

VICTORIA.



VOTES  
AND  
PROCEEDINGS  
OF THE  
LEGISLATIVE  
COUNCIL.

SESSION.

1880-81.

LEGISLATIVE  
COUNCIL.





VICTORIA.



VOTES AND PROCEEDINGS

OF THE

LEGISLATIVE COUNCIL

DURING THE SESSION

1880-81,

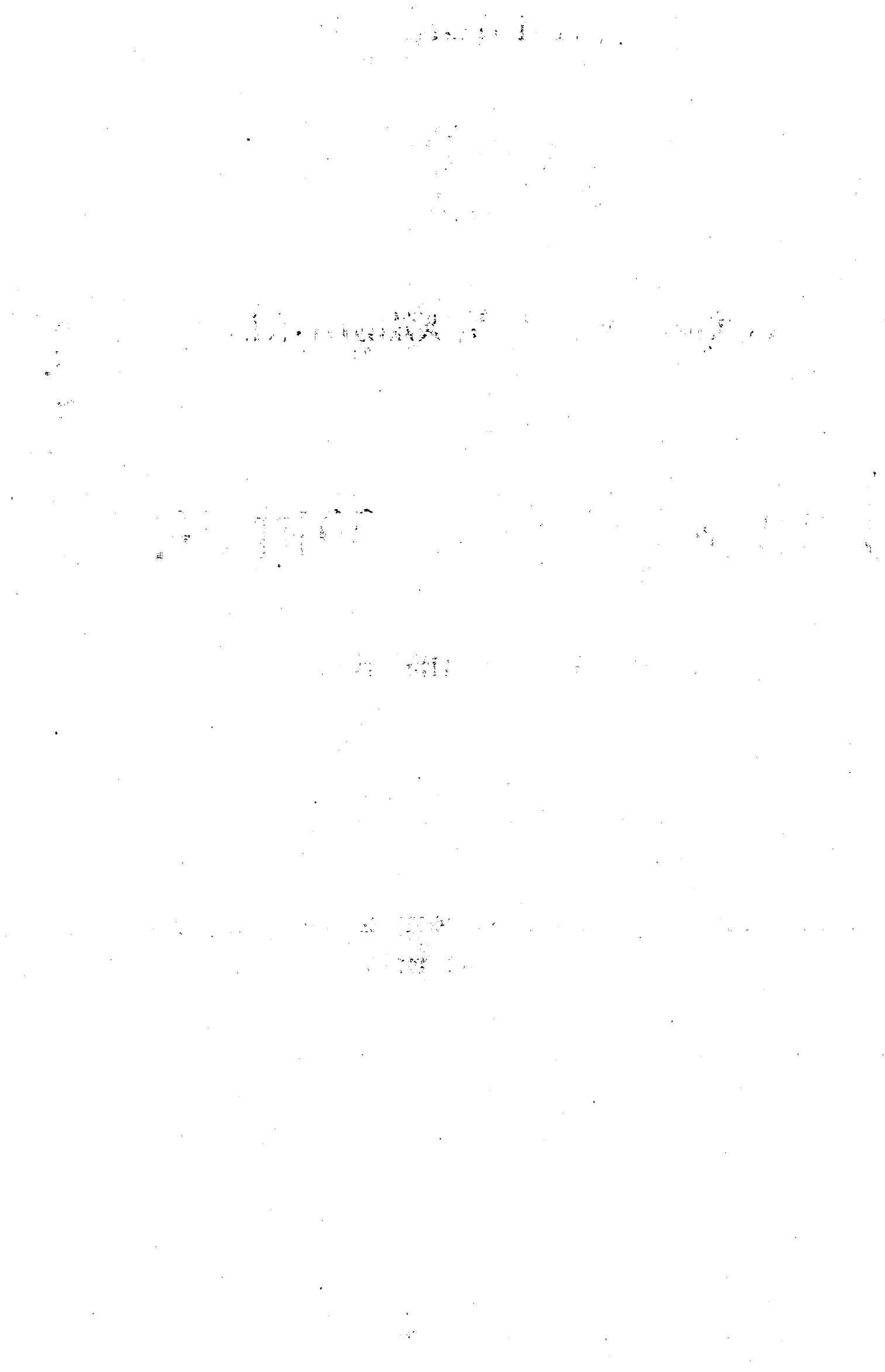
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THE COUNCIL TO BE PRINTED.

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## TABLE OF CONTENTS.

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	PAGE
RETURN OF MEMBERS OF COUNCIL AT OPENING OF SESSION ... ..	v
INDEX ... ..	vii
PAPERS LAID UPON THE COUNCIL TABLE, NOT ORDERED TO BE PRINTED ... ..	xiii
SUMMARY OF PROCEEDINGS ON BILLS INTRODUCED INTO THE COUNCIL ... ..	xvii
MINUTES OF PROCEEDINGS ... ..	1
SELECT COMMITTEES ... ..	185
WEEKLY REPORT OF DIVISIONS ... ..	187

---

### RETURNS TO ADDRESSES AND ORDERS, AND PAPERS :—

A	1. Eastern Province.—Vacation of Seat.—Issue of Writ ... ..	203
	2. Ratepayers ... ..	205
	3. Bain and Son's Account (Part of) ... ..	207
	4. Land Tax Register and Reductions in Classes ... ..	211
	5. Ratepayers and Lessees under Land Acts ... ..	213
	6. Raffles or Distributions of Property ... ..	219
	7. Mounted-Constable Gleeson, Removal of ... ..	221
	8. Conference on Reform of the Constitution.—Shorthand Writer's Notes of Conferences ... ..	229
	9. Conference on Reform of the Constitution.— Shorthand Writer's Notes of a Free Conference ... ..	275

---

### REPORTS OF SELECT COMMITTEES :—

D	1. Printing—First Report ... ..	287
	2. Printing—Second Report ... ..	291
	3. Betting Prevention Bill ... ..	295
	4. Railways Construction Bill.—Evidence taken at Bar of the House ... ..	327
	5. Parliamentary Usage in matters relating to the Position and Emoluments of Officers of the House ... ..	451
	6. Printing—Third Report ... ..	469

---

### PETITIONS :—

E	1. University Constitution Amendment Bill ... ..	473
	2. University Constitution Amendment Bill ... ..	475



QUESTIONNAIRE

1. Name of respondent: \_\_\_\_\_

2. Address: \_\_\_\_\_

3. Telephone: \_\_\_\_\_

4. Occupation: \_\_\_\_\_

5. Age: \_\_\_\_\_

6. Sex: \_\_\_\_\_

7. Education: \_\_\_\_\_

8. Marital status: \_\_\_\_\_

9. Number of children: \_\_\_\_\_

10. How long have you lived in this area? \_\_\_\_\_

11. How long have you been in this occupation? \_\_\_\_\_

12. How long have you been in this area of study? \_\_\_\_\_

13. How long have you been in this area of research? \_\_\_\_\_

14. How long have you been in this area of work? \_\_\_\_\_

15. How long have you been in this area of life? \_\_\_\_\_

16. How long have you been in this area of study? \_\_\_\_\_

17. How long have you been in this area of research? \_\_\_\_\_

18. How long have you been in this area of work? \_\_\_\_\_

19. How long have you been in this area of life? \_\_\_\_\_

20. How long have you been in this area of study? \_\_\_\_\_

21. How long have you been in this area of research? \_\_\_\_\_

22. How long have you been in this area of work? \_\_\_\_\_

23. How long have you been in this area of life? \_\_\_\_\_

24. How long have you been in this area of study? \_\_\_\_\_

25. How long have you been in this area of research? \_\_\_\_\_

26. How long have you been in this area of work? \_\_\_\_\_

27. How long have you been in this area of life? \_\_\_\_\_

28. How long have you been in this area of study? \_\_\_\_\_

29. How long have you been in this area of research? \_\_\_\_\_

30. How long have you been in this area of work? \_\_\_\_\_

31. How long have you been in this area of life? \_\_\_\_\_

32. How long have you been in this area of study? \_\_\_\_\_

33. How long have you been in this area of research? \_\_\_\_\_

34. How long have you been in this area of work? \_\_\_\_\_

35. How long have you been in this area of life? \_\_\_\_\_



1880.

[SECOND SESSION.]

RETURN OF MEMBERS OF THE LEGISLATIVE COUNCIL, 22ND JULY, 1880, AT THE  
OPENING OF THE TWENTY-NINTH SESSION OF PARLIAMENT.

Names arranged in the Order of Retirement.	Elected at—		Remarks.
	Nomination.	Polling.	
<b>CENTRAL PROVINCE:</b>			
The Honorables—			
William Edward Hearn ... ..	... ..	27th Aug., 1878.	
James Graham ... ..	15th Aug., 1876.		
Theodotus John Sumner ... ..	15th Aug., 1874.		
James MacBain ... ..	3rd April, 1880.		
James Lorimer ... ..	10th May, 1879.		
<b>SOUTH PROVINCE:</b>			
The Honorables—			
William John Clarke ... ..	17th Aug., 1878.		
James Buchanan ... ..	... ..	29th Aug., 1876.	
Thomas Ferrier Hamilton ... ..	18th Aug., 1874.		
Frank Stanley Dobson ... ..	17th Aug., 1872.		
James Balfour ... ..	... ..	19th June, 1874.	
<b>SOUTH-WESTERN PROVINCE:</b>			
The Honorables—			
Caleb Joshua Jenner ... ..	24th Aug., 1878.		
George Frederick Belcher ... ..	... ..	4th Sept., 1876.	
Henry Cuthbert ... ..	20th March, 1880.		
James Henty ... ..	23rd Aug., 1872.		
John Cumming ... ..	24th Aug., 1870.		
<b>WESTERN PROVINCE:</b>			
The Honorables—			
William Ross ... ..	29th Aug., 1878.		
Sir Charles Sladen ... ..	29th Aug., 1876.		
Thomas Bromell ... ..	... ..	11th Sept., 1874.	
Robert Simson ... ..	3rd June, 1880	... ..	Elected in room of the Hon. N. Black, deceased.
Sir Samuel Wilson ... ..	... ..	22nd June, 1875.	
<b>NORTH-WESTERN PROVINCE:</b>			
The Honorables—			
Francis Robertson ... ..	... ..	16th Sept., 1878.	
Alexander Fraser ... ..	... ..	16th Sept., 1876.	
Nicholas Fitzgerald ... ..	4th Sept., 1874.		
William Campbell ... ..	... ..	16th Sept., 1872.	
Sir William Henry Fancourt Mitchell	2nd Sept., 1870.		
<b>EASTERN PROVINCE:</b>			
The Honorables—			
[Vacant] ... ..	5th Sept., 1878	... ..	In consequence of the Hon. W. Wilson's absence without permission during an entire Session of the Council.
Robert Stirling Anderson ... ..	5th Sept., 1876.		
John Alston Wallace ... ..	4th Sept., 1874.		
Robert Dyce Reid ... ..	15th Nov., 1876.		
William Highett ... ..	2nd Sept., 1870.		





# I N D E X .

	Minutes of Proceedings.	Printed Papers.
<b>A.</b>		
Aborigines : Sixteenth Report of Board for Protection of (1st July, 1880) : Laid on Council Table	Page. 65	Page.
Absence, Leave of, granted to Hon. R. S. Anderson ... ..	89	
Clerk of Council : Motion ( <i>Hon. C. J. Jenner</i> ) ... ..	171	
Absolute Majority of Members of Council necessary for passing second and third reading of Con- stitution of Council Bill ... ..	55, 65	
Accounts, Public : Regulations (27th January and 7th February, 1881) : Laid on Council Table ...	107	
Regulation respecting (27th June, 1881) ... ..	183	
Appropriation Bill : Brought in ( <i>vide</i> "Summary of Bills") ... ..	182	
Army Discipline Bill : Brought in ( <i>vide</i> "Summary of Bills") ... ..	72	
<b>B.</b>		
Bain and Son's Account : Motion for Returns ( <i>Hon. J. Balfour</i> ) ... ..	40	
Return to Order : Laid on Council Table ... ..	67	
Return (Part of) : Ordered to be printed ... ..	71	207
Bankers' Books Evidence Bill : Brought in ( <i>Hon. Dr. Dobson</i> ) ( <i>vide</i> "Summary of Bills") ... ..	33	
Bank of New South Wales Act Amendment Bill : Brought in ( <i>vide</i> "Summary of Bills") ... ..	73	
Barry, Sir Redmond : Council adjourned as mark of respect to the memory of ... ..	69	
Beer Duty Act 1880 : Regulations (29th October, 1880) : Laid on Council Table ... ..	67	
Amended Regulations (10th November, 1880) : Laid on Council Table ... ..	67	
Amended Regulation (20th June, 1881) : Laid on Council Table ... ..	171	
Beer Duty Bill : Brought in ( <i>vide</i> "Summary of Bills") ... ..	96	
Beer (Excise Duty on) Bill : Brought in ( <i>vide</i> "Summary of Bills") ... ..	58	
Betting Prevention Bill : Brought in ( <i>vide</i> "Summary of Bills") ... ..	51	
Referred to Select Committee ... ..	66	
Report of Select Committee on : Brought up, and ordered to be printed ... ..	74	295
Bills of Sale Bill : Brought in ( <i>Hon. H. Cuthbert</i> ) ( <i>vide</i> "Summary of Bill") ... ..	14	
<b>C.</b>		
Campbelltown Parish, Castlemaine : Mining operations authorized : Order in Council (12th January, 1881) : Laid on Council Table ... ..	103	
Cemeteries Statute Amendment Bill : Brought in ( <i>vide</i> "Summary of Bills") ... ..	92	
Census Bill : Brought in ( <i>vide</i> "Summary of Bills") ... ..	39	
Census of Victoria, 1881 : Approximate Returns : Laid on Council Table ... ..	151	
Central Province : Return of Writ : Hon. J. Lorimer returned ... ..	22	
Chairman of Committees : Appointed ... ..	14	
Charges against Public Works Officers : Report of Board concerning : Laid on Council Table ...	107	
Civil Service Act : Appointments, &c., under : Motion for Return ( <i>Hon. W. E. Hearn</i> ) ... ..	62	
Clerk-Assistant (C. L. Comyns) : Appointed to act : Motion ( <i>Hon. C. J. Jenner</i> ) ... ..	171	
Clerk of Council (G. W. Rusden) : Leave of absence to : Motion ( <i>Hon. C. J. Jenner</i> ) ... ..	171	
Commissioner appointed to administer Oaths (there being no President) : Introduced ... ..	31	
Commissioners appointed to open Parliament : Introduced ... ..	1	
Commission read ... ..	1	
Commission to swear in new Members ... ..	13, 35	
Conference (Intercolonial), Sydney, 1881 : Minutes : Laid on Council Table ... ..	103	
Despatch and Memorandum from High Commissioner for Western Pacific : Laid on Council Table ... ..	121	
Consolidated Revenue Bill : Brought in ( <i>vide</i> "Summary of Bills") ... ..	17	
Consolidated Revenue Bill (2) : Brought in ( <i>vide</i> "Summary of Bills") ... ..	43	
Consolidated Revenue Bill (3) : Brought in ( <i>vide</i> "Summary of Bills") ... ..	58	
Consolidated Revenue Bill (4) : Brought in ( <i>vide</i> "Summary of Bills") ... ..	93	
Consolidated Revenue Bill (5) : Brought in ( <i>vide</i> "Summary of Bills") ... ..	129	
Consolidated Revenue Bill (6) : Brought in ( <i>vide</i> "Summary of Bills") ... ..	153	
Consolidated Revenue Bill (7) : Brought in ( <i>vide</i> "Summary of Bills") ... ..	173	
Constitution of Council Bill : Brought in ( <i>Hon. C. Sladen</i> ) ( <i>vide</i> "Summary of Bills") ... ..	36	
Constitution of Council Bill (2) : Brought in ( <i>vide</i> "Summary of Bills") ... ..	115	
President's ruling on ... ..	115	
Motion for disagreeing with ( <i>Hon. R. D. Reid</i> ) ... ..	117	
Motion for putting motion for first reading of ( <i>Hon. H. Cuthbert</i> ) ... ..	119	
Motion for Free Conference on amendments in ( <i>Hon. R. D. Reid</i> ) ... ..	161	
Report of Conference brought up ... ..	161	
Controverted Elections (Council) Bill : Brought in ( <i>Hon. W. E. Hearn</i> ) ( <i>vide</i> "Summary of Bills") ...	25	
Customs Duties Bill : Brought in ( <i>vide</i> "Summary of Bills") ... ..	182	
Customs Duties Suspension Bill : Brought in ( <i>vide</i> "Summary of Bills") ... ..	27	
Customs Laws Amendment Bill : Brought in ( <i>vide</i> "Summary of Bills") ... ..	89	
<b>D.</b>		
Daylesford Railway Act Amendment Bill : Brought in ( <i>vide</i> "Summary of Bills") ... ..	51	
Days of Business : Motion ( <i>Hon. H. Cuthbert</i> ) ... ..	14	
Declarations of Members ... ..	2, 3, 4, 5, 6, 7, 9, 10, 11, 12, 13, 21, 25, 31, 32, 40, 141, 151, 181, 182	
Discipline Act 1870 : Regulation under (30th August, 1880) : Laid on Council Table ... ..	27	
Dower Bill : Brought in ( <i>vide</i> "Summary of Bills") ... ..	46	
Duties of People Bill : Brought in ( <i>Hon. W. E. Hearn</i> ) ( <i>vide</i> "Summary of Bills") ... ..	55	



	Minutes of Proceedings.	Printed Papers.
	Page.	Page.
E.		
Eastern Province: Vacation of Seat: Hon. W. Wilson: Counsel's Opinion: Laid on Council Table, and ordered to be printed		203
Issue of Writ	14	
Return of Writ (Hon. J. G. Dougharty elected)	21	
Education: Report of Minister of Public Instruction, 1879-80: Laid on Council Table	58	
Report for year 1879-80: Laid on Council Table	103	
Department: Estimate of Expenditure, School Buildings, 1880-1: Laid on Council Table	22	
Ensuing twelve months: Laid on Council Table	113	
Act: Amended Regulations: Laid on Council Table	39, 103	
Elections and Qualifications: Warrants appointing Committee of: Laid on Council Table	13, 17, 19	
Two members appointed	35, 39, 43	
Exhibition, Melbourne International: Regulation for Carlton Gardens (25th June, 1880): Laid on Council Table	22	
Second Report of Commissioners, &c.: Laid on Council Table	52	
Smoking Regulations (6th December, 1880): Laid on Council Table	93	
Further Despatches from Secretary of State, with Enclosures: Laid on Council Table	103	
Regulation for selling and delivering Goods: Laid on Council Table	103	
Rule (9th July, 1881): Laid on Council Table	183	
Expired Laws Continuation Bill: Brought in ( <i>vide</i> "Summary of Bills")	36	
Explosives: Report of Inspectors of (1879 and 1880): Laid on Council Table	19, 123	
F.		
Fisheries Acts: Notices under (5th August, 19th August, 14th August, 1880): Laid on Council Table	27	
Notice as to repeal of Proclamation: Lake Connewarre: Laid on Council Table	87	
Notice (13th December, 1880) of intention to prohibit use of Nets, St. George's or Cumberland Creeks: Laid on Council Table	105	
Friendly Societies: Statistics of, for year 1879: Laid on Council Table	71	
Act 1877: Regulations (21st March, 1881): Laid on Council Table	123	
Report of Registrar (1880): Laid on Council Table	129	
G.		
Gleeson (Mounted Constable), Removal of: Motion for Papers and Correspondence ( <i>Hon. W. Ross</i> )	108	
Return to Order: Laid on Council Table	113	
Return (Part of) ordered to be printed	117	221
Gold Mining Leases: New Form of: Order in Council (28th June, 1880): Laid on Council Table	19	
Governor: Speech at Opening of Parliament	9	
Speech at Prorogation	183	
H.		
Harbor Trust (Melbourne): Audited Accounts for quarter ending 31st March, 1880: Laid on Council Table	25	
Audited Accounts to 30th June, 1880: Laid on Council Table	52	
Accounts of (30th September, 1880): Laid on Council Table	91	
Accounts of (31st December, 1880): Laid on Council Table	113	
Accounts of (31st March, 1881): Laid on Council Table	163	
Health Officer: Report (1880): Laid on Council Table	103	
Horsham and Shepparton Courts of General Sessions: Motion to concur with Assembly in Address to Governor on	159	
I.		
Import, Export, Transhipment, and Shipping Returns (1880): General Summary: Laid on Council Table	129, 137	
Industrial and Reformatory Schools: Reports of Visiting Committees (1879-1880): Laid on Council Table	22	
Reports of Committee of Inspectors (15th June, 1881): Laid on Council Table	183	
Insane, Hospitals for: Report of Inspector (1880): Laid on Council Table	135	
Intercolonial Conference—Melbourne (December, 1880): Minutes of Proceedings: Laid on Council Table	77	
Intercolonial Conference—Sydney—1881—Minutes: Laid on Council Table	103	
Despatch and Memoranda from High Commissioner of Western Pacific: Laid on Council Table	121, 155	
International Exhibition Sale of Liquors Permit Bill: Brought in ( <i>vide</i> "Summary of Bills")	36	
K.		
Kelly Reward Fund: Report of Board: Laid on Council Table	145	
L.		
Lancefield Railway Bill: Brought in ( <i>vide</i> "Summary of Bills")	27	
Land Act 1869: Regulations under sec. 110: Order in Council (28th June and 16th July, 1880): Laid on Council Table	14	
Amended Regulation, respecting Survey of allotments selected: Order in Council (30th August 1880): Laid on Council Table	27	
Regulations: Revocation and Issue of Licenses: Order in Council (28th September, 1880): Laid on Council Table	51	
Regulations: Fees: Order in Council (13th December, 1880): Laid on Council Table	91	
1880: Regulations: Order in Council (30th December, 1880): Laid on Council Table	105	
Regulations: Order in Council (27th January, 1881): Laid on Council Table	105	
1869: Regulation (7th March, 1881): Laid on Council Table	111	
Regulations (12th April, 1881): Laid on Council Table	135	
Report of Proceedings under (1880): Laid on Council Table	141	
Fees, &c.: Order in Council (23rd May, 1881): Laid on Council Table	151	
Land Acts Amendment Bill: Brought in ( <i>vide</i> "Summary of Bills")	96	
Land Tax Amendment Bill: Brought in ( <i>vide</i> "Summary of Bills")	121	

	Minutes of Proceedings.	Printed Papers.
Land Tax Register and Reductions in Classes : Motion for Return ( <i>Hon. P. Russell</i> ) ... ..	Page. 89	Page.
Return : Laid on Council Table ... ..	91	
Return ordered to be printed ... ..	93	211
Library Committee (Joint) : Appointed ... ..	15	
Hon. J. Balfour and the Hon. the President reappointed to ... ..	32	
Library, Museums, and National Gallery : Report, &c. for 1879 : Laid on Council Table ... ..	22	
Local Government Act Amendment Bill : Brought in ( <i>vide</i> "Summary of Bills") ... ..	121	
M.		
Messages from the Governor :—		
Informing Council that he had assented to certain Acts ... ..	19, 35, 45, 49, 61, 67, 117, 129, 131, 151, 155, 171, 177	
Informing Council that he had reserved a certain Bill for the signification of Her Majesty's pleasure thereon ... ..		171
Messages from the Legislative Assembly :—		
Transmitting Consolidated Revenue Bill ... ..	17	
Transmitting Lancefield Railway Bill, Customs Duties Suspension Bill, Payment of Members Bill ... ..	27	
Transmitting International Exhibition Sale of Liquors Permit Bill and Expired Laws Continuation Bill ... ..	36	
Transmitting Treasury Bills Bill ... ..	36	
Transmitting Census Bill ... ..	39	
Transmitting Consolidated Revenue Bill (2) ... ..	43	
Acquainting Council that they had appointed Committee to confer on Payment of Members Bill ... ..	45	
Returning Expired Laws Continuation Bill ... ..	45	
Transmitting Dower Bill ... ..	46	
Acquainting Council that they had empowered Conference Committee to meet in the Library at once ... ..	46	
Transmitting Payment of Members (Council) Bill ... ..	46	
Transmitting Payment of Members (Assembly) Bill ... ..	47	
Transmitting Betting Prevention Bill ; also Passengers, Harbors, and Navigation Laws Amendment Bill ; also Penny Savings Banks Bill and Daylesford Railway Act Amendment Bill ... ..	51	
Transmitting Excise Duty on Tobacco Bill ... ..	57	
Returning Census Bill ... ..	57	
Transmitting Excise Duty on Beer Bill ... ..	58	
Transmitting Consolidated Revenue Bill (3) ... ..	58	
Transmitting Railway Construction Bill ... ..	71	
Transmitting Army Discipline Bill ... ..	71	
Transmitting Bank of New South Wales Act Amendment Bill ... ..	73	
Transmitting Rabbit Suppression Bill ... ..	73	
Transmitting Report and Proceedings of Select Committee on Bank of New South Act Amendment Bill ... ..	78	
Returning Dower Bill ... ..	78	
Intimating that permission has been given to the Hon. J. Woods, a member, to give evidence on the Railway Construction Bill ... ..	81	
Transmitting Customs Laws Amendment Bill... ..	89	
Transmitting Cemeteries Statute Amendment Bill and University Constitution Amendment Bill ... ..	92	
Transmitting Consolidated Revenue Bill (4) ... ..	93	
Transmitting Tobacco Duties Bill, Beer Duty Bill, and Land Acts Amendment Bill ... ..	95	
Transmitting Phylloxera Vine Diseases Bill ... ..	97	
Returning Rabbits Suppression Bill ... ..	99	
Returning Railway Construction Bill... ..	99	
Transmitting Water Supply Loans Bill ... ..	100	
Transmitting Railway Loan Account 1878 Application Bill ... ..	100	
Transmitting Message from Governor recommending Amendments in Water Supply Loans Bill ... ..	105	
Transmitting Western Port Coal Mining Company Limited Bill... ..	113	
Transmitting Constitution of Council Bill (2) ... ..	115	
Transmitting Report and Proceedings of Select Committee of Legislative Assembly on Western Port Coal Mining Company Limited Bill ... ..	116	
Transmitting Land Tax Amendment Bill and Local Government Act Amendment Bill ... ..	121	
Transmitting Shire Council Powers Bill ... ..	123	
Acquainting Council that they had appointed Committee to confer with Committee of Council on the question of Reform of the Constitution ... ..	124	
Transmitting Consolidated Revenue Bill (5) ... ..	129	
Returning University Constitution Amendment Bill ... ..	138	
Transmitting Message from Governor recommending Amendment in University Constitution Amendment Bill ... ..	141	
Transmitting Consolidated Revenue Bill (6) ... ..	153	
Returning Constitution of Council Bill (2) ... ..	153	
Transmitting an Address to Governor, praying Courts of General Sessions may be held at Horsham and Shepparton ... ..	159	
Desiring a Conference on Amendments made and insisted on in Constitution of Council Bill (2) ... ..	161	
Returning Constitution of Council Bill (2) ... ..	161	
Transmitting Neglected and Criminal Children's Law Further Amendment Bill ... ..	162	
Transmitting Message from Governor recommending Amendments in Constitution of Council Bill (2) ... ..	163	
Transmitting Consolidated Revenue Bill (7) ... ..	173	
Transmitting Appropriation Bill ... ..	182	
Transmitting Customs Duties Bill ... ..	182	
Meteorological Conference (Intercolonial) : Minutes of Proceedings : Laid on Council Table ... ..	183	
Mineral Statistics, Victoria (1880) : Laid on Council Table ... ..	129	
Mines, Chief Inspector of : Report of (1880) : Laid on Council Table ... ..	115	
Mining Districts : Boundary Alterations : Order in Council (13th December, 1880) : Laid on Council Table ... ..	95	
Mining Leases : Regulation relating to : Order in Council (27th June, 1881) : Laid on Council Table ... ..	183	
Mining Surveyors' and Registrars' Reports (1880-81) : Laid on Council Table ... ..	22, 71, 107, 145	



	Minutes of Proceedings.	Printed Papers.
	Page.	Page.
N.		
Neal, Mr. H. F. : Report of Board of Enquiry : Laid on Council Table ... ..	135	
Neglected and Criminal Children's Act 1864 : Orders in Council (16th and 27th July, 1880) : Laid on Council Table ... ..	22	
Neglected and Criminal Children's Amendment Act 1874 : Amended Schedule to Redulations of 16th July 1880 : Order in Council (13th September, 1880) : Laid on Council Table ... ..	32	
Neglected and Criminal Children Law Further Amendment Bill : Brought in ( <i>vide</i> "Summary of Bills") ... ..	162	
New Member (Hon. J. G. Dougharty) : Sworn ... ..	21	
Hon. J. Lorimer and Hon. J. Balfour : Sworn... ..	22	
Hon. P. Russell : Sworn ... ..	25	
Sir S. Wilson and Sir W. H. F. Mitchell : Sworn ... ..	31	
Hon. W. McCulloch : Sworn ... ..	40	
Hon. Thos. F. Cumming : Sworn ... ..	141	
O.		
Obligations Bill : Brought in ( <i>Hon. W. E. Hearn</i> ( <i>vide</i> "Summary of Bills") ... ..	108	
Observatory : Fifteenth Report of Board of Visitors : Laid on Council Table ... ..	111	
Officers of the Council : Select Committee to enquire into Parliamentary Usage in matters relating to Position and Emoluments of : Appointed ... ..	55	
Report of Select Committee : Brought up and ordered to be printed ... ..	91	451
Motion for Address, and Committee appointed to prepare it ( <i>Hon. Sir C. Sladen</i> ) ... ..	107	
Address : Adopted ... ..	108	
P.		
Parliamentary Usage : Position and Emoluments of Officers of the House : Select Committee on : Appointed ... ..	55	
Report brought up and ordered to be printed ... ..	91	451
Report adopted ... ..	95	
Select Committee to prepare Address to Governor : Appointed... ..	107	
Report : Brought up and adopted ... ..	107	
Parliament Buildings (Joint) Committee : Appointed ... ..	15	
The Hon. the President re-appointed a member of ... ..	33	
Third Report of Royal Commission upon (21st September, 1880) : Laid on Council Table ... ..	61	
Hon. J. MacBain appointed a member of ... ..	143	
Parliament : Proclamation convening ... ..	1	
Dissolution of : Correspondence between the Governor and the late Ministry (4th and 5th July, 1881) : Laid on Council Table ... ..	183	
Prorogation of ... ..	183	
Passengers, Harbors, and Navigation Laws Amendment Bill : Brought in ( <i>vide</i> "Summary of Bills") ... ..	51	
Patent Statute (1865) : Additional Rule (25th October, 1880) : Laid on Council Table ... ..	61	
Payment of Members Bill : Brought in ( <i>vide</i> "Summary of Bills") ... ..	27	
Committee to confer with Assembly Committee on : Motion ... ..	40	
Motion (with Reasons) : Carried ... ..	44	
Additional Member (Hon. R. D. Reid) appointed to Committee ... ..	45	
Report from Committee appointed to confer on ... ..	46	
Payment of Members (Assembly) Bill : Brought in ( <i>vide</i> "Summary of Bills") ... ..	47	
Payment of Members (Council) Bill : Brought in ( <i>vide</i> "Summary of Bills") ... ..	46	
Penal Establishments and Gaols : Report of Inspector-General (1879) : Laid on Council Table ... ..	22	
Penny Savings Banks Bill : Brought in ( <i>vide</i> "Summary of Bills") ... ..	51	
Petitions from—		
R. R. Benson and others : Against Payment of Members ... ..	33	
John Latta and others : Against Payment of Members ... ..	33	
C. E. Steadman and others, Ballarat : Against Payment of Members ... ..	39	
W. H. Gaunt and others, Electors, South-Western Province : Against Payment of Members ... ..	39	
F. Brown and others, Beechworth : Against Payment of Members ... ..	39	
R. G. Fuller and others, Electors of Seymour, &c. : Against Payment of Members ... ..	39	
G. H. Cossins and others, Bethanga : Against Payment of Members ... ..	39	
James Boyd and others, Sandhurst : Against Payment of Members ... ..	39	
D. H. Weir and others, Electors, Eastern Province : Against Payment of Members ... ..	40	
C. E. Good and others : Betting Prevention Bill : Against ... ..	52	
J. B. Hill and others, Ararat : Against abolition of Mining Boards ... ..	67	
Mayor and Corporation of Geelong : Railway Construction Bill... ..	71	
President and Corporation, Shire of Tullaroop, and Mayor and Corporation of the Borough of Maryborough : Railway Construction Bill ... ..	71	
Mayor and Corporation of Borough of St. Arnaud, and from the President and Corporation of the Shire of St. Arnaud : Railway Construction Bill ... ..	71	
Mayors and Corporations of Ballarat and Ballarat East : Railway Construction Bill ... ..	73	
T. C. Kemp and others : Railway from Shepparton to Yarrawonga ... ..	73	
P. B. Richards and others : Railway from Shepparton to Yarrawonga ... ..	73	
Mayor and Corporation, Richmond : Alphington Railway ... ..	73	
Mayor and Corporation of Borough of Inglewood : Railway Construction Bill ... ..	77	
President and Corporation of Shire of Korong : Railway Construction Bill ... ..	77	
H. Trumble and others : Railway from Eaglehawk ... ..	77	
Henry McCombe and others : Railway from Branhholme to Casterton ... ..	77	
J. C. Caffyn and others : Railway to the Murray at Yarrawonga ... ..	77	
F. E. Beaver and others : Alphington Railway ... ..	77	
R. Steel : Railway, Inglewood to Charlton ... ..	77	
T. F. Jordan and others : Against Ballarat to Scarsdale Railway Line ... ..	77	
J. Mouat and others : Railway Construction Bill ... ..	77	
President and Corporation, South Barwon Shire : Cope Cope Railway ... ..	77	
J. Mouat and another : Railway Eaglehawk to Kerang... ..	78	
E. J. Watkin : Betting Prevention Bill ... ..	78	
Mayor and Corporation of Borough of Geelong West : Cope Cope Railway ... ..	78	
P. Hayes and others : Railway Inglewood to Charlton <i>via</i> Wedderburn ... ..	78	
H. T. Clarton, praying to be heard at the Bar, against the Bank of New South Wales Act Amendment Bill ... ..	81	
J. Potter and others, praying for Railway accommodation ... ..	81	
W. J. Runting and others : Heidelberg Railway ... ..	83	
Mayor and Corporation, Borough of Hawthorn : Level crossings ... ..	83	

	Minutes of Proceedings.	Printed Papers.
	Page.	Page.
Petitions from— <i>continued</i> —		
G. Moulden and others : Jung Jung and Dimboola Railway	85	
David Bone and others : Dimboola Railway Construction Bill	87	
J. Drake and others, Collingwood : Railway Accommodation	87	
J. Attenborough : Rabbits Suppression Bill	87	
Mayor and Corporation, Kew : Level crossings	87	
W. J. Runting and others, Kew : Alphington Railway	87	
P. Hayes : Railway Construction Bill	91	
Chancellor and Vice-Chancellor, University : Against University Constitution Amendment Bill	121	
M. H. Irving and others : In favor of University Constitution Amendment Bill	121	
H. A. Strong and others : In favor of University Constitution Amendment Bill	121	
C. A. Topp and others, Members of Senate of University : In favor of University Constitution Amendment Bill	123	
John Cooper and others, Ministers of Religion : Disqualification as Members of Council	130	
F. Henty and others : Land Tax Amendment Bill	130	
Phylloxera Vine Diseases Bill : Brought in ( <i>vide</i> "Summary of Bills")	97	
Pilot Board : Accounts to 31st August 1880 : Laid on Council Table	71	
Police Commission : Progress Report of Royal Commission of Enquiry : Kelly outbreak : Organization of Police, &c. : Laid on Council Table	183	
Polling Places for Mining Districts : Orders in Council : Abolishing certain polling-places in the Sandhurst, Gippsland, Beechworth, and Maryborough Districts : Laid on Council Table	105	
Post Office and Telegraph Department : Report for 1880 : Laid on Council Table	121	
Post Office Savings Banks : Statement of Accounts (1st June to 31st December, 1880) : Laid on Council Table...	135	
President : Election of	32	
Elect, presented to the Governor	32	
Ruling of, on Constitution of Council Bill (2)	115	
Motion for disagreeing with ( <i>Hon. R. D. Reid</i> )	117	
Printing Committee : Appointed	15	
Hon. J. Lorimer re-appointed, and Hon. J. MacBain appointed Members of	32	
First Report : Brought up, adopted, and ordered to be printed	51	278
Hon. C. J. Jenner and Hon. J. Graham appointed Members of	52	
Second Report : Brought up, adopted, and ordered to be printed	71	291
Third Report : Brought up, adopted, and ordered to be printed	117	469
Proclamation convening Parliament	1	
Prorogation of Parliament	183	
Q.		
Quorum of Members : Not present...	139, 149, 167, 169, 175, 179	
R.		
Rabbits Suppression Act 1880 Amendment Bill : Brought in ( <i>vide</i> "Summary of Bills")	171	
Rabbits Suppression Bill : Brought in ( <i>vide</i> "Summary of Bills")	73	
Raffles or Distributions of Property : Motion for Returns ( <i>Hon. J. Balfour</i> )	85	
Return : Laid on Council Table	93	
Return ordered to be printed	117	219
Railway Line Plans (Sandhurst and Goornong) : Motion ( <i>Hon. W. Campbell</i> )	113	
Railway Lines Plans : Motion ( <i>Hon. W. Campbell</i> ) showing proposed lines from Bridgewater, Eaglehawk, Elmore, and Huntly to Kerang, &c., &c.	81	
Railway Loan Account 1878 Application Bill : Brought in ( <i>vide</i> "Summary of Bills")	100	
Return to Order : Laid on Council Table	123	
Railways Construction Bill : Brought in ( <i>vide</i> "Summary of Bills")	72	
Motion for taking of Evidence on	74, 81, 83	
Motion for printing Evidence taken ( <i>Hon. C. J. Jenner</i> ), and Evidence ordered to be printed	89	327
Reports of Messrs. Zeal, Greene, and Minto : Ordered to be printed with the Evidence	91	
Railways (Victorian) : Report of Board of Land and Works (1879) : Laid on Council Table	58	
Ratepayers and Lessees under Land Acts : Motion for Return ( <i>Hon. Sir C. Sladen</i> )	65	
Return : Laid on Council Table and ordered to be printed	103	213
Ratepayers : Return to Order (1st June, 1880) : Laid on Council Table	49	
Return (Part of a) ordered to be printed	51	205
Reform of the Constitution : Select Committee on the question of : Appointed by ballot...	123	
Message sent to Assembly requesting them to appoint a Committee to confer on the subject	123	
Committee empowered to sit on days when House not sitting	124	
Report of Select Committee : Brought up	127	
Conference Committee : Shorthand Writer's Report : Laid on Council Table and ordered to be printed	137	229
Conference Committee (A Free) : Shorthand Writer's Report : Laid on Council Table and ordered to be printed	173	275
Refreshment Rooms (Joint) Committee : Appointed...	15	
<i>Regulae Generales</i> (Rule of Supreme Court) (12th November, 1880) : Laid on Council Table	71	
Resignation of Seat (Hon. Sir S. Wilson) : Informally addressed to President	123	
Retrenchment : Letters from Chief Secretary : Laid on Council Table by President	51	
Select Committee on : Appointed	55	
Report brought up and ordered to be printed	91	451
Report adopted	95	
Royal Assent to Bills in Chamber	183	
S.		
Sanitary Station : Report on (1880) : Laid on Council Table	103	
Savings Banks : General Order (25th May 1880) : Laid on Council Table	22	
Statements and Returns (30th June, 1880) : Laid on Council Table	65	
Penny Postage Stamps Deposits : Order in Council (30th June, 1881) : Laid on Council Table	183	
Schedule D, 18 & 19 Vic., cap. 55 : Statement of Expenditure under (1879-80) : Laid on Council Table...	43	
Shire Council Powers Bill : Brought in ( <i>vide</i> "Summary of Bills")	123	
South Province : Return of Writ : Hon. J. Balfour elected	22	



	Minutes of Proceedings.	Printed Papers.
	Page.	Page.
Speech of Governor : Opening Parliament ... ..	9	
Reported .. .. .	14	
Committee appointed to prepare Address in Reply ... ..	14	
Report of Committee adopted ... .. .	14	
Governor's Reply ... .. .	21	
Stamps, Allowances for spoiled : Additional Regulation (30th June, 1880) : Laid on Council Table	14	
Standing Orders Committee : Appointed ... .. .	15	
Hon. Sir S. Wilson and Hon. the President re-appointed members of ... ..	33	
Statistical Register, Victoria (1879) : Part I, Blue Book ; Part II, Population ; and Part III, Finance, &c. : Laid on Council Table ... ..	14	
Part IV, Vital Statistics, &c. ; and Part V, Law, Crime, &c. : Laid on Council Table ... ..	25	
Part VI, Production : Laid on Council Table ... .. .	43	
Part VIII, Accumulation : Laid on Council Table ... .. .	71	
Part VII, Interchange : Laid on Council Table ... .. .	77	
Part IX, Religious, Moral, and Intellectual Progress : Laid on Council Table ... ..	91	
Statistics, Australasian (1879) : Laid on Council Table ... .. .	49	
Supreme Court, Constitution of : Report of Royal Commission (28th September, 1880 : Laid on Council Table ... .. .	51	
Swearing in new Members : J. G. Dougharty (Eastern Province) ... .. .	21	
Hon. J. Lorimer (Central Province) ... .. .	22	
Hon. J. Balfour (South Province) ... .. .	22	
Hon. P. Russell (South-Western Province) ... .. .	25	
Sir S. Wilson (Western Province) ... .. .	31	
Sir W. H. F. Mitchell (North-Western Province) ... .. .	31	
Hon. W. McCulloch (Eastern Province) ... .. .	40	
Hon. Dr. Dobson (South Province) ... .. .	181	
Hon. W. Pearson (Eastern Province) ... .. .	182	
T.		
Telegraphic Code Addresses : Rate chargeable for Registration of : Order in Council (31st March, 1881) : Laid on Council Table ... .. .	123	
Tobacco Duties Bill : Brought in ( <i>vide</i> "Summary of Bills") ... .. .	95	
Tobacco (Excise Duty on) Bill : Brought in ( <i>vide</i> "Summary of Bills") ... .. .	57	
Torpedo Explosion : Correspondence relative to Report of Board : Laid on Council Table ... ..	147	
Torpedo : Report of Board on Explosion of (5th May, 1881) : Laid on Council Table ... ..	135	
Towns Management Bill : Brought in ( <i>Hon. W. E. Hearn</i> ) ( <i>vide</i> "Summary of Bills") ... ..	25	
Treasury Bills Bill : Brought in ( <i>vide</i> "Summary of Bills") ... .. .	36	
Trentham : Revocation of Permission to Mine on Certain Land : Order in Council (11th October, 1880) : Laid on Council Table ... .. .	52	
U.		
University Constitution Amendment Bill : Brought in ( <i>vide</i> "Summary of Bills") ... ..	92	
Petitions on [Two] : Laid on Council Table and ordered to be printed ... .. .	121	473, 475
Petitions on : Considered ... .. .	124	
University of Melbourne : Report for year ending 31st May, 1880 : Laid on Council Table ... ..	22	
Report of the Proceedings of the Council (1st June, 1880, to 31st May, 1881) : Laid on Council Table ... .. .	183	
V.		
Vaccination : Central Board of Health Memorandum (21st June, 1880) : Laid on Council Table ... ..	183	
W.		
Water-right License Regulations : Substitution of New Conditions : Order in Council (27th July, 1880) : Laid on Council Table ... .. .	22	
Additional Regulations : Order in Council (12th January, 1881) : Laid on Council Table ... ..	103	
Water Supply Loans Bill : Brought in ( <i>vide</i> "Summary of Bills") ... .. .	100	
Water Supply (Victorian) : Statement, &c. : Laid on Council Table ... .. .	61	
Western Port Coal Mining Company (Limited) Bill : Brought in ( <i>vide</i> "Summary of Bills") ... ..	115	
Wilson, Sir Samuel : Resignation of Seat informally addressed ... .. .	123	
Writ (Eastern Province) : Issue of ... .. .	14, 181	
Return of ... .. .	21	
(South Province) : Issue of ... .. .	177	
Writ : Return of : Central Province (Hon. J. Lorimer elected) ... .. .	22	
South Province (Hon. J. Balfour elected) ... .. .	22	
South Province (Hon. Dr. Dobson elected) ... .. .	181	
South-Western Province, Western Province, and North-Western Province ... .. .	25	
Eastern Province (Hon. William McCulloch) ... .. .	39	
Eastern Province (Hon. W. Pearson) ... .. .	182	
Western Province (Hon. Thomas Forrest Cumming) ... .. .	141	
Writs : Issue of : For Periodic Elections 1880 : Statement : Laid on Council Table ... ..	19	
Y.		
Yan Yean Water Supply : Cash Statement and Balance Sheet (30th June, 1880) : Laid on Council Table ... .. .	52	

# PAPERS LAID UPON THE COUNCIL TABLE,

NOT ORDERED TO BE PRINTED.

- 1880.
- 27th July. 1. Land Act 1869.—Regulations under Sec. 110.—Order in Council (28th June, 1880).  
 „ 2. Land Act 1869.—Regulation under Sec. 110.—Order in Council (16th July, 1880).  
 „ 3. Stamps, Allowances for spoiled.—Additional Regulations (30th June, 1880).  
 „ 4. Statistical Register, Victoria, 1879.—Part I.—Blue Book.  
 Part II.—Population.  
 Part III.—Finance, &c.
- 10th Aug. 5. Explosives—Report of Inspectors of—for Year 1879.  
 „ 6. Gold Mining Leases—New form for.—Order in Council (28th June, 1880).
- 31st Aug. 7. Penal Establishments and Gaols.—Report of Inspector-General for Year 1879.  
 „ 8. Industrial and Reformatory Schools.—Reports of Visiting Committees, 1879–1880.  
 „ 9. Mining Surveyors and Registrars—Reports of; for Quarter ending 30th June, 1880.  
 „ 10. University of Melbourne.—Report for Year ending 31st May, 1880.  
 „ 11. Library, Museums, and National Gallery.—Report, &c. for 1879.  
 „ 12. Savings Banks.—General Order (25th May, 1880).  
 „ 13. Melbourne International Exhibition.—Regulation for Carlton Gardens (25th June, 1880).  
 „ 14. Neglected and Criminal Children's Act, 1864.—Orders in Council (16th July, and 27th July, 1880).  
 „ 15. Water-right License Regulations.—Substitution of new Conditions concerning.—Order in Council (27th July, 1880).  
 „ 16. Education Department.—Estimate of Expenditure (in lieu of Estimate of 25th May, 1880), for the erection of School Buildings (during year ending 30th June, 1881), £76,686.
- 7th Sept. 17. Statistical Register, Victoria, 1879.—Part IV.—Vital Statistics.  
 „ 18. Statistical Register, Victoria, 1879.—Part V.—Law, Crime, &c.  
 „ 19. Melbourne Harbour Trust—Audited Accounts for Quarter ended 31st March, 1880.
- 14th Sept. 20. Land Act 1869—Amended Regulation respecting Survey of Allotments selected.—Order in Council (30th August, 1880).  
 „ 21. Fisheries Acts—Notices under (5th August, 19th August, 14th August, 1880).  
 „ 22. Discipline Act 1870—Regulation under (30th August, 1880).
- 21st Sept. 23. Neglected and Criminal Children Amendment Act 1874.—Amended Schedule to Regulations of 16th July, 1880.—Order in Council (13th September, 1880).
- 28th Sept. 24. Education Act—Amended Regulations as to Exhibitions, and terms upon which School Buildings may be used under directions of Boards of Advice for Religious Instruction (22nd September, 1880).
- 29th Sept. 25. Statistical Register, Victoria, 1879.—Part VI.—Production.  
 „ 26. Schedule D, 18 & 19 Vict. cap. 55—Statement of Expenditure under, during the Year 1879–80.
- 19th Oct. 27. Australasian Statistics, 1879.  
 „ 28. Ratepayers.—Return to Order of Council.—(Portion of.)
- 26th Oct. 29. Constitution of Supreme Court.—Report of Royal Commission (28th September, 1880).  
 „ 30. Land Act 1869.—Regulations.—Revocation of Licenses and issue of New Licenses.—Order in Council (28th September, 1880).  
 „ 31. Yan Yean Water Supply.—Cash Statement and Balance Sheet to 30th June, 1880.  
 „ 32. Melbourne Harbour Trust.—Audited Accounts to 30th June, 1880.  
 „ 33. Melbourne International Exhibition.—Second Report of Commissioners, with Statement of Income and Expenditure for period ending 30th June, 1880.  
 „ 34. Trentham—Revocation of permission to mine on certain land at.—Order in Council (11th October, 1880).
- 28th Oct. 35. Education—Report of Minister of Public Instruction for 1879–80.  
 „ 36. Railways, Victorian—Report of Board of Land and Works for Year ending 31st December, 1879.
- 3rd Nov. 37. Parliament Buildings—Third Report of Royal Commission upon (21st September, 1880).  
 „ 38. Victorian Water Supply.—Statement of Works, &c., in respect of which moneys have been applied during Year ending 30th June, 1880, out of Loan Acts 332 and 531.  
 „ 39. Patents Statute 1865—Additional Rule under (25th October, 1880).
- 10th Nov. 40. Aborigines—Sixteenth Report of Board for Protection of (1st July, 1880).  
 „ 41. Savings Banks—Statements and Returns for Year ending 30th June, 1880.
- 16th Nov. 42. Beer Duty Act 1880—Regulations (29th October, 1880).  
 „ 43. Beer Duty Act 1880—Amended Regulations (10th November, 1880).  
 „ 44. Bain and Son's Account.—Return to an Order of the Council.—(Portion of.)
- 30th Nov. 45. Pilot Board—Accounts of—for year ending 31st August, 1880.  
 „ 46. Statistical Register, Victoria, 1879.—Part VIII.—Accumulation.  
 „ 47. Friendly Societies—Statistics of, for year 1879.  
 „ 48. Mining Surveyors and Registrars—Reports of, for quarter ending 30th September 1880.  
 „ 49. Regulæ Generales.—Rule of Supreme Court (12th November 1880).



- 1880.
- 7th Dec. 50. Intercolonial Conference, Melbourne, December, 1880—Minutes of Proceedings.
51. Statistical Register, Victoria, 1879.—Part VII.—Interchange.
- 15th Dec. 52. Fisheries Acts.—Notice of intention to repeal so much of Proclamation of 18th August 1879, as refers to Lake Connemara.
- 21st Dec. 53. Land Act 1869.—Regulations.—Fees.—Order in Council (13th December, 1880).
54. Melbourne Harbor Trust—Accounts of, for quarter ending 30th September, 1880.
55. Statistical Register, Victoria, 1879.—Part IX.—Religious, Moral, and Intellectual Progress.
- 22nd Dec. 56. Exhibition, Melbourne International.—Smoking Regulations (6th December 1880).
- 23rd Dec. 57. Mining Districts.—Alterations of certain boundaries.—Order in Council (13th December, 1880).
- 1881.
- 15th Feb. 58. Melbourne International Exhibition, 1880—Further Despatches from the Right Honorable the Secretary of State (from 19th September, 1879, to 20th September, 1880) with Enclosures.
59. Intercolonial Conference—Sydney—1881.—Minutes.
60. Health Officer—Report of, for year ending 31st December, 1880.
61. Sanatory Station—Report on, for year ending 31st December, 1880.
62. Education.—Report for year 1879–80.
63. Education Act, No. 447—Amended Regulations under, to take effect from 1st January, 1881.
64. Melbourne International Exhibition, 1880.—Regulation for selling and delivering goods.—Approved by Governor in Council, 20th December, 1880.
65. Campbelltown Parish, District of Castlemaine.—Mining Operations within Water Reserve authorised.—Order in Council (12th January, 1881).
66. Water-right Licenses.—Additional Regulations.—Order in Council (12th January, 1881).
- 22nd Feb. 67. Land Act 1880.—Regulations.—Order in Council (30th December 1880).
68. Land Act 1869.—Regulations.—Order in Council (27th January, 1881).
69. Fisheries Acts.—Notice (18th December, 1880) of intention to prohibit use of nets in St. George (Fisher's) or Cumberland Creeks.
70. Polling places for Mining Districts.—Orders in Council (27th January, 1881, and 7th February, 1881) appointing certain polling places, and abolishing certain polling places in the Sandhurst, Gippsland, Beechworth, and Maryborough districts.
- 8th March. 71. Mining Surveyors and Registrars—Reports of, for quarter ended 31st December, 1880.
72. Charges against Public Works Officers—Report of Board appointed to enquire concerning (16th February, 1881).
73. Public Accounts.—Regulations (27th January 1881, and 7th February, 1881).
- 15th March. 74. Observatory.—Fifteenth Report of Board of Visitors (24th November, 1880).
75. Land Act 1869.—Regulation.—Licensees under section 19 of Land Act 1869, &c., entitled to apply for certificate and lease under Land Acts Amendment Act 1880 (7th March, 1881).
- 23rd March. 76. Melbourne Harbor Trust—Accounts of, for quarter ended 31st December, 1880.
77. Education Department.—Estimate of proposed expenditure during ensuing twelve months for erection of School Buildings.
78. Mounted Constable Gleeson—Removal of.—Return to an Order of the Council.—(Portion of.)
- 24th March. 79. Mines—Chief Inspector of—Report of, for the year 1880.
- 5th April. 80. Intercolonial Conference.—Despatch and Memorandum from High Commissioner for Western Pacific.
81. Post Office and Telegraph Department.—Report for the year 1880.
- 6th April. 82. Friendly Societies Act 1877.—Regulations (21st March, 1881).
83. Railway Line Plans—Sandhurst and Goornong.—Return to an Order of the Council, 23rd ultimo.
84. Explosives—Report of Inspector of, for the year 1880.
85. Telegraphic Code Addresses—Rate chargeable for Registration of.—Order in Council (31st March, 1881).
- 3rd May. 86. Import, Export, Transhipment, and Shipping Returns, 1880, General Summary of.
87. Mineral Statistics, Victoria, 1880.
88. Friendly Societies.—Report of Registrar, for year ending 31st December, 1880.
- 10th May. 89. Post Office Savings Banks.—Statement of Accounts (1st June to 31st December, 1880).
90. Land Act 1869.—Regulations.—Fees for certificate as to boundaries.—Order in Council (12th April, 1881).
91. Hospitals for Insane—Report of Inspector of, for year ending 31st December, 1880.
92. Torpedo—Report of Board on explosion of (5th May, 1881).
93. Mr. H. F. Neal.—Report of Board of Enquiry (5th April, 1881).
- 11th May. 94. Import, Export, Transhipment, and Shipping Returns, &c., Summary of, for the year 1880.
- 15th May. 95. Land Act 1869.—Report of Proceedings under, during the year ended 31st December, 1880.
- 25th May. 96. Kelly Reward Fund.—Report of Board.
97. Mining Surveyors and Registrars—Reports of, for Quarter ended 31st March, 1881.
- 31st May. 98. Torpedo Explosion.—Correspondence relative to Report of Board upon, (to 16th May, 1881).
- 7th June. 99. Land Act 1869—Fees for duplicate, modified, or consolidated licenses, under Part II, Land Act 1869.—Order in Council (23rd May, 1881).
100. Census of Victoria 1881.—Approximate Returns.
- 9th June. 101. Intercolonial Conference.—Despatch and Amended Memorandum from High Commissioner of Western Pacific, (19th May, 1881).

- 1881.
- 21st June. 102. Melbourne Harbor Trust—Accounts of, for Quarter ended 31st March, 1881.
- 30th June. 103. Amended Regulation under the Beer Duty Act, 1880, (20th June 1881).
- 2nd Aug. 104. Mining Leases—Regulation relating to.—Order in Council (27th June, 1881).
- „ 105. Public Accounts.—Regulation respecting (27th June, 1881).
- „ 106. University of Melbourne.—Report of the Proceedings of the Council (1st June, 1880, to 31st May, 1881).
- „ 107. Police Commission.—Progress Report of Royal Commission of Enquiry.—Kelly outbreak, and present state and organization of Police Force.
- „ 108. Savings Banks.—Deposits on Penny Postage Stamps.—Order in Council (30th June, 1881).
- „ 109. Vaccination.—Memorandum by Central Board of Health (21st June, 1880).
- „ 110. Melbourne International Exhibition 1880.—Rule (9th July, 1881).
- „ 111. Dissolution of Parliament—Correspondence between His Excellency the Governor and the late Ministry relative to (4th and 5th July, 1881).
- „ 112. Industrial and Reformatory Schools—Reports of the Committee of Inspectors of (15th June, 1881).
- „ 113. Meteorological Conference (Intercolonial) Minutes of Proceedings.
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# Minutes of the Proceedings

OF THE

## LEGISLATIVE COUNCIL.

THURSDAY, 22ND JULY, 1880.

Pursuant to Proclamation the Council met.

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

### PROCLAMATION

By His Excellency the Most Honorable GEORGE AUGUSTUS CONSTANTINE, Marquis of Normanby, Earl of Mulgrave, Viscount Normanby, and Baron Mulgrave of Mulgrave, all in the County of York, in the Peerage of the United Kingdom; and Baron Mulgrave of New Ross, in the County of Wexford, in the Peerage of Ireland; a Member of Her Majesty's Most Honorable Privy Council; Knight Grand Cross of the Most Distinguished Order of Saint Michael and St. George; Governor and Commander-in-Chief in and over the Colony of Victoria and its Dependencies, &c., &c., &c.

WHEREAS by *The Constitution Act* it was amongst other things enacted that it should be lawful for the Governor to fix such places within Victoria, and, subject to the 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 Governor of Victoria, in exercise of the power conferred by the said Act, do by this my Proclamation fix Thursday the twenty-second day of July 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 sixteenth day of July in the year of Our Lord One thousand eight hundred and eighty, and in the forty-fourth year of Her Majesty's reign.

NORMANBY.

(L.S.)

By His Excellency's Command,  
JAMES SERVICE.

GOD SAVE THE QUEEN!

Commissioners from His Excellency the Governor 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 opening and holding this present Session of the Parliament.

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

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

WHEREAS by Proclamation made the sixteenth day of July instant by His Excellency the Most Honorable GEORGE AUGUSTUS CONSTANTINE, Marquis of Normanby, Earl of Mulgrave, Viscount Normanby, and Baron Mulgrave of Mulgrave, all in the County of York, in the Peerage of the United Kingdom; and Baron Mulgrave of New Ross, in the County of Wexford, in the Peerage of Ireland; a Member of Our Most Honorable Privy Council; Knight Grand Cross of Our Most Distinguished Order of Saint Michael and St. George; Governor and Commander-in-Chief in and over Our Colony of Victoria and its Dependencies, the said GEORGE AUGUSTUS CONSTANTINE, Marquis of Normanby, did fix Thursday the twenty-second day of July 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 Parliament place, Spring street, in the City of Melbourne: And forasmuch as for certain causes the said GEORGE AUGUSTUS CONSTANTINE, Marquis of Normanby, cannot conveniently be present in person in the said Parliament at that time: NOW KNOW YE THAT WE, trusting in the discretion, fidelity, and care of Our trusty and well-beloved SIR REDMOND BARRY, Knight Commander of Our Most Distinguished Order of Saint Michael and Saint George, and the Honorable ROBERT MOLESWORTH, two of Our

Judges of Our Supreme Court of Victoria, do give and grant by the tenor of these presents unto you the said SIR REDMOND BARRY and ROBERT MOLESWORTH, 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 GEORGE AUGUSTUS CONSTANTINE, Marquis of Normanby, 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 SIR REDMOND BARRY and ROBERT MOLESWORTH, 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 right trusty and entirely-beloved Cousin and Counsellor the Most Honorable GEORGE AUGUSTUS CONSTANTINE, Marquis of Normanby, Earl of Mulgrave, Viscount Normanby, and Baron Mulgrave of Mulgrave, all in the County of York, in the Peerage of the United Kingdom ; and Baron Mulgrave of New Ross, in the County of Wexford, in the Peerage of Ireland ; a Member of Our Most Honorable Privy Council ; Knight Grand Cross of Our Most Distinguished Order of Saint Michael and Saint George ; Governor and Commander-in-Chief in and over Our Colony of Victoria and its Dependencies, &c., &c., &c., at Melbourne, this twenty-first day of July, One thousand eight hundred and eighty, and in the forty-fourth year of Our reign.

(L.S.)

NORMANBY.

By His Excellency's Command,  
JAMES SERVICE.

Entered on Record by me in the Register of Patents, Book 20, page 316, this twenty-first day of July, One thousand eight hundred and eighty. W. H. ODGERS.

The Senior Commissioner informed the Members of the Legislative Council and Legislative Assembly that His Excellency would, in person, declare the cause of his calling the Parliament, on a future day, in the Legislative Council Chamber, and requested the Members of the Legislative Assembly in the meantime to proceed to the choice of a Speaker.

The Legislative Assembly withdrew.

The Commissioners withdrew.

The President took the Chair.

The President read the Prayer.

DECLARATIONS OF MEMBERS.—The Honorables the President, W. J. Clarke, J. Lorimer, H. Cuthbert, W. Highett, R. D. Reid, C. J. Jenner, J. Buchanan, G. F. Belcher, R. S. Anderson, F. Robertson, Dr. Dobson, J. MacBain, W. E. Hearn, and Sir S. Wilson severally delivered to the Clerk the declaration required by the seventh clause of the Act 32 Victoria No. 334, as hereunder set forth :—

“In compliance with the provisions of the Act 32 Victoria, No. 334, I, WILLIAM HENRY FANCOURT MITCHELL, do declare and testify that I am duly seised at law or in equity of an estate of freehold for my own use and benefit in lands or tenements in the colony of Victoria of the full value of Two thousand five hundred pounds sterling money, above all charges and incumbrances affecting the same : And further, that the lands and tenements out of which such qualification arises are situate in the parish of Emberton, in the county or reputed county of Dalhousie, the description of which lands and tenements are as follow :—

“Four thousand seven hundred (4700) acres of the Barfold estate.

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

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

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

“W. H. F. MITCHELL.”

“In compliance with the provisions of the Act 32 Victoria, No. 334, I, WILLIAM JOHN CLARKE, do declare and testify that I am duly seised at law or in equity of an estate of freehold for my own use and benefit in lands or tenements in the colony of Victoria of the net annual value of Nine hundred and eighty pounds sterling money, above all charges and incumbrances affecting the same : And further, that the lands and tenements out of which such qualification arises are situate in the parishes of Kalkallo, Mickleham, and Merriang, in the county or reputed county of Bourke, the description of which lands and tenements are as follow :—

“Three thousand eight hundred and ninety-three acres of land, shire of Merriang, parishes of Kalkallo, Mickleham, and Merriang.

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

Name of Municipal District.	No. on Rate-Book.	Owner.	Situation and Description of Rated Property.	Full net Annual Value.
Shire of Merriang, Donnybrook Riding	149	William John Clarke	Parishes of Kalkallo, Mickleham, and Merriang, 3893 acres	£980

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

“W. J. CLARKE.”

"In compliance with the provisions of the Act 32 Victoria, No. 334, I, JAMES LORIMER, do declare and testify that I am duly seised at law or in equity of an estate of freehold for my own use and benefit in lands or tenements in the colony of Victoria of the full value of Two thousand five hundred pounds sterling money, above all charges and incumbrances affecting the same: And further, that the lands and tenements out of which such qualification arises are situate in the parish of Prahran, in the county or reputed county of Bourke, the description of which lands and tenements are as follow:—

"House and grounds known as Belcroft, situate in Albany road, Toorak.

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

Rate-Book.			Owner and Occupier.			Net Annual Rated Value.			Electoral Province.		
No. 335	...	...	James Lorimer	...	...	£450	...	...	South Province.		

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

"JAMES LORIMER."

"In compliance with the provisions of the Act 32 Victoria, No. 334, I, HENRY CUTHBERT, do declare and testify that I am duly seised at law of an estate of freehold for my own use and benefit in lands or tenements in the colony of Victoria of the value of Five thousand pounds sterling money, above all charges and incumbrances affecting the same: And further, that the lands and tenements out of which such qualification arises are situate in the parishes of Cardigan, Burrumbeet, and Ballarat, in the counties of Grenville and Ripon, the description of which lands and tenements are as follow:—

"Allotment 6 of section 11, Cardigan, County of Grenville.

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

"Part of allotment 4 of section 9, city of Ballarat, county of Grenville.

"Allotment 53 A, parish of Burrumbeet, county of Ripon.

"Allotment 29 of section C, parish of Burrumbeet, county of Ripon.

"Allotment 74, parish of Ballarat, county of Ripon.

"And I further declare that such of the said lands and tenements as are situate in the municipal districts of Ballarat and Shire of Ballarat are rated in the rate-books of such municipal districts as follows:—At over 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 of the Colony of Victoria.

"HENRY CUTHBERT."

"In compliance with the provisions of the Act 32 Victoria, No. 334, I, WILLIAM HIGHETT, do declare and testify that I am duly seised at law or in equity of an estate of freehold for my own use and benefit in lands or tenements in the colony of Victoria of the capital value of Two thousand five hundred pounds sterling money, above all charges and incumbrances affecting the same: And further, that the lands and tenements out of which such qualification arises are situate in the parish of Jika Jika and town of Richmond, in the county or reputed county of Bourke, the description of which lands and tenements is as follows:—

"Part of portion number thirty-seven, town of Richmond, containing nine acres or thereabouts.

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

Number on Roll.			Owner.			Net Annual Value.			Electoral Division.		
1	...	...	William Highett	...	...	£500	0	0	}	Central Province.	
2	...	...	William Highett	...	...	140	0	0			

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

"WILLIAM HIGHETT."

"In compliance with the provisions of the Act 32 Victoria, No. 334, I, ROBERT DYCE REID, do declare and testify that I am duly seised at law or in equity of an estate of freehold for my own use and benefit in lands or tenements in the colony of Victoria of the value of Seven thousand pounds sterling money, above all charges and incumbrances affecting the same: And further, that the lands and tenements out of which such qualification arises are situate in the parish of Prahran, in the county or reputed county of Bourke, the description of which lands and tenements are as follow:—

"Part of Crown portion 149 A.

"Part of Crown portion 52.

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

Name of Municipal District.	No. on Rate-Book.	Situation and Description of Rated Property.	Full net Annual Value.
1. Town of Prahran ...	3723	Orrong road, eight acres and one-third ... ..	£ 220
2. Borough of St. Kilda	739	Brick house, &c., Westbury street, North Ward, St. Kilda N. Electoral Division ... ..	200
			£420

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

"R. D. REID."

"In compliance with the provisions of the Act 32 Victoria, No. 334, I, CALEB JOSHUA JENNER, do declare and testify that I am duly seised at law or in equity of an estate of freehold for my own use and benefit in lands or tenements in the colony of Victoria, of the value of Six thousand pounds sterling money, above all charges and incumbrances affecting the same : And further, that the lands and tenements out of which such qualification arises are situate in the parishes of North Melbourne, Paywit, and Corio, in the counties or reputed counties of Bourke and Grant, the description of which lands and tenements are as follow :—

- "No. 1. Shop and two houses, at the corner of King and Rosslyn streets, being Crown allotment 11, sec. 49, North Melbourne, county of Bourke.  
 "No. 2. Two houses, Little Collins street, being Crown allotment 11, sec. 16A, town of Melbourne, parish of North Melbourne, county of Bourke.  
 "No. 3. House, King street, being Crown allotments 19 and 20, sec. 2, township of Queenscliff, parish of Paywit, county of Grant.  
 "No. 4. Store, Little Collins street west, being Crown allotment 10, sec. 16A, town of Melbourne, parish of North Melbourne, county of Bourke.  
 "No. 5. Store, Little Ryrie street, Geelong, being allotment 2, sec. 48, parish of Corio, county of Grant.

"And I further declare that such of the said lands and tenements as are situate in the municipal districts of North Melbourne, Queenscliff, and Geelong are rated in the rate-books of such municipal districts respectively as follows :—

- "No. 1. Rated in the rate-book of the city of Melbourne at One hundred and twenty-four pounds per annum.  
 "No. 2. Rated in the rate-book of the city of Melbourne at One hundred and fifty pounds per annum.  
 "No. 3. Rated in the rate-book of the borough of Queenscliff at Sixty pounds per annum.  
 "No. 4. Rated in the rate-book of the city of Melbourne at Sixty pounds per annum.  
 "No. 5. Rated in the rate-book of the town of Geelong at Sixty pounds per annum.

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

"C. J. JENNER."

"In compliance with the provisions of the Act 32 Victoria, No. 334, I, JAMES BUCHANAN, do declare and testify that I am duly seised at law or in equity of an estate of freehold for my own use and benefit in lands or tenements in the colony of Victoria of the full net annual value of Five hundred and five pounds sterling money, above all charges and incumbrances affecting the same : And further, that the lands and tenements out of which such qualification arises are situate in the parish of Berwick, in the county or reputed county of Mornington, the description of which lands and tenements are as follow :—

- "Four hundred and seventy-eight acres, part sections 7 and 16 ; 3½ acres, part town allotments 19, 20 ; house and suburban allotments 7, 8, 9, 11 ; 1 acre part town allotment 20 ; 60 acres, part section 6 ; 250 acres, part section 19 ; 270 acres, part section 16 ; 50 acres, part section 19 ; parish of Berwick, county of Mornington.

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

Number in Rate-Book.	Description.	Rated at—	Locality.
45, 46 ... ..	478 acres, part sections 7 and 16, and 9 ... ..	£215	Parish of Berwick.
56 ... ..	3½ acres, part town allotments 19, 20 ... ..	7	"
57 ... ..	House and suburban allotments 7, 8, 9, 11 ... ..	75	"
58 ... ..	1 acre, part town allotment 20 ... ..	3	"
97 ... ..	60 acres, part section 6 ... ..	21	"
146 ... ..	250 acres, part section 19 ... ..	94	"
165 ... ..	270 acres, part section 16 ... ..	67	"
166, 167 ... ..	50 acres, part section 19 ... ..	23	"
		£505	

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

"JAMES BUCHANAN."



"In compliance with the provisions of the Act 32 Victoria, No. 334, I, GEORGE FREDERICK BELCHER, do declare and testify that I am duly seised at law or in equity of an estate of freehold for my own use and benefit in lands or tenements in the colony of Victoria of the annual value of Two hundred and fifty pounds sterling money, above all charges and incumbrances affecting the same: And further, that the lands and tenements out of which such qualification arises are situate in the parish of Corio, in the county or reputed county of Grant, the description of which lands and tenements are as follow:—

"Part of allotment number eighteen of block thirty-five, town of North Geelong.

"And I further declare that such of the said lands and tenements as are situate in the municipal district of North Geelong are rated in the rate-books of such municipal district as follow:—Town of Geelong, Geelong North division, Villamanata ward. Number 26 on Roll. Freehold. Moorabool and Ryrrie streets. Valuation, Seven hundred and ninety-seven pounds per annum.

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

"G. F. BELCHER."

"In compliance with the provisions of the Act 32 Victoria, No. 334, I, ROBERT STIRLING ANDERSON, do declare and testify that I am duly seised at law or in equity of an estate of freehold for my own use and benefit in lands or tenements in the colony of Victoria of the annual value of over Two hundred and fifty pounds sterling money, above all charges and incumbrances affecting the same: And further, that the lands and tenements out of which such qualification arises are situate in the parish of Boroondara, in the county or reputed county of Bourke, the description of which lands and tenements are as follow:—

"Part of portion eighty-one, parish of Boroondara, in the borough of Kew, comprising about thirteen acres, with two residences thereon, in one of which I reside, and situate in the borough of Kew, in the said parish.

"And I further declare that such of the said lands and tenements as are situate in the municipal district of Kew are rated in the rate-books of such municipal district as follows, viz.:—Two hundred and 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 of the Colony of Victoria.

"ROBERT S. ANDERSON."

"In compliance with the provisions of the Act 32 Victoria, No. 334, I, FRANCIS ROBERTSON, do declare and testify that I am duly seised at law or in equity of an estate of freehold for my own use and benefit in lands or tenements in the colony of Victoria of the annual value of Two hundred and fifty pounds sterling money, above all charges and incumbrances affecting the same: And further, that the lands and tenements out of which such qualification arises are situate in the parishes of Newham, Edgecomb, and Doutta Galla, in the counties or reputed counties of Bourke and Dalhousie, the description of which lands and tenements are as follow:—

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

"And I further declare that such of the said lands and tenements as are situate in the municipal district of the shire of Newham, the shire of Kyneton, and the borough of Essendon and Flemington are rated in the rate-books of such municipal districts respectively as follows:—

Surname of Person in full.	Christian Name of Person in full.	Trade or Occupation.	Description of Property in respect of which Vote is claimed.	Whether Claimant claims as Owner or Occupier.	Value as stated in Claim.	Electoral District in which Property is situated.	Division of Electoral District in which Property is situated.
Birkin ...	Alfred	Gentleman	Farm in Newham, West riding	Occupier	£ 129 10	West Bourke ...	Lancefield.
Birkin ...	Alfred	Gentleman	Farm in Newham ...	Occupier	69 10	Dalhousie ...	Langley.
Strawhorn	John ...	Farmer ...	House and land, Edgecomb, secs. 13, 14	Occupier	107 0	Dalhousie ...	Campaspe.
Robertson	Francis	Gentleman	House, land, and garden, Buckley st. west	Owner...	100 0	West Bourke ...	Essendon.
Blundell	Eliza ...	Farmer ...	House and land, Mount Alexander road	Occupier	54 0	West Bourke...	Essendon.

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

"FRANCIS ROBERTSON."

"In compliance with the provisions of the Act 32 Victoria, No. 334, I, FRANK STANLEY DOBSON, do declare and testify that I am duly seised at law or in equity of an estate of freehold for my own use and benefit in lands or tenements in the colony of Victoria of the capital value of Two thousand five hundred pounds sterling money, above all charges and incumbrances affecting the same: And further, that the lands and tenements out of which such qualification arises are situate in the parishes of Hawthorn and Prahran, in the county or reputed county of Bourke, the description of which lands and tenements are as follow:—

"Houses and land in the boroughs of Hawthorn and Prahran.

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

No. on the Rate.	Name of Person rated.	Name of Owner.	Situation of Property. <i>Hawthorn.</i>	Electoral District and Division.	Net Annual Value.
74	Raleigh, Joseph ...	Dobson, Frank Stanley...	House, Yarra street ...	Boroondara, Hawthorn	£ s. d. 130 0 0
75	Dobson, Frank Stanley...	Dobson, Frank Stanley...	Land, Yarra street ...	Ditto ...	20 0 0
1158	Craig, William John ...	Dobson, Frank Stanley...	House, Church street	Ditto ...	100 0 0
			<i>Prahran.</i>		
208	Dobson, Frank Stanley...	Dobson, Frank Stanley...	44 Darling street ...	... ..	130 0 0

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

“F. STANLEY DOBSON.”

“In compliance with the provisions of the Act 32 Victoria, No. 334, I, JAMES MACBAIN, do declare and testify that I am duly seised at law or in equity of an estate of freehold for my own use and benefit in lands or tenements in the colony of Victoria of the capital value of Six thousand eight hundred pounds sterling money, above all charges and incumbrances affecting the same : And further, that the lands and tenements out of which such qualification arises are situate in the parish of Prahran, in the county or reputed county of Bourke, the description of which lands and tenements are as follow :—

“Certificate of title under the *Transfer of Land Statute*, vol. 305, fol. 60,873.

“All that piece of land delineated and colored red on the map in the margin, containing seven acres two roods and five perches or thereabouts, being part of Crown portion twenty-seven, parish Prahran, county of Bourke, together with the right of carriage-way over and along the road or way delineated brown on the said map, together with dwelling-house, out-houses, stable, coach-house, &c., erected thereon.

“And I further declare that such of the said lands and tenements as are situate in the municipal district of Prahran are rated in the rate-books of such municipal district as follows :— James MacBain, rated on about seven acres land, in the parish of Prahran, corner of Toorak and Boundary roads, on which are erected dwelling-house (12 rooms), out-houses, stable, &c. Capital value (£6800) Six thousand eight hundred pounds sterling. Annual value on which the municipal rates are levied, £340, say Three hundred and forty pounds sterling.

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

“JAS. MACBAIN.”

“In compliance with the provisions of the Act 32 Victoria, No. 334, I, WILLIAM EDWARD HEARN, do declare and testify that I am duly seised at law or in equity of an estate of freehold for my own use and benefit in lands or tenements in the colony of Victoria of the capital value of Two thousand five hundred pounds sterling money, above all charges and incumbrances affecting the same : And further, that the lands and tenements out of which such qualification arises are situate in the parishes of Jika, Kangerong, Wannaeue, and Fingal, in the counties or reputed counties of Bourke and Mornington, the description of which lands and tenements are as follow :—

“One house in the University of Melbourne.

“House and 1107 acres of land in the County of Mornington.

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

“Five hundred and ninety-five acres, Wannaeue, Eighty pounds.

“Four hundred and forty-four acres, Fingal, Forty pounds.

“Sixty-eight acres, and buildings, Dromana, 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 lands or tenements, or any part thereof, for the purpose of enabling me to be returned a Member of the Legislative Council of the Colony of Victoria.

“W. E. HEARN.”

“In compliance with the provisions of the Act 32 Victoria, No. 334, I, SIR SAMUEL WILSON, do declare and testify that I am duly seised at law or in equity of an estate of freehold for my own use and benefit in lands or tenements in the colony of Victoria of the net annual value of Seven hundred and nine pounds ten shillings sterling money, above all charges and incumbrances affecting the same : And further, that the lands and tenements out of which such qualification arises are situate in the parishes of Ercildoun and Burrumbeet, in the counties or reputed counties of Ripon and Talbot, the description of which lands and tenements are as follow :—

“Two thousand three hundred and sixty-six acres, being portion of Ercildoun estate.

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

“ SOUTH RIDING.

- “ No. on rate—198.
- Surname—Wilson.
- Christian name—Samuel.
- Occupation—Sheep-farmer.
- Name of owner—Sir Samuel Wilson.
- Description—Land, 2366 acres.
- Electoral district—Ripon and Hampden.
- Division of electoral district—Burrumbeet.
- Net annual value—£709 10s.
- Rate at 1s. in the £—£35 9s. 6d.
- Date of payment—
- Amount—£35 9s. 6d.

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

“SAML. WILSON.”

ADJOURNMENT.—The Honorable H. Cuthbert moved, That the Council, at its rising this day, adjourn until five minutes to two o'clock on Tuesday next.

Question—put and passed

The Council adjourned at half-past twelve o'clock until five minutes to two o'clock on Tuesday the 27th instant.

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





VICTORIA.

No. 2.

Minutes of the Proceedings

OF THE

LEGISLATIVE COUNCIL.

TUESDAY, 27TH JULY, 1880.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the Prayer.

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

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

MR. PRESIDENT AND HONORABLE GENTLEMEN OF THE LEGISLATIVE COUNCIL :

MR. SPEAKER AND GENTLEMEN OF THE LEGISLATIVE ASSEMBLY :

I have called you together at the earliest moment practicable after the return of the Writs for the recent General Election, with the view of obtaining your advice and assistance at a most serious and important juncture of public affairs.

MR. SPEAKER AND GENTLEMEN OF THE LEGISLATIVE ASSEMBLY :

I regret to inform you that the state of the public accounts at the termination of the past financial year disclosed a very considerable deficiency, and also that the prospective revenue for the current year will fall short of the necessities of the Public Service. I entertain no doubt that ample provision will be made by you to adjust this deficiency, and to meet the further requirements of the State.

MR. PRESIDENT AND HONORABLE GENTLEMEN OF THE LEGISLATIVE COUNCIL :

MR. SPEAKER AND GENTLEMEN OF THE LEGISLATIVE ASSEMBLY :

The question of Constitutional Reform having been repeatedly submitted to the country, and the various proposals in regard to it so recently and fully considered, it is to be hoped that you will be in a position to agree upon a satisfactory measure of Reform, and thus dispose of a matter of grave importance which has occupied public attention for so lengthened a period.

There are other measures, such as a Land Act, Railway Construction Act, Amendment of the Public Service Act, Mining on Private Property Act, and a measure for the Conservation of Water in the country districts—all being of such pressing importance, that I feel assured they will receive from you that attentive consideration which they demand ; and I pray that the Almighty may guide your deliberations for the welfare of this country.

NORMANBY.

27th July, 1880.

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

His Excellency the Governor left the Council Chamber.

The President took the Chair.

DECLARATIONS OF MEMBERS.—The Honorables T. Bromell, J. Graham, J. Balfour, T. F. Hamilton, A. Fraser, W. Campbell, Sir C. Sladen, W. Ross, J. A. Wallace, J. Henty, N. Fitzgerald, and T. J. Sumner delivered to the Clerk the declarations required by the seventh clause of the Act 32 Victoria, No. 334, as hereunder set forth :—

“ In compliance with the provisions of the Act 32 Victoria, No. 334, I, THOMAS BROMELL, do declare and testify that I am duly seised at law or in equity of an estate of freehold for my own use and benefit in lands or tenements in the colony of Victoria of the full value of Two thousand five hundred pounds sterling money, above all charges and incumbrances affecting the same : And further, that the lands and tenements out of which such qualification arises are situate in the parishes of Kannawalla, Cavendish, Karabeal, and Mockanger, in the County or reputed county of Dundas, the description of which lands and tenements are as follow :—

“ Hensley Park, freehold estate.

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

“ At over Three hundred pounds a year.

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

“THOMAS BROMELL.”

"In compliance with the provisions of the Act 32 Victoria, No. 334, I, JAMES GRAHAM, do declare and testify that I am duly seised at law or in equity of an estate of freehold for my own use and benefit in lands or tenements in the colony of Victoria of the full value of Two thousand five hundred pounds sterling money, above all charges and incumbrances affecting the same: And further, that the lands and tenements out of which such qualification arises are situate in the parish of Melbourne, in the county or reputed county of Bourke, the description of which lands and tenements are as follow:—

"Allotments Nos. 11, 12, and portion of No. 10, block No. 11, situate in Bourke, Russell, and Little Collins streets, in the city of Melbourne, with the several buildings erected thereon.

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

Nos. on the Rate Roll.	}	At over Two hundred and fifty pounds sterling per annum.
115 to 125		
891 to 899		
1106 to 1109		
1114 and 1115		

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

"JAMES GRAHAM."

"In compliance with the provisions of the Act 32 Victoria, No. 334, I, JAMES BALFOUR, do declare and testify that I am duly seised at law or in equity of an estate of freehold for my own use and benefit in lands or tenements in the colony of Victoria of the yearly value of Two hundred and sixty pounds sterling money, above all charges and incumbrances affecting the same: And further, that the lands and tenements out of which such qualification arises are situate in the parish of Moorabbin, in the county or reputed county of Bourke, the description of which lands and tenements are as follow:—

"All that piece of land situated at the corner of South road and New street, containing five acres and a half or thereabouts, being part of Crown portion One, parish of Moorabbin, county of Bourke, with the buildings erected thereon.

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

No. in Rate-Book.	Person Rated.	Trade or Occupation.	Owner.	Description and Situation of Rateable Property.	Riding of Shire.	Electoral District.	Net Annual Value.
735	Balfour, James..	Gentleman..	Balfour, James..	5½ acres, 20 rooms, South road	West	Brighton, Brighton West	£260

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

"JAMES BALFOUR."

"In compliance with the provisions of the Act 32 Victoria, No. 334, I, THOMAS F. HAMILTON, do declare and testify that I am duly seised at law or in equity of an estate of freehold for my own use and benefit in lands or tenements in the colony of Victoria of the full value of Three thousand pounds sterling money, above all charges and incumbrances affecting the same: And further, that the lands and tenements out of which such qualification arises are situate in the parish of Gisborne, in the county or reputed county of Bourke, the description of which lands and tenements are as follow:—

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

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

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

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

"THOMAS F. HAMILTON."

"In compliance with the provisions of the Act 32 Victoria, No. 334, I, ALEXANDER FRASER, do declare and testify that I am duly seised at law or in equity of an estate of freehold for my own use and benefit in lands or tenements in the colony of Victoria of the value of Two thousand five hundred pounds sterling money, above all charges and incumbrances affecting the same: And further, that the lands and tenements out of which such qualification arises are situate in the parish of Prahran, in the county or reputed county of Bourke, the description of which lands and tenements are as follow :—

- "No. 1. Part allotment 139A, parish of Prahran, county of Bourke, having a frontage to Alma street of 100 feet, by a depth of 300 feet to Chapel street, with dwelling-house and other buildings erected thereon.
- "No. 2. Part allotment 139A, parish of Prahran, county of Bourke, having a frontage of 275 feet to Chapel street, with improvements.

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

- "No. 1. Rated in rate-book No. 984, north ward of the borough of St. Kilda, at Two hundred and forty pounds per annum.
- "No. 2. Rated in rate-book No. 985, north ward of the borough of St. Kilda, at Fifty pounds per annum.

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

"ALEX. FRASER."

"In compliance with the provisions of the Act 32 Victoria, No. 334, I, WILLIAM CAMPBELL, do declare and testify that I am duly seised at law or in equity of an estate of freehold for my own use and benefit in lands or tenements in the colony of Victoria of the annual value of Two hundred and fifty pounds sterling money, above all charges and incumbrances affecting the same: And further, that the lands and tenements out of which such qualification arises are situated in the parish of Carlsruhe and city of Melbourne, in the counties or reputed counties of Dalhousie and Bourke, the description of which lands and tenements are as follow :—

- "1. Six hundred and thirty-seven acres, more or less, parish of Carlsruhe.
- "2. Allotment of land and building in King street, in the city of Melbourne.

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

1st. Freehold, lots 17, 18, part of 19 and 20, parish of Carlsruhe	...	} In excess of £250 a year.
2nd. Ditto, King street, Melbourne	... ..	

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

"W. CAMPBELL."

"In compliance with the provisions of the Act 32 Victoria, No. 334, I, CHARLES SLADEN, do declare and testify that I am duly seised at law or in equity of an estate of freehold for my own use and benefit in lands or tenements in the colony of Victoria of the annual value of Two hundred and fifty pounds sterling money, above all charges and incumbrances affecting the same: And further, that the lands and tenements out of which such qualification arises are situate in the parish of Whoorel, in the county or reputed county of Polwarth, the description of which lands and tenements are as follow :—

"Part of the property known as Ripple Vale, near to Birregurra, which is now in the occupation of Mr. James Ford Strachan.

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

"Whoorel, Two thousand six hundred and six acres, valued at the annual value of Seven hundred and forty-nine pounds sterling.

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

"CHARLES SLADEN."

"In compliance with the provisions of the Act 32 Victoria, No. 334, I, WILLIAM ROSS, do declare and testify that I am duly seised at law or in equity of an estate of freehold for my own use and benefit in lands or tenements in the colony of Victoria of the full value of Two thousand five hundred pounds sterling money, above all charges and incumbrances affecting the same: And further, that the lands and tenements out of which such qualification arises are situate in the parishes of Purdeet and Yalimba, in the counties or reputed counties of Villiers and Heytesbury, the description of which lands and tenements are as follow :—

"A portion of the Gums Estate.

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

- "5326 acres, The Gums Estate—Penshurst Riding.
- "Net annual value, £998.

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

"WM. ROSS."

"In compliance with the provisions of the Act 32 Victoria, No. 334, I, JOHN ALSTON WALLACE, do declare and testify that I am duly seised at law or in equity of an estate of freehold for my own use and benefit in lands or tenements in the colony of Victoria of the capital value of over Two thousand five hundred pounds sterling money, above all charges and incumbrances affecting the same: And further, that the lands and tenements out of which such qualification arises are situate in the parish of Wooragee, in the county or reputed county of Bogong; in the parish of Bright, in the county or reputed county of Delatite; in the parish of Nepean, in the county or reputed county of Mornington; and in the parish of South Melbourne, in the county or reputed county of Bourke, the description of which lands and tenements are as follow:—

Name of Person rated.	Occupation of Person rated.	Name of Owner.	Situation of Property.	Description of Property Rated.	No. in Rate-Book of Municipal District.	Municipal District.	Electoral District and Division.
No. 1. John A. Wallace	Mine and land owner	John A. Wallace	Wooragee ..	Allotment 1, section A; allotment 2, section A; allotment 3, section C; allotment 4, section C; allotment 8, section C; comprising over 666 acres	2385	United shire of Beechworth	Ovens, Beechworth.
No. 2. John James Roche	Hotelkeeper	John A. Wallace	Beach street, Sandridge	Part of Crown allotment 6, section 1, on which is erected the Bay View Hotel	89	Borough of Sandridge	Sandridge (Sandridge).
No. 3. John A. Wallace	Mine and land owner	John A. Wallace	Pioneer, near Bright	Allotment No. 7, section G, with residence thereon	958	Shire of Bright	Ovens, Bright.
No. 4. John A. Wallace	Mine and land owner	John A. Wallace	Near Rye ..	Allotments 4, 6, 7, 8, 13, and 14, comprising over 162 acres	445	Shire of Flinders and Kangerong	Mornington, Kangerong. (Tootgarook)

"And I further declare that such of the said lands and tenements as are situate in the municipal districts of Beechworth, Sandridge, Bright, and Flinders and Kangerong, are rated in the rate-books of such municipal districts as follows:—No. 1, rated at £70 per annum; No. 2, rated at £160 per annum; No. 3, rated at £26 per annum; No. 4, rated at £30 per annum.

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

"JOHN A. WALLACE."

"In compliance with the provisions of the Act 32 Victoria, No. 334, I, JAMES HENTY, do declare and testify that I am duly seised at law or in equity of an estate of freehold for my own use and benefit in lands or tenements in the colony of Victoria of the annual value of Six hundred pounds sterling money, above all charges and incumbrances affecting the same: And further, that the lands and tenements out of which such qualification arises are situate in the parishes of Pakenham and Nar-nar-Goon, in the county or reputed county of Mornington, the description of which lands and tenements are as follow:—

"Freehold land, known as Pakenham Park, Pakenham.

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

"Pakenham Park, 4000 acres, parishes of Pakenham and Nar-nar-Goon; net annual value Six hundred pounds; No. rate-book, 366.

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

"JAS. HENTY."

"In compliance with the provisions of the Act 32 Victoria, No. 334, I, NICHOLAS FITZGERALD, do declare and testify that I am duly seised at law or in equity of an estate of freehold for my own use and benefit in lands or tenements in the colony of Victoria of the annual value of Two hundred and fifty pounds sterling money, above all charges and incumbrances affecting the same: And further, that the lands and tenements out of which such qualification arises are situate in the parishes of Castlemaine and St. Kilda, in the counties or reputed counties of Talbot and Bourke, the description of which lands and tenements are as follow:—

"Malt-houses, mill, brewery, and dwelling-house at Castlemaine.

"House and land at St. Kilda.

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

"No. 912, sec. B 8...	...	...	...	£100
„ 1497, sec. D 2, on 62/64, 5 and 6...	...	...	...	400
„ 2039, sec. C, on 1 and 2...	...	...	...	50
„ 913, sec. B 8...	...	...	...	50
House and land, Alma road, St. Kilda	...	...	...	350
				<u>£950</u>

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

"N. FITZGERALD."



"In compliance with the provisions of the Act 32 Victoria, No. 334, I, THEODOTUS JOHN SUMNER, do declare and testify that I am duly seised at law or in equity of an estate of freehold for my own use and benefit in lands or tenements in the colony of Victoria of the full value of Two thousand five hundred pounds sterling money, above all charges and incumbrances affecting the same: And further, that the lands and tenements out of which such qualification arises are situate in the parish of Brunswick, in the county or reputed county of Bourke, the description of which lands and tenements are as follow:—

"Building land, Sydney road.  
Building land, Miller street.  
Brick house, King street.  
Brick hall, stabling, &c., Glenlyon street.

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

No. on the Rate.						£
40	...	Building land, Sydney road	...	...	...	8
897	...	Building land, Miller street	...	...	...	9
995	...	Brick house, King street	...	...	...	60
1063	...	Brick hall, &c., Glenlyon street	...	...	...	450

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

"THEO. JNO. SUMNER."

COMMISSION TO SWEAR IN NEW MEMBERS.—The President announced that, in virtue of the Commission hereunder set forth, he would be prepared to swear in any new Members who might be introduced.

By His Excellency the Most Honorable GEORGE AUGUSTUS CONSTANTINE, Marquis of Normanby, Earl of Mulgrave, Viscount Normanby, and Baron Mulgrave of Mulgrave, all in the County of York, in the Peerage of the United Kingdom; and Baron Mulgrave of New Ross, in the County of Wexford, in the Peerage of Ireland; a Member of Her Majesty's Most Honorable Privy Council; Knight Grand Cross of the Most Distinguished Order of Saint Michael and Saint George; Governor and Commander-in-Chief in and over the Colony of Victoria and its Dependencies, &c., &c., &c.

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

GREETING :

WHEREAS, by the Bill contained in the Schedule to a Statute passed in the Session of the Imperial Parliament holden in the eighteenth and nineteenth years of Her Majesty's reign, intituled "*An Act to enable Her Majesty to assent to a Bill, as amended, of the Legislature of Victoria to establish a Constitution in and for the Colony of Victoria,*" it is enacted that no Member, either of the Legislative Council or of the Legislative Assembly, shall be permitted to sit or vote therein respectively until he shall have taken and subscribed before the Governor, or before some person authorized by the Governor in that behalf, the oath in the said Bill mentioned: NOW THEREFORE I, the Governor aforesaid, do by these presents command and authorize you from time to time, in the Parliament House, in the City of Melbourne, to administer the said oath to such Members of the said Legislative Council as have not already taken and subscribed the same.

Given under my hand and the Seal of the Colony at Melbourne, in the said Colony, this seventh day of July in the year of our Lord One thousand eight hundred and seventy-nine, and in the forty-third year of Her Majesty's reign.

(L.S.)

NORMANBY.

By His Excellency's Command,  
GRAHAM BERRY.

Entered on Record by me, in the Register of Patents, Book 20, page 190, this seventh day of July, One thousand eight hundred and seventy-nine.

W. H. ODGERS.

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

VICTORIA.

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

The Honorable Robert Stirling Anderson,  
The Honorable George Frederick Belcher,  
The Honorable Henry Cuthbert,  
The Honorable William Edward Hearn,  
The Honorable William Highett,  
The Honorable James Lorimer, and  
The Honorable Sir Charles Sladen,

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

Given under my hand this twenty-seventh day of July, 1880.

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

**EASTERN PROVINCE—VACATION OF SEAT—ISSUE OF WRIT.**—The President informed the Council that, in consequence of the absence of the Honorable W. Wilson for one entire session without the permission of the Council, he had taken the opinion of counsel as to the steps he was called upon by law to take, and had issued a writ for the election of a Member. The President laid upon the Table the case and the opinion.

**EASTERN PROVINCE—VACATION OF SEAT—COUNSEL'S OPINION.**—The Honorable H. Cuthbert, with leave of the Council, moved, without notice, That the case and opinion of counsel be printed.

Question—put and passed.

**BILLS OF SALE BILL.**—The Honorable H. Cuthbert, with leave of the Council, moved, without notice That leave be given to introduce a Bill to amend the law relating to Bills of Sale.

Question—put and passed.

Bill brought in, and, on the motion of the Honorable H. Cuthbert, read a first time, ordered to be printed, and the second reading made an Order of the Day for Tuesday, the 10th proximo.

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

The Honorable J. MacBain moved, That a Select Committee, consisting of seven Members, be appointed to prepare an Address in reply to the Speech of His Excellency the Governor.

Question—put and passed.

The Honorable J. MacBain moved, That such Committee consist of the Honorables Sir C. Sladen, H. Cuthbert, W. E. Hearn, W. Campbell, J. Graham, J. Lorimer, and the Mover.

Question—put and passed.

The Select Committee retired to prepare the Address.

The Honorable J. MacBain brought up the Address prepared by the Committee, and moved, That the same be read.

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

*To His Excellency the Most Honorable GEORGE AUGUSTUS CONSTANTINE, Marquis of Normanby, Earl of Mulgrave, Viscount Normanby, and Baron Mulgrave of Mulgrave, all in the County of York, in the peerage of the United Kingdom, and Baron Mulgrave of New Ross, in the County of Wexford, in the peerage of Ireland, a Member of Her Majesty's Most Honorable Privy Council, Knight Grand Cross of the Most Distinguished Order of St. Michael and St. George, Governor and Commander-in-Chief in and over the Colony of Victoria and its Dependencies, &c., &c., &c.*

MAY IT PLEASE YOUR EXCELLENCY :—

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

We thank Your Excellency for calling us together at the earliest moment practicable after the return of the Writs for the recent general election, with the view of obtaining our advice and assistance at a most serious and important juncture of public affairs.

We concur with Your Excellency in the hope that Parliament may agree upon a satisfactory measure of Constitutional Reform.

We concur with Your Excellency that other measures, such as a Land Bill, a Railway Construction Bill, an Amendment of the Public Service Bill, a Mining on Private Property Bill, and a Bill for the Conservation of Water in the country districts are of pressing importance, and we assure Your Excellency that they will receive from us that attentive consideration which they demand ; and we pray that the Almighty may guide our deliberations for the welfare of the country.

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

Debate ensued.

Question—put and passed.

The Honorable J. MacBain moved, That the Address be presented to His Excellency the Governor by the President and such Members as may desire to accompany him, at such time as His Excellency may be pleased to receive the Address.

Question—put and passed.

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

1. Land Act 1869.—Regulation under Sec. 110.—Order in Council (28th June, 1880).
2. Land Act 1869.—Regulation under Sec. 110.—Order in Council (16th July, 1880).
3. Stamps, Allowances for spoiled.—Additional Regulation (30th June, 1880).
4. Statistical Register, Victoria, 1879 :—
  - Part I. Blue-book.
  - Part II. Population.
  - Part III. Finance, &c.

Ordered severally to lie on the Table.

**CHAIRMAN OF COMMITTEES.**—The Honorable H. Cuthbert, with leave of the Council, moved, without notice, That the Honorable C. J. Jenner be Chairman of Committees.

Question—put and passed.

**DAYS OF BUSINESS.**—The Honorable H. Cuthbert, with leave of the Council, moved, without notice, That Tuesday, Wednesday, and Thursday, in each week, be the days on which the Council shall meet for the despatch of business during the present Session ; and that half-past four o'clock be the time of meeting on each day ; and that on Wednesday, in each week, the transaction of Government business shall take precedence of all other business.

Question—put and passed.

**STANDING ORDERS COMMITTEE.**—The Honorable H. Cuthbert, with leave of the Council, moved, without notice, That the Honorables the President, R. S. Anderson, Sir C. Sladen, Dr. Dobson, and Dr. Hearn be appointed a Select Committee on the Standing Orders of the House.  
Question—put and passed.

**PARLIAMENT BUILDINGS (JOINT) COMMITTEE.**—The Honorable H. Cuthbert, with leave of the Council, moved, without notice, That the Honorables the President, J. Buchanan, Sir Samuel Wilson, C. J. Jenner, and W. Ross be Members of the Joint Committee of both Houses to manage and superintend the Parliament Buildings.  
Question—put and passed.

**LIBRARY COMMITTEE (JOINT).**—The Honorable H. Cuthbert, with leave of the Council, moved, without notice, That the Honorables the President, N. Fitzgerald, Dr. Dobson, J. Balfour, and J. Graham be Members of the Joint Committee of both Houses to manage the Library.  
Question—put and passed.

**PRINTING COMMITTEE.**—The Honorable H. Cuthbert, with leave of the Council, moved, without notice, That the Honorables J. Lorimer, J. Cumming, W. Highett, F. Robertson, and J. MacBain be appointed a Printing Committee ; and that papers presented to the House be referred to the said Committee for report.  
Question—put and passed.

**REFRESHMENT ROOMS (JOINT) COMMITTEE.**—The Honorable H. Cuthbert, with leave of the Council, moved, without notice, That the Honorables Thos. Bromell, T. F. Hamilton, R. D. Reid, G. F. Belcher, and W. J. Clarke be Members of the Joint Committee of both Houses to manage the Refreshment Rooms.  
Question—put and passed.

The Council adjourned at a quarter to four o'clock until half-past four o'clock on Wednesday, the 28th instant.

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## ORDER OF THE DAY.

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TUESDAY, 10TH AUGUST, 1880.

**ORDER OF THE DAY:—**

1. **BILLS OF SALE BILL.**—To be read a second time.

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



## VICTORIA.

No. 3.

# Minutes of the Proceedings

OF THE

## LEGISLATIVE COUNCIL.

WEDNESDAY, 28TH JULY, 1880.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the Prayer.

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

**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 Seven hundred and eighteen thousand three hundred pounds to the service of the year One thousand eight hundred and eighty and eighty-one,*" with which they desire the concurrence of the Legislative Council.

PETER LALOR,  
Speaker.

Legislative Assembly Chamber,  
Melbourne, 28th July, 1880.

**CONSOLIDATED REVENUE BILL.**—The Honorable H. Cuthbert moved, That this Bill be now read a first time.

Question—put and passed.

Bill read a first time.

The Honorable H. Cuthbert moved, That the Bill be now read a second time.

Question—put and passed.

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

Question—put and passed.

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

The President left the Chair.

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

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

Question—put and passed.

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

The Honorable H. Cuthbert moved, That the title of the Bill be "*An Act to apply out of the Consolidated Revenue the sum of Seven hundred and eighteen thousand three hundred pounds to the service of the year One thousand eight hundred and eighty and eighty-one.*"

Question—put and passed.

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

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

Question—put and passed.

The Council adjourned at five minutes past five o'clock until half-past four o'clock on Tuesday, the 10th proximo.

### ORDER OF THE DAY.

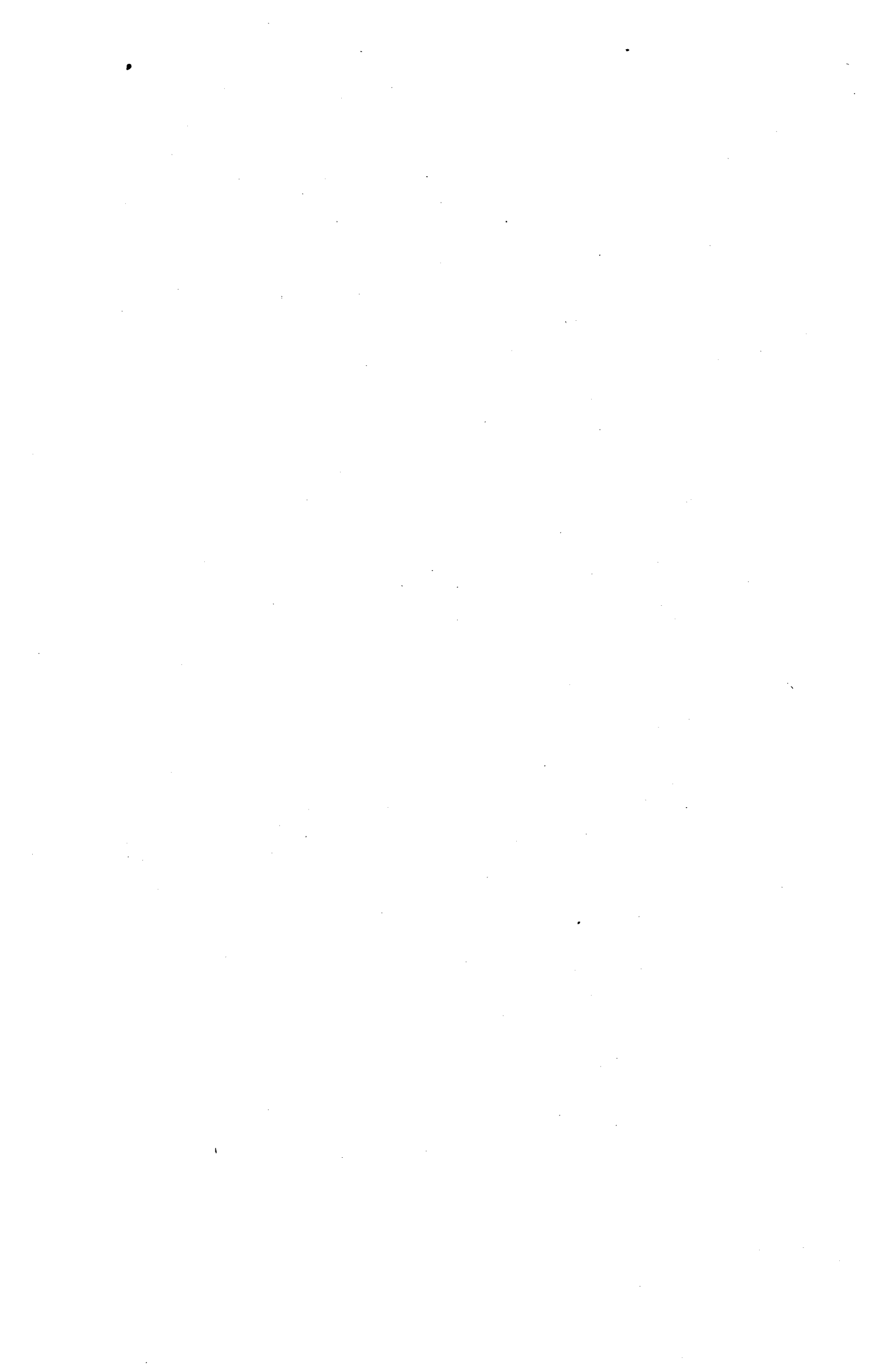
TUESDAY, 10TH AUGUST, 1880.

ORDER OF THE DAY:—

1. **BILLS OF SALE BILL.**—To be read a second time.

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





## VICTORIA.

No. 4.

## Minutes of the Proceedings

OF THE

## LEGISLATIVE COUNCIL.

TUESDAY, 10TH AUGUST, 1880.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the Prayer.

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

**WRITS—ISSUE OF—FOR PERIODIC ELECTIONS, 1880.**—The President laid on the Table a statement of the arrangements for the issue of Writs for the periodic elections in 1880 for the election of Members to serve for the several Provinces in the Legislative Council, from and after the periodic Polling Day, as hereunder set forth :—

Province.	Issue of Writ.	Day before which Nomination must be made.	Polling Day.	Return of Writ.
Central ... ..	7th August ...	17th August ...	27th August ...	4th September.
South ... ..	7th August ...	17th August ...	30th August* ...	4th September.
South-Western ...	16th August ...	24th August ...	4th September	11th September.
Western... ..	21st August ...	31st August ...	11th September	25th September.
North-Western ...	27th August ...	4th September	16th September	25th September.
Eastern ... ..	27th August ...	4th September	16th September	25th September.

\* The periodic day (29th) being Sunday, the polling day is (by the Act 32 Vict. No. 334) fixed for the 30th.

**MESSAGE FROM HIS EXCELLENCY THE GOVERNOR.**—The Honorable R. D. Reid presented to the Council the following Message from His Excellency the Governor :—

NORMANBY.

*Governor.*

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

*“ An Act to apply out of the Consolidated Revenue the sum of Seven hundred and eighteen thousand three hundred pounds to the service of the year One thousand eight hundred and eighty and eighty-one.”*

Government House,  
Melbourne, 29th July, 1880.

**PAPER.**—The Honorable R. D. Reid, by command of His Excellency the Governor, presented to the Council the following paper :—

Explosives, Report of Inspectors of—for year 1879.

Ordered to lie on the Table.

**PAPER.**—The Honorable R. D. Reid laid upon the Table the following paper :—

Gold Mining Leases, New Form for.—Order in Council (28 June, 1880).

Ordered to lie on the Table.

**POSTPONEMENT.**—The following Order of the Day was postponed until 31st August :—

*“ Bills of Sale Bill ”*—To be read a second time.

**ADJOURNMENT.**—The Honorable R. D. Reid, with leave of the Council, moved, without notice, That the House, at its rising this day, adjourn until Tuesday, the 31st instant.

Question—put and passed.

The Council adjourned at twenty minutes to five o'clock until half-past four o'clock on Tuesday, the 31st instant.

## ORDER OF THE DAY.

TUESDAY, 31ST AUGUST, 1880.

ORDER OF THE DAY:—

1. **BILLS OF SALE BILL.**—To be read a second time.

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



# Minutes of the Proceedings

OF THE

## LEGISLATIVE COUNCIL.

TUESDAY, 31st AUGUST, 1880.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the Prayer.

**REPLY OF THE GOVERNOR TO ADDRESS.**—The President announced to the Council that the Address of the Council to His Excellency the Governor, adopted on the 27th ultimo, had been presented in accordance with the resolution of the House, and that His Excellency had been pleased to make thereto the following reply:—

MR. PRESIDENT AND HONORABLE GENTLEMEN:

I thank you for your Address and receive with pleasure the renewed expressions of attachment and loyalty towards Her Majesty which you convey to me.

Government House,  
29th July, 1880.

NORMANBY.

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

“In compliance with the provisions of the Act 32 Victoria, No. 334, I, ROBERT SIMSON, do declare and testify that I am duly seised at law or in equity of an estate of freehold for my own use and benefit in lands or tenements in the colony of Victoria of the full value of Two thousand five hundred pounds sterling money, above all charges and incumbrances affecting the same: And further, that the lands and tenements out of which such qualification arises are situate in the parish of Brewster, in the county or reputed county of Ripon, the description of which lands and tenements are as follow:—

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

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

“Rate number 538, Simson, Robert, sheep farmer, 5423 acres land; Brewster, Ripon and Hampden, Carngham division—Net annual value, £1220; owner and occupier.

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

“ROBERT SIMSON.”

**WRIT—RETURN OF—EASTERN PROVINCE.**—The President announced to the Council that the Writ issued by him for the election of a Member to serve for the Eastern Province, in room of the Honorable W. Wilson, had been returned to him, and that the Returning Officer had certified that “John George Dougharty, Esq., of Melbourne, stock and station agent, is duly elected in pursuance of” the Writ.

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

“In compliance with the provisions of the Act 32 Victoria, No. 334, I, JOHN GEORGE DOUGHARTY, do declare and testify that I am duly seised at law or in equity of an estate of freehold for my own use and benefit in lands or tenements in the Colony of Victoria of the capital value of over Two thousand five hundred pounds sterling money, above all charges and incumbrances affecting the same: And further, that the lands and tenements out of which such qualification arises are situate in the parishes of Hinnomungie, Bindi, Tongio, and Omeo, in the county or reputed county of Omeo, the description of which lands and tenements are as follow:—

“Freehold land.

“And I further declare that such of the said lands and tenements as are situate in the shire of Omeo are rated in the rate-books of such municipal district or shire as follows:—At over Two hundred and fifty pounds (£250) per annum.

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

“JOHN GEO. DOUGHARTY.”

**WRIT—RETURN OF—CENTRAL PROVINCE.**—The President announced to the Council that a Writ issued by him for the election of a Member to serve for the Central Province, from and after the 27th instant, in room of the Honorable J. Lorimer, retiring in rotation, had been returned to him, and that the Returning Officer had certified that “James Lorimer is duly elected in pursuance of” the Writ.

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

“In compliance with the provisions of the Act 32 Victoria, No. 334, I, JAMES LORIMER, do declare and testify that I am duly seised at law or in equity of an estate of freehold for my own use and benefit in lands or tenements in the colony of Victoria of the full value of Two thousand five hundred pounds sterling money, above all charges and incumbrances affecting the same : And further, that the lands and tenements out of which such qualification arises are situate in the parish of Prabran, in the county or reputed county of Bourke, the description of which lands and tenements are as follow :—

“House and grounds known as Belcroft, situate in Albany road, Toorak.

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

Rate-Book.	Owner and Occupier.	Net Annual Rated Value.	Electoral Province.
No. 335     ...     ...	James Lorimer     ...	£450     ...     ...	South Province.

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

“JAMES LORIMER.”

**WRIT—RETURN OF—SOUTH PROVINCE.**—The President announced to the Council that the Writ issued by him for the election of a Member to serve for the South Province, from and after the 30th instant, in room of the Honorable J. Balfour, retiring in rotation, had been returned to him, and that the Returning Officer had certified that “James Balfour, merchant, of Brighton, was duly elected in pursuance of” the Writ.

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

“In compliance with the provisions of the Act 32 Victoria, No. 334, I, JAMES BALFOUR, do declare and testify that I am duly seised at law or in equity of an estate of freehold for my own use and benefit in lands or tenements in the colony of Victoria, of the yearly value of Two hundred and sixty pounds sterling money, above all charges and incumbrances affecting the same : And further, that the lands and tenements out of which such qualification arises are situate in the parish of Moorabbin, in the county or reputed county of Bourke, the description of which lands and tenements are as follow :—

“All that piece of land situated at the corner of South road and New street, containing five acres and a half, or thereabouts, being part of Crown portion One, parish of Moorabbin, county of Bourke, with the buildings erected thereon.

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

No. in Rate-Book.	Person rated.	Trade or Occupation.	Owner.	Description and Situation of Rateable Property.	Riding of Shire.	Electoral District.	Net Annual Value.
735	Balfour, James..	Gentleman..	Balfour, James..	5½ acres, 20 rooms, South road	West ..	Brighton, Brighton West	£260

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

“JAMES BALFOUR.”

**PAPERS.**—The Honorable R. D. Reid, by command of His Excellency the Governor, presented to the Council the following Papers :—

1. Penal Establishments and Goals.—Report of Inspector-General for year 1879.
2. Industrial and Reformatory Schools.—Reports of Visiting Committees, 1879–1880.
3. Mining Surveyors and Registrars.—Reports of, for quarter ending 30th June, 1880.

Ordered severally to lie on the Table.

**PAPERS.**—The Honorable R. D. Reid laid upon the Table the following Papers :—

1. University of Melbourne.—Report, for year ending 31st May, 1880.
2. Library, Museums, and National Gallery.—Report, &c., for 1879.
3. Savings Banks.—General Order (25th May, 1880).
4. Melbourne International Exhibition.—Regulation for Carlton Gardens (25th June, 1880).
5. Neglected and Criminal Children’s Act, 1864.—Orders in Council (16th July and 27th July, 1880).
6. Water-right License Regulations.—Substitution of new conditions concerning.—Order in Council (27th July, 1880).
7. Education Department.—Estimate of Expenditure (in lieu of Estimate of 25th May, 1880), for the erection of School Buildings (during year ending 30th June 1881), £76,686.

Ordered severally to lie on the Table.

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

POSTPONEMENT.—The following Order of the Day was postponed until Tuesday, the 7th proximo :—  
“*Bills of Sale Bill*”—To be read a second time.

The Council adjourned at five minutes to five o'clock until half-past four o'clock on Tuesday, the 7th proximo.

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## ORDER OF THE DAY.

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TUESDAY, 7TH SEPTEMBER 1880.

ORDER OF THE DAY:—

1. BILLS OF SALE BILL.—To be read a second time.

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





## VICTORIA.

No. 6.

**Minutes of the Proceedings**

OF THE

**LEGISLATIVE COUNCIL.**

TUESDAY, 7TH SEPTEMBER, 1880.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the Prayer.

**WRITS**—RETURN OF—SOUTH-WESTERN PROVINCE, WESTERN PROVINCE, AND NORTH-WESTERN PROVINCE.—The President announced to the Council that the Writs severally issued by him for the election of Members to serve respectively for the South-Western Province, in room of the Honorable J. Cumming, retiring in rotation; for the Western Province, in room of the Honorable Sir S. Wilson, retiring in rotation; and for the North-Western Province, in room of the Honorable Sir W. H. F. Mitchell, retiring in rotation, had been returned to him, and that the Returning Officers had certified severally that “Philip Russell was duly elected in pursuance of” the Writ for the South-Western Province; that “Sir Samuel Wilson, of Ercildoune” was “duly elected in “pursuance of” the Writ for the Western Province; and “that the Honorable Sir W. H. F. “Mitchell is duly elected in pursuance of” the Writ for the North-Western Province.

**PAPERS**.—The Honorable R. D. Reid, by command of His Excellency the Governor, presented to the Council the following Papers:—

1. Statistical Register, Victoria, 1879—  
Part IV. Vital Statistics, &c.
2. Statistical Register, Victoria, 1879—  
Part V. Law, Crime, &c.,

Ordered severally to lie on the Table.

**PAPER**.—The Honorable R. D. Reid laid on the Table the following Paper:—

Melbourne Harbour Trust.—Audited Accounts for quarter ended 31st March, 1880.

Ordered to lie on the Table.

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

Question—put and passed.

**CONTROVERTED ELECTIONS (COUNCIL) BILL**.—The Honorable W. E. Hearn, with leave of the Council, moved, without notice, That leave be given to introduce a Bill to amend the law relating to controverted elections to the Legislative Council.

Question—put and passed.

Bill brought in, and, on the motion of the Honorable W. E. Hearn, read a first time, and ordered to be printed, and the second reading made an Order of the Day for Tuesday, the 14th instant.

**TOWNS MANAGEMENT BILL**.—The Honorable W. E. Hearn, with leave of the Council, moved, without notice, That leave be given to introduce a Bill to consolidate and amend the law relating to the management of Towns and other populous places, and for the suppression of various offences.

Question—put and passed.

Bill brought in, and, on the motion of the Honorable W. E. Hearn, read a first time, and ordered to be printed, and the second reading made an Order of the Day for Tuesday, the 14th instant.

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

“In compliance with the provisions of the Act 32 Victoria, No. 334, I, PHILIP RUSSELL, do declare and testify that I am duly seised at law or in equity of an estate of freehold for my own use and benefit in lands or tenements in the Colony of Victoria of the annual value of Two hundred and fifty pounds sterling money, above all charges and incumbrances affecting the same: And further, that the lands and tenements out of which such qualification arises are situate in the parishes of Carngham and Chepstowe, in the county or reputed counties of Grenville and Ripon, the description of which lands and tenements are as follow:—

“Freehold land at Carngham.

“Freehold land at Chepstowe.

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

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

“PHILIP RUSSELL.”

POSTPONEMENT.—The following Order of the Day was postponed until Tuesday, the 21st instant :—  
*“Bills of Sale Bill”*—To be read a second time.

The Council adjourned at ten minutes to five o'clock until half-past four o'clock on Tuesday, the 14th instant.

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## ORDERS OF THE DAY.

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TUESDAY, 14TH SEPTEMBER, 1880.

ORDERS OF THE DAY :—

1. CONTROVERTED ELECTIONS (COUNCIL) BILL.—To be read a second time.
  2. TOWNS MANAGEMENT BILL.—To be read a second time.
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TUESDAY, 21ST SEPTEMBER.

ORDER OF THE DAY :—

1. BILLS OF SALE BILL.—To be read a second time.

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

VICTORIA.

No. 7.

# Minutes of the Proceedings

OF THE

## LEGISLATIVE COUNCIL.

TUESDAY, 14<sup>TH</sup> SEPTEMBER, 1880.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the Prayer.

PAPERS.—The Honorable R. D. Reid, by command of His Excellency the Governor, presented to the Council the following Papers :—

1. Land Act 1869—Amended Regulation respecting Survey of allotments selected.—Order in Council (30th August 1880).
2. Fisheries Acts—Notices under (5th August, 19th August, 14th August, 1880).

Ordered severally to lie on the Table.

PAPER.—The Honorable R. D. Reid laid on the Table the following Paper :—  
Discipline Act 1870—Regulation under (30th August, 1880).

Ordered to lie on the Table.

CONTROVERTED ELECTIONS (COUNCIL) BILL.—The Order of the Day for the second reading of this Bill being read, the Honorable W. E. Hearn moved, That the Bill be now read a second time.

Debate ensued.

Question—put and passed.

Bill read a second time.

The Honorable W. E. Hearn moved, That the Bill be now considered in Committee of the whole Council.

Question—put and passed.

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

The President left the Chair.

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

The Honorable W. E. Hearn moved, That the Report be now adopted.

Question—put and passed.

The Honorable W. E. Hearn moved, That the third reading of the Bill be made an Order of the Day for the next day of meeting of the Council.

Question—put and passed.

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

MR. PRESIDENT—

The Legislative Assembly transmit to the Legislative Council a Bill intituled “ *An Act to authorize the Construction by the State of a Line of Railway from Lancefield Road to Lancefield ;*”

Also, a Bill intituled “ *An Act to provide for the further suspension of certain Duties of Customs ;*”

And a Bill intituled “ *An Act to provide for reimbursing Members of the Legislative Council and of the Legislative Assembly their Expenses in relation to their Attendance in Parliament,*” with which they desire the concurrence of the Legislative Council.

PETER LALOR,  
Speaker.

Legislative Assembly Chamber,  
Melbourne, 14th September, 1880.

LANCEFIELD RAILWAY BILL.—The Honorable R. D. Reid moved, That this Bill be now read a first time.  
Question—put and passed.

Bill read a first time, and, on the motion of the Honorable R. D. Reid, ordered to be printed, and the second reading made an Order of the Day for Wednesday, the 15th instant.

CUSTOMS DUTIES SUSPENSION BILL.—The Honorable R. D. Reid moved, That this Bill be now read a first time.

Question—put and passed.

Bill read a first time, and, on the motion of the Honorable R. D. Reid, ordered to be printed, and the second reading made an Order of the Day for Tuesday, the 21st instant.

PAYMENT OF MEMBERS BILL.—The Honorable R. D. Reid moved, That this Bill be now read a first time.  
Question—put and passed.

Bill read a first time, and, on the motion of the Honorable R. D. Reid, ordered to be printed, and the second reading made an Order of the Day for Tuesday, the 21st instant.

TOWNS MANAGEMENT BILL.—The Order of the Day for the second reading of this Bill being read, the Honorable W. E. Hearn moved, That the Bill be now read a second time.

Question—put and passed.

Bill read a second time.

The Honorable W. E. Hearn moved, That the Bill be now considered in Committee of the whole Council.

Question—put and passed.

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

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

Ordered.

The Council adjourned at twenty-five minutes past five o'clock until half-past four o'clock on Wednesday, the 15th instant.

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## ORDERS OF THE DAY.

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WEDNESDAY, 15TH SEPTEMBER, 1880.

### *Government Business.*

ORDER OF THE DAY:—

1. LANCEFIELD RAILWAY BILL.—To be read a second time.

### *General Business.*

ORDERS OF THE DAY:—

1. CONTROVERTED ELECTIONS (COUNCIL) BILL.—To be read a third time.
2. TOWNS MANAGEMENT BILL.—To be further considered in Committee.

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TUESDAY, 21ST SEPTEMBER.

ORDERS OF THE DAY:—

1. BILLS OF SALE BILL.—To be read a second time.
2. CUSTOMS DUTIES SUSPENSION BILL.—To be read a second time.
3. PAYMENT OF MEMBERS BILL.—To be read a second time.

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

## VICTORIA.

No. 8.

# Minutes of the Proceedings

OF THE

## LEGISLATIVE COUNCIL.

WEDNESDAY, 15TH SEPTEMBER, 1880.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the Prayer.

**LANCEFIELD RAILWAY BILL.**—The Order of the Day for the second reading of this Bill being read, the Honorable R. D. Reid moved, That the Bill be now read a second time.

Debate ensued.

Question—put and passed.

Bill read a second time.

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

Question—put and passed.

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

The President left the Chair.

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

The Honorable R. D. Reid moved, That the Report be now adopted.

Question—put and passed.

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

The Honorable R. D. Reid moved, That the title of the Bill be "*An Act to authorize the Construction by the State of a Line of Railway from Lancefield Road to Lancefield.*"

Question—put and passed.

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

**CONTROVERTED ELECTIONS (COUNCIL) BILL.**—The President having reported that the Chairman of Committees had certified that the fair print of this Bill was in accordance with the Bill as reported, the Bill, on the motion of the Honorable W. E. Hearn, was read a third time and *passed*.

The Honorable W. E. Hearn moved, That the title of the Bill be "*An Act to amend the law relating to Controverted Elections to the Legislative Council.*"

Question—put and passed.

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

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

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

Ordered.

**ADJOURNMENT.**—The Honorable R. D. Reid, with leave of the Council, moved, without notice, That the House, at its rising this day, adjourn until two o'clock on Tuesday, the 21st instant.

Question—put and passed.

The Council adjourned at a quarter to six o'clock until two o'clock on Tuesday, the 21st instant.

### NOTICE OF MOTION AND ORDERS OF THE DAY.

TUESDAY, 21ST SEPTEMBER, 1880.

NOTICE OF MOTION :—

1. The Hon. Dr. DOBSON : To move for leave to introduce a Bill to amend the Law of Evidence with respect to Bankers' Books.

ORDERS OF THE DAY :—

1. **BILLS OF SALE BILL.**—To be read a second time.
2. **CUSTOMS DUTIES SUSPENSION BILL.**—To be read a second time.
3. **PAYMENT OF MEMBERS BILL.**—To be read a second time.
4. **TOWNS MANAGEMENT BILL.**—To be further considered in Committee.

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





## VICTORIA.

No. 9.

# Minutes of the Proceedings

OF THE

## LEGISLATIVE COUNCIL.

TUESDAY, 21<sup>ST</sup> SEPTEMBER, 1880.

The Council met in accordance with adjournment.

A Commissioner, from His Excellency the Governor, to Administer the Oaths provided for by the 32nd clause of the *Constitution Act*, was introduced by the Usher.

The Commissioner handed his Commission to the Clerk, who read it as follows :—

By His Excellency the Most Honorable GEORGE AUGUSTUS CONSTANTINE, Marquis of Normanby, Earl of Mulgrave, Viscount Normanby, and Baron Mulgrave, of Mulgrave, all in the County of York, in the Peerage of the United Kingdom ; and Baron Mulgrave of New Ross, in the County of Wexford, in the Peerage of Ireland ; a Member of Her Majesty's Most Honorable Privy Council ; Knight Grand Cross of the Most Distinguished Order of Saint Michael and Saint George ; Governor and Commander-in-Chief in and over the Colony of Victoria and its Dependencies, &c., &c., &c.

To His Honor Sir REDMOND BARRY, Knight, Commander of the Most Distinguished Order of Saint Michael and Saint George ; one of the Judges of the Supreme Court of the Colony of Victoria.

## GREETING :

WHEREAS, by the Bill contained in the Schedule to a Statute passed in the Session of the Imperial Parliament holden in the eighteenth and nineteenth years of Her Majesty's reign, intituled "*An Act to enable Her Majesty to assent to a Bill, as amended, of the Legislature of Victoria to establish a Constitution in and for the Colony of Victoria*," it is enacted that no Member, either of the Legislative Council or of the Legislative Assembly, shall be permitted to sit or vote therein respectively until he shall have taken and subscribed before the Governor, or before some person authorized by the Governor in that behalf, the oath in the said Bill mentioned : NOW THEREFORE I, the Governor aforesaid, do by these presents command and authorize you to proceed to the Parliament House, in the City of Melbourne, on Tuesday, the twenty-first day of September instant, at Two of the clock in the afternoon, then and there to administer the said oath to the several Members of the said Legislative Council who have not already taken and subscribed the same since their election to the said Legislative Council.

Given under my hand and the Seal of the Colony at Melbourne, in the said Colony, this twentieth day of September in the year of our Lord One thousand eight hundred and eighty, and in the forty-fourth year of Her Majesty's reign.

(L.S.)

NORMANBY.

By His Excellency's Command,  
GRAHAM BERRY.

Entered on Record by me, in the Register of Patents,  
Book 20, page 333, this twenty-first day of September,  
One thousand eight hundred and eighty.

W. H. ODGERS.

**RETURNED MEMBERS NOT SWORN IN.**—The Clerk announced that the Members whose return had been certified, but who had not been sworn in, were the Honorable Sir Samuel Wilson and the Honorable Sir W. H. F. Mitchell.

**NEW MEMBERS.**—The Honorables Sir Samuel Wilson and Sir William Henry Fancourt Mitchell severally approached the Table and took and subscribed the oath of allegiance, and delivered to the clerk the declaration required by the seventh clause of the Act 32 Victoria, No. 334, as hereunder set forth.

**DECLARATIONS OF MEMBERS.**—The Honorables Sir S. Wilson and Sir W. H. F. Mitchell severally delivered to the clerk the declarations required by the seventh clause of the Act 32 Victoria, No. 334, as hereunder set forth :—

"In compliance with the provisions of the Act 32 Victoria, No. 334, I, SIR SAMUEL WILSON, do declare and testify that I am duly seised at law or in equity of an estate of freehold for my own use and benefit in lands or tenements in the Colony of Victoria of the net annual value of Seven hundred and nine pounds ten shillings sterling money, above all charges and incumbrances affecting the same : And further, that the lands and tenements out of which such qualification arises are situate in the parishes of Ercildoun and Burrumbeet, in the counties or reputed counties of Ripon and Talbot, the description of which lands and tenements are as follow :—

"Two thousand three hundred and sixty-six acres, being portion of Ercildoun estate.

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

## SOUTH RIDING.

No. on rate—198.  
 Surname—Wilson.  
 Christian name—Samuel.  
 Occupation—Sheep-farmer.  
 Name of owner—Sir Samuel Wilson.  
 Description—Land, 2366 acres.  
 Electoral district—Ripon and Hampden.  
 Division of electoral district—Burrumbet.  
 Net annual value—£709 10s.  
 Rate at 1s. in the £—£35 9s. 6d.  
 Date of payment—  
 Amount—£35 9s. 6d.

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

“SAMUEL WILSON.”

“In compliance with the provisions of the Act 32 Victoria, No. 334, I, WILLIAM HENRY FANCOURT MITCHELL, do declare and testify that I am duly seised at law or in equity of an estate of freehold for my own use and benefit in lands or tenements in the colony of Victoria of the full value of Two thousand five hundred pounds sterling money, above all charges and incumbrances affecting the same: And further, that the lands and tenements out of which such qualification arises are situate in the parish of Emberton, in the county or reputed county of Dalhousie, the description of which lands and tenements are as follow:—

“Four thousand seven hundred (4700) acres of the Barfold estate.

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

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

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

“W. H. F. MITCHELL.”

The Commissioner left the Council Chamber.

ELECTION OF PRESIDENT.—The Clerk announced that the time had arrived for proceeding to the election of a President of the Council.

The Honorable Sir C. Sladen moved, That the Honorable Sir William Henry Fancourt Mitchell be President of the Council.

The Honorable R. D. Reid seconded the nomination.

The Honorable Sir W. H. F. Mitchell submitted himself to the judgment of the Council; and on the question being put, being unanimously called to the Chair, was escorted thereto by his proposer and seconder, and made his acknowledgment to the Council.

RECEPTION OF THE PRESIDENT ELECT BY THE GOVERNOR.—The Honorable R. D. Reid announced that he was commanded to declare that His Excellency the Governor would be prepared to receive the President Elect, at half-past three o'clock, at Government House.

At half-past four o'clock the President took the Chair, and read the Prayer.

The President reported that he had, accompanied by many Members of the House, presented himself to the Governor, who had been pleased to approve of the choice made by the Council, and had addressed him in the following terms:—

MR. PRESIDENT—

I have great pleasure in approving, in Her Majesty's name, of the selection made by the Legislative Council in electing you to preside over their deliberations.

Your long experience in that honorable office cannot fail to ensure the efficient performance of its important duties, and I congratulate you, Sir, upon this renewed assurance of the confidence which the Legislative Council place in you.

NORMANBY.

Government House,  
 Melbourne, 21st September, 1880.

PAPER.—The Honorable R. D. Reid laid on the Table the following paper:—

Neglected and Criminal Children's Amendment Act 1874.—Amended Schedule to Regulations of 16th July, 1880.—Order in Council (13th September, 1880).

Ordered to lie on the Table.

LIBRARY (JOINT) COMMITTEE.—The Honorable R. D. Reid, with leave of the Council, moved, without notice, That the Honorable J. Balfour be re-appointed a Member of the Joint Committee of both Houses to manage the Library.

Question—put and passed.

LIBRARY (JOINT) COMMITTEE.—The Honorable R. D. Reid, with leave of the Council, moved, without notice, That the Honorable the President, be re-appointed a member of the Joint Committee of both Houses to manage the Library.

Question—put and passed.

PRINTING COMMITTEE.—The Honorable R. D. Reid, with leave of the Council, moved, without notice, That the Honorable J. Lorimer be re-appointed, and that the Honorable J. MacBain be appointed a member of the Printing Committee.

Question—put and passed.

STANDING ORDERS COMMITTEE.—The Honorable R. D. Reid, with leave of the Council, moved, without notice, That the Honorables the President and Sir S. Wilson be re-appointed Members of the Standing Orders Committee.

Question—put and passed.

PARLIAMENT BUILDINGS (JOINT) COMMITTEE.—The Honorable R. D. Reid, with leave of the Council, moved, without notice, That the Honorable the President be re-appointed a Member of the Joint Committee of both Houses to manage and superintend the Parliament Buildings.

Question—put and passed.

PETITION.—The Honorable Sir C. Sladen presented a Petition, signed by R. R. Benson and others, styling themselves electors of the Western Province, and residents in the neighborhood of Warrnambool, and praying that the Council will take such measures as in their judgment may appear advisable to prevent the making of “provision by the State for reimbursing the Members for any expense incurred by them in attending to their Parliamentary duties.”

Petition received.

PETITION.—The Honorable Sir C. Sladen presented a similar Petition, signed by John Latta and others, styling themselves electors for the Western Province, and residents in the neighborhood of Warrnambool.

Petition received.

BANKERS' BOOKS EVIDENCE BILL.—The Honorable Dr. Dobson, in accordance with notice, moved for leave to introduce a Bill to amend the Law of Evidence with respect to Bankers' Books.

Question—put and passed.

Bill brought in, and, on the motion of the Honorable Dr. Dobson, read a first time, ordered to be printed, and the second reading made an Order of the Day for Tuesday, the 28th instant.

POSTPONEMENT.—The following Order of the Day was postponed until Tuesday, the 5th proximo :—  
“*Bills of Sale Bill.*”—To be read a second time.

CUSTOMS DUTIES SUSPENSION BILL.—The Order of the Day for the second reading of this Bill being read, the Honorable R. D. Reid moved, That the Bill be now read a second time.

Debate ensued.

Question—put and passed.

Bill read a second time.

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

Question—put and passed.

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

The President left the Chair.

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

The Honorable R. D. Reid moved, That the Report be now adopted.

Question—put and passed.

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

The Honorable R. D. Reid moved, That the title of the Bill be “*An Act to provide for the further suspension of certain Duties of Customs.*”

Question—put and passed.

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

PAYMENT OF MEMBERS BILL.—The Order of the Day for the second reading of this Bill being read, the Honorable R. D. Reid moved, That the Bill be now read a second time.

Debate ensued.

The Honorable H. Cuthbert moved, That all the words after the word “That” be omitted, with a view to insert the following words instead thereof :—“the Legislative Council appoint a Committee of six Members to confer with a Committee of the like number of Members of the Legislative Assembly on the Payment of Members Bill.”

Debate ensued.

Amendment by leave withdrawn.

The Honorable H. Cuthbert, with leave of the Council, moved, That the debate be now adjourned.

Debate ensued.

Question—put and passed.

The Honorable J. A. Wallace moved, That the debate be adjourned until Tuesday next.

Question—That the debate be adjourned until Tuesday next—put.

Council divided—

Contents, 13.

The Hon. W. J. Clarke,  
T. J. Sumner,  
J. G. Dougharty,  
R. Simson,  
C. J. Jenner,  
Sir S. Wilson,  
W. E. Hearn,  
P. Russell,  
N. Fitzgerald,  
J. A. Wallace,  
J. Graham,  
W. Campbell,  
H. Cuthbert, (*Teller.*)

Not Contents, 11.

The Hon. Sir C. Sladen,  
J. Lorimer,  
W. Ross,  
J. Balfour,  
J. Buchanan,  
R. D. Reid,  
J. MacBain,  
G. F. Belcher,  
F. Robertson,  
T. F. Hamilton,  
Dr. Dobson, (*Teller.*)

The question was therefore passed.

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

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

Ordered.

The Council adjourned at twenty-five minutes to seven o'clock until half-past four o'clock on Wednesday, the 22nd instant.

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## NOTICE OF MOTION AND ORDERS OF THE DAY.

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WEDNESDAY, 22ND SEPTEMBER, 1880.

*General Business.*

NOTICE OF MOTION:—

1. SIR C. SLADEN: To move for leave to bring in a Bill to alter the Constitution of the Legislative Council.

ORDER OF THE DAY:—

1. TOWNS MANAGEMENT BILL.—To be further considered in Committee.

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TUESDAY, 28TH SEPTEMBER.

ORDERS OF THE DAY:—

1. BANKERS' BOOKS EVIDENCE BILL.—To be read a second time.
2. PAYMENT OF MEMBERS BILL.—Adjourned debate on second reading.

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TUESDAY, 5TH OCTOBER.

ORDER OF THE DAY:—

1. BILLS OF SALE BILL.—To be read a second time.

G. W. RUSDEN,

*Clerk of the Council and Clerk of the Parliaments.*

## VICTORIA.

No. 10.

**Minutes of the Proceedings**

OF THE

**LEGISLATIVE COUNCIL.**

WEDNESDAY, 22ND SEPTEMBER, 1880.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the Prayer.

COMMISSION TO SWEAR IN NEW MEMBERS.—The President announced that, by virtue of the Commission hereunder set forth, he would be prepared to swear in any new Members who might be introduced:—

By His Excellency the Most Honorable GEORGE AUGUSTUS CONSTANTINE, Marquis of Normanby, Earl of Mulgrave, Viscount Normanby, and Baron Mulgrave, of Mulgrave, all in the County of York, in the Peerage of the United Kingdom; and Baron Mulgrave of New Ross, in the County of Wexford, in the Peerage of Ireland; a Member of Her Majesty's Most Honorable Privy Council; Knight Grand Cross of the Most Distinguished Order of Saint Michael and Saint George; Governor and Commander-in-Chief in and over the Colony of Victoria and its Dependencies, &c., &c., &c.

To the Honorable Sir WILLIAM HENRY FANCOUR MITCHELL, Knight, President of the Legislative Council of the Colony of Victoria.

## GREETING:

WHEREAS, by the Bill contained in the Schedule to a Statute passed in the Session of the Imperial Parliament holden in the eighteenth and nineteenth years of Her Majesty's reign, intituled "*An Act to enable Her Majesty to assent to a Bill, as amended, of the Legislature of Victoria to establish a Constitution in and for the Colony of Victoria*," it is enacted that no Member, either of the Legislative Council or of the Legislative Assembly, shall be permitted to sit or vote therein respectively until he shall have taken and subscribed before the Governor, or before some person authorized by the Governor in that behalf, the oath in the said Bill mentioned: NOW THEREFORE I, the Governor aforesaid, do by these presents command and authorize you from time to time, in the Parliament House, in the City of Melbourne, to administer the said oath to such Members of the said Legislative Council as have not already taken and subscribed the same.

Given under my hand and the Seal of the Colony at Melbourne, in the said Colony, this twenty-second day of September in the year of our Lord One thousand eight hundred and eighty, and in the forty-fourth year of Her Majesty's reign.

(L.S.)

NORMANBY.

By His Excellency's Command,  
GRAHAM BERRY.

Entered on Record by me, in the Register of Patents,  
Book 20, page 333, this twenty-second day of Sep-  
tember, One thousand eight hundred and eighty.

W. H. ODGERS.

ELECTIONS AND QUALIFICATIONS COMMITTEE.—The President laid on the Table a Warrant appointing two Members of the Committee of Elections and Qualifications as hereunder set forth:—

## VICTORIA.

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

The Honorable James Lorimer, and  
The Honorable Philip Russell,

to be Members of the Committee of Elections and Qualifications.

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

W. H. F. MITCHELL,  
President.

MESSAGE FROM THE GOVERNOR.—The Honorable R. D. Reid presented to the Council the following Message from His Excellency the Governor:—

NORMANBY,

*Governor.*

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

"*An Act to authorize the construction by the State of a Line of Railway from Lancefield Road to Lancefield*";

"*An Act to provide for the further suspension of certain Duties of Customs.*"

Government Offices,

Melbourne, 22nd September, 1880.



MESSAGE FROM THE LEGISLATIVE ASSEMBLY.—The President announced 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 granting of Permits for the sale of liquors at the Melbourne International Exhibition 1880.*"

Also, a Bill intituled "*An Act to revive and continue various Expired Laws,*" with which they desire the concurrence of the Legislative Council.

Legislative Assembly Chamber,  
Melbourne, 22nd September, 1880.

PETER LALOR,  
Speaker.

INTERNATIONAL EXHIBITION SALE OF LIQUORS PERMIT BILL.—The Honorable R. D. Reid moved, That this Bill be now read a first time.

Question—put and passed.

Bill read a first time, and, on the motion of the Honorable R. D. Reid, ordered to be printed, and the second reading made an Order of the Day for the next day of meeting of the Council.

EXPIRED LAWS CONTINUATION BILL.—The Honorable R. D. Reid moved, That this Bill be now read a first time.

Question—put and passed.

Bill read a first time, and, on the motion of the Honorable R. D. Reid, ordered to be printed, and the second reading made an Order of the Day for the next day of meeting of the Council.

CONSTITUTION OF COUNCIL BILL.—The Honorable Sir C. Sladen, in accordance with notice, moved, That leave be given to bring in a Bill to alter the Constitution of the Legislative Council.

Question—put and passed.

Bill brought in, and, on the motion of the Honorable Sir C. Sladen, read a first time, ordered to be printed, and the second reading made an Order of the Day for Wednesday, the 29th instant.

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

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

The Honorable W. E. Hearn moved, That the adoption of the Report be made an Order of the Day for Tuesday next.

Question—put and passed.

ADJOURNMENT.—The Honorable R. D. Reid moved, That the House, at its rising this day, adjourn until Tuesday next.

Question—put and passed.

MESSAGE FROM THE LEGISLATIVE ASSEMBLY.—The President announced 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 issue of Treasury Bonds,*" with which they desire the concurrence of the Legislative Council.

Legislative Assembly Chamber,  
Melbourne, 22nd September, 1880.

PETER LALOR,  
Speaker.

TREASURY BILLS BILL.—The Honorable R. D. Reid moved, That this Bill be now read a first time.

Question—put and passed.

Bill read a first time, and, on the motion of the Honorable R. D. Reid, ordered to be printed, and the second reading made an Order of the Day for Tuesday, the 28th instant.

The Council adjourned at five minutes past eight o'clock until half-past four o'clock on Tuesday, the 28th instant.

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## NOTICES OF MOTION AND ORDERS OF THE DAY.

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TUESDAY, 28TH SEPTEMBER, 1880.

NOTICES OF MOTION :—

1. The Hon. J. BALFOUR: To move, That there be laid on the Table of this House—

(1.) A copy of the statement or other document prepared and furnished to the late Engineer-in-Chief under his directions, with reference to Bain and Sons' account, which statement gives an analysis of the amount charged by Bain and Sons; and also of the respective tenders of other persons for the performance of the work, the subject matter of Bain and Sons' account.

(2.) The name of the officer who gave the order to Bain and Sons for the article or services in Bain and Sons' account.

(3.) The name of the officer who inspected, passed, and gave a receipt for the articles supplied.

(4.) Also, copies of all memoranda, correspondence, and minutes which passed through the Engineer-in-Chief's office with reference to these accounts, from 1st January 1880 to the present date.

(5.) Also, copies of all memoranda, minutes, or correspondence which passed through the Engineer-in-Chief's office, or the Secretary's, or Accountant's offices with reference to the appointment and proceedings of a board which was appointed in August last by the present Government to inquire into Messrs. Bain and Sons' accounts; also, copies of minutes of the said board, and of the evidence taken by it, and of all memoranda, reports, or minutes made by the Honorable the Minister of Railways or any officer of the Railway Department with reference to the proceedings of the board.

2. The Hon. H. CUTHBERT : To move, That seven Members of this House be appointed to meet and confer with a like number of Members of the Legislative Assembly, to take into consideration the desirability of dividing into two parts "*A Bill to provide for reimbursing Members of the Legislative Council and of the Legislative Assembly their expenses in relation to their attendance in Parliament,*" so that the proposal to reimburse Members of the Legislative Council and Members of the Legislative Assembly may be dealt with by separate Bills.

ORDERS OF THE DAY:—

1. BANKERS' BOOKS EVIDENCE BILL.—To be read a second time.
2. PAYMENT OF MEMBERS BILL.—Adjourned debate on second reading.
3. INTERNATIONAL EXHIBITION SALE OF LIQUORS PERMIT BILL.—To be read a second time.
4. EXPIRED LAWS CONTINUATION BILL.—To be read a second time.
5. TOWNS MANAGEMENT BILL.—Adoption of Report.
6. TREASURY BILLS BILL.—To be read a second time.

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WEDNESDAY, 29TH SEPTEMBER.

*General Business.*

ORDER OF THE DAY:—

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

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TUESDAY, 5TH OCTOBER.

ORDER OF THE DAY:—

1. BILLS OF SALE BILL.—To be read a second time.

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



## VICTORIA.

No. 11.

## Minutes of the Proceedings

OF THE

## LEGISLATIVE COUNCIL.

TUESDAY, 28<sup>TH</sup> SEPTEMBER, 1880.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the Prayer.

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

**WRIT—RETURN OF—EASTERN PROVINCE.**—The President announced to the Council that the Writ issued by him for the election of a Member to serve for the Eastern Province, in room of the Honorable W. Highett, retiring by rotation, had been returned to him, and that the Returning Officer had certified that "William McCulloch, of Glenroy, stock breeder, is duly elected in pursuance of" the Writ.

**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 taking an account of the Population and of the Live Stock in the year One thousand eight hundred and eighty-one,*" with which they desire the concurrence of the Legislative Council.

Legislative Assembly Chamber,  
Melbourne, 28th September, 1880.

PETER LALOR,  
Speaker.

**CENSUS BILL.**—The Honorable R. D. Reid moved, That this Bill be now read a first time.

Question—put and passed.

Bill read a first time, and, on the motion of the Honorable R. D. Reid, ordered to be printed, and the second reading made an Order of the Day for Thursday, the 30th instant.

**PAPER.**—The Honorable R. D. Reid laid upon the Table the following Paper :—

Education Act.—Amended Regulations as to Exhibitions, and terms upon which School Buildings may be used under directions of Boards of Advice for religious instruction (22nd September, 1880).

Ordered to lie on the Table.

**PETITION.**—The Honorable H. Cuthbert presented a Petition, signed by C. E. Stedman and others, styling themselves Electors of the South-Western Province and Ratepayers of Ballarat and Ballarat East, praying that the Payment of Members Bill may not be passed in its present form.  
Petition received.

**PETITION.**—The Honorable P. Russell presented a similar Petition, signed by W. H. Gaunt and others, styling themselves electors of the South-Western Province, and ratepayers of Ballarat and Ballarat East.  
Petition received.

**PETITION.**—The Honorable J. A. Wallace presented a Petition, signed by F. Brown and others, styling themselves residents in and around Beechworth, and praying that the system of paying Members of Parliament may be rejected by the Council.  
Petition received.  
The Petition was read at the table by the Clerk.

**PETITION.**—The Honorable J. A. Wallace presented a similar Petition, signed by R. G. Fuller and others, styling themselves "electors of Seymour and surrounding district."  
Petition received.

**PETITION.**—The Honorable J. A. Wallace presented a Petition, signed by G. H. Cossins and others, styling themselves residents of Bethanga, and praying that the Payment of Members Bill may not be passed.  
Petition received.  
The Petition was read at the table by the Clerk.

**PETITION.**—The Honorable J. A. Wallace presented a similar Petition, signed by James Boyd and others, styling themselves residents of the City of Sandhurst.  
Petition received.  
The Petition was read at the table by the Clerk.

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

“In compliance with the provisions of the Act 32 Victoria, No. 334, I, WILLIAM McCULLOCH, do declare and testify that I am duly seised at law or in equity of an estate of freehold for my own use and benefit in lands or tenements in the Colony of Victoria of the capital value of over Two thousand five hundred pounds sterling money, above all charges and incumbrances affecting the same : And further that the lands and tenements out of which such qualification arises are situate in the parishes of Will Will Rook and Lyndhurst, in the counties or reputed counties of Bourke and Mornington, the description of which lands and tenements are as follow :—

“Freehold land.

“And I further declare that such of the said lands and tenements as are situate in the municipal districts of Broadmeadows and Cranbourne shires are rated in the rate-books of such municipal districts as follows :—At over Two hundred and fifty pounds (£250) per annum.

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

“WILLIAM McCULLOCH.”

**BAIN AND SONS' ACCOUNT.**—The Honorable J. Balfour, in accordance with notice, moved, That there be laid on the Table of this House—

- (1.) A copy of the statement or other document prepared and furnished to the late Engineer-in-Chief under his directions, with reference to Bain and Sons' account, which statement gives an analysis of the amount charged by Bain and Sons ; and also of the respective tenders of other persons for the performance of the work, the subject matter of Bain and Sons' account.
- (2.) The name of the officer who gave the order to Bain and Sons for the article or services in Bain and Sons' account.
- (3.) The name of the officer who inspected, passed, and gave a receipt for the articles supplied.
- (4.) Also, copies of all memoranda, correspondence, and minutes which passed through the Engineer-in-Chief's office with reference to these accounts, from 1st January 1880 to the present date.
- (5.) Also, copies of all memoranda, minutes, or correspondence which passed through the Engineer-in-Chief's office, or the Secretary's, or Accountant's offices with reference to the appointment and proceedings of a board which was appointed in August last by the present Government to inquire into Messrs. Bain and Sons' accounts ; also, copies of minutes of the said board, and of the evidence taken by it, and of all memoranda, reports, or minutes made by the Honorable the Minister of Railways or any officer of the Railway Department with reference to the proceedings of the board.

Question—put and passed.

**PETITION.**—The Honorable J. A. Wallace, with leave of the Council, presented a Petition, signed by D. H. Weir and others, styling themselves residents and electors of the Eastern Province, and praying that the Payment of Members Bill may not be passed.

Petition received.

The Petition was read at the Table by the Clerk.

**COMMITTEE TO CONFER WITH COMMITTEE OF LEGISLATIVE ASSEMBLY—PAYMENT OF MEMBERS.**—The Honorable H. Cuthbert, in accordance with notice, moved, That seven Members of this House be appointed to meet and confer with a like number of Members of the Legislative Assembly, to take into consideration the desirability of dividing into two parts “*A Bill to provide for reimbursing Members of the Legislative Council and of the Legislative Assembly their expenses in relation to their attendance in Parliament,*” so that the proposal to reimburse Members of the Legislative Council and Members of the Legislative Assembly may be dealt with by separate Bills.

Debate ensued.

Question—put.

Council divided.

Contents, 18.

The Hon. H. Cuthbert  
 Sir C. Sladen  
 W. J. Clarke  
 J. Balfour  
 J. Graham  
 J. Lorimer  
 R. Simson  
 J. MacBain  
 W. E. Hearn  
 C. J. Jenner  
 W. Ross  
 W. McCulloch  
 P. Russell  
 J. A. Wallace  
 Dr. Dobson  
 N. Fitzgerald  
 G. F. Belcher  
 Sir S. Wilson (*Teller*).

Not Contents, 5.

The Hon. J. Buchanan  
 W. Campbell  
 R. D. Reid  
 T. F. Hamilton  
 T. Bromell (*Teller*).

The question was therefore passed.

The Honorable H. Cuthbert moved, That the Committee consist of the following Members viz. :—  
 The Honorables Sir C. Sladen, W. E. Hearn, J. Lorimer, J. MacBain, Sir S. Wilson, N. Fitzgerald, and the Mover.

Question—put and passed.

The Honorable H. Cuthbert moved, That a Message be sent to the Legislative Assembly informing them that this Council has appointed a Committee of seven Members to meet and confer with a like number of Members of the Legislative Assembly, to take into consideration the desirability of dividing into two parts "*A Bill to provide for reimbursing Members of the Legislative Council and of the Legislative Assembly their expenses in relation to their attendance in Parliament,*" so that the proposal to reimburse Members of the Legislative Council and Members of the Legislative Assembly may be dealt with in separate Bills; and that the following are the reasons for asking for the conference:—

That, as the opinion of the constituencies appears to be in favor of reimbursing Members of the Assembly, the Council is prepared to concur with the Assembly in providing for the same.

But the Council objects to the principle in the Bill that Members of the Legislative Council, in the performance of their duty, ought to receive some pecuniary gratuity as reimbursement of their expenses.

Further, the Council requests the conference because, being precluded by the provisions of the 56th section of the Constitution Act from altering the Bill, the Council is unable in any other way (except by rejecting or laying the Bill aside) to give effect to its deliberate opinion on the question at issue so directly affecting its own Members.

Debate ensued.

The Honorable H. Cuthbert, with leave of the Council, moved, That the debate be adjourned until to-morrow.

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

POSTPONEMENTS.—The following Orders of the Day were severally postponed until Wednesday, the 29th instant:—

"*Bankers' Books Evidence Bill.*"—To be read a second time.

"*Payment of Members Bill.*"—Adjourned debate on second reading.

INTERNATIONAL EXHIBITION SALE OF LIQUORS PERMIT BILL.—The Order of the Day for the second reading of this Bill being read, the Honorable R. D. Reid moved, That the Bill be now read a second time.

Debate ensued.

Question—put and passed.

Bill read a second time.

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

Question—put and passed.

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

The President left the Chair.

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

The Honorable R. D. Reid moved, That the Report be now adopted.

Question—put and passed.

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

The Honorable R. D. Reid moved, That the title of the Bill be "*An Act to authorize the granting of Permits for the sale of liquors at the Melbourne International Exhibition 1880.*"

Question—put and passed.

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

POSTPONEMENT.—The following Order of the Day was postponed until Wednesday, the 29th instant:—

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

TOWNS MANAGEMENT BILL.—The Order of the Day for the adoption of the Report of the Committee of the whole Council on this Bill being read, the Honorable W. E. Hearn moved, That the Report be now adopted.

Question—put and passed.

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

The Honorable W. E. Hearn moved, That the title of the Bill be "*An Act to consolidate and amend the law relating to the Management of Towns and other populous places and for the suppression of various offences.*"

Question—put and passed.

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

TREASURY BILLS BILL.—The Order of the Day for the second reading of this Bill being read, the Honorable R. D. Reid moved, That the Bill be now read a second time.

Debate ensued.

Question—put and passed.

Bill read a second time.

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

Question—put and passed.

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

The President left the Chair.

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

The Honorable R. D. Reid moved, That the Report be now adopted.

Question—put and passed.

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

The Honorable R. D. Reid moved, That the title of the Bill be "*An Act to authorize the issue of Treasury Bonds.*"

Question—put and passed.

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

The Council adjourned at a quarter past eleven o'clock until half-past four o'clock on Wednesday, the 29th instant.

## ORDERS OF THE DAY.

WEDNESDAY, 29TH SEPTEMBER, 1880.

### *Government Business.*

ORDERS OF THE DAY :—

1. PAYMENT OF MEMBERS BILL.—Adjourned debate on second reading.
2. EXPIRED LAWS CONTINUATION BILL.—To be read a second time.

### *General Business.*

ORDERS OF THE DAY :—

1. CONSTITUTION OF COUNCIL BILL.—To be read a second time.
2. COMMITTEE TO CONFER WITH COMMITTEE OF ASSEMBLY—PAYMENT OF MEMBERS—REASONS.—Adjourned debate.
3. BANKERS' BOOKS EVIDENCE BILL.—To be read a second time.

THURSDAY, 30TH SEPTEMBER.

ORDER OF THE DAY :—

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

TUESDAY, 5TH OCTOBER.

ORDER OF THE DAY :—

1. BILLS OF SALE BILL.—To be read a second time.

G. W. RUSDEN,

*Clerk of the Council and Clerk of the Parliaments.*



VICTORIA.

No. 12.

# Minutes of the Proceedings

OF THE

## LEGISLATIVE COUNCIL.

WEDNESDAY, 29<sup>TH</sup> SEPTEMBER, 1880.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the Prayer.

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

PAPERS.—The Honorable R. D. Reid, by command of His Excellency the Governor, presented to the Council the following papers :—

1. Statistical Register, Victoria, 1879.—Part VI.—Production.
2. Schedule D, 18 & 19 Vict., cap. 55.—Statement of Expenditure under, during the year 1879–80.

Ordered severally to lie on the Table.

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

MR. PRESIDENT—

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

PETER LALOR,  
Speaker.

Legislative Assembly Chamber,  
Melbourne, 29th September, 1880.

CONSOLIDATED REVENUE BILL (2).—The Honorable R. D. Reid moved, That this Bill be now read a first time.

Question—put and passed.

Bill read a first time.

The Honorable R. D. Reid moved, That the Bill be now read a second time.

Question—put and passed.

Bill read a second time.

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

Question—put and passed.

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

The President left the Chair.

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

The Honorable R. D. Reid moved, That the Report be now adopted.

Question—put and passed.

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

The Honorable R. D. Reid moved, That the title of the Bill be "*An Act to apply out of the Consolidated Revenue the sum of Six hundred thousand pounds to the service of the year One thousand eight hundred and eighty and eighty-one.*"

Question—put and passed.

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

POSTPONEMENTS.—The following Orders of the Day were severally postponed until after the disposal of the Order of the Day for the resumption of the debate on the Message to the Legislative Assembly, with reasons for asking for a Conference :—

"*Payment of Members Bill*"—adjourned debate on second reading.

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

POSTPONEMENT.—The following Order of the Day was postponed until Wednesday, the 13th proximo :—

"*Constitution of Council Bill*"—To be read a second time.

COMMITTEE TO CONFER WITH COMMITTEE OF ASSEMBLY—PAYMENT OF MEMBERS—REASONS.—The Order of the Day for the resumption of the adjourned debate on the reasons to be sent to the Legislative Assembly with respect to the Payment of Members Bill being read, the Honorable H. Cuthbert, with leave of the Council, moved, That the following *amended* Message be sent to the Legislative Assembly informing them that this Council has appointed a Committee of seven Members

to meet and confer with a like number of Members of the Legislative Assembly, to take into consideration the desirability of dividing into two parts " *A Bill to provide for reimbursing Members of the Legislative Council and of the Legislative Assembly their expenses in relation to their attendance in Parliament,*" so that the proposal to reimburse Members of the Legislative Council and Members of the Legislative Assembly may be dealt with in separate Bills; and that the following are the reasons for asking for the conference :—

1. That the Council objects to the provision in the Bill that Members of the Legislative Council, in the performance of their duty, ought to receive some pecuniary gratuity as reimbursement of their expenses.

2. That, being precluded by the provisions of the 56th section of the Constitution Act from altering the Bill, the Council is unable in any other way (except by rejecting or laying the Bill aside) to give effect to its deliberate opinion on the question at issue so directly affecting its own Members.

3. That as the constituencies have returned a large majority of Members to the Legislative Assembly who are in favor of reimbursement of their expenses for attendance in Parliament the Council is prepared to concur with the Assembly in providing for the same.

Debate ensued.

Question—put and passed.

The Honorable H. Cuthbert moved, That the Committee have power to meet on days on which the Legislative Council does not sit.

Question—put and passed.

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

" *Payment of Members Bill.*"—Adjourned debate on second reading.

EXPIRED LAWS CONTINUATION BILL.—The Order of the Day for the second reading of this Bill being read, the Honorable R. D. Reid moved, That the Bill be now read a second time.

Debate ensued.

Question—put and passed.

Bill read a second time.

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

Question—put and passed.

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

The President left the Chair.

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

The Honorable R. D. Reid moved, That the Report be now adopted.

Question—put and passed.

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

The Honorable R. D. Reid moved, That the title of the Bill be "*An Act to revive and continue various Expired Laws.*"

Question—put and passed.

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

The Council adjourned at half-past six o'clock until half-past four o'clock on Thursday, the 30th instant.

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## ORDERS OF THE DAY.

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THURSDAY, 30TH SEPTEMBER, 1880.

ORDERS OF THE DAY :—

1. CENSUS BILL.—To be read a second time.
2. PAYMENT OF MEMBERS BILL.—Adjourned debate on second reading.
3. BANKERS' BOOKS EVIDENCE BILL.—To be read a second time.

TUESDAY, 5TH OCTOBER.

ORDER OF THE DAY :—

1. BILLS OF SALE BILL.—To be read a second time.

WEDNESDAY, 13TH OCTOBER.

*General Business.*

ORDER OF THE DAY :—

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

G. W. RUSDEN,

*Clerk of the Council and Clerk of the Parliaments.*

## VICTORIA.

No. 13.

# Minutes of the Proceedings

OF THE

## LEGISLATIVE COUNCIL.

THURSDAY, 30TH SEPTEMBER, 1880.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the Prayer.

MESSAGE FROM THE GOVERNOR.—The Honorable R. D. Reid presented to the Council the following Message from His Excellency the Governor :—

NORMANBY,  
Governor.

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

“An Act to authorize the granting of Permits for the Sale of Liquors at the Melbourne International Exhibition, 1880.”

“An Act to authorize the issue of Treasury Bonds.”

“An Act to apply out of the Consolidated Revenue the sum of Six hundred thousand pounds to the service of the year One thousand eight hundred and eighty and eighty-one.”

Government House,  
Melbourne, 30th September, 1880.

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, in response to the invitation of the Legislative Council, the Legislative Assembly have appointed a Committee consisting of eight Members to confer with the Committee of the Legislative Council upon the subject indicated in the Message from the Legislative Council with regard to the Bill for re-imbursing Members of the Legislative Council and of the Legislative Assembly their expenses in relation to their attendance in Parliament.

The Legislative Assembly further acquaint the Legislative Council that the Legislative Assembly have given power to the Committee of the Legislative Assembly to meet on days the Legislative Assembly does not sit.

Legislative Assembly Chamber,  
Melbourne, 30th September, 1880.

PETER LALOR,  
Speaker.

COMMITTEE TO CONFER WITH COMMITTEE OF LEGISLATIVE ASSEMBLY—PAYMENT OF MEMBERS.—The Honorable H. Cuthbert moved, That the Council agrees to increase the number of the Committee appointed to meet and confer with a like number of Members of the Legislative Assembly on the desirability of dividing a Bill to provide for reimbursement of Members of the Legislative Council and of the Legislative Assembly their expenses in relation to their attendance in Parliament from seven to eight.

Question—put and passed.

The Honorable H. Cuthbert moved, That the Honorable R. D. Reid be appointed a member of the Committee to confer with the Committee of the Legislative Assembly.

Question—put and passed.

Ordered—That a Message be sent to the Legislative Assembly to acquaint them that the Council have appointed an additional member of the Committee appointed to confer with the Committee of the Legislative Assembly.

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 revive and continue various Expired Laws,” and acquaint the Legislative Council that the Legislative Assembly have agreed to the several amendments made in such Bill by the Legislative Council.

Legislative Assembly Chamber,  
Melbourne, 30th September, 1880.

PETER LALOR,  
Speaker.

MR. PRESIDENT—

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

Legislative Assembly Chamber,  
Melbourne, 30th September, 1880.

PETER LALOR,  
Speaker.

DOWER BILL.—The Honorable R. D. Reid moved, That this Bill be now read a first time.

Question—put and passed.

Bill read a first time, and, on the motion of the Honorable R. D. Reid, ordered to be printed, and the second reading made an Order of the Day for the next day of meeting of the Council.

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

"*Census Bill*."—To be read a second time.

"*Payment of Members Bill*."—Adjourned debate on second reading.

BANKERS' BOOKS EVIDENCE BILL.—The Order of the Day for the second reading of this Bill being read, the Honorable Dr. Dobson moved, That the Bill be now read a second time.

Question—put and passed.

Bill read a second time.

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

Question—put and passed.

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

The President left the Chair.

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

The Honorable Dr. Dobson moved, That the adoption of the Report be made an Order of the Day for the next day of meeting of the Council.

POSTPONEMENTS.—The following Orders of the Day were severally postponed until the next day of meeting of the Council :—

"*Census Bill*."—To be read a second time.

"*Payment of Members Bill*."—Adjourned debate on second reading.

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 empowered the Committee of the Legislative Assembly to meet in the first instance, at once, in the Library.

Legislative Assembly Chamber,  
30th September, 1880.

PETER LALOR,  
Speaker.

The Honorable H. Cuthbert moved, That the Committee of the Council be empowered to meet, at once, in the Library.

Question—put and passed.

Ordered—That a Message be sent to the Legislative Assembly to acquaint them that the Council have empowered the Committee to meet, at once, in the Library.

COMMITTEE TO CONFER WITH COMMITTEE OF LEGISLATIVE ASSEMBLY—PAYMENT OF MEMBERS—REPORT.—The Honorable H. Cuthbert reported—from the Committee appointed to confer with a Committee of the Legislative Assembly on the proposal of the Council that the subject of reimbursing Members of the Legislative Council and Members of the Legislative Assembly should be "*dealt with in separate Bills*"—That it had been agreed in the conference that the wishes of the Council as expressed in their Message should be carried into effect.

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 reimbursing Members of the Legislative Council their expenses in relation to their attendance in Parliament*," with which they desire the concurrence of the Legislative Council.

Legislative Assembly Chambers,  
Melbourne, 30th September, 1880.

PETER LALOR,  
Speaker.

PAYMENT OF MEMBERS (COUNCIL) BILL.—The Honorable R. D. Reid moved, That this Bill be now read a first time.

Question—put and passed.

Bill read a first time.

The Honorable R. D. Reid moved, That the Bill be now read a second time.

Amendment, moved by the Honorable W. E. Hearn, That the word "*now*" be omitted, with a view to add the words "*this day six months*" after the word "*time*."

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

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

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

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 reimbursing Members of the Legislative Assembly their expenses in relation to their attendance in Parliament,*” with which they desire the concurrence of the Legislative Council.

PETER LALOR,  
Speaker.

Legislative Assembly Chambers,  
Melbourne, 30th September, 1880.

PAYMENT OF MEMBERS (ASSEMBLY) BILL.—The Honorable R. D. Reid moved, That this Bill be now read a first time.

Question—put and passed.

Bill read a first time.

The Honorable R. D. Reid moved, That the Bill be now read a second time.

Question—put and passed.

Bill read a second time.

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

Question—put and passed.

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

The President left the Chair.

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

The Honorable R. D. Reid moved, That the Report be now adopted.

Question—put and passed.

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

The Honorable R. D. Reid moved, That the title of the Bill be “*An Act to provide for reimbursing Members of the Legislative Assembly their expenses in relation to their attendance in Parliament.*”

Question—put and passed.

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

ADJOURNMENT.—The Honorable R. D. Reid, with leave of the Council, moved, without notice, That the House, at its rising this day, adjourn until Tuesday, the 19th October.

Question—put and passed.

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

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## ORDERS OF THE DAY.

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TUESDAY, 19TH OCTOBER, 1880.

ORDERS OF THE DAY :—

1. DOWER BILL.—To be read a second time.
2. BANKERS' BOOKS EVIDENCE BILL.—Adoption of Report.
3. CENSUS BILL.—To be read a second time.
4. PAYMENT OF MEMBERS BILL.—Adjourned debate on second reading.
5. BILLS OF SALE BILL.—To be read a second time.
6. CONSTITUTION OF COUNCIL BILL.—To be read a second time.

G. W. RUSDEN,

*Clerk of the Council and Clerk of the Parliaments.*



## VICTORIA.

No. 14.

**Minutes of the Proceedings**

OF THE

**LEGISLATIVE COUNCIL.**TUESDAY, 19<sup>TH</sup> OCTOBER, 1880.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the Prayer.

MESSAGE FROM THE GOVERNOR.—The Honorable R. D. Reid presented to the Council the following Message from His Excellency the Governor :—

NORMANBY,  
*Governor.*

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

*“ An Act to revive and continue various Expired Laws.”*

*“ An Act to provide for reimbursing Members of the Legislative Assembly their expenses in relation to their attendance in Parliament.”*

Government House,  
Melbourne, 5th October, 1880.

PAPER.—The Honorable R. D. Reid, by command of His Excellency the Governor, presented to the Council the following Paper:—

Australasian Statistics, 1879.

Ordered to lie on the Table.

RATEPAYERS.—The Honorable R. D. Reid laid upon the Table a Return to an Order of the Council made on the 1st June, 1880.

Ordered to lie on the Table.

DOWER BILL.—The Order of the Day for the second reading of this Bill being read, the Honorable R. D. Reid moved, That the Bill be now read a second time.

Question—put and passed.

Bill read a second time.

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

Question—put and passed.

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

The President left the Chair.

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

The Honorable R. D. Reid moved, That the adoption of the Report be made an Order of the Day for the next day of meeting of the Council.

Question—put and passed.

BANKERS' BOOKS EVIDENCE BILL.—The Order of the Day for the adoption of the Report of the Committee of the whole Council on this Bill being read, the Honorable Dr. Dobson moved, That the Report be now adopted.

Question—put and passed.

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

The Honorable R. D. Reid moved, That the title of the Bill be *“ An Act to amend the law of Evidence with respect to Bankers' Books.”*

Question—put and passed.

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

CENSUS BILL.—The Order of the Day for the second reading of this Bill being read, the Honorable R. D.

Reid moved, That the Bill be now read a second time.

Debate ensued.

Question—put and passed.

Bill read a second time.

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

Question—put and passed.

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

The President left the Chair.

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

The Honorable R. D. Reid moved, That the adoption of the Report be made an Order of the Day for the next day of meeting of the Council.

Question—put and passed.

PAYMENT OF MEMBERS BILL.—The Order of the Day for the resumption of the adjourned debate on the second reading of this Bill being called on, the Honorable R. D. Reid moved, That the Order of the Day be discharged.

Question—That the Order of the Day be discharged—put and passed.

POSTPONEMENTS.—The following Orders of the Day were severally postponed until the next day of meeting of the Council :—

“*Bills of Sale Bill.*”—To be read a second time.

“*Constitution of Council Bill.*”—To be read a second time.

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

Question—put and passed.

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

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## ORDERS OF THE DAY.

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TUESDAY, 26TH OCTOBER, 1880.

ORDERS OF THE DAY :—

1. DOWER BILL.—Adoption of Report.
2. CENSUS BILL.—Adoption of Report.
3. BILLS OF SALE BILL.—To be read a second time.
4. CONSTITUTION OF COUNCIL BILL.—To be read a second time.

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## MEETING OF SELECT COMMITTEE.

*Tuesday, 26th October.*

PRINTING—at a quarter past four o'clock.

G. W. RUSDEN,

*Clerk of the Council and Clerk of the Parliaments.*



## VICTORIA.

No. 15.

*Minutes of the Proceedings*

OF THE

## LEGISLATIVE COUNCIL.

TUESDAY, 26<sup>TH</sup> OCTOBER, 1880.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the Prayer.

PRINTING COMMITTEE.—The Honorable F. Robertson brought up the First Report of the Printing Committee, and moved, That it be adopted and printed.  
Question—put and passed.

LETTERS FROM OFFICE OF CHIEF SECRETARY—RETRENCHMENT.—The President laid upon the Table certain letters received from the office of the Honorable the Chief Secretary on the subject of retrenchment.

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 more effectually preventing the evils arising from betting on Racecourses;*"

Also a Bill intituled "*An Act to further amend 'The Passengers, Harbors, and Navigation Statute 1865;'*"

Also a Bill intituled "*An Act to provide for the establishment of Penny Savings Banks in State Schools;*"

And a Bill intituled "*An Act to amend an Act intituled 'An Act to amend 'The Railway Construction Act 1877' so far as it relates to the construction of the Daylesford Railway;'*"

with which several Bills they desire the concurrence of the Legislative Council.

PETER LALOR,  
Speaker.

Legislative Assembly Chamber,  
Melbourne, 26th October, 1880.

BETTING PREVENTION BILL.—The Honorable Dr. Dobson moved, That this Bill be now read a first time.  
Question—put and passed.

Bill read a first time, ordered to be printed, and the second reading made an Order of the Day for Wednesday, the 3rd proximo.

PASSENGERS, HARBORS, AND NAVIGATION LAWS AMENDMENT BILL.—The Honorable R. D. Reid moved, That this Bill be now read a first time.

Question—put and passed.

Bill read a first time, and, on the motion of the Honorable R. D. Reid, ordered to be printed, and the second reading made an Order of the Day for the next day of meeting of the Council.

PENNY SAVINGS BANKS BILL.—The Honorable R. D. Reid moved, That this Bill be now read a first time.

Question—put and passed.

Bill read a first time, and, on the motion of the Honorable R. D. Reid, ordered to be printed, and the second reading made an Order of the Day for Wednesday, the 3rd proximo.

DAYLESFORD RAILWAY ACT AMENDMENT BILL.—The Honorable R. D. Reid moved, That this Bill be now read a first time.

Question—put and passed.

Bill read a first time, and, on the motion of the Honorable R. D. Reid, ordered to be printed, and the second reading made an Order of the Day for Wednesday, the 3rd proximo.

PAPERS.—The Honorable R. D. Reid, by command of His Excellency the Governor, presented to the Council the following Papers :—

1. Constitution of Supreme Court.—Report of Royal Commission (28th September, 1880).
2. Land Act 1869.—Regulations.—Revocation of licenses and issue of new licenses.—Order in Council (28th September, 1880).

Ordered severally to lie on the Table.

PAPERS.—The Honorable R. D. Reid laid on the Table the following Papers :—

1. Yan Yean Water Supply.—Cash Statement and Balance-sheet to 30th June, 1880.
2. Melbourne Harbor Trust.—Audited accounts to 30th June, 1880.
3. Melbourne International Exhibition.—Second Report of Commissioners, with statement of Income and Expenditure for period ending 30th June, 1880.
4. Trentham—Revocation of permission to mine on certain land at.—Order in Council (11th October, 1880).

Ordered severally to lie on the Table.

PRINTING COMMITTEE—APPOINTMENT OF MEMBERS.—The Honorable R. D. Reid, with leave of the Council, moved, without notice, That the Honorables C. J. Jenner and J. Graham be Members of the Printing Committee.

Question—put and passed.

PETITION.—The Honorable J. Lorimer presented a Petition, signed by C. E. Good and others, styling themselves ministers of religion and church officers, and praying the Council to reject the Betting Prevention Bill.

Petition received.

The Petition was read at the Table by the Clerk.

DOWER BILL.—The Order of the Day for the adoption of the Report of the Committee of the whole Council on this Bill being read, the Honorable R. D. Reid moved, That the Report be now adopted. Debate ensued.

Amendment, moved by the Honorable W. E. Hearn, That the Bill be now re-committed.

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

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

The President left the Chair.

The Chairman of Committees reported progress, and asked leave to sit again on Wednesday, the 3rd proximo.

Ordered.

CENSUS BILL.—The Order of the Day for the adoption of the Report of the Committee of the whole Council on this Bill being read, the Honorable R. D. Reid moved, That the Report be now adopted.

Question—put and passed.

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

The Honorable R. D. Reid moved, That the title of the Bill be "*An Act for taking an account of the Population and of the Live Stock in the year One thousand eight hundred and eighty-one.*"

Question—put and passed.

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

BILLS OF SALE BILL.—The Order of the Day for the second reading of this Bill being called on, the Honorable H. Cuthbert moved, That the Order of the Day be discharged.

Question—put and passed.

CONSTITUTION OF COUNCIL BILL.—The Order of the Day for the second reading of this Bill being read, the Honorable Sir C. Sladen moved, That the Bill be now read a second time.

Debate ensued.

The Honorable W. E. Hearn moved, That the debate be now adjourned until the next day of meeting of the Council.

Question—That the debate be now adjourned until the next day of meeting of the Council—put and passed.

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

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## NOTICES OF MOTION AND ORDERS OF THE DAY.

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WEDNESDAY, 27TH OCTOBER, 1880.

1. The Hon. Sir C. SLADEN: To ask the Honorable Member conducting the Government business to explain the meaning and intent of a new Land Regulation under an Order in Council of 28th September, 1880, substituted by such Order for Section 12 of Chapter VI. of the Land Regulations of 1st April, 1879.

### *Government Business.*

ORDER OF THE DAY :—

1. PASSENGERS, HARBORS, AND NAVIGATION LAWS AMENDMENT BILL.—To be read a second time.

### *General Business.*

NOTICES OF MOTION :—

1. The Hon. W. E. HEARN: To move for leave to bring in a Bill intituled "*A Bill to declare, consolidate and amend the law relating to the duties of the people.*"

2. The Hon. Sir C. SLADEN : To move, That a Select Committee, to consist of five Members, be appointed to inquire into and report upon Parliamentary usage in matters relating to the position and emoluments of officers of the House, and that the letters just laid upon the Table by the Honorable the President be referred to such Committee.

*Contingent upon the passing of the above motion—*

1. That the Honorables W. Campbell, H. Cuthbert, W. E. Hearn, Jas. Lorimer, and the Mover be members of such Committee, with power to call for persons and papers, and to sit when the House is not sitting.

ORDER OF THE DAY:—

1. CONSTITUTION OF COUNCIL BILL—Adjourned debate on second reading.

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WEDNESDAY, 3RD NOVEMBER.

*Government Business.*

ORDERS OF THE DAY:—

1. PENNY SAVINGS BANKS BILL.—To be read a second time.
2. DAYLESFORD RAILWAY ACT AMENDMENT BILL.—To be read a second time.
3. DOWER BILL.—To be further considered in Committee.

*General Business.*

ORDER OF THE DAY:—

1. BETTING PREVENTION BILL.—To be read a second time.

G. W. RUSDEN,

*Clerk of the Council and Clerk of the Parliaments.*



## VICTORIA.

No. 16.

## Minutes of the Proceedings

OF THE

## LEGISLATIVE COUNCIL.

WEDNESDAY, 27<sup>TH</sup> OCTOBER, 1880.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the Prayer.

POSTPONEMENT.—The following Order of the Day was postponed until Wednesday, the 3<sup>rd</sup> proximo :—

“*Passengers, Harbors, and Navigation Laws Amendment Bill.*”—To be read a second time.

DUTIES OF PEOPLE BILL.—The Honorable W. E. Hearn, in accordance with notice, moved for leave to bring in a Bill to declare, consolidate, and amend the law relating to the duties of the people.

Question—put and passed.

Bill brought in, and, on the motion of the Honorable W. E. Hearn, read a first time, ordered to be printed, and the second reading made an Order of the Day for Tuesday, the 9<sup>th</sup> proximo.

LETTERS FROM OFFICE OF CHIEF SECRETARY—RETRENCHMENT.—The Honorable Sir C. Sladen, in accordance with *amended* notice, moved, That a Select Committee, to consist of seven Members, be appointed to inquire into and report upon Parliamentary usage in matters relating to the position and emoluments of officers of the House, and that the letters laid upon the Table by the Honorable the President be referred to such Committee.

Question—put and passed.

The Honorable Sir C. Sladen, in accordance with *contingent amended* notice, moved, That the Honorables W. Campbell, H. Cuthbert, W. E. Hearn, J. Lorimer, R. D. Reid, R. Simson, and the Mover be members of such Committee, with power to call for persons and papers, and to sit when the House is not sitting.

Question—put and passed.

CONSTITUTION OF COUNCIL BILL.—The Order of the Day for the resumption of the debate upon the second reading of this Bill being read, the debate was resumed.

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

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

It appeared that there were sixteen Members voting for the second reading of the Bill, and one voting against it.

The question was therefore passed.

Bill read a second time.

The Honorable Sir C. Sladen moved, That the Bill be now considered in Committee of the whole Council.

Question—put and passed.

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

The President left the Chair.

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

The Honorable Sir C. Sladen moved, That the adoption of the report of the Committee be made an Order of the Day for Wednesday next.

Question—put and passed.

The Council adjourned at ten minutes to nine o'clock until half-past four o'clock on Thursday, the 28<sup>th</sup> instant.

## ORDERS OF THE DAY.

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WEDNESDAY, 3RD NOVEMBER, 1880.

*Government Business.*

ORDERS OF THE DAY :—

1. PENNY SAVINGS BANKS BILL.—To be read a second time.
2. DAYLESFORD RAILWAY ACT AMENDMENT BILL.—To be read a second time.
3. DOWER BILL.—To be further considered in Committee.
4. PASSENGERS, HARBORS, AND NAVIGATION LAWS AMENDMENT BILL.—To be read a second time.

*General Business.*

ORDERS OF THE DAY :—

1. BETTING PREVENTION BILL.—To be read a second time.
  2. CONSTITUTION OF COUNCIL BILL—Adoption of Report.
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TUESDAY, 9TH NOVEMBER.

ORDER OF THE DAY :—

1. DUTIES OF PEOPLE BILL.—To be read a second time.

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

VICTORIA.

No. 17.

# Minutes of the Proceedings

OF THE

## LEGISLATIVE COUNCIL.

THURSDAY, 28<sup>TH</sup> OCTOBER, 1880.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the Prayer.

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

MR. PRESIDENT—

The Legislative Assembly transmit to the Legislative Council a Bill intituled "*An Act for imposing a Duty on Victorian manufactured Tobacco, and for regulating the Manufacture of Tobacco in Bond,*" with which they desire the concurrence of the Legislative Council.

Legislative Assembly Chamber,  
Melbourne, 28th October, 1880.

PETER LALOR,  
Speaker.

EXCISE DUTY ON TOBACCO BILL.—The Honorable R. D. Reid moved, That this Bill be now read a first time.

Question—put and passed.

Bill read a first time.

The Honorable R. D. Reid moved, That the Bill be now read a second time.

Debate ensued.

Question—put and passed.

Bill read a second time.

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

Question—put and passed.

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

The President left the Chair.

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

The Honorable R. D. Reid moved, That the Report be now adopted.

Question—put and passed.

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

The Honorable R. D. Reid moved, That the title of the Bill be "*An Act for imposing a Duty on Victorian manufactured Tobacco, and for regulating the Manufacture of Tobacco in Bond.*"

Question—put and passed.

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

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

MR. PRESIDENT—

The Legislative Assembly return to the Legislative Council the Bill intituled "*An Act for taking an account of the Population and of the Live Stock in the year One thousand eight hundred and eighty-one,*" and acquaint the Legislative Council that the Legislative Assembly have agreed to the amendments made in such Bill by the Legislative Council.

Legislative Assembly Chamber,  
Melbourne, 28th October, 1880.

PETER LALOR,  
Speaker.

PAPERS.—The Honorable R. D. Reid, by command of His Excellency the Governor, presented to the Council the following Papers :—

1. Education.—Report of Minister of Public Instruction for 1879–80.
2. Railways, Victorian.—Report of Board of Land and Works for year ending 31st December, 1879.

Ordered severally to lie on the Table.

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

Question—put and passed.

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

MR. PRESIDENT—

The Legislative Assembly transmit to the Legislative Council a Bill intituled "*An Act to impose a Duty upon Beer,*" with which they desire the concurrence of the Legislative Council.

PETER LALOR,  
Speaker.

Legislative Assembly Chamber,  
Melbourne, 28th October, 1880.

EXCISE DUTY ON BEER BILL.—The Honorable R. D. Reid moved, That this Bill be now read a first time.

Question—put and passed.

Bill read a first time.

The Honorable R. D. Reid moved, That the Bill be now read a second time.

Debate ensued.

Question—put and passed.

Bill read a second time.

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

Question—put and passed.

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

The President left the Chair.

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

The Honorable R. D. Reid moved, That the Report be now adopted.

Question—put and passed.

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

The Honorable R. D. Reid moved, That the title of the Bill be "*An Act to impose a Duty upon Beer.*"

Question—put and passed.

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

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

MR. PRESIDENT—

The Legislative Assembly transmit to the Legislative Council a Bill intituled "*An Act to apply out of the Consolidated Revenue the sum of Five hundred and forty-two thousand pounds to the service of the year One thousand eight hundred and eighty and eighty-one,*" with which they desire the concurrence of the Legislative Council.

PETER LALOR,  
Speaker.

Legislative Assembly Chamber,  
Melbourne, 28th October, 1880.

CONSOLIDATED REVENUE BILL (3).—The Honorable R. D. Reid moved, That this Bill be now read a first time.

Question—put and passed.

Bill read a first time.

The Honorable R. D. Reid moved, That the Bill be now read a second time.

Question—put and passed.

Bill read a second time.

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

Question—put and passed.

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

The President left the Chair.

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

The Honorable R. D. Reid moved, That the Report be now adopted.

Question—put and passed.

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

The Honorable R. D. Reid moved, That the title of the Bill be "*An Act to apply out of the Consolidated Revenue the sum of Five hundred and forty-two thousand pounds to the service of the year One thousand eight hundred and eighty and eighty-one.*"

Question—put and passed.

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

The Council adjourned at ten minutes past eight o'clock until half-past four o'clock on Wednesday, the 3rd proximo.



## NOTICE OF MOTION AND ORDERS OF THE DAY.

WEDNESDAY, 3RD NOVEMBER, 1880.

### *Government Business.*

#### ORDERS OF THE DAY :—

1. PENNY SAVINGS BANKS BILL.—To be read a second time.
2. DAYLESFORD RAILWAY ACT AMENDMENT BILL.—To be read a second time.
3. DOWER BILL.—To be further considered in Committee.
4. PASSENGERS, HARBORS, AND NAVIGATION LAWS AMENDMENT BILL.—To be read a second time.

### *General Business.*

#### NOTICE OF MOTION :—

1. The Hon. W. E. HEARN : To move, That a Return be laid on the Table of this House showing, with their respective names and dates since the commencement of "*The Civil Service Act 1862*" :—
  - (1.) The appointments in the classified Civil Service in respect of which the Audit Commissioners have made objections ; the grounds of those objections ; the answers, if any, thereto ; and the manner in which each case was finally settled.
  - (2.) The appointments made in pursuance of section 23 of "*The Civil Service Act*" without examination or probation ; the reasons assigned for each such appointment ; and the length of time thereafter wherein they were respectively notified in the *Government Gazette*.
  - (3.) The appointments made under section 17 of "*The Civil Service Act*" to the fourth class in the first instance, and the special character of the duties required for the office to which such appointments were respectively made.
  - (4.) The cases (if any) in which any officer obtained any increase of salary in any manner other than that provided by "*The Civil Service Act*."
  - (5.) The cases (if any) in which any officer sustained, except by way of punishment, any reduction of salary in any manner other than that provided by the Act.
  - (6.) The increase (if any) in the total number of officers in the Civil Service, and the title of the Act under which every such increase was authorized.
  - (7.) The cases (if any) in which offices have been legally abolished and subsequently revived, and the title of the Act under which any such revival was authorized.
  - (8.) The cases (if any) in which officers have been promoted from a lower to a higher class, although no vacancy had occurred in such higher class.

#### ORDERS OF THE DAY :—

1. BETTING PREVENTION BILL.—To be read a second time.
2. CONSTITUTION OF COUNCIL BILL—Adoption of Report.

TUESDAY, 9TH NOVEMBER.

#### ORDER OF THE DAY :—

1. DUTIES OF PEOPLE BILL.—To be read a second time.

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



## VICTORIA.

No. 18.

## Minutes of the Proceedings

OF THE

## LEGISLATIVE COUNCIL.

WEDNESDAY, 3RD NOVEMBER, 1880.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the Prayer.

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

NORMANBY,

*Governor.*

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

“ *An Act for taking an account of the Population and of the Live Stock in the year One thousand eight hundred and eighty-one.*”

“ *An Act for imposing a Duty on Victorian Manufactured Tobacco, and for regulating the Manufacture of Tobacco in Bond.*”

“ *An Act to impose a Duty upon Beer.*”

“ *An Act to apply out of the Consolidated Revenue the sum of Five hundred and forty-two thousand pounds to the service of the year One thousand eight hundred and eighty and eighty-one.*”

Government House,

Melbourne, 29th October, 1880.

PAPER.—The Honorable R. D. Reid, by command of His Excellency the Governor, presented to the Council the following Paper :—

Parliament Buildings—Third Report of Royal Commission upon (21st September, 1880).

Ordered to lie on the Table.

PAPERS.—The Honorable R. D. Reid laid on the Table the following Papers :—

1. Victorian Water Supply.—Statement of Works, &c., in respect of which moneys have been applied during year ending 30th June, 1880, out of Loan Acts 332 and 531.

2. Patents Statute 1865—Additional Rule under (25th October, 1880).

Ordered severally to lie on the Table.

PENNY SAVINGS BANKS BILL.—The Order of the Day for the second reading of this Bill being read, the Honorable R. D. Reid moved, That the Bill be now read a second time.

Debate ensued.

The Honorable R. D. Reid, with leave of the Council, withdrew the Bill.

DAYLESFORD RAILWAY ACT AMENDMENT BILL.—The Order of the Day for the second reading of this Bill being read, the Honorable R. D. Reid moved, That the Bill be now read a second time.

Debate ensued.

Question—put and passed.

Bill read a second time.

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

Question—put and passed.

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

The President left the Chair.

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

The Honorable R. D. Reid moved, That the Report be now adopted.

Question—put and passed.

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

The Honorable R. D. Reid moved, That the title of the Bill be “ *An Act to amend an Act intituled “An Act to amend the Railway Construction Act 1877, so far as it relates to the construction of the Daylesford Railway.*”

Question—put and passed.

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

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

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

Ordered.

**PASSENGERS, HARBORS, AND NAVIGATION LAWS AMENDMENT BILL.**—The Order of the Day for the second reading of this Bill being read, the Honorable R. D. Reid moved, That the Bill be now read a second time.

Debate ensued.

Question—put and passed.

Bill read a second time.

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

Question—put and passed.

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

The President left the Chair.

The Chairman of Committees reported progress, and asked leave to sit again on Wednesday, the 10th instant.

Ordered.

**CIVIL SERVICE ACT—APPOINTMENTS, ETC., UNDER.**—The Honorable W. E. Hearn, in accordance with *amended* notice, moved, That a Return be laid on the Table of this House showing, with their respective names and dates since the commencement of "*The Civil Service Act*":—

- (1.) The appointments in the classified Civil Service in respect of which the Audit Commissioners have made objections; the grounds of those objections; the answers, if any, thereto; and the manner in which each case was finally settled.
- (2.) The appointments made in pursuance of section 23 of "*The Civil Service Act*" without examination or probation; the reasons assigned for each such appointment; and the length of time thereafter wherein they were respectively notified in the *Government Gazette*.
- (3.) The appointments, except to clerkships of Courts, made under section 17 of "*The Civil Service Act*" to the fourth class in the first instance, and the special character of the duties required for the office to which such appointments were respectively made.
- (4.) The cases (if any) in which any officer obtained any increase of salary in any manner other than that provided by "*The Civil Service Act*."
- (5.) The cases (if any) in which any officer sustained, except by way of punishment, any reduction of salary in any manner other than that provided by the Act.
- (6.) The increase (if any) in the total number of officers in the Civil Service, and the title of the Act under which every such increase was authorized.
- (7.) The cases (if any) in which offices have been legally abolished and subsequently revived, and the title of the Act under which any such revival was authorized.
- (8.) The cases (if any) in which officers have been promoted from a lower to a higher class, although no vacancy had occurred in such higher class.

Debate ensued.

Question—put and passed.

**POSTPONEMENT.**—The following Order of the Day was postponed until Wednesday, the 10th instant :—  
"*Betting Prevention Bill*"—To be read a second time.

**CONSTITUTION OF COUNCIL BILL.**—The Order of the Day for the adoption of the Report of the Committee of the whole Council being read, the Honorable Sir C. Sladen moved, That the Report be now adopted.

Question—put and passed.

The Honorable Sir C. Sladen moved, That the third reading of the Bill be made an Order of the Day for this day week.

Question—put and passed.

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

Question—put and passed.

The Council adjourned at six o'clock until half-past four o'clock on Wednesday, the 10th instant.

## NOTICE OF MOTION AND ORDERS OF THE DAY.

WEDNESDAY, 10TH NOVEMBER, 1880.

1. The Hon. G. F. BELCHER : To draw the attention of the Honorable Member representing the Government to the late accident at Leigh Road, through the bursting of a steam boiler; and ask if any steps will be taken to prevent (as far as possible) a recurrence of such mishaps by a system of registration and inspection.

### *Government Business.*

ORDERS OF THE DAY :—

1. **DOWER BILL.**—To be further considered in Committee.
2. **PASSENGERS, HARBORS, AND NAVIGATION LAWS AMENDMENT BILL.**—To be further considered in Committee.

*General Business.*

## NOTICE OF MOTION :—

1. The Hon. Sir C. SLADEN : To move, That a Return be prepared, showing—

The number of freehold male ratepayers, rated on a yearly value, under £10, on £10 under £15, on £15 under £20, on £20 under £30, on £30 under £40, on £40 under £50, on £50 under £150, on £150 and upwards.

The number of male ratepayers, other than freehold, rated on yearly value, under £10, on £10 under £15, on £15 under £20, on £20 under £30, on £30 under £40, on £40 under £50, on £50 and upwards.

The number of male lessees under Part II of *The Land Act* 1869, and under *Land Act* 1878, classified as above.

The number of such lessees in each class whose rents are in arrear, the time during which such arrear has been going on, and the gross amount of such arrears in each class.

## ORDERS OF THE DAY :—

1. BETTING PREVENTION BILL.—To be read a second time.
2. CONSTITUTION OF COUNCIL BILL.—To be read a third time.
3. DUTIES OF PEOPLE BILL.—To be read a second time.

## MEETING OF SELECT COMMITTEE.

*Wednesday, 10th November.*

PARLIAMENTARY USAGE—POSITION AND EMOLUMENTS OF OFFICERS OF HOUSE—at half-past three.

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



VICTORIA.

No. 19.

# Minutes of the Proceedings

OF THE

## LEGISLATIVE COUNCIL.

WEDNESDAY, 10TH NOVEMBER, 1880.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the Prayer.

PAPER.—The Honorable R. D. Reid, by command of His Excellency the Governor, presented to the Council the following Paper:—

Aborigines.—Sixteenth Report of Board for Protection of (1st July 1880).

Ordered to lie on the Table.

PAPER.—The Honorable R. D. Reid laid upon the Table the following Paper:—

Savings Banks.—Statements and Returns for year ending 30th June, 1880.

Ordered to lie on the Table.

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

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

Ordered.

PASSENGERS, HARBORS, AND NAVIGATION LAWS AMENDMENT BILL.—The Order of the Day for the further consideration of this Bill in Committee of the whole Council being read, the President left the Chair.

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

Ordered.

POSTPONEMENTS.—The Honorable Sir C. Sladen, with leave of the Council, moved, without notice, That the intervening business on the paper be postponed until after the disposal of the second Order of the Day of General Business.

Question—put and passed.

CONSTITUTION OF COUNCIL BILL.—The Order of the Day for the third reading of this Bill being read, and the President having reported that the Chairman of Committees had certified that the fair print of the Bill was in accordance with the Bill as reported, The Honorable Sir C. Sladen moved, That the Bill be now read a third time.

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

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

It appeared that there were twenty-two Members voting for the third reading of the Bill, and none voting against it.

The question was therefore passed.

Bill read a third time.

The Honorable Sir C. Sladen moved, That the Bill do now pass.

Question—put and passed.

The Honorable Sir C. Sladen moved, That the title of the Bill be "*An Act to alter the Constitution of the Legislative Council.*"

Question—put and passed.

The Honorable Sir C. Sladen moved, That the Bill be sent to the Legislative Assembly with a Message desiring their concurrence with the Bill.

Question—put and passed.

RATEPAYERS AND LESSEES UNDER LAND ACTS.—The Honorable Sir C. Sladen, in accordance with notice, moved, That a Return be prepared, showing—

The number of freehold male ratepayers, rated on a yearly value, under £10, on £10 under £15, on £15 under £20, on £20 under £30, on £30 under £40, on £40 under £50, on £50 under £150, on £150 and upwards.

The number of male ratepayers, other than freehold, rated on yearly value, under £10, on £10 under £15, on £15 under £20, on £20 under £30, on £30 under £40, on £40 under £50, on £50 and upwards.

The number of male lessees under Part II of *The Land Act 1869*, and under *Land Act 1878*, classified as above.

The number of such lessees in each class whose rents are in arrear, the time during which such arrear has been going on, and the gross amount of such arrears in each class.

Question—put and passed.

**BETTING PREVENTION BILL.**—The Order of the Day for the second reading of this Bill being read, the Honorable Dr. Dobson moved, That the Bill be now read a second time.  
Debate ensued.

Amendment moved by the Honorable J. Lorimer, That all the words after the word “be” be omitted, with a view to insert the words “referred to a Select Committee of seven Members.”  
Debate ensued.

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

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

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

The Honorable J. Lorimer moved, That the Honorables H. Cuthbert, J. Buchanan, R. Simson, W. McCulloch, J. G. Dougharty, Dr. Dobson, and the Mover, be the members of the Committee; and that the Committee have power to call for persons and papers, and to sit on days when the House does not sit.

Question—put and passed.

**POSTPONEMENT.**—The following Order of the Day was postponed until Tuesday, the 16th instant :—  
“*Duties of People Bill*”—To be read a second time.

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

Question—put and passed.

The Council adjourned at twenty minutes to seven o'clock until half-past four o'clock on Tuesday, the 16th instant.

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## ORDERS OF THE DAY.

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TUESDAY, 16TH NOVEMBER, 1880.

ORDERS OF THE DAY :—

1. **DOWER BILL.**—To be further considered in Committee.
2. **PASSENGERS, HARBORS, AND NAVIGATION LAWS AMENDMENT BILL.**—To be further considered in Committee.
3. **DUTIES OF PEOPLE BILL.**—To be read a second time.

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## MEETINGS OF SELECT COMMITTEES.

*Tuesday, 16th November.*

**BETTING PREVENTION BILL**—at two o'clock.

**PARLIAMENTARY USAGE—POSITION AND EMOLUMENTS OF OFFICERS OF HOUSE**—at half-past three.

G. W. RUSDEN,

*Clerk of the Council and Clerk of the Parliaments.*



## VICTORIA.

No. 20.

## Minutes of the Proceedings

OF THE

## LEGISLATIVE COUNCIL.

TUESDAY, 16TH NOVEMBER, 1880.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the Prayer.

MESSAGE FROM THE GOVERNOR.—The Honorable R. D. Reid presented to the Council the following Message from His Excellency the Governor:—

NORMANBY,

*Governor.*

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 an Act intituled ‘An Act to amend the Railway Construction Act 1877,’  
“so far as it relates to the construction of the Daylesford Railway.”*

Government Offices,

Melbourne, 15th November, 1880.

PAPERS.—The Honorable R. D. Reid laid on the Table the following Papers:—

1. Beer Duty Act, 1880.—Regulations (29th October, 1880).

2. Beer Duty Act, 1880.—Amended Regulations (10th November, 1880).

Ordered severally to lie on the Table.

BAIN AND SONS' ACCOUNT.—The Honorable R. D. Reid laid on the Table a Return to the Order of the Council, made on the 28th September, 1880.

PETITION.—The Honorable R. Simson presented a Petition signed by John Brookes Hill, and others, styling themselves miners, and residents of the Raglan division of the Ararat Mining District, and praying that Mining Boards may not be abolished.

Petition received.

The Petition was read at the Table by the Clerk.

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

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

Ordered.

PASSENGERS, HARBORS, AND NAVIGATION LAWS AMENDMENT BILL.—The Order of the Day for the further consideration of this Bill in Committee of the whole Council being read, the President left the Chair.

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

Ordered.

DUTIES OF PEOPLE BILL.—The Order of the Day for the second reading of this Bill being read, the Honorable W. E. Hearn moved, That the Bill be now read a second time.

Debate ensued.

Question—put and passed.

Bill read a second time.

The Honorable W. E. Hearn moved, That the Bill be now considered in Committee of the whole Council.

Question—put and passed.

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

The President left the Chair.

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

The Honorable W. E. Hearn moved, That the adoption of the Report of the Committee be made an Order of the Day for the next day of meeting of the Council.

Question—put and passed.

ADJOURNMENT.—The Honorable R. D. Reid moved, That the House, at its rising this day, adjourn until Wednesday, the 24th instant.

Question—put and passed.

SELECT COMMITTEES, SITTINGS OF.—The Honorable R. D. Reid moved, That the Select Committees of the House have power to sit during the adjournment.

Question—put and passed.

The Council adjourned at ten minutes to six o'clock until half-past four o'clock on Wednesday, the 24th instant.

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## ORDERS OF THE DAY.

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WEDNESDAY, 24TH NOVEMBER, 1880.

*Government Business.*

ORDERS OF THE DAY :—

1. DOWER BILL.—To be further considered in Committee.
2. PASSENGERS, HARBORS, AND NAVIGATION LAWS AMENDMENT BILL.—To be further considered in Committee.

*General Business.*

ORDER OF THE DAY :—

1. DUTIES OF PEOPLE BILL.—Adoption of Report.

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## MEETINGS OF SELECT COMMITTEES.

*Wednesday, 17th November.*

BETTING PREVENTION BILL—at two o'clock.

PRINTING—at four o'clock.

*Wednesday, 24th November.*

PARLIAMENTARY USAGE—POSITION AND EMOLUMENTS OF OFFICERS OF HOUSE—at half-past three.

G. W. RUSDEN,

*Clerk of the Council and Clerk of the Parliaments.*

VICTORIA.

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No. 21.

# Minutes of the Proceedings

OF THE

## LEGISLATIVE COUNCIL.

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WEDNESDAY, 24<sup>TH</sup> NOVEMBER, 1880.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the Prayer.

ADJOURNMENT.—The Honorable R. D. Reid, with leave of the Council, moved, without notice, That the House, at its rising this day, adjourn until Tuesday next, as a mark of respect to the memory of the late Sir Redmond Barry, one of the Judges of the Supreme Court.  
Question—put and passed.

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

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### ORDERS OF THE DAY.

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TUESDAY, 30<sup>TH</sup> NOVEMBER, 1880.

ORDERS OF THE DAY :—

1. DOWER BILL.—To be further considered in Committee.
  2. PASSENGERS, HARBORS, AND NAVIGATION LAWS AMENDMENT BILL.—To be further considered in Committee.
  3. DUTIES OF PEOPLE BILL.—Adoption of Report.
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### MEETINGS OF SELECT COMMITTEES.

*Tuesday, 30th November.*

BETTING PREVENTION BILL—at two o'clock.

PARLIAMENTARY USAGE—POSITION AND EMOLUMENTS OF OFFICERS OF HOUSE—at half-past three.

PRINTING—at a quarter past four o'clock.

G. W. RUSDEN,

*Clerk of the Council and Clerk of the Parliaments.*



## VICTORIA.

No. 22.

## Minutes of the Proceedings

OF THE

## LEGISLATIVE COUNCIL.

TUESDAY, 30TH NOVEMBER, 1880.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the Prayer.

**PRINTING COMMITTEE—SECOND REPORT.**—The Honorable F. Robertson brought up the Second Report of the Printing Committee, and moved, That the Report be adopted and printed.  
Question—put and passed.

**PAPERS.**—The Honorable R. D. Reid, by command of His Excellency the Governor, presented to the Council the following Papers :—

1. Pilot Board—Accounts of, for year ending 31st August, 1880.
2. Statistical Register, Victoria—1879.—  
Part VIII.—Accumulation.
3. Friendly Societies—Statistics of, for year 1879.
4. Mining Surveyors and Registrars—Reports of, for quarter ending 30th September, 1880.

Ordered severally to lie on the Table.

**PAPER.**—The Honorable R. D. Reid laid on the Table the following Paper :—  
Regulæ Generales.—Rule of Supreme Court (12th November, 1880).  
Ordered to lie on the Table.

**PETITION.**—The Honorable G. F. Belcher presented a Petition from the Mayor and Corporation of the town of Geelong, and under the corporate seal thereof, on the subject of the Railway Construction Bill.

Petition received.

The Petition was read at the Table by the Clerk.

**PETITIONS.**—The Honorable W. Campbell presented, severally, similar Petitions from the President and Corporation of the shire of Tullaroop, and from the Mayor and Corporation of the borough of Maryborough, and under the corporate seals thereof.

Petitions received.

**PETITIONS.**—The Honorable A. Fraser presented Petitions severally from the Mayor and Corporation of the Borough of St. Arnaud, and from the President and Corporation of the shire of St. Arnaud, and under the corporate seals thereof, and praying that evidence may be taken at the bar of the House on the subject of the Railway Construction Bill.

Petitions received.

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

**MR. PRESIDENT—**

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

Legislative Assembly Chamber,  
Melbourne, 30th November, 1880.

PETER LALOR,  
Speaker.

**MR. PRESIDENT—**

The Legislative Assembly transmit to the Legislative Council a Bill intituled "*An Act to provide for the application to Victoria of 'The Army Discipline and Regulation Act 1879' of 'the Imperial Parliament of Great Britain and Ireland,'*" with which they desire the concurrence of the Legislative Council.

Legislative Assembly Chamber,  
Melbourne, 23rd November, 1880.

PETER LALOR,  
Speaker.

**RAILWAYS CONSTRUCTION BILL.**—The Honorable R. D. Reid moved, That this Bill be now read a first time.

Question—put and passed.

Bill read a first time, and, on the motion of the Honorable R. D. Reid, ordered to be printed, and the second reading made an Order of the Day for Wednesday the 1st proximo.

**ARMY DISCIPLINE BILL.**—The Honorable R. D. Reid moved, That this Bill be now read a first time.

Question—put and passed.

Bill read a first time, and, on the motion of the Honorable R. D. Reid, ordered to be printed, and the second reading made an Order of the Day for the next day of meeting of the Council.

**ADJOURNMENT.**—The Honorable R. D. Reid moved, That the House do now adjourn, as a mark of respect to the memory of the late Mr. Highett, recently a member of the Council.

Question—put and passed.

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

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## NOTICE OF MOTION AND ORDERS OF THE DAY.

WEDNESDAY, 1ST DECEMBER, 1880.

### *Government Business.*

#### ORDERS OF THE DAY:—

1. RAILWAYS CONSTRUCTION BILL.—To be read a second time.
2. ARMY DISCIPLINE BILL.—To be read a second time.
3. DOWER BILL.—To be further considered in Committee.
4. PASSENGERS, HARBORS, AND NAVIGATION LAWS AMENDMENT BILL.—To be further considered in Committee.

### *General Business.*

#### NOTICE OF MOTION:—

1. SIR CHARLES SLADEN: To move, That, upon the committal of the Railways Construction Bill, the Committee be authorized to examine witnesses and call for papers concerning the lines, Branzholme to Casterton, and Elmore to Kerang.

#### ORDER OF THE DAY:—

1. DUTIES OF PEOPLE BILL.—Adoption of Report.

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## MEETINGS OF SELECT COMMITTEES.

### *Wednesday, 1st December.*

PARLIAMENTARY USAGE—POSITION AND EMOLUMENTS OF OFFICERS OF HOUSE—at half-past three o'clock.

BETTING PREVENTION BILL—at four o'clock.

G. W. RUSDEN,

*Clerk of the Council and Clerk of the Parliaments.*

## VICTORIA.

No. 23.

# Minutes of the Proceedings

OF THE

## LEGISLATIVE COUNCIL.

WEDNESDAY, 1ST DECEMBER, 1880.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the Prayer.

**PETITION.**—The Honorable H. Cuthbert presented a Petition from the Mayor and Corporation of the city and town of Ballarat and Ballarat East, and under the corporate seal thereof, praying that evidence may be taken at the bar of the House on the subject of the Railways Construction Bill.  
Petition received.

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

**MR. PRESIDENT—**

The Legislative Assembly transmit to the Legislative Council a Bill intituled “*An Act to amend an Act intituled ‘An Act to incorporate the proprietors of a certain Banking Company called the Bank of New South Wales, and for other purposes therein mentioned, as amended by ‘the Bank of New South Wales Act 1871,’*” with which they desire the concurrence of the Legislative Council.

PETER LALOR,  
Speaker.

Legislative Assembly Chamber,  
Melbourne, 1st December, 1880.

**MR. PRESIDENT—**

The Legislative Assembly transmit to the Legislative Council a Bill intituled “*An Act to provide for the Suppression of Rabbits,*” with which they desire the concurrence of the Legislative Council.

PETER LALOR,  
Speaker.

Legislative Assembly Chamber,  
Melbourne, 30th November, 1880.

**BANK OF NEW SOUTH WALES ACT AMENDMENT BILL.**—The Honorable J. Lorimer moved, That a Message be sent to the Legislative Assembly to request them to be pleased to communicate to the Council copies of the Report and Proceedings of the Select Committee of the Legislative Assembly, to which the Bill intituled “*An Act to amend an Act intituled ‘An Act to incorporate the proprietors of a certain Banking Company called the Bank of New South Wales, and for other purposes therein mentioned, as amended by The Bank of New South Wales Act 1871,’*” was referred during the present session of Parliament.

Question—put and passed.

**RABBITS SUPPRESSION BILL.**—The Honorable R. D. Reid moved, That this Bill be now read a first time.

Question—put and passed.

Bill read a first time, and, on the motion of the Honorable R. D. Reid, ordered to be printed, and the second reading made an Order of the Day for the next day of meeting of the Council.

**PETITION.**—The Honorable W. McCulloch presented a Petition, signed by T. C. Kemp and others, praying that a line of Railway from Shepparton to Yarrawonga may be authorized.

Petition received.

**PETITION.**—The Honorable W. McCulloch presented a similar Petition, signed by P. B. Richards and others, styling themselves residents and ratepayers in the shire of Yarrawonga.

Petition received.

The Petition was read at the Table by the Clerk.

**PETITION.**—The Honorable J. Lorimer presented a Petition from the Mayor and Corporation of the Town of Richmond, and under the corporate seal thereof, praying that evidence may be taken in regard to the proposed construction of an Alphington line of Railway.

Petition received.

The Honorable J. Lorimer moved, That the Petition be referred to the Committee of the whole Council to which the Railways Construction Bill may be referred.

Question—put and passed.

**BETTING PREVENTION BILL—REPORT OF SELECT COMMITTEE.**—The Honorable Dr. Dobson brought up a Report from the Select Committee to which the Bill “for more effectually preventing the evils arising from betting on Racecourses” was referred, and moved, That the Report, with the Proceedings of the Committee and the Evidence, be printed.  
Question—put and passed.

**RAILWAYS CONSTRUCTION BILL.**—The Order of the Day for the second reading of this Bill being read, the Honorable R. D. Reid moved, That the Bill be now read a second time.

Debate ensued.

Question—put and passed.

Bill read a second time.

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

Question—put and passed.

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

The President left the Chair.

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

Ordered.

**ARMY DISCIPLINE BILL.**—The Order of the Day for the second reading of this Bill being read, the Honorable R. D. Reid moved, That the Bill be now read a second time.

Debate ensued.

The Honorable H. Cuthbert moved, That the debate be adjourned until Tuesday next.

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

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

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

The Honorable R. D. Reid moved, That the Report be now adopted.

Question—put and passed.

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

The Honorable R. D. Reid moved, That the title of the Bill be “*An Act to amend the Law relating to Dower.*”

Question—put and passed.

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

**PASSENGERS, HARBORS, AND NAVIGATION LAWS AMENDMENT BILL.**—The Order of the Day for the further consideration of this Bill in Committee of the whole Council being read, the President left the Chair.

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

The Honorable R. D. Reid moved, That the Report be now adopted.

Question—put and passed.

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

The Honorable R. D. Reid moved, That the title of the Bill be “*An Act to further amend the Passengers, Harbors, and Navigation Statute 1865.*”

Question—put and passed.

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

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

Question—put and passed.

**RAILWAYS CONSTRUCTION BILL.—TAKING OF EVIDENCE.**—The Honorable R. Simson, in the absence and on behalf of Sir Charles Sladen, moved, in accordance with *amended* notice, That upon the committal of the Railways Construction Bill, the Committee be authorized to examine witnesses and call for papers concerning the lines—Branxholme to Casterton, Elmore to Kerang, Inglewood to Charlton, and Richmond to Alphynton.

Debate ensued.

Question—put and passed.

**DUTIES OF PEOPLE BILL.**—The Order of the Day for the adoption of the Report of the Committee of the whole Council on this Bill being read, the Honorable R. Simson moved, That the Report be now adopted.

Question—put and passed.

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

The Honorable R. Simson moved, That the title of the Bill be “*An Act to declare, consolidate, and amend the law concerning the Duties of the People.*”

Question—put and passed.

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

The Council adjourned at a quarter-past six o'clock until half-past four o'clock on Tuesday, the 7th instant.



## NOTICES OF MOTION AND ORDERS OF THE DAY.

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TUESDAY, 7TH DECEMBER, 1880.

NOTICES OF MOTION:—

1. The Hon. J. LORIMER : To move, That the Bank of New South Wales Act Amendment Bill be now read a first time.
2. The Hon. Dr. DOBSON : To move the adoption of the Report of the Select Committee on the Betting Prevention Bill.

ORDERS OF THE DAY:—

1. RABBITS SUPPRESSION BILL.—To be read a second time.
  2. RAILWAYS CONSTRUCTION BILL.—To be further considered in Committee.
  3. ARMY DISCIPLINE BILL.—Adjourned debate on second reading.
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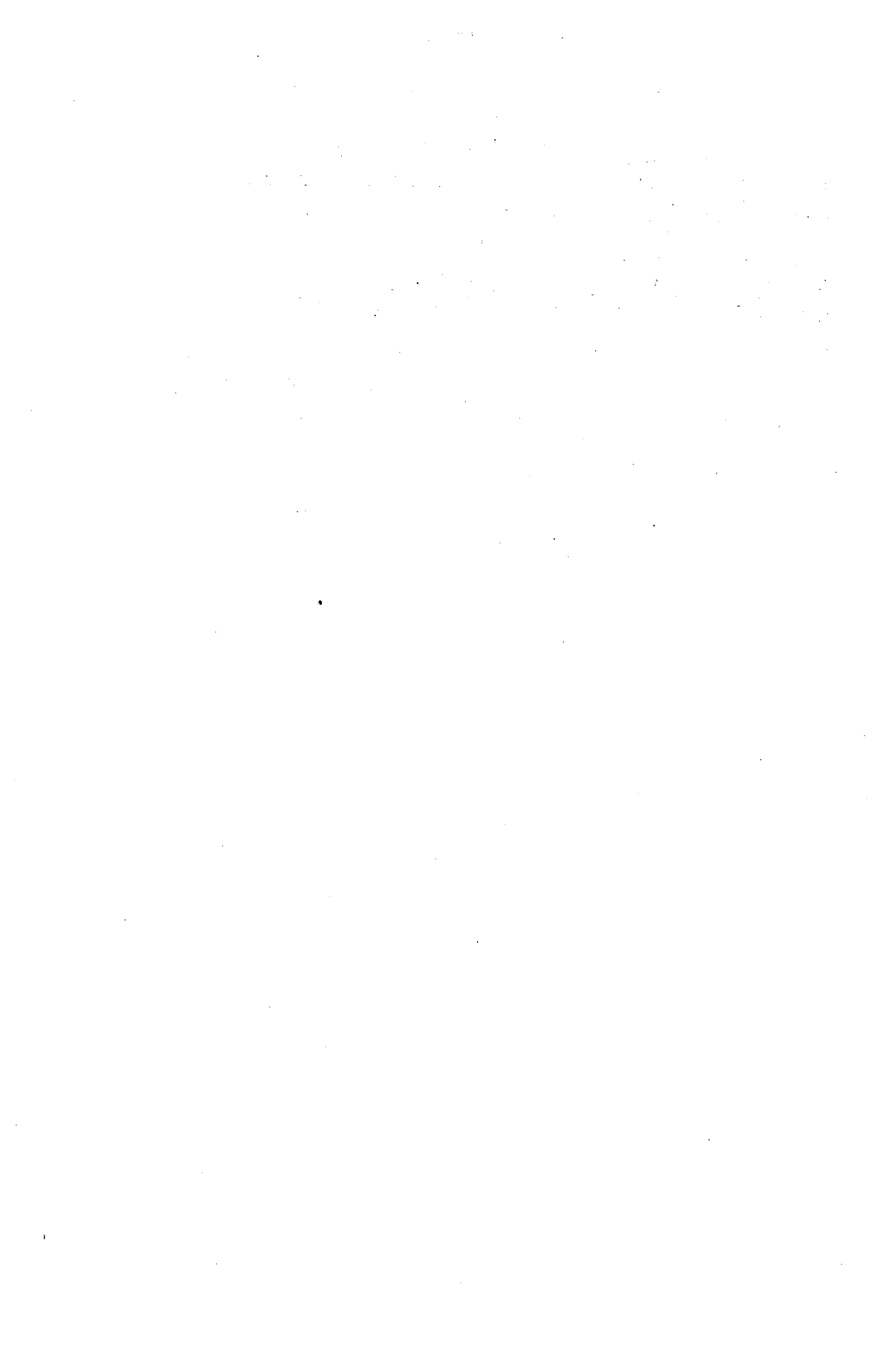
## MEETING OF SELECT COMMITTEE.

*Tuesday, 7th December.*

PARLIAMENTARY USAGE—POSITION AND EMOLUMENTS OF OFFICERS OF HOUSE—At three o'clock.

G. W. RUSDEN,

*Clerk of the Council and Clerk of the Parliaments.*



# Minutes of the Proceedings

OF THE

## LEGISLATIVE COUNCIL.

TUESDAY, 7<sup>TH</sup> DECEMBER, 1880.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the Prayer.

PAPERS.—The Honorable R. D. Reid, by command of His Excellency the Governor, presented to the Council the following Papers:—

1. Intercolonial Conference, Melbourne, December, 1880.—Minutes of Proceedings.
2. Statistical Register, Victoria, 1879—  
Part VII.—Interchange.

Ordered severally to lie on the Table.

PETITION.—The Honorable W. Campbell presented a Petition from the Mayor and Corporation of the Borough of Inglewood, and under the corporate seal thereof, praying that the Railway Construction Bill may be passed in its present shape.

Petition received.

The Petition was read at the Table by the Clerk.

PETITION.—The Honorable N. Fitzgerald presented a similar Petition from the President and Corporation of the Shire of Korong, and under the corporate seal thereof.

Petition received.

PETITION.—The Honorable N. Fitzgerald presented a Petition, signed by H. Trumble and others, styling themselves residents between Eaglehawk and Kerang, and praying that the railway line from Eaglehawk may be sanctioned, and not the line "making Elmore the starting point of the Kerang Railway."

Petition received.

PETITION.—The Honorable W. Ross presented a Petition, signed by Henry McCombe and others, styling themselves inhabitants and ratepayers of Casterton and other districts, and praying that the railway from Branxholme to Casterton may be sanctioned as provided in the Railway Construction Bill.

Petition received.

The Petition was read at the Table by the Clerk.

PETITION.—The Honorable J. G. Dougharty presented a Petition, signed by J. C. Caffyn and others, styling themselves residents and ratepayers in the Shire of Yarrawonga, praying that a line to the Murray River at Yarrawonga may be sanctioned.

Petition received.

The Petition was read at the Table by the Clerk.

PETITION.—The Honorable J. Balfour presented a Petition, signed by F. E. Beaver and others, praying that a certain deviation may be sanctioned with regard to the Alphington line of Railway.

Petition received.

PETITION.—The Honorable F. Robertson presented a Petition, signed by R. Steel, styling himself chairman of a meeting, and praying that the line from Inglewood to Charlton, *via* Wedderburn, may be sanctioned as provided in the Railways Construction Bill.

Petition received.

PETITION.—The Honorable P. Russell presented a Petition, signed by T. F. Jordan and others, praying that the proposed line from Ballarat to Scarsdale may not be sanctioned.

Petition received.

The Petition was read at the Table by the Clerk.

PETITION.—The Honorable F. Robertson presented a Petition, signed by J. Mouat and another, praying that the Railways Construction Bill may be passed.

Petition received.

PETITION.—The Honorable G. F. Belcher presented a Petition from the President and Corporation of the Shire of South Barwon, and under the corporate seal thereof, praying that a line "from St. Arnaud "to Charlton by way of Cope Cope may be carried out."

Petition received.

PETITION.—The Honorable F. Robertson presented a Petition, signed by J. Mouat and another, praying that a line from Eaglehawk to Kerang may be sanctioned.

Petition received.

PETITION.—The Honorable A. Fraser presented a Petition, signed by E. J. Watkin, styling himself Secretary of the Melbourne District Meeting of the Wesleyan Methodist Church, and praying that “the Bill for legalizing the Totalisator may not be passed.”

Petition received.

The Petition was read at the Table by the Clerk.

PETITION.—The Honorable C. J. Jenner presented a Petition from the Mayor and Corporation of the Borough of Geelong West, and under the corporate seal thereof, and praying that a line from St. Arnaud to East Charlton by way of Cope Cope may be sanctioned.

Petition received.

PETITION.—The Honorable N. Fitzgerald presented a Petition, signed by P. Hayes and others, styling themselves Mayor and Councillors of the Borough of Sandhurst, and praying that the line from Inglewood to Charlton *via* Wedderburn may be sanctioned.

Petition received.

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

MR. PRESIDENT—

The Legislative Assembly transmit to the Legislative Council copies of the Reports and Proceedings from the Select Committee appointed on the Bill intituled “*An Act to amend an Act intituled ‘An Act to incorporate the proprietors of a certain Banking Company called the Bank ‘of New South Wales, and for other purposes therein mentioned, as amended by the Bank of New South Wales Act 1871,’*” in accordance with the request of the Legislative Council.

PETER LALOR,  
Speaker.

Legislative Assembly Chamber,  
Melbourne, 1st December, 1880.

MR. PRESIDENT—

The Legislative Assembly return to the Legislative Council the Bill intituled “*An Act to amend the Law relating to Dower,*” and acquaint the Legislative Council that they have agreed to the amendment made by the Legislative Council therein.

PETER LALOR,  
Speaker.

Legislative Assembly Chamber,  
Melbourne, 7th December, 1880.

BANK OF NEW SOUTH WALES ACT AMENDMENT BILL.—The Honorable J. Lorimer produced a certificate, showing that the sum of Twenty pounds had been paid into the hands of the Colonial Treasurer, for the public uses of the colony, by the promoters of this Bill, and moved, in accordance with notice, That the Bank of New South Wales Act Amendment Bill be now read a first time.

Question—put and passed.

Bill read a first time.

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

Question—put and passed.

POSTPONEMENT.—The following Order of the Day was postponed until the next day of meeting of the Council :—

“*Rabbits Suppression Bill*”—To be read a second time.

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

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

Ordered.

ADJOURNMENT.—The Honorable R. D. Reid, with leave of the Council, moved, without notice, That the House, at its rising this day, adjourn until three o'clock to-morrow.

Debate ensued.

Question—put and passed.

The Council adjourned at half-past ten o'clock until three o'clock on Wednesday, the 8th instant.

## NOTICES OF MOTION AND ORDERS OF THE DAY.

WEDNESDAY, 8TH DECEMBER, 1880.

1. The Hon. P. RUSSELL : To ask the Member who represents the Government if, after the decision of the Land Tax Commissioners, any landed proprietor has applied for a remission of the land tax ; and whether such remission has been granted by the Government.

*Government Business.*

ORDERS OF THE DAY:—

1. RAILWAYS CONSTRUCTION BILL.—To be further considered in Committee.
2. ARMY DISCIPLINE BILL.—Adjourned debate on second reading.
3. RABBITS SUPPRESSION BILL.—To be read a second time.

*General Business.*

## NOTICES OF MOTION:—

1. The Hon. W. McCULLOCH: To move, That the Committee be authorized to examine witnesses and call for papers concerning the lines from Benalla to Lake Rowan, and Shepparton to Numurkah.
2. The Hon. W. CAMPBELL: To move, That there be laid on the Table of this House a plan or plans showing the proposed lines of railway from Bridgewater, Eaglehawk, Elmore, and Huntly respectively to Kerang, with the distances and gradients of each line.
3. The Hon. J. LORIMER: To move, That a Message be sent to the Legislative Assembly to ask that leave be granted to the Honorable J. Woods to give evidence at the Bar of this Honorable House concerning the line from Richmond to Alphington.

## ORDER OF THE DAY:—

1. BANK OF NEW SOUTH WALES ACT AMENDMENT BILL.—To be read a second time.

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TUESDAY, 14TH DECEMBER.

## NOTICE OF MOTION:—

1. The Hon. Dr. DOBSON: To move the adoption of the Report of the Select Committee on the Betting Prevention Bill.

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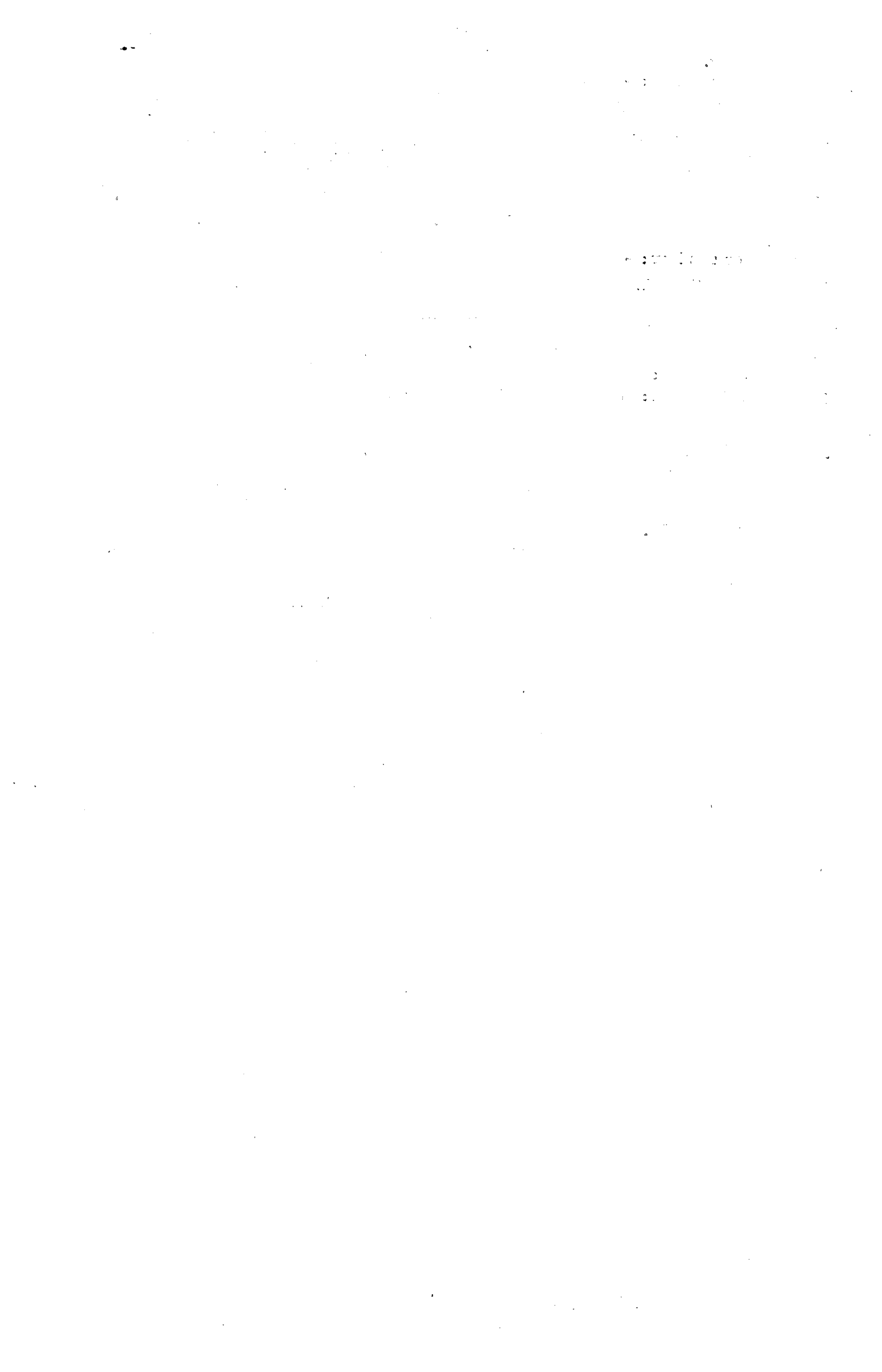
## MEETING OF SELECT COMMITTEE.

*Wednesday, 8th December.*

PARLIAMENTARY USAGE—POSITION AND EMOLUMENTS OF OFFICERS OF HOUSE—at half-past three.

G. W. RUSDEN,

*Clerk of the Council and Clerk of the Parliaments.*



## VICTORIA.

No. 25.

# Minutes of the Proceedings

OF THE

## LEGISLATIVE COUNCIL.

WEDNESDAY, 8TH DECEMBER, 1880.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the Prayer.

PETITION.—The Honorable T. Bromell presented a Petition, signed by H. T. Clarton, praying to be heard at the bar of the House, on the subject of the Bank of New South Wales Act Amendment Bill.  
Petition received.

RAILWAYS CONSTRUCTION BILL.—LINES FROM BENALLA AND FROM SHEPPARTON.—The Honorable W. McCulloch, in accordance with notice, moved, That the Committee on the Railways Construction Bill be authorized to examine witnesses and call for papers concerning the lines from Benalla to Lake Rowan, and Shepparton to Numurkah.  
Question—put and passed.

RAILWAY LINES PLANS.—The Honorable W. Campbell, in accordance with notice, moved, That there be laid on the Table of this House a plan or plans showing the proposed lines of railway from Bridge-water, Eaglehawk, Elmore, and Huntly, respectively, to Kerang, with the distances and gradients of each line.  
Question—put and passed.

HON. J. WOODS—EVIDENCE OF.—The Honorable J. Lorimer, in accordance with *amended* notice, moved, That a Message be sent to the Legislative Assembly to ask that leave be granted to the Honorable J. Woods to give evidence at the Bar of this Honorable House concerning the lines in the Railways Construction Bill, in reference to which the House has authorized that witnesses may be examined at the Bar of the House.  
Debate ensued.  
Question—put and passed.

RAILWAYS CONSTRUCTION BILL.—The Order of the Day for the further consideration of this Bill in Committee of the whole Council being read, the President left the Chair.  
The Chairman of Committees reported progress, and asked leave to sit again to-morrow.  
Ordered.

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

MR. PRESIDENT—

The Legislative Assembly acquaint the Legislative Council that they have given permission to the Honorable John Woods, a member of the Assembly, to give evidence before a Committee of the Legislative Council, on "*The Railways Construction Bill.*"

PETER LALOR,  
Speaker.

Legislative Assembly Chamber,  
Melbourne, 8th December, 1880.

PETITION.—The Honorable W. Campbell presented a Petition, signed by J. Potter and others, styling themselves farmers and residents of the Shire of East Loddon, and praying that they may have Railway accommodation.  
Petition received.

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

"*Army Discipline Bill*"—Adjourned debate on second reading.

"*Rabbits Suppression Bill*"—To be read a second time.

BANK OF NEW SOUTH WALES ACT AMENDMENT BILL.—The Order of the Day for the second reading of this Bill being read, the Honorable J. Lorimer moved, That the Bill be now read a second time.

Debate ensued.

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

Debate ensued.

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

ADJOURNMENT.—The Honorable R. D. Reid, with leave of the Council, moved, without notice, That the House, at its rising this day, adjourn until three o'clock to-morrow.  
Question—put and passed.

The Council adjourned at ten minutes to eleven o'clock until three o'clock on Thursday, the 9th instant.

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## NOTICES OF MOTION AND ORDERS OF THE DAY.

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THURSDAY, 9TH DECEMBER, 1880.

NOTICE OF MOTION :—

1. The Hon. R. D. REID : To move, That the Committee on the Railways Construction Bill be authorized to examine witnesses and call for papers concerning the line Horsham to Dimboola.

ORDERS OF THE DAY :—

1. RAILWAYS CONSTRUCTION BILL.—To be further considered in Committee.
2. ARMY DISCIPLINE BILL.—Adjourned debate on second reading.
3. RABBITS SUPPRESSION BILL.—To be read a second time.
4. BANK OF NEW SOUTH WALES ACT AMENDMENT BILL.—Adjourned debate on second reading.

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TUESDAY, 14TH DECEMBER.

NOTICE OF MOTION :—

1. The Hon. Dr. DOBSON : To move the adoption of the Report of the Select Committee on the Betting Prevention Bill.

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## MEETING OF SELECT COMMITTEE.

*Tuesday, 14th December.*

PARLIAMENTARY USAGE—POSITION AND EMOLUMENTS OF OFFICERS OF HOUSE—at three o'clock.

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



## VICTORIA.

No. 26.

# Minutes of the Proceedings

OF THE

## LEGISLATIVE COUNCIL.

THURSDAY, 9TH DECEMBER, 1880.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the Prayer.

**PETITION.**—The Honorable J. Balfour presented a Petition signed by W. J. Runting and others, styling themselves residents at Kew, Boroondara, and Heidelberg, and praying that a line of Railway may be sanctioned from the Hawthorn and Lilydale line to Heidelberg, instead of from Richmond *via* Alphington.

Petition received.

**PETITION.**—The Honorable J. Lorimer presented a Petition from the Mayor and Corporation of the Borough of Hawthorn, and under the corporate seal thereof, praying that level crossings may not be sanctioned in certain thoroughfares in the Borough of Hawthorn.

Petition received.

**RAILWAY LINE FROM HORSHAM TO DIMBOOLA.**—The Honorable R. D. Reid, in accordance with notice, moved, That the Committee on the Railways Construction Bill be authorized to examine witnesses and call for papers concerning the line Horsham to Dimboola.

Question—put and passed.

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

The Chairman of Committees reported progress, and asked leave to sit again on Tuesday, the 14th instant.

Ordered.

**ADJOURNMENT.**—The Honorable R. D. Reid, with leave of the Council, moved, without notice, That the House, at its rising this day, adjourn until three o'clock on Tuesday, the 14th instant.

Question—put and passed.

**POSTPONEMENTS.**—The following Orders of the Day were severally postponed until Tuesday, the 14th instant:—

“*Army Discipline Bill*”—Adjourned debate on second reading.

“*Rabbits Suppression Bill*”—To be read a second time.

**BANK OF NEW SOUTH WALES ACT AMENDMENT BILL.**—The Order of the Day for the resumption of the adjourned debate on the second reading of this Bill being read, the debate was resumed.

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

Bill read a second time.

The Honorable J. Lorimer moved, That the consideration of the Bill in Committee of the whole Council be made an Order of the Day for Tuesday, the 14th instant.

Question—put and passed.

The Council adjourned at ten o'clock until three o'clock on Tuesday, the 14th instant.

### NOTICES OF MOTION AND ORDERS OF THE DAY.

TUESDAY, 14TH DECEMBER, 1880.

NOTICES OF MOTION:—

1. The Hon. Dr. DOBSON: To move the adoption of the Report of the Select Committee on the Betting Prevention Bill.
2. The Hon. J. BALFOUR: To move, That a Return be laid on the Table of this House of all notices sent to the Attorney-General in accordance with the provisions in the Police Offences Statute Amendment Act, of the intention to hold raffles, or distributions of property, or works of art, during the period from 1st January to 9th December, 1880; such Return to contain the particulars embodied in such notices, as to promoters and objects of such raffles or distributions; also the cases (if any) in which the Attorney-General has prohibited such raffles, &c.

## ORDERS OF THE DAY:—

1. RAILWAYS CONSTRUCTION BILL.—To be further considered in Committee.
  2. ARMY DISCIPLINE BILL.—Adjourned debate on second reading.
  3. RABBITS SUPPRESSION BILL.—To be read a second time.
  4. BANK OF NEW SOUTH WALES ACT AMENDMENT BILL.—To be considered in Committee.
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## MEETING OF SELECT COMMITTEE.

*Tuesday, 14th December.*

PARLIAMENTARY USAGE—POSITION AND EMOLUMENTS OF OFFICERS OF HOUSE—at three o'clock.

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

## VICTORIA.

No. 27.

*Minutes of the Proceedings*

OF THE

## LEGISLATIVE COUNCIL.

TUESDAY, 14TH DECEMBER, 1880.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the Prayer.

**RAFFLES OR DISTRIBUTIONS OF PROPERTY.**—The Honorable J. Balfour, in accordance with notice, moved, That a Return be laid on the Table of this House of all notices sent to the Attorney-General in accordance with the provisions in the Police Offences Statute Amendment Act, of the intention to hold raffles, or distributions of property, or works of art, during the period from 1st January to 9th December, 1880; such Return to contain the particulars embodied in such notices, as to promoters and objects of such raffles or distributions; also the cases (if any) in which the Attorney-General has prohibited such raffles, &c.

Question—put and passed.

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

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

Ordered.

**POSTPONEMENTS.**—The following Orders of the Day were severally postponed until the next day of meeting of the Council:—

“*Army Discipline Bill*”—Adjourned debate on second reading.

“*Rabbits Suppression Bill*”—To be read a second time.

**BANK OF NEW SOUTH WALES ACT AMENDMENT BILL.**—The Order of the Day for the consideration of this Bill in Committee of the whole Council being read, the Honorable J. Lorimer moved, That the Bill be now considered in Committee.

Question—put and passed.

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

The President left the Chair.

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

The Honorable J. Lorimer moved, That the adoption of the Report of the Committee be made an Order of the Day for to-morrow.

Question—put and passed.

**PETITION.**—The Honorable W. Campbell presented a Petition, signed by G. Moulden and others, styling themselves farmers and residents in the Wimmera district, and praying that a Deputation may be heard at the Bar of the House in favour of a line of railway from Jung Jung to Dimboola.

Petition received.

**ADJOURNMENT.**—The Honorable R. D. Reid, with leave of the Council, moved, without notice, That the House, at its rising this day, adjourn until half-past three o'clock to-morrow.

Question—put and passed.

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

## NOTICES OF MOTION AND ORDERS OF THE DAY.

WEDNESDAY, 15TH DECEMBER, 1880.

*Government Business.*

## ORDERS OF THE DAY:—

1. RAILWAYS CONSTRUCTION BILL.—To be further considered in Committee.
2. ARMY DISCIPLINE BILL.—Adjourned debate on second reading.
3. RABBITS SUPPRESSION BILL.—To be read a second time.

*General Business.*

## NOTICE OF MOTION :—

1. The Hon. T. BROMELL : To move, That Mr. Clarton be heard at the Bar of the House in support of his Petition against the passing of the Bank of New South Wales Act Amendment Bill.

## ORDER OF THE DAY :—

1. BANK OF NEW SOUTH WALES ACT AMENDMENT BILL.—Adoption of Report.

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TUESDAY, 21ST DECEMBER.

## NOTICE OF MOTION :—

1. The Hon. Dr. DOBSON : To move the adoption of the Report of the Select Committee on the Betting Prevention Bill.

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## MEETING OF SELECT COMMITTEE.

*Wednesday, 15th December.*

PARLIAMENTARY USAGE—POSITION AND EMOLUMENTS OF OFFICERS OF HOUSE—at half-past two o'clock.

G. W. RUSDEN,

*Clerk of the Council and Clerk of the Parliaments.*

## VICTORIA.

No. 28.

*Minutes of the Proceedings*

OF THE

## LEGISLATIVE COUNCIL.

WEDNESDAY, 15<sup>TH</sup> DECEMBER, 1880.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the Prayer.

PETITION.—The Honorable A. Fraser presented a Petition, signed by David Bone and others, styling themselves farmers, near Dimboola, and praying that the Railways Construction Bill may be passed.  
Petition received.

The Petition was read at the Table by the Clerk.

PETITION.—The Honorable J. Lorimer presented a Petition, signed by J. Drake and others, styling themselves inhabitants of the City of Collingwood, and praying that they may have railway accommodation.  
Petition received.

PETITION.—The Honorable J. MacBain presented a Petition, signed by J. Attenborough, styling himself Secretary of the Natimuth Farmers' Union, and praying that certain amendments may be made in the Rabbits Suppression Bill.  
Petition received.

PETITION.—The Honorable J. Lorimer presented a Petition from the Mayor and Corporation of the Borough of Kew, and under the corporate seal thereof, praying that the construction of the railway from Richmond to Alphington may not be sanctioned, unless level crossings can be dispensed with.  
Petition received.

PETITION.—The Honorable J. Lorimer presented a Petition, signed by W. J. Runting and others, styling themselves ratepayers and inhabitants of the Borough of Kew, and praying that a line to Alphington may be made from the Hawthorn Station, through Kew.  
Petition received.

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

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

PAPER.—The Honorable R. D. Reid, by command of His Excellency the Governor, presented to the Council the following Paper:—

Fisheries Acts.—Notice of intention to repeal so much of Proclamation of 18th August, 1879, as refers to Lake Connemara.

Ordered to lie on the Table.

ARMY DISCIPLINE BILL.—The Order of the Day for the resumption of the adjourned debate on the second reading of this Bill being read, the debate was resumed.

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

Bill read a second time.

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

Question—put and passed.

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

The President left the Chair.

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

The Honorable R. D. Reid moved, That the Report be now adopted.

Question—put and passed.

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

The Honorable R. D. Reid moved, That the title of the Bill be "*An Act to provide for the application to Victoria of 'The Army Discipline and Regulation Act 1879' of the Imperial Parliament of Great Britain and Ireland.*"

Question—put and passed.

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

POSTPONEMENT.—The following Order of the Day was postponed until Thursday, the 16th instant, then to take precedence :—

“ *Rabbits Suppression Bill* ”—To be read a second time.

BANK OF NEW SOUTH WALES ACT AMENDMENT BILL.—The Order of the Day for the adoption of the Report of the Committee of the whole Council on this Bill being read, the Honorable J. Lorimer moved, That the Report be now adopted.

Question—put and passed.

The Honorable J. Lorimer moved, That the third reading of the Bill be made an Order of the Day for the next day of meeting of the Council.

Question—put and passed.

The Council adjourned at twenty-five minutes past eight o'clock until half-past four o'clock on Thursday, the 16th instant.

## NOTICES OF MOTION AND ORDERS OF THE DAY.

THURSDAY, 16TH DECEMBER, 1880.

NOTICES OF MOTION :—

1. The Hon. P. RUSSELL : To move, That there be laid upon the Table of this House a return of names that have been removed from the Land Tax Register ; and if any property has been reduced to a lower class by the registrar on its being transferred to another owner ; also the registrar to state which clause of the Land Tax Act gives him the power to relieve any property from liability to the tax.
2. The Hon. C. J. JENNER : To move, That twelve months' leave of absence be granted to the Honorable R. S. Anderson.

ORDERS OF THE DAY :—

1. RABBITS SUPPRESSION BILL.—To be read a second time.
2. BANK OF NEW SOUTH WALES ACT AMENDMENT BILL.—To be read a third time.

TUESDAY, 21ST DECEMBER.

NOTICE OF MOTION :—

1. The Hon. Dr. DOBSON : To move the adoption of the Report of the Select Committee on the Betting Prevention Bill.

ORDER OF THE DAY :—

1. RAILWAYS CONSTRUCTION BILL.—To be further considered in Committee.

## MEETING OF SELECT COMMITTEE.

*Tuesday, 21st December.*

PARLIAMENTARY USAGE—POSITION AND EMOLUMENTS OF OFFICERS OF HOUSE—at half-past three o'clock.

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

## VICTORIA.

No. 29.

## Minutes of the Proceedings

OF THE

## LEGISLATIVE COUNCIL.

THURSDAY, 16TH DECEMBER, 1880.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the Prayer.

**RAILWAYS CONSTRUCTION BILL—EVIDENCE BEFORE COMMITTEE.**—The Honorable C. J. Jenner, with leave of the Council, moved, without notice, That the evidence taken before the Committee on the Railways Construction Bill be printed.

Question—put and passed.

**LAND TAX REGISTER, AND REDUCTIONS IN CLASSES.**—The Honorable P. Russell, in accordance with notice, moved, That there be laid upon the Table of this House a Return of names that have been removed from the Land Tax Register; and if any property has been reduced to a lower class by the registrar on its being transferred to another owner; also the registrar to state which clause of the Land Tax Act gives him the power to relieve any property from liability to the tax.

Question—put and passed.

**HONORABLE R. S. ANDERSON—LEAVE OF ABSENCE.**—The Honorable C. J. Jenner, in accordance with notice, moved, That twelve months' leave of absence be granted to the Honorable R. S. Anderson.

Debate ensued.

Question—put and passed.

**RABBITS SUPPRESSION BILL.**—The Order of the Day for the second reading of this Bill being read, the Honorable R. D. Reid moved, That the Bill be now read a second time.

Debate ensued.

Question—put and passed.

Bill read a second time.

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

Question—put and passed.

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

The President left the Chair.

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

The Honorable R. D. Reid moved, That the adoption of the Report of the Committee be made an Order of the Day for the next day of meeting of the Council.

Question—put and passed.

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

MR. PRESIDENT—

The Legislative Assembly transmit to the Legislative Council a Bill intituled "*An Act to amend the Customs Act, so far as it relates to the establishment of Inland Bonded Warehouses,*" with which they desire the concurrence of the Legislative Council.

PETER LALOR,  
Speaker.

Legislative Assembly Chamber,  
Melbourne, 16th December, 1880.

**CUSTOMS LAWS AMENDMENT BILL.**—The Honorable R. D. Reid moved, That this Bill be now read a first time.

Question—put and passed.

Bill read a first time, and, on the motion of the Honorable R. D. Reid, ordered to be printed, and the second reading made an Order of the Day for Tuesday, the 21st instant.

**BANK OF NEW SOUTH WALES ACT AMENDMENT BILL.**—The President having reported that the Chairman of Committees had certified that the fair print of this Bill was in accordance with the Bill as reported, the Bill, on the motion of the Honorable J. Lorimer, was read a third time and *passed*.

The Honorable J. Lorimer moved, That the title of the Bill be "*An Act to amend an Act intituled An Act to incorporate the proprietors of a certain Banking Company called the Bank of New South Wales, and for other purposes therein mentioned, as amended by 'The Bank of New South Wales Act 1871.'*"

Question—put and passed.

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

The Council adjourned at a quarter to eleven o'clock until half-past four o'clock on Tuesday, the 21st instant.

## NOTICE OF MOTION AND ORDERS OF THE DAY.

TUESDAY, 21ST DECEMBER, 1880.

NOTICE OF MOTION :—

1. The Hon. Dr. DOBSON : To move the adoption of the Report of the Select Committee on the Betting Prevention Bill.

ORDERS OF THE DAY :—

1. RAILWAYS CONSTRUCTION BILL.—To be further considered in Committee.
2. RABBITS SUPPRESSION BILL.—Adoption of Report.
3. CUSTOMS LAWS AMENDMENT BILL.—To be read a second time.

## MEETING OF SELECT COMMITTEE.

*Tuesday, 21st December.*

PARLIAMENTARY USAGE—POSITION AND EMOLUMENTS OF OFFICERS OF HOUSE—at half-past three o'clock.

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



## VICTORIA.

No. 30.

**Minutes of the Proceedings**

OF THE

**LEGISLATIVE COUNCIL.**TUESDAY, 21<sup>ST</sup> DECEMBER, 1880.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the Prayer.

**LAND TAX REGISTER, AND REDUCTION IN CLASSES.**—The Honorable R. D. Reid laid on the Table a Return to the Order of the Council made on the 16th instant.

**PAPERS.**—The Honorable R. D. Reid, by command of His Excellency the Governor, presented to the Council the following Papers :—

1. Land Act 1869.—Regulations.—Fees.—Order in Council (13th December, 1880).
2. Melbourne Harbor Trust—Accounts of, for quarter ending 30th September, 1880.
3. Statistical Register, Victoria, 1879—  
Part IX.—Religious, Moral, and Intellectual Progress.

Ordered severally to lie on the Table.

**PETITION.**—The Honorable W. Campbell presented a Petition, signed by P. Hayes, styling himself Chairman of a Railway League, and praying that certain Reports of Messrs. Zeal, Greene, and Minto may be considered in connection with the Railways Construction Bill.

Petition received.

**MESSRS. ZEAL, GREENE, AND MINTO'S REPORTS.**—The Honorable W. Campbell produced certain Reports made by Messrs. Zeal, Greene, and Minto, upon certain Railways, and moved, with the leave of the Council, without notice, That the Reports be printed with the evidence taken before the Committee of the whole Council on the Railways Construction Bill.

Question—put and passed.

**BETTING PREVENTION BILL.—REPORT OF SELECT COMMITTEE.**—The Honorable J. Lorimer, in the absence and on behalf of the Honorable Dr. Dobson, in accordance with notice, moved, That the Report of the Select Committee on the Betting Prevention Bill be adopted.

Debate ensued.

Question—put.

Council divided.

## Contents, 11.

The Hon. J. Graham  
J. Lorimer  
Sir S. Wilson  
R. Simson  
W. Ross  
T. F. Hamilton  
R. D. Reid  
N. Fitzgerald  
F. Robertson  
J. G. Dougharty  
W. J. Clarke (*Teller*).

## Not Contents, 14.

The Hon. J. Balfour  
Sir C. Sladen  
H. Cuthbert  
W. Campbell  
J. MacBain  
C. J. Jenner  
W. McCulloch  
A. Fraser  
W. E. Hearn  
G. F. Belcher  
P. Russell  
J. A. Wallace  
J. Buchanan  
T. Bromell (*Teller*).

The question was therefore negatived.

**PARLIAMENTARY USAGE.—POSITION AND EMOLUMENTS OF OFFICERS OF THE HOUSE.**—The Honorable Sir C. Sladen brought up the Report of the Select Committee, appointed on the 27th October, "to enquire into and report upon Parliamentary usage in matters relating to the position and "emoluments of Officers of the House," and moved, That the Report be printed, and taken into consideration on Thursday next.

Question—put and passed.

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

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

Ordered.

MESSAGE FROM THE LEGISLATIVE ASSEMBLY.—The President announced 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 Cemeteries Statute 1864 ;’* ”

Also, a Bill intituled “ *An Act to amend the law relating to the University of Melbourne ;* ” with which they desire the concurrence of the Legislative Council.

PETER LALOR,  
Speaker.

Legislative Assembly Chamber,  
Melbourne, 21st December, 1880.

CEMETERIES STATUTE AMENDMENT BILL.—The Honorable R. D. Reid moved, That this Bill be now read a first time.

Question—put and passed.

Bill read a first time, and, on the motion of the Honorable R. D. Reid, ordered to be printed, and the second reading made an Order of the Day for the next day of meeting of the Council.

UNIVERSITY CONSTITUTION AMENDMENT BILL.—The Honorable R. D. Reid moved, That this Bill be now read a first time.

Question—put and passed.

Bill read a first time, and, on the motion of the Honorable R. D. Reid, ordered to be printed, and the second reading made an Order of the Day for the first day of meeting of the Council after the Christmas recess.

RABBITS SUPPRESSION BILL.—The Order of the Day for the adoption of the Report of the Committee of the whole Council on this Bill being read, the Honorable R. D. Reid moved, That the Order of the Day be discharged, with a view to the re-committal of the Bill.

Debate ensued.

Question—That the Order of the Day be discharged—put and passed.

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

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

The President left the Chair.

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

The Honorable R. D. Reid moved, That the adoption of the Report of the Committee be made an Order of the Day for to-morrow.

Ordered.

POSTPONEMENT.—The following Order of the Day way postponed until Wednesday, the 22nd instant :—

“ *Customs Laws Amendment Bill* ”—To be read a second time.

The Council adjourned at twenty-five minutes to twelve o'clock until half-past four o'clock on Wednesday, the 22nd instant.

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## ORDERS OF THE DAY.

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WEDNESDAY, 22ND DECEMBER, 1880.

*Government Business.*

ORDERS OF THE DAY :—

1. RAILWAYS CONSTRUCTION BILL.—To be further considered in Committee.
2. CEMETERIES STATUTE AMENDMENT BILL.—To be read a second time.
3. RABBITS SUPPRESSION BILL.—Adoption of Report.
4. CUSTOMS LAWS AMENDMENT BILL.—To be read a second time.

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THURSDAY, 23RD DECEMBER.

ORDER OF THE DAY :—

1. PARLIAMENTARY USAGE—POSITION AND EMOLUMENTS OF OFFICERS OF HOUSE.—Consideration of Report of Select Committee.

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AFTER CHRISTMAS RECESS.

ORDER OF THE DAY :—

1. UNIVERSITY CONSTITUTION AMENDMENT BILL.—To be read a second time.

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

VICTORIA.

No. 31.

# Minutes of the Proceedings

OF THE

## LEGISLATIVE COUNCIL.

WEDNESDAY, 22<sup>ND</sup> DECEMBER, 1880.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the Prayer.

PAPER.—The Honorable R. D. Reid laid on the Table the following Paper :—

Exhibition, Melbourne International—

Smoking Regulations (6th December, 1880).

Ordered to lie on the Table.

RAFFLES OR DISTRIBUTIONS OF PROPERTY.—The Honorable R. D. Reid laid on the Table a Return to the Order of the Council, made on the 14th instant.

LAND TAX REGISTER, AND REDUCTION IN CLASSES.—The Honorable P. Russell, with leave of the Council, moved, without notice, That the Return laid upon the Table of the House on the 21st instant be printed.

Question—put and passed.

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

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

Ordered.

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

MR. PRESIDENT—

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

PETER LALOR,  
Speaker.

Legislative Assembly Chamber,  
Melbourne, 22nd December, 1880.

CONSOLIDATED REVENUE BILL (4).—The Honorable R. D. Reid moved, That this Bill be now read a first time.

Question—put and passed.

Bill read a first time.

The Honorable R. D. Reid moved, That the Bill be now read a second time.

Question—put and passed.

Bill read a second time.

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

Question—put and passed.

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

The President left the Chair.

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

The Honorable R. D. Reid moved, That the Report be now adopted.

Question—put and passed.

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

The Honorable R. D. Reid moved, That the title of the Bill be "*An Act to apply out of the Consolidated Revenue the sum of Nine hundred and twenty-five thousand pounds to the service of the year One thousand eight hundred and eighty and eighty-one.*"

Question—put and passed.

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

POSTPONEMENTS.—The following Orders of the Day were postponed until Thursday, the 23rd instant :—

"*Cemeteries Statute Amendment Bill*"—To be read a second time.

"*Rabbits Suppression Bill*"—Adoption of Report.

"*Customs Laws Amendment Bill*"—To be read a second time.

The Council adjourned at half-past eleven o'clock until half-past four o'clock on Thursday, the 23rd instant.

## NOTICE OF MOTION AND ORDERS OF THE DAY.

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THURSDAY, 23RD DECEMBER, 1880.

NOTICE OF MOTION :—

1. The Hon. R. D. REID : To move, That the House at its rising adjourn till half-past ten o'clock on Friday.

ORDERS OF THE DAY :—

1. PARLIAMENTARY USAGE—POSITION AND EMOLUMENTS OF OFFICERS OF HOUSE.—Consideration of Report of Select Committee.
  2. RAILWAYS CONSTRUCTION BILL.—To be further considered in Committee.
  3. CEMETERIES STATUTE AMENDMENT BILL.—To be read a second time.
  4. RABBITS SUPPRESSION BILL.—Adoption of Report.
  5. CUSTOMS LAWS AMENDMENT BILL.—To be read a second time.
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AFTER CHRISTMAS RECESS.

ORDER OF THE DAY :—

1. UNIVERSITY CONSTITUTION AMENDMENT BILL.—To be read a second time.

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

## VICTORIA.

No. 32.

# Minutes of the Proceedings

OF THE

## LEGISLATIVE COUNCIL.

THURSDAY, 23RD DECEMBER, 1880.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the Prayer.

PAPER.—The Honorable R. D. Reid laid on the Table the following Paper :—

Mining Districts—Alterations of certain boundaries.—Order in Council (13th December, 1880).  
Ordered to lie on the Table.

PARLIAMENTARY USAGE—POSITION AND EMOLUMENTS OF OFFICERS OF HOUSE.—The Order of the Day for the consideration of the Report of the Select Committee “appointed to enquire into and report upon Parliamentary usage in matters relating to the position and emoluments of officers of the House,” being read, the Honorable Sir C. Sladen moved, That the Report of the Select Committee be now adopted.

Debate ensued.

Question—put and passed.

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

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

The Honorable R. D. Reid moved, That the Report be now adopted.

Question—put and passed.

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

The Honorable R. D. Reid moved, That the title of the Bill be “*An Act to authorize the Construction of certain Lines of Railway by the State.*”

Question—put and passed.

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

MESSAGE FROM THE LEGISLATIVE ASSEMBLY.—The President announced the receipt of the following Message :—

MR. PRESIDENT—

The Legislative Assembly transmit to the Legislative Council a Bill intituled “*An Act to continue and amend ‘The Tobacco Act 1880’*”; also a Bill intituled “*An Act to continue and amend ‘The Beer Duty Act 1880’*”; and a Bill intituled “*An Act to continue and amend ‘The Land Act 1869’ and Acts amending the same,*” with which they desire the concurrence of the Legislative Council.

PETER LALOR,  
Speaker.

Legislative Assembly Chamber,  
Melbourne, 23rd December, 1880.

TOBACCO DUTIES BILL.—The Honorable R. D. Reid moved, That this Bill be now read a first time.

Question—put and passed.

Bill read a first time.

The Honorable R. D. Reid, with leave of the Council, moved, without notice, That the Bill be now read a second time.

Question—put and passed.

Bill read a second time.

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

Question—put and passed.

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

The President left the Chair.

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

The Honorable R. D. Reid moved, That the Report be now adopted.

Question—put and passed.

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

The Honorable R. D. Reid moved, That the title of the Bill be "*An Act to continue and amend 'The Tobacco Act 1880.'*"

Question—put and passed.

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

**BEER DUTY BILL.**—The Honorable R. D. Reid moved, That this Bill be now read a first time.

Question—put and passed.

Bill read a first time.

The Honorable R. D. Reid, with leave of the Council, moved, without notice, That the Bill be now read a second time.

Question—put and passed.

Bill read a second time.

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

Question—put and passed.

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

The President left the Chair.

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

The Honorable R. D. Reid moved, That the Report be now adopted.

Question—put and passed.

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

The Honorable R. D. Reid moved, That the title of the Bill be "*An Act to continue and amend 'The Beer Duty Act 1880.'*"

Question—put and passed.

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

**LAND ACTS AMENDMENT BILL.**—The Honorable R. D. Reid moved, That this Bill be now read a first time.

Question—put and passed.

Bill read a first time.

The Honorable R. D. Reid, with leave of the Council, moved, without notice, That the Bill be now read a second time.

Debate ensued.

Question—put and passed.

Bill read a second time.

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

Question—put and passed.

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

The President left the Chair.

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

The Honorable R. D. Reid moved, That the Report be now adopted.

Question—put and passed.

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

The Honorable R. D. Reid moved, That the title of the Bill be "*An Act to continue and amend 'The Land Act 1869' and Acts amending the same.'*"

Question—put and passed.

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

**CEMETERIES ACT AMENDMENT BILL.**—The Order of the Day for the second reading of this Bill being read, the Honorable R. D. Reid moved, That the Bill be now read a second time.

Debate ensued.

Question—put and passed.

Bill read a second time.

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

Question—put and passed.

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

The President left the Chair.

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

The Honorable R. D. Reid moved, That the Report be now adopted.

Question—put and passed.

The President having reported that the fair print of the Bill was in accordance with the Bill as reported, the Bill, on the motion of the Honorable R. D. Reid, was read a third time and *passed*.

The Honorable R. D. Reid moved, That the title of the Bill be "*An Act to amend 'The Cemeteries Statute 1864.'*"

Question—put and passed.

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

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 eradication of the 'Phylloxera' and other Vine Diseases,*" with which they desire the concurrence of the Legislative Council.

PETER LALOR,  
Speaker.

Legislative Assembly Chamber,  
Melbourne, 23rd December, 1880.

PHYLLOXERA VINE DISEASES BILL.—The Honorable R. D. Reid moved, That this Bill be now read a first time.

Question—put and passed.

Bill read a first time.

The Honorable R. D. Reid moved, This the Bill be now read a second time.

Debate ensued.

The Honorable J. MacBain moved, That the debate be adjourned until after the Christmas recess.

Question—That the debate be adjourned until after the Christmas recess—put and passed.

RABBITS SUPPRESSION BILL.—The Order of the Day for the adoption of the Report of the Committee of the whole Council on this Bill being read, the Honorable R. D. Reid moved, That the Report be now adopted.

Question—put and passed.

The President having reported that the fair print of the Bill was in accordance with the Bill as reported, the Bill, on the motion of the Honorable R. D. Reid, was read a third time and *passed*.

The Honorable R. D. Reid moved, That the title of the Bill be "*An Act to provide for the Suppression of Rabbits.*"

Question—put and passed.

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

CUSTOMS LAWS AMENDMENT BILL.—The Order of the Day for the second reading of this Bill being read, the Honorable R. D. Reid moved, That the Bill be now read a second time.

Debate ensued.

Question—put and passed.

Bill read a second time.

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

Question—put and passed.

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

The President left the Chair.

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

The Honorable R. D. Reid moved, That the Report be now adopted.

Question—put and passed.

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

The Honorable R. D. Reid moved, That the title of the Bill be "*An Act to amend the Customs Act so far as it relates to the establishment of Inland Bonded Warehouses.*"

Question—put and passed.

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

The House having continued to sit until half-past twelve o'clock on

FRIDAY, THE 24TH DECEMBER, 1880,

The Honorable R. D. Reid moved, That the House do now adjourn until half-past ten o'clock a.m.

Question—put and passed.

The Council adjourned at half-past twelve o'clock until half-past ten a.m. on Friday, the 24th December, 1880.

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## NOTICE OF MOTION AND ORDERS OF THE DAY.

FRIDAY, 24TH DECEMBER, 1880.

NOTICE OF MOTION:—

1. The Hon. Sir C. SLADEN: That he will to-morrow move that the resolution carried this night for adjourning the debate on the second reading of the Phylloxera Bill until after the recess be rescinded.

AFTER CHRISTMAS RECESS.

ORDERS OF THE DAY:—

1. UNIVERSITY CONSTITUTION AMENDMENT BILL.—To be read a second time.
2. PHYLLOXERA VINE DISEASE BILL.—Adjourned debate on second reading.

G. W. RUSDEN,

Clerk of the Council and Clerk of the Parliaments.





## VICTORIA.

No. 33.

## Minutes of the Proceedings

OF THE

## LEGISLATIVE COUNCIL.

FRIDAY, 24TH DECEMBER, 1880.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the Prayer.

**PHYLLOXERA VINE DISEASE BILL.**—The Honorable Sir C. Sladen, with leave of the Council, moved, in accordance with *amended* notice, That the resolution carried yesterday for adjourning the debate on the second reading of the Phylloxera Bill until after the recess be rescinded.

Question—put and passed.

The Honorable R. D. Reid moved, That the Bill be now read a second time.

Question—put and passed.

Bill read a second time.

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

Question—put and passed.

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

The President left the Chair.

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

The Honorable R. D. Reid moved, That the Report be now adopted.

Question—put and passed.

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

The Honorable R. D. Reid moved, That the title of the Bill be "*An Act to provide for the eradication of the Phylloxera and other Vine Diseases.*"

Question—put and passed.

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

**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 provide for the Suppression of Rabbits,*" and acquaint the Legislative Council that they have agreed to several amendments made therein by the Legislative Council, that they have agreed to two of the said amendments with amendments, and have also made consequential amendments, with which they desire the concurrence of the Legislative Council.

PETER LALOR,  
Speaker.

Legislative Assembly Chamber,  
Melbourne, 23rd December 1880.

MR. PRESIDENT—

The Legislative Assembly return to the Legislative Council the Bill intituled "*An Act to authorize the construction of certain Lines of Railway by the State,*" and acquaint the Legislative Council that they have agreed to the amendments made by the Legislative Council therein.

PETER LALOR,  
Speaker.

Legislative Assembly Chamber,  
Melbourne, 23rd December 1880.

**RABBITS SUPPRESSION BILL.**—The Honorable R. D. Reid moved, That the Council do agree to the following amendments made by the Legislative Assembly in the new Clause C, inserted by the Council in the Bill :—

Line 19, omit "moiety of any road abutting," and insert "adjacent half-width of all roads bounding or adjoining."

Line 21, after "land" insert "or any part thereof."

Line 23, after "writing" insert "in the form of the First Schedule hereto or to the like effect."

Line 33, omit "moiety of any such."

Line 58, omit "moiety of any such."

Question—That the Council agree to the amendments—put and passed.  
 The Honorable R. D. Reid moved, That the Council do agree to the following amendments made by the Legislative Assembly on an amendment made by the Council in clause 17 :—

Omit all words after "Act" in line 2.

Question—put and passed.

The Honorable R. D. Reid moved, That the Council do agree to the following consequential amendments made by the Legislative Assembly in the First Schedule :—

After "printed" insert "such."

After "sections" omit "8, 9, and 10."

After "Act" omit "and such others."

Question—put and passed.

Ordered—That a Message be sent to the Legislative Assembly to acquaint them that the Council have agreed to the amendments made by the Legislative Assembly on the amendments made by the Council, and also to the consequential amendments made by the Legislative Assembly in the Bill.

ADJOURNMENT.—The Honorable R. D. Reid, with leave of the Council, moved, without notice, That the House at its rising this day adjourn until the 15th February next.

Question—put and passed.

MESSAGE FROM THE LEGISLATIVE ASSEMBLY.—The President announced 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 granting of certain Loans for Water Supply in the country districts for the year ending the thirtieth day of June One thousand eight hundred and eighty-one,*" with which they desire the concurrence of the Legislative Council.

PETER LALOR,  
 Speaker.

Legislative Assembly Chamber,  
 Melbourne, 24th December, 1880.

WATER SUPPLY LOANS BILL.—The Honorable R. D. Reid moved, That this Bill be now read a first time.  
 Question—put and passed.

ADJOURNMENT.—The Honorable J. MacBain moved, That the House do now adjourn.  
 Debate ensued.  
 Motion, by leave, withdrawn.

WATER SUPPLY LOANS BILL.—The Honorable R. D. Reid, with leave of the Council, moved, without notice, That this Bill be now read a second time.

Question—put and passed.

Bill read a second time.

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

Question—put and passed.

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

The President left the Chair.

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

The Honorable R. D. Reid moved, That the Report be now adopted.

Question—put and passed.

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

The Honorable R. D. Reid moved, That the title of the Bill be "*A Bill to provide for the granting of certain Loans for Water Supply in the country districts, for the service of the year ending the thirtieth day of June, One thousand eight hundred and eighty-one.*"

Question—put and passed.

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

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

MR. PRESIDENT,

The Legislative Assembly transmit to the Legislative Council a Bill intituled "*An Act to apply out of the Railway Loan Account 1878 certain sums of money for railway purposes and country waterworks,*" with which they desire the concurrence of the Legislative Council.

PETER LALOR,  
 Speaker.

Legislative Assembly Chambers,  
 Melbourne, 24th December 1880.

RAILWAY LOAN ACCOUNT 1878 APPLICATION BILL.—The Honorable R. D. Reid moved, That this Bill be now read a first time.

Question—put and passed.

Bill read a first time.

The Honorable R. D. Reid, with leave of the Council, moved without notice, That the Bill be now read a second time.

Debate ensued.

Question—put and passed.

Bill read a second time.

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

Question—put and passed.

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

The President left the Chair.

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

The Honorable R. D. Reid moved, That the Report be now adopted.

Question—put and passed.

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

The Honorable R. D. Reid moved, That the title of the Bill be “*An Act to apply out of the Railway Loan Account 1878 certain sums of money for railway purposes and country waterworks.*”

Question—put and passed.

The Honorable Sir C. Sladen moved, That a Message be sent to the Legislative Assembly to acquaint them that the Council have agreed to the Bill without amendment, but that this House desires to express its opinion that legislation of the nature of this Bill, dealing with several subjects of importance, ought not to be submitted to this House just on the eve of adjournment for a recess and that it hopes such a course will not be repeated.

Question—put and passed.

The Council adjourned at half-past twelve o'clock until half-past four o'clock on Tuesday the 15th February, 1881.

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## ORDER OF THE DAY.

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TUESDAY, 15TH FEBRUARY, 1881.

ORDER OF THE DAY :—

1. UNIVERSITY CONSTITUTION AMENDMENT BILL—To be read a second time.

G. W. RUSDEN,

*Clerk of the Council and Clerk of the Parliaments.*



VICTORIA.

No. 34.

*Minutes of the Proceedings*  
OF THE  
**LEGISLATIVE COUNCIL.**

TUESDAY, 15TH FEBRUARY, 1881.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the Prayer.

PAPERS.—The Honorable R. D. Reid, by command of His Excellency the Governor, presented to the Council the following Papers :—

1. Melbourne International Exhibition, 1880.—Further Despatches from the Right Honorable the Secretary of State (from 19th September, 1879, to 20th September, 1880) with enclosures.
2. Intercolonial Conference—Sydney—1881. Minutes.
3. Health Officer—Report of, for Year ending 31st December, 1880.
4. Sanatory Station—Report on, for Year ending 31st December, 1880.
5. Education.—Report for Year 1879-80.

Ordered severally to lie on the Table.

PAPERS.—The Honorable R. D. Reid laid on the Table the following Papers :—

1. Education Act, No. 447—Amended Regulations under, to take effect from 1st January, 1881.
2. Melbourne International Exhibition, 1880.—Regulation for selling and delivering goods.—Approved by Governor in Council, 20th December, 1880.
3. Campbelltown Parish, District of Castlemaine.—Mining Operations within Water Reserve authorized.—Order in Council (12th January, 1881).
4. Water-right Licenses.—Additional Regulations.—Order in Council (12th January, 1881).

Ordered severally to lie on the Table.

RATEPAYERS AND LESSEES UNDER LAND ACTS.—The Honorable R. D. Reid laid on the Table a Return to the Order of the Council, made on the 10th November, 1880, and moved, That the Return be printed.

Question—put and passed.

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

Question—put and passed.

POSTPONEMENT.—The following Order of the Day was postponed until Tuesday, the 22nd instant :—

*“ University Constitution Amendment Bill ”*—To be read a second time.

The Council adjourned at five minutes to five o'clock until half-past four o'clock on Tuesday, the 22nd instant.

**ORDER OF THE DAY.**

TUESDAY, 22ND FEBRUARY, 1881.

ORDER OF THE DAY :—

1. UNIVERSITY CONSTITUTION AMENDMENT BILL—To be read a second time.

G. W. RUSDEN,

*Clerk of the Council and Clerk of the Parliaments.*



VICTORIA.

No. 35.

# Minutes of the Proceedings

OF THE

## LEGISLATIVE COUNCIL.

TUESDAY, 22<sup>ND</sup> FEBRUARY, 1881.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the Prayer.

PAPERS.—The Honorable R. D. Reid, by command of His Excellency the Governor, presented to the Council the following Papers :—

1. Land Act 1880.—Regulations.—Order in Council (30th December, 1880).
2. Land Act 1869.—Regulations.—Order in Council (27th January, 1881).
3. Fisheries Acts.—Notice (13th December, 1880) of intention to prohibit use of nets in St. George (Fisher's) or Cumberland Creeks.

Ordered severally to lie on the Table.

PAPER.—The Honorable R. D. Reid laid on the Table the following Paper :—

Polling places for Mining Districts.—Orders in Council (27th January, 1881, and 7th February, 1881) appointing certain polling places, and abolishing certain polling places in the Sandhurst, Gippsland, Beechworth, and Maryborough districts.

Ordered to lie on the Table.

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

MR. PRESIDENT—

The Legislative Assembly transmit to the Legislative Council a Message from His Excellency the Governor recommending amendments in the Bill "*To provide for the granting of certain Loans for Water Supply in the country districts, for the service of the year ending the thirtieth day of June, One thousand eight hundred and eighty-one,*" and acquaint the Legislative Council that the Legislative Assembly have agreed to the several amendments recommended by His Excellency the Governor in this Bill, with which they desire the concurrence of the Legislative Council.

PETER LALOR,  
Speaker.

Legislative Assembly Chamber,  
Melbourne, 22nd February, 1881.

NORMANBY,  
Governor.

Pursuant to the provisions of section 36 of the *Constitution Act*, the Governor transmits to the Legislative Assembly for their consideration the following amendments, which he desires to be made in the Bill "*To provide for the granting of certain Loans for Water Supply in the country districts, for the service of the year ending the thirtieth day of June, One thousand eight hundred and eighty-one,*" which has been presented to him for Her Majesty's Assent, viz.:—

In title of Bill add the words "intituled an Act" after the word "Bill."

Clause 1, line 2, omit the word "municipal;" lines 6 and 7 omit the words "nineteen thousand eight," and insert in lieu thereof the words "forty-four thousand one."

Government Offices,  
Melbourne, 17th January, 1881.

The Honorable R. D. Reid moved, That the Message be taken into consideration on the next day of meeting of the Council.

Question—put and passed.

UNIVERSITY CONSTITUTION AMENDMENT BILL.—The Order of the Day for the second reading of this Bill being read, the Honorable R. D. Reid moved, That the Bill be now read a second time.

Debate ensued.

Question—put and passed.

Bill read a second time.

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

Question—put and passed.

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

The President left the Chair.

The Chairman of Committees reported progress, and asked leave to sit again on Tuesday, the 8th proximo.

Ordered.

ADJOURNMENT.—The Honorable R. D. Reid, with leave of the Council, moved, without notice, That the House, at its rising this day, adjourn until this day fortnight.

Question—put and passed.

The Council adjourned at twenty-five minutes to six o'clock until half-past four o'clock on Tuesday, the 8th proximo.

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## NOTICES OF MOTION AND ORDERS OF THE DAY.

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TUESDAY, 8TH MARCH, 1881.

### NOTICES OF MOTION :—

1. The Hon. Sir C. SLADEN : To move, That an Address be presented to His Excellency the Governor praying him to cause a Bill to be introduced into Parliament for amending and enlarging Part 4 of Schedule D of the Constitution Act, so as to embrace all the salaries and expenses necessary for permanently securing the efficiency and independence of the Legislative Council.

*Contingent upon the above resolution being carried—*

2. The Hon. Sir C. SLADEN : To move, That a Select Committee, to consist of seven Members, be appointed to prepare such Address; and that the Honorables W. Campbell, H. Cuthbert, W. E. Hearn, J. Lorimer, R. D. Reid, R. Simson, and the Mover be members of such Committee.
3. The Hon. W. ROSS : To move, That all papers and correspondence connected with the removal of Mounted Constable Gleeson from the Leigh Road Station in October last, be laid on the Table of this House.
4. The Hon. Dr. DOBSON : To call the attention of the Honorable Member representing the Government to the recent employment of children of tender years in the performance at one of the leading theatres in Melbourne; and to ask whether the Government will take steps to prohibit such practice in future.
5. The Hon. W. E. HEARN : To move for leave to bring in a Bill to declare, consolidate, and amend the law relating to obligations.

### ORDERS OF THE DAY :—

1. WATER SUPPLY LOANS BILL.—Consideration of Message from Legislative Assembly with amendments from the Governor.
2. UNIVERSITY CONSTITUTION AMENDMENT BILL.—To be further considered in Committee.

G. W. RUSDEN,

*Clerk of the Council and Clerk of the Parliaments.*



VICTORIA.

No. 36.

# Minutes of the Proceedings

OF THE

## LEGISLATIVE COUNCIL.

TUESDAY, 8TH MARCH, 1881.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the Prayer.

PAPERS.—The Honorable R. D. Reid, by command of His Excellency the Governor, presented to the Council the following Papers :—

1. Mining Surveyors and Registrars—Reports of—for quarter ended 31st December, 1880.
2. Charges against Public Works Officers—Report of Board appointed to enquire concerning (16th February, 1881).

Ordered severally to lie on the Table.

PAPER.—The Honorable R. D. Reid laid upon the Table the following Paper :—

Public Accounts.—Regulations (27th January, 1881, and 7th February, 1881).

Ordered to lie on the Table.

PARLIAMENTARY USAGE.—POSITION AND EMOLUMENTS OF OFFICERS OF HOUSE.—The Honorable Sir C. Sladen, in accordance with notice, moved, That an Address be presented to His Excellency the Governor praying him to cause a Bill to be introduced into Parliament for amending and enlarging Part 4 of Schedule D of the Constitution Act, so as to embrace all the salaries and expenses necessary for permanently securing the efficiency and independence of the Legislative Council.

Question—put and passed.

The Honorable Sir C. Sladen, in accordance with *contingent* notice, moved, That a Select Committee, to consist of seven Members, be appointed to prepare such Address; and that the Honorables W. Campbell, H. Cuthbert, W. E. Hearn, J. Lorimer, R. D. Reid, R. Simson, and the Mover be members of such Committee.

Question—put and passed.

The Select Committee retired to prepare the Address.

The Honorable Sir C. Sladen brought up the Address prepared by the Select Committee, and moved, That the same be read.

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

*To His Excellency the Most Honorable GEORGE AUGUSTUS CONSTANTINE, Marquis of Normanby, Earl of Mulgrave, Viscount Normanby, and Baron Mulgrave of Mulgrave, all in the County of York, in the Peerage of the United Kingdom; and Baron Mulgrave of New Ross, in the County of Wexford, in the Peerage of Ireland; a Member of Her Majesty's Most Honorable Privy Council; Knight Grand Cross of the Most Distinguished Order of Saint Michael and Saint George; Governor and Commander-in-Chief in and over the Colony of Victoria and its Dependencies, &c., &c., &c.*

MAY IT PLEASE YOUR EXCELLENCY :

We, Her Most Gracious Majesty's most dutiful and loyal subjects, the Members of the Legislative Council of Victoria, in Parliament assembled, beg leave to approach Your Excellency with renewed assurances of loyalty and attachment to the Queen, and of respect to Your Excellency,

During the present Session the President of the Legislative Council received from the Under Secretary the following letter :—

No. 6616.  
SIR,

Chief Secretary's Office,  
Melbourne, 11th October, 1880.

I am directed by the Chief Secretary to inform you that he regrets that the necessity for retrenchment in the public expenditure has compelled the Government to reduce the salary of the President of the Legislative Council to the sum of £800 per annum. The reduction is to take effect from and after the 31st December next.

I have the honor to be,  
Sir,

Your most obedient servant,  
W. H. ODGERS.

The Honorable Sir William H. F. Mitchell,  
President of the Legislative Council,  
&c., &c., &c.

The salary of the President was originally £1200 a year. In 1861 it was reduced to £1000. Although provision has been made for the Clerk and expenses of the Legislative Council by an appropriation in Her Majesty's Civil List of the sum of £5000, it has been held that the words of that appropriation cannot apply to officers of higher rank than the Clerk.

The salary of the President is provided for in the annual Appropriation Act.

What has been said of the President applies equally to the office of Chairman of Committees of the Legislative Council.

We desire to invite Your Excellency's attention to the precarious position, as regards official income, of the principal officers of the Council, alike inconvenient to them and affecting the independence and efficiency of our House.

In the Imperial Parliament, permanent provision is made for the higher class of officers by special legislation. When it has been desired to reduce any of such salaries, the reduction has been made also by special legislation ; but it has always been prospective, so as not to affect the then holder of the office.

We believe it may be stated without fear of contradiction that, to be of lasting use and benefit, in a country having a Legislature consisting of two Houses, each House should be reasonably independent of the other.

The letter above quoted has demonstrated the danger threatening the independence of the Council when the official income of its highest officers, to whom in a great measure it should owe its efficiency, is subject to be reduced, or perhaps withheld, without the wishes of the Council being considered or its opinion even asked.

Appended hereto for Your Excellency's information is a copy of the Report of a Select Committee of the Legislative Council, appointed "to enquire into and report upon Parliamentary usage "in matters relating to the position and emoluments of officers of the House," and which was submitted to and adopted by the Legislative Council during the present session.

We pray that Your Excellency will be pleased to give this subject your careful consideration, and that you will, after having had the anomalous and precarious position of the President and Chairman of Committees brought under your notice, if the course now recommended should meet Your Excellency's approval, cause such steps to be taken as Your Excellency may be advised are necessary for amending and enlarging Part IV. of Schedule D of the Constitution Act, or otherwise securing permanent provision for all the salaries and expenses essential to the maintenance, efficiency, and independence of the Legislative Council.

The Honorable Sir C. Sladen moved, That the Address be now adopted.

Question—put and passed.

MOUNTED CONSTABLE GLEESON—REMOVAL OF.—The Honorable W. Ross, in accordance with notice, moved, That all papers and correspondence connected with the removal of Mounted Constable Gleeson from the Leigh Road Station, in October last, be laid on the Table of this House.

Question—put and passed.

OBLIGATIONS BILL.—The Honorable W. E. Hearn, in accordance with notice, moved, That leave be given to bring in a Bill to declare, consolidate, and amend the law relating to Obligations.

Question—put and passed.

Bill brought in, and, on the motion of the Honorable W. E. Hearn, read a first time, ordered to be printed, and the second reading made an Order of the Day for Tuesday, the 22nd instant.

WATER SUPPLY LOANS BILL.—The Order of the Day for the consideration of the Message from the Legislative Assembly, with amendments, which, in pursuance of the provisions of the 36th section of the Constitution Act, His Excellency desires to be made in this Bill—being read, the Honorable R. D. Reid moved, That the Council concur with the Assembly in making the several amendments as follows :—

In Title of the Bill add the words "intituled an Act" after the word "Bill."

Clause 1, line 2, omit the word "municipal ; lines 6 and 7 omit the words "nineteen thousand eight," and insert in lieu thereof the words "forty-four thousand one."

Question—That the Council concur with the Assembly in making the several amendments—put and passed.

Ordered—That a Message be sent to the Legislative Assembly to acquaint them that the Council have agreed to the amendments recommended by the Governor in the Bill.

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

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

Ordered.

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

Question—put and passed.

The Council adjourned at ten minutes to seven o'clock until half-past four o'clock on Tuesday, the 15th instant.

## NOTICE OF MOTION AND ORDERS OF THE DAY.

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TUESDAY, 15TH MARCH, 1881.

NOTICE OF MOTION :—

1. The Hon. Dr. DOBSON : To call the attention of the Honorable Member representing the Government to the recent employment of children of tender years in the performance at one of the leading theatres in Melbourne ; and to ask whether the Government will take steps to prohibit such practice in future.

ORDER OF THE DAY :—

1. UNIVERSITY CONSTITUTION AMENDMENT BILL.—To be further considered in Committee.
- 

TUESDAY, 22ND MARCH.

ORDER OF THE DAY :—

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

G. W. RUSDEN,

*Clerk of the Council and Clerk of the Parliaments.*



VICTORIA.

No. 37.

# Minutes of the Proceedings

OF THE

## LEGISLATIVE COUNCIL.

TUESDAY, 15<sup>TH</sup> MARCH, 1881.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the Prayer.

PAPERS.—The Honorable R. D. Reid, by command of His Excellency the Governor, presented to the Council the following Papers:—

1. Observatory.—Fifteenth Report of Board of Visitors (24th November, 1880).
2. Land Act 1869—Regulation.—Licensees under section 19 of Land Act 1869, &c., entitled to apply for certificate and lease under Land Acts Amendment Act 1880 (7th March, 1881).

Ordered severally to lie on the Table.

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

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

Ordered.

ADJOURNMENT.—The Honorable R. D. Reid, with leave of the Council, moved, without notice, That the House, at its rising this day, adjourn until Wednesday, the 23rd instant.

Question—put and passed.

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

### NOTICES OF MOTION AND ORDERS OF THE DAY.

WEDNESDAY, 23<sup>RD</sup> MARCH, 1881.

NOTICE OF MOTION:—

1. The Hon. W. CAMPBELL: To move for a plan of the line of railway between Sandhurst and Goornong, and of the line that was surveyed through Huntly between these stations; also for sections showing the gradients on both lines, and cuttings on the former line.

ORDERS OF THE DAY:—

1. UNIVERSITY CONSTITUTION AMENDMENT BILL.—To be further considered in Committee.
2. OBLIGATIONS BILL.—To be read a second time.

TUESDAY, 29<sup>TH</sup> MARCH.

NOTICE OF MOTION:—

1. The Hon. Dr. DOBSON: To call the attention of the Honorable Member representing the Government to the recent employment of children of tender years in the performance at one of the leading theatres in Melbourne; and to ask whether the Government will take steps to prohibit such practice in future.

G. W. RUSDEN,

*Clerk of the Council and Clerk of the Parliaments.*



VICTORIA.

No. 38.

# Minutes of the Proceedings

OF THE

## LEGISLATIVE COUNCIL.

WEDNESDAY, 23<sup>RD</sup> MARCH, 1881.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the Prayer.

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

MR. PRESIDENT—

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

Legislative Assembly Chamber,  
Melbourne, 23<sup>rd</sup> March, 1881.

PETER LALOR,  
Speaker.

WESTERN PORT COAL MINING COMPANY LIMITED BILL.—The Honorable C. J. Jenner moved, That a Message be sent to the Legislative Assembly requesting that they will be pleased to communicate to the Council copies of the Report and Proceedings of the Select Committee of that House to which this Bill was referred during the present Session of Parliament.

Question—put and passed.

PAPER.—The Honorable R. D. Reid, by command of His Excellency the Governor, presented to the Council the following Paper:—

Melbourne Harbor Trust.—Accounts of, for quarter ended 31<sup>st</sup> December, 1880.

Ordered to lie on the Table.

PAPER.—The Honorable R. D. Reid laid on the Table the following Paper:—

Education Department.—Estimate of proposed expenditure during ensuing twelve months for erection of School Buildings.

Ordered to lie on the Table.

MOUNTED CONSTABLE GLEESON—REMOVAL OF.—The Honorable R. D. Reid laid on the Table a Return to the Order of the Council made on the 8<sup>th</sup> instant.

RAILWAY LINE PLANS—SANDHURST AND GOORNONG.—The Honorable W. Campbell, in accordance with notice, moved, That there be laid on the Table of the House a plan of the line of railway between Sandhurst and Goornong, and of the line that was surveyed through Huntley between these stations; also sections showing the gradients on both lines, and cuttings on the former line.

Question—put and passed.

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

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

Ordered.

OBLIGATIONS BILL.—The Order of the Day for the second reading of this Bill being read, the Honorable W. E. Hearn moved, That the Bill be now read a second time.

Debate ensued.

Question—put and passed.

Bill read a second time.

The Council adjourned at half-past six o'clock until half-past four o'clock on Thursday, the 24<sup>th</sup> instant.

NOTICE OF MOTION AND ORDER OF THE DAY.

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THURSDAY, 24TH MARCH, 1881.

ORDER OF THE DAY:—

1. UNIVERSITY CONSTITUTION AMENDMENT BILL.—To be further considered in Committee.
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TUESDAY, 29TH MARCH.

NOTICE OF MOTION:—

1. The Hon. Dr. DOBSON: To call the attention of the Honorable Member representing the Government to the recent employment of children of tender years in the performance at one of the leading theatres in Melbourne; and to ask whether the Government will take steps to prohibit such practice in future.

G. W. RUSDEN,

*Clerk of the Council and Clerk of the Parliaments.*



VICTORIA.

No. 39.

# Minutes of the Proceedings

OF THE

## LEGISLATIVE COUNCIL.

THURSDAY, 24<sup>TH</sup> MARCH, 1881.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the Prayer.

PAPER.—The Honorable R. D. Reid, by command of His Excellency the Governor, presented to the Council the following Paper:—

Mines, Chief Inspector of—Report of, for the year 1880.

Ordered to lie on the Table.

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

MR. PRESIDENT—

The Legislative Assembly transmit to the Legislative Council a Bill intituled "*An Act for the Reform of the Constitution,*" with which they desire the concurrence of the Legislative Council.

PETER LALOR,  
Speaker.

Legislative Assembly Chamber,  
Melbourne, 24th March, 1881.

The President made the following statement to the Council:—

Before submitting this Message to the consideration of the Council I deem it my duty to bring under the notice of the House certain points connected with it.

Under the sanction and authority of the Constitution Act the privileges and powers of the Legislative Council are by the Act 20 Vict., No. 1, defined to be the same, as at the time of the passing of the Imperial Act intituled "*An Act to enable Her Majesty to assent to a Bill, as amended, of the Legislative Council of Victoria,*" were held, enjoyed, and exercised by the Commons House of Parliament of Great Britain and Ireland, so far as the same are not inconsistent with the said recited Act, whether such privileges, immunities, or powers, were so held, possessed, or enjoyed by custom, statute, or otherwise.

No privilege has been so jealously guarded by the House of Commons as that of originating a certain class of measures in that House, and the like privilege has been—so far as I have been able to ascertain—continually recognised and preserved by both Houses of the British Parliament, in regard to measures affecting their respective constitutions, status, or proceedings.

This practice has been followed in the Australian colonies, and a well-known instance in New South Wales proves that it was insisted on and respected in that colony in 1873, when a Bill was sent from the Assembly which dealt with the Constitution of the Council.

To read the Bill forwarded with this Message a first time, would be to show a disregard of the rights of, and of the respect due to, the Legislative Council, and would be a tampering with the independence, if not the very existence of this House.

It has already, during the present session, sent to the Assembly a Bill altering the Constitution of the Council, in which it was competent for the Assembly to propose any amendment which might have appeared desirable, but the course has been adopted—for which no precedent can be discovered—of ignoring altogether the measure submitted by this House.

The Legislative Council having then dealt with the question of reform during the present session, I would ask attention to our first Standing Order, which declares that "in all cases not hereinafter provided for, resort shall be had to the rules, forms, usages, and practice of the Imperial Parliament of Great Britain and Ireland, which shall be followed so far as the same are applicable to the proceedings of this Council."

No. 130 of the Rules and Orders of the British House of Commons declares—"No question or amendment may be proposed which is the same in substance as any question which, during the same session has been resolved in the affirmative or negative." This Rule was distinctly applied to a Bill by the Speaker of the House of Commons in July, 1840.

The Bill now received from the Assembly has been initiated, as I have shown, in violation of the practice and usage of Parliament, and as it is to all intents and purposes the same in substance within the meaning of the Rule referred to as the Bill which this House has dealt with in this present session, I am of opinion that this House is precluded from entertaining the Bill included in this Message.

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

MR. PRESIDENT—

The Legislative Assembly transmit to the Legislative Council copies of the Report and Proceedings from the Select Committee appointed on the Bill intituled “*An Act to amend an Act intituled ‘An Act to authorize the Western Port Coal Mining Company, Limited, to construct ‘a Tramway or Railway, and to take and purchase certain lands for that purpose,’ and to amend an Act intituled ‘An Act to amend and continue an Act intituled ‘An Act to authorize ‘‘the Western Port Coal Mining Company, Limited, to construct a Tramway or Railway, ‘‘and to take and purchase certain lands for that purpose,’’’*” in accordance with the request of the Legislative Council.

Legislative Assembly Chamber,  
Melbourne, 24th March, 1881.

PETER LALOR,  
Speaker.

WESTERN PORT COAL MINING COMPANY, LIMITED, BILL.—The Honorable C. J. Jenner produced a certificate showing that the sum of Twenty pounds had been paid into the hands of the Colonial Treasurer, for the public uses of the colony, by the promoters of this Bill, and moved, with the leave of the Council, without notice, That the Bill be now read a first time.

Question—put and passed.

Bill read a first time, and, on the motion of the Honorable C. J. Jenner, the second reading made an Order of the Day for Tuesday, the 29th instant.]

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

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

The Honorable R. D. Reid moved, That the adoption of the Report be made an Order of the Day for Tuesday, the 29th instant.

The Council adjourned at twenty-five minutes to six o'clock till half-past four o'clock on Tuesday, the 29th instant.

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## NOTICES OF MOTION AND ORDERS OF THE DAY.

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TUESDAY, 29TH MARCH, 1881.

NOTICES OF MOTION :—

1. The Hon. Dr. DOBSON : To call the attention of the Honorable Member representing the Government to the recent employment of children of tender years in the performance at one of the leading theatres in Melbourne ; and to ask whether the Government will take steps to prohibit such practice in future.
2. The Hon. R. D. REID : To move, That this House disagree with the ruling of the President on Thursday, 24th instant, as to the reading of a Bill the first time.

ORDERS OF THE DAY :—

1. WESTERN PORT COAL MINING COMPANY (LIMITED) BILL.—To be read a second time.
2. UNIVERSITY CONSTITUTION AMENDMENT BILL.—Adoption of Report.

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## MEETING OF SELECT COMMITTEE.

Tuesday, 29th March.

PRINTING—at four o'clock.

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

## VICTORIA.

No. 40.

**Minutes of the Proceedings**

OF THE

**LEGISLATIVE COUNCIL.**TUESDAY, 29<sup>TH</sup> MARCH, 1881.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the Prayer.

MESSAGE FROM THE GOVERNOR.—The Honorable R. D. Reid presented to the Council the following Message from His Excellency the Governor:—

NORMANBY,

*Governor.*

The Governor informs the Legislative Council that he has, on this day, at the Government Offices, given the Royal Assent to the undermentioned Act of the present Session, presented to him by the Clerk of the Parliaments, viz. :—“*An Act to provide for the granting of certain Loans for Water Supply in the country districts for the service of the year ending the thirtieth day of June, One thousand eight hundred and eighty-one.*”

Government Offices,

Melbourne, 21st March, 1881.

PRINTING COMMITTEE—THIRD REPORT.—The Honorable J. Graham brought up the Third Report of the Printing Committee, and moved, That the Report be adopted and printed.

Question—put and passed.

PRESIDENT'S RULING ON 24<sup>TH</sup> MARCH.—The Honorable R. D. Reid, in accordance with notice, moved, That this House disagree with the ruling of the President on Thursday, the 24th instant, as to the reading of a Bill the first time.

Debate ensued.

Amendment moved by the Honorable Sir S. Wilson, That all the words after the word “That” be omitted, with a view to insert the words “on account of the great importance to the country of the question of reform, and the great amount of time which Parliament has devoted to the subject, it is not advisable to delay the question on technical grounds, and that this House should proceed to the first reading and consideration of the Reform Bill sent up by the Assembly; but that, to prevent ill consequences from such a precedent for the future, this House now makes an emphatic protest against a proceeding which is contrary to the rules and practice of Parliament.”

Debate ensued.

Amendment, by leave, withdrawn.

Debate resumed.

Question—That this House disagree with the ruling of the President on Thursday, 24th instant, as to the reading of a Bill the first time—put and negatived.

WESTERN PORT COAL MINING COMPANY (LIMITED) BILL.—The Order of the Day for the second reading of this Bill being read, the Honorable C. J. Jenner moved, That the Bill be now read a second time.

Debate ensued.

Question—put and passed.

Bill read a second time.

The Honorable C. J. Jenner moved, That the Bill be considered in Committee of the whole Council on the next day of meeting of the Council.

Question—put and passed.

UNIVERSITY CONSTITUTION AMENDMENT BILL.—The Order of the Day for the adoption of the Report of the Committee of the whole Council on this Bill being read, the Honorable R. D. Reid moved, That the Report be now adopted.

The Honorable Sir C. Sladen moved, That in line 2 of clause A of the Bill as reported, the word “male” be inserted after the word “twenty.”

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

Question—That the Report, as amended, be now adopted—put and passed.

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

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

# NOTICE OF MOTION AND ORDERS OF THE DAY.

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WEDNESDAY, 30TH MARCH, 1881.

*Government Business.*

NOTICE OF MOTION:—

1. The Hon. H. CUTHBERT : To move, That this House will not on this present occasion insist upon its privilege to originate legislation which exclusively affects itself. That the House requests the President to put the question for the first reading of the Bill to reform the Constitution.

ORDER OF THE DAY:—

1. UNIVERSITY CONSTITUTION AMENDMENT BILL.—To be read a third time.

*General Business.*

ORDER OF THE DAY:—

1. WESTERN PORT COAL MINING COMPANY (LIMITED) BILL.—To be considered in Committee.

G. W. RUSDEN,

*Clerk of the Council and Clerk of the Parliaments.*

VICTORIA.

No. 41.

# Minutes of the Proceedings

OF THE

## LEGISLATIVE COUNCIL.

WEDNESDAY, 30<sup>TH</sup> MARCH, 1881.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the Prayer.

CONSTITUTION OF COUNCIL BILL (2).—The Honorable H. Cuthbert, with leave of the Council, moved, in accordance with *amended* notice, That this House will not on this present occasion insist upon its privilege to originate legislation which exclusively affects itself; and, notwithstanding it has already, during this session, expressed its opinion on the Constitution of the Legislative Council, by sending a Bill on that subject to the Legislative Assembly, it requests the President to put the motion for the first reading of the Bill sent from the Legislative Assembly, entitled "*An Act to Reform the Constitution*," but that this proceeding is not to be quoted as a precedent.

Debate ensued.

Question—put and passed.

The President put the question, That the Bill intituled "*An Act for the Reform of the Constitution*," be now read a first time.

Question—put and passed.

Bill read a first time, and, on the motion of the Honorable R. D. Reid, ordered to be printed, and the second reading made an Order of the Day for Tuesday, the 5<sup>th</sup> proximo.

POSTPONEMENT.—The following Order of the Day was postponed until Tuesday, the 5<sup>th</sup> proximo :—

"*University Constitution Amendment Bill*"—To be read a third time.

WESTERN PORT COAL MINING COMPANY (LIMITED) BILL.—The Order of the Day for the consideration of this Bill in Committee of the whole Council being read, the Honorable C. J. Jenner moved, That the Bill be now considered in Committee.

Question—put and passed.

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

The President left the Chair.

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

The Honorable H. Cuthbert moved, That the adoption of the Report be made an Order of the Day for the next day of meeting of the Council.

Question—put and passed.

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

Question—put and passed.

The Council adjourned at ten minutes to six o'clock until half-past four o'clock on Tuesday, the 5<sup>th</sup> proximo.

### ORDERS OF THE DAY.

TUESDAY, 5<sup>TH</sup> APRIL, 1881.

ORDERS OF THE DAY :—

1. CONSTITUTION OF COUNCIL BILL (2).—To be read a second time.
2. UNIVERSITY CONSTITUTION AMENDMENT BILL.—To be read a third time.
3. WESTERN PORT COAL MINING COMPANY (LIMITED) BILL.—Adoption of Report.

G. W. RUSDEN,

*Clerk of the Council and Clerk of the Parliaments.*



## VICTORIA.

No. 42.

*Minutes of the Proceedings*

OF THE

## LEGISLATIVE COUNCIL.

TUESDAY, 5TH APRIL, 1881.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the Prayer.

PAPERS.—The Honorable R. D. Reid, by command of His Excellency the Governor, presented to the Council the following Papers:—

1. Intercolonial Conference.—Despatch and Memorandum from High Commissioner for Western Pacific.

2. Post Office and Telegraph Department.—Report for the year 1880.

Ordered severally to lie on the Table.

PETITION.—The Honorable Sir C. Sladen presented a Petition from the Vice-Chancellor and Council of the University of Melbourne, and under the seal thereof, praying that the University Constitution Amendment Bill may not pass into law.

Petition received.

The Petition was read at the Table by the Clerk.

The Honorable Sir C. Sladen moved, That the Petition be printed, and that its consideration be made an Order of the Day for to-morrow.

Debate ensued.

Question—put and passed.

PETITION.—The Honorable J. Lorimer presented a Petition signed by M. H. Irving and others, styling themselves members of the Senate of the Melbourne University, and praying that the University Constitution Amendment Bill may be passed.

Petition received.

The Petition was read at the Table by the Clerk.

The Honorable J. Lorimer moved, That the Petition be printed, and that its consideration be made an Order of the Day for to-morrow.

Question—put and passed.

PETITION.—The Honorable J. Graham presented a Petition signed by H. A. Strong and others, styling themselves members of the Senate of the University of Melbourne, and praying that the University Constitution Amendment Bill may be passed.

Petition received.

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 Land Tax Act 1877*;" also,

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, 5th April, 1881.

PETER LALOR,  
Speaker.

LAND TAX AMENDMENT BILL.—The Honorable R. D. Reid moved, That this Bill be now read a first time.  
Question—put and passed.

Bill read a first time, and, on the motion of the Honorable R. D. Reid, ordered to be printed, and the second reading made an Order of the Day for Thursday, the 14th instant.

LOCAL GOVERNMENT ACT AMENDMENT BILL.—The Honorable R. D. Reid moved, That this Bill be now read a first time.

Question—put and passed.

Bill read a first time, and, on the motion of the Honorable R. D. Reid, ordered to be printed, and the second reading made an Order of the Day for Tuesday, the 12th instant.

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

"*Constitution of Council Bill*," (2)—To be read a second time, Wednesday, 6th instant.

"*University Constitution Amendment Bill*"—To be read a third time, Wednesday, 6th instant.

WESTERN PORT COAL MINING COMPANY (LIMITED) BILL.—The Order of the Day for the adoption of the Report of the Committee of the whole Council on this Bill being read, the Honorable H. Cuthbert moved, That the Report be now adopted.

Debate ensued.

The Honorable Dr. Dobson moved, That the debate be adjourned until Tuesday next.

Debate ensued.

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

The Council adjourned at a quarter to six o'clock until half-past four o'clock on Wednesday, the 6th instant.

## NOTICES OF MOTION AND ORDERS OF THE DAY.

WEDNESDAY, 6TH APRIL, 1881.

### NOTICES OF MOTION :—

1. The Hon. Sir C. SLADEN : To move, That a Select Committee be appointed to join with a Committee of the Legislative Assembly to consider the question of the Reform of the Constitution, and to report what alterations in the law it is expedient to make in regard thereof. That such Committee consist of seven Members and be elected by ballot.

(Contingent thereon)—

2. The Hon. Sir C. SLADEN : To move, That a Message be sent to the Legislative Assembly to acquaint it that this House has appointed a Committee of seven Members to consider the question of the Reform of the Constitution, and to report what alterations in the law it is expedient to make in regard thereof, and to request that the Legislative Assembly will be pleased to appoint an equal number of Members to be joined with the Members of this House.

### ORDERS OF THE DAY :—

1. UNIVERSITY CONSTITUTION AMENDMENT BILL.—Consideration of Petition of Council of.
2. UNIVERSITY CONSTITUTION AMENDMENT BILL.—Consideration of Petition of members of Senate of.
3. CONSTITUTION OF COUNCIL BILL (2).—To be read a second time.
4. UNIVERSITY CONSTITUTION AMENDMENT BILL.—To be read a third time.

TUESDAY, 12TH APRIL.

### ORDERS OF THE DAY :—

1. LOCAL GOVERNMENT ACT AMENDMENT BILL.—To be read a second time.
2. WESTERN PORT COAL MINING COMPANY (LIMITED) BILL.—Adjourned debate on adoption of Report.

THURSDAY, 14TH APRIL.

### ORDER OF THE DAY :—

1. LAND TAX AMENDMENT BILL.—To be read a second time.

G. W. RUSDEN,

*Clerk of the Council and Clerk of the Parliaments.*



# Minutes of the Proceedings

OF THE

## LEGISLATIVE COUNCIL.

WEDNESDAY, 6TH APRIL, 1881.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the Prayer.

**RESIGNATION OF SEAT BY HONORABLE SIR S. WILSON.**—The President informed the Council that the resignation of his seat by the Honorable Sir S. Wilson, informally addressed to the President, and by the President forwarded to His Excellency the Governor, had been returned to the President as sufficient to justify the issue of a new Writ; and that, accordingly, the President proposed to issue a Writ in the usual manner.

**PAPER.**—The Honorable R. D. Reid laid upon the Table the following Paper :—  
Friendly Societies Act 1877.—Regulations (21st March, 1881).  
Ordered to lie on the Table.

**RAILWAY LINE PLANS—SANDHURST AND GOORNONG.**—The Honorable R. D. Reid laid upon the Table a Return to the Order of the Council made on the 23rd ultimo.

**PAPER.**—The Honorable R. D. Reid, by command of His Excellency the Governor, presented to the Council the following Paper :—  
Explosives—Report of Inspector of, for the year 1880.  
Ordered to lie on the Table.

**PETITION.**—The Honorable J. G. Dougharty presented a Petition signed by C. A. Topp and others, styling themselves members of the Senate of the University of Melbourne, and praying that the University Constitution Amendment Bill may be passed.  
Petition received.  
The Petition was read at the Table by the Clerk.

**REFORM OF THE CONSTITUTION.**—The Honorable Sir C. Sladen, in accordance with notice, moved, That a Select Committee be appointed to join with a Committee of the Legislative Assembly to consider the question of the Reform of the Constitution, and to report what alterations in the law it is expedient to make in regard thereof; and that such Committee consist of seven Members and be elected by ballot.  
Debate ensued.

Question—put and passed.

**NOTE.** The Council then proceeded to the ballot, and the following Members, being reported by the Clerk to have the greatest number of votes, were declared by the President to be the Members of the Committee :—  
The Honorables Sir C. Sladen, H. Cuthbert, W. E. Hearn, R. D. Reid, N. Fitzgerald, J. MacBain, and J. Balfour.

**REFORM OF THE CONSTITUTION—MESSAGE TO THE LEGISLATIVE ASSEMBLY.**—The Honorable Sir C. Sladen, in accordance with notice, moved, That a Message be sent to the Legislative Assembly to acquaint it that this House has appointed a Committee of seven Members to consider the question of the Reform of the Constitution, and to report what alterations in the law it is expedient to make in regard thereof, and to request that the Legislative Assembly will be pleased to appoint an equal number of Members to be joined with the Members of this House.  
Question—put and passed.

**PAPER.**—The Honorable R. D. Reid, by command of His Excellency the Governor, presented to the Council the following Paper :—  
Telegraphic Code Addresses—Rate chargeable for registration of.—Order in Council (31st March, 1881).

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

MR. PRESIDENT—

The Legislative Assembly transmit to the Legislative Council a Bill intituled "*An Act to remove doubts as to the power of the Shire Councils to construct and repair Weirs, Dams, Reservoirs, and other Works for Water Supply,*" with which they desire the concurrence of the Legislative Council.

PETER LALOR,  
Speaker.

Legislative Assembly Chamber,  
Melbourne, 6th April, 1881.

SHIRE COUNCIL POWERS BILL.—The Honorable Sir C. Sladen moved, That this Bill be now read a first time.

Question—put and passed.

Bill read a first time; and, on the motion of the Honorable Sir C. Sladen, ordered to be printed, and the second reading made an Order of the Day for Tuesday, the 12th instant.

UNIVERSITY CONSTITUTION AMENDMENT BILL.—PETITION OF COUNCIL OF UNIVERSITY.—The Order of the Day for the consideration of the Petition of the Council of the University of Melbourne concerning this Bill being read, the Honorable Sir C. Sladen moved, That the prayer of the Petition be complied with.

Question—put and negatived.

UNIVERSITY CONSTITUTION AMENDMENT BILL.—PETITION OF MEMBERS OF SENATE OF UNIVERSITY.—The Order of the Day for the consideration of the Petition of Members of the Senate of the University of Melbourne concerning this Bill being called on, the Honorable J. Lorimer moved, That the Order of the Day be discharged.

Question—put and passed.

POSTPONEMENT.—The following Order of the Day was postponed until Tuesday, the 12th instant :—

“*Constitution of Council Bill*” (2)—To be read a second time.

UNIVERSITY CONSTITUTION AMENDMENT BILL.—The President having reported that the Chairman of Committees had certified that the Bill, as certified, was in accordance with the Bill as reported, the Bill, on the motion of the Honorable R. D. Reid, was read a third time and *passed*.

The Honorable R. D. Reid moved, That the title of the Bill be “*An Act to amend the Law relating to the University of Melbourne.*”

Question—put and passed.

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

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

MR. PRESIDENT—

The Legislative Assembly acquaint the Legislative Council that they have appointed a Select Committee, consisting of seven Members, to confer with the Members of the Legislative Council to consider the question of the Reform of the Constitution, and to report what alterations in the law it is expedient to make in regard thereof, and that they have empowered the Committee to meet in the South Library, to-morrow, at two o'clock, and have empowered the Committee to sit on days on which the House does not meet.

PETER LALOR,  
Speaker.

Legislative Assembly Chamber,  
Melbourne, 6th April, 1881.

REFORM OF THE CONSTITUTION.—SELECT COMMITTEE.—The Honorable R. D. Reid, with leave of the Council, moved, without notice, That the Select Committee of the Council be empowered to sit on days the House is not sitting.

Question—put and passed.

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

Question—put and passed.

The Council adjourned at twenty-five minutes past ten o'clock until half-past four o'clock on Tuesday, the 12th instant.

## ORDERS OF THE DAY.

TUESDAY, 12TH APRIL, 1881.

ORDERS OF THE DAY :—

1. LOCAL GOVERNMENT ACT AMENDMENT BILL.—To be read a second time.
2. WESTERN PORT COAL MINING COMPANY (LIMITED) BILL.—Adjourned debate on adoption of Report.
3. SHIRE COUNCIL POWERS BILL.—To be read a second time.
4. CONSTITUTION OF COUNCIL BILL (2).—To be read a second time.

THURSDAY, 14TH APRIL.

ORDER OF THE DAY :—

1. LAND TAX AMENDMENT BILL.—To be read a second time.

## MEETING OF SELECT COMMITTEE.

Thursday, 7th April.

REFORM OF THE CONSTITUTION—at two o'clock.

G. W. RUSDEN,

Clerk of the Council and Clerk of the Parliaments.

## VICTORIA.

No. 44.

**Minutes of the Proceedings**

OF THE

**LEGISLATIVE COUNCIL.**

TUESDAY, 12TH APRIL, 1881.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the Prayer.

**LOCAL GOVERNMENT ACT AMENDMENT BILL.**—The Order of the Day for the second reading of this Bill being read, the Honorable R. D. Reid moved, That the Bill be now read a second time.

Debate ensued.

Question—put and passed.

Bill read a second time.

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

Question—put and passed.

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

The President left the Chair.

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

The Honorable R. D. Reid moved, That the Report be now adopted.

Question—put and passed.

The President having reported that the fair print of the Bill was in accordance with the Bill as reported, the Bill, on the motion of the Honorable R. D. Reid, was read a third time and *passed*.

The Honorable R. D. Reid moved, That the title of the Bill be "*An Act to further amend 'The 'Local Government Act 1874.'*"

Question—put and passed.

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

**WESTERN PORT COAL MINING COMPANY (LIMITED) BILL.**—The Order of the Day for the resumption of the adjourned debate on the adoption of the Report of the Committee of the whole Council on this Bill being read, the debate was resumed on the question—That the Report of the Committee be now adopted.

The Honorable Dr. Dobson moved, That all the words after the word "That" be omitted, with a view to insert the words "the adoption of the Report be made an Order of the Day for this day six months."

Debate ensued.

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

Question—That the Report of the Committee be now adopted—put and passed.

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

Question—put and passed.

**SHIRE COUNCIL POWERS BILL.**—The Order of the Day for the second reading of this Bill being read, the Honorable Sir C. Sladen moved, That the Bill be now read a second time.

Debate ensued.

Question—put and passed.

Bill read a second time.

The Honorable Sir C. Sladen moved, That the Bill be now considered in Committee of the whole Council.

Question—put and passed.

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

The President left the Chair.

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

The Honorable Sir C. Sladen moved, That the Report be now adopted.

Question—put and passed.

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

The Honorable Sir C. Sladen moved, That the title of the Bill be "*An Act to remove doubts as to the 'power of Shire Councils to construct and repair Weirs, Dams, Reservoirs, and other works for 'Water Supply.'*"

Question—put and passed.

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

POSTPONEMENT.—The following Order of the Day was postponed until Wednesday, the 13th instant :—  
 “ *Constitution of Council Bill* ” (2)—To be read a second time.

The Council adjourned at twenty minutes to seven o'clock until half-past four o'clock on Wednesday the 13th instant.

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## NOTICE OF MOTION AND ORDERS OF THE DAY.

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WEDNESDAY, 13TH APRIL, 1881.

*Government Business.*

NOTICE OF MOTION :—

1. The Hon. R. D. REID : To move, That, in the event of the Appropriation Bill being received from the Assembly, such of the Standing Orders as would prevent its going through all its stages in one day be suspended.

ORDER OF THE DAY :—

1. CONSTITUTION OF COUNCIL BILL (2).—To be read a second time.

*General Business.*

ORDER OF THE DAY :—

1. WESTERN PORT COAL MINING COMPANY (LIMITED) BILL.—To be read a third time.

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THURSDAY, 14TH APRIL.

ORDER OF THE DAY :—

1. LAND TAX AMENDMENT BILL.—To be read a second time.

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## MEETING OF SELECT COMMITTEE.

*Wednesday, 13th April.*

REFORM OF THE CONSTITUTION—at three o'clock.

G. W. RUSDEN,

*Clerk of the Council and Clerk of the Parliaments.*

VICTORIA.

No. 45.

# Minutes of the Proceedings

OF THE

## LEGISLATIVE COUNCIL.

WEDNESDAY, 13<sup>TH</sup> APRIL, 1881.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the Prayer.

**REFORM OF THE CONSTITUTION—REPORT OF SELECT COMMITTEE.**—The Honorable Sir C. Sladen brought up a Report from the Select Committee appointed on the 6th instant, "to join with a Committee of the Legislative Assembly to consider the question of the Reform of the Constitution," and moved, That the same be received.

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

The Select Committee of the Legislative Council appointed "to join with a Committee of the Legislative Assembly to consider the question of the Reform of the Constitution," have the honor to make the following Report:—

Your Committee met the Committee of the Legislative Assembly on Thursday last, and on Monday and Tuesday, and had long sittings.

The discussion was principally confined to the Constitution of the Legislative Council.

The first question had reference to the presence of responsible Ministers in the Council, and it was agreed that the presence of not less than two was desirable.

The next subject was that of the number of Members, and an understanding was arrived at that there was no insuperable objection to the number being increased to forty-two.

The question of the franchise followed. After a lengthened discussion, your Committee, in their anxiety to effect a settlement, ventured to make the following offer, viz. :—

That the franchise should be extended to all freeholders rated at £10 a year, and to all leaseholders and occupiers rated at £25 a year, preserving for owners and for persons having professional and educational qualifications the rights which they at present enjoy.

The Committee of the Legislative Assembly declined to concur in this proposal, but offered to fix the limit of the franchise at £10 for ratepayers only, whether owners or occupiers.

As your Committee did not consider itself warranted in accepting such a proposition, the conference, which had been carried on in a most friendly manner, terminated at the instance of the Chief Secretary.

Question—That the Report be received—put and passed.

**POSTPONEMENT.**—The following Order of the Day was postponed until after the Easter recess:—  
*Constitution of Council Bill (2)*—To be read a second time.

**WESTERN PORT COAL MINING COMPANY (LIMITED) BILL.**—The President having reported that the Chairman of Committees had certified that the fair print of this Bill was in accordance with the Bill as reported, the Bill, on the motion of the Honorable H. Cuthbert, was read a third time and *passed*. The Honorable H. Cuthbert moved, That the title of the Bill be "*An Act to amend an Act intituled 'An Act to authorize the 'Western Port Coal Mining Company Limited' to construct a Tramway 'or Railway and to take and purchase certain lands for that purpose,' and to amend an Act intituled 'An Act to amend and continue an Act intituled 'An Act to authorize the Western Port 'Coal Mining Company Limited to construct a Tramway or Railway and to take and purchase 'certain lands for that purpose.'''*"

Question—put and passed.

The Honorable H. Cuthbert moved, That a Message be sent to the Legislative Assembly to acquaint them that the Council have agreed to the Bill without amendment.

Question—put and passed.

**ADJOURNMENT.**—The Honorable R. D. Reid, with leave of the Council, moved, without notice, That the House, at its rising this day, adjourn until Tuesday, the 26th instant.

Debate ensued.

The Honorable Sir C. Sladen moved, That the words "26th instant" be omitted, with a view to insert the words "3rd proximo" instead thereof.

Question—That the House at its rising this day adjourn until Tuesday, the 3rd proximo—put and passed.

The Council adjourned at a quarter-past five o'clock until half-past four o'clock on Tuesday, the 3rd proximo.

## NOTICE OF MOTION AND ORDERS OF THE DAY.

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TUESDAY, 3RD MAY, 1881.

## NOTICE OF MOTION :—

1. The Hon. R. D. REID : To move, That, in the event of the Appropriation Bill being received from the Assembly, such of the Standing Orders as would prevent its going through all its stages in one day be suspended.

## ORDERS OF THE DAY :—

1. CONSTITUTION OF COUNCIL BILL (2).—To be read a second time.
2. LAND TAX AMENDMENT BILL.—To be read a second time.

G. W. RUSDEN,

*Clerk of the Council and Clerk of the Parliaments.*

## VICTORIA.

No. 46.

## Minutes of the Proceedings

OF THE

## LEGISLATIVE COUNCIL.

TUESDAY, 3RD MAY, 1881.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the Prayer.

MESSAGE FROM THE GOVERNOR.—The Honorable R. D. Reid presented to the Council the following Message from His Excellency the Governor :—

NORMANBY,  
Governor.

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

“An Act to further amend the Local Government Act 1874.”

“An Act to remove doubts as to the power of Shire Councils to construct and repair Weirs, Dams, Reservoirs, and other works for Water Supply.”

“An Act to amend an Act intituled ‘An Act to authorize the Western Port Coal Mining Company Limited’ to construct a Tramway or Railway, and to take and purchase certain lands for that purpose, and to amend an Act intituled ‘An Act to amend and continue an Act intituled ‘An Act to authorize the Western Port Coal Mining Company Limited to construct a Tramway or Railway and to take and purchase certain lands for that purpose.’”

Government Offices,  
Melbourne, 2nd May, 1881.

PAPERS.—The Honorable R. D. Reid, by command of His Excellency the Governor, presented to the Council the following Papers :—

1. Import, Export, Transhipment, and Shipping Returns, 1880, General Summary of.
2. Mineral Statistics, Victoria, 1880.
3. Friendly Societies.—Report of Registrar, for Year ending 31st December, 1880.

Ordered severally to lie on the Table.

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

MR. PRESIDENT—

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

Legislative Assembly Chamber,  
Melbourne, 3rd May, 1881.

PETER LALOR,  
Speaker.

CONSOLIDATED REVENUE BILL (5).—The Honorable R. D. Reid moved, That this Bill be now read a first time.

Question—put and passed.

Bill read a first time.

The Honorable R. D. Reid moved, That the Bill be now read a second time.

Question—put and passed.

Bill read a second time.

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

Question—put and passed.

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

The President left the Chair.

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

The Honorable R. D. Reid moved, That the Report be now adopted.

Question—put and passed.

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

The Honorable R. D. Reid moved, That the title of the Bill be, “An Act to apply out of the Consolidated Revenue the sum of Three hundred thousand pounds to the service of the year One thousand eight hundred and eighty and eighty-one.”

Question—put and passed.

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

PETITION.—The Honorable R. D. Reid presented a Petition, signed by John Cooper and others, styling themselves Ministers of Religion in and around Melbourne, and praying that their disqualification for election as Members of the Legislative Council may be removed.

Petition received.

PETITION.—The Honorable J. MacBain presented a Petition, signed by F. Henty and others, styling themselves land owners in the colony of Victoria, and praying for relief in the matter of the Land Tax Amendment Bill.

Petition received.

The Petition was read at the Table by the Clerk.

CONSTITUTION OF COUNCIL BILL (2).—The Order of the Day for the second reading of this Bill being read, the Honorable R. D. Reid moved, That the Bill be now read a second time.

Debate ensued.

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

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

It appeared that there were seventeen Members voting for the second reading of the Bill, and none voting against it.

The question was therefore passed.

Bill read a second time.

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

Question—put and passed.

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

The President left the Chair.

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

Ordered.

POSTPONEMENT.—The following Order of the Day was postponed until Wednesday, the 4th proximo :—  
“*Land Tax Amendment Bill*”—To be read a second time.

The Council adjourned at ten o'clock until half-past four o'clock on Wednesday, the 4th instant.

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## NOTICE OF MOTION AND ORDERS OF THE DAY.

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WEDNESDAY, 4TH MAY, 1881.

1. The Hon. P. RUSSELL : To ask the Honorable Member representing the Government why the amounts with the names of lately accepted contracts for mail service have not been published in the *Government Gazette* as formerly.

### *Government Business.*

NOTICE OF MOTION :—

1. The Hon. R. D. REID : To move, That, in the event of the Appropriation Bill being received from the Assembly, such of the Standing Orders as would prevent its going through all its stages in one day be suspended.

ORDERS OF THE DAY :—

1. CONSTITUTION OF COUNCIL BILL (2).—To be further considered in Committee.
2. LAND TAX AMENDMENT BILL.—To be read a second time.

G. W. RUSDEN,

*Clerk of the Council and Clerk of the Parliaments.*



## VICTORIA.

No. 47.

# Minutes of the Proceedings

OF THE

## LEGISLATIVE COUNCIL.

WEDNESDAY, 4TH MAY, 1881.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the Prayer.

MESSAGE FROM THE GOVERNOR.—The Honorable R. D. Reid presented to the Council the following Message from His Excellency the Governor :—

NORMANBY,  
*Governor.*

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

*“ An Act to apply out of the Consolidated Revenue the sum of Three hundred thousand pounds to the service of the year One thousand eight hundred and eighty and eighty-one.”*

Government House,  
Melbourne, 4th May, 1881.

CONSTITUTION OF COUNCIL BILL (2).—The Order of the Day for the further consideration of this Bill in Committee of the whole Council being read, the President left the Chair.

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

Ordered.

The Council adjourned at five minutes to eleven o'clock until half-past four o'clock on Thursday, the 5th instant.

### NOTICE OF MOTION AND ORDERS OF THE DAY.

THURSDAY, 5TH MAY, 1881.

NOTICE OF MOTION :—

1. The Hon. R. D. REID : To move, That, in the event of the Appropriation Bill being received from the Assembly, such of the Standing Orders as would prevent its going through all its stages in one day be suspended.

ORDERS OF THE DAY :—

1. CONSTITUTION OF COUNCIL BILL (2).—To be further considered in Committee.
2. LAND TAX AMENDMENT BILL.—To be read a second time.

TUESDAY, 10TH MAY.

1. The Hon. P. RUSSELL : To ask the Honorable Member representing the Government why the amounts with the names of lately accepted contracts for mail service have not been published in the *Government Gazette* as formerly.

G. W. RUSDEN,

*Clerk of the Council and Clerk of the Parliaments.*



VICTORIA.

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No. 48.

# Minutes of the Proceedings

OF THE

## LEGISLATIVE COUNCIL.

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THURSDAY, 5TH MAY, 1881.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the Prayer.

CONSTITUTION OF COUNCIL BILL (2).—The Order of the Day for the further consideration of this Bill in Committee of the whole Council being read, the President left the Chair.

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

The Honorable R. D. Reid moved, That the adoption of the Report of the Committee be made an Order of the Day for Tuesday next.

Question—put and passed.

The Council adjourned at ten minutes past eight o'clock until half-past four o'clock on Tuesday, the 10th instant.

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### NOTICE OF MOTION AND ORDERS OF THE DAY.

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TUESDAY, 10TH MAY, 1881.

1. The Hon. P. RUSSELL: To ask the Honorable Member representing the Government why the amounts with the names of lately accepted contracts for mail service have not been published in the *Government Gazette* as formerly.

NOTICE OF MOTION :—

1. The Hon. R. D. REID: To move, That, in the event of the Appropriation Bill being received from the Assembly, such of the Standing Orders as would prevent its going through all its stages in one day be suspended.

ORDERS OF THE DAY :—

1. CONSTITUTION OF COUNCIL BILL (2).—Adoption of Report.
2. LAND TAX AMENDMENT BILL.—To be read a second time.

G. W. RUSDEN,

*Clerk of the Council and Clerk of the Parliaments.*



VICTORIA.

No. 49.

*Minutes of the Proceedings*

OF THE

## LEGISLATIVE COUNCIL.

TUESDAY, 10<sup>TH</sup> MAY, 1881.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the Prayer.

PAPERS.—The Honorable R. D. Reid, by command of His Excellency the Governor, presented to the Council the following Papers :—

1. Post Office Savings Banks.—Statement of Accounts (1st June to 31st December, 1880).
2. Land Act 1869.—Regulations.—Fees for certificate as to boundaries.—Order in Council (12th April, 1881).
3. Hospitals for Insane.—Report of Inspector of, for year ending 31st December, 1880.
4. Torpedo.—Report of Board on explosion of (5th May, 1881).
5. Mr. H. F. Neal.—Report of Board of Enquiry (5th April, 1881).

Ordered severally to lie on the Table.

CONSTITUTION OF COUNCIL BILL (2).—The Order of the Day for the adoption of the Report of the Committee of the whole Council on this Bill being called on, the Honorable R. D. Reid moved, That the Order of the Day be discharged, with a view to the re-committal of the Bill.

Question—That the Order of the Day be discharged—put and passed.

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

The President left the Chair.

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

The Honorable Sir C. Sladen moved, That the Bill be now re-committed.

Question—put and passed.

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

The President left the Chair.

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

The Honorable R. D. Reid moved, That the adoption of the Report of the Committee be made an Order of the Day for to-morrow.

Ordered.

The Council adjourned at twenty minutes to eleven o'clock until half-past four o'clock on Wednesday, the 11th instant.

## NOTICE OF MOTION AND ORDERS OF THE DAY.

WEDNESDAY, 11<sup>TH</sup> MAY, 1881.

NOTICE OF MOTION :—

1. The Hon. R. D. REID : To move, That, in the event of the Appropriation Bill being received from the Assembly, such of the Standing Orders as would prevent its going through all its stages in one day be suspended.

ORDERS OF THE DAY :—

1. CONSTITUTION OF COUNCIL BILL (2).—Adoption of Report.
2. LAND TAX AMENDMENT BILL.—To be read a second time.

G. W. RUSDEN,

*Clerk of the Council and Clerk of the Parliaments.*



*Minutes of the Proceedings*  
OF THE  
**LEGISLATIVE COUNCIL.**

WEDNESDAY, 11<sup>TH</sup> MAY, 1881.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the Prayer.

PAPER.—The Honorable R. D. Reid, by command of His Excellency the Governor, presented to the Council the following Paper :—

Import, Export, Transshipment, and Shipping Returns, &c.,—Summary of, for the year 1880.  
Ordered to lie on the Table.

CONFERENCE COMMITTEE.—REFORM OF THE CONSTITUTION.—The Honorable R. D. Reid laid on the Table the Report of the Shorthand-writer of the Conferences of the Select Committee of the Legislative Council appointed on the 6th ultimo, to consider the question of Reform in conjunction with a Select Committee of the Legislative Assembly.

The Honorable R. D. Reid moved, That the Report of the Shorthand-writer be printed.

Question—put and passed.

CONSTITUTION OF COUNCIL BILL (2).—The Order of the Day for the adoption of the Report of the Committee of the whole Council on this Bill being read, the Honorable R. D. Reid moved, That the Report be now adopted.

Debate ensued.

Question—put and passed.

The President reported to the Council that the Chairman of Committees had certified that the fair print of the Bill was in accordance with the Bill as reported.

The Honorable R. D. Reid moved, That the Bill be now read a third time.

The Honorable H. Cuthbert moved, That the following clause be added to the Bill :—

“It shall not be lawful to present to the Governor of the said colony for Her Majesty’s assent any Bill by which an alteration in the constitution of the said Legislative Council as constituted by An Act to establish a Constitution in and for the Colony of Victoria or by this Act or in the Schedule marked D annexed to the Constitution Act or in this Act may be made unless the second and third readings of such Bill shall have been passed with the concurrence of an absolute majority of the whole number of the members of the Legislative Council and of the Legislative Assembly respectively : Provided also that every Bill which be so passed shall be reserved for the signification of Her Majesty’s pleasure thereon.”

Debate ensued.

The Honorable H. Cuthbert, with leave of the Council, withdrew the clause proposed to be added.

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

It appeared that there were seventeen Members voting for the third reading of the Bill and none voting against it.

The question was therefore passed.

Bill read a third time.

The Honorable R. D. Reid moved, That the Bill do now *pass*.

Question—put and passed.

The Honorable R. D. Reid moved, That the title of the Bill be “*An Act for the Reform of the Constitution.*”

Question—put and passed.

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

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

MR. PRESIDENT—

The Legislative Assembly return to the Legislative Council the Bill intituled "*An Act to amend the Law relating to the University of Melbourne,*" and acquaint the Legislative Council that they have agreed to the amendments made by the Legislative Council in this Bill.

Legislative Assembly Chamber,  
Melbourne, 11th May, 1881.

PETER LALOR,  
Speaker.

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

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

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## NOTICE OF MOTION AND ORDER OF THE DAY.

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TUESDAY, 17TH MAY, 1881.

NOTICE OF MOTION :—

1. The Hon. R. D. REID : To move, That, in the event of the Appropriation Bill being received from the Assembly, such of the Standing Orders as would prevent its going through all its stages in one day be suspended.

ORDER OF THE DAY :—

1. LAND TAX AMENDMENT BILL.—To be read a second time.

G. W. RUSDEN,

*Clerk of the Council and Clerk of the Parliaments.*



VICTORIA.

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No. 51.

# Minutes of the Proceedings

OF THE

## LEGISLATIVE COUNCIL.

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TUESDAY, 17<sup>TH</sup> MAY, 1881.

There being no quorum of Members present at the expiration of half an hour after the time appointed for the meeting of the Council, the President took the Chair, and, without question put, adjourned the Council to the next sitting day.

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### NOTICE OF MOTION AND ORDER OF THE DAY.

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WEDNESDAY, 18<sup>TH</sup> MAY, 1881.

NOTICE OF MOTION :—

1. The Hon. R. D. REID : To move, That, in the event of the Appropriation Bill being received from the Assembly, such of the Standing Orders as would prevent its going through all its stages in one day be suspended.

ORDER OF THE DAY :—

1. LAND TAX AMENDMENT BILL.—To be read a second time.

G. W. RUSDEN,

*Clerk of the Council and Clerk of the Parliaments.*



## VICTORIA.

No. 52.

**Minutes of the Proceedings**

OF THE

**LEGISLATIVE COUNCIL.**

WEDNESDAY, 18TH MAY, 1881.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the Prayer.

**WESTERN PROVINCE.—RETURN OF WRIT.**—The President informed the Council that the Writ issued by him for the election of a Member for the Western Province, in the room of the Honorable Sir S. Wilson, had been returned to him, and that the Returning Officer had certified that “Thomas Forrest Cumming was duly elected in pursuance of” the Writ.

**NEW MEMBER.**—The Honorable T. F. Cumming, being introduced, approached the Table and took and subscribed the Oath of Allegiance, and delivered to the Clerk the declaration required by the seventh clause of the Act 32 Victoria, No. 334, as hereunder set forth:—

“In compliance with the provisions of the Act 32 Victoria, No. 334, I, THOMAS FORREST CUMMING, do declare and testify that I am duly seised at law or in equity of an estate of freehold for my own use and benefit in lands or tenements in the colony of Victoria of the annual value of Three hundred pounds sterling money, above all charges and incumbrances affecting the same: And further, that the lands and tenements out of which such qualification arises are situate in the parish of Malvern, in the county or reputed county of Bourke, the description of which lands and tenements are as follow:—

“Dwelling house and twenty acres of land.

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

Name of Municipal District.	No. on Rate Book.	Situation and description of property.	Full net annual value.
Malvern ... ..	265	Twenty acres at corner of Glenferrie and Gardiner's Creek Road	£390.

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

“THOS. F. CUMMING.”

**PAPER.**—The Honorable R. D. Reid, by command of His Excellency the Governor, presented to the Council the following Paper:—

Land Act 1869.—Report of Proceedings under, during the year ended 31st December, 1880.

Ordered to lie on the Table.

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

MR. PRESIDENT—

The Legislative Assembly transmit to the Legislative Council a Message from His Excellency the Governor recommending an amendment in the Bill intituled “*An Act to amend the law relating to the University of Melbourne*,” and acquaint the Legislative Council that the Legislative Assembly have agreed to the amendments recommended by His Excellency the Governor in the Bill, with which the Legislative Assembly desire the concurrence of the Legislative Council.

PETER LALOR,

Speaker.

Legislative Assembly Chamber,  
Melbourne, 18th May, 1881.

NORMANBY,

Governor.

Pursuant to the provisions of section 36 of the Constitution Act, the Governor transmits to the Legislative Assembly for their consideration the following amendment, which he desires to be made in the Bill intituled “*An Act to amend the law relating to the University of Melbourne*,” which has been presented to him for Her Majesty's assent, viz.:—

In clause 4, last line, after the word “officers,” insert the words “in the Council.”

The Honorable R. D. Reid moved, That the Council concur with the Legislative Assembly in making the amendment recommended by the Governor in the Bill.

Question—put and passed.

Ordered—That a Message be sent to the Legislative Assembly to acquaint them that the Council have agreed to the amendment recommended by the Governor in the Bill.

LAND TAX AMENDMENT BILL.—The Order of the Day for the second reading of this Bill being called on, the Honorable J. MacBain moved, That the consideration of the Order be postponed until the next day of meeting of the Council.

Amendment moved by the Honorable W. E. Hearn, That the words "the next day of meeting of the Council" be omitted, with the view of inserting the words "Wednesday next" instead thereof.

Debate ensued.

Question—That the consideration of the Order of the Day be postponed until Wednesday next—put and passed.

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

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## NOTICES OF MOTION AND ORDER OF THE DAY.

THURSDAY, 19TH MAY, 1881.

NOTICES OF MOTION :—

1. The Hon. R. D. REID : To move, That, in the event of the Appropriation Bill being received from the Assembly, such of the Standing Orders as would prevent its going through all its stages in one day be suspended.
2. The Hon. R. D. REID : To move, That the House, at its rising this day, adjourn until Friday, 20th instant, at half-past four o'clock.

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WEDNESDAY, 25TH MAY.

ORDER OF THE DAY :—

1. LAND TAX AMENDMENT BILL.—To be read a second time.

G. W. RUSDEN,

*Clerk of the Council and Clerk of the Parliaments.*

VICTORIA.

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No. 53.

*Minutes of the Proceedings*  
 OF THE  
**LEGISLATIVE COUNCIL.**

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THURSDAY, 19<sup>TH</sup> MAY, 1881.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the Prayer.

PARLIAMENT BUILDINGS (JOINT) COMMITTEE.—The Honorable R. D. Reid, with leave of the Council, moved, without notice, That the Honorable J. MacBain be a member of the Joint Committee of both Houses, for the management and superintendence of the Parliament Buildings, in room of the Honorable Sir S. Wilson, resigned.

Question—put and passed.

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

Debate ensued.

Question—put and passed.

The Council adjourned at a quarter to five o'clock until half-past four o'clock on Wednesday, the 25<sup>th</sup> instant.

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NOTICE OF MOTION AND ORDER OF THE DAY.

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WEDNESDAY, 25<sup>TH</sup> MAY, 1881.

NOTICE OF MOTION :—

1. The Hon. R. D. REID : To move, That, in the event of the Appropriation Bill being received from the Assembly, such of the Standing Orders as would prevent its going through all its stages in one day be suspended.

ORDER OF THE DAY :—

1. LAND TAX AMENDMENT BILL.—To be read a second time.

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



## VICTORIA.

No. 54.

*Minutes of the Proceedings*

OF THE

## LEGISLATIVE COUNCIL.

WEDNESDAY, 25TH MAY, 1881.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the Prayer.

PAPERS.—The Honorable R. D. Reid, by command of His Excellency the Governor, presented to the Council the following Papers:—

1. Kelly Reward Fund.—Report of Board.

2. Mining Surveyors and Registrars—Reports of, for Quarter ended 31st March, 1881.

Ordered severally to lie on the Table.

LAND TAX AMENDMENT BILL.—The Order of the Day for the second reading of this Bill being read, the Honorable R. D. Reid moved, That the Bill be now read a second time.

The Honorable J. MacBain required that the Petition, presented by him on the 3rd instant, praying for relief in the matter of the Bill, be read.

The Petition was read at the Table by the Clerk.

Debate ensued.

The Honorable W. E. Hearn moved, That the debate be adjourned.

Question—That the debate be adjourned—put and passed.

The Honorable W. E. Hearn moved, That the debate be resumed on the next day of meeting of the Council.

Question—put and passed.

ADJOURNMENT.—The Honorable R. D. Reid moved, That the House do now adjourn.

The Honorable T. Bromell moved, That the House, at its rising this day, adjourn until Tuesday next.

Question—That the House, at its rising this day, adjourn until Tuesday next—put.

Council divided.

Contents, 8.  
The Hon. R. Simson,  
T. Bromell,  
A. Fraser,  
J. Buchanan,  
J. A. Wallace,  
T. F. Hamilton,  
F. Robertson,  
J. MacBain (*Teller.*)

Not-Contents, 7.  
The Hon. Sir C. Sladen,  
W. Campbell,  
W. J. Clarke,  
C. J. Jenner,  
W. E. Hearn,  
J. Lorimer,  
W. Ross (*Teller.*)

The question was therefore passed.

The Council adjourned at a quarter to seven o'clock until half-past four o'clock on Tuesday, the 31st instant.

## NOTICE OF MOTION AND ORDER OF THE DAY.

TUESDAY, 31ST MAY, 1881.

NOTICE OF MOTION:—

1. The Hon. R. D. REID: To move, That, in the event of the Appropriation Bill being received from the Assembly, such of the Standing Orders as would prevent its going through all its stages in one day be suspended.

ORDER OF THE DAY:—

1. LAND TAX AMENDMENT BILL.—Adjourned debate on second reading.

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





VICTORIA.

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No. 55.

# Minutes of the Proceedings

OF THE

## LEGISLATIVE COUNCIL.

---

TUESDAY, 31st MAY, 1881.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the Prayer.

PAPER.—The Honorable R. D. Reid, by command of His Excellency the Governor, presented to the Council the following Paper :—

Torpedo Explosion—Correspondence relative to Report of Board upon (to 16th May, 1881).  
Ordered to lie on the Table.

ADJOURNMENT.—The Honorable R. D. Reid, with leave of the Council, moved, without notice, That the House, at its rising this day, adjourn until Thursday next.

Question—put and passed.

LAND TAX AMENDMENT BILL.—The Order of the Day for the resumption of the adjourned debate on the second reading of this Bill being read, the debate was resumed.

The Honorable J. Balfour moved, That the debate be adjourned.

Question—That the debate be adjourned—put and passed.

The Honorable J. Balfour moved, That the debate be resumed on the next day of meeting of the Council.

Question—put and passed.

The Council adjourned at twenty-five minutes past six o'clock until half-past four o'clock on Thursday the 2nd proximo.

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### NOTICE OF MOTION AND ORDER OF THE DAY.

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THURSDAY, 2ND JUNE, 1881.

NOTICE OF MOTION :—

1. The Hon. R. D. REID : To move, That, in the event of the Appropriation Bill being received from the Assembly, such of the Standing Orders as would prevent its going through all its stages in one day be suspended.

ORDER OF THE DAY :—

1. LAND TAX AMENDMENT BILL.—Adjourned debate on second reading.

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



VICTORIA.

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No. 56.

# Minutes of the Proceedings

OF THE

## LEGISLATIVE COUNCIL.

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THURSDAY, 2ND JUNE, 1881.

There being no quorum of Members present at the expiration of half an hour after the time appointed for the meeting of the Council, the President took the Chair, and, without question put, adjourned the Council to the next sitting day.

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### NOTICE OF MOTION AND ORDER OF THE DAY.

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TUESDAY, 7TH JUNE, 1881.

NOTICE OF MOTION :—

1. The Hon. R. D. REID : To move, That, in the event of the Appropriation Bill being received from the Assembly, such of the Standing Orders as would prevent its going through all its stages in one day be suspended.

ORDER OF THE DAY :—

1. LAND TAX AMENDMENT BILL.—Adjourned debate on second reading.

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



## VICTORIA.

No. 57.

# Minutes of the Proceedings

OF THE

## LEGISLATIVE COUNCIL.

TUESDAY, 7TH JUNE, 1881.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the Prayer.

MESSAGE FROM THE GOVERNOR.—The Honorable R. D. Reid presented to the Council the following Message from His Excellency the Governor:—

NORMANBY,  
*Governor.*

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 law relating to the University of Melbourne.”*

Government Offices,  
Melbourne, 7th June, 1881.

PAPER.—The Honorable R. D. Reid, by command of His Excellency the Governor, presented to the Council the following Paper :—

Land Act 1869—Fees for duplicate, modified, or consolidated licenses, under Part II, Land Act 1869.—Order in Council (23rd May, 1881).

Ordered to lie on the Table.

PAPER.—The Honorable R. D. Reid laid on the Table the following Paper :—

Census of Victoria 1881.—Approximate Returns.

Ordered to lie on the Table.

DECLARATION OF MEMBER.—The Honorable T. F. Hamilton delivered to the Clerk a declaration, as hereunder set forth :—

“In compliance with the provisions of the Act 32 Victoria, No. 334, I, THOMAS FERRIER HAMILTON, do declare and testify that I am duly seised at law or in equity of an estate of freehold for my own use and benefit in lands or tenements in the Colony of Victoria of the capital value of Two thousand five hundred pounds sterling money, above all charges and encumbrances affecting the same: And further, that the lands and tenements out of which such qualification arises are situate in the parishes of Gisborne, Cut Paw Paw, and Moorabbin, in the county or reputed county of Bourke, the description of which lands and tenements are as follow :—

“370 acres and homestead, near Riddell’s Creek ;

“5 acres and 20 perches, Footscray, fronting the Yarra Yarra ;

“5 acres and 39 perches, with house, &c., situate Cole street, Elsternwick.

“And I further declare that such of the said lands and tenements as are situate in the municipal districts of Gisborne, Footscray, and Brighton, are rated in the rate-books of such municipal district [*or districts respectively*] as follows :—

“370 acres and homestead near Riddell’s Creek, Nos. 621 and 622, rated at £140.

“5 acres and 20 perches, Footscray, No. 2144 on rate-book, rated at £50.

“5 acres and 39 perches, with house, &c., Cole street, Elsternwick. Number on rate-book, 819 ; rated at £80.

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

“THOMAS F. HAMILTON.”

LAND TAX AMENDMENT BILL.—The Order of the Day for the resumption of the adjourned debate on the second reading of this Bill being read, the debate was resumed.

The Honorable W. Campbell moved, That the debate be adjourned.

Debate ensued.

Question—That the debate be adjourned—put and passed.

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

The Council adjourned at twenty minutes to nine o’clock until half-past four o’clock on Wednesday, the 8th instant.

## NOTICE OF MOTION AND ORDER OF THE DAY.

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WEDNESDAY, 8TH JUNE, 1881.

1. The Hon. W. E. HEARN : To ask the Hon. Member representing the Government when the returns relating to the operation of the Civil Service Act, ordered by this House on November 3, 1880, will be laid before the House.

NOTICE OF MOTION :—

1. The Hon. R. D. REID : To move, That, in the event of the Appropriation Bill being received from the Assembly, such of the Standing Orders as would prevent its going through all its stages in one day be suspended.

ORDER OF THE DAY :—

1. LAND TAX AMENDMENT BILL.—Adjourned debate on second reading.

G. W. RUSDEN,

*Clerk of the Council and Clerk of the Parliaments.*

VICTORIA.

No. 58.

# Minutes of the Proceedings

OF THE

## LEGISLATIVE COUNCIL.

WEDNESDAY, 8TH JUNE, 1881.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the Prayer.

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

MR. PRESIDENT—

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

PETER LALOR,  
Speaker.

Legislative Assembly Chamber,  
Melbourne, 7th June, 1881.

CONSOLIDATED REVENUE BILL (6).—The Honorable R. D. Reid moved, That this Bill be now read a first time.

Question—put and passed.

Bill read a first time.

The Honorable R. D. Reid moved, That the Bill be now read a second time.

Question—put and passed.

Bill read a second time.

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

Question—put and passed.

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

The President left the Chair.

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

The Honorable R. D. Reid moved, That the Report be now adopted.

Question—put and passed.

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

The Honorable R. D. Reid moved, That the title of the Bill be "*An Act to apply out of the Consolidated Revenue the sum of Three hundred thousand pounds to the service of the year One thousand eight hundred and eighty and eighty-one.*"

Question—put and passed.

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

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

MR. PRESIDENT—

The Legislative Assembly return to the Legislative Council the Bill intituled "*An Act for the Reform of the Constitution,*" and acquaint the Legislative Council that they have agreed to some of the amendments made therein by the Legislative Council, that they have disagreed with others of the said amendments, and that they have agreed to others with amendments, with which they desire the concurrence of the Legislative Council.

PETER LALOR,  
Speaker.

Legislative Assembly Chamber,  
Melbourne, 7th June, 1881.

CONSTITUTION OF COUNCIL BILL (2).—The Honorable R. D. Reid moved, That the consideration of the Message from the Legislative Assembly with this Bill be made an Order of the Day for to-morrow.

Question—put and passed.

LAND TAX AMENDMENT BILL.—The Order of the Day for the resumption of the adjourned debate on the second reading of this Bill being read, the Honorable W. Campbell moved, That the debate be adjourned until to-morrow.

Question—put and passed.

The Council adjourned at ten minutes to five o'clock until half-past four o'clock on Thursday, the 9th instant.

## NOTICES OF MOTION AND ORDERS OF THE DAY.

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THURSDAY, 9TH JUNE, 1881.

1. The Hon. W. E. HEARN : To ask the Hon. Member representing the Government when the returns relating to the operation of the Civil Service Act, ordered by this House on November 3, 1880, will be laid before the House.

## NOTICES OF MOTION :—

1. The Hon. R. D. REID : To move, That the House, at its rising, adjourn till half-past four on Friday, 10th instant.
2. The Hon. R. D. REID : To move, That, in the event of the Appropriation Bill being received from the Assembly, such of the Standing Orders as would prevent its going through all its stages in one day be suspended.

## ORDERS OF THE DAY :—

1. CONSTITUTION OF COUNCIL BILL (2).—Consideration of Message from Legislative Assembly.
2. LAND TAX AMENDMENT BILL.—Adjourned debate on second reading.

G. W. RUSDEN,

*Clerk of the Council and Clerk of the Parliaments.*



VICTORIA.

No. 59.

# Minutes of the Proceedings

OF THE

## LEGISLATIVE COUNCIL.

THURSDAY, 9TH JUNE, 1881.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the Prayer.

MESSAGE FROM THE GOVERNOR.—The Honorable R. D. Reid presented to the Council the following Message from His Excellency the Governor :—

NORMANBY,

*Governor.*

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

*“ An Act to apply out of the Consolidated Revenue the sum of Three hundred thousand pounds to the service of the year One thousand eight hundred and eighty and eighty-one.”*

Government House,  
Melbourne, 8th June, 1881.

PAPER.—The Honorable R. D. Reid, by command of His Excellency the Governor, presented to the Council the following Paper :—

Intercolonial Conference.—Despatch and amended Memorandum from High Commissioner of Western Pacific (19th May, 1881).

Ordered to lie on the Table.

CONSTITUTION OF COUNCIL BILL (2).—The Order of the Day for the consideration of the Message from the Legislative Assembly, returning this Bill with amendments, being read, the Honorable R. D. Reid moved, That the Message be now taken into consideration.

Debate ensued.

Question—That the Message be now taken into consideration—put and passed.

On the motion of the Honorable R. D. Reid, the Council agreed with the amendments made by the Legislative Assembly in clauses EE, C, D, and E severally, as follows :—

(EE) “ Agreed to with the following amendments :—Insert after ‘ borough ’ (line 21) the word ‘ and,’ and omit from line 22 the words ‘ and road district,’ and omit from line 28 the words ‘ or clerk,’ and from line 29 ‘ and road district.’ ”

(C) “ Agreed to with following amendments :—After ‘ Gippsland ’ (line 14) insert ‘ and,’ and after ‘ Northern ’ (line 16) omit ‘ and the North-Western.’ ”

(D) “ Agreed to with following amendments :—Line 17, omit ‘ mentioned ’ and insert ‘ indicated.’ Line 32, omit the word ‘ and ’ ; after ‘ North Central ’ insert ‘ and the North-Western.’ Line 84, after ‘ Yarra ’ insert ‘ South Yarra ’ ; and after ‘ retire,’ line 93, insert ‘ and in the last-mentioned Province the member receiving the next lowest number of votes shall next so retire.’ ”

(E) “ Leave out ‘ specified and set forth ’ and insert ‘ indicated.’ ”

The Honorable R. D. Reid moved, That the Council agree with the amendment to omit the words “ and fifty ” in clause 7.

Debate ensued.

The Honorable Sir C. Sladen moved, That the Council disagree with the amendment.

Question—That the Council disagree with the amendment—put and passed.

The Honorable R. D. Reid moved, That the Council agree to the amendment to add to the clause the words “ other than any public or Parliamentary tax or municipal or other rate or assessment.”

Question—put and passed.

The Honorable R. D. Reid moved, That the Council agree to the amendments made by the Assembly in clause K.

Amendment moved by the Honorable Sir C. Sladen, That the Council agree to leave out the word “ such ” after “ every ” in line 1.

Amendment—put and passed.

The Honorable Sir C. Sladen moved, That the Council agree to the amendment to insert after the word “ person,” in line 2, the words “ of the full age of twenty-one years, and not subject to any legal incapacity.”

Question—put and passed.

The Honorable Sir C. Sladen moved, That the Council agree to leave out, in line 2, the words “ as aforesaid ”

Question—put and passed.

The Honorable Sir C. Sladen moved, That the Council insist on retaining the remaining words of clause K, and disagree to the insertion of the other words proposed by the Legislative Assembly.

Question—put and passed.

On the motion of Sir C. Sladen, clauses L, M, N, O, P, Q, were severally insisted on by the Council. The Honorable Sir C. Sladen moved, That the Council insist on retaining in clause R the words “shall between the first and twelfth days of November in each year make”

Question—put and passed.

The Honorable Sir C. Sladen moved, That the Council agree to the omission thereafter of the words, “and transmit”

Question—put and passed.

On the motion of the Honorable Sir C. Sladen, the Council agreed to insist on retaining the words, “a perfect copy of the citizen burgess or voters’ roll (hereinafter called ‘municipal roll’) of such “municipal district or of any ward or subdivision thereof in force for the time being”;

agreed to insert thereafter the word “and” as a grammatical amendment;

agreed to the amendment of the Legislative Assembly to insert the words “shall enter “opposite the name of every person on such roll the amount at which the rateable property in “respect of which he is included in such roll is rated” with the following addition, viz.: “and shall “within the time aforesaid transmit such copy certified by such clerk under his hand”;

agreed to insert after “under his hand” the words proposed by the Legislative Assembly, viz.: “to the registrar of any electoral province division which corresponds with or extends over “any part of” with the following addition, viz., “the municipal district to which such roll or rolls “relate”;

agreed to leave out other words of clause R, disagreed with by the Legislative Assembly, and disagreed with the remaining words of the amendment proposed by the Legislative Assembly.

On the motion of the Honorable Sir C. Sladen, the Council agreed in clause 21—

to leave out the word “any” after “registrar of”;

to insert the words “each province” in room thereof;

to insist on the succeeding words as far as the words “this Act” inclusive;

to insert the words “or to the like effect” after “Act”;

to insist on the remaining words of the clause, and to disagree with the remaining words proposed by the Legislative Assembly.

On the motion of the Honorable Sir C. Sladen, the Council insisted on their amendments in clause 24, disagreed with the amendments of the Legislative Assembly therein, and insisted on clauses T, U, and V, and on their amendment in clause 28;

agreed to insert in clause Z the word “wrongfully,” and disagreed with the amendment to omit other words in that clause.

On the motion of the Honorable Sir C. Sladen, the Council agreed to the amendment to insert the words “or to the like effect” in clause AA.

The Honorable Sir C. Sladen moved, That the Council insist on their amendment to insert clause FF, for the following reasons:—

“At the late Conference it was urged on the part of the Council, and admitted on the part of the Assembly, that the presence of at least two Ministers in the Legislative Council would be desirable. At that Conference the Chief Secretary stated—in allusion to the difficulty his Government had experienced in getting a single Minister in the Council to accept a portfolio—that the Bill to alter the Constitution of the Legislative Council would remedy that; and added, ‘So clear am I upon that, that if the Council desire to have a clause proposing that at least two Ministers of the Crown shall be in the Council put into the Bill before us, I should have no objection; and I am quite sure the House would have no objection to put it into the present Bill.’ That statement was received with much satisfaction by the Members of the Council’s Committee, and was reported by them accordingly to the Council.

“As the importance of the Ministry being well represented in both Houses, as well for preserving harmonious relations between them, as for the more effective despatch of business is thus recognised by all, the present Bill affords the fitting opportunity of giving effect to the general opinion.

“The clause introduced by the Council has not proved acceptable to the Assembly. The Council regrets that the Assembly has not offered any amendment, and that the Council is therefore under the necessity of insisting on the retention of the clause, in the hope that some arrangement may be arrived at whereby the admitted defect in the relations between the two Houses may be remedied.

“In the Imperial Parliament a statutory limitation exists as to the number of Principal Secretaries of State who should hold seats in the House of Commons; and the Council informs the Assembly that it would willingly concur in a clause providing that not more than seven Responsible Ministers should have seats in either House.”

Question—put and passed.

On the motion of The Honorable Sir C. Sladen, the Council agreed to omit 1881, and insert 1882, in the First Schedule, and disagreed with the amendment to add words thereto.

On the motion of The Honorable Sir C. Sladen, the Council agreed severally to the amendments made by the Legislative Assembly in the Second and Fourth Schedules, disagreed with the amendments of the Legislative Assembly in the Sixth Schedule, and insisted on the Eighth and Ninth Schedules.

The Honorable R. D. Reid moved, That the Bill be returned to the Legislative Assembly with a Message acquainting them that the Council insist on some of their amendments, do not insist on other of their amendments, agree with some of the amendments of the Legislative Assembly on the amendments made by the Council, agree with amendments to some of the amendments of the Legislative Assembly on the amendments of the Legislative Council, and insist on Clause FF for reasons attached to the Bill.

Question—put and passed.

ADJOURNMENT.—The Honorable R. D. Reid, with leave of the Council, moved, without notice, that the House, at its rising this day, adjourn until Wednesday next.

The Council adjourned at twenty minutes to twelve o'clock until half-past four o'clock on Wednesday, the 15th instant.

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## NOTICE OF MOTION AND ORDER OF THE DAY.

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WEDNESDAY, 15TH JUNE, 1881.

NOTICE OF MOTION :—

1. The Hon. R. D. REID : To move, That, in the event of the Appropriation Bill being received from the Assembly, such of the Standing Orders as would prevent its going through all its stages in one day be suspended.

ORDER OF THE DAY :—

1. LAND TAX AMENDMENT BILL.—Adjourned debate on second reading.

G. W. RUSDEN,

*Clerk of the Council and Clerk of the Parliaments.*



## VICTORIA.

No. 60.

**Minutes of the Proceedings**

OF THE

**LEGISLATIVE COUNCIL.**WEDNESDAY, 15<sup>TH</sup> JUNE, 1881.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the Prayer.

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

MR. PRESIDENT—

The Legislative Assembly transmit to the Legislative Council an Address to His Excellency the Governor, agreed to by them on the 14th instant, praying that courts of General Sessions may be held at Horsham and Shepparton, with which they desire the concurrence of the Legislative Council.

Legislative Assembly Chamber,  
Melbourne, 15th June, 1881.

PETER LALOR,  
Speaker.

*To His Excellency the Most Honorable GEORGE AUGUSTUS CONSTANTINE, Marquis of Normanby, Earl of Mulgrave, Viscount Normanby, and Baron Mulgrave of Mulgrave, all in the County of York, in the Peerage of the United Kingdom; and Baron Mulgrave of New Ross, in the County of Wexford, in the Peerage of Ireland; a Member of Her Majesty's Most Honorable Privy Council; Knight Grand Cross of the Most Distinguished Order of Saint Michael and Saint George; Governor and Commander-in-Chief in and over the Colony of Victoria and its Dependencies, &c., &c., &c.*

MAY IT PLEASE YOUR EXCELLENCY—

We, the \_\_\_\_\_ and the Legislative Assembly of Victoria in Parliament assembled, pray that courts of General Sessions may be held at Horsham and Shepparton.

HORSHAM AND SHEPPARTON—COURTS OF GENERAL SESSIONS.—The Honorable R. D. Reid moved, That the Council concur with the Legislative Assembly in the Address to His Excellency the Governor praying that courts of Petty Sessions may be held at Horsham and Shepparton.

Debate ensued.

Question—put and passed.

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

POSTPONEMENT.—The following Order of the Day was postponed until Thursday, the 16th instant :—

“*Land Tax Amendment Bill*”—Adjourned debate on second reading.

The Council adjourned at five minutes to five o'clock until half-past four o'clock on Thursday, the 16th instant.

**NOTICE OF MOTION AND ORDER OF THE DAY.**THURSDAY, 16<sup>TH</sup> JUNE, 1881.

NOTICE OF MOTION :—

1. The Hon. R. D. REID : To move, That, in the event of the Appropriation Bill being received from the Assembly, such of the Standing Orders as would prevent its going through all its stages in one day be suspended.

ORDER OF THE DAY :—

1. LAND TAX AMENDMENT BILL.—Adjourned debate on second reading.

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



## VICTORIA.

No. 61.

**Minutes of the Proceedings**

OF THE

**LEGISLATIVE COUNCIL.**

THURSDAY, 16TH JUNE, 1881.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the Prayer.

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

MR. PRESIDENT—

The Legislative Assembly desire a Conference with the Legislative Council on the subject-matter of the amendments made and insisted on by the Legislative Council to the Bill intituled "*An Act for the reform of the Constitution.*"

PETER LALOR,  
Speaker.

Legislative Assembly Chamber,  
Melbourne, 16th June, 1881.

CONSTITUTION OF COUNCIL BILL (2).—The Honorable R. D. Reid moved, That the Legislative Council do agree to a free Conference as desired, and appoint the same immediately in the South Library.

Debate ensued.

Question—put and passed.

The Honorable R. D. Reid moved, That the Managers of such Conference be the Honorables J. Balfour, H. Cuthbert, F. S. Dobson, C. J. Jenner, J. Lorimer, Sir C. Sladen, and the Mover.

Debate ensued.

The Honorable Sir C. Sladen desired to be excused from serving.

Debate ensued.

The Honorable R. D. Reid, with leave of the Council, substituted the name of the Honorable W. E. Hearn for that of the Honorable Sir C. Sladen.

Question—That the Managers of such Conference be the Honorables J. Balfour, H. Cuthbert, F. S. Dobson, C. J. Jenner, J. Lorimer, W. E. Hearn, and the Mover—put and passed.

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

MR. PRESIDENT—

The Legislative Assembly return to the Legislative Council the Bill intituled "*An Act for the Reform of the Constitution,*" and acquaint the Legislative Council that they insist on some of the amendments made by the Legislative Assembly on the amendments made by the Legislative Council in this Bill, that they do not insist on others of the said amendments, that they agree to some of the amendments of the Legislative Council on the amendments of the Legislative Assembly, and do not insist in disagreeing to others of the said amendments.

PETER LALOR,  
Speaker.

Legislative Assembly Chamber,  
Melbourne, 16th June, 1881.

The Honorable H. Cuthbert brought up the following Report from the managers of the Conference:—  
Your Managers conferred with the Managers from the Legislative Assembly.

It was agreed to recommend to the two Houses that the Council should agree to a reduction of the qualification of Members of the Council to £100; should not insist on clause FF relating to responsible ministers; and should agree that the periodic elections should be held on the same day, viz., the second Thursday in September.

It was understood that the last object could only be effected by means of a Message from His Excellency the Governor, the matter having been conclusively dealt with by the two Houses.

CONSTITUTION OF COUNCIL BILL (2).—The Honorable H. Cuthbert moved, That the Council do not now insist on retaining the words "and fifty" in clause 7 of this Bill.

Question—put and passed.

The Honorable R. D. Reid moved, That the Council do not now insist on retaining the new clause FF in the Bill.

Question—put and passed.

Ordered—That a Message be sent to the Legislative Assembly to acquaint them that the Council do not now insist on retaining the words "and fifty" in clause 7, and do not now insist on retaining the new clause FF in the Bill.

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

MR. PRESIDENT—

The Legislative Assembly transmit to the Legislative Council a Bill intituled "*An Act for the further Amendment of the Law relating to Neglected and Criminal Children,*" with which they desire the concurrence of the Legislative Council.

PETER LALOR,  
Speaker.

Legislative Assembly Chamber,  
Melbourne 16th June, 1881.

NEGLECTED AND CRIMINAL CHILDREN LAW FURTHER AMENDMENT BILL.—The Honorable W. E. Hearn moved, That this Bill be now read a first time.

Question—put and passed.

Bill read a first time; and, on the motion of the Honorable W. E. Hearn, ordered to be printed, and the second reading made an Order of the Day for Tuesday next.

The Council adjourned at a quarter past eleven o'clock until half-past four o'clock on Tuesday, the 21st instant.

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## NOTICE OF MOTION AND ORDERS OF THE DAY.

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TUESDAY, 21ST JUNE, 1881.

NOTICE OF MOTION :—

1. The Hon. R. D. REID : To move, That, in the event of the Appropriation Bill being received from the Assembly, such of the Standing Orders as would prevent its going through all its stages in one day be suspended.

ORDERS OF THE DAY :—

1. LAND TAX AMENDMENT BILL.—Adjourned debate on second reading.
2. NEGLECTED AND CRIMINAL CHILDREN'S LAW FURTHER AMENDMENT BILL.—To be read a second time.

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



## VICTORIA.

No. 62.

*Minutes of the Proceedings*

OF THE

## LEGISLATIVE COUNCIL.

TUESDAY, 21ST JUNE, 1881.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the Prayer.

PAPER.—The Honorable R. D. Reid, by command of His Excellency the Governor, presented to the Council the following Paper :—

Melbourne Harbor Trust—Accounts of, for Quarter ended 31st March, 1881.

Ordered to lie on the Table.

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

MR. PRESIDENT—

The Legislative Assembly transmit to the Legislative Council a Message from His Excellency the Governor recommending amendments in the Bill intituled "*An Act for the reform of the Constitution*," and acquaint the Legislative Council that the Legislative Assembly have agreed to the several amendments recommended by His Excellency the Governor in this Bill, with which they desire the concurrence of the Legislative Council.

PETER LALOR,  
Speaker.

Legislative Assembly Chamber,  
Melbourne, 21st June, 1881.

NORMANBY,  
Governor.

In pursuance of section 36 of the Constitution Act, the Governor transmits to the Legislative Assembly for consideration the following amendments which he desires to be made in the Bill intituled "*An Act for the Reform of the Constitution*," which has been presented to him for Her Majesty's assent :—

Clause 8, line 7, substitute "day" for "days"; line 8, omit "respective," and substitute "day" for "days"

Clause 24, line 8, substitute "authority" for "board"

Clause 27, line 7, after "rated" insert "and also whether he is owner, lessee, assignee, or occupying tenant thereof, and also his residence and postal address"

First Schedule, column 3, lines 6 and 7, omit "Sections 63, 64, 65, 66, 67"

Lines 7 and 8, omit "and the fifteenth and sixteenth Schedules"

Line 12, omit "Schedules," and substitute "proviso" for "provisoes"

Third Schedule, under heading of "Polling day," omit all words in second column, and insert "The second Thursday in September." Such words to be bracketed, so as to apply to every province.

Fifth Schedule, line 6, after "the same" insert "other than any public or parliamentary tax or municipal or other rate or assessment"

Seventh Schedule, line 8, after "the same" insert like words as in preceding amendment.

Ninth Schedule, line 7, substitute "1881" for "1880"

Government Offices,  
Melbourne, 21st June, 1881.

CONSTITUTION OF COUNCIL BILL (2).—On the motion of the Honorable R. D. Reid, the foregoing amendments, recommended by His Excellency the Governor in this Bill, were severally read, and were agreed to by the Council.

Ordered—That a Message be sent to the Legislative Assembly to acquaint them that the Council have concurred with the Legislative Assembly in making the amendments recommended by His Excellency the Governor in the Bill.

LAND TAX AMENDMENT BILL.—The Order of the Day for the resumption of the adjourned debate on the question, That this Bill be now read a second time—being read, the debate was resumed.

The Honorable Sir C. Sladen moved, That all the words after the word “That” be omitted, with a view to insert the following words instead thereof :—“this Council, whilst recognizing the justice and policy of imposing a tax upon land, if all other realized property is taxed at the same time, regrets that it is unable to concur in the principles and provisions of this Bill, and that therefore “this Bill be read a second time this day six months.”

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

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

Question—That this Council, whilst recognizing the justice and policy of imposing a tax upon land, if all other realized property is taxed at the same time, regrets that it is unable to concur in the principles and provisions of this Bill, and that therefore this Bill be read a second time this day six months—put and passed.

NEGLECTED AND CRIMINAL CHILDREN’S LAW FURTHER AMENDMENT BILL.—The Order of the Day for the second reading of this Bill being read, the Honorable W. E. Hearn moved, That the Bill be now read a second time.

Debate ensued.

Question—put and passed.

Bill read a second time.

The Honorable W. E. Hearn moved, That the Bill be now considered in Committee of the whole Council.

Question—put and passed.

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

The President left the Chair.

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

Ordered.

The Council adjourned at twenty minutes to seven o’clock until half-past four o’clock on Wednesday, the 22nd instant.

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## NOTICE OF MOTION AND ORDER OF THE DAY.

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WEDNESDAY, 22ND JUNE, 1881.

NOTICE OF MOTION :—

1. The Hon. R. D. REID : To move, That, in the event of the Appropriation Bill being received from the Assembly, such of the Standing Orders as would prevent its going through all its stages in one day be suspended.

ORDER OF THE DAY :—

1. NEGLECTED AND CRIMINAL CHILDREN’S LAW FURTHER AMENDMENT BILL.—To be further considered in Committee.

G. W. RUSDEN,

*Clerk of the Council and Clerk of the Parliaments.*

VICTORIA.

No. 63.

**Minutes of the Proceedings**  
OF THE  
**LEGISLATIVE COUNCIL.**

WEDNESDAY, 22<sup>ND</sup> JUNE, 1881.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the Prayer.

**NEGLECTED AND CRIMINAL CHILDREN'S LAW FURTHER AMENDMENT BILL.**—The Order of the Day for the further consideration of this Bill in Committee of the whole Council being read, the President left the Chair.

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

The Honorable W. E. Hearn moved, That the Report be now adopted.

Question—put and passed.

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

The Honorable W. E. Hearn moved, That the title of the Bill be "*An Act for the further amendment of the Law relating to Neglected and Criminal Children.*"

Question—put and passed.

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

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

Question—put and passed.

The Council adjourned at five o'clock until half-past four o'clock on Tuesday, the 28th instant.

**NOTICE OF MOTION.**

TUESDAY, 28<sup>TH</sup> JUNE, 1881.

NOTICE OF MOTION :—

1. The Hon. R. D. REID : To move, That, in the event of the Appropriation Bill being received from the Assembly, such of the Standing Orders as would prevent its going through all its stages in one day be suspended.

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

10/11/13

Dear Mr. Jones  
I am writing to you  
regarding the  
contract for the  
supply of goods  
which you have  
placed with us.  
We are sorry to  
hear that you  
are not satisfied  
with the quality  
of the goods.  
We will be happy  
to discuss the  
matter with you  
and to make  
such arrangements  
as you may require.  
Yours faithfully,  
The Manager

Yours faithfully,  
The Manager

VICTORIA.

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No. 64.

# Minutes of the Proceedings

OF THE

## LEGISLATIVE COUNCIL.

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TUESDAY, 28<sup>TH</sup> JUNE, 1881.

There being no quorum of Members present at the expiration of half-an-hour after the time appointed for the meeting of the Council, the President took the Chair, and, without question put, adjourned the Council to the next sitting day.

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NOTICE OF MOTION.

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WEDNESDAY, 29<sup>TH</sup> JUNE, 1881.

NOTICE OF MOTION :—

- I. The Hon. R. D. REID : To move, That, in the event of the Appropriation Bill being received from the Assembly, such of the Standing Orders as would prevent its going through all its stages in one day be suspended.

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



VICTORIA.

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No. 65.

# Minutes of the Proceedings

OF THE

## LEGISLATIVE COUNCIL.

---

WEDNESDAY, 29<sup>TH</sup> JUNE, 1881.

There being no quorum of Members present at the expiration of half-an-hour after the time appointed for the meeting of the Council, the President took the Chair, and, without question put, adjourned the Council to the next sitting day.

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### NOTICE OF MOTION.

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THURSDAY, 30<sup>TH</sup> JUNE, 1881.

NOTICE OF MOTION :—

1. The Hon. R. D. REID : To move, That, in the event of the Appropriation Bill being received from the Assembly, such of the Standing Orders as would prevent its going through all its stages in one day be suspended.

CHARLES L. COMYNS,  
*Clerk-Assistant of the Legislative Council.*





## VICTORIA.

No. 66.

## Minutes of the Proceedings

OF THE

## LEGISLATIVE COUNCIL.

THURSDAY, 30TH JUNE, 1881.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the Prayer.

ABSENCE, LEAVE OF, CLERK OF COUNCIL.—THE CLERK-ASSISTANT TO TAKE HIS PLACE.—The Honorable C. J. Jenner, with leave of the Council, moved, without notice, That the Clerk-Assistant do perform the duties of the Clerk of the Council during his absence, and do take his chair at the Table.  
Question—put and passed.

MESSAGES FROM HIS EXCELLENCY THE GOVERNOR.—The Honorable R. D. Reid presented to the Council the following Messages from His Excellency the Governor:—

NORMANBY,

*Governor.*

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 for the further amendment of the law relating to Neglected and Criminal Children.”*

Government Offices,

Melbourne, 27th June, 1881.

NORMANBY.

*Governor.*

The Governor informs the Legislative Council that he has, on this day, at the Government Offices, reserved for the signification of Her Majesty's pleasure the undermentioned Act of the present Session, presented to him by the Clerk of the Parliaments, viz:—

*“An Act for the Reform of the Constitution.”*

Government Offices,

Melbourne, 27th June, 1881.

PAPER.—The Honorable R. D. Reid, by command of His Excellency the Governor, presented to the Council the following Paper:—

Amended Regulation under *“The Beer Duty Act 1880.”* (20th June, 1881.)

RABBIT SUPPRESSION ACT 1880 AMENDMENT BILL.—The Honorable Sir C. Sladen, with leave of the Council, moved, without notice, That leave be given to introduce a Bill to amend *“The Rabbit Suppression Act 1880.”*

Question—put and passed.

Bill brought in, and, on the motion of the Honorable Sir C. Sladen, was read a first time.

The Honorable Sir C. Sladen moved, That the Bill be now read a second time.

Question—put and passed.

Bill read a second time.

The Honorable Sir C. Sladen moved, That the Bill be now considered in Committee of the whole Council.

Question—put and passed.

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

The President left the Chair.

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

The Honorable Sir C. Sladen moved, That the Report be now adopted.

Question—put and passed.

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

The Honorable Sir C. Sladen moved, That the title of the Bill be *“An Act to amend ‘The Rabbit Suppression Act 1880.’”*

Question—put and passed.

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

The Council adjourned at twenty minutes past five until half-past four o'clock on Tuesday, 5th July.

## NOTICE OF MOTION.

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TUESDAY, 5TH JULY, 1881.

1. The Hon. DR. DOBSON : To ask the Honorable Member representing the Government whether they are aware that a dramatic work called "Tambour Major" is at present in rehearsal at the Bijou Theatre in Melbourne, and that a considerable number of children of tender years are engaged in such rehearsals.

## NOTICE OF MOTION :—

1. The Hon. R. D. REID : To move, That, in the event of the Appropriation Bill being received from the Assembly, such of the Standing Orders as would prevent its going through all its stages in one day be suspended.

CHARLES L. COMYNS,  
*Acting Clerk of the Legislative Council.*

## VICTORIA.

No. 67.

## Minutes of the Proceedings

OF THE

## LEGISLATIVE COUNCIL.

TUESDAY, 5TH JULY, 1881.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the Prayer.

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

MR. PRESIDENT—

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

PETER LALOR,  
Speaker.

Legislative Assembly Chamber,  
Melbourne, 5th July, 1881.

CONSOLIDATED REVENUE BILL (7).—The Honorable R. D. Reid moved, That this Bill be now read a first time.

Question—put and passed.

Bill read a first time.

The Honorable R. D. Reid moved, That the Bill be now read a second time.

Question—put and passed.

Bill read a second time.

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

Question—put and passed.

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

The President left the Chair.

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

The Honorable R. D. Reid moved, That the Report be now adopted.

Question—put and passed.

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

The Honorable R. D. Reid moved, That the title of the Bill be "*An Act to apply out of the Consolidated Revenue the sum of Four hundred and seventy-four thousand seven hundred and three pounds to the service of the year One thousand eight hundred and eighty and eighty-one.*"

Question—put and passed.

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

CONFERENCE COMMITTEE.—REFORM OF THE CONSTITUTION.—The Honorable R. D. Reid laid on the Table the Report of the Shorthand Writer of the Free Conference on the subject-matter of the amendments made and insisted on by the Legislative Council to the Bill intituled "*An Act for the Reform of the Constitution.*"

The Honorable R. D. Reid moved, that the Report of the Shorthand Writer be printed.

Question—put and passed.

SUSPENSION OF STANDING ORDER.—The Honorable R. D. Reid moved, That the notice of motion standing in his name be discharged from the notice paper.

Question—put and passed.

ADJOURNMENT.—The Honorable R. D. Reid, with leave of the Council, moved, without notice, That the House, at its rising this day, adjourn until Thursday next.

Question—put and passed.

The Council adjourned at five o'clock until half-past four o'clock on Thursday, the 7th instant.

CHARLES L. COMYNS,  
*Acting Clerk of the Legislative Council.*



VICTORIA.

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No. 68.

# Minutes of the Proceedings

OF THE

# LEGISLATIVE COUNCIL.

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THURSDAY, 7<sup>TH</sup> JULY, 1881.

There being no quorum of Members present at the expiration of half an hour after the time appointed for the meeting of the Council, the President took the Chair, and, without question put, adjourned the Council to the next sitting day.

CHARLES L. COMYNS,  
*Acting Clerk of the Legislative Council.*



No. 69.

# Minutes of the Proceedings

OF THE

## LEGISLATIVE COUNCIL.

TUESDAY, 12<sup>TH</sup> JULY, 1881.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the Prayer.

**SOUTH PROVINCE—ISSUE OF WRIT.**—The President announced to the Council that, in consequence of the acceptance of an office of profit under the Crown by the Honorable Dr. Dobson, it was his intention to issue, on the 14th instant, a Writ for the election of a Member to serve for the South Province.

**ADJOURNMENT.**—The Honorable J. MacBain, with leave of the Council, moved, without notice, That the House, at its rising this day, adjourn till Thursday the 28th instant.

Question—put and passed.

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

NORMANBY,

*Governor.*

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

*“An Act to apply out of the Consolidated Revenue the sum of Four hundred and seventy-four thousand seven hundred and three pounds to the service of the year One thousand eight hundred and eighty and eighty-one.”*

Government House,  
Melbourne, 6th July, 1881.

The Council adjourned at ten minutes to five o'clock until half-past four o'clock on Thursday, the 28th instant.

CHARLES L. COMYNS,  
*Acting Clerk of the Legislative Council.*





VICTORIA.

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No. 70.

*Minutes of the Proceedings*

OF THE

LEGISLATIVE COUNCIL.

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THURSDAY, 28<sup>TH</sup> JULY, 1881.

There being no quorum of Members present at the expiration of half an hour after the time appointed for the meeting of the Council, the President took the Chair, and, without question put, adjourned the Council to the next sitting day.

CHARLES L. COMYNS,  
*Acting Clerk of the Legislative Council.*



## VICTORIA.

No. 71.

## Minutes of the Proceedings

OF THE

## LEGISLATIVE COUNCIL.

TUESDAY, 2ND AUGUST, 1881.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the Prayer.

**ROYAL ASSENT TO BILLS.**—The President announced that he had received a communication from the Private Secretary to His Excellency the Governor, announcing His Excellency's intention to proceed to the Legislative Council Chamber this day, at five o'clock, to assent, in Her Majesty's name, to certain Bills passed by the Legislative Council and the Legislative Assembly.

**WRIT—ISSUE OF.**—The President announced that a communication had been received from the Private Secretary to His Excellency the Governor, reporting, for the information of the President of the Legislative Council, that His Excellency had received the resignation of the Honorable Robert Dyce Reid as a Member of the Legislative Council for the Eastern Province, and that a writ had been issued returnable on the 20th day of August next for the election of a new Member.

**WRIT—RETURN OF.—SOUTH PROVINCE.**—The President announced to the Council that a Writ issued by him for the election of a Member to serve for the South Province in room of the Honorable Dr. Dobson, who had accepted an office of profit under the Crown, had been returned to him, and that the Returning officer had certified "That the Honorable Frank Stanley Dobson, Barrister-at-Law, was duly elected in pursuance of the writ."

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

"In compliance with the provisions of the Act 32 Victoria No. 334, I, FRANK STANLEY DOBSON, do declare and testify that I am duly seised at law or in equity of an estate of freehold for my own use and benefit in lands or tenements in the colony of Victoria of the capital value of Two thousand five hundred pounds sterling money, above all charges and incumbrances affecting the same: And further, that the lands and tenements out of which such qualification arises are situate in the parishes of Hawthorn and Prahran, in the county or reputed county of Bourke, the description of which lands and tenements are as follow:—

"Houses and land in the boroughs of Hawthorn and Prahran.

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

No on the Rate.	Name of Person rated.	Name of Owner.	Situation of Property. <i>Hawthorn.</i>	Electoral District and Division.	Net Annual Value.
74	Raleigh, Joseph ...	Dobson, Frank Stanley	House, Yarra street...	Boroondara,	£ s. d. 130 0 0
75	Dobson, Frank Stanley	Dobson, Frank Stanley	Land, Yarra street ...	Ditto ...	20 0 0
1158	Gilbert, Mrs. ...	Dobson, Frank Stanley	House, Church street	Ditto ...	90 0 0
			<i>Prahran.</i>		
208	Dobson, Frank Stanley	Dobson, Frank Stanley	44 Darling street ...	... ..	130 0 0

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

"F. STANLEY DOBSON."

WRIT—RETURN OF.—EASTERN PROVINCE.—The President announced to the Council that a writ issued by him for the Election of a Member to serve for the Eastern Province in room of the Honorable Robert Dyce Reid had been returned to him, and that the Returning Officer had certified “That William Pearson, of Kilmany Park, Sale, gentleman, was duly elected in pursuance of the writ.”

NEW MEMBER.—The Honorable William Pearson, being introduced, approached the Table, and took and subscribed the Oath of Allegiance, and delivered to the Clerk the declaration required by the Act 32 Victoria, No. 334, as hereunder set forth :—

“In compliance with the provisions of the Act 32 Victoria No. 334, I, WILLIAM PEARSON, do declare and testify that I am duly seized at law or in equity of an estate of freehold for my own use and benefit in lands or tenements in the colony of Victoria, of the annual value of Two hundred and fifty pounds sterling money, above all charges and incumbrances affecting the same : And further, that the lands and tenements out of which such qualification arises are situate in the parishes of Wurruk Wurruk and Denison, in the county or reputed county of Tanjil, the description of which lands and tenements are as follow :—

“Kilmany Park, containing 14,741 acres.

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

No. in Rate Book.	Acres.	Net Annual Rent Value.	Electoral District.
577 ... ..	13,641 ... ..	£2,630 ... ..	Western Division.
578 ... ..	1,100 ... ..	220 ... ..	Eastern Province.

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

“WM. PEARSON.”

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 ended on the last day of June One thousand eight hundred and eighty-one, and to appropriate the Supplies granted in this Session of Parliament,*” with which they desire the concurrence of the Legislative Council.

PETER LALOR,  
Speaker.

Legislative Assembly Chambers,  
Melbourne, 28th July, 1881.

APPROPRIATION BILL.—The Honorable Dr. Dobson moved, That this Bill be now read a first time.

Question—put and passed.

Bill read a first time.

The Honorable Dr. Dobson moved, That the Bill be now read a second time.

Question—put and passed.

Bill read a second time.

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

Question—put and passed.

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

The President left the Chair.

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

The Honorable Dr. Dobson moved, That the Report be now adopted.

Question—put and passed.

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

The Honorable Dr. Dobson moved, That the title of the Bill be “*An Act to apply a sum out of the Consolidated Revenue to the service of the year ended on the last day of June, One thousand eight hundred and eighty-one, and to appropriate the Supplies granted in this Session of Parliament.*”

Question—put and passed.

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

MESSAGE FROM THE LEGISLATIVE ASSEMBLY.—The President announced to the Council the receipt of 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, for repealing and altering certain other Duties, and for other purposes,*” with which they desire the concurrence of the Legislative Council.

PETER LALOR,  
Speaker.

Legislative Assembly Chamber,  
Melbourne, 28th July, 1881.

**CUSTOMS DUTIES BILL.**—The Honorable Dr. Dobson moved, That this Bill be now read a first time.

Question—put and passed.

Bill read a first time.

The Honorable Dr. Dobson moved, That the Bill be now read a second time.

Question—put and passed.

Bill read a second time.

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

Question—put and passed.

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

The President left the Chair.

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

The Honorable Dr. Dobson moved, That the Report be now adopted.

Question—put and passed.

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

The Honorable Dr. Dobson moved, That the title of the Bill be "*An Act for granting to Her Majesty certain Duties of Customs, for repealing and altering certain other Duties, and for other purposes.*"

Question—put and passed.

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

**PAPERS.**—The Honorable Dr. Dobson laid upon the Table the following papers :—

1. Mining Leases—Regulation relating to.—Order in Council (27th June, 1881).
2. Public Accounts.—Regulation respecting (27th June, 1881).
3. University of Melbourne.—Report of the Proceedings of the Council—1st June, 1880, to 31st May, 1881.
4. Police Commission.—Progress Report of Royal Commission of Enquiry.—Kelly outbreak, and present state and organization of Police Force.

**PAPERS.**—The Honorable Dr. Dobson, by command of His Excellency the Governor, presented to the Council the following papers :—

1. Savings Banks.—Deposits on Penny Postage Stamps.—Order in Council (30th June, 1881).
2. Vaccination.—Memorandum by Central Board of Health (21st June, 1880).
3. Melbourne International Exhibition 1880—Rule (9th July, 1881).
4. Dissolution of Parliament.—Correspondence between His Excellency the Governor and the late Ministry, relative to (4th and 5th July, 1881).
5. Industrial and Reformatory Schools—Reports of the Committee of Inspectors of (15th June, 1881).
6. Meteorological Conference (Intercolonial) Minutes of Proceedings.

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

**ROYAL ASSENT TO BILLS.**—His Excellency the Governor came into the Council Chamber, and commanded the Usher to desire the attendance of the Legislative Assembly in the Council Chamber ; who being come with their Speaker, he delivered the Appropriation Bill to the Clerk, who brought it to the Table.

His Excellency was then pleased to assent, in Her Majesty's name, to the following Bills :—

" *An Act to apply a sum out of the Consolidated Revenue to the service of the year ended on the last day of June, One thousand eight hundred and eighty-one, and to appropriate the Supplies granted in this Session of Parliament.*"

" *An Act for granting to Her Majesty certain Duties of Customs, for repealing and altering certain other Duties, and for other purposes.*"

The Royal Assent being read severally by the Clerk Assistant in the following words :—

" In the name and on behalf of Her Majesty I assent to this Act.

" NORMANBY,  
" Governor."

The Clerk Assistant delivered to Mr. Speaker a Schedule of the Acts assented to.

His Excellency was then pleased to speak as follows :—

MR. PRESIDENT AND HONORABLE GENTLEMEN OF THE LEGISLATIVE COUNCIL :

MR. SPEAKER AND GENTLEMEN OF THE LEGISLATIVE ASSEMBLY :

It is with pleasure that I release you from the duties of the Session, which has been one that has been protracted beyond all precedent by your persistent efforts to bring to a successful issue the grave and urgent question of Constitutional Reform.

I congratulate you on your surmounting satisfactorily the difficulties of the occasion, and on your arriving at such a solution of this important problem that, while no political party has succeeded in carrying the exact measure which it may have desired, yet the general community rests satisfied with the amount of Reform that has been achieved by mutual concessions made by those acting on each side in politics, and holding strongly opposite political views on this very question.

In the early part of the Session you have been enabled to authorize a further large extension of the national system of Railways, thus conferring on numerous districts in the Colony the great benefit of cheap carriage for agricultural produce to its various ports and local markets.

The Melbourne International Exhibition, maintained under your auspices during this Session, has, after a brilliant opening, been ably conducted to a most satisfactory termination. Public thanks are due to the President, Vice-Presidents, and Members of the Royal Commission of this Exhibition, who, with their officers, brought about these happy results. To the Imperial Government, to our fellow subjects in Great Britain, Ireland, and the Colonies, and to the representatives and members of foreign nations, who all so largely, by their arduous exertions, contributed to its success, are also due the highest public praise.

MR. SPEAKER AND GENTLEMEN OF THE LEGISLATIVE ASSEMBLY :

I thank you on behalf of the Queen for the liberality of your grants towards carrying on the public services, and in aid of the further development of the resources of Victoria.

MR. PRESIDENT AND HONORABLE GENTLEMEN OF THE LEGISLATIVE COUNCIL :

MR. SPEAKER AND GENTLEMEN OF THE LEGISLATIVE ASSEMBLY :

Considering the late period of the year to which this session has been extended, my Advisers do not contemplate at present anything further than a nominal recess, as they are fully impressed with the importance of meeting the claims of the public creditor with as little delay as possible.

In relieving you from your onerous duties, you will be gratified to learn that the revenue of the country continues to improve each month, thus evincing the general prosperity of all classes.

I trust that this prosperity may, under the blessing of Divine Providence, be increased in the future.

In the name of Her Majesty I declare this Parliament prorogued to the 4th day of August 1881, and it is hereby prorogued accordingly.

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

His Excellency the Governor left the Council Chamber.

CHARLES L. COMYNS,  
*Acting Clerk of the Legislative Council.*

## SELECT COMMITTEES, APPOINTED DURING THE SESSION OF 1880-81.

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### No. 1.—ELECTIONS AND QUALIFICATIONS.

Appointed (by President's Warrant) 27th July, 1880.

The Hon. Robert Stirling Anderson George Frederick Belcher Henry Cuthbert William Edward Hearn		The Hon. William Highett James Lorimer* Sir Charles Sladen, and Philip Russell.†
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\* Re-appointed after re-election, 22nd September, 1880.

† Appointed 22nd September, 1880, *vice* Hon. W. Highett, whose seat was vacated by effluxion of time.

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### No. 2.—ADDRESS IN REPLY TO GOVERNOR'S SPEECH.

Appointed 27th July, 1880.

The Hon. Sir C. Sladen H. Cuthbert W. E. Hearn W. Campbell		The Hon. J. Graham J. Lorimer J. MacBain ( <i>Mover</i> ).
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### No. 3.—STANDING ORDERS.

Appointed 27th July, 1880.

The Hon. The President* R. S. Anderson Sir C. Sladen		The Hon. Dr. Dobson Dr. Hearn Sir S. Wilson.†
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\* Re-appointed after re-election, 21st September, 1880.

† Appointed 21st September, 1880.

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### No. 4.—PARLIAMENT BUILDINGS (JOINT).

Appointed 27th July, 1880.

The Hon. The President* J. Buchanan Sir Samuel Wilson		The Hon. C. J. Jenner W. Ross J. MacBain.†
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\* Re-appointed after re-election, 21st September, 1880.

† Appointed 19th May, 1881, *vice* Hon. Sir S. Wilson, resigned.

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### No. 5.—LIBRARY (JOINT).

Appointed 27th July, 1880.

The Hon. The President* N. Fitzgerald Dr. Dobson		The Hon. J. Balfour* J. Graham.
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\* Re-appointed after re-election, 21st September, 1880.

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### No. 6.—PRINTING.

Appointed 27th July, 1880.

The Hon. J. Lorimer* J. Cumming W. Highett F. Robertson		The Hon. J. MacBain C. J. Jenner† J. Graham.†
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\* Re-appointed after re-election, 21st September, 1880.

† Appointed 26th October, 1880, *vice* the Hons. J. Cumming and W. Highett, whose seats were vacated by effluxion of time.

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### No. 7.—REFRESHMENT ROOMS (JOINT).

Appointed 27th July, 1880.

The Hon. Thos. Bromell T. F. Hamilton R. D. Reid		The Hon. G. F. Belcher W. J. Clarke.
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No. 8.—TO CONFER WITH COMMITTEE OF LEGISLATIVE ASSEMBLY.—  
PAYMENT OF MEMBERS.

Appointed 28th September, 1880.

The Hon. Sir C. Sladen  
W. E. Hearn  
J. Lorimer

The Hon. J. MacBain  
Sir S. Wilson  
H. Cuthbert (*Mover*).

No. 9.—PARLIAMENTARY USAGE.—POSITION AND EMOLUMENTS OF  
OFFICERS OF THE HOUSE.

Appointed 27th October, 1880.

The Hon. W. Campbell  
H. Cuthbert  
W. E. Hearn  
J. Lorimer

The Hon. R. D. Reid  
R. Simson  
Sir C. Sladen (*Mover*).

No. 10.—BETTING PREVENTION BILL.

Appointed 10th November, 1880.

The Hon. H. Cuthbert  
J. Buchanan  
R. Simson  
W. McCulloch

The Hon. J. G. Dougharty  
Dr. Dobson  
J. Lorimer (*Mover*).

No. 11.—TO JOIN WITH COMMITTEE OF LEGISLATIVE ASSEMBLY.—  
REFORM OF THE CONSTITUTION.

Appointed (by ballot) 6th April, 1881.

The Hon. Sir C. Sladen  
H. Cuthbert  
W. E. Hearn  
R. D. Reid

The Hon. N. Fitzgerald  
J. MacBain  
J. Balfour.

No. 12.—CONSTITUTION OF COUNCIL BILL (2)—FREE CONFERENCE ON.

Appointed 16th June, 1881.

The Hon. J. Balfour  
H. Cuthbert  
F. S. Dobson  
C. J. Jenner

The Hon. J. Lorimer  
W. E. Hearn  
R. D. Reid (*Mover*).



VICTORIA.

## LEGISLATIVE COUNCIL.

SESSION 1880.

WEEKLY REPORT OF DIVISIONS

IN

COMMITTEE OF THE WHOLE COUNCIL.

No. 1.

Extracted from the Minutes.

TUESDAY, 7TH DECEMBER, 1880.

No. 1.—RAILWAYS CONSTRUCTION BILL—CLAUSE 4.—It shall be lawful to deviate from any of the lines of railway described in the said Schedules on either side thereof at any part thereof to the respective distances provided for in and by such Schedules but not to any greater distance; and any of the said lines may be increased in length to an extent of not more than one-“*tenth*” of the entire length of such line as described in any such Schedule.

Motion made—That the word “*tenth*,” occurring in the fourth line of the above clause be struck out, with the view of inserting the word “*twentieth*.”—(*Hon. Sir C. Sladen*.)

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

Committee divided.

Contents, 20.

The Hon. H. Cuthbert  
 Sir S. Wilson  
 J. Graham  
 J. G. Dougharty  
 T. Bromell  
 J. Lorimer  
 J. MacBain  
 Dr. Dobson  
 P. Russell  
 W. E. Hearn  
 W. Ross  
 W. McCulloch  
 T. F. Hamilton  
 J. Buchanan  
 F. Robertson  
 N. Fitzgerald  
 J. A. Wallace  
 A. Fraser  
 R. D. Reid  
 J. Balfour (*Teller*).

Not Contents, 4.

The Hon. Sir C. Sladen  
 R. Simson  
 G. F. Belcher  
 W. Campbell (*Teller*).



VICTORIA.

## LEGISLATIVE COUNCIL.

SESSION 1880.

WEEKLY REPORT OF DIVISIONS

IN

COMMITTEE OF THE WHOLE COUNCIL.

No. 2.

Extracted from the Minutes.

THURSDAY, 16TH DECEMBER, 1880.

RABBITS SUPPRESSION BILL.—Clause 11.—When any inspector has reason to believe that any brushwood or log fence or stone wall is a harbor or cover for rabbits, he may with the sanction in writing of the council of the municipal district within which such fence or wall is situate destroy such fence by fire or otherwise and pull down and remove such wall: Provided that not less than six months' notice in writing in the form of the Second Schedule hereto or to the like effect has been given by such inspector to the owner and occupier of the property on which such fence or wall stands or which is enclosed by such fence or wall that such fence or wall will be so destroyed unless such owner or occupier shall within such six months effectually destroy to the satisfaction of such council all rabbits harbored or covered by such brushwood or log fence or stone wall and shall also improve such fence or wall so that it shall no longer be a harbor or cover for rabbits. Where a fence forms the common boundary between two municipal districts the powers under this section of an inspector appointed for either district shall extend to the entire fence forming such boundary.

Motion made—That this clause stand part of the Bill.—(*Hon. R. D. Reid.*)

Question—That this clause stand part of the Bill—put.

Committee divided.

Contents, 8.

The Hon. P. Russell  
 J. Buchanan  
 J. G. Dougharty  
 R. D. Reid  
 J. Lorimer  
 W. Ross  
 Sir. C. Sladen  
 J. MacBain (*Teller*).

Not-Contents, 4.

The Hon. R. Simson  
 F. Robertson  
 Sir S. Wilson  
 W. Campbell (*Teller*).



VICTORIA.

## LEGISLATIVE COUNCIL.

SESSION 1880.

## WEEKLY REPORT OF DIVISIONS

IN

## COMMITTEE OF THE WHOLE COUNCIL.

No. 3.

Extracted from the Minutes.

TUESDAY, 21ST DECEMBER, 1880.

No. 1.—RAILWAYS CONSTRUCTION BILL.—Clause 3, Sub-section 19.—A railway commencing on the Hawthorn Railway, in the town of Richmond, and terminating at the village of Alphington, in the line and upon the lands described in the Nineteenth Schedule hereto, to be called the Richmond and Alphington Railway.

Motion made and question put—That this Sub-section be postponed.—(*Hon. Sir C. Sladen.*)

Committee divided.

Contents, 11.  
The Hon. Sir C. Sladen  
N. Fitzgerald  
W. Campbell  
R. Simson  
J. G. Dougharty  
W. McCulloch  
P. Russell  
J. A. Wallace  
F. Robertson  
T. Bromell  
H. Cuthbert (*Teller*).

Not-Contents, 12.  
The Hon. J. MacBain  
J. Balfour  
W. J. Clarke  
J. Lorimer  
W. Ross  
T. F. Hamilton  
R. D. Reid  
W. E. Hearn  
G. F. Belcher  
A. Fraser  
J. Buchanan  
J. Graham (*Teller*).

No. 2.—RAILWAYS CONSTRUCTION BILL.—Clause 10.—The Board shall not be bound to erect or contribute to the erection of any dividing or other fence, nor to erect gates, or to employ gatekeepers at any public or occupation road crossing on any of the said lines of railway, or any part thereof, nor shall the Board be liable for any damage which may be caused by the absence of gates or gatekeepers at the said crossings, or through any such line of railway not being fenced in or fenced off. This provision shall not apply to the lines described in the Eighteenth, Nineteenth, Twentieth, or Twenty-first Schedules to this Act.

Motion made—That this Clause be struck out.—(*Hon. J. MacBain.*)

Amendment moved—That this Clause be postponed.—(*Hon. R. D. Reid.*)

Question—That this Clause be postponed—put.  
Committee divided.

Contents, 11.  
The Hon. Sir C. Sladen  
W. J. Clarke  
W. E. Hearn  
N. Fitzgerald  
W. Ross  
W. McCulloch  
T. F. Hamilton  
J. Buchanan  
J. A. Wallace  
R. D. Reid  
J. Lorimer (*Teller*).

Not Contents, 11.  
The Hon. W. Campbell  
J. Balfour  
J. G. Dougharty  
A. Fraser  
R. Simson  
J. MacBain  
P. Russell  
Sir S. Wilson  
H. Cuthbert  
G. F. Belcher  
T. Bromell (*Teller*).

The *Tellers* having declared that the numbers for the Contents and for the Not Contents were respectively eleven, or equal, the Chairman gave his vote with the Contents.

WEDNESDAY, 22ND DECEMBER, 1880.

No. 3.—RAILWAYS CONSTRUCTION BILL.—Clause 3, Sub-section 9.—A railway commencing on the Portland and Hamilton Railway at “*the township of Branxholme*,” and terminating at the township of Casterton, in the line and upon the lands described in the Ninth Schedule hereto, to be called the Branxholme and Casterton Railway.

Motion made—That the words “*the township of Branxholme*” be struck out, with the view to insert the word “*Hamilton*.”—(*Hon. T. Bromell*.)

Question—That the words proposed to be omitted stand part of the Bill—put.  
Committee divided.

Contents, 19.  
The Hon. W. Campbell  
Sir C. Sladen  
Sir S. Wilson  
J. Balfour  
W. E. Hearn  
J. MacBain  
J. Lorimer  
N. Fitzgerald  
J. G. Dougharty  
R. Simson  
W. Ross  
W. McCulloch  
J. Buchanan  
P. Russell  
F. Robertson  
J. A. Wallace  
R. D. Reid  
A. Fraser  
H. Cuthbert (*Teller*).

Not-Contents, 3.  
The Hon. T. F. Hamilton  
G. F. Belcher  
T. Bromell (*Teller*).

No. 4.—RAILWAYS CONSTRUCTION BILL.—Clause 3, Sub-section 9.—A railway commencing on the Portland and Hamilton Railway at the township of Branxholme, and terminating at the township of Casterton, in the line and upon the lands described in the Ninth Schedule hereto, to be called the Branxholme and Casterton Railway.

Motion made and question put—That this Sub-section stand part of the Bill.—(*Hon. R. D. Reid*.)  
Committee divided.

Contents, 16.  
The Hon. J. Balfour  
Sir S. Wilson  
W. E. Hearn  
J. MacBain  
R. Simson  
J. Lorimer  
N. Fitzgerald  
J. G. Dougharty  
W. Ross  
W. McCulloch  
J. Buchanan  
P. Russell  
F. Robertson  
R. D. Reid  
A. Fraser  
H. Cuthbert (*Teller*).

Not Contents, 6.  
The Hon. Sir C. Sladen  
W. Campbell  
T. F. Hamilton  
G. F. Belcher  
J. A. Wallace  
T. Bromell (*Teller*).

No. 5.—RAILWAYS CONSTRUCTION BILL.—Clause 3, Sub-section 8.—A railway commencing at the termination of the Stawell and Horsham Railway, in the parish of Horsham, and terminating at the township of Dimboola, in the line and upon the lands described in the Eighth Schedule hereto, to be called the Horsham and Dimboola Railway.

The Honorable W. McCulloch moved, That the Chairman report progress and ask leave to sit again to-morrow.

Question—That the Chairman report progress and ask leave to sit again to-morrow—put.  
Committee divided.

Contents, 10.  
The Hon. Sir C. Sladen  
Sir S. Wilson  
J. G. Dougharty  
J. Buchanan  
T. Bromell  
H. Cuthbert  
J. A. Wallace  
R. D. Reid  
W. McCulloch  
W. Ross (*Teller*).

Not Contents, 13.  
The Hon. The President  
W. Campbell  
J. Balfour  
J. MacBain  
J. Lorimer  
W. E. Hearn  
P. Russell  
R. Simson  
N. Fitzgerald  
T. F. Hamilton  
F. Robertson  
G. F. Belcher  
J. Graham (*Teller*).

THURSDAY, 23RD DECEMBER, 1880.

No. 6.—RAILWAYS CONSTRUCTION BILL.—Clause 3, Sub-section 8.—A railway commencing at the termination of the Stawell and Horsham railway, in the parish of Horsham, and terminating at the township of Dimboola, in the line and upon the lands described in the Eighth Schedule hereto, to be called the Horsham and Dimboola Railway.

Motion made, and question put—That Sub-section 8 be struck out.—(*Hon. R. D. Reid.*)  
Committee divided.

Contents, 8.  
The Hon. T. F. Hamilton  
G. F. Belcher  
W. McCulloch  
J. Buchanan  
J. A. Wallace  
R. D. Reid  
Sir S. Wilson  
H. Cuthbert (*Teller*).

Not Contents, 14.  
The Hon. The President  
T. Bromell  
Sir C. Sladen  
W. Campbell  
J. Lorimer  
J. Balfour  
J. G. Dougharty  
R. Simson  
P. Russell  
W. J. Clarke  
A. Fraser  
F. Robertson  
N. Fitzgerald  
J. MacBain (*Teller*).

No. 7.—RAILWAYS CONSTRUCTION BILL.—Clause 3, Sub-section 2.—A railway commencing at the termination of the Sandhurst and Inglewood Railway in the borough of Inglewood and terminating at the township of Charlton in the line and upon the lands described in the Second Schedule hereto, to be called the Inglewood and Charlton Railway.

Motion made, and question put—That Sub-section 2 be struck out with a view of inserting—“*A railway commencing on the St. Arnaud and Donald Railway at or near to the township of Cope Cope, and terminating at the township of Charlton in the line and upon the lands described in the Second Schedule hereto, to be called the Cope Cope and Charlton Railway.*”—(*Hon. H. Cuthbert.*)

Committee divided.

Contents, 4.  
The Hon. H. Cuthbert  
G. F. Belcher  
P. Russell  
T. Bromell (*Teller*).

Not Contents, 16.  
The Hon. The President  
W. Ross  
J. MacBain  
Sir C. Sladen  
W. Campbell  
J. Buchanan  
A. Fraser  
W. McCulloch  
J. Lorimer  
T. F. Hamilton  
J. G. Dougharty  
R. D. Reid  
J. A. Wallace  
F. Robertson  
N. Fitzgerald  
R. Simson (*Teller*).





VICTORIA.

## LEGISLATIVE COUNCIL.

SESSION 1880-81.

WEEKLY REPORT OF DIVISIONS

IN

COMMITTEE OF THE WHOLE COUNCIL.

No. 4.

Extracted from the Minutes.

TUESDAY, 8TH MARCH, 1881.

No. 1.—UNIVERSITY CONSTITUTION AMENDMENT BILL.—New Clause proposed in lieu of Clause 5.—The council shall be elected by the senate of the University, hereinafter called the senate, and shall consist of twenty “members”: Provided that notwithstanding any law to the contrary no person who holds any salaried office in the University as a dean of faculty professor lecturer or examiner shall on that account be incapable of being elected and of serving as a member of the council: Provided also that the number of such officers at the same time shall not exceed three.

Motion made—That the word “male” be inserted in the third line of the above clause before the word “members.”—(*Hon. Sir C. Sladen.*)

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

Committee divided.

Contents, 6.

The Hon. The President  
 Sir C. Sladen  
 H. Cuthbert  
 J. Lorimer  
 P. Russell  
 J. MacBain (*Teller*).

Not Contents, 7.

The Hon. J. Buchanan  
 W. E. Hearn  
 J. A. Wallace  
 W. McCulloch  
 R. D. Reid  
 N. Fitzgerald  
 W. Ross (*Teller*).



VICTORIA.

## LEGISLATIVE COUNCIL.

SESSION 1880-81.

## WEEKLY REPORT OF DIVISIONS

IN

## COMMITTEE OF THE WHOLE COUNCIL.

No. 5.

Extracted from the Minutes.

TUESDAY, 15<sup>TH</sup> MARCH, 1881.

No. 1.—UNIVERSITY CONSTITUTION AMENDMENT BILL.—Clause 11.—The Senate shall consist of all “persons” who have been or who may hereafter be admitted to any degree of doctor or master in the said University.

Motion made—That the word “male” be inserted in the second line of the above clause before the word “persons.”—(*Hon. Sir C. Sladen.*)

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

Committee divided.

Contents, 11.

The Hon. The President  
 Sir C. Sladen  
 W. Campbell  
 W. J. Clarke  
 T. F. Hamilton  
 J. Balfour  
 J. MacBain  
 P. Russell  
 Sir S. Wilson  
 J. G. Dougharty  
 J. Lorimer (*Teller*).

Not-Contents, 7.

The Hon. W. Ross  
 W. E. Hearn  
 J. Buchanan  
 F. Robertson  
 R. D. Reid  
 J. A. Wallace  
 W. McCulloch (*Teller*).



VICTORIA.

## LEGISLATIVE COUNCIL.

SESSION 1880-81.

WEEKLY REPORT OF DIVISIONS

IN

COMMITTEE OF THE WHOLE COUNCIL.

No. 6.

Extracted from the Minutes.

WEDNESDAY, 4TH MAY, 1881.

No. 1.—CONSTITUTION OF COUNCIL BILL (2).—Clause 5.—The Colony of Victoria shall be divided into “*thirty*” electoral provinces, the boundaries and divisions whereof shall be and be taken to be those set forth and named in the Second Schedule to this Act.

Motion made—That the word “*thirty*,” occurring in the second line of the above clause, be struck out, with a view of inserting the word “*fourteen*.”—(*Hon. H. Cuthbert*.)

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

Committee divided.

Contents, 3.

The Hon. R. D. Reid  
J. Buchanan  
W. McCulloch (*Teller*).

Not Contents, 16.

The Hon. The President  
P. Russell  
J. Balfour  
W. Campbell  
R. Simson  
W. E. Hearr  
J. Lorimer  
T. Bromell  
N. Fitzgerald  
J. G. Dougharty  
J. A. Wallace  
W. Ross  
Dr. Dobson  
H. Cuthbert  
Sir C. Sladen  
J. MacBain (*Teller*).



VICTORIA.

## LEGISLATIVE COUNCIL.

SESSION 1880-81.

## WEEKLY REPORT OF DIVISIONS

IN

## COMMITTEE OF THE WHOLE COUNCIL.

No. 7.

Extracted from the Minutes.

TUESDAY, 10TH MAY, 1881.

No. 1.—CONSTITUTION OF COUNCIL BILL (2).—Proposed new Clause.—When any member of the Legislative Council is appointed to any office referred to in the second section of Act No. 91 he shall not by his acceptance thereof vacate his seat or become liable to any penalty for sitting or voting after such acceptance and on account thereof anything in the said Act to the contrary notwithstanding.

Motion made—That this clause stand part of the Bill.—(*Hon. R. D. Reid.*)

Question—That this clause stand part of the Bill—put.

Committee divided.

Contents, 5.

The Hon. J. Buchanan  
 E. D. Reid  
 P. Russell  
 W. E. Hearn  
 J. Lorimer (*Teller*).

Not Contents, 10.

The Hon. The President  
 J. MacBain  
 W. Campbell  
 J. G. Dougharty  
 J. A. Wallace  
 H. Cuthbert  
 Sir C. Sladen  
 G. F. Belcher  
 N. Fitzgerald  
 J. Graham (*Teller*).

No. 2.—CONSTITUTION OF COUNCIL BILL (2).—Proposed new Clause.—No member of the Legislative Council, unless he be a Responsible Minister of the Crown, shall receive any remuneration for his attendance in Parliament.

Motion made—That this clause stand part of the Bill.—(*Hon. G. F. Belcher.*)

Question—That this clause stand part of the Bill—put.

Committee divided.

Contents, 6.

The Hon. The President  
 W. Campbell  
 G. F. Belcher  
 J. A. Wallace  
 P. Russell  
 H. Cuthbert (*Teller*).

Not Contents, 9.

The Hon. Sir C. Sladen  
 J. G. Dougharty  
 J. Lorimer  
 J. MacBain  
 N. Fitzgerald  
 W. E. Hearn  
 R. D. Reid  
 J. Buchanan  
 J. Graham (*Teller*).





1880.  
[SECOND SESSION.]

VICTORIA.

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## EASTERN PROVINCE.—VACATION OF SEAT.— ISSUE OF WRIT.

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### CASE FOR COUNSEL'S OPINION.

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LAI'D UPON THE COUNCIL TABLE BY THE HONORABLE THE PRESIDENT, AND ORDERED BY THE  
COUNCIL TO BE PRINTED, 27<sup>TH</sup> JULY, 1880.

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#### RE CONSTITUTION ACT, 19 VICT.

During the recent session of Parliament a Member of the Legislative Council failed to give his attendance in such Council for the entire session, without the permission of the said Council.

Sec. 24 of 19 Vict. (“An Act to establish a Constitution in and for the Colony of Victoria”) provides (*inter alia*) that “if any Member of the Legislative Council \* \* \* shall for one entire session thereof, without the permission of the said Council \* \* \* fail to give his attendance in such Council \* \* \* his seat in the said Council \* \* \* shall thereby become vacant.”

The recent session commenced on the 11th May, 1880, the Assembly was dissolved by Proclamation on 29th June, Parliament having been previously prorogued by Proclamation on 26th June.

This is the first instance of a seat being so vacated.

The President of the Legislative Council desires to be advised by Counsel as to the steps which he is called upon by law to take.

Counsel will please advise accordingly.

The President would like to have Counsel's opinion before the assembling of the next Parliament.

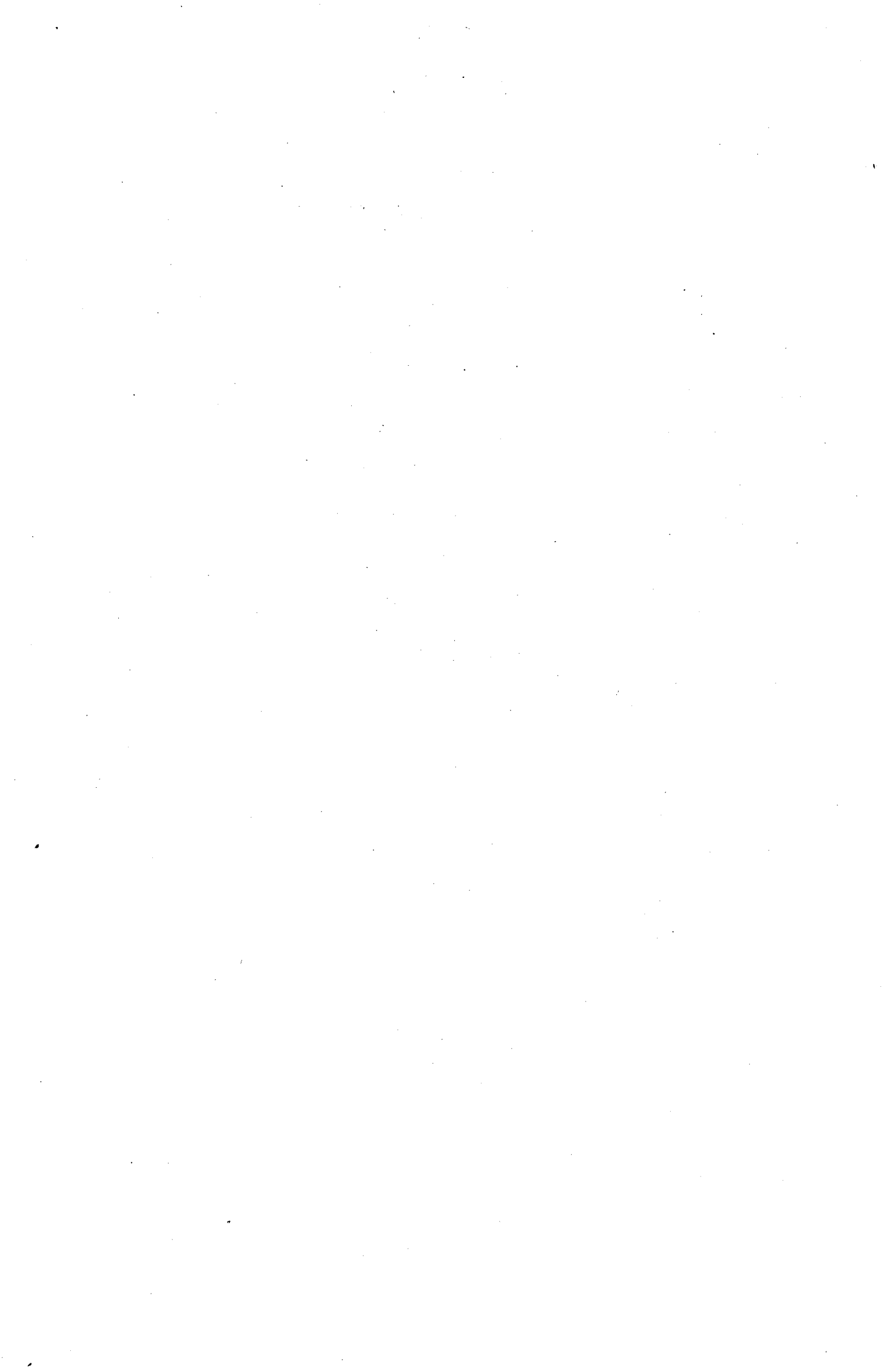
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#### OPINION.

In my opinion the President (32 Vict. No. 334, s. 36) is bound by law to issue a writ for the election of a member to serve in the Legislative Council in the place of the member who, without the permission of the Council, failed to give his attendance in the Council during the entire session, and whose seat became vacant by such neglect under the 24th section of the Constitution Act. The prorogation put an end to the session, which, although short, was a session in the strict sense of the word, some Acts having received the Governor's assent during its continuance. The 24th section forfeits the seat for non-attendance during an entire session, without reference to its length. The seat having once become vacant, I do not think the Council could by any subsequent act restore the member to his former position.

I presume my opinion is desired as to the propriety of issuing the writ, and not as to its form or the manner of issuing it, which is, I think, still governed by the 76th and 79th sections of the Electoral Act 1865 (No. 279), substituting the word “President” for “Governor,” when necessary.

E. D. HOLROYD.



1880.

[SECOND SESSION.]

VICTORIA.

---

# R A T E P A Y E R S .

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(PART OF A)

RETURN TO AN ORDER OF THE LEGISLATIVE COUNCIL.  
THE HONORABLE SIR C. SLADEN.—1st JUNE, 1880.

---

LAI'D UPON THE COUNCIL TABLE BY THE HONORABLE R. D. REID 19<sup>TH</sup> OCTOBER, 1880, AND  
ORDERED BY THE COUNCIL TO BE PRINTED 26<sup>TH</sup> OCTOBER, 1880.

---

A RETURN showing the number of Ratepayers in the Colony qualified as follows, viz. :—

- Freeholders rated on £10 annual value.
- Freeholders rated above £10 and under £15 annual value.
- Freeholders rated above £15 and under £20 annual value.
- All Ratepayers other than Freeholders rated on £20 annual value.
- All Ratepayers other than Freeholders rated above £20 and under £30 annual value.
- All Ratepayers other than Freeholders rated above £30 and under £40 annual value.

And also showing the total number of Lessees of land under Part 2 of The Land Act 1869, and the number of such lessees included in the above classified list of ratepayers, distinguishing the classes in which they appear, and the number in such class.

---

## RETURN.

1. Freeholders rated on £10 annual value	...	...	...	...	...	...	7,899
2. Freeholders rated above £10 and under £15 annual value	...	...	...	...	...	...	14,239
3. Freeholders rated above £15 and under £20 annual value	...	...	...	...	...	...	9,198
4. All Ratepayers other than Freeholders rated on £20 annual value	...	...	...	...	...	...	5,992
5. All Ratepayers other than Freeholders rated above £20 and under £30 annual value	...	...	...	...	...	...	13,442
6. All Ratepayers other than Freeholders rated above £30 and under £40 annual value	...	...	...	...	...	...	12,764
7. Total number of Lessees of Land under Part 2 of The Land Act 1869	...	...	...	...	...	...	25,669
8. The number of such Lessees included in the above classified list of Ratepayers, viz. :—							
Rated on £10	...	...	...	...	...	...	740
Rated above £10 and under £15	...	...	...	...	...	...	1,129
Rated above £15 and under £20	...	...	...	...	...	...	1,264
Rated on £20	...	...	...	...	...	...	790
Rated above £20 and under £30	...	...	...	...	...	...	2,332
Rated above £30 and under £40	...	...	...	...	...	...	3,484
							9,739

NOTE.—The foregoing figures, except No. 7, have been supplied by the municipal officers, and include female ratepayers, the number of whom is not known, but on some of the larger municipal rolls they amount to over 10 per cent. of the whole of the ratepayers.

W. H. ODGERS.

Chief Secretary's Office,  
Melbourne, 19th October, 1880.

FREEHOLDERS.			RATEPAYERS OTHER THAN FREEHOLDERS.			LESSEES UNDER PART 2 OF LAND ACT 1869.						REMARKS.
Rated on £10.	Rated above £10 and under £15.	Rated above £15 and under £20.	Rated on £20.	Rated above £20 and under £30.	Rated above £30 and under £40.	Rated on £10.	Rated above £10 and under £15.	Rated above £15 and under £20.	Rated on £20.	Rated above £20 and under £30.	Rated above £30 and under £40.	
7,899	14,239	9,198	5,992	13,442	12,764	740	1,129	1,264	790	2,332	3,484	295 persons are returned both as "Freeholders" and "Other Rate-payers."
Total 31,336			Total 32,198			Total 9,739						

This Return does not include the Shires of Echuca, Goulburn, and Kilmore, particulars not having been received from them in time.

RETURN showing approximately the Total Number of Lessees of Land under Part 2 of The Land Act 1869.

Approximate number of Lessees ... .. 25,669.

NOTE.—An account is opened in the books of the Department for each holding. It cannot, however, be definitely stated how many persons hold more than one lease; but an allowance has been made of 2 per cent., which it is believed will be approximately correct.

A. MORRAH,  
Secretary for Lands.

Department of Lands and Survey,  
Melbourne, 16th June, 1880.

1880.

[SECOND SESSION.]

VICTORIA.

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# BAIN AND SON'S ACCOUNT

[PART OF].

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LAI'D ON THE COUNCIL TABLE BY THE HONORABLE R. D. REID, 16TH NOVEMBER, 1880,  
AND ORDERED BY THE COUNCIL TO BE PRINTED, 30TH NOVEMBER, 1880.

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RETURN showing—

- (1) A copy of the statement or other document prepared and furnished to the late Engineer-in-Chief under his directions, with reference to Bain and Sons' account, which statement gives an analysis of the amount charged by Bain and Sons; and also of the respective tenders of other persons for the performance of the work, the subject matter of Bain and Sons' account.
- (2) The name of the officer who gave the order to Bain and Sons for the article or services in Bain and Sons' account.
- (3) The name of the officer who inspected, passed, and gave a receipt for the articles supplied.
- (4) Also, copies of all memoranda, correspondence, and minutes which passed through the Engineer-in-Chief's office with reference to these accounts, from 1st January 1880 to the present date.
- (5) Also, copies of all memoranda, minutes, or correspondence which passed through the Engineer-in-Chief's office, or the Secretary's, or Accountant's offices with reference to the appointment and proceedings of a board which was appointed in August last, by the present Government, to inquire into Messrs. Bain and Sons' accounts; also, copies of minutes of the said board, and of the evidence taken by it, and of all memoranda, reports, or minutes made by the Honorable the Minister of Railways, or any officer of the Railway Department, with reference to the proceedings of the board.

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Engineer-in-Chief's Office, Railway Department,  
Melbourne, 10th June, 1880.

## MESSRS. R. BAIN AND SON'S ACCOUNTS.

MEMO.

I have refused to certify the claims of Messrs. R. Bain and Son, as furnished, under the following circumstances.

Immediately on my appointment to my present position, my attention was called to a letter from the Treasury on the subject of an account of R. Bain and Son for £548 5s. 6d., instructions to stop which had been given by the late Engineer-in-Chief, Mr. Watson, but not in time to prevent its being passed for payment.

On further inquiry, I ascertained that a practice had prevailed for a considerable time in the Engineer-in-Chief's branch of giving orders for work for large amounts to particular firms, without either inviting tenders or obtaining from other firms prices at which they would be willing to undertake the work.

I found that work to the amount of £6501 had been placed in the hands of Messrs. Bain and Son without public competition since 18th February, 1878, and of this total, work to the amount of £5357 had been given to them on the orders of Mr. R. G. Ford, the Engineer for Construction, and that a considerable proportion of the articles so ordered and supplied were marked on the castings "R. G. Ford's Patent."

With a view to test the prices charged by Bain and Son for the articles which they had been and were supplying under these orders of Mr. Ford, I obtained offers from twelve of the principal firms in Melbourne for the identical articles which had been supplied by Messrs. Bain and Son, and for such a number of these as corresponded with the number ordered from Bain and Son on a single order—samples of these articles being submitted to tenderers.

An analysis of the tenders so obtained shows that, taking the average prices of the twelve tenders, Messrs. Bain and Son had been paid £1447, or 59 per cent. more than they would have received at such average rates, and that, taking the lowest prices, they had been paid £2683, or 220 per cent. more than they would have received at these rates.

The accounts now remaining unpaid amount to £1504, and the bulk of the articles are charged at the same rates as in former accounts. On the 7th instant, I wrote to Messrs. Bain and Son the letter of which I attach a copy:—

(Copy.)

GENTLEMEN,

Referring to claims of yours (as per margin on next page) now in this office, I beg to inform you that the charges made for the articles supplied by your firm are so excessive that, unless you can give me a satisfactory explanation of them, I must refuse to certify the accounts. I have now to request that you will either furnish me with such explanation in writing, or reduce your charges to the fair market value of the article which you have supplied.

I have the honor to be,  
Gentlemen,

Your obedient servant,

T. HIGINBOTHAM,  
Engineer-in-Chief.

Messrs. R. Bain and Son, Contractors,  
141, Bourke street West.

I wrote to Mr. Ford on the 13th of April last a memorandum, a copy of which I attach:—

(Copy.)

I find that for the year ending March last a large sum, amounting to upwards of £4000, has been paid to Messrs. Bain and Son for work done on requisition, without any rates being fixed.

The work which Messrs. Bain and Son have been doing in this way was formerly let by contract. Would Mr. Ford be good enough to explain why the system of contracting after open competition was abandoned.

T. HIGINBOTHAM,  
13/4/80.

R. G. Ford, Esq.

and not having received any reply from him, I wrote again on the 1st May last, asking when I might expect to receive one. On this last date Mr. Ford replied "I expect to get through Bains' account about Wednesday next." Mr. Ford left the department on the 3rd May, and took with him, I am told by his clerk, a copy of the analysis of Messrs. Bain and Son's accounts which he had directed to be made; but he has not replied to my Memo. of the 13th April last.

Mr. Andrew Lang, who inspected the work done by Messrs. Bain and Son, has informed me, in reply to an inquiry, that early in April last, Mr. Ford gave instructions to Messrs. Bain and Son to remove from the patterns the description "R. G. Ford's Patent," and also instructed them to chip off the descriptions from the castings already made.

T. HIGINBOTHAM,  
Engineer-in-Chief.

665/80.

Engineer-in-Chief's Office, Railway Department,  
Melbourne, 21st June 1880.

R. & R.  
4127

SIR,

The Honorable the Premier mentioned to me a few days since, that some doubt had been thrown on the correctness of the calculation of per centages in the Memorandum which I addressed to you in connection with the accounts of Messrs. Bain and Son, and it was suggested that it would be desirable to have the calculations checked by an accountant outside the department. I now forward to you the data and calculations on which my Memorandum was based, in order that a separate and independent check may be made, if you think it desirable. The originals of the twelve tenders received are in this office and may be consulted.

I have the honor to be,

Sir,

Your obedient servant,

T. HIGINBOTHAM,  
Engineer-in-Chief.

The Honorable D. Gillies, M.P., Commissioner of Railways.

Railway Department, Accountant's Office,  
Melbourne, 25th June 1880.

R. & R.  
4127

MEMO.

In accordance with the Minister's directions, I have checked the calculations and data on which the Engineer-in-Chief's Memo. of 12th instant was based, and find that they are quite correct.

Tenders were obtained for 24 of the principal items contained in Messrs. R. Bain and Son's accounts.

For the quantities of these items supplied by Messrs. Bain and Son, calculated at the average rates in the 12 tenders, the amount would be £2452 3s. 2d.; calculated at the lowest rates in the tenders it would be £1216 4s. 7d. for the same quantities. Messrs. Bain and Son were paid £3899 17s. 4d., being £1447 14s. 2d., equal to 59 per cent., more than they would have received at the "average rates" of the tenders; and £2683 12s. 9d., equal to 220 per cent. more than at the "lowest rates."

It appears to me, however, that reading the Engineer-in-Chief's Memo. without the comparative statement now attached, a misconception might possibly arise as to the per centages quoted, viz., 59 and 220 per cent.

These per centages might appear to relate to the sum of £5357 for work ordered by Mr. Ford; whereas, of course, they are calculated on the amount paid Messrs. Bain and Son for the 24 principal items for which tenders were obtained, viz., £3899 17s. 4d.

The amounts paid in excess, viz., £1447 and £2683 respectively, are, however, distinctly shown.

ROBERT GEO. KENT.

Accounts 1880.

March, £543 6s. 1d.  
April, £210 1s. 6d.  
May, £751 10s. 9d.

Mr. G. Kent to  
make the calcu-  
lation check.—  
D. G.—23/6/80.

VICTORIAN RAILWAYS.

R. BAIN AND SON'S ACCOUNTS FOR IRONWORK, ETC., FROM MARCH 1879 TO DATE.

COMPARATIVE STATEMENT showing Rates paid to R. Bain and Son, and Rates as per Tenders received on the 14th May 1880 for similar work.

No. of Item.	Description of Work.	Sample Marks.	Quantity.	R. Bain and Son's Prices, as per Accounts Paid.		Average of 12 Tenders received on 14th May 1880.		Average of 12 Tenders, omitting the Highest and Lowest Tender Rates in each case.		Lowest Rate of 12 Tenders received on 14th May 1880.		McKenzie and Holland's Prices, including all Charges, delivered in the colony.	
				1		2		3		4		5	
				Rate.	Amount.	Rate.	Amount.	Rate.	Amount.	Rate.	Amount.	Rate.	Amount.
1	Single self-acting point levers (short base), with one joint and pin to each	A	71 No.	£ 8 2 6	£ 576 17 6	£ 3 11 5	£ 253 10 7	£ 3 13 7	£ 261 4 5	£ 1 9 4	£ 104 2 8	£ 1 17 6	£ 133 2 6
2	Single self-acting point levers (long base), with one joint and pin to each	B	84 „	8 12 6	724 10 0	4 9 3	374 17 0	4 9 7	376 5 0	2 8 7	204 1 0	2 10 0	210 0 0
3	Single self-acting point levers, with one joint and pin to each, for compound points	C	16 „	9 15 0	156 0 0	5 11 7	89 5 4	5 10 4	88 5 4	2 18 2	46 10 8	3 3 0	50 8 0
4	Single self-acting point levers (short base), geared for single lamps, with gear, &c.	D	12 „	12 2 6	145 10 0	5 8 6	65 2 0	5 8 11	65 7 0	2 4 5	26 13 0	2 12 6	31 10 0
5	Single self-acting point levers (long base), geared for single lamps, with gear, &c.	E	15 „	12 12 6	189 7 6	6 3 0	92 5 0	6 5 8	94 5 0	2 14 0	40 10 0	3 3 0	47 5 0
6	Single self-acting point levers and crank pedestal combined, with bell crank, &c.	F	1 „	14 10 0	14 10 0	6 14 9	6 14 9	6 15 7	6 15 7	2 13 5	2 13 5	3 0 0	3 0 0
7	Double self-acting point levers for three throw points, with two joints and two pins, &c.	G	16 „	15 0 0	240 0 0	7 1 10	113 9 4	7 3 5	114 14 8	4 5 10½	68 14 0	3 15 0	60 0 0
8	Treble self-acting point levers for three throw points, with two joints and pins, lock, &c.	H	1 „	15 10 0	15 10 0	10 17 2	10 17 2	11 2 0	11 2 0	5 4 0	5 4 0	5 2 6	5 2 6
9	Cast-iron bell cranks and pedestals, with two wrought-iron joints and pins	I	236 „	2 7 6	560 10 0	1 6 11	317 12 4	1 5 6	300 18 0	0 12 9	150 9 0	0 16 0	188 16 0
10	Cast-iron bell cranks and pedestals, with hinged cover and two wrought-iron joints and pins	J											
11	Cast-iron bell cranks and pedestals, with hinged cover and side flange, &c.	K											
12	Sets of connections for compound points, comprising all portions colored red on drawing	...	10 sets	16 10 0 17 10 0	170 0 0	12 3 4	121 13 4	11 19 0	119 10 0	8 3 4	81 13 4	5 0 0	50 0 0
13	Cast-iron lock for switches, with centre and end joints, &c....	L	1 No.	6 0 0	6 0 0	3 14 7	3 14 7	3 11 5	3 11 5	1 13 1½	1 13 1½	2 12 6	2 12 6
14	Wrought-iron locking bars for points, as per drawing	...	17 „	1 12 6	27 12 6	1 5 5	21 12 1	1 4 7	20 17 11	0 17 0	14 9 0	0 15 0	12 15 0
15	Cast-iron lamp columns, with footsteps and wrought-iron brackets to support lamp, &c.	...	16 „	13 2 6	210 0 0	9 11 11	153 10 8	9 7 10	150 5 4	6 10 0	104 0 0	6 0 0	96 0 0
16	Cast-iron quadrants, with wrought-iron levers and adjusting screws	...	24 „	2 18 0	69 12 0	2 18 5	70 2 0	2 19 9	71 14 0	1 15 0	42 0 0	1 10 0	36 0 0
17	Wrought-iron principals for goods sheds, comprising all the portions colored red on drawing	...	18½ cwt.	2 2 0	38 17 0	1 18 10	35 18 5	1 17 10	34 19 11	1 12 0	29 12 0	1 10 0	27 15 0
19	Wrought-iron side brackets for telegraph posts	M	18 „	2 2 0	37 16 0	2 15 0	49 10 0	2 10 11	45 16 6	1 15 0	31 10 0	1 10 0	27 0 0
20	Wrought-iron terminal brackets for telegraph posts	N	225 „	1 12 8	367 10 0	1 9 4	330 0 0	1 8 11	325 6 3	0 3 6	39 7 6	0 2 6	28 2 6
21	Wrought-iron hoops for telegraph posts	O	931 No.	0 0 4	15 10 4	0 0 9½	36 17 0	0 0 10	38 15 10	0 0 4½	17 9 1½	0 0 1½	5 16 4½
22	Sets of wrought-iron gate mountings, comprising all portions colored red on drawing	...	14¾ cwt.	3 0 8	44 14 10	3 1 0	44 19 9	2 15 7	40 19 10	1 17 0	27 5 9	1 10 0	22 2 6
26	Wrought-iron cams	R	6 No.	3 5 0	19 10 0	1 13 6	10 1 0	1 14 3	10 5 6	0 10 6	3 3 0	1 4 0	7 4 0
27	Wrought-iron bolts and double nuts, ¾ in. dia. (for 72lb. rails)	...	97¼ cwt.	1 19 9	193 5 8	1 15 1	170 11 10	1 13 2	161 5 5	1 4 0	116 14 0	1 0 0	97 5 0
28	Wrought-iron dog spikes, ¾-in. diam.	...	78 „	0 19 8	76 14 0	1 0 6	79 19 0	0 18 6	72 3 0	0 15 0	58 10 0	0 12 6	48 15 0
				3,899 17 4	...	2,452 3 2	...	2,414 7 11	...	1,216 4 7	...	1,119 11 10½	

Engineer-in-Chief's Office, 26th May, 1880.

BY AUTHORITY:  
JOHN FERRES, GOVERNMENT PRINTER,  
MELBOURNE.



1880.

[SECOND SESSION.]

VICTORIA.

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# LAND TAX REGISTER AND REDUCTIONS IN CLASSES.

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RETURN TO AN ORDER OF THE LEGISLATIVE COUNCIL.

THE HONORABLE P. RUSSELL.—16TH DECEMBER, 1880.

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LAI'D UPON THE COUNCIL TABLE BY THE HONORABLE R. D. REID, AND ORDERED BY THE COUNCIL TO BE PRINTED, 22ND DECEMBER, 1880.

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A RETURN of Names that have been removed from the Land Tax Register ; and if any property has been reduced to a Lower Class by the Registrar on its being transferred to another owner ; also the Registrar to state which clause of the Land Tax Act gives him the power to relieve any property from liability to the tax.

---

## NAMES THAT HAVE BEEN REMOVED FROM THE LAND TAX REGISTER.

Abbott, George, executor of the late, viz., William Hamilton Powell.	Finn, Laurence.
Allen, William Tucker.	Gerrand, Hamilton.
Adams, Robert, trustees of the late, viz., Thomas Hamlet Taylor, Alexander Anderson, Alexander Buchanan.	Gooch, John, Joseph Gooch, and Henry Gooch.
Adams, John Dalrymple, and William Anderson Adams.	Gibb, Isabella, trustees of the late, viz., John Hyland and James Jellie.
Armstrong, Alexander, and the executors of the late John Bell, viz., Robert Chirnside, Robert Lewis Bell, and Stephen Vine Buckland.	Grant, Thomas, executrix of the late, viz., Janet Grant.
Anderson, John.	Hepburn, John, trustees of the late, viz., George Stuart Hepburn, Edmund Kirby, and William Austin Zeal.
Addis, Mary Jane.	Henderson, Lawrence.
Beaty, John.	Hearne, Edward Francis.
Baker, John, Thomas Baker, James Baker, Bridget Baker, and Norah Baker.	Hancock, Theodore.
Brennan, Patrick.	Henty, Edward, executrix of the late, viz., Anna Maria Henty.
Broughton, Richard Brown.	Howell, Richard.
Bucknall, William Arthur.	Howell, Mary Anne.
Buckley, Edmond, trustees of the late, viz., George Dickson Healey, and Patrick Coady Buckley, deceased.	Howells, Thomas.
Burrows, William.	Halliday, William.
Brown, James Lindsay.	Henry, Hugh.
Bowman, William Charles.	James, Edwin, Henry James, Annie Maria James, Lucy James, and Margaret Elizabeth James.
Campbell, the Hon. William, M.L.C.	Jarrett, Francis.
Colclough, Thomas.	Keys, Thomas.
Cameron, Donald.	Laidlaw, Robert.
Cameron, Angus.	Montgomery, William.
Cameron, John, and Kenneth Cameron.	Merry, William.
Cozens, Evan.	Malcolm, James.
Duerdin, John, trustees of the late, viz., Eliza Jane Duerdin, Frederick Wilkinson, Rev. Alexander Morison, Robert Willan, Henry Hedderwick.	Moylan, John.
East, William.	McFarland, James.
Ellwood, Thomas.	MacBain, James.
Foy, Francis.	McLeod, Hugh Lawrence.
Finn, John.	McDougall, John, Angus McDougall, Archibald McDougall, and Malcolm McDougall.
	McQuilkin, Isaac.
	McIllree, Henry.
	Philip, Thomas.
	Quarrell, Robert.

NAMES THAT HAVE BEEN REMOVED FROM THE LAND TAX REGISTER—*continued.*

Rutherford, Robert, George Rutherford, and Ewen  
McPherson.  
Rutherford, Robert.  
Richardson, Henry.  
Rossell, Thomas.  
Ralston, Robert H.  
Robertson, William.  
Sterry, David Chaplin.  
Sutherland, Robert.  
Shanahan, Stephen.  
Skene, Hon. William, trustees of the late, viz.,  
Jane Skene and Robert Hamilton.  
Samuels, Mordech Jaker.  
Simson, David Dalgety.  
Tomkins, James, junior.  
Taylor, William D.  
Thomas, Mary.

Trangmar, James.  
Tangye, Silas George.  
Tangye, Mary Louisa.  
Timms, John, Alexander Timms, Robert Oliphant  
Timms, and William Fowler Timms.  
Union Bank of Australia.  
Whitehead, John.  
Waters, Thomas Beaumont.  
Wheeler, James.  
Woodside, James.  
Wilson, William, and John George Dougharty.  
Watson, John Boyd, and Henry Backhaus.  
Wilson, Alexander, Norman Wilson and Hector  
Alexander Wilson.  
Williamson, Samuel.  
Watson, Joseph.

2. No property has been reduced to a lower class by the Registrar on its being transferred to another owner.

3. The Registrar is empowered by Sections 34, 40, and 41 of the Land Tax Act to relieve property from liability to the tax.

A. MORRAH,  
Registrar of Land Tax.

21st December, 1880.

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NOTE.—Several of the names returned in the foregoing list as having been removed from the Land Tax Register still appear in the said Register in connection with estates not affected by such removal.

1880-81.  
[SECOND SESSION.]

VICTORIA.

RATEPAYERS AND LESSEES UNDER LAND ACTS.

RETURN TO AN ORDER OF THE LEGISLATIVE COUNCIL.  
THE HONORABLE SIR C. SLADEN.—10TH NOVEMBER, 1880.

LAI'D UPON THE COUNCIL TABLE BY THE HONORABLE R. D. REID, AND ORDERED BY THE  
COUNCIL TO BE PRINTED, 15TH FEBRUARY, 1881.

A RETURN showing:—

The number of freehold male ratepayers, rated on a yearly value, under £10, on £10 under £15, on £15 under £20, on £20 under £30, on £30 under £40, on £40 under £50, on £50 under £150, on £150 and upwards.

The number of male ratepayers, other than freehold, rated on yearly value, under £10, on £10 under £15, on £15 under £20, on £20 under £30, on £30 under £40, on £40 under £50, on £50 and upwards.

The number of male lessees under Part II of *The Land Act* 1869, and under *Land Act* 1878, classified as above.

The number of such lessees in each class whose rents are in arrear, the time during which such arrear has been going on, and the gross amount of such arrears in each class.

		RETURN.						
I. Freehold Male Ratepayers.	{	Rated under £10 annual value	...	...	...	...	24,032	
		Rated on £10 and under £15 annual value	...	...	...	...	16,743	
		"    £15    "    £20    "    "	...	...	...	...	9,551	
		"    £20    "    £30    "    "	...	...	...	...	13,007	
		"    £30    "    £40    "    "	...	...	...	...	7,280	
		"    £40    "    £50    "    "	...	...	...	...	4,962	
		"    £50    "    £150    "    "	...	...	...	...	13,164	
		"    £150 and upwards	"	"	"	4,089		
							*92,828	
II. Male Ratepayers other than Freehold (including the Lessees in Class III).	{	Rated under £10 annual value	...	...	...	...	16,144	
		Rated on £10 and under £15 annual value	...	...	...	...	16,042	
		"    £15    "    £20    "    "	...	...	...	...	10,530	
		"    £20    "    £30    "    "	...	...	...	...	14,990	
		"    £30    "    £40    "    "	...	...	...	...	11,008	
		"    £40    "    £50    "    "	...	...	...	...	6,780	
		"    £50 and upwards	"	"	"	"	15,048	
							*90,542	
III. Male Lessees under Part II of <i>The Land Act</i> 1869 and under <i>The Land Act</i> 1878.	{	Rated under £10 annual value	...	...	...	...	1,794	
		Rated on £10 and under £15 annual value	...	...	...	...	1,733	
		"    £15    "    £20    "    "	...	...	...	...	1,542	
		"    £20    "    £30    "    "	...	...	...	...	2,772	
		"    £30    "    £40    "    "	...	...	...	...	3,281	
		"    £40    "    £50    "    "	...	...	...	...	2,535	
		"    £50    "    £150    "    "	...	...	...	...	2,213	
		"    £150 and upwards	"	"	"	98		
							†15,968	

\* 4239 persons are returned both as "Freeholders" and "Other Ratepayers."

† This is considerably below the actual number, several of the municipal officers having been unable to furnish the information.

IV.  
Lessees in Arrear, &c.—*Vide* attached letter from Secretary for Lands.

NOTE.—The material for this Return has been supplied by municipal officers. The Return does not include the municipalities of Graytown and Kilmore (*vide* detailed Return).

W. H. ODGERS,  
Under Secretary.

DETAILED RETURN OF MALE RATEPAYERS, SHOWING THE NUMBER IN EACH MUNICIPALITY.

Municipalities.	I. Male Freeholders.										II. All Male Ratepayers other than Freeholders.							III. Male Lessees under Part II of The Land Act 1869, and under The Land Act 1878.							Remarks.			
	Rated under £10.	Rated on £10 and under £15.	Rated on £15 and under £20.	Rated on £20 and under £30.	Rated on £30 and under £40.	Rated on £40 and under £50.	Rated on £50 and under £150.	Rated on £150 and upwards.	Total.	Rated under £10.	Rated on £10 and under £15.	Rated on £15 and under £20.	Rated on £20 and under £30.	Rated on £30 and under £40.	Rated on £40 and under £50.	Rated on £50 and upwards.	Total.	Rated under £10.	Rated on £10 and under £15.	Rated on £15 and under £20.	Rated on £20 and under £30.	Rated on £30 and under £40.	Rated on £40 and under £50.	Rated on £50 and under £150.		Rated on £150 and upwards.	Total.	
Alberton ..	48	25	13	33	16	15	38	4	192	92	67	27	47	48	8	8	297	70	48	20	31	44	2	..	..	215 <sup>1</sup>	8 persons are included both in Classes I and II.	
Alexandra ..	3	22	12	36	13	10	..	6	102	194	79	54	59	32	21	..	439	..	21	22	31	18	12	..	I	105		
Ararat ..	220	80	51	47	22	9	46	10	485	10	21	16	13	15	3	18	96	..	..	..	..	..	..	..	..	..	..	
Ararat ..	380	184	134	157	81	50	120	63	1,169	87	12	5	8	4	2	20	138	..	..	..	..	..	..	..	..	..	..	
Avoca ..	282	111	75	108	50	37	93	10	766	231	36	21	29	20	24	35	396	30	28	20	24	20	24	31	4	181		
Avon ..	9	14	18	26	20	14	27	22	150	36	41	23	54	19	9	29	211	26	28	14	41	14	4	5	..	132		
Bacchus March ..	58	36	29	40	26	16	71	6	282	108	37	13	12	8	12	17	207	6	15	7	8	I	..	..	..	37 <sup>3</sup>	35 persons are included both in Classes I and II. 11 persons are included both in Classes I and II.	
Bairnsdale ..	85	47	32	49	25	23	85	35	381	302	121	101	114	123	56	84	991	19	43	40	49	51	39	24	5	270		
Ballan ..	709	698	82	111	49	24	84	12	1,278	27	26	11	8	6	10	42	130	..	19	2	5	I	..	..	..	27 <sup>3</sup>		
Ballarat ..	1,579	698	287	289	121	74	179	36	3,263	306	429	207	178	86	51	157	1,414	..	..	..	..	..	..	..	..	..	..	
Ballarat East ..	927	848	261	225	95	49	123	20	2,548	213	296	68	67	39	28	80	791	..	..	..	..	..	..	..	..	..	..	
Ballarat ..	129	65	29	63	50	46	157	31	570	2	9	7	7	7	18	78	128	..	..	..	..	..	..	..	..	..	..	
Bannockburn ..	30	53	15	25	25	20	66	12	246	22	14	3	8	6	2	18	73	4	9	..	..	..	..	..	..	..	13	
Barrabool ..	101	57	35	35	19	23	43	22	335	41	17	16	15	12	8	42	151	2	1	2	..	I	3	..	2	11		
Beechworth ..	181	219	105	139	70	33	129	31	907	591	222	47	43	16	16	35	970	..	..	..	..	..	..	..	..	..	..	28 persons are included both in Classes I and II.
Belfast ..	82	84	45	35	15	30	39	22	352	73	19	4	13	14	3	35	161	22	10	7	6	5	2	2	..	54	41 persons are included both in Classes I and II. 31 persons are included both in Classes I and II.	
Bellarine ..	101	55	38	44	41	27	102	34	442	39	30	22	27	19	9	40	186	I	..	..	..	..	..	..	..	..		I
Benalla ..	111	117	60	56	56	16	84	15	515	108	133	119	203	285	115	134	1,097	27	33	42	39	34	23	12	6	216		
Berwick ..	48	62	32	48	25	17	77	19	328	36	54	35	70	55	4	24	278	23	43	26	57	46	..	..	..	..	195	
Bet Bet ..	29	23	35	79	83	39	112	30	430	1	4	42	82	86	38	105	633	40	58	32	71	68	33	95	..	397	63 persons are included both in Classes I and II.	
Boroondara ..	13	79	31	54	34	22	59	9	301	5	24	12	10	4	6	36	97	..	..	..	..	..	..	..	..	..		..
Braybrook ..	38	25	18	36	27	13	46	9	212	4	4	5	16	7	7	20	63	..	..	..	..	..	..	..	..	..	..	6 persons are included both in Classes I and II. 86 persons are included both in Classes I and II.
Bright ..	67	55	17	26	8	3	42	15	233	304	150	72	91	53	26	60	756	224	86	51	52	37	15	45	..	510		
Brighton ..	77	40	30	54	40	20	49	6	316	21	38	26	22	16	10	25	158	..	..	..	..	..	..	..	..	..	..	
Broadford ..	130	62	74	139	62	43	170	25	705	49	16	8	18	16	6	9	122	4	12	7	16	15	4	3	..	61		
Broadmeadows ..	24	21	4	12	11	5	25	2	104	4	11	1	6	4	1	47	74	..	..	..	..	..	..	..	..	..	..	
Browns & Scarsdale ..	5	20	4	16	10	5	37	14	111	4	11	1	6	4	1	47	74	..	..	..	..	..	..	..	..	..	..	
Brunswick ..	20	8	7	17	5	3	5	..	65	133	23	2	5	2	2	..	167	..	..	..	..	..	..	..	..	..	..	
Bulla ..	350	249	138	85	52	29	50	6	959	66	240	94	62	32	35	24	553	..	..	..	..	..	..	..	..	..	..	8 persons are included both in Classes I and II.
Bulleen ..	33	45	9	27	16	7	36	30	203	9	3	2	5	2	5	10	36	..	..	..	..	..	..	..	..	..	..	
Buln Buln ..	18	19	19	68	32	13	38	4	211	36	12	9	9	5	7	20	98	..	..	..	..	..	..	..	..	..	..	8 persons are included both in Classes I and II.
Bungaree ..	68	17	10	14	14	9	41	I	174	114	112	85	197	110	52	105	775	68	100	79	186	105	51	91	..	680 <sup>1</sup>	2 persons are included both in Classes I and II.	
Buninyong ..	219	126	60	91	63	56	89	7	711	77	23	17	30	11	10	24	192	..	..	..	..	..	..	..	..	..	..	
Buninyong ..	106	46	22	20	13	8	21	I	237	16	12	1	3	3	1	9	45	..	..	..	..	..	..	..	..	..	..	
Buninyong ..	120	151	102	161	117	68	171	16	906	453	236	50	80	12	..	14	845	..	..	..	..	4	3	..	..	7		
Carisbrook ..	27	55	14	15	8	4	22	I	146	20	25	3	3	2	2	4	59	..	..	..	..	..	..	..	..	..	..	
Castlemaine ..	341	129	66	76	25	14	51	12	714	110 <sup>4</sup>	45	39	51	20	8	72	345	..	..	..	..	..	..	..	..	..	..	
Caulfield ..	56	59	33	39	36	21	111	51	406	6	12	8	20	4	4	17	71	..	..	..	..	..	..	..	..	..	..	
Chewton ..	41	88	23	40	9	6	23	I	231	168	29	13	6	5	2	..	223	..	..	..	..	..	..	..	..	..	..	2 persons are included both in Classes I and II.
Chiltern ..	52	31	28	40	13	12	34	7	217	100	34	14	9	7	4	7	175	7	12	12	6	7	2	6	..	52		
Clunes ..	411	253	50	41	22	10	20	3	810	74	64	23	29	7	6	10	213	..	..	..	..	..	..	..	..	..	..	23 persons are included both in Classes I and II.
Coburg ..	28	28	24	70	18	5	16	6	195	17	45	29	36	10	15	17	169	..	..	..	..	..	..	..	..	..	..	
Colac ..	325	123	54	94	45	37	79	42	799	15	50	21	26	12	4	25	153	10	13	6	8	I	..	..	..	..	25 persons are included both in Classes I and II.	
Collingwood ..	157	611	396	387	128	42	116	24	1,861	123	1,323	703	490	117	75	191	3,022	..	..	..	..	..	..	..	..	..	..	
Corio ..	69	40	20	49	28	19	56	16	297	2	..	..	..	..	..	5	11	..	..	..	2	..	2	..	..	..	7	
Cranbourne ..	41	47	80	79	111	38	30	20	446	17	4	8	31	7	2	60	129	6	..	3	23	..	..	..	..	..	..	..
Creswick ..	20	71	14	26	8	8	31	5	183	247	106	12	23	7	6	24	425	..	..	..	..	..	..	..	..	..	..	2 persons are included both in Classes I and II.
Creswick ..	371	97	41	64	38	40	114	28	793	22	20	6	22	23	23	67	183	..	..	..	..	..	..	..	..	..	..	42 persons are included both in Classes I and II.
Dandenong ..	64	31	22	45	17	21	45	7	252	2	10	6	12	8	3	14	55	..	..	3	13	3	4	3	..	26		
Darebin ..	6	24	12	12	7	18	49	19	147	1	8	..	5	2	3	15	34	..	..	..	..	..	..	..	..	..	..	
Daylesford ..	237	136	37	53	19	12	28	5	527	165	66	22	30	17	6	26												



DETAILED RETURN OF MALE RATEPAYERS, SHOWING THE NUMBER IN EACH MUNICIPALITY—*continued.*

Municipalities.	I. Male Freeholders.									II. All Male Ratepayers other than Freeholders.									III. Male Lessees under Part II of The Land Act 1869, and under The Land Act 1878.									Remarks.
	Rated under £10.	Rated on £10 and under £15.	Rated on £15 and under £20.	Rated on £20 and under £30.	Rated on £30 and under £40.	Rated on £40 and under £50.	Rated on £50 and under £150.	Rated on £150 and upwards.	Total.	Rated under £10.	Rated on £10 and under £15.	Rated on £15 and under £20.	Rated on £20 and under £30.	Rated on £30 and under £40.	Rated on £40 and under £50.	Rated on £50 and upwards.	Total.	Rated under £10.	Rated on £10 and under £15.	Rated on £15 and under £20.	Rated on £20 and under £30.	Rated on £30 and under £40.	Rated on £40 and under £50.	Rated on £50 and under £150.	Rated on £150 and upwards.	Total.		
Portland .. .. S	107	152	77	114	61	68	110	35	724	31	107	59	71	42	78	11	399	..	57	58	55	39	..	..	..	..	209 <sup>1</sup>	
Prahran .. . City	93	223	237	392	240	121	390	84	1,780	17	375	371	513	234	179	378	2,067	..	..	1	1	..	..	2	..	4		
Pyalong .. . S	3	8	8	10	16	14	46	6	111	15	18	8	29	27	12	12	121	..	..	1	1	..	..	..	..	4		
Queenscliff.. . B	28	25	14	13	9	2	39	1	131	11	14	3	15	2	3	8	56	..	..	..	..	..	..	..	..	..		
Raywood .. . B	6	7	2	5	2	3	6	..	31	55	21	8	5	..	..	..	89	..	..	..	..	..	..	..	..	..		
Richmond .. . Town	588	789	304	258	99	52	89	10	2,189	820	1,545	655	676	267	162	285	4,410	..	..	..	..	..	..	..	..	..		
Ripon .. . S	410	180	83	112	55	28	71	32	971	40	23	4	9	3	3	11	93	..	..	..	..	..	..	..	..	..		
Romsey .. . S	27	22	14	18	10	10	42	8	151	31	16	7	16	18	9	56	153	5	4	3	1	..	..	..	..	13		
Rosedale .. . S	13	21	16	22	19	20	93	34	238	33	64	35	98	61	35	50	376	..	..	..	..	..	..	..	..	..		
Rutherglen .. . B	69	23	5	21	8	4	13	..	143	..	4	2	2	..	..	9	..	..	..	..	..	..	..	..	..	..		
Rutherglen .. . S	10	12	5	16	10	30	10	6	99	49	22	43	55	99	30	18	318	16	10	35	50	96	12	18	..	237		
St. Arnaud .. . B	40	35	30	38	13	11	45	15	227	108	43	29	26	12	5	25	248	..	..	..	..	..	..	..	..	..		
St. Arnaud .. . S	32	26	24	78	138	45	38	12	393	223	174	165	545	968	315	293	2,683	149	116	110	364	646	210	205	..	1,800 <sup>1</sup>		
St. Kilda .. . B	286	140	192	144	130	110	290	108	1,400	28	274	102	279	166	192	499	1,540	..	..	..	..	..	..	..	..	..		
Sale .. . B	73	53	35	53	18	14	43	11	300	77	57	31	41	16	18	49	289	..	..	..	..	..	..	..	..	..		
Sandhurst .. . City	1,090	1,409	811	473	126	69	168	21	4,167	251	612	412	280	130	133	352	2,170	..	..	..	..	..	..	..	..	..		
Sandridge .. . B	41	144	180	182	58	26	95	22	748	25	280	290	200	41	23	73	932	..	..	..	..	..	..	..	..	..		
Sebastopol .. . B	27	24	9	18	2	1	2	..	83	225	105	7	9	2	1	..	349	..	..	..	..	..	..	..	..	..		
Seymour .. . S	33	31	16	31	27	8	68	18	232	28	25	13	17	5	2	14	104	9	17	6	32	25	12	8	1	110		
Shepparton .. . S	26	12	22	19	20	15	35	8	157	65	74	114	174	435	207	48	1,117	..	..	..	..	..	..	..	..	..		
Smythesdale .. . B	74	6	6	10	3	4	3	..	106	55	13	4	3	1	..	4	80	..	..	..	..	..	..	..	..	..		
South Barwon .. . S	82	53	31	33	17	13	27	6	262	21	31	16	18	18	5	8	117	..	..	..	..	..	..	..	..	..		
Springfield .. . S	7	5	5	13	17	9	47	9	112	8	6	4	7	7	6	14	52	6	3	2	..	..	..	..	..	11		
Stawell .. . B	101	184	55	33	22	20	86	18	519	570	210	60	40	24	7	25	936	16	48	24	62	110	22	12	3	297		
Stawell .. . S	73	42	16	24	18	10	27	40	250	254 <sup>3</sup>	67	50	88	136	28	16	639	..	..	..	..	..	..	..	..	..		
Strathfieldsaye .. . S	218	185	54	119	58	39	81	8	762	27	14	8	13	3	5	1	71	..	..	1	..	..	..	..	..	..		
Swan Hill .. . S	5	26	7	18	24	20	53	28	181	55	81	186	343	524	470	617	2,276	1	18	18	55	150	363	547	20	1,172		
Talbot .. . B	205	77	18	34	15	9	44	3	405	22	15	4	6	2	1	5	55	..	..	..	..	..	..	..	..	..		
Talbot .. . S	145	120	70	30	24	32	42	12	475	16	12	14	18	16	12	..	88	5	7	2	..	2	..	..	..	16		
Tarnagulla .. . B	61	48	14	34	6	10	18	6	197	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..		
Towong .. . S	40	6	9	15	12	14	..	..	96	272	75	47	105	89	17	..	605	3	27	17	14	37	7	2	..	107		
Traralgon .. . S	10	32	44	76	59	95	108	6	430 <sup>4</sup>	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..		
Tullaroop .. . S	225	58	45	81	44	28	116	29	626	272	97	11	24	15	12	7	438	51	24	9	4	2	..	..	..	90		
Walhalla .. . B	..	8	8	20	9	9	..	..	63	76	128	47	44	11	4	13	323	..	..	..	..	..	..	..	..	..		
Wangaratta .. . B	82	48	18	24	13	9	19	11	224	15	34	15	11	5	4	13	97	..	..	..	..	..	..	..	..	..		
Wannon .. . S	73	45	15	63	53	14	76	37	376	12	19	6	29	45	7	25	143	8	5	4	21	40	4	3	..	85 <sup>1</sup>		
Waranga .. . S	88	55	59	77	46	30	161	25	541	253	86	142	237	221	257	275	1,471	32	52	108	209	201	246	278	7	1,133		
Warrnambool .. . B	103	110	49	63	31	23	76	3	458	58	73	42	55	26	18	74	346	..	..	..	..	..	..	..	..	..		
Warrnambool .. . S	223	129	85	114	87	55	176	41	910	132	67	51	72	35	35	157	549	103	46	21	17	8	..	..	..	195		
Whittlesea .. . S	29	24	18	12	10	12	33	10	148	..	2	1	14	19	8	23	67	..	2	1	8	12	4	8	..	35		
Williamstown .. . B	400	313	157	650	90	41	73	10	1,734	90	200	300	183	50	47	80	950	..	..	..	..	..	..	..	..	..		
Wimmera .. . S	45	26	17	20	22	6	39	27	202	81	70	94	223	337	241	391	1,437	5	10	16	66	198	169	291	15	770		
Winchelsea .. . S	172	51	46	64	31	20	64	41	489	20	13	12	26	6	5	7	89	6	7	11	24	2	5	..	..	55		
Wodonga .. . S	55	24	17	35	16	7	27	3	184	69	36	18	18	9	3	1	154	..	..	..	..	..	..	..	..	..		
Wood's Point .. . B	32	27	16	17	1	3	4	..	100	..	3	3	5	1	1	4	17	..	..	..	..	..	..	..	..	..		
Wyndham .. . S	65	39	17	47	21	9	50	22	270	8	9	4	17	11	10	21	80	..	..	1	3	7	2	..	..	13		
Yackandandah .. . S	100	70	40	30	65	47	118	20	490	94	59	24	29	53	35	20	314	..	..	..	..	..	..	..	..	..		
Yarrawonga .. . S	65	9	14	6	11	..	19	5	129	87	146	178	310	783	110	21	1,635	17	24	46	104	228	87	12	..	518		
Yea .. . S	46	23	27	39	59	22	46	8	270	..	3	10	2	2	2	7	26	..	..	..	..	..	..	..	..	..		
<b>Total .. .</b>	<b>24,032</b>	<b>16,743</b>	<b>9,551</b>	<b>13,007</b>	<b>7,280</b>	<b>4,962</b>	<b>13,164</b>	<b>4,089</b>	<b>92,828</b>	<b>16,144</b>	<b>16,042</b>	<b>10,530</b>	<b>14,990</b>	<b>11,008</b>	<b>6,780</b>	<b>15,048</b>	<b>90,542</b>	<b>1,794</b>	<b>1,733</b>	<b>1,542</b>	<b>2,772</b>	<b>3,281</b>	<b>2,535</b>	<b>2,213</b>	<b>98</b>	<b>15,968</b>		

\* "S" denotes Shire, "B" Borough.

<sup>1</sup> Approximate. — <sup>2</sup> The shire secretary is unable to furnish this information. — <sup>3</sup> 105 of these are Chinese. — <sup>4</sup> This number contains all the ratepayers in the shire, the shire secretary being unable to classify them as required.

*The Under Secretary to the Honorable the Commissioner of Lands.*

No. 7219.

SIR,

Chief Secretary's Office,  
Melbourne, 25th November 1880.

I have the honor, by direction of the Chief Secretary, to request that you will be good enough to furnish me, at as early a date as possible, with item 4 of the undermentioned information, for the purpose of its being laid before the Legislative Council in compliance with an Order on the motion of the Honorable Sir C. Sladen.

I have the honor to be,

Sir,

Your most obedient servant,

(Signed) W. H. ODGERS.

The Honorable the Commissioner of Crown Lands.

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RATEPAYERS AND LESSEES UNDER LAND ACTS.—The Honorable Sir C. Sladen, in accordance with notice, moved, That a Return be prepared, showing—

1. The number of freehold male ratepayers, rated on a yearly value, under £10, on £10 under £15, on £15 under £20, on £20 under £30, on £30 under £40, on £40 under £50, on £50 under £150, on £150 and upwards.
2. The number of male ratepayers, other than freehold, rated on yearly value, under £10, on £10 under £15, on £15 under £20, on £20 under £30, on £30 under £40, on £40 under £50, on £50 and upwards.
3. The number of male lessees under Part II of *The Land Act 1869*, and under *Land Act 1878*, classified as above.
4. The number of such lessees in each class whose rents are in arrear, the time during which such arrear has been going on, and the gross amount of such arrears in each class.

Question—put and passed.

*The Secretary for Lands to the Under Secretary.*Department of Lands and Agriculture,  
Melbourne, 1st December 1880.

SIR,

I have the honor to acknowledge receipt of your circular letter (No. 7219) of the 25th ultimo, and in reply, to state that this Department has no means of classifying the Lessees under Part II of *The Land Act 1869*, and *The Land Act 1878*, as required by the terms of the Order on the motion of the Honorable Sir Charles Sladen.

I have, &amp;c.

(Signed) A. MORRAH,  
Secretary for Lands.The Under Secretary,  
&c., &c., &c.,  
Melbourne.





1880-81.  
[SECOND SESSION.]

VICTORIA.

## RAFFLES OR DISTRIBUTIONS OF PROPERTY.

RETURN TO AN ORDER OF THE LEGISLATIVE COUNCIL.

THE HONORABLE J. BALFOUR.—14TH DECEMBER, 1880.

LAI'D UPON THE COUNCIL TABLE BY THE HONORABLE R. D. REID, 22ND DECEMBER, 1880, AND ORDERED BY THE COUNCIL TO BE PRINTED, 29TH MARCH, 1881.

A RETURN of all Notices sent to the Attorney-General, in accordance with the provisions in the "*Police Offences Statute Amendment Act*," of the intention to hold Raffles, or Distributions of Property, or Works of Art, during the period from the 1st January to 9th December, 1880; such Return to contain the particulars embodied in such Notices as to promoters and objects of such Raffles or Distributions; also the cases (if any) in which the Attorney-General has prohibited such Raffles, &c.

A RETURN of all Notices sent to the Attorney-General, in accordance with the provisions in the "*Police Offences Statute Amendment Act*," of the intention to hold Raffles, or Distributions of Property, or Works of Art, during the period from 1st January to 9th December, 1880.

No.	Date.	Name of Promoter.	Address.	Nature and Objects of Raffles or Distributions.	Substance of Reply.
1	6.1.80	A. Timbrell ...	Silk Farm, Col- lingwood	Works purely of art ...	Receipt acknowledged.*
2	6.1.80	C. E. Charity ...	Geelong ...	Ditto, ditto ...	Ditto, with special caution that a money preference in lieu of pictures not allowed.
3	12.1.80	D. Griffin ...	Pyalong ...	Permission sought for fat bullocks to be disposed of by lottery in aid of Irish Relief Fund	No power to grant permission.
4	13.1.80	M. Tankard ...	Sandridge ...	Lottery of jewellery ...	If a public lottery, it is prohibited by law.
5	15.1.80	W. F. H. Biggs ...	Fire Brigade, Fitz- roy	Same as No. 1.	
6	19.1.80	K. Van Damme ...	Sandhurst ...	For permission to sell tickets for N. S. Wales Art Union	No power to give permission.
7	21.1.80	C. M. Seward & Co.	Echuca ...	For permission to hold Art Union of freehold property	Ditto, ditto.
8	28.1.80	A. Steidwick ...	Benalla ...	Notice of raffle at a bazaar, the proceeds whereof are intended to be appropriated exclusively to charitable purposes	Acknowledged merely.
9	28.1.80	H. F. Parris ...	Casterton ...	Same as No. 1.	
10	6.2.80	J. J. Brennan ...	Melbourne ...	For sanction of Art Union at annual Druid's gala	No power to give sanction. Attention invited to Sec. 5 of Act No. 532.
11	6.2.80	D. Bennett ...	Melbourne ...	Same as No. 8.	
12	10.2.80	L. Adamson ...	Ballarat ...	Same as No. 1.	
13	18.2.80	Rev. J. Carlisle ...	Eaglehawk ...	Same as No. 8.	
14	24.2.80	T. H. McNeild ...	Melbourne ...	Same as No. 1.	
15	25.2.80	W. Hall ...	Ballarat ...	Same as No. 4.	
16	8.3.80	C. Clarke ...	Melbourne ...	For permission to hold an Art Union	The law does not provide for any permission being given. On receipt of notice prescribed by law, the matter will be dealt with as circumstances may demand.
17	10.3.80	C. E. Collins ...	Abbotsford ...	Same as No. 1.	
18	12.3.80	J. W. Rogers ...	Melbourne ...	Same as No. 8.	
19	15.3.80	F. Cornell ...	Sale ...	For permission to hold Art Union of paintings, &c., each subscriber entitled to a sitting for a <i>carte</i> portrait	The law does not admit of permission being given, nor the taking of photographs.

\* REMARK.—"Permission" asked, but informed specially that such is not provided for in the Act.

NOTICES of Raffles or Distributions of Property, &c.—*continued.*

No.	Date.	Name of Promoter.	Address.	Nature and Objects of Raffles or Distributions.	Substance of Reply.
20	12.3.80	J. T. Cox ...	Melbourne ...	For permission to hold private Art Union of articles of <i>vertu</i>	On reference to the Act 532, will show that a private raffle is not within the provisions of the law against lotteries.
21	24.3.80	Rev. O. Davy ...	Sandhurst ...	For permission to raffle implements and carpenters' tools	No power to give permission.
22	25.3.80	Miss R. Scott ...	Melbourne ...	For permission to dispose of, by private Art Union, articles left over from the Flower Mission bazaar	Same as No. 20.
23	1.4.80	B. French ...	Melbourne ...	Same as No. 7.	
24	3.4.80	J. T. Bramwell ...	Wedderburne ...	For permission for Art Union in aid of parsonage	No power. On a notice being received under Sec. 5 of the Act No. 532, will be dealt with in due course.
25	5.4.80	F. Cornell ...	Sale ...	Same as No. 1.	
26	10.4.80	F. Pollett ...	Sandhurst ...	Same as No. 7.	
27	13.4.80	D. G. Stewart ...	Beaufort ...	Same as No. 1.	
28	14.4.80	W. Wilson ...	Linton ...	Same as No. 1.	
29	15.4.80	J. K. Scott ...	Sandhurst ...	Same as No. 7.	
30	15.4.80	J. Webb ...	Gaffney's Creek ...	For permission to hold lottery of furniture	No power to give permission.
31	16.4.80	H. S. Pincott ...	Colac ...	Same as No. 1.	
32	20.4.80	A. A. Phillips ...	Bairnsdale ...	Ditto.	
33	29.4.80	H. B. Moore ...	Melbourne ...	Same as No. 8.	
34	26.4.80	W. Pepper ...	Drouin ...	Ditto.	
35	30.4.80	J. Tatham ...	Sandhurst ...	Same as No. 7.	
36	4.5.80	W. Blair ...	St. Arnaud ...	Same as No. 8.	
37	12.5.80	J. Sinclair ...	Point Henry ...	Same as No. 7.	
38	14.5.80	J. F. Cole ...	Melbourne ...	For permission to dispose of a bicycle by Art Union	No power to give permission.
39	14.5.80	W. J. Howell ...	Sandhurst ...	Same as No. 8.	
40	17.5.80	W. Telford ...	Beechworth ...	Same as No. 1.	
41	18.5.80	W. Budd ...	Collingwood ...	Ditto.	
42	19.5.80	C. F. Tyson ...	Beechworth ...	Ditto.	
43	15.5.80	J. Moore ...	Chiltern ...	Ditto.	
44	4.6.80	Rev. R. Lewers ...	Eaglehawk ...	Same as No. 8.	
45	5.6.80	J. Hobson ...	Williamstown ...	Same as No. 1.	
46	22.6.80	W. Morgan ...	Fitzroy ...	Ditto.	
47	22.6.80	A. Webb ...	Geelong ...	Ditto.	
48	23.6.80	L. L. Barnett ...	Sandhurst ...	Ditto.	
49	25.6.80	S. Cohen ...	Melbourne ...	Ditto.	
50	28.6.80	F. Bastin ...	South Yarra ...	Same as No. 8.	
51	2.7.80	J. T. Wright ...	Melbourne ...	For permission to hold Art Union for sale of gifts in aid of wife and family of Geo. Gray	If a public lottery, it is prohibited by law.
52	19.7.80	H. S. Pincott ...	Hamilton ...	Same as No. 1.	
53	6.8.80	C. M. Puckle ...	Essendon ...	Same as No. 24.	
54	9.8.80	T. Fergusson ...	Melbourne ...	Same as No. 8.	
55	16.8.80	J. B. D. Nosell ...	Castlemaine ...	Same as No. 1.	
56	21.8.80	A. O. Thiele ...	Doncaster ...	For permission to hold Art Union in aid of funds of Athenæum	No power to give permission.
57	23.8.80	J. Harris ...	Eaglehawk ...	For permission to raffle an organ, piano, &c., in aid of funds of Masonic lodge	Ditto.
58	24.8.80	A. Jamieson ...	Rheola ...	For permission to raffle waggonette	Ditto.
59	28.8.80	G. Marriner ...	Colac ...	Same as No. 7.	
60	2.9.80	J. V. Bartlett ...	Colac ...	Ditto.	
61	6.9.80	D. C. Sterry ...	Sandhurst ...	Same as No. 8.	
62	6.9.80	M. Lawson ...	Blackwood ...	For permission to hold Art Union of a musical instrument	No power to give permission.
63	27.9.80	C. Brown ...	Portarlington ...	For permission to hold an Art Union in aid of the funds for public baths	Ditto.
64	30.9.80	G. W. Bentley ...	Donald ...	Same as No. 1.	
65	1.10.80	Rev. S. G. Kent ...	Albert Park ...	Same as No. 8.	
66	2.10.80	Rev. J. E. Herring... ..	Kyneton ...	Ditto.	
67	5.10.80	Miss Webb ...	Echuca ...	For permission to hold an Art Union of needlework	No power to grant permission.
68	6.10.80	C. G. Bird ...	Melbourne ...	Same as No. 1.	
69	7.10.80	R. Davey ...	Barker's Creek ...	Ditto.	
70	8.10.80	Mrs. S. P. Tayler ...	Kyneton ...	Ditto.	
71	15.10.80	D. Clarke ...	Warrnambool ...	Ditto.	
72	15.10.80	Mrs. Turnham ...	Collingwood ...	Ditto.	
73	13.11.80	O. Levey ...	Melbourne ...	Ditto.	
74	24.11.80	R. H. Howes ...	Echuca ...	For permission to hold an Art Union in aid of the funds of the Echuca Rowing Club	No power to give permission.
75	25.11.80	A. Lillie ...	Emerald Hill ...	Same as No. 8.	
76	25.11.80	G. Thomas ...	Castlemaine ...	Ditto.	
77	3.12.80	A. Laver, for Otto Jung	Chinaman's Creek	Same as No. 7.	

B. C. HARRIMAN.

Crown Law Offices, 22nd December, 1880.

1880-81.

[SECOND SESSION.]

VICTORIA.

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# MOUNTED-CONSTABLE GLEESON, REMOVAL OF.

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[PART OF RETURN.]

RETURN TO AN ORDER OF THE LEGISLATIVE COUNCIL.  
THE HONORABLE W. ROSS, 8TH MARCH, 1881.

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LAID ON THE COUNCIL TABLE BY THE HONORABLE R. D. REID, 23RD MARCH, 1881, AND (PART OF)  
ORDERED BY THE COUNCIL TO BE PRINTED, 29TH MARCH, 1881.

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RETURN of—

PAPERS and Correspondence connected with the Removal of Mounted-Constable Gleeson from  
the Leigh Road Station in October last.

CHIEF SECRETARY TO CHIEF COMMISSIONER OF POLICE.

*Memo. for Captain Standish.*

Constable Gleeson stationed at Leigh Road. How long has he been there? What reports have been  
received?

(Initialed) G. B.

CHIEF COMMISSIONER OF POLICE TO CHIEF SECRETARY.

*Minute.*

Constable Gleeson was transferred to the Leigh Road Station in 1877. His record of conduct is  
very satisfactory. The only complaint preferred against him for many years appears in the attached  
correspondence between the Railway Department and myself.

There is no doubt that the constable acted indiscreetly, but there was no intention to defraud, nor  
did the constable in any way benefit pecuniarily or otherwise by his daughter availing herself of her  
father's railway ticket, obtained on the usual voucher.

(Sd.) F. C. STANDISH,  
C.C. Police.

23/8/80.

[Enclosure No. 1.]

SECRETARY FOR RAILWAYS TO CHIEF COMMISSIONER OF POLICE.

SIR,

Railway Department, Secretary's Office, Melbourne, 13th July, 1880.

I have the honor to inform you that the Traffic Manager has reported to me that the daughter of  
Police Constable Gleeson, 1804, travelled from Geelong to Leigh Road on a ticket procured by a voucher  
made out in the name of her father, as returning from duty.

2. May I request that you will be so good as to let me know, for future guidance of this Department,  
whether arrangements of this kind meet with your approval.

I have, &amp;c.,

The Chief Commissioner of Police,  
Melbourne.

(Sd.) P. P. LABERTOUCHE.

*Minutes on foregoing Letter.*

N6652.

Referred to Supt. Chomley for the Constable's Report.—(Sd.) F. C. STANDISH, C.C.P. 14/7/80.

For M.C. Gleeson's Report.—(Sd.) H. M. CHOMLEY, Supt. 15/7/80. ;

Received and returned. Report attached.—(Sd.) M. GLEESON, M.C. 1804, L. Road, 15/7/80.

[Sub-Enclosure.]

CONSTABLE GLEESON'S REPORT (REFERRED TO IN THE PRECEDING MINUTE).

Victoria Police (47.)

South-Western Police District,  
Leigh Road Station, 15th July, 1880.*Report of M.C. Gleeson, 1804, relative to attached Report (6652).\**

I beg to report, for the Superintendent's information, that on the 6th inst. I brought two horses to head quarters, leading one and riding the other. On my way I made arrangement for the erection of a booth at Batesford. Soon after I fell in with the returning officer, Mr. Smith, who was going to Geelong, and told him I made arrangements for the erection of a booth at Batesford. He ordered me to call on my return and tell the person not to mind fitting up the booth; that he would make the porch at the S. School answer the purpose. So as to comply with Mr. Smith's instructions, which I forgot until about to start for home (my wife and daughter were in Geelong, and were driving home), I asked my daughter to change with me, she to go home by train. I was to drive home, so as to comply with Mr. Smith's instructions, and took my saddle home with me. My daughter went home on my ticket. I did not think at the time I was doing any harm, under the circumstances.

The Superintendent of Police, Geelong.

(Sd.) M. GLEESON,  
M.C., 1804.*Minute on foregoing Report.*

Forwarded for the information of the Chief Commissioner of Police. The township of Batesford is about half way between Geelong and Leigh Road.

Geelong, 15/7/80.

(Sd.) H. M. CHOMLEY,  
Superintendent.

80

[Enclosure No. 2.]

664

CHIEF COMMISSIONER OF POLICE TO SECRETARY FOR RAILWAYS.

Police Department,

SIR,

Chief Commissioner's Office, Melbourne, 20th July, 1880.

I have the honor to acknowledge the receipt of your letter of the 13th instant,† regarding the action of Constable Gleeson in allowing his daughter to travel by railway from Geelong to Leigh Road on a ticket procured by a voucher made out in the constable's name.

I beg to enclose, for your information, the Constable's explanatory Report‡ in the matter.

The action taken in this case by Constable Gleeson is not, of course, allowed by the regulations, but it is not likely that such a case will occur again.

Perhaps you will be good enough to return me the Constable's Report when you have done with it.

I have, &amp;c.,

The Secretary for Railways.

(Sd.) F. C. STANDISH,  
Chief Commissioner of Police.

[Enclosure No. 3.]

SECRETARY FOR RAILWAYS TO CHIEF COMMISSIONER OF POLICE.

Railway Department,

SIR,

Secretary's Office, Melbourne, 9th August, 1880.

As desired by your letter No. 664 of the 20th ulto.,§ I herewith return you Constable Gleeson's Report of the circumstances under which his daughter travelled on a railway ticket which was issued to him on a Police Voucher.

2. I must say that the explanation is not at all satisfactory to me. The vouchers shew on the face of them that they should only be used by the constable named thereon, and to transfer to any other person is, to my mind, a great irregularity.

I have, &amp;c.,

The Chief Commissioner of Police.

(Sd.) P. P. LABERTOUCHE,  
Secretary.

*Minutes on foregoing Letter.*

I certainly do not approve of the course adopted by Const. Gleeson, and Mr. Chomley will inform him to that effect.

It is obvious that if the transfer of rail tickets (purchased for the police) to other persons was allowed, gross abuses would soon occur.—(Sd.) F. C. STANDISH, C. Commr. Police. 10/8/80.  
Supt. CHOMLEY, Geelong.

Forwarded for the information of M.C. Cleeson.—(Sd.) H. M. CHOMLEY, Supt. 11/8/80.

Received, noted, and returned.—(Sd.) M. GLEESON, M.C. 1804.  
L. Road, 13/8/80.

Returned to the Chief Commissinor. Constable Gleeson has been informed accordingly.—(Sd.) H. M. CHOMLEY, Superintendent, Geelong. 14/8/80.

[Enclosure No: 4.]

CHIEF COMMISSIONER OF POLICE TO SECRETARY FOR RAILWAYS.

Police Department, Chief Commissioner's Office,  
Melbourne, 10th August, 1880.

SIR,

I have the honor to acknowledge the receipt of your letter of the 9th instant,\* in reply to mine of the 20th ultimo,† regarding the action of Constable Gleeson in allowing his daughter to travel by railway from Geelong to Leigh Road on a ticket procured by a voucher made out in the constable's name.

I certainly do not approve of the course adopted by Constable Gleeson, and I regret that this was not intimated in my previous letter to you.

My disapproval has been intimated to Constable Gleeson.

I have, &c.,  
(Sd.) F. C. STANDISH,  
Chief Commissioner of Police.

The Secretary for Railways.

*Minute by the Chief Secretary on the foregoing Correspondence.*

Have the Constable removed to some other district.—(Initialed) G. B. 26/8/80.

*Minute by Chief Commissioner of Police on foregoing Correspondence.*

Police Department, Chief Commissioner's Office,  
Melbourne, 27th August 1880.

MEMO.

Forwarded ‡ to Mr. Chomley, who will be good enough to forward the attached correspondence for Const. Gleeson's perusal.

He will, therefore, hold himself in readiness for transfer to another district. I know nothing of the circumstances which have led to the Honorable the Chief Secretary's decision.

Has Mr. Chomley any member of the force in his district whom he would wish to station at Leigh Road? If not, I will select a mtd. constable for that station.

Supt. Chomley, Geelong. (Sd.) F. C. STANDISH,  
C.C. Police.

*Minutes on foregoing Minute.*

For M.C. Gleeson's information.—(Sd.) H. M. CHOMLEY, Supt. 28/8/80.

Received, 30th, and returned.—(Sd.) M. GLEESON, M.C. 1804. Leigh Road, 31/8/80.

M.C. Gleeson's Report § is forwarded for the information of the C.C. Police.—(Sd.) H. M. CHOMLEY, Supt. 1/9/80.

CHIEF COMMISSIONER OF POLICE TO THE CHIEF SECRETARY.

Police Department, Chief Commissioner's Office,  
Melbourne, 2nd Sept. 1880.

MEMO.

Acting upon the Honorable the Chief Secretary's Minute of the 26th ulto.,¶ I directed arrangements to be made for Constable Gleeson's transfer from the Leigh Road Station to another part of the colony.

I have just received the attached remonstrance from the constable, and memorial from certain residents of Murgheboluc.

As the writers in each case request their communications to be brought under the consideration of the Honorable the Chief Secretary, I now beg to submit them, and shall be glad if Mr. Berry will have the goodness to inform me whether it is his present desire to alter in any way the decision which he has already pronounced.

The Hon. The Chief Secretary,  
&c., &c., &c.

(Sd.) F. C. STANDISH,  
Chief Commr. Police.

*Minute of Chief Secretary on foregoing Memo.*

No, certainly not.—(Initialed) G. B.

[Enclosure No. 1.]

CONSTABLE GLEESON TO THE CHIEF COMMISSIONER OF POLICE.

Victoria Police (47).

South-Western Police District,  
Leigh Road Station, 31st August, 1880.

*Report of M. C. Gleeson (1804), relative to my transfer.*

I beg to request that the Chief Commissioner will be good enough to inform me before leaving here, what district I am going to, so as to arrange for my family.

I am at a loss to know what offence I am guilty of to merit such punishment, and put me to such enormous expense of removing a large family from a station that I am only three years on.

I therefore trust that the Chief Commissioner will ask the Honorable the Chief Secretary what charges have been laid against me. I consider I am guilty of no crime that would cause such punishment. I have been told by a respectable man residing here, that Morrellion, a publican here, told him that, when Messrs. Lalor and Rees would get into power, that he would get me removed.

Mr. Richard Harvey, a settler residing at Murgheboluc, told me that he was present at last election, when this publican requested Mr. Rees to get me removed, or he, Morrellion, would not vote for him, and has since boasted he would get me removed.

I had, on more than one occasion, got this publican fined at this court. Some few months ago, I found several head of stolen cattle in possession of this publican's son, who is a butcher here, and on 7th last month had him fined 10s. and costs at this court, for his yard not being clean, &c. He also boasted I would not be long here.

The Chief Commissioner of Police.

(Sd.) M. GLEESON,  
M.C., 1804.

[Enclosure No. 2.]

R. HARVEY AND OTHERS TO CHIEF COMMISSIONER OF POLICE.

Murgheboluc, 31st August, 1880.

*Re The transfer of Constable Gleeson.*

SIR,

We have the honor to inform you that it has come to our knowledge that Constable Gleeson, stationed at Leigh Road, is about to be transferred from that district.

During his time here, he has proved himself a most efficient and energetic officer, and has performed his duties to the entire satisfaction of his officers, and, with one exception, to the public at large—that exception being a publican at Leigh Road, whom he was obliged to summon frequently, in the discharge of his duty.

We are at a loss to know what the constable has done to merit so severe a punishment. We are well aware that the local bench, the council, and the leading inhabitants of this district are quite satisfied that constable Gleeson's conduct, since his advent to this district, has been in every way irreproachable, and that his strict attention to his duties has materially benefited the district, as was most amply shown lately in the presentation of a testimonial, with the sanction of the Chief Commissioner.

But, apart from the foregoing considerations, and from the hardship which is involved in shifting a large and young family, we would beg to impress upon you a matter of grave importance connected with this constable's transfer, namely, that the health of Mrs. Gleeson, which for the last three years has been in a most precarious condition, owing to a shock received at the Police Station, will be seriously imperilled.

She has been under the care of Doctors Pincott, Reid, and Scott, of Geelong, her complaint being such that any worry or excitement may prove dangerous, and at the present time is confined to her bed from the same complaint.

We beg to request the Chief Commissioner to lay these facts before the Honorable the Chief Secretary for his kind consideration; and we trust that, in justice to the constable, he will cancel the transfer.

We have, &c.,

(Signed) RICHARD HARVEY, Farmer.  
JAMES HARVEY, Farmer.  
HENRY MORGAN, Farmer.

The Chief Commissioner of Police.

## SUPERINTENDENT CHOMLEY TO THE CHIEF COMMISSIONER OF POLICE.

Police Department, Superintendent's Office,  
Geelong, 2nd September 1880.

In forwarding correspondence yesterday in reference to the transfer of M.C. Gleeson from Leigh Road Station, I forgot to mention that I would be able to find a constable in the district to take his place at Leigh Road.

The Chief Commissioner of Police, Melbourne.

(Sd.) H. M. CHOMLEY,  
Supt.

## CHIEF COMMISSIONER OF POLICE TO SUPERINTENDENT CHOMLEY.

*Minute.*

I attach some further correspondence,\* from which Supt. Chomley will perceive that Mr. Berry declines to alter his original decision in respect to Const. Gleeson's transfer. I trust to be able to state the locality to which Const. Gleeson is to be transferred. At present it is uncertain.—(Sd.) F. C. STANDISH, C.C. Police. 8/9/80.

Supt. Chomley, Geelong.

*Minute on foregoing Minute of Chief Commissioner of Police.*

For the information of M.C. Gleeson. On what date will he be prepared to leave the Leigh Road Station?—(Sd.) H. M. CHOMLEY, Supt. 9/9/80.

Two of my children are bad with measles. I cannot say when they will be fit to be removed.—(Sd.) M. GLEESON (M.C. 1804). Leigh Road. 10/9/80.

## CONSTABLE GLEESON TO SUPERINTENDENT OF POLICE, GEELONG.

Victoria Police (47).

South-Western Police District,  
Leigh Road Station, 10th Sept. 1880.

*Report of M.C. Gleeson (1804) relative to transfer.*

I beg to report for the Supt.'s information that two of my children are ill with measles—one recovering, and one very bad.

I may be able to remove them by 1st of the month, trusting the Supt. will be good enough to grant me that time. Perhaps they may be fit for removing sooner; if so, I will report accordingly.

I would feel thankful if the Supt. would be good enough to let me know the district I am going to. Hoping I may on account of my large family be sent to convenient district.

The Supt. of Police, Geelong.

(Sd.) M. GLEESON,  
M.C. 1804.

*Minute on foregoing Report.*

Forwarded for the information of the Chief Commissioner of Police. The correspondence is attached.—(Sd.) H. M. CHOMLEY, Superintendent. Geelong, 13/9/80.

## ACTING CHIEF COMMISSIONER OF POLICE TO SUPERINTENDENT CHOMLEY.

Police Department, Chief Commissioner's Office,  
Melbourne, 22nd September, 1880.

MEMO.

I have no objection to Constable Gleeson, 1804, deferring his removal till the end of the month. If I can find him a station in the Western District I will. I will in any case let him know as soon as possible.

(Sd.) C. H. NICHOLSON,  
Actg. Chief Commr. of Police.

Supt. Chomley, Geelong.

*Minutes on foregoing Memo.*

For M.C. Gleeson's information.—(Sd.) H. M. CHOMLEY, Supt. 23/9/80.  
Received and returned. Report attached. (Sd.) M. GLEESON, M.C., 1804. Leigh Road. 24/9/80.

CONSTABLE GLEESON TO THE SUPERINTENDENT OF POLICE, GEELONG.

Victoria Police (47).

South Western Police District,  
Leigh Road Station, 24th Sept. 1880.

*Report of M.C. Gleeson (1804), relative to my transfer.*

I further beg to report, for the information of the Supt. that, in consequence of a fresh outbreak of measles in my family, they will not be fit to be removed by the end of the month.

I therefore trust that more time will be allowed me on that account.

The Supt. of Police, Geelong.

(Sd.) M. GLEESON,  
M.C., 1804.

*Minutes on foregoing Report.*

For the favorable consideration of the Acting C.C. Police.—(Sd.) H. M. CHOMLEY, Supt. 26/9/80.  
The constable's transfer must be further deferred, if only to avoid the spread of the disease.—  
(Sd.) C. H. NICOLSON, A.C.C. Police. 29/9/80. N9209.  
For M.C. Gleeson's information.—(Sd.) H. M. CHOMLEY, Supt. 30/9/80.

ACTING CHIEF COMMISSIONER OF POLICE TO SUPERINTENDENT CHOMLEY.

MEMO.

Police Department, Chief Commissioner's Office,  
Melbourne, 30th September, 1880.

Will Superintendent Chomley be so good as to instruct Constable Gleeson, 1804, to proceed, as soon as his family are sufficiently recovered, to take charge of the Penshurst Station, in the Western District. I am glad to be able to give him such a short transfer.

I should like to know when he will probably arrive there.

Supt. Chomley, Geelong.

(Sd.) C. H. NICOLSON,  
A.C.C. Police.

*Minutes on foregoing Memo.*

For M.C. Gleeson's information.—(Sd.) H. M. CHOMLEY, Supt. 1/10/80.

Received and returned. Report attached, also Medical Certificate.—(Sd.) M. GLEESON, M.C., 1804.  
L. Road. 8/10/80.

[*Enclosure No. 1, in Constable Gleeson's Minute.*]

CONSTABLE GLEESON TO THE SUPERINTENDENT OF POLICE, GEELONG.

Victoria Police (47).

South-Western Police District,  
Leigh Road Station, 8th October, 1880.

*Report of M.C. Gleeson (1804), relative to my transfer.*

I further beg to report for the Supt.'s information, with a request that my Report will be forwarded for the further consideration of the Acting Chief Commissioner.

In consequence of the recent illness in my family, who are not at present fit to be removed, the journey being a long one, I trust therefore the Acting Chief Commissioner will give me till the beginning of next month.

Regarding my wife's state of health, her mental condition, for some three years, has been such as to cause her family and medical adviser grave anxiety, but for six months previous to receiving orders from the Honorable the Chief Secretary for transfer, she was so much improved that her medical attendant, Dr. Pincott, was satisfied that her recovery was certain; but since the account of my removal she has been so depressed and despondent as to be unable to go about her usual avocations, no doubt having to leave her eldest son, a boy of sixteen years, behind her, being in business in Geelong and coming home every night.

I am thankful to the Acting Chief Commissioner for his kind consideration, and trust to be able to bring my family to Penshurst at the time stated, if kindly allowed to remain that long. Attached is a Medical Certificate.

The Supt. of Police, Geelong.

(Sd.) M. GLEESON,  
M.C., 1804.

*P.S.*—Just received a telegram from Acting Chief Commissioner to proceed, with or without my family. I will proceed as directed. Request this correspondence to be placed before the Honorable Chief Secretary, with Dr. Pincott's certificate attached.



## [Enclosure No. 2 in Constable Gleeson's Minute.]

## MEDICAL CERTIFICATE.

La Trobe Terrace, Geelong, 7th October, 1880.

I certify that Constable Michael Gleeson's family have been suffering from measles and are not now sufficiently convalescent to travel, and moreover they would be a source of infection to others.

I may also add, that his wife has been under my care for hypochondriasis bordering on insanity on repeated occasions during the last four years, and she is, at the present time, in a very low desponding condition.

I am of opinion that, if she is located in a lonely position, the consequences might be very serious to her.

I have, on several occasions, urged Constable Gleeson to apply for an appointment in a town, or near thereto, solely on account of his wife's mental condition. She was under my care for five months in Geelong, when I found it necessary to place her under constant supervision.

(Sd.) RUPERT PINCOTT,  
M.R.C.S., Eng.

ACTING CHIEF COMMISSIONER OF POLICE TO SUPERINTENDENT OF POLICE.

*Telegram.*

Melbourne, 8th October, 1880.

The Supt. of Police,

Constable Gleeson must proceed at once to Penshurst, with or without family.

(Sd.) C. H. NICOLSON,  
Actg. C.C. Police.

*Minute on above Telegram.*

I have instructed Constable Gleeson accordingly. A constable will be sent to Leigh Road Station to-morrow, to take charge temporarily.

When relieved, Constable Gleeson can proceed at once to Penshurst.—Superintendent, Geelong, 8/10/80.

The Acting Chief Commissioner of Police, Melbourne.

ACTING CHIEF COMMISSIONER OF POLICE TO SUPERINTENDENT CHOMLEY.

*Urgent.*

Police Department, Chief Commissioner's Office,  
Melbourne, 8/10/80.

MEMO.

Referring to my Memo. N9209, of 29th ulto.\* with Chief Secretary's file S8771, respecting Constable Gleeson's (1804) transfer to Penshurst, the Honorable the Chief Secretary now directs that the constable proceed to his station, Penshurst, *at once*. He must therefore do so forthwith, whether he have to leave his family behind or not.

Will Mr. Chomley return the above file?

(Sd.) C. H. NICOLSON,  
Acting Chief Commr. of Police.

Supt. Chomley, Geelong.



1880-81.

[SECOND SESSION.]

VICTORIA.

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CONFERENCE ON REFORM OF THE CONSTITUTION.

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SHORTHAND WRITER'S NOTES

OF

CONFERENCES

ON

7TH APRIL, 11TH APRIL, AND 12TH APRIL, 1881.

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LAI D ON THE TABLE BY THE HONORABLE R. D. REID, AND ORDERED BY THE COUNCIL  
TO BE PRINTED, 11TH MAY, 1881.

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By Authority:

ROBT. S. BRAIN, ACTING GOVERNMENT PRINTER, MELBOURNE.

## EXTRACTED FROM THE MINUTES.

WEDNESDAY, 6TH APRIL, 1881.

**REFORM OF THE CONSTITUTION.**—The Honorable Sir C. Sladen, in accordance with notice, moved, That a Select Committee be appointed to join with a Committee of the Legislative Assembly to consider the question of the Reform of the Constitution, and to report what alterations in the law it is expedient to make in regard thereof; and that such Committee consist of seven Members and be elected by ballot.

Debate ensued.

Question—put and passed.

The Council then proceeded to the ballot, and the following Members being reported by the Clerk to have the greatest number of votes were declared by the President to be the Members of the Committee:—The Honorables Sir C. Sladen, H. Cuthbert, W. E. Hearn, R. D. Reid, N. Fitzgerald,\* J. MacBain, and J. Balfour.

**REFORM OF THE CONSTITUTION—MESSAGE TO THE LEGISLATIVE ASSEMBLY.**—The Honorable Sir C. Sladen, in accordance with notice, moved, That a Message be sent to the Legislative Assembly to acquaint it that this House has appointed a Committee of seven Members to consider the question of the Reform of the Constitution, and to report what alterations in the law it is expedient to make in regard thereof, and to request that the Legislative Assembly will be pleased to appoint an equal number of Members to be joined with the Members of this House.

Question—put and passed.

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

MR. PRESIDENT—

The Legislative Assembly acquaint the Legislative Council that they have appointed a Select Committee, consisting of seven Members, to confer with the Members of the Legislative Council to consider the question of the Reform of the Constitution, and to report what alterations in the law it is expedient to make in regard thereof, and that they have empowered the Committee to meet in the South Library, to-morrow, at two o'clock, and have empowered the Committee to sit on days on which the House does not meet.

PETER LALOR,  
Speaker.

Legislative Assembly Chamber,  
Melbourne, 6th April, 1881.

**REFORM OF THE CONSTITUTION.—SELECT COMMITTEE.**—The Honorable R. D. Reid, with leave of the Council, moved, without notice, That the Select Committee of the Council be empowered to sit on days the House is not sitting.

Question—put and passed.

WEDNESDAY, 13TH APRIL, 1881.

**REFORM OF THE CONSTITUTION.—REPORT OF SELECT COMMITTEE.**—The Honorable Sir C. Sladen brought up a Report from the Select Committee appointed on the 6th instant, "to join with a Committee of the Legislative Assembly to consider the question of the Reform of the Constitution," and moved, That the same be received.

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

The Select Committee of the Legislative Council appointed "to join with a Committee of the Legislative Assembly to consider the question of the Reform of the Constitution," have the honor to make the following Report:—

Your Committee met the Committee of the Legislative Assembly on Thursday last, and on Monday and Tuesday, and had long sittings.

The discussion was principally confined to the Constitution of the Legislative Council.

The first question had reference to the presence of responsible Ministers in the Council, and it was agreed that the presence of not less than two was desirable.

The next subject was that of the number of Members, and an understanding was arrived at that there was no insuperable objection to the number being increased to forty-two. The question of the franchise followed. After a lengthened discussion, your Committee, in their anxiety to effect a settlement, ventured to make the following offer, viz. :—

That the franchise should be extended to all freeholders rated at £10 a year, and to all leaseholders and occupiers rated at £25 a year, preserving for owners and for persons having professional and educational qualifications the rights which they at present enjoy.

The Committee of the Legislative Assembly declined to concur in this proposal, but offered to fix the limit of the franchise at £10 for ratepayers only, whether owners or occupiers.

As your Committee did not consider itself warranted in accepting such a proposition, the conference, which had been carried on in a most friendly manner, terminated at the instance of the Chief Secretary.

Question—That the Report be received—put and passed.

THE SHORTHAND WRITER'S NOTES OF CONFERENCES BETWEEN  
COMMITTEES OF THE LEGISLATIVE COUNCIL AND LEGISLATIVE  
ASSEMBLY ON THE CONSTITUTION OF COUNCIL BILL (2).

THURSDAY, 7TH APRIL 1881.

*Members present :*

Hon. Sir C. Sladen, M.L.C.,  
Hon. H. Cuthbert, M.L.C.,  
Hon. W. E. Hearn, M.L.C.,  
Hon. N. Fitzgerald, M.L.C.,  
Hon. J. MacBain, M.L.C.,  
Hon. R. D. Reid, M.L.C.,  
Hon. J. Balfour, M.L.C.

Hon. Graham Berry, M.L.A.,  
Hon. W. M. K. Vale, M.L.A.,  
C. H. Pearson, Esq., M.L.A.,  
Hon. F. Longmore, M.L.A.,  
Hon. J. M. Grant, M.L.A.,  
A. L. Tucker, Esq., M.L.A.,  
James Mirams, Esq., M.L.A.

*Mr. Berry.*—I move that Sir Charles Sladen be appointed Chairman of this Conference.

*Sir Charles Sladen.*—May I suggest that there now appears to be some difficulty about that, for in the message which was sent to the Council yesterday, it is for the Committee to confer; therefore I do not think that there can be any chairman. The invitation from us was “a Joint Committee;” the acceptance was “to confer.”

*Mr. Berry.*—I understand it to be a Joint Committee.

*Sir Charles Sladen.*—Under those circumstances, there would be no necessity for a chairman; in fact, we could not appoint a chairman.

*Mr. Berry.*—We could appoint a chairman of a Joint Committee.

*Sir Charles Sladen.*—But this is not a Joint Committee; it is to confer. I am glad to find that you made the first overtures. It has been frequently the custom for one to rise, and for people to make a speech. I think it would be much more conducive to the object we have in view if we were to consider it really as a Committee, and to hold our conversation in a less formal manner.

*Mr. Berry.*—Without rising.

*Sir Charles Sladen.*—Without rising.

*Mr. Longmore.*—Perhaps it may be as well for you to take charge of that side if any gentleman wishes to speak, so as to keep order, to name them, and Mr. Berry to take this side.

*Sir Charles Sladen.*—I do not think there is any fear of disorder.

*Mr. Longmore.*—But two or three may rise at a time.

*Mr. Berry.*—One of the first questions is, whether it is desirable to have the press admitted, or whether it is more conducive to success for this Conference to be taken without the press reporters being present. I think we are of opinion that there is a larger probability of our coming to some practical understanding if we were not to have the press represented. Of course there is a middle course, which I think might be taken, which would be better for all parties, namely, that the shorthand writers should be present, to take down what is said—not necessarily for publication, but for reference if it is needed, so that there should be an impartial record in case of any possible difference; perhaps that would be the course most conducive to the convenience of the Committee.

*Sir Charles Sladen.*—I am sorry the Assembly Committee have come to that conclusion, because we came to one quite opposite. We thought it desirable that the press should be admitted, in order that if there should be any representation not quite justified it could be met at once. As I understand the Committee sitting as our two Committees sit at the present time, we cannot enforce upon Members of Parliament who are present the same rules of silence which we should observe out of respect to the Committees we represent; and, therefore, as we are upon an important subject, it will be desirable that the press should be admitted, and that whatever takes place here should be reported just as in our respective Houses.

*Mr. Berry.*—If that be the wish of the Committee of the Council, I have no objection. I merely made a suggestion. My object was simply this: that, with the press present, there is no doubt the disposition to place your views fully before the country, which appeared as if it was likely to militate against what appeared to be the natural outcome of a proposition of this kind—a more confidential and undress (as it were) Conference, in which we can get, in few words, at the very root of the matter; and, therefore, it would have been likely, at the present stage, to result in some practical good. However, if it is the opinion of the Committee that the press should be admitted, I have no objection.

*Sir Charles Sladen.*—I hope that short speeches will be the order of the day; really we want to get at the pith.

*Mr. Berry.*—Just so; that is my idea.

The reporters for the newspapers were then admitted.

Copies of the Votes and Proceedings of the Legislative Council and Legislative Assembly referring to the subject of the Conference were laid upon the table.

*Sir Charles Sladen.*—Mr. Berry and Gentlemen: I take it that, as the Council has initiated this meeting of Committees of the two Houses, probably you would expect from the Council some idea of what they conceive to be the subject to be discussed under the message. The message of the Legislative Council acquainted “the Legislative Assembly that they have appointed a Committee of seven members to consider the question of the reform of the Constitution, and to report what alterations in the law it is expedient to make in regard thereof.” I think it is exceedingly probable that the range of subjects which would be entered into under that, or, I may say, the range of subjects contemplated to be considered under that, would comprise the following, and perhaps other points which are not mentioned, but, at least, the following: that is, in the first instance, the grand *pièce de resistance* is the constitution of the Legislative Council we admit; second, the question of the relation between the two Houses; third, the relation of Ministers to Parliament; fourth, some probable amendment of the Constitution Act; and, fifth, some probable amendment of the Electoral Act. Those, I take it, are the subjects which will come within the range of the invitation which the Council has addressed to the Assembly; and, if we are agreed upon those points, then I think we might proceed to determine the order in which we will consider them, and then we will take the details of each subject.

*Mr. Berry.*—May I ask you to read those again.

*Sir Charles Sladen.*—It may be as well to take down the heads. I have put them down very shortly. The constitution of the Legislative Council; the relations between the two Houses; the relation of Ministers to Parliament; Constitution Act and Electoral Act;—five heads, each of which, probably, might branch into a tolerably wide subject.

*Mr. Berry.*—Do I understand then, Sir Charles, that the object of the Legislative Council is to go into this wide range of subjects with a view of dealing with all of them in this session of Parliament?

*Sir Charles Sladen.*—I think the question is this: We have been, I may say (not to use the word offensively, but in common parlance), fighting over this bone for a long time, and it appears to me that every one of the subjects which I have mentioned is cognate to that, all relating to the easy working of the two Houses together; and I think, after all the disagreeableness, differences, and the anxieties which have been caused by them, and have been going on for so many years, it would be much better if we could lay down some plan which would be likely to lead to a better feeling in the future; and it appears to me that this is a fitting time. Certainly, when we proposed to deal with the question of the reform of the Constitution, we considered it embraced all those points. Those are the points which have caused difficulties and differences, and it appears to me to be a wise course, and one very desirable in the interests of the community, that we should endeavor to settle, if possible, at all events, as many of them as we can.

*Mr. Berry.*—I would point out to Sir Charles that it is a question, even supposing and taking it for granted that legislation may be ultimately necessary upon all the points you have mentioned, whether, if any practical business is to be done, we should not confine ourselves, at all events, to the first point named—the constitution of the Legislative Council; and I think we should, for good and sufficient reasons. The real reason why those other questions may require settling, or rather have cropped up during the lengthened debates that have taken place between the two Houses, is chiefly the imperfect (if I may use the word—not offensively) constitution of the Legislative Council, and consequently, if the constitution of the Legislative Council could be placed upon a satisfactory basis, may not we reasonably hope and expect that many of the difficulties which have occurred in the past will disappear, when the machinery of the two Houses is placed upon a reasonably satisfactory basis, and that fairly we might wait the result of that alteration of the constitution of the Council to see whether any difficulties will occur in the future, and then, knowing what they are, we might seek the remedy in the direction you have suggested?

*Sir Charles Sladen.*—I do not know that we can be quite prepared to admit the views entertained there. In fact, I do not think we are. These questions have arisen—in fact, I need only appeal to the Chief Secretary and remind him that he has dealt, or endeavored to deal, with all those subjects in the first Bill that he introduced into Parliament—since the year 1877, and therefore it appears to me that it is no superfluity, no redundancy, at the present time that we have to consider. It is a question that has been really brought prominently before the public.

*Mr. Berry.*—What I mean to say is this, that all the matters you refer to since 1877, and before 1877—in 1865 and since 1865—have arisen in differences between the Legislative Assembly and Legislative Council primarily because of the different constituencies that the two Houses represent; and the Assembly representing one of the widest and most popular constituencies that is possible in a free community, and having certain exclusive rights conferred upon that Chamber by the Constitution Act, such as the appointment of the Executive practically and the sole initiation of finance, and the Council being probably as opposite in its constitution to the Chamber as could be possibly framed, matters arise that might naturally have been expected to arise between two bodies so totally and diametrically opposite in their organization and their constituent bodies.

*Sir Charles Sladen.*—But both having the sanction of the Constitution Act.

*Mr. Berry.*—Precisely. I am really pointing that out. It was this wide divergence of the two Houses that gave rise to all our differences. It is perfectly correct that a succession of Governments have endeavored to rectify this in other ways, touching upon some of the points you raised in your list that you read, but they were always objected to as being mechanical and arbitrary, and consequently not so likely to work smoothly as going to the root of the real grievance between the two Houses—that is, the difference in their constituent bodies; and the object of the Government, or rather the object of the party at the last general election, which took place in July, was to benefit by all the experience of the past, and endeavor to remedy the defect, as we think, in the Constitution, which, if not original, arose by subsequent alterations in the basis of the Assembly, and to bring the two Houses into harmony or reasonable harmony. If we could do that, all our difficulties would disappear, and we should not have recurrent such an abnormal state of Parliament, taking the two Houses, as that which arose under circumstances which then will have passed away. And I think under those circumstances both the Council and the Assembly may agree, for this reason, that both Houses have initiated Bills to reform the Constitution, and I believe both have confined themselves almost exclusively to the alteration of the constituencies of the Legislative

Council, and having by a kind of common consent arrived at that point which appeared to be a piece of solid ground, would it be wise to voluntarily drift to sea again over a wide range of subjects, which, if we are right in supposing that this reform will remove them altogether, will simply be involving the question again in new obscurities, from which we thought it had emerged? I put it to the gentlemen of the Council whether it would not be wise to confine ourselves to the first subject upon the list, not that the Assembly will offer any objection in the future to deal with the others, if any difference should, in the opinion of the Council, arise to call for a similar conference again.

*Sir Charles Sladen.*—In regard to the first, no doubt the constitution of the Legislative Council has formed the subject of enquiry and consideration, more particularly in the Legislative Council itself, and is of course one of what we call, perhaps, grievances, which I must submit to the gentlemen of the Legislative Assembly, for, after all, if there is a sore, it may as well be pointed out. One thing we have felt very keenly is that, although over a long period of years the Legislative Council has endeavoured to get rid of those inequalities which have been represented by the Chief Secretary now, still they have met with no sympathy from the Legislative Assembly to help them out in bringing those to a reasonable result, to the satisfaction of the two Houses. No doubt, at the present time, that is one of the principal things; but also a very principal element, and almost as serious a matter in our ideas (probably you, gentlemen of the Legislative Assembly, do not see it quite in the same light as we do), is this: we have so constantly been deprived of the presence of a Minister of the Crown in our Chamber that we feel that we are not looked upon as an integral part of the Legislature, but are only made a convenience of; and if, under the Constitution, it is determined that we are to have the bicameral system, let us have the bicameral system in a manner which shall be effectual for the public interest, and that everything is not to be made subservient to the wishes and the particular policy of the other Chamber. This will be always a cause and an element of disturbance, and therefore the question of the relation of Ministers to Parliament I think is one of the principal points to which we wish to direct attention; that is, if we are to be an effective House, if we are to have the status which should belong to one of two Houses of Legislature. We certainly require a different relation to Ministers; we require that Ministers, at all events, should be represented in that Chamber, and therefore I think it is absolutely necessary that that shall form part of the subject of our discussion. These subjects may, of course, not be of the same importance. Of course they will all be based upon, and will all follow, the agreement which we may arrive at as to how the Legislative Council shall be constituted for the future, so as to preserve the symmetry which has been created under the Constitution Act, and with a view to its harmonious working with the Assembly for the future; but to say that they are not relevant to the question, or are not essential to that question, I think is rather mistaking the feelings, or rather is not appreciating the feelings, which I dare say you cannot appreciate, simply because you do not experience them. You can hardly appreciate the feelings which are entertained in the Legislative Council at the peculiar position which I may say we are, and have been for some time, made to hold. If the Legislative Assembly will help us to get over this, we think there would be no difficulty in future working. We think the machinery may all go on smoothly, but it is impossible that it should go on smoothly when the Legislative Council is ignored in its fundamental relations to the other branches of the Legislature.

*Mr. Berry.*—I think, Sir Charles, that the instance you have given is a very happy one, and illustrates more forcibly than my words could do what I was remarking just now. No doubt it is a great evil and misfortune that Ministers are not in the Council, but it is equally an inconvenient position for a Government to be placed in as for the Council. I am quite sure you, gentlemen, know as well as I do that any Government would be delighted to have not only one but two representatives at least in your House. But you also know that that very difference between the two Houses is the very reason why the Government (for instance, the Government I have been head of, which has held office, with a very short interval, for four years, which may be taken as a sufficient proof that the Government possesses the confidence of the people of this country) are not able to obtain a single Minister who will accept a portfolio in your House to represent the Government.

*Sir Charles Sladen.*—And yet you will not help us to rectify it.

*Mr. Berry.*—I merely enforce what you have said; that evil is a great evil. I am glad to hear that the Council feel it as such. We have felt it bitterly, and have tried to cure it; and the Bill introduced to alter the constitution of the Legislative Council in doing one thing will do another that will remedy that. So clear am I upon that, that if the Council desire to have a clause proposing that at least two Ministers of the Crown shall be in the Council put into the Bill before us, I should have no objection, and I am quite sure the House would have no objection to put it into the present Bill; or another could be brought in with that provision. It is quite clear that the number of Ministers should be increased; and a Bill to make two Ministers of the Executive, both of whom should be members of the Legislative Council, would have the support of our House; but it would not be necessary to enact that, for this reason, that if the Council was a popular body, recognized so by law, no Government could ever venture to disregard the Council again. There must be a majority in that Chamber, as well as in the Assembly, to sustain any Government; and the only way to obtain that support would be by having a responsible member of the Ministry in that Chamber; and that is why I think the change in the constitution of the Council would settle naturally difficulties that we attempted, in the first instance, to settle mechanically and artificially. Then I say this, that if we do one thing at a time, if you put the Legislative Council upon a responsible basis, having the confidence of the country, it will then become an integral portion of the Constitution; and no Government can ever live that is not reasonably and fairly represented in that Chamber. I hope that will be considered a reasonable answer to what you say.

*Sir Charles Sladen.*—I think it is to this extent a very reasonable answer, that it shows we were quite right in putting this upon the list of subjects to be discussed here. You admit the practicability of it.

*Mr. Berry.*—If that is the impression, I am glad you take it so.

*Sir Charles Sladen.*—The only point upon which I might disagree with what has fallen from the Chief Secretary is one that I do not quite understand. He talks of the Bill before the House. I do not know what that is. If he means the Legislative Council Bill, which left our House some months ago, I am very glad to hear it treated in that kind way. If it be the Bill which has lately come to the Legislative Council from the Legislative Assembly, then, I think, it is putting that Bill in an undue position, to which it is scarcely entitled at the present time. I do not think either one Bill or the other can be treated as "the Bill."

No doubt in this discussion we shall be obliged to go into subjects dealt with in one or other, or both, of those Bills, but, at the present time, I do not think we can say that we will give any particular attention to either one Bill or the other. I think we are here more particularly upon the question of the Reform of the Constitution generally, with a view to find out any imperfections that experience may have shown us, and also to find a remedy for them. No doubt I am quite prepared, and I believe the Committee of the Council is quite prepared, to consider first of all the question of the constitution of the Legislative Assembly, but we certainly do anticipate and expect that the discussion will not be confined exactly to the constitution of the Legislative Council, but that it will also by-and-by, when the time arrives, range over some other subjects which have been found to be cognate, and having their effects upon the relations of the two Houses.

*Mr. Berry.*—I do not think there will be any objection to that, if we deal with the first subject thoroughly, and if there is anything afterwards that you think necessary to discuss.

*Sir Charles Sladen.*—Then the question will be with reference to the constitution of the Legislative Council, and the thing is in breaking ground there what subject in detail should be first taken up. It is obviously very difficult to take up any one feature of detail connected with that, without reference to many others bearing upon it; therefore no doubt there is some little difficulty perhaps in breaking ground in the first instance, but that we shall have to go into the details is undoubted. Perhaps it might be desirable to endeavour to determine in the first instance what should be the number of Members of the Legislative Council. Now I may state that the Legislative Council, of course, having had this matter under consideration for a great many years, and being very anxious indeed that the difficulties of which they complain should be removed, have been desirous that the number of members should be increased, so as to form some reasonable proportion to the numbers originally named for each of the two Chambers by the Constitution Act; that is, the Members of the Legislative Council were originally thirty and have never been altered, whereas the number of Members of the Legislative Assembly, having been altered several times, now amount to eighty-six, and those of the Council only to thirty. We think it is a reasonable conclusion that it would be desirable to raise the number of Members of Council from thirty to a number nearly corresponding to half that of the Legislative Assembly. We have, in measures which we have passed through the Chamber, fixed the number at forty-two as being the nearest to the half, and as fitting in to the number of provinces which we thought it was desirable should return those members. Therefore I think perhaps it might be desirable in the first instance to see if we can arrive at any decision between the two Committees as to what should be the number in any alteration that may be made.

*Mr. Berry.*—Have you any other reason, Sir Charles, than the mere desire to be half of the Assembly, the same as it was originally in the Constitution Act. Is there any practical ground for thinking forty-two is better than thirty?

*Sir Charles Sladen.*—I think a practical object has been suggested. At one time I recollect the Chief Secretary himself saying that he thought that it was a very wrong thing that fifteen or sixteen members in another place should be allowed to overrule the majority, and a much larger majority, in another, and of course we can only go by degrees—that sixteen is clearly considerably less than twenty-three, and if we had twenty-three at all events the argument would be to a certain extent disturbed.

*Mr. Berry.*—I hope you do not seriously assume that where sixteen should not obstruct the will of the country, twenty-three possibly should.

*Sir Charles Sladen.*—Certainly not. I do not think even sixteen ought.

*Mr. Berry.*—I was going to say that that is one illustration of the good of an alteration of the Constitution. We do not expect any obstruction. The very object of the Constitution is to make such remarks altogether unnecessary.

*Sir Charles Sladen.*—I think the Chief Secretary does not say that there has been any obstruction in the past on the part of the Council—any wilful obstruction.

*Mr. Berry.*—Hear, hear! I am perfectly willing to say that.

*Sir Charles Sladen.*—What is one man's meat is another man's poison; and what may appear obstruction in his eyes, appears in the eyes of the Council, to whom it is imputed, as merely a performance of a public duty; and I think the Chief Secretary will look at it in that light.

*Mr. Berry.*—I would not have volunteered to make that remark if it had not been for the remark of Sir Charles Sladen.

*Sir Charles Sladen.*—But "obstruction" is such a common phrase, it is just as well that we should endeavour to avoid the offensive point of it, as we are discussing a matter in a friendly way.

*Mr. Berry.*—I would not for a moment make this a difficulty. You may quite understand that the Assembly consider that thirty members as they are at present are just as good as any other number—it is more simple; and we do not wish to make alterations which alterations do not appear to be necessary; but of course a matter of this sort, if everything else was arranged, is not such a fundamental matter that it would prevent agreement. Would it not be better to pass this over and come to the next point?

*Sir Charles Sladen.*—Under those circumstances, we may say there is no material difference there.

*Mr. Berry.*—I will say anything you like if you will go on with the case.

*Sir Charles Sladen.*—No. If this is merely a means of passing it over, I would not agree, but if the Chief Secretary will assure me that it is not considered a fundamental question, and that the question of number is indifferent if we settle other points, then I say we need not dwell upon it.

*Mr. Berry.*—I do consider it an important question, but I say that, if we could agree upon other points, and if the Council, after further consultation and consideration, consider it really essential, it is not a point upon which the Assembly would be likely to disagree with them; that is all I can say at this stage. I wish to give you every possible information. You see this is it—when you have stated what you think important, when you have gone through the case, it will be better for the Assembly to see then what there is that they cannot possibly admit, and if we can remove those the matter will be perfectly clear; but till we know the other ideas you have, it is useless coming to a final decision upon a mere comparatively secondary point.

*Sir Charles Sladen.*—No, but I may as well state this at the outset, that the Council certainly have considered that, having a Constitution before them, which has generally been considered to be a very excellent Constitution (indeed I have heard it praised by a good many, and I could almost point the Chief Secretary's recollection to an occasion where he himself praised it as an excellent one), it is desirable to



adhere as closely as possible to the lines then laid down, and therefore there was no particular reason why forty-two should be the number, any more than thirty or fifty-seven, except that it bears that proportion to the original number which would keep up the original symmetry and harmony between the two; but I do not think we are disposed to cavil if the Committee of the Assembly do not consider that an essential point, and they would be quite prepared to give way to the views of the Council as to the number to be settled. I do not think the Council would be satisfied to remain with their present number. They consider that their position will be strengthened only in proportion to the additional strength given to the Assembly by their increased number, and they are entitled, I think, till it is shown that the Constitution Act has been radically wrong, and that we have mistaken our position altogether from the very beginning, we are entitled to hold to that ground.

*Mr. Berry.*—I take a note that the Council consider this an important and essential point.

*Sir Charles Sladen.*—Allow me to say that I will take a note on the other side, that the Assembly do not consider it essential.

*Mr. Berry.*—No. I do not think we say that.

*Mr. Tucker.*—Take a note of what the Chief Secretary did say.

*Sir Charles Sladen.*—We cannot go on, I think, in that way; the Council having certain conditional views put down as binding upon them, when the Assembly seem to have a disposition not to be bound in the same relative degree. That does not seem reasonable, does it?

*Mr. Berry.*—I think it is reasonable that we should know, in connection with this subject, what other alterations you require, and then we will give you an answer in detail.

*Sir Charles Sladen.*—You say alterations. I do not quite understand that—what alterations do you mean?

*Mr. Berry.*—Alterations of the existing law.

*Sir Charles Sladen.*—We have pretty well recorded our views as to deviations from the existing law.

*Mr. Vale.*—This proposal simply amounts to the Council saying that they do not waive anything from the proposals of their Bill.

*Sir Charles Sladen.*—I do not think so at all.

*Mr. Vale.*—As far as this item.

*Mr. Berry.*—This is in the Bill that you sent to the Assembly.

*Sir Charles Sladen.*—I say merely that the *tu quoque* argument would be applicable.

*Mr. Vale.*—The Council simply say, "We adhere to this item"—as far as that goes, we are as we were. The Council say, "At present we can make no approach to the Assembly—at the present stage do not ask us to give that up." At present we hold thirty to be a reasonable number.

*Sir Charles Sladen.*—Do not say "approach to the Assembly." We go upon the view that to carry out the Constitution Act, and to put the two Houses in the same relative position that they occupied in 1855, it is desirable that their numbers should have some relation to one another such as they then had. I understand that it is said now upon the other side, and it is all I want to get at, that the Assembly do not see any fundamental objection to the number being forty-two.

*Mr. Berry.*—What I pointed out was this, that if, upon the other points that you may bring forward, we can concur with you, we would not allow this to be a stumbling-block hereafter.

*Mr. Grant.*—I suggest that we postpone the points upon which we do not agree, and go on till we do agree, and then come back.

*Mr. Berry.*—Or else come to something upon which we cannot agree that we think essential; for instance, Sir Charles, if I follow the course you have done—if I say, "The Assembly consider that the present number of the Council is a reasonable number, and sufficiently numerous for a second Chamber, and no object can be gained by an increase of numbers; in the opinion of the Assembly the number should be thirty"—what advance would that be? It is an advance, I think, when I say let us proceed to something that we regard as more vital, intimating that, if we can agree upon more fundamental points, this shall not be a vital objection.

*Dr. Hearn.*—I understood Mr. Berry to say that he had no fundamental objection; he would be glad to meet our views. Of course there is no charm or magic in the number 42—we say "there or thereabouts—in that proportion," and if we can agree upon other points the Assembly will not perhaps press that objection.

*Mr. Berry.*—I wish to put it in the most conciliatory form possible.

*Dr. Hearn.*—We are extremely anxious to meet your views. I think you spoke very fairly, and I should be quite satisfied if you repeat what you said.

*Mr. Berry.*—Let us postpone this until we come to something upon which we can agree.

*Dr. Hearn.*—No, it was not an actual postponement, it was that the Assembly did not consider this to be an essential point.

*Mr. Tucker.*—Speaking for myself, I think the matter is secondary.

*Mr. Berry.*—I want to postpone this until other matters are settled.

*Mr. Mirams.*—Mr. Barker's note is—"If both Houses can agree upon all other, the Assembly will not disagree upon this."

*Dr. Hearn.*—I think we could not consider that you press it further than that.

*Mr. Pearson.*—Bear in mind we did not consider that at all an unimportant point.

*Dr. Hearn.*—Of course no point is unimportant, but it is a matter upon which we can reasonably hope that we could agree.

*Mr. Tucker.*—The increase might be to 36. I understand that it is merely a principle of an increase of number, not to any particular number.

*Dr. Hearn.*—No, but a substantial increase to there, or thereabout.

*Mr. Tucker.*—But not to more than 42.

*Dr. Hearn.*—It might be to 43, if convenient, but taking as a standard to about half the number and that of the Assembly.

*Sir Charles Sladen.*—I think there will be no difference of opinion as to tenure. The Council is agreed that they will be quite satisfied with a six years' tenure, and I think, as far as I can gather the opinion of the Assembly from different sources, that is also the opinion of the Assembly. If we are agreed upon that, it is something to get some business done.

*Mr. Vale.*—Our tenure rests upon a different point from what yours does ; our tenure of six years rests upon the acceptance of a dissolution in two years ; the tenure hangs upon that a great deal.

*Dr. Hearn.*—That is merely bringing the Act into operation.

*Mr. Berry.*—I would not introduce anything to complicate it, but the tenure of six years is what we propose.

*Dr. Hearn.*—Yes, we agree upon that.

*Sir Charles Sladen.*—No matter how that is arranged ; that is a question which probably, like the preamble of a Bill, can be settled after we find that upon the general subject we are agreed.

*Mr. Grant.*—We have agreed upon one point, at any rate.

*Sir Charles Sladen.*—That is something ; it ought to be recorded. One other point probably which will arise, perhaps next in order and importance, is rather difficult to sever. There are two points in fact, both of them involving some subject-matters besides themselves. One is the franchise, and the next the distribution of members. Of course the Council in all the Bills they have passed have committed themselves to a limited franchise. Going upon this ground, the ordinary safeguard, which I believe is generally prescribed to be observed by prudent physicians, is that we should not make too great strides all at once—*festina lente*, as we used to say, “Proceed by degrees”—that we should not destroy the elements incident to membership in the original Constitution Act all at once ; but that any alterations should be allowed to develop themselves according to circumstances, as time and other matters may show to be necessary. I should be glad to know what the view of the Assembly is in regard to that. It is not worth while going into any particular franchise. Suffice it for the present that the Council desire a limited franchise, also it is provided that the mode of election shall continue as it has been from the commencement. I may state at this time, perhaps, that—not in the measure, but in the measures and Bills which have been prepared by the Council and sent to the Assembly, and which I am sorry to say have not been discussed there—the Council felt that it would not be wise, it would not be prudent, to involve too much, to enter into too much new matter ; that in the state of the relations of the two Houses, with the jealousies or whatever they may be called between the two Houses, it was best to narrow down the issue to as small a surface as possible, and therefore, although they have had it in view to make some alterations with regard to the franchise, and to the mode of election, it has never been developed in any Bill which they have introduced ; and, at the present time, they would be quite content to continue the system which was introduced under the Constitution Act, with the rotation of membership as it was provided under the Constitution Act.

*Mr. Berry.*—That is in the retirement every two years.

*Sir Charles Sladen.*—Yes, a certain proportion retire every second year, so that there is a continuous representation—if you will admit that term—a continuous representation in the Council, which is different from the tenure in the Assembly.

*Mr. Berry.*—I do not think there is any difficulty upon that point. I understand you to say one-third of the Council going out every two years.

*Sir Charles Sladen.*—Yes.

*Dr. Hearn.*—That is the Council should be renewed by rotation and not by complete change.

*Mr. Berry.*—Yes, that point we concede also, of course always reserving the right to a renewal upon the acceptance of an altered franchise, and on the renewal upon the coming in of the Act, excepting that exceptional circumstance. After that, I am perfectly content that the Council shall be renewed in the way that it has hitherto been renewed—that is, a third of the Council, whatever the number may be, going out every two years, and no dissolution of the whole. Upon that point, I think, we may say we are agreed.

*Sir Charles Sladen.*—That is upon the general principle.

*Mr. Berry.*—Yes ; that now leaves the two points, the size of the constituencies and the franchise of the electors ; they come very naturally together.

*Mr. Longmore.*—And the numbers.

*Mr. Berry.*—That comes afterwards as a separate point.

*Mr. Longmore.*—Honorable members will see that the idea of a dissolution of the Council will be set aside.

*Mr. Berry.*—No, I reserve that. It is quite clear what I said. I said, “Excepting the one dissolution that would be necessary upon the fundamental change in the Constitution of the House, I was willing to admit that it might be by rotation, as proposed by Sir Charles Sladen.”

*Mr. Longmore.*—That sets aside the idea of dissolution of the Council with the Assembly at the same time.

*Mr. Berry.*—Yes, it gives that up.

*Mr. Cuthbert.*—As to the question of dissolution of the Council, Sir Charles Sladen has not touched upon that.

*Mr. Berry.*—No. I merely made the exception in answering Dr. Hearn that I might not be misunderstood.

*Dr. Hearn.*—Yes, and that is quite a separate question. That relates to bringing the Act into operation.

*Mr. Berry.*—Yes.

*Sir Charles Sladen.*—Upon the general question of the rotatory representation we are agreed, I understand ?

*Mr. Berry.*—Yes.

*Sir Charles Sladen.*—We shall not be captious, I hope, on either side, in regard to that, for a good many points in this discussion will be materially influenced by contrary circumstances which may be introduced, and it will be necessary to consider a good many of the points conditionally. “If so-and-so were so-and-so, then so on.”

*Mr. Longmore.*—That is why I desired to guard that point.

*Sir Charles Sladen.*—Yes, and therefore we must be forbearing to one another, as we must not suppose, when we speak of general principles, that we are committed to them under all circumstances. Then, probably, next might come the question of the franchise.

*Mr. Fitzgerald.*—The electorates, I should think, would come next.

*Sir Charles Sladen.*—The provinces—it is difficult to sever the two.

*Mr. Fitzgerald.*—We are going on so very amicably that the smaller points might take precedence of the larger ones. The Members of the Council might be more yielding in regard to franchise.

*Sir Charles Sladen.*—The question of numbers, and the question of franchise, and the question of distribution of members, all seem to me to run together. Of course the question of franchise depends very much, I need not say, upon the mode of election which may be introduced. Of course there are a great many different ways; but under the system of election known to us, under our Electoral Act, I fancy there might be some considerable difference of opinion if it were to be applied to the extended franchise.

*Mr. Longmore.*—Perhaps you would explain that a little more clearly.

*Sir Charles Sladen.*—I suppose it is scarcely worth while stating what are truisms. We are all aware that under the present system of election the representation goes entirely to the majority in each constituency, and that the minority are altogether unrepresented. I suppose there is no doubt about that.

*Mr. Grant.*—That is not admitted.

*Sir Charles Sladen.*—Is it not? Then I think it is scarcely worth going further till it is.

*Mr. Mirams.*—To my knowledge, the majority in one constituency may be in the minority in another.

*Sir Charles Sladen.*—They certainly may be; but if you want to carry a point, it is very desirable to be with the majority. Those are truisms. In each constituency the majority rules, and the minority is unrepresented. Perhaps Mr. Mirams did not catch that. He thought that I was alluding to the general representation.

*Mr. Mirams.*—It is unrepresented by the representatives of that constituency, but it is represented by the representatives of other constituencies.

*Sir Charles Sladen.*—I do not see quite how that can be. It is scarcely worth my going on when I find that what I call a truism is not admitted.

*Mr. Grant.*—I think we understand you.

*Mr. Vale.*—I think Mr. Mirams' contention is this: that, take the representation of Melbourne—it is quite true that in certain constituencies a large minority are unrepresented, but it is equally true that, take the representation of Melbourne—take sixteen seats in the Assembly, the conservatives have nearly half, where the other side have only a little more than half, if any.

*Mr. Berry.*—In the individual result it is as you say, that in the constituency, as the majority must rule, the minority, in one sense, is not represented, but the minority becomes the majority in another case, and, in taking the constituencies together, those views are represented.

*Sir Charles Sladen.*—That may be.

*Mr. Mirams.*—In my own constituency the conservatives did not return a man. The liberals returned two. It may, therefore, be said that the conservatives of Collingwood are unrepresented. But take St. Kilda; there are two conservatives returned, and you may say the democrats are unrepresented. I say the conservatives of Collingwood are represented by the St. Kilda men, and the liberals of St. Kilda are represented by the Collingwood men; that is, taking the country as a whole.

*Mr. Pearson.*—And for a good many local purposes, the member, whatever he may be—liberal or conservative—represents all parties of his constituency indifferently. It is only upon the particular question of keeping the Administration in, and supporting two or three of its characteristic measures—and that is no doubt a grave question—that the minority is unrepresented in Parliament.

*Dr. Hearn.*—I think, perhaps, Sir Charles does not wish to raise the question of representation of minorities, or I should think he would argue that the system of representation should be more equalized.

*Sir Charles Sladen.*—Yes; and that makes all the difference, because, as I understand, the Assembly are very desirous of seeing a very extended franchise for the Council; there are circumstances under which the Council would not, probably, object, even to a very extended franchise; but it becomes a question as to whether those circumstances would be likely to be granted; feeling that they would rather remain upon the ground which they have been given by the Constitution Act, they say under those circumstances we must be cautious in not making too great alterations at one time, because all experience has shown that it is difficult or impossible to retrace steps.

*Mr. Berry.*—I believe you have adjourned over to-day, have you not?

*Sir Charles Sladen.*—Yes.

*Mr. Berry.*—We only adjourned till to-day, but we will make arrangements to adjourn our House, if you think this discussion will go on for any lengthened period.

*Sir Charles Sladen.*—I was thinking of going on, and I will tell you the reason presently why I mention it particularly now. We thought, before coming into the Conference, that if we could determine a certain range of subjects to be discussed by the two Committees now (with the view we have both of us present to our minds—that is, to put the Legislature in a position to work together in a friendly and harmonious manner), and if we were to determine what the heads of discussion might be, it would be a preliminary upon which to inform ourselves between this and the meeting which we shall arrange for, I suppose to-day, to discuss them in detail. I find that it would be very difficult for our whole Committee to continue this discussion this week, and upon this ground—that Mr. Cuthbert informs me that he has an appointment, which is not a professional appointment, which he is bound to keep, in Ballarat; that is to say, he is under subpoena to appear at an important trial at Ballarat, and he must be there to-morrow, which will prevent us going on with this matter. And I was going to say, under those circumstances—and it is upon that ground that I state it—that we should meet next week, having arranged the subjects we discuss, on Monday say, and sit strictly *de diè in diem* till we arrive at some conclusion—a favorable one, I hope.

*Mr. MacBain.*—What hour on Monday?

*Sir Charles Sladen.*—I did not name any hour. I submit it to the Assembly and to the head of the Government. We must consult his time more than any one's, how far it may be convenient to him and acceptable to the Assembly. We shall endeavor to conform to anything that may be convenient to him and them.

*Mr. Berry.*—That is perfectly easy of acceptance; it is very satisfactory as far as the further meeting of the Joint Committee is concerned, but it scarcely answers the question I put. I meant to ask whether you thought we can profitably go on to-day longer than the time that the Assembly meets. Shall I make arrangements to adjourn our House, and so make a long sitting to-night, or shall we merely look upon this as a preliminary meeting and not sit long?

*Dr. Hearn.*—I think regard it as a preliminary meeting.

*Mr. Grant.*—We had better rise now, or as soon as you think it convenient.

*Mr. Berry.*—I think it better to allow Sir Charles to put his views and those of the gentlemen with him fully before us, especially as there is to be a pretty long adjournment, and the matter is one to be discussed. It is impossible to offer any remarks upon conversations which are not put forward as absolutely essential, but simply as desirable, if other things were favorable and so on. I would suggest myself to Sir Charles and the gentlemen of the Council that the better plan will be not to import new subjects and new ideas into this matter. It so happens that there are two measures in existence, one projected by the Council and sent to the Assembly, and the other projected by the Assembly and sent to the Council, and those two measures fortunately are upon very similar lines, and that is a fact I think that raises the hopes of men that an agreement may be come to. Now I think there will be quite difficulties enough in that without increasing them by introducing any other subject that has not been discussed or dealt with this session of Parliament by either House. Of course afterwards, at any future time, if any improvement can be suggested in our legislative machinery, or anything else, matters that have been discussed theoretically now for years without their adoption, there can be no objection to that; but I do think that the nearer we keep to the lines that we know and are understood, the greater chance there is of our coming to a practical agreement; and if we could have at this sitting the views of the Council formulated in the same way that the two or three minor points have been—such as the number of members, the tenure, and the retirement by rotation after the first election of the House—if we could have any other points put in the same definite form before us, that would be a step in the direction of, at least, understanding where we are; and the more we keep to that, I fancy the nearer we are to a practical settlement.

*Mr. Vale.*—The great advantage of that, and the advantage which appears to me to compensate for even sitting till half-past six to-night, would be that we shall all be in possession of the paper we are to discuss next week. If we meet next week with an uncertain knowledge of the proposals, we shall have to just take them on Monday and consider them on Tuesday; whereas, if we take them to-night, we shall have two days. Our real object is not to arrange this matter merely, but to arrange to put it upon the Statute-book, so that it may not crop up to interfere with the practical business of next session, which must commence in ten or twelve weeks; therefore it is worth while to sacrifice even a sitting of the Assembly to-night; for the real question of the whole Bill is the question of the division of the provinces and the qualifications; and if we could know what we have to discuss upon those questions we shall have done a great deal to-night in the direction of getting a settlement.

*Dr. Hearn.*—These questions mix themselves up so very much that it is impossible almost to settle them clearly; but Sir Charles has said that the Council has made a definite proposition—that is, to keep the existing modes of machinery with a high franchise. On the other hand, there is the proposition by the Assembly to keep the existing mode of machinery with a very low franchise. There is yet a third course. It may be possible, if we have a different mode of machinery, to accept a much reduced franchise from what we should in ordinary circumstances accept.

*Mr. Vale.*—That is to say, that the proposal virtually comes to a modification of Hare's system, with a certain approximation to the Assembly's proposal for a franchise.

*Dr. Hearn.*—Certainly.

*Mr. Vale.*—It is very desirable to get that before us, though we are not in a position to give an opinion upon it to-day.

*Sir Charles Sladen.*—I may be allowed to say that that is not the only alternative, but it is one of them. There are a good many alternatives.

*Mr. Pearson.*—Proportional representation and an extended franchise?

*Mr. Berry.*—Does that mean the ratepayers' roll?

*Dr. Hearn.*—It means a more extended franchise than what the Council propose. It is a question how far our House may be prepared to go. I do not know, but for my part I should be quite willing, if they got the proportional representation, to consider things that otherwise I would not consider.

*Mr. Grant.*—But that proposal is not in the Council's Bill.

*Dr. Hearn.*—I do not say it is, but I say that the Council has made one proposition. The Council doubtless, I suppose, would prefer their proposition; as a body, they would.

*Mr. Grant.*—But they have rejected that proposition already.

*Dr. Hearn.*—No.

*Mr. Grant.*—When proposed by you last session, the Council rejected your proposal.

*Dr. Hearn.*—It was rejected.

*Mr. Grant.*—Then surely it may not be placed before us now.

*Dr. Hearn.*—It was rejected, because at that time, and under those circumstances, it would have embarrassed us.

*Mr. Balfour.*—I do not think at present Sir Charles Sladen proposes that as the proposal of the Council. As far as I am prepared to go just now, it is this—Sir Charles Sladen says, if the Council should be prepared to adopt a much wider franchise, it might require some safeguards, and one of the safeguards might be this proportional representation.

*Mr. Grant.*—It is not suggested.

*Mr. Balfour.*—No, it is not; but it is suggested here as one of the possible safeguards.

*Mr. Longmore.*—I think, looking at the manner in which representation has been given to numbers all over the world lately, we have no reason to fear the action of numbers at all, nor to take any safeguards against their action.

*Sir Charles Sladen.*—That is merely an opinion, but it is an opinion which has not been generally held.

*Dr. Hearn.*—It comes to this, gentlemen, would you be prepared to go into the question of Hare's system, with an understanding that it would materially affect our views upon the other question?

*Mr. Mirams.*—Hare's system pure and simple, making one constituency of the whole colony?

*Dr. Hearn.*—No.

*Mr. Grant.*—That is altogether secondary.

*Mr. Fitzgerald.*—I apprehend it would not be considered secondary if the opinions of many of the Members of the Council Committee are held. They consider that the readiness of the Committee of the Assembly to consider this would in itself be accepted by the Council as an earnest, and, under certain conditions,

there would be a disposition to yield on the part of the Council to the views of the Assembly, as far as the enlargement of the franchise in the direction the Assembly propose. It appears to me to be utterly beside the object we have in view to refer to the action of the Council on previous occasions to this. Sir Charles and other members have said that if this be considered by the Assembly in relation to the franchise as having an important bearing upon it, the Council might yield its opinions in a very great degree upon that very important point.

*Mr. Mirams.*—Before we can give an opinion upon how far we are prepared to consider this, we should prefer to know exactly what the plan of election would be. There are so many different plans. There is the cumulative vote, such as at the election for school boards in England, or there is the plan they have at home, by giving three members to a constituency and only allowing you to vote for two candidates.

*Dr. Hearn.*—That is what Hare's system and mode of voting is, that only one man gives one vote to one candidate, and that he has a right of distribution, that is the essence of Hare's system. It is not secondary in this way, that many of us conceive that we should be quite prepared to deal with the views of the Assembly, and meet the views of the Assembly to some extent (I do not say to the full extent, but a considerable extent) if we had Hare's system, and that would modify the sizes of the provinces materially, and would probably enter into the distribution of seats and the arrangement of seats generally. If you give us that system, we might do this; if you do not give it, we are not prepared to change our views upon the Bill.

*Sir Charles Sladen.*—Or some modification of the system.

*Mr. MacBain.*—I understand that the adoption of Hare's system is not the proposal of the Council at all. I understood the proposal, as suggested, was simply to discuss the merits of Hare's system, and, in the event of an agreement being come to between the two Houses, there would be a desire upon the part of the Council to agree to a more extended franchise; but, as far as I am individually concerned, I am afraid that however much good the discussion would produce, and however much nearer we might be to the adoption of the principle, in the present circumstances, Hare's principle in our parliamentary affairs would not be adopted. I speak for myself, and I do not wish to involve any other person in my views. I think we ought to go pretty well upon the lines of the two Bills; but I think we can arrive at a more satisfactory and quicker conclusion upon the two Bills than if we adopted the suggestion. I do not see any harm that would result from the discussion.

*Dr. Hearn.*—I mean it as a *tertium quid*. There are two propositions very similar, upon which there may be a great deal of trouble in coming to a determination. I make the suggestion, and if it would meet the views of the Assembly, then, probably, the Council might, at all events, be induced to give serious consideration to some such proposal as Hare's system.

*Mr. Berry.*—You see, Dr. Hearn, as far as we know, and as far as the Council have given an opinion, the Council are opposed to Hare's system.

*Dr. Hearn.*—Pardon me, that is not so. It was distinctly stated at that time, that, at that particular time, and with reference to the circumstances of the case, they did not think it desirable to complicate the case by Hare's system. It was entirely that. On the contrary, every one of the members spoke in its favor, and I think, taken upon the whole, that there is a majority of the Council in its favor as a general principle. It now reduces itself to this. It is an alternative proposition. The Council has sent down its proposition, and I do not think, apparently, that that proposition will meet your views, as you have made a counter proposition. I throw out this suggestion as an alternative course, upon which we might find common ground. If you think it is worth while going into it, we can do so; if not, we must fall back upon the comparison of the two original propositions.

*Mr. Vale.*—One great difficulty, it appears to me, in going into Hare's system is that really those who have some right to a voice have never in any way had it brought before them. I venture to say that not six members of the Assembly have in the last five years indicated their acceptance of it to their constituents, and therefore I do not think we should be asked to adopt an expedient so novel and so untried, and I suggest to the members of the Council so utterly un-English.

*Mr. Longmore.*—There is another point that I think we ought to take into consideration, that is, at the last general election the majority of the Assembly were returned upon the ratepayers' roll for the Legislative Council as a basis upon which the constituencies should stand. I think there is no doubt, we are all clear upon that point, and we have all committed ourselves to it.

*Sir Charles Sladen.*—I do not know whether all have committed themselves to that.

*Mr. Longmore.*—All on this side have committed themselves to it, and under those circumstances it would be wise to get some propositions from the other side to see how far we can yield; for I take it that this is a conference to see if we can agree upon a given point. We might be disposed upon any point to yield a trifle, or even a good deal, to get the matter settled; but as far as I see at the present moment we are utterly in the dark as to what the Council desire.

*Mr. Fitzgerald.*—Suppose, for argument's sake, that the Council agreed to the ratepayers' roll, would the Assembly consider, notwithstanding that concession of the Council, that this proportionate representation could not be agreed to by the Assembly without making an appeal to their constituents again upon that point?

*Mr. Pearson.*—Of course this committee can only report; it cannot accept in any way. As the Attorney-General said, the proposal is an extremely novel one. I look upon it with extreme favor; at the same time there are different forms of the system, and it would make an enormous practical difference which you adopt and which way it is worked, unless we have a definite scheme laid before us, upon something like a basis that Mr. Fitzgerald mentioned, and an assurance that the Council would accept the ratepayers' roll. Speaking for myself, I do not say that we should be in a position to consider it, but if we had a formulated scheme we might.

*Dr. Hearn.*—I do not think Mr. Fitzgerald put it that the Council would accept it, but he means generally assuming the reduction of the franchise.

*Mr. Vale.*—We assume that under any circumstances, or else there is no compromise.

*Mr. Fitzgerald.*—In consequence of Mr. Longmore having said that the constituencies never had given an opinion upon this, I want to ascertain if the difficulty is so great as to preclude him from considering it, even if upon all the other points the Council assented, contingent upon this being accepted by the Assembly.

*Mr. Pearson.*—I assume that what the constituencies voted for was that there should be representation of two parties in the Council instead of only one. If it could be done, a proportional representation by the Hare system would secure that, and if that party that at present is almost unrepresented in the Council would have a full share of representation there, I think that would be secured.

*Dr. Hearn.*—That follows, even without reducing the franchise.

*Mr. Pearson.*—Not necessarily.

*Dr. Hearn.*—That is the principle, the way in which it may be expected to work inevitably; and if you do reduce the franchise, it does so all the more.

*Mr. Grant.*—Why not confine ourselves, if not strictly to the two Bills, at all events to the subjects discussed in the House.

*Sir Charles Sladen.*—No. The subject is the Reform of the Constitution, and we are anxious now to draw the attention of the two Committees to the wide field of subjects discussed, in the last few years, and if possible to remove those subjects from the arena of dispute.

*Mr. Grant.*—Is it not our business to consider the two Bills?

*Sir Charles Sladen.*—Amongst others. We do not purpose to be debarred; indeed we wish to take the discussion with reference to some other questions.

*Dr. Hearn.*—If the novelty of a subject is the only objection, if it brings us nearer to the end we want to attain, it is not worth consideration.

*Mr. Vale.*—But it is not the only one. There is a series of objections.

*Mr. Berry.*—I think one grave objection to proportionate representation is that it is calculated to make the House divided—to make it sectional rather than general or universal—representing every shade of opinion. Instead of looking to the general interests, and voting as they vote under our present system—generally upon a lot of questions prominent before the country—they would look merely to the forwarding of their own peculiar ideas. Proportionate representation appears to me to be an invitation to all persons who can muster in a particular proportion to seek the general good in their particular crotchets, and I fear it would give anything but a good working House. It would sink the nation in mere cliques.

*Sir Charles Sladen.*—On the contrary, it appears to me that, by the mere attrition of those interests, we should arrive at some general fusion in the general interests.

*Mr. Berry.*—I would once more point out that, if we are meeting for a practical purpose, we must bear in mind that we are in the month of April, and that the House of Assembly has been sitting about nine months. In ten weeks another session will begin. We are under exceptional circumstances. It is only by a good deal of self-abnegation that we have any chance—the least chance—of getting the question settled. The moment we get beyond the lines of the Bill, we are launched in a field that can only end in mere discussion. If it is intended that the measure shall pass into law, it is absolutely essential that we should confine ourselves to the discussions in Parliament. There is no time for anything else.

*Sir Charles Sladen.*—I take it that the discussions we propose to introduce, upon this occasion, have all been the subjects of discussion in Parliament, during the last three years, and that is the reason they are introduced now. It appears to me that the subject is of much too large a character for those who are really interested in the future of the country to be content to take it in the narrowest point of view. We want to see it in the largest point of view, in order to remove the difficulties that have arisen in the way of practical legislation, and remove the hindrances to the progress of the country. If the narrow view be insisted upon, it would not at all meet the views of the gentlemen who represent the Legislative Council at present.

*Mr. Balfour.*—It is, perhaps, as well that this matter has been mooted. I wish again to call attention to the way in which it is mooted. It is not proposed as a definite proposition from the Council side at all. Mr. Grant has said it was discussed before the Council and rejected. As one who voted against it, I may say that, at that time, we did not want to encumber our Bill for the alteration of the Council with any new system that might make it unpalatable elsewhere. Now it is not even proposed to adopt it; but a contingent proposition is made. If your views are such as they seem to be, I think it would stop at its inception. But the contingent proposition is this, that, if we cannot come to something like agreement as to the franchise (our idea has been a much higher franchise than that of the Assembly), would it not be possible to meet you by lowering the franchise as you suggest if we have certain checks allowed; and this is one of them? If you say you do not at all think the Assembly would listen to that as a check, we are just as we were; and we must now discuss the franchise on its merits as a proposal, apart from checks. If it should be that you will not listen to proportional representation in any shape, then we are as we were. We have not agreed upon it. We do not put aside the question of Reform by bringing in a new subject. If you say it must not come in, we are quite ready to discuss without it.

*Mr. Longmore.*—I may add, Sir Charles, a word or two to what the Chief Secretary has said, that I think our Constitution must alter through time, as the circumstances of the country require, and perhaps an attempt to make too great an alteration at the present moment, as you in your remarks said, may have the effect of stopping the whole consideration of the question, and even if carried out it would not accomplish as much as you desire—that is to remove these questions from the arena of dispute for all time, because we cannot tell what the form of government will be twenty years hence in this colony. I think it will be our duty, perhaps, to try, if possible, upon the lines we have all agreed upon, to come to some reasonable and fair compromise so as to get the subject out of hand.

*Sir Charles Sladen.*—It is a question of degree we are concerned upon. It rests between a very extensive franchise and a limited one, and there may be various grades between the two dependent upon the circumstances surrounding them.

*Mr. Grant.*—I do not think the difference between the two Houses is so very great.

*Mr. Longmore.*—We have the definitely-agreed-to propositions of both Houses before us. That is, your House has sent down a Bill with a certain limited franchise, and our House has sent up a Bill with a franchise of a wider character.

*Dr. Hearn.*—That is just the question. The difficulty comes between them, and then what I say is this: that if you are disposed to take a certain condition, some of us, if not all of us—at any rate a great majority of us—would be disposed to meet you accordingly. If not, of course, the terms that we should be disposed to give would be quite other,



*Mr. Fitzgerald.*—In other words, would your Assembly attach more importance to having a very extended franchise or to the introduction of a proportionate representation upon the electoral system? It is just a question which the Assembly would value most.

*Mr. Berry.*—I would point out that it is not so much that question at the present time as you put it, because I do not think there is time in the present state of affairs to discuss that question. It is a new question, which has never been raised by the Council in their Bill, nor by either party—it is out of consideration. My objection is that it complicates the question at this time; that is, if we are to settle reform this session, it is utterly impossible to consider it, and that drew out also that there are objections to it that are not upon the surface, but will be seen if it is looked into; but what the Assembly really feel is this, that the alteration of the Constitution in the direction now proposed—that is the alteration of the constitution of the Council—is the only true way of reform, instead of settling, as the previous Bills proposed to do, the relations of the two Houses, and arbitrarily defining the powers of each, in order that they may be effective. Any reform worth having must be in the representation of the country in the House. The House must cease to be a sectional House, and must be a representative of the country, otherwise, under the name of reform, we get no reform at all. If you still keep the House only representing a class or even classes, it may come in conflict with the House representing the nation in the future, as it has done in the past; and therefore, while there is no wish to haggle with the Council, and say, “Our proposition is better than yours,” our desire is to bring about a reform that shall be permanent, and effect its purpose to bring the two Houses into harmony. Our proposition is that the Council shall cease to be a sectional House, and become a national House, and then all other things will be changed by the House being national. I hope that will be borne in mind, and by the facilities of election, and by alteration of the franchise, the Council will exercise a vast power in the State. We have been taunted in our House that we are going to make the House too strong, and make it a second House of Commons.

*Mr. Grant.*—So you are.

*Mr. Berry.*—I know that some old democrats like my friend, the member for Avoca, think so; but I say that, if the people are represented in both Houses, the will of the people will prevail, and I shall be satisfied. I think I may ask every member of the Council, if they see that reform is necessary, that they should support me in this.

*Mr. Fitzgerald.*—Assuming that the result of this extended franchise would be that the Council should also become a national House, would it not in that way become more important that the possibility of its members being merely a reflex of the members of the Assembly should be avoided? If both Houses be national Houses, should not some guarantee be offered that those who may be in the minority would be represented? The state of facts that Mr. Mirams put, that the democrats of Collingwood are represented by perhaps the less ultra liberal members for St. Kilda may be perfectly true in the year 1881, but the time may come when that will not be, when St. Kilda may be subject to the same wave of opinion as Collingwood is. If that be so, you might have the members of the Council and Assembly both elected by the same section of public opinion, and a large section of the community, those who disagree with popular feeling, not represented at all in either House. At present there is some security by a limited franchise, and if the Assembly contain a large majority holding extreme opinions, they have the Council to act as a check. If the check disappear, they would have no longer the same protection, and it appears to be worthy of grave consideration whether that is a state of things that well-wishers of this country in the future should desire to bring about. And I hold that you have supplied that portion of the Council who hold strong opinions about this with a very strong argument against conceding the extreme lengths which the Bill of the Assembly goes to in regard to the franchise, without giving some classes of this community some guarantee that they will have representation in some House.

*Mr. Berry.*—Allow me to say in reply to that, that I look at it from a totally different stand-point altogether. So far from the two Houses, in my opinion, under the Bill of the Assembly representing only the majority, and being liable to join together for some extreme legislation, I regard the result, supposing that the Bill sent from the Assembly was carried, as being totally different from that. I regard the possibility of what is known as the Liberal or democratic party holding office in the country, and commanding a majority in both Houses, as one that can only take place, if the new Bill be law, upon a very moderate programme indeed. Even under our present system you find that the Conservatives and Liberals do not vary very greatly in the Assembly—there is only a fair working majority, and barely that; and all the evidence goes to show that we are fairly divided as things are at present, even with all the irritation of a very conservative Council. If the House was once a House that represented the whole community, the conservative element would be immensely strengthened. There would be no longer the feeling of irritation, which has been one of the main strengths of the Liberal party, and one of the reasons why they have been so systematically supported. There will be no longer any fear, it will pass away, and you know as well as I do that in a state of things like that—a settled order of things—the conservative element is always the strongest, and I maintain that the probabilities are that either the Conservatives will remain always in power or for very long intervals, or that the Liberal party would have so to shape its programme as to be almost as conservative in its desire for everything good as the Conservatives themselves, and that is another reason why I think that this change will remedy a lot of evils that I do not propose to alter directly. I know it has been called a leap in the dark, and a very great change; but what change is it when it gives to the people the election of the Chamber, and there is no dissolution, which must make it a more conservative House? The very fact that the men cannot be dissolved will give them an independence of judgment, and just as the tendency of the other House may be to be extreme in the direction of liberalism, still the other House would represent the conservative element, though still more liberal than now, to prevent the Assembly going too far. I do not think there is the least fear that the genuine conservative element of the country would not be more fairly represented than it is now in the Assembly. I really say that my desire is that the question, if it is settled, may be settled finally, so that the great majority and the reasonable will of the country shall prevail in both cases. If it should seem hereafter that any modification or any definition of our forms or procedure should be necessary, I have no doubt that the two Houses would be able to settle the question. I feel quite sure that any Government hereafter would have to have the support of both Chambers, if it expected to live and remain a Government—there could no longer be any disregard of the Legislative Council, and I should imagine that the Legislative Council, as well as the Legislative Assembly, would be anxious to alter the existing state of affairs, because it cannot be pleasant, when the very opposite opinions prevail in the two Chambers. I quite sympathize with you, Sir Charles, though you seemed to think I could not, that

you were outside the Constitution, except now and again to come in and say—"Now you shall not do this," which is always liable to the interpretation that it is done on personal grounds or for obstruction. No doubt it is not, I would not for a moment say it was, but it places a large portion of the Council in the position of being misrepresented, and I think this is a Bill that the Council ought eagerly to accept. It has been the course of events; members opposite know it is not the course that I myself individually would take. I have said in the Assembly I view it from our stand-point as a very questionable proceeding, and I know a good many strong democrats do view it in that light, but the course of events has brought us to this point now, and I think myself certainly the Council should be as anxious as we are that it should now be settled.

*Mr. Cuthbert.*—I must say, Mr. Berry, that I cannot altogether agree with the views of my friends on the right and left of me, about this question of adopting, at this stage, Mr. Hare's system. I remember very well, in the first Bill we sent you, there was a clause relating to cumulative voting; but when the Bill came up, the second Bill, when it was introduced, a discussion took place in the Council, and it was determined by a majority in that House that it was not desirable to introduce such an experiment in legislation as that at that time. Now I can very well understand the objection entertained by you, and the gentlemen opposite, to entertaining such a novelty as this coming from the House which has already expressed its views against it, and I think by discussing this no good result can possibly arise, and it would be much better for us to come to a practical discussion of the defects existing between the two Houses. We are travelling together in the same direction, we are walking along the banks of a river, and the width between is not very great. It seems to me that the only important difference now is that with respect to the franchise, and while the Council has expressed those views in connection with it that it is willing that every ratepayer who is rated at £20 a year should have a vote, I should like to know and receive an expression of opinion from the gentlemen on the other side if they are prepared to split the distance that separates us now. I only express my own views in connection with this. I have not consulted any other gentleman present, but in order to obtain a solution of this difficulty, I would be prepared, from my point of view, to allow every freeholder in the colony, rated at £10 a year, to have a vote for our House.

*Mr. Vale.*—You say every freeholder?

*Mr. Cuthbert.*—Every freeholder. Now, look at the disadvantage you place many people in the colony at if you accept the ratepayers' roll. You disqualify every gentleman who owns property, and is rated at less than £10 a year, unless he is also an occupier. I do not know that that has been raised in the Assembly.

*Mr. Mirams.*—He must occupy some place.

*Mr. Cuthbert.*—He may or may not, he may be a lodger, may reside at an hotel—every ratepayer rated under £10 a year does not appear on the ratepayers' roll, and you put the owner of property under a greater disqualification than any other man.

*Mr. Vale.*—He has his personal vote for his residence.

*Mr. Cuthbert.*—He may or may not. Now I want to see if we cannot bridge the distance. I do not want to bind any gentleman present. I only expressed my views, in order to bring about a settlement. I am now giving expression to my views, and I do not want to bind gentlemen in the slightest degree. If I could be met in the same spirit upon the other side, the whole matter would be settled in the next week.

*Mr. Mirams.*—Would you limit the voting to freeholders entirely?

*Mr. Cuthbert.*—I would not.

*Mr. Berry.*—Why limit it to freeholders? Why not say all ratepayers?

*Mr. Cuthbert.*—I would draw a distinction between freeholders and occupiers, say a man who was a freeholder, £10, and a man who was an occupier, £20.

*Mr. Berry.*—It is an invidious distinction. He is just as good whether he is a freeholder or a leaseholder. He may be a freeholder in some other district.

*Sir Charles Sladen.*—He may not.

*Mr. Berry.*—He may not. It is an arbitrary distinction that ought not to be drawn between men.

*Mr. Vale.*—He would give a greater advantage to a man who merely invested in property than he would to the man occupying who merely uses the property.

*Mr. Cuthbert.*—Yes.

*Mr. Berry.*—Surely the man who uses the property as a tenant and invests his money in other purposes is more valuable than the man who invests his money merely in the property.

*Mr. MacBain.*—If this question is of so much importance it should be discussed.

*Sir Charles Sladen.*—I think it would be desirable now to determine what we will do next week about sittings.

*Mr. Berry.*—I would suggest two o'clock on Monday, and then we can fix on Monday the hour for meeting on other days, which might probably be in the forenoon, because I would not like to adjourn our House next week.

*Mr. Longmore.*—May I suggest it would be better to meet at eleven o'clock on Monday.

*Mr. Fitzgerald.*—No, it is mail day.

*Mr. Berry.*—Is it possible, now, for Sir Charles Sladen to go through the different items and state definitely, in the same way as he has done on two or three other matters, what views you hold?

*Sir Charles Sladen.*—I think we had better wait until the discussion comes on, and we will carry on the discussion as each point is raised.

*Mr. Berry.*—I am so anxious to know what you want.

*Sir Charles Sladen.*—I am very sorry that the honorable gentleman is really in ignorance of what we want, but it is not from want of our having tried to give the information during the last three years. I am only sorry that his curiosity has been so small. I think that is rather asking too much—you hardly expected it, I suppose.

*Mr. Berry.*—I scarcely knew what to expect, but I am thankful for small mercies. I presume the thirty electorates is accepted, as a matter of course.

*Sir Charles Sladen.*—I suppose not. I thought it was said it was not a fundamental question as to the number of members, but if the number of members should happen to be forty, how the thirty electorates would fit them I do not quite see.

*Mr. Berry.*—Single electorates is the best way to put it.

*Adjourned to Monday next at two o'clock.*



MONDAY, 11TH APRIL 1881.

*Members present:*

Hon. Sir Charles Sladen, M.L.C.,  
 Hon. H. Cuthbert, M.L.C.,  
 Hon. Dr. Hearn, M.L.C.,  
 Hon. J. MacBain, M.L.C.,  
 Hon. J. Balfour, M.L.C.,  
 Hon. R. D. Reid, M.L.C.,  
 Hon. N. Fitzgerald, M.L.C.,

Hon. Graham Berry, M.L.A.,  
 Hon. W. M. K. Vale, M.L.A.,  
 Hon. J. M. Grant, M.L.A.,  
 Hon. F. Longmore, M.L.A.,  
 C. H. Pearson, Esq., M.L.A.,  
 A. L. Tucker, Esq., M.L.A.,  
 James Mirams, Esq., M.L.A.

*Sir Charles Sladen.*—Mr. Berry and Gentlemen of the Legislative Assembly: I will try and pick up the threads from the last meeting. The first thing that I would wish to state is that the Committee of the Council are not responsible for what fell from my friend to the left, just at the eve of our meeting on the last day—Thursday last—that is, when Mr. Cuthbert suggested—“I have not consulted any other gentleman present, but, in order to obtain a solution of this difficulty, I would be prepared, from my point of view, to allow every freeholder in the colony rated at £10 a year to have a vote for our House.” I may say that the Committee do not agree with Mr. Cuthbert on that point, and we are in no wise responsible for it. Undoubtedly, the question before us now which requires our serious attention, and, in fact, I suppose the most difficult question we have to deal with altogether, is that of the franchise, and it is as well to get at the pith of that now, as soon as we can, in dealing with it. We have felt—when I say “we,” I mean the Committee of the Council have felt—that the proposition contained in the Assembly’s Bill to give a vote to every ratepayer is so very divergent—so very opposite to that which is set out in the Council’s Bill, where there is only a restricted franchise for freeholders, and a more restricted franchise to leaseholders—that it might be necessary, in the first instance, to ask the Committee of the Assembly whether, in introducing that feature into the Bill for giving the same voting power to everyone—whether he be freeholder, or whether he be leaseholder, or whatever his position—it is considered so far fundamental as that the Assembly could admit no alteration in it? I think, before proceeding any further with the question of franchise, it is very desirable that that point should be answered, and, at all events, that the Assembly should give their definite views upon it.

*Mr. Berry.*—Sir Charles, you are aware, of course, that the Bill that the Assembly have proposed, having gone through all its stages, does not propose to make any difference between freeholders and leaseholders, and I do not like to say words that would be so positive in their character that they might afterwards form a barrier under a different phase of the question; but I certainly think that as strong an objection as it is possible to make to any division between two classes of electors would be the opinion of the Assembly, as it is mine. I think from all points of view the feelings are growing very strongly that there ought not to be any special privileges accorded to owners of one particular kind of property, and that because a man owns absolutely a freehold of a few roods of land he is not necessarily any wiser or better, or in any shape even more conservative, than the man who may rent a house and may be supporting a wife and family, or may have investments in a variety of ways. And, apart from the complex character of a double franchise, I know that the strong feeling in the minds of the majority of the Assembly is to have no double kind of franchise. Let us have one common platform.

*Sir Charles Sladen.*—Then is the Committee of the Council to understand that unless they conform to that no concessions will be made?

*Mr. Berry.*—I think the Committee of the Council should understand, Sir Charles, that it is highly desirable that in the franchise we should keep to a single franchise, not a double one, and that the Assembly have a very strong objection to re-open a question that is already decided. Of course I do not wish to say anything so positive as to seem to give an artificial barrier to the question at any further stage. Let me give an instance. While I hold that view very strongly, yet if you were to say to me on behalf of the Committee of the Council, “We will accept the ratepayers’ roll as far as freeholders are concerned, but we shall expect a certain property qualification for the leaseholders”; the case would be put so that, no matter what the objection of the Assembly might be to the double franchise, you would put the mere conditions of settlement of the question so close that I think I should myself hesitate very long before I gave a positive or absolute negative to a simple rating qualification for those who are mere tenants. While I do not agree with that, I do not think that I would allow it in the supposition of the case which I put to be an absolute barrier to a common agreement. I would not myself.

*Sir Charles Sladen.*—Then I may be allowed to infer that the Assembly’s Committee does not consider the equality of voting power between leaseholders and freeholders to be exact.

*Mr. Berry.*—I think, Sir Charles, it is not—I object to a kind of cross-examination; I think it is not fair.

*Sir Charles Sladen.*—I did not mean that. I should be sorry to do that, but I want to get a distinct understanding, you can understand that, because there is such a very long distance between the figures which are contained in the Bill of the Council and those of the Assembly. For instance, in the Council it was proposed, and indeed proposed after very mature consideration for years, that it would not be safe at one step to make such a very great leap; and they proposed, if they reduced the freeholders’ qualification or franchise to £20, that they would reduce the leaseholders’ to £40, and not more, and therefore there is some definite proposal there. The question now is whether the Assembly’s Committee are so committed to a more extended franchise upon equal terms of the two classes of settlers as to say at once that there is no intermediate—is there any intermediate ground?

*Mr. Berry.*—I would just suggest, Sir Charles, that in the existing law there is no difference between freeholders and leaseholders.

*Sir Charles Sladen.*—I am quite aware of that.

*Mr. Berry.*—And you have introduced a new principle.

*Sir Charles Sladen.*—I am aware of that, and can explain it; but at the present time I want to know whether the distance between the proposal for £20 freeholders and £40 leaseholders and the proposal to take the whole ratepayers’ roll is considered to be ground upon which we have no *locus standi*—no right to consider or enter into any question or discussion concerning the franchise?

*Mr. Berry.*—I think it would be quite open to you to suggest a moderate franchise instead of the ratepayers' roll applicable to all parties; and I would suggest also what we ought not to lose sight of, as we are here as trustees for the country, that the two great political parties into which the country is divided, and which may be said to embrace the whole adult male population of the colony, have both submitted propositions. There have been two general elections—the conservatives under Mr. Service, in July, put a £10 franchise before the country, and that was rejected, or rather their Bill was rejected, and at the same time—

*Mr. Cuthbert.*—£10 and £20.

*Mr. Berry.*—So I believe. £10 and £20, that is the proposition you made on Thursday; whereas the proposition of the present Government, who were then in opposition, was for the ratepaying roll throughout, without making any distinction, and, by the voting of the constituencies, that appeared to be accepted. So I think you must not forget what the country has said, as far as we can interpret it in considering this question, for after all it is the country that is to be considered, and not either House. I think it would be some guide to us as to where we want to start from, as to a maximum and a minimum. We get a maximum in the proposals of the conservatives, and a minimum in the proposals of the present Government.

*Sir Charles Sladen.*—And the intermediate space is debateable ground, a sort of no man's land.

*Mr. Berry.*—Yes. Between the £20 for leaseholders and the £10 for freeholders and the ratepayers' roll. Those are the two proposals submitted to the country, which I think we might debate here.

*Mr. Longmore.*—I may say that when I was out in the election of July I asked the secretary of the Ripon Shire to give me a return showing the number of ratepayers rated at £10 and upwards, and the number under it; and the number at £10 and under and the number above were within about five or six.

*Dr. Hearn.*—That was in a country district.

*Mr. Longmore.*—It was in a town, at one town, and the rest was a country district—a town with a country vote. The reason I asked for that was, I thought it would be very hard to oust men from the exercise of the franchise who perhaps have kept large families, and kept themselves impoverished by doing so, who were rated at £9 19s., £9 17s. 6d., £9 10s., and some £9 5s., and so on, a great many of them below £10. I thought it very hard to keep half those ratepayers off; that was one reason why I was so anxious the ratepayers' roll should be taken.

*Mr. Cuthbert.*—But the district you refer to is principally a rural district which has only one town.

*Mr. Longmore.*—Just one town in it.

*Mr. Cuthbert.*—Beaufort, is it not?

*Mr. Longmore.*—Beaufort.

*Dr. Hearn.*—That is not a very large town.

*Mr. Berry.*—You may take it as a rural district.

*Mr. Longmore.*—It is a shire with just one town.

*Mr. Vale.*—No doubt, in the country districts the ratings are lower than in the more permanent towns. Can you justify any barrier of that sort, that would shut out a class of people who, being in a new country, live in cheaper and less permanent houses, though they may be quite equal in character to those who live in higher rated buildings in the more permanent towns? Especially I would say in Castlemaine, Sandhurst, Ballarat, and Beaufort, and even the county of Hamilton generally.

*Sir Charles Sladen.*—But the rating returns show that the rateable value of property in the country is greater than that in the cities and towns.

*Mr. Vale.*—Yes; because there are a large number of enormously heavy ratings proportionately in the country districts. At the same time, the fact is correct as I put it to the gentlemen of the Legislative Council, that the large class of the people in the newer towns and goldfields towns live in cheaper buildings, and are lower rated than those in towns, though the people are quite equal in character; and that is of great importance in attempting to settle the question permanently, for that is really what we want to do.

*Mr. Mirams.*—Another explanation of the low rates in the country is the fact that in a great many shires they rate the annual value at twenty years' purchase, whereas in all the towns, without exception almost, they rate it at ten years.

*Sir Charles Sladen.*—It is more perishable in towns; houses are more perishable than land.

*Mr. Mirams.*—More perishable! The property in towns is more permanent.

*Mr. Vale.*—I confine my argument to properties that are occupied. I do not confine my argument to landed properties, because of course the bulk of properties in country districts run over £20. It is only a few small allotments in town that would be under that. I speak more of what you may term residential qualification.

*Sir Charles Sladen.*—I doubt that residential qualification; you need not have a residence at all.

*Mr. Vale.*—My reference is to the large class of people who, in the newer districts, occupy houses of a much smaller annual value than the same class of people in towns, and I put that as an argument for our being very liberal, to give the same franchise to people of the same intelligence and general character in all portions of the country.

*Sir Charles Sladen.*—There are other features of it to be taken into consideration in considering the different characteristics of those who are ratepayers upon the freehold and those who are ratepayers upon mere tenancies, and here I may be allowed to, not suggest, but rather to express the hope that the Committee of the Legislative Assembly no doubt are actuated by precisely the same motives as actuate those of the Council, since we are engaged now on the very important duty of, I may say, making a Constitution, because we are going to unmake (it appears) whatever we do. We are introducing certain new features, and are, as it were, making a new Constitution, which, we may hope, will outlive, at all events, all our party differences; and therefore we should endeavour to look at the question from the most intelligent point of view, and the most reasonable point of view, and (as far as it is possible for those who have been engaged in Parliament and the political conflicts) to endeavour to rise superior to any feelings which might be supposed to actuate us upon those grounds, and to endeavour now to lay down some grounds for the permanence and stability of the Parliamentary institutions of this country, from which we might expect that the whole prosperity of the country will arise. Now, in considering the question, I hope I shall not be considered as taking too much time, because I may perhaps be induced to

say a few more words upon this than I will upon most, but my desire is to be as concise and as pithy as my unfortunately small powers of language will enable me to be. I wish to put forth certain views which actuate myself certainly, and I believe actuate the members of the Committee of the Council upon this matter. With regard to the difference in the characteristics of freeholders and leaseholders, one of the dangers I take it that we have to guard against in this country is that of too much power being in the hands of one section of the community, no matter which section that may be; and I trust we shall all agree upon that, which I take to be an axiom, that unless the parties in a State are fairly and well balanced it is impossible to expect permanency and stability to arise from institutions so constituted. At the present time, by a return which I was lately so fortunate as to get of the ratepayers in the country, I find that those who are rated upon freehold property are just about the same (there is a difference of 2,000, but they are closely the same) in number as those who are rated upon merely leasehold property. I think it can hardly be asserted that the leaseholders, taking the average run of tenants in the country, do in the first instance contribute nearly so much to the taxation of the country as those who are rated upon freehold. That is to say those who are possessed of land undoubtedly feel the special taxation very much more than others, and at the present time this argument is very apposite, because at the present time I need not remind honorable members, and particularly honorable members opposite, that a very large proportion of the taxation of this country is at present borne by a very small proportion of those who are freeholders, and that, though the other freeholders do not pay that tax, they all feel the effect of it—every one of them. No man who holds land in this country is not affected, as regards the value of his property, by that Act. Then, if you give equal powers to persons who are rated upon leasehold property as to those who are rated upon property belonging to themselves, surely are not you encouraging a very large portion of the electors of the country to be unjust, in getting rid of their share of taxation and to put it upon others? A freeholder who pays a good deal of tax, therefore, is surely not in the same position as the leaseholder, who only pays the average taxation of the country, because the freeholder pays all the average taxation of the country besides the special taxation, and therefore it is a very important element in forming a second House, that, at all events, there should be, as nearly as possible, a homogeneous body. You should not have a body one part of which, being equally strong with the other, is induced to saddle the other with a great deal more than its share of taxation. That seems to me to be doing an injustice to one class and putting that other class in a position which I designated at the outset as giving too much power to a section of the community. And then, in the next place, a taxpayer, that is to say a taxpayer on land, may have particular views. He may find in endeavouring to keep up the balance of powers in the country that he is thwarted. "What is the use of my voting in one particular direction in order to protect the property of the country?" And if the property of the country is not held in security, I suppose it will be admitted that the stability of institutions cannot be relied upon. He will say, "What is the use of my attempting to protect my property from being charged in an unjust and undue proportion when for every vote that I give a person votes the other way who is merely a tenant, who has no interest in the value of the property, who might possibly clear out all his possessions in a very short time, and who would not be at all affected by any depreciation which may happen to property in general?" He would say, "My power in the State, my vote in the State, is entirely neutralized." And what hope, what encouragement, is there for any person coming to this country to invest in property who finds he has no voice whatever—in fact that it is all taxation and no representation? I think when we are laying down the lines of a permanent Constitution it is just as well to keep in view that those who are taxed deserve to be represented; and if they are not represented, certainly the country cannot be expected to be in that flourishing condition which it would be in if the property was represented and charged only with its fair share. That it should be charged with its fair share I suppose no reasonable man at least will deny; and I am sure upon the part of landholders generally (I could say distinctly that I am perfectly certain in my own mind, for it is a question that has been constantly before me for the last few years) it is considered to be a tax which they would all be very glad to pay; and they admit that it is a very legitimate tax; but to tax them at the hands of people who have no interest in property, and who are not called upon to contribute any of their particular or special taxation, seems to me to be a great injustice; and I say that if we are to have an Upper House with an extended franchise of that kind we must expect to have class legislation of the very worst kind, and that I think we ought to set our faces against. Then, again, if you make no distinction between a leaseholder and a ratepayer—that is to say, if you take the whole ratepayers' roll, what practical difference will there be between the two Houses, and is it desirable that the Legislative Assembly and Legislative Council—the primary Chamber and the second Chamber—should be constituted of the same materials? It appears to me that if we once commit ourselves to that, it follows as effect follows cause that we are bound to have dead-locks, that the two Houses must be in the course of time violently set against each other. There will be differences on questions which will no longer be able to be settled upon the lines of the British Constitution, where the Upper Chamber invariably gives way to the well understood voice of the country; but here each will be as assertive as the other, and there will be no end to any quarrel that takes place at any future time under such circumstances. I think that is most undesirable. And then I will say I will take only one other ground, that if the Council were to be saddled with (for I can never conceive their concurring in it, but if they are to be saddled with) an electorate with so extended a franchise, even where leaseholders and freeholders were both entitled to the same voting power, we should make a very great experiment, to say the least of it. I am not aware that there is any other country in the world, having any semblance at all events to the legislatures formed upon the British model, where such an experiment has been made. It would be such a large experiment, there would be such a large jump made, that it almost frightens one to think of it. It frightens one out of one's ordinary propriety to think that we are asked to make a House which has worked admirably for the country (and, whatever may have been said against it, has been no doubt one of the great means of preserving our institutions) descend suddenly from a House now elected upon a franchise, certainly not an equal franchise between freeholders and leaseholders, to nothing. Suppose it did not turn out well, what would be the consequence, I should like to know? I should like to ask gentlemen of the Legislative Assembly if they could state any remedy which would exist in case it turned out not to suit the Legislative Assembly? What could be expected? Would it be possible to take away rights which were given

in this rash manner? It seems to me not; but certainly, if it satisfied the Assembly, and made the Assembly all-powerful, it would not satisfy another Chamber. If it turned out that it was a mere echo of the other Chamber, and in no sense different, or if it was inclined to offer any opposition to any act that might be done—even a rash act which might be done by the Legislative Assembly—what course would the Council take? The Council could only say, “Well, unfortunately, the Committee to which we entrusted these matters committed themselves to this very extended franchise. We were prevailed upon to take it. We see the difficulty of it now it is too late for us; and therefore it ends in our having got rid of the bicameral Legislature, and we now find ourselves with only one House.” That seems to me to be the effect of taking that course which is suggested to us by the Committee of the Legislative Assembly, and I do not think it would be possible that we could make that jump as an experimental one at this time; and it was therefore that I put the question to Mr. Berry, as the head of the Committee of the Assembly, whether there was any debatable ground in the estimation of the Committee of the Assembly that we could be allowed to walk upon and endeavour to make an approximation, or a bridge, where at present the chasm is so large that no bridge would hold. Those are the grounds—imperfectly as I have put them—upon which I think it would be dangerous, in the first place, to have such an extended franchise; and, in the next place, a franchise consisting of what I call such incongruous materials.

*Mr. Berry.*—Let me say, Sir Charles, I am somewhat disappointed to hear these matters re-opened, because I thought we had got beyond the point you have raised. Now when the other party in the State accepted a £10 freehold franchise and a £20 leasehold, they went to the country upon that, and that at least must have been regarded as the outside proposition that any party in the State would make or adhere to. I pointed out when we came to a low franchise like that, it appeared to us to be (so far as success will test anything) by the result of the elections, that the country seemed to concur with us that it was far better to have no invidious distinction, but to take the whole ratepaying roll of the country. It is an amount of confidence, no doubt, placed in the good judgment and practical common sense of the people of this country; but I do not think it is a misplaced confidence. I think the circumstances in which this country is placed are favorable for the acquisition of property in which all classes nearly are more than at the average of prosperity; education is made universal; it would not be at all a dangerous experiment to do what the Assembly have now put into the Bill, and make the whole ratepaying roll a constituency for the Council, trusting to the solidity that is given by the composition of the Council, that it is not liable to dissolution, that it is for double the period of the Assembly, and is renewed by rotation, instead of suddenly during a period of popular excitement. That alone would be quite sufficient for the steadying power of a second Chamber upon the practical work of the Assembly, whereas it would almost render impossible anything like a protracted dead-lock between the two bodies; and to have to go over the arguments of whether one class is to be trusted as well as another class—

*Sir Charles Sladen.*—It is not a question of trusting.

*Mr. Berry.*—It comes to that, for you seem to intimate that they would tax land—tax freeholders.

*Sir Charles Sladen.*—They would.

*Mr. Berry.*—Rather than themselves. I do not think there is any justification for that.

*Sir Charles Sladen.*—We have some experience.

*Mr. Berry.*—I am under the impression that nearly all landholders will agree that the tax upon land is remarkably light. I do not think there is any country in the world where the proportion of taxation is so small as in Victoria.

*Sir Charles Sladen.*—I do not suppose anybody would quarrel if it were uniform.

*Mr. Berry.*—I was coming to that. It is not so much the amount—

*Sir Charles Sladen.*—I beg your pardon; it is the amount.

*Mr. Berry.*—Sir Charles Sladen seems to base his objection to the lower franchise upon the equalization of leaseholders and freeholders; upon the argument, that leaseholders, having no permanent interest in the country, would be disposed to place the bulk of the taxation upon the land; and it is necessary to go into that and reply to it. I am sorry to enter upon it, for I thought we had got beyond that. We have no difference between leaseholders and freeholders now in the Constitution. We have got a single franchise; and, as we are progressing towards equality, I think it would be better not to introduce it, but to leave the question as it is now. I think it would be better to have a uniform franchise, whatever that franchise might be. I notice, Sir Charles also said, that leaseholders do not contribute equally with freeholders to the taxation of the country. There I join issue with him. I think it is a question of a man's family to a large extent.

*Sir Charles Sladen.*—He pays the same tax in customs dues and so forth, but the person who has some land pays something more.

*Mr. Berry.*—They do not pay the same in customs, for a man who has ten or twelve children will consume a great deal more dutiable things than a man with one or two children, or only a wife and no children.

*Sir Charles Sladen.*—Why should not the man with large property in land have a large family?

*Mr. Berry.*—I say that those who marry early and have a large family consume a great deal more than those persons who concentrate all their exertions upon themselves. Such persons give to the State what is even better than property, that is a large and rising population. I only mention that offer to show that you cannot say this party pays more taxation than another, or less. The whole taxation of the country is very light. I think the Legislature as a whole has dealt very fairly and equitably with all classes, and in this country I think there has been very little attempt and very little desire to deal unfairly with wealth. I think wealth now pays a very small portion of the taxation of the country. I do not think there is much in the arguments. I fancy men are more concerned in equal political rights than in saving a few shillings out of their pockets. I never found the working class object to taxation. We had a proof of that this year; in putting on a heavier land tax we also put on a tobacco and beer tax, and the Government have not suffered in popularity by that course, and I think that is proof that the working classes are reasonable, wise, equitable, and fair. They do not wish to avoid a fair share of taxation; and for all these reasons I think it is a pity to raise these questions of class and class. We have really brought down the question to this: the difference between the conservatives and the liberals is this—that one went in for £20 leaseholders and £10 freeholders, which was a new idea, and the other went in for the ratepayers' roll. I still think that the one uniform qualification is infinitely best from all points of view. I do not know

whether Sir Charles Sladen noticed anything else. I would only add one word. I think you said that primary and secondary Chambers being upon the same basis were sure to disagree. Of course that would be a total reversal of all past experience. We have had the experience of their being upon totally different bases, and they have managed to disagree pretty widely.

*Sir Charles Sladen.*—We never have disagreed upon subject-matter. Our disagreements have always been about rights.

*Mr. Berry.*—We should not be here to-day if it had not been that the country is thoroughly wearied, sick, and tired of this, and demands, almost with one voice, that we should put things upon a better footing, and settle the matter; and that is almost entirely because of the totally different constituencies of the two bodies. Now we are trying to bring them as nearly together as possible, with only the little difference that there must be in a second Chamber—that is, giving them more stability, and therefore more conservatism; and, if we take the example of the old country, it is that the House of Lords, although appointed by the Crown, is always appointed upon the recommendation of the Ministry, which is the outcome of the opinion of the House of Commons, which in its turn is the outcome of the whole country. So that the House of Lords really does, to a very large extent, what we now propose that the Council should do; it represents the people of the country—of the whole of England, Ireland, and Scotland. And it is because of that—because I think that the constant renewal of Governments, which must be popular with the House of Commons, which is constantly re-elected by the Commons—that we have the House of Lords working so well, and so much in accord with the people of England. I fancy we are taking a very practical step in the direction of making the Council represent the people in the same way.

*Mr. Fitzgerald.*—Can you remember any historical precedent for bringing the members of the two bodies so closely in accord—for making the difference between the two Chambers so close—as you propose to do by giving the same electoral basis to the Assembly and the Council? Can you think of any precedent in history? or of any statesman of eminence who ever did otherwise than expose the danger of such procedure? I have always been taught to believe that in every polity it is necessary to have a centre of resistance to the predominant power. If the predominant power in this country is (as we all admit it is) democracy, it surely must follow as a necessary corollary that we must arm some authority with a check against the tyranny of democracy itself; in other words, we must create a balance. Now, if this balance or check can be offered, I think it would have great weight with the Council with regard to the various points Sir Charles Sladen raised.

*Mr. Berry.*—Do not you think that the fact of the Assembly being liable to a dissolution, and that it cannot last for more than three years, and that the Council cannot be wholly renewed under six years, in itself a very considerable check against hasty legislation?

*Mr. Fitzgerald.*—I cannot see it, for this reason. I consider, in the first place, that it is objectionable to be arguing a wide subject such as the lines of a Constitution upon the particular circumstances or accidental circumstances of this country this year, or within a few years. We are now really dealing with the Constitution, as you yourself said, upon lines which will last, we hope, certainly longer than we can expect to live. If that is the case, it appears to me to be imprudent to be bringing into it the present circumstances, or the circumstances surrounding us a few years back. I think you must see that, if you have a wide basis for representation in the Council, it will be a most probable event that one-third of that body retiring every second year, you would have, during the year of retirement, certainly a strong probability of fourteen members of that Council being guided very much in their opinions and practice by the popular cries. You have, therefore, one-third every second year immediately under the influence of a public opinion almost upon the same lines as the public opinion of the Legislative Assembly. You have, in addition to that, the year immediately succeeding their admission to the Council the new members coming fresh from their constituents again, on almost identical lines with the Assembly, and subject to the same popular voice, subject to the same want, I might say, of appreciation of the real purpose for which they, as members of a second Chamber, exist. You have, therefore, two-thirds of the House, notwithstanding that they are not dissoluble, absolutely in greater danger, as far as their seats go (if they are a class of men to be guided by personal objects) you have two-thirds of them absolutely more amenable—less likely to hold fixed opinions upon politics—than you have in the Assembly. I cannot help thinking that not only would there be a risk of dead-locks and confusion, and of collisions being encouraged and rendered more probable, but they would be rendered certain unless checks and barriers exist or are erected. If Mr. Berry, or gentlemen of the Assembly Committee, can point out any single Government in which the separating lines are so narrow as is proposed in this scheme of the Assembly, I certainly think it would have a strong effect—I am sure it would have upon me personally—in altering my opinion. I have no objection, I may say, personally to the length to which the voting power may go, if satisfactory checks are created against its own abuse—against itself. I have no objection to accept the ratepayers' roll if sufficient check were offered.

*Mr. Longmore.*—What check?

*Mr. Fitzgerald.*—There are several checks. One check (which was mentioned the other day, but I do not wish to re-introduce it into this discussion) is proportionate representation. There are several other checks, such as have been introduced in the States of America; there are checks of the age of voters as well as of candidates, checks of certain powers over Money Bills which would prevent collision, the check of having joint committees, as in the case of Denmark, to decide disputes between the two Houses; and the number of checks, I believe, could be multiplied to a considerable number. But in this case, if I can establish that, it appears to me that I have established enough, that in this Bill there exists not one single check; and I hold that members of the Council cannot admit, without at all events some doubt or some limitation, the assertion which, repeated to-day, was also used the other day, that this Bill of the Government is on exactly the lines of the Bill which was sketched out and on which it was supposed the general election of July 1880 turned. Now, if my memory does not deceive me, there is a very important difference. In that measure the Assembly was promised full and supreme control over the finances. Now in this Bill there is not a single word as to the alteration of the respective powers of the two Houses upon that subject. I do not quarrel with it. I do no more than merely put this forward, not for the purpose of founding any charge of inconsistency upon it, but merely to say that we must take up the discussion in an argumentative point of view, free from the coercion that the constituencies have declared for it. I go no further than that; but I think that is a point that ought not to be omitted; if there is a single check to

prevent the risk of a serious collision, I should be glad if it were pointed out. The present Constitution does not, it appears to me, require it, for this simple reason that the dividing line, the basis of the qualification of voters, is so wide that the risk is rendered very slight indeed; still we know, notwithstanding this, there is some.

*Mr. Tucker.*—There is a check upon the Assembly and the Crown in the present Bill, but not upon the Council.

*Mr. Vale.*—In the present Act.

*Mr. Fitzgerald.*—What I say is this, that the Council cannot be charged with inconsistency in not having offered this check in its own Bill, because it considered the dividing line so wide that the risk was not imminent; but if it is said that, under the present Bill, the Council would be made stronger, I say that it is not the object of the Council.

*Mr. Tucker.*—What objection is there to make the Council stronger?

*Mr. Fitzgerald.*—If the Council be made stronger and were elected as proposed, I hold that, whatever the views of individual members might be, the constituencies would force them beyond their statutory powers, and the danger of a collision with the Assembly would be not only imminent but certain. There would be two powers co-ordinate, if not in words, co-ordinate in action, and of such a character as to render responsible government impossible; and the illustration we had lately in the Republic of France is enough to teach us a salutary warning in that respect. There they found it necessary to create a second Chamber, not of limited powers, but of powers far and away greater, as every honorable member of the Assembly knows, than have ever been asked for here; and if ever the voice of the people—the power of the people—was recognized, it is in that country; and we fly in the face of that warning, and are asked, without any limitation, to merely excise the manhood suffrage vote. If we are upon the subject of comparing one House with the other, one might naturally ask why the line was drawn at the ratepayers' roll, and why the general roll was not taken.

*Mr. Tucker.*—Simply because it was a compromise.

*Mr. Mirams.*—Do I understand your objection to be that the Bill makes the Council too strong without providing any check to that strength?

*Mr. Fitzgerald.*—I go that length.

*Mr. Tucker.*—I think the real reason of our disputes has been well put by Sir Charles Sladen.

*Mr. Fitzgerald.*—Because the lines are so wide.

*Mr. Tucker.*—It is because 200,000 persons elect the Lower House and 30,000 the Upper House; that is the root of the whole contention. If we, in making these alterations, make an increase of 30,000 to 100,000, it is only a matter of degree; you still have the same contention between the two bodies; you still have the majority—who have the right to be represented—not represented by the party in power, who have a legal right to representation; and I cannot see why you should not do away with the distinction. It is a distinction to give a vote to 30,000 and not to the other 170,000; and if you only give it to the whole 200,000 there would be nothing but peace and tranquillity; there would not be a bone of contention at all then, because the vote would then be upon the same footing. And, again, as to the property test, I speak for myself, I have never yet acknowledged that property gave a man any better right to exercise a vote than any other qualification. It then resolves into the question "what is property?" and though landed property may, in ages past, have been the only or the principal source of wealth, yet to-day we know well that nothing has changed so much as property itself, and to-day I imagine that industry and enterprise are the chief factors of wealth, and not the mere possession of a house or a piece of land. I think all these matters were considered in framing the Assembly's Bill, and the very fact that we came to the ratepayers' roll was a compromise with those who hold different views upon the matter. For my part, I always held that representation and the payment of taxes should go together. After all, I presume that Government is controlled by public opinion, and if we have a large class of dissatisfied voters in the Assembly finding their votes neutralized in the other Chamber, that will certainly carry on the contention further, whereas it is the wish of the Assembly, and I believe also of the Council, to settle this in an amicable way. Besides, if the State voluntarily shuts out from voting power a large portion of the population, it is something like a man who deliberately cuts off one of his limbs. Are we to say all those people who are shut out of voting power are not to be trusted with voting power? If we only look back a few months, we saw in February last a great party go out of office in this country; we also saw in July last another party go out. I believe I remember reading a letter by the *Times* correspondent congratulating people in this country upon the orderly way in which the elections were conducted in this country, contrasting it with the way in which elections are conducted in England; and why was this peace and tranquillity a day or two after the elections? Because every man knew he had a vote, and if he had not exercised it it was his own fault; but suppose that out of the vast crowd in Bourke-street two-thirds or one-half of them reflected that they had no voice in the matter at all—had not been able to vote—then, I think, we might have had a different state of things. From my observation and knowledge of the matter, I do not regard property as a fair test at all. We see every day, under the Local Government Act, that the tenants in the city or town might, if they chose, raise a large loan, which would be virtually secured upon the property of the freeholders; we have seen nothing of the kind done, and I do not think there is any section in the community inclined to levy an unjust tax upon the others at all. I believe it is said that the extension of liberty in a country facilitates the acquisition of property. Under those circumstances, I think we should do wrong to refuse an extension of the franchise to our population. I do not regard any of the difficulties as deserving a thought for one moment that have been put forward, for after all it resolves itself into this, that the fierce democracy occupy houses, those who form the majority, say rated at £20 a year; the difference between the two propositions is about five shillings a week, and is it to be said that that is to make a difference between absolute insecurity and safety? I cannot see that that makes any difference. Look at other countries. I think Mr. Fitzgerald spoke about the United States of America, where they have universal suffrage as the indirect basis of the Upper House, and most of the Legislatures in America started with a property qualification, both for electors and elected. Where is the property qualification now? It seems to be gone altogether. I certainly think that we in this country are somewhat in advance of some of the old countries in the world in regard to intelligence of the people, and the political institutions must go hand in hand with the intelligence of the people.



*Mr. MacBain.*—Sir Charles, I think we are forgetting that a very material difference exists in this country between the position of the Legislative Assembly and the Legislative Council. The Assembly have all the powers and privileges of government given to them. The Legislative Council is not so much a political party as a judicial body. Their functions are more judicial, and consequently cannot be, in any way, compared with those of the Assembly. In fact, our Constitution deprives us of many advantages and privileges that the Assembly have, and I think to assimilate it so far as the franchise of the electors is concerned is going in a wrong direction altogether. If there were any proposal to confer some of the privileges they had upon the Council, that might be a basis for re-discussing the whole question; but I submit there is no inclination upon the part of the Assembly to let go one of its present privileges, given to that Chamber by the Constitution. I suppose they would still retain all the power of initiating Money Bills, and they are not prepared to grant to the Council the power of altering a Money Bill.

*Mr. Cuthbert.*—They might do that—allow us to amend if we are upon the same basis.

*Mr. MacBain.*—I only draw the attention of honorable gentlemen to this fact. We have been discussing from the very commencement here that there is no difference between the two Chambers, and therefore we should assimilate the franchise—that of the one to that of the other—as far as we could. That is a mistaken idea. I think we should keep this distinctly before us, that the Council, under the present Constitution, does not occupy the same position in many matters as the Legislative Assembly, and there is no disposition on the part of the Legislative Assembly, or the people of the country at the present moment, to confer upon us the privileges that they possess. That view of the matter ought to be taken into consideration when you want to alter the franchise of the two Houses; and then, to my mind, this idea of assimilating the franchise of the electors of both Houses to each other would virtually put them, so far as the franchise is concerned, on the same footing exactly as the Assembly now occupies; because the only difference between the two Houses, as far as the electors is concerned, is this: that the manhood suffrage vote will not have a right to vote for the Council. Very probably you would make a mistake in depriving the manhood suffrage vote of having any voice in the election of the Council, for, probably, there are just as many conservative men among the manhood suffrage voters, and as many educated men, as there are upon the other side. Now I think that we ought to realize this: that we have a Constitution, and that that Constitution bears upon the one House as well as the other, and that if we destroy absolutely the franchise of the one, and assimilate it to that of the other, we deprive the Council of that position which it ought to occupy, and does occupy, as a second Chamber in every country in the world, and that is, that it has more of judicial than of party functions—more of judicial than party politics. Even supposing then that we were all agreed, and the Council came and said, “We are willing to do this,” would it be wise to adopt the assimilation of the two franchises? I think such a course of action would be detrimental to the best interests of the country. The Chief Secretary has mentioned that, according to his view, he would like in the Bill to give more stability and higher conservatism to one Chamber than to the other. How is this to be done? The Bill that the Government propose does not in any particular suggest such a higher stability or more stable and higher conservatism to that House. On the contrary, it wishes to destroy any conservative feeling that is in this country, and it would destroy it materially so far as exercising any influence for good over the legislation of the country if you destroy altogether the difference between the two Chambers. I think the legislation of the country would in the future suffer materially. Whatever differences may have occurred in the past, I think the Council have shown an earnest of their willingness to meet the wish of the country, and study those interests. Probably they have shown a little desire upon several occasions to withstand political partisanship and political interests. Now, I feel myself that we ought not to forget that the Council passed a Bill—not once, but I think three times—containing the same thing without very much difference. They passed a Bill to reform themselves. We also know that the Legislative Assembly have had several Reform Bills, and have gone to the country with those Reform Bills, and successive Assemblies have been returned upon them, and we find, as a rule, that when they came back to the Chamber they were defeated in carrying those measures. Now the mere fact of this measure now being carried does not indicate at all that if the present Government went to the country again they would be returned upon the same Bill. It is very doubtful, for the people of this country are developing to such an extent that you cannot depend for two years upon the vote of the people of this country. I think what we ought to do is this—it is a suggestion of my own. We have our Bill, the lines of our Bill before you. The Committee have not power materially, any more than the Assembly have, to pledge themselves to any course of action for either Chamber to take in the event of an agreement, but I think the Committees having been appointed to confer shows that some desire exists to come to a compromise between these two extremes.

*Mr. Mirams.*—Which two extremes?

*Mr. MacBain.*—The extreme of the Legislative Assembly's Bill and the extreme of the Legislative Council's Bill.

*Mr. Mirams.*—Not the proposal of Mr. Cuthbert the other evening.

*Mr. MacBain.*—Mr. Cuthbert spoke for himself, as you are aware, and, so far as he is concerned, no proposition was made; he acted independently of any others. He said he would accept that course.

*Mr. Mirams.*—I think it would be as well for the Committees to know whether that proposal is to be taken as a basis of the discussion or not.

*Mr. MacBain.*—Sir Charles Sladen informed us at the commencement. I understood Mr. Cuthbert's statement to be made purely speaking for himself.

*Mr. Cuthbert.*—Just so.

*Mr. Vale.*—We understand now that Sir Charles Sladen's statement to-day is the result of a conference between the members of the Committee of the Council.

*Mr. Reid.*—I may say that I know of no such conference.

*Mr. Vale.*—Mr. Cuthbert made a statement which seemed to bring us somewhat nearer at the last meeting. This morning that was, to some extent (I do not know to what extent), disowned. I understand that it was the result of a meeting of the Committee of the Council. He certainly did not say it was disowned on behalf of the Committee.

*Sir Charles Sladen.*—It was the result of a meeting, but Mr. Reid was not there.

*Mr. MacBain.*—I was not at the meeting, but I certainly say now that Mr. Cuthbert then spoke for himself. He said he would be prepared to accept the Service Bill, or something tantamount to it. He

having been a member of that Government, he must be loyal to the principles he became responsible for. But we are desirous to compromise the matter, and we ought to direct our attention to the two Bills as far as we can.

*Mr. Mirams.*—It appears to me that it is useless for us to be beating about the bush any longer; it is just as well that we should come to business. I presume that every member of the Conference has made up his mind upon the abstract question, and the reason he takes particular views; it is not necessary to argue this out here. We have met, as I understand, to see if we can come to any practical decision upon the points of difference between us, and, in order to do that, it is necessary to know what the point of difference is. Is it upon the Council Bill, or upon the Bill brought in by the conservative Government some months ago, and brought before us by Mr. Cuthbert, on Thursday afternoon? It is desirable to make one Bill or other a starting point of conference as a basis of compromise; we shall not do any business unless we do that.

*Sir Charles Sladen.*—I thought I stated distinctly, and I am very sorry I was not understood, that the difference appeared to be between the proposition contained in the Council's Bill and that which was contained in the Assembly's Bill, and I said I thought there was too great a distance between the two to be bridged over, and I wanted to know whether the Assembly were prepared to advance at all.

*Mr. Grant.*—That is the relation now.

*Sir Charles Sladen.*—That is the relation now; nothing to do with the measure which Mr. Mirams says emanated from a conservative Government, because the Council do not know it. They never saw it.

*Dr. Hearn.*—We decline to speak of it.

*Mr. Vale.*—There is this peculiar fact, that when the Bill was before the Legislative Assembly the Council never proposed any other Bill; they virtually, by their silence, accepted it.

*Dr. Hearn.*—No, we never had a chance.

*Mr. Vale.*—Virtually.

*Dr. Hearn.*—Virtually, no. I decline to be bound by Mr. Service's Bill.

*Mr. Vale.*—As to this question of alteration of franchise, Mr. Service's Bill proposed £20 and £10. During the whole period that the Bill was under discussion, it is perfectly true that the Council may not be bound by any form, but they made no proposal of any Bill during that period. They were silent, giving indication, for whatever it is worth, to the country, that that Bill would have been accepted if sent to them.

*Sir Charles Sladen.*—I do not think so.

*Mr. Vale.*—My view, I know, does not bind the Council. I simply put it as it appears to us.

*Mr. Mirams.*—We were told again and again, in the Assembly, that that would have been passed.

*Mr. Vale.*—I merely put it as it appeared to the public—that the Council never gave any sign indicating that they had any Bill of their own to propose; but when that Bill, which appeared to command the confidence of the Council, had been thrown aside by the country at the general election, then the Council propose a Bill which is double as harsh in its exclusions from the franchise as the Service proposal. That is to say it made £20 and £40 the basis instead of £20 and £10; and it appears to me if we are to come to this thing at all the electors must be considered. We are responsible to them on this side at any rate. I admit that the gentlemen on the other side are responsible to some extent to their electors. One question was raised at the beginning of this sitting with very great force and very great patience, and put as well as it could be put, the argument that there was a difference between the claims of leaseholders and freeholders. To this side it is a matter of very great importance. How far it is sustainable is to me a matter of doubt; but it is the thing with which we started, and if we could settle that we are on the way to some other settlements. Sir Charles Sladen said we must beware of giving too much power to one section. While he was saying that, as a statement, simply, it appears as a statement we must all accept, but it is much or nothing in proportion to the importance of the section. If a section which is not freehold is larger and more influential to the progress and the stability of the country, it is quite right that the section which is not freeholding should have a large power in the country. The power of the sections in the country must depend upon their real value to the State. The value of the freeholder to the State is a very silent value at least. He holds a thing which grows, in the main, without any action of his own.

*Sir Charles Sladen.*—No.

*Mr. Vale.*—The freehold of itself is a mere silent power. It grows by the mere power of rain and sunshine, and therefore, though it has a great antiquated power about it in England, in this country it is very little.

*Mr. MacBain.*—The question raised by Sir Charles Sladen is not land so much as property-holders.

*Mr. Vale.*—It was freeholders or leaseholders, those were the two words. I took them down, and I do not diverge from them. I go on to say that the mere freehold property in this country represents in the aggregate probably £70,000,000, or at the outside £80,000,000, and the annual value is £5,000,000, or £6,000,000 at the very lowest scale; the annual value of leaseholds is £15,000,000.

*Sir Charles Sladen.*—I do not admit that.

*Mr. Vale.*—What are the facts as to numbers? If we got the duplicate ratings in different places, probably the total number of freeholders would come down to 60,000 or 70,000. The total number of ratepayers and taxpayers is 240,000, nearly four to one, while the proportion of rents contributed to the annual income, and the proportion of wages and salaries, or incomes equivalent to wages and salaries, such as the earnings of the farmer who tills leasehold land, would be three-fourths. Therefore the leaseholders and occupiers are far and away the most important element in the community. I say more. If this population went away, a good deal is made of that, which is a great fallacy, I think. They say that the so-called freeholder is a permanent institution. He is not. He is the most movable quantity in our population, because he flits from here to Paris, and from here to London, with every season, and the moment he has made enough out of large freeholds he leaves us. Now I will come home closer, and I will take your model freeholder, the £20 a year. He represents £300. Except in panic years, a freeholder can sell out at any time, at a loss of £20 or £30, in any part of the country, and go where he pleases. A man who occupies a leasehold, the only difference between him and the freeholder is the £20 or £30 depreciation of the freehold.

*Mr. Berry.*—But the leaseholder is held by the lease.



*Mr. Vale.*—He can get rid of the lease if he fits, but the only difference between the small leaseholder and a small freeholder is the difference between a probably forced sale. Each has to pay the expenses of leaving, if he leaves, and therefore the argument that the freehold attaches a man to the soil may have been very true in England two centuries ago, amongst the valesmen in Westmoreland and in Wales, but in this country it is not at all effective, and in the old country it is not effective except in two or three spots where local and family traditions are very strong. Therefore, if we can say that the leaseholder shall be of the same value, we get rid of the difficulty, and make the freeholder and the leaseholder the same. They then would be as they are now, and so we should have an argument in our favor. The more we have done in the matter of coming nearer so we should have increased the importance of the present institution, as it has been for a quarter of a century, and therefore the more we keep out of that discussion, as Mr. Fitzgerald well said, the more likely we shall be to come to agreement, and I, for one, shall be very sorry to feel that we are near a disagreement. However strongly I hold my present opinions in this Conference, I came here with the wish for an agreement. I may be equally wishful to give an expression of opinion. I may say that for general policy and principle I give way. A man may say, "I am unwilling to come so far as that unless I see some prospect of an agreement," but I am certainly disposed and anxious to come to an agreement.

*Mr. Grant.*—I think we all are.

*Mr. Pearson.*—Mr. Fitzgerald said there was no instance of countries with two Houses elected by the same constituencies.

*Mr. Fitzgerald.*—Without the existence of checks.

*Mr. Pearson.*—I should like to ask whether he includes any of the States of America, every separate State of which has a House of Representatives and a Senate elected by the same constituencies?

*Mr. Fitzgerald.*—No.

*Mr. Pearson.*—The only check is the liability to division either by a convention in some States, or by a plebiscite in some more modern States; but putting that out of the question, I should like to ask Mr. Fitzgerald whether he knows a single country now in which there is a House elected exclusively by landowners? because that is understood to be what Sir Charles Sladen proposed to us. No doubt the House of Lords had that constitution very many years ago; but the last vestige of that has been swept away now, and the House of Lords now represents every interest in the country. There are two things which must not be confounded; they are, what you want—the necessary balance in the country, and the preservation of any particular interest with respect to landowners. I do not myself see why you should give the latter. If land is subject, as no doubt it is, in every country, more or less, to exceptional legislation, it does not differ in that respect from other things. Wine and spirits and tobacco, for instance, are subjected to exceptional legislation, but you do not attempt to give the classes that deal in those any exceptional powers in consequence, and it would be the worst thing for them if you did; and if you give a class House constituted in this way, the necessary result, it seems to me, must be this: either you have, as at present, a class House, representing only the large landowners, which casts upon the House a most invidious and unfair reflection, and causes dissensions between the two Houses, or you get a House such as Sir Charles Sladen would constitute, which is also elected partly by small landowners. Would that secure land in the least from unfair burdens being laid upon it? I do not believe it. Any Minister who wanted to propose an invidious land tax would take very good care to inform the Upper House members that they themselves were perfectly free from bearing the burden. We all agree that the second Chamber should represent the conservative element in the Constitution. The mere fact that it is a second Chamber makes it so. Even if it were elected by exactly the same constituencies, it would, as Sir Charles Sladen pointed out, differ from time to time from the other Chamber. It would have its opinions, and would express them, but it would be different, I think, in such a way as not to cause dead-locks; and differences would be solved by exactly the same tribunal, which is an appeal to the people. You get a check in the second Chamber having slightly greatly permanence as it is proposed to be constituted. It would be subject to waves of opinion slightly different; but I do not see that you can expect a second Chamber to be more than a court of revision, giving people time to think over Bills brought before Parliament—giving time to pause, but not in the last resort stopping legislation. The real safeguards that any country must look to are, in fact, that every citizen shall be interested in its welfare, and be educated to know it. We on this side believe, I think, that you get this best by something like a subdivision of property, so that every one may be interested in property; by education, and by self-government, teaching people to deal fairly with their neighbors. I may remind the Members of the Council that Mr. Berry's Government, two or three years ago, proposed a Bill which did preserve, and I thought the great merit of it was that it did preserve the essential dissimilarity of the Council, and substituted a different means for procuring ultimate accord in cases of difference. That proved eminently distasteful to the Council and to the conservative party throughout the country. The present Bill has been a compromise arrived at by the elimination of other expedients, and unless it can be shown that the result of it is in any way to injure the stability of institutions, to introduce anything dangerously new into our procedure, I consider it is entitled to very favorable consideration upon that ground. At present the proposal to make a class House, a House representing land alone, is the most startling novelty that has been suggested.

*Mr. Balfour.*—I think there must be some mistake.

*Sir Charles Sladen.*—In explanation of what I did say, I think Mr. Pearson is not quite correct in stating that I advocated a House of freeholders exclusively.

*Mr. Pearson.*—That is what I understood.

*Sir Charles Sladen.*—No. All I insist upon is to see some recognized proportion between those who are owners of land and those who are not owners of land. I do not think that those who are not owners of land who are on the ratepayers' roll ought necessarily to have the same share in representation that those who are landowners ought to have. That is the view I take. I do not go beyond that.

*Mr. Balfour.*—That was just the first remark I was going to make, that it was some mistake of Mr. Pearson's that the proposal came from this side that the voters for the Upper House should be exclusively landholders. The question is whether there should be a distinction between property-holders and leaseholders. That proposal was in two separate Bills that went from the Council. The reason I mention this is in reference to the remarks of Mr. Vale. He spoke of the Bill that emanated from the Service party. Before that Bill emanated from there at all, that proposal had come from the Legislative Council, and we had made a distinction in lowering the franchise between ratepayers and freeholders,

*Mr. Grant.*—What was it?

*Mr. Balfour.*—The distinction was £40 for ratepayers and £20 for freeholders. It also exists in the Bill sent to the Assembly now. Before I express my opinion upon that, I want to correct (if I may be allowed to use the word) Mr. Vale. He spoke of property-owners holding something that without any action of theirs increases in value by the sun and rain. Mr. Vale forgets. A good deal of confusion exists in some of his remarks, as if it was only the country that we are speaking of. There is plenty of property, and very valuable property, and which rather depreciates with sunshine and rain.

*Mr. Mirams.*—It must be in a bad neighborhood.

*Mr. Vale.*—I spoke of freehold alone.

*Mr. Balfour.*—But the distinction taken on this side is between a freeholder and the mere holding of property by a leaseholder, not a freeholder. All I mean to say is, it does not get the unearned increment.

*Mr. Mirams.*—In many places it does.

*Mr. Balfour.*—In many places it does, but not necessarily. The object of desiring a difference between leaseholders and freeholders is just this. It seems to be a question whether there is not a greater security of tenure, a greater interest in the country, a greater permanence, as a rule, amongst those who hold property, as compared or contrasted with those who do not hold it.

*Mr. Mirams.*—Hold house property or land as against those who do not?

*Mr. Balfour.*—Any kind of freehold property. None of us, I suppose, mean to say that the mere fact of holding a bit of land makes a man more intelligent; no man suggests that it would make him even more conservative, though there is a strong probability of that, because he has something at stake. I argue differently to Mr. Vale. Mr. Vale says the leaseholder cannot leave this country.

*Mr. Vale.*—No. I said the difference of sacrifice. The difference is in the sacrifice that the owner would have to make, and that is the only difference.

*Mr. Balfour.*—Mr. Vale put the extreme case from his point of view. I will put the extreme case from mine. A leaseholder who would be entitled to a vote here pays four shillings a week for his house. Take a ten pounder. Now, what is to come of this? Do not we find a large number—an immense number—of them, especially in large towns, who have no interest in the town. The least thing would make some leave, and they do leave in large numbers for every rush. Upon the goldfields it is the same way; they are not attached to the place, and leave in large numbers. We may say they have not the same permanent interest in the legislation.

*Mr. Grant.*—I think small freeholders rush about quite as much as leaseholders.

*Mr. Balfour.*—I think not.

*Mr. Grant.*—More so, I think. I think they rush about more.

*Mr. Balfour.*—Small freeholders?

*Mr. Grant.*—Yes, far more than leaseholders. They go to all the diggings, in all probability, very much to the advantage of the State.

*Mr. Balfour.*—I cannot answer general remarks, but I can say this, that it stands to reason that a person who has some property, which he must dispose of or sacrifice, is held to be more secure, and less likely to leave, than the man who pays four shillings a week, and has nothing more to hold him; and, in comparing the two, I will ask whether we should put the two classes of people upon exactly the same basis as electors for an Upper House? Not one of us here proposes to take away the right of every man in the country to vote for the Legislative Assembly. We take the taxation to go with the representation, that every man twenty-one years old may vote if he likes.

*Mr. Tucker.*—He finds his power is neutralized in another place.

*Mr. Balfour.*—Is it? I understand, from the remarks of Mr. Vale, that it is a function of an Upper House to have a conservative element.

*Mr. Grant.*—We all agree upon that.

*Mr. Balfour.*—The man has not his voting power abolished from the fact of our having an Upper House. You want an Upper House to represent the conservative element, and you do not give the same right of voting—you do not propose it yourself.

*Mr. Grant.*—We want a check, but not an obstruction.

*Mr. Balfour.*—You yourselves made a difference between the voting power; you took away manhood suffrage.

*Mr. Tucker.*—Even some of the members upon the opposite side of the Assembly said, “Why not take the entire roll?”

*Mr. Balfour.*—That is exactly my argument. If you are going to take every leaseholder, you may just as well, I think better, give every man a vote for the Upper House—give manhood suffrage, and I believe in that myself; and, that being the case, I ask what distinction do you make between the electoral power of each House? My argument is that though property in itself is not a good test I do not know what better you could get. If you could get a good educational one, I should be better pleased. Property indicates at least a conservative desire on the part of electors, and certainly that there is some interest in the country—some stake in the country. By Mr. Vale’s own statement, to go out of the country he must make a sacrifice; you get something; a permanence in that case. I just say this, that we, in talking over the matter, thought there should be a distinction, and we all want to come to an agreement, and that as quickly as possible. It is no use our having a long argument upon that without clearly understanding it, and we feel there ought to be a very clear and important distinction between leaseholders and property-holders in regard to voting power.

*Mr. Berry.*—Allow me to ask, in order to get on with business, leaving that matter to be settled, is the Committee opposite inclined to say that, as far as freeholders are concerned, they will take the ratepayers’ roll, and leave the other question to be settled afterwards?

*Sir Charles Sladen.*—Will Mr. Berry say what proportion of leaseholders he wants to mix up with that?

*Mr. Berry.*—If you can say “Yes” to that, conditionally upon making a satisfactory agreement with regard to the leaseholders, that would be something. Then let us discuss the qualifications of each.

*Mr. MacBain.*—Supposing we do agree to accept the ratepaying roll of freeholders, would the Chief Secretary then agree to allow the existing law so far as leaseholders are concerned?

*Mr. Berry.*—The existing law?

*Mr. MacBain.*—Yes.

*Mr. Berry.*—£50 a year—I have no hesitation in saying no. I do not think you can put that seriously.

*Mr. MacBain.*—There is such a difference between the present law for freeholders and the reduction we have already made, and there is not such a great difference if the Council give way in the one. I am not prepared to say the Council should give way, but, as the question is put, I think it right I should put a question in return.

*Mr. Berry.*—I must say that I have listened to the discussion very patiently, and I am not in the least convinced that there is anything in the least, even from the Council's point of view, in the distinction between leaseholders and freeholders. It appears to me to be raising a new distinction without sufficient reason. You might take half a dozen from the top of Bourke street and bring them into this room—take them from leaseholders and freeholders at random, and enquire as to their intellect, their wealth, their status in society, their opinions, and their settled objects, and, ten to one, the balance would be just as likely as not to be upon the side of the leaseholders. It seems to be unworthy of the Council to raise the question of a double franchise, as we have not got it now. It is travelling in the wrong direction. It is asking the Assembly to retrograde, and asking the Assembly to make restrictions that do not exist at the present moment. I would sooner take a small property qualification all round, myself individually, if I had to give way now, than take the ratepaying roll with the invidious distinction—a small property qualification for leaseholders. I like to get rid of these invidious distinctions between man and man. Why fix an inferiority upon a man because it is more convenient for him to use his capital in some other way, and rent a house built by another man, and use his capital in investments? Why should we make a distinction between him and a man who always, from prudential considerations, places his money in buildings or land? It is a pity to raise such questions at this date, and there is nothing to be gained by it.

*Mr. MacBain.*—The extreme question I put to you was suggested by the extreme question you put as regards freeholders. I understood we came here to arrange a compromise, but when you ask us whether we would agree to the ratepayers' roll, I think the one is as extreme as the other.

*Mr. Berry.*—Excuse me, it was with a view to a compromise. The Council Committee appears to make a distinction between freeholders and leaseholders, and all their arguments were against the leaseholders. They seem to take to the freeholders kindly. I say, then, if you will take the roll as far as the freeholders go, let us see if we can arrive at some reasonable arrangement as far as the leaseholder or occupier is concerned. I cannot say that the counter-question was put in the spirit of compromise. At present we propose that the roll shall be the ratepaying roll. We do not propose to divide the roll into leaseholders and freeholders. That is the Council's proposal, and we object to that; but if they said, "We will halve that with you; perhaps we will take the ratepaying freeholders and give them votes, but we want a qualification for the leaseholders," it would have been something done, and we should have had to say something about it, but the difficulty is to make a beginning.

*Mr. Pearson.*—I dare say there would be no objection on this side to include a certain number of the manhood suffrage voters, whom Sir Charles Sladen spoke of as excluded by accident from the ratepaying roll.

*Mr. Berry.*—I do not think that would assist a settlement.

*Sir Charles Sladen.*—It was alluded to, but not by me.

*Mr. Vale.*—No, it was a freeholder without a residence—a non-resident freeholder, which involved ratepaying qualification, that you spoke of.

*Mr. Cuthbert.*—It seems to me that the distinction is good between a freeholder and a leaseholder, or perhaps more properly we might designate him as the occupier—for when we speak of the leaseholder we imagine a man has a lease for a number of years; but I meant to speak of the occupier in possession for a day or a week, that is the way, to take the two. It does not come before the Members of the Assembly as a novelty. It was introduced in Mr. Service's scheme of reform, and, I think, was very fully discussed in your House.

*Mr. Berry.*—And objected to.

*Mr. Cuthbert.*—And, if I understand rightly the tone of that debate, not much objection was raised to that distinction then drawn between the freeholder and the occupier. It was not the objection, as I understood it, that was taken by Mr. Berry.

*Mr. Berry.*—This is it:—There were features so much more objectionable, that that was left for discussion in Committee. Upon the second reading we dealt with the larger objection.

*Mr. Cuthbert.*—As I understood the tone of it, there really was no well founded objection upon the part of the Assembly to it. It was a minor matter, that very likely of itself would not have caused a defeat of the Bill. There were other important points touched upon that were objectionable to the majority of the Assembly; but it seems to me that if we could come to some arrangement upon this question, as to whether there should be a difference in their qualification between a freeholder and an occupier, much of the difficulty now in our way would be removed. I cannot agree with what has fallen from the Hon. Mr. Vale. He seemed to draw no distinction whatever between a freeholder and an occupier; in point of fact, in his estimation, an occupier stands in a decidedly better position than a freeholder. But he was running away from the question altogether. He was looking at a particular class of freeholders, those who have sufficient money in their pockets to take a trip to Paris in order to get rid of the superfluity.

*Mr. Vale.*—But I came back to the other class. I based my argument upon that.

*Mr. Cuthbert.*—I come back to the other class—the selectors—a poor selector struggling with difficulties to get possession of his 320 acres of ground. I say that as soon as he has taken possession of his property, with all improvements upon it, he will be more firmly attached to the land, and become a better citizen, than the man who is merely an occupier from year to year.

*Mr. Berry.*—I am delighted to hear that, when once he has got his selection, he would remain there and be a permanent occupant of that piece of land.

*Mr. Cuthbert.*—That gentleman cannot, for some years to come—until he acquires a few more freeholds—take a trip to another country; but as soon as ever that class of men are identified with the soil, you would have those men in quite a different position from a man who is merely a tenant or occupier in a house in a town from week to week. A man comes to Melbourne and takes a tenement for a short period—will any man tell me that he ought to have the same qualification, because his name is upon the

ratepayers' roll, as a man who goes into the bush and works for years, and takes up land and gets it in freehold? There are other differences. Take the towns. The freeholder spends his money in putting up a building, and gives employment to the laboring classes, where the other class says, "I will take advantage of that outlay; it is convenient for me to go in and take occupation of this." If I could have my way at this Committee, I would say to-day, as I said on Thursday last—let every person who, by his industry is able to pay a rent of 7s. 6d. a week, have the privilege of voting for the Upper House. You must bear in mind that all the class now outside the 30,000 are deprived the privilege of a vote for the Upper House. We are, then, prepared to concede this, to make the voting for that Chamber more popular, to extend the basis of it; and because we are not prepared to go to the full extent you wish us to go, we are prepared to go a certain extent.

*Mr. Berry.*—No; it is repudiated. You are only speaking for yourself.

*Mr. Cuthbert.*—We do not see any attempt on the other side even to meet the *ultra* liberal proposal that I made. I thought that was so very liberal—excessively liberal—that Mr. Berry would have said, "That is the kind of thing that will bring about harmony between the two Houses;" and if Mr. Berry can see his way to support such a proposal as that, even Mr. Reid, who has been so silent all the time, might consent.

*Mr. Pearson.*—It is the kind of thing, but not "the" thing.

*Mr. Cuthbert.*—But there is, in my opinion, a marked distinction between a freeholder and an occupier, and I would like honorable members on the other side to see it in the same light.

*Mr. Grant.*—Mr. Berry has made the suggestion to take the freeholders upon the ratepayers' roll. What do you say to that? Then we can discuss the leaseholders.

*Mr. Cuthbert.*—Is he prepared to leave out the leaseholders and to say that none but freeholders shall be entitled to a vote?

*Mr. Berry.*—Certainly not; this is it—We of the Assembly have said, and the country has approved. We must not forget that we are not here to do just exactly what we like, we are bound by the opinion of the country. We may vary it slightly, but we are responsible to the country. We may take the ratepayers' roll as the roll is at present, irrespective of whether a man is a leaseholder or a freeholder, or a mere occupant on a monthly tenancy. The Council seems to insist upon a division of this roll into two classes, freeholders and non-freeholders. In order to get a commencement of an agreement (against our will and against our wish, but in consideration of the views of the Council) I ask—Will you take the freehold half of our proposal as a commencement? and then, if you agree to that, we will discuss upon what franchise the leaseholders shall come in—upon some franchise of course. But, if you will take the freeholders as the basis, we should have some solid ground to go on, and we should be encouraged to go on.

*Dr. Hearn.*—It appears to me that the great difficulty is this, in dealing with this matter, establishing a difference between the constituencies of the two Houses; the thing turns mainly upon that point. It has been said, very properly, upon the other side, that it is desirable to have a conservative element in the Council. If you desire a conservative element, I suppose you mean a more conservative element than exists in the Assembly; but, if you reduce the Council to the same constituencies, or practically the same constituencies, where is the conservative element? And there is another aspect of that, that I do not know has ever been fully considered. Professor Pearson alluded to it. It has often crossed my mind. It seems to me that, by this proposition, you practically destroy the means of actual finality, as it is the fashion to call it, in cases of differences between the two Houses. If the two Houses differ seriously upon a Bill, is it likely the newly constituted Council would yield to the Assembly even after a general election? I conceive that, under those circumstances, what you do would be to reverse the proposition of my honorable friend, Mr. Grant, when he said that the Council should be a check, not an obstruction. In those circumstances you convert it into an absolute obstruction, and an obstruction which, in certain conceivable circumstances, you could not overcome. If that or anything like that is the case, it is necessary for us to try to diversify that constituency. Not that I grudge in the least to any man in this country the right of franchise to this or the other House of Parliament—far from it—but I conceive we shall never attain our object, or get anything like a working Constitution, if we establish the two Houses on precisely a similar footing. I made a suggestion the other day, which I believe, if it had been accepted, would have solved all the difficulties of the case; that is, an arrangement both of the provinces and of the mode of voting, by which, I think, we could get a House very different in its constitution both from the Assembly and from the Council as it now exists. If the gentlemen opposite do not approve of that method, I have no more to say upon that at present; but, failing that method, we might, for the purpose of creating the variety which is essential with us at present, try and introduce some means of difference. One means, and a very obvious one, is the difference between the owner and occupier—a difference well known to the law, and not only to the law, but also, I conceive, to common sense. It does not require a very elaborate argument to show that there is a difference between the man who holds 100 acres of land and the man who rents a shop from week to week, with a few pairs of boots in the window of it. The one can leave the country any day, and the other cannot—he is, literally, *adscriptus glebi*; except under very favorable circumstances, he cannot get out of it—in the circumstances of the last three years he cannot get out of it all; and I appeal to the gentlemen round the table whether there is not often a considerable difficulty in getting rid of real property when persons want the money to use for other purposes. These owners of real property, therefore, have a distinct permanent interest in the soil; the others have not. No doubt in this country the facilities for transfer are very considerable, and, therefore, the tie is less; but still the tie is perceptible, and the binding force of the soil is felt. That we know perfectly well; and, if that be the case, then we have a fair basis to stand upon. Not merely have we a tolerable means of distinction (and, mark you, I am looking for means of distinction—and I am driven to look for means of distinction—and, in place of taking a mere line of distinction of £20, or £19, or £18, or £17, or any number, any such line being indefensible, because in its nature it is purely arbitrary), here is a natural distinction. And, further, it has this advantage—that in this country we have already the difference between the freeholder and the man who is not a freeholder, and an immense body of men are continually passing from the leasehold to the freehold class; not so much *vice versâ*, but from time to time we have very considerable additions being made to the constituencies we are now proposing. Surely that is a very much better means than taking such an immense leap; we should take it gradually, step by step. And there will be continually going on a continual recruitment of the freeholding class from the class immediately below them. I

imagine that is a very strong argument of itself in favor of this proposition. It is not, as I put it before, that any of us are desirous to grudge in the slightest degree the fullest franchise to any man, or that we think the possession of property makes a man the more intelligent, or of better intellect, or anything affecting the moral qualities; but we desire to distinguish upon some tangible grounds, and the first most tangible ground we can get is the distinction between owner and occupier, distinct, existing, and in fact known to the law, which is gradually being obliterated year by year; and, in these circumstances, we think we are not making a very unreasonable proposition when we say that we are concerned to keep the line distinct and draw a firm line between the parties. If that is the case, and if it be accepted, we might perhaps come to something like terms. I wish it to be understood, in reference to what has been said before, that I do not conceive myself in the slightest degree bound by any proceedings of the late so-called conservative Government, nor do I feel much oppressed by any so-called opinion of the country. The opinion of the country has been too frequently expressed in various ways that I really do not know exactly what it is. I think we might try to do without elements other than those of the two Bills before us. We may be able to come to some approximate result respecting them; but I do not think there is even a chance of our doing so if we are to take such a maximum and such a minimum as those proposed at the beginning of this discussion. If we now take the freeholders, on one side, and if we consider that the others are to have a considerably larger qualification than is proposed, that may be some possibility of our meeting; but I am afraid we are hardly disposed to start at so very low a point. The Chief Secretary suggests to us the absolute ratepayers' roll for freeholders.

*Mr. Berry.*—It is scarcely worth while to discuss the advisability of having a division between freeholders, inasmuch as it has been pretty well conceded, provisionally, that if the ratepayers' roll were accepted for freeholders and a moderate property qualification for leaseholders (if that was proposed by the Council in that form, and it could be possibly accepted) so anxious are we for all reasonable concession to settle this question, that, much as we dislike the distinction between one class of voters and the other—if a substantial proposition for the franchise were such as I have indicated, it would receive the very careful, and probably favorable consideration of the Committee of the Assembly. But I would point out that, up to this moment, though we have been sitting two long sittings, the Council have not conceded anything that is not in their Bill. They have been contending, step by step, for everything they have got there. That last speech of Dr. Hearn's contends for a distinction which does not exist at present and is not in our Bill, the distinction between freeholders and non-freeholders, just as in the other debate the Assembly was asked to concede these points which were not in their Bill, but which the Council have in theirs. We have not had in the two days' sitting even the smallest approach, except that of Mr. Cuthbert, which Sir Charles Sladen on behalf of the Committee repudiated at the beginning of this day's sitting, so that we are really sitting here now without having received the slightest concession on any one point to the Bill of the Assembly and the view of the country; so I think. We have come to the point when the definite proposal of the Council, as to the freeholders and non-freeholders, should be placed before us to know if there is any possibility of agreeing.

*Sir Charles Sladen.*—What objection have you to the division in the Council's Bill; is it to the proportion?

*Mr. Berry.*—If there is to be a division at all. The question of the proportion I have not even considered, and very likely the Council who have considered it may know best the proper proportion.

*Sir Charles Sladen.*—We have thought over it a great deal.

*Mr. Berry.*—What I have asked, at last, after two days' sittings, and after considering favorably the proposition to divide the electors into two classes, is this—I ask the Council now a distinct question; the answer to that must come if we are to have any hope whatever of doing anything; that question is this: Will you take half—you yourselves having divided the country into non-freeholders and freeholders—are you prepared to take half the proposition of the Assembly, and grant the franchise to every freeholder upon the ratepayers' roll?

*Mr. Fitzgerald.*—If that was without reference to any distinction as to value, if it was as to the identity, the close correspondence of the two constituencies for the two Houses that the Council object to—may not we reasonably ask—

*Mr. Berry.*—Allow me to say a word. We have gone past that, because it was practically proposed by both parties, by the party of which Mr. Cuthbert was a member, and by our party. I want to point out the totally contradictory arguments against it. At one time it is said that, if they are elected by similar constituencies, one House would be a mere reflex of the other, and, because the Houses would represent both the same constituencies, they are sure to quarrel. Both of those cannot happen. Dr. Hearn said that, under this proposal of ours, obstruction would take the place of a check; that, in fact, it would make confusion worse confounded, and it would cause total obstruction; at present there is a check, but having come from the same constituencies, or nearly so, would destroy it. I say, then, that cannot be equally true with the other objection—that they will be so much alike that there will not be the ordinary check of a second Chamber.

*Mr. Fitzgerald.*—You must abandon, it appears to me, logically one side; if one House is to be a reflex of the other, the bicameral system would be destroyed.

*Mr. Berry.*—Then there will be no obstruction.

*Mr. Fitzgerald.*—I gave you two alternatives. If it is to be a reflex of the other, it is simply in disguise legislating by one Chamber for this colony, elected by the same constituencies and under the same popular passions.

*Mr. Berry.*—See how completely you answer Dr. Hearn.

*Mr. Fitzgerald.*—I do not care whom I answer. I want to state what I think we should deal with. I am sure Dr. Hearn acquits me of any intention or any desire to injure his case.

*Dr. Hearn.*—Mr. Fitzgerald only puts a dilemma, he does not answer me at all.

*Mr. Fitzgerald.*—That is all. One or other must take place—either one House will be a reflex of the other, or it will be in direct antagonism. I say upon either aspect of it the country has not given any opinion. It is to me, at all events, something novel that a proposition should be presented to us that the country has approved of a change in our system of legislation. If it has not, we certainly came to this untrammelled by any decision of the country. If, on the other hand, the alternative be more preferable that two Chambers elected by the same constituencies would cease to operate as a check, they would be

in more direct opposition than now, inasmuch as they would not be so amenable, their constituencies being equally or almost equally numerous, each urging them to separate action, there being no moderating power. I asked a question that I think ought to be answered; Mr. Pearson tried to answer it, but I think, with great respect, not with effect. Is there a single instance in history of two Chambers elected by the same constituency without any check?

*Mr. Berry.*—We have a check. One House is liable to dissolution—the other is not, but is renewed periodically.

*Mr. Fitzgerald.*—That is not a check, but it may reduce the probability of the event; but, if the event comes off, there is no safety-valve.

*Mr. Vale.*—What event?

*Mr. Fitzgerald.*—A collision between the two Houses, which is more unlikely to arise when they are so widely different. In asking the Council to assent to such a novel scheme, opposed to every eminent writer that ever I came across, is not it the duty of the Assembly to show where there is some safety-valve in the event, however improbable, of a collision? Every Bill put before this country except this provides some check to obviate this very serious, and I think, most imminent risk.

*Mr. Vale.*—What is the risk? Is it that the popular will should, at a reasonably near date, become effective? Because, on this side, we anticipate that this Bill will give the Council the power of retarding legislation upon any matters upon which the Assembly has not, after two general elections, expressed its opinion. I do not see any chance of a dead-lock sufficient to cause public inconvenience occurring after four years, for that is what it amounts to. If the popular will is continuous in its expression, it must have a settlement in the course of four years, and whatever any gentleman upon the other side may think, he would not urge that that is unreasonable. Popular will, set upon one direction for four years, ought to have its course; and Mr. Fitzgerald, if he will accept that proposition, would have very great difficulty in picturing to our minds a dead-lock that would injure public business. The business of the Council is to force an appeal from Philip drunk at the general election to Philip sobered by four years of time.

*Mr. Longmore.*—The very same thing has struck me that has struck the Chief Secretary, and he mentioned a little while ago that all our discussion here is beating the air. For this reason, Sir Charles Sladen says, "If there comes a dead-lock, what then?" Well, we are exactly in the same position now, and I think—

*Mr. Berry.*—It is suggested that as there has been a good deal of discussion we should adjourn for half-an-hour and talk matters over.

*The Conference adjourned for half-an-hour.*

On resuming,

*Mr. Longmore.*—When we left I was going to say that I experienced now the greatest difficulty in looking at this question, seeing that you, gentlemen of the Council, had argued that a House under the present Bill, which the Government sent up to your House, would become so obstructive that it would become impossible for the two to work together. I think that was the argument that both you yourself, Sir Charles, and the Hon. Mr. Fitzgerald used.

*Sir Charles Sladen.*—I did not say it would be. I said it would be very likely to lead to dead-locks.

*Mr. Longmore.*—Yes, and then there would be no remedy; and, on the other hand, the very opposite argument has been used from your side—that the two Houses being elected by the same electors would necessarily agree together, and there would be practically one House of Legislature.

*Mr. Balfour.*—I do not think that was what was said on this side.

*Mr. Longmore.*—That was virtually doing away with the bicameral system. Mr. Fitzgerald, I think, made use of those very words, and that is the difficulty that I have in dealing with it, that your minds do not seem to be made up upon any point. I cannot conceive for a moment that a number of men would come to poll a vote for me and then the same men, upon another occasion, would go to poll a vote for a gentleman, in the other branch of the Legislature, who would do the very opposite—who held the opposite views. I cannot conceive such a state of things to be possible under the arrangement we are proposing. It is sometimes done to some extent I know, but that it should be done by men of diametrically opposite opinions is, I conceive, not likely to happen. The Hon. Mr. Fitzgerald said also the two Houses would obstruct one another; but naturally the Council, coming from such a large constituency, would feel determined to carry out their views, even though they are in direct opposition to those of the other branch of the Legislature. We have the rights and duties of both Houses clearly defined, I think, in the Constitution at present, and I think the great cause of the dead-locks up to the present time is that one House has got the manhood suffrage of the colony, and they complain that the other has a very small and very limited suffrage. I think that is the cause of the dead-locks. But could not we come to it in this spirit, that as we have had so many dead-locks in the past, we hope, with the altered state of things in the future, we might have none. Would not that be the more reasonable hope?

*Mr. Fitzgerald.*—"Hope told a flattering tale."

*Mr. Longmore.*—We have hoped for a long time. Whether it will be in the same state in the future I do not know. Variety is also required in the constituency. I think Dr. Hearn proposed there should be variety in the constituencies. That would be all very well, but we have tried everything. The late Berry Government tried a nominee House, as I think, more in accord with the British Constitution. That was not accepted at all, either by the constituencies, as far as I know, or by others. That being the case, why should not we try the other way—an extended constituency? I cannot see those evils or difficulties arising from it that honorable gentlemen on the other side do see; but we have been here, as I said at starting, I think, beating the air. There is no proposal from either side. There is a proposal on this side from the Chief Secretary a little while ago, which is being discussed, as far away from the subject as possible.

*Mr. MacBain.*—You are just doing the same thing as you are accusing us of doing—beating the air.

*Mr. Longmore.*—Perhaps so. But if I can get to some definite point it will be a great thing. I was wanting to say that I think we ought to come to some definite point, and let that go to the express



wish of the Committee. Mr. Berry says, "Are you prepared to go to the ratepayers' roll for property-holders?"

*Mr. Berry.*—Freeholders on the ratepayers' roll.

*Mr. Longmore.*—I think that is a reasonable proposal, and one that we might very well now consider.

*Sir Charles Sladen.*—Is that to exclude leaseholders altogether?

*Mr. Berry.*—No.

*Sir Charles Sladen.*—What is to be done with them?

*Mr. Longmore.*—As it was put by Mr. Berry, are we agreeable to the freeholders on the ratepayers' roll, and then discuss the other?

*Mr. Cuthbert.*—What is to be done with the others?

*Mr. Longmore.*—Do not you see that if we agree on one point we could deal with the other.

*Sir Charles Sladen.*—One depends upon the other.

*Mr. Longmore.*—Put it conditionally, in what way you like, so long as you make it conditional; or let us know exactly what we will have before us, so that we may agree or disagree upon the question. It is not necessary for us to sit here days over if we have made up our minds. I feel very much that gentlemen on this side have bound themselves to the ratepayers' roll for freeholders, at all events.

*Sir Charles Sladen.*—Mr. Berry, Gentlemen of the Assembly's Committee, we have been considering the matter over, and I think we quite agree that it is no use arguing. We have discussed the matter enough, on all its points, and I do not suppose we are likely to convince each other on the principles which guide us in the decisions we are likely to come to; but we are prepared to make a distinct offer, and, to a certain extent, hinging upon the proposition which Mr. Berry has made, only his is only a half offer, as it were, and we are going to make a whole offer. But, before I state what that is, we understand—at all events, we propose, and it is no use leaving this a matter for after discussion—we understand that the features of the representation, as contained in the Legislative Council's Bill, subject to this particular franchise of the ratepayers' roll, will be continued, as they stand in the Bill.

*Mr. Berry.*—Which Bill?

*Sir Charles Sladen.*—The Council Bill.

*Mr. Berry.*—Do not understand anything of the sort, Sir Charles—do not understand anything of the kind. It seems to me we are only here to pass the Council's Bill.

*Mr. Vale.*—It is absolutely impossible.

*Sir Charles Sladen.*—What is that?

*Mr. Vale.*—To allow Melbourne and all the suburbs to be in one province of nine members.

*Sir Charles Sladen.*—That is not what I am alluding to. I say the question of representation, that is the educational and professional vote.

*Mr. Berry.*—Add to that this franchise, whatever it may be, in addition.

*Sir Charles Sladen.*—Added to whatever the other representation may be, and that is the owners who do not happen to be ratepayers. Of course that is a matter of right. The ratepayers' roll is only supplementary to the other persons; that is, a person possessed of so much property is entitled to a vote under the law as it at present stands. Then there is the ratepayers' roll independently of that, for there are a great many owners who are not on the ratepayers' roll now.

*Mr. Berry.*—Do I understand you want the general roll, as we have now, in addition to the ratepayers' roll?

*Sir Charles Sladen.*—Yes; we do not ask for anything more in addition to the present law.

*Mr. Berry.*—That is a very serious question.

*Mr. Mirams.*—How low down is the right to extend—what amount of property entitles a person to be on that general roll?

*Mr. Grant.*—It is not property at all; it is education.

*Mr. Mirams.*—Do I understand Sir Charles Sladen to say that he desires a general roll for the Council, in addition to the ratepayers' roll, the same as they have now?

*Sir Charles Sladen.*—Yes, I say that we expect to continue the roll.

*Mr. Mirams.*—Rather a special franchise.

*Sir Charles Sladen.*—If you like to call it so, I say a special franchise. Understand that, under the present law, every freeholder who has property, which may be for his own life or for the life of others, or for any larger estate, has a vote, provided that the property is rated upon the rate books at £50 a year.

*Mr. Vale.*—That is a man who is not upon the rate roll may be put on by getting an electoral right, if he is a freeholder.

*Sir Charles Sladen.*—Yes.

*Mr. Vale.*—Mr. Mirams is right—that is a general roll.

*Sir Charles Sladen.*—The present system.

*Mr. Mirams.*—The present system extended to a lower franchise.

*Mr. Berry.*—It is not proposed to lower the franchise, I understand.

*Mr. Cuthbert.*—Yes, it is.

*Mr. Berry.*—Very well, I will hear that.

*Sir Charles Sladen.*—Of course the Council have no desire to lower it as much as the Assembly wish.

*Mr. Berry.*—We are talking of two different things. You are talking of a non-resident qualification, which is not in our Bill at all.

*Mr. Grant.*—He is coming to the point; I see it now.

*Sir Charles Sladen.*—I am empowered by our Committee to make an offer; but, in doing that, I want to state the conditions beforehand, to guard myself against being supposed to give up anything. I propose that the representation shall be continued in the same proportion, or to the same franchise, as is now contained in the Legislative Council Bill, where it is provided that a person holding freehold property of a certain value is entitled to a vote, although he be not upon the ratepayers' roll. The ratepayers' roll is subsidiary to that.

*Mr. Berry.*—It is plurality of voting to be made perfect in that way.

*Sir Charles Sladen.*—Of course, subject to that, and to keeping the professional vote and the educational vote, the Council are willing to accept the freehold ratepayers' roll so low as £10, and the leasehold of £25.

*Mr. Berry.*—I would not undertake the responsibility of proposing that to the Assembly, Sir Charles.

*Sir Charles Sladen.*—Very well, we have done our best to tell you what we have arrived at, and our reasons.

*Mr. Berry.*—It is an addition of plural voting.

*Sir Charles Sladen.*—It is no addition of plural voting, we keep it just as it is.

*Mr. Berry.*—I speak of our Bill as it left the Assembly. You expect the Assembly will enact, with its known objection to the plural voting, a new system;—to put into the Bill, and then send up to you, a new principle altogether, which will multiply the votes of any one individual. He can have votes in any constituency where he chooses to have property; thus giving one man three times, five times, or even ten times the electoral power of any other man. They will add that, and, at the same time, disfranchise one-half of those whom we propose to enfranchise in the other Bill. I cannot see, after all that has gone past, how, as reasonable men, you can expect the Assembly to consider that Bill—it is considerably beyond anything that the conservative Government put to the country and were beaten upon.

*Mr. Cuthbert.*—The proposal of my friend, as I understand, is to allow 108,000 men to have the franchise.

*Mr. Berry.*—As against 200,000.

*Mr. Cuthbert.*—Not 200,000.

*Mr. Vale.*—It is to put on two-thirds freeholders as against one-third leaseholders.

*Mr. Berry.*—It is trying to keep up a class House. It neutralizes the whole object of reform. The whole object of this Reform Bill is to take the Council from being a mere sectional class House, and to make it a House of the entire country, trusting to the good sense, the practical sense of the two Houses of Parliament to carry on public business, and to steer clear of any difficulty. If we cannot do this, we had better leave things as they are—this is only a proposition to strengthen the hands of the Council as against all the rest of the colony. We should have simply repeated in the future what we have had in the past, with this difference, that the Council would have recruited itself, and brought in all the forces that they think would make them supreme, and make them strong to fight the Assembly. We had infinitely better leave things as they are. Our object was to make you the country, the same as ourselves, and make the two Houses together the united country.

*Mr. Cuthbert.*—The proposal is to reduce the franchise from £50 to £10 as far as freeholders are concerned, and you yourselves must admit that that is meeting you to a very considerable extent. Again, the leaseholders are now £50 a year—the proposal is to bring them down to £25 a year—that is really an offer that ought not to be despised.

*Mr. Berry.*—I do not think that the most liberal concessionist in the press or in the country that has followed the course of events in this country ever anticipated that a proposal would be made higher than a £10 franchise all round, and I am prepared to say that if the Council had said they would accept the £10 franchise all round, I would have used my most strenuous exertions in the Assembly to have accepted it.

*Mr. Mirams.*—Do I understand that you propose to keep the rating the same as it is in the present Act, to give the right to persons to be put upon the roll by paying a shilling for £50, or do you propose to bring that down to the £10? That is important to know.

*Sir Charles Sladen.*—No; say £10.

*Mr. Vale.*—Sir Charles Sladen stated distinctly that he proposed to bring down freeholders to £10, and, in addition to that, a non-ratepayer might obtain recognition of his vote by taking out an elector's right.

*Mr. Berry.*—Confining it to one vote in each district.

*Mr. Mirams.*—The leaseholder could not vote: the owner can.

*Mr. Cuthbert.*—That is what the proposition amounts to.

*Mr. Tucker.*—I understand that if a property is rated at £25, the tenant could vote for it as well as the owner.

*Mr. Vale.*—But if the property has only a £10 rate, then the occupier could not vote, but the owner could.

*Mr. Berry.*—The great objection to that is that it continues the Council as a class House, and sets class against class.

*Mr. Vale.*—My great objection is the number of people. That gives the franchise to 76,000 freeholders.

*Sir Charles Sladen.*—No.

*Mr. Vale.*—Yes, 76,000 votes to freeholders.

*Sir Charles Sladen.*—No, 68,000.

*Mr. Fitzgerald.*—And 40,000 to leaseholders.

*Mr. Vale.*—Very well, 68,000 freeholders and 40,000 leaseholders. It therefore proposes to give something like seven out of eleven to freeholders. In fact it is to make the Council nothing else but the representative of freeholders.

*Sir Charles Sladen.*—No, four out of eleven.

*Mr. Vale.*—Sixty-eight to forty is seven out of eleven.

*Mr. Fitzgerald.*—But it is necessary to bear in mind that you have 16,000, who now come under the head of leaseholders, who are lessees under the Land Act, and in a few years will become freeholders.

*Mr. Vale.*—A certain proportion of it will, but at the same time a lot more subdivisions are coming on.

*Mr. Berry.*—How would you deal with a mortgagor—he is still a freeholder, but he is no better than a leaseholder; what has that man got as a stake in the country when he has mortgaged his property often over its value?

*Sir Charles Sladen.*—He has the power of redeeming it.

*Mr. Berry.*—No, it only brings out the viciousness of the division altogether. Whatever the rating is to be, let it be uniform for all parties.



*Mr. Fitzgerald.*—And one Chamber for all.

*Mr. Tucker.*—£10 leaves out 40,000.

*Mr. Longmore.*—And £15 leaves out 60,000.

*Mr. Berry.*—No, it is a very marked distinction. I think it is all a question of whether the people are fit to govern themselves. I suggest, as a counter offer, that, if you will take a £10 franchise all round, we will try our best to get that passed.

*Sir Charles Sladen.*—No, we cannot do that.

*Mr. Berry.*—Then it is no use our wasting more time.

*Dr. Hearn.*—But you yourselves are willing to make a considerable difference between occupiers and owners.

*Mr. Berry.*—No, I say I am very unwilling; but, in order not to give up the least chance of a settlement, if the Council accept half that proposition of the Assembly, and give a franchise to all freeholders upon the ratepaying roll, then I would consider the rating qualification for non-freeholders favorably with a view to meet the Council in the matter. Not that I do it willingly, because I do it most unwillingly, to meet the Council upon that matter.

*Dr. Hearn.*—No doubt we, none of us, do it willingly, but we want to make some sort of approximation.

*Mr. Fitzgerald.*—It must be borne in mind that some members of the Council (a good many, I think) would be quite prepared to accept Mr. Berry's proposal of £10 all round, if time admitted of certain checks which they consider necessary being grafted into the law, and therefore in making this higher proposal of Sir Charles Sladen's it is simply done under pressure. It would be much preferable to see a better and more logical Constitution—one more in accordance with the teachings and experience from all history—than to have any magic line drawn. But it is necessary, in the absence of those checks, to have that limitation of numbers; and it is because the Council considers it dangerous to have a franchise for both Houses equally low that this is proposed. It is not because Sir Charles Sladen proposes this that he considers a leaseholder not to be equal in all the virtues that men should possess to a freeholder of £10 a year, nor that he considers the leaseholder rated at £24 might not possess all the good qualities of the man rated at £25. It would be much more satisfactory, if time permitted, to deal with a broad question like the Constitution in a broad way, rather than as one of exigency.

*Mr. Berry.*—We do not admit at all that the mere rating of a man's property makes him either a better or a worse colonist; you may have some of the best colonists in houses of £10 a year; you may have some of the worst colonists in houses of £100 a year, and that is why we went to the ratepayers' roll, because they are generally steady married men.

*Mr. Fitzgerald.*—Let us then have some checks.

*Mr. Berry.*—A check is (and I maintain that it is a very efficient check), that there is no dissolution, your House cannot be sent to the country. It has a tenure for six years, and is only renewed every second year. It is never under the same pressure as the Assembly.

*Mr. Fitzgerald.*—Is there any precedent for that step?

*Mr. Berry.*—I believe all the local Senates in America are the same, only their functions are a little better defined or better understood, or more universally assented to than they are here. Our real difficulty here is with the differences in the construction of our Constitution Act.

*Mr. Fitzgerald.*—And the President's veto?

*Mr. Vale.*—The President's veto does not apply to our institutions here; that is in a country with 40,000,000 of people. Twenty or thirty of the States are in circumstances just like our colony in matters of electors and education, and in some the basis is entirely the same for both Houses.

*Dr. Hearn.*—Take the £10 all round and give us proportional representation.

*Mr. Vale.*—And that is not having representation by districts, but the "isms" and the "ologies," and we will not take it.

*Dr. Hearn.*—We never proposed to do that, we proposed to take a territorial division.

*Mr. Berry.*—We cannot do everything at once. If we agreed upon this Bill, which is fundamental in its character, there is nothing to prevent yourself or any member of the Council proposing a Bill for proportional representation and having it freely discussed in both Houses.

*Mr. Reid.*—That was done last year and thrown out.

*Mr. Berry.*—If it is unpopular, you must wait until it is popular.

*Dr. Hearn.*—You see it is of the essence of the question—that is the misfortune.

*Mr. Reid.*—What is the use of putting a thing into the Bill that you know our own House will not carry?

*Dr. Hearn.*—I know; but we could offer to meet your views in that direction had we any safety in this other matter.

*Mr. Longmore.*—Then the question is, what do you call "safety"?

*Dr. Hearn.*—I will tell you what I call safety.

*Mr. Longmore.*—The point is this, "safety" means a system by which the conservatives shall win.

*Dr. Hearn.*—No, indeed. The system that I propose is directly and distinctly contrary to the conservative interests, as far as the House at present goes.

*Mr. Longmore.*—I am much obliged to you. I was reading it carefully, but the great difficulty I find is that I do not know that we have the right to make any elector have his vote count for a man that he does not vote for.

*Mr. Berry.*—We cannot discuss that now—it is impossible.

*Mr. Tucker.*—We have to consider the country in this matter. What has been done? Mr. Service's Bill gave the franchise to 117,000. Your proposal gives it to 107,000; that is 10,000 less.

*Sir Charles Sladen.*—You leave out the general roll.

*Mr. Tucker.*—It was left out in both cases. The country would not have Mr. Service's Bill—the principal reason for which was that so many were left out; and how could we assent to a movement backward, as this certainly would be? Here was an offer made by the conservative party in our House; and assurances were given that it would meet with acceptance from the majority in another place, that 117,000 should have that franchise, and here you give us 107,000.

*Mr. Fitzgerald.*—Had the eliminating clause no influence with the Assembly? It had more to do with it, I think, than the numbers.

*Dr. Hearn.*—That question was never taken.

*Mr. Tucker.*—I shall be very glad indeed to be one to make concessions; but this is too great a concession altogether. We could not ask the Assembly to agree to it; we could not carry it, and we could not carry in the country any modification in the franchise such as that. I feel very great regret at the proposal made, if the Council intend to adhere to it, as I hope they will not, because every thinking man in the country begs us to settle this question—to settle it fairly and honorably; and our House has made a compromise. Here are we in a most unexampled position—the money market overburdened, as one may say, with money, and wealth flowing in upon us almost countless, and a feeling of insecurity throughout the country, simply because this is not settled. I appeal to gentlemen who understand the state of the country thoroughly, who know that progress would be by leaps and bounds, if we could only settle this question, and get into still waters and quiet. If this franchise be in the way, Mr. Berry suggests—I think that is a very fair proposal indeed—£10 all round. I do not think that anyone can show that the possession of a house is the slightest indication of the interest or the stake a man has in the country at all. I, with all deference, would press it upon gentlemen on the other side, very old politicians besides myself, not to let it be said to-morrow morning that this question is still unsettled. If we cannot settle it to-night here, adjourn the Conference to to-morrow, and think it over, and try to meet again and settle it amicably.

*Mr. Balfour.*—It must be borne in mind what a very considerable difference there is in the proposal now, not only from the Council's Bill, but from what has been proposed before. I want to remind honorable members of the Assembly opposite that we have taken up a deal of time to-day, showing, from our point of view, that we do look upon freeholders and leaseholders as different in their stake in the country; and you remember that all Governments in this country have made it their business to try and induce persons to become freeholders.

*Mr. Tucker.*—I know a leaseholder who would not come under this, who has in his own possession something like £4,000 worth of valuable machinery in a property that would not be valued at £25 a year. That man has a stake in the country surely. I say, therefore, that the value of a property is not any indication of a man's stake in the country in any shape or way.

*Mr. Balfour.*—You cannot find anything absolute in a matter like this.

*Mr. Tucker.*—The reason that the electors are not more conservative than they are is simply the attitude of the other Chamber. Directly this question is settled, there will be a far more conservative feeling through the country than there is at the present time. The so-called liberal feeling that is so much abused throughout the country gets a good deal of food from this very question, no doubt of it. I really want to see this question settled.

*Mr. Pearson.*—The Council ought to bear in mind that they approached us already with two proposals which were very fairly received on this side—at least were not negatived on this side—to give the Council a share in the Executive and to give them an increase in numbers. It was said by the Council that both those would add to its power, and both may be therefore regarded as checks.

*Sir Charles Sladen.*—But the one is only a constitutional right.

*Mr. Tucker.*—I do not think we need discuss that.

*Mr. Pearson.*—That is really a very long question. We should disagree there. And now we come to the third point, and Mr. Berry, although we are fresh from an election, has declared his willingness to recommend a very considerable concession. The Council, it seems to me, are proposing something quite unknown to the Constitution—a distinction between leaseholders and freeholders. It is perfectly an imaginary distinction. The freeholds of this country are so mortgaged that they are not so profitable as the leaseholds. A man actually, the other day, called upon me asking me to foreclose, in order that he might become the tenant. That is an extreme case; but, notoriously, property is more burdened in this country than in the old country, and therefore, if the present Reform Bill is based upon a perfectly novel and to a great extent imaginary distinction of this kind, it would be surely a very great disappointment to the country.

*Mr. Mirams.*—I must say, Mr. Berry, that I am very much disappointed in this proposal of the Council, seeing we went to the country in February last, and Mr. Service afterwards proposed a Bill with more liberal terms than now are offered to us. We went to the country again in July, with a proposal more liberal than Mr. Service's. It is quite unreasonable to suppose that the Assembly will go back from the proposals of Mr. Service, and I think a rating of £10 all round would be a fair compromise between the proposal accepted by the country in February and the proposal in July last. I trust honorable members of the Council will see their way to accept that, however much they may disapprove of it individually.

*Mr. Fitzgerald.*—I do not think it would be right that it should go forth from this Conference that those Bills were approved or rejected by the country in the position in which they are now. I think it must be within the knowledge of every honorable member of the Assembly that Mr. Service's Bill was objected to more on account of the elimination clause, which interfered with the so-called power of the Assembly over Money Bills, and the Norwegian system; it was not the numbers. And, without in the slightest degree intending to introduce any unpleasant matter, I would say that no one can know better than Mr. Berry that, in the sketch of his Reform Bill (on the details of which all those of his party addressed their constituents upon the same lines), it referred to giving the Assembly full and absolute control over money matters, taking away from the Council a right which the Constitution Act gives it, and which the present Bill of Mr. Berry's does not remove. I think all those things should be understood when we speak of the Bills. Consequently we are not so oppressed by the feeling of acting in opposition to the country, in regard to those two measures, as Mr. Mirams thinks we should be.

*Mr. Mirams.*—I think Mr. Fitzgerald misunderstands. I say that Mr. Service's Bill was accepted by the country according to Mr. Service's statements all through—accepted in February, when the country gave him a majority upon which he based his Bill, and the only ground for bringing it in was that the country had just approved of it; and then I say that in July last the country rejected that Bill and approved of a Bill more liberal than the Bill Mr. Service introduced. Mr. Fitzgerald says we cannot say that Mr. Berry's Bill now before the House was the one accepted by the country, because it does not contain that provision which was in the sketch of the Bill when we went to the country. As one of those who went to the country upon that Bill, speaking for myself, I can say that that point of the proposed Bill

had no influence whatever with the electors. The main point upon which the contest hinged, in reference to the proposed Reform Bill, was this: that we offered to give the franchise to the whole ratepayers. The colony accepted it mainly upon that proposal. If we accepted the proposal made by gentlemen opposite just now, it would cut out of the offer made to my constituents 2,399 of the ratepaying constituents of my electors, and would only leave 622 to have a vote for the Upper House, which is only about 400 over the present number. Now, how could I with any conscience go back to Collingwood, having been returned to the House to secure for every ratepayer a vote for the Upper House, and say, "I have carried out your views to such an extent and succeeded so well as to cut out 2,399 from a vote?"

*Mr. Balfour.*—I think the principle of distinguishing the leaseholders from freeholders is not novel to our Constitution.

*Mr. Berry.*—It is difficult to find anything novel; beside we reformed it all away.

*Mr. Balfour.*—How if we were to say that the freehold should be free from encumbrance?

*Mr. Berry.*—Then where would you be?—worse than leaseholders.

*Mr. MacBain.*—I can assure members of the Assembly that, as far as the members of the Council are concerned, a very sincere desire animates them to bring this question to a fair compromise. I myself give way to nobody in my anxiety to bring about a fair compromise; although sometimes I am considered to be an extreme conservative, yet my desire is to assist in carrying out in the Council the proposal made by Sir Charles Sladen. I believe myself that a very large number of the Council might even seriously object to the proposal of Sir Charles Sladen; but in making that proposal we are united, as far as the Committee is concerned, and we will exercise all the influence we can. If you look at the Bill passed by the Council, what is the divergence from the Bill? It is this, that the Bill proposes that the freeholders should be reduced to £20 and the leaseholders to £40. Now the proposal now made is to go down from £20 to £10 and from £40 to £25; surely that is as violent a change in the Constitution as we know of ever being proposed or carried in any country in one bound, and I think that even that compromise would accomplish a great deal without being of a destructive nature. I think that the conservative element—the stable element—would be conserved in the Council, and that in the place of becoming a strong political party power in this country they would still exercise judicial functions, as they have hitherto done, to a very large extent. I do feel that the change from the existing law down to the ratepaying roll, or £10 both for freeholders and leaseholders, would be too violent a change, and if you make so violent a change and it does not conserve the best interests of the country, it would be very difficult to change—we could not change it afterwards.

*Mr. Berry.*—I should like to say one word upon the evident fallacy involved in what you have said.

*Mr. MacBain.*—I do not know whether it would be desirable to think still further over the matter, and meet again for an hour perhaps to-morrow.

*Mr. Berry.*—There would be no objection on this side to do that.

*Mr. MacBain.*—I do not know whether my colleagues would like to have the matter adjourned, but my idea is not to take up any question affecting Reform except the franchise, and if you do not agree upon that, it is no use at all.

*Mr. Berry.*—I should like, while the matter is fresh, to point out the fallacy in what you have said, because it is so plausible. The fallacy is this: if we were dealing with the Assembly as they dealt with the house of Commons at home when there was a limited franchise, and it was proposed to enfranchise all classes, then to come from a £50 franchise all round to a £10 freeholder and a £20 leaseholder would be an immense difference—it would be quite as much as ought to be done at any one step; but the fallacy is this: we are not dealing with the Assembly, and we have already for the Assembly got manhood suffrage and the ratepaying roll; we cannot forget that; therefore you are not making an experiment in enfranchising classes, for they are all enfranchised together; but you are asked to approach the present franchise, and still to keep within the present franchise. I mean that there is an immense difference between your bringing your franchise nearer to the Assembly from what it would be in giving a franchise for the first time. We have reached the limit in the Assembly (which you will admit, by its peculiar privileges, is the governing Chamber), and we are simply offering you an opportunity of bringing your constituent body at large within the limits of the constituent bodies of the Assembly. Therefore it is not a leap in the dark—you see it in the Assembly—the leap has been taken, and unless the object is to say the Assembly is not what we think, and therefore, we want the House to fight and not to agree with it, I cannot see why you could not accept the same constituent body.

*Mr. Fitzgerald.*—It is all a question of checks and balances in accordance with the lines of all experience of all history.

*Mr. Vale.*—That means which shall win.

*Mr. Berry.*—The real check is in the intelligence and patriotism of the people—no other check is possible.

*Mr. Fitzgerald.*—Is there any instance?—of course America has been quoted. I do not want to go into the relative merits of the question, but it is quite evident it is not on all fours with this. We have the power of making our own laws. We have no king—no dictator—we have a passive instrument in the form of a Governor—we have the right to do as we like with the taxes and possessions and the laws that govern this country. I ask is there any security to be offered to sensible men?

*Mr. Berry.*—Security against whom?

*Mr. Fitzgerald.*—Against the very tyranny of numbers—the very despotic acts of an unbridled democratic form of government such as we have—against class legislation, and against other evils arising, except the confidence in the virtue of the people of the country. I yield to no one in the amount of confidence that I have in the virtue of the people of the country; but I ask are we justified in sailing away from all history and precedent because we believe we have in the colony a people more virtuous than any other people whom we read of?

*Mr. Berry.*—I answer that we have done it.

*Mr. Fitzgerald.*—With the check of another House, which you are proposing to remove.

*Mr. Berry.*—To extend.

*Mr. Fitzgerald.*—To annihilate.

*Dr. Hearn.*—You will allow, Mr. Berry, that we too have constituencies, and we too have a House which we must take into consideration. In saying you have a difficulty in proposing to your House such a

proposition, you must remember that we have a difficulty in proposing to our House the proposition that has been made, and very grave difficulties they are ; and I am not sure that we could overcome them. You speak of elections for the Assembly—we have had still more recent elections of members of our House, and we are quite as responsible to those constituents as you are to yours ; and the only method of carrying this question into effect, short of an absolute revolution, is by compromise. If you cannot succeed now, you may succeed a few years hence ; but everything that is or has been done either by men or nations or the entire world is gradual. No doubt the time will come when your views will be carried into effect, modified, I hope, by the views which I entertain, which, as you say, may not yet be matured ; but would it not be prudent when so great an offer (for really it is a very great offer that has been made to you, from our point of view) to see whether you cannot accede to it? After all, you observe the difference is not very great, it is only upon the leaseholders. We agree upon the £10 freeholders, and the only difference is as to the leaseholders.

*Mr. Longmore.*—Pardon me, we do not agree upon the £10 freeholders, we only agree upon them conditionally.

*Dr. Hearn.*—I agree with that quite. A great many things are to be done before we have done with it.

*Mr. Berry.*—Suppose we imagine that the Reform agitation came to nothing, and that the people weary out and tire of it and the thing dies out—would it be satisfactory—would it satisfy gentlemen opposite? We are all quiet now, and the country is commencing a time of prosperity—no great question agitates the public mind ; but is it not quite possible that, in a short time, some strong political agitation may arise, something in which the two Houses are diametrically opposed. After all this disappears, and we have to meet possible public excitement backing up a large majority in the Lower House, will not everyone of you regret that such a favorable opportunity as this passed away? You must be right when you have your large constituencies, you cannot help but be right.

*Sir Charles Sladen.*—That is just the question. I do not hesitate to say that it would be a very serious calamity to the country if it is not settled, and I say more, that the Council will not be satisfied if it is not settled ; but of course the Council cannot proceed beyond what it considers the safe line—not in the safe direction which Mr. Longmore has suggested, but so as to meet the general moderate demands of the country. I do not consider the Council would be wise, simply because it is anxious to get a solution, to accept any arrangement that may be offered to it. I do not think the arrangement which is endeavoured to be urged upon the Council at the present time would be a safe one, and I do not think it is one that any person who has flattered himself that he is at all events a budding statesman or that he has some claims to be considered a statesman—I do not think it is one which any person viewing the country in the future—would accord with. Such a sudden change as is now proposed is too great a change to warrant anybody in committing himself to it. It seems to me the difference between a ship which you put into full sail, with a fine crew to manage it, which can shorten sail whenever necessary, and crowding all the sail you can upon a ship and leaving two or three boys on board, and the first wind that comes smashes the ship and sends her away. Of course, if the weather was always fair, the three boys could manage the ship ; but when it comes to adverse weather people would say, “How could you send a ship to sea so short-handed—with such a crew?” And I think we should be in that position if we were to jump at conclusions merely because they are put to us by a Ministry who no doubt are strong and are anxious to get the matter settled—perhaps as anxious as we are, but on different lines. I think if it were left in this way the Council would not be satisfied, and I think they would endeavour, in another session, to enact a similar measure to what they have done, because we want to see harmony restored. We are quite aware that with the different changes that have been made in the Assembly since the introduction of the Constitution, and the very small changes that have been made in the Council, the Constitution altogether has lost its symmetry, and we must be all aware of that, and we should be all desirous to see how it can be altered in a moderate and prudent way. A prudent way I say, for I do not think this is a prudent way. I do not think it is wise to take these enormous leaps. We are quite content to commit our course to the good sense and judgment of the people, in no sense acting either defiantly or from want of proper consideration towards the Assembly ; but really in a spirit of prudence we say we are not justified in going further than what we have stated. I am very sorry, and more than sorry—I am disappointed—for I thought that, as a matter of course, such an offer would have been grasped at eagerly ; and I say this, because I was told by a gentleman from South Australia the other day—a gentleman who does not think with me either—he said, “How are you getting on?” I said “As well as can be expected. There does not seem to be any probability, as far as I can see, of getting the Reform question settled.” He said, “I thought when I read that Bill of yours at the beginning of the session, I said the game is done, there cannot be any opposition to that, you are giving away everything.” That is the way it is looked at by those abroad, those not interested immediately in a party fight. They feel that, and that is the feeling generally held amongst persons who are not actually resident among us. Alluding to that remark which Mr. Berry made just now upon what Mr. MacBain said when he was pointing out what he conceived a fallacy, I think Mr. Berry was guilty of a greater fallacy than Mr. MacBain. I did not see Mr. MacBain’s fallacy, but I think the fallacy in Mr. Berry was his assuming that the constituency of a second House must be necessarily the same as that for the first.

*Mr. Berry.*—I never said anything of the sort.

*Sir Charles Sladen.*—I certainly understood you to.

*Mr. Berry.*—What I said was this: that had the remarks of Mr. MacBain been addressed either to the House of Commons or to an Assembly which had a restricted franchise, and it was proposed to reduce the franchise, to bring in a larger number of persons, that being the most advanced Chamber in the country, his remarks would have been unanswerable, but his remarks apply to the Council. If it was the first time of conceding the franchise to individuals, it would have been a large and important step ; no one could ask a larger step. But I point out that it is not the first time, the franchise having been conceded to men for the Lower House, the more important House, and this is merely giving a second franchise to men who have already got it for the more prominent and important House. Therefore the argument based upon its being a leap in the dark is a fallacy. It is no leap in the dark at all. It is simply giving the secondary franchise to men who have exercised the primary franchise for years and years. I say it is a fallacy to apply those remarks to a House with a high property qualification. Am I understood? Of course you do not agree with me.

*Mr. MacBain.*—I understand the policy of your remarks, but I do not see that it is a fallacy. We must take into consideration the reduction of the franchise in connection with the constitution of the two Houses, and if you take the remarks thus, there is no fallacy at all.

*Dr. Hearn.*—In place of arguing about questions of fallacy, would it not be well to look at it as a matter of immediate practical prudence? We have made what you can hardly deny is a very large offer. You have an opportunity of carrying out your views to a very great extent. Is it not better to take it than to carry on a controversy and disturb the place for perhaps a very long time and perhaps without success? Is it not better to wait until the country ripens in opinion?

*Mr. Vale.*—If your proposals are so near ours, does not the argument apply equally to your coming nearer to ours? Does not the argument you have put to us that we should accept your proposal come with equal force that you should accept ours? I want to call attention to some figures. The present electoral rolls for the Council amount to something like 32,000, divided with tolerable evenness—17,000 freehold ratepayers and about 15,000 occupying ratepayers. Those are tolerably equally balanced. But what is this proposal?—that we shall increase the freehold ratepayers by 50,000 upon 17,000—that we shall increase the occupying ratepayers upon 15,000 by about 25,000.

*Mr. Fitzgerald.*—No, if you please, only 16,000.

*Mr. Vale.*—No, 25,000. That is to say, we are to give a surplus of 25,000 to the freeholders—that is to say, taking Mr. MacBain as having made a mistake when he said he wished the Legislative Council to be a judicial body, as meaning he wished it to be a freehold body, for that is what he really means. Mr. MacBain proposes to support the idea of giving 50,000 additional votes to men who are solely interested in freehold. Why? Because Sir Charles Sladen says that the object of the Council should be to prevent injustice to the freeholders by the Legislative Assembly. Now what judicial spirit is likely to be found in a Council which is thus, so to speak, unfairly, as I say, the representative of mere freehold? The very formation of its electorate would tend to create a feeling against it—a feeling which would make any settlement upon the basis now proposed an unsettling settlement. On this question we indicate that we will take (as a compromise from what we went to our constituents upon) a reduction of the roll by 40,000, about one-fourth, the reduction being made fairly over both sides. On that ground we have been met with the statement that we are not bound by our promises to our constituents—it is suggested, nearly all liberal voters. It is urged against us that we are not bound by our constituents, because we did not, so to speak, flaunt in this Bill which has passed the Assembly the claim of the Assembly to the control over finance—of course, consistent with the legal right of the Legislative Council to reject a Money Bill. Is it to be urged against us that we have done that which was the very commencement, on the part of the present Government, of an attempt to conciliate the Council? I say, deliberately, that that clause was left out of the Bill in order not to irritate the Legislative Council—that was simply the motive. We said to ourselves, “It is a fact provided for in the Constitution, and to put it in our Bill would be irritating—we will leave it out.” That Bill of ours has been before our constituents for six months, and there has never been a complaint on the part of our constituents of our yielding. My idea is to leave the matter until to-morrow afternoon, and see how far there is a possibility that the proposal really made in good faith by the Assembly will be accepted.

*Sir Charles Sladen.*—And made in good faith by the Council.

*Mr. Vale.*—I do not dispute your good faith; but I think the mistake made by the Council is that the guardianship of property is to be limited solely to the Council. I say that the real guardianship of property is the honest manhood feeling of the people working at the poll.

*Dr. Hearn.*—I hope nothing that has been said will be taken to imply that we do not appreciate the omission of the clause or the force of the feelings indicated by Mr. Vale.

*Mr. Fitzgerald.*—I may say that the object in alluding to that was not to introduce debatable matter, it was merely in answer to a remark made by an honorable member of the Legislative Assembly that this Bill was framed exactly upon the lines that went to the constituencies.

*Mr. Grant.*—That is not an objection that ought to come from the Council.

*Mr. Fitzgerald.*—No, but it is a matter of fact that had to be either passed over in silence or be mentioned; but I would like to mention about the number by this concession of £10 for freeholders and £25 for ratepayers increased the constituencies from 29,000 to 109,000.

*Mr. Vale.*—32,000; I have the last returns.

*Mr. Fitzgerald.*—So have I, but that includes the general roll and professional vote. I omit that, and I say it increases the roll from 29,000 to 109,000 in round numbers—that is, it adds 80,000 in one jump to the voters for the Council; that must not be forgotten.

*Mr. Berry.*—I would just point out, in regard to this difference between the Assembly and the Council, in the interest of a pacific settlement, if it comes as a matter of concession or of making a further concession beyond what perhaps our strict judgment justifies, on either side, that the Assembly have come from the country pledged to a certain measure; the Council are free from any pledge. We cannot concede anything beyond what we put before the country; our hands are tied; we could not if we would. I take it that there is a limit to the extent to which a party, coming from the country and having received the confidence of the country, is justified in making concessions upon a large measure such as Reform of the Constitution; but the Council are not so bound; they are in a different position; and if for any reason they go a little beyond what their strict judgment would justify, for the sake of peace and the good of the country, they are freer than the Assembly to do so.

*Mr. Tucker.*—They are not responsible to anyone.

*Sir Charles Sladen.*—But that is really the motive of the concession which the Council has been willing to make upon the present occasion; that respect to the Government of the day which you say has been before the country and has had a particular platform. I say, in deference to the views elicited upon this and the previous occasion, the Council have made concessions which they consider are quite up to the limits of prudence.

*Mr. Berry.*—But scarcely such as you think a Government could accept if you were in my place.

*Sir Charles Sladen.*—I think they should.

*Mr. Mirams.*—I want to say one word. Mr. Fitzgerald has drawn attention specially to the fact that the proposal of the Council would extend the franchise to 80,000 people beyond what they have at present. I want to point out that the proposal of the Council, if we accept it, would cut out 72,248 of those to whom we promised to give it when we went before the country in July.

*Adjourned to to-morrow, at half-past two o'clock.*

TUESDAY, 12TH APRIL 1881.

*Members present:*

Hon. Sir C. Sladen, M.L.C.,  
 Hon. H. Cuthbert, M.L.C.,  
 Hon. Dr. Hearn, M.L.C.,  
 Hon. N. Fitzgerald, M.L.C.,  
 Hon. J. MacBain, M.L.C.,  
 Hon. R. D. Reid, M.L.C.,  
 Hon. J. Balfour, M.L.C.,

Hon. Graham Berry, M.L.A.,  
 Hon. W. M. K. Vale, M.L.A.,  
 C. H. Pearson, Esq., M.L.A.,  
 Hon. F. Longmore, M.L.A.,  
 Hon. J. M. Grant, M.L.A.,  
 A. L. Tucker, Esq., M.L.A.,  
 J. Mirams, Esq., M.L.A.

*Sir Charles Sladen.*—Mr. Berry and gentlemen of the Assembly, I just want to draw attention to a fact stated by Mr. Pearson. I would like just to correct the impression which seems to have been held at the time—(I thought it was said by the Attorney-General, but I am told it was by Mr. Pearson)—alluding to the difference between the qualification of freeholders and leaseholders, I think it was stated that such a proposition as was made by the Council had never before been heard of, and that we had no knowledge of it, nor any other part of the world, as far as I understood.

*Mr. Berry.*—I do not think so—it is not in our present Constitution, that is all.

*Mr. Pearson.*—I do not remember saying that.

*Mr. Mirams.*—That it does not exist in the present law and was not recognised under the present law.

*Sir Charles Sladen.*—It was said yesterday distinctly that it was perfectly new to our Constitution to think of any distinction between electors having a leasehold qualification only and those having a freehold qualification.

*Mr. Pearson.*—What I said was that the proposal seemed to be essentially to constitute a House representing land, and I thought that principle had died out of the world everywhere.

*Sir Charles Sladen.*—I understood you to say it never existed.

*Mr. Pearson.*—I said that in England it existed 600 years ago, and that the last vestige of barony by tenure was swept away.

*Mr. Fitzgerald.*—I think you said, Mr. Pearson, that a distinction of that kind was not in regard to creating a House purely to represent land, but that a distinction between voters who are freeholders and voters who are lessees was not recognised by law in any part of the world.

*Mr. Pearson.*—I did not say that.

*Mr. Mirams.*—“Our law here” is what I understood.

*Sir Charles Sladen.*—Because clearly a distinction is taken in our Constitution Act, and that distinction is kept up in the Act under which we vote at the present time in the Legislative Council.

*Mr. Fitzgerald.*—It is kept up in the English franchise.

*Sir Charles Sladen.*—We know it is kept up at home, so there is nothing so very extraordinary in taking the ground which we have taken that we should draw the distinction we have drawn between freeholders and voters merely claiming to vote under a leasehold qualification, which we consider of so much lower interest than the freehold.

*Mr. Berry.*—I do not think it is in our Constitution except as a qualification for members.

*Sir Charles Sladen.*—Allow me—I am very glad you said that. Under the 5th section of the Constitution Act, it says—“Who shall have a freehold estate in possession for his own use and benefit in lands and tenements situate within the electoral province for which his vote is to be given of the clear value of One thousand pounds sterling money or of the clear annual value of One hundred pounds sterling money above all charges and incumbrances affecting the same respectively, or shall have a leasehold estate in possession situated as aforesaid, held upon a lease whereby a rent of One hundred pounds or upwards shall be reserved, or of the clear annual value of One hundred pounds above all charges and outgoings, every such lease having been granted for a period of not less than five years.”

*Mr. Vale.*—Leasehold?

*Sir Charles Sladen.*—Yes.

*Mr. Mirams.*—The original might have been twenty-five years, though it may only have one year to run.

*Mr. Berry.*—Where is the difference between the two?

*Sir Charles Sladen.*—Just this, between the leaseholder and the occupier.

*Mr. Berry.*—But you said between the leaseholder and the freeholder.

*Sir Charles Sladen.*—But as it is now —

*Mr. Vale.*—The same annual value—there is no difference then.

*Sir Charles Sladen.*—I beg pardon. An occupier now under the proposition for the ratepayers' roll stands in exactly the same position that a leaseholder having a five years' term would have, there is a great difference there.

*Mr. Berry.*—That is a totally different question from the other.

*Sir Charles Sladen.*—In order to establish your proposition, you would have to show that ninety-nine hundredths of the electors are leaseholders for a term of years, and I think it is really the other way.

*Mr. Berry.*—It is not worth discussing perhaps. It is altered already.

*Sir Charles Sladen.*—It is not worth discussing, but I am glad to have an opportunity of putting it right.

*Mr. Berry.*—You have not put it right.

*Sir Charles Sladen.*—How so?

*Mr. Berry.*—I am not aware of it now. You said that there was a difference between leaseholders and certain occupiers, but that is not the difference between freeholders and leaseholders; you said a difference between leaseholders and freeholders existed in the present Constitution Act—what you have read now shows there is no difference, because it is freeholders of a certain franchise and leaseholders of a certain rent.

*Sir Charles Sladen.*—That is the very point—you must have it for five years clear.

*Mr. Berry.*—But that is not the point you raised. What you really mean to say is, that the leaseholder, or rather the non-freeholder, was limited to a leaseholder of five years, that is to say they were



all on the same footing—there was the same rate, there was not a different franchise, only that all leaseholders of less than five years were excluded. No one denies that. But I also might have said to you that all freeholders of less than £1,000 were excluded; that is only a certain class of freeholders against a certain class of leaseholders.

*Sir Charles Sladen.*—But the ratepayers' roll makes the occupier to take the same position as the leaseholder for the same as —

*Mr. Berry.*—We altered the franchise, but it was a uniform franchise in both cases.

*Sir Charles Sladen.*—But it was qualified by having a certain value.

*Mr. Vale.*—There is this remarkable fact that Sir Charles Sladen has brought out without intending it, that to vote for the Council the Constitution Act provides for £1,000, or for a freehold of £100 a year, which in those times was equal to the value of £1,000. But what is the position of a leaseholder? It is the annual profit of a lease of £100 for five years, which would not be worth £1,000. It is not much over £500 in these times.

*Sir Charles Sladen.*—I beg your pardon, it was all calculated upon the same basis.

*Mr. Vale.*—Both were of the same annual value of £100. A freehold of £100 a year was worth £1,000, but a leasehold of £100 for five years was not worth £1,000 or anything like it. It is not worth wasting time over it, I think, but I show the whole argument is in our favor.

*Sir Charles Sladen.*—No, I do not think it is.

*Mr. Mirams.*—I would point out that those various qualifications were to entitle persons to go upon the general roll, and those persons did not go upon the ratepayers' roll.

*Sir Charles Sladen.*—We had no ratepayers' roll then, so there is no use talking about it.

*Mr. Mirams.*—On the ratepaying roll there was no difference between owners and occupiers. The difference at present only exists in that portion of the people who go upon the general roll, not as ratepayers, but upon their electors' rights.

*Mr. Longmore.*—We are met to alter all these things, and we had better proceed to business.

*Sir Charles Sladen.*—I do not think we are meeting to alter them all.

*Mr. Berry.*—No, we are not met to alter any of them; that is a far more accurate way of stating it.

*Sir Charles Sladen.*—That is as it may be.

*Mr. Berry.*—Having had an opportunity of thinking it over between yesterday and to-day, it strikes me as further removed from any possible settlement than even it looked when we were all talking and getting on step by step at the Council table. I think if any reasonable man in this country were asked, "What is the use of this Conference—what are you going to do?" he would say, "The Conservatives put before the country a scheme of £10 freeholders and £20 for non-freeholders, and you went for the ratepayers' roll." Some compromise between the two every reasonable man in the country expected, and after two long days' conference the Council really go beyond the terms that the Conservatives put before the country, and that is, I think, the answer at once, that there cannot be a reasonable intention of settling the matter. If there was such an intention, something like the position that the other Chamber occupies must be present to the minds of every gentleman of the Assembly present all through this discussion. The Assembly represents the people of the whole country, and we believe that the country ought to be considered, and the Council do not stand in the same authoritative position as the Assembly, which has had two general elections, and the country and the press throughout the country accept the proposals which have been put to the country.

*Sir Charles Sladen.*—Which is the proposition they accepted?

*Mr. Berry.*—The proposal of Mr. Service and my proposal.

*Sir Charles Sladen.*—Which of the two—how can they accept both?

*Mr. Berry.*—I say a compromise between the two.

*Sir Charles Sladen.*—How did you ascertain that that is the expression—that it has been accepted?

*Mr. Berry.*—I say that that is the reasonable impression upon a man, that the maximum demand made upon the Council would have been that made by Mr. Service, as against the proposal of the ratepayers' roll, and that some medium between the two is what reasonable men expect us to arrive at; and to go outside the proposal that was objected to and defeated in the country in last July really may be a very useful and interesting discussion, but it cannot come to any practical result, we could not do it—how could we do it? If that is really what the Council have made up their minds to, it is only wasting valuable time, because we could not do it; I could not think of asking the Assembly to go beyond the proposals that Mr. Service, the leader of the Conservative party, put before the country with the approbation of that party. We have also the significant fact which Mr. Vale mentioned, that during the whole time he was in office there was no discussion, and no attempt on the part of the Council to send in a Bill, and seeing they sent in a Bill last session before, and this session since Mr. Service was in office, it is a tacit admission of what was stated by Mr. Service, that his Bill would be accepted by the Council, and he would not alter it because it was so assured in the estimation of the Council if passed in the Assembly. I was so assured in the Assembly. I only mention this to show that it is utterly impossible that terms such as the Council mentioned yesterday, could possibly be considered.

*Mr. MacBain.*—Surely it is a fallacy to suppose that the Council is bound to accept any reform of the franchise based upon the Service Bill, or any other Bill, from the Lower House.

*Mr. Berry.*—We hear that for the first time.

*Mr. MacBain.*—What reason can be assigned for assuming that the Council would pass entire the Service Bill—surely there is always room for a compromise in any Bill going before a second Chamber, and it is fair to assume, as the Ministry do, knowing as we do, the various changes that take place in public opinion in this country—and that they are never for twelve months the same—how can we assume it was the duty of the Council to accept Mr. Service's Bill as far as the franchise is concerned, or the present Government Bill? It is a fallacy to argue the question.

*Mr. Berry.*—It was stated authoritatively by Mr. Service and by the journals that supported him, and he was supported by the whole party.

*Dr. Hearn.*—He was not supported by the whole party.

*Mr. MacBain.*—Knowing for a number of years the feelings of the Lower House to the Upper House, I can safely say that that feeling that has arisen by building upon what the Council will do is a feeling that has engendered a great deal of bad feeling in the country. The Upper House never gave their

assent to that Bill any more than the Lower House ; and I should like myself to say that, so far as my conduct was concerned, I should never anticipate a difficulty. Wait till the time comes, and then deal with it.

*Mr. Longmore.*—That feeling has always been given utterance to in the other House by the Conservatives.

*Mr. Fitzgerald.*—Mr. MacBain might have gone further. He might even have said that many individuals in the Upper House were not at all in accord with Mr. Service or his party.

*Mr. Berry.*—I do not wish to be understood that I am asserting that the Council were going to pass that Bill, or that I pretend to know what the Council were going to do, or the opinions of the individual members. I only say that the country was led to believe that the Council would accept that Bill, by Mr. Service himself, by his colleagues, and by the Press ; it was never contradicted, and there was a fuller amount of credence given to it by this, that during that period, though the Council was sitting, they did not bring in a Reform Bill, though they did do that the year before, and they have done it since.

*Dr. Hearn.*—The reason of that, as I conceive, is this, that the moment Parliament met, Mr. Service gave notice of and introduced his Reform Bill.

*Mr. Berry.*—So did I.

*Dr. Hearn.*—You gave notice of it, but it did not appear for many months afterwards. The Council waited, and the Bill was not distributed. We did not know whether it ever existed. We had no reason to believe it did exist. The Council waited for some time—some months if I do not mistake—certainly some weeks.

*Mr. Pearson.*—A fortnight.

*Dr. Hearn.*—Considerably more than that I think, and it would have been impossible for the Council in those circumstances to have introduced a Bill of its own while the other House was actually dealing with a Bill, or else we should have got into the same difficulty that we were in in the last few days.

*Mr. Grant.*—I think it cannot be denied that Mr. Service's Bill had the approval of the Council. I think that must be admitted ?

*Mr. Berry.*—We were told that.

*Mr. MacBain.*—Is it not a fact that must be admitted that a number of the followers of the Service party in the Lower House and in the country did not agree with the whole of that Bill ?

*Mr. Vale.*—No ; they wanted the ratepayers' roll, that is the fact, the members even of the Service Government.

*Sir Charles Sladen.*—It was the other party.

*Mr. Vale.*—At least two of the members of the Service Government were pledged to the ratepayers' roll.

*Mr. Berry.*—Mr. Service himself said he had no objection to it.

*Mr. Vale.*—It appears to me we may just as well come to the face of the question. I myself am not disposed to go one vote to sacrifice the rights of the people of this colony beyond the £10 franchise for both freeholders and occupiers.

*Mr. Mirams.*—It is with great reluctance I go so far.

*Sir Charles Sladen.*—It seems to me this is a very unprofitable discussion. You are showing that the Council had given its assent to a certain measure. Now the Council never had an opportunity of expressing its assent ; and it is ridiculous to say that before a measure gets into one of the Houses the consent of that House has been so decidedly uttered as to bind it for the future. I say it is folly, and it is ridiculous discussing it.

*Mr. Berry.*—In answer to that—

*Sir Charles Sladen.*—Excuse me. I deny altogether that there is any justice in the remarks which are being made to say that the Council had made any expression of opinion upon the matter at all. As a fact, I know the contrary, but I wish to draw attention to another thing. I am strongly of opinion that Mr. Berry appears in talking of this matter to be guilty of the fallacy which he was accusing one of the members here of yesterday, to think that there is only one House here. You must recollect there are two Houses.

*Mr. Berry.*—We cannot forget it.

*Sir Charles Sladen.*—The voice of the one House ought to be respected as they respect the other, and as the other hopes to be respected by people outside. Mr. Berry seems to think it quite sufficient if the constituencies say "we will have so and so," therefore the Council must have so and so ; but let the Council have an opportunity of expressing its views, and when it does so it may make a very different impression upon the people who are already committed to one side. I do not admit that argument, therefore, for a moment ; but as regards present prospects, after what the Chief Secretary has said, it appears to me that we are only wasting time here, for undoubtedly the Council did not make the offer which they did yesterday without having well considered the point ; and I am quite sure they are not at all disposed to recede, to retrograde, from that ; that was done with very much deliberation and much care.

*Mr. Fitzgerald.*—And much pressure.

*Sir Charles Sladen.*—It is not a question that has been thought out merely while the Conference was sitting, but it has been thought out a very long time ; therefore, if the Chief Secretary says we cannot accept that offer, I confess I do not see any use in going on. I do not know what it is to lead to, unless that is to lead to—

*Mr. Berry.*—I do not see either. I think all the concession hitherto has been upon the part of the Assembly.

*Sir Charles Sladen.*—How can you say that ?

*Mr. Berry.*—I say that, and I will prove it.

*Sir Charles Sladen.*—How ?

*Mr. Berry.*—All the Reform Bills of the past three or four years were far more stringent and more offensive to the Council than the Bill sent up this year, and against the wishes and opinions of many men in the Liberal party, and for the sake of peace and compromise this year, we sent up a Bill that was based upon the lines that the Council insisted upon—that it should be an elective House, and that it should enfranchise a large proportion of the citizens of this country ; and when this Bill was framed, or rather when the elections took place in July, there was an aggressive position on the part of the Service Bill which the Assembly and the Liberal party in it especially thought a very dangerous one ; and the battle



was fought out very strenuously before the constituencies on a Bill framed in order to satisfy all moderate men, and it was said at the time that it did satisfy all moderate men. We have been told in the House that we have taken the Bill of our predecessors, that in fact there is no difference between our proposals and the proposals of Mr. Service. We have been taunted with that. I say that is a vast compromise between the proposals made three years ago, described by Mr. Service as cutting off the head of the Council and placing it upon a pole. There is a vast concession between the Bill of 1878 and this measure. Then since we have been sitting at this table two or three matters were mentioned, one about Ministers in the Council, which was conceded, the number of members was not made an impediment in the way of a settlement, a further concession to the Council's own opinions. Then there was a common agreement upon the concession on either side as to the six years' tenure and the renewal in three batches during that period of six years. Then we came for the first time to the question of the franchise, and then it is assumed that if we take the franchise as provided in our Bill we have made no concession upon the franchise at all. I say we have made a vast concession in being content to elevate the Council into the position of a really representative chamber. Thus we are entrenched in this position, that all we ask of the Council is to enfranchise the citizens, enfranchise the people, strengthen themselves by taking in a wider electorate; and I think that shows that we, at all events, have confidence in the people. To abolish all class feelings, to allow the two Houses to be truly national, to commend to them as the Parliament of this country the destinies of this people—that is our proposal. What party object have we to gain, in what way are we to benefit by it? We have no selfish object, and if anything it will tend to destroy our party, but we are anxious, for the sake of peace and for the prosperity of the country, to put the two Houses upon the same basis as far as the constituencies are concerned. I say I am justified in saying that up to this point, except a miserable straw-splitting as to whether there shall be a difference between leaseholders and freeholders, or what amount of rent a man shall have before he is allowed to have a vote, that, I say, is introduced for the first time here—

*Sir Charles Sladen.*—No.

*Mr. Berry.*—In the way that it has been introduced here, and we are now asked to make what we think retrogression, to make an invidious distinction between one class of citizens and another class, and we are weighing the franchise as though it was the estimate in which a man is held as a citizen and a colonist. I do not say so offensively, but I do think if we are to utilize our time and the session, and to satisfy the country, the two opposite extremes are the Bill submitted by the Service party and the Bill submitted by the Government. Between this is common ground, but outside Mr. Service's proposal there is no use in meeting.

*Sir Charles Sladen.*—Then it seems that instead of there being a second House, usually called the Council, that fact and the duties put upon us in the Constitution Act are to be altogether ignored; and whatever is pronounced to be law in the one House is to be taken for granted without any sort of opportunity for refusing to be guided by it as a matter of fact. Now I think that is a very wrong course, it appears to me, for honorable members to take. I thought we were dealing with the Constitution; and so far as I understand the Constitution, it is that all laws shall be made between two Houses. Mr. Berry, speaking of certain things which have been done in one of those Houses, said that they ought to have received the assent, and did virtually receive the assent of the other House, when they had never been there.

*Mr. Berry.*—Excuse me, you are misrepresenting me; you do not want to do that, surely; I did not say that.

*Sir Charles Sladen.*—I understood that.

*Mr. Berry.*—I said the very opposite. I did not say that the Council ever said it intended to accept the Service Bill, or that they said they would, or that any individual member said so.

*Sir Charles Sladen.*—You said they were bound by it—you put it in this way, that the Press and the public invariably believed that the Council would accept the Bill, and therefore that was the ground they were expected to start from now.

*Mr. Berry.*—Allow me to say why I said it. I said that Mr. Service, as the leader of the party, had asserted that he had an assurance that his Bill, if accepted in the Assembly, would be accepted by the Council. It is his statement, not mine. He spoke with authority, and it was repeated again and again in the journal that supports that party; and therefore reasonable men, seeing there was no denial of it (I do not say more than that—I do not say that Sir Charles Sladen, or any other member here present, would accept it, but an authoritative statement was made to that effect)—it educated the country up to that point—and it is too late in the day now to go back and say that it was a mistake altogether to say that the Council would accept the Bill.

*Sir Charles Sladen.*—I dissent from that view. I altogether deny that Mr. Service was justified in making any such a remark. To begin with, I altogether deny that he was justified in making such a statement. But how it was possible for the House to make a different statement, or to say that it did not entertain those views, or had never made any such contract, or given any such undertaking? I ask Mr. Berry, with his parliamentary experience, how could that have been done till the subject came before it?

*Mr. Berry.*—I will tell you what they would have done if I had made that statement, and it had not been true; the Minister representing our Government would have been interrogated directly to know upon what grounds it was done.

*Sir Charles Sladen.*—I may say that, for once in a way, there was a Minister in our House, and it is quite possible that we made an omission in not asking that gentleman if it was true; but we are so unaccustomed to have a Minister there that we really may have been unaware of his presence.

*Mr. Berry.*—I must protest against that on behalf of my old colleague, Mr. Cuthbert; he is not a man not to let you know he was there.

*Sir Charles Sladen.*—No.

*Mr. Pearson.*—Sir Charles Sladen was at the banquet at Geelong, and expressed a cautious hope that the Council would be able to agree to the measure that Mr. Service brought up.

*Sir Charles Sladen.*—I beg your pardon, were you there?

*Mr. Pearson.*—No.

*Sir Charles Sladen.*—You would have heard a very different story if you had been. Mr. Service looked askew, as much as to say "What do you mean by that?" I said, if Mr. Service's Bill would have

the result of maintaining the independence of the Legislative Council, he would not have much difficulty in dealing with that Chamber. Those were the express words that I said, and I know that Mr. Service accepted them with some considerable mistrust as to what they meant; he did not know exactly whether I was for supporting him or not.

*Mr. Pearson.*—We put it that it would not only maintain the independence of the Council, it would give it a great deal more power.

*Sir Charles Sladen.*—The whole question between Mr. Service and the Council, or his Bill, or any Bill, and the Council was—will it maintain the independence of the Council? If that were not maintained then we will not have any of it.

*Mr. Berry.*—Will not this Bill maintain that?

*Sir Charles Sladen.*—Certainly not, otherwise I would have supported it. I say it is altogether contrary to the stability of our institutions; it is throwing the whole weight of the representation into one section and one class.

*Mr. Vale.*—And your deliberate purpose, evinced in every speech yesterday, and evinced in your proposal yesterday, is to throw the whole weight of the Council into the hands of the freeholders. That is the deliberate purpose of the other side. That was the purpose indicated by the whole of Sir Charles Sladen's speech yesterday, and by numbers, that while you propose to give seven out of eleven to freehold property you propose to add 50,000 ratepayers to the freehold interest in the colony, and only 25,000 to occupiers. The simple object was to show that it would not do to give too much power to sections. I say that is reasonable, but the section which has the greatest real influence in the country—which is the population—must have more influence in the Government of the country than the mere freehold soil; and in the long run no class of that sort can hold against the will of the country. It must rest upon the sense of justice of the country, and the fact is in the past the whole course of the Council, as a matter of history, has been what? To carry out the very wholesome purpose, but very distinct utterances of a gentleman, whose name is well known, who said, "Do you think we will tax ourselves?" And Sir Charles Sladen commenced his remarks yesterday by saying that the proof that they must guard freehold property was that there had been a certain amount of taxation put upon freehold property. Is the amount of taxation upon the freehold property anything compared with the amount of burdens that freehold has escaped in the past? The whole tendency of legislation in the past has been to let it escape, and Sir Charles Sladen said yesterday that the whole object was to perpetuate the power of freehold property.

*Sir Charles Sladen.*—Allow me to interrupt the honorable member; he interrupted me. I was quite willing to let him make any explanation, but I cannot allow him to go on.

*Mr. Vale.*—I thought you had finished.

*Sir Charles Sladen.*—No, I had not.

*Mr. Vale.*—I did not commence till I thought you had finished, Sir Charles.

*Sir Charles Sladen.*—I quite admit that. Mr. Vale is very much mistaken in any remark that I made yesterday, if he supposes that I think freehold property is not to bear all the share of taxation and burdens of the State that it ought to have; and I certainly cannot rest accused of that, because I have been invariably in favor of such a thing, provided it could be general, and should not involve a depreciation of a particular property of a few individuals. I do not want to go into that discussion, because perhaps it is out of place just at this time; but with regard to what has been said that no concession has been made, that we are already bound to follow out the views which have been enunciated by Mr. Service on a previous occasion, which were never submitted to the Legislative Council, I altogether object to such remarks. Now it must be remembered that in dealing with this question it seems to be inferred that originally every person whom we propose to enfranchise was entitled to it always, but he was not.

*Mr. Vale.*—He was except for that job.

*Sir Charles Sladen.*—He was not, allow me, and I will show you he was not. The Constitution Act enfranchises in their votes for the Legislative Council freeholders who had property of a particular value and leaseholders who had a property of a particular value. Now the Bills which have been introduced during the last three or four years and the Legislative Council Act, which we have at the present time, have given a very large extension to that franchise, that is admitted. It gives the franchise to persons who are simply occupiers, and do not possess a five years' tenure of lease, and therefore who did not originally possess the franchise under the Constitution Act. Under the Legislative Council Act which returns members to the Legislative Council at the present time, the freeholders require to have a qualification of £50, and leaseholders who have a lease of five years, also rated at £50 a year, also are entitled to vote. Persons who are merely tenants—perhaps tenants from week to week and certainly tenants from year to year—certainly casual tenants, have the right: and now the offer which was made yesterday makes a very large concession in point of freehold—that is to say, there is one jump from £50 to £10. Perhaps that is not considered a concession.

*Mr. Vale.*—It would be if it were equal on both sides.

*Sir Charles Sladen.*—You say it was a foregone conclusion. Upon whose side? Not upon the part of the Council, but upon the part of the Assembly it was a foregone conclusion that that was to be. We have never been asked as to that, and never had an opportunity of considering the Assembly's wishes upon that point till this Conference. This is the first opportunity that we ever had of discussing the various points of the Constitution of the Legislative Council hitherto. Now the honorable gentlemen on the other side seem to fancy that these are no concessions, that a concession from £50 to £10 is no concession on the part of the freeholder, and that the one from £50 to £25 is no concession on the part of leaseholders, but we conceive it is; it is a very considerable concession which we make, not because we think it is absolutely certain to admit what we want, or to establish what we want, a Constitution which we thoroughly believe in, but in deference to the opinions which have been mooted during the last four years upon these points. We ourselves have had views upon that for a period considerably anterior even to this Bill; when we have been attempting to make some alteration we have had several select committees in the Legislative Council, where the whole question has been discussed and where concessions were promised, although Bills were never brought in, owing to particular circumstances at the time; but when we brought in a Bill in 1876 to increase the number (only giving out at that time that it was intended as soon as time would permit—that was towards the latter end of the session—that also the modifications of the constituent elements of the Legislative Council would be introduced), the Bill was sent to the Assembly, and that Bill

was never noticed, and that is exactly the position we have been in ; although we have been anxious to keep with the times and modify those features in our Constitution which are now the subject of discussion before us, we have never received the slightest encouragement from the Legislative Assembly to help to do it; and I think it is rather late in the day now for members of the Assembly to come to us and say " You ought to accept so and so, because Mr. Service said you would." It appears to me that you have no authority for saying that any more than Mr. Service's dictum ; and I say Mr. Service was not authorized in saying that. He was not authorized to say that ; I deny it altogether, and I say the position which the Council holds now with regard to the Constitution, in reference to the Constitution, always shows an enormous concession to what may be called popular (or if the term is more agreeable to gentlemen opposite), Liberal views. They are the views of the Council ; the Council are as anxious as the Assembly expresses itself to be, to use the ordinary phrase, to popularise the Council, but on every occasion we tried to do it we have not been received at all, we have been rejected, not offensively with contempt but with perfect indifference. " We do not know you."

*Mr. Vale.*—Once when you did it you rescinded your own work.

*Sir Charles Sladen.*—What was that ?

*Mr. Vale.*—In 1867 or 1868 you reduced your qualification to £50 by mistake ; the Assembly sent it back, and you did not notice the alteration.

*Sir Charles Sladen.*—I am speaking of 1876.

*Mr. Vale.*—I speak of earlier times.

*Mr. Longmore.*—Mr. Berry, I think it is unfortunate that so much has been made of our present Constitution. That Constitution was given to the country without proper representation, and it has been the cause of all our troubles. It was forced upon us—that is my feeling. I do not hold that the argument that a thing is in accord with the present Constitution is an argument at all. We have met here ; our view is to give the people more power than they have got. The view of the gentlemen opposite seems to be to give the freeholders more power than they have got now.

*Mr. Cuthbert.*—And occupiers.

*Mr. Vale.*—No. You give the freeholders two-thirds of the representation clearly and knowingly.

*Mr. Longmore.*—We hold that freehold property has had too much representation altogether for the benefit of the colony. Our constituents sent us here to insist upon the ratepayers' roll. We have offered a compromise that cuts off 42,000 voters. We must have our eyes open to the fact that those 42,000 would belong to what we call the Liberal portion of the population—that is the portion in accord with ourselves.

*Mr. Fitzgerald.*—No such thing.

*Mr. Longmore.*—I beg the honorable gentleman's pardon—that is my feeling in reference to it. We have made a very large concession in that way. I may be permitted to say that it seems idle to be sitting here, discussing here day after day abstract questions. We have the small points ; we have worked down to certain points for us to discover and deal with ; and it seems to me a great pity indeed that we had not our differences formulated so as to go at the different points as they come. We have wandered into every possible thing. There is one other point Sir Charles Sladen has asked us several times, would we give up this, that, and the other—would we give forty-two members and so on. I ask Sir Charles Sladen whether he would give up the property qualification for gentlemen eligible to sit in the other House. In the present Bill of the Council the property qualification is £150 a year.

*Mr. Cuthbert.*—That is raising a new issue. Let us stick to the one before us.

*Mr. Longmore.*—You gentlemen have raised issues all round, but I want to see the ground I am upon, because I consider that issue is as important as the ratepaying roll.

*Mr. MacBain.*—We will deal with that when we come to it.

*Mr. Cuthbert.*—Come over to our side upon the question of the franchise and then we will meet you.

*Mr. Fitzgerald.*—Mr. Berry and the gentlemen of the Legislative Assembly, I, for my part, desire not to be included as among those who desire for the freeholders any power beyond that which I personally would give to leaseholders and every other class of the community—I mean any preponderating power to freeholders, but I think we are now experiencing a great inconvenience which follows restricting the discussion on such a broad comprehensive subject as that of the Reform of the Constitution. We are really asked to sacrifice to the exigencies of the moment. In the desire for peace which we all have we are asked to leave aside the broad subjects which are incidental to and cannot be separated from the discussion of this subject. If we were to go into those matters, and time allowed us to take advantage of all the reading and experience of men of thought who we are aware are deeply read in those subjects, we should not be forbidden to introduce matter which, though highly important, is, we are told, not to be entertained because time will not allow us. We are really subject to the accusation made against us, not because of the assertion of the desire we have to create for our House some restricted franchise, but because time will not allow us to introduce other safeguards to preserve the balance of power between the two Houses ; to make them represent all sections of the people ; to make the House, the Constitution of which we are dealing with at present, represent the whole of the electors. And that Council, I say, with those checks—I personally think, and I think other members of the House too, as far as I can judge from casual conversations with them—would be inclined, not only to go as far as the gentlemen of the Assembly, but to go absolutely below what their Bill provides, and make no exception at all in the voters for the Legislative Council. Now, if these views—

*Mr. Tucker.*—Make a definite proposal.

*Mr. Cuthbert.*—You speak for yourself now.

*Mr. Fitzgerald.*—I speak for myself exclusively.

*Mr. Vale.*—I would sooner leave you as you are for the next fifty years than take that scheme.

*Mr. Fitzgerald.*—No doubt you would, but, holding those opinions, I for one must protest against being considered one of those who desire to give freeholders enlarged privileges or enlarged power, because, that being so, my position is perfectly logical—the position I take that it would be unsafe to the liberties of the people of this country to place those two Houses upon such close lines as is proposed. That is a very different position from the one that we cannot trust the people, and that we want to give land and the occupants of land more power than we give the owners of other property. If those views be held by the other members of the Council they, at all events, cannot be subjected to those taunts. But if it be asked why, in the interests of peace, did not we do it ? " Why do not you agree now while you gave, at all events,

a tacit consent to the other measure?" I say that they entertained the strongest hope that we could have come through this Conference to common ground and action with regard to this Bill. And why? Because this Bill was free from what I consider the objectionable proposition of all the others, and that it sailed closer to the line of the present Constitution. I again repeat and advance what I said yesterday that, in my opinion, the country did not, nor did the Assembly, declare against Mr. Service's Bill on the ground of its extended franchise, but because of that objectionable matter which the Assembly thought, and their supporters in the country thought, was dangerous to the power of the Assembly, namely, giving the Council a greater and larger voice upon Money Bills. If that were the objection, surely the Assembly and its advocates cannot blow hot and cold and say "You would accept the Service Bill"; that might be because that Service Bill offered the Council larger powers about money so that they might have consented to a lower franchise. Again, the Service Bill created a check that this Bill does not. My objection to this Bill is that it is absolutely destructive to the bicameral system. That is, in an expressive way, the whole of my objection. If there be any force in that objection I now want to relieve myself from any imputation of being in such great sympathy with land and all that belongs to land in this country as to deny to all others or to grant to them extensive privileges inconsistent with the rights of other sections of the community. I say if ever it comes to the lot of the two Houses to discuss again the broad subject of the Constitution, I sincerely hope that time may allow us to go into it as men who know something about it, and not to be asked to sacrifice to expediency powers and privileges which we believe to be necessary for the due protection of the liberties of the people of this country.

*Mr. Balfour.*—I should like to correct the error of the Chief Secretary, if I may call it so. He spoke, two or three times, of Mr. Service having authoritatively expressed an opinion that he believed the Council would accept the Bill.

*Mr. Vale.*—He said he had reason to know it.

*Mr. Balfour.*—I wish to be within the mark. I am glad I did not exaggerate what the Chief Secretary said. I find from my memory, and I have been just refreshing it, that Mr. Service always qualified himself very much, and expressed the hope that the Council would accept his Bill; but always gave it as his opinion. Here are his words upon the second reading—"I assert that, in framing the Bill, the Government were influenced throughout by a desire to make their Bill as reasonable as possible consistent with the reasonable hope that it would pass the other branch of the Legislature." With that in view, no doubt, he expected to have a good deal of negotiation to get the Council to pass his Bill.

*Mr. Berry.*—On the contrary, you might say he had already had those negotiations before he framed his Bill.

*Mr. Balfour.*—I do not think he had. Once, speaking with him in a passing conversation in the city, I told him I could not see my way, at that time, to go his length in the matter of the franchise. I think I have shown, from that remark of Mr. Service's, that he entirely led the Chief Secretary to a misapprehension; and I would like to call the Chief Secretary's attention to that, for it would have a certain effect upon members of the Conference and of the Council. The misapprehension is natural; if it was the opinion that the Council would have accepted Mr. Service's Bill, I could understand the idea of members of the Assembly here, that we were to come to some conclusion between the two Bills—Mr. Service's and Mr. Berry's.

*Mr. Berry.*—Allow me to add to that that what you say does not apply only to members here: that the same cause the effect of which was to make us think so has made nearly the whole country think so. It goes far beyond me; and if it is not an individual opinion, it is a settled political belief.

*Mr. Balfour.*—It shows that Mr. Service was right in guarding himself so thoroughly.

*Mr. Mirams.*—It is not what he said in one speech.

*Mr. Berry.*—That is the only one quotation.

*Mr. Balfour.*—I only remember this one occasion.

*Mr. Tucker.*—The Conservative press said it would be made law in one month.

*Mr. Balfour.*—Allow me to say that misapprehension existed at all events in the members of this Conference, that we would come to some compromise between Mr. Service's Bill and the other. Now from our point of view I assert that when we came here, if we had any view, it would be to take the Bill passed twice in our Council and the Bill passed by the Assembly, hoping to come to some conclusion that would be favorable by bridging those two; and taking that view we have come a great way.

*Mr. Berry.*—Not half-way.

*Mr. Balfour.*—Very nearly to it.

*Mr. Berry.*—You have kept on the right side at all events, very far on the safe side—half-way on freeholds but not half on the other, according to all traditions that we know. It would be against the usual way for the Council to come half-way. We had to come half-way, and then we had to halve it again, and then we halve it again.

*Mr. Balfour.*—Mr. Berry must feel that we have done a much more liberal thing than ever he gave us credit for.

*Mr. Grant.*—I think Mr. Balfour is right in saying that it is the Bill of the Council and the Bill of the Government that are before the Committee.

*Mr. Berry.*—Suppose it had been stated in the Assembly by those advocating a joint Committee of the two Houses; suppose I had said, "I have no guarantee that the Council will accept the Bill that you, the Opposition, put before the country, which may be considered an extreme matter as regards this House, I have no guarantee that it is a compromise between the Bill of Mr. Service and our Bill." "Oh, but"—they would have said directly—"it is a compromise." And if an authoritative answer had come down from the Council that it was the Bill of the Council that they had sent down to the Assembly that they were prepared to pass, and not a compromise between that and the Assembly Bill, how many men in the Assembly would have supported the Conference? Not six.

*Mr. Balfour.*—Mr. Grant seems to think they would, by his remark.

*Mr. Grant.*—I say those two Bills are before us now.

*Mr. Berry.*—I was going to say, Sir Charles, this: there is really nothing more to be said. We have said as much as we can say here to any good purpose, and the Council have still the Bill in their own hands, and can do just as they like with it. If there is the slightest indication that any action will be taken, so far from proroguing on Thursday, as I was anxious to do, I will adjourn instead of proroguing, to

give the Council full time to deal with this Bill. The advantage of that would be this, that though we are a Committee of the Assembly we are only seven gentlemen, and if the Council make amendments, the Assembly may see reasons to give up some and to modify others, and then that would come before the whole Assembly, in which both sides of politics are represented; and it would be a far more satisfactory thing to the country to see by ordinary parliamentary procedure the amendments made by the Council in the Bill considered by the Assembly—to give another chance of re-discussion, and another opening for a Bill to be law this session. Say a fortnight, or even three weeks; it is not objectionable.

*Sir Charles Sladen.*—We shall always be reminded that there is a Bill which is lost somewhere since it left the Legislative Council, and may be found some day, which involves all the subjects we have been discussing here, of which we have heard nothing.

*Mr. Longmore.*—It is read a first time.

*Sir Charles Sladen.*—Yes; but, when you suggest that it is possible that the Council might read another Bill a second time when three Bills upon the same subject had been before the Legislative Council, not one of which has been considered, you are rather indulging in imagination.

*Mr. Berry.*—I only mention it as a possibility.

*Mr. Fitzgerald.*—I think time would be saved by another course having the same object in view, namely, taking up the Bill of the Council, with the conviction that upon the franchise the Council would not be obdurate, and going on with the Council's Bill. There would be time saved, and thus that Bill with the Assembly's amendments would come back to us. That appears to me to be the readiest and I would almost say the most courteous system—to adopt the Bill. The Assembly paper is nearly clear. This Bill could be taken up, discussed, the franchise considered, and the Council would readily agree, as I believe the Committee here would represent nearly the views of the entire House, and upon that the changes that we suggested here would be made, and the Assembly could return that Bill with its views in a confiding and compromising spirit. I have not the slightest doubt that, from that course of action, not only the willingness to concede but, as it were, the waiving off of all considered discourtesies before would result.

*Mr. Longmore.*—Mr. Berry, I think that perhaps after all we should be to some extent trifling with the subject, although there may be some discourtesy, if we take up the Council's Bill in our House.

*Mr. Berry.*—Do not discuss it. It is not intended seriously.

*Mr. Longmore.*—We could not in honor do other than put our own Bill into it.

*Sir Charles Sladen.*—I think that is exactly the answer which might be made to Mr. Berry's suggestion that we might possibly take advantage of the Bill. I do not see that either. I quite agree with Mr. Longmore in that respect. I do not see how one House or the other can deal with the other's Bill unless in that particular way only. We have reasons which the Assembly has not for that—that we were the first to introduce this Bill into Parliament so long ago as 1878, when there was no other Bill of the same kind before the Legislative Assembly, and from that time to this we have reiterated our request to procure the concurrence of the Assembly to some measure respecting the subject there comprised, and we have been disappointed, meeting with no reciprocity, and that is the misfortune I really do think here. Of course, we may break away at this time, but let me hope that for the future, at all events, we may be treated with more consideration. I am sure it will be very much more for the interests of both Houses, and for the interest of the country, if the Assembly would consider that we have some feelings and some desire to see the country flourish, and that we wish to preserve the Constitution. Of course, there will be differences very likely and very frequently between the Assembly and the Council, but we must always recollect that both of us are trying to travel to the same point, and trying to do what, with the light given to us, is the best and the duty of each. Therefore I do beg that for the future members of the Assembly will take into consideration that, and I hope they will have removed by doing so one of the very great difficulties in bringing us together in a friendly manner—in a manner at all events by which we will be likely to concede on both sides what we may then agree to be necessary for the general weal. I believe now we both of us wish to do what is right for the general weal, but, from circumstances to which everything human is subject, there have been certain discording elements which perhaps prevent us from getting into such a state of things as will enable us without any bias or without any party feeling to agree together upon what we shall consider for the general good. Even if it is necessary to make a sacrifice—

*Mr. Berry.*—Of course, the answer to that is, that there is every disposition upon the part of the Assembly and the Government to do what you say; but the totally different constitution of the two bodies is at the bottom of all the difference. Here is a party that has been substantially in the confidence of the country for four years, able to hold its own against every kind of opposition in the Assembly, at the last election returned by the country upon its present policy with a working majority; and so different are the ideas of the 32,000 against the 200,000 that we cannot get one gentleman in the Council to share our views and represent the Government as a Minister of the Crown in your House—(how can you expect anything else?)—until, as much upon personal grounds as anything else, Mr. Reid, with an amount of patriotism that the country will give him credit for, undertook the painful and difficult duty of representing our Government in your House, and he could only have done it under a sense of duty to the country (for he has no emolument) under the slights and almost insults that he is subject to.

*Sir Charles Sladen.*—From whom?

*Mr. Berry.*—From the Council.

*Sir Charles Sladen.*—I ask Mr. Reid if he has ever met with anything of that kind?

*Mr. Reid.*—No.

*Mr. Berry.*—I do not speak personally; but I speak of Mr. Reid as a representative of the majority of the Assembly, and representing the Ministry. He is not allowed to settle when the House shall adjourn; his views are not taken, in any form, as to when you shall adjourn and as to what business shall come on.

*Sir Charles Sladen.*—I beg pardon. I ask Mr. Reid if he is not consulted in everything we do?

*Mr. Berry.*—Why, what has even taken place since the Conference has been sitting?

*Mr. Balfour.*—Do not you think that one of the strong reasons for your difficulty is just the difference between the two Houses?

*Mr. Berry.*—No doubt, they are as wide as the poles asunder.

*Mr. Balfour.*—Because the present Government is committed to a course about the Council that the Council felt would be destructive to it.

*Mr. Berry.*—That cannot be said of the present Bill.

*Mr. Balfour.*—I think the present Bill strikes at the root of the second Chamber, eventually.

*Mr. Vale.*—What can be said of Sir James McCulloch's Government?

*Mr. Fitzgerald.*—Those governments were upon more representative lines than the present.

*Mr. Balfour.*—The Council has been very much changed since then.

*Mr. MacBain.*—I cannot allow this meeting of the Conference to rise without saying, in reply to the Chief Secretary's remark about the way Mr. Reid is treated in the Upper House, that as a member of the Upper House I have shown to Mr. Reid that courtesy to which the representative of the Government is entitled wherever he goes.

*Mr. Berry.*—I never denied that.

*Mr. MacBain.*—And the Council have never cast any reflection upon him, or treated him in the manner you seem to think they do; but after making that remark, I would express my extreme regret, and since I have been a member of the Council, I have been very moderately inclined, and done all I could in my private capacity to bring the two Houses into accord upon some matters of dispute between them. We have met here, I believe, some having extreme views, and willing, in order to do away with the chasm that separates the two Houses from each other, to sacrifice, and we have sacrificed, a great deal of the views they then held for many years, and they came to make concessions in the way of reform of the Council, which no man in any party in this country would give them credit for five years back.

*Mr. Longmore.*—I feel the force of that.

*Mr. MacBain.*—I know you do; I hope you will feel more force in it; but my own feeling is this, that having an interest in the colony, what ought to animate the Council has animated myself in all matters, that I never look upon myself as the representative purely of freeholders, I think that the Council have discharged, and always discharge, their duty faithfully in representing every interest in this country, and I think the concession now proposed to be made will put them in that position. The very little interest outside the extension of the franchise to £10 and £25 (for there is very little interest outside that) would not be represented in the Council, and the great object is this, to bring the two Houses more into accord without putting them upon the same platform—keep up a distinctive difference between the two without abandoning the position occupied by the Lower House according to the Constitution of this country. I confess I prefer the man who, by the fruits of his industry, builds a little cottage and provides for his family, rather than the man who hovers about town and becomes the occupant of a house for a week here and a week there. I feel that the first-named man has a far bigger stake in the country, has a far better right to exercise political rights in the country than the man who has no stake at all in it. But, at the same time, I admit that there are men who have no house probably, who are as conservative in feelings and principles as those men who have property. It is a matter of extreme regret to me that we are about now to rise seemingly without bridging the difficulty that separates us, and I am sure, for one thing, it will be matter of regret to the public outside; they will have the same regret, and not only so far as our side is concerned but on both sides of politics.

*Mr. Vale.*—I am sure upon this side we feel as deep regret as Mr. MacBain has expressed on the other side that we are about to part without having come to a conclusion that would have settled the Reform question, as was expressed by Mr. Berry in the earlier meeting, at least for our generation. At the same time we part with this important result, that the Council has stated its ultimatum—it has stated the ultimatum clearly defined as a measure to provide, in any Legislative Council which shall exist under Reform of the Constitution, for the absolute predominance of freehold—that has been put forward by Sir Charles Sladen. That doctrine is endorsed in the last speech we heard by Mr. MacBain. On this side the Assembly as clearly has put forth its opinion of the concession that it has offered to make to accept the £10 franchise for freeholders and occupiers. They concede one-fourth of the electors, in favor of whom they express the opinion that they have a right to share in the responsibility of electing the Legislative Council. To each side there is the responsibility we owe to those who elect us. It is quite true that the gentlemen on the other side owe responsibility to the 32,000 electors they represent. They may think it wise to rest upon that narrow basis for support and to refuse to a still larger number of their fellow citizens of equal intelligence—perhaps of more, but possessed of no fixed interest in land—due representation. A great deal has been made by Mr. MacBain about men owning a small cottage, but I can take him into Fitzroy and show him men, shoemakers, who have for a quarter of a century won their way from soling and heeling shoes to the possession of a shop with £1,000 worth of stock, and they do not own the freehold land.

*Mr. MacBain.*—Would not they pay 10s. a week?

*Mr. Vale.*—Some of them may not. Some do not pay 10s. a week, and all this talk about the power of freehold property is simply the continuation of a prejudice which grew up in England and has vanished in most new countries, where freehold property is turned into cash as easily as movable property. Take the shops in Collins street, from Swanston street to Queen street, what is the fact? That the stock in the shops is worth more than the shops themselves. I say, in leaving this Conference, I leave with great regret, because I did think we should never be asked to go one step beyond what we have conceded, the £10 franchise. I even felt, on entering this Conference, grievous doubt and disturbance in my own mind whether I could go as far as that. I went as far as that upon pressure; and I say, unhesitatingly that, if I go back to the country, I go back upon the ratepayers' roll, as we went in July last, as the right thing and the thing the people of this colony are entitled to ask. They are not entitled to be taken back to 1852, a time when a few persons were in favor of converting leaseholds into freeholds, and framed a Constitution under which we have been curbed, cabined, and confined for thirty years; a Constitution which was made for us, with which we had nothing to do, that has been held round our necks with an iron grip for the last twenty-five years, which does not in any way represent the intellect of the people; and upon that principle I oppose any further recognition of the fact that freehold has a right to govern this country, or to check legislation. Mr. Fitzgerald pointed out that we had refused to discuss Hare's system, on the ground of want of time. On this side of the Conference no such objection was raised; we refused to discuss Hare's system because it had not been put before the people of this country at any time.

*Mr. Fitzgerald.*—I never mentioned Hare's system.

*Mr. Vale.*—I will not quarrel about the term—proportionate representation. Mr. Fitzgerald and Dr. Hearn are anxious to make any concession, if by that they can get the power of cumulating the force of the "isms" and the "ologies."



*Dr. Hearn.*—No.

*Mr. Vale.*—I say again the power of the “isms” and the “ologies” as distinguished from districts based on territory and population. The principle has never been put before the country, never been hoisted as the cry of any particular party—the country has not been educated up to it, and the only two gentlemen of the Legislative Assembly who have ever been prominently identified with it have been both rejected from this Conference. Therefore we have refused to discuss it, not on the ground of want of time, but because those who have a right to give opinions upon that—those whose opinions we represent—have never been asked about it. If it were discussed, I should oppose it, because I do not believe in it; and it would create another class influence only less dangerous than the class influence of freehold property in land, and therefore I have taken this course; and, if after the lapse of a fortnight for the Easter holidays, the Council should see their way to amend the Bill, and send it down with a definite statement of their opinions, and if those opinions meet the views of the Assembly, I think I can assure them that their amendments will have calm and patient discussion and cautious voting, with the view of moving the question of Reform out of the arena of politics, and with a view to give our attention to those questions of practical politics which are of the first importance at the present time.

*Mr. Berry.*—Do you wish to say anything more Sir Charles?

*Sir Charles Sladen.*—No, I do not see that any benefit is to be got.

*Mr. Berry.*—No, I do not see it either.

*Sir Charles Sladen.*—I am very sorry.

*Mr. Berry.*—So am I.





1880-81.  
[SECOND SESSION.]

VICTORIA.

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CONFERENCE ON REFORM OF THE CONSTITUTION.

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SHORTHAND WRITER'S NOTES

OF

A FREE CONFERENCE

ON

16TH JUNE, 1881.

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LAID ON THE TABLE BY THE HONORABLE R. D. REID, AND ORDERED BY THE COUNCIL  
TO BE PRINTED, 5TH JULY, 1881.

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By Authority:

ROBT. S. BRAIN, ACTING GOVERNMENT PRINTER, MELBOURNE.

EXTRACTED FROM THE MINUTES.

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THURSDAY, 16TH JUNE, 1881.

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 desire a Conference with the Legislative Council on the subject-matter of the amendments made and insisted on by the Legislative Council to the Bill intituled "*An Act for the Reform of the Constitution.*"

Legislative Assembly Chamber,  
Melbourne, 16th June, 1881.

PETER LALOR,  
Speaker.

CONSTITUTION OF COUNCIL BILL (2).—The Honorable R. D. Reid moved, That the Legislative Council do agree to a free Conference as desired, and appoint the same immediately in the South Library.

Debate ensued.

Question—put and passed.

The Honorable R. D. Reid moved, That the Managers of such Conference be the Honorables J. Balfour, H. Cuthbert, F. S. Dobson, C. J. Jenner, J. Lorimer, Sir C. Sladen, and the Mover.

Debate ensued.

The Honorable Sir C. Sladen desired to be excused from serving.

Debate ensued.

The Honorable R. D. Reid, with leave of the Council, substituted the name of the Honorable W. E. Hearn for that of the Honorable Sir C. Sladen.

Question—That the Managers of such Conference be the Honorables J. Balfour, H. Cuthbert, F. S. Dobson, C. J. Jenner, J. Lorimer, W. E. Hearn, and the Mover—put and passed.

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

MR. PRESIDENT—

The Legislative Assembly return to the Legislative Council the Bill intituled "*An Act for the Reform of the Constitution,*" and acquaint the Legislative Council that they insist on some of the amendments made by the Legislative Assembly on the amendments made by the Legislative Council in this Bill, that they do not insist on others of the said amendments, that they agree to some of the amendments of the Legislative Council on the amendments of the Legislative Assembly, and do not insist in disagreeing to others of the said amendments.

Legislative Assembly Chamber,  
Melbourne, 16th June, 1881.

PETER LALOR,  
Speaker.

The Honorable H. Cuthbert brought up the following Report from the Managers of the Conference :—

Your Managers conferred with the Managers from the Legislative Assembly.

It was agreed to recommend to the two Houses that the Council should agree to a reduction of the qualification of Members of the Council to £100; should not insist on clause FF relating to responsible ministers; and should agree that the periodic elections should be held on the same day, viz., the second Thursday in September.

It was understood that the last object could only be effected by means of a Message from His Excellency the Governor, the matter having been conclusively dealt with by the two Houses.

CONSTITUTION OF COUNCIL BILL (2).—The Honorable H. Cuthbert moved, That the Council do not now insist on retaining the words "and fifty" in clause 7 of this Bill.

Question—put and passed.

The Honorable R. D. Reid moved, That the Council do not now insist on retaining the new clause FF in the Bill.

Question—put and passed.

Ordered—That a Message be sent to the Legislative Assembly to acquaint them that the Council do not now insist on retaining the words "and fifty" in clause 7, and do not now insist on retaining the new clause FF in the Bill.

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TUESDAY, 5TH JULY, 1881.

CONFERENCE COMMITTEE.—REFORM OF THE CONSTITUTION.—The Honorable R. D. Reid laid on the Table the Report of the Shorthand Writer of the Free Conference on the subject-matter of the amendments made and insisted on by the Legislative Council to the Bill intituled "*An Act for the Reform of the Constitution.*"

The Honorable R. D. Reid moved, That the Report of the Shorthand Writer be printed.

Question—put and passed.

MINUTES OF PROCEEDINGS OF THE SECOND CONFERENCE BETWEEN  
COMMITTEES OF THE LEGISLATIVE COUNCIL AND LEGISLATIVE  
ASSEMBLY ON THE CONSTITUTION REFORM BILL.

THURSDAY, 16<sup>TH</sup> JUNE 1881.

*Members present :*

The Hon. J. Balfour, M.L.C.,  
The Hon. H. Cuthbert, M.L.C.,  
The Hon. F. S. Dobson, M.L.C.,  
The Hon. W. E. Hearn, M.L.C.,  
The Hon. C. J. Jenner, M.L.C.,  
The Hon. J. Lorimer, M.L.C.,  
The Hon. R. D. Reid, M.L.C.,

The Hon. Graham Berry, M.L.A.,  
The Hon. W. M. K. Vale, M.L.A.,  
The Hon. H. J. Wrixon, M.L.A.,  
The Hon. Sir B. O'Loughlen, M.L.A.,  
The Hon. R. Ramsay, M.L.A.,  
J. Nimmo, Esq., M.L.A.,  
G. W. Hall, Esq., M.L.A.

*Mr. Cuthbert.*—Mr. Berry, I might state that, as far as I could ascertain the views of the Council, from reading the debate which took place in the Assembly last evening, they were impressed with the idea that the points at issue between the Assembly and Council were narrowed down to three.

*Mr. Berry.*—Four.

*Mr. Cuthbert.*—Substantially three, and that the voting, perhaps, on the amendment was influenced to some extent by the remarks made by some of the speakers that a guarantee would be given that, so far as those three points were concerned, there would be an inclination on the part of the Council to accept the views of the Assembly in regard to these three. Now, I should wish at the outset to know whether the Council were right. I may say the Council, as a Council, was never consulted in reference to the holding of this conference, but certain members of the Council expressed their individual views in connection with these different points, and there seemed to be among those who were consulted a unanimity of opinion, in so far as these three important questions go (the reduction of the qualification of members, not insisting upon having at this juncture two Ministers of the Crown represented—holding seats in the Council, and that in order to do away with the objection that was raised as to plural voting it should be minimized by holding the elections on one day, in place of extending the period over a fortnight, three weeks, or a month), so far as the gentlemen who have been appointed to meet you this evening are concerned, and as far as they could read the views of the Council. I think, to come to the point shortly, that if there was nothing else required on their part to ensure the passing of this great measure of reform, they would be prepared to modify their own views in deference to those of the Assembly, but if there is unfortunately a false ingredient and new principle put in, one that they are not aware was even contemplated during last evening's debate, then they find themselves in this difficulty, that, however much they might be desirous of meeting the members of the Assembly so far as the alteration in the franchise goes, their views would be counteracted by the votes of the majority of the Council if they were to concede any further reduction than the very great, large, and liberal concession that they have already made. I am dealing, probably, Mr. Berry, too shortly and too generally with these important matters, but I think the minds of the Assembly and the Council are tolerably well made up, and the public at large seem to understand thoroughly that it is necessary that concessions should be made between the two Houses in order to bring about a settlement. We attach great importance, from our point of view, to the Ministry of the day being represented in the Council, and, I think, in that opinion and that view you yourself, at the last Conference I had the pleasure of meeting you at, concurred, that it would be desirable that any Government should be represented by responsible Ministers in the Council, that it would facilitate the transaction of public business, and would make matters run far more smoothly, and that whatever difference of opinion might arise between the two Houses would be more promptly adjusted and settled by discussion at a Cabinet where the second Chamber was represented in the Cabinet. I understood, sir, from you, and so did the other members of the Conference, and so we reported to the Council, that you saw no objection to conceding to the Council the request that had been made—you concurred in it; and so far as the Council is concerned, no doubt there were grave objections to the clause introduced by them, as it might jeopardize the position of any Ministry. They were quite willing that that should be altered, and, although in their message they found that it was necessary formally to insist upon the retention of that clause, it was accompanied by a message to show that they were quite willing to meet any amendments that might be made by the Assembly. They did expect after the promise that was made by you, and which was assented to by all the members of the Conference, and did hope, that the message, which was couched I think in

becoming language, would have received some reply, and that some reasons would have been given for not complying with the request that was contained in it. However, I believe, sir, that you have made a promise that, if in power next session, you would endeavor to give effect to the promise made to the Conference, and I think if you are still of the same way of thinking, and the other members of the Conference, as to the appointment of two members of the Ministry in our House, the Council would be prepared to rely upon any resolution that might be passed by this Conference, that this subject would be duly considered and that provision would be made in a Bill to be introduced during the next session which would provide for the representation of the Ministry in the Council in such a way that two seats might be left open, those seats not involving the safety of the Ministry of the day, but leaving those vacant, in order to be filled up according to the choice made by the Premier of the day. As to the qualification of members, I may say that we are prepared—the Council is prepared—to meet the views of the Assembly on this; it is only a question of degree as to whether the qualification shall be £150 per annum, derived out of houses and lands, or £100. If by acceding to the views of the Assembly it will tend to settle this question, I think the Council is prepared to yield upon that. As to the third point, it is also prepared to yield; but what is the use of all these concessions if still the important fourth point, viz., the reduction of the franchise—a question that has not come publicly before either the Assembly or the Council—is to be insisted upon, and if there is to be a stumbling-block in the way of a settlement? The Council consider that they have made very great reductions indeed in the franchise, and I think it must be admitted where there are such facilities as are afforded in this colony for persons to become freeholders by means of building societies and by means of our liberal land laws, while we have agreed with the members of the Assembly that a reduction from £50 to £10 shall be made in the franchise, we think that a large distinction ought to be drawn between a freeholder and an occupier; and we have come to the conclusion that the reduction, so far as the occupier is concerned, should be in the proportion of one-half, viz., from the present qualification of £50 to £25, and we think we have done all that can be reasonably expected from our Chamber in order to meet the views of the Assembly. There are practically then, as I think, merely three points before us, and upon those three points the Council is prepared to yield to the views and wishes of the Assembly, so as to bring about a settlement; and in saying this I trust that I am not exceeding my powers, or that I am not going beyond the views and wishes of any member of the Conference on this side of the table in saying that we are met to-night to endeavor, if possible, to settle the differences between the two Chambers.

*Mr. Berry.*—Mr. Cuthbert and Gentlemen, I am extremely sorry that there should be any difference of opinion or any doubt as to what was really understood in the House last night. I was in hopes that the Conference, if acceded to by the Council, would be one in which there would be no talk, but simply the ratifying of an agreement which had the apparent concurrence of seventy-five members of the Assembly; and I may state that I certainly and clearly understood that there were four points, the three that you have mentioned, Mr. Cuthbert, and the fourth the reduction from £25 to £20—not very much, very slight indeed—and that was as much a part of the arrangement as either of the other three that you have named; and I may mention that the leader of the Opposition, Mr. Murray Smith, when the matter was settled, and I was sitting at the table, said, “That there should be no mistake, Mr. Berry, read that and see if that is what you understand,” handing me a paper, and that paper contained the four points—the non-insistence upon the two members, the reduction from £150 to £100, the elections all on one day, and the reduction of the franchise for leaseholders and occupiers to £20. I read that; I did not take a copy of it, but he would have given me a copy of it if I had asked him. I was dealing with everything in good faith. There was no condition, there was no difference between any one of the four. It was handed to me as being the understanding—the understanding being it should be an absolute settlement, and I handed it back to him and said, “You are quite right, that is perfectly correct;” and it was correct according to all that I had been saying during the evening. I made as much insistence upon that point as upon any other, not perhaps in the speech, but in the very large amount of negotiations going on. I believe this evening Mr. Murray Smith would admit what I say now if he was here; but he says that the fourth point then, while it was included, was not included in the same determined manner as the others were.

*Dr. Dobson.*—I understood the word “free” was there.

*Mr. Berry.*—Upon the paper?

*Dr. Dobson.*—I understood the Honorable Mr. Patterson also saw it.

*Mr. Berry.*—If the paper is produced and it is there, I will admit it. I understand to-night that some other members of the House and the Ministry said that that point was to be considered a free point that was to be insisted upon and obtained if possible, and that it was not in the same category as the other three, I think. It is a pity that that was not mentioned to me. I heard nothing of it till to-day, but the fact that Mr. Patterson admits that he understood that that was a free point would, I suppose, preclude us from calling upon the gentlemen in the Assembly (unless they voluntarily did it upon the Opposition side) to regard it in the same light as the other three. I regret it very much, because I hoped that the final settlement would be so cordial and without the slightest disagreement, and that might go a long way to make up for what perhaps both of us think too large concessions. Whilst agreeing with what you have said in regard to the other three, and before I finish this point, I may go back to say that the Government are quite willing to stand by the statement that they made with regard to the two Ministers next session. I must say, though, that I do not think I have been treated fairly in its being stated, both by Mr. Cuthbert to-night and by the message that came down from the Council, that I had promised to do this. I never

did anything of the kind. When the last Conference met—in the introductory business, which did not appear to be very important—the then leader of the Conference from the Council mentioned this question of the representation of the Council in the Government, and I concurred with him that it was very desirable, and I said that any proposal—either then, though I scarcely contemplated it in that Bill, but in a separate Bill this session, or in a Bill next session, or any time it could possibly be dealt with—the Government were quite as anxious for it as the Legislative Council, because we had felt the annoyance and inconvenience of having only one gentleman who, not so authoritatively as gentlemen who had gone to their constituents, represented the Government. Therefore, in order to get on with the more important part of the Conference, I spoke freely in my opinions in regard to another question. It was never put or said that it would be introduced into the amendments of this Bill, and, as a matter of fact, as honorable gentlemen know, that Conference broke up without doing anything, and therefore there was clearly nothing binding; no promise to a Conference which failed totally, and all the preliminaries were solely to get at the more important matters, which, when we did get to them, we did not agree upon, and we broke up, as we reported to both Houses, without any effect. And, therefore, I do not think I have been fairly treated in insinuating that I made a promise which I did not intend to keep. I merely concurred with the Council that it would be very desirable to have Ministers in it, and I would assist in bringing in some measure by which that could be done. My view, as I stated in the Assembly, which I still hold, is that there are too few Ministers for the departments even, and that the time has come by the growth of this country when there should be two additional Ministers; and my idea was to bring in a Bill increasing the number from nine to eleven, providing at the same time that two of the Ministers, naming the offices that they should hold, should be members of the Council only, and the members of the Assembly should not be eligible. That would secure that there should be no increase in the Assembly of Ministers, and that there should be two in the Council, and if they did not accept it it would be a detail in the Bill. That would have to be done by a measure which would have to be discussed, for I am not an autocrat, I can only indicate what I myself would suggest. So upon that point the Government are quite as willing as the Council to see that they should have an opportunity of having at all events full representation in that body. As to the other two, as Mr. Cuthbert has said, the Council frankly accept them; and we come to this unfortunate misunderstanding which I would like to be settled as quickly as possible. I notice that there are two amendments dealing with that one particular question, one with regard to leasehold qualification of electors, and the other the qualification of occupying tenants. I suggest that as this unfortunate misunderstanding has to some extent arisen whether in order to settle it speedily and satisfactorily the reduction should apply only to the leaseholder, that so far as the leasehold is concerned it shall be reduced to £20, leaving it if the Council still insist upon it £25 for the occupying tenant. That would bring the difference down to so small a matter (though I would rather be frankly accepted and reduce both parties to £20) that it seems to me to be possible upon that basis to come to an amicable settlement. I do not know that I need say anything else; I am not anxious to talk more. We have a settlement which I hope will be a reasonably satisfactory one. I do not think any one connected with it would be—

*Mr. Balfour.*—Which is the clause?

*Mr. Berry.*—It is clauses 26 and 27, page 2. There are two different kinds of qualifications, the one leasehold, the other occupying.

*Mr. Balfour.*—You suggest that we should make the one £20 and the other £25.

*Mr. Berry.*—The leasehold would be reduced to £20 and the occupying qualification be left at £25. I take it, the Council seeing they have made a difference between freehold and leasehold, if they made a difference at all, would prefer to make it in favor of leaseholders rather than of occupiers. I am right in that, am I not? Or else we might describe the two different things.

*Dr. Hearn.*—That makes a triple distinction.

*Mr. Berry.*—It would do that.

*Mr. Cuthbert.*—You regard the leaseholder as the more valuable?

*Mr. Berry.*—No; if I took my own choice I would prefer a reduction upon the occupying tenant, but I only make the suggestion because I think it is the one most likely to be acceptable to your side. If I say what I think would be most acceptable to this side, it would be to make a difference in favor of the occupier.

*Mr. Balfour.*—If that is the only question between us, I, for one, would accept it.

*Mr. Cuthbert.*—Would you have any objection, in amendment 26, where it speaks of a lessee or assignee for the unexpired residue of any term originally created for a period of not less than five years, to change that into ten?

*Mr. Berry.*—I am afraid we could not touch it. I am afraid we should be raising new matter; I am most anxious not to do that. I think it is immaterial, but I would not raise new matter.

*Dr. Dobson.*—Besides leases are generally so short in this colony that the unexpired residue of a five years' lease would not be worth consideration.

*Mr. Wrixon.*—It appears to me that what we have really to consider is how far can you expect the Council would agree to a modification of the qualification for leaseholders, because of course if the Council is determined not to concede anything I do not know that we can absolutely insist upon it; but the feeling of the Assembly is certainly strong that some concession would be proper from the Council on the matter of leaseholders—some small concessions, because we in the Assembly are in this position: we have only a little while ago come from our constituents, instructed, as it were, to get the ratepayers' roll as a qualification all round for both members

and electors, and we are all in this position, that we have departed from the verdict of the country at the general election. We have conceded that point, and have come to the £10 and £20; and certainly it would have a good effect upon the Assembly, and I would submit to your consideration, a useful effect upon the country generally, if the Council could see its way to make this small further concession of £20 for the leaseholder and £10 for the freeholder.

*Dr. Dobson.*—That is more than Mr. Berry asks.

*Mr. Wrixon.*—Mr. Berry has only put it in one light.

*Mr. Berry.*—I quite agree with all that Mr. Wrixon says, and I feel very strongly that even the large number of gentlemen sitting upon the Opposition side of the House expect and understand that one point was a reduction from £25 to £20, and now I see that in the excitement it was forgotten. There ought to have been an exchange of understandings, and we could have produced the matter then in writing.

*Mr. Wrixon.*—I put it more for the consideration of the Council, for, for myself, I was not aware that it was one of the points insisted upon. It was not heard of by me in the Assembly, it was not openly stated, not by the honorable member for East Bourke, Mr. Ramsay, and certainly I was not aware of it, and therefore I thought the reduction of the franchise—

*Dr. Hearn.*—Aware of what?

*Mr. Wrixon.*—That the reduction of the franchise was one of the conditions put forward as the basis of the agreement, and, therefore, I say I merely suggest this to the consideration of the Council, whether they themselves would not think it wise to make this concession to the somewhat irritated feeling of a considerable portion of the Assembly, for even those who vote for this compromise are not altogether satisfied with it. I put it in that light, for I do not think it could be insisted upon, for certainly I was not aware of it being publicly stated.

*Mr. Reid.*—It was publicly stated.

*Mr. Wrixon.*—We would not have the measure lost upon such a point, but if the members of the Council agree with us that that would be a reasonable concession to the Assembly, considering what the Assembly has conceded in going back from the instructions of the constituencies at the general election, if members of the Council could carry it through their House, we must certainly recommend it.

*Mr. Lorimer.*—Some of us down here do not understand what Mr. Berry said. Do I understand Mr. Berry to ask us if we would be prepared to agree to this—that if the freeholders, that is the owners and occupiers, are recognized as voters under the £10 and £25 franchise? Is that what he asks us, so as to exclude those who hold leases and would be entitled to take out an elector's right?

*Mr. Berry.*—Not at all. This is the point of difference. We understood that one of the amendments that the Council would assent to if that proposition was accepted was a reduction from £25 to £20 for all non-freeholders, whether leaseholders or occupying tenants, a reduction upon the amount of £5, which they put into the Bill, making it £10 for freeholders and £20—

*Mr. Lorimer.*—I understand all that.

*Mr. Berry.*—When I heard Mr. Cuthbert say that that was not in his opinion, and he believed in the opinion of the Council, part of the understanding that was to be insisted upon, and which the seventy-five members of the Assembly had clearly in their minds when they voted, I suggested that, supposing that was adhered to and could not be obtained, there was a mode by which a modification of it could be accepted, because there are two distinct amendments in the Bill, one relating to and describing leaseholders for the unexpired term of a lease, and the other occupying tenants; and that if the alteration that we thought was going to be made for both was made for one, it would be at least coming nearer to the matter, and leave it probably less open to disagreement. I merely suggest that in the event of not being able to secure what I think infinitely better for both parties, for really the Council need not care much about it—the reduction from £25 to £20 for all persons entitled to vote as occupiers or leaseholders.

*Dr. Hearn.*—Speaking for myself, I do not see any insurmountable difficulty in arriving at a settlement upon that basis. I understand an occupier rated at £25 per annum would be a voter, and it would be competent for the owner of the property also to be a voter if he thought proper to take out a right. I believe those are the only two points that I am anxious about.

*Sir Bryan O'Loughlen.*—I may state, for the information of the gentlemen of the Council, that, last night, it was authoritatively stated to me that this fourth point would be only for discussion at the Conference, and, acting upon that information, I stated it privately to several members of the House; but Dr. Smith also had information to the same effect, and he stated it to the House, that the Council would most probably agree to the reduction of the franchise from £25 to £20, and had authority for making the statement, but that he could not bind the Council to that. It was matter to be open for discussion at the Conference. Upon that point of view several gentlemen acted in the House.

*Mr. Ramsay.*—Mr. Berry and Mr. Cuthbert, as one who has taken some considerable trouble to bring about this Conference—at which I am glad to be present—I must state that, in making the statement which I did in the Legislative Assembly last night, I was most careful to go no further than what I believed would be the concessions which could be obtained from gentlemen of the Legislative Council, and in re-reading the speech which I delivered last night—and which is very well reported in the newspaper press this morning, both in the *Argus* and the *Age*—I observe that I made no allusion whatever to the reduction of the franchise for the electors of the Legislative Council. Personally my view upon that subject is well known. I was a member of a Government which proposed to reduce the franchise for electors for the Legislative Council to £20 leaseholders and £10 freeholders; but I felt I had no authority whatever to state

that the Legislative Council were likely to agree to an alteration of the kind. I confined my argument last night in the Legislative Assembly to advocating the Conference in regard to three proposals, which I felt assured could be carried, and which would end the long weary struggle which has been going on for the last four years in this colony. The reports in the newspapers bear out my statement that the three points of my proposal were—striking out the two Ministers in the Council, reducing the qualification for members from £150 to £100, and with a view to getting over a difficulty which a number of members upon the Government side of the House felt and expressed themselves strongly in regard to, that is the plurality of votes, I said that the members of the Council would be perfectly willing to have all the elections upon one day, and therefore the danger of multiple voting would be almost reduced to a minimum; and I see that, after the speech that I delivered, you, Mr. Berry, stated, with reasonable concessions such as had been mentioned that night, neither the honorable member (that is Mr. Longmore) nor he, Mr. Berry, could possibly prevent this Bill from passing. And then Mr. Berry goes on, “Mr. Berry accepted the statement of the honorable member for East Bourke, a gentleman who stood as high as any in the House, who did not say rash things, and who would not have spoken as he did without good grounds.” Now I feel that (although I am strongly in favor of a reduction of the franchise for electors to £20, or even below it) we are certainly going beyond the instructions that we got from the Legislative Assembly last night in regard to this. I did not hear Mr. L. L. Smith make the statement to which reference has been made, and I observe it is not recorded in any of the daily papers this morning. All I can say is I do not think members of the Legislative Assembly should be held responsible for conversations which certainly find no place in the records of the House.

*Mr. Lorimer.*—I do not think any member spoke of it publicly in his speech.

*Mr. Nimmo.*—Mr. Berry, Mr. Cuthbert, Gentlemen,—I, for one, have been all along under the impression that this reduction would be made. I have had a very considerable difficulty in making up my own mind to agree even to many of the proposed amendments; but the amendments affecting the representation of the electors in my district are a very serious matter for us, as you will see when I inform honorable gentlemen that, by the £10 and £25 franchise adopted by the Council, 1,912 of the ratepayers of Emerald Hill would be deprived of a vote for the Council. It is a very serious matter as far as my township is concerned, very serious indeed. Now this concession, bringing it down from £25 to £20, would certainly modify it to a certain extent. It would give 452 votes additional; it would reduce the 1,912 by 452. I need not remind honorable members that it was a clear understanding at the last general election, as far as I was concerned, that I was to go for the ratepayers' roll, and had I secured that, 4,573 voters would have voted for the Legislative Council upon Emerald Hill. I do think that upon a matter of this kind the Council surely, looking at the matter in its broadest aspect, will be prepared to acknowledge that a very great deal has been conceded by those who were sent by the country to insist upon the ratepayers' roll. I am willing to do all I can, but I feel I incur a very great responsibility indeed in striking 1,912 men off the roll.

*Mr. Balfour.*—No, putting them on.

*Mr. Nimmo.*—I am assuming that the Bill had been carried based upon the ratepayers' roll of course.

*Mr. Cuthbert.*—May I ask you, Mr. Nimmo, if this proposal of Mr. Berry's be carried, are there 452 lessees that will be entitled to come under the reduced franchise?

*Mr. Nimmo.*—I have taken it all carefully out from a return moved for by Sir Charles Sladen. There will be 528 from £10 to £5, 668 from £15 to £20, 452 from £20 to £25, and under £10, 264, making in all 1,912.

*Dr. Hearn.*—Are those lessees?

*Mr. Vale.*—You do not get separate divisions.

*Mr. Nimmo.*—I do not know. There is no column in those returns. I do not observe a column in those returns distinguishing between those.

*Mr. Cuthbert.*—Have you any idea, Mr. Berry, or Mr. Vale, what difference it would make in the voting power?

*Mr. Vale.*—There is no means of calculating. I would like to say two or three words upon the question of reducing the franchise of electors, occupiers, and leaseholders to the £20. Of course I am quite aware that in Mr. Ramsay's speech, which, I believe, took place between eight and nine o'clock in the evening—not later—Mr. Ramsay certainly specified three objections; but it must be recollected, and I think every member on this side and many on the other side know that, for many years at least, there has never been in the Legislative Assembly such a night of excitement. In fact the business terminated at one o'clock with a vote which is perfectly unexampled in the history of the Legislative Assembly. Now up to within a very short time of that vote being taken, a large number of honorable members were in a state of considerable uncertainty as to the course they should take; and I venture to say that a very large number of members of the Assembly were guided in their final vote by an understanding. I am not now going to argue that that understanding was absolutely justified. I only state distinctly (and I think honorable members upon both sides will give me credit for not accepting an understanding of that sort unless I thought it thoroughly reliable) that I agreed to the proposal for the Conference distinctly understanding that one of the concessions was to be £20. I charge nobody with culpability. I had a conversation with Mr. Murray Smith, and I admit that he says (and I do not in any way impugn the statement, no doubt it is absolutely correct) that there was some marginal note upon the fourth subject implying that the matter was a free matter. I admit that, but when I heard the statement I heard it as an accepted fact, and I accepted it as



an accepted fact. So I would impress upon the members of the Council the desirability of considering the £20 as against the £25, to look at the facts of the case. I am glad to see, on the other side, two honorable members connected with goldfields districts—I will deal with them first. It is a well-known fact that a large portion of the most intelligent men upon the goldfields live in buildings rated at very low amounts. Mr. Cuthbert and Mr. Jenner know, both of them, that there is a very large difference from that fact, between Ballarat East and Ballarat West, most adverse to Ballarat East, because the buildings are of a more humble character or less costly in the country than in the town. Of course, I know that even in towns it would materially affect the satisfaction with which this settlement of the question would be received, and no question, if a number of intelligent men either on small farms or in their homes, such as miners or artisans, are shut out, simply from the fact that there is a very narrow margin between them and this Act, it will, immediately the Bill comes into operation, create in all the great centres of population at once a dissatisfied population, who will at once be pressing, at the very earliest moment, for a re-opening of this question; and however ultra members of the Council may regard my opinions in this question in regarding the ratepayers' roll as the proper settlement of the question, I have always made a determined endeavor to bring about a settlement; and I represent the opinions of a large number of members of our House who had no opportunity of speaking, when I say that this settlement, if it took the form of £20 for leaseholders and occupiers, would be a settlement much more likely to be accepted by the community at large as a settlement that should have at least the test of experience, which would at least ensure to us a considerable number of years of peaceable parliamentary action without the excitement of reform. In that point of view, I press it. If I have made an error I may have made it through some lack of care, but I am usually somewhat careful in the course I take. I admit that Mr. Ramsay only spoke of three points, but after that there were four that excited interchange of opinion. I do not want to say that for the sake of this I would refuse a settlement, I do not put it that way; but I do think that, if this is to be a settlement this session consistently it should be upon the £20 basis, and no party will feel but that that was a wise concession both for prudence and peace.

*Sir Bryan O'Loughlen.*—I beg to endorse the observations of the Attorney-General. I think that the £20 would be a settlement satisfactory to members of the House as well as to the public, and I urge upon members of the Council this view. If it was settled at £20, there would be no further agitation probable for the next twenty or twenty-five years, as far as the Council's reform is to be brought in question; but if it is left at £25, you may have, at the next general election, or the next one after that, an agitation started on account of the difference between £10 freeholders and £25 for occupiers. You may have that very difference creating in the public mind a state of dissatisfaction, and an agitation started to bring it down to £10 all round; whereas now, if it is settled at £10 for the freeholders and £20 for occupiers, you may have the question set at rest for a quarter of a century.

*Dr. Hearn.*—I think that the arguments used by the Attorney-General and by my honorable friend opposite are good arguments, so far as they attempt to prove that the ratepayers' roll has certain arguments in its favor, but that, so far as they apply to the difference between £20 and £25, they leave the matter exactly as it stands, for there is no reason to believe that the same agitation would not arise if you fix the limit at the £18, or £17, or £15 ratepayers, any more than there is to say that there would be an agitation by the £20 men and those above it in case we fixed the limit at £25. We must draw the line somewhere, and wherever we draw an arbitrary line, of course, those who border upon that will be likely to be discontented; but I do not think it is worth while to consider that question. We must look at the facts as they stand. It is out of the question to expect that the Council would now reduce the franchise materially, in fact they see a great difficulty even in accepting such a proposal as that made by Mr. Berry. The reason is this—that the Council at once determined to make up its mind to go to the lowest extent it could possibly safely go, and it has always protested against being in the position of simply haggling over a pound or a few shillings here or there, therefore they say they would go so far as £25, and that was the safe limit, the extreme limit to which they could go, and they are not prepared to depart from it. They said at once what they would do, and are not disposed to go beyond it. Upon that matter, it seems to me, the Council has decisively and conclusively made up its mind. On the other points we have to discuss this evening the Council did not even speak with the same degree of emphasis as it spoke upon the former, and, therefore, most members felt themselves at liberty and glad to make those concessions. In this I confess, for that reason, I feel very great difficulty in even suggesting to the Council the slightest deviation, even of a halfpenny, on the proposal, but I must acknowledge that the matter proposed by Mr. Berry seems to me almost infinitesimal and merely microscopical in importance.

*Mr. Berry.*—Yes. I think, on further consideration, it would be so; I would not press it. I do not think myself it is worth while, unless it applies the reverse way to what I said. If it applied to the occupier then, I think, it would be worth while; on the other hand, I agree with Dr. Hearn that I do not think it would be. It was on the sudden spur of the moment that I spoke. I do not think it is worth while.

*Mr. Cuthbert.*—No, it would not affect 1,000 votes.

*Dr. Hearn.*—I should not like to break off the Conference upon any such ground as that, but I should be glad if the proposal is taken exactly as it is. We say we will give you those three things.

*Mr. Wrixon.*—Will Dr. Hearn let me say that it has been reported that one reason why the Council refused to name anything lower than £25 and £10 was that they never knew whether it would be final and definite, and they were afraid.



*Mr. Lorimer.*—The report is not correct. We were not actuated by that motive.

*Mr. Balfour.*—It was not upon that point. It was upon the general amendment of the Bill.

*Mr. Wrixon.*—If that influences the Council, of course now we know that we have come to the final scene, and if any concession is made it is absolute and settles the matter.

*Dr. Hearn.*—We have said we were willing to make concession in other directions, but upon the franchise we do not wish to haggle. We stated a certain amount, and, having said that, we do not want to go beyond it. I do not say there is any magic in £25 and £10; perhaps £9, or £11, and £24, or £26 would be as well; but I think when a body like the Legislative Council, with all those responsibilities, has made so great a step as it has made in the matter, it is very reluctant, and in fact it would be wrong for it to go into a dispute upon the matter. Therefore, whatever concessions we are desirous to make ought to be in a different direction from that. I do not say we will not move on other points. I think matters can be conceded. I know that Sir Charles Sladen holds views of a very strong character, so strong that it induced him not to attend here this evening, and I wish we could come to some arrangement respecting the presence of two Ministers of the Crown in the Council. I know that he feels very much that if the matter had been presented somewhat differently, some amendment of that character might have been made in the Bill—namely, that seven seats were enough for the Assembly and that two might be given to the Council. I should be very glad if something could be done in that way. There is no doubt in my mind that until some arrangement of that character is effected, we shall never find that the two Houses will work in proper harmony. Until you bring the Council within the legitimate influence of political control, you will always have a difficulty with it. But I am not prepared to insist upon that if honorable gentlemen on the other side wish to insist upon their views. We certainly very much desire to see it carried, but I wish you to understand that there is no use arguing upon the question of the franchise. If we were willing to do it ever so much, we could not carry it in our House, and it is no use therefore speaking anything more about it. On the other hand, we are quite willing to make the concessions we have already indicated; I think that shows a strong desire upon our part to come to terms. I think they are not small concessions, and I hope very much the Assembly will see their way to accept the proposals made and leave the franchise simply as it stands and take the other three things that are offered. I wish to say just one word more that I had forgotten. Two or three members spoke, and I think one or two members on our side perhaps spoke of the evils of plural voting. I do not wish to say more than that I do not think the Council should be in any way understood to say that they considered plural voting in any way an evil, or indeed to express any opinion about it; but to meet the wishes of the Assembly, whatever motive they may have in making that proposal, we are willing to have all the elections upon one day.

*Sir Bryan O'Loghlen.*—I wish to point out that in our argument about the franchise, we say £20, not because there is any magic in £20, but at the present time between £20 and £25 there is a large distinction. You draw a large broad line between two classes. As to the two Ministers, I wish to say that, as a member of the Conference, it is my personal view (and several gentlemen in our House hold the same view) that there should be no legislative enactment of two Ministers in the Legislative Council. We hold that it must be and is a matter of practice that ought to be adhered to if possible, but for a matter of legislation it ought to be avoided. I speak of the judgment of others beside myself.

*Mr. Balfour.*—As to the £25 I agree with those who have spoken on this side, and I do not think, even if we were willing, we could carry the Council to that reduction. A good deal has been said as to the magic of a number on drawing the line at £25. I would remind you that £25 in the country entitles a ratepayer to a seat in the shire council. Already it is a fixed amount. Also it entitles a man to two votes for that council. Anything below does not, therefore a man desires to be rated at £25 in the shire council.

*Mr. Cuthbert.*—Mr. Berry, as I understand the matter now, we are prepared practically to concede all that the Assembly asked last evening, and to that is a kind of amendment moved which would have involved a very slight advantage to the ratepayers of this colony, namely, that the lessees should be rated and all those who were rated at £20 a year should have a vote, taking the whole number of those who hold leases in the colony extending over a period of more than five years of unexpired time.

*Mr. Jenner.*—It would require a new clause to do that.

*Mr. Berry.*—I withdrew that; it is the occupiers I would agree with.

*Mr. Cuthbert.*—As it is withdrawn by Mr. Berry, then really I think it comes to this, will the Assembly receive, at the hands of the Council, the concessions which they are prepared to make upon the three cardinal points that were discussed last night, and to which reference was made by Mr. Ramsay in his speech, because, as to our going into the question of the franchise, I think nearly every member upon this side who expressed his views to us has shown pretty clearly what is the determination of the Council. Though, in our views, we would like to meet the members of the Conference as far as we possibly could, we would not be able to carry in the Council any reduction of the franchise, and, I think, it would be better to leave that out of consideration altogether and regard the other matters as settled.

*Mr. Wrixon.*—We only wanted to do the best we could, but in my opinion we would not jeopardize the success of the Bill for a moment; still if we could and could influence the Council, we are most anxious to do so.

*Mr. Nimmo.*—I must say I am rather astonished that the Council adhere so firmly to £25. There was a general understanding certainly, and there was a general understanding not only in

the House but in the country, at least in Melbourne here, that the Council were prepared to come to £20.

*Mr. Lorimer.*—No, no.

*Mr. Nimmo.*—The Council having made such very great concessions, which I admit and appreciate to the fullest extent, I thought that that very small matter might be conceded also ; it really is a very small matter.

*Mr. Lorimer.*—Then it is not worth fighting for.

*Mr. Nimmo.*—Oh, but it is.

*Mr. Cuthbert.*—I assure you that no member had any right whatever to speak on behalf of the Council, and to represent that the Council were willing to go as low as £20, because the whole tenor of the different debates that have taken place showed that, if there was any one point which the Council was determined to adhere to with tenacity, it was that of the franchise. They thought the reduction they had made was so sweeping ; and really when I was upon the last Conference I was quite surprised to find that the freeholders were reduced from £50 to £10. Although a member of the Conference it took me by surprise, and I think that it was only through a desire to meet Mr. Berry and the other members that that concession was made.

*Mr. Hall.*—I sat very patiently in the Assembly last night, and listened very attentively to the debates, and I agree with Mr. Nimmo that, by some means or other, I heard the matter of reduction to £20 mentioned. Whether I am right or wrong, I would not contradict any other gentleman on this side ; but I am certainly under the impression that I heard that mentioned. The election and qualification of members of a shire council is £20, and not £25. I am told by a councillor it is £20.

*Mr. Nimmo.*—So that the whole of Mr. Balfour's argument fails.

*Mr. Hall.*—If for a single £5 the whole matter could be amicably settled, I press upon the Council to agree to that. I do hope that the Council will give way upon that one point.

*Dr. Dobson.*—I should like to ask the last gentleman who spoke whether he wishes the Council to give way upon every point. The Council has done nothing else but give way from first to last, throughout the whole piece, and every gentleman must be aware of the fact ; and here, at the last moment, we are asked to give something more. I cannot understand why we should be asked to retreat from position after position, simply at the dictation of members of the Assembly. This Bill has for its object the reformation of our House. It would be idle and waste of time to remind honorable members what concessions have been already made, and it now remains for gentlemen of the Assembly in the Conference, and for the Assembly to whom they report these proceedings, to say whether they are going to stand in the way of reform upon this minor point. The Honorable Mr. Wrixon tells us that he believes that, practically, it will not jeopardize the Bill. I ask, then, whether it is not really going a little too far for gentlemen on the other side to try—perhaps it is right for them to recollect the pledges made upon the hustings—to secure, as far as possible, the ratepayers' roll as a basis of the franchise? But they must recollect they are only one branch of the Legislature, and cannot they satisfy their own consciences and their constituents by saying, "We have got you as much as we could. We have been unable to gain all we told you we would honestly strive for. We have done our duty, we cannot do more. We have taken this as an instalment, as the Honorable the Premier once said, and we are prepared to go further, if need be, next session"? Though people are, I think, so heartily tired of the strife that I think we shall lay the ghost of reform for the next ten years.

*Mr. Reid.*—Every one knows that I have been always in favor of a very low reduction of the franchise, much lower than is even proposed now, but, as far as I am concerned, I am favorable to £20 personally. Whether that can be got from the Legislative Council I doubt at the present moment. They seem to have made up their minds in regard to £25. I do not think it is possible to get anything less, but I do think that, after the manner in which the members of the Legislative Council have been treated by Mr. Berry in regard to the two Ministers, when he promises that a Bill shall be brought in next session to deal with the matter, the Council ought to give that some consideration—taking it as a concession from the Legislative Assembly—and that the Council ought to try and meet the Legislative Assembly with regard to the franchise. That is my idea of the matter.

*Mr. Vale.*—It seems to us that the Council decline to concede a reduction from £25 to £20.

*Mr. Cuthbert.*—Yes, I think you may take that.

*Mr. Vale.*—It is not that we give it up ; it is refused us.

*Mr. Berry.*—Supposing that was included in the amendment sent back by the Assembly to the Council, would a determined effort be made, by those who think that would be a wise concession, to induce the Council to accept it and take a division upon the point, so as to test that body and see whether a majority of them would assent to the reduction from £25 to £20? I think if we could state that it would be done, whilst at the same time it was not a binding arrangement, it might be said that it is so reasonable that the Conference would do their best to get the Council to accept it, and that a division would be taken upon it to test the feeling of the Council upon the point, it would go a great way to satisfy members of the Asssmbly.

*Dr. Hearn.*—I do not think you could expect members of the Conference who have expressed very strong opinions on that to vote for that. Of course we could take a division upon it, if you like.

*Mr. Berry.*—I think that with the exception of yourself all other gentlemen here would not be averse to £20. I know Mr. Cuthbert proposed it in the last Conference himself. He proposed it should be £10 and £20. I know we should have him. I know my friend Mr. Reid would.

*Mr. Cuthbert.*—That was the only mistake I made, and I was called over the coals to such an extent for making that mistake that I had to come over to the majority.

*Mr. Balfour.*—Wise men change their minds sometimes.

*Mr. Lorimer.*—I would like to point out that at the present moment there seems to be a desire on both sides to settle this question. I believe it can be settled on more favorable terms to-night than ever it can hereafter, and I would urge you now to settle this question upon the terms proposed. If we go back to the Council and report that we cannot get the concessions that we expected would be given, after what appeared in the papers this morning, a large number of members may withdraw from the promises they have made and refuse the concessions they are now prepared to make. As was pointed out by Mr. Cuthbert at the commencement of the Conference, those concessions are conditional, namely, upon the Assembly conceding the voting of property owners; and, as to the franchise, if we break off now I am afraid that the settlement will be as far off as ever, and I think that is a consideration that ought to weigh with us very much to-night. To-night the matter can be settled on a basis that the country will, I am sure, agree to and be perfectly satisfied with, and will be honorable to both Houses. If we fail in making that settlement, I say a very serious responsibility will rest upon the whole lot of us.

*Mr. Berry.*—Do I, Mr. Cuthbert, understand that you decline on your side the suggestion that I have just made, to agree that the Assembly should make that amendment with a view of really testing by a vote in your House whether they will accept it or not, it being understood that, when it is fairly put before them as the last settlement of the point, it is to be a settlement whatever decision the House give? If they refused that, the Assembly then would not insist any further; but they would like to see it put fairly to your Chamber.

*Mr. Cuthbert.*—I am afraid it would not be attended with any good result in the full House; I am quite sure that the majority would be in favor of keeping the qualification of occupiers and leaseholders at £25. Of course the Conference, as far as I have had an opportunity of testing their feelings, would not oppose. I think it would be much better if we endeavor to settle here, this evening, without messages between the two Chambers. Seeing the state of excitement that prevailed in the Assembly—and naturally, upon such an important subject—last evening, I put it to you, do you think it is wise or advisable that we should further prolong the discussion upon the question?

*Mr. Berry.*—No, I do not; I think we may end it. I thought it necessary to put it to you. I feel much more strongly than I have spoken. I am tired of it, and I do not feel inclined to speak; but I feel much more strongly than I have spoken. It is only temporary, till I get a little rest; but I feel it would have been so wise. It is one of those little things in which there is un wisdom, and I so regret it that at the last moment this thing should not have been done. I think many gentlemen sitting here with me will think so years hence, and that is why I did want the good sense of the Council tested by a division; but I will not press it.

*Mr. Vale.*—The position will be that the Assembly insist upon our first amendment, and amendments 13, page 2; we insist upon our amendments. That is the same on page 4, amendment 72, we insist upon the omission of the clause—that is to say we disagree. Then, as to the date of election, I presume that members of the Council have no special desire as to a day, so that it comes some time within the days in the schedule, because the alteration of the schedule and the alteration of the days of election will have to be done by a Governor's message, in which I will cover any verbal inaccuracies I may discover in the day or two that may elapse.

*Dr. Dobson.*—Probably the better plan would be to make it say a day in the middle of the week, say the first or second Thursday in the month of August.

*Mr. Vale.*—I was going to suggest either Tuesday or Thursday.

*Mr. Wrixon.*—And I understand the Attorney-General will bring down a message from the Governor to effect these amendments.

*Mr. Vale.*—Say the second Thursday in August.

*Dr. Hearn.*—That is that you will bring down this Governor's message to cover this question of the date, and the other two amendments will be put to the two Houses at once—this evening.

*Mr. Vale.*—Yes, and then the Bill will be printed as quickly as possible.

*Dr. Hearn.*—As far as the public goes, it is a matter settled.

*Mr. Vale.*—Yes.

*Dr. Dobson.*—August, it has been suggested to me, is one of our very wet months, could you make it September?

*Mr. Vale.*—I have put September—the second Thursday in September for that very reason.

*Mr. Cuthbert.*—Will you report to the House?

*Mr. Berry.*—Yes; we will make the amendments at once and send you a message.

*Mr. Cuthbert.*—Then we will continue sitting.



1880.  
[SECOND SESSION.]

VICTORIA.

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LEGISLATIVE COUNCIL.

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FIRST REPORT

OF THE

PRINTING COMMITTEE.

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ORDERED BY THE COUNCIL TO BE PRINTED, 26<sup>TH</sup> OCTOBER, 1880.

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By Authority:  
JOHN FERRES, GOVERNMENT PRINTER, MELBOURNE.



## REPORT.

IN pursuance of the Order of your Honorable House, your Committee have had referred to them the several Papers mentioned in the following table, upon which your Committee beg to report, as appears by such table.

Title of Paper.	When moved for and by whom.	When laid on the Council Table.	By Command.	Report and Remarks of the Committee.
Land Act 1869.—Regulations under Sec. 110.—Order in Council (28th June 1880)	... ..	1880. 27th July	By Command	No order made.
Land Act 1869.—Regulation under Sec. 110.—Order in Council (16th July, 1880)	... ..	"	"	"
Stamps, Allowances for spoiled.—Additional Regulations (30th June, 1880)	... ..	"	"	"
Statistical Register, Victoria, 1879.— Part I. Blue-book. Part II. Population. Part III. Finance, &c.	... ..	"	"	"
Explosives—Report of Inspectors of—for year 1879 ...	... ..	10th August	"	"
Gold Mining Leases—New form for.—Order in Council (28th June 1880)	... ..	"	... ..	"
Penal Establishments and Gaols.—Report of Inspector-General for year 1879	... ..	31st August	By Command	"
Industrial and Reformatory Schools.—Reports of Visiting Committees, 1879—1880	... ..	"	"	"
Mining Surveyors and Registrars — Reports of, for quarter ending 30th June 1880	... ..	"	"	"
University of Melbourne.—Report for year ending 31st May 1880	... ..	"	... ..	"
Library, Museums, and National Gallery.—Report, &c., for 1879	... ..	"	... ..	"
Savings Banks.—General Order (25th May, 1880) ...	... ..	"	... ..	"
Melbourne International Exhibition.—Regulation for Carlton Gardens (25th June, 1880)	... ..	"	... ..	"
Neglected and Criminal Children's Act, 1864.—Orders in Council (16th July and 27th July, 1880)	... ..	"	... ..	"
Water-right License Regulations.—Substitution of new conditions concerning.—Order in Council (27th July, 1880)	... ..	"	... ..	"
Education Department.—Estimate of Expenditure (in lieu of Estimate of 25th May, 1880), for the erection of School Buildings (during year ending 30th June, 1881), £76,686	... ..	"	... ..	"
Statistical Register, Victoria, 1879.— Part IV. Vital Statistics, &c.	... ..	7th September	By Command	"
Statistical Register, Victoria, 1879.— Part V. Law, Crime, &c.	... ..	"	"	"
Melbourne Harbour Trust—Audited Accounts for Quarter ended 31st March 1880	... ..	"	... ..	"
Land Act 1869 — Amended Regulation respecting Survey of Allotments selected.—Order in Council (30th August 1880)	... ..	14th September	By Command	"
Fisheries Acts — Notices under (5th August, 19th August, 14th August, 1880)	... ..	"	"	"
Discipline Act 1870—Regulation under (30th August, 1880)	... ..	"	... ..	"
Neglected and Criminal Children Amendment Act 1874.—Amended Schedule to Regulations of 16th July, 1880.—Order in Council (13th September, 1880)	... ..	21st September	... ..	"
Education Act—Amended Regulations as to Exhibitions, and terms upon which School Buildings may be used under directions of Boards of Advice for Religious Instruction (22nd September, 1880)	... ..	28th September	... ..	"
Statistical Register, Victoria, 1879.— Part VI. Production	... ..	29th September	By Command	"
Schedule D, 18 & 19 Vict. cap. 55—Statement of Expenditure under, during the year 1879—80	... ..	"	"	"
Australasian Statistics, 1879 ... ..	... ..	19th October	"	"
Ratepayers.—Return to Order of Council ... ..	Hon. Sir C. Sladen, 1st June, 1880.	"	... ..	Part of, recommended to be printed.

FRANCIS ROBERTSON,  
Chairman.

Parliament House,  
26th October, 1880.





1880.  
[SECOND SESSION.]

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VICTORIA.

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LEGISLATIVE COUNCIL.

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SECOND REPORT

OF THE

PRINTING COMMITTEE.

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ORDERED BY THE COUNCIL TO BE PRINTED, 30TH NOVEMBER, 1880.

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By Authority:

JOHN FERRES, GOVERNMENT PRINTER, MELBOURNE.



## REPORT.

IN pursuance of the Order of your Honorable House, your Committee have had referred to them the several Papers mentioned in the following table, upon which your Committee beg to report, as appears by such table.

Title of Paper.	When moved for and by whom.	When laid on the Council Table.	By Command.	Report and Remarks of the Committee.
Constitution of Supreme Court.—Report of Royal Commission (28th September 1880)	1880. ... ..	1880. 26th October	By Command	No order made.
Land Act 1869.—Regulations.—Revocation of Licenses and issue of New Licenses.—Order in Council (28th September 1880)	... ..	"	"	"
Yan Yean Water Supply.—Cash Statement and Balance-sheet to 30th June 1880	... ..	"	... ..	"
Melbourne Harbour Trust—Audited Accounts to 30th June 1880	... ..	"	... ..	"
Melbourne International Exhibition.—Second Report of Commissioners, with Statement of Income and Expenditure for period ending 30th June 1880	... ..	"	... ..	"
Trentham—Revocation of permission to mine on certain land at.—Order in Council (11th October 1880)	... ..	"	... ..	"
Education—Report of Minister of Public Instruction for 1879–80	... ..	28th October	By Command	"
Railways, Victorian—Report of Board of Land and Works for Year ending 31st December 1879	... ..	"	"	"
Parliament Buildings—Third Report of Royal Commission upon (21st September 1880)	... ..	3rd November	"	"
Victorian Water Supply.—Statement of Works, &c., in respect of which moneys have been applied during Year ending 30th June 1880, out of Loan Acts 332 and 531	... ..	"	... ..	"
Patents Statute 1865—Additional Rule under (25th October 1880)	... ..	"	... ..	"
Aborigines—Sixteenth Report of Board for Protection of (1st July 1880)	... ..	10th November	By Command	"
Savings Banks—Statements and Returns for Year ending 30th June 1880	... ..	... ..	... ..	"
Beer Duty Act 1880—Regulations (29th October 1880)	... ..	16th November	... ..	"
Beer Duty Act 1880—Amended Regulations (10th November 1880)	... ..	"	... ..	"
Bain and Son's Account.—Return to an Order of the Council	Hon. J. Balfour 28th September	"	... ..	Portion recommended to be printed.

FRANCIS ROBERTSON,  
Chairman.

Committee Room,  
(Parliament House),  
Melbourne, 30th November, 1880.

# PROPER

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1880.

[SECOND SESSION.]

—  
VICTORIA.

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**R E P O R T**

OF THE

SELECT COMMITTEE OF THE LEGISLATIVE COUNCIL

ON THE

**BETTING PREVENTION BILL;**

TOGETHER WITH THE

PROCEEDINGS OF THE COMMITTEE, THE MINUTES OF EVIDENCE,  
AND APPENDIX.

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ORDERED BY THE COUNCIL TO BE PRINTED, 1st DECEMBER, 1880.

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By Authority:

JOHN FERRES, GOVERNMENT PRINTER, MELBOURNE.

EXTRACTED FROM THE MINUTES.

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WEDNESDAY, 10<sup>TH</sup> NOVEMBER, 1880.

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

Debate ensued.

Amendment moved by the Honorable J. Lorimer, That all the words after the word “be” be omitted, with a view to insert the words “referred to a Select Committee of seven Members.”

Debate ensued.

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

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

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

The Honorable J. Lorimer moved, That the Honorables H. Cuthbert, J. Buchanan, R. Simson, W. McCulloch, J. G. Dougharty, Dr. Dobson, and the Mover, be the members of the Committee, and that the Committee have power to call for persons and papers, and to sit on days when the House does not sit.

Question—put and passed.

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WEDNESDAY, 1<sup>ST</sup> DECEMBER, 1880.

BETTING PREVENTION BILL—REPORT OF SELECT COMMITTEE.—The Honorable Dr. Dobson brought up a Report from the Select Committee to which the Bill “for more effectually preventing the evils arising from betting on Racecourses” was referred, and moved, That the Report, with the Proceedings of the Committee and the Evidence, be printed.

Question—put and passed.

## R E P O R T.

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YOUR COMMITTEE have held four sittings, and examined sixteen witnesses, with the view of obtaining the best evidence at their command on the question, whether it is desirable or not to sanction, by express legislation, the use of the machine called the "Totalisator."

The Committee are fully impressed with the deplorable extent which gambling and betting have attained in the colony, and are of opinion that legislation should take place to mitigate, and, as far as possible, to control the resulting evils. Impressed with the belief that the existing law is insufficient to prevent betting on horse-races, they consider it desirable, with a view to diminish the evils arising therefrom, to assent to the measure referred to them, and which has been passed by the Legislative Assembly.

That measure is adopted, it will be observed, merely as an experiment, from which, however, your Committee have reason to believe satisfactory results in the interest of morality will ensue.) Among the most important of these results, your Committee anticipate that, should the Bill become law,—(1) The crowd of small book-makers who attend race-courses, and notably the races in the vicinity of Melbourne, and who belong to a considerable extent to the criminal classes, will be wholly obliterated ; (2) That the amount of betting throughout the year on credit bets, with the less objectionable members of the "ring," will be much diminished ; (3) That ready money must be staked where the Totalisator is used, and so the temptation of *employés* to rob their masters will be lessened—your Committee considering that the cases of embezzlement by clerks, &c., are much more frequent where it becomes necessary to get money to get out of a scrape, than where the fraud is antecedently perpetrated, in order to stand the chance of winning a bet. In the former case, the clerk must either get the money, or almost certainly lose his situation ; whereas, no such terrible alternative actuates him in the latter.

Your House will observe, on reading the Evidence, that the chief objection made to the introduction of the machine is, that it will tend ultimately to lessen horse racing ; that owners of horses will not be able to bet large sums on their horses if the bookmakers are seriously interfered with ; but your Committee do not consider that this objection should have much weight with your Honorable House.

In conclusion, your Committee believe that the passing of the measure would be beneficial in the interests of morality, and recommend it to the favorable consideration of your Honorable House.

1st December, 1880.

F. STANLEY DOBSON,  
Chairman.





PROCEEDINGS OF THE COMMITTEE.

TUESDAY, 16TH NOVEMBER, 1880.

*Members present:*

The Hon. J. Lorimer J. Buchanan Dr. Dobson		The Hon. W. McCulloch R. Simson.
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The Hon. Dr. Dobson was appointed chairman.

S. Francks, Esq., was called in and examined.

R. C. Bagot, Esq., was called in and examined.

The Chairman laid before the Committee two letters which had been addressed to him.—[*Vide Appendix, Nos. 1 and 2*].

The Committee adjourned until two o'clock next day.

WEDNESDAY, 17TH NOVEMBER, 1880.

*Members present:*

The Hon. Dr. Dobson, in the Chair ;		
The Hon. J. Buchanan J. G. Dougharty W. McCulloch		The Hon. J. Lorimer R. Simson.

Winfield Attenborough, Esq., was called in and examined.

W. B. Chapman, Esq., was called in and examined.

E. S. Chapman, Esq., was called in and examined.

R. D. L. Bond, Esq., was called in and examined.

Inspector Secretan, of the Detective Police, was called in and examined.

Detective Sergeant John Duncan was called in and examined.

Detective Thomas O'Callaghan was called in and examined.

E. S. Chapman, Esq., was recalled and further examined.

The Committee adjourned until two o'clock p.m. on Wednesday.

WEDNESDAY, 24TH NOVEMBER, 1880.

*Members present:*

The Hon. Dr. Dobson, in the Chair ;		
The Hon. J. Lorimer J. Buchanan R. Simson		The Hon. W. McCulloch H. Cuthbert.

James Bathe, Esq., was called in and examined.

W. S. Cox, Esq., was called in and examined.

Letter addressed to the Chairman submitted to the Committee.—[*Vide Appendix No. 3*].

C. H. Nicholson, Esq., Acting Commissioner of Police, was called in and examined.

Sergeant John Doyle, of the Adelaide Detective Police, was called in and examined.

Committee adjourned until two o'clock p.m. on the 30th inst.

WEDNESDAY, 30TH NOVEMBER, 1880.

*Members present:*

The Hon. Dr. Dobson, in the Chair ;		
The Hon. J. Lorimer J. Buchanan		The Hon. W. McCulloch H. Cuthbert.

Captain F. C. Standish was called in and examined.

Herbert Power, Esq., was called in and examined.

William Leonard, Esq., was called in and examined.

The Committee deliberated, and adjourned until four o'clock on the next day of meeting of the Council.

WEDNESDAY, 1ST DECEMBER, 1880.

*Members present:*

The Hon. Dr. Dobson, in the Chair ;		
The Hon. R. Simson W. McCulloch H. Cuthbert		The Hon. J. Lorimer J. Buchanan.

The Chairman submitted the following Draft Report, which was read :—

YOUR COMMITTEE have held four sittings, and examined sixteen witnesses, with the view of obtaining the best evidence at their command on the question, whether it is desirable or not to sanction, by express legislation, the use of the machine called the "Totalisator."

1. The Committee are fully impressed with the deplorable extent which gambling and betting have attained in the colony, and are of opinion that legislation should take place to mitigate, and, as far as possible, to control the resulting evils. Impressed with the belief that no legislation can possibly abolish betting on horse-races, they consider it desirable to assent to the measure referred to them, and which has been passed by the Legislative Assembly.

2. That measure is adopted, it will be observed, chiefly as an experiment, from which, however, your Committee have reason to believe important results will ensue. Among the most important of these results, your Committee anticipate that, should the measure be adopted, the cases of small bookmakers who attend race-courses, and notably the races in the vicinity of Melbourne, will be wholly obliterated; (2) That the members of the "ring" will be much lessened—your Committee considering that the cases of embezzlement by clerks, &c., are much more frequent where it becomes necessary to get money to get out of a scrape than where the fraud is antecedently perpetrated, in order to stand the chance of winning a bet. In the former case, the clerk must either get the money, or almost certainly lose his situation, whereas no such terrible alternative actuates the clerk in the latter.

3. Your House will observe, on reading the evidence, that the chief objection made to the introduction of the machine is that it will tend ultimately to lessen horse racing; that owners of horses will not be able to bet large sums on their horses if the bookmakers are seriously interfered with.

4. It is to be regretted that none of the ministers or elders who signed the petition against the measure thought it worth their while to attend the Committee and support the views urged in it.

5. In conclusion, your Committee believe that the passing of the measure would be highly beneficial in the interests of morality, and recommend it to the favorable consideration of your Honorable House.

Clause 1.—The Hon. H. Cuthbert moved the insertion of the word "not" before "assent," in line 4. The Committee divided.

Contents, 3.	Not Contents, 3.
The Hon. H. Cuthbert	The Hon. Dr. Dobson
J. Buchanan	J. Lorimer
W. McCulloch.	R. Simson.

The voices being equal, the Chairman gave his casting vote with the Not Contents, and the amendment was negatived.

The Clause was amended by the insertion of the words "that the existing law is insufficient to prevent" in lieu of "no legislation can possibly abolish," in line 3, and the insertion of the words "with a view to diminish the evils arising therefrom" after "desirable," in line 3, and agreed to.

Clause 2.—The Hon. H. Cuthbert moved that the clause be struck out. The Committee divided.

Contents, 3.	Not Contents, 3.
The Hon. H. Cuthbert	The Hon. Dr. Dobson
J. Buchanan	J. Lorimer
W. McCulloch.	R. Simson.

The voices being equal, the Chairman gave his casting vote with the Not Contents, and the amendment was negatived. The Clause was amended by the insertion of the word "satisfactory" for "important," in line 2, and passed.

Clause 3.—The Hon. Dr. Dobson moved the addition of the following words at end of clause: "but your Committee do not consider that this objection should have much weight with your Honorable House." The Committee divided.

Contents, 3.	Not Contents, 3.
The Hon. Dr. Dobson	The Hon. H. Cuthbert
J. Lorimer	J. Buchanan
R. Simson.	W. McCulloch.

The voices being equal, the Chairman gave his casting vote with the Contents. The Clause, as amended, was passed.

Clause 4 was ordered to be struck out.

Clause 5 was amended by the omission of the word "highly" in line 1.

The Chairman was directed to report to the House.

# MINUTES OF EVIDENCE.

[BETTING PREVENTION BILL.]

TUESDAY, 16TH NOVEMBER, 1880.

*Members present :*

The Hon. Dr. DOBSON, in the Chair ;

The Hon. J. Lorimer  
J. Buchanan

The Hon. W. McCulloch  
R. Simson.

Siegfried Franck, Esq., examined.

1. *By the Hon. the Chairman.*—Have you been long in Australia?—About twenty-eight years.
2. What have you been doing during that time?—I have been in mercantile business in Sydney, and was fifteen years Consul for the German Empire in New South Wales.
3. Fifteen years Consul?—Yes.
4. How long have you known this instrument called the Totalisator?—I went home four years ago, and there I saw it.
5. In actual work?—Yes.
6. Where?—Upon the whole Continent. I went to Petersburg, Vienna, Berlin, Hamburg, Florence, Frankfort.
7. On the Maine or the Oder?—Both Frankfort on the Maine and Frankfort on the Oder. In point of fact, in every place upon the Continent.
8. Anywhere in France?—I did not go to France.
9. Was Florence the only Italian town?—It is used throughout the whole of Italy.
10. Do you know whether it is used in France?—Yes.
11. Have you seen it at work on racecourses?—Yes.
12. Where?—In all the places I mentioned just now.
13. Have you seen it at work in any of the Australian colonies?—I introduced it the first time in Sydney.
14. At what date?—On the 18th of January of last year, I think it was.
15. 1879?—I think it was. It was a race meeting upon Sir Hercules Robinson leaving Sydney.
16. That must be this year, surely?—No, when he went over to New Zealand; it was last year.
17. Was there more than one instrument in use upon the Sydney racecourse?—I had two in use.
18. Was it known for any length of time before the race took place that the instrument was to be used?—Of course, a day or two before.
19. Then it would not have had much effect upon the bookmakers at that meeting?—It had a very great effect.
20. It had, notwithstanding the short notice?—The public were anxious to wait till they saw it.
21. Had you been in the habit of attending the racecourse in Sydney before?—Always; it was one of my greatest pleasures.
22. Did you observe any change in the amount of bets with the bookmakers upon that occasion?—As I understand, the bookmakers have been heavy losers in consequence of the introduction of the instrument. They were quite idle.
23. At that race?—At that race, and four days later, at another race meeting, two totalisators were in use again, and had the same effect.
24. *By the Hon. W. McCulloch.*—Is that only a report, or of your own knowledge?—Of my own knowledge.
25. *By the Hon. the Chairman.*—Is that the only place where you have seen it at work in the colony?—I worked it for four days upon the Sydney Leger meeting, in the beginning of last year, as stated before.
26. Was any effect upon the work done by the bookmakers possible?—Of course.
27. Could you give us any idea of it; what effect did you see produced?—As soon as the bookmakers were aware that I was going to introduce the instrument, they had a meeting in the betting place called Tattersall's, in Sydney, and they passed a resolution to request the committee of the racing club not to allow the instrument to be introduced at the next meeting; but those gentlemen did see that it was for the benefit of the public at large, and they admitted it, although the betting men's resolution was published in the *Sydney Morning Herald*.
28. Are those the only two occasions on which you used it in Sydney?—Yes, because after I saw there was so much difficulty and annoyance, I declined to carry it on any further. Through the instrumental work of the bookmakers I was brought before the police court.
29. I believe you were fined?—No, I never was fined. It is as legal as anything can be.
30. We understand that you were fined?—No, I was not fined.
31. The case was dismissed?—The police took a most unfair way—
32. Never mind about that?—They issued six summonses against me for the same case.
33. What was the result?—Five days I was before the police court, and at last they succeeded in getting me committed; but the Attorney-General did not enter any proceedings after I told him I would not take any more trouble with the totalisator until it is legally allowed.
34. Have you seen it at work in any of the other colonies?—I went to New Zealand and I introduced it there.

Siegfried Franck,  
Esq.,  
continued,  
16th Nov. 1880.

35. At what date?—It was only introduced in the beginning of this year publicly upon the racecourse; on the Queen's Birthday this year.

36. Where was that?—At Dunedin.

37. Did it work satisfactorily there?—Yes, the club wrote me a few lines. The representative of the bookmakers wrote a very insulting article about it in the paper.

38. The article appeared. You do not know who wrote it, of course. In what paper did it appear?—The *Canterbury Times*. The Dunedin correspondent of that paper wrote it.

39. Attacking the totalisator?—Attacking the totalisator, and giving the most erroneous reports about it.

40. In consequence of that article, did you do anything?—I wrote a letter to the Jockey Club, Dunedin, and they replied as follows:—

Dunedin Jockey Club, Dunedin, 15th June 1880.

Siegfried Franck, Esq., Criterion Hotel, Dunedin.

Dear Sir,—I am in receipt of your favour of the 5th, which was placed before the committee last evening. I am instructed to reply as follows to your questions:—

1. Were the patent totalisators worked on Queen's Birthday to the satisfaction of your stewards and public.—Yes.

41. That "Yes" is the answer?—Yes.

2. Have your stewards remonstrated with me a single word at or after the meeting?—No.

3. Did I not give to the two ticket sellers engaged by you the strict order not to sell tickets of scratched horses' numbers as soon as they were aware of the fact?—Yes.

I am, dear Sir, yours truly,

SYDNEY JAMES,  
Secretary Dunedin Jockey Club.

That is a copy of the original letter which I have [*handing in the same*].

42. May I ask what is the result of your instrument when money has been laid upon horses which have been afterwards scratched. Supposing upon the totalisator of £20 I put upon No. 2, and before the race starts No. 2 is scratched, what becomes of the money?—It depends upon how the club forms the rules. Upon the Continent, the money remains in the pool and is divided amongst the winning horse's number. This is for the club to divide, who have the instrument in their hands. They charge their commission. If they give it to the holder of the winning number or not it is just the same to them.

43. Will you kindly explain the working of the instrument by an example?—Yes.—[*The witness practically illustrated the working of the instrument in the room*].—I may mention that all the wrong that has been done with totalisators was done with imitation instruments, which are worked from the back. This instrument cannot be worked from the back. I was present when frauds did take place in Auckland, and some persons were committed to gaol for it.

44. *By the Hon. W. McCulloch*.—If a horse wins upon which no money has been staked?—Then the persons who entered their money get all their money back, less the commission.

45. *By the Hon. the Chairman*.—Had you instruments enough then to record the Melbourne Cup, where thirty horses start?—You can have instruments of any size and with any amount of numbers upon it.

46. Did you hear a Member of Parliament making a speech state in Parliament in Sydney that a deputation of bookmakers waited upon him to oppose it?—Yes, I was present.

47. *By the Hon. J. Lorimer*.—You have mentioned about Continental places; is it usual anywhere off the Continent?—It is used in all parts of America, it is used in India; I had letters a few days ago about it from India.

48. Is it used anywhere in England?—I have information from different sources that it is used in England at present. It is used in the whole world, excepting colonies this side of the equator.

49. It has been used in England?—It is used at present in England on racecourses.

50. And it has never been stopped by the police?—I do not know. I have heard from Mr. Griffiths, who has seen it working on English racecourses, and from a bank manager who has returned from Europe two years ago. Mr. Griffiths gave me full information. I saw him at Christchurch, and he said, "I do not want to see the instrument, I have seen it at home in England on racecourses."

51. *By the Hon. W. McCulloch*.—To what extent did the business of the bookmakers at Sydney fall off when your machine was in use?—It was not very small; I dare say it was many pounds on each race, because the public saw the advantage of the instrument.

52. That could not affect the race much?—The public got shy of backing, and appeared to suffer very much by betting with bookmakers.

53. *By the Hon. J. Lorimer*.—What interest had you in this instrument?—I am patentee. I purchased the right, and I invented a certain part of it—the stop.

54. Are you patentee for all the colonies?—No, not for all the colonies, only for New Zealand, this colony, and New South Wales.

55. Supposing it was legalized in Victoria to be managed by the Victoria Racing Club, how could they get possession of an instrument?—I should make arrangements with them.

56. They could not use it without an arrangement with you?—No, not the genuine instrument. I dare say they might get imitations.

57. *By the Hon. J. Buchanan*.—It was not legalized in New South Wales when you used it?—There was no question raised about its being legalized. I took the legal opinion of my solicitors, and they said, "No doubt if racing is legal, if sweepstakes are legal, and if the public is allowed to make sweeps up, there is no doubt that it is legal;" but I did not like that the police may put any more obstacles in my way, and I said I would not use it again except legally admitted.

58. *By the Hon. J. Lorimer*.—No proceedings were taken against you in New Zealand?—On the contrary, they were highly pleased. The Attorney-General, Mr. Whittaker, brought in a Bill in the Upper House to suppress betting, and to have the instrument allowed upon the racecourses. I have got a copy of the Bill. The instrument was in Parliament on view for the members.

59. *By the Hon. the Chairman*.—It passed the Upper House in New Zealand, and then the House was prorogued before it passed?—Yes.

60. *By the Hon. W. McCulloch*.—It is not legalized yet in New Zealand?—A Bill was brought in in the Council by the Attorney-General, and has been passed. About fifty or sixty Bills were not read in the Assembly yet. The totalisator can be legally worked in New Zealand, even if that Bill is rejected by the Legislative Assembly.

61. The only colony where it is legalized is South Australia?—Yes, and the Attorney-General of Queensland, who is now a judge of the Brisbane Bench, gave it as his opinion, that it is legal, and the instrument is used in Queensland without an Act of Parliament.

62. You think it is legal here?—I am fully convinced that, if I went to expenses and took an appeal home if I was beaten, I should succeed.

63. *By the Hon. J. Lorimer.*—It has never been used in Victoria?—No. I was invited, but I declined.

64. It has never been used?—Not the genuine instrument. The Victoria Amateur Turf Club wrote to me to come over, but, after what I was told what is going on here, I would not introduce it, except I had a legal right. I did not want to go again before a police court.

65. *By the Hon. J. Buchanan.*—When you were at home, did you come back through America?—No.

66. You do not know, of your own knowledge, that it is used there?—No. But I saw a gentleman in the American Court of the Exhibition last Friday, and he told me he had often seen it there.

67. *By the Hon. the Chairman.*—Was that Mr. Linon?—Yes.

68. *By the Hon. J. Buchanan.*—Which of the States does he come from?—From New York. He told me he had seen it at New York at the time I saw it at home in 1876.

69. *By the Hon. J. Lorimer.*—Upon what racecourses has it been used in England?—Mr. Percy Waddy, the manager of the Commercial Bank in Singelton, told me that it was used in different places in England—Croydon—and at different places in Ireland; and he ended his letter by saying,—"In many other places."

70. *By the Hon. W. McCulloch.*—Is it your opinion that, if this was legalized, it would do away with bookmaking?—I think it would be a great blessing, to a certain extent, to the present generation. We know from South Australian Club, where one club found the bookmakers could not make a living on the course, that the other club would not allow the totalisator to be used upon their course.

71. *By the Hon. J. Buchanan.*—So it is only used upon one turf in South Australia?—Yes. The opposition club want to keep up betting, and they will not allow it to be used.

*The witness withdrew.*

Frederick Augusti Schinnerling, Esq., examined.

72. *By the Hon. the Chairman.*—Do you produce an instrument of which you are patentee?—Yes.—[*The witness produced and explained the same, and illustrated its practical working.*]

Frederick A.  
Schinnerling,  
Esq.,  
16th Nov. 1880.

*The witness withdrew.*

Robert Cooper Bagot, Esq., examined.

73. *By the Hon. the Chairman.*—You are secretary to the Victoria Racing Club?—Yes.

74. And have been for how many years?—Twenty.

75. You have seen these totalisator machines and are acquainted with their working?—I saw the working of this one at Randwick.

76. Franck's machine?—Yes. I spent an hour looking at it.

77. Will you be good enough to give us your opinion as to whether it is desirable to adopt it, and why?—My opinion is, that a totalisator is about the fairest thing to prevent the robbing of the public there is in the world, if worked fairly. I have every reason to believe this was worked perfectly fairly, because I spent one hour and never lost sight of the machine. I have no doubt that the Schinnerling machine is perfectly good also, but I never saw it worked; but I am of opinion very strongly that the totalisator will be the means of annihilating the biggest lot of rogues there are in the world—that is, the mushroom bookmakers, who numbered over 700 upon the hill of the Melbourne racecourse last Cup day.

78. Did you hear of any cases of defaulters upon the hill?—Yes; any number of the lowest class of thieves, who come down to the stand reserve when they get the money of the people on the hill. They came below to try their hand, and paid their eight shillings. The change ticket is eight shillings. Having paid two shillings, the change ticket is eight shillings.

79. *By the Hon. J. Lorimer.*—Disreputable?—The very worst class. I do not speak now of respectable bookmakers. We have some as decent men as any in the community.

80. What did they do?—The moment they pocketed the money in advance sweeps or bets they take it and receive the money on the hill, and when they make a bet, they give a ticket and then they are off.

81. How do you know that to be a fact?—The detectives will tell you.

82. Have you any complaints?—Any number.

83. From people who give their money?—Hundreds and hundreds of people for years have been asking if there is any redress from the Club, and I have simply turned up the corners of their applications and written—"No redress whatever. If you are fool enough to be robbed you have to lose, there is no redress."

84. Those are the welters?—Yes, that is what they are. This instrument is no use to us. It will never give us, in my opinion, one shilling of money, but it will give the public great protection.

85. *By the Hon. the Chairman.*—In your opinion, what would be the effect upon the ring generally, the more respectable bookmakers?—I do not think it would affect them, though they think it would. I say, if you want to back a horse upon the first of June for £20,000, you cannot back him upon the totalisator; but they say "We want to hedge," but I think the public are to be considered more than the bookmakers.

86. You think it would annihilate a very undesirable class of bookmakers, but leave practically untouched the more respectable men?—Most undoubtedly. It would clear out the roughs, and it is matter of opinion whether I am right in saying it would not touch the respectable men. I may be wrong, but I think, if an Act is to be passed to protect the public against the thieves, I do not consider we ought to consider the other men at all.

87. Do you think we ought to pass an Act for a short time—say two years, just as an experiment?—I think it would be a very good experiment, even for one year, or for any time that Government may think advisable.

88. Do you think the adoption of the totalisator would tend to reduce the attempts made to bribe jockeys, or to get at horses?—It would naturally, beyond the smallest possible doubt, and would tend to

R. C. Bagot, Esq.,  
16th Nov. 1880.

R. C. Bagot, Esq.,  
continued,  
16th Nov. 1880.

stamp the very great villainy connected with horse racing out—must do it. Of course I would like to mention (because there may be gentlemen at the table whom I am not acquainted with) that I never bet a farthing, and take no interest in the racing, more than the leg of a table, and never look at a race, but I like to see the public protected. I have done what I could to elevate the tone of horse-racing, and I say the greatest evil connected with it is, the class of bookmakers of which I have spoken. Their villainy is something awful.

89. *By the Hon. W. McCulloch.*—The men in the ring upon the hill do not poison horses and do things of that sort; that must be the larger men?—I do not know much about that. You are coming to things behind the scenes, that I know nothing about.

90. The class you speak of upon the hill only bet when the racing is going on?—I know nothing about that. I mix myself up in no way with jockeys or bookmakers. I make them respect me and nothing more.

91. *By the Hon. J. Lorimer.*—You saw it at work at Randwick?—Yes.

92. What effect had it upon the betting?—I could not tell, because I do not bet. I put a pound on and won seven.

93. Did it appear to check it?—I noticed a row at Randwick about this machine amongst the bookmakers; and so there was at Caulfield. The bookmakers fear it will annihilate them. I watched my horse—I put on No. 6—and it went on to £7. The grand total was £35, and there were five persons betting upon it. Of course we divided the pool. I do not see how there can be anything wrong in the machine. I was watching for amusement, I am not a betting man. I had a pound and no more money but half a crown to take me home.

94. *By the Hon. W. McCulloch.*—Would it not have the same effect upon the outside public; you never bet before or since. Did you have a pound and put it on for amusement?—Suppose they do?

95. You were tempted when you saw this machine?—I did it merely for amusement. I asked the gentleman who was here to tell me the horse to put my money on, and he said, "That is not my business;" but a gentleman standing by, from Sydney, told me to put it upon No. 6, it was safe, and I won it. We sold 8000 of these books—[*producing a race book*]—upon the Cup day. Here is the result of it. Here there are the sweeps. There were 50,000 cards without the sweeps. Those books are all for sweeps. The difference between that machine briefly is simply this: you find, say, eighteen children under eight years of age, which I saw the last Cup day, getting up a sweep, tearing out the leaves, sixpence each. They promiscuously put those torn out pieces into their pinafores and pick them out. With that machine you pick your horse, and there you take your chance. I am in a position to prove that nearly £20,000 changed hands upon the last Cup day upon those books; whereas with this machine you pick your horse, and, there may be half a million in the pool. It is chance; with the machine you get opinion.

96. Those sweeps you get all your money, but in the other way you deduct 2½ per cent. for the Racing Club?—Not a farthing. The only thing I wish you to remember is this, that when I come here I only point out in the interest of the public the difference between that book and the machine. They brought in with the cards 500 sovereigns to us upon the Cup day, to us alone. That machine will not bring in to us five shillings.

97. *By the Hon. the Chairman.*—You as representing the club are not interested?—Not one shilling.

98. *By the Hon. J. Lorimer.*—We want to know what effect it will have in diminishing the sweeps?—It will stop all the thievery.

99. *By the Hon. R. Simson.*—It will not stop sweeps?—No; and it will not stop betting, but it will do away with the swindling scoundrels.

100. *By the Hon. J. Lorimer.*—You know of your own personal knowledge that there are men who run away with large sums of money; and you think this will stop their operations, for the public will naturally put their pound into the machine where it is safe?—There is not the least doubt of it; it will clear the hill entirely of those rogues.

101. Have you had any report of the operation of it from any of the other colonies?—Yes.

102. From Adelaide?—No, I saw its working at Randwick; there is not a fairer thing in the world.

103. You have not stated, that it is your opinion, that it will stop betting and sweeps?—I have had no experience yet; but if I offer an opinion in advance, there is not the slightest doubt of it; for where the bookmakers offer four to one against a horse the machine can offer ten, and where an unbacked horse wins, every man gets his money back without deduction.

104. *By the Hon. W. McCulloch.*—Less 2½ per cent.?—Not at all, without deduction. If there is £2000 in the total of the pool and Nos. one, two, three, four, and five, are not backed, if any of those wins, the £2000 goes back to their backers.

105. *By the Hon. the Chairman.*—The Bill provides that a commission shall be paid in that case?—I did not know that.

106. *By the Hon. J. Lorimer.*—Are you distinctly in favor of having this instrument introduced upon the Melbourne racecourse?—Yes, in the interests of the public. Our committee have never interfered, and it has never been discussed at any committee meeting we ever had. By a majority of eighty votes to four at a general meeting, they proclaimed in favor of this; to protect the general public it was only done—not for the club—I will not say that, however, for it was looked upon as a five per cent. business.

107. You say that the betting men are opposed to the introduction of it?—To a man.

108. How do you know that?—They tell me, that it will ruin racing and ruin the ring, and that I ought not to go in for it.

109. Have they taken any steps to make representations to the Racing Club about it?—I am not in a position to answer the question. I know nothing about it. Some of the men in the ring are strongly in favor of it, for there is Coker, who says—"The moment I get my money on the ring touch, I can save myself upon the totalisator," but the Thompson crowd are strongly opposed to it.

110. It will sweep away the small men?—Yes, it will. I can plainly see that the machine will give us a great deal of trouble without any profit, but then we do not want it. I wish to protect the public, and they are fairly robbed in open daylight. You have to legislate to protect the people who have no brains. It will be no profit to us. We do not depend for profit in racing upon that. Our receipts last Cup day were £4000. It would require 2500 men to work this totalisator on Cup day. It would require a six-acre

paddock. We should have to go down between the saddling paddock and the river. The public are all gamblers. You cannot stop their gambling. The only thing is to bring it down and reduce it, and make it respectable, if you can. I believe that either of those machines is a very fair machine. I may mention, that one of the difficulties of this Act appears to me to be a very cogent one. It provides that the club may appoint agents to work these machines. Suppose Mr. Franck has a couple of hundred thousand of pounds in his hands, and walks off with it, is not our club responsible? I doubt whether the whole Bill is not a responsibility, because we should not work it ourselves. If we are responsible for dishonest agents, one such act of dishonesty would smash up the club.

111. That is your affair?—Yes, that is true.

112. *By the Hon. W. McCulloch.*—They might bolt with the money from the gates?—No, they make me give security for everything. I do not think myself you will ever see the totalisator worked, with the 2½ per cent.

113. You are in doubt whether the Victoria Racing Club would use it?—I cannot say. It remains to be seen. Of course they would work it; they could make money out of it.

114. There is no engagement with Franck or anyone else?—Not a single line. Not a single scratch of a pen. Nor is there anything verbally.

115. *By the Hon. R. Simson.*—He could not come upon your ground without your permission?—No. With regard to the odds, it must knock down betting tremendously, for the odds you get with the instrument are far larger than you will get from the ring.

116. *By the Hon. W. McCulloch.*—It favours betting?—Yes, getting people to put on their money.

117. *By the Hon. J. Lorimer.*—Does it often happen that an unbacked horse wins?—I saw it happen in Sydney once. A gentleman was staying at the Union Club, and came to borrow a pound of me. He had lost a pound; and I said,—“I have no money. I have only half-a-crown to take me home, and I am not going to draw any money from Franck till Monday.” And he saved money. If he had had a pound he would have lost it. It is far better than making bets with a bookmaker.

118. How many of those men are there?—Thirteen hundred.

119. How much money do they make?—Three-quarters of a million changes hands in the whole colony.

120. Are they generally successful men?—It is hard to say. Joe Thompson lost £2000 over a cricket match.

121. I suppose he will make it at some other time—I suppose those men live upon the public by betting?—Yes; that and thievery.

122. What do you call “thievery”—do you mean dishonest betting—you do not mean that they go picking people’s pockets?—No; I do not mean to say that.

123. *By the Hon. W. McCulloch.*—The large number you speak of, are they rogues and vagabonds in the colony?—They are the mushrooms.

124. *By the Hon. J. Lorimer.*—Will it save the public £20,000 a year at your meetings?—It will save them £150,000 a year if it is worked honestly.

125. *By the Hon. W. McCulloch.*—How do you arrive at the £150,000?—First of all, upon the hill, we calculate we shall require 200 of those machines for every race.

126. That supposes the business to have increased—How do you arrive at the present amount?—I say all round the whole place. I begin with the hill. You have no idea of the sweeps. Pounds and pounds from the farmers and their daughters. I watch them all. I look round, trying to protect the unfortunate people. They are all wild—mad—rushing with pounds for their tickets; and as soon as the race is over the welsher comes off down below.

127. But that is not every race?—You had better ask the detectives; they can tell you. All the police say, that if you have this machine the ring is weeded out. This machine is like forming a company. You establish 100,000 shares at £5 each, and the moment you dissolve the company you divide the money. You make the betting and the ring does not. Now, the ring make the betting, and if you lose, the money is gone; you get nothing; but on this machine you get your money back, less sixpence in the pound, if an unbacked horse wins.

*The witness withdrew.*

*Ordered that this Committee be adjourned to to-morrow, at two o’clock.*

WEDNESDAY, 17TH NOVEMBER, 1880.

*Members present:*

The Hon. Dr. DOBSON, in the Chair;

The Hon. J. Buchanan  
J. G. Dougharty  
W. McCulloch

The Hon. J. Lorimer  
R. Simson.

Winfield Attenborough, Esq., examined.

128. *By the Hon. the Chairman.*—Do you know the machine called the Totalisator?—I do.

129. Have you ever seen it in work upon a racecourse?—No. I have seen it worked in a room.

130. You are a member of the committee of the Victoria Racing Club?—I was for many years. I am not this year.

131. For about how many years were you a member?—Except when I was in England, I think I have been a member for the last twelve years. I was in about two years after the club was formed.

132. Have you been in the habit of attending races regularly?—Yes, regularly.

133. Will you be kind enough to give us your opinion as to what the effect of introducing the totalisator upon the Flemington course would be?—Do you mean as to the betting?

W. Attenborough,  
Esq.,  
*continued,*  
17th Nov. 1880.

134. First as to the bookmakers, and then as to the betting of the public generally outside the bookmakers?—I think myself it would ruin the bookmakers.

135. Do you think it would have any effect upon the outside public, who do not as a rule bet with the bookmakers now?—I do not see how it could have. In what way could it?

136. Do you think it would induce many persons to bet who otherwise would not?—I do not think it would. I think it would do away with sweeps to a great extent, perhaps altogether.

137. *By the Hon. J. Buchanan.*—Do you think that the effect of this machine would be to lessen betting?—Undoubtedly, I think so. I am not prepared to say it would lessen the number of persons who bet, but it would decrease the amount of betting to an enormous extent; in fact, I think it would kill racing.

138. *By the Hon. the Chairman.*—In that respect you are rather opposed to the introduction of it?—I do not know that I am particularly. I think it would be a great misfortune to racing; the State would have to come forward and find the stakes. I think the bookmakers are able to lay large bets now in a great measure in consequence of having an innumerable number of small bets from £5 downwards, and I think nearly the whole of that small betting would be done away with.

139. It would go to the totalisator and not to the bookmakers?—Yes.

140. *By the Hon. J. G. Dougharty.*—It would be within your ken (you being a member of the committee), that last Cup-day twelve months your secretary went on to the hill and found, it was calculated by him and the detectives who accompanied him, something like 1100 men, evidently swept from Petticoat lane, Monmouth street, St. Giles's, and that neighborhood, plying their trade as welters upon the hill?—No doubt, a large number.

141. And the moment you won your money your welscher disappeared?—Yes.

142. And if this totalisator were brought into play, it would prevent the public (who muster in thousands upon the hill) from being robbed in this open, barefaced manner?—Yes, it would do away entirely with the bookmakers upon the hill, and upon the flat too, for the same game goes on upon the flat.

143. Would not that be a great gain to the community?—Yes, undoubtedly.

144. From that point of view alone the introduction of this machine would be a benefit?—Undoubtedly. You must bear in mind, that what I say is a mere matter of opinion; I am not prepared to say positively that it would destroy racing, but I believe there are not a sufficient number of people here with an income large enough to race horses without betting, and if they cannot get a sufficient number of large bets they would cease to race.

*The witness withdrew.*

Wilfrid B. Chapman, Esq., examined.

145. *By the Hon. the Chairman.*—You are from London?—Yes.

146. I believe you are travelling through the colonies?—Yes.

147. You have been recently in America, I understand?—Yes, I have recently come from there—travelling through.

148. Have you seen or do you know the instrument called the Totalisator?—Yes, I know it under a different name, but I have been just looking at it here and it is the same thing, only where I have seen it before they had several of them. This is only one specimen.

149. In other words, several have to be used on a racecourse?—Yes. I think they put up three or four in each booth.

150. Could you mention any place in America where you saw it recently in use upon racecourses?—The most recent was in Washington last April or May. I also saw it in New Orleans and in Baltimore. I am sure about those places, and I think I have seen it somewhere else, but I am not sure.

151. These were worked openly without any interference?—Perfectly openly; all the crowd and the public outside looking at it, and seeing every number that was backed up.

152. Did you see tickets sold at counter; if so, will you tell us about that?—No, tickets were not sold at hotels. They used to sell pools at the hotels, but I think that had nothing to do with the totalisator; that was simply another form of betting.

153. That selling of pools was carried on at first-class hotels?—I have seen it carried on at the West End Hotel, at Long Branch, which is a first-class hotel, the fashionable hotel.

154. *By the Hon. J. Buchanan.*—Do you know from your own knowledge whether this machine is legalized in the States?—From my own knowledge I do not know; but it is used there perfectly openly, and if it were not legalized it would probably be stopped.

155. You have seen it at work?—Yes; I have bought tickets there myself. It is the only form of betting I have indulged in.

156. *By the Hon. the Chairman.*—You are not a betting man?—No, I am not, by any means. You go there and buy your ticket as you do at a railway station, without having to go into a crowd or rubbing shoulders with bookmakers.

157. *By the Hon. J. G. Dougharty.*—And it is not like taking your chance in a sweep, for you can back your judgment?—Yes. Upon the last race meeting here I had not a single bet; like many strangers, I would not bet with the bookmakers.

158. *By the Hon. J. Buchanan.*—You say you would bet with one of these machines?—I should; but I am rather peculiar, perhaps—I do not like to go into a rush or a crowd. The totalisator makes a very gentlemanly way of betting; but I think it is very likely it might spoil the business of a bookmaker. Though there might be more bets of £1, there would be fewer of £100.

159. Did you come through California here?—Yes, I sailed from California on the 25th of September.

160. Did you in California see it in use?—No; I never saw a race in California.

161. Where did you say you saw it?—At Washington. I was at the meeting last April or May, when Hanlon and Courtney were rowing. I was there three days, and I know it was being used; and I saw it also at Baltimore and New Orleans.

*The witness withdrew.*

W. B. Chapman,  
Esq.,  
17th Nov. 1880.



Edward Samuel Chapman, Esq., examined.

162. *By the Hon. the Chairman.*—What are you?—Sporting Correspondent to the *Australasian*.
163. Do you know the instrument called the Totalisator?—Yes.
164. Have you ever seen it at work?—Yes.
165. On a racecourse?—Yes.
166. Where?—Randwick.
167. As far as you could judge, did it work satisfactorily?—Very.
168. I presume, from your position, that you know all about racing matters?—I do.
169. And betting?—Yes.
170. Will you kindly give us your opinion as to what the effect upon the ring would be if the totalisator were introduced here?—It would materially diminish the number of betting men, especially the lower portion.
171. It would not abolish the professional bookmakers?—No, not the respectable portion.
172. Would it have any effect, do you think, upon the respectable portion of them, in diminishing their business?—Yes; I dare say a great deal of the money would go into the funds of the club instead of into their pockets.
173. Into the funds of the club—have you seen the Bill?—No, I have not.
174. The only deduction is  $2\frac{1}{2}$  per cent.?—That  $2\frac{1}{2}$  per cent. then would go into the funds of the club, instead of going into the pockets of the ring.
175. That is after deducting the expenses?—Yes.
176. It would be only the balance of the  $2\frac{1}{2}$  per cent.?—That is all. It would also abolish welshing, which is becoming very rife in Australia.
177. Do you know whether welshing was very rife during the recent meeting at Flemington?—It was. I believe two or three welshers were assaulted.
178. Would it have any tendency to do away with attempting to poison horses or bribe jockeys?—Considerably. There would be no motive then, they would derive no benefit from it. Of course the totalisator (or “totaliser,” which is the proper term, I think) would have no motive for “getting at” a horse, as they term it.
179. Of course there are other ways of “getting at” a horse than the two I have mentioned—getting blocked in the race, and so on?—Yes, many ways.
180. You think it would have a direct tendency then to put down those frauds?—It would indeed. I am confident of it.
181. Do you think it would induce persons who at present do not bet to begin betting?—Not at all. I will give you my reason. A person who goes down to bet at a racecourse bets £5, and he loses it. The bookmaker knows him. Say he is a clerk in an office. The bookmaker sees that he has a fair position—perhaps £250 a year—and he wants to bet again, to try and recover. He gives him credit, and he loses again, and so on, increasing the credit till probably the backer is in debt £25, or £30, or £40. Whereas, with the totalisator you put your money on, and, if you lose it, there it is finished.
182. There is no credit?—There is no credit. That is one of the most powerful arguments in favor of the totalisator.
183. What is your opinion as to whether it is desirable or not to introduce this instrument?—I think it is very desirable. I have given you my reasons, and I am satisfied it would have a good effect.

*The witness withdrew.*

Neeld Rundell Duncombe Bond, Esq., examined.

184. *By the Hon. the Chairman.*—I believe you are the Sporting Editor of the *Leader*?—Yes.
185. Of course you know all about racing and betting?—Yes.
186. Do you know the instrument called the Totalisator?—Yes; and I have seen it at work at Randwick.
187. Did it work satisfactorily as far as you could see?—Yes; it seemed to work very satisfactorily, as far as I could see.
188. Have you formed any opinion as to what would be the effect of introducing it into the colony?—Yes. My impression is, that it would reduce the ring very considerably if it were introduced into this colony.
189. We are told that at the recent races at Flemington, there were a great many small bookmakers upon the hill. What would be the effect of the totalisator upon them, probably—of course it is only a matter of opinion?—I suppose that, if the totalisator were introduced upon the hill, it would do away with their business.
190. Altogether?—Yes.
191. Did you hear of any cases of welshing upon the hill?—I did indirectly, but my business was principally confined to the paddock.
192. We heard that there were some cases even there?—Very probably. I have no doubt there would be.
193. Do you think it would tend to induce persons who now do not bet to begin betting?—No, I do not think it would be any inducement, because the machine gives no credit, whereas most people can get credit from the bookmakers.
194. It has been suggested that the facility and the certainty of being treated fairly would induce people to bet who otherwise would not bet at all, and that has been used as an argument against the totalisator—do you think many persons who are not betting men would be induced to begin betting?—No, I do not think so. It might divert many persons from the sweeps to invest their money in the totalisator. At present there is a very large amount of money laid out in sweeps upon the racecourse.
195. Not only the advertised, but sweeps among friends upon the course?—Yes.
196. The result would be you think to reduce those sweeps, both the Miller's swell lot and the sweeps upon the course?—I do not know whether it would reduce Miller's sweeps, but it would reduce the sweeps upon the course. I think Miller's sweep is chiefly supported by persons from a distance who may not be visiting the races.

E. S. Chapman,  
Esq.,  
17th Nov. 1880.

Neeld R. D. Bond  
Esq.,  
17th Nov. 1880.

Neeld R.D. Bond,  
Esq.  
continued,  
17th Nov. 1880.

197. Shortly, are you of opinion that it would be desirable, or the contrary, to introduce the totalisator?—I think it would be desirable. It would have an excellent effect, provided it were worked by a responsible body.

198. *By the Hon. J. G. Dougharty.*—From your long residence here, and your extensive acquaintance, no doubt you hear the opinion of people out of Melbourne, and in Victoria generally; would the public as far as you know desire this change, and believe it to be a beneficial one?—I think the public generally are very desirous of giving it a trial. The bookmakers are the only persons I have heard condemn it.

199. *By the Hon. W. McCulloch.*—You speak of the sporting public more than the outside public—people who do not bet at all?—All portions of the public that I have had any conversation with upon the subject of the totalisator.

200. Would it not be very likely to induce young people to bet, who would not bet otherwise, when they see this handsome thing stuck up upon the racecourse?—I think not. They have to come with ready-money, and they can get credit now from the ring.

201. Would it not induce many young men who have money to put it on?—I do not think it is such an enticing thing as that.

202. *By the Hon. J. Buchanan.*—Your opinion is, that it would not increase betting?—I do not think it would increase betting.

203. *By the Hon. the Chairman.*—On the contrary, you think it would rather have the effect of decreasing it?—I do, indeed.

204. Speaking generally, have you observed what the Press throughout the colony has said upon the question when it has been dealt with?—The Press generally has been favorable, I think, to the totalisator.

205. Do you know of any paper that has written against it?—I can scarcely name one at the present time, nearly all seem to be favorably disposed towards it.

206. Amongst the most respectable and influential papers?—Yes.

207. The *Australasian*, your own paper, the *Leader*, and the *Weekly Times*?—I know the *Australasian* and the *Leader* are, but I do not know about the *Weekly Times*.

208. The Ballarat papers?—I do not know what they say about it. I have seen articles in papers in the other colonies in favor of it.

209. *By the Hon. J. Buchanan.*—Have you seen any articles in the *Telegraph* against it?—I am not sure. I believe the *Telegraph* is opposed to it.

210. *By the Hon. W. McCulloch.*—What is your reason for thinking that betting would be likely to be decreased by the totalisator?—There is a very large amount of credit given by the ring. A man may be a defaulter beyond his means to one member of the ring, and he can bet with another at the same time and get credit.

211. Do you think it would do away with bookmakers altogether?—No; but I think it would reduce the ring to a smaller number, just necessary to comply with the wishes and necessities of owners of horses and of studs. It would do away with all the smaller men, and I consider them to be the most dangerous men.

*The witness withdrew.*

Frederick Secretan, Inspector of Police in charge of the Detective Branch, examined.

212. *By the Hon. the Chairman.*—Have you been in the habit of attending the race meeting at Flemington?—I have.

213. In your official capacity?—Yes.

214. With reference to the meeting that is just over at Flemington, have you any idea of the number of bookmakers plying their trade upon the hill; can you give us anything at all approximating to it?—No, I really could not. They seemed to me to be innumerable; but I think that two of the detectives I have brought here would be able to give you the number better, because they have more to do with the hill.

215. Do you know anything about the totalisator machine?—I have seen it.

216. Have you seen it at work?—No, never.

217. You understand the principle of it?—Yes.

218. Can you give us an opinion, or have you formed any opinion, whether it would be likely to check betting, or to increase it?—Yes. Of course it is only an opinion; but I think it would be calculated to do away with a great many of the small bookmakers—what we call “Welshers”—men that get money, and, when they get it, many of them bolt, and do not pay their debts. I think it would do away with them to a great extent.

219. Do you think it would do away with the ring, or lessen its respectable members?—I do not think so.

220. Do you happen to know whether this offence of “welshing” is upon the increase or the decrease in the colony?—I think there is generally one or two every meeting. I do not think it alters. It is just about the same.

221. Not limiting as regards “welshers”—is the number of small bookmakers upon the hill increasing of late years?—Yes; they have increased altogether, both on the hill and in the saddling paddock. They have increased very much, I should say, in the last few years.

222. *By the Hon. W. McCulloch.*—I suppose they increase proportionably to the attendance at the races?—Yes; they increase with the attendance; and also as it is an easy means of getting a living. They find it pays when they take to it.

223. They do not pay when they lose?—Even when they do pay, it pays them.

224. You have no means of forming an idea what effect the totalisator would have upon the outside people who have not been in the habit of betting?—I have not seen it worked, but I understand the principle of it, and I am rather inclined to think it would increase the number of people who would speculate; for a great many people would use a machine, where they know their money is safe, who would not go to a bookmaker; in fact, would not like to be seen with a bookmaker at all.

225. *By the Hon. the Chairman.*—That applies to many who go into sweeps upon the course?—And to many who do not go into sweeps. They want to back their opinion very often, but would not go into sweeps.

*The witness withdrew.*

F. Secretan,  
17th Nov. 1880.

John Duncan, examined.

226. *By the Hon. the Chairman.*—You are an officer of the detective police?—I am senior first-class detective. John Duncan,  
17th Nov. 1880.

227. Have you been in the habit of attending the races at Flemington?—I have, and elsewhere.

228. Where you at Flemington last Cup day?—I was.

229. Could you give us any idea as to the number of the bookmakers upon the hill?—I should say that, in my opinion, there would be about from twenty to thirty what they call "Bookmakers" upon the hill. There may have been others whom I did not observe, because the crowd was very dense upon that occasion.

230. Did you hear of any cases of welshing?—That is an every day occurrence at race times.

231. *By the Hon. W. McCulloch.*—In all countries?—Yes.

232. In all countries?—Yes, I believe it is everywhere. Even upon the stage you see it introduced sometimes.

233. *By the Hon. the Chairman.*—Do you know the instrument called the Totalisator?—I do.

234. Have you formed any opinion as to what its effect would be upon those small bookmakers upon the hill?—I have. My attention was directed to it by the Chief Commissioner when first it started here at Caulfield about thirteen or fourteen months ago.

235. That is the late Chief Commissioner, Captain Standish?—Yes. I have, as you may say, kept view of it ever since, and the effect I consider it would have upon the betting community is, that it will in a great measure do away with those petty bookmakers, such as we find upon the hill; and it will to a very great extent do away with what you may call large private sweeps—that is: a few gentlemen get together, put £1 in, take a hat and have a sweep upon their own account. It would do away with that.

236. Do you think it would induce persons who do not now bet to begin betting?—I am morally certain it would induce those who would avoid the small bookmakers, and who have not the means to go to the heavier bookmakers, to go to the totalisator.

237. They would bet?—They would bet.

238. Taking a professional view of it in connection with the police force, do you think it would be desirable to introduce it or not?—I think it would. It would prevent many of the frauds that are committed by the small bookmakers. It would have that effect, no doubt about it. That is to say, if there are a sufficient number of the totalisators upon the ground to meet the requirements of the people.

239. *By the Hon. W. McCulloch.*—Would it require a large number?—I should say upon such a day as the last Cup, and if the machines are no larger than this one on exhibition here, at least a couple of hundred of them; and upon the principle of this shown here, you want at least three or four men to work each machine.

240. *By the Hon. J. Buchanan.*—You say from twenty to thirty bookmakers were upon the hill. Another witness said he thought about 1300 were upon the hill?—I do not think that.

241. Was he beyond the facts?—A good deal of course would depend upon what he considers a "bookmaker." He may consider those "bookmakers" who originate sweeps.

242. *By the Hon. J. Lorimer.*—Would that apply to the number of professional bookmakers who attended the meeting altogether?—There are not so many as 1300 altogether.

243. *By the Hon. J. Dougharty.*—Were you with Mr. Bagot last Cup day twelve months?—I called upon Mr. Bagot at his office last Cup day twelve months, and I think I had a conversation with him respecting the totalisator.

244. But do you remember being upon the hill with him during the meeting?—I may have been with him, but not as you may say professionally—not for the purpose of taking observations of anything that was going on.

245. The reason I ask that question is, to elicit from you if I have made a mistake in what Mr. Bagot told me, which was, that some member of the detective force went with him and they together computed that upon the hill that day there must have been something like 1100 men who were getting money from the public, and running away with the money when the horse came in a winner?—No, I do not think that, including all our criminals, including bookmakers and those who have the "under-and-over" tables, we have anything like that number.

246. *By the Hon. W. McCulloch.*—Are there not that number of black-legs (1300) in the colony?—I think it is as much as there is, if there are so many.

247. *By the Hon. J. Buchanan.*—Was it you who accompanied Mr. Bagot—were you one of them?—Not with the object of ascertaining the number of betting men upon the ground.

248. He said that this year he reckoned there were 1300 and last year about 1100?—Professionally, I know, either by sight or to speak to, nearly every one of them that resort to the making of books at race times, and if there were over forty at the last Cup, that is as many as there are.

249. *By the Hon. the Chairman.*—That would not include those who hold sweeps?—No, those who go in upon a small scale for bookmaking, many of whom may welsh.

250. *By the Hon. J. Lorimer.*—There are far more than forty upon the grand stand enclosure?—Yes, no doubt there are.

251. Are there not more upon the hill?—Not what I call small bookmakers.

252. Men who trade upon betting?—Men who trade upon betting upon every race occasion. I might go there, for instance, as a civilian, and start a small book amongst my acquaintances, but I would not professionally call myself a bookmaker.

253. As an observer, and one who attends races as regularly perhaps as any man in Melbourne, I should say there are hundreds of those men in Melbourne; I should certainly reckon them by hundreds rather than by forties?—If any of you have been upon the hill you may observe many of them with colored jackets or caps; many people consider those to be bookmakers, but those are sweep originators.

254. Would the use of the totalisator diminish their transactions?—Quite so; it would most materially.

255. *By the Hon. W. McCulloch.*—Are the men who get up sweeps men who bolt; are there many welshers among them?—No, it is a certainty to them; they get a per centage, and they cannot possibly lose. The men who welsh are the bookmakers who bet money that they have not the means to pay, and close upon the money they have got, and clear out.

John Duncan,  
continued,  
17th Nov. 1880.

256. *By the Hon. J. Lorimer.*—Are you of opinion that this machine would not diminish the amount of money that the public would stake?—No.

257. It would draw away the money from the bookmakers?—Yes.

258. It would protect the public from being robbed?—To a very great extent it would.

259. *By the Hon. W. McCulloch.*—To what extent would you say the public were robbed by welters at the last meeting?—I could give no idea. Many cases would take place without my knowledge.

260. Would it go to the extent of £1000?—I would not like to give an opinion, but I do not think it would reach that.

261. Would it reach £500?—It might; I may hear of a solitary case where a man deposits £1 with one of them, and he feels aggrieved at the loss of it; whereas, a man who loses £4 or £5 may never refer to the matter at all.

262. Still you think £1000 would be the outside?—Yes, I think so.

263. *By the Hon. J. Lorimer.*—Do you know much about the science of bookmaking?—No, I do not. I know that the larger bookmakers do not feel afraid of the totalisator, because they do not look to make much of a book at the post, but it would no doubt sweep off the small ones.

264. *By the Hon. J. G. Dougharty.*—How would it do in the case, such as that of the horse "Mata," where a man takes away £6000, or £7000, or £8000 from the country?—I do not see that the totalisator would affect him at all, because Mata did not win.

265. He was pulled?—Even then it would not affect the money that was paid away from the totalisator, because it was not known till after the totalisator bets would have been settled.

*The witness withdrew.*

Thomas O'Callaghan, Detective Police Officer, examined.

T. O'Callaghan,  
17th Nov. 1880.

266. *By the Hon. the Chairman.*—Have you been in the habit of attending races?—Yes.

267. Were you at Flemington during the recent meeting?—I was. On the Derby and Cup days I was there.

268. Upon the Cup day how many bookmakers do you think there were upon the hill?—About 100, at a small computation; if you can call them bookmakers, men who profess to be bookmakers—they are half bookmakers half welters.

269. Does that include men holding sweeps?—No.

270. In addition, there would be the sweepholders?—Yes; there would be the sweepholders; many of them men who do not get their living by that kind of thing. Many hundreds of sweeps are held by friends.

271. But persons who get a per centage for holding sweeps?—Of those I should say there were about fifty, in addition to the number I have given. There are many who get up sweeps with canary birds and monkeys. They brought monkeys into play at the last meeting.

272. Will you kindly explain that process?—Yes. A number of tickets bearing the numbers of the horses starting in the race are prepared and placed in an open box. After the number of shares in the sweep has been collected by the person conducting it, a monkey, who is accustomed to this kind of thing—no doubt well trained—is instructed to come and draw. The monkey comes down off his pole, and after some little delay picks up one of the tickets. That ticket is taken by the conductor of the sweep, and the number that that ticket bears is the winner of the sweep. I may tell you, that both the canary and monkey sweeps are open to manipulation. I have seen them manipulated.

273. This has nothing to do with the racing?—No; but it is upon the racing. They may get up more sweeps than there are races in the day. That does not make any alteration in the manner of conducting the sweep.

274. What would be the effect of the totalisator upon games of that nature?—In my opinion the totalisator would do away with persons conducting sweeps of that kind, and with bookmakers of the smaller type—the welters—a man who goes upon the course, and representing himself as Mr. Brown, Jones, or Robinson, and chooses to put a card in his hat, and says he is a bookmaker. Numbers of people wanting to back a horse get from them odds that they would not get from any man of known standing in that line, and they bet with him, and if the horse wins the man bolts and is not to be found. During the last race meeting a new dodge was found. It is a practice with those persons to give to persons who bet with them a ticket, saying that they backed that horse. I found that two of those men had a ticket, printed with the name of a respectable hotel, and they leave half blank, and upon that he writes the name of the horse and the amount, and of course the person betting feels some security, seeing the name of a respectable hotel that he knows; and when he goes to get his money, of course the hotelkeeper repudiates the whole transaction. There are numberless swindles of that kind.

275. Would the totalisator have any effect upon those swindles?—Yes, no doubt. When persons know that they can speculate from five shillings upwards, they would speculate much more readily with the totalisator than they would with a professional sweepholder or bookmaker. They know that they get some portion of their money back, if they do not get more than they invest. In the other instance they are about certain to be swindled.

276. Upon the whole, do you think it is desirable to introduce the totalisator or exclude it?—I think it would be desirable to introduce it, limiting the operation of it to two years in the first instance, in order to give the police or others who have to watch its operation an opportunity of watching it.

277. *By the Hon. J. Lorimer.*—Do you know much about the science of bookmaking?—Yes.

278. Do you think it would have any effect upon the odds that the bookmakers offer upon the horses during the year or before the day of meeting?—Decidedly.

279. In what way?—A person would get much greater odds from the totalisator than from a bookmaker, and to that extent the bookmakers must come down to the odds offered by the totalisator.

280. It would put the public on much better terms with the bookmakers?—Yes. Of course the bookmaker is competing with the totalisator, and to do that he must give you the same odds that you would obtain from the totalisator.

281. Before the totalisator comes into play at all, how many weeks before a race takes place, or months, would it affect the betting then?—I cannot see that it would affect it much then, except in this

way—that persons having a knowledge that the totalisator would be worked at the meeting would reserve their money for the time of racing; and they would have a double advantage in so doing, that they would have a start for their money, and would have a probable better knowledge of the running. That would be two reasons to induce persons to reserve their betting till the meeting.

T. O'Callaghan,  
continued,  
17th Nov. 1880.

282. Would that interfere with the operations of the bookmakers?—Yes.

283. He would never know what to offer?—It would injure him considerably.

284. He would never know whether he could succeed or not?—He could not.

285. He depends upon the race days, I am told, to complete his book?—He would have to do so then.

286. And, therefore, he could not offer such tempting odds to the credulous young fellows who are taken in by him, but the other way about?—It is the other way about, I am quite sure. For instance, if you understand what making a double-event book is, he is almost totally dependent upon getting almost every horse in the race backed with some other horse to make himself sure of not losing £100, presuming him to be making £100 double-event book. In the event of its being a £500 double-event he must have 500 bets to make himself sure against loss, for fear, that is, that one of the doubles that has been wagered with him may come off—in other words, that two of the horses may win the two races upon which he wagers.

287. Then if he would have to offer longer odds—more tempting odds—one would think it would have the effect of drawing the public more readily within his clutches?—Then the question arises, can he afford to do it.

288. That is just a matter of opinion upon which we want some authority?—My opinion is, that he cannot.

289. Then would that not diminish the temptation to young fellows who are constantly being imposed upon?—I think so; that is my argument from the start. It would shut up a great many of the bookmakers, they would be so much injured.

290. You think it would diminish the transactions of the bookmakers with the young fellows about town?—That is my opinion.

291. *By the Hon. W. McCulloch.*—What would be the effect upon the young fellows going to the racecourse who would not take a bet with a bookmaker—would they not be tempted to bet with the totalisator?—No; but they may bet with the bookmakers in the hope that the horse they back may win. You need not have the money in your pocket, but with the totalisator you must have the money in your pocket.

292. Many young fellows go to the course with £5 in their pocket and do not bet at all; is not the totalisator a temptation to them to bet?—Not more than to have the odds shouted into their ear, as it is now upon the course.

293. *By the Hon. J. Lorimer.*—There is no harm if they lose only what is in their pocket, if they do not lose their employers' money beforehand?—I take it that, in the most of instances, the evil is not so much the loss of the money to persons who speculate it, as the temptation that is caused by a large amount of betting to an *employé* of some merchant to rob a master in order to pay the debts long after the race has been run, in order to prevent the bookmakers exposing him.

294. *By the Hon. W. McCulloch.*—If I have a good horse you would not wait till the day to back him, you would back him while you could get long odds—perhaps 100 or 200 to 3, before he is known to be good?—I think you find that, except among owners of horses and persons connected with the stable, the knowing portion of the public will not back a horse till the time of meeting. The owners of horses invariably, if they have a good one, and those in the stable, will back him early to get much greater odds; but the knowing class of the public who want to make money upon the races will always reserve themselves till the race meeting, because they want to make certain. That is my experience after many years. I could almost give you hundreds of reasons for a “fly” man, as the bookmakers call him, to hold back till the race time. Bookmakers very rarely back horses—they field.

295. *By the Hon. J. Lorimer.*—Of your own knowledge, do you know that the bookmakers are opposed to the totalisator?—Yes.

296. Have you heard opinions to that effect?—Yes, I have; and I have heard quarrels among them.

297. Many of them?—Three or four of them.

298. It is their own opinion that it will injure them?—Yes; I heard the statement made by a man named Saqui, well known in this town.

299. Austin Saqui?—Yes; he said that, had it not been for the folly of Joe Thompson and others, subscribing money to oppose this Bill in Parliament, or to get some one to oppose it, so much attention would not have been drawn to it, and the thing would have died out. I heard that statement made in the V.R.C. Hotel.

300. *By the Hon. R. Simson.*—Would it not do a great deal of good in this way: Men in a subordinate position, who have a salary, for instance, are tempted by long odds to make bets long before the time of the race, in hopes that they will win, and do not consider anything till they lose, and when they have lost, they find that they have not money to pay; but if they were obliged to bet with the totalisator (granting that betting must be done, as it will be to the end of time), the necessity of putting money into the totalisator shows that they must only bet to the extent of the money in their pockets, and it would take away the temptation to rob, to avoid disgrace; would the effect be good in that way?—That is my opinion.

301. *By the Hon. J. Lorimer.*—Do you think that, if the totalisator were in use, the bookmakers would be so ready to give credit as they are now?—No, I am certain they would not; they would have to assure themselves against loss. If the totalisator did no other good than to demolish and break down the race of welters who have sprung up in the last four or five years on the race-courses here, it would be an infinite service to the public. Within the last four or five years the race of welters has increased from say half-a-dozen, to at least 200. I have not attended a single meeting in the last four years where some unfortunate fool has not been welshed out of his money.

302. *By the Hon. W. McCulloch.*—You said there were a hundred upon the hill; where are the balance?—Upon the flat—all over the whole course; some away out upon the margin of the course, picking up the flats as they come along.

303. *By the Hon. J. Lorimer.*—Do you know the effect the totalisator had upon the Adelaide race meeting?—I do not know of my own knowledge.

T. O'Callaghan,  
continued.  
17th Nov. 1880.

304. Have you heard any reports from the Adelaide police about it?—There is an Adelaide detective in Melbourne—Sergeant Doyle. He is on duty in the Exhibition. I think he might be able to give information.

305. You were not at Randwick when it was in use?—No, but they have one here, and I have seen the new one of Schinnerling's at the Albion.

306. What effect had it at Caulfield—did it appear to diminish the transactions of the bookmakers?—I could not speak thoroughly as to that, but there was a great rush upon the instrument. But it was badly conducted. Even when the race was running I saw people putting sovereigns into it.

307. *By the Hon. W. McCulloch.*—Have you attended large race meetings in England?—Not for many, many years.

308. Are there welters there?—No doubt of it.

309. *By the Hon. J. G. Dougharty.*—They are much more leniently treated here. At home they would be nearly killed?—I have seen some of them very badly beaten here.

*The witness withdrew.*

Edward Samuel Chapman, Esq., further examined.

E. S. Chapman,  
Esq.,  
17th Nov. 1880.

310. *By the Hon. J. Lorimer.*—I want your opinion upon the probable effect upon betting, not at the race meeting, but for some time before—during the course of the year. Do you think the use of the totalisator at race meetings would render it much more difficult, for the bookmakers to complete their books?—Yes it would, indeed, not only render it more difficult, but it would send some of them back to their old callings at “knock-me-down” shops, and that sort of thing.

311. It would diminish their transactions through the year?—Undoubtedly.

312. Will you explain in what way it would do so?—The public would save their money for the totalisator, instead of putting it into their books.

313. *By the Hon. the Chairman.*—They would get a better price from the totalisator?—Yes; they do.

314. *By the Hon. J. Lorimer.*—Do you think that it would lessen the tempting odds that the bookmakers give in the course of the year which tempt young men into their clutches?—Yes. I gave my reasons in the earlier part of my evidence.

315. The effect of it would be, to diminish the betting operations throughout the year?—Undoubtedly it would.

316. *By the Hon. the Chairman.*—How long before the Melbourne Cup is run are books openly kept upon it, and meetings at Tattersall's, and the odds known?—Books are open now for the double event, the Derby and the Cup.

317. Next year?—Yes.

318. Is Tattersall's open every night?—Yes; every night except Sundays.

319. Is betting going on every night?—Yes; and mornings too, sometimes.

320. *By the Hon. W. McCulloch.*—There is betting upon other races?—Yes, of course.

321. *By the Hon. R. Simson.*—Is there betting upon the Melbourne Cup now?—Yes; sometimes there is for twelve months before; eleven months before, at all events.

322. *By the Hon. J. Lorimer.*—Is it the fact, that many of those bookmakers depend very much upon the day of the race to complete the book?—Yes; some do, and some do not.

323. Would the uncertainty of being able to complete the book have any effect on them?—It would drive many of them out of the ring.

324. *By the Hon. W. McCulloch.*—Would it affect the large bookmakers?—It would to a certain extent, for this reason, that some people bet £1 with them, and £2 and £3, and they would reserve it for the totalisator.

325. A man fancies a horse just now for the next Cup, and he gets 100 to 1, or 100 to 2, or 100 to 3; but if he waits till the next Cup day it is almost even betting?—Of course he would; but on the other hand, the horse might be dead.

326. But if a man thinks he knows a good horse, and gets 100 to 2, would he not bet now?—But the fact of there being a totalisator would prevent many people from betting. I am sure of that. They would save their money for the totalisator; and all the money which goes into sweeps would go to the totalisator. The sweep is really gambling, while the totalisator is not; because you bet upon a certain horse, which is a matter of judgment, while a sweep is a matter of luck; and many of those sweeps are nothing but swindles, and very few are legitimate—the great majority are swindles. They do it in this way:—Some of them get the money from the public, and give out a certain list of numbers as having been drawn; they probably give the public in their numbers the horses that have been withdrawn from the race, and take good care to keep the horses still in the race to themselves, and probably, if you go in, you may get £1 or £2 for a non-starter, but they get all the prizes themselves.

327. There is a lot of people who cannot get to Melbourne, people in the country who do not come to the Cup?—Thousands and thousands of pounds come down from the country.

328. How would it affect them?—It would not affect that class very much; it would extinguish a great many of the lower class of bookmakers.

329. *By the Hon. J. Lorimer.*—Would not even the larger men be less likely to give credit?—Yes, of course, because the people who bet a few pounds would keep it for the totalisator. Another argument is, that the money derived from the totalisator—the 2½ per cent., instead of the bookmaker getting 30 or 40 per cent. from the public, the 2½ per cent. would be devoted to the encouragement of racing.

330. And the balance goes among the public, instead of into the pocket of the bookmaker?—Yes, undoubtedly.

331. *By the Hon. J. G. Dougharty.*—Is there as much profit as that supposed to be attached to bookmaking?—Yes, you see those men driving carriages about town, and wearing the largest of diamonds, and living in great houses, while men like myself have to live in cottages.

332. Have those men a great number of persons attached to them?—Yes—touts, people in stables, and elsewhere.

333. *By the Hon. J. Lorimer.*—Can you give us any idea of how many people live thus upon the public?—Five hundred or 600 perhaps.

334. Would they reach a thousand, do you think?—If you include the touts and such people, they would be quite a thousand.

335. *By the Hon. R. Simson.*—Living upon the public?—Yes, living upon the public in an illegitimate way.

336. *By the Hon. J. Lorimer.*—Mr. Bagot gave us some idea of the amount of money that would be saved to the public by the use of the totalisator, can you give us an idea?—Yes; the public invest, say, upon the Cup £100,000; they invest upon certain horses, and an outsider not backed at all wins, all the money goes into the pockets of the bookmakers, and with the totalisator, it all goes to the public.

337. *By the Honorable W. McCulloch.*—What was the result of the last race meeting?—That was an exceptional case. It all went to two or three people, and it was very much against the books.

338. *By the Hon. J. G. Dougharty.*—But the public did not lose much money?—No.

339. The owners of the horses were rich men, and backed their horses?—Yes.

340. *By the Hon. J. Lorimer.*—It was said, that this was to break the ring up altogether?—No, you cannot break the ring; they come again. The game is too good. You will not break them.

341. *By the Hon. R. Simson.*—Would the totalisator make the races much quieter?—Yes, undoubtedly; and you would not have that getting at the jockeys, and that sort of thing, to such an extent.

342. *By the Hon. J. G. Dougharty.*—Is it not a fact, that at present an immense circle of people are being corrupted in that way?—Yes. No doubt, betting is a living shame. There will always be betting. You cannot put it down, but it can be lessened.

*The witness withdrew.*

*Ordered that this Committee be adjourned to Wednesday next, at two o'clock.*

WEDNESDAY, 24TH NOVEMBER, 1880.

*Members present:*

The Honorable Dr. DOBSON, in the Chair;

The Hon. J. Buchanan  
H. Cuthbert  
J. Lorimer

The Hon. W. McCulloch  
R. Simson.

James Bathe, M.D., examined.

343. *By the Hon. the Chairman.*—I believe you have been connected with racing for many years as an owner of horses?—Yes, breeding and racing thorough-breds.

344. For how many years?—Forty.

345. Do you understand this totalisator instrument—do you know the instrument?—I do.

346. Do you think it would be advisable in the interests of morality to introduce it into this colony?—I think so. I think it would do a great deal of good.

347. Would you be good enough to give us the reasons upon which you base that opinion?—My opinion is, that the introduction of the totalisator would do a vast deal of good in several ways. In one way, I think it would lessen the number of bookmakers. I think it would destroy these small bookmakers who infest the hill and annoy the public, and rob the public, and fleece the public.

348. Do you think it would benefit owners of racehorses?—I do.

349. In what respect?—I think it would benefit them, in removing a great many temptations from the boys, the jockeys, and the trainers.

350. Are the bookmakers in the habit of getting at the jockeys?—There are small bookmakers who cannot live by anything like fair means, because they are so numerous, and competition among them is so great.

351. Can you give us any idea of their *modus operandi*?—Yes; they must make certainties; they cannot afford to run risks, therefore they must have the horses, which they have laid or intend to lay heavily against, prevented from winning by some means or another. One means of doing that, which I think the totalisator will (by removing these men's occupation) cure, is that of bribing jockeys, and they do it in this way: If I engage an innocent boy, teach him to ride, and put him on my horse, he rides and wins, that boy is then a good boy; but the bookmakers notice him, and lay out their plans to seduce this boy, so as to have him under their control; so that when it suits their policy, and the boy is put on a horse to ride a race, and which horse the public have backed freely to win, the bookmakers can give the signal to this boy without a word, and the boy must not win. I think it is this class of bookmakers that do a great injury, wrong, and harm to the owners of horses, and the public also.

352. *By the Hon. R. Simson.*—That is the welshers, as they call them?—The small bookmakers, those who infest the hill and do welsh, run away with money they may have in their hands; but even some who pay their way resort to these dodges to make horses safe, and bribe jockeys. Many of the light-weight jockeys of Melbourne—the light-weights, the little lads—are now actually under the control of the bookmakers, and they must ride to their dictation. I believe that is a class that the totalisator would banish and destroy; it would take away their means of livelihood. The public would not then back what they call stiff horses, or dead ones, as they do at the present time. Instead of that, the public, if they are anxious to invest, and if there were an instrument like the totalisator in operation, would put a pound on; and, instead of being induced by those men to lay it with them, they would go and buy a totalisator ticket and share their chance of what amount they might win.

353. *By the Hon. the Chairman.*—I believe the Victoria Racing Club held a meeting, and at one of their meetings considered this question?—Yes.

354. Were you present?—I was.

James Bathe,  
M.D.,  
24th Nov. 1880.



James Bathe,  
M.D.,  
continued,  
24th Nov. 1880.

355. Do you know a Mr. William C. Yuille?—I do.

356. Was he present at that meeting?—He was.

357. And opposed it?—He did.

358. Do you recollect the result of the division—the numbers?—Yes, the result was, it was carried by an immense majority. I think only about three or four differed in about eighty members.

359. Eighty to four, was it?—Yes, something like that.

360. Do you remember the reason Mr. Yuille opposed it?—Yes; his reason was that it was beneath the dignity of the Victoria Racing Club; that the Jockey Club of England would not countenance anything of the kind, and he thought the Victoria Racing Club ought not to; that was his argument.

361. Do you remember his saying anything of this sort, that that would add to the already too gambling propensities of the age?—No, certainly; he said nothing of that sort at the meeting.

362. One witness told us that, in his opinion, it would induce persons who did not now bet at all to bet, if the totalisator were in use?—I do not think so, because there are an immense number of people who do not bet at the present time, and who infest the corner of the stand between that and the weighing place, with their hats off their heads—there are fifty or sixty of them there generally—and I cannot pass them without, “Want a pound to make up, Doctor, want a pound to make up.” Those are the getters-up sweeps, and they are gentlemen; there are occasionally blanks in the hats as well as tickets; and if a man goes in for that, he gambles, for he does not know what he may draw; it may be a blank or a scratched horse, he does not know; but, if that man could go into the totalisator, he could exercise his judgment.

363. You think it would do away with sweeps?—I do; I think you would do away with the nuisance of sweeps to a great extent. Another good thing that the totalisator would do, would be this—the bookmakers at the present time lay wagers to crowds of young men who have little more than their salary, and cannot very well afford to bet; with the credit system the bookmaker lays them the odds, thousands to four or thousands to five, long odds against their naming the winners of two races. The young man thinks, “I shall not have to pay for a long time to come,” and betting upon credit induces him to have his name in the bookmaker’s volume. Presently he finds he has not made a good pick, and presently another £5 is put in the book, and so on. Pay-day comes, and none of his double events have come off; and he is compelled to pay a debt of honor, which probably he has no means of liquidating with his own coin. What is the consequence? I think, the totalisator being an investment of ready money there and then, that clerk would not involve himself in a debt of honor; and so I think it would do good to a great many. I think the men who avoid betting on principle would never go to the totalisator at all.

364. *By the Hon. W. McCulloch.*—Do not you think that a young lad with a pound in his pocket would be likely to put it into the totalisator?—I think such a lad would be more likely to have his money taken from him by a bookmaker, for there are so many of them now, that you cannot get away from their importunities. I think the totalisator would thin them down; it would take away the underlings, the smaller of them, though some of the larger ones might be left. I cannot see how it would promote a gambling spirit; it would lessen it I think, for it would do away with many of the sweeps. It would do more harm than anything else to the sweeps. The bookmakers are dreadfully frightened of it. As to its doing injury to racing, that was the argument advanced at the meeting of the Victoria Racing Club by Mr. Purves. He said that, if the totalisator were established, it would destroy racing, that racing could not prosper without bookmaking, and that the totalisator by destroying bookmaking would destroy racing; that was his argument.

365. *By the Hon. the Chairman.*—He was one of the minority of four?—He was.

366. *By the Hon. J. Lorimer.*—Are you of that opinion—you have had a great deal of experience in breeding horses and racing—do you think racing could be carried on without betting?—I think it could be carried on without betting to its present extent. In ancient days, we used to breed our horses and bring them to the post to test the merits of their particular breeds; and when my horses, and Austin’s, and Green’s, and different breeders met, we had little wagers amongst ourselves. Our stakes amounted to £200, or £300, or £400, or what not, and the stakes were quite good enough to pay, because we did not go to any enormous amount of expense. Now the stakes are very much larger, and in one year my horses won £2400. That paid me very well without any betting. I had not a pound upon them in any race whatever. The next season I did as well, I think, even rather more. 1874 was a good season for me. I think my horse’s winnings were nearly £4000; and, after paying trainers, jockeys, entrances, and all expenses, it still left a sufficient margin to pay without any betting.

367. You consider the stakes of Victoria are sufficiently liberal now to encourage the breeding of the best stock?—I do, unless a man really wants to go in in a gambling spirit to win £20,000, or £30,000, or £40,000, which occasionally he might do by avoiding winning with his horse till his weight is light, and then winning a great handicap, and I do not think that is the kind of racing to be encouraged.

368. You do not think gambling is an essential part of our great national sport?—I do not, indeed. I think the less of it the better. I am a great advocate for fair play, and I do not think there is any necessity for any kind of gambling upon the turf; I think this totalisator will act to neutralise gambling to a great extent; but the principal thing is destroying the number of wolves who infest the hill.

369. *By the Hon. W. McCulloch.*—It cannot be possible to make fewer—there will be more bets made, but they will not be with the bookmakers?—I do not think so.

370. Do you think it will do away with the small bookmakers?—I do.

371. Do you think there will be fewer men betting than at present?—I do. I think they will be much fewer.

372. How do you account for that?—Those men who at present bet—the smaller bookmakers who infest the hill do not live by fair means—they live by thimble-rig and all those other games, and then they become bookmakers, and commence with their agents and one or two confederates watching for an opportunity; and any person that looks at all inclined to speculate they bring him up, induce him to back a horse, and so on—that horse having no chance, and they knowing it all the time, but the one going halves with the other—it is an arranged matter between the adviser and the bookmaker, and so the victim is swindled. Those men are the thieves, and they are a nuisance.

373. But how do you reduce the number of betting people—if you have 200 totalisators upon the hill, will not as many bet as now?—No, I think not; because the men who are liable to be dragged in by these rascally bookmakers would go to the totalisator.



374. If the bookmakers are done away with upon the hill, would the men who bet with them not bet at all?—No, they would not; they would go to the totalisator instead.

375. You do not consider it betting at all, if you go to the totalisator?—I do not. There can be no welshing and no swindling, and you back your judgment.

376. We differ about the betting—you say, there will be fewer bets made with the bookmakers, but they would bet with the totalisator?—Yes; but the totalisator would never induce the public to back a dead horse.

377. *By the Hon. J. Lorimer.*—Do you think that the totalisator would save the public any money?—I do, to a vast extent; and I believe the public upon the hill would be quite delighted, for they have often complained to me of the great nuisance it is to be infested as now by the low bookmakers.

*The witness withdrew.*

William Samuel Cox, Esq., examined.

378. *By the Hon. the Chairman.*—You are the proprietor of the Kensington racecourse, I believe? —Yes.

James Bathe,  
M.D.,  
*continued,*  
24th Nov. 1880.

William S. Cox,  
Esq.,  
24th Nov. 1880.

379. Is it your own property?—Leasehold.

380. Your course is what is called a gatemoney course, is it not?—Yes; I look upon all courses where money is charged for admission as gate-money courses.

381. You know the totalisator?—Yes; I have heard of it.

382. You understand what it is?—Yes.

383. What do you think would be the effect of its introduction?—On what?

384. Upon betting generally and upon horseracing?—On horseracing? I do not think it will interfere with horseracing at all, but I think it would have a very injurious effect upon the general public.

385. In what respect?—It would cultivate a greater taste for betting than the people have already acquired—that is the lower and middle class of people, who are tempted to try and make a fortune quicker.

386. Would it have any effect upon the small bookmakers who exercise their calling upon the hill of Flemington racecourse?—Very likely for a time it would.

387. It would not materially affect them, you think?—I do not think it would knock them out altogether.

388. We are told they exist in considerable numbers upon the hill—of your own particular knowledge can you tell us—have you seen them at work, say on Cup day?—Yes; I have seen them both upon my own hill and the V.R.C. hill, and there wagers are all cash on the spot.

389. You do not think it would materially interfere with them?—It would not knock them out altogether, I think.

390. That is not my question—would it materially interfere with them—would it reduce the number at all?—I do not think it would, in this way—I think betting would so much increase by gambling being legalised by the totalisator, that there would be trade for the whole.

391. You mean, that the legalizing of this totalisator would induce so many people, who do not bet now, to bet?—Yes.

392. That is your opinion?—That is my opinion.

393. I believe your course is entirely supported by bookmakers, is it not?—Nothing of the kind.

394. Supposing bookmakers were to cease to exist, your course would cease to exist?—I do not think so. I think horseracing might go on the same as cricket without betting at all.

395. Then how would your course pay?—By people paying at the gate to see the racing, as they do cricket and other sports.

396. Do you think it would pay the same as it does now with betting?—Doubtful.

397. Am I to understand, that you tell the Committee, that you think the introduction of the totalisator would induce a large number of persons to bet who do not now bet under any circumstances?—I do indeed, the same as all secret betting, that is, sweeps. I think they do more harm than open betting, and the totalisator would do as much harm as they do.

398. Do not you think a good deal of money would be transferred from the sweeps to the totalisator?—I do not think so, it would merely increase the trade.

399. The sweeps would continue just the same?—Yes.

400. *By the Hon. J. Lorimer.*—Have you seen the totalisator in use anywhere?—I have not; I have seen it explained; I have seen a sort of totalisator.

401. Did you see it either at Randwick or at Adelaide?—I saw it at a pigeon match the other day.

402. Do you know what the general opinion of the bookmakers is?—I understand they are against it.

403. They consider it would diminish their transactions?—They think so.

404. Is there a good deal of betting upon your racecourse?—There is a good deal of betting.

405. Would not the introduction of the totalisator there considerably limit their transactions?—I do not think so; the class of men that the bookmakers bet with are either horse-owners or men of means, and they will still go to the bookmakers.

406. You say it would have an injurious effect upon the public generally?—I do.

407. Would not the public prefer to bet with the totalisator to betting with the bookmakers?—I think the outside public would, who do not now bet at all.

408. Would they not save money by going to the totalisator?—No, since they take ten per cent. out of all money.

409. It is two and a half per cent. only?—Yes, but there are other ways of increasing that.

410. Are you aware that, when a horse that has not been backed at all in the totalisator wins, the whole of the money, less two and a half per cent., is returned to the public?—Yes, and that is two and a half per cent. certain loss.

411. I beg your pardon, the bookmakers take the whole of the money now. I do not think you understand the question?—Yes, I do.

William S. Cox,  
Esq.,  
continued,  
24th Nov. 1880.

412. If a horse that has not been backed at all wins, the whole of the money staked is returned to the stakers, less two and a half per cent.—Yes, that is a loss of two and a half per cent. certain.

413. The other way it is a loss of the whole to the bookmakers?—There is rarely a race upon the course where a horse is not backed by some one.

414. I suppose a case does occur occasionally, where a horse wins a race that is not backed at all. I have known such cases—in those cases the bookmakers take the whole of the money?—For the time being.

415. Would not the public be the gainers by using the totalisator rather than by going to bookmakers?—I do not think so.

416. Then why are all the bookmakers so much afraid of it?—I do not understand their object in doing so.

417. The bookmakers live upon the public, I suppose?—The same as all men who make a business do.

418. Do they not make large sums of money out of the public?—I know that some were broke over the Melbourne Cup.

419. Have you known any men fail to pay?—Some have asked for time.

420. How many?—I know of three.

421. For large amounts?—I did not hear the amounts.

422. Do you think they will be able to pay?—Yes, I think so, in time.

423. Many men in mercantile business ask for time and pay too?—Mercantile men may have something at their back—these men may have nothing at their back, but pay as a matter of honor.

424. *By the Hon. R. Simson.*—You say it will not interfere with sweeps?—I do not think so.

425. If a man has a five-pound note, would he not be much more likely to put it upon a horse of his own choice rather than go into a sweep—would not you rather do it?—I would certainly prefer to do so myself. I would go to a bookmaker and perhaps get ten to one—get £100 to £10—that is a certainty if it comes off. If I go into the totalisator I may get a hundred to one at the time, but before the race is run there may be a rush upon that horse, and he is reduced to two to one; so that I make a certainty by going to the bookmaker.

426. *By the Hon. the Chairman.*—That is, in case your horse wins?—I make a certainty of a fixed sum, if the horse wins that I backed.

427. *By the Hon. J. Lorimer.*—Are you a racing man yourself?—I am.

428. Are you a breeder of horses also?—Yes.

429. Do you consider that the stakes offered in Victoria are sufficient to encourage breeders of horses and racing without betting?—I think so, and would be better off at the end of the year if they did not bet.

430. Do you bet yourself?—I do.

431. *By the Hon. H. Cuthbert.*—I suppose that, if this Bill were passed, betting with the bookmakers would go on just the same as before—that is, the owners of horses, in place of going to the totalisator and putting down £1000 upon a particular horse, would rather go to bookmakers?—Most certainly; they know what they are doing.

432. And a great number now that go to the bookmakers I suppose would go to the bookmakers, notwithstanding the legalization of the totalisator?—No; I think they might chance their luck occasionally and go to the totalisator. They might fancy a horse, and see a better price offered at the totalisator, and go there for the time being.

433. Are there not a great number who bet, and do not want the public to know that they are betting upon a particular horse?—I do not come into contact with those people.

434. Then, though we make it legal to bet upon the racecourse, you think people would come forward on that account and bet openly?—If they did not, they would get a go-between to do so; and clubs would be started to put in so much, and get one to go and do it.

435. One of the arguments in favor of this Bill is, that there are small bookmakers who go in and make bets with butchers' boys and clerks, and men of that stamp, who have no ready cash to put down, but who get time from the bookmakers—it is said that, if this totalisator is legalized, it will put an end to that business—do you think it would have that effect?—I think quite the contrary; it will create a taste for gambling.

436. Do you think that those who have ready cash will go to the totalisator, and will also go to the bookmakers where they have credit?—The outside public I think will take to the totalisator, just as they would go into a lottery. They might go from information that a friend might give them, or they might go because a larger price is offered about another horse that has not a thousand to one chance.

437. That is, men who come down to the races, and now go into sweeps; they would go into the totalisator?—Yes, they would very likely go on a horse that has not a thousand to one chance.

438. And those at present with the bookmakers, would they continue their connection with their bookmakers?—Yes; I think it is the fairest way of betting; it is conducted between men who are considered the sharpest men of the community, and men of means, and the bookmakers.

439. Your opinion is, that this Bill, if passed into law, would not have the effect of repressing gambling?—I do not think so; it would increase it.

440. *By the Hon. J. Buchanan.*—You think it would encourage it?—Yes.

441. It would encourage gambling in the general public?—Yes; I think so.

442. *By the Hon. W. McCulloch.*—It is generally known, I believe, that Miller's sweeps, and the other large sweeps, are principally made up by people in the country, who do not come down from the country, but send a pound in a letter?—It is subscribed from the Benevolent asylums and every benevolent institution in the country, and the servant girls who send in their contributions. I know that, of my own knowledge.

443. *By the Hon. J. Lorimer.*—Do you think the totalisator would have any effect upon the credit betting, as it is called, throughout the year?—No effect. It is all talk, I believe, about the bookmakers betting with butchers' boys, and such like, and giving them credit.

444. Have you never heard of any young men incurring liabilities with bookmakers throughout the year and failing to pay them?—Now and then we do hear of it, but I have not heard of any at this last meeting.

445. Would not the use of the totalisator have some effect in reducing the credit transactions?—I do not think so. William S. Cox,  
Esq.,  
continued,  
24th Nov. 1880.

446. In making up a book, is it not a fact that the bookmaker relies very much upon the day of the race-meeting to complete his book—to get round; is not that the expression?—A bookmaker that starts in time will get round before then, and will open another book, a post betting book, which is a gambling book. He goes for what is left. He may only lay against two or three horses and get thirty or forty pounds in his book, and have all the others running for him.

447. Would he be as likely to get round, if the totalisator were used, as not?—I think, if the totalisator is only used on race days the bookmakers would get round all the same up to the day.

448. You think it would have no effect upon his bookmaking throughout the year?—Not the slightest effect, till you come to the race.

449. I have heard to the contrary?—I have thought carefully over that, I cannot see that it would have the slightest effect.

450. Then you do not understand the opposition of the bookmakers to this Bill at all?—I do not see why it is. I think, if they had not raised this opposition, it would have died out.

451. *By the Hon. the Chairman.*—Are you aware whether the bookmakers had any hand in getting up the petition that was presented to the House?—I never heard of it.

452. Did you ever hear of a £20 subscription among them?—I did not. I heard of a petition from the clergymen.

453. I believe it is a habit of some of those lower class bookmakers to attempt to get at the jockeys—you have heard of such things?—I have heard of such things; but I think a great deal more is said about it than is really the fact.

454. You have also heard of horses being got at before races, like Newminster and Lauranbury in New South Wales?—I do not think Newminster was got at.

455. Then we will not take names—is it not often done?—I have heard a great many insinuations against the turf and turfmen which are not the fact.

456. Would not the totalisator, if legalized, have the effect of lessening attempts to get at horses?—I do not think there are such attempts to get at horses.

457. That is your opinion—that such a thing is unknown in this colony as an attempt to get at a horse?—It is not within my knowledge.

458. We do not suppose of course that you are a party to the concern—did you ever hear of the Marquis of Lorne case at Sandhurst?—I saw it.

459. Was it a pull, or not?—A barefaced robbery.

460. Who was got at there—Billy Harden, the jockey?—No; he was not riding him. Harden rode the winner. It was a stableman who was riding. The owner and jockey were both to blame in that.

461. Both got at?—I told the owner before the horse came in. I said, “You will catch it.”

462. That is one case where you have seen the robbery yourself?—Yes.

463. No doubt others have occurred that you have not seen. Do you think the totalisator would have any effect in lessening the temptations to commit such frauds?—Not a bit; because they could have forced that horse in a totalisator and bought another one; they could have gone upon “Horison,” and won the money all the same. They would have done that before the race was on, by a confederate.

464. *By the Hon. H. Cuthbert.*—In that case, you say the owner, as well as the jockey, was to blame?—Yes; they both were disqualified, and I never heard that a bookmaker was implicated.

465. *By the Hon. W. McCulloch.*—I understand you—you could have done the same upon the totalisator?—The same.

466. If a horse was first favorite, all the people would have been upon that horse, and the confederate could have backed another one?—Yes; and he would have cleaned out the whole totalisators.

467. *By the Hon. R. Simson.*—I do not see how that could be done, if you have 200 totalisators on the hill—you could not go into all of them?—Yes, you could, into all that was worth winning.

468. *By the Hon. the Chairman.*—The horse that is a favorite does not win—that is all?—Then they back all the other horses.

469. If thirty started, how would that pay?—Generally only four or five are backed in a race. The merits of the horses are pretty well known. I heard good judges say upon the Melbourne Cup, that there were only four or five horses in it, though twenty started—the four or five that were really talked about came in first. I myself sent away the first three, and the fifth one, but I could not place the winner.

470. Have you any other employment beside keeping this racecourse?—I have.

471. What is it, may I ask?—I am a grazer.

472. In what part of the country?—Cranbourne. That is where I breed my horses and other stock.

473. *By the Hon. R. Simson.*—Do not you think that the totalisator would lessen or do away with those welters upon the hill, of which there are, we are told, a very large number at present who defraud the public very much?—It is very hard to do away with welters.

474. It would do away with their occupation, would it not?—They have not got much at the best. Those men are content to welsh for a couple of pounds.

475. That is different from the evidence we had from the detectives and racing men?—I have only had one complaint of a welsler upon my hill, and the public took him in their own hands.

476. And ducked him?—Thrashed him.

477. *By the Hon. H. Cuthbert.*—In how many years was that?—Five years.

478. *By the Hon. R. Simson.*—Do not you know of your own knowledge that there are a vast number of them upon the hill at Flemington?—Now and then we hear of it, but I do not know one of them; but it is only for very small sums, and if you legalize the thing, it will not improve matters.

479. *By the Hon. W. McCulloch.*—Have you been upon racecourses at home in England?—Yes, I was.

480. There were welters there as well as here, were there not?—I was not mixed up in racing so much there as I have been here. I believe there are many more there in proportion.

*The witness withdrew.*

Charles Hope Nicolson, Esq., Acting Chief Commissioner of Police, examined.

C. H. Nicolson,  
Esq.,  
24th Nov. 1880.

481. *By the Hon. the Chairman.*—Do you know the instrument called the Totalisator?—No, I do not.
482. Do you know the principle of it?—Yes, I have heard of it.
483. You have not seen it at work?—I have not. I was in the interior when it was introduced, and, until recently, have been for the last two years very little in Melbourne, and have had no opportunity of seeing it at work.
484. In your opinion, would it be likely to increase or diminish the amount of betting upon races?—I think it might increase the amount of betting at the races, but diminish the betting that goes on long previous to the races.
485. Do you know the bookmakers who make up small books who work upon the hill at Flemington?—Yes.
486. Are there many of them?—Yes, a great many.
487. Those are the lowest class of bookmakers, I believe?—Yes, a very objectionable class, I think.
488. Can you form any idea how many?—I suppose at the very utmost, a couple of hundred; but upon the Cup day, or any great day, a larger number make their appearance.
489. Are those all men known to the police?—Yes, mostly.
490. Many of them under long sentence?—Yes, a good many of them have been in prison from time to time.
491. What would be the effect of the totalisator upon that class of men?—I think people would prefer putting their money upon the totalisator to having anything to do with them.
492. In your opinion, it would tend to lessen the number of those, who would not be able to live?—I think so.
493. Have you formed any opinion as to whether it would lessen the number of bets with the better class of bookmakers?—I doubt if it will.
494. You do not think it will?—I am doubtful, but hope it will.
495. On the whole, then, would you, as head of the police in this colony, advocate its introduction, or the contrary?—I advocate its introduction. I think it is likely to be betting without cheating or roguery; whereas, the present style of betting is betting with roguery.
496. Are you a racing man?—No; I have no experience whatever in it.
497. *By the Hon. H. Cuthbert.*—You say you have no experience in betting?—No, I have not; no personal experience. I have made a bet with a friend, but I never attempt a book or odds, or any of the intricacies of betting.
498. You have not been long connected with the force in Melbourne?—Yes; a great many years.
499. How many years?—Ever since 1856, at intervals.
500. I thought for many years you were in the country districts?—No; during the last seven years I have been travelling inspecting officer of the Force, but always coming back to Melbourne; but previous to that, from 1856 up to that time, I was mostly in Melbourne, in charge of the detective branch of the service, and also in charge of the city.
501. I see the number of bookmakers is estimated by one of the witnesses, an officer in your department, at about 100, those upon the hill at the last Cup day?—Yes.
502. You said about 200—I suppose that was roughly speaking?—I would not say they exceed that. Persons without actual experience would imagine there were many more. They would exaggerate the number. Two hundred, I think, would quite cover all the betting men. On Cup day many countrymen come down commissioned to bet for their friends. They make books on the races for the time; but are really not regular bookmakers, and are generally respectable and trustworthy, and do not belong to the fraternity.
503. There seems to be a distinction drawn between betting men—how many classes would you divide betting men into—first class bookmakers, about how many?—I should say forty or fifty.
504. And the second class?—There would be nearly double that.
505. About 100?—Not quite so many as 100.
506. Do you put the welshers into a separate class altogether?—I include them in the 200.
507. The lower class of all are the remainder, but the first two classes?—Yes; and many of them are very ephemeral. They turn up one gala day and you never see them again.
508. Those men often have been prisoners a few days before?—Sometimes they are engaged in other occupations, connected perhaps with the turf, and on this one day they turn out as bookmakers.
509. In place of legalizing the totalisator, would it not be better to try and put down bookmaking upon the racecourse by some effectual measures?—I can hardly see an effective way of doing it; you cannot prevent people betting. There is fair betting, which you cannot prevent, one person with another, and there is the reverse.
510. But in legalizing gambling in this particular direction, are you not adding fuel to the fire?—I do not think so. I think anything of that kind should be looked in the face, and dealt with in the best way possible.
511. *By the Hon. W. McCulloch.*—Do you know Detective Duncan?—I do.
512. Is he a good authority upon the number of bookmakers?—Yes.
513. He said the other day, that there were between twenty and thirty bookmakers upon the hill at the last Cup day?—There must have been many more.
514. He said that?—He ought to be a good authority; but I am sure it is a mistake.
515. *By the Hon. the Chairman.*—Has betting increased, or has the number of welshers increased, of late years?—I think it is rather upon the increase; it increases with the popularity of the racing.
516. *By the Hon. W. McCulloch.*—Just as the attendance at the racecourse has increased very much?—Exactly.
517. *By the Hon. the Chairman.*—Do you happen to know the state of Tattersall's, and the state of Bourke street opposite Tattersall's, the night before the Cup?—Yes.
518. What state was the street in?—Crowded, the front of the place, with bookmakers and sporting men, more or less respectable, and a good many blackguards and thieves and others.
519. Can you give us any idea of the number?—Sometimes I think I have seen a crowd there of 500 to 800, or even more.
520. The night before the Cup this year we saw in the paper that it extended quite across the street and stopped the traffic?—Yes, that is hardly exaggerated.

521. Did you see it that night?—I did not, but I have seen that portion of the street nearly impassable. C. H. Nicolson,  
Esq.,  
continued,  
24th Nov. 1880.

522. *By the Hon. W. McCulloch.*—Do you think the totalisator would affect that meeting very much?—I do think it would to some extent.

523. People go there to get the latest news?—Yes.

524. *By the Hon. the Chairman.*—Do you think the totalisator would affect betting on credit?—I am sure it would.

525. And that is the class of betting that is dangerous to clerks and boys?—Yes, decidedly.

526. *By the Hon. J. Lorimer.*—I think you said the totalisator would be betting without roguery?—Yes.

527. Are you aware that roguery does exist under the present system of betting?—Undoubtedly—unquestionably.

528. No doubt of it?—Yes, a great deal of it, and among the largest bookmakers; that is acknowledged.

529. And many young men are ruined?—Yes.

530. Have you been upon any racecourses except in the colonies?—No; I have no experience of racing, except out here.

531. Do you consider the management of the Flemington racecourse good?—Yes; from what I have read and heard from the most recent visitors to racecourses in England, the regulations and management of the Melbourne racecourse are very superior altogether.

532. You do not know of anything else that might be done, besides what is done now, to diminish the evils of betting upon the course, with the law as it is?—I cannot call anything to mind at present. I think it is much better to have no Act than to have an Act against the spirit of the people, which will be evaded and defied in every way. There is a strong spirit of betting just now, and I would leave it to other means to stop what is objectionable; but I do not think an Act of Parliament would stop it.

533. Do you ever attend the Kensington Park races?—Never, personally.

534. Do you know that betting goes on there?—Yes, I know from reports.

535. Is there much or very little betting at Kensington Park?—I could not say. I could not conscientiously give an opinion upon that. I have an opinion, but I should say, it would not be very much. These races are meetings of bookmakers, and bookmakers' and trainers' horses running.

536. Are you aware whether any of the bookmakers are connected with that racecourse?—Yes, bookmakers and bookmakers' friends principally have race-horses and shares in horses.

537. Are you aware whether there is any roguery there?—Yes. I have seen it in the newspapers, that there have been disqualifications.

538. *By the Hon. W. McCulloch.*—Do you mean, that only bookmakers run horses. Do any first-class men run horses there?—I believe there are occasionally horses sent there for a trial.

539. I see Mr. Fisher's horses and Mr. Whittingham's horses at Kensington races?—I think that is exceptional. They probably send those horses merely to have an opportunity of trying them with others.

540. *By the Hon. J. Lorimer.*—Do you know what the opinion of betting men generally is about this Bill?—They generally are against the totalisator, I believe.

541. I suppose they are afraid that it would diminish their transactions with the public?—I believe so.

*The witness withdrew.*

John Doyle examined.

542. *By the Hon. the Chairman.*—What are you?—I am Sergeant of the Detective Police in Adelaide. John Doyle,  
24th Nov. 1880.

543. I believe you recently saw the totalisator at work upon your racecourse?—Yes.

544. Have you been in the habit for a long time of attending races there?—Yes.

545. How many years?—The last fifteen years.

546. What racing meeting was it that you saw it at—was it at one or more that the totalisator was used?—The totalisator is only allowed at one meeting, that is upon the Morphetville course, at Adelaide.

547. Is that one of the largest meetings in the year at Adelaide?—Yes; but upon the old course there is a larger number of people assembled.

548. To which meeting do the larger number of betting men go?—To the one where there is no totalisator.

549. Are there two clubs?—Yes; the Adelaide Racing Club and the Jockey Club.

550. Have both those clubs been long in existence at Adelaide?—No, not many years. They have had a Jockey Club there for several years, but the present Jockey Club has, I think, only recently come into existence.

551. Do you know any of the Melbourne bookmakers by sight?—Nearly all.

552. Were they in the habit of attending the races at Adelaide?—They were.

553. At the race where you were present, and the totalisator was in use, did you see the usual number, or any of the Victorian bookmakers?—Not the usual number. They do not attend the Morphetville course, where the totalisator is allowed.

554. Was it in consequence of the totalisator being allowed that the bookmakers have fallen off at that course?—They have.

555. Are your racecourses infested with a mob of little bookmakers, such as assemble at Flemington?—On the old course, at Adelaide Park Lands, we are infested with a great number of them.

556. Did you observe any effect upon that class of bookmakers produced by the totalisator when it was at work?—Yes.

557. What was the effect?—They did not receive so much patronage—there are not so many wagers made with them when the totalisator is at work. The totalisator pays better than betting with the bookmakers, upon the average.

558. *By the Hon. W. McCulloch.*—Do you mean that the owner is better paid than the bookmaker?—No; the person who lays the wager receives a greater dividend than he does from the bookmakers.

559. *By the Hon. the Chairman.*—What is your opinion as to what would be the effect of the introduction of the totalisator upon those small men—of course you have only seen it at work for a short

John Doyle,  
continued,  
24th Nov. 1880.

time, but what do you think will be the ultimate effect upon the small men?—It will do them a great injury. It will assist to do away with them altogether.

560. Do you think it will have any effect upon the better class of bookmakers?—No, I do not think it will, because owners of horses who want large wagers, will go to the bookmakers, because they cannot get sufficient upon the totalisator.

561. What would be the effect of the totalisator upon the sweeps got up upon the course?—It does away with a great deal of them, as far as I have seen upon our courses.

562. Looking at it from a police point of view, would you think it desirable to introduce the totalisator, or the contrary?—I think it is a very good thing, for the people will wager and will bet; and I think it is a good preventive; it prevents many of the young persons in offices and other places from wagering, because they are frightened of going to an instrument of that sort publicly—they will not do it publicly.

563. *By the Hon. J. Lorimer.*—You think it would deter them altogether?—It does.

564. *By the Hon. R. Simson.*—They are afraid of being seen?—They do not like to be seen by their employers or the members of the police force.

565. *By the Hon. H. Cuthbert.*—But then, I suppose they can bet through an agent?—Yes.

566. They can give their money to an agent?—Yes; but they must have the money to put down, which very often they have not when they bet with the bookmakers.

567. What is the nature of the Act that is in force in Adelaide—does it allow the totalisator to be used on every racecourse in Adelaide?—Only under the supervision of a jockey club. The Northern Jockey Club used it at their last meeting since the Act was passed. The Jockey Club alone supervise it, and no one else is allowed to use it, and only one instrument can be used upon a course.

568. During what hours?—From the time the races commence till they are over.

569. It might be from ten in the morning until six?—No, there is no time defined in the Act; but they do not open with us until a little before the race, say half-past twelve, and the first race comes off at one o'clock. The people do not, as a rule, go there till about half an hour before the time.

570. Who has the control of the totalisator?—The Jockey Club appoint some person to look after it.

571. An officer or agent of theirs?—An officer or agent.

572. *By the Hon. W. McCulloch.*—The attendance must be very small—there are very few bookmakers there?—In comparison with yours, yes; we have not such a population. But a great number of Melbourne bookmakers attend there every year, though not so many attend the Morphettville races as attend the Great Northern races, and also on the Adelaide old course, as we call it.

573. *By the Hon. H. Cuthbert.*—But that has always been the custom?—Yes.

574. You have one principal race in the year?—We have two. There are two clubs now.

575. Which of them is the principal club?—The principal one, that is, the one best attended, is upon the old course, and they do not use the totalisator upon that course.

576. Then the betting men from Melbourne go over there?—Yes; in numbers to that race.

577. Is it better attended by the people of Adelaide and the surrounding district than any other?—It is; for the people will go where they can see the most amusement cheapest. They have nothing to pay for going to that race, it is so convenient to Adelaide; whereas, at Morphettville they have to go by train, and pay for entrance to the course.

578. *By the Hon. the Chairman.*—Is there no entrance fee to the other course?—I heard that, at the last meeting, they established a charge of a shilling. I was not there, but I heard of it. The people do not object to pay that.

579. *By the Hon. J. Lorimer.*—Have you seen a race meeting at Sir Thomas Elder's course before the totalisator was in use?—Yes.

580. Do you consider that the betting on the occasion when it was in use was reduced by it?—Yes; very much.

581. Did it diminish the transactions with the bookmakers?—Yes; the totalisator has diminished the betting very much there.

582. Do you think it would diminish betting wherever it is in use?—Yes; it would do away with all the small fry of bookmakers.

583. Do you know much about bookmaking?—No; I have a reasonable knowledge of it, but not sufficient to give a positive opinion.

584. *By the Hon. W. McCulloch.*—Was the totalisator tried only once upon Sir Thomas Elder's course?—It has been used since the passing of the Act, and at one or two meetings before the passing of the Act. They started something like it with a wooden house, and posted after each race the amount each horse was backed for, and the total amount on the race; they had no instrument.

585. There was always a small attendance at that meeting compared with the other course?—Yes, always.

586. Then it could not have much effect?—It did not affect the attendance, but it affects the small betting.

587. *By the Hon. H. Cuthbert.*—Was there a great crowd about the totalisator before the race?—Yes.

588. A great rushing of people to get their money on?—A great crowd to invest what money they had to book.

589. Was the one machine sufficient for the people?—There are so many windows in the house where the machine is: at one window you can put on £5, and at three other windows you can back from one to six, from six to twelve, and from twelve to eighteen, as the case may be.

590. Who has the power of issuing the licence to the Jockey Club—is it the Commissioner of Police?—I am not aware that any licence is paid.

591. Suppose the Jockey Club did not act fairly to the public, what power is there over the Jockey Club under your Act—suppose that the per centage to which the club is entitled is two and a half per cent., and five per cent. is charged, is there any provision in your Act to call the club to account for the misappropriation of money?—I do not recollect at present.

592. *By the Hon. R. Simson.*—Is there any amount fixed by the Act?—It is five per cent.

593. *By the Hon. W. McCulloch.*—Do you think that the totalisator would be likely to induce young people to bet who do not now bet with the bookmakers?—No; the young people are

frightened of going there. I have noticed a great drawing back—not such a great number of young fellows wager in front of the totalisator as I have seen upon the courses.

594. Then, in your opinion, it would not induce betting?—They go in for ready cash with the totalisator; but I do not know what effect it may have upon people who want to bet quietly. They might bet with the bookmakers.

595. Or they could send a friend to the totalisator?—Yes, they could send a friend to the totalisator. I have known young people make a club of five shillings, and send one of them.

596. *By the Hon. H. Cuthbert.*—If the totalisator be legalized, would it not have the effect of bringing people forward to bet who never bet before?—I cannot say that.

597. You may be induced to go into a mining company incorporated by Act of Parliament if you found that your liability was limited; would it not have much the same effect upon the public when they find that gambling is legalized under the Act?—I have no doubt that it would be an encouragement to certain extent to betting, because I myself have heard boasting, I got £23 5s. for £1. I have heard that remark made, and no doubt young men who are inclined that way, when they hear of such an amount of money won for £1, would go in for it.

598. I see that, in the Adelaide Bill, there is a provision that not more than one such totalisator, or machine, or instrument, shall be authorized or used at any racecourse at one time?—Yes, only one.

599. Can the totalisator be used as often as the Jockey Club pleases?—On the race days there is nothing to prevent it.

600. They may have a race every week?—Yes.

601. And the totalisator used every time?—Yes.

602. Can you tell me what the Club made by the use of the totalisator at their last meeting?—I cannot. Mr. Simeon Barnard generally has the control of the instrument, and he employs a man at each window, and an accountant is appointed for the purpose of making up the dividend, who checks the amount received, and makes up the dividend.

*The witness withdrew.*

*Ordered, that this Committee be adjourned to Tuesday next, at Two o'clock.*

TUESDAY, 30TH NOVEMBER, 1880.

*Members present:*

The Hon. Dr. DOBSON, in the Chair;

The Hon. J. Buchanan  
H. Cuthbert

The Hon. J. Lorimer  
W. McCulloch.

Frederick Charles Standish, Esq., examined.

603. *By the Hon. the Chairman.*—You were for many years Chief Commissioner of Police here?— I have been for twenty-two years, but have lately retired. F. C. Standish,  
Esq.,  
30th Nov. 1880.

604. Do you know the instrument called the Totalisator?—I have seen it, but I have never seen it at work upon a racecourse here, or in any other colony.

605. You understand the principle of the instrument?—Yes, I understand the principle perfectly.

606. I see that, at a meeting of the Victoria Racing Club, reported in the *Australasian* of the 10th of April 1880, you are reported to have spoken favorably of the instrument?—Yes.

607. You then gave this opinion—"Captain Standish, who was in the chair, then introduced the totalisator question, and, in an appropriate speech, during which he expressed himself as greatly in favor of the legalization of the totalisator, he asked for the opinion of the meeting." Is it correct, as reported here, that the vote in favor of the totalisator was by eighty members, to four against it?—It was a very large majority, but I do not recollect the exact numbers.

608. Have you seen any reason since then to modify your opinion?—There is only one point that I desire to lay before the Committee—it is this, that some years ago, ready-money betting was tolerated in England; there were many betting shops in London, and many young fellows used to avail themselves of that means of wagering; it was ascertained that there were numberless instances of those young fellows putting their hands into their masters' till in order to be able to bet upon forthcoming events. I am not aware that that objection would hold good in this case, but, to some extent, I have no doubt that when a man wants to wager on a race, and he knows he must do it with ready money, it is rather a temptation to do it with what is not his.

609. Those betting houses you speak of, which afforded such facilities, were open some days before the race, I believe?—They were open all the year round, and were suppressed by legislation.

610. You know that the totalisator would be open only on the day of the race?—Yes.

611. Would that lessen the objection?—It might, but that objection would still hold good to some extent. As the Bill passed the Lower House, I see it is only tentative—to last only a couple of years.

612. In that aspect, would you think it right to make the experiment?—I think so; I am in favor of it.

613. Are you aware that there are what you may call two classes of bookmakers—I do not suppose there is a very sharp dividing line between the two, but some are infinitely more respectable than others?—Of course there are a large class of what I call "brummagem" bookmakers, who do not bet much on the more important events, but bet at the post, and give much shorter odds than you would get at the totalisator.

614. Have you any experience of what would be the number of persons of that class upon the hill at Flemington on, say, Cup day: it has been so variously given to us by various witnesses, that we find it difficult to form a correct idea. Has it come before you officially?—It has not; I am not prepared to give evidence upon the point; but I believe that upon the Cup day here we should want a dozen or even twenty totalisators.



F. C. Standish,  
Esq.,  
*continued.*  
30th Nov. 1880.

615. What would be the effect of the totalisator upon the "brummagem" bookmakers?—I think it would swamp a good many of them, but it would have no effect, I think, upon the more respectable bookmakers. I know they all cry out against it, but I believe it would be rather an advantage to the legitimate and honest bookmaker.

616. *By the Hon. J. Lorimer.*—Are there many who attend our race meetings of the class commonly called "welshers" among the third-rate bookmakers?—I do not think there is so large a number of that class as there are in England; but no doubt there are some upon the hill and on the flat. You never hear of that kind of thing in the stand enclosure or saddling paddock.

617. You do occasionally hear of the public being robbed?—Only upon the hill; but those are men of such bad character that, if people are such idiots as to bet with them, it serves them right if they are robbed.

618. You think that the totalisator would diminish the business of that class of men?—I am certain it would.

619. Therefore, it would be some protection to the public?—Yes; and there would be the advantage, that you get much longer odds than you do from the bookmakers.

620. You alluded just now to the temptations to young men?—Yes; that is the only objection I see to it.

621. Have they not the same facilities to bet now with the bookmakers?—I have seen it done now and then in the paddock, though it is illegal. I have seen a bookmaker take money, and enter so many pounds to nothing to the backer of a horse.

622. What would be the difference if the totalisator was at work?—Anywhere where you stake your money beforehand it is a temptation to a limited section of the community; but I do not think that the totalisator would have a worse effect than the present system of giving a bookmaker ready money and taking the odds. Every means of gambling has some peculiar disadvantage.

623. Do not you think it would have the effect of diminishing credit betting?—Yes, no doubt.

624. We have it in evidence, that most of the mischief to these young fellows is done by the bookmakers giving them credit, and that the totalisator might lessen that by lessening their transactions?—Certainly, I think it would. I would certainly give it a trial for the two years.

625. *By the Hon. J. Buchanan.*—It has been represented to us, that there have been a great many cases of tampering with horses, and it is suspected that the bookmakers have something to do with it. Which class is that—is it the mushroom men?—The small men, I think.

626. Do you think it would lessen the attempts to poison horses, if the totalisator were at work?—It would, no doubt, but chiefly in the minor races. However, in the important events, like the Melbourne Cup, there will always be a chance of jockeys being tampered with and horses being made safe.

627. Is it in that class that the horse-poisoners are to be found?—I know many instances where large bookmakers either bribed the jockey or squared the race, or took some means to prevent their winning the race; but that you will never put a stop to.

628. That originates with the lower class of bookmakers, does it not?—Men who have very heavy bets upon the races; men who make a point of using every available means to prevent certain horses winning.

629. You think the machine would have no effect upon that at all?—No.

630. *By the Hon. the Chairman.*—The sweeps that we see advertised in the morning papers are, I believe, illegal?—They are; and I have tried time after time to prosecute some of the men, and I had Mr. J. J. Miller in the Police Court twice, but the case was dismissed.

631. In other words, the police cannot put it down?—Just so.

632. *By the Hon. J. Lorimer.*—Suppose that all the laws against gaming were repealed to-morrow, would it have any effect in increasing the gambling that goes on now?—No; I do not think it would.

*The witness withdrew.*

Herbert Power, Esq., examined.

633. *By the Hon. the Chairman.*—I believe you are a good racing authority?—I do not know that I am an authority at all—I have raced.

633a. For many years?—For many years.

634. Do you know the instrument called the Totalisator?—I have seen it worked once in Sydney, but I know very little about it.

635. What, in your opinion, would be the effect if introduced here?—I think it would injure racing very much. Of course, that is my opinion only.

636. We want your opinion, and we want the opinion of all persons whose opinions would be of weight. How would it injure racing?—The owners of horses would not be able to back their horses.

637. It would have a tendency to check racing rather than to promote it?—I think it would.

638. Do you know the class of bookmakers who carry on their business on the hill generally—the small men?—I know something about them; I very seldom go upon the hill.

639. They are there upon large race-meeting days in considerable numbers, I believe?—Yes, and are a great many there.

640. What, in your opinion, would be the effect upon that class, if the totalisator were established?—I really do not think it would make any difference. You always have those ruffians about everywhere.

641. Yes; but if people wanted to bet, if they had the means of betting with one of those machines, instead of going to the small bookmakers, which do you think they would probably choose?—I cannot say that. It all depends upon the man. One man likes to see his name in a bookmaker's book and another is afraid.

642. You think it would not have much effect?—I do not think it would make much difference.

643. Would it much affect the larger members of the ring?—Certainly it would.

644. You know the opposition is unanimous with one exception—Mr. Coker—we hear he is in favour of it?—He is scarcely a bookmaker now. He makes his living by getting up large sweeps.

645. Which, as you know, is illegal?—I am not a lawyer.

Herbert Power,  
Esq.,  
30th Nov. 1880.



646. *By the Hon. W. McCulloch.*—It would be more likely to affect him?—It might a little, but not much, because those sweeps are drawn long before the races come on. If the large bookmakers do not get the small sums out of the public, of course they cannot lay large amounts to the owners of horses.

Herbert Power,  
Esq.,  
continued,  
30th Nov. 1880.

647. *By the Hon. J. Lorimer.*—They cannot "get round," as it is called?—They cannot get round.

648. They depend upon the day of the meeting to complete their book?—Of course they do.

649. You think the totalisator would so diminish their transactions upon the day of the race, that they could not get round?—I do.

650. Therefore they could not lay such long odds?—They could not lay such long odds before.

651. That is what you mean by its injuring racing?—Yes, that the owners could not get such long odds against their horses, and that would injure breeders as well; for if a man gives three or four thousand pounds for a horse, he expects to win £1500, let us say, upon the first race with that colt.

652. You know Sir Hercules Robinson very well?—Yes.

653. Is he a good racing authority?—Yes he is, but he never bets.

654. We have it in evidence, that his opinion is, that it would have a good effect upon racing?—I do not agree with him.

655. Do you consider his opinion of weight?—Yes; anything he says is worthy of consideration, no doubt.

656. We are also told by another good authority, that the stakes in this colony are quite sufficient for breeders and racing men?—It is ridiculous. The stakes would never pay the expenses. I have raced for many years, and I know what they are. No man who has not owned a racehorse has any idea of the expense connected with that.

657. You think that the use of the totalisator would interfere with the large bookmakers as well as the small ones?—Decidedly so, I think.

658. *By the Hon. J. Buchanan.*—Do you think it would lessen the amount put on in bets?—No. I think it would increase it. Lots of people would put a sovereign into the totalisator who would not have their names in a bookmaker's book.

659. *By the Hon. W. McCulloch.*—Do you think it would be likely to induce young men to bet who do not bet now, if this totalisator were put up all over the course?—I cannot say that. Lots of young men—travellers and others—would invest their money in the totalisator—people travelling, strangers, and men of that sort.

660. You do not think it would affect our young men here, or youths who do not bet now?—It might in one way. These young men might not like to bet with bookmakers, for fear of being found out, but they would bet with the totalisator. But if men want to bet, they will bet any way.

661. *By the Hon. J. Lorimer.*—Did you see it at work at Randwick?—Yes.

662. What effect had it on the betting men—did it paralyze their efforts?—Yes, very much; they were all calling out that they could do no business.

663. You did not see it at Adelaide?—No, I have not been to Adelaide.

664. Do you know that the Bill only proposes to introduce it for two years?—Yes.

665. In the face of all these contradictory opinions, is it not desirable to try it for the two years?—No; I think it would injure such large interests—the breeders and horse-owners.

666. But that is a matter of dispute; many people think it will not?—That is my opinion.

667. *By the Hon. W. McCulloch.*—Dr. Bathe thinks it will not injure them?—Dr. Bathe is a theorist.

668. *By the Hon. J. Lorimer.*—Did you hear Sir Hercules Robinson express an opinion upon that subject?—No, I never heard him say a word about it. Sir Hercules never betted, I think; I never remember his betting.

669. Do you think that the public lose a great deal of money every year by the very low class of betting men called "Welshers," and such like?—Some is lost, no doubt, but not a very great deal. The bookmakers are not half such a bad class as they are represented.

670. Do they pay their debts well?—I have betted with them over twenty years, and I have never had a dispute with a bookmaker over a bet, and I never lost anything with a bookmaker till the other day. A man owes me £30.

671. And you expect to get that some day?—I do.

672. *By the Hon. J. Lorimer.*—You know Mr. Barnard?—I know him.

673. He is not a man likely to make a statement that is not correct?—No, I should not like to say he was; but he is not a man whose opinion I should care much for. But did Sir Hercules Robinson write that?

674. No. Sir Hercules Robinson made the statement to Mr. Barnard?—That is a different thing; so much depends upon the way the question was put to him. I should like to have Sir Hercules's written opinion.

*The witness withdrew.*

William Leonard, Esq., examined.

675. *By the Hon. the Chairman.*—What are you?—I am a New South Wales squatter.

676. I believe you are pretty well acquainted with horse-racing?—Yes, I have been connected with it for many years as a member.

677. Are you on the Victoria Racing Club committee here?—Yes, I have been for some years, and have been a steward of the Victoria Racing Club for some years.

678. There was a meeting of the Victoria Racing Club in the early part of April this year?—Yes.

679. At which this question was discussed?—Yes.

680. Were you present?—No, but I am aware of what took place at the meeting.

681. Eighty to four was the division?—Yes. A very large number of the members were in favor of the totalisator.

682. You understand, of course, what the totalisator is?—Only a general idea. I never saw it working.

683. You understand how it does work?—Yes.

684. Will you kindly tell us what, in your opinion, would be its effect upon horse-racing—first of all as regards the owners of horses, and then as regards the bookmakers?—I think it would have very little effect upon horse-racing.

W. Leonard,  
Esq.,  
30th Nov. 1880.

685. How would it work?—First, I would say, that the greatest authority upon horse-racing I look upon is Admiral Rous; and, from my knowledge of racing, I entirely coincide with his view, where he says, that the horse-owners are the pillars of racing; and I think it would be prejudicial to horse-owners in this way—that, whether they are correct or not, a very large number of them would not have horses or be upon the turf, if it was not in the anticipation or expectation of making a *coup* in betting.

686. And that can only be done by the medium of the ring?—Yes, I think so; for a man may elect, as they often do, to put £500 or £1000 upon a horse at the last moment; and from what I have heard of the totalisator, I do not think he could do that with the totalisator at work.

687. Do you know the small class of bookmakers who usually ply their business upon the hill at Flemington?—Yes.

688. Do you think that the totalisator would have any effect upon that class of bookmakers?—Yes, I think it would be likely to do away with a lot of the small bookmakers.

689. Would it affect their larger brethren?—Yes.

690. And reduce their business?—Yes, inasmuch as I think the small bookmakers are feeders to the others. I will illustrate what I mean: A big bookmaker lays a wager of say £500 or £1000—he does so for the patronage of some one, a large better. It is more than he would be warranted to do according to the amount of betting he is likely to have himself individually, and the bookmakers—the small ones—take a lot of that from him.

691. So that, to use the expression, they cannot “get round” upon their books?—Yes, just so.

692. Do you think it would have any effect upon long-date bets, or “credit bets,” if I may use the term?—I think the bookmakers would anticipate it; they anticipate getting a lot upon the day. As to the moral effect, I think it would leave things pretty much as they were before.

693. Of course, you are aware of large sums advertised as sweeps in the newspapers before races?—Yes.

694. Do you think the introduction of the totalisator would have any effect upon those sweeps?—I do not think so, in the least.

695. You think then, that you would prefer the absolute gambling of a sweepstake to the modified sort of the totalisator?—I think the sweeps would remain just as they were before, whether the totalisator is introduced or not.

696. *By the Hon. J. Buchanan.*—You think the totalisator would be merely an addition to the present betting?—Just so. I will tell you the class of sweeps it would take away from. A great many people go upon the course, and go into sweeps of half-a-crown to a pound, and those people, from some such feeling as a desire to be very respectable, or what not, would not speak to a bookmaker. Those people would go to the totalisator.

697. *By the Hon. the Chairman.*—Is it your opinion, that it would induce a lot of people to bet who do not now bet at all, even in sweeps?—Yes.

698. How do you make that out?—I have spoken to a lot of people, and they said they would not on any consideration go to a bookmaker. It was not worth their while, they would only bet a pound, or two pounds, or five pounds; but they would go to the totalisator.

699. Those people would, you think, go into sweeps?—They would not go into sweeps or to a bookmaker.

700. What class of people would bet at the totalisator who do not go into sweeps, or with the bookmakers?—A great number of people who do not know the bookmakers, and the bookmakers will not bet with them—clerks, and so on—unless they put their money down, because they do not know them, and they are not much accustomed to betting; and the other is not considered a sin; it is a legalized instrument, and they think they would prefer it to bet with the totalisator.

701. Would not that class go into sweeps upon the course, very probably?—Many of them would.

702. Then, on your own showing, the increase of persons who would bet would not be very great?—Yes, it would affect the small sweeps; but also a good many who do not go into small sweeps, and do not now bet, would then bet with the totalisator; and of course it is only a matter of opinion. I may say that I saw the totalisator used once in Sydney, and the rush that I saw then, and the people whom I saw rushing and eager to bet, I am quite sure were not the men who would bet at all, if it were not there.

703. What was the effect of that meeting upon the ring when the totalisator was used?—I really could not tell, because I do not know much about Sydney, and I think it would take more than one or two meetings to develop what the effect would be.

704. Perhaps in that respect it is rushing to play with a new toy, and might subside after the novelty was over?—It might.

705. Did you upon that occasion hear the bookmakers make any outcry against it?—I did hear them cry against it very much. They thought it was against their interests.

706. I understand you, that in your opinion it would not be against their interests?—I say it would. I think it is a very fair argument. Some people argue, that it would be to the interests of the large bookmakers to do away with the little bookmakers, but the very fact that the bookmaker objects to the totalisator shows that, in his opinion, it would not be to his interest.

707. *By the Hon. W. McCulloch.*—But they may be mistaken, as many people have been, about their interests?—It may be.

708. With reference to large sweeps, such as Miller's, it is generally understood that those are supported by people in the country who do not come down, and could not use the totalisator at all?—Very largely. There is scarcely a station (and I know many stations in New South Wales) where all the working men do not subscribe very largely; even from England recently people sent out to take an interest in it.

709. *By the Hon. J. Lorimer.*—Your opinion seems to be, that it would restrict the betting operations of all classes of bookmakers?—Yes.

710. Would it not have a good moral effect to do away with the small men upon the hill?—I think it would restrict it with the owners of horses.

711. But would it not be a good moral effect to produce, to confine betting to the more respectable class of betting men?—I think, as regards the morals of the bookmaker class, it does not very much matter whether he is upon a very small scale or a very big scale.

712. Is there not a good deal of robbery among what they call “Welshers”?—I think there would be as much robbing as there is at present.

713. How could that be, if you restrict their operations?—I think, if they desire to swindle, they would swindle just the same.

714. But if you restrict their operations, would it not be a good thing to restrict that betting, and diminish the swindling of the men represented as welters, who rob the public of a large amount every year?—It is only a fair assumption that, if there is less betting, there would be less swindling.

715. You think then it would diminish the operations of the large betting man as well?—I do.

716. You consider betting men are a necessary part of horseracing?—I think so. I think, if it were not for betting, there would not be anything like the number of breeders upon the turf; and the amount of money paid by the Victoria Racing Club in a year, including added money in sweeps, is something like £24,000, the whole amount.

717. You do not think that that is sufficient encouragement to breeders?—It would be no encouragement literally, if it was not for the desire owners wish to bet. I suppose every horse at the very least costs its owner something like £200 a year each; and the number of horses run here generally upon the Melbourne course, before a Cup meeting, there are about 200 horses in work; putting down £200 a year for each horse, and there is only £24,000 a year to divide among them—that is a very small thing.

718. *By the Hon. J. Lorimer.*—They are not in training all the year round, are they?—I consider it costs that, if you take into consideration the cost of training and the entrances and riding.

719. *By the Hon. W. McCulloch.*—And the £24,000 includes the entrance money?—No.

720. The club do not give away £24,000 of their own money?—No, they give away £11,000; and the balance is subscribed by the owners; so there is only really about £11,000 to divide, which shows what a small thing it would be for the owners, if they could not bet.

721. *By the Hon. J. Lorimer.*—Are you aware that the Bill only proposes to make the experiment for a couple of years—the introduction of this totalisator?—Yes.

722. You are opposed to even that trial being given to it?—Yes, I am opposed to it in the interests of horse-owners.

723. Then do I understand you, that your only opposition to the totalisator is, that it would diminish betting, and thereby discourage racing to some extent?—Yes; still it will not, in my opinion, discourage betting, because I contend it will leave things pretty well as they were before. It will discourage the owners of horses; they will be able to bet less, but the general public will bet more collectively. I do not think it will make much difference, presuming the totalisator is established.

724. You mean, the owners of horses would not be able to give such long odds?—Yes, that is it.

725. *By the Hon. W. McCulloch.*—We are told by the secretary of the Racing Club that they would require about 200 machines upon the hill, and I suppose about the same number on the flat—would not that encourage men who do not bet, and will not go into sweeps, to go into the totalisator?—Yes, I think it might; and I do not know how the Victoria Racing Club can possibly pay them. I understand that the machines cost £150 each.

726. There seems to be an impression among the Committee here that the bookmakers bet with all sorts of people—clerks and so on; but as far as I know a bookmaker will not bet with a man unless he knows something about him?—Of course, it is only reasonable to suppose they will not; they are shrewd sharp men.

727. If my clerk or your clerk went to bet with them, they would not take it?—No, they would do nothing of the sort.

728. *By the Hon. H. Cuthbert.*—Are you aware that only one totalisator is allowed to be used in Adelaide upon any racecourse?—I am not, but I respectfully submit to the Committee that there is a gentleman here who can give very valuable information to them, a gentleman who was instrumental in introducing the totalisator in Adelaide—Mr. Mann, the Solicitor-General, a member of the Government there. He is in Melbourne at the present time. He introduced the totalisator, and was a great advocate of it; and I am informed by Mr. Power that, in conversation with him, Mr. Mann expressed himself as having changed his views.

729. As one of the Racing Club and member of the committee, are you in favor of having the control of the totalisator in the hands of the club?—I have not given that question any consideration. I have not studied the working of it, except that from what I saw of it and have heard of it, I think it would prevent owners of horses from being able to back their horses as liberally as at the present time, and I am against it on that account.

730. And you think it would also have the effect of inducing people to bet who never betted before?—I think so.

731. Then the promoters of this Bill consider that it would have the effect of repressing gambling, but so far as the general public is concerned, you think that will not be?—I think it would leave things pretty much as they were before, as far as any moral effect is concerned.

*The witness withdrew.*

*Ordered—That this Committee be adjourned.*

## APPENDIX (No. 1).

Melbourne, November 13th, 1880.

Dr. Dobson, Chairman of Committee *re* Totalisator.

DEAR SIR,

As I am leaving here on Monday for Adelaide, I regret very much I shall not be able to give evidence before the Select Committee on Tuesday next; but, for the information of your Committee, I beg to state that the "Totalisator" has been highly approved of and extensively patronised by the Adelaide public.

Sir Hercules Robinson was present at our Derby Meeting in September last. He expressed to me personally his entire satisfaction, and approved of the Totalisator, and said he was of opinion it would greatly decrease betting and assist horse racing.

I consider that it is only a matter of time to blot out the large number of bookmakers that infest all racecourses, and the use of the Totalisator will prevent turf frauds and swindles, for it matters not to the conductors of the Totalisator what horse wins, which is not the case with a bookmaker, who stands to lose large sums on a particular horse; and then again, as it is a ready-money transaction, it prevents plugging, and in many cases utter ruin.

I have no interest whatever in its being made lawful in this colony.

Yours faithfully,

S. BARNARD,  
Sec. S.A.J.C.

## (No. 2.)

Adelaide, November 12th, 1880.

DEAR SIR,

Yours of the 3rd inst to hand, and would have received my immediate attention had I not been absent in Melbourne.

The Totalisator machine is a great attraction to the general public, and in consequence thereof the gambling is increased in a very large ratio. There are numbers of men now in Adelaide who formerly would not think of taking a wager with a bookmaker, but who now invest largely in the Totalisator.

I have worked the Totalisator at different meetings with great success, and no one would be more pleased than myself to see the Bill passed in Victoria; but as you have asked my opinion as to the increase of gambling, I have no option, and give you my experience in the matter.

The Racing Club to which I am secretary does not use the Totalisator on their course, as although the revenues of the club would be greatly augmented by its use, still the committee think that, if the machine is used, the racing will be deteriorated, as owners of first-class horses will not enter them for a stake unless they can back them, and it is an almost utter impossibility for an owner to win a fair sum of money in the Totalisator; and besides, bookmakers care not to compete with the machine, and consequently do not open books on events at meetings at which the Totalisator is worked.

I should have been pleased to have called on you when in Melbourne, and shall be happy to answer any questions *re* Totalisator you may wish information on.

I am, yours truly,

JNO. HARVEY.

## (No. 3.)

47 Great Bourke Street West,  
Melbourne, 24th November 1880.

To the Committee of the Legislative Council on the Betting Prevention Bill.

GENTLEMEN,

I regret being unable to attend your sitting to-day as requested, being confined to the house with a severe cold. My evidence, however, as to the Totalisator would be of no consequence, as I have little to say for or against the instrument. So far as I understand the working of it, my opinion is that its use would not affect the bookmakers, nor the owners of horses, nor betters in general, but that the legalizing it would only add inducement to the already too gambling propensities of the age.

I have the honor to be,

Gentlemen,

Your obedient servant,

WILLIAM C. YUILLE.

1880.  
[SECOND SESSION.]

—  
VICTORIA.

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# EVIDENCE

TAKEN AT THE BAR OF THE LEGISLATIVE COUNCIL

ON THE

# RAILWAYS CONSTRUCTION BILL,

IN COMMITTEE OF THE WHOLE COUNCIL.

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ORDERED BY THE COUNCIL TO BE PRINTED, 16TH DECEMBER, 1880.

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## MINUTES OF EVIDENCE

TAKEN AT THE BAR OF THE LEGISLATIVE COUNCIL ON THE  
RAILWAYS CONSTRUCTION BILL (IN COMMITTEE OF THE  
WHOLE COUNCIL).

TUESDAY, 7TH DECEMBER, 1880.

BRANXHOLME TO CASTERTON RAILWAY.

John Goodwin Clapham examined.

1. *By the Hon. the Chairman.*—What are you?—Secretary to the shire of Glenelg.
2. *By the Hon. Sir C. Sladen.*—Can you point out on this map what part of Glenelg is shown here—[*handing a map to the witness*]?—It takes in a portion of Normanby. It is bounded by a creek which runs through the township—that is Digby.

J. G. Clapham,  
7th Dec. 1880.

*The Hon. W. Ross* objected to the question; that it is usual for those who represent the appellants (in this case the residents on the Hamilton side) to go on first, the other side are the defendants, and said he understood that it was the wish of those who represented the Hamilton to Coleraine side that they should go on first to be examined.

*Debate ensued.*

*The witness withdrew.*

George Henry Mott examined.

3. *By the Hon. the Chairman.*—What are you?—A journalist.
4. *By the Hon. T. Bromell.*—Do you produce the Government map of the different routes of railways extension, showing the two lines towards the South Australian Border—from Branhholme to Casterton and the Border, and from Hamilton to the Border?—Yes; I do.—[*The witness produced the same.*]—This is a larger map than honorable members have at present in their hands. This specifies the continuation from Casterton to Apsley, and also from Camperdown to Branhholme—that is why the petitioners are anxious to produce this map.

George H. Mott,  
7th Dec. 1880.

5. I may point out to honorable members that, on one map, Hamilton is left out, although it is the largest township in the west. I do not know whether it is a map made to order. Is this sketch map also produced by you a correct tracing of the Government map as far as concerns the western lines of railways?—Yes; it is. This small map which has been handed round to honorable members is a correct tracing of the Government map so far as it concerns the lines from Hamilton to Coleraine, and from Branhholme to Casterton.

6. Will you describe, as shortly as you can, the points of difference between the Government scheme and the route from Hamilton to Coleraine?—I would ask permission of the House to be allowed to point it out upon the map with a pointer.—[*The witness was permitted to stand upon the floor of the House.*]

7. Will you be kind enough to point out the routes by name when you point out upon the map, please?—Yes. I wish to explain, that the petitioners were in some difficulty as regards pointing out places upon the map, and that was the reason we had to prepare that special small map. This Government map, you will observe, contains no mention of Hamilton at all—there is not such a town, according to this map, in existence. Branhholme is a village of 280 inhabitants; it is marked large enough. Hamilton is a borough of 4000 inhabitants. I was going to observe, that no Hamilton is marked upon this map at all, and there is no Coleraine marked upon this big map at all; so between the two we had to prepare a special map of our own, so that honorable members might understand it. Of course the House will understand this is the Government line. The line we propose is from Hamilton to Coleraine—[*pointing out the same*].—We contend that the red line from Casterton to Branhholme is not the shortest line to the nearest port.

8. *By the Hon. W. Campbell.*—What do you call that?—The line from Casterton to Branhholme is not the line to the nearest port, but a line to the nearest port would be to join at Heywood, and pass through Digby and Hotspur, which are not marked on this map—that would be the line to the nearest port. The line from Melbourne to Geelong and Ballarat is an intercolonial line, and it would be much shorter to carry it on from Hamilton here, than to go round this elbow by Branhholme, because there are 16 miles between Hamilton and Branhholme, and the traveller would be carried not exactly that 16 miles out of the way, but about ten miles, because of the angle. We say also that the black line, as it is called, which is now to be extended to Camperdown, should go along the course of the black line, that is to Terang, Mortlake, Hexham, Caramut, and Penshurst to Hamilton.

9. That is, eventually?—Eventually; and that is why we put in the Government map, showing it is proposed to make this line a portion of the intercolonial line. I said just now, it is not the shortest line to the port; I will now show that it is not a portion of the intercolonial line, and could not be made a link in that line, because, as I said before, all the population is along this black line here. Hamilton to Coleraine is an overland line of road ever since the colony has been a colony. The mails have been carried that way—all the traffic passes that way, and I may say that all the passengers come that way from Portland. All the witnesses who are here to-day, who have come from Casterton and Portland, have travelled overland to Melbourne rather than come by sea. All the passenger traffic is upon that road, and we say also, that this

George H. Mott,  
continued,  
7th Dec. 1880.

blue and green, which represents the selections up there, lie far to the north of Casterton; that Casterton is built upon a sand bank, upon the edge of a desert that is little else but heath and scrub for 50 miles up to Penola, and for 70 miles down to Portland it is the same sand and scrub; whereas, here there are selections—that is where the population is. It is the fertile valley of the Wannon and Glenelg, and a line from Hamilton to Coleraine goes through the centre of that valley, and would tap the best country and also be the best overland line. Now, gentlemen, we also contend that Harrow is the principal centre where the wool is produced, and that a line from Casterton would not take a bale of wool from the South Australian railways which are marked upon the small map here, and would be of no benefit at all as regards the carrying of wool down to our ports, because the distance is so much greater. There are only 50 miles of railway existing between Mount Gambier and Rivoli Bay, and 50 between Narracoorte and Kingston; whereas, there are 70 miles between Portland and Casterton, added to 50 miles of bad road to Mount Gambier and 70 miles of bad road to Narracoorte. Therefore this line would not have the effect that it is contended it is to be built for. It would not bring the wool down—it would not bring the wool, because it does not touch the district; and we have to contend against such strong competition against South Australia, that you can only get the wool into Victoria by bringing the line through the country where the wool is grown, and picking up the bales just where they are produced. If they have to cart them all the way from Harrow to Casterton, the wool at Casterton will be further from the station than when it was at Harrow, and that would not command the trade at all.

10. *By the Hon. Dr. Hearn.*—How far is it from Harrow to Coleraine?—I believe it is about 30 miles. I am not quite certain, but there are surveyors here who can give the exact distance.

11. How far is it from Harrow to Casterton?—I should think about 35 miles. We get the Harrow wool to Hamilton, as it is; they have to cart it.

12. *By the Hon. T. Bromell.*—How do you estimate the population along the competing routes, and what are the populations of the different routes?—It is very difficult, where two lines run so parallel to one another as those two do, to estimate the exact population that would be benefited by either line as distinguished from the other line. You cannot take the population of the county nor the population of the shire, because the districts are too large. You can only take the towns' populations through which the lines pass, but a town population is an index of the country population. Of course a large number of people are around those towns, and wherever you find the largest town population, there you may be sure is the largest country population. There is a population common to both lines, which we cannot analyze exactly; therefore, though the figures may look small to honorable gentlemen who have them here upon the small maps; the population of each township is placed opposite the name of the town upon each map. According to that we make out, along the black line from Mortlake to Casterton, there are 10,656 people in the towns, and along the other line—the Woods's route, as it is called, including the Casterton and Branxholme route—there are only 2630; there are also the township of Harrow, and some new townships amongst the selectors—Chetwynd, Edenhope, Tarrayoukyan, and Nareen. Those all lie in the line of railway from Hamilton *via* Coleraine.

13. Would a railway from Branxholme to Casterton take any traffic from the South Australian lines having their terminus at Mount Gambier, or Narracoorte, or Tatiara, that carry the wool and other produce of the border districts?—I have already anticipated the answer to that question. It would not do so, because it does not go through the districts where the wool is produced.

14. How many bales of wool were sent along the railways from Ararat to Portland last year?—I produce the last Report of the Victorian Railways and the Report of the Board of Land and Works for the year ending 31st December 1879. By that report I find that, during the year, there were carried 3378 bales of wool to Melbourne, 7435 bales to Geelong, and 4411 bales to Portland. The total number of bales was 15,224, so that you see the traffic was tolerably evenly divided—two-thirds at least went to Melbourne and Geelong, and about one-third went to Portland. So that you see, the wool-growers actually preferred to send their wool overland from Hamilton to Geelong and Melbourne, to sending it by sea through Portland. There are certain reasons no doubt which prevent Portland being able to compete with Melbourne and Geelong in the shipping of wool, what those reasons are, no doubt gentlemen interested in the shipping trade can tell you by-and-bye.

15. How many tons of goods were sent in 1879 between Hamilton and Portland, and also between Hamilton and Melbourne, and which way does the balance of the traffic tend?—During the year 1879 it appears that there were 14,541 tons conveyed inwards and outwards upon the Hamilton line, and 12,139 tons inwards and outwards upon the Hamilton and Portland line; that is to say, that 2400 tons of goods more went from Hamilton backwards and forwards along the overland line to Melbourne than the tonnage which went from Hamilton to Portland.

16. What does this diversion of the traffic prove?—We take it to prove, that Hamilton is the dividing point where the overland railway comes into competition with the sea route, and that, therefore, that is the most suitable point to bring the traffic on to both the lines—the fairest point; and we contend that, when a branch line is made as a feeder, it should strike a main line at right angles, so as to be as near to travel one way as the other. It proves, that the traffic which finds its way from Hamilton to Melbourne overland is rather in excess of the traffic that finds its way down to Portland.

17. How much is the excess?—Two thousand four hundred tons.

18. Will the construction of the branch from Branxholme to Casterton feed the existing main lines?—We contend that it cannot do so; that the line from Casterton to Branxholme is bound to prove what people call a "sucker" instead of a feeder, because it takes the traffic off the 220 miles of railway between Hamilton and Melbourne and puts it on the 37 miles between Branxholme and Portland; therefore the railway department loses the difference there is upon the long carriage. We say that, if these railways belonged to a private company, no private company would ever make a branch line slanting the wrong way, at an acute angle, as this does, so as to suck the traffic away from 220 miles of railway to put it upon the 37 miles. No private company would do it, because it would not pay. We also say, that the whole of this traffic from Casterton to Branxholme, the whole receipts of that line, would not compensate for the loss that would take place upon the traffic upon the overland line to Melbourne, if that line were made—that is, if the Branxholme and Casterton line were made.

19. Does the passenger traffic between Melbourne and the border districts go by rail direct, or by sea?—I have already explained, that all the passengers come overland that will have come here to-day.



20. *By the Hon. R. D. Reid.*—No person having wool or produce of any sort, or grain, would think of taking that long route all the way to Melbourne, when they could come down there to Portland, at a very small expense, and send their wool or produce by sea?—I have already explained, that they do do it at present.

George H. Mott,  
continued,  
7th Dec. 1880.

21. Yes, but then they have to go to Hamilton first now?—No. I can give you the names of people living at Branxholme, whose stations are at Branxholme, and, though they are within 37 miles of Portland, they prefer to send their bales overland to Geelong.

22. Can you name any person?—I name Mr. Skeene, of Bassett; he sends his wool to Geelong.

23. Can you name any farmers who send their produce, that is, wheat or grain, to Melbourne?—It depends upon where their produce is bought. Sometimes the produce of the Glenelg and Wannon valleys is bought by Hamilton merchants, sometimes by Ballarat merchants; and whoever buys the wheat takes it where he likes.

24. We can understand that now, because Hamilton is the centre of the district, and a certain number of people there now buy; but in the event of that railway going from Casterton to Branxholme, the question is, whether the people up there would not in preference send their wheat and produce to Portland instead of by Hamilton?—I do not think so. The only wheat ship that ever left Portland was the *South Esk*, last year. She took some wheat. She loaded up with wheat from the Wannon and Glenelg valleys, and it took her so long to get to England that people thought she was lost. When she got there wheat had gone down ten shillings a quarter, and there was a loss of £3000 upon the cargo. That was the first wheat ship that left Portland, and I think it will be the last, unless they get the breakwater to enable fast sailing first-class ships to come and load there, and a breakwater would cost about a quarter of a million of money. Everything is blown up whenever a south-easterly wind blows.

25. Are there many farmers about Hamilton—are there a great number near Hamilton?—Not a great number.

26. Are not the principal number of farmers up near Casterton?—There are a few farmers there. There were some large estates partly cultivated about Casterton, because the rushes were growing too fast, and the only way they could exterminate the rushes was to let out the land for three years, to put down the rushes. Those three years have expired, and the large estates are now again going out of cultivation.

27. Is not the whole of Muntham estate, or a great portion of it, under cultivation at the present moment?—No, no great part of it; there are nine or ten miles' frontage to the railway.

28. Is not there one man there that actually cultivates 2000 acres at the present time?—Not that I know of; other witnesses may be able to give you information upon that. There was a man that once did cultivate 1000 acres, I believe; but he has given most of it up now.

29. *By the Hon. H. Cuthbert.*—I want to understand your evidence a little more clearly than I do. At the present time, when you object to that red line—the line in the Bill—what is the one that you would propose to substitute for it?—A line from Hamilton to a place called Coleraine; you see it upon the small map.

30. I would rather you pointed it out there—give description without having other maps brought before us. What is the distance between Hamilton and Coleraine?—It is 22 miles by road, and we have had a flying survey taken, and we find a line could be got to Coleraine in 23 miles. A professional gentleman will come to tell you that.

31. Are there any engineering difficulties in the way of making that line?—I would rather leave that for the borough engineer to speak about.

32. This line of railway to Coleraine would go through—what class of country?—Through a middling class of country.

33. Not first-class country?—Not first-class country.

34. Is the country about there, from Hamilton to Coleraine, along the proposed route thickly populated?—Yes, there is a fair population upon that.

35. And at Coleraine, what is about the population?—One thousand two hundred.

36. Then at the other side of Coleraine is there much land selected, or is it in the hands of large owners?—All this land is selected—[pointing to the blue patches on map].—They are large holdings on on the other line near Casterton—all selected on the Coleraine side. You see by the map even, it is called under lease or licensing.

37. You said that most of the traffic went overland to Melbourne?—From the border.

38. And from Branxholme, and even from Portland?—Yes.

39. Did the witnesses who reside at Portland, and who will be called either to-day or to-morrow, come overland? Was that in consequence of a steamer not being available?—I do not know what the reason was, but they patronised the road, and they pay the railway fare.

40. It might be in consequence of the absence of a steamer?—It might be. That is one of the disabilities that an inferior port suffers from—they cannot get the class of shipping.

41. How long does it take to come from Portland to Melbourne by sea?—I believe about twenty-four hours.

42. Is not the harbor at Portland a good one?—It is a good one, except when a south-easter is blowing; but they have been always calling out for a breakwater, as no doubt you are aware. Till they get that, it will not be a first-class port.

43. You say only one vessel left that port laden with wheat?—Yes, that I am aware of.

44. It was not delayed in the harbor any time I suppose?—No, but it was not a first-class vessel, although nominally classed A1. First-class vessels will not come there, because lightering in the open bay is very expensive; and they cannot go alongside the jetty, it is too dangerous.

45. Cannot they load at the jetty?—They do not do it. I suppose they cannot.

46. *By the Hon. W. Ross.*—I think you said that the traffic from Hamilton to Ararat, and on to Melbourne and Geelong, is greater than the traffic from Hamilton to Portland?—Yes.

47. Are you aware that there is a considerable traffic by dray from the direction of Casterton and Coleraine to Portland direct, and also coming to Branxholme?—No doubt there is some.

48. That would not be included in the traffic from Hamilton to Portland?—No, I dare say not.

49. *By the Hon. J. Lorimer.*—I suppose you are aware that ships load at Portland for London direct?—Yes, there is one wool ship every year, and there has been one wheat ship in twenty years, or ten years.

George H. Mott,  
continued,  
7th Dec. 1880.

50. Is there any saving in shipping wool to London direct from Portland compared with Melbourne? —I do not think there is any saving.

51. It costs as much to send wool from Portland to London as from Melbourne?—It all depends upon the time the ship is chartered. I believe the *City of Agra* was chartered some time ago at low rates. Freights have since risen, and, if you compare the position of things to-day, the *City of Agra* can take things cheaply from Portland, because freights have risen in Melbourne.

52. Suppose freights are the same from Portland and Melbourne, what is the difference from Casterton *viâ* Portland to London and from Casterton *viâ* Melbourne to London?—I do not think there is any difference.

53. What is the difference of freight to Melbourne by way of Portland, or by railway overland upon wool?—I would not like to speak without my papers.

54. You do not know?—I do not.

55. Do you know the rates for wheat overland and *viâ* Portland?—No. I believe they are about the same.

56. Do you know whether the rate of carriage as a rule is cheaper by sea or by railway?—The rate by sea is of course cheaper, but there are so many disadvantages connected with the frequent handling of the wheat. For instance, it escapes through the holes made by its being handled with the hooks, and there is a loss in quantity; and there is the charge for lighterage, and the commissions, and so on; and altogether it is as cheap one way as the other. At any rate, the bulk of the wool goes overland, and that is the best proof.

57. Do you think it would still go that way, even if the distance to Portland were shortened by the proposed railway?—I deny that the distance to Portland would be shortened. I say it would be lengthened by the proposed route. The wool is grown at Harrow.

58. What is the difference in distance from Harrow *viâ* Hamilton and Harrow *viâ* Branxholme and Casterton?—It is not Harrow alone; the wool is grown all along down the line. It must be picked up. The line must pass near where the wool is grown.

59. Harrow is the point you have selected yourself as the centre?—Yes.

60. Take that centre, what is the difference in distance *viâ* Hamilton as compared with Casterton and Branxholme?—I think the distance from Harrow would be longer.

61. *Viâ* Hamilton?—Slightly longer; but for the farmers, for wheat, the distance would be shorter, because the farmers have not to come such a long distance. Wheat is grown only in the blue circle, and Coleraine is right in the middle of it, and it is about seventy-two miles from Coleraine *viâ* Hamilton to Portland, and about seventy miles by Casterton and Branxholme. It is two miles shorter for the farmers.

62. Was there as large a production of wheat last year as upon the proposed line from Branxholme to Casterton?—That I could not tell, because the Glenelg shire statistics show that there was a larger quantity grown in the Glenelg shire, which is common to both lines.

63. Is it a fact, that twice the quantity was grown?—Yes, I dare say there was in the Glenelg shire.

64. Three times the quantity?—It was grown in the Coleraine district.

65. It has been stated that production upon one line over the other is enormously greater; we want to know the facts?—I will tell you the facts. The Glenelg shire was separated last week, and the farmers were so disgusted with the treatment of them by the Glenelg shire, that they prayed for separation, and got it, and they are no longer a portion of the Glenelg shire. The grain they produced was claimed unduly and wrongly as belonging to Casterton, when it was not grown near Casterton—or a portion of it.

66. I did not refer so much to the shire as to the district?—Then I say, not double the quantity, nor anything like it, was grown near Casterton. I doubt whether there was so much. I do not think so much was grown.

67. There was not four times the quantity?—Oh, no.

68. *By the Hon. J. Balfour.*—Do I understand you to say, that this would be more of a sucker than a feeder, this Government line?—Yes.

69. By that you mean, that it would take traffic down towards Portland instead of towards Melbourne?—Yes.

70. And that consequently the traffic will not feed the main line, but would feed the short line between Branxholme and Portland?—Yes.

71. But the loss to the railway may be public gain, I suppose?—I do not know; it might.

72. Did not you say the water carriage is cheaper than overland carriage by rail?—No, I do not. I say that the frequent handling, and other expenses, outbalance it.

73. Once more handling it is not more frequent handling?—There is cartage from the railway, the trucks run down to the jetty, and there is lighterage.

74. You think then that the carriage by water from Portland to Melbourne would be as costly and inconvenient as carriage overland?—I say now at any rate 2400 tons more go overland than go to Portland.

75. Part of that is wool?—Yes, part.

76. A good deal of it?—Yes.

77. And of course Melbourne is a large market for wool?—Yes.

78. Also the agents of wool ships are chiefly in Melbourne?—I can explain why it is. By sending wheat to Hamilton you get the Hamilton market, the Ararat market, and the Ballarat market, and the Geelong market, and finally the Melbourne market, and if that does not suit, you can then export it; but by sending to Portland you have only one market, and it is a very limited one.

79. Do I understand you to mean, the growers would try all those markets in any particular instance?—They have the option of doing so.

80. But is it usual for them to try those markets upon the route?—I do not say they do, but they have the option of doing it.

81. You put it as an excuse for your view, that they could do it; but do they actually do that—is it practicable, or is it ever done?—Yes, it is often done.

82. Do you know an instance of growers trying Hamilton and Ararat, and Ballarat and Geelong before they got to Melbourne?—They might. I do not say they try all these markets; sometimes they sell at Hamilton and sometimes at Ballarat.

83. *By the Hon. Sir C. Staden.*—I inferred from what you said, that you think there is no necessity for a railway to go to Casterton at all?—I do not think there is; it is upon a sand bank upon the edge of a desert. George H. Mott,  
continued,  
7th Dec. 1880.

84. Suppose the line you advocate is completed, have you any idea of its being extended to Casterton at any time?—I say a branch might go to Casterton, but the main line ought to be continued through those townships upon the map. It should go through the green country, where the selections are—Edenhope, Chetwynd, Nareen, Tarrayoukyan, and those settlements.

85. Why should it not go to Casterton?—Because it is ten miles out of the direct road.

86. You know the two countries—the country round Casterton on either side of the Glenelg, and the country round Balmoral and Harrow on either side of the Glenelg—is it similar country in both instances?—No, it is not; the country on the outer side of the Glenelg is very poor—the country inside the Glenelg, by the Wannon valley, is first-class land.

87. To the north of the Glenelg is first-class land?—Well, it is very good land.

88. What does it produce—what is it used for at the present time?—Part for selection, and part belongs to estates.

89. Is it pastoral?—It is pastoral and agricultural both.

90. Then I understand the land upon the west side of the Glenelg, at Casterton, is not an agricultural country?—No, it is sand and scrub.

91. Is that pastoral country?—No, it would take twenty acres to feed a sheep.

92. Is the whole of the land between Coleraine and the Glenelg, north-east, good land?—Yes, it is.

93. If the line were taken to Casterton, would it be fed from any other country than that immediately upon either side of the railway—would it bring produce from anywhere beyond?—No, it could not.

94. Casterton would be a barren terminus, you mean to say?—It would, unless they took the line and bent it round from Casterton up to Harrow and Edenhope and Nareen.

95. Would it be a trunk line?—No, certainly not; it would be like a dog's leg.

96. What is the distance from Casterton to Coleraine?—Eighteen miles.

97. What is the distance from Nareen to Coleraine?—I am not exactly prepared to say; I think about twenty miles.

98. It is nearer to Casterton than Coleraine?—No, it is a little nearer to Coleraine.

99. Nareen is?—Yes.

100. And Harrow is nearer to Coleraine?—Harrow is nearer to Coleraine.

101. If the line were extended in the direction which I infer you wish it to go, that is by Harrow, would that be likely to bring much wool south-east?—That would bring all the wool between here and the border—it would take all the wool upon the stations where it is grown.

102. If there were any inducement to ship at Portland, it would come down the line to Portland?—Certainly it would; and I doubt whether it would come to Portland if there were a line to Casterton, because it would be as easy when the wool is upon the drays to let it go to Narracoorte.

103. What is the distance from Coleraine to Branhholme?—There is no road; it would be about seventeen miles, I should think.

104. And from Merino to Branhholme?—Some of the other witnesses could tell you more accurately than I can.

105. Do you think that, if a junction at Branhholme were made, it would be injurious to Hamilton?—I think it would.

106. In what way?—It would cut Hamilton off from its communications to the westward. There is a three-chain road, called the main overland road, which has been marked out ever since the colony was settled, and that goes from Hamilton, through Coleraine, to the border; and if the railway here is to supersede the main road and to be made sixteen miles further south, we should be cut off from our communications with those districts, and all the trade would be swept down to Portland. We contend that Hamilton, Ararat, Ballarat, Geelong, and Melbourne have at present all a share in the border trade, and are interested in it; but if you take the whole of the trade and sweep it down to Portland, they will suffer an injury.

107. Supposing the traffic were brought to Branhholme, is the distance between Branhholme and Hamilton so prohibitive as to prevent any of the produce going to Ararat or Ballarat?—The distance is sixteen miles.

108. But would that make all the difference between sending it to Portland and going the other way?—We think it would. There is a weekly market established at Hamilton; it is a market town, and it would do it an injury to cut off its communications.

109. Might not Portland say the same thing in regard to Hamilton? If you make that line to Hamilton, there is so much more freight to pay to get things to Portland?—We say there is not. We say that the line from Coleraine *viâ* Hamilton to Portland is within two miles of the length of line from Casterton *viâ* Branhholme to Portland; it is only two or three miles longer.

110. What is that?—From Coleraine *viâ* Hamilton to Portland is 73 miles, and from Casterton *viâ* Branhholme to Portland is about 70 miles.

111. Would Coleraine, do you think, give the same amount of country that Casterton would?—Certainly, and give a great deal more. It would give the whole valleys of the Wannon and Glenelg. It is the centre of the circle you observe; the line from Branhholme to Casterton goes upon the edge of the good country. The white part is all sand and scrub; whereas, the line from Hamilton goes right through the centre of a fertile country.

112. Knowing this country pretty well, as you do know the Glenelg shire, particularly to the south of the projected line from Branhholme to Casterton, what would be the farthest point where the population is settled now to get to Coleraine?—The farthest point from where?

113. That is what I want to know; the farthest point to get to Coleraine. Any place that is now selected or in occupation, settled?—It would be 70 or 80 miles to Apsley.

114. I do not speak of the Apsley district at all?—Where then?

115. South of the line?—There are only two townships south of the line from Branhholme to Casterton—that is Digby and Hotspur. Those are already within a few miles of the Branhholme and Portland line. They are as near the railway communication as they would be if the Branhholme and Casterton line were made.

George H. Mott,  
continued,  
7th Dec. 1880.

116. Is there no place west of Merino?—Nothing but sand and scrub.
117. No population?—No population of any kind worth speaking of in all this white part upon the map.
118. *By the Hon. Dr. Hearn.*—Is there any large traffic between Casterton and Hamilton?—Yes, there is a considerable traffic.
119. Of what kind—passenger traffic?—Passenger and goods also.
120. What kind of goods go from Casterton to Hamilton?—All kinds of farm produce.
121. Hamilton you say is the market town?—Yes.
122. Is it the market town for the Casterton district?—I dare say a good deal comes from there; we have produce and sheep come there to weekly sales.
123. Any wheat or produce of that kind at Hamilton?—Yes, sometimes.
124. From Casterton?—Yes.
125. Any large quantity?—Yes, sometimes, when a large quantity happens to be brought.
126. But habitually—take last year, has any large quantity of wheat come from Casterton district to Hamilton?—No, I do not think there has, because they all fell into the unfortunate experiment of shipping by the *South Esk*.
127. The desert you spoke of is about Casterton, is it not?—Yes.
128. Are there any farms about Casterton?—Yes, some.
129. How many, can you tell us, or what acreage, any large quantity?—No, I do not know the particulars. They are situated at different distances from Casterton. We have other witnesses to prove that.
130. Is there a parish there called Bahgallah?—Yes.
131. Is there any large production in that parish?—We have a witness to prove what is the production there.
132. Is Bahgallah in the desert?—I do not know.
133. There is a place called Lake Mundi—is that in the desert?—It is a good farming district, I believe.
134. It is not in the desert?—No.
135. There is a place called Nangeela?—Yes.
136. Is that in the desert?—It is a station.
137. Is that not in the desert?—No, I do not think it is.
138. Are there no farms there?—Yes, there is a farm in cultivation—there was last year.
139. Only one?—One large farm; I only know that by hearsay.
140. You do not know to your own knowledge?—No.
141. Would you say that in this desert district, including all the places I have mentioned, that it was impossible there were as many as between 200 and 300 farmers?—I should say that it was.
142. Or that there were upwards of 100,000 acres under cultivation?—That is all bunkum.
143. You think it is out of the question?—Yes.
144. As to the desert country, do you know, does it pay any rates?—I dare say it does; of course it must pay rates.
145. If it is so desert as that, I suppose it must be of some value if it pays rates?—Of course, all the mallee runs have to pay rates of some sort to some local body or other—not much I suppose.
146. How much do you think the desert country ought to pay in rates?—I do not know—very little.
147. Twenty pounds?—I believe the rate struck in the Glenelg shire is less than half the rate in the Dundas and Wannon shires as compared with the valuations.
148. Would you say Twenty pounds was rather high for the desert district?—I do not know, I am sure.
- The Hon. T. Bromell.*—I may inform honorable gentlemen that many of those stations are nothing but a desert, and they pay £300 or £400; they pay that for only grazing rights alone. It is a large tract of country, but only adapted for one purpose.
- The Hon. Dr. Hearn.*—It was put to the House, that it was completely desert.
- The Hon. T. Bromell.*—So it is.
- The Hon. Dr. Hearn.*—Nevertheless, it is valuable.
- The Witness.*—Some of it will carry one sheep to 10 acres and some of it one sheep to 20 acres.
149. These miserable men who shipped in the *South Esk*, what price did they get, do you know, for their wheat?—I did not hear.
150. I suppose it was only a judgment upon them for shipping by such a vessel, that they should get half nothing?—I do not know how it occurred, but it is a fact.
151. What is a fact—that they got half nothing?—No; that they lost money by it.
152. Did the vessel arrive safe?—Yes, she did at last.
153. That was a misfortune?—[*No answer.*]
154. *By the Hon. W. Ross.*—You said that the Chetwynd country was a good farming country?—Yes.
155. Are you aware that the millers of Chetwynd came down to Casterton and bought up 200 tons of wheat, to be ground there and distributed about Chetwynd?—They might have done it; I do not know; I suppose they want a change of seed sometimes.

*The witness withdrew.*

David Wright Brayshay examined.

156. *By the Hon. the Chairman.*—What are you?—Farmer and hotelkeeper.
157. *By the Hon. T. Bromell.*—Will you kindly state the relative distance from Coleraine *via* Hamilton to Portland, and from Casterton by Branxholme to Portland?—May I be allowed to point to the map?
158. Yes?—[*The witness entered the House*].—As the last speaker explained pretty clearly from Casterton to Branxholme, and then to Portland is 71 miles. From Coleraine, which is somewhere about there—[*pointing to the map*].—unfortunately it is left out of this map, to Hamilton thence by Branxholme to Portland would be about 73 miles. There has a great deal of stress been laid upon the town of Casterton, and they have put it upon the map, but it is not so large as Coleraine and has not so many inhabitants. Coleraine lives entirely upon the farmers round it, Casterton being the extreme town in the colony towards the border. There is a great deal of country round here—[*pointing to the map*].—which, though it is not thickly inhabited, yet people come in from it. There is a daily coach in and out, which makes Casterton a

D. W. Brayshay,  
7th Dec. 1880.

pretty fair town—a good sized town—but not so large as Coleraine. You see here we propose Coleraine is to accommodate the whole of those selectors—those are leases and licenses—the dark color being leases and the light color being licenses, at present therefore occupied solely by selectors. You may go on further than that. Look here, the Mount Talbot, the people from Horsham come down this way, who might come here—[pointing to the map]—and at this present moment there is a memorial in from the people here for a railway down through here to get to Hamilton and then to Portland; and all this that appears white now, if you had a map of the day you would see colored green, because nearly the whole of it is selected and is being selected very fast consequently, if the railway went from Hamilton to Coleraine, it would accommodate the whole of the people here; whereas, if it goes from Branxholme, very few people live upon that line—chiefly the large estates it passes through—and that would accommodate just a few that live about Casterton. That would accommodate a few that the other line would accommodate, but very few that the other line would not accommodate—very few except what the other line would accommodate.

159. How would the position of Ballarat, Geelong, or Melbourne stand affected as regards the traffic if the Branxholme route was adopted?—That would simply make any one who had to travel go further than he need—all the passenger traffic. With the exception of just a very short time in the year—when the wool would come down—they would have to depend totally upon the passenger traffic. That would divert all the passengers round here up to here—[pointing to the map]—instead of fetching them direct as they come now. They would come down to Coleraine to Hamilton, and then to Ballarat and Melbourne.

160. Will you please to mention the names of places to which you refer?—That is as regards Ballarat and Melbourne, but as regards Geelong there is a greater fault, because of course we presume when the Government have made a portion of the black line as far as Camperdown, and proposing to make it from Branxholme to Casterton, they will at some future time fill up the gap from Camperdown and Branxholme, or between Camperdown and the Hamilton railway. Therefore anyone having to come from Casterton or Harrow, or anywhere between Casterton, Harrow, and Coleraine, would have to come 15 or 20 miles south, and then take on the line to Camperdown, through a barren country nearly the whole of the way. Perhaps I ought not to call it barren. There are one or two good stations there, but I had the pleasure of travelling with the late Commissioner of Railways, the Honorable Mr. Woods, two years ago, when he came to visit this line, to see if he could not carry a railway from Camperdown down through Ellerslie to Branxholme. I met him at Ellerslie. We travelled two days from Ellerslie to Branxholme, and I think I may venture to say we did not meet man, woman, or child during the whole 48 hours, except the people at the stations where we stopped.

161. *By the Hon. J. Balfour.*—Was it Sunday?—It was Thursday to Saturday.

162. What sort of weather was it?—It was very warm; it was in March, and very warm; a short time before that all the forest had been burnt—just before. I may say further, that we did not see a single acre of ground cultivated from Ellerslie to Byaduk. At Byaduk we came upon some good country. The day before that I had come down from Hamilton to meet the Honorable Mr. Woods at Mortlake. I came through Penshurst, Caramut, Hexham, to Mortlake, and those were nice townships, the road a good one, no engineering difficulties, that land cultivated here and there all the way down. From Ellerslie to Byaduk we travelled, I should think, ten or twelve miles through the roughest country any one could travel over, all stones from the mountains—Mount Rouse and Mount Napier; it would be almost impossible to make a railway through them.

*The Hon. R. D. Reid* objected to this evidence, and a debate ensued thereon.

163. *By the Hon. W. Campbell.*—Do I understand you, that a portion of the country from Ellerslie to Byaduk is inferior country?—It is inferior country, and very bad for engineering; and if the black line is extended from Camperdown to Hamilton, *viâ* Camperdown, Terang, Mortlake, Hexham, Caramut, and Penshurst, it is a very level line, and goes through good country nearly the whole way.

164. You think a further extension of railway from Camperdown to Hamilton should go that way?—Yes.

165. *By the Hon. R. D. Reid.*—That plan is not a Government plan at all?—It is a tracing taken from one.

*The Hon. R. D. Reid.*—It is put in here by the Government.

*The Hon. T. Bromell.*—I must ask the honorable member not to interrupt me at present. I now ask for information, and the honorable member can ask any questions after I have done.

*The Witness.*—That—[referring to another plan]—is exactly the same line.

*The Hon. R. D. Reid.*—That is a very old line.

*The Hon. T. Bromell.*—It is part of the same line.

*The Hon. R. D. Reid.*—We have no intention of carrying out that plan at all.

*The Witness.*—I may further state that, from Camperdown to Hamilton, thence on to Coleraine, up through the good country to Harrow and Apsley, is twelve miles shorter than it is from Camperdown *viâ* Ellerslie, Branxholme, Casterton, and to the border.

166. *By the Hon. T. Bromell.*—On what road are the intercolonial mails dispatched at the present time?—The intercolonial mails come from Mount Gambier to Casterton, Penola to Casterton, Coleraine to Hamilton, and thence Ararat and Melbourne, and Narracoorte, a direct line from Adelaide; that is the Adelaide mail—Narracoorte, Apsley, Harrow, Cavendish, Hamilton, and on to Ararat. The present Adelaide mails do not come near Casterton; they do not come within fifty miles of Casterton.

167. Would the present line from Branxholme to Casterton on to Portland be of any advantage to send stock to market?—No, you would not take stock by sea to market. I have heard a question asked just now, was any stock going from Casterton *viâ* Hamilton to Melbourne. I say yes, a great quantity. There was a large sale last week at Muntham; 20,000 sheep were sold by auction. They all came by railway to Ararat.

168. You do not think, that after sending by rail to Portland they would ship from Portland to Melbourne?—Not very likely.

169. *By the Hon. J. Lorimer.*—Is there a large production of wheat expected this year in the neighborhood of Casterton?—Yes, you may say in the neighbourhood of Casterton, but not at Casterton, it is expected all round there—[pointing to the map]—Carrapook, Narreen, Tarrayoukian, and all round about Coleraine itself, there is a large quantity of wheat this year.

D. W. Brayshay,  
continued,  
7th Dec. 1880.

170. Which is considered the best market to realize the wheat?—The whole of those farmers round about Carrapook, Tarrayoukyan, Narreen, Coleraine to Hamilton, and thence the chief of it comes by rail down to Melbourne.

171. A considerable portion of it would have to be sent to London?—Yes, that is the market which they most calculate upon.

172. Can you tell me the cost *viâ* Ararat by rail as compared with Portland, and then by sea to Melbourne—what is the difference per ton between the two routes?—If you have a railway to Coleraine you would have no wheat at Casterton.

173. What would be the difference per ton to Melbourne *viâ* Portland or *viâ* Ararat?—It is a very close calculation.

174. Would there be a difference of a shilling a ton?—I believe there would be.

175. Would there be a difference of five shillings a ton?—No, nor two shillings a ton; I have gone into the figures of it.

176. Would it be four shillings a ton?—There would not be two shillings a ton difference; I always take Coleraine as my guide, I do not calculate from Casterton.

177. I talk about Casterton?—I talk about Coleraine, because Coleraine is where it is grown. I do not calculate from where it is not grown, therefore I do not go to Casterton where it is not grown.

178. We are assuming just now, that the new railway is to be made to Casterton?—Then the farmers would cart it down to Hamilton.

179. What about the Casterton farmers?—They would take it by the railway.

180. They would find it cheaper to send it to Portland *viâ* Branxholme than by Hamilton?—Very little.

181. And cheaper to send it to Melbourne?—I do not think it.

182. And it would be cheaper to send it to Geelong—is Geelong as good as Melbourne for a market?—I believe it is for shipping.

183. For sale?—I am only speaking of shipping.

184. It might never be shipped at all?—[*No answer.*]

*The witness withdrew.*

*Adjourned.*

WEDNESDAY, 8TH DECEMBER, 1880.

William Smith examined.

William Smith,  
8th Dec. 1880.

185. *By the Hon. the Chairman.*—What are you?—A civil engineer, and town clerk and surveyor of the Borough of Hamilton.

186. *By the Hon. T. Bromell.*—Will you be kind enough to tell this House the relative merits of the two routes with reference to the railway route between Branxholme and Casterton and Hamilton to Coleraine?—[*The witness produced a pocket-book and referred to the same.*]—Finding that a trial survey had been made of the line from Hamilton towards Casterton, at the instance of the Government, I believe, showing that the distance from Hamilton to Coleraine was twenty-six miles, I went carefully over the ground, examined the features of the country, and ascertained that there was a practicable line for a railway from Hamilton to Coleraine within a distance of twenty-three miles, as indicated upon the map I have with me—[*producing a map.*]—The ruling gradient is 1 in 50. Upon the supposition that this proposed line from Hamilton to Coleraine might be produced at some future time to Casterton, I made a calculation of the respective distances, by the two routes, from Casterton to Hamilton on the way to Melbourne. It would be—*viâ* Branxholme, that is by the proposed scheduled line and a portion of the present line to Hamilton, forty-nine miles; *viâ* Coleraine, on the proposed line as shown by the red sketch upon the plan, that would be forty-one miles, showing a difference in favor of the Coleraine route of eight miles. Again, assuming, as has been proved by other witnesses, that a station at Coleraine will suit the farmers of Dundas and the district generally as well as the station at Casterton, I will now compare the distance from Casterton to Portland with the distance from Coleraine to Portland *viâ* Hamilton. The route proposed by the Bill from Casterton *viâ* Branxholme to Portland, would be 70 miles, and from Coleraine *viâ* Hamilton to Portland would be 76 miles, showing a difference of six miles in favor of the Casterton route as regards anyone wishing to travel to Portland; whereas, if the Hamilton and Coleraine line were executed, there would be a saving of eight miles in favor of anyone wishing to travel to Melbourne, or goods in the same direction; and the Railway Department would also reap the benefit of extra carriage upon the railway.

187. Will the Branxholme and Casterton Line cost more to make than the Hamilton and Coleraine line, and how much would the gross saving amount to by the adoption of the Hamilton route?—The line from Branxholme to Casterton, according to the schedule, is nearly 33 miles long. The proposed line, Hamilton to Coleraine, is 23 miles long; showing a difference in favor of the Hamilton and Coleraine of ten miles, or a total saving of £37,500, at the cost mentioned in the Bill.

188. Will the Coleraine and Hamilton route accommodate as large a proportion of the farmers as the Branxholme route, and would it carry the whole traffic of the Wannan and Glenelg Valleys?—I am well acquainted with the whole of that part of the country, and I am of opinion that a station at Coleraine would accommodate more of the farmers of the district than a station at Casterton. One reason for that is, that there is a line of small townships and selectors extending from Coleraine towards Narreen, Tarrayoukyan, Chetwynd, and Harrow. There is a good line of road extending from Harrow towards Coleraine, joined by a road from the other mentioned townships; and the distance is about the same by this road to Coleraine as it would be as the crow flies to Casterton, but the roads leading to Casterton are not so direct, and, therefore, are longer; independent of which, the country is very hilly and steep in places; and the result is, that it would be far cheaper to cart produce to Coleraine from the townships I have mentioned than it would be to cart to Casterton.

189. Will you state the claims that Hamilton possesses to form a junction of the line to the Western Border, as to the relative properties, public buildings, and so forth?—Hamilton, ever since the settlement



of the colony, has been the postal centre of the western district and the point from which the various coaches radiate to South Australia and the adjoining parts of the colony. The ratable annual value of the borough of Hamilton is £20,467; the capital value being £245,000. The population of the borough is 3500, not including strangers and persons temporarily residing there. I may mention that this does not represent the whole population of the neighbourhood, inasmuch as the borough has not a great extent, and for some mile or two round the borough there are small farms and selectors, I should say that within a radius of four miles the population would be nearly twice the amount I have mentioned. Those figures show that Hamilton is the largest inland town in the colony west of Ballarat. The inhabitants have, at their own expense, provided two colleges costing some £15,000, also gasworks at a cost of £6000 (a private company) showing the faith that the inhabitants have in the stability of the township, if the traffic is not otherwise diverted. The Government have provided numerous substantial buildings, and we have recently completed waterworks at a cost of £11,000, and, so far at present, at the expense of the municipality, with the exception of some £4000 advanced by Government. It is an assize town and the headquarters of the police department for the district. At the railway station there is a turntable, a goods-shed, and large station buildings and other conveniences sufficient for the requirements of a junction station; whereas, should the junction be made at Braxholme, all those requirements would have to be provided for, as they are not there at present.

William Smith,  
*continued,*  
8th Dec. 1880.

190. Did you travel with the Honorable Mr. Woods upon his tour of inspection along the Braxholme route and back again upon the Hamilton route?—I did. We travelled, I might say, from Braxholme to Casterton and up to Apsley, and also back upon the other proposed route as far as Mortlake. I might say that, as regards the quality of the land upon the Braxholme route, Mr. Woods, owing to the exigencies of the country, did not travel upon the exact line laid down, but travelled over some better country to the north-east—not but that he was desirous of doing so, but the roads were not suitable.

191. It was better travelling I suppose?—A great portion of that line is upon very inferior country until you get near Merino. On the other hand, upon the Hamilton to Coleraine line there are undoubtedly some small patches of inferior land, but the bulk of the land is good. The middle of the superior land is indicated upon the map before the House. As regards the proposed extensions of those lines, the country on the route proposed by the Honorable Mr. Woods from Ellerslie to Braxholme is a very inferior sheep country, until you get to Byaduk. There are some farms there, but those people are almost as well served by the existing line as they would be if the new line were made in that direction, and the population upon that line is very scanty, in fact, only a few persons are employed at the different stations. Upon the other route, generally called the "black line," from Camperdown extending through Mortlake, Hexham, Caramut, Peshurst, and on to Hamilton—which line has been already surveyed upon a trial survey—there is a great amount of population upon the line; there are no very great engineering difficulties that need make the line cost more than the average of the lines lately constructed by the Government.

192. I believe you have surveyed a great deal of country up beyond Coleraine for the selectors lately?—I have travelled about the country on survey work and on other business.

193. Do you know it thoroughly from personal knowledge?—Yes.

194. *By the Hon. W. Ross.*—I believe you are the town surveyor for Hamilton?—I am.

195. What sort of country is it between Hamilton and Coleraine—is it good, bad, or indifferent?—There is some very fair country near Hamilton. After you get a few miles from Hamilton, you come into a little sand, but it is not a very extensive patch. Again, you see good land at Redruth and the Wannan. Then, after passing the Wannan, some of the table land is inferior, till you get to the depression going down to the Korait Creek, where it is good again.

196. Are there any farms upon the road?—No; not many upon the road, except about Hamilton and Coleraine.

197. What kind of country is it upon the whole—good, bad, or indifferent?—Middling.

198. What sort of country is it between Braxholme and Casterton?—The land after you leave Braxholme for a mile or two is fair; then you get upon the level table land, with swamps and gravelly country—a poor sheep country for about nine miles. Then you come to Merino with good soil there, and so on, nearly all the way to Casterton.

199. Any farms?—When you come to Casterton there is some good land.

200. *By the Hon. T. Bromell.*—Is that both sides of the line?—No; the good land generally is upon the north side of the line; there may be little patches upon the south side.

201. *By the Hon. W. Ross.*—I believe the line proceeds upon the top of a ridge from Braxholme for a good distance, does not it—is it not upon the top of the Dividing Range?—No.

202. High land?—It is hill land after you leave—I beg your pardon, did you say from Casterton?

203. From Braxholme?—It is high land after you leave Braxholme, and the high land is generally poor land.

204. The actual line upon which the railway goes is high land, and it may be poor land, but the good land may be 100 yards away in the valley?—There is good land within a little distance.

205. Supposing people want to come from Portland, *viâ* Hamilton, to Coleraine, what would be the difference travelling that way from going direct to Casterton, by Braxholme and Merino, from Portland?—I have already said that to come from Casterton, *viâ* Coleraine, to Portland, and the other way by the scheduled line one to Portland—you wish me to compare that?

206. Yes?—The difference is six miles, that is to say—it is 70 miles from Casterton to Portland, *viâ* Braxholme, and it is 76 miles from Coleraine to Portland, *viâ* Hamilton.

207. I say from Casterton to Portland?—Add 18 miles to that, that is 24 miles.

208. So that the people of Casterton would have to go 24 miles longer?—The people of Casterton itself, certainly.

209. *By the Hon. P. Russell.*—What kind of country is it at Casterton, and beyond that?—At Casterton, the township itself stands upon sand; but both north and south of Casterton, along the banks of the River Glenelg, there is some good land.

210. Some—but it is not surrounded with good land?—It is surrounded with good land; but it does not extend much to the westward. It extends northward and southward for some miles.

211. Will you describe to us the kind of country that surrounds Coleraine?—Coleraine is surrounded by good land in every direction.

William Smith,  
continued,  
8th Dec. 1880.

212. Superior to Casterton?—Superior to Casterton, yes.
213. *By the Hon. J. Lorimer.*—I think you say, the difference in distance from Casterton *viâ* Hamilton and *viâ* Branxholme is 24 miles?—I do.
214. What is the rate of carriage per ton per mile upon the railways?—I do not care about answering that question, because it is a matter I have not given attention to.
215. Are you aware whether it is three half-pence a ton per mile or not?—I have heard that, but I am not prepared to say that.
216. You do not know anything about the rates of carriage?—I do not.
217. Do you consider that Coleraine would be a more convenient depôt for transport for a large quantity of agricultural produce than Casterton?—I do.
218. Was it so last year—was a larger quantity of agricultural produce grown around Coleraine than around Casterton within a convenient distance?—I do not think there was; but owing to the quantity of very extensive farms kept by gentlemen for a special purpose to clean the land.
219. A larger quantity than around Casterton?—For a special purpose.
220. You cannot give us the statistics?—I cannot.
221. Is there any other article of produce besides wheat near Casterton that is annually transported to Portland?—There may be some bark.
222. Can you give us any idea of the quantity of wattle bark sent every year to Portland?—I cannot, I have not gone into the statistics.
223. Do you know the rate of carriage paid for it?—No.
224. *By the Hon. Dr. Hearn.*—You made a survey, I believe, of the line?—No; I said that I inspected the country—the central country; I did not make a survey.
225. And did you make a calculation and estimate of the cost of that inspection?—No; you mean the cost of the works?
226. Yes, of the railway?—I did not. I looked at it in this way—there are only two difficulties upon the line, that is to say the crossing of the River Wannan and the descent into Coleraine. And I consider this not to be of such a nature as to make the expense of the line exceed that of the average of the lines recently made by Government, the country being so easy.
227. Are there more difficulties upon that line than upon the line *viâ* Branxholme?—There is one difficulty I know upon the line—I do not know of any other—that is the descent to Merino; and there is the River Glenelg to cross.
228. But which of the two lines do you consider the easier?—I do not think there is much difference, because there would require a bridge over the Wannan at Sandford.
229. Which would be the cheaper, do you think, per mile?—I think very little difference.
230. Have you made a careful inspection of both lines?—No, I have not made a careful inspection of both lines. I know the country well upon which the Branxholme line is drawn, but I have not made a special examination of the line.
231. Have you made a special examination of the Coleraine line?—I have on purpose.
232. And how long did that inspection take you?—That inspection only took me two days; but I was well acquainted with the country before.
233. *By the Hon. W. Ross.*—Were you ever in Casterton?—I was.
234. Are you aware that, unless the line is carried four miles from the township of Redruth, an expensive viaduct would be necessary?—No, I am not aware of that. I am aware that the trial survey did extend some four miles down from Redruth, but I do not see the necessity for going there at all, inasmuch as I consider that the Wannan can be crossed at Redruth at the ruling gradient.
235. *By the Hon. R. Simson.*—Knowing the district as you do, can you give the House any idea of which of those two lines would be the most paying one in traffic and accommodating the people in the neighbourhood?—I have not the slightest doubt that the Hamilton and Coleraine line would be the more paying one.
236. *By the Hon. T. Bromell.*—What would be the difference in cost of the two lines?—According to the cost mentioned in the Bill, it would be £37,000.
237. Saving?—Saving.
238. To carry it from Hamilton to Coleraine?—Yes.
239. And would accommodate a larger number of people?—And would accommodate a larger number of people.
240. *By the Hon. J. Lorimer.*—I understand you to say that you had not estimated the cost per mile on the Branxholme line?—Not in detail.
241. Then, unless you made an estimate upon a careful survey, how could you say that one would be cheaper than the other?—It is not likely that private persons——
242. We know, of course, that a short line would cost less than a long line at the amount scheduled in the Bill; but unless an estimate has been made over the two routes, how could you give an opinion?—I said before, that I do not consider that the difficulties upon the proposed line from Hamilton to Coleraine would make it exceed the average of the Government cost.
243. Are you aware that one of the arguments used for the Branxholme to Casterton line is, that it is the cheapest in construction?—I am.
244. Are you prepared to say that it is not cheaper than the Hamilton to Coleraine?—No, I am not prepared to say that, but I am prepared to say the difference would be in favour of the Hamilton to Coleraine line.

*The witness withdrew.*

Arthur Grainger Hill examined.

Arthur G. Hill,  
8th Dec. 1880.

245. *By the Hon. the Chairman.*—What are you?—A civil engineer; the engineer to the shire of Wannan.
246. *By the Hon. T. Bromell.*—Do you produce the *Gazette* notice notifying the severance of the selecting district about Warrcene and Pigeon Ponds from the shire of Glenelg and its annexation to the shire of Wannan?—I do.



247. Will you be kind enough to do so?—The petitioners state in the *Gazette* of 17th December, 1879, that they do not receive from the Glenelg shire council the attentions to their requirements and the amount of money paid by them to the municipal fund; that the roads are impassable and in a neglected state, and would involve considerable expenditure to render them available for traffic; that their interests are more closely allied to the shire of Wannan; that the roads through the last-mentioned shire are in a more direct line for their agricultural produce, and that they believe that the proposed annexation would tend to their general advantage.

248. Is the severed district the portion of the Glenelg shire which contains the largest proportion of farmers?—There are a good many farmers there.

249. Are the farmers located nearer to Coleraine than to Casterton?—They might not be all nearer to Coleraine, but the roads are far better and their produce is brought to Coleraine.

250. *By the Hon. Sir C. Sladen.*—Where from?—From the district.

251. What district is it—I cannot understand?—The portion of the Glenelg shire that was severed, and is now joined to the Wannan.

252. What is the Glenelg shire—we do not know upon the map, will you name some places?—

253. *By the Hon. T. Bromell.*—The Glenelg shire is Casterton, and the Wannan shire is Coleraine. What is your reply to my question as to whether the farmers are located nearer to Coleraine than to Casterton?—That there are a great many farmers.

254. Are the farmers located nearer to Coleraine than to Casterton—the greater number of the farmers?—Yes, I think they are, but those that may be nearer to Casterton than to Coleraine come to Coleraine as their natural centre, on account of the roads being so much better.

255. What are their reasons for refusing to remain in the Glenelg shire?—That their wants were not properly attended to; the roads were left in a neglected state, and they thought their wants would be better served by being joined to Wannan.

256. You have heard the evidence of Mr. Smith, of Hamilton, engineer, to the effect that the line from Hamilton to Coleraine is eight miles shorter than that from Branxholme to Casterton?—I have.

257. Do you endorse that opinion?—I cannot say that, for I do not know the Branxholme route; I know that the Coleraine route that Mr. Smith named is what he has said. He is correct so far.

258. Will you state generally what you believe to be the advantages of the railway from Coleraine to Hamilton as against Branxholme to Casterton?—

*The Hon. Sir Charles Sladen objected to the question.*

259. *By the Hon. W. Ross.*—I believe you have been only a very short time appointed engineer or surveyor for the shire of Wannan?—About twelve months.

260. Do you think you have been now there long enough to give us a correct opinion as to the wants or requirements of the people, whether they wish to go to Portland or to Hamilton?—No, I do not.

261. *By the Hon. Sir C. Sladen.*—You know the country at Nareen?—I do.

262. Is that a country which is under cultivation?—There are several farms there.

263. Are there a large number?—Yes, a great number.

264. Are there a large number at Chetwynd?—That I cannot speak of.

*The witness withdrew.*

Michael Shannon examined.

265. *By the Hon. the Chairman.*—What are you?—Farmer and grazier combined.

266. *By the Hon. T. Bromell.*—Will you be kind enough to state to the House how many farmers there are in the neighbourhood of Coleraine, within seven miles of the line from Hamilton to Coleraine?—There are within from three to seven miles of the line proposed to go from Hamilton to Coleraine, at one side—that is the south side of it—about 70 odd. They have been settled there fifteen or eighteen years, and are reliable and *bonâ fide* farmers.

267. Very old residents?—Yes, under the 1859 and 1865 Acts. On the north side of the line, running parallel from four to seven miles, again there are about 80 on the same description of farms as I have already mentioned, averaging from 150 acres to 500 and 640 acres, which the 1865 Act allowed as the maximum.

268. Do they cultivate and graze both?—They cultivate and graze. Farming extends into the parish of Carrapook, along the line in the direction of Casterton. They cultivate very heavily in the parish of Carrapook, upon the river side, upon the line abutting against Casterton.

269. To the north of Coleraine?—To the north and south of the main line of road, just about where the Coleraine line is proposed to run.

270. What is the distance from Coleraine to Merino, and what kind of road is it?—The distance from Coleraine to Merino, I believe will be about 14 miles, as near as I could mention.

271. What sort of a road is it?—There are six miles of road leading to Coleraine very good metalled road. The other eight miles are not so good. It is a passable road. Several culverts and patches have been made to make it passable for the farmers; but it is pretty level—a pretty fair road.

272. If there was a railway station at Merino and none at Coleraine, would you send your produce to Merino or to Hamilton?—Send it to Hamilton; and so would every man in the district. No one would go back to Casterton.

273. Do you know the country to the northward of Coleraine, including Nareen, Chetwynd, Pigeon Ponds, and Harrow?—I knew it well before any farmer selected there.

274. Will you kindly describe what class of country it is?—Nareen, Tarrayoukyan, and the Pigeon Ponds is good average country for cultivation and grazing—good second-class country. It is not equal to the Wannan country, but it is second to it. There are seventy farms in that district of a similar nature, from 500 to 700 and 800 and 900 acres in size.

275. Where do they take their produce now?—They take their produce to Coleraine, and also to Hamilton, as their market town, as far as they can do it.

276. If the railway was made to Coleraine and on to Casterton, where would the farmers from that last-mentioned district take their produce?—To Coleraine, by all means. The heaviest traffic in the shire

is upon the Harrow road now, I believe. Sometimes it divides at Coleraine—some goes to Portland and some to Hamilton—they come to Coleraine, at any rate.

277. *By the Hon. J. Lorimer.*—Which shire do you speak of?—The Wannan.

278. Would the railway from Hamilton to Coleraine accommodate a larger number of farmers than that line from Branzholme to Casterton?—Yes, it would accommodate more, as the farmers in the Glenelg shire would be very well accommodated by the line to Coleraine, for they would be in the direct way to Portland or any way they like to go. South of the proposed line there is little or no settlement; the land is in a state of nature, and not reliable, for the land is inferior and taken up under the 1869 Act; and all the cultivation there is compulsory, and will cease very soon.

279. That is to say, they have to cultivate to carry out the conditions?—That is all. The land is not good enough to continue cultivation upon the south side of the Branzholme line.

280. As a farmer, would you prefer to carry your grain by rail or by sea to send it to Geelong, Melbourne, or Portland?—I would send it direct—quick transfer seems to be the favorite.

281. What is your reason for sending it by rail so much further than by Portland?—Because, in the first place, it is not likely to suffer any damage, and then the transit is so quick, and everything is done quicker and more safely, and without insurance, and without shifting things here and there, and without delays of wind and weather. To Melbourne and Ballarat, by railway, you get away at once, and you know what you are doing.

282. Are you aware that Mr. Murray, the Government Geologist, lately reported favorably upon the probable existence of valuable coal seams at Coleraine?—Yes, I am aware of that.

283. Have the inhabitants of Coleraine expended money upon the search for coal, and have they applied for the use of one of the Government diamond drills?—Yes; they have spent £1000 of their own money upon a shaft—the sinking of it—and very good indication of coal is shown; but it wants a diamond drill to prove it.

284. *By the Hon. W. Ross.*—You are a farmer?—Yes.

285. Agricultural or pastoral, or both combined?—A part of both.

286. To what amount?—I am not extensively an agriculturist.

287. Principally a sheep farmer?—I just grow enough to accommodate myself, and a little to spare.

288. Is there much traffic through Coleraine—much produce carried through Coleraine?—Yes; very heavy traffic—all the grain going from Casterton comes to Coleraine.

289. Does it go to Hamilton?—It goes to Hamilton.

290. Does not go to Portland?—I cannot say that. It passes through Coleraine. Sometimes they go to Portland and sometimes to Hamilton.

291. They prefer Portland sometimes, as it is?—Some people like water, and some people like dry land.

292. *By the Hon. J. Lorimer.*—You say that you would prefer sending your produce by railway to Melbourne to sending it by sea?—I do.

293. What difference of carriage do you allow for—would you pay seven shillings a ton more to have it transported by railway rather than by Portland—would it be worth that amount of difference?—I do not know anything in regard to the difference.

294. Supposing there was a difference of seven shillings a ton, would it be worth your while, as a farmer, to send it by railway rather than *viâ* Portland?—I cannot see how there could be seven shillings, or anything like it. I know, of course, that sheep and cattle can never go by sea.

295. I am talking about wheat. What was the production of wheat last year in the shire of Wannan—is not that your district?—Yes.

296. Can you tell me that?—No.

297. Do you know what the produce was?—No.

298. Do you know what it was in the shire of Glenelg?—No. I am simply here to speak as to the settlement and quality of the soil.

299. *By the Hon. Sir C. Sladen.*—Do you know the country about Casterton?—I do.

300. On both sides of the river?—On both sides of the river.

301. Are you familiar with the country on the west side of the Glenelg, to the west of Casterton?—Yes; I am acquainted with all that part of the country.

302. Is there much settlement there?—That would be in the direction of Merino, would it not?

303. In the west, in the direction of South Australia?—There is some settlement and some cultivation along the Glenelg River.

304. What quantity?—It extends, as I saw it, seven or eight miles along the river. I was there with Mr. Woods, at the time that he was there.

305. In talking about Nareen, Chetwynd, and Harrow, you alluded to the number of selectors, or farmers, that there were in the neighbourhood—can you tell me, in a similar way, what quantity there may be upon the Glenelg, upon the west side of the river, by Casterton?—I do not think there are very many at all in that portion alluded to. It is partly all rented land, occupied by station property mostly, I believe.

306. Is that good land?—The land is good. It is rented to destroy the rushes.

307. Upon the South Australian side of Casterton?—Yes. That is, the good land that is there is all rented.

308. Is there a great extent of good land there?—No, there is not; it is only very limited.

309. Is there much cultivation going on there?—There has been a good deal; but I believe it is about to cease now, or partly so.

310. Is there as much cultivation going on there as there is upon the Glenelg, along by Balmoral and Chetwynd?—There has been, but it will not be so.

311. I do not speak of the future—I ask, what has been?—I dare say there may be.

312. As much?—Yes.

313. *By the Hon. T. Bromell.*—How many years has it been so?—About six years, or going on there, since it commenced.

314. *By the Hon. Sir C. Sladen.*—Is that the principal country from which produce is taken—Casterton—at the present time?—That is the other side of Casterton. There is a scattered few places, but very scattered indeed.

315. Do the farmers at Nareen and Chetwynd come to Casterton to do business?—No, they come to Coleraine.

316. You are sure of that?—I am quite sure of it; there may be some down the river who go to Casterton, but I know that Nareen and Pigeon Ponds and Tarrayoukyan come to Coleraine.

317. Do those whom you last spoke of form the larger portion of the farming population or not?—They do, because it is an extensive part of the country.

*The witness withdrew.*

Louis Kaufman examined.

318. *By the Hon. the Chairman.*—What are you?—A wool buyer and grain buyer; I deal in colonial produce. M. Shaanon,  
continued,  
8th Dec. 1880.

319. *By the Hon. T. Bromell.*—Have you been in the habit of purchasing large quantities of produce and shipping it for England?—I have.

320. *The Hon. Sir C. Staden.*—Where does the witness live?

*The Hon. T. Bromell.*—At Dunkeld.

321. *By the Hon. R. D. Reid.*—What sort of produce?—Wool, grain, wheat—bark also.

322. *By the Hon. T. Bromell.*—What is your experience of the relative advantages of railway carriage as against carriage by steamers and coasting vessels?—Grain I should prefer to send by train.

323. What are the advantages?—Every time when grain has to be handled you are likely to lose; in fact, they are always losing by its getting damaged—too much shifting is not a good thing for it.

324. It wastes I suppose?—A lot of waste.

325. What would you consider worth while to pay more for railway carriage for two hundred miles let us say at per bushel, than you would by sea carriage?—Well, about 2s. 6d. or 3s.

326. Per ton?—Per ton.

327. What is the principal market for the fat stock and grain produce in the Western district?—Ballarat, for stock in particular. In Ballarat, Mr. Fry; I know him for one as a great grain buyer, I expect there are more—he is a very large buyer.

328. Which route would you say was the most advantageous one for the shipment of the produce of the Western district?—I find Geelong the cheapest port to ship my goods from.

329. Do you generally ship from Geelong?—In general I do.

330. Will you state for what reasons grain cannot advantageously be shipped at Portland?—Direct to England, or how?

331. Yes, direct to England?—Knowing that first-class ships will not come into Portland bay, I would not like to ship grain by second-rate ship, as the insurance companies do not insure for damages—they merely accept the risk as actual loss, the total loss—therefore I would not ship grain by a second-rate ship.

332. Is the insurance the same from Portland as it would be from Melbourne?—I cannot say, I do not know.

333. Do you know any woolgrowers living within thirty miles of the Western ports who send their wool to Geelong or Melbourne by rail, preferring that to the steamer?—Yes, I know several—Mr. Skeene of Bassett, Mr. Ross of the Gums, and several whom I cannot remember exactly—several more which I have seen going by train.

334. Which way does the bulk of the wool from the Harrow district reach the coast?—By carriers to Hamilton, and then by train to Ballarat and Geelong and Melbourne.

335. Are there large quantities of salt from the lakes near Harrow consumed on the stations near Hamilton and Coleraine?—Yes, there are salt lakes, and salt comes from that quarter by carrier in large quantities.

336. Have you seen fat stock from Dunrobin, Muntham, Harrow, and other stations in the district trucked by train to Geelong, Ballarat, and Melbourne?—Yes, frequently.

337. *By the Hon. R. Simson.*—Which is the salt lake?—On Broughton station, near Harrow.

338. *By the Hon. J. A. Wallace.*—How is it taken to market?—It gets consumed on the stations in the district.

339. *By the Hon. T. Bromell.*—Can fat stock be advantageously shipped at Portland?—Certainly not.

340. There is no market for fat stock there?—No. Fat stock cannot be shipped. That has to go by train.

341. You cannot get fat stock to market now except by train?—By train from the Western district.

342. *By the Hon. J. Lorimer.*—You say you prefer sending wheat at 2s. 6d. by the train extra overland rather than to Portland?—I would.

343. Would you be prepared to pay 6s. a ton extra?—It depends upon the class of the ship. I might not be inclined to ship by coast steamers at all, but at any time I would prefer to pay about 3s. a ton more to have it upon railway trucks.

344. Have you calculated what the cost of railway freight would be from Casterton to Portland by the new railway by Branzholme?—I do not know the distance. If I knew the distance, I could say.

345. I am told it would be 9s. 9d. a ton?—It is a 1d. per ton per mile.

346. Assuming that it is 9s. 9d. per ton, and that the freight to Geelong is, as I am told, 20s. a ton—you prefer Geelong to Portland you say—if you could ship from Portland at the same rate as to Geelong would you prefer it to go by Geelong at the extra expense of 10s. a ton?—So long as there are not first-class ships.

347. Do you know the *City of Agra*, now loading in Portland?—I do.

348. Is she a first-class vessel?—I do not know.

349. Do you know she has the highest class classification that can be given to a sailing ship?—I cannot say. I do not know anything about her classification. She is not loading grain, she is loading wool.

350. You could not get a better ship than the *City of Agra*. She has the highest classification that can be given to an iron ship?—[No answer.]

351. *By the Hon. G. F. Belcher.*—Have you ever shipped at Portland?—I have not.

352. *By the Hon. W. Ross.*—You buy wheat just as a speculator?—Yes.

353. And you take it to Geelong. You have business relations there with mercantile firms—in Geelong—and usually do all your business there?—Not all.

354. Chiefly?—The Geelong firms do business for me.

355. Other things being equal, you would rather take it to Geelong than any other place?—I find it the cheapest at Geelong.

356. *By the Hon. J. Lorimer.*—Do ships load at Geelong all the year round?—They did last year.

357. Right through the season?—Pretty well the whole year last season, till two or three months before the wool season, when the grain season was well over.

358. *By the Hon. Sir C. Sladen.*—Do you buy grain from the farmers?—I do.

359. And do you know the country where the grain is grown generally when you buy?—I do.

360. You know the country along the Glenelg and Wannon?—I do.

361. Do you buy a large quantity from there?—I have not bought there yet on account of there being no convenience to get it to Hamilton to the trains. I buy in the Wimmera district.

362. *By the Hon. J. Lorimer.*—Do you know what the wheat produce of the Valley of the Glenelg was last season?—I do not.

363. Do you know what it was in the Valley of the Wannon?—I do not.

364. *By the Hon. H. Cuthbert.*—You bought a good deal of grain last year?—I did.

365. Did you send it from Hamilton to Geelong?—I bought in the Wimmera, and sent it to Geelong by Ararat.

366. In the Wimmera?—In the Wimmera.

367. And you sent it from Ararat; can you tell me what you would have to pay to send it from Hamilton to Geelong per ton?—From Hamilton to Ballarat would be 116 miles; at a penny per ton per mile, that would be 9s. 8d.

368. Is there a good market in Ballarat?—A very good market.

369. Is there a market at Ararat?—There are millers also in Ararat. I have sold also to Ararat millers, Wimmera wheat; but I have shipped the bulk or sold in Geelong and Melbourne.

370. Then, in sending from Hamilton to Geelong, I would like to know what you have to pay per ton?—From Hamilton to Geelong?

371. Yes?—From Hamilton to Ballarat, at present rates, is a penny per ton per mile; then from Ballarat to Geelong it is a penny halfpenny per ton per mile. Outside a radius of 100 miles from Melbourne it is only one penny, but inside the radius it is a penny half-penny, so Hamilton would be—

372. A hundred and ninepence?—That is 9s. 1d.

373. And fifty pence from there on?—No; it is 50 times a penny halfpenny, that would be 6s. 3d., so that I would have it at the shipping port at a total of 15s. 4d. a ton from Hamilton to the shipping port at Geelong.

374. Then what would be the cost per ton from Casterton to Portland—would that be calculated at a penny or a penny halfpenny?—That is a penny also; it is outside the radius of 100 miles from Melbourne.

375. Then it is carried at a penny per ton per mile?—Yes.

376. I believe it is about 96 miles?—Seventy miles.

377. Is it not 70 miles from Branxholme to Portland, and from Casterton to Branxholme 26 miles; am I right in that?—

*The Hon. W. Ross.*—Thirty-seven miles from Branxholme to Portland.

378. *By the Hon. H. Cuthbert.*—Seventy miles altogether; then it would be 5s. 10d. as against 15s.?—That is to the railway station, and it would cost another 2s. 6d. from the railway station; I had to pay that for produce that I sent to Portland two years ago.

379. To get it on board?—No, to get it to the warehouse, not on board.

380. Two shillings and sixpence a ton?—Two shillings and sixpence a ton.

381. What is the freight from Portland to Melbourne?—I believe 10s. a ton.

382. *By the Hon. N. Fitzgerald.*—Then there is carriage also from the warehouse to the ship's side?—

383. *By the Hon. H. Cuthbert.*—When you get it to Melbourne what is the cost to the store?—Ninepence a ton I pay in Melbourne.

384. Then let us see exactly how your figures tot up—there would be a penny a mile from Casterton to Portland, that is 5s. 10d., then 2s. 6d. a ton I understand to get it to Portland from the railway station, which is outside of Portland, then to get it from Portland to Melbourne would be 10s. a ton—am I right?—I believe that is the usual rate.

385. Does that include insurance?—It does not, that is extra, and then there is the forwarding agency to be paid in Portland, and by having it direct upon the truck, no agency is required.

386. But in addition to the 10s. a ton, what has to be paid for insurance, if you insure?—I believe it is 7s. 6d. per cent. from Portland to Melbourne.

387. And then 9d. to get it from the wharf to the store?—From the Queen's Wharf to the store 9d. or 1s. per ton.

388. That comes to about 18s. 1d.?—To Melbourne by Portland?

389. Yes, 18s. 1d. as against 15s. 10d.?—I think it is about 23s. from Casterton.

390. Then if it comes to 23s.—I wish you would go over the figures again, it is a very important item—how do you make it out?—The distance from Casterton to Portland is 70 miles, that is 5s. 10d. at a penny a ton; 1s. a ton terminal charge made by the department.

391. I make it out to be 21s. 1d. per ton, in round numbers say 21s.—let us see if you are correct— from Casterton to Portland 5s. 10d.?—From Casterton to Portland 5s. 10d.; 1s. terminus charges, the department charges.

392. One shilling a ton?—Yes.

393. Then?—Two shillings and sixpence per ton from the railway station into Portland, and the forwarding agency charges are about 1s. per ton.

394. *By the Hon. R. Simson.*—For loading?—For superintending the loading.

395. *By the Hon. H. Cuthbert.*—Insurance about 9d.?—Insurance about 9d., and 10s. freight.

396. *By the Hon. J. Lorimer.*—Seven shillings and sixpence freight?—I had to pay 10s. freight, but I have shipped no grain, other heavy goods I have shipped at 10s. a ton.

397. Then it has to undergo something—how much does that come to altogether, according to your calculations?—One shilling from the wharf into the warehouse, it is 22s. 1d.; but there is another advantage if the grain has to be shipped for England there is a saving; there would be an extra charge from Melbourne, because the coaster lands at Queen's Wharf, and the grain would have to go either on a lorry to Sandridge or by train to Williamstown.

398. You do not take that into account?—No, it is an extra charge of fully 2s. 6d. a ton.

399. It would cost how much a ton, do you say?—I have not shipped that way, but I should think 2s. 6d. a ton.

400. Then we had 21s. before?—22s. 1d., and there is 2s. 6d., that is about 24s. 7d.

401. *By the Hon. J. Lorimer.*—Do you say that 15s. 4d. would be the entire charge to Geelong—is there no cartage at Geelong?—From which place?

402. What would be the charge from Casterton to Geelong?—From Casterton to Hamilton?

403. And to Geelong?—Casterton to Hamilton is 40 miles, that is 3s. 4d.; from Hamilton to Ballarat is 110 miles, that is 9s. 2d.; and from Ballarat to Geelong, 50 miles, at a penny halfpenny, that is 6s. 3d.; and 1s. terminal charges, that is 19s. 9d.

404. Any cartage?—There is 9d. a ton—the charge depends upon where the ship is loading. If it loads at the Railway wharf in Geelong there is no extra charge—19s. 9d. is the amount; but if they load at the Moorabool wharf or Yarra wharf they have to pay 9d. a ton.

405. How much does that make?—20s. 6d.

406. That is from Casterton?—Yes.

407. You compare from Hamilton?—Yes.

408. Produce from Portland for shipment—must it necessarily be landed upon the Queen's Wharf first?—If an arrangement is made, that they like to go alongside the boat or the ship.

409. Is not a very large quantity of wool shipped right on board that way?—Yes; but they would not do it with grain.

410. Would it not be possible to do it—would there be any difficulty in transshipping grain that way?—It is more difficult than wool—it is more handling.

411. Strong cornsacks are as easily handled as wool?—If the woolpack is damaged the wool stays in, but the moment the least strain is put upon the damaged cornsacks the grain runs out.

412. Are not cornsacks just as strong as woolpacks?—They are not.

413. When they are new, is it not the same?—It is a different thing to carry grain in a sack from wool.

414. *By the Hon. W. Ross.*—There is a quantity of wheat exported now to England. If the farmer at Casterton wants to send his wheat to England, what would be the difference for him to send it through Branxholme to Portland, or *via* Hamilton, either to Geelong or Melbourne and on to England?—I expect from Casterton to Portland it would be cheaper; but I would not ship at Portland, unless there were first-class ships to take it.

415. *By the Hon. R. Simson.*—Have any ships sailed from Portland to England with wheat?—One last year; and it took a long time to load; and they went up to the Wimmera for wheat to load. The farmers at Casterton or Coleraine districts are not large enough to grow enough to ship. They grow enough, but they do not care to sell all at one time; therefore the charterers of the ship at Portland went to the Wimmera district for wheat, and it took a long time to fill up the ship, and she was a long time on the road.

416. Have you had your wool, or wheat, or your goods damaged at all by being shipped at Portland?—Mine all goes direct by railway.

417. But do you know whether produce is damaged in going from Portland?—It is most likely; it would be in rough weather, but I do not know of my own knowledge.

418. You, yourself, if you lived at Casterton, would send it direct by railway to Melbourne?—I would, I would not send it to Portland.

*The witness withdrew.*

William Moodie examined.

419. *By the Hon. the Chairman.*—What are you?—Sheep farmer.

420. Where do you reside?—Sixteen miles north of Coleraine.

421. *By the Hon. T. Bromell.*—You are pretty well acquainted with this tract of country and the settlement, being president of the shire for many years in that district; were you one of the petitioners for the severance of the Chetwynd and Merino district from the shire of Glenelg?—Yes.

422. Will you give your experience of the district between Coleraine and the Border?—At what point—towards Apsley?

423. Yes, running through to Edenhope, and Nareen, and Harrow?—Yes; in the first place, following the valley of the Koonong Wootong Creek, you go through about 15 miles of rich agricultural country, and then you go for several more miles along a fairly grassed country, and you come into the watershed of Pigeon Ponds and Chetwynd creeks, which are excellent grazing, and large patches of it good agricultural land.

424. There is a good deal of settlement about the Nareen side, is there not?—Yes, principally by settlers who combine grazing and cultivation, men holding from 500 up to 2000 acres. As a proof of that, and the quantity of settlement, I may say, although I do not know the exact number, that the Roolmurt station was originally 90,000 acres, they now hold 30,000 acres, the rest is in the hands of small holders.

425. Who still reside there?—Yes; they are substantial men, but they require railway communication to keep them there. Other portions in the same district, of course, are cut up much in the same way—for instance, the estate I am interested in myself now is only half the size that it used to be as a run.

426. Do you consider the settlement so much larger upon the Coleraine side, running from Coleraine to the Border—would it run through much more thickly populated country than it would from Branxholme to Casterton?—Yes, and I think a better class of settlement generally; the men have sufficient land to make a living upon, and it is more permanent. A large amount upon the Bahgallah district is upon very poor sandy soil, that they cannot be expected to live upon a small portion of.

Louis Kaufman,  
*continued.*

8th Dec. 1880.

William Moodie,  
8th Dec. 1880.

William Moodie,  
continued,  
8th Dec. 1880.

427. What do you consider to be the best route for the extension of the railway towards the Border?—Following the Koonong Wootong Creek upwards, and down the Pigeon Ponds on to Mooree.
428. Does that pass through Nareen?—It passes within a few miles of Nareen and Tarrayoukyan and on down to Mooree, another agricultural settlement.
429. What side of Nareen would it pass?—Slightly east.
430. More towards Pigeon Ponds?—Yes. I may state—you asked me about the severance. The petition for severance from the Glenelg Shire I did not come to answer about; but I may state that the severance was the voluntary action of the ratepayers of the locality—all small holders, with the exception of myself.
431. Are you the president of the shire now?—No, I am not president at present.
432. You have been many years?—I was, of both shires—Glenelg and Wannon—at different times.
433. You have a thorough knowledge of the whole of that country?—Yes; I have been twenty-seven years in the district.
434. Are Nareen, Chetwynd, and Pigeon Ponds in the Wannon or in the Glenelg shire?—Nareen and Pigeon Ponds are in the Wannon shire, Chetwynd is in the Glenelg shire; but the interests of the most of the Chetwynd people are towards Coleraine; the traffic all passes my place, so I have a very good idea what it is.
435. Do you know the ratable property and its value in Glenelg shire and the Wannon shire?—The Glenelg is rather larger than the Wannon shire, at present. We receive about £3000 of rates in the Wannon shire, and I think Glenelg has about £3600 or £3700.
436. What is the difference in the area of land to be taxed?—I could not give that from memory.
437. What do you think is the difference in the population?—The southern portion of the Glenelg shire is more thickly populated, I think, than any single part of the Wannon shire; but I think the Wannon shire population is more distributed than the Glenelg shire. The population of the Wannon shire would not be very far from the population of the Glenelg shire, because there is much of the Glenelg shire scrubby miserable land—to the north and north-west—that will not carry any population; that is immediately beyond Casterton.
439. What is the description of the land beyond Casterton?—The most wretched that could be imagined, I think, in many parts.
439. Is the township just upon the Border?—Yes; that township is upon a sandbank. When you reach the top of the bank of the Glenelg, you come upon the inferior land; there are a few patches of good here and there before you come to the South Australian Border, but the generality of it is wretchedly poor scrub and heath.
440. Do you think a larger population would be benefited by the Coleraine line than the Branzholme line?—Yes; a greater portion of the Casterton population would be benefited by the Coleraine, while none of the population of Coleraine would be benefited by the other line, while an extension from Coleraine towards Apsley would benefit a large and increasing settlement towards Balmoral and Basalt Lakes.
441. *By the Hon. W. Ross.*—What is the nature of the country north-west of Coleraine—is it agricultural or pastoral, as a rule?—There are very good patches of agricultural country.
442. You would not call it a farming district there?—Yes, there are farms there.
443. Is there more grain grown there, on towards Casterton, Merino, than to the north of Coleraine?—I think more is grown to the north, at present, because, for various reasons, the larger part of the land in the neighborhood of Casterton was simply cultivated by the proprietors of large estates to get rid of rushes; and now it has fallen back into their own hands, and they are giving up cultivation. The others are selectors, who are living by cultivation and grazing combined, and they must cultivate to support themselves.
444. Would you say that the land about Casterton and Merino was more fit for agriculture than about the north of Coleraine?—The land about Merino is decidedly better land.
445. *By the Hon. T. Bromell.*—On which side of the road is the land better?—It would be in the portion of land that I speak of, that would be benefited by the line to Coleraine equally with the line to Casterton.
446. *By the Hon. Dr. Hearn.*—Did you say that the Glenelg shire or the Wannon shire had the larger population?—I was only speaking from what I fancy; I fancy they would not be far off. The Wannon shire, I see from the *Year Book*, is estimated to have a population of 3250.
447. And the Glenelg would be?—4800. I would not have thought there was that difference.
448. It appears there is?—If we believe this book.
449. And then as to the estimated value of property, what is the difference there?—I may say that a portion of this has been annexed to the Wannon shire, so that more equalizes the population.
450. But as to land, the value of property is considerably different, I believe, by the figures, is it not?—No, it is not very much—£678,000, and the other £690,000.
451. Here is the estimated net value of ratable property. One is £678,000, and the other £690,000; this is dated 1879, the year ending 30th September?—The way they have arrived at it is by putting a higher ratable value on the lands—you notice there is very little difference between the actual value of property—£690,000 against £678,000—it is simply that they put a higher ratable value in the one case than in the other.
452. Is the higher rate in the Wannon shire?—No, it shows so in the Glenelg shire.
453. One is a shilling and what is the other—is it not a shilling all round? How do you send your own wool?—From Coleraine to Hamilton, and then on to Portland.
454. You do not send it to Melbourne?—No, I send to England, so I send it for transshipment in Hobson's Bay.
455. You send to Hamilton?—Yes; and then from Hamilton I send by Portland to Melbourne.
456. *By the Hon. J. Lorimer.*—Do you find it to your advantage to ship *viâ* Portland?—There is very little either way. My connection has been with Portland for many years, so I keep it there.
457. Some of it comes to Melbourne?—No; it may be sent to Sandridge, unless it is transhipped in the Bay.
458. You find it cheaper to send by Portland than *viâ* Ararat?—I calculated the cost; there is very little difference. If we can get it transhipped in Hobson's Bay there is a slight difference, but only in that case.

459. Is there any other article you send to Portland and Melbourne?—The only article is fat stock, and they must of course go by rail. William Moodie,  
continued, vol  
8th Dec. 1880.

460. Any wheat?—No wheat. I had great quantities of bark; I sold that in Portland when I cleared the estate.

461. *By the Hon. Sir C. Sladen.*—Is that land which is upon the west side of the Glenelg River, upon the side of Casterton, any distance from Casterton—the cultivation, I mean?—It commences immediately after you go west, slightly north, immediately after leaving the town boundary, and the estate of Dunrobin commences.

462. For what distance?—About nine miles, which is also a portion of the Nangeel estate, but upon those two estates the land is about to be given up as cultivation land.

463. Are they within nine miles of Casterton?—They are within nine miles.

464. Supposing the railway only went to Coleraine, what distance is that from the railway?—It is about eighteen miles from Coleraine to Casterton.

465. They would have to cross the river at Casterton?—Yes.

466. *By the Hon. R. Simson.*—Is there a bridge over the river there?—Yes.

467. *By the Hon. Sir C. Sladen.*—Supposing the line now proposed to be made from Hamilton to Coleraine were extended by Nareen and Chetwynd, how near would you go to the land that you speak of at Nangeela?—No nearer than Coleraine.

468. They would still have to cross at Casterton?—Yes.

469. Would the line if extended from Coleraine—supposing it to go from Hamilton to Coleraine and from Coleraine to Nareen and Chetwynd—take the bulk of the rich property of the two shires Wannon and Glenelg?—It would benefit a very large portion of the shire of Glenelg.

470. Does the Glenelg shire extend across the Glenelg River?—Yes, the largest portion of their territory is there.

471. Beyond the river?—Yes, but very poor land.

472. I think you said you were once president of Glenelg shire?—Yes.

473. Could you inform the Committee at all what amount of rates were raised upon the west side of the Glenelg northerly?—I could not do it.

474. With regard to the whole quantity of rates for the whole shire, what proportion was it?—It must be a very small proportion, for the principal portion of their territory is scrub upon that side of the river.

475. Could you form any idea of what portion?—No, I never went into that at all.

476. Cannot you approximate—you say it must be a very small portion—is it a tenth, a twentieth, or sixth, or what?—I would not venture to say. Since I was president, there has been settlement towards the South Australian Border and Lake Mundy, I do not know what extent the settlement is.

477. Can you say whether there is any quantity of land upon the west side of the Glenelg or any quantity or settlement that would warrant a railway going there?—It depends altogether upon what is considered sufficient to warrant that. There are a good many farmers there in Bahgallah, but the country is very poor and patchy, and I do not think the settlement is like to be very permanent.

478. *By the Hon. P. Russell.*—What is the area of the shire of Glenelg?—I must refer to the book.

479. Do so by all means?—1280 square miles.

480. And the amount of its rates is what?—The annual value is £86,000, that would be £4300.

481. The area of the shire is what?—695 square miles.

482. That is about half?—Yes, it is a little more than half.

483. And the value?—The annual value is £67,000—nearly £68,000.

484. That explains the difference?—Yes.

485. That is, that the Wannon shire is richer country than the Glenelg?—Yes, in population.

486. Than the other?—Yes.

487. *By the Hon. R. Simson.*—How far does good or useful land, even grazing land, extend beyond the town of Casterton to the west?—A narrow strip along the banks of the river, in some places it is not a mile wide, it ranges to two or three miles wide and extending on for about thirteen miles.

488. What is the character of the country beyond that?—The poorest heath we have in the colony.

489. Is it occupied at all?—Stocked with sheep.

490. But very rough country?—Very rough.

491. Not of any great value?—No,

492. Not land likely ever to get sold?—No, not at all likely to get sold.

493. *By the Hon. H. Cuthbert.*—Looking at the Government map, which is upon a small scale, I see that there are a number of allotments here cut up into very small portions of land, say from 50 to 100 acres. Is there a large population about Coleraine?—It is not densely populated around Coleraine, but there are considerable patches of settlement; there are not a great many small farms of ten and fifty acres and so on, close up to Coleraine.

494. Is there much selection going on there under the present Land Act?—In patches—a good deal of the land was sold beforehand.

495. It will be held then in large quantities?—There are some large estates, and the largest is between Coleraine and Casterton—the Muntham notably.

496. Is that leased to farmers?—No, leased for pastoral purposes only.

497. In your opinion, would there be a larger amount of people travelling up from the railway at Coleraine or at Casterton?—Most decidedly I think at Coleraine, because from Apsley downwards and up towards Balmoral would be benefited by that; and the roads are so bad on that side getting from there to Casterton, that farmers would not use them on the part of country I speak of.

498. What is the population settled about Casterton—is it not larger than Coleraine?—I do not know.

499. Coleraine has about 1200?—I should have to refer to Hayter's book to see that, because I am not prepared with statistics.

500. Casterton is a larger place than Coleraine?—Slightly, but there is not much difference.

*The Hon. T. Bromell.*—The population of Coleraine is larger than Casterton slightly.

501. *By the Hon. H. Cuthbert.*—Do you know if it is correct upon the map—Casterton 1050, and Coleraine 1200?—It may be correct. I would accept that difference. If there is any difference at all, it would not be observable, unless you went into calculating it.



William Moodie,  
continued,  
8th Dec. 1880.

502. Referring to the north of Casterton, you have said there is good land for about two or three miles on each side of the river, I understand?—In some places it narrows down to the bank of the river alone, and you have scrub upon the top of the bank, and in some other places it widens to two or three miles in a north-westerly direction. I am not quite certain, the course of the river will tell you how far it goes.

503. To the south, what kind of land is the land?—That is the Merino district. There is a splendid patch of country, but upon the west of that again it is upon the boundary—a miserable scrub land, with the exception of the agricultural settlement. Of course that is comprised in the Merino Downs and Tahara estates.

504. Is that land in the hands of a few individuals, or is there a large population?—The bulk of it is in the two estates held by Mr. Frank Henty and Mr. Johnstone—Merino Downs and Tahara.

505. The land that was in cultivation is the Dunrobin estate?—The Nangeela and Latrobe—this year notably they are.

506. Are they all lands originally possessed?—They are. I was told by one of the proprietors at Nangeela that the land in cultivation this year there would not produce more than a bag to the acre, the crop was so bad.

507. And upon the Dunrobin estate?—That is falling in gradually. The estate the other day was let for pastoral purposes.

508. *By the Hon. R. D. Reid.*—Did not I hear you say, that there were no lands farmed upon the Muntham estate?—None belonging to the Muntham estate. There are farms upon what was originally the Muntham run.

509. Are there not a large number there?—There are a good number of farmers. Those are the ones that I say would be benefited by the Coleraine line, for they are within six or seven miles of it.

510. *By the Hon. W. Ross.*—Are you aware that to the west side of the Glenelg there is a parish called Casterton, with seventeen farms, containing 3808 acres?—The west side of the Glenelg?

511. Yes?—That I suppose refers to the estates I have been speaking of.

512. Are you aware or not of those farms existing there?—I am aware that the land is cultivated there to kill rushes.

513. Are you aware of the parish of Bahgallah, containing sixty-five farms, and 11,403 acres?—Yes; some small patches and some of the very poor selections I have already spoken of.

514. Are you aware of a parish called Lake Mundy, containing fifty-seven farms, and 16,853 acres?—I do not know the country there, but it may be.

515. Are you aware of that parish called Nangeela, containing twenty-three farms, and 5904 acres?—I am aware of that; it is comprised in Dunrobin and Nangeela estates.

516. Are aware of the parishes of Dergholm and Roseneath, containing seventy-one farms, and 21,040 acres—total, 233 farms, and 59,008 acres?—That is getting up to the line that I am advocating; getting close to Nareen.

*The witness withdrew.*

*Debate ensued.*

John Wilkinson examined.

517. *By the Hon. the Chairman.*—What are you?—Civil engineer.

518. Where do you reside?—At Kew.

519. *By the Hon. W. Ross.*—I believe that you were a Government surveyor?—Yes.

520. You are not now in the Government service?—No; I left the Government some time ago.

521. You have no connection direct or indirect?—No.

522. You surveyed the line from Branxholme to Casterton?—Yes; I surveyed the line from Branxholme to Casterton myself.

523. And from Hamilton to Casterton?—No; I did not survey the line from Hamilton to Casterton. I have been over that survey from Hamilton to Casterton, but it was Mr. Wilson who surveyed it.

524. What were your instructions when you were sent to survey the line from Branxholme to Casterton; were you fettered in any way?—When I was sent to survey the line from Branxholme to Casterton, I was sent to survey a line from Branxholme to Casterton; but, some two years previous to when I made the survey, I was sent to report upon a line of railway to Apsley, intending to tap South Australia.

525. *By the Hon. R. Simson.*—From where to Apsley?—From Colac; that was the commencing point. I was then unfettered in any way; and I examined the country through from Branxholme to Casterton, and likewise from Hamilton to Casterton, and I may say that in my report I reported that I considered the best route from the present existing line was from Branxholme.

526. Do you know the distance from Branxholme to Casterton?—Yes.

527. Thirty-two miles seven chains?—Yes.

528. And from Hamilton to Casterton?—Forty-three miles 11 chains.

529. Then saving in construction in miles then, is it?—Eleven miles.

530. Eleven miles four chains?—Yes.

531. What are the engineering difficulties in regard to the two lines?—The line from Branxholme to Casterton—and that was one great reason I reported in favor of that line—is a very easy line. I have the sections of both lines here, if the House would like to see them. It is a good easy section—very few cuttings upon it, except about three miles round Glenorchy. The line from Hamilton to Casterton is a rough section for a great portion of the way. There is eleven miles difference in distance, and my rough estimate of the extra cost at the time upon which I based my report, was £70,000—from £65,000 to £70,000—extra to construct a railway from Hamilton to Casterton above what it would be from Branxholme to Casterton.

532. Seventy thousand pounds more from Hamilton to Casterton than from Branxholme to Casterton?—Yes; I reckon the eleven miles at the ordinary price that is allowed, about £15,000 extra for land and cost of extra engineering difficulties, heavy cuttings, and bridges.

533. The haulage upon heavy and low-priced produce would be twenty-seven miles less to Portland; and what would it be to Melbourne?—By the Branxholme route the distance from Casterton would be

John Wilkinson,  
8th Dec. 1880.



twenty-seven miles less than by the Hamilton route ; the distance from Casterton to Ballarat and Melbourne, *viâ* Branxholme, would be only four miles and a half more than by the Hamilton route. All those matters influenced me when I made my first report upon it.

John Wilkinson,  
continued.  
8th Dec. 1880.

534. That is to say, if passengers or produce come from Casterton by way of Branxholme to Melbourne, rather than by way of Coleraine, they would have to go four miles further?—Four miles and a half.

535. Further—but if they came round by Coleraine and Hamilton to Portland, there would be twenty-seven miles more?—Yes.

536. Branxholme line—what sort of country does it run through?—Branxholme line runs for some five or six miles through some very good country—very fair country.

537. From Branxholme to Casterton?—Yes, and then it runs through good fair sheep country for some six or seven miles more, then into good country, I may say all the way into Casterton, through Merino, Glenorchy, Merino Downs, and into Casterton; I consider that that is another thing to be considered in examining the two lines—the Hamilton to Casterton line passes for about six or seven miles through good country. Then, till it passes Coleraine, I do not consider the country any better than country upon the Branxholme route; I do not consider it would carry more than a sheep or a sheep and a quarter to the acre.

538. What sort of country is it between Hamilton and Coleraine?—There is five or six miles of good country, and then the country up to Coleraine is good sheep country, but I do not consider it any better than the other. The really good country about there is Tahara, and Murndal, and Muntham.

539. From what you learnt from farmers, and others, at and about Casterton, would the owners send their produce to Portland, or *viâ* Branxholme to Hamilton?—Certainly. Every farmer upon the route that has spoken to me about it (and I asked all that I met), said it would pay them better to cart to Portland; to send by Portland rather than to send round by rail *viâ* Hamilton.

540. *By the Hon. J. A. Wallace.*—How long is that ago?—It is about two years ago.

541. *By the Hon. W. Ross.*—Then upon the whole, you think the best of the country up there would be better served by a line from Casterton to Branxholme than by way of Coleraine?—Yes, I do; for this reason,—the really good land is about Tahara, Murndal, and Muntham. I know all the country there. I was for many years upon the Portland line, and the country would be equally served with the one railway as the other. You could not put a railway through Tahara, Murndal, and Muntham, directly through the heart of it, on account of the engineering difficulties.

542. That is between the two lines?—Yes; that would be splitting between the two routes; but the difficulties are too great, therefore I adopted the cheap line, skirting the good country upon the left, passing through good sheep country and a great deal of good agricultural land; and my idea was, that if Coleraine itself, at any time, was to be supplied with a railway, it could be supplied cheaper with a branch from the line near Merino, beyond Merino Downs, and then the Coleraine people would only have three or four miles extra to come into Portland than they would if they went round by the proposed route by Hamilton, and that line would go right through the heart of the rich Muntham country; but it is only  $13\frac{1}{2}$  miles from Coleraine to the Branxholme line, and a very fair road, therefore that would not be very far for Coleraine to cart; besides, the best country is not at Coleraine about there. Muntham is certainly the best country there is between Coleraine and Merino Downs.

543. More to the south?—More to the south-west.

544. Then, as an unprejudiced man, you think that the interests of both Coleraine and Casterton would be better served by the Branxholme to Casterton line than by the Hamilton and Coleraine line?—Yes; that was the reason I made my former report. I was told to survey from Branxholme to Casterton, but my original report said that was the best route for the country, and the best route to tap South Australia.

545. *By the Hon. Dr. Dobson.*—Would you tell me the difference of cost of making the line from Branxholme to Casterton and from Hamilton to Coleraine—supposing the line was taken only as far as Coleraine?—Hamilton to Coleraine, I think, is twenty-six or twenty-seven miles.

546. Have you any idea what the cost would be?—Yes, I can tell you in a moment.—[*The witness made a calculation.*]—I should say about £160,000.

547. What would be the difference between that and the other line—which would be the more expensive?—Taken at that price, the other line would be about £168,000 or £170,000.

548. Pretty much the same?—Pretty much the same. There is a difference; there is twenty-seven miles against thirty-two miles; but upon the Branxholme route there are about fifteen miles mere surface forming, whereas there is a piece of country going down into Coleraine, and crossing the Wannon, with cuttings 52 feet deep—in some places it is 56 feet.

549. What sort of country is between Coleraine and Apsley?—I am not the best evidence upon that. I have been through the country, but only as a traveller.

550. Could you say this—we have been told that the country that the proposed line continuing the Casterton line to Apsley runs through is very miserable country. Is it near the Adelaide Border?—Towards the Adelaide Border it improves.

551. Between Casterton and the Adelaide Border is the best country?—Yes.

552. Is there any other you know of between Coleraine and Apsley, if the line be continued eventually in that direction, as bad as that between Casterton and the Adelaide Border?—I could not say, because I do not know sufficient to say whether there is or not. The reason that I reported in favor of the extension up to the west side of the river was on account of the cheapness.

553. Not on account of the number of people it would serve?—It would be a very inexpensive line; to run from Coleraine to Apsley would be a most expensive line, it runs through fearfully rough country.

554. Do you know anything of the land to the north and north-east of Coleraine?—Not much; I have merely been through twice.

555. Is it not pretty good country up towards Balmoral and the Glenelg?—Pretty fair; but not as good as the other country, as far as I can see. I cannot be taken as an authority upon that, for I have not been over it all; but I do not think it as good as the country running up the Glenelg.

556. *By the Hon. Sir C. Sladen.*—I understood you to say that the line from Branxholme to Casterton was far superior to any other line, because of its proximity to Muntham, Tahara, and Murndal.

John Wilkinson, Is that the case?—You partially understood me. I meant to say that I considered it was a better line than the other, because it was so very much cheaper; and then I considered it served Tahara and Murndal equally as well as the Hamilton route.

557. We did not understand you to say so. We understood you to say that that was decidedly the best line, and for this reason, because it is so near Tahara, Muntham, and Murndal. You seem to know the country so well, I will ask you some questions about it. How far is Murndal from Coleraine?—I should think it is about fourteen miles.

558. How far is it from Casterton?—To Casterton is twenty-seven or twenty-eight miles. I could not say exactly.

559. That is quite enough. With regard to Tahara, how far is that from Coleraine?—It is not many miles from it—it is close to it.

560. How far is Muntham from Coleraine?—One portion of Muntham comes within four or five miles of Coleraine, as well as I know the boundaries, and the other is close to Casterton. It is a large place. It extends from close to Casterton to Merino.

561. If those three rich properties which you have selected as the reason why the line should be from Braxholme to Casterton are so near to Coleraine does not that weaken the reason you have given for its going to Casterton?—No, I do not think so, because, if you take the argument, to construct the railway to Coleraine would leave Casterton and all this part of the Muntham property to a great extent out. A portion of the Muntham property could be carted into Coleraine, but the whole of the Merino Downs and the Casterton side of Muntham would be thrown out.

562. What is the distance from Coleraine to Casterton?—Eighteen miles.

563. You say part of Muntham is close to Coleraine and part of it five or six miles from Casterton?—It is close to Casterton. I do not know the boundaries.

564. *By the Hon. W. Ross.*—Merino would be the nearest station?—No doubt.

565. *By the Hon. Sir C. Sladen.*—As far as I have been able to appreciate the evidence given hitherto, it leaves this very strong impression on my mind—the railway ought not to go to Casterton at all, it ought to go more north-west. I want to show that all this country is within a moderate distance of Coleraine, and quite as near to Coleraine—and much nearer to Coleraine—than a great deal of the country which is along the Glenelg to the north-east of Casterton would be to Casterton. Then I understand the reason for this line—because it is in the neighbourhood of these estates—is rather inclined to break down when we find that these properties are not so very much further, and one of them rather nearer to Coleraine than it is to Casterton?—Yes, in one way, but when the line could be constructed to Casterton, saving a distance of twenty-seven miles haulage into Portland, for about the same money that the railway from Hamilton to Coleraine could be constructed.

566. I can understand that if you make a railway from Hotspur to Portland, it would not be so long as from Edenhope to Portland. You can take any point if you please. You may as well take Balmoral and Casterton. It appears to me that is not a reason at all. What I want to find out—and I find the witness is very unwilling to give it—is whether a line going to Coleraine, and so going north-west, will accommodate more people than the line from Braxholme to Casterton—that is the question. Even if the line does not go to Hamilton at all, that is not the question. Generally is not Coleraine in the centre of all this good country—is it or is it not?—I do not think it is. I cannot give as good an opinion as many others about that.

567. *By the Hon. P. Russell.*—I think you said that part of the line had been surveyed from Coleraine to Casterton, and it was very rough?—Mr. Wilson surveyed from Hamilton to Coleraine.

568. *By the Hon. W. Ross.*—You did not survey the line?—I did not, Mr. Wilson surveyed it; I have been over it. My survey was from Braxholme to Casterton.

569. *By the Hon. P. Russell.*—You say that is an even line?—Yes.

570. I understand you, that you also had instructions to go out and lay down the best line from Hamilton to Casterton?—No, that was to examine the country.

571. From Hamilton to Apsley?—Yes, I did examine the country from Hamilton to Casterton, but I did not survey a line. I reported which I considered the best line to survey.

572. You say it is a very rough line?—Yes.

573. You took a direct line, I suppose?—I did not. The line of an old survey had been put in. It is no use to take a direct line there; a direct line could not go through at all.

574. You did not go direct through the hills with the line that you walked over?—No, decidedly not; you could not get almost with a cart, much less a railway in some of those hills.

575. How many persons own the land between Braxholme and Merino through which the railway would pass?—I think about ten or eleven.

576. Would you make a railway for those ten?—No.

577. *By the Hon. R. D. Reid.*—You are not in the Government service?—No.

578. You have got no interest in those districts?—Not the slightest, none one way or the other.

579. *By the Hon. J. Lorimer.*—Did I understand you to say that in the event of an extension being determined on ultimately to Apsley, that an extension from Coleraine to Apsley would be more difficult than from Casterton to Apsley?—Yes, certainly, twice as difficult.

580. Twice the expense?—It would be a very much greater expense, for one is easy country, and the other very rough country.

581. You have been over the country?—I have been over the country.

582. You are perfectly sure of that?—I am.

583. That the extension from Coleraine to Apsley would be much more expensive than from Casterton to Apsley?—Certainly, it would.

584. And not through any better country?—I cannot speak of that with certainty.

585. *By the Hon. Sir C. Sladen.*—If you were in a position to say that the one is in a much more difficult position than the other, surely you can say whether the country is inhabited or not?—Certainly, I can say to a certain extent, just where I went.

586. I understand you to say, you state distinctly now, that a line from Casterton on the west side of Glenelg to Apsley is a very much easier line than it would be by Chetwynd and by Edenhope, and you say it would cost nearly twice as much; I think, as a professional man, before you are justified in

saying that, you must have seen it, and know something about it?—Yes; I say the country west of the Glenelg, after you get upon the flat, about five miles out of Casterton, is a dead level.

John Wilkinson,  
continued,  
8th Dec. 1880.

587. Can you say what kind of country that is?—Yes; it is poor land. The rich land, which is very rich, is immediately on the flats west of the Glenelg River.

588. What proportion does the level rich land upon the banks of the river bear to the plain, the poor country?—The plain extends west to the South Australian Border, and is largely sheep country.

589. And is not likely to bring much grist to the railway exchequer?—No; not to the west of that, but it would serve the east of the Glenelg. My great idea in the original examination of the country was, to tap both wool and agriculture. There is wool going away from beyond Apsley, and from the Tahara country, to Mount Gambier. My idea was to get the wool into Victoria, instead of letting Victorian wool go to Mount Gambier.

590. Would not that just as well come by Chetwynd and Nareen?—Yes; but that would be a very much more expensive line.

591. Would it not be much shorter from Apsley to Coleraine, for instance, than from Apsley to Casterton?—It might in actual distance, but I do not believe it would be shorter if the line is made.

592. I take the line as it is marked here upon the map, as the line crossing the Glenelg to Apsley, I see it makes a considerable dog's-leg; whereas, the other line through the three places, the centres of population, would be just the chord of an arc; whereas, the other follows the arc?—Yes, it would be a little longer, but a much cheaper line.

593. You say it would be much more difficult country?—Yes.

594. Is it more difficult country than the country between Merino and Casterton?—Yes, very much more difficult.

595. Even that is not a very easy road?—Between Merino and Casterton?

596. Yes?—Yes, I think it is.

597. Can you explain then how it is such a tortuous line as it is marked upon the map.—[*Handing a map to the witness*]—There is three miles down Glenorchy that goes down a creek with a lot of spurs running into the creek, and I had to sweep about every spur in and out to get the easiest line possible, but when you get to Merino it is as easy as possible; but that map is on such a small scale that you cannot judge of it by this little map.

598. You do not think it correct?—It looks a large curve there, but I do not think the curve going into Casterton is over 30 or 40 chains.

599. You say it would be a much more difficult line than that?—It would be a great deal more difficult.

600. *By the Hon. R. Simson.*—In estimating the value of a railway to a country—making a flying survey of this kind, you say that the ground to the west of the Glenelg would be much easier to make the line?—Yes.

601. Do you take into consideration, in making a recommendation of that kind, whether there is any traffic to feed a railway?—Yes, always.

602. What would be the difference in the feeding capabilities of a line from Coleraine or from Casterton to Apsley?—I believe a line from Coleraine to Apsley would get more local feeding. Of course, when it arrived at Apsley either line would draw the same, but it would be such an expensive line that I did not think at the time, and I do not think now that it would pay the country to construct it.

602a. Do not you think even an expensive line, where local traffic supplies it with material, would pay better than taking it through a desert plain on the west side of the Glenelg, where there is scarcely a human inhabitant?—After all, what is that local traffic; you may say it is the wool, the main staple.

603. And lasts three months in the year, and then it is done with?—There is not much wheat grown upon that route.

604. *By the Hon. P. Russell.*—What is the railway made for?—To carry produce of every kind, and if wool is the chief produce, to carry wool.

605. *By the Hon. Dr. Dobson.*—In the plan in my hand I see it states this. The land between Camperdown and Hamilton upon the route marked so and so, between Casterton and Apsley, passes through a desert of sand and scrub; is that a fact or not?—No, it does not, most decidedly. The line for about five or six miles is good land, then it skirts good land, then it gets up to a place called the Retreat where there is good land upon the river. It is just upon the edge of the poor land, I mean it gets to Ellerslie; it gets into as good sheep country as the country about Coleraine from Apsley, then it improves. There is a patch of about twenty-five or thirty miles of poor country in to the left of it, but it skirts the river all the way. That line is too far out from the river a good deal. My intended route was close to the river.

606. *By the Hon. H. Cuthbert.*—One of the witnesses last evening said it was bounded by land for a long distance that would only feed one sheep to ten acres or twenty acres. He called it a desert; do you agree with that evidence?—There is about six or seven miles of it that is very poor; but at the same time that is a considerable exaggeration, I think, about ten or twenty acres to a sheep. I should say at the very outside, and in the worst seasons, five or six acres to a sheep; the rest of the country towards Ellerslie would require two acres to a sheep; and at Ellerslie there is good country to the west. Ellerslie is quite good enough to carry a sheep to the acre I think. I do not know what Mr. Robertson has upon that.

607. So that it only runs through a country that is called a desert for five or six miles?—Yes, and that is chiefly young gum spars—something like mallee coming in—it is not true mallee.

608. And in selecting a site, were you actuated by a desire to construct the line at as cheap a rate as you possibly could, so as to bring it to the rate of £3750 a mile?—Do you mean from Casterton on, or from Branxholme to Casterton?

609. I mean from Branxholme to Casterton?—Yes, we always pick the very best country we can in every survey. I took a good deal of time over this, and made a survey almost as good as a permanent survey.

610. Had you any instructions that the line was not to exceed a certain sum per mile?—No, I had no instruction as to cost at all. I was instructed to survey a line from Branxholme to Casterton. I was not tied where to go; I never was so yet. I used my best judgment to take the very best country, and if it is not approved of, we would suffer for it afterwards if it was wrong.

611. In this rival route from Hamilton to Coleraine, would that not pass through a more thickly-populated country?—From Hamilton to Coleraine?

John Wilkinson,  
*continued,*  
8th Dec. 1880.

612. Yes?—It might pass through there as well. I think my argument was misunderstood. The Branhholme to Casterton line passes upon the edge of both the good land close to it, and the inhabited part; the other line may pass more through it.

613. Then the one to Coleraine would accommodate more people than the other?—I do think it would. It would not accommodate more produce in my opinion; it might accommodate a few more souls, but not more produce.

614. It would accommodate the people on each side of the line?—The people on each side of the line are very few from Hamilton to Coleraine.

615. Till you come to Coleraine?—Yes, and then Coleraine has very few people; very few people all about from Coleraine to Casterton, you hardly see a place.

616. Then on to the north of Coleraine is there a large quantity of land selected?—That I cannot say; I am positively in ignorance of the selection, I only came through there looking at the engineering figures of the country, and we never think of selections then; we do not know the selections. I only see what is and what is not cultivated, as far as the eye can see. I was not making a survey. If we are making a survey, we know all the different allotments, but not in making a report.

617. *By the Hon. T. Bromell.*—Do you know the number of the population between Coleraine and Casterton, the number of the population at the different places?—No, except from hearsay. I do not know actually; I know from statistics, and that is all.

618. You do not know that Coleraine has more population than Casterton?—I should not say so from the look of it; it may.

619. When I tell you it is 1200 against 1000?—There may be that, but 200 is not many.

*The witness withdrew.*

Henry Wilson examined.

Henry Wilson,  
8th Dec. 1880.

620. *By the Hon. the Chairman.*—What are you?—A railway and land surveyor, I survey selections.

621. *By the Hon. W. Ross.*—You were in the Government employment as a surveyor?—Yes.

622. You are not now?—No.

623. You have no interest, direct or indirect, with the Government?—No.

624. Where do you reside?—At Kew.

625. You know the country between Hamilton and Casterton?—Yes, I do, I surveyed the line.

626. I suppose you were instructed to select the best line you could get?—Yes.

627. Do you know anything about the Branhholme and Casterton route?—Yes, I also surveyed a line there.

628. You surveyed both lines?—I surveyed both lines.

629. What are the engineering difficulties—which line will you state, of the two lines, has the least engineering difficulties?—In comparing the two distances, from Hamilton to Casterton *via* Coleraine is forty-three miles and odd chains, and from Branhholme to Casterton is thirty-two miles four chains, I think.

630. What sort of country does the Hamilton and Coleraine line pass through?—It is undulating country; the greatest difficulty is the crossing of the Wannon.

631. Is it more expensive to construct a line from Hamilton to Casterton per mile than from Branhholme to Casterton per mile?—Yes, considerably, on account of the crossing of the river, and getting down to Coleraine, and then getting down to the river from Coleraine on to Casterton.

632. The engineering difficulties are a great deal more difficult upon the one line than the other?—Yes; also the curves are very much sharper.

633. You say that the line from Hamilton to Coleraine is of what sort—middling or good?—Middling country, as far as the Wannon.

634. What sort of country does the Branhholme line pass through?—From Casterton on to three miles beyond Merino, it is very good land, from there on it is passable.

635. What do you consider the difference in the cost of construction to be per mile between the two routes?—One thousand pounds per mile.

636. Are you capable of giving an opinion as to which route would benefit that region of country most—the country about Coleraine, Casterton, and Merino?—Yes, certainly. I think the Casterton and Branhholme line would benefit the greater portion.

637. Is that the impression upon your mind?—Yes, on account of going into Merino.

638. You have surveyed both lines?—Yes.

639. And have had communication with the people and the farmers?—Yes. I do not know the population of Merino, but I suppose 600. And then there is Sandford and then Casterton. I should fancy double the number of the inhabitants of Coleraine.

640. How long were you making these surveys?—I was about eighteen months over the two.

641. Residing in the country?—Yes.

642. Over it backwards and forwards?—Yes, I wore a good many pairs of boots out.

643. And had a good opportunity of knowing the opinions and feelings and wishes of the people generally?—Yes.

644. *By the Hon. W. Campbell.*—I would like to know from whom do you get instructions in regard to the selection of a line, whether you have a discretion to adopt a line yourself, or have you definite instructions from the head of the department?—You have instructions to survey a line—instructions from the department to survey a line—from a certain point to another, and you use your own discretion, so as to get the cheapest and best route.

645. Who gives these instructions?—To get the cheapest and best route—instructions from the department.

646. Is that from the Engineer-in-Chief, or the Commissioner of Railways, or some district surveyor?—Mr. Darbyshire was my chief at the time, and he got my instructions I presume from Mr. Higinbotham the Engineer-in-Chief.

647. You got instructions direct from the Engineer-in-Chief?—From Mr. Darbyshire, who was in charge of all trial surveys at that time. I presume he got them from the Engineer-in-Chief.

648. How long is that ago?—About six years ago.

649. Is Mr. Darbyshire still in the office?—No, he is not.

650. Who undertakes that duty now?—I think it is Mr. Ford; I do not know; I am not connected with the Department at all.

651. You have retired from the service?—Yes.

652. *By the Hon. W. Ross.*—One of the witnesses here said he made a sort of rough survey of the country, and estimated the distance between Coleraine and Hamilton, for a railway, at twenty-three miles, if I recollect right. What time were you engaged in making the survey between Hamilton and Coleraine to find a practicable line?—I must have been quite six months.

653. Had you great difficulty in finding a suitable line?—Yes; I ran several lines—trial lines—and abandoned them.

654. From the difficult nature of the country?—Yes.

655. You were nearly six months?—Quite six months.

656. Before you hit upon a line?—Yes.

657. What is the length of the line?—Twenty-six miles to Coleraine, as surveyed.

658. *By the Hon. Sir C. Sladen.*—I understood you to say, that you think a line from Branxholme to Casterton would accommodate more of the public than the line from Hamilton to Coleraine in that direction; and I understood you to couple it with Merino, so that Merino was the point that principally guided your opinion. Is that a fact?—No, certainly not.

659. Where is the population principally upon the line?—Immediately in the vicinity of the line throughout.

660. Throughout, is it?—Throughout, from Branxholme.

661. I think you said that from Merino to Casterton was very good land?—Yes, from Merino to Casterton it is A1.

662. Is there a good deal of population there?—Yes, there is a very large population there.

663. Between Merino and Branxholme, is the population as large there?—No, certainly not.

664. Do you know how many people there are in Merino?—I should fancy about 600; I do not know for a fact.

665. It is put 800 upon the map I hold in my hand. Could you tell me the distance from Merino to Branxholme?—Yes, I can; I have got a map here that gives all the distances—[*producing the same*]—it is eighteen miles.

666. And Digby?—Digby is about six miles from the proposed line.

667. I mean from Branxholme?—It is about two miles shorter.

668. What proportion of population is there between Merino and Casterton as against the population of Merino and Digby, which between them have rather over a thousand—would there be anything like that population between Merino and Casterton?—Yes, I think so, including Merino and the Wannon.

669. I say exclusively of Merino?—No, I certainly think not, unless it is along the valley of the Wannon; and they are quite as close to the line as to Coleraine.

670. Then, as far as Merino and Digby are concerned, it is of very little importance to them whether they have a railway or not, for they can also go to Branxholme?—Yes; but it is very much nearer at present.

671. Sandford is put down nearer to Casterton—that is upon the west of the Glenelg, is it not?—Yes.

672. Do you know what distance that would be from Coleraine?—Yes, about fourteen miles.

673. Then I find the bulk of this population, which you think warranted the line going from Branxholme to Casterton, is half of it already served by its proximity to Branxholme, and that portion which is on the Glenelg, Casterton, and Sandford, would have only fourteen miles to go if the railway went to Coleraine?—If you want to serve Coleraine with a line, you could make a very cheap line to connect the Branxholme and Casterton line by a short branch up the valley of the Wannon, that would not increase the distance.

674. We do not want to increase the number of lines, but if a line extended north-west from Hamilton towards Coleraine, so as to extend it further from Coleraine to Nareen, Chetwynd, and so on to Apsley, would not that accommodate the whole of the population which you say is now clustered round the line between Branxholme and Casterton?—If you want to carry a railway only as far as Coleraine, that line would be equally cheap with a line to Casterton from Branxholme, but I consider that a line to Casterton would benefit a great many more farmers.

675. But you say Merino is only eighteen miles—that is the extreme distance—and the largest population, and they have a railway already?—Of course, if they put their produce upon wagons, &c., to carry it fourteen miles, they may as well carry it right to Hamilton or Portland.

676. But what would be the case, for instance, of people living at Balmoral—where are they to go to, and people at other places—you seem to think that people upon the line from Branxholme to Casterton deserve as much indulgence and consideration—how do you propose to deal with people at Harrow and Balmoral—that is a long way from Casterton?—That is for another railway altogether.

677. That is just the point. As far as I can gather from you, the line from Branxholme to Casterton is desirable, because it goes through so much population—the bulk of the population is at Merino and Digby—the one is within 14 miles and the other within 18 miles of Branxholme which has a railway already made, and Sandford and Casterton are within 14 miles of Coleraine, supposing a line to go there; so that a line to Coleraine would accommodate the whole of that country that is accommodated with a line to Casterton?—The population between Harrow and Coleraine is not very great, I do not think there is a single farm beyond Tahara.

678. But Coleraine itself has more population than Merino and Digby?—Merino and Casterton have a larger population than Coleraine.

679. I speak of Coleraine itself, and I say that Casterton and Sandford could be provided for even if no railway went to Casterton, they are within 14 miles of another point?—Another argument is, that Coleraine would be benefited equally by the line from Branxholme.

680. No doubt, wherever you have a station the place is benefited, but I only want to ascertain which line will accommodate the largest population, you say that from Branxholme to Casterton would; and I ask the simple question of you, can you provide for those at Balmoral, Harrow, and along there?—By another railway altogether.

Henry Wilson,  
continued,  
8th Dec. 1880.

681. But we cannot make railways to every shire in the country, you know?—It would be another line altogether.
682. *By the Hon. W. Ross.*—Is it as near Casterton as it is to Coleraine?—I do not know the exact distance.
683. I suppose, if a railway passed through Merino, Sandford, and on to Casterton, the people of Digby would send their produce to Merino? Would the people of Hotspur send their produce to Merino also?—I know that the produce of Hotspur goes *viâ* Portland now.
684. Goes to Portland at present?—I think it goes through Merino, or rather at the back of Merino. It does not go exactly through Merino.
685. *By the Hon. J. Balfour.*—I understood you to say, it was fourteen miles from Casterton to Coleraine; is that correct?—No.
686. What distance did you give that as?—Seventeen miles by rail.
687. Between Casterton and Coleraine?—Yes, seventeen miles.
688. What is it by road?—Eighteen miles by the surveyed road, and seventeen by the line I surveyed.
689. Then if a railway was made to Casterton, would the Coleraine people bring their produce to Casterton?—No, they would bring it to midway between Sandford and Merino.
690. To Merino?—Yes; or better still, a station nearly opposite the old boiling down place on the River Wannan.
691. What distance is it between Coleraine and Merino?—Fourteen miles, I think.
692. From Coleraine to the proposed line of railway—the station nearest to Merino?—Thirteen miles.
693. Then, am I right in supposing that the people of Coleraine would be served by a line passing near Merino better than the people of Casterton would be served by a line stopping at Coleraine?—Certainly.
694. What kind of country is it between Coleraine and Casterton?—Very good country.
695. I speak of roads?—It is impracticable altogether for roads.
696. Because the country is such good soil?—The country is so rough, very hilly.
697. *By the Hon. J. Lorimer.*—Have you been over the country at Apsley?—No, I have not.
698. You can give us no information about the probable extension from Casterton or Coleraine to Apsley?—I carried the line on to the westward from Coleraine towards Apsley five or six miles to get it on the table land, and found a good practicable line, which was the object to ascertain.
699. Do you know anything of the country from Coleraine to Apsley?—No.
700. *By the Hon. W. Ross.*—As a matter of fact, I suppose a station at Merino would benefit Tahara and Murndale and those valuable properties more than a station at Coleraine?—I should think so; yes, certainly.

*The witness withdrew.*

John Goodman Clapham examined.

J. G. Clapham,  
8th Dec. 1880.

701. *By the Hon. the Chairman.*—What are you?—Secretary to the shire of Glenelg.
- 701a. *By the Hon. W. Ross.*—You are the surveyor and engineer of the shire of Glenelg?—No, the secretary.
702. What length of time have you resided in that district?—In the district upwards of 31 years.
703. Then you may be fairly supposed to know all about that country and its wants?—I have been in all parts of it. I think I know all parts of it.
704. How long have you been secretary to the shire?—Eleven years.
705. What is the acreage of the shire of Dundas?—The acreage of the shire is 896,000 as given by Mr. Hayter.
706. And the population?—4500.
707. The net annual value?—£73,593.
708. Per acre?—1s. 7½d. and a fraction over.
709. What is the acreage of the shire of Wannan?—467,200.
710. And the shire valuation of Dundas is 1s. 7½d.?—A fraction more than 1s. 7½d. per acre.
711. What is the acreage of the shire of Wannan?—467,200.
712. And the population?—3250.
713. What is the net annual value of the shire of Wannan?—£67,867.
714. And per acre?—2s. 10¾d.—nearly 2s. 11d.
715. And the total area of the two shires of Dundas and Wannan?—1,363,200 acres.
716. And the population?—7750.
717. The net annual value of the two shires?—£141,460.
718. Now come to the shire of Glenelg, which is further west, I believe; and in which I suppose Casterton is?—Casterton is in Glenelg.
719. What is the acreage of the shire of Glenelg?—896,000 acres.
720. What is the population?—4800.
721. What is the net annual value of the shire of Glenelg?—£86,287.
722. Per acre?—1s. 11d.
723. What is the acreage of the shire of Portland?—640,000 acres.
724. The population?—6000.
725. The net annual value?—£56,062.
726. Per acre?—1s. 9d.
727. Then of the two shires, the Glenelg and Portland, the acreage is 1,536,000?—It is.
728. The population is 10,800?—Yes.
729. The net annual value is £142,349?—Yes.
730. That is to say, that the two shires of Dundas and the Wannan represent—what is the total?—1,363,200.
731. And the total of the other two shires, Glenelg and Portland?—1,536,000.
732. The total population of Dundas and Wannan?—7750.

733. And the total population of Glenelg and Portland?—10,800.
734. The net annual value of Dundas and Wannon?—£141,460.
735. And the net annual value of Glenelg and Portland?—£142,349.
736. What is the excess of Glenelg over Portland?—The excess of Glenelg and Portland against Dundas and Wannon is £172,800; in population, 3050; and in the valuation, £889.
737. Has any portion of this Glenelg shire been severed?—I am informed it is in the last *Gazette*, which I have not seen.
738. You do not know?—I do not know.
739. Do you know as a fact, that it would make any great difference in the population?—It would not. I believe that the population there is about sixty-seven ratepayers, speaking from memory only, I am not sure.
740. Do you know the difference it would make in the rates?—I think about £200.
741. The severed portion?—Yes.
742. What number of acres are there cultivated in the shire of Dundas?—4490.
743. What number of bushels of grain was the produce of that?—The produce last year of grain was 57,452 bushels.
744. Glenelg and Portland, how much did they cultivate in the two shires?—Glenelg and Portland cultivated 34,650 acres.
745. What is the produce?—308,049 bushels.
746. And the number of acres cultivated in Glenelg and Portland was an excess of how much?—The shires of Glenelg and Portland cultivate 22,716 acres more than the shires of Dundas and Wannon. That is last year's estimate, and they produce 187,560 bushels of grain more than the other two shires.
747. What number of acres are there in the shire of Glenelg alone cultivated?—22,727 acres under cultivation.
748. And the number of bushels of grain?—232,142.
749. Which is the chief town in the shire of Glenelg?—Casterton.
750. Where is the principal amount of this grain grown—in the neighborhood of Casterton?—In the neighborhood of Casterton.
751. North, south, east, or west?—A large quantity is grown to the eastward, in what is called the parish of Carrapook, and the parish of Casterton.
752. Within what radius?—Within a radius of from eight to nine miles. Another large quantity is grown to the south, from Sandford to Merino; and the remainder is grown to the west of the river Glenelg.
753. Is there much cultivation about Merino and Sandford?—Yes, a good deal of cultivation about Merino and Sandford; I cannot give you the amount.
754. What is the distance between Casterton to Portland *via* Hamilton?—Ninety-seven miles.
755. What is the difference in the cost per mile of construction, do you know?—The difference in cost of construction according to the previous estimates (I do not know according to the present estimates, because we have not had them) but the difference in the cost per mile, according to the former estimates, was £240 per mile in favor of the Casterton to Branhholme line.
756. Casterton to Portland is ninety-seven miles, is it?—By way of Hamilton.
757. What would be the cost per ton per mile upon grain?—Eight shillings; that is at a penny per mile.
758. Do you agree with the evidence that has been given by the petitioners already, as to the cost of freight—have you heard the evidence given?—I heard part of the evidence and made a calculation of it.
759. What is the cost of freight from Casterton to Portland *via* Branhholme?—Five shillings and tenpence per ton.
760. What difference would the goods to or from Portland—what distance would they have to pay for carriage the extra distance by Hamilton?—If they went by Hamilton, twenty-seven miles further, they would have to pay carriage.
761. Someone stated here that the country west of the Glenelg was a desert—what do you know of the country west of the Glenelg—is it a desert country?—No, I do not think it can be very well a desert country, because in the parish of Casterton, which is to the west of Glenelg (part of the parish is to the east and part to the west) in the part of the parish lying west of Glenelg, without including any portion of the township, we have seventeen farmers, who hold 3808 acres of land. In the parish of Bahgallah, which is west of Glenelg and south of Casterton, we have sixty-five farmers who hold 11,403 acres of land.
762. That is on the west side of the river, across the river altogether?—Yes, in this desert to the west from Casterton, on the road to Penola, we have fifty-seven farmers who hold 16,853 acres; Nangeela is to the north of Casterton, on the west side of the river, we have twenty-two farmers holding 5904 acres; and further north than that again, on the west side of the river, from 25 to 35 miles north of Casterton, we have seventy-one farmers holding 17,340 acres of land.
763. Are you not making a mistake there?—Yes, 21,540 acres, and in this desert country we have 233 farmers holding 59,005 acres.
764. How many large estates are there?—There are seven large estates west of the Glenelg, containing 53,696 acres of freehold land.
765. The total number of properties, then, between large estates and farms is how many?—Two hundred and forty.
766. And the acreage?—One hundred and twelve thousand seven hundred and one acres of freehold land, and selected and purchased land by farmers.
767. Is this all alienated from the Crown?—It is alienated, or in process of alienation.
768. That is, all this country which is supposed to be a desert—scrub?—Yes.
769. What is the yellow mallee and the heath country there—is there any heath country?—There is a considerable quantity.
770. Exclusive of this land?—Exclusive of this land.
771. Valued at what?—The heath country is all Crown land, and is rented by Crown tenants for depasturing purposes, and we receive rates upon that country to the amount of £344 per annum.
772. That is in the desert too. Have you any extent of land there likely to be drained soon—a lake or plain called the "Black Plain"?—There is near lake Mundy, on the Casterton side of the lake, and



J. G. Clapham,  
continued,  
8th Dec. 1880.

the black plain is supposed to contain about 4000 acres of first-class agricultural land. The department has been requested to reserve a drainage area, and Mr. Surveyor Vickery was sent up to reserve the drainage area to drain this land.

773. What is the proportion of rates paid by those farmers and others on the west side of the Glenelg, as against the proportion paid on the other side?—The area is 112,701 acres of freehold land there, without the Crown land.

774. And the rates?—I cannot exactly say what the rates are.

775. How many houses are upon the road from Coleraine to Casterton?—Five, and Muntham homestead.

776. *By the Hon. P. Russell.*—Let us have that question answered?—I cannot give you a definite answer without I have the rate-book with me, but I can give you an approximate answer—[*The witness made a calculation*].—I should say that the rates received on the west side of the Glenelg, without the Crown lands, which yield £344, would be over £2000.

777. *By the Hon. W. Ross.*—Is that the whole of the shire?—The whole shire, our rates are 4300 and odd pounds.

778. The rates you receive from the west side of the river are nearly half of those received on the east side?—They are not half; they are nearly half; I only give now an approximate statement.

779. That is from the desert country you receive £2000?—Yes, there are 112,000—I am taking the average.

780. What is the distance from Casterton to Coleraine?—Eighteen miles.

781. Is there much population along that road?—Along the road I believe, after leaving the suburbs of Coleraine, there are two houses between Coleraine and the Muntham home station, and three between the Muntham home station and Casterton.

782. Has any land been sold lately about Casterton?—A portion of the Muntham estate has been sold.

783. What price did it bring?—From £9 to £15 per acre.

784. Is there any large quantity of land of that nature about there?—Some few hundred acres were sold, and there is a larger quantity which is in connection with this, but further away rather from Casterton—nearer to Sandford, all part of the Muntham estate.

785. You know the country to the north of Coleraine?—To the north of Coleraine?

786. The Chetwynd country?—Yes, I have been through that country many many years ago.

787. You do not know much about it?—I was two or three years ago last up at Chetwynd.

788. *By the Hon. P. Russell.*—Will you be kind enough to tell us where you reside?—In Casterton.

789. I suppose you are quite in favor of the line to Casterton?—I am in favor of that line which I believe to the benefit the greatest number of people.

790. Do you mean to tell me that there are a greater number of people at Casterton than there are at Coleraine?—I do.

791. We have had evidence to the contrary, I think; and, in asking these questions, Mr. Ross asked them in such way, that I was not able to follow him as I would like to do: we got the populations of many places, but he did not seem to include that of Hamilton. Did Mr. Ross ask you the population of the borough of Hamilton?—Mr. Ross did not.

792. And can you tell me what quantity of wheat was grown last year in that portion of the Glenelg shire which has been severed?—I do not know that any wheat was grown at all.

793. No; I believe there was not. Do you include in the statistics just stated the produce of the portion of the Glenelg shire which has just been severed and added to the Wannan shire?—I do; because, as I said just now, I believe no wheat was grown there at all. It is only a pastoral country.

794. Would draining the desert improve it in any way?—Draining the Black Swamp would; draining the 4000 acres would.

795. How many acres are there in the Black Swamp?—It is estimated at 4000 acres; that has never been surveyed to my knowledge.

796. Would you make a railway for those 4000 acres?—No; for the benefit of those more north.

797. Would you inform the House whether there are any rabbits upon the lower lands beyond Casterton upon the desert?—I believe there are very few, if any. I have not heard any complaint.

798. *By the Hon. J. Lorimer.*—Have you seen this railway map, circulated in the House?—Yes.

799. Have you seen the figures representing the population of each district?—The figures in the margin.

800. Casterton is said to contain a population of 1050?—Yes.

801. Is that correct in your opinion?—No; in my opinion it is not correct.

802. What do you consider the population of Casterton to be?—800.

803. Is the population of Coleraine 1200, think you?—No.

804. What do you consider it to be?—From 600 to 650.

805. What has been the tendency of the population in those two places, of late years?—Coleraine, I believe, has been decreasing in population, and Casterton, I believe, increasing. We have thirty more ratepayers upon the list this year—the valuation just made—than we had the last year.

806. Do you consider that Casterton has been the more progressive place of the two?—Most decidedly.

807. Do you know Coleraine as well as Casterton?—I do.

808. What is the population of Sandford?—Two hundred and fifty.

809. *By the Hon. J. Balfour.*—How far is it from Casterton?—Three miles, or from that to three miles and a half.

810. *By the Hon. Dr. Hearn.*—Which line do you conceive would benefit the largest population?—The Casterton to Braxholme line.

811. Why do you think so?—Because it would benefit the whole shire of Glenelg. The people to the north of the shire of Glenelg and Harrow are the same distance from Casterton that they are from Coleraine; we have a good road made a greater portion of the way, and a bridge was built not long ago across the Pigeon Ponds, to benefit those people. From Chetwynd to Casterton is rather a shorter distance than from Chetwynd to Coleraine.



812. What population do you think would be benefited by this line you speak of?—All the people in the shire of Glenelg would be benefited by that.
813. How many townships do you think, and what townships?—There is in the shire of Glenelg, Merino, Sandford, Casterton, Dergholme, and Chetwynd. I think those are all.
814. Would all those people be benefited by this railway?—Most decidedly.
815. How many of them are there?—4800.
816. By the other railway how many of them would be benefited?—None of the Casterton people would be benefited by it, as far as produce is concerned.
817. Would you be benefited by it according to your view?—By the Coleraine railway?
818. Yes?—The people about Coleraine and all those that live to the north, and the passenger traffic would continue to go to Coleraine as it does now, but that would have to go 18 miles by land or coach, or from Casterton to Coleraine.
819. What is the produce, and how does the produce that comes there now go?—To Portland.
820. By what means?—By dray; I believe some small quantity has been sent to Branxholme, but a very small quantity.
821. Does it all go the whole way by dray?—The whole way.
822. Then the railway does not at all benefit by it at present?—Not that I am aware of. I believe a few bags were sent to Branxholme; but I do not know the quantity, and I believe it was a very small quantity.
823. *By the Hon. H. Cuthbert.*—You have given us some very valuable information about the acreage and the population, and so on, of the several shires; you classify Dundas and Wannan together?—Yes.
824. Glenelg and Portland together?—Yes.
825. Why do you split them into two classes?—Because I consider their interests are totally different. We have no communications with Hamilton in any way, except passenger communication. We never have any dealings with Hamilton; the only dealings were three or four years ago, a Hamilton merchant, in connection with a Casterton gentleman, purchased wheat, which was sent through Hamilton to Melbourne. I believe the year before last also, one of the other large farmers sold wheat, and sent a portion by way of Hamilton.
826. There are four shires, and you classify two together?—Yes.
827. Dundas and Wannan, will they be affected by this line of railway?—One line of railway, the line from Hamilton to Coleraine, would suit their purposes, and would suit the people of Coleraine's purposes, but it would not suit the Casterton people.
828. Would not suit Glenelg and Portland?—Would not suit Glenelg or Portland.
829. And the figures that you have given have been to show that Glenelg and Portland are more important than Wannan and Dundas?—The figures that I have given show that the shire of Glenelg, in fact, without Portland at all, is more important, so far as produce is concerned, than both Dundas and Wannan together. Dundas, on the line between Hamilton and Coleraine, as far as it is in the shire of Dundas, does not grow any grain that I know of, except in the immediate vicinity of the town of Hamilton. There is no grain grown; none between Redruth, which is the boundary between the two shires of Dundas and Wannan to Coleraine, except a very small quantity on both sides of the road, near Coleraine. I believe there is some on both sides of the road, near Coleraine, under cultivation.
830. I wish to have a part of your evidence cleared up; I do not know why you separated the four shires, and divided them in the way you have done?—Because their interests are not all identical. We have no commercial relations with Hamilton, and never had.
831. You know the large portion of ground spoken of by the petitioners from Hamilton as the desert?—Yes.
832. Do I understand your evidence aright, when I say that portion is inhabited by about 250 people?—Two hundred and forty.
833. And the rates paid upon that are how much?—There are 112,701 acres there alienated and in process of alienation from the Crown. All those lands pay rates, as purchased or selected land, and if I take an average of 4s. per acre as the net annual value, that would be £2540.
834. Is not 1s. 10d. and 1s. 11d. the net annual value?—That is the net annual value per acre.
835. Then what value are you going to take?—But that is in the whole of the shire, the average over the whole of the shire.
836. *By the Hon. J. A. Wallace.*—Including the desert too?—No. The rates from the desert amount to £344 per annum, exclusive of this other item.
837. *By the Hon. H. Cuthbert.*—And that £344 is paid by about 240 farmers?—No. It is by persons who hold the land from the Crown as sheep runs; it is heath country.
838. Amounting in number to 240?—No; 233 are farmers and selectors and seven large landed proprietors hold freehold land. Some of them also hold portions of this Crown land, in fact, all of them, I think, have the Crown land rented from the Government amongst them.
839. You include the 233 and the seven as occupying the ground that has been called the "desert"?—As occupying this desert.
840. *By the Hon. G. F. Belcher.*—From what did you collect your statistics?—A portion from the Hayter's agricultural statistics, and the other portion from the Glenelg shire rate-book.
841. *By the Hon. J. Lorimer.*—Have you any statistics with reference to other production besides grain?—Only grain.
842. Can you give us any idea of the quantity of wool produced in those three shires?—No. It would be only an approximate statement that I could make, I have no data upon which to go.
843. Can you give an approximate statement, Glenelg and the Wannan as against Dundas?—I cannot.
844. What is your opinion about it?—I have never entered into the question, and have no data, because I have nothing at which I could arrive.
845. Is not wattle bark an article of considerable extent in the shire of Glenelg?—Yes.
846. Is that produced in the shires of Wannan and Dundas?—I believe it is in all the three shires, but principally in the shire of Glenelg I think. Within the last month I have seen, as I have often seen,

J. G. Clapham,  
continued,  
8th Dec, 1880.

six or seven waggons in a day loaded with bark going through Casterton upon the way to Portland ; and during the last month I must have seen forty or fifty of those drays loaded with wattle bark going through to Portland.

847. And all that would go by railway from Casterton to Portland?—I believe it would.

848. Have you any idea of the number of tons of bark that go to Portland annually?—No ; the Portland people could give that better than I.

849. *By the Hon. Dr. Hearn.*—If the railway was at Coleraine, would that bark go that way?—I do not think it could.

850. Would the wheat be likely to go?—A question has been asked and answered, this evening, about that wheat in Carrapook, which they claim as part of the country and next to the Wannan shire. Now the farmers in Carrapook are nearer to Casterton and to Sandford, and half-way between Sandford and Merino. All must come to the main road to go to Coleraine ; there is not one of them who is not as far from Coleraine as he is from Casterton, the very furthest. In the centre of the district the hills are so extremely steep to get upon the tableland where the railway has been marked to run, that they would have to come round by the town of Casterton to get upon the tableland to get to the railway.

851. Suppose the line stops at Coleraine, do you say they would not send to that place?—I do not see how they could, for some would have to come nine miles to Casterton and then eighteen miles to Coleraine to get to the terminus.

852. I want to ask you about the land between Casterton to Apsley, if a railway was made in that direction?—If a railway was made from Casterton to Apsley it would be as easily done as from Coleraine to Apsley. It would just run upon the dividing country between the arable and agricultural land. It would serve the whole of the townships there, because Apsley would have to come past Harrow to get to Coleraine, and Harrow is equidistant between Coleraine and Casterton.

853. *By the Hon. P. Russell.*—I understand that there has been a considerable settlement at Casterton during the last year or two?—Not considerable settlement during the last year or two in the township. I have been there eleven years, and it has been continuously progressing.

854. And now there are 800 inhabitants?—I think there are, as near as I can calculate.

855. Engaged in agricultural pursuits?—I speak of the town.

856. The town is supported by production around it, is it not?—In a great measure.

857. From agricultural pursuits?—Yes.

858. Is the soil good in the parts surrounding Casterton?—I think the information I have given you about the population in the immediate vicinity—

859. I did not talk of population, I am speaking of soil?—The soil is all good to the north, south, and east of Casterton.

860. To the west?—To the west is the country of which I gave you statistics of 233 farmers holding those acres of land.

861. Are those farms likely to stand cultivation for many years to come?—The river flats are likely to stand for many years.

862. What extent are the river flats?—I suppose all the land they are cultivating that the grain comes from. I cannot give you the extent of it, it would be impossible.

863. I suppose the river runs rather rapidly about Casterton?—Yes, in the winter time.

864. Then the flats are not likely to be very extensive?—Yes, they are very large flats ; that is where all the grain is produced.

865. We do not wish to talk about a few acres in the river flats. What is the country out of the river flats—is it likely to support the present inhabitants for years to come by cultivation?—Yes, because we are producing, and produced last year in the shire 232,000 odd bushels.

866. Are those farms likely to continue?—I can give you, from my own knowledge and information, that there are farmers now in the shire who have had land offered to them by the large landed proprietors for a term of years. They have refused to lease it, because the cost of carriage to Portland is so great that they cannot compete with other parts of the country. Thousands of acres would be leased for cultivation if they had easy carriage.

867. Perhaps the produce is not worth taking to Portland either by carts or train?—No, I say the cost of carting to Portland by dray is so great that they cannot compete by renting land with other parts of the colony.

868. If they got the land free from rent, would it pay them to cultivate the land at Casterton?—I think it would.

869. What rent is paid there?—I believe it varies from ten shillings per acre up to fifteen shillings or eighteen shillings.

870. That is out of the flats?—Out of the flats, both the flats and some of the hills adjacent to the river.

871. *By the Hon. W. Ross.*—Is cultivation on the increase or the decrease?—It is on the increase.

872. Is it a fact that those few estates having those rushes cultivated off them much increased the cultivation—has it had much influence upon the cultivation?—For three years or perhaps for four years ; there were about 4000 acres let to tenants on the Dunrobin estate previous to last year. That land is all under grass and it is not let for cultivation—and it is not let this year—I believe there is not an acre ; and the return of grain from the shire, last year, was greater in proportion than in any previous year.

873. What would be the effect of the railway being made from Branxholme to Casterton *via* Merino—would it increase the amount of cultivation?—Most decidedly.

874. What sort of a road is it from Casterton to Merino down to Branxholme and Portland?—The roads are almost impassable in the winter time.

875. *By the Hon. W. Campbell.*—Am I correct in understanding you, that a considerable quantity of land is now being alienated, I understood you to say so—do I infer from that, that a considerable quantity of Crown lands is available for selection?—No, I did not say that ; I said a considerable quantity of land is now in process of alienation. It is selected, and they are paying rents for it. In time, it will be alienated from the Crown by selection.

876. What do you mean by "in process of alienation"?—They have selected and have paid several years' rent.

877. You do not consider it alienated yet?—Not till the title is granted.

878. Is there still any unalienated ground there?—Yes, the heath country is all unalienated.

879. All unalienated?—All the heath country.

880. What extent is that country?—I cannot tell you; it is a narrow strip of country that runs north and south on the west side of the Glenelg, and has good country to the east and to the west of it. It is an intermediate strip of heathy country.

881. What breadth of country may there be of that sort?—It varies very much in breadth. In some places it may be four or five miles—then it may be eight or nine miles, or twelve miles.

882. And both sides are selected?—Both sides are selected.

*The witness withdrew.*

Charles Koch examined.

883. *By the Hon. the Chairman.*—What are you?—A farmer.

884. Where do you reside?—In Carrapook.

885. Where is it?—Three miles from Sandford, five miles from Casterton, and ten miles from Merino.

886. *By the Hon. W. Ross.*—You are a farmer in the Casterton district?—Yes.

887. How many years have you resided there?—Fifteen.

888. And how long have you been farming?—I have been a farmer almost all the time, only the last six or seven years I have not gone into it very heavy.

889. I believe you farm to a great extent?—Yes.

890. What number of acres?—The last two or three years over 2000, and this year I have 2050.

891. Mostly wheat?—Yes, mostly wheat.

892. This last year, how many acres?—Two thousand and fifty.

893. What yield have you had per acre—what number of bushels per acre?—It varies very much, but I may say it ranges from 18 to 24 bushels per acre.

894. In the year 1879 what number of bushels and quantity of hay did you send to Partland?—I think about 640 or 650 tons of wheat.

895. And the last year, 1880, how many tons did you send?—740 or 750.

896. What was the average cost of carting this wheat to Portland per ton?—The average cost of cartage from three different farms which I have, between 29s. and 30s. per ton.

897. I suppose you consider this very heavy?—I do, I consider it too heavy.

898. A very heavy handicap?—Too much handicap in comparison with other districts.

899. What will be the result if you do not get better communication?—I shall give farming over, and try something else.

900. I suppose most of the grain that you grow is grown in the neighborhood of Casterton?—Yes, there is about 700 acres growing to the west of Casterton, and the balance is three miles from Sandford, and 1,100 acres within six miles of Merino.

901. How much carriage did you pay in one year?—I have paid this last year, 1880, during the months of January and February, as near as I can make it out, about £1300.

902. Suppose a railway was made to Coleraine, would you send your produce to Coleraine?—I do not know how I could get there.

903. Suppose there was a railway to Casterton, would that make a great deal of difference to you?—It would make a great deal of difference to me.

904. In point of fact, you would rather have a railway to Casterton than to Coleraine?—No doubt of that.

905. *By the Hon. P. Russell.*—My friend, Mr. Ross, did not ask you how many bushels you sent in 1877 and 1878 to Portland?—I did not send any at all in 1877 or 1878. A speculator came and bought the wheat as it grew upon the farm.

906. You had as good a crop in those years as you had in 1879 and 1880?—Equal.

907. Then if you think of giving up farming, you do not think it pays very well?—Of late we have had to compete against other districts which are supplied with better communication than we have got.

908. You have lately become a purchaser at Muntham?—I have bought 800 acres.

909. Will the railway to Coleraine be as near to those 800 acres?—No, it is away from that altogether.

910. *By the Hon. Sir C. Sladen.*—You say you have been farming 2000 acres for the last two or three years?—Yes.

911. Is the land your own?—I have got 1020 acres of my own.

912. Which you have been cultivating?—Yes.

913. And the other 1000 acres?—Are rented.

914. From the Crown?—No, from neighboring settlers.

915. Is that the same 1000 that you have been cultivating for the last three or four years?—What I am cultivating now is that.

916. That is your own?—No, it is leased.

917. That which you are renting you have been cultivating three or four years?—Yes.

918. And you say that is rented from some of the neighboring settlers?—Yes.

919. Is there any particular reason why the settlers are letting land in that way?—I believe the reason is, that they were well paid for it. They charge me as high as 15s. per acre, and I am sure they could not make that by sheep.

920. Fifteen shillings?—Yes, and in some cases I gave 10s., but for the half of it I pay 15s. and 17s. That is very good reason for them to let the land.

921. And for the other half?—I give 10s. an acre for that.

922. Is this land likely to be kept under cultivation?—No. I will cultivate the land one year longer, and then it will be thrown out for two or three years and sheep sent over it, and then take it in hand again.

923. It was in consequence of the land being so fertile in rushes?—I do not know that it was altogether that. It is good to get 15s. a year rent. It is a good rent, anyway.

Charles Koch,  
continued,  
5th Dec. 1880.

924. *By the Hon. J. Lorimer.*—Do I understand you to say that you cart your produce all the way to Portland?—All the way to Portland by team.

925. Could not you save money by carting to Branxholme?—No. When once a bag is upon the dray we do not mind going about ten miles or so farther. And then again there is no made road in a direct line from the farm to Branxholme, it is just a kind of bush road; and the neighboring shire is so very poor that they could not make a road, if they were asked.

926. Do you consider that the line at present from Branxholme to Portland is of no value to the farming district about Casterton?—No, it is not.

927. Do you know anything about the production of wattle bark?—Yes; every day we have six, eight, ten teams, each team five or ten tons. I have no hesitation in saying at all that to Portland bark is going at the rate of twenty tons a week, sometimes for three or four months at a stretch; and then it ceases again for a month or two, to allow the roads where they have got boggy to get better. And then people take all of a sudden again to bark cutting, and there may be half-a-dozen or eight or ten heavy teams.

928. Then you consider there is over 1000 tons per annum carted to Portland?—There must be.

929. Would that go by railway if the railway was made to Casterton?—It would.

930. The whole of it?—There might be a solitary half-load go other ways.

931. Have you ever sent any of your produce *viâ* Hamilton and Ararat—why do you send it to Portland?—I sent 400 and 800 bags one time, and I found that the railway charges to town here were rather high.

932. You found it to your advantage to send it *viâ* Portland to Melbourne?—Decidedly, because we have got the grain at Portland; and, if we decide to send from Portland to Melbourne, we can make a private contract with some of the shipowners, and they will take it down for about 9d. or 10d. per bag.

933. How much per ton do you think you save by sending it *viâ* Portland?—To send grain *viâ* Branxholme *viâ* Portland it costs me about 8s. 9d. per ton.

934. That is by the railway?—Yes.

935. And then it would cost further to send from there to Melbourne at nine bags to the ton—that is tenpence a bag, that is seven shillings and sixpence more—to send by steamer?—

936. How much do you think you would save per ton?—Sixteen shillings and threepence would be the cost. I could send wheat to Portland by rail, and by steamer from Portland to Melbourne; whereas, if it was sent by rail, say, from Casterton, *viâ* Hamilton, to Melbourne, it would cost me £1 6s. 8d. per ton. There would be a saving of about eleven shillings to send by steamer from Portland to Melbourne.

937. Do you find that your wheat is much knocked about by the boat?—That depends entirely upon who is handling wheat. You can insist now-a-day to have people careful in handling the wheat.

938. If you dispatched it in good order, does it reach Melbourne in good order?—If people buy inferior bags to save a shilling a dozen, they cannot expect anything else but that the bags will burst open and they lose some wheat.

939. That does not happen if they buy new bags?—Good bags and new bags, but some buy damaged bags.

940. If you export to London, it is necessary to have new bags, is it not?—They will take no others now.

941. *By the Hon. T. Bromell.*—I think you stated just now that you paid some ten shillings rent and others fifteen shillings?—Yes.

942. Did you pay that in cash, or do you allow so many bushels of wheat per acre?—Nine transactions of mine out of ten I have paid cash.

943. Not in all cases?—I have a solitary case where I gave three bushels of wheat per acre; but I have always bought that wheat, I never gave it as rent. I always pay cash.

944. A good deal was spoken about the bark traffic upon the road; what is the country generally that the bark comes off?—Middling good sheep country, carrying a sheep and a half to the acre.

945. Not agricultural land?—No; we could not farm upon it, but it is made into that. I daresay a good deal of those acres of land where the bark is taken from it is taken to have the trees die, and turn it into farm land.

946. If there was free access to the stripping of all those, the bark trade would not last many years?—We expected that ten years ago, and yet we see more teams every day upon the road in the bark trade.

947. I think you are aware that a duty was put on some time ago and that stopped the trade for a time?—I was not aware of that.

948. Do you know the country about Harrow at all?—Yes.

949. Do you know there is very large settlement about a salt lake there—very large wheat producing country?—Yes, they produce wheat there, but I am afraid that they have hardly enough to supply the township of Harrow, because I mind that a miller three months ago came to me to Casterton and wanted to buy of me two hundred bags of wheat. I recommended the man to a storekeeper there of the name of Rappim; he bought his wheat there, and sent his wheat by his team to his mill to Harrow.

950. As you have been in the habit of sending wheat by cart to Portland, how many bags would be a fair load for a team of twelve or sixteen bullocks—a fair average load?—I have sent from eighty-two bags down to sixty and forty; it just depends upon who the driver is.

951. In the summer time when the road is good?—They have taken eighty-one or eighty-two, but that is high, but as a rule forty, fifty, or sixty bags are a general average of a twelve bullock team.

952. But supposing those people round the salt lake sold all their wheat last year, it is not likely they would have wheat now to sell?—This was four or five months ago.

953. When I tell you that I saw sixty loads of wheat from that salt lake go past my place you can easily account for there not being much wheat there at present, probably?—I have not taken particular interest in the farms there, but I did not think there was such large farms there as to send sixty loads, that is about 3,600 bags—that is a large amount.

954. Yes, it is this district that I speak of lies to the north and north-east of the proposed line from Coleraine where there is a very large settlement. You know there is a large settlement there?—Yes, not very large holdings.

955. In Kowree shire, is it not?—I hardly know that part; I am simply acquainted with the surrounding district of Harrow and Nareen.

956. You know there is a good settlement there round the lake?—There is a little cultivation and some grazing; it is not so exceptionally great.

957. *By the Hon. W. Ross.*—I think you said you cultivated this last year 2050 acres?—Yes.

958. Had you the offer of any more land?—I might say that I have refused in my own person more than 2000 acres, in fact I very nearly decided upon giving over farming.

959. You were offered 2000 acres more good land?—Yes, at ten shillings to fifteen shillings.

960. Why did you refuse it?—Because of the high cartage rate; it takes more than we are likely to make in growing wheat.

961. *By the Hon. H. Cuthbert.*—One of the witnesses gave evidence about the cost of sending goods *viâ* Portland to Melbourne; were you in the House at the time he gave evidence?—I was in the House.

962. I think he said, that it would cost from 21s. to 22s.?—It would depend upon the bargain he makes. Some people can afford to give more for those things than others can.

963. Do you agree with his calculation so far as the cost from Casterton to Portland goes by railway?—We can tell by train, because we know the number of miles, and we know the railway tariff.

964. Do you agree with him?—I do not know his figure.

965. You put it down at 70 miles, at 1d. a mile?—If the railway tariff is 1d. a mile he is right; but if it is  $1\frac{1}{2}$ d. it is more, and I think it is  $1\frac{1}{2}$ d.

966. You think it would be  $1\frac{1}{2}$ d. a mile?—I based my calculation upon  $1\frac{1}{2}$ d.

967. How much then would it cost to get your goods to Portland at  $1\frac{1}{2}$ d. a ton?—It would cost 8s. 9d. per ton of 37 bushels.

968. What would it cost you then to get your goods to the ship from the railway station?—That depends upon agreement. I have got it done for 1s. 6d. a ton, and I have known other people to pay 2s. 6d.

969. Then from 1s. 6d. to 2s. 6d. per ton would be a fair price?—As the time goes on, everything must come down. It must come to 1s. 6d.

970. But not lower than 1s. 6d.?—No, it could not be done.

971. Then the cost of getting from Portland to Melbourne would be 10s. a ton? You heard them say that is the cost?—You could agree to have it done for 10d. a bag.

972. Have you ever paid at the rate of 10s. a ton?—When I sent a small quantity—a bag or two, or five or ten.

973. Do you send a bag or two at a time?—I do not do so now, but in the last ten years sometimes I could not help myself.

974. Have you paid at the rate of 10s. a ton?—They did charge me that on some. I objected to it, because the simple reason was, I did not make an agreement beforehand; but that taught me something, and I make agreements now.

975. On how many tons did you pay 10s.?—On some 50 or 60 tons.

976. And the next time how much did you get that reduced to?—I have not sent any since.

977. Then the last ruling price was 10s. a ton. Then you agree with the witness who has given us evidence, that he was correct so far that the proper and reasonable charge was 10s. a ton?—Yes, it might be.

978. Now, having got your goods landed in Melbourne, what was the cost then of getting it on shipboard?—That entirely depends upon being able to send it right on to the pier.

979. But, I ask you, when you sent it from Portland, where did you send it to?—I have sent it in my time to various places.

980. Never mind your time. I take the 50 or 60 tons upon which you paid 10s. a ton. Where did you send it to?—Lord, Hughes, & Co.

981. What had you to pay as soon as it arrived at the wharf for sending it to their place per ton? I think they charged me 1s.—it may have been 1s. 6d.—for receiving and weighing and handing it out again; 1s. 6d. a ton.

982. Did that include cartage?—I am not sure about that.

983. What do you believe about that—do not you know they were forwarding agents and they charged you one and sixpence a ton and you had to pay cartage beside?—I cannot say in that case whether they did charge it, but I almost think they did charge me that.

984. The cartage beside?—Yes, a shilling.

985. That comes to two and sixpence. Did you insure?—That is a common rule, it is always insured.

986. Did you insure that?—They always insure it.

987. Who?—The firm.

988. Did you pay for it?—I had to pay for it, it is my duty to insure it.

989. I am talking of between Portland and Melbourne—the marine insurance—did you pay for that?—I do not remember, but I do not think so.

990. You took the risk?—I did not insure.

991. You have not taken all those things into your calculation when you say that you could send your corn to Melbourne at sixteen shillings a ton—the other witness is more correct than you are?—I do not know whether I said that; I do not know whether I did make it come to sixteen shillings a ton.

992. *By the Hon. J. Lorimer.*—Does it cost any more to cart wheat from the Queen's Wharf to Lord and Hughes's store than from the railway station to Lord and Hughes's store?—I do not know.

993. Is the distance greater or less—it is just the same?—I do not know, I am not acquainted here.

994. *By the Hon. W. Ross.*—I believe you loaded a ship last year yourself for England?—I put into that ship half a cargo.

995. In sending it you would have saved all that expense of sending from Portland to Melbourne?—My intention at the time was to sell in Portland, or try to get a ship to come there and take it, whether it was 100 tons or 700 tons.

996. Right away to England?—Yes.

997. So it does not matter to you what it cost to Melbourne?—No; I want to get my grain to Portland, and I believe every one in the locality where I reside is of the same opinion.

998. Is it a fact that a number of years ago, a number of you guaranteed 4 per cent. to the Government upon the cost of the construction of a line of railway from Casterton to Branxholme?—Yes, there were about eight or ten guaranteed 4 per cent.

Charles Koch,  
continued,  
8th Dec. 1880.

999. Showing that they believed in it?—Yes, some four or five years ago.
1000. *By the Hon. Sir C. Sladen.*—Is the guarantee still in existence?—I could not say.
1001. *By the Hon. J. Balfour.*—I think you said to the Honorable Mr. Cuthbert that you paid 10s. a ton by steamer from Portland to Melbourne?—Seven and sixpence.
1002. I think you said also tenpence a bag?—Yes.
1003. Do you know it?—Yes.
1004. You could now ship at seven and sixpence?—Yes.
1005. *By the Hon. P. Russell.*—Was it the farmers that gave the guarantee for the railway from Casterton, or the large landed proprietors?—Two or three farmers, and the rest were settlers and squatters.
1006. Then it was the settlers who gave the guarantee?—And the farmers also; some guaranteed £1000, some £500, and some as low as £200.
1007. *By the Hon. Dr. Hearn.*—Do you expect to export direct to London?—That is if it is not required in this colony.
1008. You look forward to that?—Yes.
1009. And suppose you have the trade to London, do you expect to ship at Portland?—Yes.
1010. Direct?—Yes, I have done so.
1011. That was an unfortunate enterprise, was it not?—I have not heard about it. I have not yet received the account sales.
1012. Was that the *South Esk*?—Yes.
1013. You have not heard anything about it at all?—No, only the papers.
1014. Would there be any considerable difficulty in shipping at Portland?—No, there is no more difficulty in shipping there than there is at Melbourne.
1015. Is there not some difficulty about the harbor—does it not want a breakwater?—I believe there is more talk made about that than there is fact; they might have a bit of an outbreak some fifteen or eighteen years ago, but that is all; but now people are so careful, they know when a south-westerly gale is coming on.

*The witness withdrew.*

William Laurence examined.

W. Laurence,  
8th Dec. 1880.

1016. *By the Hon. the Chairman.*—What are you?—I am largely interested in the bark trade in the district of Casterton, and I ship bark and wheat at Portland. I am a produce merchant.
1017. Where do you reside?—Partly in Melbourne, and partly in Portland.
1018. *By the Hon. J. Lorimer.*—Can you give us any reliable statistics as to the quantity of bark annually sent from the Casterton district to Portland—the number of tons?—I think there are about 3500 tons of bark shipped annually at Portland, from that to 4000 tons. I believe about three-fifths comes from Dundas, Follet, and Normanby.
1019. How does that go now—to Portland by drays, or partly by drays and partly by railway?—By drays.
1020. What is the carriage per ton upon the average?—The carriage from Casterton in the winter time is £3 10s., and in the summer time about £2.
1021. Would the railway from Branxholme to Casterton convenience the trade?—Yes.
1022. Would it all come by railway?—No.
1023. How much of it?—There is about perhaps one-fifth part. I should say about three-fifths come to Casterton by team.
1024. Give us the tonnage that would go over the railway—that is what I want—from Casterton to Branxholme and Portland?—Three-fifths of it would go that way.
1025. How much would that be?—2700 tons.
1026. Nearly 3000 tons, you think, would go along that road over the railway, if made?—I do.
1027. Where does the rest of the bark go?—Some quantities come down from Harrow, Dunkeld, and Glen Thompson by railway.
1028. Have you been importing from Portland for many years?—Yes.
1029. Have you heard the evidence as to the rates of freight from Portland as compared with the overland route?—Yes.
1030. Which, in your opinion, is the most economical for producers in the Casterton district?—Supposing it is wheat sent down to Portland, he could get it sent down to Portland from Casterton at 9s. 9d.
1031. What would be the saving, as compared with the railway, in your opinion?—About, I should say, 5s. or 6s. a ton.
1032. Absolute saving?—Absolute saving.
1033. You have heard about the rates of carriage from the Queen's Wharf and from the railway station?—Yes.
1034. Is there any difference in the rate of carriage from the one point, as compared with the other—does it cost more to bring wheat or produce from the wharf to the merchant's store than it does from the railway station to the store?—No.
1035. It is the same rate?—It is the same rate.
1036. *By the Hon. T. Bromell.*—What is the insurance from Portland to Melbourne?—Ten shillings per cent.—one half per cent.
1037. Do you think that the wattle-bark trade is likely to last many years?—Yes, I think it is going to last for ever, that is my opinion of it.
1038. Is it not a fact that the greater portion of the bark comes from the west of the proposed line from Branxholme to Casterton?—I am not in a position to say so, but I know that it comes to Casterton, and Casterton drays bring it all through.
1039. A great portion of it comes by Heywood from the Smoky River country?—Yes.
1040. To the west of the line?—Yes.
1041. *By the Hon. P. Russell.*—If a line of railway was sent to Casterton, how many miles is it—it would cost you a penny a mile for carrying it by train?—Yes.

1042. How much do you pay now by dray?—In the summer time about 35s. to 40s.

1043. Would you get it any cheaper by train?—Yes, we should get it at 9s. 9d.

1044. *By the Hon. J. Lorimer.*—What is that?—That costs 9s. 9d. from Casterton by railway.

1045. As against 40s. that they pay now?—Yes.

1046. *By the Hon. R. Simson.*—That is bark?—Yes.

1047. *By the Hon. J. Lorimer.*—A saving of 30s. a ton?—Yes; the present rate of bringing wheat down from Casterton is about a shilling a bushel, if it comes by train it would come at 3d. a bushel. At the present time, it costs a shilling to bring it from Casterton, to bring it by train it would be one-fourth the present cost.

1048. *By the Hon. R. Simson.*—What good reason have you for saying that, if a railway were open from Casterton to Branhholme, most of the bark would come down by that?—Because the owners of that bark would prefer to pay 9s. 9d. rather than 35s. or 40s.

1049. How do you account for the simple fact that from Ararat, with a railway the whole way, down to Ballarat alongside the road the bark is regularly taken down by teams?—I can only account for it—

1050. How do you account for that?—I do not know.

1051. You must surely allow that people know their own business?—I have brought down hundreds of tons of bark from Ararat to Portland by train.

1052. I know that the train is not used—that the Hamilton and Geelong train is not used—to carry bark in a great measure—that the greater part of that bark comes by horse and bullock teams?—I can answer you. I have brought down 500 tons of bark from Ararat to Portland.

1053. *By the Hon. T. Bromell.*—Is not there a great loss in re-shipping bark—re-loading, and so forth?—No, I cannot see shipping and re-loading causes it. When I get it down to Portland it is either chopped or ground and prepared for shipment to Melbourne or the neighboring colonies, or London, as I get orders; and, as a speculator, I sell all free on board ship.

1054. People must be very careless along the railway route. I always notice that in re-loading upon the railway lines, a lot of bark is lying about the station—it is not easily kept in bundles?—We have nothing to complain of; the people are very careful of it. A great number of small selectors up in the country would never have been able to carry on if it had not be for the bark.

1055. *By the Hon. H. Cuthbert.*—Do you know the charge upon the railways for conveying bark per ton?—Yes.

1056. What is it?—It is 1½d. a ton per mile, and a shilling a ton terminal charges.

1057. Is that inside or outside the 100 mile radius?—It is 1½d. to send 100 miles, and 1d. outside the 100 miles.

1058. The same rate is paid?—The same rate is paid; it is a special charge.

1059. It is a special charge of 1½d. a ton and a shilling. What is the shilling for?—Unloading the trucks.

1060. *By the Hon. J. Lorimer.*—Have you heard the evidence with reference to shipping at Portland?—Yes.

1061. Is there any serious inconvenience in shipping produce at Portland?—None.

1062. Is there any difficulty in the way of first-class ships going there?—No.

1063. As a matter of fact, is not there a first-class ship loading there every year?—The *City of Agra* leaves every year, and I have a book here with certificates from the captains of the principal ships that have been at Portland the last ten years—the captain of the *Cuzco*, and the *South Esk*, and three from the *City of Agra*, all declaring that they had every facility for loading the same as in Hobson's Bay or Geelong.

1064. Then, if there was more produce to ship at Portland, would there be any difficulty in getting suitable ships to go there?—Not the slightest.

1065. Is there any extra insurance upon ships at Portland as compared with Melbourne or Geelong?—None.

1066. *By the Hon. T. Bromell.*—I think you must be mistaken in that?—I think not.

*The witness withdrew.*

#### ELMORE TO KERANG RAILWAY.

Patrick Hayes examined.

1067. *By the Hon. the Chairman.*—What are you?—A merchant, and mayor of Sandhurst.

1068. *By the Hon. W. Campbell.*—Perhaps you will be kind enough to state what your views are and what is the feeling of the people of Sandhurst whom you represent towards this question, whether they prefer the Eaglehawk or the Elmore connection with Kerang?—In the interest or the trade of Sandhurst and its people it is our desire that we should be connected by the shortest route with the great farming and wheat-growing district to the north of Sandhurst. If the line should start from Elmore the very important towns of Raywood and Sebastian will be cut off from railway communication with Sandhurst, and as the distance between Sandhurst and Kerang will be considerably increased, or cut off from railway communication altogether by the railway starting from Elmore. Therefore it is the wish of the citizens of Sandhurst that the railway should start from Eaglehawk, thereby giving us nearer communication, consequently cheaper, with the people to the northward with whom we trade.

1069. Have you any knowledge of the agricultural resources of the country lying between Eaglehawk and Kerang?—The land between Sebastian and Mitiamo is very good agricultural land.

1070. How far is Sebastian from Sandhurst?—It is 14 miles.

1070a. Then the country between Sebastian and Sandhurst is generally of an auriferous formation?—Yes; the country between Eaglehawk or Sandhurst and Sebastian is auriferous. There are some good agricultural lands along Myers's Creek.

1071. Do you know Myers's Creek?—Yes.

1072. Does that creek divide the two classes of land—the land to the westward of the creek, is it agricultural or auriferous?—The land to the west of the creek is all agricultural land.

1073. Extending how far?—Right on to Bullock Creek and to the Loddon.



Patrick Hayes,  
continued.  
8th Dec. 1880.

1074. What is the quality of that land—is it open forest or plain, or what quality is it?—It is open forest and plain land, and we look upon it as the best wheat-growing land in our district.
1075. Is that land considered better wheat-growing and better pasture land than land entirely open?—Yes.
1076. So that the plains are not really so productive as the forest is when cleared?—It is the opinion of the farmers, that they are not so continuing for crops. They prefer the forest to the plain land.
1077. The forest is more productive both in agriculture and in pasture; is there a great extent of that level forest country between the Loddon and Bullock Creek and Myers's Flat?—Yes.
1078. What distance—how many square miles do you think would be there? what length or breadth?—I do not know. It extends as far as East Charlton, Durham Ox, and I do not know the extent of the land, but I know it is of very large extent.
1079. Do you know the land further north towards Raywood?—Yes.
1080. How far is Raywood from Sebastian?—Five or six miles.
1081. What is the general character of the land between Sebastian and Raywood?—It is open bush land; very good land.
1082. Forest land?—Yes; good forest land.
1083. You have not reached the plain, the open plain?—No; there is no plain there.
1084. No plain between Sandhurst and Sebastian?—No; timbered land.
1085. Is there much of that land now under cultivation?—Yes.
1086. How far does the forest land extend north of Raywood?—I should imagine about five or six miles—perhaps twelve miles towards Kamarooka.
1087. Is it generally settled—what class of men are in occupation of that country?—Selectors and settlers. The land is all selected, that is, all that is not purchased—it is settled on.
1088. Are there any large estates there?—Yes, there will be one or two large estates.
1089. Only one or two?—Perhaps three.
1090. Are you aware of the breadth of those estates over which the proposed line of railway would run?—No, I do not know the exact extent.
1091. But with the exception of those two estates?—The land is all in the hands of the selectors, with the exception of those two or three large estates.
1092. Have you any statistics to show the number of selectors, or the quantity of land in their occupation?—I have not; but the secretary of one of the shires has statistics to prove that.
1093. Does your knowledge extend much further north?—Yes, as far as Pyramid Hill and the Terricks, and on to the Durham Ox.
1094. What is the nature of the country in that direction?—To the Durham Ox it is open level plain.
1095. On which no difficulty in engineering a railway might be met with?—I should think not.
1096. I suppose a crow-fly would lay out a line in that part of the country?—There is no engineering difficulty that I could see as I travelled over it; it is a fine level country.
1097. Are you aware that an open plain extends from Raywood to the Murray?—Yes.
1098. And from the Campaspe some considerable distance across the Loddon?—Yes; there is plenty of timber also.
1099. Do you think the whole of that plain is adapted for cultivation?—I think so; I am sure of it. There is a splendid crop of wheat there this year.
1100. I believe the finest land—the open forest land—is considered better adapted for agricultural purposes than the open plain?—Yes, the farmers prefer it; it gives better returns, and the land is more enduring—not so easily run out as open land.
1101. It stands the drought better, I presume. Have you been down as far as Kerang?—No; I have not been past the Durham Ox.
1102. What settlement is there about the Durham Ox—is there a considerable population in that direction?—Yes; all the land is selected there.
1103. Will the secretary of the shire be able to furnish us with statistics of the number of settlers in the district, and things of that sort?—He will.
1104. Your opinion is, that the mining population of Sandhurst, Eaglehawk, Sebastian, and Raywood require this line?—Yes.
1105. What extent of mining is carried on at Sebastian?—A very good reef is there that had been neglected some years—these last seven or eight years—but the returns latterly are very good from there, and there is a large mining population settled there for the last twelve months.
1106. Is the population increasing?—Yes.
1107. What is the population there at the present time?—About 300 at Sebastian, and about 600 at Raywood.
1108. Is there any obstacle at Raywood—I heard that some litigation was pending as to some of the richest claims—is there any truth in that, are you aware?—Not that I am aware of.
1109. Still a considerable number of people are engaged there mining?—Yes, in Sebastian especially.
1110. Then along the west bank of Myers's Creek, extending from within a couple of miles of Eaglehawk, is that under settlement—are there farmers?—Yes, it has been settled these last twenty-four or twenty-five years.
1111. It is all settled?—All settled upon.
1112. That creek seems to form a line of demarcation between the auriferous and agricultural land?—It does.
1113. What is your opinion with regard to the configuration of the country along that creek—the west bank of Myers's Creek?—It is very fertile, and produces good returns. We look upon it as the farming district that we draw the great part of our hay from to supply the Sandhurst market. The land is fertile and rich upon the western bank of the creek.
1114. You get the greater part of your agricultural produce from there?—We get a considerable part.
1115. You also derive considerable traffic there from timber for props in mines and fuel for engines?—Yes, timber for the use of our mines, such as props, and also for fuel.



1116. Would the forest that you allude to as an extensive forest be available for those purposes?—Yes; we must get timber, and the timber near Sandhurst and Eaglehawk is nearly exhausted. We must go further north very shortly; we must get our supply further north, from Raywood and that district.

1117. How far do the carters go now for timber for mining purposes?—Fifteen to twenty miles.

1118. In that case the railway would be employed in carrying timber?—Our supply must very soon come from the Kamarooka Forest.

1119. So far as that?—Yes.

1120. You think the Eaglehawk line would be not only the shorter line to Kerang, but that it would be the greater accommodation to the mining industry?—Yes.

1121. To the four different places I have mentioned?—Yes.

1122. Have you any statement to make of your own in addition to what I have asked you?—[No answer.]

1123. *By the Hon. R. D. Reid.*—We have heard a great deal with regard to the Eaglehawk line to Kerang. Do you know anything with regard to the line from Elmore to Kerang?—I do.

1124. Have you been over that line?—Yes, a part of it.

1125. Are there not a very large number of farmers there?—Very large indeed.

1126. And very good land?—Very good land.

1127. Would they be served equally well by the Eaglehawk line as by the Elmore line?—I think not.

1128. You think not. Then from Eaglehawk in the direction of Kerang—I do not know the names of all the places—is not there a large quantity of very poor soil for twenty or thirty miles out from Eaglehawk?—No, there is to the left-hand side of Myers's Creek. The Whipstick scrub commences there, but it is auriferous, and in half a dozen years a very large population may settle there. But I may mention that there is more population there now than there would be between Elmore and Mitiamo.

1129. You say that that is all good land along the Elmore line from Elmore to Kerang?—Yes.

1130. And yet you would take the railway away from there and put it to Eaglehawk?—There is as good land upon the Eaglehawk route.

1131. Where about is it?—Between Sebastian and Mitiamo.

1132. You know nothing about gradients?—No.

1133. Nothing of the gradients upon these lines?—No. I have heard tell of them.

1134. *By the Hon. W. Campbell.*—In explanation of what has fallen from the Honorable Mr. Reid, in regard to the area of land between Elmore and Mitiamo adapted for agriculture, I believe it is some distance—can you tell me what?—I think it is about thirty-two miles.

1135. Would there be a greater length of agricultural land between Myers's Flat and Mitiamo than between Elmore and Mitiamo?—Yes.

1136. Would it contain a larger population?—Certainly it would.

1137. It does contain a larger population?—Yes, certainly it does. There is a larger population from Eaglehawk to Mitiamo.

1138. And a larger breadth of agricultural land, because it extends a much greater distance?—[No answer.]

*The Hon. R. D. Reid.*—Those are only miners, I understand, in the immediate neighbourhood of Eaglehawk.

1139. *By the Hon. W. Campbell.*—Do you know the East Loddon district and the Serpentine?—I know a portion of it.

1140. Is there any settlement there?—Upon the Serpentine Creek every available piece of land is taken up.

1141. Where would those settlers find railway accommodation if the railway is taken to Elmore?—They would have none at all.

1142. What distance would they be from the railway?—About 25 to 30 miles.

1143. In winter time the Loddon is a formidable stream, and not crossable except by bridges?—Yes, and very formidable bridges too, expensive large bridges would be required.

1144. Therefore the settlers upon the east side of the Serpentine are not likely to go to Boort to come to Melbourne?—It would be a great round.

1145. Is it practicable for them to cross except near a bridge?—No, it is not, except upon a bridge.

1146. Have you any remarks to make?—

*The Hon. R. D. Reid* objected to the question.

1147. *By the Hon. W. Campbell.*—If you have anything else you wish to state, the Committee will be very glad to hear it?—I have nothing to add, except that the people of Sandhurst object to a continual charge that will be made upon them by having 16 or 17 miles extra of line to travel over, to reach their customers in the northern districts of Sandhurst. They look upon it as a very severe infliction for all time that, instead of going direct to the northern plains, they would have to go round to Elmore and cross the country, at an expense, and delay, and loss of time that must necessarily occur from having to travel 16 or 17 miles extra.

1148. *By the Hon. P. Russell.*—By train?—By train; it is a charge.

1149. *By the Hon. J. Lorimer.*—What is the nature of the roads from Eaglehawk to Raywood?—They are bush roads.

1149a. No metal roads?—No metal roads. Bad patches of swamp are metalled, but the roads are bush roads.

1150. There is a good road to Sebastian?—A fair road along Myers's Creek, near to Sebastian. From Sebastian to Raywood is a very bad road.

1151. In regard to the Loddon country, would the proposed new line from Inglewood to Borung and Boort be of any advantage to settlers upon the Loddon?—Upon the eastern side of the Loddon it would.

1152. But that necessitates a crossing?—There is a bridge already at Bridgewater.

1153. Then they would not be at any great distance from the railway?—No, the south-eastern portion of the Loddon, but the north-eastern it would be of no service to.

1154. Then the agricultural district from Raywood to Mitiamo; is it easy to get to the Elmore line—would that not serve that farming district, from Raywood to Mitiamo?—No, it is too far away from them.

1155. What is the distance upon the average from the settled district?—About twenty-five miles.

Patrick Hayes,  
continued,  
8th Dec. 1880.

1156. Are the roads good?—No, bad all of them.  
1157. *By the Hon. W. Ross.*—What is the nature of the country about Raywood?—It is very good agricultural land about Raywood.  
1158. Is there much farming there?—Yes.  
1159. What is the soil?—It is chocolate soil, light, very easily worked, very good wheat growing district.  
1159a. Have you any idea of the number of bushels they get to the acre?—Upon the average, about fourteen.

*The witness withdrew.*

Thomas Henderson examined.

T. Henderson,  
8th Dec. 1880.

1160. *By the Hon. the Chairman.*—What are you?—A miller.  
1161. Where do you reside?—At Raywood.  
1162. *By the Hon. W. Campbell.*—You are a resident of Raywood?—Yes.  
1163. How long have you been there?—Five years.  
1164. And are you acquainted with the country between Eaglehawk and Kerang, passing through?  
—Yes.  
1165. In both directions?—Yes, both directions.  
1166. What are your views with regard to the agricultural resources of that district?—That it is an excellent agricultural district from Raywood right up to Kerang. On the right of Raywood, there is a portion a few square miles whip-stick scrub—with the exception of that, it is excellent agricultural land all the way to Kerang.  
1167. You know Myers's Creek?—Yes.  
1168. The line of road from Eaglehawk to Raywood runs parallel nearly to the creek, I believe?  
—Yes.  
1169. I believe the coach road runs a little across the spurs of the ranges to the eastward of that creek?—The road from Eaglehawk to Raywood runs upon the edge of the Whipstick scrub upon the left, it is all good agricultural land on the right of the Loddon.  
1170. That is upon the west bank of the creek?—Yes.  
1171. But the east bank of Myers's Creek down to Sebastian is auriferous, is it not?—Yes, inferior.  
1172. Very different from the other side?—Yes.  
1173. The line of the creek forms a very distinct line of demarcation between the two sides?—Yes.  
1174. Between Eaglehawk and Sebastian are there any miners at work?—Yes, it is a mining district; between Eaglehawk and Sebastian numbers of miners are engaged, and there are a number of twenty-acre selections, showing that the land is fit for cultivation, though it is not so good as it is further on.  
1175. Then there is a combination of auriferous country along the east bank of Myers's Flat towards Sebastian?—Yes, right out to Raywood.  
1176. Less or more in patches?—Yes.  
1177. And a considerable number of miners employed?—Yes.  
1178. And upon the west bank is there much settlement?—There is a settlement all the way to the the Loddon, except what is occupied as runs, but all is good land, whether occupied as runs or by selectors.  
1179. Then the forest country, that extends—Mr. Hayes told us it extended a considerable way down there—how far do you think the agricultural forest land extends?—The open plain commences about two miles from Raywood in a straight direction northerly, but the forest extends seven or eight miles north-east. Towards Kamarooka there are a great number of farmers all down that way a little to the east. Anyone going right through from Raywood to Mitiamo would see nothing but open plain country occupied as runs for a few miles, but to the right and to the left the selectors are amongst the timber.  
1180. They are occupying and clearing the timber?—Yes.  
1181. Can you give the Committee any statistics showing the number of selectors in this locality?—I could give the numbers in each parish as the line is surveyed from Eaglehawk to Kerang. I have taken the trouble to collect the names from the Government rolls. I have the number in each parish all the way to the county boundary of Mitiamo.  
1182. Are those documents at your command?—[*The witness produced the papers referred to.*]  
1183. Can you favor the Committee with a statement of the number of farmers and the number of acres under cultivation, and the population within a certain radius of the proposed railway?—On the Eaglehawk route, twenty miles wide—that is, ten miles each side of the line to the county boundary at Mitiamo—there is an area of 480 square miles, and I would give the number of selectors in the parishes from Eaglehawk or rather ten miles from Eaglehawk, commencing at ten miles from Eaglehawk to the county boundary at Mitiamo where the two surveys nearly meet.  
1184. I presume that is within the extent of your knowledge, but further south you are not so conversant with the matter?—I have got the number all the way to Kerang; I have got 645—I can enumerate those in the parishes—645 selectors classed as farmers in the Government rolls, the last ones that are published, and those are ten miles on each side of the line. I can point out upon the plan, if necessary, the parishes; and where the ten-mile line cuts through a parish I take half of it—only that number are in that area, 645 selectors.  
1185. Have you any knowledge of the number of selectors and people on the Loddon and Serpentine, from Durham Ox up to East Loddon and perhaps further up—do you know the direction that the main line of road has passed through for years along the banks of the Loddon and Serpentine—have you any knowledge of the number of people upon that line of road?—I have a number in those parishes; there is Jarlan and Janiember and Pompapiel, 416 outside or rather upon the west of a line taken ten miles from the present survey from Mitiamo to Elmore, between the line and the Loddon—in the various parishes there are 416 selectors.  
1186. Within the ten miles?—Outside the ten mile line from the survey; those 416 would be more than ten miles from the line—from ten to nineteen miles.  
1187. On the east bank of the Loddon?—On the east bank of the Loddon.  
1188. You are not including any settlers or any people upon the west side of the Loddon?—No.

1189. Then what course of settlement is there below Mitiamo towards Kerang—is that towards the Pyramid Hill?—It is thickly settled all the way from the county boundary—that is the county of Gunbower—right up to Kerang.

T. Henderson,  
continued,  
8th Dec. 1880.

1190. And where do those selectors get timber for fuel and other purposes in those open plains?—They have a long way to go occasionally, but there are belts of timber all the way up, and they use that timber as far as it goes; and then there is that Gunbower State forest between the Murray and the Pyramid.

1191. Is the land upon the plains equal to the land in the forest about Raywood?—It is equally good from the Loddon.

1192. I am not talking of the immediate banks of the Loddon—I talk of the back open plain extending all the way. The timbered land, when cleared, is more productive than the open land?—The timbered land, as a rule, is more productive.

1193. Both as agricultural and pastoral?—Yes.

1194. You have travelled over the line lately?—I have travelled over both the routes of the railway, as I was central secretary for the railway leagues, and was communicating with the various leagues that wished the railway to be brought to Kerang. For the last four years I have been brought into contact with the selectors and various bodies of selectors in connection with the railway, and I know what they have wished in connection with the line.

1195. This railway has been in expectancy for the last four years?—It has been for the last four years.

1196. How long has the line from Elmore to Kerang been projected?—Within the last two years or so.

1197. Have you travelled over that line?—I have travelled over it.

1198. Did you accompany the party that left town some time ago to inspect the line?—Yes, I went up to Kerang about a survey from Eaglehawk to Pyramid, and on to Kerang and back to Pyramid, and then down to Elmore.

1199. In the course of your journey there and back by way of Elmore, how did you find the people disposed towards the rival lines—how did the people of Kerang feel inclined?—From Eaglehawk through Raywood, on to Yallock, Hyaumi, and Mount Pyramid, almost unanimous, and even at Kerang, in favor of the Eaglehawk route returning to Mitiamo, there were numbers of people more interested in the Elmore route there, and they were half and half; then further on, half way between Elmore and Mitiamo, there was a large meeting, and they were almost unanimous in favour of the Elmore route, but the meeting place was only twelve miles in a straight line from the Eaglehawk line.

1200. When you say that the people of the Pyramid and of Kerang were almost unanimous in favor of the Eaglehawk line, how did you arrive at that unanimity—how could you judge?—At a large meeting in the evening a show of hands was called for, and they were unanimously in favour of the Eaglehawk route. At one place I may mention going up, about three out of fifty held up for the Elmore route, and the remainder for Eaglehawk. That was between Pyramid and Kerang.

1201. But the people of Kerang at the terminus were unanimous in favour of the Eaglehawk line?—Yes.

1202. Have you any more statistics that you could furnish the House with with regard to the resources of that country—the average crop? Will the land compare with the plain between Elmore and Mitiamo—with the land about Raywood and the forest country? Which do you think the most productive?—The land is almost equally good from the Campaspe right to the Loddon. There is certainly a portion of it about Pine Grove a little better than some of that, but on the other hand, over towards Durham Ox, about the Loddon, there is some equally good with the Pine Grove land. We did not go to that at all. There seems to be a low ridge right from Raywood to Mitiamo. A few miles to the left you come to swampy country. There is the Picaninny Creek, and over that way, towards Rochester, there is another dry bank. We came down that dry bank, not along the surveyed line. We went four or five miles away from the surveyed line in places.

1203. What was your object in making that diversion from the line that way?—The parties evidently wished to take the commissioner away from the bad places, and show him all the good. I can show upon the map the track.

1204. You can show us the course the Commissioner took in his expedition of discovery, can you?—This is the exact route that was taken along those roads on to the dry country—[pointing to the map produced].

1205. Is that roundabout way the way the railway has to go?—No, the railway is straight, but this is four miles away from it, and four miles away here; but still, where the meeting was held, they were only twelve miles from this line, and two miles further away within ten miles of the Rochester line. It was good land—excellent farms—better than any that could be seen on this side. But we did not go on to Durham Ox.

1206. Is that land better than the land upon the direct line from Mitiamo to Elmore? I see the straight line which they call a direct line—what sort of land is in a straight line a mile or two from Mitiamo?—Good land down by the line, but a little way away it is more swampy.

1207. In the formation of that railway would embankments be necessary to it above the flood mark?—For some miles there is a three-chain road. It is very bad for some eight or ten miles. This part of the country is almost impassable in winter time in the course of the Picaninny Creek, which does not keep its course, but extends over a great portion of the country to Milloo.

1208. Is it liable to be flooded?—Yes, in winter time, between Mitiamo and down by Milloo.

1209. Is there an equal extent of land upon the direct line from Raywood to Kerang?—There is more area upon this side, and this direct line divides the country better. The red lines divide the country ten miles from the proposed railway surveys. The survey is not exactly according to the blue line, but just about two miles further to one side, but the blue line the people have been agitating for the last four years. Several deputations came down about it, and it was down in the last Railway Bill in the House of Assembly, but it was altered to the present line to Elmore. But the people wished for this all the same, and the people of Mitiamo were satisfied to have it within two miles of the township, and one survey was aken three or four miles away, and they were dissatisfied. When the Elmore proposal was mooted, a number of them gave in their adherence to that.

1210. The good land that lies some distance to the east of the line, how far would it be from the line towards Rochester, leading to Echuca?—There is only a distance of about 5 miles that would not come into a radius of 10 miles from either line. That would be about  $12\frac{1}{2}$  miles to either line; if the one to Eaglehawk is constructed, that lies about the same distance for the people on the Loddon, and those people on the Loddon say themselves that the Boort line would not be of much use to them.

1211. The farmers upon that good land eastward of the Elmore line—[*a paper was handed to the witness*] ?—That is all good land between Mitiamo and Rochester; it is all excellent land, but it is equally good right to the Loddon.

1212. I understand you to say that the parties who had led the Commissioner of Railways round about in that way had not brought him within some miles of the direct line surveyed?—No.

1213. How much would the deviation lengthen the line if the railway extended round upon good high ground to avoid the swamps?—The line as put here just comes upon the edge of the good land, that is, the dry ground; some parts of it are a little swampy here, but we were taken about four miles away from the line in some places.

1214. *By the Hon. J. A. Wallace.*—What description of land is the swampy ground?—It is not so fitted for farming on account of the water flowing over it, and there are runs here; if we had gone the three-chains road we should have gone through as many runs as from Mitiamo to Raywood.

1215. Is it drained?—Yes; it is the overflowing of the Picaninny Creek; there is nothing to keep it in; there is no bank, and it spreads over there in winter. This part is more thickly settled than the surveyed area from Rochester to Mitiamo; but, within ten miles of the line, there are 200 more selectors upon the Eaglehawk route than upon the other, that is, taking off ten miles from the Echuca line, and reckoning them to be served by it.

1216. You are reckoning ten miles from each line?—Yes.

1217. And without that ten miles you have that extra cultivation upon the right bank of the Loddon and Serpentine?—Yes; that is, that extra population here. There is a line drawn ten miles from the proposed line from Elmore to Mitiamo, and the number of selectors in that area is, as I said before, 645; the kind that are classed in the Government returns as farmers. I am not mentioning those that are miners, but those put down in the Government rolls as farmers. There are about 300 miners besides in this district, that makes 945 altogether. There are 416 farmers outside of this ten-mile line, and there 378 miners and others, that is 794 that would be left outside of this line between the Loddon. The people in Kerang wish to get down this way, because it makes the distance so much shorter; 16 or 18 miles shorter.

1218. A circular has been put into my hands, showing the area of country the line of railway from Eaglehawk to Kerang passes through, the distance about 71 miles—that would go through 150 square miles more of traffic-producing country than the one from Elmore would—is that a fact?—Yes, it is about 28 miles from Elmore to Mitiamo. Then 10 miles from Elmore is already served by the existing line—10 from 28 leaves 18 miles to be served; and starting from Eaglehawk there are 26 miles to be served, say 25 miles.

1219. The population from Eaglehawk to Sebastian, further north, is divided. The east bank, you know, is occupied by miners, and the west by farmers, is it?—Yes.

1220. And are those miners doing pretty well now—are they increasing or diminishing in number?—Mining is improving at Sebastian within the last six months, and is likely to do so at Raywood also.

1221. Is there any mine there under some embargo, in the way of litigation, now?—There is a rich mine likely to be started very soon now. That is, I believe, held some way or other, so that no one could work it for the last four years.

1222. It was worked profitably some time ago?—It was worked profitably.

1223. That has not affected the population much, has it?—A little; it has not diminished much in consequence.

1224. You have not told us anything about the farmers north-east of Rochester, in the district of Kamarooka, what number of farmers and selectors are there, say, within 10 miles of the railway?—I have taken the whole area.

1225. You embrace them in that number?—Yes; taking the parishes and halves of the parishes which the line cuts through. Those lines, taken 10 miles from the railway line, cut some parishes in the middle. You see, taking half of them, and the whole number amount to 645 upon the Eaglehawk route, and 445 upon the Elmore route.

1226. Is there much of that land available for selection now towards the Whipstick scrub, or is all the agricultural land selected?—All the good agricultural land, or nearly all, is selected.

1227. Are there not two or three large properties upon that line?—Just as you leave Raywood you run through a neck of them, a little to the right and left of the road.

1228. To what extent does the railway pass through these large properties upon that line?—In this area there are 79,000 acres of freehold, as runs, whereas over the other way, and between Mitiamo and Elmore, there is only 52,000, showing an excess of some 27,000 acres upon the Eaglehawk route.

1229. That is freehold properties?—That is freehold properties.

1230. You say the railway crosses those properties in narrow strips?—Yes.

1231. What extent of the railway goes through these large properties?—From two miles from Raywood to about eight, that would be about six miles it would run through, and a few miles beyond Yallock towards Mitiamo. South of Yallock there may be six miles, and north between Yallock and Mitiamo perhaps five or six more, that is twelve in all, Raywood to Mitiamo.

1232. And the rest of the country is all under selectors?—Yes. When you get to the boundary it is all selectors up here, and about 1400 selectors between there and Kerang. About 600 down below makes about to 2000 upon the route.

1233. Then upon the Elmore line on all the large estates there?—The large estates are considerably less than upon the Elmore route, but still with a greater area to serve.

1234. In proportion to the distance, that would be how many miles upon the line there?—There are 307,000 acres in the 480 square miles, and out of that there are 79,000 acres of runs.

1235. But in miles, how many miles would the proposed line between Elmore and Mitiamo run through large estates?—It does not run through them all, it runs on one side of them; that was the reason that the parties taking the commissioner wished to go on the east side, because on the east side there are

large farms. On the other side there are large runs. It only runs about two or three miles through one estate, Pine Grove.

1236. If you wish to make any statement to afford information to the Committee that I have been unable to bring out, perhaps you will kindly give it?—I have only to state that a number of leagues have been in existence up here that have been working unitedly to get this line along with Eaglehawk and Sandhurst within an area of 10 miles on each side. They can reach Echuca upon the Murray easily, and a number over upon this side. It was conceded by the different leagues that this route from Eaglehawk would suit the parties upon the west as well as those upon the east, provided it went within a reasonable distance of Mitiamo. The survey was about four miles from it, and the leagues wished it to be within two miles. If the Eaglehawk line is within two miles of Mitiamo it would suit all parties. There is a dry ridge through there without any creeks, and there is the same from Mitiamo to Kerang upon the west of Pyramid. The Elmore survey is upon the east of Pyramid, and that is objectionable to a great many parties because they would be too far away. Nearly all the leagues in existence object to the line there, because this portion is rangey country. From Durham Ox they would have to cross the Terrick ranges to get to it.

*By the Hon. N. Fitzgerald.*—I believe there is no dispute about that road from Mitiamo to Kerang. It is between Mitiamo and Eaglehawk on the one side, and Elmore on the other, so will you please give your observations to the line from Elmore to Mitiamo.

1237. *By the Hon. W. Campbell.*—I think the honorable gentleman is under a mistake there. [*To the witness*].—Are we to understand that the country extending from the Campaspe to the Loddon, across the plain 30 or 40 miles across, is of very similar quality throughout, generally speaking?—It is.

1238. It is all of an alluvial level nature?—Yes.

1239. Over which railways are nearly as easy to construct as any other?—Yes.

1240. *By the Hon. J. A. Wallace.*—Both lines are equal in labor and gradient?—No, this line is 1 in 90, and on the east of the Terrick ranges. The other one is perfectly level country. Upon the west of the Pyramid it is shorter.

1241. *By the Hon. R. D. Reid.*—Did I understand you to say that you had been four years secretary to the Eaglehawk Railway League?—Just for a short time actively engaged, and for two years we were just staying our hands.

1242. Were you the secretary of that League for so many years?—Yes, the central secretary.

1243. *By the Hon. J. Lorimer.*—Can you tell us the distance by the proposed line from Eaglehawk to Mitiamo?—Thirty-six miles. It is 13 miles to Raywood, 23 from there to the boundary near Mitiamo.

1244. What is the distance from Elmore to Mitiamo?—Twenty-eight miles.

1245. And the difference in distance will be eight miles more to construct?—No, the Eaglehawk line is  $66\frac{1}{4}$  miles upon the whole, and the other one 71 miles.

1246. How much more would it cost to construct—can you give us anything reliable as to the cost of construction?—There is about five miles of difference.

1247. What would that be in money—Elmore to Mitiamo, as compared with Eaglehawk to Mitiamo?—About £15,000.

1248. The difference in cost of construction would only be £15,000?—Yes, without rolling stock or any thing of that kind.

1249. *By the Hon. N. Fitzgerald.*—You say there is eight miles' difference in the length of the line between Mitiamo and Elmore, and Mitiamo and Eaglehawk?—They do not join at Mitiamo, but two or three miles west.

1250. The boundary?—I wish to point out that the east side of Pyramid is not a straight line, the west is considerably nearer.

1251. What is the distance between Elmore and Sandhurst?—Twenty-seven and a half miles.

1252. What is the distance from Eaglehawk to Sandhurst?—Five miles.

1253. That is  $23\frac{1}{2}$  miles—that is  $23\frac{1}{2}$  less the eight miles of extra haulage to Elmore, as compared with Mitiamo to Eaglehawk?—Yes, that would be somewhere about it.

*The witness withdrew.*

*Adjourned to to-morrow.*

THURSDAY, 9TH DECEMBER, 1880.

ELMORE TO KERANG RAILWAY.

Charles Edmund Albrecht, C.E., examined.

1254. *By the Hon. the Chairman.*—What are you?—Civil engineer.

1255. Where do you reside?—At Kerang.

1256. *By the Hon. W. Campbell.*—Have you resided long at Kerang?—Nearly eleven years.

1257. What is the feeling of the people of the Kerang district with regard to that line of railway to Sandhurst and Melbourne—you are aware that there is a line proposed by Elmore, and another line proposed by Eaglehawk. Which line do you think the people at Kerang themselves would prefer?—The people of Kerang are unanimously in favor of the Eaglehawk line, and have so expressed themselves with one dissentient voice.

1258. Are there any townships between Elmore and Mitiamo—any population about the Pyramids?—There is no township at the Pyramid.

1259. Are there any farmers?—All the country in the county of Gunbower is selected.

1260. Are there any large properties there?—No large properties on the west of the Pyramid Creek; not in the county of Gunbower.

1261. Are the large properties on the east?—None that I should call large, but I believe the Mount Hope station may have 2000 or 3000 acres that may have been purchased from selectors, but I do not know the extent of it.

1262. Is the land down there all selected?—All selected. I do not think there would be 3000 acres unselected in the whole county of Gunbower, apart from reserves—there are the State forests and the timber reserves.

1263. What distance have the selectors to go for firewood, building material, and fencing?—For building purposes they have to go to Gunbower Island, where they get redgum.

1264. What distance is that from the most distant part of the plain?—Some of our contractors have had to go 40 or 50 miles to get timber, but that would be on the west of the shire.

1265. *By the Hon. J. A. Wallace.*—From Kerang?—From Kerang to Gunbower would be from about 20 to 30 miles from wherever the sawmills are.

1266. *By the Hon. W. Campbell.*—And for fuel?—For fuel there is plenty of box timber—there are belts of box all over the country.

1267. What distance are those selections in the centre of the plains from firewood?—A good distance—on the Twenty-five mile plain they would have a good distance to go.

1268. How much?—Perhaps eight or ten miles, in some cases.

1269. That must be a great drawback to those poor fellows to have to draw the firewood so far?—Yes.

1270. And I understand you to say, that the people of Kerang are unanimously in favor of the line by Eaglehawk?—Decidedly.

1271. For what reason, or have they assigned any reason?—Because the distance would be so much shorter; it would be a difference of at least 20 per cent. in the cost of transit of all goods—20 or 25 per cent.

1271a. What is the difference in distance between Kerang and Sandhurst by the respective lines?—Eighteen and a half miles, by the latest measurement, going round by Elmore.

1272. That is the main reason for objecting?—That is one reason, and there is another reason that does not attach to the people of Kerang, but to other people in the district.

1273. What is that?—That the Elmore line would serve people who are already supplied by the main existing Echuca line, and would leave the whole of the country between that and the Loddon unsupplied; in fact, it would serve a fourth part already supplied and leave three-fourths of the area totally unsupplied.

1274. A plan has been put into my hands showing a red line; will you point out to the Committee the difference in the two lines?—This blue line—[*pointing to a plan*]—I understand, represents the Elmore line; the Echuca line runs up here; so that the people between here and there, in this triangle, are practically supplied by the Echuca line, and any one in the centre would have the option of going by one line or the other; whereas the people on the west, stretching over to the Loddon, would be left without any line at all, and would have no more communication than they have at present. If the railway were carried to Boort I do not think it would benefit the people on the Loddon at all, because in ordinary floods you could not cross the Loddon without the expenditure of £3000 to £5000 to make a crossing.

1275. Are there no facilities for bridging?—When I was engineer to the shire, the shire spent £1800 in endeavouring to make a road between the Durham Ox township and Boort.

1276. Then you think a line carried to Boort would not benefit the settlers on the east side of the Loddon?—No, it would not.

1277. Of course it would accommodate all the people in the west?—Decidedly, it is very beneficial to the people on the west.

1278. Is Boort within your district?—It is within the same shire.

1279. Do you know the country between Mitiamo and Elmore?—No, I do not.

1280. It is out of your district?—It is out of my district—I do not know except from plans.

1281. Do you know the country to the west about Mitiamo?—I surveyed a bridge over the creek at Mitiamo.

1282. Do you know where it is proposed to cross Mount Hope Creek at Mitiamo?—No, I have not seen the plans, I understand it is on the east side of the Picaninny creek.

1283. How would a line run from Mitiamo towards Kerang—is there not a range intervening—which side of that range would the line take from Mitiamo?—If it came on the east of Mitiamo township, it would have to follow the east of the Terrick range, unless the Terrick range were cut through or across.

1284. The Terrick range runs in a direct line?—Yes.

1285. But by making a detour to the north you escape that cutting?—Yes, but it would be a long detour—it would be a long way round.

1286. Suppose the line were taken towards the west, that is to the south of the range, would that be in a direct line?—Not if it goes from Mitiamo, because as the range comes directly down to the same latitude as Mitiamo, the line would have to be carried at right angles, or make a little southing to get round that spur.

1287. And that must lengthen the line?—Of course.

1288. An argument has been used in favor of the Elmore line, that hereafter, a main line of railway might be made to connect at Kilmore on the North-eastern line; do you know anything of that?—I heard of it a little time ago for the first time, and I think it must be a very remote probability.

1289. Do you think it would be a line of easy construction?—We would have to cross the Dividing Range. It is all hilly country.

1290. Can you tell us anything of the population of Mitiamo?—Yes; there are about fifty people I suppose in Mitiamo itself—of course the population is on the selections, there is no absolute township at Mitiamo—a few allotments have been sold, but there is not a township—not a mile or anything like it has been surveyed for township purposes, but I am not sure of that.

1291. How many families are resident at Mitiamo?—there are about fifteen or twenty houses.

1292. *By the Hon. R. D. Reid.*—How many people are at Kerang?—Very few. I suppose about 200 or 300.

1293. Is there the same number of houses there?—No. We have a township a mile and a-half by a mile, and there are a few public buildings—there are two banks, the district survey office, and one or two others.

1294. What population is there at the Durham Ox, along the Serpentine?—Durham Ox is a very small township. I daresay they could muster about 120 people.

1295. It is larger than Mitiamo?—Yes. They have a bank there also.



1296. Which line does the traffic follow now up from Mitiamo or Durham Ox?—The mail traffic goes by Durham Ox through to Inglewood. There are also cross mails. C. E. Albrecht,  
C.E.,  
continued.  
9th Dec. 1880.

1297. Which extends out towards Swan Hill?—Yes, and then crosses the Murray, and goes the other side to Wentworth.

1298. Have you a daily mail to Swan Hill?—Yes.

1299. Do you know the lay of the country between Kerang and Swan Hill?—Yes. I surveyed a great deal of Swan Hill.

1300. Is it a level lay of country?—It is different country to Kerang. It is not level plains. There are a large number of sand rises, and a large number of lakes. There are fourteen lakes.

1301. Would they be avoided by the line of railway?—Yes, easily.

1302. Then you could carry a level line from Kerang to Swan Hill?—Yes, very level.

1303. There is considerable traffic at Swan Hill at the crossing there, I believe?—Yes; 100,000 sheep cross every year at Swan Hill. Of late there have not been so many.

1304. What do you attribute that to?—I cannot say.

1305. Then supposing it were desirable to extend this railway from Kerang, would it pass Swan Hill on its way to Wentworth or the junction of the Murrumbidgee?—Yes. It would go on to Swan Hill first, and attract a large quantity of trade, which at present goes to Tooleybuc.

1306. Anywhere near the north bank of the Murrumbidgee?—The Murrumbidgee falls into the Murray at Narung.

1307. And this is a level easy line all the way from Kerang to the junction of the Murrumbidgee with the Murray?—I do not think there are any engineering difficulties whatever.

1308. Perhaps you have not been so low down the Murray?—I have been down to Euston on this side of the river, and Wentworth on the other side.

1309. Are there any hills or other difficulties?—No.

1310. Generally a level country?—Very level.

1311. With regard to that line you see marked on the map—[*handing the same to the witness*]—from Elmore to Kerang—that line as it is running now, will it not supply a large number of farmers?—I think not—decidedly not.

1312. You see where Eaglehawk is there?—Yes.

1313. From Eaglehawk up to Kerang, the first 20 miles, what sort of country is it, taking what you would consider the right railway line?—I cannot say. I have not travelled that line.

1314. Then you know nothing about that line from Eaglehawk to Kerang?—I know the country about Gunbower; I know the land on the plains, but I do not know the country south of the county of Gunbower.

1315. *By the Hon. P. Russell.*—Can you tell me if the traffic between Kerang and Elmore is such as to make a railway pay?—I should say it would pay anywhere.

1316. I suppose it is most important to have a line direct from Kerang to Melbourne, as being the nearest port?—Decidedly.

1317. If the Lancefield and Elmore line were carried out, would not that be the most direct line to Melbourne as the port?—I was not aware there was one proposed.

1318. I am asking you whether it would not be the most direct line from Kerang to Melbourne as the port?—Yes, I think it would.

1319. *By the Hon. J. Lorimer.*—Can you give us any idea of the probable cost of the two lines from Eaglehawk to Kerang, and Elmore to Kerang—which would be the more costly?—I should think the Elmore to Kerang line would cost just the difference of distance—something under five miles less construction—less per mile construction of the permanent way—that would be the difference.

1320. You do not think the portion from Eaglehawk northwards would be more difficult to construct than that from Elmore to Mitiamo?—I think not.

1321. Then, as I understand you, you say the projected line from Inglewood to Boort would be of no value to those on the east side of the Loddon?—I think not.

1322. Are there no bridges across the Loddon?—Yes, there are three; there is one at Durham Ox, one midway between that and Kerang, and one at Kerang.

1323. How many bridges would be necessary to cross the Loddon to bring them into easy communication with Bridgewater? I presume the traffic goes to Bridgewater now?—Yes, and to Inglewood.

1324. How many bridges would be required across the Loddon to bring them into easy communication with the line to Inglewood?—I referred to the county of Gunbower, not south of it—they have a bridge across there I believe—I spoke of Durham Ox in particular.

1325. You have no knowledge of the country further south?—No.

1326. *By the Hon. R. Simson.*—Are the difficulties in crossing the Loddon very great?—There is a large belt of low-lying lignum country on the east and west of the Loddon river, almost through the whole county of Gunbower.

1327. Between Borung and Boort is the river navigable at all—how can you get across it?—About Boort?

1328. Yes?—You can if another £2000 or £3000 were spent on it. People can get across now, but when it is flooded, they cannot get across. When Mr. Gordon and Mr. Black came up, they could not get across it.

1329. Would the line from Kerang to Elmore, or the line from Kerang to Eaglehawk accommodate more people?—The line from Eaglehawk would accommodate most people in my opinion, and be the greatest benefit to the district.

1330. *By the Hon. J. A. Wallace.*—I think you said that the one line was more expensive to make than the other, but, on account of the difference in the lines, they would come to the same amount of money?—I intended to say, there is more construction of permanent way on the Eaglehawk line than on the Elmore line, but the saving on the one line would be more than compensated by the cost to the public when it is constructed, on account of the circuit by Elmore.

1331. As far as the gradient is concerned, is it more or less upon the Eaglehawk line?—The gradients on both would be the same until they came to Raywood, and then, I believe, the ruling gradient is 1 in 50 on the Eaglehawk line.

C. E. Albrecht,  
C. E.,  
continued,  
9th Dec. 1880.

1332. And the Elmore line?—1 in 80 or 90; I cannot say which.

1333. *By the Hon. F. Robertson.*—From your knowledge of the country, do you think any single line of railway, whether it commences at Elmore or Eaglehawk, will accommodate the large number of people between the Loddon and the present main line—whether one single line of railway will afford sufficient accommodation—would it not be eventually necessary to have two lines of railway meeting at Mitiamo, or somewhere in that neighbourhood?—I never gave the question a thought. I presume, if the traffic increased to a great extent, the Government would most likely double the line.

1334. You do not know the amount of the population between Elmore and Mitiamo?—Not between Mitiamo and the south.

*The witness withdrew.*

Henry Tolhurst examined.

Henry Tolhurst,  
9th Dec. 1880.

1335. *By the Hon. the Chairman.*—What are you?—Town clerk and surveyor of the Borough of Eaglehawk.

1336. *By the Hon. W. Campbell.*—Are you acquainted with the proposed lines of railway to Kerang by Eaglehawk and Elmore?—I am.

1337. As an engineer, could you give us an opinion as to the merits of those respective lines—that is to say, whether the Eaglehawk or the Elmore line is the best for the country generally?—I have not the slightest hesitation in that respect. I am decidedly of opinion that the Eaglehawk line is by far the best line for the country, being far more profitable to the State; and the engineering difficulties would not be any more, and it would serve by far the largest number of people.

1338. When you say the engineering difficulties would not be greater, do you mean the line could be easily constructed?—Yes. There are no difficulties whatever.

1339. Do you know whether there are any gradients between Myers's Flat close to Eaglehawk and Kerang?—None whatever; if the proper country is selected in which to carry the railway through there are no difficulties that I am aware of.

1340. What depth of cutting do you suppose would be required—I am speaking of a line along the level country on the west?—There would be no cuttings whatever if the line were taken within half a mile of the creek; it is a perfect level almost the whole way from Eaglehawk to Sebastian.

1341. Does that line run parallel to the line laid off by the Government?—It runs parallel to the line as laid off by the Government surveyors recently.

1342. What distance is it?—It would average two miles distance at the outside.

1343. And through a dead level country?—Yes.

1344. And close to the box country?—Yes.

1345. Is that box country well adapted for agricultural purposes?—Yes, far better than the plain country.

1346. You think it would be better than the open country?—Decidedly.

1347. What experience have you had in that country?—The experience I have is, that I owned land myself, and my experience is, that the timber country is by far better than the open country.

1348. *By the Hon. R. D. Reid.*—Where do you speak of that land?—At Yarraberb, between Sebastian and Raywood.

1349. On the Eaglehawk line?—Near the Eaglehawk line.

1350. *By the Hon. W. Campbell.*—Across the line in the way to Bullock Creek, is there much of that level country?—Yes, it is principally open forest country on the west side of the creek.

1351. Is it well adapted for agriculture?—Yes.

1352. And better than the open country on the plains?—Far better than the open country.

1353. What do you attribute that to?—It is supposed generally, where the timber will grow anything will grow.

1354. The fact of the timber growing is an indication that anything else will grow?—That the soil is much better and more lasting than in the open plains, where timber will not grow.

1355. In former times the squatter preferred the open country?—Yes.

1356. I suppose experience shows they were wrong?—Yes.

1357. Do you know anything about the intermediate line between that level line and Myers's Creek—I may refer you to the map with regard to a crossing of Myers's Creek?—From Eaglehawk to Sebastian the creek need not be crossed.

1358. There is no bridge wanted?—There is no bridge wanted.

1359. Do you know the country lower down towards Mitiamo?—I know it as far as Raywood, and I know Mitiamo.

1360. And it is the same level country—there are no difficulties whatever—it is perfectly level except the hills on the east, all selected, over which to take the railway?—They could, of course, raise difficulties if they pleased, but they could select land without any difficulty between Sebastian and Mitiamo by keeping to the west of Raywood.

1361. Is the whole of that land selected?—Yes, or it is in private hands.

1362. Do you know the extent of land in large estates on that line of railway?—Yes; I believe the extent of land held in large estates would be something like 70,000 acres altogether.

1363. There is a property called the Yarraberb property?—Yes.

1364. What length would it go through that property?—I suppose it would go about two miles through it to that property.

1365. Then come a number of selectors?—Then come a number of selectors.

1366. And beyond them a large property belonging to Raleigh Brothers?—Yes.

1367. To what extent does the line go through their property?—I should say between four and five miles.

1368. So that it would, at a distance of six or seven miles, go through both of those properties?—Yes.

1369. And with that exception, that line is all through small selections?—From Eaglehawk away out to Mitiamo.



1370. How near to Eaglehawk does the agricultural land commence?—Within a mile of the town ; the agricultural land commences on the low lying lands. Henry Tolhurst,  
continued,  
9th Dec. 1800.

1371. Then there is on the Myers's Creek, close to Eaglehawk the agricultural land commences, just adjoining the borough, the Myers's Flat, and goes right away down to Raywood?—

1372. That is on the west side of the creek?—Yes, and partly on the east side.

1373. As I understand you, on the east side the land is wholly auriferous?—It is, after you leave the creek. For a mile on the east side of the creek it is tolerably good land, and pretty well under cultivation. After that, on the east, you come into auriferous land taken up principally in mining. The land between Eaglehawk and Sebastian, on Myers's Creek, is auriferous.

1374. Are there many miners at work there?—A number are working at at Sebastian. After you leave Eaglehawk, about six miles, there is a little mining carried on at the present time—a little prospecting being carried on at the present time.

1375. What is the feeling of the people at Eaglehawk—are they in favor of this line?—Almost unanimously in favour of the Eaglehawk line, although so far as Eaglehawk is concerned, it will not benefit Eaglehawk in the least degree, but for the national benefit of the public, the people are of opinion that line is the best to be constructed ; although as a line I do not think Eaglehawk would derive any benefit from it, except for bringing in timber for mining purposes.

1376. They have to go a considerable distance for timber now?—Twelve or fifteen miles they have to go for timber now.

1377. The country in the immediate vicinity of the goldfields is pretty well denuded of timber?—Yes.

1378. How far have you to go for timber for mining purposes?—About twelve miles.

1379. Is it good timber?—Yes, very good timber ; but the distance is being increased every day.

1380. Your agricultural produce you supply, milk, butter, and all that—where do you get that from?—Myers's Creek, Sebastian, and Raywood.

1381. *By the Hon. R. D. Reid.*—I think I understood you to say that this line of railway that you propose from Eaglehawk to Kerang went through 70,000 acres held by large landed proprietors?—Yes.

1382. Who are they?—The Yarrarerb estate—very little of the railway would go through it, but it passes through it ; and there is Raleigh Brothers' estate. Those are the principal estates ; it would go through part of what was Younghusband's as well.

1383. Do you know the land well from Eaglehawk in the direction of Kerang?—I do.

1384. It is very good land?—Yes.

1385. Within 20 miles of Eaglehawk into Eaglehawk?—It is all very good land right into Eaglehawk, except the portion of the land adjoining the Whipstick scrub on the east, between Sebastian and Eaglehawk, there is a patch of land there that is poor, because it is auriferous.

1386. Is there not a large amount of auriferous land round Eaglehawk?—Yes.

1387. And a great deal of it in that direction?—Yes.

1388. There are no great number of farms near Eaglehawk—good farms?—Not within three or four miles of Eaglehawk.

1389. Are there any further up?—Plenty.

1390. Within what distance?—Beginning say five miles from Eaglehawk the farmers begin to get very numerous.

1391. Do you know the Elmore route?—Yes.

1392. From Elmore to Kerang—does not that pass through Kerang the whole way?—Not the whole way.

1393. Will you look at these blue marks going from Kerang to Elmore ; the whole of that blue mark is, I understand, selected and purchased land, and all first-class land?—There is one piece of land it goes through which belongs to Mr. Moffat.

1394. How far does it go through that?—I cannot say how far, but I know the route very well, and I know the line must go through it.

1395. Is it not all good land to the right and left of that Elmore line?—It is all good land except that a portion of it is very swampy.

1396. Do you think, if that line were carried straight from Eaglehawk to Kerang in a straight line up to Kerang, an immense number of people beyond Mitiamo and out to the north of that ought to be left without any railway communication?—I do not think they ought, nor do I think they would be, because they would be benefited by the Eaglehawk line ; a great many of them.

1397. How far is it from the river where you propose to carry the line from Eaglehawk—I mean the Murray River?—Of course it would decrease as you came along.

1398. About the distance?—I suppose about 25 miles in the central portion.

1399. I suppose people within ten or fifteen miles of the river would use water carriage?—Yes.

1400. The other people would be 25 miles away from a railway?—Yes, at that particular spot.

1401. Would that railway up to Boort suit the people between Mitiamo and Boort just as well as the railway from Eaglehawk to Kerang?—I think not, because the Loddon is a very great difficulty in consequence of the difficulty in crossing.

1402. That is only a bridge?—You would find it is a great difficulty, even a bridge. It costs almost as much to construct a bridge to cross a river subject to floods as it does to construct a large portion of railway line.

1403. Then you want the railway for the sake of getting the bridge over the river?—No ; besides that, you must remember the distance between the Loddon and the Boort line is something considerable, and that has to be considered.

1404. *By the Hon. N. Fitzgerald.*—How far is the Loddon from the proposed lines from Elmore to Mitiamo and Eaglehawk to Mitiamo?—On the Elmore line to Mitiamo the distance would be, I presume, an average distance of 32 to 33 miles.

1405. Then neither line will either cross the Loddon nor go near it?—No ; the line from Eaglehawk to Kerang will about equally divide the country between the Loddon and the Murray, going about the centre of the country.

1406. About this selection—do you know the country about Raywood?—I do.

1407. Is it largely settled?—Largely settled.

Henry Tolhurst,  
continued,  
9th Dec. 1880.

1408. Between Raywood and Mitiamo particularly?—Yes; except that portion occupied by the large estates. There is the Yarraberb estate, on the west side of Raywood, most of the land is occupied by selectors.

1409. Are you qualified to speak about the character of the country and the nature of the gradients—is it a level country?—Yes; perfectly level.

1410. And no dangerous creeks to cross?—No.

1411. No engineering difficulties?—None.

1412. What is the country between Eaglehawk and Raywood?—I consider the difficulties on that line to be *nil*. It is about the easiest country I know of to construct a line of railway across.

1413. Is there any advantage—a line between Elmore and Mitiamo, from an engineering point of view, would be *nil*—they would both go over a very good country?—Yes.

1414. The only advantage that the Elmore line would have over the other is the character of the gradients between Eaglehawk and Sandhurst?—Yes; that is the only difficulty.

1415. Do you feel competent to speak as to the gradients?—I am perfectly acquainted with the gradients on that line.

1416. They are severe, I believe?—On the present line the gradients are most ridiculous; they are very sharp, some of them; and there is no necessity it should be so, in my opinion.

1417. What do you say the distance was between Eaglehawk and Mitiamo?—I think 40 miles.

1418. What is the distance between Mitiamo and Elmore?—Twenty-three miles.

1419. The distance between Eaglehawk and Mitiamo and Eaglehawk and Elmore is not more than six or seven miles?—The total distance between Eaglehawk and Kerang—

1420. Say Mitiamo, because both lines will join there?—There is a great difference between the two lines.

1421. We have it on the map, that both of those join on the Mitiamo?—No, there is a difference of four miles. That is the line recently proposed, and this is the one proposed when Mr. Woods was in office; there is a difference between those two lines of four miles. This line, as first proposed, is to the west of Mitiamo, and it is a much shorter line than this would be if taken from here—[*pointing to the map*]—to go round to the east of the Terrick Ranges.

1422. Is it Mitiamo, an important township?—It is a very small township indeed.

1423. Not sufficiently important to care about being four miles longer by railway?—No.

1424. *By the Hon. W. Campbell.*—Do we understand you to say that the difference of distance between Sandhurst and Kerang—that is between the two lines—is only about four miles and a half?—About four miles and a half.

1425. It would be four miles and a half extra construction?—Yes.

1426. And by constructing these four miles and a half you save a distance of how much?—About 18 miles on the whole.

1427. I thought it was 16½, given by the Government?—It is more than that, according to the original surveyed line and the one now recently proposed; the only difference in the new construction would be about four miles and a half. The distance from Sandhurst to Elmore is 27 miles. There would be actually 18 miles unnecessary travelling between Sandhurst and Elmore.

1428. Are those distances taken from Government maps, or from Government surveyors?—I took it from the maps supplied by the Government yesterday.

1429. *By the Hon. J. Lorimer.*—Am I right in understanding you to say the Eaglehawk and Kerang railway would be no benefit to Eaglehawk?—It would be of no benefit to Eaglehawk that I know of, with the exceptions before mentioned.

1430. Did you say it would be of no use to settlers on the east side of the Loddon?—The west side of the Loddon, I was speaking of, on account of having to cross the Loddon; yes.

1431. Do you say those on the east, would it be practicable by bridges to bring them in connection with the Inglewood line?—If it were done, it would be at great cost.

1432. How many bridges would be needed?—It would require several bridges and approaches which, together would cost an enormous amount of money, because that country is subject to floods.

1433. You say the estimated cost of carrying a bridge would be how much?—The bridge across the Loddon and approaches would cost £3000 or £4000 each, at the least.

1434. You do know the estimated cost of the line from Eaglehawk northwards?—I understand the estimated cost is between £3000 and £4000 per mile.

1435. No more expensive than from Elmore?—I think not.

*The witness withdrew.*

George Minto examined.

George Minto,  
9th Dec. 1880.

1436. *By the Hon. the Chairman.*—What are you?—An engineer.

1437. Where do you reside?—Kangaroo Flat.

1438. Near Sandhurst?—Yes.

1439. *By the Hon. W. Campbell.*—Are you acquainted with the lines proposed between Sandhurst and Kerang by way of Eaglehawk and by way of Elmore?—I am acquainted with that portion in the shire of Marong—beyond that I have no personal knowledge of the country, except from the map—I know nothing of the country between Elmore and Kerang.

1440. Have you any knowledge of the country as far as Mitiamo?—No.

1441. How far does your district extend?—The northern boundary of the shire is two or three miles beyond Raywood.

1442. Do you know the way in which the engineers laid the proposed line between Eaglehawk and Raywood?—I do.

1443. Will you be kind enough to describe that line?—I could show it on the plan, if it was here—it is about probably a mile and a half or two miles to the east of the valley of Myers's Creek—that is the Government line.

1444. Does that line go through a pretty level country?—Not very.

1445. What kind of country is it to the west of the creek?—To the west of the creek it is pretty fair.

1446. I mean as to levels for forming the railway?—On the east side of the creek there is very good country for the railway, you could not get better.

1447. You mean close to the creek?—Within perhaps half a mile of the creek, for a greater portion of the distance between the creek and the main road.

1448. The country to the west of the creek, is that equally level?—It is too level.

1449. How do you mean "too level"?—It is apt to be flooded, the creek gets silted up.

1450. Do you consider the best line is on the east side?—Decidedly.

1451. Not the line laid out by the Government?—The line laid out by the Government is too far to the east—it goes over some rises.

1452. What is the objection?—It goes too far to the east.

1453. You would keep close to the creek?—Decidedly.

1454. How would you be off with regard to the ballast?—I think there is any quantity of ballast near Myers's Creek.

1455. Where does the ballast come from on the plains further north?—I am not prepared to say—close to Raywood there is an immense deal of gravel—in the auriferous ground there is quartz.

1456. Taking everything into account, the convenience of getting ballast close to the line and putting that against some little extra cutting against the dead level plain on the west, which do you think would be the best?—The line along the east bank of the creek is the best line that can be got, so far as my knowledge of the country goes.

1457. You think then the convenience of having the ballast on the spot would counterbalance any little extra work?—What is the use of taking the line along the low ground when it can be carried along the siding on the east side of the creek where it will never be affected by the floods.

1458. How far would that line be from the line surveyed by Government?—The greatest distance would be a mile and a half.

1459. It runs parallel to it?—Very nearly.

1460. How much longer would it be than the Government line?—Taking the whole distance to Kerang, it would not be any longer, perhaps the whole distance would be the same.

1461. Do you think it would be a much better line?—A very much better line than the Government have marked off at present.

1462. *By the Hon. R. D. Reid.*—Would it serve more people?—It is only about a mile from the line I am referring to laid out by the Government.

1463. *By the Hon. W. Campbell.*—You cannot give an opinion, I presume, as to the population between Eaglehawk and Kerang—you cannot go beyond your own district?—No, I cannot go beyond my own district.

1464. You have an intimate knowledge of your own district?—Yes, I think I have.

1465. Is there a better line of railway between Raywood and Eaglehawk than the one you refer to?—Not any. The line I have endeavoured to describe is the best I know.

1466. Would it be cheaply constructed?—I am sure of it.

1467. *By the Hon. F. Robertson.*—Is that Crown land?—No.

1468. Purchased land?—With the exception of the first 50 chains from the proposed junction of the Sandhurst and Inglewood line, it is all purchased or selected land.

1469. *By the Hon. W. Campbell.*—Have you any knowledge of the difference of distance between the two lines, namely, the Elmore and Eaglehawk line to Sandhurst?—I have.

1470. What do you make of it?—The difference in distance from Sandhurst to Kerang by Elmore is 18 miles longer, perhaps a little more than the line by Eaglehawk, that is as far as I have been able to prick it from the plan.

1471. And to save that distance, how much extra distance of construction had you to make?—Five miles, as near as possible; not more.

1472. How do you arrive at those distances?—I took it from the Government plan this afternoon.

1473. Suppose those railways were to be constructed, knowing that the double line of railway extends only to Sandhurst, would Sandhurst or Eaglehawk be the junction?—With a modification of the existing gradients, Sandhurst would be the grand junction.

1474. Sandhurst would be the junction of those different lines?—Decidedly.

1475. Have you any knowledge of the difficulties between Sandhurst and Eaglehawk in the way of gradients?—I have some knowledge of the gradients.

1476. What are they?—The heaviest gradient between Sandhurst and Eaglehawk is about 1 in 42·80; practically 1 in 43.

1477. What is the ordinary gradient?—I understand on the main line the heaviest gradient is 1 in 50, but I have it only from report.

1478. What would it cost to reduce the gradient between Sandhurst and Eaglehawk to 1 in 50?—It would cost from £1200 to £1500.

1479. Only?—Yes.

1480. By reducing that gradient, a benefit would be conferred on the Inglewood line?—Not only the Inglewood line, but to Charlton also.

1481. It would benefit all those lines?—Yes.

1482. *By the Hon. P. Russell.*—Were you in the House when the last witness was examined?—Yes.

1483. Are you of the same opinion as he—I think he stated, if the train went through Eaglehawk it would be disadvantageous to that town?—I do not know much about Eaglehawk, but do not agree with the last witness in this respect.

1484. *By the Hon. N. Fitzgerald.*—The difference of construction is only five miles?—That is all I can make it.

1485. And the estimate you are aware is under £4000 per mile?—Yes.

1486. Take it at that, that is £20,000 and there would be £1500 to reduce the gradients between Eaglehawk and Sandhurst?—Yes.

George Minto,  
continued,  
9th Dec. 1880.

1487. And if you heard that this proposed line would entail an outlay of £50,000, that would be a highly exaggerated statement?—Yes, very much so.

1488. Then you consider as you say, there would be eighteen miles extra haulage for all time by going by Elmore?—Yes.

1489. Then the selectors and purchasers of grain would have to pay the extra cost of carriage for eighteen miles to save the State £20,000?—Yes.

1490. *By the Hon. G. F. Belcher.*—I think you said the line you referred to would run all through purchased land?—Except a few chains, say 50, the line would run through purchased or selected land.

1491. Then the proposed Government line from Elmore to Mitiamo, how does that run—does that run through Crown land?—I do not know the country to Mitiamo.

1492. *By the Hon. W. Campbell.*—If you have any suggestions that will throw light on the subject of gradients, will you make them?—I might state in looking over the gradients between Sandhurst and Eaglehawk, I was guided by information, in respect of the gradients on the main line between Sandhurst and Melbourne—I did not think it was necessary on a short line like this to reduce the gradients below the main line—of course if it were necessary to reduce them more, the cost would be more, but I think £1200 to £1500 would effect the whole purpose.

1493. *By the Hon. N. Fitzgerald.*—That is to 1 in 52?—To 1 in 52—there is one thing I would like to state—the heaviest gradient between Sandhurst and Eaglehawk commences at 3 miles 9 chains and extends to 3 miles 31 chains—it is 1 in 42·86, practically 1 in 43. From a glance at the section it will be seen the commencement of that gradient is on the natural surface and, therefore, it is evident very little cutting would be necessary to reduce it down to 1 in 52. At 3 miles 9 chains there would be a cutting of two feet six, and at 3 miles 31 chains there is a filling of three feet—that would reduce the gradient from 1 in 42·86 to about 1 in 52—that gradient could be reduced very much more at very little expense.

1494. Those are the only three difficult gradients?—Yes, there are three between Sandhurst and the point of commencement of the new line.

*The witness withdrew.*

The Hon. John Woods, a Member of the Legislative Assembly, examined.

The Hon.  
John Woods.  
9th Dec. 1880.

1495. *By the Hon. W. Campbell.*—What are you by profession?—Engineer.

1496. Not a civil engineer?—No.

1497. Have you had much experience in the construction and laying out of railway lines?—Not laying out.

1498. Nor much in construction?—Not of lines.

1499. Your opinion, I observe, was quoted by the Honorable Mr. Patterson, with regard to the benefits to be derived from a line passing from Kerang to Melbourne, through Elmore and Sandhurst—perhaps you would be kind enough to state to the Committee what your opinions were upon that point?—I think *Hansard* will have all I have to say. If you ask me any questions I will answer them.

1500. I suppose *Hansard* is generally correct?—Generally speaking.

1501. I was looking over Mr. Berry's speech, and several other speeches, yours amongst others, in the Assembly on this question, and I find that on the 11th of last month you stated, according to *Hansard*, that, if the Eaglehawk line was adopted, one of two things must happen, either the ruling gradient of the line right through must be 1 in 50, else a breaking-up station must be established at Mitiamo—I presume that is correct?—Yes; I stated that.

1502. Or else a breaking-up station must be established at Mitiamo, where the gradient ended and the flat country commenced?—Yes.

1503. You mean by that, the gradient extending down to Mitiamo?—I made the mistake of saying Mitiamo instead of Raywood.

1504. *By the Hon. R. D. Reid.*—You know the line from Elmore to Kerang, as proposed by the Government now?—Yes.

1505. Do you think that a preferable line to the one from Eaglehawk to Kerang?—Yes.

1506. Are there any engineering difficulties in the Eaglehawk to Kerang line?—It is 1 in 50 from Eaglehawk to Raywood.

1507. And from Elmore to Kerang?—One in 90.

1508. Have you been over the country yourself?—Yes.

1509. You have seen the country between Eaglehawk and Kerang?—Yes.

1510. Is that a good country for a line of railway—would you run a railway there?—I would not. I went with the idea it was the proper place to start from.

1511. From Eaglehawk?—From Eaglehawk; but going from Eaglehawk to Raywood, it appeared to me to be a barren country, in a railway point of view; that is, there would be little or no traffic from it; that is about 13 miles to Raywood. In a distance, I should say, of another 15 miles, it appeared to me to consist mainly of very large estates, that would be also unprofitable from a railway point of view. It was only after that distance that we got among the selectors. I should say at least, for 26 or 27 miles from Eaglehawk it would be practically unprofitable, from a railway point of view. That was my view of it; and that view was corroborated, to some extent, by the people with whom we stayed at Mitiamo. When I complained of the long lines of fences, without a break in those large estates, they said they were prepared, if there was any hope of getting a railway in that direction (of course they did not think anything of Elmore at that time), they were prepared to have the fences broken, and the roads thrown open; because I understood that on both sides of the road there were selectors, a small number, but as far as the road itself was concerned it seemed to me there were 15 miles of large estates to go through.

1512. Then you considered, from a railway point of view, that the Government had taken the proper line from Elmore to Kerang?—I have no doubt of it. First of all, I do not think the people within 15 miles—if you strike a radius from Eaglehawk or any part of the main line—I do not think they ought to be considered in this matter of railway construction at all, as far as the people are concerned or the distance is concerned; in fact, these maps on the table show a radius of 15 miles where they are accommodated, and there is only one little spot in the middle that is just outside the limits of those 15 miles.

1513. And this would accommodate people on both sides?—Selectors on both sides; the other goes through selections altogether. There is another thing to recommend it; there is a three-chain road that runs 38 or 39 miles that it was my intention to make use of, and not to buy any land at all, but put it on the three-chain road.

1514. That was the line now proposed by the Government?—I do not know whether it was that exactly, there is a survey of it; but I may say in prospecting the line from Elmore it was always supposed that would eventually be the line. You will observe there is a large tract of country between the main line and the North-Eastern where Heathcote is situated, and it was always intended to take (or at least the project has not been lost sight of to take) the line through that country to join on at Elmore, whether you come on to the North-Eastern at Kilmore or the one at Lancefield; that would be the shortest route from Wentworth to Melbourne, so that it has an additional object in view.

1515. That is taking the line from Lancefield right on to Kerang eventually?—Yes, that would be the short line to Kerang. The line to Kerang is only a portion of the projected line to Wentworth; the object was to get to Wentworth as directly as possible.

1516. *By the Hon. N. Fitzgerald.*—Did you propose this line from Eaglehawk to Kerang?—Yes, in the first instance, until I had seen the country.

1517. Did you ever propose any other?—I proposed the Elmore line.

1518. *By the Hon. W. Campbell.*—I understand you to say the line from Eaglehawk downwards, through Raywood to Kerang, would be unproductive for 15 miles?—Unproductive.

1519. How?—No one is living there. You could take all they could possibly require in a month by one train.

1520. Have you an intimate knowledge of that part of the country?—I have been through it.

1521. What sort of country lies to the west of Myers's Creek?—I do not remember the names of the creeks. I came down the Loddon.

1522. Perhaps you are not aware that Myers's Creek takes its rise at Eaglehawk, and that it runs down towards the river? You did not observe the creek in your journey there?—I am only speaking from memory, and things I might have observed at the time in detail I cannot say I remember. I have only a general impression of the country. I went through for a purpose.

1523. How did you travel between Eaglehawk and Raywood?—By private conveyance.

1524. Did you follow the coach road?—Generally the coach road, I think.

1525. Was that road to the east or west of Myers's Creek?—I do not know. We went to Raywood, and we went from Raywood to Mitiamo, and from Mitiamo to the Pyramids, and from the Pyramids to Kerang.

1526. What is the distance from Eaglehawk to Raywood?—Twelve or fourteen miles perhaps.

1527. You say there is no good agricultural land in that distance?—I did not see it.

1528. What is the formation of the country?—The formation appeared to me that which you find in the neighborhood of goldfields, with here and there a rich patch, but no quantity of it.

1529. Then it appears to me you have been travelling all along upon the spur of the auriferous country between Eaglehawk and Raywood?—Very likely.

1530. You are not aware within a mile of that tract there is a strip of alluvial land extending to the Loddon?—I am not aware of it.

1531. You would be surprised to hear that several witnesses here have proved that fact, that that line of railway extending from near Eaglehawk would go through alluvial land on the west bank of Myers's Creek?—No, I would not. I think if you were to ask the surveyors who had the survey about this low-lying land there—I am not quite sure of it—but I think they would tell you that that land is subject to floods.

1532. All creeks are subject to floods, more or less, and we know that there is very little gathering ground at the head of Myers's Creek. Do you think it would be possible to construct a line on the east side not subject to floods?—It is simply a question of money.

1533. Then the line you travelled along was rather a hilly country?—Up to Raywood I think the gradient is 1 in 50—beyond that 1 in 90. The English of that is, that it would take four engines to do the work from Eaglehawk to Raywood, then one engine beyond; that is about the meaning of it.

1534. Do you think you could not get a better gradient than 1 in 50?—I know the surveyors are men to be trusted to pick out the shortest and the best route—the most proper route—they are educated for that.

1535. I thought it was your own plan?—I thought it my duty, after having seen that line to see whether it was possible to get a better and a cheaper line, and I think I succeeded in getting a better and cheaper line from Elmore.

1536. Are you aware of the difference in distance?—Yes, I am aware of it. I think it is 16 miles. I think it is 9 miles less to construct, or  $9\frac{1}{2}$  miles, from Elmore than from Eaglehawk, if I recollect right.

1537. *By the Hon. R. D. Reid.*—What would be the cost of altering the gradients?—I could not tell that without a section. The engineer is the man to say that.

1538. *By the Hon. W. Campbell.*—Would you look at this map. This is a Government map—[handing the same to the honorable member]?—Yes.

1539. Would you be kind enough to look over the different distances on this map?—It would be a little over nine miles and a half of extra construction.

1540. There must be some mistake; because this map was referred to by a previous witness, and he said the difference was only five miles?—There it is—one is 66 76 miles, the other is 75 85 miles.

1541. No, it is 71 miles as surveyed?—[*The witness again examined the map.*]—It is 75 as proposed now east of the Pyramid Hill—one is west of Pyramid Hill and one is east of Pyramid Hill.

1542. As surveyed, the direct line is 71?—I have always been under the impression there was nine miles' and a half difference in construction. The words used are, from Elmore to Kerang, as surveyed, 60 miles 75 chains, and Eaglehawk to Kerang, as surveyed, 71 miles 25 chains; that makes a difference of about four miles and a half. I think the engineers would be able to settle that exactly.

1543. Here it is on the map; the witnesses took the distances. I believed it was a greater distance. I was surprised to find it was only  $4\frac{1}{2}$  miles, so that the difference in construction is less than 5 miles. May I ask you as to a bridge across the Mount Hope Creek, at or near Mitiamo—do you know the expense of

The Hon.  
John Woods,  
*continued.*  
9th Dec. 1880

that?—Not that particular bridge, but going by the bridge over the Goulburn, last constructed on the Shepparton line, and there is another over the Seven Mile Creek, and Hughes's Creek, and Cassell's Creek, I think they vary from about £2 10s. a foot forward to about £5 5s. lineal measurement.

1544. You did not take the measurements?—No.

1545. Still that bridge would cost something?—According to the nature of the country; anything between £2 10s. and £5 5s. a foot forward; however, that is a question that would be more accurately answered by the engineers.

1546. Are you aware that that bridge would be saved by crossing the line from Eaglehawk to Kerang?—If you kept to the west of it, of course it would, if you left out that settlement altogether.

1547. How far would the cost of that bridge go towards the cost of the line?—I do not know the length of it; that is a question for the engineer.

*The Honorable Member withdrew.*

William Austin Zeal examined.

1548. *By the Hon. the Chairman.*—What are you?—A civil engineer.

1549. Residing in Melbourne?—Yes.

1550. *By the Hon. W. Campbell.*—I believe you know the country between Eaglehawk and Kerang?—Yes.

1551. Have you lately surveyed it?—Yes.

1552. Would you be kind enough to describe the country?—The country from Eaglehawk to the proposed junction of the line towards Sebastian is slightly undulating. From Sebastian onwards the country is quite level and devoid of any physical irregularities. The line between Eaglehawk and Sebastian, as followed by Mr. Minto, the shire engineer, and myself, is quite an easy line.

1553. *By the Hon. R. D. Reid.*—How far is it?—About eight miles, and from Sebastian to Raywood it is, if any thing, slightly easier country, and from Raywood onwards there are no difficulties whatever existing. I should say as good a line can be obtained from Eaglehawk to Kerang as the line between Deniliquin and Moama, and there are no engineering difficulties whatever. Where rises occur they are of a very slight character, and the gradients would be in many instances compensating gradients; that is to say, if the line had to ascend a rise on one side, on the other side there would be a corresponding fall, which would do away with the objectionable character of a long heavy grade. I also examined the country between Sandhurst and Eaglehawk junction, with a view of seeing the nature of the gradients at present existing on the line which had been opened by the Government. I found there were some rather objectionable gradients, but they are so short that they are hardly worth taking into account; in fact the line, now as at present working, is not an objectionable line, because the gradients, although severe, are compensating gradients; that is to say, that there is a series of ascents and descents intermixed, so that a train travelling along the line would be able to acquire sufficient impetus going down one of those declivities to enable it to ascend a certain gradient on the opposite side, without any great loss of steam-power.

1554. Would it not require more engines to travel up those ascents?—No. I have taken up this line between Eaglehawk and Sandhurst, and the first gradient occurs at 47 chains from Sandhurst—that is a gradient of 1 in 49½. I propose to alter this line gradually, that is, making a small embankment at one end of 2 feet 3 inches in height and a small cutting at the other end, to reduce the gradient to 1 in 55½. A great portion of this gradient, which is 30 chains in length, would be what is called surface formation, that is the line could be altered without any interruption to the traffic; in fact, the whole of the alterations of the line could be carried on without any interruption to the traffic whatever. That would be with the first gradient. The second gradient occurs at 3 miles 9 chains, and this is a descending gradient, falling from Sandhurst towards Eaglehawk. It is 1 in 42·86, and is a length of about 21 chains—that is a little more than a quarter of a mile. I propose by making a cutting at the Sandhurst end of 2 feet 6 inches, and a bank of 3 feet at the other end, to reduce this gradient to 1 in 52. The greater portion of this gradient will consist of surface forming, and the line could be altered without any interruption of the traffic. The third gradient occurs at 4 miles 4 chains, and extends to 4 miles 22 chains, and is 1 in 43·14. This gradient can be easily altered (by making a bank of 3 feet) from 1 in 43·14 to 1 in 53·66. In other words, if the present gradient on the east is prolonged, it will strike the gradient beyond Eaglehawk of 1 in 97·96 without any difficulty. If these alterations are carried into effect between Sandhurst and Eaglehawk, the line will be a considerably better running line than any long portion of the main line between Melbourne and Sandhurst, the ruling gradient on which is 1 in 50; and there are long lengths of line of 1 in 50, making the line much more difficult to work. There would be no difficulty in working this line, without obtaining any engines of very great power, because the gradients are compensating.

1555. *By the Hon. Sir S. Wilson.*—What would be the cost?—The extreme cost of making these alterations would be £1500, making an ample allowance.

1556. *By the Hon. N. Fitzgerald.*—Did you go over the line between Mitiamo and Elmore?—I did not; but I know the country pretty well for some miles from Elmore to Mitiamo, and I am aware that the country is of a very level character, and that no difficulties occur until you come to the range near the Pyramid Creek.

1557. Did you construct the line between Deniliquin and Moama?—I was the consulting engineer.

1558. And you had considerable experience in the construction of the main line between Sandhurst and Melbourne?—Yes; it was entirely under my charge.

1559. Could you, from your professional experience, meet a country more suitable for the construction of a line than that between Deniliquin and Moama?—No.

1560. Would the country between Kerang and Eaglehawk be as good as between Deniliquin and Moama?—Yes, equally good.

1561. No difficulty in construction?—No difficulty whatever.

1562. There would be very little difference in the cost of construction?—Very little.

1563. If you heard the nature of the country between Raywood and Eaglehawk was of such a character that it would be impossible to make a railway, where the gradients were so severe as to require three times the haulage power than between Raywood and Kerang, would you agree to that?—No; it is totally opposed to my experience, derived from the character of the line.

William A. Zeal,  
9th Dec. 1880.



1564. Then you consider that having made a survey of the line, you would be professionally more competent to form an opinion than if you went over it as a gentleman with only a casual knowledge of the country driving across—you absolutely surveyed the line?—I inspected the line.

William A. Zeal,  
continued, 7  
9th Dec. 1880.

1565. And of course you are prepared to reduce to figures what the result of your inspection was?—Yes.

1566. You say, from an engineering point of view, it would be next to impossible to get a line which would have less natural difficulties than the line between Eaglehawk and Kerang?—Yes, if the line is taken down nearer to the valley to Myers's Creek.

1567. Within the lines of deviation?—Yes.

1568. And doing equal good service to the surrounding country?—Better service. The nearer you get to the centre of the valley the better.

1569. Would it increase the distance much?—No, it is slightly shorter, because a bee line between Eaglehawk and Kerang would naturally take a line down to the west side of Myers's Creek. We went as nearly as possible in the direction of Myers's Creek, and therefore we went nearer a straight line than the Government survey.

1570. Are you aware of the sum of money to which the Government is limited in the construction of the proposed line, I mean of this line—the maximum of £3275 per mile irrespective of rolling stock?—Yes.

1571. Would you consider that, with this estimate of £3275 per mile, you could make the line on the part you suggest between Kerang and Eaglehawk within that limit?—I am positive of it. I should state that the reason why I make that assertion is, that the line between Echuca and Deniliquin cost less than that, taking out the cost of rolling stock.

1572. Do you think the cost of rolling stock would be greater on the line between Eaglehawk and Kerang than on the line from Elmore to Kerang?—No; I think it would be about the same. I think about the same description of rolling stock would be required.

1573. And if the gradients were lowered, you think no extra haulage would be required over what would be required between Kerang and Eaglehawk?—None whatever. Those gradients are so short, a train would naturally travel without any great increase of power. In some instances those distances are not longer than three or four times the length of a goods train; the longest is about thirty chains length.

1574. Can you speak of the distance between Kerang and Eaglehawk?—I have taken the distance from the maps.

1575. Have you also taken the distance between Kerang and Elmore?—Yes.

1576. What do you make the difference to be in extra construction?—The length of construction would be five miles greater on the Eaglehawk line than on the Elmore line, but the travelling distance would be increased by eighteen miles on the Elmore line more than on the Eaglehawk line; in other words, a passenger would have to travel  $93\frac{3}{4}$  miles on the Elmore line as against  $75\frac{3}{4}$  miles on the Eaglehawk line. Every passenger would lose one hour in travelling to Sandhurst, and would have to pay 18 miles more mileage for the privilege of travelling on the Elmore line.

1577. Taking the estimate at £3725 a mile, the extra distance being five miles, will you say, if those figures are correct, that would amount to £18,625?—Yes.

1578. And £1500, the cost of lowering the gradients between Eaglehawk and Sandhurst, in order to reduce them so as not to require more haulage power, the total amount would be in round numbers £20,000?—Yes.

1579. Then for the expenditure of £20,000 the inhabitants of Kerang could be saved the extra 18 miles haulage through going round by Elmore?—Yes.

1580. You pledge your professional reputation to that?—No doubt about it; every traveller travelling on that line would have to travel 18 miles increased distance. Taking it out in money value, that would represent, at four per cent., a capital of £70,425—that is four trains per day running 18 miles increased distance for 313 days in the year.

1581. *By the Hon. Sir S. Wilson.*—Then I understand that, by the expenditure of £20,000 additional, and making the line to Eaglehawk, there would be a saving on the capital value of £70,000—practically a saving of £50,000 in the working of these railways in the future?—Yes; less the increased cost of the five miles extra construction and the £1500 for putting the line into working order.

1582. Would not the expenditure in altering and making the gradients easier be a benefit to the line that goes on to Inglewood?—Yes.

1582a. So that part of that expenditure might fairly be charged on to the line to Inglewood?—Yes.

1583. As a matter of fact, in working these lines, would not a line start from Eaglehawk to go north to Kerang, and another line would go on to Inglewood?—Yes.

1584. It would not be the same train to work both lines?—No.

1585. So that the gradients from Eaglehawk would be the easy gradients that you have on the plains as compared with the gradients already existing between Sandhurst and Inglewood?—They would not be so easy as the gradients on the plains, but they would be quite as workable; and the gradients, being of such a short nature, there would be no objectionable feature about them.

1586. Would the gradients from Eaglehawk to Kerang be at all appreciably heavier than from Elmore to Kerang?—I think the gradients on the Elmore line, with one exception, that is, rounding the range on the Pyramid Creek, would be rather lighter than on the southern portion of the Kerang and Eaglehawk line; but, with that exception, the line would be the same, that is, the line from Sebastian to Kerang would be the same as from Elmore to Kerang.

1587. Are there any heavy works in either line in favor of either case?—There are no bridges of any importance on the Kerang and Eaglehawk line.

1588. And on the other?—Nor on the other, except a small bridge crossing the creek about seven miles from Elmore.

1589. Then, I conclude, from your evidence, there would be a saving for all time of 18 miles to goods and passengers by going by Eaglehawk instead of by Elmore?—Yes.

1590. And to secure that, £30,000 or thereabouts would be the outlay?—Yes.

1591. I observe in the map before me that the distance from Kerang to Elmore is put as 66 miles 75 chains, and from Eaglehawk to Kerang 71 miles 35 chains; the difference here is 4 miles 30 chains?—Yes.

William A. Zeal,  
continued.  
9th Dec. 1880.

1592. That would reduce the £20,000 by something like one-eighth ; practically, it is £17,500, if the measurements are correct?—Yes ; but I think the measurements I have given are more reliable. There is a difference of five miles between the two alternative lines.

1593. *By the Hon. N. Fitzgerald.*—If you heard that making this line connecting Kerang with Eaglehawk instead of Elmore would entail an extra expense of £50,000, would you consider that a grossly exaggerated statement?—Yes. I cannot account for it, except the line has been taken through the ranges and through more difficult country than can be obtained by going down by Myers's Creek.

1594. *By the Hon. R. D. Reid.*—Is not Myers's Creek flooded?—Yes, occasionally ; but by keeping on the east bank, about ten chains from the centre, the flood-line would be avoided.

1595. You have never seen it in the winter time?—No ; but I travelled down it with Mr. Minto, who told me it was sometimes 300 feet wide, with a depth of 9 inches, but the proposed line is beyond flood-mark.

1596. You were employed professionally?—Yes.

1597. By the gentlemen of Eaglehawk, I presume?—Yes.

1598. *By the Hon. G. F. Belcher.*—You see by the plan there the various lines that are proposed by the Government to be constructed?—Yes.

1599. In your opinion, what would be the effect of leaving those lines unfenced?—It would be very dangerous to stock ; and I question if the saving of the outlay would compensate for the loss that would arise.

1600. *By the Hon. R. D. Reid.*—What loss?—The loss of stock, and in probably some instances the loss to life.

1601. In New Zealand and America they do it?—If the Government and people of this country would be content to travel at a low rate of speed, there would be no difficulty about it. I have travelled in New Zealand, from the Bluff to Invercargill, where the train stopped, because a cow or some other beast obstructed the line. I have often seen the engine chasing a beast along the line, and not regaining its speed until the beast ran off the line.

1602. Suppose this only applied to three or four miles on the system of travelling 10 to 15 miles an hour, would that be objectionable?—Not particularly so if the Government took the responsibility, but unless they did it would engender a feeling of indifference on the part of drivers, who might run into stock without due consideration.

1603. *By the Hon. W. Campbell.*—I understood you to say that the line from Eaglehawk to Raywood could be constructed at about the same cost as the line from Echuca to Deniliquin?—I have no doubt whatever of it.

1604. Then I suppose that is about the cheapest line constructed in this part of the world?—It was constructed at a very cheap rate, because there was no unnecessary expenditure.

1605. Did the formation of that line come under your superintendence?—Yes ; I had the general superintendence, but not the inspection of the work.

1606. Have you any recollection of what the cost per mile was, excepting rolling stock?—Somewhere under £3000, including fencing.

1607. Then this line, from the same point of view, would cost less than £3000 per mile?—It should ; but Government works cannot be carried on as cheaply as those of private companies.

1608. Still there is no difficulty in construction, I suppose—suppose both lines were in the hands of a private company, do you think they could be constructed equally cheap?—Yes.

1609. Of course the ballast has come under your notice?—Yes.

1610. In these auriferous ranges, on the east of Myers's Creek, you could get a store of ballast?—I think there would be a quantity of good tailings to be got down all that line very conveniently.

1611. Perhaps on that account the difference of constructing the line upon the open plain, considering the proximity of ballast on the other line, would not be very much?—It would be in favor of the Eaglehawk route.

1612. A line with slight undulations, and in the immediate vicinity of a supply of ballast, would be as cheaply constructed as the more distant line on the plains?—I do not see why a line, taking into account that the supply of ballast is more convenient on the Eaglehawk line, should not be made as cheaply, if not more cheaply, than the Elmore and Kerang line, perhaps slightly cheaper.

1613. How would the ballast be supplied on the northern end of that line—would it be required to be carried from the ranges?—Yes ; unless deposits of gravel, or coarse sand, could be found in the district. It is quite possible that deposits of sand, or coarse gravel, might be found.

1614. Practically, what would be the steepest gradient from Myers's Flat to within a mile of Eaglehawk?—I think the worst gradient need not be more than 1 in 100.

1615. And the workable gradient on the main line is 1 in 50?—Yes.

1616. That is the ruling gradient?—Yes.

1617. *By the Hon. J. Lorimer.*—You said you surveyed this line professionally?—Yes.

1618. Had you ample time to enable you to give a reliable estimate of the construction?—Yes.

1619. Have you surveyed also the Elmore and Kerang line professionally?—No.

1620. Then you cannot tell us what the estimate of the construction of that line would be?—No, but I know the general character of the country, and if you go over a flat surface, the cost would be of a known character. I know the character generally. I have been down that district to Swan Hill. I am not aware that I have been over the exact route of that line.

1621. You would prefer to make a more particular survey before you would pledge your professional character and reputation to an estimate of the Elmore and Kerang line?—I could not say to a hundred pounds a mile, but I know in travelling over country and making a line of a similar character, the cost would be similar, and as there are no engineering difficulties on the line, I know the cost would not be exceeded.

1622. *By the Hon. N. Fitzgerald.*—You told us, a more easy country for the construction of a railway could hardly be found than between Moama and Deniliquin?—Yes.

1623. Then assuming the country between Elmore and Kerang were of an equally easy nature, you say the difference in the cost of construction would be very small in taking that length of railway over that line of country, as compared with making a railway between Eaglehawk and Kerang?—Very little.



1624. Would you tell us to within a few hundred pounds a mile?—Certainly not exceeding £500.

1625. *By the Hon. W. McCulloch.*—Have you been over the line between Elmore and Kerang?—No.

1626. Suppose the Government allowed you a certain amount of money to make a railway to Kerang, which line would you select if you could take either route you liked?—I think I would as soon take the one as the other. The distance is five miles greater in one instance, but on the other hand I would get a greater advantage in the way of ballast, and I would be nearer to my market, nearer to Melbourne for buying supplies. There would be very little difference between the two.

1627. *By the Hon. R. D. Reid.*—Supposing you were making a line to Melbourne, say to Swan Hill, which line would you prefer then—would you take from Lancefield to Swan Hill, or any other line in conjunction with Elmore? I want to ask you whether, if you were carrying out a large railway scheme in this locality looking ultimately, would it not be the proper line from Elmore to Lancefield, going on to Swan Hill?—Yes, if cost was a secondary consideration, but inasmuch as the main lines are constructed, and you can travel nearly as fast again—

1628. That is not the question. I want to ask you whether that would not be the proper line to take in constructing a like to Swan Hill, because I want to point out that ultimately the whole of that country between Lancefield and Elmore will have to have a railway through it—which would you sooner carry it to, Eaglehawk or to Elmore, taking that matter into consideration?—Eaglehawk; because, if you put a ruler on the map between Melbourne and Swan Hill, it would strike the west of Sandhurst and not the east. The line to Elmore is to the east, the straight line would more nearly approach the Sandhurst line than the Heathcote line.

1629. You have got to serve all those people about Heathcote?—Yes.

1630. Supposing you take a straight line from Kerang and come down, would not that be the proper line down from Elmore to Lancefield—a line, I mean, to serve the people?—That would be one line, but not the direct line. Supposing this line to be part of the great railway scheme, the line would come through Eaglehawk; and this line is made to compete for the traffic of New South Wales beyond Wentworth. The line would go to Eaglehawk because it is a straight line; and unless the Government are prepared to pay the extra mileage, you must follow the straightest line.

1631. You would not run one line parallel with the other?—No, but following out that argument, the North-Eastern line runs in a measure parallel to the Mount Alexander line.

1632. A long way from it?—It is certainly 25 miles, and in the same scheme Heathcote is 25 to 30 miles off. That is very difficult country from Lancefield by Heathcote to Elmore.

1633. *By the Hon. W. Campbell.*—Is there the remotest probability of a line of that sort ever being constructed to compete?—They could not compete either in time or cheapness. Passengers and produce coming from the north would certainly go over the lines that would afford the greatest facilities.

1634. I would like to know your opinion of it. The possibility of making a line from Lancefield to Wentworth is a little beyond my comprehension?—It will be many many years before that can be carried out.

1635. You have had considerable experience in carrying out railways, and in railway construction?—Yes.

1636. How many years have you been connected with railways in this part of the world?—Since 1853.

1637. That is twenty-seven years?—Yes.

1638. Have you been occupied during the whole of that time?—Actively until about the year 1865, and I have taken general practice since.

1639. You would stake your reputation as a professional man on the evidence you have given here to-day?—Yes; I would be prepared to construct a good line from Eaglehawk to Kerang on the figures I have mentioned.

1640. *By the Hon. N. Fitzgerald.*—Within the Government estimate, £3725 a mile?—Yes.

1641. A corrected map has been put in my hands; will you cast your eye over it?—[*The witness inspected the same*]—These figures are taken from a Government chart.

1642. Then there is a saving of eighteen miles for all time to come by the Eaglehawk route?—Yes.

1643. At a cost of £3725 per mile for five miles?—Yes; £20,000 altogether.

1644. This £1500 that you debit the Kerang line with will partly go to benefit the Inglewood line?—Half of it is fairly chargeable to the extension westward.

1645. Will you look at that map with regard to the creeks. You see the Mount Hope Creek runs down to Mitiamo?—Yes.

1646. There would be a bridge required there across that?—Yes.

1647. There is no such bridge required going from Eaglehawk?—None of such a large character; but the Government bridges are very cheaply constructed now.

1648. What would be the estimated cost of that bridge?—I should say from 15s. to 20s. a running foot would be sufficient. It would depend upon the nature of the approaches and the convenience of the timber.

1649. It would be some little deduction?—Yes.

1650. So that we may say the extra expense of the five miles construction, deducting the bridge, would not exceed some £18,000?—No.

1651. *By the Hon. Sir S. Wilson.*—I wish to ask you a question or two about the merits of the line proposed to be constructed through to Swan Hill. Is it not the case that the line between Melbourne and Sandhurst is a very costly line?—Yes.

1652. Very well built?—Yes.

1653. And with heavy rails?—Yes.

1654. And also a double line?—Yes.

1655. What is the nature of the new lines proposed compared with that line?—There is no comparison whatever; you can travel at any rate of speed you like on that line.

1656. What would be the rate of speed between Elmore and Kerang?—Not to exceed 20 miles an hour.

1657. What would be a safe rate between Melbourne and Sandhurst?—Anything up to sixty miles an hour.

William A. Zeal,  
continued,  
9th Dec. 1880.

1658. You could go double the rate of speed with equal safety?—Yes.
1659. Then it would be impossible to construct, at anything like what it is proposed to expend, a line to compete with the Melbourne and Sandhurst line?—Yes.
1660. And that would be nearer the straight line to Swan Hill—the Eaglehawk line—than the one from Elmore?—Taking a ruler and putting it on Melbourne, in the direction of Swan Hill, it would only leave Sandhurst a little to the west; going through the special survey at Sunbury, it would be a little to the east of it; just running a fair average line.
1661. What is about the distance between Lancefield road and Sandhurst by the present line?—Nearly 70 miles.
1662. Then if a competing line was made, while you were going over this 70 miles to Sandhurst you would only get over 30 or 35 miles towards Elmore?—That line could not be constructed at the cost, because you have to cross the coast range, and you get into very broken country from Heathcote northwards.
1663. So it is entirely out of the question—entirely impossible as a competing line?—Yes, at that cost.
1664. Unless the new line was made at the same cost of construction?—Yes.
1665. Even then the advantage would be in favour of the present line to Sandhurst, on account of the double line?—Yes, it would afford greater facilities for traffic.
1666. *By the Hon. R. D. Reid.*—You said on the present line you could travel to Sandhurst at the rate of 60 miles an hour?—Yes.
1667. Are the Victorian Railways in the habit of travelling at that speed?—The ordinary trains travel between 45 and 50 miles an hour. They make the distance between Sandhurst and Melbourne in four hours, and deducting the loss in stoppages the speed is scarcely under 50 miles an hour.
1668. You do not think these lines that are going to be constructed at £3000 a mile could be run more than 20 miles an hour?—Not with safety.
1669. *By the Hon. W. Ross.*—What is the nature of the country between Eaglehawk and Raywood?—It is a very good country after you get down about two or three miles. It is of an auriferous character from Eaglehawk towards Sebastian. There are something like 500 ratepayers in the parish of Neerim. There is very good soil in Sebastian—it is a sandy loam.
1670. Up to Raywood?—Yes.
1671. And from Raywood to Mitiamo?—The same description.
1672. And from Elmore to Mitiamo?—I think the quality of the soil from Elmore to Mitiamo would be equal to the best of the soil on the other line. The portion nearer Sandhurst on the Eaglehawk line is probably not so good as it would be lower down the valley, but after passing the neighbourhood of the diggings the soil is equally as good.
1673. *By the Hon. F. Robertson.*—You say the Deniliquin line was built for about £3000 per mile; was the work let by tender?—Partly by contract and partly by day labor.
1674. *By the Hon. R. D. Reid.*—Was it let by the Government?—No, it was a private company.

*The witness withdrew.*

Charles Ernest Norman examined.

C. E. Norman,  
9th Dec. 1880.

1675. *By the Hon. the Chairman.*—What are you?—A surveyor residing at Elmore.
1676. *By the Hon. R. D. Reid.*—You are a surveyor in the Government railways?—Yes.
1677. Did you survey the route from Eaglehawk to Kerang?—As far as the county of Bendigo—as far as Mitiamo.
1678. What is the nature of the country through which you surveyed?—The first 13 miles to Raywood rather uneven; from Raywood on to Mitiamo perfectly level.
1679. Can you speak as to the nature of the country as far as cultivation is concerned?—From Raywood to Mitiamo it is about the same character as the ordinary plains over the whole district; from Eaglehawk to Raywood there were patches here and there of fair cultivation in the gullies and flats.
1680. Did you survey any other line from Eaglehawk?—No.
1681. Did you survey a route from Elmore to Kerang?—Yes.
1682. What is the description of that country?—Perfectly level country the whole way.
1683. Going through many farms?—Yes.
1684. Which of the two lines of railway that you surveyed do you consider the most eligible?—The Elmore route, decidedly.
1685. What would be the difference of cost?—That I am unable to furnish, as the estimates are made in Melbourne; I merely surveyed the routes.
1686. On the Elmore route the gradients are much easier than on the Eaglehawk line, are they not?—From Raywood to Kerang the gradients are just as good.
1687. But between Eaglehawk and Raywood?—There the ruling gradient, according to my survey, was 1 in 50.
1688. What would be the gradient on the other line?—One in 100.
1689. In the drawing power of an engine—on the Elmore route—an engine could draw twice as much as on the Eaglehawk line?—Yes, fully.
1690. Which of those lines do you think would give the most traffic to the railway in produce, and so on?—I do not think there would be much difference in the amount of produce on either line. There would be more passengers on the Elmore line, I think, but they would have further to carry their grain, but they would send it down by railway.
1691. By Elmore, in preference?—They would bring it down by either line, when you get a certain distance away from the present railway lines.
1692. Which is the longer line?—Eaglehawk, to construct.
1693. What is the difference in construction between the Eaglehawk line and the Elmore line?—The direct line to Eaglehawk would be 71 miles, but as the people require it, it would be nearly 76 miles, that is, to go round by Mitiamo.
1694. What is the direct length on the other line?—About 66 miles and a half, making a difference of about 9 miles and a half.

1695. You say the population to be served on either line would be about the same, you think?—I think the Elmore line would serve more farmers, because it would serve the farmers out towards the Murray, which the Eaglehawk line would not do. C. E. Norman,  
continued,  
9th Dec. 1880.

1696. What distance is it from Elmore to the Murray?—The nearest point is behind the Echuca line, to the east of the Echuca line. From Elmore to Echuca is, I think, about 29 miles.

1697. From the nearest point at Mitiamo to the Murray, or a little higher up, what distance is it?—I should say between 20 and 25 miles.

1698. When you were drawing those lines, what did you go by—did you make them to get the easiest gradients? In making your selection from Elmore to Kerang, instead of Eaglehawk to Kerang, I suppose you gave the Elmore line the preference?—Yes.

1699. Because of the easier gradients?—Yes.

1700. What would be the difference in cost?—I never made an estimate; they have been all made in Melbourne.

1701. Have you anything to state with regard to the railways?—Nothing, except in my opinion, in going over the country, the Elmore line is the preferable one.

1702. In every way?—In every way.

1703. *By the Hon. W. Campbell.*—I understood you to say that the gradient on the Elmore line to Kerang is 1 in 100?—Yes; it could be 1 in 100.

1704. Did you survey the line across from Mitiamo to Kerang?—Yes.

1705. Which way did you take it?—That survey was made to go between Mount Hope and the Pyramids, as shown by that large map.

1706. What were the gradients in that line?—One in ninety.

1707. Then 1 in 90 is steeper than 1 in 100?—We could go from Elmore without touching that range at all.

1708. Which way would you go?—On the west side of the Pyramid.

1709. Have you any plan here showing that proposition—any plan before the House?—I think you have a plan there showing it. There is a dotted line in blue, which would go through a perfectly level country the whole way.

1710. How much longer would that be than the other line?—About the same length.

1711. Do you cross any rising ground between Mitiamo and the Pyramids?—None whatever; we could go without crossing any rising ground whatever. I have been over the country, and I know it well.

1712. And you think the gradient would be about 1 in 100?—At the outside.

1713. On this plan it says 1 in 90?—That is by the way it is surveyed.

1714. In running down the line between Eaglehawk and Sebastian, or Raywood, which side of the creek did you take?—The east side.

1715. What distance were you from the creek on the average?—I suppose about a mile at the nearest point.

1716. Do you know the country to the west of the creek?—I do not.

1717. You do not know whether it is level or rangey?—I know it is undulating country; it is more level than the country we went through.

1718. Why was not the level country taken?—We would have to go further to the west of the creek, to get away from the flood waters of the creek—we should have had to go a mile and a half from the creek.

1719. What was the steepest gradient you had between Eaglehawk and Raywood?—One in fifty.

1720. That is the steepest gradient on the main line?—Yes.

1721. It is considered practicable?—Yes.

1722. You do not know the country on the creek lower down?—I know the country between Eaglehawk and Sebastian.

1723. How does the line run as regards the line of road that the coaches take?—It runs on the east side of the road nearly all the way to Raywood. We cross the road about two miles and a half from Eaglehawk, and run from there on the east side of the road.

1724. How many of those gradients of 1 in 50 have you?—Several, in small pieces.

1725. What would it take to reduce them?—I made no estimate. I think an estimate was made in Melbourne of that.

1726. You stated that the difference in length between the two lines would be more than five miles?—Not as surveyed.

1727. The line as surveyed I understood. According to this map there is a difference of five miles—do you think that is correct?—Yes.

1728. But if the Eaglehawk line went direct to Mitiamo it would be more?—It would make it five miles longer.

1729. Suppose the line went more direct than the present survey—direct from Raywood to Kerang, how much would that shorten the line?—I should think about a mile.

1730. Not more?—Not more.

1731. That would reduce it to four miles?—Yes.

1732. Taking the surveyed line, we may assume there is a difference of five miles?—Yes.

1733. Are you aware of the difference of distance between Kerang and Sandhurst by Elmore, and Kerang and Sandhurst by Eaglehawk?—The distance from Kerang to Sandhurst by Elmore would be about 94 miles, and from Kerang to Sandhurst by Eaglehawk would be 77 miles, that would be a difference of 17 miles.

1734. According to this map it is 18 miles?—It might be seventeen miles and a half, I do not think it is quite eighteen.

1735. Are you aware that the surveyor was down there?—Yes; I met him there once.

1736. *By the Hon. N. Fitzgerald.*—You said the farmers would have to go a further distance by the Elmore and Mitiamo line than by the direct line?—Yes, I think the majority of the farmers are on the direct line between Raywood and Echuca.

1737. Then I suppose you mean the Committee to understand that the direct line between Eaglehawk and Mitiamo would benefit a larger number of farmers than the line between Elmore and Mitiamo?—No, the Elmore line would benefit them more.

1738. Then why should the farmers prefer to use the line between Eaglehawk and Mitiamo to the Elmore to Mitiamo line?—I do not think they would.

1738a. I understood you to say that, of the two lines, you thought the farmers would prefer to use the direct line between Mitiamo and Eaglehawk, rather than the other line between Elmore and Mitiamo?—I do not think I said that.

1739. Mitiamo you know, I suppose?—Yes.

1740. It is not a very large place?—No.

1741. Is there any urgent necessity why it should go this four miles round?—No, not for the township.

1742. Then the farmers on the south side, the Eaglehawk side, of Mitiamo would benefit just as much by the railway not going into Mitiamo as they would by its going in—the extra four miles would not make much difference to them?—The majority of the farmers are round in that piece—[pointing to the map]—about Mitiamo.

1743. Then I presume, that being the case, a line of railway going so as to reduce the construction by four miles would be practically as convenient as if it went into the township?—No, it would not, because it would go seven or eight miles away.

1744. What is the distance between Mitiamo and Echuca?—Thirty-five miles.

1745. Were you instructed to select any particular route in surveying this line from Eaglehawk to Mitiamo?—No, not any particular route, but the most practical route, and to get away from Eaglehawk as soon as possible.

1746. Would you not consider it a portion of your duty to have gone over with a view to taking an accurate survey of this portion on the west of the creek?—I considered it too far away from the Eaglehawk station, and it would lengthen the distance of carriage.

1747. Did you make an accurate survey in order to place yourself in a position to know, or was it merely surmise?—I knew what point we could get out to get down to Myers's Creek, and I know that was a certain distance from Eaglehawk.

1748. Supposing you heard an engineer of such experience in the construction of railways as Mr. Zeal, or any gentleman of his reputation and experience, say that, after taking an accurate survey, he would go in that route, without lengthening the distance practically, and without increasing the cost of construction, and that he would find as practicable and cheap a route as between Mitiamo and Elmore, would that shake your opinion?—No; I heard his evidence, I do not think he could.

1749. Suppose he staked his reputation, and you speak from mere surmise?—I know the fall of the the country—I took levels over the country.

1750. On the west side of the creek?—No.

1751. You took levels on one side and not on the other—are you not therefore at a disadvantage in speaking as confidently as you do?—No, I am not speaking of the west side of the creek.

1752. Then there might be a practicable route without your knowing it?—Not so good as the one from Elmore.

1753. Supposing there was no difference in the cost of construction—suppose you heard an experienced engineer say the difference in the cost of construction would be trifling, would it surprise you?—No; but you would have a line with different gradients, of a steepness that you would not have on the other line.

1754. You understand what are termed, professionally, compensating gradients?—Yes.

1755. Suppose the gradients were of that character, could the line be constructed without any extra expense?—Yes, by running close to the surface.

1756. I presume running close to the surface would be as safe as with cuttings and embankments?—Yes.

1757. Suppose you could make compensating gradients, so as not to interfere with the drawing power, would that make the difference you speak of without any material addition to the cost of construction?—I do not think that the gradients could be made in any way to compensate for the fall in the ground from Eaglehawk to Sebastian.

1758. But you are speaking from the surface look, not from levels?—I know the difference of level between Eaglehawk and Raywood.

1759. You are all agreed that from Raywood to Mitiamo is quite as good for construction as the other—that it is level, consequently the whole of the difference is in the character of the country?—Yes.

1760. You surveyed the route on the east side, but you did not on the west?—No.

1761. You started the survey on the east with the conviction that there was no good practicable route on the west?—I started the survey so as to get away from Eaglehawk as soon as possible.

1762. You still adhere to the statement that, on the east of Myers's Creek, it was utterly impossible to find a route which would give you an average gradient of less than 1 in 50?—No; I would not say that you could not find a gradient of 1 in 70, but it would be an additional expense.

1763. What would the expense be?—£1500.

1764. What is the gradient between Echuca to Sandhurst?—One in 90.

1765. If the gradients were 1 in 70, compensating gradients, would the hauling power of an engine capable of drawing a certain load on a gradient of 1 in 90 be much decreased?—Yes; because I know there is a certain amount of rise between Eaglehawk and Raywood, therefore the compensating gradients must be heavier in coming to Eaglehawk from Kerang than in going to Kerang, because Eaglehawk stands so much higher than Raywood.

1766. Would that extend over the whole 13 miles?—Not over the whole 13 miles, because some is on pretty level ground.

1767. Would that be on the Eaglehawk side of Sandhurst or on the Sebastian side?—The worst of it would be on the Eaglehawk side.

1768. Do I understand you, that the whole of those difficult gradients would be in that distance?—The worst piece is in about the first five miles.

1769. You say in those five miles the gradient would be 1 in 50?—Yes; not right through, but in parts here and there. There must be more rising towards Eaglehawk than falling.

1770. Cannot you give an estimate of the cost of making those compensating gradients?—They are all compensating gradients, because you go over undulating ground.

1771. It is a question of cost whether the gradients could be so reduced?—You could compensate practically.

1772. Would the cost be very great?—No; about £500.

1773. On the whole line?—In addition to the £1500 I have already stated; from £500 to £600 or £1000.

1774. To bring the gradients down to 1 in 50?—Yes.

1775. You say the whole thing would take about £2000 to reduce the gradients to as easy working as between Mitiamo and Elmore?—About; I never made an estimate of it.

1776. *By the Hon. W. Campbell.*—Have you had a long experience in laying out railways?—I have been employed in surveying in the Railway Department for a number of years. I have been surveying for seven or eight years.

1777. Was this the first line you had the responsibility of laying out?—No; it is the second line I had the responsibility of laying out.

1778. Under what directions did you take that survey—had you any directions from any head of the department as to the course to take?—No, merely to get as short a line as possible, that was the first consideration.

1779. Irrespective of gradients?—No, not irrespective of gradients. When I started I considered that 1 in 50 was to be the ruling gradient.

1780. There are very few gradients so steep as that on the line?—Yes.

1781. And those easily reduced?—Yes.

1782. I can understand your not examining the country so minutely, because you were satisfied with the gradients?—Yes, that accounts for my not going further west to get better gradients.

1783. You were not aware you were travelling within a mile and a half of a dead level country?—I do not think I was.

1784. I will undertake that, if you will read the evidence before this House, you will find that such was the case; but because you have not seen it, you doubt their evidence; but still you were travelling down the line within a mile and a half of level country?—Yes.

1785. You say the gradient of 1 in 90 could be reduced to 1 in 100 by Mount Hope?—By going to the other side.

1786. *By the Hon. R. D. Reid.*—You surveyed this line that Mr. Zeal speaks of on the eastern side of Myers's Creek?—One line only I surveyed.

1787. You did not go on to the western side at all?—I did not survey on the western side.

1788. *By the Hon. J. Lorimer.*—Did you hear the whole of the evidence given by Mr. Minto and Mr. Zeal?—Not Mr. Minto's; I heard Mr. Zeal's.

1789. Are you prepared to say that Mr. Zeal is wrong?—No, because he has been carefully over that route, and no doubt he could form a better estimate than I could.

1790. You consider he was equally competent?—More competent.

1791. And you think he made a more careful survey than you did?—No; I think I made a more careful survey of that route. The line Mr. Zeal speaks of he went over carefully without taking any levels, and from his knowledge and experience he put down his opinion.

1792. You do not doubt the correctness of his statements?—I do not, from his experience and knowledge.

1793. Why did you not go over that particular route?—Because we were not bound to anything more than the 1 in 50 gradient, and I wanted to get away as soon as possible from Eaglehawk, because the nearer we got to Sandhurst the shorter the line would be.

1794. Then all you looked for was to get the shortest line?—Yes.

1795. Supposing you had gone on a roving commission without any instructions, what would you have done, would you have gone for a direct line, or picked out the easiest?—At the time I started I had no knowledge of the country beyond, and I always supposed it was undulating country right through. I supposed that 1 in 50 would have been the ruling gradient of the line.

1796. If you had to do it over again, and had the full responsibility of advising the Government, what course would you take?—I should certainly try and get a less gradient than 1 in 50.

1797. *By the Hon. W. McCulloch.*—Is there any ballast between Elmore and Kerang?—No, very little.

1798. On the other line?—Between Eaglehawk and Raywood; it is a mining country and there are large deposits of tailings.

1799. If the line was made from Elmore, where would you get the ballast?—From the White Hills.

1800. What distance would that be?—Twenty-three or 24 miles from Elmore.

1801. That would add to the expense of making the line?—Yes, if ballast were used all through the line.

1802. Would you not use ballast all through?—That I am not aware of.

1803. *By the Hon. R. D. Reid.*—If you once get the ballast into the truck I suppose it does not make much difference to a mile or two?—A penny per ton per mile.

*The witness withdrew.*

John Wilkinson examined.

1804. *By the Hon. the Chairman.*—What are you?—Civil engineer.

1805. Where do you reside?—At Kew.

1806. *By the Hon. R. D. Reid.*—Have you had experience of the country through which this proposed line runs?—Yes.

1807. You know the country from Elmore to Kerang?—Yes. Some two years and a half ago I examined the whole of that country under orders to report what I considered the best route for a railway to Kerang. I examined the line from Elmore to Kerang, Kerang to Bridgewater, and then across from Eaglehawk to I may say Mitiamo, to join into the other route. I consider it one common line to between 15 and 16 miles south of Kerang.

C. E. Norman,  
continued,  
9th Dec. 1880.

John Wilkinson,  
9th Dec. 1880.

John Wilkinson,  
continued,  
24th Dec. 1880.

1808. What line did you consider, from a professional point of view, was the best?—I looked at it from two or three points of view, both in a professional point of view and also which would be the best line for the country; and I then reported that, having inspected the three lines, I considered that the line from Elmore to Kerang was the best to be constructed, if the Government ever proposed to run a line from Juglewood, up into the Boort country. If the Government could say that they never would run two lines there, and then reported that, as you may say, of two evils choose the lesser, and that was to try and make the one line do the two.

1809. From Eaglehawk?—No; I threw out Eaglehawk from my report. I have proposed striking from Bridgewater, if there was never a line to be made west of the Loddon, but if there was a line to be made west of the Loddon, Elmore was the line I proposed to make. My reason for the Elmore line, was my proposed line was rather to the west or south of what is now the proposed line from Elmore. My reason for doing that was, there is a three-chain road running down the whole way almost, with only two bends, the land could be obtained for nothing right through; the line would have followed the three-chain road within about 20 or 25 miles of Kerang, then it would have made the direct line to Kerang. The reason I picked out that route was, that the land appeared to me to be good fair farming land all the way from Elmore to nearly about Cobb's stables. About fifteen miles south of Kerang there were a great many farms, and the crops looked well.

1810. Have you been up in that district lately?—No.

1811. When you were up in that district was all that country taken up towards the Murray?—Yes, I believe there was hardly an allotment to be got.

1812. It was thickly populated?—Yes; and I considered that a line more to the west, looking at the general fall of the country, would have left too large an area of good country to the north, between that and the Murray, out of the line.

1813. You think the line from Eaglehawk to Kerang would not have served those people?—Most decidedly not. I threw Eaglehawk out, because it was more expensive, and the country from Eaglehawk was mostly gravelly country, with the exception of the land along Myers's Creek; but, assuming it was as good a line in every way, then I considered there was so much vacant country left between that and the Murray. For the benefit of the district I considered that all the people that could not get to my line from the south and west could get to any line made west of the Loddon, in the good country around Boort.

1814. You think that line from Inglewood to Boort would answer most of the people to the left of the line between that and Mitiamo?—It will answer people living between ten miles of the Loddon on the east.

1815. Is there any great difficulty in crossing the Loddon?—In some places, but not in others.

1816. It is easily bridged?—Fairly easily. In some places there are bridges.

1817. The farmers do not find any difficulty in the summer in bringing their produce across?—In summer it is good, but in winter they could not without bridges. There are four bridges over the river, counting, I think, one at Inglewood, one at Durham Ox, one at Serpentine—I think there are four altogether.

1818. Then you think altogether that the line from Elmore and the one to Boort would answer all purposes required there?—I think these two lines would certainly serve the country better than the line from Inglewood to Boort and Eaglehawk to Kerang, because the people to the east would be left out, and I do not consider the country between Eaglehawk and Raywood, because I thought those people were very well served by the Inglewood line, and were within twelve or fourteen miles of it, and I never consider people living within that distance.

1819. You see all those lines there—[pointing to the map]—what is the average distance? Take the whole of the lines together; would they not be served within fourteen or fifteen miles? You see that map. Then, carrying out the Eaglehawk line, would they be within a reasonable distance of the railway traffic?—They would be within twenty miles of some lines of railway. That was my reason for picking the Elmore route.

1820. *By the Hon. N. Fitzgerald.*—How long did you spend in this country?—I should think about a week or ten days.

1821. Over what range of country did your travels extend?—From Elmore to Kerang, and from Kerang to Bridgewater, from Bridgewater to Eaglehawk, from Eaglehawk on to Raywood, and on to the clear country.

1822. Did you take any levels?—No.

1823. Did you go on a roving expedition to inspect the formation?—No, I required no levels through the whole of that country. In some country you do require levels, as I did in Gippsland, but in this country I required no levels, it was merely to point out the best line to be surveyed.

1824. Then in giving an opinion of the proposed routes between Eaglehawk and Mitiamo and Elmore and Mitiamo, your only experience is based on this ten days' trip?—And on my knowledge of the country.

1825. How long have you been in the country?—About 20 years.

1826. We take it as regards this visit, that having been over that range of country you did not expend any more time in examining the line north and south of Mitiamo than just a flying visit through?—No.

1827. Then, in speaking of the relative merits of the two lines, it is merely what observation could give you?—It is the same as I made of all the lines of country I examined.

1828. You were merely sent on a roving expedition to explore the country. How many miles did you cover?—Two hundred and odd miles.

1829. Twenty miles a day?—Some of that country I travelled at 40 miles a day.

1830. Allowing for an ordinary piece of travelling—what time of the year was it?—In the spring.

1831. Was the time for inspection such as to satisfy you in giving the Committee an opinion of the gradients and the character of the line from a constructive point of view?—In travelling over that country I could almost tell the gradients except in one or two places. From my eyes the country is so level.

1832. Your eyes could surely only reach a certain distance?—Yes.

1833. I presume you went on the high road?—Yes, all around from Elmore to Kerang.

1834. You drove on the ordinary road?—Yes.

1835. You did not go searching?—No, I did not. I went on the ordinary road—the road you were travelling.

1836. And there might have been out of the range you were travelling a country which, had you seen it, would have reduced the comparative merits of the two lines considerably. If you travel on the high road in an undulating country your views must be limited?—Yes.

1837. By travelling a mile on either side of that road you might come across an easier gradient?—What I meant to state is, that the country is not undulating.

1838. Between Eaglehawk and Raywood?—I am speaking of the whole route.

1839. I want the Committee to understand that, as far as your observation goes of these routes, it was not sufficiently definite to allow you to give any information that the Committee could place any reliance upon as to the merits of the competing lines, therefore if you were travelling on the high road, they consider that the Elmore was better, as far as the cost of construction was concerned. There might be a much more easy route within a mile of what you observed and still unobserved by you?—The only part of the country that there could be any doubt of was between Eaglehawk and Raywood.

1840. Did you give any more attention to the country in which alone the difficulties from the construction point of view existed—that is to that distance of fifteen or eighteen miles between Eaglehawk and Raywood—than to the rest of the country?—Yes I did.

1841. Did you go off the high road?—I did.

1842. In how many places?—I stopped at all places of observation, and took levels with my aneroid, which I did not require to in the other country. I do not make any definite statement about the cost or the particular engineering difficulties of any particular route from Eaglehawk, because I did not make a definite survey, but I state that I consider the Elmore line was cheaper. It was shorter considerably, and it was perfectly level the whole way, and I considered it served a greater number of farmers, and I recommended it.

1843. You said that the line you recommended struck the main line south of Elmore?—My line was south of the present line.

1844. How much south?—It follows the route. It still went into Elmore.

1845. As far as regards the country it serves, you recognise the blue lines there?—Yes.

1846. Between Elmore and Mitiamo do you not see that the line from Eaglehawk, allowing your own figures, that within twelve miles of the railway is as much as the country is justified in doing for the farmers?—Yes.

1847. A line striking north from Mitiamo would bisect all that country where you see the blue marks?—It would leave a very large area of country away to the north and north-east.

1848. How far would that north-east country be from Mitiamo?—It would be about 20 miles from Rochester.

1849. From the centre?—Yes. Then there is the sweep of the country to the north that I looked at.

1850. Would that not be served by the extended line from Mitiamo to Kerang?—No, not the country upon the north.

1851. That red line marks it, does not it?—The Eaglehawk line would not serve it.

1852. The Mitiamo would be equally convenient?—It would be a long way from it.

1853. Would the distance there be in excess of the 12 miles you were speaking of?—Yes.

1854. How much more?—Twenty-five or 30 miles to the Murray. It is the Murray I am speaking of.

1855. Then you come into competition with Echuca?—The west of Echuca.

1856. The west of Echuca must come to Mitiamo?—Yes.

1857. Then that does not affect the competing routes. Mitiamo would still be the point of juncture?—No.—[*The witness referred to the plan*]—Presuming there is Elmore, there is Mitiamo, there is the Murray say—[*explaining the same*].

1858. What do you estimate the value of ballast to be per mile to the contractor?—About £300 a mile. That is a very rough estimate.

1859. What distance of carriage would you consider that to be?—Anything under 20 or 25 miles.

1860. If you make it 30 miles I presume your estimate would be 50 per cent. more?—No, still about £300 a mile; the contractor would still take it at about that price.

1861. What is the distance from Elmore to Mitiamo by your proposed route?—About twenty-seven miles I make it by that route.

1862. Where would be, from your knowledge of the country, the nearest ballast for the construction of a line of that kind?—On the Echuca line.

1863. Where am I to get my ballast?—Very likely at the White Hills.

1864. What distance is that from Elmore?—About 23 miles, I think.

1865. Just think again. How far are the White Hills from Sandhurst?—Five miles.

1866. Would you not consider that hauling and paying, I suppose, 1d. a mile a ton—that is the charge on the line?—I do not know. A contractor is allowed to run at so much a day.

1867. What difference in the cost of construction would it make, assuming the contractor had to haul his ballast to the nearest point of his work, and a line where the ballast for a great portion of the road was to be found at his hand—would it be £500 per mile?—No.

1868. Three hundred pounds?—No, I do not think it would be £100 per mile.

1869. On the Raywood line they have ballast all the way?—Very nearly. It is very nearly all gravelly ground till you get to Raywood.

1870. According to that—at £100 a mile, the difference in the cost of construction must be reduced by this £100 a mile for twenty-eight miles—that is £2800?—I cannot give it without working it out.

1871. You say, from the contractor's point of view, the difference of hauling the ballast to Elmore, in your opinion, would be £100 a mile more?—I think over £100. It is impossible to do that without figuring it out. I cannot give an estimate of that.

1872. Had you anything to do with the surveying of the line from Eaglehawk to Sandhurst?—I was not on the survey of that line.

1873. You know the general character of it?—I do.

1874. Do you know whether it would be a costly matter to reduce the gradients on that line without interfering with the traffic?—I do not think it would cost more than about £2000 or £3000 to reduce the gradients, but I had better not express an opinion.

1875. You heard Mr. Zeal's evidence?—I did.



John Wilkinson,  
continued,  
9th Dec. 1880.

1876. Would you think he was very much out in saying £1500?—I think he was considerably under it, but I could only say that, from the general idea. No doubt he has worked his calculations out, and I have not.

1877. You heard Mr. Zeal's evidence about the character of the route between Eaglehawk and Mitiamo?—Yes.

1878. Would you, from a rapid survey, undertake, as a professional man, to contradict the evidence Mr. Zeal gave about the practicability of finding a level route there?—No, I would not from the observations I made.

1879. I presume also you would not contradict Mr. Zeal when he asserted that the difference of cost of the lines between Eaglehawk and Mitiamo and Mitiamo and Elmore would be very slight?—I did not hear what he said.

1880. Suppose he told you that the cost would be about the same?—I should say he was wrong, without going into figures.

1881. Would you say he was greatly wrong?—About £35,000 I should say.

1882. I meant per mile?—I did not hear what he said.

1883. Supposing Mr. Zeal said that the cost of constructing the line between Eaglehawk and Mitiamo and Mitiamo and Elmore would be practically equal per mile, would you consider that he was right or wrong?—Wrong.

1884. To any serious extent?—I think so. The country from Elmore to Mitiamo is practically level; from Eaglehawk to Raywood it is not level. I could not give an estimate of the cost—there are cuttings and banks and grades.

1885. That contradicts your former evidence. You said you would not undertake to contradict or disagree with Mr. Zeal, that an equally practicable route could be found between Eaglehawk on the one side and Elmore on the other—that you would not contradict him that an equally level route could be found?—I meant to say that I would not contradict Mr. Zeal in saying that a much better route might be found. I have not been on the ground since it has been surveyed, and I would not say a better route than that could not be got, but I would simply say, you could not get as easy a line from Eaglehawk as from Elmore.

1886. You could get a line where the haulage would be so much increased upon the whole. You would not undertake to say, from your opportunities of observation, that an equally good line, on which the haulage power would not be materially increased, could not be found?—From my observation I distinctly say that.

1887. You know that few in the country have had the same opportunities as Mr. Zeal?—I have a great respect for Mr. Zeal's experience and ability, but I argue in this way—that the line from Mitiamo to Elmore is practically level; the other is not level, it would take more haulage.

1888. *By the Hon. R. D. Reid.*—I suppose it would take more engines?—The fall of the creek would show there is a considerable amount of height to be gained, and taking the height at Eaglehawk with the aneroid shows me there was a considerable fall.

1889. It is only on that that you base your opinion?—On that there is a sudden fall, and you must have a certain amount of haulage power to overcome that.

1890. That, I presume, would be mitigated greatly by the distance the gradients have to cover? If the gradients were long they would be easier?—The longer the easier.

1891. You had seven days to go over the whole country?—Ten days.

1892. Most of the witnesses here said that the land immediately around Eaglehawk was very fair land for fourteen or fifteen miles out—it was pretty good there around Eaglehawk. Now, I find there is an immense deal of gravel that could be got for the railways there along the line—is it usual that gravelly ground is good ground?—I did not say it was.

1893. I am not asking you if it was—other witnesses said it was good ground there about Eaglehawk?—It is gravelly from Eaglehawk to Raywood, most of the way.

1894. *By the Hon. W. Campbell.*—I think the evidence brought before the Committee showed that the land lying to the east of Myers's Creek was of an auriferous character generally, but practical men, the shire engineer, and men who lived for years in the district, have given evidence that most of the Myers's Creek is alluvial country—when I say the level country, I speak comparatively—I mean country with a gentle declivity. Can you tell us the difference between Myers's Flat, which is within a mile and a half of Eaglehawk and Raywood?—I could not now. I know that the country to the west of Myers's Creek is more level, but my reason for not adopting that was that the line to go to the west of the creek would run to a great extent parallel to a line going to Inglewood, and I always throw out any place, if possible, eight or ten miles from a railway. The railway going to Inglewood would go at right angles to it; that is my reason for taking the other.

1895. It is shown in evidence here that the line which the Government has laid out does not deviate more than a mile and a half from that creek, the direct line to Raywood—you say you made a hurried journey through the country?—Yes.

1896. Did you ride along the beaten track?—Yes.

1897. And without knowing what lay behind a distance of a mile of where you were travelling?—Of course, I cannot talk of the country as a man who has surveyed, but I saw the country on the west of the creek.

1898. Did you travel along that country—what distance did you say?—I was quite close to it in places, and I went on the spurs and banks, and looked over it.

1899. Did you see any rock or rising ground between Myers's Flat and Raywood—is there any rock jutting out of the surface between those two places that came under your notice?—I could not say.

1900. I understand that when you went on that voyage of discovery you had two lines in view—did you inspect the line from Elmore to Kerang, and from Kerang to Bridgewater, and on the intermediate line from Eaglehawk to Raywood? I understand your object was to have the line from Bridgewater also for the lower part of the Loddon?—No.

1901. What was the object in examining Bridgewater?—I know the Boort country; I knew there was good country to the west; I did not know what lines the Government intended to construct or how many; and presuming they would only construct one line, I thought the line that would benefit both sides



would be the line from Bridgewater to Kerang, going to Swan Hill, and from there on to the junction of the Murrumbidgee. John Wilkinson,  
continued,  
9th Dec. 1880.

1902. What would be the cost of constructing a line from Bridgewater to Kerang—is there any engineering difficulty?—No.

1903. No water to cross?—None.

1904. Did you not lean to the east bank of the Serpentine?—I have no notes, I am only speaking from memory.

1905. I am speaking of the line running from Bridgewater to Kerang running parallel—I suppose you are aware that the Serpentine is an ana-branch of the Loddon?—There is one creek to cross; that is a perfectly level line,

1906. Is it any shorter distance to Elmore from Kerang?—I think it is a little, as well as I remember.

1907. Then there would be a saving in bridges, but that line would not divide the country so well?—That line would be perfectly useless now.

1908. Why?—Because there is a line running from Boort to it.

1909. It has come before us in evidence from professional gentlemen, that there is a large extent of country between Boort and the Serpentine—what is called the Durham Ox, which is difficult to cross—have you ever crossed between Boort and the Durham Ox?—Yes; I believe that the settlers on the east bank of the Loddon take very little advantage of boats.

1910. Did you pass through any flooded country?—Yes.

1911. Would the line of railway require to be raised at all?—There is the road.

1912. Is there a bridge there?—There are three bridges on the Loddon, three crossing-places.

1913. Where are they?—They are a good distance from each other, but a farmer never expects to cross opposite his house. I was talking of the general features of the country, not of any particular place.

1914. Have you any knowledge of the settlement on the banks of the Murray between Echuca and Swan Hill?—Not a good knowledge now, because it has increased so much.

1915. Is there a forest reserve along the Murray?—Yes.

1916. To what extent?—I cannot state the extent.

1917. You say there are several settlements on the banks of the Murray—selectors I mean?—There are several all the way down; there are one or two large estates.

1918. I am speaking of selectors or small settlers living on their farms?—Not so much on the Murray as on the Gum Creek.

1919. That is within a short distance of the Murray?—Yes.

1920. Is the Murray useful to those people in sending up their produce to Echuca?—The Murray ought to be the high road to those within 14 or 15 miles.

1921. Then those men are accommodated with the water of the Murray—how close does that go to Mount Hope?—Pretty close.

1922. All the way to Kerang how close is it—you see on this map—what distance is it from Kerang to the Murray according to that scheme?—Twenty-five miles about.

1923. Then that would bring the settlers within 15 miles, would it not?—Yes.

1924. You say they ought to be accommodated within 15 miles?—Yes.

1925. Then if you take 15 miles off 25 you bring it to 10 miles; then on the southern portion here you have the same distance from Rochester. Taking 15 miles from the Murray and 15 miles from Rochester, how much do you leave from Mitiamo?—You do not leave much.

1926. Do you not think, looking at this map from Eaglehawk, taking the navigable waters of the Murray and the line to Inglewood that that line divides the country better than the other?—I do not; I think it is too close to the Inglewood and Boort line.

1927. Inglewood is away out here—what sort of country is it to the north of Inglewood?—Poor country.

1928. How far does it extend?—Seven miles or eight miles.

1929. Under whose directions did you survey the country?—Under Mr. Watson's. He was then Engineer-in-Chief.

1930. Had you been long in the Railway Department?—Eight years.

1931. And you had been employed in laying out lines?—Yes.

1932. And in the construction of them?—Yes. I surveyed some ten or twelve lines and constructed five or six.

1933. You have not surveyed any of these?—I have not.

1934. You admitted that line between Eaglehawk and Raywood was not surveyed by you?—It was not surveyed until eighteen months after my report.

1935. Would you be surprised to hear that Mr. Zeal, who has had longer experience than you in connection with railways, stated that that line from Eaglehawk to Mitiamo can be constructed for as little money as the line from Echuca to Deniliquin—you know that line?—Yes; it is according to how he makes it.

1936. It is assumed that it is made in the same way. It is a very fair, substantial line, is it not?—Yes, it is a good, fair line. It is impossible for me to state, but it seems strange that a line where the country is rolling can be made the same as where it is level.

1937. You admitted you only went as far as the undulating country on the west of Myers's Creek?—As far as that is concerned, I was in the creek several times taking levels, so that I travelled down the creek.

1938. Do you know whether the gentleman who laid out the line took the same course as you did?—I cannot say. All I know is it cannot be as easy country from Eaglehawk to Raywood as from Raywood to Kerang, because there is a heavy height to get up, and it must be got up.

1939. Can you tell the difference of altitude between Myers's Flat and Raywood?—No I cannot. It is two and a half years ago, and I did not bring any notes.

1940. What is the general fall?—There is no rule. The Murray falls about a foot to the mile, and another river may fall fifty feet.

1941. Suppose it was a fall of two or three feet to the mile, what gradient would that give?—It would be a good deal, because those creeks are very crooked. It is impossible for me to state that.

John Wilkinson,  
continued,  
9th Dec. 1880.

1942. Practical men say there is a level country extending along the whole west side of this creek? —There is one thing I did not like—the country on the west side looks very much like flooded country, and another thing was, that it brought the line too close to the Inglewood line.

1943. Are you aware where the creek takes its rise?—No.

1944. Are you aware that it has very little gathering ground?—No.

1945. On a small gathering ground can there be large floods?—Not so large as on a large gathering ground.

1946. Do you know where that creek runs to—where it terminates?—No, I never lived there.

1947. Do you not know that that creek loses itself about Raywood and disappears altogether?—I say the country looks like flooded land.

1948. Are you aware that it is under farms—the whole district along there?—Yes.

1949. Surely where farmers can carry on their operations a railway could go?—No; between Castlemaine and Newstead there is good farming land—it would be very difficult for the railway.

1950. Are you right in saying that there is any risk of a flood in a little bit of country like that, where there is no gathering ground, that there can be any flood? Mr. Zeal says he stopped on the verge of the flooded ground on the east bank, which did not come under your observation?—I have never been over the present surveyed line. I do not say, but I might have gone a little further to the west.

1951. I am not speaking of the dead level country from Mitiamo to Elmore. If Mr. Zeal says that from Raywood to Mitiamo there is a gradient of 1 in 100, would that satisfy you?—No.

1952. You do not doubt Mr. Zeal's capacity?—Not at all. I would prefer to level it myself before I would believe it.

*The witness withdrew.*

William Elsdon, M.Inst.C.E., Engineer-in-Chief of the Colony of Victoria, examined.

William Elsdon,  
M.Inst.C.E.,  
9th Dec. 1880.

1953. *By the Hon. R. D. Reid.*—Have you examined this railway route from Elmore to Mitiamo? —I did recently.

1954. Did you go over the ground from Eaglehawk to Mitiamo or the Pyramids?—I did, with a deviation on each side of the line perhaps of about a mile.

1955. Will you give us your opinion with regard to those two routes?—Also crossing the line at several places from the main road, as far as I could see by the eye the Elmore seemed to be the preferable, and the most cultivation going on. Those were the observations I made at the time. And, from the section sent to me by the surveyors of both of the routes, the Elmore route showed a gradient of 1 in 90—on the Eaglehawk to Raywood line it was 1 in 50. From Raywood towards Mitiamo much more easy, nearly a flat. The gradients can be altered from 1 in 50 to 1 in 70 at not a very heavy expense—say about £1500. The gradients from Sandhurst to Eaglehawk vary from 1 in 42 to level; those gradients are workable. The rise from Raywood to Sandhurst is about 320 feet, and the question of compensating gradients would certainly not apply, more especially as the train has to climb a hill to Eaglehawk. The same applies from Eaglehawk to Sandhurst. The general fall from Elmore or Raywood towards the Murray is about three feet per mile. This might vary a little here and there, but there is not much difficulty in making a railway on either route, but, according to the sections sent to the office, the route between Raywood and Eaglehawk show the most difficulty. It could be altered to 1 in 70 for about £1500. It is about 1 in 90 on the Elmore route, and the difference of haulage power between 1 in 70 and 1 in 90 being about a third or thereabouts. The alteration of the line between Sandhurst and Eaglehawk would take, as near as I could get out the quantities, about £10,000. It would require to go through a sort of semi-conglomerate. The alteration could not be carried out without stopping the trains—that is, you could not take up the rails on the line and carry on the operation at the same time. You would require to carry another line alongside in many places, although there are few trains on the line.

1956. What is the length of the line from Eaglehawk to Kerang?—By the straight route 71·25 miles; by the route touching Mitiamo 75·8 miles.

1957. What is the difference on the other line?—*Viâ* Elmore 66·25 miles.

1958. What is the difference in cost as between one and the other?—I think the total cost taking into consideration the alteration of the lines to obtain the gradients would be close upon £50,000, the difference of travelling being I think close on sixteen miles by the Elmore route to Sandhurst, not to make, simply travelling distance.

1959. The £50,000 is in favour of the Elmore route?—Yes.

1960. You have given us the difference in regard to gradients?—Yes.

1961. Did you take notice as you went along those different lines of railway, which was the best land for cultivation—which was in fact the best farming land?—It appeared to me there was more farming and cultivation going on in the Elmore route than in the other, but still there is a possibility I might not have seen the whole of the other.

1962. You think there would be more traffic by the Elmore route than the other?—Yes. I should think so.

1963. From a railway point of view, which do you consider the better of those two routes in the interests of the country?—If I was driven to a choice I would choose the Elmore route. We are in a great measure led by the surveyors, who are told off to use the best of their ability to find a line through the most population, and with easy gradients and cheap. Myers's Creek I must say, I did not examine. I do not know much about it; but my opinion is that Eaglehawk would not be a good place to start from, as it would run nearly parallel with the present line to Inglewood, if it had to go that way. I thought at the time that the district between Raywood and Eaglehawk was fairly supplied by the Inglewood line, and the question of compensating gradients between Raywood and Eaglehawk does not apply at all. There is about 341 feet rise between Raywood and Eaglehawk, and the question of compensation does not come in as put by Mr. Zeal; or to carry the question of compensating gradients to the full theoretic idea you would not require any haulage power. I do not believe in the compensating principle in this particular instance.

1964. *By the Hon. N. Fitzgerald.*—You went over that line between Mitiamo and Elmore without an instrument?—I did.

1965. Did you use an instrument in going over the other line?—No.
1966. Your knowledge of the country is from an engineer's point of view, I suppose, simply? How long did you spend in examining?—Two days.
1967. A day to each line?—A day to each line.
1968. Did you stay on the high road?—No, I went about a mile on each side.
1969. Had you passed the mile you might have come to a better line?—Possibly.
1970. Has your experience as an engineer been in the matter of construction of railways, or the working of railways?—Both—perhaps more in the working and management of railways than the construction; but I may say, that I think I have seen more of the construction and management of railways than any engineer here. I have travelled, I think, over nearly the whole of the European countries and America for that purpose, and was so commissioned by the Victorian Government in 1869.
1971. I mean in this country?—In this country my experience is to some extent limited as to construction, still I do not think it would stop me from giving a fair opinion at any rate.
1972. I do not doubt it at all. When the surveyors leave your office in the prosecution of their work, what is the nature of the instructions you give them generally?—I have been only a short time in office, otherwise my instructions would be to find the best route you can—the easiest route you can.
1973. Are you aware that the instructions issued from your Department, before you accepted the office you hold, were to find a road having the latter point in view—having a gradient of 1 in 50?—I was not aware of it.
1974. Did you hear Mr. Norman's evidence?—No.
1975. Would you be surprised to hear that he gave that evidence—you would understand that the instructions were to that effect?—Yes.
1976. Under those instructions you, depending upon the *data* the result of the report of the surveys of your subordinates, could give no evidence as to whether a better route could not be found obtaining all the objects you desire, but still with gradients of much less steepness?—I could not say, because, as I said before, I have to depend to a great extent upon my surveyors' reports. I could go with an instrument.
1977. Without an instrument you would not undertake to contradict professional evidence from your examination with the eye?—I think I would not be far wrong.
1978. You only went a mile on each side?—As nearly as I could get.
1979. Then it is perfectly practicable that a route could be found attaining all the objects and satisfying the wants of the settlers in the neighbourhood, with a much less serious gradient than 1 in 50?—I could not contradict that.
1980. If such a route were to be found all the calculations you have made as to the difference in cost will disappear?—No, because the £10,000 between Eaglehawk and Sandhurst.
1981. I will come to that presently. I am dealing now with Eaglehawk and Mitiamo?—The distance will still apply.
1982. I mean per mile. I say, assuming that a route was practicable between Eaglehawk and Mitiamo with gradients of a very much less heavy character than 1 in 50, the estimates you have given us of the difference in cost per mile on the two lines would disappear?—If the gradients are similar to the Elmore route, of course they would disappear.
1983. With this difference, that if ballast were to be obtained in the immediate vicinity of the line to be made, of course the cost would be much less than on a line with equally easy gradients, but where the ballast had to be hauled a greater distance?—Yes, of course.
1984. Do you know Mr. Zeal?—I do.
1985. You are aware that Mr. Zeal has had considerable experience in the particular line of laying out and constructing railways?—I am aware that Mr. Zeal was in the employment of the department for 11 or 12 years when the heaviest lines were made; I am not aware that he has made any other lines since, except the Deniliquin and Moama.
1986. Mr. Zeal, being an engineer of such experience, having gone over the line, and asserting upon his character as a professional engineer, especially devoting himself to laying out lines, told us this route was practicable, and could be made at a very slight difference of cost per mile. Would you from your observation consider you would be justified in contradicting him?—I am aware that Mr. Zeal is incapable of telling a lie. I was not aware that he had put on the instruments. I should certainly never think for a moment that Mr. Zeal would tell a lie about it.
1987. I never supposed you would. About this Eaglehawk and Sandhurst line, you say that £10,000 would be your estimate for reducing the gradients on that short distance—what is the distance?—Mr. Martin took out the quantities, and I think it was close on £10,000.
1988. Did you check his calculations?—I did not, for the particular reason that he is employed for that work.
1989. What instructions did you give Mr. Martin?—I told him to reduce the gradient to 1 in 70, so as to make it somewhat in accord with the Elmore route, and to enable us to haul a larger quantity of weight behind us than we could otherwise do.
1990. In making these alterations, were there any works specified by you which would make that part of the line more expensive than the remainder of the line?—It would have reduced the gradient to 1 in 70; a very good gradient, but not equal to 1 in 90.
1991. Was there any special cause in the reduction of the gradient to warrant this large estimate of Mr. Martin?—I do not consider it a high estimate.
1992. And would you call it a high estimate if two engineers of high professional standing give an estimate of one-fifth the amount—you would not doubt that Mr. Zeal would be as competent to form an opinion as Mr. Martin?—I do not see why he should not be, except that Mr. Zeal said the work could be carried on during the time the traffic was going on, not stopping the trains—there I do not agree with him.
1993. In point of fact, your evidence goes to show that the only inferiority between Mitiamo and Sandhurst, and Elmore and Mitiamo, and Sandhurst *via* Eaglehawk, is the steep gradient between Eaglehawk and Sandhurst of three miles?—Steeper gradients and extra distance—four miles.
1994. I mean per mile of construction?—Per mile of construction.
1995. Supposing you could get a gradient between Mitiamo and Eaglehawk, of not greater steepness than between Mitiamo and Elmore, would there be any difference in the two lines?—No.

William Elsdon,  
M.Inst.C.E.,  
continued.  
9th Dec. 1880.

1996. Consequently, the sole difference would be the nature of the line between Eaglehawk and Sandhurst?—There would be no difference in working, nor in construction, if the gradients were the same.

1997. I say, supposing the gradients between Mitiamo and Eaglehawk, and Elmore and Mitiamo, were practically the same, the only difficulty to get over would be the connecting link between Eaglehawk and Sandhurst—you say £10,000, and the stoppage of the traffic would be necessary to reduce these gradients to one in seventy?—Yes.

1998. And what would be the difference in reducing it to one in fifty?—The reason you cannot haul the same quantity of weight on one in fifty.

1999. I mean the cost of reducing the gradients—you say it would take £10,000 to reduce it to one in seventy?—Yes.

2000. It would be less to reduce it to one in fifty?—It is one in fifty now.

2001. What is the difference between Sandhurst and Melbourne—one in fifty?—It varies.

2002. In the difference of £50,000 you calculate £10,000 for reducing that gradient?—Yes.

2003. How do you make out the other £40,000?—By the distance to be made by going *via* Mitiamo.

2004. Would that estimate not be reduced to the cost of constructing four miles if the new survey line was adopted?—If the line was going straight from Eaglehawk it would be four or five miles less.

2005. That would be £20,000 off?—£16,000 or £17,000.

2006. If an equally practicable route were to be found, and gradients not more difficult, the cost per mile would be about the same?—Yes.

2007. With the advantage of the ballast being nearer than in the other line?—I do not think much of the ballast being nearer.

2008. Does not it make all the difference?—If you leave out Mitiamo.

2009. How long did you remain at Mitiamo?—All night.

2010. Did you arrive there late and leave early?—I arrived early and left early.

2011. It is not a large town?—About 150 people.

2012. Considering the importance of this question, and the amount of agitation that has existed about these rival routes, would you not have considered it your duty to have sent, if you had not time yourself, some personal officers to check the calculations of Mr. Martin?—I did not, for I had full confidence in Mr. Martin. I think he would not overstate the case.

2013. Do you think this alteration of the gradient between Eaglehawk and Sandhurst would cost this high amount?—I have not checked the calculations, but I have full confidence in Mr. Martin.

2014. *By the Hon. J. MacBain.*—You mentioned you had a considerable amount of experience in railways?—I have. I was sent to the Hobson's Bay Railway in 1854.

2015. How many years were you in the Hobson's Bay service?—About twenty-six years. I joined the company at home.

2016. Do you consider that a very good school for studying economy?—I do. I can only say I wish it was in existence yet. I served my apprenticeship with Robert Stephenson, the engineer.

2017. Do you know any reason why the Government or Railway Department ordered the change from the Eaglehawk to Kerang to Elmore to Kerang?—I could not tell you.

2018. Were the surveys carried on at the same time?—That I am not aware of. I think the Elmore route was surveyed the last.

2019. Was the survey of the Elmore route conducted since you went into the Government service?—Partly.

2020. You do not know of any reason why the new survey to Elmore was ordered to be carried out?—No other than the reason I say—that it may have been the less mileage and the difference in gradient.

2021. You heard of no political reason?—No.

2022. I suppose in your Department the change or recommendation to take this Elmore route is to serve the largest amount of people and to conduct the largest amount of produce to market?—Yes, I certainly believed, in looking over the two lines, that the largest number of settlers were on the Elmore route, but it is possible I did not see the whole of that route.

2023. Have you gone over the whole of the route from Eaglehawk to Kerang?—No, I have gone towards the Terricks and likewise on the west of the Pyramids.

2024. Have you travelled the distance between Elmore and Kerang?—To Mitiamo. I do not know Kerang. I have not been there.

2025. Have you estimated the cost of the bridges and the approaches over the Elmore route to Mitiamo?—The whole of the information came in, and I could not go through the whole of the details.

2026. You have not estimated the cost of the bridges over the Mount Hope and Pyramid Creeks?—I forget just now. The Mount Hope Creek I think is close to Mitiamo, and the cost of it would be something like £400 or £500.

2027. Are you aware that there is any swampy land near Mitiamo?—Yes, on the main road, after passing through the Terricks West station, there is a little swampy land, but not what would frighten me. The water appears to sink into the soil, and the balance passes off in evaporation—there would be no streams.

2028. Would the cost of embankments and bridges be much more in excess of the ordinary cost?—I do not think it—not from my observation, and I took particular notice of that. I have no doubt in my own mind about the cost, and there will be no extra expense—nothing severe, nothing to be frightened of, nothing to raise the cost higher than I have just put the average at.

2029. Are you in a position to state what would be the cost of constructing both lines per mile without rolling stock?—To take out the cost per mile with a 1 in 50 gradient on the Eaglehawk route as against the 1 in 90 gradient on the other route the cost would be the same—that is where the saving is made by making the gradients a little more steep, and so save expense.

2030. Can you give the Committee your opinion as to what produce, if any, would be carried between Raywood and Eaglehawk?—I could not, but Mr. Hayter has taken it all out.

2031. Is that the only reliable information the Department has?—Yes, Mr. Hayter was told off for that particular purpose. He makes a comparison of one line as against the other, and I have no right to doubt those figures.

2032. Do you know the longest distance by Eaglehawk?—It is 75 miles.

2033. Is there not a short survey of 71 miles?—I should say the direct line from Kerang is 71·25, cutting off Mitiamo—by Mitiamo is 75·85.

2034. *By the Hon. J. Lorimer.*—As the professional head of the Department, do you consider yourself responsible for either of those surveys?—I did not direct them. I took up my duties when I joined the Department, and, no doubt, helped to settle the lines as well as I could.

2035. Are you prepared to say you consider the best survey practicable has been made between Eaglehawk and Mitiamo?—No, I am not in possession of all the information to warrant me in saying so.

2036. *By the Hon. W. Campbell.*—What is the gradient between Eaglehawk and Sandhurst?—There is one of 1 in 42·86, and the balance 1 in 50, and better gradients.

2037. What is there between Elmore and Sandhurst?—I think 1 in 90. Mr. Martin will give you the information.

2038. Have you no *data* at all?—I have not at the present time.

2039. With regard to the number of settlers, you gave an opinion in favor of the Elmore compared with the number on the Eaglehawk line?—As far as my judgment went.

2040. You have no statistics laid before you, I suppose?—Yes.

2041. You could not see the farms at any great distance?—I could across the line for about a mile on each side, and made inquiries of the engineer.

2042. Had you any information from the shire surveyor?—No, I had no information from him.

2043. Then you do not think you could form a correct judgment as to the comparative numbers?—No, I could not. I merely speak from my judgment in surveying the line, as I did, and the information given me by the surveyors.

2044. *By the Hon. J. Buchanan.*—Did I understand you to say that the altitude of Raywood was 300 feet less than Eaglehawk?—The correct figures are 320 feet, and between Raywood and Sandhurst 341 feet.

2045. Three hundred and twenty feet in 14 miles?—Yes, 320 feet less than from Raywood to Eaglehawk, and 341 to Sandhurst.

2046. What is the distance between Eaglehawk and Raywood?—I think 13 miles.

2047. And between Eaglehawk and Sandhurst?—Four and three-quarter miles.

*The witness withdrew.*

William Robert Martin examined.

2048. *By the Hon. the Chairman.*—What are you?—Engineer in the Government service.

2049. *By the Hon. R. D. Reid.*—The Committee want to know how you made those calculations with regard to this £10,000 between Eaglehawk and Sandhurst—I wish you to answer this question to the Committee's satisfaction?—The gradients between Eaglehawk and Sandhurst vary from one in forty-three to better gradients. I was asked to estimate the cost of altering the gradients on that portion of the Inglewood line to one in seventy. To do this it would require to have a second line of rails throughout almost the whole distance, or else to stop the traffic while the thing was being altered. I could not give the details of the calculation or the cost of each item.

2050. What is your estimate as to cost?—£10,000.

2051. *By the Hon. N. Fitzgerald.*—How many of these steep gradients are there?—Eleven between Sandhurst and the junction with the Kerang line; the greater part of that portion of the line is worse than one in seventy.

2052. Do you know of a line from Eaglehawk on to Inglewood?—I have been over it; I cannot say I know it very well.

2053. Do you know the general gradients?—I fancy, a little distance after leaving Eaglehawk, you get a much better gradient. I cannot speak positively now; it is some time since I was over it.

2054. Do you know Mr. Zeal?—Yes.

2055. You know him to have had considerable experience?—Yes.

2056. Has your experience in the Department been of the character of estimating work of this kind?—Yes.

2057. Is it your branch?—Yes, I have done perhaps more of these sort of estimates than anyone else in the Department.

2058. What method did you take to give a reliable basis—did you examine the country?—Yes.

2059. How long were you engaged on this particular work, in order to enable you to make this estimate?—It was done in the office. I have been over that portion of the line on the ground for two or three hours. I had the section in the office, and I took it from that.

2060. *By the Hon. R. D. Reid.*—Does it require to go on the ground?—No.

2061. It was the old railway sections?—Yes.

2062. *By the Hon. N. Fitzgerald.*—Could you judge from those sections how much rock there would be, how much soil there would be, and what the nature of the soil was?—I have been over the line, and I saw what kind of soil it was.

2063. Would the mere look be sufficient?—Quite sufficient.

2064. Did you use any more reliable method?—There could be no more reliable method than that, taking out the quantities from the sections.

2065. If you heard an engineer of the experience and professional reputation of Mr. Zeal describe this work immediately after having inspected it, also with the same object as you, and estimate it at one-fifth of your amount, would it at all shake your confidence?—I did not hear what Mr. Zeal intended to reduce the gradients to.

2066. The object of Mr. Zeal was to see that the line from Mitiamo to Eaglehawk into Sandhurst would not require any larger haulage power, or materially larger power, than the route from Sandhurst *via* Elmore to Mitiamo?—I did not hear him say that. I think I can explain where the difference is. If he had only to reduce his gradients to one in fifty, and I reduced to one in seventy, it would make a very considerable difference; to reduce to one in fifty would only require one gradient to be altered; to alter to one in seventy, you would require to stop the traffic, or lay down a second line of rails.

William Elsdon,  
M.Inst.C.E.,  
*continued.*

9th Dec. 1880.

W. R. Martin,  
9th Dec. 1880.

W. E. Martin,  
continued,  
9th Dec. 1880.

2067. To alter it to one in fifty?—No; it could be done by a siding running alongside the other line. It would only require to alter about twenty-two chains for a one in fifty gradient, but to alter the line to one in seventy would require to alter about three and a half miles of the line.

2068. *By the Hon. W. Campbell.*—What are the gradients between Elmore and Sandhurst?—One in ninety.

2069. *By the Hon. N. Fitzgerald.*—Is that the steepest?—That is the steepest.

*The witness withdrew.*

*Adjourned to to-morrow at three o'clock.*

TUESDAY, 14TH DECEMBER, 1880.

*Sub-section 19.—RICHMOND AND ALPHINGTON RAILWAY.*

Samuel Hartley Roberts examined.

S. H. Roberts,  
14th Dec. 1880.

2070. *By the Hon. the Chairman.*—What are you?—Mayor of Richmond.

2071. You reside at Richmond?—Yes.

2072. *By the Hon. J. Lorimer.*—Has the town council over which you preside given their attention to this proposed railway from Richmond to Alphington?—Yes, they have.

2073. Have they taken the opinion of the inhabitants of Richmond upon the subject?—Yes, in public meeting.

2074. Are there objections on the part of the council and on the part of the inhabitants to the proposed route?—Very strong objections—not to the route, but the level crossings injuring the streets.

2075. Do you produce plans showing the various routes proposed?—I do.

2076. The red line, I understand, is the proposed route?—That is the latest line proposed by the Government, and passed by the Lower House.

2077. You can tell us how many streets will be crossed on the level by that line within your municipality?—There are fourteen streets within our municipality proposed to be crossed on the level, but it is only to the three principal roads that our council so strongly object, namely, Swan street—which takes the traffic of Hawthorn and Boroondara, or will do so when we complete the bridge, of which the drawings are now under the consideration of the Government—and the Bridge Road, and Victoria street.

2078. That is the bridge across the Yarra?—Yes, and for which the money has been provided.

2079. You mean, when that bridge is provided, the traffic will be greatly increased?—Yes.

2080. How many crossings would there be then in Swan street?—Three level crossings within a mile—the Hawthorn railway, which at present exists near the entrance to the park; the proposed red line, which leaves the Hawthorn railway at Mary street; and the crossing which is at present such a source of annoyance to the inhabitants and the lower end of Swan street.

2081. As to the Bridge road, at what point would be the crossing in the Bridge road?—If the proposed Government line was constructed, the proposed crossing would be about a few hundred yards below the town hall.

2082. Is there much traffic on that road?—Yes. The council had the traffic taken the week before last, with a view of giving evidence to this Honorable Committee; and they found there were 1861 vehicles passed in the thirteen hours from six o'clock in the morning to seven o'clock at night.

2083. Chiefly cabs and omnibusses, I presume?—General traffic, all kinds.

2084. What is the distance from that point to the Town Hall at Melbourne?—About two miles and a half.

2085. What time do you consider they occupy in travelling in from that point?—I think the omnibus time from the bridge is twenty-five minutes approximately.

2086. Do you think the bulk of the passengers from that point by railway would reach the middle of Melbourne any quicker than they now do?—I would prefer the experts to speak as to that. The council desire it to be understood that they do not object to any railway, but they do object to any convenience now existing being taken away from them. They do not mind how much additional accommodation is given, but think that railways should be an accommodation and not destroy the traffic now existing.

2087. What is the next level crossing?—The next is Victoria street. That street will take the Kew traffic; there is a bridge projected there and it is not only a bridge on paper, it is not a mere projection, the inhabitants have subscribed £900, which is now lying in the bank towards that bridge, and in view of that the Collingwood and Richmond Councils have decided that, as the people have shown such an interest in the improvement of their streets, though hampered for funds, we must undertake this other bridge.

2088. That bridge I understand will connect Kew through Richmond and Collingwood with the city of Melbourne by a direct line?—It will.

2089. Do you know the opinion of the municipality of Kew as to the level crossing on that road?—I cannot speak as to Kew from my own knowledge, but I believe that they have passed a resolution in their council that it would be highly inexpedient to interfere with their traffic by blocking up Simpson's road.

2090. Do you know anything of the Hawthorn Council's opinion?—I do not know officially.

2091. Is this the only line proposed?—No. The first line that was projected is the blue line on the plan.

2092. From what point does that line diverge from the existing railway?—A few hundred yards beyond the present level crossing over Swan street.

2093. Does that propose to cross Bridge road and Victoria street on the level?—It was understood that the Bridge road would be tunnelled under, but it was not decided about Victoria street; the engineer can tell about that better. These were the only two objections the council had to this route, and that the point of departure from the Hawthorn line might be where the dotted blue line is on the plan, thus avoiding two level crossings within 200 yards on the same street.



2094. That is, the same crossing would do for both railways?—Yes.

2095. And for the traffic across the Yarra bridge?—Yes.

2096. It would save one level crossing in Swan street?—It would.

2097. Are there the same objections entertained to that line?—No, the council have no objections, except the point of leaving the Hawthorn line. It was first proposed to cross Victoria street on the level, but the council thought they might have sufficient influence to get so small an alteration as the point of departure from the Hawthorn line, and also that Victoria street might be crossed in the same manner as the Bridge road, by tunnelling underneath it.

2098. When was that line surveyed?—It has been surveyed for some time. I am not sure of the time.

2099. Do you know of any other line that has been surveyed up to the present time?—In the blue line, the fences and trees are marked, but no more; there is no survey, unless a flying survey.

2100. Could you give the Committee any idea as to the cost of construction—as to compensation to private owners, which line would destroy most private property?—The council have taken the opinion of experts, and they suggest this dotted line would avoid many valuable properties that the blue line goes through at present, such as the tanneries on the banks of the Yarra.

2101. What about the red line—does that go through many properties?—I am not in a position to speak as to the value; the surveyors and experts will speak as to that. The council have studiously refrained from interfering in any question of public policy.

2102. Then the Committee is to understand, your objection is not to the railway, but to the unnecessary number of level crossings?—Yes.

2103. Which can be avoided by adopting the previously surveyed line?—Yes.

2104. *By the Hon. R. D. Reid.*—What is the estimated difference in distance?—That I would prefer the experts to speak of, because, not being a surveyor, I would not presume to inform the Committee on a subject of that kind.

2105. *By the Hon. J. Balfour.*—Can you say whether the blue line as surveyed, if carried out, would be above flood-mark?—That is a question for the engineers; but, if the Committee wish me to answer these questions, I can tell as well as I am able. Some engineers have suggested that, if the blue dotted line was carried out instead of the blue line, it would be away from the water of the Yarra, and a retaining wall might keep the water out.

2106. I understand that the blue dotted line, as suggested by the council, is not passing through the tanneries?—No.

2107. And another advantage would be, that it would be further away from the flood water?—Yes.

2108. Can you say whether it would be altogether above flood water?—I cannot say that; I do not think it would.

2109. *By the Hon. J. Lorimer.*—Is the traffic very much greater there than in Swan street, where there now exists a level crossing?—The traffic in Swan street I think is now about 400 in the day. In twelve hours the number of vehicles was 418.

2110. And that crossing can be avoided?—I am not speaking of the present one; I am speaking of the proposed crossing.

2111. There has always been an outcry against the present crossing in Swan street?—Yes, and it has been a great nuisance to the inhabitants; and one or two Ministers of Railways have admitted that it is a very serious nuisance, but the expense of altering it, now that it is once made, is so great that it appears to frighten the Department from doing justice to the town.

2112. The traffic on the Bridge road would be four times that in Swan street?—Yes, four times, and the traffic would increase. The reason that it would be worse than the Swan-street crossing is, that there is a side street, called Stewart street that relieves Swan street, and those streets are all at right angles.

2113. *By the Hon. W. Campbell.*—Are we to understand that this blue line would go under the roadways?—Yes, at Bridge road; and the council thought it might also go underneath Victoria street.

2114. I think I understood you to say that the red line would be subject to floods?—Yes.

2115. How frequently do you think the flood will reach it?—I heard one of the engineers say that the rails would be four feet under the flood level of 1863.

2116. How often do such floods occur?—I could not say; not very often.

2117. Once in twenty years?—Yes, perhaps so.

2118. Have you any recollection of the flood of 1863?—Yes.

2119. When it ran over the railway line to Sandridge?—Yes.

2120. Still the line has never been interrupted since?—No, not to my knowledge. I believe under the archway at Swanston street the water was there, but it did not stop the traffic.

2121. Practically speaking, the floods being so infrequent, is it much objection to the line?—I do not think it is any myself; but I had rather not speak on engineering questions. If I am to speak on engineering questions, I can only give the opinion of a layman. I am not a professional man.

2122. But as a resident of the district?—As a resident of the district I do not think it would be any drawback.

2123. You think it would be a very rare occurrence?—If the engineers are not able to keep the water out by a retaining wall, it is not worth while having engineers at all.

2124. Still if the line was made in that way, being at the end of the street, it would not interrupt the traffic much?—No. It would be a better place for the station because it would accommodate the Hawthorn people.

*The witness withdrew.*

John Shanks Jenkins examined.

2125. *By the Hon. the Chairman.*—What are you?—Town Surveyor of Richmond.

2126. *By the Hon. J. Lorimer.*—You are conversant with these plans?—Yes; I prepared them.

2127. Do you consider it is possible, by a modification of the blue line, to cross Victoria street and Bridge road otherwise than on the level?—Yes.

2128. The dotted line is the one you proposed?—The dotted line will suit Richmond better than the blue line.

John S. Jenkins,  
continued,  
14th Dec. 1880.

2129. Can you give us any idea of the value of property by the red line and the modified blue dotted line?—The red line has much more valuable property to pass through, and would be more costly of construction to avoid level crossings.

2130. How many gates would be saved by the blue line?—About eight.

2131. Do you know the expense of keeping gatekeepers per gate?—About £100 per annum per gate.

2132. Are you aware, from your personal knowledge, of there being great objections to the proposed level crossings through Richmond?—Very great indeed.

2133. Do you think they would be worse than other crossings in other municipalities?—Yes, much worse.

2134. Why?—Because it would cut the town quite in two. In other municipalities there are means of getting away from these level crossings by bridges over the line or under the line, but here there is no means of getting out if the red line is constructed.

2135. Your main roads run from east to west?—Yes.

2136. And this line cuts them all in two?—Yes.

2137. Running to north and south?—Yes, the railway running north and south.

2138. Then from the point of divergence it would get into the way of each thoroughfare?—Yes, every street running east and west in that part of the town.

2139. As a professional man, are you prepared to say the blue line is practicable?—Yes.

2140. And would meet all the conveniences required?—It would.

2141. Would it be as convenient to the inhabitants of Richmond?—Perhaps not, but the means of getting to town are so great now, that the railway would not be a great advantage to them.

2142. Would there be much time saved by the railway from that point?—Yes, if you happened to hit the time of the trains.

2143. Does the blue line place the neighboring municipality of Collingwood to any disadvantage as to level crossings?—It would cross a few of the streets on the level in Collingwood, but they are not very important streets.

2144. You consider there are no engineering difficulties in carrying out the line first surveyed?—There are none.

2145. *By the Hon. J. Graham.*—Have you surveyed any other line to connect Alphington?—No; I was asked by our council to look out for a line, and I gave the matter some consideration.

2146. It appears on the plan here to be a very roundabout way of getting to Alphington by the blue line?—I see that; but that line was the first Government proposal.

2147. But the present proposed line is the red line?—Yes, the one in the Bill.

2148. Would not it be possible to get along Hoddle street much easier, and not have the level crossings interfering with a great deal of traffic?—Yes; I have plotted a section for that line going along Hoddle street.

2149. Would not it be possible to get along there?—Yes, it is possible.

2150. It is a wide street?—Not on Hoddle street itself, but you could pass through very cheap property about three or four chains to the eastward, and parallel with that street up to Clifton-hill. That would be a much more direct line, and save more than half a mile of construction.

2151. Would the cost be much less?—I did not go into that.

2152. It would less interfere with private property?—There would be less interference with private property.

2153. *By the Hon. J. Balfour.*—Would this blue line of the Government, if carried out, pass through land not liable to be flooded?—It would pass, at two points, near the flood level, otherwise it could be kept above the flood level.

2154. When you say flood levels, do you mean ordinary floods or extraordinary floods, like that of 1863?—Only extraordinary ones; it can be carried above ordinary floods, such as we had this year and in 1878.

2155. The dotted line would pass through land less likely to be flooded?—Yes.

2156. Is one of them near the Bridge-road?—It would be a little more this way than the Government line.

2157. If you pass it under the level, of course it would be an objection so far as floods are concerned?—We could afford to raise the road a little, and when the falls are removed the floods in Richmond will not be nearly so severe as formerly.

2158. What is the other point?—Victoria-street; that has five feet additional height; but against that there is a fall in the river, so that it would be practically in the same position as the other.

2159. Then the two streets where you wish to cross underneath, instead of on the level, are the very points where there is a chance of the flooded water reaching?—Yes, but it would be possible to keep the water out, so that only the water which falls upon the railway itself would have to be dealt with. That could be done by keeping the line further off the banks of the river—further inland.

2160. Could you keep the line further inland in the Victoria-street crossing?—It is not necessary there; it is well inland already.

2161. You speak of the value of the land or the construction, comparing the red line with the blue?—Yes.

2162. Or the blue dotted?—Or the blue dotted.

2163. And you said——?—It would be much dearer with the red line than the blue.

2164. If the red line was carried out as the Government proposed, it would be more expensive than the blue dotted?—More expensive to make it, as the value of the land would be about £4 a foot as against 15s.

2165. *By the Hon. J. A. Wallace.*—The line as laid down here upon the plan, I cannot see how it will accommodate the people of Richmond, because the bulk of the people cannot be accommodated by the line you propose?—Not by the blue line.

2166. Do you not think that tramways would answer the purpose as well as the railway?—Very much better, as far as Richmond is concerned.

2167. Then you could do without railways altogether?—As far as Richmond is concerned.



2168. *By the Hon. W. Campbell.*—As to the question of the tunnel from near the East Melbourne cricket-ground, under the Wellington-parade and coming out to the eastward near Hoddle-street?—It would not be a tunnel altogether; it would be rather two or three long bridges under the roads.

John S. Jenkins,  
*continued.*  
14th Dec. 1880.

2169. It would interfere less with the level crossing?—It would be entirely under the roads, and the land taken out of the cutting could make an embankment down to Victoria-street.

2170. Has that plan come under your notice?—Yes, I made a section of it myself.

2171. Was not that considered practicable?—I believe it is rather too expensive for the money available.

2172. Otherwise you think it would be a better line?—Yes. I believe it has been abandoned by the Government as being too costly.

2173. Do you know the difference of cost?—I did not go into figures about it.

2174. Still it is practicable?—Quite.

2175. Avoiding the interfering with the traffic on the level crossing?—Quite so.

*The witness withdrew.*

The Hon. John Woods, M.L.A., a Member of the Legislative Assembly, examined.

2176. *By the Hon. J. Lorimer.*—Was the railway from Richmond to Alphington projected when you were Minister of Railways?—Yes.

2177. Can you identify the blue line as the one projected by the Department when you were in charge of it?—Yes, I think this is it.

The Hon.  
John Woods,  
M.L.A.,  
14th Dec. 1880.

2178. Do you think it is practicable to carry out that line without crossing Bridge road and Victoria street on the level?—Yes, you go underneath.

2179. Would it also avoid, by a slight modification, the third level crossing at Swan street?—I could not speak positively about that, but I should say by the contour on the plan they are on the same level, but I think the engineer would give you definite information on that.

2180. Have you given any attention to the projected red line?—I have looked at it on the plan, that is all.

2181. Do you think it would be more costly or less expensive than the blue line?—I think it would be very much more costly. I do not believe any one could estimate what the cost would be. It is found in all these cases, where you go through city property and take down buildings, that you have not only to buy the land you want, but land you do not want; you have to buy houses and properties, as in the case of the line from South Yarra to Oakleigh. Whole properties had to be bought there that were of no use to the Department.

2182. You think the blue line would be much less costly?—Yes, very much.

2183. And there would be no difficulty in carrying it out in an engineering point of view?—No.

2184. It would accommodate the people of Collingwood, Alphington, and Clifton Hill as well as the other?—Yes.

2185. Do you think the objections to those level crossings are well founded?—Yes I do.

2186. They should be avoided as far as possible?—Yes. The instructions I gave to the engineer in getting this land surveyed were by all means to avoid level crossings, especially in cases like this, where you cross at right angles.

2187. I believe repeated objections and remonstrances were made by the present Minister to you about the level crossings at Swan street on the Hawthorn and South Yarra line?—Yes, several plans were projected for abolishing it. Models and estimates were made about it, but it represented too large an amount of money.

2188. You consider it would have been desirable if practicable?—Decidedly. I have stood there and seen cabs waiting for seven minutes at the Swan street crossing.

2189. Do you consider the proposed level crossing would be more or less inconvenient?—Decidedly more convenient—four to one.

2190. *By the Hon. R. D. Reid.*—What would be the difference of cost between the red line and the blue line?—I have really no means of knowing. I only know that, in going through any part of a town where the property is built upon, you have to pay very high prices for it and buy land you do not want.

2191. Do you think the blue line would be as much advantage to the people of Richmond and Collingwood as the red line?—I do not know about the people of Richmond, but certainly to the people of Collingwood it would I think.

2192. The other day, when you were examined here, there was a question put to you—you were asked whether you were a civil engineer?—Yes.

2193. And you said "No"?—Yes.

2194. I want to ask you what sort of an engineer are you?—I am a railway engineer. I served seven years apprenticeship to railway engineering. Every one here who can survey a bit of land calls himself a civil engineer. I do not.

2195. *By the Hon. Sir S. Wilson.*—You say the level crossing at Swan street is a great inconvenience to traffic?—Yes.

2196. Would not that be obviated by widening the road there—would not that obviate the necessity of crossing the line at all?—That has been proposed, and the Richmond Town Council, to the best of my recollection, objected to it. Another proposition was to raise the line three feet and to sink the road sufficient to get vehicles underneath, and it was objected to that, that the property owners would demand compensation for their properties being injured, and that would run into a large amount of money.

2197. Would it not obviate the greater part of it?—I thought so; but the Richmond Town Council objected to it—they objected to going clean round, and the owners of property in the neighborhood said they would be cut off altogether from frontages.

2198. *By the Hon. J. Balfour.*—Do you know from your general knowledge whether the dotted line would be an improvement on the blue line surveyed?—I do not.

2199. It is given in evidence that it would be further out of the flood level?—I think they are pretty much the same as to that.

2200. There is another line projected, I think tunnelling under the Fitzroy Gardens?—Yes.

2201. Which would you prefer—that or the blue line?—I would rather have the one under the Fitzroy Gardens, except for the expense. As a rule, it is found tunnelling costs a good deal of money—£900 or £1000 a chain perhaps.

2202. Was there any estimate made of it?—I do not think there was any particular estimate. The surveyors and engineers looked over it and found a line on the surface, and it was staked out. Of course, if you have a tunnel, you have to buy all the property over it, and this tunnel would go under some valuable houses.

2203. Except for that you would prefer it?—Yes.

2204. *By the Hon. W. McCulloch.*—You are aware of the line to Coburg?—Yes.

2205. How would it do to make a line to Alphington across from Brunswick?—As far as the line is concerned, there would be no difficulty at all.

2206. And the land would be very much cheaper?—I think so.

2207. And a shorter distance?—I think the distance would be the same from Brunswick to Alphington. The line would be made to Brunswick already. Of course there is only a little slip of country to cross there. You have the Merri Creek to cross.

2208. Do you know if that line has been surveyed?—Yes. It would be a cheaper line to make. I do not know what value it would be when made.

2209. You are aware that a line of tramways was projected for the suburbs. If that line of tramways was laid down, would not it answer the purpose of Collingwood and Richmond better than this railway?—I think steam tramways would suit the city a good deal better than any of those railways.

2210. And all the money saved could be employed in the country?—I think the country people would say so.

2211. *By the Hon. J. Graham.*—Have you taken into consideration the line under Bridge road and Victoria street—have you given the question of danger from floods any consideration?—Yes. If you take the Hawthorn railway plan in your hand, it will answer the question itself. If you trace the lowest contour, and see the number of times it crosses the line, that same contour crosses the Hawthorn line six times, so that there are six points on the Hawthorn line of the same level.

2212. Do you think there would be any serious danger from floods?—Not a bit more than at a score of points on the Hobson's Bay line now. It is very easy to stop it. And even if there is a flood, when the water rises it is very easy to stop it by a retaining wall—that costs nothing in comparison with the price you have to pay for property in going through a populated neighbourhood.

2213. *By the Hon. J. A. Wallace.*—Do you know anything of the line from Hawthorn by way of Kew from Alphington?—No.

2214. It would be a much shorter line?—It would be a very bad section. I think a flying survey was made there, a trial survey at the instance of someone. A deputation asked for a trial survey, and I think one was made, but it was a very expensive section.

2215. *By the Hon. J. Graham.*—Have you any idea of why this blue line was abandoned by the Government?—Not the least.

*The witness withdrew.*

James H. Turner examined.

2216. *By the Hon. the Chairman.*—What are you?—A councillor of the city of Collingwood.

2217. *By the Hon. J. Lorimer.*—You were appointed by the Town Council to attend?—Yes.

2218. Have you given much attention as a council to this projected line?—Yes.

2219. Do you entertain the objection entertained by the town of Richmond to the level crossings?—Yes, we do.

2220. Have you any other objections to raise to the line?—Our chief objections are to the level crossings, and we have something like thirty level crossings, if this railway were carried out.

2221. Do you think it would be possible to avoid any of those by adopting another route?—That I could not say.

2222. Do you know Victoria street, the boundary street between Collingwood and Richmond?—Yes.

2223. Do you think it would be a serious obstruction to the traffic in Victoria street if there was a level crossing there?—No doubt about it, the traffic there is very large, and will be increased.

2224. Have you heard the evidence with reference to the line?—Yes.

2225. Do you think the Collingwood municipality would be as well served by the blue line route?—Our objections would apply equally to both routes; both would equally injure us, the blue more than the red one, because it would cross more streets.

2226. I think there is some little disagreement between the council and the inhabitants of Collingwood about this line?—With a few; they are not an important element.

2227. What is the nature of the objection—are the inhabitants afraid of losing the line altogether, or do they want level crossings?—They were those who lived in the locality, and would come into direct communication with this railway, that is Clifton Hill; they were the chief advocates for this line.

2228. You are certain that the inhabitants object generally to these level crossings?—No doubt.

2229. You are an old resident of Collingwood; do you think the advantages to be derived from this new line of railway would compensate for the injury done by this interruption to the traffic?—I do not think the railway is of any advantage to Collingwood, the means of transit are so cheap and speedy, and with the length of line you would have to travel to get to the city by railway, I think it would be longer than by the present mode, taking into consideration the many stoppages at the stations.

2230. What would become of the Northcote and Alphington people then?—I did not think of them at all; if the Alphington people want a line let them have it, but do not take it through Collingwood.

2231. How would they go?—There are many routes—by Kew is one way, and one has been mentioned by Brunswick.

2232. Your individual opinion is against the line as proposed cutting through Collingwood as it does?—

2233. *By the Hon. R. Simson.*—Do you mean that the Collingwood people decidedly object to have a railway at all?—That is my opinion, I am speaking of them as a whole.

2234. *By the Hon. R. D. Reid.*—How was it the Collingwood people sent in petitions here asking us to pass this line, if they are against it?—I speak of the majority of the inhabitants, and particularly those who have an interest in Collingwood. James H. Turner,  
continued,  
14th Dec, 1880.

2235. You think it would be better that Collingwood should be without a line altogether?—Than this line.

2236. Or any line?—No.

2237. Where do you propose to carry a line—you say either of these lines would injure Collingwood?—Yes.

2238. Where would you have the line?—I am prepared to answer that. I point out that the line proposed takes the very outside of Collingwood, it does not supply the want to the inhabitants of Collingwood—down there the population is thin.

2239. The red line?—The red or the blue, the blue is worse than the red.

2240. Suppose it was on the outskirts, would not it answer Collingwood?—No.

2241. Why?—Because it is the extreme edge of the district.

2242. How far would any person have to travel to get to the railway?—This is below Church street. Take Victoria street and you have to go all the way to Smith street below Church street, assuming there was a station there.

2243. What distance would it be?—It might be a mile or more.

2244. Have you looked at the blue line?—Yes.

2245. You know where it runs?—Yes.

2246. Is that likely to be flooded, is it flooded ground?—I do not think so.

2247. Have you not seen very high floods there?—I have seen very high floods on the Yarra, but I do not think it would reach that.

2248. Would this line destroy the tanneries there?—This plan applies to Richmond.

2249. I am asking you generally?—The tanneries are here—[pointing to the plan]—and the blue line passes very close to them.

2250. Does not it pass through them?—It may or may not, I cannot speak for Richmond.

2251. *By the Hon. J. Lorimer.*—Would the line through Collingwood be very costly—has any attempt been made to estimate the cost of the properties?—I do not think we have had any estimate of the cost.

2252. Does it go through many private properties in the municipality of Collingwood?—Not very costly properties, but of course it would all have to be purchased.

2253. Would there be any difference between the two lines in that respect?—Very little difference. It enters into Collingwood there—[pointing to the map].

2254. Do you think the traffic on the Simpson's road will be much increased when the new bridge is built across the Yarra?—No doubt about it.

2255. *By the Hon. J. A. Wallace.*—From the evidence you have given, I think you are not at all in favour of a railway; you think a tramway would be more accommodating to the Collingwood people than a railway?—My opinion is that we are well off as we are.

2256. *By the Hon. W. Campbell.*—I think I understood you to say that a practicable line could be had round Coburg for those outskirts of Melbourne or by Kew?—I did not say a practicable line, because I could not undertake to say that, but I merely suggest those routes as means by which Alphington could be reached.

2257. Then you think that it is practicable?—I am not an engineer, I could not say.

2258. Would not Kew be served?—No doubt Kew would be served by a line through Kew to Alphington.

2259. And from there to Heidelberg?—And from there to Heidelberg.

*The witness withdrew.*

*The Hon. J. Lorimer* stated that he did not propose to call any more evidence on this line.

*The Hon. R. D. Reid* moved, That this sub-section be postponed until he could call witnesses in favor of the line to-morrow night.—*Carried.*

#### Sub-section 2.—INGLEWOOD TO CHARLTON.

James Gibson Farquhar examined.

2260. *By the Hon. the Chairman.*—What are you?—Shire engineer of St. Arnaud.

2261. *By the Hon. H. Cuthbert.*—Have you been many years engineer to the shire?—I have been nearly five years there. J. G. Farquhar,  
14th Dec. 1880.

2262. You know the district very well?—I know the line very well.

2263. I mean the shire?—Yes, I know the shire well.

2264. Have you seen the map that has been prepared by the Government, in which the original line between St. Arnaud and Donald is shown?—Yes.

2265. It is also indicated on that map, the line proposed between Cope Cope and Charlton?—Yes; I know that line.

2266. I will put that plan in your hand—[doing so]—that is the Government plan, showing the line as originally laid out. You see where it starts from, Cope Cope?—Yes.

2267. How far is Cope Cope from St. Arnaud?—About sixteen miles.

2268. It was intended then to strike across from Cope Cope to Charlton?—Yes.

2269. How many miles would that be?—About twenty-three miles from East Charlton, to a point that has been marked out for a station, but about twenty-two miles to Cope Cope itself.

2270. What description of country did that original line run through?—Splendid agricultural country.

2271. On each side?—On each side. Some of the best land in the shire.

2272. Is it held by a few proprietors, or is it in the hands of several selectors?—It is selected and settled on the whole way.

2273. From Cope Cope to Charlton, settlement has taken place on each side of the proposed line?—Yes.
2274. For about how many miles on each side?—I should say twenty miles.
2275. Would it be possible, starting at St. Arnaud, to get to Charlton at a less distance than to go from Cope Cope to Charlton?—Yes, by starting about five or six miles on the Donald side of St. Arnaud, you could save six to eight miles between that and Charlton, and go through equally good country.
2276. Make your starting point five or six miles out?—Yes.
2277. And then strike from that across to Charlton, and you would save how many miles?—Six to eight miles.
2278. In carrying out that original plan of the Government, what line of country would be served by that line—you would have a line from Donald to St. Arnaud, and from Charlton to St. Arnaud, you will serve the country between that and Maryborough—am I right?—I do not quite understand you.
2279. Bringing the line from Charlton to Cope Cope, or to a point five miles north of St. Arnaud, you would have the traffic going by St. Arnaud, Maryborough, and Geelong?—Yes.
2280. Would that be the nearest point?—From where?
2281. From Charlton to the nearest port—would Geelong be the nearest port?—Yes.
2282. Can you give me the distances?—Yes.
2283. Taking the Government plan first of all; take those districts first from East Charlton to Cope Cope you said was 23 miles?—Yes.
2284. From Cope Cope to St. Arnaud 16 miles?—Yes.
2285. From St. Arnaud to Maryborough?—I have got the distances the whole way.
2286. From St. Arnaud to Geelong?—The distance from Charlton to Ballarat by St. Arnaud would be 119 miles. The distance from Charlton to Geelong would be  $174\frac{1}{2}$  miles. The distance from Charlton to Melbourne by Maryborough and Castlemaine would be  $188\frac{1}{2}$  miles.
2287. *By the Hon. N. Fitzgerald.*—And by Ballarat?—119 miles.
2288. I mean to Melbourne by Ballarat and Geelong?—I am speaking now of the route from East Charlton to St. Arnaud by those different routes.
2289. *By the Hon. H. Cuthbert.*—From Charlton to Cope Cope 23 miles?—Yes.
2290. Cope Cope to St. Arnaud 16 miles?—Yes.
2291. Can you give the distance from St. Arnaud to Geelong?—By deducting 38 from 119 you have it. I have the total distances from Charlton to Ballarat, including Cope Cope and St. Arnaud. I take my tables from the tables issued by the Government. The distance from St. Arnaud to Ballarat is laid down there.
2292. How much is that?—I have worked out the total, commencing at East Charlton, extending to the different ports by the two routes.
2293. From East Charlton to Geelong?— $174\frac{1}{2}$  miles.
2294. *Via* Ballarat?—Yes.
2295. From Charlton, *via* St. Arnaud and Maryborough and Ballarat, to Geelong?— $174\frac{1}{2}$  miles from Charlton to Melbourne; by Maryborough and Castlemaine is  $188\frac{1}{2}$  miles—that is the shortest way to reach Melbourne, from East Charlton.
2296. What is the difference between the two ports carrying the traffic, that is, the two ports of Geelong and Melbourne—there is a distance of how many miles in favor of Geelong?—Fourteen miles and a half nearer Geelong than Melbourne.
- 2296a. And to get to Melbourne you have only to go fourteen miles and a half further?—Yes.
2297. Are you aware that it is contemplated to make a line as far as Bacchus Marsh under this Bill that is under discussion?—I have heard that it is contemplated.
2298. And also that the line is already made from Ballarat to Gordons?—Then the distance by Gordons will be 183 miles to Melbourne, when that line is constructed.
2299. Surely you are making a mistake; the direct line would save thirty miles. As I understand, the distance from Ballarat to Melbourne is 100 miles. The direct line would save thirty miles?—It is the difference between sixty-four and 100; thirty-six miles difference when that line is constructed.
2300. Then it will bring Melbourne thirty-six miles nearer to East Charlton by that line?—Yes.
2301. As to the construction; there is no difficulty, I suppose, in constructing a line between Cope Cope and East Charlton?—None whatever.
2302. Level country?—Nearly level all the way; there would be no bridges, and very few culverts.
2303. Leaving the original line out of the question—take the substituted line. You have seen the map which proposes to divert the traffic from Charlton to Borung?—Yes.
2304. A distance of how many miles?—I have worked this all in the same way as the other. The distance from Charlton to Inglewood by Borung is forty miles and three-quarters.
2305. Now, would you tell me what kind of country the proposed line from Charlton to Borung would pass through?—For the first fifteen miles it would pass through a good country.
2306. And for the remainder?—The next ten or twelve miles it is very inferior.
2307. *By the Hon. W. Campbell.*—What kind of country?—Timbered country, mallee, and scrub, and ranges.
2308. *By the Hon. H. Cuthbert.*—Then for the remainder?—The remainder is a level country of an inferior quality until you are near Inglewood, when you have three miles of mallee country.
2309. Altogether it would go thirteen or fourteen miles—that mallee country?—Rangey country, not all mallee; perhaps seven or eight miles, the mallee extending on each side almost as far as the eye can reach.
2310. Is there much of the country that it would pass through equal to the country between Cope Cope and Charlton?—I should think there would be about fifteen miles equal to it, but not in extent. North and south of that line, because there are ranges on the south.
2311. Then with this substituted line it is intended to go on from Borung to Boort?—I do not know that country at all.
2312. You were going to speak about distances—what is the distance from Charlton to Inglewood?—By Borung,  $40\frac{3}{4}$  miles.

2313. And from Inglewood to Melbourne?—I really forget the number. The total distance from East Charlton to Melbourne, by Inglewood, 171½ miles. By the line we are talking of the total distance from East Charlton to Geelong, by Melbourne, is 216½ miles, that being the shortest way to reach a port.

J. G. Farquhar,  
continued,  
14th Dec. 1880.

2314. So the effect would be that, if there was no line there, the traffic would go to Melbourne and Maryborough, and Ballarat and Geelong would be deprived of that.

2315. That would be the practical effect?—Yes.

2316. Do you know a line of railway between Inglewood and Sandhurst?—I have been over it, that is all.

2317. Do you know what the gradient is, or whether it is a well constructed line, able to bear heavy traffic?—I could not express an opinion on that; I have only been once on it.

2318. Are you in a position to tell us the feeling of the public about East Charlton as to which line they prefer?—I believe the majority of the people would prefer the Inglewood line in the township of East Charlton.

2319. And the producers outside?—They would prefer the other line, as far as I can understand.

2320. The towns people prefer to be in communication with Melbourne, but the producers would prefer the other line?—Yes.

2321. Can you tell me whether the line from Charlton to Inglewood would be as easily constructed as the one from Cope?—No, it would not; it is through a rangey country. The gradients would be steeper, and more bridges and culverts would be required.

2322. Would it be a more expensive line?—Yes.

2323. The distance would be longer?—Yes, between the two points the distance would be longer.

2324. *By the Hon. N. Fitzgerald.*—In answer to Mr. Cuthbert you told us the distance to Geelong would be 174 miles from Charlton; and through Castlemaine, Maryborough, and Melbourne, 188 miles?—Yes.

2325. You mean to Geelong by Ballarat, and to Melbourne by Castlemaine?—Yes.

2326. Then, of course, to Melbourne by that route would be 50 miles more, 224 miles?—About that.

2327. About the nature of the country between St. Arnaud and Charlton, you must be aware of the nature of the country—is it all settled?—Yes, all settled.

2328. If this railway to Charlton were made through Inglewood, would not the settlers in the intermediate district—take St. Arnaud as the base on the one side and Charlton on the other—be within a reasonable distance of railway communication, say ten miles or so?—Yes.

2329. And therefore the proposed line on this Government plan would serve all those people with reasonable railway communication?—Not so well.

2330. I am not speaking of so well, but they would be all within ten miles or so of a railway on the present plan of construction?—Not all; there is a spot that would not.

2331. I am not speaking of spots; I mean the requirements of the district would be reasonably satisfied; that is, bringing them within ten or twelve miles of connection with the proposed railway?—I should think so.

2332. Then the inhabitants would be within ten or twelve miles of railway communication on the proposed plan, quite as much as on the substituted plan?—I do not see that.

2333. I do not say so near—you see this proposed line to Charlton, through Inglewood, would bring all the settlers in the intermediate districts, between St. Arnaud on the one hand and Charlton on the other, within ten or twelve miles of communication?—Yes.

2334. Of course you are aware that, while you make the distance to Geelong shorter, the distance to Melbourne must be greater?—I have got the distances to both places.

2335. Put Geelong out for the present, Melbourne being the centre—will you kindly tell us, taking Charlton as the basis, what would be the distance from Charlton to Melbourne, through Inglewood, Sandhurst, and along the trunk line on to Melbourne?—One hundred and seventy-one and a half miles.

2335*a*. What would be the distance from Charlton to Melbourne through Ballarat and Geelong?—About 225, that is bringing the traffic round by Geelong to Melbourne.

2336. One hundred and seventy-one miles as against 225?—Yes; bringing it round the way you speak of, but that would be a roundabout line.

2337. Then as to the settlement of the country, you said the inhabitants of Charlton were unanimous almost in favor of the other line?—I did not say that; I said my opinion was, that the majority were in favor of the Inglewood line.

2338. I suppose you know more about the convenience of the inhabitants of the shire of St. Arnaud than of the Charlton people—I mean the settlers on the St. Arnaud side?—I meet them oftener.

2339. And you are in the employment of the St. Arnaud shire?—Yes.

2340. Where is this Borung that you speak of?—Between Charlton and Inglewood.

2341. I suppose you have travelled through that country?—I have not travelled it so much as the other line.

2342. Have you ever seen Borung?—I have been through the parish of Borung. I do not know much about it.

2343. Inglewood is a very important town?—It is.

2344. And a town where there is considerable trade? It is the centre of the traffic of that district, is it not?—I do not know much about it.

2345. How does Inglewood stand as to St. Arnaud; is it a more important place?—I should think not.

2346. Taking it from a gold-bearing point of view?—St. Arnaud is not a gold-bearing town, it is a farming township.

2347. But Inglewood is?—Yes.

2348. And on the whole, you know that this important town of Inglewood is one of those towns that might grow to a very large centre for mining as well as agriculture?—It might, there is any quantity of auriferous country there.

2349. *By the Hon. H. Cuthbert.*—In sending the wheat from Charlton to Melbourne, for export, I suppose it would have to be conveyed nine miles further on to Williamstown—have you taken that into your consideration?—No, I never thought of Williamstown at all.

J. G. Farquhar,  
continued,  
14th Dec. 1880.

2350. Is not that a fair element to take into consideration, the distance from Melbourne to that port—should not you have added that?—It could easily be added.
2351. *By the Hon. R. Simson.*—You see the plan here, where the projected line starts from Charlton to Cope Cope; do you think that would be a very useful line for that part of the country?—Yes.
2352. More so than carrying it on from St. Arnaud?—No, I question if it would.
2353. Would it be more sensible to carry on the line from St. Arnaud, or bring it down to Cope Cope?—I should start five or six miles out of St. Arnaud.
2354. And leave Donald and Cope Cope out in the cold altogether?—Donald has a line already.
2355. Do you see any necessity for the line from St. Arnaud to Cope Cope—would not it be a waste of labor and money to put the line across there, when the two lines would be run parallel to each other at no great distance?—[*No answer.*]
2356. You say you know the country very well about Inglewood?—No.
2357. About Charlton?—Yes.
2358. Do you think the direct line between Charlton and Inglewood would meet all the requirements of the situation?—No, I think not.
2359. Where would you have another?—By this line I speak of.
2360. Merely to give the produce-growers an opportunity and choice of sending to Geelong and Melbourne?—Yes.
2361. You think the country should undergo the expense of a second railway for that purpose?—I am speaking of one railway, not of a second railway.
2362. You say there is a good deal of mallee about Borung?—Yes.
2363. Is there a great deal of agricultural country on that line between Inglewood and Boort?—I do not know that line.
2364. Does the mallee come very near to Boort?—I could not say. I have not been to Boort at all.
2365. You do not know anything about it?—No.
2366. *By the Hon. W. Ross.*—I think you said the people of Charlton were in favor of a line to Inglewood?—It was my opinion that the majority of them were.
2367. The line is supposed to be run on to Wycheproof?—Yes.
2368. There is a large amount of settlement there?—Yes, a great deal.
2369. Where would the Wycheproof produce be likely to go—to Inglewood or Cope Cope?—A great many of them have come from Ballarat and the Western district.
2370. Which way do you think the settlers about Wycheproof would prefer to take their produce?—I think they would prefer the choice of three markets, taking it by St. Arnaud.
2371. *By the Hon. J. Lorimer.*—I think the Committee are in a little doubt as to which is actually the nearest seaport from Charlton. What is the distance from Charlton to Melbourne by Inglewood?— $171\frac{1}{2}$  miles.
2379. Then from Charlton to Geelong by Cope Cope?— $174\frac{1}{4}$ .
2373. Then Melbourne is actually the nearest seaport according to that by any of the lines?—Yes.
2374. *By the Hon. H. Cuthbert.*—Did you say one was  $171\frac{1}{2}$  miles?—Yes.
2375. That is to Melbourne *via* Inglewood?—Yes.
2376. From Charlton to Cope Cope how many?— $174\frac{1}{4}$  miles.
2377. To Melbourne—do you add any number of miles to get to the seaport?—No, I have not done so.
2378. Would you now add it, taking it either to Sandridge or Williamstown?— $197\frac{1}{2}$  miles would be the distance by adding nine miles between Charlton and Melbourne to Williamstown.
2379. I understood it was  $171\frac{1}{2}$  miles?—I thought you wished from Charlton to Melbourne; which line are you on?
2380. On the Melbourne line from East Charlton to Williamstown, you said the distance from East Charlton to Melbourne was  $171\frac{1}{2}$  miles *via* Inglewood, I ask you to bring it to the seaport?—180 miles the total distance to Williamstown.
2381. How many miles do you calculate it to Sandridge?—I do not know the distance to Sandridge.
2382. It is three miles?—That is 173, then.
2383. There is scarcely any difference in distance between Geelong and Sandridge starting from Charlton?—They are about equal, as far as I can ascertain.
2384. Can you get to Melbourne, assuming a direct line between Ballarat and Melbourne, in a shorter distance than  $171\frac{1}{2}$  miles *via* Cope Cope?—Yes.
2385. I ask you by the direct line from Ballarat to Melbourne, what would be the distance coming from Charlton *via* Cope Cope?—Between East Charlton and Melbourne—I have stated it is  $188\frac{1}{2}$  miles by Castlemaine and Maryborough.
2386. I am taking you now to Ballarat, and by Ballarat to Melbourne taking the direct line as 70 miles?—119 miles from East Charlton to Ballarat.
2387. Yes, and from Ballarat to Melbourne across by the direct line?—Sixty-four miles, making it 183 miles.
2388. *By the Hon. W. Campbell.*—I observe from the plan in my hand here, that there are two lines from Charlton to Inglewood, one direct by way of Wedderburn and the other a roundabout way; which line have you calculated upon?—I have calculated on the Borung line as proposed by the Government—that line has been marked and surveyed.
2389. What is the difference, suppose the direct line were taken by Wedderburn?—Thirty-seven miles and a quarter, I believe, the direct line through Wedderburn as against  $40\frac{3}{4}$  miles.
2390. A difference of five or six miles?—Yes.
2391. In calculating the distance from Charlton to Geelong, do you come round by Cope Cope or do you join within five miles of St. Arnaud?—I have worked it both ways.
2392. Which is the shortest?—The shortest is coming by St. Arnaud, within five miles of it.
2393. Is that the line on which you based your calculations?—I had it the two ways.
2394. Which is the shortest way from Charlton?—That is about 27 miles, that is the shortest way.
2395. I am speaking of the total distance from Charlton to Melbourne by way of Maryborough, not by way of Cope Cope?— $188\frac{1}{2}$  miles.
2396. That is by way of Maryborough and Castlemaine to Melbourne?—Yes.

2397. Then what is it to Geelong the shortest way?—174½.
2398. That is not round by Cope Cope?—No.
2399. *By the Hon. F. Robertson.*—We have got rather into a fog as to the distances; I want to know, according to this line *viâ* Wedderburn by Inglewood to Melbourne, what is the difference between that road and the one by Cope Cope and on to Geelong, reaching Melbourne by way of Geelong?—That Wedderburn has just cropped up by the Honorable Mr. Campbell's question; I have not worked it out.
2400. Take Borung?—I have got the distances between East Charlton—that is nearer to Melbourne by Inglewood by 17 miles than by St. Arnaud, 42 miles further from East Charlton to Ballarat by Inglewood and Castlemaine than by the St. Arnaud route.
2401. Is not it at least 30 miles nearer to Charlton by way of Inglewood than by Geelong?—No; about 25 only; 17 only if we adopt the straight line, and 25 by Cope Cope.
2402. The shortest line would be by Inglewood?—Yes.
2403. Thirty miles?—Quite that.
2404. I presume there would be a considerable amount of passenger traffic on this line of railway, partly first-class passengers—would not it cost the first-class passengers 5s. more to travel by way of Ballarat and Geelong than by the other route, as laid down by the Bill before the House?—It would cost more, I am not prepared to say how much; it is chiefly a wheat-growing district, with sheep and cattle; the passenger traffic would not be very great.
2405. Would it cost a penny a bushel of wheat more to take it by way of Ballarat than by way of Inglewood?—Three farthings a bushel more to get to Melbourne than would get it to Geelong.
2406. *By the Hon. J. Lorimer.*—Which is considered the best market, Geelong or Melbourne?—I could not say.
2407. What do the farmers say—which is the best market for wheat, Melbourne or Geelong?—I could not say.
2408. Which is the best market for wool?—A great deal of wool in our district is shipped at Geelong.
2409. Which is considered the best market for stock, Melbourne or Geelong?—I should think Melbourne, having the largest population.
2410. Which is the best market for selling?—I could not say.

*The witness withdrew.*

The Hon. John Woods, a Member of the Legislative Assembly, examined.

2411. *By the Hon. H. Cuthbert.*—I believe you have been Commissioner of Railways, and in that capacity have had an opportunity of inspecting many of the lines already made?—Yes.
2412. And of those proposed to be made?—Yes.
2413. Have you had an opportunity of considering the line from St. Arnaud to Donald?—Yes, certainly.
2414. The original plan proposed by Government was to carry the line from Cope Cope to East Charlton?—Yes.
2415. It has been altered in the Assembly?—Yes.
2416. You know the way it is now proposed to take the line—from Charlton to Borung?—I see it on the map. I have not seen any regular survey of it.
2417. From Charlton to Borung, and then from Borung to Inglewood?—Yes.
2418. Which of those two lines do you consider the better in the interests of the country?—I think the line from Cope Cope to Charlton and Wycheproof the best. In fact, that was only part of the scheme. The original scheme was to take the line from Lübeck to Cope Cope, Cope Cope to Charlton, Charlton to Wycheproof, and then tie the Kerang line in, and then probably the line from Echuca to the Pyramid Hill, so that the whole of this scheme would be tied in that which was a part of the original scheme in the 1180 miles proposed. Cope Cope is a mere crossing place, a point of departure. Cope Cope is nothing; it has only two or three houses. But the idea was to run the line broadside on clean through the selectors, so that they could come down to the line at any point. It would tie all the lines in, and the rolling stock would be interchangeable.
2419. It would go through good country?—All through the selection—from Horsham on the west to Echuca on the east—it is one belt of wheat country. This was the line projected to run clean through it, so that you would have been able to travel from Horsham to Echuca across country. This line is only a part of it.
2420. With the alteration that has been made, can that scheme be carried out?—I think not.
2421. Have you any other reasons for believing the original line to be better than the altered one?—I have. Of course the London market is the one that the whole of the wheat growers will have to supply—that is their market eventually; and it seems to me that every penny you can take off in the way of freight, carriage, or anything else in the way of gain to be added, will have to be taken off if they are to compete in that market. They are a long way from the sea-board. There is another thing. From any of the colonies in shipping wheat you have to ship it in bags, and have to compete against American growers, who ship in bulk, and only have a short distance. It will eventually, it seems to me very likely, be sent away in flour—flour sent home instead of wheat; and, that being the case, I think the more centres of population where mills are likely to be established that the wheat can pass through on its way to the seaboard, the better for the producer.
2422. There are some three or four mills at East Charlton?—Yes, and some at St. Arnaud. I do not know what there are at Maryborough—certainly there are at Ballarat and Geelong.
2423. And there is a large population that supplies the wheat from East Charlton along this line—Maryborough, Ballarat, and Talbot?—The whole of that strip of country is well settled from Horsham in the west, right through to Yarrawonga.
2424. Do you think it desirable to centre all the traffic in the colony at the metropolis?—No, because if that is the case, they will inevitably do what all monopolists do, put up their price.
2425. Is not there also a disadvantage on account of the quantity of wheat that is sent down during a month or two that there is not proper accommodation for?—There is at present, and contracts that were let and cancelled afterwards by the Railway Department would have prevented it.



The Hon.  
John Woods,  
*continued*,  
14th Dec. 1880.

2426. During the last year, or the year before, you had an opportunity of seeing how this traffic was carried on—was there any blocking up of the platform?—The platform was 1000 feet, and 30 or 35 feet wide. It was packed up from end to end with bags; every available spot in the railway yard was covered with wheat, and some had to take its chance of getting wet. Others were covered with tarpaulin, and the goods sheds were crowded with wheat inside and out.

2427. Would not it be well to divert some part of that traffic to some other port?—Yes, I think so, to Portland and Geelong.

2428. Is there good accommodation at Geelong?—Splendid accommodation. In the first place, trucks loaded in any part of the Western district can go alongside a ship. And if it is required to be stored, there is excellent cellar accommodation, with asphalt floors under the same shed, perfectly dry, and with hydraulic lift.

2429. Can the wheat be sent to the ships in trucks?—Right alongside, without any fresh handling.

2430. During the time that you spoke of the platform being so well filled with wheat, was it taken off the trucks here in Melbourne, and then put on trucks again, and sent either to Williamstown or Sandridge?—Yes, or sent to the Queen's warehouse. It had to be stored. It was impossible to store the wheat on the station, and it was only allowed a certain number of hours to stay there, and then, if the consignee did not take it away, it was sent away by the Railway Department to the Queen's store—that meant two more shiftings.

2431. Was that done by the Railway Department?—Yes, to get clear of it.

2432. At the expense of the consignor?—Yes.

2433. From East Charlton, *via* Cope Cope and St. Arnaud, does it appear to you to be the natural stream for the traffic to flow into Geelong?—I prefer it myself.

2434. The distance, I believe, between that and to get to port at Williamstown there is very little difference between taking the traffic round by Borung, Castlemaine, and so on?—I have not measured it, but it ought always to be borne in mind, any wheat coming down the main line it will have to come to Melbourne and then go nine miles round to Williamstown.

2435. Some say two or three miles to Sandridge?—Yes, some goes to Sandridge. The two lines are connected now. Some goes to Sandridge, and some goes to Williamstown, so in calculating distance, it is fair to estimate either three miles to Sandridge, or nine miles to Williamstown.

2436. Beyond Melbourne?—Yes, unless you could get the Railway Department to carry it for nothing.

2437. The traffic will be pretty heavy during a portion of the season. How is this line constructed from Inglewood to Sandhurst?—I hear the report of the engineers that it about one of the worst lines in the group. I am told there is a gradient of 1 in 42 or 43 on it, and if that is the case, it either means a very great increase of locomotive power or a block of the traffic, one of the two, or else reducing the levels.

2438. That is a matter of expense?—Yes, £10,000 the Engineer-in-Chief estimates that at.

2439. Do you think starting from St. Arnaud; it would be possible by starting at a point some four or five miles from St. Arnaud to alter the distance to East Charlton. The Government estimate the line at about 23 miles, that is starting from Cope Cope, but if, as described by a previous witness, the starting point was five or six miles north of St. Arnaud, do you think the distance could be reduced?—I could not say. That is a question for the engineers. You get into the flat country five or six miles north of St. Arnaud.

2440. You think it is possible?—Quite possible.

2441. *By the Hon. N. Fitzgerald.*—You say that in your opinion. Supposing you were a grower of wheat, which would you regard first, the best market, or the best shipping port?—The best market.

2442. From your experience here you know that farmers are not shippers; are farmers shippers or sellers?—Sellers. I am sorry to say somebody else gets all the profit.

2443. Naturally then from your idea they would send it to the largest market?—I do not think they send it at all.

2444. Who does?—The persons who buy it on the ground.

2445. I will repeat the distances. Charlton from Melbourne *via* Inglewood, 171½ miles. I will assume those distances for argument. Charlton to Geelong *via* Ballarat, 183½ miles. The difference, 11½ miles, between Geelong and Melbourne from Charlton. Do you wish the Committee to understand that you would recommend (I am speaking to you now as having been invested with considerable authority here, and may be again) that you would lend yourself to this idea, that the Government ought to construct a railway which would place the farmers at the disadvantage of being 11½ miles further from Melbourne, in order to reach the Geelong market, is that your deliberate opinion? If you were asked, being a farmer residing at Wycheproof or Charlton, would you in consideration of Melbourne and Geelong being equally distant, (making you a present of the 11½ miles, supposing you did not sell locally) would you not say you would, the distances being equal and the haulage power being the same, take Melbourne in preference to Geelong?—Certainly I would.

2446. *By the Hon. H. Cuthbert.*—But suppose the distance is proved to your satisfaction, from Charlton to Geelong by Cope Cope, to be 175½ miles as against 178¾ miles to Melbourne or Williamstown, which would you give the preference to?—If I may be permitted to answer that, I would say that neither of the lines (I cannot answer either of the questions without connecting one with another) would. I do not take East Charlton as being the only place.

*The Honorable Member withdrew.*

Alexander Gorrie examined.

2447. *By the Hon. the Chairman.*—What are you?—Shire secretary of St. Arnaud.

2448. *By the Hon. H. Cuthbert.*—You know this proposed line of railway from Cope Cope to Charlton?—I do.

2449. Do you know the land for ten miles on each side of it?—Yes.

2450. Would you give a description of that to the Committee?—It is remarkably good land for growing wheat and other grain crops—good soil.

2451. Is there a large population?—A very considerable population; it is all settled.

2452. Can you give me the number of holdings?—About 480 holdings.

Alex. Gorrie,  
14th Dec. 1880.



2453. What are the 480 holdings on?—On this proposed line of railway, ten miles on each side, starting about ten miles from Cope Cope, not including the land within ten miles of Cope Cope which is on the Donald and St. Arnaud line. Alex. Gorrie,  
continued.  
14th Dec. 1880.

2454. Can you give me the population?—About 2000.

2455. And the area under tillage?—48,000 acres.

2456. The yield of grain?—480,000 bushels; that is ten bushels per acre.

2457. Have you formed any estimate of the grain available for transmission by rail?—I should say about 400,000 bushels.

2458. Are there many sheep?—About 36,000 sheep.

2459. What quantity of wool do you estimate would be sent by the railway?—About 134,000 lbs. weight of wool.

2460. How do you account for the yield of wheat being so very low?—The last two or three seasons we have been troubled by rust and drought.

2461. Have you had more than ten bushels to the acre?—In some case, as high as twenty and over.

2462. Has there been much wheat consigned to the different mills at St. Arnaud, Talbot, Maryborough, Ballarat, and Geelong?—I have reason to believe the greater quantity of wheat has been consigned to those places, Maryborough, Ballarat, Talbot, and Geelong.

2463. Is there any sent back from those places?—Undoubtedly most of the agricultural implements used in that particular locality come from Ballarat, potatoes also and root crops.

2464. They come from Geelong and Ballarat?—Principally from Ballarat and Geelong.

2465. I see there were some petitions sent to the Assembly, one signed by 1500 people?—Yes.

2466. Was it in favor of the original line?—In favour of the line from Cope Cope to Charlton.

2467. Those were all desirous that that line should be formed?—Yes.

2468. They prefer it to the amended line?—Yes, they prefer it to the amended line.

2469. Where did those persons principally reside?—In the parishes on the route, Coonoor, West Charlton, Doboobetic, Wooronook, and other places.

2470. I see a great deal about a petition from thirty-two parishes; a petition was sent in from thirty-two parishes, signed by 500 people?—Yes.

2471. Do some of those names you have mentioned include the thirty-two parishes?—Yes.

2472. So that, if we are to attach any importance to the petitions, 1500 are in favour of this line and 500 against it?—I did not see the petition against it.

2473. Do you know anything of the line between Charlton and Borung?—I do not.

2474. Is this likely to continue to be a wheat growing country?—Yes, I have every reason to believe it will.

2475. Have a number of the settlers about East Charlton come from the Ballarat district?—A great many.

2476. Have they numerous business transactions?—I have reason to believe they have business relations still with Geelong, Ballarat, and Maryborough, and those places.

2477. Can you speak as to the distances?—Not on the line from Inglewood to Charlton, but I know the distances from St. Arnaud to Charlton on the west of the Avoca river.

2478. You have spoken as to the proposed line being twenty-three miles, do you know whether that could be shortened?—I have reason to believe it is only twenty-two miles from Cope Cope to Charlton.

2479. Can that distance be shortened?—Yes, I do not say that the construction could be shortened, but the line could start from a point on the Donald line, near St. Arnaud, and as soon as it got outside escape the rises.

2480. What saving would that be in distance?—Possibly four or five miles in point of distance.

*The witness withdrew.*

James Sutherland examined.

2481. *By the Hon. the Chairman.*—What are you?—A miller.

2482. Where?—At Charlton.

2483. *By the Hon. H. Cuthbert.*—Have you been resident at East Charlton for many years?—The last four years.

2484. During that time I suppose you have been in the habit of buying wheat extensively?—Yes.

2485. How many mills have you at East Charlton?—There are two mills in East Charlton.

2486. Could you give the Committee some idea of the quantity of wheat that is purchased in East Charlton—say last year?—I suppose something like 60,000 or 80,000 bags of wheat.

2487. Purchased by the mills alone?—Yes, by millers and other buyers.

2488. In addition to the wheat purchased by the millers, I suppose there were other purchasers from different parts of the colony?—There are three other purchasers besides the millers.

2489. Do you know the line that was originally proposed by the Government from Cope Cope to Charlton?—Yes.

2490. Do you know the line substituted for it?—Yes, I do.

2491. In your opinion, which is preferable?—The Cope Cope line, I think.

2492. Why do you consider that the Cope Cope line is the preferable one?—Because a nearer road can be got to Geelong, the shipping port; that is the nearest port of shipment.

2493. Have you any other reason for preferring it?—It goes through better country.

2494. More thickly populated?—Yes.

2495. Have you any other reason for preferring it?—The population from the lower Avoca seems to have been an overflow from the west side of the Avoca—that is to say, a population from Ballarat, Geelong, and the Western District seem to have settled down there.

2496. Do they still have business relations with the districts from which they come?—Yes.

2497. Purchasing farming implements?—Yes.

2498. Obtaining root crops, potatoes, and so on from the Ballarat district?—Yes.

2499. In addition to the reasons you have given, have you any other to offer to the Committee for preferring the Cope Cope line?—Since they have settled there their business relations have been chiefly

J. Sutherland,  
continued.  
14th Dec. 1880.

with Ballarat and Geelong, that is to say, in the matter of sheep, cattle, and wheat, and those who have required advances of money go mostly to Ballarat, and that side of the country.

2500. Taking your own business, as a miller, how would it affect you—why would you prefer it as a miller?—Because it keeps the chief markets of the colony open to the millers of East Charlton and to the producers.

2501. Which do you call the principal markets?—Melbourne, Geelong, Ballarat, and Sandhurst; but the Inglewood extension would only give us Melbourne and Sandhurst, while the Cope Cope extension would secure Melbourne, Geelong, and Ballarat, the most important markets.

2502. Sandhurst is supplied from the Echuca side with wheat?—Yes.

2503. Do you extend your transactions into the Western district, and send flour up there?—Yes, sometimes we do; that line would shut us out from the Western district altogether—the Inglewood line I mean.

2504. The Inglewood line would have that effect?—Yes.

2505. With the proposed line, would there not be a saving in the construction?—I think there would.

2506. According to the original Government plan, it would be 22 miles; the distance from East Charlton to Borung would be 28?—The difference, I think, would be between 28 and 17.

2507. A difference of 11 miles?—Something like that.

2508. So that altogether the line would cost, in your opinion, from £30,000 to £40,000 more money to make?—I could not say about the money.

2509. *By the Hon. N. Fitzgerald.*—I suppose nearly every town in Victoria has its mills?—Yes.

2510. And the mills can grind enough for the local consumption?—Yes.

2511. Therefore the farmers at Wycheproof, Charlton, and other places must look to the nearest market for the surplus wheat?—Yes.

2512. Taking now the local buyer, what is the best market for him to send it to?—The largest market is Melbourne.

2513. And you, as a practical man, would say Melbourne was the port you would send wheat to, if you bought more than you could grind?—No.

2514. Where would you send it to?—Where I could get the most money for it.

2515. Where is that?—I am assuming that you buy more wheat than you want?—The markets on the line, namely, Maryborough, Castlemaine, Melbourne, Ballarat, and Geelong.

2516. When you say the whole of that line, do you know a single town on that route that has not a mill—a town of any importance?—I do not think there is a mill in Maryborough.

2517. Is there a mill in Carisbrook?—Yes.

2518. How far is that from Maryborough?—Four miles.

2519. Carisbrook would supply Maryborough with flour?—That mill is standing idle now.

2520. If you were a buyer of wheat in that neighborhood or a grower of wheat, and the local wants were all supplied, where would be the natural market for that farmer or buyer to send his wheat to?—I can only say, from my experience, that we have sent wheat to Melbourne and Geelong for shipment.

2521. Is not it the rule to send wheat to the Melbourne buyer or Geelong buyer to ship—do the farmers ship direct?—Farmers, as a rule, do not ship wheat.

2522. From your experience do you not think—I wish particular stress to be laid on this—that the line from Cope Cope, being the longer distance, to Melbourne, and assuming Melbourne to be the central market, would enable the local buyers to buy at their own price as compared with the shorter route, which would enable the farmers to come to Melbourne to sell?—The local buyers do not take that into consideration, but where they can best sell.

2523. Supposing this Cope Cope line were made, the distance to Melbourne being considerably longer, fifty-one miles, would not the buyers in East Charlton have the difference in the carriage in their favor as against the farmer, which would allow the farmer to send his goods to Melbourne at a cheaper cost to meet the larger market?—I think you are making a mistake in the distance.

2524. No; I have the distances before me: I ask you whether, putting Geelong out of the question for the moment, and speaking of Melbourne as the market, whether the farmers would not more readily find buyers in Melbourne sending down 171 miles as against the local buyer sending it to the same port, and having fifty miles difference of haulage?—It is the wheat buyers that asked for the construction of the Cope Cope line.

2525. I presume you speak of the miller?—Yes.

2526. The cheaper you buy the better for yourself, and the worse for the farmer?—No.

2527. You buy in the cheapest market, the more profit you make, and the less profit the farmer makes?—No; sometimes the farmer may lose and we may lose at the same time; the prices of wheat being low, it is not profitable for farmers, but it does follow that the millers will gain.

2528. The lower you buy the wheat the more chance you have of a profit in London?—Yes.

2529. And the lower you buy wheat the less profit the farmer gets?—He gets less profit for it.

2530. You speak as a buyer?—Yes.

2531. And you speak on behalf of the farmers?—Yes.

2532. Your interests are not identical?—Yes, they are.

2533. The more you buy the more they can grow; and the more you buy the better for yourself, if you buy cheap, and the worse for them?—I do not see that.

2534. *By the Hon. H. Cuthbert.*—I suppose there are other buyers besides the local buyers?—Up to the present time the buyers are resident in the town.

2535. The buying, I understand, is not confined to the millers alone, there are other buyers at East Charlton beside the millers?—There are three buyers beside the millers.

2536. I thought Mr. Fry's traveller went up there; has he paid you a visit yet?—He has a mill in St. Arnaud. He gets a very large quantity of produce in that district from Wycheproof and the East Charlton district.

2537. *By the Hon. G. F. Belcher.*—Have you ever been a shipper?—No.

2538. Not of wheat or flour?—No.

2539. *By the Hon. J. A. Wallace.*—Do you think there would not be more competition by the line going by way of Melbourne than Geelong?—I do not.

2540. You think there are more buyers connected with the Geelong district than the Melbourne, because if the line were made by Geelong, it would close out the Melbourne buyers altogether. Do not you think it would interfere much with the Melbourne buyers if the line stopped at Geelong in place of coming on to Melbourne?—I think you make a mistake. The direction from Charlton would be only as far as Maryborough, then by Castlemaine to Melbourne or to Geelong. They have the choice of Geelong or Melbourne.

J. Sutherland  
continued,  
14th Dec. 1880.

2541. *By the Hon. J. Lorimer.*—Have you had much experience of the Melbourne market as a seller of wheat—do you buy in Melbourne?—Sell in Melbourne, yes.

2542. What is your experience of the Melbourne market—is it a better or worse market than Geelong?—Sometimes Geelong is a better market than Melbourne.

2543. Which is as a rule the best market?—Melbourne is only good so far as it takes the most produce.

2544. Supposing the farmers were forced to send their wheat to a seaport, which port would they prefer, the distances being the same?—I cannot say which they would prefer if everything was equal.

2545. What do you think—do you not think the producers would prefer the largest market, if the distances were the same?—I think they would.

2546. Supposing they wished to ship to London, which port would afford the greatest facilities for shipment, Geelong or Melbourne?—I think they are equal in that point.

2547. As many ships load at Geelong as Melbourne?—No.

2548. *By the Hon. H. Cuthbert.*—I would like you to explain to the Committee what you mean by getting to Melbourne *via* Maryborough. I think you said you have calculated the distance *via* Maryborough put on that map—will you follow the course that the line would take?—A train leaving Geelong to get to Melbourne—

2549. Suppose you commence at Cope Cope—do you go from there to St. Arnaud?—Yes; thence to Dunolly and Maryborough.

2550. What would be your next station?—Dunolly to Maryborough.

2551. How would you get from Maryborough to Melbourne?—*Via* Castlemaine.

2552. From Maryborough right across to Castlemaine?—Yes.

2553. And from Castlemaine to Melbourne?—Yes.

2554. That is the way you would propose to come in a distance of 171½ miles?—Yes.

2555. That is against coming to Ballarat, then to Geelong, the distance of which is put down as 174 miles?—Yes.

2556. When you get to Melbourne, has not the corn to be taken to Sandridge and Williamstown?—Yes.

2557. And that distance should fairly be added on?—Yes.

2558. *By the Hon. W. Campbell.*—What corn have you to spare beyond the local consumption?—A very large quantity, I am not prepared to say how much; such a large quantity that we cannot buy it all, it must go to the railway station, and must go to St. Arnaud.

2559. What does it cost you a bushel from St. Arnaud to Melbourne and Geelong?—I think it is nearly a halfpenny a bushel difference between Melbourne and Geelong.

2560. In favor of Geelong?—Yes. It is a shorter distance to Geelong than to Melbourne from St. Arnaud.

2561. Have you pretty good crops up there?—They are not very heavy.

2562. With a fair crop have you a prospect of a large export?—Yes.

2563. From Charlton?—Yes, from Charlton.

2564. *By the Hon. W. Ross.*—You were asked which way you supposed the farmers preferred to send their grain, to Melbourne or Geelong, that was asked suppositiously; as a matter of fact which way do they prefer to send—I suppose they do send?—It is not a matter of preference; it is more a matter of getting so much money.

2565. Which way do they prefer to send their corn, to Melbourne or Geelong?—There is a large quantity of wheat goes to Geelong, and a larger quantity goes to Melbourne, but I am not prepared to say what the difference is.

2566. The largest quantity goes to Melbourne?—Yes.

2567. *By the Hon. J. Lorimer.*—Did a larger portion come last year to Melbourne than to Geelong?—Oh yes.

*The witness withdrew.*

Charles John Dennys examined.

2568. *By the Hon. the Chairman.*—What are you?—Wool and grain broker.

2569. At Geelong?—At Geelong.

2570. *By the Hon. H. Cuthbert.*—You have been in business for some years in Geelong as a wool and grain merchant?—Yes, twenty-five years.

2571. You are not a buyer?—No, not a buyer.

2572. What is your particular business?—We receive consignments from the farmers for sale or shipment.

2573. Have you had a large business during the last year?—It is only commencing to be a large business at present. Last year we had several very large transactions with the different farmers by shipping home on the farmers' account.

2574. Are there any facilities for shipping at the port of Geelong?—Yes, we have every possible facility for shipping, or receiving for shipment.

2575. The wheat can be put in bags, placed on trucks, and brought to the ship's side?—Yes, to the ship's side.

2576. One gentleman in the Assembly stated that, in order to load a vessel, it was necessary to send round to Point Henry and get lighters, and load there by means of the lighters—is that a fact?—It is not now; it was twenty-five or thirty years ago.

2577. Are vessels of large tonnage able to come up to the wharf?—Yes, some of the very largest vessels, such as the *Champion of the Seas*, have loaded at our wharf. Vessels of 1600 and 1700 tons can load at the wharf.

C. J. Dennys,  
14th Dec. 1880.

C. J. Denny,  
continued.  
14th Dec. 1880.

2578. Do you know the depth of water?—I do not know it myself.
2579. Is the business of the place improving?—Very rapidly, indeed, very rapidly. Last year we loaded thirteen ships from our port, and the previous year not one.
2580. These were grain ships?—Grain ships.
2581. I believe until last year, or the year before, very little wheat was exported from this colony?—Very little till within the last two years.
2582. Do you know whether many of the people from round the Geelong district have business transactions with Geelong and Ballarat?—Oh yes, they have entirely in their own district.
2583. *By the Hon. G. F. Belcher.*—You stated that you were not a purchaser of grain?—No, I am not a purchaser.
2584. But you ship home?—Yes.
2585. On account of whom?—On account of the owners.
2586. Can you tell the Committee what quantity of wheat you shipped home last year?—I could not tell exactly, but we had one ship—the *Loch Shiel*—of which the whole cargo was wheat.
2587. Could you tell the number of people upon whose account you shipped?—I think on account of twenty-five or twenty-six farmers last year only.
2588. You rendered account sales?—Yes.
2589. If they had not the means of shipping through you, they must necessarily have sold?—Yes, they must have taken the price going.
2590. *By the Hon. J. Lorimer.*—In what district were they?—From the Wimmera, chiefly.
2591. Which was your largest ship loaded in Geelong last year?—I can hardly answer that. I am not very much up in regard to freights.
2592. You do not know the draught of water over the bar?—No.
2593. *By the Hon. H. Cuthbert.*—Can you give me any information about the wharfage dues, are they the same in Geelong as in Melbourne?—There are no export dues in either place.
2594. No charge made for vessels entering the Geelong port or the Melbourne port?—That I do not know—there is a tonnage charge, it is the same in both places.
2595. In your opinion Melbourne has no advantage over Geelong as a port?—For the wheat grown within an equal distance, I think that is so. I think that if I were a farmer myself, I should send my wheat to Melbourne in preference to Geelong, but for the Western side, our port is specially suitable for western dealers.
2596. Where the distance is the same, is it not to the interest of the public at large that there should be two ports in place of one?—It may be so.
2597. Does not it create competition?—Of course it does; it gives a choice.
2598. *By the Hon. J. Lorimer.*—Where do you get your loading ships from?—We had a little difficulty this year.
2599. You get them down from Melbourne?—Yes.
2600. And it costs money to tow them from Hobson's Bay to Geelong?—Yes.
2601. You have no shipping independent of Melbourne?—No; we have no independent shipping.
2602. *By the Hon. G. F. Belcher.*—Has there been difficulty in getting shipping in Melbourne this year?—There has been difficulty both in Melbourne and in Geelong in getting ships for wool.

*The witness withdrew.*

Frederick Thomas Outtrim examined.

F. T. Outtrim,  
14th Dec. 1880.

2603. *By the Hon. the Chairman.*—What are you?—Secretary to the shire of Tullaroop.
2604. *By the Hon. H. Cuthbert.*—Have you made a calculation of the distances by the different routes to Melbourne and to Geelong?—I have.
2605. I wish you to state the result of your calculation to the Committee. First of all, can you tell me the distance from Charlton to Geelong *via* Inglewood and Melbourne?—The distance from Charlton to Geelong by Inglewood and Melbourne is 216½ miles.
2606. From the same place—Charlton to Geelong by Inglewood and Ballarat, what is the distance?—225¼ miles.
2607. Now what is the distance from Charlton to Geelong by the other line *via* St. Arnaud?—174 miles.
2608. And from Charlton to Melbourne by Inglewood?—171½ to Melbourne proper. I have not added to Williamstown or Sandridge.
2609. The distance to Sandridge is three miles, and to Williamstown, nine miles?—The distance to Sandridge is three miles and to Williamstown nine miles.
2610. Charlton to Melbourne *via* St. Arnaud, what is the distance?—188½ miles without the addition of Williamstown or Sandridge.
2611. Have you any objection to hand in that statement?—No.—[*The same was handed in to the honorable member.*]

*The witness withdrew.*

Captain John Gardiner called.

Captain  
John Gardiner,  
14th Dec. 1880.

2612. *By the Hon. the Chairman.*—What are you?—Marine Surveyor.
2613. Where do you reside?—At Geelong.
2614. *By the Hon. H. Cuthbert.*—Have you been there for many years?—This is the third season.
2615. Can you state to the Committee what description of port Geelong is—what facilities it offers for shipping?—The port of Geelong (I speak now of the Railway wharf and the Yarra street wharf) affords accommodation for four 1500 ton ships, besides colliers and coasters; giving a loading accommodation of about 1000 tons per day—that is 600 tons per day at the Railway wharf, and 400 tons per day at the Yarra street wharf. I speak now of loading homeward-bound ships. The draft of water at both wharves is twenty-three feet at high-water. The rise and fall is about two feet. The ship channel was dredged about twelve months just now to twenty-one feet; that would allow vessels of twenty feet six inches—providing the channel has not silted up at all during the time—to go through. The breadth of the channel is

160 feet from the top of the bank, and 130 at the base line. I take the Glasgow Shipping Company's vessels as examples. It would allow their ships of 1500 tons to go through deep laden. That is 1500 tons register, that would mean about 2000 tons dead weight.

2616. During the last season have you had any large vessels in Geelong loading?—The last grain season or the present wool season?

2617. Take last season first—the last grain season?—The largest ship we had was a vessel laden with wheat and partially with wool, the *Loch Shiel*, her register tonnage was 1218 tons. We have had the *Loch Marce* this season, 1581 tons register.

2618. What was she loaded with?—Wool and preserved meat.

2619. During last year how many large vessels had you at the wharf?—I divide the year into two seasons—the wool season and the grain season. We had six ships laden with wool, and we had six laden with grain, and one, the *Loch Shiel*, which I have already mentioned, partially laden with grain and partially with wool—that is thirteen ships altogether.

2620. And what was the tonnage?—The tonnage of those thirteen ships is 13,696 tons register.

2621. Is the business of the port improving? The number of vessels coming in there, has it increased or decreased during the year 1879 as compared with 1878?—It doubled last year. It has doubled in consequence of the grain trade. There are shipped 7362½ tons of flour and wheat last season from Geelong.

2622. Then I suppose the buyers who go up country find that you can afford as much facility for shipping at Geelong as they have at Melbourne?—I would rather not answer that question. There are more competent witnesses in connection with that evidence.

2623. As a matter of fact, you know that the railway trucks can go direct from the railway to the shipping?—Right alongside the ship. They place a shoot from the truck to the vessel's hold, and run the wheat down; hence I give 150 tons a day loading for a ship at the Railway Wharf, and only 100 tons a day for a ship loading at the Yarra street Wharf.

2624. Have you seen a return of shipping at each port during the last eleven years?—No—do you mean from Hayter's Statistics—the *Victorian Year Book*?

2625. Yes?—Yes, I have seen it.

2626. I find that, according to that return, the year 1878, there were seventy-five vessels entered for Geelong—the tonnage 22,139 tons?—A large amount of those would be colliers.

2627. And in 1879 the number of vessels increased to ninety-one, and the tonnage to 29,029 tons. You have no means of checking that over to see if it tallies with the account that you have kept?—I only keep a list of what the underwriters are affected by.

2628. How are you connected with the underwriters?—I am the marine surveyor for the Melbourne Underwriters' Association.

2629. Has there been much difficulty in obtaining vessels both at Melbourne and Geelong during the last year?—Latterly there has been. This last season we had two from Newcastle and three from New Zealand. I speak of last season now, and the residue we were able to come handsomely forward and relieve Melbourne of the tonnage that they could not load up there.

2630. So it was an advantage to the people to have Geelong as a port?—Most decidedly.

2631. *By the Hon. G. F. Belcher.*—What are the prospects of the coming season as regards the shipments of wheat—have you any idea? Is it likely to be a considerable increase upon the last season?—I think we shall be very much cramped for want of shipping—want of tonnage.

2632. What is the width of the cutting at the bar?—160 feet at the top line and 130 at the base.

2633. And the depth?—It was dredged to twenty-one feet this time twelve months.

2634. Low water?—No, high water.

2635. *By the Hon. J. Lorimer.*—There was a good deal of wheat shipped last year at Geelong, I think?—Yes.

2636. Was a lot of money made by it, do you know?—That I cannot tell.

2637. How do you know whether, as a matter of fact, the shippers lost or made money out of the shipments?—I heard that some of the buyers of wool made a deal of money last year.

2638. Have you heard of any losses?—No, I have not heard of any losses.

2639. How many ships did you say loaded last year at Geelong with wheat?—Six fully, and one partially.

2640. Where did those six ships come from?—Those six ships.—[*The witness hesitated.*]—I must think a little before answering.

2641. The *Edward Graham* was one?—The *Elizabeth Graham*—she came from New Zealand; the *Weathersfield*—she came from New Zealand; the *Florence* came from Newcastle; and the rest, I think, relieved Melbourne from the extra tonnage.

2642. None of those came into Geelong as import ships with cargoes?—No; but that is what they ought to do.

2643. You say that the trucks go alongside of the pier at Geelong?—Yes.

2644. Do they go any further at Melbourne and Williamstown? They go alongside there, do not they?—Yes.

2645. The railway pier at Sandridge—they go alongside there too, do they not?—Yes.

2646. You know Melbourne as well as Geelong, do not you?—Yes, I think so.

2647. Rather better?—Perhaps.

2648. Do you think Geelong a preferable port to Melbourne?—Yes; because the charges in Geelong are lighter than they are in Melbourne.

2649. In what respect are they lighter?—I think Mr. Lloyd will answer that question.

2650. You say they are lighter; in what respect are they lighter?—When you get grain down to Melbourne—we speak of Melbourne proper—then there are charges from Melbourne proper down to Williamstown and Sandridge, which gave a differential rate in favor of Geelong.

2651. What is the difference?—Mr. Lloyd will answer that question. I am not prepared to answer it.

2652. Is it a penny half-penny a ton?—

2653. *The Hon. H. Cuthbert.*—Something like that.

2654. *By the Hon. J. Lorimer.*—Do you consider that Geelong upon the whole is a preferable port of export for shippers of wheat in the colony to Melbourne—are there equal facilities for shipping—is it as

Captain  
John Gardiner,  
continued,  
14th Dec. 1880.

easy to get freight from Geelong as from Melbourne?—You know you are dealing with a question that involves mercantile experience.

2655. You have had mercantile experience?—Of course.

2656. [I am speaking to a man that I have known for twenty-five years, so that I know a good deal of his experience.] As a man of twenty-five years' experience in this colony, do you consider there are equal facilities to exporters from Geelong as in Melbourne?—There is not the same field.

2657. There is not the same number of ships?—We are obliged to ease you of your ships.

*The Hon. the Chairman.*—You should say "Yes" or "No."

2658. *By the Hon. W. Ross.*—Do you know, or have you had an opportunity of knowing, from what part of the colony the bulk of the wheat comes that is shipped at Geelong?—During the last season?

2659. Yes?—Murtoa, Jung Jung, Horsham, and St. Arnaud I think were the places from which the bulk came.

2660. Did any great quantity of it come from the Lower Avoca, Charlton, and Cope Cope, and those places, do you know?—All those returns you would get from the Custom House returns. I think James Henty & Co. were the largest shippers.

2661. The bulk of that came from the Horsham district?—Yes.

2662. *By the Hon. J. Lorimer.*—You talk about the *Loch Maree*, and vessels of that class of 1500 tons register, suppose they were loaded with wheat entirely, they would carry about 2300 tons?—Not so much.

2663. Could they get over the bar?—The Glasgow Shipping Company's vessels could.

2664. Could the *Loch Maree* get over the bar if she was entirely loaded with wheat?—Yes.

2665. I beg to differ from you—what would she draw?—Not over 20 feet.

2665*a*. Could the Orient steamers get over?—No.

2666. Could the P. & O. steamers?—No.

2667. Could Wigram's ships?—No.

2668. All those ships carry wheat, and you do not claim for Geelong equal facilities with the port of Melbourne in the draught of water, I suppose?—Not by three feet.

*The witness withdrew.*

William Henry Lloyd examined.

2669. *By the Hon. the Chairman.*—What are you?—Wheat and produce shipper and buyer.

2670. Where do you reside?—Geelong at the present time.

2671. *By the Hon. H. Cuthbert.*—You know this line that is projected from Cope Cope to Charlton—you have heard a good deal of it?—Yes, I have heard a good deal of it. I know nothing of Cope Cope or Charlton. I only know St. Arnaud.

2672. You know the district about St. Arnaud pretty well?—Yes.

2673. Have you purchased much wheat in the district during the last year and the year before?—I did last year.

2674. Was that for exportation?—All for exportation.

2675. Now, as a practical man, where did you send that wheat to, was it to Melbourne or to Geelong?—I sent part to Melbourne, part to Geelong.

2676. What had you to pay for the wheat that you sent to Geelong per ton?—From St. Arnaud to Geelong to the ship's side it cost me sixteen shillings per ton, reckoning nine bags to the ton. From St. Arnaud to the ship's side at Williamstown it cost nineteen shillings and sixpence per ton; to the ship's side at Sandridge—I shipped at Geelong and Sandridge—that costs me twenty shillings and ninepence per ton to Sandridge, nine bags to the ton.

2677. So that you found it to be to your advantage to ship at Geelong?—From St. Arnaud, most undoubtedly.

2678. Can you give the distances?—I can.

2679. Will you tell me the distance from St. Arnaud to Geelong?—I will give the distance between the principal towns:—St. Arnaud to Maryborough,  $46\frac{1}{2}$  miles; Maryborough to Ballarat,  $42\frac{1}{2}$  miles; from Ballarat to Geelong,  $55\frac{1}{2}$  miles= $144\frac{1}{4}$  miles; and the cost of that to Geelong, including terminal charges, fifteen shillings and five pence. Fifteen and sixpence is the charge, and sixpence from the railway station down to the ship's side, per nine bags.

2680. That is the way the sixteen shillings per ton is made up?—That is how it is calculated.

2681. Then how do you calculate the distance to Williamstown?—St. Arnaud to Melbourne, *via* Castlemaine, is 159 miles.

2682. From St. Arnaud to Melbourne how many miles?—159 miles.

2683. And to Williamstown nine miles?—Seventeen and five pence to Spencer street, a shilling terminal charge, a shilling to run it through to Williamstown, that makes a total of nineteen and sixpence.

2684. And Sandridge is only three miles?—Twenty shillings and ninepence, 1s. 3d. more.

2685. What is the reason it is 1s. 3d. more?—Because they have to take it to the Hobson's Bay railway station; and I might also state in reference to buying wheat *ex* store here, if you buy wheat *ex* store, of which I bought a good deal at different warehouses last year. I had to pay 1s. 6d. a ton to Spencer Street railway station, or to the Hobson's Bay railway station; from there to Williamstown the charges are 2s. 6d. a ton, which makes 4s. One ship was lying at the railway pier, Sandridge. I had to pay 1s. 6d. to Hobson's Bay railway station, and 4s. a ton from the station to Sandridge, which made 5s. 6d. In Geelong buying wheat *ex* store it costs 1s. a ton, nine bags to the ton, taking it from the warehouse to ship.

2686. How much is the difference?—The difference is considerable buying it *ex* store. I might also state that the same freights are charged in Geelong, and the same insurance as in Melbourne. I have paid both the same by the same ship. One ship loaded 4417 bags for me at Sandridge, and came down to Geelong and picked up another 5000 for me, and I paid exactly the same.

2687. Did you find any difficulty in obtaining vessels in Melbourne or Geelong?—No doubt Melbourne has the preference as far as vessels are concerned, at the present time, simply because the wheat importation is a new industry—two years ago very little was exported from the colony, only the last two

W. H. Lloyd.  
14th Dec. 1880.

seasons has it been shipped at all—it was all flour, simply because there was no wheat in Victoria to ship. No doubt if there is plenty of cargo in Geelong, which there will be eventually, I suppose that ships will come and take it away.

W. H. Lloyd,  
*continued,*  
14th Dec. 1880.

2688. Is there any difficulty in getting a vessel to come from Williamstown to Geelong?—I never had any difficulty, and I have two now under offer to me from Alford and Company—two iron-bottomed ships.

2689. *By the Hon. F. Robertson.*—At the time you paid the charges referred to from Spencer street to Sandridge was the railway connected as it is now to Spencer street?—I do not think it was.

2690. *By the Hon. J. Lorimer.*—Have you shipped much wheat to England?—Yes, several thousand bags.

2691. What is your usual practice—to send it direct from the farmers to the ships, or to send it to the store for examination first?—I generally buy it *ex store*, and sometimes up country.

2692. Suppose you wished a market to sell here instead of shipping to London—which is your best market, Melbourne or Geelong?—If a large quantity, Melbourne; but if a small quantity or a medium quantity, Geelong is equally good.

2693. We are dealing with large quantities?—Of course you cannot compare Geelong with Melbourne buyers.

2694. Then you consider the facilities in Melbourne are greater than in Geelong?—Not near so good for St. Arnaud.

2695. I mean in regard to tonnage that is upon the berth available for shippers?—Not a bit better than Geelong.

2696. Are there as many vessels load at Geelong as in Melbourne?—From the St. Arnaud district?

2697. I ask, are there as many vessels load at Geelong as in Melbourne?—Most undoubtedly not.

2698. Have shippers the same choice of ships in Geelong as in Melbourne?—It is a new industry you know.

2699. That is not the question. I ask, are the facilities for shipping equal in Geelong to what they are in Melbourne regarding the tonnage available at all times?—As far as I am concerned, I have never had the slightest difficulty in shipping from Geelong myself; I have never had the least trouble in shipping from Melbourne or Geelong.

2700. If you ship 2000 tons a fortnight, do you think you ship it as easily from Geelong as from Melbourne?—I do not know what facilities they have had at the wharf; but I have had no difficulty in sending wheat away, and they have donkey-engines at the wharf.

2701. You, as a shipper of wheat, if you can get your wheat to Melbourne the same distance from Charlton or anywhere else, what port would you prefer to send your wheat to all the year round?—For shipment?

2702. For shipment or selling?—For shipping, should certainly send to Geelong.

2703. If there was a ship at the port; but, as a matter of fact, is there always a vessel loading at Geelong throughout the year?—I have had no difficulty in sending away wheat, but, I dare say, a small shipper might, with, say, 500 bags.

2704. Precisely; then the farmer would not have the same inducement to send it to Geelong?—Of course there are more ships in Melbourne than in Geelong.

2705. Where would a farmer be the most likely to get the best price for his produce, at Geelong or Melbourne?—Equally good.

2706. Is the buying power of Geelong equal to Melbourne?—Most decidedly not, not so much is sent to Geelong as to Melbourne.

2707. As a rule, which market realises the best price for wheat?—They are equal, only Melbourne takes a larger quantity than Geelong.

2708. Where are the higher prices obtained?—Melbourne for the larger quantities and Geelong for the smaller quantities.

2709. Melbourne has the largest quantity of produce?—Yes, most undoubtedly.

2710. Assuming that the distances are equal to Geelong and Melbourne, and the rates in carriage the same, which would the farmers prefer to be brought into connection with, Melbourne or Geelong, the farmers of the colony generally?—To ship or sell?

2711. Either one or the other?—To ship from St. Arnaud, Geelong most decidedly.

2712. I did not speak of St. Arnaud, I spoke of West Charlton, that is the railway before us. If you were a West Charlton farmer would you consider it to your advantage to be brought into connection with Geelong rather than with Melbourne?—If I were a farmer and had 500 bags, and could get it to Geelong a halfpenny cheaper, or the same, it would be immaterial which port you send it to, but a large number of farmers no doubt—

2713. You think a farmer could get as much money for 500 bags of wheat in Geelong as in Melbourne?—Yes, equally.

2714. All the year round?—In the wheat season, it is only three or four months.

2715. *By the Hon. P. Russell.*—Would it not be better for a farmer to have two ports instead of one?—Yes, decidedly.

2716. Two markets instead of one?—Yes.

2717. *By the Hon. J. Lorimer.*—Are you aware that the coal contract has just been taken now?—I do not know anything about coal.

2718. You do not know that the price of coal delivered at Geelong is equal to that in Melbourne?—I do not know anything about it.

2719. You have not seen it in the papers?—I have not seen it in the papers, I know nothing about it.

2720. You do not know, as a fact, that the Government have to pay more for coal in Geelong than they do in Melbourne?—I do not.

2721. *By the Hon. Sir C. Sladen.*—Do not you know that a large quantity of corn has accumulated at Geelong for want of shipping?—None at all. I have had to come to Melbourne to buy wheat for one ship.

2722. If a large quantity of corn were brought to Geelong, would there be any difficulty in finding ships for it?—Not the slightest, I believe.



W. H. Lloyd,  
continued,  
14th Dec. 1880.

2723. *By the Hon. W. Ross.*—In the matter of exporting wheat or selling wheat from West Charlton or Wycheproof, you know nothing of the requirements or wishes of the people there, further than St. Arnaud?—Nothing further than St. Arnaud. I know nothing of Cope Cope or West Charlton.

2724. *By the Hon. G. F. Belcher.*—You know there has been a difficulty this season in getting shipping in Melbourne?—There has been a difficulty in getting ships for wool, as well as wheat, because the stuff has increased so rapidly this last eighteen or twenty months, that it is beyond their consideration.

2725. *By the Hon. N. Fitzgerald.*—Although the trade of Melbourne has fallen off?—I do not know.

2726. *By the Hon. G. F. Belcher.*—The wheat trade of Geelong only commenced last season?—Yes, that is all.

2727. Is that likely to increase very much?—Yes, 50 per cent.

2728. When it becomes generally known to shippers, there will be no difficulty by-and-bye in getting vessels to take it away?—I intend to be a shipper next year to a large extent from St. Arnaud. As a shipper I will not ship a bushel from Melbourne from St. Arnaud.

*The witness withdrew.*

Samuel Rinder examined.

Samuel Rinder,  
14th Dec. 1880.

2729. *By the Hon. the Chairman.*—What are you?—I am the secretary of the shire of Korong.

2730. *By the Hon. N. Fitzgerald.*—You know this district very well, I suppose, between East Charlton and Inglewood, Wedderburn, and all there?—Yes.

2731. How long have you resided in that district?—About twenty-five years.

2732. As a long resident, and as a man well established, do you know the settlement that has taken place all round the country?—I do.

2733. Will you favor the Committee with your opinion about the rival routes between Charlton and Cope Cope on the one hand, and Charlton and Inglewood upon the other—which would benefit the larger number of settlers and be more advantageous to the interests of farmers in the district?—From my knowledge of the country, I have no doubt at all that the line from Inglewood to Charlton, and thence to Wycheproof, would benefit much the larger number of settlers; much larger than the line from Cope Cope to Charlton; and the line from Inglewood to Charlton, if constructed as the Commissioner of Railways now proposes, would supply a station at Charlton, and a station which would be no doubt at Cope Cope, upon the Donald line, and would give quite sufficient accommodation to the country between Cope Cope and Charlton. If that line be constructed from Inglewood to Charlton—and the line already surveyed from St. Arnaud to Donald—no settler would be more than ten miles from a railway station, and the great majority not more than five or six miles; whereas if that line be constructed from Cope Cope to Charlton, and not from Inglewood to Charlton, a very large number of settlers between the Loddon and the Avoca, north of Inglewood, would be from fifteen to twenty, and even twenty-five miles distant from a railway station. Therefore, as I am very well acquainted with the country, it is perfectly clear to me that the line from Inglewood to Charlton would benefit far the greater number of settlers in the district.

2734. You are also a large farmer?—I have about 1250 acres besides Crown land.

2735. A considerable quantity of that is cultivated?—Yes.

2736. Apart from your official position, as a farmer, which line would most benefit your class—which would enable the farmers in that district to reach a big market?—The Inglewood and Charlton line, undoubtedly.

2737. What markets would be open to you upon that line that would be denied to you upon the other?—The markets open to us would be Inglewood, Sandhurst, and Melbourne. If we wished to go to Geelong, we should have to make a considerable detour from Castlemaine by Maryborough. The distances, as I get them from a printed circular, which is no doubt in the hands of honorable members, issued by the Railway Department, show that a line constructed from Inglewood to Charlton would bring settlers in that country nearer to Melbourne by  $26\frac{1}{4}$  miles than if the line were constructed from Charlton to Cope Cope, and the same figures show that if a line were constructed from Cope Cope to Charlton, Charlton would be twelve miles nearer to Melbourne than to Geelong. Still those figures are not mine; they are issued by the Engineer-in-Chief of the Railway Department. They show there the distance between Geelong and Melbourne and Charlton as twelve miles nearer to Melbourne than it is to Geelong.

2738. From your knowledge of the country, and your intercourse with the other farmers and settlers of the district, which line do you think the inhabitants in and around Charlton on all sides prefer?—The inhabitants of Charlton, almost without exception, are in favour of the Inglewood line. I do not know that I am in order in handing to you a document that has been given to me to-night, which is signed by the chairman of a public meeting recently held in Charlton, at which there were only two dissentients who were in favour of the Cope Cope line. Petitions have been sent to the Assembly from Wycheproof, from Charlton, from Wedderburn, and various parts of the district, all in favour of the Inglewood and Charlton line.

2739. Do the farmers, as a rule, in your district sell to local buyers, or do they send direct to Melbourne, or the port of shipment for sale?—Farmers, as a rule, sell to local buyers, but I may mention that we have recently commenced in Wedderburn, where I live—a township between Inglewood and Charlton—a co-operative flour mill, of which I am chairman of the directors, and we are gristing wheat for the farmers, who are many of them shareholders in the mill, and shipping the flour for them direct to England, so that no middle man comes between the farmers and the London purchaser. We charge them for the gristing only, and ship the wheat direct by the Orient line, through Messrs. Bright Brothers. The farmers get a considerable advance of about £8 a ton the moment the flour is delivered in Melbourne, and no second profit is taken from them—we charge no commission. We grist, and forward, and ship, on their account.

2740. Then the farmers in your district prefer steam communication to ordinary sailing ships, even at an extra rate of freight?—Undoubtedly—they have done hitherto.

2741. Can you, of your own knowledge, speak of Melbourne and Geelong as ports of departure for steam ships—which is the most important?—Melbourne is the port of departure for all the large steamers.



2742. Do you, as a practical farmer, think that it is not very much to the advantage of the farmers, in and around your district, to have direct communication with Melbourne, where the distance is only equally great as to Geelong?—Undoubtedly, if the distances were equal, it would be to our advantage to have direct communication with Melbourne rather than Geelong.

2743. Would not that communication lead to a greater competition among buyers in your district, and that will be a benefit to the farmers?—Certainly; and if we ship, we have a greater choice at Melbourne.

2744. Then the general opinion of your neighbours is in favor of a line to Melbourne in preference to that to Geelong?—Yes. I may mention also that, if the country between St. Arnaud and Cope Cope and Donald be served, and not the country lying north of Inglewood, the result would be that a large number of settlers in the district would be compelled to give up wheat-growing. I, myself, for one.

2745. *By the Hon. H. Cuthbert.*—Would not the farmers to the north of Inglewood be served by that line going on to Boort?—Some would.

2746. Ten miles on each side?—Yes, but the line to Charlton is part of the line to Boort as at present scheduled.

2747. It was intended, under the original plan, to run a line to Boort?—It was.

2748. Would not the line have served the farmers to the north of Inglewood for ten miles on each side?—Yes.

2749. And then to the north of Donald; would not the farmers also have been served by that line to Donald?—By the Donald line—yes, and they will now.

2750. As a matter of fact, do you know whether the line has been surveyed between East Charlton and Borung?—Yes, it has been surveyed.

2751. By whom?—By the Railway Department. I do not know who was the surveyor.

2752. It must have been done a very short time ago?—Not very long ago.

2753. It was the original plan; it was before the House of Assembly about a fortnight ago, and then a motion was made by an honorable gentleman there to alter it to Borung. Was it after his motion that a line was surveyed?—No, a line was surveyed from Inglewood to Charlton, by Borung, some time ago. That line was projected before the line from Cope Cope to Charlton, which has never been surveyed.

2754. Was not there a direct line from Charlton to Inglewood *via* Wedderburn?—No that has not been surveyed, but the one by Borung has been surveyed.

2755. Do you know the distance from Inglewood to Borung?—Borong is a large parish. It would be difficult to fix the exact distance, because I suppose the parish is seven or eight miles across. Borong is not a fixed point.

2756. You have seen it indicated upon the Government plans that we have here?—Yes, I have.

2757. Can you estimate the distance according to the plan?—It is twenty-one miles the Railway Department make it out from Inglewood to Borung. I presume that is a measured distance.

2758. I am speaking now of Charlton to Borung—is not that twenty-eight miles?—No.

2759. What is it?—Inglewood to Charlton, *via* Borung, is  $40\frac{3}{4}$  miles; Inglewood to Borung is 21 miles; so that leaves it  $19\frac{3}{4}$  miles from Charlton to Borung.

2760. What are you reading from there?—Figures supplied from the Engineer-in-Chief's Office of the Railway Department. It is a lithograph.

2761. You have spoken about the unanimity of opinion that prevails amongst the inhabitants of Charlton as to the line which they wish to see adopted; has not there been a petition from the farmers in and about and around Charlton, numbering 1500, presented to the Assembly in favor of the Cope Cope line?—No, not in and about Charlton. That petition was sent from the shire of St. Arnaud, which is upon the west of Charlton, and the greater number of names were gathered in parishes at a considerable distance from Charlton. A petition from Charlton has been sent in favor of the Inglewood and Charlton line.

2762. Were not the 1500 who signed located from St. Arnaud to Cope Cope on?—I never saw the petition or the names, so that I cannot say.

2763. How long has the co-operative mill that you speak of been in existence?—Only about fifteen or sixteen months.

2764. Has it been worked to advantage?—So far it has.

2765. Limit the profit to the shareholders?—Yes, it is in its infancy yet; but I believe it is capable of considerable extension and is likely to be very beneficial to the farmers; that is the system itself.

2766. Have you found that shipping wheat by steamer has paid?—This is shipping flour. We find so far that flour pays better to ship than wheat. I shipped both last year.

2767. Have you found that the result has been more profitable to farmers than if the flour had been sold in the colony?—Yes, taking the prices at the time, of course; prices vary during the year.

2768. I am informed that some shippers have lost considerably by sending wheat off. I heard of one gentleman losing £800 by sending a cargo off?—Probably; the advantage is, that as London must be ultimately the market to which the farmers produce must go, the farmer sells the produce himself in that market.

2769. Do you think it wise to concentrate all the business in one port—that is, in the interest of the country?—I think the farmers will consult their own interests, and send to the port where they think they will have the greatest advantages.

2770. Just so—then would it not be well for them to have an opportunity of selecting one out of two?—If all other things are equal, and the distances the same or nearly so.

2771. And the charge less?—Just so.

2772. You heard one gentleman say at the Bar that the charges in the port of Geelong are less than at Williamstown, 16s. as against 19s. 6d. a ton?—He spoke altogether of St. Arnaud.

2773. He did?—Then there is the carriage to be added from Charlton to St. Arnaud, which would be 4d. or 5d. a bushel.

2774. *By the Hon. N. Fitzgerald.*—You have had experience of the channel through which the trade of this large district about Wycheproof and Charlton now passes?—Yes.

2775. Will you explain to the Committee what the ordinary channel of trade is?—Before the opening of the line from Dunolly to St. Arnaud the whole of that traffic went through Wedderburn and Inglewood, and thence to Sandhurst; the whole of that traffic along the Avoca went by way of Sandhurst

Samuel Rinder,  
continued,  
14th Dec. 1880.

to Melbourne before the St. Arnaud line was opened. Of course that took some of it away; but if this line be opened from Inglewood to Charlton, it will return to Sandhurst again without doubt, and much more with it.

2776. Then Sandhurst has been the main market hitherto to the inhabitants and settlers of that district, Sandhurst and Melbourne?—Yes, Inglewood, Sandhurst, and Melbourne.

2777. And practically it would be diverting the ordinary channel, if you send it down to Geelong?—No doubt, and diverting it at a loss to the producer.

2778. And naturally the producers would prefer to continue their present means of communication?—All whom I know, and I know nearly the whole of them, are, I believe, in favor of the line. I am speaking now of the producers between the Avoca and the Loddon, and thence to Wycheproof.

2779. Specially the people about Charlton to the north, and within ten miles of it from the south?—Yes; there is a gentleman here from Charlton, who may be able to give better evidence upon that point than I can. There is one item here, will you allow me to mention. Something was said about the relative traffic from St. Arnaud and Inglewood. These figures are taken from the latest returns. The passenger traffic inwards and outwards from Inglewood and Bridgewater, during 1879, was 35,945; the passenger traffic of St. Arnaud, inward and outward, during the same time, 20,680; giving to Inglewood and Bridgewater a balance of 15,265 over St. Arnaud, showing that there is much larger passenger traffic from Inglewood than from St. Arnaud. The passenger traffic comes chiefly from the north, where this line would be constructed, and that is said to be the best paying kind of traffic.

2780. *By the Hon. J. Lorimer.*—Supposing two lines were made, one from Cope Cope to East Charlton, and another from Inglewood to East Charlton, which line would carry the greatest quantity of produce from the farmers, do you think?—It is a somewhat difficult question to answer, because the farmers near Cope Cope would send by that line to St. Arnaud undoubtedly, but I believe that for seven or eight miles from Charlton, along the Cope Cope line, they would send by Sandhurst to Melbourne; that is even if the line were constructed from Cope Cope to Charlton, and from Charlton to Inglewood. The farmers upon the Cope Cope and Charlton line would send their wheat *via* Inglewood to Melbourne, because it would be cheaper carriage.

2781. Do you think a larger quantity of produce would be sent to Melbourne than would be sent to Geelong?—Of that there can be no doubt.

2782. *By the Hon. W. Campbell.*—I think I understood you to say, that there should be a line from Charlton to Donald as well as a line from Charlton to Wycheproof?—That has been passed in this House.

2783. Then you think there ought to be both the St. Arnaud line to Donald and another to Wycheproof; what distance would those lines be apart?—The St. Arnaud and Donald line and the Wycheproof line are about 22 miles apart.

2784. From Cope Cope to Charlton, in a direct line, what is the distance?—The distance from Cope Cope to Charlton is 23 miles; that would be about the average distance between the two lines; it might be a little less.

2785. What facilities have you for road-making in that district?—In the northern part, very few.

2786. It is level clay plains?—Yes.

2787. So that a railway would be easier constructed than a macadamised road?—Yes; the councils in that district have thought of constructing iron tramways in place of macadamised roads; it would be ultimately cheaper.

2788. Do you think an agricultural district like that ought to have railways every eight or ten miles, say twenty miles apart, which would give a radius of about ten miles?—Yes; I would give them ten miles.

2789. You think that would be cheaper really than making roads?—It would be cheaper, I think, than making roads in the end.

2790. Do I understand you to say, that the people of Wedderburn are satisfied to have a railway go round by Borung?—No; they are not. The Commissioner of Railways has promised to straighten the line so as to bring it near to them, and that would shorten the distance.

2791. So that the bow and arrow that we see here, a sort of semi-circle that goes round to Borung, would not be carried out in that case?—No; the line would be straightened and brought to Wedderburn. In fact, I believe a party is there now surveying a line on the west side of Mount Korong.

2792. The Government seem to be very ill prepared in bringing these lines before the House without knowing their own minds?—They have promised that; they have promised to bring it nearer.

2793. Is that likely to be carried out before the Bill finally comes before the House?—

*The Hon. N. Fitzgerald.*—Yes.

2794. *By the Hon. W. Campbell.*—So that they would have a more direct line between Charlton and Borung?—[*The witness*]—That is the intention.

2795. *By the Hon. J. Lorimer.*—Is there much traffic in cattle and sheep from that district?—I have here a paper—there is only one station where cattle and sheep can be trucked, that is Bridgewater.

2796. That is upon the Inglewood line?—Yes, near Inglewood.

2797. Which is the usual course for sheep and cattle—towards Sandhurst, or towards Maryborough and Ballarat?—Towards Sandhurst.

2798. Would the shipper of sheep and cattle consider that the Sandhurst line would be better for them than the Maryborough and Castlemaine and Geelong line?—Yes; there is a better market for cattle and sheep at Melbourne than Geelong, whatever it may be for wool.

2799. There is no doubt about that?—There is no doubt about that.

2800. And what about wool?—There are more facilities for shipping wool at Melbourne.

2801. *By the Hon. W. Campbell.*—You have quoted some statistics of passengers—are you aware which station sends the greater quantity of wool?—No; the number of bales sent from Inglewood and Bridgewater was 3400 and some odd last year.

2802. I do not couple them together, but from a return I saw, I think Bridgewater seemed to be at the head of the list of stations?—Yes, it had 2888 bales; Inglewood had only 1407.

2803. Which is the next largest inland station—I do not mean the stations on the Murray River, where they have river communication?—Those are the only two in that district that I have taken.

2804. Is there any other inland station in Victoria that sends a larger quantity than Bridgewater?—I do not know.

2805. Will you refer to that—it is a very short return?—I have only those two returns here.

2806. I think you will find that Bridgewater is second to no station in Victoria for wool?—The quantity would be very much increased, if this line were made to Charlton; it is taken to Bridgewater because the bullock-drivers find better feed there than down by Inglewood. The number of sheep that Mr. Lorimer was asking about is 49,041.

Samuel Rinder,  
continued,  
14th Dec. 1880.

2807. *By the Hon. J. Lorimer.*—Would that line save any distance?—This line would carry, in all likelihood, the same sheep and many others.

2808. The line from Inglewood to Charlton?—Yes; that and its branches.

2809. Would there not be as many on the line from Cope Cope to Charlton?—I did not know the traffic on that side.

2810. *By the Hon. N. Fitzgerald.*—Will you kindly tell the Committee the name of the gentleman from Charlton that you said could speak about the feelings of the inhabitants?—Mr. Klug.

*The witness withdrew.*

Conrad Klug examined.

2811. *By the Hon. the Chairman.*—What are you—An hotelkeeper.

2812. Where?—At Charlton.

Conrad Klug,  
14th Dec. 1880.

2813. *By the Hon. N. Fitzgerald.*—How long have you resided in Charlton?—About three years and a half.

2814. You know the feelings about there?—I do.

2815. Will you kindly tell the Committee whether, from your knowledge, the people of Charlton would prefer to be connected with the metropolis through Inglewood and Sandhurst, or by Cope Cope and Geelong?—There have been a great many meetings held in Charlton with regard to this railway extension, but in all the meetings that have been held, the unanimous feeling has been, that the line should be extended from Inglewood to Charlton.

2816. You know the district about Charlton pretty well?—I do.

2817. Now in your opinion would the district about Charlton be better served by the line that you say the people there are in favor of, or by the Cope Cope line?—By the Inglewood line, far better.

2818. Do you know anything of the trade connected with that district; is it with Sandhurst and that way, or with Ballarat and the southern district?—The great connection with that district is principally with Melbourne; very little with Ballarat and Geelong.

2819. Apart from distances, do you think the farmers residing in and about Charlton and the surrounding country would have a greater competition for their produce by being connected with Melbourne through Inglewood and Sandhurst?—I do not.

2820. Or through the other?—I do not think there would be more competition on either line. I think the principal outlet for their produce would be Melbourne.

2821. And the shorter the distance the better for them?—The shorter the distance the better.

2822. *By the Hon. H. Cuthbert.*—Have you been engaged in farming for any time?—I have not.

2823. Your business is that of an hotelkeeper?—Yes.

2824. Have you bought much wheat in Charlton?—I do not buy any wheat.

2825. Then you cannot know so much about these things as a man like Mr. Sutherland?—I do.

2826. But you are not as competent to give an opinion?—I am.

2827. Why?—On account of the unanimous feeling of all the meetings throughout the district, Wycheproof, Yowen Hill, and everywhere. They have all written letters to me, saying they were all in favor of the line from Inglewood to Charlton.

2828. Writing letters to you?—Writing letters to me.

2829. Why to you—are you mayor of the city?—I am not; but I have taken a great deal of interest in the district.

2830. Who wrote them?—Some of the chairmen and secretaries of the United Railway Leagues.

2831. Was there free discussion at those meetings?—Yes.

2832. Was any allowed to move an amendment?—Yes.

2833. Or were they hustled at once out of the room?—They did move amendments.

2834. Were they put from the chair?—Yes.

2835. How do you account for 1500 people signing a petition to the Assembly, asking that the line should be made from Cope Cope, and only 500 in favor of the other line from East Charlton?—Simply from the shire council of St. Arnaud sending men to get signatures to petitions from the outlying districts; not in the district where the real interests lie.

2836. So that the men in the outlying districts—the producers and farmers—are in favor of the Cope Cope line, while the townspeople of East Charlton are in favor of the other line?—No; the outlying districts are in favour of the Inglewood line, whereas the shire council are in favour of the Cope Cope line.

2837. Do you know anything about this line?—I do.

2838. Have you been over it?—I have.

2839. How did you follow it—is it marked out?—It is surveyed partly, as far as Thomson's dam.

2840. How far is that from Charlton?—About twelve miles from Charlton.

2841. That is as far as you went?—I went over the whole line.

2842. Does it run for 10 or 12 miles through very poor country?—No; it runs through good country.

2843. Does it go through mallee country towards Borung?—That is, the Inglewood line?

2844. Yes?—The survey would and that not much.

2845. So much as 10 or 12 miles?—Not that.

2846. One gentleman here said it went that distance?—I cannot help that. That gentleman was over it once, I have been over it many times.

2847. What kind of country is it from Cope Cope to Charlton?—Very nice country.

2848. Well selected?—Yes, pretty well selected.

*The witness withdrew.*

## HORSHAM TO DIMBOOLA RAILWAY.

William Walton examined.

William Walton,  
14th Dec. 1880.

2849. *By the Hon. the Chairman.*—What are you?—A surveyor in the Railway Department
2850. Where do you reside?—Hawthorn, at present.
2851. *By the Hon. R. D. Reid.*—You are a surveyor, I believe?—Yes.
2852. You surveyed this line from Jung Jung to Dimboola?—Yes. I was there when the survey was being made.
2853. Did you survey the line from Horsham to Dimboola?—No; no survey has been made.
2854. That is not surveyed?—No.
2855. What is the difference of length between Jung Jung and Dimboola by the line surveyed by you—what difference do you think there would be between the line surveyed by you and the line as it is marked upon that map running from Dimboola to Horsham?—The line to make would be nearly the same, but it is  $11\frac{1}{2}$  more from Jung Jung by Horsham.
2856. That would make  $11\frac{1}{2}$  miles more travelling upon the railway?—Yes.
2857. Can you give us any information with regard to this line—with regard to the population or the people that are up there, the number of people that this line would serve—whether this line from Jung Jung to Dimboola will serve the most, or the line from Horsham to Dimboola?—From Jung Jung, no doubt.
2858. Are there many farmers away to the right—I think they call it Borung—all through Borung?—There are all through Kewell.
2859. You do not know the number of farmers there?—No; I do not know.
2860. Are there many to the north of Horsham, or to the north-west of Horsham?—I am not aware; I do not think so.
2861. What is the distance from Dimboola to Geelong, I fancy that is the question—do you know that?—No; I do not know that.
2862. You know nothing except about the piece of line you surveyed?—Yes; that is all.
2863. *By the Hon. J. MacBain.*—You are not the gentleman who signed that petition—[*handing a paper to the witness*]?—No.
2864. Do you know the distance between the nearest point of that extension, as now you can see upon the map, from Horsham to Dimboola, and do you know the nearest to Vectis Bridge?—No, I do not.
2865. Is not there a large settlement to the south-west of Vectis, and at Natimuk Creek, and to the south?—Yes.
2866. Would not a railway somewhat in the direction of the red you see upon the map there benefit a large settlement to the south-west of Vectis Bridge?—Yes, but not as much as the other line.
2867. How far would that line be away?—One line goes through a lot of Mr. Carter's property, and the other goes through farms the whole way. That is about all I know.
2868. Are you aware of what the population of Horsham is?—No.
2869. Do you think that a township like Horsham, that has existed for a considerable length of time, and that has been identified with the settlement of the whole district of the Wimmera, should be at all injured?—No; but that is altogether another thing.
2870. You think it should not be injured?—That line would spoil Horsham, no doubt.
2871. And you think Horsham is a town of considerable importance in the Wimmera?—Yes, no doubt of that.
2872. You are probably aware that a very large amount of settlement is there, and the settlers have been doing their business for a number of years with Horsham?—Yes, I believe so.
2873. Then to start a line from Jung Jung to Dimboola, in a straight line, would leave Horsham out altogether?—Yes; it would be like a branch line then.
2874. Horsham would be the branch line?—Yes.
2875. You would require double rolling stock, and any person coming down from Wail or Penia to do business, must come to Jung Jung to wait for a branch train to take them down to Horsham, and then come back to Jung Jung to go home to their settlement?—Yes.
2876. Would that be very inconvenient to a great number of them?—Yes.
2877. You are a surveyor, you say?—Yes; all I have to do is to survey a line between two points that they give me. That is all I do.
2878. You see a large area of country north of Murtoa, and north of Jung Jung, that is the blue upon the map, that is supposed to be all selected country?—Yes.
2879. Do you not think that a line such as the late Commissioner of Railways proposed, carrying it through that country from Horsham, north-east to Donald or Cope Cope, and on to East Charlton, would serve that large area of country much better?—I was not aware that he proposed it.
2880. That was the proposal that the late Commissioner mentioned upon the floor of this House. He stated virtually, as I state it now, that a line from Horsham running to Cope Cope would bind or connect the whole of those lines—would not that serve a greater number of farmers than that line from Jung Jung to Donald?—I suppose it would.
2881. *By the Hon. R. D. Reid.*—Have you ever been over the ground?—I have been from Lubeck to Cope Cope.
2882. *By the Hon. J. MacBain.*—You think that would?—If you keep the line further to the right, it would serve more people still.
2883. You think the Dimboola line does not serve as many people as it would do, if carried in a different direction?—No.
2884. Do you think it would have been a very fair way of compromise with the farmers, if they had taken it to Longerong, in a straight line to Horsham, as a main trunk line, and then on to Kewell, the Sheep Hills, and Warracknabeal?—The straight line was abandoned, because nobody lived upon it. It was surveyed a long time ago.
2885. I ask, would it not suit to run the line to the north through all that selected country?—If you altered all the other lines, it might be, if you carry the lines as shown upon the plan. I do not think you want cross lines at all.

2886. Not to Sheep Hills or Warracknabeal?—No, the Donald line might be carried on to Warracknabeal. William Walton,  
continued.  
14th Dec. 1880.

2887. Or from Lübec to Cope Cope?—No.

2888. They do not want the cross lines at all?—They would not be more than fifteen miles from a railway; they are not more than fifteen miles apart.

2889. Ten miles, I believe, is the distance generally taken. However, you have mentioned that you think that Horsham has been identified for a number of years with the settlement of that part of the country, and would be considerably injured by the line passed by the Government, from Jung Jung to Dimboola?—Yes, I have no doubt of it.

2890. *By the Hon. R. D. Reid.*—This line, as proposed, from Jung Jung to Dimboola would be a straight line; would not that go to the South Australian Border?—I believe it is intended to carry the line on to Bordertown eventually.

2891. You do not think it would be exactly the thing to carry people from the South Australian Border twelve miles further round than they ought to go?—It would be twelve miles further round.

2892. *By the Hon. W. McCulloch.*—Is there any difficulty in making the line from Jung Jung to Dimboola—is that level country?—Yes.

2893. Quite as easy as the other?—Quite as easy.

2894. *By the Hon. W. Campbell.*—I think I understood you to say that a considerable district there was abandoned?—No. I say there is little or no settlement upon the straight line that was surveyed, the straight line to Horsham.

2895. Has there ever been settlement there?—It was a station; and is a station yet, I suppose.

2896. I understood you to say that the district was abandoned?—I beg your pardon. I say the line was abandoned.

2897. On account of there being no population?—No, it was taken around by Murtoa.

2898. How is it there is no population in that part?—There is very little compared to the other—you can see that by the map.

2899. Is it inferior land?—Yes, it is not so good as by Murtoa; that was why the line was bent to go round by Murtoa.

*The witness withdrawn.*

William Robert Martin called.

2900. *By the Hon. the Chairman.*—What are you?—Engineer in the Government employ.

2901. Where do you reside?—Melbourne.

2902. *By the Hon. R. D. Reid.*—Can you give us any information with regard to this line from Jung Jung to Dimboola as surveyed by the Department?—I only know it upon the section; I have not been over the country between Jung Jung and Dimboola; I have been between Horsham and Dimboola.

2903. And which do you think is the preferable line—which is the best line?—I think the best line is from Jung Jung to Dimboola.

2904. What reason have you for saying that?—It will eventually form a portion of the direct line to Adelaide—if you go round by Horsham, you have  $11\frac{1}{2}$  miles extra to travel, and, of course, the people beyond would have to pay for  $11\frac{1}{2}$  miles freight and for passenger traffic also.

2905. For all time?—Yes.

2906. *By the Hon. J. MacBain.*—Did you say that you did not go over the Jung Jung extension to Dimboola?—No, I know what it is like upon the section.

2907. You did not go over that?—Not that one—no.

2908. Do you feel qualified to express an opinion upon a matter like that?—Certainly.

2909. You say that if it did not go to Horsham, it would connect the South Australian Border with Victoria?—I say it is intended eventually to go to the South Australian Border, and if it went from Horsham instead of Jung Jung there would be an extra  $11\frac{1}{2}$  miles to travel.

2910. Do you see a place upon the map there called Marina, upon the large map, all down below Murtoa?—I think I know where you mean.

2911. It was originally intended, I believe, to make the main trunk line on through Horsham?—Yes, that is the straight line.

2912. But the wants of Murtoa led them to make a dog-leg?—Yes.

2913. Is not that a very objectionable feature in a straight line—a dog-leg?—Yes.

2914. You think so?—Yes.

2915. Having filled the whole of the colony with dog-legs and semi-circles, I presume it would not be very much worse to carry out the same principle in extending the line from Horsham to Dimboola?—I think it is time to mend now.

2916. It would not make it much worse now?—It would make it  $11\frac{1}{2}$  miles worse.

2917. There are  $11\frac{1}{2}$  miles made already between Jung Jung and Horsham?—Yes.

2918. Why throw away the use of it?—You are not throwing away the use of it, you are only making the whole of the traffic travel that  $11\frac{1}{2}$  miles for no reason.

2919. There is the satisfactory reason that there is a very large township there, with a population of 3000 settled there, identified with almost the entire settlement that has taken place in the district of the Wimmera. I suppose that, in the principle of extending railways, large towns are always considered, are not they?—No doubt.

2920. And you think then that a considerable amount of injury would be done to the vested interests of Horsham if this railway is carried in a direct line from Jung Jung?—No doubt, but Horsham has already got a railway; it has got communication, and I do not see why people should be dragged round that  $11\frac{1}{2}$  miles.

2921. Why should they be dragged round by Murtoa there?—That line is made.

2922. Why not start from Murtoa then—why drag them to Jung Jung?—That would make very little difference starting from Murtoa or Jung Jung.

2923. *By the Hon. J. Lorimer.*—Which line is easier of construction—from Jung Jung or from Horsham?—There is practically no difference between them.

W. R. Martin,  
14th Dec. 1880.

W. R. Martin,  
continued,  
14th Dec. 1880.

2924. *By the Hon. W. Ross.*—There is no doubt about it. I suppose that that is the most likely line to be made to the South Australian Border from Dimboola?—I think so; it is the most direct line to Adelaide.

2925. And the engineering difficulties are less than upon any other?—Yes, I think so.

2926. From Dimboola on to Bordertown?—Yes, it is the shortest.

2927. *By the Hon. J. MacBain.*—Are you aware that it is the intention to extend the line from Branhholme up along the South Australian Border?—Yes, but that would be a very indirect line to go to Adelaide.

2928. Still it is the proposal of the Government to tap the South Australian Border at Apsley?—Yes, but the other line would tap it considerably further to the north.

2929. *By the Hon. H. Cuthbert.*—I see upon this map the starting point is at Jung Jung to Dimboola?—Yes.

2930. What is the distance?—Twenty-one and one-third miles.

2931. And from Horsham to Dimboola?—About the same; it may be about half a mile more—not more than that. We have no survey completed yet for that line.

2932. So that the cost of construction from Horsham to Dimboola would be about practically the same as the cost from Jung Jung to Dimboola?—Yes, practically the same.

2933. *By the Hon. W. Campbell.*—What sort of line would run from Horsham towards the South Australian Border—could a direct line be run?—Yes, no doubt it could—you mean, not to go through Dimboola at all?

2934. I suppose so—is there an equally good line to go through Horsham, irrespective of Dimboola or any other place?—Westerly from Horsham to Bordertown you would go through the middle of mallee country the whole way.

2935. That is a formidable objection?—Yes, I think so. If you go from Dimboola, you go through what they call the Tatiara country, which is good country the whole way up to the South Australian Border.

2936. You would have pretty good country the whole way?—Yes, if you keep still further to the south, you avoid the mallee again.

2937. That is only a patch I suppose?—Yes, it extends from Horsham right up to the Border.

2938. Of what extent?—I could not say.

2939. Is it many miles through?—It is some miles, but I cannot say how many.

2940. It is good country to the right and left of it?—It is good country to the right, but I cannot say as to the left; I think not so good, because it is not so much taken up by the selectors as the country to the north.

2941. *By the Hon. J. MacBain.*—Did you say to the Honorable Mr. Campbell that, keeping the line from Horsham west, as a straight line, would go through mallee country, but that keeping more to the south you could get through without mallee country?—Yes, you might have a patch, but a very small patch.

2942. I think I travelled there once half a day in a straight line, through mallee country—I do not know how you could avoid it—there are some patches of country, very good country—have you ever travelled there?—No, I have not.

2943. What have you judged from?—I know merely from the maps we have.

2944. You say there is no mallee country between Dimboola and the South Australian Border, such as to prevent your carrying that railway across?—I say you can get a line without going through much mallee; not more than a mile or two, or else the maps are wrong.

2945. *By the Hon. W. McCulloch.*—What objection have you to starting from Murtoa—would not that be a more direct line?—Yes, it is more direct, but it is a longer line to construct.

2946. How much longer?—I could not say.

2947. What is the distance from Jung Jung to Murtoa?—I do not remember; no doubt it would be a little shorter to travel, but it is longer to construct.

2948. *By the Hon. Sir S. Wilson.*—I wish to ask you whether, upon the whole, the line from Jung Jung to Dimboola, or the line round by Horsham to Dimboola, would be best for all the country and the selectors, taken as a whole?—The Jung Jung line would be best for the settlers, but not so good for the town of Horsham.

2949. Do you think the town of Horsham would benefit materially by the traffic going through to Melbourne from Dimboola?—Not materially by any that went through; but no doubt some of the farmers would go into Horsham to buy stores. Any traffic going right through, of course, would not benefit the place at all.

2950. The line from Jung Jung would pass entirely through selections, would it not?—Yes.

2951. And upon the whole, you think would be the best line for the great bulk of the population?—I think it would be better for the selectors generally—that is, of course, leaving out the town of Horsham.

*The witness withdrew.*

James Mussen called.

2952. *By the Hon. the Chairman.*—What are you?—Secretary to the Lowan shire.

2953. *By the Hon. R. D. Reid.*—You know this country, Mr. Mussen?—Very well.

2954. You have been living there for a number of years?—Yes.

2955. Which line do you think would be of the most service to the farming community up there, either the Jung Jung line or the Horsham line?—The Jung Jung line.

2956. Are there many farmers to the west of the Jung Jung line?—The Jung Jung line goes right through the centre of settlement.

2957. To the north or north-east of the Jung Jung line are there many settlers?—The settlement extends for nearly thirty miles.

2958. There is no railway nearer than Donald?—That will be the nearest railway when it is constructed.

2959. On the Horsham line, on the west for eight miles up from Horsham, how many farmers are there?—It is all freehold belonging to Messrs. Carters.

James Mussen,  
14th Dec. 1880.

2960. From there up to Dimboola on the same side how many farmers are there?—About six miles of settlement, from Carters' run to the end of the settlement.
2961. But from the end of Carters' land, how many farmers are there?—It is about six miles of settlement.
2962. And how many farmers are there upon that?—I suppose about 100.
2963. And how many do you think would be benefited by the line running from Horsham as now proposed—how many upon that side within a reasonable distance, say eight or ten miles on each side?—About 200.
2964. And running from Jung Jung, or taking Murtoa up to Dimboola, how many would be benefited in that way?—Some thousands.
2965. Now beyond Dimboola, towards the South Australian Border, are there many farmers?—Yes; the country is rapidly being taken up.
2966. Is it well adapted for farming?—The finest land in the colony.
2967. I suppose the farmers would have some little objection to having their grain carried eleven miles further?—They would have great objection.
2968. What would be the cost of that eleven miles of extra carriage?—Eleven and a half miles. About a shilling a ton for wheat.
2969. For all time?—For all time; and return freight about five shillings.
2970. A ton?—Yes.
2971. Are the people up there—the farming community—unanimous with regard to the line running from Jung Jung to Dimboola?—Quite unanimous.
2972. You think that that would serve them better than any other line?—Decidedly it would.
2973. Will Horsham be very much injured, do you think, by this line?—I do not think it would be very much injured by this line. It has a large country to the west and north-west, and also to the south. I may say that that map does not show the amount of settlement from Dimboola to the Adelaide Border. I have got a tracing here showing it.
2974. Will you be kind enough to show the members of the Committee that map, and show what the settlement is?—Yes—[*producing the same, and explaining it to Honorable Members*].
2975. *By the Hon. Sir S. Wilson.*—Then there is no mallee from Dimboola to the Border?—None, except in small patches; but there is big mallee to the north. Dimboola is just a gate for this country.
2976. *By the Hon. R. D. Reid.*—Perhaps you will just state to the Committee anything that you may know with regard to those two lines. Which of the two lines is the more preferable of the two? I leave it to yourself to state to the Committee anything that you think?—
- The Hon. R. Simson* objected to the question.
2977. *By the Hon. R. D. Reid.*—I just want to ask you to make a statement in regard to this country. You know the country much better than I do, and perhaps much better than a great many of the Committee. Will you state what you know about it?—A large settlement has taken place from Dimboola to the Adelaide Border. Four years ago there were not 100 farmers West of Dimboola, and now there are 1000. The selections recommended at the Land Board at Dimboola average twenty a month. Then there is country at the north of Dimboola extending down about ten miles. Then the country extends again away to the north-west nearly thirty miles, which is being rapidly occupied. All this country will come into Dimboola and to the Jung Jung line, half-way between Dimboola and Jung Jung.
2978. By going to Horsham all the produce of the country would be taken round by the other line 11½ miles for all time, not only the wheat, but the wool produce?—It is computed that last year there were over 250,000 sheep shorn west from Dimboola to the Border.
2979. *By the Hon. W. Ross.*—You think that Jung Jung is preferable, as Murtoa is the starting point, if the route is decided to go in that direction?—By starting north from Murtoa it lengthens the line to open up the country I am describing.
2980. *By the Hon. W. McCulloch.*—Would it not open up the country better—there seems to be a large selection there?—If the Donald line is constructed, it will serve the country to the east.
2981. Why are you in favor of the Jung Jung line rather than Murtoa?—Because it is shorter.
2982. How much shorter?—Perhaps fifteen miles. If you go north of Murtoa it is ten or fifteen miles round.
2983. I am informed, only two or three miles. It does not look so upon the map?—That is from Murtoa running a line north and running west to Dimboola.
2984. Does not that strike you as a good thing that, if you do not stop at Horsham, but go from Jung Jung, it would be better to go from Murtoa?—Murtoa is not correctly marked upon that map.
2985. Is not there a large settlement north of Murtoa?—Yes.
2986. Would they not be benefited by the line north from Murtoa?—Yes, they might.
2987. Where do you reside?—Dimboola. It would be about thirty-one miles, if you ran the line north and turn round to Dimboola.
2988. Is the map correct, do you think?—I do not think it is, it does not appear to me to be correct.
2989. Then Murtoa is not properly placed there?—No.
2990. Because, looking at that map, it appears to me that there is not more than a couple of miles at the outside?—The line to Jung Jung runs south-west on that map; it should run due west about five or six miles.
2991. Then you say the map is not correct?—Not correct, this little map is more correct.
2992. If, as a surveyor, you were informed that was more than three miles, would you say it is wrong?—No.
2993. You cannot tell us the distance from Murtoa to Jung Jung—how long?—I forget the distance.
2994. My idea is to run the line on from Murtoa to Dimboola direct in a straight line—do you mean to say that would be ten miles longer than from Jung Jung?—You cannot run straight to Dimboola.
2995. Why?—Because you run parallel with the Horsham line, if you do.
2996. It is seven miles and a half from Murtoa to Jung Jung. Now, if the line be made from Murtoa to Dimboola, would it run along a line parallel with the Jung Jung line a great distance?—Yes, to Jung Jung.



2997. Then the map must be altogether wrong?—I know it is.
2998. *By the Hon. Sir C. Sladen.*—Do I understand the witness to say that the line from Jung Jung to Dimboola would be a convenience to a much larger population than that from Horsham to Dimboola?—Decidedly.
2999. Is that the case?—Yes.
3000. Will you state again, the larger population that would be accommodated by the Jung Jung line?—Ten to one, I think.
3001. Are there no engineering difficulties?—Not the slightest it is quite level.
3002. It does not matter whether it goes from Murtoa or Jung Jung?—Jung Jung or Horsham.
3003. *By the Hon. J. MacBain.*—You reside now at Dimboola?—Yes.
3004. You are shire secretary there?—Yes.
3005. Of course you know, and get information, and can give information from your official position, regarding settlement?—Yes.
3006. How long did you reside in Horsham before you went to Dimboola?—About eighteen years.
3007. Where you in Horsham at the commencement of the selection in the district there?—Yes; in 1866 when first the selection took place.
3008. Do you remember whether Horsham then was identified with the settlement all to the north of Horsham?—It was the only town in those days.
3009. Does it still keep up the connection with selection in the district?—Not so much.
3010. But does it still keep the connection?—There is a connection.
3011. Do you think there is a large connection?—I do not think there is a large connection.
3012. Do you know the population of Horsham?—Not now, more than I see in the papers.
3013. What is the population of the township of Dimboola—I do not mean outside?—The township has 300 or 400 people; it is a rising township now, and will be a very large township, if the railway once goes there.
3014. What is the population of Jung Jung?—I do not know.
3015. Suppose the railway goes from Jung Jung to Dimboola, according to that map it would almost skirt the settlement then, would it not?—No; not the Jung line; the Horsham line would.
3016. There is not much difference between the Jung Jung line and the direct line. I may say that the Government map and that map present a difference—[*handing the map to the witness*] ?—Mr. Reid has a map of mine which shows it—[*the witness explained the smaller map to the Honorable Member*].
3017. Are you aware how many acres of land are in cultivation at Dooen?—In the parish of Dooen?
3018. Yes?—The parish of Dooen is out of my district.
3019. I have a return showing 1495, that is south of Jung Jung and between Jung Jung and Horsham?—Yes.
3020. Do you know the number of acres in the parish of Quantong?—No, not now.
3021. I have it 1051; do you know the number of acres in Vectis—I have it 1356, and Wail, you know where that is upon the map?—Yes, that is upon the Horsham line.
3022. Would not the Horsham line serve Wail, Dooen, Quantong, and Vectis?—It would only serve Wail.
3023. Would it not serve Vectis?—There are a few settlers north of the parish of Vectis, they would still go to Horsham.
3024. Are not there some to the west of Horsham?—Very few, and none that would be served by the Horsham and Dimboola line.
3025. There is a considerable area in the blue there?—My map shows every selection from Dimboola to Horsham.
3026. You say that would serve Wail?—It would go through Wail.
3027. That is 13,765 acres of selected land?—The Jung Jung line would serve them just as well as Horsham would, because no doubt there would be a station half-way between Jung Jung and Dimboola. The Wail people would go to that station.
3028. The straight line would be more advantageous to Dimboola than the west?—The Jung Jung line?
3029. Yes?—Decidedly.
3030. There is a very large area of country that the Jung Jung line would not serve at all, because it goes in a straight line?—There is very little country but what the Jung Jung line would serve.
3031. Would the Jung Jung line serve Sheep Hills, Warracknabeal, Kewell, Pimpinio, and all those places?—Yes.
3032. And Minyip?—No, not Minyip; that is another part of the district altogether.
3033. That is what I say, if you run a line north from Murtoa and north-west, it would serve a very much larger number of people?—[*No answer.*]
3034. Are you aware that a considerable number of people between Jung Jung and Dimboola continue to do business with Horsham?—Yes, between Jung Jung and Dimboola, because it is the only town.
3035. Are you aware that for years they have been supplied by Horsham, or that they supported Horsham and Horsham supported them?—Yes, because it is the only town to go to.
3036. Do not you think it would injure Horsham very considerably?—I do not think it would.
3037. Would it not lead the trade away from Horsham?—If those people have business with Horsham they will go to Horsham.
3038. But we know the railways make a very great change if they pass a place?—But why should the people west and north-west of Dimboola have to go eleven miles and a half to Horsham to convenience a few people?
3039. But there is a very large population; the Horsham people require to be considered as well as the people of Dimboola. You are quite well aware that Horsham has been identified with the whole of that country, has business relations, and will continue to have business relations with them; and people like to go to the place where they have business relations, and if you cut off Horsham and make it a branch line, would it not injure it considerably?—Horsham men are coming up into our district and opening stores there.



3040. How many?—There is one now open at the new township called Nhill.
3041. Not Dimboola?—No.
3042. How many banks have you in Dimboola?—Two.
3043. How many stores?—Three or four.
3044. How many flour mills?—One, and probably we shall have another one before long.
3045. *By the Hon. R. D. Reid.*—Did not a large deputation come down here with you—a large number of gentlemen who were very much interested—farmers?—Yes, a number came down.
3046. How many were there?—Over fifty.
3047. These gentlemen are in attendance now, I believe?—I have seen a great many of them here to-night.
3048. *By the Hon. J. Lorimer.*—What is the population of Murtoa?—I could not say; it is out of my district.
3049. Are there many stores in it?—I never was in it, except passing by train.
3050. You do not know what facilities there are then for carrying on business?—I do not know.
3051. *By the Hon. Sir S. Wilson.*—I suppose Horsham is not a producing town that would require very much railway accommodation?—No, I do not think so.
3052. The great product in the district would be wheat?—Yes, wheat.
3053. And this country which you showed us upon this map is just opened up for wheat growing?—It is all wheat growing country.
3054. And this line, if extended from Dimboola to the South Australian Border, would go right through the centre of that settlement?—Yes.
3055. And all the traffic from Melbourne to South Australia would go over this line, if it were made a trunk line?—Yes.
3056. And the whole of that traffic would have to go round eleven miles and a half if the line be made by Horsham?—Yes.
3057. This would be a very considerable cost to persons making use of the line?—Yes, of course it would.
3058. I see by the map that the line from Murtoa to Jung Jung is exactly due west, so there would be no advantage in making the line from Murtoa to Jung Jung?—None at all.
3059. In fact, Murtoa and Jung Jung are in a straight line to Dimboola, with the exception of about a mile in the seven miles and a half?—Yes.
3060. I see in this map, which I suppose is correct for all arguments here, that the angle at Horsham is less than a right angle?—Yes.
3061. You come back at an acute angle going to Dimboola?—Yes; that only serves the settlement west of the Horsham line.
3062. Is not there a great deal of settlement south-west of Horsham?—I believe it is increasing very much.
3063. Would not an extension of the Horsham line south-west be a great benefit to the settlers in that district?—No doubt that line would have to be constructed from Horsham to Harrow.
3064. Would not that be a much better extension rather than to take the whole of the large traffic from Dimboola round by Horsham?—No doubt.
3065. If there is any extension of the line from Horsham, would it not be in the direction of Apsley?—No; it would go to Harrow.
3066. And in that direction there is good country all the way?—Nearly all the way.
3067. And the strip of mallee is about where the word Lowan is upon the large map?—Yes; about 15 miles through.
3068. So that we might avoid that in either case?—Yes.
3069. You have no doubt that the proposed line from Jung Jung would be far the best for the country as a whole?—No doubt at all; it is the unanimous opinion of every selector there.
3070. *By the Hon. R. Simson.*—Is Jung Jung rather an important place?—No.
3071. Is there a township at all?—One or two hotels. I only just past it in the train.
3072. If you live at Dimboola, you know all about it?—It is 21 miles off.
3073. Is there a station—any township at all?—Nothing to speak of.
3074. Any Government buildings of any kind; any money laid out?—No.
3075. Has much money been laid out at Horsham?—Yes.
3076. Is there an hotel and banks, and everything?—Yes; everything they require; in fact, too much.
3077. And yet you would ignore Horsham to satisfy Jung Jung?—No; it is to satisfy the country around Dimboola.
3078. Do you think the settlement in the country on the other side of the line to Dimboola is likely to be as permanent as the people living at Horsham?—Decidedly.
3079. Is the land as likely to stand cultivation for a great number of years?—I consider that the best land in the colony for wheat-growing.
3080. Have not you seen a great deal of the best land in the country cultivated for ten years, and become waste from continually growing crops?—I have.
3081. Is not it likely that this may be the same in course of time?—This would be the main trunk line to Adelaide.
3082. What could people bring from Adelaide upon this trunk line?—The same as from Melbourne to Sydney.
3083. I have been in that country, and perhaps saw it with different eyes from what you do; it is a different country altogether. Have you ever thought of the quantity of traffic that would be upon the line if carried to Adelaide; do you think it would ever pay?—It is bound to pay.
3084. You have made a calculation to that effect?—It would be a main trunk line to Adelaide, and it would take a lot of the sea traffic. It would be eventually a part of the main trunk line to Port Darwin.
3085. You think there would be much traffic from Dimboola to Port Darwin?—Very likely, in course of time.
3086. *By the Hon. J. Buchanan.*—If the line be continued to Dimboola would the Dimboola people continue to do business with Horsham?—No.

James Mussen,  
continued,  
14th Dec. 1880.

3087. You think Dimboola would become the principal town?—In a few years it would be the principal town; it would become quite as important as Horsham.
3088. You think that the people west of Horsham would not go to Horsham to do business?—No, because they could get everything they required at Dimboola.
3089. *By the Hon. N. Fitzgerald.*—There are large grain sheds at Jung Jung?—Yes.
3090. And large quantities of grain come in there?—Yes, very large.
3091. And some sheds are going up now?—I think there are several sheds, and others are going up.
3092. Are they five large ones?—Very large.
3093. How many tons would they hold?—An enormous quantity.
3094. Thousands?—Yes.
3095. *By the Hon. H. Cuthbert.*—If the line be made from Horsham to Dimboola, in the first six or eight miles, would it accommodate many people?—None at all.
3096. Because it runs through private property, one large estate?—Yes, one estate.
2097. *By the Hon. W. McCulloch.*—Is the owner of the estate parting with it on easy terms—has there been any settlement at all upon that property?—No.
3098. Is he farming it?—He has ploughed up a few acres near Horsham.
3099. But not making it into cultivation generally?—I hear he is cultivating; but I could not say how much, it is some time since I was there.

*The witness withdrew.*

David Bone examined.

David Bone  
14th Dec. 1880.

3100. *By the Hon. the Chairman.*—What are you?—A farmer.
3101. Where do you reside?—Woorak.
3102. *By the Hon. R. D. Reid.*—You are a farmer up there?—Yes.
3103. You know the whole of this country up here by Jung Jung?—No.
3104. Which part of the country do you know?—North and north-west of Dimboola.
3105. That is towards the Adelaide boundary?—Yes.
3106. You know that country?—Yes.
3107. Are there many farmers there?—Yes.
3108. What number of farmers do you think live in that portion of country?—About a thousand.
3109. Within what distance of Dimboola?—An extent of about sixty miles.
3110. From Dimboola?—Yes.
3111. Then that extends right to the Adelaide boundary?—Yes.
3112. Is that all good land?—Yes.
3113. Has the whole of that land been taken up?—No.
3114. They are taking it up now, I presume?—Yes.
3115. When it is all taken up, will there be a very large farming class there?—Yes.
3116. Do you think they would object very much to have their grain carted eleven miles more than they otherwise need have?—Yes.
3117. You know nothing about the country to the north-east?—I have been across some of it, but I do not know much about it.
3118. That is very thickly populated, is it not?—Yes.
3119. A large number of farmers are there?—Yes.
3120. I suppose they will all be benefited by the Jung Jung line?—Yes.
3121. Do you think it would be beneficial to the farmers that the line should go from Horsham up to Dimboola?—Of course they would have the extra carriage to pay.
3122. The extra carriage, I believe, will be considerable?—Yes, it amounts to a good deal in the year up and down.
3123. Then, upon the whole, you consider that the line from Jung Jung to Dimboola is the proper line to make?—Yes.
3124. That line, I believe, goes right on to the South Australian Border in that direction?—I believe it is intended to.

*The witness withdrew.*

Joseph Natrass examined.

Joseph Natrass,  
14th Dec. 1880.

3125. *By the Hon. the Chairman.*—What are you?—A farmer.
3126. Where?—In the parish of Kalkee.
3127. *By the Hon. R. D. Reid.*—Are you acquainted with the proposed line from Jung Jung to Dimboola?—Yes.
3128. You have been living in the district a long while, I believe?—Six years.
3129. Do you know the country to the north-east of Horsham, away out towards Borung?—Yes, I know the country very well, north and east of the proposed Jung Jung line.
3130. Are there a large number of farmers there?—A large number of farmers for a considerable distance.
3131. What do the farmers themselves think up there—would they prefer the line from Jung Jung to Dimboola, or the line from Horsham to Dimboola?—I may just state that I have attended a number of meetings of farmers, and I have never attended one yet that was not unanimous to have the line to Jung Jung.
3132. A large petition has been sent down?—A large deputation is now here—the farmers are here to speak for themselves, and I am here to speak for them.
3133. You think the people there to the north-east would be very much benefited by the line?—Decidedly.
3134. You have lived about there and ought to know something of it—are there many farmers to the west of Horsham?—That is out towards Natimuk way?
3135. Yes?—I believe there are.

3136. Quite enough upon that particular portion to keep Horsham always in very good health?—*Joseph Nattrass, continued, 14th Dec. 1880.*  
I should say so—in our opinion there are plenty.

3137. Are there many farmers from Horsham up to Dimboola, upon the left, outside of that line?—No.

3138. What does that consist of?—Purchased land, the next eight miles through selected land, likewise upon the border of the lake country.

3139. How many selectors are there upon that side?—Upon the left side out of Horsham? About thirty or forty, perhaps forty.

3140. *By the Hon. J. Buchanan.*—What is the balance of that line? You have given us say two-thirds of the line—one part is through private property and one part through selected land—what is the other part, on to Dimboola?—It is sandhills occupied by rabbits.

3141. It is rabbit country?—Yes.

3142. *By the Hon. J. MacBain.*—You say you reside at Kalkee?—Yes.

3143. Where have you been doing your business?—I have done part of the business at Horsham; we have had no other place, we get our provisions there.

3144. You get them much handier there?—Yes, but if we get the other line, it would be so much handier to us.

3145. How long have you been in that district?—About six years.

3146. And you were obliged to go to Horsham, I suppose, for all your stores and implements?—No, not obliged to go.

3147. Did you buy your stores and implements there?—Very small quantity—not the lot, not one-half.

3148. I suppose you did your financial business in Horsham, did not you?—Of course, when we came to the district first, there was no other place to go to, but after the Jung Jung station was opened we could get things just as well.

3149. I mean your banking business?—That we do in Horsham, but that is trifling—we can easily go to Horsham to do that.

3150. *By the Hon. W. McCulloch.*—In what part do you live?—Kalkee.

3151. How far is that from Dimboola?—About twelve miles.

3152. In which direction—Jung Jung way?—Yes, in that direction.

3153. Then if that railway is made to Dimboola, Dimboola will become an important town, will not it?—Yes, I think so.

3154. You will not require then to go to Horsham?—I think not.

3155. *By the Hon. N. Fitzgerald.*—Is the Committee to understand that the whole objection you have to extending this line from Horsham is that of the eleven miles and a half of extra carriage?—If the Jung Jung line be constructed, a large number of farmers between Jung Jung and Dimboola to the north would get a station between the two—it is twenty-one miles.

3156. At Patterson's Swamp?—Perhaps.

3157. When you come to Patterson's Swamp, are you not aware that the line from Horsham to Dimboola and the line from Jung Jung to Dimboola would unite within two or three miles of Patterson's Swamp?—Perhaps so, but it would oblige the farmers much better.

3158. You know Patterson's Swamp?—Yes.

3159. You know, of course, the survey of the two lines. Now, at Patterson's Swamp have you heard that the divergence would not be three-quarters of a mile between the proposed station for Patterson's Swamp upon the Jung Jung extension, or the Horsham extension?—Yes, we require a station—if it extended from Jung Jung to Patterson's Swamp, that is too far.

3160. You know the Twelve Miles there?—Yes.

3161. There is to be a station there?—Yes, that is the place.

3162. Now the Twelve Miles would benefit, of course, the selectors to the westward of that?—Yes, west and north.

3163. I mean to the east of that?—Yes, the east and north.

3164. All the selectors to the west of that would be equally benefited by the Horsham extension?—No, they would have the extra eleven and a half miles to Horsham.

3165. I assume you have a station between Horsham and Patterson's Swamp, and a station between Jung Jung and Patterson's Swamp—one called the Twelve Mile, I forget the name of the other proposed station, but it was about that distance from Horsham—what would be the distance across between those two intermediate stations?—If there was a station half-way between Horsham and Dimboola?

3166. Let us take Patterson's Swamp?—That is upon the Jung Jung road.

3167. At the corresponding station only three-quarters of a mile away there would be a station between both; you know the country there?—I do.

3168. Supposing the two lines meet at Patterson's Swamp to go on to Dimboola, and there was a half-way station between the two, that would be 12 miles from each very nearly?—Yes.

3169. The settlers lying between the two stations would be, I presume, equally benefited by the one as by the other?—No.

3170. Is not the whole of that country settled?—Yes; every bit of it.

3171. Surely the men nearer to the Horsham line would prefer that line, and the men nearer the Twelve Mile upon the Jung Jung line would prefer it, would they not?—If there was a station near Patterson's Swamp we could send our wheat to Jung Jung as cheap as we could send it to Horsham, and then after that there would be eleven miles and a half extra.

3172. Then is not the whole of your objection the fact that you would have eleven miles and a half more carriage to pay?—No; that is not all the objection.

3173. Come back to what you said, it would be equally convenient, but you would have to pay more for the extra distance?—No, because a lot of farmers in Kewell West would not be benefited by the Horsham extension, and they would be by the Jung Jung.

3174. On which side of Horsham is Kewell West?—On the north-east.

3175. Would the farmers go to Dimboola?—I should say not. If the Jung Jung line is made, they would not.

Joseph Natrass,  
continued.  
14th Dec. 1880.

3176. I again call your attention to the fact, that these two connecting lines will join, I assume, at the Patterson's Swamp; the Jung Jung line runs one way, north-west, I will put it, and the Horsham line due north to Patterson's Swamp, north and north-east of Patterson's Swamp, would not they be equally benefited by the station at Patterson's Swamp, whether the Jung Jung or Horsham connection was fixed upon?—No; I think not. I think if I lived at Patterson's Swamp, and I had the extension to Horsham, and one from Jung Jung to Patterson's Swamp too, I would never send a blessed thing round to Horsham.

3177. Because of the 11½ miles extra carriage?—Yes.

3178. And that is the whole grievance to you and all the north-west both of Patterson's Swamp and Dimboola, because the Patterson's Swamp station, surely you will admit, would be equally available to both, supposing that to be the point of junction of the two connecting lines?—Yes, but it is not to be two lines.

3179. Supposing the Jung Jung line were made and the Horsham and Dimboola line were made, they would both join at Patterson's Swamp?—It is not likely we shall get the two made.

3180. No; but Patterson's Swamp is the point where they diverge?—Very well.

3181. Then will not all the settlers to the north and north-west of that be equally benefited, whichever is made?—It might suit those just as well except for the eleven miles in that direction, but more to the east they would not be so well served.

3182. You have been in Horsham?—I have.

3183. You know it well?—I do.

3184. Is it a large town?—Yes, a pretty large town.

3185. How many inhabitants—if I say 3000, would that be exaggerating?—Perhaps not. I would perhaps say 2500.

3186. Do you know anything of property in Horsham?—No doubt, since selection took place in the country property has risen.

3187. If I say the property is worth three-quarters of a million of money, would it be too much?—I do not know.

3188. Do you know anything about the railway station at Horsham?—Yes, a little.

3189. They have a large establishment and plant there, have they not?—I think so; I do not know much about the Horsham railway station.

3190. Then it is only the selectors to the east of the line from Jung Jung, between it and the Twelve Mile, that would be benefited by this extension as compared with the Horsham line?—If the Jung Jung line is constructed, a lot of farmers to the north-east of the proposed line.

3191. How far to the north-east?—Twenty-five or thirty miles.

3192. How far is Patterson's Swamp from Jung Jung?—Fourteen or fifteen miles.

3193. And why should not the people from twenty-five miles go to Patterson's Swamp, instead of going to Jung Jung?—Sometimes they are a little too far to the north.

3194. I ask again—imagine Patterson's Swamp upon the map, and consider the question apart altogether from a distance of eleven miles and a half extra haulage, would not the line from Horsham to Patterson's Swamp benefit as many as the line from Jung Jung to Patterson's Swamp?—No.

3195. Then assuming that to be a drawing, would not people lying between the twelve miles there and the twelve miles here be equally served by either connection—[*explaining the map to the witness*]?—These people living about here would come to Horsham naturally, and the people here would come to Jung Jung.

3196. Then it is only for a distance of twelve miles that the Jung Jung and Patterson's Swamp connection can benefit as against the Horsham and Patterson's Swamp?—Yes; and you see, if it goes round by Horsham, all the people beyond Dimboola have to pay upon that line.

3197. Then it is a question altogether of the extra eleven miles, and not of settlement or convenience?—I cannot see that at all.

3198. *By the Hon. W. McCulloch.*—Between Jung Jung and Patterson's Swamp, is there a large number of selectors?—Yes.

3199. They will be benefited by the Jung Jung line?—Yes, if it is constructed.

3200. If the line is not made, would they cart their wheat to Jung Jung, or take it to Patterson's Swamp, to join the present line?—Some one way, some another. I myself prefer to go to Jung Jung.

3201. How many miles are they from Jung Jung?—Ten or twelve.

3202. And you would cart that twelve miles, rather than go to Patterson's Swamp?—Yes.

3203. It would save all the settlers on the other side of Dimboola eleven miles and a half of carriage?—Yes.

3204. It would be a saving?—Yes, a saving; it would suit them much better.

3205. *By the Hon. W. Ross.*—Is there a large settlement about Nhill?—I have heard them say so, but I do not know much about that country.

3206. You speak of your knowledge of Kalkee, are the farmers there all in favor of the Jung Jung line?—Yes.

3207. Then you speak with equal positiveness of the farmers about Dimboola?—I have attended several meetings about Dimboola. I never heard a single man object to the Jung Jung extension.

3208. You do not know anything about Nhill, and the feeling of the farmers there, who are very numerous?—They have sent representatives, and have always been in favor of the Jung Jung construction.

*The witness withdrew.*

The Hon. John Woods, a Member of the Legislative Assembly, further examined.

3209. *By the Hon. R. D. Reid.*—You know something of this line?—Yes.

3210. Can you give the Committee any information in regard to which, in a railway point of view, you consider is the best line?—Undoubtedly the Jung Jung line. I think it would be a disgrace to the colony if it is carried out the way it is proposed there.

3211. Have you been over the country?—Yes, right up to the South Australian Border.

3212. You know a good deal of the settlement there?—I do.

3213. Is it selected more upon the right of the line than upon the left?—Yes, upon the east, the right.

Hon. J. Woods,  
14th Dec. 1880.

3214. Then you think, in every way, the Jung Jung line is the proper line?—No doubt of it. I may say that that map is not altogether correct; it gives a wrong impression. It leads you to suppose that a line taken from Murtoa to Dimboola would be as short as a line from Jung Jung. The only reason that the line is suggested to Jung Jung is to prevent making two lines at an acute angle to each other, almost parallel; that is the only reason.

Hon. J. Woods,  
continued,  
14th Dec. 1880.

3215. *By the Hon. J. MacBain.*—You say it would be a disgrace to the colony if that construction took place from Horsham?—I think so.

3216. Will you give your reasons?—In the first place, you may say that when the late Berry Government took office first, a survey was completed from Stawell to Horsham, and it went through that country alluded to by Mr. Martin, the surveyor—barren country. It was a straight line to the boundary. I had that line swung away to the east to Murtoa, and in order to reach the selectors then, it was necessary to connect Horsham. Of course with that line it is such an angle. It is not quite a right angle as it is represented upon the map, but it does turn almost due west from that point.

3217. To where?—South-west; however the line was originally planned. At the time that was laid out, it was intended to run the line through to tap the Border trade. I do not know whether honorable members are acquainted with the fact or not, but the whole of that settlement alongside the Adelaide Border, down even to Edenhope and Harrow, or nearly the whole of it, is being supplied from Lacipede Bay—they are trading with Lacipede Bay. The intention was to run a line to Border Town, and a glance at the map will show that when that line is complete through from Melbourne to Bacchus Marsh, and thence on to Ballarat, the through line would be almost equally distant from Geelong and from Melbourne. I think it would be a pity to see a trunk line like that have two right angles in twelve miles.

3218. You expressed yourself in this way—that it would be a disgrace to the colony if the construction took place from Horsham in place of Jung Jung, and I want to know the reason?—Because I think you have in this line no right to consider Horsham at all, or the people between Jung Jung and Dimboola at all. It is the people who are settling beyond Dimboola, and who live between Dimboola and South Australia that you have to consider. This is either a wheat line or nothing. It is either to carry wheat and wool, or it is to no purpose. These people at Dimboola are already 240 miles from port, and they have to compete with wheat growers at Kyneton, and you put a shilling a ton upon them for all time by taking it to Horsham. About five or six years' purchase the money would buy up Horsham altogether, and wipe it out, and it would be cheaper to do it and far better. I say that the shopkeepers of Horsham have no claim upon these lines. They are non-producers; they are simply distributors; and this is a producer's line, otherwise there is no occasion to make it.

3219. Are not you aware that generally, in extending lines of railway, the population, whether in town or country, are considered? They have certain vested rights to have accommodation provided for them, all classes of the community?—I do not know that there is any justification for taking a line round 12 miles in a distance of 23 miles altogether, making two sides of it; but I may say this, Mr. Chairman, that I think the Horsham people are very much mistaken. As long as Horsham remains a terminus, it is somewhere, but the moment it becomes a roadside station, it is nowhere. It becomes like the other little towns. A railway wipes it out. It wipes out a town to become a roadside station.

3220. That is a matter of opinion; and as regards the future, the people themselves do not think so. I was going to point out upon the map that there is the same divergence from a straight line over almost the whole of those lines as there is in the matter of Horsham?—In many of those lines, Mr. Chairman, hills have had to be avoided, and creeks to be avoided, but there is no justification for taking a line otherwise than straight upon a country that is as level as the floor of this House.

3221. For instance, the Goulburn railway crosses a creek twice?—That is more the geographical nature of the country that they have to pass through. There is no Goulburn. It is perfectly flat.

3222. Are you aware, from your connection with the Government, of the population of Horsham?—No, I do not know much about it.

3223. Do you know how many banks do business there?—I have not the least idea.

3224. Do you know how many flour mills there are?—I think there are two.

3225. And how many important places of business?—I do not know the number of places of business, but I must say this, that both Murtoa and Dimboola will do the work that Horsham has been doing, and a great deal more, and Murtoa is as large now as Horsham, and Dimboola shortly will be.

3226. Are you aware that Horsham has been identified with the early settlement that has taken place in the district?—I believe so. It is a very venerable place, I believe.

3227. Do you think that going straight to Dimboola would be no injury to Horsham?—I think it would benefit Horsham. I think making Horsham into a roadside town would simply wipe it out, besides certainly putting a shilling a ton for all time extra charge upon the wheat.

3228. This is not the first time you have expressed yourself hostile to Horsham having any claim?—I do not think that is just.

3229. This is not the first time you have so expressed yourself?—I do not think that is a correct statement.

3230. *By the Hon. N. Fitzgerald.*—You say that the interests of the selectors and settlers between Dimboola and the main line from Horsham are to be thrown overboard altogether, in comparison with the larger interests of the extended country between Dimboola and the Border?—What main line?

3231. The main line from Melbourne to Horsham at present?—I say the people of Horsham and the people between Dimboola and Horsham ought not to be considered.

3232. And Jung Jung and Horsham ditto?—And Jung Jung and Horsham ditto. They are already served with a railway.

3233. When in office, did you recommend this extension?—Yes.

3234. Then of course you feel the same partiality for this that you do for all the other lines that were suggested during your term of office?—I do not, no partiality.

3235. You feel a paternal interest in them—they are more important lines than lines that anyone else suggested?—Most assuredly they are more important.

3236. Now I think, if I recollect rightly, in giving evidence the other day about the line from Kerang to Melbourne, you advocated very much the extension between Kerang and Elmore?—Yes.

3237. Was that eighteen miles more?—I forget.

Mon. J. Woods  
continued.  
14th Dec. 1880.

3238. Allow me, I will not limit you to figures per mile—did that line require a large extra amount of haulage compared with the other line by Eaglehawk?—I know there is a difference.

3239. If I say there is a difference of fifteen miles, was that too much?—I would not say. I said there was a great difference.

3240. Eighteen miles?—I do not think so much.

3241. Will you admit it to be fifteen?—I will not admit anything.

*The Hon. R. D. Reid* objected to these questions.

3242. *By the Hon. N. Fitzgerald.*—The objection that you formed to this line is the extra 12½ miles which it would entail upon all the northern settlers, from Dimboola to the South Australian Border, for all time?—That is practically my objection. Another objection is, that it goes too far to the west—it does not accommodate the people.

3243. I have your evidence before, that the objection ought not to be considered as to the settlers between Dimboola and Jung Jung and Dimboola and Horsham, that it is the objection of the wheat-producing country beyond of the extra carriage?—Quite right.

3244. I ask you whether this objection to extra haulage is as pertinent, in your mind, on other lines as it is on this?—Just so.

3245. Then the Committee will understand that you have a line now which you consider an extension, which you consider better on account of its saving eleven miles; but on other lines of railway where the districts I suppose are not less favored and the inhabitants ought to be equally considered, an extra haulage of eighteen miles may be overcome?—No, that is not correct. Allow me to correct, Mr. Chairman. Let me remind the questioner that I stated at the time that that was part of a scheme for a direct line to Wentworth, a portion of which was now being constructed to Lancefield Road. I pointed out that there was a large extent of country not accommodated with a railway, and that some of those days it must be accommodated, and that the line from Lancefield Road joining on it would make a direct line from Melbourne to Kerang and from Melbourne to Wentworth very much shorter than coming round by the main line, or coming round by Eaglehawk. I pointed that out to the Committee at the time.

3246. *By the Hon. W. Ross.*—You consider that this would be an intercolonial line between Victoria and South Australia?—I think that would connect the two cities.

3247. You think that would be the line?—I do not think any other is possible.

3248. Of course, it is of importance to make the line as straight and short as possible?—Of course.

3249. Otherwise the farmers beyond Nhill in South Australia would compete with Victoria?—Yes.

3250. *By the Hon. J. Balfour.*—You constructed that line between Murtoa and Horsham?—Yes.

3250a. Then, in doing that, you supplied Horsham with a line?—Certainly.

3251. When you speak of not considering Horsham, I suppose you mean of not considering it by making a divergence of a main line to accommodate it again?—Just so. It is already accommodated. I meant, not to consider Horsham in this extension.

*The honorable gentleman withdrew.*

Ambrose Walters examined.

A. Walters,  
14th Dec. 1880.

3252. *By the Hon. the Chairman.*—What are you?—A farmer.

3253. Where?—In the parish of Lowan.

3254. *By the Hon. J. MacBain.*—You are a member of the shire council of Wimmera?—Yes.

3255. How long have you been a member of the Wimmera shire council?—About seven years.

3256. Do you know the views of the farmers of the district concerning the line between Jung Jung and Dimboola, as compared with the route between Horsham and Dimboola?—You are speaking now, I presume, of between Jung Jung and Dimboola?

3257. Yes?—I think they are divided in their views.

3258. You mean the farmers between Jung Jung and Dimboola are divided in their views?—Yes.

3259. Was the matter ever discussed before your shire council?—Yes.

3260. What was the result of the discussion in the shire council?—The result was simply this: that taking all the interests and different parties into consideration, we thought that the line from Horsham to Dimboola the best.

3261. How many of the shire council were in favor of the line from Horsham to Dimboola?—Eight out of nine.

3262. And this represented the northern portion, as well as the western and south-western?—Yes.

3263. So that there were only two in favor of the straight line as against the Horsham to Dimboola?—Only two members of the Wimmera shire council are living in Horsham—the rest are farmers.

3264. You have known Horsham since your residence in Noradjuha?—Yes.

3265. Is it interested very largely?—Yes.

3266. Are you aware whether or not they have a very large business connection with the selectors in the district?—Yes. The majority of the selectors are interested; in fact, they do their business in Horsham.

3267. The majority of the selectors to the north and west do their business in Horsham?—Yes.

3268. Do you think it would be a considerable injury to the vested interests in Horsham if the line is taken from Jung Jung straight to Dimboola?—I do.

3269. Are you aware of the number of selectors to the south-west of this line, that goes from Horsham to Dimboola—I mean across to Natimuk Creek, and further south—that is the large area of blue upon the map?—Yes.

3270. Would not the Horsham line benefit, to a certain extent, that district?—Yes. It would not benefit the whole of the people living to the south-west, but it would benefit a large number of them.

3271. To the south of Horsham—again there is a large number of selectors there?—Yes.

3272. Do you think that the circuit, making the traffic travel eleven miles further, would be a very serious objection to the people to the west, if they get the railway?—It would decidedly be an objection.

3273. Are you aware that, some time ago, when there was an attempt made to run the line from Donald on to Warracknabeal and Dimboola, that the Dimboola people preferred to have the line start from Horsham?—Yes, I am.

3274. You remember the circumstance?—Yes.
3275. Are you aware of the population of Horsham—what it is?—The population is increasing. I suppose the population now is something over 3000.
3276. Do you know the number of stores they have got there—business places?—No, I could not tell you the exact number; but there must be seventy or eighty.
3277. Do you know how many hotels they have got there?—I think it is sixteen or seventeen.
3278. Do you know the amount of the ratable property and its annual value in Horsham?—Last year the annual value I think was £15,000 or £16,000, but it is increasing every year; it will be more this year, I suppose fully one-fifth.
3279. So at present it will be £20,000?—Yes, over that—£21,000.
3280. What capital value would that represent—would it represent capital of £200,000 or £250,000?—Yes.
3281. Do you think that this large increase of population, the large increase to business places, arose entirely from the large settlement that took place?—Yes, I do.
3282. What do you think would be the effect upon the vested interests of Horsham, if the line is taken right from Dimboola to Jung Jung?—It would affect the interests of Horsham very materially.
3283. In what way?—It would take away many of the business relations that now exist from Horsham. Of course, it is the people now settled about Horsham that are the means of keeping Horsham in a prosperous condition.
3284. Your shire council borrowed a large amount of money for water-works?—Yes.
3285. Do you remember the amount?—£27,000.
3286. How much of that was spent in Horsham?—About £12,000 or £14,000.
3287. How much money was spent by the Government there in Government buildings?—I suppose about £30,000 or £40,000.
3288. Recognising Horsham as the capital of the district?—Yes.
3289. Which was more identified with the settlement than any other town?—Yes.
3290. Are you aware how much of the district between Horsham and Dimboola would be supplied—would it supply Wail?—Yes, Wail would get the advantage decidedly.
3291. And Pimpinio?—Pimpinio too.
3292. Upon the whole, then, you think that the line from Horsham to Dimboola would serve a very large number to the west of the line, also to the east of the line, and would not throw much impediment in the way of people beyond Dimboola?—Of course there would be the extra haulage, but no other objection.
3293. Do you think the extra haulage is a fair thing to consider, considering Horsham and its claims upon the country district—would these claims balance the haulage?—I do decidedly think so.
3294. *By the Hon. R. D. Reid.*—Do you think it would be very disastrous to Horsham if the line stopped there, if the Government did not take the line further than Horsham?—No, I do not think it would.
3295. Do you think it would damage it to a very great extent if it went from Jung Jung to Dimboola?—No doubt it would injure Horsham.
3296. To any great extent?—No, not to any alarming extent; but it would decidedly injure Horsham.
3297. *By the Hon. W. McCulloch.*—How much money of the Government did you say has been spent at Horsham?—About £14,000.
3298. How much?—The Government has laid out about £30,000, and the shire council £14,000.
3299. I thought the Government had laid out £60,000?—No, £30,000.
3300. Was the Honorable Mr. MacBain your member then when you got so much money? I suppose Horsham would prefer that the line should not go any further—would it not be much better for Horsham?—No, I think not.
3301. You think the extension to Dimboola would be a good thing?—From Horsham?
3302. Yes?—I think Horsham would not be affected materially.
3303. If it stopped at Horsham?—If it stopped at Horsham.
3304. Would it not be affected if it went to Dimboola?—I do not quite understand you.
3305. If there were no line from Jung Jung, and the line stops at Horsham, would it not be better for Horsham?—I think so.
3306. And if it did not go on to Dimboola?—I do.
3307. Do you think that the people from the other side would come to Horsham to do business—would they not go to Dimboola?—Some would come down to Horsham for the land office there.
3308. So that Horsham would suffer if the line is made?—No doubt it would suffer, but not so much, if it went from Horsham as if it went from Jung Jung.
3309. You know that all towns suffer if railways go past them?—Yes.
3310. Do not you think that, if the line went from Jung Jung, and you were left—as Mr. Woods put it—a terminus, that would be better for you?—No, I think not.
3311. *By the Hon. J. MacBain.*—You consider Horsham, I think, to be recognised by Government as the capital of the Wimmera?—Yes.
3312. What is the best market town in the Wimmera?—Horsham.
3313. Is it the best market town for the sale of produce?—Yes.
3314. Is it the best town for buying stores and farming implements?—Decidedly.
3315. In fact, it is recognised as the capital and the largest town in the Wimmera?—Yes.
3316. *By the Hon. W. Ross.*—If the line went from Dimboola to Jung Jung, would they make Horsham their market town then?—The people north and west of Horsham of course would still make Horsham their market.
3317. But those from Dimboola and that quarter?—No, I do not think so.
3318. *By the Hon. W. Campbell.*—Where would that go?—To Jung Jung, I suppose.
3319. *By the Hon. J. MacBain.*—Murtoa, Murtoa and Stawell?—[No answer].



Samuel Carter examined.

3320. *By the Hon. the Chairman.*—What are you?—I am a sheep farmer.

3321. Where?—At Horsham, and Glenisla, where I live.

3322. *By the Hon. J. MacBain.*—You are a member of the Wimmera shire council?—Yes.

3323. How long have you been resident in that district, in the Wimmera district?—Thirty-seven years.

3324. You know Horsham very well?—Yes.

3325. Do you own much property there—in Horsham—in the township?—In the township of Horsham?

3328. Yes?—I have two shops.

3327. You own the property; you do not occupy the shops, do you?—No, we just rent them.

3328. I see a published statement addressed to the Honorable the President and Members of the Legislative Council, signed by W. d'L. D'Alton. It makes a statement that you are the owner of 92,000 acres in one block at Horsham; may I ask if that is correct?—It is not correct.

3329. This is the petition I am referring to now, presented or addressed to the Legislative Council, signed by W. d'L. D'Alton, secretary to the deputation, December 1880—quite recently done. It says:—“The first seven miles from Horsham would run through Messrs. Carter Brothers' said block of about 92,160 acres freehold land, used as a sheep station.” Is it a fact that you hold 92,000 acres in one block at Horsham?—No it is not. We own about 43,000 acres round Horsham.

3330. May I ask, when you became possessed of the estate of Walmer?—We purchased it from Mr. Alexander Wilson.

3331. How long ago?—Four or five years ago.

3332. And paid a very good price for it?—Yes.

3333. Would you be willing to-day to sell it for less than you gave for it?—I would be willing to sell it for what I gave for it.

3334. Do you see the extension upon the map of the railway from Horsham to Dimboola?—Yes.

3335. Does that run through a portion of your land?—Yes, about six or seven miles.

3336. At what price did you offer to sell the land that would be required by the Government for the line—what price per acre?—At the same as we gave, £3 per acre—the same price we gave for the land.

3337. You would sell to the Government at that price for railway purposes?—Yes.

3338. Have you cultivated any of that land for wheat growing?—About 600 or 700 acres. This year is the first year.

3339. Are you likely to have a good crop?—About twelve bushels per acre.

3340. Is it your intention, or are you willing to lease or sell all the land on both sides of the railway at the market value?—Yes, we are quite willing to cut it up into farms and sell it, or rent it simply at the interest upon the capital we have laid out upon it.

3341. Simply the interest upon the capital you have laid out upon it?—Yes.

3342. Would it benefit you very much, this railway going through your land?—No, I think not in any way.

3343. I suppose the severance of your land would be a disadvantage?—The only benefit to me and my brothers would be that the traffic would go by railway instead of by waggons, and travelling stock. There would be no traffic through the land. That is the only benefit to us.

3344. Individually, you are indifferent whether the railway goes through your land or not?—Yes, quite so.

3345. You do not much care that it should or not?—No.

3346. You consider you confer so much benefit upon the public and the State by giving the land at that price as they confer upon you?—Yes, quite so.

3347. Do you know the general feeling of the farmers upon that line between Jung Jung and Dimboola—are they all united as regards the propriety of sending the line straight from Jung Jung to Dimboola, or are in favor of sending the line from Horsham?—They are divided in the matter. We had a test of the feeling in the shire council the other day, and eight out of the nine members voted in favor of from Horsham to Dimboola, and one against it.

3348. Did any of the members represent the northern portion?—Two of them represented the north.

3349. Horsham you consider a very important place?—Yes; it is the centre and the capital of the Wimmera at the present time.

3350. Do you then look at its importance on account of the capital invested there and the property?—Yes.

3351. And, upon the whole, will you give your opinion to the Committee as to whether you think the line from Horsham to Dimboola is a fair line for all interests concerned?—I think it is the fairest line, and, if it is taken the other way, it will completely ruin Horsham. It will cut off all the trade from the north and north-west of Horsham.

3352. If the line goes west of it in the way the Government propose?—Yes.

3353. *By the Hon. R. D. Reid.*—Do you say that the line will completely ruin Horsham if it goes from Jung Jung to Dimboola?—Yes.

3354. Would it not equally ruin all the farmers away to the north-east that have got some thirty miles to bring their grain in, if they had to come to Horsham?—No, it would only make four or five or six miles difference of cartage.

3355. I understand even, from the line as proposed from Jung Jung to Dimboola from where the line goes, the farmers extend thirty miles to the north-east?—The line will go within eight or nine miles of Horsham if it goes from Jung Jung to Dimboola, and therefore it would make eight or nine miles more cartage either to Horsham or Dooen station—a station at the bend of the line where most of the farmers come in now with their wheat.

3356. If the line went as proposed there, from Horsham to Dimboola, would not that benefit you a good deal, that line going through your land?—The only benefit to us would be the train running through instead of a constant traffic, as it is at the present time.

3357. Do not you think you could sell your land at a very good price afterwards, if a line went through it, sell it to farmers in blocks?—Our land would be only six or seven miles from Horsham at the outside.



3358. But when there is communication in the way you speak of, with a railway running right from Horsham to Dimboola through your land, it would give greater facilities to you to sell your land or rent it?—If there is a station upon the land, it might, but there is not likely to be one.

3359. If a large number of people were to congregate there, would it not be likely there would be a station?—Yes.

3360. You said, I think, in answer to one question that was asked by my friend, Mr. MacBain, with regard to the shire councillors there, eight, I think, voted out of nine?—Eight out of nine.

3361. Are the majority of those councillors divided among different wards?—Yes, into ridings.

3362. So many from the north and so many from the south, so many from each division; how many divisions are there?—Three.

3363. I presume Horsham is one division?—Horsham is in the central riding, or rather the south riding it is called, and there are the north and west.

3364. To the westward; I suppose that again has a large number of farmers who have a certain number of representatives?—Yes.

3365. And then again to the north-east from Horsham there would be another lot?—The north riding three, and three for the west.

3366. That North riding extends how far to the other side of Jung Jung?—It extends right up to Warracknabeal.

3367. How far is that up?—Thirty or forty miles.

3368. Those three people then are the representatives of the whole of that blue country up there?—Yes, up to the north of the line, north of Horsham.

3369. They are very well represented—I should say, remarkably well represented. How far, can you tell me, do those councillors live from Horsham; those that represent the north-eastern side?—The furthest is 40 miles from Horsham, and the nearest is five miles.

3370. I presume the 40-mile gentleman is the man who voted against it?—No, he voted to go from Horsham to Dimboola.

3371. The other lives within five miles?—Yes.

3372. How many of them, may I ask, live within five miles of that?—Only one lives within five miles of the northern representatives of the shire.

3373. About the western ones—of course they are in favor of Horsham?—Yes.

3374. And the Horsham people make six in favor of Horsham whose distinct interest is in favor of Horsham, is it not? Are there not six out of the nine distinctly interested in Horsham being the line?—Yes, they are interested.

3375. And there is another within five miles that, in all probability would be interested also in Horsham?—Yes.

3376. Where is this one gentleman living that was so kind as to vote for the right line?—At Warracknabeal.

3377. How far is that?—About 40 miles. I have never been to this place, but he tells me it is 40 miles. He voted for Horsham.

3378. But there is another one. We have a five-mile and we have a 40-mile one upon the north side, the north riding. I want to get this other man—how far does he live away?—I could not tell you. I never asked him how far he lived from Horsham, and he is only in the council three or four months.

3379. Then the six are distinctly in favor of Horsham, and one who is five miles away; that is seven who live within a radius of a few miles, or are bound up in Horsham, therefore I think that I need not ask you any more questions?—[No answer.]

3380. *By the Hon. N. Fitzgerald.*—In what part of the district did the one who voted against Horsham live?—He represents the north riding.

3381. How far?—Where the railway will go through.

3282. *By the Hon. W. McCulloch.*—Do you think that a man who lives 40 miles from Horsham represents the opinion of the farmers of that district?—He told us at the council table that he did so. I think he gave me a letter to Mr. MacBain.

3383. He is not down here to give evidence?—He was down here, but he could not wait; he had to go home.

3384. Did you see the sixty farmers in the gallery to-day?—No.

3385. Did you hear of them?—I did, but I did not see them.

3386. Do you know what part they belong to?—No, I do not know them.

3387. Then you believe that the farmers forty miles to the north of Horsham are in favor of the Horsham line?—Yes, I am given to understand by their representative in the council that they are in favor of Horsham.

3388. In preference to a line near to them?—It seems so.

3389. They would rather go seven, eight, or ten miles further to oblige Horsham?—They say that all the banks and all the public buildings are in Horsham, and they would have to come into Horsham to do business; and it would be better to come into Horsham by train than to cross the line and drive into Horsham.

3390. What distance does the railway from Horsham to Dimboola run across your property?—Six or seven miles.

3391. Seven or eight miles is stated?—It may be eight. I could not say. I do not live at Horsham, but I am one of the firm of Carter Brothers.

3392. You are a sheep farmer?—Yes.

3393. You would not have much freight to send by rail?—Only the wool from the station, that is all.

3394. If the line goes from Jung Jung to Dimboola, it would pass through a great number of farms?—Not such a great number.

3395. How many do you think?—Not above fifty at the outside from Jung Jung to Dimboola; then from Horsham there is a number lying away to Natimuk and Vectis East.

3396. What is the distance from Jung Jung to Dimboola?—I could not say; nineteen or twenty miles or so. I do not know the exact distance. I know the country.

Samuel Carter,  
continued,  
14th Dec. 1880.

3397. Is all that country settled upon?—All selected right away.  
 3398. No large farms?—There are some large, two or three selections together.  
 3399. What is the largest?—Two or three selections is the largest.  
 3400. That is about 2000 acres?—Yes, about that.  
 3401. Cultivated?—Some of it, and some with sheep.  
 3402. We are told that all that is cultivated all the way—grown with wheat?—There is a good deal of it wheat; I could not say how much.  
 3403. If that line was made here, would it not accommodate a great number of farmers, and take a great deal of wheat from there?—The Dooen station, where that branches off, seems to be the principal one. The proposed line will go within two or three miles of the Dooen station. It would only make two or three miles difference in the cartage to the northern selectors.  
 3404. *By the Hon. R. D. Reid.*—Are you one of the shire councillors?—Yes, I am.  
 3405. I presume for the Middle riding?—No, I am for the West riding.  
 3406. *By the Hon. N. Fitzgerald.*—Are not you president?—No, I am not president; it is my brother.

*The witness withdrew.*

*Adjourned to to-morrow at three o'clock.*

WEDNESDAY, 15TH DECEMBER, 1880.

HORSHAM AND DIMBOOLA RAILWAY.

William May examined.

William May,  
15th Dec. 1880.

3407. *By the Hon. the Chairman.*—What are you?—I am a farmer, in the parish of Jung Jung.  
 3408. *By the Hon. A. Fraser.*—You are acquainted with the lines that are spoken of—that is to be constructed between Dimboola and Jung Jung?—Yes; I have travelled over the country a great number of times.  
 3409. Which line, in your opinion, ought to be constructed, and would be the most benefit to the larger number of inhabitants?—From Jung Jung to Dimboola, most decidedly.  
 3410. From Jung Jung to Dimboola is the one you think should be constructed?—Yes.  
 3411. For the benefit of all parties?—For the benefit of the farmers, certainly.  
 3412. Which is the most expensive of those two lines to construct—could you tell me that?—I think the country is level, and the line would be easier constructed from Jung Jung to Dimboola than from Horsham to Dimboola.  
 3413. *By the Hon. P. Russell.*—Is your farm situated near to Jung Jung?—Yes; not far from Jung Jung.  
 3414. Would that line run through it?—No.  
 3415. Supposing you had a farm with a line of railway running through it, should the line be fenced or not?—Yes; it should be fenced.  
 3416. *By the Hon. W. McCulloch.*—Are you one of a deputation of farmers that came down yesterday?—I am.  
 3417. How many came down?—Fifty-seven left Jung Jung with me.  
 3418. Are they all in favor of this Jung Jung line?—Every one of them; and we have left a large number behind us. If it had been necessary, we could have brought a deputation of 500 or 600 farmers here. It is the busy season. They are stripping their crops; but they would have neglected their crops, and come down here to urge on the extension from Jung Jung, because it is of so much importance to them.  
 3419. Is the wheat about ripe in your neighbourhood?—It is quite ripe.  
 3420. And you came away and left the harvest to petition the House to make this line?—Yes.  
 3421. *By the Hon. J. Lorimer.*—How far is your farm from the present railway?—About a mile and a half.  
 3422. From the present railway?—Yes.  
 3423. As far as you are concerned, it makes very little difference which line is constructed?—Yes, it does; because I have a family that has selected in Tarranginnie.  
 3424. How much nearer would the proposed line you are advocating bring you to the railway?—The proposed extension would make it about eleven miles nearer for my family to get to market.  
 3425. But to yourself personally, it is of no consequence which line is made?—No. I desire it in the interest of my family, and the farmers in general.  
 3426. *By the Hon. A. Fraser.*—Is there any gentleman that came down with you upon the deputation of farmers that you would like to be called as a witness?—I do not understand you.  
 3427. Is there any one in the deputation that is more fit to give information than another?—I am not aware whether there is or not. There may be gentlemen upon the deputation that can give more evidence, but they are bashful about coming here.  
 3428. *By the Hon. W. McCulloch.*—There is another gentleman here wanting to be examined?—Yes.  
 3429. *By the Hon. A. Fraser.*—Is Mr. D'Alton here?—Yes.  
 3430. *By the Hon. J. MacBain.*—You say you live within a mile and a-half of Jung Jung station?—Yes.  
 3431. And that the extension from Horsham to Dimboola would not affect you very much. You say there are fifty-seven farmers came down with you yesterday to town. Where did they come from?—Some of them up as far as Kiata, away down the line.  
 3432. How many came from Jung Jung alone?—Some five or six, I think.  
 3433. Only five or six. I mean the parish of Jung Jung?—The parish—I do not know.

3434. Your own neighbours?—Perhaps out of the parish of Jung Jung altogether there may be eight or ten. I could not say.

3435. Where do the others come from?—Kalkee, Kewell West, Dimboola, and Kiata.

3436. You say the country being more level from Jung Jung to Dimboola, that line would be more easily constructed than the line from Horsham to Dimboola?—Yes, I think so.

3437. If an engineer of practical experience stated that they were both the same, you would believe his statement, would you?—I would not put my thoughts against a practical engineer—certainly not.

3438. You would not. Have you any business connection with Horsham?—No, not necessarily.

3439. You have no business connection with Horsham?—No. I do not want to go to Horsham—to transact any business with Horsham at all.

3440. Which is the best market town in the Wimmera?—Well, as we come down the line we get a better price for produce, because the railway freight is deducted as we get along the line; therefore the nearer we get to the port of shipment, the better price we get for the produce.

3441. Is there any better price given at Jung Jung to your knowledge above that at Horsham?—Yes, frequently 1d. a bushel. It depends upon the fluctuations of the market at the time.

3442. Are you aware that in a certain case lately Mr. Fry, a miller, paid exactly the same price for wheat at Jung Jung that he paid in Horsham?—No, I am not aware of that.

*The witness withdrew.*

William d'Largy D'Alton examined.

3443. *By the Hon. the Chairman.*—What are you?—Commission agent and wheat buyer.

3444. Where do you reside?—At Jung Jung railway station.

3445. *By the Hon. A. Fraser.*—You are a general commission agent?—Yes.

3446. Are you acquainted with the tracks that these two lines that are spoken of are intended to be constructed upon?—I am. I have been in the district for about three years, and doing business with people living on both lines, and I have a thorough good knowledge up to Dimboola, but not beyond Dimboola.

3447. Which line, in your opinion, ought to be constructed for the benefit of all parties on both sides of the line?—Taking the majority of farmers, the line from Jung Jung to Dimboola would serve them the best—would do them most good—not only to them but to thousands above Dimboola.

3448. That line would serve them all better?—Yes, serve them all better—it would be eleven miles and a half better exactly.

3449. *By the Hon. J. MacBain.*—I have a petition here printed and addressed to the Honorable the President and Members of the Legislative Council from resident owners of land in Jung Jung, Kewell West, Kalkee, Wail, Dimboola, Tananginnie, Nhill, Teecheimber, and farmers living above Dimboola, almost on the South Australian Border, to be served with the proposed line to Dimboola. It is signed W. d'L. D'Alton, secretary to that deputation—is that your name?—Yes.

3450. You know all about that circular?—Pretty well all.

3451. One of the clauses in the petition is to the following effect:—"The Jung Jung extension to Dimboola is only objected to by a few storekeepers"?—Yes, I recollect the clause.

3452. Can you endorse that—"only a few storekeepers"?—From what I know, I really believe it is only a few storekeepers and hotelkeepers and business people.

3453. A few storekeepers—do you know the population of Horsham?—I have a very good idea.

3454. How many?—I suppose the township has over 2000, if there is that.

3455. According to the last census I believe it is 2800, and now the increase of population brings it up to 3000—have you any means of judging?—Only by comparison. I know that the township of Ararat has only 3000 and I judge by comparison.

3456. If your knowledge of Ararat is as defective as it is about Horsham, we cannot judge by it when you make a statement like that in the printed petition to the Council for the purpose of serving your own interests—you say that the objections are only by a few storekeepers and banks and others in Horsham?—It is actually only by a few—I knew the whole case. They agitated in the case and got the ratepayers to join, but the ratepayers generally are not in favor of it.

3457. Are not you aware that the whole of Horsham is opposed actually to the Jung Jung extension?—I am not.

3458. Do you know to the contrary—do you know that it is only a few who are opposed?—Only a few take a leading part.

3459. You go on to make this statement—"and by Messrs. Carter Brothers, who are large station owners near Horsham. Messrs. Carter Brothers have one block of freehold land adjoining the Horsham township of 92,160 acres"?—Yes; that was a mistake. I believe they have about fifty odd thousand acres. I do not suppose Mr. Carter himself could tell what he has.

3460. Suppose they say they have only 44,000 acres—would it be correct?—I would not like to say it was not correct.

3461. You make a positive statement, and come before the Council to give evidence—I wish to know what credit can be attached to your statements, when you make statements here and have to alter them?—I made that statement from information supplied to me by people who are supposed to know, and who have access to the Land Office.

3462. If all your statements are like this, what confidence can the Council place in your evidence? I do not wish to put any more questions to you. This is quite enough for me.

3463. *By the Hon. N. Fitzgerald.*—Have you any property in Jung Jung?—I have a house and land.

3464. How much land?—A quarter of an acre.

3465. Which would be very much increased in value?—No, not at all.

3466. Would not Jung Jung be the centre of the Dimboola trade?—I should leave Jung Jung. I should go to Dimboola; and if the line be made, not one third would come into Jung Jung. It would come in to the Twelve-mile Station, which is far more central even than Jung Jung.

*The witness withdrew.*

William May,  
continued,  
15th Dec. 1880.

W. d'L. D'Alton,  
15th Dec. 1880.

Robert Clark examined.

Robert Clark,  
15th Dec. 1880

3467. *By the Hon. the Chairman.*—What are you?—A miller.

3468. Where?—At Horsham.

3469. *By the Hon. J. MacBain.*—You lately represented the Wimmera district in Parliament?—Yes.

3470. How long have you been resident in the Wimmera?—Nearly twenty-three years.

3471. How long of that have you been resident in Horsham?—Nearly the whole of the time just in and outside of Horsham. I was ten years just outside of Horsham, within a mile of Horsham. All the rest of the time I was in Horsham proper.

3472. You have had considerable experience and knowledge of the settlement of that district since the year 1879?—I have seen it all.

3473. That is since the year 1869?—Since the passing of the Land Act 1869, and previous to that there was settlement at Drung Drung under the Land Act of 1865.

3474. What sort of a township was Horsham prior to that, say in 1865?—It was a township of about 200 inhabitants at that time.

3475. What is the population now?—Over 3000.

3476. Are you aware that a very large business connection exists between Horsham and the large settlement that has taken place outside Horsham and to the north and northward?—Our principal business lies north and north-west of Horsham—the principal business of the town.

3477. You know the discussion that has been raised regarding the railway extension from Jung Jung to Dimboola?—Yes.

3478. What is your opinion regarding the extension from Jung Jung to Dimboola—would it serve a great number more people that would otherwise be supplied than if the extension took place from Horsham to Dimboola?—My own opinion is, that the one line would serve as many as the other.

3479. Can you give the Committee reasons for that statement?—I believe I can. The most of the farmers, I believe (who are here in town now), are those already served by the present line, living most of them within ten miles of the Jung Jung station, and then again have the Horsham line to reach the same point at the Jung Jung line. Both are served—the one near Patterson's Swamp, and the other at what would be called the Twelve Mile station. All beyond that are served by both lines, and Horsham is not injured. Then there is Vectis East, Quantong, and the parish of Wail. I believe the parish of Wail is the most thickly populated parish in the whole district, and the most *bonâ fide* settlement. The Horsham route would pass immediately through the centre of that thickly populated parish.

3480. Are you aware whether or not there is an unanimity of feeling in regard to the Jung Jung line as against the Horsham line in the parish of Wail and Jung Jung?—I believe that the farmers in the parish of Wail are in favor of the Horsham route, and have held meetings, and had a league, and sent down a petition in favor of the Horsham route.

3481. That is the farmers in Wail?—Yes.

3482. How many farmers would there be in Wail, about how many? I do not wish to—?—I could not say exactly how many are in Wail. I should judge, from my own knowledge, about 300 in the parish of Wail alone.

3483. And you think there is a general feeling amongst the farmers and settlers in the parish of Wail in favor of the Horsham route as against an extension from Jung Jung?—I have not the slightest doubt about the farmers in the parish of Wail; they are almost unanimous in favor of the Horsham route.

3484. Take the Jung Jung parish: is the feeling there unanimous?—I believe it is quite the reverse there.

3485. It is quite the reverse?—I believe so.

3486. It would not affect the farmers of the Jung Jung district if the extension took place from Horsham instead of Jung Jung?—I hold they are served already by the present line.

3487. And most of the deputation that came down here have railway communication brought within ten miles of their present farms?—I have seen most of the gentlemen; I believe they are mostly within a few miles of the Jung Jung station.

3488. Do you think, then, you are pretty well aware of the progress that has taken place in Horsham; would any injury be done to Horsham, do you think, if the railway was extended from Jung Jung in place of from Horsham?—My opinion is, that injury will be done to Horsham under any circumstances. If the line was carried from Horsham to Dimboola, Horsham would be injured; but from Jung Jung to Dimboola would be ruin. Of the two evils we have chosen the least.

3489. You carry on the trade of milling in Horsham; do you consider Horsham a good market-place for the produce of the Wimmera?—It is the metropolis of the whole Wimmera: it is the best market.

3490. I would like to know whether or not you consider it the best market of all the townships in the Wimmera district for the produce raised in the Wimmera?—I believe so, for all produce. Anyone that has any doubt on the matter should be at Horsham on Saturday and Friday—the market days. The farmers all come there, and the town is as busy as a beehive with farmers selling produce.

3491. You think, if the railway is extended from Jung Jung to Dimboola, a very large portion of that trade would be entirely taken away from Horsham?—It would be entirely severed.

3492. How much money did the Government spend upon Government buildings in Horsham?—Over £30,000.

3493. And the waterworks?—That was the corporation.

3494. But it was a loan from Government?—£14,000 for the waterworks.

3495. Do you know the amount of money expended by the various banks in buying land and putting up suitable buildings for carrying on the banking trade of the district?—Yes, about £15,000.

3496. That is £59,000. How many breweries have you got there?—Two.

3497. How many places of business?—We have five churches, eighty-two places of business, stores and otherwise, not counting sixteen hotels, two breweries, two foundries, and one soap factory.

3498. What do they construct at the foundries?—Over 100 men are employed in these two foundries at the present moment.

3499. Doing what?—Making strippers, reaping machines, implements for farm purposes.

3500. And a large trade is done in those instruments?—Yes; one of the foundries has sold during the last month, I believe, no less than 70 strippers of their own make, and the other, I believe, has exceeded that.

3501. What do you think has been the reason of all this large increase—is it the demand and the connection made between Horsham and the selectors?—Just so. It is chiefly with the business to the north and west that sustains all this work at the present time.

Robert Clark,  
continued,  
15th Dec. 1880.

3502. The people have to come there at the present time to do business at the Land office, the Government offices, and courts?—Yes, they would be compelled to come there; but how they would get there if the extension to Jung Jung, I do not know. They will have to pass Horsham, and then come back on their way home.

3503. And then the trains, perhaps, not fitting in with other trains, it would be very inconvenient, and very likely they will have to cease going altogether?—Very likely they would have to stop the night at Jung Jung instead of coming on to Horsham, as they have to do now, if they wanted to go to Hamilton.

3504. Do not you think that the proposal originally made in the Government Bill would lead to a very large expenditure in carrying on the Government works there—that is, having already the extension to Horsham? If they extend from Jung Jung, they require double rolling-stock and engines, and all that?—Not the slightest doubt, though I do not profess to be an authority upon the expenditure necessary to carry on two lines instead of one; but it is patent to every one there would be an annual expenditure that would not be incurred, if the line be carried straight on from Horsham.

3505. Are you aware how many acres of land were purchased from Carter Brothers by the Government for the railway station?—I believe 40 or 50 acres.

3506. At what cost?—£50 an acre.

3507. If the extension took place from Jung Jung instead of Horsham, you would not require all the land—50 acres?—No, they would have carried it right through, past the town of Horsham.

3508. There would have been no necessity at all then to buy the land, if the Government did not intend to extend beyond that?—No doubt of that. That large railway station put there is the evidence of the intention of the Government to carry the railway on from Horsham.

3509. Were you in the House yesterday when the Honorable Mr. Woods gave his evidence—when he made the statement, that it did not matter a fig for the people between Horsham and Dimboola, he looked to the people beyond Dimboola? Do you think the people beyond Dimboola would suffer a great deal from the detour of eleven miles and a half?—I think not; I believe they are suffering now from the want of the railway; altogether they have to pay £1 a ton from Dimboola for carriage to Horsham.

3510. So it would be a very great advantage to them if they had a railway constructed, even at the extra cost of the detour of eleven miles?—Of course it would.

3511. Are there any advantages in construction of that detour of eleven miles that the people to the north and north-west would obtain?—Not that I am aware of.

3512. Any advantages which they would obtain by the railway going direct to Horsham instead of Jung Jung?—Yes, they would get to Horsham to market.

3513. Some people say they would go to Horsham and do their business still; but if they have to go to Jung Jung and remove from the train and go by a small branch to Horsham, eleven miles and a half, would not that to a certain extent equalise the cost of their produce?—No doubt of it; they would not bring their produce.

3514. You think equal advantages would be conferred upon them to the loss of the eleven miles detour?—In my opinion, they would not come on to Horsham at all, and would go on to Stawell; if they passed Horsham they would not turn back.

3515. No doubt the Stawell people would be very glad to receive them?—No doubt at all.

3516. How many mills have they in Stawell?—Two, I believe.

3517. And you have two at Horsham?—Yes.

3518. And you are quite able to do all the business in Horsham and have all the appliances that they have in Stawell?—Yes.

3519. One is a farming township and capital of the Wimmera and the other is a mining town?—Just so.

3520. Can you give any other information than what I have suggested—you have been long resident there—you might suggest what is the extent of the vested interests in Horsham, and the injury that would be done to them if the Government take the line from Jung Jung?—I think that has all been elicited already in the replies I have given to your questions. As far as the vested interests are concerned, I do not know that I could say anything more upon the matter, except that I think Horsham would be totally ruined by the extension of the line from Jung Jung.

3521. A gentlemen who gave evidence before us stated that the agitation in Horsham was got up by a few storekeepers, publicans, and the Messrs. Carter Brothers; is that the case?—No; I am sure you know such is not the case.

3522. Or is the feeling in Horsham unanimous as regards the extension from Horsham?—Unanimous to a man.

3523. How are the feelings of the people to the south and west? For instance, take the Natimuk district, all the Vectis district; what is the feeling expressed there in regard to the matter?—The Natimuk people do not feel interested, but the Vectis East people, who would be served by the Horsham route, are very warmly interested on behalf of the Horsham route.

3524. Is not there a timber reserve of 7000 acres near Vectis?—Upon the Polkernet run, near the parish of Wail.

3525. If that was thrown open for selection, would many people be benefited by that line from Horsham to Dimboola?—Every acre would have been taken up when I was in Parliament; I was continually petitioned to get it thrown open.

3526. Would that be benefited by the Horsham line?—No doubt they would come on to the Twelve Mile, which you may call the halfway-house; that would serve them.

3527. *By the Hon. R. D. Reid.*—I understood you to say that the farmers up at Dimboola were paying at the present time £1 per ton per mile?—No, no; I said it would cost them £1 a ton, an average rate from Dimboola to Horsham, and *vice versa*—the average rate the year round.

3528. I understood you to say £1 a ton a mile?—No.

3529. I thought you made a mistake, if you had said it. It seems it cost £50 an acre for the land for the railway station; was it not so?—Yes, I have been informed by Mr. Carter that such is a fact.

3530. What would be the cost of taking the railway for seven miles through Mr. Carter's land?—Mr. Carter's evidence yesterday was that it would be £3 per acre.

3531. Do not you think that, if the railway was once passed, he would ask a lot more?—I think not. The fact is, that the land sold at £50 an acre is adjacent to the township; the land through which it would pass now is going away from the township.

3532. You know the country very intimately, I suppose?—I do.

3533. All the way towards the north-east—out towards Warracknabeal and this side of that—is not that pretty thickly selected?—It is.

3534. Do you think those people would be served equally well by the line running from Horsham?—I think not. If you were acquainted with the district, you would find that the Warracknabeal people are best served at the present time by coming to Murtoa; they would not come at all to any station you could put upon the line from Jung Jung to Dimboola; it would be coming too far west.

3535. How far would it be from the majority of them there? Take a line running up by the red line—running up the middle—from Murtoa near the red spot that is among the blue, up above Borung; do you mean to say that those parties would not come into Dimboola?—When they get so far west, they will come to Dimboola.

3536. How many farmers are there within a radius of ten miles of Dimboola—say, ten miles to the north-east?—There is hardly any settlement at all to the north of Dimboola, and not likely to be.

3537. North-east, I do not speak of the north?—Due east there is, but to the north-east very little.

3538. Very little?—Very little, and none likely to be.

3539. We have had a large number of selectors here saying that to the eastward there is a large number?—To the east, yes.

3540. And to the north-east, taking the line from Horsham, how many farmers are there altogether?—The people in that particular locality you refer to would be served by either line, either from Jung Jung or Horsham.

3541. Do you think it would suit those parties to carry their grain for all time an extra eleven or twelve miles—would it be too much to ask them to pay for ever a shilling a ton?—I do not think so; compared with present circumstances, it would be a boon to have a railway at all.

3542. But would not it be better to have the railway and not pay the shilling?—No doubt it would.

3543. What very great damage do you apprehend to Horsham—do not you think that if the railway to Horsham now were to stop there, it is not much more of a benefit to the place, than having a railway through it?—It would be, if you did not run another so close to it. The line I should make from Dimboola would be from Donald to Dimboola, right through the whole of the settled country; that is the line I would make, if I had the making of it; but we cannot get it.

3544. Away here, up above, the large quantity of purchased land of Mr. Carter's, how many settlers are there?—Where?

3545. Up on the right of the line from Dimboola to Horsham?—On the right of the line?

3546. On the left of the line?—On the left there is the whole parish of Vectis East and Quantong.

3547. To the left?—Yes; but the map does not show the way the line would go.

3548. You speak of the immediate vicinity of Horsham?—No; I speak of about nine miles from Horsham.

3549. Upon the line of railway?—Upon the line of railway.

3550. How many farmers are there there?—I could not say exactly.

3551. It has been given in evidence that there are only forty or fifty farmers there between that and the occupied country there?—That is a mistake. I could not say exactly how many there are. I have visited the place often. I know it is thickly settled, and our best farmers are there. I have often visited it.

3552. Do you think it would be right to run a railway for forty or fifty farmers, and passing through eight miles of one proprietor's land?—I have just said it would pass through a parish where there are 300 farmers, just about nine miles from Horsham, in the parish of Wail.

3553. Where is it?—The parish of Wail.

3554. How far is it from Horsham?—It commences immediately after passing through Carters' property, about seven miles north-west of Horsham.

3555. Are there any people beyond Dimboola, out towards the South Australian Border—are there many farmers there?—Yes, a great many.

3556. You think it would be only right that those men also should have a railway—I hear there are a thousand farmers in that direction?—I could not say how many—a great many. I have visited the locality, and been all through it.

3557. Would it not be very hard upon those men to force them to carry their grain at the extra expense of a shilling a ton for some years?—Pardon me if I do not see the hardship. I see their present hardships.

3558. You can see the hardship of Horsham not having a railway through it, but you cannot see the hardship that those people would suffer?—Horsham did not see the hardship when we were compelled to come round through Murtoa, fifteen miles.

3559. But then you get a terminus, which is a very great benefit to you, is it not?—It is; and we are going to lose it.

3560. Would it not be a great benefit to you in the future?—Not if you take the line from Jung Jung.

3561. *By the Hon. N. Fitzgerald.*—Is the land at Jung Jung private property all about the township—is it bought?—I believe it is settlement close up to the railway station. It was all selected before the railway came there, and the land was bought from selectors.

3562. If the Government had to buy land at Jung Jung for a connecting station, I suppose an expense of £50 an acre would have in all probability to be paid there too?—They would have to do what they did at Horsham, because it has not been surveyed as a township yet.

3563. In Horsham, after the Government bought this large area of land for railway station purposes, and put up a large railway station, was there any speculation in the town in land in consequence of that?—Yes.

3564. Did land rise much in value?—It did.

3565. Would land depreciate much from the proposed Jung Jung deviation?—Yes, there is not the slightest doubt; I believe one-half, at the very least.

3566. And those people who would suffer would be the people who took this action in consequence of the Government action?—Yes; we have been led again and again to believe that the matter was settled. Under that belief I started myself to build a house that will cost me £3000, and is now building, on the faith that the whole thing had been settled long long ago.

3567. From your knowledge of the circumstances of the town of Horsham and the value of property, can you give any approximate idea of the money amount of depreciation that would take place, if the line be continued from Jung Jung?—Yes; I believe it would be one-half the value; the capital value of the property in Horsham is about a quarter of a million, or £250,000.

3568. And you say there would be a depreciation of one-half?—I am confident of it.

3569. That would be £125,000?—I am confident of it.

3570. And those people who settled and invested money in Horsham, you think did so in consequence of Government buying this large area of land and putting up a station, evidently proclaiming—?—No doubt of it; there is the fact of the large station, and they have actually brought into it a refreshment room, that could never have been intended for a small terminus.

3571. If the Jung Jung line be made, would it be necessary, in your opinion, to move the Government offices from Horsham to Jung Jung for the convenience of the settlers?—I do not think that ever could be done, the buildings are too permanent.

3572. Would that serve the settlers as well?—Jung Jung has nothing.

3573. Would it not, in fact, become the capital of the Wimmera district instead of Horsham?—No, there are so many contending interests, so much competition between Dimboola, Jung Jung, and Murtoa, that the whole of those places would be nothing at all, and would ruin Horsham.

3574. You know Patterson's Swamp?—Yes.

3575. Would that be the point of junction of the competing lines?—Very likely.

3576. Patterson's Swamp would be equally convenient to all the settlers on the north-west and north?—Yes.

3577. In your opinion, is there, except the eleven miles extra haulage, any superior advantage of the Jung Jung line over the Horsham and Dimboola line?—I do not know of any.

3578. That is the only point?—That is the only thing I said, and of course I am bound to admit there is that.

3579. You know the country well?—Yes.

3580. You are aware that that country is equally level?—There is no engineering difficulty on either line. I am informed to-day, upon competent authority, that the line from Horsham to Dimboola is actually shorter by two miles; that that curve, shown upon the map there, is altogether a mistake.

3581. *By the Hon. J. Lorimer.*—You have a market for agricultural produce at Horsham?—Yes.

3582. Is there any market at Murtoa?—Yes.

3583. Is there any difference in the price of wheat at the two places?—Yes, as a rule, about a halfpenny a bushel difference. It is higher as you get down the line. There is the freight; there is seventeen or eighteen miles of freight, which comes to about a halfpenny a bushel.

3584. Do the farmers usually sell in the local markets, or forward their produce to Melbourne, or other places?—As a rule, they sell in the local markets. There are buyers attending from town. There are as many as a dozen buyers from Melbourne sometimes, and the local buyers and millers, who buy also.

3585. Which station last year had a larger quantity of wheat—which station drew the largest quantity, Horsham or Jung Jung?—That I could not tell you. I have no statistics to show that.

3586. Then, in your opinion, the difference in price is a halfpenny?—Yes; that is about the difference.

3587. *By the Hon. W. McCulloch.*—Is there a station at Jung Jung?—Yes.

3588. Then the Government would not require to buy land there for the extension to Dimboola?—If it was a junction it would require extra ground to make an extra station.

3589. How much ground have they got there?—I do not know.

3590. Then how do you know they would require to buy?—From the contracted state of the station at the present time.

3591. Do you tell the House that you know they have not got sufficient ground?—I believe not.

3592. How do you know that—what is your reason?—From my knowledge in passing I see there is not room.

3593. Is not there more wheat got at Jung Jung and Murtoa than at Horsham in the course of the season?—I cannot say.

3594. Is not there a great deal more?—I have no statistics. I cannot answer your question.

3595. I presume you prefer there should be no extension from Horsham at all, or Jung Jung either—you would prefer the railway to stay as at present?—I would prefer it to go from Donald to Dimboola.

3596. You would prefer the railway to stay at Horsham?—No doubt.

3597. If the line goes from Jung Jung, it would depreciate property one-half, you say?—That is my opinion.

3598. How much would it depreciate if the line extends from Horsham?—Very little.

3599. You know a good deal about that country—do not you know that when a railway goes through a town, the town is almost ruined, and property is depreciated in value in almost every town in the country?—I have already said so. I think I said, in reply to Mr. MacBain, that to take the line from Horsham to Dimboola would injure Horsham, and to take it from Jung Jung to Dimboola would ruin Horsham.

3600. How much would it depreciate property to go from Jung Jung?—One-half.

3601. How much would it depreciate if taken from Horsham?—Very little, but I cannot say how much.

3602. *By the Hon. R. Simson.*—Murtoa and Jung Jung I suppose would serve quite a different district from Horsham, and bear an equal quantity of grain—granting the line goes from Horsham to Dimboola, those from the east would naturally catch the railway at the nearest point they could do so?—Of course.



Robert Clark,  
continued,  
15th Dec. 1880.

3603. And, therefore, whichever way the line went then it would make no difference to Murtoa and Jung Jung?—No, at Murtoa they buy the wheat locally grown there; at Jung Jung, they do the same, and we do in Dimboola and Horsham.

3604. The fact is, that Murtoa is a large storing place for wheat, and the line to Dimboola would not add much to it?—I do not think it would.

3605. Those are stations for wheat to be sent to from the neighboring farms, the same as Horsham?—Yes, as a rule, the farmer goes to the nearest stations, and there he finds a buyer for his wheat.

3606. So that that would have no effect upon either Murtoa or Jung Jung, the extension of the line, either?—Not a bit.

3607. *By the Hon. J. Lorimer.*—Supposing both lines were constructed, Jung Jung to Dimboola direct, and Horsham and Dimboola as well, which line would carry the largest quantity of produce, in your opinion?—I believe that the Jung Jung line would carry the largest quantity.

3608. *By the Hon. P. Russell.*—Is that because part of the produce would be left at Horsham?—No, cut off; they cut off Horsham. That is the argument against it. If you run it from Jung Jung to Dimboola you cut off Horsham, and commercially ruin it.

3609. *By the Hon. W. Ross.*—You know the Nhill country?—Yes.

3610. Is it a fine agricultural country?—It is a patchy country. I would not call it fine.

3611. There is a large quantity of cultivation there?—Yes.

3612. People who would like to bring down their produce?—They will cross the Border, and go down by Lacipede Bay. The farmers, and others, will make the nearest market.

3613. Do they go that way now?—Some of them do. They go over the Border. When you get to Nhill you get so near the Border, and near the seaboard at Lacipede Bay, that all the farmers would go the other way.

3614. They all go that way now?—I would not say all.

3615. Most of them?—I believe some do.

3616. If that railway went on to Dimboola, would not that attract them in this direction?—No doubt the shortest route. It is a matter of distance to them.

3617. To get to the nearest port?—When you get to Nhill you get within 100 miles of the seaboard to the west, and it is 300 miles to Melbourne this way. You have to contend with that.

3618. So that whether they went to South Australia or to the Melbourne market, it would be a matter of distance—how far the carriage would be?—The farmer would consider his own interest, and go to the nearest port.

3619. And it is contemplated to run a line on to the South Australian Border?—I do not know.

3620. You have heard it spoken of?—I have.

3621. There is nothing to prevent it?—Nothing but the money.

3622. *By the Hon. Sir C. Sladen.*—In reply to Mr. Lorimer's speech just now, you said that the line from Jung Jung to Dimboola, relatively to the line from Horsham to Dimboola, would carry a greater amount of produce?—Yes; it would intercept the produce that now comes to Horsham.

3623. Then do you think, if that line were not made, Horsham would take the produce from the country to the north-west, and that it would not go either to Dimboola, Murtoa, or Jung Jung?—It could go to what is called Paterson's Swamp, or wherever they put a station there; but they would have to run over the eleven miles and a half that has been so much talked about, that is the only difficulty.

3624. I do not understand your explanation—the line from Dimboola to Jung Jung you say would carry a greater amount of produce than the line *via* Horsham to Dimboola—did you mean to say, supposing they were both constructed?—That was the question which was put to me.

3625. *By the Hon. W. Campbell.*—Suppose the line were extended from Horsham westward towards Hamilton and Portland, how would that affect the cost of carriage?—It would be south, not west.

3626. How would that affect the cost of carriage?—I do not think it is likely that ever a line would be constructed in that direction; it is very difficult to construct, it is all mountains.

3627. That would go down to Portland, would it not?—Yes; but I do not see how you are even to get there with a railway.

*The witness withdrew.*

James Anderson called.

3628. *By the Hon. the Chairman.*—What are you?—Farmer.

3629. Where do you reside?—At Wail.

3630. *By the Hon. J. MacBain.*—How far is your farm from Horsham?—Sixteen miles.

3631. How far is your farm from Jung Jung?—About sixteen.

3632. About equal distances from both places?—Yes, I do not think there is half a mile of difference.

3633. You are acquainted with the proposed route from Jung Jung to Dimboola?—Yes.

3634. What is your opinion regarding the farmers between Jung Jung and Dimboola; would they be injuriously affected by the line from Horsham to Dimboola—farmers within an easy distance of a line from Jung Jung to Dimboola?—The farmers about there are not suffering; they have got a railway quite handy already. It is the people about Dimboola that it would make a difference to; it is eleven and a half miles round, that is the only difference.

3635. But I want to know whether a farmer in the neighbourhood of Jung Jung, and within an easy distance of the line on to Dimboola, would be injuriously affected if the extension took place from Horsham to Dimboola in the place of Jung Jung to Dimboola?—No, I do not see it.

3636. Do you look upon Horsham as a good market town for your produce?—Yes.

3637. Is there any competition there?—Generally there are more buyers.

3638. Than in any other town in the district?—Yes.

3639. Is that your experience?—Yes. There is more competition in Horsham for produce than in any other town.

3640. Do your neighbours look upon Horsham as a good market town for their produce?—Yes, generally. Some go to Jung Jung, on the other side. It makes no difference to me which way it goes, only we shall be cut off from Horsham, if the line goes to Jung Jung.

James Anderson,  
15th Dec. 1880.



3641. As a farmer in Wail, and knowing the circumstances of your fellow-farmers there, do you think the extension of the railway from Horsham to Jung Jung would answer the purpose of your district?—Yes. James Anderson,  
continued,  
15th Dec. 1880.
3642. How far would you be from a railway, if the extension took place from Horsham to Dimboola?—The line comes on either side of me, either way just at Paterson's Swamp.
3643. Then you are a disinterested witness?—Yes, only I should not like to be taken back to Jung Jung away from Horsham.
3644. Whichever way the line goes, it would benefit you equally?—Yes.
3645. But you would not like to go down to Horsham from Jung Jung, because it would be extra mileage for you, would it not?—Yes, certainly.
3646. Have you any financial relations with the banks and merchants at Horsham?—Yes.
3647. Are your neighbours in the same position pretty well?—I am pretty well sure that the whole district is connected with Horsham, more or less.
3648. There is some evidence given to the Committee that a portion of the line from Horsham to Dimboola would pass through a sandy country—are you aware of that?—It would not pass through more sand the one way than the other.
3649. Do you know the country?—Yes; well. I have been over it dozens of times.
3650. That is the country that the Horsham to Dimboola railway passes through?—Yes.
3651. Would a line from Jung Jung to Dimboola pass through the same sandy country?—Yes.
3652. So that there is no advantage as far as sand is concerned?—None.
3653. They would have both to combat the same difficulty?—Yes.
3654. So that it would make no difference to your district at all, if a line went to Dimboola from Horsham or Jung Jung?—No.
3655. And that is your opinion as a farmer resident in Wail?—Yes.
3656. *By the Hon. R. D. Reid.*—You are a farmer?—Yes.
3657. Living at Wail?—Yes.
3658. Do you cultivate your own land?—Yes.
3659. Much?—No.
3660. How much?—Forty acres this year; that is all.
3661. Do not you get your living otherwise than in farming—are not you engaged in other pursuits altogether irrespective of farming?—Sometimes.
3662. Have not you a large number of entire horses—very valuable horses?—I have.
3663. You are also a contractor?—No; not the last twelve months I have done nothing at it.
3664. You have left it off the last twelve months?—Yes.
3665. You have been a contractor?—Yes.
3666. Suppose you were living up at Dimboola, do you think, if you had 500 bushels of wheat, and wanted to send it to town, that you would like to send it round by Horsham—would it be a very great benefit to you to send it round by Horsham—would you prefer to send it by a straight line twelve miles less or round by Horsham?—I would send it to Jung Jung, to send it to a seaport; but if I was going to sell, I would send it to Horsham.
3667. But suppose the railway is up at Dimboola, and that you have a choice as to the line you would send it by—suppose two lines ran there, one from Jung Jung to Dimboola, and the other round by Horsham, which line would you use?—I would send it the shortest, to be sure.
3668. I suppose, where you are living at Wail, it does not matter to you which line is made—it is all the same to you?—Yes; it matters. It cuts us away from Horsham altogether.
3669. Have you got any business relations in Horsham?—Yes.
3670. Have you got any property in Horsham?—No.
3671. But all your business relations are there?—Yes.
3672. Do not you think you could make business relations equally well at Jung Jung, and more to your advantage?—There are no places there to do it with.
3673. Will not there be, do you think?—That is not for me to say.
3674. Did you come to Melbourne on purpose to give this information that you have given here to-day?—No; I was on other business.
3675. You came on private business?—Yes.
3676. *By the Hon. W. McCulloch.*—Would it not be an advantage to a large number of farmers about Dimboola and to the east if the line be made to Jung Jung?—They might say that, no doubt.
3677. I ask your opinion, would it not be better?—Yes, the other side of Dimboola.
3678. You are an equal distance from Horsham and Jung Jung?—Yes, the same distance.
3679. How much wheat did you sell last year, about—we have been told it made a difference of a halfpenny a bushel?—I know it from experience.
3680. Then you would send your wheat to Jung Jung, if you could get a halfpenny a bushel more?—No, I always get more at Horsham, or as much.
3681. Is that the railway freight from Horsham to Melbourne or Jung Jung?—No, there is more competition and buyers in Horsham.
3682. Is it not a fact, that there is more wheat taken to Jung Jung than to Horsham?—I would not like to say that.
3683. You would not deny it?—I cannot speak about it. They might be about equal.
3684. I am informed there is a great deal more, and that very large sheds are erected to store it, and that they save a halfpenny a bushel by sending it there instead of to Horsham?—[No answer.]

*The witness withdrew.*

George Young examined.

3685. *By the Hon. the Chairman.*—You are a bank manager, I believe?—Yes.
3686. Residing at Horsham?—At Horsham.
3687. *By the Hon. J. MacBain.*—How long have you been resident in the Wimmera district?—Between six and seven years.

George Young,  
15th Dec. 1880.

George Young,  
continued,  
15th Dec. 1880.

3688. How long have you resided in Horsham as manager of the Commercial Bank?—I have been manager of the Commercial Bank for four years.

3689. I suppose you have a pretty extensive knowledge of the district?—Yes, I know the district pretty well.

3690. Do you know the country that will be affected by the rival routes—that is, from Jung Jung to Dimboola, and from Horsham to Dimboola?—I know all the country between Jung Jung and Dimboola, and between Horsham and Dimboola.

3691. Would the line from Jung Jung affect Horsham injuriously?—I think so, very seriously.

3692. I suppose, from being a bank manager, you are pretty well acquainted with the circumstances of the farmers in the district and their views?—Yes, I know a large number. I have had opportunities of conversation with them upon the matter of railway and other general matters.

3693. And do you speak merely as a matter of your own opinion, or do you speak of intercourse you have had with those men, and from your knowledge of the business of the locality, when you say that the line from Jung Jung to Dimboola would injuriously affect Horsham?—From my knowledge of all the circumstances, and from my knowledge of the value of property, and of the causes that affect its rise or fall in Horsham, I should say that property in Horsham would be very seriously depreciated. I have no hesitation in expressing that as my firm conviction.

3694. Would your opinion be, if no other interest was involved, that the straight line would be the best line?—No doubt.

3695. If it served the same number of people?—No doubt of it.

3696. But under the circumstances that Horsham has been connected for a number of years with the large settlement taking place to the north and north-west, I suppose you think a considerable amount of injury would be inflicted upon that north-western district, if there is no extension from Horsham?—I certainly think there should be an extension of railway; but I believe if the extension is made from Jung Jung, that the whole of the people of Horsham would suffer very materially, and that the people upon the route from Jung Jung to Dimboola and the people near Jung Jung would suffer nothing at all. I cannot see that the people about Kalkee would suffer; but if the line went to their doors it would be more convenient for them. I do not think any one in Kalkee is further off than ten or twelve miles from a railway station. A number are within five or six miles of Doon.

3697. Do you mean to say that all the residents of Kalkee are not more than ten and some only five miles from the present railway station?—Furthest north in the parish of Kalkee would be, perhaps, twelve miles.

3698. Supposing the Horsham extension took place, how far would the extreme portion of Kalkee be from the railway?—I do not know that the Kalkee people would be much nearer.

3699. But some residents of Kalkee are within about five or six miles?—Of the Doon station.

3700. It is your opinion that residents in Jung Jung, Kalkee, Wail, and Quantong or Vectis, would not be injuriously affected if the extension went from Horsham to Dimboola?—All the people, except the people of Kalkee, would be benefited. The people of Wail, Quantong, and Vectis would be benefited; the people of Jung Jung are close to a line now; it will not affect them any way.

3701. You know, from your position as a bank manager, the value of properties and securities in the district there. I suppose you have got constituents of your bank in all these parishes?—Yes.

3702. Have you any from Dimboola?—Yes, I have some near Dimboola.

3703. Have you any from beyond Dimboola?—I have a few.

3704. And the parishes of Nhill and Tarranginnie and Laloit, and out their direction?—I do not know any as far as Laloit, but I have a number of customers about Nhill and Kiata, who formerly were residents of the Horsham district.

3705. Do all do business now with Horsham as well as their finance business?—Yes, I know that is a matter of fact.

3706. What effect would it have if the railway went from Jung Jung to Dimboola—what effect would it have upon that special business?—I think the effect would be to wean them from Horsham.

3707. And, of course, injuriously affect Horsham?—Injuriously affect Horsham.

3708. Is it in your knowledge that the Horsham people have assisted settlement in the Wimmera district?—They have, very much.

3709. The merchants, storekeepers, and tradesmen?—Yes, I know that for a fact. I know they have not only supplied them with stores, but the storekeepers have paid their rents for them and carried them on from year to year till they get their leases, and numbers of them now are supported very liberally by Horsham storekeepers in such matters.

3710. Were you present when Mr. Mussen stated in his evidence that the line from Jung Jung will serve ten to one as compared with the Horsham line; is that your opinion?—I heard him state that. I do not think it is correct; it is very far from the truth—very far from the truth.

3711. Do you think that the detour of eleven miles and a half extra haulage or carriage would seriously affect the people beyond Dimboola?—It would simply affect them to the extent of the cost of the carriage of eleven miles and a half.

3712. But would not there be some advantage to them in coming to Horsham to do business there?—A great advantage. Horsham has become a very important market, not only for wheat, but a general market. A very large number of horses and cattle are sold every week in Horsham; the people come down from Nhill country to Horsham to buy horses. I believe Horsham is the most important horse market beyond Ballarat. In that direction there is no market beyond Ballarat anything like so important. I know that, because a relative of mine does a very large business in this particular line.

3713. What sort of a market is Horsham for wheat and other farm produce?—A very good market. We have a large number of buyers there all throughout the year.

3714. The consumption of their produce is as much as almost the whole of the other towns in the Wimmera district put together?—I should think so.

3715. The vested interests of Horsham now are very large, that is, the money invested there in the purchase of land and houses, the house property and all kinds of merchandise—you think that the injury done to those vested interests would be very serious indeed if the extension did not take place from Horsham to Dimboola in place of Jung Jung to Dimboola?—I think, if the extension took place from Jung Jung to

Dimboola, it would seriously depreciate values. I believe, after careful consideration of the matter, that the depreciation would be fully thirty per cent., and I state that, having fully considered what I say, and that is my firm conviction.

George Young,  
continued,  
15th Dec. 1880.

3716. From your experience and conversation with the farmers in the district, is there a universal feeling of opposition to the extension from Jung Jung to Dimboola?—There is a strong feeling manifested by the Kalkee people, the people about the Twelve-mile Dam, twelve miles from Horsham. I believe that is the centre of the agitation in favor of the Jung Jung extension; a number of people there have been holding meetings, and stirring up the agitation at Jung Jung. I believe the people of Jung Jung, if they had been left alone (numbers of them have expressed their opinions to me who now are agitating about it) would have been perfectly content to remain neutral. They felt that they were not interested, and it is principally in consequence of the agitation got up by the Kalkee people, and the pressure brought to bear, that they are assisting the Kalkee people now.

3717. As a banker, I suppose, you have been moved about from place to place wherever you can do business?—Yes; I travel about the district.

3718. But as to the locality where you do business—supposing Horsham was cut off altogether from this line of extension, no doubt the banking business of Horsham would decrease, would it not?—Certainly.

3719. And of course the banks, like all other businesses, have to follow people wherever they go?—Yes.

3720. Would the result of that be a very large depreciation in the value of property?—Yes; I have already stated my opinion as to the extent of the depreciation.

3721. Has your bank put up a large new building there recently?—The Commercial Bank put up new premises there recently.

3722. And the Bank of Victoria?—And the Bank of Victoria have put up very large premises there, which cost upwards I think of £4000.

3723. The National Bank?—The National Bank spent £3000 or £4000.

3724. The Colonial Bank?—They also have a large building there.

3725. And no doubt that was all done for the best purpose, namely, to meet the requirements of the trade of the district?—I think so, I should imagine so.

3726. Then you look upon Horsham like some other of the witnesses as being the capital of the Wimmera district?—I do.

3727. Where all Government business is transacted, and where all the people would come if obstructions are not placed in their way?—Yes.

3728. *By the Hon. R. D. Reid.*—You are a bank manager, are you not?—I am.

3729. At Horsham?—Yes.

3730. Have your bank latterly erected this fine building at £4000 cost?—They have erected a costly building.

3731. It would be natural that you would speak well of Horsham under those circumstances—you would not like to see it go down in any way?—It would be natural that I should like to help the prosperity of a place where my employers have spent a large amount of money.

3732. Do not you think there are other people to be considered as well as bank managers and banks—are not the farmers to be considered?—Yes; I happen to be interested in farming myself too, and that pretty largely.

3733. Are you acquainted with the country and the settlement north and north-east of Horsham, such as Kewell West?—Yes, I know all that country.

3734. Now, have you a farm there?—Yes, I have some land there.

3735. Much land?—Yes, I have a share in a good-sized property there.

3736. How far is that from Dimboola?—The property in which I am interested?

3737. Yes?—I suppose it is, I should say, twelve miles; I am not very sure.

3738. To the north-east is it, or to the west?—It is about north-east from Horsham.

3739. Would you sooner come down to Horsham do you think than you would go to Dimboola?—I would not come to either; I would rather go to Jung Jung. We send down our produce there.

3740. How far would that be?—I think Jung Jung is about twelve miles—eleven or twelve.

3741. You know all this country away here to the east of Dimboola?—I have never travelled over the country to the east of Dimboola.

3742. Then you know nothing about the country up there?—I know the country near Kewell West.

3743. Whereabout is Kewell West?—I know the country from the bend at Paterson's Swamp, and all between there and Murtoa, and a little further north, and right across to Horsham and Jung Jung, and all the country in there.

3744. How far do you think the farmers to the north-east or to the east would be benefited by the railway up from Horsham to Dimboola—how far out?—I understand the railway from Horsham to Dimboola is proposed to be taken to Paterson's Swamp; and I know for some distance round Paterson's Swamp the land in places is thickly populated.

3745. Paterson's Swamp is, I understand, up where the bend is?—Yes, I understand that to be Paterson's Swamp.

3746. How many farmers do you think there are about there, from Paterson's Swamp out say twenty miles?—In which direction?

3747. Easterly?—I really could not say; I believe it is all thickly settled.

3748. You do not know anything beyond Dimboola towards the South Australian Border?—Nothing of my own knowledge.

3749. You know nothing about anything except Horsham?—I know a great deal more than Horsham.

3750. And Kewell?—Yes, I know more than that.

3751. *By the Hon. W. McCulloch.*—You tell the Committee you have got customers up at Dimboola, and round that neighborhood?—I have got some customers beyond Dimboola.

George Young,  
continued,  
15th Dec, 1880.

3752. Suppose then the line is made as you wish it, from Horsham to Dimboola, do you expect your customers to come down to Horsham?—I do.

3753. Do you expect no banks to be put up at Dimboola?—I do not expect any more banks to be put up at Dimboola; there are two banks there now.

3754. Have you a branch there?—No.

3755. If it increases very much, you will put one there?—I do not think it is likely.

3756. You say property in Horsham would decrease 30 per cent. if the line is taken from Jung Jung?—Yes.

3757. But if it is taken as shown upon the map from Horsham?—I do not think it would depreciate at all.

3758. Do you know any towns in the country where a line has passed through?—Yes, I have known such places.

3759. Is it not a fact that property has depreciated very much when the railway passed through?—I know it has in some.

3760. You think Horsham would be an exception?—I think it would, and I can give good reasons for my opinion.

3761. You think the storekeepers at Horsham assisted very much?—Yes.

3762. More than at any other place in Victoria?—I know no place where the townspeople did so much for the farmers.

3763. I suppose they got good security?—On the contrary, in some cases they did it without any security; and perhaps you will allow me to explain how that was. Before the leases were issued the farmers had no security to offer, and just upon the strength of the storekeepers relying upon the integrity of the farmers they assisted them. The farmers could get no money elsewhere. They had no security to offer, and the storekeepers supplied them with goods for years, in some cases without receiving a penny in return, and in some cases paid their rents; so when they got their leases, they arranged advances on their leases from persons outside. They paid off the storekeeper; and if the storekeepers had not assisted the farmers in that way, the farmers would have had to abandon their holdings.

3764. The farmers must have been a very respectable lot?—There were some black sheep among them.

3765. Have you been at Beechworth?—No.

3766. At Ballarat?—Yes.

3767. Are you aware that the storekeepers gave the diggers credit?—I do not think they would give it to miners for two or three years, but they knew that the farmers must get their leases at some time or other.

3768. *By the Hon. Sir C. Sladen.*—You said that, when a railway passes through a town, it frequently causes the property to depreciate, but you stated it would not be the case at Horsham, and you said you did not think it would depreciate, for good reasons which you could give—will you give your reasons?—I said I had heard of cases where a railway depreciated a town by its passing through.

3769. You said you had good reasons for thinking it would not be the case with Horsham?—Yes.

3770. Will you give those reasons?—If you look at Horsham you will see its situation. Now the piece of country between Murtoa and the other red line near Dimboola at present deals with Horsham. It is all selected, I suppose, within two or three miles of Horsham, and extends a long distance away, north and north-east; and all that country does its business at Horsham, except a little beyond Murtoa—all on the west of the creek—and Horsham is the only place at present. It is the natural place for them to do their business at; but if the railway goes up from Jung Jung, it goes through the centre of all that country, and then there is every reason why, if there is any other place for them to do their business at, they should go to it. The first time the idea of taking it from Jung Jung was mooted, it was generally supposed to be in the interest of Stawell, Stawell being the next large town; because my experience shows me, that people naturally go to the nearest large town to do their business, financial and otherwise. I thought that the people would be attracted towards Stawell; since then, Murtoa has grown, and would perhaps be benefited by the extension; but the benefit would be divided between Murtoa and Jung Jung, and another township that would be formed at the Twelve-mile Dam, so that the injury would fall altogether upon Horsham, and the benefit would be divided between those small places, and it would practically crush Horsham, and establish one or two other small towns.

3771. You think Horsham will hold its own if the railway goes through it as projected at present?—I think so.

3772. And it is not likely to be affected by the rising importance of either Dimboola, Murtoa, or Jung Jung?—I think not.

3773. *By the Hon. W. McCulloch.*—You are aware that it is intended that this should be the overland route to Adelaide?—Yes.

3774. Do you think it is fair, just, and right that all the overland traffic for all time to come should be carried round twelve miles to accommodate Horsham?—Of course, the loss to those who have to send goods down from that district would be, as I have already stated, the cost of the carriage for that distance; I forget the amount, but I believe the injury to those people by carrying the railway from Horsham to Dimboola would not compensate the injury done to Horsham if the other route were carried out, because the population of Horsham is upwards of 3000, and it takes a very large tract of farming country to support the population of 3000.

3775. A penny per bushel, we are told, upon all wheat, and it is a much larger rate upon goods going up, and then there are the passengers, too, to travel twelve miles more?—No doubt of that; but, on the other hand, a large quantity of timber is taken to Nhill from Horsham, and it must come through Horsham in any case; it comes from the Grampians. Nhill is 25 miles beyond Dimboola, and all the timber has been taken from Horsham, and the iron and the lime too. There is plenty of lime in the Horsham district, and if there is a railway direct from Horsham to that country, the lime could be manufactured and sent up by rail; whereas at present the cartage of the lime is so expensive that it has to be brought from down country by rail.

3776. What would be your answer if you were not personally interested in Horsham?—I am not particularly interested in Horsham. My answer would be the same in any case.

3777. You think the traffic should be brought all round the twelve miles to Horsham?—I think the Horsham people submitted to have their traffic taken round fifteen miles by Murtoa, and I do not see why they should be punished now for having quietly submitted to that.

George Young  
continued,  
15th Dec. 1880.

3778. *By the Hon. N. Fitzgerald.*—The difference of extra carriage, eleven miles, is the railway rate at a penny a ton a mile; it would be about a farthing a bushel—do you think the advantage to be got from a large local market, such as Horsham, would be equivalent to the extra cost of carriage to the farmers?—I think, at certain seasons of the year, it would; but I do not know that upon all occasions they would be able to get more than at Murtoa. I do not think all through the season they could get the same price at Horsham as they would at Jung Jung; and if they did they would lose a farthing a bushel by going to Horsham; but in some portions of the year wheat fetches as high a price at Horsham as at Jung Jung, because there are always a good number of buyers at Horsham; and during the slack season of the year there are not so many at Jung Jung as in the wheat season, so in that season they are at the mercy of one or two buyers, whereas at Horsham there is always good competition.

*The witness withdrew.*

R. H. Andrews examined.

3779. *By the Hon. the Chairman.*—What are you?—I am manager of the Bank of Victoria at Horsham.

R. H. Andrews,  
15th Dec. 1880.

3780. *By the Hon. J. MacBain.*—How long have you been in Horsham?—Over three years.

3781. During all that time bank manager?—All the time manager of the bank.

3782. You have gained considerable knowledge during that period of the business arrangements of the district, and the connection between Horsham and the settled district to the north, north-west, and south?—I have.

3783. You have heard Mr. Young's evidence of the Commercial Bank?—Yes, I have.

3784. Generally, do you concur with him?—I concur with him.

3785. Affecting the views of the residents as well as the banking business connection between the district and Horsham?—Generally, I concur with his evidence.

3786. Is there any statement you would like to make in regard to the line from Jung Jung to Dimboola as against the line from Horsham to Dimboola?—Nothing, except that the line from Jung Jung to Dimboola must inevitably ruin the best part of the trade of Horsham. Horsham depends entirely upon the traffic, which will be intercepted and taken away down to Jung Jung. There is no doubt it will depreciate the value of property in Horsham considerably; in fact, I rather incline to go beyond Mr. Young's estimate. I think it would depreciate fifty per cent. if the line goes from Jung Jung to Dimboola.

3787. Do you think it would decrease the quantity of trade carried on there as well?—Not the slightest doubt.

3788. There are several industries there of considerable importance—for instance, two foundries where they manufacture implements—would it decrease that trade there?—It must decrease all the trade at Horsham.

3789. And you think it would have a most injurious effect upon Horsham if the line goes from Jung Jung to Dimboola?—I have no doubt of it.

3790. Do you have any constituents to the west of Dimboola?—A few only.

3791. Have you any in the neighbourhood of Dimboola?—Yes; a good many.

3792. You have a good many customers of your bank in the neighbourhood of Dimboola?—Yes.

3793. And do they come down regularly to Horsham?—Yes.

3794. Do they transact any business with their produce?—Yes.

3795. Do they buy stores, farming implements, and other things there?—Yes; they deal with the Horsham stores to a great extent.

3796. Do they bring their wheat and other produce to Horsham principally?—The Dimboola wheat, a great deal of it goes to Jung Jung.

3797. The cost of cartage is considerable, and they carry it to the station nearest?—Yes; nearest down the line.

3798. Is it your opinion that the large settlement that has taken place north and north-west of Horsham was to a very large extent owing to the assistance they received from the banks and storekeepers of Horsham?—From the knowledge I have of the storekeepers' business, I am perfectly certain that is the case. The settlement all round Horsham is dependent materially upon the assistance of the storekeepers.

3799. *By the Hon. W. Ross.*—Respecting the country beyond Dimboola, towards Nhill and the South Australian Border, one of the previous witnesses, Mr. Clark, said that a considerable part of the traffic went on towards Lacipede Bay—do you know of that?—I do not know of it from my own knowledge, but I know from persons conversant with the district that that is the case.

3800. It would be of importance to Victoria to draw that traffic towards Melbourne?—No doubt.

3801. If the railway is extended towards Dimboola, would it have that effect?—To a certain extent.

3802. Every mile of railway that is extended towards the Border would tend to bring the trade?—Undoubtedly.

3803. Therefore those eleven and a half miles would help to bring the trade?—Undoubtedly.

*The witness withdrew.*

E. J. Stephens examined

3804. *By the Hon. the Chairman.*—What are you?—A newspaper proprietor.

3805. Where?—At Horsham.

3806. *By the Hon. J. MacBain.*—How long have you resided in Horsham?—For nearly eight years.

3807. I think you have assisted a good deal, by the assistance of your pen and paper, to increase the settlement in the Wimmera district?—Yes, I take to myself credit for having done all that has lain in my power to do so.

3808. I think the tendency of your writing has been strongly in that direction?—Yes, advocating the extension of selection, and also showing the capabilities of the soil for growing wheat.

E. J. Stephens,  
15th Dec. 1880.

3809. During the eight years that you have been there a great deal of the settlement occurred that has taken place?—Yes; when I went to Horsham early in 1873 the population of Horsham, according to Hayter, was only 364, whereas now it is upwards of 3000.

3810. That is Horsham proper?—Horsham proper.

3811. Do you know the two lines, the one proposed from Jung Jung to Dimboola, and the one proposed from Horsham to Dimboola?—Yes, I know them both.

3812. Supposing the line is carried that has been approved of by the Legislative Assembly by a large majority, will the people of Jung Jung, Wail, Vectis, and a portion of Kalkee suffer?—Certainly, seriously in Wail and Vectis East—

3813. Stop. Supposing that the extension from Horsham to Dimboola, that is in the Bill now before this Chamber, is carried out, will the residents of Wail, Jung Jung, and a portion of Kalkee and Vectis suffer by the extension from Horsham to Dimboola?—I think Jung Jung would not, but Wail would and Vectis East would most seriously, if I understand you rightly. I fear I do not apprehend your question.—[*A map was shown to the witness.*]

3814. I ask you about the line from Horsham to Dimboola?—No, they would not suffer; they would gain a great advantage.

3815. Then, supposing the Jung Jung line is extended to Dimboola, what effect would it have upon Horsham and its trade?—It would have a most serious effect, inasmuch as it would intercept nearly all the trade that now comes to us from the north-east; it would take it away. Also, it would render access to Horsham so difficult that a great deal of the trade that now flows to us from Dimboola and the Lowan shire, including Nhill, Tarranginnie, and all that district, we should lose. We should lose all the business, which is a very important matter to us at the present time, and upon the strength of that business we have made provision in connection with our business establishments.

3816. You say that, if the Jung Jung line is carried out to Dimboola, it would injure Horsham and the business of Horsham very materially, and it would intercept the north-eastern trade that you now get, the north and north-western trade from Dimboola?—Yes, not the slightest doubt about it; and to show the effect it would have upon us, I was speaking to a large auctioneer the other day in Horsham, who was projecting some extensive improvements some time ago, and I asked him if he was going to carry them out, and he said, “No, not while the railway route is in dispute; if it goes by Horsham I shall, and if it goes by Jung Jung I shall not”; and there are others in the same position, just waiting to see which route is adopted, and upon that will depend whether they make the improvements or not.

3817. Then you know personally that there is a very considerable amount of business connection between Horsham and the Dimboola district?—Yes, and that trade is increasing; as recently as last Saturday a couple of farmers from the Tarranginnie district, which is twenty-three miles beyond Dimboola, came into Horsham and asked one of our large merchants to allow them to open an account with him and carry them on till after harvest, which he most readily consented to do, and not only that, but while they were in Horsham they purchased a number of agricultural implements and gave an order for stores to our firms.

3818. That is beyond Dimboola?—Beyond Dimboola, where selection has recently taken place to a large extent.

3819. Do you look upon Horsham as affording the best market for farm produce in the Wimmera district?—Not the slightest doubt about it to all who know the district, and if any honorable gentleman present will attend the market on Saturday, he will be surprised to see how large a number of farmers flock into Horsham sometimes, 300 or 400 attending the auction sales. Auction sales have been attempted in one or two of the up-country towns, and miserably failed, but ours are numerous attended.

3820. There is an extra mileage of about eleven miles and a half to the residents; what effect would that have upon the settlers in Dimboola and west of Dimboola? Would there be any equivalent advantage in return for the extra mileage?—Yes, I think that that drawback, namely, the extra mileage, is more imaginary than real, and I will tell you the reason. Sometime ago a Horsham merchant held a number of liens over crops in various parts of the district and he transferred those liens over to Messrs. Fry and Company. Some of the wheat the produce of those crops was delivered at Jung Jung, other portions of it were delivered at Horsham; notwithstanding that no more was given for the wheat delivered at Jung Jung than for that delivered at Horsham.

3821. The same price?—The same price.

3822. So that the extra mileage is imaginary?—Quite. Then again, there is another advantage; at present, strange to say, wheat is lower at Dimboola than it is at Horsham, but flour is higher. Now the advantage that the people of that district would have if we were connected with Dimboola would be this: it is admitted by all the farmers that the Horsham millers have been for some time an important element in the market. They stimulate prices. If we are cut off from Dimboola, they will not have that effect upon the market. If our millers have easy access to Dimboola, they would so stimulate the price, that farmers would get a higher price for wheat and get flour cheaper.

3823. Is it your opinion that the Kalkee settlers, who are supposed to be complaining very much of extension from Horsham, would really suffer much less by the extension from Horsham?—Not at all. The farmers upon the south-eastern boundary of the district of Kalkee are within two miles of the Dooen station at the present time.

3824. Two miles?—Within two miles. Those upon the south-western boundary of the parish of Kalkee are within six miles of the Horsham station, and those upon the western boundary, if our line be carried, would be within two or three miles of the Pimpinio station, and the very centre of Kalkee, is now only six miles from the station of Dooen. Only the other day, a farmer, a very strong and virulent advocate of the Jung Jung line, was arguing with me, and I asked him how far, in the event of our line being adopted, he would be from railway communication, “Oh, about four or five miles.” He admitted that.

3825. I suppose you consider that the population of Horsham and all the vested interests of Horsham are entitled to the very serious consideration of the Government in railway legislation?—Certainly; I do not see myself why only farmers should be considered. The interest of the farmers is our interest; we are mutually benefited and mutually dependent, and it is not feasible that we business men of Horsham would do anything to damage seriously the interests of the farmers. Our prosperity is bound up with theirs; we have to work together as well as we can; and I feel quite sure, from the extensive business relationships



they have with us, it is of very great importance to them and the people of Dimboola to have intimate intercourse with us in Horsham. Many Horsham residents are money-lenders, even the private business people. Small capitalists with a thousand or two will not lend money to selectors if they cannot inspect their property easily; they refuse to lend money upon land very distant from railway communication or not easy of access from Horsham. I have known money refused for that simple reason.

E. J. Stephens,  
continued,  
15th Dec. 1880.

3826. Were you present when Mr. Anderson, Mr. George Young, and Mr. Andrews gave their evidence?—Yes.

3827. Do you generally concur in their views as to the very serious effect it would have upon the vested interests of Horsham if the railway is carried from Jung Jung?—I endorse all they said, but I do not think they spoke sufficiently strong upon that point. People are holding their hands and will not effect improvements until they know which line is adopted. That is a proof, I think, of the serious effect it would have upon Horsham.

3828. Since I sat down to put these questions I have a got a telegram from a person interested in your district, and it quite concurs with the idea that I had myself when in another Chamber. It says, "Could not you advocate a line from Murtoa instead of from Jung Jung or Horsham; incomparably the best." That is, if you extend the line from Murtoa northwards and then westward almost in a line to Dimboola, he says that line is incomparably the best?—I am bound to admit that it would be indeed the best, according to the principles that the Department now are advocating, namely, that this being a main trunk line, and an intercolonial line probably, it should be as straight as possible; and then they should not go from Jung Jung, but from a point further west, either Murtoa or some other point, but not from Jung Jung or Horsham.

3829. From your experience of that district, do you think that, if a line was run almost west, and then on to Dimboola, it would serve a greater number of settlers than the Jung Jung line would serve?—True, certainly. No doubt it would. I fear there is an exaggerated idea of the importance of Kalkee. There are only 100 selections in Kalkee; I counted them before I came here.

3830. I wanted your evidence about Murtoa; it is evident that there is a great deal of difference of opinion as to the settlement; I should like to know, from your knowledge of the selections, would not the extension from Murtoa north and west to Dimboola serve a larger number of people than the extension from Jung Jung to Dimboola?—Yes, it would, if it were to go immediately north to Warracknabeal, and then turn direct west and skirt the district.

3831. That would be another dog's leg?—Yes, but that is what you asked me.

3832. Could it not go north-west from Murtoa to Dimboola, and serve the greater number?—I am not competent to express an opinion upon that. When I just now said that it would be a better line than that from Jung Jung or Horsham, it was upon the present proposal of the Department—that is to say, that the intercolonial line should be a straight line; but I have not got sufficient knowledge of the population to say it would serve a greater number.

3833. You generally concur with Mr. Young, Mr. Anderson, and Mr. Andrews?—Yes, decidedly.

3834. *By the Hon. R. D. Reid.*—I understand you to say there would be no objection to carry the line from Murtoa to Dimboola; you think that would be a proper line to carry out?—If you were to carry out the principle of constructing intercolonial lines as straight as possible; but having departed once from that principle to serve Murtoa, we contend that we should be consulted on this matter. You may not know that the line was first surveyed in a straight line, but it was carried round to serve Murtoa, and I suppose Stawell; and having done so, we say that we have a right to be consulted in the present case.

3835. But would not Horsham suffer equally if the line were taken from Murtoa, as if it was taken from Jung Jung to Dimboola?—Certainly not, because it leaves the intervening country; and if it is not severed by the railway route, we should still have it, because as we are a more important market it would naturally come to us.

3836. Is not Murtoa also getting an important market?—It is, but not at all comparable to Horsham.

3837. If a railway went round by Horsham to Dimboola, under any circumstances Dimboola, in its position in the centre of a very large agricultural district, would take a very large trade away from Horsham?—Excuse me, if I correct you there. Dimboola is not in the centre of the district.

3838. Would it not take a large quantity of the trade away?—I do not want a speech, I only want an answer to the question, no matter whether the line goes by Horsham or any other way—would not Dimboola take a large portion of the trade away from Horsham?—True; I will admit that, so soon as Dimboola is connected with a railway, our trade is diminished to a certain extent, but we are only choosing what we consider the lesser evil of the two.

3839. Do you expect to get any trade from Dimboola after the railway goes there?—Certainly we do; and I give the instance of our local millers, who would be present in the Dimboola market; and it is a well known fact, that the more competition the higher the price of wheat, and the farmer would get the benefit. He gets a higher price for wheat and gives less for flour.

3840. But if the farmer was to send the wheat to Melbourne himself, ought we to make that man pay for twelve extra miles for all time?—That is arguing upon a supposition. I say, that if our line is adopted there would be sufficient competition in Dimboola to make it unnecessary for them to send to Melbourne.

3841. You know that whether a person buys in Horsham or Dimboola it is all the same, they will get it as cheap as ever they possibly can from the farmers, and screw them down to the last penny. Do you know the country to the north-east of Dimboola, or to the east of Dimboola?—No, not the east of Dimboola. I know from hearsay that for some miles there is no population worth speaking of.

3842. You are a newspaper editor?—I am proprietor of the *Horsham Times*.

3843. A supporter of the present Government, I presume?—No, I am not.

3844. *By the Hon. W. McCulloch.*—Did I understand you to say that, when the line is made to Dimboola, wheat will not require to come down to Melbourne?—The inducement will be less.

3845. You think it will be used up there principally?—No.

3846. Where will it go to?—Our own millers, who are an important element, will grind a great quantity of wheat into flour, and they will be in the Dimboola market.

3847. Then they cannot get enough near Horsham?—They draw from the whole district all round.

E. J. Stephens,  
continued.  
15th Dec. 1880.

3848. They would get wheat much nearer than Dimboola to make flour for the local consumption?—It is not only for local consumption. We supply you with flour, and Ballarat, and Portland.

3849. Do you not think it is likely that mills would be established at Dimboola?—True, but still we should be there too; our millers would be there if we had easy access.

3850. Then if a line is made from Jung Jung, or Murtoa, which I think is still better, it would be something saved in carriage to Melbourne, because that is where it all comes to in the end, whether it is flour or wheat?—Yes; but as far as wheat is concerned, I contend that our experience proves that a few miles make no difference, provided we have extra competition.

3851. Did I understand you to say that the farmers should not be considered in this matter, only the Horsham people?—No, I never said that, nor would I think of saying such a thing, nor would the Horsham people. I say that our interests are mutual, and it would be suicidal for us to do anything to injure the farmers at all.

3852. The farmers do not seem to appreciate you at all, they take a different view of the question?—The farmers have different reasons for agitating this question. I heard of one Kalkee farmer as a very prominent advocate of the Jung Jung line, because the moment he heard of this projected line he bought a large block of land and cut it up, by a surveyor, into blocks. He thought it would be made a township, and he was sure he would make a great deal of money by it.

3853. Is he one of the deputation to town; is he here?—He is; he has been in the gallery.

3854. Where is this place?—A place called the Twelve Mile in Kalkee.

3855. How does he know there will be a railway station—it is a dangerous speculation for a man to go and make?—Men do dangerous things sometimes. I have speculated there myself.

3856. And you live at Horsham?—Yes; and still I am opposed to the Jung Jung line.

*The witness withdrew.*

Robert William Stoker examined.

R. W. Stoker,  
15th Dec. 1880.

3857. *By the Hon. the Chairman.*—What are you?—Authorised surveyor.

3858. Where do you reside?—At Horsham.

3859. *By the Hon. J. MacBain.*—How long have you resided at Horsham or in the Wimmera district?—About seventeen years.

3860. Have you had a large experience in surveying that country?—Yes, I have surveyed nearly all the selections in the country where the proposed lines would pass over.

3861. Do you mean that you surveyed this for selectors?—For selectors.

3862. So you know the country well?—Yes.

3863. Do you know the feelings of the farmers on those two routes, and the views of the farmers—you came into contact with them frequently?—I come in contact with them, but I cannot profess to know all their opinions.

3864. Do you think that the feeling is universal in Jung Jung, and in Kalkee, and in Wail against the extension from Horsham?—Opinion is divided.

3865. One witness informed the Committee that in Wail it is almost unanimous in favor of the Horsham extension?—I believe that in Wail the people are desirous that the extension should proceed from Horsham.

3866. Do you know how many farmers reside in Kalkee?—I should only have to make a guess at it; but in that parish I should think there would be about perhaps 150.

3867. In the whole parish?—I do not think more than 150.

3868. You mean selectors?—I think so.

3869. You think opinion is divided in Kalkee and Jung Jung?—Yes.

3870. What is your opinion from your large experience in the district of the effect that the extension from Jung Jung to Dimboola would have upon the trade of Horsham?—It would undoubtedly decrease the trade of Horsham.

3871. It would considerably decrease the trade of Horsham?—Very considerably decrease it.

3872. Can you assign any reason for your opinion?—That the people to the north of Dimboola would avail themselves of the shortest route, and would take their produce away to Jung Jung, and that traffic would not go through Horsham; and then in all probability they would not get their supplies from Horsham; they are consumers as well as producers.

3873. Are you aware whether there is any probability of any trade in timber and stone from the country beyond Dimboola?—Yes; at present nearly all the timber required for building at Nhill is brought from Horsham, and the hardwood timber is brought from the Grampians; and I may say that selectors are consumers—large consumers—they lay out more money I believe than they draw from the sale of their grain, so much so that, if they enter upon the land with a certain amount of money, at the end of two or three years they have not so much, because they are compelled to lay out a pound an acre in improvements.

3874. Where do they get stone from?—From the McKenzie River.

3875. To the south of Horsham?—There is limestone to the north of Horsham, but it is not worked, because they get it from Geelong by rail, whereas if the railway extended from Horsham to Dimboola this stone could be worked.

3876. Is not the map, as shown there, incorrect in the plotting?—Yes, the lines upon it are not precisely correct.

3877. Have you got a map there?—This is merely a Government map—[*producing the same*].

3878. But that does not give an accurate plotting, does it?—This small plan I think is more nearly correct than the large one. As the two differ, of course, one must be of necessity incorrect.

3879. Is there any difference in length between the two rival routes?—Upon this small plan, which is the railway map, there would be. It has been assumed I think that the distance from Dimboola to Horsham is equal to the distance from Dimboola to Jung Jung, but according to this map there is a difference of three miles—that is, from Dimboola to Horsham is three miles shorter than from Dimboola to Jung Jung. I have measured on other maps, and I found a difference of two miles, which is about correct.



I have myself measured the telegraph posts from Horsham to Dimboola, and that is twenty-one miles and a half.

R. W. Stoker,  
continued,  
15th Dec. 1880.

3880. Have you any knowledge of the extra expense that would be incurred by the Department in having a line from Dimboola to Jung Jung, and also working the line down to Horsham?—If there is a difference of two miles, they would have to make two additional miles of railway.

3881. That is not the question. Have you any knowledge of the extra cost that would be incurred by working a line from Jung Jung to Dimboola, and also working a line from Jung Jung down to Horsham, as compared with the working of one line extending from Horsham to Dimboola?—I am not prepared to give a statement as to the cost. There would be a difference of cost, because, if it were to go by way of Horsham the line would be continuous, and there would not be required a break in the line—they would not require separate rolling stock.

3882. But in the case of a line from Jung Jung they would require two separate sets of rolling stock, I suppose?—Yes.

3883. *By the Hon. Sir C. Sladen.*—Has Horsham a monopoly of the timber trade—you lay stress upon the fact, that a great deal of timber goes from Horsham to Dimboola—is Horsham the place where the timber must necessarily come to from the forest?—Yes. I do not know of any large timber, such as is required, to the northward. It must of necessity go through Horsham.

3884. It must?—Yes. There is no forest nearer than the Grampians, Wahtook, and that timber is brought to Horsham; and from Horsham is now conveyed by carriers to Dimboola, and thence to Nhill.

3885. Might it not come upon the line between Stawell and Murtoa—is there no forest contiguous to the line between Stawell and Murtoa?—Not nearer than Mount Cole, which is a great distance off.

3886. Is it easier to get it from the Grampian Ranges by drays than it would be to bring it along the line from Mount Cole?—I consider it is.

3887. Much cheaper?—Yes; carriage would be cheaper.

3888. In that case Horsham has a monopoly of the timber trade then?—It has the greater part of the trade; not a complete monopoly, because some timber is brought from Melbourne.

3889. *By the Hon. W. McCulloch.*—How much further would it be to take the timber from the forest to Jung Jung on to Horsham—how many miles?—Between the two forests.

3890. Suppose you start from the forest and go to Jung Jung instead of to Horsham, what would be the difference in distance?—By Jung Jung they could not get the timber from the Grampians at all. They would be going to the eastward; the forest lies to the south of Horsham.

3891. Then they would have to pass through Horsham?—Yes, from Wahtook.

3892. But the timber fit for the purposes of building; there is no timber near Jung Jung at all?—No timber.

3893. It would have to be all loaded up at Horsham, and sent *via* Jung Jung to Dimboola?—Yes, it could possibly be brought to Jung Jung without going to Horsham, but the distance would be much greater.

3894. I want to know that distance, if you can tell me?—I cannot; it would add at any rate eight or nine miles; it would be eleven miles and a half by rail; but by taking advantage of the road I think they could cut off a good deal.

3895. If it be loaded up at Horsham, it would cost say twelve miles extra railway carriage?—Yes.

3896. I suppose the selectors do not use a great quantity of timber—they produce a great deal more wheat than they use timber for building purposes?—They lay out more money than they actually get for their produce for the first three years.

3897. I speak of timber and wheat; they produce more weight of wheat than they require of timber?—That I think is likely.

3898. So that it is still in their favor; they have the advantage of saving in carriage upon a larger quantity of wheat which they send?—Yes, certainly.

*The witness withdrew.*

#### RICHMOND TO ALPHINGTON RAILWAY.

William Elsdon, Esq., further examined.

3899. *By the Hon. the Chairman.*—You are Engineer-in-Chief of the Victorian Railways?—Yes.

3900. *By the Hon. R. D. Reid.*—You know this proposed line of railway?—I do.

3901. Will you just give the Committee your views upon the subject with regard to that line?—The line commences at a point at Coppin street, crossing Swan street, Campbell parade, Simpson's road, and enters the back part of Collingwood towards Northcote, and then on to Alphington.

3902. Do you think this the best line of railway that can be projected?—I think it a very good line. I would not say it was the best line, because it entirely depends upon matters of money; but it is the best one that I can see at the present time for the amount of money put down for it.

3903. There is a line proposed round by the river?—Yes.

3904. What do you think of that line?—I do not agree with it at all.

3905. Do you think that it would be flooded, or what is the reason you do not believe in it?—I certainly would not advise any Minister to adopt it.

3906. What are your objections?—First, because he would not obtain any traffic upon that line; second, because it would be costly, more so, in my opinion, than the one now proposed.

3907. And it would not serve so many people?—It would not serve so many people. You would get little or no traffic.

3908. Is there any possibility of getting under those principal streets?—Yes.

3909. What would be the cost of doing that?—I should think to cross the three main streets would cost about £15,000 extra or thereabouts, namely, Swan street, Campbell parade, and Simpson's road. I could not say to a few thousands.

3910. *By the Hon. J. Lorimer.*—Campbell parade is Bridge road?—Yes, Bridge road.

3911. *By the Hon. R. D. Reid.*—Have you made a calculation of the difference of interest—suppose we had to have three or four gatekeepers at each of those places, would not the cost of that be almost as

W. Elsdon, Esq.,  
15th Dec. 1880.

W. Elsdon, Esq.  
continued.  
15th Dec. 1880.

much as the interest upon the money?—A great deal would depend upon what you paid the gatekeepers. On the old Hobson's Bay line we paid 5s. or 6s. a day; upon the Government lines we pay a shilling a day or a little more, so that the cost may not be so large as is anticipated.

3912. It was stated the other day that a gatekeeper has £100 a year; is there any truth in that?—Only 1s. and 1s. 6d. a day is paid in many instances; some are however paid per day 4s. The platelayers' wives, as a rule, look after the gates in the former instances.

3913. So that those gates are not such a considerable cost after all?—No.

3914. There would not be half as many trains run upon this line as upon the Hobson's Bay line?—Not for many years.

3915. You think it would not be such a great obstruction to traffic?—I think not; of course the number of trains would increase as time goes on. As the years go on passengers increase, and you would have to increase the number of trains from time to time.

3916. You think there would be no very great inconvenience from it?—Not for some years.

3917. Can you give us any more information in regard to that more than I possess?—No, any further than this, that by adopting the line through Richmond the way it is laid out here, in a short time you can encircle the whole of Melbourne by constructing a line from the Brunswick line across by the Royal Park towards Northcote and joining the proposed Richmond and Alphington line.

3918. By this proposed line of yours, it would seem that it would serve a very large number of people?—It would, in my opinion.

3919. Serve Collingwood?—The back of Collingwood, Northcote, and Alphington.

3919a. Northcote?—Northcote.

3920. And Alphington?—And Richmond and Alphington.

3921. And eventually Heidelberg?—And eventually Heidelberg.

3922. *By the Hon. J. Lorimer.*—And you consider this Richmond and Collingwood line to Alphington would be preferable to any of the other routes from time to time suggested?—I think so. The distance is less to Flinders street than to Spencer street. There would be a less distance of line to make to Spencer street by about half a mile than to the Richmond line, but the distance to travel is about three quarters a mile more, or thereabouts.

3923. Do you know Brighton street and Mary street?—

3924. The Hawthorn line goes upon the level of the land there, I think?—Yes.

3925. Then branching off somewhere about Mary or Brighton street, or between, instead of at Crown street, you could go under Swan street?—That was one of the reasons which the quarter mile deviation was put in the Bill, to allow us to go a little right or left in case we feel inclined to cross under.

3926. You have had it in contemplation to go under those streets?—It might be so.

3927. You are aware that the only objection raised by the Richmond municipality is to the three level crossings at Swan street, Bridge road, and Victoria street?—Yes.

3928. There are no engineering difficulties in the way of accomplishing that object?—Only money.

3929. Do you consider it would be advisable to avoid them, if it can be done without great expense?—No doubt it would be a convenience to the Richmond people in after years, and no doubt it would make the best of the two jobs.

3930. You are aware that a bridge is projected, and in fact arranged, to connect Swan street with Hawthorn, over the Yarra?—Yes.

3931. Would the effect of that be to increase the amount of traffic along Swan street?—I do not think the traffic is very great there now.

3932. Do not you think it would be considerably increased?—It would be increased, I think, but I would not say considerably.

3933. You are aware that it is continued right to town through the Richmond Park?—

3934. So it is a main thoroughfare right from the south end of town to Hawthorn?—Yes.

3935. Are you aware that a bridge is projected on the Simpson's road to Kew?—Yes.

3936. Would not that bridge increase considerably the traffic upon the line?—It would increase the traffic upon the line you refer to, but it would decrease the traffic upon the main line to Hawthorn. It would be divided over the whole three roads.

3937. You consider, however, that upon the whole the traffic will considerably increase within the next twenty years?—I hope so.

3938. In view of that probability, do you think that the extra cost to go under those three thoroughfares would not be worth spending?—For the matter of £15,000 it ought not to stand greatly in the way.

3939. You think it would be probably the best way to avoid the level crossing?—I think it might be well for a matter of £15,000 to do away with all the opposition on behalf of the council, and not to obstruct the traffic more than we can possibly help. I do not think there would be any great objection to it.

3940. *By the Hon. P. Russell.*—I suppose this is a very expensive line running through the streets?—Yes, pretty fair.

3941. Are you aware of a gentleman in this house, who says he is quite opposed to it, who lives in one of the suburbs?—I am not aware of it.

3942. I understood you to say that the traffic would not be very great at the present time?—I said it would enlarge itself in perhaps three or four years.

3943. It would pay in the course of three or four years?—I think so, perhaps less.

3944. There is no immediate necessity for the line at the present day?—I do not say that.

3945. I ask you that?—I think it would be better, because a line must go through there sometime, and it would be more difficult and expensive to put a line there in four or five years than it is now.

3946. Could not the money be more advantageously spent somewhere else than in the suburbs of Melbourne, where they are opposed to it?—I do not know. I think if it is put off for four or five years, instead of costing £15,000 extra, it might cost £30,000 or £40,000 extra.

3947. *By the Hon. J. Graham.*—Have you ever surveyed a line from Hawthorn to Kew?—Yes, several years ago.

3948. And beyond Kew?—Yes.

3949. Would not a line from Hawthorn, through Kew to Alphington, be a very much cheaper line, and serve a large population?—I do not think it; because the hill at Kew is a very severe one. I think I

had a gradient of 1 in 50 coming through the hill at Kew proper, and then proceeding towards Alphington. The hill is very steep upon the northern side, and the population is scattered, I may say. Then there is no intermediate traffic except Kew.

W. Elsdon, Esq.,  
continued,  
15th Dec. 1880.

3950. You would carry this line to serve a part of Richmond and Collingwood?—Yes; Richmond and Collingwood.

3951. Is not Richmond already well served?—Not that portion, except by omnibusses.

3952. I asked yesterday whether it would not be possible to carry a line up Hoddle street, and serve Collingwood that way, and save those level crossings, which are so much objected to?—It would be very expensive.

3953. Why?—Because you would have to bridge Punt road; and there is very valuable property through there, which you would have to purchase.

3954. There is a great deal of Government land there that is not costly—you would not have to purchase that property; and that will carry it up Hoddle street, and strike Wellington parade?—Yes; immediately you leave the Police barracks you get into purchased land.

3955. Not very expensive land in that direction?—I am afraid so. Mr. Highett's paddock and house—it is a very expensive property.

3956. It seems such a very roundabout way to come from Alphington to Princes Bridge—it seems a very zig-zag way to have to come?—It does somewhat.

3957. *By the Hon. J. A. Wallace.*—Do you think there would be much traffic from Richmond and Collingwood if the line is made?—I think from the main road in Richmond there should be good traffic, because the difference of distance between railway and cabs' route is a mere nothing; you may say the distance is, to all intents and purposes, the same.

3958. Do not you think that part of the country could be as well served by a tramway?—A tramway ought to do very well on that portion.

3959. In some countries they use steam tramways now, and if you leave private enterprise to go to Alphington in place of this expensive line, would it not be possible to have a steam tramway?—A tramway to Alphington would not succeed.

3960. Along Bridge road?—Along Bridge road it might possibly succeed; to Alphington, I am afraid not; the distance is too great.

3961. As far as Richmond and Collingwood it might?—It might succeed as far as Richmond: I have more doubt about Collingwood than I have about Richmond.

3962. What doubt have you about Collingwood?—I think it would only pay a certain distance; I speak with a little confidence. Tramways were proposed 16 or 17 years ago; I myself was connected with it, and we only intended to ply a certain distance from the Post-office, not expecting it to pay beyond that distance.

3963. There is no purchased land, the streets are already ready for laying down the lines, and there is no danger of any injury being done to people passing over. At present there appears to be a very great objection to railways crossing the roads; and of course there are lines running in Glasgow and all over, and they find them not only useful to the people, but they are a paying property to people without the Government investing their money at all?—They are very useful, I admit, but I do not think it is applicable to Alphington; to Richmond I think it is.

3964. *By the Hon. J. Balfour.*—You think that a tramway might suit the suburbs of a town, but not the country?—I do not think it is at all applicable to the country.

3965. Are you aware that a bond was lodged by the property-holders of Heidelberg with the Railway Department some time ago, guaranteeing six per cent. interest upon a line made to Heidelberg?—I have not seen the bond, but I have heard of it.

3966. Then you think a large number of level crossings in a populous suburb like Richmond and Collingwood are so far objectionable?—Not the slightest doubt they are objectionable; I cannot but admit that.

3967. And, of course, will become more objectionable as the population and traffic increase?—It is simply a matter of money.

3968. Then you think the chief objection to a level crossing will be got over by going under those three main roads?—Yes, undoubtedly.

3969. And that could be done for £15,000, or thereabouts?—There or thereabouts; I would not confine myself to a thousand.

3970. Suppose this route as laid down by you is the most practicable for the money, and one you recommend for the money, suppose we could not adopt it, if it were objected to, what would be the next most practicable one for the money?—The next one would be from Spencer street.

3971. The new proposal to Coburg?—Go as far up as say the Royal Park and then run a line towards Northcote.

3972. That is your second best?—Yes.

3973. What about the cost of that?—About the same; the mileage would be greater to travel.

3974. I understand you to say that, though it would be but a little less construction just now, because you take that part of the Coburg road, yet there would be an everlasting mileage additional to travel to Heidelberg?—Yes, to travel.

3975. The present laid out line through Richmond and Collingwood is supposed to satisfy Northcote also?—Yes.

3976. You would have no objection, would you, to a deviation of another quarter of a mile to Northcote, so as to bring it a little nearer to Northcote than the red line?—Provided the deviation does not come further into Richmond than Reilly street.

3977. So as to come to Northcote?—So long as the Richmond end was not altered.

3978. *By the Hon. J. Lorimer.*—Would the deviation at Richmond of a quarter of a mile be sufficient to enable you to get under Swan street?—I think so.

3979. Are you sure of that?—I would not be certain, but I am all but positive. When I say go underneath a road I, of course, expect that the Richmond council will allow me to raise the road three or four feet, and not tie me to an inch.

3980. Has the property been valued along that line?—Yes, we have a rough valuation.

3981. Has it been compared with the previously surveyed blue line valuation?—Yes.
3982. Which is the cheaper?—The present.
3983. If you add an additional cost for going under the streets of £15,000—which would be the cheaper then?—I am speaking of the £15,000 beyond the original estimate given.
3984. Would that still make the present line cheaper than the blue line?—I think about the same, but it is much more advantageous for the public.
3985. Provided this House makes a proviso in the schedule to prevent the construction of level crossings across those three streets—Swan street, Bridge road, and Victoria street—would it seriously embarrass your operations as an engineer?—No.
3986. It would not?—No.
3987. From an engineer's point of view, it would not seriously embarrass you if we put that in the schedule?—No, it would not; provided, as I say, that the Richmond council did not bind me down, but gave me liberty to raise the streets three or four feet.
3988. There would be no objection to that?—[*No answer.*]
3989. *By the Hon. J. A. Wallace.*—You say you have made a rough calculation of the lines?—Yes.
3990. How rough was your calculation and how did you arrive at it?—It is within the estimate of the other line.
3991. You have gone through some process in your own mind of the value of the property; you must have come to some conclusion to go by?—I think it will come out £10,000 or £15,000 less than the other line. The reason I hesitate to give an answer as direct as you may wish is this, that by exposing the valuations it would be rather unfair, as it would let the people now in possession of those properties know the valuations; that is why I hesitate to answer.
3992. *By the Hon. J. Balfour.*—You said about £10,000 cheaper than the blue line?—The blue line.
3993. Have you any idea of the cost of the line by Hawthorn and Kew?—When I answered Mr. Graham, I answered, I may say, as an officer of the old Hobson's Bay Railway Company. I made a survey of it some twelve years ago.
3994. And you think that more costly?—The gradients are very steep to Kew; in fact, to get a gradient of 1 in 50, I think I had to cut at the hotel at the junction some seventeen feet down; to get further than that I had to tunnel right through Kew hill. There is another line, namely, towards the Catholic school, and even there I think I would have to tunnel through with an equally severe gradient. There was no chance of getting up through Kew without tunnelling through the hill.
3995. And the cost of tunnelling gives you one of your reasons at any rate in favor of the Richmond line as against Kew?—Yes; I have no doubt in my own mind that a line will be made to Kew.
3996. Surely Kew is more important to reach with a railway than Richmond?—Yes, but I think a railway to Kew will stop there; it is very questionable whether it will proceed further.
3997. *By the Hon. W. McCulloch.*—You know the line across from Brunswick to Apsley?—Yes.
3998. That would be a cheap line to make, would it not?—Fairly cheap.
3999. Cheaper than any of the others?—I think there is a slight difference in favor of that line. I have gone over it I may tell you.
4000. The land to purchase there would be very much cheaper I fancy?—The route is pricked off upon the map. When passing over the line we went through a great deal of property.
4001. But it is more suburban and country lands than town?—A large number of buildings have been put up, and the land has been very rapidly sold. We went close to the park; I forget its name just now, the Edinburgh Gardens I think it was. The property all round there appeared to me to be pretty expensive.
4002. Would not a line through there accommodate Northcote much better than the one projected?—Not Northcote proper. It might accommodate North Fitzroy, but not Northcote.
4003. Would it be possible to carry it to the north of Northcote?—The station of the proposed line would lie between the large hotel on the triangular piece of ground and the Northcote bridge. The line *viâ* Brunswick would come to the same point. It would not accommodate Northcote proper any more than the Northcote line proposed; but it would undoubtedly accommodate the North Fitzroy people more.
4004. And Northcote proper would be quite as well served?—Yes, quite as well, with this difference, that you would require to travel about half a mile further by the line to Spencer street, and that is not so central as the Flinders-street station.
4005. You would be better able to form an estimate of the cost of land than in going through the streets of Collingwood and Richmond?—The buildings in Richmond are generally of a very poor description where the line passes through; there are exceptions and a large quantity of the land has no buildings on it at all.
4006. The land would be very much more valuable there than at Northcote?—It is questionable.
4007. In your opinion what would be the difference in the cost of construction?—I could not tell from memory just at present.
4008. You suppose it would be less?—I admit a little less. We do not go through any what I call valuable property in Richmond. They are all small houses, workmen's houses, very small ones.
4009. Then North Fitzroy would be better accommodated by the line to Brunswick?—Undoubtedly, but not Northcote.
4010. But just as well?—Just as well.
4011. Would it be possible to carry the line north of that over the other side of Northcote Hill—then you would take in all Northcote?—I had a look at it. I am afraid it would become expensive; you require to get to the other side of the hill.
4012. *By the Hon. J. Buchanan.*—Did I understand you to say that, on the principle of the surveyed line, you could cross those three principal streets by a tunnel, or by an under crossing?—By putting a bridge over the line; going underneath the street.
4013. Is that high enough to keep above flood mark?—I would be able to keep above flood mark by taking the liberty of raising each of the streets about four feet.
4014. That is upon the surveyed line?—On the surveyed line.
4015. And by moving a little further up, could you evade that altogether—could you get sufficient depth to get under the street?—By fixing the tangent point closer to Richmond I should undoubtedly get

more than the ground marked out there now, but it would be still a question whether I should not require to tunnel under the portion I refer to, and that is rather expensive work.

4016. Is it bluestone?—It is a sort of schist stone in the hill, and bluestone in the flat; but the difference of making the line upon the flat and tunnelling through the schist stone is great.

4017. You think £15,000 would cover it?—I think about £15,000 to get underneath.

4018. What is the cost of the whole line?—It gives an average of £9625 a mile.

4019. It is not a great sum to come into the city, I think?—That is the average.

4020. *By the Hon. W. Campbell.*—In running the railway under this main thoroughfare you have it upon a low level, right along from point to point?—We require, on leaving the Hawthorn line, to go down with an incline to get under the first street, Swan street, and then proceed upon the level till you cross the main Richmond road, and continue it till you cross the Simpson's road.

4021. You keep upon the low level, and keep underneath all the other ones?—Yes.

4022. Then you have a sort of underground railway?—I should be about fourteen feet down, not more.

4023. Fourteen feet below the level of the streets?—Yes.

4024. How would the railway affect the value of the buildings and property along the line?—I think it would be beneficial, because it would be a convenience for the people to pass from Collingwood to Richmond, or from Richmond to Northcote, or Northcote to Sandridge or Brighton, where communication does not now exist. There are no cars or omnibusses plying between those places; and though it seems at first sight a little out of the way, I think communication would be established, and traffic would spring up between the intermediate stations; and not only there, but people from Northcote and Alphington would come down to Sandridge and Brighton instead of by the ordinary cars, or not at all.

4025. But how would it affect the value of property within a certain distance on both sides of the line—I do not mean the houses actually pulled down, but houses abutting upon the line, or near it—how would it affect their value?—I do not think it would decrease it. I might say, that many of the people at the Hawthorn station proper rather like the idea of living close on to the line. I do not think it would decrease its value.

4026. Have you made a particular estimate of the cost of a tunnel through that hill at Kew, starting from the Hawthorn railway station and going almost in a direct line to Apsley?—I could not tell you at the present moment. I did make it while I was with the Hobson's Bay; but I do remember this, that the cost of making a line to Kew, and not going through Kew, was £20,000, or £21,000, for the distance.

4027. But you never extended your calculation to go through that hill to Apsley?—I did.

4028. It appears that the distance from the railway station at Hawthorn to Apsley is very short?—The distance is shorter undoubtedly. The difference of distance, I think, is about a mile and a half or two miles, as near as I can guess.

4029. Shorter?—Shorter.

4030. That is about a third shorter?—About that, as near as I could guess.

4031. What would be the cost of a bridge over the Yarra, near Apsley, to carry a single line of rails?—I would be rather disinclined to put the price of it, for one or two reasons. One of them is this,—that I do not know what the distance is across the Yarra, and I do not know what the foundations are. The foundations may be very bad, and that would increase the cost, and the approaches likewise. I should not like to give an off-handed answer.

4032. *By the Hon. Sir S. Wilson.*—I should like to ask one or two questions about the route between Hawthorn and Heidelberg, not crossing the Yarra at all, but keeping almost in a direct line to Heidelberg, and stopping almost opposite Heidelberg—would there be any difficulties about that route?—I surveyed it, I had a flying survey from Hawthorn, from the end of the present Hawthorn line through Mr. Lynch's paddock, crossing Cotham road, passing the Boroondara cemetery on towards Heidelberg, leaving Heidelberg and going towards Lilydale.

4033. But I think that the line that is proposed to Alphington is not so much to get to Alphington as to get to Heidelberg; there is no population at Alphington?—The population at Alphington is not great.

4034. It is simply a way to get to Heidelberg and up the Yarra?—Yes.

4035. Would it not be a more inexpensive way to get to Heidelberg, to start from Hawthorn and keep round the corner of the river that projects, and stop nearly opposite Heidelberg?—That is the line I have been speaking of.

4036. I understood that went to Lilydale. I do not wish to go on to Lilydale?—I projected that ten or twelve years ago, but, independent of that, I would not advise that line instead of the present one through Richmond, for the reason that you would only get a very small portion of the Kew people.

4037. It would serve Kew?—The higher part of Kew.

4038. And it would serve Templestowe, would it not?—Yes.

4039. That is a pretty large village, is it not?—Fair, but the Melbourne side of Kew would undoubtedly be shut out from any communication if it is made that way.

4040. It would not serve Cellingwood?—No.

4041. Another line strikes me as better and less circuitous, starting below Jolimont and going through Richmond Park, above the cricket-ground, coming out at Wellington parade, round the corner going on the road to Richmond, and then going to join your line at the bend of the Yarra. It would be less than half the distance through streets and houses, you would have much fewer crossings to make, and altogether, I think, it should not be much more expensive than the line you propose. What do you think of that line?—Even then I would not advise that; there would be few crossings; but I do not dislike crossings, because where there are crossings there are people.

4042. It is less expense?—Yes, but it is a matter of revenue as well.

4043. And there are fewer lands to be taken?—Yes.

4044. The first part of that is Crown lands, Wellington parade and the Richmond road?—That has been already objected to, to interfere with the Wellington parade there.

4045. It is only at the corner of it?—Yes, but that has been objected to also.

4046. There is always some one to object to every line, is there not?—Undoubtedly.

4047. Then would that be a less costly line to the corner opposite Studley Park, than the line you propose?—I do not think it would; I hesitate to give an off-hand opinion.

4048. You would not consider it more costly?—I question if it would be more costly.

W. Elsdon, Esq.,  
continued,  
15th Dec. 1880.

4049. You admit that it shortens the distance more than half between the two points from opposite Jolimont to the Studley Park corner of the river—would not it be less than half by the line I propose than it would be by the line you propose going round by Hawthorn?—I do not advise a short line in all cases. I may say, for the simple reason, that sometimes it happens that the further you traverse the larger population you go through, as in Collingwood.

4050. Do you think we should take the Collingwood people away round to Richmond rather than direct to town, where they want to come?—I think they would take that line. There is a large quantity of ground unsettled upon near the river which, if a railway was made, would be settled upon. Some of the inhabitants have the means to come to town by omnibusses, and some have not. The distance is undoubtedly longer than the omnibus route, but not much, and taking into consideration that the railway would travel two and a half or three times as quick as the omnibus, I do not see why they should not get into town quicker. I do not think there would be any complaint.

4051. It seems to me that you go round about to get a great many crossings, which you avoid by the other route, which is shorter, and which has very few crossings—the bridge under the road at Richmond you avoid, and the others are less important roads; and some of them you could avoid in the same way by a cutting?—It is possible. I may say, that some of the crossings noted upon the plan now may be avoided, if I could throw the tangent point back towards Richmond station, and so avoid some of the crossings complained of by the Richmond council.

4052. On the whole, you think this line would not be more costly than the other?—I think not, giving an opinion a little off-handed.

4053. Is that as regards construction only, or as regards construction and cost of land?—I hesitate to give an opinion upon an important question like that, because not knowing that the question would be asked me; I am cautious. I should not like to give an opinion that I might be sorry for afterwards.

4054. Do you think the gradients to Wellington parade would be difficult?—There is a good high hill.

4055. But there would be a cutting at the top to cross the road?—You would have to go underneath the level of that road.

4056. You think the other line, on the whole, has advantages over that?—I think so, because the shortest route is not always the best one.

4057. But the shortest and least expensive route should be the best one?—Not always; I do not know that it is, because you must follow population up, and that you must expect to find a little expensive.

4058. Would not the population be served by this line and by the Richmond line equally as well as by the line you propose?—I very much question it, because you have the advantages of the extra trains passing the Richmond junction, which perhaps might be objected to by the Richmond people, but still the Richmond people would have the advantage of trains going on that particular line, and going into Melbourne, which would not be the case with the line you refer to.

4059. But all the trains must pass that line?—Not to Richmond proper; I am speaking of Richmond proper and the junction.

4060. *By the Hon. J. Graham.*—Is this line your own selection?—I cannot say that it is; but I may say this, that I did survey a similar line during the time I was at the Hobson's Bay Railway.

4061. If you had simply got instructions to take a line from Melbourne to Heidelberg, and to serve a certain population, is this the one you would have chosen?—I may tell you that the line that was placed upon the plan, when I took office, was the one close to the river, and I took exception to it.

4062. You prefer this to the blue line?—I do; I take exception to the blue line.

*The witness withdrew.*

*Progress was reported.*

## APPENDICES.

## APPENDIX A.

SIR,

Kyneton, 16th December, 1880.

In accordance with the request conveyed to me by Mr. Zeal, that I would report to you, for the information of the Eaglehawk and Kerang Railway League, upon the alternative routes proposed for a railway to connect Kerang with the existing lines, I have the honor to inform you that, when I was connected with the Railway Department as resident engineer of the main line and its branches, it became my duty to undertake the survey, design, and construction of the Inglewood line, and, as it was then assumed by the Engineer-in-Chief and his branch of the Department that any extension of railways towards Swan Hill would be connected with that line, the matter was kept in view in the selection of the route between Sandhurst and Inglewood. The most suitable point of departure from the Inglewood railway is at a place at about four and a-half miles from Sandhurst, and about one mile north of Eaglehawk station, thence by the valley of Myers's Creek to a point about three-quarters of a mile west of the borough of Raywood. The levels show that a surface line can be constructed by this route to Mitiamo with gradients, for the first two miles from the Eaglehawk junction, not steeper than 1 in 100, for the next three miles with gradients not steeper than 1 in 200, and from thence to Mitiamo the line would be practically a level one.

Having carefully examined both routes (by Elmore and Eaglehawk) to Mitiamo, I am satisfied that, as regards earthworks and gradients, there is no appreciable difference between them, one route being as favorable as the other in these respects. The line from Eaglehawk would, in my opinion, be constructed at a less cost per mile, as ballast is more readily procurable, and the railway would follow the watershed of the country; whereas the line from Elmore intersects the watershed, and crosses some important watercourses, for which provision must be made.

If the proposed railway is brought to Elmore, the locomotives must run through to Sandhurst, as those conveying the Echuca traffic to Elmore are not sufficient to take it to Sandhurst. Owing to the gradients at Huntly and Epsom, the section of the Echuca line south of Goornong requires twenty-five (25) per cent. more haulage power than that portion of the line between Goornong and Echuca.

According to the *data* furnished to me by Mr. Zeal, the extra distance by Elmore beyond that by Eaglehawk is eighteen miles. This would add an hour to the through journey between Kerang and Sandhurst. Assuming the minimum traffic to require two trains each way per day, the extra daily train mileage, owing to the greater length of the route, would be seventy-two (72) miles.

According to the last annual report of the Railway Department, the cost per train mile is 3s. 8d. 40. At this rate the train service would cost £4169 per annum more than it would be by the Eaglehawk route. This represents a capital of upwards of £104,000.

Against this, however, should be set the cost of the construction of five (5) miles of railway if the line is brought to Eaglehawk, that being the extra length of new line to be constructed according to the *data* supplied to me. This would not cost more than £5000 a mile, including equipment, or say £25,000, leaving a balance in favor of the Eaglehawk route of upwards of £79,000, and this balance would increase in proportion to an increase of traffic on the Kerang line.

If the Eaglehawk route is adopted, I am of opinion that the suggested alteration of the gradients on the Sandhurst and Inglewood line would be quite unnecessary, as the maximum load for an engine on that railway is the same as on the main line, the North-Eastern line, and several of the light lines, including the Ballarat and Maryborough, the Castlemaine and St. Arnaud, the Geelong and Colac, and the Ararat and Stawell lines; and, if this latter line is of sufficient haulage capacity for the traffic from Horsham and the districts beyond, the line between Sandhurst and Eaglehawk will certainly be sufficient for any traffic that can be expected from the Kerang railway.

It seems to have escaped the notice of those who suggest an alteration of the gradients of the line between Sandhurst and Eaglehawk, merely because they are steeper than 1 in 50, that the effect of a gradient on the haulage capacity of a railway depends as much upon its length and its relation to the adjoining gradients as upon its rate of rise or fall. The cost of alteration of these gradients, which were well considered when the line was designed, would be out of proportion to the advantage to be gained by the alteration.

If, however, the Kerang line is to be brought to Eaglehawk, and it should be determined to put the railway between that place and Sandhurst on an equality as regards capacity for traffic with the railway between Sandhurst and Goornong, it may be done by an expenditure of twelve hundred pounds (£1200). I repeat, however, that it would be quite unnecessary to do so, for any traffic which may reasonably be expected from Kerang.

I have the honor to be,

Sir,

Your obedient servant,

W. H. GREENE.

The Secretary of the Eaglehawk and Kerang Railway League.

## APPENDIX B.

Melbourne, 17 December, 1880.

To the Secretary of the Eaglehawk and Kerang Railway League.

SIR,

Since giving my evidence before the Legislative Council, I have at your request re-examined the railway between Sandhurst and Eaglehawk.

Also the country *via* Myers's Flat and Raywood to Mitiamo, and from Mitiamo to Elmore.

These surveys were made by me in conjunction with Messrs. Greene and Minto.

As regards the Sandhurst and Eaglehawk line I see no reason to vary from my previously expressed opinion, *viz.*, that the few *short* steep inclines can be altered at a cost not exceeding £1500, after which this railway can be worked as cheaply and efficiently as the Huntley and Sandhurst line.

I believe, however, without this alteration the line will carry all the traffic of the district on terms which will compare favorably with the charges on the line between Huntley and Sandhurst.

In my judgment, it would be an absolute waste of money to expend any sum beyond £1500 in altering the gradients, and I consider Mr. Martin's proposal to reduce them to 1 in 70 to be quite unnecessary.

As gross misrepresentations have been made respecting the intricate nature of the country between Eaglehawk and Raywood, I took the levels of the country with the following result:—From Eaglehawk to Widdekar (2 miles) the fall is 1 in 100; thence to the Baden Hotel (3½ miles) the decline is 1 in 200; thence to Shingle's Hotel (1½ miles) the grade is 1 in 924; thence to Sebastian (2½ miles) the country is practically level; thence to Raywood the heaviest fall need not exceed 1 in 180. From Raywood to Mitiamo the country is as level as a bowling green.

No earthworks of any magnitude are necessary; in short, the soil from the side ditches will nearly make up the formation.



Abundance of good ballast and suitable timber are readily procurable.

From Widdekar to Mitiamo the soil is good, and very extensive settlement has taken place.

At Sebastian and Raywood large numbers of miners are profitably engaged working in quartz claims.

There are no large watercourses between Eaglehawk and Mitiamo.

From Mitiamo to Elmore the country is level and the soil good, but it appeared to me that settlement had not advanced to anything like the extent as between Eaglehawk and Raywood.

I noticed where large sheets of water had covered the country near Elmore, and extensive watercourses have drained therefrom. This would necessitate the construction of a number of large culverts, as well as for the crossings of Picaninny Creek and Mount Hope Creek.

To guard against the effects of floods north of Elmore, the formations of the railway must be raised considerably above the surface.

There appears to be a marked scarcity of ballast on this route, and as the railway at Elmore had to be ballasted from Sandhurst, the cost of providing ballast from Elmore and Mitiamo will be very great.

For the foregoing reasons, I am of opinion that the cost of the line *viâ* Elmore would exceed that *viâ* Eaglehawk.

The railway engineers likewise admitted that the excess length of the Elmore line above that *viâ* Eaglehawk is 18 miles. Assuming this to be so, the extra annual cost of working the Elmore line, on the basis of the departmental report, will be £4177 10s., which sum capitalised at 4 per cent., represents an amount of £104,438, as the excess cost of the Elmore railway above that of the Eaglehawk line.

Besides this, every passenger travelling to Sandhurst will suffer a delay of one hour in making the journey over these 18 miles; and each bag of wheat, bale of wool, and truck of produce, as well as all the cattle and sheep owned by settlers north of Mitiamo, will have to pay for an excess carriage of 18 miles, if the Elmore route is adopted.

These facts should, in my opinion—apart from other considerations—determine the Government to adopt the Eaglehawk line.

I am,

Sir,  
Your obedient servant,

W. A. NEAL.

## APPENDIX C.

Kangaroo Flat, 16th December, 1880.

To the Secretary of the Eaglehawk and Kerang Railway League.

SIR,

Having, in compliance with instructions, made a re-examination of the country between Eaglehawk and Raywood, in connection with the proposed railway to Kerang, I am further fortified in the opinion I have previously expressed, that an excellent route can be obtained along the eastern side of the Myers's Creek valley as far as Sebastian, thence on to Raywood, the cost of construction of which per mile, with easy gradients, will not, I am satisfied, exceed the amount set down in the Railway Bill.

The line in question, commencing at a point on the Inglewood line about  $4\frac{1}{2}$  miles from Sandhurst, near No. 10 Gate, and extending north-westerly for a distance of about 14 miles to a point near the township of Raywood, passes for the greater portion of the distance through agricultural land of fair quality, consisting exclusively of small holdings, mostly under cultivation, and presenting, from a construction point of view, no features of any difficulty whatever.

The general fall of the country for the first two miles from the point of commencement is about 1 in 100, the remainder of the distance of different sections varying from 1 in 180 to 1 in 900, with no intervening obstacles deserving of the name. It will therefore be seen that the alleged difficulties and cost of construction of the section of line under review have been grossly over-estimated by the opponents of the scheme. I therefore repeat what I have before stated (also having in mind the unusual facilities with which ballast can be obtained), that the portion of the proposed line extending from Eaglehawk to Raywood can be constructed with gradients not exceeding 1 in 100, for about £3700 per mile.

With regard to the population, a glance at the parish plans of Nerrin and Yarraberb will convey a better idea of the extent of settlement and the number of holdings than anything that can be written thereon; in addition to which it must be remembered that this line passes close to the mining townships of Sebastian and Raywood, where a large number of men are employed.

I have also made an examination of the country between Raywood and Mitiamo, and between the latter place and Elmore; and, as far as my observation has gone, neither in extent of settlement or in facilities of construction (the cost of ballast, together with the swampy nature of the country, being taken into account) does the Elmore route present as favorable features as the direct route *viâ* Raywood to Kerang.

With respect to the gradients on the Inglewood line between Sandhurst and Eaglehawk, my views on the subject have already been given in evidence before the Legislative Council, and need not be repeated here, further than to state that the estimated amount of £1500 for the reduction of the gradients in question to 1 in 52, is more than ample for the purpose.

I have the honor to be,

Sir,  
Your obedient servant,

GEORGE MINTO,  
Engineer, Shire of Marong.



1880.

[SECOND SESSION.]

—  
VICTORIA.

---

R E P O R T

OF THE

SELECT COMMITTEE OF THE LEGISLATIVE COUNCIL

ON

PARLIAMENTARY USAGE

IN MATTERS RELATING TO THE

POSITION AND EMOLUMENTS OF OFFICERS OF THE HOUSE,

TOGETHER WITH

THE PROCEEDINGS OF THE COMMITTEE AND APPENDIX.

---

ORDERED BY THE COUNCIL TO BE PRINTED, 21<sup>ST</sup> DECEMBER, 1880.

---

By Authority:

JOHN FERRES, GOVERNMENT PRINTER, MELBOURNE.

EXTRACTED FROM THE MINUTES.

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TUESDAY, 26TH OCTOBER, 1880.

LETTERS FROM OFFICE OF CHIEF SECRETARY—RETRENCHMENT.—The President laid upon the Table certain letters received from the office of the Honorable the Chief Secretary on the subject of retrenchment.

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WEDNESDAY, 27TH OCTOBER, 1880.

LETTERS FROM OFFICE OF CHIEF SECRETARY—RETRENCHMENT.—The Honorable Sir C. Sladen, in accordance with *amended* notice, moved, That a Select Committee, to consist of seven Members, be appointed to inquire into and report upon Parliamentary usage in matters relating to the position and emoluments of officers of the House, and that the letters laid upon the Table by the Honorable the President be referred to such Committee.

Question—put and passed.

The Honorable Sir C. Sladen, in accordance with *contingent amended* notice, moved, That the Honorables W. Campbell, H. Cuthbert, W. E. Hearn, J. Lorimer, R. D. Reid, R. Simson, and the Mover be members of such Committee, with power to call for persons and papers, and to sit when the House is not sitting.

Question—put and passed.

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TUESDAY, 21ST DECEMBER, 1880.

PARLIAMENTARY USAGE.—POSITION AND EMOLUMENTS OF OFFICERS OF THE HOUSE.—The Honorable Sir C. Sladen brought up the Report of the Select Committee, appointed on the 27th October, “to enquire into and report upon Parliamentary usage in matters relating to the position and emoluments of Officers of the House,” and moved, That the Report be printed, and taken into consideration on Thursday next.

Question—put and passed.

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## REPORT.

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THE Committee appointed to inquire into and report upon Parliamentary Usage in matters relating to the position and emoluments of Officers of your Honorable House have the honor to make the following Report :—

### I.

1. We have considered the law and the practice of Parliament, both in England and in this country, regarding the matters upon which we have been directed to inquire, and we have carefully examined the letters which your Honorable House has been pleased to refer to us. These letters are set forth in the Appendix hereto, and relate partly to the President and Chairman of Committees of your Honorable House and partly to its permanent officers.

2. In England the salary of the Speaker of the House of Commons is fixed by Act of Parliament. When, in 1834, it was desired to reduce that salary, the reduction was necessarily effected by the like authority. But such reduction was only prospective, and related not to the then holder of the office, but to future Speakers. So careful was the Imperial Parliament, not merely of actual interests but even of mere expectations, that the Act which reduced the salary of the office "after the next election of a Speaker" contained a proviso, excepting from its operation the then Speaker in the event of his re-election by any future Parliament.

<sup>4 & 5 Wm.</sup>  
<sup>IV., c. 70.</sup>

In the case of the permanent officers of the House of Commons, the same Act in reducing their salaries and abolishing certain sinecures was equally careful to protect existing interests.

3. In this country provision has been made for the necessary expenses of your Honorable House by the appropriation in Her Majesty's Civil List of the sum of £5000 for the "Clerk and Expenses of the Legislative Council." These words have been held not to apply to any officers of higher rank than the Clerk. Consequently there is no permanent pecuniary provision for the offices of the President or the Chairman of Committees. The salaries of these officers have always been granted in the Annual Appropriation Acts, and thus have been practically out of the control of your Honorable House.

The usage of the Imperial Parliament is to provide for its higher class of officers by special legislation. It is an anomaly in this Colony that the President and Chairman of Committees of your Honorable House (not to mention the Speaker of the Legislative Assembly) are dependent for their official incomes upon an Annual Appropriation.

The salary of the President, which was originally £1200 a year, was reduced in 1861 to £1000, and a further reduction is now intimated.

The inconvenience of this precarious position of the chief officers of your Honorable House is so apparent, that it is difficult to account for a state of things so incompatible with its dignity and independence otherwise than by attributing it to inadvertence.

4. In view of the occurrences which have led to the appointment of this Committee, we have the honor to recommend that an Address be now presented to the Governor for the purpose of obtaining a speedy and final settlement of the question.

5. Both in relation to the salary of the President and to the salary of the Clerk and other officers, it is necessary, in view of such an Address, to invite the attention of your Honorable House to that provision in the Civil List to which we have already referred.

Out of the Consolidated Revenue the Constitution Act reserved a special appropriation of the sum of £112,750 to Her Majesty. This sum is called the Civil List ; it was granted in consideration of Her Majesty's surrender to the colony of all her territorial, casual, and other revenues, and it is appropriated to the various purposes mentioned in Schedule D to the Constitution Act.

This special appropriation is thus entirely withdrawn, except so far as is hereinafter mentioned, from the control of the Colonial Legislature. It is payable by the Treasurer without any discretion on his part upon the Warrant of the Governor, and is subject to be accounted for by the Treasurer to the Lords of Her Majesty's Treasury. The only control which the Colonial Parliament can exercise in relation to it is (first), That the Schedule or any part of it may be repealed by an Act of Parliament passed by absolute majorities in each House and reserved for Her Majesty's assent ; and (second), That details of the expenditure for each year are laid in the following year before Parliament. Further, under Section 48 of the Constitution Act the Governor has power to abolish offices mentioned in Parts III and IV of Schedule D thereto, "or to apply the sums thereby appropriated to such other purposes connected " with the administration of the Government of Victoria as to Her Majesty, her heirs, " and successors shall seem fit."

6. The whole amount of £5000, appropriated in the 4th Part of Schedule D to the Clerk and Expenses of the Legislative Council, has, up to the present time, never been expended ; it is probable indeed that as the members of your Honorable House increase and its business is augmented, this sum will not be too much for its requirements. But at the present time, as the result of the savings of many years, there remains from this fund, unexpended and unappropriated, a sum of upwards of £25,000. This sum belongs to Her Majesty, and may reasonably be regarded as, with Her Majesty's gracious permission, a natural source of supply for the wants of your Honorable House.

It would seem that the 48th section above quoted was made to meet cases such as that now under consideration. But as it is not desirable to have recourse to Prerogative when local legislation is sufficient for the purpose, the better course would be to rely upon the latter. Governor Sir H. Barkly, after careful consideration of this subject, has recorded his opinion in favor of such legislation.

We therefore recommend that an Address should be presented to the Governor, praying him to cause a Bill to be introduced into Parliament for amending and enlarging Schedule D, so as to embrace all the salaries and expenses necessary for permanently securing the efficiency and independence of the Legislative Council.

## II.

7. As regards the salaries of the Clerk and the other officers of the Department, it appears that in 1859 the then Governor, Sir Henry Barkly, with the advice of his Executive Council (although such advice seems to have been unnecessary) settled the present distribution of the grant. In 1861 the same Governor wrote a Memorandum to the Treasurer in reference to a proposed reduction of salaries in the Clerk's Department, in which, for the reasons therein stated, he dissents from the proposal, and suggests legislation. This Memo., and the correspondence upon which it was founded, may be seen in the Votes and Proceedings of the Legislative Council for 1869.

16th September 1861, see Report, p. 12.

The salaries in question, being charged on the Civil List, are not subject to Parliamentary control. We are therefore of opinion that no such reduction as that proposed in the letter referred to us can be effected in the manner therein contemplated. This question must, we conceive, be now regarded as settled, and we do not think it necessary further to remark upon it. We presume that the letter of 12th October from the Under Secretary to the Clerk was written inadvertently, and in forgetfulness of the circumstances of the case. We have no doubt that, for any such reduction of salaries as that which this letter contemplates, and much more for any benefit thence resulting to the Consolidated Revenue, the assent both of the Governor, as the guardian of Her Majesty's interests, and of the Lords of the Treasury must be obtained. That assent is not likely to be given without that scrupulous care for existing interests which the Imperial Government invariably shows, nor, we trust, without a reasonable regard to the wishes of your Honorable House, whose independence the appropriation from which these salaries are paid was meant to secure, and for whose public usefulness it is essential.

## III.

The reference to your Committee includes the position of the officers of the Council in all respects.

The mode of their appointment seriously affects their position in the House, and demands our notice.

The 37th section of the Constitution Act vests the formal appointment to all offices under the Government in the Governor, with the advice of the Executive Council, but the Constitution also invests the two Houses of the Legislature with the powers and privileges deemed necessary to secure their independence in the exercise of their functions.

The provision of the 37th section of the Victorian Constitution was identical with that enacted in the 44th section of the New South Wales Constitution Act, and your Committee are enabled to cite for the information of your Honorable House the manner in which Parliamentary usage and the Statute law have been moulded together in New South Wales.

In 1860, it was resolved by the Legislative Assembly of New South Wales that "in order to maintain the dignity and usefulness of the office of Speaker" "all the clerks and other officers of the House ought to be appointed by the Executive" on his recommendation; and, in reply to an Address embodying that resolution, the Governor answered that, having every desire to comply with the wishes of the House, he would "direct that, for the future, the Speaker shall be consulted with regard to the appointment of all the officers" of the House.

In 1867, Sir T. A. Murray, Speaker in New South Wales, in reply to a question from Sir David Munro, the Speaker of the House of Representatives of New Zealand, conveyed the information sought in these words:—"All the clerks and the Serjeant-at-Arms are appointed on the nomination of the Speaker. On two occasions the Government disputed this right, but my predecessor and myself appealed to the House, and were supported in maintaining it by very large majorities. It is now no longer questioned."\*

\* N. Z. Parl.  
Paper, 1867.  
D No. 12.

On the same occasion the Speaker of the Legislative Assembly of Queensland informed Sir David Monro that a similar practice existed there.

In 1863, when an important appointment (that of the Usher) was filled in Victoria, your Honorable House passed a special resolution in these words—"That this Council, whilst it does not assume to itself the right of making appointments, such being by the Constitution Act vested in the Governor in Council, expresses a hope that no gentleman in any manner distasteful to them will be placed in an office so intimately connected with them personally as is the Usher of the Council."

The wishes of the Council were complied with on that occasion, and there is no reason to believe that on any occasion they would be neglected.

It would be well, however, that a comprehensive resolution, such as that extant in New South Wales, should guide the decision in all cases.



PROCEEDINGS OF THE COMMITTEE.

WEDNESDAY, 10TH NOVEMBER, 1880.

Members present:

The Hon. Sir C. Sladen		The Hon. J. Lorimer
W. Campbell		R. Simson.
W. E. Hearn		

The Honorable W. E. Hearn moved, That Sir Charles Sladen be Chairman.—*Resolved.*

The Honorable Sir C. Sladen took the Chair.

Committee deliberated.

Committee adjourned till half-past three o'clock on Tuesday, 16th instant.

TUESDAY, 16TH NOVEMBER, 1880.

Members present:

The Hon. Sir C. SLADEN, in the Chair ;		
The Hon. J. Lorimer		The Hon. W. Campbell
R. Simson		W. E. Hearn.

Committee deliberated.

*Resolved*—To take Counsels' opinion with regard to the appropriated but unused portion of the £5000 in Schedule D, Part IV.

*Ordered*—That the correspondence laid on the table by the Chairman be printed and circulated to members of the Committee.

Committee adjourned until Wednesday, 24th instant, at half-past three o'clock.

WEDNESDAY, 24TH NOVEMBER, 1880.

Members present:

The Hon. Sir C. SLADEN, in the Chair ;		
The Hon. J. Lorimer		The Hon. W. E. Hearn
R. Simson		H. Cuthbert.

Counsels' Opinion laid before the Committee and read.

Committee deliberated.

Draft Report read and consideration postponed.

The Chairman laid before the Committee a letter addressed to him by the Clerk of the Council.

Ordered to be printed.

Committee adjourned till Tuesday, 30th instant, at half-past three o'clock.

TUESDAY, 30TH NOVEMBER, 1880.

Members present:

The Hon. Sir C. SLADEN, in the Chair ;		
The Hon. J. Lorimer		The Hon. W. Campbell
R. Simson		H. Cuthbert.

Committee deliberated.

At half-past four o'clock the Committee adjourned until after the sitting of the House.

The Committee resumed its sitting at five p.m., and again deliberated.

Committee adjourned till half-past three o'clock on Wednesday, 1st December.

WEDNESDAY, 1st DECEMBER, 1880.

Members present:

The Hon. Sir C. SLADEN, in the Chair ;		
The Hon. W. Campbell,		The Hon. R. Simson.

The Committee adjourned until three o'clock on Tuesday, the 7th instant.

TUESDAY, 7TH DECEMBER, 1880.

Members present:

The Hon. R. Simson,		The Hon. W. E. Hearn.
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No quorum.

TUESDAY, 14TH DECEMBER, 1880.

The meeting of the Committee fixed for three p.m. was precluded by the sitting of the Council at the same hour.

WEDNESDAY, 21<sup>ST</sup> DECEMBER, 1880.

*Members present:*

The Hon. Sir C. SLADEN, in the Chair ;  
The Hon. W. Campbell, | The Hon. R. Simson.

Chairman submitted a Draft Report.

Ordered to be printed and circulated to members of Committee.

The Legal Opinion taken was also ordered to be printed with the other documents in Appendix.

Committee adjourned until half-past three o'clock on Tuesday, the 21<sup>ST</sup> instant.

TUESDAY, 21<sup>ST</sup> DECEMBER, 1880.

*Members present:*

The Hon. Sir C. SLADEN, in the Chair ;  
The Hon. R. Simson | The Hon. J. Lorimer  
W. E. Hearn | W. Campbell.

Draft Report considered paragraph by paragraph and agreed to.  
Chairman ordered to report to the House.

## APPENDIX.

[ 1. ]

### RE CONSTITUTION ACT, 19 VICTORIA.

#### CASE FOR THE OPINION OF COUNSEL.

In Schedule D, Part IV, of the Constitution Act, £5000 is granted for the Clerk and Expenses of the Legislative Council (*vide* sections 46, 47, 48, &c.).

In 1859 the Governor in Council appropriated the whole of this sum in a particular manner, and no change has since been made therein.

The whole amount has not been expended in each year, and there now remains a surplus, including savings from 1857 up to the present time, of upwards of £25,000. No direction respecting this money has been given by the Lords of the Treasury.

Counsel will please to advise—

1. Whether this surplus or any part of it still belongs to Her Majesty?
2. Whether, if it does, it may be applied by the Governor with Her Majesty's consent under the powers contained in section 48 of the Constitution Act?
3. Whether, if it can be so appropriated, the formation of a capitalised fund for the payment of the salaries of the President and the Chairman of Committees of the Legislative Council would be a lawful exercise of such power.

#### OPINION.

1. We are of opinion that the whole of the surplus belongs to Her Majesty.
2. We are of opinion that the Governor cannot with Her Majesty's consent apply the powers contained in section 48 to this surplus. That power can only be exercised in reference to the special appropriation for any year in which the power is exercised.
3. We think that, even if the surplus could be disposed of by the Governor under the 48th section, the formation of a capitalised fund for the payment of the salaries of the President and the Chairman of Committees of the Legislative Council would not be a lawful exercise of such power. We think that the only mode by which the surplus could now be lawfully disposed of would be by an Act of Parliament.

J. WARRINGTON ROGERS,  
E. D. HOLROYD.



## [ 2. ]

[*Letter from the Under Secretary to the Honorable The President of the Legislative Council.*]

No. 6616.  
SIR,

Chief Secretary's Office,  
Melbourne, 11th October, 1880.

I am directed by the Chief Secretary to inform you that he regrets that the necessity for retrenchment in the public expenditure has compelled the Government to reduce the salary of the President of the Legislative Council to the sum of £800 per annum. The reduction is to take effect from and after the 31st December next.

I have the honor to be,

Sir,

Your most obedient servant,

The Honorable Sir William H. F. Mitchell,  
President of the Legislative Council,  
&c., &c., &c.

W. H. ODGERS.

## [ 3. ]

[*Letter from the Clerk of the Legislative Council and Clerk of the Parliaments to the President of the Legislative Council, with copy of letter addressed to the Private Secretary, 21st January, 1878.*]

SIR,

Parliament Houses,  
Melbourne, 26th January, 1878.

I do myself the honor to submit for your consideration the enclosed statement, which, for the reasons set forth in it, I have deemed it my duty to place in the hands of His Excellency the Governor.

When I submitted a like statement to Sir Henry Barkly in 1861, I forwarded a copy to the President of the Legislative Council on the ground that, as I had referred to the privileges of the Council, I was "bound to submit my statement for the consideration of the House if the President should think fit to bring it before them."

I informed Sir Henry Barkly that I intended to do so, and I similarly informed His Excellency Sir G. Bowen, that I should, for the same reason, forward the enclosed communication to you.

2. It is proper for me to mention that the Honorable the Postmaster-General informed Mr. Finn, the Clerk of the Papers, and also myself on the 22nd instant, that it had been decided that there should be no interference with the Council Department.

A knowledge of that fact has delayed the copying of the enclosed communication.

I have the honor to be,

Sir,

Your most obedient servant,

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

The Honorable the President  
of the Legislative Council.

(Copy.—4/78.)

[*Enclosure.*]

Parliament Houses,  
Melbourne, 21 January, 1878.

SIR,

Circumstances which have become public, and intimations which it is perhaps unnecessary for me to allude to specifically, induce me to think that it is my duty to address an official letter to you on the subject of the Department of the Legislative Council, so that His Excellency the Governor may be made aware that the whole question of the provision for the service of the Legislative Council in Her Majesty's Civil List was weighed and determined upon by His Excellency Sir Henry Barkly in 1861.

In order that nothing may be omitted, I enclose a copy of the Report of a Select Committee of the Legislative Council in the year 1869, to which are appended all letters written on the subject in 1861 to or from my Department, together with the final Minute with which Sir Henry Barkly was pleased to close the subject, on the 16th September, 1861.

As the correspondence is lengthy, it seems to me, however, that it is advisable to summarize the arguments which I thought it my duty to put forward in 1861.

I may state, in the first place, that I urged the same claims for every officer in my Department as I raised for myself. Some of the officers had been originally appointed temporarily, but, in consequence of questions put by members of the Legislative Council, all the appointments were made permanent, and a Schedule of Appropriation was definitely made by the Governor in Council in February, 1859, and was sent to me in a letter from the Treasury as "affirming a distribution of the amount set apart under Schedule D."

On this subject I wrote (9th February, 1861) "I would respectfully urge that, when after some delay and deliberation, Her Majesty's Government consented to change the temporary offices into permanent offices, payable out of Her Majesty's Civil List, the 'faith of the Crown,' to use the words of Lord John Russell's Despatch (transmitting the Constitution Statute), became 'pledged' to maintain the interests thus created. I urge therefore the same claims for other officers in my Department as for myself."

The main appeal made by me to Sir Henry Barkly was couched in the following words:—

"I submit therefore the following arguments for Your Excellency's consideration, viz., That, after an appointment on the Civil List has been duly made with the advice of the Executive Council, Your Excellency alone has power to issue the necessary warrants to the Treasury; that no other power can constitutionally interfere with the subject in this Colony, except the Houses of Parliament in a certain manner, and that the Treasurer is merely called upon by the 46th clause of the Constitution Act to comply with Your Excellency's Warrant.

"On these grounds I appeal against any proposition made to Your Excellency to interfere with my Department, and I would respectfully ask Your Excellency, as representing the Crown, and specially entrusted with the administration of the Civil List, so as to guard the privileges of one branch of the Legislature and maintain the faith of the Crown, to continue to issue Warrants to the Treasury in conformity with the terms of all duly made appointments chargeable to the £5000 in the Schedule, so long as by the holders of those appointments their duties are faithfully discharged.

"\* \* \* \* \* It cannot be denied, that a certain sum is secured in the Constitution Act for the service of the House, in order that its staff may be paid out of a permanent fund absolutely under the control of the Crown.

"Power is indeed given to effect changes as regards that fund, but only in one way, viz., by a Bill passing both Houses by absolute majorities, and reserved for the Royal Assent.

"(The reason for reserving such Bills, as explained by the Duke of Newcastle in a Despatch, is the obligation which is considered to attach to the Home Government to preserve from violation the vested interests of those whose salaries were paid out of the funds so transferred.)

"Even the authority of the Legislative Assembly, the great custodian of the public purse, is removed from this item by the Constitution Act. That body can exercise no influence in the matter.

"How can it for one moment be contended, that a power denied by the Constitution Act to the whole Parliament, except under certain stringent conditions, is to be exercised by a Minister, or by a Ministry, without any conditions at all?

"If it be admitted that any change whatsoever may be made in the manner proposed, a principle is admitted, under which the provision for the service of the House may be repealed altogether,—a conclusion which is absurd; or why then was the power to make alterations by Bill fenced about with so many restrictions, and why is it made mandatory to the Treasurer to obey the personal Warrants of the Governor?"

In another communication (printed amongst the papers I now enclose) I quoted the following paragraph from the formal Despatch written by the Secretary of State on the subject of the Civil List, when he transmitted the Constitution Statute to Victoria:—

"The Legislature of Victoria has thought proper to protect the interests of existing holders, whether of salary or pension, by the general condition, that all enactments touching the Civil List should be reserved for Her Majesty's pleasure. That general condition is liable to repeal, but should it be at any time repealed, you will continue to reserve for Her Majesty's pleasure any Bill which may affect those existing interests, to maintain which the faith of the Crown is pledged by the transactions which have resulted in the present measure."

At the close of my communication to His Excellency Sir Henry Barkly, I wrote:—

"I respectfully submit, that the above quotation stringently applies to the case I have raised for the Legislative Council Department, and in no case could it more confidently be predicted that the Colonial Office would interfere than in one which involves the privileges of a branch of the Legislature. \* \* \* My objections to any new scale of appropriation (of the sum set apart for the Legislative Council) which may be submitted to Your Excellency are therefore shortly to be summed up as follows:—

"That it would be contrary to the law and usage in all such cases.

"That it would be subversive of the privileges of the Legislative Council.

"That it would be opposed to the spirit and letter of the Constitution Act; and that I have received the opinion of eminent counsel to the effect, that it would violate the spirit if not the letter of Her Majesty's Royal instructions.

"In conclusion, I would respectfully suggest that, if these arguments should appear insufficient to determine the questions raised, they are yet of importance enough to claim a reference to England, and that, in the meantime, it is not unreasonable to ask that, pending such reference, no temporary settlement to the prejudice of my Department may be carried out, but that existing payments may be continued.

"I have already mentioned the intention of the Honorable the Acting-President to bring the subject before the Legislative Council, if a necessity should arise, as a matter involving the privileges of the Council, and it scarcely seems necessary to appeal to Your Excellency to allow so grave a question to be decided only after the fullest deliberation and after resort to the highest tribunal."

Treasury.

2 March 1859.

Despatch to Tasmania.

No. 16,  
10th March 1860.

Rt. Hon. Lord  
John Russell.  
20 July 1855.

The eminent counsel referred to in the above quotation was Mr. Wilberforce (now His Honor Mr. Justice) Stephen.

In his opinion he had written—"I think that Mr. Rusden, as a servant of the Crown, whose salary "is in effect secured by contract between the Crown and the colony, can well assert a right to be regarded "as coming distinctly within the English authorities and precedent. His contract is, if I may so express "it, with the representative of the Crown, and he looks for payment to the Crown out of a fund which has "been set apart in perpetuity for that purpose. The question is one between the Crown and Mr. Rusden, "and cannot but be decided upon the well-established principles which govern all such cases in "England."

I had an opportunity of submitting the case, with Mr. Stephen's opinion, to Sir John N. Dickinson, late Judge of the Supreme Court in New South Wales, and I was permitted by him to quote to His Excellency Sir Henry Barkly the following comment:—

"I think you have stated your point very ably and distinctly, and I entirely agree with Mr. Wilberforce Stephen in his opinion on your case."

I transmitted to His Excellency Sir Henry Barkly a copy of the communication I had thought it incumbent upon me to address to the Acting-President of the Council on the subject of interfering with the distribution of the amount set apart under Schedule D as "affirmed" by the Governor in Council.

In that communication, I had urged that any interference would in principle "render null and void "the Special Appropriation which was intended to be secured in the Constitution Act for the service of the "House," and that, as the point had been raised, I should be culpable if I abstained from submitting it to the judgment of the President of the Council.

In the same communication to the President I pointed out, with regard to the power of the Governor under the 48th section of the Constitution Act to abolish any of the offices named in the Third and Fourth Parts of Schedule D, that it in no way affected the questions I had raised.

"On the contrary, the giving of power to abolish an office proves that, if the power to diminish "salaries at will had been intended to be given, such power would have been expressed, on the well-known "maxim, that the enumeration of things thought necessary is in effect an admission that things not "enumerated are not thought necessary.

"Of course, if the public good requires the abolition of an office, such office can be abolished; not, "however, without that conservation of existing interests to which (in Lord John Russell's words) the "faith of the Crown is pledged.

"Offices are frequently abolished in England, and whatever the usage towards such offices when "charged on the Civil List in England may be, that usage necessarily applies to the Civil List elsewhere.

"Power to abolish an office would generally be used at some period when, the office being vacant, "no interest in it would exist—as the clause includes all the responsible offices in which several changes "have already been found needful, it is natural that such a power should have been given; but unless it "were expressly stated that such a power might be used in violation of the laws of England, I presume "it must be understood that its use will be in conformity therewith. What those laws are is shown, "I think, in the enclosed statement and opinion."

In my memorial to Sir Henry Barkly, I added on this head:—

"Power is given to the Governor alone to abolish offices *named in the 3rd and 4th Parts of the "Schedule*; but this is not a power to diminish salaries already pledged; and power to abolish a Civil "List Office, if exercised while such an office is filled, is always subject to the giving of adequate "compensation."

It may not be out of place to mention that duties are imposed on the Clerk of the Council by various Acts of Parliament, and by the Joint Standing Orders of both Houses.

His Excellency Sir Henry Barkly "considered very fully the correspondence," as appeared under his own hand when his Minute was made public.

In a short time I was informed, but not in any formal manner, by writing, that His Excellency the Governor had decided not to sanction any interference with the Legislative Council Department.

The Governor's Warrants have continued to be issued to the Treasury from 1861 up to the present time.

In 1869, however, the Minute written by Sir Henry Barkly in 1861 was produced before a Select Committee of the Legislative Council, and is contained in the document I now enclose.

It was then made public that Sir Henry Barkly had pronounced that the proposed interference with the Schedule was "at variance with the spirit of the Constitution Act, and that it would, moreover, be "inoperative, inasmuch as any surplus that remained could not be carried to the credit of the public revenue, "except with the permission of the Lords of the Treasury, which would probably be withheld if the Legis- "lative Council protested against the step as an invasion of its privileges, as it might fairly do, on the "ground, that the fund provided for its independent maintenance was thereby subjected to annual alteration, "at the pleasure of the Ministry for the time being, instead of being protected by the special legislative "safeguards which surround the other items in Schedule D.

"It is true that, if the Legislative Council were thus to stand upon privilege, they might be met by "the difficulty of there being no provision for their President and Chairman; but this, whilst affording "a fair prospect of compromise on the subject would, it strikes me, by no means justify such an interference "of the Executive as is now under consideration. I see, indeed, no constitutional mode of settling such "a question, but by the introduction of a Bill, in which the £5000 in the Constitution Act should be so far "increased as to cover the allowances to the President and Chairman of Committees, the salaries of the "subordinate officers of the Council being likewise fixed in a Schedule, at such rates as may be deemed "equitable.

"With regard to the second position of the question, I have no wish, by the suggestion I have just "thrown out, to prejudice any legal rights that may have been conferred upon the officers of the Legislative "Council, either by the terms of their respective appointments, or the source from which their salaries are "derived.

“ I am ready, on the contrary, as requested by Mr. Rusden, to submit their case to the Lords Commissioners of Her Majesty’s Treasury, as provided with regard to Schedule D generally, by clause 46 of the Constitution Act ; but I think this object would be most easily and effectually attained by the course I propose, since the Bill, if objected to, could be reserved for the special signification of Her Majesty’s pleasure.”

It will be seen, therefore, that Sir Henry Barkly pronounced, that any interference with the appropriation under the Schedule would be unjustifiable, and at variance with the spirit of the Constitution Act, and that there was no constitutional mode of settling such a question but by the introduction of a Bill. He also expressed his readiness to submit the case of the officers of the Legislative Council to the Lords Commissioners of Her Majesty’s Treasury, as provided with regard to the Schedule generally, by the 46th clause of the Constitution Act.

In consequence of this decision by the Governor as the Representative of the Crown in an Imperial sense, the distribution “ affirmed ” by the Order in Council in 1859 has been recognised as irrevocable up to the present time.

As I have had no conversation with His Excellency Sir George Bowen on the subject, and cannot say that I have been officially informed that there is any proposal at the present time to interfere with the Civil List, I cannot tell whether the foregoing statement is so complete a *précis* of the past as I ought to place before His Excellency under existing circumstances.

For many reasons I am loth, at the present juncture, to discuss needlessly questions affecting my Department. Yet I trust I may venture to show that, since the date of Sir Henry Barkly’s decision, events have occurred which much strengthen the case I was enabled to put before him.

In the *first* place, his decision on behalf of Her Most Gracious Majesty in 1861 cannot but have created a feeling of confidence in the maintenance of rights accruing to all who hold office on Her Majesty’s Civil List in the colony, and to that extent, at least, has become an additional security.

*Secondly*—The circumstances under which the Civil Service Act was passed in 1862 were calculated to increase the confidence of the officers of the Council.

The Chief Secretary, before the Bill was passed, did me the honor of speaking to me on the subject, in order that the officers of the Council might decide for themselves whether they would wish to be placed under the Bill, or to adhere to the position claimed for them by me in 1861.

I consulted the officers, and wrote the following letter to the Chief Secretary :—

SIR,

12th February, 1862.

Since seeing you, I have made enquiry on the point which you mentioned to me, and I find that two of the officers of the Department, whose views I did not know when I saw you, are of opinion (with the others whose opinions I mentioned) that they would prefer to be ranked on the Civil List in the manner claimed for them in my correspondence (of 1861) rather than be included within the terms of the Civil Service Bill.

I remain,

Yours obediently,

G. W. RUSDEN.

The Honble. J. O’Shanassy, Chief Secretary,  
Chief Secretary’s Office.

Such was the request made by me, and it appears in the *Victorian Hansard*—That (On Mr. O’Shanassy’s motion) the Clerk of the Legislative Council was struck out of the Schedule (to the Civil Service Bill) at his own request.

On a subsequent day Mr. O’Shanassy stated in the Legislative Assembly that “ the officers (of the Legislative Council) themselves had also declined in writing to be included in the provisions of the Bill.”

The only request made by the officers of the Council was the one contained in the above cited letter from myself, and as it coupled exclusion from the Civil Service Bill, with the privilege of being ranked on the Civil List *in the manner claimed for them in my correspondence*, the conclusion is inevitable that the passage of the Civil Service Bill afforded an additional recognition by Parliament of the status which throughout my correspondence I have respectfully asserted for those who hold office under Schedule D to the Constitution Act.

*Thirdly*.—That status has been confirmed by the Legislative Council.

In 1869 the Council appointed a Select Committee upon the Expenses of the Legislative Council.

The correspondence from which I have so largely quoted, and Sir Henry Barkly’s decisive Minute, were laid before the Committee.

The Committee reported, among other things, as follows :—

“ Your Committee desires also to record its opinion that, in view of the prohibition in section 60 of the Constitution Act, the power of the Governor to abolish any office under section 48, or to dismiss any servant borne on the Schedule, except for misbehaviour, cannot apply—unless it be contended that the Governor has power to render absolutely nugatory all the safeguards provided in section 60.

“ Your Committee therefore is of opinion, that any alteration of Schedule D must be effected in the manner prescribed in section 60, viz., by Bill, and that any persons so removed are entitled to compensation for deprivation of office.”

It may be mentioned, that the officers whose removal was under consideration were the Reader and Assistant Reader, with a view to their duties being performed “ by the same officers in the Legislative Assembly.” Such was the proposition made in 1869 by the Honorable the Chief Secretary.

After the Report of the Select Committee the proposition was abandoned. That Report was adopted by the Legislative Council.

I would respectfully submit to His Excellency the Governor that—

- 1st. The decision of Sir Henry Barkly, that the subject could only be dealt with by Bill ;
- 2nd. The manner in which the Civil Service Bill was passed ; and
- 3rd. The re-affirmation of the Legislative Council, in 1869, of the principles laid down by His Excellency Sir Henry Barkly in 1861—have tended to add strength, if strength were wanting, to the position which it was my duty to claim for the whole of the staff paid from the Civil List in the Department of the Legislative Council.

In conclusion, I have only to add, that it has been my desire, in this as in former documents, to use the most respectful and becoming language, and I hope it may appear to His Excellency that I have been successful.

In 1861, I informed His Excellency Sir Henry Barkly that, as it seemed to me that the privileges of the Legislative Council were involved, I had felt bound to submit the matter for the consideration of the House, if the President should think fit to bring it before them; and I presume that it will be my bounden duty to act now in a similar manner, more especially as Sir Henry Barkly was pleased to take the same view as regarded the privileges of the Council.

If I may do so without intrusion, I would wish to quote one more sentence from my memorial to Sir Henry Barkly, viz.:—"Before Your Excellency it seems to me to be my duty to bring the subject in both its relations: one, as affecting the privileges of the Council; the other, as affecting the maintenance of public faith, to which the Crown is a party."

I have the honor to be,

Sir,

Your most obedient servant,

(Signed)

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

The Private Secretary,  
&c., &c., &c.

[ 4. ]

[*Letter of Under Treasurer to Clerk of the Legislative Council and Clerk of the Parliaments.*]

No. 4385.

(Copy.)

The Treasury,

Melbourne, 15th June 1880.

Memorandum.

Will the Clerk of the Parliament be good enough to state, for the information of Mr. Service, at whose instance the Reader at Three hundred pounds per annum and the Assistant Reader at One pound <sup>£300.</sup> five shillings per week, paid out of the sum provided under Schedule D to the Constitution Act—Clerk <sup>£1 5s.</sup> and Expenses, Legislative Council—were appointed, and also what are the nature and extent of the duties performed by these persons.

E. S. SYMONDS,  
Under Treasurer.

The Clerk to the Legislative Council  
and Clerk of the Parliaments.

[*Letter from the Clerk of the Legislative Council and Clerk of the Parliaments to the Under Treasurer.*]

(Copy.)

Parliament Houses,

Melbourne, 16 June, 1880.

SIR,

I do myself the honor of acknowledging the receipt of your letter of the 15th instant, asking me to state at whose instance the Reader at the Legislative Council Department and the Assistant Reader were appointed at their present salaries, and what are the nature and extent of their duties.

2. In 1856, when the Legislative Council first met, the present Reader (previously employed at the Government Printing Office) was appointed as Reader in my department, to which I was myself then newly appointed as Clerk, and as Clerk of the Parliaments.

The appointment of the Reader was then sessional, and the salary £5 a week.

A boy was appointed as Assistant Reader after the first session commenced at the rate of pay of £1 5s. a week.

3. The Parliament which met on the 21st November, 1856, sat until 24th November, 1857.

There was no relaxation of work between the first and second sessions.

The second session began on 3rd December, 1857; and the Reader and his assistant were retained in the interval, and were at work.

4. During the second session some members of the Legislative Council urged that the appointments in question, as well as those of the messengers, ought to be permanent, and the Government acceded to their requests.

5. Subsequently a formal scheme was deliberated upon to meet the permanent claims thus established upon the Civil List. His Excellency Sir Henry Barkly, by an Order in Council, 21st February, 1859, which was formally communicated to me, approved of the appropriations under Schedule D, Part IV, which have ever since been acted upon.

6. In 1861, the question of varying those appropriations otherwise than by law was brought before Sir Henry Barkly, and he decided that, if any change were required, it must be effected by law, *i.e.*, by the passing of a Bill.

The correspondence on the subject is contained in the volume of the Legislative Council Proceedings for 1869.

7. In 1869 the Chief Secretary communicated with the President of the Council on the subject of desirable reductions in the Council expenditure.

The matter was considered by a Select Committee, of which the President was Chairman.

The Committee reported in effect in accordance with the decision of Sir Henry Barkly as to the necessity of a Bill to effect any alteration as to Schedule D, and recorded "its opinion that, in view of the prohibition in section 60 of the Constitution Act, the power of the Governor to abolish any office under section 48, or to dismiss any servant borne on the schedule, except for misbehaviour, cannot apply."

8. At the same time the Committee was of opinion, that it was not improper to economize when practicable by making sessional appointments on the occurrence of vacancies in any offices which could with convenience be made sessional.

On the occurrence of a vacancy in 1870, therefore, in the office of Assistant Reader, the post was made sessional, and has so continued to the present time.

9. The duties of the Reader and his assistant are multifarious.

Every document ordered to be printed has to be accurately read by copy and revised by them. Occasionally it is necessary to copy documents.

The staff of my Department is small, and the Reader is often called upon to act as Clerk when Select Committees are sitting, and there is sometimes much press of work.

In revision of the final imprint of Bills for the Royal Assent, the whole clerical staff, including the Reader, is employed; because four copies (in any of which a mistake might be serious) must be simultaneously read.

Myself, my Assistant, the Clerk of Papers, and the Reader comprise the whole clerical staff in Victoria; whereas in New South Wales, according to the latest Blue Book to which I have access (1877) there are four clerks besides the Clerk of the Council and the Clerk Assistant.

When Select Committees are sitting and at the close of a session there is necessarily much strain upon the Department, but at other times there is not, and I have hitherto abstained from asking for any change.

I have, &c.,

(Signed) G. W. RUSDEN,  
Clerk of the Legislative Council  
and Clerk of the Parliaments.

The Under Treasurer,  
&c., &c., &c.

## [ 5. ]

[*Letter from the Clerk of the Legislative Council and Clerk of the Parliaments to the Honorable the President of the Legislative Council.*]

31/80.

SIR,

Parliament Houses,  
Melbourne, 18th October, 1880.

I do myself the honor to lay before you a letter which I received on the 13th instant, from the office of the Honorable the Chief Secretary, and which I answered on the same day in a letter of which I now lay a copy before you.

1. In 1861 Sir Henry Barkly pointed out, that any interference with the formal distribution of the Constitutional provision for the Legislative Council was "at variance with the spirit of the Constitution Act," and that the Council might fairly protest against such "a step as an invasion of its privileges."

In that year I had brought before the Acting-President the correspondence which took place, in order that, if in his opinion, the privileges of the Council were or could be affected by the proposal to which I demurred, the Acting-President might take such steps as might seem fit. Sir Henry Barkly's decision rendered it in the Acting-President's opinion unnecessary to take any steps in 1861.

2. In 1869, the subject was enquired into by a Committee of the Council, the report of which was hostile to any interference with the disposition of the appropriation under Schedule D, Part IV, except by Bill.

3. In 1878 I submitted to you a letter which I forwarded to the office of the Private Secretary on the same subject, and now that the matter has been revived I feel it to be my duty to follow the course previously followed, *viz.*, to submit to you the correspondence which, on so high authority as that of Sir Henry Barkly, has been declared to touch the privileges of the Council.

I have the honor to be,

Sir,

Your most obedient servant,  
G. W. RUSDEN.

The Honorable the President  
of the Legislative Council.

[*Letter from the Under Secretary to the Clerk of the Legislative Council and Clerk of the Parliaments.*]

(Copy.)

No. 6619.

SIR,

Chief Secretary's Office,  
Melbourne, 12th October, 1880.

I am directed by the Chief Secretary to inform you that he regrets that the necessity for retrenchment in the public expenditure calls for a reduction in the salary attached to the offices which you hold to £800 per annum. The like reduction is proposed in the salary of the Clerk of the Legislative Assembly, to take effect from and after 31st December, 1880.

I have, &c.,

(Signed) W. H. ODGERS.

G. W. Rusden, Esq.,  
Clerk of the Legislative Council and Clerk of Parliaments.

[*Letter from the Clerk of the Legislative Council and Clerk of the Parliaments to the Under Secretary.*]

(Copy.)

Parliament Houses,  
13th October, 1880.

SIR,

I do myself the honor to acknowledge the receipt of your letter of the 12th instant, concerning proposed reduction of salaries in my Department.

In acknowledging the courtesy which gives intimation of the intention of the Honorable the Chief Secretary beforehand, I feel constrained to point out what may perhaps have been unknown to him, viz., that on two previous occasions Governors of the colony have decided that the salaries of the persons paid from the fund appropriated in the Civil List to the service of the Legislative Council, and formally distributed by an Order in Council, are not liable to alteration, except by means of an Act of the Legislature.

2. The Minute in which Sir Henry Barkly embodied his decision was written on the 16th September, 1861, and is, with other papers on the subject, printed in the Legislative Council volume of 1869.

Sir Henry Barkly, at the same time, expressed his readiness to submit any statement (which the officers of the Council might wish to make) to "the Lords Commissioners of Her Majesty's Treasury as provided with regard to Schedule D generally by clause 46 of the Constitution Act."

3. His Excellency Sir George Bowen in 1878 called upon me for a statement with regard to my Department, and I furnished a statement to the Private Secretary, which is now, I presume, in his office.

Sir George Bowen did not cause any written reply to be forwarded to me; but he declared to me that the case commended itself to his judgment, and that it was plain that Sir Henry Barkly's decision was correct.

4. I feel it my duty to bring these facts at once before the Honorable the Chief Secretary, as it would, I presume, be also my duty to the Legislative Council (whose privileges Sir Henry Barkly deemed involved in the matter) to repeat, if need be, my representations to His Excellency the Governor.

5. But, as in 1861, I informed Sir Henry Barkly that, as far as I was personally concerned, I was willing to relinquish any advantage arising from the necessity to reserve for the Royal Assent any provision affecting my own salary, so I would now, in 1880, point out that my personal interest is of small import with regard to the future salary due to my office, inasmuch as some months ago I forwarded to His Excellency the Marquis of Normanby a respectful application for permission to retire upon a superannuation allowance, with a hope that it might be favorably considered, but without knowing whether it would or would not be found necessary under the 46th clause of the Constitution Act to refer to the Lords Commissioners of Her Majesty's Treasury.

I have, &c., &c.,

(Signed) G. W. RUSDEN,  
Clerk of the Legislative Council  
and Clerk of the Parliaments.

The Under Secretary.

[*Letter from the Clerk of the Legislative Council and Clerk of the Parliaments to the Private Secretary.*]

(Copy.)

13 October, 1880.

SIR,

I do myself the honor to transmit for the information of His Excellency the Governor a copy of a letter which I have thought it my duty to address this morning to the Honorable the Chief Secretary, on a subject affecting my Department, and intimately connected with a letter which I was early in 1878 called upon to furnish to the office of the Private Secretary, and which is still I presume amongst the documents preserved there. If not, I can supply a copy.

Enclosure.  
Letter to Under  
Secretary, 13th  
October, 1880.

I have, &c.,

(Signed) G. W. RUSDEN,  
Clerk of the Legislative Council  
and Clerk of the Parliaments.

The Private Secretary.

## [ 6. ]

[Letter from the Clerk of the Legislative Council to the Chairman of the Committee, with Enclosure.]

Parliament Houses,  
Melbourne, 17th November, 1880.

SIR,

I think it incumbent upon me to make the Committee on "Parliamentary Usage in matters relating to the position and emoluments of Officers of the House" acquainted formally with the following facts:—

On the 10th of May, 1880, I made a formal application to His Excellency the Governor for permission to retire upon a Superannuation Allowance. That application I now enclose, with an addition dated 30th June, 1880.

I grounded it on various reasons, some of which I think it my duty to enumerate, though without enlarging upon them.

1. My Department is provided for in one of the specified sums "accepted and taken by Her Majesty, her heirs, and successors, by way of Civil List," as enacted in the 47th clause of the Constitution Act.

The manner in which Her Majesty's Government has guarded the administration of a Colonial Civil List was thus expressed by the Duke of Newcastle in 1860:—"When power has been given to the Legislature to vary or abolish the several sums reserved by way of Civil List, Acts for this purpose have been reserved for the assent of the Crown, not because it was desired to interfere on public grounds with such changes as the Legislature might think fit to make, but because of the obligation which was considered to attach to the Home Government to preserve from violation the vested interests of those whose salaries were paid out of the funds so transferred."

Lord John Russell also, when transmitting the Constitution Act to this Colony, wrote (20th July, 1855), "The Legislature of Victoria has thought proper to protect the interests of existing holders whether of salary or pension, by the general condition that all enactments touching the Civil List should be reserved for Her Majesty's pleasure. That general condition is liable to repeal; but should it at any time be repealed, you will continue to reserve for Her Majesty's pleasure any Bill which may affect existing interests, to maintain which the faith of the Crown is pledged by the transactions which have resulted in the present measure."

2. I have shown in my application that His Excellency Sir Henry Barkly consented in 1861 to submit the case of the officers of the Legislative Council to the Lords Commissioners of Her Majesty's Treasury as one which by the provisions of the Constitution Act ought to be so submitted.

3. I have referred to the fact that those officers were excluded from the provisions of the Civil Service Act of 1862, on the ground that I had claimed for them that they were entitled to be "ranked on the Civil List," in my representations to His Excellency Sir Henry Barkly and in other correspondence; and I have urged that the *ex-post-facto* Act of the Legislature with regard to the Civil Service was therefore, at least impliedly, a recognition of the claims put forward by me.

4. I have shown that, subject to Her Most Gracious Majesty's sanction, there is an established scale of Superannuation Allowances to her servants paid from the funds "accepted and taken by way of Civil List," as are the Five thousand pounds annually set apart by the Constitution Act for the "Clerk and Expenses of the Legislative Council" in Schedule D, Part 4, of the Constitution Act.

5. As *nullum tempus occurrit regi*, I have shown that the considerable sums annually unexpended from that fund are at the disposal of the Crown, and I thought it almost unnecessary to point out that, the claims of the officers being admitted, they form a primary charge on the fund.

6. In my application to His Excellency the Marquis of Normanby, I made it clear that in this, as in all other cases, I put forward the claims of all officers in my Department (appointed to other than sessional appointments) equally with my own.

7. I would only add, in conclusion, that on every occasion on which I have had to correspond on the subject of my Department I have reflected (as indeed His Excellency Sir Henry Barkly declared) that the privileges of the Legislative Council were involved with regard to the portion of the Civil List appropriated for the officers of the House, and, therefore, in 1861, 1878, and 1880, I have submitted copies of my various statements to the President of the Council. My application to retire was not Departmental but personal, and, therefore, I did not formally or officially communicate it to the President; but more than one member of the House was acquainted with it, though it was written at a time when Parliament was not sitting.

As it was specially mentioned in my letter to the Under Secretary (of 13th October last), which has been referred to the Committee of which you are the Chairman, I feel bound to lay before the Committee a copy of my application with this explanation.

I have the honor to remain,  
Your most obedient humble servant,

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

The Honorable Sir C. Sladen,  
Chairman of the "Committee on Parliamentary  
"Usage in matters relating to the position and  
"emoluments of Officers of the House."

Despatch,  
10th March 1880.  
To Governor of  
Tasmania.

Despatch.  
To Governor of  
Victoria.



[Enclosure.]

MAY IT PLEASE YOUR EXCELLENCY :

I do myself the honor of submitting my respectful application for permission to retire upon a Superannuation Allowance from the office of Clerk of the Legislative Council, the emoluments of which are chargeable upon Her Majesty's Civil List in Victoria, payments from which List are (by the Schedules to the Imperial Statute 18 & 19 Victoria, cap. 55) to be accounted for to Her Majesty "Through the Lords Commissioners of Her Majesty's Treasury, in such manner and form as Her Majesty shall be graciously pleased to direct."

As my office is provided for by Part 4 of Schedule D to the Constitution Act (which Act is itself a Schedule to the Imperial Statute, 18 & 19 Victoria, cap. 55) and as no regulations have hitherto been promulgated upon the subject of pensions or superannuation allowances payable from that fund in my Department, I am unable to do more than make a general application to Your Excellency, but I apprehend that it is proper to state facts connected with my services and with the appointment I now hold.

2. I entered the Public Service on the 4th July 1849, and have continuously served in it in various positions since that date.

3. I attained the age of 60 years on the 9th July, 1879, having served the full term of thirty years, which by the regulations sanctioned in England entitles a superannuated officer to thirty-sixtieths of the amount of his salary on superannuation at the close of such term. My salary is at the rate of One thousand pounds sterling a year.

4. I was for two years after the 4th July, 1849, Agent for the establishment of and Inspector of National Schools in the district of Port Phillip, and in other portions of New South Wales. After the separation of the province of Port Phillip from the colony of New South Wales, in 1851, I was appointed chief clerk (or Under Secretary) in the office of the Colonial Secretary, in the new colony of Victoria.

In 1852 I was appointed clerk of the Executive Council in Victoria, and I held that office until 1856. When by virtue of the Imperial Statute 18 & 19 Victoria, cap. 55, the Constitution Act came into force, and two Houses of Parliament were established in 1856, I was appointed Clerk of the Legislative Council and Clerk of the Parliaments, and have held those offices until the present time.

It will not be necessary to enumerate the various honorary offices which I have held, though they have been many; I may, perhaps, mention that at the special request of Sir Charles Hotham, I undertook the control of the Immigration Department for some time without pay; that I was for some time a Commissioner on the Board of National Education, which once existed in Victoria; and that I have been a member of the Council of the University of Melbourne since the incorporation of that body in 1853.

In every office which I have had the honor to hold, it has been my good fortune to receive the meed of gratifying praise from Governors of the colony, and in my present office I am happy to feel that I have enjoyed the esteem and confidence of Members of the Legislative Council.

5. The office I hold is remunerated from Her Majesty's Civil List, which sets apart (£5000) Five thousand pounds in every year for the Clerk and Expenses of the Legislative Council, under Schedule D, Part 4, of the Constitution Act. There has been an accumulation of savings under that head ever since the Constitution Act came into force. The accumulated amount in 1879 exceeded twenty-three thousand pounds. The amount unexpended during the last seven years exceeded Eight thousand five hundred pounds.

6. I base my application for a Superannuation Allowance generally on the fact that, subject to Her Most Gracious Majesty's permission, holders of office in the United Kingdom receive superannuation allowances on retirement at the age of sixty years, and specially on the ground that my office is provided for in the Civil List; and that by a chain of occurrences in this colony my Department has been placed in such a position that specific claims of its officers have been recognized, so far as they may conform to usage and practice sanctioned in the United Kingdom.

In 1861, His Excellency the Governor, Sir Henry Barkly, expressed his readiness to submit claims of the officers of the Legislative Council to the Lords Commissioners of Her Majesty's Treasury.

His Minute on the subject was placed before the Legislative Council in 1869, and was printed amongst the sessional documents of that year.

In 1862, a Civil Service Bill was before the Victorian Parliament, and the Honorable the Chief Secretary did me the honor to speak to me, in order that the officers of the Legislative Council might decide whether they would wish to be placed under the provisions of the Bill, or to adhere to the position claimed for them by me in certain correspondence submitted to His Excellency Sir Henry Barkly in 1861.

I conveyed the desires of the officers to the Chief Secretary in the following letter, which (together with the above-mentioned correspondence of 1861) is included in the Proceedings of the Legislative Council for the year 1869:—

SIR,

12 February, 1862

Since seeing you, I have made enquiry on the point which you mentioned to me, and I find that two of the officers of my Department, whose views I did not know when I saw you, are of opinion (with the others whose opinions I mentioned) that they would prefer to be ranked on the Civil List in the manner claimed for them in my correspondence, rather than be included within the terms of the Civil Service Bill.

I have, &amp;c.,

The Hon. J. O'Shanassy,  
Chief Secretary.

G. W. RUSDEN.

During the progress of the Civil Service Bill, the Chief Secretary moved (6 May, 1862), That "the Clerk of the Legislative Council be struck out of the Schedule at his own request," which was agreed to.

On a subsequent day (17 June, 1862), some question having arisen about amendments, the Chief Secretary stated that the officers of the Legislative Council had themselves "declined in writing to be included in the provisions of the Bill."

The only writing on the subject was the letter above cited, which coupled the declining with the claim to be ranked on Her Majesty's Civil List, in a specific manner, in preference to the provisions of the Bill.

I was absent on leave in June, 1862, and only derive from printed records my knowledge of what then transpired.

The Bill, as passed, excluded me from its provisions, and therefore the Government and the Legislature may be held to have approved the claim put forward in writing, that the officers of my Department should be entitled to the advantages of being "ranked on the Civil List."

7. On general and on special grounds, therefore, I respectfully apply for permission to retire on a Superannuation Allowance proportioned to my length of service, my present office being provided for in Her Majesty's Civil List, in Part 4, in Schedule D, from which schedule there have been large sums annually unappropriated.

All which is respectfully submitted.

G. W. RUSDEN,

10th May 1880.

Periods of Office.	Offices.
From 4th July 1849 ...	... Agent and Inspector of National Schools.
" 10th October 1851 ...	... Chief Clerk in Department of Colonial Secretary.
" 12th October 1852 ...	... Clerk of the Executive Council.
" 18th November 1856 ...	... Clerk of Legislative Council and Clerk of Parliaments, until the present time.

30 June, 1880.

SIR,

With reference to my application to retire upon a Superannuation Allowance, I wish to be allowed, with His Excellency's permission, to make a supplementary statement.

I am conscious that, however customary the granting of such allowances has become under the gracious sanction of the Crown, no applicant can put forward a claim on the Civil List as of right; and I am equally prepared to bow with respect to any decision which His Excellency may think fit to make in my case.

Therefore I do not now write to make any fresh suggestion on the main matter of my application of the 10th May last.

But whatever decision may be arrived at upon that matter, or to whatever time it may be thought proper to postpone that decision, there is one point on which it may be deemed advisable or may be thought necessary, that reference should be made to England; and I would respectfully submit, not alone on my own behalf, but on that of my Department, that if such reference be requisite, with regard to any regulations under which superannuation allowances may be awarded under Schedule D, Part IV, of the Civil List in Victoria, there are good reasons why such a reference should be made irrespective of the particular application I have made.

The 46th Clause of the Constitution Act of Victoria was copied from a clause introduced by Mr. Wentworth in the Constitution Act of New South Wales.

At his instigation successive Legislative bodies had pledged themselves to grant a Civil List, freely, on the surrender to them of the colonial revenues. To comply with his pledges completely, Mr. Wentworth framed his clause in such a manner that the Governor's Warrant shall be sufficient for the Treasurer of the colony, and that the latter "shall account to Her Majesty for the same through the Lords Commissioners of Her Majesty's Treasury in such manner and form as Her Majesty shall be graciously pleased to direct." These are the words of the 46th Clause of the Constitution Act of Victoria.

My present respectful request is that, if these words make necessary any reference to England, whether for approval of any general regulations, or of any allowance which it may be thought fit to award to myself, such reference may be made.

If no such reference be deemed requisite, I have only to wait His Excellency's pleasure.

I have, &c.,

G. W. RUSDEN.

The Private Secretary.

1880-81.  
[SECOND SESSION.]

VICTORIA.

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LEGISLATIVE COUNCIL.

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THIRD REPORT

OF THE

PRINTING COMMITTEE.

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ORDERED BY THE COUNCIL TO BE PRINTED, 29TH MARCH, 1881.

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By Authority:

ROBT. S. BRAIN, ACTING GOVERNMENT PRINTER, MELBOURNE.



# REPORT.

In pursuance of the Order of your Honorable House, your Committee have had referred to them the several Papers mentioned in the following table, upon which your Committee beg to report, as appears by such table.

Title of Paper.	When moved for and by whom.	When laid on the Council Table.	By Command.	Report and Remarks of the Committee.
	1880.	1880.		
Pilot Board—Accounts of—for year ending 31st August, 1880	... ..	30th November	By Command	No order made.
Statistical Register, Victoria, 1879.—Part VIII. Accumulation	... ..	"	"	"
Friendly Societies—Statistics of, for year 1879	... ..	"	"	"
Mining Surveyors and Registrars—Reports of, for quarter ending 30th September, 1880	... ..	"	"	"
Regulæ Generales.—Rule of Supreme Court (12th November, 1880)	... ..	"	... ..	"
Intercolonial Conference, Melbourne, December, 1880—Minutes of Proceedings	... ..	7th December	By Command	"
Statistical Register, Victoria, 1879.—Part VII. Interchange	... ..	"	"	"
Fisheries Acts.—Notice of intention to repeal so much of Proclamation of 18th August, 1879, as refers to Lake Connearre	... ..	15th December	"	"
Land Act 1869.—Regulations.—Fees.—Order in Council (13th December, 1880)	... ..	21st December	"	"
Melbourne Harbor Trust—Accounts of, for quarter ending 30th September, 1880	... ..	"	"	"
Statistical Register, Victoria, 1879.—Part IX. Religious, Moral, and Intellectual Progress	... ..	"	"	"
Exhibition. Melbourne International.—Smoking Regulations (6th December, 1880)	... ..	22nd December	... ..	"
Raffles or Distributions of Property.—Return to an Order	Hon. J. Balfour, 14th December	"	... ..	Recommended to be printed.
Mining Districts.—Alterations of certain boundaries.—Order in Council (13th December, 1880)	... ..	23rd December	... ..	No order made.
		1881.		
Melbourne International Exhibition, 1880 —Further Despatches from the Right Honorable the Secretary of State (from 19th September, 1879, to 20th September, 1880) with enclosures	... ..	15th February	By Command	"
Intercolonial Conference—Sydney—1881. Minutes	... ..	"	"	"
Health Officer—Report of, for year ending 31st December, 1880	... ..	"	"	"
Sanatory Station—Report on, for year ending 31st December, 1880	... ..	"	"	"
Education.—Report for year 1879–80	... ..	"	"	"
Education Act, No. 447—Amended Regulations under, to take effect from 1st January, 1881	... ..	"	... ..	"
Melbourne International Exhibition, 1880.—Regulation for selling and delivering goods.—Approved by Governor in Council, 20th December, 1880	... ..	"	... ..	"
Campbelltown Parish, District of Castlemaine.—Mining Operations within Water Reserve authorized.—Order in Council (12th January, 1881)	... ..	"	... ..	"
Water-right Licenses.—Additional Regulations.—Order in Council (12th January, 1881)	... ..	"	... ..	"
Land Act 1880.—Regulations.—Order in Council (30th December, 1880)	... ..	22nd February	By Command	"
Land Act 1869.—Regulations.—Order in Council (27th January, 1881)	... ..	"	"	"
Fisheries Acts.—Notice (13th December, 1880) of intention to prohibit use of nets in St. George (Fisher's) or Cumberland Creeks	... ..	"	"	"
Polling places for Mining Districts.—Orders in Council (27th January, 1881, and 7th February, 1881) appointing certain polling places, and abolishing certain polling places in the Sandhurst, Gippsland, Beechworth, and Maryborough districts	... ..	"	... ..	"

Title of Paper.	When moved for and by whom.	When laid on the Council Table.	By Command.	Report and Remarks of the Committee.
	1881.	1881.		
Mining Surveyors and Registrars—Reports of, for quarter ended 31st December, 1880	... ..	8th March	By Command	No order made.
Charges against Public Works Officers—Report of Board appointed to enquire concerning (16th February, 1881)	... ..	"	"	"
Public Accounts.—Regulations (27th January 1881, and 7th February, 1881)	... ..	"	... ..	"
Observatory.—Fifteenth Report of Board of Visitors (24th November, 1880)	... ..	15th March	By Command	"
Land Act 1869.—Regulation.—Licensees under section 19 of Land Act 1869, &c., entitled to apply for certificate and lease under Land Acts Amendment Act 1880 (7th March, 1881)	... ..	"	"	"
Melbourne Harbor Trust—Accounts of, for quarter ended 31st December, 1880	... ..	23rd March	"	"
Education Department.—Estimate of proposed expenditure during ensuing twelve months for erection of School Buildings	... ..	"	... ..	"
Mounted Constable Gleeson—Removal of.—Return to an Order of the Council	Hon. W. Ross, 8th March	"	... ..	Part of recommended to be printed.
Mines—Chief Inspector of—Report of, for the year 1880	... ..	24th March	By Command	No order made.

Committee Room,  
(Parliament House),  
Melbourne, 29th March, 1881.

JAS. GRAHAM,  
Chairman.

1880-81.

[SECOND SESSION.]

VICTORIA.

UNIVERSITY CONSTITUTION AMENDMENT BILL.

PETITION.

ORDERED BY THE LEGISLATIVE COUNCIL TO BE PRINTED, 5TH APRIL, 1881.

TO THE HONORABLE THE LEGISLATIVE COUNCIL IN PARLIAMENT ASSEMBLED.

The humble Petition of the Vice-Chancellor and Council of the University of Melbourne—

SHEWETH—

That the University of Melbourne was founded in 1853 and is incorporated under an Act of Parliament of Her present Majesty's reign, No. XXXIV.

That, by the said Act of Incorporation, the power to appoint and dismiss all professors, officers, and servants of the University, and the entire management and superintendence over the affairs, concerns, and property of the University, subject to the Statutes and Regulations of the University, is vested in the Council of the University.

That in 1859 Her Majesty, by Her Letters Patent, in consideration of the high standard of education established by the Council of the University, granted the same rank, precedence, and consideration to the Degrees conferred by the said University under the said Act of Incorporation as if the Degrees had been conferred by any University in the United Kingdom.

That, in accordance with the said Letters Patent, the same high standard of education has been maintained in the said University, under the management and superintendence of the Council.

That, in consideration of the said high standard of education maintained by the said Council, the Inns of Court and the Minister of War in England have lately given the same advantages to the graduates of the University as have been enjoyed by graduates of the Universities in England, Scotland, and Ireland.

That no reason has been shown why the confidence hitherto reposed in the Council of the University as constituted under the said Act of Incorporation should be withdrawn, nor has any Royal Commission been appointed to inquire into the working of the present Constitution of the University, or as to the necessity for any change in the Constitution of the Council.

That all vacancies in the Council are now filled as they occur by free election by the Members of the Senate, subject to the provision that, out of the twenty members constituting the Council sixteen members must be laymen.

That the Senate is no otherwise restricted in its selection of candidates for seats on the Council than is the case in other corporations, namely, by the common law rule, that paid officers of the corporation cannot be elected to seats in the Executive body in which the appointment, amount of salaries, tenure, superintendence in the proper discharge of their duties, and control of such officers is vested.

That such restriction is essential to the sound government of the University, as otherwise paid officers would be the judges of their own official conduct in the discharge of their duties, and as to the amount of work to be done by them, which would tend to lessen confidence and to create suspicion of the superintendence and management of the University, and to destroy that discipline which an independent and disinterested governing body secures.

That by the present Statutes of the University the fullest freedom in the direction and arrangement of the studies of the University in the several Faculties is secured to the learned persons who fill the offices of Deans of Faculty, Professors, and Lecturers, subject to such general supervision by the Council as is provided by the Act of Incorporation, and such as is necessary to secure the punctual discharge of the duties of tuition, and a due compliance with the terms of the Act of Incorporation, and with the Statutes and Regulations of the University.

That the Bill now before your Honorable House proposes to re-constitute the Council of the University in a manner which your petitioners humbly submit will tend to destroy the efficiency of the Council, as the Board to which is intrusted the management and superintendence of the University, and the appointment, control, and discipline of its officers.

That the removal of the Common Law disqualifications of Deans of Faculty, Professors, and Lecturers from the office of members of Council, as proposed by the Bill before your Honorable House, will create the anomaly of the same person being the officer who has to discharge a duty, and the officer who has to apportion the labor and to see that the duty is duly discharged, and to remove the officer who shall neglect his duty.

That contest between the different members of the teaching and examining staff to secure election upon the Council, a position which, if gained by them, would give them a voice in promotions and removals, will tend to create jealousies and to create the suspicion of favoritism.

That the reduction of the term of office of members of Council from life to five years is of most doubtful expediency, and would be a most serious alteration in the constitution of the University for which no sufficient reason has been given, and which would probably tend to interfere with the independent action of the members of the Council so elected.

That the proposal to allow members of the Senate to vote by written papers instead of by personal attendance will foster an organized system of canvassing, which will tend to preclude men of the most suitable character and standing from allowing themselves to be put in nomination for seats in the Council.

That the provision in the Bill to enable the Senate to amend any Statutes sent by the Council to the Senate for acceptance or rejection will be an alteration in the present Constitution of the University of very questionable expediency, and which your petitioners submit should be preceded by an inquiry by a Royal Commission.

Your Petitioners therefore humbly pray your Honorable House that the Bill may not pass into law. And your Petitioners, as in duty bound, will ever pray.

(UTY. SEAL.)

A. C. BROWNLESS,

Vice-Chancellor of

The University of Melbourne.

The Seal of the University was hereto affixed, by order of the Council of the University, on the fifth day of April, One thousand eight hundred and eighty-one, in my presence.

E. F. A'BECKETT,  
Registrar.



1880-81.  
[SECOND SESSION.]

VICTORIA.

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UNIVERSITY CONSTITUTION AMENDMENT BILL.

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PETITION.

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ORDERED BY THE LEGISLATIVE COUNCIL TO BE PRINTED, 5TH APRIL, 1881.

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TO THE HONORABLE THE LEGISLATIVE COUNCIL OF VICTORIA.

We, the undersigned members of the Senate of the Melbourne University, observe with regret the statement that at the eleventh hour the Council of that University have determined upon petitioning your Honorable House to proceed no further with the measure of University reform now before it.

We are still of opinion that the proposed reforms are wholesome, and likely to tend to the good government of the University. We should deeply regret if the time and trouble expended upon this measure by your Honorable House and by the other House of Parliament were thrown away.

We are still of opinion that the University teachers should have some representation in the executive government of the University, and that the Senate, to which we belong, should have the power of the amendment of Statutes instead of a simple veto.

We therefore pray that your Honorable House will pass the measure now before it.

*[Here follow Twenty-three Signatures.]*



VICTORIA.



VOTES  
AND  
PROCEEDINGS  
OF THE  
LEGISLATIVE  
COUNCIL.

SESSION.

1880-81.

LEGISLATIVE  
COUNCIL.