

VICTORIA



VOTES

AND

PROCEEDINGS

OF THE

LEGISLATIVE

COUNCIL

SESSION

1889.

COUNCIL
CHAMBER



VICTORIA.



VOTES AND PROCEEDINGS

OF THE

LEGISLATIVE COUNCIL

DURING THE SESSION

1889,

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

By Authority: 6

ROBT. S. BRAIN, GOVERNMENT PRINTER, MELBOURNE.

TABLE OF CONTENTS.

	Page.
RETURN OF MEMBERS OF COUNCIL AT OPENING OF PARLIAMENT	v
INDEX	vii
SUMMARY OF PROCEEDINGS ON BILLS INTRODUCED INTO THE COUNCIL	xviii
MINUTES OF PROCEEDINGS	1
SELECT COMMITTEES	161
WEEKLY REPORT OF DIVISIONS	161A

RETURNS TO ADDRESSES AND ORDERS AND PAPERS:—

A 1. List of Charges which Attorneys and Solicitors and others may make, &c. ...	179
--	-----

MESSAGE FROM THE GOVERNOR:—

B 1. Western Australia—Extension of Responsible Government to	183
--	-----

RETURNS TO ORDERS:—

C 1. Railways—Lateral Deviations of	185
2. Civil Service Appointments	189
3. Public Loans for Public Purposes	201
4. Escapees and Libérés from New Caledonia	205
5. Public Service Act—4th and 5th Class Officers	207

REPORTS OF SELECT COMMITTEES:—

D 1. "The Committee of Elections and Qualifications"—Report of—On Petition of John Hanlon Knipe	209
2. Report—Refreshment Rooms Committee	225
3. "The Committee of Elections and Qualifications"—Report of—On Petition of Nathaniel Levi	229
4. Report—Refreshment Rooms Committee	241
5. "The Committee of Elections and Qualifications"—Report of—On Petition of George Moore	245
6. Consolidation of the Laws	261



RETURN OF MEMBERS OF THE LEGISLATIVE COUNCIL 23RD JULY, 1889.

Names arranged in Order of Retirement.	Elected at—		Dates of Retirement.	Remarks.
	Nomination.	Polling.		
MELBOURNE PROVINCE :				
The Honorables—				
James Service	31 Aug. 1888	...	1894	Retired by rotation, and re-elected.
Cornelius Job Ham	27 Aug. 1886	...	1892	Retired by rotation, and re-elected.
Sir James Lorimer	2 Mar. 1886	...	1890	Accepted an office of profit and was re-elected.
NORTH YARRA PROVINCE :				
The Honorables—				
George Le Fevre	31 Aug. 1888	...	1894	Retired by rotation, and re-elected.
William Henry Roberts ... ..	...	9 Sept. 1886	1892	Elected in place of Hon. G. Meares, C.M.G., who retired by rotation.
James George Beaney ... ..	...	11 Sept. 1884	1890	Retired by rotation, and re-elected.
SOUTH YARRA PROVINCE :				
The Honorables—				
Sir James MacBain	31 Aug. 1888	...	1894	Retired by rotation, and re-elected.
Simon Fraser	27 Aug. 1886	...	1892	Retired by rotation, and re-elected.
Frederick Thomas Sargood	29 Aug. 1884	...	1890	Retired by rotation, and re-elected.
SOUTHERN PROVINCE :				
The Honorables—				
Sir William John Clarke, Bart.	31 Aug. 1888	...	1894	Retired by rotation, and re-elected.
Donald Melville	27 Aug. 1886	...	1892	Retired by rotation, and re-elected.
Charles Henry James ... ..	...	20 Oct. 1887	1890	Elected in place of the late Hon. T. Henty, deceased.
SOUTH-EASTERN PROVINCE :				
The Honorables—				
Frank Stanley Dobson	31 Aug. 1888	...	1894	Retired by rotation, and re-elected.
James Buchanan... ..	...	9 Sept. 1886	1892	Retired by rotation, and re-elected.
James Balfour	17 Aug. 1880	...	1890	Assigned from original South Province.
NELSON PROVINCE :				
The Honorables—				
William Henry Seville Osmand ... ..	...	13 Sept. 1888	1894	Elected in place of Hon. Jas. Williamson, who retired by rotation.
Thomas Dowling ... ..	...	9 Sept. 1886	1892	Elected in place of Hon. H. H. Wettenhall, who retired by rotation.
James Phillip MacPherson ... ..	...	8 Nov. 1887	1890	Elected in place of the late Hon. T. Bromell, deceased.
WESTERN PROVINCE :				
The Honorables—				
Samuel Winter Cooke	31 Aug. 1888	...	1894	Elected in place of Hon. W. Ross, who retired by rotation.
Nathan Thornley	27 Aug. 1886	...	1892	Retired by rotation, and re-elected.
Agar Wynne	21 Nov. 1888	...	1890	Elected in place of Hon. T. F. Cumming resigned.
WELLINGTON PROVINCE :				
The Honorables—				
David Ham	31 Aug. 1888	...	1894	Retired by rotation, and re-elected.
Henry Gore ... ..	...	9 Sept. 1886	1892	Elected in place of Hon. G. F. Belcher, who retired by rotation.
Henry Cuthbert	2 Mar. 1886	...	1890	Accepted an office of profit and was re-elected.
SOUTH-WESTERN PROVINCE :				
The Honorables—				
Sidney Austin	31 Aug. 1888	...	1894	Elected in place of Hon. W. Robertson, who retired by rotation.
Donald Smith Wallace ... ..	...	20 June 1889	1892	Elected in place of Hon. F. Ormond, deceased.
Joseph Henry Connor	15 May 1886	...	1890	Elected in place of Hon. Philip Russell, resigned.
NORTH-EASTERN PROVINCE :				
The Honorables—				
James Stewart Butters ... ..	...	27 Nov. 1888	1894	Elected in place of the Hon. John Turner, unseated on petition. Mr. Turner was elected in place of Hon. P. Hanna (who retired by rotation).
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.

RETURN OF MEMBERS—*continued.*

Names arranged in Order of Retirement.	Elected at—		Dates of Retirement.	Remarks.
	Nomination.	Polling.		
GIPPSLAND PROVINCE :				
The Honorables—				
George Davis ... ..	...	13 Sept. 1888	1894	Elected in place of Hon. J. G. Dougharty, who retired by rotation.
William Pearson...	...	9 Sept. 1886	1892	Retired by rotation, and re-elected.
William McCulloch ... ..	...	16 Sept. 1880	1890	Assigned from original Eastern Province.
NORTH CENTRAL PROVINCE :				
The Honorables—				
William Austin Zeal	31 Aug. 1888	...	1894	Retired by rotation, and re-elected.
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.
NORTHERN PROVINCE :				
The Honorables—				
Frederick Illingworth ... ..	...	16 July 1889	1894	Elected in place of Hon. W. P. Simpson, resigned.
Joseph Henry Abbott	4 April 1889	...	1892	Elected in place of Hon. D. C. Sterry, resigned.
William Irving Winter	10 Dec. 1884	...	1890	Elected in place of Hon. Sir W. H. F. Mitchell, deceased.
NORTH-WESTERN PROVINCE :				
The Honorables—				
James Bell	31 Aug. 1888	...	1894	Retired by rotation, and re-elected.
David Coutts	27 Aug. 1886	...	1892	Retired by rotation, and re-elected.
George Young	29 Aug. 1884	...	1890	Retired by rotation, and re-elected.

JOHN BARKER,
Clerk of the Legislative Council.

Legislative Council,
Melbourne, 23rd July, 1889.

INDEX.

NOTE.—For reference to the Proceedings on Bills, subsequent to their initiation, see "Summary of Proceedings on Bills."

*** To facilitate reference to Papers ordered to be printed, the Cypher (as A 1) at the bottom of the title-page of each Paper has been inserted in the Index and Table of Contents.

	Minutes of and Printed Proceedings and Papers.		Papers presented to both Houses of Parliament.		
	Page.	Page.	Vol. I. Page.	Vol. II. Page.	Vol. III. Page.
A.					
Aborigines—Twenty-fifth Report of the Board for the Protection of the : Presented (No. 129)	127	...	...	...	447
Accounts—Agricultural Education. See "Agricultural Education." Public : General Regulations respecting : <i>Re Powers-of-Attorney</i> : Presented (No. 68)	21	...	...	789	
Addition to					
Administration of Public Service Act. See "Public Service Act"					
Agricultural Education—Accounts of the Trustees of Agricultural Colleges and the Council of Agricultural Education, from 1st July, 1888, to 31st December, 1888: Presented (No. 24)	14	...	733		
" " Accounts of the Trustees of Agricultural Colleges and the Council of Agricultural Education from 1st January, 1889, to 30th June, 1889 : Presented (No. 128)	116	...	...	...	441
Agricultural Industries Bill : Initiated	144				
Ammunition Factory Bill : Initiated	88				
Ammunition Factory—Lease of Land for : Presented (No. 147)	58	...	...	...	725
Appropriation Bill : Initiated	122				
Asylums for the Insane. See "Insane, Hospitals for the."					
Assurance and Insurance Companies—Reports deposited by, in the Registrar-General's Office for the Year 1887 : Presented	48				
Australasian Statistics for the Year 1888—Compiled from Official Returns, with a Report by the Government Statist of Victoria : Presented (No. 146)	113	...	...	...	705
B.					
Bairnsdale—Message from Legislative Assembly transmitting an Address to Administrator of the Government praying that the Sittings of Supreme Court may be held at—and Adoption of Address to Administrator of the Government	148				
Bacchus Marsh—Irrigation, &c. See "Irrigation and Water Supply Trust."					
Bank Liabilities and Assets : Presented— Summary of Sworn Returns : Quarter ended 31st December, 1888 : (No. 7)	14	...	615		
" " " Quarter ended 31st March, 1889 : (No. 38)	20	...	...	541	
" " " Quarter ended 30th June, 1889 : (No. 115)	41	...	...	...	163
" " " Quarter ended 30th September, 1889 : (No. 161)	127	...	...	...	837
Benjeroop and Murrabit Irrigation, &c. See "Irrigation and Water Supply Trust."					
British New Guinea. See "New Guinea."					
C.					
Campaspe Irrigation. See "Irrigation and Water Supply Trust."					
Charitable Institutions— Report of Inspector for the Year ended 30th June, 1889 : Presented (No. 151)	101	...	...	...	769
Civil Service Appointments—Motion for Return of all appointments and promotions made by way of transfer from one Department to another (<i>Hon. J. Service</i>)	27				
Return	37				
Ordered to be printed (C 2)	68	189			
Cohuna Irrigation, &c. See "Irrigation and Water Supply Trust."					
Collingwood Land Vesting Bill : Initiated	149				
Colonial Forces. See "Discipline Act."					
Colonial Governors. See "Governors."					
Conference with the Legislative Assembly. See "Customs Duties Bill 1889."					
Consolidated Revenue Bill : Initiated	34				
Consolidated Revenue Bill (2) : Initiated	74				
Consolidation of Laws— Message from Legislative Assembly requesting Council to concur in appointment of Joint Committee to consider and report upon the question of	76				
Committee (Joint): Appointed	76				
Message from Legislative Assembly acquainting Council of the time and place of the first meeting of Joint Committee	76				
Report brought up: (D 6)	119	261			
Constitution (New) for Western Australia. See "Western Australia."					

	Minutes of Proceedings and Printed Papers.	Papers presented to both Houses of Parliament.		
		Page.	Page.	Page.
Constitution Statute. Statement of Expenditure under Schedule D to Act 18 and 19 Vict., cap. 55, during the Year 1888-9: Presented (No. 136)	66	...	...	535
Contractors' Lien Bill: Initiated	142	...	...
Council—				
Alteration in time of Sitting of: Motion (<i>Hon. H. Cuthbert</i>)	113, 120			
Business, Conduct of—Motion regarding the submission of Bills at the close of the Session (<i>Hon. W. A. Zeal</i>): Negatived	27			
Chairman of Committees: Hon. Dr. Dobson appointed	17			
Commission to open Parliament: Read	1			
Commissioners appointed to open Parliament: Introduced and proceedings thereon	1			
Days of Business, appointed	18			
The Administrator of the Government—Approach of—Announced	9			
His Excellency's Speech reported	14			
Motion for Address in Reply, and Committee appointed to draw up same Report brought up	14			
Adopted and ordered to be presented	18			
Presented, and His Excellency's Reply reported	19			
Speech of, on Opening of Parliament	9			
on Prorogation of Parliament	159			
List of Charges which Attorneys, &c., may make in respect of business before—under Parliamentary Costs Act 1877 (A 1)	39			
Members—				
Declarations of, delivered to Clerk	2, 3, 10, 19, 21, 25, 29, 47, 51, 57, 61, 63, 69			
Substituted declaration of	115			
Leave of Absence granted to the Hon. W. E. Stanbridge	20, 45			
” ” Hon. W. I. Winter	45			
” ” Hon. W. H. S. Osmand	97			
New: Introduced and sworn	2, 21, 29, 47, 57, 61, 63, 69			
Resignation of Seats of (<i>Hon. W. P. Simpson</i>)	19			
” ” (<i>Hon. Dr. Le Fevre</i>)	45			
President: Unavoidably absent: Hon. Dr. Dobson chosen to fill the office temporarily	30			
Opinion of, as to power of Council to deal with clauses 5 and 7 in “Customs Duties Bill 1889”	79			
Ruling of—Petition not in order	101			
” Motion: To disagree with (<i>Hon. J. Service</i>) negatived	109			
Proclamation: Convening Parliament, read	1			
Prorogation of Parliament: Proceedings on	158			
Refreshment Interval: Motion respecting (<i>Hon. J. Service</i>)... ..	30			
Standing Orders suspended	127			
Writs—Issue of: Announced: Northern Province	2			
South-Western Province	13			
North Yarra Province	45			
Writs—Return to: Announced: Northern Province	2			
South-Western Province	21			
Northern Province	29			
North-Eastern Province	45			
Melbourne Province	47			
Wellington Province	47			
North Yarra Province	47			
South Yarra Province	57			
Northern Province	57			
North-Western Province	61			
Gippsland Province	61			
North-Western Province	63			
Melbourne Province	69			
County Court Judges: Motion: As to future appointments (<i>Hon. W. A. Zeal</i>) negatived	39			
Customs Duties Bill 1889: Initiated	65			
” Opinion of the Hon. The President as to powers of the Council to deal with clauses 5 and 7 of	79			
” Motion for appointment of Joint Committee on the inclusion of clauses 5 and 7 in (<i>Hon. Lieut.-Col. Sargood</i>)	85			
” Motion—That a Message be sent to the Legislative Assembly desiring appointment of Committee to confer on subject of (<i>Hon. Lieut.-Col. Sargood</i>)	85			
” Message from Legislative Assembly acquainting Council that they had appointed a Committee to confer with Committee of Council	86			
” Statement of result of Conference by (<i>Hon. Lieut.-Col. Sargood</i>)	87			
” Protest of Council on third reading of (<i>Hon. Lieut.-Col. Sargood</i>)	89			
D.				
Defence, Council of: Report of the: Presented (No. 104)	48	...	...	1
Department—Statement of Expenditure: Special Appropriation, Act No. 777, sec. 7, and Appropriation Act, No. 1006, Financial Year 1888-9: Presented (No. 145)	66	...	...	701
Defences—Report by Major-General J. Bevan Edwards, C.B., on the Military Forces and Defences of Victoria, with a Memorandum containing proposals for the re-organization of the Australian Forces: Presented (No. 139)	79	...	...	543

	Minutes of Proceedings and Printed Papers.		Papers presented to both Houses of Parliament.		
	Page.	Page.	Vol. I. Page.	Vol. II. Page.	Vol. III. Page.
Discipline Acts—Regulations, &c.: Presented—					
" Victorian Military Forces: Revised Regulations (No. 34) ...	14	...	...	447	
" Inspection of Colonial Forces by an Imperial General Officer: Presented (No. 57) ...	20	...	...	613	
" Victorian Military Forces—Alterations and Additions (No. 118) ...	41	...	...	...	171
" " " " (No. 138) ...	116	...	...	...	541
" " " " and Additions (No. 159) ...	127	...	...	...	833
" Victorian Naval Forces—Alterations and Additions (No. 117) ...	41	...	...	...	169
" Volunteer Cadet Corps—Additions (No. 137) ...	116	...	...	...	539
Divorce Law Amendment Bill: Initiated ...	88	...	...	...
" Reservation of Royal Assent to ...	159	...	...	...
Duties on Estates Amendment Bill: Initiated ...	87	...	...	...
E.					
East Boort Irrigation, &c. See "Irrigation and Water Supply Trust."					
Echuca (Borough) Waterworks Trust					
" and Waranga (United) Waterworks Trust } See "Waterworks."					
Education Endowment Commissioners Bill: Initiated ...	110	...	...	...
" (Teachers) Act 1888 Regulations: Presented—					
" " " " (No. 64) ...	21	...	...	749	
" " " " Regulation (No. 63) ...	21	...	...	747	
" " " " Regulations (No. 65) ...	21	...	...	751	
" " " " " (No. 66) ...	21	...	...	753	
" Report of the Minister of Public Instruction, for the Year 1888-9: Presented (No. 98) ...	66	...	...	1119	
" Law Further Amendment Bill: Initiated ...	48	...	...	...
Elections and Qualifications Committee—					
List of Charges under "Parliamentary Costs Act 1877," which may lawfully be made by Attorneys, &c.: (A 1) ...	39	179	...	...
Members of, sworn at Council Table ...	24, 70		...	...
President's Warrant Appointing: Laid on Council Table ...	17, 19, 21		...	...
President's Warrant Appointing a Member of: Laid on Council Table ...	58, 61, 63		...	...
Petitions referred to, &c.—					
Gippsland Province Election—					
Petition from G. Moore, M.D., against the return of the Honorable Charles Sargeant: Laid on Table ...	107		...	...
Referred to Committee of Elections and Qualifications ...	107		...	...
Report brought up: (D 5) ...	119	245	...	...
North-Eastern Province Election—					
Petition from J. H. Knipe against the return of the Honorable J. S. Butters: Laid on Table ...	23		...	...
Referred to Committee of Elections and Qualifications ...	24		...	...
Report brought up (D 1) ...	31	209	...	...
South-Western Province Election—					
Petition from N. Levi, against the return of the Honorable Donald Smith Wallace: Laid on Table ...	64		...	...
Referred to Committee of Elections and Qualifications ...	65		...	...
Report brought up (D 3) ...	75	229	...	...
Elsternwick Public Lands Exchange Bill: Initiated ...	66		...	...
Emu Valley Irrigation, &c. See "Irrigation and Water Supply Trust."					
Error in transcription of Amendments—Fencing Bill—Message to Legislative Assembly respecting ...	127		...	...
Evidence (Law of) Amendment Bill: Initiated ...	27		...	...
Expiring Laws Continuance Bill: Initiated ...	121		...	...
Explosives Act: Reports of the Inspectors of Explosives to the Honorable the Minister of Mines for Victoria on the working of—during the Year 1888: Presented (No. 113) ...	48	...	...	...	151
F.					
Factories and Shops Act: Report of Chief Inspector of Factories, Workrooms, and Shops, for the Year ended 31st December, 1888: Presented (No. 30) ...	14	...	...	7	
Federal Council of Australasia—					
Message from Administrator of the Government notifying the Resignation and Appointment of Representatives in: Presented ...	13		...	...
Increase of Numbers of Members of: Certificate of the Population of the Colony: Presented (No. 148) ...	66	...	...	...	733
Message from the Legislative Assembly transmitting Address to Her Majesty the Queen for an increase of Representative Members of Council ...	67		...	...
Motion for Joint Address to Her Majesty on increase of number of Members and for the insertion of the words "Legislative Council and the" (<i>Hon. H. Cuthbert</i>) ...	71		...	...
Message from the Legislative Assembly to His Excellency the Administrator of the Government requesting him to transmit Address to the Right Honorable the Secretary of State for the Colonies ...	68		...	...
Motion for Joint Address to His Excellency the Administrator of the Government requesting His Excellency to communicate Address to Her Majesty (<i>Hon. H. Cuthbert</i>) ...	71		...	...
Federal Council Referring Bill: Initiated ...	145		...	...
Fencing Law Amendment Bill: Initiated ...	58		...	...
Message to Legislative Assembly acquainting them of clerical error in tran- scribing amendments ...	127		...	...
Fisheries Act Amendment Act 1878, The: Presented—					
Close Season for English Perch (No. 43) ...	25	...	...	555	
Three Several Notices under (No. 106) ...	37	...	...	...	19
(No. 107) ...	37	...	...	...	21
(No. 108) ...	37	...	...	...	23

	Minutes of Proceedings	and Printed Papers.	Papers presented to both Houses of Parliament.		
			Vol. I. Page.	Vol. II. Page.	Vol. III. Page.
Fisheries Act 1873 and Fisheries Act Amendment Act 1878 : Notice (No. 114) ...	43	...	...	...	161
" Notice (No. 116) ...	43	...	...	...	167
" Notice: Fishing near the Mouth of the Merri River (No. 150) ...	79	...	...	...	767
" Notice: Fishing within Merri River, Lady Bay (No. 140) ...	79	...	...	...	553
" Notice (No. 153) ...	85	...	...	...	799
Friendly Societies—					
Tenth Annual Report of the Government Statist in connexion with—Part I.:					
Report for 1887 : Presented (No. 25) ...	14	...	739	...	
Report of the Registrar of : For the Years 1887 and 1888 : Presented (No. 90)	37	...	...	985	
Statistics of : For the Year 1887 : Tenth Annual Report of the Proceedings of the Government Statist in connexion with Part II. : Presented (No. 26) ...	73	...	759	...	
G.					
General Sessions Court : Appointment of, at Nhill : Address to Administrator of Go- vernment, &c. See "Nhill."					
" " Appointment of, at Bairnsdale. See "Bairnsdale."					
Governors, Colonial : Appointment of : Despatch from the Right Honorable the Secre- tary of State for the Colonies to the Governors of the Australian Colonies and New Zealand, dated 8th July, 1889 : Presented (No. 124) ...	75	...	...	...	351
Grain : Storage of—at Railways : Motion respecting (<i>Hon. J. M. Pratt</i>) ...	120				
H.					
Health: Central Board of: Report of the Board for Year 1888-9: Presented (No. 102)	58	...	...	1431	
Horsham Borough Waterworks Trust. - See "Waterworks Trust."					
Hospitals for the Insane. See "Insane: Hospitals for the."					
I.					
Import, Export, Transshipment, &c. See "Shipping Returns."					
Industrial, Probationary, and Reformatory Schools. See "Neglected Children."					
Inebriate Retreat Lands Bill : Initiated ...	149				
Insane : Hospitals for the—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, 1889 : Presented (No. 125) ...	58	...	...	...	357
Report of the Inspector of Asylums for the—For the Year ended 31st December, 1888 : Presented (No. 126) ...	113	...	...	...	359
Intestates Estates Relief Bill : Initiated...	74				
Irrigation Act Amendment and Extension Bill : Initiated...	142				
Irrigation Act 1886 : Orders in Council : Presented—					
Bacchus Marsh Irrigation and Water Supply Trust : Constitution of Trust (No. 50) ...	20	...	...	571	
Regulations for the Election of Commissioners (No. 51) ...	20	...	...	573	
Construction of Works (No. 52) ...	20	...	...	577	
Loan of £10,500 (No. 62) ...	20	...	...	745	
Benjeroop and Murrabit Irrigation and Water Supply Trust : Loan of £3,000 (No. 71) ...	25	...	...	797	
Further Loan of £5,000 (No. 70) ...	25	...	...	795	
Campaspe Irrigation and Water Supply Trust : First Petition—Engineer's Reports, Minister's Declarations, &c. ...	119	...	...	...
Second Petition—Election Regulations (No. 154) ...	119	...	...	...	801
Construction of Works (No. 155) ...	119	...	...	...	805
Constitution of Trust (No. 156) ...	119	...	...	...	807
Cohuna Irrigation and Water Supply Trust : Loan of £10,000 (No. 45) ...	20	...	...	559	
East Boort Irrigation and Water Supply Trust : Election Regulations Amended (No. 105) ...	33	...	...	...	17
Emu Valley Irrigation and Water Supply Trust : Regulations for the Election of Commissioners (No. 39) ...	20	...	...	545	
Construction of Works (No. 40) ...	20	...	...	549	
Constitution of Trust (No. 41) ...	20	...	...	551	
Loan of £4,631 (No. 61) ...	20	...	...	743	
Kerang East Irrigation and Water Supply Trust : Constitution of Trust (No. 131)	58	...	...	...	467
Construction of Works (No. 130) ...	58	...	...	...	465
Regulations for the Election of Commissioners (No. 132) ...	58	...	...	...	469
Koondrook Irrigation and Water Supply Trust : Area Increased (No. 21) ...	14	...	653	...	
Leaghur and Meering Irrigation and Water Supply Trust : Boundaries re- defined (No. 44) ...	20	...	...	557	
Marquis Hill Irrigation and Water Supply Trust : Constituted (No. 10) ...	14	...	623	...	
Construction of Works (No. 9) ...	14	...	621	...	
Regulations for the Election of Commissioners (No. 11) ...	14	...	625	...	
Amending Election Regulations (No. 12) ...	14	...	629	...	
North Boort Irrigation and Water Supply Trust Area Increased (No. 35) ...	20	...	...	445	
Pine Hills Irrigation and Water Supply Trust : Regulations for the Election of Commissioners (No. 53) ...	20	...	...	579	
Construction of Works (No. 54) ...	20	...	...	583	
Constitution of Trust (No. 55) ...	20	...	...	585	
Loan of £1,300 (No. 87) ...	25	...	...	933	
Loan of £4,700 (No. 88) ...	25	...	...	935	

	Minutes of Proceedings	and Printed Papers.	Papers presented to both Houses of Parliament.		
			Vol. I. Page.	Vol. II. Page.	Vol. III. Page.
Irrigation Act—continued.					
Rodney Irrigation and Water Supply Trust: Election Regulations repealed and amended (No. 46)	20	...	...	561	
Regulations for the Election of Commissioners (No. 47)	20	...	...	563	
Construction of Works (No. 48)	20	...	...	567	
Constitution of Trust (No. 49)	20	...	...	569	
Turrumberry North Irrigation and Water Supply Trust: Constitution of Trust (No. 18)	14	...	643		
Construction of Works (No. 17)	14	...	641		
Twelve-Mile Irrigation and Water Supply Trust: Further Loan of £2,050 (No. 73)	25	...	...	801	
Loan of £2,000 (No. 72)	25	...	...	799	
Wandella Irrigation and Water Supply Trust: Regulations for the Election of Commissioners (No. 20)	14	...	649		
Werribee Irrigation and Water Supply Trust: Regulations for the Election of Commissioners (No. 19)	14	...	645		
Western Wimmera Irrigation and Water Supply Trust: Loan of £14,000 (No. 42)	20	...	...	553	
Order in Council increasing extent of District (No. 133)	58	...	...	...	473
Yatchaw Irrigation and Water Supply Trust—					
Construction of Works (No. 13)	14	...	631		
Constitution of Trust (No. 14)	14	...	633		
Regulations for the Election of Commissioners (No. 15)	14	...	635		
Election Regulations amended (No. 16)	14	...	639		
Loan of £6,000 (No. 60)	20	...	...	741	
J.					
Judicature Act (The): Report of the Council of Judges under section 54 of: Presented (No. 120)	41	...	...	...	281
Juvenile Offenders Act 1887 (The)—					
Regulations under: Presented (No. 95)	25	...	...	1079	
Amended Regulations under: Presented (No. 123)	48	...	...	...	333
K.					
Kerang East Irrigation, &c. See "Irrigation and Water Supply Trust."					
Koondrook—Irrigation, &c. See "Irrigation and Water Supply Trust."					
L.					
Land Act 1884: Orders in Council: Regulations, &c.: Presented—					
Regulations altered (No. 111)	37	...	...	...	29
Regulations altered (No. 110)	37	...	...	...	27
Regulations under (No. 109)	37	...	...	...	25
Regulations—alteration of certain Schedules (No. 142)	69	...	...	...	633
No. 812, and Railway Loans Acts Nos. 845 and 989: Estimate of Expenditure which the Railways Commissioners propose to incur during the Year ending 30th June, 1890	33	...	...	...
Amendment Bill: Initiated	122	...	...	...
Sec. 69: Schedule, No. 6 List of Country Lands proposed to be offered for Sale by Public Auction during Year 1890 (No. 152)	119	...	...	...	797
And the Mallee Pastoral Leases Act 1883: Report of the Proceedings taken under the provisions of, during Year ending 31st December, 1888: Presented (No. 85)	33	...	...	905	
Leaghur and Meering Irrigation, &c. See "Irrigation and Water Supply Trust."					
Library (Joint) Committee: Appointment of	17	...	...	...
Honorable Dr. Le Fevre: Appointed Member of	62	...	...	...
Licensing Act 1885 Further Amendment Bill: Initiated	128	...	...	...
Life Assurance Companies Act Amendment Bill: Initiated	13	...	...	...
Local Government Act 1874 Further Amendment Bill: Initiated	144	...	...	...
M.					
Mallee Pastoral Leases Act 1883 Further Amendment Bill: Initiated	141	...	...	...
Marine Board Act 1887: Presented—					
Regulations for the Appointment of Pilots to the Port Phillip Pilot Service (No. 83)	30	...	...	901	
Preparation of Rolls of Electors (No. 82)	30	...	...	897	
General Rules for Courts of Survey, and also General Rules for Formal Investigation (No. 81)	30	...	...	889	
Regulations (No. 79)	30	...	...	885	
Regulations for the issue of Certificates of Service (No. 84)	30	...	...	903	
Regulations—Purchase, &c., of Charts (No. 80)	30	...	...	887	
Regulations respecting Management and Conduct of Meetings; also Appointment of Skilled Members (No. 78)	30	...	...	881	
Regulations (No. 163)	143	...	...	...	845
Marquis Hill Irrigation, &c. See "Irrigation and Water Supply Trust."					
Medical Practitioners Bill—Initiated	143	...	...	...
Melbourne City and District Police Courts Cases: Motion for Return of Cases since 1884 where the decision of the Bench in cases of a public character was contrary to the views of the Police Magistrate (<i>Hon. J. Service</i>)... ..	89	...	...	...
Return	108	...	...	...

	Minutes of Proceedings.	and Printed Papers.	Papers presented to both Houses of Parliament.		
			Vol. I. Page.	Vol. II. Page.	Vol. III. Page.
Melbourne City Police Court Site Bill: Initiated	87				
Melbourne Harbor Trust Accounts for the Year ended 31st December, 1888: Presented (No. 22)	20	...	165		
Melbourne Harbor Trust Lands Vesting Bill	141				
„ Mint: Report of Deputy-Master of Royal, on Weight and Fineness of Gold Coins struck at: Presented (No. 29)	13	...		3	
„ Sanitary Condition of, Progress Report of Royal Commission on: Pre- sented (No. 27)	13	...	989		
„ Second Progress Report: Presented (No. 103)	37	...		1515	
„ Third Progress Report: Presented (No. 112)	66	...			31
Melbourne Telephone Exchanges. See "Telephone."					
Melbourne Tramways Trust Act Amendment Act: Initiated	97				
„ „ Motion: Message to Legislative Assembly asking for Report and Proceedings on (<i>Hon. Lieut.-Col. Sargood</i>)	97				
Message from Legislative Assembly with copy Report and Proceedings	101				
Motion: For Suspension of Standing Orders relating to (<i>Hon. Lieut.- Col. Sargood</i>)	115				
Merchandise Marks Bill: Initiated	22				
Messages from His Excellency, The Administrator of the Government— Notifying Council of the Resignation and Appointment of Representatives in the Federal Council of Australasia	13				
Informing Council that he had given the Royal Assent to Bills	35, 73, 75, 105, 108				
Transmitting Copy of Dispatch from Secretary of State for the Colonies on the subject of granting Responsible Government to Western Australia— the Queen's Reply	89				
Recommending Amendments in Public Health Bill	157				
Messages from the Legislative Assembly:— Transmitting Merchandise Marks Bill	22				
Transmitting Public Service Act Amendment Bill	33				
Transmitting Consolidated Revenue Bill	34				
Transmitting an Address, on the subject of granting Responsible Government to Western Australia, to Her Majesty the Queen	41				
Transmitting Education Law Further Amendment Bill	48				
Transmitting an Address to His Excellency the Administrator of the Govern- ment requesting that the Joint Address on the subject of granting Responsible Government to Western Australia be forwarded to Her Majesty the Queen	48				
Returning Reform Act 1881 Remission of Penalties Bill	56				
Transmitting Fencing Law Amendment Bill	58				
Transmitting Customs Duties Bill 1889	65				
Transmitting Victorian Government Stock Bill	65				
Transmitting Police Offences Statute 1865 Further Amendment Bill... ..	65				
Transmitting Railway Melbourne Lands Exchange Act Amendment Bill	65				
Transmitting Elsternwick Public Lands Exchange Bill	66				
Transmitting Municipal Overdrafts (Indemnity) Bill	66				
Returning Merchandise Marks Bill	66				
Transmitting an Address to Her Majesty the Queen on the subject of increasing the Number of representative Members of the Colony of Victoria in the Federal Council of Australasia	67				
Transmitting an Address to His Excellency the Administrator of the Govern- ment requesting that the Joint Address on the subject of increasing the Number of representative Members of the Colony of Victoria in the Federal Council, be communicated to Her Majesty the Queen	68				
Transmitting Intestates' Estates Relief Bill	74				
Transmitting Consolidated Revenue Bill (2)	74				
Transmitting Rabbit Destruction Bill	75				
Acquainting the Council that they have appointed a Committee to join with a Committee of the Council for the purpose of considering and reporting upon the Consolidation of the Laws	76				
Acquainting Council that they have appointed time and place of meeting of Joint Committee on the Consolidation of the Laws, and requesting Council to appoint Committee to join	76				
Acquainting the Council that they have appointed a Committee to confer with the Committee of the Legislative Council on the inclusion in the Customs Duties Bill of clauses 5 and 7, and that they have appointed time and place of meeting	86				
Transmitting Duties on Estates Amendment Bill	87				
Transmitting Melbourne City Police Court Site Bill	87				
Transmitting Ammunition Factory Bill	88				
Transmitting Divorce Law Amendment Bill	88				
Transmitting Passengers Harbors and Navigation Statute Amendment Bill	93				
Transmitting Tobacco Act 1880 Amendment Bill	93				
Transmitting Wattle Trees Cultivation Bill	94				
Returning Education Law Further Amendment Bill	94				
Transmitting Melbourne Tramways Trust Act Amendment Bill	97				
Transmitting Patents Law Consolidation and Amendment Bill	97				
Returning Public Service Act Amendment Bill	97				
Transmitting copies of Report and Evidence of Select Committee on Melbourne Tramways Trust Bill	101				
Transmitting Sunday Newspapers Bill	108				
Returning Life Assurance Companies Act Amendment Bill	108				
Returning Divorce Law Amendment Bill	109				
Returning Rabbit Destruction Bill	109				
Transmitting Education Endowment Commissioners Bill	110				
Returning Rabbit Destruction Bill, not insisting on amendment	114				
Transmitting Message from Administrator of the Government recommending Amendments in Rabbit Destruction Bill	117				
Returning Fencing Law Amendment Bill	120				

	Minutes of and Printed Proceedings and Papers.		Papers presented to both Houses of Parliament.		
	Page.	Page.	Vol. I. Page.	Vol. II. Page.	Vol. III. Page.
Messages from the Legislative Assembly— <i>continued.</i>					
Returning Patents Law Consolidation and Amendment Bill...	120				
Acquainting the Council that they concur in adopting an Address to His Excellency the Administrator of the Government praying that a Court of General Sessions of the Peace may be held at Nhill	121				
Transmitting Expiring Laws Continuance Bill	121				
Transmitting Railway Loan Application Bill	121				
Transmitting Railway Loan Bill	122				
Transmitting Land Act 1884 Amendment Bill	122				
Transmitting Appropriation Bill	122				
Returning Public Health Bill	123				
Transmitting Pleuro-pneumonia Extermination Bill	127				
Returning Sunday Newspapers Bill	128				
Returning Patents Law Consolidation and Amendment Bill	128				
Returning Intestate Estates Relief Bill	128				
Transmitting Licensing Act 1885 Further Amendment Bill	128				
Returning Fencing Law Amendment Bill	129				
Returning Wattle Trees Cultivation Bill	139				
Returning Duties on Estates Amendment Bill	140				
Returning Railway Melbourne Lands Exchange Amendment Bill	141				
Transmitting Water Supply Loans Bill	141				
Transmitting Melbourne Harbor Trust Lands Vesting Bill	141				
Transmitting Mallee Pastoral Leases Act 1883 Further Amendment Bill	141				
Transmitting Irrigation Act Amendment and Extension Bill	142				
Returning Education Endowment Commissioners Bill	142				
Transmitting Contractors' Lien Bill	142				
Transmitting Water Conservation Act Amendment Bill	143				
Transmitting Medical Practitioners Bill	143				
Transmitting Agricultural Industries Bill	144				
Transmitting Post Office Act 1883 Amendment Bill	144				
Transmitting Port Melbourne Lagoon Bill	144				
Transmitting Local Government Act 1874 Further Amendment Bill	144				
Transmitting Federal Council Referring Bill	144				
Returning Mallee Pastoral Leases Act 1883 Further Amendment Bill	146				
Returning Public Health Bill	147				
Transmitting Message from the Administrator of the Government recommending amendments in the Patents Law Consolidation Amendment Bill...	148				
Acquainting the Council that they have agreed to an Address to His Excellency the Administrator of the Government, praying that the Sittings of the Supreme Court may be held at Bairnsdale	148				
Returning Land Act 1884 Amendment Bill	148				
Returning Duties on Estates Amendment Bill	149				
Transmitting Mining on Private Property Act 1884 Amendment Bill	149				
Transmitting Inebriate Retreat Lands Bill	149				
Transmitting Collingwood Land Vesting Bill	149				
Returning Irrigation Act Amendment and Extension Bill	150				
Returning Duties on Estates Amendment Bill	154				
Returning Railway Melbourne Lands Exchange Act Amendment Bill	154				
Returning Local Government Act 1874 Further Amendment Bill	154				
Returning Education Endowment Commissioners Bill	154				
Transmitting Message from the Administrator of the Government recommending amendments in the Irrigation Act Amendment and Extension Bill	157				
Transmitting Message from the Administrator of the Government recommending amendments in the Port Melbourne Lagoon Bill	158				
Returning Message from the Administrator of the Government recommending amendments in the Public Health Bill	158				
Transmitting Message from the Administrator of the Government recommending amendments in the Railway Melbourne Lands Exchange Amendment Bill	158				
Mineral Leases: Alteration to Regulations relating to: Presented (No. 8)	14		619		
Mining Leases: Regulations relating to: Presented (No. 158)	116				811
Mining on Private Property Act 1884 Amendment Bill: Initiated	149				
Municipal Overdrafts (Indemnity) Bill: Initiated	66				
N.					
Nhill: Court of General Sessions—					
Motion: For Address, in pursuance of Act No. 502, to the Administrator of the Government, praying appointment at (<i>Hon. H. Cuthbert</i>)	119				
Adoption of Address (<i>Hon. H. Cuthbert</i>)	119				
Address transmitted to Legislative Assembly	119				
Message from Legislative Assembly, agreeing to Address	121				
Neglected Children's Act 1887, The: Regulations under: Presented (No. 94)	25			1051	
Amended Regulations under (No. 122)	48				305
Neglected Children: Report of the Inspector of Industrial, Probationary, and Reformatory Schools, and Public Charities on the work of the Visiting Officers under "The Neglected Children's Act 1887," together with the Report of Inspection of "Brookside" Reformatory School: Presented (No. 97)	29			1111	
and Reformatory Schools: Report of the Secretary for the Year 1888: Presented (No. 91)	37			993	
New Caledonia: Escapees and Libérés from: Return showing number of, in Australian Colonies: Laid on Council Table and ordered to be printed (C 4)	127	205			
New Guinea (British)—					
Report for the Year 1888, by H.M. Special Commissioner, &c.: Presented (No. 31)	19			27	
Motion respecting Settlement of British Subjects in (<i>Hon. J. Service</i>)	31				
North Boort Irrigation, &c. See "Irrigation and Water Supply Trust."					

	Minutes of Proceedings	and Printed Papers.	Papers presented to both Houses of Parliament.		
			Vol. I. Page.	Vol. II. Page.	Vol. III. Page.
O.					
Observatory: Twenty-fourth Report of the Board of Visitors to, together with the Annual Report of the Government Astronomer: Presented (No. 144) ...	113	...	...	...	689
Officers of Parliament Act 1888: Presented—					
Statement of Appointments and Transfers of Officers, &c. (No. 93) ...	20	...	...	1047	
" " " between 19th June and 31st August (No. 134) ...	58	...	...	...	475
Regulations: Duties of Officers, Legislative Assembly (No. 157) ...	109	...	...	...	809
" " " &c., Legislative Council (No. 77) ...	21	...	...	879	
Statement showing Names of Persons Temporarily Employed in Department of the Legislative Assembly: Presented (No. 162) ...	143	...	...	...	841
Ormond, The late Honorable Francis:					
Motion: Deploring the loss which the Country has sustained in the death of, and expression of sympathy with his widow ...	18				
Copy of resolution to be forwarded to Mrs. Ormond by the President ...	18				
P.					
Parliament Buildings (Joint) Committee: Appointment of ...	17				
Honorable G. S. Coppin appointed Member of ...	62				
Parliament, Officers of, &c. See "Officers of Parliament Act 1888"					
Parliamentary Costs Act 1877: List of Charges which Attorneys, &c., may make in respect of business transacted before the Legislative Council (A 1) ...	39	179			
Passengers, Harbors, and Navigation Statute Amendment Bill: Initiated ...	93				
Patents Law Consolidation and Amendment Bill: Initiated ...	97				
Penal Establishments and Gaols: Report of the Inspector-General for the Year 1888: Presented (No. 58) ...	27	...	...	661	
Petitions: Presented—					
Band of Hope Union of Victoria: Praying that the Council do speedily effect such legislation as should secure the introduction of Temperance Lesson Books into the State Schools of the Colony ...	55				
Bittern, Balnarring, Flinders and Kangerong, owners of property, &c., in parishes of: Praying for certain amendments in the Rabbit Destruction Bill ...	85				
David Blair: Praying that the Council would grant him redress: facts set forth in the Petition ...	58				
Divorce Law Amendment Bill: Relating to ...	101				
Education Act: In favor of introducing the Irish National Scripture Lesson Book of New South Wales, and the restoration to the State School Lesson Books, known as the Nelson Series, of those passages relating to Christ and Christianity which were excised from them ...	51, 55, 57, 62, 64, 69, 73, 77				
John Noble Wilson and Thomas Drummond Wanliss, for redress of alleged grievances: Not received ...	101				
Motion to disagree with ruling of Hon. the President: (in respect of) from John Noble Wilson and Thomas Drummond Wanliss negatived ...	109				
Gippsland Province Election: From George Moore, M.D: Against the return of the Honorable Charles Sargeant ...	107				
James Ingram, styling himself President of Council of Boards of Advice, representing the whole of School Boards of Advice: Informal—withdrawn ...	59				
North-Eastern Province Election: From John Hanlon Knipe: Against the return of the Honorable James Stewart Butters ...	23				
South Western Province Election: From Nathaniel Levi: Against the return of the Honorable Donald Smith Wallace ...	64				
W. B. Hodgetts: Praying that the Council would repeal that portion of the 102nd Section of The Land Act 1884, which makes Managers of Commons the owners within the meaning of The Rabbit Suppression Act 1880 ...	77				
Pine Hills Irrigation, &c. See "Irrigation and Water Supply Trust."					
Pleuro-pneumonia Extermination Bill: Initiated ...	127				
Police Offences Statute 1865 Further Amendment Bill: Initiated ...	65				
Police Protection Yarra River. See "Yarra."					
Port Melbourne Lagoon Bill: Initiated ...	144				
Post Office Act 1883 Amendment Bill: Initiated ...	144				
Post Office Savings Bank: Statement of the Accounts of: for the Year ended 31st December, 1888: Presented (No. 34) ...	17	...	...	443	
Post and Telegraph Department: Report on the Affairs of the: for the Year 1888: Presented (No. 75) ...	77	...	...	805	
Printing Committee—					
Appointment of ...	17				
Honorable J. Bell: Appointed Member of ...	87				
Probationary: Industrial and Reformatory Schools. See "Neglected Children."					
Public Charities, Industrial, Probationary and Reformatory Schools. See "Neglected Children since the introduction of responsible Government."					
Health Bill: Initiated ...	18				
Library, Museums and National Gallery: Report of the Trustees of—for 1888, with a Statement of Income and Expenditure for the Financial Year 1887-88: Presented (No. 59) ...	41	...	...	685	
Loans for Public Works: Motion for Return of borrowed Money spent on Public Works since the introduction of Responsible Government (Hon. J. Service) ...	79				
" Return ...	109				
" ordered to be printed (C 3) ...	113	201			
Service Act 1883: Presented: General Regulations under Section 77: Repeal of Clauses 17, 18, and 19: (No 28) ...	14	...	...	1	
Service Act: Alteration of Regulation: (No. 160) ...	127	...	...	...	835

	Minutes of and Printed Proceedings. and Papers.		Papers presented to both Houses of Parliament.		
	Page.	Page.	Vol. I. Page.	Vol. II. Page.	Vol. III. Page.
Public Service Act 1883: 4th and 5th Class Officers: Motion for Return of those classified by Board on 31st December, 1884, who had passed examination under Act No. 160, but who were not classified under that Act (<i>Hon. S. Fraser</i>)	79				
Return	97				
" ordered to be printed (C 5)	143	207			
" Service Act Amendment Bill: Initiated	33				
" Service Board: Report: Presented (No. 121)	58	...	...	...	285
R.					
Rabbit Destruction Bill: Initiated	75				
Railway Melbourne Lands Exchange Act Amendment Bill: Initiated	65				
Railway Loan Bill: Initiated	122				
Railway Loan Application Bill: Initiated	121				
Railway Stations—Storage of Grain at: Motion (<i>Hon. J. M. Pratt</i>)	120				
Railways (Victorian)—Lateral Deviation of: Motion—That Return to the Order of the Legislative Council, dated 6th July, 1887, be printed (C 1) (<i>Hon. W. A. Zeal</i>)	20	185			
Victorian—Report of the Victorian Railways Commissioners for the Year ending 30th June, 1889: Presented (No. 119)	66	...	...	...	175
Reform Act 1881—Remission of Penalties Bill: Initiated	49				
Reformatory Schools—Department of. See "Neglected Children"					
Refreshment Rooms (Joint) Committee: Appointment of	17				
Honourables S. W. Cooke and D. S. Wallace appointed Members of	33				
First Report brought up and ordered to be printed (D 2)	37	225			
Second Report brought up and ordered to be printed (D 4)	83	241			
Registrar-General's Office—Report of Board appointed to inquire into Management of, &c.: Presented (No. 6)	29	...	365		
Reservation of Bill (Divorce Bill) for Her Majesty's pleasure thereon	159				
Rodney Irrigation, &c. See "Irrigation and Water Supply Trust."					
Royal Assent to Bills	159				
S.					
Sanitary Condition of Melbourne. See "Melbourne."					
Savings Banks—Statements and Returns for the Year ended 30th June, 1889: Presented (No. 149)	113	...	...	...	737
Sessional Order—Recission of: Motions respecting Hours of Meeting of Council (<i>Hon. H. Cuthbert</i>)	120				
Shipping Returns: Import, Export, Transhipment and General Summary of the—with an Abstract of Customs Revenue for the Year 1888; also, Abstract Comparative Table, Years 1884–88, and Copy of the Victorian Tariff, &c., &c.: Presented (No. 23)	20	...	663		
Sparrows Destruction Bill: Initiated	31				
Standing Order—Motion: For suspension of No. 239 (<i>Hon. J. Balfour</i>)	59				
" Motion: For suspension of orders preventing passing of Bill through more than one stage at one sitting (<i>Hon. H. Cuthbert</i>)	127				
Standing Orders Committee: Appointment of	17				
Honourable S. W. Cooke: Appointed Member of	62				
Statistical Register of Victoria for 1887: Presented—					
Part III: Interchange (No. 1)	13	...	1		
" VI: Production (No. 2)	13	...	181		
" VII: Law, Crime, &c. (No. 3)	13	...	255		
" VIII: Accumulation (No. 4)	13	...	307		
" IX: Social Condition (No. 5)	13	...	321		
Statistical Register of Victoria for 1888: Presented—					
Part II: Interchange (No. 33)	13	...	...	257	
" I: Blue Book (No. 32)	21	...	...	69	
" III: Population (No. 67)	24	...	...	755	
" IV: Finance (No. 37)	25	...	...	499	
" V: Vital Statistics, &c. (No. 89)	48	...	...	937	
" VI: Accumulation (No. 96)	48	...	...	1097	
" VII: Production (No. 141)	116	...	...	...	555
" VIII: Law, Crime, &c. (No. 143)	116	...	...	...	635
See also "Australasian Statistics."					
Sunday Newspapers Bill: Initiated	108				
T.					
Telephone Exchanges (Melbourne): Charges, &c.: Presented (No. 101)	37	...	...	1429	
" (other than Melbourne and Melbourne Suburbs): Charges, &c.: Presented (No. 99)	37	...	...	1425	
" (Suburban): Charges, &c.: Presented (No. 100)	37	...	...	1427	
"	93				
Tobacco Act 1880 Amendment Bill: Initiated					
Torrumberry North Irrigation, &c. See "Irrigation and Water Supply Trust."					
Trades Unions: Third Annual Report of the Proceedings of the Government Statist in connexion with, for the Year 1888, with an Appendix: Presented (No. 86)	30	...	...	927	
Twelve-Mile Irrigation, &c. See "Irrigation and Water Supply Trust."					

	Minutes of	Printed	Papers presented		
	Proceedings.	and	to both		
	Page.	Page.	Vol. I.	Vol. II.	Vol. III.
			Page.	Page.	Page.
V.					
Victorian Government Stock Bill: Initiated	65				
Victorian Military Forces. <i>See</i> "Discipline Act."					
Victorian Mining Accident Relief Fund— Statement of Accounts rendered by the Trustees of the Fund: Presented (No. 69)	21	...	...	791	
Victorian Naval Forces. <i>See</i> "Discipline Act."					
Victorian Water Supply— Third Annual General Report by the Secretary for Water Supply: Presented (No. 135)	79	...	...	...	479
W.					
Wandella Irrigation, &c. <i>See</i> "Irrigation and Water Supply Trust."					
Water Conservation Act Amendment Bill: Initiated	143				
Water Supply Loans Bill: Initiated	141				
Water Works Trusts: Presented—					
Echuca Borough Waterworks Trust—Application for Additional Loan of £1,000—Detailed Statement and Report (No. 92)	33	...	...	1045	
Echuca (United) and Waranga Waterworks Trust—Application for Additional Loan of £10,000—Detailed Statement and Report (No. 127)	66	...	...	...	439
Horsham Borough Water Works Trust—Application for Additional Loan of £2,000—Detailed Statement and Report: Presented (No. 74)	43	...	...	803	
Winchelsea (Shire of)—Application for Additional Loan of £1,000 (No. 76)	43	...	...	877	
Wattle Trees Cultivation Bill: Initiated	94				
Werribee Irrigation, &c. <i>See</i> "Irrigation and Water Supply Trust."					
Western Australia—					
(New Constitution for)—Correspondence as to assistance of other Colonies in obtaining the passing of the Measure by Imperial Parliament: Presented (No. 56)	19	...	...	587	
Responsible Government for					
Message from the Legislative Assembly transmitting an Address to Her Majesty the Queen and desiring concurrence of Legislative Council	41				
Motion: For insertion of the words "Legislative Council and the" in Address to Her Majesty (<i>Hon. H. Cuthbert</i>)	43				
Joint Address: Adopted	43				
Message from Legislative Assembly transmitting Joint Address to the Adminis- trator of the Government requesting His Excellency to transmit the Address to the Secretary of State for the Colonies, and requesting concurrence of Legislative Council (<i>Hon. H. Cuthbert</i>)	49				
Motion: Agreed to, and insertion of the words "Legislative Council and the," also agreed to (<i>Hon. H. Cuthbert</i>)	49				
Motion for Message to the Legislative Assembly, informing them that Council had inserted the words "Legislative Council and the," in the Joint Address to Her Majesty (<i>Hon. H. Cuthbert</i>)	56				
Message from His Excellency the Governor transmitting copy of Despatch from the Secretary of State for the Colonies, in reply to Joint Address to Her Majesty of Council and Assembly	89				
Western Wimmera Irrigation, &c. <i>See</i> "Irrigation and Water Supply Trust."					
Winchelsea (Shire of) Water Works Trust. <i>See</i> "Water Works Trust."					
Y.					
Yan Yean Water Supply: Cash Statement from 1st July, 1888, to 30th June, 1889, and Balance-sheet to 30th June, 1889: Presented	77				
Yarra River Police Protection: Motion regarding (<i>Hon. W. A. Zeal</i>)	143				
Yatchaw Irrigation, &c. <i>See</i> "Irrigation and Water Supply."					

VICTORIA.

SUMMARY OF PROCEEDINGS ON BILLS IN THE LEGISLATIVE COUNCIL DURING THE SESSION 1889.

No.	SHORT TITLES OF BILLS.	By whom and when initiated.	PROGRESS.																	Number of Act.	REMARKS.			
			First Reading.	Second Reading.	Committal.	Report.	Re-committal.	Report after Re-committal.	Adoption of Report.	Third Reading.	Passing.	Sent to Legislative Assembly.	Returned to Legislative Assembly with Amendments, or with Amendments insisted on.	Returned from Legislative Assembly :		Amendments considered.	Amendments recommended by Governor.	Amendments considered.	Assent.			Published in Government Gazette.		
1	Life Assurance Companies Act Amendment Bill	Honorable H. Cuthbert .. 4 June 1889.	4 June 1889.	19 June 1889.	19 June 1889.	13 Aug. 1889.	13 Aug. 1889.	13 Aug. 1889.	14 Aug. 1889.	14 Aug. 1889.	14 Aug. 1889.	14 Aug. 1889.	14 Aug. 1889.	..	12 Nov. 1889.	..	..	..	..	25 Nov. 1889.	29 Nov. 1889.	MXXVII.	
2	Public Health Bill	Honorable H. Cuthbert .. 5 June 1889.	5 June 1889.	19 June 1889.	2 July 1889.	31 July 1889.	31 July 1889.	31 July 1889.	7 Aug. 1889.	7 Aug. 1889.	7 Aug. 1889.	7 Aug. 1889.	7 Aug. 1889.	21 Nov. 1889.	..	20 Nov. 1889.	21 Nov. 1889.	25 Nov. 1889.	25 Nov. 1889.	25 Nov. 1889.	29 Nov. 1889.	MXLIV.		
3	Merchandise Marks Bill .. .	Message from Legislative Assembly 2 July 1889.	2 July 1889.	6 Aug. 1889.	6 Aug. 1889.	13 Aug. 1889.	4 Sept. 1889.	4 Sept. 1889.	11 Sept. 1889.	11 Sept. 1889.	11 Sept. 1889.	11 Sept. 1889.	11 Sept. 1889.	..	1 October 1889.	..	..	..	..	7 October 1889.	11 Oct. 1889.	MXIV.	
4	Law of Evidence Amendment Bill ..	Honorable J. Service .. 17 July 1889.	17 July 1889.	31 July 1889.	7 Aug. 1889.	11 Sept. 1889.	17 Sept. 1889.	17 Sept. 1889.	17 Sept. 1889.	17 Sept. 1889.	17 Sept. 1889.	17 Sept. 1889.	17 Sept. 1889.	Not returned from Legislative Assembly.
5	Sparrows Destruction Bill	Honorable J. H. Connor .. 24 July 1889.	24 July 1889.	9 October 1889.	9 October 1889.	Lapsed in Committee, 20 Nov. 1889.
6	Public Service Act Amendment Bill ..	Message from Legislative Assembly 30 July 1889.	30 July 1889.	6 Aug. 1889.	6 Aug. 1889.	1 October 1889.	1 October 1889.	1 October 1889.	15 October 1889.	15 October 1889.	15 October 1889.	15 October 1889.	15 October 1889.	..	15 October 1889.	..	31 October 1889.	31 October 1889.	7 Nov. 1889.	8 Nov. 1889.	MXXIV.	
7	Consolidated Revenue Bill	Message from Legislative Assembly 30 July 1889.	30 July 1889.	30 July 1889.	30 July 1889.	30 July 1889.	..	..	30 July 1889.	30 July 1889.	30 July 1889.	30 July 1889.	..	..	..	..	..	..	..	31 July 1889.	2 Aug. 1889.	MXII.	
8	Education Law Further Amendment Bill	Message from Legislative Assembly 3 Sept. 1889.	3 Sept. 1889.	17 Sept. 1889.	18 Sept. 1889.	15 October 1889.	15 October 1889.	15 October 1889.	15 October 1889.	15 October 1889.	15 October 1889.	15 October 1889.	15 October 1889.	..	15 October 1889.	..	30 October 1889.	30 October 1889.	4 Nov. 1889.	8 Nov. 1889.	MXXIII.	
9	Reform Act 1881. Remission of Penalties Bill	Honorable H. Cuthbert .. 3 Sept. 1889.	3 Sept. 1889.	4 Sept. 1889.	4 Sept. 1889.	4 Sept. 1889.	4 Sept. 1889.	4 Sept. 1889.	4 Sept. 1889.	4 Sept. 1889.	4 Sept. 1889.	..	11 Sept. 1889.	13 Sept. 1889.	13 Sept. 1889.	MXIII.	
10	Fencing Law Amendment Bill .. .	Message from Legislative Assembly 17 Sept. 1889.	17 Sept. 1889.	2 October 1889.	30 October 1889.	13 Nov. 1889.	14 Nov. 1889.	14 Nov. 1889.	13 Nov. 1889.	14 Nov. 1889.	14 Nov. 1889.	14 Nov. 1889.	..	14 Nov. 1889.	20 Nov. 1889.	21 Nov. 1889.	..	..	..	25 Nov. 1889.	29 Nov. 1889.	MXXXVI.	Error in transcribing amendment. Corrected by Messages 21 Nov. 1889.
11	Customs Duties Bill 1889	Message from Legislative Assembly 1 October 1889.	1 Oct. 1889.	2 October 1889.	16 October 1889.	24 October 1889.	..	..	24 October 1889.	29 October 1889.	29 October 1889.	29 October 1889.	..	..	..	..	..	..	..	4 Nov. 1889.	8 Nov. 1889.	MXIX.	Conference on the inclusion of Clauses 5 and 7 of this Bill 23 Oct. 1889.—3rd reading carried subject to a protest.
12	Victorian Government Stock Bill ..	Message from Legislative Assembly 1 October 1889.	1 October 1889.	2 October 1889.	2 October 1889.	2 October 1889.	..	..	2 October 1889.	2 October 1889.	2 October 1889.	2 October 1889.	..	..	..	..	..	..	..	7 October 1889.	11 Oct. 1889.	MXV.	
13	Police Offences Statute 1865 Further Amendment Bill	Message from Legislative Assembly 1 October 1889.	1 October 1889.	30 October 1889.	30 October 1889.	30 October 1889.	..	..	30 October 1889.	30 October 1889.	30 October 1889.	30 October 1889.	..	..	..	..	..	..	..	4 Nov. 1889.	8 Nov. 1889.	MXXI.	
14	Railway Melbourne Lands Exchange Act Amendment Bill	Message from Legislative Assembly 1 October 1889.	1 October 1889.	2 October 1889.	2 October 1889.	..	..	..	20 Nov. 1889.	20 Nov. 1889.	20 Nov. 1889.	..	..	20 Nov. 1889.	23 Nov. 1889.	21 Nov. 1889.	22 Nov. 1889.	25 Nov. 1889.	25 Nov. 1889.	25 Nov. 1889.	29 Nov. 1889.	MLIV.	
15	Elsternwick Public Lands Exchange Bill	Message from Legislative Assembly 1 October 1889.	1 October 1889.	2 October 1889.	2 October 1889.	2 October 1889.	..	..	2 October 1889.	2 October 1889.	2 October 1889.	..	..	..	..	..	..	..	..	7 October 1889.	11 Oct. 1889.	MXVI.	
16	Municipal Overdrafts Indemnity Bill ..	Message from Legislative Assembly 1 October 1889.	1 October 1889.	2 October 1889.	2 October 1889.	2 October 1889.	..	..	2 October 1889.	2 October 1889.	2 October 1889.	..	..	..	..	..	..	..	..	7 October 1889.	11 Oct. 1889.	MXVII.	
17	Intestates Estates Relief Bill	Message from Legislative Assembly 8 October 1889.	8 October 1889.	24 October 1889.	24 October 1889.	19 Nov. 1889.	..	..	20 Nov. 1889.	20 Nov. 1889.	20 Nov. 1889.	..	..	20 Nov. 1889.	21 Nov. 1889.	..	..	..	..	25 Nov. 1889.	29 Nov. 1889.	MXXXV.	
18	Consolidated Revenue Bill (2).. .. .	Message from Legislative Assembly 8 October 1889.	8 October 1889.	8 October 1889.	8 October 1889.	8 October 1889.	..	..	8 October 1889.	8 October 1889.	8 October 1889.	..	..	..	..	..	..	..	..	9 October 1889.	11 Oct. 1889.	MXVIII.	
19	Rabbit Destruction Bill	Message from Legislative Assembly 9 October 1889.	9 Oct. 1889.	15 October 1889.	17 October 1889.	24 October 1889.	24 October 1889.	24 October 1889.	6 Nov. 1889.	6 Nov. 1889.	6 Nov. 1889.	..	..	6 Nov. 1889.	14 Nov. 1889.	13 Nov. 1889.	13 Nov. 1889.	19 Nov. 1889.	19 Nov. 1889.	25 Nov. 1889.	29 Nov. 1889.	MXXXVIII.	
20	Duties on Estates Amendment Bill ..	Message from Legislative Assembly 24 October 1889.	24 October 1889.	29 October 1889.	29 October 1889.	6 Nov. 1889.	7 Nov. 1889.	13 Nov. 1889.	13 Nov. 1889.	14 Nov. 1889.	14 Nov. 1889.	..	..	14 Nov. 1889.	21 Nov. 1889.	22 Nov. 1889.	..	..	..	25 Nov. 1889.	29 Nov. 1889.	MLIII.	
21	Melbourne City Police Court Site Bill ..	Message from Legislative Assembly 24 October 1889.	24 October 1889.	29 October 1889.	29 October 1889.	29 October 1889.	..	..	29 October 1889.	29 October 1889.	29 October 1889.	..	..	..	..	..	..	..	..	4 Nov. 1889.	8 Nov. 1889.	MXX.	
22	Ammunition Factory Bill	Message from Legislative Assembly 24 October 1889.	24 Oct. 1889.	29 October 1889.	30 October 1889.	30 October 1889.	..	..	30 October 1889.	30 October 1889.	30 October 1889.	..	..	..	..	..	..	..	..	4 Nov. 1889.	8 Nov. 1889.	MXXII.	
23	Divorce Law Amendment Bill.. .. .	Message from Legislative Assembly 24 October 1889.	24 October 1889.	30 October 1889.	30 October 1889.	31 October 1889.	6 Nov. 1889.	6 Nov. 1889.	6 Nov. 1889.	6 Nov. 1889.	6 Nov. 1889.	6 Nov. 1889.	13 Nov. 1889.	Amended on the adoption of the Report. Reserved for the signification of Her Majesty's pleasure thereon, 25 Nov. 1889.
24	Passengers Harbors and Navigation Statute Amendment Bill	Message from Legislative Assembly 30 October 1889.	30 October 1889.	6 Nov. 1889.	6 Nov. 1889.	6 Nov. 1889.	..	..	6 Nov. 1889.	6 Nov. 1889.	6 Nov. 1889.	..	..	..	..	..	..	..	..	12 Nov. 1889.	15 Nov. 1889.	MXXXV.	
25	Tobacco Act 1880 Amendment Bill ..	Message from Legislative Assembly 30 October 1889.	30 October 1889.	6 Nov. 1889.	6 Nov. 1889.	6 Nov. 1889.	..	..	6 Nov. 1889.	6 Nov. 1889.	6 Nov. 1889.	..	..	..	..	..	..	..	..	12 Nov. 1889.	15 Nov. 1889.	MXXXVI.	
26	Wattle Trees Cultivation Bill	Message from Legislative Assembly 30 October 1889.	30 October 1889.	20 Nov. 1889.	20 Nov. 1889.	20 Nov. 1889.	20 Nov. 1889.	20 Nov. 1889.	20 Nov. 1889.	20 Nov. 1889.	20 Nov. 1889.	..	..	20 Nov. 1889.	21 Nov. 1889.	..	..	..	..	25 Nov. 1889.	29 Nov. 1889.	MXXXVII.	
27	Melbourne Tramways Trust Act Amendment Bill	Message from Legislative Assembly 31 October 1889.	6 Nov. 1889.	7 Nov. 1889.	7 Nov. 1889.	20 Nov. 1889.	20 Nov. 1889.	20 Nov. 1889.	20 Nov. 1889.	20 Nov. 1889.	20 Nov. 1889.	..	..	..	..	..	..	..	..	25 Nov. 1889.	29 Nov. 1889.	MXXXI.	
28	Patents Law Consolidation and Amendment Bill	Message from Legislative Assembly 31 October 1889.	31 October 1889.	6 Nov. 1889.	6 Nov. 1889.	12 Nov. 1889.	13 Nov. 1889.	13 Nov. 1889.	13 Nov. 1889.	13 Nov. 1889.	13 Nov. 1889.	..	..	13 Nov. 1889.	21 Nov. 1889.	20 Nov. 1889.	20 Nov. 1889.	22 Nov. 1889.	22 Nov. 1889.	25 Nov. 1889.	29 Nov. 1889.	MXXXIV.	
29	Sunday Newspapers Bill	Message from Legislative Assembly 12 Nov. 1889.	12 Nov. 1889.	19 Nov. 1889.	19 Nov. 1889.	19 Nov. 1889.	..	..	20 Nov. 1889.	20 Nov. 1889.	20 Nov. 1889.	..	..	20 Nov. 1889.	21 Nov. 1889.	..	..	..	..	25 Nov. 1889.	29 Nov. 1889.	MXXXIII.	
30	Education Endowment Commissioners Bill	Message from Legislative Assembly 13 Nov. 1889.	13 Nov. 1889.	19 Nov. 1889.	19 Nov. 1889.	19 Nov. 1889.	20 Nov. 1889.	20 Nov. 1889.	21 Nov. 1889.	21 Nov. 1889.	21 Nov. 1889.	21 Nov. 1889.	22 Nov. 1889.	23 Nov. 1889.	22 Nov. 1889.	23 Nov. 1889.	Not returned from Legislative Assembly
31	Expiring Laws Continuance Bill .. .	Message from Legislative Assembly 20 Nov. 1889.	20 Nov. 1889.	20 Nov. 1889.	20 Nov. 1889.	20 Nov. 1889.	..	..	20 Nov. 1889.	20 Nov. 1889.	20 Nov. 1889.	..	..	..	..	..	..	..	..	25 Nov. 1889.	29 Nov. 1889.	MXXXIX.	
32	Railway Loan Application Bill .. .	Message from Legislative Assembly 20 Nov. 1889.	20 Nov. 1889.	20 Nov. 1889.	20 Nov. 1889.	20 Nov. 1889.	..	..	20 Nov. 1889.	20 Nov. 1889.	20 Nov. 1889.	..	..	..	..	..	..	..	..	25 Nov. 1889.	29 Nov. 1889.	MXXXII.	
33	Railway Loan Bill	Message from Legislative Assembly 20 Nov. 1889.	20 Nov. 1889.	20 Nov. 1889.	20 Nov. 1889.	20 Nov. 1889.	..	..	20 Nov. 1889.	20 Nov. 1889.	20 Nov. 1889.	..	..	..	..	..	..	..	..	25 Nov. 1889.	29 Nov. 1889.	MXXXI.	
34	Land Act 1884 Amendment Bill .. .	Message from Legislative Assembly 20 Nov. 1889.	20 Nov. 1889.	21 Nov. 1889.	21 Nov. 1889.	21 Nov. 1889.	..	..	21 Nov. 1889.	21 Nov. 1889.	21 Nov. 1889.	..	..	21 Nov. 1889.	..	22 Nov. 1889.	22 Nov. 1889.	..	..	25 Nov. 1889.	29 Nov. 1889.	MXLV.	
35	Appropriation Bill	Message from Legislative Assembly 20 Nov. 1889.	20 Nov. 1889.	21 Nov. 1889.	21 Nov. 1889.	21 Nov. 1889.	..	..	22 Nov. 1889.	22 Nov. 1889.	22 Nov. 1889.	..	..	..	..	..	..	..	..	25 Nov. 1889.	29 Nov. 1889.	MXLIII.	
36	Pleuro-pneumonia Extermination Bill ..	Message from Legislative Assembly 21 Nov. 1889.	21 Nov. 1889.	Withdrawn 23 Nov. 1889.
37	Licensing Act 1885 Further Amendment Bill	Message from Legislative Assembly 21 Nov. 1889.	21 Nov. 1889.	Withdrawn 23 Nov. 1889.
38	Water Supply Loans Bill	Message from Legislative Assembly 21 Nov. 1889.	21 Nov. 1889.	22 Nov. 1889.	22 Nov. 1889.	22 Nov. 1889.	..	..	22 Nov. 1889.	22 Nov. 1889.	22 Nov. 1889.	..	..	..	..	..	..	..	..	25 Nov. 1889.	29 Nov. 1889.	MXXXIX.	
		Message from Legislative Assembly 21 Nov. 1889.	21 Nov. 1889.	22 Nov. 1889.	22 Nov. 1889.	22 Nov. 1889.	22 Nov. 1889.	22 Nov. 1889.	22 Nov. 1889.	25 Nov. 1889.	29 Nov. 1889.	MXXXVIII.	

Minutes of the Proceedings

OF THE

LEGISLATIVE COUNCIL.

TUESDAY, 9TH APRIL, 1889.

1. The Council met pursuant to the Proclamation of His Excellency the the Administrator of the Government, bearing date the 2nd day of April, 1889, which Proclamation was read by the Clerk, and is as follows :—

FIXING THE TIME FOR HOLDING THE FIRST SESSION OF THE FOURTEENTH PARLIAMENT OF VICTORIA.

PROCLAMATION

By His Excellency SIR WILLIAM CLEAVER FRANCIS ROBINSON, Knight Grand Cross of the Most Distinguished Order of St. Michael and St. George, Administrator of the Government of 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 limitations 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 are called "The Parliament of Victoria," and it is expedient to fix the time for holding the next Session thereof: Now therefore I, the Administrator of the Government of Victoria, in exercise of the power conferred by the said Act, do by this my Proclamation fix Tuesday the ninth day of April instant 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 Twelve of the clock at noon, 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 second day of April, in the year of our Lord One thousand eight hundred and eighty-nine, and in the fifty-second year of Her Majesty's reign.

(L.s.)

W. C. F. ROBINSON.

By His Excellency's Command,

D. GILLIES,

Premier.

GOD SAVE THE QUEEN!

Commissioners from His Excellency the Administrator of the Government appointed to open the Parliament having been introduced to the Council Chamber by the Usher, the Senior Commissioner desired the Usher to request the presence of the Members of the Legislative Assembly to hear the Commission read for the commencement and holding this present Session of the Parliament.

The Members of the Legislative Assembly having presented themselves, the Senior Commissioner said:—

HONORABLE MEMBERS OF THE LEGISLATIVE COUNCIL AND GENTLEMEN OF THE LEGISLATIVE ASSEMBLY.

His Excellency the Administrator of the Government, not thinking fit to be present in person this day, has been pleased to cause Letters Patent to issue under the Seal of the Colony constituting us His Commissioners to do in his name all that is necessary to be performed in this Parliament. This will more fully appear by the Letters Patent themselves, which must now be read.

Then the said Letters Patent were read by the Clerk as follow, viz. :—

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

WHEREAS by Proclamation made the second day of April instant by His Excellency SIR WILLIAM CLEAVER FRANCIS ROBINSON, Knight Grand Cross of the Most Distinguished Order of Saint Michael and Saint George, Administrator of the Government of Our Colony of Victoria and its Dependencies, the said Sir WILLIAM CLEAVER FRANCIS ROBINSON did fix Tuesday the ninth day of April instant as the time for the commencement and holding of the next Session of the Legislative Council and Legislative Assembly of Our said Colony, called "the Parliament of Victoria," for the despatch of business, at Twelve of the clock at noon, in the Parliament Houses, situate in the City of Melbourne: And forasmuch as for certain causes the said Sir WILLIAM

CLEAVER FRANCIS ROBINSON cannot conveniently be present in person in the said Parliament at that time; NOW KNOW YE THAT WE, trusting in the discretion, fidelity, and care of Our trusty and well-beloved the Honorable GEORGE HIGINBOTHAM, the Chief Justice of Our Supreme Court of Victoria, and HARTLEY WILLIAMS, Esquire, a Justice of Our said Court, do give and grant by the tenor of these presents unto you the said GEORGE HIGINBOTHAM and HARTLEY WILLIAMS, or either of you, full power in Our name to begin and hold Our said Parliament, and to do everything which for and by Us, or the said Sir WILLIAM CLEAVER FRANCIS ROBINSON, shall be there to be done; commanding also by the tenor of these presents all whom it may concern to meet Our said Parliament, and to the said GEORGE HIGINBOTHAM and HARTLEY WILLIAMS, or either of them, that they diligently attend in the premises and form aforesaid. In testimony whereof We have caused the Seal of Our said Colony to be hereunto affixed.

WITNESS Our trusty and well-beloved Sir WILLIAM CLEAVER FRANCIS ROBINSON, Knight Grand Cross of the Most Distinguished Order of Saint Michael and Saint George, Administrator of the Government of Our Colony of Victoria and its Dependencies, &c., &c., &c., at Melbourne, this eighth day of April, One thousand eight hundred and eighty-nine, and in the fifty-second year of Our reign.

(L.S.)

W. C. F. ROBINSON.

By His Excellency's Command,

D. GILLIES,

Premier.

Entered on Record by me in the Register of Patents, Book 22,
Page 426, this eighth day of April, One thousand
eight hundred and eighty-nine.

H. MOORS, for Under Secretary.

Then the Chief Justice said—

HONORABLE GENTLEMEN OF THE LEGISLATIVE COUNCIL AND GENTLEMEN OF THE LEGISLATIVE ASSEMBLY :

We have it in command from His Excellency to let you know that on a future day, of which due notice will be given, His Excellency will declare to you in person, in this place, the causes of his calling this Parliament together; and Gentlemen of the Legislative Assembly, as it is necessary before you proceed to the despatch of business that a Speaker of the Legislative Assembly be chosen, His Excellency requests that you, in your chamber, will proceed to the choice of a proper person to be the Speaker.

The Members of the Legislative Assembly withdrew.

The Commissioners withdrew.

2. The President took the Chair.
3. The President read the Prayer.
4. ISSUE AND RETURN OF WRIT.—The President announced that during the recess he had issued a Writ for the election of a Member to serve for the Northern Province in place of the Hon. D. C. Sterry resigned, and that he had received a return thereto from which it appeared that Joseph Henry Abbott had been duly returned in pursuance thereof.
5. NEW MEMBER.—The Honorable Joseph Henry Abbott, 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 thirteenth clause of the Act No. 702, as hereunder set forth :—

“In compliance with the provisions of the Act 45 Victoria, No. 702, I, JOSEPH HENRY ABBOTT, of Pall Mall, Sandhurst, in the colony of Victoria, merchant, 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 twenty-six 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 Sandhurst, Echuca, and Strathfieldsaye, and are known as—

“Firstly, part of Crown allotment five, section thirty-one C, Barkly place, city and parish of Sandhurst, county of Bendigo.

“Secondly, Crown allotment 6 and 6A of section sixty-eight C, Olinda and Gladstone-streets city and parish of Sandhurst, county of Bendigo.

“Thirdly, part of Crown allotment three, section six, town of Echuca, parish of Echuca North, county of Rodney, particularly described in certificate of title entered in the Register Book, vol. 1786, fol. 357001.

“Fourthly, Crown allotments one, two, and three, section nineteen, parish of Mandurang, county of Bendigo.

“Fifthly, part of Crown allotment thirteen, section one, and part of Crown allotment six of section three, parish of Mandurang, county of Bendigo, particularly described in certificate of title entered in the Register Book, vol. 1353, fol. 270462.

“Sixthly, part of Crown allotment seventeen, section one, parish of Mandurang, county of Bendigo, particularly described in certificate of title entered in the Register Book, vol. 1140, fol. 227959.”

“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 twenty-three 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 Eighty-eight pounds; and that such of the said lands or tenements as are situate in the municipal district of Strathfieldsaye are rated in the rate-book of such district upon a yearly value of Two 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 lands or tenements, or any part thereof, for the purpose of enabling me to be returned a Member of the Legislative Council.

“JOSEPH HENRY ABBOTT.”

6. DECLARATIONS OF MEMBERS.—The Honorables The President, J. Balfour, J. Bell, J. Buchanan, J. S. Butters, Sir W. J. Clarke, J. H. Connor, S. W. Cooke, D. Coutts, H. Cuthbert, G. Davis, F. S. Dobson, H. Gore, C. J. Ham, C. H. James, Sir Jas. Lorimer, W. McCulloch, D. Melville, W. H. S. Osmand, Lt.-Col. Sargood, J. A. Wallace, A. Wynne, 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 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 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 Three 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 ‘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 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.

“JAMES BALFOUR.”

“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 property, 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, 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 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 Berwick, and are known as ‘Burr Hill,’ Berwick, 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 fifty 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 BUCHANAN.”

“In compliance with the provisions of the Act 45 Victoria, No. 702, I, JAMES STEWART BUTTERS, 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 thirty-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 districts of Port Melbourne, Sandhurst, Shire of Moorabbin, Glenlyon, and Romsey, and are known as—Houses and land, Bay-street, Port Melbourne; house and land, Nolan-street, Sandhurst; land adjoining Red Bluff Hotel, Shire of Moorabbin, West Riding; land near Malmsbury Reservoir, Shire of Glenlyon, parish of Burke, county of Talbot; land at Braemar, Riddell’s Creek, Shire of Romsey.

“And I further declare 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 pounds, and 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 Sixteen pounds, and that such of the said lands or tenements as are situate in the municipal district of Moorabbin are rated in the rate-book of such district upon a yearly value of Twenty pounds, and that such of the lands or tenements as are situate in the municipal district of Glenlyon are rated in the rate-book of such district upon a yearly value of Six pounds, and that such of the lands or tenements as are situate in the municipal district of Romsey are rated in the rate-book of such district upon a yearly value of Ninety-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.

“JAS. S. BUTTERS.”

“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. 77 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 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 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 57 A and 57 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.

“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.

“JOS. H. CONNOR.”

“In compliance with the provisions of the Act 45 Victoria, No. 702, I, SAMUEL WINTER COOKE, 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 Dundas, and are known as Murndal.

“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 £1,403.

“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.

“SAMUEL WINTER COOKE.”

“In compliance with the provisions of the Act 45 Victoria, No. 702, I, DAVID COURTTS, 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 Korong, and known as ‘Salisbury Estate,’ and in the municipal district of East Loddon, and known as ‘Elmswood Estate,’ also freehold land, parish of Hayanmi.

“And I further declare that such of the said lands or tenements as are situated in the municipal district of Korong are rated in the rate-book of such district upon a yearly value of Four hundred and eighty-two pounds ten shillings; and such of said lands or tenements as are situated in the municipal district of East Loddon are rated in the rate-book of such district upon a yearly value of Four hundred and fifty-eight pounds five shillings and ninepence.

“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 COURTTS.”

"In compliance with the provisions of the Act 45 Victoria, No. 702, I, HENRY CUTHBERT, of Beaufort House, Ballarat, 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 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 and shire of Ballarat, and are known as:

"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 Eighty pounds; and that such of the said lands or tenements as are situate in the municipal district of the shire of Ballarat 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.

"HENRY CUTHBERT."

"In compliance with the provisions of the Act 45 Victoria, No. 702, I, GEO. DAVIS, 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 districts of Maffra and Essendon, and are known as Riversdale, in the parish of Tinamba, in the municipality of Maffra, and a piece of land, allotment 64, Bagotville Estate, in the parish of Essendon.

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

"GEO. DAVIS."

"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 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 seventy-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 Prahran and are known as—

"House, No. 44 Darling-street, South Yarra, 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 One hundred and seventy-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.

"F. STANLEY DOBSON."

"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 Three hundred and twenty-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 Korong, and are known as—

"Spring Hill and Richmond Plains pre-emptive rights, and land adjoining same.

"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 Three hundred and twenty-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.

"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 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 Prahran, and are known as—

"Dwelling-house and premises (known as 'Lalbert') situated at the Orrong-road, Prahran, with about ten acres, in my 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 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.

"C. J. HAM."

“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 Melbourne, and are known as ‘The Empire Buildings,’ Collins-street west, 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 Three thousand pounds.

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

“CHAS. H. JAMES.”

“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 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 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 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 Five 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 lands or tenements, or any part thereof, for the purpose of enabling me to be returned a Member of the Legislative Council.

“JAMES LORIMER.”

“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 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 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 Colac, and are known as ‘Mertoun Park.’

“And I further declare 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 £1,313.

“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. McCULLOCH.”

“In compliance with the provisions of the Act 45 Victoria, No. 702, I, DONALD MELVILLE, 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 seventy-three 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, W. Brunswick, with thirty (30) acres of land, and two hundred and six (206) 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 forty-five 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 (£28).

“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.

“D. MELVILLE.”

“In compliance with the provisions of the Act 45 Victoria, No. 702, I, WILLIAM HENRY SEVILLE OSMAND, 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 fifty-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 district of Stawell, and are known as ‘The Sycamores’ and ‘Concongella Station.’

“And I further declare that such of the said lands or tenements as are situate in the municipal district of Stawell are rated in the rate-book of such district upon a yearly value of Four hundred and thirty-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. H. S. OSMAND.”

"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 yearly value of Two thousand and seventy-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 Caulfield, and are known as 'Rippon Lea'—

"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 in the rate-book of such district upon a yearly value of:—

Valuation	...	...	...	...	£1,650 per annum.
"	...	...	...	...	425 "

"And I further declare that I have not collusively or colorably obtained a title to or become possessed of the saids land 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, **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 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 districts of Towong and Port Melbourne, and are known as—

"No. 1. Lands and tenements situate near Bethanga, parish of Berringa, electoral district of Benambra, shire of Towong, area 639 acres.

"No. 2. 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 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 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.

"JOHN A. WALLACE."

"In compliance with the provisions of the Act 45 Victoria, No. 702, I, **AGAR WYNNE**, 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 Fifteen 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 Shire of Mortlake and Shire of Hampden, and are known as 'The Terinallum Estate.'

"And I further declare that such of the said lands or tenements as are situate in the municipal district of Shire of Mortlake are rated in the rate-book of such district upon a yearly value of £3,233, and that such of the said lands or tenements as are situate in the municipal district of Shire of Hampden are rated in the rate-book of such district upon a yearly value of £3,084.

"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.

"AGAR WYNNE."

"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 £1,487 above all charges and incumbrances affecting the same, other than any public or parliamentary tax or municipal or other rate of 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 Nos. 14, 17, and 18, parish of Prahran (at Toorak), county of Bourke; and parts of Crown allotment 3, section I, and Crown allotment 4, section I, 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 £985; 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 Five hundred and two pounds, or a total rating of Fourteen hundred and eighty-seven (£1,487) 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."

ADJOURNMENT.—The Honorable H. Cuthbert moved, That the Council, at its rising, adjourn until Tuesday, 4th June next, at two o'clock.

Question—put and resolved in the affirmative.

The Council adjourned at nineteen minutes past twelve o'clock, until Tuesday, 4th June next, at two o'clock.

JOHN BARKER,
Clerk of the Legislative Council.

Minutes of the Proceedings

OF THE

LEGISLATIVE COUNCIL.

TUESDAY, 4TH JUNE, 1889.

1. The Council met in accordance with adjournment.—The President took the Chair.
2. APPROACH OF THE ADMINISTRATOR OF THE GOVERNMENT.—The approach of His Excellency the Administrator of the Government was announced by the Usher.

His Excellency came into the Council Chamber, and commanded the Usher to desire the immediate 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 after the shortest interval compatible with the due preparation of measures to be laid before you. The proportion of representatives to the different parts of the country has been readjusted; and it may be expected that the two Houses will therefore give more complete expression to the wishes and wants of the country.

The prosperity which this Colony has so long enjoyed happily still continues, aided as it is by political quietude and prevailing public confidence.

In the late Session of the Federal Council a resolution was passed recommending that the necessary steps be taken, as provided by the Constitution of the Council, for increasing the number of its members. My Advisers will take an early opportunity to invite your consideration of an Address to Her Majesty on the subject.

The energy and thoroughness with which Victoria has prepared to resist foreign aggression have attracted the warm praise of statesmen and competent critics in Great Britain. The progress made during the past year has been steady and gratifying. The re-armament of the forts has been pushed on; a new corps of Victorian Rangers has been formed from the Rifle Clubs in country districts; and private liberality has contributed a half-battery of Horse Artillery. The Easter Encampment of this year was largely attended, and the manœuvres, which were of more than common interest, showed that our officers and men are acquiring the initiative and efficiency of trained troops.

The Report of the Royal Commission on Public Health has thrown additional light on the insanitary state of Melbourne. It is evident that the law is insufficient, or that its administration by local bodies is not vigorous enough, to meet the wants of a great and growing city. On Parliament will devolve the duty of seeing that one of the wealthy cities of the world does not expose itself to conditions of disease or death which have been successfully combated in poor countries.

The Exhibition of last year attracted a good many persons from other countries who possessed a knowledge of what has been done elsewhere to promote Technical Education. The evidence of these gentlemen and of some of our own employers of labour was collected and reported on by a Committee, which has pointed out in what way certain desirable changes may best be introduced. Meanwhile, Technical Schools are springing up in new places, and are crowded with eager students wherever they are established.

The important duty of representing the Australian Colonies at the Paris Exhibition has largely devolved upon Victoria, my Advisers feeling that they were bound to disregard all difficulties and considerations of inadequate space in view of the assistance unsparingly given by France to our own Exhibition. It is gratifying to know that, in spite of delays, for which neither France nor this country is responsible, our court was among the first to be ready, and our exhibitors have attracted favorable and discriminating notice.

The area under the operation of the Irrigation Act is being rapidly extended, and excellent results are being obtained wherever the farmers are able to use the water upon their holdings. Henceforward, the yields from land under the new system, which has been so readily adopted throughout the Colony, may be relied upon to increase steadily from year to year as the schemes already projected by the Trusts are brought into working order. Meanwhile, outside their limits, boring for water is being undertaken upon a definite plan, prepared under the best professional advice, while the gauging of running streams and the determination by surveys of the boundaries of districts of distribution are being energetically pushed forward. By the scientific practice of irrigation the value and productiveness of our agricultural lands will be permanently enhanced, and the wealth of the community increased, in consequence of the prosperity which it will ensure to a large body of our farmers.

The important Farming Interests of the Colony are receiving careful attention, and in this connexion the Travelling Dairy, established by the Department of Lands and Agriculture, is profitably supplementing the excellent educational work done by this Department in the Exhibition Building, so as to greatly improve and materially increase the national value of the dairying industry generally. In the same way, arrangements are being made to introduce a complete system of Technical Agricultural Education, by which experts will visit all parts of the Colony for the purpose of introducing the growth of new products, giving instruction upon their culture and the processes of preparing the raw material for market, as well as imparting information connected with the improvement of existing farming methods.

The Conservation of our Forests has received the special care of the Department, and it is anticipated that the measures taken will not only provide for our wants in the present, but secure the re-forestation of denuded districts.

The liberal aid granted by Parliament to the Mining Industry has been productive of some good results. The subsidies to Prospecting parties have led to several discoveries, and the use of the Diamond Drill has proved of great value in prospecting for alluvial gold, though less markedly successful in the search for quartz lodes. None the less, it is an encouraging augury for gold-mining in Victoria that gold-bearing reefs, payable at great depths, have been discovered in several parts of the Colony.

MR. SPEAKER AND GENTLEMEN OF THE LEGISLATIVE ASSEMBLY:

The Estimates which will be submitted to you have been framed with the utmost economy which the provisions of the law and the requirements of the Public Service will permit.

MR. PRESIDENT AND HONORABLE GENTLEMEN OF THE LEGISLATIVE COUNCIL:

MR. SPEAKER AND GENTLEMEN OF THE LEGISLATIVE ASSEMBLY:

The Tariff of last Session was postponed that certain disputed points in it might receive the consideration of the country. It will be submitted again with such amendments as have been suggested by experience.

The necessity of enabling the Municipalities in the Metropolitan Area to deal with a number of important questions which could not be dealt with by any single municipality has within the last few years become more evident. The municipalities themselves have become alive to the necessity of establishing a Board of Works in which they would all be represented, and a Bill embodying their views has been drafted. This Bill has been carefully considered, and will be submitted to you with important amendments.

The Public Service Act of 1883 has now been some years in operation, and several defects have become apparent which only experience could have revealed. A Bill will be submitted to you with a view to remedy those defects and improve the working of the Principal Act.

A measure for the permanent endowment of our State School system out of Crown lands has already been before Parliament, and was received with considerable favour, though circumstances prevented it from becoming law. Scarcely anything was more noticeable in the late appeal to the country than the attachment evinced for the State School system established in 1872. It is desirable that this question of its permanent endowment should receive prompt attention, so that the lands set apart for endowment may be made revenue-producing.

My Advisers propose to submit for your consideration a measure to extend our Railway System. Settlement throughout the country has progressed so extensively that it is all-important that our producers should be placed in close communication with their markets, and nothing but further railway extension can do this. Our railways are commercially successful, and so long as new lines are projected into districts where there are both population and produce, extensions will not only promote the general welfare of the community, but will still further increase the profitability of the main lines by bringing them new traffic.

Several Bills will be submitted to you that are designed to meet the requirements of the community for progressive legislation, and among those which will claim your early attention are measures to reform the Local Government Act, to amend the Rabbit Act and the law relating to Patents, to assimilate the provisions of our Trades Marks Statutes to those of the Empire generally, to mitigate the incidence of probate duties and charges upon small estates, to adjust and secure the rights of contractors and workmen, and to obviate the harshness of the existing power of distress for rent. Important amendments of the law relating to the formation and management of companies will demand mature consideration. The consolidation of the Statutes has engaged the attention of my Advisers, and they hope to be able, with the assistance of a jurist eminently fitted for the work, to submit to you a series of Bills that will command general approval.

It would be rash to assume that the marvellous prosperity of the last three years will be continued indefinitely. Thus far, however, there is only a general tale of well-being—large imports, increased production, an influx of capital seeking investment, the promise of a good season, and important discoveries in the coal-bearing districts of the Colony, the value of which the Government has taken steps to test. The peace of Europe seems more solidly assured than has been the case for years past, and the great armaments on which England has resolved are rather a guarantee of honorable peace than an augury of war.

I trust that your deliberations, by the blessing of Divine Providence, may advance the welfare and happiness of the community.

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

The Legislative Assembly then withdrew.

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

4. DECLARATIONS OF MEMBERS.—The Honorables S. Austin, Dr. Beaney, F. Brown, T. Dowling, S. Fraser, D. Han, Dr. Le Fevre, J. P. MacPherson, W. H. Roberts, N. Thornley, and G. Young 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, SIDNEY AUSTIN, of Geelong, 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 sixty-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 Winchelsea, and are known as Karngum Paddocks.

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

“SIDNEY AUSTIN.”

“In compliance with the provisions of the Act 45 Victoria, No. 702, I, JAMES GEORGE BEANEY, M.D., 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 five hundred and sixty-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 ‘Cromwell House,’ and five others adjoining, and situate in Collins and Russell streets, 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 £1,480.

“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, 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 allotments 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 sterling.

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

“FRED^K. BROWN.”

“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 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 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 township 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 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, 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 thereabouts in the parish of Terrick 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.

"S. FRASER."

"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, GEORGE LE FEVRE, 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 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 district of Kew, and are known as 'Waverley,' and situated in Studley Park road, Studley Park, Kew.

"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 £212 10s.

"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. LE FEVRE."

"In compliance with the provisions of the Act 45 Victoria, No. 702, I, JAMES PHILLIP MACPHERSON, 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 Brunswick, and are known as part of portion 125, at Brunswick aforesaid, containing 26 acres 14 perches and 7-10ths 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 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 P. MACPHERSON."

"In compliance with the provisions of the Act 45 Victoria, No. 702, I, WILLIAM HENRY ROBERTS, of Melbourne, in the colony of Victoria, solicitor, 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 Williamstown and Melbourne, and are known as 'Tudor House,' Electra-street, Williamstown, and No. 467 and 469 Chancery-lane, Melbourne.

"And I further declare that such of the said lands or tenements as are situate in the municipal district of Williamstown and the city of Melbourne in the colony of Victoria are rated in the rate-book of such district upon a yearly value of Four hundred and eighty pounds and One hundred and twenty-five pounds respectively; and that such of the said lands or tenements as are situate in the municipal district of Melbourne and Williamstown are rated in the rate-book of such districts upon a yearly value of Four hundred and eighty pounds as regard the Melbourne property and One hundred and twenty-five pounds as regards the Williamstown 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.

"WM. H. ROBERTS."

"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 Fifteen hundred and twenty-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 Minhamite, and are known as Kangatong, containing about Eight thousand acres.

“And I further declare that such of the said lands or tenements as are situate in the municipal district of Minhamite are rated in the rate-book of such district upon a yearly value of £1,524.

“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, GEORGE YOUNG, 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 seventy-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 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 seventy-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.

“GEO. YOUNG.”

5. **ISSUE OF WRIT.**—The President announced that, since the adjournment of the Council, he had issued a Writ for the election of a Member to serve for the South Western Province in the place of the Honorable F. Ormond, deceased.

6. **LIFE ASSURANCE COMPANIES ACT AMENDMENT BILL.**—The Honorable H. Cuthbert moved, That he have leave to bring in a Bill to amend “*The Life Assurance Companies Act 1873.*”

Question—put and resolved in the affirmative.

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

The Honorable H. Cuthbert then brought up a Bill, intituled “*A Bill to amend The Life Assurance Companies Act 1873,*” 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, 18th June instant.

7. **MESSAGE FROM HIS EXCELLENCY THE ADMINISTRATOR OF THE GOVERNMENT.**—The following Message from His Excellency the Administrator of the Government was presented by the Honorable H. Cuthbert, and the same was read, and is as follows:—

WILLIAM C. F. ROBINSON,

Administrator of the Government.

In accordance with section 5 of “*The (Victorian) Federal Council Act 1885,*” the Administrator of the Government notifies to the Legislative Council the resignation and appointment of Representatives in the Federal Council of Australasia, as follows, viz. :—

Date.	Whether resignation or appointment.	Name.
1889.		
21 January	Resignation ...	The Honorable Henry John Wrixon.
22 „	Appointment ...	The Honorable Alfred Deakin.

Government Offices,
Melbourne, 3rd June, 1889.

Ordered to lie on the Table.

8. **PAPERS.**—The Honorable H. Cuthbert presented, by command of His Excellency the Administrator of the Government—

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.

Statistical Register of the Colony of Victoria for the Year 1887—

Part III.—Interchange.

Part VI.—Production.

Part VII.—Law, Crime, &c.

Part VIII.—Accumulation.

Part IX.—Social Condition.

Sanitary Condition of Melbourne.—Progress Report of Royal Commission to inquire into and Report upon the Sanitary Condition of Melbourne.

Statistical Register of the Colony of Victoria for the Year 1888—

Part II.—Interchange.

Severally ordered to lie on the Table.

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

Bank Liabilities and Assets—Summary of Sworn Returns for the quarter ended 31st December, 1888.

Public Service Act 1883.—General Regulations under Section 77 (Repeal of Clauses 17, 18, and 19).

The Irrigation Act 1886.—Order in Council—Marquis Hill Irrigation and Water Supply Trust—Constitution of Trust.

The Irrigation Act 1886.—Order in Council—Marquis Hill Irrigation and Water Supply Trust—Construction of Works.

The Irrigation Act 1886.—Order in Council—Marquis Hill Irrigation and Water Supply Trust—Regulations for the election of Commissioners.

The Irrigation Act 1886.—Order in Council—Marquis Hill Irrigation and Water Supply Trust—Amending Election Regulations.

The Irrigation Act 1886.—Order in Council—Yatchaw Irrigation and Water Supply Trust—Construction of Works.

The Irrigation Act 1886.—Order in Council—Yatchaw Irrigation and Water Supply Trust—Constitution of Trust.

The Irrigation Act 1886.—Order in Council—Yatchaw Irrigation and Water Supply Trust—Regulations for the election of Commissioners.

The Irrigation Act 1886.—Order in Council—Yatchaw Irrigation and Water Supply Trust—Election regulations amended.

The Irrigation Act 1886.—Order in Council.—Turrumberry North Irrigation and Water Supply Trust—Constitution of Trust.

The Irrigation Act 1886.—Turrumberry North Irrigation and Water Supply Trust—Construction of Works.

The Irrigation Act 1886.—Werribee Irrigation and Water Supply Trust—Regulations for the election of Commissioners.

The Irrigation Act 1886.—Wandella Irrigation and Water Supply Trust—Regulations for the election of Commissioners.

The Irrigation Act 1886.—Order in Council—The Koondrook Irrigation and Water Supply Trust—Area increased.

Factories and Shops Act.—Report of the Chief Inspector of Factories, Workshops, and Shops for the year ended 31st December 1888.

Friendly Societies—Tenth Annual Report of the proceedings of the Government Statist in connexion with Part I. Report for 1887.

Severally ordered to lie on the Table.

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

Mineral Leases—Alteration to Regulations relating to.

Agricultural Education—Accounts of the Trustees of Agricultural Colleges and the Council of Agricultural Education, from 1st July, 1888, to 31st December, 1888.

Severally ordered to lie on the Table.

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

Discipline Acts—Victorian Military Forces—Revised Regulations.

Ordered to lie on the Table.

9. SPEECH OF HIS EXCELLENCY THE ADMINISTRATOR OF THE GOVERNMENT.—The President reported the speech of His Excellency the Administrator of the Government.

The Honorable J. S. Butters moved that a Committee be appointed to prepare an Address to His Excellency the Administrator of the Government in reply to His Excellency's Opening Speech.

Question—put and resolved in the affirmative.

The Honorable J. S. Butters moved, That the Committee consist of the Honorables A. Wynne, Lieut.-Col. Sargood, S. W. Cooke, C. J. Ham, F. Brown, N. Thornley, D. Coutts, H. Cuthbert, and the Mover.

Question—put and resolved in the affirmative.

The Committee retired to prepare the Address.

The Honorable J. S. Butters 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 WILLIAM CLEAVER FRANCIS ROBINSON, Knight Grand Cross of the Most Distinguished Order of Saint Michael and Saint George, Administrator of the Government of 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 loyalty and attachment to Her Majesty's Throne and Person.

We thank Your Excellency for having called us together after the shortest interval compatible with the due preparation of measures to be laid before us. The proportion of representatives to the different parts of the country having been readjusted, we agree with Your Excellency in the expectation that the two Houses will, therefore, give more complete expression to the wishes and wants of the country.

We are glad to receive Your Excellency's assurance that the prosperity which this Colony has so long enjoyed happily still continues, aided, as it is, by political quietude and prevailing public confidence.

We thank Your Excellency for informing us that in the late Session of the Federal Council a resolution was passed recommending that the necessary steps be taken, as provided by the Constitution of the Council, for increasing the number of its members. We learn with satisfaction that Your Excellency's Advisers will take an early opportunity to invite our consideration of an Address to Her Majesty on the subject.

We are gratified to learn that the energy and thoroughness with which Victoria has prepared to resist foreign aggression have attracted the warm praise of statesmen and competent critics in Great Britain. We also learn with pleasure that the progress made during the past year has been steady and gratifying; that the re-arming of the forts has been pushed on; that a new corps of Victorian Rangers has been formed from the Rifle Clubs in country districts; and that private liberality has contributed a half-battery of Horse Artillery. It affords us gratification to learn that the Easter Encampment of this year was largely attended, and that the manœuvres, which were of more than common interest, showed that our officers and men are acquiring the efficiency of trained troops.

We thank Your Excellency for inviting our attention to the Report of the Royal Commission on Public Health, which has thrown additional light on the insanitary state of Melbourne. It is evident that the law is insufficient, or that its administration by local bodies is not vigorous enough to meet the wants of a great and growing city; and we concur with Your Excellency in the view that on Parliament will devolve the duty of seeing that one of the wealthy cities of the world does not expose itself to conditions of disease or death which have been successfully combated in poor countries.

We learn with satisfaction that the Exhibition of last year attracted a good many persons from other countries who possessed a knowledge of what has been done elsewhere to promote Technical Education; that the evidence of these gentlemen and of some of our own employers of labour was collected and reported on by a Committee, which has pointed out in what way certain desirable changes may best be introduced, and that meanwhile Technical Schools are springing up in new places, and are crowded with eager students wherever they are established.

The important duty of representing the Australian Colonies at the Paris Exhibition having largely devolved upon Victoria, we are glad to be informed that your Advisers felt that they were bound to disregard all difficulties and considerations of inadequate space in view of the assistance unsparingly given by France to our own Exhibition. It is gratifying to us to know that, in spite of delays, for which neither France nor this country is responsible, our Court was among the first to be ready, and that our exhibits have attracted favorable and discriminating notice.

We are gratified to learn that the area under the operation of the Irrigation Act is being rapidly extended, and that excellent results are being obtained wherever the farmers are able to use the water upon their holdings. We concur with Your Excellency that henceforward the yields from land under the new system, which has been so readily adopted throughout the Colony, may be relied upon to increase steadily from year to year as the schemes already projected by the Trusts are brought into working order. It also affords us satisfaction to know that meanwhile, outside their limits, boring for water is being undertaken upon a definite plan, prepared under the best professional advice, while the gauging of running streams and the determination by surveys of the boundaries of districts of distribution are being energetically pushed forward. We agree with Your Excellency that by the scientific practice of irrigation the value and productiveness of our agricultural lands will be permanently enhanced, and that the wealth of the community will be increased, in consequence of the prosperity which it will ensure to a large body of our farmers.

It affords us satisfaction to learn that the important Farming Interests of the Colony are receiving careful attention, and that in this connexion the Travelling Dairy, established by the Department of Lands and Agriculture, is profitably supplementing the excellent educational work done by this Department in the Exhibition Building, so as to greatly improve and materially increase the national value of the dairying industry generally; also that, in the same way, arrangements are being made to introduce a complete system of Technical Agricultural Education, by which experts will visit all parts of the Colony for the purpose of introducing the growth of new products, giving instruction upon their culture and the processes of preparing the raw material for market, as well as imparting information connected with the improvement of existing farming methods.

We thank Your Excellency for informing us that the Conservation of our Forests has received the special care of the Department, and that it is anticipated that the measures taken will not only provide for our wants in the present, but secure the re-forestation of denuded districts.

We learn with satisfaction that the liberal aid granted by Parliament to the Mining Industry has been productive of some good results, that the subsidies to Prospecting parties have led to several discoveries, and that the use of the Diamond Drill has proved of great value in prospecting for alluvial gold, though less markedly successful in the search for quartz lodes. We agree with Your Excellency that none the less it is an encouraging augury for gold-mining in Victoria that gold-bearing reefs, payable at great depths, have been discovered in several parts of the Colony.

The Tariff of last Session having been postponed, that certain disputed points in it might receive the consideration of the country, we are glad to be informed that it will be submitted again with such amendments as have been suggested by experience.

We agree with Your Excellency that the necessity of enabling the Municipalities in the Metropolitan Area to deal with a number of important questions which could not be dealt with by any single municipality has within the last few years become more evident. We are glad to learn that the municipalities themselves have become alive to the necessity of establishing a Board of Works in which they would all be represented, and that a Bill embodying their views has been drafted, also that this Bill has been carefully considered, and that it will be submitted to us with important amendments.

The Public Service Act of 1883 has now been some years in operation, and we agree with Your Excellency that several defects have become apparent which only experience could have revealed. We are pleased to learn that a Bill will be submitted to us with a view to remedy those defects and improve the working of the Principal Act.

A measure for the permanent endowment of our State School system out of Crown lands having already been before Parliament, and having been received with considerable favour, though circumstances prevented it from becoming law, and scarcely anything having been more noticeable in the late appeal to the country than the attachment evinced for the State School system established in 1872, we concur with Your Excellency that it is desirable that this question of its permanent endowment should receive prompt attention, so that the lands set apart for endowment may be made revenue-producing.

We are gratified to be informed that Your Excellency's Advisers propose to submit for our consideration a measure to extend our Railway System. We coincide with Your Excellency in the view that settlement throughout the country has progressed so extensively that it is all-important that our producers should be placed in close communication with their markets, and that nothing but further Railway Extension can do this. We learn with satisfaction that our Railways are commercially successful, and concur with Your Excellency that so long as new lines are projected into districts where there are both population and produce, extensions will not only promote the general welfare of the community, but will still further increase the profitableness of the main lines by bringing them new traffic.

We thank Your Excellency for informing us that several Bills will be submitted to us that are designed to meet the requirements of the community for progressive legislation.

We agree with Your Excellency that it would be rash to assume that the marvellous prosperity of the last three years will be continued indefinitely. We are pleased to be informed that thus far, however, there is only a general tale of well-being—large imports, increased production, an influx of capital seeking investment, the promise of a good season, and important discoveries in the coal-bearing districts of the Colony, the value of which the Government has taken steps to test. We note with satisfaction that the peace of Europe seems more solidly assured than has been the case for years past, and that the great armaments on which England has resolved are rather a guarantee of honorable peace than an augury of war.

We trust that our deliberations, by the blessing of Divine Providence, may advance the welfare and happiness of the community.

The Honorable J. S. Butters moved, That the Council agree with the Committee in the said Address.

The Honorable J. H. Connor moved, That the debate be adjourned.

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

10. ADJOURNMENT.—The Honorable H. Cuthbert moved, by leave, That the Council, at its rising, adjourn until to-morrow, at half-past four o'clock.

Question—put and resolved in the affirmative.

The Council adjourned at nine minutes to four o'clock, until to-morrow 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, 5TH JUNE, 1889.

- 1. The Council met in accordance with adjournment.—The President took the Chair.
- 2. The President read the Prayer.
- 3. THE COMMITTEE OF ELECTIONS AND QUALIFICATIONS. — The President laid upon the Table the following Warrant appointing the Committee of Elections and Qualifications :—

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 the Legislative Assembly of Victoria respectively,*"

I do hereby appoint—

- The Honorable Sidney Austin,
- The Honorable Samuel Winter Cooke,
- The Honorable Henry Cuthbert,
- The Honorable David Ham,
- The Honorable George Le Fevre,
- The Honorable Frederick Thomas Sargood,

and

The Honorable William Austin Zeal,

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

Given under my hand this fifth day of June, One thousand eight hundred and eighty-nine.

JAS. MACBAIN,

President of the Legislative Council.

- 4. PAPER.—The Honorable H. Cuthbert presented, by command of His Excellency the Administrator of the Government—
Post Office Savings Bank—Statement of Accounts of the Post Office Savings Bank in Victoria for the Year ended 31st December, 1888.
Ordered to lie on the table.
- 5. STANDING ORDERS COMMITTEE.—The Honorable H. Cuthbert moved, pursuant to notice, That the Honorables the President, Dr. Dobson, J. Service, Lieut.-Col. Sargood, J. Balfour, W. A. Zeal, and Sir J. Lorimer be appointed a Select Committee on the Standing Orders of the House ; three to form a quorum.
Question—put and resolved in the affirmative.
- 6. LIBRARY COMMITTEE.—The Honorable H. Cuthbert moved, pursuant to notice, That the Honorables the President, D. Melville, F. Brown, Dr. Le Fevre, and the Mover be Members of the Joint Committee of both Houses to manage the Library.
Question—put and resolved in the affirmative.
- 7. PARLIAMENT BUILDINGS COMMITTEE.—The Honorable H. Cuthbert moved, pursuant to *amended* notice, That the Honorables the President, J. Balfour, S. Fraser, N. Thornley, and Sir J. Lorimer be Members of the Joint Committee of both Houses to manage and superintend the Parliament Buildings.
Question—put and resolved in the affirmative.
- 8. PRINTING COMMITTEE.—The Honorable H. Cuthbert moved, pursuant to notice, That the Honorables The President, G. Young, W. H. Roberts, S. Austin, J. Bell, and H. Gore be appointed a Printing Committee; three to form a quorum.
Question—put and resolved in the affirmative.
- 9. REFRESHMENT ROOMS COMMITTEE.—The Honorable H. Cuthbert moved, pursuant to notice, That the Honorables J. A. Wallace, J. Buchanan, W. P. Simpson, J. S. Butters, and Dr. Beaney be Members of the Joint Committee of both Houses to manage the Refreshment Rooms.
Question—put and resolved in the affirmative.
- 10. CHAIRMAN OF COMMITTEES.—The Honorable H. Cuthbert moved, pursuant to notice, That the Honorable Dr. Dobson be Chairman of Committees of the Council.
Question—put and resolved in the affirmative.

11. DAYS OF BUSINESS.—The Honorable H. Cuthbert moved, pursuant to notice, 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.

12. THE LATE HONORABLE FRANCIS ORMOND.—The Honorable H. Cuthbert moved, pursuant to notice, That this House deplores the loss which the colony has sustained by the death of the Honorable Francis Ormond, for many years a useful and respected member of this Chamber, and desires to record its acknowledgment and appreciation of the eminent services rendered to his adopted country by his liberality and generous endowments, and to express its sympathy with his widow in her sad bereavement.

Several Members having spoken in support of the motion,

Question—put and resolved in the affirmative.

Ordered—That a copy of the above Resolution be forwarded to Mrs. Ormond by the President.

13. PUBLIC HEALTH BILL.—The Honourable H. Cuthbert moved, by leave, That he have leave to bring in a Bill to create a Department of Public Health, and to further amend the Law relating to Public Health.

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 create a Department of Public Health, and to further amend the Law relating to Public Health,*" 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, 19th June instant.

14. ADDRESS IN REPLY TO OPENING SPEECH OF ADMINISTRATOR OF THE GOVERNMENT.—The Order of the Day for the resumption of the debate, on the question That the Council agree with the Committee in the Address of His Excellency the Administrator of the Government 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 H. Cuthbert moved, That the Address be presented to His Excellency the Administrator of the Government by the President and such Members of the Council as may wish to accompany him.

Question—put and resolved in the affirmative.

15. ADJOURNMENT.—The Honorable H. Cuthbert moved, by leave, That the Council, at its rising, adjourn until Wednesday, 19th June instant.

Question—put and resolved in the affirmative.

The Council adjourned, at twenty-five minutes past ten o'clock, until Wednesday, 19th June next, 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, 19TH JUNE, 1889.

- 1. The Council met in accordance with adjournment.
- 2. The President took the Chair.
- 3. The President read the Prayer.
- 4. PRESENTATION OF ADDRESS TO HIS EXCELLENCY THE ADMINISTRATOR OF THE GOVERNMENT.—The President announced to the Council that the Address of the Council to His Excellency the Administrator of the Government, adopted on the 5th instant, had been presented, in accordance with the resolution of the Council, and that His Excellency had been pleased to make the following reply:—

MR. PRESIDENT AND HONORABLE GENTLEMEN,

On behalf of the Queen, I thank you for the renewed expressions of loyalty and attachment to Her Majesty's Throne and Person contained in the Address you have just presented to me.

I trust that the desires with which you are animated to promote the welfare and happiness of this community may be crowned with beneficial results.

Government Offices,
Melbourne, 19 June, 1889.

- 5. DECLARATIONS OF MEMBERS. — The Hon. W. Pearson and the Hon. James Service 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, WILLIAM PEARSON, 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 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 of 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, JAMES SERVICE, 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 Caulfield, and known as ‘Kilwinning,’ being the house and lands occupied as a residence for myself in Balaclava-road, corner of Hotham-street.

“And I further declare that such of the said lands or tenements as are situated in the municipal district of Caulfield 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.

“JAMES SERVICE.”

- 6. THE COMMITTEE OF ELECTIONS AND QUALIFICATIONS.—The President's Warrant, appointing “The Committee of Elections and Qualifications,” was again laid upon the Table by the President.
- 7. RESIGNATION OF SEAT BY MEMBER.—The President announced that he had received from His Excellency the Administrator of the Government the resignation by the Honorable W. P. Simpson of his seat as one of the Members for the Northern Province in the Legislative Council.
- 8. PAPERS.—The Honorable H. Cuthbert presented, by command of His Excellency the Administrator of the Government—
 - British New Guinea.—Report for the Year 1888, by Her Majesty's Special Commissioner for the Protected Territory; with Appendices.
 - New Constitution for Western Australia.—Correspondence as to Assistance of other Colonies in obtaining the passing of the Measure by Imperial Parliament.
 Severally ordered to lie on the Table.

The Honorable Sir J. Lorimer presented, by command of His Excellency the Administrator of the Government—

Inspection of Colonial Forces by an Imperial General Officer.

Import, Export, Transshipment, and Shipping Returns—A General Summary of the—with an Abstract of Customs Revenue for the Year 1888; also Abstract Comparative Table, Years 1884–88, and Copy of the Victorian Tariff, &c., &c.

Severally ordered to lie on the Table.

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

Bank Liabilities and Assets.—Summary of Sworn Returns for the Quarter ended 31st March, 1889.

Officers of Parliament.—Statement of Appointments or Transfers to Offices of Parliament, and alterations of Classification made under “*The Officers of Parliament Act 1888.*”

Irrigation Act 1886.—Orders in Council—

North Boort Irrigation and Water Supply Trust.—Area increased.

Emu Valley Irrigation and Water Supply Trust.—Regulations for the Election of Commissioners.

Emu Valley Irrigation and Water Supply Trust.—Construction of Works.

Emu Valley Irrigation and Water Supply Trust.—Constitution of Trust.

Western Wimmera Irrigation and Water Supply Trust.—Loan of £14,000.

Koondrook Irrigation and Water Supply Trust.—Area increased.

Leaghur and Meering Irrigation and Water Supply Trust.—Boundaries re-defined.

Cohuna Irrigation and Water Supply Trust.—Loan of £10,000.

Rodney Irrigation and Water Supply Trust.—Election regulations repealed and amended.

Rodney Irrigation and Water Supply Trust.—Regulations for the Election of Commissioners.

Rodney Irrigation and Water Supply Trust.—Construction of Works.

Rodney Irrigation and Water Supply Trust.—Constitution of Trust.

Bacchus Marsh Irrigation and Water Supply Trust.—Constitution of Trust.

Bacchus Marsh Irrigation and Water Supply Trust.—Regulations for the Election of Commissioners.

Bacchus Marsh Irrigation and Water Supply Trust.—Construction of Works.

Pine Hills Irrigation and Water Supply Trust.—Regulations for the Election of Commissioners.

Pine Hills Irrigation and Water Supply Trust.—Construction of Works.

Pine Hills Irrigation and Water Supply Trust.—Constitution of Trust.

Yatchaw Irrigation and Water Supply Trust.—Loan of £6,000.

Emu Valley Irrigation and Water Supply Trust.—Loan of £4,631.

Bacchus Marsh Irrigation and Water Supply Trust.—Loan of £10,500.

Severally ordered to lie on the Table.

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

Melbourne Harbor Trust—Accounts for the Year ended 31st December, 1888.

Ordered to lie on the Table.

9. RAILWAYS, LATERAL DEVIATION OF.—The Honorable W. A. Zeal moved, by leave of the Council, That the Return to the Order of the Legislative Council on the 6th day of July, 1887, and laid on the Table of the Council on the 4th day of October, 1887, be printed.

Question—put and resolved in the affirmative.

10. LEAVE OF ABSENCE—THE HONORABLE W. E. STANBRIDGE.—The Honorable W. A. Zeal moved, pursuant to notice, That temporary leave of absence be granted to the Honorable W. E. Stanbridge during his illness.

Question—put and resolved in the affirmative.

11. LIFE ASSURANCE COMPANIES ACT 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 July next, again resolve itself into the said Committee.

12. PUBLIC HEALTH BILL.—The Honorable H. Cuthbert moved, That this Bill be now read a second time.

The Honorable Lieut.-Col. Sargood moved, That the debate be now adjourned.

Question—That the debate be now adjourned until Tuesday, 2nd July next—put and resolved in the affirmative.

13. ADJOURNMENT.—The Honorable H. Cuthbert moved, by leave, That the Council, at its rising, adjourn until Tuesday, 2nd July next.

Question—put and resolved in the affirmative.

The Council adjourned, at eighteen minutes past six o'clock, until Tuesday, 2nd July next, at half-past four o'clock.

JOHN BARKER,
Clerk of the Legislative Council.

Minutes of the Proceedings
OF THE
LEGISLATIVE COUNCIL.

TUESDAY, 2ND JULY, 1889.

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 that he had received a return to the Writ he had issued for the election of a Member to serve for the South-Western Province, by which it appeared that Donald Smith Wallace had been duly elected in pursuance thereof.
5. NEW MEMBER.—The Honorable D. S. Wallace was 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, DONALD SMITH 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 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 Shire of Ballan, and are known as Ballark homestead, with about 1,000 acres of land adjoining.

“And I further declare that such of the said lands or tenements as are situate in the municipal district of Shire of Ballan are rated in the rate-book of such district upon a yearly value of over £100 per annum.

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

“D. S. WALLACE.”

6. THE COMMITTEE OF ELECTIONS AND QUALIFICATIONS.—The President's Warrant, appointing “The Committee of Elections and Qualifications,” was again laid upon the Table by the President.
7. PAPERS.—The Honorable H. Cuthbert presented, by command of His Excellency the Administrator of the Government—

Statistical Register of the Colony of Victoria for the Year 1888.—Part I. Blue Book.

Ordered to lie on the Table.

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

Officers of Parliament Act 1888.—Regulations relative to the Duties to be performed by the various Officers of the Department of the Legislative Council, and the discipline to be observed in the performance of such duties.

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

Education (Teachers) Act 1888.—Regulations. Order in Council.

Education (Teachers) Act 1888.—Regulation. Order in Council.

Education Act 1872.—Regulations. Order in Council.

Education Act 1872.—Regulations. Order in Council.

Public Accounts.—General Regulations respecting *re* Powers-of-Attorney.

Severally ordered to lie on the Table.

8. POSTPONEMENT OF ORDER OF THE DAY.—The Council ordered that the consideration of the first Order of the Day be postponed until after the consideration of the second Order of the Day.

9. PUBLIC HEALTH 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 Lieut.-Col. Sargood 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. 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 and amend the Law relating to Fraudulent Marks on Merchandise,*” with which they desire the concurrence of the Legislative Council.

M. H. DAVIES,
Speaker.

Legislative Assembly Chamber,
Melbourne, 2nd July, 1889.

11. MERCHANDISE MARKS BILL.—The Honorable Sir James Lorimer moved, That the Bill transmitted by the above Message, intituled “*An Act to consolidate and amend the Law relating to Fraudulent Marks on Merchandise*” 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, 9th July instant.

12. POSTPONEMENT OF ORDER OF THE DAY.—The Council ordered, That the consideration of the following Order of the Day be postponed until to-morrow :—

Life Assurance Companies Act Amendment Bill.—To be further considered in Committee.

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

JOHN BARKER,
Clerk of the Legislative Council.

VICTORIA.

No. 6.

Minutes of the Proceedings

OF THE

LEGISLATIVE COUNCIL.

WEDNESDAY, 3RD JULY, 1889.

1. The Council met in accordance with adjournment.
2. The President took the Chair.
3. The President read the Prayer.
4. NORTH-EASTERN PROVINCE ELECTION.—The President announced to the Council that there had been presented to him a Petition from John Hanlon Knipe against the return of the Honorable James Stewart Butters as Member for the North-Eastern Province, which he then laid upon the Table, and is as follows:—

To the Honorable Sir James MacBain, Knight, President of the Legislative Council of Victoria.

The humble Petition of John Hanlon Knipe, of Melbourne, in the colony of Victoria,
Auctioneer :

RESPECTFULLY SHEWETH—

That on the twenty-seventh day of November last an election was held for one Member to serve in the Legislative Council of the colony of Victoria to represent the North-Eastern Electoral Province.

That your Petitioner was a candidate at the said Election.

That James Stewart Butters, Esquire, and John Turner, Esquire, were the only other candidates at the said Election.

That as the result of the said Election the Returning Officer announced that James Stewart Butters, Esquire, had received 1,865 votes, that John Turner, Esquire, had received 1,495 votes, and that your Petitioner had received 447 votes; and, thereupon, the said Returning Officer publicly declared that the said James Stewart Butters, Esquire, had received the majority of votes, and was duly elected as a Member as aforesaid, and such Returning Officer made his return accordingly.

That your Petitioner has been informed and believes that the said James Stewart Butters was at the time of his said election incapable of being lawfully elected a Member of the Legislative Council of Victoria, and is incapable of sitting or voting in the said Council, by reason of his not having been possessed at the time of his election of the qualification required by law necessary to entitle him to be elected as a Member of the said Council, in that he had not for one year previous to such election been legally or equitably seised of or entitled to an estate of freehold in possession for his own use and benefit in lands or tenements in Victoria of the annual value of One hundred pounds above all charges and encumbrances affecting the same respectively within the meaning of the eleventh section of the Act for the Reform of the Constitution, No. DCCII, 1881.

That your Petitioner is advised and believes that, by reason of the premises, the said James Stewart Butters, having been so unqualified as aforesaid, is not entitled to be declared duly elected as a Member of the Legislative Council for the said North-Eastern Province.

That your Petitioner believes that the said John Turner does not intend to take any action in the matter of the said election.

That the election of the said James Stewart Butters as such Member of the Legislative Council may be declared void on the said ground—that he had not for one year previous to such election been so seised or possessed of the necessary qualification required by the eleventh section of the Act 45 Victoria No. 702.

And that the Returning Officer's return may be declared void.

Your Petitioner therefore respectfully prays that you will communicate the matter of this Petition to the Legislative Council of Victoria, in order that the case of your Petitioner may be referred to a Committee of the said Council duly authorized to receive, inquire into, and report upon the same according to law.

And your Petitioner further prays that the said James Stewart Butters, Esquire, be declared disqualified to be so elected a Member of the said Legislative Council.

And your Petitioner further prays that in the event of the said Committee reporting that the said James Stewart Butters, Esquire, was not at the time of the said election so seised or possessed of the necessary qualification to entitle him to be so elected, that the said Council will be pleased to declare the said election and the said Returning Officer's return void as respects the said James Stewart Butters, Esquire, and to amend the said return to the said Writ by taking out the name of the said James Stewart Butters, Esquire, and inserting in its place the name of your Petitioner, and to declare your Petitioner duly elected as a Member of the Legislative Council of Victoria for the North-Eastern Province.

And that your Petitioner may have such further or other relief as the circumstances of the case may require; or as to the said Committee or the said Legislative Council may seem meet.

And your Petitioner will ever pray, &c.

JOHN HANLON KNIPE.

Collins street west, Melbourne, the twenty-fifth day of February One thousand eight hundred and eighty-nine.

Witness—JAS. WESTLEY, Parliamentary Agent, Collins street, Melbourne.

The Honorable H. Cuthbert moved that the above Petition be referred to "The Committee of Elections and Qualifications" for consideration and report.

Question—put and resolved in the affirmative.

5. THE COMMITTEE OF ELECTIONS AND QUALIFICATIONS.—The following Members of "The Committee of Elections and Qualifications," viz., The Honorables Sidney Austin, Samuel Winter Cooke, Henry Cuthbert, David Ham, George Le Fevre, Lieut.-Col. Sargood, and W. A. Zeal, took the oath set forth in the Schedule to the Electoral Act 1856 at the Table of the Council before the Clerk thereof.

The President appointed Tuesday, 16th July inst., at eleven o'clock in the forenoon, as the time, and the Committee Room as the place, of the first meeting of the Committee.

6. PAPER.—The Honorable H. Cuthbert presented, by command of His Excellency the Administrator of the Government—

Statistical Register of the Colony of Victoria for the Year 1888.—Part III. Population.

Ordered to lie on the Table.

7. PUBLIC HEALTH 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 Lieut.-Col. Sargood 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 July instant, again resolve itself into the said Committee.

8. LIFE ASSURANCE COMPANIES ACT 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, on Tuesday, 16th July instant, again resolve itself into the said Committee.

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

Question—put and resolved in the affirmative.

The Council adjourned, at twenty-seven minutes to seven o'clock, until Tuesday, 16th July instant, 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, 16TH JULY, 1889.

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 Nicholas FitzGerald 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, NICHOLAS FITZ GERALD, 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 St. Kilda, in the county of Bourke, and are known as—

“Dwelling-house, Alma-road, St. Kilda, 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-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.

“N. FITZ GERALD.”

5. **PAPERS.**—The Honorable H. Cuthbert presented, by command of His Excellency the Administrator of the Government—

Statistical Register of the Colony of Victoria for the Year 1888.—Part IV. Finance, &c.

Ordered to lie on the Table.

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

The Juvenile Offenders Act 1887.—Regulations under.

The Neglected Children's Act 1887.—Regulations under.

The Fisheries Act Amendment Act 1878.—Close Season for English Perch.

Severally ordered to lie on the Table.

The Honorable James Bell presented, pursuant to Act of Parliament—

The Irrigation Act 1886.—Orders in Council—

Benjeroop and Murrabit Irrigation and Water Supply Trust.—Loan of £3,000.

Twelve-mile Irrigation and Water Supply Trust.—Further Loan of £2,050.

Pine Hills Irrigation and Water Supply Trust.—Loan of £1,300.

Pine Hills Irrigation and Water Supply Trust.—Loan of £4,700.

Benjeroop and Murrabit Irrigation and Water Supply Trust.—Further Loan of £5,000.

Twelve-mile Irrigation and Water Supply Trust.—Loan of £2,000.

Severally ordered to lie on the Table.

6. PUBLIC HEALTH 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. POSTPONEMENT OF ORDERS OF THE DAY. — The Council ordered, That the consideration of the following Orders of the Day be postponed until to-morrow :—

Life Assurance Companies Act Amendment Bill.—To be further considered in Committee.
Merchandise Marks Bill.—To be read a second time.

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

JOHN BARKER,
Clerk of the Legislative Council.

LEGISLATIVE COUNCIL

VICTORIA.

No. 8.

Minutes of the Proceedings

OF THE

LEGISLATIVE COUNCIL.

WEDNESDAY, 17TH JULY, 1889.

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 Administrator of the Government—
 Penal Establishments and Gaols.—Report of the Inspector-General for the Year 1888.
 Ordered to lie on the Table.
 5. LAW OF EVIDENCE AMENDMENT BILL.—The Honorable J. Service moved, pursuant to notice, That he have leave to bring in a Bill to amend the Law of Evidence.
 Question—put and resolved in the affirmative.
 Ordered that the Honorable J. Service do prepare and bring in the Bill.
 The Honorable J. Service then brought up a Bill, intituled "*A Bill to amend the Law of Evidence*," 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, 31st July instant.
 6. CIVIL SERVICE APPOINTMENTS.—The Honorable J. Service moved, pursuant to notice, That a Return be laid on the Table of the Council of all appointments and promotions made by way of transfer from one department to another since the Act No. 773 came into operation; the return also to show all such cases of transfer from department to department in which, after reasonable time for learning the new duties, the transferee had to be removed or returned to his former post, with a column for remarks, specifying any serious inconvenience to the public service caused by such transfers.
 Question—put and resolved in the affirmative.
 7. CONDUCT OF BUSINESS.—The Hon. W. A. Zeal moved, pursuant to notice—
 1. That the practice of submitting Bills at the close of the Session is unjust to the Members of this House, has been productive of mischievous results, and prevents that careful examination of proposed enactments which is absolutely necessary.
 2. That this House resolves it will not receive any Bill—(other than the Appropriation Bill, or a Bill of great emergency)—after the first Tuesday in December in any year.
 3. An emergency Bill may, however, be brought into this Chamber within three days of the close of the Session, provided a week's prior notice has been given of such intention, and that the introduction of such a Bill has been assented to by the Vote—(to be recorded on a division)—of an absolute majority of the Members of this House.
 4. The passing of the foregoing resolutions shall be regarded as an instruction to the Committee on Standing Orders to prepare such new rules as will give effect thereto.
- Debate ensued.
 Question—put.

The Council divided.

Ayes, 4.

The Hon. D. Melville
J. A. Wallace
W. A. Zeal
Dr. G. Le Fevre (*Teller*).

Noes, 22.

The Hon. J. H. Abbott
S. Austin
J. Balfour
Dr. J. G. Beaney
J. Bell
J. Buchanan
J. H. Connor
S. W. Cooke
D. Coutts
H. Cuthbert
Dr. Dobson
T. Dowling
D. Ham
C. H. James
Sir J. Lorimer
W. Pearson
J. Service
N. Thornley
D. S. Wallace
A. Wynne
G. Young
Lt.-Col. Sargood (*Teller*).

And so it passed in the negative.

8. **PUBLIC HEALTH 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, 23rd July instant, again resolve itself into the said Committee.

9. **POSTPONEMENT OF ORDERS OF THE DAY.** — The Council ordered, That the consideration of the following Orders of the Day be postponed until Tuesday, 23rd July instant :—

Life Assurance Companies Act Amendment Bill.—*To be further considered in Committee.*
Merchandise Marks Bill.—*To be read a second time.*

10. **ADJOURNMENT.**—The Honorable H. Cuthbert moved, by leave, That the Council, at its rising, adjourn until Tuesday, 23rd day of July instant.

Question—put and resolved in the affirmative.

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

JOHN BARKER,
Clerk of the Legislative Council.

VICTORIA.

No. 9.

Minutes of the Proceedings

OF THE

LEGISLATIVE COUNCIL.

TUESDAY, 23RD JULY, 1889.

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 that he had received a return to the Writ he had issued for the election of a Member to serve for the Northern Province, by which it appeared that Frederick Illingworth had been duly elected in pursuance thereof.
5. NEW MEMBER.—The Honorable Frederick Illingworth 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, FREDERICK ILLINGWORTH, 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 districts of Bulleen, Malvern, Nunawading, Boroondara, and Moorabbin, and are known as part of Crown allotment A, section 9, at Doncaster, parish of Bulleen, county of Bourke, containing twenty acres, and also part of Crown portion one hundred and thirty-two, in the parish of Prahran, at Malvern, county of Bourke, known as the Glen Iris Station Estate; and also part of Crown portion one hundred and forty-six, in the parish of Prahran, at Gardiner, county of Bourke, and known as the Caulfield Junction Estate; and also part of Crown section 71, parish of Nunawading, county of Bourke; and also part of Crown portion one hundred and fifty-three, at Boroondora, parish of Boroondara, county of Bourke; and also part of Crown portion 48, at Moorabbin, parish of Moorabbin, county of Bourke, containing twenty acres.

“And I further declare that such of the said lands or tenements as are situate in the aforesaid municipal districts of Bulleen, Malvern, Nunawading, Boroondara, and Moorabbin are rated in the rate-book of such districts upon a yearly aggregate value of over 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.

“F. ILLINGWORTH.”

6. PAPERS.—The Honorable H. Cuthbert presented, by command of His Excellency the Administrator of the Government—
 - Registrar-General's Office.—Report of the Board appointed to inquire into and report upon the Registrar-General's Office, in relation to the management, distribution, and cancellation of stamps, &c., &c., together with minutes of evidence, appendices, &c., &c.
 - Industrial, Probationary, and Reformatory Schools, and Public Charities—Report of the Inspector of—On the work of the visiting officers under *The Neglected Children's Act 1887*, together with the Report of Inspection of “Brookside” Reformatory School.

Severally ordered to lie on the Table.

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

The Marine Board Act 1887—

Regulations for the Appointment of Pilots to the Port Phillip Pilot Service.

Preparation of Rolls of Electors.

General Rules for Courts of Survey, and also General Rules for formal Investigation.

Regulations.

Regulations for the issue of Certificates of Service.

Regulations.—Purchase, &c., of Charts.

Regulations respecting Management and Conduct of Meetings; also Appointment of Skilled Members.

Trades Unions.—Third Annual Report of the Proceedings of the Government Statist in connexion with—For the Year 1888; with an Appendix.

Severally ordered to lie on the Table.

7. REFRESHMENT INTERVAL.—The Honorable J. Service moved, pursuant to notice, That the time for refreshment on each sitting day of this House be from half-past six to half-past seven o'clock.

Debate ensued.

Question—put and resolved in the affirmative.

8. PUBLIC HEALTH 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.

10. PUBLIC HEALTH BILL.—The Honorable Lieut.-Col. Sargood 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 :—

Life Assurance Companies Act Amendment Bill.—To be further considered in Committee.

Merchandise Marks Bill.—To be read a second time.

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

JOHN BARKER,
Clerk of the Legislative Council.

VICTORIA.

No. 10.

Minutes of the Proceedings

OF THE

LEGISLATIVE COUNCIL.

WEDNESDAY, 24TH JULY, 1889.

1. The Council met in accordance with adjournment.
2. The President took the Chair.
3. The President read the Prayer.
4. SETTLEMENT OF BRITISH SUBJECTS IN BRITISH NEW GUINEA.—The Honorable J. Service moved, pursuant to notice, That in the opinion of this House it is desirable that the Government should communicate with the Government of British New Guinea, in order to ascertain what steps are being taken, or are proposed to be taken, to facilitate the settlement of British subjects in that portion of Her Majesty's territory.
Debate ensued.
Question—put and resolved in the affirmative.
5. SPARROWS DESTRUCTION BILL.—The Honorable J. H. Connor moved, pursuant to notice, That he have leave to bring in a Bill to provide for the Destruction of Sparrows.
Question—put and resolved in the affirmative.
Ordered—That the Honorable J. H. Connor do prepare and bring in the Bill.
The Honorable J. H. Connor then brought up a Bill, intituled "*A Bill to provide for the Destruction of Sparrows,*" 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 on Wednesday, 7th August next.
6. THE COMMITTEE OF ELECTIONS AND QUALIFICATIONS.—The Honorable H. Cuthbert, Chairman, brought up a Report from "The Committee of Elections and Qualifications."
Report read, and together with the Proceedings of the Committee ordered to lie on the Table, and to be printed.
7. PUBLIC HEALTH 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, 30th July 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, 30th July instant :—
Life Assurance Companies Act Amendment Bill.—To be further considered in Committee.
Merchandise Marks Bill.—To be read a second time.
9. ADJOURNMENT.—The Honorable H. Cuthbert moved, by leave, That the Council, at its rising, adjourn until Tuesday, 30th July instant.
Question—put and resolved in the affirmative.

The Council adjourned, at twenty-five minutes to seven 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, 30TH JULY, 1889.

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 Administrator of the Government—

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, 1888.

Ordered to lie on the Table.

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

The Irrigation Act 1886—East Boort Irrigation and Water Supply Trust.—Election Regulations amended.

Echuca Borough Waterworks Trust.—Application for additional Loan of 1,000.—Detailed Statement and Report.

Severally ordered to lie on the Table.

The Honorable James Bell presented, pursuant to Act of Parliament—

Land Act No. 812 and Railway Loans Acts Nos. 845 and 989.—Estimate of Expenditure which the Railways Commissioners propose to incur during the Year ending 30th June, 1890, under

Ordered to lie on the Table.
5. PUBLIC HEALTH 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.

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 amend ‘The Public Service Act 1883,’*” with which they desire the concurrence of the Legislative Council.

Legislative Assembly Chamber,
Melbourne, 30th July, 1889.

M. H. DAVIES,
Speaker.
7. PUBLIC SERVICE ACT AMENDMENT BILL.—The Honorable James Bell moved, That the Bill transmitted by the above Message, intituled “*An Act to amend ‘The Public Service Act 1883,’*” 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 August next.

8. REFRESHMENT ROOMS COMMITTEE.—The Honorable H. Cuthbert moved, by leave, that the Honorables S. W. Cooke and D. S. Wallace be appointed Members of the Refreshment Rooms Committee.

Question—put and resolved in the affirmative.

9. PUBLIC HEALTH 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.

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 apply out of the Consolidated Revenue the sum of Two millions four hundred and thirty thousand six hundred pounds to the service of the Year One thousand eight hundred and eighty-nine and ninety,*" with which they desire the concurrence of the Legislative Council.

M. H. DAVIES,
Speaker.

Legislative Assembly Chamber,
Melbourne, 30th July, 1889.

11. 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 Two millions four hundred and thirty thousand six hundred pounds to the service of the Year One thousand eight hundred and eighty-nine and ninety*" 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 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 Two millions four hundred and thirty thousand six hundred pounds to the service of the Year One thousand eight hundred and eighty-nine and ninety.*"

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 to-morrow :—

Life Assurance Companies Act Amendment Bill.—To be further considered in Committee.
Merchandise Marks 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. 12.

Minutes of the Proceedings

OF THE

LEGISLATIVE COUNCIL.

WEDNESDAY, 31ST JULY, 1889.

- 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 ADMINISTRATOR OF THE GOVERNMENT.—The following Message from His Excellency the Administrator of the Government was presented by the Honorable Sir James Lorimer, and the same was read and is as follows:—

W. C. F. ROBINSON,
Administrator of the Government.

Message No. .

The Administrator of the Government 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 apply out of the Consolidated Revenue the sum of Two million four hundred and thirty thousand six hundred pounds to the service of the Year One thousand eight hundred and eighty-nine and ninety.”

Government Offices,
 Melbourne, 31st July, 1889.

Ordered to lie on the Table.

- 5. LAW OF EVIDENCE AMENDMENT BILL.—The Honorable James Service moved, That this Bill be now read a second time.
 The Honorable H. Cuthbert moved, That the debate be adjourned.
 Debate ensued.
 Question—That the debate be now adjourned until Wednesday, 7th August next—put and resolved in the affirmative.
- 6. PUBLIC HEALTH 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 4, 10, 11, 17, 18, 19, 26 sub-section 2, 27, 34, 45, 52, and new clause A.
 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 4, 10, 11, 17, 18, 19, 26 sub-section 2, 27, 34, 45, 52, and new clause A 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, 6th August next; Bill as further amended to be printed.
- 7. POSTPONEMENT OF ORDERS OF THE DAY. — The Council ordered, That the consideration of the following Orders of the Day be postponed until Tuesday, 6th August next :—
Life Assurance Companies Act Amendment Bill.—To be further considered in Committee.
Merchandise Marks 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, 6th August next.
 Question—put and resolved in the affirmative.

The Council adjourned, at twenty-one minutes to 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 AUGUST, 1889.

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 Administrator of the Government—

Sanitary Condition of Melbourne.—Second Progress Report of the Royal Commission to inquire into and report upon—Water Supply of the Metropolitan Area.

Ordered to lie on the Table.

The Honorable Sir J. Lorimer presented, by command of His Excellency the Administrator of the Government—

The Land Act 1884—Orders in Council—

Regulations Altered.

Regulations Altered.

Regulations under.

Charges, &c., for Melbourne Telephone Exchanges.

Charges, &c., in connection with Telephone Exchanges in places other than Melbourne and Melbourne Suburbs.

Charges, &c., for Suburban Telephone Exchanges.

Severally ordered to lie on the Table.

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

Friendly Societies—Report of the Registrar of—for the Years 1887 and 1888.

Department for Neglected Children and Reformatory Schools.—Report of the Secretary for the Year 1888.

Severally ordered to lie on the Table.

The Honorable James Bell presented, pursuant to Act of Parliament—

The Fisheries Act Amendment Act 1878.—Three several Notices under.

Severally ordered to lie on the Table.

The Honorable H. Cuthbert presented—

Civil Service Appointments.—Return to an Order of the Legislative Council, dated 17 July, 1889, for all appointments and promotions made by way of transfer from one department to another since the Act No. 773 came into operation; the return also to show all such cases of transfer from department to department in which, after reasonable time for learning the new duties, the transferee had to be removed or returned to his former post, with a column for remarks, specifying any serious inconvenience to the public service caused by such transfers.

Ordered to lie on the Table.

5. REFRESHMENT ROOMS COMMITTEE.—The Honorable S. W. Cooke brought up the First Report from this Committee.

Report read, ordered to lie on the Table, and to be printed.

6. PUBLIC SERVICE ACT AMENDMENT 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 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. DISCHARGE OF ORDER OF THE DAY.—On the motion of the Honorable H. Cuthbert, the following Order of the Day was read and discharged :—

Public Health Bill—Adoption of report.

8. PUBLIC HEALTH BILL.—The Honorable H. Cuthbert moved, That this Bill be re-committed to a Committee of the whole Council for reconsideration of the title, clause 12, and new clause A.

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 reconsideration of the title, clause 12, and new clause A 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. POSTPONEMENT OF ORDER OF THE DAY.—The Council ordered, That the consideration of the following Order of the Day be postponed until to-morrow :—

Life Assurance Companies Act Amendment Bill.—To be further considered in Committee.

10. MERCHANDISE MARKS 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 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.

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 AUGUST, 1889.

1. The Council met in accordance with adjournment.
2. The President took the Chair.
3. The President read the Prayer.
4. PARLIAMENTARY COSTS ACT 1877.—The President laid upon the Table a List of Charges which Attorneys and Solicitors and others may justly make in respect of business transacted before the Legislative Council under the *Parliamentary Costs Act 1877*.
Ordered to lie on the Table, and to be printed.
5. COUNTY COURT JUDGES.—The Honorable W. A. Zeal moved, pursuant to notice, That in the opinion of this House any future appointment to the County Court Bench should be on the condition that the gentleman selected to fill the vacant office reside in some portion of the district to which he is appointed, and over which he will have jurisdiction.
Debate ensued.
Question—put.
Council divided.

Ayes, 5.

The Hon. J. H. Abbott
H. Gore
D. Melville
W. A. Zeal
J. H. Connor (*Teller*).

Noes, 16.

The Hon. J. Balfour
J. Bell
S. W. Cooke
H. Cuthbert
Dr. Dobson
T. Dowling
N. FitzGerald
Sir J. Lorimer
J. P. MacPherson
W. McCulloch
Lt.-Col. Sargood
J. Service
D. S. Wallace
J. A. Wallace
G. Young
W. H. Roberts (*Teller*).

And so it passed in the negative.

6. POSTPONEMENT OF ORDER OF THE DAY.—The Council ordered, That the consideration of the following Order of the Day be postponed until Wednesday, 21st day of August instant:—
Sparrows Destruction Bill.—*To be read a second time.*
7. LAW OF EVIDENCE 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—put and resolved in the affirmative.—Bill read a second time.
The Honorable James Service 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 Service, 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, 13th August instant, again resolve itself into the said Committee.

8. PUBLIC SERVICE ACT 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, 13th August instant, again resolve itself into the said Committee.
9. PUBLIC HEALTH BILL.—The Order of the Day for the further re-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 re-consideration thereof. 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 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 create a Department of Public Health, and to further amend the Law relating to Public Health.”
 Question—put and resolved in the affirmative. Ordered that the Bill be transmitted to the Legislative Assembly, with a message desiring their concurrence therein.
10. LIFE ASSURANCE COMPANIES ACT 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, 13th August instant, again resolve itself into the said Committee.
11. MERCHANDISE MARKS 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, 13th August instant, again resolve itself into the said Committee.
12. ADJOURNMENT.—The Honorable H. Cuthbert moved, by leave, That the Council at its rising adjourn until Tuesday, 13th August instant. Question—put and resolved in the affirmative.
- The Council adjourned, at twelve minutes past nine o'clock, until Tuesday next 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, 13TH AUGUST, 1889.

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 Administrator of the Government—
 - The Judicature Act—Report of the Council of Judges, under section 54 of. Ordered to lie on the Table.
 - The Honorable Sir J. Lorimer presented, pursuant to Act of Parliament—
 - The Victorian Naval Forces—Regulations for.—Alterations and Additions.
 - The Victorian Military Forces—Regulations for.—Alterations and Additions.
 Severally ordered to lie on the Table.
 - The Honorable H. Cuthbert presented, pursuant to Act of Parliament—
 - Public Library, Museums, and National Gallery—Report of the Trustees of—for 1888, with a statement of Income and Expenditure for the financial Year 1887-88.
 - Bank Liabilities and Assets.—Summary of Sworn Returns for the Quarter ended 30th June, 1889.
 Severally ordered to lie on the Table.
5. POSTPONEMENT OF ORDER OF THE DAY.—The Council ordered, That the consideration of the first Order be postponed until after the consideration of the third Order for to-day.
6. LIFE ASSURANCE COMPANIES ACT 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 new clause A.
 - 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 new clause A 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 to-morrow; Bill as further amended to be printed.
7. WESTERN AUSTRALIA CONSTITUTION.—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 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, 13th August, 1889.

M. H. DAVIES,
Speaker.

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

MOST GRACIOUS SOVEREIGN—

We, Your Majesty's loyal and dutiful subjects, the Members of the Legislative Assembly of the Colony of Victoria, in Parliament assembled, humbly approach Your Majesty with every assurance of our devotion to Your Majesty's Crown and Person.

Having, in common with other Australian Colonies, long enjoyed the advantages of self-government, under which our material prosperity has been increased and our loyalty and devotion to Your Majesty have continued unabated, and feeling that the same results will follow the granting of similar powers to our fellow-colonists in Western Australia, We humbly pray that Your Majesty will be pleased to speedily extend to Western Australia a full measure of Responsible Government, thus advancing the cause of Federation and Australian Unity by adding Western Australia to the group of loyal, contented, and autonomous colonies.

On the motion of the Honorable H. Cuthbert, the Council ordered the said Message and Address to be printed, and taken into consideration to-morrow.

8. **MERCHANDISE MARKS 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, and had agreed to an amendment in the Title, the Council ordered the Bill to be taken into consideration on Tuesday, 20th August inst. ; Bill as amended to be printed.

9. **PUBLIC SERVICE ACT 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.

10. **POSTPONEMENT OF ORDER OF THE DAY.**—The Council ordered, That the consideration of the following Order of the Day be postponed until to-morrow :—

Law of Evidence Amendment Bill.—To be further considered in Committee.

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.

No. 16.

Minutes of the Proceedings

OF THE

LEGISLATIVE COUNCIL.

WEDNESDAY, 14TH AUGUST, 1889.

1. The Council met in accordance with adjournment.
 2. The President took the Chair.
 3. The President read the Prayer.
 4. PAPERS.—The Honorable Sir J. Lorimer presented, pursuant to Act of Parliament—
The Fisheries Act 1873 and The Fisheries Act Amendment Act 1878—Notice.
The Fisheries Act Amendment Act 1878—Notice.
Severally ordered to lie on the Table.
The Honorable H. Cuthbert presented, pursuant to Act of Parliament—
Horsham Borough Waterworks Trust.—Application for Additional Loan of £2,000.—Detailed Statement and Report.
Shire of Winchelsea Waterworks Trust.—Application for Additional Loan of £1,000.
Severally ordered to lie on the Table.
 5. LIFE ASSURANCE COMPANIES ACT 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 Life Assurance Companies Act 1873.’*”
Question—put and resolved in the affirmative.
Ordered—That the Bill be transmitted to the Legislative Assembly, with a Message desiring their concurrence therein.
 6. WESTERN AUSTRALIA CONSTITUTION.—The Order of the Day for the consideration of the Message from the Legislative Assembly, transmitting an Address to Her Most Gracious Majesty the Queen, adopted by the Legislative Assembly—having been read,
The Honorable H. Cuthbert moved, That the words “Legislative Council and the” be inserted in the blank in the second line of the said Address.
Debate ensued.
Question—put and resolved in the affirmative.
On the motion of the Honorable H. Cuthbert, the Council unanimously adopted the above Address.
Ordered that a Message be sent to the Legislative Assembly to acquaint them that the Council have concurred with the Assembly in the Address.
 7. ADJOURNMENT.—The Honorable H. Cuthbert moved, by leave, That the Council at its rising adjourn until Tuesday, 27th August instant.
Question—put and resolved in the affirmative.
- The Council adjourned, at twenty-three minutes past five o'clock, until Tuesday, 27th August, at half-past four o'clock.

JOHN BARKER,
Clerk of the Legislative Council.

VICTORIA.

No. 17.

Minutes of the Proceedings

OF THE

LEGISLATIVE COUNCIL.

TUESDAY, 27TH AUGUST, 1889.

1. The Council met in accordance with adjournment.
2. The President took the Chair.
3. The President read the Prayer.
4. LEAVE OF ABSENCE—THE HONORABLE W. I. WINTER.—The Honorable Simon Fraser moved, by leave, That leave of absence be granted to the Honorable W. I. Winter for the remainder of the Session, on account of urgent private business.
Question—put and resolved in the affirmative.
5. LEAVE OF ABSENCE—THE HONORABLE W. E. STANBRIDGE.—The Honorable W. A. Zeal moved, by leave, That leave of absence be granted to the Honorable W. E. Stanbridge for the remainder of the Session, on account of ill-health.
Question—put and resolved in the affirmative.
6. RESIGNATION OF SEAT.—The President announced to the Council that he had received from His Excellency the Administrator of the Government the resignation by the Honorable Dr. Le Fevre of his seat as Member of the Legislative Council for the North Yarra Province.
7. ISSUE OF WRIT.—The President announced that he had issued a Writ for the election of a Member to serve for the North Yarra Province in the place of the Honorable Dr. Le Fevre, resigned.
8. RETURN TO WRIT.—The President announced that he had received a Return to the Writ he had issued for the election of a Member to serve for the North-Eastern Province, by which it appeared that James Stewart Butters, Esq., estate agent, had been duly elected in pursuance of the said Writ.
9. ADJOURNMENT.—The Honorable H. Cuthbert moved, by leave, That the Council, at its rising, adjourn until Tuesday, 3rd day of September next.
Question—put and resolved in the affirmative.

The Council adjourned, at twelve minutes to five 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, 3RD SEPTEMBER, 1889.

1. The Council met in accordance with adjournment.
2. The President took the Chair.
3. The President read the Prayer.
4. RETURNS TO WRITS.—The President announced to the Council the receipt of Returns to Writs issued for the election of Members to serve for the undermentioned Provinces, and that by the Returns endorsed on the said Writs it appeared that the following gentlemen had been returned for the said several Provinces as under, viz. :—

Melbourne Province—George Selth Coppin.
 Wellington Province—Edward Morey.
 North Yarra Province—George Le Fevre.

5. NEW MEMBERS—The Honorables J. S. Butters, George Selth Coppin, Edward Morey, and George Le Fevre, being introduced, took and subscribed the oath required by the 32nd clause of the Constitution Act; and the Honorables J. S. Butters, G. S. Coppin, and Dr. Le Fevre delivered to the Clerk the declaration required by the 13th clause of the Act 702, as hereunder set forth :—

“In compliance with the provisions of the Act 45 Victoria, No. 702, I, JAMES STEWART BUTTERS, 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 fifty-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 districts of Romsey, Moorabbin, Sandhurst, Kyneton, and Gisborne.”

“And I further declare that such of the said lands or tenements as are situate in the municipal district of Romsey are rated in the rate-book of such district upon a yearly value of Ninety-five pounds, and that such of the said lands or tenements as are situate in the municipal district of Moorabbin are rated in the rate-book of such district upon a yearly value of Twenty pounds, and that such of the said lands or tenements as are in the municipal district of Sandhurst are rated in the rate-book of such district upon a yearly value of Sixteen pounds, and that such lands or tenements as are situate in the municipal district of Kyneton are rated in the rate-book of such district upon a yearly value of Ten pounds, and that such lands or tenements as are situate in the municipal district of Gisborne are rated in the rate-book of such district upon a yearly value of 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.”

“JAS. S. BUTTERS.”

“In compliance with the provisions of the Act 45 Victoria, No. 702, I, GEORGE SELTH COPPIN, 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 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 city of Richmond and shire of Flinders and Kangerong, and are known as “Pine Grove,” Lennox street, Richmond, and “The Anchorage,” Sorrento.”

"And I further declare that such of the said lands or tenements as are situate in the municipal district of Richmond are rated in the rate-book of such district upon a yearly value of £250, and that such of the said lands or tenements as are situate in the municipal district of the shire of Flinders and Kangerong are rated in the rate-book of such district upon a yearly value of £107.

"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. COPPIN."

"In compliance with the provisions of the Act 45 Victoria, No. 702, I, GEORGE LE FEVRE, 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 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 district of Kew, and are known as 'Waverley,' Studley Park, Kew, consisting of land and house erected thereon, in my own occupation as a residence.

"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 £850.

"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.

"GEORGE LE FEVRE."

6. CIVIL SERVICE APPOINTMENTS.—The Honorable J. Service moved, by leave, That the Return laid upon the Table of the Council, on the 6th August last, respecting Civil Service appointments, be printed.

Question—put and resolved in the affirmative.

7. PAPERS.—The Honorable H. Cuthbert presented, by command of His Excellency the Administrator of the Government—

Statistical Register of the Colony of Victoria for the year 1888—

Part V.—Vital Statistics, &c.

Part VI.—Accumulation.

Severally ordered to lie on the Table.

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

Assurance and Insurance Companies—Reports deposited by—in the Registrar-General's Office for the year 1887.

The Neglected Children's Act 1887—Amended Regulations under.

The Juvenile Offenders Act 1887—Amended Regulations under.

Explosives Act—Reports of the Inspectors of Explosives to the Honorable the Minister of Mines for Victoria on the working of the—during the year 1888.

Council of Defence—Report of the.

Severally ordered to lie on the Table.

8. PUBLIC SERVICE ACT 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. 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 Law relating to Education,*" with which they desire the concurrence of the Legislative Council.

M. H. DAVIES,
Speaker.

Legislative Assembly Chamber,
Melbourne, 3rd September, 1889.

10. EDUCATION LAW FURTHER AMENDMENT BILL.—The Honorable H. Cuthbert moved, That the Bill transmitted by the above Message, intituled "*An Act to further amend the Law relating to Education,*" 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, 10th September instant.

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

M. H. DAVIES,
Speaker.

Legislative Assembly Chamber,
Melbourne, 28th August, 1889.

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

To His Excellency SIR WILLIAM CLEAVER FRANCIS ROBINSON, Knight Grand Cross of the Most Distinguished Order of Saint Michael and Saint George, Administrator of the Government of 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, by telegraph, to the Secretary of State for the Colonies, for presentation to the Queen, the Address to Her Majesty which has been agreed to by the Legislative Council and the Legislative Assembly of Victoria, relative to granting Constitutional Government to Western Australia.

The Honorable H. Cuthbert moved, That the words "Legislative Council and the" be inserted in the blank in the above Address.

Question—put and resolved in the affirmative.

The Honorable H. Cuthbert moved, That the Council concur with the Legislative 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 concurred with the Assembly in the said Address.

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:—

- Merchandise Marks Bill—Adoption of report.*
- Law of Evidence Amendment Bill—To be further considered in Committee.*
- Sparrows Destruction Bill—To be read a second time.*

3. REFORM ACT 1881 REMISSION OF PENALTIES BILL.—The Honorable H. Cuthbert moved, by leave, That he have leave to bring in a Bill relating to moneys recovered or recoverable for breaches of "The Legislative Council Act 1881."

Question—put and resolved in the affirmative.

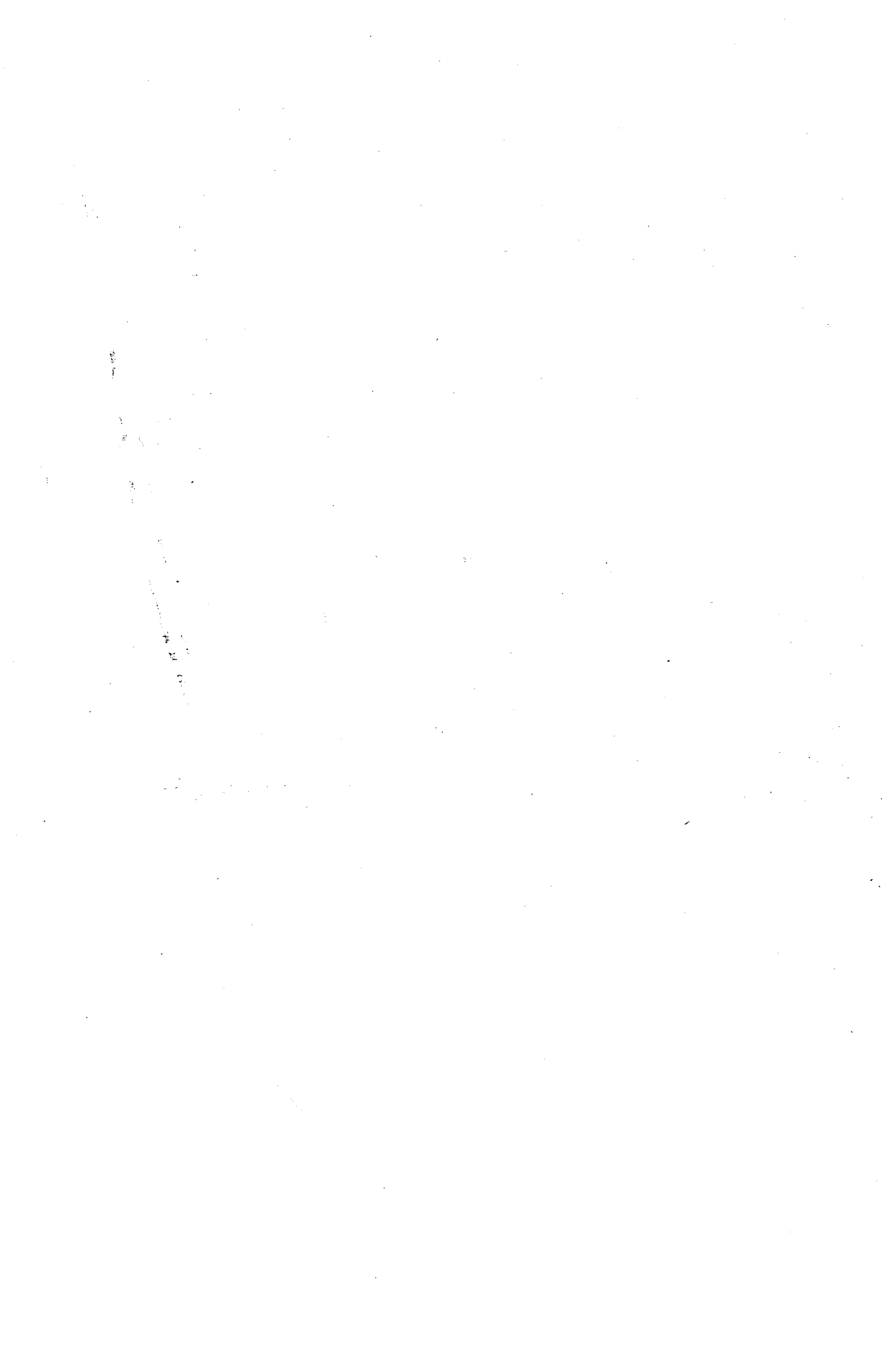
Ordered that the Honorable H. Cuthbert do prepare and bring in the Bill.

The Honorable H. Cuthbert then brought up a Bill, intituled "A Bill relating to Moneys recovered or recoverable for Breaches of the Legislative Council Act 1881," and moved that it be 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.

The Council adjourned, at six minutes past 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.

WEDNESDAY, 4TH SEPTEMBER, 1889.

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 Edward Morey delivered to the Clerk the declaration required by the 13th clause of the Act No. 702, as hereinafter set forth:—

“In compliance with the provisions of the Act 45 Victoria, No. 702, I, EDWARD MOREY, 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 hundred and seventy-eight pounds fifteen shillings 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 part of such lands or tenements are situated in the municipal district of Ballarat, and are known as Mr. E. Morey’s properties in Lydiard and Armstrong streets, in the city of Ballarat, and that other part of such lands or tenements are situated in the municipal district of the shire of Grenville, and are known as allotments 107 to 115^{AB}, 132 to 134^{AB}, 138^{AB} to 143^{AB}, part of 144, portions 135, 136, and 137, parish of Mannebadar, and 2A to 12A, part of H I J K 523, and an old road in the parish of Wallenduc, and 47 and 48, parish of Mindai, known as portion of the Emu Hill Estate, and contains in all 5,613 acres.

“And I further declare that such of the said lands or tenements as are situate in the municipal district of Ballarat are rated in the rate-book of such district upon a yearly value of £143, and that such of the lands or tenements as are situate in the shire of Grenville are rated in the rate-book of such district upon a yearly value of £935 15s.

“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.

“E. MOREY.”

5. **PETITIONS.**—The following Petitions, praying that in the Bill for amending the Education Act now before the Council provisions be made for securing the introduction into the State Schools as a part of the school curriculum (but with a conscience clause for those who object) the Irish National Scripture Lesson Book as used in the State Schools of New South Wales, and the restoration to the State School lesson books, commonly known as the Nelson Series, of those passages relating to Christ and Christianity which were excised from them were presented as hereunder:—

By the Honorable F. Brown—

From certain inhabitants of Beechworth.

By the Honorable Lieut.-Colonel Sargood—

From certain inhabitants of the parish of All Saints, East St. Kilda.

By the Honorable Dr. Dobson—

From certain inhabitants of Lilydale, Yering, and St. Huberts.
From certain inhabitants of Croydon, Ringwood, and Mitcham.

By the Honorable Lieut.-Colonel Sargood—

From certain inhabitants of St. Kilda.

By the Honorable J. H. Abbott—

From certain inhabitants of Raywood.

By the Honorable Lieut.-Colonel Sargood, on behalf of The Honorable the President—

From certain inhabitants of Orbst.

From certain inhabitants of Kew.

From certain members of the congregation of St. Matthew’s Church, Prahran.

By the Honorable James Service—

From certain inhabitants of Windsor, Mount Erica, and South Yarra, attending the Wesleyan Church, High-street, Prahran.

By the Honorable D. Ham—

From certain members and adherents of St. Andrew's Kirk, Ballarat.
From certain inhabitants of Ballarat East.
From certain inhabitants of Ballarat.
From the inhabitants of Maryborough.

By the Honorable N. Thornley—

From certain inhabitants of Casterton.
From certain inhabitants of Casterton.

Severally ordered to lie on the Table.

6. **POSTPONEMENT OF ORDERS OF THE DAY.**—The Council ordered that the consideration of the first four Orders be postponed until after the consideration of the 5th Order for to-day.
7. **REFORM ACT 1881 REMISSION OF PENALTIES 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 relating to Moneys recovered or recoverable for Breaches of ‘The Legislative Council Act 1881.’* ”
Question—put and resolved in the affirmative.
Ordered that the Bill be transmitted to the Legislative Assembly, with a message desiring their concurrence therein.
8. **PUBLIC SERVICE ACT 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, 10th September instant, again resolve itself into the said Committee.
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 :—
Merchandise Marks Bill—Adoption of report.
10. **MERCHANDISE MARKS BILL.**—The Honorable H. Cuthbert moved, That this Bill be re-committed to a Committee of the whole Council for re-consideration of clauses 1, 2, 3, 4, 13, and 16.
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 1, 2, 3, 4, 13, and 16 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, 10th September instant; Bill as further amended to be printed.
11. **LAW OF EVIDENCE ACT 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, 10th September instant, again resolve itself into the said Committee.
12. **POSTPONEMENT OF ORDER OF THE DAY.**—The Council ordered that the consideration of the following Order of the Day be postponed until Wednesday, 11th September instant :—
Sparrows Destruction 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, 10th September instant.
Question—put and resolved in the affirmative.

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

JOHN BARKER,
Clerk of the Legislative Council.

VICTORIA.

No. 20.

Minutes of the Proceedings
OF THE
LEGISLATIVE COUNCIL.

TUESDAY, 10TH SEPTEMBER, 1889.

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 do now adjourn.
Question—put and resolved in the affirmative.

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

JOHN BARKER,
Clerk of the Legislative Council.

VICTORIA.

No. 21.

Minutes of the Proceedings

OF THE

LEGISLATIVE COUNCIL.

WEDNESDAY, 11TH SEPTEMBER, 1889.

1. The Council met in accordance with adjournment.
 2. The President took the Chair.
 3. The President read the Prayer.
 4. PETITIONS.—The following Petitions, praying that in the Bill for amending the Education Act now before the Council provisions be made for securing the introduction into the State Schools as a part of the school curriculum (but with a conscience clause for those who object) of the Irish National Scripture Lesson Books as used in the State Schools of New South Wales, and the restoration to the State School lesson books, commonly known as the Nelson Series, of those passages relating to Christ and Christianity which were excised from them, were presented as hereunder :—
 - By the Honorable S. W. Cooke—
 - From certain members and adherents of the Baptist Church, Portland.
 - From certain members and adherents of the Wesleyan Church, Portland.
 - By the Honorable C. J. Ham—
 - From certain inhabitants of Richmond and adjacent Suburbs.
 - By the Honorable S. Fraser—
 - From certain inhabitants of Toorak and neighbourhood.
 - By the Honorable Lieut.-Colonel Sargood—
 - From certain inhabitants of Toorak.
 - By the Honorable G. S. Coppin—
 - From certain inhabitants of East Melbourne.
 - By the Honorable J. A. Wallace—
 - From certain inhabitants of Numurkah.
 - From certain inhabitants of Buchan.
 - From certain inhabitants of Tallygaroopna.
 - From certain inhabitants of Bellarine and Portarlington.
 - By the Honorable James Bell—
 - From certain inhabitants of Horsham.
 - By the Honorable Lieut.-Colonel Sargood—
 - From certain inhabitants of the parish of Christ Church, St. Kilda.
 - By the Honorable Dr. Le Fevre.
 - From certain inhabitants of the city of Collingwood.
 - By the Honorable Lieut.-Colonel Sargood—
 - From certain inhabitants of South Melbourne.
 - By the Honorable D. Melville—
 - From certain inhabitants of Glenroy, Broadmeadows, and Keilor and Bulla.
 - By the Honorable W. A. Zeal—
 - From certain inhabitants of Glenlyon, Yandoit, Clydesdale, Strangways, and Werona.
 - By the Honorable D. Ham, on behalf of The Honorable T. Dowling—
 - From certain inhabitants of Scarsdale, Newtown, Haddon, and Ross's Creek.
 - By the Honorable J. Service—
 - From certain members and adherents of the Wesleyan Methodist Church, Carlton.
- Severally ordered to lie on the Table.
- The Honorable W. A. Zeal presented a similar Petition to the above from certain inhabitants of Newstead.
- Petition read, and ordered to lie on the Table.
- The Honorable C. J. Ham presented a Petition from J. E. Edwards, styling himself Chairman, and Chas. E. Bowen, styling himself Secretary, of the Band of Hope Union of Victoria, praying the Council to speedily effect such legislation as should secure the introduction of Temperance Lesson Books into the State Schools of the colony.
- 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 return to the Legislative Council the Bill intituled “*An Act relating to Moneys recovered or recoverable for Breaches of the Legislative Council Act 1881*,” and acquaint the Legislative Council that the Legislative Assembly have agreed to the same without amendment.

M. H. DAVIES,
Speaker.

Legislative Assembly Chamber,
Melbourne, 4th September, 1889.

6. WESTERN AUSTRALIA CONSTITUTION.—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 to Her Most Gracious Majesty the Queen, requesting that Her Majesty would be pleased to speedily extend to Western Australia a full measure of Responsible Government, as transmitted from the Legislative Assembly, with the words “Legislative Council and the.”

Question—put and resolved in the affirmative.

7. LAW OF EVIDENCE 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 Lieut.-Colonel Sargood having reported that the Committee had agreed to the Bill with amendments, the Council ordered the same to be taken into consideration Tuesday, 17th September instant; Bill, as amended, to be printed.

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

Sparrows Destruction Bill—To be read a second time—until Wednesday, 18th September instant.

Education Law further Amendment Bill—To be read a second time, and

Public Service Act Amendment Bill—To be further considered in Committee—until Tuesday, 17th September instant.

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:—

Merchandise Marks Bill—Adoption of Report.

10. MERCHANDISE MARKS BILL.—The Honorable H. Cuthbert moved, That this Bill be re-committed to a Committee of the whole Council for re-consideration of clause 16.

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 16 of this Bill.

The President resumed the Chair; and the Honorable Lieut.-Col. Sargood having reported that the Committee had agreed to the Bill with a further 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 consolidate and amend the Law relating to Fraudulent Marks on Merchandise, 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. ADJOURNMENT.—The Honorable H. Cuthbert moved, by leave, That the Council at its rising adjourn until Tuesday, 17th September instant.

Question—put and resolved in the affirmative.

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

JOHN BARKER,
Clerk of the Legislative Council.

VICTORIA.

No. 22.

Minutes of the Proceedings

OF THE

LEGISLATIVE COUNCIL.

TUESDAY, 17TH SEPTEMBER, 1889.

1. The Council met in accordance with adjournment.
2. The President took the Chair.
3. The President read the Prayer.
4. RETURN TO WRITS.—The President announced to the Council the receipt of Returns to Writs issued for the election of Members to serve for the undermentioned Provinces, and that by the Returns endorsed on the said Writs it appeared that the following gentlemen have been returned for the said several Provinces as under, viz. :—

South Yarra Province—John Mark Davies.

Northern Province—George Simmie.

5. NEW MEMBERS.—The Honorables John Mark Davies and George Simmie, 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 702, as hereunder set forth :—

“In compliance with the provisions of the Act 45 Victoria, No. 702, I, JOHN MARK DAVIES, 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 “Valentines,” and are situated on the Kooyong-road, and are part of Crown portion twenty-seven, parish of Prahran, and contain three acres three roods and a few perches.

“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 Eight 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.

“JNO. M. DAVIES.”

“In compliance with the provisions of the Act 45 Victoria, No. 702, I, GEORGE SIMMIE, 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 Echuca Shire, and are known as ‘Cornelia Creek.’

“And I further declare that part of 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 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.

“G. SIMMIE.”

6. PETITIONS.—The following Petitions, praying that in the Bill for amending the Education Act now before the Council provision be made for securing the introduction into the State Schools as a part of the school curriculum (but with a conscience clause for those who object) of the Irish National Scripture Lesson Books as used in the State Schools of New South Wales, and the restoration to the State School lesson books, commonly known as the Nelson Series, of those passages relating to Christ and Christianity which were excised from them, were presented as hereunder :—

By the Honorable J. H. Connor—

From certain inhabitants of Moorabool district.

By the Honorable Lieut.-Colonel Sargood—

From certain inhabitants of Toorak, Prahran, and South Yarra.

By the Honorable Lieut.-Colonel Sargood, on behalf of the Honorable the President—

From certain inhabitants of Albert Park and South Melbourne.

By the Honorable C. H. James—

From certain inhabitants of Kilmore, being members of the Church of England.
From certain members, adherents of Toorak Wesleyan Church.
From certain inhabitants of Heidelberg and Ivanhoe.
From certain inhabitants of Coburg.

By the Honorable Jas. Buchanan—

From certain inhabitants of Dandenong and Berwick.

By the Honorable J. P. MacPherson—

From certain inhabitants of Port Campbell and neighbourhood.
From certain inhabitants of Carngham and Lintons, members and adherents of Presbyterian Church.

By the Honorable W. A. Zeal—

From certain inhabitants of Heathcote and its neighbourhood.

By the Honorable C. J. Ham—

From certain inhabitants of Carlton connected with Erskine Church.

By the Honorable W. H. Roberts—

From certain inhabitants of Williamstown.

Severally ordered to lie on the Table.

The Honorable G. S. Coppin presented a Petition from David Blair, of Melbourne, timber merchant, praying the Council would take into its consideration the facts set forth in the Petition, and grant him such redress as it might deem fit.

Ordered to lie on the Table.

7. THE COMMITTEE OF ELECTIONS AND QUALIFICATIONS.—The President laid upon the Table the following Warrant appointing a Member of "The Committee of Elections and Qualifications":—

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 George Le Fevre

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

Given under my hand this seventeenth day of September, One thousand eight hundred and eighty-nine.

JAS. MACBAIN,
President of the Legislative Council.

8. PAPERS.—The Honorable H. Cuthbert presented, by command of His Excellency the Governor—

Central Board of Health.—Report of the Board, 1888–9.

Ammunition Factory—Lease of Land for.

Public Service Board—Report.

Severally ordered to lie on the Table.

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

Hospitals for the Insane.—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, 1889.

Officers of Parliament Act 1888.—Statement of Appointments or Transfers to Offices of Parliament, and of Alterations of Classification, made between the 19th June and the 31st August, 1889.

The Irrigation Act 1886—Orders in Council—

Kerang East Irrigation and Water Supply Trust—Construction of Works.

Kerang East Irrigation and Water Supply Trust—Constitution of Trust.

Kerang East Irrigation and Water Supply Trust—Regulations for the Election of Commissioners.

Western Wimmera Irrigation and Water Supply Trust—Order in Council increasing the extent of the district.

Severally 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 amend the Law relating to Fencing,*" with which they desire the concurrence of the Legislative Council.

M. H. DAVIES,
Speaker.

Legislative Assembly Chamber,
Melbourne, 17th September, 1889.

10. FENCING LAW AMENDMENT BILL.—The Honorable A. Wynne moved, That the Bill transmitted by the above Message, intituled "*An Act to amend the Law relating to Fencing,*" 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 1st October next.

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

Law of Evidence Amendment Bill.—Adoption of Report.

12. LAW OF EVIDENCE AMENDMENT BILL.—The Honorable James Service moved, That this Bill be re-committed to a Committee of the whole Council for re-consideration of clauses 7 and 8.

Question—put and resolved in the affirmative.

And, on the further motion of the Honorable James Service, the President left the Chair, and the Council resolved itself into a Committee of the whole for the re-consideration of clauses 7 and 8 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.

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

Debate ensued.

14. SUSPENSION OF STANDING ORDER.—On the motion, by leave, of the Hon. J. Balfour, the Council ordered that Standing Order No. 239 be suspended in order to allow him to present a Petition.

15. PETITION—INFORMAL.—The Hon. J. Balfour presented a Petition purporting to be from James Ingram, styling himself president of the Council of Boards of Advice, composed of Members elected out of and representing the whole of the School Boards of Advice of the Colony of Victoria, which was received by the Council, but on being read by the Clerk at the Table was found to be informal, and was ordered to be withdrawn.

16. EDUCATION LAW FURTHER AMENDMENT BILL.—The debate on the question that this Bill be now read a second time—resumed.

The Honorable W. H. Roberts moved, That the debate be now adjourned.

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

17. DISCHARGE OF ORDER OF THE DAY.—On the motion of the Honorable J. Service, the following Order of the Day was read and discharged :—

Law of Evidence Amendment Bill.—Adoption of Report.

18. LAW OF EVIDENCE AMENDMENT BILL.—The Honorable J. Service 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 J. Service, 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 Lieut.-Col. Sargood having reported that the Committee had agreed to the Bill without further amendment, the Council ordered the same to be taken into consideration this day.

On the motion of the Honorable James Service, 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 Service, read a third time and *passed*.

The Honorable James Service moved, That the following be the title of the Bill :—“ *An Act to amend the Law of Evidence.*”

Question—put and resolved in the affirmative.

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

19. POSTPONEMENT OF ORDER OF THE DAY.—The Council ordered that the consideration of the following Order of the Day be postponed until to-morrow :—

Public Service Act Amendment Bill—To be further considered in Committee.

The Council adjourned, at ten minutes 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.

WEDNESDAY, 18TH SEPTEMBER, 1889.

1. The Council met in accordance with adjournment.
2. The President took the Chair.
3. The President read the Prayer.
4. THE COMMITTEE OF ELECTIONS AND QUALIFICATIONS.—The President's Warrant, appointing a Member of "The Committee of Elections and Qualifications," was again laid upon the Table by the President.
5. RETURNS TO WRITS.—The President announced to the Council the receipt of Returns to Writs issued for the election of Members to serve for the undermentioned Provinces, and that by the Returns endorsed on the said Writs it appeared that the following gentlemen had been elected for the said several Provinces as under, viz.:—
North-Western Province—Joseph Major Pratt, auctioneer.
Gippsland Province—Charles Sargeant, saw-miller.
6. NEW MEMBER.—The Honorable Charles Sargeant, 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 702, as hereunder set forth:—

"In compliance with the provisions of the Act 45 Victoria No. 702, I, CHARLES SARGEANT, of Warragul, in the colony of Victoria, saw-miller, 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 Three hundred and seventy-four pounds over and 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 situate in the municipal districts of Warragul and Woorayl respectively, and are known as to the said municipal district of Warragul as all those pieces of land being Crown allotments one hundred and two, and part of allotment one hundred and one, in the parish of Drouin East, county of Buln Buln, containing three hundred and seventy-three acres or thereabouts; and also all that piece of land being allotment twenty-one, section nine, town of Warragul, in the said parish and county, containing five acres two roods and eleven perches; and as to the said municipal district of Woorayl as all that piece of land being allotment seventy-one, in the parish of Mirboo, county of Buln Buln, containing three hundred and nineteen acres two roods and twenty-three perches.

"And I further declare that such of the said lands and tenements as are situate in the municipal district of Warragul are rated in the rate-book of such district upon a yearly value of Three hundred and ninety-five pounds, and that such of the said lands or tenements as are situate in the municipal district of Woorayl are rated in the rate-book of such district upon a yearly value of Seventy-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.

"CHARLES SARGEANT."

7. PETITIONS.—The following Petitions, praying that in the Bill for amending the Education Act now before the Council provision be made for securing the introduction into the State Schools as a part of the school curriculum (but with a conscience clause for those who object) of the Irish National Scripture Lesson Books as used in the State Schools of New South Wales, and the restoration to the State School lesson books, commonly known as the Nelson Series, of those passages relating to Christ and Christianity which were excised from them, were presented as hereunder :—

By the Honorable J. Balfour—

From certain inhabitants of Alexandra.

From certain inhabitants of Alexandra.

From certain inhabitants of Prahran and neighbourhood.

By the Honorable S. Fraser—

From certain members and adherents of the Presbyterian Church at Clarendon street, South Melbourne.

By the Honorable J. P. MacPherson, on behalf of the Honorable T. Dowling—

From certain inhabitants of Camperdown.

By the Honorable J. H. Connor, on behalf of the Honorable S. Austin—

From certain inhabitants of Geelong.

Severally ordered to lie on the Table.

8. LIBRARY COMMITTEE (JOINT).—The Honorable H. Cuthbert moved, pursuant to notice, That the Honorable Dr. Le Fevre be appointed a member of the Library Committee (Joint).

Question—put and resolved in the affirmative.

9. STANDING ORDERS COMMITTEE.—The Honorable H. Cuthbert moved, pursuant to notice, That the Honorable S. W. Cooke be appointed a member of the Standing Orders Committee.

Question—put and resolved in the affirmative.

10. PARLIAMENT BUILDINGS COMMITTEE (JOINT).—The Honorable H. Cuthbert moved, pursuant to notice, That the Honorable George Selth Coppin be appointed a member of the Parliament Buildings Committee (Joint).

Question—put and resolved in the affirmative.

11. EDUCATION LAW FURTHER 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, 1st October next, again resolve itself into the said Committee.

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

Sparrows Destruction Bill—To be read a second time—until Wednesday, 25th September instant.

Public Service Act Amendment Bill—To be further considered in Committee—until Tuesday, 1st October next.

13. ADJOURNMENT.—The Honorable H. Cuthbert moved, by leave, That the Council at its rising adjourn until Tuesday, 1st October next.

Question—put and resolved in the affirmative.

The Council adjourned, at ten minutes to ten o'clock, until Tuesday, 1st October next, at half-past four o'clock.

JOHN BARKER,
Clerk of the Legislative Council.

Minutes of the Proceedings

OF THE

LEGISLATIVE COUNCIL.

TUESDAY, 1ST OCTOBER, 1889.

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 the receipt of a Return to the Writ he had issued for the election of a Member to serve for the North-Western Province, and that by the return endorsed on the said Writ it appeared that James Bell, merchant, had been elected for the said Province.
5. THE COMMITTEE OF ELECTIONS AND QUALIFICATIONS.—The President's Warrant, appointing a Member of "The Committee of Elections and Qualifications," was again laid upon the Table by the President.
6. NEW MEMBERS.—The Honorable James Bell and the Honorable J. M. Pratt, being introduced, took and subscribed the oath required by Law, and also severally delivered to the Clerk the declaration required by Law, as hereunder set forth:—

"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 property, 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, JOSEPH MAJOR PRATT, of George-street, Melbourne East, auctioneer, 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 district of Melbourne, and are known as all that piece of land containing thirty-six perches and three-tenths of a perch or thereabouts, being part of Crown allotment four, section fourteen, city of Melbourne, parish of North Melbourne, at East Melbourne, county of Bourke.

"And I further declare that the said lands or tenements situate in the municipal district of Melbourne 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.

"JOSEPH M. PRATT."

7. PETITIONS.—The following Petitions, praying that in the Bill for amending the Education Act now before the Council provision be made for securing the introduction into the State Schools as a part of the school curriculum (but with a conscience clause for those who object) of the Irish National Scripture Lesson Books as used in the State Schools of New South Wales, and the restoration to the State School lesson books, commonly known as the Nelson Series, of those passages relating to Christ and Christianity which were excised from them, were presented as hereunder:—

By the Honorable J. H. Connor, on behalf of the Honorable D. S. Wallace—
 From certain inhabitants of South Geelong.
 From certain inhabitants of Geelong.
 From certain inhabitants of Steiglitz District.

By the Honorable C. H. James—
 From certain inhabitants of Whittlesea, Morang, and Janefeld.
 From certain inhabitants of Flemington and Kensington.

By the Honorable Charles Sargeant—
 From certain inhabitants of Traralgon—

By the Honorable J. H. Davies—
 From certain members and adherents of the St. Kilda Presbyterian Church.
 From certain inhabitants of Hawthorn.

By the Honorable G. Davis—
 From certain inhabitants of Morwell, Morwell Bridge, La Trobe, and Yinnar.

By the Honorable Dr. Beaney—
 From certain inhabitants of Williamstown.

Severally ordered to lie on the Table.

8. SOUTH-WESTERN PROVINCE ELECTION.—The President announced to the Council that there had been presented to him a Petition from Nathaniel Levi against the return of the Honorable Donald Smith Wallace as Member for the South-Western Province, which he then laid upon the Table, and is as follows:—

To the Honourable Sir James MacBain, Knight, President of the Legislative Council of Victoria.

The Humble Petition of Nathaniel Levi, of Melbourne, in the Colony of Victoria,
 advertising agent:

SHOWETH—

1. That on the twentieth day of June, One thousand eight hundred and eighty-nine, an election was held for One Member to serve in the Legislative Council of Victoria to represent the South-Western Province.

2. Your Petitioner was a candidate at the said election.

3. Donald Smith Wallace, Esquire, and Thomas Russell, Esquire, were the only other candidates at the said election, but your Petitioner sheweth that the said Thomas Russell was not duly nominated as a candidate, inasmuch as he did not, together with the nomination paper required by *The Electoral Act 1865* to be delivered to the Returning Officer, deliver to him a declaration in writing, or partly in writing and partly in print, made and subscribed by the said Thomas Russell, to the effect that he was legally or equitably seized of or entitled to lands or tenements in Victoria sufficient to qualify him under the provisions of *Legislative Council Act 1881* to be a member of the said Council.

4. As the result of the said election, the Returning Officer announced that the said Donald Smith Wallace had received two thousand two hundred and eighty-seven votes; that the said Thomas Russell had received one thousand one hundred and ninety-two votes; and that your Petitioner had received two hundred and forty-six votes; and on the twenty-second day of June, One thousand eight hundred and eighty-nine, the said Returning Officer publicly declared that the said Donald Smith Wallace had received the majority of votes at the said election, and was duly elected a Member to serve as aforesaid, and such Returning Officer made his return accordingly.

5. Your Petitioner has been informed and believes, and now alleges, that the said Donald Smith Wallace was at the time of his said election incapable of being lawfully elected a Member of the Legislative Council of Victoria, and is incapable of sitting or voting in the said Council, by reason of his not having possessed at the time of his election the qualification required by law to be necessary to render him capable of being elected as a Member of the said Council, in that the said Donald Smith Wallace had not, for one year previous to the said election, been legally or equitably seized or entitled to an estate of freehold in possession for his own use and benefit in lands or tenements in Victoria of the annual value of One hundred pounds above all charges and encumbrances affecting the same other than public or parliamentary tax or municipal or other rate or assessment within the meaning of the eleventh section of an Act of the Parliament of Victoria entitled "*An Act for the Reform of the Constitution*," No. 702.

6. Your Petitioner is advised and believes that, by reason of the premises, the said Donald Smith Wallace is not entitled to be declared a duly-elected Member of the Legislative Council for the said South-Western Province.

7. Your Petitioner is informed and believes that the said Thomas Russell does not allege or claim that he was duly nominated or duly-elected for the said Province, nor has he taken any action or proceeding in the matter of the said election.

Your Petitioner therefore respectfully prays—

That you will communicate the matter of this Petition to the Legislative Council of Victoria, in order that the case of your Petitioner may be referred to a Committee of the said Council duly authorized to receive, enquire into, and report upon the same according to law.

That the return of the said Returning Officer be declared void as respects the said Donald Smith Wallace.

That the said Donald Smith Wallace be declared disqualified to have been so elected as a Member of the said Legislative Council, and that he be declared not to have been duly elected.

That in the event of the said Donald Smith Wallace being declared not to have been duly elected, the Return of the said Returning Officer be amended by striking out the name of the said Donald Smith Wallace and inserting in its place the name of your Petitioner, and that your Petitioner be declared duly elected as a Member of the said Legislative Council of Victoria for the said South-Western Province.

That it be declared that the sum of One hundred pounds paid to the said Returning Officer by or on behalf of your Petitioner at the time of his nomination should be repaid to your Petitioner.

That your Petitioner may have such further or other relief as the circumstances of the case may require or as to the said Committee may seem meet.

And your Petitioner will ever pray, &c.

Dated at Melbourne this nineteenth day of September, One thousand eight hundred and eighty-nine.

NATHANIEL LEVI.

Witness—A. C. MACDERMOTT, solicitor, Melbourne.

On the motion of the Honorable H. Cuthbert, the Council ordered the said Petition to be referred to the Committee of Elections and Qualifications for consideration and report.

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 and for other purposes,*" with which they desire the concurrence of the Legislative Council.

M. H. DAVIES,
Speaker.

Legislative Assembly Chamber,
Melbourne, 26th September, 1889.

10. CUSTOMS DUTIES BILL 1889.—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 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. 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 raising of Money for certain purposes 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, 26th September, 1889.

12. VICTORIAN GOVERNMENT STOCK BILL.—The Honorable H. Cuthbert moved, That the Bill transmitted by the above Message, intituled "*An Act to authorize the raising of Money for certain purposes 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 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 further amend 'The Police Offences Statute 1865,'*" with which they desire the concurrence of the Legislative Council.

M. H. DAVIES,
Speaker.

Legislative Assembly Chamber,
Melbourne, 25th September, 1889.

14. POLICE OFFENCES STATUTE 1865 FURTHER AMENDMENT BILL.—The Honorable J. H. Abbott moved, That the Bill transmitted by the above Message, intituled "*An Act to further amend 'The Police Offences Statute 1865,'*" 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, 8th October instant.

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 amend 'The Railway Melbourne Lands Exchange Act 1888' and for other purposes,*" with which they desire the concurrence of the Legislative Council.

M. H. DAVIES,
Speaker.

Legislative Assembly Chamber,
Melbourne, 25th September, 1889.

16. RAILWAY MELBOURNE LANDS EXCHANGE ACT AMENDMENT BILL.—The Honorable H. Cuthbert moved, That the Bill transmitted by the above Message, intituled "*An Act to amend 'The Railway Melbourne Lands Exchange Act 1888' 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.

17. 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 effect an exchange between the Victorian Railways Commissioners and the Board of Land and Works of certain Public Lands at Elsternwick,*" with which they desire the concurrence of the Legislative Council.

M. H. DAVIES,
Speaker.

Legislative Assembly Chamber,
Melbourne, 25th September, 1889.

18. ELSTERNWICK PUBLIC LANDS EXCHANGE BILL.—The Honorable H. Cuthbert moved, That the Bill transmitted by the above Message, intituled "*An Act to effect an exchange between the Victorian Railways Commissioners and the Board of Land and Works of certain Public Lands at Elsternwick,*" 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.

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 a Bill intituled "*An Act to indemnify the Councillors of various Municipalities for borrowing Moneys by Overdrafts on Bankers for the purposes of their Municipalities contrary to the provisions of the 'Local Government Act 1874' and for other purposes,*" with which they desire the concurrence of the Legislative Council.

M. H. DAVIES,
Speaker.

Legislative Assembly Chamber,
Melbourne, 25th September, 1889.

20. MUNICIPAL OVERDRAFTS (INDEMNITY) BILL.—The Honorable James Bell moved, That the Bill transmitted by the above Message, intituled "*An Act to indemnify the Councillors of various Municipalities for borrowing Moneys by Overdrafts on Bankers for the purposes of their Municipalities contrary to the provisions of the 'Local Government Act 1874' 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.

21. 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 Fraudulent Marks on Merchandise and for other purposes,*" 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 Chambers,
Melbourne, 18th September, 1889.

22. PAPERS.—The Honorable H. Cuthbert presented, by command of His Excellency the Administrator of the Government—

Increase of Number of Members of the Federal Council.—Certificate of the Population of the Colony.

Sanitary Condition of Melbourne—Third Progress Report of Royal Commission to inquire into and report upon the Sanitary Condition of Melbourne.—Drainage and Sewerage.

Education—Report of the Minister of Public Instruction for the Year 1888-9.

Severally ordered to lie on the Table.

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

Victorian Railways—Report of the Victorian Railways Commissioners for the Year ending 30th June, 1889.

United Echuca and Waranga Waterworks Trust.—Application for Additional Loan of £10,000. Detailed Statement and Report.

Constitution Statute—Statement of Expenditure under Schedule D to Act 18 & 19 Vict., cap. 55, during the Year 1888-9.

Severally ordered to lie on the Table.

The Honorable James Bell presented, pursuant to Act of Parliament—

Defence Department.—Statement of Expenditure, Special Appropriation, Act No. 777, sec. 7, and Appropriation Act No. 1006—Financial Year 1888-9.

Ordered to lie on the Table.

23. PUBLIC SERVICE ACT 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 reconsideration of clauses 4, 11, 16, 18, 31, 39, new clauses A and B, and for re-consideration of the omission of clause 10.

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 re-consideration of clauses 4, 11, 16, 18, 31, 39, new clauses A and B, and for re-consideration of the omission of clause 10 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, 8th October instant; Bill as amended to be printed.

24. EDUCATION LAW FURTHER 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 October instant, again resolve itself into the said Committee.

25. 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 an Address 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, 1st October, 1889.

M. H. DAVIES,
Speaker.

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

MOST GRACIOUS SOVEREIGN :

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

1 V. & Pro.
L. A., 1887, p. 2,
1884, p. 45.
48 & 49 Vict.
cap. 60.

Whereas the fifth section of an Act of Your Imperial Parliament, intituled "*An Act to constitute a Federal Council of Australasia*," provides that "Each colony shall be represented in the Council by two members, except in the case of Crown colonies, which shall be represented by one member each;" and also further provides that Your Majesty, "At the request of the Legislatures of the colonies, may by Order in Council from time to time increase the number of Representatives of each colony :"

And whereas at the Session of the Federal Council, held at Hobart, in the Colony of Tasmania, during the months of January and February, 1889, a Select Committee of the Council was appointed to consider and report upon the expediency of amending the Constitution of the said Council; And the said Committee unanimously recommended that—

- (a) The number of the members of the Council shall be increased :
- (b) The increase of the number of the members of the Council should be limited to the cases of colonies other than Crown colonies, and should proceed on the basis of population, as follows :—
 - I. Every colony having a population of not more than 100,000 should be entitled to Two Representatives.
 - II. Every colony having a population of more than 100,000 and not more than 300,000 should be entitled to Four Representatives.
 - III. Every colony having a population of more than 300,000 and not more than 700,000 should be entitled to Five Representatives.
 - IV. Every colony having a population of more than 700,000 should be entitled to Six Representatives :

And whereas the Council unanimously adopted the said recommendations :

Now therefore we, the Legislative Assembly of the Colony of Victoria in Parliament assembled, do humbly pray that Your Majesty will be pleased to make an Order in Council increasing the number of the Representatives of each Colony in accordance with such recommendations whenever the necessary certificates are given by the respective Governors in Council.

The Governor in Council of the Colony of Victoria having certified that the population of the Colony of Victoria exceeds in number 700,000, we therefore humbly pray that Your Majesty may be pleased to increase the number of the Representatives of the Colony of Victoria from two to six.

On the motion of the Honorable H. Cuthbert, the Council ordered the said Message and Address to be printed, and taken into consideration to-morrow.

MR. PRESIDENT—

The Legislative Assembly transmit to the Legislative Council an Address to His Excellency the Administrator of the Government, adopted this day by the Legislative Assembly, with which they desire the concurrence of the Legislative Council.

M. H. DAVIES,
Speaker.

Legislative Assembly Chamber,
Melbourne, 1st October, 1889.

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

To His Excellency SIR WILLIAM CLEAVER FRANCIS ROBINSON, Knight Grand Cross of the Most Distinguished Order of Saint Michael and Saint George, Administrator of the Government of 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, praying that Her Majesty will be pleased to make an Order in Council to increase the number of the representatives in the Federal Council, which Address 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 the said Message and Address to be printed, and taken into consideration to-morrow.

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

Sparrows Destruction Bill—*To be read a second time*—until Wednesday, 9th October instant.

Fencing Law Amendment Bill.—*To be read a second time*—until to-morrow.

The Council adjourned, at thirteen minutes past 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.

WEDNESDAY, 2ND OCTOBER, 1889.

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 that he had received a Return to the Writ he had issued for the election of a Member to serve for the Melbourne Province, by which it appeared that Sir Benjamin Benjamin had been duly elected in pursuance thereof.
5. NEW MEMBER.—The Honorable Sir Benjamin Benjamin was introduced, took and subscribed the oath required by Law, and also delivered to the Clerk the declaration required by Law, as hereunder set forth :—

“In compliance with the provisions of the Act 45 Victoria No. 702, I, BENJAMIN BENJAMIN, Knight, 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 situate in the municipal district of the city of Melbourne, and are known as Salisbury Buildings, corner of Bourke and Queen streets, Lonsdale Ward, in the city of Melbourne, and as to which I am the owner of one undivided fourth part or share, the said land being part of Crown section thirteen, city and parish of Melbourne, county of Bourke, particularly described in certificate of title entered in the Register Book, volume 1346, folio 269105.

“And I further declare that such of the said lands or tenements as are situate in the municipal district of the city of Melbourne are rated in the rate-book of such district upon a yearly value of £3,920.

“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.

“B. BENJAMIN.”
6. PAPER.—The Honorable J. Bell presented, by command of His Excellency the Administrator of the Government—

The Land Act 1884.—Regulations—Alteration of certain Schedules.—Order in Council.

Ordered to lie on the Table.
7. PETITION.—The Honorable J. M. Pratt presented a Petition from certain inhabitants of Kerang and surrounding district, praying that in the Bill for amending the Education Act now before the Council provision be made for securing the introduction into the State schools, as a part of the school curriculum (but with a conscience clause for those who object), of the Irish National Scripture Lesson Books, commonly known as the Nelson Series, of those passages relating to Christ and Christianity which were excised from them.

Petition received, and ordered to lie on the Table.
8. CUSTOMS DUTIES BILL 1889.—The Honorable H. Cuthbert moved, That this Bill be now read a second time.

Debate ensued.

The Honorable Lieut.-Col. Sargood moved, That the debate be now adjourned.

Debate continued.

Question—That the debate be adjourned until Tuesday, 8th October instant—put and resolved in the affirmative.

9. VICTORIAN GOVERNMENT STOCK 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 authorize the raising of Money for certain purposes 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.

10. RAILWAY MELBOURNE LANDS EXCHANGE ACT 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, 15th October instant, again resolve itself into the said Committee.

11. ELSTERNWICK PUBLIC LANDS EXCHANGE 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 effect an Exchange between the Victorian Railways Commissioners and the Board “of Land and Works of certain Public Lands at Elsternwick.”

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. THE COMMITTEE OF ELECTIONS AND QUALIFICATIONS.—The Honorable Dr. Le Fevre, a member of the Committee of Elections and Qualifications, took the oath required by law at the Table of the Council before the Clerk thereof.

13. MUNICIPAL OVERDRAFTS (INDEMNITY) BILL.—The Honorable James Bell moved, That this Bill be now read a second time.

Debate ensued.

The Honorable C. J. Ham moved, That the debate be now adjourned.

Debate continued.

Question—That the debate be now adjourned until this day week—put and negatived.

Question—That this Bill be now read a second time—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 that the same 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 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 indemnify the Councillors of various Municipalities for borrowing Moneys by Overdrafts on Bankers for the purposes of their Municipalities contrary to the provisions of the ‘Local Government Act 1874’ and for other purposes.”

Question—put and resolved in 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 FEDERAL COUNCIL, INCREASE OF NUMBER OF MEMBERS OF.—The Order of the Day for the consideration of the Message from the Legislative Assembly, transmitting an Address to Her Most Gracious Majesty the Queen, adopted by the Legislative Assembly, having been read—

The Honorable H. Cuthbert moved, That the words “Legislative Council and the” be inserted in the blanks in the first and twenty-eighth lines of the said Address.

Debate ensued.

Question—put and resolved in the affirmative.

The Honorable H. Cuthbert moved, That the Legislative Council concur with the Legislative 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 Legislative Council have concurred with the Legislative Assembly in the said Address, and that they have filled up the blanks with the words “Legislative Council and the.”

15. THE FEDERAL COUNCIL.—The Order of the Day for the consideration of the Message from the Legislative Assembly transmitting an Address to His Excellency the Administrator of the Government adopted by the Legislative Assembly having been read—

The Honorable H. Cuthbert moved, That the words “Legislative Council and the” be inserted in the blank in line one of the said Address.

Question—put and resolved in the affirmative.

The Honorable H. Cuthbert moved, That the Council concur with the Legislative 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 concurred with the Assembly in the said Address, and that they have filled up the blank with the words “Legislative Council and the”

16. FENCING LAW AMENDMENT BILL.—The Honorable A. Wynne moved, That this Bill be now read a second time.

Debate ensued.

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

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

17. ADJOURNMENT.—The Honorable H. Cuthbert moved, by leave, That the Council at its rising adjourn until Tuesday, 8th October instant.

Question—put and resolved in the affirmative.

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

JOHN BARKER,
Clerk of the Legislative Council.



VICTORIA.

No. 26.

Minutes of the Proceedings
OF THE
LEGISLATIVE COUNCIL.

TUESDAY, 8TH OCTOBER, 1889.

- 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 ADMINISTRATOR OF THE GOVERNMENT.—The following Message from His Excellency the Administrator of the Government was presented by the Honorable James Bell, and the same was read and is as follows :—

W. C. F. ROBINSON,

Administrator of the Government.

Message.

The Administrator of the Government 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 consolidate and amend the Law relating to Fraudulent Marks on Merchandise and for other purposes.*”

“ *An Act to authorize the raising of Money for certain purposes by increasing the amount of Victorian Government Stock.*”

“ *An Act to effect an exchange between the Victorian Railways Commissioners and the Board of Land and Works of certain Public Lands at Elsternwick.*”

“ *An Act to indemnify the Councillors of various Municipalities for Borrowing Moneys by Overdrafts on Bankers for the purposes of their Municipalities contrary to the provisions of the ‘ Local Government Act 1874 ’ and for other purposes.*”

Government Offices,
Melbourne, 7 October, 1889.

Ordered to lie on the Table.

- 5. PETITION.—The Honorable James Bell presented a Petition from certain inhabitants of Tarnagulla, Dunolly, and neighbourhood, praying that in the Bill for amending the Education Act now before the Council provision be made for securing the introduction into the State schools, as a part of the school curriculum (but with a conscience clause for those who object), of the Irish National Scripture Lesson Books, commonly known as the Nelson Series, of those passages relating to Christ and Christianity which were excised from them.

Petition received, and ordered to lie on the Table.

- 6. PAPER.—The Honorable H. Cuthbert presented, pursuant to Act of Parliament—
Friendly Societies, Statistics of—for the Year 1887—Tenth Annual Report of the Proceedings of the Government Statist in connexion with—

Ordered to lie on the Table.

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

Public Service Act Amendment Bill—Adoption of report.

- 8. PUBLIC SERVICE ACT AMENDMENT BILL.—The Honorable J. Bell moved, That this Bill be re-committed to a Committee of the whole Council for re-consideration of clauses 4, 10, 18, 22, 30, 31, 39, new clauses A and B, and the schedule.

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 re-consideration of clauses 4, 10, 18, 22, 30, 31, 39, new clauses A and B, and the schedule 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 for the Relief of Widows and Children of certain Intestates and for other purposes,*" with which they desire the concurrence of the Legislative Council.

Legislative Assembly Chamber,
Melbourne, 2nd October, 1889.

M. H. DAVIES,
Speaker.

10. INTESTATES' ESTATES RELIEF BILL.—The Honorable H. Cuthbert moved, That the Bill transmitted by the above Message, intituled "*An Act for the Relief of Widows and Children of certain Intestates 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. 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 nineteen thousand four hundred pounds to the service of the Year One thousand eight hundred and eighty-nine and ninety,*" with which they desire the concurrence of the Legislative Council.

Legislative Assembly Chamber,
Melbourne, 8th October, 1889.

M. H. DAVIES,
Speaker.

12. 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 nineteen thousand four hundred pounds to the service of the Year One thousand eight hundred and eighty-nine and ninety,*" 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 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 nineteen thousand four hundred pounds to the service of the Year One thousand eight hundred and eighty-nine and ninety.

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.

13. EDUCATION LAW FURTHER 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.

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

Customs Duties Bill 1889—Adjourned debate on second reading.

Police Offences Statute 1865 further Amendment Bill—To be read a second time.

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

JOHN BARKER,
Clerk of the Legislative Council

VICTORIA.

No. 27.

Minutes of the Proceedings

OF THE

LEGISLATIVE COUNCIL.

WEDNESDAY, 9TH OCTOBER, 1889.

1. The Council met in accordance with adjournment.
2. The President took the Chair.
3. The President read the Prayer.
4. THE COMMITTEE OF ELECTIONS AND QUALIFICATIONS.—The Honorable H. Cuthbert brought up a Report from this Committee.
Report read, and together with the proceedings of the Committee, ordered to lie on the Table, and to be printed.

5. MESSAGE FROM HIS EXCELLENCY THE ADMINISTRATOR OF THE GOVERNMENT.—The following Message from His Excellency the Administrator of the Government was presented by the Honorable James Bell, and the same was read and is as follows:—

W. C. F. ROBINSON,

Administrator of the Government.

Message.

The Administrator of the Government 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 four hundred and nineteen thousand four hundred pounds to the service of the Year One thousand eight hundred and eighty-nine and ninety.”

Government Offices,
Melbourne, 9th October, 1889.

Ordered to lie on the Table.

6. PAPER.—The Honorable H. Cuthbert presented, by command of His Excellency the Administrator of the Government—

Appointment of Colonial Governors—Despatch from the Right Honorable the Secretary of State for the Colonies to the Governors of the Australian Colonies and New Zealand, dated July 8th, 1889.

Ordered to lie on the Table.

7. SPARROWS DESTRUCTION BILL.—The Honorable J. H. Connor 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 J. H. Connor 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. H. Connor, 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, 16th October instant, again resolve itself into the said Committee.

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 Destruction and Suppression of Rabbits and other Vermin,*” with which they desire the concurrence of the Legislative Council.

M. H. DAVIES,
Speaker.

Legislative Assembly Chamber,
Melbourne, 1st October, 1889.

9. **RABBIT DESTRUCTION BILL.**—The Honorable J. Bell moved, That the Bill transmitted by the above Message, intituled "*An Act to provide for the Destruction and Suppression of Rabbits and other Vermin,*" 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, 15th October instant.

10. **PUBLIC SERVICE ACT AMENDMENT BILL.**—The Order of the Day for the further re-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 re-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 October instant; Bill as amended to be printed.

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 acquaint the Legislative Council that they have appointed a Committee, consisting of seven Members, to join with a Committee of the Legislative Council, to consider and report upon the question of the Consolidation of the Laws, and request that the Legislative Council will be pleased to appoint an equal number of Members to be joined with the Members of this House; five to be the quorum.

M. H. DAVIES,
Speaker.

Legislative Assembly Chamber,
Melbourne, 9th October, 1889.

The Honorable H. Cuthbert moved, That in compliance with the request of the Legislative Assembly a Committee be appointed, consisting of seven members, to join with the Committee of the Legislative Assembly to consider and report upon the question of the Consolidation of the Laws, such Committee to consist of the Honorables Lieut.-Col. Sargood, James Service, W. A. Zeal, F. Brown, S. W. Cooke, J. M. Davies, and the Mover, five to be a quorum, and that the Committee have power to meet on days on which the Council does not sit; and further, that the Committee meet in the first instance in the South Library on Tuesday next at half-past 3 o'clock.

Question—put and resolved in the affirmative.

Ordered that a Message be sent to the Legislative Assembly acquainting them with the above resolution.

12. **POSTPONEMENT OF ORDER OF THE DAY.**—The Council ordered that the consideration of the third Order be postponed until after the consideration of the fifth Order for to-day.

13. **EDUCATION LAW FURTHER 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, 15th October instant, again resolve itself into the said Committee.

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 acquaint the Legislative Council that they have directed the Select Committee appointed by the Legislative Assembly to join with a Committee of the Legislative Council to consider and report upon the question of the Consolidation of the Laws to meet the Committee appointed by the Legislative Council in the South Library, on Tuesday, 15th October, at half-past three o'clock.

M. H. DAVIES,
Speaker.

Legislative Assembly Chamber,
Melbourne, 9th October, 1889.

15. **POSTPONEMENT OF ORDERS OF THE DAY.**—The Council ordered, That the consideration of the following Orders of the Day be postponed until Tuesday, 15th October instant :—

Intestate Estates Relief Bill—To be read a second time.

Customs Duties Bill 1889—Adjourned debate on second reading.

Police Offences Statute 1865 further Amendment Bill—To be read a second time.

16. **ADJOURNMENT.**—The Honorable H. Cuthbert moved, by leave, That the Council at its rising adjourn until Tuesday, 15th October 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.

VICTORIA.

No. 28.

Minutes of the Proceedings

OF THE

LEGISLATIVE COUNCIL.

TUESDAY, 15TH OCTOBER, 1889.

1. The Council met in accordance with adjournment.
2. The President took the Chair.
3. The President read the Prayer.
4. PAPERS.—The Honorable James Bell presented, by command of His Excellency the Administrator of the Government—
 Post Office and Telegraph Department—Report upon the affairs of the—for the Year 1888.
 Ordered to lie on the Table.
 The Honorable James Bell presented, pursuant to Act of Parliament—
 Yan Yean Water Supply—Cash Statement from 1st July, 1888, to 30th June, 1889, and Balance-sheet to 30th June, 1889.
 Ordered to lie on the Table.
5. PETITIONS.—The Honorable Thomas Dowling presented a Memorial from W. B. Hodgetts, styling himself Chairman of the Mining District of Ararat, praying that the Council would repeal that portion of the 102nd section of “*The Land Act 1884*” which makes managers of commons the Owners within the meaning of “*The Rabbit Suppression Act 1880.*”
 Ordered to lie on the Table.
 The Honorable James Service presented a Petition from certain inhabitants of North Carlton, praying that in the Bill for amending the Education Act now before the Council provision be made for securing the introduction into the State schools, as a part of the school curriculum (but with a conscience clause for those who object), of the Irish National Scripture Lesson Books, commonly known as the Nelson Series, of those passages relating to Christ and Christianity which were excised from them.
 Ordered to lie on the Table.
6. POSTPONEMENT OF ORDERS OF THE DAY.—The Council ordered that the consideration of the following Orders of the Day be postponed as under :—
Railway Melbourne Lands Exchange Act Amendment Bill—To be further considered in Committee—until to-morrow.
Rabbit Destruction Bill—To be read a second time—until after the consideration of the 4th Order for to-day.
7. PUBLIC SERVICE ACT AMENDMENT BILL.—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 Public Service Act 1883.”*”
 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.

8. EDUCATION LAW FURTHER 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 clause 10 and for the consideration of a new clause.

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 clause 10 and for the consideration of a new clause.

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 this day; Bill as further amended to be printed.

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 further amend the Law relating to Education.*”

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. RABBIT DESTRUCTION BILL.—The Honorable James Bell moved, That this Bill be now read a second time.

Debate ensued.

The Honorable George Young moved, That the debate be now adjourned.

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

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

Customs Duties Bill 1889—Adjourned debate on second reading.

Intestate Estates Relief Bill—To be read a second time.

Police Offences Statute 1865 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. 29.

Minutes of the Proceedings

OF THE

LEGISLATIVE COUNCIL.

WEDNESDAY, 16TH OCTOBER, 1889.

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 Administrator of the Government—
 - Defences—Report by Major-General J. Bevan Edwards, C.B., on the Military Forces and Defences of Victoria, with a Memorandum containing proposals for the reorganization of the Australian Forces.
 - Victorian Water Supply—Third Annual General Report by the Secretary for Water Supply.
 Severally ordered to lie on the Table.

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

 - The Fisheries Act 1873.—Notice.—Fishing near the mouth of the Merri River.
 - The Fisheries Act 1873.—Notice.—Fishing within Merri River, Lady Bay.
 Severally ordered to lie on the Table.
5. PUBLIC LOANS FOR PUBLIC WORKS.—The Honorable J. Service moved, pursuant to notice, That a Return be laid on the Table showing (approximately only, if more convenient) the amount of borrowed money that has been spent on Public Works in the Colony each year since the introduction of responsible government.

Question—put and resolved in the affirmative.
6. PUBLIC SERVICE ACT—4TH AND 5TH CLASS OFFICERS.—The Honorable S. Fraser moved, pursuant to amended notice, That there be laid on the Table of the Council a Return showing the names and present salaries of all officers whose duties were classified by the Board on the 31st December, 1884, as 5th and 4th class clerical, and who had passed the Civil Service examination required by Act 160, but who were not classified under that Act

Question—put and resolved in the affirmative.
7. POSTPONEMENT OF ORDERS OF THE DAY.—The Council ordered that the consideration of the first four Orders be postponed until after the consideration of the fifth Order on the paper of to-day.
8. CUSTOMS DUTIES BILL 1889.—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—

The President stated that, in pursuance of the promise he had given that he would state his opinion as to the powers of this Council to deal with clauses 5 and 7 of this Bill :—“ He had given the matter his serious consideration. The great object of the Council was the protection of its privileges, and in so doing to act as far as possible in harmony with the Legislative Assembly, and he felt certain that no Member of the Council had any desire to provoke hostility, or to irritate Members of the Assembly in the matter now under consideration. He did not think any Member would raise the question as to the absolute right of the Assembly to have the Customs Duties Bill passed ; but there were certain privileges possessed by the Council that must be respected. The question that had now been raised had been discussed on previous occasions, and it was a pity that the Standing Order that had been proposed in 1867 had not been adopted. He felt a difficulty in dealing with the matter at its present stage, and, therefore, instead of giving a definite ruling, would merely state his opinion, as follows :—

“Honorable Members may consider it expedient to follow the course adopted by the Council in 1867 by omitting such portions of the Bill as are objected to—returning the Bill so amended to the Assembly with a Message, giving reasons. Another course may be adopted, similar to that pursued in connection with the Payment of Members of Parliament Bill, by the Council asking for a Conference with the Assembly, by the appointment of Committees of both Houses, or by laying the Bill aside, leaving the Assembly to search the records as to what became of it.

“It is not however for me, at the present stage, to state what course the House should take in dealing with this Bill. My desire is that we should avoid anything that would lead to irritation or to provoke hostile feelings between the two Houses.

“The 56th section of the Constitution Act declares ‘That all Bills for appropriating any part of the revenue of Victoria and for imposing any duty rate tax return or impost shall originate in the Assembly and may be rejected but not altered by the Council.’

“To my mind there is nothing clearer than that if the Council amend or alter a Bill within the meaning of the 56th section of the Constitution Act, violence is not only done to our Constitution, but we are departing from the uniform practice of the Imperial Parliament in dealing with Money Bills.

“The question, however, put to me is—‘As to whether the Bill was such a measure as the Council could not amend.’

“Honorable Members are aware that the Bill is entitled ‘*An Act for granting to Her Majesty certain Duties of Customs in lieu of certain other Duties and for other purposes.*’ Though the Bill is to all intents and purposes a Money Bill, it is not purely a Money Bill—it is something more, and that something more is foreign to, and which ought not to appear in, a Money Bill. I look upon the money portion of this Bill to be of such great importance that I am forced to the conclusion that this Council ought to have been left to exercise its recognised constitutional right regarding it, without being fettered by the inclusion of what is described as ‘and for other purposes.’ I cannot for a moment think that the Assembly had any intention to depart from the recognised practice by including in this Bill clauses 5 and 7, as these do undoubtedly interfere with the privileges of this House by depriving it of its right to deal unfettered with such a delegation of power as is proposed to invest the Commissioner of Customs with. It may be fairly argued that if the Assembly include in a Money Bill clauses properly belonging to ‘An Act for amending the Law relating to Customs,’ the Council would be justified in dealing with such clauses in the same manner as if they did not form part of a Money Bill, but formed the substance of a separate Bill.

“The adoption of such a course however by both Houses would, in my opinion, be at variance with those rules which have hitherto guided our procedure, and which agree with the practice of the Imperial Parliament. A similar question arose in 1867 in connection with a Customs Duties Bill, the title of which did not include the words ‘and for other purposes,’ but the Bill itself did include a delegation of powers to the Commissioner of Customs similar to that included in the Bill now under discussion. On that occasion, the Council amended the Bill by striking out what they considered as not properly belonging to the Bill. Honorable members then, while adopting that course, expressed their regret that they were doing what they did not approve of, and only did it as an act of expediency under the justifiable impression that the Assembly would respect the objections taken by the Council. The result proved this to be correct, as the Assembly laid the Bill aside and brought in a new Bill, excluding what was objected to by the Council.”

Debate—That this Bill be now read a second time resumed.

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, to-morrow, again resolve itself into the said Committee.

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

Fencing Law Amendment Bill—Adjourned debate on second reading.

Sparrows Destruction Bill—To be further considered in Committee.

Railway Melbourne Lands Exchange Act Amendment Bill—To be further considered in Committee.

Rabbit Destruction Bill—Adjourned debate on second reading.

Intestate Estates Relief Bill—To be read a second time.

Police Offences Statute 1865 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. 30.

Minutes of the Proceedings

OF THE

LEGISLATIVE COUNCIL.

THURSDAY, 17TH OCTOBER, 1889.

1. The Council met in accordance with adjournment.
2. The President took the Chair.
3. The President read the Prayer.
4. **RABBIT DESTRUCTION 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 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 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 October instant, again resolve itself into the said Committee.
5. **POSTPONEMENT OF ORDERS OF THE DAY.**—The Council ordered that the consideration of the following Orders of the Day be postponed until Tuesday, 22nd October instant:—
 - Customs Duties Bill 1889—To be further considered in Committee.*
 - Railway Melbourne Lands Exchange Act Amendment Bill—To be further considered in Committee.*
 - Intestate Estates Relief Bill—To be read a second time.*
 - Fencing Law Amendment Bill—Adjourned debate on second reading.*
 - Sparrows Destruction Bill.—To be further considered in Committee.*
 - Police Offences Statute 1865 further Amendment Bill—To be read a second time.*

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

JOHN BARKER,
 Clerk of the Legislative Council.

VICTORIA.

No. 31.

Minutes of the Proceedings

OF THE

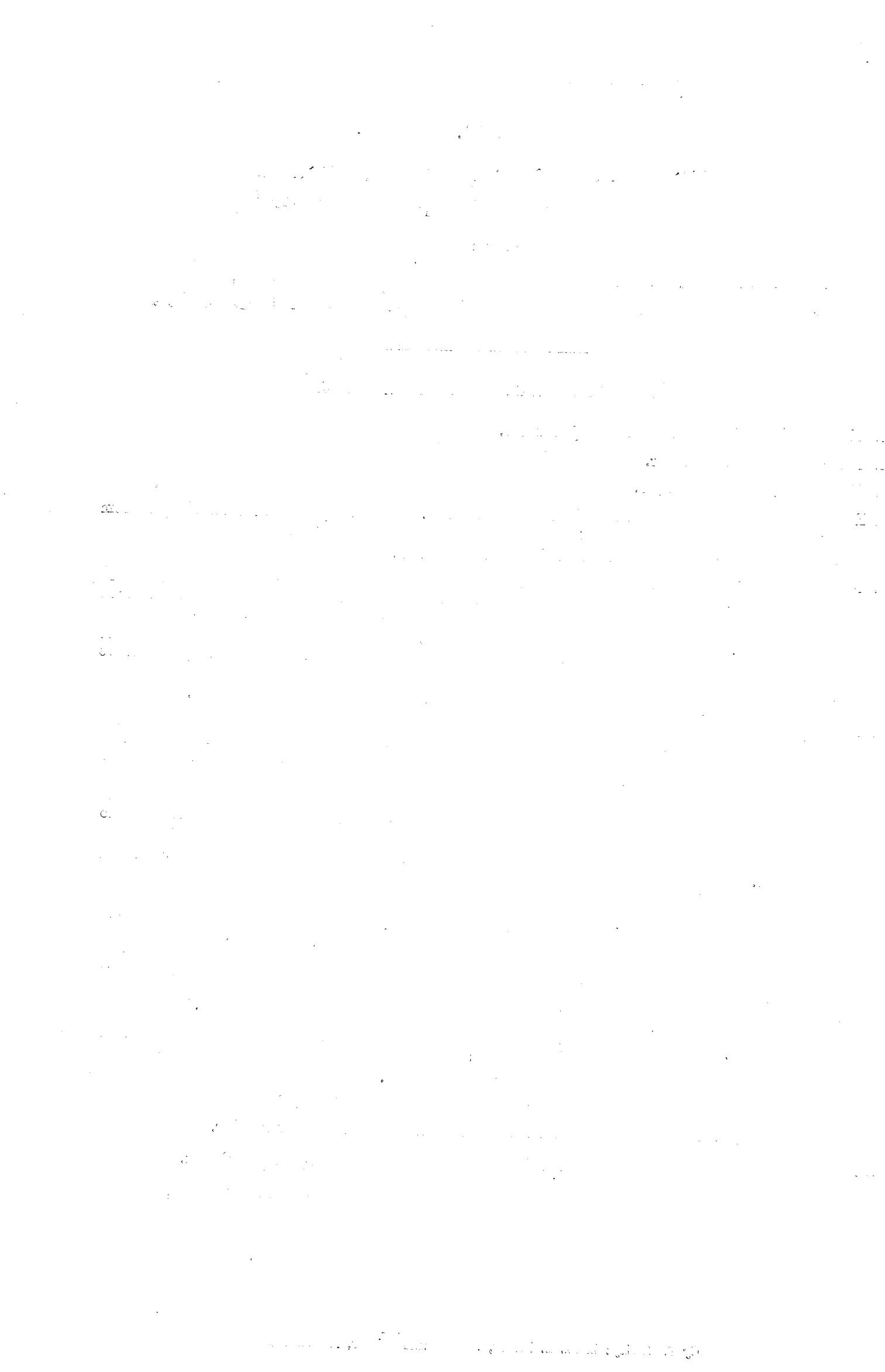
LEGISLATIVE COUNCIL.

TUESDAY, 22ND OCTOBER, 1889.

1. The Council met in accordance with adjournment.
2. The President took the Chair.
3. The President read the Prayer.
4. REFRESHMENT ROOMS COMMITTEE.—The Honorable S. W. Cooke brought up the Second Report from this Committee.
Report read and ordered to lie on the Table, and to be printed.
5. CUSTOMS DUTIES BILL 1889.—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. RAILWAY MELBOURNE LANDS EXCHANGE ACT 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, 29th October instant, again resolve itself into the said Committee.
7. RABBIT DESTRUCTION 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.
8. POSTPONEMENT OF ORDERS OF THE DAY.—The Council ordered, That the consideration of the following Orders of the Day be postponed until to-morrow :—
Intestate Estates Relief Bill—To be read a second time.
Fencing Law Amendment Bill—Adjourned debate on second reading.
Sparrows Destruction Bill—To be further considered in Committee.
Police Offences Statute 1865 further Amendment Bill—To be read a second time.

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

JOHN BARKER,
Clerk of the Legislative Council.



VICTORIA.

No. 32.

Minutes of the Proceedings

OF THE

LEGISLATIVE COUNCIL.

WEDNESDAY, 23RD OCTOBER, 1889.

1. The Council met in accordance with adjournment.
2. The President took the Chair.
3. The President read the Prayer.
4. PETITION.—The Honorable James Balfour presented a Petition from certain owners of property and residents in the parishes of Bittern, Balnarring, Flinders, and Kangerong, praying the Council so to amend the Rabbit Destruction Bill as to secure the petitioners and others placed in similar positions from being subjected to so great a loss as might be incurred if the Bill as it then stood became law; and, as an alternative enactment, the petitioners would suggest that if they surround their properties or any portion thereof with a rabbit-proof fence such properties or portion should prevent the Inspector having the power to require them to remove or destroy any live fence, brushwood or log fence, or hedge or stone wall, or dead or fallen timber, and also that any owner having properties on both sides of a road may as to such properties have power to enclose the same in the manner and subject to the same conditions as any two or more owners of adjoining properties are to be allowed to do by the said Bill.
Petition received, and ordered to lie on the Table.
5. PAPER.—The Honorable James Bell presented, pursuant to Act of Parliament—
The Fisheries Act Amendment Act 1878—Notice.
Ordered to lie on the Table.
6. CUSTOMS DUTIES BILL.—The Honorable Lieut.-Colonel Sargood moved, pursuant to *amended* notice, That seven Members of this House be appointed to meet and confer with a like number of Members of the Legislative Assembly on the inclusion in the Customs Duties Bill of clauses 5 and 7.
Question—put and resolved in the affirmative.
The Honorable Lieut.-Colonel Sargood moved, by leave, That the Committee consist of the following Members, viz.:—The Honorables James Service, James Balfour, Dr. Dobson, J. M. Davies, S. W. Cooke, F. Illingworth, and the Mover.
Question—put and resolved in the affirmative.
The Honorable Lieut.-Col. Sargood moved, by leave, That a Message be sent to the Legislative Assembly informing them that the Council has appointed a Committee of seven Members to meet and confer with a like number of Members of the Legislative Assembly on the inclusion in the Customs Duties Bill of clauses 5 and 7.
Question—put and resolved in the affirmative.
7. POSTPONEMENT OF ORDER OF THE DAY.—The Council ordered, That the consideration of the following Order of the Day be postponed until later this day :—
Customs Duties Bill 1889—To be further considered in Committee.
8. RABBIT DESTRUCTION 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.

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 acquaint the Legislative Council that they have appointed a Select Committee consisting of seven Members to confer with the Committee appointed by the Legislative Council to consider the question of the inclusion in *The Customs Duties Bill* of clauses 5 and 7, and that they have directed the Committee to meet in the South Library immediately, five to be the quorum.

M. H. DAVIES,
Speaker.

Legislative Assembly Chamber,
Melbourne, 23rd October, 1889.

The Committee appointed by the Legislative Council then proceeded to the South Library to confer with the Committee of the Legislative Assembly, and being returned—

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

Customs Duties Bill 1889—To be further considered in Committee.

Rabbit Destruction Bill—To be further considered in Committee.

Intestate Estates Relief Bill—To be read a second time.

Fencing Law Amendment Bill—Adjourned debate on second reading—until to-morrow.

Sparrows Destruction Bill.—To be further considered in Committee—until Tuesday, 29th October instant

Police Offences Statute 1865 further Amendment Bill—To be read a second time—until to-morrow.

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

JOHN BARKER,
Clerk of the Legislative Council.

VICTORIA.

No. 33.

Minutes of the Proceedings

OF THE

LEGISLATIVE COUNCIL.

THURSDAY, 24TH OCTOBER, 1889.

- 1. The Council met in accordance with adjournment.
- 2. The President took the Chair.
- 3. The President read the Prayer.
- 4. CUSTOMS DUTIES ACT 1889 BILL CONFERENCE.—The Honorable Lieut.-Col. Sargood stated to the Council—

That after much and careful consideration the Committees of the Council and Assembly, to which was referred the question of the inclusion in the Customs Duties Bill of clauses 5 and 7, have mutually agreed as follows :—

- 1. That the Bill now before your Honorable House be passed.
- 2. That in the event of a difference of opinion arising under clause 5 of the Bill as to the duty chargeable on any article, the matter will be considered by The Hon. the Commissioner, together with one or more of his colleagues, who shall hear the party aggrieved and take such expert or other evidence as they may deem necessary, and the decision arrived at by them will be embodied in an Order of the Governor in Council.
- 3. The above to operate pending the introduction by the Government in the next Session of Parliament of a Bill dealing with the question of the powers of The Hon. the Commissioner of Customs under the Customs Law—and preserving with regard to the pending Customs Bill all right of appeal now existing under the law.

- 5. PRINTING COMMITTEE.—The Honorable H. Cuthbert moved, by leave, That the Honorable James Bell be appointed a Member of the Printing Committee.
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 transmit to the Legislative Council a Bill intituled “ *An Act to amend ‘ The Duties on the Estates of Deceased Persons Statute 1870’ and for other purposes,*” with which they desire the concurrence of the Legislative Council.

M. H. DAVIES,
Speaker.

Legislative Assembly Chamber,
Melbourne, 22nd October, 1889.

- 7. DUTIES ON ESTATES AMENDMENT BILL.—The Honorable H. Cuthbert moved, That the Bill transmitted by the above Message, intituled “ *An Act to amend ‘ The Duties on the Estates of Deceased Persons Statute 1870’ 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 October instant.

- 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 acquisition of certain Lands situate in the City of Melbourne by the Mayor Aldermen Councillors and Citizens thereof and for the erection of a new Police Court therein and for other purposes,*” with which they desire the concurrence of the Legislative Council.

M. H. DAVIES,
Speaker.

Legislative Assembly Chamber,
Melbourne, 22nd October, 1889.

- 9. MELBOURNE CITY POLICE COURT SITE BILL.—The Honorable H. Cuthbert moved, That the Bill transmitted by the above Message, intituled “ *An Act to provide for the acquisition of certain Lands situate in the City of Melbourne by the Mayor Aldermen Councillors and Citizens thereof and for the erection of a new Police Court therein 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 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 ratify a Lease of certain Land granted by the Government of Victoria to the Colonial Ammunition Company Limited for the purposes of an Ammunition Factory,*" with which they desire the concurrence of the Legislative Council.

M. H. DAVIES,
Speaker.

Legislative Assembly Chamber,
Melbourne, 23rd October, 1889.

11. AMMUNITION FACTORY BILL.—The Honorable James Bell moved, That the Bill transmitted by the above Message, intituled "*An Act to ratify a Lease of certain Land granted by the Government of Victoria to the Colonial Ammunition Company Limited for the purposes of an Ammunition Factory,*" 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 October instant.

12. CUSTOMS DUTIES BILL 1889.—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.

13. RABBIT DESTRUCTION 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 1, 3, 5, 20, 29, and 31 of this Bill.

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 1, 3, 5, 20, 29, and 31 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, 29th October instant; Bill as amended to be printed.

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 of Divorce,*" with which they desire the concurrence of the Legislative Council.

M. H. DAVIES,
Speaker

Legislative Assembly Chamber,
Melbourne, 24th October, 1889.

15. DIVORCE LAW AMENDMENT BILL.—The Honorable W. A. Zeal moved, That the Bill transmitted by the above Message, intituled "*An Act to amend the Law of Divorce,*" 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 on Wednesday, 30th October instant.

16. CUSTOMS DUTIES BILL 1889.—On the motion of the Honorable H. Cuthbert, the Council adopted the Report from the Committee of the whole on this Bill, and ordered the Bill to be read a third time Tuesday, 29th October instant.

17. INTESTATE ESTATES RELIEF 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, 29th October instant, 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 Wednesday, 30th October instant :—

Fencing Law Amendment Bill—Adjourned debate on second reading.

Police Offences Statute 1865 further Amendment Bill—To be read a second time.

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.

Minutes of the Proceedings

OF THE

LEGISLATIVE COUNCIL.

TUESDAY, 29TH OCTOBER, 1889.

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 James Bell, and the same was read, and is as follows :—

HENRY B. LOCH,
Governor.

Message

The Governor transmits to the Legislative Council the accompanying copy of a Despatch received from The Right Honorable the Secretary of State for the Colonies, in reply to the Joint Address to Her Majesty the Queen from the Legislative Council and Legislative Assembly of Victoria relative to granting Constitutional Government to Western Australia.

Government House,
Melbourne, 29th October, 1889.

Ordered to lie on the Table, and, together with the enclosure, to be printed.

5. MELBOURNE CITY AND DISTRICT POLICE COURTS CASES.—The Honorable J. Service moved, pursuant to *amended* notice, That there be laid on the Table of the Council a Return of all cases of a public character which have been decided in the City or District Police Courts, Melbourne, since the year 1884, in which the decisions arrived at by a majority of the Bench are known to have been contrary to the views of the Police Magistrate; with the names of all the honorary magistrates who took part in each case.

Question—put and resolved in the affirmative.

6. POSTPONEMENT OF ORDERS OF THE DAY.—The Council ordered, That the consideration of Orders 1 to 5 be postponed until after the consideration of the 6th Order for to-day.
7. CUSTOMS DUTIES BILL 1889.—The President having reported that the Chairman of Committees had certified that the fair print of this Bill was in accordance with the Bill as reported—The Honorable H. Cuthbert moved, That this Bill be now read a third time.

The Honorable Lieut.-Col. Sargood moved, as an amendment, That the following words be added after the word "time," viz.—

Subject to the following protest :—

1. Because it contains clauses for purposes other than the imposition of duties, which clauses ought to have been submitted to this Council in a separate measure.

2. But at the Conference held on this subject by the Committees of the Council and Assembly, it was arranged—in reference to the subject-matter of one of the said clauses, which the Council considered it of importance to amend—as follows, viz. :—

“ That in the event of a difference of opinion arising under Clause 5 of the Bill as to the duty chargeable on any article, the matter will be considered by The Honorable the Commissioner of Customs, together with one or more of his colleagues, who shall hear the party aggrieved, and take such expert or other evidence as they may deem necessary, and the decision arrived at by them will be embodied in an Order of the Governor in Council.

“ The above to operate pending the introduction by the Government in the next Session of Parliament of a Bill dealing with the question of the powers of The Commissioner of Customs under the Customs Law—and preserving with regard to the pending Customs Bill all right of appeal now existing under the law.”

The Council, therefore, whilst protesting as aforesaid, declares that it passes this Bill with the sole view of preventing evils which might arise if the Council insisted on exercising the rights conferred on it by the Constitution Act.

Debate ensued.

The Hon. J. M. Davies moved, That the debate be now adjourned.

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

Question—That the words proposed to be added be so added—put and resolved in the affirmative.

Question—That this Bill be now read a third time—subject to the following protest :—

1. Because it contains clauses for purposes other than the imposition of duties, which clauses ought to have been submitted to this Council in a separate measure.

2. But at the Conference held on this subject by the Committees of the Council and Assembly, it was arranged—in reference to the subject-matter of one of the said clauses, which the Council considered it of importance to amend—as follows, viz. :—

“ That in the event of a difference of opinion arising under Clause 5 of the Bill, as to the duty chargeable on any article, the matter will be considered by The Honorable the Commissioner of Customs, together with one or more of his colleagues, who shall hear the party aggrieved, and take such expert or other evidence as they may deem necessary, and the decision arrived at by them will be embodied in an Order of the Governor in Council.

“ The above to operate pending the introduction by the Government in the next Session of Parliament of a Bill dealing with the question of the powers of The Commissioner of Customs under the Customs Law—and preserving with regard to the pending Customs Bill all right of appeal now existing under the law.”

The Council, therefore, whilst protesting as aforesaid, declares that it passes this Bill with the sole view of preventing evils which might arise if the Council insisted on exercising the rights conferred on it by the Constitution Act—put and resolved in the affirmative.

Question—That the Bill do pass—put and resolved in the affirmative.

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 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.

8. DUTIES ON ESTATES 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.

9. MELBOURNE CITY POLICE COURT SITE 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 provide for the acquisition of certain Lands situate in the City of Melbourne by the Mayor Aldermen Councillors and Citizens thereof and for the erection of a new Police Court therein 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.

10. AMMUNITION FACTORY BILL.—The Honorable James Bell moved, That this Bill be now read a second time.

Debate ensued.

The Honorable W. H. Roberts moved, That the debate be adjourned.

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

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

Railway Melbourne Lands Exchange Act Amendment Bill—To be further considered in Committee—until Thursday, 31st October instant.

Rabbit Destruction Bill—Adoption of Report.

Intestate Estates Relief Bill—To be further considered in Committee—until to-morrow.

Sparrows Destruction Bill.—To be further considered in Committee—until Wednesday, 6th November next.

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

JOHN BARKER,
Clerk of the Legislative Council.

a. For each of the following, write the name of the element and its symbol.

1. A metal that is a liquid at room temperature.

2. A nonmetal that is a gas at room temperature.

3. A metal that is a solid at room temperature.

4. A nonmetal that is a solid at room temperature.

5. A metal that is a solid at room temperature and is the most abundant element in the Earth's crust.

6. A nonmetal that is a solid at room temperature and is the most abundant element in the Earth's crust.

7. A metal that is a solid at room temperature and is the most abundant element in the Earth's crust.

8. A nonmetal that is a solid at room temperature and is the most abundant element in the Earth's crust.

9. A metal that is a solid at room temperature and is the most abundant element in the Earth's crust.

10. A nonmetal that is a solid at room temperature and is the most abundant element in the Earth's crust.

11. A metal that is a solid at room temperature and is the most abundant element in the Earth's crust.

12. A nonmetal that is a solid at room temperature and is the most abundant element in the Earth's crust.

13. A metal that is a solid at room temperature and is the most abundant element in the Earth's crust.

14. A nonmetal that is a solid at room temperature and is the most abundant element in the Earth's crust.

15. A metal that is a solid at room temperature and is the most abundant element in the Earth's crust.

16. A nonmetal that is a solid at room temperature and is the most abundant element in the Earth's crust.

17. A metal that is a solid at room temperature and is the most abundant element in the Earth's crust.

18. A nonmetal that is a solid at room temperature and is the most abundant element in the Earth's crust.

19. A metal that is a solid at room temperature and is the most abundant element in the Earth's crust.

20. A nonmetal that is a solid at room temperature and is the most abundant element in the Earth's crust.

21. A metal that is a solid at room temperature and is the most abundant element in the Earth's crust.

22. A nonmetal that is a solid at room temperature and is the most abundant element in the Earth's crust.

23. A metal that is a solid at room temperature and is the most abundant element in the Earth's crust.

Minutes of the Proceedings

OF THE

LEGISLATIVE COUNCIL.

WEDNESDAY, 30TH OCTOBER, 1889.

1. The Council met in accordance with adjournment.
2. The President took the Chair.
3. The President read the Prayer.
4. DIVORCE LAW AMENDMENT BILL.—The Honorable W. A. Zeal 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. 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.

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 amend 'The Passengers Harbors and Navigation Statute 1865,'*" with which they desire the concurrence of the Legislative Council.

M. H. DAVIES,
Speaker.

Legislative Assembly Chamber,
Melbourne, 29th October, 1889.

6. PASSENGERS HARBORS AND NAVIGATION STATUTE AMENDMENT BILL.—The Honorable H. Cuthbert moved, That the Bill transmitted by the above Message, intituled "*An Act to amend 'The Passengers Harbors and Navigation Statute 1865,'*" 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. 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 Tobacco Act 1880,'*" with which they desire the concurrence of the Legislative Council.

M. H. DAVIES,
Speaker.

Legislative Assembly Chamber,
Melbourne, 29th October, 1889.

8. TOBACCO ACT 1880 AMENDMENT BILL.—The Honorable H. Cuthbert moved, That the Bill transmitted by the above Message, intituled "*An Act to amend 'The Tobacco Act 1880,'*" 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 for the better encouragement of the cultivation of Wattle Trees*," with which they desire the concurrence of the Legislative Council.

Legislative Assembly Chamber,
Melbourne, 29th October, 1889.

M. H. DAVIES,
Speaker.

10. WATTLE TREES CULTIVATION BILL.—The Honorable James Bell moved, That the Bill transmitted by the above Message, intituled "*An Act for the better encouragement of the cultivation of Wattle Trees*," 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 on Tuesday, 5th November next.

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 the Bill intituled "*An Act to further amend the Law relating to Education*," 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 one of the said amendments, with which they desire the concurrence of the Legislative Council.

Legislative Assembly Chamber,
Melbourne, 29th October, 1889.

M. H. DAVIES,
Speaker.

And the said amendment disagreed with by the Legislative Assembly was read, and is as follows:—

"After clause 12 insert new clause A:—The word 'building' in clause 12, line 3, of the Principal Act is hereby repealed."

The Honorable H. Cuthbert moved, That the Council do not insist on the said amendment.

Debate ensued.

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

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

12. FENCING LAW 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—put and resolved in the affirmative.—Bill read a second time.

The Honorable S. W. Cooke 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 S. W. Cooke, 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. POLICE OFFENCES STATUTE 1865 FURTHER AMENDMENT BILL.—The Honorable J. H. Abbott 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. H. Abbott 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. H. Abbott, 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. H. Abbott, 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. H. Abbott, read a third time and *passed*.

The Honorable J. H. Abbott moved, That the following be the title of the Bill:—

"*An Act to further amend 'The Police Offences Statute 1865.'*"

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. **POSTPONEMENT OF ORDER OF THE DAY.**—The Council ordered, That the consideration of the 4th Order be postponed until after the consideration of the 6th Order for to-day.

15. **AMMUNITION FACTORY 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—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 ratify a Lease of certain Land granted by the Government of Victoria to the Colonial Ammunition Company Limited for the purposes of an Ammunition Factory.* ”

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

Rabbit Destruction Bill—Adoption of Report.

17. **RABBIT DESTRUCTION BILL.**—The Honorable James Bell moved, That this Bill be re-committed to a Committee of the whole Council, for re-consideration of clauses 18, 19, Schedule 3, the resolution to omit clause 31, and for the consideration of two new clauses.

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 18, 19, Schedule 3, the resolution to omit clause 31, and for the consideration of two new clauses 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, 5th November next ; Bill as further amended to be printed.

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 :—

Duties on Estates Amendment Bill—To be further considered in Committee.

Intestate Estates Relief Bill—To be further considered in Committee.

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. 36.

Minutes of the Proceedings

OF THE

LEGISLATIVE COUNCIL.

THURSDAY, 31ST OCTOBER, 1889.

1. The Council met in accordance with adjournment.
2. The President took the Chair.
3. The President read the Prayer.
4. LEAVE OF ABSENCE—THE HONORABLE W. H. S. OSMAND.—The Honorable J. P. MacPherson moved, by leave, That leave of absence be granted to the Honorable W. H. S. Osmand for the remainder of the Session, on account of continued ill health.
Question—put and resolved in the affirmative.
5. PAPER.—The Honorable James Bell presented—
Public Service Act—4th and 5th Class Officers.—Return to an Order of the Legislative Council, dated 16th October instant, for a Return showing the names and present salaries of all officers whose duties were classified by the Board on the 31st December, 1884, as 5th and 4th class clerical, and who had passed the Civil Service examination required by Act 160, but who were not classified under that Act.
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 authorize the Melbourne Tramways Trust to construct a Branch Tramway along Market-street to Collins-street in the City of Melbourne and for other purposes*" with which they desire the concurrence of the Legislative Council.
Legislative Assembly Chamber,
Melbourne, 30th October, 1889.
M. H. DAVIES,
Speaker.
7. MELBOURNE TRAMWAYS TRUST ACT AMENDMENT BILL.—The Honorable Lieut.-Col. 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 Melbourne Tramways Trust Act Amendment Bill*" was referred during the present Session of Parliament.
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 consolidate and amend the Law concerning Letters Patent for Inventions,*" with which they desire the concurrence of the Legislative Council.
Legislative Assembly Chamber,
Melbourne, 30th October, 1889.
M. H. DAVIES,
Speaker.
9. PATENTS LAW CONSOLIDATION AND AMENDMENT BILL.—The Honorable H. Cuthbert moved, That the Bill transmitted by the above Message, intituled "*An Act to consolidate and amend the Law concerning Letters Patent for Inventions,*" 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, 6th November, 1889.
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 Public Service Act 1883,'*" and acquaint the Legislative Council that the Legislative Assembly have agreed to some of the amendments made in such Bill by the Legislative Council, have disagreed with others of the said amendments, have agreed to one of the said amendments with an amendment, and have made a consequential amendment in Clause 16, with which they desire the concurrence of the Legislative Council.
Legislative Assembly Chamber,
Melbourne, 29th October, 1889.
M. H. DAVIES,
Speaker.

And the said amendments, made by the Legislative Council and disagreed with by the Legislative Assembly, were read, and are as follow :—

Amendments by Council.

Disagreements of Assembly.

- | | | |
|--|---|--|
| <p>1. Clause 11, after subsection (a) insert “(b) be a Judge’s Associate and have acted as such for five years at the least, and have passed such examination as aforesaid or.”</p> | } | Disagreed with. |
| <p>2. Clause 16, line 34, omit “transferred or”; line 35, omit “operating class” and insert “class in which they may be placed”; after “other class” insert “nor be transferred to other work”; omit “shall”; line 36, omit “such class” and insert “the clerical division”; omit “Act No. 773” and insert “the Principal Act.”</p> | } | <p>Disagreed with, and the following consequential amendment made by the Legislative Assembly :—</p> <p>Omit from clause 16 the words “the clerical division as operators, but shall not be entitled to be transferred or promoted from the operating class to any other class unless and until they shall pass the examination for such class provided by the regulations made under Act No. 773” and insert “one of the lower classes of the clerical division, as telegraph operators, but no such operator so classified shall be paid a sum of more than three hundred pounds a year as salary, and such sum shall, for the purposes of section 18 of the Principal Act, be taken to be the maximum salary of any such operator in the fourth class.”</p> |
| <p>3. Clause 18, line 4, omit “Governor in Council” and insert “Board”; and omit “upon the recommendation of the Board.”</p> | } | Agreed to with the following amendment :—After “Board” insert “with the consent of the Governor in Council.” |
| <p>4. Clause 24, line 11, omit “and may upon the like certificate order that any person employed on any such public work or scheme as clerk of works may be again temporarily employed in the public service on any one or more other such works or schemes without any interval between the periods of employment on such respective works or schemes”; line 20, after “necessary” insert “for the completion of the work in which he may be engaged.”</p> | } | Disagreed with. |
| <p>5. Insert new clause—
“A. After the passing of this Act every teacher in the Education Department who has received any salary below the maximum of his class for a period of twelve months shall (unless increments have been directed to be withheld under the provisions of the Principal Act or the Third Schedule thereto) from time to time be entitled to receive the annual increment of salary of such class so that the same do not increase his salary beyond the maximum of the class.”</p> | } | Disagreed with. |
| <p>6. Insert the last paragraph of new clause B—
“The classifiers when classifying such persons shall place each of such persons in such one of the sub-classes of the Fifth Class Teachers mentioned in the Third Schedule to the Principal Act and in such relative position in point of order and precedence with respect to the names of other teachers as having regard to the provisions of the said Act they may think fit, and such classifications shall be recorded in the Classified Roll; and the said persons so classified shall be paid as from the first day of July One thousand eight hundred and eighty-eight such salary as is set out in such agreements aforesaid respectively together with (when the same become due) the annual increments accruing to the salaries of teachers in such class. Nothing in this section shall be taken to authorize the classifying of any persons other than those hereinbefore described.”</p> | } | Disagreed with. |

And the said amendment No. 1 having been read a second time,
The Honorable J. Bell moved, That the Council do not insist on the said amendment.
Debate ensued.
Question—put.

Council divided.

Ayes, 13.

The Hon. J. Bell
 J. H. Connor
 G. S. Coppin
 H. Cuthbert
 J. M. Davies
 S. Fraser
 F. Illingworth
 J. M. Pratt
 C. Sargeant
 Lt.-Col. Sargood
 J. Service
 G. Young
 J. Balfour (*Teller*).

Noes, 10.

The Hon. S. W. Cooke
 Dr. Dobson
 H. Gore
 J. P. MacPherson
 D. Melville
 N. Thornley
 D. S. Wallace
 J. A. Wallace
 A. Wynne
 W. A. Zeal (*Teller*).

And so it was resolved in the affirmative.

And the said amendment 2 having been read a second time,

The Honorable J. Bell moved, That the Council do not insist on the said amendment, and that the Council agree with the consequential amendment made by the Legislative Assembly thereon.

Debate ensued.

On the motion of the Honorable J. M. Davies, the Council ordered that the further consideration of this motion be postponed until later this day.

And the said amendment 3 having been read a second time,

The Honorable J. Bell moved, That the Council agree with the amendment made by the Legislative Assembly on this amendment.

Question—put and resolved in the affirmative.

And the said amendments 4, 5, and 6 having been read a second time,

The Honorable J. Bell moved, That the Council do not insist on these amendments.

Question—put and resolved in the affirmative.

Question—That the Council do not insist on the said amendment No. 2, and that the Council agree with the consequential amendment made by the Legislative Assembly thereon—put and resolved in the affirmative.

Ordered—That a Message be transmitted to the Legislative Assembly acquainting them that the Council do not insist on some of their amendments, and have agreed with the amendments of the Legislative Assembly on amendments of the Legislative Council and with the consequential amendment of the Legislative Assembly in this Bill.

11. EDUCATION ACT AMENDMENT BILL.—The Order of the Day for the resumption of the debate on the amendment of the Legislative Council in this Bill disagreed with by the Legislative Assembly having been read.

Debate resumed.

Question—That the Council do not insist on their said amendment—put and resolved in the affirmative.

Ordered that a Message be transmitted to the Legislative Assembly acquainting them that the Legislative Council do not insist on their said amendment.

12. POSTPONEMENT OF ORDERS OF THE DAY.—The Council ordered, That the consideration of the several Orders, Government Business, be postponed until after the consideration of the first Order, General Business, on the paper for to-day.

13. DIVORCE 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 Wednesday, 6th November next; Bill as amended to be printed.

14. POSTPONEMENT OF ORDERS OF THE DAY.—The Council ordered that the consideration of the following Orders of the Day be postponed until Wednesday, 6th November next:—

Railway Melbourne Lands Exchange Act Amendment Bill—To be further considered in Committee.

Passengers Harbors and Navigation Statute 1865 Amendment Bill—To be read a second time.

Tobacco Act 1880 Amendment Bill—To be read a second time.

Duties on Estates Amendment Bill—To be further considered in Committee.

Intestate Estates Relief Bill—To be further considered in Committee.

Fencing Law Amendment Bill—To be further considered in Committee.

15. ADJOURNMENT.—The Honorable H. Cuthbert moved, by leave, That the Council, at its rising, adjourn until Wednesday, 6th November next.

Question—put and resolved in the affirmative.

The Council adjourned, at twenty minutes past ten o'clock, until Wednesday next 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, 6TH NOVEMBER, 1889.

1. The Council met in accordance with adjournment.

2. The President took the Chair.

3. The President read the Prayer.

4. PETITIONS.—The Honorable D. Ham presented a Petition from The Rev. James W. Crisp, styling himself President of the Conference of the Wesleyan Methodist Church of Victoria for guarding its civil and religious privileges, and Thos. Adamson, styling himself the Secretary of the Committee of Privileges, praying the House to amend the Divorce Law Amendment Bill in accordance with the views set forth in the Petition.

Petition received, read by the Clerk, and ordered to lie on the Table.

The Honorable C. J. Ham presented a Petition from The Rev. Daniel McKenzie, styling himself Moderator in name and by appointment of the Public Questions Committee of the Presbyterian Church, praying the House to refuse to pass the Divorce Law Amendment Bill in its present form.

Petition received, read by the Clerk, and ordered to lie on the Table.

The Honorable James Service presented a Petition from John Noble Wilson, of Mair-street, Ballarat, estate agent, and Thomas Drummond Wanless, of Ballarat, gentleman, praying the Council to take the statements set forth in the Petition into consideration with the petition referred to in the Petition and to take such steps as to the Council might seem right to remedy the grievances which the Petitioners allege they have sustained in the matters set forth in the Petition; that the Petitioner might have such further or other relief as the circumstances of the case might require as to the Council might seem fit.

The President ruled That the Petition, praying in effect for a grant of money, and reflecting on the action the Committee of Elections and Qualifications was not in order, and therefore ought not to be received by the Council.

5. PAPER.—The Honorable H. Cuthbert presented, by command of His Excellency the Governor—

Charitable Institutions.—Report of Inspector for the Year ended 30th June, 1889.

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 copies of the Report and Evidence of the Select Committee of the Legislative Assembly on the Bill intituled "*An Act to authorize the Melbourne Tramways Trust to construct a Branch Tramway along Market-street to Collins-street in the City of Melbourne and for other purposes*" in accordance with the request of the Legislative Council.

M. H. DAVIES,
Speaker.

Legislative Assembly Chamber,
Melbourne, 31st October, 1889.

7. MELBOURNE TRAMWAYS TRUST BILL.—The Honorable Lieut.-Col. Sargood, having produced a receipt that the sum of £20 had been paid into the hands of the Treasurer of the Colony, moved, That the Bill transmitted by the above Message, intituled "*An Act to authorize the Melbourne Tramways Trust to construct a Branch Tramway along Market-street to Collins-street in the City of Melbourne and for other purposes,*" be now read a first time.

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

8. SPARROWS DESTRUCTION 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. **POSTPONEMENT OF ORDERS OF THE DAY.**—The Council ordered that the consideration of Orders 2 to 10 be postponed until after the consideration of the 11th Order for to-day.
10. **DISCHARGE OF ORDER OF THE DAY.**—On the motion of the Honorable James Bell, the following Order of the Day was read and discharged :—
Rabbits Destruction Bill—Adoption of Report.
11. **RABBITS DESTRUCTION BILL.**—The Honorable James Bell moved, That this Bill be re-committed to a Committee of the whole Council, for re-consideration of clauses 18, 28, new clause A, the 3rd Schedule, and a new clause.
 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 18, 28, new clause A, the 3rd Schedule, and a new clause 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 James Bell, the Council adopted the Report from the Committee of the whole on this Bill. Bill as amended to be printed.
 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 provide for the destruction and suppression of Rabbits and other Vermin.*”
 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.
12. **DIVORCE LAW AMENDMENT BILL.**—The Order of the Day for the adoption of the Report from the Committee of the whole on this Bill having been read—
 On the motion of the Honorable H. Cuthbert, the Council ordered that the words “or before the time stipulated in this Act” be omitted from line 5 of clause 4 of this Bill, and that the word “been” be inserted in line 7 of sub-section (c) of clause 11 before the word “sentenced.”
 On the motion of the Honorable H. Cuthbert, the Council ordered that the further consideration of the report be discharged, and that this Bill be re-committed to a Committee of the whole Council for re-consideration of clause 11 of this Bill.
 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 11 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 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, and the Clerk of the Council having noted the amendments 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 Law of Divorce.*”
 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. **PATENTS LAW CONSOLIDATION AND 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 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, to-morrow, again resolve itself into the said Committee.

14. PASSENGERS HARBORS AND NAVIGATION STATUTE 1865 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 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 amend ‘ The Passengers Harbors and Navigation Statute 1865.’*”

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. TOBACCO ACT 1880 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 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 amend ‘ The Tobacco Act 1880.’*”

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. DUTIES ON ESTATES 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 to-morrow; Bill as 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 as under :—

Railway Melbourne Lands Exchange Act Amendment Bill—To be further considered in Committee—until Tuesday, 12th November instant.

Intestate Estates Relief Bill—To be further considered in Committee;

Fencing Law Amendment Bill—To be further considered in Committee; and

Wattle Trees Cultivation Bill—To be read a second time—until to-morrow.

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

JOHN BARKER,
Clerk of the Legislative Council.

VICTORIA.

No. 38.

Minutes of the Proceedings

OF THE

LEGISLATIVE COUNCIL.

THURSDAY, 7TH NOVEMBER, 1889.

1. The Council met in accordance with adjournment.
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 James Bell, 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 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 for granting to Her Majesty certain Duties of Customs in lieu of certain other Duties
“and for other purposes.”

“An Act to provide for the acquisition of certain Lands situate in the City of Melbourne by
“the Mayor Aldermen Councillors and Citizens thereof and for the erection of a new Police
“Court therein and for other purposes.”

“An Act to further amend ‘The Police Offences Statute 1865.’”

“An Act to ratify a Lease of certain Land granted by the Government of Victoria to the Colonial
“Ammunition Company Limited for the purposes of an Ammunition Factory.”

“An Act to further amend the Law relating to Education.”

Government Offices,
Melbourne, 4 November, 1889.

Ordered to lie on the Table.

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 amend ‘The Public Service Act 1883.’”

Government Offices,
Melbourne, 7 November, 1889.

Ordered to lie on the Table.

5. MELBOURNE TRAMWAYS TRUST ACT AMENDMENT BILL.—The Honorable Lieut.-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 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, 13th November instant, again resolve itself into the said Committee.

6. POSTPONEMENT OF ORDER OF THE DAY.—The Council ordered that the consideration of the 1st Order be postponed until after the consideration of the 3rd Order for to-day.

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

Duties on Estates Amendment Bill—Adoption of Report.

8. DUTIES ON ESTATES 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 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, 12th November instant, again resolve itself into the said Committee.

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

Patents Law Consolidation and Amendment Bill—To be further considered in Committee;

Intestate Estates Relief Bill—To be further considered in Committee;

Wattle Trees Cultivation Bill—To be read a second time—until Tuesday, 12th November inst.

Sparrows Destruction Bill.—To be further considered in Committee;

Fencing Law Amendment Bill—To be further considered in Committee—until Wednesday, 13th November instant.

The Council adjourned, at twenty-nine minutes to seven 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, 12TH NOVEMBER, 1889.

1. The Council met in accordance with adjournment.
2. The President took the Chair.
3. The President read the Prayer.
4. GIPPSLAND PROVINCE ELECTION.—The President announced to the Council that there had been presented to him a Petition from George Moore, Esq., against the return of the Honorable Charles Sargeant as Member for Gippsland Province, which he then laid upon the Table, and is as follows:—

To the Honorable Sir James MacBain, Knight, President of the Legislative Council of Victoria.

The humble Petition of George Moore, of Dickens-street, Saint Kilda, in the colony of Victoria, doctor of medicine :

SHEWETH—

1. That on the twelfth day of September one thousand eight hundred and eighty-nine an election was held for one Member to serve in the Legislative Council of Victoria, to represent the Gippsland Province.

2. Your Petitioner was a candidate at the said election.

3. Charles Sargeant, of Warragul, in the colony of Victoria, sawmill proprietor, was the only other candidate at the said election.

4. As a result of the said election, the Returning Officer announced that the said Charles Sargeant had received one thousand four hundred and sixty-one votes, and that your Petitioner had received one thousand three hundred and twenty-three votes, and on the seventeenth day of September One thousand eight hundred and eighty-nine the said Returning Officer publicly declared that the said Charles Sargeant had received the majority of votes at the said election, and was duly elected to serve as a Member as aforesaid, and such Returning Officer made his return accordingly.

5. Your Petitioner has been informed and believes and now alleges that the said Charles Sargeant was at the time of the said election incapable of being lawfully elected a Member of the Legislative Council of Victoria, and is incapable of sitting or voting in the said Council by reason of his not having possessed at the time of his nomination and election, or at all, the qualification required by law to be necessary to render him capable of being elected as a Member of the said Council, in that the said Charles Sargeant had not for one year previous to the said election been legally or equitably seized or entitled to an estate of freehold in possession for his own use and benefit in lands or tenements in Victoria of the annual value of One hundred pounds above all charges and encumbrances affecting the same other than public or Parliamentary tax or municipal or other rate or assessment within the meaning of the eleventh section of the Act of the Parliament of Victoria, entitled "*An Act for the Reform of the Constitution*" No. 702.

6. Your Petitioner is advised and believes that by reason of the premises the said Charles Sargeant is not entitled to be declared a duly-elected Member of the Legislative Council for the said Gippsland Province.

Your Petitioner therefore respectfully prays—

That you will communicate the matter of this Petition to the Legislative Council of Victoria, in order that the case of your Petitioner may be referred to a Committee of the said Council duly authorized to receive, inquire into, and report upon the same according to law.

That the return of the said Returning Officer be declared void as respects the said Charles Sargeant.

That the said Charles Sargeant be declared disqualified to have been so elected as a Member of the said Legislative Council, and that he be declared not to have been duly elected.

That in the event of the said Charles Sargeant being declared not to have been duly elected, the return of the said Returning Officer be amended by striking out the name of the said Charles Sargeant and inserting in the place thereof the name of your Petitioner, and that your Petitioner be declared duly elected as a Member of the said Legislative Council of Victoria for the said Gippsland Province.

And that your Petitioner may have such further or other relief as the circumstances of the case may require or as to the said Committee may seem meet.

And your Petitioner will ever pray, &c.

Dated at Melbourne this eleventh day of November One thousand eight hundred and eighty-nine.

GEORGE MOORE.

Witness—JOHN HOPKINS, Parliamentary agent, 8 Market Buildings, Collins-street west, Melbourne.
The Honorable H. Cuthbert moved, That the above Petition be referred to "The Committee of Elections and Qualifications" for consideration and report.

Question—put and resolved in the affirmative.

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

Melbourne City and District Police Courts Cases—Return to an Order of the Legislative Council, dated 29th October last, for a Return of all cases of a public character which have been decided in the City or District Police Courts, Melbourne, since the year 1884, in which the decisions arrived at by a majority of the Bench are known to have been contrary to the views of the Police Magistrate; with the names of all the honorary magistrates who took part in each case.

Ordered to lie on the Table.

6. 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 Acts of the present Session, presented to him by the Clerk of Parliaments, viz. :—

“An Act to amend ‘The Passengers Harbors and Navigation Statute 1865.’”

“An Act to amend ‘The Tobacco Act 1880.’”

Government Offices,
Melbourne, 12 November, 1889.

Ordered to lie on the Table.

7. PATENTS LAW CONSOLIDATION AND 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 to-morrow; Bill as amended to be printed.

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 relating to the Publication and Sale of Newspapers on Sunday,” with which they desire the concurrence of the Legislative Council.

Legislative Assembly Chamber,
Melbourne, 12th November, 1889.

M. H. DAVIES,
Speaker.

9. SUNDAY NEWSPAPERS BILL.—The Honorable James Bell moved, That the Bill transmitted by the above Message, intituled “An Act relating to the Publication and Sale of Newspapers on Sunday,” 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.

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 Life Assurance Companies Act 1873,’” and acquaint the Legislative Council that the Legislative Assembly have agreed to the same without amendment.

Legislative Assembly Chamber,
Melbourne, 12th November, 1889.

M. H. DAVIES,
Speaker.

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:—

Railway Melbourne Lands Exchange Act Amendment Bill—To be further considered in Committee.

Duties on Estates Amendment Bill—To be further re-considered in Committee.

Intestate Estates Relief Bill—To be further considered in Committee.

Wattle Trees Cultivation Bill—To be read a second time.

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

JOHN BARKER,
Clerk of the Legislative Council.

VICTORIA.

No. 40.

Minutes of the Proceedings

OF THE

LEGISLATIVE COUNCIL.

WEDNESDAY, 13TH NOVEMBER, 1889.

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—

Public Loans for Public Works.—Return to an Order of the Legislative Council, dated 16th October last, for a Return showing the amount of borrowed money that has been spent on Public Works in the Colony each year since the introduction of responsible government.

Ordered to lie on the Table.

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

The Officers of Parliament Act 1888.—Regulations for the Department of the Legislative Assembly.

Ordered to lie on the Table.

5. PETITION OF J. N. WILSON AND T. D. WANLISS.—The Hon. J. Service moved, pursuant to notice, That this House disagrees with the ruling of the Honorable The President in respect to the Petition from J. Noble Wilson and T. D. Wanliss.

Debate ensued.

Question—put and negatived.

6. 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 Divorce,*" 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, 13th November, 1889.

MR. PRESIDENT—

The Legislative Assembly return to the Legislative Council the Bill intituled "*An Act to provide for the destruction and suppression of Rabbits and other Vermin,*" 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 agreed to others of the said amendments with amendments, with which they desire the concurrence of the Legislative Council.

M. H. DAVIES,
Speaker.

Legislative Assembly Chamber,
Melbourne, 13th November, 1889.

And the said amendments, made by the Legislative Assembly on the amendments of the Legislative Council, are as follow :—

Amendments of Legislative Council.

Agreed to by the Legislative Assembly with the following amendments.

B. Any owner of land intersected with roads with the sanction of the shire council instead of having dividing fences between such land may enclose at his own expense the whole of such land with a continuous wire netting or other rabbit-proof or vermin-proof fence having when enclosing any road swing gates covered with wire netting.

At the end of clause add—

1. "Nothing in this or the preceding or following section shall authorize the enclosing as therein provided of any main road."

The person or persons so appointed under this Act shall be deemed to be the council of such municipality, and may exercise all the powers thereof.

2. After "deemed" insert "for the purpose of collecting such payments."

E. The Governor in Council may from time to time by order as to the whole or any part of Victoria proclaim any wire-netting or other vermin-proof or rabbit-proof fence described in such order to be a wire-netting or other vermin-proof or rabbit-proof fence within the meaning of this Act, and in the making of such fence may "use" barbed wire.

3. Omit "use" in line 5 and insert "authorize the use of."

4. After "shall" in line 7 insert "in any special area."

Every fence erected in the manner so proclaimed if at least three feet six inches in height "shall" be deemed to be a "sufficient fence" within the meaning of "*The Fences Statute 1874*," and the Governor in Council may at any time revoke any such order.

On the motion of the Honorable J. Bell the said amendments 1, 2, and 3 were read a second time, and agreed to by the Council.

Amendment 4 having been read, the Honorable J. Bell moved that the Council agree to the said amendment.

Debate ensued.

Question—put and negatived.

Ordered—That the Bill be returned to the Legislative Assembly, with a Message acquainting them that the Legislative Council have agreed to some of the amendments of the Legislative Assembly on the amendments of the Legislative Council and have disagreed to one of the said amendments.

7. MELBOURNE TRAMWAYS TRUST 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.

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 appoint Education Endowment Commissioners, and to vest certain Crown Lands in such Commissioners for Educational purposes*," with which they desire the concurrence of the Legislative Council.

M. H. DAVIES,
Speaker.

Legislative Assembly Chamber,
Melbourne, 13th November, 1889.

9. EDUCATION ENDOWMENT COMMISSIONERS BILL.—The Honorable H. Cuthbert moved, That the Bill transmitted by the above Message, intituled "*An Act to appoint Education Endowment Commissioners, and to vest certain Crown Lands in such Commissioners for Educational 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, 20th November instant.

10. FENCING 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 this day; Bill, as amended, to be printed.

On the motion of the Honorable H. Gore, the Council adopted the Report from the Committee of the whole, and ordered the Bill be read a third time to-morrow.

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

Patents Law Consolidation and Amendment Bill—Adoption of Report.

12. PATENTS LAW CONSOLIDATION AND 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 31, 33, 46, 54, and 72.

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 31, 33, 46, 54, and 72 of this Bill.

The President resumed the Chair ; and the Honorable H. Cuthbert 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 consolidate and amend the Law concerning Letters Patent for Inventions.”

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. DUTIES ON ESTATES AMENDMENT BILL.—The Order of the Day for the further re-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 re-consideration thereof.

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 H. Cuthbert, the Council adopted the Report from the Committee of the whole on this Bill, and ordered the Bill to be read a third time.

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

- Railway Melbourne Lands Exchange Act Amendment Bill—To be further considered in Committee ;*
- Intestate Estates Relief Bill—To be further considered in Committee ;*
- Wattle Trees Cultivation Bill—To be read a second time—until to-morrow.*
- Sunday Newspapers Bill—To be read a second time—until Tuesday, 19th November instant.*
- Sparrows Destruction Bill—To be further considered in Committee—until Wednesday, 20th November instant.*

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

JOHN BARKER,
Clerk of the Legislative Council.

VICTORIA

No. 41.

Minutes of the Proceedings

OF THE

LEGISLATIVE COUNCIL.

THURSDAY, 14TH NOVEMBER, 1889.

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—
 - Australasian Statistics for the Year 1888—Compiled from Official Returns, with a Report by the Government Statist of Victoria.
 - The Observatory—Twenty-fourth Report of the Board of Visitors to—Together with the Annual Report of the Government Astronomer.
 Severally 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, 1889.
 - Hospitals for the Insane—Report of the Inspector of Lunatic Asylums on the—For the Year ended 31st December, 1888.
 Severally ordered to lie on the Table.
5. PUBLIC LOANS FOR PUBLIC WORKS.—The Honorable James Service moved, by leave; That the Return to the Order of the Legislative Council laid on the Table of the Council yesterday be printed.
 Question—put and resolved in the affirmative.
6. MEETINGS OF THE COUNCIL.—The Honorable H. Cuthbert moved, pursuant to notice, That the Council meet at three o'clock on Tuesday and Wednesday next.
 Debate ensued.
 The Honorable J. A. Wallace moved, as an amendment, That the following words be added after the word "next," viz., "and that the Council adjourn on those days not later than eleven o'clock."
 Debate continued.
 Question—That the words proposed to be added be so added—put.
 Council divided.

Ayes, 5.

The Hon. W. McCulloch
 D. Melville
 J. A. Wallace
 W. A. Zeal
 N. FitzGerald (*Teller*).

Noes, 18.

The Hon. J. H. Abbott
 J. Balfour
 J. Bell
 S. W. Cooke
 H. Cuthbert
 J. M. Davies
 Dr. Dobson
 S. Fraser
 H. Gore
 C. J. Ham
 F. Illingworth
 W. Pearson
 J. M. Pratt
 Lt.-Col. Sargood
 J. Service
 G. Simmie
 N. Thornley
 S. Austin (*Teller*).

And so it passed in the negative.

Question—That the Council meet at three o'clock on Tuesday and Wednesday next—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 return to the Legislative Council the Bill intituled "*An Act to provide for the destruction and suppression of Rabbits and other Vermin,*" and acquaint the Legislative Council that the Legislative Assembly do not insist on their amendment in new Clause E, with which the Legislative Council have disagreed.

M. H. DAVIES,
Speaker.

Legislative Assembly Chamber,
Melbourne, 14th November, 1889.

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

Fencing Law Amendment Bill—To be read a third time.

9. FENCING LAW AMENDMENT BILL.—The Honorable H. Gore moved, That this Bill be re-committed to a Committee of the whole Council for re-consideration of clause 2.

Question—put and resolved in the affirmative.

And, on the further motion of the Honorable H. Gore, The President left the Chair, and the Council resolved itself into a Committee of the whole for the re-consideration of clause 2 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 this day; Bill as further amended to be printed.

On the motion of the Honorable H. Gore, 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. Gore, read a third time and *passed*.

The Honorable H. Gore moved, That the following be the title of the Bill :—

"An Act to amend 'The Law relating to Fencing.'"

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.

10. DUTIES ON ESTATES 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 'Duties on the Estates of Deceased Persons Statute 1870,' 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. INTESTATE ESTATES RELIEF 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, 19th November instant, again resolve itself into the said Committee.

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 November instant :—

Railway Melbourne Lands Exchange Act Amendment Bill.—To be further considered in Committee.

Wattle Trees Cultivation Bill.—To be read a second time.

Melbourne Tramways Trust Amendment Bill.—To be further considered in Committee.

The Council adjourned at twelve minutes past six o'clock, until Tuesday next at three o'clock.

JOHN BARKER,
Clerk of the Legislative Council.

Minutes of the Proceedings

OF THE

LEGISLATIVE COUNCIL.

TUESDAY, 19TH NOVEMBER, 1889.

1. The Council met in accordance with adjournment.
2. The President took the Chair.
3. The President read the Prayer.
4. **SUBSTITUTED DECLARATION OF MEMBER.**—The Honorable C. Sargeant delivered to the Clerk the following declaration, viz. :—

“In compliance with the provisions of the Act 45 Victoria No. 702, I, CHARLES SERGEANT, of Warragul, in the colony of Victoria, saw-miller, do hereby declare and testify that I am legally or equitably seized of or entitled to an estate of freehold for my own use and benefit, either solely or as tenant in common, in lands or tenements in the colony of Victoria of the yearly value of Six hundred and twelve pounds over and 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 situate in the municipal districts of Warragul, Woorayl, and Boroondara respectively, and are known as to the said municipal district of Warragul as all those pieces of land, being part of Crown allotment one hundred and two and allotment one hundred and one, in the parish of Drouin East, county of Buln Buln, containing three hundred and seventy-three acres, or thereabouts; and as to the said municipal district of Woorayl as all that piece of land, being allotment seventy-one, in the parish of Mirboo, county of Buln Buln, containing three hundred and nineteen acres two roods and twenty-three perches, of which said pieces of land I am the sole owner; and as to the said municipal district of Boroondara as all that piece of land, being part of Crown portion one hundred and forty-one, parish of Boroondara, county of Bourke, containing thirty-six acres, or thereabouts, and being the land more particularly described in certificate of title, entered in the register book, volume 1052, folio 216211; and also all that piece of land situate in the said parish of Boroondara, county of Bourke, being part of Crown portion number one hundred and thirty-five, commencing at the south-west corner thereof, and bounded on the west by a Government road one chain wide, being a line bearing north nineteen chains and fifty links, and on the north by another part of the said portion reserved thereout, which two last-named pieces of land are respectively held by me as tenant in common with others, and of which I am possessed of or entitled to a one-tenth share.

“And I further declare that such of the said lands and tenements as are situate in the municipal district of Warragul are rated in the rate-book of such district upon a yearly value of Three hundred and ninety-five pounds; and that such of the said lands or tenements as are situate in the municipal district of Woorayl are rated in the rate-book of such district upon a yearly value of Seventy-eight pounds; and that such of the said lands or tenements as are situate in the municipal district of Boroondara are rated in the rate-book of such district upon a yearly value of One thousand eight 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.

“CHARLES SERGEANT.”

5. **SUSPENSION OF STANDING ORDERS.**—The Honorable Lieut.-Col. Sargood moved, by leave, 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 one and the same day.

Question—put and resolved in the affirmative.

6. PAPERS.—The Honorable H. Cuthbert presented, by command of His Excellency the Administrator of the Government—

Statistical Register of the Colony of Victoria for the Year 1888—

Part VII.—Production.

Part VIII.—Law, Crime, &c.

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, 1889, to 30th June, 1889.

Mining Leases—Regulations relating to.

Victorian Military Forces—Regulations for the.—Alterations.

Volunteer Cadet Corps—Regulations for.—Additions.

Severally ordered to lie on the Table.

7. EDUCATION ENDOWMENT COMMISSIONERS BILL.—The Honorable H. Cuthbert moved, That this Bill be now read a second time.

Debate ensued.

The Honorable D. Melville moved, That the word “now” be omitted, and the words “this day six months” be inserted after the word “time.”

Question—That the word “now” proposed to be omitted stand part of the question—put.

Council divided.

Ayes, 16.

The Hon. Dr. Beaney
J. S. Butters
Sir W. J. Clarke, Bart.
S. W. Cooke
H. Cuthbert
Dr. Dobson
H. Gore
D. Ham
C. H. James
W. McCulloch
E. Morey
Lt.-Col. Sargood
J. Service
G. Simmie
N. Thornley
J. Bell (*Teller*).

Noes, 9.

The Hon. J. Balfour
J. Buchanan
J. M. Davies
T. Dowling
S. Fraser
D. Melville
W. Pearson
J. A. Wallace
F. Illingworth (*Teller*).

And so it was resolved in the affirmative.

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

Council divided.

Ayes, 18.

The Hon. J. H. Abbott
Dr. Beaney
J. Bell
J. S. Butters
Sir W. J. Clarke, Bart.
S. W. Cooke
D. Coutts
H. Cuthbert
Dr. Dobson
H. Gore
C. J. Ham
D. Ham
C. H. James
W. McCulloch
E. Morey
W. H. Roberts
G. Simmie
N. Thornley (*Teller*).

Noes, 13.

The Hon. J. Balfour
Sir B. Benjamin
J. Buchanan
J. M. Davies
T. Dowling
S. Fraser
D. Melville
W. Pearson
Lt.-Col. Sargood
J. Service
J. A. Wallace
W. A. Zeal
F. Illingworth (*Teller*).

And so it was 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.

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 Administrator of the Government, recommending amendments in the Bill intituled "*An Act to provide for the Destruction and Suppression of Rabbits and other Vermin*," and acquaint the Legislative Council that the Legislative Assembly have agreed to the several amendments recommended by His Excellency the Administrator of the Government in this Bill, with which they desire the concurrence of the Legislative Council.

Legislative Assembly Chamber,
Melbourne, 19th November, 1889.

W. C. F. ROBINSON,

Administrator of the Government.

M. H. DAVIES,
Speaker.

Message.

Pursuant to the provisions of section 36 of the Constitution Act, the Administrator of the Government transmits to the Legislative Assembly for their consideration the following amendments, which he desires to be made in the Bill intituled "*An Act to provide for the Destruction and Suppression of Rabbits and other Vermin*" :—

Clause 1, omit "fifteenth" and substitute "thirtieth."

Clause 15, after the word "him" at the end of the seventh line insert "and upon the adjacent half width of all roads bounding or adjoining the same or any part thereof."

Government Offices,
Melbourne, 19th November, 1889.

On the motion of the Honorable J. Bell, the Council agreed to the amendments recommended by His Excellency the Administrator of the Government, and ordered a Message to be transmitted to the Legislative Assembly acquainting them therewith.

9. SUNDAY NEWSPAPERS 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 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 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.

10. INTTESTATE ESTATES RELIEF 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 to-morrow; Bill as amended to be printed.

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 :—

Railway Melbourne Lands Exchange Act Amendment Bill.—To be further considered in Committee.

Wattle Trees Cultivation Bill.—To be read a second time.

Melbourne Tramways Trust Amendment Bill.—To be further considered in Committee.

The Council adjourned at twenty-five minutes to twelve o'clock, until to-morrow at three o'clock.

JOHN BARKER,
Clerk of the Legislative Council.

VICTORIA.

No. 43.

Minutes of the Proceedings

OF THE

LEGISLATIVE COUNCIL.

WEDNESDAY, 20TH NOVEMBER, 1889.

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, pursuant to Act of Parliament—
 - Campaspe Irrigation and Water Supply Trust—
 - First Petition—Engineers' Reports, Minister's Declarations, Plans, &c.
 - Second Petition.
 - Order in Council—Election Regulations.
 - Order in Council authorizing the Construction of Works.
 - Order in Council constituting Trust.
 - The Land Act 1884, Section 69—Schedule No. 6—List of Country Lands proposed to be offered for Sale by Auction during the year 1890.
 Severally ordered to lie on the Table.
5. THE COMMITTEE OF ELECTIONS AND QUALIFICATIONS.—The Honorable H. Cuthbert, Chairman, brought up a Report from this Committee.

Ordered to lie on the Table, and, together with the Proceedings of the Committee and Evidence, to be printed.
6. CONSOLIDATION OF LAWS.—The Honorable Lieut.-Col. Sargood, on behalf of the Committee, brought up a Report from the Joint Committee.

Ordered to lie on the Table, and to be printed.
7. COURT OF GENERAL SESSIONS, NHILL.—The Honorable H. Cuthbert moved, pursuant to notice, That, in pursuance of the Act of Parliament No. 502, an Address be presented to His Excellency the Administrator of the Government, praying that the Court of General Sessions of the Peace in and for the Western Bailiwick may be held at Nhill.

Question—put and resolved in the affirmative.

The Honorable H. Cuthbert moved, That the following be the Address, viz.:—

To His Excellency SIR WILLIAM CLEAVER FRANCIS ROBINSON, Knight Grand Cross of the Most Distinguished Order of Saint Michael and Saint George, Administrator of the Government of the Colony of Victoria and its Dependencies, &c., &c., &c.

MAY IT PLEASE YOUR EXCELLENCY :—

We, the Legislative Council of Victoria in Parliament assembled, pray that the Court of General Sessions of the Peace in and for the Western Bailiwick may be held at Nhill.

Question—put and resolved in the affirmative.

The Honorable H. Cuthbert moved, That the Address be transmitted to the Legislative Assembly, with a Message desiring their concurrence therewith.

Question—put and resolved in the affirmative.

8. RESCISSION OF SESSIONAL ORDER.—The Honorable H. Cuthbert moved, pursuant to notice, That the Sessional Order, fixing the hour of meeting of the Council, be read.

Question—put and resolved in the affirmative.

And the said Order having been read by the Clerk,

The Honorable H. Cuthbert moved, That the said Order be rescinded, and that three o'clock be the hour of meeting on Thursday next.

Question—put and resolved in the affirmative.

9. STORAGE OF GRAIN AT RAILWAYS STATIONS.—The Honorable J. M. Pratt moved, pursuant to notice, That in the opinion of this House it is desirable that the Commissioners of Railways forthwith erect large corrugated iron sheds for the storage of grain and produce at the various up-country stations, such stores to be formed where practicable by enclosing the platforms abutting on or extending from the goods sheds at the various railway stations, and to carry out the following objects :—

1. To relieve the demand for rolling-stock which cannot be supplied during the harvest months.
2. To remove the pressure on the Government grain sheds at Melbourne, and to provide protection for the growers' produce from the inclemency of the weather.
3. To provide storage accommodation in the grain districts at a moderate rental, and to issue certificates for the grain or produce transferable on delivery.

Debate ensued.

Question—put and resolved in the affirmative.

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

MR. PRESIDENT—

The Legislative Assembly return to the Legislative Council the Bill intituled "*An Act to amend the Law relating to Fencing,*" 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, 20th November, 1889.

MR. PRESIDENT—

The Legislative Assembly return to the Legislative Council the Bill intituled "*An Act to consolidate and amend the Law concerning Letters Patent for Inventions,*" 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 some of the said amendments with amendments with which they desire the concurrence of the Legislative Council.

M. H. DAVIES,
Speaker.

Legislative Assembly Chamber,
Melbourne, 20th November, 1889.

On the motion of the Honorable H. Cuthbert, the said amendments were read, and are as follow:—

Amendments by Legislative Council.	Amendments by Legislative Assembly.
Clause 7, after sub-section (c) insert (d) "The legal representatives of a deceased actual inventor or."	1. Agreed to with the following amendment :— After "inventor" insert "or his assigns."
Clause 46, line 13, after "was" insert "objector or other."	
Clause 47. After sub-section (e) insert— (f) Any person alleging that the invention included in the claim of the patentee was not communicated to the patentee by the actual inventor his legal representatives or assigns (if the actual inventor his legal representatives or assigns is or are not resident in Victoria.)	2. Agreed to with the following consequential amendments :—After "shall," in line 14, insert "if resident or carrying on business in Victoria," and after "writing," in same line, insert "sent to the last known place of business or residence in Victoria."
Clause 56, line 43, omit "two years" and insert "one year."	
" line 2 (p. 19), omit "two years" and insert "one year."	3. Agreed to with the following amendment :— After "that" insert "the patentee was not the actual inventor, the assignee of the actual inventor, nor his or their legal representative, and that."
Clause 72, line 47, omit "three" and insert "six."	
	4. Disagreed with.
	5. Agreed to with the following consequential amendment :—After "patented," in line 43, insert "in Victoria."

On the motion of the Honorable H. Cuthbert, the amendments 1, 2, 3, and 5 were read and agreed to by the Council.

The Honorable H. Cuthbert moved, That the Council do not insist on their amendment 4.
Debate ensued.

Question—put and negatived.

Ordered—That the Bill be returned to the Legislative Assembly, with a Message acquainting them that the Council have agreed to the amendments made by the Legislative Assembly on the amendments of the Legislative Council, and that they insist on their amendments disagreed with by the Legislative Assembly.

MR. PRESIDENT—

The Legislative Assembly acquaint the Legislative Council that they concur with the Legislative Council in adopting the accompanying Address to His Excellency the Administrator of the Government, praying that the Court of General Sessions of the Peace in and for the Western Bailiwick may be held at Nhill, and that the Legislative Assembly have filled up the blank with the words “and the Legislative Assembly.”

Legislative Assembly Chamber,
Melbourne, 20th November, 1889.

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 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, 20th November, 1889.

M. H. DAVIES,
Speaker.

12. EXPIRING LAWS CONTINUANCE 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 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 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.

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 apply out of ‘The Railway Loan Account 1888’ 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, 20th November, 1889.

WILLIAM McLELLAN,
Deputy Speaker.

14. RAILWAY LOAN APPLICATION BILL. — The Honorable J. Bell moved, That the Bill transmitted by the above Message, intituled “*An Act to apply out of ‘The Railway Loan Account 1888’ 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 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 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 James Bell, read a third time and *passed*.

The Honorable J. Bell moved, That the following be the title of the Bill :—

“ *An Act to apply out of ‘ The Railway Loan Account 1888 ’ 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.

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 authorize the raising of Money for Railways and Irrigation Works and for other purposes,* ” with which they desire the concurrence of the Legislative Council.

Legislative Assembly Chamber,
Melbourne, 20th November, 1889.

WILLIAM McLELLAN,
Deputy Speaker.

16. RAILWAY LOAN BILL. — The Honorable J. Bell moved, That the Bill transmitted by the above Message, intituled “ *An Act to authorize the raising of Money for Railways and Irrigation Works 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 this day.

17. 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 relating to Crown Lands permanently reserved from sale and vested in Trustees,* ” with which they desire the concurrence of the Legislative Council.

Legislative Assembly Chamber,
Melbourne, 20th November, 1889.

WILLIAM McLELLAN,
Deputy Speaker.

18. LAND ACT 1884 AMENDMENT BILL.—The Honorable H. Cuthbert moved, That the Bill transmitted by the above Message, intituled “ *An Act relating to Crown Lands permanently reserved from sale and vested in Trustees,* ” 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.

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 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 ninety, and to appropriate the Supplies granted in this Session of Parliament,* ” with which they desire the concurrence of the Legislative Council.

Legislative Assembly Chamber,
Melbourne, 20th November, 1889.

M. H. DAVIES,
Speaker.

20. 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 ninety, 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.

21. 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 create a Department of Public Health and to further amend the Law relating to Public Health,*" 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, 20th November, 1889.

M. H. DAVIES,
Speaker.

On the motion of the Honorable H. Cuthbert, the Council ordered that the several amendments be taken into consideration this day.

22. POSTPONEMENT OF ORDER OF THE DAY.—The Council ordered that the consideration of the 1st Order be postponed until after the consideration of the 7th Order for to-day.

23. MELBOURNE TRAMWAYS TRUST 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 Lieut.-Col. Sargood moved, That this Bill be re-committed to a Committee of the whole Council for reconsideration of clauses A. and B.

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 reconsideration of new Clauses A and B 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 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 authorize the Melbourne Tramways Trust to construct a Branch Tramway along Market-street to Collins-street in the City of Melbourne 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.

24. SPARROWS DESTRUCTION 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.

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

Education Endowment Commissioners Bill—Adoption of Report.

26. EDUCATION ENDOWMENT COMMISSIONERS BILL.—The Honorable H. Cuthbert moved, That this Bill be re-committed to a Committee of the whole Council for reconsideration of clauses 31, 32, and of a new clause.

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 reconsideration of clauses 31, 32, and of a new clause 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 to-morrow; Bill as further amended to be printed.

27. SUNDAY NEWSPAPERS BILL.—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 relating to the publication and sale of Newspapers on Sunday."

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.

28. RAILWAY MELBOURNE LANDS EXCHANGE ACT 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 this day ; Bill as amended to be printed.

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 Railway Melbourne Lands Exchange Act 1888 ’ 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.

29. INTESTATE ESTATES RELIEF BILL.—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 for the relief of Widows and Children of certain Intestates 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.

30. RAILWAY LOAN 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 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 raising of Money for Railways and Irrigation Works 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.

31. WATTLE TREES CULTIVATION 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 Dr. Dobson reported that the Committee had gone through the Bill, and agreed to the same without amendment.

The Honorable J. Bell moved, That this Bill be re-committed to a Committee of the whole Council for reconsideration of sub-sections 5 and 8 of clause 4.

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 reconsideration of sub-sections 5 and 8 of clause 4 of this Bill.

The President resumed the Chair; and the Honorable Dr. Dobson having reported that the Committee had agreed to the Bill with amendments, 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 for the better encouragement of the Cultivation of Wattle Trees.*”

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.

32. POSTPONEMENT OF ORDER OF THE DAY.—The Council ordered that the consideration of the following Order of the Day be postponed until to-morrow :—

Public Health Law Amendment Bill—Amendments of Legislative Assembly to be taken into consideration.

The Council adjourned, at a quarter-past eleven o'clock, until to-morrow at three o'clock.

JOHN BARKER,
Clerk of the Legislative Council.

Minutes of the Proceedings

OF THE

LEGISLATIVE COUNCIL.

THURSDAY, 21ST NOVEMBER, 1889.

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 by of His Excellency the Administrator of the Government—
 - Aborigines—Twenty-fifth Report of the Board for the Protection of the.
 - Ordered to lie on the Table.
 - The Honorable J. Bell presented, pursuant to Act of Parliament—
 - Victorian Military Forces—Regulations for—Alterations and Additions.
 - Bank Liabilities and Assets—Summary of Sworn Returns for the Quarter ended 30th September, 1889.
 - The Public Service Acts 1883 to 1889—Alteration of Regulation.
 - Severally ordered to lie on the Table.
 - The Honorable H. Cuthbert presented—
 - Escapes and Liberees from New Caledonia.—Return showing number of, in Australian Colonies.
 - Ordered to lie on the Table and to be printed.
5. SUSPENSION OF STANDING ORDERS.—The Honorable H. Cuthbert moved, pursuant to notice, That the Standing Orders prohibiting the passing of Bills through more than one stage at one sitting be suspended.
 - Question—put and resolved in the affirmative.
6. FENCING LAW AMENDMENT BILL.—The Honorable H. Cuthbert moved, by leave, That a Message be sent to the Legislative Assembly returning the Fencing Law Amendment Bill, and acquainting them that the following error had occurred in transcribing the amendments made by the Legislative Council in this Bill, by omitting the word “wire,” which ought to have been inserted before the word “may” in line 4 of new clause A, and requesting their concurrence in the insertion of the said word.
 - 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 provide for the Extermination of Pleuro-pneumonia in Victoria,*” with which they desire the concurrence of the Legislative Council.

M. H. DAVIES,
Speaker.

 - Legislative Assembly Chamber,
Melbourne, 20th November, 1889.
8. PLEURO-PNEUMONIA EXTERMINATION BILL.—The Honorable J. Bell moved, That the Bill transmitted by the above Message, intituled “*An Act to provide for the Extermination of Pleuro-pneumonia 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 this day.

9. 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 relating to the Publication and Sale of Newspapers on Sunday*," 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, 20th November, 1889.

MR. PRESIDENT—

The Legislative Assembly return to the Legislative Council the Bill intituled "*An Act to consolidate and amend the Law concerning Letters Patent for Inventions*," and acquaint the Legislative Council that the Legislative Assembly do not now insist on disagreeing with the amendments in such Bill insisted on by the Legislative Council.

M. H. DAVIES,
Speaker.

Legislative Assembly Chamber,
Melbourne, 20th November, 1889.

MR. PRESIDENT—

The Legislative Assembly return to the Legislative Council the Bill intituled "*An Act for the relief of Widows and Children of certain Intestates and for other purposes*," 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, 20th November, 1889.

MR. PRESIDENT—

The Legislative Assembly transmit to the Legislative Council a Bill intituled "*An Act to further amend the Licensing Act 1885*," with which they desire the concurrence of the Legislative Council.

M. H. DAVIES,
Speaker.

Legislative Assembly Chamber,
Melbourne, 20th November, 1889.

10. LICENSING ACT 1885 FURTHER AMENDMENT BILL.—The Honorable J. Bell moved, That the Bill transmitted by the above Message, intituled "*An Act to further 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 this day.

11. LAND ACT 1884 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 this day; Bill as amended to be printed.

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 relating to Crown Lands permanently reserved from sale and vested in Trustees.*"

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.

12. 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 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.

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 return to the Legislative Council the Bill intituled "*An Act to amend the Law relating to Feuing,*" and acquaint the Legislative Council that the Legislative Assembly have agreed to the insertion of the word "wire" before the word "may" in line 4 of the new clause A, and which was omitted in the Message of the Legislative Council when returning the said Bill to the Legislative Assembly with amendments.

M. H. DAVIES,
Speaker.

Legislative Assembly Chamber,
Melbourne, 21st November, 1889.

14. EDUCATION ENDOWMENT COMMISSIONERS 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 appoint Education Endowment Commissioners, and to vest certain Crown Lands in such Commissioners for Educational 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.

15. PUBLIC HEALTH BILL.—The Order of the Day for the consideration of the amendments made by the Legislative Assembly having been read, the said amendments were as follow:—

- (1.) Preamble, before "present" omit "the" and substitute "this."
- (2.) Clause 1, line 10, after "Act" insert "and any enactment hereinafter directed to be administered by the Board of Public Health."
- (3.) " omit lines 12 and 13 and substitute the two following paragraphs:—

Any enactment of this Act relating to the election or appointment of members of the Board of Public Health or to any matter required to be done for the purpose of bringing this Act into operation shall come into effect on the passing of this Act.

Save as aforesaid and save so far as there may be anything in the context ^{51 and 52 Vict. cap. 41 s. 109.} inconsistent therewith this Act shall come into operation on the first day of January One thousand eight hundred and ninety or such other day earlier or later (but after the constitution of the said Board) as the Governor in Council may appoint.

- (4.) Clause 3, omit this clause and substitute the following clause therefor:—

A. For the purposes of enforcing and carrying out the provisions of ^{Board of Public Health constituted.} "*The Public Health Acts 1865-1889*" a Board of Public Health (hereinafter called "the Board") shall be constituted as hereinafter provided.

The Board shall consist of the chairman the medical inspector and also of seven representative members who shall be elected by the councils of municipal districts, as hereinafter provided.

The powers duties and authorities vested in the Board may be exercised ^{Quorum.} by a quorum thereof of not less than five members including the chairman, who at all meetings of the Board in addition to his vote as a member thereof shall also have a second or casting vote.

The chairman of the Board shall be from time to time appointed or ^{Chairman.} removed by the Governor in Council in accordance with the provisions of "*The Public Service Act 1883*" and any Act amending the same.

He shall be an officer of the First Division of the Public Service and the permanent head of the Department.

There shall be—

- a medical inspector who shall be a legally-qualified medical practitioner ^{Medical inspector.} and an expert in sanitary science, and shall receive an annual salary of not less than One thousand pounds; and
- an engineering inspector a secretary and such other inspectors health ^{Engineering inspector.} officers clerks and officers as may be deemed necessary.

Such medical inspector shall be appointed and removed from time to time by the Governor in Council and shall not be subject to the provisions of "*The Public Service Act 1883*;" and such engineering inspector secretary inspectors health officers clerks and officers shall be subject to and shall be appointed and removed in accordance with the provisions of "*The Public Service Act 1883*" and any Act amending the same.

In the event of the illness or absence of the chairman the Governor in Council may from time to time appoint one of the members of the Board to act as chairman thereof; and during the illness or absence of the chairman such member shall have and execute all the powers duties and authorities of the chairman.

During any vacancy in the Board whether in the office of chairman or other members the continuing members may act as if no vacancy had occurred.

- (4a.) Clause 4, omit the second third and fourth paragraphs of this clause and substitute the following:—
- (2) Subject to the provisions of this Act the several powers duties and liabilities at the commencement of this Act vested in and imposed upon the Minister or such Central Board or the members thereof by any Act except this Act and section twenty-two of Act No. 1011 shall on and after such date be vested in imposed upon and executed by the Board who shall (except as otherwise directed by this Act) also have and execute all powers authorities and liabilities in any way relating to the public health vested in a responsible Minister of the Crown by any Acts. Powers transferred to the Board of Public Health.
- (3) All officers and servants who may be in any way employed under the control of the Central Board of Health at the commencement of this Act shall notwithstanding anything in the Act No. 773 become officers and servants of the Board of Public Health, and while performing like duties shall receive not less salaries or remuneration than they would have received if this Act had not passed. Officers transferred.
- (4) Subject to the Board the medical inspector and every health officer of the Department shall have and may exercise all or any of the powers duties and liabilities vested in officers of health under "The Public Health Acts 1865-1889," and subject to the Board every inspector of the Board shall have and may exercise all or any of the powers duties and liabilities vested in any inspectors appointed by any local boards of health or councils under such Acts. Medical Inspector and health officers.

Insert the following new clause, to follow clause 4:—

- (5.) B. All the powers rights and authorities vested in the Board shall whenever he deems fit be exercisable by the Minister, and when so exercised shall if so ordered by the Minister supersede any Act direction notice or order of the Board, and every officer whether a member of the Board or not and every servant of the Board shall at all times obey any order or direction of the Minister; and such officers and servants for the purpose of carrying out such orders and directions shall have all the powers of the Board whether conferred on the Board by Act regulation by-law or otherwise. Power of the Minister.

All orders directions authorities consents receipts made or given or purporting to be made or given by such officer or servant in any way relating to the purpose in respect of which he was authorized by the Minister to act shall by all courts officers and persons whatsoever be deemed and taken to have the same force and effect as if such orders directions authorities consents or receipts, as the case may be, had been made or given by the Board.

- (6.) Clause 5, at end of clause add—

"All works or undertakings of any municipality for the purposes of carrying out any of the provisions of 'The Public Health Acts 1865-1889' shall be deemed to be 'permanent works or undertakings' within the meaning of Part XIII. of the 'Local Government Act 1874.'" No. 506.

- (7.) Clause 6, line 33, omit "Minister" and substitute "Board."
 (8.) " lines 34 and 35, omit these lines.
 (9.) " line 37, omit "Public Health Department" and substitute "Board of Public Health."
 (10.) " lines 39-40, omit "Public Health Department" and substitute "Board of Public Health."
 (11.) Clause 7, lines 6 and 11, omit "Minister" and substitute "Board of Public Health."
 (12.) Clause 8, omit this clause and substitute the following clauses therefor:—
 (13.) C. The representative members of the Board of Public Health shall be

electd as follows, namely:— Representative members.

The council of the corporation of the city of Melbourne shall elect One member; Melbourne,

The councils of the undermentioned municipalities, namely, the cities of Collingwood, Fitzroy, and Richmond; the towns of Brunswick, Footscray, North Melbourne, and Williamstown; the boroughs of Essendon, Flemington and Kensington, and Northcote; and the shires of Coburg and Preston shall jointly elect One member, hereinafter called the representative member for the North Yarra group; North Yarra group.

The councils of the undermentioned municipalities, namely, the cities of Prahran and South Melbourne; the towns of Brighton and Hawthorn; the boroughs of Kew, Port Melbourne, and St. Kilda; and the shires of Boroondara, Caulfield, and Malvern shall jointly elect One member, hereinafter called the representative member for the South Yarra group; South Yarra group.

The councils of all cities towns and boroughs not hereinbefore mentioned shall jointly elect Two members, hereinafter called the representative members for the Country Boroughs group; Country Boroughs group.

And the councils of all shires not hereinbefore mentioned shall jointly elect Two members, hereinafter called the representative members for the Shires group. Shires group.

Members of Board of Public Health.

- (14.) D. With regard to the election from time to time of the representative members of the Board, the following provisions shall have effect, viz.:—

- (1) On or before a day to be specified by the Minister and notified in the *Government Gazette* and by circular to such council the council of the city of Melbourne may nominate one of the members of the council to be its representative member of the Board. On receiving notice of such nomination the Minister shall by notice in the *Government Gazette* declare such member so nominated to be duly elected to be the member of the Board for the city of Melbourne.
- (2) On or before a day to be specified by the Minister and notified in the *Government Gazette* and by circular to each council the council of each of the municipalities composing the North Yarra group or the South Yarra group (as the case may be) may nominate a member of one of the councils of such group to be the representative member for such group on the Board.

- (3) On or before a day to be specified by the Minister and notified in the *Government Gazette* and by circular to each council the council of each of the municipalities composing the Country Boroughs group or the Shires group (as the case may be) may nominate two members of any council or councils composing such group to be the representative members for such group on the Board.
- (4) If on the day so specified and notified only one candidate is nominated for any group entitled to elect only one representative member, or if only two candidates are nominated for the Country Boroughs group or the Shires group (as the case may be) the Minister shall declare such candidate or candidates so nominated to be the representative member or members (as the case may be) for such group.
- (5) If on the day so specified and notified the number of candidates so nominated for any group exceeds the number to be elected therefor, the Minister shall for each such group prepare a list of all persons so nominated for such group; and shall send one of such lists to the council of each and every municipality composing such group, together with a request to each such council to return such list to the Minister before a specified day after having struck out all names thereon except that of the candidate or candidates (as the case may be) for whom such council desires to vote.
- (6) On the day specified the Minister shall count all votes received by him from the councils composing each group, and shall in the case of a group entitled to one representative member declare the candidate having the highest number of such votes to be the representative member for such group on the Board, and shall in the case of the Country Boroughs group or the Shires group declare the two candidates having the highest numbers of such votes to be the representative members for such group on the Board.
- (7) In the council of the city of Melbourne the proceedings for the nomination of a representative on the Board shall be conducted as nearly as may be in the same way as the election of the mayor is conducted, and in the councils of other municipalities the proceedings for the nomination and election of representative members shall be conducted as nearly as may be in the same way as the elections of the chairman of the council are conducted, or such proceedings shall be conducted in such manner as may be prescribed by by-laws to be hereafter made from time to time by the council of such city or municipality as the case may be.
- (8) In the case of equality of votes by councils for any candidates, the Minister shall have a casting vote.
- (9) No election shall be liable to be questioned by reason only of any council from any cause whatsoever not having nominated a representative, or not having received from or returned to the Minister a list as aforesaid, or by reason of any defect whatever in the constitution of any such council or in relation to any nomination or election.
- (10) For the purpose of regulating all matters whatever relating to the nomination and election of representative members of the Board, or relating to the removal of any member who vacates his seat on any council electing him or on any council being one of the group electing him, the Governor in Council may from time to time make alter or rescind such regulations as he thinks fit.

(15.) E. With regard to the representative members of the Board, the following provisions shall have effect:—

- (1) The period for which the first members of the Board shall be elected shall be as follows:—
 - (a) The members for the city of Melbourne and the South Yarra group shall be entitled to hold their seats until the last day of the year One thousand eight hundred and ninety;
 - (b) The member for the North Yarra group and the first-named member in the Minister's declaration of election of the two members for the Country Boroughs group and the Shires group respectively shall be entitled to hold their seats until the last day of the year One thousand eight hundred and ninety-one; and
 - (c) The second-named member for the Country Boroughs group and the Shires group respectively shall be entitled to hold their seats until the last day of the year One thousand eight hundred and ninety-two.
- (2) Persons from time to time elected to fill the vacancies caused by members vacating their seats at the expiration of the period for which they were under this Act elected shall hold office for a period of three years from the date on which their predecessors' terms of office respectively expired.
- (3) A periodical election of one member for the city of Melbourne and also of one member for each group shall from time to time be held within three months before the expiration of the period for which a member of the Board for such city or group shall have been elected.
- (4) When the seat of any member of the Board has become vacant from any cause whatever other than the retirement of such member at the expiration of the period for which he was elected, such seat shall be filled up by the election of a new member of the Board by the council or group by which the member whose place is to be filled was originally elected; such new member of the Board shall hold office for the unexpired portion of the period for which the person whose place he fills was elected and no longer.
- (5) The fact that any person is a member of the Board shall not disqualify him for election for a further period.
- (6) Vacancies caused by members vacating their seats shall subject to the provisions of this Act be respectively filled up by the election of new members by the council or group by which the members vacating their seats were elected.

Tenure of first members.

Tenure of subsequent members.

Periodical elections.

Extraordinary vacancies.

Members may be candidates.

Who to elect.

- (7) No person shall be eligible for election as a member of the Board unless he is a member of the council by which he is elected, or in the case of a group electing of one of the councils composing such group. Candidates to be members of a council.
- (8) Any member of the Board vacating his seat in the council or one of the councils of the group electing him may be removed from office as a member of the Board by the Governor in Council. On removal by the Governor in Council he shall cease to be a member of the Board, and his seat shall thereupon become vacant. Or vacate membership.
- (9) Any member who without leave obtained from the Board is absent from four consecutive ordinary meetings thereof shall cease to be a member of the Board, and his seat shall thereupon become vacant. Effect of absence without leave.
- (10) Any member may at any time by writing under his hand addressed to the chairman resign his seat as a member of the Board, and upon the receipt by the chairman of such resignation such seat shall become vacant. Resignation of member.
- (11) If at any time any council or group by this Act authorized to elect a member or members of the Board fail neglect or refuse to comply with the provisions of this Act relating to the election of representative members of the Board, then the Governor in Council may appoint a representative member or members from the members of the council or councils of the group so failing neglecting or refusing, and the member or members so appointed shall for all purposes be deemed to have been elected by such council or group, and any reference in this Act to any elected member of the Board shall equally apply to any member appointed as aforesaid. Governor in Council may appoint in default of election.
- (16.) F. The chairman and members of the Board shall hold their first meeting at such time and place as the Governor in Council by notice in the *Government Gazette* appoints in that behalf, and on and after the day so appointed whether the whole number of members shall or shall not have been elected the Board shall be deemed to be duly and legally constituted in pursuance of this Act. First meeting of members of Board. Constitution of the Board.

Insert the following new clauses:—

- (17.) G. The members of the Board shall be paid out of the Consolidated Revenue all travelling expenses reasonably incurred by them in attending the meetings and transacting the business thereof, and also the sums following for each attendance at such meetings—the representatives of the city of Melbourne, the North Yarra group, and the South Yarra group the sum of One pound one shilling each, and the representatives of the other groups the sum of Two pounds two shillings each.
- (18.) H. From and after the commencement of this Act “*The Cemeteries Statute* 1864,” Part I. of the Act numbered CCCX., and “*The Cemeteries Statute Amendment Act* 1880” shall be administered by the Board of Public Health, and the Board shall be substituted for the Chief Secretary, the Board of Land and Works, or the President or Vice-President thereof, wherever mentioned in the said Acts or Part, and such Acts and Part shall be read and construed accordingly. Administration of cemetery laws. No. 201. No. 677.
- (19.) Clause 9, line 33, after “regulations” insert “joint regulations.”
- (20.) „ line 35, after “regulations” insert “joint regulations.”
- (21.) „ line 38, omit “Minister” and substitute “Board.”
- (22.) At end of clause add—
 “If at any time it appears to the Minister that it is desirable that a regulation or by-law be made for any of the purposes of and pursuant to the provisions of any Act relating to public health, he may order the Board or any council to make such a regulation or by-law accordingly.
 “If such order be not complied with to the satisfaction of the Minister within two months, it shall be lawful for the Governor in Council to exercise all the powers of the Board or any council with regard to the making of such a regulation or by-law.
 “Every regulation or by-law so made by the Governor in Council shall to all intents and purposes have the like force and effect as if the same had been made by the Board or any such municipal council as the case may be; and it shall be deemed and taken to have been made by the Board or such council; and when the Minister has made such regulation or by-law he shall forthwith notify to such council that such regulation or by-law is then in force.”
- (23.) Clause 10, line 40, omit “Minister” and substitute “Board.”
- (24.) „ line 44, omit “Minister” and substitute “Board.”
- (25.) „ (page 5), line 3, after “the” insert “rate of.”
- (26.) Clause 11, line 21, omit “Minister” and substitute “Board.”
- (27.) „ line 23, omit “fourteen days,” and substitute “two months.”
- (28.) „ line 24, omit “at once.”
- (29.) „ line 28, omit “in writing of the Minister” and substitute “of the Governor in Council.”
- (30.) Clause 12, line 31, after “exposed” insert “kept.”
- (31.) „ line 39, omit “such” and substitute “an.”
- (32.) „ line 45, after “any” insert “wrapper cover or vessel containing any.”
- (33.) Clause 13, line 1, after “offer” insert “keep.”
- (34.) „ line 2, omit “knowingly.”
- (35.) „ line 3, after “cows” insert “to his knowledge.”
- (36.) „ after first paragraph, insert—“the Court before whom any person is charged with an offence against this section shall dismiss the charge if it appears to the Court that the defendant took all reasonable and practicable means to inquire and ascertain whether or not the milk so sold by him or so allowed to be sold came from cows suffering as aforesaid.”

- (37.) Clause 13, lines 17-18, omit "as money paid on behalf of such master or employer" substitute "the amount of."
- (38.) " line 20, after "paid" insert "or to be paid."
- (39.) " at end of clause add—"Where a servant or agent is so convicted the court may if it think fit suspend the operation of such conviction for any period not exceeding three months as it shall consider long enough to enable him to recover the amount thereof from his master or employer. For the purposes of this section 'cream' shall be deemed to be 'milk.'"
- (40.) Clause 15, line 30, omit last word "or."
- (41.) " line 31, after "offer" insert "keep."
- (42.) " line 42, omit "Department" and substitute "Board."

Insert the following new clause, to follow clause 15 :—

- (43.) I. The Board may from time to time make alter and revoke regula-
tions—
- (a) For the inspection of all dairy farms and milk stores. Board to make regulations as to dairies &c. No. 782 s. 24.
- (b) For the inspection of the grazing ground of dairy cattle, and for prohibiting the use of the same if likely to be prejudicial to health by affecting the milk or otherwise.
- (c) For the inspection of cattle in dairies and for prescribing and regulating the lighting ventilation cleansing drainage and water supply of houses dairies and cow sheds in the occupation of persons following the trade of cow-keepers or dairymen.
- (d) For prescribing the precautions to be taken for protecting milk against infection or contamination.
- (e) For cleansing or disinfecting dairies milk stores milk shops or milk yards and for destroying or removing from any dairy milk store milk shop or milk yard any diseased cows or other animals or for removing any sick persons from the premises of any such dairy milk store milk shop or milk yard. Queensland, 50 Vict. No. 21, s. 11 (3).
- (44.) Clause 16, line 2, omit "Minister" and substitute "Board."
- (45.) " " omit "he" and substitute "it."
- (46.) " line 10, omit "Minister" and substitute "Board."
- (47.) Clause 17, line 18, omit "Minister" and substitute "Board."
- (48.) " lines 19 and 20, omit "to the Sanatorium at Cut-paw-paw or."
- (49.) " line 21, after "resides" insert "or to the Sanatorium at Cut-paw-paw."
- (50.) " line 22, omit "Minister" and substitute "Board."
- (51.) " line 26, omit "Minister" and substitute "Board."
- (52.) Clause 18, line 32, after "with" insert "any of."
- (53.) " line 33, omit "Secretary" and substitute "Chairman"; and omit "Minister" and substitute "Board."
- (54.) " line 34, before the words "may in any county court" insert "notwithstanding any limitation in any Act relating to county courts."
- (55.) " line 41, omit "Minister" and substitute "Board."
- (56.) " line 44, after "may" insert "in like manner in any such county court."
- (57.) " line 44 and following line, omit "in a summary way before two justices."
- (58.) " at end of clause (page 8), add "or from the husband of such patient or from either parent of such patient if he be an infant, or from the wife or son or daughter of such patient, or if such patient be an infant from the step parent or putative father of such infant."
"One-half of the costs and expenses incurred by any council in carrying out the provisions of this section and section eighty-eight of the Principal Act shall be paid out of the Consolidated Revenue.
- (59.) Clause 19, line 19, omit "Department" and substitute "Board."
- (60.) " line 20, omit "Minister" and substitute "Board."
- (61.) " line 21, before "any" insert "After the making of such regulations."
- (62.) Clause 20, line 26, omit "Minister" and substitute "Board."
- (63.) Clause 21, line 32, after "with" insert "any of."
- (64.) " line 33, omit "seventy-nine."
- (65.) " line 37, omit "Minister" and substitute "Board."
- (66.) Clause 23, line 6, after "Minister" insert "and of the Board."
- (67.) " omit lines 12 and 13 and substitute—
"This section shall not (except so far as the laws relating to quarantine are concerned) apply to any ship or vessel under the command or charge of any officer bearing Her Majesty's commission or to any ship or vessel belonging to any foreign government." 38 & 39 Vict. c 55 s. 110.
- (68.) Clause 24, line 23, omit "Minister or."
- (69.) " line 24, omit "Department" and substitute "Board."
- (70.) Clause 25, line 37, omit "newly."
- (71.) " line 12 (page 10), before "foul liquid" insert "dust."
- (72.) " line 19, after "establishment" insert "carrying on."
- (73.) " line 24, after "establishment" insert "carrying on."
- (74.) " line 26, omit "the" and substitute "such."
- (75.) " line 27, after "manufacture" insert "or to such addition or extension."
- (76.) " line 31, after "establishment" insert "or carrying on or to such addition or extension."
- (77.) " line 35, before "police station" insert "and."
- (78.) " lines 35-36, omit "and municipal offices," and line 37, after "establishment" insert "at the site or place of such proposed works and at the municipal offices."
- (79.) " line 39, after "establishment" insert "or carrying on or to such."
- (80.) " line 42, omit "Minister" and substitute "Board," and after "affirm" insert "vary."

- (81.) Clause 26, line 7, omit "has already been a conviction" and substitute "shall have been three convictions."
- (82.) " line 9, after "may" insert "if it think fit."
- (83.) " line 13, omit "Minister" and substitute "Board," and after "affirm" insert "vary."
- (84.) Clause 27, line 31, omit "cow" at end of line and substitute "cattle."
- (85.) " line 1 (page 12), omit "Minister" and substitute "Board."
- (86.) " line 5, omit "he" and substitute "it."
- (87.) " line 6, omit "he" and substitute "it."
- (88.) Clause 28, line 12, after "causing" insert "or allowing."
- (89.) " line 14, before "place" insert "any land or."
- (90.) Clause 29, line 22, after "causes" insert "or allows."
- (91.) " line 23, after "channel" insert "or so that the same may by any means be carried into any drain gutter or water channel."
- (92.) Clause 31, line 37, omit "Minister" and substitute "Board."
- (93.) Clause 32, line 39, omit "Minister" and substitute "Board."
- (94.) " line 40, after "incinerators" insert "or desiccators."
- (95.) " line 41, before "process" insert "some."
- (96.) " line 45, after "or" insert "with the consent of the Board."
- (97.) " line 46, before "destructors" insert "such."
- (98.) " line 46, after "incinerators" insert "desiccators."
- (99.) " line 3 (page 13), omit "Minister" and substitute "Board."
- (100.) " at end of clause add—"The obtaining or providing of such machine machinery or process shall be deemed to be a permanent work or undertaking within the meaning of Part XIII. of the 'Local Government Act 1874.'"
- (101.) Clause 33, line 7, omit "Minister" and substitute "Board."
- (102.) " line 12, after "destructors" insert "desiccators."
- (103.) " line 35, after "service" insert "and for pans supplied."
- (104.) " line 43, after "destructor" insert "desiccator."
- (105.) " line 45, after "destructor" insert "desiccator."
- (106.) " at end of clause add—
 "That all fowl yards shall if possible and where necessary for health be at least twenty-five feet from any dwelling house.
 "That all buildings be provided with spouting downpipes and drains sufficient to carry off all storm or rain water."
- (107.) Clause 34, line 9, omit "Minister" and substitute "Board."
- (108.) " line 10, after "stream" insert "channel lake lagoon swamp or water-hole."
- (109.) " line 11, after "cause" insert "or allow."
- (110.) " line 12, after "offensive" insert "matter or," and after "stream" insert "channel lake lagoon swamp or water-hole."
- (111.) Clause 35, line 14, after "land" insert "the owner of which or his agent is unknown to the council."
- (112.) Clause 36, line 24, omit "Minister" and substitute "Board."
- (113.) " line 25, omit "he" and substitute "it."
- (114.) " line 32, omit "Minister" and substitute "Board."
- (115.) " line 33, omit "he" and substitute "it."
- (116.) " line 37, omit "Minister" and substitute "Board."
- (117.) " line 40, after "place" insert "and who fails to remove the same when ordered so to do by the Board or council."
- (118.) " line 44, after "place" insert "after such order."

Insert the following new clauses, to follow clause 36:—

- (119.) J. If in the opinion of any council any earth-closet or privy erected before the passing of the Principal Act is dilapidated improperly situated or otherwise unfit for use, the council may by order direct the owner to remove the same and to construct a closet or privy to its satisfaction in any suitable situation specified in such order. Removal of dilapidated closets.
- (120.) K. Notwithstanding the provisions of section nineteen of "*The Public Health Act 1888*," any council may provide for the proper disposal of night-soil within the district of such council by making an annual charge for the removal of the said night-soil, provided that such charge shall not be more than Twenty-five shillings per annum for each and every pan in use at the tenement within such district. Power to charge a pan rate.
 Such charge shall be levied on the owner or occupier of such tenement in which the night-soil pans are in use, and may be recovered by the council in the same way as rates are recoverable under the "*Local Government Act 1874*."
 In the case of tenements being erected during the year for which payment is to be made the charge for the pans thereon shall be such sum as will proportionately represent the period between the occupation of the tenement and the ending of the year for which payment is made.
- (121.) Clause 37, line 6, omit the first word "or" and substitute "and every person."
- (122.) " at the end of the clause add—
 Notwithstanding anything in this section contained it shall be lawful in any borough or shire for the council thereof to grant written permission to any occupier or person in charge of any abattoir or slaughter-yard to keep swine on the following conditions, viz.:—
 (a) That such swine are kept at such distance from and so kept apart from any abattoir or slaughter-yard as the council shall direct, and
 (b) That such swine be not fed with offal obtained from such abattoir or slaughter-yard or from any other abattoir or slaughter-yard unless such offal has been first thoroughly cleansed and boiled.
 Any such occupier or person who in any borough or shire keeps or permits or suffers to be kept any swine contrary to or without such written permission or who fails to observe the conditions thereof shall be guilty of an offence against this Act.

- (123.) Clause 39, line 23, omit "or" before "water-course," and after "water-course" insert "lake."
 (124.) " line 27, after "water-course" insert "lake."
 (125.) " line 30, omit "again."
 (126.) " line 31, after "water-course" insert "lake."
 (127.) Clause 40, line 39, after "shall" insert "after the prosecution has given *prima facie* evidence to the contrary."
 (128.) Clause 43, line 11, omit "public" substitute "common."
 (129.) Clause 44, line 15, omit "Department" and substitute "Board."
 (130.) " line 18, after "order" insert "published in the *Government Gazette*."
 (131.) " line 21, omit "when" and substitute "whereupon."
 (132.) " line 24, after "and" insert "if such house or building has been erected prior to the coming into operation of this Act,"
 (133.) " lines 25-29, omit—
 "The amount of such compensation shall be determined under the provisions of the Lands Compensation Statute, one arbitrator to be chosen by the owner and the other by the council with the approval of the Minister, and one moiety thereof shall be paid by the council and the other moiety by the Department,"
 (134.) and substitute therefor—
 "The amount of compensation to be paid if disputed shall be ascertained and determined in the manner provided for settling cases of disputed compensation in '*The Lands Compensation Statute* 1869' as amended by any Act; and for the purposes of this Act the following expressions in the said Statute as so amended shall have the meanings hereby assigned to them, save when the context is inconsistent therewith (that is to say):—
 "The Board of Land and Works' and 'the Board' shall mean the council.
 "The special Act' shall mean this Act.
 "One moiety of such compensation shall be paid [by the council out of the municipal fund and the other moiety by the Board out of any moneys provided by Parliament."
 (135.) Clause 44, line 33, omit "notice" and substitute "order."
 (136.) " line 36, after "building" insert "on such land."
 (137.) " line 39, after "building" insert "or part thereof."
 (138.) " line 43, omit first word "to" and substitute "shall."
 (139.) Clause 45, lines 4-5, omit "fifth day of June One thousand eight hundred and eighty-nine" and substitute "first day of January One thousand eight hundred and ninety."
 (140.) " line 11, omit "is applicable" and substitute "has been extended."
 (141.) " lines 15-16, omit "fifth day of June One thousand eight hundred and eighty-nine" and substitute "first day of January One thousand eight hundred and ninety."
 (142.) " line 19, omit "less than fifty feet wide."
 (143.) " line 25, omit "twenty" and substitute "ten."
 (144.) " omit lines 28 and 29.
 (145.) " sub-clause (III.), line 32, omit "fifty" and substitute "thirty-three."
 (146.) " sub-clause (III.), line 33, omit "twenty" and substitute "ten."
 (147.) " line 38, omit "is applicable" and substitute "has been extended."
 (148.) " sub-clause (III.), lines 39-42, omit the words "frontage of at least sixteen-and-a-half feet to a street fifty feet wide at the least and has a depth of one hundred feet at the least" and substitute "superficial area of at least one thousand six hundred and fifty square feet."
 (149.) " (page 18), line 4, omit "twenty" and substitute "ten."

Insert the following new clause, to follow clause 46 :—

- (150.) L. Notwithstanding anything contained in the "*Local Government Act* 1874" every council shall have power from time to time to make alter or repeal in the manner provided in the said Act by-laws providing that the occupier of any building abutting on a private lane or right-of-way shall keep such private lane or right-of-way or so much thereof as the council shall from time to time direct in a clean and healthy condition. Private rights-of-way to be kept clean by adjoining occupiers.
- (151.) Clause 47, after the first word "For" insert "the purpose only of providing the necessary machinery for."
- (152.) Clause 48, line 26, after "Minister" insert "or the Board."
- (153.) " line 27, omit "of Health the secretary the medical inspector" and substitute "or any member thereof."
- (154.) Clause 49, line 40, omit "Minister" and substitute "Board."
- (155.) " line 41, omit "Department" and substitute "Board."
- (156.) " line 44, omit "Department" and substitute "Board."
- (157.) Clause 50, line 5, after "Statute" insert "1869 as amended by any Act as hereinbefore provided in reference to the compensation payable for the removal and destruction of houses or buildings erected on land having sanitary defects."
- (158.) Clause 51, line 8, omit "Department" and substitute "Board."
- (159.) " line 10, omit "Minister" and substitute "Board."
- (160.) Clause 52, line 16, omit "Department" and substitute "Board."
- (161.) Clause 53, line 24, omit "Department" and substitute "Board."
- (162.) Clause 54, line 33, omit "demand."
- (163.) " line 36, omit "demand" and substitute "order."

Insert the following new clauses, to follow clause 56 :—

- (164.) M. Any person whatsoever without warrant may apprehend any person found offending against any of the provisions of section one hundred and three of "*The Public Health Statute* 1865," or sections eighty-three, one hundred and twelve, and one hundred and forty-one of the Principal Act, or sections eight and eighteen of "*The Public Health Act* 1888" No. 1011, or sections *twenty-* Power to arrest without warrant in certain cases. (See No. 265 s. 56, No. 953 s. 27.)

eight and twenty-nine of this Act, and may forthwith take and convey such person so found offending before some justice to be dealt with according to law or may deliver him to any constable or other peace officer to be so taken and conveyed, and such constable or peace officer shall take and convey him accordingly.

- (165.) N. With the previous approval in writing of the Board, any person may bury in any private ground or land specified by the Board the dead body of any person dying or of any stillborn child born in Victoria at least twenty-five miles from a cemetery within the meaning of any law relating to public cemeteries. Except as aforesaid every person who shall bury a dead body elsewhere than in a cemetery as aforesaid shall be guilty of an offence against this Act. Burials prohibited except in cemeteries.
- Nothing in this section shall be deemed to take away or prejudicially affect any purchased or acquired exclusive right of interment in any cemetery burial ground or place of burial within the meaning of Part I. of the Act number CCCX.
- (166.) Clause 57, line 12, after "by-law" insert "or"; after "Minister" insert "or the Board."
- (167.) " line 14, after "Minister" insert "or the Board."
- (168.) " line 15, after "land" insert "house building"; after "Minister" insert "or the Board."
- (169.) " line 17, omit "Department" and substitute "Board."
- (170.) " line 18, omit "who" and substitute "or any other persons and such officers servants and persons."
- (171.) " line 21, after "obligation" insert "and all other costs and expenses heretofore or hereafter lawfully incurred by the Minister or Board or council in respect of any land house building or premises."
- (172.) " line 22, after "land" omit "and" and substitute "house building or."
- (173.) " line 25, after "owner or" insert "after demand from the;" and after "occupier" insert "for the time being to the extent of the amount of rent due at the time of demand from such occupier to the owner."
- (174.) Clause 58, line 35, omit "sum of" and substitute "penalty not exceeding"; and in same line omit "sum" and substitute "penalty."
- (175.) " line 36, after "continued" insert "after any conviction."
- Insert the following new clauses, to follow clause 58 :—*
- (176.) O. All moneys arising from fines penalties and forfeitures imposed under any Act relating to the public health or under the "*Abattoirs Statute*" and recovered by any officer or inspector of the Board shall notwithstanding any provision in section one hundred and seventy of the Principal Act form part of the Consolidated Revenue Application of penalties.
- (177.) P. The Board may from time to time make alter or rescind regulations providing for the registration of plumbers and gasfitters. Power to make regulations as to plumbers and gasfitters.
- All persons in any way employed at the time of the passing of this Act as plumbers or gasfitters whether as masters or workmen shall be entitled to registration on producing before the first day of March next satisfactory evidence of the fact of their having been so employed.
- All persons unless registered as plumbers or gasfitters who after the said first day of March shall engage in or undertake any work as plumbers or gasfitters in any city town or borough shall be guilty of an offence against this Act.
- (178.) Schedule to be omitted and the following to be substituted therefor :—

Section 2.

SCHEDULE.

Number of Act.	Short Title.	Nature and Extent of Amendment.
No. 264	" <i>The Public Health Statute 1865</i> "	In section sixty-nine after the last word the following words shall be added, viz., "and in the case of such first and every subsequent offence he shall also be liable to a penalty not less than Two pounds nor more than Five pounds for every day during which any such trade business or occupation is carried on contrary to the provisions of this section." In section ninety the words "Chief Medical Officer" are hereby repealed, and the words "Medical Inspector or Health Officer of the Quarantine Station" are hereby substituted therefor.
No. 501	" <i>The Compulsory Vaccination Act</i> "	In sections twenty-four and twenty-five of " <i>The Compulsory Vaccination Act</i> " the words "Chief Medical Officer" wherever they occur are hereby repealed, and the words "Secretary to the Board of Public Health" are hereby substituted therefor.
No. 782	" <i>The Public Health Amendment Statute 1883</i> "	In section three the following words are hereby repealed, viz., "Central Board or Central Board of Health shall mean any persons hereafter appointed by the Governor in Council as members of the said Board"; and also the words "local board or local board of health shall mean the municipal council of any city town borough or shire."

SCHEDULE—continued.

Number of Act.	Short Title.	Nature and Extent of Amendment.
No. 782	<i>"The Public Health Amendment Statute 1883"</i>	<p>Sections six, seven, eight, and seventy-two are hereby repealed.</p> <p>In section thirteen the words "acting within the district of the defaulting board" are hereby repealed.</p> <p>In section fourteen the words "any provision of this Act" are hereby repealed, and the words "or carrying out or complying with any provisions of '<i>The Public Health Acts 1865-1889</i>' or any by-law or regulation thereunder or of any Order of the Board" are hereby substituted therefor; and after the words "to enforce" the words "carry out or comply with" are hereby inserted.</p> <p>In section fifteen the words "The members of the municipal council for the time being of each city town borough and shire shall constitute the local boards of health of such city town borough and shire respectively" are hereby repealed.</p> <p>In section twenty-four the words "so as to be a nuisance to any person" where they first occur in such section are hereby repealed, and after the words "the mode of carriage of" the words "and precautions to be observed in carrying" are hereby inserted.</p> <p>In section forty-four the word "public" is hereby repealed.</p> <p>In section fifty-two after the words "such justices" the words "or court" and before the words "by order direct" the words "or the court" are hereby inserted.</p> <p>In section fifty-eight after the words "the property of the local board of health" the words "or, in case such seizure is made by an officer of the Board, of the Crown" are hereby inserted.</p> <p>In section ninety-seven after end of sub-section (7) insert the following new sub-section:—" (8) Any dead animal in any house or premises or on any land road street or thoroughfare and which causes an offensive smell."</p> <p>In section ninety-nine the word "further" is hereby repealed:</p> <p>In section one hundred and eight the words "local courts" are hereby repealed, and the word "municipal" is substituted therefor.</p> <p>In section one hundred and ten the words "for public amusement or entertainment" and the words "for the purpose of public amusement" are hereby repealed.</p> <p>In section one hundred and twenty after the word "coverings," wherever it occurs, the words "and sufficient ventilation" are hereby inserted.</p> <p>In section one hundred and thirty-one the word "street" is hereby inserted before the words "lane or passage formed," and also before the words "lane or passage is not formed," and at the end of the section insert "Nothing in this section shall be deemed or taken to impose any liability or duty on the Crown or any public department or officer."</p> <p>In section one hundred and thirty-four the words "liable to a penalty not exceeding Forty shillings and to a further penalty not exceeding Five shillings a day for each day during which such notice is not complied with" are hereby repealed, and in place thereof the words "guilty of an offence against '<i>The Public Health Acts 1865-1889</i>'" are hereby inserted.</p>
No. 1011	<i>"The Public Health Act 1888"</i>	<p>In section six after the words "if he acted under a reasonable belief that such" the following words are hereby inserted, viz., "article of food or drugs was unwholesome or that such."</p> <p>In section twelve before the words "the Government medical officer" and "such medical officer" respectively the following words are hereby inserted, viz., "the medical inspector or."</p> <p>In section eighteen the words "or in any way uses a manure" are hereby repealed.</p>

SCHEDULE—*continued.*

Number of Act.	Short Title.	Nature and Extent of Amendment.
No. 1011	<i>"The Public Health Act 1888"</i>	<p>In section nineteen the word "sixpence" is hereby substituted for the word "fourpence," and the words "ten shillings" are hereby substituted for the words "seven shillings and sixpence."</p> <p>In section twenty-three in sub-section (4) before the word "analyst" the words "officer of health or any" are hereby inserted.</p> <p>In section twenty-four the words "either by the Central Board or any local board" are hereby repealed.</p> <p>In section thirty-one the word "to" occurring before the words "restrain" and "recover" respectively is hereby repealed and the word "may" is hereby substituted in each place.</p>

On the motion of the Honorable H. Cuthbert, amendment 1 was read and agreed to by the Council.

Amendment 2 having been read,

The Honorable H. Cuthbert moved, That the Council agree in this amendment.

Debate ensued.

Question—put and resolved in the affirmative.

Amendment 3—Read and agreed to.

Amendment 4—On the motion of the Honorable H. Cuthbert, the Council agreed to this amendment with the following amendment:—Omit "addition to his vote as a member thereof shall also" and insert "case there be an equal number of votes upon any question shall."

Amendment 4a agreed to with the following amendment. In sub-section 4, line 1:—Omit "of the Department" and insert "as aforesaid."

Amendments 5, 6, 7, and 8 agreed to.

Amendments 9, 10, and 11 agreed to with the omission from each of the words "of Public Health."

Amendment 12 agreed to.

Amendment 13 agreed to with the following amendments—Line 1, omit "of Public Health," and omit the two last paragraphs and insert instead thereof the following:—

The councils of the undermentioned cities, towns, and boroughs, viz.:—Sandhurst City, Castlemaine, Carisbrook, Chiltern, Daylesford, Dunolly, Eaglehawk, Echuca, Heathcote, Inglewood, Malmsbury, Majorca, Maryborough, Raywood, Rutherglen, Sale, Tarnagulla, Wangaratta, and Wood's Point—shall jointly elect One member, hereinafter called the representative member, for the Eastern Country Boroughs group.

The councils of the undermentioned cities, towns, and boroughs, viz.:—Ballarat City, Ballarat East, Geelong, Warrnambool, Ararat, Browns and Scarsdale, Buninyong, Clunes, Creswick, Geelong West, Hamilton, Horsham, Koroit, Newtown and Chilwell, Portland, Port Fairy, Queenscliffe, Sebastopol, Smythesdale, St. Arnaud, Stawell, and Talbot—shall jointly elect One member, hereinafter called the representative member, for the Western Country Boroughs group.

The councils of the undermentioned shires, viz.:—Alberton, Alexandra, Avon, Bairnsdale, Beechworth, Benalla, Berwick, Bright, Broadford, Broadmeadows, Bulla, Bulleen, Buln Buln, Chilton, Cranbourne, Dandenong, Darebin, Echuca, Eltham, Euroa, Flinders and Kangerong, Goulburn, Healesville, Heidelberg, Howqua, Kilmore, Lillydale, Maffra, Mansfield, Merriang, Moorabbin, Mornington, McIvor, Narracan, North Ovens, Numurkah, Nunawading, Oakleigh, Omeo, Oxley, Phillip Island, Pyalong, Rodney, Romsey, Rosedale, Rutherglen, Seymour, Shepparton, Springfield, Strathfieldsaye, Tambo, Towong, Traralgon, Walhalla, Waranga, Warragul, Whittlesea, Wodonga, Woorayl, Yackandandah, Yarrawonga, Yea, and Upper Yarra—shall jointly elect One member, hereinafter called the representative member, for the Eastern Shires group.

The councils of the undermentioned shires, viz.:—Arapiles, Ararat, Avoca, Ballan, Ballarat, Bannockburn, Barrabool, Belfast, Bellarine, Bet Bet, Braybrook, Bungaree, Buninyong, Colac, Corio, Creswick, Dimboola, Dundas, Dunmunkle, East Loddon, Gisborne, Glenelg, Glenlyon, Gordon, Grenville, Hampden, Huntley, Kara Kara, Keilor, Korong, Kowree, Kyneton, Leigh, Lexton, Lowan, Maldon, Marong, Melton, Meredith, Metcalf, Minhamite, Mortlake, Mount Alexander, Mount Franklin, Mount Rouse, Newham, Newstead, Portland, Ripon, South Barwon, St. Arnaud, Stawell, Swan Hill, Talbot, Tullaroop, Wannon, Warrnambool, Wimmera, Winchelsea, and Wyndham—shall jointly elect One member, hereinafter called the representative member, for the Western Shires group.

Amendment 14 agreed to with the following amendments:—

Section 3, line 3, before "Country" insert "Eastern and Western," before "Shires" insert "Eastern and Western"; line 4, before "nominate" insert "each," omit "Two members" and insert "One member"; section 4, omit all words from "group," in line 1, to "may be" in line 3, and "or candidates" in line 4, and "or members (as the case may be)" in last line; section 5, last line omit "or candidates (as the case may be)"; section 6, line 2, omit "in the case of a group entitled to one representative member," and omit all words from "Board," line 4, to end of paragraph.

Amendment 15 agreed to with the following amendments:—

Sub-section 1 (b), line 1, omit "first-named," and in the Minister's declaration of the election of the two members," line 2, before "Country" insert "Eastern"; line 3, before "shires" insert "Western"; (c) line 1, omit "second named," before "Country" insert "Western"; before "Shires" insert "Eastern"; sub-section 6, add to end "and every such election shall in all respects be conducted as nearly as may be in the manner prescribed in the next preceding section of this Act, but no council shall at any election nominate or vote for more candidates than there are vacancies, to be filled up; sub-section 11, lines 2, 5, and 6, omit "or members."

Amendments 16 and 17 agreed to.

Amendment 18 agreed to with the following amendment:—Line 3, omit “of Public Health.”

Amendments 19 to 30 agreed to.

Amendments 33 to 39 agreed to.

Amendment 40 disagreed with.

Amendments 41 to 57 agreed with.

The Honorable H. Cuthbert moved, That the Council agree to amendment 58.

The Honorable J. M. Davies moved, That the said amendment be amended by striking out from line 2 the words “or son or daughter.”

Question—That these words be struck out—put and resolved in the affirmative.

And the said amendment, as so amended, was agreed to by the Council.

Amendments 59 to 67 agreed to.

Amendment 68 agreed to, with a consequential amendment, omit from the Bill the word “the” before the word “Minister.”

Amendments 69 to 105 agreed to.

The Honorable H. Cuthbert moved, That the Council agree to amendment 106.

The Hon. J. M. Davies moved, That the words “if possible and” be omitted from line 1.

Question—That the words proposed to be omitted stand part of the amendment—put and resolved in the affirmative.

And the said amendment was agreed to by the Council.

Amendments 107 to 119 agreed to.

Amendment 120 agreed to with the following amendments:—Line 4, omit all words from “Provided” inclusive to end of paragraph; and omit “owner or” from line 1 of second paragraph.

Amendments 121 to 144 agreed to.

The Honorable H. Cuthbert moved, That the Council agree to 145.

Debate ensued.

Question—put and negated.

Amendments 147 and 148 agreed to.

The Honorable Liut.-Col. Sargood moved, as a consequential amendment, That the following words be added to amendment 148:—“and has a frontage to a street at least 50 feet wide.”

Question—put and resolved in the affirmative.

And the said amendment as so amended was agreed to.

Amendment 149 agreed to.

The Honorable H. Cuthbert moved, That the Council agree to amendment 150.

Debate ensued.

Question—put and negated.

Amendment 151 agreed to with the following consequential amendments:—After “may” in lines 30, 34 of the Bill respectively insert the words “so far as relates to any forms or procedure.”

Amendments 152 to 163 agreed to.

Amendment 164 agreed to with the following amendments:—Line 3, after “eighty-three” insert “and,” and omit from line 4 “and one hundred and forty-one,” and omit from line 6 “No. 1011.”

Amendment 165 agreed to with the following amendments:—Line 3, omit “dying” and from “Victoria” to “cemeteries” in line 4.

Amendments 166 to 177 agreed to.

Amendment 178 agreed to with the following amendment:—In the third column, 7th paragraph, line 1, omit “provision” and insert “provisions.”

The Honorable H. Cuthbert moved, That the following be added to amendments in 13, viz. :—

The Governor in Council may from time to time remove the name of any such city, town, borough, or shire from any such groups as aforesaid, and insert the same in another of such groups, and may include in any such group the name of any city, town, borough, or shire which may be hereafter constituted.

Question—put and resolved in the affirmative.

Amendments 31 and 32, previously postponed, agreed to.

Ordered—That the Bill be returned to the Legislative Assembly, with a Message acquainting them that the Council have agreed to some of the amendments, made by the Legislative Assembly in this Bill, have disagreed with others, have agreed to some with amendments and have made consequential amendments, with which they desire the concurrence of the Legislative Assembly.

16. 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 for the Better Encouragement of the Cultivation of Wattle Trees*,” 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, 21 November, 1889.

17. DUTIES ON ESTATES OF DECEASED PERSONS BILL.—

MR. PRESIDENT—

The Legislative Assembly return to the Legislative Council the Bill intituled "*An Act to amend the Duties on the Estates of Deceased Persons Statute 1870 and for other purposes*," and acquaint the Legislative Council that the Legislative Assembly have agreed to one of the amendments made in such Bill by the Legislative Council, and have disagreed with others of the said amendments, and have agreed to one of the said amendments with amendments with which they desire the concurrence of the Legislative Council.

Legislative Assembly Chamber,
Melbourne, 21 November, 1889.

M. H. DAVIES,
Speaker.

And the said amendments were read, and are as follows:—

Amendments made by the Legislative Council.

Amendments made by the Legislative Assembly.

(1) Clause 9, omit this clause.

(2) Clause 11, line 41, omit "may" and insert "shall" if required.

Disagreed with.

Agreed to with the following amendments:—

Omit—"He shall appoint some independent valuator to value the same, and upon receipt of such valuation the Master shall communicate the result thereof to the executor or administrator; and should there be any difference between the filed statement and the valuation it shall be lawful for the Master to determine the value of the estate on which duty shall be paid, and in the event of such executor or administrator declining to accept such valuation he shall be at liberty to apply, if such valuation exceeds Five hundred pounds to a Judge of the Supreme Court, and if it does not exceed Five hundred pounds to a Judge of any County Court, and thereupon such Judge shall determine what is the proper value of the estate in dispute, and the costs of such issue shall abide the event. Provided that either party may apply to the Judge to have the matter in dispute tried before a jury," and insert—"He may appoint a valuator to value such and shall communicate his valuation to the executor or administrator; should there be any difference between the value set forth in the said statement and such valuation, the Master may agree with the executor or administrator upon the value to be adopted or may summon before him the executor or administrator or his valuator and the valuator so appointed by the Master and other persons, and may administer oaths and take evidence either *vivâ voce* or by affidavit and require the production of books papers accounts and documents. Every person so summoned shall be bound to attend as required by the summons and give evidence before the Master in like manner as persons summoned before him in the Equity jurisdiction are bound to attend and give evidence.

(3) Insert new clause A—"A. If the Master shall be dissatisfied with the value put upon any real and personal estate in any statement filed in accordance with section seven of the "*Duties on the Estates of Deceased Persons Statute 1870*" he shall appoint some independent valuator to value the same, and upon receipt of such valuation the Master shall communicate the result thereof to the executor or administrator; and should there be any difference between the filed statement and the valuation it shall be lawful for the Master to determine the value of the estate on which duty shall be paid, and in the event of such executor or administrator declining to accept such valuation he shall be at liberty to apply, if such valuation exceeds Five hundred pounds to a Judge of the Supreme Court, and if it does not exceed Five hundred pounds to a Judge of any County Court, and thereupon such Judge shall determine what is the proper value of the estate in dispute, and the costs of such issue shall abide the event. Provided that either party may apply to the Judge to have the matter in dispute tried before a jury."

"The Master shall upon such evidence as aforesaid determine the value of such real or personal estate, and any executor or administrator who is dissatisfied therewith may within twenty-one days after such determination and upon payment of the duty in conformity therewith appeal against such determination to the Supreme Court, and may for that purpose require the Master to state and sign a case setting forth the matter in dispute and his determination thereon and the evidence taken before him relating thereto.

"The Master shall state and sign a case accordingly and deliver the same to the executor or administrator who shall thereupon set the same down for hearing in the court. Upon the hearing of such case (due notice of which shall be given to the Master) the court shall itself determine the value or direct an issue thereon to be tried by a jury.

"If it is decided by the court that the value upon which such duty has been paid as aforesaid is excessive, the court may direct the repayment of duty paid in respect of such excess together with the costs of the appeal.

"But if the value determined by the Master is confirmed by the court, the costs incurred by the Master in relation to the appeal shall be ordered by the court to be paid by the appellant."

The Honorable H. Cuthbert moved, That the Council do not insist on their amendment to omit clause 9.

Question—put and negatived.

The Honorable H. Cuthbert moved, That the Council do not insist on their amendment in clause 11.

Question—put and negatived.

The Honorable H. Cuthbert moved, That the Council agree with the amendment of the Legislative Assembly in new Clause A.

Question—put and negatived.

Ordered—That the Bill be returned to the Legislative Assembly, with a Message acquainting them that the Legislative Council insist on their said amendments, and disagree to the amendments made by the Legislative Assembly.

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 return to the Legislative Council the Bill intituled “*An Act to amend ‘The Railway Melbourne Lands Exchange Act 1888,’ 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 with one of the said amendments, with which they desire the concurrence of the Legislative Council.

M. H. DAVIES,
Speaker.

Legislative Assembly Chamber,
Melbourne, 21st November, 1889.

On the motion of the Honorable H. Cuthbert, the Council ordered the same to be taken into consideration to-morrow.

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 a Bill intituled “*An Act to sanction the issue and application of certain Sums of Money as Loans for Irrigation Works and Water Supply in the Country Districts and for other purposes,*” with which they desire the concurrence of the Legislative Council.

M. H. DAVIES,
Speaker.

Legislative Assembly Chamber,
Melbourne, 21 November, 1889.

20. WATER SUPPLY LOANS BILL.—The Honorable J. Bell 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 Irrigation Works and 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 to-morrow.

21. 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 Vesting of Certain Lands on certain conditions in the Melbourne Harbor Trust Commissioners,*” with which they desire the concurrence of the Legislative Council.

M. H. DAVIES,
Speaker.

Legislative Assembly Chamber,
Melbourne, November, 1889.

22. MELBOURNE HARBOR TRUST LANDS VESTING BILL.—The Honorable H. Cuthbert moved, That the Bill transmitted by the above Message, intituled “*An Act to provide for the Vesting of Certain Lands on certain conditions in the Melbourne Harbor Trust Commissioners,*” 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.

23. 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 Mallee Pastoral Leases Act 1883,*” with which they desire the concurrence of the Legislative Council.

M. H. DAVIES,
Speaker.

Legislative Assembly Chamber,
Melbourne, 21st November, 1889.

24. MALLEE PASTORAL LEASES ACT 1883 FURTHER AMENDMENT BILL.—The Honorable J. Bell moved, That the Bill transmitted by the above Message, intituled “*An Act to further amend the Mallee Pastoral Leases Act 1883,*” 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.

25. 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 Irrigation Act 1886,’ and to extend the provisions of the same and for other purposes,*” with which they desire the concurrence of the Legislative Council.

M. H. DAVIES,
Speaker.

Legislative Assembly Chamber,
Melbourne, 21st November, 1889.

26. IRRIGATION ACT AMENDMENT AND EXTENSION BILL.—The Honorable J. Bell moved, That the Bill transmitted by the above Message, intituled “ *An Act to amend ‘The Irrigation Act 1886,’ and to extend the provisions of the same 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.

27. 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 appoint Education Endowment Commissioners, and to vest certain Crown Lands in such Commissioners for Educational 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.

M. H. DAVIES,
Speaker.

Legislative Assembly Chamber,
Melbourne, 21st November, 1889.

On the motion of the Honorable H. Cuthbert the Council ordered the above Message to be taken into consideration to-morrow.

28. 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 Contractors a Lien on Land,*” with which they desire the concurrence of the Legislative Council.

M. H. DAVIES,
Speaker.

Legislative Assembly Chamber,
Melbourne, 20th November, 1889.

29. CONTRACTORS’ LIEN BILL.—The Honorable James Bell moved, That the Bill transmitted by the above Message, intituled “ *An Act to give Contractors a Lien on Land,*” 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.

30. ADJOURNMENT.—The Honorable H. Cuthbert moved, pursuant to amended notice, That the Council meet at half-past two o’clock on Friday next.

Question—put and resolved in the affirmative.

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

Pleuro-pneumonia Extermination Bill—To be read a second time.

Licensing Act 1885 further Amendment Bill—To be read a second time.

The Council adjourned, at half-past eleven o’clock, until to-morrow at half-past two o’clock.

JOHN BARKER,
Clerk of the Legislative Council.

VICTORIA.

No. 45.

Minutes of the Proceedings
OF THE
LEGISLATIVE COUNCIL.

FRIDAY, 22ND NOVEMBER, 1889.

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, pursuant to Act of Parliament—
The Officers of Parliament Act 1888—Statement showing the Names of all Persons temporarily employed in the Department of the Legislative Assembly under the authority of this Act.
The Marine Board Act 1887—Regulations.
Severally ordered to lie on the Table.
5. POLICE PROTECTION YARRA RIVER.—The Honorable W. A. Zeal moved, pursuant to notice, That the Minister of Justice be requested to ask the Chief Commissioner of Police to cause police constables to patrol the north bank of the Yarra between the Botanical Gardens and Hawthorn Bridge, from three o'clock to seven o'clock on Saturday and Sunday evenings during the ensuing summer, to prevent indecent bathing and stone-throwing by larrikins at boating parties on the river.
Question—put and resolved in the affirmative.
6. PUBLIC SERVICE ACT—4TH AND 5TH CLASS OFFICERS.—The Honorable S. Fraser moved, by leave, That the Return presented to the Council, 31st October last, be printed.
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 Water Conservation Act 1887,'*" with which they desire the concurrence of the Legislative Council.
M. H. DAVIES,
Legislative Assembly Chamber,
Melbourne, 22nd November, 1889. Speaker.
8. WATER CONSERVATION ACT AMENDMENT BILL.—The Honorable H. Cuthbert moved, That the Bill transmitted by the above Message, intituled "*An Act to amend 'The Water Conservation Act 1887,'*" 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.
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 Persons other than natural born or naturalized Subjects of Her Majesty to be registered as 'legally qualified Medical Practitioners and for other purposes,'*" with which they desire the concurrence of the Legislative Council.
M. H. DAVIES,
Legislative Assembly Chamber,
Melbourne, 22nd November, 1889. Speaker.
10. MEDICAL PRACTITIONERS BILL.—The Honorable H. Cuthbert moved, That the Bill transmitted by the above Message, intituled "*An Act to enable Persons other than natural born or naturalized Subjects of Her Majesty to be registered as legally qualified Medical Practitioners 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 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 relating to certain Grants for Promoting Agricultural and other Industries,*" with which they desire the concurrence of the Legislative Council.

Legislative Assembly Chamber,
Melbourne, 22nd November, 1889.

M. H. DAVIES,
Speaker.

12. AGRICULTURAL INDUSTRIES BILL.—The Honorable J. Bell moved, That the Bill transmitted by the above Message, intituled "*An Act relating to certain Grants for Promoting Agricultural and other Industries,*" 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.

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 the Bill intituled "*An Act to amend 'The Post Office Act 1883' and for other purposes,*" with which they desire the concurrence of the Legislative Council.

Legislative Assembly Chamber,
Melbourne, 22nd November, 1889.

M. H. DAVIES,
Speaker.

14. POST OFFICE ACT 1883 AMENDMENT BILL.—The Honorable H. Cuthbert moved, That the Bill transmitted by the above Message, intituled "*An Act to amend 'The Post Office Act 1883' 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 this day.

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 provide for the suppression of the Nuisance arising from the Port Melbourne Lagoon and for other purposes,*" with which they desire the concurrence of the Legislative Council.

Legislative Assembly Chamber,
Melbourne, 22nd November, 1889.

M. H. DAVIES,
Speaker.

16. PORT MELBOURNE LAGOON BILL.—The Honorable J. Bell moved, That the Bill transmitted by the above Message, intituled "*An Act to provide for the suppression of the Nuisance arising from the Port Melbourne Lagoon 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 this day.

17. 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 'Local Government Act 1874,'*" with which they desire the concurrence of the Legislative Council.

Legislative Assembly Chamber,
Melbourne, 22nd November, 1889.

M. H. DAVIES,
Speaker.

18. LOCAL GOVERNMENT ACT 1874 FURTHER AMENDMENT BILL.—The Honorable J. Bell moved, That the Bill transmitted by the above Message, intituled "*An Act to further amend the 'Local Government Act 1874,'*" 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.

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 a Bill intituled "*An Act to refer certain matters to the Federal Council of Australasia for the exercise of Legislative Authority thereon,*" with which they desire the concurrence of the Legislative Council.

Legislative Assembly Chamber,
Melbourne, 22nd November, 1889.

M. H. DAVIES,
Speaker.

20. **FEDERAL COUNCIL REFERRING BILL.**—The Honorable H. Cuthbert moved, That the Bill transmitted by the above Message, intituled “*An Act to refer certain matters to the Federal Council of Australasia for the exercise of Legislative Authority thereon,*” 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.

21. **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 for to-day.

22. **MELBOURNE HARBOR TRUST LANDS VESTING 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 Lieut.-Col. Sargood 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 Vesting of Certain Lands on certain conditions in the Melbourne Harbor Trust Commissioners.*”

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.

23. **MALLEE PASTORAL LEASES ACT 1883 FURTHER 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 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 Dr. Dobson 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 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 further amend ‘The Mallee Pastoral Leases Act 1883.’*”

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.

24. **WATER SUPPLY LOANS 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 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 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 sanction the issue and application of certain Sums of Money as Loans for Irrigation Works and 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.

25. IRRIGATION ACT 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 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 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.

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 return to the Legislative Council the Bill intituled “ *An Act to further amend ‘ The Mallee Pastoral Leases Act 1883,’*” 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, 22nd November, 1889.

27. RAILWAY MELBOURNE LANDS EXCHANGE ACT AMENDMENT BILL.—The Order of the Day for the consideration of the Message from the Legislative Assembly having been read—On the motion of the Honorable H. Cuthbert, the amendment disagreed to by the Legislative Assembly was read, and is as follows :—

Clause 6, line 21, after “ therefor ” insert “ and after the words ‘ The lands numbered six in the said Second Schedule ’ the words ‘ for market and other purposes or; ’ ” shall be inserted.

The Honorable H. Cuthbert moved, That the Council do not insist on the said amendment.

Question—put and negatived.

Ordered—That the Bill be returned to the Legislative Assembly, with a Message acquainting them that the Legislative Council insist on the said amendment.

28. IRRIGATION ACT 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 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 amend ‘ The Irrigation Act 1886, and to extend the provisions of the same, 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.

29. MEDICAL PRACTITIONERS 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 persons other than natural born or naturalized Subjects of Her Majesty to be registered as legally qualified Medical Practitioners 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.

30. POST OFFICE ACT 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 gone through the Bill, and agreed to the same without amendment.

The Honorable H. Cuthbert moved, That this Bill be re-committed to a Committee of the whole Council for reconsideration of Clause 9.

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 9 of this Bill.

The President resumed the Chair; and the Honorable Dr. Dobson having reported that the Committee had agreed to the Bill 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 amend ‘The Post Office Act 1883’ 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.

31. 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 create a Department of Public Health and to further amend the Law relating to Public Health,*” and acquaint the Legislative Council that the Legislative Assembly do not insist on some of their amendments in this Bill with which the Legislative Council have disagreed, that they have agreed to some of the amendments made by the Legislative Council in the amendments of the Legislative Assembly, and have agreed to others of the said amendments with amendments, with which they desire the concurrence of the Legislative Council.

M. H. DAVIES,
Speaker.

Legislative Assembly Chamber,
Melbourne, 22nd November, 1889.

On the motion of the Honorable H. Cuthbert, the Council ordered the said last mentioned amendments to be taken into consideration this day.

And the same were read, and are as follow :—

Amendment 4A.—Amendment of the Legislative Council, on the amendment of the Legislative Assembly, agreed to by the Legislative Assembly, with the following amendment :—In sub-section 2, transpose from the fourth line to the end of sub-section the words “except this Act and section 22 of Act No. 1011.”

Amendment 14.—Amendment of the Legislative Council, on the amendment of the Legislative Assembly, agreed to by the Legislative Assembly, with the following consequential amendments :—In fourth line of sub-section 3 substitute “groups” for “group” in two places; in last line of sub-section 3 substitute “member” for “members.”

On the motion of the Honorable H. Cuthbert, the Council agreed to the said amendments of the Legislative Assembly on the amendments of the Council, and ordered a Message to be transmitted to the Legislative Assembly acquainting them therewith.

32. 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 Administrator of the Government recommending amendments in the Bill intituled "*An Act to consolidate and amend the Law concerning Letters Patent for Inventions,*" and acquaint the Legislative Council that the Legislative Assembly have agreed to the several amendments recommended by His Excellency the Administrator of the Government in this Bill, with which they desire the concurrence of the Legislative Council.

M. H. DAVIES,
Speaker.

Legislative Assembly Chamber,
Melbourne, 22nd November, 1889.

And the said Message of His Excellency the Administrator of the Government, was read, and is as follows:—

W. C. F. ROBINSON,

Administrator of the Government.

Message.

Pursuant to the provisions of section 36 of "*The Constitution Act,*" the Administrator of the Government transmits to the Legislative Assembly, for their consideration, the following amendments, which he desires to be made in the Bill intituled "*An Act to consolidate and extend the Law concerning Letters Patent for Inventions*":—

In Clause 7, sub-clause 3 (*d*), before "his assigns" insert "of."

In Clause 31, after "usual place of abode" insert "and to whom conduct money and expenses according to the scale for the time being in force with respect to civil suits in the Supreme Court has been paid or tendered," and omit the words from and inclusive of "the cost of such attendance" to the end of the section.

In Clause 46, sub-clause (4), immediately before "last known place of business" omit "the" and insert "his."

Government Offices,
Melbourne, 22nd Nov., 1889.

On the motion of the Honorable H. Cuthbert, the Council agreed to the several amendments recommended by His Excellency the Administrator of the Government, and ordered a Message to be transmitted to the Legislative Assembly acquainting them therewith.

33. 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 agreed to the accompanying Address to His Excellency the Administrator of the Government, praying that the sittings of the Supreme Court for the hearing of criminal trials and trial of causes may be held at Bairnsdale, with which they desire the concurrence of the Legislative Council.

M. H. DAVIES,
Speaker.

Legislative Assembly Chamber,
Melbourne, 22nd November, 1889.

To His Excellency SIR WILLIAM CLEAVER FRANCIS ROBINSON, Knight Grand Cross of the Most Distinguished Order of Saint Michael and Saint George, Administrator of the Government of the Colony of Victoria and its Dependencies, &c., &c., &c.

MAY IT PLEASE YOUR EXCELLENCY—

We, the Legislative Assembly of Victoria in Parliament assembled, pray that sittings of the Supreme Court for the hearing of Criminal Trials and Trial of Causes may be held at Bairnsdale.

M. H. DAVIES,
Speaker.

The Honorable H. Cuthbert moved, That the words "Legislative Council and the" be inserted in the blank in line 1 of the said Address.

Question—put and resolved in the affirmative.

The Honorable H. Cuthbert moved, That the Council concur with the Legislative 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 Legislative Council have concurred with the Legislative Assembly in the said Address, and that they have filled up the blanks with the words "Legislative Council and the."

34. 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 relating to Crown Lands permanently reserved from sale and vested in Trustees,*" 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 agreed to one of the said amendments with an amendment, with which they desire the concurrence of the Council.

M. H. DAVIES,
Speaker.

Legislative Assembly Chamber,
Melbourne, 22nd November, 1889.

35. LAND ACT 1884 AMENDMENT BILL.—And the said amendment of the Legislative Assembly on the amendment of the Legislative Council to insert new clause A was read, and is as follows :—Omit “any municipal body,” and insert in place thereof “the Council of the city of Melbourne.”

On the motion of the Honorable H. Cuthbert, the Legislative Council agreed to the said amendment of the Legislative Assembly, and ordered that a Message be transmitted to the Legislative Assembly acquainting them therewith.

36. 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 Duties on the Estates of Deceased Persons Statute 1870 and for other purposes,’*” and acquaint the Legislative Council that the Legislative Assembly do not insist on disagreeing with one of the amendments of the Legislative Council, and do insist on disagreeing with another of the said amendments, and do also insist on their amendments in new clause A with further amendments, with which they desire the concurrence of the Legislative Council.

Legislative Assembly Chamber,
Melbourne 22nd November, 1889.

M. H. DAVIES,
Speaker.

On the motion of the Hon. H. Cuthbert, the Council ordered that the said Message be taken into consideration this day.

37. 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 Mining on Private Property Act 1884,’*” with which they desire the concurrence of the Legislative Council.

Legislative Assembly Chamber,
Melbourne, 22nd November, 1889.

M. H. DAVIES,
Speaker.

38. MINING ON PRIVATE PROPERTY ACT 1884 AMENDMENT BILL.—The Honorable F. Illingworth moved, That the Bill transmitted by the above Message, intituled “*An Act to amend ‘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 this day.

39. 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 Trustees of the Melbourne Retreat for the cure of Inebriates at Northcote to transfer the lands and premises vested in them to Her Majesty and for other purposes,*” with which they desire the concurrence of the Legislative Council.

Legislative Assembly Chamber,
Melbourne, 22nd November, 1889.

M. H. DAVIES,
Speaker.

40. INEBRIATE RETREAT LANDS BILL.—The Honorable H. Cuthbert moved, that the Bill transmitted by the above Message, intituled “*An Act to enable the Trustees of the Melbourne Retreat for the cure of Inebriates at Northcote to transfer the Lands and Premises vested in them to Her Majesty 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 this day.

41. 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 Collingwood to sell and convey certain lands situate in the said city,*” with which they desire the concurrence of the Legislative Council.

Legislative Assembly Chamber,
Melbourne, 22nd November, 1889.

M. H. DAVIES,
Speaker.

42. COLLINGWOOD LAND VESTING BILL.—The Honorable Lieut.-Col. Sargood moved, That the Bill transmitted by the above Message, intituled “*An Act to enable the Mayor Councillors and Citizens of the City of Collingwood to sell and convey certain lands situate in the said city,*” 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.

43. AGRICULTURAL INDUSTRIES 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 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 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 relating to certain Grants for promoting Agricultural and other Industries.”

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.

44. LOCAL GOVERNMENT ACT 1874 FURTHER AMENDMENT 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 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 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 further amend the ‘ Local Government Act 1874.’ ”

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.

45. 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 Irrigation Act 1886’ and to extend the provisions of the same and for other purposes,*” 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, 22nd November, 1889.

46. EDUCATION ENDOWMENT COMMISSIONERS BILL.—The Order of the Day for the consideration of the Message from the Legislative Council having been read—The said amendments of the Legislative Council disagreed with by the Legislative Assembly were read, and are as follows :—

- (1.) Clause 5, omit this clause.
- (2.) New Clause A, to follow Clause 36.

The Honorable H. Cuthbert moved, That the Legislative Council do not insist on their amendment No. 1.

Debate ensued.

Question—put and negatived.

The Honorable H. Cuthbert moved, That the Legislative Council do not insist on their amendment No. 2.

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 do insist on one of their amendments in this Bill, and do not insist the other of the said amendments.

47. DUTIES ON ESTATES BILL.—The Order of the Day for the consideration of the amendments still disagreed with by the Legislative Assembly, and of the amendment insisted on by the Legislative Assembly with further amendments having been read.

On the motion of the Honorable H. Cuthbert the said amendments were read and are as follows:—

Amendments by Legislative Council.

2. Omit "may" and insert "shall if required."

3. Insert new Clause A.

Amendments by Legislative Assembly.

Disagreement insisted on by Legislative Assembly.

Amendment of Legislative Assembly insisted on with further amendments:—After "determination" in line 7 of paragraph 2, insert "if such valuation exceeds "five hundred pounds." After "Supreme Court," in same line, insert "and if it does not exceed five hundred pounds to a judge of the County Court."

In paragraph 3, line 4, omit "in the court."

Before "determine," in line 6, insert "or the judge of the County Court shall."

In paragraph 4, line 1, after "court," insert "or the judge."

After "court," in line 3, insert "or judge."

On the motion of the Honorable H. Cuthbert the Council agreed not to insist on amendment 2.

The Honorable J. M. Davies moved, That amendment 3 be amended by omitting from line 1 of the words proposed to be inserted by the Legislative Assembly the word "may" and by inserting the word "shall" instead thereof; by inserting after "such," in line 2, the words "real or personal property;" by inserting in line 4, paragraph 2, after "dissatisfied" the words "or if there shall not have been any summons issued by the Master who is dissatisfied with the valuation of the valuator appointed by the Master;" by inserting in line 5, after "determination," the words "or the communication of such valuation whichever may be appealed against;" by omitting, after "£500 to," the words "a judge of the" and inserting "any;" and by omitting all words in paragraph 2 from "County Court" to end of paragraph; by omitting paragraph 3 and inserting "Provided that either party may require the matter in dispute to be tried by a jury;" by inserting in paragraph 4, line 1, in two places, after "judge" the words "or jury;" in line 3, by omitting the word "may" and by inserting the word "shall."

Debate ensued.

Question—that the above amendments be agreed to—put.

Council divided.

Ayes, 17.

The Hon. S. Austin
J. Balfour
Sir Benj. Benjamin
S. W. Cooke
J. M. Davies
T. Dowling
C. J. Ham
D. Ham
F. Illingworth
C. H. James
D. Melville
J. Service
G. Simmie
D. S. Wallace
J. A. Wallace
G. Young
Lt.-Col. Sargood (*Teller*).

Noes, 14.

The Hon. Dr. Beaney
J. S. Butters
J. H. Connor
H. Cuthbert
G. Davis
Dr. Dobson
N. FitzGerald
H. Gore
J. P. MacPherson
W. McCulloch
E. Morey
W. H. Roberts
C. Sargeant
J. Bell (*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 do not insist in disagreeing with one of the amendments of the Legislative Assembly, and that they have agreed to another of the said amendments, with amendments with which they desire the concurrence of the Legislative Assembly.

48. PORT MELBOURNE LAGOON 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 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 provide for the suppression of the Nuisance arising from the Port Melbourne Lagoon 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.

49. WATER CONSERVATION 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 amend the Water Conservation Act 1887.”

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.

50. APPROPRIATION 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 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 ninety 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.

51. INEBRIATE RETREAT 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 Trustees of the Melbourne Retreat for the Cure of Inebriates at Northcote to transfer the Lands and Premises vested in them to Her Majesty 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.

52. FEDERAL COUNCIL REFERRING 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 refer certain matters to the Federal Council of Australasia for the exercise of
“Legislative Authority thereon.”*

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.

53. CONTRACTORS LIEN BILL.—The Honorable W. H. Roberts moved, That this Bill be now read a second time.

Debate ensued.

Motion, by leave, withdrawn.

And the Council having continued to sit till after 12 of the clock,

SATURDAY, 23RD NOVEMBER, 1889.

54. PLEURO-PNEUMONIA BILL.—The Honorable G. Davis moved, That this Bill be now read a second time.
Debate ensued.

Motion, by leave, withdrawn.

55. MINING ON PRIVATE PROPERTY BILL.—The Honorable F. Illingworth moved, That this Bill be now read a second time.

Debate ensued.

Motion, by leave, withdrawn.

56. LICENSING ACT FURTHER AMENDMENT BILL.—The Honorable F. Illingworth moved, That this Bill be now read a second time.

Debate ensued.

Motion by leave withdrawn.

57. COLLINGWOOD LAND VESTING 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 Hon. 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 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 enable the Mayor Councillors and Citizens of the City of Collingwood to sell and
“convey certain Lands situate in the said City.”*

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.

58. 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 Duties on the Estates of Deceased Persons Statute 1870 and for other purposes,*” and acquaint the Legislative Council that the Legislative Assembly agree with the further amendments made by the Legislative Council on another amendment of the Legislative Assembly.

Legislative Assembly Chamber,
Melbourne, 23rd Nov. 1889.

WILLIAM McLELLAN,
Deputy Speaker.

MR. PRESIDENT—

The Legislative Assembly return to the Legislative Council the Bill intituled “*An Act to amend the ‘Railway Melbourne Lands Exchange Act 1888,’ and for other purposes,*” and acquaint the Legislative Council that the Legislative Assembly do not insist on disagreeing with the amendment insisted on by the Legislative Council.

Legislative Council Chamber,
Melbourne, 23rd Nov., 1889.

WILLIAM McLELLAN,
Deputy Speaker.

MR. PRESIDENT—

The Legislative Assembly return to the Legislative Council the Bill intituled “*An Act to further amend the ‘Local Government Act 1874,’*” and acquaint the Legislative Council that the Legislative Assembly have agreed to the amendments made in such Bill by the Legislative Council, and have made a consequential amendment, with which they desire the concurrence of the Legislative Council.

On the motion of the Honorable J. Bell, the Council ordered the said Message to be taken into consideration this day.

And the said amendment of the Legislative Assembly was read, and is as follows:—

Clause 2, sub-section 11, omit this sub-section and insert the following new clauses:—

G. No proposition to affix the common seal of such borough to such request shall be adopted by the council unless a notice thereof has been published in the *Government Gazette* and twice in some newspaper generally circulating in the neighbourhood not less than one month nor more than three months before such resolution is adopted stating that it is the intention of such council to affix the common seal to such request, and no demand as hereafter mentioned has been made or that such demand has been made and that thereupon the proceedings hereinafter mentioned have been had and taken and that the ratepayers have failed to forbid the council from proceeding further with the affixing of the common seal of the borough to such request.

H. Within one month after the publication of such notices as aforesaid of the proposition to affix the common seal to such request any twenty persons whose names appear on the municipal roll may by writing under their hands delivered to the mayor or clerk of such borough demand that the question whether or not the common seal shall be affixed to such request be submitted to the election of the ratepayers.

I. When any such demand has been made the votes of the ratepayers shall be taken upon such question on a day to be fixed by the mayor of such borough not less than twenty-one nor more than twenty-five clear days after the delivery of such demand, and such day shall be notified in some newspaper generally circulating in the neighbourhood; and at the taking of such poll papers in the form of the Schedule hereto shall be used instead of ordinary ballot-papers, and the returning officer his deputy or such other person as may be appointed to take the poll shall at the request of any person whose name is on the roll deliver to such person as many of such papers as the number of votes to which such person appears by the roll to be entitled.

J. One scrutineer to be present in each polling-booth shall be appointed by the council, and the persons demanding a poll may by writing under their hands or the hands of any three of them appoint one scrutineer to be present in each polling-booth.

K. Immediately upon the close of the poll the returning officer or deputy or such other person as may be appointed at each polling-booth shall proceed in the presence and subject to the inspection of the poll-clerks and of so many of the scrutineers as please to be present to ascertain the number of votes recorded for and against such proposition, and such returning officer shall as soon as conveniently may be on or after the day of the poll give public notice of the respective number of votes recorded, and if the number of votes recorded against such proposition is greater than the number recorded in favour of it shall declare the council forbidden from affixing the common seal to such request.

On the motion of the Hon. J. Bell, the Council agreed to the said amendments, and ordered a Message to be sent to the Legislative Assembly acquainting them therewith.

59. 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 appoint Education Endowment Commissioners and to vest certain Crown Lands in such Commissioners for Educational purposes,*” and acquaint the Legislative Council that the Legislative Assembly do still insist on disagreeing with the amendment made by the Legislative Council in this Bill and insisted on by the Legislative Council.

Legislative Assembly Chamber,
Melbourne, 23rd November, 1889.

WILLIAM McLELLAN,
Deputy Speaker.

The Honorable H. Cuthbert moved, That the Council do not still insist on their amendment to omit Clause 5, but that they agree to the said Clause with the addition of the following words, viz.:—
“Provided that if any Member of Parliament be appointed a Commissioner he shall not be entitled to receive any remuneration for his services.”

Debate ensued.

Question—put and negatived.

The Honorable H. Cuthbert then moved, That the Legislative Council do still insist on their said amendment to omit clause 5.

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 said amendment.

60. ADJOURNMENT.—The Honorable H. Cuthbert moved, by leave, that the Council, at its rising, adjourn until Monday next, at eleven o'clock.

Question—put and resolved in the affirmative.

The Council adjourned, at three o'clock, until Monday next, at eleven o'clock.

JOHN BARKER,
Clerk of the Legislative Council.

No. 46.

Minutes of the Proceedings

OF THE

LEGISLATIVE COUNCIL.

MONDAY, 25TH NOVEMBER, 1889.

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 ADMINISTRATOR OF THE GOVERNMENT.—The following Message from His Excellency the Administrator of the Government was presented by the Honorable H. Cuthbert, and the same was read, and is as follows :—

W. C. F. ROBINSON,
Administrator of the Government.

Pursuant to the provisions of section 36 of the Constitution Act, the Administrator of the Government transmits to the Legislative Council, for their consideration, the following amendments, which he desires to be made in the Bill intituled "*An Act to create a Department of Public Health and to further amend the Law relating to Public Health*":—

Clause 4, sub-clause (3), omit "of the Board" and substitute "appointed as aforesaid or who so becomes an officer of the Board."

Clause 11, sub-clause (6), omit "but" substitute "and."

Clause 33, after "business" insert "occupation."

Clause 34, in second sub-paragraph, omit "such improvements shall" and substitute "any improvements specified in such notice shall."

Clause 40, after the word "house" in last paragraph but one insert "or."

Clause 66, omit "twenty-eight and twenty-nine" and substitute "thirty-five and thirty-six."

Clause 68, in the second last line of first paragraph, after "land" insert "house building."

In second paragraph, in fifth and sixth lines of such paragraph, omit "house building or" and substitute "or the land upon which such house or building is situate or such."

Government Offices,
Melbourne, 25th November, 1889.

On the motion of the Honorable H. Cuthbert, the Council agreed to the several amendments recommended by His Excellency the Administrator of the Government, and ordered the Message to be transmitted to the Legislative Assembly, with a Message requesting their concurrence therein.

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 Message from His Excellency the Administrator of the Government recommending amendments in the Bill intituled "*An Act to amend 'The Irrigation Act 1886' and to extend the provisions of the same and for other purposes*," and acquaint the Legislative Council that the Legislative Assembly have agreed to the several amendments recommended by His Excellency the Administrator of the Government in this Bill, with which they desire the concurrence of the Legislative Council.

M. H. DAVIES,
Speaker

Legislative Assembly Chamber,
Melbourne, 25th November, 1889.

W. C. F. ROBINSON,
Administrator of the Government.

Pursuant to the provisions of section 36 of the Constitution Act, the Administrator of the Government 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 Irrigation Act 1886' and to extend the provisions of the same and for other purposes*":—

In clause 2, page 2, line 3, omit the word "district" and substitute the word "division."

In clause 2, page 2, line 4, after the word "or" insert the words "division or."

Government Offices,
Melbourne, 25th November, 1889.

On the motion of the Honorable J. Bell, the Council agreed to the several amendments recommended by His Excellency the Administrator of the Government, 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 Administrator of the Government recommending amendments in the Bill intituled "*An Act to provide for the suppression of the Nuisance arising from the Port Melbourne Lagoon and for other purposes*," and acquaint the Legislative Council that the Legislative Assembly have agreed to the several amendments recommended by His Excellency the Administrator of the Government in this Bill, with which they desire the concurrence of the Legislative Council.

M. H. DAVIES,
Speaker.

Legislative Assembly Chamber,
Melbourne, 25th November, 1889.

W. C. F. ROBINSON,
Administrator of the Government.

Pursuant to the provisions of section 36 of the Constitution Act, the Administrator of the Government transmits to the Legislative Assembly for their consideration the following amendments which he desires to be made in the Bill intituled "*An Act to provide for the suppression of the Nuisance arising from the Port Melbourne Lagoon and for other purposes*":—

In clause 10, line 2, omit the word "are" and substitute the word "is."

In clause 11, line 2, omit the words "those" and "have" and substitute the words "that" and "has."

Government Offices,
Melbourne, 25th November, 1889.

On the motion of the Hon. J. Bell, the Council agreed to the several amendments recommended by His Excellency the Administrator of the Government, and ordered a Message to be transmitted to the Legislative Assembly acquainting them therewith.

7. 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 Message from His Excellency the Administrator of the Government, recommending amendments in the Bill intituled "*An Act to create a Department of Public Health, and to further amend the Law relating to Public Health*," and acquaint the Legislative Council that the Legislative Assembly have agreed to the several amendments recommended by His Excellency the Administrator of the Government in this Bill.

M. H. DAVIES,
Speaker.

Legislative Council Chamber,
Melbourne, 25th November, 1889.

MR. PRESIDENT,

The Legislative Assembly transmit to the Legislative Council a Message from His Excellency the Administrator of the Government recommending an amendment in the Bill intituled "*An Act to amend 'The Railway Melbourne Lands Exchange Act 1888,' and for other purposes*," and acquaint the Legislative Council that the Legislative Assembly have agreed to the said amendment recommended by His Excellency the Administrator of the Government in this Bill, with which they desire the concurrence of the Legislative Council.

M. H. DAVIES,
Speaker.

Legislative Council Chamber,
Melbourne, 25th November, 1889.

W. C. F. ROBINSON,
Administrator of the Government.

Pursuant to the provisions of section 36 of the Constitution Act, the Administrator of the Government transmits to the Legislative Assembly for their consideration the following amendment, which he desires to be made in a Bill intituled an Act to amend "*The Railway Melbourne Lands Exchange Act 1888, and for other purposes*," viz. :—

In the last line of clause 3, omit "Third" and substitute "Fifth."

On the motion of the Honorable H. Cuthbert, the Council agreed to the said amendment, and ordered a Message to be transmitted to the Legislative Assembly acquainting them therewith.

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

9. ROYAL ASSENT TO BILLS.—His Excellency the Administrator of the Government came into the Council Chamber, and commanded the Usher to desire the attendance of the Legislative Assembly in the Council Chamber; who being come with their Speaker, he, after a short speech to His Excellency, delivered the Appropriation Bill to the Clerk of the Parliaments, who brought it to the table.

His Excellency was then pleased to assent, in the name of Her Majesty the Queen, to the following Bills:—

- “ *An Act to 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 ninety, and to appropriate the Supplies granted in this Session of Parliament.*”
- “ *An Act to create a Department of Public Health and to further amend the Law relating to Public Health.*”
- “ *An Act relating to Crown Lands permanently reserved from sale and vested in Trustees.*”
- “ *An Act relating to certain Grants for Promoting Agricultural and other Industries.*”
- “ *An Act to amend ‘The Irrigation Act 1886’ and to extend the provisions of the same and for other purposes.*”
- “ *An Act to provide for the Suppression of the Nuisance arising from the Port Melbourne Lagoon and for other purposes.*”
- “ *An Act to amend ‘The Water Conservation Act 1887.’*”
- “ *An Act to enable the Trustees of the Melbourne Retreat for the Cure of Inebriates at Northcote to transfer the lands and premises vested in them to Her Majesty and for other purposes.*”
- “ *An Act to refer certain matters to the Federal Council of Australasia for the exercise of Legislative Authority thereon.*”
- “ *An Act to enable the Mayor Councillors and Citizens of the City of Collingwood to sell and convey certain Lands situate in the said city.*”
- “ *An Act to amend the ‘Duties on the Estates of Deceased Persons Statute 1870’ and for other purposes.*”
- “ *An Act to amend ‘The Railway Melbourne Lands Exchange Act 1888’ and for other purposes.*”
- “ *An Act to further amend the ‘Local Government Act 1874.’*”

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.”

10. RESERVATION OF BILL FOR SIGNIFICATION OF HER MAJESTY'S PLEASURE.—His Excellency was pleased to reserve for the signification of Her Majesty's pleasure the following Bill:—

“ *An Act to amend the Law of Divorce.*”

11. 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 from the work of the Parliamentary Session at a comparatively early date. Your labours have been unremitting, and the legislation you have sanctioned has been of unusual extent and importance.

The period during which you have been deliberating has been one of great tranquility at home and abroad. In Europe, the success of the French Exhibition has attracted general attention, and appears to show that the great military nations are becoming more and more engrossed in industrial pursuits. It is gratifying to know that Victoria has held her own honorably in the competition with more advanced communities.

The idea of Australian Federation, which has from the first been eagerly welcomed in Victoria, is winning more and more acceptance upon this Continent. The feeling that it is inevitable, and that it is near, has become general. It may reasonably be hoped that the federated Colonies will be able to join in and secure a complete organization without sacrificing any of the results that have been already achieved.

The work of completing our National Defences has been pushed on unremittingly, and is now so nearly completed that a competent critic has declared Melbourne to be among the best defended cities in the Empire; and General Edwards, who recently inspected our troops, has spoken of them in terms of high eulogy. We can only deplore that one who contributed so much to obtain these results, as Sir James Lorimer did, should have been prematurely cut off while he was still abundantly capable of good work.

Two important Commissions have been appointed to examine into the best means of developing the Gold-fields and Coal-fields of the colony. The labours of these gentlemen have already elicited much valuable information.

My advisers have realized the importance of obtaining a thorough scheme for the drainage of Melbourne as an essential condition for enabling a Metropolitan Board to begin its labours without delay, and have secured the services of a highly-competent engineer, who is now at work. They have also cabled to engage a medical inspector, who is an expert in sanitary science. We shall soon be in a position to know in what way we can remove the disgrace of frequently-recurring epidemics from our populous and beautiful capital.

The expansion of the Revenue has allowed my advisers to give effect to a plan long ago approved by Parliament, and to establish a Penny Post. More than one neighbouring colony had already adopted this for large towns. Victoria leads the way in conferring the boon upon the remotest country districts. At the same time, the use of the Telephone has grown steadily in public favour, since the task of administering it devolved upon the Post Office.

Under the influence of recent reforms, the attendances at our National Schools have increased perceptibly ; new schools are springing up in places that were hitherto unsupplied ; and there has ceased to be a scarcity of teachers. It has been found possible to raise the period of compulsory attendance, and to liberate the children from school at an earlier age. Technical Schools, supported very much by voluntary effort, are becoming a feature of every important township.

MR. SPEAKER AND GENTLEMEN OF THE LEGISLATIVE ASSEMBLY :

The state of the Revenue remains prosperous. There has been less falling off in the imports than was anticipated, the Railways continue solidly prosperous, and every branch of Trade and Industry is flourishing.

MR. PRESIDENT AND HONORABLE GENTLEMEN OF THE LEGISLATIVE COUNCIL :

MR. SPEAKER AND GENTLEMEN OF THE LEGISLATIVE ASSEMBLY :

The reform of the Tariff affords a settlement of many disputed questions, and has removed a suspense of many months' duration from the commercial world. In obedience to the mandate of the country, the general principle of protecting native industry has been asserted ; while care has been taken, as far as possible, to facilitate the commerce of the Port of Melbourne by a substantial reduction in dues and other charges.

The farming interest has received the special attention of the Legislature. The development of new industries has been promoted by a system of bonuses approved by Parliament. The rapidity with which the provisions of the Irrigation Act of 1886 have been taken advantage of in many parts of our colony has indicated the directions in which the policy then inaugurated could be beneficially extended, to meet certain circumstances which have since arisen. This policy, which, under vigorous and judicious management, is making fertile many hitherto barren parts of our territory, has received fresh endorsements in three important Bills. The Bill enabling settlement to proceed in the rich and extensive area of the Mallee fringe on the same terms as in other parts of the colony is certain to lead to the rapid agricultural development of a region hitherto regarded as suitable for pastoral purposes only. The State has made provision to assist the Agriculturalist in the work of fencing out vermin. An industry, which is almost equally profitable to the farmer and the artisan, has received fresh encouragement by the Bill for promoting the planting of Wattle Trees.

The growing need of a Public Health Bill has been generally admitted. The difficulty has been to reconcile the claims of the community at large to be protected, and the anxiety of the Government to give protection, with the claim of local bodies not to be unduly burdened. The Act which has been passed confers large additional powers of control both upon the elective Boards, and upon the Minister charged with the duty of supervising their administration. It is anticipated, that so soon as these are fully exercised, the devastation of preventible diseases will be greatly diminished, to the lasting gain of the whole community.

The passing of a Bill to reform the Public Service Act has removed some defects in the machinery and some needless friction. It has, also, incidentally afforded gratifying proof that politicians of all shades of opinion are firmly attached to the fundamental principle of the Act—the abolition of patronage.

The Act for amending the Patent Laws inaugurates a new system, which it may be trusted will stimulate industrial invention and promote unity of Federal action in Australasia upon this important subject.

The reforms that you have inaugurated by the Bills to relieve small estates from payment of probate duty and from law costs will be found a welcome relief to some of the poorest classes in the community.

It is significant of the great prosperity of the country that the provision made for Rolling-Stock and Railways, which seemed inordinate some years ago, is already found inadequate. The country will welcome the determination of Parliament to carry on these important works vigorously, and European capitalists will respond to the needs of a country which, in thirty years' borrowing, has scarcely made an unprofitable investment.

I now in Her Majesty's name declare this Parliament to be prorogued to the 12th day of January 1890.

JOHN BARKER,
Clerk of the Legislative Council.

SELECT COMMITTEES,
APPOINTED DURING THE SESSION 1889.

No. 1.—ADDRESS IN REPLY.

Appointed 4th June, 1889.

<p>The Hon. A. Wynne Lieut.-Col. Sargood S. W. Cooke C. J. Ham F. Brown</p>		<p>The Hon. N. Thornley D. Coutts H. Cuthbert J. S. Butters.</p>
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No. 2.—ELECTIONS AND QUALIFICATIONS.

Appointed 5th June, 1889.

<p>The Hon. S. Austin S. W. Cooke H. Cuthbert D. Ham</p>		<p>The Hon. Dr. Le Fevre* Lieut.-Col. Sargood W. A. Zeal.</p>
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* Re-appointed after re-election, 17th September, 1889.

No. 3.—STANDING ORDERS.

Appointed 5th June, 1889.

<p>The Hon. The President Dr. Dobson J. Service Lieut.-Col. Sargood</p>		<p>The Hon. J. Balfour W. A. Zeal S. W. Cooke.*</p>
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* Appointed 18th September, 1889, *vice* Hon. Sir J. Lorimer, deceased.

No. 4.—LIBRARY (JOINT).

Appointed 5th June, 1889.

<p>The Hon. The President D. Melville F. Brown</p>		<p>The Hon. Dr. Le Fevre* H. Cuthbert.</p>
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* Re-appointed after re-election, 18th September, 1889.

No. 5.—PARLIAMENT BUILDINGS (JOINT).

Appointed 5th June, 1889.

<p>The Hon. The President J. Balfour S. Fraser</p>		<p>The Hon. N. Thornley G. S. Coppin.*</p>
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* Appointed 18th September, 1889, *vice* Hon. Sir J. Lorimer, deceased.

No. 6.—PRINTING.

Appointed 5th June, 1889.

The Hon. The President
G. Young
W. H. Roberts

The Hon. S. Austin
J. Bell*
H. Gore

* Re-appointed after re-election, 24th October, 1889.

No. 7.—REFRESHMENT ROOMS (JOINT).

Appointed 5th June, 1889.

The Hon. J. A. Wallace
J. Buchanan
Dr. Beaney

The Hon. S. W. Cooke*
D. S. Wallace.†

* Appointed 30th July, 1889, *vice* Hon. W. P. Simpson, resigned.

† Appointed 30th July, 1889, *vice* Hon. J. S. Butters, unseated on petition.

No. 8.—CONSOLIDATION OF LAWS (JOINT).

Appointed 9th October, 1889.

The Hon. Lieut.-Col. Sargood
J. Service
W. A. Zeal
F. Brown

The Hon. S. W. Cooke
J. M. Davies
H. Cuthbert.

No. 9.—CUSTOMS DUTIES BILL (JOINT).

Appointed 23rd October, 1889.

The Hon. J. Service
J. Balfour
Dr. Dobson
J. M. Davies

The Hon. S. W. Cooke
F. Illingworth
Lieut.-Col. Sargood.

VICTORIA.

LEGISLATIVE COUNCIL.

SESSION 1889.

WEEKLY REPORT OF DIVISIONS

IN

COMMITTEE OF THE WHOLE COUNCIL.

No. 1.

Extracted from the Minutes.

TUESDAY, 23RD JULY, 1889.

No. 1.—PUBLIC HEALTH BILL.—Clause 26:—

26. Section ninety-one of the Principal Act is hereby repealed, and the following shall be and shall be deemed to be and may be cited as section ninety-one of the said Principal Act (that is to say):—

Any person—

- (1) who establishes or newly carries on within any city town borough or shire without the consent in writing of the council thereof any of the trades businesses or occupations usually carried on in or connected with the undermentioned works or establishments (that is to say):—

- Abattoirs or slaughter-houses
- Bone mills or bone manure depôts
- Fellmongeries tanneries or wool-scouring establishments
- Fish-curing establishments
- Glue factories
- Manure works
- Marine stores
- Piggeries
- Places for storing drying or preserving bones hides hoofs or skins
- Soap or candle works or factories
- Works for boiling down meat bones blood or offal

or any trade business process or manufacture whatsoever causing effluvia offensive fumes vapours or gases or discharging foul liquid blood or other impurity or any other noxious or offensive trade business or manufacture; or

- (2) who without such consent adds to or extends any buildings or premises used for the purposes of any such trade business occupation process or manufacture—

shall be guilty of an offence, and shall on conviction thereof be liable to a penalty not exceeding Fifty pounds nor less than Five pounds in respect of such establishment addition or extension, and shall also be liable to a penalty not exceeding Five pounds nor less than Two pounds for every day during which such trade business occupation process or manufacture is carried on whether there has or has not been any conviction in respect of such establishment addition or extension.

No such consent to the establishment or carrying on of any trade business occupation process or manufacture shall be given or have any force or authority if contrary to the provisions of Part IV. of "The Public Health Statute 1865."

Prior to the granting of any consent for such establishment "addition or extension" a notice of intention to apply for the same shall be given by advertisement one month previously in any newspaper circulating in the district, and shall also during such month be posted at the post-office police station and municipal offices respectively nearest to the proposed works or establishment.

If any person whether a resident within the district of such council or not object to such establishment addition or extension he may state his objection to the council; and if nevertheless the council decide to grant such consent, such person may appeal to the Minister, who may affirm or rescind such consent and whose decision shall be final.

It shall not be necessary for any person registered in respect of any abattoir or slaughter-house under this Act to obtain a licence under the provisions of the "*Abattoirs Statute*."

So far as relates to shires this section shall apply only to any portion of any shire to which the provisions of this section may from time to time be expressly applied by the Governor in Council.

Amendment proposed that the words "addition or extension" in the 33rd line of the above clause be omitted.—(*Hon. W. A. Zeal*.)

Question—That the words proposed to be omitted stand part of the clause—put.
Committee divided.

Ayes, 14.

The Hon. J. Balfour
J. G. Beaney, M.D.
J. Buchanan
S. W. Cooke
H. Cuthbert
C. H. James
G. Le Fevre, M.D.
Sir J. Lorimer
D. Melville
W. H. Roberts
Lt.-Col. Sargood
J. Service
N. Thornley
J. Bell (*Teller*).

Noes, 15.

The Hon. J. H. Abbott
S. Austin
F. Brown
J. H. Connor
D. Coutts
N. FitzGerald
S. Fraser
H. Gore
D. Ham
Fred. Illingworth
J. P. MacPherson
D. S. Wallace
J. A. Wallace
W. A. Zeal
A. Wynne (*Teller*).

No. 2.—Clause 29:—

29. Any person spilling casting throwing or otherwise putting down or depositing or causing to be spilt cast thrown or otherwise put down or deposited any night-soil into or upon any road street tramway channel or tunnel footway lane or place shall be guilty of an offence, and shall be liable to a penalty not exceeding "Fifty" pounds nor less than Five pounds or to imprisonment for a period not exceeding six months.

Amendment proposed that the word "Fifty" in the fourth line of the above clause be omitted with a view of inserting the words "one hundred"—(*Hon. W. H. Roberts*).

Question—That the word proposed to be omitted stand part of the clause—put.
Committee divided.

Ayes, 16.

The Hon. S. Austin
J. Bell
J. Buchanan
J. H. Connor
S. W. Cooke
D. Coutts
H. Cuthbert
T. Dowling
N. FitzGerald
H. Gore
Sir J. Lorimer
D. Melville
Lt.-Col. Sargood
D. S. Wallace
A. Wynne
N. Thornley (*Teller*).

Noes, 7.

The Hon. J. H. Abbott
J. G. Beaney, M.D.
F. Brown
Fred. Illingworth
W. H. Roberts
J. A. Wallace
W. A. Zeal (*Teller*).

VICTORIA.

LEGISLATIVE COUNCIL.

SESSION 1889.

WEEKLY REPORT OF DIVISIONS

IN

COMMITTEE OF THE WHOLE COUNCIL.

No. 2.

Extracted from the Minutes.

TUESDAY, 30TH JULY, 1889.

No. 1.—PUBLIC HEALTH BILL.—Clause 8:—

8. The Governor in Council may appoint five persons (including the medical inspector) to be a Board to be called the Board of Health.

Such Board of Health or a majority of the members thereof shall have and execute all such duties relating to the carrying out of the laws relating to public health as may be imposed upon them by this Act or by any regulations hereunder or by the Governor in Council.

The Governor in Council shall appoint one of the members of the Board to be the Chairman of such Board; and may from time to time remove such Chairman or all or any of the members of the Board and appoint others in his or their places.

Section one hundred and sixty-three of the Principal Act shall be deemed to extend and apply to the Board of Health and the members thereof respectively, and the said section shall be construed as if the said Board had been expressly named in such section.

Members of the Board who are not officers of the public service may be paid such fees as the Governor in Council shall from time to time direct.

Motion made and question put—That clause 8, as amended, stand part of the Bill.

Committee divided.

Ayes, 11.

The Hon. H. Cuthbert
S. Fraser
H. Gore
C. H. James
Sir J. Lorimer
W. McCulloch
W. H. Roberts
Lt.-Col. Sargood
J. Service
N. Thornley
J. Bell (*Teller*).

Noes, 9.

The Hon. J. H. Abbott
J. H. Connor
S. W. Cooke
N. FitzGerald
Fred. Illingworth
D. Melville
J. A. Wallace
A. Wynne
W. A. Zeal (*Teller*).

WEDNESDAY, 31ST JULY, 1889.

No. 2.—PUBLIC HEALTH BILL.—Proposed new Clause A :—

A. (I.) As to streets existing on or before the fifth day of June One thousand eight hundred and eighty-nine the following provisions shall apply, viz. :—

(a) No person shall after the commencement of this Act erect a dwelling house in any city town or borough or in any portion of a shire which has been at any time a borough or to which Part I. of "*The Police Offences Statute 1865*" is applicable—

“unless without passing through the house there is reasonable access to the back premises and offices of such house available for the removal of night-soil and other refuse, and”

unless such house and the site and curtilage thereof can be properly drained.

(II.) As to streets not existing on or before such last-mentioned date the following provisions shall apply, viz. :—

(a) Every such street shall be fifty feet wide at the least except lanes footways alleys or passages which shall be twenty feet wide at the least.

(b) No person shall erect a dwelling house in any city town or borough or in any portion of a shire which has been at any time a borough or to which Part I. of "*The Police Offences Statute 1865*" is applicable—

unless the site or curtilage of such house has a frontage of at least sixteen and a half feet to a street fifty feet wide at the least, and has a depth of one hundred feet at the least, and

unless without passing through the house there is reasonable access to the back premises and offices of such house available for the removal of night-soil and other refuse to a street or a lane twenty feet wide at the least, and

unless such house and the site and curtilage thereof can be properly drained.

Amendment proposed that the words “unless without passing through the house there is reasonable access to the back premises and offices of such house available for the removal of night-soil and other refuse, and” in the 6th line of the above clause be omitted.—(*Hon. W. A. Zeal.*)

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

Committee divided.

Ayes, 10.

The Hon. J. H. Connor
S. W. Cooke
H. Cuthbert
Fred. Illingworth
Sir J. Lorimer
D. Melville
N. Thornley
A. Wynne
G. Young
Jas. Bell (*Teller*).

Noes, 13.

The Hon. J. H. Abbott
J. G. Beaney, M.D.
T. Dowling
N. FitzGerald
S. Fraser
H. Gore
D. Ham
J. P. MacPherson
Lt.-Col. Sargood
J. Service
J. A. Wallace
W. A. Zeal
W. H. Roberts (*Teller*).

VICTORIA.

LEGISLATIVE COUNCIL.

SESSION 1889.

WEEKLY REPORT OF DIVISIONS

IN

COMMITTEE OF THE WHOLE COUNCIL.

No. 3.

Extracted from the Minutes.

TUESDAY, 3RD SEPTEMBER, 1889.

No. 1.—PUBLIC SERVICE BILL.—Clause 24:—

24. The Board shall from time to time in pursuance of regulations made under the authority of sub-section ten of section forty-one of the Principal Act cause to be enrolled in a register to be kept for that purpose by the Board the names of fit and proper persons desirous of employment in any temporary work in any department, and shall also record the kind of work desired by each of such persons.

Whenever in the opinion of the Minister the prompt despatch of the business of any department renders temporary assistance necessary the Board shall at the request of the Permanent Head select from the persons whose names are upon such register such person as to the Board appears best qualified for such work.

Such person may be employed to perform such work for any period not exceeding three months and if necessary such person may with the sanction of the Board be employed at the end of such period for any further period not exceeding three months but no such person shall be so employed for more than three periods of three months each successively.

No person who has been temporarily employed in any department shall on the termination of his employment be eligible for temporary employment in the public service during the six months next following such termination.

Notwithstanding the provisions hereinbefore contained the Governor in Council may in the case of temporary work in the carrying out of any public work or scheme undertaken by the Public Works Department (if the Board certify to him that it is for the public interest that the provisions hereinbefore in this section contained should not apply to such work or scheme) order that the temporary employment upon such work or scheme shall be until the completion of the same, "and may upon the like certificate order that any person employed on any such public work or scheme as clerk of works may be again temporarily employed in the public service on any one or more other such works or schemes without any interval between the periods of employment on such respective works or schemes;" and any person may with the sanction of the Board be temporarily employed in the Government Printing Office or in the Government Shorthand Writer's Office or in the preparation of the Census Returns for such time as may be necessary.

The Governor in Council may at any time dismiss or remove any person temporarily employed in the public service.

Amendment proposed—That the words "and may upon the like certificate order that any person employed on any such public work or scheme as clerk of works may be again temporarily employed in the public service on any one or more other such works or schemes without any interval between the periods of employment on such respective works or schemes;" in the 21st line of the above clause, be omitted.—(*Hon. Jas. Service.*)

Question—That the words proposed to be omitted stand part of the clause—put.
Committee divided.

Ayes, 11.

The Hon. Dr. Beaney
J. Buchanan
J. S. Butters
H. Cuthbert
H. Gore
Fred. Illingworth
W. H. Roberts
J. A. Wallace
A. Wynne
W. A. Zeal
J. Bell (*Teller*).

Noes, 13.

The Hon. F. Brown
J. H. Connor
S. W. Cooke
G. Coppin
G. Davis
S. Fraser
C. H. James
J. P. MacPherson
D. Melville
Lt.-Col. Sargood
J. Service
N. Thornley
S. Austin (*Teller*).

No. 2.—Clause 18:—

18. The "Governor in Council" may from time to time upon the recommendation of the Board (notwithstanding anything in this or any other Act of Parliament contained) make alter and repeal regulations for facilitating and securing the better selection of suitable persons as officers in the Public Library, Museums, and National Gallery, and as officers warders and attendants in penal establishments and gaols and reformatory schools probationary schools and receiving depôts and lunatic asylums or any of them, and for retaining the services of those of such persons as are found most fit, and for providing for the services of those not so retained being either dispensed with or transferred to another department or branch of the Public Service as may be thought desirable, but no regulations made under this section shall apply to or affect any person employed at the time of the passing of this Act as officer warder or attendant in any penal establishment gaol reformatory school probationary school receiving depôt or lunatic asylum.

No person shall be permanently appointed to any office in any penal establishment or gaol or reformatory school probationary school or receiving depôt whether he be already an officer in the public service or not unless and until he have served for twelve months on probation as an officer of some penal establishment or gaol or reformatory school probationary school or receiving depôt; and no person shall be permanently appointed to any office in any lunatic asylum whether he be already an officer in the public service or not unless and until he have served for twelve months on probation as an officer of some lunatic asylum.

Amendment proposed that the words "Governor in Council" in the first line above clause be omitted with a view of inserting "Board."—(*Hon. Jas. Service.*)

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

Committee divided.

Ayes, 12.

The Hon. Dr. Beaney
J. Bell
J. Buchanan
J. S. Butters
H. Cuthbert
Fred. Illingworth
Dr. Le Fevre
Sir J. MacBain
J. P. MacPherson
W. H. Roberts
A. Wynne
F. Brown (*Teller*).

Noes, 10.

The Hon. J. H. Abbott
S. W. Cooke
S. Fraser
H. Gore
C. H. James
D. Melville
Lt.-Col. Sargood
J. Service
N. Thornley
S. Austin (*Teller*).

VICTORIA.

LEGISLATIVE COUNCIL.

SESSION 1889.

WEEKLY REPORT OF DIVISIONS

IN

COMMITTEE OF THE WHOLE COUNCIL.

No. 4.

Extracted from the Minutes.

WEDNESDAY, 18TH SEPTEMBER, 1889.

No. 1.—EDUCATION LAW AMENDMENT BILL.—Clause 5.—Half-yearly examinations shall be held by the district inspectors in each school district for the purpose of the examination of children not attending State schools.

Parents whose children are educated otherwise than at a State school shall be at liberty to offer them for examination at such half-yearly examinations; and if the district inspector certifies in writing that any such child is being educated up to the required standard, such certificate shall be conclusive evidence of the same, and until the next half-yearly examination be held such certificate shall be deemed a "reasonable excuse" within the meaning of section thirteen of the Principal Act.

Motion made, and question put—That clause 5 stand part of the Bill.—(*The Hon. H. Cuthbert.*)
Committee divided.

Ayes, 13.

The Hon. H. Cuthbert
J. M. Davies
H. Gore
C. J. Ham
Fred. Illingworth
C. H. James
J. P. MacPherson
W. McCulloch
E. Morey
C. Sargeant
G. Simmie
W. A. Zeal
J. Balfour (*Teller*).

Noes, 6.

The Hon. Dr. Beaney
S. Fraser
D. Melville
Lt.-Col. Sargood
J. Service
W. H. Roberts (*Teller*).

By Authority: ROBT. S. BRAIN, Government Printer, Melbourne.

VICTORIA.

LEGISLATIVE COUNCIL.

SESSION 1889.

WEEKLY REPORT OF DIVISIONS

IN

COMMITTEE OF THE WHOLE COUNCIL.

No. 5.

Extracted from the Minutes.

TUESDAY, 1ST OCTOBER, 1889.

No. 1.—EDUCATION LAW AMENDMENT BILL.—Clause 10:—

The secular instruction to be given in every State school shall include Richardson's Temperance lesson book and Ridge's primer.

Amendment proposed—That the words "include Richardson's Temperance lesson book and Ridge's primer" in the above clause be omitted with a view of inserting instead thereof "in the case of children over nine years of age include the teaching of lessons from some recognized temperance lesson books."—(*The Hon. C. J. Ham.*)

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

Further amendment proposed—That after the word "recognized" in the last line of the proposed amendment the word "temperance" be omitted and that the words "on the laws of health and temperance" be inserted after the word "books."—(*Hon. Lt.-Col. Sargood.*)

Question—That the word "temperance" stand part of the proposed amendment—put.

Committee divided.

Ayes, 9.

The Hon. H. Cuthbert
J. M. Davies
S. Fraser
C. J. Ham
Fred. Illingworth
D. Melville
C. Sargeant
A. Wynne
J. Bell (*Teller*).

Noes, 11.

The Hon. J. H. Abbott
J. H. Connor
S. W. Cooke
T. Dowling
W. McCulloch
J. M. Pratt
Lt.-Col. Sargood
J. Service
N. Thornley
J. A. Wallace
F. Brown (*Teller*).

VICTORIA.

LEGISLATIVE COUNCIL.

SESSION 1889.

WEEKLY REPORT OF DIVISIONS

IN

COMMITTEE OF THE WHOLE COUNCIL.

No. 6.

Extracted from the Minutes.

TUESDAY, 15TH OCTOBER, 1889.

No. 1.—EDUCATION LAW AMENDMENT BILL.—PROPOSED NEW CLAUSE A:—

The word “building” in clause 12, line 3 of the Principal Act, is hereby repealed.

Motion made and question put that new clause A stand part of the Bill.—(*Hon. F. Illingworth.*)

Committee divided.

Ayes, 18.

The Hon. F. Brown
 S. W. Cooke
 G. S. Coppin
 D. Coutts
 J. M. Davies
 T. Dowling
 C. J. Ham
 D. Ham
 Fred. Illingworth
 C. H. James
 E. Morey
 J. M. Pratt
 C. Sargeant
 N. Thornley
 J. A. Wallace
 A. Wynne
 G. Young
 J. Balfour (*Teller*).

Noes, 13.

The Hon. J. H. Abbott
 Dr. J. G. Beaney
 J. Bell
 J. S. Butters
 G. Davis
 S. Fraser
 J. P. MacPherson
 W. McCulloch
 D. Melville
 W. H. Roberts
 J. Service
 W. A. Zeal
 Lt.-Col. Sargood (*Teller*).

No. 2.—PROPOSED NEW CLAUSE B:—

If any local board of advice shall so determine, the Scripture Lesson books of the Irish National School Board shall be taught in the State Schools represented by such board of advice as a part of the school curriculum either before or after the four hours specially devoted to secular instruction. Provided that no teacher who shall state in writing to the board that he has conscientious objections to teach such lessons shall be required to teach them, and that no child whose parent or guardian shall object shall be required to attend such teaching.

Motion made and question put that new clause B stand part of the Bill.—(*Hon. J. Balfour.*)

Committee divided.

Ayes, 11.

The Hon. J. Balfour
 J. H. Connor
 S. W. Cooke
 J. M. Davies
 T. Dowling
 N. FitzGerald
 D. Ham
 C. H. James
 E. Morey
 A. Wynne
 C. J. Ham (*Teller*).

Noes, 22.

The Hon. J. H. Abbott
 Dr. J. G. Beaney
 J. Bell
 J. S. Butters
 G. S. Coppin
 D. Coutts
 G. Davis
 S. Fraser
 H. Gore
 Fred. Illingworth
 J. P. MacPherson
 W. McCulloch
 D. Melville
 J. M. Pratt
 W. H. Roberts
 C. Sargeant
 Lt.-Col. Sargood
 J. Service
 N. Thornley
 J. A. Wallace
 G. Young
 W. A. Zeal (*Teller*).

VICTORIA.

LEGISLATIVE COUNCIL.

SESSION 1889.

WEEKLY REPORT OF DIVISIONS

IN

COMMITTEE OF THE WHOLE COUNCIL.

No. 7.

Extracted from the Minutes.

WEDNESDAY, 30TH OCTOBER, 1889.

No. 1.—RABBIT DESTRUCTION BILL—RE-COMMITTED FOR THE RE-CONSIDERATION OF CLAUSE 18.

Motion made, and question put—That the Chairman report progress and ask leave to sit again.—
(*Hon. D. Melville.*)

Committee divided.

Ayes, 4.

The Hon. J. S. Butters
D. Melville
J. A. Wallace
W. A. Zeal (*Teller*).

Noes, 15.

The Hon. J. H. Abbott
J. Bell
J. Buchanan
D. Coutts
H. Cuthbert
J. M. Davies
S. Fraser
H. Gore
D. Ham
Fred. Illingworth
J. P. MacPherson
E. Morey
J. M. Pratt
Lt.-Col. Sargood
S. W. Cooke (*Teller*).

THURSDAY, 31st OCTOBER, 1889.

No. 2.—DIVORCE LAW AMENDMENT BILL.—

Clause 11.—Any married person who at the time of the institution of the suit or other proceeding shall have been domiciled in the colony of Victoria for two years and upwards may present a petition to the Supreme Court praying on one or more of the grounds in this section mentioned that his or her marriage with the respondent may be dissolved—

- (a) On the ground that the respondent has without just cause or excuse wilfully deserted the petitioner and without any such cause or excuse left him or her continuously so deserted during three years and upwards :
- (b) On the ground that the respondent has during three years and upwards been an habitual drunkard and either habitually left his wife without the means of support, or habitually been guilty of cruelty towards her, or being the petitioner's wife has for a like period been an habitual drunkard and habitually neglected her domestic duties or rendered herself unfit to discharge them :
- (c) On the ground that at the time of the presentation of the petition the respondent has been imprisoned for a period of not less than three years and is still in prison under a commuted sentence for a capital crime or under sentence to penal servitude for seven years or upwards, or being a husband has within five years undergone frequent convictions for crime and sentenced in the aggregate to imprisonment for three years or upwards and left his wife habitually without the means of support :
- (d) On the ground that within one year previously the respondent has been convicted of having attempted to murder the petitioner or of having assaulted him or her with intent to inflict grievous bodily harm or on the ground that the respondent has repeatedly during that period assaulted and cruelly beaten the petitioner :
- (e) On the ground that the respondent being a husband has since the celebration of his marriage and date of this Act been guilty of adultery, "coupled with circumstances or conduct of aggravation or of repeated acts of adultery."

Amendment proposed that the words "coupled with circumstances or conduct of aggravation or of repeated acts of adultery," in the last line of the above clause be omitted.—(*Hon. J. Balfour.*)

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

Committee divided.

Ayes, 19.

The Hon. J. H. Abbott
 Dr. Beaney
 Sir Benj. Benjamin
 J. S. Butters
 G. S. Coppin
 S. Fraser
 H. Gore
 J. P. MacPherson
 D. Melville
 E. Morey
 J. M. Pratt
 C. Sargeant
 J. Service
 N. Thornley
 D. S. Wallace
 J. A. Wallace
 G. Young
 W. A. Zeal
 H. Cuthbert (*Teller*).

Noes, 5.

The Hon. J. Balfour
 J. H. Connor
 J. M. Davies
 C. J. Ham
 Lt.-Col. Sargood (*Teller*).

VICTORIA.

LEGISLATIVE COUNCIL.

SESSION 1889.

WEEKLY REPORT OF DIVISIONS

IN

COMMITTEE OF THE WHOLE COUNCIL.

No. 8.

Extracted from the Minutes.

WEDNESDAY, 6TH NOVEMBER, 1889.

No. 1.—SPARROWS DESTRUCTION BILL—CLAUSE 3.

The Board of Land and Works shall from time to time appoint bailiffs of Crown lands to suppress and destroy sparrows frequenting any unoccupied Crown lands, and every such person is hereby empowered and directed to enter and remain as long as may be necessary upon any unoccupied Crown lands within the district for which he has been appointed with such assistants as he deems necessary for the purpose of ascertaining if there are any sparrows upon or frequenting the same and shall employ such assistants and make use of such vehicles instruments and appliances on such land as may be necessary for the purpose of suppressing and destroying such sparrows.

Provided that the said Board may instead of appointing a bailiff of Crown lands to suppress and destroy sparrows upon or frequenting any unoccupied Crown lands enter into an agreement with the council of the municipal district within which such lands are situate, or if the same are not situate within any municipal district then with the council of any municipal district adjacent thereto upon such terms and conditions as may be mutually agreed upon for the suppression and destruction of such sparrows, and such council is hereby authorized to enter into such agreement upon which it may sue or be sued in the same manner as upon any contract it is authorized to make under the provisions of the "*Local Government Act 1874.*"

Amendment proposed—That at the end of the clause the following words be inserted, viz.:—

"Provided that poison shall not be used for the destruction of the said sparrows."—(*Hon. Lieut.-Col. Sargood.*)

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

Ayes, 16.

The Hon. J. H. Abbott
J. Bell
Sir Benj. Benjamin
F. Brown
Sir W. J. Clarke, Bart.
S. W. Cooke
D. Coutts
J. M. Davies
Fred. Illingworth
C. H. James
C. Sargeant
Lt.-Col. Sargood
J. Service
J. A. Wallace
G. Young
J. Balfour (*Teller*).

Noes, 13.

The Hon. J. Buchanan
J. H. Connor
G. S. Coppin
H. Cuthbert
T. Dowling
N. FitzGerald
S. Fraser
H. Gore
J. P. MacPherson
W. McCulloch
D. Melville
W. A. Zeal
J. M. Pratt (*Teller*).

No. 2.—SPARROWS DESTRUCTION BILL.—CLAUSE 10.

If after fourteen days from the date of the service of such notice any occupier of land has in the opinion of the justices adjudicating failed or neglected to take reasonable and diligent steps for the suppression and destruction of sparrows upon or frequenting such land, he shall be liable to a penalty not exceeding Five pounds in addition to the costs and expenses to which he may be liable under this Act, and for any subsequent neglect as aforesaid to a like penalty, and the inspector may if he think fit enter upon any land to which such notice refers and take measures to suppress and destroy any sparrows upon or frequenting such land.

Motion made, and question put—That the Chairman report progress and ask leave to sit again.—
(*Hon. D. Coutts.*)

Ayes, 15.

The Hon. J. H. Abbott
J. Balfour
Dr. Beaney
J. Bell
F. Brown
S. W. Cooke
D. Coutts
J. M. Davies
S. Fraser
Fred. Illingworth
J. Service
N. Thornley
J. A. Wallace
W. A. Zeal
Lt.-Col. Sargood (*Teller*).

Noes, 8.

The Hon. J. H. Connor
H. Cuthbert
G. Davis
T. Dowling
J. M. Pratt
C. Sargeant
G. Young
D. Melville (*Teller*).

VICTORIA.

LEGISLATIVE COUNCIL.

SESSION 1889.

WEEKLY REPORT OF DIVISIONS
IN
COMMITTEE OF THE WHOLE COUNCIL.

No. 9.

Extracted from the Minutes.

TUESDAY, 19TH NOVEMBER, 1889.

1. EDUCATION ENDOWMENT COMMISSIONERS BILL:—

SCHEDULE.

COUNTY OF CROAJINGOLONG.—Fifty-four thousand five hundred acres, more or less, county of Croajingolong: Bounded on the west by the Snowy River, on the north-east by the boundary of the colony of New South Wales, on the east by the Tingaringy Creek, and on the south by the Tubbut River, excepting all permanent reserves and appropriated lands.

COUNTY OF DARGO.—One hundred and eighty thousand acres, more or less, county of Dargo: Bounded on the east by the Dargo River, on the west by the Wongungarra River, on the north by the Great Dividing Range, and on the south by an east and west line passing through the centre of the Trig. station on Mount Grant, excepting all permanent reserves and appropriated lands.

KOOLA, WANGARABELL, DERNDANG, KARLO, BAAWANG, WINGAN, BRALAK, MALLACOOTA, BETKA, AND BRINDAT.—Three hundred and fifteen thousand acres, more or less, county of Croajingolong, parishes of Koola, Wangarabell, Derndang, Karlo, Baawang, Wingan, Bralak, Mallacoota, Betka, and Brindat, being all unappropriated Crown lands comprised in those parishes.

COUNTY OF MILLEWA.—One million one hundred and ninety-five thousand acres, more or less, county of Millewa: Commencing at a point on the Murray River, being the north-west corner of the county of Millewa; thence south by the boundary of the colony of South Australia sixty-nine miles sixty-nine chains sixty-two links; thence east by the south boundary of the aforesaid county thirty miles forty-eight chains forty-six links; thence north by a line forty-nine miles forty-nine chains ninety-four links; thence east by a line four chains fifty-five links; thence north by a line four miles thirty-five chains twenty-two links to the Murray River aforesaid; and thence north-westerly by that river, by the Lindsay River, and again by the Murray River to the point of commencement, excepting all permanent reserves and appropriated lands.

MOONKAN, WAT WAT, BULLAMALK, AND TINGARINGY.—One hundred and sixty-two thousand acres, more or less, county of Croajingolong, parishes of Moonkan, Wat Wat, Bullamalk, and Tingaringy, being all unappropriated Crown lands comprised in those parishes.

PORT MELBOURNE (COODE ISLAND).—Two hundred and forty acres, more or less, county of Bourke, parish of South Melbourne, municipal district of Port Melbourne: Commencing at a point on the boundary of the land vested in the Melbourne Harbor Trust Commissioners bearing N. 11° 18' W. one chain fifty-eight links and eight-tenths from a post numbered 16; bounded thence by a curved line running easterly concentric with and distant one chain fifty links from the northern boundary of the land on the northern bank of the new river channel, vested as aforesaid, to its intersection with a line parallel with and distant two chains from the left bank of the River Yarra; and thence by the last-mentioned line running north-westerly, westerly, and southerly to the point of commencement, including the projected streets.

SOUTH MELBOURNE AND PORT MELBOURNE.—Six hundred and sixty acres, more or less, county of Bourke, parish of South Melbourne, city of South Melbourne, and municipal district of Port Melbourne: Commencing at a point on the eastern side of Lorimer-street bearing N. 6° 42' W. seven chains seventy-four links from the north-west angle of the land temporarily reserved for a public park and garden by Order of 29th March, 1887; bounded thence by lines bearing respectively N. 68° 58' E. to a point in line with the south-west boundary of allotment B, Port Melbourne (Felton and Grimwade), and S. 51° 29' E. about seventy-five links to the west angle of the said allotment; thence by that allotment and a line bearing N. 38° 31' E. six chains fifty-two links to the north-east side of Ingles-street; thence by that street south-easterly to the north-western boundary of the land permanently reserved for storm-water channel and other public purposes by Order of 3rd September, 1883; thence by that boundary bearing north-easterly to the south side of Lorimer-street aforesaid; and thence by that street bearing westerly, south-westerly, and southerly to the point of commencement, including the projected streets but excluding Ingles-street.

Amendment proposed—That the first two paragraphs of the Schedule be omitted—(*Hon. J. A. Wallace*).

Question—That the two paragraphs proposed to be omitted stand part of the Schedule—put.
Committee divided.

Ayes, 17.

The Hon. Dr. Beaney
J. Bell
Sir B. Benjamin
J. S. Butters
J. H. Connor
S. W. Cooke
D. Coutts
J. M. Davies
T. Dowling
H. Gore
C. J. Ham
W. McCulloch
J. M. Pratt
W. H. Roberts
J. Service
G. Simmie
H. Cuthbert (*Teller*).

Noes, 14.

The Hon. J. H. Abbott
J. Balfour
J. Buchanan
N. FitzGerald
S. Fraser
D. Ham
J. P. MacPherson
D. Melville
E. Morey
W. Pearson
Lt.-Col. Sargood
D. S. Wallace
J. A. Wallace
F. Illingworth (*Teller*).

WEDNESDAY, 20TH NOVEMBER, 1889.

2. EDUCATION ENDOWMENT COMMISSIONERS BILL.—Re-committed for the re-consideration of clauses 31 and 32, and to consider the insertion of a new clause.

Motion made and question put—That the Chairman do leave the Chair—(*Hon. W. A. Zeal*).
Committee divided.

Ayes, 14.

The Hon. J. H. Abbott
J. Buchanan
J. M. Davies
G. Davis
N. FitzGerald
S. Fraser
F. Illingworth
J. P. MacPherson
D. Melville
E. Morey
D. S. Wallace
J. A. Wallace
W. A. Zeal
J. Balfour (*Teller*).

Noes, 17.

The Hon. Dr. Beaney
J. Bell
J. S. Butters
J. H. Connor
S. W. Cooke
D. Coutts
H. Cuthbert
H. Gore
C. J. Ham
C. H. James
J. M. Pratt
C. Sargeant
Lt.-Col. Sargood
J. Service
G. Simmie
N. Thornley
S. Austin (*Teller*).

3. WATTLE TREES CULTIVATION BILL.—New clause—

Upon the expiration of the term of any lease under this Act the lessee thereof or his executors, administrators, or assigns shall be paid by any incoming tenant the value of all fences, wells, reservoirs, tanks, and dams, and other permanent improvements made, erected, constructed, or effected during the currency of his lease on the land demised by such lease. Provided that the sum to be paid in respect of such improvements shall not exceed the sum expended thereon by the lessee, his executors, administrators, or assigns, and shall in no case exceed the sum of Ten shillings per acre of such land, and that the sum to be so paid shall be determined in accordance with regulations in that behalf to be made by the Governor in Council—(*Hon. J. H. Connor*).

Question—That the proposed new clause stand part of the Bill—put.
Committee divided.

Ayes, 11.

The Hon. J. H. Abbott
J. Buchanan
J. S. Butters
J. H. Connor
G. Davis
H. Gore
D. Ham
Lt.-Col. Sargood
D. S. Wallace
J. A. Wallace
S. Austin (*Teller*).

Noes, 14.

The Hon. J. Bell
Sir B. Benjamin
S. W. Cooke
H. Cuthbert
J. M. Davies
T. Dowling
C. H. James
J. P. MacPherson
W. McCulloch
D. Melville
E. Morey
J. M. Pratt
G. Simmie
J. Balfour (*Teller*).

1889.

VICTORIA.

LIST OF CHARGES WHICH ATTORNEYS AND SOLICITORS AND OTHERS MAY JUSTLY MAKE IN RESPECT OF BUSINESS TRANSACTED BEFORE THE LEGISLATIVE COUNCIL UNDER THE PARLIAMENTARY COSTS ACT 1877.

PREPARED IN PURSUANCE OF THE SAID ACT, BY THE HONORABLE SIR JAMES MACBAIN,
PRESIDENT OF THE LEGISLATIVE COUNCIL OF VICTORIA.

Ordered to lie on the Table, 7th August, 1889.

COSTS RELATIVE TO THE TRIAL OF ELECTION PETITIONS.

Any charges included in a Bill of Costs for Proceedings which are not strictly Parliamentary, must be made out according to the Scale allowed in The Supreme Court in its Common Law Jurisdiction.

I.—ATTENDANCES.

For every attendance hereinafter specified whenever the same shall be necessary and shall be actually had, but not otherwise :—

	£	s.	d.
Ordinary	0	5	0
If upwards of an hour	1	1	0
Or per hour	0	13	4
Special attendances (not included in the sessional fee) upon officers of the House	0	10	6
On counsel with papers, &c.	0	10	6
At consultation with counsel	1	1	0
On counsel, at chambers, 5s.; with retainer, 10s.; brief, 5s.; to fix consultation, 5s.; and pay fee, 10s.; and other attendances when fees are paid to counsel, 10s.			
Preparing and despatching telegraphic message	0	5	0
Serving warrant on witness—each service	0	10	6
Serving summons to attend committee on a certain day—each service ...	0	5	0
But if the persons served with summonses or notices are numerous, and reside close together, clerk's time at £1 11s. 6d. per day must be charged in lieu of a charge for each service; and, on the other hand, if the service occupies an unusual time on account of the distance, a charge of 6s. 8d. or 10s. may be made in lieu of 5s.; but if a witness lives away at a distance, the summons or notice may be served through a local agent in the same manner as a subpoena			
Attendances at Legislative Council—			
On the President when petition presented	1	1	0
On Committee appointed to try the Petition—			
Each day the trial is proceeded with, as in Part III.			
On taxing officer, for the purpose of taxation of a bill of costs from	10s. 6d. to	£5	5s.
On a witness settling his proof (if necessary)	0	6	8
[NOTE.—If attendance requisite on many witnesses on the same occasion, a charge may be made according to time occupied. The attendance on a witness for the purpose of settling an affidavit is included in the charge for drawing affidavit. The attendance on the witness previously to drawing his proof is included in the charge for instructions for proof.]			
Attendances of a clerk, if special, not exceeding	0	7	6

II.—SESSIONAL OR SOLICITATION FEE.

Sessional fee, £2 2s., to include all the attendances, not otherwise specially mentioned in the list, at the offices of the House and at the House for the purpose of watching proceedings.

To pay fees, and all other attendances in reference thereto.

The sessional fee will also cover all ordinary communications of the solicitor in the country with the parliamentary agent with reference to the progress of the trial when no professional advice or instruction is given.

III.—TIME CHARGES.

Solicitors or Parliamentary Agents.—A principal is allowed, £5 5s. for an ordinary day's work. If he resides commonly in the country and comes to Melbourne in connexion with the trial of a petition, he is allowed £5 5s. a day for time, 15s. for hotel expenses, and the sum actually paid for fares.

For attendances, &c.—		£	s.	d.
Ordinary	... ..	0	5	0
If upwards of an hour	... ..	1	1	0
Or per hour	... ..	0	13	4*
If required to leave Melbourne—				
Time per day†	... ..	5	5	0
Hotel expenses, not exceeding	... ..	0	15	0

And fares actually paid.

[NOTE.—The day charge includes all charges for work done during the day.]

Clerks, per day†	... ..	1	1	0
Hotel expenses, not exceeding 12s. per diem, and fares actually paid.	...			

IV.—INSTRUCTIONS, DRAWING, AND COPIES.

The folio mentioned in the following list means seventy-two words or figures.

Instructions of drawing documents are only allowed in those cases in which it is specified in the following list, but instructions are not to be charged where the time occupied in getting up the particulars or the perusal of the necessary documents are specifically charged.

In all cases the charge for drawing includes a fair copy.

The charge for a copy includes its examinations.

Election petition—		£	s.	d.
Instructions	... ..	2	2	0
Drawing, per folio	... ..	0	2	0
Affidavits—				
Drawing and copy, each, per folio	... ..	0	2	0
Chairman's Summons	... ..	0	5	0
[This is irrespective of the number of names in the warrant.]				
Copy of summons for service on witness	... ..	0	2	6
Lists of voters objected to, and Bribery and Treating Lists—				
Drawing, per folio	... ..	0	2	0
Copies for committees, per folio	... ..	0	0	6
Other copies, per folio	... ..	0	0	6
Brief—				
Instructions	... ..	5	5	0
Or according to circumstances.				
Drawing, per folio	... ..	0	2	0
Copy, per folio	... ..	0	0	8
Retainers to Counsel—				
Drawing and copy, each	... ..	0	10	0
Notice of Withdrawal of Petition, addressed to the President—				
Drawing and copy	... ..	0	10	0
Attested copies and examined copies produced as evidence, including examination, per folio	... ..	0	1	0
Other documents not mentioned in the foregoing list, and being required in the course of the trial, per folio	... ..	0	1	0

V. EVIDENCE.

A principal occupied in making inquiries and collecting evidence, whether in support of a petition or to rebut the allegations contained in a petition, is allowed according to circumstances, but not exceeding £5 5s. per day; a sub-agent employed in a similar manner is allowed from £1 11s. 6d. to £2 2s., and clerks from £1 1s. to £2 2s. per day.

Separate charges for attendances on each person from whom information is sought are not allowed in such a number as to exceed in amount in one and the same day the allowance for a day so employed, as stated above.

VI.—PERUSALS.

	£	s.	d.	
Perusals generally should be charged by the time occupied, but if per folio not exceeding	...	0	0	6
Letters containing professional advice or instructions, each	...	0	5	0
If exceeding six folios in length, each	...	0	10	0
Other letters	...	0	3	4

[NOTE.—The ordinary correspondence between agents and solicitors is not to be charged to their clients, but such letters only as contain professional advice and instructions.]

* Where it becomes necessary to assess work done by a principal by the length of time he is employed, this is the rate, provided the whole charge does not exceed £5 5s. a day. Work done at night is generally allowed at double the day rate.

† A time charge is not allowed to be made for Sundays, but only hotel expenses are chargeable.

VII.—COUNSEL.

(Discretionary, according to circumstances.)

VIII.—WITNESSES.

(Before "The Committee of Elections and Qualifications.")

In cases where professional gentlemen or those engaged in business have been summoned by the parties, a higher charge in respect of loss of time will be allowed, if under the circumstances of the case the same should appear to be equitable.

[NOTE.—Sundays are not allowed to be charged as time. Fares are allowed as actually paid. Ordinary hotel expenses are allowed if witness is summoned five miles or upwards from his place of residence.]

	£	s.	d.
Accountants ... ..	...	1	1 0
Apothecaries ... ..	...	1	1 0
Architects	£1 1s. to £2 2s.		
Auctioneers... ..	...	15s to £1 1s.	
Barristers ... ..	...	2	2 0
Chemists and druggists ... ..	...	1	1 0
Civil engineers ... ..	...	2	2 0
Clergymen ... ..	...	1	1 0
Clerks ... ..	...	10s. to 15s.	
Farmers ... ..	...	10s. to 15s.	
Gentlemen ... ..	...	1	1 0
Innkeepers ... ..	...	10s. to £1	
Labourers ... ..	...	0	5 0
Mechanics, &c. ... ..	...	7s. to 10s.	
Mining engineer ... ..	...	2	2 0
Physicians ... ..	...	2	2 0
Solicitors ... ..	...	2	2 0
Surgeons ... ..	...	2	2 0
Surveyors ... ..	...	1	1 0
Tradesmen ... ..	...	7s. 6d. to 15s.	

1889.
 VICTORIA.

WESTERN AUSTRALIA—EXTENSION OF
 RESPONSIBLE GOVERNMENT TO.

HENRY B. LOCH,
Governor.

Message No.

The Governor transmits to the Legislative Council the accompanying copy of a Despatch received from The Right Honorable the Secretary of State for the Colonies in reply to the Joint Address to Her Majesty the Queen from the Legislative Council and Legislative Assembly of Victoria, relative to granting Constitutional Government to Western Australia.

Government House,
 Melbourne, 29th October, 1889.

Victoria—No. 73.

Downing-street, 20th September, 1889.

SIR,

I have the honor to acknowledge the receipt of your telegram of the 12th instant conveying an Address to the Queen from the Legislative Council and House of Assembly in Victoria, in favour of the extension of Responsible Government to Western Australia.

I have laid this Address before Her Majesty, who was pleased to receive it very graciously.

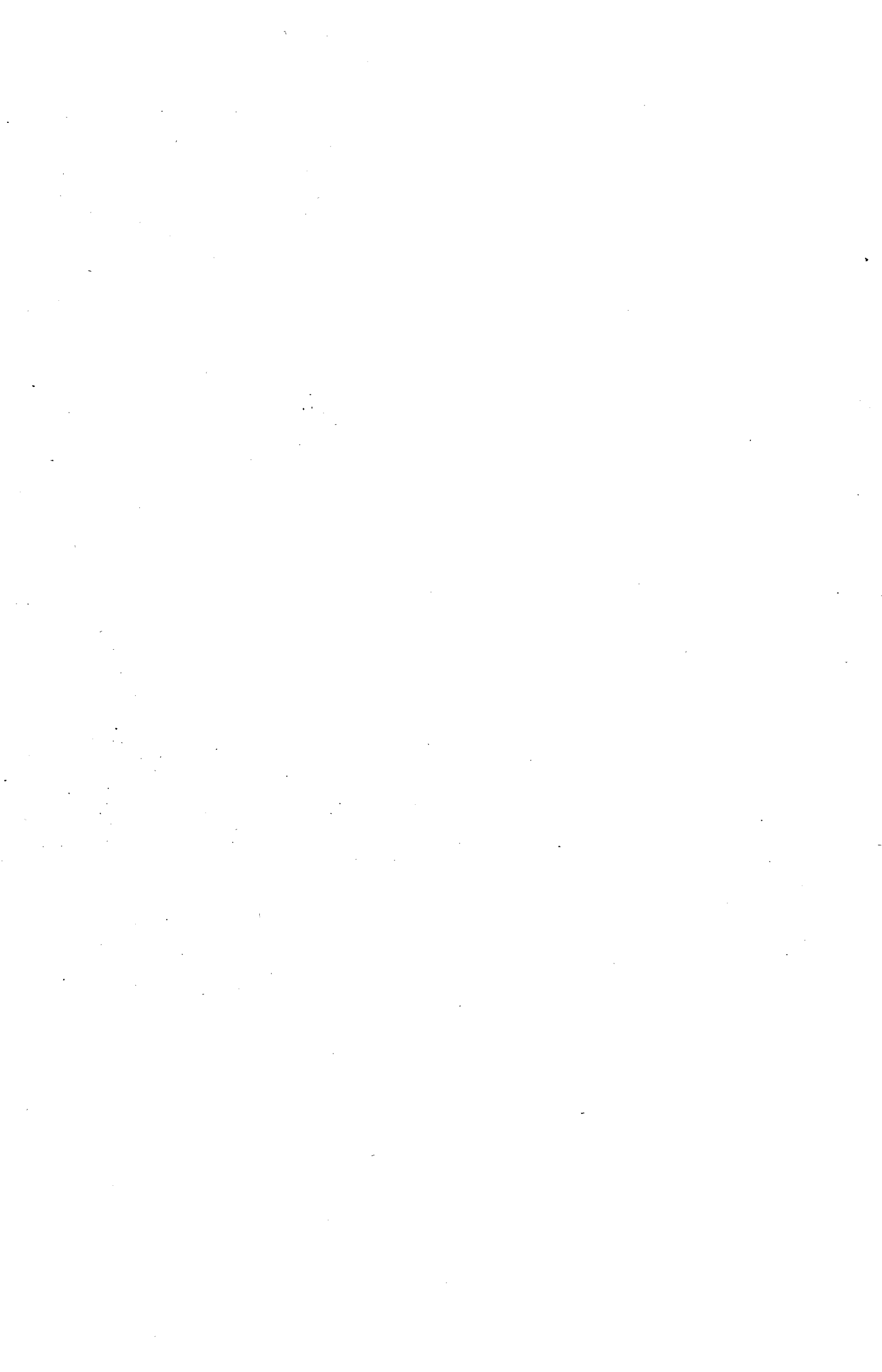
I have, &c.,

(Signed)

KNUTSFORD.

SIR W. ROBINSON, K.C.M.G., &c., &c., &c.

Ordered by the Legislative Council to be printed, 29th October, 1889.



1889.
 VICTORIA.

RAILWAYS, LATERAL DEVIATIONS OF.

RETURN to an Order of the *Legislative Council*,
 Dated 6th July, 1887, for—

A RETURN showing—

- (1) 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.

(*The Honorable W. A. Zeal.*)

Ordered by the Legislative Council to be printed, 19th June, 1889.

VICTORIAN RAILWAYS.

RETURN SHOWING DEVIATIONS OF VARIOUS LINES FROM THEIR SCHEDULED ROUTES, IN ACCORDANCE WITH THE MOTION OF THE HON. W. A. ZEAL
IN THE LEGISLATIVE COUNCIL.

No. of Railway Act.	No. of Schedule.	Date.	Name of Line.	Limit of deviation authorised.	Actual Maximum Lateral Deviation.	Number of deviations.	Longest deviation.	Who authorised such deviations, and upon whose recommendation, and under what authority were they carried into effect.	Distance of Termini from Scheduled position.	Remarks.	
475	1	25.11.73	Gippsland (Oakleigh to Sale)	2 miles on each side of centre line, except between Dandenong and Moe, which is } 8 miles	$\frac{1}{4}$ mile	This cannot be given with anything approaching accuracy.	This cannot be given with anything approaching accuracy.	All deviations from the scheduled routes have been made by the Engineer-in-Chief, upon survey, under the authority of the different Railway Construction Acts fixing the limits of deviation.	Distance of Termini from Scheduled position.	Remarks.	
580	1	31.10.77	Dunolly to St. Arnaud		5						$4\frac{3}{4}$ "
"	2	"	Stawell to Horsham		2						$1\frac{1}{4}$ "
"	4	"	Springs to Wahgunyah		2						Nil
"	5	"	Geelong Racecourse		$\frac{1}{2}$ "						Nil
"	6	"	Geelong to Queenscliff		5						1 mile
"	7	"	Warrenheip to Gordons		2						$1\frac{1}{2}$ "
603	...	1.8.78	Goulburn Valley (Gravel Pitts to Shepparton)		6						$3\frac{1}{2}$ "
604	...	26.8.78	Gippsland (South Yarra to Oakleigh)		30 chains						$\frac{1}{4}$ "
606 and 671	...	9.9.78	Carlsruhe to Daylesford		1 mile						Nil
636	...	18.8.79	Toolamba to Tatura		20 chains						Nil
660	...	22.9.80	Lancefield		$2\frac{3}{4}$ mile						$\frac{1}{4}$ mile
682	1	28.12.80	St. Arnaud to Donald		4						"
"	2	"	Inglewood to Charlton		7						"
"	8	"	Charlton to Wycheproof		5						$3\frac{3}{4}$ "
"	4	"	Borong to Boort		4						"
"	5	"	Eaglehawk to Kerang		7						$1\frac{1}{2}$ "
"	6	"	Shepparton to Numurkah		1						Nil
"	7	"	{ Benalla to Yarrawonga ... Benalla to St. James ... }		7						$\frac{1}{4}$ mile
"	8	"	Horsham to Dimboola		3						$1\frac{1}{4}$ "
"	9	"	Branxholme to Casterton		5						"
"	10	"	Ballaarat to Scarsdale	3	$1\frac{1}{4}$ "						
"	11	"	Castlemaine to Maldon	3	$1\frac{1}{2}$ "						
"	12	"	Everton to Myrtleford	5	$1\frac{1}{4}$ "						
"	13	"	Colac to Camperdown	5	Nil						
"	14	"	Tallarook to Yea	3	1 mile						
"	15	"	Footscray to Bacchus Marsh	4	"						
"	16	"	Traralgon to Heyfield	5	$1\frac{1}{4}$ "						
"	17	"	Morwell to Mirboo	5	$1\frac{1}{2}$ "						
"	18	"	Hawthorn to Lilydale	$\frac{1}{4}$ mile to W. boundary Nunawading, thence 3 miles	$1\frac{1}{4}$ "						
"	19	"	Richmond to Alphington	$\frac{1}{4}$ mile to Reilly-street, thence $\frac{3}{4}$ mile to Alphington	"						
"	20	"	Melbourne to Coburg	$\frac{1}{2}$ mile	"						
"	21	"	Caulfield to Frankston	3 "	"						

DISTRICT ENGINEER
 RAILWAYS
 VICTORIA

A. G. ZEAL
 1900

Afterwards covered by Lilydale and Healesville line.
 Constructed only from Johnston street to Alphington.

682	22	28.12.80	Wodonga to Murray	1	mile	Nil					
"	23	"	Ballaarat Racecourse	$\frac{1}{2}$	"	"					
821	2	12.12.84	Bacchus Marsh to Gordons	1	"	"					Partly in course of construction.
"	3	"	Bacchus Marsh Junction to Newport	1	"	$\frac{1}{4}$ mile					
"	5	"	Ballaarat Cattle Yards	$\frac{1}{2}$	"	Nil					
"	6	"	Ballaarat Racecourse to Springs	4	"	$\frac{3}{4}$ mile					In course of construction.
"	9	"	Camperdown to Terang and Warrnambool... ..	3	"	Nil					Constructed only to Terang.
"	11	"	Creswick to Daylesford	1	"	"					
"	12	"	Dandenong to Leongatha	3	"	$\frac{3}{4}$ mile					In course of construction.
"	13	"	Dimboola to South Australian border	1	"	Nil					
"	17	"	Hamilton to Coleraine	1	"	"					In course of construction.
"	18	"	Heyfield to Bairnsdale	1	"	"					" "
"	19	"	Horsham to Natimuk	5	"	4 miles					
"	20	"	Ingleswood to Dunolly	5	"	"					In course of construction.
"	27	"	Lilydale to Healesville	5	"	"					" "
"	28	"	Lubeck to Rupanyup	1	"	"					
"	31	"	Moe to Narracan	3	"	Nil					
"	34	"	Murtoa to Warracknabeal	1	"	"					
"	36	"	Numurkah to Cobram	10	"	"					In course of construction.
"	37	"	Numurkah to Nathalia	2	"	$1\frac{1}{4}$ miles			$1\frac{1}{4}$ mile, lateral		" "
"	40	"	Sale to Stratford	2	"	"					" "
"	42	"	Shepparton to Dookie	5	"	"					" "
"	43	"	St. James to Yarrawonga	1	"	Nil					
"	44	"	Tatura to Echuca	3	"	1 mile					
"	46	"	Wandong, Heathcote, and Sandhurst	5	"	$1\frac{1}{2}$ "					Partly in course of construction, but from Kilmore to Heathcote not yet let.
"	48	"	Wedderburn road to Wedderburn	1	"	Nil					In course of construction to Huons lane only.
"	49	"	Wodonga to Tallangatta	5	"	"					In course of construction to Cathkin; remainder being surveyed.
"	51	"	{ Yea to Mansfield	6	"	$\frac{1}{2}$ mile }			$\frac{1}{2}$ mile, lateral		In course of construction.
"	52	"	{ Alexandra Branch	1	"	" }			$\frac{1}{4}$ " and shorter than authorised		" "
"		"	Alphington to Heidelberg	$1\frac{1}{2}$	"	"			3 chains, lateral		
"	53	"	Brighton to Pic-Nic Point	$\frac{1}{4}$	"	"			$\frac{1}{8}$ mile		
"	55	"	Fitzroy Branch	$\frac{1}{2}$	"	"					
"	56	"	Hawthorn to Kew	1	"	2 chains					In course of construction.
"	57	"	Lal Lal Racecourse	$\frac{1}{2}$	"	Nil					
"	59	"	Royal Park to Clifton Hill	$\frac{1}{2}$	"	$\frac{1}{8}$ mile					In course of construction.
"	62	"	Murray Bridge	3	chains	Nil					
475 and amend- ing Act 530	7	25.11.73	Geelong to Colac	4	miles.	Amended by Act 530 to 5	$4\frac{1}{2}$ miles		About 54 chains laterally from authorised line and 83 chains in a south-easterly direction from and short of authorised terminus		

This cannot be given with anything approaching accuracy.

This cannot be given with anything approaching accuracy.

All deviations from the scheduled routes have been made by the Engineer-in-Chief, upon survey, under the authority of the different Railway Construction Acts fixing the limits of deviation.

1889.

VICTORIA.

CIVIL SERVICE APPOINTMENTS.

RETURN to an Order of the *Legislative Council*,

Dated 17th July, 1889, for—

A RETURN showing all Appointments and Promotions made by way of transfer from one Department to another since the Act No. 773 came into operation; the Return also to show all such cases of transfer from Department to Department in which, after reasonable time for learning the new duties, the transferee had to be removed or returned to his former post, with a column for remarks, specifying any serious inconvenience to the public service caused by such transfers.

(The Honorable James Service.)

Ordered by the Legislative Council to be printed, 3rd September, 1889.

By Authority:

ROBT. S. BRAIN, GOVERNMENT PRINTER, MELBOURNE.



RETURN of all Appointments and Promotions made by way of transfer from one Department to another since the Act No. 773 came into operation; showing also such cases of transfer from Department to Department in which the transferee was removed or returned to his former post.

OFFICERS OF THE FIRST SCHEDULE AND PROFESSIONAL OFFICERS.

Date of Nomination by Public Service Board.	Name of Officer.	Promoted or Transferred				Section under which transferred or promoted.	If returned to former Department. Date.	Remarks.
		From—		To—				
		Department.	Position.	Department.	Position.			
1887								
January 14	Stirling, J. ...	Lands ...	4th class officer ...	Mines ...	assistant geological surveyor	74	It is believed that the whole of these officers are performing satisfactorily the duties required of them.	
June 30	Swan, W. J. ...	Lands ...	5th class officer ...	Chief Secretary ...	4th assistant, Observatory...	74		
July 15	Moss, G. A. M. ...	Treasury ...	4th class officer ...	Law ...	assistant, Attorney-General's	74		
1888								
April 6	Checchi, E. ...	Public Works ...	assistant engineer ...	Victorian Water Supply	assistant engineer ...	74		
1889								
March 20	Brown, G. W.	Education ...	1st division ...	Executive Council	1st division ...	74		
April 11	Carlile, E. ...	Legislative Assembly	clerk assistant ...	Law ...	parliamentary draughtsman	74		
May 23	Galbraith, W. ...	Post Office ...	1st class officer ...	Public Works ...	1st division ...	74		

50

RETURN of all Appointments and Promotions made by way of transfer from one Department to another since the Act No. 773 came into operation ; showing also such cases of transfer from Department to Department in which the transferee was removed or returned to his former post.

CLERICAL OFFICERS.

Date of Nomination by Public Service Board.	Name of Officer.	Promoted or Transferred.				Section under which transferred or promoted.	If returned to former Department. Date.	Remarks.
		From—		To—				
		Department.	Position.	Department.	Position.			
1885.								
February 23	Lane, George ...	Treasury ...	2nd class officer ...	Mines ...	2nd class officer ...	27		
April 23	Harrison, H. C. A. ...	Customs... ...	2nd class officer ...	Law ...	2nd class officer ...	27		
May 19	Colville, J. W. ...	Lands ...	3rd class officer ...	Chief Secretary ...	3rd class officer ...	27		
" 27	Erskine, W. A. ...	Customs... ...	4th class officer ...	Defence ...	4th class officer ...	27		
June 15	Drummond, J. B. ...	Law ...	3rd class officer ...	Legislative Council	3rd class officer ...	27		
August 15	Duffus, E. G. ...	Lands ...	Performing 5th class duties (over paid)	Agriculture ...	4th class officer ...	27		
" 24	Kelly, J. ...	Chief Secretary ...	4th class officer ...	Customs... ...	4th class officer ...	27		
November 4	Boom, H. M. ...	Treasury ...	3rd class officer ...	Education ...	3rd class officer ...	27		
1886.								
March 9	Drysdale, T. A. ...	Defence ...	Performing 4th class duties (over paid)	Customs... ...	3rd class officer ...	27		
May 5	Anketell, W. ...	Education ...	Performing 5th class duties (over paid)	Public Works ...	4th class officer ...	27		
" 28	Burke, W. A. D. A. ...	Education ...	Performing 5th class duties (over paid)	Public Works ...	4th class officer ...	27		
June 9	Garland, J. G. ...	Treasury ...	4th class officer ...	Chief Secretary ...	4th class officer ...	27		
" 14	Weir, A. B. ...	Post Office ...	4th class officer ...	Mines ...	4th class officer ...	27		
August 18	Allan, R. ...	Law ...	Performing 5th class duties (over paid)	Chief Secretary ...	4th class officer ...	27		
1887.								
February 7	Stephen, W. R. ...	Treasury ...	1st class officer ...	Law ...	1st class officer ...	27		
March 1	Elliott, A. D. E. ...	Law ...	Performing 5th class duties (over paid)	Customs... ...	4th class officer ...	27		
" 18	Gilbert, J. E. ...	Chief Secretary ...	3rd class officer ...	Post Office ...	3rd class officer ...	27		
" 31	Taylor, H. ...	Lands ...	Performing 5th class duties (over paid)	Public Works ...	4th class officer ...	27		
May 11	Wells, H. W. ...	Lands ...	Performing 5th class duties (overpaid)	Public Works ...	4th class officer ...	27		
August 13	Walkden, J. V. ...	Education ...	Performing 5th class duties (overpaid)	Customs... ...	4th class officer ...	27	1.10.87	Reduced in class and salary under section 27 on his return to the Education Department.
" 13	Ball, B. ...	Chief Secretary ...	Performing 5th class duties (overpaid)	Customs... ...	4th class officer ...	27	1.10.87		Reduced in class and salary under section 27 on his return to the Department of the Chief Secretary.
" 13	Brook, W. F. H. ...	Chief Secretary ...	Performing 5th class duties (overpaid)	Customs... ...	4th class officer ...	27	22.4.88	Ditto ditto ditto ditto.
" 19	Rowan, J. ...	Law ...	Performing 5th class duties (overpaid)	Post Office ...	3rd class officer ...	27	11.8.87	Returned to the Law Department to fill an office of the 3rd class, with the concurrence of both Departments.
" 24	Harrison, J. D. ...	Mines ...	Performing 5th class duties (overpaid)	Customs... ...	4th class officer ...	27		

under section 27 is mandatory. The Public Service Board has received no intimation that any of these have been found unfit for their new duties, except in those cases where special remarks are made.

October	4	O'Brien, O. T. L.	Mines	...	Performing 5th class duties (overpaid)	Customs	...	4th class officer	...	27		
"	4	Williams, W. N.	Lands	...	Performing 5th class duties (overpaid)	Customs	...	4th class officer	...	27	19.12.87	Reduced in class and salary under section 27 on his return to the Lands Department.
"	7	Lear, F. A.	Mines	...	Performing 5th class duties (overpaid)	Post Office	...	4th class officer	...	27	29.6.88	Returned to suit the convenience of the Department, and not because he was unfit.
June	29	Roberts, E. H.	Lands	...	Performing 5th class duties (overpaid)	Mines	...	4th class officer	...	27		
April	18	McLuckie, J.	Law	...	4th class officer	Victorian Water Supply	...	4th class officer	...	34		
October	2	Bond, A. S.	Lands	...	5th class draughtsman	Chief Secretary	...	5th class officer	...	34		
December	2	Moors, E. D.	Chief Secretary	...	5th class officer	Law	...	5th class officer	...	34		
January	9	Barlow, A.	Chief Secretary	...	4th class officer	Law	...	4th class officer	...	34		
"	26	Goodsir, D. J. C.	Customs	...	3rd class officer	Chief Secretary	...	Chief Inspector of Factories	...	34	4.3.87	Returned to the Customs Department to fill an office of the 3rd class, with the concurrence of both Departments.
March	10	Ord, H.	Lands	...	5th class officer	Chief Secretary	...	5th class officer	...	34		
"	16	Simmons, J. B.	Education	...	4th class officer	Chief Secretary	...	4th class officer	...	34		
"	23	Reddin, F.	Education	...	4th class officer	Treasury	...	4th class officer	...	34		
"	24	Irwin, W. J.	Public Works	...	4th class officer	Mines	...	4th class officer	...	34		
April	10	Farmer, C.	Lands	...	5th class officer	Law	...	5th class officer	...	34		
"	22	Stillman, T. W.	Lands	...	5th class officer	Law	...	5th class officer	...	34		
May	22	Erskine, A.	Defence	...	4th class officer	Chief Secretary	...	4th class officer	...	34		
August	11	Browne, E. V.	Post Office	...	4th class officer	Treasury	...	4th class officer	...	34		
Sept.	20	Cobb, F. T.	Treasury	...	5th class officer	Mines	...	5th class officer	...	34		
November	8	Maddison, G. T.	Chief Secretary	...	5th class officer	Lands	...	5th class officer	...	34		
March	4	Levey, J. A.	Lands	...	3rd class officer	Chief Secretary	...	3rd class officer	...	34		
"	28	Knight, J. G. H.	Treasury	...	5th class F., compositor	Law	...	5th class F., compositor	...	34		
April	4	Scott, E.	Chief Secretary	...	5th class officer	Treasury	...	5th class officer	...	34		
"	18	Taylor, G. B.	Law	...	5th class officer	Customs	...	5th class officer	...	34		
"	18	Ross, W. H.	Customs	...	5th class officer	Law	...	5th class officer	...	34		
"	28	Andrews, W. K.										
"	28	Downward, E.										
"	28	Alman, W. D.										
"	28	Blandford, G. W.										
"	28	Stephen, W. J.										
"	28	Gibson, G. H.										
"	28	Joyce, E.										
"	28	Crellin, W.										
"	28	Shillinglaw, S.										
"	28	Anderson, W. P.	Lands	...	Draughtsmen	Law	...	Draughtsmen	...	34	...	The Branch at the Titles Office in which these officers were serving was transferred to the Law Department.
"	28	Walshe, J. V.										
"	28	Knight, C.										
"	28	Ovey, H. E.										
"	28	Gordon, G. S.										
"	28	Walker, M.										
"	28	Robertson, J. C. G.										
"	28	Blandford, A. J.										
"	28	O'Leary, C. J.										
May	11	Duggan, P. J.	Post Office	...	4th class officer	Public Works	...	4th class officer	...	34		
"	20	Fleming, A.	Lands	...	4th class officer	Chief Secretary	...	4th class officer	...	34		
June	10	Morgan, J. H.	Lands	...	4th class officer	Law	...	4th class officer	...	34		
July	8	McPherson, J.	Chief Secretary	...	5th class officer	Customs	...	5th class officer	...	34		
"	29	Clapperton, G. A.	Post Office	...	5th class officer	Customs	...	5th class officer	...	34		

It is believed that the whole of these officers are performing satisfactorily the duties required of them. It has been the practice of the Board for some time past to consult Departments as to the suitability of officers for new duties before recommending transfers under section 34.

The transfer of officers

RETURN of all Appointments and Promotions made by way of transfer from one Department to another since the Act No. 773 came into operation, &c.—*continued.*

CLERICAL OFFICERS.

Date of Nomination by Public Service Board	Name of Officer.	Promoted or Transferred.				Section under which Transferred or Promoted.	If returned to former Department. Date.	Remarks.
		From—		To—				
		Department.	Position.	Department.	Position.			
1887.								
August 10	Lloyd, A. C. ...	Post Office ...	5th class officer ...	Customs ...	5th class officer ...	34		
" 10	Cunningham, J. H. ...	Post Office ...	5th class officer ...	Customs ...	5th class officer ...	34		
" 26	Erskine, A. ...	Chief Secretary ...	4th class officer ...	Customs ...	4th class officer ...	34		
" 30	Wise, J. A. ...	Post Office ...	4th class officer ...	Education ...	4th class officer ...	34		
" 30	Stanway, G. A. ...	Education ...	4th class officer ...	Post Office ...	4th class officer ...	34		
September 1	Bradish, J. W. ...	Law ...	5th class officer ...	Customs ...	5th class officer ...	34		
" 14	Henderson, V. E. ...	Post Office ...	4th class officer ...	Treasury ...	4th class officer ...	34		
" 21	Manchester, E. J. T. ...	Public Works ...	5th class officer ...	Lands ...	5th class officer ...	34		
" 22	Terrill, E. G. ...	Chief Secretary ...	5th class officer ...	Post Office ...	5th class officer ...	34		
October 12	Bieske, E. F. ...	Education ...	5th class officer ...	Mines ...	5th class officer ...	34		
December 2	Yaldwyn, J. H. ...	Customs ...	5th class officer ...	Public Works ...	5th class officer ...	34	31.1.88	Found to be unfit for the duties of the new office.
1888.								
January 4	Merson, J. D. ...	Lands ...	4th class officer ...	Treasury ...	4th class officer ...	34		
" 6	Clowser, G. ...	Post Office ...	5th class officer ...	Public Works ...	5th class officer ...	34		
" 6	Wilson, D. ...	Chief Secretary ...	5th class officer ...	Law ...	5th class officer ...	34		
" 7	Wheeler, H. R. ...	Chief Secretary ...	5th class officer ...	Law ...	5th class officer ...	34		
February 6	Bell, G. ...	Chief Secretary ...	1st class officer ...	Law ...	1st class officer ...	34		
" 8	Kerr, J. McC. ...	Public Works ...	5th class officer ...	Chief Secretary ...	5th class officer ...	34		
" 13	Tocknell, C. H. ...	Defence ...	5th class officer ...	Customs ...	5th class officer ...	34	...	Since promoted to the 4th class.
May 11	Minchin, F. J. C. ...	Treasury ...	5th class officer ...	Customs ...	5th class officer ...	34		
" 17	Pattinson, W. J. ...	Law ...	5th class officer ...	Mines ...	5th class officer ...	34		
" 17	Bieske, E. F. ...	Mines ...	5th class officer ...	Law ...	5th class officer ...	34		
" 18	Spence, G. ...	Post Office ...	5th class officer ...	Treasury ...	5th class officer ...	34		
" 22	Millane, P. W. ...	Lands ...	5th class officer ...	Water Supply ...	5th class officer ...	34	22.1.89	Transferred for special work, but found unfitted and returned.
June 19	Pierce, J. ...	Treasury ...	3rd class officer ...	Public Works ...	3rd class officer ...	34	1.5.89	Temporary transfer only to suit convenience of Department.
" 19	McLean, W. ...	Chief Secretary ...	3rd class officer ...	Public Works ...	3rd class officer ...	34		
" 22	Worthington, J. M. ...	Post Office ...	Telegraph operator ...	Legislative Assembly	Telephone clerk and operator	34		
July 26	Porteous, J. ...	Post Office ...	5th class officer ...	Law ...	5th class officer ...	34		
" 26	Lewis, A. T. ...	Post Office ...	5th class officer ...	Law ...	5th class officer ...	34		
" 26	Oxlade, H. ...	Post Office ...	5th class officer ...	Law ...	5th class officer ...	34		
August 4	Langier, P. J. B. ...	Post Office ...	5th class officer ...	Chief Secretary ...	5th class officer ...	34		
" 9	Pennefather, J. F. ...	Chief Secretary ...	5th class officer ...	Law ...	5th class officer ...	34		
" 9	Bentley, J. H. ...	Mines ...	5th class officer ...	Law ...	5th class officer ...	34		
" 14	Dillon, T. A. ...	Customs ...	5th class officer ...	Lands ...	5th class officer ...	34		
" 14	Campbell, C. ...	Customs ...	5th class officer ...	Law ...	5th class officer ...	34		
" 14	Cerutty, C. J. ...	Customs ...	5th class officer ...	Treasury ...	5th class officer ...	34		
" 14	Banks, T. ...	Customs ...	5th class officer ...	Law ...	5th class officer ...	34		
" 14	O'Neill, W. J. ...	Post Office ...	5th class officer ...	Lands ...	5th class officer ...	34		
" 15	Nunn, W. ...	Mines ...	5th class officer ...	Law ...	5th class officer ...	34		
" 21	Hambleton, W. J. ...	Customs ...	5th class officer ...	Treasury ...	5th class officer ...	34	3.9.88	Returned at his own request.

It is believed that the whole of these officers are performing satisfactorily the duties required of them, except in those instances otherwise remarked. It has been the practice of the Board for some time past to consult Departments as to the suitability of officers for new duties before recommending transfers under section 34.

"	30	Hill, A.	Treasury	Reader	Legislative Council	Reader	34
"	30	Savage, F.	Chief Secretary	4th class officer	Defence	4th class officer	34
"	30	Jennings, E. G.	Defence	5th class officer	Chief Secretary	5th class officer	34
Sept.	19	Cuthbert, K. G.	Post Office	5th class officer	Treasury	5th class officer	34
October	4	Devany, J. J.	Post Office	5th class officer	Education	5th class officer	34
"	16	Callinan, M. J.	Post Office	5th class officer	Defence	5th class officer	34
Novr.	23	Considine, D. F.	Post Office	5th class officer	Law	5th class officer	34
"	23	Lind, R. W. N.	Education	4th class officer	Chief Secretary	4th class officer	34
"	23	Wilson, D.	Customs	4th class officer	Law	4th class officer	34
"	23	Banks, T.	Law	5th class officer	Lands	5th class officer	34
Decr.	1	Phillips, W.	Post Office	5th class officer	Law	5th class officer	34
"	19	Berriman, D.	Post Office	5th class officer	Law	5th class officer	34
"	19	Murphy, E.	Mines	5th class officer	Law	5th class officer	34
"	28	Wise, J. A.	Education	4th class officer	Customs	4th class officer	34
1889.							
January	16	Brown, A. S.	Post Office	5th class officer	Chief Secretary	5th class officer	34
"	29	Kitson, A. E.	Post Office	5th class officer	Lands	5th class officer	34
"	29	Ball, E. J. O.	Post Office	5th class officer	Lands	5th class officer	34
February	6	Barry, D. B.	Chief Secretary	5th class officer	Public Works	5th class officer	34
"	19	Wells, H. W.	Public Works	4th class officer	Post Office	4th class officer	34
March	8	Ginnane, D. P.	Law	5th class officer	Mines	5th class officer	34
"	21	Rennie, W. A.	Post Office	5th class officer	Lands	5th class officer	34
April	11	Bull, F. W.	Law	3rd class officer	Chief Secretary	Governor Melbourne Gaol...	34
"	11	Palmer, H.	Post Office	3rd class officer	Law	3rd class officer	34
"	12	Ginnane, D. P.	Mines	5th class officer	Customs	5th class officer	34
"	17	Nicol, J.	Post Office	3rd class officer	Education	3rd class officer	34
"	27	Symonds, J. M.	Chief Secretary	3rd class officer	Law	3rd class officer	34
May	1	Short, F. T.	Education	5th class officer	Treasury	5th class officer	34
"	15	Upward, G. E.	Post Office	4th class officer	Law	4th class officer	34
"	23	Rowan, J.	Mines	3rd class officer	Law	3rd class officer	34
"	31	Williams, D. R.	Mines	5th class officer	Law	5th class officer	34
June	4	Webster, A. D.	Treasury	5th class officer	Mines	5th class officer	34
"	14	Kelsall, J. E.	Post Office	4th class officer	Customs	4th class officer	34
July	12	Allen, Alfred	Law	5th class officer	Post Office	5th class officer	34
1887.							
Sept.	13	Symonds, E. C.	Chief Secretary	2nd class officer	Post Office	1st class officer	35
1888.							
January	13	Blundell, J. J.	Lands	3rd class officer	Chief Secretary	2nd class officer	35
June	29	Henderson, J. C.	Law	5th class officer	Customs	4th class officer	35
"	29	Sharpe, J. A.	Lands	5th class officer	Mines	4th class officer	35
"	29	Smith, P. W.	Lands	5th class officer	Mines	4th class officer	35
"	29	Hemming, W. F.	Treasury	5th class officer	Customs	4th class officer	35
"	29	Atkinson, A. J. F.	Lands	5th class officer	Customs	4th class officer	35
"	29	Agg, A. E. W.	Lands	5th class officer	Post Office	4th class officer	35
"	29	Wilson, D.	Law	5th class officer	Customs	4th class officer	35
Sept.	3	Kerr, J. H.	Treasury	5th class officer	Customs	4th class officer	35
October	29	Saxe, W. H.	Post Office	4th class officer	Education	3rd class officer	35
"	29	Fearon, P. P.	Chief Secretary	4th class officer	Lands	3rd class officer	35
Novr.	23	Whitton, P.	Chief Secretary	5th class officer	Mines	4th class officer	35
"	23	King, J. L.	Lands	5th class officer	Customs	4th class officer	35
1889.							
February	19	Beaven, J. W. W.	Lands	5th class officer	Law	4th class officer	35
"	19	Waters, T. B.	Education	5th class officer	Mines	4th class officer	35
"	19	Bedford, W. J.	Mines	5th class officer	Customs	4th class officer	35

It is believed that the whole of these officers are performing satisfactorily the duties required of them. It has been the practice of the Board for some time past to consult Departments as to the suitability of officers for new duties before recommending transfers under section 34.

11.9.88

Returned to suit convenience of Department.

22.3.89

Returned temporarily to suit convenience of Department.

It is believed that the whole of these officers are performing satisfactorily the duties required of them.

RETURN of all Appointments and Promotions made by way of transfer from one Department to another since the Act No. 773 came into operation, &c.—*continued.*

CLERICAL OFFICERS.

Date of Nomination by Public Service Board.	Name of Officer.	Promoted or Transferred.				Section under which Transferred or Promoted.	If returned to former Department. Date.	Remarks.
		From—		To—				
		Department.	Position.	Department.	Position.			
1889.								
February 19	Green, C. H. ...	Education ...	5th class officer ...	Customs ...	4th class officer ...	35	Returned to suit convenience of Department.	
" 19	Mackay, H. R. ...	Defence ...	5th class officer ...	Chief Secretary ...	4th class officer ...	35		
" 19	Jones, A. ...	Public Works ...	5th class officer ...	Treasury ...	4th class officer ...	35		
" 19	Kruger, H. F. W. ...	Education ...	5th class officer ...	Treasury ...	4th class officer ...	35		
" 19	Jenkin, W. M. ...	Public Works ...	5th class officer ...	Customs ...	4th class officer ...	35		
March 28	Cooper, B. B. ...	Lands ...	5th class officer ...	Customs ...	4th class officer ...	35		
" 28	Browning, W. ...	Chief Secretary ...	5th class officer ...	Customs ...	4th class officer ...	35		
" 28	Clarke, J. W. ...	Lands ...	5th class officer ...	Customs ...	4th class officer ...	35		
" 28	Bryant, W. J. ...	Lands ...	5th class officer ...	Chief Secretary ...	4th class officer ...	35		
" 28	Upward, G. E. ...	Treasury ...	5th class officer ...	Post Office ...	4th class officer ...	35		
May 4	Martin, J. ...	Education ...	5th class officer ...	Customs ...	4th class officer ...	35	Returned to suit convenience of Department.	
" 18	Carter, R. H. ...	Chief Secretary ...	3rd class officer ...	Customs ...	2nd class officer ...	35		
" 22	McLean, W. ...	Public Works ...	3rd class officer ...	Treasury ...	2nd class officer ...	35		
June 14	Burgess, J. P. ...	Lands ...	5th class officer ...	Customs ...	4th class officer ...	35		
July 3	Merchant, F. L. ...	Post Office ...	4th class officer ...	Chief Secretary ...	3rd class officer ...	35		
" 4	Odell, J. ...	Treasury ...	3rd class officer ...	Post Office ...	2nd class officer ...	35		
" 10	Scully, E....	Post Office ...	4th class officer ...	Public Works ...	3rd class officer ...	35		

It is believed that the whole of these officers are performing satisfactorily the duties required of them.

NON-CLERICAL OFFICERS.

1885.	August 26	Williams, William ...	Education ...	Messenger ...	Law ...	Court crier ...	27	
	Decr. 11	Barclay, William ...	Public Works ...	Deckhand, s.s. "George Rennie"	Customs ...	Assistant lighthouse-keeper	27	
1886.	February 5	Dalgarno, Peter ...	Public Works ...	Deckhand ...	Customs ...	Night watchman ...	27	
	July 23	Durham, H. ...	Chief Secretary ...	Penal warder ...	Mines ...	Water-rate collector ...	27	
	" 23	Miller, R. J. ...	Chief Secretary ...	Penal warder ...	Public Works ...	Water-rate collector ...	27	
	October 6	Blood, E. R. ...	Lands ...	Messenger ...	Law ...	Court keeper ...	27	
	" 13	Olsen, Charles ...	Public Works ...	Deckhand ...	Customs ...	Assistant lighthouse-keeper	27	
	" 20	Allen, J. H. ...	Law ...	Messenger ...	Public Works ...	Rate collector ...	27 and 34	18.1.87
1887.	January 16	Purdy, Alfred McCarty	Customs ...	Boatman ...	Chief Secretary ...	Coxswain ...	27 and 34	Returned at his own request, and reduced to former position.
	February 23	Budds, W. ...	Chief Secretary ...	Penal warder ...	Public Works ...	Rate collector ...	27	
	March 22	White, J. B. ...	Treasury ...	Messenger ...	Customs ...	Weigher ...	27 and 34	
	" 26	Turner, Henry ...	Chief Secretary ...	Messenger ...	Post Office ...	Assistant letter-carrier ...	27 and 34	

1887.	April	7	Burley, Joseph	...	Chief Secretary	...	Messenger	Customs...	...	Weigher...	27 and 34	19.8.87	Returned at his own request, and not because he was unfit.
	May	6	Barstow, Wm. R.	...	Post Office	...	Junior messenger...	...	...	Treasury	...	Messenger	...	...	27	
	July	6	Parr, T. M.	...	Chief Secretary	...	Penal warder	...	...	Public Works	...	Rate collector	...	...	27	
	"	6	Stanlake, R.	...	Chief Secretary	...	Penal warder	...	...	Mines	...	Rate collector	...	...	27	
	"	14	Thompson, F. W.	...	Treasury	...	Warehouseman's assistant	...	...	Public Works	...	Rate collector	...	...	27	
	August	26	Miller, J. T.	...	Post Office	...	Storeman	...	...	Customs	...	Weigher	...	...	27	31.5.88
	Septr.	23	Stevens, Alfred	...	Post Office	...	Line laborer	...	...	Customs	...	Weigher	...	...	27	
	"	23	McLean, Neil	...	Post Office	...	Storeman	...	...	Customs	...	Weigher	...	...	27	
	October	19	Tyrrell, Fred. Robert	...	Post Office	...	Porter	...	...	Customs	...	Weigher	...	...	27	
	Decr.	13	Whitling, J. E.	...	Post Office	...	Porter	...	...	Customs	...	Weigher	...	...	27	
	1888.																
	January	7	Turner, James	...	Post Office	...	Porter	...	...	Customs	...	Weigher	...	...	27	
	"	7	Abbott, George	...	Post Office	...	Porter	...	...	Customs	...	Weigher	...	...	27	25.1.89
	"	13	Grieve, W.	...	Post Office	...	Pillar clearer	...	...	Customs	...	Weigher	...	...	27	
	"	23	Nelan, T. ...	...	Post Office	...	Porter	...	...	Customs	...	Weigher	...	...	27	
	"	23	Rust, Thomas	...	Post Office	...	Line laborer	...	...	Customs	...	Weigher	...	...	27	
	"	23	Moroney, F.	...	Post Office	...	Line laborer	...	...	Customs	...	Weigher	...	...	27	
	February	10	Barry, W.	...	Chief Secretary	...	Penal warder	...	...	Customs	...	Weigher	...	...	27	
	March	15	Lawler, P.	...	Chief Secretary	...	Penal warder	...	...	Mines	...	Rate collector	...	...	27	
	"	16	Phelan, Joseph	...	Education	...	Messenger	...	...	Law	...	Court-keeper and crier	...	...	27	
	April	10	Graham, A.	...	Chief Secretary	...	Penal warder	...	...	Public Works	...	Water-rate collector	...	...	27	
	August	3	Clucas, Joseph	...	Chief Secretary	...	Penal warder	...	...	Education	...	Truant officer	...	...	27	
	"	6	Allen, C. E.	...	Public Works	...	Deckhand	...	...	Customs	...	Assistant lighthouse-keeper	...	...	27	
	"	27	Bond, T. ...	...	Chief Secretary	...	Penal warder	...	...	Public Works	...	Rate collector	...	...	27	
	October	24	Kelly, W. ...	...	Chief Secretary	...	Penal warder	...	...	Customs	...	Weigher...	...	...	27	
	Nov.	14	Strong, H. H.	...	Chief Secretary	...	Penal warder	...	...	Public Works	...	Water-rate collector	...	...	27	
	1889.																
	February	8	Munro, H.	...	Chief Secretary	...	Penal warder	...	...	Public Works	...	Water-rate collector	...	...	27	
	"	15	Adams, E. H.	...	Chief Secretary	...	Penal warder	...	...	Public Works	...	Rate collector	...	...	27	
	June	7	Barnard, F. W.	...	Chief Secretary	...	Model-maker	...	...	Public Works	...	Inspector	...	...	34	
	1885.																
	April	13	Anglin, John	...	Customs...	...	Inspector of licensed premises	...	...	Public Works	...	Rate collector	...	...	34	
	"	18	Scott, Wm. G.	...	Chief Secretary	...	Penal warder	...	...	Public Works	...	Rate collector	...	...	34	
	August	24	Powell, M. C.	...	Post Office	...	Sorter	...	...	Public Works	...	Rate collector	...	...	34	
	"	25	Baldwin, A.	...	Public Works	...	Rate collector	...	...	Customs	...	Powder-magazine keeper	...	...	34	
	September	1	Power, Gilbert	...	Lands	...	Junior gardener	...	...	Chief Secretary	...	Messenger	...	...	34	
	"	1	Connor, John A.	...	Post Office	...	Sorter	...	...	Public Works	...	Water-rate collector	...	...	34	
	"	15	Downer, Geo.	...	Post Office	...	Stamp printer	...	...	Treasury	...	Stamp printer	...	...	34	
	October	8	Hagarty, T.	...	Chief Secretary	...	Gardener	...	...	Legislative Assembly	...	Gardener	...	...	34	
	"	8	Bourke, T.	...	Chief Secretary	...	Gardener	...	...	Legislative Assembly	...	Gardener	...	...	34	
	"	13	Nugent, C.	...	Customs...	...	Enginedriver	...	...	Post Office	...	Enginedriver	...	...	34	
	Novr.	11	Brown, C.	...	Customs...	...	Boatman	...	...	Post Office	...	Boatman	...	...	34	
	Decr.	31	McLane, Henry	...	Post Office	...	Sorter	...	...	Public Works	...	Rate collector	...	...	34	
	"	31	Gray, Wm. John	...	Post Office	...	Sorter	...	...	Public Works	...	Rate collector	...	...	34	
	"	31	Palmer, Richard	...	Post Office	...	Sorter	...	...	Public Works	...	Rate collector	...	...	34	
	1886.																
	January	14	Brown, H. G. A.	...	Education	...	State school teacher	...	...	Public Works	...	Inspector of works	...	...	34	
	March	3	Rollins, Wm. Hy.	...	Chief Secretary	...	Junior messenger...	...	...	Post Office	...	Assistant letter-carrier	...	...	34	
	"	9	Ellis, Wm. H.	...	Treasury	...	Machineman, G. P. O.	...	...	Chief Secretary	...	Inspector of factories	...	...	34	
	"	9	Rotheny, Wm. H.	...	Lands	...	Bailiff	...	...	Chief Secretary	...	Inspector of factories	...	...	34	
	"	9	Symons, Wm. J. O.	...	Customs...	...	Sub-locker	...	...	Chief Secretary	...	Inspector of factories	...	...	34	
	"	9	Kingsbury, Wm. H.	...	Education	...	Truant officer	...	...	Chief Secretary	...	Inspector of factories	...	...	34	

NOTE.—The transfer of officers under section 27 is mandatory. The Public Service Board has received no intimation that any of these officers have been found unfit for their new duties, except in those cases where special remarks are made to the contrary.

It is believed that the whole of these officers are performing satisfactorily the duties required of them. It has been the practice of the Board for some time past to consult Departments as to suitability of officers for new duties before recommending transfers under section 34.

RETURN of all Appointments and Promotions made by way of transfer from one Department to another since the Act No. 773 came into operation, &c.—*continued.*

NON-CLERICAL OFFICERS.

Date of Nomination by Public Service Board.	Name of Officer.	Promoted or Transferred.				Section under which Transferred or Promoted.	If returned to former Department. Date.	Remarks.
		From—		To—				
		Department.	Position.	Department.	Position.			
1886.								
April 20	Bond, Wm. ...	Post Office ...	Stamp printers ...	Treasury ...	Stamp printers ...	34	...	The whole of the officers of the Stamp Printing Branch were transferred to the Government Printing Office
" 20	Peck, Henry ...							
" 20	Furlong, Wm. L. ...							
" 20	Morrison, Robt. ...							
" 20	Hawthorn, Richd. H. ...							
" 20	Bewley, Thos. Wm. ...							
" 20	Atkinson, Frank P. ...							
" 20	Lodge, Thos. J. ...							
" 20	Ffrost, Jas. R. M. ...							
" 20	Field, John H. ...							
" 20	Sullivan, E. F. M. ...							
" 20	Freeman, Edward ...							
" 20	Davidson, Sarah A. ...							
" 20	Hughes, Annie ...							
" 20	Bull, Euphemia ...							
" 20	O'Connor, Eveleen...							
" 20	Davies, Annie J. ...	Post Office ...	Stamp printer ...	Treasury ...	Stamp printer ...	34		
April 22	Murphy, Michael ...	Chief Secretary ...	Asylum warder ...	Customs... ...	Sub-locker ...	34		
" 22	Bull, Euphemia ...	Treasury ...	Stamp printer ...	Post Office ...	Sorter ...	34	}	Returned to Post Office to fill office of sorter
" 22	O'Connor, Eveleen...	Treasury ...	Stamp printer ...	Post Office ...	Sorter ...	34		
June 1	Spellacy, E. M. ...	Post Office ...	Stamper ...	Treasury ...	Stamper ...	34		
" 1	Burness, Wm. ...	Treasury ...	Paper wetter ...	Education ...	Truant officer ...	34		
" 14	Bryce, Alexander ...	Education ...	Truant officer ...	Chief Secretary ...	Inspector of factories ...	34		
" 14	Martin, Edwin Chas. ...	Customs... ...	Weigher... ...	Chief Secretary ...	Inspector of factories ...	34		
July 14	Holmes, W. H. ...	Post Office ...	Letter carrier ...	Customs... ...	Inspector of liquors ...	34		
" 23	Seekamp, F. W. A. ...	Post Office ...	Sorter ...	Public Works ...	Water-rate collector ...	34		
August 24	Foley, Thomas ...	Chief Secretary ...	Asylum warder ...	Customs... ...	Weigher ...	34		
" 31	Hall, F. F. ...	Law ...	Junior messenger ...	Chief Secretary ...	Messenger, Public Library ...	34		
" 31	White, J. T. ...	Treasury ...	Junior messenger ...	Chief Secretary ...	Messenger, Public Library ...	34		
September 6	Dunn, J. H. ...	Law ...	Junior messenger ...	Treasury ...	Junior messenger... ...	34		
" 6	Gorman, W. ...	Treasury ...	Junior messenger ...	Law ...	Junior messenger... ...	34		
" 15	Krabbe, C. ...	Public Works ...	Deck hand ...	Customs... ...	Seaman ...	34		
October 6	Robinson, D. S. ...	Chief Secretary ...	Asylum warder ...	Education ...	Truant officer ...	34		
" 6	Williams, W. C. ...	Lands ...	Forester ...	Education ...	Truant officer ...	34		
December 4	O'Toole, A. ...	Defence ...	Messenger ...	Post Office ...	Watchman ...	34		
1887								
March 18	Dunn, J. H. ...	Treasury ...	Junior messenger ...	Law ...	Junior messenger... ...	34		
" 26	Grey, J. R. ...	Post Office ...	Letter carrier ...	Chief Secretary ...	Junior messenger... ...	34		
April 5	Collis, A. H. ...	Chief Secretary ...	Messenger ...	Law ...	Messenger ...	34		
" 6	Brown, J. A. ...	Chief Secretary ...	Messenger ...	Customs... ...	Messenger ...	34		

It is believed that the whole of these officers are performing satisfactorily the duties required of them. It has been the practice of the Board for some time past to consult Departments as to suitability of officers for new duties before recommending transfers under section 34.

April	19	Barton, H.	Chief Secretary	Messenger	Law	Messenger	34	
May	6	Heathcote, C. T.	Post Office	Line labourer	Customs	Watchman	34	
June	27	Baker, W.	Mines	Rate collector	Public Works	Rate collector	34	
August	19	Porter, J. W.	Treasury	Junior messenger	Chief Secretary	Messenger	34	
"	26	Campbell, W.	Post Office	Letter carrier	Customs	Weigher	34	
"	26	Allan, A. M.	Chief Secretary	Asylum warder	Customs	Weigher	34	
"	26	Wiltshire, D.	Chief Secretary	Penal warder	Customs	Weigher	34	
"	26	McKenzie, H.	Chief Secretary	Penal warder	Customs	Weigher	34	
"	26	Thomas, Samuel	Chief Secretary	Asylum warder	Customs	Weigher	34	15.3.88
"	26	Greenlaw, W. S.	Post Office	Storeman	Customs	Weigher	34	
"	27	Leckie, M. C.	Post Office	Pillar clearer	Customs	Weigher	34	
November	4	Thompson, J. H.	Treasury	Assistant paper ruler	Public Works	Meter Registrar's assistant	34	9.12.87
1888.								
March	3	Kyle, D.	Lands	Printer	Mines	Printer	34	
"	9	Evans, C. G.	Chief Secretary	Penal warder	Customs	Weigher	34	
"	15	Bridges, Jas.	Chief Secretary	Boatman	Customs	Boatman	34	
"	23	Hartnett, J.	Public Works	Labourer	Chief Secretary	Messenger	34	
"	26	Stewart, W. H.	Post Office	Line labourer	Public Works	Cabinet maker	34	
"	26	McDougall, A.	Treasury	Machineman's assistant	Chief Secretary	Messenger	34	
"	27	Blaney, M.	Customs	Boatman	Chief Secretary	Boatman	34	20.7.88
"	28	Mahon, L. P.	Lands	Junior messenger	Public Works	Junior messenger	34	
April	6	O'Neill, C.	Treasury	Junior messenger	Post Office	Assistant letter-carrier	34	
"	12	Dittmer, G. F.	Public Works	Labourer	Education	Messenger	34	
"	17	O'Connell, T.	Post Office	Pillar clearer	Customs	Weigher	34	16.10.88
"	17	Pocock, R.	Post Office	Porter	Customs	Weigher	34	16.10.88
May	31	Kean, Michael	Post Office	Line labourer	Customs	Weigher	34	
June	5	Moran, Jas. F. P.	Chief Secretary	Asylum warder	Customs	Weigher	34	
"	5	Carr, Wm. Hy.	Legislative Assembly	Engineer's assistant	Customs	Weigher	34	
"	22	Lynch, James	Post Office	Assistant letter-carrier	Chief Secretary	Penal warder	34	
July	18	Serong, Thos. E.	Chief Secretary	Junior messenger	Post Office	Assistant letter-carrier	34	
"	19	Culliney, M. E.	Post Office	Pillar clearer	Customs	Weigher	34	
"	20	Murray, Henry	Customs	Assistant lighthouse-keeper	Chief Secretary	Boatman	34	
August	6	Flattley, James	Post Office	Sorter	Public Works	Rate collector	34	
"	18	Warne, A. J. T.	Treasury	Labourer	Post Office	Night watchman	34	
"	21	Brown, J. P.	Lands	Messenger	Legislative Assembly	Doorkeeper	34	
"	21	Toutcher, R. F.	Post Office	Sorter	Customs	Weigher	34	
"	25	Claxton, J. F.	Public Works	Deck-hand	Customs	Assistant lighthouse-keeper	34	
"	29	Ambery, W. J.	Post Office	Sorter	Customs	Weigher	34	
Sept.	7	McPherson, W.	Chief Secretary	Asylum warder	Customs	Watchman	34	
"	11	Elder, W. P.	Law	Junior messenger	Customs	Junior messenger	34	
"	11	Wood, E. G.	Chief Secretary	Junior messenger	Customs	Messenger	34	
October	4	Collis, A. H.	Law	Messenger	Lands	Messenger	34	
"	16	Scott, T. K.	Post Office	Porter	Education	Truant officer	34	
"	16	Latimer, F. G.	Post Office	Porter	Customs	Weigher	34	
"	16	Mesley, W.	Post Office	Porter	Customs	Weigher	34	
"	22	Graham, Arthur	Public Works	Water-rate collector	Mines	Water-rate collector	34	
"	26	Graham, F. P.	Lands	Junior messenger	Customs	Messenger	34	
Novr.	2	Clarke, M.	Post Office	Line labourer	Chief Secretary	Penal warder	34	
"	19	Hale, A. E.	Chief Secretary	Messenger	Post Office	Assistant letter-carrier	34	
"	4	Baker, T. M.	Post Office	Line labourer	Chief Secretary	Artizan warder	34	
Decr.	20	Gorman, W.	Law	Junior messenger	Treasury	Junior messenger	34	
1889.								
January	8	Dowling, P. J.	Public Works	Labourer	Post Office	Assistant letter-carrier	34	
"	8	Billingham, J. E.	Legislative Council	Messenger	Education	Truant inspector	34	

It is believed that the whole of these officers are performing satisfactorily the duties required of them, except in those instances otherwise remarked. It has been the practice of the Board for some time past to consult Departments as to the suitability of officers for new duties before recommending transfers under section 34.

RETURN of all Appointments and Promotions made by way of transfer from one Department to another since the Act No. 773 came into operation, &c.—*continued.*

NON-CLERICAL OFFICERS

Date of Nomination by Public Service Board.	Name of Officer.	Promoted or Transferred.				Section under which Transferred or Promoted.	If returned to former Department. Date.	Remarks.
		From—		To—				
		Department.	Position.	Department.	Position.			
1889.								
February 1	Archer, W. ...	Lands ...	Watchman ...	Public Works ...	Assistant meter registrar ...	34	It is believed that the whole of these officers are performing satisfactorily the duties required of them. It has been the practice of the Board for some time past to consult Departments as to the suitability of officers for new duties before recommending transfers under section 34.	
" 8	Halion, Wm. ...	Law ...	Junior messenger... ..	Chief Secretary ...	Messenger	34		
" 14	Bride, J. ...	Treasury ...	Labourer	Customs... ..	Watchman	34		
" 15	Rutter, G. H. ...	Treasury ...	Junior messenger... ..	Mines	Junior messenger	34		
" 25	Carroll, W. ...	Law ...	Junior messenger... ..	Chief Secretary ...	Junior messenger	34		
" 25	Torpey, J. P. ...	Chief Secretary ...	Junior messenger... ..	Law	Junior messenger	34		
March 5	Edbrooke, E. N. B....	Chief Secretary ...	Penal warder	Customs... ..	Assistant lighthouse-keeper	34		
" 7	Jamieson, A. ...	Chief Secretary ...	Night watchman	Customs... ..	Assistant lighthouse-keeper	34		
" 13	Spencer, R. ...	Chief Secretary ...	Penal warder	Customs... ..	Watchman	34		
" 21	McBirney, T. C. ...	Chief Secretary ...	Junior messenger	Law	Senior messenger... ..	34		
" 22	Priestman, J. ...	Chief Secretary ...	Asylum warder	Customs... ..	Weigher	34		
" 22	Renehan, T. ...	Chief Secretary ...	Asylum warder	Customs... ..	Weigher	34		
" 22	Bradford, R. ...	Chief Secretary ...	Penal warder	Customs... ..	Weigher	34		
" 29	Buckley, L. ...	Post Office ...	Line labourer	Chief Secretary ...	Penal warder	34		
April 2	Reilly, C. ...	Chief Secretary ...	Penal warder	Customs... ..	Weigher	34		
" 12	Rugg, W. C. ...	Public Works ...	Junior messenger... ..	Chief Secretary ...	Messenger	34		
" 27	White, J. T. ...	Chief Secretary ...	Messenger	Lands	Messenger	34		
May 1	Turner, J. G. ...	Treasury ...	Labourer	Chief Secretary ...	Penal warder	34		
" 9	Edwards, D. W. ...	Public Works ...	Labourer	Chief Secretary ...	Messenger	34		
" 28	Gunning, E. A. ...	Post Office ...	Line labourer	Chief Secretary ...	Penal warder	34		
June 12	Edwards, A. E. ...	Public Works ...	Labourer	Education	Messenger	34		
July 6	Leffers, J....	Chief Secretary ...	Asylum warder	Customs... ..	Assistant lighthouse-keeper	34		

By Authority: ROBT. S. BRAIN, Government Printer, Melbourne.

1889.
—
VICTORIA.

PUBLIC LOANS FOR PUBLIC WORKS.

RETURN to an Order of the *Legislative Council*,

Dated 16th October, 1889, for—

A RETURN showing the Amount of Borrowed Money that has been actually spent on Public Works in the Colony each year since the introduction of Responsible Government.

(*The Honorable James Service.*)

Ordered by the Legislative Council to be printed, 13th November, 1889.

By Authority:

ROBT. S. BRAIN, GOVERNMENT PRINTER, MELBOURNE.

RETURN showing the Amount of Borrowed Money that has been actually spent on Public Works in the Colony each year since the introduction of Responsible Government.

Year.	Metropolitan Waterworks (Yan Yean).	Country Waterworks, including Loans to Trusts and other Local Bodies.	Defences.	Alfred Graving Dock.	Parliament Houses.	Law Courts.	School Buildings.	Public Offices.	Prince's Bridge.	Ports and Harbors.	Tramways (Loans to Shires).	Total.
	£	£	£	£	£	£	£	£	£	£	£	£
1855* ...	521,400	...	...	...	...	...	...	...	...	..	...	521,400
1856 ...	150,000	...	...	...	...	...	...	...	...	...	...	150,000
1857 ...	78,500	...	...	...	...	...	...	...	...	...	...	78,500
1858 ...	20,000	...	...	...	...	...	...	...	...	...	...	20,000
1859	...	...	...	...	...	...	...	...	...	...	...	} 20,336
1860	...	...	...	...	...	...	...	...	...	...	...
1861	...	...	...	...	...	...	...	...	...	...	...
1862	...	...	...	...	...	...	...	...	...	...	...
1863	20,336	...	...	...	...	...	...	...	...	...	...
1864	...	...	...	...	...	...	...	...	...	...	...
1865	...	...	...	...	...	...	...	...	...	...	...	} 64,959
1866	...	59,838	5,121	...	...	...	...	...	...	...	...
1867	...	306,075	27,303	...	...	...	...	...	...	...	...	333,378
1868 ...	47,413	152,976	28,078	5,939	...	...	...	...	...	...	...	234,406
1869 ...	11,043	155,602	4,784	102,872	...	...	...	...	...	...	...	274,301
1870 ...	1,313	87,858	7,902	17,091	...	...	...	...	...	...	...	114,164
1871 half-year	...	59,066	24,583	12,158	...	...	...	...	...	...	...	95,807
1871-2 ...	...	54,643	94	34,582	...	...	...	...	...	...	...	89,319
1872-3 ...	15,723	138,037	435	55,843	...	...	...	150	...	...	...	210,188
1873-4 ...	102,958	225,520	...	77,849	...	257	...	...	...	...	...	406,584
1874-5 ...	90,523	107,150	...	31,412	...	14,577	...	22,680	...	...	...	266,342
1875-6 ...	20,399	39,778	...	1,406	...	13,405	...	41,595	...	...	...	116,583
1876-7 ...	70,460	269,446	...	2,442	...	4,435	268,220	54,416	...	...	...	669,419
1877-8 ...	86,180	98,918	...	225	...	25,762	240,385	19,158	...	...	...	470,628
1878-9 ...	29,483	16,374	...	...	30,026	42,342	91,426	23,296	...	...	...	232,947
1879-80 ...	42,723	37,981	...	...	19,713	57,603	66,513	950	...	...	...	225,483
1880-81 ...	29,546	76,246	...	...	15,340	51,353	85,396	186	...	...	...	258,067
1881-82 ...	38,309	15,577	...	...	23,191	47,483	12,817	...	1,500	...	...	138,877
1882-83 ...	164,018	228,796	...	...	744	41,529	94,439	...	300	283	...	530,109
1883-84 ...	87,728	180,407	...	...	30	40,541	39,110	...	7,000	10,331	...	365,147
1884-85 ...	44,091	161,712	...	...	476	8,036	61,640	...	4,742	45,986	...	326,683
1885-86 ...	111,091	152,062	...	...	12,153	...	47,290	...	14,508	24,486	...	361,590
1886-87 ...	151,006	192,850	...	...	32,745	...	55,074	...	42,510	50,006	...	524,191
1887-88 ...	269,473	237,623	...	...	44,982	...	1,173	...	25,441	52,843	...	631,535
1888-89 ...	237,372	196,395	...	...	37,491	...	19	...	10,257	55,179	27,825	564,538
	2,441,088	3,250,930	98,300	341,819	216,891	347,323	1,063,502	162,431	106,258	239,114	27,825	8,295,481

* 1855.—£521,400 includes £403,900 expended during 1853-4 in anticipation of Loan.

Treasury,
Melbourne, 12th November, 1889.

H. F. EATON,
Under-Treasurer of Victoria.

1889.
 VICTORIA.

ESCAPEES AND LIBÉRÉS FROM
 NEW CALEDONIA.

RETURN to an Order of the *Legislative Council*,
 Dated 14th August, 1889, for—

A RETURN showing the Number of Escapees and Libérés from New Caledonia in Australian Colonies :—

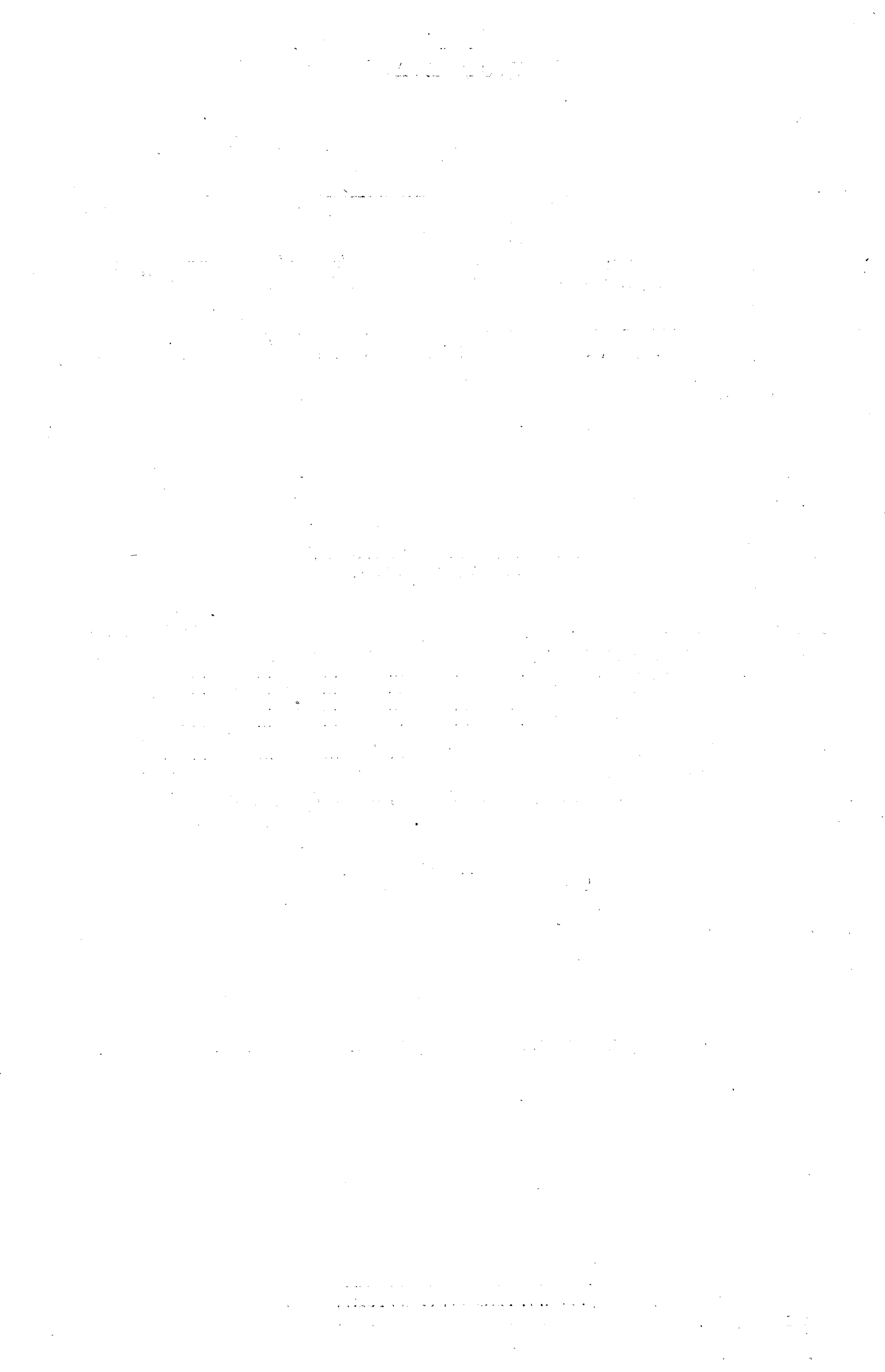
In New South Wales it is the opinion of the Police authorities that there are about	800
In Victoria there are known to be	60
In Queensland there are known to be	20
In New Zealand there are known to be	55
In Fiji there is known to be	1
Total	<u>936</u>

It is not supposed that there are any in South Australia, Western Australia, or Tasmania.

(*The Honorable James Service.*)

Ordered by the Legislative Council to be printed, 21st November, 1889.

By Authority: ROBT. S. BRAIN, Government Printer, Melbourne.



1889.
—
VICTORIA.

PUBLIC SERVICE ACT, 4TH AND 5TH CLASS OFFICERS.

RETURN to an Order of the *Legislative Council*,
Dated 16th October, 1889, for—

A RETURN showing the Names and present Salaries of all Officers whose duties were classified by the Board on the 31st December, 1884, as 5th and 4th Class Clerical, and who had passed the Civil Service Examination required by the Act 160, but who were not classified under that Act.

(*The Honorable S. Fraser.*)

Ordered by the Legislative Council to be printed, 22nd November, 1889.

RETURN to an Order of the Legislative Council, dated 16th October, 1889, for a Return showing the Names and present Salaries of all Officers whose duties were classified by the Board on the 31st December, 1884, as 5th and 4th Class clerical, and who had passed the Civil Service Examination required by Act 160, but who were not classified under that Act.

Name.	Department.	Classification by Board, Act 773, on 31st December, 1884.		Present Salary.	Remarks.
		4th.	5th.		
				£	
Abbott, F. R. ...	Treasury (Curator's)	...	5	200	
Armstrong, E. L. T. ...	Chief Secretary's	...	5	220	Promoted to 4th Class on 15.2.88.
Beaven, J. W. W. ...	Law ...	...	5	210	Promoted to 4th Class on 19.2.89.
Blandford, G. W. ...	Law (Titles)	...	4	290	
Bond, A. S. ...	Chief Secretary's	...	5	220	Promoted to 4th Class on 29.6.88.
Bowman, W. A. ...	Lands ...	...	4	270	
Boys, R. D. ...	Chief Secretary's	...	5	140	
Brazier, A. W. ...	Chief Secretary's	...	5	220	Promoted to 4th Class on 15.2.88.
Brown, Wm. ...	Post and Telegraph	...	4	275	
Callan, Theodore McM. ...	Education	...	4	360	Promoted to 3rd Class on 29.11.88.
Campbell, A. J. ...	Customs ...	...	4	240	
Campbell, W. D. ...	Post and Telegraph	...	4	240	
Clarke, G. F. ...	Lands ...	...	4	290	
Corrigan, James ...	Post and Telegraph	...	5	210	Promoted to 4th Class on 17.7.89.
Crellin, Wm. ...	Law (Titles)	...	4	240	
Creswell, C. A. C. ...	Law ...	...	4	305	
Crooke, Geo. ...	Law ...	...	5	200	
Dalton, J. T. R. ...	Treasury ...	...	4	246	
Davies, D. M. ...	Customs ...	...	4	265	
Dunn, W. ...	Chief Secretary's	...	5	200	
Evans, Richard ...	Post and Telegraph	...	5	200	
Foote, Thos. V. ...	Education	...	4	350	
Green, John S. ...	Education	...	5	140	
Gregson, Wm. H. ...	Lands ...	...	4	280	

Name.	Department.	Classification by Board, Act 773, on 31st December, 1884.		Present Salary.	Remarks.
		4th.	5th.		
Harrison, J. D. ...	Customs ...	...	5	255	Transferred to 4th Class duties, Section 27, on 24.8.87.
Hill, George ...	Treasury ...	...	5	200	
Irwin, Wm. John ...	Victorian Water Supply	4	...	280	
Jenkins, Jas. E. ...	Lands ...	...	5	200	
Kemp, Jas. ...	Treasury ...	4	...	246	
King, J. L. ...	Customs ...	...	5	210	Promoted to 4th Class on 23.11.88.
Lemon, W. R. ...	Post and Telegraph ...	...	5	200	
Loughnan, Anthony ...	Public Works ...	4	...	250	
Macoboy, M. H. ...	Lands ...	4	...	300	
Martin, James ...	Customs ...	...	5	210	Promoted to 4th Class on 4.5.89.
Meakin, J. C. ...	Lands ...	4	...	240	
Merson, Joseph D. ...	Treasury ...	...	5	240	Transferred to 4th Class duties, Section 27, on 19.1.87.
Moller, H. ...	Post and Telegraph ...	...	5	200	
Mullaly, F. Hy. ...	Law (Titles) ...	...	5	200	
Murphy, Dominic ...	Post and Telegraph ...	...	5	210	Promoted to 4th Class on 23.11.88.
Macgibbon, John ...	Lands ...	4	...	330	
McInnes, Duncan ...	Post and Telegraph ...	...	5	200	
McPherson, Donald ...	Post and Telegraph ...	4	...	240	
Nelson, Philip C. ...	Post and Telegraph ...	...	5	210	Promoted to 4th Class on 23.11.88.
O'Leary, C. J. ...	Law ...	...	5	200	
Ord, Harrison ...	Chief Secretary's ...	...	5	200	
Robertson, J. C. G. ...	Law (Titles) ...	...	5	210	Promoted to 4th Class on 8.7.89.
Sharpe, John A. ...	Mines ...	...	5	240	Promoted to 4th Class on 29.6.88.
Short, Francis T. ...	Treasury (Premier's) ...	...	5	200	
Slattery, Thos. P. ...	Law ...	4	...	280	
Smith, Peter W. ...	Mines ...	...	5	220	Promoted to 4th Class on 29.6.88.
Spear, Fredk. W. ...	Chief Secretary's ...	4	...	255	
Stach, Leopold W. ...	Education ...	4	...	300	
Stephen, W. Jas. ...	Law (Titles) ...	4	...	240	
Symons, J. H. J. ...	Education ...	4	...	275	
Talbot, Richard F. ...	Customs ...	4	...	300	
Thom, (jun.) Wm. ...	Lands ...	...	5	200	
Tonkin, Enoch ...	Post and Telegraph ...	...	5	200	
Vowles, Thos. ...	Post and Telegraph ...	...	5	200	
Walker, Montague ...	Law ...	...	5	210	Promoted to 4th Class on 23.11.88.
Waterfield, Jas. Hy. ...	Education ...	4	...	290	
Woods, Alexr. T. ...	Law ...	4	...	260	
Young, W. R. ...	Public Works ...	...	5	120	
Hosken, A. ...	Chief Secretary's ...	...	5	140	
Fleming, A. ...	Chief Secretary's ...	4	...	325	
Tiernan, J. ...	Chief Secretary's ...	...	5	160	
Pigott, G. ...	Law ...	4	...	300	
Grey, C. J. ...	Law ...	...	5	92	
Morgan, J. H. ...	Law ...	4	...	270	
Pitts, J. M. ...	Legislative Assembly ...	...	...	360	3rd Class.
Bolton, E. ...	Treasury ...	...	5	200	
Duncan, A. G. ...	Treasury ...	...	5	200	
Reed, J. M. ...	Lands ...	...	...	360	Professional.
Corben, A. E. ...	Lands ...	...	5	98	
McHutchison, J. ...	Lands ...	4	...	240	
Baker, J. ...	Education ...	...	5	240	Promoted to 4th Class.
Heinbockel, H. V. ...	Defence ...	...	5	210	Promoted to 4th Class on 19.2.89.
McKenzie, J. A. ...	Post and Telegraph ...	...	5	200	
Viney, W. ...	Mines ...	...	5	160	

Total Number of Officers, 78.

30th October, 1889.

E. J. THOMAS,
Secretary to the Premier.

1889.
—
VICTORIA.

REPORT

OF

“THE COMMITTEE OF ELECTIONS AND QUALIFICATIONS”

ON THE

PETITION OF JOHN HANLON KNIPE;

TOGETHER WITH THE

PROCEEDINGS OF COMMITTEE AND MINUTES OF EVIDENCE.

ORDERED BY THE LEGISLATIVE COUNCIL TO BE PRINTED 24TH JULY, 1889.

By Authority:

ROBT. S. BRAIN, GOVERNMENT PRINTER, MELBOURNE.

EXTRACTED FROM THE MINUTES.

WEDNESDAY, 5TH JUNE, 1889.

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

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 the Legislative Assembly of Victoria respectively,*"

I do hereby appoint—

The Honorable Sidney Austin,
The Honorable Samuel Winter Cooke,
The Honorable Henry Cuthbert,
The Honorable David Ham,
The Honorable George Le Fevre,
The Honorable Frederick Thomas Sargood,
and

The Honorable William Austin Zeal,

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

Given under my hand this fifth day of June, One thousand eight hundred and eighty-nine.

JAS. MACBAIN,
President of the Legislative Council.

WEDNESDAY, 19TH JUNE, 1889.

THE COMMITTEE OF ELECTIONS AND QUALIFICATIONS.—The President's Warrant, appointing "The Committee of Election Qualifications," was again laid upon the Table by the President.

TUESDAY, 2ND JULY, 1889.

THE COMMITTEE OF ELECTIONS AND QUALIFICATIONS.—The President's Warrant, appointing "The Committee of Elections and Qualifications," was again laid upon the Table by the President.

WEDNESDAY, 3RD JULY, 1889.

NORTH-EASTERN PROVINCE ELECTION.—The President announced to the Council that there had been presented to him a Petition from John Hanlon Knipe against the return of the Honorable James Stewart Butters as Member for the North-Eastern Province, which he then laid upon the Table, and is as follows :—

To the Honorable Sir James MacBain, Knight, President of the Legislative Council of Victoria.
The humble Petition of John Hanlon Knipe, of Melbourne, in the Colony of Victoria, auctioneer :

RESPECTFULLY SHEWETH—

That on the twenty-seventh day of November last an Election was held for one Member to serve in the Legislative Council of the Colony of Victoria to represent the North-Eastern Electoral Province.

That your Petitioner was a candidate at the said Election.

That James Stewart Butters, Esquire, and John Turner, Esquire, were the only other candidates at the said Election.

That as the result of the said Election the Returning Officer announced that James Stewart Butters, Esquire, had received 1,865 votes, that John Turner, Esquire, had received 1,495 votes, and that your Petitioner had received 447 votes; and, thereupon, the said Returning Officer publicly declared that the said James Stewart Butters, Esquire, had received the majority of votes, and was duly elected as a Member as aforesaid, and such Returning Officer made his return accordingly.

That your Petitioner has been informed and believes that the said James Stewart Butters was at the time of his said election incapable of being lawfully elected a Member of the Legislative Council of Victoria, and is incapable of sitting or voting in the said Council, by reason of his not having been possessed at the time of his election of the qualification required by law necessary to entitle him to be elected as a Member of the said Council, in that he had not for one year previous to such election been legally or equitably seised of or entitled to an estate of freehold in possession for his own use and benefit in lands or tenements in Victoria of the annual value of One hundred pounds above all charges and encumbrances affecting the same respectively within the meaning of the eleventh section of the Act for the Reform of the Constitution, No. DCCII, 1881.

That your Petitioner is advised and believes that, by reason of the premises, the said James Stewart Butters, having been so unqualified as aforesaid, is not entitled to be declared duly elected as a Member of the Legislative Council for the said North-Eastern Province.

That your Petitioner believes that the said John Turner does not intend to take any action in the matter of the said election.

That the election of the said James Stewart Butters as such Member of the Legislative Council may be declared void on the said ground—that he had not for one year previous to such election been so seised or possessed of the necessary qualification required by the eleventh section of the Act 46 Victoria No. 702.

And that the Returning Officer's return may be declared void.

Your Petitioner therefore respectfully prays that you will communicate the matter of this Petition to the Legislative Council of Victoria, in order that the case of your Petitioner may be referred to a Committee of the said Council duly authorized to receive, inquire into, and report upon the same according to law.

And your Petitioner further prays that the said James Stewart Butters, Esquire, be declared disqualified to be so elected a Member of the said Legislative Council.

And your Petitioner further prays that in the event of the said Committee reporting that the said James Stewart Butters, Esquire, was not at the time of the said election so seised or possessed of the necessary qualification to entitle him to be so elected, that the said Council will be pleased to declare the said election and the said Returning Officer's return void as respects the said James Stewart Butters, Esquire, and to amend the said return to the said Writ by taking out the name of the said James Stewart Butters, Esquire, and inserting in its place the name of your Petitioner, and to declare your Petitioner duly elected as a Member of the Legislative Council of Victoria for the North-Eastern Province.

And that your Petitioner may have such further or other relief as the circumstances of the case may require, or as to the said Committee or the said Legislative Council may seem meet.

And your Petitioner will ever pray, &c.

JOHN HANLON KNIPE.

Collins-street west, Melbourne, the twenty-fifth day of February One thousand eight hundred and eighty-nine.
Witness—JAS. WESTLEY, Parliamentary Agent, Collins-street, Melbourne.

The Honorable H. Cuthbert moved, That the above Petition be referred to "The Committee of Elections and Qualifications" for consideration and report.

Question—put and resolved in the affirmative.

THE COMMITTEE OF ELECTIONS AND QUALIFICATIONS.—The following Members of "The Committee of Elections and Qualifications," viz., The Honorables Sidney Austin, Samuel Winter Cooke, Henry Cuthbert, David Ham, George Le Fevre, Lieut.-Col. Sargood, and W. A. Zeal took the oath set forth in the Schedule to the Electoral Act 1856 at the Table of the Council before the Clerk thereof.

The President appointed Tuesday, 16th July inst., at eleven o'clock in the forenoon, as the time, and the Committee Room as the place, of the first meeting of the Committee.

WEDNESDAY, 24TH JULY, 1889.

THE COMMITTEE OF ELECTIONS AND QUALIFICATIONS.—The Honorable H. Cuthbert, Chairman, brought up a Report from "The Committee of Elections and Qualifications."

Report read and, together with the Proceedings of the Committee, ordered to lie on the Table, and to be printed.

R E P O R T .

In the matter of the Petition of John Hanlon Knipe, against the return of the Honorable James Stewart Butters, for the North-Eastern Province.

“The Committee of Elections and Qualifications” have the honor to report to your honorable House :—

1. They find that the said James Stewart Butters was not at the date of the Election duly qualified under the provisions of the Act No. 702 to be elected a Member of the Legislative Council, inasmuch as it was proved that he had not for One year prior thereto held the whole of the property described in the declarations delivered by him to the Returning Officer and to the Clerk of the Legislative Council respectively.

2. The Committee declare the Election of the said James Stewart Butters and the return of the Returning Officer void.

3. The Committee find that the opposition by the said James Stewart Butters to the Petition was vexatious.

4. That the sum of £100, lodged by the Petitioner, be returned to him.

Committee Room,
24th July, 1889.

THE HISTORY OF THE

1780-1800

The first part of the history of the
country is the period of the
17th century, when the
country was first settled
by the English.

The second part of the history of the
country is the period of the
18th century, when the
country was first settled
by the French.

The third part of the history of the
country is the period of the
19th century, when the
country was first settled
by the Americans.

The fourth part of the history of the
country is the period of the
20th century, when the
country was first settled
by the British.

The fifth part of the history of the
country is the period of the
21st century, when the
country was first settled
by the Chinese.

PROCEEDINGS OF "THE COMMITTEE OF ELECTIONS AND
QUALIFICATIONS."

NORTH-EASTERN PROVINCE ELECTION.

TUESDAY, 16TH JULY, 1889.

Members present:

The Hon. S. Austin,
S. W. Cooke,
H. Cuthbert,

The Hon. Lieut.-Col. Sargood,
W. A. Zeal.

On the motion of the Honorable Lieut.-Col. Sargood, the Honorable H. Cuthbert was appointed Chairman of the Committee.

The Warrant appointing the Committee was read by the Clerk.

The entry in the Minutes of the Proceedings of the Members of the Committee being sworn, and of the appointment by the President of the Council of the time and place for first meeting of the Committee was also read by the Clerk.

Mr. James Westley, solicitor, Parliamentary agent, stated that he appeared on behalf of Mr. J. H. Knipe, the Petitioner.

The following appearance was laid before the Committee on behalf of the sitting Member:—

J. Barker, Esq.,
Clerk of Legislative Council.

400 Little Collins-street,
Melbourne, 16th July, 1889.

Re N.-Eastern Province Election and Mr. J. H. Knipe's Petition.

SIR,

I have the honor to inform you that Mr. A. G. McIntyre, as Counsel, and Mr. J. E. McIntyre, as Agent, will appear on behalf of the sitting Member, Mr. J. S. Butters, on the hearing of the above matter.

Your's obdtly.,

J. E. MCINTYRE.

Preliminary resolutions were agreed to by the Committee as under:—

1. That Counsel will not be allowed to go into matters not referred to in their opening statement without a special application to the Committee for permission to do so.
2. That if costs be demanded by either party under 19 Vic. No. 12, the question must be raised immediately after the decision on that particular case, unless the Committee shall otherwise decide.
3. That no person shall be examined as a witness who shall have been in the room during any of the proceedings, with the exception of the parties and their agents, without the special leave of the Committee.
4. That the Committee will only allow one Counsel to address them on opening the case, and one Counsel on the summing up.
5. That if any point of law should arise requiring argument, the Committee reserve to themselves the power of hearing one Counsel only on each side.
6. That if the leading Counsel are not prepared to sum up the case on either side when the evidence is terminated, the Committee will not protract the proceedings for the convenience of Counsel who may be absent.

The Hon. Dr. Le Fevre took his seat.

Mr. Westley applied for an adjournment, on behalf of the Petitioner, on the following grounds, viz.:—

- 1st. On account of Counsel being unavoidably absent.
- 2nd. Because subpoenas for witnesses could not be obtained prior to the appointment of the Chairman.

Mr. McIntyre submitted that the course proposed was irregular. Counsel should have been present to open the case, and that Mr. Westley was not entitled to address the Committee.

Room cleared.

Committee deliberated.

Question—That Mr. Westley having stated that Counsel who had been retained for the Petitioner was unavoidably absent, Mr. Westley be heard as solicitor for the Petitioner on this occasion, but if the Petitioner desired, he be heard on his own behalf—put.

Committee divided.

Ayes, 3.
The Hon. S. Austin,
Lieut.-Col. Sargood,
W. A. Zeal,

Noes, 2.
The Hon. S. W. Cooke,
Dr. Le Fevre.

And so it was resolved in the affirmative.

Parties called in, and informed of the above resolution.

Mr. Westley, on behalf of the Petitioner, said he preferred to have an adjournment in consequence of the absence of counsel.

Committee adjourned till Thursday next, at a quarter past four o'clock.

TUESDAY, 23RD JULY, 1889.

Members present:

The Hon. H. CUTHBERT, in the Chair ;

The Hon. S. Austin,
S. W. Cooke,

The Hon. D. Ham,
Lieut.-Col. Sargood.

Committee deliberated.

Harrington Evans Wade, Government shorthand writer, sworn.

The Petition of John Hanlon Knipe was read by the Clerk.

The following appearance was laid before the Committee:—

In the matter of the Petition of John Hanlon Knipe, against the return of the Hon. James Stewart Butters.

The undermentioned will appear on the hearing of the above Petition on behalf of the Petitioner, John Hanlon Knipe:—

J. B. Box, as Counsel.

Jas. Westley, as Parliamentary Agent.

Dated the 23rd day of July, 1889.

Mr. McIntyre took exception to the form of the Petition.

Mr. Box was heard in reply.

McIntyre was further heard to address the Committee on the point.

The Chairman intimated that the Committee were of opinion that, though the Petition might have been more carefully drawn, it would be better to proceed with the Petition as it was.

The Hon. W. A. Zeal took his seat.

Mr. McIntyre further objected to the form of the Petition, because it was not shown by it that the Petitioner was entitled to the right he applied for.

Mr. Box in reply.

The Chairman intimated that the Committee would hear the evidence first, and then decide whether it would be necessary to deal with the point.

Counsel for the parties conferred and agreed that the following facts should be admitted:—

- 1st. That a certain property at Port Melbourne of the value of £70 per annum was acquired by the sitting Member in June, 1888.
- 2nd. That such property was on the 19th Novr., 1888, sold, and transferred to James Moore for £1,600.
- 3rd. That, on the 3rd Decr., 1888, the same property was re-sold and re-transferred to Mr. Butters, for £1,626 14s. 6d.
- 4th. That the election was held on 27th Novr., 1888, and that the candidates were Mr. J. S. Butters, Mr. J. Turner, and Mr. J. H. Knipe.
- 5th. That the numbers polled for the several candidates were as under:—

Butters	...	...	...	...	1,865
Turner	...	...	...	...	1,495
Knipe	...	...	...	...	447

The Clerk of the Legislative Council produced the Writ for holding the election, and also the declaration delivered to him by Mr. Butters prior to taking his seat.

Also the Declaration of Mr. Butters lodged with the Returning Officer.

Mr. McIntyre was heard to contend that Mr. Butters was possessed at the date of his election of a sufficient qualification, but he had set forth the whole of his properties in his declaration.

Mr. Box was heard in reply.

Mr. McIntyre was further heard.

Room cleared.

Committee deliberated.

Resolved unanimously—That the Committee were of opinion that it would be unwise and improper for them to allow evidence to be called to show that the sitting Member was possessed of property outside of that mentioned in the Declaration.

Parties called in and informed of this resolution.

The Committee adjourned until to-morrow, at eleven o'clock.

WEDNESDAY, 24TH JULY, 1889.

Members present :

The Hon. H. CUTHBERT in the Chair ;

The Hon. S. Austin,
S. W. Cooke,
Dr. Le Fevre,

The Hon. D. Ham,
Lieut.-Col. Sargood,
W. A. Zeal.

The Chairman informed the Committee he had received a letter from Mr. J. Turner claiming the seat.

Agreed—That no notice be taken of the letter.

Mr. Box was heard claiming the seat for the Petitioner, or, failing that, that the election be declared void ; and further, applying for costs.

Mr. McIntyre was heard in reply.

Room cleared.

Committee deliberated.

Resolved—

1. The Committee find that the said James Stewart Butters was not at the date of the election duly qualified under the provisions of the Act No. 702 to be elected a Member of the Legislative Council, inasmuch as it was proved that he had not for one year prior thereto held the whole of the property described in the declarations delivered by him to the Returning Officer and to the Clerk of the Legislative Council respectively.
2. The Committee declare the election of the said James Stewart Butters and the return of the Returning Officer void.
3. The Committee find that the opposition by the said James Stewart Butters to the Petition was vexatious.
4. That the sum of £100 lodged by the Petitioner be returned to him.

Parties called in and informed of the above resolutions.

The Chairman to report to the Council.

MINUTES OF EVIDENCE

TAKEN BEFORE "THE COMMITTEE OF ELECTIONS AND
QUALIFICATIONS."

NORTH-EASTERN PROVINCE ELECTION.

TUESDAY, 16TH JULY, 1889.

Members present :

The Hon. Henry Cuthbert,
S. W. Cooke,
S. Austin,

The Hon. Lieut.-Col. Sargood,
W. A. Zeal,
Dr. Le Fevre.

The Hon. H. Cuthbert was called to the Chair.

The counsel and parties were called in.

Mr. James Westley appeared as agent on behalf of the Petitioner, Mr. Knipe.

Mr. McIntyre, instructed by Mr. J. E. McIntyre, appeared on behalf of the sitting member, James Stewart Butters.

The Clerk read the Warrant appointing the Committee.

The resolutions were agreed to by the Committee as set forth in the proceedings of the Committee.

Mr. Westley stated that Mr. Box had been briefed to appear, but was not present as he (the agent) had waited till the Committee met to get the signature of the Chairman to subpoenas for the purpose of summoning witnesses. He therefore applied for an adjournment.

Mr. McIntyre submitted that the course proposed was irregular, and that the learned Counsel should have been present to open the case.

The Committee room was cleared.

The Committee deliberated.

The Counsel and parties were again called in.

The Chairman stated that the Committee had decided that if Mr. Westley wished to address them in support of the Petition in the absence of the Counsel the Committee would hear him as solicitor, or if the Petitioner preferred that he should speak the Committee would hear him.

Mr. Westley, on behalf of his client, stated that he would prefer an adjournment.

Mr. McIntyre stated he had no objection to an adjournment, but he should apply for costs under the circumstances.

The Chairman said it was premature to make any application about costs.

Adjourned formally till Thursday, to meet again on Tuesday next, at eleven o'clock.

TUESDAY, 23RD JULY, 1889.*Members present:*

The Hon. H. CUTHBERT, in the Chair ;

The Hon. S. Austin,
D. Ham,
S. W. Cooke,The Hon. F. T. Sargood,
W. A. Zeal.

The counsel and parties were called in.

The Government shorthand writer was sworn.

Mr. Box, instructed by Mr. Westley, appeared on behalf of the Petitioner.

Mr. McIntyre, instructed by Mr. J. E. McIntyre, appeared on behalf of the sitting Member.

The petition was read.

Mr. McIntyre was heard to address the Committee. He objected that the Petition was not correctly drawn. The last two paragraphs in the allegations stated "That the election of the said James Stewart Butters as such Member of the Legislative Council may be declared void on the said ground—that he had not for one year previous to such election been seised or possessed of the necessary qualification required by the 11th section of the Act, 45 Victoria, No. 702, and that the Returning Officer's return may be declared void." He submitted that those two allegations were out of place as statements of fact, and should be not in the body of the Petition, but in the prayer. They could not be dealt with by the Committee.

Mr. Box was heard to reply. He submitted that the Petition might be drawn in any way the Petitioner liked. It made no difference whether the allegation was mixed up with the prayer or not.

Mr. McIntyre was further heard to address the Committee on the point.

The Chairman intimated that the Committee were of opinion that though the Petition might have been more carefully drawn, it would be better to proceed with the Petition as it was.

Mr. McIntyre submitted that before the Committee dealt with the Petition it must appear on the face of the Petition that the Petitioner had the right he applied for. He submitted that the Petitioner had no right. He prayed that the sitting Member's name might be struck out, and his own name put in. That course could not be pursued by the Committee. The only person who could be seated was the one next on the poll, John Turner, but as he did not seek for relief the Committee could not give him the seat when he did not apply for it. He cited the Ilchester case from Peckwell Election cases, page 253, where the circumstances were similar, and the Petition was declared frivolous. He also quoted the Aylesbury case, page 261 of the same volume.

The Chairman asked whether the cases quoted, which were decided in 1792, under some Act of George III., were similar to the 70th section of the Victorian Electoral Act.

Mr. McIntyre replied that case was where the party was before the Court by petition. The Petitioner in this case had not the next greatest number of votes, and Mr. Turner, the one who had, was not before the Committee.

Mr. Box was heard to reply. He submitted that any man in a constituency could petition the House about the election, whether he was a candidate or not. The cases cited were old cases on the electoral law as it stood. The law now was that the seat went to the next candidate on the poll if, notice of the disqualification had been given to the electors. If it had not, the election was always declared void. Section 70 altered that. He submitted the first step was to allow the petition to be proved.

The Chairman intimated that the Committee would hear the evidence first and then decide whether it would be necessary to deal with the point.

Mr. McIntyre submitted that if the sitting Member had sufficient property to qualify him, the Committee should not unseat him on the 64th section. He would admit the allegation as to the property not being held for twelve months, but he submitted that outside of that altogether the sitting Member had qualification to take his seat in the Legislative Council.

Mr. Box was heard to address the Committee. He submitted that the sitting Member was bound by his declaration. He could not go behind the declaration to prove his property qualification. His learned friend admitted that the Sandridge property, mentioned in the petition, did not belong to the sitting Member for the statutory time ; that on the 19th November he transferred it to a Mr. Moore.

Mr. McIntyre said he admitted the fact, but would later on raise the point of law.

Mr. Box said that the property was first acquired by Mr. Butters in June, 1888, and on the 19th November, 1888, it was sold, and transferred to Mr. James Moore for a consideration of £1,600.

The Chairman asked if that was admitted.

Mr. McIntyre said it was.

Mr. Box stated that on the 3rd day of December, 1888, it was retransferred back to Mr. Butters for a consideration of £1,626 14s. 6d. It was also admitted that the election was held, and that James Stewart Butters received 1,865 votes, John Turner 1,495 votes, and John Hanlon Knipe 447 votes. He put in the Writ, Return, and Declaration of qualification of the sitting Member.

Mr. McIntyre was heard to address the Committee. As to the declaration, he quoted the 13th section of the Council Reform Act No. 702, and also the Fifth Schedule, in which there was no reference made to the property being held for twelve months prior to the making of the declaration. He submitted that it only required compliance with section 13, that a certain declaration be made, and certain property be put in that.

The Chairman enquired whether Sections 11, 12, 13, 14, and 15 must not be taken all together.

Mr. McIntyre replied that he thought not, because Section 13 made the form in the Schedule of as much effect as the Act—it was part of the Act itself. All *Mr. Butters* put in the declaration was the property he meant to stand by—property he did not wish to part with. He submitted that if for twelve months before the election he had the qualification it was not necessary to put it in the declaration, and that even if a mistake had been made in the form of the declaration, the Committee should not unseat a Member who could show that he had other qualifying property which he had not mentioned in the declaration. He submitted that the qualification did not point to any particular property, but to property generally. So long as the sitting Member had continuous qualification of the value required, or above it, he could not be unseated, because he had not had one particular property for twelve months. He submitted that reading strictly the wording of Section 11 of the Council Reform Act of 1881, no qualification at all was necessary.

The Chairman asked whether Section 13 did not indicate the meaning of Section 11.

Mr. McIntyre said he did not put the point forward seriously. He asked the ruling of the Committee whether an Honorable Member was bound by the hard and fast lines of the declaration; whether he could not for the purposes of making his qualification good avail himself of property which he held outside the property mentioned in the declaration, and which he had held twelve months prior to the election. He would subsequently ask to hand in a second declaration of the sitting Member put in this Session.

The Chairman asked whether the learned Counsel had any authorities to show that the Committee could go outside the declaration.

Mr. McIntyre said he put it on the justice of the case that they would not unseat a Member who was qualified to sit, but who, owing to reading the declaration in a common sense way had omitted to put in all his property.

The Chairman asked as to the bearing of the Seventh Schedule.

Mr. McIntyre said that referred to Section 41, which also made no mention of the property being held for twelve months previously. He asked the Committee under their wide powers to allow the sitting Member to avail himself of his other property.

Mr. Box was heard to reply. As to the qualification of candidates, the point that had been raised was due merely to a little carelessness in drafting. The declaration under the old Act was placed in negative words, and it omitted all about twelve months. The new Act altered the words in Section 11 from the negative to the affirmative, but they forgot altogether about altering the declaration. He submitted that the point could not be seriously argued.

The Chairman said the Committee were satisfied upon that point.

Mr. Box further submitted that the qualifications of Members must exist always, and must be held for twelve months prior to election. It was necessary to mention in the declaration the specific property on which a candidate qualified; that was obvious from the wording of the declaration. He submitted that the omission in the declaration could not affect the Act; Section 11 of the Statute showed how he must be qualified. The Committee could not give a man a qualification he had not got. Section 15 showed how strict the Legislature had been over the matter. The facts were—That at the time of the nomination, *Mr. Butters* had got rid of £70 of his qualification out of the £107 mentioned in the declaration. He submitted that the Committee could not go outside of the declaration—the declaration was the only means by which any elector or candidate could find out whether a man was qualified, and, on the other hand, the Legislature said the country was not to be represented except by gentlemen who had a certain property qualification. A man could not on being challenged coolly say he would go outside his sworn declaration and show you that he had other property sufficient to qualify him. He submitted that the sitting Member had not the qualification necessary for a Member on the day of election; he had parted with £70 worth of the property mentioned, as his own statement showed, though he went into the house and stated on oath that he was a qualified person. He asked the Committee to rule that the Member must be bound by the statement of the declaration.

Mr. McIntyre was heard to reply. He submitted that the sitting Member had not before his eyes in the declaration the fact that he had to hold the property for twelve months. Section 13 said he must make the declaration in the form of the 5th section, so there was nothing to show him that this identical property for which he declared, should have been held for twelve months. He asked the Committee to allow the sitting Member to show that he was qualified, in that he held rateable property of the value of over £100 for the period of twelve months prior to his nomination.

The committee-room was cleared.

The Committee deliberated.

The Chairman stated that the Committee were unanimously of opinion that it would be unwise and improper for them to allow evidence to be called to show that the sitting Member was possessed of property outside of that mentioned in the declaration.

Mr. McIntyre submitted that the sitting Member had since handed in another declaration showing that he was possessed of more property that would qualify him, and therefore the Committee would place themselves in a peculiar position if they were bound by the first declaration alone, seeing that the records of the House now showed that he was qualified.

The Chairman asked if that was on the day of the election.

Mr. McIntyre said it was not, but they were now prepared to show that on the day of the election he was qualified.

The Chairman pointed out that all the Committee had before them was the first declaration, as the second had not been put in in evidence.

Adjourned to to-morrow at eleven o'clock.

WEDNESDAY, 24TH JULY, 1889.

Members present :

The Hon. H. CUTHBERT, in the Chair ;

The Hon. Lieut.-Col. Sargood,
S. W. Cooke,
D. Ham,

The Hon. Dr. Le Fevre,
S. Austin,
W. A. Zeal.

The counsel and parties were called in.

The Chairman stated he had received a letter from Mr. Turner, addressed to him as the Chairman of the Committee, stating that the allegation in the Petition that he did not intend to take any action in regard to the election, was not altogether the fact. He relied on Section 70 of the Electoral Act, and he considered that having been second on the poll, in the event of the Committee determining that Mr. Butters should be unseated, he was entitled to the seat. But no Petition had been sent in by Mr. Turner, the Committee would not go outside the matters referred to them.

Mr. Box inquired whether the Committee desired him to address himself to the point.

The Chairman replied that he mentioned it merely that all parties might be aware that such a letter had been received.

Mr. Box was heard to address the Committee. He asked that in accordance with the Petition the seat should be given to the Petitioner, or failing that, that the election be declared void, and a new election ordered, and further, that costs be given to the Petitioner.

Mr. McIntyre inquired whether the Committee had arrived at any resolution as to the want of qualification of the sitting Member. He urged that the Committee should not report that the Honorable, the sitting Member was not duly qualified at the time of the election, but merely that in the declaration he had not included a sufficient amount of property. If the Committee decided that the sitting Member was absolutely not qualified at the time of the election, it might lay him open to pains and penalties, and he was prepared to prove that he was qualified now, and was at the time of the election, but owing to some mistake he did not include the property in the declaration.

Mr. Box replied that his learned friend had already admitted the insufficient qualification involved in the declaration, and it was not necessary to go over the ground again. It had been admitted that Mr. Butters was not qualified, and the Committee had decided he could not go beyond his declaration.

The Chairman said the question was practically settled yesterday in the resolution agreed on by the Committee. He understood Mr. McIntyre now to suggest that in the finding of the Committee they should confine themselves to what appeared in the declaration.

Mr. McIntyre said it was merely a suggestion.

Mr. Box was heard to continue his address as the clause in the Petition, "That your Petitioner believes that the said John Turner does not intend to take any action in the matter of the said election." He submitted if John Turner had desired to take action he should have been there under petition, and that the Committee could legally give the seat to Mr. Knipe. He could not give any authority for that. He cited the 70th section of the Election Committees Act which interfered with the general law of Parliament as to giving notice to the electors, and he submitted the Committee could pass the second man by, who was not interested in these proceedings. He was, in fact, as if he were dead—not being before the Committee.

The Chairman.—It was admitted that he was second on the poll.

Mr. Box said he had admitted that a man named "John Turner" was second for the purposes of the Committee, but whether he was alive or not he did not know.

The Chairman.—Was it not mandatory "that the person or persons having the next number of votes shall be declared elected?"

Mr. Box.—Certainly not.

The Chairman.—The Committee wished to know, assuming that those words in Section 70 were mandatory, how did the learned Counsel construe Section 17 of the Reform Act 1881.

Mr. Box replied that the last Act, the Council Act of 1881, said that in the case of an unqualified person the Committee should declare the election void—that was to be read in connection with the powers conferred in the other section. He submitted the election must be declared void. He asked the Committee to order that Mr. Butters pay the costs of the Petition, and cited in support of his application section 74 of the Electoral Act. He argued that the opposition to this Petition was frivolous and vexatious within the meaning of the section referred to. Mr. Butters had objected to the original Petition by the present Petitioner on a number of technical grounds, at the same time knowing exactly that he himself had not the merit. He knew then that on the day of the election he was not qualified, and he should have stated so, and saved the expense of bringing witnesses and so on.

Mr. McIntyre was heard in reply. He submitted that the defence of the seat by Mr. Butters had not inflicted any costs more than necessary on the Petitioner, and that there had been a good legal defence as to the construction of the Act. He had not admitted that his client was not qualified, only that the property named on the declaration was not sufficient, and he still submitted that Mr. Butters was qualified. It was purely a technical objection.

Mr. Turner enquired whether he could be heard, and was informed that inasmuch as he had not presented a petition, he had no *locus standi*.

The committee room was cleared.

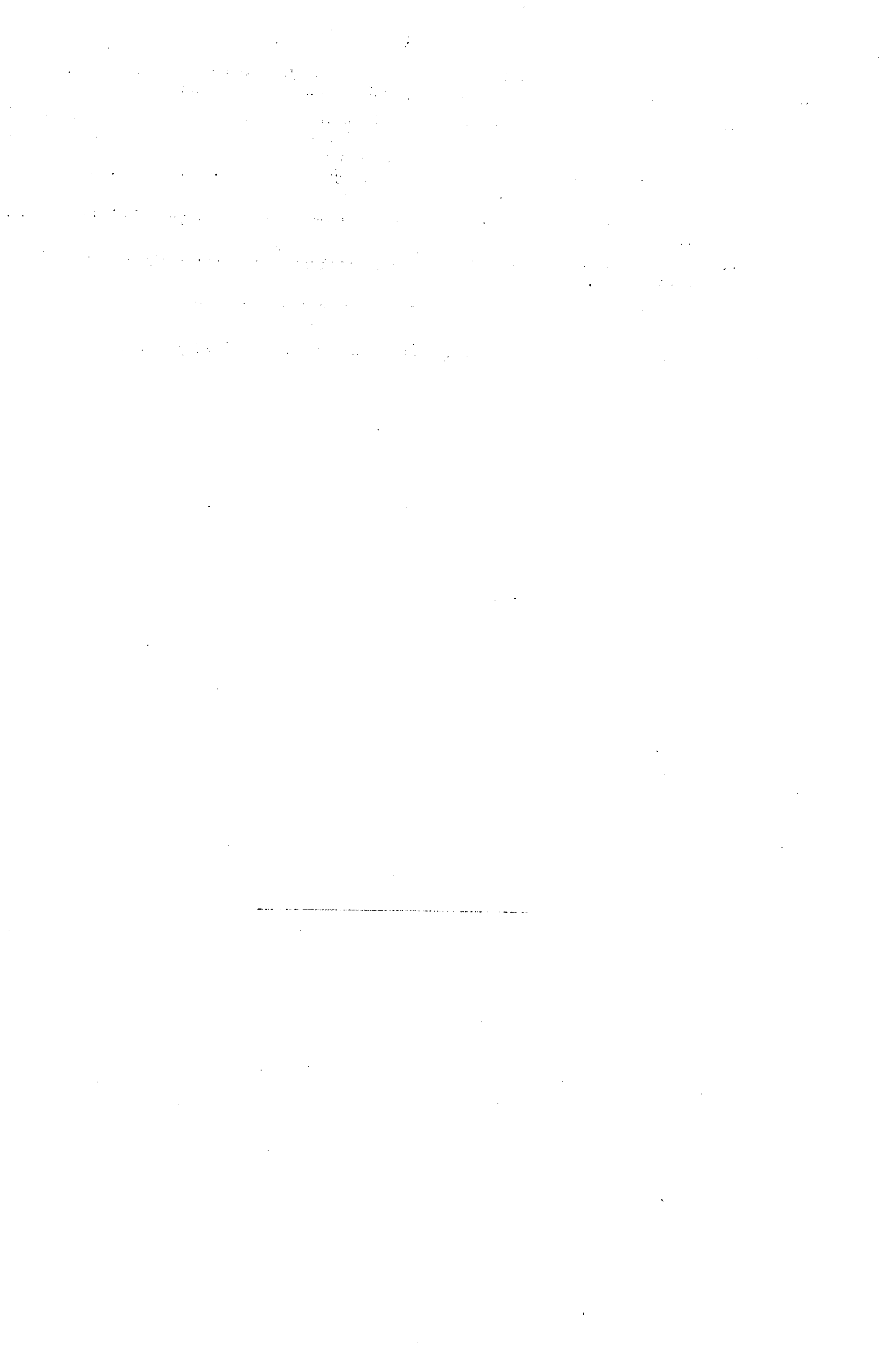
The Committee deliberated.

The parties were again called in.

The Chairman intimated that the Committee had duly considered the questions referred to them by the House for their finding, and that they had agreed to the following resolutions :—

1. "The Committee find that the said James Stewart Butters was not at the date of the election duly qualified under the provisions of the Act No. 702 to be elected a Member of the Legislative Council, inasmuch as it was proved that he had not for one year prior thereto held the whole of the property described in the declarations delivered by him to the Returning Officer and to the Clerk of the Legislative Council respectively.
2. "The Committee declare the election of the said James Stewart Butters and the return of the Returning Officer void.
3. "The Committee find that the opposition by the said James Stewart Butters to the petition was vexatious.
4. "That the sum of £100 lodged by the Petitioner be returned to him."

Ordered that the resolutions of the Committee be reported to the House.



1889.
—
VICTORIA.

FIRST REPORT

FROM THE

SELECT COMMITTEE

UPON THE

REFRESHMENT ROOMS.

ORDERED BY THE LEGISLATIVE COUNCIL TO LIE ON THE TABLE AND TO BE PRINTED,
6TH AUGUST, 1889.

By Authority:

ROBT. S. BRAIN, GOVERNMENT PRINTER, MELBOURNE.

EXTRACTED FROM THE MINUTES OF PROCEEDINGS.

WEDNESDAY, 5TH JUNE, 1889.

9. REFRESHMENT ROOMS COMMITTEE.—The Honorable H. Cuthbert moved, pursuant to notice, That the Honorables J. A. Wallace, J. Buchanan, W. P. Simpson, J. S. Butters, and Dr. Beaney be Members of the Joint Committee of both Houses to manage the Refreshment Rooms.

Question—put and resolved in the affirmative.

TUESDAY, 30TH JULY, 1889.

8. REFRESHMENT ROOMS COMMITTEE.—The Honorable H. Cuthbert moved, by leave, That the Honorables S. W. Cooke and D. S. Wallace be appointed Members of the Refreshment Rooms Committee.

Question—put and resolved in the affirmative.

REPORT.

THE SELECT COMMITTEE upon the Refreshment Rooms have the honor to report that they have resolved :—

1. That the Serjeant-at-Arms be appointed Comptroller of the Refreshment Rooms.

2. That the Comptroller shall have the entire supervision and control of the Refreshment Rooms.

3. That the Committee, having made an inspection of that part of the Parliament House appertaining to the Refreshment Rooms, deem it desirable that the Housekeeper of the Legislative Assembly be also appointed Housekeeper of the Refreshment Rooms, and perform his duties under the direction of the Comptroller.

4. That the Housekeeper shall make a daily inspection of the whole of that part of the Parliament House appertaining to the Refreshment Rooms, and shall have the same responsibility with regard thereto that he has as Housekeeper of the Legislative Assembly.

5. That an inventory be taken forthwith of all articles now belonging to the Refreshment Rooms, and that, for the future, an inventory of all articles shall be taken at least once a year.

6. That it shall be the duty of the Housekeeper to see that the furniture, fittings, carpets, and all other articles belonging to the Refreshment Rooms are kept in good order and repair, and to report to the Comptroller any matter in connexion with the department of the Refreshment Rooms that he may consider calls for attention.

South Library,
31st July, 1889.

1889.

VICTORIA.

REPORT

OF

'THE COMMITTEE OF ELECTIONS AND QUALIFICATIONS'

ON THE

PETITION OF NATHANIEL LEVI;

TOGETHER WITH THE

PROCEEDINGS OF COMMITTEE.

Ordered by the Legislative Council to be printed, 9th October, 1889.

By Authority:

ROBT. S. BRAIN, GOVERNMENT PRINTER, MELBOURNE.

EXTRACTED FROM THE MINUTES OF THE PROCEEDINGS.

WEDNESDAY, 5TH JUNE, 1889.

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

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 the Legislative Assembly of Victoria respectively,*"

I do hereby appoint—

The Honorable Sidney Austin,
The Honorable Samuel Winter Cooke,
The Honorable Henry Cuthbert,
The Honorable David Ham,
The Honorable George Le Fevre,
The Honorable Frederick Thomas Sargood,
and

The Honorable William Austin Zeal,

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

Given under my hand this fifth day of June, One thousand eight hundred and eighty-nine.

JAS. MACBAIN,
President of the Legislative Council.

WEDNESDAY, 19TH JUNE, 1889.

THE COMMITTEE OF ELECTIONS AND QUALIFICATIONS.—The President's Warrant, appointing "The Committee of Elections and Qualifications," was again laid upon the Table by the President.

TUESDAY, 2ND JULY, 1889.

THE COMMITTEE OF ELECTIONS AND QUALIFICATIONS.—The President's Warrant, appointing "The Committee of Elections and Qualifications," was again laid upon the Table by the President.

WEDNESDAY, 3RD JULY, 1889.

THE COMMITTEE OF ELECTIONS AND QUALIFICATIONS.—The following Members of "The Committee of Elections and Qualifications," viz., The Honorables Sidney Austin, Samuel Winter Cooke, Henry Cuthbert, David Ham, George Le Fevre, Lieut.-Col. Sargood, and W. A. Zeal, took the oath set forth in the Schedule to *The Electoral Act 1856* at the Table of the Council before the Clerk thereof.

The President appointed Tuesday, 16th July inst., at eleven o'clock in the forenoon, as the time, and the Committee Room as the place, of the first meeting of the Committee.

TUESDAY, 17TH SEPTEMBER, 1889.

THE COMMITTEE OF ELECTIONS AND QUALIFICATIONS.—The President laid upon the Table the following Warrant appointing a Member of "The Committee of Elections and Qualifications" :—

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 George Le Fevre

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

Given under my hand this seventeenth day of September, One thousand eight hundred and eighty-nine.

JAS. MACBAIN,
President of the Legislative Council.

WEDNESDAY, 18TH SEPTEMBER, 1889.

THE COMMITTEE OF ELECTIONS AND QUALIFICATIONS.—The President's Warrant, appointing a Member of "The Committee of Elections and Qualifications," was again laid upon the Table by the President.

TUESDAY, 1ST OCTOBER, 1889.

THE COMMITTEE OF ELECTIONS AND QUALIFICATIONS.—The President's Warrant, appointing a Member of "The Committee of Elections and Qualifications," was again laid upon the Table by the President.

SOUTH-WESTERN PROVINCE ELECTION.—The President announced to the Council that there had been presented to him a Petition from Nathaniel Levi against the return of the Honorable Donald Smith Wallace as Member for the South-Western Province, which he then laid upon the Table, and is as follows :—

To the Honourable Sir James MacBain, Knight, President of the Legislative Council of Victoria.

The humble Petition of Nathaniel Levi, of Melbourne, in the Colony of Victoria, advertising agent :

SHOWETH—

1. That on the twentieth day of June, One thousand eight hundred and eighty-nine, an election was held for one Member to serve in the Legislative Council of Victoria to represent the South-Western Province.
2. Your Petitioner was a candidate at the said election.

3. Donald Smith Wallace, Esquire, and Thomas Russell, Esquire, were the only other candidates at the said election, but your Petitioner sheweth that the said Thomas Russell was not duly nominated as a candidate, inasmuch as he did not, together with the nomination paper required by *The Electoral Act 1865* to be delivered to the Returning Officer, deliver to him a declaration in writing, or partly in writing and partly in print, made and subscribed by the said Thomas Russell, to the effect that he was legally or equitably seized of or entitled to lands or tenements in Victoria sufficient to qualify him under the provisions of *Legislative Council Act 1881* to be a member of the said Council.

4. As the result of the said election, the Returning Officer announced that the said Donald Smith Wallace had received two thousand two hundred and eighty-seven votes; that the said Thomas Russell had received one thousand one hundred and ninety-two votes; and that your Petitioner had received two hundred and forty-six votes; and on the twenty-second day of June, One thousand eight hundred and eighty-nine, the said Returning Officer publicly declared that the said Donald Smith Wallace had received the majority of votes at the said election, and was duly elected a Member to serve as aforesaid, and such Returning Officer made his return accordingly.

5. Your Petitioner has been informed and believes, and now alleges, that the said Donald Smith Wallace was at the time of his said election incapable of being lawfully elected a Member of the Legislative Council of Victoria, and is incapable of sitting or voting in the said Council, by reason of his not having possessed at the time of his election the qualification required by law to be necessary to render him capable of being elected as a Member of the said Council, in that the said Donald Smith Wallace had not, for one year previous to the said election, been legally or equitably seized or entitled to an estate of freehold in possession for his own use and benefit in lands or tenements in Victoria of the annual value of One hundred pounds above all charges and encumbrances affecting the same other than public or parliamentary tax or municipal or other rate or assessment within the meaning of the eleventh section of an Act of the Parliament of Victoria entitled "*An Act for the Reform of the Constitution*," No. 702.

6. Your Petitioner is advised and believes that, by reason of the premises, the said Donald Smith Wallace is not entitled to be declared a duly-elected Member of the Legislative Council for the said South-Western Province.

7. Your Petitioner is informed and believes that the said Thomas Russell does not allege or claim that he was duly nominated or duly-elected for the said Province, nor has he taken any action or proceeding in the matter of the said election.

Your Petitioner therefore respectfully prays—

That you will communicate the matter of this Petition to the Legislative Council of Victoria, in order that the case of your Petitioner may be referred to a Committee of the said Council duly authorized to receive, enquire into, and report upon the same according to law.

That the return of the said Returning Officer be declared void as respects the said Donald Smith Wallace.

That the said Donald Smith Wallace be declared disqualified to have been so elected as a Member of the said Legislative Council, and that he be declared not to have been duly elected.

That in the event of the said Donald Smith Wallace being declared not to have been duly elected, the Return of the said Returning Officer be amended by striking out the name of the said Donald Smith Wallace and inserting in its place the name of your Petitioner, and that your Petitioner be declared duly elected as a Member of the said Legislative Council of Victoria for the said South-Western Province.

That it be declared that the sum of One hundred pounds paid to the said Returning Officer by or on behalf of your Petitioner at the time of his nomination should be repaid to your Petitioner.

That your Petitioner may have such further or other relief as the circumstances of the case may require or as to the said Committee may seem meet.

And your Petitioner will ever pray, &c.

Dated at Melbourne this nineteenth day of September, One thousand eight hundred and eighty-nine.

NATHANIEL LEVI,

Witness—A. C. MACDERMOTT, solicitor, Melbourne.

On the motion of the Honorable H. Cuthbert, the Council ordered the said Petition to be referred to "The Committee of Elections and Qualifications" for consideration and report.

WEDNESDAY, 2ND OCTOBER, 1889.

THE COMMITTEE OF ELECTIONS AND QUALIFICATIONS.—The Honorable Dr. Le Fevre, a member of "The Committee of Elections and Qualifications," took the oath required by law at the Table of the Council before the Clerk thereof.

WEDNESDAY, 9TH OCTOBER, 1889.

THE COMMITTEE OF ELECTIONS AND QUALIFICATIONS.—The Honorable H. Cuthbert brought up a Report from this Committee.

Report read, and, together with the proceedings of the Committee, ordered to lie on the Table, and to be printed.

R E P O R T .

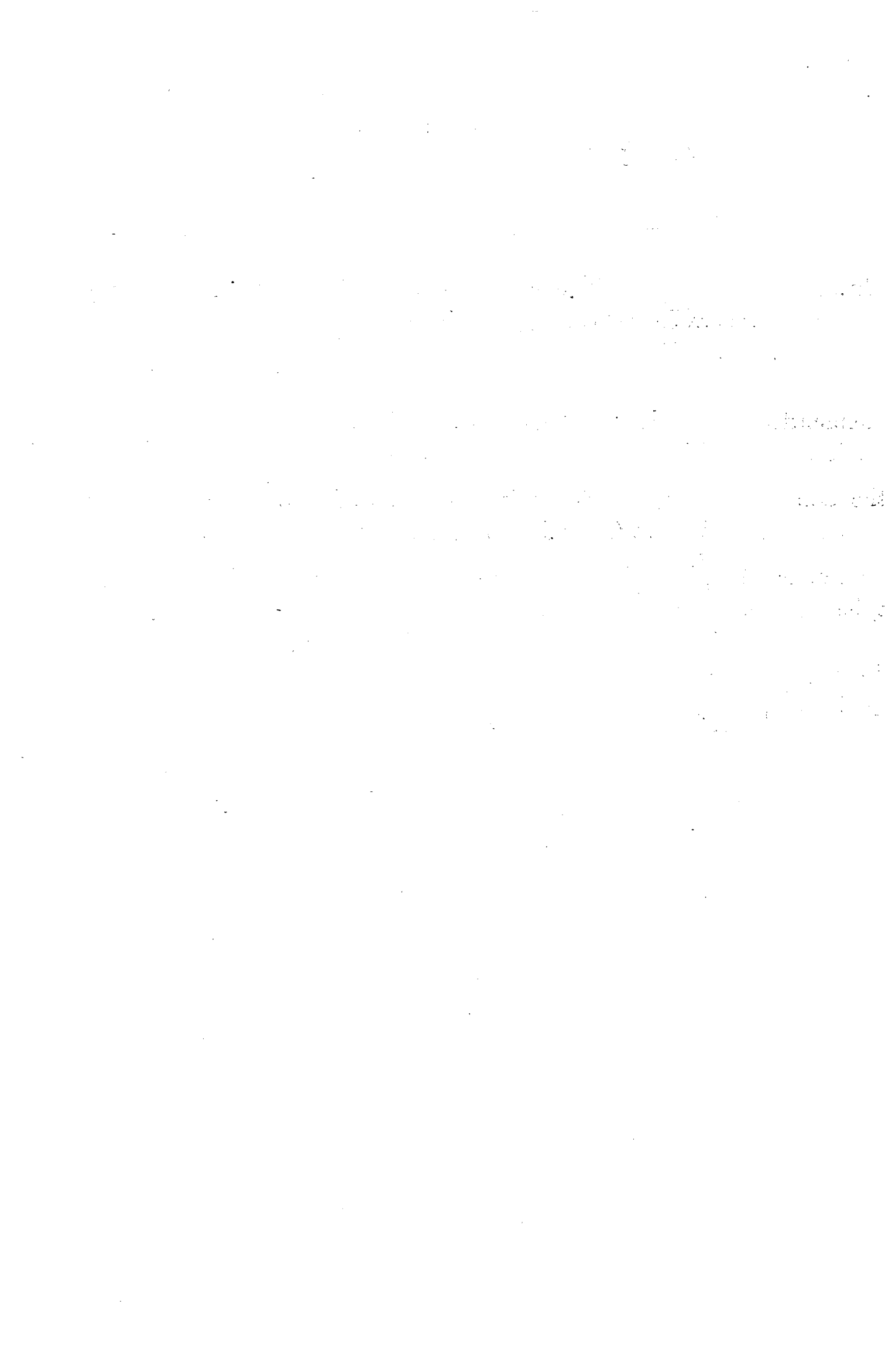
In the matter of the Petition of Nathaniel Levi against the return of the Honorable Donald Smith Wallace for the South-Western Province.

“The Committee of Elections and Qualifications” have the honor to report to your Honorable House :—

That the sitting Member, the Honorable Donald Smith Wallace, was duly elected a Member of the Legislative Council of Victoria.

That the sum of £100, lodged by the Petitioner to the credit of the Honorable The President, be returned to the Petitioner.

Committee Room,
9th October, 1889.



SOUTH-WESTERN PROVINCE ELECTION.

PROCEEDINGS OF THE COMMITTEE.

TUESDAY, 8TH OCTOBER, 1889.

Members present:

The Hon. HENRY CUTHBERT in the Chair;

The Hon. Sidney Austin,
Samuel Winter Cooke,The Hon. Frederick Thomas Sargood,
William Austin Zeal.

The Warrant appointing a member of the Committee was read by the Clerk.

Room cleared.

Committee deliberated.

Preliminary resolutions were agreed to as under :—

1. That Counsel will not be allowed to go into matters not referred to in their opening statement without a special application to the Committee for permission to do so.

2. That if costs be demanded by either party under 19 Vic. No. 12, the question must be raised immediately after the decision on that particular case, unless the Committee shall otherwise decide.

3. That no person shall be examined as a witness who shall have been in the room during any of the proceedings, with the exception of the parties and their agents, without the special leave of the Committee.

4. That the Committee will only allow one Counsel to address them on opening the case, and one Counsel on the summing up.

5. That if any point of law should arise requiring argument, the Committee reserve to themselves the power of hearing one Counsel only on each side.

6. That if the leading Counsel are not prepared to sum up the case on either side when the evidence is terminated, the Committee will not protract the proceedings for the convenience of Counsel who may be absent.

Parties called in.

The extract from the Minutes of the Proceedings of the Legislative Council of the 1st October, 1889, referring the Petition of Nathaniel Levi against the return of the Honorable D. S. Wallace for the South-Western Province to "The Committee of Elections and Qualifications," was read by the Clerk.

The Petition was then read by the Clerk.

The Petitioner, having stated that Counsel who had been retained for him (Mr. Townsend MacDermott) was unavoidably absent, the Committee permitted him to open his case.

The following appearance was handed in to the Committee.

8th October, 1889,
120 William-street, Melbourne.

J. Barker, Esq., Clerk of Legislative Council.

In the matter of the Petition of Nathaniel Levi against the return of the Honorable Donald Smith Wallace, South-Western Province Election.

SIR,

I have the honor to inform you that Mr. A. G. McIntyre as counsel, and Mr. William Riggall as agent, will appear on behalf of the sitting Member, the Honorable D. S. Wallace, on the hearing of the above matter.

Yours obediently,
WM. RIGGALL.

Preliminary resolutions were read by the Clerk.

Short-hand writer sworn.

Mr. McIntyre was heard to object to the fifth paragraph of the prayer of the Petition inasmuch as the Committee had no power to grant the relief sought, it being contrary to the terms of Standing Order No. 255; and to paragraph No. 3 of the Petition, it being merely an allegation that Mr. Russell had not lodged certain documents, and the Petition did not contain any prayer for relief on that account.

Petitioner was heard in reply.

The Chairman said the Committee would hear the point argued by counsel at its next sitting.

Mr. McIntyre further addressed the Committee and asked the Petitioner to state the ground of his objection to the declaration of the sitting Member.

Petitioner replied, stating the property described was held under deed of trust.

Mr. McIntyre said he would admit that the qualification of the sitting Member consisted of a life interest, under deed, in the Ballark homestead, comprising the pre-emptive section and lots 7 and 18, shire of Ballan.

The deed of trust was dated 18th January, 1889, and was handed in for the inspection of the Committee.

The Chairman asked Petitioner if he contended that the sitting Member had not a sufficient estate under the deed.

Petitioner said that was his contention, moreover the property was mortgaged.
Mr. McIntyre denied that there was any liability whatever on the estate.

The Clerk of the Legislative Council produced the Writ for the election for the South-Western Province, also the declaration delivered to him by Mr. Wallace prior to taking his seat, and further produced the declarations of Mr. Levi, Mr. Russell, and Mr. Wallace which had been forwarded to him by the Returning Officer.

Committee adjourned until to-morrow at Eleven o'clock.

WEDNESDAY, 9TH OCTOBER, 1889.

Members present :

The Hon. HENRY CUTHBERT in the Chair ;

The Hon. Sidney Austin,
Samuel Winter Cooke,

The Hon. Frederick Thomas Sargood.

Counsel and parties called in.

The following appearance was handed in to the Committee :—

In the matter of the Petition of Nathaniel Levi against the return of the Hon. Donald Smith Wallace.

The undermentioned will appear, on the hearing of the above Petition, on behalf of the Petitioner, Nathaniel Levi:—

R. E. Hayes, as counsel.

Nathaniel Levi, as Parliamentary Agent.

Dated the 9th day of October, 1889.

The Hon. W. A. Zeal took his seat.

Mr. McIntyre objected to Mr. Hayes appearing as counsel in this case, the Petitioner having stated, at the previous sitting, that Mr. T. MacDermott would appear for him.

The Chairman said the Committee would hear Mr. Hayes.

Mr. Hayes opened the case for the Petitioner, and argued :

1st. That the sitting Member had not the necessary qualification.

2nd. That he had not held the qualification for one year before the date of his election.

Mr. McIntyre was heard *contra*.

Mr. Hayes was heard in reply.

Mr. McIntyre was then heard on the subject of costs.

Mr. Hayes was heard *contra*.

Room cleared.

Committee deliberated.

Question—That the estate of the said D. S. Wallace, in the property at Ballark, was an estate of freehold within the meaning of Section 11 of the Act No. 702—put and resolved in the affirmative.

Question—That the said D. S. Wallace had been in possession of a sufficient estate in the said property to qualify him to sit as Member of the Legislative Council for one year previous to his nomination—put, and resolved in the affirmative.

Question—That the petition of the said N. Levi was frivolous—put.

Committee divided.

Ayes, 2.

The Hon. S. Austin,
S. W. Cooke,

Noes, 3.

The Hon. Lieut.-Col. Sargood,
W. A. Zeal,
H. Cuthbert.

and so it passed in the negative.

Question—That the sitting Member, the Honorable D. S. Wallace, was duly elected a Member of the Legislative Council of Victoria—put and resolved in the affirmative.

Question—That the sum of £100 lodged by the Petitioner to the credit of the Honorable the President be returned to the Petitioner—put and resolved in the affirmative.

Chairman to report.

MINUTES OF PROCEEDINGS

TAKEN BEFORE "THE COMMITTEE OF ELECTIONS AND
QUALIFICATIONS."

SOUTH-WESTERN PROVINCE ELECTION PETITION.

TUESDAY, 8TH OCTOBER, 1889.

Present:

	The Hon. H. CUTHBERT, in the Chair;	
The Hon. S. Austin,	|	The Hon. Lieut.-Col. Sargood,
S. W. Cooke,	|	W. A. Zeal.

The Counsel and parties were called in.

The Petition was read.

Mr. McIntyre, instructed by Mr. W. Riggall, appeared on behalf of Mr. Donald Smith Wallace, the sitting Member.

Mr. Nathaniel Levi, the petitioner, stated that Mr. Townsend McDermott, instructed by Mr. A. C. McDermott was to have appeared on his behalf, but he was unable to be present owing to his being engaged on a case in the Court which was likely to last all day.

The Chairman stated that Mr. Levi could proceed to open his case, and if he desired the assistance of his Counsel later on, the Committee would allow his Counsel to be heard on his behalf.

The Clerk read the following preliminary resolutions agreed on by the Committee:—

1. That Counsel will not be allowed to go into matters not referred to in their opening statement without a special application to the Committee for permission to do so.
2. That if costs be demanded by either party under 19 Vic. No. 12, the question must be raised immediately after the decision on that particular case, unless the Committee shall otherwise decide.
3. That no person shall be examined as a witness who shall have been in the room during any of the proceedings, with the exception of the parties and their agents, without the special leave of the Committee.
4. That the Committee will only allow one Counsel to address them on opening the case, and one Counsel on the summing up.
5. That if any point of law should arise requiring argument, the Committee reserve to themselves the power of hearing one Counsel only on each side.
6. That if the leading Counsel are not prepared to sum up the case on either side when the evidence is terminated, the Committee will not protract the proceedings for the convenience of Counsel who may be absent.

Mr. McIntyre was heard to address the Committee as to the clause in the prayer of the Petition "That it be declared that the sum of £100 paid to the said returning officer by or on behalf of the Petitioner at the time of his nomination should be repaid to the Petitioner." He submitted that there was no allegation in the petition as to the sum named, and that the Committee had no power to deal with the matter in any way whatsoever. He quoted Standing Order, No. 255, which referred to Petitions presented by a Member, but this being an Election Petition the Committee could not have any greater power than the House itself. The only way to recover the money was by action against the returning officer, the money having been appropriated towards defraying the expenses of the election. He desired the Committee to give a ruling on the point.

The Chairman asked if the learned Counsel had any further objection to raise.

Mr. McIntyre stated that the Petitioner in the body of his Petition alleged "That the said Thomas Russell was not duly nominated as a candidate, inasmuch as he did not, together with the nomination paper required by *The Electoral Act* 1865 to be delivered to the returning officer, deliver to him a declaration in writing," but the Petitioner did not pray for the Committee to deal with that in any way, and he submitted that the Committee could not deal with it, even if they decided that the sitting Member was not qualified—he desired to point that out as an informality in the Petition.

The Petitioner was heard in reply. He submitted that he simply asked the Committee to declare in connection with this election that the amount be paid. As to the second objection, he submitted that Thomas Russell was not duly nominated a candidate, and he would show that at a future stage. In the 7th paragraph he stated that he was informed and believed that the said Thomas Russell did not allege or claim that he was duly nominated or duly elected for the said Province, nor had he taken any action or proceeding in the matter of the said election. He submitted that he was entitled to ask the Committee to give their opinion on that point.

Mr. McIntyre asked if the Petitioner had served Mr. Russell with a copy of the Petition.

The Petitioner replied that he had seen Mr. Russell, but had not served him with a copy of the Petition.

The Chairman asked whether the Petitioner applied for relief as against Mr. Russell.

The Petitioner stated that he had dealt with the matter as though Mr. Russell was not a properly nominated candidate, and was therefore nobody.

The Chairman pointed out that there were certain allegations against Mr. Russell, but the prayer of the petition did not ask for any relief as against him.

The Petitioner replied that he dealt with Mr. Russell as though he was not a candidate at all. There were not the proper acts performed by which he would be before the constituents as a candidate.

The Chairman pointed out that Mr. Russell was brought very noticeably before the Committee by the Petitioner stating that Mr. Russell was second on the poll and had received a large number of votes, but relief was not asked for as against him, and apparently no notice had been served on Mr. Russell.

The Petitioner replied that the view taken by his Counsel was, that Mr. Russell would not be dealt with by the Committee in consequence of his not having been duly nominated. He assumed that if that were proved he would be passed over and the petitioner's name would be inserted in lieu of Mr. Russell's.

The Chairman stated that the Committee would be prepared to hear Counsel on the next day of sitting on the points raised.

Mr. McIntyre inquired what was the nature of the alleged want of qualification in the sitting Member.

The Petitioner read the declaration of the Honorable the sitting Member, and asked whether the learned Counsel would admit that the settlement made on the 18th of January, 1889, on Herbert Power and William Edwin Johnstone, for the benefit of his (Wallace's) infant son, John Vivian Wallace, for natural love and affection, was the property contained in the declaration, pre-emptive section and lots 7 and 18.

Mr. McIntyre said he would like to know what the objection was.

The Chairman asked whether the Petitioner contended that under the settlement in question Mr. Wallace had not an estate sufficient to qualify him for a seat in the House.

The Petitioner replied that that was his point. Upon a search of the Register he found a settlement was made on the 6th of February of this year by Mr. Wallace in favor of his infant son, John Vivian Wallace.

Mr. McIntyre stated that he held in his hand a copy of a deed which reserved a life estate in the property to the Honorable the sitting Member. He asked whether the Petitioner's contention was that the life estate was not an estate in freehold. The estate was the Ballark homestead, set out in the declaration, about a thousand acres, and he had an absolute life estate in the homestead, an estate valued sometime ago at £15,000. He submitted that the life estate was an estate of freehold. He could quote authorities if desired.

The Petitioner again submitted that the sitting Member had no real estate in accordance with the Act to qualify him as a Member of the House, no estate of freehold. On the face of the registry the property appeared to be settled entirely on his infant son, and after that the sitting Member could not deal with it in any way. He had divested himself of any estate whatever that there had been in it. There was a further point that there was a mortgage dated the 4th of February, 1886, dealing with some of those properties. Lots 7 and 18 which had not been re-conveyed, according to the public register, so that the sitting Member had dispossessed himself of any right to occupy the position of member. He referred to Lots 7 and 18 of 160 acres each and pre-emptive right, parish of Ballark, county of Grant, 640 acres, homestead, which property had been subjected to a mortgage, and no re-conveyance had taken place, as they stood on the register on the 4th February, 1886, as part of a loan of £42,700 to Mathieson and Molesworth; yet that was part and parcel of what in the deed of settlement the sitting Member qualified on.

Mr. McIntyre admitted there was a mortgage of £42,000 odd on the whole of the property, but the outlying portion was sold for £111,000 and the mortgage was cleared off, and the particular property with which the sitting Member now qualified was absolutely unencumbered. The only point that remained was the Petitioner's contention that this was not an estate of freehold. The same point had been settled adversely to Mr. Levi in his appeal against the Honorable W. A. C. a'Beckett. That was prior to the new Electoral Act, but the qualification was the same "estate of freehold in possession."

The Chairman stated that it would be better to reserve the discussion on the point till the Petitioner's counsel could be present.

The Petitioner asked whether the other side would make a statement that the sitting Member had not assigned or attempted to assign, or charge the said rents or profits, or lodged his documents for that purpose or any part of them for any advances.

Mr. McIntyre stated that the sitting Member had certainly not done so.

The Clerk produced the Writ for the election of a Member to serve for the South-Western Province dated the 29th of May, together with the return certifying that Donald Smith Wallace was elected, signed by James Noble, Returning Officer. Also the declaration of Mr. Wallace on his taking his seat as a member; and the declarations of the candidates, Mr. Levi, Mr. Russell, and Mr. Donald Smith Wallace.

At the request of the Petitioner the deed of settlement referred to by Mr. McIntyre was handed in as evidence.

In reply to the Chairman the Petitioner stated that he had nothing further to submit, it being understood that his counsel would have an opportunity of arguing the points that had been raised, and that witnesses could be called if necessary. He asked for a postponement.

The Chairman stated that the Committee would grant a postponement till the next day at Eleven o'clock.

Ordered that the Committee be adjourned till next day at Eleven o'clock.

WEDNESDAY, 9TH OCTOBER, 1889.

Members present :

The Hon. H. CUTHBERT, in the Chair ;

The Hon. F. T. Sargood,
S. W. Cooke,

The Hon. S. Austin,
W. A. Zeal.

The counsel and parties were called in.

Mr. Hayes asked permission to appear on behalf of the Petitioner in lieu of Mr. McDermott who was unable to be present.

Mr. McIntyre formally objected.

The Chairman stated that the Committee would allow Mr. Hayes to appear.

Mr. Hayes was heard to address the Committee. He submitted first, that the particular estate referred to in the declaration was not sufficient within the meaning of the Act to qualify the sitting Member, and second, that it had not been possessed by him a year prior to the election.

Mr. McIntyre objected that the second point had not been raised.

Mr. Hayes replied that he would confine himself to the settlement, but that would not debar him from dealing with the two points referred to.

The Committee overruled Mr. McIntyre's objection.

Mr. Hayes was heard to address the Committee. He submitted that the estate that Mr. Wallace took under the settlement was not an estate of freehold within the meaning of the Act 702. He quoted section 11 and the subsequent sections. He argued further that this particular estate had not been held and enjoyed by Mr. Wallace for one year previous to the election. He read the words of the trust, and submitted that the estate was less than a life estate and was not a disposable estate. He submitted that under the sections quoted the sitting Member must hold an estate of freehold that was saleable or disposable. He quoted Williams's Principles of Law and Real Property, page 26, to show that an estate for life was the smallest estate of freehold without any conditions whatever. The sitting Member could not sell or mortgage the estate ; directly he attempted anything of the sort his estate would come to an end. It was an estate with a conditional limitation according to Leek on Real Property. He referred to the decision in the case of Mr. Butters by the Select Committee to show that the sitting Member must hold one particular qualifying estate for twelve months prior to the election, and that must be the estate which he puts in his declaration. On this point he referred again to section 11 of Act 702 to show there must be "an estate of freehold in the land." He quoted Williams to show that the ownership would not be in the land, but in the estate, so that it was not the land that qualified, but the interest in the land that must be held twelve months prior to the election. He submitted that the sitting Member held that only for a few months, namely since January of this year, and that the sitting Member did not hold the fee simple for the twelve months. He did not propose to address himself to the other points until the Committee's decision had been given on the points already raised.

Mr. McIntyre was heard in reply. He submitted that an estate in fee simple was an estate which was acknowledged to be the highest estate known to the law, and his client held an estate in fee simple of certain lands set out in his declaration and for more than twelve months prior to the day of election. He had held the estate of freehold in possession for twelve months prior to the election. As to the question of disposability, that was all in his favour, because as soon as he disposed of his property he would become no longer qualified to sit, so that he was doubly secured. He quoted the case of the Petitioner against the Hon. W. A. C. a'Beckett, in 1869, and submitted that the deed in that case was almost identical, and the decision was against the Petitioner. He also quoted Williams on Real Property to show that although on many contingencies the holder of estate for life might have his estate taken away from him altogether, still the law held that he had an estate of freehold and an estate for life. He quoted Stephen's Commentaries, vol. 1, page 225, to show that an estate for life was a larger estate than an estate for another man's life, and was an estate for freehold, although it might be terminable under certain contingencies. The sitting Member had an absolute estate for life so long as he did not do certain things. He submitted that the Honorable Member had twelve months prior to the election an estate of freehold in possession and had it now.

He asked that the Committee, under section 74 of *The Elections Petitions Act*, should declare that the Petition was frivolous and vexatious. In support of which contention he quoted Clerk on Election Petition Committees, page 495.

Mr. Hayes was heard to further address the Committee as to the steps taken by the Petitioner in bringing forward his Petition.

Mr. McIntyre was again heard in reply.

The committee room was cleared.

The Committee deliberated.

The Counsel and parties were again called in.

The Chairman announced that the Committee had resolved :—

That the sitting Member, Donald Smith Wallace, was duly elected a Member of the Legislative Council of Victoria.

That the sum of £100, lodged by the Petitioner to the credit of the Honorable the President, be returned to the Petitioner.

Ordered that the resolutions be reported to the House.

1889.
—
VICTORIA.

SECOND REPORT

OF THE

JOINT SELECT COMMITTEE

OF THE

LEGISLATIVE COUNCIL AND LEGISLATIVE ASSEMBLY

ON THE

REFRESHMENT ROOMS.

Ordered by the Legislative Council to be printed, 22nd October, 1889.

By Authority:
ROBT. S. BRAIN, GOVERNMENT PRINTER, MELBOURNE.

EXTRACTED FROM THE MINUTES OF PROCEEDINGS.

WEDNESDAY, 5TH JUNE, 1889.

REFRESHMENT ROOMS COMMITTEE.—The Honorable H. Cuthbert moved, pursuant to notice, That the Honorables J. A. Wallace, J. Buchanan, W. P. Simpson, J. S. Butters, and Dr. Beaney be Members of the Joint Committee of both Houses to manage the Refreshment Rooms.

Question—put and resolved in the affirmative.

TUESDAY, 30TH JULY, 1889.

REFRESHMENT ROOMS COMMITTEE.—The Honorable H. Cuthbert moved, by leave, That the Honorables S. W. Cooke and D. S. Wallace be appointed Members of the Refreshment Rooms Committee.

Question—put and resolved in the affirmative.

TUESDAY, 22ND OCTOBER, 1889.

REFRESHMENT ROOMS COMMITTEE.—The Honorable S. W. Cooke brought up the Second Report from this Committee.

Report read and ordered to lie on the Table, and to be printed.

REPORT.

THE SELECT COMMITTEE upon the Refreshment Rooms have the honor to report that they have resolved:—

1. That a room having been set apart in the Refreshment Rooms for Strangers, your Committee have given directions that under no circumstances whatever shall Strangers be admitted to any other part of the Refreshment Rooms during the sitting of either House.
2. That Members of both Houses are requested to take their friends into the Strangers' Room when visiting the Refreshment Rooms.
3. That it shall be the duty of the doorkeeper to report to the Comptroller any breach of the foregoing rules, and the Comptroller shall report the same to the Refreshment Rooms Committee, who shall deal with the matter.

Strangers' Room,
22nd October, 1889.

1889.

VICTORIA.

REPORT

OF

“THE COMMITTEE OF ELECTIONS AND QUALIFICATIONS”

ON THE

PETITION OF GEORGE MOORE;

TOGETHER WITH THE

PROCEEDINGS OF COMMITTEE AND MINUTES OF EVIDENCE.

Ordered by the Legislative Council to be printed, 20th November, 1889.

By Authority:

ROBT. S. BRAIN, GOVERNMENT PRINTER, MELBOURNE.

EXTRACTED FROM THE MINUTES.

WEDNESDAY, 5TH JUNE, 1889.

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

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 the Legislative Assembly of Victoria respectively*,”

I do hereby appoint—

The Honorable Sidney Austin,
The Honorable Samuel Winter Cooke,
The Honorable Henry Cuthbert,
The Honorable David Ham,
The Honorable George Le Fevre,
The Honorable Frederick Thomas Sargood,
and
The Honorable William Austin Zeal,

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

Given under my hand this fifth day of June, One thousand eight hundred and eighty-nine.

JAS. MACBAIN,
President of the Legislative Council.

WEDNESDAY, 19TH JUNE, 1889.

THE COMMITTEE OF ELECTIONS AND QUALIFICATIONS.—The President’s Warrant, appointing “The Committee of Elections and Qualifications,” was again laid upon the Table by the President.

TUESDAY, 2ND JULY, 1889.

THE COMMITTEE OF ELECTIONS AND QUALIFICATIONS.—The President’s Warrant, appointing “The Committee of Elections and Qualifications,” was again laid upon the Table by the President.

WEDNESDAY, 3RD JULY, 1889.

THE COMMITTEE OF ELECTIONS AND QUALIFICATIONS.—The following Members of “The Committee of Elections and Qualifications,” viz., The Honorables Sidney Austin, Samuel Winter Cooke, Henry Cuthbert, David Ham, George Le Fevre, Lieut.-Col. Sargood, and W. A. Zeal, took the oath set forth in the Schedule to *The Electoral Act 1856* at the Table of the Council before the Clerk thereof.

The President appointed Tuesday, 16th July inst., at eleven o’clock in the forenoon, as the time, and the Committee Room as the place, of the first meeting of the Committee.

TUESDAY, 17TH SEPTEMBER, 1889.

THE COMMITTEE OF ELECTIONS AND QUALIFICATIONS.—The President laid upon the Table the following Warrant appointing a Member of “The Committee of Elections and Qualifications”:

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 George Le Fevre

to be a Member of a Committee called “The Committee of Elections and Qualifications.”

Given under my hand this seventeenth day of September, One thousand eight hundred and eighty-nine.

JAS. MACBAIN,
President of the Legislative Council.

WEDNESDAY, 18TH SEPTEMBER, 1889.

THE COMMITTEE OF ELECTIONS AND QUALIFICATIONS.—The President’s Warrant, appointing a Member of “The Committee of Elections and Qualifications,” was again laid upon the Table by the President.

TUESDAY, 1ST OCTOBER, 1889.

THE COMMITTEE OF ELECTIONS AND QUALIFICATIONS.—The President’s Warrant, appointing a Member of “The Committee of Elections and Qualifications” was again laid upon the Table by the President.

WEDNESDAY, 2ND OCTOBER, 1889.

THE COMMITTEE OF ELECTIONS AND QUALIFICATIONS.—The Honorable Dr. Le Fevre, a Member of “The Committee of Elections and Qualifications,” took the oath required by law at the Table of the Council before the Clerk thereof.

TUESDAY, 12TH NOVEMBER, 1889.

GIPPSLAND PROVINCE ELECTION.—The President announced to the Council that there had been presented to him a Petition from George Moore, Esq., against the return of the Honorable Charles Sargeant as Member for Gippsland Province, which he then laid upon the Table, and is as follows:—

To the Honorable Sir James MacBain, Knight, President of the Legislative Council of Victoria.

The humble Petition of George Moore, of Dickens-street, Saint Kilda, in the colony of Victoria, doctor of medicine :

SH EWETH—

1. That on the twelfth day of September One thousand eight hundred and eighty-nine an election was held for One Member to serve in the Legislative Council of Victoria, to represent the Gippsland Province.

2. Your Petitioner was a candidate at the said election.

3. Charles Sargeant, of Warragul, in the colony of Victoria, sawmill proprietor, was the only other candidate at the said election.

4. As a result of the said election, the Returning Officer announced that the said Charles Sargeant had received one thousand four hundred and sixty-one votes, and that your Petitioner had received one thousand three hundred and twenty-three votes, and on the seventeenth day of September One thousand eight hundred and eighty-nine the said Returning Officer publicly declared that the said Charles Sargeant had received the majority of votes at the said election, and was duly elected to serve as a Member as aforesaid, and such Returning Officer made his return accordingly.

5. Your Petitioner has been informed and believes and now alleges that the said Charles Sargeant was at the time of the said election incapable of being lawfully elected a Member of the Legislative Council of Victoria, and is incapable of sitting or voting in the said Council by reason of his not having possessed at the time of his nomination and election, or at all, the qualification required by law to be necessary to render him capable of being elected as a Member of the said Council, in that the said Charles Sargeant had not for one year previous to the said election been legally or equitably seized or entitled to an estate of freehold in possession for his own use and benefit in lands or tenements in Victoria of the annual value of One hundred pounds above all charges and encumbrances affecting the same other than public or Parliamentary tax or municipal or other rate or assessment within the meaning of the eleventh section of the Act of Parliament of Victoria, entitled "*An Act for the Reform of the Constitution*," No. 702.

6. Your Petitioner is advised and believes that by reason of the premises the said Charles Sargeant is not entitled to be declared a duly-elected Member of the Legislative Council for the said Gippsland Province.

Your Petitioner therefore respectfully prays—

That you will communicate the matter of this Petition to the Legislative Council of Victoria, in order that the case of your Petitioner may be referred to a Committee of the said Council duly authorized to receive, inquire into, and report upon the same according to law.

That the return of the said Returning Officer be declared void as respects the said Charles Sargeant.

That the said Charles Sargeant be declared disqualified to have been so elected as a Member of the said Legislative Council, and that he be declared not to have been duly elected.

That in the event of the said Charles Sargeant being declared not to have been duly elected, the return of the said Returning Officer be amended by striking out the name of the said Charles Sargeant and inserting in the place thereof the name of your Petitioner, and that your Petitioner be declared duly elected as a Member of the said Legislative Council of Victoria for the said Gippsland Province.

And that your Petitioner may have such further or other relief as the circumstances of the case may require or as to the said Committee may seem meet.

And your Petitioner will ever pray, &c.

Dated at Melbourne this eleventh day of November One thousand eight hundred and eighty-nine.

GEORGE MOORE.

Witness—JOHN HOPKINS, Parliamentary agent, 8 Market Buildings, Collins-street west, Melbourne.

The Honorable H. Cuthbert moved, That the above Petition be referred to "The Committee of Elections and Qualifications" for consideration and report.

Question—put and resolved in the affirmative.

WEDNESDAY, 20TH NOVEMBER, 1889.

THE COMMITTEE OF ELECTIONS AND QUALIFICATIONS.—The Honorable H. Cuthbert, Chairman, brought up a Report from this Committee.

Ordered to lie on the Table, and, together with the Proceedings of the Committee and Evidence, to be printed.

R E P O R T.

In the matter of the Petition of George Moore against the return of the Honorable Charles Sargeant for the Gippsland Province.

“The Committee of Elections and Qualifications” have the honor to report to your Honorable House:—

That the sitting Member was duly qualified and was duly elected.

That the Committee recommend that the sum of One hundred pounds, lodged by the Petitioner, be returned to him.

Committee Room,
20th November, 1889.



PROCEEDINGS OF THE COMMITTEE.

TUESDAY, 19TH NOVEMBER, 1889.

Members present:

The Hon. H. CUTHBERT, in the Chair;
 The Hon. S. W. Cooke, | The Hon. Lieut.-Col. Sargood.
 D. Ham, |

Committee deliberated.

Preliminary resolutions agreed to as under:—

1. That Counsel will not be allowed to go into matters not referred to in their opening statement without a special application to the Committee for permission to do so.
2. That if costs be demanded by either party under 19 Vic. No. 12, the question must be raised immediately after the decision on that particular case, unless the Committee shall otherwise decide.
3. That no person shall be examined as a witness who shall have been in the room during any of the proceedings, with the exception of the parties and their agents, without the special leave of the Committee.
4. That the Committee will only allow one Counsel to address them on opening the case, and one Counsel on the summing up.
5. That if any point of law should arise requiring argument, the Committee reserve to themselves the power of hearing one Counsel only on each side.
6. That if the leading Counsel are not prepared to sum up the case on either side when the evidence is terminated, the Committee will not protract the proceedings for the convenience of Counsel who may be absent.

Parties called in.

The Petition read by the Clerk.

The Extract from the Minutes of the Proceedings of the Legislative Council of the 12th November, 1889, referring the Petition to this Committee, read by the Clerk.

Preliminary resolutions read by the Clerk.

The following appearances were handed in to the Committee:—

“No. 8, Market Buildings, Collins-street west,
 “Melbourne, 19th November, 1889.

“J. Barker, Esq., Clerk of the Legislative Council.

“SIR,

“*In the matter of the Petition of George Moore against the return of the Honorable Charles Sargeant, Gippsland Province Election.*

“I have the honour to inform you that Mr. J. B. Box, as Counsel, and Mr. John Hopkins, as Agent, will appear on behalf of the Petitioner Dr. George Moore, on the hearing of the above matter.

“Yours obediently,

“JOHN HOPKINS.”

“Jas. Gray, solicitor, Warragul.

“Warragul, 17th November, 1889.

“ J. Barker, Esq., Clerk of Legislative Council.

“SIR,

“*In the matter of the Petition of George Moore against the return of the Honorable Charles Sargeant, Gippsland Province Election.*

“I have the honour to inform you that Mr. R. E. Hayes, as Counsel, and James Gray, as Agent, will appear on behalf of the sitting Member, the Honorable Charles Sargeant, on the hearing of the above matter.

“Yours obediently,

“JAS. GRAY.”

Shorthand writer sworn.

Mr. Hayes was heard to raise a preliminary objection.

Mr. Box heard in opposition to objection.

Room cleared.

Committee deliberated.

Resolved—That the Committee have full power to deal with the Petition under section 69 of the Act 19 Vict. No. 12—that the Petition was received in time and comes under the provisions of section 69.

Parties called in, and informed of the above resolution.

Mr. Box opened the case on behalf of the Petitioner.

The Clerk of the Legislative Council produced the Writ for holding the election, and also the Declaration delivered to him by Mr. Sargeant prior to taking his seat.

Mr. Hayes was heard to object to the declaration being put in, as it did not concern the case.

Objection overruled.

John Alexander Nicholson, Manager, Bank of Australasia, at Warragul, called in, sworn, and examined by Mr. Box.

Mr. Hayes was heard to object to the production of the ledgers, which were private papers.

Mr. Box in reply.

Objection overruled.

Examination by Mr. Box continued.

Examined by the Committee.

Examined by Mr. Box.

John Brown Goulston, Esq., Inspector of the Bank of Australasia, called in, sworn, and examined by Mr. Box.

The witness produced Crown grant of allotment 101, Warragul, parish of Drouin East, dated 13th August, 1880, area 299 acres, also Crown grant of allotment 71, parish of Mirboo, dated 20th October, 1882, area 319 acres 2 roods 23 perches.

John Alexander Nicholson, again examined by Mr. Box.

The witness produced two general liens, given by the Hon. Charles Sargeant to the Bank of Australasia, dated 7th March, 1884, and 12th February, 1889 respectively; also duplicate mortgage on allotment 101 Warragul, parish of Drouin East, 299 acres, dated 22nd September, 1886, and duplicate mortgage on allotment 71, parish of Mirboo, area 319 acres 2 roods 23 perches, dated 12th February, 1889.

Examined by the Committee.

Further examined by Mr. Box.

Cross-examined by Mr. Hayes.

Mr. Box was heard to object to a certain valuation of the properties being put in as evidence.

Objection overruled.

The witness produced a valuation of the properties made by Mr. Groom, M.L.A.

Mr. Box objected. Under section 12 of the Act No. 702, the Committee must take the yearly value. The declaration was based on the municipal rating only.

Mr. Hayes, *contra*, the capital value could be taken, and cited the case *Harbison v. Dobson*.

Mr. Box *contra*.

Mr. Hayes in reply.

Room cleared.

Committee deliberated.

Question—That the Committee cannot go outside the provision of section 12 of No. 702, but are bound by that section—proposed and put.

Committee divided.

Aye, 1.

The Hon. D. Ham.

Noes, 3.

The Hon. S. W. Cooke,
H. Cuthbert,
Lieut.-Col. Sargood.

And so it passed in the negative.

Parties called in, and informed of the above resolution.

Committee adjourned till to-morrow, at Eleven o'clock.

WEDNESDAY, 20TH NOVEMBER, 1889.

Members present:

The Hon. H. CUTHBERT, in the Chair;

The Hon. S. Austin,
S. W. Cooke,

The Hon. D. Ham,
Lieut.-Col. Sargood.

Parties called in.

John Alexander Nicholson again called in and cross-examined by Mr. Hayes.

Re-examined by Mr. Box.

Examined by the Committee.

Further cross-examined by Mr. Hayes.

Further examined by the Committee.

Alfred Embling Wheatley, clerk in the Titles Office, Registrar-General's Department, called in, sworn, and examined by Mr. Box.

The witness produced a Certificate of Title in the name of Charles Sargeant, for part of allotment 102, parish of Drouin East, also two mortgages on above allotment, bearing date the 10th April, 1889.

Examined by the Committee.

The witness further produced Crown grant of allotment 102, parish of Drouin East.

Cross-examined by Mr. Hayes.

Mr. Box, at the instance of Mr. Hayes, produced the Certificate of Title to Crown allotment 21, section 9, Warragul, parish of Drouin East, mentioned in the declaration of the sitting Member.

Mr. Hayes produced the same.

The fact of George Moore, Esquire, being a candidate admitted,

Mr. Box intimated to the Committee that the case was closed on behalf of the Petitioner.

Mr. Hayes was heard to address the Committee on behalf of the sitting Member.

Mr. Box *contra*.

Mr. Hayes in reply.

John Alexander Nicholson again called in and further examined by the Committee.

Room cleared.

Committee deliberated.

Question—That the sitting Member has been duly elected—proposed and resolved in the affirmative.

Question—That costs be allowed—proposed and put.

Committee divided.

Aye, 1.

The Hon. D. Ham.

Noes, 4.

The Hon. S. Austin,
S. W. Cooke,
H. Cuthbert,
Lieut.-Col. Sargood.

And so it passed in the negative.

Question—That the Committee recommend that the sum of One hundred pounds, lodged by the Petitioner, be returned to him—proposed and resolved in the affirmative.

Parties called in and informed of the above resolutions.

Mr. Hayes was heard to address the Committee, asking that the Petition be dismissed, and declared frivolous and vexatious.

Mr. Box *contra*.

The Chairman stated that the Committee had already considered the point.

The Chairman to report.

Mr. Hayes was heard to reply. He contended that the Petition did not touch the present declaration under which the Hon. Member sat, and section 69 was confined to that case.

The Committee room was cleared.

The Committee deliberated.

The Counsel and parties were again called in.

The Hon. the Chairman.—The Committee have deliberated on the objections that you have taken to the Petition, and they are of opinion that they must overrule the objections taken. They think this Petition is in time, and comes properly under section 69.

Mr. Box was heard to address the Committee. He said the Petition was based on the want of qualification of the sitting Member, and the whole matter was in a nutshell. He quoted Act 702, section 11, as to the qualification of the Member, to show that it was to be an annual value of £100 above all charges, encumbrances, &c. He proposed to show that the statement in the sitting Member's declaration as to his property was not correct, and that at the date of nomination and election, and some time previously, Mr. Sargeant's deeds for this property, which he claimed to be the owner of in fee simple, were on an equitable deposit in the hands of the Bank of Australasia for a large sum of money as security for a large overdraft. The sitting Member after deducting his debt to the bank would have nothing; therefore, having no qualification whatever, he was not entitled to sit in the House or vote. He read the declaration of the sitting Member, and stated that he would show that he only owned 75 acres of Crown allotment 102, which consisted of 27½ acres. He did not intend to dispute the amount of the rating.

The Clerk read the return of the Writ, certifying that Charles Sargeant, sawmiller, of Warragul, was duly elected in pursuance of this Writ, signed by John Little, Returning Officer.

The learned Counsel, on both sides, agreed to admit the return.

The Clerk produced the Declaration of the candidate, as signed by Charles Sargeant.

Mr. Hayes admitted the identity of the document, but objected that it was not evidence. It was different from the declaration that the sitting Member made when he was nominated, and dealt with quite a different property. The second declaration did not affect the first declaration at all.

The Chairman stated the Committee had determined that the Petition came within section 69, and that the objection would be overruled.

Mr. Box asked for the second declaration.

The Clerk produced the same, dated 19th September, 1889.

John Alexander Nicholson sworn and examined.

1. *By Mr. Box.*—What are you?—Manager of the Bank of Australasia at Warragul.
2. Do you know Mr. Charles Sargeant?—Yes.
3. Does he keep a banking account with the Bank of Australasia at Warragul?—Yes.
4. How long has he been keeping an account?—Since 1879.
5. Have you got the books of the bank here?—Yes.
6. *Mr. Hayes* objected to the books being put in as being private papers, and quoted Section 65 of the Elections Committees Act.
7. *Mr. Box* was heard to reply to the objection.
8. *The Committee* overruled the objection.
9. *By Mr. Box.*—Would you produce the ledger containing Mr. Sargeant's account with the Bank of Australasia?—[*The Witness did so.*]
10. About the month of September of this year?—This is folio 269.
11. That is Mr. Charles Sargeant's account?—Yes.
12. *By the Committee.*—What time in September?—From the 2nd of September.
13. *By Mr. Box.*—Will you tell me on the 12th September, had he an overdraft?—Yes.
14. What was the actual amount of the overdraft?—£4,444.
15. Can you tell me the least overdraft he had in September, in round numbers?—£4,436.
16. Would you take the preceding month to that?—August.
17. What was the overdraft in August—take the lowest in August?—£4,056.
18. Will you tell me what it was on the 19th September, 1889?—£4,623.
19. Is Mr. Sargeant overdrawn now—say yesterday. When was this ledger made up last?—On the 15th October last. It closes in October.
20. Tell me the overdraft in the month of October—the minimum?—This is only to the 14th of October.
21. What is it up to that?—£4,559.
22. Have you got the ledger that takes it up to November?—No. I have only this one up to the 1st August.
23. From your knowledge of the books, how much does Mr. Sargeant owe the bank—say last week?—I think about £4,500.
24. *Mr. Box.*—I will put in, if necessary,—I do not think it is—a copy of Mr. Charles Sargeant's account for the year preceding the 12th of September.
25. *The Hon. the Chairman.*—I do not think it is necessary.
26. *By Mr. Box (to the Witness).*—Have you any deeds of Mr. Sargeant's for any land lodged in your hands—do you produce any?—I produce two titles of land. Mr. Gouldston, the inspector for the Bank of Australasia, has those.
27. Have any deeds been lodged by Mr. Sargeant with the Bank of Australasia at Warragul as security for that overdraft?—Yes.
28. When were they lodged?—At different periods. I can produce the deeds that were lodged.
(*Mr. Gouldston was called in.*)
29. *To Mr. Nicholson.*—What interest does the bank charge Mr. Sargeant on the overdraft account?—About eight per cent.

John Brown Goulston sworn and examined.

30. *By Mr. Box.*—What are you?—Inspector of the Bank of Australasia.
31. The bank, we are told, has some deeds belonging to Mr. Sargeant, placed with them as security for his overdraft?—Yes.
32. Do you produce them?—[*The Witness did so.*]

J. A. Nicholson,
19th Nov. 1889.

J. B. Goulston,
19th Nov. 1889.

- J Goulston, continued, th v. 1889.
33. Have you the Crown grant. I suppose it is an allotment or certificate of title. "Warragul, allotment 101, parish of Drouin East?—Yes—[*handing in the same.*]
34. *Mr. Box.*—I put in Crown grant of Charles Sargeant, allotment 101, in the parish of Drouin East—299 acres, bearing date 13th August, 1880.
35. *The Hon. the Chairman.*—I thought that was only 75 acres.
36. *By Mr. Box (to Mr. Nicholson).*—Will you take it—[*handing the same*]—is that allotment 101?—Yes.
37. *By Mr. Box (to Mr. Goulston).*—You produce the Crown grant, allotment 71, parish of Mirboo—319 acres 2 roods 23 perches, bearing date 20th October, 1882.
38. Allotment 21, section 9, 25 acres, the bank have not got that?—No.
39. Has the bank any lien from Mr. Sargeant pledging those deeds?—We have our registered mortgages.
40. That is all the deeds you have connected with this?—Yes.

Mr. Goulston withdrew.

- J. A. Nicholson, continued, 19th Nov. 1889.
41. *By Mr. Box (to Mr. Nicholson).*—Do you produce the liens given by Mr. Sargeant to the bank as to those two deeds?—[*The Witness handed in the same.*]
42. That is Mr. Sargeant's signature?—Yes.
43. *Mr. Hayes.*—This is a general lien, no lands at all mentioned.
44. *Mr. Box.*—I put in a general lien given by Mr. Charles Sargeant to the Bank of Australasia, bearing date 7th March, 1884.
45. *To the Witness.*—This is still in force?—Yes.
46. *Mr. Box* read the same.
47. *Mr. Box.*—Then I put in another, executed by Mr. Sargeant, dated 12th February, 1889, at Warragul.
48. *Mr. Nicholson.*—That is the same.
49. *By Mr. Box.*—What did you get this done for?—Sometimes we take two of different dates.
50. Are you not comfortable with one?—Not always.
51. Is it the same as that one in words, or has it been "settled" since?—They are a different imprint. I do not know whether the wording is the same—[*The same were handed in with the deeds.*]
52. *By Mr. Box to Mr. Nicholson.*—Have you any other document executed by Mr. Sargeant in the hands of the bank?—Yes, a mortgage over the two titles.
53. Will you kindly produce it?—[*The Witness handed in a mortgage in duplicate.*]
54. Does it affect both those pieces of land I have put in?—No; only allotment 101—299 acres.
55. Mortgaged 22nd September, 1886, mortgage of allotment 101, 299 acres by Charles Sargeant to the Bank of Australasia to secure £2,050?—Yes.—[*The same was handed in.*]
56. Are those all the securities that the bank hold?—No.
57. What else have they?—[*The Witness handed a document to the learned Counsel.*]
58. *Mr. Box.*—I put in the duplicate of mortgage, dated 12th February, 1889, from Charles Sargeant to the Bank of Australasia, a mortgage over 319 acres 2 roods 23 perches, parish of Mirboo, to secure £4,689 previously lent to him by the corporation styled The Bank of Australasia.
59. *By the Committee.*—Unregistered?—Unregistered.
60. *By Mr. Box.*—At 10 per cent. per annum; is there any reduction clause?—It comes to about 8 per cent. Mr. Sargeant has been charged a lower rate than 8 per cent. at one time, I believe.
61. I see no clause for reduction on this. This is 10 per cent. straight to secure £4,689—was that the amount due by Mr. Sargeant on the account in February, 1889?—[*Re-examining the ledger.*]
62. Never mind about that then; have you any other documents?—No.
63. No securities of any kind?—No.
64. You are the active person in the bank dealing with Mr. Sargeant at Warragul?—Yes.
65. The bank would hold those two deeds I have put in until Mr. Sargeant's account was paid off or otherwise arranged for?—That was not likely.
66. They would not give them up?—Yes, they may.
67. Do I understand you to say that the Bank are not entitled to hold those deeds against that overdraft?—Yes, we are entitled in a certain respect to hold them, but we may give them back at our pleasure.
68. Of course you may—those mortgages put in—it is under those you hold those deeds?—We hold them with the mortgages.
69. They are security for Mr. Sargeant's overdrawn account?—They are looked upon as that at present.

Cross-examined by Mr. Hayes.

70. All those sums you have given include interest—interest is added to them?—For the previous half-year, yes.
71. Was not the previous last half-year's interest £7 10s.?—No, I think it was £8. The previous, I think was £7.
72. You know those lands personally, referred to in those deeds?—The Warragul property only; allotment 101, 299 acres.
73. Did you not get a valuation from Mr. Groom for that?—Yes.
74. *By Mr. Box.*—Was it in writing?—
75. *By Mr. Hayes.*—Have you it in writing.
76. *Mr. Box* objected. He referred to the case of Mr. Levi, where the Committee was bound by the declaration of the sitting Member.
77. *By Mr. Hayes to the Witness.*—Will you give me that valuation?—[*The Witness handed in the same.*]
78. The learned Counsel read the following:—"I am well acquainted with the properties of Mr. Charles Sargeant, at Warragul and Mirboo. The first contains 300 acres or thereabouts, all first-class agricultural land, running down close to Warragul Station, and is especially well adapted for cutting up purposes, and is worth in a lump, as it now stands, Thirty pounds per acre. The property at Mirboo

consists of about 320 acres, formerly owned by Mr. Charles Ogilvy, is all good land, and distant about three miles from Mirboo Railway station. The timber on this block is specially valuable, and will yield a handsome return during the process of clearing, after which the land will be considerably enhanced in value. At present I value this land at £7 per acre. The titles being considered as freeholds."

79. *Mr. Box* objected that under section 12 of the Act the yearly value must be taken. The declaration was based on the municipal rating; any opinion as to increased value could not be put in. He contended that the ratable value as made out in Mr. Sargeant's declaration was swept away entirely by the pledge to the bank; in other words, that the interest on the amount owing to the bank swept away the value of this qualification.

80. *Mr. Hayes* was heard to address the Committee. He quoted from the reports of the case of Harbison against the election of Dobson. The question turned on value; as to whether the value was confined to municipal rates, or whether additional evidence could be given as to what the capital value was, and the Committee decided that evidence could not be taken as to the value of the property in excess of the ratable value. He cited also section 4 of the *Legislative Council Act*, 334, 1868, which provided that the capital value was to be estimated at ten times the annual value.

81. *Mr. Box* replied that that provision as to the capital value, was swept out of the present Act. The annual value was decided by section 12. He submitted as to the case of Harbison, that one Committee did not necessarily bind another, and that in short, this question of increase of value of the property was irrelevant and objectionable. He therefore claimed that the evidence asked for from Mr. Nicholson should be rejected.

82. *Mr. Hayes* was heard in reply.

The Committee-room was cleared.

The Committee deliberated.

The Counsel and parties were again called in.

83. *The Chairman* stated that the Committee had considered the question of going outside the value of the property as mentioned in the rate-book, and they considered that, seeing that under clause 12 the qualification of a Member was that he was to be seised and entitled of an estate of freehold in possession for his use in lands or tenements in Victoria of the annual value of £100 above all charges and encumbrances affecting the same, seeing that and reading with clause 11, clause 12, that "For the purposes of this Act the yearly value of any such lands and tenements shall be taken to be the yearly value at which they are rated to some municipal district or municipal districts," and that the qualification as to capital value of the property having been completely done away with under this Act, the Committee consider that they are precluded from taking any evidence outside that which is revealed by the rate-book as to the value of the property.

Adjourned to to-morrow morning at Eleven o'clock.

WEDNESDAY, 20TH NOVEMBER, 1889.

Members present:

The Hon. H. CUTHBERT, in the Chair;

The Hon. Lieut.-Col. F. T. Sargood,
S. W. Cooke,

The Hon. S. Austin,
D. Ham.

The Counsel and parties were called in.

John Alexander Nicholson further examined.

Further cross-examined by Mr. Hayes.

84. Have you your ledger with you showing Mr. Sargeant's account?—Yes.

85. Can you tell the actual amount of interest that was charged by your bank to Mr. Sargeant on his overdraft for the twelve months prior to the 12th of September; that is, from the 12th September, 1888 to the 12th September, 1889, or thereabouts?—It will take me some time to work that out. We only charge it half-yearly.

86. *By the Committee.*—Could you not take it from April to October, and October to April?—

87. *By Mr. Hayes.*—Is that the way you do it?—Yes.

88. Then, will you give the interest from October, 1888, to April, 1889, and from April, 1889, to October, 1889?—Two hundred and seventy-two pounds; that is, for the whole year.

89. *By the Committee.*—That is not 5 per cent.?—No.

90. *By Mr. Hayes.*—It was a varying overdraft, and sometimes there would be no charge?—It is £272 for the whole year.

91. And at what rate does that represent; in fact, at what rate did you arrive at that amount?—About 8 per cent.

92. On the first half-year how much?—That was on an average of 8 per cent.

93. Do you remember the occasion when the rate of interest was first adjusted between you and Mr. Sargeant on the overdraft; do you remember the fact?—Yes, I remember the fact.

94. You remember it was then arranged, though no sum was fixed, that the arrangement was for 7 per cent.?—Yes.

95. How long ago was this?—I think about twelve months ago.

96. The arrangement was that you should charge 7 per cent.?—

97. *By Mr. Box.*—Did you make this arrangement?—Yes.

98. *By the Committee.*—Was that 7 per cent. on the overdraft?—Yes; the daily balance.

99. *By Mr. Hayes.*—Has any different arrangement been made between you and Mr. Sargeant since?—No.

100. As a matter of fact, although in these unregistered mortgages the interest is put in at 10 per cent., the bank have not charged 10 per cent.?—No.

101. Looking at your books, does it not appear that Mr. Sargeant's overdraft varied considerably during the twelve months prior to the 12th September?—Yes; very much indeed.

102. Can you give the extreme limits. Was he ever in credit for the twelve months prior to the 12th September, 1889?—No.

J. A. Nicholson,
20th Nov. 1889.

J. A. Nicholson,
continued,
20th Nov. 1889.

103. Will you tell me the lowest amount he was in debit for that period—[*The Witness referred to his ledger*—perhaps it will save time. Tell me the debit in September, 1888—11th September, 1888?—£2,450.

104. Will you tell me the minimum in September?—

105. *By the Committee.*—Have you a copy of that account?—Yes.

106. Will you hand that in?—I am reading from that now—[*The Witness handed in the same*]—That is from 1st August, 1888, to 15th October, 1888, about three months; that is prior to this ledger being opened.

107. *By Mr. Box.*—You have not a copy of Mr. Sargeant's account for that date?—I have only the ledger.

108. *By the Committee.*—I see this fluctuates—£2,418, £2,551, £2,523, £2,479, then comes down to £1,700, £1,600, £1,600, £1,700—that shows that during the month it fluctuated from £2,400 to £1,600?—Yes.

109. *By Mr. Hayes.*—I have here Mr. Sargeant's bank pass-book—that is his pass-book, is it not?—Yes.

110. Made up from the leger?—Made up from the ledger.

111. That shows the state of his account generally?—Yes, from May, 1888, beyond September, 1889.

112. *By the Committee.*—That will not show the daily balance?—No.

113. We may put it generally in this way, that it fluctuated from £2,400 to £1,600?—Yes.

114. *By Mr. Hayes.*—Look at your ledger—will you give the state of the account in general terms, of those fluctuations from October, 1888, to January, 1889?—15th October, 1888, £1,847; 3rd November, 1888, £1,888; 1st December, 1888, £1,915; 5th January, 1889, £2,576.

115. *By the Committee.*—Then principally up to 5th January it was under £2,000?—Yes, prior to December.

116. What was it in December?—£1,915 on the 1st.

117. What was it on the 10th December?—£2,416.

118. *By Mr. Hayes.*—Prior to the 1st December it was under £2,000?—Yes.

119. Carrying on, we have got to the 5th January—will you take the next period of three months, February, March, and April?—1st February, 1889, £3,112; 1st March, 1889, £3,484; 1st April, 1889, £3,889.

120. Now May?—1st May, 1889, £3,881.

121. June?—1st June, 1889, £3,686; 2nd July, 1889, £3,961; 1st August, 1889, £4,106; 2nd September, 1889, £4,514.

122. On the 12th September?—£4,444.

123. What is it on the 19th?—£4,623.

124. *By Mr. Hayes.*—What was the 18th September?—£4,594.

125. Then I think you said £272 was the total amount of interest from October, 1888, to October, 1889?—Yes.

Further examined by Mr. Box.

126. Are you sure of that—you have given the overdraft up to September, 1889, and £272 was the whole thing from October, 1888, to October, 1889?—Yes.

127. What are the pages of the ledger where Mr. Sargeant's account appears—I only want from October, 1888, to October, 1889?—257, 258, 259, 260, 261, 262, 264, 265, 266, 267, 268, 269, 270, and then it comes back to 252; the last is the latest date.

128. Do I understand you to say that you made an arrangement by which he was to pay 7 per cent.?—Yes.

129. How long ago?—About twelve months ago.

130. And you say it was not altered?—No, it was not altered.

131. What is the meaning of this, then—filling it in 10 per cent.?—It is the usual way. No matter what we charge our customers, we always insert 10 per cent. in the mortgage.

132. Suppose the unhappy man presented with that, what would the bank charge him, do you think—[*exhibiting the mortgage*]. If you instructed the solicitors for the bank to sue on that deed, how much interest would you stick in?—Anything we wished up to 10 per cent.

133. Do you mean to tell me you would not sue him for 10 per cent., and recover it on that?—We could recover it on that.

134. You know this is under seal—here it is “10 per cent.” Do I understand you to maintain that there was no altered arrangement from 7 per cent. made twelve months ago, while on the 12th of February, last year, you charge 10 per cent. There was no altered arrangement. Is it not a fact that you could charge him 10 per cent. in spite of that arrangement?—Yes.

135. Did you ever charge him 8 per cent.?—Yes.

136. You can charge him anything up to 10 per cent.—now I begin to see it?—That is what I explained.

137. There is no fixed arrangement then for 7 per cent.?—No, we can charge him up to 10 per cent., or 5 per cent.

138. *By the Committee to Mr. Box.*—What is the date of the mortgage?

139. *By Mr. Box.*—12th February, 1889.

140. *By Mr. Box (to the Witness).*—On September 18th, 1889, for example, Mr. Sargeant was £4,594 overdrawn?—Yes.

141. From that, what rate, as a fact, did the bank charge him on that—[*handing the ledger to the Witness who examined the same*]—It would take some time to compile that.

142. I must ask you to do it. At what rate were the bank charging him then?—8 per cent.

143. Why did you charge him 8 per cent. Do you charge him what you like, or do you talk to him and say, “We are going to charge it so and so”?—It varies at the money market rises or falls.

144. Not as the securities rise in value or fall?—No, according to the market rate of interest.

145. What did you charge in August for the same year?—8 per cent.

146. *By the Committee.*—During the twelve months I understand it was 8 per cent.

Further cross-examined by Mr. Hayes.

J. A. Nicholson,
continued,
20th Nov. 1889.

147. This is evidently a printed form of mortgage from the bank?—Yes.
 148. And this 10 per cent. is the ordinary amount printed in?—Yes.
 149. And that is quite apart from the arrangements you made?—Yes.
 150. And you never charged Mr. Sargeant 10 per cent. under that?—No.
 151. Under these various securities they show various amounts—those amounts are really comprised in the one. In the mortgage in your hand it is £4,600 and odd?—Yes.
 152. All the securities handed in are always for the same overdraft?—Yes.
 153. And not to be considered as additional sums; they are for the same sum?—Yes, to cover one and the same overdraft.
 154. *By the Committee.*—Do you remember making this agreement with Mr. Sargeant about charging him a certain rate of interest on his overdraft?—Yes.
 155. Will you tell the Committee what was the nature of that agreement you made?—It was just a verbal agreement. We agreed when money was a little cheap to make the rate of interest 7 per cent., and Mr. Sargeant may have been under the impression that continued, but we varied that as money got tighter.
 156. When you put on the additional 1 per cent., did you give Mr. Sargeant any notice?—No, I did not notify Mr. Sargeant at all.
 157. As a fact, legally, you were entitled to claim 10 per cent.?—Yes.
 158. And in one case you made a concession of 3 per cent., and in the other, of 2 per cent.?—Yes.
 159. Mr. Sargeant would by his bank-book see every half year the amount of interest he was charged?—Yes, that is why I did not mention it. I would expect him to notice it.
 160. Did he make any demur or objection to the charge made by the bank?—No more than when I proposed to make it 7 per cent.
 161. You charged after that 8 per cent.?—Yes.
 162. Did he speak to you and say, "This is not carrying out our arrangement; you are charging 8 instead of 7 per cent."?—No, he never mentioned it.
 163. As a fact, it would be impossible from his pass-book to check the bank?—No, he can easily check it; he can extend his daily balance.
 164. When he was paying in various sums, did you give him the slightest hint that money was tight, and that you were going to charge the extra amount?—No, I do not remember doing anything like that.
 165. Then he was under the impression he was having it at seven per cent.?—I full believe he was all the time. I never mentioned it to him at any time.
 166. Are you confident that the amount you have informed the Committee, from October, 1888, to October, 1889, the total amount of interest charged by the bank to Mr. Sargeant was £272—that is correct?—Yes, that is correct.
 167. And you promise to furnish the Committee with the actual amount of interest from 12th September, 1888, to 12th September, 1889?—Yes.

The Witness withdrew.

Alfred Embling Wheatley sworn and examined by *Mr. Bow.*

168. What are you?—I am a clerk in the Titles Office.
 169. You produce deeds as for the Registrar?—I do.
 170. You produce certificate of title for part of allotment 102?—Here is the certificate of title, in the name of Charles Sargeant, parish of Drouin East, being part of Crown allotment 102.
 171. How many acres?—75 acres and 31 perches.
 172. Is there any endorsement?—It is subject to two mortgages.
 173. Have you those?—Yes, two mortgages. The first one is Charles Sargeant to Eliza Mary Sargeant, dated the 10th April, 1889.
 174. What amount?—£650. The rate of interest is 6 per cent. per annum—[*handing in the same with the certificate*].
 175. *By the Committee.*—How is Mary Sargeant described?
 176. *Mr. Bow.*—Elizabeth Mary Sargeant, Toorak-road, South Yarra, spinster. (*To the Witness*)—There is another mortgage?—Yes; the second mortgage is Charles Sargeant to Benjamin Sargeant, of Toorak-road, South Yarra, gentleman. The amount is £1,000, and the same rate of interest, 6 per cent. per annum. The date is the 10th of April, 1889. They were not registered at the same time, but both are dated the 10th of April, 1889.
 177. The endorsement has the date of registration, 31st May, 1889.
 178. *By the Committee.*—How is the mortgage paid?—Paid by equal half-yearly payments, on the 31st of July and the 31st of January in every year.
 179. The first payment is when?—It does not state—the 31st of July and the 31st of January of each year.
 180. Is the next one done in the same way?—Yes.
 181. *Mr. Bow.*—I put in those three documents. (*To the Witness*)—Do you produce the Crown grant of allotment 102?—Yes, allotment 102. This is the original Crown grant.
 182. How many acres?—272 acres 2 roods and 37 perches altogether.
 183. How much of that remains in Mr. Sargeant's name?—75 acres.
 184. He only has 75 acres now?—Yes.
 185. And in September of this year he had only 75 acres?—Yes, you have the certificate there.
 There are no further dealings.
 186. That is all he has in that allotment?—That is all I am told to produce.
 187. Have you got the other titles connected with allotment 102?—Yes.
 188. The whole has been wholly conveyed away?—Yes.
 189. And of that piece of allotment Charles Sargeant has only got 75 acres and 31 perches?—Yes.
 190. And that is subject to those two mortgages?—Yes.
 191. This cannot be dealt with outside the office?—No; that is the Register Book copy. I am responsible for those.

A. E. Wheatley,
20th Nov. 1889.

Cross-examined by Mr. Hayes.

A. E. Wheatley, continued, 20th Nov. 1889. 192. Have you the titles relating to Crown allotment 101?—I do not know anything about that. I was not asked to produce it.

The Witness withdrew.

193. *Mr. Box* called on *Mr. Hayes* to produce the title for the 5 acres 2 roods and 11 perches mentioned in the declaration of the sitting Member.—[*The same was produced.*]

194. *Mr. Box*.—This is *Mr. Sargeant's* certificate of title to Crown allotment 21, section 9, Warragul, parish of Drouin, containing about 5 acres 2 roods and 11 perches, dated 19th November, 1885, no encumbrance notified on it.

195. *The Chairman*.—That is included in the rating, £395?

196. *Mr. Hayes*.—Yes.

197. I suppose my learned friend will admit that *Dr. Moore* was a candidate.

198. *Mr. Hayes*.—I will admit that.

199. *Mr. Box*.—May it please the Committee, that is the case for the Petitioner.

200. *Mr. Hayes* was heard to address the Committee. He submitted that on the evidence there was no case. The ratable value was £473; the evidence showed that the interest charged for the twelve months was £272; that left £201. Now taking those other mortgages put in it amounted to £1,650, and the interest on that from the 12th of April 1889 till 12th September 1889, at 6 per cent. for the year, was £99. Then from the 10th of April to the 12th September would be five months; call that six months, £49, and take £49 off £201 and it left £152, showing that the value of the property for the twelve months prior to the election was £152. Suppose they charged that property with the whole year's interest, which would amount to £99, it would still leave £102, which was more than the statutory amount.

201. *Mr. Box* was heard to address the Committee in reply. There was the difficulty that the sitting Member had only 75 acres of allotment 102. There was evidently a mistake in the declaration. *Mr. Sargeant* was really entitled, according to the deeds, to the whole of 101 and part of 102, instead of that he had the valuation on the whole of 102, which he did not own. When he made that declaration there was a debt of £4,500 to the bank, upon which he was legally liable to pay 10 per cent., which would be sufficient to sweep away the amount of his ratable property. He submitted, therefore, that the sitting Member had not any property within the meaning of the Act, because of the charges and encumbrances that had to be deducted before he became qualified. If the sitting Member owed the bank any day of the year an amount that reduced his ratable property to nothing, he could not claim to be qualified for the whole year.

202. *The Chairman* asked whether they could not consider the mortgage an ordinary deposit for the purpose of securing a fluctuating account from day to day.

203. *Mr. Box* said that view was correct, but if at any time the floating debt made him unqualified, who was to put him right again? It could not be said he had a qualification for the year if he lost it even for a single day.

204. *Mr. Hayes* was heard to reply. He pointed out that the mortgages were under the Transfer of Land Statute and were unregistered, and he quoted section 42 of the Transfer of Land Statute to prove that they were for the present valueless. He submitted that under section 12 the annual value was to be taken as the yearly value at which they were rated; with the encumbrances taken off, that was £473, on which the actual interest charged for the year had been £272, leaving more than the required £100 as the qualification. He submitted that his learned friend's case had not been proved.

The Committee room was cleared.

The Committee deliberated.

The Counsel and parties were again called in.

John Alexander Nicholson further examined.

205. *By the Committee*.—You promised to make out the accounts of the interest from the 12th of September, 1888, to the 12th of September, 1889; have you done so?—Yes.

206. How much does it amount to?—Two hundred and fifty-six pounds seventeen shillings and five pence.

The Witness withdrew.

207. *The Chairman* announced that the Committee had determined on the question that had been submitted to them. They were satisfied that evidence had been adduced before them that the ratable property, as included in this declaration, was valued at £473; that that property was subject to two mortgages, which affected a portion of the property to the extent of £99, and also that there was a charge to the extent of £256 17s. 5d. on the property, making a total of £355 17s. 5d., which would leave a qualification more than sufficient in *Mr. Sargeant's* favour. The Committee regarded this mortgage as a mortgage to secure an overdraft, which was fluctuating, and they considered the proper charge affecting the property was to be estimated by the amount that was charged between the bank and the customer; hence, unless there was some further evidence to be adduced, they considered that *Mr. Sargeant* had the proper qualification.

208. *Mr. Hayes* applied that the Petition should be dismissed, and be declared frivolous and vexatious; the case having been decided on the evidence of the other side.

209. *Mr. Box* stated that he was prepared to address the Committee on the point.

210. *The Chairman* announced that the Committee had considered the point, and did not regard the Petition as frivolous. The finding of the Committee was, that the sitting Member was duly qualified, and duly elected; and that they recommend that the sum of £100, lodged by the Petitioner, be returned to him.

1889.
—
VICTORIA.

CONSOLIDATION OF THE LAWS.

R E P O R T

OF THE

SELECT COMMITTEE OF THE LEGISLATIVE COUNCIL;

TOGETHER WITH THE

PROCEEDINGS OF THE JOINT COMMITTEE OF THE LEGISLATIVE
COUNCIL AND THE LEGISLATIVE ASSEMBLY, AND MINUTES OF
EVIDENCE.

Ordered by the Legislative Council to be printed, 20th November, 1889.

By Authority:

ROBT. S. BRAIN, GOVERNMENT PRINTER, MELBOURNE.

EXTRACTED FROM THE MINUTES.

WEDNESDAY, 9TH OCTOBER, 1889.

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 Committee, consisting of seven Members, to join with a Committee of the Legislative Council, to consider and report upon the question of the Consolidation of the Laws, and request that the Legislative Council will be pleased to appoint an equal number of Members to be joined with the Members of this House ; five to be the quorum.

Legislative Assembly Chamber,
Melbourne, 9th October, 1889.

M. H. DAVIES,
Speaker.

The Honorable H. Cuthbert moved, That in compliance with the request of the Legislative Assembly a Committee be appointed consisting of seven members, to join with the Committee of the Legislative Assembly to consider and report upon the question of the Consolidation of the Laws, such Committee to consist of the Honorables Lieut.-Col. Sargood, James Service, W. A. Zeal, F. Brown, S. W. Cooke, J. M. Davies, and the Mover, five to be a quorum, and that the Committee have power to meet on days on which the Council does not sit ; and further, that the Committee meet in the first instance in the South Library on Tuesday next at half-past three o'clock.

Question—put and resolved in the affirmative.

Ordered that a Message be sent to the Legislative Assembly acquainting them with the above resolution.

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 directed the Select Committee appointed by the Legislative Assembly to join with a Committee of the Legislative Council to consider and report upon the question of the Consolidation of the Laws to meet the Committee appointed by the Legislative Council in the South Library, on Tuesday, 15th October, at half-past three o'clock.

Legislative Assembly Chamber,
Melbourne, 9th October, 1889.

M. H. DAVIES,
Speaker.

WEDNESDAY, 20TH NOVEMBER, 1889.

CONSOLIDATION OF THE LAWS.—The Honorable Lieut.-Col. Sargood, on behalf of the Committee, brought up a Report from the Joint Committee.

Ordered to lie on the Table, and to be printed.

R E P O R T .

THE SELECT COMMITTEE OF THE LEGISLATIVE COUNCIL appointed to join with a Committee of the Legislative Assembly to consider and report upon the question of the Consolidation of the Laws have the honor to report to your Honorable House as follows :—

1. Your Committee have examined the Chief Justice and the draftsmen engaged on the consolidation, and have considered the plan adopted for carrying out the work.

2. Your Committee approve of the plan upon which the consolidating Bills have been framed, but your Committee regret to find that it would be impossible to pass the whole of the Bills into law at this late period of the year, and recommend that they be taken up the first thing next Session, when the legislation of the Session now about to close can be incorporated in the consolidation.

3. Your Committee desire to record their opinion that in the future a fresh consolidation and publication of the laws should be undertaken every ten years.

South Library,
19th November, 1889.



PROCEEDINGS OF THE COMMITTEE.

TUESDAY, 15TH OCTOBER, 1889.

Members present :

Council :

The Hon. S. W. Cooke,
J. M. Davies,
Lieut.-Col. Sargood,
J. Service.

Assembly :

Mr. Armytage,
Best,
Gavan Duffy,
Shiels,
Wrixon.

Mr. Wrixon was called to the Chair.

The Clerk read the extracts from the Minutes.

Committee deliberated.

Copies of the Consolidated Acts, as revised by His Honor the Chief Justice, were laid before the Committee.

Mr. Tucker took his seat.

The Honorable F. Brown took his seat.

Mr. Zox took his seat.

Resolved—That His Honor the Chief Justice and the gentlemen assisting him in the revision of the Consolidated Acts be requested to attend the Committee.

Committee adjourned till Thursday, 17th instant, at half-past two o'clock.

THURSDAY, 17TH OCTOBER, 1889.

Members present :

MR. WRIXON, in the Chair ;

Council :

The Hon. S. W. Cooke,
J. M. Davies,
Lieut.-Col. Sargood,
J. Service,
W. A. Zeal.

Assembly :

Mr. Armytage,
Best,
Shiels,
Zox.

His Honor The Chief Justice was called in and examined.

Mr. Gavan Duffy took his seat.

Examination continued.

Mr. Wrixon having vacated the Chair, the Honorable J. Service was called to the same.

Examination continued.

The Honorable J. Service having vacated the Chair, Mr. Wrixon resumed the same.

Examination continued.

Committee deliberated.

Ordered—That the draftsmen who were engaged in the work of consolidation be examined at the next meeting.

Committee adjourned till Tuesday, the 22nd instant, at three o'clock.

TUESDAY, 22ND OCTOBER, 1889.

Members present :

MR. WRIXON, in the Chair.

Council :

The Hon. S. W. Cooke,
J. M. Davies,
Lieut.-Col. Sargood,
J. Service.

Assembly :

Mr. Armytage,
Gavan Duffy,
Shiels,
Tucker.

Committee deliberated.

Donald Mackinnon, Esq., barrister-at-law, was called in and examined.

Mr. Best took his seat.

Examination continued.

Francis Hugh Mackay, Esq., barrister-at-law, was called in and examined.

John Burslem Gregory, Esq., barrister-at-law, was called in and examined.

Committee adjourned till Tuesday, 29th instant, at half-past three o'clock.

TUESDAY, 29TH OCTOBER, 1889.

Members present :

MR. WRIXON, in the Chair.

Council :

The Hon. F. Brown,
S. W. Cooke,
J. M. Davies,
Lieut.-Col. Sargood,
J. Service.

Assembly :

Mr. Armytage,
Gavan Duffy,
Shiels.

Committee deliberated.

Committee adjourned till Tuesday, 12th November, at half-past three o'clock.

TUESDAY, 12TH NOVEMBER, 1889.

Members present :

MR. WRIXON, in the Chair.

Council :

The Hon. S. W. Cooke,
J. M. Davies,
Lieut.-Col. Sargood,
J. Service.

Assembly :

Mr. Armytage,
Gavan Duffy,
Shiels.

Committee deliberated.

Mr. Zox took his seat.

Committee further deliberated.

Committee adjourned till Tuesday, 19th instant, at half-past three o'clock.

TUESDAY, 19TH NOVEMBER, 1889.

Members present :

MR. WRIXON, in the Chair ;

Council :

The Hon. J. M. Davies,
Lieut.-Col. Sargood,
J. Service.

Assembly :

Mr. Best,
Shiels.

His Honor The Chief Justice was called in and further examined.

Mr. Gavan Duffy took his seat.

Examination continued.

Mr. Armytage took his seat.

Examination continued.

The Chairman brought up a Draft Report, which was read, and is as follows :—

The Select Committee appointed to join with a Committee of the Legislative Council to consider and report upon the question of the Consolidation of the Laws have the honor to report to your Honorable House as follows :—

1. Your Committee have examined the Chief Justice and the draftsmen engaged on the consolidation, and have considered the plan adopted for carrying out the work.

2. Your Committee approve of the plan upon which the consolidating Bills have been framed, but, with regard to certain sections of Acts which it is proposed to omit from the Bills upon the ground that rules of Court have been made superseding those sections, think it better that where it is desirable to repeal them they should be repealed by special Act outside the consolidating measures.

3. Your Committee find that it would be impossible to pass the whole of the Bills into law at this late period of the year, and recommend that they be taken up the first thing next Session, when they can incorporate in the consolidation the legislation of the Session now about to close.

Paragraph 1—Again read and agreed to.

Paragraphs 2 and 3—Again read, amended, and agreed to as follows :—

2. Your Committee approve of the plan upon which the consolidating Bills have been framed, but your Committee regret to find that it would be impossible to pass the whole of the Bills into law at this late period of the year, and recommend that they be taken up the first thing next Session, when the legislation of the Session now about to close can be incorporated in one consolidation.

New paragraph.—Read and agreed to as follows :—

3. Your Committee desire to record their opinion that in the future a fresh consolidation and publication of the laws should be taken every ten years.

Ordered—That the Report be presented to both Houses of Parliament.

MINUTES OF EVIDENCE.

LIST OF WITNESSES.

	PAGE
His Honor Mr. Chief Justice Higinbotham	1, 12
Donald Mackinnon	8
Francis Hugh Mackay	11
John Burslem Gregory	11

MINUTES OF EVIDENCE.

THURSDAY, 17TH OCTOBER, 1889.

Members present :

MR. WRIXON, in the Chair;

Council :

The Hon. S. W. Cooke,
The Hon. J. M. Davies,
The Hon. Lt.-Col. Sargood,
The Hon. J. Service,
The Hon. W. A. Zeal.

Assembly :

Mr. Armytage,
Mr. Best,
Mr. Gavan Duffy,
Mr. Shiels,
Mr. Zoë.

His Honor Mr. Chief Justice Higinbotham, examined.

1. *By the Chairman.*—You have been kind enough to come to-day to assist the Committee, and we would be glad if you would make a statement as to why these Bills were brought into their present condition, or upon any other matter you would like to bring before the Committee?—I think the immediate origin of this suggestion to consolidate the Victorian Acts lay with you, Mr. Chairman, or perhaps it sprang from the report of the Judges the year before last. The Judges suggested that it would be desirable that there should be a periodical consolidation of the Statute Law, and that that periodical consolidation should be accompanied by a periodical and contemporary publication of a new edition of the Statutes. They conceived that both ought to go together, and that the two, when combined, would be of great assistance to all those who are engaged either in administering the law or who had occasion to examine the Statute Law. At that time I think the code of the late Dr. Hearn was under the consideration of Parliament, and it was reconsidered last year. The Select Joint Committee last year, although it was unable to accept Dr. Hearn's code, suggested that a systematic consolidation of the law should be proceeded with as soon as possible. Acting upon that suggestion, I spoke to you, Mr. Chairman, upon the subject, and you approved of the idea, and did me the honor to invite me to supervise the preparation of the consolidating Bills; and, also, to place at my disposal the necessary legal assistance. Two learned counsel, not of senior standing, were selected; and to those gentlemen was committed the task of preparing consolidated Bills of the whole of the Public Statute Law. They commenced their work last February—their names were Mr. Mackinnon and Mr. Mackay—and I am gratified to be able to state that they have performed their work with, indeed, extraordinary zeal, and with admirable fidelity and constant diligence and devotion. The results of their work have been, so far as I have been able to examine them, remarkably accurate. My own share of the work has been comparatively small. The preparation of a large number of Bills—I think there are 107—involved enormous labor. My own share consisted in designing the original scheme on which the draughtsmen worked. I prepared a list of the Bills last January, and divided them into subjects, placing under each heading all the Acts, and all the sections of Acts, which properly fell under the different subjects, and marked them in a copy of the Statutes. The principal danger in any work of this kind lies in this, that Acts, or sections of Acts, may be repealed which are not re-enacted; and it is possible, also, that Acts, or sections of Acts, may be re-enacted without their having been repealed; and it is therefore exceedingly important that all Acts, or sections of Acts, should be repealed in the same Act in which they are to be consolidated. Having prepared that scheme, I submitted it to the draughtsmen. I ascertained that it was an accurate list of the Acts by marking off in the alphabetical tables prefixed to the volumes of the Statutes all the Acts directed to be repealed by the different Bills contained in this list; and then I gave the list to the draughtsmen with instructions to repeal all the Acts, and parts of Acts, contained under each head, and to re-enact all the same Acts, and parts of Acts, in the Bill. That was done, and after the proof was printed I went over each of the Bills with the senior draughtsman; satisfying myself, first of all, that all the Acts directed to be repealed were repealed in the Schedule of the repealing Bills, and afterwards satisfying myself that every section of all the Acts to be repealed was contained in the Bill produced by the draughtsman. I verified that examination by marking out in the Act the section represented by the corresponding clause of the Bill, so that I satisfied myself that when all the sections of the Acts were marked and scored through, they had all been provided for in the Bill marked in the margin. I then compared with the draughtsman the introductory and common clauses to all the Bills, the repealing clause and the saving clause of each Bill, and I considered with him the different questions that arise in almost all Bills where there is more than one Act repealed, as to what was the proper form in which to introduce the amendments and alterations effected by the later Acts. That having been done, the proof was sent to the printer, and when it came back the Bill was then read over by the draughtsmen and compared with the original sessional Act. That was important, because, although it is a fact not generally known, the frequent new editions of the Statutes have led to not a few departures from the original sections, though they are mostly unimportant.

2. *By the Hon. J. Service.*—Like the Bible itself?—I believe the Bible is the only book in the English language which is now absolutely free from error, and certainly these Bills will not compare with the Bible in that respect. I am satisfied of that. No matter how frequent the examinations may be, I believe every fresh examination is almost sure to lead to the discovery of some textual error, small or large, as the case may be; but it was thought important to compare the terms of each clause of all these Bills with the original sessional Act, and not with the last edition, and they have been corrected accordingly. I should say, that both in the preparation of the design of this scheme, and also in the execution of it, I and the draughtsmen have been very greatly assisted by the admirable edition which is now in the possession of the public. I

His Honor
Mr. Chief Justice
Higinbotham,
17th Oct., 1889.

His Honor
Mr. Chief Justice
Higinbotham,
continued,
17th Oct., 1889.

mean the edition prepared by Mr. Gurner. The arrangement of that, the careful and most accurate manner in which all the subsequent alterations of the law have been inserted in the different sections of each Act, very materially assisted the draughtsmen, and also served to protect them against errors. The whole of these Bills—107 in number—have not yet been completed. Forty-seven of them have been in the printer's hands for some days, and they ought all to be in the hands of Honorable Members by this time, and the remainder of them, if the printer is able to supply the proofs in time, will be completed by the end of this month. I believe I have now stated the whole of what has been done in connexion with this matter, and the reasons which dictated the attempt; and you, Mr. Chairman, have acceded to the suggestion which occurred to me, that these Bills, although they cannot be examined with the full and desirable scrutiny in detail by any body or any number of men, excepting at a cost and expenditure of time and labor which cannot be devoted to the work, may, and ought to be, very closely scrutinized, in order to detect and remove possible and probable errors, and also that they should be subjected to as many tests as possible for the same purpose, that is, for the purpose of ascertaining whether they are accurate or not. I think that such a scrutiny is not only desirable, but necessary, because, if I may venture to say so as an old Member of Parliament, Parliament is entitled to have submitted to it some credible assurance of the accuracy, so far as accuracy can be attained, of a consolidation scheme, before it would be justified in accepting that consolidation scheme. Honorable Members are under the obligation of seeing that the laws of the country are not only carefully made but carefully preserved, and if the consolidation scheme were lightly accepted, and passed without scrutiny sufficient to satisfy Parliament that the work had been accurately done, I think Parliament might have reason to regret if it should with facility accept a scheme of the kind. I would say that I earnestly desire that this scheme should be scrutinized, and very closely scrutinized. I would also venture to say that in my opinion a Joint Select Committee of both Houses of Parliament is the most proper body to exercise that scrutiny, and is the body which would have the highest authority with Parliament, and with the country, in offering a judgment, or certificate as it were, of the sufficiency or insufficiency, as the case may be, of the scheme submitted. I am glad that the Joint Select Committee has undertaken this task, and I have only to say that both I and the draughtsmen will be not only willing, but most desirous, to wait upon the Committee and give it all the information in our power connected either with the scheme as a whole or with each Bill that forms a part of the scheme.

3. *By the Hon. Lt.-Col. Sargood.*—Is the plan adopted on the present occasion of a more exhaustive character than when your Honor began this very heavy work in 1864?—No, it has the same scope, but it is not so difficult a work now as it was then. It is not so difficult, because there was hardly any classification of the Statutes at that time, and they had to be compiled from various sources. Acts at that time were adopted *in globo* from the English law without being re-enacted in detail here, and with many branches of the law, particularly the Criminal Law, it was a matter of the greatest difficulty to find them out and collect and classify them. All difficulties of that kind have been greatly diminished by the partial classification arrived at then; and the difficulty has also been diminished by the fact that a fewer number of draughtsmen have been engaged. The fact that only two draughtsmen, or, rather, I should say three, have been engaged, has been a very considerable assistance in the doing of this work. They have been able to act in conjunction with one another and to work on the same lines, and to produce more uniform work.

4. Was there a Joint Committee appointed in 1864 to carry out that which your Honor now recommends?—I do not think there was. The Acts then were passed in two Sessions—one-half was passed in 1864, and the other in 1865.

5. Notwithstanding all the difficulties which then necessarily surrounded the matter, have any serious omissions or errors been discovered since 1864 in that consolidation?—There were errors discovered immediately.

6. Of a serious character?—No, not serious, but I brought in more than one Bill that corrected errors in five Statutes—I think I brought in one Bill, and it was afterwards divided as it passed through Parliament into five Bills. There were errors discovered and immediately corrected or corrected in the next Session, none of them of so serious a kind as to create any embarrassment. I should observe also in reference to that question, it is not merely errors that are discovered, but in the arrangement of these Bills there are matters which form grounds for legitimate difference of opinion. In almost every Bill there is matter which may give rise to the question whether something has or has not been altered or impliedly repealed, and the moment you come to that question you come to a question which may give rise to a difference of opinion. By some it may be thought that there was no alteration or repeal effected by one or more of the amending Acts, and by others it may be thought that there was an alteration or repeal, and that an enactment should not have been introduced into the consolidating Bill which ignored that repeal. These are matters where differences of opinion will arise as well as discovered errors of printing or draughting.

7. This will always arise in any consolidation?—Necessarily, except where, as in numbers of these Bills, there is only one Act to consolidate. Then you have only to put in the common clauses the repealing and saving clauses.

8. *By Mr. Gavan Duffy.*—I suppose no serious injustice arose in consequence of these mistakes?—I do not remember any injustice arising under the Bills of 1864 or 1865. There were questions arising under the Instruments and Securities Act, there was one under the Common Law Procedure Statute, there was some doubt raised under that Statute. I do not remember that there was any injustice or serious error, but there were errors sufficiently plain to require correction, and Parliament had no difficulty or doubt in passing the Acts that applied the correction.

9. I suppose you would take the same amount of responsibility as regards this consolidation as you took as regards the other consolidation?—If you ask me that question personally I would say, "Yes," but officially, "No." I was Attorney-General then, and I was able then during two years to revise the work with more minuteness than I have been able to revise these in this respect, and only in this respect, that in the former consolidation, I read over each clause of the Bill with the draughtsmen, and I entered it accordingly. In this consolidation I have merely satisfied myself that the proper clauses were inserted in the Bill by reading out the marginal note of the various sections from the Act. I have read out the marginal note to the draughtsman, and he has then answered me by naming the number of the clause in the Bill, and I accepted that, and I accepted that in perfect confidence, but beyond that I have not been able in this matter to apply the same minute attention that I did on the former occasion. With that exception I am prepared to say that I am as fully confident of this work as I was of the former one.

10. *By the Chairman.*—I might mention to you a difficulty which the Committee, or some members of the Committee, felt when we last met—we felt the time was very short for our exercising any sort of supervision over these Bills, even if we get the remainder of the Bills, which will be 90 in number, by the end of this month. In the case of Parliament terminating its Session by the end of next month, we would have very scant time for scrutinizing those Bills in any form, either taking individual Bills, and examining them by way of sample, or referring the Bills to draughtsmen. We felt we were very pressed for time—some members felt that strongly—some members also expressed the feeling that the 1st of January wrong occurring, it would take some six months before it could be corrected, and we would be glad of your advice or your opinion as to whether you would advise us to accept these Bills, whether you were sufficiently satisfied yourself to be able to advise us to accept these Bills without inquiry, which it really would come to, or whether you would see any objection, if His Excellency the Governor were pleased to turn this body into a Royal Commission, to our sitting during the early portion of next year and conducting a somewhat more lengthy investigation, having the whole of the Bills completely examined, as far as we can examine them, a month or two before Parliament would meet next Session, and then passing the whole through. We would be glad of your opinion as to which of those two courses would be more advisable to adopt—to accept the whole matter in the short time we have without any great scrutiny, or to hold it over in the way I suggest?—If from the shortness of the Session or from any other cause this Committee should be unable to give the scheme sufficient attention to satisfy the minds of Honorable Members that it is a generally correct and properly executed scheme, I should answer your question by saying that I think it would be greatly to be regretted if the Committee should pass it in haste, and it would be greatly better to postpone it until a future time. I am not able, of course, to say whether the Session will last so long, or whether Honorable Members will be able during the remainder of the Session, whatever its length may be, to give to the consideration of the question the attention which I think it deserves, and which it ought to receive; but if the Committee is of the opinion that it has not that time, I should think that it would be very desirable that it should be postponed.

His Honor
Mr. Chief Justice
Higinbotham,
continued,
17th Oct., 1889.

11. Do you attach much weight to the objection raised to the date—the 1st of January?—I do not. When Dr. Hearn's scheme was under consideration it appeared to me to be a very necessary safeguard that Parliament should be sitting at the time or immediately after the time that code came into operation, if it should be adopted, because that was a complete alteration of our whole law, the Statute Law and the Common Law; it cast it into a new form and it expressed it in new language, and a scheme of that kind, I think could not be adopted with safety unless Parliament were sitting at the time, and prepared, at once, to apply the remedy to dangers and objections that would be certain to make their appearance, and might, and probably would, be of a most formidable kind. I do not believe, however, there will be found to be any serious or grave objections or errors discovered in this scheme—that is my impression. Speaking for myself, I should not be apprehensive of consequences arising from Parliament not being in Session at the time this came into operation in order to correct immediately errors that might be discovered, and that probably will be discovered in it; but which, I think, will be of an unimportant character.

12. *By Mr. Shiels.*—Do you think we ought to take this work piecemeal or have the whole consolidation done at one time. As I understand it, the 70 or 80 Statutes which have still got to come before us will not be out of the printer's hands until the end of this month. We have 47 here; do you not think we should do the work of consolidation at one time?—I think it is very important, in view of the system, which I venture to hope Parliament will be prepared to consider and authorize that the whole of the Statute Law should be consolidated at once, and in view, especially of the proposal that a new edition of the Statutes should accompany the enactment of the consolidated law. The object, I think, should be that the whole of the Public Statute Law should be consolidated, and as soon as possible afterwards, if it could be immediately after that, so much the better, I should say that a new edition of the Statutes, containing the consolidation, should be published, together with a new edition of the Private Laws, and the Imperial Laws. You are aware, no doubt, there has been no re-publication of the vast number of private Acts of Parliament which constantly require to be consulted, ever since 1864, and there is now in the printer's office a very few copies, and in the Supreme Court Library there are only two or three copies, they are becoming exceedingly scarce, and they ought to be accessible to the public, and those who require to use them, and so with the Imperial Laws. I think there should be a new edition at stated periods, to be determined by Parliament, of the whole of the Acts in force in Victoria, and that that should follow at the earliest possible moment the coming into force of the complete scheme of consolidated laws.

13. In view of that opinion, it would not be well to do it piecemeal. Do you not think it would give us more assurance if when your work is completed, say at the end of this month or the beginning of next, that your colleagues on the Bench, the gentlemen of the Bar, and the attorneys should have for a few months the whole of the work in their hands, as they had Dr. Hearn's codification. With regard to the codification scheme, there were several points raised by attorneys and barristers, and I think by one of the Supreme Court Judges, as to whether that codification represented the existing law. If the whole work were in the hands of the profession for about six months, we might have a little more safety in adopting it than we would have under present circumstances?—

14. *By the Hon. J. Service.*—Would the profession take any interest in it until it became law?—I think that the attention of the profession would first become pointed, and therefore of use only when cases arose under the scheme, that is to say, after the scheme had become law. It has always been the case as soon as a scheme involving a large amount of close examination becomes public, no one gives the attention to it that it requires or that is of any value until it has passed into law and is put to the test of practical application.

15. *By the Chairman.*—Supposing you were occupying your old position of Attorney-General, from your knowledge of these different Bills would you be prepared to advise the Legislature to accept them as accurate, without further inquiry?—I should.

[*Mr. Wrixon having to leave, the Hon. J. Service took the Chair.*]

16. *By the Hon. the Chairman.*—With reference to the proposed examination by the members of the Committee, which you seem to regard as an important function devolving upon the Committee, from the knowledge you possess of the ability of laymen, although thoroughly sharpened upon the grindstone

His Honor
Mr. Chief Justice
Higinbotham,
continued,
17th Oct., 1889.

of Parliament, to deal with legal matters of this sort, and having knowledge of the ability of professional men to deal with them, do you recommend that the Acts should be divided among the members of Committee, each one to take his share in making the necessary examination, or would it be better that this Committee should appoint certain professional gentlemen to go over the whole of these Acts, and check the work of the gentlemen who have already prepared it. That is to say, would we be more likely to discover errors if the members of the Committee, some of whom have no legal knowledge, nor perhaps much acumen in matters of that sort, should deal with this matter, or, if there were two or three more very smart barristers who could be engaged by the Committee for the purpose of revising the whole of the Acts, which of the two courses would your Honor think most likely to result in finding out any errors in the work?—I should think the personal examination in detail by the division of the Bills amongst members of Committee would be quite as effectual a means of discovering errors as the examination of the whole of the Bills by one or more of the members of the profession engaged for that purpose. An examination of that kind by one or two persons would amount to little more than a reading over together of the whole of the Bills, and this has been done already by competent draughtsmen. The Bills would not be submitted to other examiners for the purpose of suggesting amendments; that cannot be attempted; the Bills do not propose amendments themselves. The only object of examining them would be to detect errors, either printer's errors, or errors of the draughtsmen embodying the various Acts in one Bill. I should think the members of Committee, if they were willing to undertake the task, by dividing the Bills amongst themselves, would be as competent to do that as members of the legal profession would be.

17. One difficulty I see in an examination of this sort is that two persons will be required, one to read and the other to watch; that will be one of the functions that would require to be performed?—That is the most important function after it has passed the draughtsmen's hands, that is really the task of the reader, and it is in that direction that I believe most of the errors will be found, whatever they may be. I venture to think that if that kind of revision be applied, it may be applied half-a-dozen times, and every fresh time there will be errors discovered. These Bills were first set up by the printer in proof; they have been revised by me and the draughtsmen; they have gone to the printer and have been corrected by him; they go back to the reader from the printer a second time, and the reader's revise comes back to the draughtsmen and me with several errors discovered; and yet in the second revise numerous errors still remain. They have all been corrected finally by the draughtsmen, but I know that since these Bills have been in press and copies distributed among Honorable Members, three or four printer's errors have been discovered by the draughtsmen. That may go on indefinitely.

18. Suppose I take my own case, and I take three or four Bills home, because the work would either have to be done in our own homes, or we should have to spend our time here; and suppose I am all alone, I must engage someone to assist me in this work of reading; I cannot make the comparison by myself without the same amount of labor and more liability to errors?—

19. *Mr. Gavan Duffy.*—Get two members of the Committee to work together.

20. *The Hon. the Chairman.*—That is an answer in one shape, otherwise each member of the Committee would have to employ his own assistant, who must necessarily be an expert; a person who had no knowledge of this sort of thing would simply be an ordinary reader like a school-boy to read the text, and the member of Committee would have to watch. Another point that has occurred to me is this: If you employ professional men to find out errors in this, the idea that I am going to suggest is one that may be smiled at as inconsistent with the dignity of the profession, but outside if we set a man to discover errors we would pay him well for his work and give him a bonus for every error discovered. Probably a professional man would regard that as unprofessional and derogatory, but it strikes me as the best way to find out errors?—I venture to think that an examination of that kind would hardly repay the attention that it would require from a large number of Members of Parliament, it would be practically reader's work. The revision that I would rather desire to see applied to these Bills would be the revision that we have sought for, and to a large extent have obtained, from Government departments. Many of these Bills—all of these Bills in fact that were being administered in departments—have been submitted to the heads of departments who have been asked to examine them for the purpose of discovering errors. They have examined them, I presume with a full knowledge of the matter to which they related, and brought to bear that knowledge of the subject of the Act, and reading—cursorily reading it may be—the provisions of the Bill, they have been able to give us confident opinions in most cases as to whether the Bill was generally free from serious error or not. The same kind of examination might be applied by Honorable Members to those Bills, with the subject-matter of which they may happen to be familiar, and that, I think, would be the best and the only available mode of testing their accuracy.

21. *By Mr. Shiels.*—The Land Bills went down to the Lands Department?—Yes, and the Customs Act has been revised by the Customs Department, and the Customs Duties Act also. I am glad to be able to acknowledge here the kindness of the Clerk of the Parliaments and the Clerk of the Legislative Assembly in examining the Constitution Act Amendment Bill. The County Court Bill was examined by some of the County Court Judges, Judge Hamilton and Judge Quinlan; and various other Bills have been examined in the departments. The Neglected Children's Act was another that required the examination of the persons acquainted with the working provided by the Bill. An examination of that kind would be the most useful and most worthy of attention, the other is reader's work.

22. Could you give us a list of the various Acts which have been submitted to the experts who work under them?—I think I can. I think the Aborigines Act was referred in this way to one of the departments, I believe the Chief Secretary's; the Administration and Probate Act has been examined by the Master-in-Equity, and suggestions have also been made in reference to it by Mr. Gregory, who has taken an interest in it. I am not sure whether I mentioned it before, but Mr. Gregory has been one of the draughtsmen—he draughted the Building Societies Act, the Friendly Societies Act, the Benevolent Societies Act, and the Local Government Act, with all of which subjects he has had special acquaintance from experience. He was the draughtsman of the existing Local Government Act, and I believe there is no one who has had such intimate acquaintance with its details.

23. And he is one of the most careful men at the Bar?—Yes. He has made suggestions as to the Administration and Probate Bill that have been adopted. That is a good illustration of what I was saying just now, that many of these Acts present points of difference of opinion. Honorable Members will find it stated that the Administrator of Freehold Lands, who was a person who existed under the old Act as being

the person who filled the place of the heir for the purpose of administering the estate, has been blotted out of existence under the Duties on Estates Act—that was the suggestion of Mr. Gregory—that is undoubtedly correct, but it may appear at first strange to find his name omitted as liable to duties.

His Honor
Mr. Chief Justice
Higinbotham,
continued.
17th Oct., 1889.

24. *By Mr. Best.*—Do I understand that there were various cases of repeal, concerning which differences of opinion might exist?—I think so, or rather doubts might exist before inquiry.

25. Have those cases been collated?—I have examined every one of them.

26. But have the various cases that have come under your notice where there was any room for doubt been collated?—No. I requested Mr. Mackinnon in examining each, before going over these points, to take a note of every case of the kind, and to insert them all in this explanatory paper to be submitted to Parliament. I afterwards went over this with him, and I believe he has stated all the points that he was requested to take note of.

27. *By Mr. Shiels.*—That is what we asked Dr. Hearn to do with any alteration from the existing law?—I submitted to Parliament in 1864 a similar explanatory paper. I believe that is a good plan of suggesting inquiry into any doubtful matter. The Agent-General's Act has been examined by Mr. Thomas, the Secretary to the Premier. His attention was particularly directed to one part of that Bill which would attract the attention of any one who examined it—the Agent-General's Act provides that lecturers may be appointed to lecture on immigration, who shall be paid out of a sum appropriated by Parliament—that is an illustration of the question of repeal. That Act was passed after the Land Act of 1862 and before the Land Act of 1869. The Act was passed as a consolidating Act in 1864–5, and at that time it was quite proper to put that into that Bill, because at that time there was a section of the Land Act of 1862 which provided I believe £40,000 to be applied to the purposes of immigration as a permanent appropriation, but the Land Act of 1869 repealed all the unrepealed sections of the Act of 1862, so that appropriation went, and then it occurred to me that it would be a wrong enactment to put that in that lecturers were to be paid out of money appropriated, when the appropriated fund was gone. That was a matter on which I was anxious to obtain the practical opinion of the department administering the Act, and I asked the draughtsmen to inquire if there was any fund representing this immigration fund, and for that purpose he consulted Mr. Thomas. I heard, as I expected, that there was no such fund, it was all gone, so that part was omitted. Honorable Members will not find it in this Bill.

[*Mr. Wrixon here resumed his seat.*]

28. *By the Hon. J. Service.*—Following out that principle, it occurred to me that the word "Colonial Secretary" occurs in one of these Bills—that is an obsolete title in this colony, and therefore why should it be continued any more than the Administrator of Freehold Estates. In the same Bill there is another thing that caught my eye—"Law officer shall mean Her Majesty's Attorney-General and Her Majesty's Solicitor-General." For many years we have been alternating between Solicitor-General and Minister of Justice; most frequently it is the Minister of Justice who occupies the position once held by the Solicitor-General. Would it not be advisable to put in there Her Majesty's Attorney-General, Solicitor-General, or Minister of Justice?—Suggestions of that kind present themselves on the face of almost any Bill, and I take it that the only duty of the draughtsman, or those who are working with the draughtsmen, is to disregard them, because you cannot tell whether there might not be, and would not be, a difference of opinion created by the insertion of words not contained in the original Act. In that case of the Minister of Justice I think the omission was designedly made. I do not know myself any reason why it should continue—why the Minister of Justice should not be inserted as well as the Solicitor-General; but my recollection is that there was a reason at the time, and if such a reason could be revived by any one, or could form the subject of discussion, I think it would be contrary to the duty of the draughtsman to make the alteration upon his own authority—he would be usurping the functions of the Legislature.

29. Would that apply to the Colonial Secretary?—I am not aware that the term "Colonial Secretary" has been abolished by any formal authority. It occurs in the Constitution Act, in Schedule D, as well as the term "Chief Secretary." In a later Act, I think it is Act No. 91, the first Act which speaks of responsible Ministers, the term "Chief Secretary" is the term there used, but there is a later Act, a very late Act, I think, of about 1883, which refers both to the Colonial Secretary and the Chief Secretary, and provides that wherever either of those words occurs in any Act, there shall be added the words "Any Minister in whose department the functions may be administered." Unless there has been some authority which has abolished the title "Colonial Secretary," I conceive it lies outside the duties of the draughtsman to alter it; but it would be quite within the functions of either Parliament or of this Committee to suggest the amendment. I think one of the main advantages that might be made to spring from the reference of a scheme of this kind to a Joint Committee of both Houses would be that if that Joint Committee should be clearly of opinion that any amendment of any of the Bills should be made, they might recommend that to be done. It could easily be done by the draughtsmen, and Parliament probably, on their suggestion, would consent to make one amendment without entering on a discussion of any of the thousand and one other amendments that might be suggested on each Bill. The danger is in beginning amendments; you do not know where they will stop, and the draughtsman has no business to begin amendments.

30. What about the Administrator of Freeholds—has that been abolished?—He has simply been extinguished. Later Acts have made the executor liable to pay the duties which he was liable to pay under the earlier Act.

31. He has disappeared?—He has disappeared.

32. So has the Colonial Secretary?—He has not. He is mentioned in the Constitution Act and a later Act, but there could be no objection to the Chief Secretary being introduced. The words "Colonial Secretary" I think it would not be safe to remove; the words "Colonial Secretary," or "Chief Secretary," might be introduced, but I do not think that is a thing the draughtsman ought to undertake. Differences of opinion might arise upon a thousand points in these Bills.

33. *By the Hon. Lt.-Col. Sargood.*—If you once begin to deal with those differences of opinion we shall never get to consolidation?—Exactly. We can only apply the best judgment we can command.

34. *By Mr. Shiels.*—I would like a list of the various enactments submitted to examination?—The Agricultural Colleges Bill was examined by Mr. Martin, the Secretary for Agriculture. The Audit Act was submitted to the Audit Commissioners, and Mr. Fosbery communicated to Mr. Mackinnon that the Commissioners were satisfied. The Friendly Societies Act has been draughted by the Registrar of Friendly Societies. He is the highest authority on that subject.

His Honor
Mr. Chief Justice
Higinbotham,
continued,
17th Oct., 1889.

35. You mentioned the Lands Act, the Customs Act, and the County Court Act?—The Land Act has not been dealt with yet. The Insolvency Act has been examined by the Judge of the Court of Insolvency, Judge Molesworth. As to the Companies Act, the only difficulty in that Act was presented by some of the sections of the Mining Companies Acts, which were exceedingly obscure, and on them I obtained the advice of Mr. Helm, a most experienced counsel, and on his advice some two or three sections have been omitted altogether as obsolete. In the Constitution Act, as I have said, the Clerk of the Parliaments and the Clerk of the Legislative Assembly have most kindly given their valuable assistance.

36. I think you said Judge Hamilton and Judge Quinlan examined the County Court Act?—I do not think Judge Quinlan was able to go through it, but Judge Hamilton represented the County Court Judges in examining it. The Customs Act and the Customs Duties Act have been examined by Mr. Wollaston. One of the last acts of Sir James Lorimer's life was to examine the Defences and Discipline Act. He kindly consented to examine it, and I fear that at the time my request was conveyed to him he had already been seized with the illness which led to his death; but he did read it, and he communicated to me that he was satisfied, though I am not sure that he was able to examine it minutely. Upon that Act I am anxious to make further inquiry in connexion with an old Act which I find in Mr. Gurner's last edition, providing for lands held by officers of the Ordnance in New South Wales. It appears in this existing edition of the Statutes, but I do not know whether it should not be blotted out. I cannot find anything on which it can act, but it has been saved in the saving clauses of this Bill. I do not know whether anything more should be done with it, and I am anxious to get further information about it if possible.

37. *By the Chairman.*—That Act you consider not finally dealt with yet?—I think you may consider it is. I do not expect to get any further information about it. I do not think there is anything in it myself. The Gaols Act has been submitted to the Inspector-General, Mr. Brett, and he approves of it. The Melbourne Harbor Trust Act has been submitted to the chairman, the Honorable Mr. Thornley, and he has been good enough to undertake to examine it. I think those are all the Acts—none of the other Acts are administered distinctively in departments, and therefore the assistance of persons practically acquainted with the subject could not be obtained.

38. *By the Hon. J. M. Davies.*—There is one Act mentioned in this explanatory paper, the Instruments Act, with reference to which it is stated that the rules of Court provide the same remedy for summary proceeding on bills of exchange as the Act. As far as I recollect the rules of Court, they do not provide exactly the same remedy, but one that is not so satisfactory?—Yes, that is a point which I intended to draw the attention of the Committee to. The earlier clauses in the first part of the Instruments and Securities Act embody what is known as the summary procedure on bills of exchange, an Act passed in England about the year 1854; they provide that in actions brought within six months after the due date of a bill of exchange the defendant must, if he desires to defend, apply to the Judge, and obtain leave to defend before a certain time elapses from the service of the writ, if the writ be in the particular form given. By the rules in England under the Judicature Act, and our rules under the Judicature Act, those provisions were kept in force at the same time that another and more comprehensive provision, and I think a generally more speedy provision for securing the rights of the creditor upon a bill to which there is really no defence, is given. By the rules of Court of 1883, which are copied from the English rules of Court of that date, it is provided that in any action where a person claims a liquidated sum of money, an ascertained sum of money, if he endorses that amount upon his writ, and gives certain and full particulars of his claim, he may proceed to obtain judgment in this way: if he makes an affidavit that he believes there is no real defence to his claim, he can summon the defendant before a Judge, and then if the defendant is not able to satisfy the Judge that he has a defence to the action, the Judge may order final judgment to be entered either for the whole of the amount, or for any part of it in respect of which the Judge is not satisfied that there is any just defence. Those two systems going on together have been found to be highly inconvenient, to say the least. In England the Judges have adopted a rule prohibiting the issue of a writ under the Summary Recovery of Bills of Exchange Act, and there the remedy now is under Order 14 that I have just described.

39. I am not quite familiar with the practice under the rules, but it appears there is this difference: under the Instruments and Securities Statute the plaintiff was entitled to judgment as a matter of right at the end of a specified time unless the defendant obtained leave from the Judge to enter an appearance. Under the rules the defendant can enter an appearance as a matter of course, and then the plaintiff takes out a summons to obtain judgment after the appearance is entered. To take out that summons occupies a certain time, two clear days' notice are required, so that is adding three days after the summons is taken out; and then it does happen sometimes, owing to press of business and other matters, that the summons is not heard on the day it is returnable. There have been cases known lately where summonses have been four days before they have been heard after the return day, and the defendant gets the benefit of all that time. Then, as to the reasons for which Judges make the orders, under the Instruments and Securities Statute the Judges require to be satisfied that there is a reasonable defence, or else they would order the money to be brought into court or not give leave to appear, but under the rules it has been decided that any plausible defence was sufficient, and that where a defence was set up the Judges would not try the case on affidavits, so they have refused to allow judgment to be signed under the rules in many cases where, on the same grounds, they would not have given the defendant leave to appear under the Act. In an action on a bill of exchange it is easier for the defendant to retain his defence under the rules than it is for the defendant to get leave to appear under the Instruments and Securities Statute according to the decisions?—That depends upon the views Judges take of their duties under the Act or under the rules. In both cases the defendant is bound to satisfy the Judge that he has a defence; in one case, under the Act, he has to satisfy the Judge in order to obtain leave to appear, but if he does not, the plaintiff cannot sign judgment until the end of eight or sixteen days, as the case may be. In the case of a writ specially endorsed, if the defendant enter an appearance before the eight days have expired, the plaintiff can immediately apply for leave to sign final judgment.

40. The defendant takes good care not to?—There may be shifts and devices, but I think on the whole that the remedy is equally prompt, and it is certainly more comprehensive and efficacious. Under the Act a defendant sometimes presents a very doubtful case upon affidavits that seem to be intended to conceal his case rather than disclose it, and yet he discloses enough to make the Judge uncertain whether he ought not to be satisfied and give the man right to defend. Judges are always reluctant to deprive a man of the right of defence, and so Judges are often compelled to grant the defendant the right to defend under the Act, and the moment they give that right the defendant may set up a defence under any part of the case he

likes, and the plaintiff has to fight the action to the bitter end. Under the other system where a plaintiff brings a defendant before the Judge, and the Judge is satisfied, when the parties are face to face, that there is no defence to a part, he is able to let the plaintiff sign judgment for that part, and that is a great facility and advantage. I think myself, although there may be different views of the practice by different Judges and Judges may differ perhaps in their estimate of different applications, on the whole the rules provide an equally swift and more effectual remedy than the Act, but it is very certain that the two combined standing together are a source of great inconvenience and doubt, so great that the English Judges have put an end to it.

His Honor
Mr. Chief Justice
Higinbotham,
continued,
17th Oct., 1889.

41. The case I referred to was a case decided by the Full Court where it was held that a plausible defence was sufficient under the rules. It would be very unsatisfactory to bankers and merchants if that plausible defence would be a sufficient answer to speedy judgment in actions on bills of exchange, so that the case would require to be tried?—Yes.

42. *By Mr. Gavan Duffy.*—I think if there is a bill of exchange under six months, he invariably goes under the old system, not under the rules, because it is impressed on him that under that he would have a more efficacious and speedy remedy; in one case it is thrown on the defendant, in the other the plaintiff. In the old system the defendant has to apply and satisfy the Judge, and if the Judge is not satisfied he has power to allow the defendant to defend, and at the same time pay the money into court, which is often the most satisfactory course he can take in the interest of the plaintiff?—If the defendant is willing to pay money into court he can claim as a right an order for leave to plead, he is not dependent upon the Judge at all.

43. *By the Hon. J. M. Davies.*—The very fact of the solicitor's branch of the profession almost invariably choosing the Statute remedy is pretty good evidence they consider that remedy most efficacious?—It may be so, I am only expressing my opinion. The language of both Act and rules indicates that it lies on the defendant in both cases to satisfy the Judge.

44. *By the Hon. S. W. Cooke.*—Are not the rules under the Act alterable?—Yes, they are. The Judges are at present engaged in considering them.

45. If we repeal a section of the Act and the rules are afterwards altered, that may leave the state of the law very different. We should be repealing sections of an Act assuming the rules are the same and the rules might afterwards be altered?—Yes, but the decisions point to this, in fact, they lay this down: that where an Act of Parliament, like the Judicature Act, empowers Judges to lay down rules of procedure and practice, and costs, and so on, those rules so made under the authority of the Act operate to imply the repeal of an Act of Parliament passed previously inconsistent with those rules, but, at the same time, if Parliament chooses, after having given that power to Judges, to step in and to make a special provision for any particular matter of pleading or procedure it undoubtedly has the power to do it; and if Parliament were to enact those particular sections of the Instruments and Securities Act in the Instruments Bill, personally I should be clearly of opinion that the Judges would not have the power to do what the English Judges have done, namely, prohibit the issue of any writ at all under those sections. Therefore I think if Parliament desires that the Judges should have the power to make rules upon this subject which shall control the practice, those sections ought to be omitted from the Bill. Of course, if Parliament does not wish the Judges to have that power, Parliament should say so.

46. *By the Chairman.*—With regard to the Crimes Act, that includes the Juvenile Offenders Act?—Yes.

47. And some little objection has been taken to the inclusion—it is a matter of procedure, a matter of form—but some people objecting on sentimental grounds that that Juvenile Offenders Act should not be mixed up with the criminal law, and others say those who administer the Juvenile Offenders Act, including a number of officers and matrons and so on, want to have it in a separate form by itself—do you attach any value to that?—I was not aware of the existence of that feeling. I was aware that until the legislation of the Session before last I think, there were very serious objections to the original Act which mixed up neglected children and criminal children in one and the same procedure. Children who were not criminal at all were dealt with indiscriminately to a large extent by justices in the same way as criminal children. I take it to have been the object of the last legislation to remedy that, but if it be the intention to treat criminal children as criminals, I see no objection to putting them in the Crimes Act; that is the proper place.

48. *By the Hon. J. Service.*—It might be a separate part of the Act?—So it is.

49. *By Mr. Shiels.*—In view of our attempting to give a closer scrutiny to those Acts, have you found any difference as regards the difficulty in some of the Acts as compared with others. Some of the Acts appear to be very easily consolidated—could you separate those that are easier and which we might take with perfect confidence from those which might occasion difficulty or as to which in your own mind there remains any doubt?—Take all the Acts which only repeal one Act. There is no doubt about them at all, and there are a great many of those. It is merely paste and scissors work, excepting the draughting of the common form of the repealing clause and the saving clause—there is no trouble at all.

50. I see that on running down this list, but there are some Acts upon which there must have been in your own mind and the minds of the draughtsmen considerable doubt, and which cost more time and trouble than the others?—You will easily find which Acts cost the most time. The Crimes Act cost a great deal of time, but I do not know that there was very much difficulty, though it occupied a great deal of time in fitting the great number of Acts into their proper places. There are a great number of Acts repealed, and that took a long time. There is another Act, comparatively short, which occupied a good deal of time, and I am glad to have the opportunity of mentioning it—that is the Fraudulent Debtors Act. That Act has been altogether re-arranged. There has been a form of order of imprisonment inserted in the Schedule which is not in the existing Act. It was done under these circumstances: Under the original Act, until the Honorable Mr. Cuthbert's Justices of the Peace Bill passed about two years ago, the jurisdiction of the Supreme Court and the jurisdiction of justices were mixed up together. The Act was originally intended to abolish imprisonment for debt—that was its primary distinct object; but it was put in such a form that it has been commonly and almost universally the subject of great misconception, and, I may say, very naturally so. It has been, I think I may say to a large extent, made the means of enforcing payment of debts without reference to the conditions of the Act that there must be something fraudulent connected either with the incurring of the debt or the neglect to pay it. There are a number

His Honor
Mr. Chief Justice
Higinbotham,
continued.
17th Oct., 1889.

of offences set out in the Act which must be proved against the debtor before he ought to be imprisoned under this law, but justices generally have mistaken its meaning, and it has been used as the means of enforcing payment of debts, which is contrary to the intention of the Legislature and contrary to the decisions of the Supreme Court upon the subject. Mr. Cuthbert's Bill took out those parts in relation to justices, and by that means considerably assisted the administration of the law; but this Bill brings into one Act, though in three separate parts, the jurisdiction of the Supreme Court, the County Court, and the Justices. They are almost identical, but still they are separated for the purpose of bringing out more clearly the necessity of trying a man for a particular offence, and convicting him of that offence before he can be committed to prison. That has been worked out in the way Honorable Members will find in the Bill; and the form of order of imprisonment has been added, which has hitherto been wanting in all the Acts on the subject. That want has been the cause of repeated failures of justice. There have been very many orders of magistrates quashed and set aside simply because they were defective in not setting out any offence; the Supreme Court has always swept them aside when they were defective in that respect. At the same time, when no form of order was provided, it was not surprising that magistrates should make that mistake, and therefore the addition of the form of order was put in. It occupied a good deal of time, but I do not know that it created much difficulty.

51. *By the Hon. J. M. Davies.*—Your Honor stated that on each examination fresh errors were discovered—were they original errors or were they errors that arose on the fresh alteration?—I am sorry to say many of them were errors which had been previously corrected.

52. I have often found in getting proofs corrected that each proof brings fresh errors?—There were few fresh errors in these Bills, I think, but in some cases there was an omission to correct an error already marked.

His Honor withdrew.

Adjourned to Tuesday next, at Three o'clock.

TUESDAY, 22ND OCTOBER, 1889.

Members present:

MR. WRIXON, in the Chair;

Council:

The Hon. S. W. Cooke,
The Hon. J. M. Davies,
The Hon. Lt.-Col. Sargood,
The Hon. J. Service.

Assembly:

Mr. Armytage,
Mr. Best,
Mr. Gavan Duffy,
Mr. Shiels,
Mr. Tucker.

Donald Mackinnon, examined.

53. *By the Chairman.*—You have been acting as chief draughtsman under the Chief Justice in the consolidation of Statutes which we are considering, and I would like to ask you, in the first place, how many of the Bills are now ready?—I think that all the Bills that are ready, that is, all that are in the final stage, are here, with perhaps the exception of two or three. There are a great number of Bills which are mere re-enactments of Acts, which appear in the Statute book at the present time; and those, although they are not in Bill shape—that is to say they are not in book shape—still in two or three days a considerable number, I should say 30 at least or 40 of them, might be before this Committee.

54. That would make 60 or 70 in all?—Yes.

55. And there are 107?—There are out of our hands, and should be, if it were not for some obstacle in the printing office, before you now, 45 in all.

56. When may we expect the remainder of the 107 Bills of which the consolidation is composed?—I think that, provided that all printing obstacles can be got over, all the Bills could be ready by the middle of next month, or by the 20th at any rate, that is judging by the present and past rates in the preparation.

57. What time exactly have you and your learned colleague been working on these Bills?—We received instructions, I think, about the 22nd or 23rd of February of this year. We received them in the shape of a scheme which had been carefully prepared by the Chief Justice some month or two before. It was a scheme of this sort. It set out on separate pages each of the titles of a consolidated Act; under each of those titles which was to be the title of the new consolidated Act were grouped all the Acts at present in force which the Chief Justice considered of sufficiently kindred nature to be presented in one Act—a consolidated Act. Those were our instructions and we worked on those.

58. For this gigantic work do you feel you have had ample time for completing the work by the 20th of next month or do you think that the complete accuracy of your undertaking would be assisted by having a little further time to deal with it?—On that point I think the Bills themselves might be made as accurate as they well could be by the 20th, but the notes I should not be hopeful of being able to get out by that time. I think they would contain probably misprints of references, and I think possibly many of them would be found to be more misleading than helpful. Every additional day would mean additional completeness and increased accuracy in the work. I think the Bills, as bare Bills—that is the mere word of Parliament—would be ready and would be accurate by the 20th or one or two days afterwards, but I do not think the notes, which will be, I consider, the most valuable part of this work which will form the new edition of the Statutes, would be sufficiently accurate, either as regards correctness of numbers, of references to different volumes of the reports, or indeed of the substance of those notes themselves. I should be afraid that mistakes would be found which would afterwards discredit the edition.

59. It is part of this scheme to have not merely the consolidated Acts, but notes of legal decisions bearing upon the different Acts?—Yes, and those are very numerous indeed.

D. Mackinnon,
22nd Oct., 1889.

60. *By Mr. Gavan Duffy.*—The notes are no part of the work submitted to the Legislature?—There is a section upon that in the Acts Interpretation Act which declares that neither the marginal notes nor the notes on cases should be considered a part of the Act, but the Acts will be published with those notes on as a sessional volume, and come into force on the first day of January, and the profession will require to use them, and consequently to refer to them. They will therefore buy them, and they will discover if there are any mistakes in these notes, because, with many eyes looking at them, mistakes are bound to come into notice immediately, and that will discredit the edition.

D. Mackinnon,
continued,
22nd Oct., 1889.

61. *By the Hon. J. M. Davies.*—Is it intended that the Acts as presented to Parliament shall have those notes printed on them for the purpose of passing the Bills through Parliament?—

62. *The Chairman.*—It is merely a typographical arrangement. It is a matter of no consequence, but if the Acts are to come into operation on the 1st of January they will be published with these notes.

63. *By the Hon. J. M. Davies.*—I understood it was before the 20th November. Is it before the 20th November or the 1st January that you want to have full time?—Before the 20th November. I should be afraid it would not be possible to do it by the 31st December either with complete accuracy.

64. *By Mr. Gavan Duffy.*—The new edition will not be ready to be bound for a month or two after Parliament is sitting?—I understand it will be almost impossible for those Acts which come into force on the 1st January to be in the hands of the public before some time in March.

65. *By the Chairman.*—Does that constitute a difficulty in your mind in bringing them into force on that date?—It would constitute a considerable inconvenience to the profession and the public.

66. *By the Hon. Lt.-Col. Sargood.*—That would indicate the desirability of delaying their coming into force. You might pass them without their coming into force?—You might do that, and have them come into force some time next year.

67. *By the Hon. J. M. Davies.*—Suppose the date is altered on which the Acts are to come into force, will that involve many alterations in the Acts themselves. I know it will in some. In the Aborigines Act, for instance, there are two or three sections which are in force for a certain time after the Acts came into operation; this time is ruled by certain other Acts which have been in force. If the date is altered on which these Acts come into force, all these sections will have to be altered. Will that happen in many Acts?—I do not think there are many provisions re-enacted here which are of the transitory nature that you speak of. I think, perhaps, three or four are. Of course it will entail the amendment of all the first sections.

68. *By the Hon. J. Service.*—Could the whole of the Acts—the complete consolidation—be finished early in next year or by the end of this year—I mean the remaining thirty or forty?—As at present advised I should think they would be ready by the 20th of next month.

69. The entire list?—Yes. At the present moment they are all in the hands of the printer with the exception of about, I should think, six or seven Bills.

70. I understood there were about forty on the table and another thirty or forty would be ready by the end of November, leaving about forty to come afterwards?—No, I said about thirty or forty could be got ready in a few days—they are very short Acts, such as the Statute of Wrongs and others which have not been altered at all.

71. *By Mr. Gavan Duffy.*—They would not require to go before the Legislature at all?—I think in that particular Act only one section has been inserted. That one is from Mr. Shiels' Act with regard to imputing want of chastity in a woman; that is the only alteration.

72. *By the Hon. J. M. Davies.*—Under this scheme they require to go before the Legislature, because every Act is repealed and re-enacted, even if there is no alteration?—Yes.

73. *By the Chairman.*—With regard to Acts that are consolidated. Take the Licensing Act, which is a very difficult one, would you explain to the Committee the procedure you adopted with regard to insuring that your consolidated Bill was a thoroughly accurate reproduction of all the amending Acts?—The process of draughting was the same in almost every case, with the exception of some of the first; we worked it as much as possible on a system. As soon as we received the Chief Justice's instructions we set to work on certain of the Acts, and read them through, with a view to the construction of a plan which, in such an Act as the Crimes Act, is an elaborate plan, occupying three or four pages of work. That was constructed in consultation with the Chief Justice, and the same with a number of others. When they were read and arranged in that way into certain groups, the sections were arranged in their logical order, so that one section would lead up to another. Then when that was done we went through each Act, and carried out all expressed or implied repeals, and in that we were very much assisted by the last edition of the Statutes. I do not think there is any case of an implied repeal to which attention is not drawn by that edition—Mr. Gurner's edition. I had something to do with that edition myself; it was compiled from certain books, which were accurately kept, and on which notes were entered as changes were made by later legislation. I do not think there was anything overlooked. All those implied repeals and expressed repeals received expression. The Bill was then sent to the Government Printer and was printed, and we got the proof back, and with that proof Mr. Mackay and myself and a professional reader went through it; the professional reader reading from the sessional volume, so that nothing was dropped out of any Act; and every difference was noted I think. I then went with the Bill to the Chief Justice, having marked every alteration either in language or anything else, and these were considered very fully and very cautiously by the Chief Justice. The notes were put on in the first stage. The Chief Justice read through the greater part of them, with the exception of the Insolvency Act, the notes of which I do not think are particularly accurate. We have not had time to work on them properly, but the notes on nearly all the others were revised by the Chief Justice personally. Having settled with him what was the law and what was not the law, the Bill was sent back, and we got a revise. In many cases when the revise came back it was sent to gentlemen who had practical acquaintance with the working of the Act; Judge Hamilton looked through the County Court Act, and so did Judge Quinlan. The Administration and Probate Act was looked through by the Master-in-Equity, by Mr. Gregory, who has had considerable experience in that branch of the law, and by the Registrar of Probates. I think all three saw that Act; and so with many of the other Acts.

D. Mackinnon,
continued,
22nd Oct., 1889.

74. In the Local Government Act, you were assisted by Mr. Gregory?—He did the Local Government Act completely.

75. And the Mining Companies Act by Mr. Helm?—The Mining Companies Act was revised by Mr. Helm, and considerable alterations were made in it, or rather certain Acts which had expired were left out by his advice.

76. From your knowledge of the work done, have you any hesitation in recommending to the Committee this consolidation as accurate—that they may accept it?—Yes, I think it is accurate. I think very few mistakes will be found in the Acts themselves. I think most mistakes will be misprints—"c" will be put in for "e," and there will be mistakes in spelling. It is not an ambitious scheme, although it is a very large one. We have kept closely to our text, and in that way we have got accuracy at the expense of scientific consolidation.

77. What attempt have you made to consolidate such Bills as are now passing this Session?—The only one that has been consolidated so far is the Act validating the seats of certain Members in the Upper House, who have not complied with certain property qualifications.

78. There are one or two held over, I think?—Yes, the Health Bill, which seems to require consolidation and arrangement very much, is held over, because the Chief Justice understood there were chances of there being very considerable alterations in the administration of that Act. The Education Act has been held back, but that will be a very small matter.

79. Do you regard the amending Bills which we are trying to pass, as any reason for waiting until the Session is completed, before you finish the work of consolidation?—No, I do not think so. Perhaps there will be a little trouble in the case of Acts which come into force at the time of their passing, but I imagine that could be got over.

80. *By the Hon. Lt.-Col. Sargood.*—That difficulty will always happen?—If it is passed at the end of the Session I am afraid it must be so, unless they could be incorporated, but with many Acts that is impossible. There is not very much reason to prefer one to the other, but I think it would be better that it should begin at the beginning of the Session rather than at the end. There is always this: if any mistake were discovered, it could be remedied. The sort of mistake I speak of would be the class of mistake that would affect any one's right or title. It is a small possibility owing to the cautious way in which the Chief Justice has required the work to be done, but it might happen, and it could be remedied at once if Parliament were sitting.

81. *By Mr. Shiels.*—With reference to the notes, are you aware whether, when Mr. Higinbotham was Attorney-General in the Administration of 1864-5, the notes in that consolidation came before Parliament at all?—I understand they did not. I have noticed one or two Bills with references to notes, but they were bare references to the names of cases.

82. It is an unusual course for the notes to come before Parliament?—If I might explain, the reason why the notes were embodied in this way was this: When the Chief Justice first embarked on this scheme, we understood from Mr. Brain, the Government Printer, that it would be impossible for him to hold up all this amount of type, so as to produce the 2,000 or 3,000 volumes required for an edition of the Statutes. He of course would require to alter it after it had passed through Parliament; that is to say, the shape for the volumes of the new edition would require to be altered accordingly. The Chief Justice thought the only way to bring out the edition of the Statutes, and to pass the Acts at the same time, was that the process of stereotyping should take place, and that they should be stereotyped with the notes. Mr. Brain has since obtained a great supply of type, and he has discovered he can hold up all this until he can print the new edition from the type, which will make it more presentable.

83. *By the Hon. J. Service.*—That will clear the way in allowing it to stand over until the next Session of Parliament, so far as the printing is concerned?—Yes.

84. *By Mr. Gavan Duffy.*—I suppose the possibility of serious error would be very small?—Yes. I think if I have explained properly what we did, you will see that it is not an ambitious scheme really in details. It was a big work for one in the Chief Justice's position, because his time is so much occupied, and he had to work after four o'clock. Of course the shape of the sections has been altered, in order to comply with a more modern style of draughting. For instance, a very large section in the Distillation Act about which the late Dr. Hearn made some remarks in his work on Rights and Duties, has been broken up in order to be made more intelligible to readers; and so with a number of other sections.

85. From a draughtsman's point of view you do not see any objection to the Bills being passed into law in the present Session of Parliament?—No, I do not think there would be any objection. I think any change required through that would be small. I think it could be made within the time.

86. *By Mr. Best.*—Not as regards the Health Act?—It would be impossible to incorporate a large measure like that at the last moment. I have seen a draught of the Bill. Yet even the Health Act might be incorporated if it were passed soon.

87. *By Mr. Shiels.*—That is the Health Act which we may possibly have?—Yes, the Bill which, I understand, is now before Parliament.

88. You surely would not think it necessary to incorporate a Bill which will come into force probably about the same time as this with the consolidated Statutes?—It will look very curious to have two Acts speaking at the same time, which provide a different machinery, presuming that the Central Board of Health were merged into a Ministry of Health. It would not be wrong, but it would rather mislead people, I should think.

89. *By the Hon. J. M. Davies.*—Are there many cases where Acts are superseded by rules of Court under the Judicature Act?—There are some sections in the Evidence Act, and there are of course those sections which I understand may be affected by the new rules of Court in the Bills of Exchange Act in the Instruments and Securities Statute 1864, the English Bills of Exchange Act 1855. Those sections have been repealed by the English Judges—formally and expressly repealed. They say, "No writ shall be issued under the Bills of Exchange Act 1855." I understand that the same reasons which have induced the English Judges to adopt that rule may be followed by the Judges here. I do not know authoritatively about it, but I understand that may be the case.

90. Are there many other Acts besides the Evidence Act and the Instruments and Securities Act which are affected by the rules of Court?—I think one or two sections in the Administration and Probate Act about making rules for that Act will find their place in the Supreme Court Act; that is hardly

superseding it by rules, but it is brought under the power of the Judges to make rules that will be given in that Act. I do not think there are any others. There are four sections, I think, in the Statute of Evidence. Then, of course, there is the general issue. Any rule of procedure in an Act passed before 1883 may be dropped out, but anything in any Act passed after 1883, after the coming into operation of the Judicature Act, is left. As the Chief Justice understands the law, there is no power in the Judges by rule to deal with anything which has received the sanction of Parliament after the Judicature Act passed.

D. Mackinnon,
continued,
22nd Oct., 1889.

The witness withdrew.

Francis H. Mackay, examined.

91. *By the Chairman.*—You have been the barrister-at-law co-operating with Mr. Mackinnon in draughting the consolidated Statutes—you have heard his evidence?—I have.

F. H. Mackay,
22nd Oct., 1889.

92. Do you concur in what he has said?—Yes, entirely.

93. Do you feel you have had sufficient time to complete this great work?—I feel with Mr. Mackinnon with respect to the actual Bills, those already in press will do as they are, the rest could be completed by the 20th of next month; but with respect to the notes, they cannot be sufficiently carefully revised in time to have them on the sheet in time for the Bill to come before Parliament, in that form, this Session.

94. Would you have time before the 1st of January of next year for that part of the work?—Yes, I should think so.

95. Do you think if you had two or three months beyond the beginning of next year to overhaul the work and revise it, you would ensure greater accuracy than if it were at once adopted?—Of course if further revised, it might be possible to discover small mistakes that may have occurred, but I think, by the 1st of January we would be in a position to say that the work was as accurate as it could be made.

The witness withdrew.

96. *Mr. Mackinnon.*—With regard to the question Mr. Davies put, I forgot to mention there were some sections in the Common Law Procedure Statute that will be dropped on account of the present rules. I have a list of them which has been furnished by those who have been engaged in draughting those rules. The Judges are in charge of the new rules. It would lead to confusion if they are both passed. If the Judges act on their own rules, and another procedure is found in the Statute book, it will be inconvenient. For that reason there are several sections that will be dropped.

97. *By the Hon. J. M. Davies.*—Will there be any inconvenience in furnishing to the Committee a list of all the sections of Acts that are dropped because rules of Court are made?—No, I think there will be no difficulty in that. The Supreme Court Act is one of those that are held back on account of the chance of having the rules in a more perfect state. At present we have not dropped any of those. I know the intention of the Chief Justice is that they should be dropped.

98. I am under the impression that under certain Acts, if you sue on a certain contract you are entitled to 8 per cent., but under the rules you are entitled to 6 per cent. It is a question whether rules of Court should alter a settled Act of Parliament in a question like that. There are other similar cases like the one I pointed out under the Instruments and Securities Statute?—I will prepare a list of those sections to be dropped.

99. *By Mr. Best.*—Do you propose annotating this edition with the whole of the Victorian authorities?—Yes, every authority we can lay our hands on that is decided by our own Courts and the Privy Council. I think with the exception of the Insolvency Act, which is not complete yet, and will require some correction, the others are pretty correct.

100. The whole of the Victorian authorities will be noted in the several sections?—Yes; cases that have been overruled of course will not be noticed.

The witness withdrew.

John Burslem Gregory, examined.

101. *By the Chairman.*—You are a barrister-at-law and have taken part in this consolidation?—Yes.

John B. Gregory,
22nd Oct., 1889.

102. What part did you take in the consolidation?—I have prepared Bills to consolidate the Local Government Act, the Friendly Societies Act, the Industrial and Provident Societies Act, and the Building Societies Act. I have prepared some clauses in some other Bills.

103. Those are the Acts you have consolidated?—Yes, those are the ones I have consolidated entirely.

104. In consolidating the Local Government Acts you had, of course, a great deal of work with it?—Yes.

105. How many Acts did you consolidate?—I cannot say now without counting them—a large number.

106. With regard to your own work, are you prepared to recommend this Committee that it is so accurate that we might adopt it at once without further consideration?—The Local Government Bill is at present in the hands of the printer, and of course I could not recommend anybody to adopt it until I have read the final revise, but subject to any corrections of that sort which might appear—which would not be large—I could recommend it.

107. When do you expect to complete your revision?—That altogether depends on when I get the proof from the printer.

108. At present you have not completely revised it?—Yes; I consider the draught, as it left my hands, was complete, but the point that remained to be done was this: I was going to read it with the *Gazette* editions of the Statutes; that was reserved to the last, because there were notes to be added which would occasion the removal of type, and there is always a danger of letters dropping out, and words getting displaced when the type is moved, so I left that until all the rest was completed; there might be a few words here and there corrected, but I do not suppose there will be anything more.

109. Can you say the same with regard to the other Acts you consolidated?—Yes, the other Acts are complete.

John B. Gregory,
continued,
22nd Oct., 1889.

110. *By Mr. Armytage.*—You have found it necessary in some cases to re-arrange the different Acts. Do you think there is any probability of that altering the law?—I do not think so.

111. As a matter of fact, the work you had to do was more clerical than otherwise?—No, I should not say that. When a section in an Act of Parliament speaks at a particular time, and under particular circumstances, and you put that section into a new Act of Parliament, where it has to speak at another time, of course in some cases, if you leave the section unaltered, you really change it by leaving the same words at a different date, so there is a good deal more than merely clerical work in the consolidation.

112. *By the Chairman.*—Do you see any difficulty in bringing the complete new consolidation into force on the 1st January, when Parliament is not sitting, in case of any oversights not being corrected. As a matter of discretion, would you prefer to bring it into operation on the 1st of July, when Parliament is in Session?—I can see reasons in favour of bringing it into operation when Parliament is in Session. There is, of course, a risk of there being some error discovered which it might be inconvenient not to correct at once.

113. *By Mr. Armytage.*—Would you go as far as to say it is highly improbable that we should find errors?—I do not think I could say that. I should say it is highly improbable such a large undertaking would be carried out without errors.

The witness withdrew.

Adjourned to Tuesday next, at half-past Three o'clock.

TUESDAY, 19TH NOVEMBER, 1889.

Members present:

MR. WRIXON, in the Chair;

Council:

The Hon. J. M. Davies,
The Hon. Lieut.-Col. Sargood,
The Hon. J. Service.

Assembly:

Mr. Armytage,
Mr. Best,
Mr. Gavan Duffy,
Mr. Shiels.

His Honor Mr. Chief Justice Higinbotham, further examined.

His Honor
Mr. Chief Justice
Higinbotham,
19th Nov., 1889.

114. *The Chairman.*—The Committee are almost unanimously of opinion that certain of the sections in the existing laws are repealed in the consolidating Act or omitted. There is a general opinion of the Committee that it is an inadvisable course to take, and we felt anxious to come to an understanding as to the clauses that exception was taken to, and we want now, before the recess, that you might be informed what course to take so that Parliament may proceed, on re-assembling, to adopt the Bills without question. It was Mr. Davies who raised the point. I have no doubt the Chief Justice would be glad to hear the sections you refer to, and about those which should be omitted.

115. *By the Hon. J. M. Davies.*—There is first the question whether all sections which ought to be repealed should not be repealed specially by Act of Parliament, and the second question is whether certain sections should be repealed at all. I agree with those about summary proceedings on bills of exchange. Then there is a section of Common Law procedure, rates of interest; judgments carry 8 per cent.; another, getting rid of tenants, the right of ejectment. The tenant must give notice to the landlord under a penalty of three-years' rent. It was questionable whether any of those sections have been repealed. They were all omitted because they practically are superseded by the rules of Court, and it was thought it would be better to repeal those sections by a separate Act instead of leaving them to drop, on consolidation?—With respect to the first point referred to by Mr. Davies, that there should be a special repealing Act, I venture to think there would be very considerable difficulty in properly applying such an Act, and I think it would be unnecessary, because the whole of those Acts will be absolutely repealed; and the question now to be considered is not what should be repealed, but what should be re-enacted. The whole of the sections of the Common Law Procedure Statute will be repealed by the Supreme Court Bill, not yet before the Committee, and not yet printed, and not yet come under my notice. The whole of the Instruments and Securities Act will be repealed by the Instruments Act, and the question would be, as to the different parts of those Acts, what parts should be re-enacted. There has been a similar difficulty in England with respect to parts of Acts which have been superseded, in the opinions of some, by the rules; and there has been an Act brought in repealing all of those, enumerating them and repealing them. I do not know whether Mr. Davies has had his attention called to 46 and 47 Victoria, chapter 49. I may read the preamble of that Act, for the purpose of showing Honorable Members that considerable difficulty has been felt in dealing with the question how far Statutes relating to procedure have been repealed by rules relating to procedure made under the authority of the Judicature Acts. This preamble recites—"Whereas with a view to the revision of the Statute Law it is expedient that various enactments (mentioned in the Schedule to this Act) which chiefly relate to civil procedure, or matters connected therewith, and which may be regarded as spent, or have ceased to be in force otherwise than by express and specific repeal by Parliament, or have by lapse of time and change of circumstances become unnecessary, or the subject-matter whereof is provided for by or under the Supreme Court of Judicature Act 1873, and the Acts amending it, or rules made pursuant thereto, or for other reasons, may properly be repealed, be now expressly and specifically repealed." And then it goes on to repeal several Acts which it was thought necessary to get rid of. All this will be absolutely got rid of by the consolidating Acts. And the practical question I would submit to the Committee is, what portions should be enacted in the new Bills. There are three Acts at present containing a number of provisions which relate to procedure, the Common Law Procedure Statute, the Evidence Statute, and the Instruments and Securities Act. I would say that questions of law and procedure often run very much into one another, and present great difficulty as to whether a question is a matter of law or procedure. The Honorable Mr. Davies has referred to a section of the Common Law Procedure Statute (interest on debts, section 287). I would say the Chairman has done me the favour of

mentioning the point to me, and in looking at this, I should say that it is a matter of law and not of procedure, and if I should be called upon, as I might feel myself called upon, when revising the Supreme Court Bill, to say whether this should be re-enacted or not, I should act upon the belief that an order of Court reducing the rate of interest from 8 per cent. to 6 per cent. is not an order relating to procedure, and consequently ought not to have been made. I should re-insert in this Bill that section on that ground. There was great difficulty in considering at short notice all the rules of procedure. Amended rules of procedure were made in England in November of 1883, and it was thought by Parliament that it would be expedient to assimilate our rules to them; and in the vacation of that year, the late Chief Justice gave great consideration to the question of the adaptation of the English rules to our rules, and in the course of that inquiry many questions arose as to what was law and what procedure, and what power the Judges had—power to make rules. With regard to the rule that fixes the rate of interest on judgment debts at 6 per cent. instead of 8 per cent. (the Act fixing at 8 per cent.), on reconsideration I am bound to say, in my opinion, that is a matter of law and not of procedure with which alone a rule of Court can deal. Therefore, if the Committee express no opinion upon that question I should put into the Supreme Court Bill this section as it stands. On the other hand, it may be convenient if the Committee would give consideration to the question and say whether they think that that is an advisable rate of interest to fix. Whatever decision the Committee arrive at can be acted upon by the draughtsman. It would be extremely convenient if the Committee could give definite directions upon this section and upon the Summary Procedure upon Bills of Exchange sections in the Instruments Bill, in order that the Bills may be in complete readiness at the commencement of next Session; and if the Committee are of opinion, and would express it, that this section 287 should be re-enacted in its present form at 8 per cent., I should say that that would be in accordance with the existing law, and not 6 per cent., as provided by the rule of Court. But it may be expedient for them to consider whether that is an advisable rate. Since 1839 in England it has been 4 per cent. The late Mr. Justice Fellows, in his Common Law and Practice Act, in 1851, in view of the increased value of money in Victoria, made it 8 per cent., and that section has been copied into the present Common Law Procedure Statute. The present practice has been fixed by the rule of Court at 6 per cent., but it would be a subject for the consideration of the Committee to say whether it should be 6 per cent. or 8 per cent. If they fix upon 6 per cent. and not 8 per cent., perhaps they would recommend it to Parliament. If the Committee are of opinion that the present law should remain, the law presented to the draughtsman should be 8 per cent.

His Honor
Mr. Chief Justice
Higinbotham,
continued,
19th Nov., 1889.

116. The difficulty in altering from 8 per cent. to 6 per cent. would be that it would make an alteration in the law?—It would make an alteration in the law.

117. The object in presenting the Bills to Parliament is to be able to say that there is no alteration in the law at all—that they are merely consolidating Bills; otherwise it would be necessary to list all those alterations and present to Parliament more Bills, which would cause discussion and possible amendment, and we want the Acts passed through without the alteration of a single word or any discussion. I think that is why the Committee thought it not desirable to make the alteration (even if they thought it was a desirable one) when it was intended to drop the section first of all from the Bill repealing the sections of all the consolidation Bills as they are now, with the exception that the repealing clause, if it mentions further sections, would be repealing over again sections repealed by a separate Bill, and there was some doubt whether it was desirable, as a matter of form, that Parliament should altogether recognise the repealing power of the Judges. I know English decisions on the point, but it is a serious thing to repeal an Act of Parliament, except by an Act of Parliament, and it was thought to be the idea in England that although the Judges decided they had the power of repealing Acts of Parliament in making rules of procedure, yet subsequently the Legislature seemed to have repealed the particular clauses which were done away with.

118. *By Mr. Shiels.*—I think we felt strongly that the same authority that made a law should repeal it. It was not altogether about getting the Bills passed, but on the higher ground that the Judges were not the authorities that made the laws and should not alter them?—I do not think that that opinion is confined to the Committee. I do not think any one would suppose that Judges can alter the laws unless they are empowered by Parliament to alter them. Parliament alone can alter a law made by Parliament. The decisions of the House of Lords (governing the views of all the Courts in England and binding on all the Courts in England, but not binding ours) was based on this, that there was an implied repeal by Parliament where an Act of Parliament gave to the Judges power to make a rule relating to procedure. It was the effect of an Act giving the power to repeal the previous enactments inconsistent with the rule. Will you allow me to read a passage from a judgment of Lord Blackburn in *Garrett v. Bradley*, L.R., 3 app. Cas. pp. 966-7. He says—"I think there could not be any reasonable doubt that a law which says that costs generally shall be in the discretion of the Court, and that costs, where a matter has been determined by a jury, shall follow the event, subject to being taken away if certain things happen, are absolutely inconsistent with Statutes which say that the successful party shall, as a matter of right, have his costs. You cannot let the two laws stand together and say that the costs shall be in the discretion of the Court, and at the same time say that one of the parties shall have them as a matter of right; it is impossible. Neither can you say that the costs shall follow the event, that is, belong to the party who succeeds, unless the Court takes them away, and at the same time let a law stand which says that a party shall not have the ordinary taxed costs, but shall only get a farthing. The two are absolutely inconsistent; the one repeals the other."

119. *By the Hon. J. Service.*—Would it not be an easy way to get rid of this if the Judges who have the power of making the rules of Court were to recommend certain alterations to the Government, certain alterations in the Act, by which the alterations could be effected by Act of Parliament, in place of the rules passed by the Judges?—I should say, as Parliament has given the power, it is the duty of the Judges to make laws as to procedure, as long as they confine themselves to that.

120. That is just the point?—It is the opinion, I think I may venture to say, according to which the Judges always act in framing rules of procedure, and they confine themselves to the duties imposed on them by Parliament. They do not make a rule that is against the laws of Parliament.

121. But while Judges are only mortal they may make a mistake?—That mistake may be amended.

122. It could be amended if Parliament said the Judges were to make rules in accordance with the Act; but if the Judges were to make rules during recess, if they were to be put in the form of recommendations and forwarded to the Attorney-General of the day, either the Attorney-General could see they were

His Honor
Mr. Chief Justice
Higinbotham,
continued,
19th Nov., 1889.

clothed with the form of law, or an amendment could be made by means of which the Attorney-General expressing the mind of Parliament, could say—"These rules do not conflict with the law; as mere rules of Court you can pass them." I do not know whether it would be *infra dig.* It seems here to clearly conflict with the law. And with respect to the other matter, the rules relating to promissory notes and bills of exchange, there is a double course open to suitors to prosecute—that is the one under your rules or the one under law. As long as in cases of that sort the law is not repealed, the suitor has the power to take either course, and there is not much harm; but it shows the two courses are inconvenient. We find that from the absolute non-interference with the Statute Law, up to absolute interference with Statute Law, and with all the grades between where the Statute Laws and rules run together, we have those difficulties.

123. *By Mr. Gavan Duffy.*—I take it that the Judges are not the only persons who make rules. The Board of Land and Works does practically repeal Acts of Parliament. There were provisions in the leases issued by the Board of Land and Works that were at variance with the law. The Customs Department, too, have regulations that are carried out as law?—Mr. Service suggests a much wider and more important question, which I venture to say is not exactly the one which is before the Committee at present. Of course Parliament can, and in its wisdom may, enlarge or restrict or take away the power from the Judges to make rules. The question is, how are these Bills to be prepared and submitted.

124. *The Hon. J. Service.*—At the last meeting our remarks as well as our ideas took rather a wider scope. We really discussed the whole question.

125. *By the Chairman.*—As the Chief Justice says, if we are to get on, we must consider these. The one is the rate of interest, and he is willing to put in 6 per cent. instead of 8 per cent., and the other is procedure on bills of exchange?—There is another in ejectment. I think most of those are matters of law. I shall put them into the Bill. Most of them are matters of substantial law, and should be enacted as part of the present law.

126. *By the Hon. J. M. Davies.*—They were given to me as parts that would be dropped?—I have not yet had the Bill, but I have looked at them, and my opinion is that many of those are matters of positive law.

127. *The Hon. J. M. Davies.*—I do not like the view, for the Judges' rules to be submitted to Parliament to be passed. I do not think they would ever be passed.

128. *By the Hon. J. Service.*—I say if the Attorney-General is presenting them they might be?—In answer to the observation about dignity, I may say I have no pronounced opinions about dignity, but I think it would be a grave indignity to the Judges to call upon them to submit the rules they made by the authority of an Act of Parliament to the opinion of the Attorney-General to say whether they were legal. They might be submitted to Parliament.

129. *The Hon. J. M. Davies.*—My contention is that where the rules made by the Judges have the effect of coming in conflict with any Act, or any section of an Act, that then Parliament should be asked to repeal those sections so as to get them off the Statute book.

130. *By the Hon. J. Service.*—How would you bring that about?—

131. *By the Hon. J. M. Davies.*—Parliament, I imagine, considers its laws remain until they repeal them?—So do the Judges.

132. Except that the House of Lords has given the Judges power to make certain rules. That was the reason that those particular sections should be especially repealed.

133. *The Chairman.*—Of course all those repealing Acts would be Acts of Parliament. The Judges cannot repeal anything.

134. *By the Hon. J. M. Davies.*—We should have to go to Parliament and say, "These present Acts re-enact the present law, except certain sections"?—Those Acts will re-enact all the existing laws.

135. It is not the existing law, because rules have been made?—I have stated I conceive a rule which is in conflict with the section as to interest has been made. It is my opinion, and the opinion I have always held, in preparing the consolidation of these Acts, as to the parts relating to procedure on bills of exchange in the Instruments and Securities Statute, that those are sections relating to procedure, and they are superseded, and impliedly though not expressly repealed by Parliament when Order 14 was made by the Judges, by the authority of Parliament. But if this Committee should be of opinion that the two systems should be in concurrent operation those clauses can be re-enacted in the Instruments Bill. I am prepared, if the Committee are of that opinion, to put them in. What I would like to ask the Committee to do is, if they would kindly give their views definitely. Without their views being definitely known it would be difficult to alter those consolidating Bills so as to have them in readiness at the commencement of the next Session in a form to meet with the approval of the Committee or of Parliament. I do not know whether there are any other points that have been referred to, but if there are, and the Committee would express their opinion, it can be carried into effect.

136. *By the Chairman.*—On the question of the rate of interest, the Chief Justice is going to put in the old rate. In the question of ejectment I do not know what the Committee will do?—It is an important point, and if the Committee determine that it is expedient that there should be two concurrent remedies on bills of exchange, either of which a creditor can avail himself of, the sections which have been omitted from the Instruments Bill can be re-inserted.

137. *By the Hon. J. M. Davies.*—There always have been two methods of procedure?—This is a new procedure.

138. Under the Common Law the plaintiff could issue a writ in the ordinary form if he chose, or under the Instruments procedure?—He would not have the speedy remedy at Common Law.

139. There were the two remedies before?—Might I be permitted to make an observation that I did not mention last time I was here. I would respectfully submit that it would be very important if the Committee would consider the importance of the question of periodical consolidation, and fix the period at which, in their opinion, the Statute Law should be consolidated from time to time. It might be consolidated every five or every ten years, but if the Committee would consider that question and record their opinion, and their opinion should be adopted by both Houses, I would venture to submit it would make this plan of consolidation the settled plan, and greatly facilitate the preparation of Bills prior to the time at which the consolidation should be made.

140. *By the Hon. Lt.-Col. Sargood.*—Would your Honor suggest that they embody it in a suggestion?—Yes. That it should be recommended that the Statute Law should be consolidated every five years or every ten years. If such a report were adopted by both Houses, it would be the settled policy of the country.

His Honor
Mr. Chief Justice
Higinbotham,
continued,
19th Nov., 1889.

141. *By Mr. Gavan Duffy.*—It would make consolidation easier every time?—The difficulty is now that 25 years have elapsed since the last consolidation. If we had another consolidation in ten years, the next would be far more nearly perfect than this one.

142. *The Chairman.*—I would suggest that if the Committee came to an understanding with the Chief Justice it would be sufficient. It would not be necessary to put them before Parliament. About the 8 per cent. and the ejection, I think if we now come to an understanding with the Chief Justice, the Committee can send in the report. I think the Chief Justice has our views, whether the present Statute Laws should be preserved.

143. *The Hon. Lt.-Col. Sargood.*—There are other sections.

144. *By the Hon. J. M. Davies.*—I have no others from memory that should be preserved; but the fact remains whether the repealing shall be effected before the consolidation, or effected?—I may say it would be an exceedingly difficult task to specifically enumerate and repeal all Acts and parts of Acts relating to procedure and pleading. A number of the repealed Acts are Acts beginning in the reigns of Elizabeth and Charles, about costs; and I do not know how many Acts I have altered in the consolidating Bills, providing a certain form of plea, and allowing the special matter to be given in evidence. Those are all matters of pleading, and in preparing the consolidating Bills I have omitted them all.

145. I was assuming that the list furnished to me was the complete list, and that they were sections that were superseded?—Those are the principal Acts; but if the Committee direct all the Acts relating to pleading, procedure, practice, and costs to be enumerated in a schedule attached to the repealing Act it would be a very difficult question, and we should run a great risk. It may be necessary in England because they have no consolidation scheme, but here we are wiping out all the Victorian Statutes at present in existence.

146. *The Hon. J. M. Davies.*—One of the difficulties is that Parliament does not know what it is repealing.

147. *The Hon. Lt.-Col. Sargood.*—Nor did they in 1864.

148. *By the Hon. J. Service.*—I think Parliament was under the impression that it was re-enacting everything that had not been repealed?—Yes.

149. And that there was nothing dropped out of the consolidation Statute, not specially repealed by Parliament?—If you refer to the memorandum, I was anxious to put the Committee in possession of the facts.

150. I was in England at the time?—You mean in 1864. The same rule was then followed; but we are met now with a difficulty, from the implied repeal of certain Acts relating to practice and procedure, by the Judicature Act. I will take it to be the desire of the Committee on the three points that the Bills shall be altered. I would say, in reference to the bills of exchange, it will be understood by the Committee that I do not express any opinion that that is law at present. I believe it to be virtually repealed, but that will not prevent it being inserted in the Bill since that is the desire of the Committee.

151. *By the Hon. Lt.-Col. Sargood.*—Suppose it be, will the Judicature rules override it?—I said before, if Parliament choose to specially enact any rules of procedure or practice, such enactment would, in my opinion, overrule any order about such procedure or practice that the Judges have been empowered to make, and the Judges could not legally make another rule on the same matter inconsistent with that enactment. But I only say that as an individual. I beg to be understood to say that merely as an individual.

His Honor withdrew.

Adjourned.

VICTORIA



VOTES

AND

PROCEEDINGS

OF THE

LEGISLATIVE

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SESSION

1889.

COUNCIL
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