same sweet face; it had passed like a dream through haunts of misery and care—at the door of the poor schoolmaster on the summer evening,<sup>1</sup> before the furnace fire upon the cold wet night,<sup>2</sup> at the still bedside of the dying boy,<sup>3</sup> there had been the same mild and lovely look. So shall we know the angels in their majesty after death.

The old man<sup>4</sup> held one languid arm in his, and the small tight hand folded to his breast for warmth. It was the hand she had stretched out to him with her last smile—the hand that had led him on through all their wanderings. Ever and anon he pressed it to his lips, then hugged it to his breast again, murmuring that it was warmer now; and as he said it he looked in agony to those who stood around, as if imploring them to help her.

She was dead, and past all help or need of help. The ancient rooms she had seemed to fill with life even while her own was waning fast, the garden she had tended, the eyes she had gladdened, the noiseless haunts of many a thoughtful hour, the paths she had trodden as it were but yesterday, could know her no more. "It is not," said the schoolmaster,<sup>5</sup> as he bent down to kiss her on the cheek, and gave his tears free vent—"it is not in *this* world that Heaven's justice ends. Think what it is, compared with the world to which her young spirit has winged its early flight, and say, if one deliberate wish, expressed in solemn tones above this bed, could call her back to life, which of us would utter it?"

She had been dead two days. They were all about her at the time, knowing that the end was drawing on. She died soon after daybreak. They had read and talked to her in the earlier portion of the night; but as the hours crept on she sank to sleep. They could tell, by what she faintly uttered in her dreams, that they were of her wanderings with the old man. They were of no painful scenes, but of those who had helped them and used them kindly; for she often said, "God bless you!" with great fervour. Waking, she never wandered in her mind but once, and that was at beautiful music which, she said, was in the air. God knows. It may have been.

Opening her eyes at last from a very quiet sleep, she begged that they would kiss her once again. That done, she turned to the old man, with a lovely smile upon her face—such, they said, as they had never seen, and never could forget—and clung with both her arms about his neck. She had never



murmured or 'complained, but with a quiet mind, and manner quite 'unaltered—save that she every day became more earnest, and more 'grateful to them—faded like the light upon the summer's evening.

The child<sup>6</sup> who had been her little friend came there almost as soon as it was day with an 'offering of dried flowers, which he begged of them to lay upon her breast. He told them of his dream again, and that it was of her being 'restored to them, just as she used to be. He begged hard to see her, saying that he would be very quiet, and that they need not fear his being alarmed, for he had sat alone by his younger brother all day long when he was dead, and he had felt glad to be so near him. They let him have his wish; and indeed he kept his word, and was in his childish way a lesson to them all.

Up to that time the old man had not spoken once—except to her—or stirred from the bedside. But when he saw her little 'favourite, he was moved as they had not seen him yet, and made as though he would have him come nearer. Then, pointing to the bed, he burst into tears for the first time; and they who stood by, knowing that the 'sight of this child had done them good, left them alone together.

'Soothing him with his artless talk of her, the child 'persuaded him to take some rest, to walk abroad—to do almost as he desired him. And when the day come on which they must remove her in her earthly shape from earthly eyes for ever, he led him away, that he might not know when she was taken from him. They were to gather fresh leaves and berries for her bed.

And now the bell—the bell she had so often heard by night and day, and listened to with solemn 'pleasure, almost as to a living voice—rung its remorseless toll for her, so young, so beautiful, so good. Decrepit<sup>7</sup> age, and 'vigorous life, and blooming youth, and helpless infancy, poured forth—on crutches, in the pride of health and strength, in the full blush of promise, in the mere dawn of life—to gather round her tomb. Old men were there, whose eyes were dim and senses failing—grandmothers, who might have died ten years ago and still been old—the deaf, the blind, the lame, the 'palsied—the living dead, in many shapes and forms, to see the closing of that early grave.

Along the crowded path they bore her now—pure as the newly fallen snow that covered it, whose day on earth had been as 'fleeting. Under that porch where she had sat when Heaven, in its mercy, brought her to that peaceful spot, she passed again; and the old church received her in its quiet shade. They carried her to one old nook, where she had many and many a time sat musing, and laid their burden softly on the 'pavement. The light streamed on it through the coloured window—a window where the boughs of trees were ever rustling in the summer, and where the birds sang sweetly all day long. With every breath of air that stirred among those branches in the sunshine, some 'trembling changing light would fall upon her grave.

"Earth to earth, ashes to ashes, dust to dust." Many a young hand dropped in its little wreath—many a 'stified sob was heard. Some, and they were not a few, knelt down. All were 'sincere and truthful in their sorrow. The service done, the mourners stood apart, and the villagers closed round to look into the grave before the stone should be replaced.

One called to mind how he had seen her sitting on that very spot, and how her book had fallen on her lap, and she was gazing with a 'pensive face upon the sky. Another told how he had wondered much that one so 'delicate as she had been so bold; how she had never feared to enter the church alone at night, but had loved to linger there when all was quiet, and even to climb the tower-stair, with no more light than that of the moon rays stealing through the loop-holes in the thick old walls. A whisper went about among the oldest there, that she had seen and talked with angels; and when they called to mind how she had looked and spoken, and her early death, some thought it might be so indeed.

Thus, coming to the grave in little knots, and 'glancing down, and giving place to others, and falling off in whispering groups of three or four, the church was cleared in time of all but the sexton and the mourning friends. Then, when the dusk of evening had come on, and not a sound 'disturbed the sacred stillness of the place—when the bright moon poured in her light on tomb and 'monument, on pillar, wall, and arch, and most of all, it seemed to them, upon her quiet grave—in that calm time, when all outward things and inward thoughts teem with 'assurances of 'immortality, and worldly hopes and fears are humbled in the dust before them, then with tranquil and submissive hearts they turned away, and left the child with God.

CHARLES DICKENS.<sup>8</sup>

assurances, evidences.  
complained, repined.  
creature, being.  
daybreak, dawn.  
deliberate, premeditated.  
delicate, weakly.  
disturbed, broke.  
favourite, darling.  
fleeting, transient.  
gladdened, rejoiced.

glancing, looking.  
grateful, thankful.  
immortality, deathless-  
ness.  
imploring, beseeching.  
laŕguid, exhausted.  
misery, wretchedness.  
monument, memorial.  
nimble, actively.  
offering, present.

painful, trying.  
palsied, paralyzed.  
patient, enduring.  
pavement, floor.  
pensive, thoughtful.  
persuaded, induced.  
pleasure, satisfaction.  
profound, deep.  
repose, rest.  
restored, returned.

sincere, honest.  
solemn, serious.  
soothing, calming.  
stified, smothered.  
trembling, flickering.  
unaltered, unchanged.  
vigorous, healthy.  
wandered, raved.  
wanderings, journeyings.

<sup>1</sup> At the door of the poor schoolmaster.—Little Nell and her old grandfather had wandered away from London, many miles into the country, to escape misfortune. At one village to which they came, they had been kindly received and lodged by the schoolmaster, who was taken with her gentle look and artless story.

<sup>2</sup> Before the furnace fire.—Once in their wanderings, when foot-sore and sick at heart, she had been carried by a kind but gruff man out of the pelting rain, and laid on the warm ashes beside a furnace fire, in an immense iron-work.

<sup>3</sup> At the still bedside of the dying boy.—The schoolmaster referred to in Note 1, had had a favourite little

scholar, who had died the day after Nell arrived at the school-house, and of whose tranquil death she had been a witness.

<sup>4</sup> The old man.—Nell's grandfather.

<sup>5</sup> The schoolmaster—the same already referred to.

<sup>6</sup> The child.—This was Kit, who had been her grandfather's errand-boy when they lived in London.

<sup>7</sup> Decrepit, broken down; worn out; infirm.

<sup>8</sup> Charles Dickens, novelist; born 1812. Chief works: *The Pickwick Papers*, *David Copperfield*, *The Old Curiosity Shop*, (from which the above scene is taken), *Bleak House*, &c. Died in 1870.

## THE FRIGATE-BIRD.

WHAT bird is this? It is the little ocean-eagle, first and chief of the winged race, the daring navigator who never furls his sails, the lord of the 'tempest, the scorner of all peril—the man-of-war or frigate-bird.<sup>1</sup>

Here we have a bird which is virtually nothing more than wings: scarcely any body—barely as large as that of the domestic cock—while his 'prodigious pinions are fifteen feet in span! The great problem of

flight is solved and overpassed, for the power of flight seems useless. Such a bird naturally 'sustained by such supports, needs but to allow himself to be borne along. The storm bursts; he mounts to lofty heights, where he finds tranquillity. The poetic metaphor, untrue when applied to any other bird, is no exaggeration when applied to him: literally, he sleeps upon the storm.

When he chooses to oar his way seriously, all distance vanishes: he breakfasts at the Senegal;<sup>2</sup> he dines in America.

Or if he thinks fit to take more time, and amuse himself *en route*,<sup>3</sup> he can do so. He may continue his progress through the night 'uninterruptedly, certain of reposing himself. Upon what? On his huge motionless pinion, which takes upon itself all the weariness of the voyage; or on the wind, his slave, which eagerly hastens to cradle him.

Amid the glowing azure of the tropics,<sup>4</sup> at incredible 'altitudes, almost 'imperceptible in the dim remoteness, we see him triumphantly sweeping past us—this black, 'solitary bird, alone in the waste of heaven; or, at the most, at a lower elevation, the snow-white sea-swallow crosses his flight in easy grace.

On looking at him closely, you perceive that he has no feet. At all events, his feet, being exceedingly short, can neither walk nor perch. With a 'formidable beak, he has not the talons of a true eagle of the sea.

Thence arises his life of uncertainty and hazard—the life of a corsair<sup>5</sup> and a pirate rather than of a mariner.

The immense and superb 'apparatus of his wings becomes on land a danger and an 'embarrassment. To raise himself, he needs a strong wind and a lofty station—a promontory, a rock. Surprised on a sandy level, on the banks, the low reefs where he sometimes halts, the frigate-bird is defenceless; in vain he threatens, in vain he strikes, for a blow from a stick will overcome him.

At sea, those vast wings, of such admirable 'utility in ascent, are ill fitted for skimming the surface of the water. When wetted, they may over-weight and sink him. And thereupon, woe to the bird!

And yet, what shall he do? His food lies in the waters. He is ever compelled to draw near to them, to skim incessantly the hateful and 'prolific sea which threatens to engulf him.

Thus, then, this being, so well armed and winged, superior to all others in power of flight and vision as in daring, leads but a trembling and 'precarious life. He would die of hunger had he not the ingenuity to create for himself a purveyor, whom he cheats of his food. His 'ignoble 'resource, alas! is to attack a dull and 'timorous bird, the noddy, famous as a fisher. The frigate-bird, which is of no larger 'dimensions, pursues him, strikes him on the neck with his beak, and 'constrains him to yield up his prey. All this takes place in the air. The noddy drops the fish; but the frigate-bird catches it before it can reach the water.

JULES MITCHELET.

altitudes, heights.  
apparatus, machinery.  
constrains, compels.  
dimensions, size.  
embarrassment, hindrance.

formidable, dreadful.  
ignoble, mean.  
imperceptible, invisible.  
metaphor, image.  
precarious, uncertain.

prodigious, vast.  
prolific, fruitful.  
resource, expedient.  
solitary, lonely.  
sustained, supported.

tempest, storm.  
timorous, cowardly.  
uninterruptedly, continu-  
ously.  
utility, usefulness.

<sup>1</sup>The frigate-bird.—This interesting bird is allied to the cormorants, but differs from them in the possession of a forked tail, short feet, a curved beak, and extraordinary spread of wing. His plumage is coloured of a rich purple black, but the beak is varied with vermilion, and the throat with patches of white. He is an inhabitant of the tropics, where he lives a predatory life, forcing the gannet and the gull to disgorge their prey, and retiring to breed in lonely, uninhabited islands. The lightness of his body, his short tarsi, his enormous spread of wing, together with his long, slender, and forked tail, all combine to give this bird a

superiority over his tribe, not only in length and swiftness of flight, but also in the capability of maintaining himself on extended pinions in his aerial realm, where, at times, he soars so high that his figure can scarce be discerned by the spectator in this nether world.

<sup>2</sup>The Senegal.—A great river on the west of Africa.

<sup>3</sup>En route (*Ang root*), on the way. [Fr.]

<sup>4</sup>The tropics.—See p. 301, Note 5.

<sup>5</sup>Corsair, a pirate; *lit.* one who *scours* the sea. [Fr. *corsaire*; from the Lat. *curro*, I run.]

QUESTIONS.—Why does the frigate-bird fly so easily? Where does he go to escape the storm? On what does he repose himself in the night? Why is he helpless on land? Why is it dangerous for him to skim the surface of the water? On what does he feed? How does he procure it?

## TRIUMPHS OF THE ENGLISH LANGUAGE.

Now gather all our Saxon bards, let hearts and harps be strung,  
To 'celebrate the 'triumphs of our own good Saxon tongue;  
For stronger far than hosts that march with battle-flags 'unfurled,  
It goes with FREEDOM, THOUGHT, and TRUTH, to rouse and rule the world.

Stout Albion<sup>1</sup> learns its 'household lays on every surf-worn shore,  
And Scotland hears its echoing far as Orkney's breakers roar—  
From Jura's<sup>2</sup> crags and Mona's<sup>3</sup> hills it floats on every gale,  
And warms with 'eloquence and song the homes of Innisfail.<sup>4</sup>

On many a wide and swarming deck it scales the rough wave's crest.  
Seeking its 'peerless 'heritage—the fresh and fruitful West;  
It climbs New England's<sup>5</sup> rocky steeps as victor mounts a throne;  
Niagara knows and greets the voice, still mightier than its own.

It spreads where Winter piles deep snows on black Canadian plains,  
And where on Essequibo's<sup>6</sup> banks eternal summer reigns:  
It glads Acadia's<sup>7</sup> misty coasts, Jamaica's glowing isle,  
And hides where, gay with early flowers, green Texan<sup>8</sup> prairies smile:  
It tracks the loud swift Oregon,<sup>9</sup> through sunset valleys rolled,  
And soars where Californian brooks wash down their sands of gold.

It sounds in Borneo's<sup>10</sup> camphor groves, on seas of fierce Malay,  
In fields that curb old Ganges' flood, and towers of proud Bombay :  
It wakes up Aden's<sup>11</sup> flashing eyes, dusk brows, and swarthy limbs ;  
The dark Liberian<sup>12</sup> soothes her child with English cradle hymns.

Tasmania's<sup>13</sup> maids are wooed and won in gentle Saxon speech ;  
Australian boys read Crusoe's life<sup>14</sup> by Sydney's sheltered beach ;  
It dwells where Afric's southmost capes meet oceans broad and blue ;  
And Nieuveld's<sup>15</sup> rugged mountains gird the wide and waste karroo.<sup>16</sup>

It kindles realms so far apart, that while its praise you sing,  
*These* may be clad with Autumn's fruits, and *those* with flowers of spring ;  
It quickens lands whose meteor lights flame in an Arctic sky,  
And lands for which the Southern Cross<sup>17</sup> hang its orb'd fires on high.

It goes with all that prophets told, and righteous kings desired,—  
With all that great apostles taught, and glorious Greeks admired,—  
With Shakespeare's<sup>18</sup> deep and wondrous verse, and Milton's<sup>19</sup> loftier mind,—  
With Alfred's<sup>20</sup> laws, and Newton's<sup>21</sup> lore—to cheer and bless mankind.

Mark, as it spreads, how deserts bloom, and error flies away,  
As vanishes the mists of night before the star of day !  
But grand as are the victories whose monuments we see,  
These are but as the dawn, which speaks of noontide yet to be.

Take heed, then, heirs of Saxon fame ! take heed, nor once disgrace,  
With deadly pen or spoiling sword, our noble tongue and race.  
Go forth prepared in every clime to love and help each other,  
And judge that they who counsel strife would bid you smite—a brother.

Go forth, and jointly speed the time, by good men prayed for long,  
When Christian States, grown just and wise, will scorn revenge and wrong ;  
When Earth's oppressed and savage tribes shall cease to pine or roam,  
All taught to prize these English words—FAITH, FREEDOM, HEAVEN, and HOME.

J. G. LYONS.

celebrate, commemorate.  
counsel, advise.  
disgrace, debase.  
eloquence, oratory.  
heritage, inheritance.

household, familiar.  
kindles, excites.  
meteor, flashing.  
monuments, memorials.  
peerless, unequalled.

prepared, equipped.  
quickens, enlivens.  
revenge, retaliation.  
righteous, upright.  
sheltered, protected.

swarthy, dusky.  
triumphs, victories.  
unfurled, unrolled.  
vanishes, disappears.  
wondrous, marvellous.

<sup>1</sup> Albion, the earliest name by which Great Britain is mentioned by ancient writers. The name is probably derived from the same Celtic root as *Alp*, which signifies a height or mountain.

<sup>2</sup> Jura, an island, one of the Inner Hebrides, on the west of Scotland.

<sup>3</sup> Mona, the Isle of Man.

<sup>4</sup> Innisfail, on the coast of Ireland.

<sup>5</sup> New England, the name given to the earliest British Colonies in North America; still applied to the six Eastern States of the Union.

<sup>6</sup> Essequibo, the principal river of British Guiana, in South America.

<sup>7</sup> Acadia, the former name of Nova Scotia. The French called the country *Acadie*, from, it is supposed, a native word *cadie*, or *kaddy*, signifying "abundance."

<sup>8</sup> Texan prairies.—Texas, the wide region stretching from the Mississippi westward to Mexico, belonged to the latter country till 1836. It was independent from 1836 till 1845, when it was annexed to the United States. It is now the largest State in the Union.

<sup>9</sup> Oregon, the Columbia, or Oregon river, in the west of the United States.

<sup>10</sup> Borneo, the central island of Malaysia (East Indies), and the second largest island on the globe.

<sup>11</sup> Aden, a town and sea-port on the south-west coast of Arabia. It has belonged to Britain since 1839, and is the chief coaling station on the steam-boat passage to India.

<sup>12</sup> Liberia, on the west coast of Africa, formerly a dependency of the United States, was recognized as an independent republic in 1848.

<sup>13</sup> Tasmania, an island south of Australia, one fourth the size of Great Britain. It was formerly called Van Diemen's Land. Its present name is derived from Tasman, a Dutch navigator, who discovered it in 1642.

<sup>14</sup> Crusoe's life—*Robinson Crusoe*, by Daniel de Foe, first published in 1719. It is supposed to have been founded on the incident of Alexander Selkirk, a Scotch adventurer, having been put ashore on the island of Juan Fernandez (400 miles west of Valparaiso), where he lived alone for four years and four months.

<sup>15</sup> Nieuveld, a mountain range of Cape Colony (South Africa), rising to the height of 7000 feet above the sea.

<sup>16</sup> Karroo.—The wide plains occupying the terraces between the lofty mountains in South Africa are called karroos.

<sup>17</sup> The Southern Cross, the most brilliant and striking constellation in the Southern Hemisphere.

<sup>18</sup> Shakespeare, the great English Dramatist, author of *Hamlet*, *King Lear*, *The Tempest*, &c. (A.D. 1564–1616).

<sup>19</sup> Milton, the author of *Paradise Lost* (A.D. 1608–1674).

<sup>20</sup> Alfred, Alfred the Great, King of Wessex (reigned A.D. 871–901).

<sup>21</sup> Newton, Sir Isaac Newton, the great philosopher who discovered the law of gravitation (A.D. 1642–1727).

## DICTIONARY EXERCISES.

THESE lessons are to be prepared by the pupils at home, and written by them in the class to the master's dictation. In preparing the lessons, special attention is to be given to the words printed in *italics*, which may also be used for oral spelling.

1. While *Hugh* was sliding on the lake, he fell and *sprained* his *wrist*. My sister has a blue *veil* made of *gauze*. The old woman got a *shein* of *worsted*, and began to *knit* her *stocking*. The children got *curds* and *whey*, with a little *cream*. A *dunce* does not *deserve* to have a *pony*.

2. Mary has cut the band from her *waist* with a *pair* of *scissors*. The *lawyer* made a very *awkward* mistake. The *geese* plucked some wool from the *fleece* of the sheep. The *pulpit* is *too* near the *ceiling*. The curtains are made of *chintz*, and the *quilt* is filled with *eider down*. The invalid *ate* a *biscuit* with his *gruel*.

3. *Two* swans and a *cygnet* were *sailing* on the lake. A *hart*, three *roes*, and four *does*, were feeding in the *vale*. On the little *isle* were some *seals* asleep ; I *might* have killed a *few*, but I had not the *heart*. The cook *pierced* her arm with a *skewer*, and *bruised* a *sinew*.

4. When the gardener saw the *hare*, he *threw* down his *scythe* and gave chase; but it escaped into the *furze*. A *rogue* has often a smooth *tongue*. The *knight* gave his *niece* a pair of gloves, and asked her to repair the *seams*. The *ewes* and the *lambs* were put into *separate* fields.

5. He had a *piece* of *quartz* in his hand; but he let it fall amongst the *cinders*. Margaret got a work-box from her *aunt*, with *scissors*, *bodkin*, *thimble*, and *needles* in it. We have no *cauliflowers* in our garden, but we have *potatoes* and *spinach*. I will give you a *snowdrop* for that *crocus*. My *uncle* arrived on a *Wednesday* evening in *February*.

6. This *peach* is full of *juice*; let us *break* the stone and get the *kernel*. When the fire had burned the *joists*, the roof of the *castle* fell in. The *orphan* boy enjoyed his *coarse* bread and his *draught* of water. The *miser* spent all his *leisure* in counting his *treasure*.

7. Be careful to shun *vicious neighbours*. That house is said to have been *haunted* ever since the *plague*; but no one has ever seen the *ghost*. A railway *guard* should be an *honest* man, and should never taste *liquor*. The *hostler* is a saucy *knave*; he refused to fasten my *stirrup*. The *heir* in bad *humour* cut his *thumb* with his *knife*.

8. You cannot see *through* wood; it is *opaque*. The keeper had *salmon* to *breakfast*, and *beef-steak* to dinner. He fell from the *bough* of a *beech-tree* and broke his *thigh-bone*. This piece of *chalk* will not *weigh* half an *ounce*. A *psalm* or a *hymn* without *rhyme* is not pleasant to read from. That bunch of *thyme* has a pleasant *scent*.

9. His *guilt* is *undoubted*; and that of his *cousin*, who was in *league* with him, is suspected. They got lime from the *kiln*, and began to *repair* the *aisle* of the *church*. Do you hear the *mice* gnawing the *wainscot*? A *gnat* bit me on the *cheek*, and caused me *great* pain.

10. The *prisoner* would not *deign* to *kneel* before the *judge*. *Rhubarb* and *celery* grow very *plentifully* in Surrey. The *debtor* rose in great *wrath*, and tried to *knock* his *captor* down. The *apostle* Paul wrote many *epistles*. *Wholesome* food makes *healthy* children. The *viscount*, when *cruising* in his *yacht* off the *Isle of Wight*, saw a *wreck* on the *beach*.

11. The *rustic* drove his *plough* through the *lea*. It was *tough* work, after the *drought*; but the horses pulled with all their *might*. Tom *surpasses* his brother in *weight*, but not in *height*. Our master has a *thorough* knowledge of *accounts*. Did you hear the horse *neigh*, and the ass *bray*? Our dog has a *rough* coat and a *bushy* tail.

12. I thought the *question* would make you *laugh*. The baker must *weigh* the *dough* before he puts it in the *oven*. His *daughter* bought eight yards of *cloth* to make new *clothes*. The *calf* fell into the *slough*, and *could* not get out. Good advice *ought* not to be set at *naught*. The fox made *straight* for the *highest* part of the hill.

13. The *clerk* handed both the *cheque* and the *agreement* to his master. He seemed *anxious* to *complete* the *business* at once. The *priest* is *acquainted* with several *foreigners*. The *shepherd* found a *corpse* in the *forest*, buried under some *boughs*. The *villain* has no *moral* character, and is a *disgrace* to his *family*. You owe your *friend* an *apology*.

14. When I pointed the *muzzle* of my gun at him, he very *cunningly* feigned death. The *youth* was very *diligent*, and gained the *eighth* prize. The *sheriff* was *presented* to the *Sovereign* at the *palace* in the *beginning* of her *reign*. Most *people* know that *woollen* clothes are warmer than *linen* ones. The *surgeon* was on the point of *yielding* when the *hostess* interfered. George is learning *English Grammar*, and "Practice" in *Arithmetic*.

15. The *secretary* pressed the *measure* on the *attention* of *Parliament* in the most *earnest* manner. The *Saracens* laid their *swords* on the *tomb* of the *prophet*. The *monks* commended their *erring* brother to the *mercy* of the *Deity*. The *crowd* was composed chiefly of *violent* and *noisy* persons. The *population* of the *counties* is said to be in a *wretched* condition. While Pat was driving his *chestnut* horse, the *reins* broke.

16. My *cousin* is a *martyr* to *toothache*. He *propheesied* that there would be a *thunderstorm* before morning; but his *prophecy* was not *fulfilled*. His *career* has been most *brilliant*, but his *schemes* have not been *successful*. The *manager* has *invented* a new system of *telegraph-signals*. He had *scarcely* crossed the line when he was *seized* by the *policeman*. Margaret writes the *French language* with great *facility*.

17. *Philip* was a *common* soldier for seven years before he was made a *sergeant*. *Example* is better than *precept*; and good *advice* has double weight when *offered* by one who *practises* what he *advises*. The *traveller* visits the *capital* annually. The *drawing-room* is *immediately* above the *kitchen*. Does he live in the *terrace*, or in the *crescent*? The doctor arrived in a *chaise*: he felt the *patient's* pulse, and pronounced him better.

18. When *sailing* in his *canoe* on the *canal*, he was *capsized* and nearly drowned. *Osier* twigs make *excellent* baskets. *Sulphur* is dug out of the earth in *Italy* and in *South America*. The *jeweller* has lost a large *diamond*. The *Indians* are becoming more *civilized*. The *widow* called to *settle* her *account*. *Manchester* is the great *centre* of the *cotton* trade. *Leeds* is the *chief* seat of the *woollen* manufacture.

19. The *railway* system belongs to the *present* century; the first railway for *passenger* traffic was opened in 1825. *Newcastle* is situated in the very midst of the largest *coal-field* in *England*. The *Clyde* was the first river in the *world* on which a *steamboat* plied. There is a lake in *Russia* which *yields* 100,000 tons of salt *annually*. Three-fourths of the *population* of *Prussia* are *employed* in *agriculture*.

20. The *situation* of *Denmark* is *admirably* adapted for *commerce*. In *Holland* the stork is *protected* by law, because it eats the frogs and worms that would *injure* the *dikes*. *Belgium* is the most *densely* peopled country in *Europe*; yet it grows twice as much food as its *population* consumes. In 1871 the *dignity* of *Emperor* of *Germany* was declared *hereditary* in the *Prussian* royal family. The *Austrian* empire *surpasses* every other *European* country in *mineral* riches.

21. *France* is far behind *England* in the *rearing* of *cattle* and *sheep*; but *poultry* is much more *abundant* in *France* than in *England*. The *French* are *esteemed* the best *wine-makers* in the world. *Madrid*, the capital of *Spain*, is the *highest* capital in *Europe*, being 2000 feet above the *level* of the sea. In 1755, *Lisbon*, the capital of *Portugal*, was *visited* by the most violent *earthquake* which modern *Europe* has *witnessed*: it *destroyed* a great part of the city, and 60,000 of the *inhabitants*.

22. *Switzerland* is the most *mountainous* country in *Europe*. *Cheese* is the *principal* produce of the *Swiss dairies*. The northern or *continental* part of *Italy* is called the "*Garden of Europe*," its soil is so *fertile* and its inhabitants are so *industrious*. *Venice* is the most *silent* of great cities—*canals* taking the

place of *streets*, and *barges* and boats of carts and *carriages*. *Greece* is *preëminently* a fruit country, the *olive*, the *grape*, and the *currant* being the *staples*. *Constantinople*, the capital of *Turkey*, is considered to occupy the most *beautiful site* in the world. At one point, the *Danube* and the *Rhine* are only *twelve miles* apart.

23. *Ceylon*, the large pear-shaped island south of *Hindustan*, abounds with *precious stones*, more than any other part of the world. So *difficult* is it to supply the *dense population* of *China* with food, that *husbandry* is *promoted* by every possible means. The islands of *Japan* bristle with *mountains*, some of them *active volcanoes*. *Africa* is *singularly destitute* of good *harbours*, and its *inhabitants* carry on no *foreign commerce*. The *inundation* of the *Nile* lasts from *June* to *November*.

24. The grand *characteristic* of *America* is the *enormous size* of its natural *features*. The *St. Lawrence* and the *Canadian lakes* form, during half the year, a great *highway* of commerce. Every kind of *industry* has been *developed* with *wonderful rapidity* in the *United States*; but agriculture is the *employment* of the *majority* of the people. The most *prominent* natural feature in *Brazil* is the river *Amazon*. In *Australia*, *vegetation* goes on the whole year; but scarcely any of the *vegetable products* used for food are *native* to the *soil*.

#### DIFFICULT WORDS FROM CIVIL SERVICE EXAMINATION PAPERS.

25. Acre, almond, ancient, answer, anxious, asthma, autumn, borough, bosom, busy, centre, chemist, chieftain, christen, circuit, colour, couple, crystal, cipher, daughter, echo, enough.

26. Fatigue, gesture, ghastly, grandeur, guinea, heifer, hostler, issue, lyric, machine, malign, marine, measles, muscle, nephew, neuter, oblique, physic, poignant, precede, proceed, prorogue, quarrel, roguish, saucer, sceptre, slaughter, surgeon, syringe, victuals.

27. Academy, aërial, almanac, ancestor, anxiety, appetite, arable, architect, audible, bayonet, business, catalogue, catechism, circular, citadel, citizen, committee, conqueror, courageous, delicacy, dilemma, diocese, disciple, dissyllable, domestic.

28. Dubiety, dynasty, eccentric, electricity, eloquence, emphasis, envelop, ethereal, etymology, exaggerate, exhibit, explicit, extraordinary, generally, genial, geography, hemisphere, hypocrisy, impossible, indolence, iniquitous, jealousy, lieutenant.

29. Mahogany, maintenance, massacre, medicine, mineral, miracle, myriad, mystery, necessitate, obediently, obstacle, omniscient, orient, oxygen, parallel, parochial, particle, patriarch, physician, political, porcelain, precipice, prevalent, privilege, prodigal, pyramid.

30. Register, residence, retinue, rheumatism, sacrifice, scholastic, scientific, separate, sepulchre, society, susceptible, telescope, terrier, theatre, tournament, tranquillity, traveller, tropical, valiant, vehicle, veteran, vicinity, vinegar, visitor.

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#### CAPTURING THE WILD HORSE.

WE left the buffalo camp about eight o'clock, and had a toilsome and harassing march of two hours, over ridges of hills covered with a ragged forest of scrub oaks<sup>1</sup> and broken by deep gullies.

About ten o'clock in the morning we came to where this line of rugged hills swept down into a valley, through which flowed the north fork of Red River. A beautiful meadow, about half a mile wide, enamelled with yellow autumnal flowers, stretched for two or three miles along the foot of the hills.

The meadow was finely diversified by groves and clumps of trees, so happily disposed that they seemed as if set out by the hand of Art. As we cast our eyes over this fresh and delightful valley, we beheld a troop of wild horses,<sup>2</sup> quietly grazing on a green lawn about a mile distant, to our right; while to our left, at nearly the same distance, were several buffaloes, some feeding, others reposing and ruminating,<sup>3</sup> among the high, rich herbage, under the shade of a clump of cotton-wood trees. The whole had the appearance of a broad beautiful tract of pasture-land on the highly ornamental estate of some gentleman farmer, with his cattle grazing about the lawns and meadows.

A council of war was now held, and it was determined to profit by the present favourable opportunity, and try our hand at the grand hunting manœuvre, which is called "ringing the wild horse." This requires a large party of horsemen, well mounted. They extend themselves in every direction, at certain distances apart, and gradually form a ring of two or three miles in circumference, so as to surround the game. This must be done with extreme care, for the wild horse is the most readily alarmed inhabitant of the prairie, and can scent a hunter at a great distance, if to windward.

The ring being formed, two or three ride towards the horses, which start off in the opposite direction. Whenever they approach the bounds of the ring, however, a huntsman presents himself, and turns them from their course. In this way they are checked and driven back at every point, and kept galloping round and round this magic circle, until, being completely tired down, it is easy for hunters to ride up to them and throw the lariat<sup>4</sup> over their heads. The prime horses, however, of the most speed, courage, and strength, are apt to break through and escape; so that, in general, it is the second-rate horses that are taken.

Preparations were now made for a hunt of this kind. The pack horses were taken into the woods, and firmly tied to trees, lest, in a rush of wild horses, they should break away. Twenty-five men were then sent, under the command of a lieutenant, to steal along the edge of the valley, within the strip of wood that skirted the hills. They were to station themselves about fifty yards apart, within the edge of the woods, and not to advance or show themselves until the horses dashed in that direction. Twenty-five men were also sent across the valley, to steal in like manner along the river bank that bordered the opposite side, and to station themselves among the trees.

A third party, of about the same number, was to form a line across the lower part of the valley, so as to connect the two wings. Beatte and our other half-bred, Antoine, together with the ever-officious Tonish, were to make a circuit through the woods, so as to get to the upper part of the valley, in the rear of the horses, and drive them forward into the kind of sack that we had formed, while the two wings should join behind them, and make a complete circle.

The flanking parties were quietly extending themselves out of sight on each side of the valley, and the residue were stretching themselves like the links of a chain across it, when the wild horses gave signs that they scented the enemy,—snuffing the air, snorting, and looking about. At length they pranced off slowly toward the river, and disappeared behind the green bank.

Here, had the regulations of the search been observed, they would have been quietly checked and turned back by the advance of a hunter from among the trees; unluckily, however, we had our wild-fire, Jack-o'-lantern,<sup>5</sup> little Frenchman to deal with. Instead of keeping quietly up the right side of the valley, to get above the horses, the moment he saw them move toward the river he broke out of the covert of woods, and dashed furiously across the plain in pursuit of them. This put an end to all system. The half-breeds and half a score of rangers joined in the chase.

Away they all went over the green bank. In a moment or two the wild horses reappeared, and came thundering down the valley, with Frenchman, half-breeds, and rangers galloping and bellowing behind them. It was in vain that the line drawn across the valley attempted to check and turn back the fugitives—they were too hotly pressed by their pursuers; in their panic they dashed through the line and clattered down the plains.

The whole troop joined in the headlong chase; some of the rangers without hats or caps, their hair flying about their ears; and others with handkerchiefs tied round their heads. The buffaloes, which had been calmly ruminating among the herbage, heaved up their huge forms, gazed for a moment at the tempest that came scouring down the meadow, then turned and took to heavy rolling flight. They were soon overtaken. The promiscuous masses were pressed together by the contracting sides of the valley, and away they went, pell mell, hurry skurry, wild buffalo, wild horse, wild huntsman, with clang and clatter, and whoop and halloo, that made the forests ring.

At length the buffaloes turned into a green brake on the river bank, while the horses dashed up a narrow defile of the hills, with their pursuers close at their heels. Beatte passed several of them, having fixed his eye upon a fine Pawnee<sup>6</sup> horse, that had his ears slit and saddle-marks upon his back. He pressed him gallantly, but lost him in the woods.

Among the wild horses was a fine black mare, which, in scrambling up the defile, tripped and fell. A young ranger sprang from his horse and seized her by the mane and muzzle. Another ranger dismounted, and came to his assistance. The mare struggled fiercely, kicking and biting, and striking with her fore feet; but a noose was slipped over her head, and her struggles were in vain.

It was some time, however, before she gave over rearing and plunging and lashing out with her feet one every side. The two rangers then led her along the valley by two strong lariats, which enabled them to keep at a sufficient distance on each side to be out of the reach of her hoofs; and whenever she struck out in one direction, she was jerked in the other. In this way her spirit was gradually subdued.

As to Tonish, who had marred the whole scheme by his precipitancy, he had been more successful than he deserved, having managed to catch a beautiful cream-coloured colt, about seven months' old, that had not had strength to keep up with its companions. The mercurial<sup>7</sup> little Frenchman was beside himself with exultation. It was amusing to see him with his prize. The colt would rear and kick, and struggle to get free, when Tonish would take it round the neck, wrestle with it, jump on its back, and cut as many antics as a monkey with a kitten.

Nothing surprised me more, however, than to witness how soon these poor animals, thus taken from the unbounded freedom of the prairie, yielded to the dominion of man. In the course of two or three days the mare and colt went with the lead horses, and became quite docile.

WASHINGTON IRVING.<sup>8</sup>

antics, capers.  
assistance, help.  
bellowing, roaring.  
buffaloes, wild oxen.  
circuit, round-about route.  
circumference, measure-  
ment around.  
clattered, rattled.  
companions, fellows.  
completely, utterly.

defile, ravine.  
direction, way; line.  
disposed, arranged.  
diversified, varied.  
docile, tractable.  
dominion, rule.  
enamelled, inlaid.  
exultation, delight.  
flanking, side.  
furiously, violently.

gallantly, bravely.  
gradually, by degrees.  
inhabitant, denizen.  
lieutenant, officer below captain.  
managed, contrived.  
manœuvre, tactics.  
opportunity, occasion.  
ornamental, embellished.  
precipitancy, rashness.  
preparations, arrangements.

prime, first-rate.  
promiscuous, mixed.  
pursuit, chase.  
repose, resting.  
residue, remainder.  
scented, smelled.  
scrambling, struggling.  
toilsome, laborious.  
unluckily, unfortunately.

<sup>1</sup> Scrub oaks, low brushwood of oak.

<sup>2</sup> Wild horses are not indigenous to America, but were introduced—those in North America by the English settlers, those in South America by the Spaniards. They frequent the open plains, not the forests, of both continents, in droves sometimes numbering thousands of horses alone, sometimes mixed with other animals.

<sup>3</sup> Ruminating, chewing the cud.

<sup>4</sup> Lariat, the lasso, a long cord or thong of leather with a noose attached.

<sup>5</sup> Jack-o'-lantern, lively, flighty; one of the popular names of the *ignis-fatuus*, or marsh wild-fire; supposed to be caused by the decomposition of animal and vegetable matter, producing an inflammable gas: called also *Will-o'-the-Wisp*.

<sup>6</sup> Pawnee, a well-known tribe of North American Indians.

<sup>7</sup> Mercurial, sprightly; lively; like the god Mercury, or like quicksilver.

<sup>8</sup> Washington Irving, a popular American author (1783–1859).

QUESTIONS.—How is the manœuvre of “ringing the wild horse” performed? Why did the plan fail on this occasion? By what were the wild horses joined in their flight? Where did the buffaloes turn aside? Where did the horses go? How was the black mare captured? How was she led along the valley? What had the Frenchman captured? What was the most surprising thing in the case of the captives?

## AN INDIAN'S TRAPS.

SUPPOSE yourself, gentle reader, standing at the gate of one of the forts in Hudson's Bay, watching a savage arranging his snow-shoes, preparatory to entering the gloomy forest. Let us walk with this Indian on a visit to his traps.

The night is very dark, as the moon is hid by thick clouds; yet it occasionally breaks out sufficiently to illumine our paths to the Indian's wigwam,<sup>1</sup> and to throw the shadows of the neighbouring trees upon the pale snow, which, owing to the intense cold, crunches under our feet as we advance. The tent, at which

we soon arrive, is pitched at the foot of an immense tree, which stands in a little hollow where the willows and pines are luxuriant enough to afford a shelter from the north wind. Suddenly the deer-skin robe that covers the entrance to the wigwam is raised, and a bright stream of warm light gushes out, tipping the dark green points of the opposite trees, and mingling strangely with the paler light of the moon—and the Indian stands erect in front of his solitary home.

He is in his usual hunting costume. A large leathern coat, very much overlapped in front, and fastened round his waist with a scarlet belt, protects his body from the cold. A small rat-skin cap covers his head, and his legs are cased in the ordinary blue cloth leggins. Large moccasins,<sup>2</sup> with two or three pairs of blanket socks, clothe his feet; and fingerless mittens, made of deer-skin, complete his costume.

After a few minutes passed in contemplation of the heavens, the Indian prepares himself for the walk. First he sticks a small axe in his belt, serving as a counterpoise to a large hunting-knife and fire-bag<sup>3</sup> which depend from the other side. He then slips his feet through the cords of his snow-shoes, and throws the line of a small hand-sledge over his shoulder. Having attached the sledge to his back, he stoops to receive his gun from his faithful squaw,<sup>4</sup> who has been watching his operations through a hole in the tent; and throwing it on his shoulder, strides off, without uttering a word, across the moonlit space in front of the tent, turns into a narrow track that leads down the dark ravine, and disappears in the shades of the forest.

The forest is now almost dark, the foliage overhead having become so dense that the moon penetrates through it only in a few places, rendering the surrounding masses darker by contrast. The outline of an old snow-shoe track, at first faintly seen, is soon no longer visible; but still the Indian moves forward with rapid, noiseless step, as sure of his way as if a broad beaten track lay before him. In this manner he moves on for nearly two miles, sometimes stooping to examine closely the new-made track of some wild animal, and occasionally giving a glance at the sky through the openings in the leafy canopy<sup>5</sup> above him. Suddenly a faint sound in the bushes ahead brings him to a full stop.

He listens attentively, and a noise, like the rattling of a chain, is heard proceeding from the recesses of a dark, wild-looking hollow, a few paces in front. Another moment, and the rattle is again distinctly heard. A slight smile of satisfaction crosses the Indian's dark visage; for one of his traps is set in that place, and he knows that something has been caught. Quickly descending the slope, he enters the bushes whence the sound proceeds, and pauses when within a yard or two of his trap, to peer through the gloom.

A cloud passes off the moon, and a faint ray reveals, it may be, a beautiful black fox caught in the snare. A slight blow on the snout from the Indian's axe-shaft kills the unfortunate animal; in ten minutes more it is tied on his sledge, the trap is re-set and again covered over with snow, so that it is almost impossible to tell that anything is there; and the Indian pursues his way.

The steel-trap used by the Indians is very similar to the ordinary rat-trap of England, with this difference, that it is a little larger, is destitute of teeth, and has two springs in place of one. A chain is attached to one of the springs, for the purpose of fixing a weight to the trap, so that the animal caught may not be able to drag it far from the place where it has been set. The track in the snow enables the hunter to find his trap again. It is generally so set that the jaws, when spread out flat, are exactly on a level with the snow.

The chain and weight are both hid, and a thin layer of snow is spread on the top of the trap. The bait (which generally consists of chips of a frozen partridge, rabbit, or fish) is then scattered around in every direction; and, with the exception of this, nothing distinguishes the spot.

Foxes, beavers, wolves, lynxes,<sup>6</sup> and other animals, are caught in this way, sometimes by a fore-leg, sometimes by a hind-leg, sometimes by two legs at once, and occasionally by the nose. Of all these ways, the Indians prefer catching by two legs, as there is then not the slightest possibility of the animal escaping.

When foxes are caught by one leg, they often *eat it off* close to the trap, and escape on the other three! I have frequently seen this happen; and I once saw a fox caught which had evidently escaped in this way, as one of its legs was gone, and the stump healed and covered again with hair. When they are caught by the nose they are almost sure to escape, unless taken out of the trap very soon, as their snouts are so sharp or wedge-like that they can pull them from between the jaws of the trap without much difficulty.

Having described this machine, we shall now rejoin the Indian, whom we left on his way to his next trap. There he goes, moving swiftly over the snow, mile after mile, as if he could not feel fatigue; turning aside now and then to visit a trap, and giving a short grunt when nothing is in it; or killing the animal when caught, and tying it on the sledge.

Towards midnight, however, he begins to walk more cautiously, examines the priming of his gun, and moves the axe in his belt, as if he expected to meet some enemy suddenly. The fact is, that close to where he now stands are two traps which he set in the morning close to each other, for the purpose of catching one of the formidable coast wolves.

These animals are so sagacious that they will scrape all round a trap, let it be ever so well set, and, after eating all the bait, walk away unhurt. Indians, consequently, endeavour in every possible way to catch them, and, among others, by setting *two* traps close together; so that while the wolf scrapes at one, he may perhaps put his foot in the other. It is in this way that our Indian friend's traps are set, and he now proceeds cautiously towards them, his gun in the hollow of his left arm.

Slowly he advances, peering through the bushes; but nothing is visible. Suddenly a branch crashes under his snow-shoe, and with a savage growl a large wolf bounds toward him, landing almost at his feet! A single glance, however, shows the Indian that both traps are on its legs, and that the chains prevent its further advance. He places his gun against a tree, draws the axe from his belt, and advances to kill the animal.

It is, however, an undertaking of some difficulty. The fierce brute, which is larger than a Newfoundland dog, strains every nerve and sinew to break its chains, while its eyes glisten in the uncertain light, and foam curls from its blood-red mouth. Now it retreats as the Indian advances, grinning horribly the while; and anon,<sup>7</sup> as the chains check its further retreat, it springs with fearful growl toward the Indian, who slightly wounds it with his axe, as he jumps backward just in time to save himself from the infuriated animal, which catches in its fangs<sup>8</sup> the flap of his leggin, and tears it from his limb. Again the Indian advances, and the wolf retreats and again springs on him, but without success.

At last, as the wolf glances for a moment to one side—apparently to see if there is any way of escape—quick as lightning the axe flashes in the air, and descends with stunning violence on its head; another blow follows, and in five minutes more the animal is bound to the sledge.

R. M. BALLANTYNE.

attached, fastened.  
attentively, intently.  
cautiously, warily.  
contemplation, study.  
costume, dress.  
counterpoise, offset.  
difference, exception.  
distinguishes, marks.  
endeavour, strive.

evidently, apparently.  
examine, inspect.  
fatigue, weariness.  
frequently, often.  
illumine, light.  
infuriated, enraged.  
luxuriant, exuberant.  
occasionally, sometimes.  
operations, proceedings.

ordinary, common.  
penetrates, pierces.  
possibility, chance.  
preparatory, introductory.  
proceeds, advances  
ravine, pass.  
recesses, depths.  
retreats, retires.  
sagacious, shrewd.

satisfaction, pleasure.  
slightly, triflingly.  
solitary, lonely.  
undertaking, work.  
unfortunate, luckless.  
uttering, speaking.  
violence, force.

<sup>1</sup> Wigwam, hut or cabin. It is conical in shape, and covered with bark or matting. The word is an English corruption of the Indian name for a house.

<sup>2</sup> Moccasins, Indian shoes made of deer-skin, or other soft leather, without soles. [Indian, *makisin*.]

<sup>3</sup> Firebag, a bag containing materials for kindling fires from a spark; corresponding with a tinder-box.

<sup>4</sup> Squaw, wife. [Indian, *squeiaw*, a woman.]

<sup>5</sup> Canopy, a covering over a throne or bed; *lit.* a net to

keep off gnats. [Gr. *kōnōpeion*, a mosquito-curtain, from *kōnōps*, a gnat.]

<sup>6</sup> Lynx, a wild animal of the cat kind, remarkable for its brilliant eyes; hence supposed to be sharp-sighted (*lynx-eyed*).

<sup>7</sup> Anon, presently; soon after; *lit.* in one (moment). [Old Eng. *on*, in; *an*, one.]

<sup>8</sup> Fangs, long pointed teeth. [Old Eng. *fang*; from *fon*, to seize; Ger. *fangen*.]

QUESTIONS.—Where had the Indian pitched his tent? Why there? What covered the entrance to the hut? How was the Indian dressed? How was he armed? What brought him to a full stop in his round? What did the sound resemble? What did it tell the Indian? How did he kill the animal? What difference is there between the Indian's steel-trap and an English rat-trap? With what is it baited? What do foxes often do when caught by one leg? Why had the Indian set two traps close together in one place? What was the result? What risk did he run in attempting to kill the wolf? What moment did he seize for striking it with his axe?

## THE SIEGE OF TORQUILSTONE.

### PART I.

THE noise within the castle, occasioned by the defensive preparations, which had been considerable for some time, now increased into tenfold bustle and clamour. The heavy yet hasty step of the men-at-arms traversed the battlements, or resounded on the narrow and winding passages and stairs which led to the various bartisans<sup>1</sup> and points of defence. The voices of the knights were heard animating their followers, or directing means of defence, while their commands were often drowned in the clashing of armour, or the clamorous shouts of those whom they addressed.

Tremendous as these sounds were, and yet more terrible from the awful event which they presaged, there was a sublimity mixed with them which Rebecca's high-toned mind could feel even in that moment of terror. Her eye kindled, although the blood fled from her cheeks; and there was a strong mixture of fear with a thrilling sense of the sublime as she repeated, half whispering to herself, half speaking to her companion, the sacred text—"The quiver rattleth—the glittering spear and the shield—the noise of the captains and the shouting!"

But Ivanhoe was, like the war-horse of that sublime passage, glowing with impatience at his own inactivity, and with an ardent desire to mingle in the affray of which these sounds were the introduction. "If I could but drag myself," he said, "to yonder window, that I might see how this brave game is like to go; if I had but bow to shoot a shaft, or battle-axe to strike were it but a single blow for our deliverance! It is in vain—it is in vain; I am alike nerveless and weaponless!"

"Fret not thyself, noble knight," answered Rebecca; "the sounds have ceased of a sudden—it may bet hey join not battle."

"Thou knowest naught of it," said Wilfred impatiently. "This dead pause only shows that the men are at their posts on the walls, and expecting an instant attack. What we have heard was but the distant muttering of the storm—it will burst anon in all its fury. Could I but reach yonder window!"

"Thou wilt but injure thyself by the attempt, noble knight," replied his attendant. Observing his extreme solicitude, she firmly added, "I myself will stand at the lattice,<sup>2</sup> and describe to thee as I can what passes without."

"You must not—you shall not!" exclaimed Ivanhoe. "Each lattice, each aperture, will be soon a mark for the archers; some random shaft—"

"It shall be welcome," murmured Rebecca, as with firm pace she ascended two or three steps which led to the window of which they spoke.

"Rebecca! dear Rebecca!" exclaimed Ivanhoe, "this is no maiden's pastime—do not expose thyself to wounds and death, and render me for ever miserable for having given occasion; at least cover thyself with yonder ancient buckler, and show as little of thy person at the lattice as may be."

Following with wonderful promptitude the directions of Ivanhoe, and availing herself of the protection of the large ancient shield, which she placed against the lower part of the window, Rebecca, with tolerable security to herself could witness part of what was passing without the castle, and report to Ivanhoe the preparations which the assailants were making for the storm. Indeed the situation which she thus obtained was peculiarly favourable for this purpose; because, being placed on an angle of the main building, Rebecca could not only see what passed beyond the precincts of the castle, but could also command a view of the outwork likely to be the first object of the meditated assault.

It was an exterior fortification of no great height or strength, intended to protect the postern<sup>3</sup> gate, through which Cedric had been recently dismissed by Front-de-Bœuf.<sup>4</sup> The castle moat<sup>5</sup> divided this species of barbican<sup>6</sup> from the rest of the fortress; so that, in case of its being taken, it was easy to cut off the communication with the main building by withdrawing the temporary bridge. In the outwork was a sally-port,<sup>7</sup> corresponding to the postern of the castle; and the whole was surrounded by a strong palisade.<sup>8</sup> Rebecca could observe, from the number of men placed for the defence of this post, that the besieged entertained apprehensions for its safety; and from the mustering of the assailants in a direction nearly opposite to the outwork, it seemed no less plain that it had been selected as a vulnerable point of attack.

These appearances she hastily communicated to Ivanhoe, and added, "The skirts of the wood seem lined with archers, although only a few are advanced from its dark shadow."



"Under what banner?" asked Ivanhoe.

"Under no 'ensign of war which I can observe," answered Rebecca.

"A singular 'novelty," muttered the knight, "to advance to storm such a castle without pennon or banner displayed!—Seest thou who they be who act as leaders?"

"A knight clad in sable armour is the most 'conspicuous," said the Jewess. "He alone is armed from head to heel, and seems to assume the direction of all around him."

"What 'device does he bear on his shield?" replied Ivanhoe.

"Something 'resembling a bar of iron and a padlock, painted blue on the black shield,"

"A fetterlock and shackbolt azure," said Ivanhoe. "I know not who may bear the device, but well I ween it might now be mine own. Canst thou not see the motto?"

"Scarce the device itself at this distance," replied Rebecca; "but when the sun glances fair upon his shield, it shows as I tell you."

"Seem there no other leaders?" exclaimed the 'anxious inquirer.

"None of mark and 'distinction that I can behold from this station," said Rebecca; "but, doubtless, the other side of the castle is also assailed. They appear even now preparing to advance.....What a dreadful sight! Those who advance first bear huge shields, and defences made of plank; the others follow, bending their bows as they come on. They raise their bows!".....

Her description was here suddenly 'interrupted by the signal for assault, which was given by the blast of a shrill bugle, and at once answered by a flourish of the Norman trumpets from the battlements, which, mingled with the deep and hollow clang of the nakers (a species of kettledrum), 'retorted in notes of defiance the challenge of the enemy. The shouts of both parties 'augmented the fearful din, the assailants crying, "St. George for merry England!" and the Normans answering them with their battle-cries.

It was not, however, by clamour that the contest was to be decided, and the 'desperate efforts of the assailants were met by an equally 'vigorous defence on the part of the besieged. The archers, trained by their woodland pastimes to the most effective use of the long-bow, shot—to use the 'appropriate phrase of the time—so "wholly together," that no point at which a defender could show the least part of his person escaped their cloth-yard shafts.

By this heavy discharge, which continued as thick and sharp as hail, while, notwithstanding every arrow had its individual aim, they flew by scores together against each embrasure<sup>10</sup> and opening in the parapet,<sup>11</sup> as well as at every window where a defender either occasionally had post or might be 'suspected to be stationed—by this sustained discharge two or three of the garrison were slain, and several others wounded.

"And I must lie here like a bed-ridden monk!" exclaimed Ivanhoe, "while the game that gives me freedom or death is played out by the hands of others. Look from the window once again, kind maiden; but beware that you are not marked by the archers beneath. Look out once more, and tell me if they yet advance to the storm."

animating, encouraging.  
anxious, eager.  
aperture, opening.  
apprehensions, fears.  
appropriate, proper.  
assailed, attacked.  
augmented, increased.  
buckler, shield.  
clamorous, noisy.  
communication, connection.

conspicuous, prominent.  
deliverance, freedom.  
desperate, stupendous.  
device, emblem.  
distinction, particularity.  
ensign, standard.  
impatience, fretfulness.  
instant, immediate.  
interrupted, broken off.  
meditated, intended.

novelty, new custom.  
occasioned, caused.  
peculiarly, singularly.  
precincts, boundaries.  
presaged, foretold.  
promptitude, readiness.  
random, chance.  
resembling, like.  
retorted, answered.  
security, safety.

solicitude, anxiety.  
sublimity, grandeur.  
suspected, supposed.  
temporary, provisional.  
traversed, crossed.  
tremendous, terrific.  
vigorous, energetic.  
vulnerable, weak.

<sup>1</sup> Bartisan, a small overhanging turret projecting from the angle of a tower or wall.

<sup>2</sup> Lattice, the framework of laths or bars with which the window was filled.

<sup>3</sup> Postern gate—back or private gate. [Lat. *post*, after.]

<sup>4</sup> Front-de-Bœuf: pronounce *Frong-de-Büf*.

<sup>5</sup> Moat, a trench surrounding a castle; often filled with water.

<sup>6</sup> Barbican, an outwork or detached fort, defending the entrance to a castle.

<sup>7</sup> Sally-port, a *port* or gate through which the garrison made *sallies*, or sudden attacks on the besiegers.

<sup>8</sup> Palisade, a fence formed of stakes pointed at the top.

<sup>9</sup> A fetterlock and shackbolt azure.—This is what Rebecca called "a bar of iron and a padlock painted blue," translated into the language of heraldry by Ivanhoe. *Fetterlocks* were fastened on the feet, *shackbolts* on the wrists. *Azure* indicates that the device was painted blue; and it was on a black ground—*field-sable*, as Ivanhoe afterwards expresses it.

<sup>10</sup> Embrasure, loop-hole through which arrows were shot now an opening in a wall through which cannon are fired.

<sup>11</sup> Parapet, the wall which screened the soldiers of the garrison from the besiegers; *lit.* a breast-work; a work of earth or stone rising breast-high.

QUESTIONS.—Why was Ivanhoe unable to witness the assault? Who was tending him in prison? How was he made aware of what went on? What point was expected to be attacked first? What separated the barbican from the fortress? Who was the most conspicuous of the besiegers? What was the device upon his shield?

## THE SIEGE OF TORQUILSTONE.

### PART II.

WITH patient courage, strengthened by the interval which she had employed in mental devotion, Rebecca again took post at the lattice; 'sheltering herself, however, so as not to be visible from beneath.

"What dost thou see, Rebecca?" again demanded the wounded knight.

"Nothing but the cloud of arrows flying so thick as to dazzle mine eyes, and to hide the bowmen who shoot them."

"That cannot 'endure," said Ivanhoe. "If they press not right on to carry the castle by pure force of arms, the archery may avail but little against stone walls and 'bulwarks. Look for the Knight of the Fetterlock, fair Rebecca, and see how he bears himself; for as the leader is, so will his followers be."

"I see him not," said Rebecca.

"Foul craven!" exclaimed Ivanhoe; "does he blench<sup>1</sup> from the helm when the wind blows highest?"

"He blenches not! he blenches not!" said Rebecca; "I see him now. He leads a body of men close under the outer 'barrier of the barbican. They pull down the piles and palisades; they hew down the barriers with axes. His high black plume floats abroad over the throng, like a raven over the field of the slain. They have made a breach in the barriers—they rush in—they are thrust back! Front-de-Bœuf

heads the defenders; I see his gigantic form above the press. They throng again to the breach, and the pass is disputed hand to hand, and man to man. It is like the meeting of two fierce tides—the conflict of two oceans moved by adverse winds!”

She turned her head from the lattice, as if unable longer to endure a sight so terrible.

“Look forth again, Rebecca,” said Ivanhoe, mistaking the cause of her retiring; “the archery must in some degree have ceased, since they are now fighting hand to hand. Look again; there is now less danger.”

Rebecca again looked forth, and almost immediately exclaimed, “Ah! Front-de-Bœuf and the Black Knight fight hand to hand in the breach, amid the roar of their followers, who watch the progress of the strife—Heaven strike with the cause of the oppressed and of the captive!” She then uttered a loud shriek, and exclaimed, “He is down!—he is down!”

“Who is down?” cried Ivanhoe; “tell me which has fallen.”

“The Black Knight,” answered Rebecca, faintly; then instantly shouted, with joyful eagerness—“But no!—but no!—he is on foot again, and fights as if there were twenty men’s strength in his single arm. His sword is broken!—he snatches an axe from a yeoman—he presses Front-de-Bœuf with blow on blow. The giant stoops and totters like an oak under the steel of the woodman—he falls!—he falls!”

“Front-de-Bœuf?” exclaimed Ivanhoe.

“Front-de-Bœuf!” answered the Jewess. “His men rush to the rescue, headed by the haughty Templar—their united force compels the champion to pause—they drag Front-de-Bœuf within the walls.”

“The assailants have won the barriers, have they not?” said Ivanhoe.

“They have!—they have!” exclaimed Rebecca; “and they press the besieged hard upon the outer wall. Some plant ladders, some swarm like bees, and endeavour to ascend on the shoulders of each other. Down go stones, beams, and trunks of trees upon their heads; and as fast as they bear the wounded to the rear, fresh men supply their places in the assault. Great God! hast thou given men thine own image that it should be thus cruelly defaced by the hands of their brethren?”

“Think not of that,” said Ivanhoe; “this is no time for such thoughts. Who yield?—who push their way?”

“The ladders are thrown down,” replied Rebecca, shuddering; “the soldiers lie grovelling under them like crushed reptiles—the besieged have the better.”

“Ah!” exclaimed the knight; “do the false yeomen give way?”

“No!” exclaimed Rebecca; “they bear themselves right yeomanly. The Black Knight approaches the postern with his huge axe; the thundering blows which he deals,—you may hear them above all the din and shouts of the battle. Stones and beams are hailed down on the bold champion—he regards them no more than if they were thistle-down or feathers!”

“Ha!” said Ivanhoe, raising himself joyfully on his couch, “methought there was but one man in England<sup>2</sup> that might do such a deed!”

“The postern gate shakes,” continued Rebecca; “it crashes—is splintered by his blows—they rush in—the outwork is won! O God!—they hurl the defenders from the battlements—they throw them into the moat. O men, if ye be indeed men, spare them that can resist no longer!”

“The bridge—the bridge which communicates with the castle—have they won that pass?” exclaimed Ivanhoe.

“No,” replied Rebecca; “the Templar has destroyed the plank on which they crossed. A few of the defenders have escaped with him into the castle—the shrieks and cries which you hear tell the fate of the others. Alas! I see it is even more difficult to look upon victory than upon battle.”

“What do they now, maiden?” said Ivanhoe; “look forth yet again—this is no time to faint at bloodshed.”

“It is over for the time,” answered Rebecca. “Our friends strengthen themselves within the outwork which they have mastered; and it affords them so good a shelter from the foeman’s shot, that the garrison only bestow a few bolts on it from time to time, as if rather to disquiet than effectually to injure them.”

“Our friends,” said Wilfred, “will surely not abandon an enterprise so gloriously begun and so happily attained. Oh, no! I will put my faith in the good knight whose axe hath rent heart-of-oak and bars of iron. Singular,” he again muttered to himself, “if there be two who can do a deed of such *derringdo!*<sup>3</sup> A fetterlock and shacklebolt on a field-sable—what may that mean?<sup>4</sup> Seest thou naught else, Rebecca, by which the Black Knight may be distinguished?”

“Nothing,” said the Jewess; “all about him is black as the wing of the night raven. Nothing can I spy that can mark him further;—but having once seen him put forth his strength in battle, methinks I could know him again among a thousand warriors. He rushes to the fray as if he were summoned to a banquet. There is more than mere strength,—there seems as if the whole soul and spirit of the champion were given to every blow which he deals upon his enemies. God forgive him the sin of bloodshed!—it is fearful, yet magnificent, to behold how the arm and heart of one man can triumph over hundreds.”

SIR WALTER SCOTT.<sup>5</sup>

abandon, give up.  
adverse, contrary.  
barrier, fence.  
bestow, deliver.  
bulwarks, ramparts.  
champion, hero.  
defaced, disfigured.  
destroyed, broken down.

difficult, trying.  
disputed, contested.  
disquiet, disturb.  
distinguished, recognised.  
eagerness, alacrity.  
effectually, seriously.  
endure, last.

enterprise, adventure.  
gigantic giant-like.  
grovelling, prostrate.  
joyfully, gladly.  
magnificent, splendid.  
mistaking, misunderstanding.

oppressed, afflicted.  
sheltering, protecting.  
shuddering, trembling.  
splintered, shattered.  
strengthen, fortify.  
summoned, called.  
yeomanly, bravely.

<sup>1</sup> Blench, become pale from fear; shrink. The meaning of Ivanhoe’s question is, “Does he shrink from guiding the ship when the storm is at its height, and there is most need of a strong hand?”

<sup>2</sup> But one man in England.—Ivanhoe refers to King Richard I.

<sup>3</sup> Derringdo, desperate valour.

<sup>4</sup> What may that mean?—Ivanhoe here hints his belief that the Black Knight can be no other than King Richard

himself, whose long imprisonment has plainly suggested the badge, or cognizance, on his shield.

<sup>5</sup> Sir Walter Scott, poet and novelist—born at Edinburgh in 1771—became a lawyer: chief poems, *Lay of the Last Minstrel*, *Marmion*, *The Lady of the Lake*, and *The Lord of the Isles*: author of the *Waverley Novels*: the above extract is from *Ivanhoe*, the most popular of his novels.—Lived at Abbotsford on the Tweed; died there in 1832?

QUESTIONS.—With whom did the Black Knight fight hand to hand in the breach made in the palisade? With what result? What advance did the besiegers then make? Who beat down the postern gate? What did Ivanhoe say when he heard of his valour? To whom did he refer? Why did not the besiegers reach the fortress? But what had they gained?

## CHOICE QUOTATIONS.

*(To be written from memory).*

## TRUE NOBILITY.

HOWE'ER it be, it seems to me  
 'Tis only noble to be good :  
 Kind hearts are more than coronets,  
 And simple faith than Norman blood.

TENNYSON.

## FEAR GOD.

COUNT life a stage upon thy way,  
 And follow conscience come what may ;  
 Alike with heaven and earth sincere,  
 With hand and brow and bosom clear ;  
 "Fear God"—and know no other fear.

## HUMAN LIFE.

WE live in deeds, not years ; in thoughts, not breaths ;  
 In feelings, not in figures on a dial.  
 We should count time by heart-throbs. He most lives  
 Who thinks most, feels the noblest, acts the best.

P. J. BAILEY.

## CONSCIENCE.

WHAT stronger breastplate than a heart untainted ?  
 Thrice is he armed, that hath his quarrel just ;  
 And he but naked, though locked up in steel,  
 Whose conscience with injustice is corrupted.

SHAKESPEARE.

## HUMAN LIFE.

LIVE while you live, the epicure would say,  
 And seize the pleasures of the present day :  
 Live while you live, the sacred preacher cries,  
 And give to God each moment as it flies !  
 Lord, in my views let both united be—  
 I live in pleasure, when I live to Thee !

DODDRIDGE.

## GOOD FOR EVIL.

A MORE glorious victory cannot be gained over another man than this, that when the injury began on his part, the kindness should begin on ours.—TILLOTSON.

## LIFE.

HE lives long that lives well ; and time mis-spent is not lived, but lost.—FULLER.

## CONTENT.

MY crown is in my heart, not on my head ;  
 Not decked with diamonds and Indian stones,  
 Nor to be seen: my crown is called Content ;  
 A crown it is that seldom kings enjoy.

SHAKESPEARE.

## DOING GOOD.

HE that does good to another man, does also good to himself ; not only in the consequence, but in the very act of doing it : for the consciousness of well-doing is an ample reward.—SENECA.

## HOPE.

WHITE as a white sail on a dusky sea,  
 When half the horizon's clouded and half free,  
 Fluttering between the dun wave and the sky,  
 Is hope's last gleam in man's extremity.

BYRON.

## 13

## TRUTH.

TRUTH is as impossible to be soiled by any outward touch as the sunbeam.—MILTON.

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## PLEASURES.

PLEASURES are like poppies spread;  
 You seize the flower, its bloom is shed:  
 Or like the snow-fall in the river;  
 A moment white, then melts for ever.

BURNS.

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## REIGN OF LAW.

THE very law which moulds a tear,  
 And bids it trickle from its source—  
 That law preserves the Earth a sphere,  
 And guides the planets in their course!

ROGERS.

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## A TIDE IN HUMAN AFFAIRS.

THERE is a tide in the affairs of men,  
 Which, taken at the flood, leads on to fortune;  
 Omitted, all the voyage of their life  
 Is bound in shallows, and in miseries:  
 And we must take the current when it serves,  
 Or lose our ventures.

SHAKESPEARE.

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## INDUSTRY.

SLOTH makes all things difficult, but Industry all easy; and he that riseth late must trot all day, and shall scarce overtake his business at night; while Laziness travels so slowly, that Poverty soon overtakes him.—FRANKLIN.

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## TIME.

STILL on it creeps,  
 Each little moment at another's heels,  
 Till hours, days, years and ages are made up  
 Of such small parts as these; and men look back,  
 Worn and bewildered, wondering how it is.  
 Thou travellest like a ship in the wide ocean,  
 Which hath no bounding shore to mark its progress.

JOANNA BAILLIE.

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## THE BLESSINGS OF A LOW STATION.

'Tis better to be lowly born,  
 And range with humble livers in content,  
 Than to be perked up in glistening grief,  
 And wear a golden sorrow.

SHAKESPEARE.

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## CHILDHOOD.

THE tear down childhood's cheek that flows  
 Is like the dew-drop on the rose;  
 When next the summer breeze comes by,  
 And waves the bush, the flower is dry.

SCOTT.

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## CHARACTER.

GOOD name, in man and woman,  
 Is the immediate jewel of their souls.  
 Who steals my purse, steals trash; 'tis something, nothing;  
 'Twas mine, 'tis his, and has been slave to thousands;  
 But he that filches from me my good name,  
 Robs me of that which not enriches him,  
 And makes me poor indeed.

SHAKESPEARE.

---

## HUMAN LIFE.

MAN's life is a book of history;  
 The leaves thereof are days;  
 The letters, mercies closely joined;  
 The title is God's praise.

JOHN MASSON.

## PRUDENCE.

Who buys a minute's mirth, to wail a week?  
 Or sells eternity to get a toy?  
 For one sweet grape, who will the vine destroy?  
 Or what fond beggar, but to touch the crown,  
 Would with the sceptre straight be stricken down?

SHAKESPEARE.

## IDLENESS.

ABSENCE of occupation is not rest;  
 A mind quite vacant is a mind distressed.

COWPER.

## TIME.

TIME's glory is to calm contending kings;  
 To unmask Falsehood, and bring Truth to light;  
 To stamp the seal of Time on aged things;  
 To wake the morn, and sentinel the night;  
 To wrong the wronger, till he render right;  
 To rinate proud buildings with his hours,  
 And smear with dust their glittering golden towers:  
 To fill with worm-holes stately monuments;  
 To feed Oblivion with decay of things;  
 To blot old books, and alter their contents;  
 To pluck the quills from ancient ravens' wings;  
 To dry the old oak's sap, and cherish springs;  
 To spoil antiquities of hammered steel,  
 And turn the giddy round of Fortune's wheel.

SHAKESPEARE.

## CONSCIENCE.

BE fearful only of thyself, and stand in awe of none more than of thine own conscience. There is in every man a severe censor of his manners; and he that reverences this judge, will seldom do anything he need repent of.—FULLER.

## PERFECTION NEEDS NO ADDITION.

To gild refin'd gold, to paint the lily,  
 To throw a perfume on the violet,  
 To smooth the ice, or add another hue  
 Unto the rainbow, or with taper-light  
 To seek the beauteous eye of heaven to garnish,  
 Is wasteful and ridiculous excess.

SHAKESPEARE.

## IDLENESS.

I WOULD not waste my spring of youth  
 In idle dalliance: I would plant rich seeds,  
 To blossom in my manhood, and bear fruit  
 When I am old.

HILLHOUSE.

## FALSEHOOD.

LET falsehood be a stranger to thy lips.  
 Shame on the policy that first began  
 To tamper with the heart to hide its thoughts!  
 And double shame on that inglorious tongue,  
 That sold its honesty and told a lie!

HAVARD.

## CONSCIENCE.

No man ever offended his own conscience, but first or last it was avenged upon him for it.—SOUTH.

## SUBMISSION TO HEAVEN OUR DUTY.

In common worldly things, 'tis called ungrateful  
 With dull unwillingness to repay a debt,  
 Which with a bounteous hand was kindly lent;  
 Much more to be thus opposite to Heaven,  
 For it requires the royal debt it lent you.

SHAKESPEARE.

## THE CARES OF GREATNESS.

PRINCES have but their titles for their glories.—  
 An outward honour for an inward toil :  
 And, for unfelt imaginations,  
 They often feel a world of restless cares :  
 So that between their titles and low name  
 There's nothing differs but the outward fame.

SHAKESPEARE.

## CONSCIENCE.

HE that has light within his own clear breast,  
 May sit i' th' centre, and enjoy bright day :  
 But he that hides a dark soul, and foul thoughts,  
 Benighted walks under the mid-day sun ;—  
 Himself is his own dungeon.

MILTON.

## SELF-RESPECT.

To thine ownself be true ;  
 And it must follow, as the night the day,  
 Thou canst not then be false to any man.

SHAKESPEARE.

## MERCY.

THE quality of mercy is not strained ;  
 It droppeth, as the gentle rain from Heaven  
 Upon the place beneath : it is twice blessed ;  
 It blesseth him that gives, and him that takes.  
 'Tis mightiest in the mightiest : it becomes  
 The thronèd monarch better than his crown ;  
 His sceptre shows the force of temporal power,—  
 The attribute to awe and majesty,  
 Wherein doth sit the dread and fear of kings,—  
 But mercy is above this sceptred sway ;  
 It is enthronèd in the hearts of kings,  
 It is an attribute to God himself ;  
 And earthly power doth then show likest God's  
 When mercy seasons justice.

SHAKESPEARE.

## LIVES OF GREAT MEN.

## OUTLINES FOR ORAL TEACHING AND FOR COMPOSITION EXERCISES.

Lives of great men all remind us,  
 We can make our lives sublime ;  
 And, departing, leave behind us  
 Footprints on the sands of time.—LONGFELLOW.

## ALFRED THE GREAT.

DESCRIPTION.—The champion of the English against the Danes, and founder of regular government in England.

NARRATIVE.—849 A.D., Born at Wantage in Berkshire ; fourth son of Ethelwolf of Wessex. 854, His father takes him to Rome. 857, His father dies. Alfred's three elder brothers rule in succession till 871, when Alfred comes to the throne.<sup>1</sup> The Danes make head against him.<sup>2</sup> 877, Alfred disbands his troops, and retires to Athelney.<sup>3</sup> 878, Enters the Danish camp disguised as a harper, and learns their plans ; defeats them at Ethandune ;<sup>4</sup> recovers London ; devotes himself to improving his kingdom. 896, Repels a new Danish invasion. 901, Dies. (Æt. 52.)

CHARACTER.—A wise and thoughtful prince ; systematic in his labours, giving one-third of his time to God, one-third to his subjects, and one-third to rest and recreation ; a skilful general ; a learned man, and a patron of learning.

<sup>1</sup> Alfred is said to have accepted the crown very unwillingly. Being the fourth son, he had had little expectation of ever reaching the throne, and had devoted himself to study.

<sup>2</sup> The Danes began to ravage the coasts of England in 787. They had made great progress during the reigns of Alfred's

brothers ; and when he came to the throne the kingdom was sadly distracted by them.

<sup>3</sup> A small island, at the junction of the Tone and the Parret, in Somersetshire.

<sup>4</sup> A hill in Somersetshire.

## JOHN GUTTENBERG.

DESCRIPTION.—The inventor of cut metal types,<sup>1</sup> and improver of the art of printing.

NARRATIVE.—Born at Mentz<sup>2</sup>, 1400 ; of an aristocratic family. Travels in Holland ; at Haarlem<sup>3</sup> meets Laurence Coster, who discloses to him his plan of printing from wooden types, and his experiments

with metal types. Guttenberg at once resolves to perfect the latter idea; retires to Strasburg;<sup>4</sup> works in the ruins of an old monastery, professedly as a jeweller and metal-worker. His assistants,<sup>5</sup> jealous of his secret labours, stir up the authorities against him; his goods are forfeited, and he has to leave Strasburg. He returns to Mentz, and enters into partnership with John Fust and Peter Schoeffer. The transcribers of manuscripts in the town form a league against the printers. Fust and Schoeffer<sup>6</sup> betray and sacrifice Guttenberg, who is driven out of Mentz. He wanders about in poverty and neglect. The Elector of Nassau befriends him. He sets up a printing-press at Wiesbaden,<sup>7</sup> and prints a number of works; lives peaceably till his death, in 1468. (Æt. 68.)

CHARACTER.—A pious man, and a scholar; full of enthusiasm; ingenious and persevering; one of the greatest of the world's benefactors.

<sup>1</sup> Printing from movable wooden types is said to have been invented by Laurence Coster in 1438.

<sup>2</sup> Better known by its French name Mayence, at the confluence of the Maine and the Rhine. A splendid monument in bronze, to the memory of Guttenberg, was erected there in 1837.

<sup>3</sup> A town in North Holland eleven miles west of Amsterdam. A statue of Coster stands in the market-place.

<sup>4</sup> A fortified town in Alsace, near the left bank of the Rhine, famous for its vast cathedral. Here Schoeffer, afterwards referred to, was born.

<sup>5</sup> They afterwards became successful printers, and claimed the credit of his invention.

<sup>6</sup> They became rich through the invention of Guttenberg; and Schoeffer tried to rob him of the credit of it.

<sup>7</sup> The capital of Nassau.

#### CHRISTOPHER COLUMBUS.

DESCRIPTION.—The discoverer of the New World.

NARRATIVE.—1445, Born at Genoa; 1470, settles at Lisbon; trades to the African coast, the Azores, &c. 1480, Publishes his idea of a continent across the Atlantic. Genoa and Portugal refuse him help. Ferdinand and Isabella of Spain at length give him aid. His three vessels sail from Palos,<sup>1</sup> August 3, 1492. His men threaten to mutiny on the voyage; land is discovered, October 12. He lands on San Salvador. Returns to Spain, January 1493. Makes several other voyages, in the course of which he discovers Jamaica and the mainland of South America,<sup>2</sup> 1498. His enemies plot against him; and in 1500 he is sent from Cuba to Spain in chains<sup>3</sup> as a criminal. 1504, On his return from his last voyage, he finds Isabella dying, and the king estranged. 1506, Dies at Valladolid poor and neglected. (Æt. 61.)

CHARACTER.—Possessed great persistence and force of will. Not only a daring adventurer, but a discoverer in the highest sense; for his labours, and those of all the explorers whom he stimulated, rested upon a theory which he worked out in his mind.

<sup>1</sup> A port of Spain (south-west coast of Andalusia), near Huelva. Near Palos is the old Franciscan monastery of Moguer. Columbus, craving charity here in 1484, was received kindly by the prior, through whose influence Queen Isabella was induced to promote Columbus's schemes.

<sup>2</sup> Humboldt has proved incontestably that Amerigo Ves-

pucci (after whom America was named) did not discover the northern coast of South America till 1499; so that Columbus was the discoverer, not only of the West Indies, but also of the Southern Continent.

<sup>3</sup> Columbus retained his fetters till his death, and gave orders that they should be buried with him.

#### SIR WALTER RALEIGH.

DESCRIPTION.—A celebrated navigator and author; one of the earliest promoters of colonization.

NARRATIVE.—1552, Born at Hayes, in Devon. 1568, Enters Oriel College, Oxford. 1576, Sails to America with his brother-in-law, Sir Humphrey Gilbert; returns, 1579. 1580, Is introduced to Queen Elizabeth.<sup>1</sup> 1584, Fits out an expedition to colonize Virginia, which proves a failure; brings the tobacco-plant and the potato from America. 1588, Helps to defeat the Spanish Armada.<sup>2</sup> 1603, Is tried for taking part in the Main Plot, to place Arabella Stuart on the throne, and is condemned; is reprieved, but confined in the Tower, where he writes his *History of the World* (published 1614) and other works. 1616, Is released in consequence of his account of rich mines in Guiana; sails thither; finds no mine, but burns the Spanish town of St. Thomas. On his return, he is apprehended on the complaint of the Spanish Ambassador, and without a new trial is beheaded on his former sentence (1618). (Æt. 66.)

CHARACTER.—Of an enterprising and chivalrous spirit; of stainless honour and integrity; a man of fine poetical taste; as a writer, classical and elevated, without pedantry or affectation.

<sup>1</sup> The manner of his introduction was very romantic. The queen, while taking a walk, was stopped by a muddy place in the footpath. She hesitated whether to proceed or not, when Raleigh, taking off his new plush cloak, spread it on

the ground. The act of gallantry did not go unrewarded.

<sup>2</sup> A great fleet, fitted out by Philip II. of Spain, and sent to invade England.

#### WILLIAM SHAKESPEARE.

DESCRIPTION.—The world's greatest dramatic poet.

NARRATIVE.—1564, Born at Stratford-on-Avon,<sup>1</sup> where his father is a glover, or wool-comber. 1578, Leaves school and joins his father's business, in his fourteenth year. 1582, Marries in his eighteenth year. 1586, Removes to London, and joins the Blackfriars Theatre as actor and play-wright.<sup>2</sup> Remains in London acting<sup>3</sup> and writing plays,<sup>4</sup> till 1613, when he returns to Stratford, where he has become the owner of land and houses. 1616, Dies at Stratford. (Æt. 52.)

CHARACTER.—Of his personal character and life scarcely anything is known; but his works show him to have been, in point of width and depth of knowledge—especially knowledge of human nature in all its phases—and in respect of poetical power and inventive skill, the greatest author the world has ever seen.

<sup>1</sup> In Warwickshire.

<sup>2</sup> A play-wright is an adapter of plays for the stage, and a remodeller of old plays.

<sup>3</sup> After 1595, he acted also at the Globe Theatre, then newly opened as a summer theatre. He is last mentioned as an actor in 1603. Then he seems also to have been one of the proprietors of the theatre.

<sup>4</sup> Besides a large collection of *Sonnets* and other poems, he wrote in twenty-five years (1586–1611) at least thirty-six original plays, including such masterpieces as *Hamlet*, *Macbeth*, *King Lear*, *A Midsummer Night's Dream*, *Romeo and Juliet*, and *The Tempest*. The first collected edition of his plays was published in 1623, seven years after his death.

## JOHN MILTON.

DESCRIPTION.—The greatest English epic poet.

NARRATIVE.—1608, Born at London; educated at St. Paul's School, and at Cambridge. 1632–37, Continues his studies for five years at his father's country house; <sup>1</sup> writes *L'Allegro* and *Il Penseroso*, and other poems. 1638, Travels in France and Italy. 1639, Undertakes the education of his nephews. 1642, On the outbreak of the differences between the King and the Parliament, he writes pamphlets on the popular side. 1649, He is appointed Foreign Secretary to the Commonwealth; defends the execution of Charles I. 1654, Loses his eye-sight. 1660, At the Restoration, he is included in the Act of Indemnity,<sup>2</sup> but retires into obscurity; writes *Paradise Lost*,<sup>3</sup> which is published in 1667. 1671, *Paradise Regained* is published. 1674, Milton dies at London. (Æt. 66.)

CHARACTER.—A great scholar; a sublime poet; an earnest champion of civil and religious liberty, and of the freedom of the press. In religion he was a strict Puritan, and was a man of sincere and pious mind.

<sup>1</sup> At Horton in Buckinghamshire.

<sup>2</sup> Pardoning those who had taken part against the late king, Charles I. At first Milton was excluded from the indemnity, and the works in which he had attacked the late king's memory were publicly burned by the hangman;

but through the influence of Sir William Davenant, the poet, the pardon was at length extended to Milton.

<sup>3</sup> Milton received £5 for the first edition; another £5 for the second; and after his death, his widow resigned her claim to it for £8!

## PETER THE GREAT.

DESCRIPTION.—Founder of the greatness of Russia.

NARRATIVE.—1672, Born at Moscow. 1689, Becomes sole ruler of Russia. 1696, Takes Azof from the Tartars—the beginning of Russia's power in the South.<sup>1</sup> 1697, Travels in Europe to gain knowledge in the arts and sciences; spends some time as a ship-wright in Amsterdam, and in the English dock-yards. 1700, Begins his great struggle with Charles XII. of Sweden;<sup>2</sup> from whom, though at first unsuccessful, he takes Livonia, Finland, &c., thus reaching the shores of the Baltic. Builds St. Petersburg, and makes it his capital in 1711. 1716, Makes a second tour of Europe, visiting Denmark, Germany, Holland, and France. 1718, His son Alexis is condemned for conspiracy, and dies mysteriously in prison. Peter devotes himself to the internal improvements of his kingdom. 1725, Dies. (Æt. 53.)

CHARACTER.—Savage and coarse in conduct; addicted to intemperance; a powerful ruler of men; is called "The father of his country."

<sup>1</sup> When Peter came to the throne, Archangel, on the White Sea, was the only haven Russia possessed. Peter resolved that Russia should be extended both to the Baltic and to the Black Sea.

<sup>2</sup> He defeated Charles decisively at Pultowa in 1709. Charles fled to Turkey, and did not return to Sweden till 1714. He was killed in 1718 while attempting to conquer Norway.

## ROBERT, LORD CLIVE.

DESCRIPTION.—The founder of the British Empire in India.

NARRATIVE.—1725, Born in Shropshire. 1743, Begins life as a clerk in the East India Company's service. 1747, Disgusted with that occupation, he enters the army; distinguishes himself against the French; 1751, takes Arcot<sup>1</sup> with 500 men, and defends it with 300 against 10,000; the French are everywhere repulsed, and the supremacy of the English is secured. 1757, His next great exploit is to defeat the Nabob<sup>2</sup> of Bengal at Plassey,<sup>3</sup> which avenged the Black Hole of Calcutta,<sup>4</sup> and laid the foundation of the British Empire in India. 1759, On his return to England he is made a peer. 1773, He is charged by the House of Commons with having abused his power, to enrich himself; he is honorably acquitted, but he feels the sting so deeply that he kills himself in 1774. (Æt. 49.)

CHARACTER.—A "heaven-born general;" great capacity for government; very daring; often unscrupulous and cruel.

<sup>1</sup> About seventy-five miles south-west of Madras.

<sup>2</sup> The native prince of Bengal. His name was Sujah-ad-Dowlah.

<sup>3</sup> In Bengal, eighty miles north of Calcutta.

<sup>4</sup> When the nabob captured Calcutta in 1756, he cast one hundred and forty-six English prisoners into a small dark cellar one afternoon. When the door was opened next morning, only twenty-three came out alive.

## CAPTAIN COOK.

DESCRIPTION.—One of England's most famous navigators.

NARRATIVE.—1728, Born in Yorkshire; begins life as a shoemaker, but while still a boy he goes to sea; he serves seven years in the coal trade. 1755, Enters the navy; 1759, takes part in the reduction of Quebec by Wolfe; is engaged to make surveys and charts of the North American coasts. He afterwards takes part in several scientific and exploring exhibitions to Polynesia,<sup>1</sup> Australia,<sup>2</sup> New Zealand; discovers the Society Islands<sup>3</sup> in 1769. 1771, His journals are published on his return to England. 1776, Sails to search for a north-west passage; 1778, sails southward to winter at the Sandwich Islands; 1779, he is killed at Owhyhee<sup>4</sup> in a quarrel with the natives. (Æt. 51.)

CHARACTER.—A scientific as well as a practical seaman; as a commander, cool, wary, and ready-witted; a strict disciplinarian, but a kind-hearted man.

<sup>1</sup> The name given to the vast archipelago in the Pacific Ocean. *Polynesia* comes from two Greek words, and means "many islands."

<sup>2</sup> Cook proved Australia to be a island distinct from New Guinea. He called it New South Wales, and took possession of it in the name of Great Britain.

<sup>3</sup> So called by Cook in honour of the Royal Society of London, by whose request his expedition was undertaken.

<sup>4</sup> The largest of the Sandwich Islands, a group in the North Pacific.



## HORATIO NELSON.

DESCRIPTION.—England's greatest sailor.

NARRATIVE.—1758, Born in Norfolk; 1770, taken to sea by his uncle in his twelfth year; 1773, sails in the expedition to discover a north-west passage. 1793, The French war having broken out, Nelson sails to the Mediterranean as commander of the *Agamemnon*; 1794, loses his right eye at Calvi,<sup>1</sup> and his right arm at Santa Cruz<sup>2</sup> in 1798. Shatters the naval power of France and her allies by such victories as St. Vincent<sup>3</sup> (1797), the Nile<sup>4</sup> (1798), Copenhagen<sup>5</sup> (1801), and Trafalgar<sup>6</sup> (1805), where he was killed. (Æt. 47.) He had been made a baron in 1798, and a viscount in 1801.

CHARACTER.—Dauntless courage and determination; strong sense of duty. He made England mistress of the seas.

<sup>1</sup> On the island of Corsica.

<sup>2</sup> In the Azores, islands to the west of Spain.

<sup>3</sup> Fought against the Spaniards off Cape St. Vincent, south-west of Portugal.

<sup>4</sup> He had followed the French fleet to Egypt, and destroyed thirteen out of seventeen ships.

<sup>5</sup> By this victory he broke up the northern league (Denmark, Russia, and Sweden), intended to injure British commerce.

<sup>6</sup> On the south-west coast of Spain.

## GEORGE WASHINGTON.

DESCRIPTION.—The founder of the independence of the United States.

NARRATIVE.—1732, Born in Virginia; 1751, first military command as major of Virginian militia; 1753, defeats a detachment of French, and was thanked by the House of Burgesses; 1758, retires from military service and becomes a senator; 1775, takes command of the American Army in the War of Independence; conducts the war with consummate skill; 1783, on the conclusion of peace, he retires into private life; 1789, is elected as first president of the United States; 1793, is re-elected; 1797, retires to his estate at Mount Vernon, where he dies in 1799. (Æt. 67.)

CHARACTER.—Possessed of a powerful mind and sound judgment; combined bravery with prudence; of unblemished purity and integrity; in its combination of greatness with goodness, his character has scarcely an equal in history.

## NAPOLEON BUONAPARTE.

DESCRIPTION.—The greatest military genius of modern times.

NARRATIVE.—1769, Born at Ajaccio in Corsica; educated for the army. 1793, Is appointed to a command of artillery before Toulon,<sup>1</sup> and expels the English. 1796, Takes the command in Italy; defeats the Austrians and Italians, and gains territory for France. 1798, The French Directory, jealous of his popularity, sends him to Egypt; 1799, he returns unexpectedly to Paris, overthrows the Directory, and is made First Consul. 1804, Becomes Emperor of the French; 1805, vanquishes the Russians and Austrians at Austerlitz,<sup>2</sup> and the Prussians at Jena<sup>3</sup> in 1806. 1808, subdues Spain, and places his brother Joseph on the throne: this leads to the Peninsula War, in which, after five campaigns, Wellington drives the French out of Spain, 1813. 1812, Napoleon undertakes his great Russian expedition: forced to retreat from Moscow in winter, he loses nearly the whole of his army. 1814, He abdicates and retires to Elba;<sup>4</sup> but in less than a year he returns; 1815, is defeated by Wellington and Blucher at Waterloo;<sup>5</sup> surrenders to the English; is banished to St. Helena;<sup>6</sup> 1821, dies there. (Æt. 52.)

CHARACTER.—Brilliant in devising original plans; heedless of human life; very ambitious, vain, and cruel. For seventeen years he continued to disturb the peace of Europe.

<sup>1</sup> A great naval station on the south of France.

<sup>2</sup> In Moravia (Austria), fourteen miles south-east of Brünn.

<sup>3</sup> In Saxe-Weimar (Germany), twelve miles south-east of Weimar.

<sup>4</sup> A small island between the north of Corsica and Italy.

<sup>5</sup> In Belgium, ten miles south of Brussels.

<sup>6</sup> Upwards of one thousand miles west of the coast of Lower Guinea (Africa).

## SIR WALTER SCOTT.

DESCRIPTION.—The greatest of romantic novelists.

NARRATIVE.—1771, Born at Edinburgh; he is bred as a lawyer with his father. 1793, Begins to take down anecdotes and ballads during his visits to the south of Scotland; 1796, publishes a translation of a German ballad; 1799, is appointed Sheriff of Selkirkshire, and devotes his leisure to literature. 1805, His first poetical romance, *The Lay of the Last Minstrel*, is published. 1811, He purchases Abbotsford. 1814, *Waverley*, the first of his novels, appears. 1826, His printer and his publisher fail, and Scott is £130,000 in debt; resolves to clear off his debt by writing. 1831, his health gives way; he is struck down by paralysis; travels abroad. 1832, Reaches home to die. (Æt. 61.)

CHARACTER.—The most famous, as well as the most voluminous, writer of his age. He had acquired vast stores of antiquarian and historical knowledge, and he had wonderful facility in turning them to account in his works of fiction. A great master of character-drawing; possessed a rich vein of humour: in private life, irreproachable; in his family, wise and affectionate. The heroic resolution with which he set himself to write off his large debt has never been surpassed.

## WELLINGTON.

(ARTHUR WELLESLEY.)

DESCRIPTION.—The greatest British soldier of modern times.

NARRATIVE.—1769, Born in Ireland; third son of the Earl of Mornington; is educated at Eton: 1787, enters the army as ensign; 1797, takes a leading part in the war in the Carnatic;<sup>1</sup> 1803, gains the great victory of Assaye;<sup>2</sup> 1807, enters Parliament, and becomes Secretary for Ireland; 1809, begins the Peninsular War, in which he deals a fatal blow to French power in Spain; 1815, attends the congress of European Powers at Vienna; defeats Napoleon signally at Waterloo; 1822, enters on his career as a

statesman; becomes Prime Minister in 1828: continues to be the trusted, confidential adviser of his sovereign till his death, 1852. (*Æt.* 83.)

CHARACTER.—His skill as a general was directed by practical wisdom and common sense: he rarely made mistakes, and he provided for every possible contingency. From the strength of his courage and his will, from his shrewdness and inflexible integrity, he was known as the Iron Duke.

<sup>1</sup> The south-east of the peninsula of India.

<sup>2</sup> A village in the Nizam's dominions, 200 miles north-east of Bombay.

### THE BRETON SAILOR, HERVÉ RIEL.

ON the sea and at the Hogue,<sup>1</sup> sixteen hundred ninety-two,  
 Did the English fight the French—woe to France!  
 And the thirty-first of May, helter-skelter through the blue,  
 Like a crowd of frightened porpoises<sup>2</sup> a shoal of sharks pursue,<sup>3</sup>  
 Came crowding ship on ship to St. Malo<sup>4</sup> on the Rance,  
 With the English fleet in view.

'Twas the squadron that escaped, with the victor in full chase:  
 First and foremost of the drove, in his great ship *Damfreville*,<sup>5</sup>  
 Close on him fled, great and small,  
 Twenty-two good ships in all;

And they signalled to the place,  
 "Help the winners of a race!  
 Get us guidance, give us harbour, take us quick—or, quicker still,  
 Here's the English can and will!"

Then the pilots of the place put out brisk and leaped on board.  
 "Why, what hope or chance have ships like these to pass?" laughed they;

"Rocks to starboard, rocks to port,<sup>6</sup> all the passage scarred and scored,  
 Shall the *Formidable* here, with her twelve and eighty guns,  
 Think to make the river-mouth by the single narrow way,—  
 Trust to enter where 'tis ticklish for a craft of twenty tons,

And with flow at full beside?  
 Now 'tis slackest ebb of tide.  
 Reach the mooring? Rather say,  
 While rock stands or water runs,  
 Not a ship will leave the bay!"

Then was called a council straight;—  
 Brief and bitter the debate:

"Here's the English at our heels; would you have them take in tow  
 All that's left us of the fleet, linked together stern and bow,  
 For a prize to Plymouth Sound?  
 Better run the ships aground!"

(Ended *Damfreville* his speech.)

"Not a minute more to wait!  
 Let the captains all and each  
 Shove ashore, then blow up, burn the vessels on the beach!  
 France must undergo her fate."

"Give the word!" But no such word  
 Was ever spoke or heard;

For up stood, for out stepped, for in struck amid all these,—  
 A captain? A lieutenant? A mate—first, second, third?

No such man of mark, and meet  
 With his betters to compete!  
 But a simple Breton<sup>7</sup> sailor pressed by *Tourville*<sup>8</sup> for the fleet—  
 A poor coasting-pilot he, *Hervé Riel* the *Croisickese*.<sup>9</sup>

And "What mockery or malice have we here?" cries *Hervé Riel*;  
 "Are you mad, you Malouins? Are you cowards, fools, or rogues?  
 Talk to me of rocks and shoals, me who took the soundings, tell

On my fingers every bank, every shallow, every swell  
 'Twixt the offing here and *Grève*,<sup>10</sup> where the river disembogues?  
 Are you bought by English gold? Is it love the lying's for?

Morn, and eve, night and day,  
 Have I piloted your bay,  
 Entered free and anchored fast at the foot of *Solidor*.

Burn the fleet, and ruin France? That were worse than fifty Hagues!  
 Sirs, they know I speak the truth! Sirs, believe me, there's a way!

Only let me lead the line,  
 Have the biggest ship to steer,  
 Get this *Formidable* clear,  
 Make the others follow mine,  
 And I'll lead them, most and least, by a passage I know well,

Right to *Solidor*, past *Grève*,  
 And there lay them safe and sound;  
 And if one ship misbehave—  
 Keel so much as grate the ground—  
 Why, I've nothing but my life; here's my head!" cries *Hervé Riel*.

Not a minute more to wait.  
 "Steer us in, then, small and great!  
 Take the helm, lead the line, save the squadron!" cried its Chief.  
 Captains, give the sailor place!  
 He is Admiral, in brief.  
 Still the north-wind, by God's grace.  
 See the noble fellow's face  
 As the big ship, with a bound,  
 Clears the entry like a hound,  
 Keeps the passage as its inch of way were the wide sea's profound!<sup>11</sup>  
 See, safe through shoal and rock,  
 How they follow in a flock;—  
 Not a ship that misbehaves, not a keel that grates the ground,  
 Not a spar that comes to grief!  
 The peril, see, is past,—  
 All are harboured to the last;  
 And just as Hervé Riel hollas "Anchor!"—sure as fate,  
 Up the English come—too late!  
  
 So the storm subsides to calm;  
 They see the green trees wave  
 On the heights o'erlooking Grève:  
 Hearts that bled are stanch'd with balm.  
 "Just our rapture to enhance,  
 Let the English rake the bay,  
 Gnash their teeth and glare askance  
 As they cannonade away!  
  
 'Neath rampired Solidor pleasant riding on the Rance!"  
 How hope succeeds despair on each captain's countenance!  
 Outburst all with one accord;  
 "This is Paradise for Hell!  
 Let France—let France's King  
 Thank the man that did the thing!"  
 What a shout, and all one word,—  
 "Hervé Riel!"  
 As he stepped in front once more,  
 Not a symptom of surprise  
 In the frank blue Breton eyes,—  
 Just the same man as before.  
  
 Then said Damfreville, "My friend,  
 I must speak out to the end,  
 Though I find the speaking hard:  
 Praise is deeper than the lips;  
 You have saved the king his ships,  
 You must name your own reward.  
 Faith, our sun was near eclipse!  
 Demand whate'er you will,  
 France remains your debtor still.  
 Ask to heart's content, and have! or my name's not Damfreville."  
  
 Then a beam of fun outbroke  
 On the bearded mouth that spoke,  
 As the honest heart laughed through  
 Those frank eyes of Breton blue:  
 "Since I needs must say my say,  
 Since on board the duty's done,  
 And from Malo Roads to Croisic Point, what is it but a run?—  
 Since 'tis ask and have I may,—  
 Since the others go ashore,—  
 Come! A good whole holiday!  
 Leave to go and see my wife, whom I call the Belle Aurore!"  
 That he asked, and that he got—nothing more!  
 Name and deed alike are lost;  
 Not a pillar nor a post  
 In his Croisic keeps alive the feat as it befell;  
 Not a head in white and black  
 On a single fishing-smack,  
 In memory of the man but for whom had gone to wrack  
 All that France saved from the fight whence England bore the bell.  
 Go to Paris; rank on rank  
 Search the heroes flung pell-mell  
 On the Louvre,<sup>12</sup> face and flank;  
 You shall look long enough ere you come to Hervé Riel.  
 So, for better or for worse,  
 Hervé Riel, accept my verse!  
 In my verse, Hervé Riel, do thou once more  
 Save the squadron, honour France, love thy wife the Belle Aurore!

askance, sideways.  
compete, strive.  
countenance, face.  
debate, discussion.  
disembogues, empties itself.  
eclipse, extinction.  
enhance, increase.  
frightened, terrified.

guidance, steerage.  
malice, spite.  
memory, commemoration.  
misbehave, is mismanaged.  
mockery, derision.  
peril, danger.  
rampired, fortified.

rapture, ecstasy.  
reward, recompense.  
signalled, telegraphed.  
slackest, lowest.  
soundings, depths.  
squadron, division of the  
fleet.

stanchd, stopped bleeding.  
straight, immediately.  
subsides, settles.  
surprise, astonishment.  
symptom, sign.  
ticklish, difficult.  
wrack, destruction.

<sup>1</sup> The Hogue.—La Hogue is a cape on the eastern shore of the peninsula of Cotentin, in Normandy, twenty miles south-east of Cherbourg. It must not be confounded with Cape La Hague, which is twenty-four miles north-west of Cherbourg. The Battle of La Hogue was fought on May 19, 1692. Tourville, the French Admiral, had sailed from Brest for the camp formed near La Hogue by the Irish Jacobites, and was totally defeated by Admiral Russell.

<sup>2</sup> Porpoises.—The porpoise (pronounced *porpus*), or hog-fish, is an animal of the whale species, but much smaller than the whale in size. Its length rarely exceeds six feet. Porpoises frequent estuaries in shoals, in search of food.

<sup>3</sup> A shoal of sharks pursue.—Supply *whom* before these words.

<sup>4</sup> St. Malo, a small sea-port in the north of Bretagne, near the mouth of the river Rance, thirty-six miles south of Jersey.

<sup>5</sup> Damfreville, captain of the *Formidable* (92 guns), the largest ship in the French fleet.

<sup>6</sup> Starboard...port.—The *starboard* side of a ship is that on the right hand of the steersman. The *port* or *larboard* side is that on his left hand.

<sup>7</sup> Breton, a native of Bretagne or Brittany, an old province in the north-west of France; so called after the Britons who settled there in the sixth century, when driven

out of Britain by the Angles and Saxons.

<sup>8</sup> Pressed by Tourville—forced to serve in the fleet. When the fleet could not obtain a sufficient supply of men by voluntary enlistment, merchant seamen were impressed into the service. The detachment of sailors, sent out under an officer for this purpose, was called a *press-gang*. The Count de Tourville (*Toorveel*) was the French Admiral. Born, 1642; died, 1701.

<sup>9</sup> Croisickese (*Croüsikees*), a native of Croisic, a small sea-port of France, near the mouth of the Loire, forty-four miles west of Nantes.

<sup>10</sup> Grève (*Grave*), a village at the mouth of the Rance. The *offing* is the deep water beyond rocks and shoals.

<sup>11</sup> As its inch of way, &c.—The ship keeps its course as securely as if its narrow passage (inch of way) were the broad and deep sea.

<sup>12</sup> The Louvre (*Loovr*), a palace in Paris, appropriated to rich collections of paintings and sculpture, among which are pictures of French victories and portraits of national heroes.

<sup>13</sup> Robert Browning occupies with Alfred Tennyson the front rank of living English poets. He was born at Camberwell (London) in 1812. He possesses great dramatic genius, and a wonderful power of condensed expression.

## ROCK ME TO SLEEP.

BACKWARD, turn backward, O Time, in your flight;  
Make me a child again, just for to-night!  
Mother, come back from the echoless shore?  
Take me again to your heart as of yore,—  
Kiss from my forehead the furrows of care,  
Smooth the few silver threads from out of my hair,  
Over my slumbers your loving watch keep,—  
Rock me to sleep, mother,—rock me to sleep!

Backward, flow backward, O tide of the years!  
I am so weary of toil and of tears,—  
Toil without recompense, tears all in vain,—  
Take them and give me my childhood again!  
I have grown weary of dust and decay,—  
Weary of flinging my soul-wealth away,—  
Weary of sowing for others to reap,—  
Rock me to sleep, mother,—rock me to sleep!

Tired of the hollow, the base, the untrue,  
Mother, O mother, my heart calls for you!  
Many a summer the grass has been green,  
Blossomed and faded—our faces between—  
Yet with strong yearning and passionate pain,  
Long I to-night for your presence again:  
Come from the silence so long and so deep,—  
Rock me to sleep, mother,—rock me to sleep!

Over my heart, in the days that are flown,  
No love like mother-love ever has shone,—  
No other devotion abides and endures,  
Faithful, unselfish, and patient like yours,—  
None like a mother can charm away pain  
From the sick soul and world-weary brain:  
Slumbers soft, calm, o'er my heavy lids creep,—  
Rock me to sleep, mother,—rock to sleep!

Come, let your brown hair, just lighted with gold,  
Fall on your shoulders again as of old,—  
Let it drop over my forehead to-night,  
Shading my faint eyes away from the light!  
For, with its sunny-edged shadows once more,  
Haply will throng all the visions of yore:  
Lovingly, softly, its bright billows sweep,—  
Rock me to sleep, mother,—rock me to sleep!

Mother, dear mother ! the years have been long  
 Since last I 'listened your 'lullaby song :  
 Sing, then, and unto my soul it shall seem  
 Womanhood's years have been only a dream ;  
 Clasped to your heart in a loving embrace,  
 With your light lashes just sweeping my face,  
 Never hereafter to wake or to weep,—  
 Rock me to sleep, mother,—rock me to sleep !

MRS. AKERS.

blossomed, bloomed.  
 endures, lasts.  
 flinging, throwing.

furrows, wrinkles.  
 hollow, empty.  
 listened, hearkened to.

lullaby, soothing.  
 passionate, ardent,  
 patient, submissive.

recompense, reward.  
 unselfish, disinterested.  
 yearning, desire.

### THE LITTLE BOY THAT DIED.

I AM all alone in my 'chamber now,  
 And the midnight hour is near,  
 And the fagot's crack and the clock's dull tick  
 Are the only sounds I hear :  
 And over my soul, in its 'solitude,  
 Sweet feelings of sadness glide ;  
 For my heart and my eyes are full when I think  
 Of the little boy that died.

I went one night to my father's house,—  
 Went home to the dear ones all,—  
 And 'softly I opened the garden gate,  
 And softly the door of the hall :  
 My mother came out to meet her son ;  
 She kissed me, and then she sighed ;  
 And her head fell on my neck, and she wept  
 For the little boy that died.

And when I gazed on his 'innocent face,  
 As still and cold he lay,  
 And thought what a lovely child he had been,  
 And how soon he must 'decay,—  
 " O Death, thou lovest the beautiful ;"  
 In the woe of my spirit I cried ;  
 For 'sparkled the eyes, and the forehead was fair,  
 Of the little boy that died.

Again I will go to my father's house,—  
 Go home to the dear ones all,—  
 And sadly I'll open the garden gate,  
 And sadly the door of the hall :  
 I shall meet my mother, but never-more  
 With her 'darling by her side ;  
 But she'll kiss me, and sigh and weep again  
 For the little boy that died.

I shall miss him when the flowers come  
 In the garden where we played ;  
 I shall miss him more by the fireside,  
 When the flowers have all decayed.  
 I shall see his toys and his 'empty chair,  
 And the horse he used to ride ;  
 And they will speak with a 'silent speech,  
 Of the little boy that died.

I shall see his little sister again  
 With her 'playmates about the door ;  
 And I'll watch the children in their sports  
 As I never did before ;  
 And if in the group I see a child  
 Like him, so laughing eyed,  
 I'll love the face that speaks to me  
 Of the little boy that died.

We shall all go home to our Father's house,—  
 To our Father's house in the skies,  
 Where the hope of our souls shall have no blight,  
 And our love no broken ties ;  
 We shall roam on the banks of the River of Peace,  
 And bathe in its 'blissful tide ;  
 And one of the joys of our heaven shall be—  
 The little boy that died !

J. D. ROBINSON.

beautiful, lovely.  
 blissful, joyful.  
 chamber, room.

darling, favourite.  
 decay, waste away.  
 empty, unoccupied.

innocent, guileless.  
 playmates, companions.  
 silent, soundless.

softly, gently.  
 solitude, loneliness.  
 sparkled, gleamed.

## DICTATION EXERCISES.

### ON SYNONYMS AND ANTONYMS.

The plan adopted in the following Exercises is, to select a word representing a familiar idea, with its opposite; to place a few synonyms under each; and to follow these by short sentences, showing the proper use of each word. These sentences are to be used as Dictation Exercises.

Synonyms are words of similar meaning; as *joy, gladness; sorrow, grief.*

Antonyms are words of opposite meaning; as *joy, sorrow; gladness, grief.*

<i>begin.</i> commence. initiate. inaugurate.	<i>end.</i> conclude. perfect. consummate.
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EXERCISE.—A river *begins* at its source. The year *begins* on the first of January, and *ends* on the last of December. An army *commences* operations in spring, and *concludes* them in autumn. We *initiate* a student in a certain study, but he must *perfect* himself. A great movement, such as the abolition of slavery, is *inaugurated* and *consummated*. A dignitary is *inaugurated* when he is inducted into office. Proceedings *commence* and *conclude*. A struggle *begins* and *ends*.

<i>later.</i> latter. this.	<i>earlier.</i> former. that.
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EXERCISE.—A *later* train; a *later* edition. An *earlier* delivery. The *latter* of two trains, or editions. His *former* situation. The difference between education and instruction is, that the *former* trains the mind; the *latter* fills it with information—that draws out and stimulates its powers; *this* stores and often clogs it.

<i>accomplish.</i> execute. achieve. perform. promote.	<i>fail.</i> defeat. frustrate. mar. baffle.
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EXERCISE.—We either *accomplish* an object, or we *fail* in it. A general has to *execute* his own projects, as well as to *defeat* those of the enemy. Great designs are often *frustrated*; seldom *achieved*. It is often easier to *mar* other folk's work than to *perform* our own. A scheme is *promoted* by its friends; *baffled* by its enemies. A schemer is *baffled*, as well as his design. It is easier to promise than to *perform*.

<i>prosecute.</i> remain. support. protect. vindicate. retain.	<i>abandon.</i> leave. forsake. desert. renounce. relinquish.
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EXERCISE.—We *abandon* studies which it is not profitable to *prosecute*. A man *leaves* the party in which he does not wish to *remain*. Friends are *forsaken* and *deserted* by those who ought to *support* and *protect* them. We should *renounce* opinions which we cannot *vindicate*. We *relinquish* an office when we cannot *retain* it. A son often *deserts* the cause which his father *supported*. We *relinquish* purposes. We *abandon* principles. We *leave* the country.

<i>constant.</i> continual. continuous. perpetual. uniform.	<i>irregular.</i> interrupted. broken. limited. variable.
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EXERCISE.—A *constant* friend is one who never fails us. A *constant* demand, is one that never declines. An *irregular* demand rises and falls. A *continual* struggle, is one that has never been interrupted. A *continuous* line of railway, is one which is *broken* at no point. *Perpetual* banishment, is that to which there is no end. That which has an end is *limited*. A *uniform* standard; a *variable* standard. *Uniform* courtesy; *variable* winds.

<i>beautiful.</i> lovely. elegant. graceful. picturesque. sublime. grand.	<i>ugly.</i> plain-looking. deformed. awkward. tame. ridiculous. paltry.
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EXERCISE.—A *beautiful* face. An *ugly* man. A *lovely* child. A *plain-looking* girl. An *ugly* trick. An *elegant* form. A *deformed* limb. A *graceful* movement. An *awkward* movement. A *graceful* action. A *graceful* compliment. An *awkward* mistake. *Picturesque* scenery is the reverse of *tame*. A *sublime* thought. A *ridiculous* fancy. A *ridiculous* blunder. A *grand* scheme. A *paltry* contrivance.

<i>praise.</i> commend. approve. exonerate. encourage.	<i>blame.</i> censure. reprove. rebuke. chide.
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EXERCISE.—A master *blames* or he *praises* his servant. A critic *censures* or *commends* a book or a course of action. *Reproof* and *rebuke* are stronger than simple *blame*; they are *blame* expressed in words addressed to the object of it. To *exonerate*, is to relieve from a burden of blame. We *exonerate* one from a charge. A parent lovingly *chides* his child when he does wrong, and *encourages* him when he is doing right.

<i>timid.</i> fearful. spiritless. cowardly. craven.	<i>bold.</i> fearless. courageous. brave. chivalrous.
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EXERCISE.—A *bold* man. A *bold* step. A *bold* adventure. A *timid* girl. *Timid* policy. A *fearless* foe. A *fearful* calamity, is one that excites fear. A *courageous* spirit. *Spiritless* conduct. A *brave* soldier. A *cowardly* act. A *chivalrous* enterprise. A *chivalrous* spirit. A *craven* spirit. *Craven* fears.

*coarse.*rough.  
rude.*refined.*gentle.  
polished.

EXERCISE.—*Coarse* language is the sign of a vulgar mind. *Refined* taste accompanies delicacy of feeling. Manners are *rough* or *gentle*. A *rough* sailor; a *gentle* nurse. A *rough* storm; a *gentle* breeze. *Rude* language is a sign of ignorance; *polished* language, of education. A *rude* shock. *Rude* behaviour; *polished* manners. A *polished* style of writing.

*accurate.*careful.  
exact.  
faithful.  
precise.*inaccurate.*careless.  
incorrect.  
faulty.  
defective.

EXERCISE.—An *accurate* history is the work of a *careful* historian. A *careless* observer makes *inaccurate* statements. There may be an *exact* copy of an *incorrect* drawing. A narrative may be *precise* as far as it goes, and yet may be *defective* in some particulars. A *faithful* portrait may yet be a *faulty* picture. A *faithful* friend. A *careful* student. A *defective* education.

*reject.*refuse.  
repudiate.  
disclaim.  
deny.*admit.*grant.  
acknowledge.  
avow.  
confess.

EXERCISE.—We often *admit* facts while we *reject* the inferences drawn from them. A man may *confess* that he has been careless, but *deny* that he has been fraudulent. He may *acknowledge* the charge of neglect, but *repudiate* the charge of fraud. A prisoner has often *avowed* his guilt after *disclaiming* all knowledge of the crime. We *repudiate* friends whom we do not wish to *acknowledge*. We *confess* our faults. We *refuse* requests which we cannot *grant*. Permission is *refused*, or it is *granted*.

*benefit.*advantage.  
profit.  
favour.  
service.*injury.*disadvantage.  
loss.  
hindrance.  
disservice.

EXERCISE.—*Benefits* and *injuries* are properly acts. *Advantage* and *disadvantage* are properly states of superiority and inferiority respectively. We confer *benefits*. We do *injuries*. We enjoy *advantages*. We lie under *disadvantages*. We have or gain *profit*. We suffer *loss*. *Favours* come from superiors; *services* from inferiors or from equals. *Hindrance* prevents us from acting; *disservice* acts so as to do us harm.

*deny.*dispute.  
contradict.  
oppose.*affirm.*assert.  
declare.  
maintain.

EXERCISE.—We *affirm* or *deny* statements. We *assert* or *dispute* rights and claims. We *declare* intentions and convictions. We *contradict* what we do not believe. We *maintain* a cause, and we *oppose* an enemy. Men are prone both to *affirm* and

to *deny* without sufficient knowledge. He *asserted* his rights with calmness, and *maintained* them with courage. His claim was *disputed* by his cousin, who *opposed* him with all his might. Witnesses, in giving evidence, often *contradict* one another, sometimes even themselves.

*common.*ordinary.  
vulgar.  
mean.*rare.*remarkable.  
polite.  
noble.

EXERCISE.—*Common* things are cheap; *rare* things are dear. A man of *common* education. A man of *rare* ability. An *ordinary* occurrence. A *remarkable* genius. A *remarkable* result. The manners of an uneducated man are *vulgar*; those of one who has mixed in good society are *polite*. A *mean* action. A *mean* spirit, A *mean* advantage. A *mean* trick. A *mean* fellow, A *noble* action. *Noble* conduct. A *noble* institution.

*increase.*enlarge.  
magnify.  
aggravate.  
augment.*abate.*lessen.  
diminish.  
mitigate.  
reduce.

EXERCISE.—A storm *abates* or *increases*. Our interest in a subject *abates* or *increases*. Hope *lessens*. Projects are *enlarged*. Strength is often *diminished* in reality when it is *magnified* by report. When an offence is *aggravated* by previous misconduct, punishment is not likely to be *mitigated*. A man's income may be *reduced* or *augmented*. Friendship *magnifies* a man's merits and *lessens* his faults.

*authentic.*genuine.  
true.  
real.*fictitious.*spurious.  
false.  
counterfeit.

EXERCISE.—An *authentic* history, is one whose statements may be accepted as facts. A *genuine* work, is one which is really the production of the author whose name it bears. A work which is not *genuine* as to its authorship, is *spurious*; a work which is not *authentic* as to its facts, is unreliable or *fictitious*. A *true* or a *false* statement. A *true* friend. A *false* impression. *Real* diamonds. *Counterfeit* gems.

*neglect.*omission.  
disregard.  
contempt.*attention.*observance.  
regard.  
esteem.

EXERCISE.—*Neglect* of duty is a serious fault, deserving punishment; *neglect* of parents or friends dependent on us is culpable in the highest degree. An *omission* may be the result of accident, and is a less serious offence. *Attention* implies more effort of will than simple *observance*. Culpable *neglect*. A slight *omission*. Close *attention* to duty. Regular *observance* of the laws. We have *regard* for friends; we *disregard* advice. We *esteem* honour, and feel *contempt* for meanness. *Regard* for the truth. Sabbath *observance*. *Contempt* of court.

## PARAPHRASING.

A PARAPHRASE expresses the meaning of a passage of prose or of poetry in different language. The change made is one of form or expression only, not of substance or of thought. A paraphrase resembles a free translation; a translation, that is, which does not follow the original, word by word, but gives its pith or spirit in a new and independent form.

The order of the ideas in the original should be retained, as well as their relative importance; that is to say, those thoughts to which most prominence is given in the original must be most prominent also in

the paraphrase: but it is not necessary to retain every detail, even in an altered form. The following are examples of the changes usually made in paraphrasing short passages:—

1. Change of expression; as,—

“The power of Fortune is confessed only by the miserable; for the happy impute all their success to prudence and merit.”

*Changed:*

The *influence* of Fortune is *admitted* only by the *unfortunate*; for the *prosperous* ascribe all their success to *forethought* and merit.

2. Change of order; as,—

“In all speculations on men and on human affairs, it is of no small moment to distinguish things of accident from permanent causes.”

*Changed:*

To distinguish things of accident from permanent causes, is of no small moment in all speculations on men and on human affairs.

3. Change of construction; as,—

“What passion cannot music raise and quell?”

*Changed:*

There is no passion which music cannot raise and quell.

*Or,*

Every passion can be raised and quelled by music.

4. Change of figures into plain language; as,—

(1.) “And now the rising morn with rosy light  
Adorns the skies, and puts the stars to flight.”

*Changed:*

And now day breaks.

*Or,*

And now morning begins to dawn.

(2.) “Now came still evening on, and twilight gray  
Had in her sober livery all things clad.”

*Changed:*

Evening stole over the landscape, and all nature was covered with the gray shades of twilight.

5. Change of words peculiar to poetry; as,—

“My sire Anchises.”

*Changed:*

My *father* Anchises.

6. Putting a general word for particulars; as,—

“Helm, axe, and falchion glittered bright.”

*Changed:*

Arms and armour gleamed brightly.

7. Change of figure; as,—

“The evil that men do lives after them;  
The good is often interred with their bones.”

*Changed:*

Men’s evil deeds are recorded on brass; their good ones are often written in water.

8. Omission of unnecessary remarks and ornaments of style; as,—

“Wide o’er the sky the splendour glows,  
As that portentous meteor rose;  
Helm, axe, and falchion glittered bright,  
And in the red and dusky light  
His comrade’s face each warrior saw,  
Nor marvelled it was pale with awe.  
Then high in air the beams were lost,  
And darkness sank upon the coast.”

*Paraphrased:*

As the meteor rose higher and higher, and its brightness increased, the faces of the warriors turned pale from fear. At last, when high up in the heavens, it disappeared, and all was dark.

It is necessary that the pupil should make himself completely master of the passage to be paraphrased. Any vague or erroneous conception formed in his mind will inevitably be reproduced in the paraphrase. One of the chief ends of paraphrase is to ascertain whether the pupil has understood the passage. If he has fairly grasped the author’s meaning, he will have comparatively little difficulty in expressing it in words of his own.

\* \* \* The best way to write a paraphrase of a passage, either of prose or of poetry, is first to frame a series of questions on its subject-matter. These questions will bring out clearly the salient points in the passage; and the answers to them—put in the form of complete sentences, and linked together by whatever connecting phrases may be required—will form a complete and lucid paraphrase, having the freedom and freshness of an original composition.

The questions appended to the following passages for paraphrasing are intended to be used in this way. In the case of the first of them, the answers to the questions forming the paraphrase are also given. For condensed paraphrase of prose narrative, any of the lessons in the book may be selected, as is illustrated at p. 294.



PASSAGES FOR PARAPHRASING.

THE LAST DAYS OF GEORGE III.

“He was not only sightless, he also became utterly deaf. All light, all reason, all sound of human voices, all the pleasures of this world, were taken from him. Some slight lucid moments he had, in one of which the queen, desiring to see him, entered the room, and found him singing a hymn, and accompanying himself at the harpsichord. When he had finished, he knelt down and prayed aloud for her, then for his family, and then for the nation; concluding with a prayer for himself, that it might please God to avert his heavy calamity from him; but, if not, to give him resignation to submit. He then burst into tears, and his reason again fled.”

THACKERAY.

QUESTIONS.

- |  |   |
|--|---|
| <p>1. By what physical infirmities was the insanity of George III. accompanied?</p> <p>2. From what sources of pleasure was he cut off?</p> <p>3. Did his intelligence ever return?</p> <p>4. Who, on one of these occasions, went into his room?</p> <p>5. What was he doing as she entered?</p> <p>6. That over, what did he do?</p> <p>7. For whom did he pray?</p> <p>8. What did he ask for himself?</p> <p>9. What followed?</p> | <p>1. During his insanity, George III. became both blind and deaf.</p> <p>2. From all the sweetest enjoyments of life he was hopelessly cut off;—from the pleasant sunshine without, as from the light of reason within; from the sounds of nature, as from the cheering voices of his friends.</p> <p>3. Sometimes, for a brief interval, his intelligence returned.</p> <p>4. On one of these occasions his queen went into his room to see him?</p> <p>5. As she entered he was playing on the harpsichord and singing a hymn.</p> <p>6. 7. That done, he knelt down and prayed, for his queen, for his family, for his people, and lastly for himself.</p> <p>8. He asked that, if it pleased God, his great affliction might be removed; but, if that could not be, that he might have submission and patience.</p> <p>9. Then came a flood of tears, and his brief lucid interval was over.</p> |
|--|---|

A TRUE MAN.

“The man whom I call worthy of the name, is one whose thoughts and exertions are for others rather than for himself; whose high purpose is adopted on just principles, and is never abandoned while heaven or earth affords means of accomplishing it. He is one who will neither seek an indirect advantage by a specious road, nor take an evil path to secure a really good purpose.”

SCOTT.

QUESTIONS.—Who alone is worthy to be called a man? On what is such an one's lofty aim based? How long is it pursued? What means of securing indirect benefits will he avoid? What, in his estimation, will a good end not justify?

THE FISHERMAN.

“A perilous life, and sad as life may be,  
 Hath the lone fisher, on the lonely sea;  
 O'er the wild waters labouring far from home,  
 For some bleak pittance e'er compelled to roam:  
 Few hearts to cheer him through his dangerous life,  
 And none to aid him in the stormy strife:  
 Companion of the sea and silent air,  
 The lonely fisher thus must ever fare:  
 Without the comfort, hope,—with scarce a friend,  
 He looks through life, and only sees its end!

BARRY CORNWALL.

QUESTIONS.—What kind of life does the fisher lead? Where does he labour? For what is he forced to go so far from home? What are there few hearts to do to him? Where are there none to give him help? What are his sole companions? Of what comfort is the solitary fisher destitute? What is the only thing in life of which he is certain?

THE STREAM OF LIFE.

“Life bears us on like the stream of a mighty river. Our boat at first glides down the narrow channel, through the playful murmuring of the little brook, and the winding of its grassy border. The trees shed their blossoms over our young heads? the flowers on the brink seem to offer themselves to our young hands; we are happy in hope, and we grasp eagerly at the beauties around us: but the stream hurries on, and still our hands are empty.

“Our course in youth and manhood is along a wider and deeper flood, amid objects more striking and magnificent. We are animated by the moving picture of enjoyment and industry passing before us; we are excited by some short-lived disappointment.

“The stream bears us on, and our joys and our griefs are alike left behind us. We may be shipwrecked, but we cannot be delayed. Whether rough or smooth, the river hastens towards its home, till the roar of the ocean is in our ears, and the tossing of its waves is beneath our feet, and the land lessens from our eyes, and the floods are lifted up around us, and we take our leave of earth and its inhabitants. Of our further voyage there is no witness, save the Infinite and the Eternal.”

BISHOP HEBER.

QUESTIONS.—To what may the progress of life be compared? What is its aspect in youth? By what beauties are we surrounded? What do we strive eagerly to do? With what success?—What is the character of the flood in youth and manhood? By what are we stimulated? by what ruffled?—What do we leave behind us, as the stream bears us on? What can we not be, even though shipwrecked? As the river nears its home, what is in our ears? what is beneath our feet? Of what do we lose sight? What surround us? Of what do we take leave? Who is sole witness of our further progress?

## NELSON'S ROYAL READER, No. 6.

## THE TRIAL BY COMBAT.

## PART I.

REBECCA the Jewess, when condemned to death for sorcery by the Grand Master of the Order of Knights Templars,<sup>1</sup> challenged the privilege of "Trial by Combat," in proof of innocence. Her challenge was accepted, and Sir Brian, a valiant Templar, was named the champion of the holy Order.

Rebecca had difficulty in finding a messenger who would undertake to carry a letter to her father, Isaac of York; at last Higg, the son of Snell, a poor cripple whom she had befriended, volunteered his services.

"I am but a maimed man," he said, "but that I can at all stir is owing to her charitable aid.—I will do thine errand," he added, turning to Rebecca, "as well as a crippled object can.—Alas! when I boasted of thy charity, I little thought that I was leading thee into danger."

"God," said Rebecca, "is the Disposer of all. He can turn back the captivity of Judah even by the weakest instrument. Seek out Isaac of York—here is that will pay for horse and man—let him have this scroll. Farewell!—Life and death are in thy haste."

Within a quarter mile from the gate of the Preceptory<sup>2</sup> the peasant met two riders, whom, by their dress and yellow caps, he knew to be Jews; and, on approaching more nearly, he discovered that one of them was his ancient employer, Isaac of York. The other was the Rabbi Ben Samuel; and both had approached as near to the Preceptory as they dared, on hearing that the Grand Master had summoned a chapter, or meeting of the Order, for the trial of a sorceress.

"How now, brother?" said Ben Samuel, interrupting his harangue to look towards Isaac, who had but glanced at the scroll which Higg offered, when uttering a deep groan, he fell from his mule like a dying man, and lay for a minute insensible.

The Rabbi now dismounted in great alarm, and hastily applied the remedies which his art suggested for the recovery of his companion. He had even taken from his pocket a cupping apparatus,<sup>3</sup> and was about to use it, when the object of his solicitude suddenly revived; but it was to dash his cap from his head, and to throw dust on his gray hairs. The physician was at first inclined to ascribe this sudden and violent emotion to the effects of insanity; and, adhering to his original purpose, began once again to handle his implements. But Isaac soon convinced him of his error.

"Child of my sorrow," he said, "well shouldst thou be called Benoni, instead of Rebecca! Why should thy death bring down my gray hairs to the grave?"

"Brother," said the Rabbi, in great surprise, "I trust that the child of thy house yet liveth?"

"She liveth," answered Isaac, but she is captive unto those men of Belial,<sup>4</sup> and they will wreak their cruelty upon her, sparing her neither for her youth nor her comely favour. Oh, she was as a crown of green palms to my gray locks; and she must wither in a night, like the gourd of Jonah!<sup>5</sup> Child of my love! child of my old age!—O Rebecca, daughter of Rachel, the darkness of the shadow of death hath encompassed thee."

"Yet read the scroll," said the Rabbi; "peradventure it may be that we may yet find out a way of deliverance."

"Do thou read, brother," answered Isaac, "for mine eyes are as fountains of water."

The physician read, but in their native language, the following words:—

"To ISAAC, the son of Adonikam, whom the Gentiles call ISAAC OF YORK, peace and the blessing of the promise be multiplied unto thee.

"My father, I am as one doomed to die for that which my soul knoweth not—even for the crime of witchcraft. My father, if a strong man can be found to do battle for my cause with sword and spear, according to the custom of the Nazarenes,<sup>6</sup> and that within the lists of Templestowe, on the third day from this time, peradventure our fathers' God will give him strength to defend the innocent, and her who hath none to help her. But if this may not be, let the virgins of our people mourn for me as for one cast off, and for the hart that is stricken by the hunter, and for the flower which is cut down by the scythe of the mower. Wherefore, look now what thou doest, and whether there be any rescue.

"One Nazarene warrior might, indeed, bear arms in my behalf, even Wilfred, son of Cedric, whom the Gentiles call Ivanhoe. But he may not yet endure the weight of his armour. Nevertheless, send the tidings unto him, my father; for he hath favour among the strong men of his people, and as he was our companion in the house of bondage, he may find some one to do battle for my sake. And say unto him, even unto him, even unto Wilfred, the son of Cedric, that if Rebecca live, or if Rebecca die, she liveth or dieth wholly free of the guilt she is charged withal.

"And if it be the will of God that thou shalt be deprived of thy daughter, do not thou tarry, old man, in this land of bloodshed and cruelty; but betake thyself to Cordova,<sup>7</sup> where thy brother liveth in safety, under the shadow of the throne, even of the throne of Boabdil the Saracen: for less cruel are the cruelties of the Moors unto the race of Jacob than the cruelties of the Nazarenes of England."

Isaac listened with tolerable composure while Ben Samuel read the letter, and then again resumed the gestures and exclamations of Oriental sorrow, tearing his garments, besprinkling his head with dust, and ejaculating, "My daughter! my daughter!"

"Yet," said the Rabbi, "take courage, for this grief availeth nothing. Seek out this Wilfred, the son of Cedric. It may be he will help thee with counsel or with strength; for the youth hath favour in the eyes of Richard, called of the Nazarenes the Lion-Heart, and the tidings that he hath returned are constant in the land. It may be that he may obtain his letter, and his signet, commanding these men of blood, who

take their name from the Temple, to the dishonour thereof, that they proceed not in their purposed wickedness."

"I will seek him out," said Isaac; "for he is a good youth, and hath compassion for the exile of Jacob. But he cannot bear his armour, and what other Christian shall do battle for the oppressed of Zion."

SIR W. SCOTT.

availeth, profiteth.  
bondage, slavery.  
challenged, claimed.  
companion, associate.  
compassion, pity.  
cruelties, atrocities.  
deliverance, release.

deprived, bereft.  
discovered, found.  
dishonour, shame.  
ejaculating, exclaiming.  
employer, master.  
encompassed, surrounded.  
gestures, actions.

harangue, speech.  
implements, apparatus.  
insanity, delirium.  
insensible, unconscions.  
multiplied, increased.  
peradventure, perchance.  
physician, healer.

privilege, right.  
remedies, restoratives.  
solicitude, anxiety.  
sorcery, witchcraft.  
summoned, called.  
volunteered, offered freely.

<sup>1</sup>Knights Templars, an order of knighthood established for the protection of pilgrims to Jerusalem, 1118 A.D. They took their name from the Temple.

<sup>2</sup>Preceptory.—Heads of the several colleges of the Order, over whom the Grand Master was supreme, were called Preceptors, and the place where they met was called the Preceptory.

<sup>3</sup>Cupping apparatus, a *cup*-shaped vessel of glass used for blood-letting. The surgeon draws blood with it by exhausting the air in the cup.

<sup>4</sup>Men of Belial.—In the Bible wicked and profligate men

are called "children of Belial." (See *Judges*, xx. 13.) *Belial* signifies "worthlessness."

<sup>5</sup>Gourd of Jonah.—The gourd which sheltered the prophet Jonah at Nineveh withered in a night. (See *Jonah*, iv. 6-10.)

<sup>6</sup>Nazarenes, Christians; so called by the Jews because they were followers of Jesus of Nazareth.

<sup>7</sup>Cordova, an ancient Moorish town on the Guadalquivir, in Andalusia in Spain, famous for its leather, hence called *cordovan* and *cordwain*. A *cordwainer* is a worker in cordovan—a shoemaker.

QUESTIONS.—What privilege did Rebecca claim when she had been condemned? Who was named the champion of the Temple? Who at last volunteered to carry her letter? Where did he meet Isaac? What effect had the perusal of Rebecca's letter upon the latter? Who accompanied him? Whose help did Rebecca ask him to obtain?

## THE TRIAL BY COMBAT.

### PART II.

OUR scene now returns to the exterior of the Castle, or Preceptory, of Templestowe, about the hour when the bloody die was to be cast for the life or death of Rebecca. A throne was erected for the Grand Master at the east end of the tilt-yard, surrounded with seats of distinction for the Preceptors and Knights of the Order.

At the opposite end of the lists was a pile of fagots, so arranged around a stake, deeply fixed in the ground, as to leave a space for the victim whom they were destined to consume, to enter within the fatal circle in order to be chained to the stake by the fetters which hung ready for the purpose.

The unfortunate Rebecca was conducted to a black chair placed near the pile. On her first glance at the terrible spot where preparations were making for a death alike dismaying to the mind and painful to the body, she was observed to shudder and shut her eyes—praying internally, doubtless, for her lips moved though no speech was heard. In the space of a minute she opened her eyes, looked fixedly on the pile, as if to familiarize her mind with the object, and then slowly and naturally turned away her head.

It was the general belief that no one could or would appear for a Jewess accused of sorcery; and the knights whispered to each other that it was time to declare the pledge of Rebecca forfeited. At that instant a knight, urging his horse to speed, appeared on the plain advancing towards the lists. A hundred voices exclaimed, "A champion! a champion!" And despite the prejudices of the multitude, they shouted unanimously as the knight rode into the tilt-yard.

The second glance, however, served to destroy the hope that his timely arrival had excited. His horse, urged for many miles to its utmost speed, appeared to reel from fatigue; and the rider, however undauntedly he presented himself in the lists, either from weakness, from weariness, or from both combined, seemed scarce able to support himself in the saddle.

To the summons of the herald, who demanded his rank, his name and purpose, the stranger knight answered readily and boldly, "I am a good knight and noble, come hither to uphold with lance and sword the just and lawful quarrel of this damsel, Rebecca, daughter of Isaac of York; to maintain the doom pronounced against her to be false and truthless, and to defy Sir Bryan the Templar as a traitor, murderer, and liar; as I will prove in this field with my body against his, by the aid of God, and of Saint George,<sup>1</sup> the good knight."

"The stranger must first show," said a Templar, "that he is a good knight, and of honourable lineage. The Temple sendeth not forth her champions against nameless men."

"My name," said the knight, raising his helmet, "is better known, my lineage more pure, than thine own. I am Wilfred of Ivanhoe."

"I will not fight with thee at present," said the Templar, in a changed and hollow voice. "Get thy wounds healed, purvey thee a better horse, and it may be I will hold it worth my while to scourge out of thee this boyish spirit of bravado."

"Ha! proud Templar," said Ivanhoe, "hast thou forgotten that twice thou didst fall before this lance? Remember the lists at Acre—remember the passage of arms at Ashby—remember thy proud vaunt in the halls of Rotherwood, and the gage of your gold chain against my reliquary,<sup>2</sup> that thou wouldst do battle with Wilfred of Ivanhoe, and recover the honour thou hadst lost! By that reliquary, and the holy relic it contains, I will proclaim thee, Templar, a coward in every Court in Europe—unless thou do battle without further delay."

Sir Brian turned his countenance irresolutely towards Rebecca, and then exclaimed, looking fiercely at Ivanhoe, "Dog of a Saxon! take thy lance, and prepare for the death thou hast drawn upon thee!"

"Does the Grand Master allow me the combat?" said Ivanhoe.

"I may not deny what thou hast challenged," said the Grand Master, "provided the maiden accept thee as her champion. Yet I would thou wert in better plight to do battle. An enemy of our Order hast thou ever been, yet would I have thee honourably met withal."

"Thus—thus as I am, and not otherwise," said Ivanhoe; "it is the judgment of God—to his keeping I commend myself.—Rebecca," said he, riding up to the fatal chair, "dost thou accept of me for thy champion?"

"I do," she said, "I do,"—fluttered by an emotion which the fear of death has been unable produce—"I do accept thee as the champion whom Heaven has sent me. Yet, no—no; thy wounds are uncured. Meet not that proud man—why shouldst thou perish also?"

But Ivanhoe was already at his post; he had closed his visor<sup>3</sup> and assumed his lance. Sir Brian did the same; and his esquire remarked, as he clasped his visor, that his face—which had, notwithstanding the variety of emotions by which he had been agitated, continued during the whole morning of an ashy paleness—had now become suddenly very much flushed.

The Grand Master, who held in his hand the gage of battle, Rebecca's glove, now threw it into the lists. The trumpets sounded, and the knights charged each other in full career. The weary horse of Ivanhoe, and its no less exhausted rider, went down, as all had expected, before the well-aimed lance and vigorous steed of the Templar. This issue of the combat all had foreseen; but although the spear of Ivanhoe, in comparison, did but touch the shield of Sir Brian, that champion, to the astonishment of all who beheld it, reeled in his saddle, lost his stirrup, and fell in the lists!

Ivanhoe, extricating himself from his fallen horse, was soon on foot, hastening to mend his fortune with his sword; but his antagonist arose not. Wilfred, placing his foot on his breast, and the sword's point to his throat, commanded him to yield him, or die on the spot: The Templar returned no answer.

"Slay him not, Sir Knight," cried the Grand Master, "unshriven and unabsolved—kill not body and soul! We acknowledge him vanquished."

He descended into the lists, and commanded them to unhelm the conquered champion. His eyes were closed—the dark red flow was still on his brow. As they looked on him in astonishment, the eyes opened—but they were fixed and glazed. The flush passed from his brow, and gave way to the pallid hue of death. Unscattered by the lance of his enemy, he had died a victim to the violence of his own contending passions.

"This is indeed the judgment of God," said the Grand Master, looking upwards—"Fiat voluntas tua!"<sup>4</sup>

When the first moments of surprise were over, Wilfred of Ivanhoe demanded of the Grand Master, as judge of the field, if he had manfully and rightfully done his duty in the combat?

"Manfully and rightfully hath it been done," said the Grand Master; "I pronounce the maiden free and guiltless. The arms and the body of the deceased knight are at the will of the victor."

"I will not despoil him of his weapons," said the knight of Ivanhoe, "nor condemn his corpse to shame. God's arm, no human hand, hath this day struck him down. But let his obsequies be private, as becomes those of a man who died in an unjust quarrel.—And for the maiden—"

He was interrupted by the clatter of horses' feet, advancing in such numbers, and so rapidly, as to shake the ground before them; and the Black Knight galloped into the lists. He was followed by a numerous band of men-at-arms, and several knights in complete armour.

"I am too late," he said looking around him. "I had doomed Sir Brian for mine own property.—Ivanhoe, was this well, to take on thee such a venture, and thou scarce able to keep thy saddle?"

"Heaven, my liege," answered Ivanhoe, "hath taken this proud man for his victim. He was not to be honoured in dying as your will had designed.

"Peace be with him," said Richard,<sup>5</sup> looking steadfastly on the corpse, "if it may be so—he was a gallant knight, and has died in his steel harness full knightly."

During the tumult Rebecca saw and heard nothing: she was locked in the arms of her aged father, giddy, and almost senseless, with the rapid change of circumstances around her. But one word from Isaac at length recalled her scattered feelings.

"Let us go," he said, "my dear daughter, my recovered treasure—let us go to throw ourselves at the feet of the good youth."

"No so," said Rebecca; "oh no—no—no;—I must not at this moment dare to speak to him. Alas! I should say more than—No, my father; let us instantly leave this evil place."

Isaac, yielding to her entreaties, then conducted her from the lists, and by means of a horse which he had provided, transported her safely to the house of the Rabbi Nathan.

SIR WALTER SCOTT. (b)

antagonist, opponent.  
astonishment, surprise.  
bravado, boastfulness.  
champion, defender.  
commend, intrust.  
consume, destroy.  
demanded, asked.  
designed, intended.  
destined, appointed.  
dismaying, appalling.

distinction, honour.  
entreaties, solicitations.  
exhausted, wearied.  
extricating, disengaging.  
familiarize, accustom.  
fluttered, agitated.  
forfeited, sacrificed.  
honourably, worthily.  
internally, mentally.  
interrupted, checked.

irresolutely, unsteadily.  
lineage, descent.  
notwithstanding, in spite of.  
obsequies, funeral rites.  
prejudices, predilections.  
proclaim, denounce.  
pronounced, proclaimed.  
purvey, provide.  
transported, conveyed.  
unabsolved, unpardoned.

unanimously, with one accord.  
undauntedly, valiantly.  
unfortunate, luckless.  
unscathed, uninjured.  
unshriven, not confessed.  
vanquished, defeated.  
venture, hazard.  
vigorous, powerful.

<sup>1</sup> Saint George, the patron saint of English chivalry, represented in the Order of the Garter. The badge of the Order represents St. George performing the feat of killing the dragon.]

<sup>2</sup> Reliquary, a casket for holding *relics*, or memorials of saints. [Lat. *reliquia*; from *relinquo*, I leave behind.]

<sup>3</sup> Visor, the front part of a helmet, made of bars, or perforated, to enable the wearer to see. [Lat. *visus*, seen.]

<sup>4</sup> Fiat voluntas tua, "Thy will be done,"—part of the Latin version of the Lord's Prayer.

<sup>5</sup> Richard.—The Black Knight was King Richard of the Lion Heart himself.

QUESTIONS.—Where was the combat to take place? Where was the Grand Master's position? What was at the opposite end of the lists? What was the general belief? Who at last appeared? Why did the Templar at first decline to fight with him? What fear did Rebecca express? What was the result of the encounter of the knights? What befell the Templar immediately afterwards? What had killed him? What verdict did the Grand Master now give regarding Rebecca? Who presently arrived on the scene? Why was the Black Knight disappointed? Who was the Black Knight? Who had embraced Rebecca? What did he ask her to do? What did she reply?

## DAMASCUS AND LONDON.

## PART I.

DAMASCUS is one of the greatest and most truly 'oriental cities in the world; let us, therefore, for our amusement and instruction, *compare it in its general external features with London*. In this way we may, perhaps, be able to get a clear idea of an oriental city.

From the dome of St. Paul's you behold London lying around, like a wide, waving, endless sea of slates, tiles, houses, churches, spires and monuments of all kinds. The eye is relieved with the heights and the hollows, the great and the little, the lowly lanes and the heaven-pointing spires.

In Damascus the scene is very different: there is much less variety; no spires but multitudes of domes upon the mosques,<sup>1</sup> and baths surmounted by little minarets.<sup>2</sup> The houses are all flat-roofed, and the hue of the whole is a dim ash colour. A stillness like that of the dead reigns over the whole scene; and the city, surrounded with its celebrated evergreen gardens, suggests the idea of a ship sailing away through an ocean of verdure. Dun walls, flat roofs, domes and minarets, the stillness of death, and the verdure of paradise, make up the elements of this most charming oriental scene. Tradition tells that Moham'med (c) refused to enter the city, saying—"As there is only one paradise allotted to man, I shall reserve mine for the future world."

London and most large western cities are very often surmounted by clouds of smoke, owing to the coldness of the climate and the great consumption of coal. The sky over Damascus appears as bright and serene as elsewhere. For the greater part of the year the climate renders little or no fire necessary; and the little that is used is not from coal, but from wood or charcoal. The rooms have neither chimneys nor fire-places, and, except for the preparation of the supper, fire is rarely required during the course of the day. Hence the oriental city is not encircled with a graceful wreath of smoke, to remind you either of an ungenial clime or of the progress of mechanical genius.

But approach the city. All seems very still and quiet. Is it an enchanted capital, whose inhabitants have been turned into stone or brass? No; but the streets are not paved; there are no wheel-carriages of any kind; the shoes, more like foot-gloves than shoes, have no nails; no cotton-mills lift up their voice in the streets;—all those noisy triumphs of mechanical genius, in the way of forging, spinning, weaving, beetling, which are so frequent among us, are unknown in Damascus. The Easterns hold on their old course steadily, and yield to no seductions of novelty: the water-pump was invented in Alexandria, but the Alexandrians still prefer the ancient well and bucket.

But if the ear is not saluted with the roar and turbulence of mills, forges, and mechanical operations, Damascus has its own peculiar sounds, not less various and interesting in their way. The streets are filled with innumerable dogs, lean, lazy, and hungry-like; mules, donkeys, camels, dromedaries, meet and mingle in those narrow streets, and impress both the eye and the ear of the traveller with a pure and perfect idea of Orientalism.

British cities spread out, as it were indefinitely, into the country, in the way of parks, gardens, summer-houses, gentlemen's seats, and smiling villages. It is not so in the East. The city is within the walls, and all without is garden as at Damascus, or desert as at Jerusalem. Single houses are, in any country, the proof of the supremacy of law as well as of the respectability and independence of labour. Life and property have not attained perfect security in the East: a pistol, or rather a musket, was presented at my breast, within half-a-mile of Damascus, in broad daylight!

These noble gardens have no inhabitants; nor do any fine cottages, tasteful houses, or princely palaces, adorn this fertile region. Within the city you are safe; without are dogs,<sup>3</sup> insecurity of property, and the liability of being shot. The whole population, therefore, live either in cities or in villages, except in such regions as Beirut, where European influence and power prevail. There, you have gardens and single houses, much after the English fashion.

But place a Damascene<sup>4</sup> at Charing Cross, or at Cheapside, and what do you think would amaze him most? The number of vehicles, undoubtedly. He would say—"When will this stream of cars, cabs, coaches, carriages, omnibuses of every shape and size, have an end? Are the people mad? Can they not take their time?"

But had the oriental nations of antiquity no wheel-carriages? They had; the Jews and the Egyptians had them, the Greeks and the Romans had them, and perhaps they may exist in some parts of the East to the present time. Here in Damascus there are none. The streets are not formed for them. The horses are trained only for riding. There are no common, levelled, and well-ordered public roads. Our fathers used no coaches;<sup>5</sup> they preferred the more manly exercise of horsemanship, and yielded the soft, effeminate luxury of the coach to the ladies. But in London there are now about nine hundred omnibuses, each of which takes about £1000 annually. Such is the present state of coaching with us. How different is Damascus! and how different must the aspects of the streets appear!

With us, the city is laid out in streets, squares, crescents, royal circuses, and similar devices of beauty and regularity. This is the case particularly in the "west-ends" and newer parts of our cities and towns. There is nothing of this in Damascus, or in any of the eastern cities that I have seen: squares, crescents, and circuses are unknown. The streets are extremely irregular, crooked, winding, and narrow; which seems to arise out of the anxiety to find a protection from the sun.

In the narrower streets, where the houses are high, the sun's rays are effectually excluded; and in the wider ones, where this is not attainable, the numerous windings and angles afford salient points where the passenger may for a moment or two enjoy the shade. This may appear trifling, but I have often found the heat of the solar rays so intense and unendurable that even the sun-burnt Bedouins,<sup>6</sup> the children of the desert, were glad of the least passing shade, the least momentary shelter, from the intolerable heat.

In the bazaars of Damascus, on the contrary, the streets or avenues are laid out with the greatest regularity, and are as straight as possible. In the heat of the day these are nearly deserted; business is at a stand; the merchant is reclining with pipe in mouth, in a state of semi-somnolence, in which the influence of opium or the odour of the redolent weed has carried the fertile imagination into the regions of celestial ease.

In an eastern city you have no prospect. With us you can see a considerable way along the streets. In Damascus you feel absolutely isolated; the streets are so narrow and crooked that at the most you can rarely see a perch before you, and nothing that does meet the eye in the way of buildings has the least attraction. Irregularity in style and clumsiness of execution, combined with the absence of fine doors, all

windows, everything in the shape of fronts, railings, ornaments, &c., make the impression in that respect very disagreeable.

In our streets, we are pleased with large houses, fine rows of large windows, tastefully arranged doors and entrances; everything seems to convey the idea of order, attention, cleanliness, combined with the possession of wealth and the consciousness that it is our own. We conceal nothing, for we have no motive for concealment. Our house is our palace, and though the winds may whistle through our dilapidated halls, the Queen herself dare not enter without our permission. Freedom has increased our property, and our wealth has enhanced the value of our freedom. Our temptation is not to concealment, but to ostentation and unnecessary display.

This tendency or temptation among us stands in connection with our character as a highly civilized and commercial nation. Great transactions cannot be carried on without credit, and credit is necessarily based on the belief of wealth; so that very often, where there may be little real property, it may be most desirable that there should be the appearance of it.....

The mean, low door in Damascus, tells you of tyranny, concealment, and the want of confidence in public justice. Misery without and splendour within, is a principle which befits a land where paper is just paper, whatever name it bears; where gold is the only circulating medium; where a man's own house is his bank; and where the suspicion of being rich may make him a prey to the rapacity of the Government.

On the contrary, the noble streets, squares, crescents, &c., of our modern cities, are clear indications, not only of great wealth and power, but also of something far dearer and nobler—namely, that *confidence in one another*, formed by myriads of concurring circumstances, of which Christianity is one of the mightiest, and out of which flow most of the blessings of European civilization and free political institutions.

But what is the use of that stone by the door-post? These stones are the steps from which ladies mount their donkeys, mules, and horses. Nor should you think this strange. In the fourteenth and fifteenth centuries, Paris presented these mounting-stones at all the angles of the streets, and at other convenient places. At Frankfort on the Main, there was a certain gate at which these conveniences were prepared for the emperor and the magnates of the German Diet;<sup>7</sup> and I have no doubt that, in the days of feudalism<sup>8</sup> and knightly glory, London was not behind its neighbours in this respect.

REV. DR. GRAHAM.

absolutely, wholly.  
alloted, assigned.  
attainable, procurable.  
celebrated, renowned.  
celestial, heavenly.  
circumstances, events.  
concealment, secrecy.  
concurring, agreeing.  
confidence, trust.  
consciousness, knowledge.  
consumption, employment.

disagreeable, unpleasant.  
effectually, successfully.  
effeminate, womanish.  
enchanted, bewitched.  
encircled, encompassed.  
enhanced, increased.  
external, outward.  
extremely, very.  
indefinitely, without bounds.  
intolerable, insufferable.  
isolated, alone.

levelled, smoothed.  
liability, danger.  
momentary, temporary.  
myriads, hosts.  
oriental, eastern.  
preparation, cooking.  
protection, covering.  
reclining, resting.  
redolent, fragrant.  
relieved, gratified.

respectability, estimation.  
seductions, allurements.  
semi-somnolence, being half-  
asleep.  
supremacy, authority.  
suspicion, surmise.  
tendency, inclination,  
turbulence, tumult.  
vehicles, carriages.  
verdure, greenness.

<sup>1</sup> Mosque, a Mohammedan place of worship.

<sup>2</sup> Minarets, tall and slender turrets, surrounded with balconies, from which the people are summoned to prayer.

<sup>3</sup> Without are dogs, that is robbers; rapacious fellows.

<sup>4</sup> Damascene, a native of Damascus; also applied to Damascus plums, and contracted into *Damsons*.

<sup>5</sup> Our fathers used no coaches.—*Whirligig*es were used in England in 1398, for the mother of Richard II. used one in fleeing from the rebellious people. They were afterwards disused, as effeminate and unnational, until, in 1580, the Earl of Arundell introduced the *spring-coach* from Germany or France, which speedily became popular with the nobility. In 1601 they were forbidden by Parliament, as effeminate; yet, in defiance of all legislation, they were common enough in the city of London in 1605. In the year 1625 hackney carriages were established and licensed; and in 1778 the

number of coaches in England was 23,000, which paid £117,000 duty. The origin of the easy suspension or spring-coach is ascribed to Hungary; and the post-chaise we owe to France.

<sup>6</sup> Bedouins, a tribe of wandering Arabs, dwelling in tents, and scattered over Arabia and parts of Africa. The word means "dwellers in the desert."

<sup>7</sup> German Diet, the meetings of the princes who formed the confederation of the German Empire. The *Diet* was so called because its sittings were continued from day to day. [Lat. *dies*, a day.] The last Diet met at Frankfort in 1866. The Parliament of the new German Empire meets at Berlin.

<sup>8</sup> Feudalism, the system of government under which lands were held by a vassal from a superior, on condition of the former rendering military service to the latter.

QUESTIONS.—What contrast to London does Damascus present, in respect of its buildings? What, in respect of its atmosphere? What is the cause of the great stillness in the eastern city? Why are there no country-houses around Damascus? What are these the proof of in any country? What would most strike a Damascene in the streets of London? Why are the streets in eastern cities made narrow and crooked? What effect has this upon the prospect? What are fine houses and streets proof of in a commercial nation? What do the mean low doors in Damascus indicate? For what purpose are stones set up at the door-posts.

## DAMASCUS AND LONDON.

### PART II.

OUR cities are filled and ornamented with hotels, coffee-houses, hospitals, work-houses, prisons, and similar conspicuous buildings. Generally speaking, there are none of these in the East. Hospitals and institutions for the sick and poor were the offspring of Christianity, and are, I am inclined to think, peculiar to Christian lands.

There are few prisons in the East, and these are very wretched. Imprisonment as a *punishment* is little practised, and is altogether unsuited to the Mohammedan law and mode of thinking. Life is not so sacred as with us. It is urged that if a man deserves to be confined as a dangerous member of society, he deserves to die; society will never miss him, and some expense will be spared: "Off with his head;—so much for Buchingham."

Hence in Damascus, and in the East generally, people are not liable to the reproach which is sometimes brought against us—that the best house in the county is the jail. Besides, in the East, punishment follows crime instantaneously. The judge, the mufti,<sup>2</sup> the prisoner, and the executioner are all in the court at the same time. As soon as the sentence is delivered, the back is made bare, the donkey is ready (for

perjury, in Damascus, the man rides through the city with his face to the tail), or the head falls, according to the crime, in the presence of all the people. Awful severity, and the rapidity of lightning, are the principles of their laws; nor do they deem it necessary to make the exact and minute distinctions of crime that we do. The object is to prevent crime, and this is most effectually done by the principle of terror and the certainty of immediate punishment.

A certain baker in Constantinople used false weights in selling his bread: the Sultan ordered him to be roasted alive in his own oven, and afterwards boasted that this one act of severity had effectually prevented all similar crimes. Here you see the principle of government in the East;—it is nothing but terror and religious fanaticism.

As to coffee-houses, there are plenty of them in Damascus; but they can hardly be called houses, much less palaces; they are open courts with fountains of water, sheltered from the sun; and in many cases they have little stools, some six inches high, on which, if you do not prefer the ground, you can rest while you enjoy your sherbet, coffee, and tobacco. Pipes, nargilies,<sup>3</sup> ices, eau sucré,<sup>4</sup> sherbet, and fruits of all kinds, are in abundance, and of the lowest possible price.

These cafés are very quiet: there is no excitement, no reading of newspapers, no discussion of politics and religion; no fiery demagogue or popular orator to mislead the people; no Attic<sup>5</sup> wit provokes a smile, and no bold repartee calls forth applauding laughter on the other side. But yet they have their own amusements, and they play earnestly at games both of chance and of skill. The traveller tells his escapes and dangers to an admiring little circle; the story-teller repeats one of the "Thousand and One Nights"<sup>6</sup> to a wondering audience; and if memory fails, the imagination, fertile as an oriental spring, supplies its boundless stores.

We have in the East great khans,<sup>7</sup> but they bear little relation to our hotels. *Ring, eat, and pay*, is not the law in the East. They have no bells in Damascus, nor even the silver call or whistle which our grandmothers used in England. Bells in churches and in houses are alike an abomination to the Moslems; and the Maronites<sup>8</sup> alone, by permission of the Government, have a right to use them.

The Khan in Damascus is a large circular building surmounted by a noble dome, in which the great merchants have their goods and wares of all kinds; and in which the traveller can find a resting-place for himself and his camels, and be supplied with water from the central fountain;—but there are no tables spread for the travellers, and no beds ready made for the weary pilgrims: you must find your dinner as you best can, make your own bed, and when you rise, take it up, and walk. The Khan is, however, a very noble building, and excites not a little astonishment among the Orientals.

In European cities your attention is arrested by book-shops, pictures, placards, caricatures, &c.; now in Damascus we have nothing of the sort. Among the Jews you may find a few miserable stalls, from which you may pick up a copy of the Talmud,<sup>9</sup> or some old rabbinical prayer-book.<sup>10</sup> The sheikh<sup>11</sup> who sold me the Koran,<sup>12</sup> laid his hand upon his neck, and told me to be silent, for were it known that he had done so, he might lose his head. In the schools they are taught only to read the Koran, and to master the simplest elements of arithmetic and writing.

Men of letters there are at present none, and the highest of their sciences is the knowledge of grammar. When I lived in Damascus, some wit (the first thing of the kind known) uttered a pun or quib reflecting on the corpulency of the pasha, and he was banished for it! The old observation<sup>13</sup> of the caliph, as he fired the Alexandrian library, holds true in the East still—"If the books agree with the Koran, they are useless; if they oppose it, they are pernicious; and in both cases they are unnecessary."

"But has not Damascus one hundred thousand inhabitants?" says the traveller. "Where are their newspapers, spreading light and knowledge through a portion of the sixty millions who use the noble Arabic language? Take me to the office of some *Oriental Sun, Times, Globe, or Morning Chronicle*."

There is no such thing. Even in Constantinople there is only one newspaper, and the one half of it is in Turkish, and the other in French! Tyranny and superstition, like two monstrous mill-stones, rest upon and compress the energies of the oriental nations; even Greece, the fountain of science and literary and mental activity, was for a time blotted from the rank of nations, and the inquisitive character of its people all but annihilated by the stern rule of the Turks.<sup>14</sup>.....

But there is another great difference between the general appearance of London and of Damascus, namely, in the eastern city you see not the bright, joyous countenance of woman—she is deeply veiled. In Egypt she is enveloped from head to foot in a dark, and in Syria in a white sheet, which effectually obliterates all traces of shape, absolutely equalizes to the eye all ranks, ages, and conditions, and suggests to the beholder the idea of a company of ghosts.....

Conceive now how ludicrous the streets of London would appear, if green, white, black, and gray turbans moved indiscriminately, instead of the present hats; and if all the ladies, walking or on donkeys, instead of the present varieties of showy dress, beautiful bonnets, and smiling faces, presented only the appearance of headless ghosts clothed in white!

As to the *general motion and life*, the difference is immense between Damascus and a western city. Let us glance for a moment at two streets, and compare them:—

1. In Damascus there is more *openness and publicity*. The tradesmen of every kind work in the open bazaars; many of the merchants and artisans dine in public—that is, eat their bread and oil, bread and honey, or bread and grapes, in the street where they work. All are smocking, without exception, in the intervals of business. Some are engaged in reading the Koran, swinging their bodies to and fro in the most earnest and violent manner. Some are sleeping calmly, with the long pipe in their mouth! There a butcher is killing a sheep, surrounded by a circle of hungry, expectant dogs. Yonder is a company engaged at a game of skill. Everything is done in the open air, and nothing seems to be concealed but the ladies.

2. In the eastern city there is much more *quiet*. Their manners are sober, formal, and stately; arising partly, I believe, from the famous and universal dogma of obedience. There is, indeed, hardly any other law. The subject, the wife, the son, the slave obeys: to hear is to obey. This principle of unhesitating, unquestioning obedience leads to quiet. There is no contradiction. There is nothing to talk about. There is nothing like politics. There is no public opinion, of course; for that is based upon private opinion, and determined, resolute will. This extraordinary quiet and solemnity of demeanour may arise partly, also, from a sense of danger. Every man has arms, and has the right both of wearing and of using them: and no man makes a journey, be it only to a neighbouring village, without sword and pistols. Now this tends to quiet, earnest, solemn manners. If a scuffle takes place, it is not a black eye or a bloody face that is the

result, but the certain death of some of the parties ; and hence they are taught the 'principle of self-restraint and moral control.....

3. The Arabs, and Orientals in general, *sit* much more than we do. The tradesmen all sit at their work : the smith, the carpenter, and the merchant, the butcher, the joiner, and the spice-monger, sit quietly and transact their business. They sit as tailors do, cross-legged, but with their feet doubled in beneath them. They sit on their feet, and maintain that such is the most natural and easy position ! They seem to have no pleasure in motion : no man goes out to take a walk ; no man moves for the sake of exercise. They go out, as they say, to *smell the air*, by some spreading tree or fountain of water. And yet they are capable of enduring great and long-continued labour. Abu Mausur travelled with us nearly forty days, during which we rode at the rate of from six to eighteen hours a day ; and yet, though never upon a horse, he was always with us at the requisite time and place. He performed the journey on foot, and was rarely far behind.

Take, then, these things together, and you will easily perceive that in the city of Damascus everything is still and calm as the unclouded sky and the balmy air. The hoof of the camel falls noiselessly on the unpaved street ; the sheep-skin foot-gloves of the Damascenes make no sound ; and all the movements, both of men and animals, are slow and solemn.

REV. DR. GRAHAM.

abomination, object of disgust.  
amusements, entertainments.  
annihilated, extinguished.  
applauding, approving.  
astonishment, wonder  
corpulency, fatness.  
demeanour, deportment.

distinction, discrimination.  
dogma, maxim ; law.  
effectually, thoroughly.  
enduring, undergoing.  
engaged, occupied.  
excitement, stir.  
expectant, waiting.  
hospitals, infirmaries.  
inclined, disposed.

indiscriminately, confused-inquisitive, prying. [ly.  
instantaneously, immediately.  
ludicrous, ridiculous.  
obliterate, destroys.  
perjury, false swearing.  
permission, sanction.  
pernicious, mischievous.

principle, rule.  
reflecting, animadverting.  
reproach, censure.  
sheltered, protected.  
similar, of the same nature.  
solemnity, gravity.  
superstition, fanaticism.  
transact, discharge.  
unsuited, inappropriate.

<sup>1</sup> "Off with his head;—So much for Buckingham."—This now famous line occurs in an altered version of the play of *Richard III.*, by Colley Cibber, a dramatist of the time of George I. In Shakespeare's *Richard III.* the order, "Off with his head," is given by Glo'ster with reference to Hastings.

<sup>2</sup> Mufti, a Mohammedan high-priest.

<sup>3</sup> Nargiles, tobacco pipes constructed so as to make the smoke pass through scented water.

<sup>4</sup> Eau sucré (*o soo-cray*), sugared water.

<sup>5</sup> Attic, elegant ; pure ; characteristic of *Attica* in Greece, or of Athens its capital.

<sup>6</sup> "Thousand and One Nights."—A famous collection of Arabian tales, called "The Arabian Nights' Entertainments," translated into French in 1704, and since into most modern languages.

<sup>7</sup> Khan, a caravansary, or eastern inn.

<sup>8</sup> Maronites, a sect of Christians in the district of Mount Lebanon. (See lesson on *Mount Lebanon*, p. 208, Note 6).

<sup>9</sup> Talmud, the book containing the ancient Jewish oral or unwritten law and traditions. It was compiled by the

scribes, between the sixth and third centuries B.C.

<sup>10</sup> Rabbinical prayer-book, a prayer-book in the later Hebrew tongue, prepared after the Christian era by the Jewish doctors, or Rabbins.

<sup>11</sup> Sheikh, a man of eminence and position amongst the Arabs ; *lit.* a venerable old man, or chief.

<sup>12</sup> Koran, the sacred book of the Mohammedans ; written by Mohammed, with the aid of two or three associates, in 610, and declared by him to have been revealed to him by the angel Gabriel during twenty-three years.

<sup>13</sup> Alexandrian Library.—The great library of Alexandria (Egypt) was burned by the Caliph Omar in 640 A.D. The saying here ascribed to him is denied by Mohammedans. The MSS. in the library supplied the public baths of Alexandria with fuel for six months.

<sup>14</sup> The Turks.—Greece was subject to the Turks from 1540 till 1822, when the Greeks rose in arms and proclaimed their independence. After a five-years' struggle they succeeded in securing it, and it was guaranteed by the Treaty of London, to which Great Britain, Russia, and France were parties, in 1827.

QUESTIONS.—Of what public buildings are eastern cities generally destitute?—Why are there few prisons in the East? What is the object of their penal system? How do they attain it? Describe the appearance of a Damascus coffee-house. What is a khan? What are the children taught in the schools? How is the absence of newspapers to be explained? How do women go about in Damascus? In comparing two streets, one in London, the other in Damascus, what three points of difference would be most noticeable?

#### SOMEBODY'S DARLING.<sup>1</sup>

INTO a ward of the white-washed halls,  
Where the dead and the dying lay,  
Wounded by bayonets,<sup>2</sup> shells, and balls,  
Somebody's Darling was borne one day—  
Somebody's Darling, so young and so brave,  
Wearing yet on his pale sweet face,  
Soon to be hid by the dust of the grave,  
The lingering light of his boyhood's grace.

•Matted and damp are the curls of gold,  
Kissing the snow of that fair young brow ;  
Pale are the lips of delicate mould—  
Somebody's Darling is dying now.  
Back from his beautiful blue-veined brow  
Brush all the wandering waves of gold ;  
Cross his hands on his bosom now—  
Somebody's Darling is still and cold.

Kiss him once for Somebody's sake,  
•Murmur a prayer soft and low ;  
One bright curl from its fair mates take—  
They were Somebody's pride, you know :  
Somebody's hand has rested there ;  
Was it a mother's, soft and white?  
And have the lips of a sister fair  
Been baptised in the waves of light ?



God knows best. He has Somebody's love;  
 Somebody's heart enshrined him there;  
 Somebody wafted his name above  
 Night and morn on the wings of prayer.  
 Somebody wept when he marched away,  
 Looking so handsome, brave, and grand;  
 Somebody's kiss on his forehead lay,  
 Somebody clung to his parting hand.

Somebody's waiting and watching for him—  
 Yearning to hold him again to her heart;  
 And there he lies with his blue eyes dim,  
 And the smiling childlike lips apart.  
 Tenderly bury the fair young dead,  
 Pausing to drop on his grave a tear;  
 Carve on the wooden slab at his head,—  
 "Somebody's Darling slumbers here."

Mrs. LACOSTE.

delicate, refined.  
 enshrined, cherished.  
 handsome, graceful.

lingering, lagging.  
 matted, twisted together.  
 murmur, whisper.

pausing, waiting.  
 slumbers, sleeps.  
 tenderly, gently.

wafted, floated.  
 wandering, straggling.  
 yearning, longing.

<sup>1</sup> Somebody's Darling.—This poem, suggested by an incident in the American Civil War (1861–65), draws a touching picture of a scene only too common in warfare, though seldom realized except by those whom it nearly concerns. A young soldier is badly wounded and taken prisoner on the field of battle. He is carried into the surgeons' ward to have his wounds tended. He gradually sinks and dies,

leaving no trace of name, or home, or friend. He is laid in a nameless grave; while those whose darling he is deplore his absence in uncertainty of his real fate, knowing not whether to mourn or to long for him.

<sup>2</sup> Bayonet, a spear fixed on the end of a gun; so called from Bayonne in France, where the arm was first made.

## THE RELIEF OF LEYDEN.

A. D. 1574.

THE besieged city<sup>1</sup> was at its last gasp. The burghers had been in a state of uncertainty for many days; being aware that the fleet had set forth for their relief, but knowing full well the thousand obstacles which it had to surmount. They had guessed its progress by the illumination from the blazing villages; they had heard its salvos of artillery on its arrival at North Aa; but since then all had been dark and mournful again, hope and fear, in sickening alternation, distracting every breast. They knew that the wind was unfavourable, and at the dawn of each day every eye was turned wistfully to the vanes of the steeples. So long as the easterly breeze prevailed, they felt, as they anxiously stood on towers and house-tops, that they must look in vain for the welcome ocean.

Yet, while thus patiently waiting, they were literally starving; for even the misery endured at Haarlem<sup>2</sup> had not reached that depth and intensity of agony to which Leyden was now reduced. Bread, malt-cake, horse-flesh, had entirely disappeared; dogs, cats, rats and other vermin, were esteemed luxuries. A small number of cows, kept as long as possible for their milk, still remained; but a few were killed from day to day, and distributed in minute portions, hardly sufficient to support life, among the famishing population. Starving wretches swarmed daily around the shambles where these cattle were slaughtered, contending for any morsel which might fall, and lapping eagerly the blood as it ran along the pavement; while the hides, chopped and boiled, were greedily devoured.

Women and children, all day long, were seen searching gutters and dunghills for morsels of food, which they disputed fiercely with the famishing dogs. The green leaves were stripped from the trees, every living herb was converted into human food; but these expedients could not avert starvation. The daily mortality was frightful. Infants starved to death on the maternal breasts which famine had parched and withered; mothers dropped dead in the streets, with their dead children in their arms.

In many a house, the watchmen, in their rounds, found a whole family of corpses—father, mother, children—side by side; for a disorder called the "Plague," naturally engendered of hardship and famine, now came, as if in kindness, to abridge the agony of the people. Pestilence stalked at noonday through the city, and the doomed inhabitants fell like grass beneath his scythe. From six thousand to eight thousand human beings sank before this scourge alone; yet the people resolutely held out, women and men mutually encouraging each other to resist the entrance of their foreign foe<sup>3</sup>—an evil more horrible than pest or famine.

Leyden was sublime in its despair. A few murmurs were, however, occasionally heard at the steadfastness of the magistrates; and a dead body was placed at the door of the burgomaster as a silent witness against his inflexibility. A party of the more faint-hearted even assailed the heroic Adrian Van der Werf<sup>4</sup> with threats and reproaches as he passed along the streets. A crowd had gathered around him as he reached a triangular place in the centre of the town, into which many of the principal streets emptied themselves, and upon which stood the church of St. Pancras.

There stood the burgomaster, a tall, haggard, imposing figure, with dark visage, and a tranquil but commanding eye. He waved his broad-leaved felt hat for silence, and then exclaimed, in language which has been almost literally preserved, "What would ye, my friends? Why do ye murmur that we do not break our vows and surrender the city to the Spaniards?—a fate more horrible than the agony which she now endures. I tell you I have made an oath to hold the city; and may God give me strength to keep my oath! I can die but once, whether by your hands, the enemy's, or by the hand of God. My own fate is indifferent to me; not so that of the city intrusted to my care. I know that we shall starve if not soon relieved; but starvation is preferable to the dishonoured death, which is the only alternative. Your menaces move me not. My life is at your disposal. Here is my sword, plunge it into my breast, and divide my flesh among you. Take my body to appease your hunger, but expect no surrender so long as I remain alive.".....

On the 28th of September a dove flew into the city, bringing a letter from Admiral Boisot.<sup>5</sup> In this despatch the position of the fleet at North Aa was described in encouraging terms, and the inhabitants were assured that, in a very few days at furthest, the long-expected relief would enter their gates.

The tempest came to their relief. A violent equinoctial gale, on the night of the 1st and 2nd of October, came storming from the north-west, shifting after a few hours fully eight points, and then blowing still more violently from the south-west. The waters of the North Sea were piled in vast masses upon the southern coast of Holland, and then dashed furiously landward, the ocean rising over the earth and sweeping with unrestrained power across the ruined dikes. In the course of twenty-four hours the fleet at North Aa, instead of nine inches, had more than two feet of water.....

On it went, sweeping over the broad waters. As they approached some shallows which led into the great Mere, the Zealanders dashed into the sea, and with sheer strength shouldered every vessel through!

It was resolved that a sortie, in conjunction with the operations of Boisot, should be made against Lammen<sup>6</sup> with the earliest dawn. Night descended upon the scene—a pitch-dark night, full of anxiety to the Spaniards, to the Armada, to Leyden. Strange sights and sounds occurred at different moments to bewilder the anxious sentinels. A long procession of lights issuing from the fort was seen to flit across the black face of the waters, in the dead of night; and the whole of the city wall between the Cowgate and the town of Burgundy fell with a loud crash. The horror-struck citizens thought that the Spaniards were upon them at last; the Spaniards imagined the noise to indicate a desperate sortie of the citizens. Everything was vague and mysterious.

Day dawned at length after the feverish night, and the admiral prepared for the assault. Within the fortress reigned a death-like stillness, which inspired a sickening suspicion. Had the city indeed been carried in the night? Had the massacre already commenced? Had all this labour and audacity been expended in vain?

Suddenly a man was descried wading breast-high through the water from Lammen towards the fleet, while at the same time one solitary boy was seen to wave his cap from the summit of the fort. After a moment of doubt, the happy mystery was solved. The Spaniards had fled panic-struck during the darkness. Their position would still have enabled them, with firmness, to frustrate the enterprise of the patriots; but the hand of God, which had sent the ocean and the tempest to the deliverance of Leyden, had struck her enemies with terror likewise.

The lights which had been seen moving during the night were the lanterns of the retreating Spaniards; and the boy who was now waving his triumphant signal from the battlements had alone witnessed the spectacle. So confident was he in the conclusion to which it led him, that he volunteered at daybreak to go thither alone.

The magistrates, fearing a trap, hesitated for a moment to believe the truth, which soon, however, became quite evident. Valdez,<sup>7</sup> flying himself from Leyderdorp, had ordered Colonel Borgia to retire with all his troops from Lammen.

Thus the Spaniards had retreated at the very moment that an extraordinary accident had laid bare a whole side of the city for their entrance! The noise of the wall as it fell only inspired them with fresh alarm; for they believed that the citizens had sallied forth in the darkness to aid the advancing flood in the work of destruction.

All obstacles being now removed, the fleet of Boisot swept by Lammen; and entered the city on the morning of the 3rd of October. Leyden was relieved!<sup>8</sup>

J. L. MOTLEY.<sup>(6)</sup>

appease, satisfy.  
audacity, daring.  
bewilder, perplex.  
conjunction, combination.  
deliverance, relief.  
disputed, contended for.  
distracting, tormenting.  
distributed, dispensed.

engendered, produced.  
extraordinary, remarkable.  
furiously, violently.  
imagined, fancied.  
indifferent, immaterial.  
inflexibility, pertinacity.  
inspired, suggested.  
intensity, extremity.

massacre, butchery.  
mortality, death-rate.  
mysterious, incomprehensible.  
obstacles, hindrances.  
occurred, happened.  
panic-struck, terrified.  
preferable, more to be wished.

spectacle, sight.  
summit, highest point.  
surmount, overcome.  
tranquil, calm.  
uncertainty, doubt.  
unrestrained, unchecked.  
wistfully, longingly.

<sup>1</sup>The besieged city.—Leyden, now a flourishing manufacturing town of South Holland. It was besieged by the Spaniards when they tried to subdue the Netherlands under their yoke. The siege began on 31st October 1573, and ended on 3rd October 1574. It was relieved by the dikes being cut, and the sea let in on the Spanish works. Fifteen hundred Spaniards were slain or drowned.

<sup>2</sup>At Haarlem.—“Frederick, the son of Alva, starved the little garrison of Haarlem (20 miles north of Leyden) into a surrender (1573); and then, enraged at the gallant defence they had made, butchered them without mercy. When the executioners were worn out with their bloody work, he tied the three hundred citizens that remained back to back, and flung them into the sea.”—COLLIER'S *Great Events of History* (Nelsons' Series).

<sup>3</sup>Foreign foe, the Spaniards.

<sup>4</sup>Adrain Van der Werf, the burgomaster, or chief magistrate of Leyden.

<sup>5</sup>Admiral Boisot, the commander of the Dutch fleet.

<sup>6</sup>Lammen, a fort occupied by the Spaniards, which formed the sole remaining obstacle between the fleet and the city. It swarmed with soldiers; and bristled with cannon; and so serious an impediment did Boisot consider it, that he wrote that very night in desponding terms regarding it to the Prince of Orange.

<sup>7</sup>Valdez, the Spanish commander. His head-quarters were at Leyderdorp, a mile and a half to the right of Lammen.

<sup>8</sup>Leyden was relieved.—The University of Leyden was erected as a memorial of this gallant defence and happy deliverance. The relief of Leyden was a fatal blow to Spanish power in the Netherlands.

QUESTIONS.—What means did the burghers of Leyden know were being taken to relieve them? What was unfavourable to the advance of the fleet? In what condition were the citizens at this time? What added its horrors to those of famine? Whom did some of the faint-hearted assail? How did he address the people? What news arrived on the 28th of September? What at last came to their relief? What did the citizens resolve upon, on the night of the 2nd October? What strange sight occurred during the night? What strange sound was heard? By what was it caused? What had the Spaniards supposed it to be? What were the lights which had been seen moving? Who was the only occupant of Lammen visible in the morning? When was Leyden relieved?

## THE DELUGE.

Look for a moment on the catastrophe of the Deluge.<sup>1</sup> And let not our attention be so engrossed by its dread and awful character, as to overlook all that preceded it, and see nothing but the flood and its devouring waters.

The waters rise till rivers swell into lakes, and lakes become seas, and the sea stretches out her arms along the fertile plains to seize their flying population. Still the waters rise; and now, mingled with beasts that terror has tamed, men climb to the mountain-tops, with the flood roaring at their heels. Still the waters rise; and now each summit stands above them like a separate and sea-girt isle.

Still the waters rise; and, crowding closer on the narrow spaces of lessening hill-tops, men and beasts fight for standing-room. Still the thunders roar, and the lightnings flash, and the rains descend, and the waters rise, till the last survivor of the shrieking crowd is washed off, and the head of the highest Alp goes down beneath the wave.

Now the waters rise no more. God's servant has done his work. He rests from his labours; and, all land drowned, all life destroyed, and awful silence reigning and a shoreless ocean rolling, Death for once has nothing to do but ride in triumph on the top of some giant billow, which, meeting no coast, no continent, on Alp, no Andes against which to break, sweeps round and round the world.

We stand aghast at the scene; and as the corpses of gentle children and sweet infants float by, we exclaim, Hath God forgotten to be gracious? Hath he in anger shut up his tender mercies? No; assuredly not. Where, then, is his mercy?

Look here; behold this Ark, as, steered by an invisible hand, she comes dimly through the gloom. Lonely ship on a shoreless ocean, she carries mercy on board. She holds the costliest freight that ever sailed the sea. The germs of the Church there—the children of the old world, and the fathers of the new.

Suddenly, amid the awful gloom, as she drifts over the dead and silent sea, a grating noise is heard. Her keel has grounded on the top of Ararat.<sup>3</sup> The door is opened; and, beneath the sign of the olive branch, her tenants come forth from their baptismal burial, like life from the dead, or like souls which have passed from a state of nature into the light and the liberty of grace, or like the saints when they shall rise at the summons of the trumpet to behold a new heaven and a new earth, and see the sign which these "gray fathers"<sup>4</sup> hailed encircling a head that was crowned with thorns.

THOMAS GUTHRIE.<sup>5</sup>

assuredly, certainly.  
baptismal, consecrating.  
catastrophe, calamity.  
corpses, dead bodies.  
costliest, richest.

destroyed, annihilated.  
encircling, surrounding.  
engrossed, absorbed.  
exclaim, cry out.  
freight, cargo.

invisible, unseen.  
lessening, diminishing.  
preceded, went before.  
shrieking, screaming.  
summit, peak.

survivor, one who outlives others.  
tenants, occupants.

<sup>1</sup>The Deluge.—See *Gen.* vi. vii. viii.

<sup>2</sup>Hath God forgotten to be gracious, &c.—See *Ps.* lxxvii. 9.

<sup>3</sup>Ararat.—A province in Armenia, on the mountains of which the ark rested. (*Gen.* viii. 4.) The summit of Mount Ararat is upwards of 17,000 feet above the level of the sea. In 1829, Professor Parrot, a German, reached the summit after several unsuccessful attempts.

"Gray fathers."—From Campbell's poem on *The Rainbow*:—

"When o'er the green undeluged earth  
Heaven's covenant thou didst shine,  
How came the world's gray fathers forth  
To watch thy sacred sign!"

(See *ROYAL READER* No. V.)

<sup>5</sup>Thomas Guthrie.—An eloquent preacher and a well-known philanthropist. Born 1803; died 1873.

## WORD LESSONS.—GREEK PREFIXES.

*A* or *an* signifies *without, not*.

Examples.	Literal Meanings.	Secondary Meanings.
Abyss ...	... without bottom ...	... hence a fathomless deep.
Atheist ...	... without God ...	... an infidel.
Anarchy ...	... without government ...	... confusion, disorder.
Anonymous ...	... without name or signature ...	... nameless.

*Amphi* signifies *both, two*.

Amphibious ...	... able to live in two elements ...	... hence partaking of two natures.
Amphitheatre ...	... a theatre on both sides ...	... a sloping upward all round.

*Ana* or *an* signifies *up, back, again, through*.

Anchorite ...	... one who goes back (from society) ...	... hence a hermit, a recluse.
Analysis ...	... a loosening up ...	... separation.

*Ant* or *anti* signifies *against* or *opposite*.

Antarctic ...	... opposite the arctic or north ...	... hence south.
Antidote ...	... something given against ...	... a counteractive.

*Apo* signifies *away from*.

Apostasy ...	... a standing away from ...	... hence departure from religion.
Apostrophe ...	... a turning from the subject ...	... an address to the absent.

*Cata, cat, or cath*, signifies *under, down, throughout*.

Catacombs ...	... hollow under-ground places ...	... hence caves for burying the dead.
Catechise ...	... to speak down to others ...	... to teach by questioning.
Catholic ...	... throughout the whole ...	... universal.

*Dia* signifies *through* or *round*.

Diadem ...	... something bound round ...	... hence a crown.
Diameter ...	... the measure through the centre.	

*En* or *em* signifies *in* or *on*.

Encomium ...	... praise on another ...	... hence panegyric, eulogy.
Emblem ...	... something thrown into another ...	... a device.

WORD LESSONS.—GREEK PREFIXES—*continued.*

Examples.	<i>Epi</i> signifies upon, after.				Secondary Meanings.
	Literal Meanings.				
Epidemic ...	... upon the people	... ..	... ..	... ..	hence general, universal.
Ephemeral...	... lasting for a day	... ..	... ..	... ..	... short, brief.
<i>Ex</i> or <i>ec</i> signifies out or out of.					
Eclipse ...	... a leaving out ...	... ..	... ..	... ..	hence failure, interception of light.
Exodus ...	... a going out	... ..	... ..	... ..	... departure; 2d book of Bible.
<i>Hyper</i> signifies above, over, beyond.					
Hypercritical	... judging over-exactly	... ..	... ..	... ..	hence captious.
Hyperbole...	... a throwing beyond	... ..	... ..	... ..	... the figure of exaggeration.
<i>Hypo</i> signifies under.					
Hypocrite ...	... one who keeps his real character under	... ..	... ..	... ..	hence a dissembler.
Hypothesis	... a placing under	... ..	... ..	... ..	... a supposition.
<i>Meta</i> or <i>met</i> signifies beyond, after, change.					
Metamorphosis	... a change of form	... ..	... ..	... ..	hence transformation.
Meteor ...	... beyond the air	... ..	... ..	... ..	... an appearance in the atmosphere.
<i>Para</i> signifies side by side, near to, aside from.					
Parable ...	... a throwing side by side	... ..	... ..	... ..	hence a comparison, a similitude.
Parallel ...	... another side by side with	... ..	... ..	... ..	... similarity, comparison.
<i>Peri</i> signifies round, about.					
Period ...	... the way round	... ..	... ..	... ..	hence revolution, stated time, end.
Periphrasis	... a roundabout saying	... ..	... ..	... ..	... a circumlocution.
<i>Syn</i> , with its forms <i>sy</i> , <i>syl</i> , and <i>sym</i> , signifies together, with.					
Syntax ...	... a putting together	... ..	... ..	... ..	hence construction of sentences.
System ...	... a standing together	... ..	... ..	... ..	... a methodical arrangement.
Syllable ...	... a taking together with the lips	... ..	... ..	... ..	... a distinct utterance.
Sympathy ...	... a feeling together	... ..	... ..	... ..	... compassion.

## WORD LESSONS—SUFFIXES.

A SUFFIX is a syllable placed after a root-word to form a derivative. Suffixes were at one time distinct words with a separate signification. Some (as *able*, *like*, *less*, *some*) still are significant words. But most of them have lost their separate meaning, and simply modify the meaning of the words to which they are attached.

age [L.], act, as *pass-age*; state, as *vassalage*.

al, ar [L.], relating to, as *parent-al*, *popul-ar*. Other form—*ile*, as *host-ile*.

an [L.], relating to, as *republic-an*. Other forms—  
 ane ... .. as *hum-ane*.  
 ean ... .. *Europ-ean*.  
 ene ... .. *Nazar-ene*.  
 ine ... .. *sal-ine*.

ar [E.], doer, as *li-ar*. Other forms—  
 ard } frequentatives, as { *drunk-ard*.  
 art } *bragg-art*.  
 heart } *sweet-heart*.  
 er ... .. *speak-er*.  
 eer [F.] ... .. *musk-er*.  
 ier [F.] ... .. *grenad-ier*.  
 or [L.] ... .. *auth-or*.  
 ster (feminine) ... .. *malt-ster*.  
 yer ... .. *law-yer*.

ary [L.], relating to, as *milit-ary*; one who, as *antiqu-ary*.

ant [L.], doing, as *err-ant*, *pleas-ant*; one who, as *combat-ant*. Other forms—  
 ent ... .. *flu-ent*.  
 ing ... .. *will-ing*.

ac [Gr. and L.], pertaining to, as *demoni-ac*. Other forms—

ic ... .. as *polit-ic*.  
 ics ... .. *polit-ics*.  
 ish [E.], like ... .. *boy-ish*.  
 y, ey [E.], full of ... .. *bush-y*, *clay-ey*.  
 ique [F.] ... .. *ant-ique*.  
 esque [F.] ... .. *pictur-esque*.

ate [L.], to make, as *anim-ate*; made, or full of, as *fortun-ate*; one who, as *cur-ate*; office, as *pro-rector-ate*.

ble [L.], fit to be, as *audi-ble*. Other forms—  
 able ... .. as *eat-able*.  
 ible ... .. *poss-ible*.  
 ile ... .. *doc-ile*.

ce, cy [L.], state, as *gra-ce*, *mer-cy*. Other forms—  
 ace ... .. as *popul-ace*.  
 acy ... .. *accur-acy*.  
 ance ... .. *abund-ance*.  
 ancy ... .. *pli-ancy*.  
 ence ... .. *abs-ence*.  
 ency ... .. *pot-ency*.  
 ice ... .. *serv-ice*.

dom [E.], power, as *king-dom*.

el [E.], little, as *satch-el*. Other forms—  
 icle ... .. *ic-icle*.  
 cule ... .. *reti-cule*.  
 ule ... .. *glob-ule*.  
 erel ... .. *mack-erel*.  
 le ... .. *sick-le*.  
 le, to do by littles, (often,) as *spark-le*.

en [E.], made of, as *wood-en*. (Same as *ne* in *mine*, *thine*.)

en [E.], to make, as *less-en*.

en [E.], little, as *maid-en*, *kitt-en*. Other forms—  
 n [Sc.] ... .. as *bair-n*.  
 ing ... .. *farth-ing*.  
 kin (*ock+en*) ... .. *lamb-kin*.  
 ling (*el+ing*) ... .. *duck-ling*.

## SUFFIXES—continued.

- er [E.], little, as *whisp-er*, *splin-ter*; to do by littles, or often, as *glimm-er*.
- ern [E.], direction, as *south-ern*.
- es [E.], of, from, at, as *sometim-es*. Other forms,—  
 s ... .. as *need-s*.  
 se ... .. *el-se*.  
 ce ... .. *on-ce*, *hen-ce*.
- et [Gr. and L.], one who, as *proph-et*. Other forms,—  
 ete ... .. as *athl-ete*.  
 ite ... .. *favour-ite*.  
 ist ... .. *chem-ist*.
- et [E.], little, as *pock-et*. Other forms,—  
 let (*el + et* ... .. as *stream-let*  
 ette [F.]... .. *coqu-ette*.  
 ot... .. *ball-ot*.
- ee [L.], one to whom, as *legat-ee*.
- ful [F.], full of, as *truth-ful*.
- fold [E.], multiple, as *two-fold*.
- fic [L.], causing, as *terri-fic*.
- fy [L.], to make, as *terri-fy*.
- head [E.], state, as *God-head*. Other form,—hood, as *man-hood*; place, as *neighbour-hood*; fraternity, as *priest-hood*.
- id [L.], pertaining to, as *ferv-id*.
- ing [E.], action, as *writ-ing*.
- ion [L.], state, as *relig-ion*, *pens-irn*, *fashion*, *mission nat-ion*, *complex-ion*.
- ise [L.], to make, as *chast-ise*. Other form,—ize, as *fertil-ize*.
- ive [L.], able to, as *act-ive*. Other form,—iff, one who, as *plaint-iff*.
- less [E.], without, as *profit-less*.
- like [E.], like, as *God-like*. Other form,—ly, as *man-ly*.
- men [L.], state, as *regi-men*. Other forms,—  
 ment, that which, as *orna-ment*; act, as *conceal-ment*; state, as *astonish-ment*.  
 mony, that which, as *patri-mony*; state, as *matri-mony*.
- ness [E.], state, as *wretched-ness*; act, as *kind-ness*.
- ock [E.], little, as *hill-ock*. Other forms,—  
 ish, inclining to ... .. as *black-ish*.  
 ie [Sc.]... .. *lass-ie*.  
 ow ... .. *minn-ow*.  
 isk [Gr.] ... .. *aster-isk*.  
 ch ... .. *blot-ch*.
- our [E. and L.], state, as *hon-our*.
- ous [L.], full of, as *danger-ous*. Other forms,—  
 eous ... .. as *erron-eous*.  
 ious ... .. *ambit-ious*.  
 ose ... .. *mor-ose*.
- ric [E.], jurisdiction, as *bishop-ric*.
- ry [E.], place, as *heron-ry*; collection, as *caval-ry*.  
 Other forms,—  
 ery ... .. as *brew-ery*.  
 ary [L.] ... .. *gran-ary*.  
 ory ... .. *purgat-ory*.  
 erie [F.] ... .. *menag-erie*.  
 y ... .. *smith-y*.
- ship [E.], state, quality, as *friend-ship*; office, as *steward-ship*. Other form,—scape, as *land-scape*.
- sm [Gr.] state, as *cha-sm*. Other forms,—  
 asm ... .. as *pleon-asm*.  
 ism, as *patriot-ism*; body of doctrines, as *Calvan-ism*.
- some [E.], full of, as *glad-some*, *win-some*.
- teen [E.] plus ten, as *six-teen*.
- tude [L.], state, as *forti-tude*.
- ty [L.], state, quality, as *hones-ty*. Other forms,—  
 sy [Gr.]... .. as *poe-sy*.  
 sis [Gr.]... .. *cri-sis*.  
 ity [Gr.] ... .. *abil-ity*.
- ty [E.], ten times, as *six-ty*.
- ure [L.], state, as *verd-ure*. Other form,—eur, as *grand-eur*.
- ward, wards [E.], towards, as *home-ward*, *home-wards*.
- wise [E.], manner, as *other-wise*. Other forms,—  
 ways ... .. as *side-ways*.  
 eous ... .. *right-eous*.

## EXERCISES.

## Words to be Analysed.\*

abundant	dastard	pecuniary	admissible	captivate	human
charioteer	incendiary	American	presence	woody	febrile
genuine	mundane	bondage	fragile	fluency	marriage
carriage	material	different	flexible	honourable	diligence
sailor	beggar	final	foolish	economics	vigilant
desolate	globular	arabesque	cavalier	spinster	British
2					
locket	boyhood	sputter	druggist	beautify	vision
boastful	worthless	committee	sbilling	horrific	dukedom
amazement	equalize	woollen	manifold	relation	acumen
passion	brighten	quicken	horrid	fugitive	Calvanist
heavenly	rivulet	hinder	speaking	knighthood	gosling
western	besides	twinkle	parsimony	testimony	manikin
poet	authorize	particle	trustee	humid	palette
3					
clerkship	beauteous	solitude	gentleness	servitude	greenish
bullock	holiness	captivity	favour	tenure	jocose
seventy	archbishopric	nature	timorous	wholesome	altitude
courteous	relationship	outwards	puritanism	brevity	mastership
gratitude	spasm	fourteen	machinery	capture	toilsome
deafness	peasantry	verbose	despotism	shadow	poverty
valour	frolisome	likewise	infantry	frugality	treasury

*Roots to which Suffixes may be added.†*

north- thank- terri- flax- pill- patern- sing-	command- beauti- admiss- trick- fellow- dast- chick-	wid- magg- three- thir- priest- arm- patent-	1 dispens- leaf- animal- semin- found- critic- pleas-	despot- faith- sens- benefi- care- termin- forti-	cross- wind- art- fever- fin- giant- instruct
length- pleni- brace- rook- gos- use- mountain-	fav- in- famili- stud- graz- botan- bound-	govern- nurs- clerk- plum- capt- enjoy- fract-	2 grati- home- lab- orat- widow- gentle- dent-	magni- out- braz- dar- friend- brother- honest-	ocul- experi- earl- feeble- defens- termin- like-

\* *Example*.—Astonishment; root, *astonish*; suffix, *ment*, meaning state. Astonishment—the state of being astonished.

† *Example*.—Glad-, *gladd-en*, to make glad; *glad-ness*, state of being glad; *glad-some*, full of gladness.

## JERUSALEM FROM THE MOUNT OF OLIVES.

Morning dawned; and I ascended to the terraced roof of a little tower on the western side of Olivet, rented by a friend to whom every spot in Jerusalem was familiar. Behind Olivet, in the east, the sky was all aglow with red light, which shot slanting across the hill-tops and projecting cliffs, and upon the walls and prominent buildings of the city, throwing them up in bold relief from the deeply-shaded glens. No time could have been more opportune, no spot better fitted for seeing and studying the general topography of the Holy City. The whole site was before us, distinct and full, like a vast and beautiful embossed picture.

At our feet along the base of Olivet, was the Kidron,<sup>2</sup> a deep and narrow glen, coming down from an undulating plateau<sup>3</sup> on the right, and disappearing round the shoulder of the hill on the left; its banks terraced, and dotted here and there with little groves and single olive trees. Directly opposite us was Mount Moriah,<sup>4</sup> its bare sides rising precipitously from the bottom of the Kidron to a height of some two hundred feet.

On its summit is a rectangular platform, about thirty acres in extent, and taking up fully one-half of the eastern side of the city. It is encompassed and supported by a massive wall, in some places nearly eighty feet high, and looking even higher where it impends over the ravine. This platform constitutes by far the most striking feature of the city. It is unique. There is nothing like it in the world. Its history, too, is wonderful. It has been a "holy place" for more than thirty centuries.

Its Cyclopean<sup>5</sup> walls were founded by Solomon. Upon it stood the Temple, in whose shrine the Glory of the Lord so often appeared, and in whose courts Christ so often taught. It is still to the Moslem<sup>6</sup> "the Noble Sanctuary," and, next to Mecca,<sup>7</sup> the most venerated sanctuary in the world.

The platform itself—simple, massive, and grand—is a striking object; but the buildings it contains greatly contribute to its beauty. In its centre, on a raised area of white marble, stands the Mosque of Omar,<sup>8</sup> one of the most splendid mosques in the world, octagonal in form, encrusted with encaustic tiles of gorgeous colours, and surmounted by a graceful dome. From its area the ground slopes away to the encircling ramparts in gentle undulations of green turf, diversified with marble arcades, gilded cupolas, fountains, and prayer-niches;—all interspersed with venerable cypresses, olives, and palms.

At the southern end is a large group of stately buildings, including the Mosque el-Aksa, once the Church of the Virgin; and round the sides of the platform are cloisters, here and there covered with domes, and surmounted by tall minarets. The quiet seclusion of this sanctuary, the rich green of its grass and foliage, the dazzling whiteness of its pavements and fountains, the brilliant tints of the central mosque, and, above all, its sacred associations, make it one of the most charming and interesting spots on Earth.

Just behind Moriah the Tyropean Valley<sup>9</sup> was distinctly marked by a deeply-shaded belt, running from north to south through the city. Beyond it rose Zion, higher and longer than Moriah; in front, a confused mass of terraced roofs, tier above tier; farther back were seen the white buildings of the Armenian Convent,<sup>10</sup> like an immense factory; more to the right the new English Church; and in the background, crowning the hill, the massive square keep of the Castle of David.<sup>11</sup>

The southern section of Zion is now outside the city wall; and there a high minaret and cupola mark the Tomb of David. From it the hill sinks into the Valley of Hinnom in steep terraced slopes, covered with vineyards, olives, and corn-fields. As I looked, a moving object in one of the fields riveted my attention. "Haste! give me the glass," I said. I turned it towards the spot. Yes, I was right;—a plough and yoke of oxen were there at work. Jeremiah's prophecy was being fulfilled before my eyes: "*Zion shall be ploughed like a field.*"<sup>12</sup>

Along the farther side of Zion runs the deep glen of Hinnom, which, turning eastward, sweeps round the southern end of the hill and joins the Kidron at En-rogel. These two ravines form the great physical boundaries and barriers of Jerusalem; they completely cut it off from the surrounding table-land; and they isolate the hills on which it stands, and those other hills, too, or hill-tops, which, as the Psalmist tells us, "are round about Jerusalem."<sup>13</sup> These natural barriers also serve to confine the city within regular and definite limits—to prevent it from sending forth straggling suburbs and offshoots, as most other cities do; hence it was said, "Jerusalem is builded as a city that is compact together."<sup>14</sup>

A high battlemented wall encompasses the modern city. It runs for half a mile along the brow of the Kidron valley, facing Olivet, then turns at right angles and zigzags across Moriah, the Tyropean, and Zion, to the brow of Hinnom. The whole circuit is two miles and a half. The city was always fortified, and the walls and towers formed its most prominent features. Hence the language of the exulting Psalmist: "Walk about Zion, and go round about her: tell the towers thereof, mark ye well her bulwarks."<sup>15</sup>

Jerusalem has no suburbs. There is no shading off of the city into the country—no long streets radiating from a centre, then straggling houses, and villas, and gardens, such as we are accustomed to see in English towns. The moment you pass the gates of Jerusalem you are in the country,—a country open, bare, without a single house, and almost desolate. Not a green spot is visible, and not a tree, save here and there a little clump of gnarled, dusky olives. Rounded hill-tops, and long reaches of plain, strewn with heaps of gray limestone, extend from the walls far away to the north and to the south. There is no grandeur, beauty, or richness in the scenery. It is bleak and featureless.

Hence the sad disappointment felt by most travellers on approaching Jerusalem from the west and the south. They can only see the serrated line of gray Saracenic walls<sup>16</sup> extending across a section of a bleak, rocky plateau. But when I stood that morning on the brow of Olivet, and looked down on the city, crowning those battlemented heights, encircled by those deep and dark ravines, and when the rising sun bathed in a flood of ruddy light the terraced roofs of the city, I involuntarily exclaimed,—"*Beautiful for situation, the joy of the whole earth, is Mount Zion, the city of the great King!*"<sup>17</sup>

J. L. PORTER.

accustomed, used.  
battlemented, fortified.  
confused, irregular.  
dazzling, overpowering.  
desolate, deserted.  
diversified, varied.  
encaustic, enamelled.

encompassed, surrounded.  
exulting, triumphant.  
familiar, well known.  
interspersed, mingled.  
involuntarily, spontaneously.  
octagonal, eight-sided.

opportune, convenient.  
precipitously, steeply.  
prominent, outstanding.  
radiating, diverging.  
riveted, enchained.  
serrated, notched.  
straggling, scattered.

topography, position of places.  
undulating, rising and falling; irregular.  
unique, unmatched.  
venerated, revered.

<sup>1</sup> Olivet, or the *Mount of Olives*, a ridge running north and south on the eastern side of Jerusalem. It is the hill on the right of the picture on page 197. The central summit rises two hundred feet above Jerusalem, and affords the finest view of the city and its surroundings.

<sup>2</sup> Kidron, the valley and stream separating Olivet from Jerusalem.

<sup>3</sup> Plateau (*pla-toe*), table-land.

<sup>4</sup> Mount Moriah, the hill on which the temple stood.

<sup>5</sup> Cyclopean, gigantic; *lit.* like the *Cyclopes*, a fabulous race of one-eyed giants, said to have lived in Sicily, and to have been the workmen of Vulcan, the god of fire and furnaces.

<sup>6</sup> Moslem, a Mussulman or Mohammedan.

<sup>7</sup> Mecca, in Arabia, the birth-place of Mohammed. It attracts pilgrims in thousands every year, from all parts of the Mohammedan world.

<sup>8</sup> Mosque of Omar.—A mosque is a Mohammedan place of worship; and the Mosque of Omar, built on the site of Solomon's Temple, is by far the most magnificent building in modern Jerusalem. It was built to commemorate the capture of Jerusalem by the Saracens under the Caliph Omar in 637 A.D. The date generally assigned for its completion is 687 A.D.

<sup>9</sup> Tyropean Valley, between Mounts Moriah and Zion; called also, in its lower part, the *Valley of Cheesemongers*. This is only a translation of the other name, which is derived from Greek *tyros*, cheese, or a cheese-market.

<sup>10</sup> Armenian Convent; a convent of the Armenian Church (from Armenia, a province of Asia Minor, south of the Caucasus), which professes a form of Christianity resembling that of the Greek church. It is governed by patriarchs.

<sup>11</sup> Castle of David.—So it is commonly called; but it is supposed by many to be the great tower of Hippicus mentioned by Josephus as the point from which the Jews made an unsuccessful sally upon the Romans, during the siege before the destruction of the city, A.D. 70. It is situated at the Jaffa gate, on the north-western corner of Mount Zion.

<sup>12</sup> Zion, &c.—See *Jeremiah*, xxvi. 18, where the prophecy is assigned to Micah. Compare *Micah*, iii. 12.

<sup>13</sup> Round about Jerusalem.—See *Psalms* cxxv. 2.

<sup>14</sup> Compact together.—See *Psalms* cxxii. 3.

<sup>15</sup> Her bulwarks.—See *Psalms* xlvi. 13.

<sup>16</sup> Saracenic walls.—The modern wall of Jerusalem was built by the Saracens in 1542.

<sup>17</sup> Beautiful for situation.—See *Psalms* xlvi. 2.

QUESTIONS.—What is the best point for obtaining a general view of Jerusalem? Where is Mount Olivet? At what time did the writer ascend the tower on that mount? What glen lay at his feet? What Mount, on the other side of Kidron? Why is the platform on Moriah so deeply interesting? What great building stands upon it now? What valley separates Moriah from Zion? What divides Zion into two sections? Where is David's tomb? How is its position marked? What valley runs on the farther side of Zion? What effect have the valleys of Hinnom and Kidron on Jerusalem? Why are most travellers disappointed with the first view of Jerusalem?

## THE SEIGE OF JERUSALEM.\*

A.D. 70.

The aspect of Jerusalem had changed but little from that which it had worn at the time of the Crucifixion, when, thirty-five years later, the Roman eagles gathered round their prey. But during these years the Jews had been plunging deeper and deeper into sin and wretchedness. At last, goaded by outrage and insult, they had risen against their Roman masters; and the great Vespasian<sup>b</sup> had been sent by Nero<sup>(b)</sup> to tame their stubborn pride.

Galilee and Perea<sup>1</sup> were subdued after some trouble and delay; and the conqueror, having drawn a circle of forts round Jerusalem, was at Cæsarea, preparing for the last great blow, when he heard the news of Nero's death. The army in Palestine then proclaimed Vespasian emperor. He hastened to secure Alexandria, the second city in the empire; and having heard while there that the people of Rome were holding feasts in his own honour, he set out for Italy. So the seige of Jerusalem was left to his son Titus.<sup>(b)</sup>

Mustering his forces at Cæsarea, and dividing them into three bands, Titus marched for the doomed city. Arrived there, he fortified three camps—one on the north, one on the west, and one, garrisoned by the Tenth Legion, on the Mount of Olives. Upon this last the Jews made a sally as the soldiers were digging the trenches; but they were soon beaten down the hill.

While the trumpets were blowing at Cæsarea, and the clang of the Roman march was shaking the land, murder, and outrage, and cruel terror filled all Jerusalem. Robbers, calling themselves Zealots, had flocked in from the country. Eleazar, at the head of one set of these, held the inner court of the Temple. John of Gischala, another leader of ruffians, occupying ground somewhat lower, poured constant showers

\* From *Great Events of History*. By Dr. Collier. T. Nelson and Sons.

of darts and stones into the holy house, often killing worshippers as they stood at the very altar. In this mad war, houses full of corn were burned, and misery of every kind was inflicted on the wretched people. In despair they called Simon of Gerasa to their aid, and thus there were three hostile factions within the walls.

The great feast of the Passover came, and the Temple was thrown open to the thousands who crowded from every corner of the land to offer up their yearly sacrifice. Mingling in disguise with the throng, with weapons under their clothes, John's party gained entrance into the sacred court, and soon drove out their foes. The poor worshippers, all trampled and bleeding, escaped as best they could. John remained master of the Temple; and the three factions were reduced to two.

Within the city there were above 23,000 fighting men—a strong body if united. There was, indeed, a temporary union, when they saw the Roman soldiers busily cutting down all the trees in the suburbs, rolling their trunks together, and to the top of the three great banks thus formed dragging the huge siege-engines of the time—rams, catapults, and balistas.<sup>2</sup>

The siege opened in three places at once, towards the end of March, 70 A.D. The Roman missiles poured like hail upon the city; but none were so terrible as the stones, sometimes weighing a talent (125 pounds), which were cast from the east by the Tenth Legion. The Jews replied with some engines planted on the wall by Simon, flung torches at the Roman banks, and made an unavailing sally at the Tower of Hippicus.<sup>3</sup>

Three towers of heavy timber, covered with thick iron plates, were then erected by Titus. Rising higher than the walls, and carrying light engines, they were used to drive the Jews from their post of defence. The falling of one of these at midnight with a loud crash spread alarm through the Roman camp; but it did not last long. At dawn the rams were swinging away, and pounding against the shaking wall, which on the fifteenth day of the siege yielded to Nico (the Conqueror), as the most ponderous of the Roman engines was called by the Jews. The legions, pouring through the breach, gained the first wall; nine days later, the second wall was levelled with the ground.

Then followed a pause of five days, after which the attack was renewed at John's Monument, and the Tower of Antonia.<sup>4</sup> At the same time, Josephus,<sup>(b)</sup> a noble Jew, from whose graphic history this sketch is drawn, went to the walls, as he had done before—as he did more than once again, to plead with his countrymen. But all in vain, for the Zealots were bent on holding out, and slew such of the people as they found trying to desert.

Famine had long before begun its deadly work. Mothers were already snatching the morsels from their children's lips. The robbers broke open every shut door in search of food, and tortured most horribly all who were thought to have a hidden store. Gaunt men, who had crept beyond the walls by night to gather a few wild herbs, were often robbed by these wretches of the handful of green leaves for which they had risked their lives. Yet, in spite of this, the starving people went out into the valleys in such numbers that the Romans caught them at the rate of five hundred a day, and crucified them before the walls, until there was no wood left to make another cross.

His serious losses made Titus resolve to hem in the city with a wall. It was built in the amazingly short time of three days! The attack was then directed against the Tower of Antonia, which stood at the north-west corner of the Temple, on a slippery rock, fifty cubits high. Four banks were raised. Some Roman soldiers, creeping in with their shields above their heads, loosened four of the foundation stones; and the wall, battered at all day, fell suddenly in the night.

But there was another wall inside. One Sab'inus, a little dark Syrian soldier, led a forlorn hope of eleven men up to this in broad noon-day, gained the top, and put the Jews to flight; but tripping over a stone he was killed, as were three of his band. A night or two after, sixteen Romans stole up the wall, slew the guards, and blew a startling trumpet blast. The Jews fled. Titus and his men, swarming up the ruined wall, dashed at the entrance of the Temple. After ten hours' fighting, the Jews drove the Romans out of the Temple, but not from the Tower of Antonia.

After the Roman wall was built, the famine and the plague grew worse. Young men dropt dead in the streets. Piles of decaying corpses filled the lanes, and were thrown by thousands over the walls. No herbs were to be got now. Men, in the rage of hunger, gnawed their shoes, the leather of their shields, and even old wisps of hay. Robbers, with wolfish eyes, ransacked every dwelling, and, when one day they came clamouring for food to the house of the daughter of Eleazar, she set before them the roasted flesh of her own infant son! Brutal and rabid though they were, they fled from the house of that wretched mother.

At last the daily sacrifice ceased to be offered, and the war closed round the Temple. The cloisters were soon burned. Six days' battering had no effect on the great gates; fire alone could clear a path for the eagles. A day was fixed for the grand assault; but on the evening before, the Romans having penetrated as far as the Holy House, a soldier, climbing on the shoulders of another, put a blazing torch to one of the golden windows of the north side. The building was soon a sheet of leaping flames; and Titus, who had always desired to save the Temple, came running from his tent, but the din of war and the crackling flames, prevented his voice from being heard,

On over the smoking cloisters trampled the legions, fierce for plunder. The Jews sank in heaps of dead and dying around the altar, which dripped with their blood. More fire was thrown upon the hinges of the gate; and then no human word or hand could save the house, where God himself had loved to dwell. Never did the stars of night look down on a more piteous scene. Sky and hill and town and valley were all reddened with one fearful hue. The roar of flames, the shouts of Romans, the shrieks of wounded Zealots, rose wild into the scorching air, and echoed among the mountains all round. But sadder far was the wail of broken hearts which burst from the streets below, when marble wall and roof of gold came crashing down, and the Temple was no more. Then, and only then, did the Jews let go the trust which had all along sustained them, that God would deliver his ancient people, smiting the Romans with some sudden blow.

The Upper City then became a last refuge for the despairing remnant of the garrison. Simon and John were there; but the arrogant tyrants were broken down to trembling cowards. And when, after eighteen days' work, banks were raised, and the terrible ram began to sound anew on the ramparts, the panic-struck Jews fled like hunted foxes to hide in the caves of the hill. The eagles flew victorious to the summit of the citadel, while Jewish blood ran so deep down Zion that burning houses were quenched in the red stream!



The siege lasted 134 days, during which 1,100,000 Jews perished, and 97,000 were taken captive. Some were kept to grace the Roman triumph;<sup>5</sup> some were sent to toil in the mines of Egypt; some fought in provincial theatres with gladiators and wild beasts; those under seventeen were sold as slaves. John was imprisoned for life; Simon, after being led in triumph, was slain at Rome.

It was a gay holiday, when the emperor and his son, crowned with laurel and clad in purple, passed in triumph through the crowded streets of Rome. Of the many rich spoils adorning the pageant none were gazed on with more curious eyes than the golden table, the candlestick<sup>6</sup> with seven branching lamps, and the holy book of the Law, rescued from the flames of the Temple. It was the last page of a tragic story. The Jews—homeless ever since, yet always preserving an indestructible nationality—were scattered among the cities of Earth, to be the Shylocks of a day that is gone by, and the Rothschilds of our own happier age.

W. F. COLLIER.

amazingly, wonderfully.  
citadel, fortress.  
clamouring, shouting.  
despairing, losing hope.  
disguise, false dress.  
engines, machines.  
foundation, basement.

garrisoned, occupied.  
gladiators, sword-fighters.  
indestructible, imperishable.  
inflicted, visited.  
levelled, razed.  
loosened, detached.

missiles, projectiles.  
nationality, unity as a people.  
pageant, spectacle.  
penetrated, made away.  
piteous, melancholy.  
plague, disease.

ponderous, heavy.  
ransacked, plundered.  
siege, investment.  
temporary, for a time.  
unavailing, fruitless.  
weighing, in weight.  
wretchedness, misery.

<sup>1</sup>Perea, a district on the east of the Jordan, extending from the Lake of Gennesaret in the north to the river Arnon in the south.

<sup>2</sup>Rams, catapults, and balistas.—These were the chief military engines used by the Romans. The *ram* was used to destroy the lower part of the wall. It consisted of a large beam, the trunk of a fir or an ash tree, with a mass of bronze or iron, resembling the head of a ram, fastened to one end. At first the ram was borne in men's hands; but in its more perfect form it was swung by chains from a transverse beam, and covered with a wooden roof. The *balista* was used to shoot stones against the battlements. Sometimes the balista threw its missiles to a distance of a quarter of a mile. The more powerful sorts are said to have thrown stones weighing three hundredweight. The *catapult* was used to shoot darts at any of the besieged that showed themselves on the walls. In form, the *catapult* was long, the *balista* nearly square.

<sup>3</sup>Tower of Hippicus.—Believed to be the same as the Castle of David, at the north-western corner of Mount Zion. (See p. 196, Note 11.)

<sup>4</sup>Tower of Antonia, the citadel of Jerusalem, stood at the north-western angle of Mount Moriah. It communicated with the cloisters of the Temple by secret passages. Herod called it *Antonia* in honour of Mark Antony.

<sup>5</sup>To grace the Roman triumph.—Seven hundred of the

tallest and handsomest of the captive Jews marched in Titus's triumphal procession, with ropes around their necks.

<sup>6</sup>The golden table, the candlestick, &c.—As a permanent memorial of his victories, a triumphal arch, the most elegant in Rome, was dedicated to Titus, and completed shortly after his death. The sculpture carved on one side of the archway, under the arch, represents that part of the procession in which Roman soldiers carried on high the spoils from the Temple of Jerusalem. There may still be distinctly recognised the golden candlestick which stood in the Temple in the time of Christ. The original candlestick used in the Tabernacle, and afterwards transferred to Solomon's Temple, had been carried off by the Chaldeans in 588 B.C. When the Temple was rebuilt, seventy years later, a new candlestick was made, which corresponded exactly with the original one, as described in *Exodus* (xxv. 31-40). This candlestick was deposited in Vespasian's Temple of Peace at Rome, where it remained for nearly four hundred years. It was carried off to Carthage by Genseric and his Vandals, in 455 A.D. Belisarius carried it from Carthage to Constantinople, in 533. From Constantinople it was sent back to Jerusalem, and placed in a Christian church; but it disappeared thence, when or by whose hands has never been ascertained.

QUESTIONS.—Who was sent by Nero to subdue the rebellious Jews? Why did he leave Syria? To whom was the siege of Jerusalem left? How did he dispose his forces round the city? What different factions existed within the city? How were these reduced to two? When did the siege open? At how many points? How did the Romans drive the Jews from the walls? When was the first wall gained? when the second? Who went to the walls to plead with his countrymen? What led many of the Jews to desert the city? What plan did Titus adopt to hem them in more effectually? Against what tower was the attack then directed? How was it gained? To what extremities did the famine drive the besieged? What brought the siege to a sudden crisis? What became a last refuge for the garrison? In how many days was it reduced? How long did the siege last? How many Jews perished? How many were taken captive? What spoils were displayed in the Roman triumph?

## LEBANON.

LEBANON stands in some respects alone and unrivalled among the mountains of the world. A most impressive signal of approach to the Holy Land is the first glimpse, off the shores of Cyprus, of the ancient mountain rising from the eastern waters, its peaks wreathed with everlasting snows, and flushed with shifting hues of rose and purple in the clear evening sky. High up in its aerial solitude, pure and lustrous like a cloud steeped in sunshine, it stands for us as the emblem of that old oriental world which lies in its shadow;—Damascus,<sup>1</sup> buried in its depths of ever-blooming verdure; Antioch,<sup>2</sup> where the Orontes runs sparkling through its laurel groves to the sea; Baalbec,<sup>3</sup> with its gray colossal relics—the Stonehenge<sup>4</sup> of the desert; Tyre, disrowned and desolate, by the waters; and away in the south, the hills of Galilee with Jerusalem beyond, and the red peaks of the great and terrible wilderness which closes in this land of wonder.

From the time when the Jewish leader<sup>5</sup> sighed to see “the good land beyond Jordan, that goodly mountain, even Lebanon,” through those later days when Hebrew seers and poets looked up to its vineyards and forests, its purple slopes and its burnished silver diadem, and drew from them eternal types of truth and beauty, what a boundless wealth of sacred tradition and imagery has been treasured up in the venerable name of Lebanon!

This name, which is now confined to the eastern mountain chain, “Libanus” properly so called, is used in a wider sense by the inspired writers, and includes the great parallel range of “Anti-Libanus,” which in Hermon, its loftiest summit, attains a height of ten thousand feet. This mountain, towering in its magnificent elevation over the plain, is “the tower of Lebanon which looketh toward Damascus.”

To the Jewish people, so proud of their national Temple and its associations with the golden age of their history, Lebanon, on this account alone, would be reverently endeared. From its quarries were hewn the massive blocks of stone which rose on Moriah without sound of axe or hammer; and many a giant tree had been felled by the Tyrian woodman in its forests to yield the precious wood so largely employed in the

building. In the luxurious days of the later kings the mansions of the noble and wealthy in Jerusalem were embellished with this costly wood—"ceiled with cedar, and painted with vermilion."

The height of this tree made it a symbol of pride; its stateliness and far-spreading branches, of extended empire: "The Assyrian was a cedar in Lebanon with fair branches, and with a shadowing shroud, and of an high stature; no tree in the garden of God was like unto him for beauty." With a deeper meaning, as an emblem of the spiritual progress of the believer, the psalmist says: "The righteous shall grow like a cedar in Lebanon."

The mountain region of Lebanon is a world in itself, peopled by ancient races, whose religious feuds have often carried devastation through its fairest valleys. The northern part of the range is occupied mainly by a Christian population, the Maronites;<sup>6</sup> the southern by the Druses,<sup>7</sup> a brave, high-spirited people, whose religion is a mystery, and seems to be a kind of Mohammedanism, tinctured with the wild fanaticism of the East.

Situated on a lovely bay at the base of Lebanon is Beirout, suggesting to us what Tyre may have been like, in the days of its glory. The coast is dotted with villages, and the number of them scattered about the mountain is amazing. On approaching it from the sea, one is struck by the groups of white dwellings that gleam among the vineyards on its lower slopes, and higher up speckle the dark pine-groves, —multitudes of little hamlets clinging to its sides, or hanging like swallows' nests from its rocky eaves. Everywhere, as one makes his way through the storm-gashed ravines of the mountain, where cataracts leap and torrents twist and foam, each sudden turn of the road brings into view new villages, dropped about here and there in green retreats, and slumbering in their orchards and mulberry groves like nooks of Paradise shut out from the world.

From the highest point, which perhaps one has gained on a journey from Damascus and Baalbec to the Cedar Forest,<sup>8</sup> the prospect is one of surpassing grandeur. All at once the mountains sink and fall away to a giddy depth beneath—a maze of furrowed ridges, surging, like the waves of a frozen sea, through a veil of warm blue vapour; old castles and convents perched on islanded heights; villages everywhere clustering on the terraced steeps; at your feet the venerable Cedar Wood dwindled to a thicket of shrubs; and away in the distance the hazy gleam of the Mediterranean waters. One is reminded of the paradise of that gorgeous dream of Coleridge:—

"There were gardens bright with sinuous rills,  
Where blossomed many an incense-bearing tree;  
And here were forests ancient as the hills,  
Infolding sunny spots of greenery."

It is not for the multitude of its cedars that Lebanon is now renowned; but the spot where stand the last surviving relics of the forests that once clothed its sides will always be a haunt of pilgrimage. The wood contains about 300 cedars, of which fifty trees, twisted by the storms and scarred by the tempests of centuries, may challenge special admiration. On a mound in the centre stands the patriarch of the grove, nine feet in diameter, spreading his ponderous arms, each a tree in itself, over the heads of the many generations that have grown up below.

Nowhere, perhaps, is the wonderful union of mountain grandeur with beauty of site and richness of culture better seen than near the Christian village of Ehden,<sup>9</sup> described in glowing terms by all who have visited it. It stands on the brink of a gorge nearly two thousand feet in depth, its houses of hewn stone scattered under the shade of walnut trees, every slope and terrace waving with cornfields and vineyards, and groves of mulberry and poplar. The chime of bells, so seldom heard in the East, awakens a peculiar emotion when ringing the hour of prayer in these Christian villages.

Stability, fragrance, fruitfulness, types of the highest graces that beautify and exalt the life of man, dwell in pure and endless companionship beneath the cedars of Lebanon.

J. D. BURNS.

associations, connections.  
burnished, polished.  
colossal, huge.  
culture, cultivation.  
devastation, ruin.  
dwindled, reduced.  
embellished, ornamented.

emblem, token.  
emotion, feeling.  
fanaticism, religious frenzy.  
fragrance, aroma.  
fruitfulness, productive-  
ness.  
impressive, affecting.

includes, embraces.  
lustrous, bright.  
luxurious, voluptuous.  
magnificent, grand.  
multitudes, crowds.  
reminded, put in mind.  
slumbering, sleeping.

stability, steadfastness.  
surpassing, excessive.  
surviving, remaining.  
tinctured, tinged.  
unrivalled, peerless.  
wilderness, desert.

<sup>1</sup> Damascus, the ancient capital of Syria, and probably the oldest city in the world. It has belonged successively to all the great conquering nations of the globe—Assyrians, Persians, Greeks, Romans, Saracens, Tartars, and Turks. It is now the seat of a Turkish pashalic. The cloth called Damask is supposed to have originated there; and Damascus steel has never been surpassed.

<sup>2</sup> Antioch, formerly the capital of all Syria, and at one time the third city in the Roman Empire for wealth and refinement. It is situated on the river Orontes, 20 miles from its mouth. It has many times been nearly destroyed by earthquakes, and now its population is under 10,000.

<sup>3</sup> Baalbec, an ancient city of Syria, in the valley between Lebanon and Anti-Lebanon. It was also called *Helio-polis*, both names having the same meaning—City of the Sun. The origin of the city has been ascribed to Solomon. Among the ruins of its temples, there are found single blocks of stone over 60 feet long. One of these is 69 feet long, 17 broad, and 14 feet thick.

<sup>4</sup> Stonehenge. (See lesson on *Cairo and the Pyramids*, p. 140, Note 3.)

<sup>5</sup> The Jewish leader.—Moses, who led the Israelites through the wilderness, but was not allowed to cross the Jordan with them. (See *Deuteronomy*, iii. 25, 26.)

<sup>6</sup> Maronites; so called from their founder Maron, who lived in the fifth century. They were reconciled to the Church of Rome in the twelfth century, and are still subject to it, but they hold their service in Syriac. They number about 200,000.

<sup>7</sup> Druses, Arabs, who came from the eastern confines of Syria, and settled in Lebanon within the last nine hundred years. It is said that they were originally Egyptians, and that the sect was founded by one of the followers of Hâkim, an Egyptian prophet, who was expelled from Egypt for his heretical belief in Hâkim. They now number 100,000. In 1860 the Druses attacked the Maronites, and massacred great numbers of them. The Turks and the French interfered, and the Druses surrendered in January, 1861, giving up their leaders.

<sup>8</sup> The Cedar Forest, on the western slope of Lebanon, 25 miles inland from Botrys.

<sup>9</sup> Ehden, about five miles north-west of the Cedar Forest.

QUESTIONS.—What relics of the old oriental world lie in the shadow of Lebanon? What is the highest peak of Anti-Lebanon? and its height? Why would Lebanon be reverently endeared to the Jewish people? Of what was the cedar tree the symbol? Who dwell in the northern and the southern parts of the Lebanon region respectively? By what is one struck on approaching Lebanon from the sea? How many trees does the Cedar Forest now contain? Describe the patriarch of the grove? Where is the village of Ehden situated? For what is it remarkable?

## EVIDENCES OF DESIGN IN CREATION.

WHEN we observe a number of separate forces acting in union and harmony, we must believe that there has been a designing mind bringing them together and causing them to coöperate. When we see these agencies working in happiest association to produce innumerable effects of a beneficent character; when we find them consenting and consorting throughout thousands or myriads of years or geological ages—the evidence is felt to be overwhelming beyond the power of human calculation.

“How often,” asked Tillotson,<sup>(b)</sup> “might a man, after he had jumbled a set of letters in a bag, fling them out upon the ground before they would fall into an exact poem, yea, or so much as make a good discourse in prose? And may not a little book be as easily made by chance as this great volume of the world?—How long might a man be sprinkling colours upon canvas, with a careless hand, before they would happen to make the exact picture of a man? And is a man easier made by chance than this picture?”

“How long might twenty thousand blind men, which should be sent out from the several remote parts of England, wander up and down before they would all meet upon Salisbury Plain, and fall into rank and file in the exact order of an army? And yet this is much more easy to be imagined than that the innumerable blind parts of matter should rendezvous<sup>1</sup> themselves into a world.”

Every manual labourer may see something analogous to the art by which he earns his livelihood, operating among the natural objects by which he is surrounded.

The sailor may discover the peculiarities of his craft among marine animals. Thus, among the lower tribes, he has observed a jelly-fish—called by him the Portuguese man-of-war—setting up a sail which consists of a crest surmounting the bladder. He may notice, too, how the mussel and pinna<sup>2</sup> anchor themselves by means of threads of a horny material. The tail of the fish, it is well known, acts as a scuttle, enabling its possessor to plough its way through the deep.

The web-foot of the swimmers is an example of what is called “feathering the oar;”<sup>3</sup> when pushed forward, the web and toes collapse. The leg (usually so called) of the guillemot<sup>4</sup> and of divers is compressed laterally, presenting a knife-edge before and behind, and thus gives less resistance in the fore and back stroke. It is worthy of being mentioned, as illustrating the same point, that the whale’s tail collapses in the upward but expands in the downward stroke.

The shepherd knows how much care and watchfulness are necessary in order to protect his flocks from the wild beasts which attack them, and is thus led to admire the instincts of those animals, such as the deer, which set a watch to give a signal of danger. The hunter knows how much cunning he must exercise in order to come within reach of the wild animals pursued by him, and should not withhold a feeling of wonder when he observes how their instincts lead the brutes to show such dexterity in avoiding their natural enemies.

We find that those liable to be chased as prey, often take the colour of the ground on which they habitually feed. Riflemen are invariably dressed in the hue which is deemed least conspicuous, and which is best fitted for concealment; and is there not an equally clear proof of design furnished by the circumstance that fishes are often of the colour of the ground over which they swim, and that wild animals are not unfrequently of the colour of the covert in which they hide themselves? The red grouse and red deer are of the colour of the heath on which they feed; whereas the lapwing and curlew, themselves and their eggs, take the hue of the pasture among which they are usually found.

Speaking of the ptarmigan,<sup>5</sup> the late Mr. Thompson says: “We hardly draw on the imagination by viewing its plumage as an exquisite miniature of the seasonal changes which the mountain summit undergoes;—a miniature drawn, too, by a Hand that never errs! In summer we look upon the beautiful mixture of gray, brown, and black, as resembling the three component parts of ordinary granite—feldspar, mica, and hornblende<sup>6</sup>—among the masses of which the ptarmigan usually resides. Late in autumn, when snows begin to fall about the lofty summits, and partially to cover the surface of the rocks, we find the bird pied<sup>7</sup> with white; and in winter, when they present a perfect chrysolite,<sup>8</sup> it is almost wholly of the same pure hue.” Nor is it unworthy of being noted, that whitish or grayish colours, which are known to be the warmest, prevail in the covering of animals in the arctic regions.

The builder may easily perceive that the woody structure of plants and the bones of animals are constructed on architectural principles, being strengthened where weight has to be supported and pressure resisted, and becoming more slender where lightness is required. The form of the bole of a tree, and the manner in which it fixes itself into the ground, so as to be able to face the storms of a hundred winters, are said to have yielded some suggestions to the celebrated engineer, Smeaton,<sup>(b)</sup> in the construction of the Eddystone Lighthouse.<sup>9</sup> The architect of the Crystal Palace<sup>10</sup> confessed that he derived some of the ideas embodied in that structure from observing the wonderful provision made for bearing up the very broad leaf of the beautiful lily,<sup>11</sup> which has been brought within these few years from the marshes of Guiana to adorn our conservatories.

Every joint in the animal frame can be shown to be exactly suited to the function which it has to perform. In flesh-eating animals, where strength is the chief requisite in the lower jaw, there is a simple hinge-joint of great power; whereas in herbivorous species, which have to grind hard vegetable matter, the joint admits of free motion in all directions. Where motion in one direction is all that is required, we have a common joint, as in the fingers; where motion all round is necessary, we have, as at the shoulder and hip, the ball-and-socket joint, admitting of a rotatory motion round a ball.

In some parts of the animal frame, a single bone is all that is required, and more would injure the strength; in other parts, as in the fore-arm, a kind of rotatory motion is furnished by two bones, a radius and an ulna,<sup>12</sup> so adjusted as to move to some extent round each other.

The tubes and pipes which conduct water and gas through all the streets and dwellings of a great city, are not such ingenious contrivances as the veins and arteries which convey the blood to and from every extremity of the frame. The means by which water is forced to rise in a pump are not so wonderful as those by which, proceeding on a different principle, fluid is made to mount in the plant to the most distant twig and leaf. We construct valves to allow fluids to pass in one direction, but to prevent them from flowing back in the opposite direction; but before man devised such agency they were already in his own veins; and it was upon noticing them that Harvey<sup>(b)</sup> proceeding, as he tells us, on the principle that they were there to serve a purpose, was led to the discovery of the circulation of the blood.

It is a circumstance of great significance, that parts of animals which, to superficial observers, might seem useless, or even inconvenient, have been found, in the progress of discovery, to serve most important ends in the economy of life. The hump of the camel might readily be regarded as a very unseemly encumbrance, and we find even the distinguished naturalist Buffon<sup>(b)</sup> speaking of these humps, and of the callous pads on the legs of that animal, as marks of degradation and servitude. A little patient investigation, however, suffices to show that these parts of their frame, like every other, fit these useful creatures for the purposes served by them in the regions which they inhabit.

It has often been remarked that the abundant supply of fluid laid up in the cells of one of the stomachs is a beautiful provision for enabling the animal to endure a long continuance of thirst; and it can be shown that the enlargement of their feet, with their convex soles, allows them to tread easily on the loose yielding sand of the desert; that the callosities or pads on their legs permit them to lie down and repose on scorching surfaces; and that their humps are supplies of superabundant nourishment provided for their long journeys, so that, when deprived of other food, their frames feed on this nutriment,—and it has been observed, that at the close of a long journey their humps have been much diminished in size.

Such facts as these go to prove that it is our own ignorance and presumption which lead us to complain of the inconveniences of nature; and that a little more knowledge, and, better still, a little more humility and patience, would lead us to discover and to acknowledge that there are admirable wisdom and benevolence even in those parts of God's works which may seem to be useless, or even injurious.

J. M'COSE.

beneficent, kind.  
calculation, estimate.  
callous, hard.  
celebrated, famous.  
collapses, contracts.  
component, constituent.  
conspicuous, prominent.

contrivances, devices.  
coöperate, work together.  
dexterity, cleverness.  
diminished, reduced.  
encumbrance, burden.  
exquisite, beautiful.  
herbivorous, herb-eating.

investigation, inquiry.  
laterally, from side to side.  
miniature, reduction.  
peculiarities, features.  
principles, rules.  
pursued, chased.

requisite, essential.  
rotatory, revolving.  
significance, force.  
sprinkling, scattering.  
superabundant, spare.  
surmounting, overtopping.

<sup>1</sup> Rendezvous (*rang-da-voe*), assemble.

<sup>2</sup> Pinna, a large shell-fish, somewhat like the mussel: called also the *wing-shell*, from the likeness of its shell to the wing of a bird.

<sup>3</sup> "Feathering the oar," turning the blade of the oar horizontally in carrying it back, so as to present no resistance to wind or surf.

<sup>4</sup> Guillemot, a sea-bird, allied to the penguins, auks, and divers; found in the northern parts of both hemispheres.

<sup>5</sup> The ptarmigan (*tar-me-gan*), called also the white grouse, from the colour it assumes in winter. It is found only in lofty situations and in northern countries.

<sup>6</sup> Feldspar, mica, and hornblende, the three components of common granite. *Feldspar*, or *felspar*, is a crystalline mineral, softer than quartz. With this the gray colour of the bird corresponds. *Mica* consists of a number of thin layers, and has long been used as a substitute for glass, especially in Russia. To it the brown feathers of the bird are compared. *Hornblende* is a common mineral of a blackish-green colour.

<sup>7</sup> Pied, variegated, spotted.

<sup>8</sup> Chrysolite, a bright jewel, of a yellowish or greenish hue. The expression "Perfect chrysolite" (which is quoted from Shakespeare's *Othello*), is meant to describe the ap-

pearance of mountains in winter, when the sun shines upon their snow-clad summits.

<sup>9</sup> Eddystone Lighthouse, ten miles from the coast of Cornwall, and fourteen from Plymouth.

<sup>10</sup> The architect of the Crystal Palace—Sir Joseph Paxton, an eminent English gardener. When acting as chief gardener to the Duke of Devonshire at Chatsworth, he had erected a conservatory of iron and glass which covered an acre. This suggested the plan for the Great Exhibition of 1851 at London, which he submitted to the building committee, and which introduced a new style of architecture, since largely adopted in similar undertakings. Paxton was born in 1803; died in 1865.

<sup>11</sup> Lily—the *Victoria Regia*, a magnificent water-lily, discovered in Guiana (South America) in 1838, by Sir Robert Schomburgk, the distinguished naturalist, and named after Queen Victoria.

<sup>12</sup> Radius and ulna.—The fore-arm (between the elbow and the hand) consists of two bones; the *radius*, or exterior bone, on the thumb-side of the arm [Lat. *radius*, the spoke of a wheel]; and the *ulna*, the larger and interior bone, which forms, with the arm proper, the elbow joint [Lat. *ulna*, the elbow].

QUESTIONS.—What are the proofs of a designing mind in any work? By what comparisons does Tillotson enforce this? What remarkable adaptation is there in the leg of swimming birds? With what natural means of protection are animals chased as prey provided? What is remarkable in the case of the ptarmigan? Mention cases in which builders have taken their ideas from natural objects. Give instances of adaptation in the joints of the body. What led Harvey to discover the circulation of the blood? Give examples of parts of animals which seem useless, being really most useful contrivances. What lesson is to be learned from this?

### ROMAN GIRL'S SONG.

Rome, Rome! thou art no more  
As thou hast been!  
On thy seven hills of yore<sup>1</sup>  
Thou satst a queen.

Thou hadst thy triumphs then  
Purpling the street;<sup>2</sup>  
Leaders and sceptred men  
Bowed at thy feet.

They that thy mantle wore,  
As gods were seen—  
Rome, Rome! thou art no more  
As thou hast been!

Rome! thine imperial brow  
Never shall rise:  
What hast thou left thee now?—  
Thou hast thy skies!

Blue, deeply blue, they are,  
Gloriously bright!  
Veiling thy wastes afar  
With coloured light.

Thou hast the sunset's glow,  
 Rome, for thy dower,  
 Flushing tall cypress-bough,  
 Temple and tower !

And all sweet sounds are thine,  
 Lovely to hear ;  
 While night o'er tomb and shrine  
 Rests darkly clear.

Many a solemn hymn,  
 By starlight sung,  
 Sweeps through the arches dim,  
 Thy wrecks among.

Many a flute's low swell  
 On thy soft air  
 Lingers, and loves to dwell  
 With summer there.

Thou hast the South's rich gift  
 Of sudden song,  
 A charmed fountain, swift,  
 Joyous, and strong.

Thou hast fair forms that move  
 With queenly tread ;  
 Thou hast proud fanes above  
 Thy mighty dead.

Yet wears thy Tiber's shore  
 A mournful mien ;—  
 Rome, Rome ! thou art no more  
 As thou hast been !

FELICIA HEMANS.<sup>(b)</sup>

charmed, bewitched.  
 dower, portion.  
 fanes, temples.

flushing, suffusing.  
 imperial, sovereign.  
 lingers, loiters.

mantle, garment.  
 mien, aspect.  
 shrine, altar.

solemn, religious.  
 triumphs, exultations.  
 veiling, covering.

<sup>1</sup> On thy seven hills of yore.—Rome was built on seven hills, and is therefore called by poets "The seven-hilled city." At the time of its greatest glory, the walls of Rome were nearly twenty miles in circumference.—*Of yore* means formerly; in time long past.

<sup>2</sup> Purpling the street.—Purple was the royal colour of the ancients, especially the famous and costly Tyrian purple. In imperial Rome it was the emblem of sovereign power, and would consequently predominate in a Roman triumph, when "leaders and sceptred men" were led in procession behind the chariot of the conqueror.

### REGULUS BEFORE THE ROMAN SENATE.

[In the year 263 before Christ the First Punic War<sup>1</sup> began ; and, after it had continued eight years with varied success, the Romans sent the Consul Regulus, at the head of a large army, to carry the war into Africa. On the passage across the Mediterranean, the Carthaginian fleet, bearing not less than one hundred and fifty thousand men, was met and defeated ; but in the following year, in a battle on land, the Romans were defeated with great loss, and Regulus himself, being taken prisoner, was thrown into a dungeon. Five years later, the Carthaginians were in turn defeated in Sicily, with a loss of twenty thousand men, and the capture of more than a hundred of their elephants, which they had trained to fight in the ranks.

It was then that the Carthaginians sent an embassy to Rome with proposals of peace. Regulus was taken from his dungeon to accompany the embassy, the Carthaginians trusting that, weary of his long captivity, he would urge the Senate to accept the proffered terms ; but the inflexible Roman persuaded the Senate to reject the proposals and continue the war, assuring his countrymen that the resources of Carthage were nearly exhausted. Bound by his oath to return if peace were not concluded, he voluntarily went back, in spite of the prayers and entreaties of his friends, to meet the fate which awaited him. It is generally stated that after his return to Carthage he was tortured to death by the exasperated Carthaginians. Thus he spoke to the Senate:—]

Urge me no more ; your prayers are vain,  
 And even the tears ye shed :  
 When I can lead to Rome again  
 The bands that once I led ;  
 When I can raise your legions slain  
 On swarthy Libya's<sup>2</sup> fatal plain,  
 To vengeance from the dead,  
 Then will I seek once more a home,  
 And lift a freeman's voice in Rome !

Accurs'd moment ! when I woke  
 From faintness all but death,  
 And felt the coward conqueror's yoke  
 Like venom'd serpent's wreath  
 Round every limb !—if lip and eye  
 Betrayed no sign of agony,  
 Inly I cursed my breath :  
 Wherefore, of all that fought, was I  
 The only wretch that could not die ?

To darkness and to chains 'consigned,  
 The captive's fighting doom,  
 I recked not;—could they chain the mind,  
 Or plunge the soul in gloom?  
 And there they left me, dark and lone,  
 Till darkness had familiar grown;  
 Then from that living tomb  
 They led me forth, I thought, to die;—  
 Oh! in that thought was 'ecstasy!

But no! kind Heaven had yet in store  
 For me, a conquered slave,  
 A joy I thought to feel no more,  
 Or feel but in the grave.  
 They deemed, 'perchance my haughtier mood  
 Was quelled by chains and solitude;  
 That he who once was brave—  
 Was I not brave?—had now become  
 Estranged from honour, as from Rome.

They bade me to my country bear  
 The offers these have borne;  
 They would have trained my lips to swear  
 Which never yet have sworn.  
 Silent their base commands I heard;  
 At length I 'pledged a Roman's word,  
 Unshrinking, to return.  
 I go, prepared to meet the worst;  
 But I shall gall proud Carthage first.

They sue for peace;—I bid you spurn  
 The gilded bait they bear;  
 I bid you still, with aspect stern,  
 War, ceaseless war, declare.  
 Fools as they were, could not mine eye,  
 Through their 'dissembled calmness, spy  
 The struggles of despair?  
 Else had they sent this wasted frame

To bribe you to your country's shame?  
 Your land—I must not call it mine;  
 No country has the slave;  
 His father's name he must resign,  
 And even his father's grave—  
 But this not now—beneath her lies  
 Proud Carthage and her 'destinies:  
 Her empire o'er the wave  
 Is yours; she knows it well, and you  
 Shall know, and make her feel it too.—

Ay, bend your brows, ye ministers  
 Of coward hearts, on me;  
 Ye know no longer it is hers,  
 The empire of the sea;  
 Ye know her fleets are far and few,  
 Her bands a 'mercenary crew;  
 And Rome, the bold and free,  
 Shall trample on her prostrate towers,  
 Despite your weak and wasted powers.

One path alone remains for me—  
 My vows were heard on high;  
 Thy triumphs, Rome, I shall not see,  
 For I return to die.  
 Then tell me not of hope or life;  
 I have in Rome no chaste, fond wife,  
 No smiling 'progeny;  
 One word 'concentres for the slave,  
 Wife, children, country, all—the grave.

DALE.

captivity, mprisonment.  
 capture, seizure.  
 concentres, embraces.  
 consigned, committed.  
 continued, lasted.  
 defeated, overthrown.

destinies, fate.  
 dissembled, feigned.  
 ecstasy, rapture.  
 embassy, deputation.  
 entreaties, importunities.

exasperated, infuriated.  
 exhausted, worn out.  
 inflexible, stubborn.  
 mercenary, hireling.  
 perchance, perhaps.

pledged, plighted.  
 progeny, offspring.  
 resources, means.  
 swarthy, dark.  
 venomous, poisonous.

<sup>1</sup>Punic War.—So the wars between Rome and Carthage (of which there were three) were called by the Romans. The name *Pœni* (whence *Punic*) was given to the Carthaginians because of their *Phœnician* origin. In the third Punic War

Carthage was completely destroyed, 146 B.C. (See HISTORY OF ROME, Nelsons' School Series, p. 61.)  
<sup>2</sup>Libya, the northern part of Africa. After the fall of Carthage, Libya became a Roman province.

## THE LAST FIGHT IN THE COLISÆUM.

A.D. 404.

The grandest and most renowned of all the ancient amphitheatres is the Colisæum at Rome. It was built by Vespasian and his son Titus,<sup>(6)</sup> the conquerors of Jerusalem, in a valley in the midst of the seven hills of Rome. The captive Jews were forced to labour at it; and the materials—granite outside, and a softer stone within—are so solid, and so admirably built, that still, at the end of eighteen centuries, it has scarcely even become a ruin, but remains one of the greatest wonders of Rome.

Five acres of ground were enclosed within the oval of its outer wall, which, outside, rises perpendicularly in tiers of arches one above another. Within, the galleries of seats projected forwards, each tier coming out far beyond the one above it; so that between the lowest and the outer wall there was room for a great variety of chambers, passages, and vaults around the central space, called the arena.<sup>1</sup>

Altogether, when full, this huge building held no fewer than 87,000 spectators! It had no roof; but when there was rain, or if the sun was too hot, the sailors in the porticos unfurled awnings that ran along upon ropes, and formed a covering of silk and gold tissue over the whole. Purple was the favorite colour for this veil; because, when the sun shone through it, it cast such beautiful rosy tints on the snowy arena and the white purple-edged togas of the Roman citizens.

When the emperor had seated himself and given the signal, the sports began. Sometimes a ropedancing elephant would begin the entertainment, by mounting even to the summit of the building and descending by a cord. Or a lion came forth with a jewelled crown on his head, a diamond necklace round his neck, his mane plaited with gold, and his claws gilded, and played a hundred pretty gentle antics with a little hare that danced fearlessly within his grasp.

Sometimes water was let into the arena, a ship sailed in, and falling to pieces in the midst, sent a crowd of strange animals swimming in all directions. Sometimes the ground opened, and trees came growing up through it, bearing golden fruit. Or the beautiful old tale of Orpheus<sup>2</sup> was acted: these trees would follow the harp and song of the musician; but—to make the whole part complete—it was no mere play, but in real earnest, and the Orpheus of the piece fell a prey to live bears.

For the Colisæum had not been built for such harmless spectacles as those first described. The fierce Romans wanted to be excited and to feel themselves strongly stirred; and, presently, the doors of the pits and dens around the arena were thrown open, and absolutely savage beasts were let loose upon one another—rhinoceroses and tigers, bulls and lions, leopards and wild boars—while the people watched with ferocious curiosity to see the various kinds of attack and defence, their ears at the same time being delighted, instead of horror-struck, by the roars and howls of the noble creatures whose courage was thus misused.

Wild beasts tearing each other to pieces might, one would think, satisfy any taste for horror; but the spectators needed even nobler game to be set before their favourite monsters;—men were brought forward to confront them. Some of these were, at first, in full armour, and fought hard, generally with success. Or hunters came, almost unarmed, and gained the victory by swiftness and dexterity, throwing a piece of cloth over a lion's head, or disconcerting him by putting their fist down his throat.

But it was not only skill, but death that the Romans loved to see; and condemned criminals and deserters were reserved to feast the lions, and to entertain the populace with their various kinds of death. Among those condemned was many a Christian martyr,<sup>3</sup> who witnessed a good confession before the savage-eyed multitude around the arena, and “met the lion's gory mane” with a calm resolution and a hopeful joy that the lookers-on could not understand. To see a Christian die, with upward gaze, and hymns of joy on his tongue, was the most strange and unaccountable sight the Colisæum could offer; and it was therefore the choicest, and reserved for the last of the spectacles in which the brute creation had a part.

The carcasses were dragged off with hooks, the blood-stained sand was covered with a fresh clean layer, perfume was wafted in stronger clouds, and a procession came forward—tall, well-made men, in the prime of their strength. Some carried a sword and a lasso, others a trident and a net; some were in light armour, others in the full, heavy equipment of a soldier; some on horseback, some in chariots, some on foot. They marched in, and made their obeisance to the emperor; and with one voice their greeting sounded throughout the building: “Hail, Cæsar; those about to die salute thee!” They were the gladiators—the swordsmen trained to fight to the death to amuse the populace.

Fights of all sorts took place,—the light-armed soldier and the netsman—the lasso and the javelin—the two heavy-armed warriors,—all combinations of single combat, and sometimes a general *mêlée*. When a gladiator wounded his adversary, he shouted to the spectators, “He has it!” and looked up to know if he should kill or spare. When the people held up their thumbs, the conquered was left to recover, if he could; if they turned them down, he was to die: and if he showed any reluctance to present his throat for the death-blow, there was a scornful shout, “Receive the steel!” Many of us must have seen casts of that most touching statue of the wounded gladiator, that called forth from Byron these noble lines of indignant pity:—

“I see before me the gladiator lie :

He leans upon his hand; his manly brow

Consents to death, but conquers agony;

And his drooped head sinks gradually low;

And through his side the last drops ebbing slow

From the red gash, fall heavy one by one,

Like the first of a thunder-shower, and now

The arena swims around him—he is gone.

Ere ceased the inhuman shout which hailed the wretch who won.

“He heard it, but he heeded not; his eyes

Were with his heart, and that was far away :

He recked not of the life he lost, nor prize;

But where his rude hut by the Danube lay—

There were his young barbarians all at play,

There was their Dacian<sup>4</sup> mother—he their sire,

Butchered to make a Roman holiday.—

All this rushed with his blood.—Shall he expire,

And unavenged?—Arise, ye Goths,<sup>5</sup> and glut your ire!”

Christianity, however, had worked its way upwards, and at last was professed by the emperor on his throne. Persecution came to an end, and no more martyrs fed the beasts in the Colisæum. The Christian emperors endeavoured to prevent any more shows where cruelty and death formed the chief interest, and no truly religious person could endure the spectacle; but custom and love of excitement prevailed even against the emperor. They went on for fully a hundred years after Rome had, in name, become a Christian city, and the same customs prevailed wherever there was an amphitheatre or pleasure-loving people.

Meantime the enemies of Rome were coming nearer and nearer. Alaric, the great chief of the Goths, led his forces into Italy, and threatened the city itself. Honorius, the emperor, was a cowardly, almost idiotic boy; but his brave general, Stilicho, assembled his forces, met the Goths at Pollentia (about twenty-five miles from where Turin now stands), and gave them a complete defeat, on Easter-day of the year 403. He pursued them to the mountains, and for that time saved Rome.

In the joy of victory, the Roman Senate invited the conqueror and his ward Honorius to enter the city in triumph, at the opening of the new year, with the white steeds, purple robes, and vermilion cheeks with which, of old, victorious generals were welcomed at Rome. The churches were visited, instead of the Temple of Jupiter, and there was no murder of the captives; but Roman bloodthirstiness was not yet allayed, and after the procession had been completed, the Colisæum shows commenced, innocently at first, with races on foot, on horseback, and in chariots; then followed a grand hunt of beasts turned loose in the area; and next a sword dance. But after the sword dance came the arraying of swordsmen, with no blunted weapons, but with sharp spears and swords—a gladiator combat in full earnest. The people, enchanted, applauded with shouts of ecstasy this gratification of their savage tastes.

Suddenly, however, there was an interruption. A rude, roughly-robed man, bareheaded and bare-footed, had sprung into the arena, and, waving back the gladiators, began to call aloud upon the people to cease from the shedding of innocent blood, and not to requite God's mercy, in turning away the sword of the enemy, by encouraging murder. Shouts, howls, cries, broke in upon his words; this was no place for preachings—the old customs of Rome should be observed—"Back, old man!"—"On, gladiators!"

The gladiators thrust aside the meddler, and rushed to the attack. He still stood between, holding them apart, striving in vain to be heard. "Sedition! sedition!"—"Down with him!"—was the cry; and the perfect in authority himself added his voice. The gladiators, enraged at interference with their vocation, cut him down. Stones, or whatever came to hand, rained upon him from the furious people, and he perished in the midst of the arena! He lay dead; and then the people began to reflect upon what had been done.

His dress showed that he was one of the hermits who had vowed themselves to a life of prayer and self-denial, and who were greatly revered, even by the most thoughtless. The few who had previously seen him, told that he had come from the wilds of Asia on pilgrimage, to visit the shrines and keep his Christmas at Rome. They knew that he was a holy man—no more; it is not even certain what his name was. But his spirit had been stirred by the sight of thousands flocking to see men slaughter one another, and in his simple-hearted zeal he had resolved to stop the cruelty, or die.

He had died, but not in vain. His work was done. The shock of such a death before their eyes turned the hearts of the people; they saw the wickedness and cruelty to which they had blindly surrendered themselves; and since the day when the hermit died in the Colisæum, there has never been another fight of gladiators. Not merely at Rome, but in every province of the empire, the custom was utterly abolished; and one habitual crime at least was wiped from the earth by the self-devotion of one humble, obscure, and nameless man.

*A Book of Golden Deeds.*

abolished, destroyed. absolutely, positively. admirably, excellently. agony, suffering. amphitheatres, circuses. awnings, canopies. bloodthirstiness, desire for slaughter. carcasses, dead bodies. condemned, sentenced to death. confront, encounter.

descending, going down. dexterity, cleverness. disconcerting, confusing. ecstasy, rapture. enchanted, delighted. endeavoured, attempted. entertainment, amusement. equipment, outfit. excitement, sensation. galleries, tiers. inhuman, merciless. innocently, harmlessly.

leopards, spotted animals. mêlée (*mala*), confused fight. obeisance, reverence. perpendicularly, vertically. populace, the common people. porticos, porches. previously, formerly. procession, pageant. reluctance, unwillingness. renowned, famous. requite, repay.

resolution, firmness. revered, venerated. rhinoceroses, thick-skinned animals. spectacles, exhibitions. surrendered, yielded. threatened, menaced. unaccountable, inexplicable. unavenged, without retaliation. vermilion, bright red. vocation, profession.

<sup>1</sup> Arena.—So called from the sand [Lat. *arena*] with which it was strown.

<sup>2</sup> Orpheus, fabled son of a King of Thrace, his mother being the chief of muses. His skill as a poet and a musician was such that the rocks and trees followed him.

<sup>3</sup> Christian martyr.—The persecutions of the early Christians by the Roman Emperors took place between 64 and 303 A.D. There were eleven great persecutions, of three of which Rome was the chief scene. The Christian victims were frequently forced to encounter wild beasts in the arena, and were sooner or later torn to pieces by them.

<sup>4</sup> Dacian, a native of Dacia in Hungary, which was subdued by the Emperor Trajan in 106 A.D. On the occasion of his triumph, upwards of 10,000 captives were made to fight with one another in the circus, for the amusement of

the people. The combats lasted 123 days. Trajan's Column erected by the Senate and people in 114 A.D., to commemorate his victories, is so perfect in its design and proportions that it has been taken as a model for all succeeding erections of the same kind. His achievements are delineated in a series of bas-reliefs, continued in a spiral form from the base to the summit of the shaft.

<sup>5</sup> Ye Goths.—Rome was taken and the empire was overthrown by different Gothic tribes in the fifth century, when the barbarous treatment to which Rome had subjected its captives from these races was barbarously avenged. There is no reason, however, to believe that the Dacians subdued by Trajan were Goths; indeed, the Goths did not get possession of Dacia till 270 A.D.

QUESTIONS.—Which was the grandest of the ancient amphitheatres? By whom was it built? What space does it cover? What number of spectators did it hold? Who gave the signal for the sports to begin? What was the nature of the opening sports? By what were the more harmless spectacles succeeded? What followed the fight of beasts with beasts? What was considered the choicest spectacle of this kind? Who then marched in, and greeted the emperor? How did the spectators indicate whether they wished a vanquished gladiator to be killed or spared? What put an end to these displays? When were they revived at Rome? Who suddenly interrupted the sports? What was his fate? What effect had his death?

SIR ROGER DE COVERLEY.

HAVING often received an invitation from my friend Sir Roger de Coverley to pass away a month with him in the country, I last week accompanied him thither, and am settled with him for some time at his country house, where I intend to form several of my ensuing speculations. Sir Roger, who is very well acquainted with my humour, lets me rise and go to bed when I please, dine at his own table or in my chamber as I think fit, sit still and say nothing without bidding me be merry.....



I am the more at ease in Sir Roger's family, because it consists of sober and staid persons; for as the knight is the best master in the world, he seldom changes his servants; and as he is beloved by all about him, his servants never care for leaving him: by this means his domestics are all in years, and grown old with their master. You would take his *valet-de-chambre*<sup>1</sup> for his brother, his butler is grey-headed, his groom is one of the gravest men that I have ever seen, and his coachman has the looks of a privy-councillor.....

I could not but observe with a great deal of pleasure the joy that appeared in the countenances of these ancient domestics, upon my friend's arrival at his country seat. Some of them could not refrain from tears at the sight of their old master; every one of them pressed forward to do something for him, and seemed discouraged if they were not employed.

At the same time, the good old knight, with a mixture of the father and the master of the family, tempered the inquiries after his own affairs with several kind questions relating to themselves. His humanity and good nature engage everybody to him, so that when he is pleasant upon<sup>2</sup> any of them, all his family are in good humour, and none so much so as the person whom he diverts himself with; on the contrary, if he coughs, or betrays any infirmity of old age, it is easy for a stander-by to observe a secret concern in the looks of all his servants.....

My chief companion, when Sir Roger is diverting himself in the woods or the fields, is a very venerable man, who is ever with Sir Roger, and has lived at his house in the nature of a chaplain above thirty years. This gentleman is a person of good sense and some learning, of a very regular life and obliging conversation. He heartily loves Sir Roger, and knows that he is very much in the old knight's esteem, so that he lives in the family rather as a relation than as a dependant.....

My friend Sir Roger has often told me, with a great deal of mirth, that at his first coming to his estate he found three parts of his house altogether useless: that the best room in it had the reputation of being haunted, and by that means was locked up; that noises had been heard in his long gallery, so that he could not get a servant to enter it after eight o'clock at night; that the door of one of his chambers was nailed up, because there went a story in the family that a butler had formerly hanged himself in it; and that his mother, who lived to a great age, had shut up half the rooms in the house, in which either her husband, a son, or a daughter had died.

The knight, seeing his habitation reduced to so small a compass, and himself in a manner shut out of his own house, upon the death of his mother ordered all the apartments to be flung open, and exorcised<sup>3</sup> by his chaplain, who lay in every room, one after another, and by that means dissipated the fears which had so long reigned in the family.....

My friend Sir Roger, being a good Churchman, has beautified the inside of his church with several texts of his own choosing. He has likewise given a handsome pulpit-cloth, and railed in the communion table at his own expense. He has often told me, that at his coming to his estate he found his parishioners very irregular; and that in order to make them kneel and join in the responses, he gave every one of them a hassock and a Common Prayer Book, and at the same time employed an itinerant singing-master to instruct them rightly in the tunes of the psalms, upon which they now very much value themselves.

As Sir Roger is landlord to the whole congregation, he keeps them in very good order, and will suffer nobody in it to sleep besides himself; for if by chance he has been surprised into a short nap at sermon, upon recovering out of it he stands up and looks about him, and if he sees anybody else nodding, he either wakes them himself or sends his servant to them.

Several other of the old knight's particularities break out on these occasions. Sometimes he will be lengthening out a verse in the singing-psalms, half a minute after the rest of the congregation have done with it; sometimes, when he is pleased with the matter of his devotion, he pronounces Amen three or four times to the same prayer; and sometimes he stands up when everybody else is kneeling, to count the congregation, or see if any of his tenants are missing.

I was yesterday very much surprised to hear my old friend, in the midst of the service, calling out to one John Matthews to mind what he was about, and not disturb the congregation. This John Matthews, it seems, is remarkable for being an idle fellow, and at that time was kicking his heels for his diversion. The authority of the knight, though exerted in that odd manner which accompanies him in all circumstances in life, has a very good effect upon the parish, who are not polite enough to see anything ridiculous in his behaviour; besides that the general good sense and worthiness of his character make his friends observe these little singularities as foils that rather set off<sup>4</sup> than blemish his good qualities.

As soon as the sermon is finished, nobody presumes to stir till Sir Roger is gone out of the church. The knight walks down from his seat in the chancel<sup>5</sup> between a double row of his tenants, that stand bowing to him on each side; and he every now and then inquires how such an one's wife, or mother, or son, or father does, whom he does not see at church; which is understood as a secret reprimand to the person that is absent.

The chaplain has often told me that, upon a catechising day, when Sir Roger has been pleased with a boy that answers well, he has ordered a Bible to be given him next day for his encouragement; and sometimes accompanies it with a fitch of bacon to his mother. Sir Roger has likewise added £5 a year to the clerk's<sup>6</sup> place; and that he may encourage the young fellows to make themselves perfect in the Church service, has promised upon the death of the present incumbent, who is very old, to bestow it according to merit.

JOSEPH ADDISON.<sup>(6)</sup>

ancient, old-fashioned.  
beautified, ornamented.  
chambers, apartments.  
compass, dimensions.  
countenances, faces.  
devotion, prayer.  
discouraged, disappointed.  
dissipated, dispelled.  
diversion, amusement.

domestics, servants.  
ensuing, following.  
habitation, dwelling.  
hassock, kneeling-stool.  
humanity, kindness.  
incumbent, holder.  
infirmity, weakness.  
inquires, asks.  
invitation, request.

itinerant, travelling.  
obliging, courteous.  
habitual, remark.  
particularities, oddities.  
polite, polished.  
pronounces, repeats.  
reprimand, reproof.  
reputation, character.  
responses, answers.

ridiculous, absurd.  
speculations, meditations.  
surprised, thrown unexpect-  
edly.  
tempered, mingled.  
venerable, reverend.

<sup>1</sup> Valet-de-chambre (*valley-de-shong-br*), a chamber-servant; a footman.

<sup>2</sup> Is pleasant upon, makes fun of.

<sup>3</sup> Exorcised, freed of evil spirits.

<sup>4</sup> Foils that rather set off.—Jewellers are accustomed to set gold or silver leaf behind transparent jewels, in order to give them colour or lustre; this leaf is called a *foil*. [Fr.

*feuille*, Lat. *folium*, a leaf; Eng. tin-*foil*.] Hence anything used to show another thing to greater advantage is called a *foil*.

<sup>5</sup> Chancel, the principal part of a church, where the altar or communion table is placed.

<sup>6</sup> Clerk, the lay officer who leads the responses of the congregation in the Episcopal service.

## PUNCTUATION.

The following passage will show the importance of Punctuation :—

“Hubert rode on his brother’s horse being lame he did not reach home till midnight.”

As the words stand, they admit of several meanings. In reading the passage aloud, these different meanings are indicated by breaks or pauses. In writing or printing it, they are indicated by the insertion of points. It may be read and pointed in at least three ways :—

1. Hubert rode on his brother’s horse being lame. He did not reach home till midnight. 2. Hubert rode on. His brother’s horse being lame, he did not reach home till midnight. 3. Hubert rode on, his brother’s horse being lame. He did not reach home till midnight.

The primary use of punctuation, therefore, is to prevent mistakes, and to make the meaning of what we write as plain as possible.

The above example shows that points are required to separate words that are to be kept apart in meaning. But while points thus *disjoin* the words between which they stand, they serve at the same time to *conjoin* the words that stand between them. Thus in No. 3, the comma (,) after “on” not only separates that word from “his brother’s horse,” but it also forces us to take together the words “his-brother’s-horse-being-lame,” as the expression of a single thought. This, then is the double purpose of punctuation,—first to separate, and then to give distinctness to each of the separated parts.

In ordinary cases, two points are sufficient for this purpose :—

The Period, to separate sentence from sentence ;

The Comma, to separate the distinct parts of a sentence from each other.

These are the points most frequently used, and some authors rarely use any others. But when a sentence is long, and complicated in structure, its meaning may be made clear by the use of the Semicolon (;) and the Colon (:).

For example, when a sentence consists of two or more great divisions, within which commas are used, it is desirable to separate the great divisions from each other by a different point ; and for this purpose the *semicolon* is employed.

EXAMPLES.—Sloth makes all things difficult, but Industry all easy ; and he that riseth late must trot all day, and shall scarce overtake his business at night ; while Laziness travels so slowly, that Poverty soon overtakes him.

There is a tide in the affairs of men,  
Which, taken at the flood, leads on to fortune ;  
Omitted, all the voyage of their life  
Is bound in shallows and in miseries.

In like manner, when parts of a division are separated by semicolons, the divisions themselves must be separated by a *colon*.

EXAMPLES.—If this life is unhappy, it is a burden to us which is difficult to bear ; it is in every respect happy, it is dreadful to be deprived of it : so that, in either case, the result is the same ; for we must exist in anxiety and apprehension.

Hear me for my cause ; and be silent, that you may hear : believe me for mine honour ; and have respect to mine honour, that you may believe : censure me in your wisdom ; and awake your senses, that you may the better judge.

## SPECIAL RULES.

1. Explanatory and parenthetical words are marked off from the rest of the sentence by commas.

EXAMPLES.—Shakespeare, *the great dramatist*, was born at Stratford-on-Avon, *where he also died*.  
—History, *moreover*, is a very profitable study.

The effect of two commas in such cases is much the same as that of the parenthesis ( ).

2. When the explanation limits the word to which it belongs, or implies contrast, no commas should be used.

EXAMPLES.—Jonson *the dramatist* must not be confounded with Johnson *the critic*.—His library is rich in books *which treat of the progress of the physical sciences*.

3. A series of words of the same kind, whether single or in pairs, is divided by commas.

EXAMPLES.—Henry was *kind, liberal, and forgiving*.—He was *kind and liberal, gentle and forgiving*.

4. A sudden break in the structure of a sentence is indicated by a dash (—).

EXAMPLE.—If you had not come, I should have supposed—but why discuss this when you are here ?

5. When the original structure of the sentence is resumed, a second dash must be inserted.

EXAMPLE.—The defects and faults of “Paradise Lost.”—for faults and defects every work of man must have—it is the business of impartial criticism to discover.

6. The dash is used before an enumeration of particulars.

EXAMPLE.—Napoleon sacrificed everything to his aim—money, troops, generals, even his own safety.

7. The dash is also used between two sentences which relate to different subjects, or which are addressed to different persons.

EXAMPLE—

“King (to Hotspur). Send me your prisoners with the speediest means,  
Or you shall hear in such a kind from me  
As will displease you—My Lord Northumberland,  
We license your departure with your son.—  
Send us your prisoners, or you will hear of it.”

8. Each part of a direct quotation is inclosed between inverted commas.

EXAMPLE.—“*Reading*,” says Bacon, “*maketh a full man, conference a ready man, writing an exact man.*”

9. When a quotation forms an independent sentence, it is preceded by a colon.

EXAMPLE.—When Preston had read the sentence of William’s Declaration in which the spiritual peers were referred to, King James proceeded : “*My lords, I do not believe one word of this. I am satisfied of your innocence; but I think it fit to let you know of what you are accused.*”

In the above case the comma and dash are sometimes used.

EXAMPLE.—How well the silent anguish of Macduff is conveyed to the reader by the friendly exposition of Malcolm,—“*What, man! ne’er pull your hat upon your brows.*”

10. When a quotation forms an independent paragraph, it is preceded by a colon and a dash.

EXAMPLE.—Few men would envy the character which Cæsar gives of Cassius :—

*“ He loves no play,  
As thou dost, Anthony; he hears no music :  
Seldom he smiles; and smiles in such a sort,  
As if he mocked himself, and scorned his spirit  
That could be moved to smile at anything.”*

The same rule applies to an enumeration of heads of classes.

EXAMPLE.—The following are the four principle seas of Europe :—

- |   |  |  |
|---|--|--|
| <ol style="list-style-type: none"> <li>1. <i>The Baltic Sea.</i></li> <li>2. <i>The North Sea.</i></li> </ol> |  | <ol style="list-style-type: none"> <li>3. <i>The Mediterranean Sea.</i></li> <li>4. <i>The Black Sea.</i></li> </ol> |
|---|--|--|

11. The interrogation (?) is used after questions; and the exclamations (!) after expressions of surprise or sorrow.

EXAMPLE.—O shame! where is thy blush?

12. The parenthesis ( ) is used to enclose explanatory words which do not belong to the grammatical structure of the sentence.

EXAMPLE.—Jamaica pepper (*called also allspice*) is the unripe berry of an evergreen shrub dried in the sun.

## DICTATION EXERCISES.

### FOR PRACTICE IN PUNCTUATION.\*

1. The king, surrounded by his courtiers, proceeded to the palace. We may, however, let that pass. Shakespeare the man is inseparable from Shakespeare the poet. It is impossible to describe his scorn, loathing, and contempt. A considerable part of his life has generally been spent in the capital, and the refinements of the capital follow him into the country.

2. Looking to the left, towards the gorge, we beheld six compact masses of infantry. The large, heavy, iron bar fell upon him. The door of the cell was softly opened; and there lay Argyle on the bed, sleeping, in his irons, the placid sleep of infancy. When I look upon the tombs of the great, every emotion of envy dies in me; when I meet with the grief of parents upon a tombstone, my heart melts with compassion; when I see the tomb of the parents themselves, I consider the vanity of grieving for those whom we must quickly follow.

3. The boy, surrounded by his tormentors, was unable to escape. To tell the truth, I was not greatly struck by his appearance. The soul that sinneth, it shall die. High and low, rich and poor, young and old meet together. The integrity, gravity, and bravery of the Turks, form an exact contrast to the deceit, levity, and cowardice of the modern Greeks.

4. He remained in the land of his adoption, for many years, with great profit to himself. He was reserved, proud, and haughty. Where we now see a port crowded with shipping, and a market-place swarming with buyers and sellers, the waves then broke on a desolate beach; but a fragment of the rock on which the deliverer stepped from his boat has been carefully preserved, and is set up as an object of public veneration in the centre of that busy wharf. It was broad day before the man arrived, and he found the work not even half performed.

5. In the midst of the most serene day of summer, the sky being clear and unclouded, a loud peal of thunder was distinctly heard, apparently in the west. He laboured patiently, earnestly, and laboriously. There was no reason, however, why I should refrain from seeing the person who had inconsiderately sent her to so great a distance, by night and alone; and, as it was not improbable that, if she found herself near home, she might take farewell of me, and deprive me of the opportunity, I avoided the most frequented ways, and took the most intricate. Be not too familiar with thy servants; at first it may beget love, but in the end it will breed contempt.

6. In a custom of such long standing, methinks, if the bishops had, in decency, been first sounded—but I am wading out of my depths. I might dilate on the difficulties which attended that undertaking—the temper of the people, the power, arts, and interests of the contrary party; but these are all invidious topics. Poetry—far from injuring society—is one of the great instruments of its refinement.

7. And now the bell—the bell she had so often heard, by night and day, and listened to with solemn pleasure, almost as to a living voice—rang its remorseless toll for her, so young, so beautiful, so good. When Phocion, the modest and gentle Phocion, was led to execution, he turned to one of his fellow-sufferers, who was lamenting his own hard fate: “Is it not glory enough for you,” said he, “that you die with Phocion?” Ah me! how sweet the moonlight sleeps upon this bank!

8. Pleasure and terror are, indeed, the genuine sources of poetry; but poetical pleasure must be such as human nature can at least conceive, and poetical terror such as human strength and fortitude may combat.

\* The teacher will dictate the sentences without giving the points, and require the pupils to insert them in their exercises.

The slaves of domestic tyranny may vainly exult in their national independence; but the Arab is personally free; and he enjoys, in some degree, the benefits of society, without forfeiting the prerogatives of nature.

9. There was, however,—as in all human affairs there is,—in the midst of this joy something to exercise the patience of these worthy gentlemen, and to try the long-suffering of their faith. “Examine now,” said he, “this sea that is bounded with darkness at both ends, and tell me what thou discoverest in it.”—“I see a bridge,” said I, “standing in the midst of the tide.”—“The bridge thou seest,” said he, “is human life; consider it attentively.” O king, live for ever! Come forth! O ye children of gladness, come!

10. Cromwell died on the 3rd of September 1658—the anniversary of two of his great victories (Dunbar and Worcester), and the day which he had always considered the brightest in the year. The following is from Shakespeare:—

All the world's a stage,  
And all the men and women merely players:  
They have their exits and their entrances;  
And one man in his time plays many parts.  
His acts being seven ages.

## BIOGRAPHICAL APPENDIX.

### SHORT LIVES OF THE LEADING AUTHORS AND IMPORTANT PERSONAGES REFERRED TO IN THE PRECEDING LESSONS.

In the text the names are indicated by a superior *b*: thus, ADDISON.<sup>(b)</sup>

Addison, Joseph, essayist and poet, was born in Wiltshire in 1672. His fame rests chiefly on his weekly papers in the *Spectator*, *Tatler*, and *Guardian*. His chief poem is the *Letter from Italy*. His prose style is remarkable for grace, purity, and quaint humour. He became a Secretary of State in 1717, and died at Holland House, London, in 1719.

Æschylus, the father of the Greek drama, was born at Athens in 525 B.C. He was wounded at Marathon (490 B.C.), and fought at Salamis (480 B.C.). He was the first to introduce on the stage more actors than one, and to give them appropriate dresses. Of ninety dramas produced by him, only seven have come down to us. In 468 B.C. Sophocles defeated him in the public competition of dramas, and he retired to Sicily, where he died in 456 B.C.

Alexander the Great, King of Macedon, was born in 356 B.C., and trained by Aristotle, the great philosopher. On the death of his father Philip, 336 B.C., he succeeded him, subdued the hostile Greeks, and was made Generalissimo of Greece. Then began (334 B.C.) his great career of conquest. He subdued Phœnicia, Syria, Egypt, Persia, and part of India. He died of fever at Babylon in 323 B.C.

Anacreon, a celebrated Greek lyrical poet, was born at Teos in Asia Minor, about 563 B.C. The *Odes* ascribed to him are possessed of great sweetness and elegance. Much of what he wrote has certainly been lost, and the genuineness of the works which bear his name has been doubted. He lived a dissipated and intemperate life, chiefly at Athens and Samos (an island in the Ægean Sea). He died in 478 B.C.

Aristides, a celebrated Athenian, surnamed “The Just,” from his purity in the discharge of public offices. He fought with signal bravery at Marathon (490 B.C.); and though he had charge of the spoils, he took nothing for himself. Themistocles was his political rival; and, gaining the ascendancy in Athens, he banished Aristides by ostracism—that is, by a public vote of censure. He was afterwards recalled, however, and rendered great service to Themistocles at the Battle of Salamis (480 B.C.). He died in obscurity in 467 B.C.; but he received a splendid funeral, and his family were provided for by the State.

Aristotle, the greatest of Greek philosophers, was born at Stagira, 384 B.C.,—hence called “The Stagirite.” He studied with great diligence under Plato. He was tutor to Alexander the Great, and afterwards taught philosophy at Athens with great

success. He produced a great number of learned works on rhetoric, politics, ethics, poetry, physics, mathematics, logic, and metaphysics. He died in 323 B.C.

Aytoun, William Edmondstone, a romantic poet of the school of Scott, was born at Edinburgh in 1813. He was for many years a regular contributor to *Blackwood's Magazine*. His papers include many humorous tales and sketches, but his fame rests chiefly on his *Lays of the Scottish Cavaliers*. For many years he was Professor of Rhetoric in the University of Edinburgh. He died in 1865.

Bacon, Francis, Lord, the eminent statesman, and the father of experimental philosophy, was born at London in 1561. He was educated at Cambridge, and after a brief sojourn in France, practised as a lawyer at Gray's Inn. He entered Parliament in 1592. In 1604 he published his *Advancement of Learning*. In 1618 he became Lord Chancellor. The greatest of all his works was published while he held this high office, in 1620. Shortly afterwards he was accused of bribery and corruption, was tried, and sentenced to pay a heavy fine. He confessed his guilt, but threw the blame of his acts partly on the prevailing customs of the law courts, partly on his servants. He was afterwards pardoned, but spent the remainder of his life in retirement. He died in 1626.

Belzoni, a celebrated explorer of Egyptian antiquities. He made many important discoveries, and sent to London some of the most valuable Egyptian relics in the British Museum. Born at Padua (Italy), 1774; died in Africa, 1823.

Blake, Admiral Robert, one of England's most famous and daring seamen, was born at Bridgewater (Somerset) in 1598. In 1617 he took his degree at Oxford. In 1640 he sat for Bridgewater in the Long Parliament; and on the outbreak of the civil war, he sided with the Parliamentarians. He was appointed to the command of the fleet in 1649. One of his greatest achievements was the defeat of the Dutch fleet of 45 sail under Van Tromp, with only twenty-three ships, in the Downs, 1652. He died on board his ship in 1657.

Brooke, Henry, a writer of dramas and novels, was born in Ireland in 1706. He acquired some celebrity by the opposition of the government to the performance of his *Gustavus Vasa*, on account of the boldness of its language. He is best known as the author of an excellent novel entitled *The Fool of Quality*. He died in 1783.

Browning, Robert, one of the greatest of living poets, was born at Camberwell, in 1812. He published *Paracelsus* in 1836; and in the following year *Strafford*, a tragedy. Neither this drama nor *The Blot on the Scutcheon*, produced in 1843, proved successful on the stage. Yet Browning possesses undoubted dramatic genius, and a wonderful power of condensed expression. This latter gives an air of obscurity to his writings which repels many readers. He has also written *Pippa Passes; Dramatic Lyrics; Men and Women; The Ring and the Book*, and other poems.

Buffon (*Boof-fong*), George Louis, a great French naturalist, and author of a colossal work on "Natural History, General and Particular," in thirty-six quarto volumes. Its publication covered thirty-nine years. Born 1707; died 1788.

Bunyan, John, author of *The Pilgrim's Progress*, and other works, was born at Elstow (Bedfordshire) in 1628. He began life as a travelling tinker,—an ignorant, thoughtless, and, by his own account, profane youth. A remarkable series of incidents led to his conversion. In 1656 he began to preach in Bedfordshire. After the Restoration (1660) he was, on account of his preaching, shut up in Bedford gaol for twelve years, during which he wrote his most famous works. He continued to preach and to teach after his release, and died at London in 1688.

Buonaparte, Napoleon, the greatest military genius of modern times, was born at Ajaccio in Corsica in 1769. His brilliant career began in 1793, when he expelled the English from Toulon. He carried on the wars of the French Revolution, which disturbed Europe for twenty years. In the course of them he overran Italy, humbled Austria and Prussia, subdued the Netherlands and Spain, and invaded Russia. In 1804 he became Emperor of the French. In 1814 he abdicated, and retired to Elba. In 1815 he returned; but he was defeated by Wellington at Waterloo. He was banished to St. Helena, and died there in 1821.

Burns, Robert, the national poet of Scotland, was born in Ayrshire in 1759. He struggled through life as ploughman, small farmer, and exciseman; but he was never successful; and sickness, debt, and the dregs of dissipation brought him to an early grave in 1796. He was a true poet of nature, and a very prince of lyric poets. His best works are his *Scottish Songs*, his lines *To a Mountain Daisy*, and *To a Mouse; Tam O'Shanter*, and *The Cottar's Saturday Night*.

Byron, George Gordon, Lord, a great English poet of the romantic school, was born at London in 1788. He led a restless and wandering life, chiefly abroad after 1810. The publication of *Childe Harold's Pilgrimage*, his greatest poem, began in 1812. He also wrote *Manfred* (a tragedy); and Turkish tales in verse, as *The Corsair; The Giaour*. In 1823 he sailed for Greece, to aid the Greeks in their war of independence, and died there in 1824.

Callimachus, an Athenian general, who commanded the right wing at the Battle of Marathon, and, after performing the most signal feats of valour, fell fighting in the field;—490 B.C.

Cambyses, King of Persia, was son of Cyrus the Great, whom he succeeded, 529 B.C. He conquered Egypt in 525 B.C., when the ancient dynasty of the Pharaohs came to an end. He committed dreadful excesses in Egypt, destroyed many of its finest monuments, and made the country a waste.

Campbell, Thomas, author of *The Pleasures of Hope*, and other elegant poems, was born at Glasgow in 1777. After 1803 he lived in London, having adopted literature as a profession. His fame depends chiefly upon his patriotic lyrics—*Ye Mariners of England, The Battle of the Baltic*, which are full of fire, fervour, and poetical feeling. He died in 1844.

Charlemagne, the great founder of the Germanic-Roman Empire, was born in Bavaria in 742 A.D. When his father died in 768, his dominions were divided between Charlemagne and his brother; but the latter died in 771, and then Charlemagne's great career began. He conquered Lombardy (774), took a large portion of Spain from the Saracens (778), and subdued the Saxons in the north (804). In the midst of his triumphs, the Pope crowned him Emperor of the West at Rome (800). He died at Aix-la-Chapelle in 814.

Charles V., Emperor of Germany, who was also Charles I. of Spain, was born in 1500 A.D. From his father he inherited Austria and Burgundy, and from his mother nearly the whole of Spain. He was elected emperor in 1519. The earlier part of his reign was occupied by wars with Francis I. of France, in which he was generally successful. He spent the last few years of his life in a Spanish monastery, and died there in 1558.

Cleopatra, Queen of Egypt, and last of the Greek dynasty there, was celebrated for her beauty and her crimes. She fascinated Julius Cæsar, and induced him to set her on the throne from which her brother had driven her. She lived at Rome till Cæsar's assassination, when she returned to Egypt. Antony charged her with helping Brutus, and summoned her before him; but she completely captivated him, and he married her. In the war which ensued between Augustus and Antony, she abandoned the latter, who was overthrown. Rather than grace a Roman triumph, she poisoned herself by applying an asp to her breast or arm. 30 B.C.

Clyde, Colin Campbell, Lord, a distinguished British general, was a native of Glasgow. He served in the Peninsular War. He achieved great distinction and popularity by his gallant conduct during the Crimean War, especially in the battles of the Alma and Balaclava. In 1857 he was sent to India to suppress the Mutiny; in which, by his wise and vigorous measures, he was completely successful. He was born in 1792, and died in 1863.

Coleridge, Samuel Taylor, one of the "Lake Poets" (the others were Wordsworth and Southey), was born in Devonshire in 1772. His chief poems are *The Ancient Mariner*, and *Christabel* (a fragment). He also wrote a series of profound *Lectures on Shakespeare*; indeed, he was greater as a critic than as an original poet. Died 1834.

Collingwood, Admiral Lord, Nelson's second in command at Trafalgar, was born in 1750. He commanded the *Excellent* at Cape St. Vincent (1797). After Nelson received his death wound, Collingwood took command of the fleet and completed the victory. He died on board his ship the *Ville de Paris* in 1810.

Columbus, Christopher, the discoverer of the New World, was born at Genoa in 1445. After soliciting assistance in vain from the courts of Genoa and Portugal, he obtained three vessels from Ferdinand and Isabel of Spain. He discovered San Salvador in 1492, and the mainland of South America in 1498. He died at Valladolid, poor and neglected, in 1506.

Constantine, Flavius Valerius, called the Great, was born in 274 A.D. When going to fight one of his rivals, the vision of a cross appeared to him in the sky, with a Greek legend signifying "In this conquer." He became a Christian after this, and always used the cross as his standard. He encouraged Sabbath observance, re-built churches, and called the General Council of the Church at Nicæa (in Bithynia) in 325, when the Nicene Creed was adopted. His murder of Crispus, his son, in a fit of jealousy, casts a stain on his memory. He founded Constantinople in 328, and died in 337.

Cowley, Abraham, poet and essayist, was born at London in 1618. He was a sparkling wit-poet, and in his own day was very popular. His odes, in imitation of classical poets—Pindar, Horace, and Anacreon—are his best productions. He died in 1667.

Cowper, William, an eminent English poet, author of *The Task*, *John Gilpin*, and other favourite English poems, was born in Hertfordshire in 1731. He contributed nearly seventy hymns to Newton's *Olney* collection. He suffered during the greater part of his life from fits of insanity. Southey, his biographer, calls him "the best of English letter-writers." He died in 1800.

Cyrus, the Great, King of Persia, was also son-in-law of the King of Media. In 550 B.C. he deposed his father-in-law and restored the independence of Persia, which had long been under the domination of Media. He conquered Croesus, King of Lydia (west of Asia Minor), famous for his great riches; overran Assyria; and took Babylon, by turning aside the course of the Euphrates. His great conquests were completed about 536 B.C. He was afterwards taken prisoner in a war with the Scythians, and put to death, 529 B.C.

Dido, was a Phœnician queen, who, disconsolate for the death of her husband, sailed to Africa, and founded Carthage. Rather than marry the King of Mauritania (a neighbouring state) she stabbed herself on the top of a funeral pile which she had caused to be erected. 953 B.C.

Emerson, Ralph Waldo, a distinguished American essayist and journalist, was born at Boston in 1803. He has been very successful as a lecturer both in America and in England; and most of his writings were originally produced as lectures—for example, his *New England Reformers*, and *Representative Men*. His style is original and vigorous. He has also published a volume of poems.

Epicurus, the founder of the Epicurean philosophy, was born in 342 B.C. He lived chiefly at Athens. He led a strictly moral life, and taught that while pleasure was the highest good, virtue was the essence of pleasure. His system was grossly perverted by his followers. He died in 270 B.C.

Ferdinand V., King of Aragon and Sicily, and the real founder of the greatness of Spain, was born in 1452 A.D. He married Isabel of Castile and Leon, and so united the greater part of Spain in one government. He conquered Granada, and abolished the kingdom of the Moors in Spain. He recovered Navarre from France; and he added Naples to his Italian possessions. He was induced to equip Columbus for his voyage of discovery, but he was ungrateful to him afterwards. He died in 1516, and was buried in the Alhambra.

Franklin, Benjamin, an American patriot and distinguished philosopher, was born at Boston in 1706. He began life as a printer; but he soon made for himself a name as a philanthropist, both by his writings and by his personal labours. He began his electrical experiments in 1742. His greatest practical invention was the lightning conductor. He took a leading part in establishing the independence of the United States, and in framing their Constitution. He died in 1790.

Gama, Vasco de, the discoverer of the sea-route to the East Indies, was a native of Portugal. In 1497 he doubled the Cape of Good Hope, and sailing across the Indian Ocean, he arrived at Calicut in 1498. In 1542 he became viceroy of Portuguese India; but died in 1525. His exploits are celebrated in the *Lusiad*, the national epic of Portugal, written by Camoens about 1569.

Hannibal, the great Carthaginian hero, was born in 247 B.C., and died in 183 B. . Scipio, who defeated him at Zama, called him the greatest general

that ever lived. He gave the second rank to Pyrrhus of Epirus, and placed himself third.

Harvey, William, a celebrated physician, who discovered the circulation of the blood, and published his discovery in a treatise in 1628. Born 1578; died 1657.

Hasdrubal, a distinguished Carthaginian general, was the son of Hamilcar, and younger brother of Hannibal. He attempted to hold Spain against the Romans. When he failed, he made a dash into Italy to reinforce Hannibal; but before a junction could be effected, he was defeated and slain at the Metaurus, 207 B.C.

Havelock, Sir Henry, a gallant British soldier, who was as distinguished for his simple Christian earnestness as for his bravery. He was born in 1795. After 1823 he spent most of his life in India. He is chiefly famous for the great decision and courage with which he took steps to suppress the Indian Mutiny in 1857. In two months he gained nine victories and relieved Lucknow; but died there after he had been joined by Sir Colin Campbell.

Hemans, Felicia Dorothea, a distinguished English poetess, was born at Liverpool. Her father was a merchant named Browne. After the death of her husband, Captain Hemans, in Italy, she devoted her life to literature. She had published a volume of poetry when in her fifteenth year. Her finest poem is the *Forest Sanctuary*; but she is best known by her sweet and tender lyrics, such as *The Graves of a Household*, *The Voice of Spring*, &c. She died at Dublin in 1835.

Herodotus, a celebrated Greek historian, called "The Father of History." He was born B.C. 484. His great work treats of the internal history of Greece; but it contains sketches of the history of the Medes, Persians, and Egyptians. He travelled extensively in Europe, Asia, and Africa, collecting materials for his work. He died about 408 B.C.

Homer, the greatest of the Greek poets; but his birth-place, era, and indeed his individual existence, have been keenly disputed by scholars. He is reputed to be the author of the *Iliad* and the *Odyssey*, the most perfect epic poems in the world. The former recounts the story of the siege of Troy; the latter narrates the wanderings and adventures of Odysseus after Troy was destroyed. Homer is said to have flourished about 900 B.C.

Hood, Thomas, a celebrated humorous and pathetic poet, was born at London in 1798. The titles of some of his collected works, as *Whims and Oddities*, and *Whimsicalities*, indicate the bent of his genius; but he touched a deeper chord in such tragic poems as *The Song of the Shirt*, *The Bridge of Sighs*, and *The Dream of Eugene Aram*. He died in 1845. His epitaph is, "He sang the Song of the Shirt."

Horace, a celebrated Latin poet, was born in 65 B.C. He was educated at Rome and at Athens. Brutus made him a tribune; but at the Battle of Philippi he fled—for which his estate was confiscated. He was afterwards taken into favour by Augustus; and Mæcenæ gave him a farm, where he spent the close of his life. His poems are lyrical, satirical, and philosophical, consisting mainly of *odes*, satires, and epistles. He died in 8 B.C.

Hunt, James Henry Leigh, an English poet and essayist, was born in 1784. At school he was the companion of Charles Lamb and S. T. Coleridge. He and his brother John were, in 1811, sentenced to a fine and two years' imprisonment for an alleged libel on the the Prince Regent. This gained him the sympathy of Byron, Moore, Shelley, Keats, and other men of letters, who often visited him in his cell. His chief works are, *The Story of Rimini*, in verse; *A Legend of Florence*, a drama; and prose *Essays*, *Sketches*, and *Memoirs*, characterized by refined literary taste. He died in 1859.

Isabel, Queen of Castile and Leon, was born in 1450. In 1469 she married Ferdinand of Aragon; a union which led to the consolidation of the Spanish monarchy. It was chiefly through the favour and perseverance of Isabel that Columbus was equipped for his voyage of discovery; for she offered to pawn her crown jewels to pay for his outfit. She died in 1504, and was buried in the Alhambra.

Johnson, Dr. Samuel, a learned English critic, was born at Lichfield (Staffordshire) in 1709. He spent some time as usher in a school; but after 1737 he devoted himself to literature, and resided chiefly in London, where he was regarded as the literary dictator of his time. He wrote, *Lives of the Poets*; *Rasselas*, a romance; *London*, a poem; and a series of weekly essays entitled *The Rambler*. His famous *Dictionary* was based on an earlier work by N. Bailey (1724). His *Life*, by James Boswell, is the best biography in the English language. Died in 1784.

Josephus, Flavius, a distinguished Jewish historian, was born at Jerusalem in 37 A.D. He completed his education at Rome. He held a town in Syria against Vespasian for seven weeks. He was taken into favour by Vespasian, and accompanied Titus to the siege of Jerusalem. He wrote a *History of the Wars of the Jews*, *Antiquities of the Jews*, and his own life. He died at Rome about the beginning of the second century.

Junot, General, a distinguished general of the times of the French Revolution and Empire, was born in 1771. Having entered the army as a volunteer, he attracted the notice of Buonaparte, after which his rise was rapid. He served in Egypt, Portugal, Spain, and Russia. Portugal was the scene of his greatest success and his greatest failure. He rapidly overran the country in 1807, and established himself at Lisbon as governor. Next year he was defeated by Wellington at Vimiera, and had to sign the Convention of Cintra, by which his conquest was abandoned. He died in 1813.

Kingsley, Rev. Charles, a distinguished novelist and essayist, born in Devonshire in 1819; died 1875. He has for many years held the living of Eversley in Hampshire. From 1859 till 1870 he was Professor of Modern History at Cambridge. He was the author of *Alton Locke, Tailor and Poet*, a social and political novel; of *Westward Ho!* and *Hypatia*; also of *Glaucus, or the Wonders of the Shore*; and of several volumes of *Sermons*.

Landon, Letitia Elizabeth, an English poetess, was born in 1802. She is generally known as L. E. L., the signature under which she contributed her poems to the *Literary Gazette*. Her chief poems are *The Improvisatrice*, *The Troubadour*, and *The Golden Violet*. In 1838 she married Mr. Maclean, Governor of Cape Coast Castle, and accompanied him to Africa. A few months after her arrival, she accidentally took an overdose of prussic acid, and was found lying dead on her bed-room floor, 1839.

Livy, a celebrated Roman historian. His *History of Rome* began with the foundation of the city, and ended with the year 9 B.C. Much of it is lost. Much of what survives had a legendary origin, and is more admired for the beauty of its style than trusted for the accuracy of the statements. Livy was born 59 B.C.; died 17 A.D.

Longfellow, Henry Wadsworth, the most popular of American poets, both in and beyond America, was born in 1807. In 1835 he was appointed Professor of Modern Languages and Belles-Lettres at Harvard College, Cambridge, United States. He was a very voluminous writer. The chief of his longer poems are, *Evangeline*; *Hiawatha*, and *The Courtship of Miles Standish*. Amongst his minor poems, the chief favourites are, *A Psalm of Life*; *Excelsior*; *The Village Blacksmith*, and *The Wreck of the*

*Hesperus*. He also wrote *The Golden Legend*, a medieval mystery play, and several prose romances. He died in 1882.

Lytton, Edward Lytton Bulwer, Baron, the celebrated English novelist and poet, was born in 1805. He produced a series of the most brilliant novels in the English language, including *Pelham*; *The Last Days of Pompeii*; *The Caxtons*, &c. He also wrote *The Lady of Lyons*, the most popular play of modern times. He was made a baronet in 1835, and was raised to the peerage as Baron Lytton in 1866. He died in 1873.

Macaulay, Thomas Babington, Lord, historian and essayist, born in Leicestershire in 1800; wrote a series of brilliant *Essays*, chiefly historical and political, in the "Edinburgh Review;" wrote also a *History of England*, which was left unfinished at his death; and *Lays of Ancient Rome*. For two and a half years he held a legal appointment in India. From 1839 till 1847 he represented Edinburgh in the House of Commons. He was made a peer in 1857, and died in 1859.

Mackintosh, Sir James, an eminent lawyer and historical writer, was born in Inverness-shire in 1765. His defence of the French Revolution against Burke first brought him into public notice. He was for a time a judge in India, then Professor of Law in Haileybury College. He projected a *History of England*, but only a fragment of it was completed, which was published after his death, which took place in 1832.

Maury, Matthew, a distinguished American astronomer and scientific writer, born 1806; author of *The Physical Geography of the Sea*, and other works. Captain Maury died in 1873.

Miltiades, a celebrated general who commanded the Athenians in the Battle of Marathon 490 B.C. Afterwards he had the command of a naval squadron, but his expedition was unsuccessful, and he returned wounded to Athens. He was charged with deception by a political foe, and was fined. Being unable to pay the fine, he went to prison, and there died of his wound, 489 B.C.

Milton, John, the greatest of English epic poets, was born in 1608. In 1649, he became Latin (Foreign) Secretary to the Commonwealth. Besides *Paradise Lost*, he wrote *Paradise Regained*; *Comus*; *Samson Agonistes*, and *Lycidas*, and several great prose works on the liberty of the Press, and on political and religious freedom. He was blind during his later days, and dictated his works to his daughters. He died in 1674.

Mohammed, the founder of the Mohammedan or Mussulman religion, was born in 570 A.D. of a noble Arabian family. He acted as a camel-driver for his uncle till he was twenty-five. At forty he proclaimed himself a prophet at Mecca. A plot having been formed against him, he fled from Mecca to Medina, 16th July 622 (the Hegira, or flight of Mohammed, from which the Mohammedans reckon their time). He then spread his religion by means of the sword. His opinions gradually spread over Arabia, Syria, Persia, North Africa, and Spain. The chief strongholds of Mohammedanism now are the Turkish Empire and Persia. Mohammed died by poison, said to have been administered by a Jewess to test his divine character, 632 A.D.

Montgomery, Rev. Robert, a popular religious poet of the present century, was born at Bath in 1807. His chief works are, *Satan*; *A Vision of Heaven*, and *The Messiah*, a poem in six books. He did not begin to study for the Church until after several of his poems had appeared. He was very popular as a preacher, and died at Brighton in 1855.

Moore, Sir John, a distinguished British general, was born in 1761, and entered the army in his fifteenth year. He served with great distinction in

the West Indies and in Egypt; but the achievement on which his fame rests was his skilful retreat, when commander-in-chief in Spain, with the whole of his army towards Coruña, with Soult on his rear. He was killed in the battle which had to be fought to cover the embarkation, 1809.

Moore, Thomas, the most popular of Irish poets, was born at Dublin in 1779. He wrote his *Life of Byron*. His most famous poems are his *Irish Melodies*, and *Lalla Rookh* (Tulip-Cheek), an Eastern romance. He died in 1852.

Mortier, Marshal, Duke of Treviso, a distinguished French general, was born in 1768. He entered the army as a volunteer in 1791. He served with distinction in Germany and Spain; and in the expedition to Russia he exerted himself to save the remnants of the grand army. Along with seventeen others who surrounded Louis Philippe, he was killed by Fieschi's infernal machine in 1835.

Motley, John Lothrop, an eminent American historian, born in Massachusetts in 1814; died 1877. He completed his education in Germany, and spent some years in travelling in European countries. He was secretary of the American legation at St. Petersburg during the years 1841-42. In 1869, he became American ambassador to Great Britain. He published *The Rise of the Dutch Republic* in 1856, and the first portion of the *History of the United Netherlands* in 1860. His style is clear, forcible, and picturesque.

Murat, Joachim, a celebrated French marshal, and King of the Two Sicilies, was born in 1767. His father was an inn-keeper, and he for some time had charge of the inn stables. The outbreak of the French Revolution gave scope to his impetuous nature. Winning the favour of Buonaparte, his promotion was very rapid; and his marriage with Buonaparte's sister made their fortunes identical. He was made successively a marshal, a grand duke, and a prince of the empire. In 1808 he was proclaimed King of the Two Sicilies, and reigned till 1815, when the Austrians defeated him, and drove him from his throne. In an attempt to recover it, he was taken in Calabria, and mercilessly shot: 1815.

Napier, Sir William, a distinguished general and military historian, was born in 1785. His brother was the famous Sir Charles James Napier, the conqueror of Scinde; and his cousin, Sir Charles John Napier, was a distinguished admiral. He served under Sir John Moore at Coruña, and afterwards passed through the whole of the Peninsular War; of which on his return to England, he became the historian. He died in 1860.

Nebuchadnezzar, one of the most famous kings of Chaldea, or of Babylon, its capital. He began to reign about 600 B.C., and reigned forty years. He conquered Syria, Judea, Phœnicia, and Egypt, destroying Jerusalem, and carrying the people captive to Babylon. He built the famous hanging gardens at Babylon; and a huge temple, which some suppose to occupy the site of the Tower of Babel.

Nelson, Viscount Horatio, "the greatest sailor since the world began," was born in Norfolkshire in 1758. He entered the navy in his twelfth year; and three years later he sailed in an expedition to the Arctic Ocean. In 1793 he sailed to the Mediterranean as commander of the *Agamemnon*. He lost his right eye in 1794, and his right arm in 1798. His great victories of St. Vincent (1797), the Nile (1798), Copenhagen (1801), and Trafalgar (1805), shattered the naval powers of Europe, and raised the glory of England to its highest pitch. He was killed on board the *Victory*, at Trafalgar, in 1805.

Nero, Claudius Cæsar, the most infamous of the Roman emperors, was born in 37 A.D. He caused his own mother to be assassinated, and deluged Rome

with the blood of her best citizens. He put his wife to death, and persecuted the Christians. His cruelties were accompanied with a spirit of disgusting levity. He caused Rome to be set on fire, and looked on the scene from a high tower, where he amused himself by singing to his lyre. He threw the blame on the Christians, to punish whom he held chariot races in his garden by night, the torches being christian martyrs, whose clothes were smeared with pitch and set on fire. He was dethroned and put to death in 68.

Norton, Hon. Mrs. Caroline, an English poetess, born 1808, died 1877. She was a daughter of Thomas Sheridan, son of Richard Brinsley Sheridan, the celebrated dramatist, actor, and orator. She began her career of authorship in 1829, and she published many narrative poems, songs, and ballads of great merit. Her principal poems are, *Rosalie*; *The Undying One*; *The Child of the Islands*, and *The Lady of Garaye*.

Outram, Sir James, a distinguished Anglo-Indian general, was born in 1802, and went to India in 1819. He served in various capacities, both civil and military, and earned a high character for chivalry and promptitude. He took an active and heroic part in suppressing the Mutiny in 1857. He died in 1863.

Paul, the great "apostle of the Gentiles," also called by his Hebrew name Saul, was born at Tarsus in Cilicia, and educated at Jerusalem in the school of Gamaliel; under whom he became learned in the law as well as in Greek literature. His conversion took place in 36 A.D., while he was engaged in a bitter crusade against Christianity. He made three great missionary tours, in the second of which he preached at Athens and Corinth. After two years' imprisonment at Jerusalem and Cæsarea, he appealed to Cæsar, and was sent to Rome. There he was imprisoned for two years more, tried, and released. Arrested on a new charge, three years later, he was tried a second time, condemned, and beheaded at Rome, 68 A.D.

Plato, a celebrated Greek philosopher, was born at Athens 429 B.C. About 409 he became a pupil of Socrates (*q.v.*); on whose death he visited different countries in search of knowledge,—Egypt, Italy, and Sicily. Having offended Dionysius, the tyrant of Syracuse, Plato was sold as a slave; but in a short time his master set him free. He devoted the remainder of his life to philosophy at Athens, where he died in 347 B.C. He taught a pure and noble morality, and he believed in the immortality of the soul.

Poe, Edgar Allan, an American poet, born 1811, was the son of a strolling player, on whose death he was adopted by Mr. Allan, a rich merchant. He led an irregular, dissipated life, and at last died from the effects of his intemperance, in 1849. He was one of the most original of American writers.

Pope, Alexander, the chief English poet of the artificial school, was born in 1688. His father was a London linen-draper. He began to write verse when very young, modelling his style on that of Dryden, whom he surpassed in delicate finish, point and grace of diction, as well as in smoothness of versification. His chief works are, *Essay on Criticism*; *Essay on Man*; *Rape of the Lock*; translation of *Homer*; *The Dunciad*, a satire. The success of his *Homer* enabled him in 1715 to purchase a villa at Twickenham, where he prided himself on the number of people of rank and learning who gathered around him. He died there in 1744.

Ritter, Karl, a distinguished German geographer, born 1779, appointed Professor of Geography in Berlin in 1820. He wrote *Geography in Relation to the Character and History of Mankind*; *A Glance at Palestine and its Christian Population*, and other works. Died 1859.



Robinson, Rev. Dr. Edward, a learned American divine, and a great Oriental scholar and traveller. He was born in Connecticut, U.S., in 1794. He studied Oriental literature in France and Germany. He then spent some years in the Holy Land, and in 1841 published his great work, *Biblical Researches in Palestine, Mount Sinai, and Arabia Petraea*. He became Professor of Biblical Literature in the Theological Seminary of New York, and died in 1863.

Rogers, Samuel, an eminent English poet, was born in 1762. He was a London banker, as his father had been; and in his later years he retired from business, and led a life of affluence and ease, in the society of the celebrated men and women of his time. His poems, chief of which are, *The Pleasures of Memory* (1792), and *Italy* (1836), are remarkable for classic and graceful beauty. He died in 1855.

Russell, William Howard, the most celebrated of newspaper special correspondents, was born at Dublin in 1821. In 1842 he went to London to seek employment on the Press, and was taken on the staff of the *Times* in the following year. His brilliant letters to the *Times* during the Crimean War first made him famous (1854-55). In 1857 he went to India, and chronicled the suppression of the Mutiny. He accompanied the Austrian army in the "Seven Weeks' War" in 1866, and the Prussian army in the "Franco-Prussian War" in 1870-71.

Saladin, a famous Sultan of Egypt and Syria, whose capture at Jerusalem in 1187 led to the third Crusade, in which Richard the Lion-heart of England took part. He died at Damascus in 1192 A.D.

Scipio, Publius, one of the greatest generals of ancient times, was born at Rome in 235 B.C. At the age of seventeen, he saved his father's life at the Battle of the Ticinus. He took Spain from the Carthaginians, and then crossed into Africa, where he put an end to the Second Punic War by his victory at Zama, 202 B.C. For these successes he obtained a triumph, and the surname of Africanus. He died in 183 B.C.

Scott, Sir Walter, the greatest of English romantic poets and novelists, was born at Edinburgh in 1771. He was a lawyer by profession; but his life was chiefly occupied with literature. His first poetical romance, *The Lay of the Last Minstrel*, appeared in 1805. It was followed by *Marmion* and *The Lady of the Lake*. He began the *Waverley* novels in 1814, and continued to write till 1831, when his health broke down. He died in 1832.

Shakespeare, William, the greatest of dramatic poets, was born at Stratford-on-Avon (Warwickshire) in 1564. From 1586 till 1613, he lived in London as an actor, play-wright, and poet. Besides many non-dramatic poems, he wrote during these years at least thirty-six original dramas, including such master-pieces as *Hamlet*; *Macbeth*; *King Lear*; *A Midsummer-Night's Dream*; *Romeo and Juliet*, and *The Tempest*. In 1613 he retired to Stratford, where he died in 1616.

Shelley, Percy Bysshe, an eminent English poet, was born in Sussex in 1792. His father was a baronet. His fine poetical genius was marred by his openly-flaunted infidelity. His chief works are, *Queen Mab*; *Alastor*, and *Prometheus Unbound*; but he is better known by his minor poems—*The Skylark*; *The Cloud*, and *The Sensitive Plant*. He was drowned in the Gulf of Spezzia (Italy) in 1822.

Smeaton, John, an eminent engineer, born near Leeds in 1724. He was the first man in England to make engineering a distinct profession. Besides building Eddystone Lighthouse, he completed Ramsgate Harbour, and planned the Forth and Clyde Canal. He also published interesting accounts of his greatest works. Died in 1792.

Smith, Sydney, an eminent English essayist, and a clergyman of the Church of England. It was at

his suggestion that the *Edinburgh Review* was founded. He edited the first number, and was a constant contributor to its pages during the remainder of his life. He had a great reputation as a wit. His style is sparkling and forcible. Besides his essays in the *Edinburgh*, he wrote *Peter Plymley's Letters*, and *Sketches of Moral Philosophy*. Born in Essex, 1771; died 1845.

Socrates, a celebrated Greek philosopher, was born at Athens, 468 B.C. He was for a time a sculptor with his father, then served in the army, where he on one occasion saved the lives of Xenophon and Alcibiades. Having made philosophy his study, he taught the youth of Athens in the grove of Academus (hence called *The Academy*). He was accused of corrupting them, and of ridiculing the gods; and was condemned to death. He drank the hemlock juice with composure, and died peacefully, 399 B.C.

Solyman I., surnamed "The Magnificent," was born in 1493, and succeeded his father as sultan in 1520. He was great both as a warrior and as a legislator; he was also a poet, and the friend of literature and the arts. In 1529 he laid siege to Vienna, but was forced to retire with the loss of 120,000 men. He died in Hungary in 1566.

Soult, Marshal Nicolas, a great French general, was born in 1769. He was the son of a notary, and entered the army as a private soldier; in which position he remained for several years. When his great abilities were discovered, he rose rapidly. After the Battle of Austerlitz, Napoleon called him one of the greatest living strategists. He was the great opponent of Wellington in the Peninsular War. After Waterloo, he was banished from France, but was permitted to return in 1819. Louis Philippe made him Marshal-General of France, and sent him as his representative to the coronation of Queen Victoria. Soult died in 1851.

Southey, Robert, an eminent English poet and general writer, was born at Bristol in 1774. At first he studied for the law, but in 1804 he adopted literature as his profession, and went to live near Keswick. He was thus associated with Wordsworth and Coleridge in the "Lake School" of poetry. He was the author of more than one hundred volumes of poetry, history, travels, &c. Chief poems: *Thalaba, the Destroyer*, and *The Curse of Kehama*. Prose works: *Life of Nelson*; *The Doctor*; and histories of *The Peninsular War*, *Brazil*, and *Portugal*. He was poet laureate from 1813 till his death in 1843.

Tennent, Sir James Emerson, a modern statesman and writer, was born at Belfast in 1804. He assumed the name Tennent on his marriage to the daughter and heiress of William Tennent, a wealthy banker of Belfast. He represented Belfast in the House of Commons from 1832 till 1845. He was then appointed secretary to the Government of Ceylon, and soon afterwards lieutenant-Governor of the colony. He reëntered Parliament on his return to England, in 1852. His *Ceylon* was published in 1859, and became one of the most popular books of the day. It is particularly valuable for its observations upon natural history. He died in 1869.

Themistocles, a celebrated Athenian general and politician, was born about 514 B.C. He greatly distinguished himself at Marathon (490 B.C.), and he saved Greece at Salamis (480 B.C.) He afterwards fortified Athens with strong walls, and rebuilt the Piræus, its harbour. But he lost the favour of his countrymen and was banished. He took refuge at the court of Artaxerxes, King of Persia, and is said to have poisoned himself rather than lead an army against Athens, 449 B.C.

Tillotson, John, born 1630, was made Archbishop of Canterbury by William III. in 1691; he died in 1694. His *Sermons* hold a permanent place in English literature.

Titus, Flavius Vespasianus, a distinguished Roman emperor, was born in 40 A.D. When his father Vespasian became emperor, he left Titus to undertake the siege of Jerusalem; which he accomplished in 70 A.D. He was somewhat reckless in his youth; but as emperor, he became a pattern of virtue, and a great reformer of abuses. His people called him "The delight of the human race." He died in 81 A.D.

Turner, Joseph W. M., a celebrated English landscape painter, was born in 1775 at London, where his father was a barber. He was entirely self-taught, and exhibited his first picture at the Royal Academy in his twelfth year. In 1802 he was elected an Academician. Though the first landscape painter of his day, he kept aloof from all society, and was suspected of hoarding money and his own pictures, as he used to repurchase the best of his early works whenever they were offered for sale; but on his death, it was found that he had bequeathed all his pictures and drawings to the nation. He died in an obscure lodging at Chelsea, where he had for some time lived under an assumed name:—1851.

Wellington, Arthur Wellesley, Duke of, the greatest British soldier of modern times, was born in Ireland in 1769. He first served in India, where he gained his first great victory at Assaye in 1803. He entered Parliament in 1807, and became Secretary for Ireland. In 1808 he assumed the command in the Peninsula, and by a brilliant series of campaigns drove the French northward across the Pyrenees (1814). He gained his crowning victory at Waterloo in 1815. Then began his career as a statesman. He was Prime Minister from 1828 till 1830, and was the confidential adviser of the Queen till his death in 1852.

William of Orange was the grandson of Charles I. and the son-in-law of James II. of England. After the Revolution had driven the latter from his throne, the Prince of Orange was called to succeed him, and was crowned as William III. in 1689. He spent nearly the whole of his life and energy in Continental warfare, the great object of his policy being to check the power of Louis XIV. of France. He was born in 1650, and died in 1702.

Wilson, Dr. George, a distinguished chemist, born at Edinburgh in 1818. His life was devoted to the prosecution of natural science. In 1855 he became Professor of Technology (the science of the industrial arts) in the University of Edinburgh. His mind was quaint, fanciful, and humorous; his style is nervous and polished. He died in 1859.

Wordsworth, William, the chief of the "Lake Poets" (the others were Coleridge and Southey), so called because they lived near the Lakes of Cumberland. He was born in Cumberland in 1770. He was chiefly instrumental in reviving a taste for natural poetry. His greatest poems are *The Excursion* and *The Prelude*; but he is best known by such simple ballads as *Lucy Gray*; *We are Seven*, and *Ruth*. He became poet laureate in 1843, and died in 1850.

Zeno, the founder of the philosophic sect of the Stoics (from Greek *stoa*, a porch, the name of the colonnade where he taught his followers), was born in Cyprus, 355 B.C. He taught that man should live according to nature, and be equally unaffected by pleasure and by pain. His philosophy was highly popular at Rome. Zeno, as well as Cato and Seneca, the greatest of the Roman Stoics, died by suicide; he about 260 B.C.



1887.

## VICTORIA.

## SUPREME AND COUNTY COURTS—CIVIL CASES IN—

RETURN to an Order of the Legislative Council,  
Dated 5th October, 1887, for—

## A RETURN showing—

- (1.) The number of civil cases tried before the Judges of the Supreme Court in the several Circuit Courts throughout the colony, and the amounts sued for and recovered in each case from 1st day of July, 1886, to 1st July, 1887.
- (2.) Also, a Return of the number of civil cases tried before the Judges of the County Courts (exclusive of Melbourne), and the amounts sued for and recovered in each case; also, of the number of appeals and the result of each from the 1st day of July, 1886, to 1st July, 1887.

(*The Honorable N. Fitz Gerald.*)

*Ordered by the Legislative Council to be printed, 15th November, 1887.*

## (1.) RETURN of Civil Cases tried at Circuit Courts, from 1st July, 1886, to 1st July, 1887.

Circuit Courts.	Title of Action.	When tried.	Sued for—	Recovered.
Ballarat ...	Spiers <i>v.</i> Morgan ... ..	October, 1886...	£ s. d. 500 0 0	£ s. d. 25 0 0
" ...	Nicholson <i>v.</i> Colonial Mutual Fire Insurance Company	December, 1886	887 0 0	844 7 6
" ...	Gray <i>v.</i> Breen ... ..	December, 1886	Possession of land	Possession.
Beechworth ...	Jephcott <i>v.</i> The Shire of Toowong	July, 1886 ...	2,000 0 0	1,200 0 0
Benalla ...	Daws <i>v.</i> McDonald ... ..	May, 1887 ...	250 0 0	Damages assessed contingently, £70. Judgment for defendant.
" ...	Tremayne <i>v.</i> Tremayne ... ..	May, 1887 ...	64 13 0	59 0 0
Geelong ...	The Colonial Bank of Australasia <i>v.</i> Young	March, 1887 ...	Possession of land	Possession.
" ...	The Brearley Brothers Tannery Company Limited <i>v.</i> Gray and others	May, 1887 ...	351 11 10	137 7 10
" ...	Bell <i>v.</i> Hoare ... ..	May, 1887 ...	1,000 0 0	Verdict for defendant.
Hamilton ...	Silvester <i>v.</i> Heffernan ... ..	September, 1886	Possession of land and mesne profits	Possession and mesne profits, £41.
" ...	Broadwood <i>v.</i> Baulch ... ..	December, 1886	1,000 0 0	137 10 0
" ...	Radley <i>v.</i> McIntyre ... ..	December, 1886	300 0 0	17 10 0
" ...	Radley <i>v.</i> McArthur ... ..	December, 1886	300 0 0	17 10 0
" ...	McDonald <i>v.</i> Cameron ... ..	May, 1887 ...	678 6 6	678 6 6
Maryborough	Mellen <i>v.</i> Godfrey and others ...	July, 1886 ...	1,000 0 0	25 0 0
Sandhurst ...	Watkins <i>v.</i> Whiting and another ...	August, 1886 ...	1,000 0 0	5 0 0
" ...	Hill <i>v.</i> Horwood ... ..	June, 1887 ...	1,000 0 0	Verdict for defendant.
Shepparton ...	Trevena <i>v.</i> Molampy ... ..	July, 1886 ...	148 1 11	148 1 11
" ...	Johnson <i>v.</i> Quiggin ... ..	May, 1887 ...	Interpleader issue	Judgment for claimant.
St. Arnaud ...	Pemberthy <i>v.</i> McCallum ... ..	April, 1887 ...	63 8 3	63 8 3

(2.) RETURNS of all Cases tried in the County Courts, from the 1st day of July, 1886, to the 1st day of July, 1887.

COUNTY COURT.

Mornington ... .. Judge.—H. Molesworth.

Number of cases tried	...	...	...	One (Jury Case).
Amount sued for	...	...	...	£35.
„ recovered	...	...	...	Nil.
Appeal	...	...	...	Nil.
Remarks.—Verdict for defendant	...	...	...	£13 costs.

COUNTY COURTS.

Alexandra	Kilmore	Shepparton	} JUDGE. A. W. Chomley.
Beechworth	Mansfield	Wangaratta	
Benalla	Nagambie	Wodonga	
Bright	Omeo	Wood's Point	
Chiltern	Rushworth	Yackandandah	
Heathcote	Rutherglen	Yarrawonga	
Jamieson	Seymour	Yea	

Total Number of cases tried	...	...	331.
„ amount sued for	...	...	£11,997 7s. 10d.
„ „ recovered	...	...	£5,836 17s. 5d.
Number of appeals	...	...	Two.
Result thereof	...	...	Struck out.

COUNTY COURTS.

Bacchus Marsh	Colac	Portland	} JUDGE. F. Quinlan.
Bairnsdale	Coleraine	Romsey	
Belfast	Geelong	Sale	
Camperdown	Gisborne	Warrnambool	
Casterton	Hamilton		

Total number of cases tried	...	...	501.
„ amount sued for	...	...	£18,324 12s.
„ „ recovered	...	...	£9,333 1s. 7d.
Number of appeals	...	...	Two.
Result thereof	...	...	Dismissed.

COUNTY COURTS.

Avoca	Echuca	Sandhurst	} JUDGE. G. Worthington.
Castlemaine	Inglewood	St. Arnaud	
Daylesford	Kerang	Talbot	
Donald	Kyneton	Walhalla	
Dunolly	Maldon	Warragul	
East Charlton	Maryborough		

Total number of cases tried	...	...	569.
„ amount sued for	...	...	£22,760 3s. 11d.
„ „ recovered	...	...	£10,715 15s. 2¼d.
Number of appeals	...	...	One (1).
Result thereof	...	...	Allowed to be re-heard at Supreme Court.

## COUNTY COURTS.

Ararat  
Beaufort  
Ballan  
Ballarat  
Blackwood

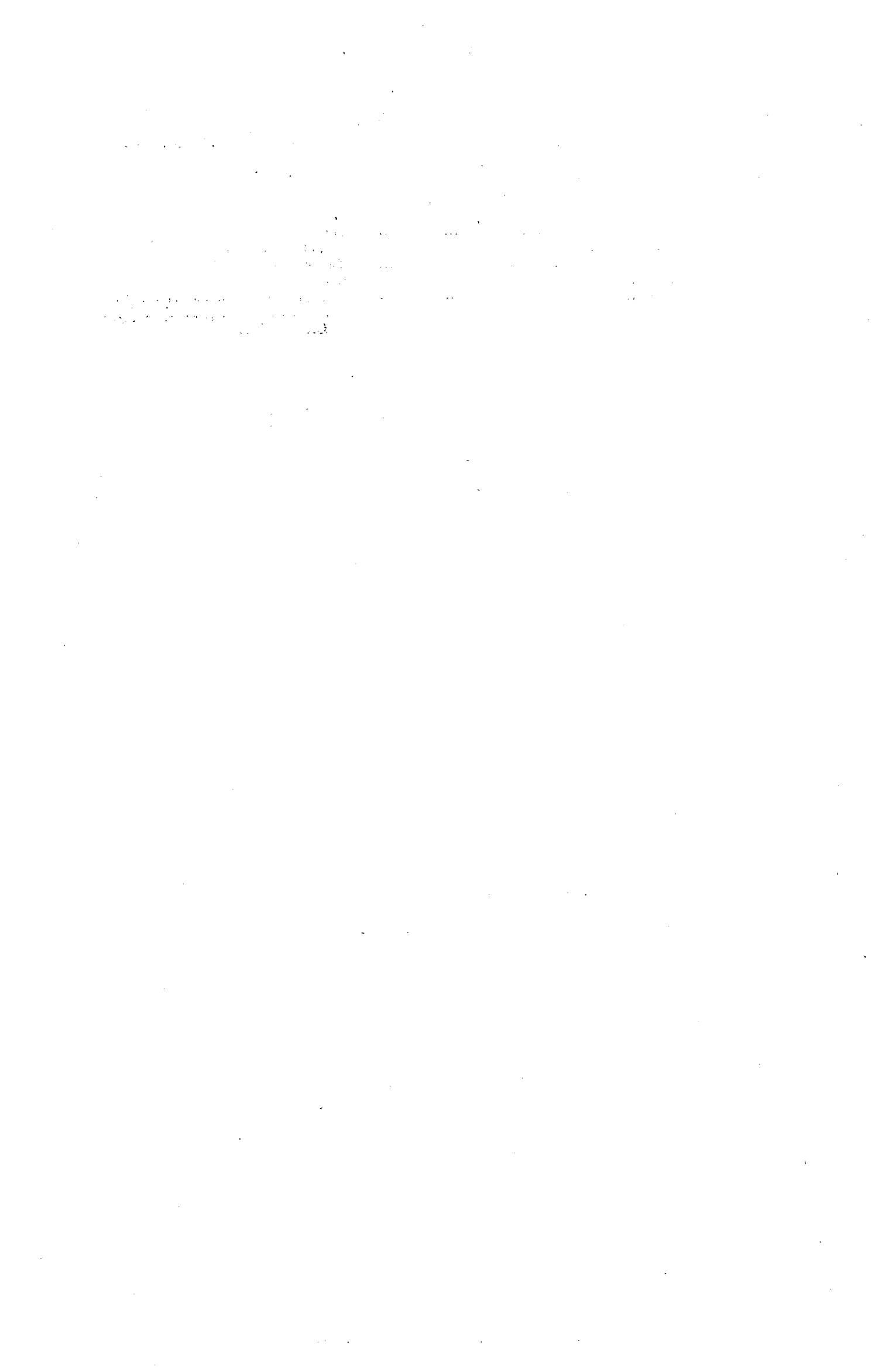
Clunes  
Creswick  
Dandenong  
Horsham  
Nhill

Palmerston  
Smythesdale  
Stawell

} JUDGE.  
Hon. J. J. Casey, C.M.G.

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Total number of cases tried	...	...	...	200.
„ amount sued for	...	...	...	£7,668 16s. 0½d.
„ „ recovered	...	...	...	£4,737 12s. 5d.
Number of appeals	...	...	...	Two.
Result thereof	...	...	...	One new trial ordered before Supreme Court Judge, without jury. One dismissed.



1887.

VICTORIA.

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# VALUATION OF ESTATES FOR PROBATE DUTY.

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RETURN to an Order of the Legislative Council,  
Dated 15th November, 1887, for—

## A STATEMENT as to—

- (1.) Whether the Crown, before referring a valuation of an estate in country lands, submitted for the purpose of paying probate duty, for the advice of a valuer as to its correctness or otherwise, makes any inquiry—
  - (a) As to his special knowledge and qualifications in every respect for giving such advice.
  - (b) As to whether he has ever inspected the property, and when.
- (2.) Whether in all, or in what per centage of cases such advice is acted upon.
- (3.) After the Crown, on such advice, has determined upon a re-valuation, whether instructions are given—
  - (a) To inspect the estate.
  - (b) To make a declaration upon what date or dates such inspection was made.
  - (c) To value upon the basis of a sale by auction for cash.
- (4.) Is there any scale adopted in the office by which the fees payable to valuers are fixed? If so, what is such scale.
- (5.) Whether it has ever come to the knowledge of the Crown that a re-valuation has been made by a valuer without any inspection having been made.

(*The Honorable N. Thornley.*)

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*Ordered by the Legislative Council to be printed, 15th November, 1887.*

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Assuming that these inquiries relate only to cases in which the services of professional (paid) valuers have been employed, the replies to them are as under :—

*Question 1.*—Excepting in a very few instances, when a local valuer has been employed on the recommendation of a Clerk of Courts, Messrs. Wilmot and Cowderoy only have been employed to make valuations; and generally Mr. Wilmot has been engaged to value country lands, and Mr. Cowderoy to value land and buildings in Melbourne and the suburbs.

- (a) No enquiry as to the special qualifications of these gentlemen is made in such cases. They have both high reputations for ability in this branch of their business; and, in fact, it was intimated to me when I was appointed to the office I now hold that these two were the professional valuers from whom I was at liberty to obtain assistance in such matters.
- (b) No special inquiry is made as to whether the valuer has already inspected the particular property under notice. The papers are usually handed to him with a request to be informed whether he considers an inspection advisable; if he does, he is requested to make one.

*Question 2.*—Speaking for myself (I have been barely nine months at the duty) I reply that, in every case where I have thus sought the advice of a professional adviser, I have acted upon that advice.

*Question 3.*—No special or written instructions are given in such cases :—

- (a) Generally, Mr. Wilmot, having looked over the papers, calls at my office and states that for such and such reasons he thinks it advisable to inspect the property, and is asked to do so accordingly. Mr. Cowderoy, on the other hand, if he thinks an inspection unnecessary, usually forwards a written memorandum stating his opinion.
- (b) No such declaration as that referred to in the question has ever been asked for.
- (c) Answer—No.—No principle has ever been laid down (by me) as to the basis upon which the value is to be calculated. Valuers are left quite unfettered.



*Question 4.*—The fees charged by Messrs. Wilmot and Cowderoy are not in accordance with any formally approved scale, but have, nevertheless, been approved from time to time by the Attorney-General of the day. Mr Wilmot's charge for inspecting is ten guineas per diem, plus his travelling expenses. Mr. Cowderoy's charges, since my present duties devolved on me, have varied from a few shillings to a maximum of about £6. As before explained, Mr. Wilmot's valuations relate to large country properties; Mr. Cowderoy's, in the great majority of cases, to properties in Melbourne and the suburbs.

*Question 5.*—In a very few cases a re-valuation has been made by Mr. Wilmot without inspection; *e.g.*, 26 estates are set down in the return to the order of the Legislative Council, dated 31st August last (on the motion of the Honorable N. Thornley), as valued by Mr. Wilmot during the period from 1st July, /85, to 1st July, /87. Of these valuations, 5, *viz.*, in the estates of J. Henderson, Eliza A. Hopkins, R. Crow, F. Robertson, and C. Podger were made. I have been given to understand (they were before my time) without special inspection—in one case as the result of an agreement arrived at after discussion with the valuer on the part of the executor.

From Mr. Cowderoy I have more frequently obtained an opinion as to the value of a particular property, arrived at without special inspection, but based on other considerations as, for instance, knowledge of the prices at which similar properties in the same street have been sold.

It should be remembered that the charge for a professional inspection is much greater than for a valuation arrived at without one.

W. RAVENT. STEPHEN,

Officer appointed for the Assessment of Duty, under  
Section 6 of Act 388.

1887.

VICTORIA.

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# CODIFICATION OF LAWS.

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## REPORT

OF THE

SELECT COMMITTEE OF THE LEGISLATIVE COUNCIL;

TOGETHER WITH THE

PROCEEDINGS OF THE JOINT COMMITTEE OF THE LEGISLATIVE  
COUNCIL AND THE LEGISLATIVE ASSEMBLY, THE MINUTES OF  
EVIDENCE, AND APPENDIX.

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*Ordered by the Legislative Council to be printed, 20th October, 1887.*

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By Authority:

ROBT. S. BRAIN, GOVERNMENT PRINTER, MELBOURNE.

EXTRACTED FROM THE MINUTES.

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TUESDAY, 19<sup>TH</sup> JULY, 1887.

**CODIFICATION OF LAWS.**—The Honorable W. E. Hearn moved, pursuant to *amended* notice—

- (1.) That a Select Committee be appointed, to join with a Committee of the Legislative Assembly, to consider the best means of obtaining a codification of the laws in force in Victoria, and to report their opinion thereon.
- (2.) That such Committee consist of seven Members, four to be a quorum, with power to send for persons, papers, and records.
- (3.) That the Members of the Committee be the Honorables Jas. Balfour, F. Brown, H. Cuthbert, N. FitzGerald, D. Melville, F. T. Sargood, and the Mover.

Question—put and resolved in the affirmative.

The Honorable W. E. Hearn moved, pursuant to notice, That a Message be sent to the Legislative Assembly to acquaint them that this House has appointed a Committee of seven Members, four to be a quorum, to join with a Committee of the Legislative Assembly, to consider the best means of obtaining a codification of the laws in force in Victoria, and to report their opinion thereon; and to request that the Legislative Assembly will be pleased to appoint an equal number of Members to be joined with the Members of this House.

Question—put and resolved in the affirmative.

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TUESDAY, 2<sup>ND</sup> AUGUST, 1887.

**CODIFICATION OF LAWS COMMITTEE.**—The Honorable H. Cuthbert moved, by leave, That the Select Committee appointed to join with a Committee of the Legislative Assembly, to consider the best means of obtaining a codification of the laws in force in Victoria, have leave to sit on days on which the Council does not meet.

Question—put and resolved in the affirmative.

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TUESDAY, 20<sup>TH</sup> SEPTEMBER, 1887.

**CODIFICATION OF LAWS COMMITTEE.**—The Honorable F. T. Sargood moved, by leave, That the Committee on the Codification of Laws have leave to report the Minutes of Evidence from time to time.

Question—put and resolved in the affirmative.

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THURSDAY, 20<sup>TH</sup> OCTOBER, 1887.

**CODIFICATION OF LAWS COMMITTEE.**—The Honorable Lieut.-Col. Sargood, on behalf of the Honorable W. E. Hearn, brought up the Report from this Committee.

Ordered to lie on the Table, to be printed, and taken into consideration, Tuesday, 25th October instant.

# REPORT.

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THE COMMITTEE appointed to join with the Committee of the Legislative Assembly to consider the best means of obtaining a Codification of the Laws in force in Victoria, and to report their opinion thereon, have the honor to report to your Honorable House as follows :—

Your Committee have obtained most important evidence from gentlemen representing the various branches both of the judiciary and of the legal profession. All these witnesses concurred in the strongest expression of opinion as to the great value of a Code in the administration of justice ; the certainty that it would give to the law ; and the immense saving in time and trouble, and so, ultimately, in expense to the public.

Evidence as to value of a Code.

2. Your Committee have carefully considered the Bill, for the revision of which Parliament in 1882 voted £2000, and which, under the short title of "The General Code 1885," was laid before Parliament in the Session of 1885. This Bill purports to contain all the law, both Common and Statute, in which the whole public are directly concerned, and nothing else. The work both of preparation and of revision appears to have been systematically and carefully performed by experts, and extended over no less a period than seven years. Your Committee, after careful inquiry from the witnesses who had taken part in the work of revision, are satisfied that "The General Code 1885" presents a full and accurate statement of the great body of law with which it deals.

"The General Code 1885."

3. Certain portions, however, of recent English Statutes, relating for the most part to the law of Real Property, were incorporated in this Code. These portions were, in many cases, amended editions of former English Acts, which Acts were adopted in this country, and there is no reason to doubt that these changes are in themselves desirable. But your Committee felt that any change which, in substance, amounted to new legislation ought to be presented to Parliament in such a form as to admit of full discussion. They have, therefore, resolved to commend to your attention the proposed alterations in a separate form, and have caused the necessary amendments to be made in the Draft Code. Your Committee have accordingly amended the title of the Bill, which now reads "A Bill to declare and consolidate the law," &c., instead of "A Bill to declare, consolidate, and amend the law." Your Committee are, therefore, now in a position to assure Parliament that the proposed Bill contains no new legislation, and that no variations have been made in the existing law beyond those which are usual and necessary in consolidating Bills, and which are generally described in Appendix hereto.

That Code now represents existing law only.

4. The witnesses, and especially the Judges, pressed strongly upon your Committee the urgent need of prompt action in establishing a Code. They urge that steps should be forthwith taken to introduce and pass "The General Code 1885" as

Evidence of need of speedy action.

altered in terms of Paragraph 3. They contended that no advantage can be obtained by further delay, and that no amount of additional revision can equal that continuous and vigilant criticism which would arise from the daily use of the Code.

5. Your Committee, therefore, have the honor to recommend—

- (a) That "The General Code 1885," as amended by them, be passed into law as quickly as the state of public business permits:
- (b) That the new legislation eliminated from the Code ought to be submitted to Parliament for its approval at as early a date as possible:
- (c) That new editions of the Code be published periodically, and that in each edition the new Statutes and the cases decided since the date of the preceding edition be included:
- (d) That while, according to law, the Council of the Judges should annually report upon the working of the Code, some special arrangement should be made to collect and preserve the necessary materials for such new editions, and to ensure the orderly and systematic use of these materials.

South Library,  
19th October, 1887.



PROCEEDINGS OF THE COMMITTEE.

THURSDAY, 15<sup>TH</sup> SEPTEMBER, 1887.

*Members present :*

<i>Council.</i>		<i>Assembly.</i>
The Hon. W. E. Hearn, Lt.-Col. Sargood, D. Melville.		The Hon. J. B. Patterson, Mr. Shiels.

Extract from Minutes read by the clerk.

The Hon. W. E. Hearn was elected Chairman.

The Committee deliberated.

The Hon. Lt.-Col. Sargood moved—"That it is expedient that leave be given to report the Minutes of Evidence from time to time."

Question—put and resolved in the affirmative.

James Joseph Casey, Esq., Judge of County Courts, was examined.

Mr. Bosisto here took his seat.

Examination continued.

The Witness withdrew.

The Committee deliberated.

Ordered—That a letter be addressed to His Honor the Chief Justice of South Australia, inviting his attendance before the Committee.

*Committee adjourned until the 21st instant, at half-past Two o'clock.*

WEDNESDAY, 21<sup>ST</sup> SEPTEMBER, 1887.

*Members present:*

The Hon. W. E. HEARN, in the Chair;		
<i>Council.</i>		<i>Assembly.</i>
The Hon. Lt.-Col. Sargood, D. Melville.		The Hon. J. B. Patterson, Dr. Quick, Mr. Shiels.

Further extract from Minutes read by the clerk.

His Honor Mr. Justice Webb was examined.

The Hon. F. Brown here took his seat.

Examination continued.

Mr. Bosisto here took his seat.

Examination continued.

The Hon. H. Cuthbert here took his seat.

Examination continued.

The Witness withdrew.

George Deihl McCormick, Esq., Police Magistrate, was examined.

The Witness withdrew.

*Committee adjourned until the 28th instant, at half-past Two o'clock.*

WEDNESDAY, 28<sup>TH</sup> SEPTEMBER, 1887.

*Members present :*

The Hon. W. E. HEARN, in the Chair ;		
<i>Council.</i>		<i>Assembly.</i>
The Hon. Lt.-Col. Sargood, D. Melville, F. Brown, N. FitzGerald.		The Hon. M. H. Davies, Mr. Shiels.

Joseph Woolf, Esq., solicitor, was examined.

Dr. Quick here took his seat.

Examination continued.

The Hon. J. Balfour here took his seat.

Examination continued.

The Witness withdrew.

Thomas Prout Webb, Esq., Master-in-Equity and Master-in-Lunacy, was examined.

The Witness withdrew.

His Honor Mr. Chief Justice Higinbotham was examined.

Mr. Bosisto here took his seat.

Examination continued.

The Committee deliberated.

A letter was read and laid before the Committee from His Honor the Chief Justice of South Australia, expressing his willingness to give evidence before the Committee either by person or by communication, and asking how long the Committee would probably be sitting.

Ordered—That a reply be sent to His Honor stating, That the sittings of the Committee would probably close on an early date.

*Committee adjourned until the 5th October next, at half-past Two o'clock.*

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WEDNESDAY, 5TH OCTOBER, 1887.

*Members present :*

The Hon. W. E. HEARN, in the Chair ;

*Council.*

*Assembly.*

The Hon. Lt.-Col. Sargood,  
D. Melville.

Mr. Officer,  
Shiels.

George Henry Neighbour, Esq., barrister-at-law, was examined.

The Hon. J. B. Patterson here took his seat.

Examination continued.

The Hon. M. H. Davies here took his seat.

The Hon. J. Balfour here took his seat.

Examination contained.

Dr. Quick here took his seat.

Examination continued.

Mr. Bosisto here took his seat.

Examination continued.

The Witness withdrew.

The Hon. W. E. Hearn having vacated the chair, the Hon. M. H. Davies was called to the same.

The Hon. W. E. Hearn was examined.

The Hon. M. H. Davies having vacated the chair, Mr. Shiels was called to the same.

Examination continued.

The Committee deliberated.

Dr. Quick moved—

That the Chairman (the Hon. W. E. Hearn) be requested to revise "The General Code 1885," and eliminate therefrom all new legislation and alteration in the existing law, submitting such new legislation and alteration in the form of a separate Bill to amend the Code, and that he be further requested to place himself in communication with the Attorney-General and obtain all necessary assistance.

Question—put and resolved in the affirmative.

*Committee adjourned until the 12th instant, at half-past Two o'clock.*

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WEDNESDAY, 12TH OCTOBER, 1887.

*Members present :*

The Hon. W. E. HEARN, in the Chair ;

*Council.*

*Assembly.*

The Hon. Lt.-Col. Sargood,  
D. Melville,  
F. Brown.

Mr. Shiels,  
Officer,  
Bosisto.

Thomas Patrick McInerney, LL.D., was examined.

The Witness withdrew.

The Committee deliberated.

The Chairman, in accordance with resolution, brought up a copy of The General Code 1885, with all new legislation and alteration of the existing law eliminated therefrom.

Ordered—That the Code, as amended, be printed.

*Committee adjourned until the 19th instant, at half-past Two o'clock.*

WEDNESDAY, 19<sup>TH</sup> OCTOBER, 1887.

*Members present:*

The Hon. W. E. HEARN, in the Chair;

*Council.*

The Hon. Lt.-Col. Sargood,  
D. Melville.

*Assembly.*

The Hon. J. B. Patterson,  
Mr. Shiels,  
Officer.

The Chairman brought up a Draft Report, which was read paragraph by paragraph, amended, and agreed to.

Ordered—That the Report, with the Code as revised, be presented to both Houses of Parliament.

*The Committee adjourned.*

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## APPENDIX.

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- (a) Imprisonment, when ordered by justices, is taken to imply the discretionary power to add hard labour. This power is already given in cases under *The Criminal Law and Practice Statute*, s. 302; and a recent case in England seems to show that such an implication is general.
- (b) In cases before justices, various Acts state various special terms for the limitation of proceedings. These divergencies seem to be without any rule, and are said frequently to cause in practice much inconvenience. They are found principally in the Acts included in Part III of this Bill. For the purposes of uniformity, these special limitations have been, for the most part, omitted, and the general term of limitation (one year) is left to its operation.
- (c) Much difference exists in different Acts and in different parts of the same Act as to the proportion between fines and terms of imprisonment. It often seems to be a mere chance whether, in any given case, imprisonment for three months is to have for its alternative a fine of £10 or a fine of £30. With the view of obtaining some tolerable uniformity, the following standard of equivalents has been usually adopted in the present Bill as the nearest approach to the existing law, as collected from a variety of Acts, viz.:—One month, £5; two months, £10; three months, £20; six months, any larger sum.
- (d) The obsolescent distinction between felonies and misdemeanours is omitted, and the graver and the less grave offences are styled in order to avoid the Common law associations with felony, crimes, and misdemeanours. Two felonies (assault with intent to rob, and demand of money with menaces) are now punishable by imprisonment for three years. Two misdemeanours (perjury and subornation) are now punishable by imprisonment for seven years. In no other case does the minimum punishment of felony or the maximum punishment of misdemeanour exceed five years. With a view to preserve uniformity the punishment of the two felonies or crimes above mentioned, has been raised to five years; and perjury and subornation are declared to be crimes, and their punishments are proportioned to the circumstances in which they are committed.
- (e) The 26th section of *The Police Offences Statute* has, in its present state, been a frequent cause of trouble. It forbids abusive language or behaviour in a public place “with intent to provoke a breach of the peace”; and it does not give the justices a power to imprison. The section can be practically worked only by ignoring the words of intent, and the justices have long sought the usual alternative of punishment.
- (f) The English Act, 2 & 3, Wm. IV, c. 71, has never been adopted by Statute in this country. Mr. Justice Webb has expressed his opinion that the Act is merely declaratory of the Common Law, and that for the purpose of giving a complete statement of the rules of the Common Law relating to Easements, it should be contained in the Code. It will accordingly be found in Part ix, Div. 6, ss. 3–11.
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MINUTES OF EVIDENCE.

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# MINUTES OF EVIDENCE

TAKEN BEFORE THE JOINT COMMITTEE OF BOTH HOUSES ON  
CODIFICATION OF LAWS.

THURSDAY, 15TH SEPTEMBER, 1887.

*Members present :*

The Hon. W. E. HEARN, in the Chair ;

<i>Council :</i>	<i>Assembly :</i>
The Hon. Lt.-Col. Sargood	Mr. Shiels
D. Melville.	Patterson
	Bosisto.

James Joseph Casey, Esq., examined.

1. *By the Hon. the Chairman.*—What is your occupation?—Judge of the County Court.  
2. Have you had Parliamentary experience in preparing, revising, and conducting Bills?—A good deal.

James J. Casey,  
Esq.,  
15th Sept. 1887.

3. Have you had occasion ever to consider the question of codification?—I have.  
4. Do you think it would be advantageous?—I am certain of it.  
5. Do you know the Bills of Exchange Code?—You mean the present code?  
6. Yes?—Yes.  
7. That is a code so far as it goes?—It is.  
8. Have you found it satisfactory?—I have.  
9. Are you acquainted with the Bill that was before the Upper House, called the General Code of 1885?—I wish I were thoroughly acquainted with it. I should be very much improved in my knowledge of law, if I were—I have glanced over it several times, I have a general acquaintance with it.  
10. Have you had occasion to avail yourself of it?—I have, I always find it a guide.  
11. Do you think it would serve as a basis for codification?—It would.  
12. These bills have to be continually revised to bring them up to date?—Occasionally.  
13. Within certain reasonable limits?—Within, perhaps, five or ten years.  
14. Does the form of the Bill lend itself easily to any alteration?—Yes, there are some things in the Bill which, in my humble opinion, I do not think ought to be embraced in the first code that might be adopted here; there are a good many things in it that might be left out, which would be the subject of frequent change by the Legislature; I do not think that it is necessary to specify them, all local and personal things; all matters relating to what is called subordinate legislation, and I suppose things relating to the revenue, they are always subject to change by the Legislature; it is undesirable that they should be mixed up in a code that should be, as nearly as possible, permanent, and only to be altered at stated periods and then only amended. It is desirable that the main body should start with being as nearly as possible a fair reflex of the existing law.

15. So far as it relates to Statute law, does the Bill perform the function of a Consolidation Act?—I think so.

16. In the case of common law, suppose there was an omission, what is to be done?—The common law consists of judge-made law, that is so frequently changed by the judges themselves. It makes one of the principal reasons why the law should be codified in order to make law certain and easily obtainable by any one who wishes to know what the law is, easily accessible not only to laymen, but also to lawyers to advise their clients; and the fact that it is so difficult to ascertain at present makes the adoption of the code necessarily of course a more difficult thing to do. It requires a great deal of care and knowledge on the part of those who undertake it.

17. There is a good deal of uncertainty in case law?—A great deal.

18. That would be diminished largely by having this code?—Very considerably; that was one of the objects they had when they started codes in Europe; in fact, we have a code on Bills of Exchange which is admitted to be as nearly as possible perfect, and we have a draft Bill of the Code on Evidence, which is published in the shape of a book by Fitzjames Stephens, which is of great value, and is accepted in England by the Bench as an authority. That book reduces into 200 pages the law of evidence which is dispersed over many thousand cases, and goodness knows the number of volumes, besides Acts of Parliament. You get it all brought down into a small portable handy volume.

19. I suppose you are aware of the great practical difficulties in the way of getting a full revision of the code?—Yes; but then you have two branches of the English-speaking world who have provided codes as a guidance. The Indian Code, on the one hand, and the American Code, on the other, would simplify the work. If it was carefully done by somebody chosen by Parliament, whose opinion Parliament would respect, Parliament could then give it the authority of law.

20. But do you not know that there might be considerable difficulty in finding such a man as you speak of in this country?—Perhaps there would be more difficulty here than elsewhere. All the experienced men are leading active lives, and have business that would take them away from the leisure that would be required to be given for so careful a work as that.

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21. It would involve, I suppose, a man's whole attention for some time?—More than one man's attention. Different branches of the work should be submitted to different men who are recognised as competent guides in the particular branches.

22. Do you know that this code has been so revised sometime ago?—Yes, I noticed in the preface to the work the names of the learned gentlemen to whom different branches have been submitted.

23. It would not be very easy for a judge to give up his own work and attend to this?—He could not do both together.

24. It would be necessary for him to be relieved of his own work, if he were to do this?—That would be a necessity.

25. Would not a work of this kind, which is practically a work of legal reference, be best tested by actual use?—I do not quite understand the question.

26. This work is practically a work of law reference, like a dictionary; would not that be tested better by actual use than by merely theoretical revision?—Yes, but then there is the danger that rights and responsibilities may grow up under the existing law which the Legislature would not like to alter afterwards; certainly not to make it retrospective.

27. There would always be opportunities of revising it from year to year?—Of course, but my own notion is, that the subjects that might be taken should be leading subjects, such as the Law of Contracts in its various phases, the Law of Wrongs, the Criminal Law, and such objects of general application as are not frequently changed. I should certainly leave out all reference to punishments—that ought to be the subject of an Act of Parliament, because the Legislature from time to time frequently changes the punishment applied to different crimes. A great deal would depend upon whether the crime is of frequent occurrence. Sometimes the punishment is made more severe for an offence that is becoming very frequent. That is for the Legislature to consider from time to time.

28. I do not think there have been many changes in the punishments for some time?—No, because, unfortunately, they leave it to the discretion of the judges. They say such and such an offence is to be punished with so many years' imprisonment. The judge has to take into consideration all the circumstances of the particular case. That has given rise to complaints about the inequalities of the punishments. That may not only vary with a different judge, but with the same judge. Take the same offence, stealing £2 from the person, four different punishments may be inflicted. It would depend upon whether the person was an old one; whether he had been a frequent offender; whether the person was a young offender; whether he had violated a trust, and so on.

29. Those rest in the discretion of the judge—you cannot have that in any code?—I do not think it ought to be in the code. I think it would be wise if the legislature would define it better than they have at present, and not leave so much to the discretion of the judge. It is one of the most unpleasant duties a judge has to perform—the imposition of a sentence.

30. *By Mr. Patterson.*—Take, for example, a case of burglary; I would express the opinion that a burglar of a certain type is also a murderer—that he would commit murder under certain circumstances, and that the punishment for that offence ought to be all but capital. He is prepared, when he enters a private house at night to commit murder; but the class of burglary we have here is occurring in places where there is only property, and no person—in stores, in shops not protected by persons. The calculation is, they are not coming in contact with individuals at all. That sets up a different class of burglary. If a man goes and sneaks under a bed, and if he is obstructed would kill; the sooner such a person is put out of harm the better, and kept out of harm. Only a judge can express that difference by his sentence. I do not see how you can express that by Statute law?—That is a question I would not like to discuss. It is a question for the Legislature. I merely mention the most unpleasant duty a judge has to perform, is the passing of sentence. There is no guide but his common sense. He has to take into consideration the surrounding circumstances—the individual, his age, the first offence, the circumstances in connection with the offence; if he has been punished before; whether the crime is rife in the community, and other circumstances about it. He has to be governed by all those things when he comes to determine what sentence to impose.

31. *By the Hon. Lt.-Col. Sargood.*—If I understand you rightly, you think it would be an advantage both to the judge and the public, if the discretion of the judge was within smaller limits?—I think it would be better.

32. *By the Hon. the Chairman.*—That does not affect the code?—No, I merely mention it; I do not think anything relating to punishment ought to be in the code.

33. *By Mr. Patterson.*—You are merely dealing with the point as to whether punishments ought to be in the code?—Yes.

34. Now as to the question of cost, and the difficulty and laborious nature of the work, would the leading talent you would require to carry out such a work be attainable in this colony?—I think so. I do not think the question of cost ought to be taken into consideration, when you bear in mind the enormous cost you subject the public to, in trying to ascertain what the law that they have to submit to is, and the difficulty of ascertaining what the law is, when there is a possibility of securing a certainty of what the law is; so that any one by turning up the code can find out to a certainty what the law is. The English people, who are the most practical people in the world, are not satisfied with the basis of the French code, which is deficient in giving definitions and interpretations of words; some of the ablest writers in England say the code ought to go a step further and also give illustrative cases. Fitzjames Stephens has given illustrative cases in his Draft Code of Evidence, and it is suggested that in any code adopted in England that ought also to form a part. It has not been done in the Bills of Exchange Act, but it is of very great assistance in the Code of Evidence.

35. Do you think the codification should be carried out under the Crown Law Department, and the Government, or under the direction of some specially qualified legal committee?—I think, as it is a bit of legislation, Parliament should take it under its special charge, and appoint some person in whom it had confidence, and give him power to secure the services of others, and let the result of the labors of that person, and those whom he might enlist in the service, be reported to Parliament, and let Parliament then deal with it.

36. *By the Hon. Lt.-Col. Sargood.*—As a fact, Parliament would have to take pretty well the report of this Committee; it would be impossible for the laymen in the House to debate this code; and therefore do you think Parliament would consent to delegate such an important duty to any one man—

should it not be a committee of three?—Once Parliament gets the code, the layman will be as good a judge as the lawyer.

37. But as to the mode of obtaining it?—You must place confidence in some person.

38. *By Mr. Shiels.*—Do you not think, from your knowledge of the way in which government is carried on, that it would be necessary to identify one or other of the law officers of the Crown with the work; otherwise, as has already happened with this draft code, it may lead to nothing? We had a person appointed and a sum of money voted by Parliament, and the Attorney-General, who had no part in the work at all, did not feel called upon to advise the Government to take up the work that was done; you will always have these difficulties arising unless you identify the Government of the day with the work.

39. *The Hon. Lt.-Col. Sargood.*—Even so the succeeding Government may decline to take it up.

40. *Mr. Patterson.*—I do not think any succeeding Government will upset what the preceding Government has done.

41. *Mr. Shiels.*—They may decline to go on with it. Dr. Hearn has executed a valuable work of codification at a cost of £2000; and it is useless, as it appears to me, because the Government of the day have not gone on with it. Unless you make the Government interested in it through their law officers, I am afraid you will find each Government afraid to undertake such a huge task.

42. *By Mr. Patterson.*—I suppose it would have to be under the Crown Law Department as the head?—A good deal of the work has been done; you have Codes in India and America, and there are draft Codes in England, so you have only to adapt them. The difficulty you would have to contend with, and for which the authority of the Legislature must be obtained by whoever undertakes it is this—although we profess to follow English law, there are some cases where the decisions of our Courts are opposed to the Courts at home, and you would have to determine which you are going to follow; the English authority says one thing and the Colonial authority says another. The code will settle that, and the Legislature would have to settle which you are going to follow, whether it be the Crown Law Department or a committee doing the work; these cases would have to be brought up to the Legislature, and their opinion obtained as to which authority they would follow.

43. You are speaking of common law?—I am speaking of what Bentham says is judge-made law. We have decisions in England and decisions here—there are several instances of decisions here that have been existing for years and years, and afterwards are said to be defective and are upset.

44. Are not the decisions given here based upon established precedents in the old country as far as they can be?—I will give you an illustration—there was a case with reference to Wellington Parade of *Davies v. The Queen*. Davies asked for an injunction against a proposal then being made to limit the width of the street, and he succeeded; it was held that half the street belonged to the proprietor of the land. That decision was given on the strength of another decision given by the Privy Council in England, *Lord v. The Commissioners of Sydney*, where they held that in the case of land abutting on a navigable arm of the sea or stream, the owner of the land had a right up the centre of the stream. They followed the English law there and Davies got his injunction, and that decision had the force of law here for I do not know how many years—certainly fifteen. I know, in the mining districts, when I was practising there, a great many mining titles existed upon it. If the owner of the land had half the road, and underneath the road there was gold, arrangements were made between the owner of the land and the miner, and they got the gold. Within the last three or four years the Supreme Court has thought better of that decision and overruled it, and it is no longer law. It is that uncertainty that would be cleared away by means of a code, and it is that uncertainty that makes the English system of jurisprudence a disgrace to the world and to themselves. A most intelligent community is suffering under a system of law they can know nothing about, and it depends upon the will of the judge as to what is law. They depend upon authority, no doubt, but they have the power to make one decision to-day and another to-morrow. If you have a code, they should be permitted to interpret it; but that interpretation should remain, and they should not be permitted to alter that until the Legislature thought proper to do so.

45. *By Mr. Shiels.*—It would be an enormous advantage to the country to have a code—most people will agree to that. The difficulty is, how shall we get that code? From your experience and qualifications as a former Minister of the Crown, can you throw any light upon that?—My answer to that would be, to make Mr. Shiels Attorney-General, and get him to do as Mr. Higinbotham did with the consolidation—he made it a labor of love, and carried it through.

46. *By the Hon. Lt.-Col. Sargood.*—Could you not take it up in stages—take one part at a time? It is perfectly true there would be a great deal of work, but the Judicature Act was a long time, and ultimately the Government took it up. It could only be taken in hand by a strong Government.

47. *By Mr. Shiels.*—The Government must be identified with it from first to last. Do you think a Royal Commission could do it?—A Royal Commission springs from the Crown, and would have to report to the Crown, not to the Legislature. If I may be permitted to speak from my Parliamentary knowledge, I think it must spring from the Legislature. If the Legislature delegates the duty to a select body of itself, it will take care that it is not treated with disrespect.

48. Do you think we have the material in the Legislature? You want men of great legal attainments. The work must be done by experts, and we have not those experts?—You may not have those experts in the Legislature, but you will be able to get outside assistance.

49. *By the Hon. Lt.-Col. Sargood.*—Have you devoted any attention to the subject of consolidation?—Yes, I was in Parliament when Mr. Higinbotham consolidated the laws—that was the Statute law.

50. But it was a step in the right direction?—We have the Statute now, and every two or three years we revise them.

51. That does not bring all the amended Acts into one Act?—No, it brings them all together; but there are few lawyers who will not be able to give you an opinion as to the Statute laws. Where they are troubled is, when they are asked to give an opinion upon the irreconcilable decisions of different judges upon the same subject.

52. Might not consolidation go hand in hand with that consolidation of the Statute law; you might put them all in one Act?—No doubt you would put them in one Act, even if you codify them, both the Statute and the judicial decisions upon it.

53. *By Mr. Patterson.*—In an amended Bill having the same title and striking out all the former Bills, and making the law over again. Is that a good plan? Is that codification?—That is not codification; that is consolidation.

James J. Casey,  
Esq.,  
continued,  
15th Sept. 1837.

54. *By the Hon. Lt.-Col. Sargood.*—It was taken up by the law officers at home in 1874, I think. There a strong recommendation was made by the law officers that, in the event of any Bill being amended, the existing Act should be printed again with the new part in red, and the debate should only take place on the new clauses. By that means you simply get everything preceding wiped out, and you get one Act.

55. That would be a valuable step in the direction of the codification?—That would form a part of it. I bought in Paris for four francs a small book which contained the French code—the whole of the laws of France.

56. I think I understood Dr. Hearn to say the original code has not been revised for many years. It is piled over now with subsequent enactments.

57. *Mr. Shiels.*—Even the later works are revised, sections of old codes. I see one case where the old law was abrogated. Then they set to work and repealed the abrogation of certain clauses.

58. *By the Hon. Lt.-Col. Sargood.*—The difficulty is the large number of amended Acts, and it is difficult to follow back to the original?—If you had a job to reconcile a number of decisions upon the same subject, you would find the work was a great deal more difficult.

59. *The Hon. the Chairman.*—If it was merely a question of consolidation, it would not be difficult; but the question is having got the consolidation, how to work in with the other law?

60. *By the Hon. Lt.-Col. Sargood.*—Following that, could you not take up certain subjects to codify that are not liable to frequent alterations; and then, in addition, deal by consolidation with the other Statute law?—Yes. The Bills of Exchange Code embraces both Statute and Common law.

61. *The Hon. the Chairman.*—Here you have actually got the work done?—All this consolidation is done in the code.

62. *By the Hon. D. Melville.*—Would it be safe for us now to pass that Bill—[pointing to the *Codification Bill*]. This Bill was brought in and read a first time in the Legislative Council. Supposing it had been brought on and passed the Legislative Assembly, what would have been the effect of that; would it have been advantageous to you and other judges?—No doubt it would be, in giving us a guide to go by—a ready and easily-obtainable guide to follow in all branches of the law.

63. Would you advise us to pass that as it is?—You would have to determine the question as to whether you would follow English decision where it conflicted with Colonial decision before I could answer that question. That in a great measure follows the basis of the English law. There are one or two instances that I was looking at to-day where the Colonial decisions are in conflict with it. It follows the English law, but the Colonial decisions are not consistent with it. You would have to decide which of the two you would take.

64. There is no serious difficulty in the way?—I do not think it would do any harm if it was passed as it is; I know it would do a great deal of good.

65. We could amend it afterwards?—You could amend it afterwards easily.

66. Would that not be the best thing to do, as it was commenced by Dr. Hearn, to pass it through both Houses; would there be any serious risk in that?—Acting cautiously myself, I would prefer to eliminate from it those portions I referred to, and to enact the remainder. There, I know, I would be standing upon safer ground.

67. You could point out those small matters to the Committee?—Quite so. That would be a matter to point out to the Committee. The Committee could report to the Legislature, and the Legislature could adopt them or not.

68. You see no difficulty?—I would not like to say that. I do see a difficulty, but not sufficiently to justify the Committee in abstaining from going on with it. The work is a great work and a good work, and will reflect honor and credit upon the colony that adopts it.

69. *By the Hon. Lt.-Col. Sargood.*—Is there any difference of opinion as to the lines that this Code was drawn on?—I do not think so.

70. It is generally accepted?—Yes.

71. I was reading a book the other night and I came upon a criticism of this Bill. I thought from the criticism there was an opinion of the writer that the Bill was not drawn upon proper lines. I was unable to follow it?—I may mention that what we call punishments, Austin calls "Sanctions." I think that is adopted in the draft Bill. There is a special part of the Bill devoted to that. In addition to that, punishments are scattered all over the rest of the Bill. I can quite understand a critical reader saying—"If you are to have a portion of the Bill devoted to sanctions, all of them ought to be gathered there instead of having to refer to different parts of the Bill." Another matter might be mentioned as to whether we should not create two or three terms for crimes—say, crimes, felonies, and misdemeanours, and appropriate particular punishments to those; and if the Legislature thought proper to allot particular punishments for those, say whether it is a crime, or felony, or misdemeanour. Perhaps a critical reader might say it is not thoroughly followed out, and in that way he might find fault with the lines on which it was built.

72. *By Mr. Shiels.*—Do you think it would be possible to follow the lines of the attempt at codification of the Criminal Law of India in Victoria?—I do not see why there should be any more difficulty here than in India and New York. And there is the draft Criminal Code in England.

73. *By the Hon. D. Melville.*—The Committee want to get at the deficiencies or defects of this Bill. How long would it take them?—I would not like to undertake that work at all. I think it would be a great advantage to everybody to be able to go to one volume and find the whole body of Law Statute and Common in one volume.

74. This Committee has been at this before. We have considered it and, as I thought, it was on its way to being passed. I thought the object of this meeting was to get it introduced to Parliament just as it is, unless some witness were to show there are defects that should be remedied. Suppose we were to decide to do that, what particular part would you call our attention to?—That would be rather a large question. I could not answer that at once. I would merely say, I think taking it as it is, I would prefer to have it than to be without it. I think it would be safer to leave out some portions of it and take the remainder.

75. What are those portions?—All referring to local and temporary laws, revenue laws. I saw a section relating to affixing stamps; that I should not have in. Selling whisky in a public-house on Sunday; that I should not have. Local and temporary laws I should exclude rigidly.

76. *By Mr. Shiels.*—Recognising that our code would have to be scattered over years of work, what would you advise as the first attempt at codification?—I should say contracts and wrongs; the Law of Damages, and the Law of Evidence.

77. How would you divide them in accordance with this code?—There is a portion of that code under the head of "Obligations." James J. Casey, Esq., continued, 15th Sept. 1887.

78. *By the Hon. the Chairman.*—Do you think the Criminal law is ripe for codification?—I do.

79. *By Mr. Shiels.*—Is not the Criminal law the thing that calls first for codification?—Yes. It is no doubt a very important branch of the law, but it is not used so much by the public. The Civil law is far and away more used. The Criminal law is quite trifling in comparison with the amount of Civil law.

80. As the results of falling foul of the Criminal law are so much more serious, ought it not to get our first recognition?—Not only the first, but I think it is the easiest, whatever way you begin. My suggestion would be, to take it in chapters, and go on until you conclude the whole. The judges' work is nine-tenths Civil.

81. *By the Hon. D. Melville.*—This part that you say you would exclude is duties concerning the revenue and its protection. That is very important?—I do not say they are not, but I say they are constantly being changed.

82. Even if we were to admit that they have not been changed so materially the last few years. It is all concentrated in a few words. They are very important. It would be a pity to exclude that.—[*No answer.*]

83. *The Hon. the Chairman.*—I think it would. Men have to know that as well as everything else. The departmental working of the Customs is not in this code at all. It is left purposely out. What is included is, what the duties of persons connected with the Customs are, under what obligations are they placed. I suppose people have a right to know their relations to this department as well as anything else.

84. *By the Hon. D. Melville.*—It would be a pity to break in on this at all, unless there were good reason?—That is a matter for the Committee to determine.

85. *By Mr. Shiels.*—Coming back to the question; if you were to undertake the work of codification and do it partially, which branch would you advise us to submit to Parliament first?—The Criminal law is the easiest done. You would have less difficulty in dealing with the Criminal law.

86. We have a practical Commission here to devise the best means of carrying out codification. Do you think that our best way would be to have the Legislature to appoint a Select Committee of its own Members, with power to have experts, to entrust the work to experts, that we should ask the Legislature to provide that Committee with a sum of money sufficiently large to get the practical work done for the Select Committee in the best manner possible?—Yes, decidedly, a Joint Committee of the two Houses. The danger you will incur, if you appoint a Royal Commission, is that other persons than Members of Parliament will be appointed, and that moment it becomes an outside body. It becomes subordinate to the Executive and has no influence with the Executive, and none at all with Parliament. If it is a Select Committee it is a miniature Parliament itself, and the Government will see that it is respected. They can select the assistance of such persons as they will have confidence in to undertake different portions of the work, one person the Criminal law, another different branches of the Civil law, according to their capacity and ability.

*The Witness withdrew.*

*Adjourned to Wednesday next, at half-past Two o'clock.*

WEDNESDAY, 21ST SEPTEMBER, 1887.

*Members present:*

The Hon. W. E. HEARN, in the Chair;

<i>Council:</i>	<i>Assembly:</i>
The Hon. D. Melville	Mr. Patterson
Lt.-Col. Sargood	Dr. Quick
H. Cuthbert	Mr. Bosisto
F. Brown.	Shiels.

His Honour George Henry Frederick Webb, Esq., examined.

87. *By the Hon. the Chairman.*—You are a Judge of the Supreme Court of Victoria?—Yes.

88. Have you considered the question of the code?—I have.

89. Do you think that a code is in itself a valuable institution?—I think it would be of extreme advantage in the administration of justice here, that we should have a code. It would settle the law very much and make it certain, not depending upon conflicting decisions; every one would know what the law was. It would, in my opinion, be at the same time an immense saving of expense to the public by the diminution of litigation. At present I am treating merely of the Common law as apart from Statute law. Any man can read a Statute and see what it says; but to ascertain what the Common law in any particular case involves to a very great extent the reconciling of conflicting decisions, comparing cases which have been decided already, investigating, perhaps, a whole series of decisions for very many years past and evolving out of them the principle which is to decide the particular case in question. That may necessitate a considerable amount of argument at the bar, and consideration on the Bench, and then that one case is decided. A few months afterwards another case very similar may arise, and the whole process of the same argument, the same judicial consideration and determination has to be gone over again, and probably, if before a different judge, he may entertain a different view as to the decision to be arrived at, and you get two conflicting decisions which must stand conflicting until a superior court has determined which of the two is right. If we had a code which could be referred to, it would be authoritative, and every judge would be bound to abide by that interpretation of the law, whether he agreed with it or not. That seems to me to be the essential advantage of a code. Of course, I need not say to this Committee, that codification and consolidation are two totally different things. Consolidation applies to the written law, the Statute law, which we already have, and is a mere matter of convenience; instead of having to look through a great number of Statutes, you have them all collected together into one; still, in the case of Statutes, the materials exist for the public to resort to, whether you consolidate them or not. But in codification you are declaring authoritatively what the law is

His Honour  
G. H. F. Webb,  
Esq.,  
21st Sept. 1887.



His Honour  
G. H. F. Webb,  
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continued,  
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upon subjects, as to which there has been no authoritative statutory declaration before, and as to which you are left in every case to the views which different courts may take. Therefore codification appears to me to be of immensely more advantage and importance to the public than consolidation ever could or would be.

90. In the case of the Common Law inquiries, of which you are speaking, the same process has to be repeated, I presume, not merely on every occasion, but even at the same time by all kinds of different professional persons?—Yes.

91. If there was a code, that work of deducing a general principle from a number of cases would be performed once for all?—Yes; that is the great advantage of it.

92. That, of course, would save the public a considerable sum in the aggregate?—It would save them in the cost of litigation; and it would still more save them in the avoidance of litigation, because professional advisers would then be able to advise their clients with tolerable certainty, without the doubt which at the present exists as to whether the professional adviser's opinion may be coincided in by the court.

93. With the view of procuring the code, would it be very expensive to make a start *de novo*?—I should think it would be an enormous expense, and I do not know how you would do it.

94. Would there be any probability of the judges assisting in such a work?—I am sure I and my brother judges would be very willing to do the best we could; but our time is so fully occupied, that it would be not months but years before we could possibly complete anything of the sort. It is practically impossible for the judges to undertake it.

95. Do you think there would be any difficulty in getting the leading members of the bar to do it?—I do not know that there would be much difficulty, if the country were prepared to pay for it; but I think it would be an expense that the country would hardly be willing to stand.

96. Would it not involve a considerable loss of time?—If you could get two or three leading gentlemen to give up their entire practice for a twelvemonth, it might be done; but I doubt if any amount of fees would induce them to do that.

97. It would involve the sacrifice of their practice?—Practically.

98. You know the code that is called the Draft General Code of 1885?—I cannot say that I have an intimate acquaintance with it. I have seen it. Until a day or two ago I had not seen it in its present shape. I have seen it piecemeal, as it were. Some parts I assisted in revising.

99. Can you tell the Committee what were those parts, in a general way?—Principally the parts relating to real property, with which subject, perhaps, I have a more intimate acquaintance than with some other branches of the law. I revised, I think, parts 7, 8, 9, and 10. To give the Committee an idea of what time would be likely to be required to frame a new code, I devoted to those parts every moment I could spare from my practice; I had the thing continually in my mind, and it took me more than twelve months to revise those parts. My idea of revision is, that no word or line should be passed unless you are satisfied of its accuracy. I revised it from that point of view. I presume that the alterations or suggestions I made have been incorporated in this code, but I cannot personally vouch for the accuracy of the type as it stands. There were many cases where I merely pointed out what I thought would be improvements, or made suggestions. In other cases, I revised and corrected the absolute literal words.

100. I suppose that part of the code is in tolerably fair condition at present?—My opinion may be incorrect; but according to my opinion, the parts I have mentioned are as nearly correct as they can be. Other professional men, of course, may take another view.

101. They are sufficiently correct to authorize Parliament to act upon them?—I think so.

102. *By Mr. Shiels.*—It took you a year to revise (having it in proof) about 95 pages?—Yes. I was then in large practice at the bar, and could only devote such time as I could spare to it. But I did devote all my spare time. I did it with all my ability, and as thoroughly as I was able to.

103. *By Dr. Quick.*—That code does not alter the law?—Not at all. My desire was to state what was the law according to my opinion; not to alter the law in any respect.

104. *By Mr. Shiels.*—We start from this premise, that codification is a valuable work and ought to be undertaken. The object of this Committee is to inquire into the best practical means of attaining it. I came in a little late and I do not know whether, in answer to the Chairman, you have expressed any opinion on the matter of practicability?—It depends upon what point you start from in practicability. It is practicable to do anything if you pay for it, but the practicability of compiling a code with the materials we have at hand, I think, is almost out of the question. I think that the gentlemen at the bar who would be competent, that is to say, whose opinions would be of sufficient weight to justify this Committee in acting upon them, are so fully employed, that it would take a very long time before they could compile a code at all. The only practicable way, it seems to me, is to take what has been done already. Start with something to work upon, and then you may get that revised and brought into shape and made accurate. I think, as far as I have had an opportunity of judging, that this present code is as nearly accurate as you can expect to get for a commencement. I speak more particularly of the parts I have revised myself. I should not like to vouch for the accuracy of the other parts, unless I had gone through them line by line; but on the principle *ex uno disce omnes*, judging from the parts I did criticise very carefully, I found so little to alter in them, that if the rest is as nearly correct as they were, it would not be out of the way to take the code as it stands.

105. I am rather referring to the means we have as a Legislature, who are under the necessity of supplying daily wants, as they arise, of getting a code like this, considered by Parliament so as to get the stamp of the Legislature upon it?—I do not think it would be possible to get it effectually considered by the Legislature. I do not think, speaking with all respect, the Legislature contains the materials competent to form a judgment upon it; and even if it did, I think it would occupy the Houses for two or three sessions with nothing else to do.

106. That is the opinion expressed by the members of the Committee on the last occasion. I have been thinking of it since then, and this is the conclusion I have arrived at:—there is one of two courses to be taken, either that the House will have to completely alter its practice for the express purpose of dealing with the code, or otherwise will have to take somebody else's work outside the House on faith. It appears to me, from my knowledge of the House, from what passed recently about the Judicature Act, that the House would be extremely loath to take any Statute on faith in future. My brother members of the Assembly must form their own conclusion about that; but that appears to me to be so. Then comes the other question, if the House will not do it, there is the other course open, that we will have to alter our

procedure, because for the House to give a general cursory criticism to the code, will take at least three sessions of Parliament. As you know, if we do not complete the work of legislation in one session, we have to commence *da capo* the next session; but in this case, each session we should be allowed to resume the work at the point we left off the previous session; and supposing Parliament should be dissolved in the mean time, the new Parliament should take it up at the point where it was left by the previous Parliament. It would appear to me that Parliament would rather change its mode of dealing with this particular Act—the Codification of the Law, set it apart in a special form, than take it on faith; then it would appear to me possible that this work could be done if it were extended over a series of sessions, taking this draft code as a basis, and we then might be able to get the revision done from fortnight to fortnight, taking the parts that would come before the House at that particular time, and the expenditure, which, of course, would be large, would not be a stumbling block, because it would be spread over session after session?—If the House were to enter into a discussion of every section of the code, I think the result would be, that the practical advantage to be derived from the code would, in all probability, be lost; because, as I understand, what is desired is, that the code should express the present law, not that Parliament should legislate a new law. On every section being brought forward, I am afraid the House would not confine itself to the question—“Is this the law at present,” as to which, probably, the body of members would know very little, but they would consider—“Is it expedient that this should be the law for the future;” and instead of having a code of the existing law, we should have a code of new law, which Parliament might think, and perhaps rightly, was better than the present law; but that is not the object of codification.

107. I am now speaking of my knowledge of the feeling of the House—that the House would be extremely unwilling to take any outside person's work on faith. The House is extremely jealous, and would be loath to take anyone's work, no matter how high that party is, unless they had some sort of responsibility in the matter themselves; the responsibility may be very light, but it would be something?—It seems to me, the practical way of meeting that difficulty would be, if the House were to declare, by resolutions or instructions to a select committee, that the code was to be simply the embodiment of the existing law without any alterations, and were then to refer it to a committee to inquire whether this code was in accordance with the existing law, leaving no room for supposed improvements or alterations at all. The committee could then satisfy itself, by taking the evidence of gentlemen who had examined the code, that it was in accordance with the existing law, and might report to the House that it was so. I do not see that the House would be giving up any part of its legislative right then; it would simply determine that it would pass the Act according to the law as it existed; there would then be no room for opinion or discussion as to the advisability of altering the law. The Legislature desires to make the code according to the existing law; then it has to satisfy itself that it is according to the existing law. It would be very difficult for the Houses to satisfy themselves of that, but it would be easy for them to appoint a committee to take evidence and satisfy itself.

108. We want light thrown on the best means of getting a code. That committee you suggest would have to get a Bill to allow it, when the session had closed, to go on taking evidence and to go on with the work of revision, or the necessary examination, whether the code then before us correctly represented the then present state of the law or not?—They could only proceed according to the best of their lights. I suppose no man would be prepared to say on oath—“That code is correct;” I should be sorry to say so myself of the part I have revised; but at the same time, I am of opinion it states the existing law.

109. *Mr. Patterson.*—The question is, how to proceed so that Parliament should be satisfied. It is a representation of the law as it really is. We have come down to this point. Here is a work over which there has been great time expended. What we want first is, evidence as to the value of the work already done. I think it would be a grave misfortune to lose the value of this work—a great national loss to say, that this which has cost our learned Chairman seven years' labor and trouble should be thrown aside, because you cannot replace it when we have the opportunity to take advantage of it. There may be some points which want bringing up to date. I do not know about that—

110. *The Hon. the Chairman.*—Yes, I have them ready.

111. *Mr. Patterson.*—We had better, I think, adopt, subject to further revision and bringing up to date, this code, and then you have the practicable work when you get to that stage. I think the course Parliament would pursue would be, to remit again to such a committee as would give it that authority that would justify Parliament in accepting it as it stood.

112. *The Witness.*—I think the very best test that this code could be submitted to would be, to put it into operation. We know in all our Statutes, defects, if there are any, are found, when they come into practical operation. I do not think there would be more defects found in that code as it stands than are frequently found in Acts which have been passed and require amendment. You would very soon find out whether there were defects in it when cases came to be decided upon it. I doubt whether any critical investigation by the House or a committee would be of any value whatever.

113. *By Dr. Quick.*—I would ask you whether it would be possible for the judges to undertake to examine and look into this code, and say generally whether this Bill incorporates the law generally?—It is a question to which generalities would not apply. In order to enable any man to say whether that code incorporates the law absolutely, he must be prepared to go through every section and every line of every section, and exercise a judgment upon each one. When I said it took me more than twelve months, I treated every one of those sections as if it was arising on a case sent to me for opinion, and asked myself, would that be the conclusion I should arrive at? I concluded either that it was, or that it wanted alteration. I could have run through the whole of it in a couple of days, but that would be of no use. I treated each section as a case for careful consideration.

114. *By Mr. Shiels.*—At that rate you would have taken about six years to revise that code?—Perhaps I did it more completely than was necessary.

115. *By Mr. Patterson.*—Having submitted the parts referred to to a critical examination, I understand you to say you did not find that there was very much wrong about them?—No, I did not.

116. If they had been accepted without that revision, they would not have led people much astray?—With the exception of a few points, I think not; but you must not judge the amount of labor in revision by the amount of alteration made, because in revising I was ascertaining whether each particular proposition stated in the code was correct; if I found it was correct there was no occasion for alteration; but it might have taken me a week to consult authorities upon any particular point, and think it over.

His Honour  
G. H. F. Webb,  
Esq.,  
continued,  
21st Sept. 1887.

117. *By the Hon. Lt.-Col. Sargood.*—If I understand you rightly, you do not think there would be any undue risk in passing this code into law, and acting upon it?—I do not. As to those parts I have not particularly examined, when I accidentally had occasion to refer to them in connection with the parts I was examining, I generally found them, in my opinion, correct.

118. *By Mr. Patterson.*—As a matter of fact, although this is not covered with the sanction of the law, this is being used to assist gentlemen like yourself and others, as a ready means of ascertaining what the law really is?—I believe it is. I have have not tested it in that way myself, so I cannot express any opinion about it from experience of its use.

119. *By the Hon. Lt.-Col. Sargood.*—Supposing a committee were appointed in the way suggested, do you think it would take that committee, sitting during the recess, more than the recess to go through this in a fair way, calling experts before them?—I should not think so.

120. With ordinary industry the committee ought to get through it?—Yes. I have been already asked as to the judges revising this code. As to that, I would add to what I have already said that I am certain the judges would not have time to give that critical examination to it which would be necessary to give it authority, and also that I doubt whether it would be desirable that they should. I think the duty of the judges is to determine upon cases in live litigation; I doubt whether they should be placed in a position of putting an *imprimatur* upon any proposed legislation. I revised parts of the code when I was at the bar. I should not feel myself justified in doing so as a member of the Bench, and thus giving it an apparent judicial authority which it would not really possess.

121. Was not the codification done by a Commission of judges at home?—Commissions mainly consisting of some of the judges have from time to time been appointed to consider various branches of the law, and to suggest what alterations would be desirable, but the practical carrying out of the recommendations of the Commissions has been done by draftsmen, outside altogether.

122. *By the Hon. the Chairman.*—I am afraid there would be considerable difficulty in getting legal gentlemen here to do it?—That is the difficulty. If I may be allowed to say so, it seems to me that what has been done is precisely what I ventured to suggest to the Committee should be done. All you have got to do is to examine the gentlemen who have compiled and revised the code, and let them give you the guarantee you want. You will never get the thing done over again; it will take ten years to do it. I am prepared to come here and vouch, to the best of my opinion, for what I as a barrister did, and I suppose the other gentlemen will do the same. The Committee could then determine whether it would advise the Houses to take it on trust.

123. *By the Hon. Lt.-Col. Sargood.*—It has been suggested that it would be inadvisable to include in the code certain portions of the law, such as those relating to revenue, because of the changes that take place?—I certainly think it would not be advisable to include in the code revenue laws which would be continually changing. I understand the object of the code is to declare the law as to the relations of the community *inter se*, and to enable decisions to be given as to their rights. I observe the Criminal law is introduced here also; I should have thought it well that the Civil code should have been kept separate from the Criminal code. There is no great harm in putting them together that I know of, but such things as revenue laws and stamp duties would be better left out.

124. *By the Hon. the Chairman.*—It does not contain all the laws connected with the working of the department, but there are various duties cast upon the public in relation to revenue and fiscal matters?—I am not prepared to express an opinion upon that.

125. *By Dr. Quick.*—Do you approve of the scheme of that draft code generally?—I think the scheme is very good indeed; it is very artistic indeed; but it is novel, and may lead to some little trouble until the profession get familiar with it.

126. *By Mr. Shiels.*—Do you not think that while, for general purposes the divisions are admirable and logical, they are a little too technical—take the rights relating to property—“Rights *in rem* relating to property.” One of the objects of this code is not so much to supply a convenient reference book to lawyers; but, as we understand that knowledge of the law is presumed in every case, that the people shall have some ready means of ascertaining what their rights and duties are?—The public may disregard all those headings if they like, and treat the code as if it was numbered from 1 to 1500 in sections, and get their information by looking at the index.

127. But would not it be a matter of convenience to have the heading some guide as to what they do want—take “Duties and rights *in personam*”?—There is no objection to making it “Personal duties and rights” I suppose; it will answer the same purpose. The only difference will be, you will make it perhaps more intelligible to the general public, and probably not so familiar to lawyers. I do not see it matters in the slightest what you have in the heading, it is only the classification. I suppose after all lawyers will have to deal with this to a great extent, and it is convenient to have matters classified and terms used which they have been accustomed to.

128. *By the Hon. the Chairman.*—Of course, supposing this code were passed into law, the courts would place interpretations upon it immediately, and a crop of decisions would grow up, and you would have another series of court interpretations or judge-made law, as it is called; what suggestions would you make as to the continuity of the code?—I think, if you proceed upon the principle of a code, it ought to be revised at intervals, say of five years or so. It is not so much that I fear the decisions upon it, as the altering circumstances of society, new relations arising that were not thought of at the time. There are continual new relations and new states of facts arising, more so in a new country than in an old one, which require the judges at once to apply such law as they think best applicable to the new state of circumstances. The best illustration of that I can give is our mining law, which has grown up altogether on a series of decisions from time to time, most ably and harmoniously enunciated by my predecessor on the Bench, Sir Robert Molesworth. We had very little Statute law about mining, and he had to work upon the materials he had, and in fact construct a mining law. In the early days, after the Mining Statute of 1865 was passed, the mining business was something immense, both in the country and in Melbourne; I should say there were 100 cases then for every ten you have now. Things gradually got settled down until practitioners and every one else knew the law; and consequently the mining litigation has been very materially reduced. The same result would follow in a less degree, if you had a code which every one could consult, but it would require revision from time to time in order to bring it up to date,

according to decisions which might have been given upon it and according to the altered circumstances of the country.

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continued,  
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129. *By Mr. Shiels.*—Have you any experience at all as to how English-speaking races work under a code—take the Livingstone Code of New York—do you know if they revise that from time to time?—I have no experience of those codes at all.

130. As far as I know anything of the codes of foreign nations, they discard decisions of cases, and keep referring to the code; therefore revision from time to time is not necessary with regard to cases; it is necessary from the point of view of new Statutes?—That is what I referred to, when I said I did not fear the necessity for revision from judges' decisions, but from new legislation.

131. Therefore our work would have to be a continuous work, if we desire to keep the code up to date?—The code would have to be read, with the Statutes passed afterwards. I think there would be no room for conflicting decisions, if we have a code which settles what the law is.

132. *By the Hon. Lt.-Col. Sargood.*—The revision every five years will be a small affair comparatively speaking?—I do not think you would have one-half the difficulty that we have in many cases by having to refer to half-a-dozen Statutes, before you find out what the law is. Taking the general run of the Statutes, I will undertake to say nearly half of them begin with the words "An Act to amend an Act," &c.

*The Witness withdrew.*

George D. McCormick, Esq., P.M., examined.

133. *By the Hon. the Chairman.*—I think you are a barrister?—Yes.

G. D. McCormick  
Esq., P.M.,  
21st Sept. 1887.

134. Have you had occasion to read any part of this code of which we are speaking?—Very recently, I have read the first six parts of it, within the past week. I was under the impression, when this was sent to me, it was the whole of the code. I have recently ascertained, within the last few days, it was part of it only. I have read it through hurriedly, but carefully. I have come to the conclusion it is one of the most useful measures we could possibly have as regards magistrates. It contains a large amount of information, especially in regard to Common Law, which is most useful to magistrates to refer to; although I have not used it for reference myself, I am aware a great many police magistrates have used it for that purpose. If I had known and seen as much of the code as I have in the last hour, the present code as it is now, I would never have travelled without it. The one I have has no index to it. Since I have been in the library, I had a look at the code. I certainly will never travel without it again. I may also say I have heard what Mr. Justice Webb has said, and I fully coincide with almost every word he has said in reference to it. As regards taking the work as it is without going through Committee of the House, while Mr. Justice Webb was speaking, I thought provision might be made, in case any mistakes occurred as regards Statute law, that where the code conflicts with Statute law, the Statute law should prevail.

135. You think it would be useful in the administration of justice in the country?—Most useful.

136. Not merely to police magistrates?—No, all other magistrates.

137. Do you observe that most of the justices' law is contained in those six parts you speak of?—It is the Criminal Law and Practice Statute, and Police Offences Statute as far as I have been able to judge. Looking through those parts, I think it sets out those two Statutes correctly. Of course there are some things contained in the code that will have to be brought up to the present time. There are some Acts incorporated in this—for instance, the Licensing Act No. 566—which have been repealed. The Licensing Act will have to be brought up to time, by putting in the present Act. The present Act is No. 857. It is the Act of 1885.

138. *By the Hon. H. Cuthbert.*—You have only had a very short opportunity of looking at a portion of it?—It was only last Saturday I looked through it for the first time.

139. And of seeing the full code to-day, you have only had an opportunity for an hour or so?—Less than that, not half an hour. Mr. Melville was kind enough to show it to me.

140. *By Mr. Patterson.*—You can give evidence that the want of the code is a serious defect, and the cause of trouble and difficulty?—I think it is, and I think this would make an excellent beginning.

141. *By the Hon. Lt.-Col. Sargood.*—Do you think it would be an advantage if the various police magistrates were supplied with a copy of this code, with a view of finding out errors, if any, so that in the event of a joint committee being appointed by the Houses, they would be in a position to come and give evidence on it?—I think so. I think they would be glad to do it, and examine it thoroughly; and I think the police magistrates as a body would be able to give much more valuable evidence in this matter than the Supreme Court judges. They have to deal with it every day of their lives. They would have to put this code in force every day. The judges of the Supreme Court would not, only in special cases.

*The Witness withdrew.*

*Adjourned to Wednesday next at half-past two o'clock.*

WEDNESDAY, 28TH SEPTEMBER, 1887.

*Members present:*

The Hon. W. E. HEARN, in the Chair;

*Council:*

The Hon. Lt.-Col. Sargood  
F. Brown  
D. Melville  
N. FitzGerald  
J. Balfour.

*Assembly:*

Mr. Shiels  
M. H. Davies  
Dr. Quick  
Mr. Bosisto.

Joseph Woolf, Esq., examined.

Joseph Woolf,  
Esq.,  
28th Sept. 1887.

142. *By the Hon. the Chairman.*—What are you?—A solicitor.

143. You have had some considerable practice in the profession?—Yes.

144. In the course of that practice, you have met occasionally, I dare say, with the European codes?—Yes, I am solicitor for the French and Italian Consulates, and have officially to have recourse to those codes.

145. You have had an opportunity of becoming acquainted with the advantages of codification?—Intimately.

146. Will you explain to the Committee what you consider the principal advantages of a code to be?—The principal advantages of a code are first, that the provisions are absolutely intelligible; secondly, they are distinctly accessible; and thirdly, they are very concise and very clear; thus, as a whole, you have certainty from those conditions; these advantages scarcely require any further definition as contrasted with the English system of law, where none of these advantages are present. In the foreign systems of codification—I refer particularly to the French system, under which the Code Napoleon obtains, and the Italian system, where there is also a code modelled upon the French system—you have almost absolute certainty. The very basis of the English law, as you are no doubt aware, is to a large extent, Common or Unwritten law; then you have Statute law, then you have judge-made or case law; but these different systems certainly do not conduce either to clearness or certainty; as a result it is difficult even for an experienced lawyer to obtain certainty as to what the law is on any particular question. The case law itself is a very considerable source of difficulty, as those who have had opportunities of relying upon cases know. Cases have been decided from different points of view by different judges; you have uncertainty, you may have conflict as between two judges' decisions, and but rarely do they lay down general principles; as a rule the decision in a particular case depends upon the facts that are immediately in question, and if any general principle is enunciated that is not required for the decision, it is treated as unjudicial; so there is practically no certainty even in relying upon case law.

147. Do you consider the code would be conducive to the administration of justice?—I do not think there is any doubt about it.

148. Do you think it would be economical to the public?—I think the same answer must apply to that. The reasons are obvious. From what I have stated, at present, a litigant, or without being a litigant, if any member of the community wishes to ascertain his rights, he cannot ascertain them with precision. If he contemplates entering into any contract there is an element of uncertainty; he probably takes a step either with or without seeking advice. The result may be, if he is plunged into litigation, he may only ascertain after he has lost his suit what the correct principle was, so that only after the result has happened is he able to ascertain what the law was or should have been. If there was a code, reference would be at once had to the provisions which affect the question directly involved, the provisions of the code would define generally what his rights and obligations were. Even although the code would not do away with the profession of those practising the law, still it would, in a very great number of instances, save the necessity of even consulting them. At present it is difficult for any layman—in fact, one might say impossible for a layman—to ascertain precisely what his rights may be under a particular set of circumstances. In order to have precision, he may refer to the Statute, he may also have to refer to case law, and even there he may not get certainty. If he were referred directly to a code, he would see what his general rights were without any ambiguity.

149. Have you had occasion to use the draft Bill that is on the table?—Yes, I have had occasion to refer to that occasionally in practice from time to time. I have referred to it for the purpose of ascertaining what the law was. I have relied upon that as a correct statement of the law on the matters which I referred to it about. I have been satisfied that it did correctly set forth the actual state of the law; in the absence of that I should have had to have referred to an unauthorized exposition of the law, an exposition that would be made by a writer on the particular subject involved. His statements of the law would be, first, unauthorized; and secondly, they would refer to the cases on which they depended. To test further those statements one would have to consult the particular cases referred to, and this would not lead to certainty even then; so if one can refer to the provisions of the code directly, which, so far as I know, is the only key to the existing law, one would avoid considerable difficulty, and would have the additional advantage of having certainty.

150. Do you think, then, that it would be desirable that that code should be passed into law?—I think it should undoubtedly pass into law; because, assuming that there may be some inherent defects, it is equally to be remembered that defects apply to all human efforts; at the same time you would wipe out at once and get rid of, by that being brought into force, a vast number of cases; you would reduce into an intelligible and clear form all or a great deal of prior legislation, and you would have the Common law especially reduced for the first time here into a series of clear and concise statements. These advantages, I think, would be at once felt by every member of the community.

151. Assuming that it became law, what provision would you make for, from time to time, keeping it up to date?—The provision I would suggest would be this—that, after it has become law, there should be a council of judges formed, whose function it would be to take charge of the code, and observe any defects or any necessary modifications or amendments. Their duty would be, with the assistance I shall mention presently, to report, at certain intervals, to Parliament what amendments they considered

necessary. I would also suggest the appointment of a consultative body of practising barristers and solicitors, who would assist the council of judges by making suggestions upon the code. Attached to the judges, there should be, at once after the passing of the code, created a permanent officer, whose duty it would be directly to observe the working of the code. It would be the duty of this officer to organize a system by which all defects in the code would be recorded; and, in addition, I would suggest that all officers attached to courts, for instance, the prothonotary, the chief clerks of Insolvency, the registrars of County Courts, and even the clerks of Petty Sessions should be asked to report to that officer at stated times, or from time to time, as a particular case arose, any case which suggested a defect, together with the facts which governed the case; these cases would be recorded by the officer charged with the particular administration of the working of the Act, and they would be indexed by him from time to time and brought directly under the notice of the council of judges. This, I think, would be a practical way of bringing to light any defects that might be discovered hereafter; and assuming there were any such defects, the judges would, under such a system as suggested, reduce those defects into concise form and make the necessary amendments, and these could be referred to Parliament, and could be taken charge of in the usual way, I assume, by the Minister of Justice or the Attorney-General, and presented to Parliament in the usual way; and, if Parliament thought necessary, no doubt the Commission might *pro forma* report as to the desirability of those amendments being adopted. As regards the precise form in which these would be embodied, I do not think any difficulty need be apprehended, because the French code, as no doubt you, Mr. Chairman, are aware, itself suggests the mode in which these would be incorporated. For instance, referring to the Law of Divorce, it contains what was the law as in the original code; there is a note made that this has been abrogated by the law of a certain date, which is subsequently contained in the book; there you have both the original Statute and the amending Statute at the end; you have within the two covers all the legislation upon that particular subject. That does not necessarily mean revision, it rather means consolidation, if the term can be used; revision, I assume, strictly would be, the striking out of the original law, and the actual substitution of the amending Act; at the same time, in order to have completeness in the code should subsequent provisions be adopted, references would be had at the end of the code, or foot-notes under the particular sections of the code referred to which were affected. You could also have footnotes referring to the decisions of the Banco Court which modified in any way or interpreted the particular sections of the code involved. These references to the judiciary law which were made would supply the place of the revision intermediately between the passing of the code and the actual revision of the code at stated terms, say, ten years. If that were so decided upon, in each yearly edition of the code you would have up to the date of the last preceding year the code itself and the amending law, and you would have such judicial interpretation of the law as had then been decided by the judges in Banco, so that in one book you would have certainty, instead of having, as now, to refer to an innumerable number of cases; in fact the system at present is the very acme of uncertainty, instead of being any indication of certainty at all.

152. *By Mr. Shiels.*—You have said you have acquaintance with the codes both of France and Italy; can you tell us how the Legislature, say of Italy, set to work to get codification?—The Italian code was passed in 1866. I may mention, no actual revision of the French code has ever been undertaken. The formation of the code in Italy was attended with very serious difficulties, owing to different systems of law being in vogue in particular provinces. These were referred to a Commission consisting of practical lawyers. I am not absolutely clear, but I think those are the facts. They took as a basis the Code Napoleon—that was the basis that they improved upon; that is, they incorporated into their code a great number of decisions of the *Cour de Cassation* of France—that is the highest Court of Appeal in France.

153. Was it after that Commission of practical lawyers had done that work that they drew up the code themselves?—The code was drawn up and presented by the Minister of Justice to Parliament. Parliament was asked to take this on trust, as the very basis of this highly technical matter was such as to negative the probability of any assistance from lay members of the House.

154. Was it in 1866 that the code of Italy was passed through the Legislature?—It was in 1866 that the law was in all respects codified upon the same basis as the French Code; there are more codes now. The Italian Parliament has been presented with a code by the Minister of Justice which deals with Criminal Procedure. This is about the fourth code that has been presented by as many Ministers of Justice in recent years dealing with different systems; but the basis of all the codifications has been that the Minister of Justice asks the House, after it has been properly revised, to accept it. From the very beginning of codification the whole basis has been, with the Frederick Code in Prussia in 1756, the Code Napoleon in 1804 and 1807, and a little later, and the Italian Code, and it applies also to the Belgian Code. The basis was that when once experts had pronounced upon it, it was undesirable, at all events it was not conceded, that lay members of the Legislature could give any assistance in the interpretation or discussion of what was assumed to be the statement of actual law.

155. *By the Hon. the Chairman.*—Did the Italian Parliaments accept it?—They did accept it entirely, I believe, in 1866. I am understood, I think, that these were codifications. There was no attempt made to introduce in 1866 any serious alteration of status.

156. *By Mr. Davies.*—I understood you to say, that one advantage of the code was that the Common law would be reduced to a concise statement; how far, do you think, the Common law will be reduced by this code?—You will have an authorized statement of it. There is no authorized statement anywhere in existence at present; that is one of the manifest advantages of the code. I think you have no authorized statement anywhere of what the Common law is; you have unauthorized statements by expositors of what the law is.

157. Have you considered the second section of the Bill, which says:—"So far as it is founded upon the Common Law this Act shall be deemed to declare upon the subjects to which it relates, the doctrines of that law as it now exists. And so far as those doctrines are not declared in this Act the Common Law shall be deemed to continue as at present"?—Yes, I thought that was a necessary loop-hole in the event of this code not defining in some particulars what the existing law was. I think it is necessary as a means of safety.

158. You can give us no suggestion by which we could in any way save conflicting with Common law?—All efforts of this sort must be necessarily imperfect. No work, no matter what labor had been given to it, you can actually define as perfect. Admitting that, I think it would be unwise to exclude the

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possibility of error; so you must allow the necessary loop-hope. If you were to exclude the Common Law you would have to leave it to the actual decision of the judges as to what was expedient. You would have purely the arbitrary law of the judges, depending upon no principle except what they chose to lay down. I think that it would be much more satisfactory to refer to Common Law principles that are now very well settled.

*The Witness withdrew.*

Thomas Prout Webb, Esq., examined.

T. P. Webb,  
Esq.,  
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159. *By the Hon. the Chairman.*—What is your occupation?—Master-in-Equity and Master-in-Lunacy.

160. I think you were my principal assistant in revising this code?—I was.

161. Would you be good enough to tell the Committee what portions you are familiar with?—Parts 1, 2, 3, 4, 5, 11, 12, 13, 14. Part 15 I did not do.

162. Did you do Part 6?—No. Part 6 was in other parts at the time I commenced to work. It was gradually eliminated from the other parts and formed into a part by itself.

163. You did the first five parts?—Yes.

164. And you did Parts 11 to 14, inclusive?—Yes.

165. Mr. Justice Webb did Parts 7, 8, 9, and 10. That only leaves six of the Parts, from 15 to the end, unprovided for?—Part 17 I did. The question of repeals—I kept that going from time to time, as the work progressed.

166. Can you tell the Committee, do you consider those parts with which you are familiar form a reasonably fair statement of the existing law?—I do.

167. *By the Hon. Lt.-Col. Sargood.*—Has any alteration been made in the law in any part of this?—None whatever. In revising the work of the groups, whenever anything struck me as being inclined to novelty it was reported at once to Dr. Hearn, and the matter, as far as I was concerned, was never put in. I think Dr. Hearn eliminated it afterwards.

168. *By the Hon. the Chairman.*—There were one or two changes in the Real Property Law?—That I had nothing to do with.

169. It has been stated by Cairns that these were mere modifications of the modern law. Do you think that would be sufficient authority for our introduction of them?—I think so. There seems to be no new or novel legislation in them.

170. In the case of real property, the law was in a peculiarly dilapidated condition in consequence of new legislation, but the old law remains untouched?—Yes.

171. *By Mr. Shiels.*—You revised those parts carefully. Could you give the Committee any estimate of the time you spent either by years or months, whichever it was?—Altogether, I must have been engaged about three years. That work had to be done with my other engagements. Some weeks I managed to get two days out of the week, sometimes only the one afternoon.

172. Mr. Justice Webb informed the Committee that, in the revision of Parts 7, 8, 9, and 10, he took fully a year. He also gave the evidence that, from his own knowledge, both then and subsequently, he thought the House would be quite safe to take that as a correct record of the existing law. Can you say the same of those parts of the Bill you have revised?—Yes, so far as they go, they are perfectly accurate statements.

173. The Legislature would be quite safe in passing those parts of the code which you have revised?—Yes.

174. *By the Hon. Lt.-Col. Sargood.*—When you say “perfectly accurate” you refer more particularly to case law?—No. In many cases the sections are a combination of case law and Statute law. That is, the case very often interprets the Statute. When that has been so, an appropriate word or sentence has been put in to incorporate the two.

175. *By the Hon. the Chairman.*—There is nothing like new legislation?—Nothing whatever. Every word or sentence could be justified by reference to a Statute or judicial decision.

176. *By Mr. Shiels.*—Somebody else supplied you with the matter you revised?—Yes.

177. Were those men whose names the Legislature would be safe in taking?—Certainly. Mr. Walker, the chief clerk, was engaged. His work came under my revision. And Mr. Topp was another. He left after a time.

178. Did it pass on from you also to Dr. Hearn?—Yes.

179. *By the Hon. the Chairman.*—I think this was the arrangement: Each portion was divided into separate groups; there were two gentlemen went to each group; their work came back to the group consisting of you and another gentleman; finally, I revised the whole thing?—Yes, that was the course.

180. *By the Hon. Lt.-Col. Sargood.*—Are there any portions of this Bill that you would suggest to be left out? I may mention it has been suggested as advisable to leave out some portion, such as the Revenue Act, because they are so subject to fluctuation and change?—I have not considered that at all.

181. *By the Hon. the Chairman.*—I think there is some little misunderstanding about the Revenue Acts. All that relate to the Customs Act are matters of public concern, not departmental concern; that is, duties cast upon the various members of the public as distinct from acts done by officers of the Department?—Yes, that was so.

182. Those duties would of course continue, quite irrespective of the changes in the amount or mode of collection in the revenue?—I do not think they ought to be left out, inasmuch as they affect the duties and legal status of individuals, not as revenue officers, but as members of the community.

183. *By Mr. Davies.*—Would you say that the parts of the Acts you prepared would be really a re-production of the law enforced here?—Yes, I should say so distinctly, not of the whole of the law; as far as it goes, it is a re-production of the law as it exists in this colony.

184. *By the Hon. Lt.-Col. Sargood.*—Do you think any undue risk would be run in passing this draft Bill into law?—I think no risk would be run whatever. I feel so sure the thing has been so carefully prepared; it is simply a re-statement of existing law.

185. *By the Hon. the Chairman.*—If there were any mistakes, the form of that Bill lends itself to easy correction?—I should think so. I suppose this would be revised from time to time, and re-enacted

with the necessary additions where it was found to be incomplete, and corrections where it was found to be inaccurate.

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186. It would be necessary from time to time to incorporate the fresh legislation?—Yes, Statute laws and decisions.

*The Witness withdrew.*

His Honor George Higinbotham, Esq., Chief Justice, examined.

187. *By the Hon. the Chairman.*—Have you had occasion to consider the question of codification in general?—I have considered it for a great many years, with great interest and attention.

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188. Do you consider a code, generally speaking, is valuable in a country?—Highly valuable.

189. Will you explain to the Committee the principal advantages that you see in it?—Perhaps the Committee will permit me to state certain conclusions at which I have arrived, and my reasons for them. I think I could do that more clearly than if I were to answer your questions directly. I have not been able to consider the details of this Bill, which is now under the consideration of the Committee, and I am not prepared to express an opinion upon any of the provisions of it in detail; but under the circumstances in which it is brought under the consideration of the Committee and of Parliament, I am prepared to advocate, if I may be permitted to use the expression, the adoption of it as it stands. My views upon the subject are included in three propositions. I will read two of them. First, I would submit that Parliament should be recommended to accept and enact this code without undertaking the attempt to examine into or amend and correct its general plan, or all or any of its provisions; also that the Act, which might be called the Victorian Code of 1888 ought not to come into operation before the 1st of June, 1888. Secondly, it is essentially necessary, in my opinion, that the code so enacted should be re-arranged and revised, and that the outstanding Statutes should be incorporated therewith at regular successive periods of, say five years, and that Parliament should be recommended to give its sanction by resolutions passed by both Houses, or by report of this Joint Committee recommending the same or otherwise, to such periodical revision. I venture to think that proposed legislation of this kind must necessarily be the outcome of the design of a single mind—that mind may be assisted by other minds, and may be enabled, by the assistance of other minds, to fill up the different parts of the general scheme; but even when so assisted it seems to me to be absolutely necessary that the one mind should not only devise the general scheme, but it should supervise and exercise complete command over the whole of the work, including the part of the scheme which has been done by others, in order that that single mind may be able to submit a scheme for which the person proposing it shall be responsible to Parliament. I think that this scheme comes recommended to Parliament in such a way, and that it is only in such a way that Parliament can entertain a scheme of this kind. I do not believe that it is possible for a number of persons, either to conceive the design, or to come to a joint harmonious opinion upon the details of a scheme of this kind; and the only thing Parliament, in my opinion, can do is either to reject a scheme of this kind altogether, or accept it upon the credit which Parliament may be disposed to place upon the individual who proposes the scheme. I think honorable Members, if they will consider the nature of a scheme of this kind, and the enormous field of matter which it includes, and the highly technical character of its provisions, will be disposed to conclude that it would be impossible for a deliberative body even to master the contents, still more impossible to amend or correct such a general scheme, or the details of it. I venture to think that, even if this code were submitted to a committee of legal experts, Parliament would still find itself compelled at last to trust to the proposal as laid before it by a single person. If a number of lawyers were to entertain the consideration of this code, there can be very little doubt that such deliberation would educe a vast amount of difference of opinion upon the details—opinions quite legitimately different, and which could not be brought to a union, or a united recommendation of the scheme. Most of the provisions of a Bill of this kind are the expression in legal phraseology of those rules and principles of law which are now expressed variously in various decisions given by courts of justice; and, at present, when rules of the Common law are cited in courts of justice, and it is necessary to apply them to a particular state of facts, it is found that the variances of expression in the decisions often lead to considerable doubts and difficulties as to the precise form in which the principle ought to be stated and be applied to particular cases. The result is that, at present, we want forms in which the Common law rules and principles are clearly and authoritatively expressed, and we have to search for them in authorities more or less applicable to the circumstances of individual cases. Of course, in that aspect, it will easily be seen that, if a number of legal experts were to set themselves to consider the terms of one or more of the provisions of a code of this kind, there would be necessarily, and quite legitimately, considerable difference of opinion as to the mode in which any one of the provisions should be expressed. Now if a number of experts considered this code, and could arrive at a joint opinion, no doubt it would be a satisfactory basis upon which Parliament could act, but I confess I do not think it is probable that such an agreement would be arrived at, and if not arrived at, it must be obvious that such a consultation would result in nothing; and if there were a difference of opinion, Parliament would be compelled to elect to which of the persons who reported upon the code it should attach credit, and the advice of which of them should be acted upon. In a matter of this kind I believe the truth to be that opinion—satisfactory and trustworthy opinion—can only be elicited after a measure of this kind becomes law. Then the general body of the legal profession will be compelled to give their attention to its provisions. So far as experience is a guide, I think we may say that the legal profession does not give its attention to any legal measure in a sufficient degree to give authority to its opinion, until the measure becomes law. As soon as a Bill of this kind becomes law it will be necessary to examine its provisions, and then opinions will be expressed, and defects will no doubt be discovered. I venture to think that, in a measure of this kind, it will be impossible to avoid numerous, and it may be, very grave defects indeed. They will be discovered; but they will only be discovered as soon as the measure is in operation, and they can then be corrected. It is by that means—by promptly applying the correction of amending Acts—that the danger can be avoided of permanently enacting unwise laws. There are one or two cases which may serve to encourage Parliament in dealing in this way with a measure of this kind. Some honorable members may remember the Bill which is now the Transfer of Land Statute—it was passed, I think, in the first instance about the year 1861 or 1862. That was a Bill that came recommended to the Legislature of Victoria from South Australia. A layman of South Australia, Mr. Torrens, introduced that measure there, and it was passed



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by the South Australian Parliament. Laymen here—the Honorable Mr. Coppin and the Honorable Mr. Service—took it up. They thought it promised to provide a remedy for the great difficulties and expenses connected with the alienation of land and the registration of titles to land, and they brought it before Parliament. The Legislative Council passed it, and it came down to the Legislative Assembly. There it was encountered by a very strong legal opposition—very numerous and grave legal objections were taken to that Bill, objections, many of them sound and forcible, and objections which those in charge of the Bill professed themselves utterly unable to answer; but what Mr. Service said was this—“I am a layman, and even if I were a lawyer, I do not know that I could meet these objections; but here is a Bill that professes to effect a certain desirable object—I ask Parliament to pass it into law without considering it, beyond remembering that it has come to us recommended by its adoption in a neighbouring colony, and when it has become law then let us seek to amend it.” Parliament adopted that suggestion, and passed the Bill—a highly qualified gentleman was appointed to take charge of the measure, and within a couple of years after that Bill was passed, there was an amending Act. I do not think the objections were understated. The difficulties in the way of administering the Act as it was at first passed were very great, but as soon as it became law those difficulties were discovered in practice, and the gentleman who had charge of the administration of the Act, Mr. Carter, prepared himself a revised Bill which Parliament adopted upon the strength of his recommendation. The result is, as honorable members know, that what I think may be regarded as one of the most beneficial legislative measures ever passed, has been in satisfactory operation for upwards of twenty years. There was another instance in which very beneficial legislation was passed in the same way. In 1864 and 1865 Parliament adopted on the recommendation of the Government of the day a number of Bills consolidating the existing acts of Parliament. Consolidation, I may remark, has always been regarded as a necessary step to codification, and only as a step to codification, and it was with that view that the Government of the day brought in Consolidation Bills. Parliament was asked to accept them as they stood, and Parliament was told that, if it did not see fit to accept them as they stood, they must be withdrawn, they could not be amended; their bulk was so great they could not be even examined. Parliament passed them as they stood; there were a great number of defects which were discovered, not before the Bills became law; but as soon as they were discovered Parliament was ready to pass amending Bills, and amending Bills were passed. The result was that the Statute law was consolidated, and with how much advantage may be illustrated by a single one of those Consolidated Bills, the Act consolidating the Criminal law. I do not know any Act that has contributed so much to the simplification of the administration of the law as the Criminal Law and Practice Statute now in force. Before that was passed the Criminal law was in a state of complete confusion—in fact no one who has not a personal recollection of the confusion of the Criminal law before that time, can have an adequate idea of the advantages that have arisen from the consolidation of that law. Some faint conception of it may be formed, if honorable Members will look at the number of Acts that are enumerated in the repealing schedule of the Criminal Law and Practice Statute. They were Acts that had come from all quarters—English Acts adopted without being set out, adopted merely by their titles, correcting Acts which were not to be found except in the English Statutes books, Colonial Acts, amending Acts not set forth in the published edition of the Statutes. The confusion was so great, that I remember it was commonly stated, and I believe quite truly stated, that there were only two barristers at the Bar who were acquainted with the Criminal law; the one was Mr., now Sir Robert, Molesworth, the Solicitor-General, and the other Mr. Travers Adamson, who ably drafted the Consolidation Act. Since that consolidation has been effected, the Criminal law has been simplified to a degree which honorable Members can have but little conception of. It is in fact almost codified—though not in form, it is in substance, and requires little revision. Those are two instances in which Parliament has adopted the plan of enacting without examination important measures, and I think they are instances which may serve to justify the opinion which I respectfully submit to the Committee, that the same course should be adopted on this occasion in reference to this Bill. It is the only course, I venture to believe, which can be adopted consistently with the adoption of the code at all, and if it be followed by the enactment of Bills to correct discovered errors, and also accompanied by a scheme for revising the enacted code at stated periods, I believe that this code, if adopted by Parliament, will constitute the most memorable work of legislation which we shall yet have carried into force in this country. The various codes which are in existence in other countries are most of them open to the objection that there exists no means by which they can be periodically revised; that is stated to be the great objection to the Code Napoleon, which has been adopted in most of the countries of Europe with modifications; and the result is, that legal decisions grow up upon its terms, and its provisions are obscured by conflicting, it may be, and accumulating decisions. The Victorian Legislature has already provided—if I may venture to say so, very wisely—that it shall be the duty of the judges of the Supreme Court to inform the Government of the amendments which, in their opinion, may and ought to be made in the laws connected with the administration of justice. That is a duty imposed upon the judges, and it is a duty which I have no doubt will always be cheerfully and to the best of their ability discharged by the judges, and that existing provision of the law seems to suggest a means by which the code, if enacted, might be at stated periods advantageously revised, and I would venture to connect that recommendation with the first recommendation I have submitted to the consideration of the Committee, that this Bill should be adopted as it stands; but that concurrently with its adoption the Legislature should be invited to prescribe that it shall be re-arranged and revised, and that all Statute law which shall have been adopted in the interval shall be incorporated with it at successive periods. I think periods of five years would probably be suitable periods—that may be doubtful; it depends partly upon the cost of revision. I think that the expense of preparing the revised code would not, after some time, be large; it would be chiefly printing, after two or three periods. At first probably very large alterations might become necessary, which would require a considerable amount of re-drafting, but after a time revision at the quinquennial or other period would be a matter of very small labor, and the cost of it would, I believe, be one chiefly connected with the printing of it.

190. At each time I suppose it would be less?—I think so. I think, for the reason I am going to state to the Committee, that at first it would be very considerable. The third proposition or recommendation which I would ask leave to submit to the Committee is one to which I venture to think the very highest importance is attached. It relates to the plan of this particular code. I do not know anything connected with a code which is of so much importance as its plan or principle. If a good plan is adopted the enactment of the code will make law appear what it really is, a science. If law is divided into Parts,

contained in a scheme which embraces all its parts, and its parts are united together by an orderly arrangement, it will appear to be what it really is—a science; and if it be presented in the form of a scientific code to the community and to the practitioners and students of the law, I believe it will have a far greater and more beneficial effect than if it be presented in an unclassified collection of the existing provisions of the law. It will be an education, and students of the law will become acquainted with its parts in their proper proportions, relative proportions, and they will understand the comparative value of the different parts of the law in a way which I am sorry to say the present system of studying the law does not render possible. At present, law is not studied on a system—the principles of law are studied in connection with different subjects taken up by students for different reasons, and from different inclinations; but the law, as a whole, is not studied as a whole, and the result is, I think, there is very great misapprehension and erroneous judgment on the part of students and the general public, of the relative real importance of the different parts of the law. One sometimes hears persons who attach great value (and not undue value) and pay high respect (and not undue respect) to the enactments of the law in regard to persons and property, express something like contempt for the far more important provisions of Public law. It would be a political education, as well as a legal education of students, if every student learned law as a regular system, and were introduced to its several parts in their proper order of relative importance and value, and the whole of the law were treated as a science, and embodied in a scientific code. If that were done, it seems to me, it would produce a revolution in the general conception of law in the minds of the people, not merely of the authority of law, but of the relative authority and value and importance to the community of Public law as distinguished from Private law. I have thought of this subject not merely in connection with the study of law, but I think it is connected intimately with subjects outside the law. If the law is codified, knowledge proper to other professions also claims to be codified—of course all knowledge can be codified, that is to say, classified. In some professions other than the law the importance of an authoritative exposition of the principles adopted and acted upon in those professions is becoming better recognised, and I believe that if the law were codified the importance of a code, or an authoritative exposition of knowledge might even extend to universal and general knowledge. I venture to think that if a code of general knowledge were adopted and recognised by authority, and provision were made for its constant revision and improvement by authority, there would be in time a great revolution in all our schools and colleges and universities. Now I desire to make that statement merely for the purpose of justifying the degree of importance, the supreme importance, which I venture to think is to be attached to the plan or scheme upon which law is codified, and I do so, because I believe that the scheme upon which this Bill is framed is a scheme which I will say, cannot claim to be absolutely perfect. I perceive that it is a scheme which is your own scheme, Mr. Chairman, and that it differs from previous schemes proposed by others, by Mr. Bentham and Mr. Austin, in different particulars. I venture to think, with profound distrust in my own judgment, that all those schemes are not merely defective in principle, but that they are open to the gravest practical objections. All these schemes I think, including this one, are defective in principle in this respect, that they do not admit of what is known as (and what undoubtedly exists) Public International law. I do not know why Private International law should be introduced as part of this scheme. It is introduced and is incorporated in it, but I do not find a justification of the introduction of Private International law upon the principles upon which the code has been drafted. The practical objection which appears to me to apply to the principle of this code is this—that it departs (and so do the schemes of Bentham and Austin) from the existing division of law, which is found in imperfect form in the books used and recognised by students and practitioners in England and here, and which are themselves founded upon the divisions of law which existed in the Roman law, from which a very large part of all the systems of Europe has been derived. The divisions upon which our legal minds have all been formed, recognise the existence of International law, Public and Private, and the existence of Municipal law, or the law of individual countries, public and private, and in Private law they recognise the existence of persons and things, with the appendix of Legal Procedure; and these divisions, if they should be recognised and acted upon as they are at present to a certain extent seem to me to constitute, not merely the best means by which a complete and comprehensive scheme can be formed, but they also have the great merit of being the actual existing divisions of law; and they would therefore have the effect, I think, if adopted, of mitigating the objections which will undoubtedly be felt, and very keenly and painfully felt, by the great body of legal practitioners to this scheme as it stands at present. The divisions of the Roman law have the great merit of being worked out in accordance with what is thought by many to be one of the greatest discoveries in modern times in the system of classification; I mean the division of knowledge suggested by Comte, a division quite distinct from his philosophy, and which may be adopted and used, as any who has tried it will know, without any reference to his philosophy. The principle is this—that a scheme of knowledge should proceed from what is general and least complex to that which is particular and most complex, and that principle, when applied to general knowledge, results in the construction of a scheme, beautiful in its simplicity and absolutely complete in its comprehensive unity; it proceeds from the most general facts of inorganic matter comprised in celestial physics, or astronomy, through the less general but more complex facts of terrestrial physics, and thence through all the various gradations of the life of plants and animals up to man; and when it arrives at man, following the same line, it pursues the whole of human interests from the most general and least complex form of them as they present themselves in the history and in the politics of communities of men down to the individual man, which is the most complex and most special—the individual form. Now the Roman system of law, or rather the divisions of law recognised by Roman lawyers, are susceptible of being formed into a system which will be an illustration of this great discovery of modern times, and which it will be possible for the legal profession to accept and act upon. I must say, that although I should be prepared, and hope for the adoption of this Bill by Parliament, it is a measure, which, if passed into law, will meet with great opposition, because it will present stupendous difficulties to those who have to administer it. If this measure were passed into law to-morrow (I hope it may be), every one engaged in the legal profession, from the judges, extending through all the practitioners, will have to go to school again; that means, not merely great labor and trouble to practitioners, but also risks and expenses to suitors. I believe, that if the Bill be left open to re-arrangement as well as revision, all that trouble and difficulty and labor will be amply compensated. I pass by those objections in considering the question, whether it is advisable in the public interest that this measure should become law or not; I believe it is advisable that it should, but I cannot conceal from myself the difficulties that will follow from its adoption. I refer not merely to errors, they of course will be discovered

His Honor  
G. Higinbotham  
Esq.,  
Chief Justice,  
*continued,*  
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His Honor  
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continued,  
23th Sept. 1837.

—numerous errors, I venture to say, notwithstanding the care that has been spent upon this Bill, but I speak of the difficulties arising from the principle of classification adopted in it which is entirely new and unfamiliar to lawyers, and which appears to me to be, not only a needless departure from the recognised and understood, though imperfect, existing classification of the law, but also to be itself founded upon a wrong basis. I have stated this for the purpose of submitting the third recommendation which I have arrived at, and it is this—That it is highly expedient that the approval of this Joint Committee and of Parliament should be, at present, expressly withheld from the principle of classification and arrangement of the code provisions contained in this Bill. Of course, if this Bill is passed as it stands, it will not prevent Parliament from altering and re-enacting that scheme; but I recognise the fact that, if it is adopted as a whole, without any reservation of acceptance of its principle, any future proposal that may be made for the re-arrangement of its provisions might be met with the argument that Parliament had already finally determined its plan as well as temporarily adopted its particular provisions. I would ask that, in view of the fact which you will recognise to be the fact, that there exists at present no formed and settled opinion about what the classification of the law should be—and there cannot be any opinion until the code becomes law—in view of that fact, and the further fact that you have seen the full force of the objection to the systems of classification recommended by high authorities, and that you have yourself been compelled to alter and depart from them, I venture to found upon those facts an appeal to yourself, as well as to this Committee, that Parliament should reserve the question of the classification of the code, and should reserve it expressly. Every provision of this Act could be transposed and fitted into a totally different code with little difficulty. Though it would cost considerable labor.

191. Perhaps that might be done after say, five years' experience of the operation of the code?—After five years' experience we should be much better able to say. No one can say at present. As I have said, the whole of the legal profession are without an opinion as to the system of classification, but they will not be without an opinion at the end of five years. What I desire to submit respectfully to the Committee is this—that Parliament should not, by silently accepting the code in its present form, pledge itself to the principle of classification on which this code is based, but should expressly reserve its approval of any plan of codification for the present. That would leave the question open, and as you say, in less than five years we should be in a better position to recommend the principle of a code which should be at once more consistent with a principle that could be adopted by all, as well as, undoubtedly, more consistent with the system intellectually familiar to the great body of legal practitioners.

192. *By the Hon. Lt.-Col. Sargood.*—Unless this or a similar code is passed at once, five years hence the practitioners will be in the same position that they are in now?—So I say, and I venture to recommend that this code be adopted to-morrow; but if so we might be told hereafter that Parliament had pledged itself to adopt this principle of classification; and that, I submit, ought not to be done.

193. *By the Hon. the Chairman.*—How will Parliament pledge itself to the framework more than to the details?—I think it might be difficult to alter the framework if it were now approved as well as adopted.

194. I am quite willing to leave it for five years?—If we could agree upon the principle, I think we could re-cast it in a month's time.

195. Do you think there would be any practical difficulty in a Colonial code dealing with questions of International law?—Public International law is something with which we have nothing to do; but I think that a code should state the divisions of all law, even although the rules of Public International law could not be enacted by a Legislature.

196. You could put it all in a short clause?—Yes, but the division of law into International and Municipal is altogether inconsistent with the principle of this Bill; this Bill ignores International law. I apprehend that it is based upon the view adopted by Mr. Austin that International law is nothing more than International morality; but it absolutely ignores International law, and, in doing so, it ignores a great fact.

197. We have no more right to deal with International law than we have to deal with the English Statutes?—No, but that is no reason why International law should be ignored in a tabulated scheme of law.

198. *By the Hon. Lt.-Col. Sargood.*—Could that not be added hereafter?—Yes, anything can be done hereafter, if we are left at liberty to do it.

199. That would be no violation of the scheme of this code?—I think it would, because this scheme is based upon the principle that the only laws that can be recognised are those prescribed by the Sovereign. International laws are not and cannot be prescribed by a Sovereign. Therefore it is excluded from this code, which, in fact, denies its existence. Roman writers and numerous other more recent writers have recognised such a thing as International law, but it is not in this code. I venture to say that it is a fatal defect in this code.

200. *By the Hon. J. Balfour.*—Admitting the very great importance of the code becoming law immediately, would it not be, from your point of view, still more important that a little time should be taken to discuss the form of it? I understand you to object, from your own point of view, to that framework as not being the best division of the law. I also understand you to say, personally, you could alter the form of it, and re-adjust it in a very short time. Assuming that that is the case, would you not be prepared to advocate a short delay for the purpose of ascertaining what would be the best way of putting it?—I think not, for this reason—I do not presume to put forward my own scheme as the best—there is as yet absolutely no scheme adopted by those who are most competent to form an idea. I do not believe there will be any opinion formed upon which Parliament can safely give its final approval to a particular scheme of codification until the code is in existence, and has been in practical use for some time.

201. Then do you think the actual existence of the code, and the working of it, would ever bring about the desire to modify or change the form of it?—I do. I hope so—that is my hope.

202. By actual work?—By actual work. That is my hope.

203. In the meantime, you think a great deal of unnecessary labor and expense will be gone into?—I am sure of it. To avoid the danger of mistakes, I think the code ought not to be brought into operation until the time when Parliament is in session. It is quite possible that some radical error may be discovered that will require the instant aid of Parliament. This is a mighty scheme. It is impossible to foretell all the difficulties and dangers that will result, and I think for that reason it is expedient that this Bill should not come into operation until Parliament is in session next year.

204. Otherwise you would be in favor of the code being adopted quickly, on account of the greater difficulty every year?—Yes. I may say the judges have recommended there should be a new consolidation

of the Statutes. That is recommended in their report this year. If Parliament enacts the code, that consolidation will be quite superfluous.

205. *By the Hon. the Chairman.*—Not quite superfluous. It will make a considerable difference?—I should suppose it will not be worth while to incur the expense of the new consolidation of the Statutes; the necessity would be largely superseded by the codification.

206. If you postponed for so long a time, the difficulty appears to me that nobody reads it until they have occasion to use it?—I do not suppose there will be any errors discovered until it comes into operation.

207. Then why not bring it into operation at once?—Parliament will not be very long in session. I think it is possible there may be grave and numerous errors discovered when it is brought into operation.

208. Would it not be better to give time to discover them. They will not be discovered in a moment?—No. But, if it comes into operation the first day of the session, there will be some months before the end of the session in which errors may be corrected as they are discovered. There is another fact; next year will be a great year, the Centennial year. I should like to see this work identified with Centennial year.

209. *By Mr. Shiels.*—Are you aware, in France and Italy, they have no scientific classification; have you observed that?—No, I have not. The code of Italy is largely based on the Code Napoleon. There is a recent English writer who does favor the Roman system of division, so far as relates to the division of public and private laws.

210. I raised the point, in the examination of Mr. Justice Webb, from the point of view, that this was the code by which the people might learn their rights and duties, and, therefore, it was necessary to have the most simple headings which the common people might read. It appeared to me this was too technical for the purpose. For instance "Rights *in rem*." We have in the Legislature a strong repugnance to any Latin at all. We had an instance of that in the Licensing Act—common Latin phrases, which everyone knows, struck out without hesitation. I would have, for the convenience of the people, some common form of classification by which the people might go and ascertain, without trouble, their particular duty or particular right?—I think it will always be found difficult for persons unacquainted with the law to arrive at a satisfactory conclusion about the details of their own business by studying the headings of the legal scheme. According to the plan of division hitherto in use, the divisions are simple and untechnical. Municipal law, or the law of an Individual State, is divided first into Public and Private. Public Municipal law is divided into the subjects of Civil Government, Social Economy, and Crimes. Private Municipal law is divided under the heads of Persons and Personal Rights and Obligations, and Property. These comprise, in simple untechnical headings, all the subjects embraced in Municipal law, excepting Procedure, and would enable any person to gain a general knowledge of Municipal law, although I doubt if he could rely upon being always able to apply it without legal assistance in the conduct of his own affairs.

211. We have what appeared to me a very valuable suggestion as to revision. You have gone on the same lines, that there should be a council of judges whose chief function should be to take charge of the code, and report upon what alterations should be made; and associated with them, there should be a permanent officer whose duty it should be to report upon it and record all defects in it; and that it should be cast upon registrars, clerks of courts, and other officers to report to this officer all cases of defects that came before them, so that he might bring it before the judges who, in the discharge of their duties, could suggest an alteration. How do you regard that scheme that was sketched here to-day. You spoke of the council of judges?—If the council of judges were directed to undertake the work of revision, they would undoubtedly need the assistance of competent draftsmen. I doubt whether a permanent officer would be necessary. I do not believe much advantage would be gained by issuing instructions to prothonotaries, sheriffs, and others. All those officers would naturally communicate with the judges; and if the judges had the charge of that, they would naturally quickly and readily hear and retain any suggestions coming from any quarter. What they would need would be the assistance of a competent draftsman constantly to help them. I do not think a permanent officer need be appointed for that purpose.

212. It struck me as an able, practical suggestion. I understood that the judges, with their other duties, could hardly give the necessary time; sometimes there might be irrelevant reports or remarks from those officers which the permanent officer would be able to sift out and put in form for your Honors to perform your duty?—I think, assuming the question of arrangement to be settled, the work of revision would become very simple. It would consist merely in the incorporation every five years of the Statutes passed in the preceding five years with the existing code, and the amendment of errors discovered in the course of practice.

213. An interpretation of the language of the section?—It will not be needed for that. It will be the judges who will give the interpretation when they give their decisions.

214. We have in our present Statutes five or six cases showing the language as used in some particular form. Surely that might be altered so that we might abolish the cases and get the correct language?—No doubt it will be the duty of the judges who have charge of it to wipe out all cases in the preceding five years.

215. *By the Hon. J. Balfour.*—Do you not think, in the first instance, a shorter period than five years should elapse, say two years?—I think some time will elapse before opinion will be formed. It will be a serious and laborious thing to re-cast the code. Errors and mistakes must be corrected as soon as they are discovered.

*The Witness withdrew.*

*Adjourned to Wednesday next at half-past two o'clock.*

His Honor  
G. Higinbotham  
Esq.,  
Chief Justice,  
*continued,*  
28th Sept. 1887.

WEDNESDAY, 5TH OCTOBER, 1887.

*Members present:*

The Hon. W. E. HEARN, in the Chair;

<i>Council.</i>	<i>Assembly.</i>
The Hon. Lt.-Col. Sargood	Mr. M. H. Davies
D. Melville	Officer
J. Balfour.	Patterson
	Shiels
	Bosisto
	Dr. Quick.

George Henry Neighbour, Esq., examined.

G. H. Neighbour  
Esq.,  
5th Oct. 1887.

216. *By the Hon. the Chairman.*—You are a barrister-at-law?—Yes.

217. Did you take any part in revising this draft code?—I revised a part of the code which deals with the succession to rights, that is Part 15, Intestacy, Construction of Wills, Testamentary Gifts, Probate and Administration of Estates, and the Distribution of Assets.

218. Can you tell the Committee whether that Part, as it now stands, is a fairly accurate statement of the law?—Yes, I can say that. I may say, the way in which this part of the code was done was this—the code on this subject which is in force in India was transcribed into this Victorian code, which was then submitted to me, and I verified it carefully from the English authorities; and the authorities referred to will be seen in the marginal notes opposite to each of the sections. It was found that a number of alterations were necessary to bring it in accord with the law as it exists in this colony. I think I may say, as far as I am able to judge, it is a faithful reflex of the law in force in this colony.

219. It is a more accurate statement of the law in this colony than the Indian code would be?—I think so. There are a few sections, out of a very large number, which I regarded as useful, though not in force in this colony, and I added them to the existing law; but they are easily distinguishable from the rest of the code. They are sections from one or two English Statutes; but substantially the code is the law here.

220. The sections of the Indian code are not inserted merely upon the authority of the Indian code, but upon the authority of the text books?—The code which was sent to me had made very large use of the Indian code, which is the existing law in India. I had the code which was sent to me by Dr. Hearn as part of his code, and also the Indian code to refer to, and I verified section by section, that code as it was submitted to me by Dr. Hearn.

221. *By the Hon. Lt.-Col. Sargood.*—Do I understand you then, that, while this is a codification of the law as it now stands, there are some clauses in addition?—Yes.

222. New legislation?—There is a little, but I can distinguish it without difficulty.

223. Could that be eliminated without destroying the value of the code?—Yes.

224. *By the Chairman.*—Is that distinct new legislation, or statements taken from text books?—I will give you one instance. I have got most of them marked here—for instance, there is a section, subdivision E, section 5—“Where at the expiration of twelve months from the date of any probate or letters of administration the executor or administrator to whom the same is granted is absent from Victoria, the court may grant to any person whom it thinks fit letters of administration, whether it be or be not intended to institute any legal proceedings. In every such case the letters of administration may or may not be limited and may be in such form as the court directs.” That section was designed to meet this case. The executor of a will, we will say, leaves the colony without leaving anybody to represent him acting under power of attorney. It would be impossible for persons to have any dealings concerning the estate unless the executor were represented, the executor being in a foreign country. By this section a substitute may be obtained for the executor. The above-mentioned section is a transcript of 21 & 22 Vic., chap. 95, sec. 18, which is not in force in this colony. The English Act mentioned was a beneficial extension of the provisions of 38 George III, c. 87, which was limited to cases in which Equity Proceedings were about to be instituted. That is one instance. There are probably not more than half-a-dozen of them.

225. The Act of George III applies to this country. The later Act extended that, and you included that extension, although it was never formally adopted?—In the case quoted there in the margin, Ryan, I made an application to Mr. Justice Molesworth, but he refused to apply the Act 38 George III, c. 87, s. 1 to that case; but the expression of his opinion was, that the 38 George III was in force in the colony. If the estate were only personal property, he said he thought he could have seen his way to apply that Statute, but part of the estate consisted of real property.

226. Is the Statute of Distributions in that?—Yes.

227. *By Mr. Shiels.*—Section 5 is only in part new?—“Whether it be or be not intended to institute any legal proceedings.”

228. *By the Hon. the Chairman.*—Are all those rights set out there?—I think so. I believe that is a very great improvement on the law as it exists at the present time. You have in five pages a complete statement of the law that is applicable to distribution of the effects of intestates. The Statute of Distributions of Charles II was a Statute which has been stated by judges as having been badly penned; and there have been, of course, since the Statute was first passed, a large number of decisions, and the effect of those decisions has been incorporated into this division.

229. Have you had occasion to use any part of that code in your teaching?—I have used the Statute of Obligations, Parts XI and XII, a good deal in lecturing to my University class upon the subject.

230. Did you find it useful?—Yes, I think it is very useful indeed.

231. *By Mr. Shiels.*—Have you found that that Part correctly represents the law, as you know it?—Certainly, as far as I have used it, and I have used it a great deal.

232. How many Parts are there containing Obligations?—Two main parts of Obligations. First of all, you have the general principles which are applicable to all contracts, and then you have the law stated in the second Part of the Statute of Obligations, which is applicable to important and particular classes of contract.

233. We want to find out those parts of the Division of Obligations which you can affirm to the Committee fairly represent the existing state of the law?—The Contract of Marriage, for instance; the Contract of Agency; the Contract of Partnership. I have used very largely, in lectures, the whole of this part, except the part which deals with leases—Division G, subdiv. C, to the end.

G. H. Neighbour  
Esq.,  
continued,  
5th Oct. 1887.

234. *By the Hon. the Chairman.*—Have you used the first Part?—As to the first Part, I may say that that is a succinct and concise statement of the law as we find it in *Anson's Principles of the English Law of Contract*. There is a book on the Law of Contracts which has been written by Sir William Anson, who is a distinguished teacher and scholar at Oxford. I think that is probably the best statement of general principle we have on the Law of Contracts. I know it is a book now very highly thought of by the profession in Melbourne. I have heard many gentlemen speak of this work with admiration. The first part of the Statute of Obligations in this code has adopted the classification of General Principles which appears in Anson's book. I think I may say, without any hesitation, I can vouch for the accuracy of the first Part.

235. Would there be much difficulty by professional men in finding their way through such an arrangement?—I do not think so.

236. You would not think it necessary for them to go to school again?—No, it is very good in many parts. I am doing now, at my University class, the Contract of Agency. It enables me to place the law before the students in a very concise manner. The General Principles are put in a small compass, and I can illustrate those Principles by reference to particular cases.

237. *By Mr. Shiels.*—In your dealings with this code, have you ever found any part which incorrectly stated the law as you know it?—No, I have not, indeed.

238. Could you supply now, to the Committee, or hereafter, in that Part that you revised—15—any section or part of sections in which any change has been made from the law as you know it?—I think so, without difficulty. I made a mass of notes at the time. I have been over them to-day. I find that the differences between the Victorian law and the English law are very clearly indicated. I do not think I should have any difficulty.

239. Would you undertake to point out accurately to the Committee, any change in the law of Victoria, as you know it?—Yes, I have a number of marks opposite the sections here. I see that some of those marks result from the notes I have made. Those notes correct, in some respects, the Indian differences. I think I should be able to do it without any difficulty, probably in an hour or so.

240. *The Hon. the Chairman.*—I think all Mr. Neighbour's notes were transferred to this Bill.

241. *By Mr. Shiels.*—We shall probably frame a recommendation to both Houses that, if they wish a code, they must be content to take it upon trust from the evidence we have got; and we will tell them that the code we present them with, from the evidence we have deduced, either does not vary at all from the law now in force, or only in certain parts, which we will point out accurately, so that the House shall have the benefit of the evidence we have elicited, as to that which is new, for their consideration?—There are very few alterations.

242. We would like to have pointed out exactly the character of the alterations, and, if you could give them, the reasons for those alterations; because it will save a good deal of time and trouble in the House if you could bring that before them?—Yes.

243. *By the Hon. Lt.-Col. Sargood.*—Would it not be well to prepare a schedule of those alterations?—I shall be very happy to prepare that.

244. *The Hon. J. Balfour.*—I think, Mr. Chairman, you know those alterations yourself, because you pointed them out last year.

245. *The Hon. the Chairman.*—Yes, but we were not so far on as Mr. Neighbour is now.

246. *By the Hon. J. Balfour (to the Witness).*—Have you read the evidence of the Chief Justice?—I have not read it very carefully; I glanced over it the other day.

247. You saw what he said about classification—do you think there could be any improvement in the classification of this code?—Having regard to the the Statute of Obligations, I do not see how you could classify it in any other way. You have the General Principles of Contract to begin with, those are stated in Part I; then in Part II you have those particularly special principles applicable to particular kinds of contracts: you have the Law of Partnership stated in a comparatively small compass, and it seems to me to be tolerably complete. It is very accessible and very clear. So far as the Law of Obligations is concerned, the classification is perfectly correct, it seems to me; and I think I may say the same with regard to that part of the code I revised. As to the other parts of the code, I am not in a position to advocate the whole scheme. I, myself, understand it, because years ago I was a pupil of Dr. Hearn's, and it appears to me to be scientific and intelligible; and I cannot, with great respect, appreciate all the difficulties that have been suggested.

248. The difficulties suggested by the Chief Justice were, I think, that the classification did not go upon the same lines that the profession have gone upon in their previous studies.

249. *By Mr. Shiels.*—He took up the ground, that the old Roman law provided a better heading for a code than the more scientific one of Dr. Hearn or Mr. Austin?—So far as my University teaching is concerned, I am confined entirely to one subject, which lawyers generally call the "Law of Contracts." The whole subject of the law I do not deal with.

250. *By the Hon. Lt.-Col. Sargood.*—So far as you have had opportunities of consulting and looking through, and revising certain portions of this code, do you think there would be any danger of passing this code as it stands?—Not having read the code through as a whole, I could not say.

251. But as to those parts you are conversant with?—As to those parts, I should not have any hesitation about it. I should like to see it with those alterations too; I think they would be very useful.

252. What would happen, supposing it was found that something important had been omitted?—I do not think anything of grave consequence would result. If I remember rightly, there is a section which preserves the whole of the Common Law—the 2nd section.

253. But supposing there is something put in which is not in our Statutes, that becomes new law?—Yes.

254. *Mr. Speaker.*—I apprehend, in our report, we should set out clearly all the alterations in the law.

G. H. Neighbour  
Esq.,  
continued,  
5th Oct. 1887.

255. *The Hon. the Chairman.*—We will try. I was over it the other day. There were two or three Parts we have brought in. I want them to be struck out. It is a pity to do it, but it would be challengeable; as we have done without them a long time, we can continue to do without them. It has all been proved except two Parts—the first Part is VI, the other Part I shall prove myself; that is Part XVI. I think the 17th Part merely repeals.

*The Witness withdrew.*

*The Hon. W. E. Hearn vacated the Chair.*

*Mr. M. H. Davies was called to the Chair.*

The Hon. W. E. Hearn examined.

256. *By the Chairman.*—I understand that you prepared Part XVI. of this code?—Yes.

257. Will you tell the Committee whether Part XVI adopts simply the law as it stands at present? There are no alterations whatever. It is all Common law. As I conceive, it is as accurate a statement of Common law as it was possible for me to find. I had been lecturing on it for some time; it is a branch of the law that is not very familiar to the profession, and none of the gentlemen seemed to wish to undertake it, and I consequently was obliged to do it as well as I could. There is an Act of last session that I propose to add to it—the Act on Probate.

258. *The Hon. J. Balfour.*—It has been amended this session.

259. *By the Chairman.*—With reference to the Schedule of Repeals, can you give any evidence?—Mr. Webb commenced that, and subsequently I did it myself—Mr. Morrison also helped. As you know, a thing of that kind requires a good deal of checking. There is no change of law in that.

260. There is no Act or portion of Act repealed, that is enacted in the code?—No. If you observe in the index, there is a tolerably full statement. You will see, for instance, there is the usual date of Act, title of Act, extent of repeal, and the corresponding provisions in the code; for each particular clause that is dealt with there is the corresponding provision in the code. If you look at page 635, you will see that where they become too numerous to put in the marginal notes, each Statute is set out separately; the whole Criminal Law and Practice Act is set out separately, so that any person who wants to know in what part of the code the old laws are to be found has the means to do it at once.

261. Is there any statement you would like to make to the Committee with reference to this code?—The subject is rather large; but, if the Committee will bear with me, I will try and make one or two observations about it. With respect to what the Chief Justice said on the subject of International law, I should like to point out that, if we included Public International law, we should have a code that would not receive the Royal Assent; it would be sent back to us, it would be *ultra vires*. In the next place it is manifest that it would be impossible for us to undertake to lay down rules for foreign countries, such as France and Germany; and in fact the whole branch of International law, as I understand it, is not law in any reasonable sense of the term, except as regards Admiralty business, and that is purely English law that we could not touch. If we attempted to touch it, we would risk the safety of the entire Bill. Then the Chief Justice was not satisfied that we excluded the Public International law, and included the Private International law. That is contained in Part XVI, which is the Part I am personally responsible for. The reason that I included that Part is, that it is law that is daily administered in our courts, and it is competent for us to deal with it. I called it by a somewhat different name—I called it “Recognition of Foreign Rights,” which gives a better idea of the meaning. It means, that when a certain right is allowed in a foreign country, that right may, under certain circumstances and with certain limitations, be enforced in this country; but it is a large, and in some respects, a difficult branch of the law; indeed, as one might expect, it is now becoming important, and there has been a good deal of discussion here about it. The whole of the Second Division contains the Law of Domicile, and questions of Foreign Divorce turn upon it, and foreign rights of different kinds. I thought that would be a pity if this law was not stated, and it is there; I do not know if it has been treated elsewhere except in text books; and as far as it goes, it is an accurate statement. It has taken me a long time, and given me a great deal of trouble. I should like also to say a word as to the scheme, and the arrangement and the construction of this code. First, I should wish to observe that, in my mind, that arrangement is not a question for practical lawyers; it is not one with which they are competent to deal, or ever have dealt; it belongs to theoretical jurisprudence, and it is the most advanced branch of that subject. I have some hope that it might not be unsatisfactory if it were found that, in this country, we have carried this science somewhat further than has usually been done. As I think I explained to the Committee before, that was the main object of my undertaking this very long and laborious work, to prove definitely that the scheme I suggested was really the true scheme, and that you could get no better proof of that than by simply bringing it into practice. I say it is brought into practice, and, whatever its provisions may be in detail, the thing works; there are no two Parts of it which clash, and, that being so, I think it is a good scheme. I think it fulfils the conditions of the problem. If the Committee will allow me, I will state the principle of my arrangement; it is very short and simple. Law means the command of the State. The command of the State, when looked at from the point of view of the person to whom the command is given, means duty, that is, every command implies duty, and every duty implies a command. Further, when any duty is imposed upon any person for the benefit of another person, that person is entitled by the law to invoke the assistance of the first person to perform that duty, and then he is said to have a right. There is the difference between command, duty, and right; that is the basis of the whole system. Mr. Austin, who is the father, certainly the great leader in the preceding generation upon jurisprudence, started with the principle that rights were the basis of the law; he was one of the most acute of human beings, and he made that mistake. You see it is obviously a mistake, inasmuch as he took a part for the whole; he made a school-boy error in the meaning of the Latin word “jus” and also in the word “right”; there is a difference between “right” and “a right.” “Right” is a moral term; “a right” is a legal term, which is quite different. That circumstance gave rise to much trouble and confusion in Austin’s scheme. The practical result was, he could find no place whatever for the Criminal law, which is rather a large omission; but he could do nothing with it, and said it must go in somehow. After a time, I hit upon the principle of duty as the basis of legal classification. I do not know whether I was the first who did it or not. I believe much about the same time that it occurred to me, the present Mr. Justice Holmes, in America, stated the principle; he did so in some American publication, that I never happened

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to have seen; but I think you will find in England that the doctrine, that duty is larger than right, is now thoroughly accepted; and although every person has his own classification, still I think that, if one can prove a classification which is demonstrated to be theoretically correct, and also works in practice, and that on a very large scale, he has given as good proof of the merits of the classification as the case admits. The Chief Justice seems to think that it would be an easy thing putting this book upside down and making a new arrangement of it; it could, he says, be done in a month or two; but, if it could have been done in a month or two, it is a remarkable thing it has not been done in all these centuries.

262. *By the Hon. Lt.-Col. Sargood.*—Even the Chief Justice was very decided in his opinion, that it should not be attempted to be re-cast before being passed into law?—No, and for the good reason that this work, I think, is like a book of reference, such as a dictionary or cyclopædia; you cannot tell whether it is a good book or not until you have used it. The Chief Justice points out, in the first place, that a great many people will read it carefully when it becomes law, who otherwise would never have looked at it; and in the next place, mistakes will be noted just as they arise in practice; you will never be able to strike off a reasonable code by any amount of theoretical work. A work like a code, which is really a statement of the living force of a nation, can only be accomplished in a very long time, and with a very great number of inquiries; and if you get this code into good condition in perhaps twenty years hence, you will be about the most fortunate people on the face of the earth. Many attempts have been made to obtain a code of English law, but none have been a success. I think we are in a tolerably fair line now. In this case, like so many others, it is the first step that costs. What you want is an orderly statement of some kind; next you want to get an authoritative written statement of the Common Law; this you have never had before. I suppose it is a question of degree, it may be a little better or a little worse; but this code must be (if it is to be anything at all) revised at certain intervals of time, because the country is growing continually; and the law of the country must grow with it; and inasmuch as it is a growing thing, you would ruin the law altogether if you confined it within four walls. You must be prepared to allow it to expand, and in order to do that you must revise it at convenient intervals; whether five, seven, or ten years is not material. In revising it you must include in the new revision all the work, both Statutory and Judicial, of the last five or ten years, as the case may be; every time it will be less, because there will be fewer of the old mistakes to find out, but you cannot expect to get the rubbish and débris of a thousand years of law swept away at once. I daresay there may be plenty of mistakes in this code, from no fault of mine or those revising it with me; but from the mass of material, those mistakes arise out of the exigencies of the case, out of the nature of the business.

263. *By Mr. Shiels.*—You stated, in your position as Chairman, that you had devoted seven full years to this work—is that so?—When I say that, I mean seven years to the details—apart from the work over Principle.

264. You have revised the code from the first page to the last?—Several times over.

265. In your estimation, that code accurately represents the law as we have got it, subject to these few changes?—Yes, there were a few changes; sometimes the changes were not made in the code as, I suppose, they ought to have been made at the time; it was very troublesome, and there would have been difficulties in the print, but I have got them all, and can explain to you the reasons of them.

266. You will be able to give us those few changes in the law, as we have got it?—Yes.

267. Then this code practically has undergone two careful revisions by bodies of experts?—Yes.

268. First of all the expression of the various Parts has been done by one group, consisting generally of two men; and another group, of two generally, has revised that work?—Yes.

269. And you have revised the revisers' work?—Yes. There was one portion, the first six Parts, we had a committee of the Legislative Council upon, and subsequently to that, we sent them to the police magistrates; we got three of these gentlemen, I think, who sent in recommendations upon it. I must also tell you, that although in the case of the revision, I cannot say in all cases I was perfectly satisfied, as the gentlemen were much pressed for time, and the revision was not all I intended it to be in the first instance; still I can safely say there is no part of it, except that Part XVI, and I think the Part Mr. Neighbour did, that was not revised by two, three, or four men, as the case may be; sometimes more, sometimes less.

270. *By the Hon. Lt.-Col. Sargood.*—You would be able to supply the names of those who did so revise?—They are in the prefatory note to the code before you; and perhaps I might just explain this prefatory note, the subject matter of the Bill is the Substantive General Law. These words may not convey a very distinct idea to persons not familiar with that subject, but it shows that the code does not profess to be the whole law. The Substantive law is a law which is intended primarily to govern men's conduct. Procedure is the machinery by which effect is given to that law; for example, the law relating to the Criminal law is Substantive, but the law relating to Criminal trials is the Law of Procedure. The General law means the law which relates to all persons—the whole public, and not to branches of the public; for example, the Licensing Act is not General law, that is Particular law. It relates only to licensed victuallers and the people with whom they have dealings; but there are several clauses in that Act which relate to duties imposed upon the whole public, and which ought not to find a place in the Licensed Victuallers' Act, but in a Bill of the present description.

271. You have put them in?—Yes, but I want to point out to the Committee the difference, which is a vital difference. "It therefore does not treat (*a*) of matters of Procedure, except where in the absence of a Code of Procedure there appeared to be special reasons for doing so." That is, in two or three places I deviated from the rule, and brought into this Bill matters that perhaps more properly belonged to Procedure. The reason in all those cases was, that there was some special convenience for doing so. If you had a code of Procedure, those clauses would have found a place in that code; but when you have not, you have to run the risk of making your general code unintelligible or less intelligible than it otherwise would be; therefore, I ran the risk in two or three places of bringing in, although somewhat out of their place, these matters of Procedure.

272. Have you created a Law of Procedure?—No, I merely brought in here and there two or three clauses which, if there had been a code of Procedure, would have been contained in that. Wherever you draw a line you have border questions. Sometimes a case will appear to be very near the line on one side or the other. It is no harm that they are there. They do not do any harm except theoretically. "It is meant to contain all the law, both Common and Statute, in which the whole public are directly concerned, and nothing else," except that the Common Law is retained; because no human being could undertake to say, if he had spent 700 years upon it, that he had got an exhaustive and correct statement of the whole



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of the Common Law. Many attempts have been made to get over that great difficulty. It struck me, the remedy was a very simple one; leave the Common Law unrepealed, and declare that your statement of it in this Act should be deemed a true statement of the Common Law; but that will not exclude the operation of the rest of the Common Law wherever any omission has been made.

273. Is it possible that any of the then law you have stated here might be found to differ from any part you have kept alive, but have not included here?—I scarcely follow you.

274. Is it possible there might be a clash between that and any other portion of the code?—Either the Common Law is stated here, or it is not. If it is stated here, that is a true statement of the Common Law. The other is merely an omission.

275. *By Mr. Patterson.*—“It is meant to contain all the law, both Common and Statute, in which the whole public are directly concerned and nothing else.” The rules of Common Law are kept alive by section 2 of the Bill. I think the whole purpose of the preamble is stated in those words. If you confine yourself to this statement, it should be accepted. If it complies with that statement the code ought to be acceptable?—If you look now to No. 4 in that page, you come to the question of Amendments. “The amendments in the law to which the title refers belong to some of the following classes, that is to say, “(a) Alterations consequent upon the systematic arrangement of separate and sometimes inconsistent Legislative provision. These are the changes usually found in Consolidation Bills.” Such changes arise when you bring together the clauses of different Acts. You find they require to be re-arranged and re-considered, and for the most part re-written, but the substance of them you can readily preserve. Occasionally you find a clash in them, not so very frequently either; but where you do find a clash, you must make sense out of them. There is nothing very serious in them for the most part, but you can see what the tendency of legislation is and act accordingly.

276. You are speaking of Statute Law?—Yes. There is scarcely any change made in the Common Law. There is only one change in the Common Law made to my knowledge, and that, I think, we may abandon. It is a very curious case. A well-known pickpocket is found with his hand in the pocket of a gentleman. He is had up and accused of attempting to steal. Some good fortune suggested to his counsel to ask the gentleman what was in his pocket; “Nothing.” Then the prisoner could not be convicted of attempting to steal nothing. No more he was. Lord Blackburn’s Commission proposed to make a change in the law to meet that case. It is in Part II, page 27, and turns upon the definition of the word “attempt.” “No person shall attempt to commit any offence. A person shall be deemed to have attempted to commit any offence when with intent to commit such offence he does any act or observes any forbearance which immediately tends thereto.” That is the Common Law; but Lord Blackburn’s Commission, whom I followed, proposed to add the words “Or which he believes to immediately tend thereto.”

277. In that case you refer to, the man thought he was going to find money there?—Yes. At all events that man was acquitted. No doubt the Common Law was, as it was there laid down. This Commission proposed to alter the Common law, and I followed them to that extent. I would now suggest that we take out those words “or which he believes to immediately tend thereto,” I think it will be better. It will save discussion, if we say we are going as nearly as possible to the old law. Unless we have some very strong reason, it would be better to take it out. Sir James Stephen points out, that the true way would have been, to prosecute him in that case for an assault; for having his hand in the other man’s pocket is an assault. Then as to “(b) Alterations consequent upon principles already established in legislation.” That principally involves the Real Property Law. In some parts of the Real Property Law the difficulties have been very considerable. We pulled down the old structure, but we did not clear away the rubbish, and a deal of it yet remains. It is very difficult indeed to see our way through it, and get anything like a system in it. Therefore, I thought we might be a little more free in that subject than in another. In other words we were making consequential amendments upon what the Legislature determined to do. “(c) Alterations intended to establish uniformity, or an approach to uniformity, in punishments,” that relates chiefly to the Jurisdiction of Justices Acts, the Police Offences Acts, and Criminal Laws and Practice. Sometimes you see the most ridiculous punishments awarded. Sometimes a man gets £100 fine, or a month’s imprisonment; sometimes it is £10 or two months. There is no system. The result is, you get the most extraordinary inconsistencies and incongruities in the law. In the Upper House, some time ago, we had an amending Police Offences Bill. We hit upon certain rules we thought were feasible to adopt in the relation of fines to imprisonment, namely, let £10 be equivalent to one month, and so on as far as £50; and after that you might go as far as £100. It was merely an attempt to establish some kind of definite rule in the matter.

278. *By the Chairman.*—Would it be troublesome work to set them out in italics, when there were alterations?—Yes, and they are are not worth it. You can state the rule. You will find that the rule is for the most part accurately carried out. Here is another set, “(d) The introduction of English Acts declaratory of the Common Law in its modern form,” that is, the extracts from Lord Cairns’ Conveyancing Acts. Lord Cairns introduced, in 1881, several Acts, in which he had taken a great deal of trouble to ascertain the practice of the profession upon many matters connected with the conveyancing questions, as to Notice, for instance. He says that his rules are merely statements of Common Law, that is, of the modern practice of the profession, as it has been understood and used in London. I thought we might borrow some of them, so far as they were not new legislation, but merely authorised statements of the older practice; they all relate to the system of Real Property Law, which after all, is comparatively small with us. Since 1862 we have got a system of our own to which these do not apply. “(e) The introduction of English Amending Acts—that is of the latest form of English legislation in cases where that legislation in an earlier form had been already followed in Victoria, *e.g.*, the law relating to Settled Estates.” That was one of Lord Cairns’ laws I think. I took the English form of that Statute. It is merely a new edition of an old law. I think that is not an unreasonable extension to ask Parliament to accept such a new edition, telling them what those are. We never adopted the amending Act, and we have kept the old Act in its inferior form. I do not think it is a very great stretch if we give the better form adopted by the English Parliament. But all those cases can be easily traced, and if you do not like anything, it is quite easy to alter it. Here were two of a different kind. If you look at pages 82 and 119; on page 82, you have sections 14 and 15 “Treasonable intents and conspiracies.” That is new legislation. It is English law which has been in force for forty or fifty years, and no doubt would be convenient to have here, but it has never been adopted here. It could be put in if you were taking the Bill and altering it on its way through Parliament. But I am inclined to think it would be better to strike it out. It spoils the subject to a certain extent, but for all that, I think it had better go out.

279. *By the Hon. J. Balfour.*—That is the existing law in England, and therefore in force here?—No, it is a modern law, a law of this reign. I think we ought to take out that and pass it, if we want it, in a separate Bill. Something like it occurs on page 119. It is a clause in the Police Offences Act, and was an English Amending Act upon that. I thought I would put in the amendment; but upon the principle we have been proceeding, it ought to come away.

280. Your only object in taking them away is, that they might raise a discussion, being new legislation?—Yes.

281. *By the Chairman.*—It is Imperial legislation, not Colonial?—Yes. They are not law of this country just now. I want to put before the Committee what is new and what is not. “The portions of this Bill which relate to real property have presented peculiar difficulties and require special notice. By previous legislation, extending over the last 25 years, the principles upon which the old law rested have been taken away, but their consequences have in many cases been allowed to remain. In other cases enactments have been made which are more or less inconsistent with the former system. It is often difficult to determine how much of the old law is still in force, and to reconcile the provisions of two systems that rest on different foundations.” I thought that the best thing we could on the whole do was, wherever there was English legislation on the subject of our Real Property Statute, to take that. Our Real Property Statute is distinctly antiquated, and, in dealing with a question which is in its nature very technical, I thought it better to follow, as far as we could, the later English law. The principal part, in fact ninety-nine-hundredths, of the new legislation that is in this book relates to those Acts of Lord Cairns. There are several of them. I must ask you whether you think it well to keep them or not.

282. *By the Hon. Lt.-Col. Sargood.*—I understood Mr. Justice Webb to state, this was the portion he had to revise, and it was a transcript of the existing law?—Yes, but I do not know whether he went through those Acts or not. He was through all the Common Law parts, and some of those Acts I know he wished to have, one notably so. I thought it was new legislation. That was the reason I did not put it in. That was the Act relating to Easements. He insisted upon having it in. He says it is declaratory, and if a judge says it is declaratory, it is not for me to contradict. A large portion of those English Acts of Lord Cairns’ are in the same sense declaratory. They are authoritative statements of the practices usually adopted by conveyancers, and very convenient they are in that sense.

283. Do they in any way alter our present Statute of Real Property?—That is much more than I could venture to tell you. It is more than any person could, on the whole, venture to say until they actually tried them. The Real Property Statute has to receive its interpretation. In large portions of it they relate to questions involving notice. Those are declared now for the first time. I fancy it would be a great gain to have them. But there is another matter I was going to ask the Committee to consider, the question of dealing with the new law of Transfer of Real Property. I first thought that portions of it might be taken out and brought under the portions to which they respectively relate in this book.

[*Mr. M. H. Davies being called away, Mr. Shiels was appointed to the Chair.*]

284. *The Witness.*—I was trying to make the Transfer of Land fit in with the existing principles of law, as we have it. I am inclined to think, on the whole, the better way to do would be, to keep the old law to itself, and put the new law in its own form, side by side. I do not mean to touch the Real Property law about Easements; there is a law up to October, 1862, and the law after October 1862, perfectly distinct and separate. That is one of the troubles we have. I think there have been three or four Acts dealing with the Transfer of Land. I do not know whether it is in a fit state to attempt to treat it. I thought perhaps the easiest way might be, if the present Bill passes Parliament, we might consolidate the Transfer of Land Statute, and just find a place for it in here. It will not be neat, but it will be convenient.

285. *By the Chairman.*—In this subdivision 2 of Part IX, relating to the duties and rights attached to particular tenements, you say that was put in by the express desire of Mr. Justice Webb, because he considered it a declaratory enactment?—It is the 2nd & 3rd William IV, about easements (page 332).

286. This is a particular branch of the law, on which both Houses would be remarkably sensitive. Any alteration of the most trivial character, which affected the granting of rights, for instance?—That is a rule of Common Law. You must understand that the whole doctrine of Easements is set out there. That is pure Common Law proceeding. The Act of William IV merely regulates what was long before in existence.

287. Do you know the number of Lord Cairns’ Act?—Forty-four and Forty-five Vict., c. 41.

288. It is mentioned on page 338?—That is not the English Act 2 & 3 of William the IVth, chapter 71, prescription for profits *a prendre*. That is straight copied out from that English Act. He considers that is simply declaratory of the practice for many years, and it would be very convenient to have.

289. That is a section which is incorporated, because Mr. Justice Webb considered it declaratory?—Yes, that is the one.

290. That is the only one relating to property?—That is the only one he is concerned in. The Act contains eight sections; but there were several Acts amending the various parts of the Real Property Statute. As well as I recollect, he made no remark about those, but accepted them simply as things of course. But there were the larger ones—those of Lord Cairns; those I brought in myself. I do not think he has even seen them; but they are easily taken out, if you like. They are all marked. There would be no trouble at all in taking them out.

291. *By Mr. Patterson*—I do not think we sufficiently understand them, to say whether they should be taken out or not; are they a subject of legislation for us, properly?—It is legislation, of course.

292. *Dr. Quick.*—No doubt it is legislation by the Imperial Parliament subsequent to our Constitution.

293. *The Chairman.*—We take no Imperial Act after 1829, unless it specially names the colonies as applicable here.

294. *By Mr. Patterson.*—Would not Parliament rather deal with them separately?—That is for you to say. If you think it is too great a stretch, I can take them all out.

295. *The Chairman.*—Unless you can present this to the House, saying it simply represents the law as it exists, you will have all sorts of questions raised.

296. *The Witness.*—Would you think that would apply to a case where there is an existing Act and a new edition of it; might we not take the new edition? For instance, we have one Act passed in 1856—one of Lord Cranworth’s Acts. We have taken that Act which they say is hopelessly behind the times, and

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Lord Cairns passed an Act amending that in some important respect. May we take that Act against Lord Cranworth's Act?

297. *By the Hon. Lt.-Col. Sargood.*—Not if we want to pass the Act?—There is no doubt some of these Acts are not in force in this country.

298. *By Mr. Patterson.*—And this code will bring them into force?—Yes.

299. *Mr. Patterson.*—There is a proper method of bringing them into force by passing an Act, and I do not think we can make a law of that kind, however desirable it may be.

300. *The Witness.*—The question is, what humour the House will be in. I expect Mr. Patterson is right. It is a question of time, and, under the circumstances, it is better to drop out those changes.

301. *By the Chairman.*—It is not impossible to get the full benefits of the recent legislation, a Member of the Government may take them up?—You cannot do that in a Bill of this kind, you will have to do it in a separate Bill.

302. *The Chairman.*—The only way to get the House to take the Bill is to say "After careful examination by competent authority, we are assured that it represents the law as it is." There is a curious thing about those Bills of Lord Cairns'; the great Bill was in 1881, he had taken great trouble about it; it was referred to a Select Committee of the House of Commons, consisting of most eminent men, three or four of whom were afterwards on the Bench. They reported to strike out a number of clauses, which was done. The next year, 1882, a new Bill had to be passed, replacing the clauses which were struck out, showing that Bills of this nature do not bear rough handling, even at the hands of experts.

303. *The Witness.*—If you are of opinion that these English Acts ought to be all taken out, and wish to bring the code up to date, I can do so without much trouble. I have done some of the more difficult parts in advance, but we should want it printed.

304. *By Dr. Quick.*—Could we not eliminate all the new legislation from the code, and, at the same time submit another Bill to amend the legislation; have the two Bills together?—That could be done.

305. Then the House could see which are the amendments, and could take the separate Bills concurrently—what we want is a starting point?—Yes. I suppose there would be no difficulty about those small changes in the Police Offences, about the relation between fine and imprisonment?

306. *Mr. Patterson.*—No, that stands to common sense.

307. *The Witness.*—I think that is only reasonable. That would remove a great deal of trouble and difficulty. If I understand you rightly, I will take out all those English Acts, and preserve them, and try and get a new edition printed.

*Adjourned to Wednesday next, at half-past Two o'clock.*

WEDNESDAY, 12TH OCTOBER, 1887.

*Members present :*

The Hon. W. E. HEARN, in the Chair;

*Council.*

*Assembly.*

The Hon. Lt.-Col. Sargood

Mr. Officer

D. Melville

Shiels

F. Brown

Bosisto.

Thomas Patrick McInerney, Esq., examined.

T. P. McInerney,  
Esq.,  
12th Oct. 1887.

308. *By the Hon. the Chairman.*—You are a barrister-at-law?—I am.

309. You were one of the gentlemen who assisted in the revision of that code I think?—Yes.

310. We have had evidence upon all the various parts except Part VI.—I think that that was one of the Parts that you had charge of?—It was.

311. Can you tell the Committee, is that a substantially accurate statement of the law?—In my opinion it is; but it is quite possible to make a modification of some of the sections. For example, just reading over now, I notice section 27, page 240, and you will notice that that states it is the section dealing with the Contempts. Section 26 is "Contempts in face of the court;" and section 27 "Contempts not in face of the court;" and section 27 reads—"Where the Supreme Court or a judge thereof is informed by affidavit," a man may be punished. That is in 4 Stephens's Commentary, and I took the trouble to look in the library just to verify our reference, and I find it is so; but after Dakin's case it may be necessary to strike out the word "affidavit," that the punishment may be without affidavit. The Committee will see that the words in the authority are in italics.

312. In the authority they are in italics?—Stephens's edition of Blackstone, and that has been the authority with lawyers for the last 100 years. The Committee will notice the notes are given in the margin for every authority that may be differentiated.

313. They may go on *ad infinitum*?—*Ad infinitum*.

314. *By Mr. Shiels.*—How long did this Part VI take you?—It was Dr. Hearn and I revised it; and for several months at least I attended Dr. Hearn, if not every evening, very frequently, at his house or his study, and we went over not only Part VI, but over many other parts of the code.

315. You were in touch with many other Parts?—Yes, practically; in fact, I believe I supervised the whole of the code. I can show the Committee some of the other work we did. In the beginning it was arranged. There were eight revising barristers, divided into groups; two, Mr. Topp and Mr. Walker, to take Parts I and II, we will say. I forget the exact parts.

316. *By the Hon. the Chairman.*—One, two, nine, and something else?—Yes. Mr. Rogers, the Q.C., and Mr. Johnson, to take several other parts, and Mr. Gregory and some other gentlemen to revise other parts; and then Mr. T. P. Webb and myself to supervise the work that each of those gentlemen sent in to us. I have happened to retain some of the papers they sent up, and I can show you clearly the manner in which it was done. For example, Dr. Hearn sent in Mr. Webb and myself a large quantity of work, as you see in this form—[*producing papers and parchments*]—Part III, Section 3. This was

amendment upon the original code; so we adopted that, or amended it. So we did with much of the work Dr. Hearn sent in, amending or rejecting some sections. So with the other gentlemen. Upon every one of those we wrote "omit" or "modify," as the case may be.

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317. *By the Hon. Lt.-Col. Sargood.*—Why do you put the word "omit"?—Because we did not concur in it.

318. It was not new matter?—It was new matter in addition to what Dr. Hearn originally sent them. And then after that we took the printed form of the code and there is the work we did upon Part I, and it is in this amended form it now appears before the Committee. All the modifications are there in red ink, and if the Committee glance at that, they will see the amount of care and labor in various parts. There are new sections inserted, and so on.

319. What did you do with the new matter?—We inserted it as letter "A," and inserted the various corrections; and there was a reprint embodying all our emendations, and the like was proceeded with in every part.

320. Is there any portion of the existing law that you have omitted?—I believe there are a great many more new sections that could be inserted.

321. But is there any portion—this is supposed to be a codification of existing law?—Yes.

322. It is not a question whether it is advisable to have other sections put in; but are there any portions of the law omitted?—I believe there are; in other words, the law now is held to apply, or the judges can apply that decision, to every possible combination of circumstances. Now every possible combination, we at first going over all that, could not possibly include, so as to provide for them; but we have included, I think, all the general principles from which any conclusion can be deduced.

323. That is simply limiting the power of the judge to those particular heads?—That is all.

324. Whereas, before, they had free scope over the whole?—So they have now. In the second section we were very careful to provide for any omission of that kind.

325. In other words, where this does not touch the existing law, the existing law stands?—The existing law stands; and that is where we dealt with it in the second section. It is quite natural to suppose that, in a large undertaking like this, that some possible circumstances or combinations of law might be omitted, and we provide that, if we do omit it, the existing law remains. But in all we have inserted, I think it is a fair embodiment of the law.

326. Then one portion of the work of a barrister in the future will be, to show that this does not touch special cases?—That would be so; but I think that would be very rare. In my practice, ever since I have used the code, I have never yet in my practice found a single case in which I could not find the law stated in the code.

327. Then, from the last statement, I gather you are of the opinion that this would be, from a public point of view, highly desirable that this, or some slight amendment of this code, should be passed as a starting point?—Undoubtedly.

328. *By the Hon. the Chairman.*—Then I suppose it could be revised with convenience every five, seven, or ten years, as the circumstances might require?—I think myself it would be requisite to revise it every five years.

329. Then each new edition would embody all the new legislation, and all the new case law?—Certainly, and then, where, in actual practice, any omissions are detected, they can be easily supplied in a second edition. But in many parts of this code, as it stands at present, the existing law is not exactly stated. I notice the learned Chairman, Dr. Hearn, in giving evidence, pointed out some as regards trustees, and there are others as regards punishments that have been imposed. We followed the draft code of Mr. Justice Stephen, in England; and there are some slight variations as regards the quantum of punishment; but nothing very material.

330. *The Hon. Lt.-Col. Sargood.*—But I do not know whether you have followed the evidence. The Committee has practically decided that the code recommended by the Committee shall be the code of existing law, and anything that is new shall be dealt with in a separate Bill?—Yes, I have seen that. I think that is a very reasonable proposal.

331. *By Mr. Shiels.*—In Part VI, I do not know whether before I came in you had pointed out to the Committee any new sections, or any sections which were new, and upon which the Legislature ought fairly to have its attention directed?—There is not a single new section in Part VI.

332. Then Part VI that you have revised is simply a representation of the existing law?—That is so.

333. *The Hon. the Chairman.*—I should like to show the Committee this copy. I have been through it since pretty carefully, and have struck out all the English Acts, especially all the Property Acts, all those that were new law, and I think that it is now as near the existing law as it can be made so far as I know. I will just show you. Will you open the code and look at, for instance, trustees, which Dr. McInerney was talking about. That is IX, 1 d. page 317. This was an Act which was in effect a new edition of Lord Cranworth's Act, I think an Act of 1856, or some such date, and there are several changes made there, certainly changes of very considerable advantage. But I have gone carefully through that, and I think I have brought it back exactly to the condition of Lord Cranworth's Act. It seems a pity to have to take so much trouble to substitute less good matter for good matter; but, however, there it is. For example now, on 317 there is a good example. "The receipts in writing of any trustees for any money securities or other personal property or effects payable, transferable, or deliverable to them under any trust or power shall be sufficient discharges." That is in Lord Cranworth's Act, money and trustees' receipt for securities or for any person, all property was insufficient and consequently the power was given in this new Act extended from mere money matters to other securities or other receipts. That I followed, and that I have taken out.

334. *The Hon. Lt.-Col. Sargood.*—You have let it stand at "money."

335. *The Hon. the Chairman.*—The second line is taken out. Again there is the power of trustees to compound. All that is out. Here is the whole of an important one "Succession of Trustees." The whole of that subdivision is out.

336. *The Hon. D. Melville.*—And the whole of pages 319-20.

337. *The Hon. the Chairman.*—Yes, and all the others in the same way. In fact, wherever you see the English Acts cited those clauses are all taken out?—In other words those are not in our Statute of Trusts 1864.

338. *The Hon. Lt.-Col. Sargood.*—However desirable they may be?

339. *The Hon. the Chairman.*—No.

T. P. McInerney,  
Esq.,  
continued.  
12th Oct. 1887.

340. *Mr. Shiels.*—But a great number of them are always put in in any settlement or will where trusts are created, and are amplified by modern conveyances. For instance, the section 1 upon page 319. Those are considerably amplified.

341. *The Hon. the Chairman.*—That was done because the old law was altogether insufficient for its purpose, and had to be amplified, as you say.

342. *The Hon. D. Melville.*—Those are always embodied practically by attorneys now in preparing wills; so that practically the English law is followed.

343. *Mr. Shiels.*—And in deeds too. You now see the advantage of the code. Most of us have been in trust capacities and know what a responsible position it is; and here in about twelve pages the general principles are laid down upon which it is safe for a trustee to act. You would have to go through volume after volume. Lewin, of course, is a large volume, and there are others; and you get it in Williams on Executors and in our Trust Statute, but here you get them summarised. For instance, take section 10, payment of money into a bank. "Where a trustee pays trust money into a bank, if he place it to his own credit otherwise than as such trustee, or if he place it in such a manner that it is out of his own control; or if he have paid it into such bank, or retain it therein contrary to his duty, he shall be liable for any loss thereof arising from the failures of such bank." And the next section is a very important one, and came under my notice very recently—page 310. Trustees do not often know that "Where a trustee mixes trust estate with his own, the whole of the blended estate except so much thereof as he can prove to be his own shall be taken to be trust estate." Here you get a most valuable summary. Then, Dr. Hearn, you have been able between our meeting last Wednesday and to-day to excise from the code all the sections which are new?

344. *The Hon. the Chairman.*—Yes, every one of them.

345. *Mr. Shiels.*—For our purposes, I think it better to have that clearly stated.

346. *The Hon. the Chairman.*—Yes; but though all the new parts are entirely taken out, so far as I know, not one of them could be left, except only this that Mr. Justice Webb declared to be a declaratory Act. In the face of his strong wishes, and his words, that he considered those easements were only declaratory, I did not like to touch it, and I thought I would mention that to you. After he spoke so strongly about it, both to the Committee and to myself upon various former occasions, I did not like to touch it.

347. *The Hon. Lt.-Col. Sargood.*—Declaratory in what sense, that it was merely the existing law?

348. *The Hon. the Chairman.*—Yes, the Common law.

349. *The Hon. D. Melville.*—You have an example of it in our own Act, declaring the law to be so and so respecting easements and adverse possession.

350. *Mr. Shiels.*—I remember we tried to restrict the Doctor upon the matter of adverse possession.

351. *The Hon. the Chairman.*—But these were not the clauses that Mr. Justice Webb referred to.

352. *The Hon. D. Melville.*—I only refer to them as an illustration of what a declaratory Act is.

353. *The Hon. Lt.-Col. Sargood.*—To put into black and white what was the unwritten law merely before.

354. *The Hon. the Chairman.*—There is a notion, as I have heard, in the profession in this country, that the authority for easements in this country is from that Act, but there is no doubt that easements are at Common law, and that has been decided lately by the Common law, so the Act of which we speak was simply declaratory of the practice which had been observed for many years before.

355. *Mr. Shiels.*—Have you got a list of the excised portions?

356. *The Hon. the Chairman.*—No, I did not keep any list. I just struck them out as I went through it.

357. *The Hon. Lt.-Col. Sargood.*—Will you be able to place all those excised portions in a separate Bill?

358. *The Hon. the Chairman.*—I do not think we could exactly do that. It is easy of course to do that; but I brought in a Bill into our House some time ago—Mr. Anderson was at that time in the House—a Bill upon the law of Property. Mr. Gregory was very anxious to have it introduced, and he, in fact, prepared it for me, and it would have done all those things that we want to do. That Bill I have still; but Mr. Anderson did not see his way to go on with it, and it fell through.

359. *The Hon. Lt.-Col. Sargood.*—That refers only to Real Property.

360. *The Hon. the Chairman.*—That refers only to Real Property.

361. *The Hon. Lt.-Col. Sargood.*—But I refer to all the excised portions right through it. What do you propose to do with them?

362. *The Hon. the Chairman.*—Nine-tenths of them belong to the Real Property law; but all the rest, wherever I found a change that I knew to be a change, I took it out, and there they are all in that book. I wanted to say to the Committee, that it appears to me that, in dealing with the Real Property, we had better leave out, upon the whole, all mention of the Transfer of Property Statute. I am sorry to do so, but, upon the whole, it appears better. I consulted Mr. De Verdon, and he does not wish it to appear at present in the form of a code. I do not think he wants to have his hands tied; and, beside that, there is a Bill now before Parliament which amends it to a large extent, and I think we had better leave it alone at present. It can easily be put in a Consolidating Act whenever you wish, and that Consolidating Act can be transferred to the next edition of the code.

363. *Mr. Shiels.*—Now we have gone through all the evidence bearing upon the various divisions of the code.

364. *The Hon. the Chairman.*—Yes.

365. *Mr. Shiels.*—We have examined every one who has done the revision. Have you heard anything from, or has anything been done with regard to, the Chief Justice of South Australia?

366. *The Hon. the Chairman.*—We had a letter from him some time since, which, I think, was laid before the Committee.

367. *Mr. Shiels.*—You see Mr. Patterson, and Dr. Quick, and others are desirous that we should not protract this investigation, but that we should be able to report to Parliament as early as possible, and it seems now that we are in a position to draft our Report for the purpose of final consideration.

368. *The Hon. the Chairman.*—Yes.

*The Witness withdrew.*

*Adjourned to Wednesday next, at half-past Two o'clock.*

1887.  
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VICTORIA.

LEGISLATIVE COUNCIL.

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STANDING ORDERS COMMITTEE.

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REPORT.

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ORDERED BY THE COUNCIL TO BE PRINTED, 6TH DECEMBER, 1887.

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By Authority:  
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## REPORT.

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THE SELECT COMMITTEE of the Legislative Council on Standing Orders have the honor to report that, in accordance with the resolution of your Honorable House on the 28th September last, they have made alterations in several of the Standing Orders of the Legislative Council relating to the transaction of Public Business which they have now the honor to present to your Honorable House.

Committee Room,  
December 1887.





VICTORIA.

## Legislative Council.

STANDING RULES AND ORDERS  
OF THE  
LEGISLATIVE COUNCIL.

N.B.—The figures in the margin in *Italic type* refer to the pages of the 9th Edition of *May's Parliamentary Practice*; those in *black type* refer to the Standing Orders of the House of Commons as published in *Bourke's Precedents, Second Edition*.

## CHAPTER I.

PROCEEDINGS ON THE OPENING OF  
PARLIAMENT.

1. On the first day of the meeting of a new Parliament for the despatch of business, pursuant to Proclamation, and at the time and place appointed, the Clerk shall read the Proclamation. *Proclamation read by Clerk at first meeting after a dissolution of the Legislative Assembly.*
2. The Usher shall then introduce to the Council Chamber Commissioners from His Excellency the Governor appointed to open Parliament. *Commissioners introduced.*
3. At the desire of the Senior Commissioner the Usher shall request the presence of the Members of the Legislative Assembly to hear the Commission read. *Assembly summoned.*
4. The Members of the Legislative Assembly having presented themselves, the Clerk shall read the Commission. *Commission read by Clerk.*
5. The Senior Commissioner will then inform the Members of both Houses that His Excellency the Governor will at a future time declare the cause of his calling Parliament together, and will request the Members of the Legislative Assembly in the meantime to proceed to the election of their Speaker. *Assembly requested to elect Speaker.*
- 198 6. The Commissioners and the Members of the Legislative Assembly having withdrawn from the Council Chamber, the President shall take the Chair and read the Lord's Prayer. *President takes Chair and reads Prayer.*
7. New Members may then be introduced and sworn. *New Members.*
8. The Council will then adjourn. *Adjournment of Council.*
9. At the next meeting after the adjournment the President shall take the Chair and wait the approach of His Excellency the Governor. *Second meeting.*
10. On the day and at the hour appointed for the commencement and holding of any Session of Parliament not being the first meeting after a dissolution of the Legislative Assembly, the Clerk shall read the Proclamation convening Parliament. *Proclamation read by Clerk at a second or subsequent session.*
11. When His Excellency the Governor has arrived at the Chamber, the Usher shall announce his arrival and conduct him to the Chair, the President leaving the Chair and taking one to the right of His Excellency. *Governor announced by Usher.*
12. Upon the command of His Excellency the Governor the Usher shall desire the immediate attendance of the Legislative Assembly in the Council Chamber. *Assembly summoned by Usher.*

13. When the Members of the Legislative Assembly have come with their Speaker into the Council Chamber, His Excellency the Governor will proceed to declare the cause of his calling the Parliament together. Governor's Speech.

14. The President and the Speaker will then each receive a copy of His Excellency the Governor's Speech from his Private Secretary, and His Excellency will then withdraw from the Council Chamber. Copy of Speech.

15. The President shall then take the Chair and read the Lord's Prayer. Prayer.

~~222~~ 16. Before His Excellency the Governor's Bill Speech is reported to the House, some Bill is ~~34~~ read a first time.

17. Notices of question and of motion may then be given, and papers laid upon the Table. Notices of Motion.

~~222~~ 18. The President shall then report to the Council the Speech of His Excellency the Governor. Speech reported.

19. The Speech having been read by the President, a motion for the appointment of a Select Committee to prepare an Address in reply to the Speech will then be made, and His Excellency the Governor's Speech will be referred to the Committee. Select Committee to prepare Address in reply.

20. The Committee shall at once withdraw to prepare the Address. Committee to withdraw.

21. When the Chairman has brought up the Report, the same shall be read by the Clerk. Report read by Clerk.

22. On the Address being read, the Council will resolve to agree to the same with or without amendment. Address dealt with.

23. A motion will then be made that the Address be presented to His Excellency the Governor by the President and such Members as may desire to accompany him, or in such other manner as His Excellency may appoint. Motion for presenting Address.

24. The President shall report to the Council His Excellency the Governor's reply to their Address. Governor's reply reported.

25. In case the office of President of the Council become vacant during the prorogation of Parliament, and any new Member be elected during such prorogation, so soon as the Clerk has read the Proclamation convening Parliament, the Usher shall introduce a Commissioner appointed by His Excellency the Governor for swearing Members, and the Clerk shall read his Commission. When office of President becomes vacant during prorogation of Parliament, when new member may be sworn.

26. After such Commission has been read, the Clerk shall read, with the returns endorsed thereon, any Writs delivered to him that have been issued during the prorogation, either by the President while in office, or by His Excellency the Governor in pursuance of the Act No. 702. Writs when office of President vacant, how announced.

27. Members returned pursuant to such writs will then be sworn as prescribed by the Constitution Act. Members sworn.

28. The Commissioner will then retire from the Council Chamber. Commissioner retires.

## CHAPTER II.

## ELECTION OF PRESIDENT.

- 6** 29. Whenever the office of President becomes vacant, a Member, addressing himself to the Clerk, shall propose to the Council for their President some Member then present, and move that such Member do take the Chair of the Council as President. Election of President.
- <sup>199</sup>**7** 30. If only one Member be proposed and seconded as President, he shall be called to the Chair of the Council without question put. When unopposed, such Member called to the Chair.
- 8** 31. The Member on being called to the Chair expresses in his place his sense of the honor proposed to be conferred upon him, and submits himself to the Council. He submits himself to the Council.
- 9** 32. Being again called to the Chair, he is taken out of his place by the Members who proposed and seconded him, and by them conducted to the Chair. And is conducted to the Chair.
- <sup>200</sup>**10** 33. If more than one Member be proposed as President, a motion shall be made and seconded regarding each such Member, "That The Honorable do take the Chair of the Council as President;" and each Member so proposed addresses himself to the Council. When election of President is opposed.
- 11** 34. A question shall be then put by the Clerk that the Member first proposed "do take the Chair of the Council as President," which is resolved in the affirmative or negative, like other questions. Question—That the Member first proposed do take the Chair.
- 12** 35. If the question be resolved in the affirmative, the Member is conducted to the Chair; but if in the negative, a question shall be then put by the Clerk that the Member next proposed "do take the Chair of the Council as President," and if it be resolved in the affirmative, the Member is conducted to the Chair. Question—That the Member next proposed do take the Chair.
- <sup>201</sup>**13** 36. Having been conducted to the Chair, the Member elected returns his acknowledgments to the Council for the honor conferred upon him, and thereupon takes the Chair. The President takes the Chair.
- <sup>18 & 19 Vict. c. 55, s. 6.</sup> **13** 37. Before proceeding to any business, the President, with such Members of the Council as desire to accompany him, shall present himself to His Excellency the Governor as the choice of the Council. The President presents himself to Governor as choice of Council.

**38.** The President shall report to the Council any reply that may be made by His Excellency the Governor. Governor's reply to be reported.

## CHAPTER III.

## PROCEEDINGS ON PROROGATION.

- <sup>270</sup>**39.** On the prorogation of Parliament by His Excellency the Governor in person, the Usher shall announce the arrival of His Excellency, and shall conduct him to the chair, the President leaving the chair and taking one to the right of the Governor. Governor's approach announced by Usher.
- 40.** By His Excellency the Governor's command the Usher shall desire the immediate attendance of the Legislative Assembly in the Council Chamber. Attendance of Legislative Assembly desired.
- <sup>270</sup>**41.** When the Members of the Legislative Assembly have come, with their Speaker, into the Council Chamber, the Clerk of the Parliaments having received the Supply and Appropriation Bills (if any) from the hands of the Assent to Bills.

Speaker, shall present them, together with other Bills passed by the two Houses of Legislature, to His Excellency the Governor for the signification of Her Majesty's pleasure thereon, and His Excellency's determination on each Bill respectively shall be read by the Clerk of the Parliaments.

42. His Excellency the Governor will then make a Speech, and prorogue the Parliament.

#### CHAPTER IV.

##### SITTING AND ADJOURNMENT OF THE HOUSE.

- 236** 43. The President shall take the Chair as soon after the time appointed for the meeting of the Council as a quorum of Members is present, and shall read the Lord's Prayer; but if, at the expiration of half an hour after the time appointed, there is not a quorum, the President shall then take the Chair and adjourn the Council to the next sitting day, the bells having been previously rung as in a division. If a quorum not present within a given time, Council adjourned.
- 60** 44. If at any time after the commencement of the business of the day it appear, on notice being taken, or—on a division—that there is not a quorum of Members present, the President shall, after the bells have been rung as in a division, count the Members, and, if there be not a quorum present, shall, without question put, adjourn the Council to the next sitting day. If want of a quorum be noticed, Council adjourned.
- 237** 45. The doors of the Chamber shall be unlocked when the President is engaged in counting the Council. Doors unlocked whilst President counting.
46. The Usher shall from time to time take into his custody any stranger (save as in the next order mentioned) whom he sees or who is reported to him to be in any part of the Council appropriated exclusively to the Members of the Council, and also any stranger who, having been admitted into any other part of the Chamber or gallery, misconducts himself or does not withdraw when strangers are directed to withdraw while the Council or any Committee of the whole Council is sitting; and no person so taken into custody shall be discharged out of custody without the Order of the Council. Strangers.
- 72** 47. No strangers shall, without leave of the Council, be admitted to the body of the Council Chamber within the Bar while the Council or a Committee of the whole Council is sitting. Strangers not admitted within the Bar.
48. Members of the Legislative Assembly may be admitted without order to the benches to the right of the President, outside the Bar. Members of the Legislative Assembly have seats outside the Bar.
49. Accommodation may be provided for the Speaker of the Legislative Assembly within the body of the Council Chamber. Accommodation for the Speaker within the Council Chamber.
50. The President only shall have the privilege of admitting strangers to the body of the Council Chamber outside the Bar; but every Member shall have the privilege of admitting by Orders strangers to the Gallery of the Council Chamber. President's orders and Members' orders for admission of strangers.
51. On the request of any six Members, or in his own discretion, the President shall at any time order all strangers to withdraw, and such strangers shall immediately withdraw accordingly. Strangers to withdraw when ordered.

52. The Standing Orders Committee shall prescribe the arrangements for the opening and prorogation of Parliament, which arrangements the Usher shall carry into effect under the direction of the President.

Standing Orders Committee to prescribe arrangements for opening and prorogation of Parliament.

257  
73 53. Every vote and proceeding of the Council shall be noted by the Clerks at the Table, and the Minutes of the Proceedings of the Council shall be printed; the Government Printer shall print the same; and the Minutes of the Proceedings, so printed and signed by the Clerk of the Council, shall be the journals of the Council; but the Council may at any time by order restrain the publication of any of its proceedings.

Minutes of Proceedings.

54. No Member, unless he be a Minister of the Crown, or some Member deputed by him, shall be allowed to move, "That the Council do now adjourn," unless, on his rising to make such motion, six other members shall rise in their places and require the motion to be proposed. The names of such other Members shall be taken down by the Clerk, and entered on the Minutes of the Proceedings of the Council. The Member moving the adjournment shall state the subject that he proposes to speak to, and the debate shall be strictly confined to the subject so stated. And no Member having moved or seconded any such motion shall be entitled to move or second any similar motion during the same debate.

Motions for adjournment.

55. If the President be of opinion that a motion for the adjournment of a debate or of the Council during any debate, is an abuse of the rules of the Council, he may forthwith put the question thereupon from the Chair.

Debates on motion for adjournment.

## CHAPTER V.

### ATTENDANCE AND PLACES OF MEMBERS.

228  
75 56. Every Member is bound to attend the service of the Council, unless leave of absence be given to him by the Council, and shall during such attendance remain uncovered.

Every Member to attend service of Council.

233  
76 57. Leave of absence may be given by the Council to any Member for sufficient cause to be stated to the Council.

Leave of absence.

77 58. Notice shall be given of a motion for giving leave of absence to any Member, stating the cause and period of absence.

Notice of Motion to be given.

233  
79 59. If any Member having leave of absence attend the service of the Council before the expiration of such leave, his leave shall thereupon expire.

Leave of absence how forfeited.

230  
80 60. When an order is made that the Council be called, such call shall not be made for any day earlier than seven days from the date of such order, inclusive of the day of such order.

Call of the Council not to be made earlier than seven days from date of order.

230 61. A copy of the order for a call of the Council, signed by the Clerk, shall be forwarded by post, addressed to each Member of the Council.

Order for call of the Council to be forwarded.

62. For the purpose of enabling this notice to be given, the Usher shall keep a book and enter therein the name and address of every Member.

Usher to keep book of Members' addresses.

- 81** 63. The order for a call of the Council on a future day, shall be set down as an Order of the Day for the day so appointed. Call of the Council an Order of the Day.
- 231** 64. When the Order of the Day for a call of the Council is read, unless the same be postponed or discharged, the names of the Members shall be called over by the Clerk in alphabetical order. Order in which names are called.
- 83** 65. The names of all Members who do not answer when called shall be taken down by the Clerk, and subsequently called a second time, when those who answer, or afterwards attend in their places on the same day, may be excused. Members not present but subsequently attending.
- 232** 66. Members not attending in their places on the same day are held guilty of contempt and may be ordered to attend on a future day; when unless they attend, or an excuse to the satisfaction of the Council be offered for their absence, they may be dealt with for their default as the Council may think fit. Members not attending during the day.

## CHAPTER VI.

### NOTICES AND ORDERS OF THE DAY.

67. The ordinary business of each day consists of the consideration of Notices of Question or of Motion and of Orders of the Day. Ordinary business of the Day.
68. An Order of the Day is a Bill or matter which the Council has ordered to be taken into consideration on a particular day. Orders of the Day defined.
- 285** 69. No Notice of Question or of Motion shall, without leave of the Council, be received after the Council has proceeded to the Orders of the Day. Notice of Motion, when to be given.
- 54** 70. Questions may be put to Ministers of the Crown relative to public affairs, and to other Members relating to any Bill, motion, or other public matter connected with the business before the Council, in which such Members may be concerned. Questions to Ministers or other Members.
- 153** 71. In putting any such question, no argument or opinion shall be offered, nor any facts stated, except so far as may be necessary to explain such question. Such question not to involve argument.
- 55** 72. In answering any such question, the Minister or Member shall not debate the matter to which the same refers. In answering a question the matter not to be debated.
- 115** 73. Questions and Motions shall take precedence of Orders of the Day, except on days fixed for the consideration of Government business, and shall, unless postponed, be moved in the order in which they stand on the Notice-paper. Motions to precede Orders of Day.
74. On the presentation of any document, a motion may be made, without notice, that it be printed, and a day appointed for its consideration. Printing of a document may be moved without notice.
75. After Notices of Question and of Motion have been disposed of, the President shall direct the Clerk at the table to read the Orders of the Day, without any question being put. Clerk to read the Orders of the Day without any question being put.

- <sup>284</sup> 76. All dropped motions and Orders of the Dropped motions and orders.  
**100** Day shall, according as they relate to Government business, or general business, be set down in the Notice-paper after the Notices of Question and of Motion and Orders of the Day respectively, for the next day on which the Council sits.
- <sup>286</sup> 77. Every Member in giving Notice of a Every notice to be in writing, and delivered at the Table.  
**106** Question or Motion shall read it aloud and deliver at the Table a copy of such notice fairly written, signed by him, and stating the day proposed for asking such Question or bringing on such Motion.
- <sup>286</sup> 78. A Member may not give for himself two A Member not to give two notices consecutively.  
 Notices of Question or of Motion consecutively, unless no other Member has any notice to submit.
- <sup>287</sup> 79. A Member may give notice for any other Notice may be given for absent Members.  
**107** Member not then present by putting the name of such Member on the Notice of Question or of Motion.
- <sup>274</sup> 80. No Notice may be given for a day beyond Restriction upon giving notices.  
**108** fourteen days from the day of giving the same.
- <sup>286</sup> 81. Every Notice of Question or of Motion, Notices printed.  
**110** and Order of the Day shall be printed and circulated.
- <sup>294</sup> 82. Any Notice or part of a Notice of Question Notices may be expunged.  
**111** or of Motion containing unbecoming expressions may be expunged from the Notice-paper, by order of the President.
- <sup>287</sup> 83. A Member desiring to change the day for Notices postponed.  
**112** asking a Question or bringing on a Motion, may give notice of such Question or Motion for any day subsequent to that first named, but not earlier, subject to the same rules as other Notices of Question or of Motion.
- <sup>286</sup> 84. After a Notice of Question or of Motion The terms may be altered.  
**113** has been given, the terms thereof may be altered by the Member, on delivering or causing to be delivered at the table an amended notice one day at the least prior to the day for asking such Question or making such Motion.
- <sup>288</sup> 85. A motion directly concerning the privi- Questions of privilege.  
**116** leges of the Council shall take precedence of all other motions, as well as of Orders of the Day.
- <sup>294</sup> 86. Precedence shall be given to a motion for Votes of thanks.  
**117** a vote of thanks of the Council.
- 118** 87. A Question may be asked or a Motion may be made by leave of the Council without previous notice. Motion without notice.

## CHAPTER VII.

### QUESTIONS PUT BY PRESIDENT.

- <sup>298</sup> 88. When a motion has been made and Questions proposed.  
**119** seconded, the question thereupon shall be proposed to the Council by the President.
- <sup>297</sup> 89. Any motion not seconded may not be fur- Motions not seconded.  
**120** ther debated, and no entry thereof shall be made in the Votes.
- <sup>299</sup> 90. A Member who has made a motion may Motions withdrawn.  
**121** withdraw the same by leave of the Council.



- 300** 91. A question may be superseded: 1. By the  
**122** adjournment of the Council, either on the motion  
of a Member "That the Council do now adjourn,"  
or on notice being taken, and it appearing that  
a quorum of Members is not present; 2. By a  
motion, "That the Orders of the Day be now  
read;" 3. By a motion "That this question be  
now put," being proposed and negatived.
- 303** 92. If the motion "That this question be  
**123** now put" be resolved in the affirmative, the  
original question shall be put forthwith, without  
any amendment or debate.
- 304** 93. A question for reading the Orders of  
**124** the Day, and also the motion "That this question  
be now put," may be superseded by the adjourn-  
ment of the Council.
- 307** 94. The debate upon a question may be in-  
**125** terrupted, 1. By message from His Excellency  
the Governor; 2. By a matter of privilege  
suddenly arising; 3. By words of heat between  
Members; 4. By a question of order; 5. By  
a message from the Legislative Assembly;  
6. By a motion for reading an Act of Parlia-  
ment, an entry in the journal, or other public  
document, relevant to the question before the  
Council.
- 309** 95. The Council may order a complicated  
**126** question to be divided.
- 310** 96. So soon as the debate upon a question  
**312** is concluded, the President shall put the ques-  
**127** tion to the Council, and if the same be not heard,  
shall again state it to the Council.
- 311** 97. A question being put, shall be resolved  
**128** in the affirmative or negative, by the majority  
of voices "Aye" or "No."
- 311** 98. The President shall state whether, in  
**129** his opinion, the "Ayes" or the "Noes" have  
it, and unless his opinion be acquiesced in by  
the minority, the question shall be determined  
by a division.
- 328** 99. No question shall be proposed in the  
**130** Council which is the same in substance as any  
question which, during the same Session, has  
been resolved in the affirmative or negative.
- 332** 100. A motion which has been by leave of  
**131** the Council withdrawn, may be made again  
during the same Session.
- 328** 101. A resolution or other vote of the Council  
**132** may be read and rescinded.
- 133** 102. An order of the Council may be read  
and discharged.

Questions su-  
perseded:—  
1. By ad-  
journment.  
2. By read-  
ing the Or-  
ders of the  
Day.  
3. By pre-  
vious ques-  
tion.

Previous  
question re-  
solved in the  
affirmative.

Previous  
question, &c.,  
superseded  
by adjourn-  
ment.

Debates in-  
terrupted.

Complicated  
questions  
may be di-  
vided.

Question put  
and again  
stated.

Question de-  
termined by  
majority of  
voices.

The Presi-  
dent states  
whether  
the "Ayes"  
or the  
"Noes"  
have it.

The same  
question not  
to be again  
proposed.

A motion  
withdrawn  
may be made  
again.

Resolution or  
vote re-  
scinded.

An order dis-  
charged.

## CHAPTER VIII.

### AMENDMENTS.

- 317** 103. A question having been proposed may  
**134** be amended—1. By leaving out certain words  
only; 2. By leaving out certain words in order  
to insert or add other words; or 3. By inserting  
or adding words.
- 135** 104. An amendment proposed, but not se-  
conded, will not be entertained by the Council,  
nor entered in the Minutes of Proceedings.

Different  
forms of  
amendment.

Amend-  
ments to be  
seconded.

**317** 105. When the proposed amendment is to Amendment to leave out words.  
**136** leave out certain words, the President shall put a question, "That the words proposed to be omitted stand part of the question," which shall be resolved by the Council in the affirmative or negative, as the case may be.

**318** 106. When the proposed amendment is to Amendment to leave out words and insert or add other words.  
**137** leave out certain words, in order to insert or add other words, the President shall put a question, "That the words proposed to be omitted stand part of the question," which, if resolved in the affirmative, will dispose of the amendment; but if resolved in the negative, and there is no motion before the Council for amending the proposed amendment, another question shall be put, "That the words (*of the amendment*) proposed to be inserted [or added] in the place of the words omitted be so inserted [or added]" which shall be resolved in the affirmative or negative, as the case may be.

**319** 107. When the proposed amendment is to Amendment to insert or add words.  
**138** insert or add certain words, the President shall put a question, "That such words be inserted [or added]," which shall be resolved in the affirmative or negative, as the case may be.

**320** 108. No amendment shall be proposed in When later part of a question has been amended or proposed to be amended.  
**139** any part of a question after a later part has been amended, or has been proposed to be amended, unless the proposed amendment has been by leave of the Council withdrawn.

**140** 109. No amendment shall be proposed to be made to any words which the Council has resolved shall stand part of a question, except the addition of other words thereto. No amendment to be made to words already agreed to.

**327** 110. A proposed amendment may be by leave Proposed amendment withdrawn.  
**141** of the Council withdrawn.

**324** 111. When an amendment has been proposed Amendments to proposed amendments.  
**142** from the Chair, amendments may be moved thereto, as if such proposed amendment were an original question.

**143** 112. When amendments have been made, the main question as amended shall be put. Question as amended put.

**144** 113. When amendments have been proposed, but not made, the question shall be put as originally proposed. When amendments proposed but not made.

## CHAPTER IX.

### DEBATE.

**344** 114. The President shall maintain order in Order maintained by the President.  
**176** the Council.

**391** 115. Whenever the President rises during a When the President rises Members to be silent.  
**177** debate, any Member then speaking, or offering to speak, shall sit down, and the Members shall be silent, so that the President may be heard without interruption.

**341** 116. By the special indulgence of the Council Indulgence to Members unable to stand.  
**146** a Member unable conveniently to stand, by reason of sickness or infirmity, may be permitted to speak sitting.

**341** 117. No Member may speak to any question No Member to speak after question has been put.  
**148** after the same has been put by the President and the voices have been given both in the affirmative and in the negative thereon.

- <sup>343</sup> 118. When two or more Members rise to speak the President calls upon that Member first observed by him; but a motion may be made that any Member who has risen "be now heard," or "do now speak." The President calls upon Members to speak Motion that a Member "be now heard."
- <sup>358</sup> 119. By the indulgence of the Council a Member may explain matters of a personal nature, although there be no question before the Council; but such matters may not be debated. Personal explanation.
- <sup>356</sup> 120. No Member may speak twice to a question before the Council, except in explanation or reply. No Member to speak twice to a question.
- <sup>359</sup> 121. A Member who has spoken to a question before the Council may again be heard, to explain himself in regard to some material part of his speech, but shall not introduce any new matter. Except to explain his words.
- <sup>360</sup> 122. A reply shall be allowed to a Member who has made a substantive motion to the Council, but not to any Member who has moved an Order of the Day, an amendment, or an instruction to a Committee. Or to reply in certain cases.
- <sup>363</sup> 123. Any Member may rise to speak "to order," or upon a matter of privilege suddenly arising. Speaking "to order."
- <sup>364</sup> 124. No Member shall allude to any debate of the same Session, upon a question or Bill not being then under discussion, except by the indulgence of the Council for personal explanations. Debates of same Session not to be alluded to.
- <sup>364</sup> 125. No Member shall reflect upon any vote of the Council except for the purpose of moving that such vote be rescinded. Reflections upon votes of the Council.
- <sup>364</sup> 126. No Member shall allude to any debate in the other House of Parliament in the same Session. Allusion to debates in the other House.
- <sup>364</sup> 127. No Member shall use offensive words against either House of Parliament; nor against any Statute, unless for the purpose of moving for its repeal. Offensive words against either House.
- <sup>373</sup> 128. No Member shall use offensive or unbecoming words in reference to any other Member. Offensive words against a Member.
129. No member shall digress from the subject-matter of the question under discussion, nor comment upon any expressions said to have been used in the Legislative Assembly in the same Session of Parliament and all imputations of improper motives, and all personal reflections on Members, shall be considered highly disorderly. Debate how to be conducted.
130. Any Member may, either in the Council or in Committee of the whole Council, call attention to continued irrelevance or tedious repetition on the part of a Member addressing the Chair, and the President or the Chairman, as the case may be, may direct such Member to discontinue his speech. If such Member disobey such direction, he shall be considered guilty of contempt. Irrelevance or repetition.
- <sup>377</sup> 131. When any Member objects to words used in debate, and desires them to be taken down, the President, if it be the pleasure of the Council, shall direct the Clerk to take them down accordingly. Words taken down by direction of the President.

- <sup>378</sup> 132. Every such objection shall be taken Words to be  
**171** at the time when such words are used, and not objected to  
after any other Member has spoken. when used.
- 172** 133. Any Member having used objection- Members not  
able words, and not explaining or retracting the explaining or  
same, or behaving offensively to the Council retracting.  
or to any Member thereof, and not offering  
apologies for the same, to the satisfaction of the  
Council, shall be censured, or otherwise dealt  
with as the Council may think fit; and any  
Member called to order shall sit down, unless  
permitted to explain.
134. Whenever any Member makes use of Personal or  
any expression personal and disorderly, or disorderly  
capable of being applied offensively to any other reflections.  
Member, the President shall, either of his own  
motion or upon his attention being thereto  
called, require the Member so offending to  
withdraw the expression, and to make a satis-  
factory apology to the Council.
135. A member called to order shall sit Member  
down, unless permitted to explain. called to  
order must  
sit down.
- <sup>376</sup> 136. The Council will interfere to prevent Council will  
**173** the prosecution of any quarrel between Members, prevent  
arising out of debates or proceedings of the quarrels.  
Council or any Committee thereof.
- <sup>387</sup> 137. No Member shall make any disturbance No noise or  
**174** during the business of the Council. If any interruption  
Member offend herein he shall be liable to be will be allow-  
declared in contempt of the Council. ed during a  
debate.
138. In case of such disturbance the President Member  
may call upon the Member so offending by name, named by  
and such Member shall thereupon be heard in President as  
explanation. As soon as he has been so heard, disorderly to  
he shall withdraw; and thereupon the Council withdraw.  
shall take the case into consideration.
139. If any person disobey any order of the When Mem-  
Council, or interrupt the business of the Council, bers and  
he shall be declared guilty of contempt. others guilty  
of contempt.
- <sup>73</sup> 140. Every Member or other person declared Commitment  
guilty of contempt shall be committed to the of Member  
custody of the Usher by warrant signed by the or other  
President. person in  
contempt.
141. The following scale of Fees shall be Scale of fees  
payable to the Usher on the arrest or com- payable on  
mitment of any person, and no person shall, arrest or  
without the express direction of the Council, be commitment.  
discharged out of custody until such fees be  
paid or the Session of Parliament concluded:—
- |                               |     |     |     |        |
|-------------------------------|-----|-----|-----|--------|
| For arrest                    | ... | ... | ... | £50    |
| For commitment                | ... | ... | ... | £50    |
| For each day's detention, in- |     |     |     |        |
| cluding sustenance            | ... | ... | ... | £5 5s. |

## CHAPTER X.

### DIVISIONS.

- <sup>396</sup> 142. No Member shall be entitled to vote in No Member  
**179** any division, unless he be present in the Chamber to vote un-  
when the question is put with the doors locked, less present  
and the vote of any Member not so present will when the  
be disallowed. question put.

- 399** 143. Every Member present in the Chamber  
**180** when the question is put with the doors locked shall be required to vote. Every Member then present must vote.
- 399** 144. So soon as a division has been de-  
**183** manded, the Clerk shall ring the bell and turn a two-minute sandglass, kept on the table for that purpose, and the doors shall not be closed until after the lapse of two minutes, as indicated by such sandglass. Clerk to ring bell and turn sandglass.
- 399** 145. At the expiration of such two minutes  
**184** the doors shall be closed and locked, and no Member shall enter or leave the Council until after the result of the division has been declared. Doors closed after the lapse of two minutes.
- 401** 146. When the doors have been locked, and  
**185** all the Members in their places, the President shall put the question, and after the voices have been given shall declare whether, in his opinion, the Ayes or the Noes have it; and if this opinion be disputed, he shall direct the Ayes to the right side of the Chamber, and the Noes to the left side of the Chamber, and shall appoint two Tellers for each party. Question put, and "Ayes" and "Noes" to take different sides of the Chamber.
- 192** 147. An entry of the Division Lists shall  
be made by the Clerk in the Minutes of the Proceedings. Division Lists to be recorded.
- 408** 148. The Tellers shall report the numbers to  
**188** the President, who shall declare them to the Council. Tellers report the numbers
- 189** 149. In case of confusion, or error concerning  
the numbers reported, unless the same can be otherwise corrected, the Council shall proceed to a second division. In case of confusion or error, Council again divides.
- 190** 150. If the numbers have been inaccurately  
reported to the Council, the Council on being afterwards informed thereof, shall order the Minutes of Proceedings to be corrected. Mistakes corrected in Minutes of Proceedings.
- 410** 151. When, in case of an equality of Votes,  
**191** the President gives a casting vote, any reasons stated by him shall be entered in the Minutes of Proceedings. Reasons for casting vote when given to be recorded.
- 419** 152. No Member shall be entitled to vote  
**194** either in the Council or in any Committee upon any question in which he has a direct personal pecuniary interest, and the vote of any Member so interested shall be disallowed. No Member personally interested to vote.

## CHAPTER XI.

### COMMITTEES OF THE WHOLE COUNCIL.

- 427** 153. A Committee of the whole Council shall  
**196** be appointed by the following resolution—That this Council do now (or will on some future day) resolve itself into a Committee of the whole Council. Council resolves itself into a Committee.
154. The same number of Members shall be  
required to form a quorum in Committee of the whole Council as are required to form a quorum of the Council. Quorum of Committee of the whole.
155. The Council shall appoint a Chairman  
of Committees of the whole Council who shall continue to act as such Chairman so long as the Session shall continue. Chairman of Committees to be appointed.

156. If when the Council resolves itself into a Committee of the whole, the Chairman of Committees be absent, the Committee may, if no objection be taken, call some other member then present to take the Chair of the Committee; but if objection be taken, the President shall resume the Chair, and the Council shall proceed to elect a member then present to take the Chair. The member called or elected, as last aforesaid, shall exercise all the powers and perform all the duties of the Chairman of Committees during the sitting of the Council, at which he shall be so called or elected, if the Chairman of Committees be so long absent. Absence of Chairman.
157. Order shall be maintained in a Committee of the whole Council by the Chairman of Committees, but disorder in a Committee can only be censured by the Council on receiving a report thereof. Order in Committee to be maintained by Chairman.
158. In a Committee of the whole Council, the Chairman, if it appear to him to be the pleasure of the Committee, shall direct the Clerk to take down any words used in debate to which objection has been made, in order that the same may be reported to the Council. Words of heat in Committee.
- <sup>377</sup> 159. Every such objection shall be taken at **171** the time when such words are used, and not after any other Member has spoken. Words to be objected to when used.
160. If the Chairman be of opinion that a motion—That the Chairman do report progress, or do leave the Chair, is an abuse of the rules of the Council, he may forthwith put the question thereupon from the Chair. Debates on motion to report progress.
- <sup>431</sup> 161. A Committee of the whole Council shall **202** consider such matters only as shall have been referred to them by the Council. A Committee to consider only such matters as are referred.
- <sup>430</sup> 162. Every question in Committee of the **203** whole Council shall be decided by a majority of voices. Questions decided by a majority of voices.
- 193** 163. Divisions shall be demanded and taken in Committee of the whole Council in the same manner as in the Council itself, and in case of an equality of votes, the Chairman shall give a casting vote. Divisions in Committee.
- <sup>433</sup> 164. A motion made in Committee of the **204** whole Council need not be seconded. A motion is not seconded.
165. In Committee of the whole Council no amendment shall be proposed in any part of a Clause of a Bill or Question after a later part has been amended, or has been proposed to be amended, unless the proposed amendment has been by leave of the Committee withdrawn.
- <sup>433</sup> 166. No motion "That this question be now **205** put" shall be made in Committee of the whole Council. No previous question allowed.
- <sup>434</sup> 167. In Committee of the whole Council, **207** Members may speak more than once to the same question. Members may speak more than once.
- 208** 168. The same order in debate shall otherwise be observed in Committee of the whole Council as in the Council itself. Order in debate.
- <sup>437</sup> 169. If any sudden disorder arise in Com- **209** mittee of the whole Council, the President may resume the Chair without any question being put. Disorder arising.

170. Whenever in Committee of the whole Council any member makes use of objectionable words or behaves offensively to the Committee or to any Member thereof, the Chairman shall, either of his own motion, or upon his attention being thereto called, require the Member so offending to withdraw such words and to make satisfactory apology to the Committee. In the event of the offending Member refusing or neglecting to withdraw the objectionable words or to make a satisfactory apology, the Chairman shall report the fact to the Council. Personal or disorderly reflections in Committee.
- <sup>438</sup> 171. If notice be taken in Committee of the whole Council, that a quorum of Members be not present, the bells shall be rung as in a division, and if, at the expiration of two minutes, or on a division, it appear that a quorum of Members be not present, the Chairman shall leave the Chair, and the President shall resume the Chair. When a quorum of Members not present.
- <sup>439</sup> 172. If a quorum of Members be present when the Council is counted by the President, the Council shall again resolve itself into the Committee of the whole Council, without question put. Council counted by the President.
- <sup>442</sup> 173. When all matters referred to a Committee of the whole Council have been considered, the Chairman shall be directed to report the same to the Council. Report.
- <sup>440</sup> 174. When all such matters have not been considered, the Chairman shall be directed to report progress, and ask leave to sit again. Report of progress.
- <sup>440</sup> 175. A motion may be made during the proceedings of a Committee of the whole Council that the Chairman do report progress and ask leave to sit again. Motion to report progress.
- <sup>440</sup> 176. A resolution that the Chairman do now leave the Chair shall supersede the proceedings of a Committee. Motion that the Chairman do now leave the Chair.
- <sup>442</sup> 177. Every report from a Committee of the whole Council shall be brought up without any question being put. Report to be brought up without question.
- <sup>443</sup> 178. Every report from a Committee of the whole Council may be adopted or not adopted by the Council, or re-committed to the Committee, or the further consideration thereof postponed. Report of Committee.

179. Lists of divisions in Committee of the whole Council shall be printed weekly, and when the Chairman shall on an equality of votes in a division give a casting vote, any reason stated by him shall be entered on the printed Lists of Divisions. Division lists.

## CHAPTER XII.

### SELECT COMMITTEES.

- <sup>449</sup> 180. A Select Committee shall consist of not less than five, nor, without leave of the Council, of more than ten members. Number of Members requisite.
181. It shall not be compulsory on the President to serve on any Select Committee. President not compelled to serve.
182. The quorum of every Select Committee shall be fixed at the time of appointing such Committee. Quorum of Committee.

- <sup>449</sup>  
**221** 183. Every Member intending to move for the appointment of a Select Committee shall, one day at least preceding the nomination of such Committee, place on the notice-paper the names of the Members intended to be proposed by him to be Members of such Committee, but if the mover be desirous that the Committee be appointed by ballot, then the number only need be stated.
- Notice of nomination to be given.
- Except when appointed by ballot.
184. If upon any motion for a Select Committee any six Members require it, such Committee shall be formed in the following manner, viz.:—Each Member shall deliver at the clerk's table a list of the Members whom he wishes to be appointed on such Committee, not exceeding the number proposed, inclusive of the mover; if any list contain a larger number of names it shall be rejected; and the President shall appoint two members to be scrutineers, who, with the Clerk, shall ascertain the number of votes for each Member; the Members who shall be reported to have the greatest number of votes shall be declared by the President to be the Members of such Committee; in any case of doubt arising from two or more Members having an equality of votes, the President shall decide which shall serve on such Committee.
- Manner of balloting for Committee.
- <sup>461</sup> 185. Every Select Committee, previous to the commencement of business, shall elect one of its Members to be the Chairman, but if the Chairman be absent from any meeting, the Members present may appoint any one of their number to be Chairman for that sitting.
- Election of Chairman.
- <sup>449</sup>  
**223** 186. To every question asked of a witness under examination in the proceedings of any Select Committee shall be prefixed in the minutes of the evidence the name of the Member asking such question.
- Names of Members asking questions to be entered in the minutes of evidence.
187. An entry shall be made in the Proceedings of the names of the Members attending each Select Committee meeting, and of every motion or amendment proposed in such Committee, together with the name of the mover thereof.
- Names of Members present to be entered.
188. If any division take place in a Select Committee, the Clerk shall take down the names of the Members voting in any such division, distinguishing on which side of the question they respectively vote, and such lists shall be given in with the report to the Council.
- Divisions to be entered.
- <sup>453</sup> 189. If there be not a quorum of Members present within half an hour after the time fixed for the meeting of any Select Committee, the Member or Members present may adjourn the meeting of the Committee to a future day.
- If quorum of Members wanting, meeting adjourned.
- <sup>454</sup>  
**226** 190. If at any time during the sitting of a Select Committee of the Council the quorum of Members fixed by the Council be not present, the Clerk of the Committee shall call the attention of the Chairman to the fact, who shall thereupon suspend the proceedings of the Committee until a quorum be present, or adjourn the Committee to some future day.
- When quorum not present.
- <sup>453</sup>  
**227** 191. Members may be discharged from attending a Select Committee, and other Members appointed or added, by resolution of the Council.
- Members discharged and added.
- <sup>454</sup>  
**229** 192. Whenever it thinks fit, the Council may give a Select Committee power to send for persons, papers, and records.
- Power to send for persons, papers, and records.



- 456** 193. When a Select Committee is examining Admission of  
**230** witnesses, strangers may be admitted or excluded strangers to  
at pleasure ; but shall always be excluded when Committees.  
the Committee is deliberating.
- 457** 194. Members of the Council not being of When Mem-  
**231** the Committee, may be present when a Com- bers of the  
mittee is examining witnesses ; but shall with- Council may  
draw when the Committee is deliberating. be present.
- 460** 195. No strangers, or Members, not being of Secret Com-  
**232** the Committee, shall be admitted at any time to mittee.  
a Secret Committee.
196. In a Select Committee all questions shall Questions  
be decided by a majority of voices. how decided  
in Com-  
mittee.
- 461** 197. The Chairman of a Select Committee Chairman  
**233** can only vote when there is an equality of can only vote  
voices. when voices  
equal.
- 462** 198. A Select Committee may adjourn from Committee  
**234** time to time ; and, by leave of the Council, from adjourns.  
place to place.
- 463** 199. All Select Committees sitting at the All proceed-  
**236** time that the President is about to take the ings void  
Chair shall be informed by the Usher that the after notice  
President is about to take the Chair, and all that the  
proceedings after such notice shall be null and President is  
void, unless such Committees be otherwise to take Chair.  
empowered to sit.
- 235** 200. Except by leave of the Council, no Not to sit du-  
Select Committee may sit during the sittings of ring sitting or  
the Council, or on any day on which the Council adjournment  
itself is not appointed to sit. of the Council  
without  
leave.
- 466** 201. The evidence taken by any Select Com- Evidence,  
**237** mittee, and documents which have been pre- &c., not to be  
sented to such Committee, but have not been published be-  
reported to the Council, shall not be published fore reported.  
by any Member of such Committee, nor by any  
other person.
- 466** 202. By leave of the Council, a Select Com- Report from  
**238** mittee may report its opinion or observations time to time.  
from time to time, or report the minutes of  
evidence only, or proceedings from time to time.
- 467** 203. It shall be the duty of the Chairman Chairman to  
of every Select Committee to prepare the prepare re-  
Report. port.
- 467** 204. The draft report so prepared shall, if Proceedings  
necessary, be printed and circulated amongst on consider-  
the Members of the Committee ; and shall be ation of  
read paragraph by paragraph to the Select draft report.  
Committee convened for the purpose of con-  
sidering it, and a question put to the Committee  
at the end of each paragraph, That it do stand  
part of the report. A Member objecting to any  
portion of the report shall propose his amend-  
ment at the time the paragraph he wishes  
to amend shall be under consideration.
- 470** 205. The Report of a Select Committee shall Report  
**239** be brought up by the Chairman, and may be brought up.  
ordered to lie upon the Table, or otherwise dealt  
with, as the Council may direct.

### CHAPTER XIII.

#### INSTRUCTIONS TO COMMITTEES.

- 446** 206. An instruction empowers a Committee of Effect of an  
**240** the whole Council to consider matters not other- instruction.  
wise referred to them.

- <sup>553</sup> 207. No Instructions may be moved to order What in-  
**242** a Committee to make provision in a Bill; nor structions  
to empower a Committee to make provision, may not be  
if they already have that power. moved.
- <sup>556</sup> 208. An instruction may be moved after When in-  
**243** the Council has ordered the Bill to be com- structions to  
mitted, and not as an amendment to the question be moved.  
that the President do now leave the Chair.
- <sup>446</sup> 209. An instruction to a Select Committee ex- Instruction  
**244** tends or restricts the order of reference. to a Select  
Committee.

## CHAPTER XIV.

## WITNESSES.

- <sup>454</sup> 210. Witnesses shall be summoned in order Witnesses  
<sup>473</sup> to be examined at the Bar of the Council, summoned  
**245** or before a Committee of the whole Council, or by orders of  
a Select Committee, by orders of the Council, the House.  
signed by the Clerk.
- <sup>473</sup> 211. Where a witness is in the custody of Witnesses  
**246** any person such person may be ordered to in custody.  
bring the witness in safe custody, in order to his  
being examined, and from time to time as often  
as his attendance is required; and the President  
may be ordered to issue his warrant accordingly.
- <sup>473</sup> 212. A Committee having power to send Summoned  
**247** for persons, papers, and records may summon by Com-  
witnesses by its own order, signed by the mittees.  
Clerk.
- <sup>473</sup> 213. If any witness do not attend, pursuant When wit-  
**248** to the order of a Committee, his absence shall ness does not  
be reported, and the Council may order him attend a  
to attend the Council; but such order may be dis- Committee.  
charged in case the witness shall have attended  
the Committee before the time appointed for his  
attending the Council.
- <sup>472</sup> 214. The neglect or refusal of a witness to Neglect or  
**250** attend in obedience to an order of the Council, refusal to  
or of a Committee having power to summon attend.  
witnesses, or in obedience to a warrant of the  
President, may be censured or otherwise  
punished, at the pleasure of the Council.
- <sup>474</sup> 215. When the attendance of a Member is Attendance  
**251** desired, to be examined by the Council or a of Members  
Committee of the whole Council, he is ordered to to be ex-  
attend in his place. amined by  
Council or by  
Committee  
of the whole  
Council.
- <sup>474</sup> 216. If a Select Committee desire the attend- By a Select  
**252** ance of a Member as a witness, the Chairman Committee.  
shall in writing request him to attend.
- <sup>474</sup> 217. If any Member of the Council refuse, upon If a Member  
**253** being sent for, to attend, or, when in attendance, refuse to  
to give evidence as a witness to a Select Com- attend.  
mittee, the Committee shall acquaint the Council  
therewith.
- <sup>474</sup> 218. If any information that charges any Committee  
**254** Member of the Council come before any Com- to acquaint  
mittee, the Committee shall direct that the Council of  
Council be acquainted with the matter of such charges  
information, without proceeding further there- against  
upon. Members.
- <sup>475</sup> 219. When the attendance of a Member of Message for  
**255** the Legislative Assembly, or of an officer attendance  
of that House, is desired for the purpose of of Member or  
examination by the Council, or any Committee officer of the  
thereof (not being a Committee on a private Legislative  
Assembly.

Bill), a message shall be sent to the Assembly to request that the Assembly give leave to such member or officer to attend, in order to his being examined accordingly upon the matters stated in such message.

- 256** 220. Witnesses cannot be examined upon oath by the Council, or any Committee thereof, except in cases provided for by Statute. Witnesses not examined on oath except in certain cases.
- <sup>482</sup>  
**257** 221. If it appear that any person has been tampering with any witness, in respect of his evidence to be given before the Council, or any Committee thereof, or directly or indirectly endeavouring to deter or hinder any person from appearing or giving evidence, or that any <sup>482</sup>  
**258** person has given false evidence in any case before the Council or any Committee thereof, every such person shall be guilty of contempt. Tampering with witnesses.  
False evidence.
- <sup>483</sup> 222. All witnesses examined before the Council or any Committee thereof shall be entitled to the protection of the Council in respect of anything that may be said by them in their evidence. Witnesses entitled to protection.
- <sup>483</sup>  
**260** 223. No Clerk or Officer of the Council, or Shorthand-Writer employed to take minutes of evidence before the Council, or before any Committee thereof, may give evidence elsewhere in respect of any proceedings or examination had at the Bar or before any Committee of the Council, without the special leave of the Council. Evidence of proceedings not elsewhere to be given without leave.
- <sup>484</sup>  
**262** 224. When the witness appears before the Council, the President shall examine the witness; and no other Member shall put any question otherwise than through the President. In Council, witnesses examined by the President.
225. When a witness is in custody at the Bar, he shall be examined by the President alone. Witness in custody at the Bar.
- <sup>485</sup>  
**265** 226. If any question be objected to, or other matter arise, the witness shall withdraw from the Chamber while the same is under discussion. Witness withdraws if question objected to.
- <sup>485</sup>  
**266** 227. A Member of the Council shall be examined in his place. Member examined in his place.
- 263** 228. In Committee of the whole Council any Member may put questions to the witness. Witnesses examined in Committee of the whole Council.

## CHAPTER XV.

### MESSAGES FROM AND ADDRESSES TO THE GOVERNOR.

- <sup>504</sup>  
**298** 229. A Message, signed by the Governor, may be brought to the Council by a Minister of the Crown, being a Member, who shall present it to the President. How communicated.
- <sup>504</sup> 230. The President shall immediately read the Message to the Council, and, if necessary, a day shall be fixed for taking the same into consideration. Consideration of Message from the Governor.
- <sup>506</sup> 231. A verbal Message from the Governor may be communicated to the Council by a Minister of the Crown, being a Member. Verbal message may be communicated by Minister.

- 302** 232. Addresses to the Governor may be presented by the whole Council, by the President, or by such Members as the Council may name for that purpose. Addresses, how presented.
233. When an address is ordered to be presented by the whole Council, the President, with the Members, on being admitted to the Governor's presence, shall read the address to the Governor; the Members who moved and seconded such address being on his left hand. By the whole Council.
234. When it is ordered that an Address in which the Assembly joins the Council be presented by the whole Council, such Address shall be presented by the President, and such Members as may be named by the Council, together with the Speaker and the Members appointed by the Assembly. Addresses in which the Assembly shall join the Council.
235. The Governor's answer to any Address presented by the whole Council shall be reported to the Council by the President. Governor's answer to Address presented by the whole Council.
236. The Governor's answer to any Address presented otherwise than by the President shall be reported to the Council by the Member or one of the Members presenting the same. To Address presented otherwise than by the whole Council.
237. Unless it be otherwise ordered by the Council, all Addresses to the Governor shall be forwarded by the Clerk of the Council. Unless otherwise ordered Addresses to the Governor shall be forwarded by Clerk.
- 305** 238. The concurrence of the Council in an address communicated by the Assembly shall be signified by Message. Concurrence with other House to be signified by Message.

## CHAPTER XVI.

### PETITIONS.

239. No petition shall be presented after the Council has proceeded to the Orders of the Day. Time for presentation of petitions.
- 614** 240. Petitions can only be presented to the Council by a Member, and no Member can present a petition from himself. Petitions presented by Members.
- 611** 241. Every petition shall be respectful, decorous, and temperate in its language. Petitions to be respectful.
- 616** 242. Every member presenting a petition shall acquaint himself with the contents thereof, and ascertain that it does not contain language disrespectful to any branch of the Legislature, or violate any of the Standing Orders of the Council, and shall affix his name at the beginning of the petition. Contents of petitions.
- 609** 243. Every petition must contain a prayer at the end thereof. To contain a prayer at the end.
- 610** 244. Every petition must be signed by at least one person on the last page thereof. To be signed on the last page.
- 610** 245. Every petition shall be signed by the parties whose names are appended thereto, with their names or marks, and by no one else on their behalf, except in case of incapacity by sickness. To be signed by the parties.
- 610** 246. The signatures shall be written upon the petition itself or upon sheets attached thereto, but no individual or single signature shall be pasted upon, or otherwise transferred thereto. Signatures not to be transferred.

**610** 247. Petitions of corporations shall be made Petitions of corporations.  
**317** under their common seal.

248. If any person forge the name of any Forgery of signatures.  
 other person to any petition to the Council or  
 affix thereto any fictitious name, he shall be  
 deemed guilty of contempt.

**610** 249. Every petition shall be in the English To be in English.  
**314** language, or be accompanied by a translation,  
 certified by the Member who presents it.

**610** 250. No letters, affidavits, or other documents No letters, &c., to be attached.  
**318** may be attached to any petition.

**319** 251. No reference shall be made in a petition Debates not to be referred to.  
 to any debate in Parliament.

**618** 252. Every Member offering to present a Members confined to statement of facts in petition.  
**335** petition to the Council, not being a petition for  
 a private Bill, or relating to a private Bill  
 before the Council, shall confine himself to a  
 statement of the parties from whom it comes,  
 of the number of signatures attached to it, and  
 of the material allegations contained in it, and  
 to the reading of the prayer of such petition.

**618** 253. Every such petition not containing Not to be debated. But may be read by Clerk.  
**336** matter in breach of the privileges of the  
 Council, and which according to the rules or  
 usual practice of the Council can be received,  
 shall be handed to the Clerk at the table, and  
 the President shall not allow any debate upon,  
 or in relation to such petition ; but it may be  
 read by the Clerk if required.

**618** 254. In the case of such petition complaining Petitions complaining of grievances.  
**337** of some present personal grievance, for which  
 there may be an urgent necessity for providing  
 an immediate remedy, the matter contained in  
 such petition may be brought into discussion on  
 the presentation thereof.

255. No petition the prayer of which is for a Petition for distinct grant of money cannot be received.  
 distinct grant of money shall be received by the  
 Council.

## CHAPTER XVII.

### BILLS.

**524** 256. Every Bill shall be brought in upon Bills ordered.  
**340** motion made and question put, That leave be  
 given to bring in such Bill.

**540** 257. A Bill shall be presented by the Bills presented by a Member.  
**348** Member who has obtained leave to bring in the  
 same, and immediately after its presentation its  
 first reading shall be proposed.

**540** 258. When any Bill is presented by a Member, First reading and printing without debate.  
**350** or is brought up from the Legislative Assem-  
 bly, the questions, "That this Bill be now read  
 a first time," and "That the Bill be printed,"  
 shall be decided without amendment or debate.

**541** 259. When a Bill has been read a first time, Bill ordered to be read a second time.  
**351** its second reading shall be made an Order of the  
 Day for a future day.

**545** 260. On the Order of the Day being read Second reading.  
**352** for the second reading of a Bill, the question  
 shall be put, "That the Bill be now read a  
 second time."

**546** 261. Amendments may be moved to such Amendments to question for second reading.  
**353** question by leaving out "now," and inserting  
 any other time ; or that the Bill be laid aside or  
 be rejected.

- 547 262. No other amendment may be moved to  
 354 such question, unless the same be strictly rele- Amendments  
 vant to the Bill. to be rele-  
 vant.
- 552 263. A Bill having been read a second time,  
 577 may be ordered to be committed to a Committee Bill com-  
 355 of the whole Council, or to a Select Committee. mitted.
- 552 264. On the Order of the Day being read for  
 356 the Committee on a Bill, the President shall put Committee  
 the question, "That I do now leave the Chair;" of the whole  
 which being resolved in the affirmative, the Council on  
 the Council resolves itself into a Committee of the the Bill.  
 whole Council on the Bill.
265. When the Committee has reported pro- After pro-  
 gress, the President shall leave the Chair on the gress has  
 Order of the Day being read without putting been re-  
 any question. ported.
- 552 266. An amendment may be moved to the  
 357 question, That the President do now leave the Amendments  
 Chair, by leaving out all the words after the to the ques-  
 word "That" in order to add the words "this tion for the  
 Council will, on (*some future day*), resolve itself President to  
 into the said Committee." leave the  
 Chair.
- 552 267. On the Order of the Day being read for  
 358 the committal of a Bill, an instruction may be Instructions  
 moved to the Committee, but shall not be moved to Com-  
 by way of amendment. mittee.
268. In Committee on a Bill the Preamble Preamble  
 shall stand postponed until after the considera- postponed.  
 tion of the rest of the Bill without question put.
- 561 269. Any amendment may be made to a  
 565 subject-matter of the Bill, or pursuant to an Amendments  
 instruction, and be otherwise in conformity with to clauses,  
 the rules and orders of the Council; but if any &c.  
 566 such amendment be not within the title of the  
 362 Bill, the Committee shall extend the title  
 accordingly, and report the same specially to  
 the Council.
- 562 270. A question shall be put that each  
 363 "clause stand part of the Bill," or "as amended Clause to  
 stand part of the Bill." stand part of  
 the Bill.
- 566 271. Any clause may be postponed, although Clauses post-  
 365 the same has already been amended. poned.
272. New clauses relevant to the subject- When new  
 matter of the Bill, or pursuant to any instruction, Clauses to be  
 shall be proposed after the clauses in the Bill proposed.  
 have been considered, and before the schedules,  
 if any, are proposed.
- 568 273. After every clause and schedule has been Preamble  
 366 agreed to, the preamble shall be considered, and agreed to.  
 if necessary amended; and a question shall be  
 put, "That the preamble, or the preamble as  
 amended (as the case may be), stand part of  
 the Bill."
- 569 274. No notice may be taken of any pro- Proceedings  
 367 ceedings in Committee of the whole Council, in Committee  
 or a Select Committee on a Bill, until such pro- not to be  
 ceedings or Bill have been reported. noticed until  
 reported.
- 570 275. When the Bill has been fully con- Bill reported  
 369 sidered, the Chairman shall be directed to report  
 the Bill, with or without amendment, to the  
 Council.
- 573 276. At the close of the proceedings of a Bill as amen-  
 370 Committee of the whole Council on a Bill, the ded to be con-  
 Chairman shall report the Bill forthwith to the sidered.  
 Council, and a time shall be appointed for taking  
 such Report into consideration.

575 277. After a Bill has been reported to the Council such Bill or any specified Clause or  
 577 Clauses thereof may be ordered to be recom-  
 374 mitted to a Committee of the whole, either upon the same or upon any future day, or the Bill may be ordered to be committed to a Select Committee.

Bills re-  
committed.

278. Before any Bill is read a third time, the  
 Chairman of Committees shall certify that it is  
 in accordance with the Bill as agreed to by the  
 Committee.

Certificate of  
Chairman.

582 279. The order of the day for the third  
 375 reading of a Bill may be read and discharged,  
 and the Bill ordered to be recommitted, or any  
 specified clause or clauses thereof, may be  
 ordered to be recommitted to a Committee of  
 the whole, or the Bill may be ordered to be  
 committed to a Select Committee.

Order for  
third reading  
discharged.

376 280. The Order of the Day being read for  
 the third reading of a Bill, the question shall be  
 put, "That the Bill be now read a third time,"  
 to which amendments may be moved, as on the  
 second reading.

Third read-  
ing.

582 281. After a Bill has been read a third time,  
 verbal or consequential amendments, and none  
 other, may be made.

Verbal or  
consequen-  
tial amend-  
ments made.

379 282. The further proceedings on a third read-  
 ing may be adjourned to a future day.

Further pro-  
ceedings on  
third reading  
adjourned.

582 283. After the third reading, and further  
 378 proceedings thereon, the question shall be put,  
 "That this Bill do pass"; after which the title  
 of the Bill shall be agreed to, or amended and  
 agreed to.

Bills passed  
and title  
agreed to.

380 284. By leave of the Council, Bills may be  
 passed with unusual expedition through their  
 several stages.

Bills passed  
with unusual  
expedition.

584 285. When a Bill has been originated in  
 382 the Council and all the proceedings thereon  
 have been concluded, the Bill shall be ordered  
 to be transmitted to the Legislative Assembly  
 and their concurrence desired.

Bills sent to  
the Legisla-  
tive Assem-  
bly.

587 286. When a Bill is returned from the Legis-  
 383 lative Assembly with any clause or portion of a  
 clause struck out or with any other amend-  
 ments, such amendments shall be read and  
 agreed to, or agreed to with amendments, or  
 disagreed to, or may be restored, with or with-  
 out amendments, or the further consideration  
 thereof put off to some future day, or the Bill  
 ordered to be laid aside or rejected.

Bills re-  
turned from  
the Legisla-  
tive As-  
sembly.

384 287. Amendments by the Legislative As-  
 sembly to Bills originated in the Council shall  
 be appointed to be considered on a future day,  
 unless the Council order them to be considered  
 forthwith.

Amendments  
of Legislative  
Assembly.

288. When a Bill has originated in the Legis-  
 lative Assembly, and has been agreed to by the  
 Council with amendments, such Bill with the  
 amendments attached thereto shall be returned  
 to the Legislative Assembly and their concu-  
 rence desired in such amendments.

Bills re-  
turned to  
Legislative  
Assembly  
with amend-  
ments.

289. When a Bill which has originated in  
 the Assembly has been agreed to by the Council  
 without amendment, a Message shall be trans-  
 mitted to the Legislative Assembly acquainting  
 them therewith.

Bills agreed  
to without  
amendment.

18 & 19 Vict., c. 55, s. 36. 290. Whenever His Excellency the Governor proposes any amendment in a Bill presented to him for Her Majesty's assent, which has originated in the Council, and the Message proposing such amendment is transmitted to the Council, the amendment shall be agreed to or not agreed to by the Council, but no amendment shall be proposed therein. Amendments proposed by Governor.

291. When the Council have agreed to any amendment proposed as last aforesaid by His Excellency the Governor, such amendment shall be transmitted by Message to the Legislative Assembly for their concurrence. When Governor's amendments are agreed to, to be sent to Legislative Assembly.

292. Whenever the Legislative Assembly have agreed to any amendment proposed to be made by His Excellency the Governor in any Bill, and transmit the same to the Council, the amendment shall be agreed to or not agreed to by the Council, but no amendment shall be proposed therein. Amendments of Governor agreed to by Assembly how dealt with by Council.

293. Whenever any Bill for repealing, altering, or varying all or any of the provisions of the Constitution Act, and for substituting others in lieu thereof, has passed its second and third readings in the Council, with the concurrence of an absolute majority of the whole number of the Members of the Council, the Clerk, or other proper officer of the Council, shall certify the fact on the Bill accordingly. Bills altering Constitution Act how certified.

CHAPTER XVIII.

ACCOUNTS, PAPERS, AND PRINTING.

294. The Council may order that accounts and papers be laid before it, and may, if it think fit, direct the same to be printed. Accounts, &c., ordered.

623 295. When the Royal prerogative is concerned in any account or paper, an address shall be presented to the Governor praying that the same may be laid before the Council. Addresses for papers.

388 296. Other papers may be presented by command of His Excellency the Governor, or pursuant to Statute. Papers presented pursuant to Statute or by command.

629 297. At the commencement of each Session, a Select Committee shall be appointed to consider and order upon all matters which relate to the printing to be executed by order of the Council, and for the purpose of selecting and arranging for printing returns and papers, presented in pursuance of motions made by Members. Appointment of Printing Committee.

628 298. When any account or paper is presented by a Member, it shall be delivered to the Clerk of the Council. Papers presented by Members.

299. Accounts and other papers which are required to be laid before the Council by any Act of Parliament, or by any order of the Council, may be deposited with the Clerk, and the same shall be laid on the table, and a list of such accounts and papers read by the Clerk. Papers deposited with the Clerk of the Council.

300. Every account and paper not presented pursuant to any Act of the Legislature shall be ordered to lie upon the Table. Accounts and Papers ordered to lie on the table.



## CHAPTER XIX.

## MISCELLANEOUS.

301. In all cases not herein provided for, resort shall be had to the Rules, Forms, Usages, and Practice of the Commons House of Parliament of Great Britain and Ireland, which shall be followed so far as the same may be applicable to this Council or any Committee thereof and not inconsistent with the foregoing Rules.

Resort to be had in cases for which no provision is made by these rules to the practice of the House of Commons.

302. The foregoing Rules and Orders, or any of them, may at any time be suspended or dispensed with by the Council, but (except by leave of the Council) no motion shall be made to dispense with any such Rule or Order without due notice thereof.

Standing Orders may be suspended on notice being given.

303. In these Standing Orders, the expression "leave of the Council" shall mean the leave of the Council granted without any negative voice.

Interpretation of "Leave of the Council."

1887.

VICTORIA.

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# EUROPEAN COLONISTS OF FIJI.

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## MEMORIAL.

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*Ordered by The Legislative Council to be printed, 25th October, 1887.*

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TO THE HONORABLE THE PRESIDENT AND MEMBERS OF THE LEGISLATIVE COUNCIL OF VICTORIA  
IN PARLIAMENT ASSEMBLED.

The Memorial of the undersigned

RESPECTFULLY SHEWETH—

1. That your Memorialists are the European colonists of Fiji, representing all classes and all interests, and that their memorial is the unanimous expression of public opinion obtained at meetings held in the chief centres of population throughout the colony.

2. That the population of Fiji consists of 2105 Europeans—who, with absentee proprietors, own approximately one-tenth of its area, and represent upwards of £3,000,000 of invested capital, a full half of which has been derived from Victoria—and about 120,000 natives, including Indian and Polynesian laborers.

3. That for nearly thirteen years the country has been a British dependency, and has been governed as a Crown Colony of a severe type, a system of administration absolutely autocratic, which vests all legislative and executive power in the hands of the Governor, and excludes the colonist from any practical part in the management of their own affairs.

4. That this system has proved most unsuitable and injurious to the agricultural, industrial, and commercial development of the colony, based as it is upon the obsolete principle of taxation without representation.

5. That under it the revenue is almost entirely absorbed in the payment of official salaries, while matters of vital importance to the colony receive no public aid; and that out of an estimated revenue for the current year of £73,672, but £3284 is appropriated for public works.

6. That the revenue derived from the colony is amply sufficient to meet the requirements of a simple and suitable form of Government, and that with the development of its resources this revenue would of course expand.

7. That the Supreme Court administration vests in a single Judge, from whose decision there is virtually no appeal; and both in civil suits, and in all criminal cases where men of colored races are concerned, either as accusers or accused, the right of trial by jury is withheld.

8. That while trial by jury in civil cases is provided for by the rules of Court, dated 2nd March, 1876, made under the Supreme Court Ordinance 1875, yet, as the Government have failed to provide the necessary machinery, juries cannot be obtained.

9. That the profitable employment of capital and labor is almost impossible under the existing governmental restrictions.

10. That, in the interests of Europeans and natives alike, it has been considered desirable to make a vigorous effort to obtain the annexation of Fiji to the colony of Victoria.

11. That your Memorialists are strongly of opinion the incorporation would work to mutual advantage, and the following are submitted as some of the reasons calculated to induce the consent of Victoria:—

(a) That Victoria and Fiji are already associated as two of the Federated Colonies of Australasia.

(b) That in view of foreign commercial aggression upon colonial interests and connections in the South Pacific, a present necessity exists for drawing closer this bond of federation for purposes of self-defence and mutual protection.

(c) That, as the tropical province of Victoria, Fiji would represent an area of 5,000,000 acres, the greater part of which is suitable for the cultivation of products in general use—notably the important article of Tea—which cannot be raised in Victoria; and that many of these, such as Sugar, Tobacco, and Cocoanuts, would require such industrial treatment in Victoria, in order to render them marketable, as would provide employment for a large manufacturing population.

- (d) That the total trade of Fiji last year amounted to £514,125, over one-half of which (£278,775) was done with New South Wales; whereas the trade between Victoria and Fiji only amounted to £60,240, or about one-fifth of that done with the former colony—proportions which would be reversed were Fiji an integral part of Victoria.
- (e) That the Victorian capital before referred to as being invested in Fiji would then realize its due return.
- (f) That Fiji, suitably administered as the tropical province of Victoria, would not only be self-supporting, but, as its present revenue conclusively proves, would be able to meet the interest due upon its public debt, which debt now amounts to about £300,000, half of which is bearing interest at  $4\frac{1}{2}$  per cent., and £114,304 of the remainder is an Imperial loan without interest.

12. That, in addition to the foregoing, there may fairly be taken into consideration the quiet, tractable, and law-abiding character of the Fijians, as proved by the experience of the past.

13. That your Memorialists are encouraged to make this proposal both from the interest Victoria has taken in New Guinea and the New Hebrides, and from the declaration of Lord Derby, Secretary of State for the Colonies, to the West Indian deputation (August 28, 1884), to the effect that, in the event of two colonies desirous of closer connection coming to terms, "under hardly any conceivable circumstances would the Colonial Office desire to oppose such an arrangement." (*Vide margin.*)

14. That, in desiring this connection, your Memorialists are convinced the native population would warmly join in the request, if it were possible to submit it for their approval; and they are confident that the interests of the Fijians, Indians, and Polynesians would be as safe in the hands of the Victorian Government as under Imperial control, or as are the interests of other colored races in the hands of colonies similarly situated—to wit, Canada with the Indians, New Zealand with the Maories, and Queensland with the people of New Guinea.

Your Memorialists, therefore, now most humbly pray—

- 1st. That your honorable House will give this Memorial, as submitted, its favorable consideration.
- 2nd. That you will be pleased to approve and support the proposal, and, by your powerful representation to the Imperial Government, assist your Memorialists in their endeavour to obtain the incorporation of Fiji with Victoria.

And your Memorialists, as in duty bound, will ever pray, &c.

Fiji, 19th August, 1887.

[Here follow 409 Signatures.]

VICTORIA



VOTES

AND

PROCEEDING

OF THE

LEGISLATIVE

COUNCIL

SESSION

1887

COUNCIL  
CHAMBER