

VICTORIA.



VOTES

AND

PROCEEDINGS

OF THE

LEGISLATIVE

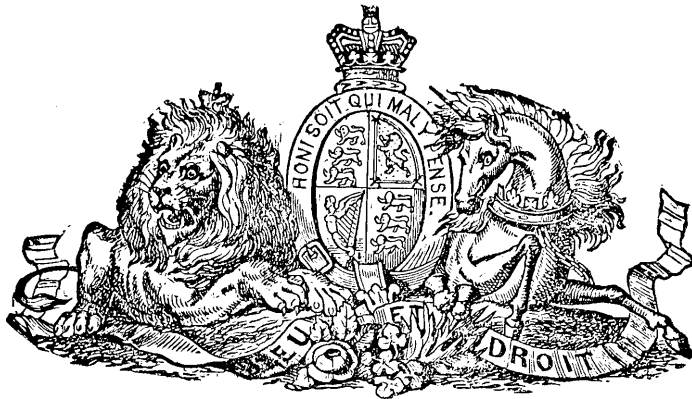
COUNCIL.

SESSION.

1864-5.

LEGISLATIVE COUNCIL
CHAMBER.

VICTORIA.



VOTES AND PROCEEDINGS
OF THE
LEGISLATIVE COUNCIL

DURING THE SESSION

1864-5,

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

By Authority:

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1864-5.

RETURN OF MEMBERS OF THE LEGISLATIVE COUNCIL, 28TH NOVEMBER, 1864, AT THE
OPENING OF THE NINTH SESSION OF PARLIAMENT.

Names arranged in the Order of Retirement.	Elected at		Remarks.
	Nomination.	Polling.	
CENTRAL PROVINCE:			
John Pascoe Fawkner	20th Sept., 1864	...	Retired by rotation and re-elected.
Thomas Howard Fellows	22nd Sept., 1862.		
George Ward Cole... ..	20th Sept., 1860.		
Thomas Turner a'Beckett ... ..	...	21st Sept., 1858.	
William Hull ... ..	...	27th Sept., 1860.	
SOUTH PROVINCE:			
William Henry Pettett ... ..	...	3rd Oct., 1864	Elected instead of Hon. T. H. Power, retired by rotation.
W. J. T. Clarke ... ..	...	29th Sept., 1862.	
William Degraives	18th Sept., 1860.		
John Pinney Bear ... ..	...	1st June, 1863.	
William Taylor ... ..	...	31st Mar., 1864	Elected instead of Hon. D. Kennedy, deceased.
SOUTH-WESTERN PROVINCE:			
John Lowe ... ..	...	11th Oct., 1864	Elected instead of Hon. R. C. Hope, retired by rotation.
James Henty	27th Sept., 1862.		
John McCrae ... ..	...	8th Oct., 1860.	
Caleb Joshua Jenner ... ..	...	17th Mar., 1863.	
James Ford Strachan ... ..	...	4th Sept., 1856.	
WESTERN PROVINCE:			
Henry Miller	7th Oct., 1864	...	Retired by rotation and re-elected.
Neil Black	6th Oct., 1862.		
Sir James Frederick Palmer	5th Oct., 1860.		
Charles Sladen	11th July, 1864	...	Elected instead of Hon. C. Vaughan, deceased.
Stephen George Henty ... ..	...	11th Sept., 1856.	
NORTH-WESTERN PROVINCE:			
Nicholas Fitzgerald ... ..	...	2nd Nov., 1864	Elected instead of Hon. F. Robertson, retired by rotation.
William Campbell ... ..	...	1st Nov., 1862.	
William Henry Fancourt Mitchell	13th Jan., 1862.		
David Elliot Wilkie ... ..	...	1st Nov., 1858.	
Alexander Fraser ... ..	...	13th Sept., 1858.	
EASTERN PROVINCE:			
Henry Morgan Murphy ... ..	...	24th Oct., 1864	Elected instead of Hon. J. D. Pinnock, retired by rotation.
Robert Turnbull	14th Dec., 1863.		
William Highett	5th Oct., 1860.		
Benjamin Williams	25th Oct., 1858.	
Matthew Hervey	7th July, 1863.		

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- 29th Nov. 1. Licences under Clause XLVII, Act 25 Victoria, No. 145.
2. University of Melbourne.—Report—Year ending 31st May, 1864.
3. Criminal Statistics, 1863.
4. Census of Victoria, 1861.—Conjugal Condition of the People.
5. Census of Victoria, 1861.—Health of the People.
6. Census of Victoria, 1861.—Education of the People.
- 6th Dec. 7. Mining Surveyors and Registrars—Reports of, for Quarter ending 31st March, 1864.
8. Mining Surveyors and Registrars—Reports of, for Quarter ending 30th June, 1864.
9. Mining Surveyors and Registrars—Reports of, for Quarter ending 30th September, 1864.
10. Gold Fields—Report of Board on applications for rewards for discovery of New (15th June, 1864).
11. Spring Gully Reservoir—Mining operations at.—Order in Council (15th August, 1864).
12. Clunes and Rushworth County Court.—Order in Council (10th October, 1864).
13. Sandhurst District Court of Mines, to be holden at Rushworth.—Order in Council (3rd October, 1864).
14. Public Accounts—Regulations (11th April, 11th April, 5th October, 8th October, 12th November, 1864).
15. Volunteer Force—Regulations (4th July, 18th July, 1864).
- 13th Dec. 16. Birth of Son to His Royal Highness the Prince of Wales.—Despatch from the Right Honorable the Secretary of State, acknowledging Address from Legislative Council (24th May, 1864).
17. Mining within Exempted Lands.—Order in Council (13th June, 1864).
18. Neglected and Criminal Children Act.—Regulations (3rd August, 1864).
19. Transportation.—Further Papers.
20. Health—Central Board of.—Ninth Annual Report.
- 20th Dec. 21. Wood's Point—Beechworth District Court of Mines to be holden at.—Order in Council (5th December, 1864).
22. Wood's Point—County Court to be holden at.—Order in Council (5th December, 1864).
23. Races, Dams, and Reservoirs.—Land Act, 1862.—Order in Council (21st November, 1864).
24. Hospitals and Lunatic Asylums.—Copy of Despatch from the Right Honorable the Secretary of State, with enclosures (6th April, 1864).
25. Refreshment Rooms—Report of Select Committee upon.
- 22nd Dec. 26. Avoca, St. Arnaud, Haddon—Authorised Mining at.—Orders in Council (12th December, 1864).
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- 17th Jan. 27. Trade and Customs.—Accounts (1863).
28. Land sold and leased from 1st July to 31st December, 1863.
29. Land sold and leased from 1st January to 30th June, 1864.
30. Lands.—Regulations as to Crown Grants selected (27th June, 1864).
31. Leases—Regulations as to execution and production of (18th April, 1864).
32. Sewers and Water Supply, Melbourne.—Cash and Balance Sheet (1863).
33. Statistics of Victoria (1863).
34. Ballan—County Court to be holden at.—Order in Council (19th December, 1864).
35. Aborigines—Fourth Report of Central Board to watch over.
- 24th Jan. 36. Royal Mint.—Despatch from the Right Honorable the Secretary of State (26th November, 1864, No. 87, with enclosures).
37. Pleuro-pneumonia—Report of Royal Commission on (12th December, 1864).
38. Volunteer Cavalry—Regulations for (28th December, 1864).
- 31st Jan. 39. Banking Companies—Colonial Acts incorporating.—Circular Despatch from the Right Honorable the Secretary of State for the Colonies (9th March, 1864).
40. Statistics of Victoria (1864).

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- 31st Jan. 41. Sandhurst Authorised Mining.—Order in Council, 25th August, 1862.—Regulations under (dated 3rd January, 1865).
- „ 42. Mining Lease—Amended Form of, under 25 Vict., No. 148.—Order in Council (12th December, 1864).
- „ 43. Public Accounts—Regulations respecting, in substitution of Regulation dated 4th February, 1861.
- 7th Feb. 44. Accounts, Public.—Regulation (27th January, 1865).
- „ 45. Transportation.—Further Papers.—Despatch from the Right Honorable the Secretary of State, No. 89 (26th November, 1864).
- „ 46. Electric Telegraph.—Report of General Superintendent for year ending 31st December, 1864.
- 14th Feb. 47. Mining Surveyors and Registrars.—Reports (for quarter ending 31st December, 1864).
- 21st Feb. 48. Beechworth and Yackandandah Courts of Mines.—Order in Council (6th February, 1865).
- „ 49. Beechworth and Yackandandah County Court.—Order in Council (6th February, 1865).
- 28th Feb. 50. Local Government Act.—First Report of Assistant Commissioner of Roads and Bridges on execution of (25th January, 1865).
- „ 51. Wedderburne—Mining Operations at.—Order in Council (13th February, 1865).
- „ 52. Library (Joint) Committee—Report from.
- 7th March. 53. Land Act 1862—Form of Leases under 47th clause of.
- 28th March. 54. Volunteer Force.—Return showing results of effective system during the year 1864.
- 29th March. 55. Mineral Statistics of Victoria (1864).
- 4th April. 56. Geological Survey.—Report from June, 1863, to September, 1864.
- „ 57. Defences of the Colony.—Papers and Reports.
- „ 58. Neglected and Criminal Children Act.—Regulations for Reformatory School on board Hulk *Deborah*.
- „ 59. Friendly Societies—Return of, registered, expired, or dissolved, during 1864.
- „ 60. Great Southern Telescope—Extracts from Correspondence regarding.
- 6th April. 61. (Joint) Library Committee and (Joint) Parliament Buildings Committee Report.
- 2nd May. 62. Tarnagulla—District Court of Mines to be held at.—Order in Council (10th April, 1865).
- „ 63. Tarnagulla—County Court to be holden at.—Order in Council (10th April, 1865).
- „ 64. Border Customs Duties.—Further Correspondence between New South Wales and Victoria (8th June, 1864, to 18th April, 1865).
- 9th May. 65. Neglected and Criminal Children Act.—Regulations for Female Reformatory Schools (20th March, 1865).
- 16th May. 66. Mining Surveyors' and Registrars' Reports (for Quarter ending 31st March, 1865).
- „ 67. Supreme Court—Reg: Gen: (10th May, 1865).
- 23rd May. 68. Volunteer Force, Victoria.—Regulations (3rd May, 1865).
- 25th May. 69. Mornington—County Court to be holden at.—Order in Council (8th May, 1865).
- „ 70. Defences of the Colony.—Remarks on Report of Commodore Sir W. Wiseman, by Majors Pasley and Scratchley, R.E. (25th February, 1865).
- 30th May. 71. Diseases—Return of (Year 1864).
- „ 72. Health Officer—Report of (Year ending 31st December, 1864).
- 14th June. 73. Standing Orders Committee.—Report.
- „ 74. Civil Establishment of Victoria, 1864.
- 20th June. 75. Fine Arts Commission.—Second Progress Report.
- 22nd June. 76. Parliament Buildings Committee.—Second Report.
- 4th July. 77. Observatory—Fourth Report of Visitors of (5th May, 1865).
- „ 78. Criminal Statistics, (1864).
- „ 79. *Shenandoah*, Steamer—Despatch relating to, from the Right Honorable the Secretary of State (26th April, 1865).
- 11th July. 80. Immigration Regulations.—Nomination and Introduction of Immigrants (1st August, 1865).
- „ 81. *Shenandoah*, Steamer.—Reply to Address of Council.
- 12th July. 82. Sewers and Water Supply.—Cash Sheet and Balance Sheet, 1864.
- „ 83. Manufactures and Industries, New—Regulations for the Promotion of.
- 13th July. 84. Echuca—County Court to be holden at.—Order in Council (3rd July, 1865).
- „ 85. Supreme Court—Reg: Gen: (10th July, 1865).
- „ 86. Pilot Board—Accounts of (for year ending 31st August, 1864).
- 25th July. 87. Naval and Seaboard Defences of the Colony—Return to Address of Council.
- „ 88. Mail Service—Conveyance of Australian Mails—Despatch from the Right Honorable the Secretary of State for the Colonies, with Enclosures (26th May, 1865).

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- 25th July. 89. Education—Board of.—General Regulation, Military Drill, and Gymnastics (23rd June, 1865).
- „ 90. Customs Bill (1864).—Message from His Excellency the Governor—Reply to Address of Council.
- „ 91. Judges of the Colony—Correspondence with.—Message from His Excellency the Governor.—Reply to Address of Council.
- „ 92. Trade and Customs Accounts, 1864.
- 1st Aug. 93. Health, Central Board of—Tenth Annual Report of.
- „ 94. Mining Surveyors' and Registrars' Reports (for Quarter ending 30th June, 1865).
- 2nd Aug. 95. Immigration Regulations—Nomination and Introduction of Immigrants—(To take effect on and after 1st August, 1865).—In substitution for paper laid on Table 11th July, 1865.
- 29th Aug. 96. University of Melbourne.—Report for Year ending 31st May, 1865.
- „ 97. Message from His Excellency the Governor.
- 6th Sept. 98. Post Office Savings Banks.—General Regulations (7th August, 1865).
- 19th Sept. 99. Agriculture—Board of—Sixth Annual Report of.
- „ 100. Castlemaine District Court of Mines, to be held at Kyneton.—Order in Council (4th September, 1865).
- 3rd Oct. 101. Public Accounts.—Regulations—(Supplementary to Regulation No. 45, of 1st May, 1859.)—(18th September, 1865.)
- „ 102. Transportation to Western Australia—Discontinuance of.—Despatch from the Right Honorable the Secretary of State (25th July, 1865).
- „ 103. Correspondence concerning the presentation to Her Majesty the Queen of the Address adopted by the Council (21st September, 1865).
- „ 104. Speeches and Addresses of the Prince Consort, Volume of.—Letter from the Private Secretary to His Excellency the Governor, transmitting Copy of Despatch from the Right Honorable the Secretary of State for the Colonies, expressing the gratification of Her Majesty at receiving thanks of the Council for presentation to Parliament Library, of Volume of Speeches and Addresses of His late R.H. the Prince Consort.
- 4th Oct. 105. Duties—Moneys Collected.—Return to Order of Council (19th September).
- 10th Oct. 106. Neglected and Criminal Children Act.—Regulation (2nd October, 1865).
- „ 107. Lease—Conditions of, of Swamp, in the parish of Yering.
- 12th Oct. 108. Volunteer Force.—2nd Ballarat Rifle Corps.—Additional Rule.
- „ 109. Botanist, Government.—Annual Report (30th September, 1865).
- 24th Oct. 110. Volunteer Force.—Musketry Report, 1865.
- „ 111. Savings Banks.—Statement and Returns, Year ending 30th June, 1865.
- 8th Nov. 112. Mining Surveyors and Registrars—Report of (for Quarter ending 30th September, 1865).
- 15th Nov. 113. Message from the Governor (with Copy of Despatch from the Right Honorable the Secretary of State for the Colonies.—Victoria, No. 9. 24th January, 1865), in reply to Address from Council for copy of Despatch received from Secretary of State for the Colonies on subject of Customs Bill, 1864.
- 16th Nov. 114. Sugar, Tea, Opium, Gold.—Return to Order of Council.
- 23rd Nov. 115. Foreign Office Library—Catalogue of Books in.—Letter from Private Secretary to the Governor, enclosing copy of a Despatch from the Right Honorable the Secretary of State for the Colonies, transmitting Catalogue of Printed Books in the Library of the Foreign Office.
- 28th Nov. 116. Appropriation Bill—Message from the Governor relating to.—Reply to Address from Council.



VICTORIA.

SUMMARY OF PROCEEDINGS ON BILLS IN THE LEGISLATIVE COUNCIL DURING THE SESSION 1864-5.

No.	SHORT TITLES OF BILLS.	By whom and when initiated.	PROGRESS.														Number of Act.	REMARKS.			
			First Reading.	Second Reading.	Committal.	Report.	Re-committal.	Report after Re-committal.	Adoption of Report.	Third Reading.	Passing.	Sent to Legislative Assembly.	Returned from Legislative Assembly.	Amendments considered.	Retransmitted to Legislative Assembly.	Assent.			Publication in the Government Gazette.		
1	Charitable Institutions Bill	Honorable M. Hervey	1864. 29th Nov.	29th Nov.	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	Discharged from Notice Paper, 2nd May, 1865.
2	Constitution Act Amendment Bill ..	Honorable M. Hervey	13th Dec.	13th Dec.	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	Lost on motion for second reading, 31st January, 1865, an absolute majority not having voted for it.
3	Land Act 1862 Amendment Bill	Message from Legislative Assembly ..	1865. 24th Jan.	24th Jan.	1st Feb.	1st Feb.	15th Feb.	21st Feb.	21st Feb.	22nd Feb.	22nd Feb.	22nd Feb.	22nd Feb.	..	7th March	14th March	14th March	..	23rd March	24th March	CCXXXVII.
4	Consolidated Revenue Bill (1)	Message from Legislative Assembly ..	26th Jan.	26th Jan.	26th Jan.	26th Jan.	26th Jan.	..	..	26th Jan.	26th Jan.	26th Jan.	21st March	4th April	..	..	..	..	31st Jan.	3rd Feb.	CCXXXVI.
5	Medical Practitioners Laws Consolidation Bill	Message from Legislative Assembly ..	7th March	7th March	15th March	15th March	15th March	..	..	15th March	21st March	21st March	..	..	..	..	..	..	9th May	16th May	CCXXXIX.
6	Fences Law Consolidation Bill	Message from Legislative Assembly ..	7th March	7th March	15th March	15th March	15th March	..	..	15th March	21st March	21st March	..	..	..	..	..	..	9th May	12th May	CCXL.
7	Patents Law Consolidation Bill	Message from Legislative Assembly ..	7th March	7th March	15th March	15th March	15th March	..	..	15th March	21st March	21st March	..	..	..	..	..	..	9th May	12th May	CCXLI.
8	Crown Remedies and Liability Law Consolidation Bill	Message from Legislative Assembly ..	7th March	7th March	15th March	15th March	15th March	..	..	15th March	21st March	21st March	..	..	..	..	..	..	9th May	12th May	CCXLII.
9	Equity Practice Law Consolidation Bill ..	Message from Legislative Assembly ..	7th March	7th March	15th March	15th March	15th March	..	..	15th March	21st March	21st March	..	..	..	..	..	..	9th May	12th May	CCXLIII.
10	Bakers and Millers Laws Consolidation Bill ..	Message from Legislative Assembly ..	7th March	7th March	15th March	15th March	15th March	..	..	15th March	21st March	21st March	..	..	..	..	..	..	9th May	12th May	CCXLIV.
11	Religious Trusts Law Consolidation Bill ..	Message from Legislative Assembly ..	7th March	7th March	15th March	15th March	15th March	..	..	15th March	21st March	21st March	..	..	..	..	..	..	9th May	12th May	CCXLV.
12	Seamen Law Consolidation Bill	Message from Legislative Assembly ..	7th March	7th March	15th March	15th March	15th March	..	..	15th March	21st March	21st March	..	..	..	..	..	..	15th June	20th June	CCXLXIII.
13	Insolvency Laws Consolidation Bill	Message from Legislative Assembly ..	7th March	7th March	15th March	15th March	15th March	..	..	15th March	21st March	21st March	..	..	..	..	..	..	1st June	9th June	CCXLVI.
14	Volunteer Laws Consolidation Bill	Message from Legislative Assembly ..	7th March	7th March	15th March	15th March	15th March	..	..	15th March	21st March	21st March	..	..	..	..	..	..	9th May	12th May	CCXLVII.
15	Registration of Births, Deaths, and Marriages Laws Consolidation Bill	Message from Legislative Assembly ..	7th March	7th March	15th March	15th March	15th March	..	..	15th March	21st March	21st March	..	..	..	..	..	..	9th May	16th May	CCXLVIII.
16	Party Professions Law Consolidation Bill ..	Message from Legislative Assembly ..	7th March	7th March	15th March	15th March	15th March	..	..	15th March	21st March	21st March	..	..	..	..	..	..	9th May	16th May	CCXLIX.
17	Pawnbrokers Laws Consolidation Bill	Message from Legislative Assembly ..	7th March	7th March	15th March	15th March	15th March	..	..	15th March	21st March	21st March	..	..	..	..	..	..	9th May	16th May	CCCL.
18	Impounding Law Consolidation Bill	Message from Legislative Assembly ..	7th March	7th March	15th March	15th March	15th March	..	..	15th March	21st March	21st March	..	..	..	..	..	..	1st June	6th June	CCCLIII.
19	Savings Banks Law Consolidation Bill	Message from Legislative Assembly ..	7th March	7th March	15th March	15th March	15th March	..	..	15th March	21st March	21st March	..	..	..	..	..	..	9th May	16th May	CCCL.
20	Thistles Law Consolidation Bill	Message from Legislative Assembly ..	7th March	7th March	15th March	15th March	15th March	..	..	15th March	21st March	21st March	..	..	..	..	..	..	9th May	16th May	CCCL.
21	Torts Laws Consolidation Bill	Message from Legislative Assembly ..	7th March	7th March	15th March	15th March	15th March	..	..	15th March	21st March	21st March	..	..	..	..	..	..	9th May	16th May	CCCL.
22	Theatres Law Consolidation Bill	Message from Legislative Assembly ..	7th March	7th March	15th March	15th March	15th March	..	..	15th March	21st March	21st March	..	..	..	..	..	..	1st June	2nd June	CCCL.
23	County Courts Laws Consolidation Bill ..	Message from Legislative Assembly ..	7th March	7th March	15th March	15th March	15th March	..	..	15th March	21st March	21st March	..	..	..	..	..	..	9th May	16th May	CCCL.
24	Coroners Law Consolidation Bill	Message from Legislative Assembly ..	7th March	7th March	15th March	15th March	15th March	..	..	15th March	21st March	21st March	..	..	..	..	..	..	9th May	16th May	CCCL.
25	Juries Bill	Message from Legislative Assembly ..	7th March	7th March	15th March	15th March	15th March	..	..	15th March	21st March	21st March	..	..	..	..	..	..	9th May	16th May	CCCL.
26	Public Moneys and Audit Law Consolidation Bill ..	Message from Legislative Assembly ..	7th March	7th March	15th March	15th March	4th April	..	..	23rd March	23rd March	23rd March	23rd March	4th April	2nd May	17th May	17th May	..	..	..	Ordered to be taken into consideration "this day six months."—30th May, 1865.
27	Friendly Societies Law Consolidation Bill ..	Message from Legislative Assembly ..	7th March	7th March	15th March	15th March	15th March	..	..	15th March	21st March	21st March	..	..	..	..	..	..	9th May	16th May	CCCLIV.
28	Common Law Procedure Laws Consolidation Bill ..	Message from Legislative Assembly ..	7th March	7th March	15th March	15th March	15th March	..	..	15th March	21st March	21st March	..	..	..	..	..	..	15th June	20th June	CCCLXIV.
29	Passengers, Harbors, and Navigation Law Consolidation Bill	Message from Legislative Assembly ..	7th March	7th March	15th March	15th March	15th March	..	..	15th March	21st March	21st March	..	..	..	..	..	..	9th May	16th May	CCCLV.
30	Police Offences Law Consolidation Bill	Message from Legislative Assembly ..	7th March	7th March	15th March	15th March	15th March	..	..	15th March	21st March	21st March	..	..	..	..	..	..	1st June	9th June	CCCLV.
31	Aliens Law Consolidation Bill	Message from Legislative Assembly ..	7th March	7th March	15th March	15th March	15th March	..	..	15th March	21st March	21st March	..	..	..	..	..	..	9th May	16th May	CCCLVI.
32	Police Regulation Law Consolidation Bill ..	Message from Legislative Assembly ..	7th March	7th March	15th March	15th March	15th March	..	..	15th March	21st March	21st March	..	..	..	..	..	..	9th May	16th May	CCCLVII.
33	Hawkers and Pedlers Law Consolidation Bill ..	Message from Legislative Assembly ..	7th March	7th March	15th March	15th March	15th March	..	..	15th March	21st March	21st March	..	..	..	..	..	..	9th May	16th May	CCCLVIII.
34	Cemeteries Law Amendment Bill	Honorable C. Shaden	14th March	14th March	28th March	28th March	4th April	..	..	5th April	5th April	5th April	5th April	..	..	..	..	..	..	..	Not returned from Legislative Assembly. Lapsed.
35	Registration Act Amendment Bill	Message from Legislative Assembly ..	14th March	14th March	28th March	28th March	4th April	..	..	5th April	5th April	5th April	5th April	..	..	..	..	..	..	..	..
36	Hospitals Law Consolidation Bill	Message from Legislative Assembly ..	15th March	..	21st March	21st March	21st March	21st March	21st March	23rd March	23rd March	23rd March	23rd March	..	4th April	5th April	5th April	..	..	..	..
37	Electoral Law Consolidation Bill	Message from Legislative Assembly ..	16th March	16th March	23rd March	23rd March	4th April	..	..	4th April	5th April	5th April	5th April	2nd May	2nd May	17th May	..	..	25th July	1st August	CCCLXXIX.
38	Mercantile Securities Bill	Message from Legislative Assembly ..	16th March	16th March	23rd March	23rd March	..	..	..	..	..	..	..	..	..	..	..	..	..	..	Further consideration in Committee postponed till "this day six months."—25th March, 1865.
39	Mining Bye-Laws Validity Bill	Message from Legislative Assembly ..	16th March	16th March	23rd March	23rd March	4th April	..	..	4th April	5th April	5th April	5th April	..	..	..	..	..	23rd March	24th March	CCCLXXXVIII.
40	Chinese Act Amendment Bill	Message from Legislative Assembly ..	21st March	21st March	28th March	28th March	..	..	..	..	..	..	..	..	..	..	..	..	9th May	16th May	CCCLIX.
41	Public Health Laws Consolidation Bill	Message from Legislative Assembly ..	23rd March	23rd March	28th March	28th March	28th March	..	..	28th March	28th March	28th March	28th March	..	..	..	..	..	1st June	6th June	CCCLXIV.
42	Fencing Bill	Honorable C. Shaden	28th March	28th March	2nd May	2nd May	17th May	23rd May	23rd May	28th March	28th March	28th March	28th March	..	..	..	..	..	..	..	Not returned from Legislative Assembly.
43	Justices Law Consolidation and Amendment Bill ..	Message from Legislative Assembly ..	4th April	4th April	5th April	5th April	5th April	..	..	5th April	6th April	6th April	6th April	2nd May	..	..	..	..	1st June	9th June	CCCLXVII.
44	Quartz Reef Drainage Bill	Message from Legislative Assembly ..	4th April	4th April	2nd May	2nd May	17th May	..	..	18th May	18th May	18th May	18th May	..	30th May	30th May	..	..	15th June	20th June	CCCLXXV.
45	St. Kilda and Brighton Railway Sale Bill ..	Message from Legislative Assembly ..	2nd May	2nd May	11th May	11th May	17th May	..	..	18th May	18th May	18th May	18th May	..	1st June	..	..	..	15th June	20th June	CCCLXXIX.
46	Lien on Crops Bill	Message from Legislative Assembly ..	2nd May	2nd May	9th May	9th May	9th May	18th May	18th May	23rd May	23rd May	23rd May	23rd May	20th June	..	..	..	..	2nd Sept.	22nd Sept.	CCCLXXX.
47	County Courts Law Amendment Bill	Message from Legislative Assembly ..	2nd May	2nd May	9th May	9th May	1st June	..	..	13th June	14th June	14th June	14th June	..	..	..	..	..	2nd Sept.	22nd Sept.	CCCLXXXI.
48	Post Office Law Amendment Bill	Message from Legislative Assembly ..	4th May	4th May	17th May	17th May	18th May	..	..	23rd May	23rd May	23rd May	23rd May	..	..	..	..	..	25th July	1st August	CCCLXXXII.
49	Payment of Members Bill	Message from Legislative Assembly ..	9th May	9th May	17th May	17th May	18th May	..	..	23rd May	25th May	25th May	..	..	..	..	..	..	15th June	20th June	CCCLXXX.
50	Melbourne and Hobson's Bay Railway Company and Melbourne Railway Company Amalgamation Bill ..	Message from Legislative Assembly ..	11th May	11th May	17th May	18th May	18th May	..	..	23rd May	25th May	25th May	25th May	..	..	..	..	..	15th June	20th June	CCCLXXI.
51	Melbourne and Hobson's Bay Railway Act Amendment Bill	Message from Legislative Assembly ..	11th May	11th May	17th May	18th May	18th May	..	..	23rd May	25th May	25th May	25th May	1st June	..	..	..	..	15th June	20th June	CCCLXXI.
52	Consolidated Revenue Bill (2)	Message from Legislative Assembly ..	11th May	11th May	11th May	11th May	11th May	..	..	11th May	11th May	11th May	..	..	..	..	..	..	17th May	2nd June	CCCLXX.
53	Supreme Court Law Consolidation Bill	Message from Legislative Assembly ..	1st June	1st June	15th June	21st June	21st June	..	..	22nd June	22nd June	22nd June	22nd June	..	5th July	..	..	..	..	..	Ordered to be taken into consideration "this day three months."—5th July, 1865.
54	Transfer of Real Estate Bill	Message from Legislative Assembly ..	1st June	1st June	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	Ordered to be read a second time "this day six months."—21st June, 1865.
55	Sandhurst, Inglewood, and Loddon District Tramway Bill	Message from Legislative Assembly ..	1st June	1st June	13th June	21st June	21st June	..	..	22nd June	23rd June	23rd June	23rd June	5th July	..	..	..	..	28th July	1st August	CCCLXXXVIII.
56	Constitution Law Consolidation Bill	Message from Legislative Assembly ..	6th June	7th June	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	Ordered to be read a second time "this day six months."—14th June, 1865.
57	Public Works Law Amendment and Consolidation Bill	Message from Legislative Assembly ..	7th June	7th June	14th June	14th June	21st June	22nd June	22nd June	22nd June	27th June	27th June	28th June	28th June	28th June	5th July	6th July	6th July	..	..	..
58	Royal Mint Establishment Bill	Message from Legislative Assembly ..	13th June	13th June	22nd June	22nd June	22nd June	28th June	28th June	23rd June	23rd June	23rd June	23rd June	..	..	..	..	..	12th Oct.	17th Oct.	CCCLXXXIX.
59	Interpretation of Acts Bill	Message from Legislative Assembly ..	13th June	13th June	21st June	21st June	21st June														

VICTORIA.

No. 1.

Minutes of the Proceedings

OF THE

LEGISLATIVE COUNCIL.

MONDAY, 28TH NOVEMBER, 1864.

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 SIR CHARLES HENRY DARLING, Knight Commander of the Most Honorable Order of the Bath, Governor and Commander-in-Chief of the Colony of Victoria, &c., &c., &c.

WHEREAS, by *The Constitution Act* it is amongst other things enacted that it shall be lawful for the Governor to fix such places within Victoria, and (subject to the limitation in the said Act contained) such times for holding the first and every other session of the Legislative Council and Legislative Assembly for Victoria, and to vary and alter the same respectively as he may think fit: And whereas it is expedient to fix the time for holding the next session of the said Legislative Council and Legislative Assembly, now called the "The Parliament of Victoria:" Now therefore I, Sir Charles Henry Darling, the Governor of Victoria, do hereby, in pursuance of the power and authority in me vested as aforesaid, appoint and proclaim that the First Session of the Fourth Parliament of Victoria shall commence and be holden for the despatch of business on Monday, the twenty-eighth day of November instant, 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 respectively are hereby required to give their attendance at the said time and place accordingly.

Given under my Hand and the Seal of the Colony, at Melbourne, this eleventh day of November, in the year of our Lord One thousand eight hundred and sixty-four, and in the twenty-eighth year of Her Majesty's reign.

(L.S.)

C. H. DARLING.

By His Excellency's command,

J. McCULLOCH,
Chief Secretary.

GOD SAVE THE QUEEN!

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

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

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

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

TO ALL TO WHOM THESE PRESENTS SHALL COME,

GREETING:—

WHEREAS by Proclamation made on the eleventh day of November instant, by His Excellency SIR CHARLES HENRY DARLING, Knight Commander of the Most Honorable Order of the Bath, Governor and Commander-in-Chief of Our Colony of Victoria, the said SIR CHARLES HENRY DARLING did fix that the next Session of the Legislative Council and Legislative Assembly of Our said Colony, now called "THE PARLIAMENT OF VICTORIA," should commence and be holden on Monday, the twenty-eighth day of

November instant, at Twelve of the clock at noon, in the Parliament Houses, situated in Parliament Place, Spring Street, in the City of Melbourne: And forasmuch as for certain causes the said SIR CHARLES HENRY DARLING cannot conveniently be present in person in the said Parliament at that time: NOW KNOW YE that We, trusting in the discretion, fidelity, and care of Our trusty and well-beloved SIR WILLIAM FOSTER STAWELL, Knight, Our Chief Justice of Our Supreme Court of Victoria, and SIR REDMOND BARRY, Knight, a Justice of Our said Court, do, by the advice of Our Executive Council, give and grant by the tenor of these presents unto you, the said SIR WILLIAM FOSTER STAWELL and SIR REDMOND BARRY, or either of you, full power in Our name to begin and hold Our said Parliament, and to do everything which for and by Us, or the said SIR CHARLES HENRY DARLING shall be there to be done; commanding also by the tenor of these presents, with the consent of Our said Council, all whom it may concern, to meet Our said Parliament, that to the said SIR WILLIAM FOSTER STAWELL and SIR REDMOND BARRY, or either of them, they diligently attend in the premises and form aforesaid. IN TESTIMONY whereof We have caused the Seal of Our said Colony to be hereunto affixed.

WITNESS Our trusty and well-beloved SIR CHARLES HENRY DARLING, Knight Commander of the Most Honorable Order of the Bath, Governor and Commander-in-Chief of Our Colony of Victoria, &c., &c., &c, at Melbourne, this twenty-fifth day of November, One thousand eight hundred and sixty-four, and in the twenty-eighth year of Our Reign.

(L.S.)

C. H. DARLING.

By His Excellency's Command,

J. McCULLOCH.

Entered on Record by me in Register of Patents,
Book 12, page 276, this twenty-fifth day of November,
One thousand eight hundred and sixty-four.

J. MOORE.

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

The Assembly withdrew.

The Commissioners withdrew.

The President took the Chair.

The President read the Prayer.

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

The Honorable Charles Sladen, for the Western Province (in room of the Honorable Charles Vaughan, deceased).

The Honorable John Pascoe Fawkner, for the Central Province (*re-elected* after retirement by rotation).

The Honorable William Henry Pettett, for the South Province (in room of the Honorable Thomas Herbert Power, retired by rotation).

The Honorable John Lowe, for the South-Western Province (in room of the Honorable Robert Culbertson Hope, retired by rotation).

The Honorable Henry Miller, for the Western Province (*re-elected* after retirement by rotation).

The Honorable Nicholas Fitzgerald, for the North-Western Province (in room of the Honorable Francis Robertson, retired by rotation).

The Honorable Henry Morgan Murphy, for the Eastern Province (in room of the Honorable James Denham Pinnock, retired by rotation).

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

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

To the Honorable SIR JAMES FREDERICK PALMER, Knight, President of the Legislative Council of Our Colony of Victoria,

WHEREAS, by the Bill contained in the Schedule to a Statute passed in the session of Our Imperial Parliament, holden in the eighteenth and nineteenth years of Our reign, intituled "An Act to enable Her Majesty to assent to a Bill as amended of the Legislature of Victoria to establish a Constitution in and for the Colony of Victoria," it is enacted, that no Member, either of the Legislative Council or of the Assembly, shall be permitted to sit or vote therein respectively until he shall have taken and subscribed before the

Governor, or before some person authorized by the Governor in that behalf, the oath in the said Bill mentioned : WE DO THEREFORE by these presents command and authorize you from time to time, in the Parliament House, in the City of Melbourne, to administer the said oath to such Members of the said Legislative Council as have not already taken and subscribed the same. IN TESTIMONY whereof, we have caused the Seal of Our said Colony to be hereunto affixed.

WITNESS Our trusty and well-beloved Sir HENRY BARKLY, Knight Commander of the Most Honorable Order of the Bath, Captain-General and Governor-in-Chief of Our Colony of Victoria, and Vice-Admiral of the same, at Melbourne, this sixth day of November, One thousand eight hundred and sixty-two, and in the twenty-sixth year of Our reign.

(L. S.)

HENRY BARKLY.

By His Excellency's Command,

J. MOORE.

Entered on Record by me, in Register of Patents,
Book 12, page 90, this sixth day of November,
One thousand eight hundred and sixty-two.

(L. S.)

J. MOORE.

The Honorables Charles Sladen, John Pascoe Fawkner, Henry Morgan Murphy, William Henry Pettett, and John Lowe, being severally introduced, took and subscribed the Oath of Allegiance provided for by the thirty-second clause of the Constitution Act, and delivered to the Clerk the declaration required by the seventh clause of the Constitution Act, as hereunder set forth :—

“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 full value of five thousand pounds, sterling money, above all charges and incumbrances affecting the same : And further, that the lands and tenements out of which such qualification arises are situate in the parishes of Whoorel and Yro, in the county or reputed county of Polwarth, the descriptions of which lands and tenements are as follow :—The property known as Ripple Vale, containing about five thousand acres : And I further declare that I have not collusively or colorably obtained a title to or become possessed of the said lands or tenements, or any part thereof, for the purpose of enabling me to be returned a Member of the Legislative Council of the Colony of Victoria.

“CHARLES SLADEN.”

“I, JOHN PASCOE FAWKNER, 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 clear 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 Melbourne, Jika Jika, Will Will Rook, Doutta Galla, Tullamarine, Broadmeadows, Wyndham, and elsewhere in the counties or reputed counties of Victoria, the descriptions of which lands and tenements are as follow :—Part of allotment No. 1, Block 2, sold as lot the first, on the 1st of June, 1837, at the first sale of Crown Lands at Melbourne, together with the buildings thereon erected by my workmen,—the sale was first advertised April the 10th, 1837 ; allotment No. 14, Block 35, North Melbourne, and portion of No. 15, Block 35 ; allotment, part of suburban, No. 73, East Collingwood, fronting Smith and Perry streets, with six houses, stabling, coach houses, and other outbuildings, bought in 1853, buildings erected in 1856, 1857, together with other lands in Doutta Galla, Will Will Rook, Broadmeadows, Tullamarine, Euroa, Violet Town, Prahran, Benalla, and elsewhere, all in fee simple : 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. The whole were bought before 1854.

“JOHN PASCOE FAWKNER.”

“I, HENRY MORGAN MURPHY, do declare and testify that I am duly seised at law or in equity of an estate of freehold for my own use and benefit in lands or tenements in the Colony of Victoria of the annual value of five hundred pounds sterling, and real 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 situated in the city and parish of Melbourne and parish of Prahran, in the county of Bourke, the descriptions of which lands or tenements are as follow :—No. 1. Bluestone store, yard, stabling, and malt kiln, being No. 123, Flinders street east, in the city and parish of Melbourne, now occupied by Messrs. Gough and Co. as my tenants, on lease for five years, at the yearly rental of three hundred and fifty pounds, with two hundred and fifty pounds paid in advance as fine or premium for such lease, being in fact a rental of four hundred and twenty-five pounds sterling per annum.

This property is worth, with recent additions, at least five thousand five hundred pounds sterling, and is freehold unencumbered. No. 2. Bluestone store, covered yard, &c., being No. 67, Flinders street east, in the city of Melbourne, lately occupied by Messrs. Harley and Co. as my tenants for three years up to June, 1864, at three hundred and fifty pounds per annum, and now in my own occupation; worth, with recent improvements, four thousand two hundred and fifty pounds sterling, and is freehold unencumbered. No. 3. Bluestone, brick and iron store, being No. 65, Flinders street east, now occupied by W. H. Lamond as my tenant on lease at one hundred and twenty pounds sterling per annum. This property is settled on Edith Murphy, but rents and profits on me for life. No. 4. Brick dwelling-house, garden and offices, situate in Osborn-street, South Yarra, let during my recent absence in Europe to George W. Harris as my tenant, at two hundred and seventy-five pounds per annum. This property is settled on Edith Murphy, but rents and profits on me for life. And I further declare, that I have not collusively or colorably obtained a title to or become possessed of the said lands or tenements for the purpose of enabling me to become a Member of the Legislative Council of Victoria.

“HY. M. MURPHY.”

“I, W. H. PETTETT, 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 eight 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 St. Kilda, Hawthorn, &c., in the county or reputed county of South Bourke, the description of which lands and tenements are as follow:—Terrick Terrick, Hawthorn; Clermont House, St. Kilda; Charles Street, Prahran; One thousand acres, Hopkin’s River; Seven hundred acres, King Creek. 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. PETTETT.”

“I, JOHN LOWE, do declare and testify that I am duly seised at law or in equity of an estate of freehold for my own use and benefit in lands or tenements in the Colony of Victoria of the value of five thousand pounds, sterling money, above all charges and incumbrances affecting the same: And further that the lands and tenements out of which such qualification arises are situate in the parish of Moolap and Geelong, in the county or reputed county of Grant, the descriptions of which lands and tenements are as follow:—Suburban properties in the town of Geelong, county of Grant; the Boorangoop Estate, situated on the Barwon river; a Farm at Duneed. 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 LOWE.”

ADJOURNMENT.—The Honorable M. Hervey moved, That the House do now adjourn until two o’clock to-morrow.

Question—put and passed.

The Council adjourned at half-past twelve o’clock until two o’clock on Tuesday, the 29th instant.

G. W. RUSDEN,

Clerk of the Legislative Council and Clerk of the Parliaments.

VICTORIA.

No. 2.

Minutes of the Proceedings

OF THE

LEGISLATIVE COUNCIL.

TUESDAY, 29TH NOVEMBER, 1864.

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

The President read the Prayer.

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

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

MR. PRESIDENT AND HONORABLE GENTLEMEN OF THE LEGISLATIVE COUNCIL :

MR. SPEAKER AND GENTLEMEN OF THE LEGISLATIVE ASSEMBLY :

It affords me much gratification to meet thus early, after a general election, the fourth Parliament under our New Constitution. It must, I apprehend, be a source of considerable satisfaction to yourselves and to the community at large that the past elections have been almost uniformly conducted with a temper and moderation which prove that the constituencies appreciate and know how to exercise those powers of self-government which they now enjoy.

Various important measures will be submitted to you without delay. Instructed, by experience, of the unsatisfactory working of the several Land Laws which have been passed in previous Parliaments, my advisers deem it necessary to the settlement of this difficult subject, that Parliament should forthwith be invited to pass a law which shall be simple in its principle, unencumbered with superfluous and impracticable conditions, calculated to bring the lands of the Colony within easy access of the public at large whilst dealing equitably with existing interests. Accordingly, a measure intended to effect these objects will be immediately submitted to you.

Your early attention will also be called to a measure having for its purpose the re-adjustment of the Tariff.

It is proposed by my advisers that the Revenue to be collected through the medium of the Custom House shall be levied partly by reduced duties upon objects already chargeable, and partly by duties, moderate in amount, on various commodities which as yet have been altogether exempt from taxation.

The effect, it is conceived, of this proposed measure, will be, to decrease the burden of taxation hitherto borne by the mining and other industrious classes, and to distribute it more equitably among all classes of society.

Your early attention will be called to measures which will have for their object an alteration of the period of service of Members, and the qualification of Members and of electors of the Legislative Council, so as to bring this branch of the Legislature more into harmony with the Constitution and with public opinion.

Bills will also be introduced for the more effectual administration of the great mining interests of the Colony ; for the providing more effectual means of water supply to the gold fields and to country districts generally ; for the better regulation of our Charitable Institutions ; for the amendment of the law relating to Public Instruction ; for the protection and preservation of the Public Health ; for the amendment of the law relating to Municipal Corporations and Local Government ; for the amendment of the Insolvency Law ; for the establishment of Post Office Savings Banks ; for raising a duty from successions to property ; for more satisfactorily providing for the custody and treatment of Lunatics ; and for the better regulation of the Police.

GENTLEMEN OF THE LEGISLATIVE ASSEMBLY :

The Estimates for the year 1865 have been prepared with the utmost economy consistent with the making due provision for the necessary expenditure of the year, and for the carrying out and completion of those public works which are deemed indispensable to the welfare and continued development of the resources of the country.

MR. PRESIDENT AND HONORABLE GENTLEMEN OF THE LEGISLATIVE COUNCIL :

MR. SPEAKER AND GENTLEMEN OF THE LEGISLATIVE ASSEMBLY :

I have received for transmission to Her Most Gracious Majesty, and I have forwarded to Her Majesty accordingly, numerous Petitions from Her Majesty's subjects in all parts of the Colony, entreating that the system of Transportation should no longer be continued to any portion of Australia. I have also to communicate to you that I have received from Her Majesty's Secretary of State for the Colonies, in answer to the Addresses of both Houses of the Victorian Parliament on this important subject, a Despatch which will be brought under your consideration by my advisers.

I have also to acquaint you that my advisers have, during the recess, felt it incumbent on them to press on the notice of the Imperial Government the defective state of the defences of the Colony. It is satisfactory to me to be able to inform you that I have received the assurance of experienced naval and military officers, that the proposals made by my advisers to the late Parliament, and which have since been vigorously prosecuted, are calculated to add much to our means of defence, although a considerable expenditure of time and money may be necessary to protect the Colony as effectually against foreign attack as its wealth and importance demand. Seeing that Imperial interests are largely involved in this work, I have, at the suggestion of my advisers, applied to Her Majesty's Government for material contribution in the shape of ships and guns, and I entertain a strong hope that the application will be attended with success.

I regret that the efforts made by my advisers for a satisfactory settlement of the Border Duties Question, between this and the adjacent Colonies, have proved hitherto unsuccessful. The correspondence upon the subject will be laid before you.

I trust that the important duties to which you are now about to apply yourselves will, under the blessing of Divine Providence, advance the prosperity of the country and the happiness of its people.

C. H. DARLING,
Governor.

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 Council adjourned during pleasure.

At four o'clock the President resumed the Chair.

SWEARING IN OF NEW MEMBERS.—The Honorables Nicholas Fitzgerald and Henry Miller, being severally introduced, approached the Table and took and subscribed the Oath of Allegiance provided for by the thirty-second clause of the Constitution Act, and delivered to the Clerk the declarations required by the seventh clause of the Constitution Act, as hereunder set forth, viz :—

“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 five hundred pounds, and real value of five thousand pounds, sterling, 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, Guildford, Tarnagulla, and Wombat, in the county of Talbot, the descriptions of which lands and tenements are as follow :—Allotments numbered thirty-one, twenty-four, five, six, sixty-five, sixty-three, sixty-four, thirty-two, thirty-three, thirty-four, all of Section D two, Castlemaine ; allotments number one and two of Section C, Castlemaine ; allotment number thirty of section D seven, Castlemaine ; and portion of allotments sixteen of Section two, Castlemaine ; allotments number thirty-three, thirty-five, and thirty-seven of Section A, one, five, and seven of Section B, one and four of Section C, being portions of Section A, parish of Guildford ; allotments number seven and eight of Section three A, town of Newbridge, parish of Tarnagulla ; and allotments number three, fourteen, and fifteen of Section two B, and allotments number five, six, and fifteen of Section two C, Daylesford, in the parish of Wombat, according to the Government map of said several allotments, respectively. 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.”

“I, HENRY MILLER, do declare and testify that I am duly seised at law or in equity of an estate of freehold for my own use and benefit in lands or tenements in the Colony of Victoria of the value of five thousand pounds, sterling money, above all charges and incumbrances affecting the same : And further that the lands and tenements out of which such qualification arises are situate in the parish of Morang, in the county of or reputed county of Bourke, the descriptions of which lands and tenements are as follow :—The Mill Park estate, being country sections numbers two, seven, and ten, and subdivisions of section number six. 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 MILLER.”

CHARITABLE INSTITUTIONS BILL.—The Honorable M. Hervey, with leave of the Council, moved, without notice, for leave to introduce a Bill to amend the law relating to Charitable Institutions.

Question—put and passed.

Bill brought in.

The Honorable M. Hervey moved, That the Bill be now read a first time.

Question—put and passed.

Bill read a first time.

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

Question—put and passed.

SPEECH OF HIS EXCELLENCY THE GOVERNOR.—The President reported His Excellency's speech.

The Honorable H. M. Murphy moved, That a Select Committee consisting of the Honorables M. Hervey, W. H. F. Mitchell, J. Lowe, G. W. Cole, J. Henty, W. Degraives, W. Hull, J. P. Fawkner, A. Fraser, and the Mover, be appointed to prepare an Address to His Excellency the Governor, in reply to his Speech delivered in Parliament.

Question—put and passed.

The House was adjourned during pleasure, in order that the Select Committee might prepare an Address in reply to His Excellency the Governor.

The President resumed the Chair at a quarter to five o'clock.

ADDRESS IN REPLY TO HIS EXCELLENCY'S SPEECH.—The Honorable H. M. Murphy, as Chairman of the Select Committee appointed to prepare an Address in reply to the Speech of His Excellency the Governor, brought up the Address prepared by the Committee.

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

To His Excellency SIR CHARLES HENRY DARLING, Knight Commander of the Most Honorable Order of the Bath, Governor and Commander-in-Chief of the Colony of Victoria, &c., &c., &c.

MAY IT PLEASE YOUR EXCELLENCY—

We, Her Majesty's faithful subjects, the Members of the Legislative Council of Victoria, in Parliament assembled, desire to express our loyalty to our Most Gracious Sovereign, and to thank Your Excellency for having summoned thus early, after a general election, the fourth Parliament under our New Constitution.

It is to us a source of considerable satisfaction, and we doubt not to the community at large, that the past elections have been almost uniformly conducted with a temper and moderation which prove that the constituencies appreciate and know how to exercise those powers of self-government which they now enjoy.

To the various important measures which Your Excellency has announced will be submitted to us, we shall give our ready and earnest consideration. We concur with Your Excellency's advisers that the unsatisfactory working of the several Land Laws which have been passed in previous Parliaments shows it to be necessary to the settlement of this difficult subject, that Parliament should forthwith be invited to pass a law which shall be simple in its principle, unencumbered with superfluous and impracticable conditions, calculated to bring the lands of the Colony within easy access of the public at large, whilst dealing equitably with existing interests. We shall give our best attention to the measure to be submitted to us intended to effect these objects.

Our careful attention will also be given to the measure having for its purpose the re-adjustment of the Tariff.

The proposal of Your Excellency's advisers that the Revenue to be collected through the medium of the Custom House shall be levied partly by reduced duties upon objects already chargeable, and partly by duties, moderate in amount, on various commodities which as yet have been altogether exempt from taxation, shall receive our cheerful consideration; and we trust the effect of the proposed measure will be, to decrease the burden of taxation hitherto borne by the mining and other industrious classes, and to distribute it more equitably among all classes of society.

Our grave consideration will be given to any measure, introduced by Your Excellency's advisers, having for its object a change in the constitution of the Legislative Council.

We shall also carefully consider the Bills to be introduced for the more effectual administration of the great mining interests of the Colony; for the providing more effectual means of water supply to the gold fields and to country districts generally; for the better regulation of our Charitable Institutions; for the amendment of the law relating to Public Instruction; for the protection and preservation of the Public Health; for the amendment of the law relating to Municipal Corporations and Local Government; for the amendment of the Insolvency Law; for the establishment of Post Office Savings Banks; for raising a duty from succession to property; for more satisfactorily providing for the custody and treatment of Lunatics; and the better regulation of the Police.

We thank Your Excellency for having informed us of the transmission to Her Most Gracious Majesty of the numerous Petitions received by Your Excellency from Her Majesty's subjects in all parts of the Colony, entreating that the system of Transportation should no longer be continued to any portion of Australia. We await with deep interest the Despatch received by Your Excellency from Her Majesty's Secretary of State for the Colonies, in answer to the Address of both Houses of the Victorian Parliament on this important subject.

We thank Your Excellency for acquainting us that your advisers have, during the recess, felt it incumbent on them to press on the notice of the Imperial Government the defective state of the defences of the Colony. We rejoice to learn that Your Excellency has received the assurance of experienced naval and military officers, that the proposals made by Your Excellency's advisers to the late Parliament, and which have since been vigorously prosecuted, are calculated to add much to our means of defence, although a considerable expenditure of time and money may be necessary to protect the Colony as effectually against foreign attack as its wealth and importance demand. It affords us also great satisfaction to be informed that as Imperial as well as Colonial interests are largely involved in this work, Your Excellency has, at the suggestion of your advisers, applied to Her Majesty's Government for material contribution in the shape of ships and guns, and that Your Excellency entertains a strong hope that the application will be attended with success.

We regret to learn that the efforts made by Your Excellency's advisers for a satisfactory settlement of the Border Duties Question, between this and the adjacent Colonies, have proved hitherto unsuccessful. We thank Your Excellency for informing us that the correspondence upon the subject will be laid before us.

We join Your Excellency in trusting that the important duties to which we are now about to apply ourselves will, under the blessing of Divine Providence, advance the prosperity of the country and the happiness of its people.

The Honorable H. M. Murphy moved, That the Address be now adopted.
Question—put and passed.

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

VICTORIA.

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

The Honorable John Pinney Bear,
The Honorable William Campbell,
The Honorable Thomas Howard Fellows,
The Honorable William Highett,
The Honorable Henry Miller,
The Honorable William Henry Fancourt Mitchell,
The Honorable Charles Sladen,

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

Given under my Hand this twenty-ninth day of November, 1864.

J. F. PALMER,
President of the Legislative Council.

ROYAL MINT—ADDRESS TO THE QUEEN.—The President announced to the Council that he had, during the prorogation of Parliament, received an intimation from the Private Secretary to His Excellency the Governor to the effect that the Address to the Queen, from the Legislative Council, praying for the establishment of a branch of the Royal Mint in Victoria, was duly forwarded for presentation to Her Majesty.

LICENSEES UNDER CLAUSE XLVII., ACT 25 VICTORIA, No. 145.—The Honorable M. Hervey laid on the Table a Return to an Order of the Council, made on the 19th April, 1864.

PAPERS.—The Honorable M. Hervey laid on the Table the following Papers :—

1. University of Melbourne.—Report, year ending 31st May, 1864.
2. Criminal Statistics, 1863.
3. Census of Victoria, 1861—Conjugal Condition of the People.
4. " " " " Health of the People.
5. " " " " Education of the People.

Ordered severally to lie on the Table.

BUSINESS, DAYS OF.—The Honorable M. Hervey, with leave of the Council, moved, without notice, That Tuesdays, Wednesdays, and Thursdays be the days on which the Council shall meet for despatch of business during the present session, and that four o'clock be the hour of meeting on each day.

Question—put and passed.

GOVERNMENT BUSINESS.—The Honorable M. Hervey, with leave of the Council, moved, without notice, That on Wednesday in each week during the present session, the transaction of Government business take precedence of all other business.

LIBRARY (JOINT) COMMITTEE.—The Honorable M. Hervey, with leave of the Council, moved, without notice, That the Honorables the President, James Henty, Charles Sladen, William Hull, and J. P. Bear, be Members of the Joint Committee of both Houses to manage the Library.

Question—put and passed.

PRINTING COMMITTEE.—The Honorable M. Hervey, with leave of the Council, moved, without notice, That the Honorables J. P. Fawcner, W. Campbell, C. J. Jenner, S. G. Henty, and Dr. Wilkie 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 M. Hervey, with leave of the Council, moved, without notice, That the Honorables W. Highett, H. M. Murphy, N. Fitzgerald, A. Fraser, W. H. F. Mitchell, be Members of the Joint Committee of both Houses, to manage the Refreshment Rooms and Stables.

Question—put and passed.

PARLIAMENT BUILDINGS (JOINT) COMMITTEE.—The Honorable M. Hervey, with leave of the Council, moved, without notice, That the Honorables the President, W. Degraives, W. Taylor, G. W. Cole, and R. Turnbull, be Members of the Joint Committee of both Houses to manage and superintend the Parliament Buildings.

Question—put and passed.

STANDING ORDERS SELECT COMMITTEE.—The Honorable M. Hervey, with leave of the Council, moved without notice, That the Honorables the President, T. H. Fellows, T. T. a'Beckett, J. F. Strachan, and H. Miller be appointed a Select Committee on the Standing Orders of the House.

Question—put and passed.

ADDRESS, PRESENTATION OF.—The President announced to the Council that it had been intimated to him that His Excellency would be prepared to receive the President of the Council and such members as might desire to accompany him to present the Address of the Council, at Two o'clock on the following day at the Treasury buildings

ADJOURNMENT.—The Honorable M. Hervey, 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 four o'clock on Tuesday, the 6th proximo.

NOTICE OF MOTION AND ORDER OF THE DAY.

TUESDAY, 6TH DECEMBER, 1864.

NOTICE OF MOTION :—

1. The Hon. W. HULL : To move, That a copy of Major General Chute's last ordinary official report on the condition of the troops, of the stores, magazines, and fortifications within the Colony, be laid upon the Table of this House.

TUESDAY, 13TH DECEMBER.

ORDER OF THE DAY :—

1. CHARITABLE INSTITUTIONS 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, 6TH DECEMBER, 1864.

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

The President read the Prayer.

REPLY OF GOVERNOR TO ADDRESS.—The President announced to the Council that the Address to His Excellency the Governor, adopted on the 29th ultimo, had been presented to His Excellency, and that His Excellency had been pleased to make thereto the following reply :—

MR. PRESIDENT AND HONORABLE GENTLEMEN OF THE LEGISLATIVE COUNCIL :

I beg to thank you for your loyal and dutiful Address.

I receive with confidence the assurance it conveys, that your ready and earnest attention will be given to the important measures which will be submitted to you on behalf of the Government.

C. H. DARLING,
Governor.

Government Offices,
Melbourne, 30th November, 1864.

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

PAPERS.—The Honorable M. Hervey laid on the Table the following papers :—

1. Mining Surveyors and Registrars—Reports of, for Quarter ending 31st March, 1864.
2. The same, for the Quarter ending 30th June, 1864.
3. The same, for the Quarter ending 30th September, 1864.
4. Gold Fields—Report of Board on Applications for Rewards for Discovery of New (15th June, 1864).
5. Spring Gully Reservoir—Mining Operations at.—Order in Council (15th August, 1864).
6. Clunes and Rushworth County Court.—Order in Council (10th October, 1864).
7. Sandhurst District Court of Mines to be holden at Rushworth.—Order in Council (3rd October, 1864).
8. Public Accounts.—Regulations (11th April, 11th April, 5th October, 8th October, 12th November, 1864).
9. Volunteer Force.—Regulations (4th July, 1864 ; 18th July, 1864).

Ordered severally to lie on the Table.

DEFENCES, REPORT ON.—The Honorable W. Hull, in accordance with notice, moved, That a copy of Major-General Chute's last ordinary official report on the condition of the troops, of the stores, magazines, and fortifications within the colony, be laid upon the Table of this House.

Debate ensued.

Question—put and passed.

CONSTITUTION ACT AMENDMENT BILL.—The Honorable M Hervey moved, without notice, That leave be now given to bring in a Bill to alter the qualification and period of service of members, and the qualification of electors for the Legislative Council.

Debate ensued.

Question—put and negatived.

ADJOURNMENT.—The Honorable M. Hervey, 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 past five o'clock until four o'clock on Tuesday, the 13th instant.

NOTICES OF MOTION AND ORDER OF THE DAY.

TUESDAY, 13TH DECEMBER, 1864.

NOTICES OF MOTION:—

1. The Hon. J. McCRAE : To move, That the Honorable J. P. Fawkner be appointed Chairman of Committees.
2. The Hon. T. H. FELLOWS : To move, That there be laid upon the Table of this House, in the subjoined form, a Return of the several matters and particulars indicated by such form in regard to every city, town, borough, shire, and road district respectively,

Name of every City, Town, Borough, Shire, and Road District alphabetically.	Total Number of Ratepayers on the Rate last made.	Number of Persons rated at Sums from £50 to £100 inclusive.	Number of Persons rated at Sums over £100 and not exceeding £150.	Number of Persons rated at Sums over £150 and not exceeding £200.	Number of Persons rated at Sums over £200 and not exceeding £300.	Number of Persons rated at Sums over £300.

3. The Hon. M. HERVEY : To move for leave to introduce a Bill to alter the qualification and period of service of members, and the qualification of electors for the Legislative Council.

ORDER OF THE DAY:—

1. CHARITABLE INSTITUTIONS 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, 13TH DECEMBER, 1864.

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

The President read the Prayer.

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

SPEECHES AND ADDRESSES OF THE PRINCE CONSORT—VOLUME OF.—The President informed the Council that, before the assembling of the present Parliament, a Volume of the Speeches and Addresses of His late Royal Highness the Prince Consort had been received as a present to the Melbourne Parliamentary Library from Her Most Gracious Majesty the Queen, and that the volume contained the autograph of Her Majesty conveying the gift.

PAPERS.—The Honorable M. Hervey laid on the Table the following Papers :—

1. Birth of a Son to His Royal Highness the Prince of Wales.—Despatch from the Right Honorable the Secretary of State acknowledging Address from Legislative Council (24th May, 1864).
2. Mining within Exempted Lands.—Order in Council (13th June, 1864).
3. Neglected and Criminal Children Act.—Regulations (3rd August, 1864).

Ordered severally to lie on the Table.

CHAIRMAN OF COMMITTEES.—The Honorable J. McCrae, in accordance with notice, moved, That the Honorable J. P. Fawkner be appointed Chairman of Committees.

The Honorable M. Hervey moved, That the Honorable Dr. Wilkie be appointed Chairman of Committees.

Question—That the Honorable J. P. Fawkner be appointed Chairman of Committees—put. Council divided.

Contents, 6.

The Hon. G. W. Cole
W. H. Pettett
J. Lowe
J. McCrae
C. J. Jenner
J. Henty (*Teller*).

Not Contents, 13.

The Hon. W. Hull
M. Hervey
H. Miller
W. Taylor
W. Degraives
W. H. F. Mitchell
C. Sladen
W. Campbell
H. M. Murphy
N. Fitzgerald
J. P. Bear
B. Williams
T. T. a'Beckett (*Teller*).

The question was therefore negatived.

Question—That the Honorable Dr. Wilkie be appointed Chairman of Committees—put and passed.

The Honorable Dr. Wilkie made his acknowledgments to the House.

RATEPAYERS, RETURN OF.—The Honorable W. H. F. Mitchell, in the absence of the Honorable T. H. Fellows, in accordance with notice, moved, That there be laid upon the Table of this House, in the subjoined form, a Return of the several matters and particulars indicated by such form in regard to every city, town, borough, shire, and road district respectively.

Name of every City, Town, Borough, Shire, and Road District alphabetically.	Total Number of Ratepayers on the Rate last made.	Number of Persons rated at Sums from £50 to £100 inclusive.	Number of Persons rated at Sums over £100 and not exceeding £150.	Number of Persons rated at Sums over £150 and not exceeding £200.	Number of Persons rated at Sums over £200 and not exceeding £300.	Number of Persons rated at Sums over £300.

Debate ensued.

Question—put and passed.

PAPERS.—The Honorable M. Hervey laid on the Table the following Papers :—

1. Transportation.—Further Papers.
2. Health, Central Board of.—Ninth Annual Report.

Ordered severally to lie on the Table.

CONSTITUTION ACT AMENDMENT BILL.—The Honorable M. Hervey, in accordance with notice, moved, That leave be given to introduce a Bill to alter the qualification and period of service of members, and the qualification of electors for the Legislative Council.

Question—put and passed.

Bill brought in, and on the motion of the Honorable M. Hervey, read a first time, ordered to be printed, and read a second time on the first day of meeting after the Christmas recess.

POSTPONEMENT.—The following Order of the Day was postponed until the first day of meeting after the Christmas recess :—

“ *Charitable Institutions Bill* ”—To be read a second time.

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

Question—put and passed.

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

NOTICES OF MOTION AND ORDERS OF THE DAY.

TUESDAY, 20TH DECEMBER, 1864.

NOTICES OF MOTION :—

1. The Hon. W. CAMPBELL : To move, That a return of the number of elections, number of candidates, number of votes polled for each candidate, and total number of votes polled at each election for the Legislative Council, from 1856 to 1864, inclusive, be laid on the Table of this House.
2. The Hon. C. SLADEN : To move for a return showing the amount of money available for assisted immigration under the 38th section of the Land Act, 1862, for the years 1863 and 1864 respectively ; the amount expended for that purpose for each of those years ; the amount (if any) not yet brought to account for which the Government is liable.

JANUARY, 1865.

ORDERS OF THE DAY :—

1. CONSTITUTION ACT AMENDMENT BILL.—To be read a second time.
2. CHARITABLE INSTITUTIONS BILL.—To be read a second time.

G. W. RUSDEN,

Clerk of the Council and Clerk of the Parliaments.

VICTORIA.

No. 5.

Minutes of the Proceedings

OF THE

LEGISLATIVE COUNCIL.

TUESDAY, 20TH DECEMBER, 1864.

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

The President read the Prayer.

PAPERS.—The Honorable M. Hervey laid on the Table the following Papers:—

1. Wood's Point—Beechworth District Court of Mines to be holden at.—Order in Council (5th December, 1864).
2. Wood's Point—County Court to be holden at.—Order in Council (5th December, 1864).
3. Races, Dams, and Reservoirs.—Land Act 1862.—Order in Council (21st November, 1864).
4. Hospitals and Lunatic Asylums.—Copy Despatch from Right Honorable the Secretary of State, with enclosures (6th April, 1864).

Ordered severally to lie on the Table.

REFRESHMENT ROOMS (JOINT) SELECT COMMITTEE.—The Honorable W. H. F. Mitchell brought up a Progress Report of the Joint Select Committee of both Houses of Parliament appointed to manage the Refreshment Rooms and Stables.

The Report was read at the Table by the Clerk.

The Honorable W. H. F. Mitchell moved, That the Report be received.

Question—put and passed.

LEGISLATIVE COUNCIL ELECTIONS.—The Honorable W. Campbell, in accordance with notice, moved, That there be laid on the Table of the House, a Return of the number of elections, number of candidates, number of votes polled for each candidate, and total number of votes polled at each election for the Legislative Council, from 1856 to 1864, inclusive.

Question—put and passed.

ASSISTED IMMIGRATION.—The Honorable W. H. F. Mitchell, in the absence of the Honorable C. Sladen, moved, in accordance with notice, That there be laid on the Table of the House, a Return showing the amount of money available for assisted immigration under the 38th Section of the Land Act, 1862, for the years 1863 and 1864 respectively; the amount expended for that purpose for each of those years; the amount (if any) not yet brought to account for which the Government is liable.

Question—put and passed.

ADJOURNMENT.—The Honorable M. Hervey, with leave of the Council, moved, That the House, at its rising this day, adjourn until Thursday next.

The Honorable W. H. F. Mitchell, moved, That the words "Thursday next" be omitted with a view to insert the words "Tuesday, the 31st January," instead thereof.

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

Council divided.

Contents, 14.

The Hon. M. Hervey
G. W. Cole
J. Lowe
W. Hull
A. Fraser
H. Miller
R. Turnbull
Dr. Wilkie
J. P. Fawkner
B. Williams
J. P. Bear
W. Taylor
W. Degraives
J. McCrae (*Teller*).

Not Contents, 6.

The Hon. T. H. Fellows
W. H. F. Mitchell
S. G. Henty
H. M. Murphy
N. Fitzgerald
W. Campbell (*Teller*).

The question was therefore passed.

Question—That the House, at its rising this day, adjourn until Thursday next—put and passed.

The Council adjourned at a quarter to five o'clock until four o'clock on Thursday, the 22nd instant.

NOTICES OF MOTION AND ORDERS OF THE DAY.

THURSDAY, 22ND DECEMBER, 1864.

1. The Hon. J. McCRAE : To ask the Honorable M. Hervey, If a reply has been received by the last mail in answer to the Address to Her Majesty with respect to establishing a branch of the Royal Mint in this Colony.

NOTICES OF MOTION :—

1. The Hon. J. P. FAWKNER : To move, That for the future the Clerk of Parliaments do enter on record the names of such members as are present each day on the opening of the Council.
2. The Hon. W. HULL : To move, That there be laid upon the Table of this House, in the subjoined form, a Return of the several matters and particulars indicated in the same :—

Names of all the Commons in the Colony, alphabetically, at this Date.	Date of Proclamation.	Areas originally proclaimed, and at present existing.	Net Revenue or Rental received by the Government.

JANUARY, 1865.

ORDERS OF THE DAY :—

1. CONSTITUTION ACT AMENDMENT BILL.—To be read a second time.
2. CHARITABLE INSTITUTIONS 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.

THURSDAY, 22ND DECEMBER, 1864.

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

The President read the Prayer.

PETITION.—The President announced to the Council that a Petition from Alexander Bayne against the return of the Honorable N. Fitzgerald had been presented to him in terms of the sixty-eighth section of the Electoral Act.

The Honorable J. P. Fawcner moved, That the Petition be referred to the Elections and Qualifications Committee.

Question—put and passed.

PAPERS.—The Honorable M. Hervey laid on the Table the following Paper:—

Avoca, St. Arnaud, Haddon—Authorized Mining at.—Orders in Council (12th December, 1864).

Ordered to lie on the Table.

MEMBERS' ATTENDANCE.—The Honorable J. P. Fawcner, in accordance with notice, moved, That for the future the Clerk of the Parliaments do enter on record the names of such Members as are present each day on the opening of the Council.

Debate ensued.

Question—put and negatived.

COMMONS IN THE COLONY.—The Honorable W. Hull, in accordance with *amended* notice, moved, That there be laid upon the Table of this House, in the subjoined form, a Return of the several matters and particulars indicated in the same:—

Names of all the Commons in the Colony, alphabetically, at this Date.	Date of Proclamation.	Areas originally proclaimed, and at present existing.	Net Revenue or Rental received by the Government.	Expense of Management, and Sums handed over to the Shires and Road Boards.

Question—put and passed.

ADJOURNMENT.—The Honorable M. Hervey, with leave of the Council, moved, without notice, That the House, at its rising this day, adjourn until Tuesday, the 17th proximo.

Question—put and passed.

The Council adjourned at twenty minutes to five o'clock until four o'clock on Tuesday, the 17th January, 1865.

NOTICE OF MOTION AND ORDERS OF THE DAY.

TUESDAY, 17TH JANUARY, 1865.

NOTICE OF MOTION:—

1. The Hon. J. P. FAWKNER: To move, That in the words of Section XVIII of the Standing Orders, any member absenting himself from the Council for more than two weeks, without permission of the Council, will be in contempt; and that the Honorable W. J. T. Clarke has been absent during the whole of this present session.

ORDERS OF THE DAY:—

1. CONSTITUTION ACT AMENDMENT BILL.—To be read a second time.
2. CHARITABLE INSTITUTIONS 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, 17TH JANUARY, 1865.

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

PAPERS.—The Honorable M. Hervey laid on the Table the following Papers:—

1. Trade and Customs.—Accounts (1863).
2. Land sold and leased from 1st July to 31st December, 1863.
3. Lands sold and leased, 1st January to 30th June, 1864.
4. Lands.—Regulations as to Crown Grants selected (27th June, 1864).
5. Leases.—Regulations as to execution and production of (18th April, 1864).
6. Sewers and Water Supply, Melbourne.—Cash and Balance Sheet (1863).
7. Statistics of Victoria.—1863.
8. Ballan.—County Court to be holden at.—Order in Council (19th December, 1864).
9. Aborigines.—Fourth Report of Central Board to watch over.

Ordered severally to lie on the Table.

CALL OF THE HOUSE.—The Honorable M. Hervey, with leave of the Council, moved, without notice, That there be a call of the House on Tuesday, the 31st instant.

Question—put and passed.

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

“*Constitution Act Amendment Bill*”—To be read a second time, Tuesday, 31st instant.

“*Charitable Institutions Bill*”—To be read a second time, Tuesday, 24th instant.

ADJOURNMENT.—The Honorable M. Hervey, with leave of the Council, moved, without notice, That the House at its rising this day adjourn until Tuesday, 24th instant.

Question—put and passed.

The Council adjourned at twenty-five minutes past four o'clock until four o'clock on Tuesday, the 24th instant.

NOTICE OF MOTION AND ORDERS OF THE DAY.

TUESDAY, 24TH JANUARY, 1865.

NOTICE OF MOTION:—

1. The Hon. J. P. FAWKNER: To move, That, in the words of Section XVIII of the Standing Orders, any member absenting himself from the Council for more than two weeks, without permission of the Council, will be in contempt; and that the Honorable W. J. T. Clarke has been absent during the whole of this present session.

ORDER OF THE DAY:—

1. CHARITABLE INSTITUTIONS BILL.—To be read a second time.

TUESDAY, 31ST JANUARY.

ORDERS OF THE DAY:—

1. CALL OF THE HOUSE.
2. CONSTITUTION ACT AMENDMENT BILL.—To be read a second time.

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

CHAPTER I

THE HISTORY OF THE

REIGN OF KING

CHARLES THE FIRST

IN THE YEAR

1649

BY

JOHN

WILKINS

ESQ.

LONDON

1700

Printed by

VICTORIA.

No. 8.

Minutes of the Proceedings

OF THE

LEGISLATIVE COUNCIL.

TUESDAY, 24TH JANUARY, 1865.

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

The President read the Prayer.

PAPERS.—The Honorable M. Hervey laid on the Table the following Papers :—

1. Royal Mint.—Despatch from the Right Honorable the Secretary of State (26th November, 1864, No. 87), with enclosures.
2. Pleuro-pneumonia—Report of Royal Commission on (12th December, 1864).
3. Volunteer Cavalry—Regulations for (28th December, 1864).

Ordered severally to lie on the Table.

LEGISLATIVE COUNCIL ELECTIONS.—The Honorable M. Hervey laid on the Table a Return to an Order of the Council made on the 20th December, 1864.

ABSENCE OF MEMBER.—The Honorable J. P. Fawkner, in accordance with *amended* notice, moved, That the Honorable W. J. T. Clarke having been absent during the whole of the present Session without leave of absence from this Council, be declared guilty of contempt, in pursuance of Standing Order No. XVIII.

Debate ensued.

Question—put and negatived.

POSTPONEMENT.—The following Order of the Day was postponed until Tuesday, the 31st instant :—

“*Charitable Institutions Bill*”—To be read a second time.

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 Land Act 1862,’*” in which they desire the concurrence of the Legislative Council.

FRANS. MURPHY,
Speaker.

Legislative Assembly Chamber,
Melbourne, 24th January, 1865.

LAND ACT 1862 AMENDMENT BILL.—The Honorable M. Hervey moved, That this Bill be now read a first time, printed, and read a second time this day week.

Question—put and passed.

Bill read a first time.

ADJOURNMENT.—The Honorable M. Hervey, with leave of the Council, moved, without notice, That the House at its rising this day adjourn until Thursday next, at half-past four o’clock.

Question—put and passed.

The Council adjourned at a quarter to five o’clock until half-past four o’clock on Thursday, the 26th instant.

ORDERS OF THE DAY.

TUESDAY, 31ST JANUARY.

ORDERS OF THE DAY:—

1. CALL OF THE HOUSE.
 2. CONSTITUTION ACT AMENDMENT BILL.—To be read a second time.
 3. CHARITABLE INSTITUTIONS BILL.—To be read a second time.
 4. LAND ACT 1862 AMENDMENT BILL.—To be read a second time.
-

MEETING

OF

SELECT COMMITTEE.

31st January, 1865.

PRINTING COMMITTEE—at 3 o'clock.

G. W. RUSDEN,

Clerk of the Council and Clerk of the Parliaments.

VICTORIA.

No. 9.

Minutes of the Proceedings

OF THE

LEGISLATIVE COUNCIL.

THURSDAY, 26TH JANUARY, 1865.

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 the receipt of the following Message from the Legislative Assembly :—

MR. SPEAKER—

The Legislative Assembly transmit to the Legislative Council a Bill intituled "*An Act to apply out of the Consolidated Revenue the sum of Sixty thousand pounds to the service of the year One thousand eight hundred and sixty-four, and Five hundred thousand pounds to the service of the year One thousand eight hundred and sixty-five,*" in which they desire the concurrence of the Legislative Council.

FRANS. MURPHY,
Speaker.

Legislative Assembly Chamber,
Melbourne, 26th January, 1865.

CONSOLIDATED REVENUE BILL (1).—The Honorable M. Hervey moved, That this Bill be now read a first time.

Question—put and passed.

Bill read a first time.

The Honorable M. Hervey moved, That this Bill be now read a second time.

Question—put and passed.

Bill read a second time.

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

Question—put and passed.

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

The President left the Chair.

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

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

The Honorable M. Hervey moved, That the title of the Bill be, "*An Act to apply out of the Consolidated Revenue the sum of Sixty thousand pounds to the service of the year One thousand eight hundred and sixty-four, and Five hundred thousand pounds to the service of the year One thousand eight hundred and sixty-five.*"

Question—put and passed.

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

The Council adjourned at a quarter to five o'clock until four o'clock on Tuesday, the 31st instant.

ORDERS OF THE DAY.

TUESDAY, 31ST JANUARY, 1865.

ORDERS OF THE DAY :—

1. CALL OF THE HOUSE.
 2. CONSTITUTION ACT AMENDMENT BILL.—To be read a second time.
 3. CHARITABLE INSTITUTIONS BILL.—To be read a second time.
 4. LAND ACT 1862 AMENDMENT BILL.—To be read a second time.
-

MEETING

OF

SELECT COMMITTEE.

31st January, 1865.

PRINTING COMMITTEE—at 3 o'clock.

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

VICTORIA.

No. 10.

Minutes of the Proceedings

OF THE

LEGISLATIVE COUNCIL.

TUESDAY, 31ST JANUARY, 1865.

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

MESSAGE FROM HIS EXCELLENCY THE GOVERNOR.—The President announced to the Council that the following Message from His Excellency the Governor had been received :—
1864-5.

VICTORIA.

C. H. DARLING,
Governor.

Message, No.

The Governor informs the Legislative Council that he has this day, at the Government House at Toorak, given the Queen's Assent to the undermentioned Act of the present session, viz. :—

“An Act to apply out of the Consolidated Revenue the sum of Sixty thousand pounds to the service of the year One thousand eight hundred and sixty-four and Five hundred thousand pounds to the service of the year One thousand eight hundred and sixty-five.”

Government House,
31st January, 1865.

PETITION.—The Honorable A. Fraser presented a Petition signed by L. McLauchlan, praying that the House will pass a Land Measure founded on the principles of his Petition.
Petition received.

The Honorable A. Fraser moved, That the petition be referred to the Committee of the whole Council to which the Land Bill may be referred.

Question—put and passed.

PETITION.—The Honorable W. Hull presented a Petition signed by F. W. Dallimore and others, praying that the petitioners may be heard by counsel at the bar of the House, and that the forty-eighth section of the Land Bill may be struck out.
Petition received.

The Honorable W. Hull moved, That the petition be referred to the Committee of the whole Council to which the Land Bill may be referred.

Question—put and passed.

PAPERS.—The Honorable M. Hervey laid on the Table the following papers :—

1. Banking Companies, Colonial Acts Incorporating.—Circular Despatch from the Right Honorable the Secretary of State for the Colonies (9th March, 1864).
2. Statistics of Victoria (1864).
3. Sandhurst Authorised Mining.—Order in Council, 25th August, 1862—Regulations under. (Dated 3rd January, 1865.)
4. Mining Lease—Amended Form of, under 25 Vict. No. 148.—Order in Council (12th December, 1864).
5. Public Accounts—Regulations respecting, in substitution of Regulation dated 4th February, 1861.

ELECTIONS AND QUALIFICATIONS COMMITTEE.—MEMBERS SWORN.—The following Members of the Elections and Qualifications Committee were sworn at the Table by the Clerk in the manner prescribed by the Electoral Act of 1856 :—

The Honorable John Pinney Bear
The Honorable William Campbell
The Honorable Thomas Howard Fellows
The Honorable William Highett
The Honorable Henry Miller
The Honorable William Henry Fancourt Mitchell
The Honorable Charles Sladen.

The President appointed the time and place of the first meeting of the Committee to be at eleven o'clock in the forenoon on Wednesday, the 1st February, 1865, in the South Committee Room.

PRINTING COMMITTEE.—FIRST REPORT.—The Honorable J. P. Fawcner brought up the First Report of the Printing Committee, and moved, That the same be adopted and printed.

Question—put and passed.

CALL OF THE HOUSE.—The Order of the Day for a Call of the House being called on, the names of the members of the House were called over by the Clerk by direction of the President, in alphabetical order.

The Honorables Niel Black, W. J. T. Clarke, and Robert Turnbull, were absent; but the Honorables Niel Black and W. J. T. Clarke afterwards appeared in their places.

CONSTITUTION ACT AMENDMENT BILL.—The Order of the Day for the second reading of this Bill being read, the Honorable M. Hervey moved, That the Bill be now read a second time.

Debate ensued.

Council divided.

Contents, 14.
The Hon. M. Hervey
Dr. Wilkie
J. Lowe
W. H. Pettett
J. P. Fawkner
J. McCrae
J. Henty
H. Miller
J. P. Bear
N. Fitzgerald
H. M. Murphy
A. Fraser
C. J. Jenner
T. T. a'Beckett (*Teller*).

Not Contents, 14.
The Hon. W. Taylor
C. Sladen
W. H. F. Mitchell
W. J. T. Clarke
N. Black
S. G. Henty
W. Degraives
W. Highett
J. F. Strachan
W. Hull
G. W. Cole
B. Williams
T. H. Fellows
W. Campbell (*Teller*).

The President declared that he gave his voice with the Contents.

The President pointed out that, as the Bill came under the operation of the sixtieth clause of the Constitution Act, the concurrence of an absolute majority of the whole number of Members of the Council was required on the second reading, that the Bill had not received that concurrence, and that the motion for the second reading was therefore lost.

POSTPONEMENTS.—The following Orders of the Day were severally postponed until the days hereunder set down:—

“*Charitable Institutions Bill*”—To be read a second time, Tuesday, 7th February, 1865.

“*Land Act 1862 Amendment Bill*”—To be read a second time, Wednesday, 1st February, 1865.

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

NOTICE OF MOTION AND ORDERS OF THE DAY.

WEDNESDAY, 1ST FEBRUARY, 1865.

Government Business.

ORDER OF THE DAY:—

1. LAND ACT 1862 AMENDMENT BILL.—To be read a second time.

TUESDAY, 7TH FEBRUARY.

NOTICE OF MOTION:—

1. HON. T. T. a'BECKETT: To move, That, in the opinion of this House, it is desirable that the several Electoral Provinces of Victoria be altered so as to provide for a more equal distribution of the elective franchise, and that the number of members of the Legislative Council be increased; that two new electoral provinces be constituted, to be called respectively the North-Eastern Province and the South-Eastern Province, and that such provinces be formed so as to include therein North and South Gipps Land, and that such two provinces return each five members to the Council.

That upon the constitution of such new provinces the boundaries of the existing provinces be altered, with due regard to the population thereof, and the special interests of such population.

ORDER OF THE DAY:—

1. CHARITABLE INSTITUTIONS BILL.—To be read a second time.

MEETING

OF

SELECT COMMITTEE.

Wednesday, 1st February.

ELECTIONS AND QUALIFICATIONS—at 11 o'clock.

G. W. RUSDEN,

Clerk of the Council and Clerk of the Parliaments.

VICTORIA.

No. 11.

Minutes of the Proceedings

OF THE

LEGISLATIVE COUNCIL.

WEDNESDAY, 1ST FEBRUARY, 1865.

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

The President read the Prayer.

LAND ACT 1862 AMENDMENT BILL.—The Order of the Day for the second reading of this Bill being read, the Honorable M. Hervey moved, That the Bill be now read a second time.

Debate ensued.

Question—put and passed.

Bill read a second time.

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

Question—put and passed.

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

The President left the Chair.

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

Ordered.

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

Question—put and passed.

The Council adjourned at ten o'clock until four o'clock on Tuesday, the 7th instant.

NOTICE OF MOTION AND ORDERS OF THE DAY.

TUESDAY, 7TH FEBRUARY.

NOTICE OF MOTION :—

- I. The Hon. T. T. A'BECKETT : To move, That, in the opinion of this House, it is desirable that the several Electoral Provinces of Victoria be altered so as to provide for a more equal distribution of the elective franchise, and that the number of members of the Legislative Council be increased ; that two new electoral provinces be constituted, to be called respectively the North-Eastern Province and the South-Eastern Province, and that such provinces be formed so as to include therein North and South Gipps Land, and that such two provinces return each five members to the Council.

That upon the constitution of such new provinces the boundaries of the existing provinces be altered, with due regard to the population thereof, and the special interests of such population.

ORDERS OF THE DAY :—

1. CHARITABLE INSTITUTIONS BILL.—To be read a second time.
2. LAND ACT 1862 AMENDMENT BILL.—To be further considered in Committee.

MEETING

OF

SELECT COMMITTEE.

Wednesday, 8th February.

ELECTIONS AND QUALIFICATIONS—at 11 o'clock.

G. W. RUSDEN,

Clerk of the Council and Clerk of the Parliaments.

VICTORIA.

No. 12.

Minutes of the Proceedings

OF THE

LEGISLATIVE COUNCIL.

TUESDAY, 7TH FEBRUARY, 1865.

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

The President read the Prayer.

PAPERS.—The Honorable M. Hervey laid on the Table the following Papers :—

1. Accounts, Public.—Regulation (27th January, 1865).
2. Transportation.—Further Papers.—Despatch from the Right Honorable the Secretary of State. No. 89 (26th November, 1864).
3. Electric Telegraph.—Report of General Superintendent for Year ending 31st December, 1864.

Ordered severally to lie on the Table.

COMMONS IN THE COLONY.—The Honorable M. Hervey laid on the Table a Return in part to an Order of the Council made on the 22nd December, 1864.

ELECTORAL PROVINCES OF VICTORIA.—The Honorable T. T. a'Beckett, in accordance with *amended* notice, moved, That, in the opinion of this House, it is desirable that the several Electoral Provinces of Victoria be altered so as to provide for a more equal distribution of the elective franchise; and that the number of members of the Legislative Council be increased.

Debate ensued.

Motion by leave withdrawn.

COMMONS IN THE COLONY.—The Honorable M. Hervey laid on the Table a further Return to the Order of the Council made on the 22nd December, 1864.

ASSISTED IMMIGRATION.—The Honorable M. Hervey laid on the Table a Return to an Order of the Council made on the 20th December, 1864.

LEGISLATIVE COUNCIL ELECTIONS.—The Honorable W. Campbell, with leave of the Council, moved, without notice, That, the Return supplied with regard to the elections for the Council being defective, and in some respects inaccurate, the information required be supplied from the records kept by the Clerk of the Council, with a note showing in each case the information so supplied; and that in a separate column the number of voters who polled at each election be shown.

Question—put and passed.

POSTPONEMENT.—The following Order of the Day was postponed until Tuesday, the 14th instant :—

“*Charitable Institutions Bill*”—To be read a second time.

LAND ACT 1862 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.

The Honorable M. Hervey moved, That the Council adjourn for one hour, and that leave be given to the Committee to sit again after the adjournment.

Question—put and passed.

The President left the Chair.

After lapse of one hour, the President resumed the Chair.

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 eleven o'clock until four o'clock on Wednesday, the 8th instant.

ORDERS OF THE DAY.

WEDNESDAY, 8TH FEBRUARY, 1865.

Government Business.

ORDER OF THE DAY :—

1. LAND ACT 1862 AMENDMENT BILL.—To be further considered in Committee.

TUESDAY, 14TH FEBRUARY.

ORDER OF THE DAY :—

1. CHARITABLE INSTITUTIONS BILL.—To be read a second time.

MEETING
OF
SELECT COMMITTEE.

Wednesday, 8th February.

ELECTIONS AND QUALIFICATIONS—at 11 o'clock.

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

VICTORIA.

No. 13.

Minutes of the Proceedings

OF THE

LEGISLATIVE COUNCIL.

WEDNESDAY, 8TH FEBRUARY, 1865.

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

The President read the Prayer.

ELECTIONS AND QUALIFICATIONS COMMITTEE.—The Honorable W. H. F. Mitchell, as Chairman of the Elections and Qualifications Committee, brought up the Report of the Committee on the Petition of Alexander Bayne, which was referred to the Committee on the 22nd December, 1864.

The Report was read at the Table by the Clerk.

PETITION.—The Honorable J. P. Fawkner presented a Petition signed by J. H. Carnaby and others, styling themselves residents and owners of land on the Melbourne and Essendon Railway line, praying for relief from the loss and inconvenience sustained in consequence of the closing of the said Railway.

Petition received.

The Honorable J. P. Fawkner moved, That the Petition be printed.

Question—put and passed.

PETITION.—The Honorable J. P. Fawkner presented a Petition signed by Thomas Dolling and others, styling themselves market gardeners and farmers, praying that a Bill may be passed to afford increased market accommodation, and to establish fair fees, and to further relieve the Petitioners.

Petition received.

The Honorable J. P. Fawkner moved, That the Petition be printed.

Question—put and passed.

LAND ACT 1862 AMENDMENT BILL.—The Order of the Day for the further consideration of this Bill in Committee of the whole Council being read, the President left the Chair.

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

Ordered.

The Council adjourned at twenty-five minutes past ten o'clock until four o'clock on Thursday, the 9th instant.

NOTICE OF MOTION AND ORDERS OF THE DAY.

THURSDAY, 9TH FEBRUARY, 1865.

1. The Hon. C. SLADEN : To ask the Honorable the Commissioner of Public Works, If he will have any objection to lay upon the Table the following papers, viz. :—
 - (1.) An account in detail of the liabilities of the year 1863 on the 31st December, 1864, amounting to £80,545.
 - (2.) A copy of the opinion of the law officers of the Crown, as to the principle on which the balance of the Land Fund available for immigration is to be ascertained, given on 13th October, 1863.

NOTICE OF MOTION :—

1. The Hon. W. H. F. MITCHELL : To move, That the Report of the Elections and Qualifications Committee, in the matter of the petition of Alexander Bayne, be confirmed.

ORDER OF THE DAY :—

1. LAND ACT 1862 AMENDMENT BILL.—To be further considered in Committee.

TUESDAY, 14TH FEBRUARY.

ORDER OF THE DAY :—

1. CHARITABLE INSTITUTIONS BILL.—To be read a second time.

G. W. RUSDEN,

Clerk of the Council and Clerk of the Parliaments.

THE HISTORY

OF

THE

REIGN

OF

CHARLES

THE

SECOND

BY

JOHN

WILSON

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WILSON

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NEW

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AND

OF

VICTORIA.

No. 14.

Minutes of the Proceedings

OF THE

LEGISLATIVE COUNCIL.

THURSDAY, 9TH FEBRUARY, 1865.

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

WHEAT, ETC., IMPORTED.—The Honorable J. F. Strachan, with leave of the Council, moved, without notice, That a Return be laid on the Table of the House, of all wheat, barley, oats, maize, and flour imported into this Colony during the years 1863 and 1864.
Question—put and passed.

ATTORNEY GENERAL'S OPINION.—LAND ACT.—The Honorable M. Hervey laid on the Table an opinion of the Attorney General as to the meaning of the words "nett money" in the "Land Act 1862."

Ordered to lie on the Table.

ELECTIONS AND QUALIFICATIONS COMMITTEE REPORT.—The Honorable W. H. F. Mitchell, in accordance with notice, moved, That the Report of the Elections and Qualifications Committee, in the matter of the Petition of Alexander Bayne, be confirmed.

Question—put and passed.

LAND ACT 1862 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.

The Council adjourned at twenty minutes past six o'clock until four o'clock on Tuesday, the 14th instant.

NOTICES OF MOTION AND ORDERS OF THE DAY.

TUESDAY, 14TH FEBRUARY.

NOTICES OF MOTION :—

1. The Hon. J. P. FAWKNER : To move, That the Honorable Robert Turnbull having absented himself from this Council since the 17th ultimo, without informing the President, and for more than three consecutive weeks, without express leave of absence from the Council, and having failed to attend in his place on a Call of the House on the 31st of January last, has thereby infringed the 17th and 18th Standing Orders of this Council, and that he be therefore declared guilty of contempt of this House.
2. The Hon. C. SLADEN : To move for leave to introduce a Bill for the purpose of bringing certain Burial grounds under the operation of the "*Cemeteries Statute 1864.*"

ORDERS OF THE DAY :—

1. CHARITABLE INSTITUTIONS BILL.—To be read a second time.
1. LAND ACT 1862 AMENDMENT BILL.—To be further considered in Committee.

MEETING OF SELECT COMMITTEE.

Tuesday, 14th February.

PRINTING—at half-past 3 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, 14TH FEBRUARY, 1865.

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

PRINTING COMMITTEE.—SECOND REPORT.—The Honorable J. P. Fawcner brought up the
Second Report of the Printing Committee, and moved, That the same be adopted and
printed.

Question—put and passed.

PAPERS.—The Honorable M. Hervey laid on the Table the following Paper :—

Mining Surveyors and Registrars.—Reports (for Quarter ending 31st December,
1864).

Ordered to lie on the Table.

WHEAT, &C., IMPORTED.—The Honorable M. Hervey laid on the Table a Return to an Order
of the Council made on the 9th instant.

ABSENCE OF MEMBER AT CALL OF COUNCIL.—The Honorable J. P. Fawcner, in accordance
with notice, moved, That the Honorable Robert Turnbull having absented himself
from this Council since the 17th ultimo, without informing the President, and for
more than three consecutive weeks, without express leave of absence from the Council,
and having failed to attend in his place on a Call of the House on the 31st of January
last, has thereby infringed the 17th and 18th Standing Orders of this Council, and
that he be therefore declared guilty of contempt of this House.

Debate ensued.

Question—put and passed.

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

“*Charitable Institutions Bill*”—to be read a second time.

LAND ACT 1862 AMENDMENT BILL.—The Order of the Day for the further consideration of this
Bill in Committee of the whole Council being read, the President left the Chair.

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

Ordered.

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

NOTICES OF MOTION AND ORDERS OF THE DAY.

WEDNESDAY, 15TH FEBRUARY.

General Business.

NOTICE OF MOTION :—

1. The Hon. A. FRASER : To move, That, from the 1st of March next, twelve months leave of
absence be granted to the Honorable T. T. a'Beckett for the purpose of visiting Europe.

Government Business.

ORDER OF THE DAY :—

1. LAND ACT 1862 AMENDMENT BILL.—To be further considered in Committee.

TUESDAY, 21ST FEBRUARY.

NOTICE OF MOTION :—

1. The Hon. C. SLADEN : To move for leave to introduce a Bill for the purpose of bringing
certain Burial grounds under the operation of the “*Cemeteries Statute 1864.*”

TUESDAY, 28TH FEBRUARY.

ORDER OF THE DAY :—

1. CHARITABLE INSTITUTIONS 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, 15TH FEBRUARY, 1865.

The Council met in accordance with adjournment.

The Clerk of the Council having stated that the President had informed him by letter that illness prevented the President from attending in his place, the Chairman of Committees took the Chair as Deputy President.

The Deputy President read the Prayer.

LEAVE OF ABSENCE OF MEMBER.—The Honorable A. Fraser, in accordance with notice, moved, That, from the 1st March next, twelve months' leave of absence be granted to the Honorable T. T. a'Beckett for the purpose of visiting Europe.

Debate ensued.

Question—put and passed.

CHAIRMAN OF COMMITTEE.—The Honorable M. Hervey moved, That the Honorable J. Henty do act as Chairman of the Committee on the Land Act 1862 Amendment Bill this day.

Question—put and passed.

LAND ACT 1862 AMENDMENT BILL.—The Order of the Day for the further consideration of this Bill in Committee of the whole Council being read, the Deputy President left the Chair.

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

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

Ordered.

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

Question—put and passed.

The Council adjourned at ten minutes past five o'clock until four o'clock on Tuesday, the 21st instant.

NOTICE OF MOTION AND ORDERS OF THE DAY.

TUESDAY, 21ST FEBRUARY.

NOTICE OF MOTION :—

1. The Hon. C. SLADEN : To move for leave to introduce a Bill for the purpose of bringing certain Burial grounds under the operation of the "*Cemeteries Statute 1864.*"

ORDER OF THE DAY :—

1. LAND ACT 1862 AMENDMENT BILL.—Adoption of report.

TUESDAY, 28TH FEBRUARY.

ORDER OF THE DAY :—

1. CHARITABLE INSTITUTIONS 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.

TUESDAY, 21ST FEBRUARY, 1865.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the Prayer.

PAPERS.—The Honorable M. Hervey laid on the Table the following papers:—

1. Beechworth and Yackandandah Courts of Mines.—Order in Council (6th February, 1865).
2. Beechworth and Yackandandah County Court.—Order in Council (6th February, 1865).

Ordered severally to lie on the Table.

POSTPONEMENT.—The Honorable W. H. F. Mitchell, with leave of the Council, moved, without notice, That the consideration of the Notice of Motion on the business paper be postponed until after the disposal of the Order of the Day.

Question—put and passed.

LAND ACT 1862 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 M. Hervey moved, That the same be discharged with a view to the re-committal of the Bill.

Question—put and passed.

Question—That the Bill be now re-considered in Committee of the whole Council—put and passed.

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

The President left the Chair.

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

The Honorable T. H. Fellows moved, That the 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 agreed to the Bill with further amendments.

The Honorable C. Sladen moved, That the Bill be now re-committed on the forty-seventh clause.

Question—put and passed.

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

The President left the Chair.

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

The Honorable M. Hervey moved, That the adoption of the Report of the Committee be made an Order of the Day for to-morrow.

Question—put and passed.

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

NOTICES OF MOTION AND ORDER OF THE DAY.

WEDNESDAY, 22ND FEBRUARY, 1865.

Government Business.

ORDER OF THE DAY :—

1. LAND ACT 1862 AMENDMENT BILL.—Adoption of Report.

General Business.

NOTICES OF MOTION :—

1. The Hon. W. HIGGETT : To move, That an Address be presented to His Excellency the Governor, praying that His Excellency will cause to be laid on the Table of this House copies of any instructions received from the Home Government relative to the reception and treatment of Ships of War of Foreign Nations visiting this port, more especially in relation to those of belligerent powers.
2. The Hon. G. W. COLE : To move, That the correspondence between Her Majesty's Government and the Commander of the Confederate States War steamer *Shenandoah* be laid upon the Table of this House.

TUESDAY, 28TH FEBRUARY.

ORDER OF THE DAY :—

1. CHARITABLE INSTITUTIONS 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, 22ND FEBRUARY, 1865.

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 after the disposal of the Notices of Motion on the business paper:—

“*Land Act 1862 Amendment Bill*”—Adoption of Report.

FOREIGN SHIPS OF WAR.—The Honorable W. Highett, in accordance with notice, moved, That an Address be presented to His Excellency the Governor, praying that His Excellency will cause to be laid on the Table of this House copies of any instructions received from the Home Government relative to the reception and treatment of Ships of War of Foreign Nations visiting this port, more especially in relation to those of belligerent powers.

Debate ensued.

Question put.

Committee divided.

Contents, 15.

The Hon. W. J. T. Clarke
 W. H. F. Mitchell
 C. Sladen
 G. W. Cole
 S. G. Henty
 N. Black
 H. Miller
 W. Hull
 W. Highett
 J. P. Bear
 N. Fitzgerald
 T. H. Fellows
 H. M. Murphy
 J. P. Fawkner
 J. F. Strachan (*Teller*).

Not Contents, 10.

The Hon. M. Hervey
 W. H. Pettett
 J. Lowe
 W. Degraives
 W. Campbell
 C. J. Jenner
 A. Fraser
 J. Henty
 J. McCrae
 Dr. Wilkie (*Teller*).

The question was therefore passed.

CORRESPONDENCE OF HER MAJESTY'S GOVERNMENT.—The Honorable G. W. Cole, in accordance with notice, moved, That the correspondence between Her Majesty's Government and the Commander of the Confederate States War Steamer *Shenandoah* be laid upon the Table of this House.

Debate ensued.

Question—put and passed.

LAND ACT 1862 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 M. Hervey moved, That the Report be now adopted.

Question—put and passed.

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

The Honorable M. Hervey moved, That the title of the Bill be "*An Act to amend the Land Act 1862.*"

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.

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

Question—put and passed.

The Council adjourned at ten minutes to five o'clock until four o'clock on Tuesday, the 28th instant.

ORDER OF THE DAY.

TUESDAY, 28TH FEBRUARY, 1865.

ORDER OF THE DAY:—

1. CHARITABLE INSTITUTIONS BILL.—To be read a second time.

G. W. RUSDEN,

Clerk of the Council and Clerk of the Parliaments.

VICTORIA.

No. 19.

Minutes of the Proceedings

OF THE

LEGISLATIVE COUNCIL.

TUESDAY, 28TH FEBRUARY, 1865.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the Prayer.

LIBRARY (JOINT) COMMITTEE.—REPORT.—The Honorable C. Sladen brought up a Report from the Joint Committee of both Houses of Parliament appointed to manage the Library.

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

“The Library Committee have the honor to report, That they have had under their consideration the propriety of appropriating some room for the purpose of accommodating the maps now contained in the Library, and would suggest, that the Library Committee and the Parliament Buildings Committee be authorized to confer, so as to give effect to the recommendation, and to report thereon.

“J. F. PALMER,
“Chairman.”

The Honorable C. Sladen, with leave of the Council, moved, without notice, That the Report be now adopted.

Question—put and passed.

Ordered—That a Message be sent to the Legislative Assembly to acquaint them that the Council have adopted the Report, and to request their concurrence therewith.

PAPERS.—The Honorable M. Hervey laid on the Table the following Papers :—

1. Local Government Act—First Report of Assistant Commissioner of Roads and Bridges on execution of (25th January, 1865).
2. Wedderburne—Mining Operations at.—Order in Council (13th February, 1865).

Ordered severally to lie on the Table.

FOREIGN SHIPS OF WAR.—DESPATCHES.—The Honorable M. Hervey, by command of His Excellency the Governor, laid on the Table unpublished Despatches, dated respectively 28th March, 1863, and 11th January, 1864, from the Right Honorable the Secretary of State for the Colonies, on the subject of Correspondence with Naval Officers, and with Foreign Ships of War, and on the subject of Salutes from Vessels of War of the Confederate States.

The Despatches were read at the Table by the Clerk.

The Honorable J. P. Fawcner moved, That the Despatches be printed.

Question—put and passed.

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

Question—put and passed.

The Council adjourned at a quarter to five o'clock until four o'clock on Tuesday, the 7th March.

NOTICES OF MOTION AND ORDER OF THE DAY.

TUESDAY, 7TH MARCH, 1865.

NOTICES OF MOTION :—

1. The Hon. J. P. FAWKNER : To move, That a Committee be appointed to examine into the allegations of the Melbourne and Essendon Railway Petition.

That a petition, signed by so large a number of colonists, calls for the most earnest consideration. The loss to the community is one requiring attention ; and to enable the best course to be adopted for the general good, that a Committee be appointed to call for persons, papers, and books, with power to examine witnesses ; and that such Committee report to the House on the whole question as set forth in the petition, in order, if necessary, to forward an Address from this Council to the Governor in Council, embodying the result of their enquiries ; and that the Honorables Messrs. Hull, Murphy, Miller, Degraives, Jenner, Lowe, and the Mover, be the Committee.

2. The Hon. J. P. FAWKNER : To move for a Committee to examine and report upon the Petition addressed to the Honorable the Legislative Council of Victoria from the Market Gardeners, that they may have the benefit of a market capacious enough for the wants of this community ; and that such regulations and modifications may be made as will effectuate the supply of good wholesome vegetables and fruit at all times during the year, with such facilities of sale as will enable the producer and the consumer to reap the benefits resulting from an open market at all hours of the day, and on all the days of the week (Sundays excepted) ; and report to the House the result of their enquiry.

Contingent upon this motion being carried, That the Committee have power to call for books, papers, and returns, and such witnesses as are necessary ; and that the Honorables Messrs. Cole, J. Henty, McCrae, Lowe, Highett, Pettett, and the Mover, be the Committee.

ORDER OF THE DAY :—

1. CHARITABLE INSTITUTIONS BILL.—To be read a second time.

G. W. RUSDEN,

Clerk of the Council and Clerk of the Parliaments.

VICTORIA.

No. 20.

Minutes of the Proceedings

OF THE

LEGISLATIVE COUNCIL.

TUESDAY, 7TH MARCH, 1865.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the Prayer.

PAPERS.—The Honorable M. Hervey laid on the Table the following Paper :—
Land Act 1862—Form of Leases under 47th clause of.

Ordered to lie on the Table.

PETITIONS.—The Honorable J. Lowe presented a Petition, signed by Joseph Shepherd of Paywit, praying that the Tariff now before Parliament may be passed.

Petition received.

The Honorable J. Lowe presented a similar Petition signed by Duncán McKenzie of Bellerine.

Petition received.

ROYAL COMMISSION AND INSTRUCTIONS.—The Honorable T. H. Fellows, with leave of the Council, moved, without notice, That an Address be presented to His Excellency the Governor, praying that he will be pleased to cause to be laid on the Table of the House copies of his Commission as Governor of the Colony and of Her Majesty's Royal Instructions to His Excellency.

Question—put and passed.

ESSENDON RAILWAY.—The Honorable J. P. Fawkner, in accordance with notice, moved, That a Select Committee be appointed to examine into the allegations of the Melbourne and Essendon Railway Petition, with power to call for persons, papers, and books, and to examine witnesses.

That a petition, signed by so large a number of colonists, calls for the most earnest consideration. The loss to the community is one requiring attention; and to enable the best course to be adopted for the general good, that the Committee report to the House on the whole question as set forth in the petition, in order, if necessary, to forward an Address from this Council to the Governor in Council, embodying the result of their enquiries; and that the Honorables Messrs. Hull, Murphy, Miller, Degraives, Jenner, Lowe, and the Mover, be the Committee.

Debate ensued.

Motion by leave withdrawn.

MARKETS.—The Honorable J. P. Fawkner, in accordance with notice, moved, That a Select Committee be appointed to examine and report upon the Petition addressed to the Honorable the Legislative Council of Victoria from the Market Gardeners, that they may have the benefit of a market capacious enough for the wants of this community; and that such regulations and modifications may be made as will effectuate the supply of good wholesome vegetables and fruit at all times during the year, with such facilities of sale as will enable the producer and the consumer to reap the benefits resulting from an open market at all hours of the day, and on all the days of the week (Sundays excepted); and report to the House the result of their enquiry.

Debate ensued.

Question—put and passed.

The Honorable J. P. Fawkner, in accordance with *contingent* notice, moved, That the Select Committee have power to call for books, papers, and returns, and such witnesses as are necessary; and that the Honorables Messrs. Cole, J. Henty, McCrae, Lowe, Hightett, Pettett, and the Mover, be the Committee.

Question—put and passed.

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

MR. PRESIDENT—

The Legislative Assembly transmit to the Legislative Council a Bill intituled “*An Act to consolidate the laws relating to Medical Practitioners ;*”

Also a Bill intituled “*An Act to Consolidate the law relating to Dividing Fences ;*”

Also a Bill intituled “*An Act to consolidate the law concerning Letters Patent for Inventions ;*”

Also a Bill intituled “*An Act to consolidate the law relating to the protection and recovery of Crown Property and the enforcement of Claims against the Crown ;*”

Also a Bill intituled “*An Act to consolidate the law relating to the Practice in the Supreme Court in its Equitable Jurisdiction ;*”

Also a Bill intituled “*An Act to consolidate the laws relating to Bakers and Millers ;*”

Also a Bill intituled “*An Act to consolidate the law relating to Trusts for Religious Purposes ;*”

Also a Bill intituled “*An Act to consolidate the law relating to Seamen ;*”

Also a Bill intituled “*An Act to consolidate the law relating to Insolvents and their Estates ;*”

Also a Bill intituled “*An Act to consolidate the laws relating to the Volunteer Force ;*”

Also a Bill intituled “*An Act to consolidate the law relating to the Registration of Births Deaths and Marriages ;*”

Also a Bill intituled “*An Act to consolidate the law relating to Unlawful Assemblies Special Constables and Riotously Disturbed Districts ;*”

Also a Bill intituled “*An Act to consolidate the laws relating to Pawnbrokers ;*”

Also a Bill intituled “*An Act to consolidate the law relating to the Impounding of Cattle ;*”

Also a Bill intituled “*An Act to consolidate the law relating to Savings Banks ;*”

Also a Bill intituled “*An Act to consolidate the law relating to the Eradication of Thistles ;*”

Also a Bill intituled “*An Act to consolidate the laws relating to Wrongs ;*”

Also a Bill intituled “*An Act to consolidate the law relating to Licensed Theatres ;*”

Also a Bill intituled “*An Act for the consolidation of the law relating to County Courts ;*”

Also a Bill intituled “*An Act to consolidate the law relating to Coroners ;*”

Also a Bill intituled “*An Act for regulating Juries ;*”

Also a Bill intituled “*An Act to consolidate the law for the Collection and Payment of the Public Moneys and the Audit of the Public Accounts ;*”

Also a Bill intituled “*An Act to consolidate the law relating to Friendly Societies ;*”

Also a Bill intituled “*An Act to consolidate the laws relating to the Pleading and Practice of the Supreme Court in its Common Law Jurisdiction ;*”

Also a Bill intituled “*An Act to consolidate the law relating to Passengers Harbors and Navigation ;*”

Also a Bill intituled “*An Act to consolidate the law relating to the Management of Towns and other Populous Places and for the suppression of various Offences ;*”

Also a Bill intituled “*An Act to consolidate the law relating to Aliens ;*”

Also a Bill intituled “*An Act to consolidate the law relating to the Police Force in Victoria ;*”

Also a Bill intituled “*An Act to consolidate the law relating to Hawkers and Pedlers ;*”

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

FRANS. MURPHY,
Speaker.

Legislative Assembly Chamber,
Melbourne, 7th March, 1865.

CONSOLIDATION BILLS.—FIRST READING.—On the motion of the Honorable M. Hervey, the following Bills were read a first time, ordered to be printed and read a second time this day week :—

“*Medical Practitioners Laws Consolidation Bill,*”

“*Fences Law Consolidation Bill,*”

“*Patents Law Consolidation Bill,*”

“*Crown Remedies and Liability Law Consolidation Bill,*”

“*Equity Practice Law Consolidation Bill,*”

“*Bakers and Millers Laws Consolidation Bill,*”

“*Religious Trusts Law Consolidation Bill,*”

“*Seamen Law Consolidation Bill,*”

“*Insolvency Law Consolidation Bill,*”

“*Volunteers Laws Consolidation Bill,*”

"Registration of Births Deaths and Marriages Laws Consolidation Bill,"
 "Party Processions Law Consolidation Bill,"
 "Pawnbrokers Laws Consolidation Bill,"
 "Impounding Law Consolidation Bill,"
 "Savings Banks Law Consolidation Bill,"
 "Thistles Law Consolidation Bill,"
 "Torts Laws Consolidation Bill,"
 "Theatres Law Consolidation Bill,"
 "County Courts Law Consolidation Bill,"
 "Coroners Law Consolidation Bill,"
 "Juries Bill,"
 "Public Moneys and Audit Law Consolidation Bill,"
 "Friendly Societies Law Consolidation Bill,"
 "Common Law Procedure Laws Consolidation Bill,"
 "Passengers Harbors and Navigation Law Consolidation Bill,"
 "Police Offences Law Consolidation Bill,"
 "Aliens Law Consolidation Bill,"
 "Police Regulation Law Consolidation Bill,"
 "Hawkers and Pedlers Law Consolidation Bill."

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 to amend the Land Act 1862," and acquaint the Legislative Council that they have agreed to some of the amendments made therein by the Legislative Council, have disagreed to others of such amendments, and have agreed to others of them with amendments, in which they desire the concurrence of the Legislative Council.

FRANS. MURPHY,
Speaker.

Legislative Assembly Chamber,
Melbourne, 7th March, 1865.

LAND ACT 1862 AMENDMENT BILL.—MESSAGE FROM THE LEGISLATIVE ASSEMBLY.—The Honorable M. Hervey moved, That the consideration of the Message from the Legislative Assembly with this Bill be made an Order of the Day for to-morrow.

Amendment moved by the Honorable T. H. Fellows—That the word "to-morrow" be omitted, with a view to insert the words "this day fortnight" instead thereof.

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

Contents 11.

The Hon. M. Hervey
B. Williams
J. Lowe
W. H. Pettett
H. Miller
C. J. Jenner
J. Henty
J. McCrae
J. P. Fawkner
G. W. Cole
Dr. Wilkie (*Teller*).

Not Contents, 16.

The Hon. W. Hull
W. Campbell
N. Black
J. P. Bear
W. Taylor
W. J. T. Clarke
S. G. Henty
H. M. Murphy
N. Fitzgerald
W. Highett
J. F. Strachan
W. H. F. Mitchell
A. Fraser
T. H. Fellows
W. Degraives
C. Sladen (*Teller*).

The question was therefore negatived.

Amendment to insert the words "this day fortnight" by leave withdrawn.

The Honorable W. H. F. Mitchell moved, That the words "this day week" be inserted.

Question—put and passed.

Question—That the consideration of the Message from the Legislative Assembly with this Bill be made an Order of the Day for this day week—put and passed.

The Honorable W. H. F. Mitchell moved, That the Order of the Day take precedence of all other business this day week.

Question—put and passed.

ADJOURNMENT.—The Honorable M. Hervey, 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 past five o'clock until four o'clock on Tuesday, the 14th instant.

NOTICES OF MOTION AND ORDERS OF THE DAY.

TUESDAY, 14TH MARCH, 1865.

1. The Hon. H. M. MURPHY: To ask the Honorable M. Hervey, If it is the intention of Government to take any further action upon the Urquhart unpaid cheques; and, if not, if others giving cheques under similar circumstances may calculate upon similar leniency in case of their dishonor.

ORDER OF THE DAY:—

1. LAND ACT 1862 AMENDMENT BILL.—Consideration of Message from Legislative Assembly.

NOTICES OF MOTION:—

1. The Hon. C. SLADEN: To move for leave to bring in a Bill to amend the Law relating to Cemeteries.
2. The Hon. J. F. STRACHAN: To move, That a Return be laid upon the Table of this House, showing whether the sum reported by the Commissioners of Audit, as available for Immigration in 1863 and 1864, has been so expended; and if not, Whether it has been applied to any, and what, special purposes apart from, or in excess of, the Votes of the Legislative Assembly, in the years 1863 and 1864.

ORDERS OF THE DAY:—

1. MEDICAL PRACTITIONERS LAWS CONSOLIDATION BILL—To be read a second time.
2. FENCES LAW CONSOLIDATION BILL—To be read a second time.
3. PATENTS LAW CONSOLIDATION BILL—To be read a second time.
4. CROWN REMEDIES AND LIABILITY LAW CONSOLIDATION BILL—To be read a second time.
5. EQUITY PRACTICE LAW CONSOLIDATION BILL—To be read a second time.
6. BAKERS AND MILLERS LAWS CONSOLIDATION BILL—To be read a second time.
7. RELIGIOUS TRUSTS LAW CONSOLIDATION BILL—To be read a second time.
8. SEAMEN LAW CONSOLIDATION BILL—To be read a second time.
9. INSOLVENCY LAW CONSOLIDATION BILL—To be read a second time.
10. VOLUNTEERS LAWS CONSOLIDATION BILL—To be read a second time.
11. REGISTRATION OF BIRTHS DEATHS AND MARRIAGES LAWS CONSOLIDATION BILL—To be read a second time.
12. PARTY PROCESSIONS LAW CONSOLIDATION BILL—To be read a second time.
13. PAWNBROKERS LAWS CONSOLIDATION BILL—To be read a second time.
14. IMPOUNDING LAW CONSOLIDATION BILL—To be read a second time.
15. SAVINGS BANKS LAW CONSOLIDATION BILL—To be read a second time.
16. THISTLES LAW CONSOLIDATION BILL—To be read a second time.
17. TORTS LAWS CONSOLIDATION BILL—To be read a second time.
18. THEATRES LAW CONSOLIDATION BILL—To be read a second time.
19. COUNTY COURTS LAW CONSOLIDATION BILL—To be read a second time.
20. CORONERS LAW CONSOLIDATION BILL—To be read a second time.
21. JURIES BILL—To be read a second time.
22. PUBLIC MONEYS AND AUDIT LAW CONSOLIDATION BILL—To be read a second time.
23. FRIENDLY SOCIETIES LAW CONSOLIDATION BILL—To be read a second time.
24. COMMON LAW PROCEDURE LAWS CONSOLIDATION BILL—To be read a second time.
25. PASSENGERS HARBORS AND NAVIGATION LAW CONSOLIDATION BILL—To be read a second time.
26. POLICE OFFENCES LAW CONSOLIDATION BILL—To be read a second time.
27. ALIENS LAW CONSOLIDATION BILL—To be read a second time.
28. POLICE REGULATION LAW CONSOLIDATION BILL—To be read a second time.
29. HAWKERS AND PEDLERS LAW CONSOLIDATION BILL—To be read a second time.

TUESDAY, 21ST MARCH.

ORDER OF THE DAY:—

1. CHARITABLE INSTITUTIONS BILL—To be read a second time.

G. W. RUSDEN,

Clerk of the Council and Clerk of the Parliaments.

VICTORIA.

No. 21.

Minutes of the Proceedings

OF THE

LEGISLATIVE COUNCIL.

TUESDAY, 14TH MARCH, 1865.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the Prayer.

POSTPONEMENT.—The Order of the Day for the consideration of the Message from the Legislative Assembly, re-transmitting *The Land Act 1862 Amendment Bill*, was postponed until after the disposal of the Notices of Motion on the Paper.

CEMETERIES LAW AMENDMENT BILL.—The Honorable C. Sladen, in accordance with notice, moved, That leave be given to bring in a Bill to amend the Law relating to Cemeteries.

Question—put and passed.

Bill brought in and, on the motion of the Honorable C. Sladen, read a first time, ordered to be printed, and read a second time on Tuesday, the 28th instant.

IMMIGRATION 1863–1864.—The Honorable J. F. Strachan, in accordance with notice, moved, That a Return be laid upon the Table of this House showing whether the sum reported by the Commissioners of Audit, as available for Immigration in 1863 and 1864, has been so expended; and, if not, whether it has been applied to any and what special purposes apart from or in excess of the Votes of the Legislative Assembly in the years 1863 and 1864.

Debate ensued.

Question—put and passed.

LAND ACT 1862 AMENDMENT BILL.—The Order of the Day for the consideration of the Message of the Legislative Assembly with this Bill being read, the Honorable M. Hervey moved, That the Message be now considered.

Question—put and passed.

The Message was read at the Table by the Clerk.

The Honorable M. Hervey moved, That the Council do not insist on their amendments in clause 5 of the Bill.

Debate ensued.

Question—put and passed.

The Honorable M. Hervey moved, That the Council do not insist on their amendment in clause 21, line 5—Leave out “three years” and insert “one year.”

Debate ensued.

Question—put.

Council divided.

Contents, 12.

The Hon. M. Hervey
J. Lowe
B. Williams
W. H. Pettett
H. Miller
J. McCrae
J. Henty
A. Fraser
J. P. Fawcner
C. J. Jenner
G. W. Cole
Dr. Wilkie (*Teller*).

Not Contents, 15.

The Hon. C. Sladen
T. H. Fellows
W. Taylor
N. Black
S. G. Henty
W. Degraives
W. J. T. Clarke
H. M. Murphy
N. Fitzgerald
W. Highett
W. Hull
J. F. Strachan
J. P. Bear
W. Campbell
W. H. F. Mitchell (*Teller*).

The question was therefore negatived.

The Honorable C. Sladen moved, That the Council do insist on their amendment.

Question—put and passed.

The Honorable M. Hervey moved, That the Council do not insist on their amendment in Clause 21, line 7—Leave out “two” and insert “five.”

Question—put and passed.

The Honorable M. Hervey moved, That the Council do agree with the amendments made by the Legislative Assembly in Clause A, viz., omit “March,” “September;” omit “three,” insert “six.”

Question—put and passed.

The Honorable M. Hervey moved, That the Council do not insist on their amendment to terminate Clause 23 at the word “before,” in the 34th line.

Debate ensued.

Question—put.

Council divided.

Contents 9.

The Hon. M. Hervey
G. W. Cole
B. Williams
W. H. Pettett
N. Fitzgerald
J. McCrae
J. P. Fawkner
C. J. Jenner
Dr. Wilkie (*Teller*).

Not Contents, 18.

The Hon. T. H. Fellows
W. H. F. Mitchell
W. Taylor
N. Black
W. Campbell
S. G. Henty
W. Degraives
W. J. T. Clarke
J. Lowe
H. M. Murphy
W. Highett
W. Hull
J. Henty
H. Miller
J. P. Bear
A. Fraser
J. F. Strachan
C. Sladen (*Teller*).

The question was therefore negatived.

The Honorable T. H. Fellows moved, That the Council do insist on the amendment.

Question—put and passed.

The Honorable T. H. Fellows moved, That the Council do not insist on the insertion of new Clause B in the Bill.

Question—put and passed.

The Honorable T. H. Fellows moved, That the Council do insist on the following amendments:—
Part of Clause 23, commencing line 35, to stand as Clause C.

Clause C, line 35, after “shall” insert “dig any ditch trench or drain or.”

” line 36, leave out “or without the consent of the Board of Land and Works which consent shall be published in the *Government Gazette* on or across any land reserved for a road.”

” line 39, at end of clause add “but nothing herein contained shall apply to any gate erected and continued by the written consent of the Board of Land and Works or of the road board or shire council within whose jurisdiction the same shall be erected if such gate shall not be locked or otherwise permanently fastened.”

Question—put and passed.

The Honorable C. Sladen moved, That the Council do insist on the insertion of clause D in the Bill.

Debate ensued.

Question—put.

Council divided.

Contents, 11.

The Hon. W. Campbell
C. Sladen
T. H. Fellows
Dr. Wilkie
N. Black
S. G. Henty
W. H. F. Mitchell
W. J. T. Clarke
W. Highett
W. Hull
W. Taylor (*Teller*).

Not Contents 16.

The Hon. G. W. Cole
J. Lowe
M. Hervey
W. Degraives
H. Miller
B. Williams
H. M. Murphy
N. Fitzgerald
J. F. Strachan
J. McCrae
A. Fraser
J. P. Bear
J. Henty
J. P. Fawkner
W. H. Pettett
C. J. Jenner (*Teller*).

The question was therefore negatived.

The Honorable M. Hervey moved, That the Council do not insist on the insertion of Clause D.

Question—put and passed.

The Honorable W. H. F. Mitchell moved, That the Council do insist on their amendment in Clause 29, line 31—Leave out “cultivation.”

Debate ensued.

Motion by leave withdrawn.

The Honorable M. Hervey moved, That the Council do not insist on the amendment.

Question—put and passed.

The Honorable M. Hervey moved, That the Council do not insist on the following amendment in Clause 30, line 37—Before “forty-sixth” insert “forty-first and.”

Debate ensued.

Question—put.

Council divided.

Contents, 15.

The Hon. J. P. Bear
M. Hervey
J. Lowe
W. H. Pettett
B. Williams
H. Miller
J. McCrae
W. Highett
W. Hull
J. Henty
A. Fraser
J. P. Fawkner
C. J. Jenner
G. W. Cole
Dr. Wilkie (*Teller*).

Not Contents, 12.

The Hon. C. Sladen
T. H. Fellows
W. H. F. Mitchell
N. Black
W. Campbell
S. G. Henty
W. J. T. Clarke
N. Fitzgerald
H. M. Murphy
W. Degraives
J. F. Strachan
W. Taylor (*Teller*).

The question was therefore passed.

The Honorable T. H. Fellows moved, That the Council do not insist on the insertion of clause E in the Bill.

Question—put and passed.

The Honorable T. H. Fellows moved, That the Council do insist on their amendment to leave out “three years” in clause 31, line 5.

Question—put and passed.

The Honorable T. H. Fellows moved, That the Council do insist on their amendment to insert “one year” in clause 31, line 5.

Question—put and passed.

The Honorable C. Sladen moved, That the Council do not insist on the insertion of clauses F and G in the Bill.

Question—put and passed.

The Honorable M. Hervey moved, That the Council do not insist on their amendment to leave out Clause 35.

Question—put and passed.

The Honorable T. H. Fellows moved, That the Council do insist on the amendment to insert in the beginning of Clause 36, line 39, “the forty-seventh section of the Land Act 1862 shall be and the same is hereby repealed and.”

Debate ensued.

Question—put.

Council divided.

Contents, 15.

The Hon. W. Campbell
T. H. Fellows
W. H. F. Mitchell
Dr. Wilkie
C. Sladen
J. Lowe
N. Black
H. Miller
S. G. Henty
W. Highett
W. Degraives
A. Fraser
J. P. Bear
J. F. Strachan
W. Taylor (*Teller*).

Not Contents, 11.

The Hon. M. Hervey
G. W. Cole
J. Henty
H. M. Murphy
N. Fitzgerald
J. McCrae
J. P. Fawkner
W. H. Pettett
B. Williams
W. J. T. Clarke
C. J. Jenner (*Teller*).

The question was therefore passed.

The Honorable T. H. Fellows moved, That the Council do not insist on their amendment to leave out the words “and the last preceding” in Clause 36, line 46.

Question—put and passed.

The Honorable T. H. Fellows moved, That the Council do insist on the amendment to leave out the words, "the land so conveyed as in the said sections mentioned or upon."
Question—put and passed.

The Honorable T. H. Fellows moved, That the Council do insist on the following amendments :—

Clause 48, line 39, after "may," insert "(if the occupier of the run upon which such common shall have been proclaimed shall not on notice thereof to him from the Board of Land and Works elect to occupy the same.)"
" line 44, after "this Act" leave out all words to end of clause, and insert "but when any common shall be diminished altered or abolished the occupier of the run upon which such common was proclaimed shall if he thinks fit be again entitled to the part no longer a common in like manner as if the common had never been proclaimed and such occupier shall pay for the same such rent as shall be agreed upon between himself and the Board of Land and Works or if they shall not agree then such rent as shall be awarded by a jury in a Crown suit for the recovery thereof and the rent so agreed or awarded shall be added to and form part of the rent of such run.

Debate ensued.

Question put.

Council divided.

Contents, 14.

The Hon. C. Sladen
T. H. Fellows
W. Taylor
Dr. Wilkie
N. Black
W. H. F. Mitchell
J. F. Strachan
W. J. T. Clarke
B. Williams
H. Miller
W. Hull
W. Highett
J. P. Bear
W. Campbell (*Teller*).

Not Contents, 13.

The Hon. G. W. Cole
J. Lowe
M. Hervey
S. G. Henty
W. Degraives
H. M. Murphy
N. Fitzgerald
C. J. Jenner
A. Fraser
J. McCrae
J. P. Fawkner
J. Henty
W. H. Pettett (*Teller*).

The question was therefore passed.

The Honorable T. H. Fellows moved, That the Council disagree with the amendment of the Legislative Assembly to leave out all the words after "managers are appointed" in Clause L.

L. So much of the seventy-third section of "*The Land Act 1862*" as enables the managers to make rules and to determine the number of cattle to be depastured and the fees payable in respect thereof shall be and the same is hereby repealed and the powers aforesaid shall in future be exercised by the body whether incorporated or not by whom the managers are appointed and no member of any shire or borough council or of any road board shall be capable of being appointed a manager by such council or board and every person who shall act as manager of any common being at the time of so acting a member of the council or board by which he was appointed shall on conviction thereof forfeit and pay for every such offence the sum of five pounds.

Debate ensued.

Question—put and passed.

The Honorable T. H. Fellows moved, That the Council do insist on their amendment in clause 50, line 21,—to insert after the word "may" the words "with the written consent of the occupier of such run."

Debate ensued.

Question—put and negatived.

The Honorable M. Hervey moved, That the Council do not insist on the amendment.

Question—put and passed.

The Honorable M. Hervey moved, That the Council do agree with the following amendments made by the Legislative Assembly in the Third Schedule—Omit "three," insert "six;" insert "amount of" before "rent" in third column, and make a separate column for heading "When due."

Question—put and passed.

The Honorable M. Hervey moved, That the Bill be returned to the Legislative Assembly, with a message acquainting them that the Council do not insist on some amendments, do insist on other amendments, have agreed to some amendments made by the Legislative Assembly on amendments made by the Council, and have disagreed with other amendments made by the Legislative Assembly on amendments made by the Legislative Council, and desiring the concurrence of the Legislative Assembly.

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 facilitate the Registration of Holders of Miners' Rights and other annual occupiers of Crown Lands as Parliamentary Electors,*" in which they desire the concurrence of the Legislative Council.

Legislative Assembly Chamber,
Melbourne, 14th March, 1865.

FRANS. MURPHY,
Speaker.

POSTPONEMENTS.—The following Orders of the Day were severally postponed until Wednesday, the 15th instant:

- "*Medical Practitioners Laws Consolidation Bill*"—To be read a second time.
- "*Fences Law Consolidation Bill*"—To be read a second time.
- "*Patents Law Consolidation Bill*"—To be read a second time.
- "*Crown Remedies and Liability Law Consolidation Bill*"—To be read a second time.
- "*Equity Practice Law Consolidation Bill*"—To be read a second time.
- "*Bakers and Millers Laws Consolidation Bill*"—To be read a second time.
- "*Religious Trusts Law Consolidation Bill*"—To be read a second time.
- "*Seamen Law Consolidation Bill*"—To be read a second time.
- "*Insolvency Law Consolidation Bill*"—To be read a second time.
- "*Volunteers Laws Consolidation Bill*"—To be read a second time.
- "*Registration of Births Deaths and Marriages Laws Consolidation Bill*"—To be read a second time.
- "*Party Processions Law Consolidation Bill*"—To be read a second time.
- "*Pawnbrokers Laws Consolidation Bill*"—To be read a second time.
- "*Impounding Law Consolidation Bill*"—To be read a second time.
- "*Savings Banks Law Consolidation Bill*"—To be read a second time.
- "*Thistles Law Consolidation Bill*"—To be read a second time.
- "*Torts Laws Consolidation Bill*"—To be read a second time.
- "*Theatres Law Consolidation Bill*"—To be read a second time.
- "*County Courts Law Consolidation Bill*"—To be read a second time.
- "*Coroners Law Consolidation Bill*"—To be read a second time.
- "*Juries Bill*"—To be read a second time.
- "*Public Moneys and Audit Law Consolidation Bill*"—To be read a second time.
- "*Friendly Societies Law Consolidation Bill*"—To be read a second time.
- "*Common Law Procedure Laws Consolidation Bill*"—To be read a second time.
- "*Passengers Harbors and Navigation Law Consolidation Bill*"—To be read a second time.
- "*Police Offences Law Consolidation Bill*"—To be read a second time.
- "*Aliens Law Consolidation Bill*"—To be read a second time.
- "*Police Regulation Law Consolidation Bill*"—To be read a second time.
- "*Hawkers and Pedlers Law Consolidation Bill*"—To be read a second time.

The Council adjourned at a quarter to seven o'clock until four o'clock on Wednesday, the 15th instant.

ORDERS OF THE DAY.

WEDNESDAY, 15TH MARCH, 1865.

ORDERS OF THE DAY :—

1. MEDICAL PRACTITIONERS LAWS CONSOLIDATION BILL—To be read a second time.
2. FENCES LAW CONSOLIDATION BILL—To be read a second time.
3. PATENTS LAW CONSOLIDATION BILL—To be read a second time.
4. CROWN REMEDIES AND LIABILITY LAW CONSOLIDATION BILL—To be read a second time.
5. EQUITY PRACTICE LAW CONSOLIDATION BILL—To be read a second time.
6. BAKERS AND MILLERS LAWS CONSOLIDATION BILL—To be read a second time.
7. RELIGIOUS TRUSTS LAW CONSOLIDATION BILL—To be read a second time.
8. SEAMEN LAW CONSOLIDATION BILL—To be read a second time.
9. INSOLVENCY LAW CONSOLIDATION BILL—To be read a second time.
10. VOLUNTEERS LAWS CONSOLIDATION BILL—To be read a second time.
11. REGISTRATION OF BIRTHS DEATHS AND MARRIAGES LAWS CONSOLIDATION BILL—To be read a second time.

12. PARTY PROCESSIONS LAW CONSOLIDATION BILL—To be read a second time.
13. PAWNBROKERS LAWS CONSOLIDATION BILL—To be read a second time.
14. IMPOUNDING LAW CONSOLIDATION BILL—To be read a second time.
15. SAVINGS BANKS LAW CONSOLIDATION BILL—To be read a second time.
16. THISTLES LAW CONSOLIDATION BILL—To be read a second time.
17. TORTS LAWS CONSOLIDATION BILL—To be read a second time.
18. THEATRES LAW CONSOLIDATION BILL—To be read a second time.
19. COUNTY COURTS LAW CONSOLIDATION BILL—To be read a second time.
20. CORONERS LAW CONSOLIDATION BILL—To be read a second time.
21. JURIES BILL—To be read a second time.
22. PUBLIC MONEYS AND AUDIT LAW CONSOLIDATION BILL—To be read a second time.
23. FRIENDLY SOCIETIES LAW CONSOLIDATION BILL—To be read a second time.
24. COMMON LAW PROCEDURE LAWS CONSOLIDATION BILL—To be read a second time.
25. PASSENGERS HARBORS AND NAVIGATION LAW CONSOLIDATION BILL—To be read a second time.
26. POLICE OFFENCES LAW CONSOLIDATION BILL—To be read a second time.
27. ALIENS LAW CONSOLIDATION BILL—To be read a second time.
28. POLICE REGULATION LAW CONSOLIDATION BILL—To be read a second time.
29. HAWKERS AND PEDLERS LAW CONSOLIDATION BILL—To be read a second time.

TUESDAY, 21ST MARCH.

ORDER OF THE DAY:—

1. CHARITABLE INSTITUTIONS BILL—To be read a second time.

TUESDAY, 28TH MARCH.

ORDER OF THE DAY:—

1. CEMETERIES LAW AMENDMENT BILL—To be read a second time.

MEETING
OF
SELECT COMMITTEE.

Wednesday, 22nd March.

MARKETS—at 1 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.

WEDNESDAY, 15TH MARCH, 1865.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the Prayer.

CONSOLIDATION BILLS.—SECOND READING.—The Honorable M. Hervey moved, That the following Consolidation Bills be now read a second time :—

MEDICAL PRACTITIONERS LAWS CONSOLIDATION BILL,
FENCES LAW CONSOLIDATION BILL,
PATENTS LAW CONSOLIDATION BILL,
CROWN REMEDIES AND LIABILITY LAW CONSOLIDATION BILL,
EQUITY PRACTICE LAW CONSOLIDATION BILL,
BAKERS AND MILLERS LAWS CONSOLIDATION BILL,
RELIGIOUS TRUSTS LAW CONSOLIDATION BILL,
SEAMEN LAW CONSOLIDATION BILL,
INSOLVENCY LAW CONSOLIDATION BILL,
VOLUNTEERS LAWS CONSOLIDATION BILL,
REGISTRATION OF BIRTHS DEATHS AND MARRIAGES LAWS CONSOLIDATION BILL,
PARTY PROCESSIONS LAW CONSOLIDATION BILL,
PAWNBROKERS LAWS CONSOLIDATION BILL,
IMPOUNDING LAW CONSOLIDATION BILL,
SAVINGS BANKS LAW CONSOLIDATION BILL,
THISTLES LAW CONSOLIDATION BILL,
TORTS LAWS CONSOLIDATION BILL,
THEATRES LAW CONSOLIDATION BILL,
COUNTY COURTS LAW CONSOLIDATION BILL,
CORONERS LAW CONSOLIDATION BILL,
PUBLIC MONEYS AND AUDIT LAW CONSOLIDATION BILL,
FRIENDLY SOCIETIES LAW CONSOLIDATION BILL,
COMMON LAW PROCEDURE LAWS CONSOLIDATION BILL,
PASSENGERS HARBORS AND NAVIGATION LAW CONSOLIDATION BILL,
POLICE OFFENCES LAW CONSOLIDATION BILL,
ALIENS LAW CONSOLIDATION BILL,
POLICE REGULATION LAW CONSOLIDATION BILL,
HAWKERS AND PEDLERS LAW CONSOLIDATION BILL.

Debate ensued.

Question—put and passed.

Bills read a second time.

The Honorable M. Hervey moved, That the Bills 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 following Bills and had agreed to them without amendment, viz., the

FENCES LAW CONSOLIDATION BILL,
 PATENTS LAW CONSOLIDATION BILL,
 CROWN REMEDIES AND LIABILITY LAW CONSOLIDATION BILL,
 EQUITY PRACTICE LAW CONSOLIDATION BILL,
 BAKERS AND MILLERS LAWS CONSOLIDATION BILL,
 RELIGIOUS TRUSTS LAW CONSOLIDATION BILL,
 SEAMEN LAW CONSOLIDATION BILL,
 INSOLVENCY LAW CONSOLIDATION BILL,
 VOLUNTEERS LAWS CONSOLIDATION BILL,
 REGISTRATION OF BIRTHS DEATHS AND MARRIAGES LAWS CONSOLIDATION BILL,
 PARTY PROCESSIONS LAW CONSOLIDATION BILL,
 PAWNBROKERS LAWS CONSOLIDATION BILL,
 IMPOUNDING LAW CONSOLIDATION BILL,
 THISTLES LAW CONSOLIDATION BILL,
 TORTS LAWS CONSOLIDATION BILL,
 THEATRES LAW CONSOLIDATION BILL,
 COUNTY COURTS LAW CONSOLIDATION BILL,
 CORONERS LAW CONSOLIDATION BILL,
 FRIENDLY SOCIETIES LAW CONSOLIDATION BILL,
 PASSENGERS HARBORS AND NAVIGATION LAW CONSOLIDATION BILL,
 POLICE OFFENCES LAW CONSOLIDATION BILL,
 ALIENS LAW CONSOLIDATION BILL,
 POLICE REGULATION LAW CONSOLIDATION BILL,
 HAWKERS AND PEDLERS LAW CONSOLIDATION BILL,

And reported progress, and asked leave to sit again on the MEDICAL PRACTITIONERS LAWS CONSOLIDATION, the SAVINGS BANKS LAW CONSOLIDATION BILL, the PUBLIC MONEYS AND AUDIT LAW CONSOLIDATION BILL, and the COMMON LAW PROCEDURE LAWS CONSOLIDATION BILL.

The Honorable M. Hervey moved, That the report of the Committee be adopted on the Bills reported on as above set forth; and that the third reading of the said Bills be made an Order of the Day for Tuesday, the 21st instant.

Question—put and passed.

Ordered—That the Committee have leave to sit again on Tuesday next on the Bills on which progress was reported, as above set forth.

JURIES BILL.—The Order of the Day for the second reading of this Bill being read, the Honorable M. Hervey moved, That the Bill be now read a second time.

Question—put and passed.

Bill read a second time.

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

Question—put and passed.

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

The President left the Chair.

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

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

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 consolidate the Law relating to Hospitals and Charitable Institutions,*" in which they desire the concurrence of the Legislative Council.

FRANS. MURPHY,
 Speaker.

Legislative Assembly Chamber,
 Melbourne, 15th March, 1865.

HOSPITALS LAW CONSOLIDATION BILL.—The Honorable M. Hervey moved, That this Bill be now read a first time, printed, and read a second time to-morrow.

Question—put and passed.

ADJOURNMENT.—The Honorable M. Hervey, with leave of the Council, moved, without notice, That the House, at its rising this day, adjourn until half-past four o'clock to-morrow.

Question—put and passed.

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

ORDERS OF THE DAY.

THURSDAY, 16TH MARCH, 1865.

ORDER OF THE DAY:—

1. HOSPITALS LAW CONSOLIDATION BILL—To be read a second time.

TUESDAY, 21ST MARCH.

ORDERS OF THE DAY:—

1. CHARITABLE INSTITUTIONS BILL—To be read a second time.
2. FENCES LAW CONSOLIDATION BILL—To be read a third time.
3. PATENTS LAW CONSOLIDATION BILL—To be read a third time.
4. CROWN REMEDIES AND LIABILITY LAW CONSOLIDATION BILL—To be read a third time.
5. EQUITY PRACTICE LAW CONSOLIDATION BILL—To be read a third time.
6. BAKERS AND MILLERS LAWS CONSOLIDATION BILL—To be read a third time.
7. RELIGIOUS TRUSTS LAW CONSOLIDATION BILL—To be read a third time.
8. SEAMEN LAW CONSOLIDATION BILL—To be read a third time.
9. INSOLVENCY LAW CONSOLIDATION BILL—To be read a third time.
10. VOLUNTEERS LAWS CONSOLIDATION BILL—To be read a third time.
11. REGISTRATION OF BIRTHS DEATHS AND MARRIAGES LAWS CONSOLIDATION BILL—
To be read a third time.
12. PARTY PROCESSIONS LAW CONSOLIDATION BILL—To be read a third time.
13. PAWNBROKERS LAWS CONSOLIDATION BILL—To be read a third time.
14. IMPOUNDING LAW CONSOLIDATION BILL—To be read a third time.
15. THISTLES LAW CONSOLIDATION BILL—To be read a third time.
16. TORTS LAWS CONSOLIDATION BILL—To be read a third time.
17. THEATRES LAW CONSOLIDATION BILL—To be read a third time.
18. COUNTY COURTS LAW CONSOLIDATION BILL—To be read a third time.
19. CORONERS LAW CONSOLIDATION BILL—To be read a third time.
20. FRIENDLY SOCIETIES LAW CONSOLIDATION BILL—To be read a third time.
21. PASSENGERS HARBORS AND NAVIGATION LAW CONSOLIDATION BILL—To be read a
third time.
22. POLICE OFFENCES LAW CONSOLIDATION BILL—To be read a third time.
23. ALIENS LAW CONSOLIDATION BILL—To be read a third time.
24. POLICE REGULATION LAW CONSOLIDATION BILL—To be read a third time.
25. HAWKERS AND PEDLERS LAW CONSOLIDATION BILL—To be read a third time.
26. MEDICAL PRACTITIONERS LAWS CONSOLIDATION BILL—To be further considered in
Committee.
27. SAVINGS BANKS LAWS CONSOLIDATION BILL—To be further considered in Committee.
28. PUBLIC MONEYS AND AUDIT LAW CONSOLIDATION BILL—To be further considered in
Committee.
29. COMMON LAW PROCEDURE LAWS CONSOLIDATION BILL—To be further considered in Com-
mittee.
30. JURIES BILL—Adoption of Report.

TUESDAY, 28TH MARCH.

ORDER OF THE DAY:—

1. CEMETERIES LAW AMENDMENT BILL—To be read a second time.

MEETING

OF

SELECT COMMITTEE.

Wednesday, 22nd March.

MARKETS—at 1 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.

THURSDAY, 16TH MARCH, 1865.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the Prayer.

POSTPONEMENT.—The Order of the Day for the second reading of the "*Hospitals Law Consolidation Bill*" was postponed until Tuesday, 21st March instant.

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

MR. PRESIDENT—

The Legislative Assembly acquaint the Legislative Council that they have appointed a Committee of Seven Members to confer with a Committee of the Legislative Council on a Bill intituled "*An Act to amend the Land Act 1862*," some of which amendments have been disagreed to, and others of which have been amended by the Legislative Assembly; and request the Legislative Council to appoint a Committee of that House to confer with such Committee.

Legislative Assembly Chamber,
Melbourne, 16th March, 1865.

FRANS. MURPHY,
Speaker.

MR. PRESIDENT—

The Legislative Assembly transmit to the Legislative Council a Bill intituled "*An Act to consolidate and amend the Law relating to Electors and Elections of Members to serve in Parliament*," in which they desire the concurrence of the Legislative Council.

Legislative Assembly Chambers,
Melbourne, 16th March, 1865.

FRANS. MURPHY,
Speaker.

MR. PRESIDENT—

The Legislative Assembly transmit to the Legislative Council a Bill intituled "*An Act for facilitating the Transfer of various Mercantile Instruments and Securities*," in which they desire the concurrence of the Legislative Council.

Legislative Assembly Chamber,
Melbourne, 16th March, 1865.

FRANS. MURPHY,
Speaker.

MERCANTILE SECURITIES BILL.—The Honorable A. Fraser moved, That this Bill be now read a first time, printed, and read a second time this day week.

Question—put and passed.

Bill read a first time.

ELECTORAL LAW CONSOLIDATION BILL.—The Honorable M. Hervey moved, That this Bill be now read a first time, printed, and read a second time this day week.

Question—put and passed.

Bill read a first time.

LAND ACT 1862 AMENDMENT BILL.—MESSAGE FROM LEGISLATIVE ASSEMBLY.—The Honorable M. Hervey, with leave of the Council, moved, without notice, That a Committee of Seven Members be appointed to confer with the Committee appointed by the Legislative Assembly on the amendments in this Bill; such Committee to consist of the Honorables T. H. Fellows, W. H. F. Mitchell, W. Degraives, J. P. Fawkner, C. J. Jenner, J. P. Bear, and the Mover.

Question—put and passed.

The Honorable M. Hervey moved, That the Committee have leave to confer with the Committee of the Legislative Assembly immediately in the South room of the Library.

Question—put and passed.

Ordered—That a Message be sent to the Legislative Assembly acquainting them that the Council have appointed a Committee to confer with the Committee of the Legislative Assembly, and have empowered the Committee to confer in the South room of the Library immediately.

The Committee retired to confer with the Committee of the Legislative Assembly.

The Committee returned to the Council Chamber.

The Council adjourned during pleasure.

The President resumed the Chair after the lapse of one hour.

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 Land Act 1862*,” and acquaint them that the Legislative Assembly do not insist in disagreeing in some of the amendments made by the Legislative Council in this Bill, that they insist on disagreeing in others of the amendments, and that they have agreed to others of the amendments of the Legislative Council with amendments, with which they desire the concurrence of the Legislative Council.

FRANS. MURPHY,
Speaker.

Legislative Assembly Chamber,
Melbourne, 16th March, 1865.

LAND ACT 1862 AMENDMENT BILL.—The Honorable M. Hervey moved, That the Message from the Legislative Assembly with this Bill be now taken into consideration.

Debate ensued.

Question—put and passed.

The Honorable M. Hervey moved, That the Council do not insist on the amendment in Clause 21, line 5—Leave out “three years,” and insert “one year.”

Question—put and passed.

The Honorable M. Hervey moved, That the Council do agree to the following amendments made by the Legislative Assembly in the amendment made by the Legislative Council in clause C, line 36, viz. :—after first word “or” insert “any surveyed road ;” omit “on or across any land reserved for a road.”

Question—put and passed.

The Honorable M. Hervey moved, That the Council do agree to the amendment made by the Assembly in the amendment made by the Council in clause C, line 39, viz. :—omit “or of the road board or shire council within whose jurisdiction the same shall be erected.”

Question—put and passed.

The Honorable M. Hervey moved, That the Council do not insist on the amendment in clause 31, line 5—Leave out “three years” insert “one year.”

Question—put and passed.

The Honorable M. Hervey moved, That the Council agree to the following amendment made by the Legislative Assembly in clause 48, line 39, viz. :—instead of the words proposed to be inserted by the Council after the word “may” insert “by auction selection or leasing under this Act.”

Question—put and passed.

The Honorable M. Hervey moved, That the Council do not insist on the insertion of the following words after the words “this Act” in clause 48, line 44, “but when any common shall be diminished altered or abolished the occupier of the run upon which such common was proclaimed shall if he thinks fit be again entitled to the part no longer a common in like manner as if the common had never been proclaimed and such occupier shall pay for the same such rent as shall be agreed upon between himself and the Board of Land and Works or if they shall not agree then such rent as shall be awarded by a jury in a Crown suit for the recovery thereof and the rent so agreed or awarded shall be added to and form part of the rent of such run.”

Question—put and passed.

The Honorable M. Hervey moved, That a Message be sent to the Legislative Assembly acquainting them that the Council do not insist on the amendments with which the Legislative Assembly have disagreed, and have agreed to the amendments on amendments made by the Legislative Assembly.

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 remove Doubts as to the validity of certain Mining Bye-laws*,” with which they desire the concurrence of the Legislative Council.

FRANS. MURPHY,
Speaker.

Legislative Assembly Chamber,
Melbourne, 16th March, 1865.

MINING BYE-LAWS VALIDITY BILL.—The Honorable M. Hervey moved, That this Bill be now read a first time.

Question—put and passed.

Bill read a first time.

The Honorable M. Hervey moved, That the Bill be now read a second time.

Question—put and passed.

Bill read a second time.

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

Question—put and passed.

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

The President left the Chair.

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

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

The Honorable M. Hervey moved, That the title of the Bill be "*An Act to remove doubts as to the Validity of certain Mining Bye-laws.*"

Question—put and passed.

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

The Council adjourned at ten minutes to ten o'clock until four o'clock on Tuesday, the 21st instant.

ORDERS OF THE DAY.

TUESDAY, 21ST MARCH, 1865.

ORDERS OF THE DAY :—

1. CHARITABLE INSTITUTIONS BILL—To be read a second time.
2. FENCES LAW CONSOLIDATION BILL—To be read a third time.
3. PATENTS LAW CONSOLIDATION BILL—To be read a third time.
4. CROWN REMEDIES AND LIABILITY LAW CONSOLIDATION BILL—To be read a third time.
5. EQUITY PRACTICE LAW CONSOLIDATION BILL—To be read a third time.
6. BAKERS AND MILLERS LAWS CONSOLIDATION BILL—To be read a third time.
7. RELIGIOUS TRUSTS LAW CONSOLIDATION BILL—To be read a third time.
8. SEAMEN LAW CONSOLIDATION BILL—To be read a third time.
9. INSOLVENCY LAW CONSOLIDATION BILL—To be read a third time.
10. VOLUNTEERS LAWS CONSOLIDATION BILL—To be read a third time.
11. REGISTRATION OF BIRTHS DEATHS AND MARRIAGES LAWS CONSOLIDATION BILL—
To be read a third time.
12. PARTY PROCESSIONS LAW CONSOLIDATION BILL—To be read a third time.
13. PAWNBROKERS LAWS CONSOLIDATION BILL—To be read a third time.
14. IMPOUNDING LAW CONSOLIDATION BILL—To be read a third time.
15. THISTLES LAW CONSOLIDATION BILL—To be read a third time.
16. TORTS LAWS CONSOLIDATION BILL—To be read a third time.
17. THEATRES LAW CONSOLIDATION BILL—To be read a third time.
18. COUNTY COURTS LAW CONSOLIDATION BILL—To be read a third time.
19. CORONERS LAW CONSOLIDATION BILL—To be read a third time.
20. FRIENDLY SOCIETIES LAW CONSOLIDATION BILL—To be read a third time.
21. PASSENGERS HARBORS AND NAVIGATION LAW CONSOLIDATION BILL—To be read a
third time.
22. POLICE OFFENCES LAW CONSOLIDATION BILL—To be read a third time.
23. ALIENS LAW CONSOLIDATION BILL—To be read a third time.
24. POLICE REGULATION LAW CONSOLIDATION BILL—To be read a third time.
25. HAWKERS AND PEDLERS LAW CONSOLIDATION BILL—To be read a third time.
26. MEDICAL PRACTITIONERS LAWS CONSOLIDATION BILL—To be further considered in
Committee.
27. SAVINGS BANKS LAWS CONSOLIDATION BILL—To be further considered in Committee.
28. PUBLIC MONEYS AND AUDIT LAW CONSOLIDATION BILL—To be further considered in
Committee.
29. COMMON LAW PROCEDURE LAWS CONSOLIDATION BILL—To be further considered in Com-
mittee.
30. JURIES BILL—Adoption of Report.
31. HOSPITALS LAW CONSOLIDATION BILL—To be read a second time.

THURSDAY, 23RD MARCH.

ORDERS OF THE DAY :—

1. MERCANTILE SECURITIES BILL.—To be read a second time.
2. ELECTORAL LAW CONSOLIDATION BILL—To be read a second time.

TUESDAY, 28TH MARCH.

ORDER OF THE DAY :—

1. CEMETERIES LAW AMENDMENT BILL—To be read a second time.

MEETING
OF
SELECT COMMITTEE.

Wednesday, 22nd March.

MARKETS—at 1 o'clock.

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

VICTORIA.

No. 24.

Minutes of the Proceedings
OF THE
LEGISLATIVE COUNCIL.

TUESDAY, 21ST MARCH, 1865.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the Prayer.

ROYAL COMMISSION AND INSTRUCTIONS.—RETURN TO ADDRESS.—The Honorable M. Hervey laid on the Table a Return to the Address to His Excellency the Governor, adopted by the Council on the 7th instant.

POSTPONEMENT.—The following Order of the Day was postponed until Tuesday, the 4th April :—
“*Charitable Institutions Bill*”—to be read a second time.

CONSOLIDATION BILLS.—The President having reported that the Chairman of Committees had certified that the fair print of the following Bills was in accordance with the Bills as reported, The Honorable M. Hervey moved, That the Bills be now read a third time, viz., the

FENCES LAW CONSOLIDATION BILL,
PATENTS LAW CONSOLIDATION BILL,
CROWN REMEDIES AND LIABILITY LAW CONSOLIDATION BILL,
EQUITY PRACTICE LAW CONSOLIDATION BILL,
BAKERS AND MILLERS LAWS CONSOLIDATION BILL,
RELIGIOUS TRUSTS LAW CONSOLIDATION BILL,
SEAMEN LAW CONSOLIDATION BILL,
INSOLVENCY LAW CONSOLIDATION BILL,
VOLUNTEERS LAWS CONSOLIDATION BILL,
REGISTRATION OF BIRTHS DEATHS AND MARRIAGES LAWS CONSOLIDATION BILL,
PARTY PROCESSIONS LAW CONSOLIDATION BILL,
PAWNBROKERS LAWS CONSOLIDATION BILL,
IMPOUNDING LAW CONSOLIDATION BILL,
THISTLES LAW CONSOLIDATION BILL,
TORTS LAWS CONSOLIDATION BILL,
THEATRES LAW CONSOLIDATION BILL,
COUNTY COURTS LAW CONSOLIDATION BILL,
CORONERS LAW CONSOLIDATION BILL,
FRIENDLY SOCIETIES LAW CONSOLIDATION BILL,
PASSENGERS HARBORS AND NAVIGATION LAW CONSOLIDATION BILL,
POLICE OFFENCES LAW CONSOLIDATION BILL,
ALIENS LAW CONSOLIDATION BILL,
POLICE REGULATION LAW CONSOLIDATION BILL, and the
HAWKERS AND PEDLERS LAW CONSOLIDATION BILL.

Question—put and passed.

Bills read a third time, and, on the motion of the Honorable M. Hervey, *passed*.

The Honorable M. Hervey moved, That the following be the titles of the Bills, viz.:—

- “*An Act to consolidate the law relating to Dividing Fences;*”
- “*An Act to consolidate the law concerning Letters Patent for Inventions;*”
- “*An Act to consolidate the law relating to the protection and recovery of Crown Property and the enforcement of Claims against the Crown;*”
- “*An Act to consolidate the law relating to the Practice in the Supreme Court in its Equitable Jurisdiction;*”
- “*An Act to consolidate the laws relating to Bakers and Millers;*”
- “*An Act to consolidate the law relating to Trusts for Religious Purposes;*”
- “*An Act to consolidate the law relating to Seamen;*”
- “*An Act to consolidate the law relating to Insolvents and their Estates;*”
- “*An Act to consolidate the laws relating to the Volunteer Force;*”

"An Act to consolidate the law relating to the Registration of Births Deaths and Marriages ;"

"An Act to consolidate the law relating to Unlawful Assemblies Special Constables and Riotously Disturbed Districts ;"

"An Act to consolidate the laws relating to Pawnbrokers ;"

"An Act to consolidate the law relating to the Impounding of Cattle ;"

"An Act to consolidate the law relating to the Eradication of Thistles ;"

"An Act to consolidate the laws relating to Wrongs ;"

"An Act to consolidate the law relating to Licensed Theatres ;"

"An Act for the consolidation of the law relating to County Courts ;"

"An Act to consolidate the law relating to Coroners ;"

"An Act to consolidate the law relating to Friendly Societies ;"

"An Act to consolidate the law relating to Passengers Harbors and Navigation ;"

"An Act to consolidate the law relating to the Management of Towns and other Populous Places and for the suppression of various Offences ;"

"An Act to consolidate the law relating to Aliens ;"

"An Act to consolidate the law relating to the Police Force in Victoria ;"

"An Act to consolidate the law relating to Hawkers and Pedlers."

Question—put and passed.

Ordered—That a Message be taken to the Legislative Assembly to acquaint them that the Council have agreed to the said Bills without amendment.

CONSOLIDATION BILLS.—The Orders of the Day for the further consideration of the Medical Practitioners Laws Consolidation Bill, the Savings Banks Laws Consolidation Bill, the Public Moneys and Audit Law Consolidation Bill, and the Common Law Procedure Laws Consolidation 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 Medical Practitioners Laws Consolidation Bill, and had agreed to the same with an amendment in the fifth clause of the Bill.

The Honorable M. Hervey moved, That the Report of the Committee be now adopted.

Question—put and passed.

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

The Honorable M. Hervey moved, That the title of the Bill be "*An Act to consolidate the Laws relating to Medical Practitioners.*"

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.

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 Savings Banks Laws Consolidation Bill, and had agreed to the same without amendment.

The Honorable M. Hervey moved, That the report of the Committee be now adopted.

Question—put and passed.

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

The Honorable M. Hervey moved, That the title of the Bill be "*An Act to consolidate the law relating to Savings Banks.*"

Question—put and passed.

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

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

The President left the Chair.

The Chairman of Committees reported progress, and asked leave to sit again on the Public Moneys and Audit Law Consolidation Bill.

Ordered—That the Committee have leave to sit again on Tuesday, the 28th instant.

POSTPONEMENT.—The following Order of the Day was postponed until Tuesday the 4th proximo :—

"Common Law Procedure Laws Consolidation Bill"—To be further considered in Committee.

JURIES BILL.—The Order of the Day for the adoption of the Report of the Committee of the whole Council on this Bill being called on, the Honorable T. H. Fellows moved, That the Order of the Day be discharged, with a view to the re-committal of the Bill.

Question—put and passed.

Question—That the Bill be now re-considered in Committee of the whole Council—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.

Ordered—That the adoption of the Report of the Committee be made an Order of the Day for Thursday next.

HOSPITALS LAW CONSOLIDATION BILL.—The Order of the Day for the second reading of this Bill being read, the Honorable M. Hervey moved, That this Bill be now read a second time.

Question—put and passed.

Bill read a second time.

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

Question—put and passed.

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

The President left the Chair.

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

The Honorable C. Sladen moved, That the Bill be now re-committed on the ninth clause of the Bill.

Question—put and passed.

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

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

Ordered—That the adoption of the Report of the Committee be made an Order of the Day for Thursday, the 23rd instant.

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

MR. PRESIDENT—

The Legislative Assembly transmit to the Legislative Council a Message from His Excellency the Governor recommending certain amendments in the Bill intituled "*An Act to amend the Land Act 1862*," and acquaint the Legislative Council that the Legislative Assembly have agreed to the amendments suggested by His Excellency, and desire the concurrence therein of the Legislative Council.

Legislative Assembly Chamber,
Melbourne, 21st March, 1865.

FRANS. MURPHY,
Speaker.

C. H. DARLING,
Governor.

Message No.

In pursuance of the 36th section of the Constitution Act, the Governor transmits to the Legislative Assembly the following amendments, which he recommends to be made in the Bill intituled "*An Act to amend the Land Act 1862* :—

Clause 7, for word "persons," at the commencement of clause, substitute "any person."

Clause 40, line 23, for words "thirty-ninth sections" substitute "thirty-eighth section."

Clause 43, line 3, for words "thirty-ninth and forty-first" substitute "thirty-seventh thirty-eighth and fortieth;" in line 5, for word "fortieth" substitute "thirty-ninth;" and in line 6, for words "forty-second and forty-third," substitute "forty-first and forty-second."

Government Offices,
Melbourne, 21st March, 1865.

MR. PRESIDENT—

The Legislative Assembly transmit to the Legislative Council a Bill intituled "*An Act to amend the Laws affecting the Chinese immigrating to or resident in Victoria*," with which they desire the concurrence of the Legislative Council.

Legislative Assembly Chambers,
Melbourne, 21st March, 1865.

FRANS. MURPHY,
Speaker.

LAND ACT 1862 AMENDMENT BILL.—MESSAGE FROM THE GOVERNOR.—The Honorable M. Hervey moved, That the Message from His Excellency the Governor, recommending amendments in this Bill, be now taken into consideration.

Question—put and passed.

The amendments were read at the Table by the Clerk.

The Honorable M. Hervey moved, That the Council do concur with the Legislative Assembly in agreeing to the amendments recommended by His Excellency the Governor.

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 recommended by the Governor.

BRITISH AND FOREIGN STATE PAPERS.—BULLETINS.—The President informed the Council that he had received an intimation from the Private Secretary to His Excellency the Governor to the effect that a number of volumes of British and Foreign State Papers, with volumes of Bulletins, had been presented to the Parliamentary Library of Victoria by the Right Honorable the Secretary of State for Foreign Affairs.

CHINESE ACT AMENDMENT BILL.—The Honorable M. Hervey moved, That this Bill be now read a first time, printed, and read a second time on Tuesday next.

Question—put and passed.

Bill read a first time.

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

Question—put and passed.

SELECT COMMITTEES.—The Honorable J. P. Fawkner, with leave of the Council, moved without notice, That the Select Committees appointed by the House have power to sit during the adjournment.

Question—put and passed.

The Council adjourned at ten minutes past six o'clock until four o'clock on Thursday the 23rd instant.

NOTICE OF MOTION AND ORDERS OF THE DAY.

THURSDAY, 23RD MARCH, 1865.

1. The Hon. J. F. STRACHAN: To ask whether it is the intention of the Government to introduce the New Tariff Clauses into the Annual Appropriation Bill.

NOTICE OF MOTION:—

1. The Hon. W. HULL: To move, That there be laid upon the Table of this House a Return showing the salaries of officers employed, and clothing, and provisions, together with the cost, supplied each year to the Aborigines, from the separation of the Colony from New South Wales to the end of 1864; also a Statement of the Distribution of the Stores, and whether distributed by police magistrates or private individuals.

ORDERS OF THE DAY:—

1. MERCANTILE SECURITIES BILL.—To be read a second time.
2. ELECTORAL LAW CONSOLIDATION BILL.—To be read a second time.
3. JURIES BILL.—Adoption of Report.
4. HOSPITALS LAW CONSOLIDATION BILL.—Adoption of Report.

TUESDAY, 28TH MARCH.

ORDERS OF THE DAY:—

1. CEMETERIES LAW AMENDMENT BILL.—To be read a second time.
2. PUBLIC MONEYS AND AUDIT LAW CONSOLIDATION BILL.—To be further considered in Committee.
3. CHINESE ACT AMENDMENT BILL.—To be read a second time.

TUESDAY, 4TH APRIL.

ORDERS OF THE DAY:—

1. CHARITABLE INSTITUTIONS BILL.—To be read a second time.
2. COMMON LAW PROCEDURE LAWS CONSOLIDATION BILL.—To be further considered in Committee.

MEETING

OF

SELECT COMMITTEE.

Wednesday, 22nd March.

MARKETS—at 1 o'clock.

G. W. RUSDEN,

Clerk of the Council and Clerk of the Parliaments.

VICTORIA.

No. 25.

Minutes of the Proceedings
OF THE
LEGISLATIVE COUNCIL.

THURSDAY, 23RD MARCH, 1865.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the Prayer.

ROYAL ASSENT TO BILLS.—The President announced to the Council that he had received an intimation from the Private Secretary to His Excellency the Governor, to the effect that it is the intention of His Excellency the Governor to proceed to the Parliament Houses this day, at half-past four o'clock, to give the Royal Assent to certain Bills.

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

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

“*An Act to amend the Land Act 1862.*”

“*An Act to remove Doubts as to the Validity of certain Mining Bye-laws.*”

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

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

“C. H. DARLING,

“Governor.”

The Clerk of the Parliaments delivered to Mr. Speaker a schedule of the Acts assented to. The Legislative Assembly withdrew.

His Excellency the Governor left the Council Chamber.

ABORIGINES, RELIEF OF.—The Honorable W. Hull, in accordance with *amended* notice, moved, That there be laid upon the Table of this House a Return showing the Salaries of Officers employed, and Clothing and Provisions, together with the cost, supplied each year to the Aborigines, from the separation of the colony from New South Wales to the end of the year 1864; also, a statement of the distribution of the Stores, and whether distributed by Police Magistrates or private individuals; and further, the number of Aborigines relieved in each year.

Debate ensued.

Motion by leave withdrawn.

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

MR. PRESIDENT—

The Legislative Assembly transmit to the Legislative Council a Bill intituled “*An Act to consolidate the Laws relating to Public Health,*” in which they desire the concurrence of the Legislative Council.

FRANS. MURPHY,
Speaker.

Legislative Assembly Chamber,
Melbourne, 23RD March, 1865.

PUBLIC HEALTH LAWS CONSOLIDATION BILL.—The Honorable M. Hervey moved, That this Bill be now read a first time, printed, and read a second time on Tuesday next.

Question—put and passed.

Bill read a first time.

PETITION.—The Honorable T. H. Fellows presented a Petition, signed by Phipps Turnbull and others, styling themselves President and Members of the Melbourne Chamber of Commerce, praying that the House will not pass the Mercantile Securities Bill.

Petition received.

PETITION.—The Honorable J. Lowe presented a Petition, signed by Andrew Kilpatrick, of Moolap, praying that the Tariff measure may be passed.
Petition received.

MERCANTILE SECURITIES BILL.—The Order of the Day for the second reading of this Bill being read, the Honorable A. Fraser moved, That the Bill be now read a second time.
Debate ensued.

Question—put and passed.

Bill read a second time.

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

Question—put and passed.

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

The President left the Chair.

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

Ordered.

ELECTORAL LAW CONSOLIDATION BILL.—The Order of the Day for the second reading of this Bill being read, the Honorable M. Hervey moved, That the Bill be now read a second time.

Question—put and passed.

Bill read a second time.

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

Question—put and passed.

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

The President left the Chair.

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

Ordered.

JURIES BILL.—The Order of the Day for the adoption of the Report of the Committee of the whole Council on this Bill being read, the Honorable T. H. Fellows moved, That the Order of the Day be discharged with a view to the re-committal of the Bill on the twenty-first clause.

Question—put and passed.

Question—That the Bill be now re-committed on the twenty-first clause—put and passed.

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

The President left the Chair.

The Chairman of Committees reported that the Committee had agreed to the Bill with a further amendment in the twenty-first clause.

The Honorable T. H. Fellows moved, That the report of the Committee be now adopted.

Question—put and passed.

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

The Honorable T. H. Fellows moved, That the title of the Bill be "*An Act to amend the Law for regulating Juries.*"

Question—put and passed.

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

HOSPITALS LAW CONSOLIDATION 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 C. Sladen moved, That the Order of the Day be discharged with a view to the re-committal of the Bill.

Question—put and passed.

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

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

The President left the Chair.

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

The Honorable C. Sladen moved, That the Report of the Committee be now adopted.

Question—put and passed.

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

The Honorable C. Sladen moved, That the title of the Bill be "*An Act to consolidate and amend the Law relating to Hospitals and Charitable Institutions.*"

Question—put and passed.

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

The Council adjourned at a quarter past six o'clock until four o'clock on Tuesday, the 28th instant.

NOTICES OF MOTION AND ORDERS OF THE DAY.

TUESDAY, 28TH MARCH, 1865.

1. The Hon. T. H. FELLOWS : To ask—
- (1.) Whether it is the intention of the Government to propose that the New Tariff shall be a temporary law only.
 - (2.) If not, whether they have considered the tenth clause of the Queen's Instructions by which the Governor is commanded "more especially to take care that no perpetual clause be part of any temporary law."
 - (3.) Whether the Government are of opinion that the New Tariff, if a temporary law only, can receive the Royal Assent in this colony, unless (in accordance with 5 and 6 Vict. No. 76, s. 31):—"The Governor shall expressly declare it necessary to be forthwith assented to by reason of some public and pressing emergency."
 - (4.) Whether the Government are of opinion, that if the New Tariff is not a "temporary law," it must not (in accordance with the same enactment) be reserved for the signification of Her Majesty's pleasure thereon.

NOTICES OF MOTION :—

1. The Hon. C. SLADEN : To move, That a Select Committee of ten members be appointed to search for Precedents on the subject of the tacking of Bills, and also on the subject of dealing with Bills of Supply and Tax, and with Bills for appropriating supplies, and to report thereon to the Council. (2.) That such Committee consist of the Honorables J. P. Bear, J. P. Fawkner, T. H. Fellows, A. Fraser, M. Hervey, W. Highett, W. H. F. Mitchell, Sir James Palmer, J. F. Strachan, and the Mover.
2. The Hon. C. SLADEN : To move for leave to introduce a Bill to amend the Law relating to Fencing.

ORDERS OF THE DAY :—

1. CEMETERIES LAW AMENDMENT BILL—To be read a second time.
2. PUBLIC MONEYS AND AUDIT LAW CONSOLIDATION BILL—To be further considered in Committee.
3. CHINESE ACT AMENDMENT BILL —To be read a second time.
4. PUBLIC HEALTH LAWS CONSOLIDATION BILL.—To be read a second time.
5. MERCANTILE SECURITIES BILL.—To be further considered in Committee.
6. ELECTORAL LAW CONSOLIDATION BILL—To be further considered in Committee.

TUESDAY, 4TH APRIL.

ORDERS OF THE DAY :—

1. CHARITABLE INSTITUTIONS BILL—To be read a second time.
2. COMMON LAW PROCEDURE LAWS CONSOLIDATION BILL—To be further considered in Committee.

MEETING

OF

SELECT COMMITTEE.

Tuesday, 28th March.

PRINTING—at 3 o'clock.

Wednesday, 29th March.

MARKETS—at 1 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.

TUESDAY, 28TH MARCH, 1865.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the Prayer.

PAPERS.—The Honorable M. Hervey laid on the Table the following Paper:—

Volunteer Force.—Return showing results of effective system during the year 1864.

Ordered to lie on the Table.

PRECEDENTS.—TACKING OF BILLS—SUPPLY AND TAX BILLS—APPROPRIATION BILLS.—The Honorable C. Sladen, in accordance with notice, moved, That a Select Committee of ten Members be appointed to search for Precedents on the subject of the Tacking of Bills, and also on the subject of dealing with Bills of Supply and Tax, and with Bills for appropriating Supplies, and to report thereon to the Council.

Question—put and passed.

The Honorable C. Sladen moved, That such Committee consist of the Honorables J. P. Bear, J. P. Fawkner, T. H. Fellows, A. Fraser, M. Hervey, W. Highett, W. H. F. Mitchell, Sir James Palmer, J. F. Strachan, and the Mover.

A Ballot having been demanded, in accordance with the forty-fifth Standing Order, lists were given in to the Clerk by the Members; and the following Members being reported by the Clerk to have the greatest number of votes, were declared by the President to be the Members of the Committee, viz.:—The Honorables C. Sladen, Sir J. F. Palmer, M. Hervey, T. H. Fellows, W. H. F. Mitchell, W. Highett, J. P. Fawkner, J. F. Strachan, J. P. Bear, and A. Fraser.

The President fixed two o'clock on Wednesday, the 29th instant, as the time for the first meeting of the Committee.

FENCING BILL.—The Honorable C. Sladen, in accordance with notice, moved, That leave be given to introduce a Bill to amend the law relating to Fencing.

Question—put and passed.

Bill brought in and, on the motion of the Honorable C. Sladen, read a first time, ordered to be printed, and read a second time on Tuesday, the 4th proximo.

PETITION.—The Honorable W. Hull presented a Petition, under the corporate seal of the mayor, aldermen, councillors, and citizens of the City of Melbourne, on the subject of Markets, and praying that the Council will take the premises into consideration.

Petition received.

The Honorable W. Hull moved, That the Petition be referred to the Select Committee on Markets.

Question—put and passed.

CEMETERIES LAW AMENDMENT BILL.—The Order of the Day for the second reading of this Bill being read, the Honorable C. Sladen moved, That the Bill be now read a second time.

Debate ensued.

Question—put and passed.

Bill read a second time.

Ordered—That the Bill be now considered in Committee of the whole Council.

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 29th instant:—

“Public Moneys and Audit Law Consolidation Bill”—To be further considered in Committee.

CHINESE ACT AMENDMENT BILL.—The Order of the Day for the Second reading of this Bill being read, the Honorable M. Hervey moved, That the Bill be now read a second time.

Question—put and passed.

Bill read a second time.

Ordered—That the Bill be now considered in Committee of the whole Council.

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 M. Hervey moved, That the Report of the Committee be now adopted.

Question—put and passed.

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

The Honorable M. Hervey moved, That the title of the Bill be "*An Act to amend the Laws affecting the Chinese immigrating to or resident in Victoria.*"

Question—put and passed.

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

PUBLIC HEALTH LAWS CONSOLIDATION BILL.—The Order of the Day for the second reading of this Bill being read, the Honorable M. Hervey moved, That the Bill be now read a second time.

Question—put and passed.

Bill read a second time.

Ordered—That the Bill be now considered in Committee of the whole Council.

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.

PRINTING COMMITTEE.—The Honorable J. P. Fawkner brought up the Third Report of the Printing Committee, and moved, That the same be adopted and printed.

Question—put and passed.

MERCANTILE SECURITIES BILL.—The Honorable T. H. Fellows moved, That the Order of the Day for the further consideration of this Bill in Committee of the whole Council, be postponed until this day six months.

Debate ensued.

Question—put.

Council divided.

Contents, 11.

The Hon. J. F. Strachan

Dr. Wilkie

T. H. Fellows

N. Black

H. M. Murphy

S. G. Henty

W. Degraives

J. Henty

J. P. Fawkner

G. W. Cole

C. Sladen (*Teller*).

Not Contents, 9.

The Hon. W. Campbell

W. Taylor

C. J. Jenner

H. Miller

W. Highett

J. P. Bear

J. McCrae

A. Fraser

W. H. Pettet (*Teller*).

The question was therefore passed.

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

"*Electoral Law Consolidation Bill*"—to be further considered in Committee.

The Council adjourned at ten minutes past six o'clock until four o'clock on Wednesday, the 29th instant.

ORDERS OF THE DAY.

WEDNESDAY, 29TH MARCH, 1865.

Government Business:—

ORDERS OF THE DAY:—

1. PUBLIC MONEYS AND AUDIT LAW CONSOLIDATION BILL—To be further considered in Committee.
2. PUBLIC HEALTH LAWS CONSOLIDATION BILL.—To be further considered in Committee.
3. ELECTORAL LAW CONSOLIDATION BILL—To be further considered in Committee.

General Business:—

ORDER OF THE DAY:—

1. CEMETERIES LAW AMENDMENT BILL—To be further considered in Committee.

TUESDAY, 4TH APRIL.

ORDERS OF THE DAY:—

1. CHARITABLE INSTITUTIONS BILL—To be read a second time.
 2. COMMON LAW PROCEDURE LAWS CONSOLIDATION BILL—To be further considered in Committee.
 3. FENCING LAW AMENDMENT BILL—To be read a second time.
-

MEETINGS
OF
SELECT COMMITTEES.

Wednesday, 29th March.

MARKETS—at 1 o'clock.

PRECEDENTS—at 2 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.

WEDNESDAY, 29TH MARCH, 1865.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the Prayer.

PAPER.—The Honorable M. Hervey laid on the Table the following Paper:—
Mineral Statistics of Victoria (1864).

Ordered to lie on the Table.

PETITION OF CORPORATION OF CITY OF MELBOURNE.—The Honorable J. P. Fawcner, with leave of the Council, moved, without notice, That the Petition from the Corporation of Melbourne, presented to this House on Tuesday, and referred to the Select Committee on Markets, be printed.

Question—put and passed.

RATEPAYERS, RETURN OF.—The Honorable M. Hervey laid on the Table a Return to the Order of the Council made on the 13th December, 1864.

POSTPONEMENT.—The following Order of the Day was postponed until Tuesday, the 4th April:—
“*Public Moneys and Audit Law Consolidation Bill*”—To be further considered in Committee.

PUBLIC HEALTH LAWS CONSOLIDATION 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 M. Hervey moved, That the Report of the Committee be now adopted.

Question—put and passed.

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

The Honorable M. Hervey moved, That the title of the Bill be “*An Act to consolidate the Laws relating to the Public Health.*”

Question—put and passed.

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

ELECTORAL LAW CONSOLIDATION 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.

CEMETERIES LAW 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 M. Hervey, 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 four o'clock on Tuesday, the 4th April.

ORDERS OF THE DAY.

TUESDAY, 4TH APRIL, 1865.

ORDERS OF THE DAY:—

1. CHARITABLE INSTITUTIONS BILL—To be read a second time.
2. COMMON LAW PROCEDURE LAWS CONSOLIDATION BILL—To be further considered in Committee.
3. FENCING LAW AMENDMENT BILL—To be read a second time.
4. PUBLIC MONEYS AND AUDIT LAW CONSOLIDATION BILL—To be further considered in Committee.
5. ELECTORAL LAW CONSOLIDATION BILL—To be further considered in Committee.
6. CEMETERIES LAW AMENDMENT BILL—To be further considered in Committee.

MEETINGS

OF

SELECT COMMITTEES.

Tuesday, 4th April.

PRECEDENTS—at 2 o'clock.

Wednesday, 5th April.

MARKETS—at 1 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.

TUESDAY, 4TH APRIL, 1865.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the Prayer.

PETITION.—The Honorable H. Miller presented a Petition signed by H. R. Thomas and others, styling themselves inhabitants of Warrnambool, praying that a Tariff Bill may be passed into law.

Petition received.

PETITION.—The Honorable W. H. Pettett presented a Petition signed by John Sutherland and others, styling themselves residents in the Beveridge Division of the County of East Bourke, praying that a Tariff Bill may be passed into law.

Petition received.

POSTPONEMENT.—The following Order of the Day was postponed until the first day after the Easter recess :—

“ *Charitable Institutions Bill* ”—To be read a second time.

COMMON LAW PROCEDURE LAWS CONSOLIDATION BILL.—The Order of the Day for the further consideration of this Bill in Committee of the whole Council being read, the President left the Chair.

The Chairman of Committees reported progress, and asked leave to sit again after the disposal of the other Orders of the Day.

Ordered.

PAPERS.—The Honorable M. Hervey presented to the Council the following papers :—

1. Geological Survey.—Report from June, 1863, to September, 1864.
2. Defences of the Colony.—Papers and Reports.
3. Neglected and Criminal Children Act.—Regulations for Reformatory School on board hulk *Deborah*.
4. Friendly Societies—Return of, registered, expired, or dissolved, during 1864.
5. Great Southern Telescope—Extracts from Correspondence regarding.

Ordered severally to lie on the Table.

POSTPONEMENT.—The following Order of the Day was postponed until Thursday, the 6th instant.

“ *Fencing Law Amendment Bill* ”—To be read a second time.

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

MR. PRESIDENT—

The Legislative Assembly return to the Legislative Council the Bill intituled “ *An Act to consolidate the Laws relating to Medical Practitioners* ;”

Also, the Bill intituled “ *An Act for regulating Juries* ;” and acquaint the Legislative Council that the Legislative Assembly agree with the amendments made in these Bills by the Legislative Council.

FRANS. MURPHY,
Speaker.

Legislative Assembly Chambers,
Melbourne, 4th April, 1865.

MR. PRESIDENT—

The Legislative Assembly transmit to the Legislative Council a Bill intituled “ *An Act to consolidate and amend the Law relating to Justices of the Peace and Courts of General and Petty Sessions*,” in which they desire the concurrence of the Legislative Council.

FRANS. MURPHY,
Speaker.

Legislative Assembly Chamber,
Melbourne, 4th April, 1865.

MR. PRESIDENT—

The Legislative Assembly return to the Legislative Council the Bill intituled "*An Act to consolidate the Law relating to Hospitals, and Charitable Institutions,*" and acquaint the Legislative Council that the Legislative Assembly agree to some of the amendments made by the Legislative Council in the Bill; that they disagree with others of the said amendments; and that they agree to one of the said amendments with an amendment; with which they desire the concurrence of the Legislative Council.

FRANS. MURPHY,
Speaker.

Legislative Council Chamber,
Melbourne, 4th April, 1865.

MR. PRESIDENT—

The Legislative Assembly transmit to the Legislative Council a Bill intituled "*An Act to amend An Act intituled 'An Act to amend the Law relating to the Drainage of Quartz Reefs,'*" in which they desire the concurrence of the Legislative Council.

FRANS. MURPHY,
Speaker.

Legislative Assembly Chamber,
Melbourne, 4th April, 1865.

MR. PRESIDENT—

The Legislative Assembly acquaint the Legislative Council that they concur with the Legislative Council in adopting the recommendation contained in the Report from the Joint Library Committee presented to the Legislative Assembly on the 22nd February last.

FRANS. MURPHY,
Speaker.

Legislative Assembly Chamber,
Melbourne, 4th April, 1865.

JUSTICES LAW CONSOLIDATION AND AMENDMENT BILL.—The Honorable M. Hervey moved, That this Bill be now read a first time, printed, and read a second time to-morrow.

Question—put and passed.

Bill read a first time.

HOSPITALS LAW CONSOLIDATION BILL.—MESSAGE FROM THE LEGISLATIVE ASSEMBLY.—The Honorable C. Sladen moved, That the Message from the Legislative Assembly with this Bill be now taken into consideration.

Question—put and passed.

The Honorable C. Sladen moved, That the further consideration of the Message be made an Order of the Day for to-morrow.

Question—put and passed.

PUBLIC MONEYS AND AUDIT LAW CONSOLIDATION 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 M. Hervey moved, That the Report of the Committee be now adopted.

Question—put and passed.

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

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

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

The Honorable M. Hervey moved, That the Report of the Committee be now adopted.

Question—put and passed.

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

CEMETERIES LAW 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 C. Sladen moved, That the adoption of the Report of the Committee be made an Order of the Day for to-morrow.

Question—put and passed.

COMMON LAW PROCEDURE LAWS CONSOLIDATION 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 M. Hervey moved, That the Report of the Committee be now adopted.

Question—put and passed.

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

The Honorable M. Hervey moved, That the title of the Bill be "*An Act to consolidate the Laws relating to the Pleading and Practice of the Supreme Court in its Common Law Jurisdiction.*"

Question—put and passed.

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

The Council adjourned at a quarter to six o'clock until four o'clock on Wednesday, the 5th instant.

NOTICE OF MOTION AND ORDERS OF THE DAY.

WEDNESDAY, 5TH APRIL, 1865.

1. The Hon. W. HULL : To ask the Vice-President of the Board of Land and Works, If it be the intention of the Government to re-commission the *Victoria* as a ship of war, in accordance with the report of Commodore Sir W. Wiseman, dated September 30th, 1864.

Government Business :—

ORDERS OF THE DAY :—

1. JUSTICES LAW CONSOLIDATION AND AMENDMENT BILL.—To be read a second time.
2. HOSPITALS LAW CONSOLIDATION BILL.—Consideration of Message from Legislative Assembly.
3. PUBLIC MONEYS AND AUDIT LAW CONSOLIDATION BILL—To be read a third time.
4. ELECTORAL ACT CONSOLIDATION BILL—To be read a third time.

General Business :—

CONTINGENT NOTICE OF MOTION :—

1. The Hon. W. HULL : To move, That a copy of any despatch (if any) from the Home Government in reference to the Treasurer's Memorandum for His Excellency the Governor relative to the defences of the colony, dated March 23rd, 1864, be laid upon the Table of this House.

ORDER OF THE DAY :—

1. CEMETERIES LAW AMENDMENT BILL—Adoption of Report.

THURSDAY, 6TH APRIL.

ORDER OF THE DAY :—

1. FENCING LAW AMENDMENT BILL—To be read a second time.

APRIL.

ORDER OF THE DAY :—

1. CHARITABLE INSTITUTIONS BILL—To be read a second time.

MEETINGS OF SELECT COMMITTEES.

Wednesday, 5th April.

MARKETS—at 1 o'clock.

LIBRARY—at 3 o'clock.

PARLIAMENT BUILDINGS—at 3 o'clock.

Thursday, 6th April.

PRECEDENTS—at 1 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.

WEDNESDAY, 5TH APRIL, 1865.

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 after the disposal of the other Orders of the day :—

“Justices Law Consolidation and Amendment Bill”—To be read a second time.

HOSPITALS LAW CONSOLIDATION BILL.—The Order of the Day for the further consideration of the Message from the Legislative Assembly, returning this Bill, being read, the Honorable C. Sladen moved, That the Council do insist on their amendment in Clause 9, line 3,—after “proceedings” insert “for fixing the number of votes of contributors in proportion to the amount of their contributions.”

Question—put and passed.

The Honorable C. Sladen moved, That the Council do insist on the amendment to insert at the end of Clause 9 the following words :—“Provided that no such bye-laws shall enable any contributor to exercise more than three votes.”

Question—put and passed.

The Honorable C. Sladen moved, That the Council disagree with the following amendment made by the Legislative Assembly in Clause A of the Bill, viz.: omit all words after “proxy” in line 4.

Debate ensued.

Question—That the Council disagree with the amendment—put and passed.

Ordered—That the Bill be returned to the Legislative Assembly, with a Message acquainting them that the Council insist on their amendments, and do not agree to the amendment of the Legislative Assembly on the amendment of the Legislative Council.

PUBLIC MONEYS AND AUDIT LAW CONSOLIDATION 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 M. Hervey, was read a third time and *passed*.

The Honorable M. Hervey moved, That the title of the Bill be “*An Act to consolidate the Law for the Collection and Payment of the Public Moneys and the Audit of the Public Accounts.*”

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.

ELECTORAL ACT CONSOLIDATION 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 M. Hervey, was read a third time and *passed*.

The Honorable M. Hervey moved, That the title of the Bill be “*An Act to consolidate and amend the Law relating to Electors and Elections of Members to serve in Parliament.*”

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.

JUSTICES LAW CONSOLIDATION AND AMENDMENT BILL.—The Order of the Day for the second reading of this Bill being read, the Honorable M. Hervey moved, That the Bill be now read a second time.

Question—put and passed.

Bill read a second time.

Ordered—That the said Bill be now considered in Committee of the whole Council.

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 M. Hervey moved, That the Report of the Committee be now adopted.

Question—put and passed.

Ordered—That the third reading of the Bill be made an Order of the Day for Thursday, the 6th instant.

DEFENCES OF THE COLONY.—The Honorable W. Hull, in accordance with *contingent* notice, moved, That a copy of any despatch (if any) from the Home Government in reference to the Treasurer's Memorandum for His Excellency the Governor relative to the defences of the colony, dated March 23rd, 1864, be laid upon the Table of this House.

Debate ensued.

Motion by leave withdrawn.

CEMETERIES LAW 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 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 C. Sladen, was read a third time and *passed*.

The Honorable C. Sladen moved, That the title of the Bill be "*An Act to amend the Law relating to Cemeteries.*"

Question—put and passed.

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

The Council adjourned at six o'clock until four o'clock on Thursday, the 6th instant.

ORDERS OF THE DAY.

THURSDAY, 6TH APRIL.

ORDERS OF THE DAY:—

1. FENCING LAW AMENDMENT BILL—To be read a second time.
1. JUSTICES LAW CONSOLIDATION AND AMENDMENT BILL.—To be read a third time.

APRIL.

ORDER OF THE DAY:—

1. CHARITABLE INSTITUTIONS BILL—To be read a second time.
-

MEETING OF SELECT COMMITTEE.

Thursday, 6th April.

PRECEDENTS—at 1 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.

THURSDAY, 6TH APRIL, 1865.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the Prayer.

SELECT COMMITTEE MEETINGS.—The Honorable J. P. Fawkner, with leave of the Council, moved, without notice, That all Select Committees of the House have leave to sit during the Easter recess.

Question—put and passed.

(JOINT) LIBRARY COMMITTEE, AND (JOINT) PARLIAMENT BUILDINGS COMMITTEE REPORT.—The President laid on the Table a Report agreed upon by the Joint Library and Joint Parliament Buildings Committees, empowered to confer together.

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

Your Honorable House having, by Resolution of 28th February, 1865, authorized the Library and Parliament Buildings Committee to confer for the purpose of considering the propriety of appropriating some room for the accommodation of the maps now contained in the Library, the following Report is submitted :—

That a meeting of the Joint Select Committees in question took place to-day, and the following Resolutions were agreed to :—

- (1.) That the room over the old Library be appropriated as a map room; and that the Public Works Department be communicated with to fit up the room for such purpose.

The Parliament Buildings Committee then resolved—

- (1.) That the Public Works Department be communicated with on the subject of re-covering the seats in the Legislative Assembly Chamber, and suggesting that the same be done during the Easter recess.
- (2.) The subject of the ventilation of the Legislative Assembly Chamber was brought under consideration, and the Committee deemed it desirable to have the benefit of Mr. Wardell's advice after the recess.

J. F. PALMER,
Chairman.

Committee-room (Library),
5th April, 1865.

The Honorable C. Sladen moved, That the Report be now adopted.

Question—put and passed.

ADJOURNMENT.—The Honorable M. Hervey, with leave of the Council, moved, without notice, That the House, at its rising this day, adjourn until Tuesday the 2nd May.

Question—put and passed.

QUARTZ REEFS DRAINAGE LAW AMENDMENT BILL.—The Honorable W. Highett, with leave of the Council, moved, without notice, That this Bill, brought from the Legislative Assembly on the 4th instant, be now read a first time, printed, and read a second time on Tuesday, the 2nd proximo.

Question—put and passed.

Bill read a first time.

POSTPONEMENT.—The following Order of the Day was postponed until Tuesday the 2nd proximo :—

“*Fencing Law Amendment Bill*”—To be read a second time.

JUSTICES LAW CONSOLIDATION AND 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 M. Hervey, was read a third time and *passed*.

The Honorable M. Hervey moved, That the title of the Bill be “*An Act to consolidate and amend the Law relating to Justices of the Peace and Courts of General and Petty Sessions.*”

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.

PETITION.—The Honorable W. Highett presented a Petition, signed by R. Rapiort and others, styling themselves Mayor, Councillors, and Burgesses of the Borough of Jamieson, praying that the House will reject a Tariff Bill altering the existing Tariff.

Petition received.

The Council adjourned at half-past four o'clock until four o'clock on Tuesday the 2nd May next.

ORDERS OF THE DAY.

TUESDAY, 2ND MAY, 1865.

ORDERS OF THE DAY :—

1. CHARITABLE INSTITUTIONS BILL—To be read a second time.
2. QUARTZ REEFS DRAINAGE LAW AMENDMENT BILL—To be read a second time.
3. FENCING LAW 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.

TUESDAY, 2ND MAY, 1865.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the Prayer.

LEAVE OF ABSENCE TO HON. J. HENTY.—The Honorable J. P. Fawcner, with leave of the Council, moved, without notice, That leave be given to the Honorable James Henty, to absent himself from the House during the remainder of the Session.

Question—put and passed.

CHARITABLE INSTITUTIONS BILL.—The Honorable M. Hervey moved, That the Order of the Day for the second reading of this Bill be discharged from the Notice Paper.

Question—put and passed.

QUARTZ REEFS DRAINAGE LAW AMENDMENT BILL.—The Order of the Day for the second reading of this Bill being read, the Honorable W. Highett moved, That the Bill be now read a second time.

Question—put and passed.

Bill read a second time.

Ordered—That the Bill be now considered in Committee of the whole Council.

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.

FENCING LAW AMENDMENT BILL.—The Order of the Day for the second reading of this Bill being read, the Honorable C. Sladen moved, That the Bill be now read a second time.

Debate ensued.

Question—put and passed.

Bill read a second time.

Ordered—That the Bill be now considered in Committee of the whole Council.

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.

The Honorable C. Sladen moved, That the Bill be further considered in Committee of the whole Council on Tuesday next.

Question—put and passed.

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

MR. PRESIDENT—

The Legislative Assembly transmit to the Legislative Council a Bill intituled "*An Act to authorize the sale and purchase of the St. Kilda and Brighton Railway and for other purposes,*" with which they desire the concurrence of the Legislative Council.

FRANS. MURPHY,
 Speaker.

Legislative Assembly Chamber,
 Melbourne, 2nd May, 1865.

MR. PRESIDENT—

The Legislative Assembly transmit to the Legislative Council a Bill intituled "*An Act to legalise Preferable Liens on Yearly Crops;*"

Also a Bill intituled "*An Act to provide for the better administration of Justice in County Courts;*" in which they desire the concurrence of the Legislative Council.

Legislative Assembly Chamber,
Melbourne, 2nd May, 1865.

FRANS. MURPHY,
Speaker.

MR. PRESIDENT—

The Legislative Assembly return to the Legislative Council the Bill intituled "*An Act to consolidate the Law relating to Hospitals and Charitable Institutions;*" and acquaint them that the Legislative Assembly still insist on their disagreement with two of the amendments made in this Bill by the Legislative Council, and insist on their amendment upon the amendment of the Legislative Council to insert a new clause.

Legislative Assembly Chamber,
Melbourne, 2nd May, 1865.

FRANS. MURPHY,
Speaker.

MR. PRESIDENT—

The Legislative Assembly return to the Legislative Council the Bill intituled "*An Act to consolidate the Law for the Collection and Payment of the Public Moneys and the Audit of the Public Accounts;*" and acquaint the Legislative Council that the Legislative Assembly disagree with the amendment made in this Bill by the Legislative Council.

Legislative Assembly Chamber,
Melbourne, 2nd May, 1865.

FRANS. MURPHY,
Speaker.

MR. PRESIDENT—

The Legislative Assembly return to the Legislative Council the Bill intituled "*An Act to consolidate and amend the Law relating to Electors and Elections of Members to serve in Parliament;*" and acquaint them that the Legislative Assembly agree with some of the amendments made in this Bill by the Legislative Council; that they disagree with others of the said amendments; and that they agree with one of the said amendments with an amendment; with which they desire the concurrence of the Legislative Council.

Legislative Assembly Chamber,
Melbourne, 2nd May, 1865.

FRANS. MURPHY,
Speaker.

MR. PRESIDENT—

The Legislative Assembly return to the Legislative Council the Bill intituled "*An Act to consolidate and amend the Law relating to Justices of the Peace and Courts of General and Petty Sessions;*" and acquaint the Legislative Council that the Legislative Assembly agree with the several amendments made therein by the Legislative Council.

Legislative Assembly Chamber,
Melbourne, 2nd May, 1865.

FRANS. MURPHY,
Speaker.

LIEN ON CROPS BILL.—The Honorable T. H. Fellows moved, That this Bill be now read a first time and printed.

Question—put and passed.

Bill read a first time.

COUNTY COURTS LAW AMENDMENT BILL.—The Honorable T. H. Fellows moved, That this Bill be now read a first time and printed.

Question—put and passed.

Bill read a first time.

ST. KILDA AND BRIGHTON RAILWAY SALE BILL.—The Honorable A. Fraser produced a certificate, showing that a sum of twenty pounds had been paid into the hands of the Colonial Treasurer for the public uses of the colony, to meet the expenses of this Bill, and moved, That this Bill be now read a first time.

Question—put and passed.

Bill read a first time.

The Honorable A. Fraser moved, That a Message be sent to the Legislative Assembly, requesting that they will be pleased to communicate to this House copies of the Report and Proceedings of the Select Committee of that House, to which the Bill may have been referred during the present Session of Parliament.

Question—put and passed.

PUBLIC MONEYS AND AUDIT LAW CONSOLIDATION BILL.—The Honorable M. Hervey moved, That the Message from the Legislative Assembly with this Bill be taken into consideration on Tuesday next.

Question—put and passed.

ELECTORAL LAW CONSOLIDATION BILL.—The Honorable M. Hervey moved, That the Message from the Legislative Assembly with this Bill be taken into consideration on Tuesday next.

Question—put and passed.

HOSPITALS LAW CONSOLIDATION BILL.—The Honorable C. Sladen moved, That the Message from the Legislative Assembly with this Bill be taken into consideration on the next day of meeting of the Council.

Question—put and passed.

PAPERS.—The Honorable M. Hervey laid on the Table the following Papers :—

1. Tarnagulla—District Court of Mines to be held at.—Order in Council (10th April, 1865).
2. Tarnagulla—County Court to be holden at.—Order in Council (10th April, 1865).
3. Border Customs Duties.—Further Correspondence between New South Wales and Victoria (8th June, 1864, to 18th April, 1865).

Ordered severally to lie on the Table.

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

Question—put and passed.

BUSINESS PAPER.—The Honorable M. Hervey, with leave of the Council, moved, without notice, That any business set down for Wednesday next be postponed until Thursday next.

Question—put and passed.

The Council adjourned at twenty-five minutes past five o'clock until four o'clock on Thursday, the 4th instant.

NOTICE OF MOTION AND ORDERS OF THE DAY.

THURSDAY, 4TH MAY, 1865.

NOTICE OF MOTION :—

1. The Hon. W. HULL : To move, That there be laid upon the Table a Return in full of the Receipts and Disbursements of the *Police Reward Fund* from the time it came into existence, setting forth the manner in which it has been dealt with as regards investment; and whether it has at any time been used for any other purpose than that for which it was originally intended.

ORDER OF THE DAY :—

1. **HOSPITALS LAW CONSOLIDATION BILL.**—Consideration of Message from Legislative Assembly.

TUESDAY, 9TH MAY.

ORDERS OF THE DAY :—

1. **QUARTZ REEFS DRAINAGE LAW AMENDMENT BILL**—To be further considered in Committee.
2. **FENCING LAW AMENDMENT BILL**—To be further considered in Committee.
3. **PUBLIC MONEYS AND AUDIT LAW CONSOLIDATION BILL.**—Consideration of Message from Legislative Assembly.
4. **ELECTORAL LAW CONSOLIDATION AND AMENDMENT BILL.**—Consideration of Message from Legislative Assembly.

MEETINGS

OF

SELECT COMMITTEES.

Thursday, 4th May.

PRECEDENTS—at 2 o'clock.

Wednesday, 10th May.

MARKETS—at 1 o'clock.

G. W. RUSDEN,

Clerk of the Council and Clerk of the Parliaments.

VICTORIA.

No. 32.

Minutes of the Proceedings

OF THE

LEGISLATIVE COUNCIL.

THURSDAY, 4TH MAY, 1865.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the Prayer.

ROYAL ASSENT TO BILLS.—The President informed the Council that he had received a letter from the Private Secretary to His Excellency the Governor, intimating that it is His Excellency's intention to proceed to the Legislative Council Chamber on Tuesday, the 9th instant, to assent in Her Majesty's name to certain Bills which have passed both Houses of Parliament.

POLICE REWARD FUND.—The Honorable W. Hull, in accordance with notice, moved, That there be laid upon the Table of the House a Return in full of the receipts and disbursements of the Police Reward Fund from the time it came into existence, setting forth the manner in which it has been dealt with as regards investment, and whether it has at any time been used for any other purpose than that for which it was originally intended.

Question—put and passed.

PRECEDENTS.—TACKING OF BILLS—SUPPLY AND TAX BILLS—APPROPRIATION BILLS.—The Honorable C. Sladen, on behalf of the Chairman of the Select Committee, brought up the Report of the Select Committee appointed "to search for Precedents on the subject of Tacking of Bills, and also on the subject of dealing with Bills of Supply and Tax, and with Bills for appropriating Supplies, and to report thereon," and moved, that the same be received and printed, together with the Appendices thereto.

Question—put and passed.

POSTPONEMENT.—The following Order of the Day was postponed until Thursday, the 11th instant :—

"*Hospitals Law Consolidation Bill*"—Consideration of Message from Legislative Assembly.

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

MR. PRESIDENT—

The Legislative Assembly transmit to the Legislative Council the accompanying communication from the Clerk of the Parliaments, calling attention to certain clerical errors in the Bills severally intituled, "*An Act for the consolidation of the Law relating to County Courts.*"

"*An Act to consolidate the Law relating to Savings Banks,*" and

"*An Act to consolidate the Laws relating to Medical Practitioners,*"

and acquaint the Legislative Council that the Legislative Assembly have agreed to the several amendments suggested by the Clerk of the Parliaments, with which they desire the concurrence of the Legislative Council.

FRANS. MURPHY,
Speaker.

Legislative Assembly Chamber,
Melbourne, 4th May, 1865.

Parliament Houses,
Melbourne, 1st May, 1865.

SIR,

I do myself the honor to report, in accordance with the provisions of the twenty-first Joint Standing Order of both Houses of Parliament, that the undermentioned clerical errors have been discovered in Bills which have passed both Houses :—

1. In the Bill intituled "*An Act for the Consolidation of the Law relating to County Courts,*" in the eighth line of the Form given in Schedule 5, the word "to" has been omitted. It occurs in a similar schedule to the Act 21 Vic. No. 29, which is consolidated in the above Bill.

2. In the Bill intituled, "*An Act to Consolidate the Law relating to Savings Banks,*" in line 2 of Clause 26, the word "than" is omitted after the word "more."

In clause 50, line 3, the word "acquaintance" is used where the word "acquittance" is required.

In the second schedule, column 2, section 2, in the eleventh line, the word "any" is inserted where the word "and" is required.

In all the above cases, the words pointed out as necessary to be inserted occur in the Act 16 Victoriae, No. 37, which is consolidated in the above Bill.

3. In the Bill intituled "*An Act to consolidate the Laws relating to Medical Practitioners,*" the word "by" is omitted before the word "any," in the seventh line of clause 29.

The word occurs in the corresponding clause of the Act 25 Victoriae, No. 156, which is consolidated in the above Bill.

I have the honor to be, Sir,

Your most obedient servant,

G. W. RUSDEN,

Clerk of the Parliaments.

The Honorable the Speaker.

MR. PRESIDENT—

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

FRANS. MURPHY,

Speaker.

Legislative Assembly Chamber,
Melbourne, 4th May, 1865.

POST OFFICE LAW AMENDMENT BILL.—The Honorable M. Hervey moved, That this Bill be now read a first time, printed, and read a second time on Tuesday next.

Question—put and passed.

Bill read a first time.

COUNTY COURTS, SAVINGS BANKS, AND MEDICAL PRACTITIONERS LAWS CONSOLIDATION BILLS.—CLERICAL ERRORS.—The Honorable M. Hervey moved, That this House do agree with the Assembly in correcting the Clerical Errors reported to have been discovered in these Bills.

Question—put and passed.

The Council adjourned at a quarter to five o'clock until four o'clock on Tuesday, the 9th instant.

NOTICES OF MOTION AND ORDERS OF THE DAY.

TUESDAY, 9TH MAY, 1865.

NOTICES OF MOTION :—

1. The Hon. G. W. COLE : To move for—

- (1.) Returns of the quantity and value of agricultural and pastoral produce raised in the colony in the year ending 31st March, 1864, the items in each case being specified as far as possible.
- (2.) The number of acres occupied for agricultural, and the same for pastoral purposes.
- (3.) The number and sexes of persons employed in those pursuits.
- (4.) The total amount of wages paid by each class; the number of runs and the number of holders of them.
- (5.) The number and estimated value of machines employed in agricultural or pastoral pursuits; together with the number of men employed in working them.
- (6.) The quantity of wool brought from other colonies.

2. The Hon. T. H. FELLOWS : To move, That the "*Lien on Crops Bill*" be now read a second time.

3. The Hon. T. H. FELLOWS : To move, That the "*County Courts Law Amendment Bill*" be now read a second time.

ORDERS OF THE DAY :—

1. QUARTZ REEFS DRAINAGE LAW AMENDMENT BILL—To be further considered in Committee.
2. FENCING LAW AMENDMENT BILL—To be further considered in Committee.
3. PUBLIC MONEYS AND AUDIT LAW CONSOLIDATION BILL.—Consideration of Message from Legislative Assembly.
4. ELECTORAL LAW CONSOLIDATION AND AMENDMENT BILL.—Consideration of Message from Legislative Assembly.
5. POST OFFICE LAW AMENDMENT BILL—To be read a second time.

WEDNESDAY, 10TH MAY, 1865.

NOTICE OF MOTION:—

1. The Hon. C. SLADEN: To move—

- (1.) That this House will insist upon adhering to the practice and usage of the Imperial Parliament in regard to the matters which, according to such practice and usage, may be comprised in one Bill.
- (2.) That it is contrary to such usage and practice to introduce any clause or clauses of Appropriation or other foreign matter into a Bill of Aid or Supply.
- (3.) That it is contrary to such usage and practice to introduce any clause or clauses of Supply or other foreign matter into a Bill of Appropriation.

THURSDAY, 11TH MAY.

ORDER OF THE DAY:—

1. HOSPITALS LAW CONSOLIDATION BILL.—Consideration of Message from Legislative Assembly.
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MEETING
OF
SELECT COMMITTEE.

Wednesday, 10th May.

MARKETS—at 1 o'clock.

G. W. RUSDEN,

Clerk of the Council and Clerk of the Parliaments.

VICTORIA.

No. 33.

Minutes of the Proceedings

OF THE

LEGISLATIVE COUNCIL.

TUESDAY, 9TH MAY, 1865.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the Prayer.

COUNTY COURTS, SAVINGS BANKS, AND MEDICAL PRACTITIONERS LAWS CONSOLIDATION BILLS.—CLERICAL ERRORS.—The Honorable M. Hervey, with leave of the Council, moved, without notice, That a Message be sent to the Legislative Assembly to acquaint them that the Council have agreed with the Legislative Assembly in correcting the clerical errors reported to have been discovered in these Bills.

Question—put and passed.

PAPER.—The Honorable M. Hervey laid on the Table the following paper:—

Neglected and Criminal Children Act—Regulations for Female Reformatory Schools (20th March, 1865).

AGRICULTURAL AND PASTORAL EMPLOYMENT AND PRODUCE.—The Honorable G. W. Cole, in accordance with amended notice, moved, That there be laid on the Table of this House—

- (1.) Returns of the quantity and value of agricultural and pastoral produce raised in the colony in the year ending 31st March, 1864, the items in each case being specified as far as possible.
(2.) The number of acres occupied for agricultural, and the same for pastoral purposes.
(3.) The number and sexes of persons employed in those pursuits.
(4.) The total amount of wages paid by each class; the number of runs and the number of holders of them.
(5.) The number and estimated value of machines employed in agricultural or pastoral pursuits; together with the number of men employed in working them.
(6.) The quantity of wool brought from other colonies.
(7.) The number of sheep and cattle imported from other colonies.
(8.) A complete return of the wheat, barley, oats, maize, and flour, imported during 1864; with the computed value of the same.

Debate ensued.

Question—put.

Council divided.

Contents, 13.

- The Hon. M. Hervey
G. W. Cole
W. Hull
H. Miller
J. Lowe
W. H. Pettett
J. McCrae
C. J. Jenner
W. Highett
W. Campbell
W. Degraives
J. P. Bear
Dr. Wilkie (Teller).

Not Contents, 9.

- The Hon. W. Taylor
T. H. Fellows
W. H. F. Mitchell
S. G. Henty
H. M. Murphy
N. Fitzgerald
A. Fraser
J. F. Strachan
C. Sladen (Teller).

The question was therefore passed.

LIEN ON CROPS BILL.—The Honorable T. H. Fellows, in accordance with notice, moved, That this Bill be now read a second time.

Question—put and passed.

Bill read a second time.

Ordered—That the said Bill be now considered in Committee of the whole Council.

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

The President left the Chair.

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

Ordered—That the adoption of the Report of the Committee be made an Order of the Day for to-morrow.

COUNTY COURTS LAW AMENDMENT BILL.—The Honorable T. H. Fellows, in accordance with notice, moved, That this Bill be now read a second time.

Question—put and passed.

Bill read a second time.

Ordered—That the said Bill be now considered in Committee of the whole Council.

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.

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

MR. PRESIDENT—

The Legislative Assembly transmit to the Legislative Council a Bill intituled "*An Act to provide for the Compensation of Members of Parliament,*" with which they desire the concurrence of the Legislative Council.

FRANS. MURPHY,
Speaker.

Legislative Assembly Chamber,
Melbourne, 9th May, 1865.

MR. PRESIDENT—

The Legislative Assembly transmit to the Legislative Council Copies of the Report and Evidence taken before the Select Committee of the Legislative Assembly on the Bill intituled "*An Act to authorise the sale and purchase of the St. Kilda and Brighton Railway and for other purposes,*" as requested by the Legislative Council.

FRANS. MURPHY,
Speaker.

Legislative Assembly Chamber,
Melbourne, 9th May, 1865.

MR. PRESIDENT—

The Legislative Assembly transmit to the Legislative Council a Message from His Excellency the Governor, recommending amendments in the Bill intituled "*An Act to consolidate the Laws relating to the Pleading and Practice of the Supreme Court in its Common Law Jurisdiction,*" and acquaint the Legislative Council that the Legislative Assembly have agreed to the amendments recommended by His Excellency the Governor, and request the concurrence of the Legislative Council in those amendments.

FRANS. MURPHY,
Speaker.

Legislative Assembly Chamber,
Melbourne, 9th May, 1865.

C. H. DARLING,
Governor.

Message, No.

In pursuance of the 36th section of the Constitution Act, the Governor transmits to the Legislative Assembly the following amendments, which he recommends to be made in the respective Acts hereafter mentioned, that have been presented to him for Her Majesty's Assent :—

" *Common Law Procedure Bill.*"

Clause 1. Omit the words, "on the first day of April in the year of our Lord One thousand eight hundred and sixty-five," and insert the words, "from the time of the passing hereof."

Clause 10, last line. Insert "it" after "which."

Clause 23, line 4. Insert after C D the words, "who has been summoned to answer the plaintiff by a writ issued on the day of A.D. 186 ."

Clause 24. In second line of page 7, after G H, insert the words, "who have been summoned to answer the plaintiff by a writ issued on the day of A.D. 186 ."

Clause 39, line 2. After the word "except," insert the words "in the actions hereinafter in the forty-seventh section mentioned and in."

Clause 143, line 2. Omit the words "draft paper" and substitute the words "parchment twenty-seven inches long and nine inches wide;" line 6, for "paper" substitute "parchment."

Clause 144, line 3. Omit the words "draft paper" and substitute the words "parchment twenty-seven inches long and nine inches wide;" line 4, for "paper" substitute "parchment."

Clause 188. Omit the first three lines and the fourth line down to and inclusive of the word "and;" line 12, omit the words "be instead of and;" line 14, after the word "shall" insert the words "in cases not otherwise by law provided for;" line 23, omit the words "according to the said laws and statutes;" line 24, omit the word "replevins" and insert "a replevin of a distress for rent;" last line of clause, omit the words "replevin in England" and insert "a replevin of a distress for rent."

Omit clause 283.

Clause 284. Alter the number to 283. Divide the clause by omitting the word "and" in the fourth line, and let the remainder of the clause be a new clause, the number, 284, being prefixed to it, and the following note inserted in the margin—"Date of receipt to be endorsed on writ. Ib. s. 16."

Page 106, paragraph 26. The words from "or" in the first line down to and inclusive of "possession of" in the second line to be in brackets, and the above-mentioned word "or" to be in italics.

Page 118, lines 8 and 9. Substitute "0 1 0" and "0 0 6" for "0 1 6" and "0 0 0."

MESSAGE FROM THE LEGISLATIVE ASSEMBLY, WITH AMENDMENTS RECOMMENDED BY THE GOVERNOR TO BE MADE IN THE COMMON LAW PROCEDURE LAWS CONSOLIDATION BILL.—The Honorable M. Hervey moved, That the amendments recommended by His Excellency the Governor in the Common Law Procedure Laws Consolidation Bill be now taken into consideration.

Debate ensued.

Amendment moved by the Honorable T. H. Fellows, That the word "now" be omitted, with a view to insert the words "this day week" after the word "consideration."

Question—That the word "now," 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 the amendments recommended by His Excellency the Governor in the Common Law Procedure Laws Consolidation Bill be taken into consideration this day week—put and passed.

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

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

"An Act to consolidate the law relating to Dividing Fences;"

"An Act to consolidate the law concerning Letters Patent for Inventions;"

"An Act to consolidate the law relating to the protection and recovery of Crown Property and the enforcement of Claims against the Crown;"

"An Act to consolidate the law relating to the Practice in the Supreme Court in its Equitable Jurisdiction;"

"An Act to consolidate the laws relating to Bakers and Millers;"

"An Act to consolidate the law relating to Trusts for Religious Purposes;"

"An Act to consolidate the law relating to Seamen;"

"An Act to consolidate the law relating to the Registration of Births Deaths and Marriages;"

"An Act to consolidate the law relating to Unlawful Assemblies Special Constables and Riotously Disturbed Districts;"

"An Act to consolidate the laws relating to Pawnbrokers;"

"An Act to consolidate the law relating to the Impounding of Cattle;"

"An Act to consolidate the law relating to the Eradication of Thistles;"

"An Act to consolidate the laws relating to Wrongs;"

"An Act to consolidate the law relating to Licensed Theatres;"

"An Act to consolidate the law relating to Coroners;"

"An Act to consolidate the law relating to Friendly Societies;"

"An Act to consolidate the law relating to Passengers Harbors and Navigation;"

"An Act to consolidate the law relating to Aliens;"

"An Act to consolidate the law relating to the Police Force in Victoria;"

"An Act to consolidate the law relating to Hawkers and Pedlars;"

"An Act to amend the laws affecting the Chinese immigrating to or resident in Victoria."

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

"In the name and on behalf of Her Majesty I assent to this Act.

"C. H. DARLING,

"Governor."

The Clerk of the Parliaments delivered to Mr. Speaker a schedule of the Acts assented to. The Legislative Assembly withdrew. His Excellency the Governor left the Council Chamber.

QUARTZ REEFS DRAINAGE LAW 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.

FENCING LAW 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 Thursday next.
Ordered.

POSTPONEMENTS.—The following Orders of the Day were severally postponed until Wednesday, the 10th instant :—

“*Public Moneys and Audit Law Consolidation Bill*”—Consideration of Message from Legislative Assembly.

“*Electoral Law Consolidation and Amendment Bill*”—Consideration of Message from Legislative Assembly.

“*Post Office Law Amendment Bill*”—To be read a second time.

The Council adjourned at half-past six o'clock until four o'clock on Wednesday, the 10th instant.

NOTICES OF MOTION AND ORDERS OF THE DAY.

WEDNESDAY, 10TH MAY, 1865.

Government Business.

ORDERS OF THE DAY :—

1. PUBLIC MONEYS AND AUDIT LAW CONSOLIDATION BILL.—Consideration of Message from Legislative Assembly.
2. ELECTORAL LAW CONSOLIDATION AND AMENDMENT BILL.—Consideration of Message from Legislative Assembly.
3. POST OFFICE LAW AMENDMENT BILL.—To be read a second time.

General Business.

NOTICES OF MOTION :—

1. The Hon. C. SLADEN : To move—
 - (1.) That this House will insist upon adhering to the practice and usage of the Imperial Parliament in regard to the matters which, according to such practice and usage, may be comprised in one Bill.
 - (2.) That it is contrary to such usage and practice to introduce any clause or clauses of Appropriation or other foreign matter into a Bill of Aid or Supply.
 - (3.) That it is contrary to such usage and practice to introduce any clause or clauses of Supply or other foreign matter into a Bill of Appropriation.

ORDERS OF THE DAY :—

1. LIEN ON CROPS BILL—Adoption of Report.
2. COUNTY COURTS LAW AMENDMENT BILL—To be further considered in Committee.
3. QUARTZ REEFS DRAINAGE LAW AMENDMENT BILL—To be further considered in Committee.

THURSDAY, 11TH MAY.

ORDERS OF THE DAY :—

1. HOSPITALS LAW CONSOLIDATION BILL.—Consideration of Message from Legislative Assembly.
2. FENCING LAW AMENDMENT BILL—To be further considered in Committee.

TUESDAY, 16TH MAY.

NOTICE OF MOTION :—

1. The Hon. A. FRASER : To move, That the St. Kilda and Brighton Railway Sale Bill be now read a second time.

2. The Hon. J. F. STRACHAN : To move, on the second reading of the St. Kilda and Brighton Railway Sale Bill, That the following clause be inserted :—

“That within one month after the passing of this Act notice shall be inserted in the *Government Gazette* and in two newspapers published in Melbourne requiring all persons having any claims or demands upon the said company to transmit a statement of such claims or demands to the secretary of such company at the office or usual place of business of such company within six months from the date of such notice and the said company shall pay one-tenth of the purchase-money to arise from any sale of the said undertaking and property into the Bank of Victoria at Melbourne to the credit of the Master in Equity until the expiration of the said six months and no creditors of the said company who shall omit to send in their claims on or before the expiration of the time named in the said notice shall be entitled to come in and claim as creditors of the said company and it shall be lawful for the said company to settle with such of the creditors of the said company who shall have sent in their claims within the time appointed for that purpose in the manner in and by the 7th section of this Act provided.”

ORDER OF THE DAY :—

1. COMMON LAW PROCEDURE LAWS CONSOLIDATION BILL.—Consideration of Message from Legislative Assembly with amendments recommended by the Governor.

MEETING
OF
SELECT COMMITTEE.

Wednesday, 10th May.

MARKETS—at 1 o'clock.

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

VICTORIA.

No. 34.

Minutes of the Proceedings

OF THE

LEGISLATIVE COUNCIL.

WEDNESDAY, 10TH MAY, 1865.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the Prayer.

POSTPONEMENTS.—The following Orders of the Day were postponed until after the disposal of the notice of motion on the business paper :—

“*Public Moneys and Audit Law Consolidation Bill*”—Consideration of Message from Legislative Assembly.

“*Electoral Law Consolidation and Amendment Bill*”—Consideration of Message from Legislative Assembly.

“*Post Office Law Amendment Bill*”—To be read a second time.

PRACTICE AND USAGE WITH REGARD TO APPROPRIATION BILLS, ETC.—The Honorable C. Sladen, in accordance with *amended* notice, moved—

- (1.) That this House will insist upon adhering to the practice and usage of the Imperial Parliament in regard to the matters which, according to such practice and usage, may be comprised in one Bill.
- (2.) That it is contrary to such usage and practice to introduce any clause or clauses of Appropriation or other foreign matter into a Bill of Aid or Supply.
- (3.) That it is contrary to such usage and practice to introduce any clause or clauses of Aid or Supply or other foreign matter into a Bill of Appropriation.

The Honorable W. Hull moved, That the debate be adjourned.

Question—put and passed.

Ordered—That the debate be adjourned until Tuesday next.

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

“*Public Moneys and Audit Law Consolidation Bill*”—Consideration of Message from Legislative Assembly, Tuesday, 16th instant.

“*Electoral Law Consolidation and Amendment Bill*”—Consideration of Message from Legislative Assembly, Thursday, 11th instant.

“*Post Office Law Amendment Bill*”—To be read a second time, Thursday, 11th instant.

“*Lien on Crops Bill*”—Adoption of Report, until Thursday, 11th instant.

“*County Courts Law Amendment Bill*”—To be further considered in Committee, Thursday, 11th instant.

“*Quartz Reefs Drainage Law Amendment Bill*”—To be further considered in Committee, Thursday, 11th instant.

The Council adjourned at a quarter-past seven o'clock until four o'clock on Thursday, the 11th instant.

NOTICE OF MOTION AND ORDERS OF THE DAY.

THURSDAY, 11TH MAY, 1865.

NOTICE OF MOTION :—

1. The Hon. A. FRASER : To move, That the St. Kilda and Brighton Railway Sale Bill be now read a second time.

ORDERS OF THE DAY :—

1. HOSPITALS LAW CONSOLIDATION BILL.—Consideration of Message from Legislative Assembly.
2. FENCING LAW AMENDMENT BILL—To be further considered in Committee.
3. ELECTORAL LAW CONSOLIDATION AND AMENDMENT BILL.—Consideration of Message from Legislative Assembly.
4. POST OFFICE LAW AMENDMENT BILL—To be read a second time.
5. LIEN ON CROPS BILL—Adoption of Report.
6. COUNTY COURTS LAW AMENDMENT BILL—To be further considered in Committee.
7. QUARTZ REEFS DRAINAGE LAW AMENDMENT BILL—To be further considered in Committee.

TUESDAY, 16TH MAY.

NOTICE OF MOTION :—

1. PRACTICE AND USAGE WITH REGARD TO APPROPRIATION BILLS, ETC.—Adjourned debate.

ORDERS OF THE DAY :—

1. COMMON LAW PROCEDURE LAWS CONSOLIDATION BILL.—Consideration of Message from Legislative Assembly with amendments recommended by the Governor.
2. PUBLIC MONEYS AND AUDIT LAW CONSOLIDATION BILL.—Consideration of Message from Legislative Assembly.

MEETING
OF
SELECT COMMITTEE.

Tuesday, 16th May.

MARKETS—at 3 o'clock.

G. W. RUSDEN,

Clerk of the Council and Clerk of the Parliaments.

VICTORIA.

No. 35.

Minutes of the Proceedings

OF THE

LEGISLATIVE COUNCIL.

THURSDAY, 11TH MAY, 1865.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the Prayer.

PAPERS.—The Honorable M. Hervey laid on the Table the following Paper :—

Amending Land Act 1865—Regulations under.—Order in Council (1st May, 1865)

HOSPITALS LAW CONSOLIDATION BILL.—The Order of the Day for the consideration of the Message from the Legislative Assembly insisting on disagreeing with certain amendments in this Bill being read, the Honorable C. Sladen moved, That the Message be taken into consideration this day three months.

Debate ensued.

Question—put.

Council divided.

Contents, 10.

The Hon. T. H. Fellows
G. W. Cole
H. M. Murphy
S. G. Henty
W. H. F. Mitchell
W. Taylor
W. Campbell
W. Highett
W. Degraives
C. Sladen (*Teller*).

Not Contents, 7.

The Hon. M. Hervey
H. Miller
Dr. Wilkie
J. Lowe
J. P. Bear,
W. H. Pettett
J. McCrae (*Teller*).

The question was therefore passed.

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

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

Ordered.

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

MR. PRESIDENT—

The Legislative Assembly transmit to the Legislative Council a Bill intituled, “*An Act to amalgamate the Melbourne and Hobson’s Bay Railway Company and the Melbourne Railway Company and for other purposes,*” in which they desire the concurrence of the Legislative Council.

Legislative Assembly Chamber,
Melbourne, 9th May, 1865.

FRANS. MURPHY,
Speaker.

MR. PRESIDENT—

The Legislative Assembly transmit to the Legislative Council the accompanying communication from the Clerk of the Parliaments, calling attention to certain clerical errors in the Bill intituled, "*An Act to consolidate the Law relating to Justices of the Peace and Courts of General and Petty Sessions,*" and acquaint the Legislative Council that the Legislative Assembly have agreed to the amendment suggested by the Clerk of the Parliaments, with which they desire the concurrence of the Legislative Council.

Legislative Assembly Chamber,
Melbourne, 11th May, 1865.

FRANS. MURPHY,
Speaker.

SIR,

I do myself the honor to report that the following clerical error has been discovered in the Bill intituled "*An Act to consolidate and amend the law relating to Justices of the Peace and Courts of General and Petty Sessions:*" In the sixth line of the 63rd Form of the Second Schedule (line 3 of page 70 of the Bill) the word "or" occurs where the word "to" is required by the context.

The word "to" occurs in similar phrases in the other Forms of the Schedule.

I have the honor to be, Sir,

Your most obedient servant,

The Honorable the Speaker.

G. W. RUSDEN,
Clerk of the Parliaments.

MR. PRESIDENT—

The Legislative Assembly transmit to the Legislative Council a Bill intituled "*An Act to repeal the 38th section of the Act of Incorporation of the Melbourne and Hobson's Bay Railway Company upon the payment and expenditure of certain sums of money and to relieve the United Company formed by the amalgamation of the said company with the Melbourne Railway Company from certain reservations in their Crown Grants and to make provisions respecting Bridges and Level Crossings and for other purposes,*" with which they desire the concurrence of the Legislative Council.

Legislative Assembly Chamber,
Melbourne, 11th May, 1865.

FRANS. MURPHY,
Speaker.

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 Twenty-four thousand two hundred and ninety-four pounds nineteen shillings and fourpence to the service of the year One thousand eight hundred and sixty-four and Two hundred thousand pounds to the service of the year One thousand eight hundred and sixty-five,*" with which they desire the concurrence of the Legislative Council.

Legislative Assembly Chamber,
Melbourne, 11th May, 1865.

FRANS. MURPHY,
Speaker.

MELBOURNE AND HOBSON'S BAY RAILWAY ACT AMENDMENT BILL 1865.—The Honorable T. H. Fellows produced a certificate showing that the sum of twenty pounds had been paid into the hands of the Treasurer for the public uses of the Colony to meet the expenses of this Bill, and moved, That the Bill be now read a first time.

Question—put and passed.

Bill read a first time.

Ordered—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 on the Bill.

CONSOLIDATED REVENUE (2).—The Honorable M. Hervey moved, That this Bill be now read a first time.

Question—put and passed.

Bill read a first time.

The Honorable M. Hervey moved, That the Bill be now read a second time.

Question—put and passed.

Bill read a second time.

Ordered—That the said Bill be now considered in Committee of the whole Council.

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 M. Hervey moved, That the Report be now adopted.

Question—put and passed.

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

The Honorable M. Hervey moved, That the title of the Bill be—

“An Act to apply out of the Consolidated Revenue the sum of Twenty-four thousand two hundred and ninety-four pounds nineteen shillings and fourpence to the service of the year One thousand eight hundred and sixty-four and Two hundred thousand pounds to the service of the year One thousand eight hundred and sixty-five.”

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.

JUSTICES LAW CONSOLIDATION AND AMENDMENT BILL.—CLERICAL ERROR.—The Honorable M. Hervey moved, That the Council do agree with the Legislative Assembly in correcting the clerical error reported to have been discovered in this Bill.

Question—put and passed.

Ordered—That a Message be sent to the Legislative Assembly, to acquaint them that the Council have agreed to correct the clerical error reported to have been discovered in the Bill.

MELBOURNE AND HOBSON'S BAY RAILWAY COMPANY AND MELBOURNE RAILWAY COMPANY AMALGAMATION BILL.—The Honorable H. M. Murphy produced a certificate showing that a sum of twenty pounds had been paid into the hands of the Treasurer for the public uses of the colony to meet the expenses of this Bill, and moved, That the Bill be now read a first time.

Question—put and passed.

Bill read a first time.

The Honorable H. M. Murphy moved, That a Message be sent to the Legislative Assembly, requesting that they will be pleased to communicate to this House copies of the Report and Proceedings of the Select Committee of that House, to which the Bill may have been referred during the present Session of Parliament.

Question—put and passed.

POSTPONEMENTS.—The following Orders of the Day were severally postponed until Tuesday, the 16th instant:—

“Electoral Law Consolidation and Amendment Bill”—Consideration of Message from Legislative Assembly.

“Post Office Law Amendment Bill”—To be read a second time.

“Lien on Crops Bill”—Adoption of Report.

“County Courts Law Amendment Bill”—To be further considered in Committee.

“Quartz Reefs Drainage Law Amendment Bill”—To be further considered in Committee.

ST. KILDA AND BRIGHTON RAILWAY SALE BILL.—The Honorable A. Fraser, in accordance with notice, moved, That the St. Kilda and Brighton Railway Sale Bill be now read a second time.

Debate ensued.

Question—put and passed.

Bill read a second time.

The Honorable A. Fraser moved, That the committal of the Bill be made an Order of the Day for Tuesday next.

Question—put and passed.

The Council adjourned at a quarter past six o'clock until four o'clock on Tuesday, the 16th instant.

NOTICE OF MOTION AND ORDERS OF THE DAY.

TUESDAY, 16TH MAY, 1865.

NOTICE OF MOTION:—•

1. The Hon. J. LOWE: To move, That the Payment of Members Bill be now read a first time.

ORDERS OF THE DAY:—

1. COMMON LAW PROCEDURE LAWS CONSOLIDATION BILL.—Consideration of Message from Legislative Assembly with amendments recommended by the Governor.

2. PRACTICE AND USAGE WITH REGARD TO APPROPRIATION BILLS, ETC.—Adjourned debate on resolutions of the Honorable C. Sladen—
 - (1.) That this House will insist upon adhering to the practice and usage of the Imperial Parliament in regard to the matters which, according to such practice and usage may be comprised in one Bill.
 - (2.) That it is contrary to such usage and practice to introduce any clause or clauses of Appropriation or other foreign matter into a Bill of Aid or Supply.
 - (3.) That it is contrary to such usage and practice to introduce any clause or clauses of Aid or Supply or other foreign matter into a Bill of Appropriation.
3. PUBLIC MONEYS AND AUDIT LAW CONSOLIDATION BILL.—Consideration of Message from Legislative Assembly.
4. ELECTORAL LAW CONSOLIDATION AND AMENDMENT BILL.—Consideration of Message from Legislative Assembly.
5. POST OFFICE LAW AMENDMENT BILL—To be read a second time.
6. LIEN ON CROPS BILL—Adoption of Report.
7. COUNTY COURTS LAW AMENDMENT BILL—To be further considered in Committee.
8. QUARTZ REEFS DRAINAGE LAW AMENDMENT BILL—To be further considered in Committee.
9. ST. KILDA AND BRIGHTON RAILWAY SALE BILL—To be considered in Committee.

WEDNESDAY, 17TH MAY.

General Business.

ORDER OF THE DAY:—

1. FENCING LAW AMENDMENT BILL—To be further considered in Committee.
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MEETING
OF
SELECT COMMITTEE.

Tuesday, 16th May.

MARKETS—at 3 o'clock.

G. W. RUSDEN,

Clerk of the Council and Clerk of the Parliaments.

VICTORIA.

No. 36.

Minutes of the Proceedings

OF THE

LEGISLATIVE COUNCIL.

TUESDAY, 16TH MAY, 1865.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the Prayer.

POLICE REWARD FUND.—The Honorable M. Hervey laid on the Table a Return to the Order of the Council made on the 4th instant.

PETITION.—The Honorable J. F. Strachan presented to the Council a Petition signed by G. T. Wilson and others, praying that the Council will be pleased to cause an enquiry to be instituted as to the working of the Common Schools Act, and as to the position of the teachers in such schools.

Petition received.

PAPERS.—The Honorable M. Hervey laid on the Table the following papers:—

1. Mining Surveyors and Registrars Reports (for Quarter ending 31st March, 1865).
2. Supreme Court.—Reg: Gen: (10th May, 1865).

Ordered severally to lie on the Table.

PAYMENT OF MEMBERS BILL.—The Honorable J. Lowe, in accordance with notice, moved, That the Payment of Members Bill be now read a first time.

Question—put.

Council divided.

Contents, 8.
The Hon. T. H. Fellows
Dr. Wilkie
J. Lowe
W. H. Pettett
G. W. Cole
C. J. Jenner
J. McCrae
C. Sladen (*Teller*).

Not Contents, 16.
The Hon. M. Hervey
W. Taylor
W. Campbell
W. Degraives
H. M. Murphy
N. Black
W. Hull
H. Miller
N. Fitzgerald
W. Highett
J. P. Fawkner
J. F. Strachan
A. Fraser
J. P. Bear
B. Williams
W. H. F. Mitchell (*Teller*).

The question was therefore negatived.

COMMON LAW PROCEDURE LAWS CONSOLIDATION BILL.—The Order of the Day for the consideration of the Message from His Excellency the Governor recommending amendments in this Bill being read, the Honorable M. Hervey moved, That the Council do agree to the following amendments recommended by His Excellency the Governor:—

Clause 1. Omit the words, “on the first day of April in the year of our Lord One thousand eight hundred and sixty-five,” and insert the words, “from the time of the passing hereof.”

Clause 10, last line. Insert “it” after “which.”

Clause 23, line 4. Insert after C D the words “who has been summoned to answer the plaintiff by a writ issued on the day of A.D. 186 .”

Clause 24. In second line of page 7, after G H insert the words “who have been summoned to answer the plaintiff by a writ issued on the day of A.D. 186 .”

Clause 39, line 2. After the word "except," insert the words "in the actions hereinafter in the forty-seventh section mentioned and in."

Clause 143, line 2. Omit the words "draft paper" and substitute the words "parchment twenty-seven inches long and nine inches wide;" line 6, for "paper" substitute "parchment."

Clause 144, line 3. Omit the words "draft paper" and substitute the words "parchment twenty-seven inches long and nine inches wide;" line 4, for "paper" substitute "parchment."

Clause 188. Omit the first three lines and the fourth line down to and inclusive of the word "and;" line 12, omit the words "be instead of and;" line 14, after the word "shall" insert the words "in cases not otherwise by law provided for;" line 23, omit the words "according to the said laws and statutes."

Question—put and passed.

The Honorable M. Hervey moved, That the Council do not agree with the following amendment :—

Clause 188, line 24, omit the word "replevins," and insert "a replevin of a distress for rent."

Question—put and passed.

On the amendment recommended in clause 188, last line, omit the words "replevin in England," and insert "a replevin of a distress for rent," being read, the Honorable M. Hervey moved, That the Council do not agree to leave out the word "replevin."

Question—put and passed.

The Honorable M. Hervey moved, That the Council agree to leave out the words "in England," and do not agree to insert the words recommended to be inserted.

Question—put and passed.

The Honorable M. Hervey moved, That the Council agree to the following amendments, recommended by the Governor :—

Omit clause 283.

Clause 284. Alter the number to 283. Divide the clause by omitting the word "and" in the fourth line, and let the remainder of the clause be a new clause, the number, 284, being prefixed to it, and the following note inserted in the margin—"Date of receipt to be endorsed on writ. Ib. s. 16."

Page 106, paragraph 26. The words from "or" in the first line down to and inclusive of "possession of" in the second line to be in brackets, and the above-mentioned word "or" to be in italics.

Page 118, lines 8 and 9. Substitute "0 1 0" and "0 0 6" for "0 1 6" and "0 0 0."

Question—put and passed.

Ordered—That a Message be sent to the Legislative Assembly acquainting them that the Council have agreed to some of the amendments, have not agreed to one amendment, and have agreed to one amendment with an amendment, with which they desire the concurrence of the Legislative Assembly.

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 copies of the Report and evidence taken before the Select Committee of the Legislative Assembly on a Bill intituled "*An Act to amalgamate the Melbourne and Hobson's Bay Railway Company and the Melbourne Railway Company and for other purposes,*" and acquaint the Legislative Council that the Bill intituled "*An Act to repeal the 38th section of the Act of Incorporation of the Melbourne and Hobson's Bay Railway Company upon the payment and expenditure of certain sums of money and to relieve the United Company formed by the amalgamation of the said company with the Melbourne Railway Company from certain reservations in their Crown Grants and to make provisions respecting Bridges and Level Crossings and for other purposes,*" was not referred by the Legislative Assembly to a Select Committee.

Legislative Assembly Chamber,
Melbourne, 16th May, 1865.

FRANS. MURPHY,
Speaker.

PRACTICE AND USAGE WITH REGARD TO APPROPRIATION BILLS, ETC.—The Order of the Day for the resumption of the debate on the following resolutions :—

- (1.) That this House will insist upon adhering to the practice and usage of the Imperial Parliament in regard to the matters which, according to such practice and usage, may be comprised in one Bill.
- (2.) That it is contrary to such usage and practice to introduce any clause or clauses of Appropriation or other foreign matter into a Bill of Aid or Supply.
- (3.) That it is contrary to such usage and practice to introduce any clause or clauses of Aid or Supply or other foreign matter into a Bill of Appropriation :—

being read,
Debate ensued.

Question—That this House will insist upon adhering to the practice and usage of the Imperial Parliament in regard to the matters which, according to such practice and usage, may be comprised in one Bill—put and passed.

Question—That it is contrary to such usage and practice to introduce any clause or clauses of Appropriation or other foreign matter into a Bill of Aid or Supply—put and passed.

Question—That it is contrary to such usage and practice to introduce any clause or clauses of Aid or Supply or other foreign matter into a Bill of Appropriation—put and passed.

POSTPONEMENTS.—The following Orders of the Day were severally postponed until Wednesday, the 17th instant :—

“ *Public Moneys and Audit Law Consolidation Bill* ”—Consideration of Message from Legislative Assembly.

“ *Electoral Law Consolidation and Amendment Bill* ”—Consideration of Message from Legislative Assembly.

“ *Post Office Law Amendment Bill* ”—To be read a second time.

“ *Lien on Crops Bill* ”—Adoption of Report.

“ *County Courts Law Amendment Bill* ”—To be further considered in Committee.

“ *Quartz Reefs Drainage Law Amendment Bill* ”—To be further considered in Committee.

“ *St. Kilda and Brighton Railway Sale Bill* ”—To be considered in Committee.

The Council adjourned at ten minutes to seven o'clock until four o'clock on Wednesday, the 17th instant.

NOTICES OF MOTION AND ORDERS OF THE DAY.

WEDNESDAY, 17TH MAY, 1865.

Government Business.

ORDERS OF THE DAY :—

1. PUBLIC MONEYS AND AUDIT LAW CONSOLIDATION BILL.—Consideration of Message from Legislative Assembly.
2. ELECTORAL LAW CONSOLIDATION AND AMENDMENT BILL.—Consideration of Message from Legislative Assembly.
3. POST OFFICE LAW AMENDMENT BILL—To be read a second time.

General Business.

NOTICES OF MOTION :—

1. The Hon. T. H. FELLOWS : To move, That so much of the Standing Orders relating to private Bills be suspended as will enable “ *The Melbourne and Hobson's Bay Railway Act Amendment Bill 1865,* ” to be read a second time ; and
(*Contingent*) That the said Bill be now read a second time.
2. The Hon. H. M. MURPHY : To move, That so much of the Standing Orders relating to private Bills be suspended as will enable “ *The Melbourne and Hobson's Bay Railway Company and The Melbourne Railway Company Amalgamation Bill* ” to be now read a second time ; and
(*Contingent*) That the said Bill be now read a second time.

ORDERS OF THE DAY :—

1. FENCING LAW AMENDMENT BILL—To be further considered in Committee.
2. LIEN ON CROPS BILL—Adoption of Report.
3. COUNTY COURTS LAW AMENDMENT BILL—To be further considered in Committee.
4. QUARTZ REEFS DRAINAGE LAW AMENDMENT BILL—To be further considered in Committee.
5. ST. KILDA AND BRIGHTON RAILWAY SALE BILL—To be considered in Committee.

G. W. RUSDEN,

Clerk of the Council and Clerk of the Parliaments.

VICTORIA.

No. 37.

Minutes of the Proceedings

OF THE

LEGISLATIVE COUNCIL.

WEDNESDAY, 17TH MAY, 1865.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the Prayer.

PUBLIC MONIES AND AUDIT LAW CONSOLIDATION BILL.—The Order of the Day for the consideration of the Message from the Legislative Assembly with this Bill being read, the Honorable M. Hervey moved, That this House do not insist on their amendment to insert the following words at the end of Clause 24 of the Bill:—"Provided always that the provisions of this section shall not be considered to apply to the 38th section of the Land Act 1862."

Debate ensued.

Amendment moved by the Honorable J. F. Strachan, That the word "not" be omitted from the question, with a view to give the following reasons, viz.:—

- (1.) That, by the Land Act 1862, sec. 38, one-fourth of the land revenue is appropriated to the "purposes" of assisted immigration in every year.
- (2.) That, by the present Audit Act (No. 86, sec. 29), moneys appropriated to the public "service" in any year, and not expended during such year, lapse; but there is no similar provision in respect of money appropriated to any "purpose."
- (3.) That the distinction between a "service" and a "purpose" is well known, and is recognized by the Constitution Act, sec. 46; by the present Audit Act, ss. 24 and 25, and schedule 7; by the Appropriation Act of 1864 (No. 211, sec. 2), and of preceding years; as well as by the Bill now returned to the Legislative Assembly.

Question—That the word "not," proposed to be omitted, stand part of the question—put and negatived.

Question—That the Council do insist on their amendment to insert the following words at the end of clause 24 of the Bill:—"Provided always that the provisions of this section shall not be considered to apply to the 38th section of the Land Act 1862"—put and passed.

Question—That the Bill be returned to the Legislative Assembly with a Message, acquainting them that the Council still insist on their amendment, for the following reasons:—

- (1.) That, by the Land Act 1862, sec. 38, one-fourth of the land revenue is appropriated to the "purposes" of assisted immigration in every year.
- (2.) That, by the present Audit Act (No. 86, sec. 29) moneys appropriated to the public "service" in any year, and not expended during such year, lapse; but there is no similar provision in respect of money appropriated to any "purpose."
- (3.) That the distinction between a "service" and a "purpose" is well known, and is recognised by the Constitution Act, sec. 46; by the present Audit Act, ss. 24 and 25, and schedule 7; by the Appropriation Act of 1864 (No. 211, sec. 2) and of preceding years; as well as by the Bill now returned to the Legislative Assembly.

—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 acquaint the Legislative Council that the Legislative Assembly have agreed to the amendments made by the Legislative Council on the amendments recommended by the Governor in the Bill intituled "*An Act to consolidate the Laws relating to the Pleading and Practice of the Supreme Court in its Common Law Jurisdiction.*"

FRANS. MURPHY,
Speaker.

Legislative Assembly Chamber,
Melbourne, 17th May, 1865.

ELECTORAL LAW CONSOLIDATION AND AMENDMENT BILL.—The Order of the Day for the consideration of the Message from the Legislative Assembly with this Bill being read, the Honorable M. Hervey moved, That this House do not insist on their amendments with which the Legislative Assembly have disagreed, and do agree to the amendment made by the Legislative Assembly in clause A : Omit "fourteen" and insert "seven."

Question—put and passed.

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

MESSAGE FROM HIS EXCELLENCY THE GOVERNOR.—ROYAL ASSENT TO BILL.—The Honorable M. Hervey laid on the Table the following Message from His Excellency the Governor :—

1864-5.

VICTORIA.

Assent to a Bill.

C. H. DARLING,
Governor.

Message No.

The Governor informs the Legislative Council that he has this day assented in Her Majesty's name to a Bill intituled

"An Act to apply out of the Consolidated Revenue the sum of Twenty-four thousand two hundred and ninety-four pounds nineteen shillings and fourpence to the service of the year One thousand eight hundred and sixty-four and Two hundred thousand pounds to the service of the year One thousand eight hundred and sixty-five."

Government Offices,
Melbourne, 17th May, 1865.

POST OFFICE LAW AMENDMENT BILL.—The Order of the Day for the second reading of this Bill being read, the Honorable M. Hervey moved, That the Bill be now read a second time.

Question—put and passed.

Bill read a second time.

Ordered—That the said Bill be now considered in Committee of the whole Council.

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.

MELBOURNE AND HOBSON'S BAY RAILWAY ACT AMENDMENT BILL, 1865.—The Honorable T. H. Fellows, in accordance with notice, moved, That this Bill be now read a second time.

Question—put and passed.

Bill read a second time.

Ordered—That the consideration of the Bill in Committee of the whole Council be made an Order of the Day for to-morrow.

MELBOURNE AND HOBSON'S BAY RAILWAY COMPANY AND MELBOURNE RAILWAY COMPANY AMALGAMATION BILL.—The Honorable H. M. Murphy, in accordance with notice, moved, That so much of the Standing Orders relating to private Bills be suspended as will enable "*The Melbourne and Hobson's Bay Railway Company and The Melbourne Railway Company Amalgamation Bill*" to be now read a second time.

Debate ensued.

Question—put and passed.

The Honorable H. M. Murphy, in accordance with *contingent* notice, moved, That the Bill be now read a second time.

Question—put and passed.

Bill read a second time.

Ordered—That the consideration of the Bill in Committee of the whole Council be made an Order of the Day for to-morrow.

FENCING LAW 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 after the disposal of the other Orders of the Day.

Ordered.

POSTPONEMENTS.—The following Orders of the Day were severally postponed until Thursday, the 18th instant :—

"Lien on Crops Bill"—Adoption of Report.

"County Courts Law Amendment Bill"—To be further considered in Committee.

QUARTZ REEFS DRAINAGE LAW 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 Council had gone through the Bill, and had agreed to the same with amendments.

Ordered—That the adoption of the Report of the Committee be made an Order of the Day for to-morrow.

ST. KILDA AND BRIGHTON RAILWAY SALE BILL.—The Order of the Day for the consideration of this Bill in Committee of the whole Council being read, the President left the Chair. The Chairman of Committees reported that the Committee had gone through the Bill, and had agreed to the same with amendments.

Ordered—That the adoption of the Report be made an Order of the Day for to-morrow.

FENCING LAW 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.

Ordered—That the adoption of the Report of the Committee be made an Order of the Day for Tuesday, the 23rd instant.

POST OFFICE LAW AMENDMENT BILL.—The Honorable M. Hervey moved, That the further consideration of this Bill in Committee of the whole Council be made an Order of the Day for to-morrow.

Question—put and passed.

The Council adjourned at a quarter to nine o'clock until four o'clock on Thursday, the 18th instant.

NOTICE OF MOTION AND ORDERS OF THE DAY.

THURSDAY, 18TH MAY, 1865.

1. The Hon. W. HULL : To ask the Honorable Member representing the Government, If it be the intention at once to recommission the *Victoria* as a ship of war.

NOTICE OF MOTION :—

1. The Hon. W. HULL : To move, That a copy of any recent Despatch from the Home Government, relative to the appointment of the *Rodney* line of battle ship as a harbor defence to Melbourne, be laid upon the Table of this House.

ORDERS OF THE DAY :—

1. MELBOURNE AND HOBSON'S BAY RAILWAY ACT AMENDMENT BILL 1865—To be considered in Committee.
2. MELBOURNE AND HOBSON'S BAY RAILWAY COMPANY AND MELBOURNE RAILWAY COMPANY AMALGAMATION BILL—To be considered in Committee.
3. LIEN ON CROPS BILL—Adoption of Report.
4. COUNTY COURTS LAW AMENDMENT BILL—To be further considered in Committee.
5. QUARTZ REEFS DRAINAGE LAW AMENDMENT BILL—Adoption of Report.
6. ST. KILDA AND BRIGHTON RAILWAY SALE BILL—Adoption of Report.
7. POST OFFICE LAW AMENDMENT BILL—To be further considered in Committee.

TUESDAY, 23RD MAY.

1. FENCING LAW AMENDMENT BILL—Adoption of Report.

G. W. RUSDEN,

Clerk of the Council and Clerk of the Parliaments.

VICTORIA.

No. 38.

Minutes of the Proceedings

OF THE

LEGISLATIVE COUNCIL.

THURSDAY, 18TH MAY, 1865.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the Prayer.

“RODNEY” LINE OF BATTLE SHIP.—The Honorable W. Hull, in accordance with *amended* notice, moved, That an Address be presented to His Excellency the Governor, praying that he will cause to be laid on the Table of this House a copy of any recent Despatch from the Home Government relative to the appointment of the *Rodney* line of battle ship as a harbor defence for Melbourne.

Debate ensued.

Motion by leave withdrawn.

MELBOURNE AND HOBSON'S BAY RAILWAY ACT AMENDMENT BILL, 1865.—The Order of the Day for the consideration of this Bill in Committee of the whole Council being read, 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.

Ordered—That the adoption of the Report of the Committee be made an Order of the Day for Tuesday, the 23rd instant.

MELBOURNE AND HOBSON'S BAY RAILWAY COMPANY AND MELBOURNE RAILWAY COMPANY AMALGAMATION BILL.—The Order of the Day for the consideration of this Bill in Committee of the whole Council being read,

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 amendments.

Ordered—That the adoption of the Report of the Committee be made an Order of the Day for Tuesday, the 23rd instant.

LIEN ON CROPS BILL.—The Order of the Day for the adoption of the Report of the Committee of the whole Council on this Bill being called on, the Honorable T. H. Fellows 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 Bill be now re-committed—put and passed.

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

The President left the Chair.

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

Ordered—That the adoption of the Report of the Committee be made an Order of the Day for Tuesday, the 23rd instant.

POSTPONEMENT.—The following Order of the Day was postponed until Tuesday, the 23rd instant :—

“*County Courts Law Amendment Bill*”—To be further considered in Committee.

QUARTZ REEFS DRAINAGE LAW 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 W. Highett 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. Highett, was read a third time and *passed*.

The Honorable W. Highett moved, That the title of the Bill be “*An Act to amend an Act intituled ‘An Act to amend the Law relating to the Drainage of Quartz Reefs.’*”

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.

ST. KILDA AND BRIGHTON RAILWAY SALE BILL.—The Order of the Day for the adoption of the Report of the Committee of the whole Council on this Bill being read, the Honorable A. Fraser moved, That the Report be now adopted.

Question—put and passed.

Ordered—That the third reading of the Bill be made an Order of the Day for Tuesday the 23rd instant.

POST OFFICE LAW 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 Council adjourned at six o'clock until four o'clock on Tuesday, the 23rd instant.

NOTICE OF MOTION AND ORDERS OF THE DAY.

TUESDAY, 23RD MAY, 1865.

NOTICE OF MOTION :—

1. The Hon. J. P. FAWKNER : To move, That the Hon. W. J. T. Clarke has been absent from the Council for more than one week without the proper notice to the President, and that he be therefore declared guilty of contempt.

ORDERS OF THE DAY :—

1. FENCING LAW AMENDMENT BILL—Adoption of Report.
2. MELBOURNE AND HOBSON'S BAY RAILWAY ACT AMENDMENT BILL 1865—Adoption of Report.
3. MELBOURNE AND HOBSON'S BAY RAILWAY COMPANY AND MELBOURNE RAILWAY COMPANY AMALGAMATION BILL—Adoption of Report.
4. LIEN ON CROPS BILL—Adoption of Report.
5. ST. KILDA AND BRIGHTON RAILWAY SALE BILL—To be read a third time.
6. POST OFFICE LAW AMENDMENT BILL—Adoption of Report.
7. COUNTY COURTS LAW AMENDMENT BILL—To be further considered in Committee.

G. W. RUSDEN,

Clerk of the Council and Clerk of the Parliaments.

VICTORIA.

No. 39.

Minutes of the Proceedings

OF THE

LEGISLATIVE COUNCIL.

TUESDAY, 23RD MAY, 1865.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the Prayer.

FENCING LAW AMENDMENT BILL.—The Order of the Day for the adoption of the Report of the Committee of the whole Council on this Bill being called on, the Honorable C. Sladen moved, That the Order of the Day be discharged with a view to the re-committal of the Bill.

Question—put and passed.

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

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

The President left the Chair.

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

Ordered—That the adoption of the Report of the Committee be made an Order of the Day for Thursday, the 25th instant.

PAPERS.—The Honorable M. Hervey laid on the Table the following Paper:—
Volunteer Force, Victoria.—(Regulations, 3rd May, 1865.)

Ordered to lie on the Table.

AGRICULTURAL AND PASTORAL EMPLOYMENT AND PRODUCE.—The Honorable M. Hervey laid on the Table a Return to the Order of the Council made on the 9th instant.

MELBOURNE AND HOBSON'S BAY RAILWAY ACT AMENDMENT BILL, 1865.—The Order of the Day for the adoption of the Report of the Committee of the whole Council on this Bill being read, the Honorable T. H. Fellows moved, That the Report be now adopted.

Question—put and passed.

Ordered—That the third reading of the Bill be made an Order of the Day for Thursday next.

MELBOURNE AND HOBSON'S BAY RAILWAY COMPANY AND MELBOURNE RAILWAY COMPANY AMALGAMATION BILL.—The Order of the Day for the adoption of the Report of the Committee of the whole Council on this Bill being read, the Honorable H. M. Murphy moved, That the Report be now adopted.

Question—put and passed.

Ordered—That the third reading of the Bill be made an Order of the Day for Thursday next.

LIEN ON CROPS BILL.—The Order of the Day for the adoption of the Report of the Committee of the whole Council on this Bill being read, the Honorable T. H. Fellows moved, That the Report be now adopted.

Question—put and passed.

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

The Honorable T. H. Fellows moved, That the title of the Bill be "*An Act to legalize preferable Liens on Yearly Crops.*"

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.

ST. KILDA AND BRIGHTON RAILWAY SALE BILL.—The President having reported that the Chairman of Committees had certified that the fair print of this Bill was in accordance with the Bill as reported, the Bill, on the motion of the Honorable A. Fraser, was read a third time and *passed*.

The Honorable A. Fraser moved, That the title of the Bill be "*An Act to authorise the Sale and Purchase of the St. Kilda and Brighton Railway and for other purposes.*"

Question—put and passed.

The Honorable A. Fraser moved, 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.

Question—put and passed.

POST OFFICE LAW 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 M. Hervey moved, That the Report be now adopted.

Question—put and passed.

Ordered—That the third reading of the Bill be made an Order of the Day for Thursday next.

POSTPONEMENT.—The following Order of the Day was postponed until Wednesday, the 24th instant :—

"*County Courts Law Amendment Bill*"—To be further considered in Committee.

ADJOURNMENT.—The Honorable M. Hervey moved, That the House, at its rising this day, adjourn until Thursday next.

Question—put and passed.

The Council adjourned at twenty minutes to six o'clock until four o'clock on Thursday, the 25th instant.

ORDERS OF THE DAY.

THURSDAY, 25TH MAY, 1865.

ORDERS OF THE DAY :—

1. FENCING LAW AMENDMENT BILL—Adoption of Report.
2. MELBOURNE AND HOBSON'S BAY RAILWAY ACT AMENDMENT BILL 1865—To be read a third time.
3. MELBOURNE AND HOBSON'S BAY RAILWAY COMPANY AND MELBOURNE RAILWAY COMPANY AMALGAMATION BILL—To be read a third time.
4. POST OFFICE LAW AMENDMENT BILL—To be read a third time.

MEETINGS

OF

SELECT COMMITTEES.

Thursday, 25th May.

MARKETS—at half-past 3 o'clock.

Tuesday, 30th May.

PRINTING—at half-past 3 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.

THURSDAY, 25TH MAY, 1865.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the Prayer.

PAPERS.—The Honorable M. Hervey laid on the Table the following Papers :—

1. Mornington—County Court to be holden at.—Order in Council (8th May, 1865).
2. Defences of the Colony.—Remarks on Report of Commodore Sir W. Wiseman, by Majors Pasley and Scratchley, R.E. (25th February, 1865).

Ordered severally to lie on the Table.

FENCING LAW 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 W. Highett 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. Highett, was read a third time and *passed*.

The Honorable W. Highett moved, That the title of the Bill be "*An Act for the better regulation of Dividing Fences.*"

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

MELBOURNE AND HOBSON'S BAY RAILWAY ACT AMENDMENT BILL, 1865.—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. M. Murphy, was read a third time and *passed*.

The Honorable H. M. Murphy moved, That the title of the Bill be "*An Act to repeal the thirty-eighth section of the Act of Incorporation of the Melbourne and Hobson's Bay Railway Company upon the payment and expenditure of certain Sums of Money and to relieve the United Company formed by the amalgamation of the said Company with the Melbourne Railway Company from certain reservations in their Crown Grants and to make provisions respecting Bridges and Level Crossings and for other purposes.*"

Question—put and passed.

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

MELBOURNE AND HOBSON'S BAY RAILWAY COMPANY AND MELBOURNE RAILWAY COMPANY AMALGAMATION 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. M. Murphy, was read a third time and *passed*.

The Honorable T. H. Fellows moved, That the title of the Bill be "*An Act to amalgamate the Melbourne and Hobson's Bay Railway Company and the Melbourne Railway Company and for other purposes.*"

Question—put and passed.

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

POST OFFICE LAW 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 M. Hervey, was read a third time and *passed*.

The Honorable M. Hervey moved, That the title of the Bill be "*An Act to amend the law relating to the Post Office.*"

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.

ADJOURNMENT—The Honorable M. Hervey, with leave of the Council, moved, without notice, That the House, at its rising this day, adjourn until five o'clock on Tuesday next.

Question—put and passed.

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

TUESDAY, 30TH MAY, 1865.

1. The Hon. W. HIGHETT: To ask, Whether the Government have any objection to open a temporary telegraph office at Jamieson, the wires for which have been laid to that township.

MEETINGS
OF
SELECT COMMITTEES.

Tuesday, 30th May.

MARKETS—at 3 o'clock.

PRINTING—at half-past 3 o'clock.

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

VICTORIA.

No. 41.

Minutes of the Proceedings

OF THE

LEGISLATIVE COUNCIL.

TUESDAY, 30TH MAY, 1865.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the Prayer.

ROYAL ASSENT TO BILLS.—The President announced to the Council that he had received a communication from the Private Secretary to His Excellency the Governor, intimating that it is the intention of His Excellency the Governor to proceed to the Legislative Council Chamber, at half past four o'clock, on Thursday, the 1st June, to assent, in Her Majesty's name, to certain Bills passed by the Legislative Council and Legislative Assembly.

PAPER.—The Honorable M. Hervey laid on the Table the following Paper:—

Land Act 1865.—Protest by Messrs. Brodribb, Crisp, and Lewis (29th May, 1865).

The Paper was read at the Table by the Clerk.

The Honorable J. P. Fawcner moved, That the Paper be printed.

Question,—put and passed.

COUNTY COURTS LAW AMENDMENT BILL.—The Honorable T. H. Fellows, with leave of the Council, moved, without notice, That the Order of the Day (for the further consideration of this Bill in Committee of the whole Council) which lapsed by reason of the adjournment of the House from Tuesday, the 23rd, to Thursday, the 25th instant, be restored to the business paper.

Question—put and passed.

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

MR. PRESIDENT,

The Legislative Assembly transmit to the Legislative Council a Message from His Excellency the Governor recommending amendments in the Bills severally intituled,

“*An Act to consolidate the Laws relating to Public Health;*” also,

“*An Act to consolidate the Law relating to Insolvents and their Estates;*” also,

“*An Act to consolidate the Law relating to the Management of Towns and other populous places and for the Suppression of various Offences;*” also,

“*An Act for regulating Juries;*” and

“*An Act to consolidate the Laws relating to the Volunteer Force;*”

and acquaint the Legislative Council that the Legislative Assembly have agreed to such amendments.

FRANS. MURPHY,
Speaker.

Legislative Assembly Chamber,
Melbourne, 25th May, 1865.

C. H. DARLING,
Governor.

Message No. 19.

In pursuance of the 36th section of the Constitution Act, the Governor transmits to the Legislative Assembly the following amendments, which he recommends to be made in the respective Acts hereafter mentioned, that have been presented to him for Her Majesty's Assent.

Public Health Statute—

Clause 76, 27th line, omit the word “third” and insert “fifth” and make corresponding alteration in the margin.

Insolvency Statute—

Second Clause.—In the last line but one, after “same” insert the following words ;
“And any Act passed during the present Session of Parliament to simplify the title to
and the dealing with estates in land.”

At the end of clause 2, insert the following words “all Acts or parts of Acts and
any provisions thereof in force at the time of the coming into operation hereof whereby
any deeds instruments or registrations or any other acts matters transactions or things are
protected against or are affected by the law relating to insolvency shall be deemed and
taken to apply to the provisions of this Act.”

Police Offences Statute—

Clause 1, line 1, for “March,” substitute “June.”

Clause 2, line 1, for “Act,” substitute “Acts ;” line 2, for “is,” substitute “are ;”
line 3, for “is,” substitute “are ;” line 5, for “the said repealed Act,” substitute “any
of the said repealed Acts ;” line 6, for “the said Act,” substitute “any of the said Acts.”

Clause 68, line 3, omit the words “under Parts I or II of this Act.”

First Schedule, insert—

16 Victoria No. 20.	“An Act for the better protection of Cattle and the better prevention of Cattle Stealing.”	So much as has not been already repealed.
21 Victoria No. 55.	“An Act for preventing the careless use of Fire.”	So much as has not been already repealed.
25 Victoria No. 159.	“An Act for the better administration of the Law by Justices of the Peace and for other purposes in connexion therewith.	Sections 2, 3, and 4.

Juries Statute—

Clause 18, line 8, for “ten” substitute “five.”

Clause 20, line 3, for “two” substitute “one ;” line 7, for “four” substitute
“two ;” line 8, for “fourteen” substitute “seven ;” line 9, for “ten” substitute “five ;”
line 10, for “four” substitute “two.”

The Volunteer Statute, 1865—

Clause 4, line 5, omit “of ;” line 6, after “of” insert the words “the local
government of.”

Clause 5, omit the proviso.

Clause 8, line 2, after “convened” insert the words “by the Commanding
Officer ;” line 6, after “been” insert the words “forwarded by the Commanding Officer
to and.”

Clause 9, insert the following words at the end of the clause, “Provided also
that for the purposes of this section any officer in actual or temporary command of a
corps shall be deemed and be taken to be the officer commanding the corps.”

Government Offices,
Melbourne, 1865.

MR. PRESIDENT—

The Legislative Assembly return to the Legislative Council the Bill intituled
“*An Act to consolidate the Law for the collection and payment of the Public Moneys
and the audit of the Public Accounnts,*” and acquaint them that the Legislative
Assembly still insist in disagreeing with the amendment of the Legislative Council, for
the following reasons, viz. :—

1. By the 29th Section of the Act No. 86 “all sums of money which are or shall
“be appropriated to the public service in any year, and which shall not be expended
“during such year, shall lapse,” except where it is expressly enacted to the contrary by
any Act.

2. The words “sums of money appropriated to the public service,” in the above
section, mean and include, in the opinion of this House, all moneys that have been
carried to the consolidated revenue, and that have been appropriated thereout either to a
service “or a purpose,” and either by the annual Appropriation Act or by any other Act,
except such appropriated moneys as cannot, consistently with the Constitution Act, be
affected by the existing Audit Act No. 86.

3. According to this construction, the amendment under consideration proposes to
make an alteration in the law in this respect, which, in the opinion of this House, it
would be inexpedient to make by this Bill and under existing circumstances ; while, if a
different construction of Section 29 of Act No. 86 be the true construction, the proposed
amendment is unnecessary and superfluous.

Legislative Assembly Chambers,
Melbourne, 25th May, 1865.

FRANS. MURPHY,
Speaker.

MR. PRESIDENT—

The Legislative Assembly return to the Legislative Council the Bill intituled "*An Act to amend an Act intituled 'An Act to amend the Law relating to the Drainage of Quartz Reefs,'*" and acquaint the Legislative Council that the Legislative Assembly have agreed to one of the amendments made by the Legislative Council in this Bill, and have disagreed to the other of the said amendments of the Legislative Council.

Legislative Assembly Chambers,
Melbourne, 25th May, 1865.

FRANS. MURPHY,
Speaker.

PUBLIC HEALTH LAWS CONSOLIDATION BILL—INSOLVENCY LAW CONSOLIDATION BILL.—POLICE OFFENCES LAW CONSOLIDATION BILL.—JURIES BILL.—VOLUNTEERS LAWS CONSOLIDATION BILL.—The Honorable M. Hervey moved, That the consideration of the Message from the Legislative Assembly with amendments recommended by His Excellency the Governor in these Bills be made an Order of the Day for to-morrow.

Question—put and passed.

PUBLIC MONEYS AND AUDIT LAW CONSOLIDATION BILL.—The Honorable M. Hervey moved, That the Message from the Legislative Assembly with this Bill be now taken into consideration.

Debate ensued.

Amendment moved by the Honorable J. F. Strachan, That the word "now" be omitted, with a view to add the words "this day six months" after the word "consideration."

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 Message from the Legislative Assembly with this Bill be taken into consideration this day six months—put and passed.

QUARTZ REEFS DRAINAGE LAW AMENDMENT BILL.—The Honorable W. Highett moved, That the Council do not insist on inserting the new Clause A in this Bill.

Question—put and passed.

Ordered—That a Message be sent to the Legislative Assembly, to acquaint them that the Council do not insist on the amendment to insert Clause A in the Bill.

PAPERS.—The Honorable M. Hervey laid on the Table the following Papers :—

1. Diseases—Return of (year 1864).
2. Health Officer—Report of (year ending 31st December, 1864).

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 Message from His Excellency the Governor, recommending amendments in the Bill intituled "*An Act to consolidate and amend the law relating to Justices of the Peace and Courts of General and Petty Sessions,*" and acquaint the Legislative Council that the Legislative Assembly have agreed to the amendments recommended by His Excellency the Governor, and request the concurrence of the Legislative Council in those amendments.

Legislative Assembly Chamber,
Melbourne, 30th May, 1865.

FRANS. MURPHY,
Speaker.

C. H. DARLING,
Governor.

Message No. 24.

In pursuance of the 36th section of the Constitution Act, the Governor transmits to the Legislative Assembly the following amendment, which he recommends to be made in the Bill intituled "*An Act to consolidate and amend the law relating to Justices of the Peace and Courts of General and Petty Sessions,*" which has been presented to him for Her Majesty's assent :—

Clause 119, add to the end of clause the following words, "Provided that upon the breach of any order for the payment of an amount awarded by instalments under this section, execution for the amount due at the time of such breach may forthwith issue without any fresh summons unless it shall appear to the satisfaction of the justice who has made the order that the defendant is unable from sickness or other temporary cause to pay the amount so due as aforesaid in which case such justice may stay execution for such time and upon such terms as to him may seem fit, and may from time to time continue such stay of execution until such disability has ceased."

Second Schedule form XXXVI. add "and whereas the said A.B. has been apprehended under and by virtue of a warrant upon such [information or complaint] and is now brought before [me or us] as such justice as aforesaid. These are therefore to command you the said constable in Her Majesty's name forthwith to convey the said A.B. to the

gaol at in the said colony and there to deliver h to the said keeper thereof together with this precept and [I or we] do hereby command you the said keeper to receive the said A.B. into your custody in the said gaol and there safely to keep h until next the day of 186 when you are hereby commanded to convey and have h at in the said colony at o'clock in the noon of the same day before such justices of the peace for the said colony as may then be there to answer to the said [information or complaint] and to be further dealt with according to law.

“ Given under [my or our] hand and seal this day of in the year of our Lord one thousand eight hundred and sixty at in the colony aforesaid.

“J.P. (L.S.)”

Government Offices,
Melbourne, May, 1865.

JUSTICES LAW CONSOLIDATION AND AMENDMENT BILL.—The Honorable M. Hervey moved, That the consideration of the Message from the Legislative Assembly, with the amendments recommended by the Governor in this Bill, be made an Order of the Day for to-morrow.

Question—put and passed.

The Council adjourned at a quarter to six o'clock until four o'clock on Wednesday, 31st instant.

ORDERS OF THE DAY.

WEDNESDAY, 31ST MAY, 1865.

Government Business.

ORDERS OF THE DAY :—

1. MESSAGE FROM THE LEGISLATIVE ASSEMBLY CONTAINING AMENDMENTS RECOMMENDED BY THE GOVERNOR IN—
PUBLIC HEALTH LAWS CONSOLIDATION BILL,
INSOLVENCY LAW CONSOLIDATION BILL,
POLICE OFFENCES LAW CONSOLIDATION BILL,
JURIES BILL,
VOLUNTEERS LAWS CONSOLIDATION BILL—To be considered.
2. MESSAGE FROM THE LEGISLATIVE ASSEMBLY CONTAINING AMENDMENTS RECOMMENDED BY THE GOVERNOR IN THE JUSTICES LAW CONSOLIDATION AND AMENDMENT BILL—To be considered.

General Business.

ORDER OF THE DAY :—

1. COUNTY COURTS LAW AMENDMENT BILL—To be further considered in Committee.

MEETING OF SELECT COMMITTEE.

Thursday, 1st June.

PRINTING—at ten minutes to 4 o'clock.

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

VICTORIA.

No. 42.

Minutes of the Proceedings

OF THE

LEGISLATIVE COUNCIL.

WEDNESDAY, 31ST MAY, 1865.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the Prayer.

PUBLIC HEALTH LAWS CONSOLIDATION BILL.—INSOLVENCY LAW CONSOLIDATION BILL.—POLICE OFFENCES LAW CONSOLIDATION BILL.—JURIES BILL.—VOLUNTEERS LAWS CONSOLIDATION BILL.—The Order of the Day for the consideration of the Message from the Legislative Assembly with the amendments recommended by His Excellency the Governor in these Bills being read, the Honorable M. Hervey moved, That the Council do agree to the amendment recommended in the Public Health Laws Consolidation Bill, as follows, viz. :—

Clause 76, 27th line, omit the word "third" and insert "fifth," and make corresponding alteration in the margin.

Question—put and passed.

INSOLVENCY LAW CONSOLIDATION BILL.—The Honorable M. Hervey moved, That the Council do agree to the amendments recommended by His Excellency the Governor in this Bill, as follows, viz. :—

Second Clause.—In the last line but one, after "same" insert the following words ; "And any Act passed during the present Session of Parliament to simplify the title to and the dealing with estates in land."

At the end of clause 2, insert the following words "all Acts or parts of Acts and any provisions thereof in force at the time of the coming into operation hereof whereby any deeds instruments or registrations or any other acts matters transactions or things are protected against or are affected by the law relating to insolvency shall be deemed and taken to apply to the provisions of this Act."

Debate ensued.

Motion by leave withdrawn.

Ordered—That the further consideration of the amendments be made an Order of the Day for Tuesday, the 6th instant.

POLICE OFFENCES LAW CONSOLIDATION BILL.—The Honorable M. Hervey moved, That the Council do agree to the amendments recommended by His Excellency the Governor in this Bill, as follows, viz. :—

Clause 1, line 1, for "March," substitute "June."

Clause 2, line 1, for "Act," substitute "Acts ;" line 2, for "is," substitute "are ;" line 3, for "is," substitute "are ;" line 5, for "the said repealed Act," substitute "any of the said repealed Acts ;" line 6, for "the said Act," substitute "any of the said Acts."

Clause 68, line 3, omit the words "under Parts I or II of this Act."

First Schedule, insert—

16 Victoria No. 20.	"An Act for the better protection of Cattle and the better prevention of Cattle Stealing."	So much as has not been already repealed.
21 Victoria No. 55.	"An Act for preventing the careless use of Fire."	So much as has not been already repealed.
25 Victoria No. 159.	"An Act for the better administration of the Law, by Justices of the Peace and for other purposes in connexion therewith."	Sections 2, 3, and 4.

Question—put and passed.

JURIES BILL.—The Honorable M. Hervey moved, That the Council do agree to the amendments recommended by His Excellency the Governor in this Bill, as follows, viz. :—

Clause 18, line 8, for “ten” substitute “five.”

Clause 20, line 3, for “two” substitute “one;” line 7, for “four” substitute “two;” line 8, for “fourteen” substitute “seven;” line 9, for “ten” substitute “five;” line 10, for “four” substitute “two.”

Debate ensued.

Motion by leave withdrawn.

Ordered.—That the further consideration of the amendments be made an Order of the Day for Tuesday, the 6th instant.

VOLUNTEERS LAWS CONSOLIDATION BILL.—The Honorable M. Hervey moved, That the Council do agree to the amendments recommended by the Governor in this Bill, as follows, viz. :—

Clause 4, line 5, omit “of;” line 6, after “of” insert the words “the local government of.”

Clause 5, omit the proviso.

Clause 8, line 2, after “convened” insert the words “by the Commanding Officer;” line 6, after “been” insert the words “forwarded by the Commanding Officer to and.”

Clause 9, insert the following words at the end of the clause, “Provided also that for the purposes of this section any officer in actual or temporary command of a corps shall be deemed and be taken to be the officer commanding the corps.”

Question—put and passed.

Ordered.—That a Message be sent to the Legislative Assembly, acquainting them that the Council have concurred with them in agreeing to the amendments recommended by the Governor in the Public Health Laws Consolidation Bill, the Police Offences Law Consolidation Bill, and the Volunteers Laws Consolidation Bill.

JUSTICES LAW CONSOLIDATION AND AMENDMENT BILL.—The Order of the Day for the consideration of the Message from the Legislative Assembly with amendments recommended by His Excellency the Governor in this Bill being read, the Honorable M. Hervey moved, That the Council do agree with the amendments recommended by His Excellency the Governor in the Bill, as follows, viz. :—

Clause 119, add to the end of clause the following words, “Provided that upon the breach of any order for the payment of an amount awarded by instalments under this section, execution for the amount due at the time of such breach may forthwith issue without any fresh summons unless it shall appear to the satisfaction of the justice who has made the order that the defendant is unable from sickness or other temporary cause to pay the amount so due as aforesaid in which case such justice may stay execution for such time and upon such terms as to him may seem fit, and may from time to time continue such stay of execution until such disability has ceased.”

Second Schedule form XXXVI. add “and whereas the said A.B. has been apprehended under and by virtue of a warrant upon such [information or complaint] and is now brought before [me or us] as such justice as aforesaid. These are therefore to command you the said constable in Her Majesty’s name forthwith to convey the said A.B. to the gaol at _____ in the said colony and there to deliver h_____ to the said keeper thereof together with this precept and [I or we] do hereby command you the said keeper to receive the said A.B. into your custody in the said gaol and there safely to keep h_____ until _____ next the _____ day of _____ 186_____ when you are hereby commanded to convey and have h_____ at _____ in the said colony at _____ o’clock in the _____ noon of the same day before such justices of the peace for the said colony as may then be there to answer to the said [information or complaint] and to be further dealt with according to law.

“Given under [my or our] hand and seal this _____ day of _____ in the year of our Lord one thousand eight hundred and sixty _____ at _____ in the colony aforesaid.

“J.P. (L.S.)”

Question—put and passed.

Ordered.—That a Message be sent to the Legislative Assembly, acquainting them that the Council have concurred with the Assembly in agreeing to the amendments recommended by His Excellency the Governor in the Bill.

COUNTY COURTS LAW AMENDMENT BILL.—The Order of the Day for the further consideration of this Bill in Committee of the whole Council being read, the President left the Chair. The Chairman of Committees reported progress and asked leave to sit again to-morrow.

Ordered.

The Council adjourned at five o’clock until four o’clock on Thursday, the 1st June.

ORDERS OF THE DAY.

THURSDAY, 1ST JUNE, 1865.

ORDER OF THE DAY :—

1. COUNTY COURTS LAW AMENDMENT BILL—To be further considered in Committee.

TUESDAY, 6TH JUNE.

ORDERS OF THE DAY :—

1. INSOLVENCY LAW CONSOLIDATION BILL—Further consideration of Amendments recommended by the Governor.
2. JURIES BILL—Further consideration of Amendments recommended by the Governor.

MEETINGS
OF
SELECT COMMITTEES.

Thursday, 1st June.

PRINTING—at ten minutes to 4 o'clock.

Tuesday, 6th June.

MARKETS—at 3 o'clock.

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

VICTORIA.

No. 43.

Minutes of the Proceedings

OF THE

LEGISLATIVE COUNCIL.

THURSDAY, 1ST JUNE, 1865.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the Prayer.

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

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

“An Act for the consolidation of the Law relating to County Courts.”

“An Act to consolidate the Laws relating to Medical Practitioners.”

“An Act to consolidate the Law relating to Savings Banks.”

“An Act to consolidate the Laws relating to Public Health.”

“An Act to consolidate the Law relating to the Management of Towns and other populous places, and for the Suppression of various Offences.”

“An Act to consolidate the Laws relating to the Volunteer Force.”

“An Act to consolidate and amend the Law relating to Justices of the Peace and Courts of General and Petty Sessions.”

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

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

“C. H. DARLING,

“Governor.”

The Clerk of the Parliaments delivered to Mr. Speaker a schedule of the Acts assented to. The Legislative Assembly withdrew.

His Excellency the Governor left the Council Chamber.

COUNTY COURTS LAW AMENDMENT BILL.—The Order of the Day for the further consideration of this Bill in Committee of the whole Council being read, the President left the Chair. The Chairman of Committees reported that the Committee had gone through the Bill, and had agreed to the same with amendments.

The Honorable T. H. Fellows moved, That the Bill be now re-committed on the 4th, 5th, and 8th clauses.

Question—put and passed.

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

The President left the Chair.

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

Ordered—That the adoption of the Report of the Committee be made an Order of the Day for Tuesday, the 13th instant.

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

MR. PRESIDENT—

The Legislative Assembly return to the Legislative Council the Bill intituled
*“An Act to repeal the thirty-eighth section of the Act of Incorporation of the Melbourne
 and Hobson’s Bay Railway Company upon the payment and expenditure of certain
 Sums of Money and to relieve the United Company formed by the amalgamation of*

“the said Company with the Melbourne Railway Company from certain reservations in their Crown grants and to make provisions respecting Bridges and Level Crossings and for other purposes,” and acquaint them that the Legislative Assembly have agreed to the amendments made therein by the Legislative Council.

Legislative Assembly Chamber,
Melbourne, 31st May, 1865.

FRANS. MURPHY,
Speaker.

MR. PRESIDENT,

The Legislative Assembly return to the Legislative Council the Bill intituled *“An Act to authorise the sale and purchase of the St. Kilda and Brighton Railway and for other purposes,”* and acquaint them that the Legislative Assembly have agreed to the amendments made therein by the Legislative Council.

Legislative Assembly Chamber,
Melbourne, 1st June, 1865.

FRANS. MURPHY,
Speaker.

MR. PRESIDENT,

The Legislative Assembly transmit to the Legislative Council a Bill intituled *“An Act to consolidate the Law relating to the Constitution of the Supreme Court,”* also a Bill intituled *“An Act to simplify the title to and the dealings with Estates in Land,”* with which they desire the concurrence of the Legislative Council.

Legislative Assembly Chamber,
Melbourne, 1st June, 1865.

FRANS. MURPHY,
Speaker.

MR. PRESIDENT,

The Legislative Assembly transmit to the Legislative Council a Bill intituled *“An Act to incorporate a Company for the purpose of making constructing and maintaining a Tramway or Railway between the Boroughs of Sandhurst and Inglewood to be called ‘The Sandhurst and Inglewood Tramway Company,’”* with which they desire the concurrence of the Legislative Council.

Legislative Assembly Chamber,
Melbourne, 1st June, 1865.

FRANS. MURPHY,
Speaker.

MR. PRESIDENT,

The Legislative Assembly return to the Legislative Council the Bill intituled *“An Act to amend the Law relating to the Post Office,”* and acquaint them that the Legislative Assembly have agreed to some of the amendments made by the Legislative Council in this Bill, that they have disagreed to others of such amendments, and agreed to another of the said amendments with amendments, with which they desire the concurrence of the Legislative Council.

Legislative Assembly Chamber,
Melbourne, 1st June, 1865.

FRANS. MURPHY,
Speaker.

SUPREME COURT LAW CONSOLIDATION BILL.—The Honorable M. Hervey moved, That this Bill be now read a first time, printed, and read a second time on Thursday next.

Question—put and passed.
Bill read a first time.

POST OFFICE LAW AMENDMENT BILL.—The Honorable M. Hervey moved, That the consideration of the Message from the Legislative Assembly with this Bill be made an Order of the Day for Tuesday next.

Question—put and passed.

TRANSFER OF REAL ESTATE BILL.—The Honorable M. Hervey moved, That this Bill be now read a first time, printed, and read a second time on Tuesday next.

Question—put and passed.
Bill read a first time.

SANDHURST, INGLEWOOD, AND LODDON DISTRICT TRAMWAY BILL.—The Honorable C. Sladen produced a certificate showing that a sum of Twenty pounds had been paid into the hands of the Treasurer for the public uses of the colony, to meet the expenses of this Bill, and moved, That the Bill be now read a first time.

Question—put and passed.
Bill read a first time.

The Honorable C. Sladen moved, That a Message be sent to the Legislative Assembly, requesting them to communicate to the Council Copies of the Report and Proceedings of the Select Committee of that House to which the Bill may have been referred during the present Session of Parliament.

Question—put and passed.

The Council adjourned at a quarter past five o'clock until four o'clock on Tuesday, the 6th instant.

NOTICES OF MOTION AND ORDERS OF THE DAY.

TUESDAY, 6TH JUNE, 1865.

NOTICES OF MOTION:—

1. The Hon. J. P. FAWKNER: To move, That the Standing Orders Committee do meet and revise the Standing Orders on the absence of Members without leave.
2. The Hon. T. H. FELLOWS: To move, That, as the power of recommending amendments in Bills which have passed both Houses is unknown to the Imperial Parliament, it ought not, in the opinion of this House, to be exercised, except for the correction of errors in such Bills.

ORDERS OF THE DAY:—

1. INSOLVENCY LAW CONSOLIDATION BILL.—Further consideration of Amendments recommended by the Governor.
2. JURIES BILL.—Further consideration of Amendments recommended by the Governor.
3. POST OFFICE LAW AMENDMENT BILL.—Consideration of Message from Legislative Assembly.
4. TRANSFER OF REAL ESTATE BILL.—To be read a second time.

THURSDAY, 8TH JUNE.

1. SUPREME COURT LAW CONSOLIDATION BILL.—To be read a second time.

TUESDAY, 13TH JUNE.

1. COUNTY COURTS LAW AMENDMENT BILL.—Adoption of report.

MEETING
OF
SELECT COMMITTEE.

Tuesday, 6th June.

MARKETS—at 3 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, 6TH JUNE, 1865.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the Prayer.

ABSENCE OF MEMBERS WITHOUT LEAVE.—The Honorable J. P. Fawcner, in accordance with *amended* notice, moved, That it be an instruction to the Standing Orders Committee to consider, with a view to the revision of, the Standing Order, No. 18, regulating the absence of members.

Question—put and passed.

PRINTING COMMITTEE.—FOURTH REPORT.—The Honorable J. P. Fawcner brought up the Fourth Report of the Printing Committee, and moved that the same be adopted and printed.

Question—put and passed.

INSOLVENCY LAW CONSOLIDATION BILL.—The Order of the Day for the further consideration of the amendments recommended by His Excellency the Governor in this Bill being read, the Honorable M. Hervey moved, That the amendments be now agreed to, as follows:—

Second Clause.—In the last line but one, after “same” insert the following words; “And any Act passed during the present Session of Parliament to simplify the title to and the dealing with estates in land.”

At the end of clause 2, insert the following words “all Acts or parts of Acts and any provisions thereof in force at the time of the coming into operation hereof whereby any deeds instruments or registrations or any other acts matters transactions or things are protected against or are affected by the law relating to insolvency shall be deemed and taken to apply to the provisions of this Act.”

Question—put and passed.

JURIES BILL.—The Order of the Day for the further consideration of the amendments recommended by His Excellency the Governor in this Bill being read, the Honorable M. Hervey moved, That the amendments be now agreed to, as follows:—

Clause 18, line 8, for “ten” substitute “five.”

Clause 20, line 3, for “two” substitute “one;” line 7, for “four” substitute “two;”

line 8, for “fourteen” substitute “seven;” line 9, for “ten” substitute “five;”

line 10, for “four” substitute “two.”

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 recommended by the Governor in the Insolvency Law Consolidation Bill and in the Juries Bill.

POST OFFICE LAW AMENDMENT BILL.—The Order of the Day for the consideration of the Message from the Legislative Assembly returning this Bill being read, the Honorable M. Hervey moved, That the amendments made by the Legislative Assembly in the amendments made by the Legislative Council in clause 8, line 46, of the Bill, be agreed to as follows:—

After “bags” insert “or papers.”

In same line omit “round the neck.”

Question—put and passed.

The Honorable M. Hervey moved, That the Council do not insist on their amendments in clauses 10 and 70, with which the Legislative Assembly have disagreed.

Question—put and passed.

Ordered—That a Message be sent to the Legislative Assembly to acquaint them that the Council agree to the amendments made by the Legislative Assembly on the amendment made by the Council in clause 8, line 46, of the Bill, and that they do not insist on the amendments with which the Legislative Assembly have disagreed in clauses 10 and 70 of the Bill.

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 Consolidate the Laws relating to the Constitution and the Parliament of Victoria,*" with which they desire the concurrence of the Legislative Council.

FRANS. MURPHY,
Speaker.

Legislative Assembly Chamber,
Melbourne, 6th June, 1865.

MR. PRESIDENT,

The Legislative Assembly transmit to the Legislative Council Copies of the Report and Evidence taken before the Select Committee on the Bill intituled "*An Act to incorporate a Company for the purpose of making constructing and maintaining a Tramway or Railway between the Boroughs of Sandhurst and Inglewood to be called 'The Sandhurst and Inglewood Tramway Company,'*" as requested by the Legislative Council.

FRANS. MURPHY,
Speaker.

Legislative Assembly Chamber,
Melbourne, 6th June, 1865.

CONSTITUTION LAW CONSOLIDATION BILL.—The Honorable M. Hervey 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.

POSTPONEMENT.—The following Order of the Day was postponed until Wednesday, the 7th instant :—

"*Transfer of Real Estate Bill*"—To be read a second time.

AMENDMENTS IN BILLS WHICH HAVE PASSED BOTH HOUSES.—The Honorable T. H. Fellows, in accordance with notice, moved, That, as the power of recommending amendments in Bills which have passed both Houses is unknown to the Imperial Parliament, it ought not, in the opinion of this House, to be exercised, except for the correction of errors in such Bills.

Amendment moved by the Honorable C. J. Jenner, That all amendments recommended in any Bill by the Governor in Council shall be printed and circulated three days at least previously to being introduced into this House.

The President ruled, That the amendment was not in order.

The Honorable G. W. Cole moved, That the amendment moved by the Honorable C. J. Jenner is in order.

Debate ensued.

Question—That the amendment moved by the Honorable C. J. Jenner is in order—put and negatived.

Question—That, as the power of recommending amendments in Bills which have passed both Houses is unknown to the Imperial Parliament, it ought not, in the opinion of this House, to be exercised, except for the correction of errors in such Bills—put and passed.

The Council adjourned at five o'clock until four o'clock on Wednesday, the 7th instant.

NOTICES OF MOTION AND ORDERS OF THE DAY.

WEDNESDAY, 7TH JUNE, 1865.

Government Business.

ORDERS OF THE DAY :—

1. CONSTITUTION LAW CONSOLIDATION BILL.—Consideration of Message from Legislative Assembly.
2. TRANSFER OF REAL ESTATE BILL.—To be read a second time.

General Business.

NOTICES OF MOTION :—

1. The Hon. J. F. STRACHAN : To move, That a Return be laid upon the Table of this House shewing :—
 - (1.) The original cost of the Yan Yean water works.
 - (2.) The revenue arising therefrom, with the sources from whence derived.

- (3.) The mode in which said revenue has been appropriated, and specifying the amount of debentures paid off.
- (4.) The rates paid by recipients at Melbourne and suburbs for water supply from the Yan Yean, and specifying whether said rates are compulsory on each householder; such Return to be made up to 31st December, 1864.
2. The Hon. W. H. F. MITCHELL: To move the suspension of Standing Order 115, in order that the Inglewood Tramway Bill may be read a second time.

THURSDAY, 8TH JUNE.

1. SUPREME COURT LAW CONSOLIDATION BILL.—To be read a second time.

TUESDAY, 13TH JUNE.

1. COUNTY COURTS LAW AMENDMENT BILL.—Adoption of report.
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MEETINGS
OF
SELECT COMMITTEES.

Thursday, 8th June.

MARKETS—at 3 o'clock.

Tuesday, 13th June.

STANDING ORDERS—at half-past 3 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, 7TH JUNE, 1865.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the Prayer.

CONSTITUTION LAW CONSOLIDATION BILL.—The Order of the Day for the consideration of the Message from the Legislative Assembly with this Bill being read, the Honorable M. Hervey moved, That the Bill be now read a first time, printed, and read a second time on Wednesday next.

Question—put and passed.

Bill read a first time.

TRANSFER OF REAL ESTATE BILL.—The Order of the Day for the second reading of this Bill being read, the Honorable M. Hervey moved, That the Bill be now read a second time. Debate ensued.

Amendment moved by the Honorable J. P. Fawkner, That the word “now” be omitted with a view to add the words “on Tuesday the 20th instant” after the word “time.”

Debate ensued.

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

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

Question—That the Bill be read a second time on Tuesday, the 20th instant—put and passed.

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

MR. PRESIDENT,

The Legislative Assembly transmit to the Legislative Council a Bill intituled “*An Act to amend and Consolidate the Laws relating to Public Works,*” with which they desire the concurrence of the Legislative Council.

FRANS. MURPHY,
Speaker.

Legislative Assembly Chamber,
Melbourne, 7th June, 1865.

MR. PRESIDENT,

The Legislative Assembly transmit to the Legislative Council a Message from His Excellency the Governor recommending certain amendments to be made in the Bill intituled “*An Act to consolidate and amend the Law relating to Electors and Elections of Members to serve in Parliament,*” and acquaint the Legislative Council that the Legislative Assembly have agreed to the amendments recommended by His Excellency the Governor, and request the concurrence of the Legislative Council in those amendments.

FRANS. MURPHY,
Speaker.

Legislative Assembly Chamber,
Melbourne, 7th June, 1865.

C. H. DARLING,

Governor.

Message No.

In pursuance of the 36th section of the Constitution Act, the Governor transmits to the Legislative Assembly for consideration, the following amendments which he recommends to be made in the Bill intituled “*An Act to consolidate and amend the Law relating to Electors and Elections of Members to serve in Parliament.*”

Clause 15, line 1, after the first “the” insert the words “boundaries and.”

„ line 4, before “divisions” insert the words “the boundaries and.”

Add to the end of the clause the following words :—“and each of the said electoral districts shall return the number of members assigned thereto in the said schedule.”

In the second schedule insert the boundaries of the respective provinces and districts, and the number of members for each district as follow :—

BOUNDARIES OF THE ELECTORAL PROVINCES OF THE LEGISLATIVE COUNCIL.

1. CENTRAL PROVINCE.

Section 15 Commencing at a point on the coast of Port Phillip Bay which is the south-eastern corner of portion A in section No. 3 parish of Cut-paw-paw bounded on the west by the section line bearing due north as far as the north-eastern corner of section No. 16 thence by a road also bearing north to the south-west corner of portion 4 in section No. 21 on the north by a road running east from last-mentioned point to the Saltwater River thence by a continuation of the said road to the south-west corner of portion 9 in section No. 5 in the parish of Dousta Galla thence by the sectional line bearing due east crossing the Moonee Ponds the main road to Sydney and the Merri Creek which sectional line forms the southern boundaries of portions 91 90 and 89 in the parish of Jika Jika as far as the south-east corner of portion 89 aforesaid on the east by the sectional line bearing south from the said point in portion 89 to the south-western corner of portion 113 where it strikes the River Yarra Yarra again on the north by the said River Yarra Yarra to the north-western corner of portion 59 in the parish of Boroondara thence on the east by the western boundary of the said portion 59 till it strikes the road running due south to the Yarra Yarra River thence by the said road to the Yarra Yarra River by the course of the said river to the north-eastern corner of portion No. 18 in the parish of Prahran thence again on the east by a road bearing due south from the last-mentioned point to the south-eastern corner of portion No. 32 east of Elsternwick on the south by a road bearing west from the last-mentioned point till it strikes the sea coast thence by the line of sea coast crossing the mouth of the said Yarra Yarra River to the point of commencement Five

2. SOUTH PROVINCE.

Including part of County Bourke and the Counties Evelyn and Mornington.

PART OF BOURKE:—Bounded on the south-west and west by the Werribee River to its source in the Great Dividing Range on the north by the Great Dividing Range from the source of the Werribee River to that of the Plenty River on the east by the Plenty River from its source to its confluence with the Yarra Yarra thence by the Yarra Yarra River upwards to the confluence of the Deep Creek thence by the Deep Creek upwards to the point where the main stream commences to run in a north-easterly direction thence by a line south two miles fifty-eight chains from the aforesaid bend to Dandenong Creek thence by that creek downward to the Carrum Swamp on the south by the Carrum Swamp and Mordialloc Creek to its embouchure at the Long Beach below Ben Ben Gin and on the remainder of the south by the shores of Port Phillip Bay to the mouth of the Werribee River aforesaid excluding the country comprised within the boundaries of the Central Province.

EVELYN:—Bounded on the west by part of the eastern boundary of the County of Bourke namely first by the River Plenty from its source to the River Yarra Yarra thence by the River Yarra upwards to the confluence of the Deep Creek thence by that creek upwards to the range between the Yarra Yarra and the Dandenong Creek on the south-east and north by the range forming the basin of the River Yarra Yarra.

MORNINGTON:—Bounded on the north by part of the southern boundary of the County of Evelyn being the dividing range from the source of the Buneep Buneep River to the head of the Deep Creek thence by that creek to the point where the main stream commences to run in a north-west direction on the west by a line south two miles fifty-eight chains from the aforesaid bend to Dandenong Creek thence by that creek downwards to the Carrum Swamp by that swamp and the Mordialloc Creek to its embouchure at the Long Beach below Ben Ben Gin thence by the shores of Port Phillip Bay to Point Nepean on the south-west and south by the sea coast from Point Nepean to Cape Patterson and on the east by a line north from Cape Patterson to the Warringrin Range thence along the said range in a northerly direction to the north of the Buneep Buneep River and by that river to its source in the Dividing Range including French and Phillip Island and the small islands in Western Port Bay ... Five.

3 SOUTH-WESTERN PROVINCE.

Including the Counties of Grant Grenville and Polwarth.

GRANT:—Bounded on the east by the western boundary of the County of Bourke being the Werribee River from its mouth to its source in the Great Dividing Range on the north by the Great Dividing Range extending

from the source of the Werribee River to that of the Yarrowee River on the west and south-west by the Yarrowee River to its confluence with the Barwon River thence by the Barwon River upwards to a creek in H. Hopkins' purchased land by this creek upwards and a line bearing south-east across the Dividing Range to the head of the Salt Creek two miles forty-eight chains thence by the Salt Creek to the sea coast north of Point Roadknight on the south by the sea coast and on the remainder of the east by the waters of Port Phillip to the mouth of the Werribee River including the small islands near the channels at the mouth of Port Phillip and those of Geelong Bay.

Number of Members
of the Legislative
Council assigned
to and to be re-
turned for each
Electoral Pro-
vince.

GRENVILLE:—Bounded on the west by the eastern boundary of the County of Hampden namely a line southerly from Emu Creek to Gnarkeet Ponds thence by the Gnarkeet Ponds to Lake Korangamite thence by the western shore of that lake to a point east of Lake Pormbeet on the south by part of the northern boundary of the County of Heytesbury and the northern boundary of the County of Polwarth namely the southern shore of Lake Korangamite thence an east line from Lake Korangamite to the north end of Lake Colac thence by the north shore of Lake Colac to the point due west from the source of Birregurra Creek and from that point by a line east to the source of Birregurra Creek thence by that creek downwards to its confluence with the Barwon on the east by the River Barwon to its confluence with Yarrowee River thence by the Yarrowee River up to its source in the Great Dividing Range and on the north by part of the Great Dividing Range to the source of Burrambeet Creek thence by that creek and the southern shores of Lake Burrambeet to the point where Bailie's Creek leaves the lake by Bailie's Creek to its confluence with Emu Creek thence by Emu Creek down to the point north of the source of Gnarkeet Ponds aforesaid.

POLWARTH:—Bounded on the west by the eastern boundary of the County of Heytesbury namely the Gellibrand River upwards to its source thence by the range to the head of the Pirron Yallock Creek by this creek to Lake Korangamite on the north by the south-eastern shore of Lake Korangamite and an east line from Lake Korangamite to the north end of Lake Colac thence by the north shore of Lake Colac to the point due west from the source of the Birregurra Creek from that point by a line east to the source of the Birregurra Creek thence by the Birregurra Creek to its confluence with the River Barwon thence following the source of the River Barwon to a creek in H. Hopkins' purchased land on the north-east by this creek upwards and a line across the Dividing Range to the head of the Salt Creek bearing south-east two miles forty chains thence by the Salt Creek to the sea coast north of Point Roadknight and on the south-east and south by the sea coast to the mouth of the Gellibrand River... Five

4. WESTERN PROVINCE.

Including the Counties of Ripon Hampden Heytesbury Villiers Normanby Dundas and Follett.

RIPON:—Bounded on the west by the Grampian Range (which divides the waters of the Wimmera and Glenelg Rivers from those of the River Hopkins) to the rocky extremity near Mount Abrupt on the south by a line easterly to the source of the first creek which joins the River Hopkins above Wiselaskie's Station on the western side and by that creek to the River Hopkins thence by a line east to Lake Boloke thence by the southern shores of Lake Boloke to the mouth of the Prackmingerrin Creek and by that creek upwards to a point where a great bend of the creek turns northward thence by a line to a point in Emu Creek about one mile below and to the west of the confluence of Broken Creek on the south-east and east by Emu Creek to the confluence with Bailie's Creek by Bailie's Creek to Lake Burrumbeet the southern shores of Lake Burrumbeet and Burrumbeet Creek to its source in the Great Dividing Range and on the north by the Great Dividing Range to the western boundary aforesaid.

HAMPDEN:—Bounded on the west by the River Hopkins upwards from the confluence of the Emu Creek to the point opposite to the mouth of the small creek above Wiselaskie's Station dividing it from the County of Villiers on the north by the southern boundary of the County of Ripon being a line east from the confluence of that creek near Wiselaskie's Station already mentioned to Lake Boloke then by the southern shore of Lake Boloke to the mouth of the Prackmingerrin Creek then by that creek upwards until it reaches a spot where it forms a great bend to the northward from that point by a line in a south-easterly direction to Emu Creek about one mile below and westward of the mouth of Broken Creek

thence by Emu Creek to the point north of the source of Gnarkeet Ponds then on the east by the west boundary of the County of Grenville namely first by a line southerly to the source of Gnarkeet Ponds then by Gnarkeet Ponds to Lake Korangamite and thence by the west shore of Lake Korangamite to a point east of Lake Pormbeet and on the south by a direct line to the north end of Lake Pormbeet and from the north end of Lake Pormbeet to the nearest part of Emu Creek and thence by Emu Creek to its confluence with the River Hopkins.

Number of Members
of the Legislative
Council assigned
to and to be re-
turned for each
Electoral Pro-
vince.

HEXTESBURY :—Bounded on the north-west and north by part of the eastern boundary of the County of Villiers and the southern boundary of the County of Hampden being the Hopkins River from its estuary to the confluence of the Emu Creek and a line easterly to the north end of Lake Burrumbeet thence by a line east to Lake Korangamite by the southern shore of that lake to the mouth of the Pirron Yalloak Creek on the east and south-east by the Pirron Yalloak Creek to its source thence by a range to the head of the Gellibrand River by the Gellibrand River to the sea coast and on the south-west and west by the sea coast to the estuary of the Hopkins River.

VILLIERS :—Bounded on the west by a line due south from the Grange Burn to the mouth of the Swamp Creek thence by this creek upwards to its source by a line to the head of the western branch of the River Shaw thence by the west branch of the River Shaw to the sea on the south by the sea to the entrance of the River Hopkins on the east by the said River Hopkins to the confluence of the creek above Wiselaskie's Station and by that creek to its source on the north by a line westward from the source of the last named creek to the rocky extremity of the Grampians near Mount Abrupt thence by the principal range of the Grampians to Mount Sturgeon and by a line south-westerly to the north-east corner of the County of Normanby at the Grange Burn including all the islands at Port Fairy.

NORMANBY :—Bounded on the north by the Grange Burn and Wannan River until the latter joins the Glenelg River on the west by the Glenelg River until it reaches the sea on the south by the sea shore to the mouth of the Shaw River and on the east by the western branch of the Shaw River to its source thence a line northerly to the source of the Swamp Creek by that creek to where it empties itself into the Mount Napier Swamp and thence by a line due north six miles fifteen chains to the Grange Burn including the Lawrence and Lady Julia Percy's Islands.

DUNDAS :—Bounded on the west and north by the Glenelg River upwards from the confluence of the Wannan to its source between the Victoria Range and Grampians near Mount William on the east by the Grampians to its rocky extremity near Mount Abrupt thence to Mount Sturgeon and by a line crossing the Wannan River to the north-east corner of the County of Normanby at the Grange Burn and on the south by the Grange Burn and the Wannan River to its confluence with the Glenelg.

FOLLETT :—Bounded on the west by the one hundred and forty-first meridian being the line dividing the Colony of Victoria from South Australia on the south and east by the Glenelg River upwards to its confluence with Power's Creek and on the north-east and north by Power's Creek to its source thence a line westward to the head of Mosquito Creek and by that creek to the boundary line Five.

5. NORTH-WESTERN PROVINCE.

Including the Counties of Talbot and Dalhousie and the Pastoral District of the Wimmera and of the Loddon except the proposed County of Rodney.

TALBOT :—Bounded on the north-west and north by the south-western branch of the Loddon River from its source near Mount Cole to its confluence with the main stream thence by the Loddon River upwards to the confluence of Mount Alexander Creek by this creek to its source under Mount Alexander thence by Mount Alexander Range to the head of Myrtle Creek and by this creek to its confluence with the Coliban River on the east by the Coliban River upwards to its source being part of the western boundary of the County of Dalhousie and on the south by the Great Dividing Range to the source of the south-western branch of the Loddon River near Mount Cole.

DALHOUSIE :—Bounded on the west by the River Coliban from its source in the Great Dividing Range to its confluence with the Campaspe River and by the Campaspe River down to the confluence of Mount Ida Creek on the north by Mount Ida Creek to its source near Mount Ida by the Dividing

Range to the source of Sandy Creek and by the Sandy Creek to Goulburn River on the east by the Goulburn River upwards until it joins the Dabyminga Creek and by that creek to its source in the Dividing Range and on the south by the Great Dividing Range.

Number of Members of the Legislative Council assigned to and to be returned for each Electoral Province.

WIMMERA:—Bounded on the east by a line from Mount Cole to the source of the Avoca River thence by the Avoca River to Lake Bael Bael thence by a line due north to the River Murray on the north by the River Murray to the South Australian frontier on the west by the South Australian frontier south to Mosquito Creek on the south by Mosquito Creek to its head thence by a line to the source of Power's Creek by Power's Creek to its junction with the Glenelg River by this River to its source between the Victoria Range and the Grampians near Mount William and by the Dividing Range easterly to Mount Cole.

LODDON:—Bounded on the south by part of the Counties of Dalhousie Talbot and Ripon from the Campaspe River to the source of the Avoca River on the west by the Avoca River to Lake Bael Bael and thence by a line due north to the River Murray on the north and north-east by the River Murray and on the east by the Campaspe River to the point of commencement ... Five.

6. EASTERN PROVINCE.

Including the County of Anglesey the proposed County of Rodney and the Pastoral Districts of the Murray and Gipps Land.

ANGLESEY:—Bounded on the west by part of the eastern boundary of the County of Dalhousie namely from the River Goulburn upwards from the confluence of Hughes' Creek to the confluence of the Dabyminga Creek thence by the Dabyminga Creek upwards to its source in the Great Dividing Range on the south by the Great Dividing Range to the main source of the River Goulburn on the east by the range dividing the waters of the main source of the River Goulburn and Big Rivers from those of the Rubicon and Snod-pon-dock Creek northward to Mount Torbrick thence by Jerusalem Creek to its confluence with the River Goulburn thence by the River Goulburn downwards to the confluence of the Devil's River thence by the Devil's River and its north-west arm to the Dividing Range between the last named arm and the Septimus Creek and on the north by that range to the source of Hughes' Creek thence by Hughes' Creek down to its confluence with the River Goulburn.

RODNEY:—Commencing at the confluence of the Rivers Campaspe and Coliban thence by a line south-easterly to the McIvor or Paterson's Creek above John Hunter Paterson's sheep station thence by a line north-easterly to the confluence of Hughes' Creek with the River Goulburn and by that River to the Murray thence by the River Murray to its confluence with the River Campaspe and by the River Campaspe upwards to the confluence of the Rivers Campaspe and Coliban aforesaid.

MURRAY:—Bounded on the south and west by the Counties of Evelyn and Anglesey and the River Goulburn to its junction with the Murray on the north and north-east by the River Murray and on the south-east by the Dividing Range (Alps).

GIPPS LAND:—Bounded on the south and east by the sea on the north by a line running in a westerly direction from Cape Howe to the source of the nearest tributary of the Murray and the Australian Alps again on the west by the Alps and the Counties of Evelyn and Mornington ... Five.

BOUNDARIES OF THE ELECTORAL DISTRICTS OF THE LEGISLATIVE ASSEMBLY.

1. THE ELECTORAL DISTRICT OF ARARAT.

Commencing at the south-western angle of the agricultural reserve of Crowlands thence south eighteen miles thence west sixteen miles thence north eighteen miles and thence east sixteen miles to the commencing point ... Two.

Number of Members of the Legislative Assembly assigned to and returned for each Electoral District.

2. THE ELECTORAL DISTRICT OF AVOCA.

Commencing at the source of the River Avoca in the Main Dividing Range thence northwards by that River and by a line bearing north to the River Murray thence by the River Murray to the River Loddon thence southwards by the River Loddon to McNeil's Creek thence by McNeil's Creek to the Main Dividing Range and thence westerly by the Main Dividing Range to the commencing point aforesaid including the parish of Tarnagulla ... Two.

3. THE ELECTORAL DISTRICT OF BALLARAT EAST.

Bounded on the north by the Great Dividing Range on the east by the western branch of the River Moorabool on the west by the River Leigh or Yarrowee and on the south by a line drawn from a point on the said River Leigh three miles south of the southern boundary of the Town Reserve of Ballarat due east to the western branch of the River Moorabool aforesaid Two.

Number of Members of the Legislative Assembly assigned to and returned for each Electoral District.

4. THE ELECTORAL DISTRICT OF BALLARAT WEST.

Commencing at the source of the Burrumbeet Creek in the Great Dividing Range thence by the Burrumbeet Creek and the eastern and southern shores of Lake Burrumbeet to Bailie's Creek thence by Bailie's Creek to the Main Road from Carngham to Buninyong thence eastward by that road to the Woadi Yaloak Creek thence southwards by the Woadi Yaloak Creek to a point due west of the south-western angle of Learmonth's pre-emptive right thence by a line east to the River Leigh or Yarrowee thence northwards by that river to the Main Dividing Range and thence westward by the Main Dividing Range to the commencing point Two.

5. THE ELECTORAL DISTRICT OF BELFAST.

Commencing at a point on the sea coast being the south-east angle of section 7 parish of Belfast thence by a line bearing north 7 degrees 52 minutes west being the eastern boundary of sections 7 8 9 and 10 to the southern boundary of section 24 in the parish aforesaid thence by a line easterly being the southern boundary of sections 24 25 26 and 27 to the River Moyne thence by the western side of the River Moyne to the Belfast Lough thence by a line south-easterly crossing the said lough to the northern angle of suburban portion 38A in the said parish of Belfast thence by the north-eastern boundary of the said portion to the sea coast and thence by the sea coast to the commencing point aforesaid including the islands at the mouth of the River Moyne One.

6. THE ELECTORAL DISTRICT OF EAST BOURKE.

Bounded on the north by the Great Dividing Range from the source of the River Plenty to that of the north-eastern branch of the Saltwater River near Big Hill on the west by the Saltwater River downwards to the south western angle of section 12 parish of Bulla Bulla thence by the southern boundary of the said portion and by a line bearing east to the source of the Moonee Ponds in section X. parish of Yuroke thence by the Moonee Ponds southerly to the north-western angle of portion CXLII. parish of Jika Jika thence by a line bearing east and by the northern eastern and southern boundaries of the Town Reserve of Pentridge to the Merri Creek thence southwards by the Merri Creek to the south-western angle of portion CXXXIII. in the parish of Jika Jika thence by a line bearing east to the Darebin Creek thence by the Darebin Creek to the River Yarra Yarra thence by the River Yarra Yarra to its junction with the River Plenty and thence by the River Plenty to its source in the Dividing Range Two.

7. THE ELECTORAL DISTRICT OF THE EAST BOURKE BOROUGHS.

Commencing at a point on the east bank of the Moonee Ponds being the north-western angle of portion of CXLII. parish of Jika Jika thence by a line bearing east and by the northern eastern and southern boundaries of the town reserve of Pentridge to the Merri Creek thence southwards by the Merri Creek to the south-western angle of portion CXXXIII. in the said parish thence by a line bearing east to the Darebin Creek thence southwards by the Darebin Creek to the River Yarra Yarra thence by the River Yarra Yarra to the Merri Creek aforesaid thence northwards by the Merri Creek to the south-eastern angle of portion XC. in the said parish thence west by the southern boundaries of portion XC. and XCI. to the Moonee Ponds aforesaid and thence northward by the Moonee Ponds to the commencing point One.

8. THE ELECTORAL DISTRICT OF SOUTH BOURKE.

Bounded on the north and west by the Yarra Yarra River from its mouth to its confluence with the Deep Creek on the east by the Deep Creek and a line south 2 miles and 53 chains from that creek to Dandenong

Creek by that creek to the northern margin of the Carrum Swamp by the Carrum Swamp and the Mordialloc Creek to the beach below Ben Ben Gin thence by the shores of Port Phillip Bay to the mouth of the Yarra Yarra River aforesaid excepting the country included in the electoral districts of St. Kilda South Melbourne and Brighton

Number of Mem-
bers of the Legis-
lative Assembly
assigned to and
returned for each
Electoral Dis-
trict.

Two.

9. THE ELECTORAL DISTRICT OF WEST BOURKE.

Bounded on the north by the Great Dividing Range from the source of the River Werribee to that of the north-eastern branch of the Saltwater River near Big Hill on the east by the Saltwater River to the south-western corner of portion 12 parish of Bulla Bulla thence by the southern boundary of the said section and by a line east to the source of the Moonee Ponds in section X. parish of Yuroke thence by the Moonee Ponds southerly to Flemington Bridge thence by a line south to the River Yarra Yarra on the south by the River Yarra Yarra and the shores of Port Phillip Bay to the mouth of the River Werribee on the west by the River Werribee to its source in the Great Dividing Range being the commencing point excepting the country included in the electoral district of Williamstown

Three.

10. THE ELECTORAL DISTRICT OF BRIGHTON.

Commencing on the sea coast at the south-west angle of section 25 parish of Moorabbin thence by a line east to the south-east angle of section 55 on the east by a line bearing north being the parish boundary from the said point to the north-east angle of section 63 on the north by a road bearing west to the sea coast and on the west by the sea coast to the commencing point

One.

11. THE ELECTORAL DISTRICT OF CASTLEMAINE.

Commencing at the junction of the Limestone Creek with the River Loddon thence by that creek to its source thence by a line east to the Middleton Creek thence by the Middleton Creek to its junction with the River Loddon thence by a line east to the River Coliban thence by the River Coliban to the Myrtle Creek thence by the Myrtle Creek to the Mount Alexander Range thence by the Mount Alexander Range Barker's Creek and the River Loddon to the commencing point including Castlemaine Muckleford and Harcourt hereafter described as follows that is to say—

CASTLEMAINE.

Commencing at a point 1 chain 50 links north from the north-west angle of section 39 township of Castlemaine bounded by lines bearing east 38 chains south 160 chains west 83 chains north 160 chains and east 42 chains to the commencing point

Three.

MUCKLEFORD.

Commencing at the south-eastern angle of allotment 50 section 7 thence north 200 chains thence west 200 chains thence south 240 chains thence east 200 chains thence north to the commencing point

HARCOURT.

Commencing at the south-western angle of portion 27 section 4 bounded on the east by a line north to the north-western angle of portion 27 section 3 on the north by a line west to the main road to Sandhurst on the west by a line south crossing Barker's Creek 160 chains and on the south by a line east 80 chains to the commencing point

12. THE ELECTORAL DISTRICT OF COLLINGWOOD.

Commencing at that point in the centre of Victoria-parade intersected by a line passing through the centre of Nicholson-street thence north by a line passing through the centre of Nicholson-street and by a line bearing north to the southern boundary of a portion 90 parish Jika Jika thence east by the southern boundary of that portion to the Merri Creek thence southwards by the Merri Creek and the River Yarra Yarra to a point due east of the centre of Victoria-street and thence by a line bearing west and by lines passing through the centre of Victoria-street and Victoria-parade to the commencing point

Three.

13. THE ELECTORAL DISTRICT OF CRESWICK.

Commencing at the junction of the Green Gully with the River Loddon thence by that gully to its head thence by a line west to the range dividing the waters of Joyce's Creek and the Deep Creek thence northward by that range to a point due east of the south-east angle of the parish of Carisbrook thence by a line due west to McNeil's Creek

thence by McNeil's Creek to its source in the Main Dividing Range thence eastward by the Main Dividing Range to the source of the River Coliban thence northwards by the River Coliban to a point due east of the junction of the Middleton Creek and the River Loddon thence by a line bearing west to the said junction thence southwards by the Middleton Creek to a point due east of the source of the Limestone Creek thence by a line bearing west to the said source thence northwards by the Limestone Creek to the River Loddon and thence by the River Loddon to the commencing point Two.

Number of Mem-
bers of the Legis-
lative Assembly
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trict.

14. THE ELECTORAL DISTRICT OF CROWLANDS.

Bounded on the west by the Yarriambiack Creek from the junction of the River Wimmera to Lake Corong thence by a line north to the Murray again on the west by a tributary of the River Wimmera to its source near Brigg's Bluff in the Grampians thence southwards by the Grampians Range on the south by the Dividing Range on the east by the River Avoca and a line north to the Murray and on the north by the Murray excepting the country included within the electoral district of Ararat ... Two.

15. THE ELECTORAL DISTRICT OF DALHOUSIE.

ANGLESEY.

Bounded on the west by part of the eastern boundary of the County of Dalhousie namely by the River Goulburn from the confluence of Hughes' Creek to the confluence of Dabyminga Creek thence by Dabyminga Creek to its source in the Great Dividing Range on the south by the Great Dividing Range to the main source of the River Goulburn on the east by the range dividing the waters of the main source of the Goulburn and Big Rivers from those of the Rubicon and Snod-pon-dock Creek northward to Mount Torbrick thence by Jerusalem Creek to its confluence with the River Goulburn thence by the River Goulburn to the confluence of the River Delatite thence by the River Delatite and its north-west arm to the Dividing Range between the last named arm and Septimus Creek and on the north by that range to the source of Hughes's Creek and thence by Hughes's Creek to its confluence with the River Goulburn excepting the country included in the Boroughs of Seymour and Avenel One.

DALHOUSIE.

Commencing at the junction of the Rivers Campaspe and Coliban thence by a line south-easterly to the source of the McIvor or Patterson's Creek thence by a line north-east to the confluence of Hughes' Creek with the River Goulburn on the east by the River Goulburn until it joins the Dabyminga Creek by that Creek to its source in the Dividing Range on the south by the Dividing Range to the source of the River Coliban and on the west by the last mentioned river to its junction with the River Campaspe being the commencing point excepting the country included in the electoral districts of the Kyneton Boroughs Murray Boroughs and Kilmore

16. THE ELECTORAL DISTRICT OF DUNDAS.

DUNDAS.

Bounded on the west and north by the River Glenelg from the confluence of the Wannon to its source between the Victoria Range and the Grampians near Mount William on the east by the Grampians to their base near Mount Abrupt thence to Mount Sturgeon and by a line crossing the Wannon River to the north-east angle of the county of Normanby at the Grange Burn and on the south by the Grange Burn and the Wannon to its confluence with the Glenelg One.

FOLLETT.

Bounded on the west by the one hundred and forty-first meridian being the line dividing Victoria from South Australia on the south and east by the Glenelg River upwards to its confluence with Power's Creek and on the north-east and north by Power's Creek to its source thence by a line westward to the head of Mosquito Creek and by that creek to the boundary line

17. THE ELECTORAL DISTRICT OF EMERALD HILL.

Commencing at a point on the south bank of the River Yarra due south from the Gas Works thence by a line south-easterly to a point on the shores of Hobson's Bay twenty chains more or less westward of the Battery thence by the sea coast to Fitz Roy-street St. Kilda thence by that street and the Main Brighton Road to Prince's Bridge and thence by the River Yarra to the commencing point One.

18. THE ELECTORAL DISTRICT OF EVELYN.

Bounded on the west by part of the eastern boundary of the County of Bourke that is to say—by the River Plenty from its source to the River Yarra Yarra thence by the River Yarra Yarra to the confluence of the Deep Creek thence by that creek to the range between the River Yarra Yarra and the Dandenong Creek on the south-east and north by the range forming the basin of the River Yarra Yarra One.

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lative Assembly
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trict.

19. THE ELECTORAL DISTRICT OF GEELONG EAST.

Commencing at the north-western angle of the town reserve of Geelong thence by a line south to the River Barwon thence westward and north-westward by the River Barwon to the western boundary of the reserve at the junction of the Moorabool and Barwon thence east by the northern boundary of section 25 parish of Barrabool thence south by the eastern boundaries of sections 25 and 11 and by part of the eastern boundary of section 7 all in the same parish thence south-easterly by a curved line crossing the Waurn Chain of Ponds to the southern boundary of section 3 parish of Connewarre thence east by the southern boundaries of sections 3 and 4 in the same parish thence north-easterly by a curved line crossing the River Barwon to the south-eastern angle of section 11 in the parish of Moolap thence by the eastern boundary of that section and a line north to the shores of Corio Bay and thence by the shores of Corio Bay to the north-western angle of the town reserve the commencing point aforesaid including the remaining portion of the reserve at Point Henry Two.

20. THE ELECTORAL DISTRICT OF GEELONG WEST.

Bounded on the north and north-west by a line drawn at a distance of two miles from the north-western angle of the town reserve of Geelong as a centre from the western shore of Corio Bay near Cowie's Creek to a road leading to the River Barwon on the west by that road on the south-west and south by the River Barwon and on the east by the western boundary of the town reserve of Geelong and the shores of Corio Bay including the reserve at the junction of the Barwon and Moorabool Two.

21. THE ELECTORAL DISTRICT OF NORTH GIPPS LAND.

Bounded on the south and east by the sea on the north by a line bearing west from Cape Howe to the source of the nearest tributary of the Murray and by the Alps and on the west by the Alps and the counties of Evelyn and Mornington excepting the country comprised in the Electoral District of South Gipps Land One.

22. THE ELECTORAL DISTRICT OF SOUTH GIPPS LAND.

Commencing at the mouth of Merryman's Creek on the Ninety Mile Beach bounded on the north by Merryman's Creek to where the road from Tarraville to Rosedale crosses said creek near Bayless's pre-emptive right thence by a line west fourteen degrees to Buneep on the west by the counties of Evelyn and Mornington to Cape Patterson and on the south and south-east by the sea coast to the commencing point One.

23. THE ELECTORAL DISTRICT OF SOUTH GRANT.

Commencing at the mouth of the River Werribee thence by the river to the western boundary of the town reserve of Ballan thence by a line south-westerly to the source of Williamson's Creek thence by that creek to the River Yarrowee thence by that river to its confluence with the River Barwon thence by the River Barwon to Hopkins Creek thence by that creek and a line south-east across the Dividing Range to the head of the Salt Creek two miles and forty-eight chains thence by the Salt Creek to the sea coast north of Point Roadknight and thence by the sea coast and the shores of Port Phillip Bay to the mouth of the River Werribee the commencing point including the small islands near the channels of the mouth of Port Phillip Bay and Geelong Bay and excepting the country included in the electoral districts of Geelong East and Geelong West... Three.

24. THE ELECTORAL DISTRICT OF GRENVILLE.

Commencing at a point on Bailie's Creek intersected by the main road at Carngham thence eastward by the main road from Carngham to Buninyong to the Woadi Yaloak Creek thence by the Woadi Yaloak Creek to a point west of the south-west angle of Learmonth's pre-emptive right thence by a line east to the River Leigh or Yarrowee thence northwards by the River Leigh or Yarrowee to a point three miles south of

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trict.

the southern boundary of the Town Reserve of Ballarat thence by a line bearing east to the western branch of the River Moorabool thence by that western branch to the Dividing Range thence east by the Great Dividing Range to the River Werribee thence southwards by that river to the western boundary of the Town Reserve of Ballan thence by a line south-westerly to the source of Williamson's Creek thence southwards by that Creek to the River Leigh or Yarrowee thence southwards by that river to the main road from Shelford to Lismore thence westwards by that road to the Gnarkeet Ponds thence northward by the Gnarkeet Ponds and a line north to the Emu Creek and thence by the Emu Creek and Bailie's Creek to the commencing point Two.

25. THE ELECTORAL DISTRICT OF KILMORE.

Commencing at a point on the eastern branch of Korukuruc Creek two miles 55 chains south of its junction with the main stream and bounded on the north by a line east from the said point to Dry Creek on the east by the western branch of the Dry Creek to its source thence by a line south to the boundary of the County of Bourke on the south by the said boundary to the source of the eastern branch of the aforesaid Korukuruc Creek and on the west by that eastern branch to the commencing point One.

26. THE ELECTORAL DISTRICT OF THE KYNETON BOROUGHS.

KYNETON CARLSRUHE AND PART OF MALMSBURY.

Commencing at the south-east angle of section B 3 east of Carlsruhe thence north 3 miles 40 chains thence west 4 miles thence north 3 miles thence west 4 miles thence north 3 miles thence west to the River Coliban by that river to the southern boundary of the parish of Lauriston by that boundary to the River Campaspe and thence to the south-western angle of section A1 and by the southern boundary of the parish of Carlsruhe to the point of commencement One.

WOODEND.

Commencing at the south-western angle of section A1 south of Carlsruhe bounded on the north by the southern boundary of the said section and of sections B2 B3 to the south-eastern angle of the said section B3 east of Carlsruhe on the east by a line south to the northern boundary of section 72 parish of Woodend thence east to the north-east angle of the said section 22 parish of Woodend thence south 80 chains crossing angle of section 22 parish of Woodend thence south 80 chains crossing the Five Mile Creek thence west 80 chains thence north to the Five Mile Creek and on the south-west and west by the Five Mile Creek and River Campaspe to the commencing point One.

27. THE ELECTORAL DISTRICT OF MALDON.

Bounded on the north by a line drawn from the junction of McNeil's Creek and the River Loddon to Barker's Creek near Mount Prospect thence on the east by Barker's Creek and Campbell's Creek to the River Loddon and thence by the River Loddon to the commencing point excepting the country included within the electoral district of Castlemaine One.

28. THE ELECTORAL DISTRICT OF MANDURANG.

Bounded on the north by the Murray on the east by the Campaspe on the south by the Myrtle Creek and the northern boundary of Maldon and on the west by the River Loddon excluding the parish of Tarnagulla and the electoral district of Sandhurst Two.

29. THE ELECTORAL DISTRICT OF MARYBOROUGH.

Commencing at the junction of the Green Gully with the River Loddon thence by that gully to its head thence by a line west to the range dividing the waters of Joyce's Creek and the Deep Creek thence northwards by that range to a point due east of the south-east angle of the parish of Carisbrook thence by a line due west to McNeil's Creek thence by McNeil's Creek and the River Loddon to the commencing point ... Two.

30. THE ELECTORAL DISTRICT OF EAST MELBOURNE.

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bers of the Legis-
lative Assembly
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Electoral Dis-
trict.

Commencing at that point on the north bank of the River Yarra Yarra inter-
sected by a line passing through the centre of Elizabeth-street thence
north-westerly by a line passing through the centre of Elizabeth-street to
Victoria-street thence east by a line passing through the centre of Vic-
toria-street and Victoria-parade to Gisborne-street thence southward by
the eastern side of Gisborne-street and a line bearing south to the River
Yarra Yarra and thence westerly by the north bank of the River Yarra
Yarra to the commencing point Two.

31. THE ELECTORAL DISTRICT OF NORTH MELBOURNE.

Commencing at that point in the centre of Victoria-parade intersected by a
line passing through the centre of Nicholson-street thence north by a
line passing through the centre of Nicholson-street and by a line bearing
north to the southern boundary of portion 90 parish of Jika Jika thence
west by the southern boundary of that portion and by the southern
boundary of portion 91 to the Moonee Ponds thence southward by the
Moonee Ponds to the site of Main's bridge thence by a line bearing south
to a point due west of Victoria-street thence by a line bearing east
(including the Benevolent Asylum reserve) and by a line passing through
the centre of Victoria-street and Victoria-parade to Nicholson-street the
commencing point Two.

32. THE ELECTORAL DISTRICT OF WEST MELBOURNE.

Commencing at that point on the north bank of the River Yarra Yarra inter-
sected by a line passing through the centre of Elizabeth-street thence
north-westerly by a line passing through the centre of Elizabeth-street to
Victoria-street thence west by a line passing through the centre of Victoria-
street and by a line bearing west (excluding the Benevolent Asylum
reserve) to the western boundary of the city thence south by the western
boundary of the city to the River Yarra Yarra and thence easterly by
the north bank of the River Yarra Yarra to Elizabeth-street the com-
mencing point aforesaid Two.

33. THE ELECTORAL DISTRICT OF MORNINGTON.

Bounded on the north by part of the southern boundary of the County of
Evelyn being the dividing range from the source of the River Buneep
Buneep to the source of the Deep Creek thence by that creek and a line
south 2 miles 58 chains to Dandenong Creek thence by that creek to the
Carrum Swamp by that swamp and the Mordialloc Creek to its mouth at
the Long Beach below Ben Ben Gin thence by the shores of Port
Phillip Bay to Point Nepean on the south-west and south by the sea
coast from Point Nepean to Cape Patterson on the east by a line north
from Cape Patterson to the Warringrin Range thence along the said
range in a northerly direction to the mouth of the River Buneep Buneep
and by that river to its source in the Dividing Range including French
and Phillip Islands and the small islands in Western Port Bay ... One

34. THE ELECTORAL DISTRICT OF THE MURRAY.

Bounded on the south and west by the Counties of Evelyn and Anglesey and
the River Goulburn to its junction with the River Murray on the north
and north-east by the River Murray and on the east and south-east by
the Great Dividing Range excepting the country comprised in the
electoral districts of the Murray Boroughs and the Ovens One.

35. THE ELECTORAL DISTRICT OF THE MURRAY BOROUGHES.

WOODONGA.

Commencing at a point on the Woodonga Creek being the north-east angle of
suburban section A thence on the east by a line bearing south 15 chains
50 links thence west by a line 40 chains thence south 21 chains 20
links thence west 117 chains 30 links thence north 60 chains thence
east 70 chains to the Woodonga Creek and by the left bank of the said
creek to the commencing point... ..

WANGARATTA.

Commencing at a point on the left bank of the River Ovens 120 chains north-
west of its junction with the River King from that point south 360
chains thence east 440 chains thence north 360 chains crossing Reedy
Creek and thence west 440 chains again crossing Reedy Creek and the
River Ovens to the commencing point.

BENALLA.

Commencing at a point on the north-east tributary of the Broken River being the south-east angle of suburban allotment 4 section 8 thence by a line north to the north-east angle of suburban allotment 5 section 4 thence west to the north-west angle of suburban allotment 1 section 1 thence south-west by a line 50 chains to the north-west angle of suburban allotment 1 section 16 thence south to the south-west angle of suburban allotment 5 section 12 thence east to the south-east angle of suburban allotment 4 section 9 thence by the Broken River and its tributary aforesaid to the commencing point

Number of Mem-
bers of the Legis-
lative Assembly
assigned to and
returned for each
Electoral Dis-
trict.

EUROA.

Commencing 5 chains south of a point on the Seven Creeks being the south-east angle of suburban section 6 thence by a line west 190 chains thence north to the north-west angle of suburban section A 3 thence by the northern boundary of the said section to the Seven Creeks thence by the said Seven Creeks to the north-west angle of suburban section B2 thence east to the north-east angle of suburban section 2 thence by a line south to the northern boundary of suburban section C1 where the said boundary crosses the Seven Creeks thence east to the north-east angle of the said section thence by the eastern boundaries of suburban sections C and D and the Seven Creeks and a line south to the commencing point

One.

AVENEL.

Commencing at a point on Hughes's Creek being the south-east angle of suburban portion E6 thence west 118 chains thence north 155 chains 40 links crossing Hughes's Creek thence east 134 chains 60 links thence south 134 chains 40 links thence west to Hughes's Creek and by the said creek to the commencing point

SEYMOUR.

Commencing at a point on Whitehead's Creek being on the north-eastern boundary of the township of Seymour thence west 200 chains thence south 160 chains thence east 120 chains thence south 200 chains thence east 130 chains to a point on the River Goulburn by the course of the said river to another point 80 chains eastward of the first-mentioned point on the said river thence north 344 chains crossing Whitehead's Creek thence west 130 chains recrossing Whitehead's Creek to the commencing point

36. THE ELECTORAL DISTRICT OF NORMANBY.

Bounded on the north by the Grange Burn and Wannan River until the latter joins the Glenelg River on the west by the Glenelg River until it reaches the sea on the south by the sea shore to the mouth of the Shaw River and on the east by the western branch of the Shaw River thence by a line northerly to the source of the Swamp Creek and by that creek to where it empties itself into the Mount Napier Swamp and thence by a line due north six miles fifteen chains to the Grange Burn including the Lawrence and Lady Julia Percy's Islands excepting the country included within the Electoral District of Portland

One.

37. THE ELECTORAL DISTRICT OF THE OVENS.

Commencing at the junction of Whorouly Creek with the River Ovens thence by a line bearing north to the River Murray thence by that river to its junction with the Mitta Mitta thence by the said last mentioned river to the junction thereof with the Little River thence southward by the Little River to its source in the Dividing Range thence by the Dividing Range and a line south to a point on the Ovens River nine miles above its junction with the River Buckland on the south by a line from the last mentioned point to the source of the River Buckland thence by the Dividing Range to the source of the River Buffalo and thence by the River Buffalo and the River Ovens to the commencing point excepting the country comprised within the borough of Woodonga

Two.

38. THE ELECTORAL DISTRICT OF POLWARTH AND SOUTH GRENVILLE.
POLWARTH.

Bounded on the west by the River Gellibrand upwards to its source thence by the range to the source of the Pirron Yaloak Creek thence by the Pirron Yaloak Creek to Lake Korangamite thence by the south-eastern shores of Lake Korangamite and a line bearing east to the northern shores of Lake Colac thence by the shores of that Lake to a point due west of the source of the Birregurra Creek thence by a line east and by the Birregurra Creek to the River Barwon thence by the River Barwon to Hopkins's Creek thence by Hopkins's Creek and a line across the Dividing Range to the Salt Creek thence by the Salt Creek to the sea coast north of Point Roadknight and thence by the sea coast to the River Gellibrand ...

Number of Members of the Legislative Assembly assigned to and returned for each Electoral District.

One.

SOUTH GRENVILLE.

Bounded on the north by the main road between Portland and Geelong from its intersection with the River Yarrowee to the Gnarkeet Ponds on the west by the Gnarkeet Ponds to Lake Korangamite thence by the western shores of that lake to a point east of Pormbeet on the south by the southern shores of Lake Korangamite and by a line east from Lake Korangamite to the north shore of Lake Colac thence by the north shore of Lake Colac to a point west of the Birregurra Creek thence by a line to the source of the Birregurra Creek thence by that creek to its confluence with the Barwon and on the east by the Rivers Barwon and Yarrowee to the commencing point ...

39. THE ELECTORAL DISTRICT OF PORTLAND.

Commencing at a point on the beach at Portland Bay eight chains east from the northern angle of allotment thirty-one northern suburbans bounded on the north by a line bearing west seventy-two chains more or less on the west by a line bearing south two hundred and thirty-three chains and thirty-four links more or less on the south by a line bearing east to the sea coast and on the west by the sea coast to the commencing point ...

One.

40. THE ELECTORAL DISTRICT OF RICHMOND.

Commencing at a point on the Yarra Yarra River due south of the south-eastern side of Gisborne-street thence by a line bearing north to Gisborne-street thence by the east side of Gisborne-street to Victoria-parade thence by a line passing through the centres of Victoria-parade and Victoria-street and a prolongation of that line to the Yarra Yarra River and on the east and south by the Yarra Yarra River to the commencing point ...

Two.

41. THE ELECTORAL DISTRICT OF RIPON AND HAMPDEN.

RIPON.

Bounded on the west by the Grampian Range (which divides the waters of the Wimmera and Glenelg Rivers from those of the River Hopkins) to the rocky extremity near Mount Abrupt on the south by a line easterly to the source of the first creek which joins the River Hopkins about Wiselaskie's Station on the western side and by that creek to the River Hopkins thence by a line east to Lake Boloke thence by the southern shores of Lake Boloke to the mouth of the Prackningerrin Creek and by that creek upwards to a point where a great bend of the creek turns northward thence by a line to a point in Emu Creek about one mile below and to the west of the confluence of Broken Creek on the south-east and east by Emu Creek to the confluence with Bailie's Creek by Bailie's Creek to Lake Burrumbeet by the southern shores of Lake Burrumbeet and Burrumbeet Creek to its source in the Great Dividing Range and on the north by the Great Dividing Range to the western boundary aforesaid excepting the country included in the electoral district of Ararat ...

HAMPDEN.

Bounded on the west by the River Hopkins upwards from the confluence of the Emu Creek to the point opposite to the mouth of the small creek above Wiselaskie's Station dividing it from the County of Villiers on the north by the southern boundary of the County of Ripon being a line east from the confluence of the creek near Wiselaskie's Station already mentioned to

One.

Lake Boloke then by the southern shore of Lake Boloke to the mouth of the Prackningerrin Creek thence by that creek upwards until it reaches a spot where it forms a great bend to the northward from that point by a line in a south-easterly direction to Emu Creek about one mile below and westward of the mouth of Broken Creek thence by Emu Creek to the point north of the source of Gnarkeet Ponds thence on the east by the west boundary of the County of Grenville viz.—1st by a line southerly to the source of Gnarkeet Ponds thence by Gnarkeet Ponds to Laké Korangamite and thence by the west shore of Lake Korangamite to a point east of Lake Pormbeet and on the south by a direct line to the north end of Lake Pormbeet and from the north end of Lake Pormbeet to the nearest part of Emu Creek and thence by Emu Creek to its confluence with the River Hopkins

Number of Members of the Legislative Assembly assigned to and returned for each Electoral District.

42. THE ELECTORAL DISTRICT OF RODNEY.

Commencing at the confluence of the Rivers Campaspe and Coliban thence by a line south-westerly to the source of the McIvor or Patterson's Creek thence by a line north-easterly to the confluence of Hughes's Creek with the River Goulburn thence by the Rivers Goulburn Murray and Campaspe to the confluence of the Campaspe and Coliban aforesaid ... One.

43. THE ELECTORAL DISTRICT OF SANDHURST.

SANDHURST.

Commencing at a point on the Bendigo Creek 40 chains south of the junction of Ash-street and High-street thence east one mile and a half thence north four miles thence west two and a half miles crossing the Bendigo Creek thence south four miles thence east to the point of commencement

LOCKWOOD.

Commencing at the south-western angle of suburban allotment 23 section 1 bounded on the east by a line northward from that point to the south-eastern angle of portion 44 section 4 on the north by a line bearing west to the south-western angle of allotment No. 1 section 4 on the west by a line bearing south to a point due west from the commencing point and on the south by a line east to the south-west angle of suburban allotment No. 23 section 1 being the commencing point aforesaid Two.

44. THE ELECTORAL DISTRICT OF SANDRIDGE.

Commencing at the junction of the River Yarra and the Saltwater River thence by the River Yarra to a point due south of the Gas Works thence by a line south-easterly to a point on the shores of Hobson's Bay twenty chains more or less westward of the Battery thence by the sea coast and the River Yarra to the commencing point ... One.

45. THE ELECTORAL DISTRICT OF ST. KILDA.

Bounded on the east by a road bearing north from the south-east angle of portion No. 32 east of Elsternwick to the Yarra Yarra River on the north by the Yarra Yarra River to Prince's Bridge on the west by a road bearing south-east to the northern angle of section No. 46 thence by Fitz Roy-street St. Kilda to the sea coast thence by the sea coast and a road bearing east south of Elsternwick to the commencing point... Two

46. THE ELECTORAL DISTRICT OF VILLIERS AND HEYTESBURY.

VILLIERS.

Bounded on the west by a line south from the Grange Burn to the mouth of the Swamp Creek thence by that creek upwards to its source and by a line to the head of the western branch of the River Shaw thence by the west branch of the River Shaw to the sea on the south by the sea to the entrance of the River Hopkins on the east by the said River Hopkins to the confluence of the creek above Wiselaskie's Station and by that creek to its source on the north by a line westward from the source of the last named creek to the rocky extremity of the Grampians near Mount Abrupt thence by the principal range of the Grampians to Mount Sturgeon and by a line south-westerly to the north-east corner of the County of Normanby at the Grange Burn including all the islands at Port Fairy and exclusive of the Electoral Districts of Warrnambool and Belfast... Two.

HEYTESBURY.

Bounded on the west by the River Hopkins from its estuary to the confluence of the Emu Creek thence by Emu Creek to the point nearest Lake

Pormbeet thence by a line easterly to the north end of Lake Pormbeet thence by a line east to Lake Korangamite and by the southern shore of that lake to the mouth of the Pirron Yaloak Creek on the east and south east by the Pirron Yaloak Creek to its source thence by a range to the source of the Gellibrand River by that river to the sea coast and on south-west and west by the sea coast to the estuary of the River Hopkins

Number of Mem-
bers of the Legis-
lative Assembly
assigned to and
returned for each
Electoral Dis-
trict.

47. THE ELECTORAL DISTRICT OF WARRNAMBOOL.

Commencing at a point on the River Hopkins being the south-western angle of section 1 parish of Wangoom and bounded on the east by a line bearing north 80 chains on the north by a line bearing west to the Merri River on the west and south-west by the Merri River to its mouth on the south by the sea coast to Warrnambool Bay from the mouth of the said river to that of the River Hopkins and thence to the point of commencement One.

48. THE ELECTORAL DISTRICT OF WILLIAMSTOWN.

Commencing on the sea coast at the south-east angle of portion A section 3 parish of Cut-paw-paw bounded on the west by a line bearing north to the Stony Creek thence by the Stony Creek to the River Yarra Yarra thence by the River Yarra Yarra to the sea and thence by the sea coast to the commencing point One.

49. THE ELECTORAL DISTRICT OF THE WIMMERA.

Bounded on the east by the Grampians Range to Brigg's Bluff; thence by a tributary to the River Wimmera thence by the River Wimmera to the Yarriambiack Creek thence by the Yarriambiack Creek and a line north to the River Murray on the north by the River Murray on the west by the western boundary of the Province of Victoria and on the south by northern boundaries of the counties of Follett and Dundas One.

June 6, 1865.

PUBLIC WORKS LAW AMENDMENT AND CONSOLIDATION BILL.—The Honorable Mr. Hervey moved, That this Bill be now read a first time, printed, and read a second time on Wednesday next.

Question—put and passed.

Bill read a first time.

ELECTORAL LAW CONSOLIDATION AND AMENDMENT BILL.—The Honorable M. Hervey moved, That the consideration of the Message from the Legislative Assembly, with the amendments recommended by the Governor in this Bill, be made an Order of the Day for to-morrow.

Question—put and passed.

YAN YEAN WATER WORKS, COST OF.—The Honorable J. F. Strachan, in accordance with notice, moved, That a Return be laid upon the Table of this House, showing:—

- (1.) The original cost of the Yan Yean water works.
- (2.) The revenue arising therefrom, with the sources from whence derived.
- (3.) The mode in which said revenue has been appropriated, and specifying the amount of debentures paid off.
- (4.) The rates paid by recipients at Melbourne and suburbs for water supply from the Yan Yean, and specifying whether said rates are compulsory on each householder; such Return to be made up to 31st December, 1864.

Question—put and passed.

The Council adjourned at five minutes past five o'clock until four o'clock on Thursday, the 8th instant.

NOTICES OF MOTION AND ORDERS OF THE DAY.

THURSDAY, 8TH JUNE, 1865.

1. The Hon. J. F. STRACHAN: To ask the Honorable Member representing the Government, When it is the intention of the Government to bring the New Tariff Bill under the consideration of this House.

NOTICE OF MOTION:—

2. The Hon. C. SLADEN: To move, That a return be laid upon the Table, showing the staff now engaged in carrying out the Real Property Act, their salaries, functions, duties, and relative positions; also, the general expenditure of the Department, and the amount of fees received during 1864-5, and the amount of the Assurance Fund.

ORDERS OF THE DAY:—

1. SUPREME COURT LAW CONSOLIDATION BILL.—To be read a second time.
2. ELECTORAL LAW CONSOLIDATION AND AMENDMENT BILL.—Consideration of amendments recommended by the Governor.

TUESDAY, 13TH JUNE, 1865.

NOTICE OF MOTION :—

1. The Hon. W. H. F. MITCHELL : To move, That the Sandhurst, Inglewood, and Loddon District Tramway Company's Bill be now read a second time.

ORDER OF THE DAY :—

1. COUNTY COURTS LAW AMENDMENT BILL.—Adoption of report.

WEDNESDAY, 14TH JUNE.

Government Business.

ORDERS OF THE DAY :—

1. CONSTITUTION LAW CONSOLIDATION BILL.—To be read a second time.
2. PUBLIC WORKS LAW AMENDMENT AND CONSOLIDATION BILL.—To be read a second time.

TUESDAY, 20TH JUNE.

ORDER OF THE DAY :—

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

MEETINGS
OF
SELECT COMMITTEES.

Thursday, 8th June.

MARKETS—at 3 o'clock.

Tuesday, 13th June.

STANDING ORDERS—at half-past 3 o'clock.

G. W. RUSDEN,

Clerk of the Council and Clerk of the Parliaments.

VICTORIA.

No. 46.

Minutes of the Proceedings

OF THE

LEGISLATIVE COUNCIL.

THURSDAY, 8TH JUNE, 1865.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the Prayer.

MARKETS.—The Honorable J. P. Fawcner, as Chairman of the Committee, brought up the Report of the Select Committee, appointed on the 7th March, 1865, "to examine and report upon the Petition addressed to the Council by Market Gardeners, and to report on the whole question as set forth in the Petition," and moved, That the Report be printed and taken into consideration on Wednesday next.

Question—put and passed.

REAL PROPERTY ACT STAFF, EXPENDITURE, FEES, ASSURANCE.—The Honorable C. Sladen, in accordance with notice, moved, That a Return be laid upon the Table of the House, showing the staff now engaged in carrying out the Real Property Act, their salaries, functions, duties, and relative positions; also, the general expenditure of the Department, and the amount of fees received during 1864–5, and the amount of the Assurance Fund.

Question—put and passed.

PETITION.—The Honorable C. Sladen presented a Petition from the Judges of the Supreme Court, praying that certain provisions of the Supreme Court Law Consolidation Bill may not be passed.

Petition received.

The Petition was read at the Table by the Clerk.

The Honorable W. Highett moved, That the Petition be printed.

Question—put and passed.

POSTPONEMENT.—The following Order of the Day was postponed until Thursday, the 15th instant :—

"*Supreme Court Law Consolidation Bill*"—To be read a second time.

ELECTORAL LAW CONSOLIDATION AND AMENDMENT BILL.—The Order of the Day for the consideration of the amendments recommended by His Excellency the Governor in this Bill being read, the Honorable M. Hervey moved, That the House do concur with the Legislative Assembly in agreeing to the amendments recommended by the Governor in the Bill.

Debate ensued.

The Honorable T. H. Fellows moved, That the debate be adjourned.

Question—That the debate be adjourned—put and passed.

Ordered—That the debate be adjourned until Tuesday, the 13th instant.

The Council adjourned at five o'clock until four o'clock on Tuesday, the 13th instant.

NOTICES OF MOTION AND ORDERS OF THE DAY.

TUESDAY, 13TH JUNE, 1865.

1. The Hon. W. HIGHETT: To ask, Whether the Government are willing to reserve the agricultural areas proclaimed for sale, but not yet alienated, until it can be ascertained whether the results of the operations of the Land Act have as yet been in favor of *bonâ fide* settlement.

NOTICE OF MOTION :—

1. The Hon. W. H. F. MITCHELL : To move, That the Sandhurst, Inglewood, and Loddon District Tramway Company's Bill be now read a second time.

ORDERS OF THE DAY :—

1. COUNTY COURTS LAW AMENDMENT BILL.—Adoption of report.
2. ELECTORAL LAW CONSOLIDATION AND AMENDMENT BILL.—Adjourned debate on consideration of amendments recommended by the Governor.

WEDNESDAY, 14TH JUNE, 1865.

Government Business.

ORDERS OF THE DAY :—

1. CONSTITUTION LAW CONSOLIDATION BILL.—To be read a second time.
2. PUBLIC WORKS LAW AMENDMENT AND CONSOLIDATION BILL.—To be read a second time.

General Business.

ORDER OF THE DAY :—

1. MARKETS.—Consideration of Report of Select Committee.

THURSDAY, 15TH JUNE.

1. SUPREME COURT LAW CONSOLIDATION BILL.—To be read a second time.

TUESDAY, 20TH JUNE.

ORDER OF THE DAY :—

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

MEETING
OF
SELECT COMMITTEE.

Tuesday, 13th June.

STANDING ORDERS—at half-past 3 o'clock.

G. W. RUSDEN,

Clerk of the Council and Clerk of the Parliaments.

VICTORIA.

No. 47.

Minutes of the Proceedings

OF THE

LEGISLATIVE COUNCIL.

TUESDAY, 13TH JUNE, 1865.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the Prayer.

ROYAL ASSENT TO BILLS.—The President informed the Council that a communication had been received from the Private Secretary to His Excellency the Governor, intimating that it is the intention of His Excellency to proceed to the Legislative Council Chamber on Thursday, the 15th instant, at half-past four o'clock, to assent in Her Majesty's name to certain Bills.

SANDHURST, INGLEWOOD, AND LODDON DISTRICT TRAMWAY BILL.—The Honorable W. H. F. Mitchell, in accordance with notice, moved, That this Bill be now read a second time. Debate ensued.

Question—put and passed.

Bill read a second time.

The Honorable W. H. F. Mitchell moved, That the committal of the Bill be made an Order of the Day for to-morrow.

Question—put and passed.

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

MR. PRESIDENT,

The Legislative Assembly transmit to the Legislative Council a Bill intituled "*An Act to make permanent provision for a Mint in Victoria;*"

Also, a Bill intituled "*An Act to amend the Law relating to Acts of Parliament,*"

with which they desire the concurrence of the Legislative Council.

FRANS. MURPHY,
Speaker.

Legislative Assembly Chamber,
Melbourne, 13th June, 1865.

MR. PRESIDENT,

The Legislative Assembly transmit to the Legislative Council a Message from His Excellency the Governor, recommending an amendment to be made in the Bill intituled "*An Act to amend the Law relating to the Post Office,*" and acquaint the Legislative Council that the Legislative Assembly have agreed to the amendment recommended by the Governor in this Bill, with which they request the concurrence of the Legislative Council.

FRANS. MURPHY,
Speaker.

Legislative Assembly Chamber,
Melbourne, 13th June, 1865.

C. H. DARLING,

Governor.

Message No.

In pursuance of the 36th section of the Constitution Act, the Governor transmits to the Legislative Assembly the following amendment, which he recommends to be made in the Bill intituled "*An Act to amend the Law relating to the Post Office,*" presented to him for Her Majesty's assent:—

Clause 5, after figure "5" insert the words "Except wheré otherwise specially provided by any Act now or hereafter in force and."

Government Offices,
Melbourne, June, 1865.

INTERPRETATION OF ACTS BILL.—The Honorable M. Hervey moved, That this Bill be now read a first time, printed, and read a second time on Thursday next.

Question—put and passed.

Bill read a first time.

ROYAL MINT ESTABLISHMENT BILL.—The Honorable M. Hervey moved, That this Bill be now read a first time, printed, and read a second time on Thursday next.

Question—put and passed.

Bill read a first time.

- POST OFFICE LAW AMENDMENT BILL.—The Honorable M. Hervey moved, That the Message from the Legislative Assembly, with the amendments recommended by His Excellency the Governor in this Bill, be now taken into consideration.
 Amendment moved by the Honorable J. P. Fawkner, That the word “now” be omitted, with a view to add the words “this day week” after the word “consideration.”
 Debate ensued.
 Question—That the word “now,” proposed to be omitted, stand part of the question—put and passed.
 Question—That the Message be now taken into consideration—put and passed.
 Debate ensued.
 The Honorable J. P. Fawkner moved, That the debate be adjourned.
 Question—put and passed.
 Ordered—That the debate be adjourned until Thursday, the 15th instant.
- YAN YEAN WATER WORKS, COST OF.—The Honorable M. Hervey laid on the Table a Return to the Order of the Council made on the 7th instant.
 The Honorable J. P. Fawkner moved, That the Return be printed.
 Question—put and passed.
- COUNTY COURTS LAW AMENDMENT BILL.—The Order of the Day for the adoption of the Report of the Committee of the whole Council on this Bill being read, the Honorable T. H. Fellows moved, That the Report be now adopted.
 Question—put and passed.
 Ordered—That the third reading of this Bill be made an Order of the Day for Wednesday, the 14th instant.
- POSTPONEMENT.—The following Order of the Day was postponed until Tuesday, the 20th instant:—
 “*Electoral Law Consolidation and Amendment Bill*”—Adjourned debate on consideration of amendments recommended by the Governor.
- The Council adjourned at half-past five o'clock until four o'clock on Wednesday, the 14th instant

ORDERS OF THE DAY.

WEDNESDAY, 14TH JUNE, 1865.

Government Business.

ORDERS OF THE DAY:—

1. CONSTITUTION LAW CONSOLIDATION BILL.—To be read a second time.
2. PUBLIC WORKS LAW AMENDMENT AND CONSOLIDATION BILL.—To be read a second time.

General Business.

ORDERS OF THE DAY:—

1. MARKETS.—Consideration of Report of Select Committee.
2. SANDHURST, INGLEWOOD, AND LODDON DISTRICT TRAMWAY BILL.—To be committed.
3. COUNTY COURTS LAW AMENDMENT BILL.—To be read a third time.

THURSDAY, 15TH JUNE.

ORDERS OF THE DAY:—

1. SUPREME COURT LAW CONSOLIDATION BILL.—To be read a second time.
2. INTERPRETATION OF ACTS BILL.—To be read a second time.
3. ROYAL MINT ESTABLISHMENT BILL.—To be read a second time.
4. POST OFFICE LAW AMENDMENT BILL.—Adjourned debate on the consideration of amendments recommended by the Governor.

TUESDAY, 20TH JUNE.

ORDERS OF THE DAY:—

1. TRANSFER OF REAL ESTATE BILL.—To be read a second time.
2. ELECTORAL LAW CONSOLIDATION AND AMENDMENT BILL.—Adjourned debate on consideration of amendments recommended by the Governor.

MEETING OF SELECT COMMITTEE.

Wednesday, 14th June.

STANDING ORDERS—at half-past 3 o'clock.

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

VICTORIA.

No. 48.

Minutes of the Proceedings

OF THE

LEGISLATIVE COUNCIL.

WEDNESDAY, 14TH JUNE, 1865.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the Prayer.

PETITIONS.—The Honorable J. P. Fawcner presented a Petition from the Corporation of the Borough of Emerald Hill, and under the seal of that Borough, praying that the clauses relating to sewerage and water supply may be struck out of the Public Works Law Amendment and Consolidation Bill, now before the Council.

Petition received.

The Honorable J. P. Fawcner moved, That the Petition be referred to the Committee to which the Bill may be referred.

Question—put and passed.

The Honorable W. Hull presented a similar Petition, signed by Thomas Newham and others, inhabitants of the Borough of Richmond.

Petition received.

The Honorable S. G. Henty presented a similar Petition, signed by William Smith and others, inhabitants of the Borough of Kew.

Petition received.

The Honorable C. J. Jenner presented a similar Petition, signed by J. T. Smith and others, inhabitants of the City of Melbourne.

Petition received.

The Honorable G. W. Cole presented a similar Petition, from the Corporation of the City of Melbourne, and under the corporate seal of the City.

Petition received.

The Honorable W. Taylor presented a similar Petition, from the Corporation of the Borough of Hawthorn, and under the corporate seal of the Borough.

Petition received.

The Honorable T. H. Fellows presented a similar Petition, from the Corporation of the Borough of Prahran, and under the corporate seal of the Borough.

Petition received.

The Honorable T. H. Fellows moved, That the Petitions be referred to the Committee to which the Public Works Law Amendment and Consolidation Bill may be referred.

Question—put and passed.

STANDING ORDERS COMMITTEE REPORT.—The Honorable H. Miller, on behalf of the Chairman of the Committee, brought up a Report from the Committee on the Standing Orders of the House.

The Report was read at the table by the Clerk.

Ordered to lie on the Table.

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 provide for the Management of and the Administration of Justice in relation to Mining Interests*," with which they desire the concurrence of the Legislative Council.

FRANS. MURPHY,
Speaker.

Legislative Assembly Chamber,
Melbourne, 14th June, 1865.

MR. PRESIDENT,

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

FRANS. MURPHY,
Speaker.

Legislative Assembly Chamber,
Melbourne, 14th June, 1865.

MINING LAW AMENDMENT BILL.—The Honorable M. Hervey moved, That this Bill be now read a first time and be printed.

Question—put and passed.

Bill read a first time.

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

Amendment moved by the Honorable T. H. Fellows, That the words “Tuesday next” be omitted, with a view to insert the words “Thursday week” instead thereof.

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 second reading of the Bill be made an Order of the Day for Thursday week—put and passed.

HAWKERS AND PEDLERS LAW AMENDMENT BILL.—The Honorable C. J. Jenner moved, That this Bill be now read a first time, printed, and read a second time on Tuesday next.

Question—put and negatived.

The Honorable C. J. Jenner moved, That the consideration of the Message from the Legislative Assembly, with the Bill, be made an Order of the Day for Wednesday next.

Question—put and passed.

PAPER.—The Honorable M. Hervey laid on the Table the following Paper :—
Civil Establishment of Victoria, 1864.

Ordered to lie on the Table.

CONSTITUTION LAW CONSOLIDATION BILL.—The Order of the Day for the second reading of this Bill being read, the Honorable M. Hervey moved, That the Bill be now read a second time.

Debate ensued.

Amendment moved by the Honorable T. H. Fellows, 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 proposed to be omitted stand part of the question—put.

Council divided.

Contents, 4.
The Hon. M. Hervey
G. W. Cole
J. P. Bear
C. J. Jenner (*Teller*).

Not Contents, 15.
The Hon. T. H. Fellows
W. H. F. Mitchell
W. Taylor
W. Campbell
S. G. Henty
W. Degraives
H. M. Murphy
N. Fitzgerald
W. Highett
Dr. Wilkie
J. F. Strachan
J. P. Fawkner
W. Hull
H. Miller
C. Sladen (*Teller*).

The question was therefore 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.

PUBLIC WORKS LAW AMENDMENT AND CONSOLIDATION BILL.—The Order of the Day for the second reading of this Bill being read, the Honorable M. Hervey moved, That the Bill be now read a second time.

Debate ensued.

Question—put and passed.

Bill read a second time.

Ordered—That the said Bill be now considered in Committee of the whole Council.

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

The President left the 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 Thursday, the 15th instant :—

“*Markets*”—Consideration of Report of Select Committee.

“*Sandhurst, Inglewood, and Loddon District Tramway Bill*”—To be committed.

COUNTY COURTS LAW 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 W. H. F. Mitchell, was read a third time and *passed*.

The Honorable W. H. F. Mitchell moved, That the title of the Bill be "*An Act to provide for the better Administration of Justice in County Courts.*"

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 twenty minutes to seven o'clock until four o'clock on Thursday, the 15th instant.

ORDERS OF THE DAY.

THURSDAY, 15TH JUNE, 1865.

ORDERS OF THE DAY :—

1. SUPREME COURT LAW CONSOLIDATION BILL.—To be read a second time.
2. INTERPRETATION OF ACTS BILL.—To be read a second time.
3. ROYAL MINT ESTABLISHMENT BILL.—To be read a second time.
4. POST OFFICE LAW AMENDMENT BILL.—Adjourned debate on the consideration of amendments recommended by the Governor.
5. PUBLIC WORKS LAW AMENDMENT AND CONSOLIDATION BILL.—To be further considered in Committee.
6. MARKETS.—Consideration of Report of Select Committee.
7. SANDHURST, INGLEWOOD, AND LODDON DISTRICT TRAMWAY BILL.—To be committed.

TUESDAY, 20TH JUNE.

ORDERS OF THE DAY :—

1. TRANSFER OF REAL ESTATE BILL.—To be read a second time.
2. ELECTORAL LAW CONSOLIDATION AND AMENDMENT BILL.—Adjourned debate on consideration of amendments recommended by the Governor.

WEDNESDAY, 21ST JUNE.

General Business.

ORDER OF THE DAY :—

1. HAWKERS AND PEDLERS LAW AMENDMENT BILL.—Consideration of Message from Legislative Assembly.

THURSDAY, 22ND JUNE.

ORDER OF THE DAY :—

1. MINING LAW 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.

THURSDAY, 15TH JUNE, 1865.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the Prayer.

PETITION.—The Honorable J. P. Fawkner presented a Petition, signed by John Michael and others, inhabitants of the Borough of Fitz Roy, praying that the clauses relating to sewerage and water supply may be struck out of the Public Works Law Amendment and Consolidation Bill, now before the Council.

Petition received.

The Honorable J. P. Fawkner moved, That the Petition be referred to the Committee to which the Bill may be referred.

Question—put and passed.

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

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

“An Act to authorise the sale and purchase of the St. Kilda and Brighton Railway and for other purposes;”

“An Act to amalgamate the Melbourne and Hobson's Bay Railway Company and the Melbourne Railway Company and for other purposes;”

“An Act to repeal the thirty-eighth section of the Act of Incorporation of the Melbourne and Hobson's Bay Railway Company upon the payment and expenditure of certain Sums of Money and to relieve the United Company formed by the amalgamation of the said Company with the Melbourne Railway Company from certain reservations in their Crown Grants and to make provisions respecting Bridges and Level Crossings and for other purposes;”

“An Act to amend the Law for regulating Juries;”

“An Act to consolidate the law relating to Insolvents and their Estates;”

“An Act to consolidate the laws relating to the Pleading and Practice of the Supreme Court in its Common Law Jurisdiction;”

“An Act to amend an Act intituled ‘An Act to amend the Law relating to the Drainage of Quartz Reefs.’”

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

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

“C. H. DARLING,

“Governor.”

The Clerk of the Parliaments delivered to Mr. Speaker a Schedule of the Acts assented to. The Legislative Assembly withdrew.

His Excellency the Governor left the Council Chamber.

SUPREME COURT LAW CONSOLIDATION BILL.—The Honorable M. Hervey moved, That the Order of the Day for the second reading of this Bill be postponed until after the disposal of the fifth Order of the Day.

Question, That the Order of the Day be postponed—put and negatived.

The Order of the Day for the second reading of the Bill being read, the Honorable M. Hervey moved, That the Bill be now read a second time.

Debate ensued.

Question—put.

The President pointed out 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 to go to the right of the Chair.

It appeared that there were thirteen members voting for the second reading of the Bill, and seven against it.

The President declared, That the motion for the second reading of the Bill, not having been supported by an absolute majority of the members of the House, was lost.

PETITION.—The Honorable J. P. Fawcner presented a Petition signed by J. Bowring and others, inhabitants of East Collingwood, praying that the Clauses relating to Sewerage and Water Supply may be struck out of the Public Works Law Amendment and Consolidation Bill now before the Council.

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 explain and amend the Fisheries and Game Statute,*” with which they desire the concurrence of the Legislative Council.

FRANS. MURPHY,
Speaker.

Legislative Assembly Chamber,
Melbourne, 15th June, 1865.

FISHERIES AND GAME STATUTE AMENDMENT BILL.—The Honorable T. H. Fellows moved, That this Bill be now read a first time, printed, and read a second time on Wednesday next.

Question—put and passed.

Bill read a first time.

POSTPONEMENTS.—The following Orders of the Day were severally postponed until the days hereunder set down :—

“*Interpretation of Acts Bill*”—To be read a second time, Tuesday, 20th instant.

“*Royal Mint Establishment Bill*”—To be read a second time, Tuesday, 20th instant.

“*Post Office Law Amendment Bill*”—Adjourned debate on the consideration of amendments recommended by the Governor, Tuesday, 20th instant.

“*Public Works Law Amendment and Consolidation Bill*”—To be further considered in Committee, Tuesday, 20th instant.

“*Markets*”—Consideration of Report of Select Committee, Thursday, 22nd instant.

“*Sandhurst, Inglewood, and Loddon District Tramway Bill*”—To be committed Tuesday, 20th instant.

The Council adjourned at seven o'clock until four o'clock on Tuesday, the 20th instant.

NOTICES OF MOTION AND ORDERS OF THE DAY.

TUESDAY, 20TH JUNE, 1865.

NOTICES OF MOTION :—

1. The Hon. T. H. FELLOWS: To move, That an Address be presented to Her Majesty praying for the repeal of 22 Geo. III. c. 75, and 54 Geo. III. c. 61.
2. The Hon. M. HERVEY: To move, That, during the remainder of the Session, Friday be a day of business.

ORDERS OF THE DAY :—

1. TRANSFER OF REAL ESTATE BILL.—To be read a second time.
2. ELECTORAL LAW CONSOLIDATION AND AMENDMENT BILL.—Adjourned debate on consideration of amendments recommended by the Governor.
3. INTERPRETATION OF ACTS BILL.—To be read a second time.
4. ROYAL MINT ESTABLISHMENT BILL.—To be read a second time.
5. POST OFFICE LAW AMENDMENT BILL.—Adjourned debate on the consideration of amendments recommended by the Governor.
6. PUBLIC WORKS LAW AMENDMENT AND CONSOLIDATION BILL.—To be further considered in Committee.
7. SANDHURST, INGLEWOOD, AND LODDON DISTRICT TRAMWAY BILL.—To be committed.

WEDNESDAY, 21ST JUNE.

General Business.

ORDERS OF THE DAY :—

1. HAWKERS AND PEDLERS LAW AMENDMENT BILL.—Consideration of Message from Legislative Assembly.
2. FISHERIES AND GAME STATUTE AMENDMENT BILL.—To be read a second time.

THURSDAY, 22ND JUNE.

ORDERS OF THE DAY :—

1. MINING LAW AMENDMENT BILL.—To be read a second time.
2. MARKETS.—Consideration of Report of Select Committee.

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

VICTORIA.

No. 50.

Minutes of the Proceedings

OF THE

LEGISLATIVE COUNCIL.

TUESDAY, 20TH JUNE, 1865.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the Prayer.

SUPREME COURT LAW CONSOLIDATION BILL.—The President informed the Council that, on examining the ruling made by him on Thursday the 15th instant, with regard to the second reading of this Bill, he had come to the conclusion that the ruling was erroneous with reference to the Sixtieth Clause of the Constitution Act, and that the second reading of the Bill having been supported by a majority of the members present, namely, by thirteen votes against seven, had been duly carried.

The Honorable M. Hervey moved, That the committal of the Bill be made an Order of the Day for to-morrow.

Question—put and passed.

PAPER.—The Honorable M. Hervey laid on the Table the following Paper:—

Fine Arts Commission.—Second Progress Report.

Ordered to lie on the Table.

PETITION.—The Honorable T. H. Fellows presented a Petition from the Corporation of the City of Melbourne, and under the seal of the Corporation, praying that the Petitioners Works may be heard by counsel at the bar of the House, with reference to the Public Law Amendment and Consolidation Bill.

The Honorable M. Hervey moved, That the Petition be read.

Question—put and passed.

The Petition was read at the Table by the Clerk.

The Honorable T. H. Fellows moved, That the Mayor, Aldermen, Councillors, and Citizens of the city of Melbourne be heard by counsel at the Bar of this House, to-morrow, in relation to the Public Works Law Amendment and Consolidation Bill.

Debate ensued.

Question—put.

Council divided.

Contents, 10.
The Hon. T. H. Fellows
Dr. Wilkie
S. G. Henty
W. Hull
H. Miller
H. M. Murphy
W. Highett
J. P. Bear
B. Williams
W. Campbell (*Teller*).

Not Contents, 12.
The Hon. M. Hervey
W. H. F. Mitchell
J. Lowe
W. H. Pettett
C. J. Jenner
W. Degraives
N. Fitzgerald
G. W. Cole
J. F. Strachan
J. P. Fawkner
J. McCrae
C. Sladen (*Teller*).

The question was therefore negatived.

PETITIONS.—The Honorable T. H. Fellows presented a Petition from the Corporation of the Borough of St. Kilda, and under the seal of the borough, praying that the clauses relating to sewerage and water supply may be struck out from the Public Works Law Amendment and Consolidation Bill now before the Council.

Petition received.

The Honorable J. P. Bear presented a Petition from the Corporation of the Borough of Brighton, and under the seal of the borough, praying that the right of the inhabitants of that borough to participate in the Yan Yean water supply may be enforced in the Public Works Law Amendment and Consolidation Bill in such manner as the House may deem most advisable.

Petition received.

The Honorable J. P. Bear moved, That the Petition be referred to the Committee on the Bill.

Question—put and passed.

The Honorable T. H. Fellows moved, That the Petition from the Corporation of St. Kilda be referred to the Committee on the Bill.

Question—put and passed.

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

MR. PRESIDENT,

The Legislative Assembly return to the Legislative Council the Bill intituled "*An Act to legalize Preferable Liens on Yearly Crops,*" and acquaint them that the Legislative Assembly have agreed to the several amendments made therein by the Legislative Council.

Legislative Assembly Chamber,
Melbourne, 20th June, 1865.

FRANS. MURPHY,
Speaker.

MR. PRESIDENT,

The Legislative Assembly acquaint the Legislative Council that a print of a Bill intituled "*An Act to explain and amend the Fisheries and Game Statute,*" has been sent to the Legislative Council by mistake for a Bill bearing the same title, which the Legislative Assembly now transmit to the Legislative Council, and request their concurrence therein; and the Legislative Assembly further request that the Legislative Council will return to the Legislative Assembly the before-mentioned print of a Bill so transmitted by mistake as aforesaid.

Legislative Assembly Chamber,
Melbourne, 20th June, 1865.

FRANS. MURPHY,
Speaker.

FISHERIES AND GAME STATUTE AMENDMENT BILL (1).—The Honorable M. Hervey moved, That the Bill sent by mistake to the Legislative Council be returned to the Legislative Assembly, as requested by the Legislative Assembly.

Question—put and passed.

FRIDAY, A DAY OF BUSINESS.—The Honorable M. Hervey, in accordance with notice, moved, That, during the remainder of the Session, Friday be a day of business.

Question—put and passed.

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

"*Transfer of Real Estate Bill*"—To be read a second time.

"*Electoral Law Consolidation and Amendment Bill*"—Adjourned debate on consideration of amendments recommended by the Governor.

"*Interpretation of Acts Bill*"—To be read a second time.

"*Royal Mint Establishment Bill*"—To be read a second time.

"*Post Office Law Amendment Bill*"—Adjourned debate on consideration of amendments recommended by the Governor.

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

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

POSTPONEMENTS.—The following Orders of the Day were severally postponed until Wednesday, the 21st instant :—

"*Transfer of Real Estate Bill*"—To be read a second time.

"*Electoral Law Consolidation and Amendment Bill*"—Adjourned debate on consideration of amendments recommended by the Governor.

"*Interpretation of Acts Bill*"—To be read a second time.

"*Royal Mint Establishment Bill*"—To be read a second time.

"*Post Office Law Amendment Bill*"—Adjourned debate on consideration of amendments recommended by the Governor.

"*Sandhurst, Inglewood, and Loddon District Tramway Bill*"—To be committed.

The Council adjourned at ten minutes past six o'clock until four o'clock on Wednesday, the 21st instant.

ORDERS OF THE DAY.

 WEDNESDAY, 21ST JUNE, 1865.

The Hon. J. P. FAWKNER: To ask the honorable member representing the Government, Whether the Government has arrived at any decision as to the Essendon Railway.

Government Business.

ORDERS OF THE DAY :—

1. PUBLIC WORKS LAW AMENDMENT AND CONSOLIDATION BILL.—To be further considered in Committee.
2. SUPREME COURT LAW CONSOLIDATION BILL.—To be committed.
3. TRANSFER OF REAL ESTATE BILL.—To be read a second time.
4. ELECTORAL LAW CONSOLIDATION AND AMENDMENT BILL.—Adjourned debate on consideration of amendments recommended by the Governor.
5. INTERPRETATION OF ACTS BILL.—To be read a second time.
6. ROYAL MINT ESTABLISHMENT BILL.—To be read a second time.
7. POST OFFICE LAW AMENDMENT BILL.—Adjourned debate on the consideration of amendments recommended by the Governor.

General Business.

ORDERS OF THE DAY :—

1. HAWKERS AND PEDLERS LAW AMENDMENT BILL.—Consideration of Message from Legislative Assembly.
2. FISHERIES AND GAME STATUTE AMENDMENT BILL (1).—To be read a second time.
3. SANDHURST, INGLEWOOD, AND LODDON DISTRICT TRAMWAY BILL.—To be committed.

 THURSDAY, 22ND JUNE.

ORDERS OF THE DAY :—

1. MINING LAW AMENDMENT BILL.—To be read a second time.
2. MARKETS.—Consideration of Report of Select Committee.

G. W. RUSDEN,

Clerk of the Council and Clerk of the Parliaments.

VICTORIA.

No. 51.

Minutes of the Proceedings

OF THE

LEGISLATIVE COUNCIL.

WEDNESDAY, 21ST JUNE, 1865.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the Prayer.

FISHERIES AND GAME STATUTE AMENDMENT BILL (2).—The Honorable C. Sladen, with leave of the Council, moved, without notice, That this Bill, brought from the Legislative Assembly on the 20th instant, be now read a first time, printed, and read a second time on Friday next.

Question—put and passed.

Bill read a first time.

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

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

The Honorable M. Hervey moved, That the re-committal of the Bill be made an Order of the Day for to-morrow.

Question—put and passed.

SUPREME COURT LAW CONSOLIDATION BILL.—The Order of the Day for the committal of this Bill being read, the Honorable M. Hervey moved, That the Bill be now considered in Committee of the whole Council.

Question—put and passed.

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

The President left the Chair.

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

Ordered—That the adoption of the Report of the Committee be made an Order of the Day for to-morrow.

TRANSFER OF REAL ESTATE BILL.—The Order of the Day for the second reading of this Bill being read, the Honorable M. Hervey moved, That the Bill be now read a second time.

Amendment moved by the Honorable W. Highett, 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 proposed to be omitted stand part of the question—put.

Council divided.

Contents, 9.

The Hon. M. Hervey
G. W. Cole
Dr. Wilkie
J. Lowe
W. H. F. Mitchell
T. H. Fellows
J. P. Bear
W. Degraives
W. H. Pettett (*Teller*).

Not Contents, 13.

The Hon. W. Taylor
W. Campbell
S. G. Henty
H. M. Murphy
W. Hull
N. Fitzgerald
W. Highett
H. Miller
J. F. Strachan
J. P. Fawkner
C. J. Jenner
J. McCrae
C. Sladen (*Teller*).

The question was therefore 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.

ELECTORAL LAW CONSOLIDATION AND AMENDMENT BILL.—The Order of the Day for the adjourned debate on the consideration of the amendments in this Bill, recommended by His Excellency the Governor, being read, the Honorable T. H. Fellows moved, That the following amendments be agreed to:—

Clause 15, line 1, after the first “the” insert the words “boundaries and.”

„ line 4, before “divisions” insert the words “boundaries and.”

Question—put and passed.

The following amendment being read :—Add to the end of the clause “ and each of the said electoral districts shall return the number of members assigned thereto in the said schedule,” the Honorable T. H. Fellows moved, That, after the first word “ said,” the following words be inserted, “ electoral provinces and.”

Question—put and passed.

The Honorable T. H. Fellows moved, That after the word “ thereto ” the word “ re- spectively ” be inserted.

Question—put and passed.

The Honorable T. H. Fellows moved, That the boundaries of the Electoral Provinces, as recommended by the Governor, be inserted at the commencement of the Second Schedule of the Bill, as follows :—

BOUNDARIES OF THE ELECTORAL PROVINCES OF THE LEGISLATIVE COUNCIL.

1. CENTRAL PROVINCE.

Section 15. Commencing at a point on the coast of Port Phillip Bay which is the south-eastern corner of portion A in section No. 3 parish of Cut-paw-paw bounded on the west by the section line bearing due north as far as the north-eastern corner of section No. 16 thence by a road also bearing north to the south-west corner of portion 4 in section No. 21 on the north by a road running east from last-mentioned point to the Saltwater River thence by a continuation of the said road to the south-west corner of portion 9 in section No. 5 in the parish of Doutta Galla thence by the sectional line bearing due east crossing the Moonee Ponds the main road to Sydney and the Merri Creek which sectional line forms the southern boundaries of portions 91 90 and 89 in the parish of Jika Jika as far as the south-east corner of portion 89 aforesaid on the east by the sectional line bearing south from the said point in portion 89 to the south-western corner of portion 113 where it strikes the River Yarra Yarra again on the north by the said River Yarra Yarra to the north-western corner of portion 59 in the parish of Boroondara thence on the east by the western boundary of the said portion 59 till it strikes the road running due south to the Yarra Yarra River thence by the said road to the Yarra Yarra River by the course of the said river to the north-eastern corner of portion No. 18 in the parish of Prahran thence again on the east by a road bearing due south from the last-mentioned point to the south-eastern corner of portion No. 32 east of Elsternwick on the south by a road bearing west from the last-mentioned point till it strikes the sea coast thence by the line of sea coast crossing the mouth of the said Yarra Yarra River to the point of commencement Five

2. SOUTH PROVINCE.

Including part of County Bourke and the Counties Evelyn and Mornington.

PART OF BOURKE:—Bounded on the south-west and west by the Werribee River to its source in the Great Dividing Range on the north by the Great Dividing Range from the source of the Werribee River to that of the Plenty River on the east by the Plenty River from its source to its confluence with the Yarra Yarra thence by the Yarra Yarra River upwards to the confluence of the Deep Creek thence by the Deep Creek upwards to the point where the main stream commences to run in a north-easterly direction thence by a line south two miles fifty-eight chains from the aforesaid bend to Dandenong Creek thence by that creek downward to the Carrum Swamp on the south by the Carrum Swamp and Mordialloc Creek to its embouchure at the Long Beach below Ben Ben Gin and on the remainder of the south by the shores of Port Phillip Bay to the mouth of the Werribee River aforesaid excluding the country comprised within the boundaries of the Central Province.

EVELYN:—Bounded on the west by part of the eastern boundary of the County of Bourke namely first by the River Plenty from its source to the River Yarra Yarra thence by the River Yarra upwards to the confluence of the Deep Creek thence by that creek upwards to the range between the Yarra Yarra and the Dandenong Creek on the south-east and north by the range forming the basin of the River Yarra Yarra.

MORNINGTON:—Bounded on the north by part of the southern boundary of the County of Evelyn being the dividing range from the source of the Buneep Buneep River to the head of the Deep Creek thence by that creek to the point where the main stream commences to run in a north-west direction on the west by a line south two miles fifty-eight chains from the aforesaid bend to Dandenong Creek thence by that creek downwards to the Carrum Swamp by that swamp and the Mordialloc Creek to its embouchure at the Long Beach below Ben Ben Gin thence by the shores of Port Phillip Bay to Point Nepean on the south-west and south by the sea coast from Point Nepean to Cape Patterson and on the east by a line north from Cape Patterson to the Warringrin Range thence along the said range in a northerly direction to the north of the Buneep Buneep River and by that river to its source in the Dividing Range including French and Phillip Island and the small islands in Western Port Bay ... Five.

3 SOUTH-WESTERN PROVINCE.

Including the Counties of Grant Grenville and Polwarth.

GRANT :—Bounded on the east by the western boundary of the County of Bourke being the Werribee River from its mouth to its source in the Great Dividing Range on the north by the Great Dividing Range extending from the source of the Werribee River to that of the Yarrowee River on the west and south-west by the Yarrowee River to its confluence with the Barwon River thence by the Barwon River upwards to a creek in H. Hopkins' purchased land by this creek upwards and a line bearing south-east across the Dividing Range to the head of the Salt Creek two miles forty-eight chains thence by the Salt Creek to the sea coast north of Point Roadknight on the south by the sea coast and on the remainder of the east by the waters of Port Phillip to the mouth of the Werribee River including the small islands near the channels at the mouth of Port Phillip and those of Geelong Bay.

Number of Members
of the Legislative
Council assigned
to and to be re-
turned for each
Electoral Pro-
vince.

GRENVILLE :—Bounded on the west by the eastern boundary of the County of Hampden namely a line southerly from Emu Creek to Gnarkeet Ponds thence by the Gnarkeet Ponds to Lake Korangamite thence by the western shore of that lake to a point east of Lake Pormbeet on the south by part of the northern boundary of the County of Heytesbury and the northern boundary of the County of Polwarth namely the southern shore of Lake Korangamite thence an east line from Lake Korangamite to the north end of Lake Colac thence by the north shore of Lake Colac to the point due west from the source of Birregurra Creek and from that point by a line east to the source of Birregurra Creek thence by that creek downwards to its confluence with the Barwon on the east by the River Barwon to its confluence with Yarrowee River thence by the Yarrowee River up to its source in the Great Dividing Range and on the north by part of the Great Dividing Range to the source of Burrambeet Creek thence by that creek and the southern shores of Lake Burrambeet to the point where Bailie's Creek leaves the lake by Bailie's Creek to its confluence with Emu Creek thence by Emu Creek down to the point north of the source of Gnarkeet Ponds aforesaid.

POLWARTH :—Bounded on the west by the eastern boundary of the County of Heytesbury namely the Gellibrand River upwards to its source thence by the range to the head of the Pirron Yalloak Creek by this creek to Lake Korangamite on the north by the south-eastern shore of Lake Korangamite and an east line from Lake Korangamite to the north end of Lake Colac thence by the north shore of Lake Colac to the point due west from the source of the Birregurra Creek from that point by a line east to the source of the Birregurra Creek thence by the Birregurra Creek to its confluence with the River Barwon thence following the source of the River Barwon to a creek in H. Hopkins' purchased land on the north-east by this creek upwards and a line across the Dividing Range to the head of the Salt Creek bearing south-east two miles forty chains thence by the Salt Creek to the sea coast north of Point Roadknight and on the south-east and south by the sea coast to the mouth of the Gellibrand River... Five

4. WESTERN PROVINCE.

Including the Counties of Ripon Hampden Heytesbury Villiers Normanby Dundas and Follett.

RIPON :—Bounded on the west by the Grampian Range (which divides the waters of the Wimmera and Glenelg Rivers from those of the River Hopkins) to the rocky extremity near Mount Abrupt on the south by a line easterly to the source of the first creek which joins the River Hopkins above Wiselaskie's Station on the western side and by that creek to the River Hopkins thence by a line east to Lake Boloke thence by the southern shores of Lake Boloke to the mouth of the Prackmingerrin Creek and by that creek upwards to a point where a great bend of the creek turns northward thence by a line to a point in Emu Creek about one mile below and to the west of the confluence of Broken Creek on the south-east and east by Emu Creek to the confluence with Bailie's Creek by Bailie's Creek to Lake Burrumbeet the southern shores of Lake Burrumbeet and Burrumbeet Creek to its source in the Great Dividing Range and on the north by the Great Dividing Range to the western boundary aforesaid.

HAMPDEN :—Bounded on the west by the River Hopkins upwards from the confluence of the Emu Creek to the point opposite to the mouth of the small creek above Wiselaskie's Station dividing it from the County of Villiers on the north by the southern boundary of the County of Ripon being a line east from the confluence of that creek near Wiselaskie's Station already mentioned to Lake Boloke then by the southern shore of Lake Boloke to the mouth of the Prackmingerrin Creek then by that creek upwards until it reaches a spot where it forms a great bend to the

northward from that point by a line in a south-easterly direction to Emu Creek about one mile below and westward of the mouth of Broken Creek thence by Emu Creek to the point north of the source of Gnarkeet Ponds then on the east by the west boundary of the County of Grenville namely first by a line southerly to the source of Gnarkeet Ponds then by Gnarkeet Ponds to Lake Korangamite and thence by the west shore of Lake Korangamite to a point east of Lake Pormbeet and on the south by a direct line to the north end of Lake Pormbeet and from the north end of Lake Pormbeet to the nearest part of Emu Creek and thence by Emu Creek to its confluence with the River Hopkins.

Number of Members
of the Legislative
Council assigned
to and to be re-
turned for each
Electoral Pro-
vince.

HEYTESBURY :—Bounded on the north-west and north by part of the eastern boundary of the County of Villiers and the southern boundary of the County of Hampden being the Hopkins River from its estuary to the confluence of the Emu Creek and a line easterly to the north end of Lake Burrumbeet thence by a line east to Lake Korangamite by the southern shore of that lake to the mouth of the Pirron Yalloak Creek on the east and south-east by the Pirron Yalloak Creek to its source thence by a range to the head of the Gellibrand River by the Gellibrand River to the sea coast and on the south-west and west by the sea coast to the estuary of the Hopkins River.

VILLIERS :—Bounded on the west by a line due south from the Grange Burn to the mouth of the Swamp Creek thence by this creek upwards to its source by a line to the head of the western branch of the River Shaw thence by the west branch of the River Shaw to the sea on the south by the sea to the entrance of the River Hopkins on the east by the said River Hopkins to the confluence of the creek above Wiselaskie's Station and by that creek to its source on the north by a line westward from the source of the last named creek to the rocky extremity of the Grampians near Mount Abrupt thence by the principal range of the Grampians to Mount Sturgeon and by a line south-westerly to the north-east corner of the County of Normanby at the Grange Burn including all the islands at Port Fairy.

NORMANBY :—Bounded on the north by the Grange Burn and Wannon River until the latter joins the Glenelg River on the west by the Glenelg River until it reaches the sea on the south by the sea shore to the mouth of the Shaw River and on the east by the western branch of the Shaw River to its source thence a line northerly to the source of the Swamp Creek by that creek to where it empties itself into the Mount Napier Swamp and thence by a line due north six miles fifteen chains to the Grange Burn including the Lawrence and Lady Julia Percy's Islands.

DUNDAS :—Bounded on the west and north by the Glenelg River upwards from the confluence of the Wannon to its source between the Victoria Range and Grampians near Mount William on the east by the Grampians to its rocky extremity near Mount Abrupt thence to Mount Sturgeon and by a line crossing the Wannon River to the north-east corner of the County of Normanby at the Grange Burn and on the south by the Grange Burn and the Wannon River to its confluence with the Glenelg.

FOLLETT :—Bounded on the west by the one hundred and forty-first meridian being the line dividing the Colony of Victoria from South Australia on the south and east by the Glenelg River upwards to its confluence with Power's Creek and on the north-east and north by Power's Creek to its source thence a line westward to the head of Mosquito Creek and by that creek to the boundary line

Five.

5. NORTH-WESTERN PROVINCE.

Including the Counties of Talbot and Dalhousie and the Pastoral District of the Wimmera and of the Loddon except the proposed County of Rodney.

TALBOT :—Bounded on the north-west and north by the south-western branch of the Loddon River from its source near Mount Cole to its confluence with the main stream thence by the Loddon River upwards to the confluence of Mount Alexander Creek by this creek to its source under Mount Alexander thence by Mount Alexander Range to the head of Myrtle Creek and by this creek to its confluence with the Coliban River on the east by the Coliban River upwards to its source being part of the western boundary of the County of Dalhousie and on the south by the Great Dividing Range to the source of the south-western branch of the Loddon River near Mount Cole.

DALHOUSIE :—Bounded on the west by the River Coliban from its source in the Great Dividing Range to its confluence with the Campaspe River and by the Campaspe River down to the confluence of Mount Ida Creek on the north by Mount Ida Creek to its source near Mount Ida by the Dividing

Range to the source of Sandy Creek and by the Sandy Creek to Goulburn River on the east by the Goulburn River upwards until it joins the Dabyminga Creek and by that creek to its source in the Dividing Range and on the south by the Great Dividing Range.

Number of Members of the Legislative Council assigned to and to be returned for each Electoral Province.

WIMMERA :—Bounded on the east by a line from Mount Cole to the source of the Avoca River thence by the Avoca River to Lake Bael Bael thence by a line due north to the River Murray on the north by the River Murray to the South Australian frontier on the west by the South Australian frontier south to Mosquito Creek on the south by Mosquito Creek to its head thence by a line to the source of Power's Creek by Power's Creek to its junction with the Glenelg River by this River to its source between the Victoria Range and the Grampians near Mount William and by the Dividing Range easterly to Mount Cole.

LODDON :—Bounded on the south by part of the Counties of Dalhousie Talbot and Ripon from the Campaspe River to the source of the Avoca River on the west by the Avoca River to Lake Bael Bael and thence by a line due north to the River Murray on the north and north-east by the River Murray and on the east by the Campaspe River to the point of commencement ...

Five.

6. EASTERN PROVINCE.

Including the County of Anglesey the proposed County of Rodney and the Pastoral Districts of the Murray and Gipps Land.

ANGLESEY :—Bounded on the west by part of the eastern boundary of the County of Dalhousie namely from the River Goulburn upwards from the confluence of Hughes' Creek to the confluence of the Dabyminga Creek thence by the Dabyminga Creek upwards to its source in the Great Dividing Range on the south by the Great Dividing Range to the main source of the River Goulburn on the east by the range dividing the waters of the main source of the River Goulburn and Big Rivers from those of the Rubicon and Snod-pon-dock Creek northward to Mount Torbrick thence by Jerusalem Creek to its confluence with the River Goulburn thence by the River Goulburn downwards to the confluence of the Devil's River thence by the Devil's River and its north-west arm to the Dividing Range between the last named arm and the Septimus Creek and on the north by that range to the source of Hughes' Creek thence by Hughes' Creek down to its confluence with the River Goulburn.

RODNEY :—Commencing at the confluence of the Rivers Campaspe and Coliban thence by a line south-easterly to the McIvor or Paterson's Creek above John Hunter Paterson's sheep station thence by a line north-easterly to the confluence of Hughes' Creek with the River Goulburn and by that River to the Murray thence by the River Murray to its confluence with the River Campaspe and by the River Campaspe upwards to the confluence of the Rivers Campaspe and Coliban aforesaid

MURRAY :—Bounded on the south and west by the Counties of Evelyn and Anglesey and the River Goulburn to its junction with the Murray on the north and north-east by the River Murray and on the south-east by the Dividing Range (Alps).

GIPPS LAND :—Bounded on the south and east by the sea on the north by a line running in a westerly direction from Cape Howe to the source of the nearest tributary of the Murray and the Australian Alps again on the west by the Alps and the Counties of Evelyn and Mornington ...

Five.

Question—put and passed.

The Honorable T. H. Fellows moved, That the boundaries of the Electoral Districts, as recommended by the Governor, be inserted after the Divisions of the Provinces, in the Second Schedule of the Bill, as follows :—

BOUNDARIES OF THE ELECTORAL DISTRICTS OF THE LEGISLATIVE ASSEMBLY.

1. THE ELECTORAL DISTRICT OF ARARAT.

Commencing at the south-western angle of the agricultural reserve of Crowlands thence south eighteen miles thence west sixteen miles thence north eighteen miles and thence east sixteen miles to the commencing point Two.

Number of Members of the Legislative Assembly assigned to and returned for each Electoral District.

2. THE ELECTORAL DISTRICT OF AVOCA.

Commencing at the source of the River Avoca in the Main Dividing Range thence northwards by that River and by a line bearing north to the River Murray thence by the River Murray to the River Loddon thence southwards by the River Loddon to McNeil's Creek thence by McNeil's Creek to the Main Dividing Range and thence westerly by the Main Dividing Range to the commencing point aforesaid including the parish of Tarnagulla Two.

Two.

3. THE ELECTORAL DISTRICT OF BALLARAT EAST.

Bounded on the north by the Great Dividing Range on the east by the western branch of the River Moorabool on the west by the River Leigh or Yarrowee and on the south by a line drawn from a point on the said River Leigh three miles south of the southern boundary of the Town Reserve of Ballarat due east to the western branch of the River Moorabool aforesaid Two.

Number of Mem-
bers of the Leg-
islative Assembly
assigned to and
returned for each
Electoral Dis-
trict.

4. THE ELECTORAL DISTRICT OF BALLARAT WEST.

Commencing at the source of the Burrumbeet Creek in the Great Dividing Range thence by the Burrumbeet Creek and the eastern and southern shores of Lake Burrumbeet to Bailie's Creek thence by Bailie's Creek to the Main Road from Carngham to Buninyong thence eastward by that road to the Woadi Yaloak Creek thence southwards by the Woadi Yaloak Creek to a point due west of the south-western angle of Learmonth's pre-emptive right thence by a line east to the River Leigh or Yarrowee thence northwards by that river to the Main Dividing Range and thence westward by the Main Dividing Range to the commencing point Two.

5. THE ELECTORAL DISTRICT OF BELFAST.

Commencing at a point on the sea coast being the south-east angle of section 7 parish of Belfast thence by a line bearing north 7 degrees 52 minutes west being the eastern boundary of sections 7 8 9 and 10 to the southern boundary of section 24 in the parish aforesaid thence by a line easterly being the southern boundary of sections 24 25 26 and 27 to the River Moyne thence by the western side of the River Moyne to the Belfast Lough thence by a line south-easterly crossing the said lough to the northern angle of suburban portion 38A in the said parish of Belfast thence by the north-eastern boundary of the said portion to the sea coast and thence by the sea coast to the commencing point aforesaid including the islands at the mouth of the River Moyne One.

6. THE ELECTORAL DISTRICT OF EAST BOURKE.

Bounded on the north by the Great Dividing Range from the source of the River Plenty to that of the north-eastern branch of the Saltwater River near Big Hill on the west by the Saltwater River downwards to the south western angle of section 12 parish of Bulla Bulla thence by the southern boundary of the said portion and by a line bearing east to the source of the Moonee Ponds in section X. parish of Yuroke thence by the Moonee Ponds southerly to the north-western angle of portion CXLII. parish of Jika Jika thence by a line bearing east and by the northern eastern and southern boundaries of the Town Reserve of Pentridge to the Merri Creek thence southwards by the Merri Creek to the south-western angle of portion CXXXIII. in the parish of Jika Jika thence by a line bearing east to the Darebin Creek thence by the Darebin Creek to the River Yarra Yarra thence by the River Yarra Yarra to its junction with the River Plenty and thence by the River Plenty to its source in the Dividing Range Two.

7. THE ELECTORAL DISTRICT OF THE EAST BOURKE BOROUGHES.

Commencing at a point on the east bank of the Moonee Ponds being the north-western angle of portion of CXLII. parish of Jika Jika thence by a line bearing east and by the northern eastern and southern boundaries of the town reserve of Pentridge to the Merri Creek thence southwards by the Merri Creek to the south-western angle of portion CXXXIII. in the said parish thence by a line bearing east to the Darebin Creek thence southwards by the Darebin Creek to the River Yarra Yarra thence by the River Yarra Yarra to the Merri Creek aforesaid thence northwards by the Merri Creek to the south-eastern angle of portion XC. in the said parish thence west by the southern boundaries of portion XC. and XCI. to the Moonee Ponds aforesaid and thence northward by the Moonee Ponds to the commencing point One.

8. THE ELECTORAL DISTRICT OF SOUTH BOURKE.

Bounded on the north and west by the Yarra Yarra River from its mouth to its confluence with the Deep Creek on the east by the Deep Creek and a line south 2 miles and 53 chains from that creek to Dandenong

Creek by that creek to the northern margin of the Carrum Swamp by the Carrum Swamp and the Mordialloc Creek to the beach below Ben Ben Gin thence by the shores of Port Phillip Bay to the mouth of the Yarra Yarra River aforesaid excepting the country included in the electoral districts of St. Kilda South Melbourne and Brighton Two.

Number of Mem-
bers of the Legis-
lative Assembly
assigned to and
returned for each
Electoral Dis-
trict.

9. THE ELECTORAL DISTRICT OF WEST BOURKE.

Bounded on the north by the Great Dividing Range from the source of the River Werribee to that of the north-eastern branch of the Saltwater River near Big Hill on the east by the Saltwater River to the south-western corner of portion 12 parish of Bulla Bulla thence by the southern boundary of the said section and by a line east to the source of the Moonee Ponds in section X. parish of Yuroke thence by the Moonee Ponds southerly to Flemington Bridge thence by a line south to the River Yarra Yarra on the south by the River Yarra Yarra and the shores of Port Phillip Bay to the mouth of the River Werribee on the west by the River Werribee to its source in the Great Dividing Range being the commencing point excepting the country included in the electoral district of Williamstown Three.

10. THE ELECTORAL DISTRICT OF BRIGHTON.

Commencing on the sea coast at the south-west angle of section 25 parish of Moorabbin thence by a line east to the south-east angle of section 55 on the east by a line bearing north being the parish boundary from the said point to the north-east angle of section 63 on the north by a road bearing west to the sea coast and on the west by the sea coast to the commencing point One.

11. THE ELECTORAL DISTRICT OF CASTLEMAINE.

Commencing at the junction of the Limestone Creek with the River Loddon thence by that creek to its source thence by a line east to the Middleton Creek thence by the Middleton Creek to its junction with the River Loddon thence by a line east to the River Coliban thence by the River Coliban to the Myrtle Creek thence by the Myrtle Creek to the Mount Alexander Range thence by the Mount Alexander Range Barker's Creek and the River Loddon to the commencing point including Castlemaine Muckleford and Harcourt hereafter described as follows that is to say—

CASTLEMAINE.

Commencing at a point 1 chain 50 links north from the north-west angle of section 39 township of Castlemaine bounded by lines bearing east 38 chains south 160 chains west 83 chains north 160 chains and east 42 chains to the commencing point Three.

MUCKLEFORD.

Commencing at the south-eastern angle of allotment 50 section 7 thence north 200 chains thence west 200 chains thence south 240 chains thence east 200 chains thence north to the commencing point

HARCOURT.

Commencing at the south-western angle of portion 27 section 4 bounded on the east by a line north to the north-western angle of portion 27 section 3 on the north by a line west to the main road to Sandhurst on the west by a line south crossing Barker's Creek 160 chains and on the south by a line east 80 chains to the commencing point

12. THE ELECTORAL DISTRICT OF COLLINGWOOD.

Commencing at that point in the centre of Victoria-parade intersected by a line passing through the centre of Nicholson-street thence north by a line passing through the centre of Nicholson-street and by a line bearing north to the southern boundary of a portion 90 parish Jika Jika thence east by the southern boundary of that portion to the Merri Creek thence southwards by the Merri Creek and the River Yarra Yarra to a point due east of the centre of Victoria-street and thence by a line bearing west and by lines passing through the centre of Victoria-street and Victoria-parade to the commencing point Three.

13. THE ELECTORAL DISTRICT OF CRESWICK.

Commencing at the junction of the Green Gully with the River Loddon thence by that gully to its head thence by a line west to the range dividing the waters of Joyce's Creek and the Deep Creek thence northward by that range to a point due east of the south-east angle of the parish of Carisbrook thence by a line due west to McNeil's Creek

thence by McNeil's Creek to its source in the Main Dividing Range thence eastward by the Main Dividing Range to the source of the River Coliban thence northwards by the River Coliban to a point due east of the junction of the Middleton Creek and the River Loddon thence by a line bearing west to the said junction thence southwards by the Middleton Creek to a point due east of the source of the Limestone Creek thence by a line bearing west to the said source thence northwards by the Limestone Creek to the River Loddon and thence by the River Loddon to the commencing point Two.

Number of Mem-
bers of the Legis-
lative Assembly
assigned to and
returned for each
Electoral Dis-
trict.

14. THE ELECTORAL DISTRICT OF CROWLANDS.

Bounded on the west by the Yarriambiack Creek from the junction of the River Wimmera to Lake Corong thence by a line north to the Murray again on the west by a tributary of the River Wimmera to its source near Brigg's Bluff in the Grampians thence southwards by the Grampians Range on the south by the Dividing Range on the east by the River Avoca and a line north to the Murray and on the north by the Murray excepting the country included within the electoral district of Ararat ... Two.

15. THE ELECTORAL DISTRICT OF DALHOUSIE.

ANGLESEY.

Bounded on the west by part of the eastern boundary of the County of Dalhousie namely by the River Goulburn from the confluence of Hughes' Creek to the confluence of Dabyminga Creek thence by Dabyminga Creek to its source in the Great Dividing Range on the south by the Great Dividing Range to the main source of the River Goulburn on the east by the range dividing the waters of the main source of the Goulburn and Big Rivers from those of the Rubicon and Snod-pon-dock Creek northward to Mount Torbrick thence by Jerusalem Creek to its confluence with the River Goulburn thence by the River Goulburn to the confluence of the River Delatite thence by the River Delatite and its north-west arm to the Dividing Range between the last named arm and Septimus Creek and on the north by that range to the source of Hughes's Creek and thence by Hughes's Creek to its confluence with the River Goulburn excepting the country included in the Boroughs of Seymour and Avenel One.

DALHOUSIE.

Commencing at the junction of the Rivers Campaspe and Coliban thence by a line south-easterly to the source of the McIvor or Patterson's Creek thence by a line north-east to the confluence of Hughes' Creek with the River Goulburn on the east by the River Goulburn until it joins the Dabyminga Creek by that Creek to its source in the Dividing Range on the south by the Dividing Range to the source of the River Coliban and on the west by the last mentioned river to its junction with the River Campaspe being the commencing point excepting the country included in the electoral districts of the Kyneton Boroughs Murray Boroughs and Kilmore

16. THE ELECTORAL DISTRICT OF DUNDAS.

DUNDAS.

Bounded on the west and north by the River Glenelg from the confluence of the Wannon to its source between the Victoria Range and the Grampians near Mount William on the east by the Grampians to their base near Mount Abrupt thence to Mount Sturgeon and by a line crossing the Wannon River to the north-east angle of the county of Normanby at the Grange Burn and on the south by the Grange Burn and the Wannon to its confluence with the Glenelg One.

FOLLETT.

Bounded on the west by the one hundred and forty-first meridian being the line dividing Victoria from South Australia on the south and east by the Glenelg River upwards to its confluence with Power's Creek and on the north-east and north by Power's Creek to its source thence by a line westward to the head of Mosquito Creek and by that creek to the boundary line

17. THE ELECTORAL DISTRICT OF EMERALD HILL.

Commencing at a point on the south bank of the River Yarra due south from the Gas Works thence by a line south-easterly to a point on the shores of Hobson's Bay twenty chains more or less westward of the Battery thence by the sea coast to Fitz Roy-street St. Kilda thence by that street and the Main Brighton Road to Prince's Bridge and thence by the River Yarra to the commencing point One.

18. THE ELECTORAL DISTRICT OF EVELYN.

Bounded on the west by part of the eastern boundary of the County of Bourke that is to say—by the River Plenty from its source to the River Yarra Yarra thence by the River Yarra Yarra to the confluence of the Deep Creek thence by that creek to the range between the River Yarra Yarra and the Dandenong Creek on the south-east and north by the range forming the basin of the River Yarra Yarra One.

Number of Mem-
bers of the Legis-
lative Assembly
assigned to and
returned for each
Electoral Dis-
trict.

19. THE ELECTORAL DISTRICT OF GEELONG EAST.

Commencing at the north-western angle of the town reserve of Geelong thence by a line south to the River Barwon thence westward and north-westward by the River Barwon to the western boundary of the reserve at the junction of the Moorabool and Barwon thence east by the northern boundary of section 25 parish of Barrabool thence south by the eastern boundaries of sections 25 and 11 and by part of the eastern boundary of section 7 all in the same parish thence south-easterly by a curved line crossing the Waurn Chain of Ponds to the southern boundary of section 3 parish of Connewarre thence east by the southern boundaries of sections 3 and 4 in the same parish thence north-easterly by a curved line crossing the River Barwon to the south-eastern angle of section 11 in the parish of Moolap thence by the eastern boundary of that section and a line north to the shores of Corio Bay and thence by the shores of Corio Bay to the north-western angle of the town reserve the commencing point aforesaid including the remaining portion of the reserve at Point Henry Two.

20. THE ELECTORAL DISTRICT OF GEELONG WEST.

Bounded on the north and north-west by a line drawn at a distance of two miles from the north-western angle of the town reserve of Geelong as a centre from the western shore of Corio Bay near Cowie's Creek to a road leading to the River Barwon on the west by that road on the south-west and south by the River Barwon and on the east by the western boundary of the town reserve of Geelong and the shores of Corio Bay including the reserve at the junction of the Barwon and Moorabool Two.

21. THE ELECTORAL DISTRICT OF NORTH GIPPS LAND.

Bounded on the south and east by the sea on the north by a line bearing west from Cape Howe to the source of the nearest tributary of the Murray and by the Alps and on the west by the Alps and the counties of Evelyn and Mornington excepting the country comprised in the Electoral District of South Gipps Land One.

22. THE ELECTORAL DISTRICT OF SOUTH GIPPS LAND.

Commencing at the mouth of Merryman's Creek on the Ninety Mile Beach bounded on the north by Merryman's Creek to where the road from Tarraville to Rosedale crosses said creek near Bayless's pre-emptive right thence by a line west fourteen degrees to Buneep on the west by the counties of Evelyn and Mornington to Cape Patterson and on the south and south-east by the sea coast to the commencing point One.

23. THE ELECTORAL DISTRICT OF SOUTH GRANT.

Commencing at the mouth of the River Werribee thence by the river to the western boundary of the town reserve of Ballan thence by a line south-westerly to the source of Williamson's Creek thence by that creek to the River Yarrowee thence by that river to its confluence with the River Barwon thence by the River Barwon to Hopkins Creek thence by that creek and a line south-east across the Dividing Range to the head of the Salt Creek two miles and forty-eight chains thence by the Salt Creek to the sea coast north of Point Roadknight and thence by the sea coast and the shores of Port Phillip Bay to the mouth of the River Werribee the commencing point including the small islands near the channels of the mouth of Port Phillip Bay and Geelong Bay and excepting the country included in the electoral districts of Geelong East and Geelong West... Three.

24. THE ELECTORAL DISTRICT OF GRENVILLE.

Commencing at a point on Bailie's Creek intersected by the main road at Carngham thence eastward by the main road from Carngham to Buninyong to the Woadi Yaloak Creek thence by the Woadi Yaloak Creek to a point west of the south-west angle of Learmonth's pre-emptive right thence by a line east to the River Leigh or Yarrowee thence northwards by the River Leigh or Yarrowee to a point three miles south of

the southern boundary of the Town Reserve of Ballarat thence by a line bearing east to the western branch of the River Moorabool thence by that western branch to the Dividing Range thence east by the Great Dividing Range to the River Werribee thence southwards by that river to the western boundary of the Town Reserve of Ballan thence by a line south-westerly to the source of Williamson's Creek thence southwards by that Creek to the River Leigh or Yarrowee thence southwards by that river to the main road from Shelford to Lismore thence westwards by that road to the Gnarkeet Ponds thence northward by the Gnarkeet Ponds and a line north to the Emu Creek and thence by the Emu Creek and Bailie's Creek to the commencing point Two.

Number of Mem-
bers of the Legi-
slative Assembly
assigned to and
returned for each
Electoral Dis-
trict.

25. THE ELECTORAL DISTRICT OF KILMORE.

Commencing at a point on the eastern branch of Korukuruc Creek two miles 55 chains south of its junction with the main stream and bounded on the north by a line east from the said point to Dry Creek on the east by the western branch of the Dry Creek to its source thence by a line south to the boundary of the County of Bourke on the south by the said boundary to the source of the eastern branch of the aforesaid Korukuruc Creek and on the west by that eastern branch to the commencing point One.

26. THE ELECTORAL DISTRICT OF THE KYNETON BOROUGHS.

KYNETON CARLSRUHE AND PART OF MALMSBURY.

Commencing at the south-east angle of section B 3 east of Carlsruhe thence north 3 miles 40 chains thence west 4 miles thence north 3 miles thence west 4 miles thence north 3 miles thence west to the River Coliban by that river to the southern boundary of the parish of Lauriston by that boundary to the River Campaspe and thence to the south-western angle of section A1 and by the southern boundary of the parish of Carlsruhe to the point of commencement

WOODEND.

Commencing at the south-western angle of section A1 south of Carlsruhe bounded on the north by the southern boundary of the said section and of sections B2 B3 to the south-eastern angle of the said section B3 east of Carlsruhe on the east by a line south to the northern boundary of section 72 parish of Woodend thence east to the north-east angle of the said section 22 parish of Woodend thence south 80 chains crossing angle of section 22 parish of Woodend thence south 80 chains crossing the Five Mile Creek thence west 80 chains thence north to the Five Mile Creek and on the south-west and west by the Five Mile Creek and River Campaspe to the commencing point

27. THE ELECTORAL DISTRICT OF MALDON.

Bounded on the north by a line drawn from the junction of McNeil's Creek and the River Loddon to Barker's Creek near Mount Prospect thence on the east by Barker's Creek and Campbell's Creek to the River Loddon and thence by the River Loddon to the commencing point excepting the country included within the electoral district of Castlemaine One.

28. THE ELECTORAL DISTRICT OF MANDURANG.

Bounded on the north by the Murray on the east by the Campaspe on the south by the Myrtle Creek and the northern boundary of Maldon and on the west by the River Loddon excluding the parish of Tarnagulla and the electoral district of Sandhurst Two

29. THE ELECTORAL DISTRICT OF MARYBOROUGH.

Commencing at the junction of the Green Gully with the River Loddon thence by that gully to its head thence by a line west to the range dividing the waters of Joyce's Creek and the Deep Creek thence northwards by that range to a point due east of the south-east angle of the parish of Carisbrook thence by a line due west to McNeil's Creek thence by McNeil's Creek and the River Loddon to the commencing point ... Two.

30. THE ELECTORAL DISTRICT OF EAST MELBOURNE.

Commencing at that point on the north bank of the River Yarra Yarra intersected by a line passing through the centre of Elizabeth-street thence north-westerly by a line passing through the centre of Elizabeth-street to Victoria-street thence east by a line passing through the centre of Victoria-street and Victoria-parade to Gisborne-street thence southward by the eastern side of Gisborne-street and a line bearing south to the River Yarra Yarra and thence westerly by the north bank of the River Yarra Yarra to the commencing point Two.

Number of Members of the Legislative Assembly assigned to and returned for each Electoral District.

31. THE ELECTORAL DISTRICT OF NORTH MELBOURNE.

Commencing at that point in the centre of Victoria-parade intersected by a line passing through the centre of Nicholson-street thence north by a line passing through the centre of Nicholson-street and by a line bearing north to the southern boundary of portion 90 parish of Jika Jika thence west by the southern boundary of that portion and by the southern boundary of portion 91 to the Moonee Ponds thence southward by the Moonee Ponds to the site of Main's bridge thence by a line bearing south to a point due west of Victoria-street thence by a line bearing east (including the Benevolent Asylum reserve) and by a line passing through the centre of Victoria-street and Victoria-parade to Nicholson-street the commencing point Two.

32. THE ELECTORAL DISTRICT OF WEST MELBOURNE.

Commencing at that point on the north bank of the River Yarra Yarra intersected by a line passing through the centre of Elizabeth-street thence north-westerly by a line passing through the centre of Elizabeth-street to Victoria-street thence west by a line passing through the centre of Victoria-street and by a line bearing west (excluding the Benevolent Asylum reserve) to the western boundary of the city thence south by the western boundary of the city to the River Yarra Yarra and thence easterly by the north bank of the River Yarra Yarra to Elizabeth-street the commencing point aforesaid Two.

33. THE ELECTORAL DISTRICT OF MORNINGTON.

Bounded on the north by part of the southern boundary of the County of Evelyn being the dividing range from the source of the River Buneep Buneep to the source of the Deep Creek thence by that creek and a line south 2 miles 58 chains to Dandenong Creek thence by that creek to the Carrum Swamp by that swamp and the Mordialloc Creek to its mouth at the Long Beach below Ben Ben Gin thence by the shores of Port Phillip Bay to Point Nepean on the south-west and south by the sea coast from Point Nepean to Cape Patterson on the east by a line north from Cape Patterson to the Warringrin Range thence along the said range in a northerly direction to the mouth of the River Buneep Buneep and by that river to its source in the Dividing Range including French and Phillip Islands and the small islands in Western Port Bay ... One

34. THE ELECTORAL DISTRICT OF THE MURRAY.

Bounded on the south and west by the Counties of Evelyn and Anglesey and the River Goulburn to its junction with the River Murray on the north and north-east by the River Murray and on the east and south-east by the Great Dividing Range excepting the country comprised in the electoral districts of the Murray Boroughs and the Ovens ... One.

35. THE ELECTORAL DISTRICT OF THE MURRAY BOROUGHES.

WOODONGA.

Commencing at a point on the Woodonga Creek being the north-east angle of suburban section A thence on the east by a line bearing south 15 chains 50 links thence west by a line 40 chains thence south 21 chains 20 links thence west 117 chains 30 links thence north 60 chains thence east 70 chains to the Woodonga Creek and by the left bank of the said creek to the commencing point... ..

WANGARATTA.

Commencing at a point on the left bank of the River Ovens 120 chains north-west of its junction with the River King from that point south 360 chains thence east 440 chains thence north 360 chains crossing Reedy Creek and thence west 440 chains again crossing Reedy Creek and the River Ovens to the commencing point.

BENALLA.

Commencing at a point on the north-east tributary of the Broken River being the south-east angle of suburban allotment 4 section 8 thence by a line north to the north-east angle of suburban allotment 5 section 4 thence west to the north-west angle of suburban allotment 1 section 1 thence south-west by a line 50 chains to the north-west angle of suburban allotment 1 section 16 thence south to the south-west angle of suburban allotment 5 section 12 thence east to the south-east angle of suburban allotment 4 section 9 thence by the Broken River and its tributary aforesaid to the commencing point

Number of Members of the Legislative Assembly assigned to and returned for each Electoral District.

EUROA.

Commencing 5 chains south of a point on the Seven Creeks being the south-east angle of suburban section 6 thence by a line west 190 chains thence north to the north-west angle of suburban section A 3 thence by the northern boundary of the said section to the Seven Creeks thence by the said Seven Creeks to the north-west angle of suburban section B2 thence east to the north-east angle of suburban section 2 thence by a line south to the northern boundary of suburban section C1 where the said boundary crosses the Seven Creeks thence east to the north-east angle of the said section thence by the eastern boundaries of suburban sections C and D and the Seven Creeks and a line south to the commencing point

One.

AVENEL.

Commencing at a point on Hughes's Creek being the south-east angle of suburban portion E6 thence west 118 chains thence north 155 chains 40 links crossing Hughes's Creek thence east 134 chains 60 links thence south 134 chains 40 links thence west to Hughes's Creek and by the said creek to the commencing point

SEYMOUR.

Commencing at a point on Whitehead's Creek being on the north-eastern boundary of the township of Seymour thence west 200 chains thence south 160 chains thence east 120 chains thence south 200 chains thence east 130 chains to a point on the River Goulburn by the course of the said river to another point 80 chains eastward of the first-mentioned point on the said river thence north 344 chains crossing Whitehead's Creek thence west 130 chains recrossing Whitehead's Creek to the commencing point

36. THE ELECTORAL DISTRICT OF NORMANBY.

Bounded on the north by the Grange Burn and Wannan River until the latter joins the Glenelg River on the west by the Glenelg River until it reaches the sea on the south by the sea shore to the mouth of the Shaw River and on the east by the western branch of the Shaw River thence by a line northerly to the source of the Swamp Creek and by that creek to where it empties itself into the Mount Napier Swamp and thence by a line due north six miles fifteen chains to the Grange Burn including the Lawrence and Lady Julia Percy's Islands excepting the country included within the Electoral District of Portland

One.

37. THE ELECTORAL DISTRICT OF THE OVENS.

Commencing at the junction of Whorouly Creek with the River Ovens thence by a line bearing north to the River Murray thence by that river to its junction with the Mitta Mitta thence by the said last mentioned river to the junction thereof with the Little River thence southward by the Little River to its source in the Dividing Range thence by the Dividing Range and a line south to a point on the Ovens River nine miles above its junction with the River Buckland on the south by a line from the last mentioned point to the source of the River Buckland thence by the Dividing Range to the source of the River Buffalo and thence by the River Buffalo and the River Ovens to the commencing point excepting the country comprised within the borough of Woodonga

Two.

38. THE ELECTORAL DISTRICT OF POLWARTH AND SOUTH GRENVILLE.
POLWARTH.

Bounded on the west by the River Gellibrand upwards to its source thence by the range to the source of the Pirron Yaloak Creek thence by the Pirron Yaloak Creek to Lake Korangamite thence by the south-eastern shores of Lake Korangamite and a line bearing east to the northern shores of Lake Colac thence by the shores of that Lake to a point due west of the source of the Birregurra Creek thence by a line east and by the Birregurra Creek to the River Barwon thence by the River Barwon to Hopkins's Creek thence by Hopkins's Creek and a line across the Dividing Range to the Salt Creek thence by the Salt Creek to the sea coast north of Point Roadknight and thence by the sea coast to the River Gellibrand ...

Number of Members of the Legislative Assembly assigned to and returned for each Electoral District.

One.

SOUTH GRENVILLE.

Bounded on the north by the main road between Portland and Geelong from its intersection with the River Yarrowee to the Gnarkeet Ponds on the west by the Gnarkeet Ponds to Lake Korangamite thence by the western shores of that lake to a point east of Pormbeet on the south by the southern shores of Lake Korangamite and by a line east from Lake Korangamite to the north shore of Lake Colac thence by the north shore of Lake Colac to a point west of the Birregurra Creek thence by a line to the source of the Birregurra Creek thence by that creek to its confluence with the Barwon and on the east by the Rivers Barwon and Yarrowee to the commencing point ...

39. THE ELECTORAL DISTRICT OF PORTLAND.

Commencing at a point on the beach at Portland Bay eight chains east from the northern angle of allotment thirty-one northern suburbans bounded on the north by a line bearing west seventy-two chains more or less on the west by a line bearing south two hundred and thirty-three chains and thirty-four links more or less on the south by a line bearing east to the sea coast and on the west by the sea coast to the commencing point ...

One.

40. THE ELECTORAL DISTRICT OF RICHMOND.

Commencing at a point on the Yarra Yarra River due south of the south-eastern side of Gisborne-street thence by a line bearing north to Gisborne-street thence by the east side of Gisborne-street to Victoria-parade thence by a line passing through the centres of Victoria-parade and Victoria-street and a prolongation of that line to the Yarra Yarra River and on the east and south by the Yarra Yarra River to the commencing point ...

Two.

41. THE ELECTORAL DISTRICT OF RIPON AND HAMPDEN.

RIPON.

Bounded on the west by the Grampian Range (which divides the waters of the Wimmera and Glenelg Rivers from those of the River Hopkins) to the rocky extremity near Mount Abrupt on the south by a line easterly to the source of the first creek which joins the River Hopkins about Wiselaskie's Station on the western side and by that creek to the River Hopkins thence by a line east to Lake Boloke thence by the southern shores of Lake Boloke to the mouth of the Prackningerrin Creek and by that creek upwards to a point where a great bend of the creek turns northward thence by a line to a point in Emu Creek about one mile below and to the west of the confluence of Broken Creek on the south-east and east by Emu Creek to the confluence with Bailie's Creek by Bailie's Creek to Lake Burrumbeet by the southern shores of Lake Burrumbeet and Burrumbeet Creek to its source in the Great Dividing Range and on the north by the Great Dividing Range to the western boundary aforesaid excepting the country included in the electoral district of Ararat ...

HAMPDEN.

Bounded on the west by the River Hopkins upwards from the confluence of the Emu Creek to the point opposite to the mouth of the small creek above Wiselaskie's Station dividing it from the County of Villiers on the north by the southern boundary of the County of Ripon being a line east from the confluence of the creek near Wiselaskie's Station already mentioned to

One.

Lake Boloke then by the southern shore of Lake Boloke to the mouth of the Prackningerrin Creek thence by that creek upwards until it reaches a spot where it forms a great bend to the northward from that point by a line in a south-easterly direction to Emu Creek about one mile below and westward of the mouth of Broken Creek thence by Emu Creek to the point north of the source of Gnarkeet Ponds thence on the east by the west boundary of the County of Grenville viz.—1st by a line southerly to the source of Gnarkeet Ponds thence by Gnarkeet Ponds to Lake Korangamite and thence by the west shore of Lake Korangamite to a point east of Lake Pormbeet and on the south by a direct line to the north end of Lake Pormbeet and from the north end of Lake Pormbeet to the nearest part of Emu Creek and thence by Emu Creek to its confluence with the River Hopkins

Number of Mem-
bers of the Legis-
lative Assembly
assigned to and
returned for each
Electoral Dis-
trict.

42. THE ELECTORAL DISTRICT OF RODNEY.

Commencing at the confluence of the Rivers Campaspe and Coliban thence by a line south-westerly to the source of the McIvor or Patterson's Creek thence by a line north-easterly to the confluence of Hughes's Creek with the River Goulburn thence by the Rivers Goulburn Murray and Campaspe to the confluence of the Campaspe and Coliban aforesaid ... One.

43. THE ELECTORAL DISTRICT OF SANDHURST.

SANDHURST.

Commencing at a point on the Bendigo Creek 40 chains south of the junction of Ash-street and High-street thence east one mile and a half thence north four miles thence west two and a half miles crossing the Bendigo Creek thence south four miles thence east to the point of commencement

LOCKWOOD.

Commencing at the south-western angle of suburban allotment 23 section 1 bounded on the east by a line northward from that point to the south-eastern angle of portion 44 section 4 on the north by a line bearing west to the south-western angle of allotment No. 1 section 4 on the west by a line bearing south to a point due west from the commencing point and on the south by a line east to the south-west angle of suburban allotment No. 23 section 1 being the commencing point aforesaid

Two.

44. THE ELECTORAL DISTRICT OF SANDRIDGE.

Commencing at the junction of the River Yarra and the Saltwater River thence by the River Yarra to a point due south of the Gas Works thence by a line south-easterly to a point on the shores of Hobson's Bay twenty chains more or less westward of the Battery thence by the sea coast and the River Yarra to the commencing point ... One.

45. THE ELECTORAL DISTRICT OF ST. KILDA.

Bounded on the east by a road bearing north from the south-east angle of portion No. 32 east of Elsternwick to the Yarra Yarra River on the north by the Yarra Yarra River to Prince's Bridge on the west by a road bearing south-east to the northern angle of section No. 46 thence by Fitz Roy-street St. Kilda to the sea coast thence by the sea coast and a road bearing east south of Elsternwick to the commencing point... Two

46. THE ELECTORAL DISTRICT OF VILLIERS AND HEYTESBURY.

VILLIERS.

Bounded on the west by a line south from the Grange Burn to the mouth of the Swamp Creek thence by that creek upwards to its source and by a line to the head of the western branch of the River Shaw thence by the west branch of the River Shaw to the sea on the south by the sea to the entrance of the River Hopkins on the east by the said River Hopkins to the confluence of the creek above Wiselaskie's Station and by that creek to its source on the north by a line westward from the source of the last named creek to the rocky extremity of the Grampians near Mount Abrupt thence by the principal range of the Grampians to Mount Sturgeon and by a line south-westerly to the north-east corner of the County of Normanby at the Grange Burn including all the islands at Port Fairy and exclusive of the Electoral Districts of Warrnambool and Belfast... Two.

HEYTESBURY.

Bounded on the west by the River Hopkins from its estuary to the confluence of the Emu Creek thence by Emu Creek to the point nearest Lake

Pormbeet thence by a line easterly to the north end of Lake Pormbeet thence by a line east to Lake Korangamite and by the southern shore of that lake to the mouth of the Pirron Yaloak Creek on the east and south east by the Pirron Yaloak Creek to its source thence by a range to the source of the Gellibrand River by that river to the sea coast and on south-west and west by the sea coast to the estuary of the River Hopkins

Number of Mem-
bers of the Legis-
lative Assembly
assigned to and
returned for each
Electoral Dis-
trict.

47. THE ELECTORAL DISTRICT OF WARRNAMBOOL.

Commencing at a point on the River Hopkins being the south-western angle of section 1 parish of Wangoom and bounded on the east by a line bearing north 80 chains on the north by a line bearing west to the Merri River on the west and south-west by the Merri River to its mouth on the south by the sea coast to Warrnambool Bay from the mouth of the said river to that of the River Hopkins and thence to the point of commencement One.

48. THE ELECTORAL DISTRICT OF WILLIAMSTOWN.

Commencing on the sea coast at the south-east angle of portion A section 3 parish of Cut-paw-paw bounded on the west by a line bearing north to the Stony Creek thence by the Stony Creek to the River Yarra Yarra thence by the River Yarra Yarra to the sea and thence by the sea coast to the commencing point One.

49. THE ELECTORAL DISTRICT OF THE WIMMERA.

Bounded on the east by the Grampians Range to Brigg's Bluff; thence by a tributary to the River Wimmera thence by the River Wimmera to the Yarriambiack Creek thence by the Yarriambiack Creek and a line north to the River Murray on the north by the River Murray on the west by the western boundary of the Province of Victoria and on the south by northern boundaries of the counties of Follett and Dundas 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 amendments recommended by His Excellency the Governor in the Bill with amendments, with which they desire the concurrence of the Legislative Assembly.

INTERPRETATION OF ACTS BILL.—The Order of the Day for the second reading of this Bill being read, the Honorable M. Hervey moved, That the Bill be now read a second time. Debate ensued.

Question—put and passed.

Bill read a second time.

Ordered—That the said Bill be now considered in Committee of the whole Council.

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.

Ordered—That the adoption of the Report of the Committee be made an Order of the Day for Friday, the 23rd instant.

POSTPONEMENT.—The following Order of the Day was postponed until Thursday, the 22nd instant, and to take precedence of the other Orders of the Day:—

“*Royal Mint Establishment Bill*”—To be read a second time.

POST OFFICE LAW AMENDMENT BILL.—The Order of the Day for the adjourned debate on the consideration of the amendment recommended by His Excellency the Governor in this Bill being read, the Honorable M. Hervey moved, That the amendment be agreed to as follows:—

Clause 5, after figure “5” insert the words “Except where otherwise specially provided by any Act now or hereafter in force and.”

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 His Excellency the Governor in the Bill.

HAWKERS AND PEDLERS LAW AMENDMENT BILL.—The Order of the Day for the consideration of the Message from the Legislative Assembly with this Bill being read, the Honorable C. J. Jenner moved, That the Bill be now read a first time, printed, and read a second time on Tuesday next.

Question—put and passed.

Bill read a first time.

FISHERIES AND GAME STATUTE AMENDMENT BILL (1).—The Honorable C. Sladen moved, That the Order of the Day for the second reading of this Bill be discharged from the business paper.

Question—put and passed.

SANDHURST, INGLEWOOD, AND LODDON DISTRICT TRAMWAY BILL.—The Order of the Day for the committal of this Bill being read, the Honorable W. H. F. Mitchell 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 W. H. F. Mitchell moved, That the adoption of the report of the Committee be made an Order of the Day for to-morrow.

Question—put and passed.

The Council adjourned at ten minutes to seven o'clock until four o'clock on Thursday, the 22nd instant.

NOTICE OF MOTION AND ORDERS OF THE DAY.

THURSDAY, 22ND JUNE, 1865.

1. The Hon. W. HULL : To ask, If it is the intention of the Government, in accordance with promise at the opening of the session, to introduce a Bill for the better regulation of the police force.

NOTICE OF MOTION :—

1. The Hon. C. SLADEN : To move for a return of all sums of money secured to the Government under bond, or otherwise, on account of duties of customs upon goods taken out of bond, or entered for home consumption on importation since the first of the resolutions (passed by the Committee of Ways and Means in the Legislative Assembly) altering the Customs Tariff as existing prior to the present Session of Parliament, was reported to that House. The names of the several persons or firms by whom such sums are owing, or may become payable, and the amount owing, or which may become payable by each. The nature of the security for the payment of such sums held by the Government ; and, in the case of bonds, the names of the obligors and their respective sureties, and the amount secured under every such bond. The form of bond used for securing such payments.

ORDERS OF THE DAY :—

1. ROYAL MINT ESTABLISHMENT BILL.—To be read a second time.
2. MINING LAW AMENDMENT BILL.—To be read a second time.
3. MARKETS.—Consideration of Report of Select Committee.
4. PUBLIC WORKS LAW AMENDMENT AND CONSOLIDATION BILL.—To be re-committed.
5. SUPREME COURT LAW CONSOLIDATION BILL.—Adoption of report.
6. SANDHURST, INGLEWOOD, AND LODDON DISTRICT TRAMWAY BILL.—Adoption of report.

FRIDAY, 23RD JUNE.

1. FISHERIES AND GAME STATUTE AMENDMENT BILL (2).—To be read a second time.
2. INTERPRETATION OF ACTS BILL.—Adoption of report.

TUESDAY, 27TH JUNE.

1. HAWKERS AND PEDLERS LAW AMENDMENT BILL.—To be read a second time.

MEETING OF SELECT COMMITTEE.

Thursday, 22nd June.

PARLIAMENTARY BUILDINGS—at half-past 3 o'clock.

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

VICTORIA.

No. 52.

Minutes of the Proceedings

OF THE

LEGISLATIVE COUNCIL.

THURSDAY, 22ND JUNE, 1865.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the Prayer.

PETITION.—The Honorable J. P. Fawkner presented a Petition signed by W. B. Rodier and others, styling themselves Directors of the St. George United Gold Mining Company, in the Mining District of Ballaarat, praying that the House will not pass any clause in the Mining Bill declaring valid illegal bye-laws.

Petition received.

CUSTOMS DUTIES SECURITIES.—The Honorable C. Sladen, in accordance with notice, moved—

That a Return be laid on the Table of the House, of all sums of money secured to the Government under bond, or otherwise, on account of duties of customs upon goods taken out of bond, or entered for home consumption on importation since the first of the resolutions (passed by the Committee of Ways and Means in the Legislative Assembly) altering the Customs Tariff as existing prior to the present session of Parliament, was reported to that House.

The names of the several persons or firms by whom such sums are owing, or may become payable, and the amount owing, or which may become payable by each.

The nature of the security for the payment of such sums held by the Government; and, in the case of bonds, the names of the obligors and their respective sureties, and the amount secured under every such bond.

The form of bond used for securing such payments.

Debate ensued.

Question—put and passed.

PARLIAMENT BUILDINGS COMMITTEE.—**SECOND REPORT.**—The Honorable W. Degraives, on behalf of the Chairman, brought up the Second Report of the Joint Committee of both Houses of Parliament, appointed to manage and superintend the Parliament Buildings.

The Report was read at the Table by the Clerk.

The Honorable W. Degraives moved, That the Report of the Committee be now adopted.

Question—put and passed.

Ordered—That a copy of the Report be transmitted to the Legislative Assembly with a Message acquainting them that the Council have agreed to the same, and desiring their concurrence therewith.

POSTPONEMENTS.—The following Orders of the Day were severally postponed until after the disposal of the remainder of the business on the notice paper:—

“*Royal Mint Establishment Bill*”—To be read a second time.

“*Mining Law Amendment Bill*”—To be read a second time.

MARKETS.—The Order of the Day for the consideration of the Report of the Select Committee on Markets being read, the Honorable J. P. Fawkner moved, That the Report be adopted.

Question—put and passed.

PUBLIC WORKS LAW AMENDMENT AND CONSOLIDATION BILL.—The Order of the Day for the re-committal of this Bill being read, the Honorable M. Hervey moved, That the Bill be now re-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 further amendments.

The Honorable M. Hervey moved, That the Report be now adopted.

Question—put and passed.

Ordered—That the third reading of the Bill be made an Order of the Day for Tuesday, the 27th instant.

SUPREME COURT LAW CONSOLIDATION BILL.—The Order of the Day for the adoption of the Report of the Committee of the whole Council on this Bill being read, the Honorable T. H. Fellows moved, That the Report be now adopted.

Question—put and passed.

The President having reported that the Chairman of Committees had certified that the fair print of the Bill was in accordance with the Bill as reported, the Honorable T. H. Fellows moved, That, in the third column of the Schedule to the Bill, the figures “292, 293, 294,” be struck out.

Question—put and passed.

On the motion of the Honorable T. H. Fellows, the Bill was read a third time and *passed*. The Honorable T. H. Fellows moved, That the title of the Bill be “*An Act to consolidate the Law relating to the Constitution of the Supreme Court.*”

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.

SANDHURST, INGLEWOOD, AND LODDON DISTRICT TRAMWAY 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. H. F. Mitchell moved, That the report be now adopted.

Question—put and passed.

Ordered—That the third reading of the Bill be made an Order of the Day for Friday, the 23rd instant.

ROYAL MINT ESTABLISHMENT BILL.—The Order of the Day for the second reading of this Bill being read, the Honorable M. Hervey moved, That the Bill be now read a second time.

Debate ensued.

Question—put and passed.

Bill read a second time.

Ordered—That the said Bill be now considered in Committee of the whole Council.

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.

Ordered—That the adoption of the report of the Committee be made an Order of the Day for Tuesday next.

MINING LAW AMENDMENT BILL.—The Order of the Day for the second reading of this Bill having been read, the Honorable M. Hervey moved, That the Bill be now read a second time.

Question—put and passed.

Bill read a second time.

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

Question—put and passed.

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

The President left the Chair.

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

Ordered.

The Council adjourned at twenty minutes past ten o'clock until four o'clock on Friday, the 23rd instant.

NOTICE OF MOTION AND ORDERS OF THE DAY.

FRIDAY, 23RD JUNE, 1865.

1. The Hon. W. HULL: To ask, If it is the intention of the Government, in accordance with promise at the opening of the session, to introduce a Bill for the better regulation of the police force.

ORDERS OF THE DAY :—

1. FISHERIES AND GAME STATUTE AMENDMENT BILL (2).—To be read a second time.
2. INTERPRETATION OF ACTS BILL.—Adoption of report.
3. SANDHURST, INGLEWOOD, AND LODDON DISTRICT TRAMWAY BILL.—To be read a third time.
4. MINING LAW AMENDMENT BILL.—To be further considered in Committee.

TUESDAY, 27TH JUNE.

NOTICE OF MOTION :—

1. The Hon. J. F. STRACHAN: To move, That this House deems it inexpedient to proceed further with any Bills which may be connected with the financial policy of the country until the proposed alterations in the Tariff shall have been submitted for its consideration.

ORDERS OF THE DAY :—

1. HAWKERS AND PEDLERS LAW AMENDMENT BILL.—To be read a second time.
2. PUBLIC WORKS LAW AMENDMENT AND CONSOLIDATION BILL.—To be read a third time.
3. ROYAL MINT ESTABLISHMENT BILL.—Adoption of report.

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

VICTORIA.

No. 53.

Minutes of the Proceedings

OF THE

LEGISLATIVE COUNCIL.

FRIDAY, 23RD JUNE, 1865.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the Prayer.

FISHERIES AND GAME STATUTE AMENDMENT BILL (2).—The Order of the Day for the second reading of this Bill being read, the Honorable C. Sladen moved, That the Bill be now read a second time.

Question—put and passed.

Bill read a second time.

Ordered—That the Bill be now considered in Committee of the whole Council.

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

The President left the Chair.

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

Ordered—That the adoption of the Report of the Committee be made an Order of the Day for Tuesday, the 27th instant.

INTERPRETATION OF ACTS BILL.—The Order of the Day for the adoption of the report of the Committee of the whole Council on this Bill being read, the Honorable M. Hervey moved, That the report be now adopted.

Question—put and passed.

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

The Honorable M. Hervey moved, That the title of the Bill be "*An Act to amend the Law relating to Acts of Parliament.*"

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.

SANDHURST, INGLEWOOD, AND LODDON DISTRICT TRAMWAY 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. H. F. Mitchell, was read a third time and *passed*.

The Honorable W. H. F. Mitchell moved, That the title of the Bill be "*An Act to incorporate a Company for the purpose of making constructing and maintaining a Tramway or Railway between the Boroughs of Sandhurst and Inglewood to be called 'The Sandhurst and Inglewood Tramway Company.'*"

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.

MINING LAW 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.

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

NOTICES OF MOTION AND ORDERS OF THE DAY.

TUESDAY, 27TH JUNE, 1865.

NOTICES OF MOTION :—

1. The Hon. J. F. STRACHAN : To move, That this House deems it inexpedient to proceed further with any Bills which may be connected with the financial policy of the country until the proposed alterations in the Tariff shall have been submitted for its consideration.
2. The Hon. C. J. JENNER : To move for leave to introduce a Bill to be intituled "*An Act to remove doubts as to the validity of Stock Mortgages.*"

ORDERS OF THE DAY :—

1. HAWKERS AND PEDLERS LAW AMENDMENT BILL.—To be read a second time.
2. PUBLIC WORKS LAW AMENDMENT AND CONSOLIDATION BILL.—To be read a third time.
3. ROYAL MINT ESTABLISHMENT BILL.—Adoption of Report.
4. FISHERIES AND GAME STATUTE AMENDMENT BILL (2).—Adoption of Report.
5. MINING LAW AMENDMENT BILL.—To be further considered in Committee.

G. W. RUSDEN,

Clerk of the Council and Clerk of the Parliaments.

VICTORIA.

No. 54.

Minutes of the Proceedings

OF THE

LEGISLATIVE COUNCIL.

TUESDAY, 27TH JUNE, 1865.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the Prayer.

REAL PROPERTY ACT, STAFF, EXPENDITURE, FEES, ASSURANCE.—The Honorable M. Hervey laid on the Table a Return to an Order of the Council made on the 8th instant.

TARIFF, ALTERATIONS IN.—The Honorable J. F. Strachan, in accordance with notice, moved, That this House deems it inexpedient to proceed further with any Bills which may be connected with the financial policy of the country, until the proposed alterations in the Tariff shall have been submitted for its consideration.

Amendment moved by the Honorable W. Highett, That the words "further with" be omitted, with a view to insert the words "to the third reading of" instead thereof.

Debate ensued.

The Honorable J. F. Strachan, with leave of the Council, amended the original motion in terms of the amendment.

Debate ensued.

Question—That this House deems it inexpedient to proceed to the third reading of any Bills which may be connected with the financial policy of the country until the proposed alterations in the Tariff have been submitted for its consideration—put.

Council divided.

Contents, 17.

The Hon. T. H. Fellows
C. Sladen
J. F. Strachan
W. Campbell
Dr. Wilkie
S. G. Henty
H. Miller
B. Williams
W. Hull
W. Highett
J. P. Bear
W. J. T. Clarke
W. Degraives
A. Fraser
H. M. Murphy
J. P. Fawkner
W. Taylor (*Teller*).

Not Contents, 5.

The Hon. M. Hervey
G. W. Cole
C. J. Jenner
J. McCrae
J. Lowe (*Teller*).

The question was therefore passed.

STOCK MORTGAGES BILL.—The Honorable C. J. Jenner, in accordance with notice, moved, That leave be given to bring in a Bill to remove doubts as to the validity of Stock Mortgages.

Question—put and passed.

Bill brought in, and on the motion of the Honorable C. J. Jenner, read a first time, ordered to be printed, and read a second time on Wednesday, the 28th instant.

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 amendments recommended by His Excellency the Governor in the Bill intituled "*An Act to consolidate and amend the Law relating to Electors and Elections of Members to serve in Parliament,*" and acquaint the Legislative Council that the Legislative Assembly have agreed to one of the amendments made therein by the Legislative Council; that they have made an amendment consequent thereon, and that they have agreed to another of the amendments of the Legislative Council with amendments, with which they desire the concurrence of the Legislative Council.

FRANS. MURPHY,
Speaker.

Legislative Assembly Chamber,
Melbourne, 27th June, 1865.

Ordered—That the consideration of the Message be made an Order of the Day for Wednesday, the 28th instant.

HAWKERS AND PEDLERS LAW AMENDMENT BILL.—The Order of the Day for the second reading of this Bill being read, the Honorable C. J. Jenner moved, That the Bill be now read a second time.

Question—put and passed.

Bill read a second time.

Ordered—That the said Bill be now considered in Committee of the whole Council.

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.

Ordered—That the adoption of the report be made an Order of the Day for to-morrow.

PUBLIC WORKS LAW AMENDMENT AND CONSOLIDATION BILL—The Order of the Day for the third reading of this Bill being called on, the Honorable T. H. Fellows moved, That the Order of the Day be discharged, with a view to the re-committal of the Bill on certain clauses.

Question—put and passed.

Question—That the Bill be re-committed on the 158th and 193rd clauses—put and passed.

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

The President left the Chair.

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

The Honorable M. Hervey moved, That the report of the Committee be now adopted.

Question—put and passed.

Ordered—That the third reading of the Bill be made an Order of the Day for Wednesday, the 28th instant.

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

"*Royal Mint Establishment Bill.*"—Adoption of Report.

FISHERIES AND GAME STATUTE AMENDMENT BILL (2).—The Order of the Day for the adoption of the Report of the Committee of the whole Council on this Bill being read, the Honorable 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 from a Committee of the whole Council, the Bill, on the motion of the Honorable C. Sladen, was read a third time and passed.

The Honorable C. Sladen moved, That the title of the Bill be "*An Act to explain and amend the Fisheries and Game Statute.*"

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.

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

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

Ordered.

The Council adjourned at twenty minutes past ten o'clock until four o'clock on Wednesday, the 28th instant.

ORDERS OF THE DAY.

WEDNESDAY, 28TH JUNE, 1865.

Government Business.

ORDERS OF THE DAY :—

1. ELECTORAL LAW CONSOLIDATION AND AMENDMENT BILL.—Consideration of Message from Legislative Assembly.
2. PUBLIC WORKS LAW AMENDMENT AND CONSOLIDATION BILL.—To be read a third time.
3. ROYAL MINT ESTABLISHMENT BILL.—Adoption of report.
4. MINING LAW AMENDMENT BILL.—To be further considered in Committee.

General Business.

ORDERS OF THE DAY :—

1. STOCK MORTGAGES BILL.—To be read a second time.
2. HAWKERS AND PEDLERS LAW AMENDMENT BILL.—Adoption of report.

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

Minutes of the Proceedings
OF THE
LEGISLATIVE COUNCIL.

WEDNESDAY, 28TH JUNE, 1865.

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

ELECTORAL LAW CONSOLIDATION AND AMENDMENT BILL.—The Order of the Day for the consideration of the Message from the Legislative Assembly, returning, with amendments on the amendments of the Legislative Council, the amendments recommended by His Excellency the Governor in this Bill, being read, the Honorable M. Hervey moved, That the Council do agree with the following consequential amendment made by the Legislative Assembly:—

“Insert in First Schedule, after 17 Vic. No. 32—

“18 and 19 Vic. c. 55, Schedule I.	“The Constitution Act.”	So much of Section 2 as relates to the boundaries of Electoral Provinces and Schedule E.”
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Debate ensued.

The Honorable J. P. Fawcner moved, That the debate be adjourned.

Question—put and passed.

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

PUBLIC WORKS LAW AMENDMENT AND CONSOLIDATION BILL.—The President having reported that the Chairman of Committees had certified that the fair print of this Bill was in accordance with the Bill as reported from a Committee of the whole Council, the Bill, on the motion of the Honorable M. Hervey, was read a third time and *passed*.

The Honorable M. Hervey moved, That the title of the Bill be, “*An Act to amend and consolidate the Laws relating to Public Works.*”

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.

ROYAL MINT ESTABLISHMENT BILL.—The Order of the Day for the adoption of the Report of the Committee of the whole Council on this Bill being called on, the Honorable M. Hervey moved, That the Order of the Day be discharged, with a view to the re-committal of the Bill on the new clause A.

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

Question—That the Bill be now re-committed on the new clause A—put and passed.

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

The President left the Chair.

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

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 apply out of the Consolidated Revenue the sum of Two Hundred Thousand Pounds to the service of the year One thousand eight hundred and sixty-five,*” to which they desire the concurrence of the Legislative Council.

FRANS. MURPHY,
Speaker.

Legislative Assembly Chamber,
Melbourne, 28th June, 1865.

MR. PRESIDENT—

The Legislative Assembly return to the Legislative Council the Bill intituled “*An Act to explain and amend the Fisheries and Game Statute,*” and acquaint the Legislative Council that the Legislative Assembly have agreed to the amendment made therein by the Legislative Council.

FRANS. MURPHY,
Speaker.

Legislative Assembly Chamber,
Melbourne, 28th June, 1865.

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

Question—put and passed.

Bill read a first time.

The Honorable M. Hervey moved, That the Bill be now read a second time.

Debate ensued.

The Honorable J. P. Fawcner moved, That the debate be adjourned.

Question—put.

Council divided.

Contents, 12.

The Hon. C. Sladen

T. H. Fellows

B. Williams

H. M. Murphy

J. P. Fawcner

W. Hull

N. Fitzgerald

J. P. Bear

W. Highett

A. Fraser

W. J. T. Clarke

W. Taylor (*Teller*).

Not Contents, 9.

The Hon. Dr. Wilkie

M. Hervey

S. G. Henty

W. Degraives

H. Miller

C. J. Jenner

G. W. Cole

J. McCrae

J. Lowe (*Teller*).

The question was therefore passed.

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

ROYAL MINT ESTABLISHMENT BILL.—The Honorable M. Hervey moved, That the Report of the Committee of the whole Council on this Bill be now adopted.

Question—put and passed.

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

MINING LAW 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.

STOCK MORTGAGES BILL.—The Order of the Day for the second reading of this Bill being read, the Honorable C. J. Jenner moved, That the Bill be now read a second time.

Question—put and passed.

Bill read a second time.

Ordered—That the Bill be now considered in Committee of the whole Council.

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.

Ordered—That the adoption of the report of the Committee be made an Order of the Day for Thursday, the 29th instant.

HAWKERS AND PEDLERS LAW 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 C. J. Jenner moved, That the Report be now adopted.

Question—put and passed.

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

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

NOTICE OF MOTION AND ORDERS OF THE DAY.

THURSDAY, 29TH JUNE, 1865.

NOTICE OF MOTION :—

1. The Hon. M. HERVEY : To move, That a Committee be appointed to prepare an Address to Her Majesty the Queen upon the subject of the National Defences.

ORDERS OF THE DAY :—

1. CONSOLIDATED REVENUE BILL (3).—Adjourned debate on second reading.
2. ROYAL MINT ESTABLISHMENT BILL.—To be read a third time.
3. MINING LAW AMENDMENT BILL.—To be further considered in Committee.
4. STOCK MORTGAGES BILL.—Adoption of report.
5. HAWKERS AND PEDLERS LAW AMENDMENT BILL.—To be read a third time.

TUESDAY, 4TH JULY.

ORDER OF THE DAY :—

1. ELECTORAL LAW CONSOLIDATION AND AMENDMENT BILL.—Further consideration of Message from Legislative Assembly.

G. W. RUSDEN,

Clerk of the Council and Clerk of the Parliaments.

VICTORIA.

No. 56.

Minutes of the Proceedings

OF THE

LEGISLATIVE COUNCIL.

THURSDAY, 29TH JUNE, 1865.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the Prayer.

CONSOLIDATED REVENUE BILL (3).—The Order of the Day for the resumption of the debate on the second reading of this Bill being read, the debate was resumed.

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

Bill read a second time.

Ordered—That the Bill be now considered in Committee of the whole Council.

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 M. Hervey moved, That the report be now adopted.

Question—put and passed.

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

The Honorable M. Hervey moved, That the title of the Bill be "*An Act to apply out of the Consolidated Revenue the sum of Two hundred thousand pounds to the service of the year One thousand eight hundred and sixty-five.*"

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.

ROYAL MINT ESTABLISHMENT BILL.—The President having reported that the Chairman of Committees had certified that the fair print of this Bill was in accordance with the Bill as reported from a Committee of the whole Council, the Bill, on the motion of the Honorable T. H. Fellows, was read a third time and *passed*.

The Honorable M. Hervey moved, That the title of the Bill be "*An Act to make permanent provision for a Mint in Victoria.*"

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 the receipt of the following Message from the Legislative Assembly :—

MR. PRESIDENT—

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

FRANS. MURPHY,
Speaker.

Legislative Assembly Chamber,
Melbourne, 29th June, 1865.

IMPRISONMENT FOR DEBT LAW AMENDMENT BILL.—The Honorable M. Hervey moved, That this Bill be now read a first time, and printed.

Question—put and passed.

Bill read a first time.

MINING LAW 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.

Ordered—That the adoption of the report of the Committee be made an Order of the Day for Tuesday, the 4th proximo.

STOCK MORTGAGES 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 C. J. Jenner moved, That the report be now adopted.

Question—put and passed.

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

The Honorable C. J. Jenner moved, That the title of the Bill be “*An Act to amend and explain ‘The Instruments and Securities Statute 1864.’*”

Question—put and passed.

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

HAWKERS AND PEDLERS LAW AMENDMENT BILL.—The President having reported that the Chairman of Committees had certified that the fair print of this Bill was in accordance with the Bill as reported from a Committee of the whole Council, the Bill, on the motion of the Honorable C. J. Jenner, was read a third time and *passed*.

The Honorable C. J. Jenner moved, That the title of the Bill be “*An Act to amend the ‘Law relating to Hawkers and Pedlers.’*”

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.

ADJOURNMENT.—The Honorable M. Hervey, 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 four o'clock on Tuesday, the 4th proximo.

NOTICES OF MOTION AND ORDERS OF THE DAY.

TUESDAY, 4TH JULY, 1865.

NOTICES OF MOTION :—

1. The Hon. M. HERVEY : To move, That a Committee be appointed to prepare an Address to Her Majesty the Queen upon the subject of the National Defences.
2. The Hon. J. P. FAWKNER : To move, That an Address be presented to His Excellency the Governor praying that he will cause to be laid upon the Table of this House a copy of any despatch or despatches received from the Secretary of State for the Colonies on the subject of the visit of the Confederate steamer *Shenandoah* to this port.

ORDERS OF THE DAY :—

1. ELECTORAL LAW CONSOLIDATION AND AMENDMENT BILL.—Further consideration of Message from Legislative Assembly.
2. MINING LAW AMENDMENT BILL.—Adoption of report.

G. W. RUSDEN,

Clerk of the Council and Clerk of the Parliaments.

VICTORIA.

No. 57.

Minutes of the Proceedings

OF THE

LEGISLATIVE COUNCIL.

TUESDAY, 4TH JULY, 1865.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the Prayer.

MESSAGE FROM THE GOVERNOR.—The President announced the receipt of the following Message from His Excellency the Governor:—

VICTORIA.

Consolidated Revenue Act 1865.

C. H. DARLING,
Governor.

The Governor informs the Legislative Council that he has given Her Majesty's assent to the Bill which recently passed the Legislative Council for the application of the Consolidated Revenue to the extent of Two Hundred Thousand Pounds to the service of the current year.

Government Offices,
Melbourne, 3rd July, 1865.

PAPERS.—The Honorable M. Hervey laid on the Table the following papers:—

1. Observatory, Fourth Report of Visitors of (5th May, 1865).
2. Criminal Statistics (1864).
3. *Shenandoah* Steamer, Despatch relating to, from the Right Honorable the Secretary of State (26th April, 1865).

Ordered severally to lie on the Table.

NATIONAL DEFENCES.—ADDRESS TO THE QUEEN.—The Honorable M. Hervey, in accordance with *amended* notice, moved, That a Committee be appointed to prepare an Address to Her Majesty the Queen upon the subject of the National Defences, and that such Committee consist of the following members:—The Honorables W. Hull, G. W. Cole, J. P. Fawkner, H. Miller, W. Degraives, S. G. Henty, W. Taylor, A. Fraser, J. F. Strachan, and the Mover.

Debate ensued.

Question—put.

Council divided.

Contents, 7.

The Hon. M. Hervey
G. W. Cole
C. J. Jenner
W. Degraives
J. P. Bear
J. McCrae
N. Fitzgerald (*Teller*).

Not Contents, 12.

The Hon. C. Sladen
W. Taylor
W. J. T. Clarke
W. Hull
H. M. Murphy
H. Miller
Dr. Wilkie
J. F. Strachan
A. Fraser
J. P. Fawkner
W. Highett
T. H. Fellows (*Teller*).

The question was therefore negatived.

“SHENANDOAH” STEAMER.—The Honorable J. P. Fawkner, in accordance with *amended* notice, moved, That an Address be presented to His Excellency the Governor, praying that he will cause to be laid upon the Table of the House a copy of any Despatch or Despatches sent to or received from the Secretary of State for the Colonies on the subject of the visit of the Confederate steamer *Shenandoah* to this port.

Question—put and passed.

ADJOURNMENT.—The Honorable C. Sladen moved, That this House do now adjourn.

Debate ensued.

Question—put and passed.

The Council adjourned at half-past six o'clock until four o'clock on Wednesday, the 5th instant.

NOTICES OF MOTION AND ORDERS OF THE DAY.

WEDNESDAY, 5TH JULY, 1865.

1. The Hon. W. HULL : To ask, If it be the intention of the Government to re-enact the Paid Naval and Military Forces Bill in the service of Her Majesty's Local Government of Victoria ; which Bill expired in June last.

NOTICE OF MOTION :—

1. The Hon. C. SLADEN : To move, That a Return be furnished showing—
 - (1). The number of Clerks and others employed in the Port of Melbourne for collecting the Customs duties on Imports during the respective periods from 1st January to 30th June, 1864 ; 1st January to 30th June, 1865.
 - (2). The total expenditure in Salaries for the ordinary Customs staff, and for clerical and extra assistance during the above periods respectively.

G. W. RUSDEN,

Clerk of the Council and Clerk of the Parliaments.

VICTORIA.

No. 58.

Minutes of the Proceedings

OF THE

LEGISLATIVE COUNCIL.

WEDNESDAY, 5TH JULY, 1865.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the Prayer.

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

MR. PRESIDENT—

The Legislative Assembly return to the Legislative Council the Bill intituled "*An Act to incorporate a Company for the purpose of making constructing and maintaining a Tramway or Railway between the Boroughs of Sandhurst and Inglewood to be called 'The Sandhurst and Inglewood District Tramway Company,'*" and acquaint the Legislative Council that the Legislative Assembly have agreed to the amendments made therein by the Legislative Council.

Legislative Assembly Chamber,
Melbourne, 29th June, 1865.

FRANS. MURPHY,
Speaker.

MR. PRESIDENT—

The Legislative Assembly transmit to the Legislative Council a Bill intituled "*An Act to authorise the raising of Money for certain Public Purposes,*" with which they desire the concurrence of the Legislative Council.

Legislative Assembly Chamber,
Melbourne, 4th July, 1865.

FRANS. MURPHY,
Speaker.

MR. PRESIDENT—

The Legislative Assembly return to the Legislative Council the Bill intituled "*An Act to amend the Law relating to Hawkers and Pedlers,*" and acquaint the Legislative Council that the Legislative Assembly have agreed to the amendments made therein by the Legislative Council.

Legislative Assembly Chamber,
Melbourne, 4th July, 1865.

FRANS. MURPHY,
Speaker.

MR. PRESIDENT—

The Legislative Assembly return to the Legislative Council, the Bill intituled "*An Act to amend the Law relating to Acts of Parliament,*" and acquaint the Legislative Council that the Legislative Assembly have agreed to some of the amendments made therein by the Legislative Council, and have disagreed to others of the said amendments.

Legislative Assembly Chamber,
Melbourne, 4th July, 1865.

FRANS. MURPHY,
Speaker.

MR. PRESIDENT—

The Legislative Assembly return to the Legislative Council the Bill intituled "*An Act to consolidate the Law relating to the Constitution of the Supreme Court,*" and acquaint the Legislative Council that the Legislative Assembly have disagreed to the amendments made therein by the Legislative Council.

Legislative Assembly Chamber,
Melbourne, 4th July, 1865.

FRANS. MURPHY,
Speaker.

MR. PRESIDENT—

The Legislative Assembly return to the Legislative Council the Bill intituled "*An Act to consolidate the Laws relating to Public Works,*" and acquaint them that the Legislative Assembly have agreed to some of the amendments made therein by the Legislative Council, that they have disagreed to others of the said amendments, and have agreed to others of the said amendments with amendments, with which they desire the concurrence of the Legislative Council.

Legislative Assembly Chamber,
Melbourne, 4th July, 1865.

FRANS. MURPHY,
Speaker.

PUBLIC WORKS LAW AMENDMENT AND CONSOLIDATION BILL.—The Honorable M. Hervey moved, That the Message from the Legislative Assembly with this Bill be taken into consideration to-morrow.

Question—put and passed.

INTERPRETATION OF ACTS BILL.—The Honorable M. Hervey moved, That the Message from the Legislative Assembly with this Bill be taken into consideration to-morrow.

Question—put and passed.

PUBLIC LOAN BILL.—The Honorable M. Hervey moved, That this Bill be now read a first time, printed, and read a second time on Friday next.

Question—put and passed.

Bill read a first time.

SUPREME COURT LAW CONSOLIDATION AND AMENDMENT BILL.—The Honorable M. Hervey moved, That the Message from the Legislative Assembly returning this Bill be now taken into consideration.

Amendment moved by the Honorable J. F. Strachan, That the word "now" be omitted, with a view to add the words "this day three months" after the word "consideration."

Debate ensued.

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

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

Question—That the Message from the Legislative Assembly returning this Bill be taken into consideration this day three months—put and passed.

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

MR. PRESIDENT—

The Legislative Assembly return to the Legislative Council the Bill intituled "*An Act to make permanent provision for a Mint in Victoria,*" and acquaint the Legislative Council that the Legislative Assembly have disagreed to the amendment made therein by the Legislative Council.

Legislative Assembly Chamber,
Melbourne, 5th July, 1865.

FRANS. MURPHY,
Speaker.

MR. PRESIDENT—

The Legislative Assembly return to the Legislative Council the Bill intituled "*An Act to amend and explain 'The Instruments and Securities Statute 1864,'*" and acquaint the Legislative Council that the Legislative Assembly have agreed to the same with amendments, with which they desire the concurrence of the Legislative Council.

Legislative Assembly Chamber,
Melbourne, 5th July, 1865.

FRANS. MURPHY,
Speaker.

MR. PRESIDENT—

The Legislative Assembly return to the Legislative Council the Bill intituled "*An Act to provide for the better administration of Justice in County Courts,*" and acquaint the Legislative Council that the Legislative Assembly have agreed to the several amendments made therein by the Legislative Council.

Legislative Assembly Chamber,
Melbourne, 5th July, 1865.

FRANS. MURPHY,
Speaker.

ROYAL MINT ESTABLISHMENT BILL.—The Honorable M. Hervey moved, That the Message from the Legislative Assembly returning this Bill be now taken into consideration.

Amendment moved by the Honorable J. P. Fawkner, That the word "now" be omitted, with a view to insert the words "on Tuesday next" after the word "consideration."

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

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

Question—That the Message from the Legislative Assembly returning this Bill be taken into consideration on Tuesday next—put and passed.

STOCK MORTGAGES BILL.—The Honorable C. J. Jenner moved, That the Message from the Legislative Assembly returning this Bill be taken into consideration to-morrow.
Question—put and passed.

LAPSED ORDERS OF THE DAY.—The Honorable M. Hervey, with leave of the Council, moved, without notice, that the Orders of the Day :—

“*Electoral Law Consolidation and Amendment Bill.*”—Further consideration of Message from Legislative Assembly, and

“*Mining Law Amendment Bill.*”—Adoption of Report—

which lapsed on the 4th instant, be restored to the Notice Paper for this day.

Question—put and passed.

CUSTOMS.—CLERKS, SALARIES, AND EXPENDITURE.—The Honorable C. Sladen, in accordance with notice, moved, That a Return be laid on the Table of the House showing—

(1). The number of Clerks and others employed in the Port of Melbourne for collecting the Customs duties on Imports during the respective periods from 1st January to 30th June, 1864 ; 1st January to 30th June, 1865.

(2). The total expenditure in Salaries for the ordinary Customs staff, and for clerical and extra assistance during the above periods respectively.

Question—put and passed.

ELECTORAL LAW CONSOLIDATION AND AMENDMENT BILL.—The Order of the Day for the consideration of the Message from the Legislative Assembly, returning, with amendments on the amendments of the Legislative Council, the amendments recommended by His Excellency the Governor in this Bill, being read, the Honorable M. Hervey moved, That the Council do agree to the following amendment made by the Legislative Assembly :—

“Insert in First Schedule, after 17 Vic. No. 32—

		Extent of repeal.
“18 and 19 Vic., c. 55, Schedule I.	The Constitution Act.	So much of section 2 as relates to the boundaries of electoral provinces and Schedule E.”

with a proviso, That it be agreed to because it gives effect to the opinion of the Council, but that the agreement is not to be drawn into a precedent.

Question—put and passed.

The Honorable M. Hervey, moved, That the Council do not agree to the amendments made by the Legislative Assembly in the Second Schedule to the Bill.

Question—put and passed.

Ordered—That the amendments recommended by His Excellency the Governor in the Bill, be returned to the Legislative Assembly, with a Message acquainting them that the Council have agreed to the amendment in the First Schedule as above set forth, and have not agreed to the amendment in the Second Schedule.

MINING LAW 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 M. Hervey moved, That the Report be now adopted.

Question—put and passed.

Ordered—That the third reading of the Bill be made an Order of the Day for Thursday, the 6th instant.

The Council adjourned at twenty minutes past five o'clock until four o'clock on Thursday, the 6th instant.

NOTICES OF MOTION AND ORDERS OF THE DAY.

THURSDAY, 6TH JULY, 1865.

NOTICE OF MOTION :—

1. The Hon. J. F. STRACHAN : To move, That the Public Loan Bill, set down as an Order of the Day for Friday next, be discharged, and set down for Tuesday the 11th instant.

ORDERS OF THE DAY :—

1. PUBLIC WORKS LAW AMENDMENT AND CONSOLIDATION BILL.—Consideration of Message from Legislative Assembly.
2. INTERPRETATION OF ACTS BILL.—Consideration of Message from Legislative Assembly.
3. STOCK MORTGAGES BILL.—Consideration of Message from Legislative Assembly.
4. MINING LAW AMENDMENT BILL.—To be read a third time.

FRIDAY, 7TH JULY, 1865.

ORDER OF THE DAY:—

1. PUBLIC LOAN BILL.—To be read a second time.
-

TUESDAY, 11TH JULY.

NOTICE OF MOTION:—

1. The Hon. C. SLADEN: To move, That, in the opinion of this House, it is desirable that the present expenditure on the defences of the port should be confined to one or more floating batteries, with the necessary armament.

ORDER OF THE DAY:—

1. ROYAL MINT ESTABLISHMENT BILL.—Consideration of Message from Legislative Assembly.

G. W. RUSDEN,

Clerk of the Council and Clerk of the Parliaments.

VICTORIA.

No. 59.

Minutes of the Proceedings

OF THE

LEGISLATIVE COUNCIL.

THURSDAY, 6TH JULY, 1865.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the Prayer.

PUBLIC LOAN BILL.—ORDER OF THE DAY FOR FRIDAY.—The Honorable J. F. Strachan, in accordance with *amended* notice, moved, That the resolution of the Council, setting down the second reading of the Public Loan Bill for Friday next, be rescinded.

Debate ensued.

Question—put and passed.

The Honorable J. F. Strachan moved, That the second reading of the Bill be made an Order of the Day for Tuesday next.

Question—put and passed.

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

MR. PRESIDENT—

The Legislative Assembly transmit to the Legislative Council the Bill intituled "*An Act to authorise Works for supplying Water to certain Districts and Places in Victoria,*" with which they desire the concurrence of the Legislative Council.

FRANS. MURPHY,
Speaker.

Legislative Assembly Chamber,
Melbourne, 5th July, 1865.

MR. PRESIDENT—

The Legislative Assembly return to the Legislative Council the Message of His Excellency the Governor, recommending amendments in the Electoral Law Consolidation and Amendment Bill, and acquaint the Legislative Council that the Legislative Assembly do not insist upon their amendment on the amendment made by the Legislative Council on the amendment recommended by the Governor in the Second Schedule to the Bill.

FRANS. MURPHY,
Speaker.

Legislative Assembly Chamber,
Melbourne, 6th July, 1865.

WATER WORKS BILL.—The Honorable M. Hervey moved, That this Bill be now read a first time, printed, and read a second time on Tuesday next, then to take precedence of other Orders of the Day.

Question—put and passed.

Bill read a first time.

PUBLIC WORKS LAW AMENDMENT AND CONSOLIDATION BILL.—The Order of the Day for the consideration of the Message from the Legislative Assembly returning this Bill being read, the Honorable M. Hervey moved, That the following amendment made by the Legislative Assembly on the amendment made by the Council in Clause 189 of the Bill be agreed to, viz. :—

Leave out "all" in line 40 ; leave out from line 43 the words "was expended in supplying water to the city of Melbourne and the suburbs thereof And whereas the town of Geelong has not yet been supplied with water nor have any works been undertaken for the purpose of procuring a supply of water thereto," and insert instead "has been found insufficient to supply Geelong with water."

Question—put and passed.

The Honorable M. Hervey moved, That the Council do not insist on the insertion of the new clause A, with which the Legislative Assembly have not agreed.

Amendment moved by the Honorable T. H. Fellows—That the word “not” be omitted from the question.

Debate ensued.

Question—That the word “not,” proposed to be omitted, stand part of the question—put and negatived.

Question—That the Council do insist on the insertion of the new clause A, with which the Legislative Assembly have not agreed—put and passed.

The following amendments made by the Legislative Assembly on the amendment made by the Council in clause 193 of the Bill being read, viz. :—

Insert in line 7, after “successors,” “and the mayors councillors and burgesses of the boroughs in the suburbs to which such water works shall have been extended ;” insert after “the” in last line “said” —

the Honorable T. H. Fellows moved, That the Council do agree to the amendments, with the following amendment :—

Leave out the words “to which such water works shall have been extended” and insert the words “of the said city.”

Question—put and passed.

The Honorable T. H. Fellows moved, That the Council do agree to the following amendments made by the Legislative Assembly on the amendment made by the Council in clause 193, line 8, of the Bill, viz. :—

After “corporation,” in line 2, insert “and bodies corporate;” line 8, omit “clerk,” insert “clerks;” line 8, after “city” insert “and boroughs respectively.”

Question—put and passed.

The Honorable M. Hervey moved, That the Council do not insist on their amendment in clause 203, line 21, of Bill, viz. :—

“And the supply of water for other than domestic purposes solely shall in all cases be by measure.”

Debate ensued.

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 some amendments made by the Legislative Assembly on the amendments made by the Council in the Bill; that they insist on one amendment; that they have agreed to one amendment with an amendment; and that they do not insist on another amendment; and desiring the concurrence of the Legislative Assembly therewith.

INTERPRETATION OF ACTS BILL.—The Order of the Day for the consideration of the Message from the Legislative Assembly returning this Bill being read, the Honorable T. H. Fellows moved, That the Council do insist on their amendments in the Bill.

Question—put and passed.

Ordered—That the Bill be returned to the Legislative Assembly with a Message acquainting them that the Council insist on their amendments.

STOCK MORTGAGES BILL.—The Order of the Day for the consideration of the Message from the Legislative Assembly with amendments in this Bill being read, the Honorable C. J. Jenner moved, That the amendments be agreed to as follows :—

In Preamble, line 2, after “stock” insert “and agreements.”

Clause 1, line 1, after “stock” insert “and every agreement for the purchase of wool or advances thereon.”

Clause 1, line 2, leave out “or” and insert “and every such mortgage and agreement and also every agreement for advancing money or goods to any company engaged in prosecuting mining operations and every mortgage of machinery stock and property registered under and.”

Clause 1, line 3, after “force” insert “at any time.”

Clause 1, line 3, leave out “passing” and insert “coming into operation.”

Clause 1, line 3, after “Statute” insert “and every mortgage of stock and every agreement for the purchase of wool or advances thereon registered after the passing of this Act in accordance with the said Eighth Part of the said Statute.”

Clause 2, line 1, after “mortgage” insert “or agreement.”

Clause 2, line 6 (p. 2), after “mortgage” insert “agreement.”

Clause 3, before the first word “Notwithstanding” insert “The said 41st section of the said Statute shall be and the same is hereby repealed.”

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 in the Bill.

MINING LAW AMENDMENT BILL.—The President having reported that the Chairman of Committees had certified that the fair print of this Bill was in accordance with the Bill as reported from a Committee of the whole Council, the Honorable M. Hervey moved, That the Bill be now read a third time.

Amendment moved by the Honorable J. F. Strachan, That the word “now” be omitted, with a view to insert the words “on Wednesday next” after the word “time.”

Debate ensued.

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

Contents, 6.

The Hon. J. Lowe.
C. J. Jenner
W. Degraives
N. Fitzgerald
M. Hervey
Dr. Wilkie (*Teller*).

Not Contents, 9.

The Hon. T. H. Fellows
C. Sladen
W. Campbell
H. M. Murphy
W. J. T. Clarke
J. F. Strachan
J. P. Bear
J. P. Fawkner
W. Taylor (*Teller*).

The question was therefore negatived.

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

Question—That the Bill be read a third time on Wednesday next—put and passed.

ADJOURNMENT.—The Honorable M. Hervey, 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 past six o'clock until four o'clock on Tuesday, the 11th instant.

NOTICES OF MOTION AND ORDERS OF THE DAY.

TUESDAY, 11TH JULY, 1865.

NOTICES OF MOTION :—

1. The Hon. C. SLADEN : To move, That, in the opinion of this House, it is desirable that the present expenditure on the defences of the port should be confined to one or more floating batteries, with the necessary armament.
2. The Hon. T. H. FELLOWS : To move, That the Imprisonment for Debt Amendment Bill be now read a second time.

ORDERS OF THE DAY :—

1. WATER WORKS BILL.—To be read a second time.
2. ROYAL MINT ESTABLISHMENT BILL.—Consideration of Message from Legislative Assembly.
3. PUBLIC LOAN BILL.—To be read a second time.

WEDNESDAY, 12TH JULY.

Government Business.

ORDER OF THE DAY :—

4. MINING LAW AMENDMENT BILL.—To be read a third time.

G. W. RUSDEN,

Clerk of the Council and Clerk of the Parliaments.

VICTORIA.

No. 60.

Minutes of the Proceedings

OF THE

LEGISLATIVE COUNCIL.

TUESDAY, 11TH JULY, 1865.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the Prayer.

PETITIONS.—The Honorable N. Fitzgerald presented a Petition, signed by J. Holdsworth, styling himself chairman of the White Hills, Epsom, and Huntley Water Supply Committee, praying that the Water Works Bill may be passed into law.

Petition received.

The Honorable N. Fitzgerald presented a similar Petition, signed by John Slade and others, styling themselves members of the Campaspe District Road Board.

Petition received.

The Honorable N. Fitzgerald moved, That the Petitions be referred to the Committee of the whole Council to which the Bill may be referred.

Question—put and passed.

CUSTOMS.—CLERKS, SALARIES, AND EXPENDITURE.—The Honorable M. Hervey laid on the Table a Return to the Order of the Council made on the 5th instant.

PAPERS.—The Honorable M. Hervey laid on the Table the following Paper:—

Immigration Regulations, nomination, and introduction of Immigrants (1st August, 1865).

Ordered to lie on the Table.

SHENANDOAH STEAMER.—REPLY TO ADDRESS.—The Honorable M. Hervey presented to the Council a Reply from His Excellency the Governor to the Address adopted by the Council on the 4th instant.

The Reply was read at the Table by the Clerk.

PETITIONS.—The Honorable N. Fitzgerald presented a Petition, signed by John McIntyre, styling himself Chairman of the Sandhurst Water Supply Committee, praying that the Water Works Bill may be passed.

Petition received.

The Honorable N. Fitzgerald moved, That the Petition be referred to the Committee of the whole Council to which the Bill may be referred.

Question—put and passed.

The Honorable J. P. Bear presented a similar Petition from the Bendigo Water Works Company, and under the Corporate Seal of that body.

Petition received.

The Honorable J. P. Bear moved, That the Petition be referred to the Committee of the whole Council to which the Bill may be referred.

Question—put and passed.

DEFENCES.—FLOATING BATTERIES.—The Honorable C. Sladen, in accordance with notice, moved, That, in the opinion of this House, it is desirable that the present expenditure on the defences of the Port should be confined to one or more floating batteries, with the necessary armament.

Debate ensued.

Question—put.

Council divided.

Contents, 11.
The Hon. C. Sladen
B. Williams
W. H. F. Mitchell
H. Miller
J. F. Strachan
W. Highett
J. P. Bear
H. M. Murphy
T. H. Fellows
J. P. Fawkner
Dr. Wilkie (*Teller*.)

Not Contents, 8.
The Hon. G. W. Cole
M. Hervey
S. G. Henty
N. Fitzgerald
C. J. Jenner
W. Degraives
A. Fraser
W. Campbell (*Teller*).

The question was therefore passed.

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

MR. PRESIDENT—

The Legislative Assembly return to the Legislative Council the Bill intituled "*An Act to amend the Law relating to Acts of Parliament*," and acquaint the Legislative Council that the Legislative Assembly insist upon disagreeing with the Legislative Council in their amendment in this Bill.

Legislative Assembly Chamber,
Melbourne, 11th July, 1865.

FRANS. MURPHY,
Speaker.

MR. PRESIDENT—

The Legislative Assembly acquaint the Legislative Council that the Legislative Assembly concur with the Legislative Council in the adoption of the first three paragraphs of the Report from the Joint Committee on Parliament Buildings, presented on the 22nd June last.

Legislative Assembly Chamber,
Melbourne, 11th July, 1865.

FRANS. MURPHY,
Speaker.

PETITION.—The Honorable W. Highett presented a Petition from the Ovens Gold Fields Water Company, and under the Corporate Seal of that body, praying that the sixth clause of the Water Works Bill may be disallowed, or that provision may be made for preserving the existing rights of the Petitioners, or that the Petitioners may be heard by Counsel or agent against the said clause.

Petition received.

The Honorable W. Highett moved, That the Petition be referred to the Committee of the whole Council to which the Bill may be referred.

Question—put and passed.

INTERPRETATION OF ACTS BILL.—The Honorable M. Hervey moved, That the consideration of the Message from the Legislative Assembly returning this Bill be made an Order of the Day for to-morrow.

Question—put and passed.

WATER WORKS BILL.—The Order of the Day for the second reading of this Bill being read, the Honorable M. Hervey moved, That the Bill be now read a second time.

Debate ensued.

Question—put and passed.

Bill read a second time.

Ordered—That the Bill be now considered in Committee of the whole Council.

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.

ROYAL MINT ESTABLISHMENT BILL.—The Order of the Day for the consideration of the Message from the Legislative Assembly returning this Bill being called on, the Honorable M. Hervey moved, That the Order of the Day be postponed until to-morrow.

Amendment moved by the Honorable J. P. Fawkner, That the word "to-morrow" be omitted, with a view to insert the words "this day week" instead thereof.

Debate ensued.

Question—That the word "to-morrow," 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 Order of the Day be postponed until this day week—put and passed.

PUBLIC LOAN BILL.—The Order of the Day for the second reading of this Bill being read, the Honorable M. Hervey moved, That the Bill be now read a second time.

Debate ensued.

Amendment moved by the Honorable J. F. Strachan, That the word "now" be omitted, with a view to add the words "this day week" 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 week—put and passed.

The Council adjourned at half-past ten o'clock until four o'clock on Wednesday, the 12th instant.

NOTICE OF MOTION AND ORDERS OF THE DAY.

WEDNESDAY, 12TH JULY, 1865.

1. The Hon. W. HIGGETT : To ask, Whether the Customs Bill, passed in April, 1864; and reserved for the Royal Assent, has received such assent ; and if so, why it has not been proclaimed in the colony.

Government Business.

ORDERS OF THE DAY :—

1. MINING LAW AMENDMENT BILL.—To be read a third time.
2. INTERPRETATION OF ACTS BILL.—Consideration of Message from Legislative Assembly.
3. WATER WORKS BILL.—To be further considered in Committee.

General Business.

NOTICE OF MOTION :—

1. The Hon. T. H. FELLOWS : To move, That the Imprisonment for Debt Bill be now read a second time.

TUESDAY, 18TH JULY.

ORDERS OF THE DAY :—

1. ROYAL MINT ESTABLISHMENT BILL.—Consideration of Message from Legislative Assembly.
2. PUBLIC LOAN BILL.—To be read a second time.

G. W. RUSDEN,

Clerk of the Council and Clerk of the Parliaments.

VICTORIA

No. 61.

Minutes of the Proceedings

OF THE

LEGISLATIVE COUNCIL.WEDNESDAY, 12TH JULY, 1865.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the Prayer.

PETITION.—The Honorable N. Fitzgerald presented a Petition from the Borough Council of Sandhurst, and under the corporate seal of that Borough, praying that the Water Works Bill may be passed.

Petition received.

The Honorable N. Fitzgerald presented a similar Petition from the Boroughs of Castlemaine, Chewton, and Taradale, and under the corporate seals of those Boroughs.

Petition received.

The Honorable N. Fitzgerald moved, That the Petitions be referred to the Committee of the whole Council to which the Bill may be referred.

Question—put and passed.

PAPER.—The Honorable M. Hervey laid on the Table the following Paper :—

Sewers and Water Supply.—Cash Sheet and Balance Sheet, 1864.

Ordered to lie on the Table.

MINING LAW AMENDMENT BILL.—The Order of the Day for the third reading of this Bill being read, the Honorable M. Hervey moved, That the Bill be now read a third time.

Amendment moved by the Honorable J. F. Strachan, That the word “now” be omitted, with a view to insert the words “on Tuesday next” 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 third time on Tuesday next—put and passed.

INTERPRETATION OF ACTS BILL.—The Order of the Day for the consideration of the Message from the Legislative Assembly returning this Bill being read, the Honorable T. H. Fellows moved, That the Message be taken into consideration this day three months.

Question—put and passed.

PAPERS.—The Honorable M. Hervey laid on the Table the following Paper :—

Manufactures and Industries, New.—Regulations for the Promotion of.

Ordered to lie on the Table.

WATER WORKS 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.

Ordered—That the adoption of the Report of the Committee be made an Order of the Day for Friday, the 14th instant.

The Council adjourned at ten minutes to seven o'clock until four o'clock on Thursday, the 13th instant.

NOTICE OF MOTION AND ORDERS OF THE DAY.

THURSDAY, 13TH JULY, 1865.

1. The Hon. W. HIGHETT: To ask, Whether the Customs Bill, passed in April, 1864, and reserved for the Royal Assent, has received such assent; and if so, why it has not been proclaimed in the colony.

NOTICE OF MOTION:—

1. The Hon. T. H. FELLOWS: To move, That the Imprisonment for Debt Bill be now read a second time.

FRIDAY, 14TH JULY.

ORDER OF THE DAY:—

1. WATER WORKS BILL.—Adoption of Report.

TUESDAY, 18TH JULY.

ORDERS OF THE DAY:—

1. ROYAL MINT ESTABLISHMENT BILL.—Consideration of Message from Legislative Assembly.
2. PUBLIC LOAN BILL.—To be read a second time.
3. MINING LAW AMENDMENT BILL.—To be read a third time.

G. W. RUSDEN,

Clerk of the Council and Clerk of the Parliaments.

VICTORIA

No. 62.

Minutes of the Proceedings

OF THE

LEGISLATIVE COUNCIL.

THURSDAY, 13TH JULY, 1865.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the Prayer.

PAPER.—The Honorable M. Hervey laid on the Table the following Paper :—

Echuca—County Court to be holden at.—Order in Council (3rd July, 1865).

Ordered to lie on the Table.

IMPRISONMENT FOR DEBT LAW AMENDMENT BILL.—The Honourable C. Sladen, on behalf of the Honorable T. H. Fellows, in accordance with notice of motion given by the Honorable T. H. Fellows, moved, That the Bill intituled "*An Act to amend the Law for Imprisonment for Debt*," be now read a second time.

Debate ensued.

Question—put.

Council divided.

Contents, 14.

The Hon. M. Hervey
G. W. Cole
C. Sladen
W. H. Pettett
W. H. F. Mitchell
J. Lowe
Dr. Wilkie
W. Hull
H. Miller
B. Williams
W. Highett
W. Degraives
J. F. Strachan
W. Taylor (*Teller*).

Not Contents, 5.

The Hon. W. J. T. Clarke
J. P. Fawkner
C. J. Jenner
A. Fraser
W. Campbell (*Teller*).

The question was therefore passed.

Bill read a second time.

Ordered—That the said Bill be now considered in Committee of the whole Council.

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.

DEFENCES OF THE COLONY.—The Honorable J. P. Fawkner, with leave of the Council, moved, without notice, That a Message be sent to the Legislative Assembly requesting that they will be pleased to communicate to this House any evidence which may have been taken by any Committee of that body on the subject of Defences of the Colony ; together with other documents on the same subject.

Question—put and passed.

PAPERS.—The Honorable M. Hervey laid on the Table the following Papers :—

1. Supreme Court.—Reg. Gen. (10th July, 1865).
2. Pilot Board—Accounts of (for year ending 31st August, 1864).

Ordered severally to lie on the Table.

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

NOTICE OF MOTION AND ORDERS OF THE DAY.

FRIDAY, 14TH JULY, 1865.

NOTICE OF MOTION:—

1. The Hon. W. HULL: To move, That an Address be presented to His Excellency the Governor, praying he will be pleased to cause any recent despatch from the Home Government relative to the Naval and Seaboard Defences of the Colony to be laid upon the Table of this House.

ORDER OF THE DAY:—

1. WATER WORKS BILL.—Adoption of Report.

TUESDAY, 18TH JULY.

ORDERS OF THE DAY:—

1. ROYAL MINT ESTABLISHMENT BILL.—Consideration of Message from Legislative Assembly.
2. PUBLIC LOAN BILL.—To be read a second time.
3. MINING LAW AMENDMENT BILL.—To be read a third time.
4. IMPRISONMENT FOR DEBT LAW 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.

FRIDAY, 14TH JULY, 1865.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the Prayer.

NAVAL AND SEABOARD DEFENCES OF THE COLONY.—The Honorable W. Hull, in accordance with notice, moved, That an Address be presented to His Excellency the Governor, praying he will be pleased to cause any recent despatch from the Home Government relative to the Naval and Seaboard Defences of the Colony to be laid upon the Table of the House.

Question—put and passed.

CUSTOMS BILL 1864.—The Honorable W. Highett, with leave of the Council, moved, without notice, That an Address be presented to His Excellency the Governor, praying that he will cause to be laid on the Table of this House a copy of the despatch received from the Secretary of State for the Colonies on the subject of the Customs Bill passed in April, 1864, and reserved for the Royal assent, intituled, "*An Act to stay proceedings against persons concerned in levying certain Duties of Customs.*"

Question—put and passed.

WATER WORKS BILL.—The Order of the Day for the adoption of the Report of the Committee of the whole Council on this Bill being called on, the Honorable T. H. Fellows 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 Bill be now re-considered in Committee of the whole Council—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 the Committee had gone through the Bill, and had agreed to the same with further amendments.

The Honorable M. Hervey moved, That the Report of the Committee be now adopted.

Question—put and passed.

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

The Honorable M. Hervey moved, That the title of the Bill be "*An Act to authorise Works for supplying Water to certain Districts and Places in Victoria.*"

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 five o'clock until four o'clock on Tuesday, the 18th instant.

NOTICE OF MOTION AND ORDERS OF THE DAY.

TUESDAY, 18TH JULY, 1865.

NOTICE OF MOTION :—

1. The Hon. G. W. COLE : To move, That there be laid on the Table of this House, (in continuation of the Returns laid on the Table of the House on the 3rd March, 1863) a Return from 30th June, 1862, to 30th June, 1865, of—
 - (1.) The Number and Tonnage of Vessels that have discharged Cargo into Lighters in Hobson's Bay.
 - (2.) A similar Return for Government Pier at Williamstown.
 - (3.) A similar Return for Government Pier, Sandridge.
 - (4.) A similar Return for Hobson's Bay Railway Pier, distinguishing Sea-going Steamers.
 - (5.) A similar Return for the Wharves, Melbourne, distinguishing Number and Tonnage of Lighters, Sea-going Steamers, and Steamers inside the Heads.
 - (6.) A similar Return for the Port of Geelong.

ORDERS OF THE DAY :—

1. ROYAL MINT ESTABLISHMENT BILL.—Consideration of Message from Legislative Assembly.
2. PUBLIC LOAN BILL.—To be read a second time.
3. MINING LAW AMENDMENT BILL.—To be read a third time.
4. IMPRISONMENT FOR DEBT LAW AMENDMENT BILL.—To be further considered in Committee.

G. W. RUSDEN,

Clerk of the Council and Clerk of the Parliaments.

VICTORIA.

No. 64.

Minutes of the Proceedings

OF THE

LEGISLATIVE COUNCIL.

TUESDAY, 18TH JULY, 1865.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the Prayer.

CARGO DISCHARGED AT PIERS AND WHARVES.—The Honorable G. W. Cole, in accordance with notice, moved, That there be laid on the Table of this House (in continuation of the Returns laid on the Table of the House on the 3rd March, 1863) a Return from 30th June, 1862, to 30th June, 1865, of—

- (1.) The Number and Tonnage of Vessels that have discharged Cargo into Lighters in Hobson's Bay.
- (2.) A similar Return for Government Pier at Williamstown.
- (3.) A similar Return for Government Pier, Sandridge.
- (4.) A similar Return for Hobson's Bay Railway Pier, distinguishing Sea-going Steamers.
- (5.) A similar Return for the Wharves, Melbourne, distinguishing Number and Tonnage of Lighters, Sea-going Steamers, and Steamers inside the Heads.
- (6.) A similar Return for the Port of Geelong.

Question—put and passed.

PETITION.—The Honorable Dr. Wilkie presented a Petition signed by R. O. Smith, styling himself Chairman of the Sandhurst Mining Board, praying that the Water Works Bill may be passed.

Petition received.

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

“*Royal Mint Establishment Bill*”—Consideration of Message from Legislative Assembly.

“*Public Loan Bill*”—To be read a second time.

“*Mining Law Amendment Bill*”—To be read a third time.

IMPRISONMENT FOR DEBT LAW 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.

CUSTOMS BILL 1864.—The Honorable W. Highett, with leave of the Council, moved, without notice, That an Address be presented to His Excellency the Governor, praying that he will cause to be laid on the Table of the House copies of all minutes or correspondence which may have passed between His Excellency the Governor and the Members of the Government upon the subject of the Customs Bill, passed in April, 1864, entitled “*An Act to stay proceedings against persons concerned in levying certain Duties of Customs.*”

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 Copy of the Report and Evidence from the Select Committee of the Legislative Assembly on the National Defences, in accordance with the request of the Legislative Council.

Legislative Assembly Chamber,
Melbourne, 18th July, 1865.

FRANS. MURPHY,
Speaker.

NATIONAL DEFENCES.—The Honorable M. Hervey moved, That the consideration of the Message from the Legislative Assembly, with a Report and Evidence on the National Defences, be made an Order of the Day for to-morrow.

Question—put and passed.

POSTPONEMENTS.—The following Orders of the Day were severally postponed until Wednesday, the 19th instant :—

“*Royal Mint Establishment Bill.*”—Consideration of Message from Legislative Assembly.

“*Public Loan Bill.*”—To be read a second time.

“*Mining Law Amendment Bill.*”—To be read a third time.

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

NOTICES OF MOTION AND ORDERS OF THE DAY.

WEDNESDAY, 19TH JULY, 1865.

Government Business.

ORDERS OF THE DAY :—

1. ROYAL MINT ESTABLISHMENT BILL.—Consideration of Message from Legislative Assembly.
2. PUBLIC LOAN BILL.—To be read a second time.
3. MINING LAW AMENDMENT BILL.—To be read a third time.
4. NATIONAL DEFENCES.—Consideration of Message from Legislative Assembly.

General Business.

NOTICES OF MOTION :—

1. The Hon. W. H. F. MITCHELL : To move for Copies of all minutes or enclosures which accompanied the despatch of His Excellency the Governor to the Secretary of State, respecting the mode of correspondence to be adopted by the Judges of this Colony—the answer to which (despatch) appears to have been laid upon the Table of the Legislative Assembly on the 13th instant.
2. The Hon. G. W. COLE : To move, There be laid upon the Table of this House (in continuation of the Return laid on the Table of the House on the 29th April, 1862), a Return of the quantity of gunpowder imported in 1862, 1863, and 1864; the declared value of the same; the country imported from; also, a return of saltpetre for the same years, and the declared value of the same.

ORDER OF THE DAY :—

1. IMPRISONMENT FOR DEBT LAW AMENDMENT BILL.—To be further considered in Committee.

G. W. RUSDEN,

Clerk of the Council and Clerk of the Parliaments.

VICTORIA.

No. 65.

Minutes of the Proceedings

OF THE

LEGISLATIVE COUNCIL.

WEDNESDAY, 19TH JULY, 1865.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the Prayer.

CUSTOMS DUTIES SECURITIES.—The Honorable M. Hervey laid on the Table a Return to the Order of the House made on the 22nd ultimo.

PAPER.—The Honorable M. Hervey laid on the Table the following Paper :—
Gunpowder and Saltpetre imported (1862, 1863, 1864).

Ordered to lie on the Table.

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

“*Royal Mint Establishment Bill.*”—Consideration of Message from Legislative Assembly.

“*Public Loan Bill.*”—To be read a second time.

“*Mining Law Amendment Bill.*”—To be read a third time.

POSTPONEMENT.—The following Order of the Day was postponed until after the disposal of the remaining business on the paper :—

“*National Defences*”—Consideration of Message from Legislative Assembly.

ROYAL MINT ESTABLISHMENT BILL.—The Order of the Day for the consideration of the Message from the Legislative Assembly with this Bill being read, the Honorable M. Hervey moved, That the Order of the Day be postponed until to-morrow.

Question—put and negatived.

The Honorable T. H. Fellows moved, That the Council do insist on their amendment to insert clause A in the Bill.

Debate ensued.

Question—put.

Council divided.

Contents, 16.
The Hon. C. Sladen
W. Taylor
T. H. Fellows
W. H. F. Mitchell
J. F. Strachan
B. Williams
W. Hull
S. G. Henty
W. Highett
H. Miller
H. M. Murphy
W. Degraives
J. P. Bear
W. J. T. Clarke
J. P. Fawkner
N. Black (*Teller*).

Not Contents, 5.
The Hon. Dr. Wilkie
J. Lowe
G. W. Cole
C. J. Jenner
W. H. Pettett (*Teller*).

The question was therefore passed.

Ordered—That the Bill be returned to the Legislative Assembly, with a Message acquainting them that the Council insist on their amendment.

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 an Address to Her Majesty on the subject of the National Defences, which has been adopted by the Legislative Assembly, and with which they desire the concurrence of the Legislative Council.

FRANS. MURPHY,
Speaker.

Legislative Assembly Chamber,
Melbourne, 18th July, 1865.

MAY IT PLEASE YOUR MAJESTY,

We, the Members of the and of the Legislative Assembly
of Victoria, in Parliament assembled, beg leave to approach Your Majesty with renewed
assurances of our loyalty and affection.

We humbly desire to express to Your Majesty our earnest wish that adequate provision may be made for defending the Colony against foreign aggression.

Your Majesty's Ministers have been pleased to acknowledge, on several occasions, that Victoria has taken upon herself a larger share of the cost of her defence than any other of Your Majesty's possessions. Since the year One thousand eight hundred and fifty-six, the sum of Two hundred and thirty-three thousand pounds has been expended upon arms, defensive works, and barrack accommodation. An armed vessel has been purchased and maintained at a cost of One hundred and twenty-three thousand pounds. The amount contributed to the pay and allowances of Your Majesty's forces stationed here has been Three hundred and fifty-six thousand pounds. A body of volunteers, of all arms, has been maintained for the last nine years, at a cost of One hundred and sixty-nine thousand pounds; and by effective regulations and a liberal encouragement of the patriotic and self-reliant spirit of the people, we have secured not only a large number of men, but a well-trained and disciplined force.

But while the fortification of our harbor remains incomplete, the expenditure we have incurred, and the measures we have taken, will avail us little in case of an attack upon Melbourne from the sea. We therefore desire, by the completion of our works of defence, to be protected against the loss and degradation of such an attack as might now be made with impunity.

We beg leave to submit to Your Majesty that in such an event, while the people of this country would suffer much material loss, our fellow subjects in Great Britain would suffer more.

We learn from the records of the Custom-house, that four-fifths of the ships annually frequenting the Port of Melbourne, are the property of British owners, and that of their total estimated value—Four million seven hundred and seventy thousand pounds—Four million pounds represent the interest which British merchants have in them. The cargoes which these ships bring to our shores every year, from the United Kingdom and other British possessions, are worth Ten million pounds, and the Colonial produce they take away, consisting chiefly of gold and wool, is worth Nine million seven hundred and fifty thousand pounds. Both ships and cargo appear to be for the most part insured in British offices, so that in the event of their destruction or capture by an enemy, Great Britain would sustain the principal loss. The property of the banking and other financial institutions in Victoria is estimated at Ten million pounds, and Eight million pounds of this amount may be said to represent British capital; while the supply of British commodities stored in the Melbourne warehouses is seldom less than sufficient for six months' consumption, worth Five million pounds.

It would therefore appear that, as a matter of mere material advantage, the subject of our Defence must be regarded as one of Imperial as well as of local concern; and we have observed with great satisfaction the declaration of Your Majesty's Ministers in Parliament, that, apart from this consideration, it is the duty of Your Majesty's Government to protect against foreign aggression all Your Majesty's possessions, for the honor and credit of the Kingdom. Your Majesty's subjects in Victoria desire that the privilege of forming part of the great empire over which your Majesty happily reigns may ever be theirs, and it is with no wish of avoiding the risk of war incidental to our relation to the empire or of making the connexion a burden upon Great Britain that we now approach Your Majesty.

Relying upon the opinions expressed by Your Majesty's Ministers and by officers of high rank in the Civil Service and in Your Majesty's Navy, we propose to make provision for our works of defence in the belief that Your Majesty will be graciously pleased to grant our request for assistance in such proportion as to your Majesty's advisers may seem just.

We deem it unlikely that any serious attempt will be made to invade and hold our territory; and while we are not sufficiently numerous and wealthy as a people to undertake, without assistance, the cost of a complete system of harbor defence, we are prepared to maintain, in addition to your Majesty's troops, whatever force may be necessary to resist invasion.

We are aware that, in despatches upon the subject of colonial defences, Your Majesty's Ministers have accepted the responsibility of our defence from attack by a fleet, which, it is presumed, could not escape the vigilance of Your Majesty's Navy; but the fact that single ships have entered our principal harbor unobserved, and the opinion expressed by naval and military officers from whom advice has been sought, strengthen our belief that we shall always have to rely upon local defences to resist an attack by a ship or a squadron,—and it is against this danger that we desire to provide.

For these reasons, therefore, we venture to hope that Your Majesty may be advised that the work of defending Victoria should not be left entirely to the colonists; and we trust that our willingness to undertake the maintenance of our defences when established may influence the decision of Your Majesty's Government upon the request we now prefer,—that we may receive such aid in their creation, as may be commensurate with the importance of the Imperial interests involved.

The Address was read at the Table by the Clerk.

The Honorable M. Hervey moved, That the Address be taken into consideration with the Order of the Day relative to National Defences.

Question—put and passed.

POSTPONEMENT.—The following Order of the Day was postponed until after the consideration of the Order of the Day for the consideration of the Message from the Legislative Assembly, with a Report and Evidence from a Select Committee of that body on the National Defences.

“*Public Loan Bill*”—To be read a second time.

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

“*Mining Law Amendment Bill*”—To be read a third time.

JUDGES OF THE COLONY, CORRESPONDENCE WITH.—The Honorable W. H. F. Mitchell, in accordance with *amended* notice, moved, That an Address be presented to His Excellency the Governor, praying that he will cause to be laid on the Table of this House copies of all minutes or enclosures which accompanied the despatch of His Excellency the Governor to the Secretary of State, respecting the mode of correspondence to be adopted by the Judges of this Colony—the answer to which (despatch) appears to have been laid upon the Table of the Legislative Assembly on the 13th instant.

Debate ensued.

Question—put and passed.

IMPRISONMENT FOR DEBT LAW 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.

Ordered—That the adoption of the Report of the Committee be made an Order of the Day for Thursday, the 20th instant.

NATIONAL DEFENCES.—The Order of the Day for the consideration of the Message from the Legislative Assembly, with a Report and Evidence, on the National Defences, and the Message, with an Address to Her Most Gracious Majesty the Queen, on the same subject, being read, the Honorable M. Hervey moved, That this House do concur with the Address to Her Most Gracious Majesty the Queen on the subject of the Defences of the Colony, transmitted to this Council by the Legislative Assembly.

Debate ensued.

Question—put and passed.

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

POSTPONEMENT.—The following Order of the Day was postponed until Thursday, the 20th instant:—

“*Public Loan Bill*”—To be read a second time.

ADJOURNMENT.—The Council adjourned at a quarter to seven o'clock until four o'clock on Thursday, the 20th instant.

ORDERS OF THE DAY.

 THURSDAY, 20TH JULY, 1865.

1. The Hon. T. H. FELLOWS : To ask the Commissioner of Public Works—
 - (1.) Whether the attention of the Law Officers has been called to the fact that Mining Companies are constantly incorporated on memorials stating that shares are held “in trust for the Company.”
 - (2.) If so, whether the Clerks of the Court of Mines have been instructed to refuse Certificates of incorporation where shares are so held.

ORDERS OF THE DAY :—

1. IMPRISONMENT FOR DEBT LAW AMENDMENT BILL.—Adoption of Report.
 2. PUBLIC LOAN BILL.—To be read a second time.
-

FRIDAY, 21ST JULY.

ORDER OF THE DAY :—

1. MINING LAW AMENDMENT BILL.—To be read a third time.

G. W. RUSDEN,

Clerk of the Council and Clerk of the Parliaments.

VICTORIA.

No. 66.

Minutes of the Proceedings

OF THE

LEGISLATIVE COUNCIL.

THURSDAY, 20TH JULY, 1865.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the Prayer.

IMPRISONMENT FOR DEBT LAW AMENDMENT BILL.—The Order of the Day for the adoption of the Report of the Committee of the whole Council on this Bill being read, the Honorable T. H. Fellows moved, That the Report be now adopted.

Question—put and passed.

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

The Honorable T. H. Fellows moved, That the title of the Bill be "*An Act to amend the Law for Imprisonment for Debt.*"

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.

PUBLIC LOAN BILL.—The Order of the Day for the second reading of this Bill being read, the Honorable M. Hervey moved, That the Bill be now read a second time.

Debate ensued.

Question—put and passed.

Bill read a second time.

Ordered—That the Bill be now considered in Committee of the whole Council.

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 M. Hervey moved, That the Report of the Committee be now adopted.

Question—put and passed.

The President having reported that the Chairman of Committees had certified that the fair print of the Bill was in accordance with the Bill as reported, the Honorable M. Hervey moved, That the Bill be now read a third time.

Amendment moved by the Honorable J. F. Strachan, That the word "now" be omitted, with a view to add the words "on Tuesday next" after the word "time."

Debate ensued.

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

Contents, 5.
The Hon. M. Hervey
J. Lowe
C. J. Jenner
G. W. Cole
W. H. Pettett (*Teller*).

Not Contents, 14.
The Hon. C. Sladen
W. Campbell
W. H. F. Mitchell
N. Black
W. J. T. Clarke
W. Degraives
Dr. Wilkie
J. P. Bear
W. Highett
J. F. Strachan
J. P. Fawkner
A. Fraser
S. G. Henty
W. Taylor (*Teller*).

The question was therefore negatived.

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

Question—That the Bill be read a third time on Tuesday next—put and passed.

The Council adjourned at half-past six o'clock until four o'clock on Friday, the 21st instant.

NOTICE OF MOTION AND ORDERS OF THE DAY.

FRIDAY, 21ST JULY, 1865.

NOTICE OF MOTION :—

1. The Hon. M. HERVEY: To move, That a Select Committee be appointed to prepare an Address of Condolence to the Widow of the late Abraham Lincoln, President of the United States.

ORDER OF THE DAY :—

1. MINING LAW AMENDMENT BILL.—To be read a third time.

TUESDAY, 25TH JULY.

ORDER OF THE DAY :—

1. PUBLIC LOAN BILL.—To be read a third time.

G. W. RUSDEN,

Clerk of the Council and Clerk of the Parliaments.

VICTORIA.

No. 67.

Minutes of the Proceedings

OF THE

LEGISLATIVE COUNCIL.

FRIDAY, 21ST JULY, 1865.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the Prayer.

MINING LAW AMENDMENT 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 G. W. Cole moved, That the Bill be now read a third time.

Amendment moved by the Honorable J. F. Strachan, That the word "now" be omitted with a view to add the words "on Tuesday next" 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 third time on Tuesday next—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 for granting to Her Majesty certain Duties of Customs and for altering certain other Duties and for applying a sum out of the Consolidated Revenue of Victoria to the service of the year One thousand eight hundred and sixty-five, and for appropriating the supplies granted in this Session of Parliament and for other purposes,*" with which they desire the concurrence of the Legislative Council.

FRANS. MURPHY,
Speaker.

Legislative Assembly Chamber,
Melbourne, 21st July, 1865.

CUSTOMS IMPORT DUTIES, GOLD EXPORT DUTY ACT AMENDMENT, APPROPRIATION, BILL.—The Honorable G. W. Cole moved, That the Bill now brought from the Legislative Assembly be now read a first time, printed, and read a second time on Tuesday next.

Question—put and passed.

Bill read a first time.

PETITION.—The Honorable A. Fraser presented a Petition signed by Charles Ross and others, inhabitants of Sandhurst, praying that a new Tariff may be passed.

Petition received.

PETITION.—The Honorable J. P. Fawkner presented a Petition signed by Wm. Johnson, styling himself President of the Pharmaceutical Society of Victoria, praying that a new Tariff may not be passed.

Petition received.

PETITION.—The Honorable W. Campbell presented a similar Petition, signed by J. Farrell, styling himself Chairman of a Public Meeting at Castlemaine.

Petition received.

PETITION.—The Honorable C. J. Jenner presented a similar Petition, signed by James M'Dowall, styling himself Chairman of a Public Meeting at Ballarat.

Petition received.

PETITION.—The Honorable J. P. Bear presented a Petition signed by Charles Lewis and Company and others, styling themselves merchants, bankers, and traders, of the City of Melbourne, praying that a new Tariff may not be passed.

Petition received.

The Honorable J. P. Bear moved, That the Petition be referred to any Committee of the whole House to which a new Tariff may be referred.

Question—put and passed.

The Council adjourned at five minutes to five o'clock until four o'clock on Tuesday, the 25th instant.

NOTICE OF MOTION AND ORDERS OF THE DAY.

TUESDAY, 25TH JULY, 1865.

NOTICE OF MOTION :—

1. The Hon. G. W. COLE: To move, That a Select Committee be appointed to prepare an Address of Condolence to the Widow of the late Abraham Lincoln, President of the United States.

ORDERS OF THE DAY :—

1. PUBLIC LOAN BILL.—To be read a third time.
2. MINING LAW AMENDMENT BILL.—To be read a third time.
3. CUSTOMS IMPORT DUTIES, GOLD EXPORT DUTY ACT AMENDMENT, APPROPRIATION, BILL.—To be read a second time.

G. W. RUSDEN,

Clerk of the Council and Clerk of the Parliaments.

VICTORIA.

No. 68.

Minutes of the Proceedings

OF THE

LEGISLATIVE COUNCIL.

TUESDAY, 25TH JULY, 1865.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the Prayer.

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 has received the resignation of the Honorable Matthew Hervey as a Member of the Legislative Council for the Eastern Province, and has issued a Writ, returnable on the 2nd day of September next, for the election of a new Member.

NAVAL AND SEABOARD DEFENCES OF THE COLONY.—The Honorable G. W. Cole laid on the Table a Return to the Order of the Council of the 14th instant.

PAPERS.—The Honorable G. W. Cole laid on the Table the following Papers :—

1. Mail Service.—Conveyance of Australian Mails.—Despatch from the Right Honorable the Secretary of State for the Colonies, with enclosures (26th May, 1865).
2. Education, Board of.—General Regulation, Military Drill, and Gymnastics (23rd June, 1865).

Ordered severally to lie on the Table.

CUSTOMS BILL 1864.—MESSAGE FROM HIS EXCELLENCY THE GOVERNOR.—The Honorable G. W. Cole laid on the Table a Reply to the Address adopted by the Council on the 18th instant.

JUDGES OF THE COLONY, CORRESPONDENCE WITH.—MESSAGE FROM HIS EXCELLENCY THE GOVERNOR.—The Honorable G. W. Cole laid on the Table a Reply to the Address adopted by the Council on the 19th instant.

PETITIONS.—The Honorable A. Fraser presented a Petition, signed by Phipps Turnbull and others, styling themselves President, Vice-President, and Members of the Melbourne Chamber of Commerce, praying that a new Tariff may not be passed.

Petition received.

The Honorable C. J. Jenner presented a Petition, signed by William Hinds and others, Colonists of Victoria, praying that a new Tariff may be passed.

Petition received.

The Honorable T. H. Fellows presented a Petition, signed by T. H. Fellows and others, praying that a new Tariff may not be passed.

Petition received.

The Honorable N. Fitzgerald presented a similar Petition, signed by D. G. Cullen and others, styling themselves Clerks, Salesmen, Assistants, Travellers, Porters, and Laborers.

Petition received.

The Honorable J. F. Strachan presented a Petition, signed by Ch. Kernot, styling himself Chairman of a Meeting at Geelong, praying that a new Tariff may be passed.

Petition received.

The Honorable W. Highett presented a Petition, signed by William Carew and others, styling themselves Miners, Freeholders, Farmers, Pastoral Tenants, Storekeepers, Artizans, and Laborers, praying that a new Tariff may be rejected.

Petition received.

The Honorable C. J. Jenner presented a Petition, signed by James Hart and others, styling themselves colonists of Victoria, praying that a new Tariff may be passed. Petition received.

The Honorable J. McCrae presented a Petition, signed by William Gillard and others, styling themselves colonists of Victoria, praying that a new Tariff may be passed. Petition received.

The Honorable J. McCrae presented a similar Petition, signed by Robert Borne and others, styling themselves colonists of Victoria. Petition received.

The Honorable J. McCrae presented a similar Petition, signed by Thomas Crowson and others, styling themselves colonists of Victoria. Petition received.

The Honorable C. J. Jenner presented a similar Petition, signed by C. J. Jenner and others, styling themselves inhabitants of Clunes. Petition received.

The Honorable J. F. Strachan presented a Petition, signed by Stevenson Sons and others, styling themselves merchants, praying that a new Tariff may not be passed. Petition received.

The Honorable W. Highett presented a Petition, signed by H. Parfitt and others, styling themselves residents at Wangaratta, praying that a new Tariff may be passed. Petition received.

The Honorable C. J. Jenner presented a similar Petition, signed by John Bruce and others, styling themselves residents at Inverleigh. Petition received.

The Honorable C. Sladen presented a Petition, signed by Sargood, King, and Sargood, and others, styling themselves warehousemen and wholesale traders in textile manufactures, drapery, &c., in the city of Melbourne, praying that a new Tariff may not be passed. Petition received.

The Honorable C. J. Jenner presented a Petition, signed by Elias Tremlett, styling himself chairman of a meeting at Mount Clear, in the South-Western Province, praying that a new Tariff may be passed. Petition received.

The Honorable C. J. Jenner presented a similar Petition, signed by Alexander Fletcher Lewis, styling himself Chairman of a Richmond Branch of the Protection League of Victoria. Petition received.

The Honorable W. H. Pettett presented a similar Petition, signed by John O'Brien and others, styling themselves inhabitants of the Gisborne District. Petition received.

PAPER.—The Honorable G. W. Cole laid on the Table the following Paper :—
Trade and Customs Accounts, 1864.

Ordered to lie on the Table.

MRS. ABRAHAM LINCOLN.—ADDRESS OF CONDOLENCE.—The Honorable G. W. Cole, in accordance with *amended* notice, moved, That the Council do adopt the following Address to Her Most Gracious Majesty, on the subject of the assassination of the late Abraham Lincoln, President of the United States of America :—

We, Your Majesty's faithful subjects, the Members of the Legislative Council of Victoria, in Parliament assembled, crave leave to approach Your Majesty with fresh assurances of our loyalty and affection.

We desire to express our abhorrence of the foul crime by which the United States have been deprived of their late President, Abraham Lincoln, and our profound sympathy with the American Government and people in their national calamity.

We desire also to record our unfeigned condolence with Mrs. Lincoln in her deep affliction; and we humbly beg that your Majesty will be graciously pleased to communicate these our heartfelt sentiments to the Government at Washington.

Question—put and passed.

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

MR. PRESIDENT,

The Legislative Assembly return to the Legislative Council the Bill intituled "*An Act to amend the Law for Imprisonment for Debt*," and acquaint the Legislative Council that the Legislative Assembly have agreed to some of the amendments made therein by the Legislative Council, and that they have agreed to others of the said amendments with amendments, with which they desire the concurrence of the Legislative Council.

Legislative Assembly Chamber,
Melbourne, 25th July, 1865.

FRANS. MURPHY,
Speaker.

MR. PRESIDENT,

The Legislative Assembly transmit to the Legislative Council a Message from his Excellency the Governor, recommending certain amendments in the Bill intituled "*An Act to consolidate and amend the Law relating to Electors and Elections of Members to serve in Parliament,*" and acquaint the Legislative Council that the Legislative Assembly have agreed to the amendments recommended by the Governor in this Bill, with which they desire the concurrence of the Legislative Council.

FRANS. MURPHY,
Speaker.

Legislative Assembly Chamber,
Melbourne, 25th July, 1865.

C. H. DARLING,
Governor.

Message No. 35.

In pursuance of the 36th section of the Constitution Act, the Governor transmits to the Legislative Assembly the following amendments, which he recommends to be made in the Bill intituled "*An Act to consolidate and amend the Law relating to Electors and Elections of Members to serve in Parliament,*" presented to him for Her Majesty's assent.

Clause 6—

Line 4, strike out the word "fifty" and insert "one hundred."

Line 7, strike out the word "fifty" and insert "one hundred."

Second Schedule.—Western Province:—

Belfast Division—Strike out "of" after the word "portion," line 8, and insert "to."

Darlington Division—Line 1, strike out the last word "of" and insert "to."

Line 3, strike out "of" after the word "West" and insert "to."

Skipton Division—Line 3, after the word "East" strike out "of" and insert "to."

Benalla (Borough) Division—Line 1, strike out "to" after the word "tributary," and insert "of."

The Electoral District of East Bourke—Line 11, change "CXXXIII" into "CXXIII."

The Electoral District of South Bourke—Last line, strike out the words "South Melbourne," and insert "Emerald Hill."

The Electoral District of Castlemaine—Line 3, strike out "83" and insert "80."

The Electoral District of the Kyneton Boroughs—Woodend—Line 6, strike out all the figures and words in this line after "Section" and insert in lieu thereof "72 thence on the east by a road south to the south-eastern."

Government Offices,
Melbourne, July, 1865.

MR. PRESIDENT,

The Legislative Assembly return to the Legislative Council the Bill intituled "*An Act to make permanent provision for a Mint in Victoria,*" and acquaint the Legislative Council that the Legislative Assembly do not now insist on their disagreement to the Amendment made by the Legislative Council in the Bill, but that they agree thereto with amendments, with which they desire the concurrence of the Legislative Council.

FRANS. MURPHY,
Speaker.

Legislative Assembly Chamber,
Melbourne, 25th July, 1865.

IMPRISONMENT FOR DEBT LAW AMENDMENT BILL.—The Honorable G. W. Cole moved, That the consideration of the Message from the Legislative Assembly returning this Bill be made an Order of the Day for to-morrow.

Question—put and passed.

ELECTORAL LAW CONSOLIDATION AND AMENDMENT BILL.—The Honorable G. W. Cole moved, That the consideration of the Message from the Legislative Assembly, with amendments recommended by His Excellency the Governor in this Bill, be made an Order of the Day for to-morrow.

Question—put and passed.

ROYAL MINT ESTABLISHMENT BILL.—The Honorable G. W. Cole moved, That the consideration of the Message from the Legislative Assembly returning this Bill be made an Order of the Day for to-morrow.

Question—put and passed.

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

"Public Loan Bill"—To be read a third time.

"Mining Law Amendment Bill"—To be read a third time.

CUSTOMS IMPORT DUTIES, GOLD EXPORT DUTY ACT AMENDMENT, APPROPRIATION, BILL.—

The Order of the Day for the second reading of this Bill being read, the President called the attention of the Council to the thirty-fourth clause of the Constitution Act, which makes "the rules forms and usages of the Imperial Parliament" binding on this Legislature in the absence of any joint Standing Orders to the contrary.

The present Bill embraces three separate matters :—1. An imposition of Customs Duties ; 2. An alteration of the Gold Duty ; and 3, the Appropriation of the Supplies for 1865.

He considered that such a conjunction of different matters in the same Bill was in violation of Parliamentary usage, of certain resolutions passed by this House on the 16th of May last, and also of the thirty-fourth section of the Constitution Act.

He also pointed out that, if such an irregular proceeding were permitted to mature into a settled usage, the veto of this House on this whole class of Bills would be abolished, although the power of rejection of such Bills was conveyed in language as clear and unambiguous as the language which conveyed to the Assembly the power of originating Bills of Taxation and Supply.

The Honorable W. Highett in his place asked the President to rule "Whether it is competent for this House to separate the Bill, so as to pass the Appropriation Bill, and otherwise deal with the Tariff?"

The President ruled, That as the Council was precluded by the Constitution Act from altering any Money Bill, it was not competent for the Council to deal with one part of the Bill separately, which would be to amend or alter the original form of the Bill.

The Honorable G. W. Cole moved, That the Bill, intituled "*An Act for granting to Her Majesty certain Duties of Customs and for altering certain other Duties and for applying a sum out of the Consolidated Revenue of Victoria to the service of the Year One thousand eight hundred and sixty-five and for appropriating the Supplies granted in this Session of Parliament and for other purposes*" be now read a second time.

Debate ensued.

Amendment moved by the Honorable T. H. Fellows, That all the words after the word "That," be omitted, with a view to insert the following words instead thereof, as by the thirty-fourth section of the Constitution Act the rules, forms, and usages of the Imperial Parliament are required to be followed, so far as the same may be applicable to the proceedings of the Legislative Council and Legislative Assembly respectively, until altered by some standing rule or order to be adopted by both the said Council and Assembly ; and as it is contrary to those rules, forms, and usages, which have not been so altered, that any clause of appropriation should be introduced into a Bill of Supply ; and as this Bill of Supply contains a clause appropriating the supplies granted during the present session of Parliament to the service of the years 1864 and 1865, and moreover regulates the disposal of minerals in the waste lands of the Crown (over which this House claims to exercise equal power with the Legislative Assembly), and therefore encroaches upon the just privileges of this House, the subject-matters of this Bill be not considered until they are dealt with in separate measures, and that this Bill be laid aside.

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

Council divided.

Contents, 5.
The Hon. G. W. Cole
C. J. Jenner
J. McCrae
J. Lowe
W. H. Pettett (*Teller*).

Not Contents, 20.
The Hon. T. H. Fellows
C. Sladen
W. H. F. Mitchell
N. Fitzgerald
B. Williams
W. Campbell
W. Taylor
N. Black
S. G. Henty
W. Degraives
H. M. Murphy
W. J. T. Clarke
J. P. Fawkner
W. Highett
W. Hull
J. P. Bear
H. Miller
A. Fraser
J. F. Strachan
D. E. Wilkie (*Teller*).

The question was therefore negatived.

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

Question—That, as by the thirty-fourth section of the Constitution Act the rules, forms, and usages of the Imperial Parliament are required to be followed, so far as the same may be applicable to the proceedings of the Legislative Council and Legislative Assembly respectively, until altered by some standing rule or order to be adopted by

both the said Council and Assembly; and as it is contrary to those rules, forms, and usages, which have not been so altered, that any clause of Appropriation should be introduced into a Bill of Supply; and as this Bill of Supply contains a clause appropriating the supplies granted during the present Session of Parliament to the service of the years 1864 and 1865, and moreover regulates the disposal of minerals in the Waste Lands of the Crown (over which this House claims to exercise equal power with the Legislative Assembly), and therefore encroaches upon the just privileges of this House, the subject-matters of this Bill be not considered until they are dealt with in separate measures, and that this Bill be laid aside—put and passed.

PUBLIC LOAN 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 G. W. Cole, was read a third time and *passed*.

The Honorable G. W. Cole moved, That the title of the Bill be "*An Act to authorize the raising of Money for certain Public Purposes.*"

Question—put and passed.

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

MINING LAW 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 G. W. Cole, was read a third time and passed.

The Honorable G. W. Cole moved, That the title of the Bill be "*An Act to provide for the Management of and the Administration of Justice in relation to Mining Interests.*"

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, with which they desire the concurrence of the Legislative Assembly.

The Council adjourned at twenty-five minutes past ten o'clock until four o'clock on Wednesday, 26th instant.

ORDERS OF THE DAY.

WEDNESDAY, 26TH JULY, 1865.

Government Business.

ORDERS OF THE DAY :—

1. ELECTORAL LAW CONSOLIDATION AND AMENDMENT BILL.—Consideration of Message from Legislative Assembly with Message from the Governor.
2. ROYAL MINT ESTABLISHMENT BILL.—Consideration of Message from Legislative Assembly.

General Business.

ORDER OF THE DAY :—

1. IMPRISONMENT FOR DEBT LAW AMENDMENT BILL.—Consideration of Message from Legislative Assembly.

G. W. RUSDEN,

Clerk of the Council and Clerk of the Parliaments.

VICTORIA.

No. 69.

Minutes of the Proceedings

OF THE

LEGISLATIVE COUNCIL.

WEDNESDAY, 26TH JULY, 1865.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the Prayer.

ELECTORAL LAW CONSOLIDATION AND AMENDMENT BILL.—The Order of the Day for the consideration of the Message from the Legislative Assembly with amendments recommended by His Excellency the Governor in this Bill being read, the Honorable G. W. Cole moved, That the amendments recommended by His Excellency be agreed to as follows :—

Clause 6—

Line 4, strike out the word “fifty” and insert “one hundred.”

Line 7, strike out the word “fifty” and insert “one hundred.”

Second Schedule.—Western Province :—

Belfast Division—Strike out “of” after the word “portion,” line 8, and insert “to.”

Darlington Division—Line 1, strike out the last word “of” and insert “to.”

Line 3, strike out “of” after the word “West” and insert “to.”

Skipton Division—Line 3, after the word “East” strike out “of” and insert “to.”

Benalla (Borough) Division—Line 1, strike out “to” after the word “tributary,” and insert “of.”

The Electoral District of East Bourke—Line 11, change “133” into “123.”

The Electoral District of South Bourke—Last line, strike out the words “South Melbourne,” and insert “Emerald Hill,”

The Electoral District of Castlemaine—Castlemaine—Line 3, strike out “83” and insert “80.”

The Electoral District of the Kyneton Boroughs—Woodend—Line 6, strike out all the figures and words in this line after “Section” and insert in lieu thereof “72 thence on the east by a road south to the south-eastern.”

Question—put and passed.

Ordered—That a Message be sent to the Legislative Assembly acquainting them that the Council have agreed to the amendments recommended by the Governor in the Bill.

ROYAL MINT ESTABLISHMENT BILL.—The Order of the Day for the consideration of the Message from the Legislative Assembly returning this Bill being read, the Honorable G. W. Cole moved, That the Council do agree to the following amendment made by the Legislative Assembly on the new Clause A in the Bill :—

Line 4, omit “Royalty or duty exclusive of and separate from the.”

Question—put and passed.

The Honorable G. W. Cole moved, That the Council do agree to the following amendment made by the Legislative Assembly in Clause A :—

Line 9, omit all words after “fixed” and insert “by lawful authority where by any law now or hereafter in force any duty of Customs is or shall be payable upon gold exported from Victoria such duty may be collected and paid upon such gold before exportation at the Victorian branch of the Royal Mint and no gold entered for exportation at the Customs shall be liable to duty which shall be accompanied by a certificate from the deputy master or one of the principal officers of the Victorian branch of the Royal Mint declaring that such gold has been assayed and brought to standard and that the duty thereon has been paid and the same has been issued from the said branch in conformity with the rules and regulations thereof.”

Amendment moved by the Honorable T. H. Fellows, That, after the words “exportation at the Victorian branch of the Royal Mint,” the following words be inserted :—“and no gold liable to such duty shall be coined at the said branch of the said mint until such duty shall have been paid.”

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

Question—That the Council do agree to the amendment as amended—put and passed.

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

MESSAGES FROM THE LEGISLATIVE ASSEMBLY.—The President announced 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 authorize Works for supplying Water to certain Districts and places in Victoria,*" and acquaint the Legislative Council that the Legislative Assembly have agreed to some of the amendments made therein by the Legislative Council, that they have disagreed to others of the said amendments, and that they have agreed to one of the said amendments with amendments, with which they desire the concurrence of the Legislative Council.

And the Legislative Assembly further acquaint the Legislative Council, that they disagree to the amendments to insert new clauses A, B, C, D, and E, for the following reasons, viz. :—

That the alteration of the limits of the district to be rated is an interference with the privileges of the Legislative Assembly.

That they disagree with the amendment to insert new clause H for the following reason:—

That the amendment giving a right of appeal against the rate is an interference with the privileges of the Legislative Assembly.

And that they disagree with the insertion of the first 13 lines of the amendment to insert new clause K for the following reason, viz. :—

That the provision therein contained interferes with the privileges of the Legislative Assembly.

FRANS. MURPHY,
Speaker.

Legislative Assembly Chamber,
Melbourne, 26th July, 1865.

MR. PRESIDENT—

The Legislative Assembly return to the Legislative Council the Bill intituled "*An Act to Consolidate the Laws relating to Public Works,*" and acquaint the Legislative Council that the Legislative Assembly do not insist on disagreeing to the amendment of the Legislative Council to insert new Clause A, but that they agree to such amendment (adding it to Clause 191) with amendments, with which they desire the concurrence of the Legislative Council ; and the Legislative Assembly also acquaint the Legislative Council that they agree to the amendment of the Legislative Council on the amendment of the Legislative Assembly on the amendment of the Legislative Council.

FRANS. MURPHY,
Speaker.

Legislative Assembly Chamber,
Melbourne, 26th July, 1865.

WATER WORKS BILL.—The Honorable G. W. Cole moved, That the consideration of the Message from the Legislative Assembly returning this Bill be made an Order of the Day for Tuesday next.

Question—put and passed.

PUBLIC WORKS LAW AMENDMENT AND CONSOLIDATION BILL.—The Honorable G. W. Cole moved, That the consideration of the Message from the Legislative Assembly returning this Bill be made an Order of the Day for Tuesday next.

Question—put and passed.

IMPRISONMENT FOR DEBT LAW AMENDMENT BILL.—The Order of the Day for the consideration of the Message from the Legislative Assembly returning this Bill being read, the Honorable T. H. Fellows moved, That the Council do agree to the amendments made by the Legislative Assembly on the amendments made by the Legislative Council in the Bill as follows :—

Clause 1, line 12, in line 3 of amendment, after "bailiff," insert "or officer."

New clause A, omit all the words from "but," in line 7, to "any," in line 10, both inclusive, and insert "and."

After "Act," in line 11, insert "shall not."

Question—put and passed.

Ordered—That a Message be sent to the Legislative Assembly acquainting them that the Council have agreed to the amendments made by the Legislative Assembly on the amendments made by the Legislative Council in the Bill.

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

Question—put and passed.

The Council adjourned at ten minutes to five o'clock until four o'clock on Tuesday, the 1st August.

ORDERS OF THE DAY.

TUESDAY, 1ST AUGUST, 1865.

1. The Hon. C. SLADEN : To ask, If the Government have authorized, or will authorize, the Board of Education to remunerate the Inspectors of Schools for the extra duties during the four months ending 30th June, 1864, in accordance with the recommendation of the Board contained in the Education Report for 1864.

ORDERS OF THE DAY :—

1. WATER WORKS BILL.—Consideration of Message from Legislative Assembly.
2. PUBLIC WORKS LAW AMENDMENT AND CONSOLIDATION BILL.—Consideration of Message from Legislative Assembly.

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

VICTORIA.

No. 70.

Minutes of the Proceedings

OF THE

LEGISLATIVE COUNCIL.

TUESDAY, 1ST AUGUST, 1865.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the Prayer.

MESSAGES FROM HIS EXCELLENCY THE GOVERNOR.—The Honorable G. W. Cole presented to the Council the following Messages from His Excellency the Governor:—

1864-5.

VICTORIA.

Post Office Law Amendment Bill.

C. H. DARLING,
Governor.

Message No.

The Governor informs the Legislative Council that he has this day given Her Majesty's Assent to a Bill intituled "*An Act to amend the Law relating to the Post Office.*"

Toorak, 28th July, 1865.

1864-5.

VICTORIA.

Sandhurst and Inglewood District Tramway Bill.

C. H. DARLING,
Governor.

The Governor informs the Legislative Council that he has this day assented, in Her Majesty's name, to a Bill intituled "*An Act to incorporate a Company for the purpose of making constructing and maintaining a Tramway or Railway between the Boroughs of Sandhurst and Inglewood to be called 'The Sandhurst and Inglewood Tramway Company.'*"

Toorak, 28th July, 1865.

1864-5.

VICTORIA.

Electoral Law Consolidation and Amendment Bill.

C. H. DARLING,
Governor.

The Governor informs the Legislative Council that he has this day given Her Majesty's assent to a Bill intituled "*An Act to consolidate and amend the law relating to Electors and Elections of Members to serve in Parliament.*"

Toorak, 28th July, 1865.

PAPERS.—The Honorable G. W. Cole laid on the Table the following papers:—

1. Health, Central Board of—Tenth Annual Report of.

2. Mining Surveyors' and Registrars' Reports (for quarter ending 30th June, 1865).

Ordered severally to lie on the Table.

POSTPONEMENT.—The following Order of the Day was postponed until Wednesday, the 2nd instant:—

"*Water Works Bill*"—Consideration of Message from Legislative Assembly.

PETITION.—The Honorable N. Fitzgerald presented a Petition signed by Charles Yeo, styling himself President of the Council of the Shire of Marong, praying that the Water Works Bill may be passed.

Petition received.

POSTPONEMENT.—The following Order of the Day was postponed until Wednesday, the 2nd instant :—

“*Public Works Law Amendment and Consolidation Bill*”—Consideration of Message from Legislative Assembly.

The Council adjourned at twenty-five minutes to five o'clock until four o'clock on Wednesday, the 2nd instant.

ORDERS OF THE DAY.

WEDNESDAY, 2ND AUGUST, 1865.

Government Business.

ORDERS OF THE DAY :—

1. WATER WORKS BILL.—Consideration of Message from Legislative Assembly.
2. PUBLIC WORKS LAW AMENDMENT AND CONSOLIDATION BILL.—Consideration of Message from Legislative Assembly.

G. W. RUSDEN,

Clerk of the Council and Clerk of the Parliaments.

VICTORIA.

No. 71.

Minutes of the Proceedings

OF THE

LEGISLATIVE COUNCIL.

WEDNESDAY, 2ND AUGUST, 1865.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the Prayer.

PAPER.—The Honorable G. W. Cole laid on the Table, in substitution for the Paper laid on the Table on the 11th July, 1865, the following Paper:—

Immigration Regulations.—Nomination and introduction of Immigrants. (To take effect on and after 1st August, 1865.)

Ordered to lie on the Table.

WATER WORKS BILL.—The Order of the Day for the consideration of the Message from the Legislative Assembly returning this Bill being read, the Honorable G. W. Cole moved, That the Council do not insist on the amendments with which the Legislative Assembly have disagreed.

Amendment moved by the Honorable T. H. Fellows, That the Council do insist on their amendments in the Bill, and do not agree to the amendments made by the Legislative Assembly in Clause K of the Bill, for the following reasons:—

- (1.) The Legislative Council and Legislative Assembly are the creation of an Imperial Statute, and have no powers either separately or together which are not conferred upon them by that Act.
- (2.) The First Section of the Constitution Act establishes two Houses of Legislature, and authorizes Her Majesty, with the advice and consent of those two Houses, to make laws.
- (3.) The power thus conferred equally and alike upon both Houses is, by subsequent clauses, qualified and restricted.
- (4.) By the Fifty-sixth Section, certain Bills, including "Bills for imposing any rate," must originate in the Legislative Assembly, and may be rejected, but not altered, by the Legislative Council.
- (5.) Although the power to impose a rate is incidentally contained in this Bill, it is not "a Bill for imposing a rate," as such is not its only nor even its main object.
- (6.) Excepting the Fifty-sixth Section, no other section of the Constitution Act restricts or qualifies the powers conferred by the First Section.
- (7.) By the Thirty-fifth Section of the Constitution Act, and the Act No. 1, the privileges, immunities, and powers of the Council and Assembly may be as extensive as those "held, enjoyed, and exercised" by the House of Commons on the 16th July, 1855, if not inconsistent with the Constitution Act; but there is no provision by which the two Houses are placed in the same relative position as the Houses of Lords and Commons; but on the contrary, the privileges, immunities, and powers of either House can not exceed those of the House of Commons.
- (8.) The Thirty-fourth Section of the Constitution Act requires the observance of the rules, forms, and usages of the Imperial Parliament (so far as the same may be applicable to the proceedings of the Council and Assembly respectively), until Standing Orders are adopted as contemplated by that section.
- (9.) The purposes for which such Standing Orders may be made, are as follows, viz.:—
 - 1st. The manner in which the Council and Assembly shall be presided over in case of the absence of the President or Speaker.
 - 2nd. The mode in which the Council and Assembly shall communicate.
 - 3rd. The proper passing, intituling, and numbering of Bills.
 - 4th. The proper presentation of the same to the Governor for Her Majesty's assent.
 - 5th. The consideration of all amendments proposed to be made by the Governor.

- 6th. The due publication of all proposed proceedings in the Council and Assembly.
- 7th. The conduct of all business and proceedings in the Council and Assembly, severally and collectively.
- (10.) The objects to be attained by adopting the Imperial "rules, forms, and usages," and the extent to which they may be applied, are thus clearly indicated.
- (11.) The Imperial "rules, forms, and usages" are such as apply to and regulate the machinery or procedure of the two Houses, and the adoption of them can neither limit nor enlarge the powers conferred upon either House by the Constitution Act.
- (12.) There is no provision in the Constitution Act which gives to the Legislative Assembly the exclusive power of determining "the limits of district to be rated."
- (13.) The second section of the Bill gives uncontrolled power to the Governor in Council to determine what shall be the area within which works shall be constructed for providing a water supply, and of imposing a rate upon the residents within such area; whereas, the amendments of the Council, as contained in clauses A, B, C, D, and E, give to the residents within any area the opportunity of first determining amongst themselves whether and within what limits they are willing to be taxed for such purposes, and also afford to the Governor in Council an opportunity of ascertaining with greater accuracy the probability of a return from the residents of such area of six per cent. on the cost of construction of such works.
- (14.) Clause F is only necessary to replace section 2, in consequence of the amendment made in it by clause A.
- (15.) The amendments in section 6 are to protect all persons in the use and enjoyment of their property and the rights pertaining to it, and to provide compensation where they are deprived of such property or rights, in accordance with a fundamental law of society.
- (16.) The new Clause G is based upon the same ground as the amendments in section 6.
- (17.) With regard to the appeal provided for in Clause H, it would be as unjust, as it is certainly unusual, to deprive any person of the right of appeal against what he may consider a too high valuation of his property.
- (18.) The Board ought not to be invested with arbitrary power, so as to be the sole judge of what is or is not likely to injure the water.
- (19.) The new Clause I merely exempts from any rate such buildings and institutions as are exempted under the Municipal and Local Government Acts.

Question—put and passed.

The Honorable C. Sladen moved, That a Committee of six Members be appointed to confer with a Committee of like number of the Legislative Assembly on the amendments in the Bill, such Committee to consist of the following Members, viz. :—The Honorables T. H. Fellows, W. Highett, W. H. F. Mitchell, H. Miller, J. F. Strachan, and the Mover.

Question—put and passed.

The Honorable C. Sladen moved, That a special entry be made in the Journals of the House to the effect That this proceeding is adopted under a great exigency, and is not to be drawn into a precedent.

Question—put and passed.

The Honorable T. H. Fellows moved, That the following be the form of the Message to the Legislative Assembly :—

The Legislative Council acquaint the Legislative Assembly that they insist on the amendments made by the Legislative Council in the Bill intituled "*An Act to authorise Works for supplying Water to certain Districts and Places in Victoria*," and acquaint the Legislative Assembly that they have no desire to interfere with the privileges of that House, nor do they consider that the amendments made by them in this Bill do so interfere, for the following reasons, viz. :—

- (1.) The Legislative Council and Legislative Assembly are the creation of an Imperial Statute, and have no powers either separately or together which are not conferred upon them by that Act.
- (2.) The First Section of the Constitution Act establishes two Houses of Legislature, and authorizes Her Majesty, with the advice and consent of those two Houses, to make laws.
- (3.) The power thus conferred equally and alike upon both Houses is, by subsequent clauses, qualified and restricted.
- (4.) By the Fifty-sixth Section certain Bills, including "Bills for imposing any rate," must originate in the Legislative Assembly, and may be rejected, but not altered, by the Legislative Council.

- (5.) Although the power to impose a rate is incidentally contained in this Bill, it is not "a Bill for imposing a rate," as such is not its only nor even its main object.
- (6.) Excepting the Fifty-sixth Section, no other section of the Constitution Act restricts or qualifies the powers conferred by the First Section.
- (7.) By the Thirty-fifth Section of the Constitution Act, and the Act No. 1, the privileges, immunities, and powers of the Council and Assembly may be as extensive as those "held, enjoyed, and exercised" by the House of Commons on the 16th July, 1855, if not inconsistent with the Constitution Act; but there is no provision by which the two Houses are placed in the same relative position as the Houses of Lords and Commons; but on the contrary, the privileges, immunities, and powers of either House, can not exceed those of the House of Commons.
- (8.) The Thirty-fourth Section of the Constitution Act requires the observance of the rules, forms, and usages of the Imperial Parliament (so far as the same may be applicable to the "proceedings" of the Council and Assembly respectively), until Standing Orders are adopted as contemplated by that section.
- (9.) The purposes for which such Standing Orders may be made, are as follows, viz. :—
 - 1st. The manner in which the Council and Assembly shall be presided over in case of the absence of the President or Speaker.
 - 2nd. The mode in which the Council and Assembly shall communicate.
 - 3rd. The proper passing, intituling, and numbering of Bills.
 - 4th. The proper presentation of the same to the Governor for Her Majesty's assent.
 - 5th. The consideration of all amendments proposed to be made by the Governor.
 - 6th. The due publication of all proposed proceedings in the Council and Assembly.
 - 7th. The conduct of all business and proceedings in the Council and Assembly, severally and collectively.
- (10.) The objects to be attained by adopting the Imperial "rules, forms, and usages," and the extent to which they may be applied, are thus clearly indicated.
- (11.) The Imperial "rules, forms, and usages" are such as apply to and regulate the machinery or procedure of the two Houses, and the adoption of them can neither limit nor enlarge the powers conferred upon either House by the Constitution Act.
- (12.) There is no provision in the Constitution Act which gives to the Legislative Assembly the exclusive power of determining "the limits of district to be rated."
- (13.) The second section of the Bill gives uncontrolled power to the Governor in Council to determine what shall be the area within which works shall be constructed for providing a water supply, and of imposing a rate upon the residents within such area; whereas the amendments of the Council, as contained in clauses A, B, C, D, and E, give to the residents within any area the opportunity of first determining amongst themselves whether and within what limits they are willing to be taxed for such purposes, and also afford to the Governor in Council an opportunity of ascertaining with greater accuracy the probability of a return from the residents of such area of six per cent. on the cost of construction of such works.
- (14.) Clause F is only necessary to replace section 2, in consequence of the amendment made in it by clause A.
- (15.) The amendments in section 6 are to protect all persons in the use and enjoyment of their property and the rights pertaining to it, and to provide compensation where they are deprived of such property or rights, in accordance with a fundamental law of society.
- (16.) The new Clause G is based upon the same ground as the amendments in section 6.
- (17.) With regard to the appeal provided for in Clause H, it would be as unjust, as it is certainly unusual, to deprive any person of the right of appeal against what he may consider a too high valuation of his property.
- (18.) The Board ought not to be invested with arbitrary power, so as to be the sole judge of what is or is not likely to injure the water.
- (19.) The new Clause I merely exempts from any rate such buildings and institutions as are exempted under the Municipal and Local Government Acts.

The Legislative Council also acquaint the Legislative Assembly that they have appointed a Committee of six Members to confer with a Committee of a like number of the Legislative Assembly on the amendments in the Bill, and request the Legislative Assembly to appoint a Committee of that House to confer with such Committee.

Question—put and passed.

POSTPONEMENT.—The following Order of the Day was postponed until Tuesday, the 8th instant :—

“*Public Works Law Amendment and Consolidation Bill*”—Consideration of Message from Legislative Assembly.

ADJOURNMENT.—The Honorable G. W. Cole, with the leave of the Council, moved, without notice, That the House at its rising this day adjourn until half-past four o'clock to-morrow.

Question—put and passed.

The Council adjourned at twenty-five minutes to six o'clock until half-past four o'clock on Thursday, the 3rd instant.

ORDER OF THE DAY.

TUESDAY, 8TH AUGUST, 1865.

ORDER OF THE DAY :—

1. PUBLIC WORKS LAW AMENDMENT AND CONSOLIDATION BILL.—Consideration of Message from Legislative Assembly.

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

VICTORIA.

No. 72.

Minutes of the Proceedings

OF THE

LEGISLATIVE COUNCIL.

THURSDAY, 3RD AUGUST, 1865.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the Prayer.

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

MR. PRESIDENT—

The Legislative Assembly return to the Legislative Council the Bill intituled "*An Act to provide for the Management of and the Administration of Justice in relation to Mining Interests,*" and acquaint the Legislative Council that the Legislative Assembly agree to some of the amendments made therein by the Legislative Council, that they disagree with others of the said amendments, and that they agree to others of the said amendments with amendments ; with which they desire the concurrence of the Legislative Council.

And the Legislative Assembly further acquaint the Legislative Council that they disagree to the amendment made by the Legislative Council in Clause 4, line 44, of this Bill for the following reason, viz. :—

That it is an amendment whereby a charge upon the people is varied, and that it is the sole right of the Legislative Assembly to direct, limit, and appoint the amount as well as the ends, purposes, considerations, conditions, limitations, and qualifications of such charges.

Legislative Assembly Chamber,
Melbourne, 3rd August, 1865.

FRANS. MURPHY,
Speaker.

MINING LAW AMENDMENT BILL.—The Honorable G. W. Cole moved, That the consideration of the Message from the Legislative Assembly with this Bill be made an Order of the Day for Tuesday next.

Question—put and passed.

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 to make permanent provision for a Mint in Victoria,*" and acquaint the Legislative Council that the Legislative Assembly have agreed to the amendment of the Legislative Council on the amendment of the Legislative Assembly on the amendment of the Legislative Council.

Legislative Assembly Chamber,
Melbourne, 3rd August, 1865.

FRANS. MURPHY,
Speaker.

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

Question—put and passed.

The Council adjourned at five minutes past five o'clock until four o'clock on Tuesday, the 8th instant.

ORDERS OF THE DAY.

TUESDAY, 8TH AUGUST, 1865.

ORDERS OF THE DAY :—

1. PUBLIC WORKS LAW AMENDMENT AND CONSOLIDATION BILL.—Consideration of Message from Legislative Assembly.
2. MINING LAW AMENDMENT BILL.—Consideration of Message from Legislative Assembly.

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

No. 13

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VICTORIA.

No. 73.

Minutes of the Proceedings

OF THE

LEGISLATIVE COUNCIL.

TUESDAY, 8TH AUGUST, 1865.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the Prayer.

WATER WORKS BILL—COMMITTEE TO CONFER ON AMENDMENTS IN.—The Honorable C. Sladen, with leave of the Council, moved, without notice, That the Honorable W. H. F. Mitchell be discharged from attendance at the Committee appointed to confer with a Committee of a like number of the Legislative Assembly on the amendments in the Water Works Bill, and that the Honorable S. G. Henty be appointed a member of the said Committee. Question—put and passed.

POSTPONEMENTS.—The following Orders of the Day were severally postponed until Wednesday, the 9th instant :—

“*Public Works Law Amendment and Consolidation Bill*”—Consideration of Message from Legislative Assembly.

“*Mining Law Amendment Bill*”—Consideration of Message from Legislative Assembly.

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, in response to the invitation of the Legislative Council, the Legislative Assembly have appointed a Committee, consisting of six members, to confer with the Committee of the Legislative Council upon the subjects indicated in the message from the Legislative Council with regard to the Water Works Bill.

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.

FRANS. MURPHY,
Speaker.

Legislative Assembly Chamber,
Melbourne, 8th August, 1865.

WATER WORKS BILL.—MEETING OF COMMITTEE TO CONFER.—The Honorable T. H. Fellows moved, That the Committee appointed to confer on the amendments in the Water Works Bill be empowered to meet on days on which the Council does not sit.

Question—put and passed.

The Honorable T. H. Fellows moved, That the Committee be empowered to sit, in the first instance, on Wednesday, the 9th instant, at three o'clock, in the Parliament Library.

Question—put and passed.

Ordered—That a Message be sent to the Legislative Assembly to acquaint them that the Committee appointed by the Council to confer on the amendments in the Water Works Bill is empowered to sit on days on which the Council does not sit, and that the said Committee is empowered to meet in the first instance on Wednesday, the 9th instant, at three o'clock, in the Parliament Library.

ADJOURNMENT.—The Honorable G. W. Cole, with leave of the Council, moved, without notice, 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 acquaint the Legislative Council that they have given power to the Committee of the Legislative Assembly, appointed to confer with the Committee of the Legislative Council on the amendments on the Water Works Bill, to meet on Wednesday, the 9th instant, at three o'clock p.m., in the Parliament Library.

Legislative Assembly Chamber,
Melbourne, 8th August, 1865.

FRANS. MURPHY,
Speaker.

BUSINESS PAPER—The Honorable G. W. Cole, with leave of the Council, moved, without notice, That the Business set down for to-morrow be set down for Tuesday next.

Question—put and passed.

The Council adjourned at five o'clock until four o'clock on Tuesday, the 15th instant.

ORDERS OF THE DAY.

TUESDAY, 15TH AUGUST, 1865.

1. The Hon. C. SLADEN : To ask, Whether the Government have lately received any communication or despatch from the Government of South Australia with reference to the collection of Customs Duties on the Murray ; and if so, whether the Government have any objection to lay the same upon the Table.

ORDERS OF THE DAY :—

1. PUBLIC WORKS LAW AMENDMENT AND CONSOLIDATION BILL.—Consideration of Message from Legislative Assembly.
 2. MINING LAW AMENDMENT BILL.—Consideration of Message from Legislative Assembly.
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MEETING

OF

SELECT COMMITTEE.

Wednesday, 9th August.

WATER WORKS BILL—Committee to confer on Amendments in—at 3 o'clock.

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

VICTORIA.

No. 74.

Minutes of the Proceedings

OF THE

LEGISLATIVE COUNCIL.

TUESDAY, 15TH AUGUST, 1865.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the Prayer.

PAPERS.—The Honorable G. W. Cole laid on the Table the following Paper :—

Wrecks and Casualties—Register of, from January, 1860, to December, 1864.

Ordered to lie on the Table.

CUSTOMS DUTIES ON MURRAY RIVER.—The Honorable G. W. Cole laid on the Table copies of Correspondence between the Governments of South Australia and Victoria, with reference to the collection of Customs Duties on the Murray River, and moved that the same be printed.

Question—put and passed.

POSTPONEMENTS.—The following Orders of the Day were severally postponed until Thursday, the 17th instant :—

“*Public Works Law Amendment and Consolidation Bill*”—Consideration of Message from Legislative Assembly.

“*Mining Law Amendment Bill*”—Consideration of Message from Legislative Assembly.

ADJOURNMENT.—The Honorable G. W. Cole, 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 half-past four o'clock until four o'clock on Thursday, the 17th instant.

ORDERS OF THE DAY.

THURSDAY, 17TH AUGUST, 1865.

ORDERS OF THE DAY :—

1. PUBLIC WORKS LAW AMENDMENT AND CONSOLIDATION BILL.—Consideration of Message from Legislative Assembly.
2. MINING LAW AMENDMENT BILL.—Consideration of Message from Legislative Assembly.

MEETING

OF

SELECT COMMITTEE.

Wednesday, 16th August.

WATER WORKS BILL—Committee to confer on Amendments in—at 2 o'clock.

G. W. RUSDEN,

Clerk of the Council and Clerk of the Parliaments.

VICTORIA.

No. 75.

Minutes of the Proceedings

OF THE

LEGISLATIVE COUNCIL.

THURSDAY, 17TH AUGUST, 1865.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the Prayer.

ADJOURNMENT.—The Honorable G. W. Cole, with leave of the Council, moved, without notice, That the House, at its rising this day, adjourn until Tuesday next, at half-past four o'clock.

Question—put and passed.

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

“*Public Works Law Amendment and Consolidation Bill*”—Consideration of Message from Legislative Assembly.

“*Mining Law Amendment Bill*”—Consideration of Message from Legislative Assembly.

The Council adjourned at half-past four o'clock until half-past four o'clock on Tuesday, the 22nd instant.

ORDERS OF THE DAY.

TUESDAY, 22ND AUGUST, 1865.

* ORDERS OF THE DAY:—

1. PUBLIC WORKS LAW AMENDMENT AND CONSOLIDATION BILL.—Consideration of Message from Legislative Assembly.
2. MINING LAW AMENDMENT BILL.—Consideration of Message from Legislative Assembly.

G. W. RUSDEN,

Clerk of the Council and Clerk of the Parliaments.

VICTORIA.

No. 76.

Minutes of the Proceedings

OF THE

LEGISLATIVE COUNCIL.

TUESDAY, 22ND AUGUST, 1865.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the Prayer.

WATER WORKS BILL—COMMITTEE TO CONFER ON AMENDMENTS IN.—The Honorable T. H. Fellows brought up a Report of the Proceedings of the Committee appointed to confer with a like number of the Legislative Assembly on the amendments in this Bill.

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

The Committee, appointed by your Honorable House to confer with a Committee of a like number of the Legislative Assembly on the Amendments in the Water Works Bill, have the honor to report as follows :—

1. Your Committee have conferred with the Committee of the Legislative Assembly on the subject of the said amendments, and have interchanged arguments in support of their respective views, and your Committee append to this Report the Shorthand Writer's notes of those arguments.

2. Your Committee regret to be able to state their belief, that neither Committee have succeeded in convincing the other of the correctness of the position assumed by either House in regard to the alteration of Bills by the Legislative Council.

3. Your Committee think it would be unbecoming in them to express any opinion upon the comparative weight or value of the arguments advanced at the Conference.

4. Your Committee, however, have the satisfaction of reporting that both Committees have agreed as to the advisability of certain amendments in the Bill, which, consistently with the practice of either House, cannot now be made.

Your Committee therefore recommend that your Honorable House should agree to the amendments made by the Legislative Assembly upon the amendments of your Honorable House; that your Honorable House should insist on the amendments in Clause 6, and on the amendment to insert Clause G, and should not insist on the other amendments which have been disagreed to.

The Honorable T. H. Fellows moved, That the Report be printed.

Question—put and passed.

The Honorable T. H. Fellows moved, That the Bill be returned to the Legislative Assembly, with a Message acquainting them that the Council agree to the amendments made by the Legislative Assembly upon the amendments made by the Legislative Council; that they insist on the amendments in Clause 6, and on the amendment to insert Clause G, and do not insist on the other amendments which have been disagreed to.

Question—put and passed.

CARGOES DISCHARGED AT PIERS AND WHARVES.—The Honorable G. W. Cole laid on the Table a Return to the Order of the Council made on the 18th ultimo, and moved that the same be printed.

Question—put and passed.

ADJOURNMENT.—The Honorable G. W. Cole, with leave of the Council, moved, without notice, That the House, at its rising this day, adjourn until half-past four o'clock on Tuesday next.

Question—put and passed.

PUBLIC WORKS LAW AMENDMENT AND CONSOLIDATION BILL.—The Order of the Day for the consideration of the Message from the Legislative Assembly returning this Bill being read, the Honorable W. Highett moved, That the Council agree to the amendments made by the Legislative Assembly in the new Clause A, with the following amendments :—

Leave out "nor" after "watercourse."

Leave out "in writing" after "a claim."

Debate ensued.

The Honorable W. H. F. Mitchell moved, That the debate be adjourned until Tuesday next.

Question—That the debate be adjourned—put and passed.

Ordered—That the debate be adjourned until Tuesday next.

MINING LAW AMENDMENT BILL.—The Order of the Day for the consideration of the Message from the Legislative Assembly returning this Bill being read, the Honorable G. W. Cole moved, That the Council do not insist on their amendments in Clause 3, with which the Legislative Assembly have disagreed.

Question—put and passed.

The Honorable G. W. Cole moved, That the Council do not insist on their amendment in Clause 4, with which the Legislative Assembly have disagreed.

Debate ensued.

The Honorable J. F. Strachan moved, That the debate be adjourned until Tuesday next.

Debate ensued.

Question—put.

Council divided.

Contents, 10.

The Hon. T. H. Fellows
C. Sladen
W. J. T. Clarke
W. H. F. Mitchell
W. Campbell
H. Miller
W. Highett
J. P. Bear
J. F. Strachan
W. Taylor (*Teller*).

Not Contents, 10.

The Hon. D. E. Wilkie
G. W. Cole
B. Williams
W. H. Pettett
W. Degraives
H. M. Murphy
N. Fitzgerald
A. Fraser
J. McCrae
C. J. Jenner (*Teller*).

The President declared, That, in order that the question might be further considered, he gave his voice with the Contents.

The question was therefore passed.

Ordered—That the Debate be adjourned until Tuesday next.

The Council adjourned at twenty minutes to six o'clock until half-past four o'clock on Tuesday, the 29th instant.

ORDERS OF THE DAY.

TUESDAY, 29TH AUGUST, 1865.

ORDERS OF THE DAY :—

1. **PUBLIC WORKS LAW AMENDMENT AND CONSOLIDATION BILL.**—Adjourned debate on consideration of Message from Legislative Assembly.
2. **MINING LAW AMENDMENT BILL.**—Adjourned debate on consideration of Message from Legislative Assembly.

G. W. RUSDEN,

Clerk of the Council and Clerk of the Parliaments.

VICTORIA.

No. 77.

Minutes of the Proceedings

OF THE

LEGISLATIVE COUNCIL.

TUESDAY, 29TH AUGUST, 1865.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the Prayer.

PAPER.—The Honorable G. W. Cole laid on the Table the following Paper:—
University of Melbourne.—Report for Year ending 31st May, 1865.
Ordered to lie on the Table.

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

C. H. DARLING,
Governor.

Message No.

The Governor deems it due to the Legislative Council to communicate to them an Address which he has received from the Legislative Assembly, together with the Governor's Message in reply thereto.

It is the Governor's earnest desire to aid, by all possible means within the scope of his duty and legitimate authority, in accomplishing the objects which the Address of the Assembly has in view; and the Governor trusts that the Legislative Council will recognize, in the reference made by the Assembly to a resolution of the Council, and in the present exceptional and embarrassing position of affairs in the Legislature, a sufficient reason for the expression to the Council of the Governor's hope that active legislation in regard to the finance of the colony may be promptly resumed.

The Governor feels assured that, in considering how this important object may be best attained, the deliberations of the Council will be characterized by an enlightened regard for the interest of the community at large, and a just appreciation of the peculiar difficulties by which the present conjuncture is attended.

Government House,
29th August, 1865.

To His Excellency SIR CHARLES HENRY DARLING, Knight Commander of the Most Honorable Order of the Bath, Governor and Commander-in-Chief of the Colony of Victoria.

MAY IT PLEASE YOUR EXCELLENCY—

We, Her Majesty's most dutiful and loyal subjects, the Members of the Legislative Assembly in Parliament assembled, beg respectfully to acquaint your Excellency that, in consequence of the laying aside by the Legislative Council, without Message or communication to the Legislative Assembly, of the Bill of Supply and Appropriation passed by the Legislative Assembly, the salaries of the Civil Servants for the month of July have not yet been paid, and other obligations are undischarged; and we therefore pray your Excellency to cause such measures to be adopted as shall, in the opinion of your Excellency's Responsible Advisers, be expedient or necessary for satisfying the liabilities aforesaid and for maintaining the efficiency of the public service.

(Signed)

FRANCIS MURPHY,
Speaker.

C. H. DARLING,
Governor.

Message, No. .

The Governor acknowledges the Address of the Legislative Assembly, representing that the Bill of Supply and Appropriation, passed by the Assembly, having been laid aside by the Legislative Council, without Message or communication to the Assembly, the salaries of Civil Servants for the month of July have not yet been paid, and other obligations are undischarged; and praying the Governor to cause such measures to be adopted as shall, in the opinion of his Responsible Advisers, be expedient or necessary for satisfying the liabilities aforesaid, and for maintaining the efficiency of the public service.

The Governor has never failed to give respectful attention to the opinions and advice of his Responsible Ministers; and he now desires to assure the Legislative Assembly that he is prepared to take into his earnest consideration any measures his Ministers may recommend, whereby, in the exercise of his legal and Constitutional powers, it may seem possible to alleviate the existing pressure upon the Civil Servants and the Public Creditor, resulting from the delay which has occurred in the passing of the Annual Appropriation Bill.

But the Governor must beg to remind the Assembly that, so long as the 44th and 55th sections of the Constitution Act, and the 24th and 25th sections of the Act 22 Vic. No. 86 (Audit Act Amendment) remain in force, it is not competent to him to sanction the issue of money from the Public Account, either for the payment of the Salaries of Civil Servants or for any other object, unless the amount required is rendered "legally available" by an Act duly concurred in and passed by the three branches of the Legislature.

Influenced by a sincere desire to promote the object the Assembly has in view, as expressed in their Address, and believing that that object can only be effectually accomplished by the renewal of communication between the Council and Assembly on the subject of the Bill referred to, the Governor cannot hesitate to express his earnest hope that both Houses, recognising the peculiar and pressing nature of the present conjuncture, will be disposed to take such steps for restoring intercourse between them, either by conference or otherwise, as the custom of Parliament may sanction.

The Governor having deemed it due to the Legislative Council to communicate to that body the Address of the Assembly and this reply, transmits to the Assembly a copy of the Message by which the communication to the Council was made.

Government House,

29th August, 1865.

The Message was read at the Table by the clerk.

The Honorable G. W. Cole moved, That the consideration of the Message from His Excellency the Governor be made an Order of the Day for to-morrow.

Question—put and passed.

ADJOURNMENT.—The Honorable T. H. Fellows moved, That, under the peculiar circumstances attending the Message which has just been read, the House do now adjourn.

Debate ensued.

Question—put and passed.

The Council adjourned at ten minutes to five o'clock until four o'clock on Wednesday, the 30th instant.

ORDER OF THE DAY.

WEDNESDAY, 30TH AUGUST, 1865.

ORDER OF THE DAY:—

1. MESSAGE FROM HIS EXCELLENCY THE GOVERNOR.—Consideration of.

TUESDAY, 5TH SEPTEMBER.

1. The Hon. W. HIGGETT: To call the attention of the Government, through their representative in this House, to the fact that the electors resident in the district of Wood's Point and Jamieson have, during the recent election for the Eastern Province, been virtually disfranchised, no polling places for those districts having been appointed; and to ask, on what ground so large and influential a portion of the Province had been so treated.

MEETING

OF

SELECT COMMITTEE.

Wednesday, 30th August.

PRINTING—at half-past 3 o'clock.

G. W. RUSDEN,

Clerk of the Council and Clerk of the Parliaments.

No. 78.

Minutes of the Proceedings

OF THE

LEGISLATIVE COUNCIL.

WEDNESDAY, 30TH AUGUST, 1865.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the Prayer.

WRIT—RETURN OF.—The President announced to the Council that the Writ issued by the Governor for the election of a Member of the Legislative Council for the Eastern Province had been returned to His Excellency the Governor, and had been transmitted to the custody of the Clerk of the Council, showing that William Clark Haines, Esquire, was duly elected in pursuance of the Writ.

NEW MEMBER.—The Honorable William Clark Haines, being introduced, took and subscribed the oath of allegiance provided for by the thirty-second Clause of the Constitution Act, and delivered to the Clerk the declaration required by the seventh Clause of the Constitution Act, as hereunder set forth :—

“I, WILLIAM CLARK HAINES, do declare and testify that I am duly seised at law or in equity of an estate of freehold for my own use and benefit in lands or tenements in the Colony of Victoria of the full value of five thousand pounds, sterling money, above all charges and incumbrances affecting the same : And further, that the lands and tenements out of which such qualification arises are situate in the parish of Barrabool, in the county or reputed county of Grant, and in Gardiner's Creek Road, in the city of Melbourne, the descriptions of which lands and tenements are as follow :— Section 18, parish of Barrabool, 640 acres ; section 19, ditto, portion of, 489 acres ; section 17, ditto, portion of, 160 acres ; section 1, ditto, portion of, 300 acres ; house and land situated in Gardiner's Creek Road, in the City of 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.

“ WILLIAM C. HAINES.”

LAPSED BUSINESS.—The Honorable G. W. Cole, with leave of the Council, moved, without notice, That the Orders of the Day which lapsed on the adjournment of the Council on Tuesday, the 29th instant, be restored to the Paper for Thursday, the 31st instant.

Question—put and passed.

MESSAGE FROM HIS EXCELLENCY THE GOVERNOR.—The Order of the Day for the consideration of the Message from His Excellency the Governor being read, the Honorable T. H. Fellows moved, That a Select Committee of seven Members be now appointed to prepare an Address in reply to His Excellency's Message.

Question—put and passed.

The Honorable T. H. Fellows moved, That the Committee consist of the following Members, viz., The Honorables W. Highett, H. M. Murphy, W. H. F. Mitchell, W. Taylor, J. F. Strachan, J. P. Fawcner, and the Mover.

Question—put and passed.

The Committee retired to prepare the Address.

The Honorable T. H. Fellows brought up the Address prepared by the Select Committee. The Address was read at the Table by the Clerk as follows:—

To His Excellency SIR CHARLES HENRY DARLING, Knight Commander of the Most Honorable Order of the Bath, Governor and Commander-in-Chief of the Colony of Victoria, &c., &c., &c.

MAY IT PLEASE YOUR EXCELLENCY—

We, Her Majesty's most dutiful and loyal subjects, the Legislative Council of Victoria, in Parliament assembled, beg to approach your Excellency with expressions of sincere respect and confidence.

The Message which your Excellency has been pleased to transmit to us has received our most careful consideration.

We thank your Excellency for your announcement that you will not sanction "the issue of money from the Public Account unless the amount required is rendered 'legally available' by an Act duly concurred in and passed by the three branches of the 'Legislature;'" and we moreover feel assured that your Excellency will not permit the exercise of any assumed authority, or become a party to any arrangement, by whomsoever proposed, which, though it may not violate the letter of any positive enactment, is opposed to its spirit and obvious intention.

Although we are placed in a somewhat novel position by the receipt of your Excellency's Message, we nevertheless concur with you in the "hope that active legislation in regard to the finance of the colony may be promptly resumed."

While we "appreciate the peculiar difficulty by which the present conjuncture is attended," we must acquaint your Excellency that "the present exceptional and "embarrassing position of affairs in the Legislature" has been occasioned by a departure from the ordinary usages of Parliament with regard to the annual Appropriation Bill.

We would recall to your Excellency's memory a despatch dated 16th April, 1849, from Her Majesty's then Principal Secretary of State for the Colonies, to your Excellency's predecessor in the Government of Jamaica, in which the latter was instructed "not in future to admit of any innovation on the regular and constitutional practice of keeping "Revenue and Appropriation Bills separate from each other,"—a practice which the Secretary of State, in the same despatch, described as "fully established" in the United Kingdom.

We would inform your Excellency, that it has been the invariable practice in this Colony to keep Revenue and Appropriation Bills separate from each other, as our Statute Book amply testifies; but even had it been otherwise, the Constitution Act, which requires the "rules, forms, and usages" of the Imperial Parliament to be followed so far as the same are applicable to the proceedings of the two Houses, imperatively required that we should refuse to entertain a Bill introduced in violation of them.

We desire to acquaint your Excellency that a Bill was transmitted to this House by the Legislative Assembly appropriating the Supplies to the service of the present year, and abolishing the present and imposing new Duties of Customs;—a Bill to which, even if it had passed both Houses, your Excellency, according to the rule laid down in the instruction before referred to, could not have given Her Majesty's Assent.

We can assure your Excellency that we are and always have been ready and desirous to agree to a Bill for appropriating the Supplies in the usual and accustomed manner; and with a view to facilitate the introduction of a measure for that purpose, we caused an entry to be made in the Journals of this House in relation to the Bill above referred to, "That as, by the thirty-fourth section of the Constitution Act, the rules, forms, and usages of the Imperial Parliament are required to be followed, so far as the same may be applicable to the proceedings of the Legislative Council and Legislative Assembly respectively, until altered by some standing rule or order to be adopted by both the said Council and Assembly, and as it is contrary to those rules, forms, and usages, which have not been so altered, that any clause of appropriation should be introduced into a Bill of Supply; and as this Bill of Supply contains a clause appropriating the supplies granted during the present session of Parliament to the service of the years 1864 and 1865, and moreover regulates the disposal of minerals in the waste lands of the Crown (over which this House claims to exercise equal power with the Legislative Assembly), and therefore encroaches upon the just privileges of this House, the subject-matters of this Bill be not considered until they are dealt with in separate measures, and that this Bill be laid aside."

We gather, from the address of the Legislative Assembly, which your Excellency has communicated to us, that that House considers itself placed in a difficulty by reason of this House having laid aside the Bill without message or communication to the Assembly; but we would point out to your Excellency that, when either House disposes of a Bill, either by negating the motion for its being read, or by postponing the second or third reading for six months, it is not the practice to send any message or communication to the other House, and that therefore we have not omitted any usual step.

We would remind your Excellency that, when either House desires to be informed of the mode in which the other House has dealt with any bill transmitted to it, it is the practice to cause a search to be made in the Journals of the latter "to see what proceedings have taken place respecting the Bill,"—a practice which was recently followed by the House of Commons after a motion had been carried in the House of

Lords that the Paper Duties Bill should be read a second time that day six months, no Message or communication having been made by the Lords to the Commons informing them of the fate of that Bill; but it does not appear that the Legislative Assembly has appointed any Committee to inspect the Journals of this House with relation to any proceedings upon the Supply and Appropriation Bill.

In the peculiar situation in which the Colony is now placed, we have to request that your Excellency will be pleased to transmit this address to Her Majesty's Principal Secretary of State for the Colonies, for his information.

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

Amendment moved by the Honorable G. W. Cole, That all the words after the word "That" be omitted, with a view to insert the words "the consideration of the Address be made an Order of the Day for to-morrow."

Debate ensued.

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

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

BUSINESS PAPER.—The Honorable T. H. Fellows, with leave of the Council, moved, without notice, That the Orders of the Day set down for to-morrow be postponed until the next day of meeting.

Question—put and passed.

ADJOURNMENT.—The Honorable G. W. Cole, with leave of the Council, moved, without notice, That the House, at its rising this day, adjourn until half-past four o'clock on Tuesday, the 5th proximo.

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 authorise Works for supplying Water to certain districts and places in Victoria,*" with which they desire the concurrence of the Legislative Council.

FRANS. MURPHY,
Speaker.

Legislative Assembly Chamber,
Melbourne, 30th August, 1865.

WATER WORKS BILL (2).—The Honorable G. W. Cole moved, That this Bill be now read a first time, printed, and read a second time on Tuesday next.

Question—put and passed.

Bill read a first time.

The Council adjourned at a quarter to six o'clock until half-past four o'clock on Tuesday, the 5th proximo.

ORDERS OF THE DAY.

TUESDAY, 5TH SEPTEMBER, 1865.

1. The Hon. W. HIGHETT : To call the attention of the Government, through their representative in this House, to the fact that the electors resident in the district of Wood's Point and Jamieson have, during the recent election for the Eastern Province, been virtually disfranchised, no polling places for those districts having been appointed; and to ask, on what ground so large and influential a portion of the Province had been so treated.

ORDERS OF THE DAY :—

1. PUBLIC WORKS LAW AMENDMENT AND CONSOLIDATION BILL.—Adjourned debate on consideration of Message from Legislative Assembly.
2. MINING LAW AMENDMENT BILL.—Adjourned debate on consideration of Message from Legislative Assembly.
3. WATER WORKS BILL (2).—To be read a second time.

MEETING

OF

SELECT COMMITTEE.

Tuesday, 5th September.

PRINTING—at half-past 3 o'clock.

G. W. RUSDEN,

Clerk of the Council and Clerk of the Parliaments.

VICTORIA.

No. 79.

Minutes of the Proceedings

OF THE

LEGISLATIVE COUNCIL.

TUESDAY, 5TH SEPTEMBER, 1865.

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 G. W. Cole presented to the Council the following Message from His Excellency the Governor:—

C. H. DARLING,

Governor.

Message No.

The Governor thanks the Legislative Council for their Address in reply to the Governor's Message relating to the Bill of Supply and Appropriation now in possession of the Council.

In compliance with the wish of the Council, the Governor will take care to communicate their Address to Her Majesty's Principal Secretary of State for the Colonies.

The Governor would beg to remind the Legislative Council that, while in that passage of the Governor's Message to the Assembly, to which the Council more immediately refers, he pointed out that it was not competent to him, as the law at present stands, to sanction the issue of money from the Public Account, unless the amount required were rendered legally available by an Appropriation Act, he had in the preceding paragraph assured the Assembly of his desire to alleviate the existing pressure upon the Civil Servants and the Public Creditor, by any measure which it might be within his power legitimately to adopt.

And the Governor now acquaints the Council, in reply to their expression of confidence as to the course which the Governor would take, that, without violating either the letter or spirit of the laws, he has, with the advice and concurrence of his responsible ministers, succeeded in making temporary and provisional arrangements for meeting the inevitable pecuniary liabilities of the Government in the present emergency.

The Governor has felt it the more incumbent upon him to endeavor to effect this object, because that emergency has been occasioned, not by any design or intention on the part of either the Council or the Assembly to withhold the usual supplies, but has resulted entirely from a conflict of opinion as to privilege, precedent, and practice, which has unhappily arisen between those bodies in the exercise of the powers conferred on them respectively by law.

If the Governor could have entertained any doubt of the intentions of the Council in this respect, that doubt would have been removed by the assurance he has now received, that the Council are ready and desirous to agree to the annual Appropriation Bill, if sent up to them as a separate measure.

The Governor is sensible of the courtesy which has induced the Council to present to him their view of the circumstances which have led to the present position of the Council in relation to the Legislative Assembly.

The Governor understands the view of the Assembly on the other hand to be, that they are in effect contending for a fundamental principle of the Constitution, which they conceive to be endangered.

In such a controversy, the Governor regrets to know that it is not in his power effectually to interpose; and, believing as he does, that similar misunderstandings will occasionally recur, and that there is no power or authority whatever which can conclusively decide disputes between independent Legislative bodies, not as to whether Rights and Powers are possessed, but whether, being possessed, they have been wisely and

properly exercised, the Governor can only cherish the hope that, for the sake of public interests, the period during which it may be deemed necessary in the present instance to maintain a suspension of intercourse between the two Houses, in vindication of the privileges and dignity of either, may be rapidly approaching to its close.

Adverting to the remarks of the Council upon the supposed obligations of the Governor with regard to the "laid aside" Bill, the Governor would observe that, in discharge of his duties as the Representative of the Crown in Victoria, he is not in any degree bound by, nor would his responsibilities be exonerated by, a reliance on Instructions addressed to the Governor of Jamaica sixteen years since, or at any more recent date. If indeed the practice of Jamaica were of any value as a precedent in Victoria, that practice would show, that the separation of Supply and Appropriation, however much in accordance with the ordinary usage of Parliament, and expedient as a general rule, is not regarded as an indispensable principle of financial legislation.

The Act by which the Constitution of Jamaica was amended and settled in the year 1854 raises Revenue by Duties of Customs, and appropriates those duties to the payment of the salaries of Civil Servants, as well as to other purposes; and since that Act was passed, several Bills have proceeded from the Assembly, combining Supply and Appropriation in various forms, have been adopted by the Council without demur, and received the Royal Assent without objection or comment from Her Majesty's Government.

The Message was read at the Table by the Clerk.

The Honorable G. W. Cole moved, That the consideration of the Message be made an Order of the Day for to-morrow.

Question—put and passed.

PRINTING COMMITTEE.—FIFTH REPORT.—The Honorable J. P. Fawcner brought up the Fifth Report of the Printing Committee, and moved that the same be adopted and printed.

Question—put and passed.

PUBLIC WORKS LAW AMENDMENT AND CONSOLIDATION BILL.—The Order of the Day for the resumption of the debate on the consideration of the Message from the Legislative Assembly with this Bill being read, the amendments were read as follows:—

Disagreement with new Clause A not insisted on; but amendment now agreed to, with the following amendments; the amendment to be added to and form part of Clause 191:—

Omit all words to "and" inclusive, in line 25.

Line 25, omit "also."

Line 28, omit "said," insert "late."

Line 28, after "commissioners," insert "of Sewers and Water Supply."

Line 30, omit "said."

Line 30, after "Act," insert No. 59 Provided that the said Board shall not be liable for any cause of action for the taking or the diverting water either permanently or temporarily or occasionally from any river stream or watercourse nor unless a claim in writing shall have been made in respect of such cause of action before the first day of January in the year of our Lord One thousand eight hundred and sixty-five."

The Honorable T. H. Fellows moved, as an amendment in the first of the foregoing amendments, That the amendment be inserted after the word "laid," in the seventh line of Clause 191.

Question—put and passed.

The Honorable T. H. Fellows moved, That the Council agree to omit all words to "and," inclusive.

Question—put and passed.

The Honorable T. H. Fellows moved, That the Council insist on retaining the word "also."

Question—put and passed.

The Honorable T. H. Fellows moved, That, as a consequential amendment (in line 26 of the new Clause A), after the word "liable," the words "to make full compensation" be inserted.

Question—put and passed.

The Honorable T. H. Fellows moved, That, as a consequential amendment (in line 27 of the new Clause A), after the word "all," the words "causes of action to" be omitted, with a view to insert the words "damage sustained by them for."

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.

The Honorable T. H. Fellows moved, That the Council agree to omit the word "said" and insert the word "late."

Question—put and passed.

The Honorable T. H. Fellows moved, That the Council agree to insert the words "of Sewers and Water Supply."

Question—put and passed.

The Honorable T. H. Fellows moved, That the Council agree to omit the word "said."

Question—put and passed.

The Honorable T. H. Fellows moved, That, in the amendment made by the Legislative Assembly, inserted after the word "Act," the following consequential amendment be made :—Leave out "for any cause of action," insert "to make compensation."

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.

The Honorable T. H. Fellows moved, That the words "cause of action" be omitted, with a view to insert the word "compensation" instead thereof.

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

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

Question—That the amendment as amended be agreed to—put and passed.

Ordered—That the Bill be returned to the Legislative Assembly, with a Message acquainting them that the Council have agreed to some of the amendments made by the Legislative Assembly on the Amendments of the Legislative Council in the Bill; that they insist on one Amendment; that they have agreed to others with amendments; and that they have made consequential amendments, with which they desire the concurrence of the Legislative Assembly.

POSTPONEMENT.—The following Order of the Day was postponed until Wednesday, the 6th instant :—

"Mining Law Amendment Bill"—Adjourned debate on consideration of Message from Legislative Assembly.

WATER WORKS BILL (2).—The Order of the day for the second reading of this Bill being read, the Honorable G. W. Cole moved, That the Bill be now read a second time.

Debate ensued.

Question—put and passed.

Bill read a second time.

Ordered—That the said Bill be now considered in Committee of the whole Council.

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.

The Honorable G. W. Cole moved, That the Committee have leave to sit again to-morrow.

Amendment moved by the Honorable N. Fitzgerald, that the word "to-morrow" be omitted, with a view to insert the word "immediately" instead thereof.

Question—That the word proposed to be omitted be so omitted—put and passed.

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

Question—That the Committee have leave to set again immediately—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 G. W. Cole moved, That the Report of the Committee be now adopted.

Question—put and passed.

The Honorable G. W. Cole moved, That the third reading of the Bill be made an Order of the Day for to-morrow.

Question—put and passed.

The Council adjourned at twenty-minutes to seven o'clock until four o'clock on Wednesday, the 6th instant.

ORDERS OF THE DAY.

WEDNESDAY, 6TH SEPTEMBER, 1865.

ORDER OF THE DAY :—

1. MESSAGE FROM HIS EXCELLENCY THE GOVERNOR—Consideration of.

Government Business.

ORDERS OF THE DAY :—

2. MINING LAW AMENDMENT BILL.—Adjourned debate on consideration of Message from Legislative Assembly.
3. WATER WORKS BILL (2).—To be read a third time.

G. W. RUSDEN,

Clerk of the Council and Clerk of the Parliaments.

VICTORIA.

No. 80.

Minutes of the Proceedings

OF THE

LEGISLATIVE COUNCIL.

WEDNESDAY, 6TH SEPTEMBER, 1865.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the Prayer.

ADJOURNMENT.—The Honorable W. C. Haines, with leave of the Council, moved, without notice, That the House, at its rising this day, adjourn until Tuesday week.

Debate ensued.

Question—put and passed.

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

“*Message from His Excellency the Governor*”—Consideration of.

“*Mining Law Amendment Bill*”—Adjourned debate on consideration of Message from the Legislative Assembly.

WATER WORKS BILL (2).—The Order of the Day for the third reading of this Bill being read, the Honorable G. W. Cole moved, That the Bill be now read a third time.

Amendment moved by the Honorable J. P. Bear, 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 Bill be now re-considered in Committee of the whole Council—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 G. W. Cole 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 G. W. Cole, was read a third time and *passed*.

The Honorable G. W. Cole moved, That the title of the Bill be “*An Act to authorise Works for supplying Water to certain Districts and Places in Victoria.*”

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.

PAPER.—The Honorable G. W. Cole laid on the Table the following Paper—

Post Office Savings Banks.—General Regulations (7th August, 1865).

Ordered to lie on the Table.

POSTPONEMENT.—The following Order of the Day was postponed until Tuesday, the 19th instant :—

“*Message from His Excellency the Governor*”—Consideration of.

MINING LAW AMENDMENT BILL.—The Order of the Day for the resumption of the adjourned debate on the consideration of the Message from the Legislative Assembly with this Bill being called on, the Honorable W. H. F. Mitchell moved, That the debate be further adjourned until Tuesday, the 19th instant.

Debate ensued.

Question put.

Council divided.

Contents, 13.
 The Hon. T. H. Fellows
 W. C. Haines
 W. Taylor
 W. H. F. Mitchell
 W. Campbell
 H. M. Murphy
 S. G. Henty
 H. Miller
 W. Highett
 J. P. Bear
 J. P. Fawkner
 J. F. Strachan
 C. Sladen (*Teller*).

Not Contents, 8.
 The Hon. W. H. Pettett
 G. W. Cole
 C. J. Jenner
 N. Fitzgerald
 B. Williams
 A. Fraser
 J. McCrae
 Dr. Wilkie (*Teller*).

The question was therefore passed.

PAYMENTS ON PUBLIC ACCOUNT.—The Honorable W. Highett, with leave of the Council, moved, without notice, That there be laid upon the Table of this House copies of all correspondence between the Government and the Banks, on the subject of the advance required for enabling payments on account of the public service to be resumed; also, copies of the agreement, or other documents having reference to the terms entered into with the London Chartered Bank for the advance to be made by that establishment; also any correspondence between the Government and the Audit Commissioners on the same subject.

Question—put and passed.

The Council adjourned at a quarter past five o'clock until four o'clock on Tuesday, the 19th instant.

NOTICE OF MOTION AND ORDERS OF THE DAY.

TUESDAY, 19TH SEPTEMBER, 1865.

NOTICE OF MOTION :—

1. The Hon. C. J. JENNER: To move, That a Return be laid on the Table of all sums of money collected on account of New Duties since the first of the resolutions (passed by the Legislative Assembly in the present Session of Parliament) showing the names of the several persons or firms from whom such sums have been received, and the total amount paid by each to the 1st of September, 1865.

ORDERS OF THE DAY :—

1. MESSAGE FROM HIS EXCELLENCY THE GOVERNOR—Consideration of.
2. MINING LAW AMENDMENT BILL.—Adjourned debate on consideration of Message from Legislative Assembly.

G. W. RUSDEN,

Clerk of the Council and Clerk of the Parliaments.

VICTORIA.

No. 81.

Minutes of the Proceedings

OF THE

LEGISLATIVE COUNCIL.

TUESDAY, 19TH SEPTEMBER, 1865.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the Prayer.

ROYAL ASSENT TO BILLS.—The President informed the Council that he had received a communication from the Private Secretary of His Excellency the Governor, intimating that it is the intention of His Excellency to proceed to the Legislative Council Chamber on Wednesday, the 20th instant, at half-past four o'clock, to assent in Her Majesty's name to certain Bills which have passed both Houses of Parliament.

PAPERS.—The Honorable G. W. Cole laid on the Table the following Papers:—

1. Agriculture—Sixth Annual Report of.
2. Castlemaine District Court of Mines, to be held at Kyneton.—Order in Council (4th September, 1865).

Ordered severally to lie on the Table.

DUTIES, MONEYS COLLECTED.—The Honorable C. J. Jenner, in accordance with notice, moved, That a Return be laid on the Table of all sums of money collected on account of new duties since the first of the resolutions (passed by the Legislative Assembly in the present session of Parliament), showing the names of the several persons or firms from whom such sums have been received, and the total amount paid by each, to the 1st of September, 1865.

Amendment moved by the Honorable J. F. Strachan, That the following words be omitted after the word "Parliament:"—"showing the names of the several persons or firms from whom such sums have been received."

Debate ensued.

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

The Honorable J. F. Strachan moved, That the words "by each" be omitted.

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

The Honorable J. F. Strachan, with leave of the Council, moved, That the word "new" be omitted, with a view to insert the words "the present and the proposed" instead thereof.

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

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

Question—That a Return be laid on the Table of all sums of money collected on account of the present and the proposed Duties since the first of the resolutions (passed by the Legislative Assembly in the present session of Parliament), and the total amount paid to the 1st of September, 1865—put and passed.

MESSAGE FROM HIS EXCELLENCY THE GOVERNOR.—The Order of the Day for the consideration of the Message from His Excellency the Governor being read, the Honorable W. C. Haines moved, That an Address be presented to Her Majesty the Queen, setting forth the events which have occurred during the present session, and praying Her Majesty to take them into Her gracious consideration, and to adopt such measures as to Her Majesty may seem fit for maintaining in this Colony the Constitution as by law established.

Debate ensued.

The Honorable H. Miller moved, That the debate be adjourned.

Question—That the debate be adjourned—put and passed.

Ordered—That the debate be adjourned until to-morrow.

POSTPONEMENT.—The following Order of the Day, was postponed until Wednesday, the 20th instant:—

“*Mining Law Amendment Bill*”—Adjourned debate on consideration of Message from Legislative Assembly.

The Council adjourned at half-past six o'clock until four o'clock on Wednesday, the 20th instant.

NOTICES OF MOTION AND ORDERS OF THE DAY.

WEDNESDAY, 20TH SEPTEMBER, 1865.

NOTICES OF MOTION:—

1. The Hon. C. SLADEN: To move, That a Message be sent to the Legislative Assembly, requesting their concurrence in an Address to Her Majesty, setting forth the differences between the two Houses with regard to the construction of the Constitution Act; and praying that Her Majesty will be pleased to submit them for the judgment and opinion of the Judicial Committee of the Privy Council.
2. The Hon. C. J. JENNER: To move, That the Supply and Appropriation Bill, which was temporarily laid aside on Tuesday, the 25th of July, be restored to the notice paper; and that the motion for the second reading of said Bill be made an Order of the Day for Tuesday, the 3rd of October, 1865. And—

Contingent upon the above motion being agreed to—To move, That a Committee, consisting of Messrs. Fellows, Sladen, Miller, Highett, Mitchell, Degraives, and the mover, be appointed to confer with a Committee of the Assembly on the subject of the said Bill.

ORDER OF THE DAY:—

1. MESSAGE FROM HIS EXCELLENCY THE GOVERNOR—Adjourned debate on consideration of *Government Business*.

ORDER OF THE DAY:—

2. MINING LAW AMENDMENT BILL.—Adjourned debate on consideration of Message from Legislative Assembly.

G. W. RUSDEN,

Clerk of the Council and Clerk of the Parliaments.

VICTORIA.

No. 82.

Minutes of the Proceedings

OF THE

LEGISLATIVE COUNCIL.

WEDNESDAY, 20TH SEPTEMBER, 1865.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the Prayer.

MESSAGE FROM HIS EXCELLENCY THE GOVERNOR.—The Order of the Day for the resumption of the debate on the consideration of the Message from His Excellency the Governor being read, the debate was resumed.

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

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

“*An Act to legalize preferable Liens on Yearly Crops.*”

“*An Act to amend the Law relating to Hawkers and Pedlers.*”

“*An Act to provide for the better administration of Justice in County Courts.*”

“*An Act to amend and explain ‘The Instruments and Securities Statute 1864.’*”

“*An Act to amend the Law for Imprisonment for Debt.*”

“*An Act to make permanent provision for a Mint in Victoria.*”

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

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

“C. H. DARLING,

“Governor.”

The Clerk of the Parliaments delivered to Mr. Speaker a Schedule of the Bills assented to. The Legislative Assembly withdrew.

His Excellency the Governor left the Council Chamber.

MESSAGE FROM HIS EXCELLENCY THE GOVERNOR.—The debate on the Message from His Excellency the Governor was resumed.

Question—That an Address be presented to Her Majesty the Queen, setting forth the events which have occurred during the present session, and praying Her Majesty to take them into Her Gracious consideration, and to adopt such measures as to Her Majesty may seem fit for maintaining in this Colony the Constitution as by law established—put. Council divided.

Contents, 17.

The Hon. Dr. Wilkie

T. H. Fellows

W. C. Haines

N. Black

S. G. Henty

B. Williams

W. Campbell

W. Hull

H. M. Murphy

W. Highett

J. P. Bear

N. Fitzgerald

A. Fraser

J. P. Fawcner

W. H. F. Mitchell

J. F. Strachan

C. Sladen (*Teller*).

The question was therefore passed.

Not Contents, 6.

The Hon. W. H. Pettett

G. W. Cole

C. J. Jenner

J. McCrae

J. Henty

J. Lowe (*Teller*).

PETITION.—The Honorable C. J. Jenner presented a Petition signed by James Baker, praying that the Council will be pleased to re-consider the amendments made by the Council in the Mining Law Amendment Bill.

Petition received, and, on the motion of the Honorable C. J. Jenner, ordered to be taken into consideration when the Order of the Day for the adjourned debate on consideration of the Message from the Legislative Assembly with the Bill may be called on.

PAYMENTS ON PUBLIC ACCOUNT.—The Honorable G. W. Cole laid on the Table a Return to the Order of the Council made on the 6th instant.

MESSAGE FROM HIS EXCELLENCY THE GOVERNOR.—ADDRESS TO HER MAJESTY.—The Honorable W. C. Haines moved, That a Select Committee of eight Members be appointed to prepare an Address to Her Majesty the Queen; such Committee to consist of the following Members: the Honorables J. P. Bear, N. Black, J. P. Fawkner, T. H. Fellows, A. Fraser, W. Hull, H. M. Murphy, and the mover.

Question—put and passed.

The Committee retired to prepare the Address.

The Honorable W. C. Haines brought up the Address prepared by the Select Committee.

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

MOST GRACIOUS SOVEREIGN:

We, Your Majesty's dutiful and loyal subjects, the Legislative Council of Victoria, in Parliament assembled, beg to approach Your Majesty with expressions of our attachment to Your Majesty's throne and person, and of our desire that Your Majesty's constitutional authority in this colony may be upheld.

2. We most humbly desire to bring under Your Majesty's Gracious attention the fact that the laws of this Colony have in a measure been dispensed with, the Constitution superseded, and Your Majesty's authority disregarded, if not abused.

3. In the month of February, 1865, resolutions for altering existing duties of Customs, and for imposing new duties, were reported and agreed to by the Legislative Assembly.

4. In consequence of a statement made by the Chief Secretary in the Legislative Assembly, the Commissioner of Public Works (who was then a Member of this House), was, on the 23rd day of March, 1865, in his place in the House, asked whether it was the intention of the Government to introduce the New Tariff Clauses into the annual Appropriation Bill, and in reply to such enquiry he stated that "it was the then intention of the Government to do so."

5. Upon such answer being given, this House appointed a Select Committee to search for precedents on the subject of the tacking of bills, and also on the subject of dealing with bills of supply and tax, and bills of appropriation, and to report thereon.

6. The Committee brought up their Report on the 4th day of May, 1865; and in order that full and ample notice might be given to the Government of the impolicy of the course they proposed to adopt, this House forthwith and without a division resolved;—

- (1.) That this House will insist upon adhering to the practice and usage of the Imperial Parliament in regard to the matters which, according to such practice and usage, may be comprised in one Bill.
- (2.) That it is contrary to such usage and practice to introduce any clause or clauses of Appropriation or other foreign matter into a Bill of Aid or Supply.
- (3.) That it is contrary to such usage and practice to introduce any clause or clauses of Aid or Supply or other foreign matter into a Bill of Appropriation.

7. After and notwithstanding those resolutions, the annexed Bill was, in the month of July, 1865, transmitted by the Legislative Assembly to this House for its concurrence, and until that day no Bill for imposing the new or altering the existing duties of Customs was so transmitted.

8. On the question being put in this House, That the Bill be read a second time, an amendment was carried by a majority of 20 to 5—

"That as, by the thirty-fourth section of the Constitution Act, the rules, forms, and usages of the Imperial Parliament are required to be followed, so far as the same may be applicable to the proceedings of the Legislative Council and Legislative Assembly respectively, until altered by some standing rule or order to be adopted by both the said Council and Assembly, and as it is contrary to those rules, forms, and usages, which have not been so altered, that any clause of appropriation should be introduced into a Bill of Supply; and as this Bill of Supply contains a clause appropriating the supplies granted during the present session of Parliament to the service of the years 1864 and 1865, and moreover regulates the disposal of minerals in the waste lands of the Crown (over which this House claims to exercise equal power with the Legislative Assembly), and therefore encroaches upon the just privileges of this House, the subject-matters of this Bill be not considered until they are dealt with in separate measures, and that this Bill be laid aside."

9. Shortly after the foregoing amendment was carried, the following resolutions were, on the motion of the Chief Secretary, agreed to by the Legislative Assembly:—

- (1.) That the right of granting aids and supplies to the Crown is in the Legislative Assembly alone,

- (2.) That the power conferred by the Constitution Act on the Legislative Council to reject Bills for appropriating the revenue, and Bills for imposing any duty, rate, tax, rent, return, or impost, is justly regarded by this House with peculiar jealousy, as affecting the right of the Legislative Assembly to grant and appropriate supplies, and to provide the ways and means for the service of the year.
- (3.) That to guard against an undue exercise of that power by the Legislative Council, and to secure to the Legislative Assembly its rightful control over taxation and supply, this House has in its own hands the power so to impose and remit taxes, and to frame Bills of supply, that the right of the Legislative Assembly as to the matter, manner, measure, and time, may be maintained inviolate.
- (4.) That this House has learned with regret that a Bill passed by the Legislative Assembly for the Supply and Appropriation of Revenue, which was framed in accordance with the rules, forms, and usages of the Imperial Parliament, and with the view of securing the Legislative Assembly its rightful control over taxation and supply, has been laid aside by the Legislative Council, and that the Legislative Council has refused to consider the subject-matters of such Bill until the same shall be comprised in separate measures; that such refusal evinces a disregard of the rights and privileges of the Legislative Assembly; and that this House hereby declares its determination not to entertain any further or other Bill for the appropriation of supplies for the service of the year 1865, until the rightful control of this House over taxation and supply shall have been acknowledged by the adoption by the Legislative Council of the Tariff approved of by this House, and contained in a schedule to the said first-mentioned Bill.

10. Immediately after such resolutions were passed, a Notice, under the hand of the Treasurer, was published in the *Government Gazette*, and in the daily newspapers, "That the amount legally available on account of moneys voted by the Legislative Assembly for the Public Service of the Year being insufficient, payment of salaries, wages, and contingencies must be delayed until the necessary authority for the expenditure should have been obtained."

11. Subsequently to the publication of the beforementioned notice, the Governor communicated to this House an Address which he had received from the Legislative Assembly, together with His Excellency's Message in reply to such Address, and at the same time transmitted to this House a Message to the Legislative Council.

12. The Legislative Assembly, in their Address, acquainted His Excellency that, in consequence of the laying aside by the Legislative Council, without Message or communication to the Legislative Assembly, of the Bill of Supply and Appropriation passed by the Legislative Assembly, the salaries of the Civil Servants for the month of July had not yet been paid, and other obligations were undischarged; and prayed His Excellency to cause such measures to be adopted as should, in the opinion of His Excellency's Responsible Advisers, be expedient or necessary for satisfying the liabilities aforesaid and for maintaining the efficiency of the public service.

13. The Governor's Message, in reply to that Address, stated that the Governor had never failed to give respectful attention to the opinions and advice of his Responsible Ministers; and that he desired to assure the Legislative Assembly that he was prepared to take into his earnest consideration any measures his Ministers might recommend, whereby, in the exercise of his legal and constitutional powers, it might seem possible to alleviate the existing pressure upon the Civil Servants and the Public Creditor, resulting from the delay which had occurred in the passing of the "Annual Appropriation Bill." But the Governor begged to remind the Assembly that, so long as the 44th and 55th sections of the Constitution Act, and the 24th and 25th sections of the Act 22 Vic. No. 86 (Audit Act Amendment) remained in force, it was not competent to him to sanction the issue of money from the Public Account, either for the payment of the Salaries of Civil Servants or for any other object, unless the amount required was rendered "legally available" by an Act duly concurred in and passed by the three branches of the Legislature.

14. The Governor's Message to the Legislative Council stated that it was the Governor's earnest desire to aid, by all possible means within the scope of his duty and legitimate authority, in accomplishing the objects which the Address of the Assembly had in view; and the Governor trusted that the Legislative Council would recognize, in the reference made by the Assembly to a resolution of the Council, and in the exceptional and embarrassing position of affairs in the Legislature, a sufficient reason for the expression to the Council of the Governor's hope that active legislation in regard to the finance of the colony might be promptly resumed.

15. In an Address in answer to the last-mentioned Message, this House, while pointing out the novelty of such a Message, thanked His Excellency for his announcement that "he would not sanction the issue of money from the Public Account unless the amount required was rendered 'legally available' by an Act duly concurred in and passed by the three branches of the Legislature;" and concurred in the "hope that active legislation in regard to the finance of the colony might be promptly resumed." We also acquainted His Excellency that "the exceptional and embarrassing position of affairs in the Legislature" had been occasioned by a departure from the ordinary usages of Parlia-

ment with regard to the annual Appropriation Bill. We recalled to His Excellency's memory a despatch dated 16th April, 1849, from Your Majesty's then Principal Secretary of State for the Colonies, to His Excellency's predecessor in the Government of Jamaica, in which the former stated that "the regular and constitutional practice of keeping Revenue and Appropriation Bills separate from each other, was fully established in the United Kingdom," and we informed His Excellency, that it had been the invariable practice in this Colony to keep Revenue and Appropriation Bills separate from each other, and that even had it been otherwise, the Constitution Act, which requires the "rules, forms, and usages" of the Imperial Parliament to be followed so far as the same are applicable to the proceedings of the two Houses, imperatively required that we should refuse to entertain a Bill introduced in violation of them, and we acquainted His Excellency with the nature and contents of the annexed Bill and informed him that we were and always had been ready and desirous to agree to a Bill for appropriating the supplies in the usual and accustomed manner; we likewise informed His Excellency that we gathered from the Address of the Legislative Assembly that that House considered itself placed in a difficulty by reason of this House having laid aside the Bill without message or communication to the Assembly; and we pointed out that, when either House disposed of a Bill, either by negating the motion for its being read, or by postponing the second or third reading for six months, it was not the practice to send any message or communication to the other House, and that therefore we had not omitted any usual step; we also reminded His Excellency that, when either House desired to be informed of the mode in which the other House had dealt with any Bill transmitted to it, the practice was to cause a search to be made in the journals of the latter "to see what proceedings had taken place respecting the Bill."

16. In reply to the last-mentioned Address, the Governor acquainted the Council that, without violating either the letter or spirit of the laws, he had, with the advice and concurrence of his responsible ministers, succeeded in making temporary and provisional arrangements for meeting the inevitable pecuniary liabilities of the Government in the present emergency, and he stated that, as he understood the view of the Assembly, they were, in effect, contending for a fundamental principle of the Constitution.

17. The "temporary and provisional arrangements" referred to consist of a loan effected by the Governor and Executive Council (without the authority of the Legislature), from the London Chartered Bank of Australia, after the other banks, in which the public account is kept—the Banks of Australasia, New South Wales, and Victoria, the Union Bank of Australia, and the Colonial Bank of Australasia—had declined to advance money, on the ground that the proposed loan was illegal.

18. For the purpose of giving to the London Chartered Bank of Australia a semblance of security for the repayment of their advances, judgments by confession have been given to that bank in several suits against Your Majesty.

19. By the law of this colony, judgments against Your Majesty may be satisfied out of the Consolidated Revenue, without any specific appropriation.

21. The confession of judgment for debts incurred without the authority of the legislature, and for the purpose of applying the consolidated revenue, without the concurrence of this House, appears to us to be not only collusive but unconstitutional, if not revolutionary.

22. In addition to the grievances to which we have already referred, we have to bring under Your Majesty's notice the fact that, after and notwithstanding the loss of the annexed Bill, the duties of Customs thereby proposed to be imposed have been levied not only without the authority of the Legislature, but without any attempt to pass a Bill for legalizing their collection, and a period of about seven months has now elapsed since such duties were first collected by the Executive, without any lawful warrant.

23. Several suits in the Supreme Court have been instituted for recovering back the duties thus levied upon imports, and that Court has decided that their collection was not warranted by law; but nevertheless the Governor still allows the pretended duties to be collected as if no such judgment had been pronounced.

24. We would submit for Your Majesty's consideration, whether the Governor was justified in permitting the continual publication of the notice that "The payment of salaries, wages, and contingencies, must be delayed," and in subsequently assenting to a scheme by which, through the judgments above referred to, such payments were made; and whether, after the decision of the Supreme Court in regard to the illegality of the pretended Customs Duties, the further collection of them should have been permitted.

We therefore pray Your Majesty to take the premises into Your Majesty's most Gracious consideration, and to adopt such measures as to Your Majesty may seem fit for maintaining in this Colony the Constitution as by law established.

The Honorable W. C. Haines moved, That the consideration of the Address be made an Order of the Day for to-morrow.

Question—put and passed.

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

"*Mixing Law Amendment Bill*"—Adjourned debate on consideration of Message from Legislative Assembly.

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

MR. PRESIDENT—

The Legislative Assembly return to the Legislative Council the Bill intituled "*An Act to authorise works for supplying Water to certain districts and places in Victoria,*" and acquaint them that the Legislative Assembly agree to some of the amendments made by the Legislative Council in this Bill; that they disagree to others of such amendments; and that they agree to some of the amendments with amendments; with which they desire the concurrence of the Legislative Council.

And the Legislative Assembly further acquaint the Legislative Council that they do not insist upon their privilege in the case of the amendment made by the Legislative Council in Clause A of the Bill, because that amendment carries out the resolution of the Legislative Assembly, expressed in an amendment agreed to by the Legislative Assembly in the previous Water Works Bill.

Legislative Assembly Chamber,
Melbourne, 20th September, 1865.

FRANS. MURPHY,
Speaker.

WATER WORKS BILL (2).—The Honorable G. W. Cole moved, That the consideration of the message from the Legislative Assembly with this Bill be made an Order of the Day for to-morrow.

Ordered.

The Council adjourned at a quarter past seven o'clock until four o'clock on Thursday, the 21st instant.

NOTICES OF MOTION AND ORDERS OF THE DAY.

THURSDAY, 21ST SEPTEMBER, 1865.

NOTICES OF MOTION :—

1. The Hon. C. SLADEN: To move, That a Message be sent to the Legislative Assembly, requesting their concurrence in an Address to Her Majesty, setting forth the differences between the two Houses with regard to the construction of the Constitution Act; and praying that Her Majesty will be pleased to submit them for the judgment and opinion of the Judicial Committee of the Privy Council.
2. The Hon. C. J. JENNER: To move, That the Supply and Appropriation Bill, which was temporarily laid aside on Tuesday, the 25th of July, be restored to the notice paper; and that the motion for the second reading of said Bill be made an Order of the Day for Tuesday, the 3rd of October, 1865. And—

Contingent upon the above motion being agreed to—To move, That a Committee, consisting of Messrs. Fellows, Sladen, Miller, Highett, Mitchell, Degraives, and the mover, be appointed to confer with a Committee of the Assembly on the subject of the said Bill.

ORDERS OF THE DAY :—

1. ADDRESS TO HER MAJESTY THE QUEEN—Adoption of.
2. MINING LAW AMENDMENT BILL.—Adjourned debate on consideration of Message from Legislative Assembly.
3. WATER WORKS BILL (2).—Consideration of Message from Legislative Assembly.

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

VICTORIA.

No. 83.

Minutes of the Proceedings

OF THE

LEGISLATIVE COUNCIL.

THURSDAY, 21ST SEPTEMBER, 1865.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the Prayer.

ADDRESS TO HER MAJESTY THE QUEEN.—The Order of the Day for the consideration of the Address to Her Most Gracious Majesty the Queen being read, the Honorable W. Campbell moved, That after the word “assembled,” in the first paragraph, the word “humbly” be inserted.

Question—put and passed.

The Honorable W. Campbell moved, That the following words be inserted after the word “abused,” in the second paragraph, “and we submit the following statement with a copy of the documents therein referred to appended.”

Debate ensued.

Question—put and negatived.

The Honorable T. H. Fellows moved, That, in the first line of the eighth paragraph, after the word “House,” the following words be inserted:—“(which consists of thirty members, of whom four were absent, and the President cannot vote).”

Question—put and passed.

The Honorable C. Sladen moved, That, in the fifth line of the sixteenth paragraph, the word “as” be omitted.

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

The Honorable C. Sladen moved, That the words “to be that” be inserted after the word “Assembly” in the fifth line of the sixteenth paragraph.

Question—put and passed.

The Honorable T. H. Fellows moved, That, in the first line of the seventeenth paragraph, the word “loan” be omitted, with a view to insert the words “series of loans from time to time” instead thereof.

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

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

The Honorable T. H. Fellows moved, That, in the sixth line of the seventeenth paragraph the words “the proposed” be omitted, with a view to insert the words “such a” instead thereof.

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.

The Honorable T. H. Fellows moved, That, in the first line of the eighteenth paragraph, the word “giving” be omitted, with a view to insert the word “repaying” instead thereof.

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

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

The Honorable T. H. Fellows moved, That the words “a semblance of security for the repayment of” be omitted in the eighteenth paragraph.

Question—put and passed.

The Honorable T. H. Fellows moved, That, in the same paragraph the word “judgments” be omitted, with a view to insert the word “judgment” instead thereof.

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

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

The Honorable T. H. Fellows moved, That, in the same paragraph, the words "have been" be omitted, with a view to insert the word "is" instead thereof.

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

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

The Honorable T. H. Fellows moved, That in the same paragraph the words "in several suits against Your Majesty" be omitted, with a view to insert the words "as soon as each advance has been made, and a corresponding amount (with costs of suit added) is forthwith taken under the Governor's Warrant from the Consolidated Revenue and applied to the satisfaction of the judgment" instead thereof.

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

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

The Honorable T. H. Fellows moved, That, after the nineteenth paragraph, the following new paragraph be inserted :

"There is no Act in force in this Colony empowering the Governor, either alone or with the advice of the Executive Council, to borrow money without the sanction of the Legislature."

Question—put and passed.

The Honorable W. Campbell moved, That, in the third line of the twenty-first paragraph, the words "not only collusive but" be omitted.

Debate ensued.

Question—put and negated.

The Honorable W. Campbell moved, That the twenty-fourth paragraph be omitted.

Debate ensued.

Question—put and negated.

The Honorable W. C. Haines moved, That the Address as amended be now adopted (as follows) :—

MOST GRACIOUS SOVEREIGN :

We, Your Majesty's dutiful and loyal subjects, the Legislative Council of Victoria, in Parliament assembled, humbly beg to approach Your Majesty with expressions of our attachment to Your Majesty's Throne and Person, and of our desire that Your Majesty's constitutional authority in this colony may be upheld.

2. We most humbly desire to bring under Your Majesty's Gracious attention the fact that the laws of this Colony have in a measure been dispensed with, the Constitution superseded, and Your Majesty's authority disregarded, if not abused.

3. In the month of February, 1865, resolutions for altering existing duties of Customs, and for imposing new duties, were reported and agreed to by the Legislative Assembly.

4. In consequence of a statement made by the Chief Secretary in the Legislative Assembly, the Commissioner of Public Works (who was then a Member of this House), was, on the 23rd day of March, 1865, in his place in the House, asked whether it was the intention of the Government to introduce the New Tariff Clauses into the annual Appropriation Bill, and in reply to such enquiry he stated that "it was the then intention of the Government to do so."

5. Upon such answer being given, this House appointed a Select Committee to search for precedents on the subject of the tacking of bills, and also on the subject of dealing with bills of supply and tax, and bills of appropriation, and to report thereon.

6. The Committee brought up their Report on the 4th day of May, 1865; and in order that full and ample notice might be given to the Government of the impolicy of the course they proposed to adopt, this House forthwith and without a division resolved ;—

(1.) That this House will insist upon adhering to the practice and usage of the Imperial Parliament in regard to the matters which, according to such practice and usage, may be comprised in one Bill.

(2.) That it is contrary to such usage and practice to introduce any clause or clauses of Appropriation or other foreign matter into a Bill of Aid or Supply.

(3.) That it is contrary to such usage and practice to introduce any clause or clauses of Aid or Supply or other foreign matter into a Bill of Appropriation.

7. After and notwithstanding those resolutions, the annexed Bill was, in the month of July, 1865, transmitted by the Legislative Assembly to this House for its concurrence, and until that day no Bill for imposing the new or altering the existing duties of Customs was so transmitted.

8. On the question being put in this House (which consists of thirty members, of whom four were absent, and the President cannot vote), That the Bill be read a second time, an amendment was carried by a majority of 20 to 5—

"That as, by the thirty-fourth section of the Constitution Act, the rules, forms, and usages of the Imperial Parliament are required to be followed, so far as the same may be applicable to the proceedings of the Legislative Council and Legislative Assembly respectively, until altered by some standing rule or order to be adopted by both the said Council and Assembly, and as it is contrary to those rules, forms, and usages, which have not been so altered, that any clause

of appropriation should be introduced into a Bill of Supply ; and as this Bill of Supply contains a clause appropriating the supplies granted during the present session of Parliament to the service of the years 1864 and 1865, and moreover regulates the disposal of minerals in the waste lands of the Crown (over which this House claims to exercise equal power with the Legislative Assembly), and therefore encroaches upon the just privileges of this House, the subject-matters of this Bill be not considered until they are dealt with in separate measures, and that this Bill be laid aside."

9. Shortly after the foregoing amendment was carried, the following resolutions were, on the motion of the Chief Secretary, agreed to by the Legislative Assembly :—

- (1.) That the right of granting aids and supplies to the Crown is in the Legislative Assembly alone.
- (2.) That the power conferred by the Constitution Act on the Legislative Council to reject Bills for appropriating the revenue, and Bills for imposing any duty, rate, tax, rent, return, or impost, is justly regarded by this House with peculiar jealousy, as affecting the right of the Legislative Assembly to grant and appropriate supplies, and to provide the ways and means for the service of the year.
- (3.) That to guard against an undue exercise of that power by the Legislative Council, and to secure to the Legislative Assembly its rightful control over taxation and supply, this House has in its own hands the power so to impose and remit taxes, and to frame Bills of supply, that the right of the Legislative Assembly as to the matter, manner, measure, and time, may be maintained inviolate.
- (4.) That this House has learned with regret that a Bill passed by the Legislative Assembly for the Supply and Appropriation of Revenue, which was framed in accordance with the rules, forms, and usages of the Imperial Parliament, and with the view of securing to the Legislative Assembly its rightful control over taxation and supply, has been laid aside by the Legislative Council, and that the Legislative Council has refused to consider the subject-matters of such Bill until the same shall be comprised in separate measures ; that such refusal evinces a disregard of the rights and privileges of the Legislative Assembly ; and that this House hereby declares its determination not to entertain any further or other Bill for the appropriation of supplies for the service of the year 1865 until the rightful control of this House over taxation and supply shall have been acknowledged by the adoption by the Legislative Council of the Tariff approved of by this House, and contained in a schedule to the said first-mentioned Bill.

10. Immediately after such resolutions were passed, a Notice, under the hand of the Treasurer, was published in the *Government Gazette*, and in the daily newspapers, "That the amount legally available on account of moneys voted by the Legislative Assembly for the Public Service of the Year being insufficient, payment of salaries, wages, and contingencies must be delayed until the necessary authority for the expenditure should have been obtained."

11. Subsequently to the publication of the before-mentioned notice, the Governor communicated to this House an Address which he had received from the Legislative Assembly, together with His Excellency's Message in reply to such Address, and at the same time transmitted to this House a Message to the Legislative Council.

12. The Legislative Assembly, in their Address, acquainted His Excellency that, in consequence of the laying aside by the Legislative Council, without Message or communication to the Legislative Assembly, of the Bill of Supply and Appropriation passed by the Legislative Assembly, the salaries of the Civil Servants for the month of July had not yet been paid, and other obligations were undischarged ; and prayed His Excellency to cause such measures to be adopted as should, in the opinion of His Excellency's Responsible Advisers, be expedient or necessary for satisfying the liabilities aforesaid and for maintaining the efficiency of the public service.

13. The Governor's Message, in reply to that Address, stated that the Governor had never failed to give respectful attention to the opinions and advice of his responsible ministers ; and that he desired to assure the Legislative Assembly that he was prepared to take into his earnest consideration any measures his Ministers might recommend, whereby, in the exercise of his legal and constitutional powers, it might seem possible to alleviate the existing pressure upon the Civil Servants and the Public Creditor, resulting from the delay which had occurred in the passing of the "Annual Appropriation Bill." But the Governor begged to remind the Assembly that, so long as the 44th and 55th sections of the Constitution Act, and the 24th and 25th sections of the Act 22 Vic. No. 86 (Audit Act Amendment) remained in force, it was not competent to him to sanction the issue of money from the Public Account, either for the payment of the Salaries of Civil Servants or for any other object, unless the amount required was rendered "legally available" by an Act duly concurred in and passed by the three branches of the Legislature.

14. The Governor's Message to the Legislative Council stated that it was the Governor's earnest desire to aid, by all possible means within the scope of his duty and legitimate authority, in accomplishing the objects which the Address of the Assembly had in view ; and the Governor trusted that the Legislative Council would recognize, in

the reference made by the Assembly to a resolution of the Council, and in the exceptional and embarrassing position of affairs in the Legislature, a sufficient reason for the expression to the Council of the Governor's hope that active legislation in regard to the finance of the colony might be promptly resumed.

15. In an Address in answer to the last-mentioned Message, this House, while pointing out the novelty of such a Message, thanked His Excellency for his announcement that "he would not sanction the issue of money from the Public Account unless the amount required was rendered 'legally available' by an Act duly concurred in and passed by the three branches of the Legislature;" and concurred in the "hope that active legislation in regard to the finance of the colony might be promptly resumed." We also acquainted His Excellency that "the exceptional and embarrassing position of affairs in the Legislature" had been occasioned by a departure from the ordinary usages of Parliament with regard to the annual Appropriation Bill. We recalled to His Excellency's memory a despatch dated 16th April, 1849, from Your Majesty's then Principal Secretary of State for the Colonies, to His Excellency's predecessor in the Government of Jamaica, in which the former stated that "the regular and constitutional practice of keeping Revenue and Appropriation Bills separate from each other was fully established in the United Kingdom," and we informed His Excellency, that it had been the invariable practice in this Colony to keep Revenue and Appropriation Bills separate from each other, and that even had it been otherwise, the Constitution Act, which requires the "rules, forms, and usages" of the Imperial Parliament to be followed so far as the same are applicable to the proceedings of the two Houses, imperatively required that we should refuse to entertain a Bill introduced in violation of them, and we acquainted His Excellency with the nature and contents of the annexed Bill and informed him that we were and always had been ready and desirous to agree to a Bill for appropriating the supplies in the usual and accustomed manner; we likewise informed His Excellency that we gathered from the Address of the Legislative Assembly that that House considered itself placed in a difficulty by reason of this House having laid aside the Bill without message or communication to the Assembly; and we pointed out that, when either House disposed of a Bill, either by negating the motion for its being read, or by postponing the second or third reading for six months, it was not the practice to send any message or communication to the other House, and that therefore we had not omitted any usual step; we also reminded His Excellency that, when either House desired to be informed of the mode in which the other House had dealt with any Bill transmitted to it, the practice was to cause a search to be made in the journals of the latter "to see what proceedings had taken place respecting the Bill."

16. In reply to the last-mentioned Address, the Governor acquainted the Council that, without violating either the letter or spirit of the laws, he had, with the advice and concurrence of his responsible ministers, succeeded in making temporary and provisional arrangements for meeting the inevitable pecuniary liabilities of the Government in the present emergency, and he stated that, he understood the view of the Assembly to be that they were, in effect, contending for a fundamental principle of the Constitution.

17. The "temporary and provisional arrangements" referred to consist of a series of loans from time to time effected by the Governor and Executive Council (without the authority of the Legislature), from the London Chartered Bank of Australia, after the other banks, in which the Public Account is kept—the Banks of Australasia, New South Wales, and Victoria, the Union Bank of Australia, and the Colonial Bank of Australasia—had declined to advance money, on the ground that such a loan was illegal.

18. For the purpose of repaying to the London Chartered Bank of Australia their advances, judgment by confession is given to that bank as soon as each advance has been made, and a corresponding amount (with costs of suit added) is forthwith taken under the Governor's Warrant from the Consolidated Revenue and applied to the satisfaction of the judgment.

19. By the law of this colony, judgments against Your Majesty may be satisfied out of the Consolidated Revenue, without any specific appropriation.

20. There is no Act in force in this colony empowering the Governor, either alone or with the advice of the Executive Council, to borrow money without the sanction of the Legislature.

21. The confession of judgment for debts incurred without the authority of the legislature, and for the purpose of applying the Consolidated Revenue, without the concurrence of this House, appears to us to be not only collusive but unconstitutional, if not revolutionary.

22. In addition to the grievances to which we have already referred, we have to bring under Your Majesty's notice the fact that, after and notwithstanding the loss of the annexed Bill, the duties of Customs thereby proposed to be imposed have been levied not only without the authority of the Legislature, but without any attempt to pass a Bill for legalizing their collection, and a period of about seven months has now elapsed since such duties were first collected by the Executive, without any lawful warrant.

23. Several suits in the Supreme Court have been instituted for recovering back the duties thus levied upon imports, and that Court has decided that their collection was not warranted by law; but nevertheless the Governor still allows the pretended duties to be collected as if no such judgment had been pronounced.

24. We would submit for Your Majesty's consideration, whether the Governor was justified in permitting the continued publication of the notice that "The payment of salaries, wages, and contingencies, must be delayed," and in subsequently assenting to a scheme by which, through the judgments above referred to, such payments were made; and whether, after the decision of the Supreme Court in regard to the illegality of the pretended Customs Duties, the further collection of them should have been permitted.

We therefore pray Your Majesty to take the premises into Your Majesty's Most Gracious consideration, and to adopt such measures as to Your Majesty may seem fit for maintaining in this Colony the Constitution as by law established.

Question—That the Address as amended be now adopted—put.

Debate ensued.

Council divided.

Contents, 17.
The Hon. T. H. Fellows
C. Sladen
W. C. Haines
Dr. Wilkie
S. G. Henty
W. Campbell
N. Black
B. Williams
W. Hull
W. Highett
N. Fitzgerald
H. M. Murphy
J. P. Bear
A. Fraser
J. P. Fawkner
J. F. Strachan
W. H. F. Mitchell (*Teller*).

Not Contents, 4.
The Hon. G. W. Cole
W. H. Pettett
J. McCrae
C. J. Jenner (*Teller*).

The question was therefore passed.

The Honorable W. Highett moved, That the Correspondence on the subject of Payments on Public Account, as laid on the Table of the Council on the 20th instant, be attached as an Appendix to the Address.

Question—put and passed.

The Honorable W. C. Haines moved, That the Address, with its appendices, be transmitted by the President of the Council to His Excellency the Governor, with a request that he will be pleased to transmit the same to Her Most Gracious Majesty the Queen by the earliest opportunity.

Question—put and passed.

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

MR. PRESIDENT—

The Legislative Assembly return to the Legislative Council the Bill intituled "*An Act to amend and consolidate the Laws relating to Public Works*," and acquaint them that the Legislative Assembly have agreed to some of the amendments made by the Legislative Council in this Bill; that they do not insist on one of the previous amendments of the Legislative Assembly; that they have agreed to one of the amendments of the Legislative Council with an amendment; and that they have made consequential amendments in the previous amendment of the Legislative Assembly; with which they desire the concurrence of the Legislative Council.

The Legislative Assembly further acquaint the Legislative Council that they do not insist on their privileges in regard to these amendments, because such amendments carry out the intentions of the Legislative Assembly.

FRANS. MURPHY,
Speaker.

Legislative Assembly Chamber,
Melbourne, 21st September, 1865.

PUBLIC WORKS BILL.—The Honorable G. W. Cole moved, That the consideration of the Message from the Legislative Assembly returning this Bill, be made an Order of the Day for Tuesday next.

Question—put and passed.

MINING LAW AMENDMENT BILL.—The Order of the Day for the resumption of the adjourned debate on the consideration of the Message from the Legislative Assembly with this Bill being read, the Honorable W. H. F. Mitchell moved, That the debate be adjourned until Tuesday week.

Debate ensued.

Question—put.
Council divided.

Contents, 12.
The Hon. T. H. Fellows
W. C. Haines
Dr. Wilkie
W. Campbell
N. Black
J. F. Strachan
W. H. F. Mitchell
W. Highett
H. Miller
J. P. Bear
J. P. Fawkner
C. Sladen (*Teller*).

Not Contents, 8.
The Hon. G. W. Cole
C. J. Jenner
B. Williams
H. M. Murphy
N. Fitzgerald
J. McCrae
A. Fraser
W. H. Pettett (*Teller*).

The question was therefore passed.

WATER WORKS BILL (2).—The Order of the Day for the consideration of the Message from the Legislative Assembly, with amendments on the amendments made by the Council in this Bill, being read, the Honorable G. W. Cole moved, That the Council do not insist on leaving out the words “whenever and as far as may be reasonable and practicable,” in clause 6, line 43.

The Honorable C. Sladen moved, That the Council do insist on leaving out the words “and practicable.”

Debate ensued.

Question—That the Council do not insist on leaving out the words, “whenever and as far as may be reasonable”—put and passed.

Question—That the Council do not insist on leaving out the words, “and practicable”—put and passed.

The Honorable G. W. Cole moved, That the Council agree to insert the word “and” before the words “in order,” in the same clause.

Question—put and passed.

The Honorable G. W. Cole moved, That the Council do agree to insert the words “and after the terms and conditions of sale shall have been laid before both Houses of Parliament for a period of not less than one month” in Clause A.

Question—put and passed.

The Honorable G. W. Cole moved, That the Council do not insist on the insertion of Clauses B and C in the Bill.

The Honorable J. P. Fawkner moved, That the word “not” be omitted from the question. Debate ensued.

Question—That the word “not,” proposed to be omitted, stand part of the question—put. Council divided.

Contents, 13.
The Hon. G. W. Cole
Dr. Wilkie
W. Campbell
J. McCrae
N. Black
H. M. Murphy
B. Williams
W. Highett
H. Miller
N. Fitzgerald
A. Fraser
J. F. Strachan
W. H. Pettett (*Teller*).

Not Contents, 5.
The Hon. C. Sladen
J. P. Bear
C. J. Jenner
J. P. Fawkner
T. H. Fellows (*Teller*).

The question was therefore passed.

Question—That the Council do not insist on the insertion of Clauses B and C in the Bill—put and passed.

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

ADJOURNMENT.—The Honorable T. H. Fellows, with leave of the Council, moved, without notice, That the House, at its rising this day, adjourn until Tuesday the 3rd proximo.

Question—put and passed.

BUSINESS PAPER.—The Honorable G. W. Cole, with leave of the Council, moved, without notice, that the Business set down for Tuesday next be postponed until Tuesday, the 3rd proximo.

Question—put and passed.

The Council adjourned at six o'clock until four o'clock on Tuesday, the 3rd proximo.

NOTICES OF MOTION AND ORDERS OF THE DAY.

TUESDAY, 3RD OCTOBER, 1865.

NOTICES OF MOTION :—

1. The Hon. C. SLADEN: To move, That a Message be sent to the Legislative Assembly, requesting their concurrence in an Address to Her Majesty, setting forth the differences between the two Houses with regard to the construction of the Constitution Act; and praying that Her Majesty will be pleased to submit them for the judgment and opinion of the Judicial Committee of the Privy Council.
2. The Hon. C. J. JENNER: To move, That the Supply and Appropriation Bill, which was temporarily laid aside on Tuesday, the 25th of July, be restored to the notice paper; and that the motion for the second reading of said Bill be made an Order of the Day for Tuesday, the 3rd of October, 1865. And—

*Contingent upon the above motion being agreed to—*To move, That a Committee, consisting of Messrs. Fellows, Sladen, Miller, Hightett, Mitchell, Degraives, and the Mover, be appointed to confer with a Committee of the Assembly on the subject of the said Bill.

ORDERS OF THE DAY :—

1. PUBLIC WORKS LAW AMENDMENT AND CONSOLIDATION BILL.—Consideration of Message from Legislative Assembly.
2. MINING LAW AMENDMENT BILL.—Adjourned debate on consideration of Message from Legislative Assembly.

MEETING

OF

SELECT COMMITTEE.

Tuesday, 3rd October.

PRINTING—at half-past 3 o'clock.

G. W. RUSDEN,

Clerk of the Council and Clerk of the Parliaments.

Minutes of the Proceedings

OF THE

LEGISLATIVE COUNCIL.

TUESDAY, 3RD OCTOBER, 1865.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the Prayer.

PAPERS.—The Honorable G. W. Cole laid on the Table the following Papers :—

1. Public Accounts.—Regulations (Supplementary to Regulation No. 45 of 1st May, 1859) (18th September, 1865).
2. Transportation to Western Australia—Discontinuance of.—Despatch from the Right Honorable the Secretary of State (25th July, 1865).

Ordered severally to lie on the Table.

AUCKLAND ISLANDS—SUPPOSED SHIPWRECKED PERSONS AT.—The Honorable G. W. Cole laid on the Table papers relative to the despatch of the Steamship Victoria to search for and convey relief to supposed shipwrecked persons on the Auckland Islands, and moved that the papers be printed.

Question—put and passed.

ADDRESS TO HER MAJESTY THE QUEEN.—The President laid on the Table correspondence concerning the presentation to Her Majesty the Queen of the Address adopted by the Council on the 21st September, 1865, showing that His Excellency the Governor is about to transmit the Address by the mail steamer leaving the Colony in October.

SPEECHES AND ADDRESSES OF THE PRINCE CONSORT, VOLUME OF.—The President laid on the Table a letter from the Private Secretary to His Excellency the Governor, transmitting a copy of a Despatch from the Right Honorable the Secretary of State for the Colonies, expressing the gratification of Her Most Gracious Majesty the Queen on receiving the thanks tendered on behalf of the Council for the presentation by Her Majesty to the Parliamentary Library, of a Volume of the Speeches and Addresses of His late Royal Highness the Prince Consort.

PRINTING COMMITTEE.—SIXTH REPORT.—The Honorable J. P. Fawcner brought up the Sixth Report of the Printing Committee, and moved, That the same be adopted and printed.

Question—put and passed.

DUTIES, MONEYS COLLECTED.—The Honorable J. F. Strachan, with leave of the Council, moved, without notice, That there be laid on the Table (in addition to the return ordered by this House, of all goods on which duty has been paid under the present Tariff) the names of those who have paid such duties from the 1st February to the 1st September, 1865, inclusive.

Question—put and passed.

PRIVY COUNCIL.—REFERENCE TO, ON CONSTRUCTION OF CONSTITUTION ACT.—The Honorable C. Sladen, in accordance with *amended* notice, moved—

1. That it is expedient that the differences which have arisen between the Legislative Council and the Legislative Assembly, relating to the interpretation of the Constitution Act, should be referred to the Judicial Committee of the Privy Council, pursuant to the Act of the Imperial Parliament 3 and 4 William IV., c. 41, s. 4.
2. That it is desirable that a Joint Address be presented to the Queen, praying Her Majesty to refer such differences accordingly.
3. That such Address should be prepared by Committees, to be appointed by both Houses for that purpose.

Debate ensued.

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

Question—That the debate be adjourned—put and negatived.

Question—1. That it is expedient that the differences which have arisen between the Legislative Council and the Legislative Assembly, relating to the interpretation of the Constitution Act, should be referred to the Judicial Committee of the Privy Council, pursuant to the Act of the Imperial Parliament 3 and 4 William IV., c. 41, s. 4.

2. That it is desirable that a Joint Address be presented to the Queen, praying Her Majesty to refer such differences accordingly.

3. That such Address should be prepared by Committees, to be appointed by both Houses for that purpose—put and passed.

The Honorable C. Sladen moved, That a Message be sent to the Legislative Assembly requesting their concurrence in the resolutions.

Question—put and passed.

POSTPONEMENT.—The following Orders of the Day were severally postponed until Wednesday, the 4th instant :—

“*Public Works Law Amendment and Consolidation Bill*”—Consideration of Message from Legislative Assembly.

“*Mining Law Amendment Bill*”—Adjourned debate on consideration of Message from Legislative Assembly.

The Council adjourned at ten minutes past six o'clock until four o'clock on Wednesday, the 4th instant.

NOTICES OF MOTION AND ORDERS OF THE DAY.

WEDNESDAY, 4TH OCTOBER, 1865.

Government Business.

ORDERS OF THE DAY :—

1. PUBLIC WORKS LAW AMENDMENT AND CONSOLIDATION BILL.—Consideration of Message from Legislative Assembly.
2. MINING LAW AMENDMENT BILL.—Adjourned debate on consideration of Message from Legislative Assembly.

General Business.

NOTICES OF MOTION :—

1. The Hon. C. J. JENNER : To move, That a Conference be invited with the Legislative Assembly to consider the respective privileges of the two Houses of Legislature in relation to Bills of Finance, and to recommend any measure which may have the effect of adjusting the differences of opinion which at present obstruct the legislation of the Colony.
2. The Hon. G. W. COLE : To move—
 - (1.) For all correspondence between the Commissioners of Audit and the Government respecting the construction and application of the words “Legally available” in the Audit Act.
 - (2.) For portions of the Audit Commissioners’ Reports applicable to the same.
 - (3.) For all cases put before the Law Officers of the Crown, and their opinions on the subject.
 - (4.) Messrs. Wood and Martley’s opinion given at the request of the Honorable Mr. Nicholson.
 - (5.) The circumstances and correspondence (if any) why the first Consolidation Bill, brought in 18th January, 1862, and was finally passed 18th June, 1862, the same day as the Appropriation Bill was passed.

G. W. RUSDEN,

Clerk of the Council and Clerk of the Parliaments.

VICTORIA.

No. 85.

Minutes of the Proceedings

OF THE

LEGISLATIVE COUNCIL.

WEDNESDAY, 4TH OCTOBER, 1865.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the Prayer.

DUTIES, MONEYS COLLECTED.—The Honorable G. W. Cole laid on the Table a Return to the Order of the Council made on the 19th ultimo.

POSTPONEMENT.—The following Orders of the Day were severally postponed until after the disposal of the notices of motion :—

“*Public Works Law Amendment and Consolidation Bill*”—Consideration of Message from Legislative Assembly.

“*Mining Law Amendment Bill*”—Adjourned debate on consideration of Message from Legislative Assembly.

COMMON LAW PROCEDURE EXPLANATION BILL.—The Honorable T. H. Fellows, with leave of the Council, moved, without notice, That leave be given to bring in a Bill to explain the Common Law Procedure Statute 1865.

Question—put and passed.

Bill brought in, and, on the motion of the Honorable T. H. Fellows, read a first time.

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

Question—put and passed.

Bill read a second time.

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

Question—put and passed.

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

The President left the Chair.

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

The President having reported that the Chairman of Committees had certified that the Bill as certified was in accordance with the Bill as reported from the Committee of the whole Council, the Bill, on the motion of the Honorable T. H. Fellows, was read a third time and passed.

The Honorable T. H. Fellows moved, That the title of the Bill be “*An Act to explain the Common Law Procedure Statute 1865.*”

Question—put and passed.

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

CONFERENCE WITH LEGISLATIVE ASSEMBLY.—The Honorable C. J. Jenner, in accordance with notice, moved, That a conference be invited with the Legislative Assembly to consider the respective privileges of the two Houses of Legislature in relation to Bills of Finance, and to recommend any measure which may have the effect of adjusting the differences of opinion which at present obstruct the legislation of the colony.

Debate ensued.

Question put.

Council divided.

Contents, 5.
The Hon. G. W. Cole
C. J. Jenner
J. Henty
J. McCrae
W. H. Pettett (*Teller*).

Not Contents, 15.
The Hon. T. H. Fellows
C. Sladen
Dr. Wilkie
W. C. Haines
S. G. Henty
W. Degraives
W. H. F. Mitchell
H. M. Murphy
W. Highett
H. Miller
J. F. Strachan
J. P. Fawkner
A. Fraser
J. P. Bear
B. Williams (*Teller*).

The question was therefore negatived.

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

MR. PRESIDENT—

In reply to the Message of the Legislative Council, inviting the Legislative Assembly to join in an Address to Her Majesty, transmitted to the Legislative Assembly yesterday, the Legislative Assembly acquaint the Legislative Council—

- (1.) That, while the Legislative Assembly desire that the differences between the Houses be determined as speedily as possible, they are of opinion that it is inexpedient under any circumstances that such differences should be referred as proposed by the Legislative Council to the Judicial Committee of the Privy Council.
- (2.) That, if the Legislative Council see fit to invite the Legislative Assembly to confer upon the subject generally, the Legislative Assembly are prepared to appoint a Committee to confer with a Committee of the Legislative Council.

Legislative Assembly Chamber,
Melbourne, 4th October, 1865.

FRANS. MURPHY,
Speaker.

CORRESPONDENCE AS TO WORDS "LEGALLY AVAILABLE" IN AUDIT ACT.—The Honorable G. W. Cole, in accordance with notice, moved—

- (1.) For all correspondence between the Commissioners of Audit and the Government respecting the construction and application of the words "legally available" in the Audit Act.
- (2.) For portions of the Audit Commissioners' Reports applicable to the same.
- (3.) For all cases put before the Law Officers of the Crown, and their opinions on the subject.
- (4.) Messrs. Wood and Martley's opinion given at the request of the Honorable Mr. Nicholson.
- (5.) The circumstances and correspondence (if any) why the first Consolidation Bill, brought in 18th January, 1862, and was finally passed 18th June, 1862, the same day as the Appropriation Bill was passed.

Debate ensued.

Question—put and negatived.

PUBLIC WORKS LAW AMENDMENT AND CONSOLIDATION BILL.—The Order of the Day for the consideration of the Message from the Legislative Assembly with this Bill being read, the Honorable G. W. Cole moved, That the Council do agree to the amendments and consequential amendments made by the Legislative Assembly on the amendments made by the Legislative Council in Clause 191 of the Bill, as follows:—

Insert (as consequential amendment) after "Provided" the word "nevertheless."

Insert (as consequential amendment) after "for" the words "or in respect of."

After "compensation" insert "in respect of any damage heretofore or hereafter sustained."

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 and consequential amendments made by the Legislative Assembly on the amendments made by the Legislative Council in Clause 191 of the Bill.

MINING LAW AMENDMENT BILL.—The Order of the Day for the resumption of the adjourned debate on the consideration of the Message from the Legislative Assembly with this Bill being read, the Honorable T. H. Fellows moved, That the debate be adjourned until Tuesday next.

Debate ensued.

Question—put and passed.

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

PRIVY COUNCIL, REFERENCE TO, ON CONSTRUCTION OF CONSTITUTION ACT.—The Honorable G. W. Cole, with leave of the Council, moved, without notice, That the consideration of the Message from the Legislative Assembly in reply to the Message from the Legislative Council, be made an Order of the Day for Tuesday next.

Debate ensued.

Question—put.

Council divided.

Contents, 11.
The Hon. G. W. Cole
W. H. Pettett
C. J. Jenner
J. P. Bear
H. Miller
B. Williams
J. McCrae
A. Fraser
W. Degraes
H. M. Murphy
Dr. Wilkie (*Teller*).

Not Contents, 5.
The Hon. T. H. Fellows
W. C. Haines
J. F. Strachan
J. P. Fawkner
C. Sladen (*Teller*).

The question was therefore passed.

The Council adjourned at six o'clock until four o'clock on Tuesday the 10th instant.

NOTICES OF MOTION AND ORDERS OF THE DAY.

TUESDAY, 10TH OCTOBER, 1865.

1. The Hon. J. P. FAWKNER: To ask the Honorable G. W. Cole, If the sum of £56 8s., set down on the first page of the printed paper entitled "Clearing of the River Murray," is an error; or, if it is correct, how, or under what circumstances this one sheet of paper, containing only two common letters, can possibly cost so large a sum.

NOTICE OF MOTION:—

1. The Hon. T. H. FELLOWS: To move, That the House at its rising adjourn to this day month.

ORDERS OF THE DAY:—

1. MINING LAW AMENDMENT BILL.—Adjourned debate on consideration of Message from Legislative Assembly.
2. PRIVY COUNCIL, REFERENCE TO, ON CONSTRUCTION OF CONSTITUTION ACT.—Consideration of Message from Legislative Assembly.

G. W. RUSDEN,

Clerk of the Council and Clerk of the Parliaments.

VICTORIA.

No. 86.

Minutes of the Proceedings

OF THE

LEGISLATIVE COUNCIL.

TUESDAY, 10TH OCTOBER, 1865.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the Prayer.

PAPERS.—The Honorable G. W. Cole laid on the Table the following Papers :—

1. Neglected and Criminal Children Act.—Regulation (2nd October, 1865).
2. Lease, Conditions of, of Swamp in the parish of Yering.

Ordered severally to lie on the Table.

ROYAL ASSENT TO BILLS.—The President informed the Council that a communication had been received from the Private Secretary to His Excellency the Governor, intimating that it is His Excellency's intention to proceed to the Legislative Council Chamber, at half-past four o'clock on Thursday, the 12th instant, to assent in Her Majesty's name to certain Bills passed by the Legislative Council and Legislative Assembly.

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

“*Mining Law Amendment Bill*”—Adjourned debate on consideration of Message from Legislative Assembly.

PRIVY COUNCIL, REFERENCE TO, ON CONSTRUCTION OF CONSTITUTION ACT.—The Order of the Day for the consideration of the Message from the Legislative Assembly, in reply to the Message from the Legislative Council, on the subject of referring to the Judicial Committee of the Privy Council the differences which have arisen between the Legislative Council and the Legislative Assembly as to the interpretation of the Constitution Act, being read, the Honorable G. W. Cole moved, That the Legislative Assembly having, in their Message of the 4th October instant, communicated to the Legislative Council that, if invited to confer generally upon the subject of the differences existing between the Legislative Council and the Legislative Assembly, they are prepared to appoint a Committee to confer with a Committee of the Legislative Council, the Legislative Assembly be invited to confer accordingly, and that the following members be appointed a Committee of the Legislative Council, to confer with a Committee of the Legislative Assembly, such Committee to have power to meet on days on which the Legislative Council does not sit :—The Honorables C. Sladen, W. Degraives, W. Campbell, H. Miller, T. H. Fellows, J. Henty, and the Mover.

Amendment moved by the Honorable T. H. Fellows, That all the words after the word “That” be omitted, with a view to insert instead thereof, the following words :—“as the Legislative Assembly has declared ‘its determination not to entertain any further or other Bill for the appropriation of Supplies for the service of the year 1865 until the rightful control of that House over taxation and supply shall have been acknowledged by the adoption by this House of the Tariff approved of by the Legislative Assembly and contained in a Schedule to the Bill passed by that House for the Supply and Appropriation of Revenue,’ this House is precluded from inviting the Legislative Assembly to confer upon the subject of their Message.”

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.
Council divided.

Contents, 12.
The Hon. T. H. Fellows
W. C. Haines
W. Taylor
S. G. Henty
J. F. Strachan
W. Hull
J. P. Bear
W. Highett
A. Fraser
H. M. Murphy
J. P. Fawkner
C. Sladen (*Teller*).

Not Contents, 9.
The Hon. Dr. Wilkie
W. Campbell
G. W. Cole
W. Degraives
C. J. Jenner
H. Miller
J. Henty
B. Williams
J. Lowe (*Teller*).

The question was therefore passed.

Question—That, as the Legislative Assembly has declared “its determination not to entertain any further or other Bill for the appropriation of Supplies for the service of the year 1865 until the rightful control of that House over taxation and supply shall have been acknowledged by the adoption by this House of the Tariff approved of by the Legislative Assembly and contained in a Schedule to the Bill passed by that House for the Supply and Appropriation of Revenue,” this House is precluded from inviting the Legislative Assembly to confer upon the subject of their Message—put.
Council divided.

Contents, 12.
The Hon. T. H. Fellows
W. C. Haines
W. Taylor
S. G. Henty
W. Hull
J. P. Bear
W. Highett
H. M. Murphy
A. Fraser
J. P. Fawkner
J. F. Strachan
C. Sladen (*Teller*).

Not Contents, 9.
The Hon. Dr. Wilkie
G. W. Cole
W. Campbell
W. Degraives
C. J. Jenner
H. Miller
J. Henty
B. Williams
J. Lowe (*Teller*).

The question was therefore passed.

MINING LAW AMENDMENT BILL.—The Order of the Day for the consideration of the Message from the Legislative Assembly returning this Bill being read, the Honorable G. W. Cole moved, That the Council do not insist on their amendment in clause 4, line 44.

Amendment moved by the Honorable J. P. Fawkner, That the word “not” be omitted.
Debate ensued.

The Honorable W. Highett moved, That the further consideration of the amendment in the clause be postponed.

Question—That the further consideration of the amendment in the clause be postponed—put and passed.

The Honorable G. W. Cole moved, That the Council do not insist on the amendment to insert certain words after “purposes” in clause 5, line 6.

Question—put and passed.

The Honorable G. W. Cole moved, That the Council do not insist on the following amendment:—Clause 5, line 13, after “occupy” insert “on any gold field.”

Amendment moved by the Honorable T. H. Fellows, That the word “not” be omitted.

Question—That the word “not,” proposed to be omitted, stand part of the question—put and negatived.

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

The Honorable T. H. Fellows moved, That the Council do insist on their amendments in clause 10.

Question—put and passed.

The Honorable T. H. Fellows moved, That the Council do not insist on their amendments in clause 13, line 17, and clause 15, line 41.

Question—put and passed.

The Honorable T. H. Fellows moved, That the Council do insist on their amendments in clause 23, line 40, and in their second amendment in clause 27, line 35.

Question—put and passed.

The Honorable T. H. Fellows moved, That the Council do not insist on their amendment in clause 29, line 24.

Question—put and passed.

The Honorable T. H. Fellows moved, That the Council do insist on their amendment in clause 31, line 36.

Question—put and passed.

The Honorable T. H. Fellows moved, That the Council do not insist on the amendments in Clauses 35 to 236 inclusive, with which the Legislative Assembly have disagreed.

Question—put and passed.

The Honorable T. H. Fellows moved, That the Council do insist on the insertion of the new Clause D in the Bill.

Question—put and passed.

The Honorable T. H. Fellows moved, That the Council do not insist on the amendments to leave out Clause 246, and in the Fourteenth Schedule.

Question—put and passed.

Ordered—That the further consideration of the Message be made an Order of the Day for Thursday, the 12th instant.

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

MR. PRESIDENT—

The Legislative Assembly return to the Legislative Council the Bill intituled "*An Act to explain and amend the Common Law Procedure Statute 1865,*" and acquaint the Legislative Council that the Legislative Assembly have agreed to the said Bill with amendments, and that they have also amended the title of the Bill, with which several amendments they desire the concurrence of the Legislative Council.

Legislative Assembly Chamber,
Melbourne, 10th October, 1865.

FRANS. MURPHY,
Speaker.

COMMON LAW PROCEDURE EXPLANATION BILL.—The Honorable T. H. Fellows moved, That the Message from the Legislative Assembly with this Bill be now taken into consideration.

Question—put and passed.

The Honorable T. H. Fellows moved, That the Council agree with the amendments made by the Legislative Assembly in this Bill, and in the title thereof.

Question—put and passed.

Ordered—That a Message be transmitted to the Legislative Assembly, acquainting them that the Council have agreed to the amendments made by the Legislative Assembly in the Bill, and in the title thereof.

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

Question—put and passed.

The Council adjourned at six o'clock until four o'clock on Thursday, the 12th instant.

NOTICE OF MOTION AND ORDER OF THE DAY.

THURSDAY, 12TH OCTOBER, 1865.

NOTICE OF MOTION :—

1. The Hon. T. H. FELLOWS : To move, That the House, at its rising, adjourn to this day month.

ORDER OF THE DAY :—

1. MINING LAW AMENDMENT BILL.—Adjourned debate on consideration of Message from Legislative Assembly.

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

VICTORIA.

No. 87.

Minutes of the Proceedings

OF THE

LEGISLATIVE COUNCIL.

THURSDAY, 12TH OCTOBER, 1865.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the Prayer.

PAPERS.—The Honorable G. W. Cole laid on the Table the following Papers :—

1. Volunteer Force.—2nd Ballarat Rifle Corps.—Additional Rule.
2. Botanist, Government.—Annual Report (30th September, 1865).

Ordered severally to lie on the Table.

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

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

- “ *An Act to explain and amend the Fisheries and Game Statute.* ”
 “ *An Act to authorize the raising of Money for certain Public Purposes.* ”
 “ *An Act to authorise Works for supplying Water to certain districts and places in Victoria.* ”
 “ *An Act to amend and consolidate the Laws relating to Public Works.* ”
 “ *An Act to explain and amend ‘ The Common Law Procedure Statute 1865.’ ”*

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

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

“ C. H. DARLING,
 “ Governor.”

The Clerk of the Parliaments delivered to Mr. Speaker a schedule of the Bills assented to. The Legislative Assembly withdrew.

His Excellency the Governor left the Council Chamber.

PETITION.—The Honorable N. Fitzgerald presented a Petition signed by E. O’Farrell and others, styling themselves members of the Maryborough Mining Board, praying that the Mining Bill may become law.

Petition received.

ADJOURNMENT.—The Honorable T. H. Fellows, in accordance with *amended* notice, moved, That the House, at its rising, adjourn until Tuesday, the 12th December next.

Debate ensued.

Question—put and negatived.

The Honorable W. Degraives moved, That the House, at its rising this day, adjourn until Tuesday week.

Question—put and passed.

MINING LAW AMENDMENT BILL.—The Order of the Day for the further consideration of the Message from the Legislative Assembly with this Bill being read, the Honorable G. W. Cole moved, That the Council do not insist on their amendment in clause 4, line 44.

Question—put and passed.

Ordered—That the Bill be returned to the Legislative Assembly, with a Message acquainting them that the Council do not insist on some amendments, and do insist on some amendments, and desiring the concurrence of the Legislative Assembly.

The Council adjourned at half-past five o’clock until four o’clock on Tuesday, the 24th instant.

NOTICE OF MOTION.

TUESDAY, 24TH OCTOBER, 1865.

NOTICE OF MOTION :—

1. The Hon. H. MILLER : To move—

- (1.) That the Legislative Council regret that the Legislative Assembly decline to refer the differences between the two Houses to the Judicial Committee of the Privy Council.
- (2.) That the Legislative Council are precluded by the Standing Orders of the House from appointing a Committee to confer with a Committee of the Legislative Assembly, as asked for by the Assembly ; but that, should the Assembly think fit to appoint a Committee with Parliamentary powers to confer with a Committee of the Legislative Council, the Legislative Council will then be prepared to meet and confer upon the points at issue.

G. W. RUSDEN,

Clerk of the Council and Clerk of the Parliaments.

VICTORIA.

No. 88.

Minutes of the Proceedings

OF THE

LEGISLATIVE COUNCIL.

TUESDAY, 24TH OCTOBER, 1865.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the Prayer.

MINING LAW AMENDMENT BILL.—The Honorable C. Sladen, with leave of the Council, moved, without notice, That the following words be added to the Message returning this Bill to the Legislative Assembly :—

“That the Legislative Council have waived their amendment in Clause 4, line 44, on grounds of public convenience, and that they do not admit the validity of the reason urged by the Legislative Assembly in their Message of the 3rd August.”

Question—put and passed.

PAPERS.—The Honorable G. W. Cole laid on the Table the following Papers :—

1. Volunteer Force, Victoria.—Musketry Report, 1865.
2. Savings Banks.—Statements and Returns, year ending 30th June, 1865.

Ordered severally to lie on the Table.

PETITION.—The Honorable W. C. Haines presented to the Council a Petition, signed by W. A. Dobbyn and others, styling themselves Mayor, Councillors, Burgesses, and other inhabitants of Wangaratta, praying that the House will continue to maintain, with the same dignity and spirit of moderation which have hitherto characterized their proceedings, those rights and privileges which have been conferred on the Council by the Constitution Act, and to protest against the disregard of Her Majesty's authority and such a use of Her name as must inevitably bring dishonor upon it.

Pétition received.

PRIVY COUNCIL, REFERENCE TO, ON CONSTRUCTION OF CONSTITUTION ACT.—The Honorable H. Miller, in accordance with *amended* notice, moved—

1. That the Legislative Council regret that the Legislative Assembly decline to concur with them in referring the differences between the two Houses, as to the construction of the Constitution Act, to the Judicial Committee of the Privy Council.
2. The Legislative Council are precluded from appointing a Committee, as asked for by the Assembly; but, as the Council are, and always have been, ready and willing to confer with the Assembly, should the Assembly think fit to appoint a Committee, the Council will then be prepared to appoint a Committee to confer with them.

Debate ensued.

Amendment moved by the Honorable W. Highett, That all the words after the word “should” be omitted, with a view to insert the following words instead thereof :—“a Message be sent from the Legislative Assembly to the Legislative Council, requesting a conference, and clearly describing the subject-matter upon which it is desired, the Legislative Council will give such Message due consideration.”

Debate ensued.

The Honorable A. Fraser, with leave of the Council, moved, That after the word “willing” the following words be inserted :—“so far as they might consistently with their constitutional rights and privileges.”

Question—put and passed.

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

- Contents, 12.
The Hon. C. Sladen
W. H. F. Mitchell
G. W. Cole
C. J. Jenner
H. Miller
W. Campbell
W. H. Pettett
W. Degraives
J. McCrae
J. Henty
A. Fraser
J. Lowe (*Teller*).

Not Contents, 6.
The Hon. Dr. Wilkie
J. F. Strachan
H. M. Murphy
J. P. Fawkner
W. Highett
W. Taylor (*Teller*).

The question was therefore passed.

Question—1. That the Legislative Council regret that the Legislative Assembly decline to concur with them in referring the differences between the two Houses, as to the construction of the Constitution Act, to the Judicial Committee of the Privy Council.

2. The Legislative Council are precluded from appointing a Committee, as asked for by the Assembly; but, as the Council are, and always have been, ready and willing, so far as they might consistently with their constitutional rights and privileges, to confer with the Assembly, should the Assembly think fit to appoint a Committee, the Council will then be prepared to appoint a Committee to confer with them—put and passed.

The Honorable H. Miller moved, That a Message be sent to the Legislative Assembly, conveying the foregoing resolutions.

Question—put and passed.

ADJOURNMENT.—The Honorable G. W. Cole moved, That the House, at its rising this day, adjourn until half-past four o'clock to-morrow.

Question—put and passed.

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

G. W. RUSDEN,

Clerk of the Council and Clerk of the Parliaments.

VICTORIA.

No. 89.

Minutes of the Proceedings

OF THE

LEGISLATIVE COUNCIL.

WEDNESDAY, 25TH OCTOBER, 1865.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the Prayer.

ADJOURNMENT.—The Honorable C. Sladen, with leave of the Council, moved, without notice, That the House, at its rising this day, adjourn until Tuesday next.
 Debate ensued.
 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, in compliance with the intimation contained in the Message from the Legislative Council, the Legislative Assembly have appointed a Committee, consisting of seven members, to confer with a Committee of the Legislative Council, on the subject of the differences between the two Houses on the Supply and Appropriation Bill; and that the Legislative Assembly have given such Committee power to meet on days on which the Legislative Assembly does not sit.

Legislative Assembly Chamber,
 Melbourne, 25th October, 1865.

FRANS. MURPHY,
 Speaker.

The Honorable G. W. COLE moved, That the Message be taken into consideration on Tuesday next.

Question—put and passed.

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

ORDER OF THE DAY.

TUESDAY, 31ST OCTOBER, 1865.

ORDER OF THE DAY :—

1. CONSTRUCTION OF THE CONSTITUTION ACT.—DIFFERENCES BETWEEN THE TWO HOUSES.—
 Consideration of Message from Legislative Assembly.

G. W. RUSDEN,

Clerk of the Council and Clerk of the Parliaments.

VICTORIA.

No. 90.

Minutes of the Proceedings

OF THE

LEGISLATIVE COUNCIL.

TUESDAY, 31ST OCTOBER, 1865.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the Prayer.

CONSTRUCTION OF THE CONSTITUTION ACT.—DIFFERENCES BETWEEN THE TWO HOUSES.—

The Order of the Day for the consideration of the Message from the Legislative Assembly on the subject of the differences between the two Houses, as to the construction of the Constitution Act, being read, the Honorable W. H. F. Mitchell moved, That a Committee consisting of seven members be appointed to confer with a Committee of the Legislative Assembly on the question,—whether it is in accordance with Parliamentary usage to unite Supply with Appropriation, and to deal with the Gold Duty in one and the same Bill; such Committee to have power to sit on days on which the Legislative Council do not sit; the Committee to be chosen by ballot.

Debate ensued.

Amendment moved by the Honorable H. Miller, That all the words after the word "That" be omitted, with a view to insert the following words instead thereof, "a Committee of seven members be appointed by ballot to confer with the Committee of the Legislative Assembly on the subject of the differences between the two Chambers, on the Supply and Appropriation Bill; and that the Committee of the Legislative Council have leave to sit on days on which the Council does not assemble.

Debate ensued.

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

Contents, 15.

The Hon. N. Black
T. H. Fellows
C. Sladen
W. Campbell
Dr. Wilkie
W. Taylor
W. H. F. Mitchell
S. G. Henty
W. Hull
B. Williams
W. Highett
J. P. Fawcner
H. M. Murphy
A. Fraser
J. F. Strachan (*Teller*).

Not Contents, 7.

The Hon. G. W. Cole
W. H. Pettett
H. Miller
W. Degraives
W. C. Haines
J. McCrae
C. J. Jenner (*Teller*).

The question was therefore passed.

Question—That a Committee consisting of seven members be appointed to confer with a Committee of the Legislative Assembly on the question,—whether it is in accordance with Parliamentary usage to unite Supply with Appropriation, and to deal with the Gold Duty in one and the same Bill; such Committee to have power to sit on days on which the Legislative Council do not sit; the Committee to be chosen by ballot—put and passed.

The Council then proceeded to the ballot, and the following members, having been reported by the Clerk to have the greatest number of votes, were declared by the President to be the members of the Committee, viz., the Honorables W. Campbell, J. P. Fawcner, T. H. Fellows, A. Fraser, W. Highett, C. Sladen, with the Mover.

The Honorable W. H. F. Mitchell moved, That a Message be sent to the Legislative Assembly, acquainting them that, as the Supply and Appropriation Bill was finally disposed of by the Legislative Council on the 25th July last, it cannot be the subject of a Conference; that the Legislative Council, however, have appointed a Committee, consisting of seven members, to confer with the Committee of the Legislative Assembly on the question,—whether it is in accordance with Parliamentary usage to unite Supply with Appropriation, and to deal with the Gold Duty in one and the same Bill—this question comprising the differences which the Legislative Council conceive to be referred to in the Message of the Legislative Assembly; and that the Legislative Council have empowered the Committee to meet on days on which the Legislative Council do not sit.

Question—put and passed.

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

MR. PRESIDENT—

The Legislative Assembly return to the Legislative Council the Bill intituled "*An Act to provide for the Management of and the Administration of Justice in relation to Mining Interests,*" and acquaint the Legislative Council that the Legislative Assembly do not insist upon disagreeing with some of the amendments of the Legislative Council in this Bill, but do insist upon disagreeing in others of the said amendments.

FRANS. MURPHY,
Speaker.

Legislative Assembly Chamber,
Melbourne, 31st October, 1865.

MINING LAW AMENDMENT BILL.—The Honorable G. W. Cole moved, That the consideration of the Message from the Legislative Assembly, returning this Bill, be made an Order of the Day for to-morrow.

Question—put and passed.

ADJOURNMENT.—The Honorable G. W. Cole moved, That the House, at its rising this day, adjourn until half-past four o'clock to-morrow.

Question—put and passed.

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

ORDER OF THE DAY.

WEDNESDAY, 1ST NOVEMBER, 1865.

Government Business.

ORDER OF THE DAY :—

1. MINING LAW AMENDMENT BILL.—Consideration of Message from Legislative Assembly.

G. W. RUSDEN,

Clerk of the Council and Clerk of the Parliaments.

VICTORIA.

No. 91.

Minutes of the Proceedings

OF THE

LEGISLATIVE COUNCIL.

WEDNESDAY, 1ST NOVEMBER, 1865.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the Prayer.

MINING LAW AMENDMENT BILL.—The Order of the Day for the consideration of the Message from the Legislative Assembly, with this Bill, being read, the Honorable G. W. Cole moved, That the Council do not insist on their amendments in Clause 23, line 40, of the Bill, with which the Legislative Assembly have disagreed.

Debate ensued.

The Honorable C. Sladen moved, That the further consideration of the Message be postponed until Tuesday next.

Question—put and passed.

ADJOURNMENT.—The Honorable G. W. Cole, with leave of the Council, moved, without notice, That the House, at its rising this day, adjourn until half-past four o'clock on Wednesday next.

Amendment moved, by the Honorable J. P. Fawkner, That all the words after the word "until" be omitted, with a view to insert instead thereof the following words, "this day month."

Debate ensued.

Amendment by leave withdrawn.

Question—That the House, at its rising this day, adjourn until half-past four o'clock on Wednesday next—put and passed.

BUSINESS PAPER.—The Honorable G. W. Cole moved, That the business set down for Tuesday next be postponed until Wednesday next.

Question—put and passed.

The Council adjourned at twenty minutes past five o'clock until half-past four o'clock on Wednesday, the 8th instant.

ORDER OF THE DAY.

WEDNESDAY, 8TH NOVEMBER, 1865.

Government Business.

ORDER OF THE DAY :—

1. **MINING LAW AMENDMENT BILL.**—Further consideration of Message from Legislative Assembly.

G. W. RUSDEN,

Clerk of the Council and Clerk of the Parliaments.

VICTORIA.

No. 92.

Minutes of the Proceedings

OF THE

LEGISLATIVE COUNCIL.

WEDNESDAY, 8TH NOVEMBER, 1865.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the Prayer.

PAPER.—The Honorable G. W. Cole laid on the Table the following Paper :—

Mining Surveyors and Registrars—Report of (for quarter ending 30th September, 1865).

Ordered to lie on the Table.

MINING LAW AMENDMENT BILL.—The Order of the Day for the further consideration of the Message from the Legislative Assembly, with this Bill, being read, the Honorable G. W. Cole moved, That the Council do not insist on their amendments in clause 23, line 40, of the Bill, with which the Legislative Assembly have disagreed.

Debate ensued.

Question—put and passed.

Ordered—That a Message be sent to the Legislative Assembly, to acquaint them that the Council do not now insist on their amendments in line 40 of clause 23 of the Bill.

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

MR. PRESIDENT—

The Legislative Assembly acknowledge the intimation contained in the Message of the Legislative Council, that the Legislative Council have determined to treat the laying aside of the Supply and Appropriation Bill as a final disposition of that Bill by the Council.

The Legislative Assembly regret that the Legislative Council, by this determination, have precluded themselves from fulfilling their intention of appointing a Committee to confer with a Committee of the Legislative Assembly, if appointed, on the subject generally of the differences which have arisen between the Houses on the Supply and Appropriation Bill, as expressed in the Message of the Legislative Council of the 24th October.

FRANS. MURPHY,
Speaker.

Legislative Assembly Chamber,
Melbourne, 8th November, 1865.

ADJOURNMENT.—The Honorable G. W. Cole, with leave of the Council, moved, without notice, That the House, at its rising this day, adjourn until half-past four o'clock on Tuesday next.

Amendment moved by the Honorable C. Sladen, That the word "Tuesday" be omitted with a view to insert the word "Wednesday" instead thereof.

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

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

Question—That the House, at its rising this day, adjourn until half-past four o'clock on Wednesday next—put and passed.

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

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

VICTORIA.

No. 93.

Minutes of the Proceedings

OF THE

LEGISLATIVE COUNCIL.

WEDNESDAY, 15TH NOVEMBER, 1865.

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 G. W. Cole, by command of His Excellency the Governor, laid on the Table the following Message from His Excellency the Governor :—

C. H. DARLING,
Governor.

In reply to the Address which the Governor has received from the Legislative Council, praying that the Governor will cause to be laid on the Table of the House a copy of the Despatch received from the Secretary of State for the Colonies on the subject of the Customs Bill passed in April, 1864, and reserved for the Royal Assent, entitled "*An Act to stay proceedings against persons concerned in levying certain Duties of Customs,*" the Governor transmits to the Council a copy of the Despatch referred to.

15th November, 1865.

VICTORIA | No. 9.

Downing Street,
24th January, 1865.

SIR,

I have had under my consideration a Bill passed by the Council and Assembly of Victoria, intituled "*An Act to Consolidate the Laws relating to the Customs and Excise,*" and an Act passed by the Legislature of Victoria intituled (No. 207), "*An Act to stay and to prevent proceedings against persons concerned in levying certain Duties of Customs.*"

It appears that a question has been raised in the colony whether Customs Laws ought not to be reserved for the signification of Her Majesty's pleasure, under the 31st clause of 5 and 6 Victoria, c. 76, kept alive (it is supposed), in regard to Victoria, by the 12th section of the 13th and 14th Victoria, c. 59.

Hence the Customs Law now forwarded has not been assented to, but reserved by you. And hence also the Act No. 207 has been passed, to prevent Courts of Law from calling in question the past levy of Customs Duties.

With reference to the legal question which has been raised, I enclose a Parliamentary paper containing (p. 159) the copy of a despatch addressed by Sir John Pakington to the Governor of South Australia. From that despatch you will perceive that, in the opinion of the then law officers of the Crown (in which I entirely concur), it is not necessary that Bills imposing Customs Duties in Australia should be reserved for the signification of Her Majesty's pleasure. The argument of the then law officers would seem to be strengthened by subsequent legislation, inasmuch as the 43rd section of the Constitution Act, which expressly empowers the Victorian Legislature to impose Customs Duties, is with the rest of the Constitution embodied in the Imperial Statute of 18 and 19 Victoria, c. 55 which by its second clause expressly repeals so much of the Acts 5 and 6 Victoria, c. 76, and 13 and 14 Victoria, c. 59, as are repugnant to the Constitution Act.

The reservation of the Customs Bill was therefore, I conceive, unnecessary. I should, however, have advised at once that Her Majesty's assent should have been given to it, but for certain objections of detail to which some of its clauses are liable.

You will observe first, that the clauses 174, 177, 178, 385, and 388, make provision respecting matters which are to take place beyond the marine league to which the maritime jurisdiction of a colony is confined.

Her Majesty's Government have been advised that it is not competent to a Colonial Legislature to make the provisions contained in these enactments, except perhaps in relation to ships owned by persons domiciled in the colony—a doubtful exception

which I presume the Legislature of Victoria would not think it convenient to make. The operation of the clauses should, therefore, be confined to the recognized colonial matters extending over three miles from the shore of the colony.

The 397th section should also be amended. It should not make mention, either, of officers of Her Majesty's Army or Navy, or of military or naval employment; and should, I think, bear upon its face that the disqualification which it imposes is not intended to extend beyond the colony. The clause would be unobjectionable if it merely enacted that, if any officer of the customs or other person duly employed for the prevention of smuggling should be guilty of any of the offences there specified, he should be liable to a penalty of five hundred pounds, and should be rendered incapable of serving Her Majesty in any civil office within the colony.

The Act to prevent proceedings against persons concerned in levying certain duties of customs is superfluous, if the opinion of the law officers, conveyed in Sir J. Pakington's despatch of the 11th May, 1862, which I have above cited, is correct; but if not superfluous, I conceive it would be illegal and invalid. It is intended to remove virtually from certain Acts an invalidity which is supposed to attach to them in virtue of an Act of the Imperial Parliament, and thus (whatever may be its real effect) affirms implicitly the principle that the Colonial Legislature may prohibit the Colonial Courts from giving effect to a British Statute expressly extending to the colony. I think that the manifest impropriety of this law, in its relation to the Imperial Parliament, should have attracted your attention, and that you should, on that account, have refused your assent to it. If it had been passed for a longer period, it would have been impossible for me to avoid advising its disallowance. As, however, it will only remain in force until the 20th April next, the order of disallowance could hardly arrive in the colony before its expiration. It will, therefore, be allowed to expire.

You must understand, however, that you are on no account to assent to its revival or continuance.

I have the honor to be,

Sir,

Your most obedient humble Servant,

(Signed)

EDWARD CARDWELL.

(Copy.)

DESPATCHES FROM THE SECRETARY OF STATE.

From the Right Honorable Sir John S. Pakington.

No. 1.

COPY of a Despatch from the Right Honorable Sir John S. Pakington, Bart., to Lieutenant Governor Sir H. E. F. Young.

No. 13.

Downing Street,

11th May, 1852.

SIR,

I have received your Despatch No. 135, of the 24th October, addressed to my predecessor, enclosing an Act passed by the Legislature of South Australia (No. 4 of 1851) to amend the Laws of the Customs in that Colony.

I observe that this Act has been reserved for the signification of Her Majesty's pleasure, owing apparently to a doubt entertained by the Advocate General whether such a reservation was not necessary under the combined operation of the Imperial Acts 5 and 6 Vict., c. 76, and 13 and 14 Vict., c. 59. I have therefore thought it right to submit the legal question at issue for the consideration and opinion of the Law Officers of the Crown, and the following is the substance of their joint reports on the subject.

They consider that Customs duties may be imposed by the Governors and Legislative Councils of the South Australian Colonies without reserving the Bills imposing such duties; that the 12th section of the 13th and 14th Vict., c. 59, which renders the provisions of the 5th and 6th Vict., c. 76, and amongst others the one as to the reservation of Bills for the signification of Her Majesty's pleasure thereon, applicable to the different colonies, does so with a qualification expressed in the words "subject to the provisions herein contained." One of these provisions is to be found in the 27th section, which enacts "that, subject to the provisions of this Act, and notwithstanding an Act or Acts of Parliament now in force to the contrary, it shall be lawful for the Governors and Legislative Councils to impose and levy such duties of Customs as to such Governors may seem fit, &c., &c."

The Attorney and Solicitor General state that this appears to them to operate as a repeal of so much of the 31st section of the 5th and 6th Vict., c. 76 as renders it necessary for the Governors to reserve Bills altering or affecting the duties of customs upon goods, &c., and to place within the powers of the Governors and Legislative Councils the imposition of such duties, subject only to the restriction contained in the section itself as to the equality of duties to be imposed.

I have to add that the Act which forms the subject of these remarks is at present under the consideration of Her Majesty's Government.

I have, &c.,

(Signed)

JOHN S. PAKINGTON.

ABSENCE OF MEMBER AT CALL OF COUNCIL.—The Honorable Robert Turnbull, who was declared, on the 14th February, 1865, guilty of contempt of the House, for having absented himself from the Council without informing the President, and for absenting himself for more than three consecutive weeks, without express leave of absence, and for having failed to attend in his place on a Call of the House on the 31st January, 1865, was permitted to make an explanation and an apology to the Council.

The Honorable R. Turnbull retired from the Council Chamber.

The Honorable A. Fraser moved, That the apology of the Honorable R. Turnbull be accepted by this House, and that the resolution of the 14th February, 1865; declaring the Honorable R. Turnbull guilty of contempt, be rescinded.

Question—put and passed.

The Usher was desired by the President to desire the Honorable Robert Turnbull to attend in his place, and the Honorable Robert Turnbull having entered into the Council Chamber, was informed by the President that his apology had been accepted by the House, and that the resolution declaring him guilty of contempt had been rescinded.

MESSAGE FROM 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 for granting to Her Majesty certain Duties of Customs and for altering certain other Duties,*" with which they desire the concurrence of the Legislative Council.

FRANS. MURPHY,
Speaker.

Legislative Assembly Chamber,
Melbourne, 15th November, 1865.

CUSTOMS IMPORT DUTIES, GOLD EXPORT DUTY BILL.—The Honorable G. W. Cole moved, That this Bill be now read a first time, printed, and read a second time to-morrow.

Question—put and passed.

Bill read a first time.

SUGAR, TEA, OPIUM, GOLD.—The Honorable J. F. Strachan, with leave of the Council, moved, without notice, That there be laid on the Table of the House a Return giving the weight of sugar, tea, opium, and gold, delivered from bond in Melbourne, from the 20th January to the 31st October, 1865; and the amounts collected under the resolutions of the Legislative Assembly for corresponding dates.

Question—put and passed.

The Council adjourned at ten minutes to five o'clock until four o'clock on Thursday, the 16th instant.

NOTICE OF MOTION AND ORDER OF THE DAY.

THURSDAY, 16TH NOVEMBER, 1865.

NOTICE OF MOTION :—

1. The Hon. C. SLADEN : To move, That the Message of the Legislative Assembly of the 8th November, be taken into consideration.

ORDER OF THE DAY :—

1. CUSTOMS IMPORT DUTIES, GOLD EXPORT DUTY BILL.—To be read a second time.

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

VICTORIA.

No. 94.

Minutes of the Proceedings

OF THE

LEGISLATIVE COUNCIL.

THURSDAY, 16TH NOVEMBER, 1865.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the Prayer.

SUGAR, TEA, OPIUM, GOLD.—The Honorable G. W. Cole laid on the Table a Return to the Order of the Council made on the 15th instant.

CUSTOMS IMPORT DUTIES, GOLD EXPORT DUTY BILL.—The Order of the Day for the second reading of this Bill being read, the Honorable G. W. Cole moved, That the Bill be now read a second time.

Debate ensued.

Amendment moved by the Honorable W. C. Haines, That all the words after the word "be" be omitted, with a view to insert the word "rejected" instead thereof.

Debate ensued.

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

Council divided.

Contents, 5.

The Hon. G. W. Cole
C. J. Jenner
J. Henty
J. McCrae
J. Lowe (*Teller*).

Not Contents, 19.

The Hon. W. C. Haines
T. H. Fellows
C. Sladen
W. Taylor
W. Campbell
S. G. Henty
N. Black
H. M. Murphy
B. Williams
Dr. Wilkie
W. Hull
N. Fitzgerald
W. Highett
R. Turnbull
A. Fraser
J. F. Strachan
J. P. Fawcner
J. P. Bear
W. H. F. Mitchell (*Teller*).

The question was therefore negatived.

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

Question—That the Bill be rejected—put and passed.

ADJOURNMENT.—The Honorable G. W. Cole, 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 ten minutes to nine o'clock until four o'clock on Thursday, the 23rd instant.

NOTICE OF MOTION.

THURSDAY, 23RD NOVEMBER, 1865.

NOTICE OF MOTION:—

1. The Hon. C. SLADEN: To move, That the Message of the Legislative Assembly of the 8th November be taken into consideration.

G. W. RUSDEN,

Clerk of the Council and Clerk of the Parliaments.

VICTORIA.

No. 95.

Minutes of the Proceedings

OF THE

LEGISLATIVE COUNCIL.

THURSDAY, 23RD NOVEMBER, 1865.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the Prayer.

ROYAL ASSENT TO BILLS.—The President informed the Council that a communication had been received from the Private Secretary to His Excellency the Governor, intimating that it is the intention of His Excellency to proceed to the Legislative Council Chamber on Tuesday next, the 28th instant, to assent, in Her Majesty's name, to certain Bills passed by the Legislative Council and Legislative Assembly.

FOREIGN OFFICE LIBRARY—CATALOGUE OF BOOKS IN.—The President laid on the Council Table a letter from the Private Secretary to His Excellency the Governor, enclosing a copy of a despatch from the Right Honorable the Secretary of State for the Colonies (19th September, 1865), transmitting a Catalogue of the printed books in the Library of the Foreign Office.

ADJOURNMENT.—The Honorable W. C. Haines moved, That the Council do now adjourn until Tuesday next.

Debate ensued.

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

MR. PRESIDENT—

The Legislative Assembly transmit to the Legislative Council a Message from His Excellency the Governor, recommending amendments in the Bill intituled "*An Act to provide for the management of and the administration of Justice in relation to Mining Interests,*" and acquaint the Legislative Council that the Legislative Assembly have agreed to the amendments recommended by His Excellency the Governor, and request the concurrence of the Legislative Council therein.

FRANS. MURPHY,
Speaker.

Legislative Assembly Chamber,
Melbourne, 23rd November, 1865.

C. H. DARLING,
Governor.

In pursuance of the 36th section of the Constitution Act, the Governor transmits to the Legislative Assembly the following amendments, which he recommends to be made in the Act intituled "*An Act to provide for the management of and the administration of Justice in relation to Mining Interests,*" which has been presented to him for Her Majesty's assent:

1. Clause 1, line 3. Omit "September" and insert "January." Omit "five" and insert "six."
2. Omit clause 23, and insert in lieu thereof—
"23. When at the time of any conveyance under the Act of the Parliament of Victoria numbered 117 or under the Act of the Parliament of Victoria numbered 145 any race drain dam or reservoir flows through or over or is upon the land so conveyed although no reservation or exception thereof be contained in the Crown grant of such land no person unless specially authorised thereto by the Board of Land and Works shall obstruct or interfere therewith; and the Board of Land and Works may grant licenses in respect to such last-mentioned race drain dam or reservoir in the

same manner as if the same were situated on Crown lands and the licensee may by the authority thereof and for the purposes therein expressed enter upon the land so conveyed, but such licensee shall make compensation by the means and in the manner provided by the fifty-eighth fifty-ninth and sixtieth sections of the aforesaid Act numbered 145 to the owner of such land for any damage occasioned by such entry. When at the time of any conveyance under the Act of the Parliament of Victoria numbered 237 any race dam or reservoir flows through or over or is upon the land so conveyed although no reservation or exception thereof be contained in the Crown grant of such land no person unless specially authorised thereto by the Board of Land and Works shall obstruct or interfere therewith and the holder of any license from the Board of Land and Works in respect to any such dam race or reservoir and the holder of any miner's right who has constructed or has acquired the right to use any such race dam or reservoir may at all reasonable times enter upon any land conveyed or to be conveyed under the said last-mentioned Act and may cleanse and clear and keep in efficient repair such race dam or reservoir and may deposit the matter removed therefrom upon the land immediately adjoining such race dam or reservoir to a distance not exceeding five feet therefrom without making any compensation to the owner of such land."

3. Clause 72, line 1. Omit "such," and after "bye-laws" insert the words "made by any mining board." Line 6. Omit the second "such," and after "bye-laws" insert the words "so certified."
4. Clause 73, line 17. Insert before "right" the word "possession." Line 19. Insert before "right" the word "possession." Line 22. Insert before "right" the word "possession."
5. Clause 101, sub-section (xi.), lines 3 and 4. Omit the words "when the suit for such purpose shall be one in equity." Line 5. Omit the words "any other" and insert the word "the" in lieu thereof.
6. Clause 108, line 5. Before "refer" insert the word "may."
7. " 126, line 4. Omit "any" and insert "and."
8. " 172, line 8. Omit "or appeal."
9. " 210, line 13. Omit "for."
10. First Schedule, third column, in note opposite to 25 Vict., Act No. 145, line 2. Omit "25" and insert "52."
11. First Schedule, third column, in note opposite Act 28 Vict., No. 237, line 1. Omit "42 and section." In same note in line 4. After the word "fees" insert the words "payable in respect of gold fields commons."

Government Offices, Melbourne,
November, 1865.

MINING LAW AMENDMENT BILL.—AMENDMENTS RECOMMENDED BY HIS EXCELLENCY THE GOVERNOR.—The Honorable G. W. Cole moved, That the consideration of the amendments recommended by His Excellency the Governor in this Bill be made an Order of the Day for Tuesday next.

Question—put and passed.

ADJOURNMENT.—The Honorable W. Campbell moved, That the Council do now adjourn until two o'clock on Tuesday, the 28th instant.

Question—put and passed.

The Council adjourned at twenty minutes to five o'clock until two o'clock on Tuesday, the 28th instant.

NOTICE OF MOTION AND ORDER OF THE DAY.

TUESDAY, 28TH NOVEMBER, 1865.

NOTICE OF MOTION:—

1. The Hon. C. SLADEN: To move, That the Message of the Legislative Assembly of the 8th November be taken into consideration.

ORDER OF THE DAY:—

1. **MINING LAW AMENDMENT BILL.—AMENDMENTS RECOMMENDED BY THE GOVERNOR**—to be considered.

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

VICTORIA.

No. 96.

Minutes of the Proceedings

OF THE

LEGISLATIVE COUNCIL.

TUESDAY, 28TH NOVEMBER, 1865.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the Prayer.

PROROGATION.—ADDRESS TO THE GOVERNOR.—The Honorable T. H. Fellows, with leave of the Council, moved, without notice, That the following Address to His Excellency the Governor be adopted by the Council :—

To His Excellency SIR CHARLES H. DARLING, Knight Commander of the Most Honorable Order of the Bath, Governor and Commander-in-Chief of the Colony of Victoria, &c., &c., &c.

MAY IT PLEASE YOUR EXCELLENCY—

We, Her Majesty's dutiful and loyal subjects, the Legislative Council of Victoria, in Parliament assembled, desire to acquaint Your Excellency that, after the laying aside by this House of the Bill of Supply and Appropriation, that portion of it dealing with Supply and the reduction and ultimate abolition of the duty on Gold, was recently transmitted to this House as a separate Bill; but the remaining portion of it, dealing with the appropriation of the Revenue, has not been so transmitted, although, as we have previously informed Your Excellency, we have always been willing to pass it.

We respectfully submit to Your Excellency that proroguing Parliament before an attempt has been made to obtain the sanction of this House to the annual Appropriation Bill is practically to ignore the 55th Section of the Constitution Act, to deprive this House of its legitimate authority, and the people of the safeguards of constitutional government.

We venture to assert that it is without precedent in the history of Parliamentary Government that a Bill for appropriating supplies should not be passed, when both Houses are willing to concur in the proposed expenditure; and we warn Your Excellency against the mischievous consequences likely to arise from a prorogation under such unusual circumstances.

Debate ensued.

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

PETITION.—The Honorable A. Fraser presented a Petition, signed by Thomas Edwards and others, praying for protection against the action of the Board of Education at Maddingley.

Petition received.

CONSTRUCTION OF THE CONSTITUTION ACT.—DIFFERENCES BETWEEN THE TWO HOUSES.—The Honorable C. Sladen moved, in accordance with notice on the subject, That a Message be sent to the Legislative Assembly, acquainting them, in reply to the Message from the Legislative Assembly of the 8th instant, that—

- (1.) The Legislative Council inform the Legislative Assembly, in reply to the Message of the Legislative Assembly of the 8th November, that it would appear that the Legislative Assembly are under a wrong impression in supposing that the Legislative Council had only lately determined to treat the laying aside of the Supply and Appropriation Bill as a final disposition of that measure, inasmuch as at the time of laying aside such Bill on the 25th July, they considered, and have ever since considered it as finally disposed of.
- (2.) They also acquaint the Legislative Assembly that the Legislative Council appear to be in error in supposing that the Legislative Council, in their Message to the Legislative Assembly of the 24th October, had expressed an intention of appointing a Committee to confer with a Committee of the Legislative Assembly on the subject generally of the differences which have arisen between the Houses on the Supply and Appropriation Bill, for the only differences alluded to in that Message were in reference to the construction of the Constitution Act.

Debate ensued.

Question—put and passed.

MINING LAW AMENDMENT BILL.—The Order of the Day for the consideration of the amendments recommended by His Excellency the Governor in this Bill being read, the Honorable G. W. Cole moved, That the amendments be agreed to as follows :—

1. Clause 1, line 3. Omit "September" and insert "January." Omit "five" and insert "six."
2. Omit clause 23, and insert in lieu thereof—
 "23. When at the time of any conveyance under the Act of the Parliament of Victoria numbered 117 or under the Act of the Parliament of Victoria numbered 145 any race drain dam or reservoir flows through or over or is upon the land so conveyed although no reservation or exception thereof be contained in the Crown grant of such land no person unless specially authorised thereto by the Board of Land and Works shall obstruct or interfere therewith; and the Board of Land and Works may grant licenses in respect to such last-mentioned race drain dam or reservoir in the same manner as if the same were situated on Crown lands and the licensee may by the authority thereof and for the purposes therein expressed enter upon the land so conveyed, but such licensee shall make compensation by the means and in the manner provided by the fifty-eighth fifty-ninth and sixtieth sections of the aforesaid Act numbered 145 to the owner of such land for any damage occasioned by such entry. When at the time of any conveyance under the Act of the Parliament of Victoria numbered 237 any race dam or reservoir flows through or over or is upon the land so conveyed although no reservation or exception thereof be contained in the Crown grant of such land no person unless specially authorised thereto by the Board of Land and Works shall obstruct or interfere therewith and the holder of any license from the Board of Land and Works in respect to any such dam race or reservoir and the holder of any miner's right who has constructed or has acquired the right to use any such race dam or reservoir may at all reasonable times enter upon any land conveyed or to be conveyed under the said last-mentioned Act and may cleanse and clear and keep in efficient repair such race dam or reservoir and may deposit the matter removed therefrom upon the land immediately adjoining such race dam or reservoir to a distance not exceeding five feet therefrom without making any compensation to the owner of such land."
3. Clause 72, line 1. Omit "such," and after "bye-laws" insert the words "made by any mining board." Line 6. Omit the second "such," and after "bye-laws" insert the words "so certified."
4. Clause 73, line 17. Insert before "right" the word "possession." Line 19. Insert before "right" the word "possession." Line 22. Insert before "right" the word "possession."
5. Clause 101, sub-section (xi.), lines 3 and 4. Omit the words "when the suit for such purpose shall be one in equity." Line 5. Omit the words "any other" and insert the word "the" in lieu thereof.
6. Clause 108, line 5. Before "refer" insert the word "may."
7. " 126, line 4. Omit "any" and insert "and."
8. " 172, line 8. Omit "or appeal."
9. " 210, line 13. Omit "for."
10. First Schedule, third column, in note opposite to 25 Vict., Act No. 145, line 2. Omit "25" and insert "52."
11. First Schedule, third column, in note opposite Act 28 Vict., No. 237, line 1. Omit "42 and section." In same note in line 4. After the word "fees" insert the words "payable in respect of gold fields commons."

Question—put and passed.

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

C. H. DARLING,
Governor.

The Governor acknowledges the Address which he has this day received from the Legislative Council, and expresses to the Council his regret that he is unable to obtain an Appropriation Bill in the present Session of Parliament.

Government Offices, Melbourne,
 28th November, 1865.

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 Act numbered Two hundred and eighty-four,*" with which they desire the concurrence of the Legislative Council.

FRANS. MURPHY,
Speaker.

Legislative Assembly Chamber,
 Melbourne, 28th November, 1865.

ACT 284 AMENDMENT BILL.—The Honorable C. Sladen moved, That this Bill be now read a first time.

Question—put and passed.

Bill read a first time.

The Honorable C. Sladen moved, That the Bill be now read a second time.

Debate ensued.

Question—put and passed.

Bill read a second time.

Ordered—That the Bill be now considered in Committee of the whole Council.

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

The President left the Chair.

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

The Honorable 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 C. Sladen, was read a third time and *passed*.

Ordered—That the Bill be returned to the Legislative Assembly with a Message acquainting them that the Council have agreed to the same with an amendment, 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 Act numbered Two hundred and eighty-four*," and acquaint the Legislative Council that the Legislative Assembly have agreed to the amendment made therein by the Legislative Council.

Legislative Assembly Chamber,
Melbourne, 28th November, 1865.

FRANS. MURPHY,
Speaker.

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

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

"*An Act to provide for the management of and the administration of Justice in relation to Mining Interests.*"

"*An Act to amend the Act numbered Two Hundred and Eighty-four.*"

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

"In the name and on behalf of Her Majesty I assent to this Act.

"C. H. DARLING,
"Governor."

The Clerk of the Parliaments delivered to Mr. Speaker a schedule of the Bills assented to. His Excellency was then pleased to speak as follows:—

MR. PRESIDENT AND HONORABLE GENTLEMEN OF THE LEGISLATIVE COUNCIL:

MR. SPEAKER AND MEMBERS OF THE LEGISLATIVE ASSEMBLY:

I am glad to be able to release you from your Parliamentary duties after a Session which has been unusually protracted. The measures which you have passed, and the questions which have arisen in the Parliament of 1865 will make it memorable in the annals of the country.

It must be a source of the highest gratification to you that you have at length succeeded in passing a Land Law which is working most successfully towards the important end of settling on the public lands an agricultural population—the best guarantee for the permanency and continued progress of the prosperity and civilization of the Colony.

Scarcely less important is the measure you have passed for giving to the country districts an adequate supply of water. In the midst of a season which threatens so seriously the prosperity of our mining, agricultural, and pastoral interests, the necessity for this provision is peculiarly apparent, and I am glad to be able to assure you that every effort will be made by the Government to give the country, with the utmost dispatch, the benefit of the measure you have adopted.

The provision you have made for the public defences, with the assistance you have asked from Her Majesty's Government, will be sufficient to render the Colony safe from any attack which is likely to be made, and will, moreover, be further evidence of the willingness of the people of Victoria to assume all the responsibilities which attach to her position as one of the most important dependencies of the Crown.

The Act amending the mining laws, founded upon the experience of several years, and the Act for the establishment of a Branch of the Royal Mint will, I doubt not, do much for the further development of our mineral resources.

It is gratifying to me to be able to inform you that the people have largely availed themselves of the advantages you have devised for the investment of small sums of money in Post Office Savings Banks. The success which this measure has already obtained affords ample evidence of the wisdom of encouraging and facilitating the formation of provident habits amongst the industrial classes of the community.

It must be a source of great regret to you that one of the objects which the public hoped to obtain from the Parliament of 1865, has not yet been accomplished. The revision of the Tariff—upon which, at the last General Election, so decided and general an expression of opinion was evoked—has not yet been effected. That so serious a difference as that which exists upon this question between the Houses of Legislature should have arisen, must be a matter of the gravest concern to all who value the representative institutions of the Colony, as well as to all who are interested in its material prosperity.

GENTLEMEN OF THE LEGISLATIVE ASSEMBLY:

I thank you, on behalf of Her Majesty, for the liberality of your grants for carrying on the Public Service of the Colony, for the development of its great resources, and for the support of the numerous charitable institutions which so conspicuously mark the liberal and sympathetic regard of our people for their poor, and for every form of human distress.

I am glad to be able to announce that, although your grants have not obtained the form of law, they have been rendered available for the maintenance of the functions of government and the fulfilment of its legal obligations, the great confusion and distress which would have resulted from a protracted stoppage of the supplies having been thus averted.

The liberality of your votes last year for public works has enabled the Government to continue all the most important of them without interruption, and even more extensively than in the year 1864.

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

I regret that the Constitution provides no means by which disputes between the Houses can be determined.

It may be difficult, perhaps impossible, to transfer at once and successfully to a new country institutions which in England only after many trials and struggles through long ages have grown into the opinion and sentiment of the nation; but I refuse to believe that it is impossible that you should emulate in patience, in perseverance, and in forbearance, the people who have built up that British Constitution which has been adopted as the type of our own.

In the claims to control the financial affairs of the Colony, asserted by the Assembly on the one hand, and resisted by the Council on the other, we see but a repetition, on a smaller stage, of similar contests in the mother country; and the irritation and the temporary animosities they have brought in their train, are I trust more than compensated by the additional proof they afford of the vigorous public life of the Colony, and of its fitness to enjoy Representative Institutions.

The vital principle of such institutions is the enlightened will of the community. It is for the purpose of eliciting the expression of this will on definite issues to be submitted to the constituencies, that I propose to exercise the important and delicate trust, with which Her Most Gracious Majesty has invested me, of dissolving the Legislative Assembly—a result from which, be it said to its honor, it has not shrunk, as the history of the last few days has shown.

I trust that the course of financial legislation may be settled by the opinion of the constituencies, as it will be expressed at the forthcoming elections; and that in the next Parliament the two Houses may legislate harmoniously and in accordance with the decision of the people.

I now declare, in Her Majesty's name, this Parliament to be prorogued until the 21st day of December next, and it is prorogued accordingly.

(Signed) C. H. DARLING,
Governor.

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

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

SELECT COMMITTEES

APPOINTED DURING THE SESSION OF 1864-5.

No. 1.—ADDRESS IN REPLY TO GOVERNOR'S SPEECH.

Appointed 29th November, 1864.

The Hon. M. Hervey	The Hon. W. Degraves
W. H. F. Mitchell	W. Hull
J. Lowe	J. P. Fawcner
G. W. Cole	A. Fraser
J. Henty	H. M. Murphy (<i>Mover</i>).

No. 2.—ELECTIONS AND QUALIFICATIONS.

Appointed (by President's Warrant) 29th November, 1864.

The Hon. J. P. Bear	The Hon. H. Miller
W. Campbell	W. H. F. Mitchell
T. H. Fellows	C. Sladen.
W. Highett	

No. 3.—LIBRARY (JOINT) COMMITTEE.

Appointed 29th November, 1864.

The Hon. The President	The Hon. W. Hull
J. Henty	J. P. Bear.
C. Sladen	

No. 4.—PRINTING.

Appointed 29th November, 1864.

The Hon. J. P. Fawcner	The Hon. S. G. Henty
W. Campbell	Dr. Wilkie.
C. J. Jenner	

No. 5.—REFRESHMENT ROOMS (JOINT) COMMITTEE.

Appointed 29th November, 1864.

The Hon. W. Highett	The Hon. A. Fraser
H. M. Murphy	W. H. F. Mitchell.
N. Fitzgerald	

No. 6.—PARLIAMENT BUILDINGS (JOINT) COMMITTEE.

Appointed 29th November, 1864.

The Hon. The President	The Hon. G. W. Cole
W. Degraves	R. Turnbull.
W. Taylor	

No. 7.—STANDING ORDERS.

Appointed 29th November, 1864.

The Hon. The President	The Hon. J. F. Strachan
T. H. Fellows	H. Miller.
T. T. a'Beckett	

No. 8.—MARKETS.

Appointed 7th March, 1865.

The Hon. G. W. Cole
J. Henty
J. McCrae
J. Lowe

The Hon. W. Highett
W. H. Pettett
J. P. Fawkner (*Mover*).

No. 9.—LAND ACT 1862 AMENDMENT BILL (COMMITTEE TO CONFER WITH A COMMITTEE OF THE LEGISLATIVE ASSEMBLY).

Appointed 16th March, 1865.

The Hon. T. H. Fellows
W. H. F. Mitchell
W. Degraives
J. P. Fawkner

The Hon. C. J. Jenner
J. P. Bear
M. Hervey (*Mover*).

No. 10.—PRECEDENTS.—TACKING OF BILLS, SUPPLY AND TAX BILLS, APPROPRIATION BILLS.

Appointed (by Ballot) 28th March, 1865.

The Hon. C. Sladen
The President
M. Hervey
T. H. Fellows
W. H. F. Mitchell

The Hon. W. Highett
J. P. Fawkner
J. F. Strachan
J. P. Bear
A. Fraser.

No. 11.—WATER WORKS BILL (COMMITTEE TO CONFER WITH A COMMITTEE OF THE LEGISLATIVE ASSEMBLY).

Appointed 2nd August, 1865.

The Hon. T. H. Fellows
W. Highett
H. Miller

The Hon. J. F. Strachan
C. Sladen (*Mover*)
*W. H. F. Mitchell.

* Discharged on 8th August, and the Hon. S. G. Henty appointed a member.

No. 12.—MESSAGE FROM GOVERNOR—TO PREPARE AN ADDRESS IN REPLY TO.

Appointed 30th August, 1865.

The Hon. W. Highett
H. M. Murphy
W. H. F. Mitchell
W. Taylor

The Hon. J. F. Strachan
J. P. Fawkner
T. H. Fellows (*Mover*).

No. 13.—MESSAGE FROM GOVERNOR—TO PREPARE AN ADDRESS TO THE QUEEN, ON SUBJECT OF.

Appointed 20th September, 1865.

The Hon. J. P. Bear
N. Black
J. P. Fawkner
T. H. Fellows

The Hon. A. Fraser
W. Hull
H. M. Murphy
W. C. Haines (*Mover*).

No. 14.—CONSTRUCTION OF THE CONSTITUTION ACT—DIFFERENCES BETWEEN THE TWO HOUSES UPON (COMMITTEE TO CONFER WITH A COMMITTEE OF THE LEGISLATIVE ASSEMBLY).

Appointed (by Ballot) 31st October, 1865.

The Hon. W. Campbell
J. P. Fawkner
T. H. Fellows
A. Fraser

The Hon. W. Highett
C. Sladen
W. H. F. Mitchell (*Mover*).

VICTORIA.

LEGISLATIVE COUNCIL.

SESSION 1864-5.

WEEKLY REPORT OF DIVISIONS

IN

COMMITTEE OF THE WHOLE COUNCIL.

No. 1.

Extracted from the Minutes.

TUESDAY, 7TH FEBRUARY, 1865.

No. 1.—LAND ACT 1862 AMENDMENT BILL.—Clause 21.—If the Board of Land and Works shall make entry upon any allotment for breach of any of the provisions of this Act or of any condition or covenant of any lease or if any lands in a proclaimed area shall remain open for selection purchase or leasing for any time not less than “three years” and shall not during such time be selected or purchased or leased the Governor in Council may direct that such allotment or such lands or any portion thereof not exceeding two hundred thousand acres in the whole in any one year shall be sold in fee simple by public auction and until and unless such direction be given such allotment and lands shall and may be leased in the manner in this subdivision of this Part provided.

Motion made—That the words “three years,” occurring in the fourth line of the above clause, be omitted, with the view of inserting the words “one year.”—(*Hon. T. H. Fellows.*)

Question—That the words proposed to be omitted stand part of the clause—put.
Committee divided.

Contents, 6.
The Hon. W. H. Pettett
J. Lowe
C. J. Jenner
J. McCrae
M. Hervey
G. W. Cole (*Teller*).

Not Contents, 19.
The Hon. N. Black
S. G. Henty
H. M. Murphy
W. Taylor
W. Degraes
J. P. Bear
W. Campbell
T. T. a'Beckett
N. Fitzgerald
H. Miller
W. Hull
W. Highett
B. Williams
A. Fraser
W. H. F. Mitchell
T. H. Fellows
J. Henty
J. P. Fawkner
C. Sladen (*Teller*).

No. 2.—LAND ACT 1862 AMENDMENT BILL.—Clause 21.—If the Board of Land and Works shall make entry upon any allotment for breach of any of the provisions of this Act or of any condition or covenant of any lease or if any lands in a proclaimed area shall remain open for selection purchase or leasing for any time not less than three years and shall not during such time be selected or purchased or leased the Governor in Council

may direct that such allotment or such lands or any portion thereof not exceeding "two" hundred thousand acres in the whole in any one year shall be sold in fee simple by public auction and until and unless such direction be given such allotment and lands shall and may be leased in the manner in this subdivision of this Part provided.

Motion made and question put—That the word "two" occurring in the sixth line of the above clause be omitted, with the view of inserting the word "five."

Question—put and passed.

Motion made—That the word "five" be inserted in lieu of the word "two."—(*Hon. T. H. Fellows.*)

Question—That the word proposed to be inserted be so inserted.

Committee divided.

Contents, 15.
The Hon. C. Sladen
S. G. Henty
W. Hull
J. P. Bear
H. M. Murphy
W. H. F. Mitchell
T. H. Fellows
W. Campbell
J. P. Fawkner
W. Taylor
W. Degraives
B. Williams
W. Highett
N. Fitzgerald
N. Black (*Teller*).

Not Contents, 10.
The Hon. J. Lowe
M. Hervey
G. W. Cole
C. J. Jenner
H. Miller
T. T. a'Beckett
A. Fraser
W. H. Pettett
J. Henty
J. McCrae (*Teller*).

WEDNESDAY, 8TH FEBRUARY, 1865.

No. 3.—LAND ACT 1862 AMENDMENT BILL.—Clause 23.—The selector or purchaser of an allotment and the purchaser of any land under "The Land Act 1862" and the selector and lessee and assigns of an allotment and the purchaser of any land under this Act and the person or persons in whom the interest or any part thereof of any such selector or lessee or purchaser may at any time become vested shall have all the rights as against trespassers which at law belong to the owner in possession of any land except the right of impounding and shall have the said last-mentioned right when and so soon as the allotment or the land or such part of the allotment or land respectively as shall be trespassed upon shall have been enclosed with a substantial "fence" but not before. If any person shall erect or cause to be erected any fence on or across any proclaimed road or without the consent of the Board of Land and Works which consent shall be published in the *Government Gazette* on or across any land reserved for a road he shall forfeit and pay on conviction a penalty of not less than two pounds nor more than ten pounds.

Motion made—That the words "or other impediment" be inserted after the word "fence" in the ninth line of the above clause.—(*Hon. J. P. Fawkner.*)

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

Committee divided.

Contents, 7.
The Hon. G. W. Cole
W. H. Pettett
J. Lowe
C. J. Jenner
J. P. Fawkner
C. Sladen
T. T. a'Beckett (*Teller*).

Not Contents, 18.
The Hon. T. H. Fellows
W. H. F. Mitchell
N. Black
W. J. T. Clarke
W. Degraives
W. Campbell
S. G. Henty
J. P. Bear
W. Highett
H. Miller
N. Fitzgerald
H. M. Murphy
W. Hull
J. F. Strachan
A. Fraser
J. McCrae
J. Henty
W. Taylor (*Teller*).

VICTORIA.

LEGISLATIVE COUNCIL.

SESSION 1864-5.

WEEKLY REPORT OF DIVISIONS

IN

COMMITTEE OF THE WHOLE COUNCIL.

No. 2.

Extracted from the Minutes.

TUESDAY, 14TH FEBRUARY, 1865.

No. 1.—LAND ACT 1862 AMENDMENT BILL.—Clause 7.—Persons who had before the passing of this Act become entitled under the twenty-third and twenty-fourth or the thirty-third or thirty-fourth sections respectively of “*The Land Act 1862*” to select or purchase land within twelve months from the date of the said Act and the executors administrators and assigns of such person may subject to all the limitations conditions and obligations attached by the said Act to such selection or purchase exercise the said right of selection or purchase upon making application to the Board of Land and Works at any time within twelve months after the passing of this Act and upon publication in the *Government Gazette* of the allowance by the Board of such application Provided that nothing herein contained shall apply to any person who had previously to the passing of this Act exercised the right of selection or purchase under the said sections or any of them Provided also that the Board of Land and Works may from time to time make such regulations as may be thought necessary or expedient for the purpose of enforcing the conditions and obligations aforesaid or of preventing the violation or evasion of any of the provisions of “*The Land Act 1862*” Provided also that any person entitled under sections twenty-three and twenty-four of “*The Land Act 1862*” to select an allotment and the executors administrators and assigns of such person may with the consent in writing of the Board of Land and Works select land exceeding in extent by not more than five acres the land of which such person is or has been seised and which is set forth in the certificate upon payment of a price to be fixed by the Board for the land so in excess of the land set forth in the certificate Provided also that the person so entitled and the executors administrators or assigns of such person may by endorsement on the certificate signed by such person and approved by the Board under its seal waive his or their said right of selection and thereupon and in lieu of such right the certificate shall be treated as equivalent to the sum of four shillings for each acre of land of which such person is or has been seised and which is set forth in the certificate towards the purchase money of any Crown land thereafter purchased by such person or persons at any sale by public auction of Crown lands.

Motion made—That the words “Provided also that all persons from the time of the passing of the Land Act of 1862 entitled to receive certificates shall be entitled to receive the same within three months after the passing of this Act” be inserted at the end of the clause.—(*Hon. J. Lowe.*)

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

Committee divided.

Contents, 18.	Not Contents, 6.
The Hon. C. Sladen	The Hon. W. Taylor
J. F. Strachan	N. Black
W. J. T. Clarke	M. Hervey
B. Williams	H. Miller
J. Lowe	T. H. Fellows
J. P. Bear	T. T. a'Beckett (<i>Teller</i>).
N. Fitzgerald	
H. M. Murphy	
C. J. Jenner	
J. Henty	
W. Degraives	
W. H. Pettett	
A. Fraser	
J. McCrae	
W. Highett	
J. P. Fawkner	
G. W. Cole	
W. H. F. Mitchell (<i>Teller</i>).	

No. 2.—LAND ACT 1862 AMENDMENT BILL.—Proposed New Clause C.—It shall be lawful for any two justices upon the complaint of any person that any lease granted under “*The Land Act 1862*” or this Act has been forfeited to determine such complaint in a summary way and if it shall appear to such justices that such lease has been forfeited it shall be lawful for them to issue a warrant under their hands and seals for giving possession of the land comprised in such lease to the complainant in like manner as in cases between landlord and tenant under any Act now or hereafter to be in force for the recovery in a summary way of possession of tenements after due determination of the tenancy and thereupon such complainant shall be deemed to be the assignee of such lease and shall be subject as such to all the provisions of this Act.

Motion made and question put—That the above clause stand part of the Bill.—(*Hon. T. H. Fellows.*)

Committee divided.

Contents, 10.	Not Contents, 12.
The Hon. J. F. Strachan	The Hon. W. Taylor
W. H. F. Mitchell	C. Sladen
W. J. T. Clarke	N. Black
T. H. Fellows	C. J. Jenner
H. M. Murphy	T. T. a'Beckett
N. Fitzgerald	J. Lowe
W. Highett	W. H. Pettett
W. Degraives	A. Fraser
B. Williams	J. Henty
J. P. Bear (<i>Teller</i>).	J. McCrae
	J. P. Fawkner
	M. Hervey (<i>Teller</i>).

No. 3.—LAND ACT 1862 AMENDMENT BILL.—Clause 23.—The selector or purchaser of an allotment and the purchaser of any land under “*The Land Act 1862*” and the selector and lessee and assigns of an allotment and the purchaser of any land under this Act and the person or persons in whom the interest or any part thereof of any such selector or lessee or purchaser may at any time become vested shall have all the rights as against trespassers which at law belong to the owner in possession of any land except the right of impounding and shall have the said last-mentioned right when and so soon as the allotment or the land or such part of the allotment or land respectively as shall be trespassed upon shall have been enclosed with a substantial fence but not before If any person shall erect or cause to be erected any fence on or across any proclaimed road “*or without the consent of the Board of Land and Works which consent shall be published in the Government Gazette on or across any land reserved for a road*” he shall forfeit and pay on conviction a penalty of not less than two pounds nor more than ten pounds.

Motion made—That the words “*or without the consent of the Board of Land and Works which consent shall be published in the Government Gazette on or across any land reserved for a road,*” occurring in the eleventh and twelfth lines of the above clause, be omitted.—(Hon T. H. Fellows.)

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

Committee divided.

Contents, 9.

The Hon. M. Hervey
T. T. a'Beckett
J. Lowe
W. H. Pettett
C. J. Jenner
J. McCrae
A. Fraser
J. P. Fawkner
J. Henty (*Teller*).

Not Contents, 11.

The Hon. N. Black
C. Sladen
W. Taylor
W. Degraives
H. M. Murphy
N. Fitzgerald
W. Highett
J. P. Bear
J. F. Strachan
T. H. Fellows
W. H. F. Mitchell (*Teller*).

No. 4.—LAND ACT 1862 AMENDMENT BILL.—Clause 29.—The word “allotment” whenever the same is used in “*The Land Act 1862*” or this Act shall be taken to mean either one surveyed allotment in any proclaimed area or two or more surveyed allotments in such area adjoining each other and not exceeding in the whole six hundred and forty acres and not embracing more than one mile of frontage to any lake lagoon river stream or watercourse forming a boundary of such allotment measured in a right line from one extreme point of the same to the other and which shall be applied for at one time by any selector or purchaser under “*The Land Act 1862*” and this Act or by any applicant for a lease under this Act The words “substantial and permanent improvements” hereinbefore and in any lease to be granted under the provisions aforesaid mentioned shall mean and include “*cultivation*” fencing clearing or draining of an allotment and the making of dams wells or reservoirs or of a habitable dwelling or farm or other buildings upon and permanently attached to the soil of such allotment.

Motion made—That the word “*cultivation,*” occurring in the eleventh line of the above clause, be omitted.—(Hon. T. H. Fellows.)

Question—That the word proposed to be omitted stand part of the Bill—put.

Committee divided.

Contents 9.

The Hon. M. Hervey
J. Henty
W. H. Pettett
C. J. Jenner
N. Fitzgerald
J. McCrae
J. Lowe
J. P. Fawkner
T. T. a'Beckett (*Teller*).

Not Contents 9.

The Hon. C. Sladen
N. Black
W. Taylor
W. Degraives
W. Highett
J. P. Bear
J. F. Strachan
T. H. Fellows
W. H. F. Mitchell (*Teller*).

The Tellers having declared that the numbers for the Contents and for the Not Contents were respectively nine, or equal, the Chairman gave his vote with the Not Contents.

No. 5.—LAND ACT 1862 AMENDMENT BILL.—Clause 39.—The Governor in Council may make and proclaim reserves for the preservation and growth of timber and may from time to time alter and revoke any such proclamation and the Board of Land and Works may issue licenses to cut timber upon such reserve or of any part thereof on such terms and conditions and subject to the payment of such license fee as shall from time to time be approved of by the Governor in Council and be set forth in such license.

Motion made and question put—That the above clause stand part of the Bill.

Committee divided.

Contents 10.

The Hon. M. Hervey
J. Henty
W. H. Pettett
C. J. Jenner
W. Highett
N. Fitzgerald
J. McCrae
J. P. Fawkner
J. Lowe
T. T. a'Beckett (*Teller*).

Not Contents 8.

The Hon. C. Sladen
N. Black
W. Taylor
W. Degraives
J. P. Bear
J. F. Strachan
T. H. Fellows
W. H. F. Mitchell (*Teller*).

No. 6.—LAND ACT 1862 AMENDMENT BILL.—Clause 48.—When a common is diminished altered or abolished by the Governor in Council under the provisions of the seventy-seventh section of “*The Land Act 1862*” or of this Act the lands so ceasing to be or to be included in a common “*may*” be disposed of in such manner as the Governor in Council shall direct. The Governor in Council may from time to time increase diminish alter or abolish any common heretofore or hereafter to be proclaimed or re-proclaimed and may from time to time re-proclaim the whole or any part of any such common for any of the purposes and subject to the provisions of “*The Land Act 1862*” and this Act. The proclamation or the re-proclamation of any common shall be and be deemed to operate as an absolute revocation of any license to occupy for pastoral purposes the portion of any run so proclaimed or re-proclaimed. Provided that the portion of any run so re-proclaimed shall not be deemed to be proclaimed a common within the meaning of the one hundred and ninth section of “*The Land Act 1862*.”

Motion made—That, after the word “*may*,” occurring in the fourth line of the above clause, the following words be inserted: “(if the occupier of the run upon which such common shall have been proclaimed shall not on notice thereof to him from the Board of Land and Works elect to occupy the same)”.—(Hon. T. H. Fellows.)

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

Committee divided.

Contents 11.

The Hon. C. Sladen
 T. T. a'Beckett
 N. Black
 W. Taylor
 J. F. Strachan
 J. Lowe
 J. P. Bear
 W. Highett
 T. H. Fellows
 W. Degraives
 W. H. F. Mitchell (*Teller*).

Not Contents 5.

The Hon. J. McCrae
 N. Fitzgerald
 W. H. Pettett
 J. P. Fawkner
 C. J. Jenner (*Teller*).

VICTORIA.

LEGISLATIVE COUNCIL.

SESSION 1864-5.

WEEKLY REPORT OF DIVISIONS

IN

COMMITTEE OF THE WHOLE COUNCIL.

No. 3.

Extracted from the Minutes.

TUESDAY, 21ST FEBRUARY, 1865.

No. 1.—LAND ACT 1862 AMENDMENT BILL.—Clause 30.—The thirty-ninth and the “*forty-sixth*” and forty-seventh sections of “*The Land Act 1862*” shall be and the same are hereby repealed. All lands of the Crown in Victoria wherever situated (except such as are by this or by the preceding subdivision excepted) may and shall be sold subject to such covenants conditions exceptions and reservations as the Governor in Council may direct in fee simple by public auction at an upset price of one pound for each acre or at such higher upset price as the Governor in Council may direct and no such lands shall be sold otherwise except as herein or in the unrepealed portion of Part II. Subdivision (2) of “*The Land Act 1862*” provided.

Motion made—That, before the words “*forty-sixth*,” in the first and second lines of the above clause, the following words be inserted: “*forty-first and*.”—(Hon. T. H. Fellows.)

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

Committee divided.

Contents, 18.

The Hon. W. J. T. Clarke
 W. Taylor
 J. F. Strachan
 T. H. Fellows
 W. H. Pettett
 J. Lowe
 S. G. Henty
 T. T. a'Beckett
 B. Williams
 A. Fraser
 N. Black
 W. Highett
 N. Fitzgerald
 H. M. Murphy
 W. Degraives
 W. Hull
 C. Sladen
 W. H. F. Mitchell (*Teller*).

Not Contents, 4.

The Hon. H. Miller
 J. P. Bear
 J. McCrae
 G. W. Cole (*Teller*).

No. 2.—LAND ACT 1862 AMENDMENT BILL.—Proposed New Clause F.—Any person may at any time apply to the Board of Land and Works to cause to be surveyed and proclaimed for sale by auction in fee simple in allotments not exceeding five thousand acres each any lands not delineated in the map mentioned in the twelfth section of “*The Land Act 1862*” hereinafter called “lands in the white” and which are not auriferous or known to contain valuable metals or minerals and which are not required for any of the purposes mentioned in the fifth section of “*The Land Act 1862*” and the Board of Land and Works shall forthwith cause the lands in the locality indicated in such application according to the acreage applied for by such applicant hereinafter called “applicant in the white” if the same be not already surveyed to be surveyed in allotments of the size required by such applicant not exceeding the area aforesaid and proclaimed for sale by auction as aforesaid and such survey shall be completed within two months from the time of such application being made and the sale thereof shall take place not sooner than four nor later than six months from the time of such application and a proclamation shall be published in the *Government Gazette* at least three months before the day of sale stating the locality in which such land is situate the area number and description of the allotments for sale the upset price per acre and the time and place at which such sale shall be held.

Motion made and question put—That the above clause stand part of the Bill.—(*Hon. C. Sladen.*)

Committee divided.

Contents 11.

The Hon. C. Sladen
 J. F. Strachan
 W. H. F. Mitchell
 W. J. T. Clarke
 J. P. Bear
 N. Black
 W. Highett
 W. Hull
 H. M. Murphy
 T. H. Fellows
 N. Fitzgerald (*Teller*).

Not Contents 8.

The Hon. G. W. Cole
 J. Lowe
 H. Miller
 W. Degraives
 A. Fraser
 W. Taylor
 W. H. Pettett
 M. Hervey (*Teller*).

VICTORIA.

LEGISLATIVE COUNCIL:

SESSION 1864-5.

WEEKLY REPORT OF DIVISIONS

IN

COMMITTEE OF THE WHOLE COUNCIL.

No. 4.

Extracted from the Minutes.

WEDNESDAY, 29TH MARCH, 1865.

ELECTORAL LAW CONSOLIDATION BILL.—Clause 93.—The returning “*officer*” shall preside and take the poll at some one booth of such polling place within the province or district as he shall see fit and such polling place shall be deemed the principal polling place and he shall by writing under his hand appoint a deputy to act for him and take the poll at each of the other booths of the several polling places and may also in like manner appoint one or more persons to be poll clerks and assist himself and his several deputies in taking the poll as he may see fit.

Motion made and question put—That the words “*or his substitute*” be inserted after the word “*officer*” in the first line of the above clause.—(*Hon. W. Highett.*)

Committee divided.

Contents 9.

The Hon. J. Lowe
 W. Hull
 H. Miller
 W. Highett
 J. P. Bear
 B. Williams
 W. H. Pettett
 J. P. Fawcner
 C. J. Jenner (*Teller*).

Not Contents, 10.

The Hon. T. H. Fellows
 M. Hervey
 H. M. Murphy
 W. J. T. Clarke
 W. Degraives
 J. F. Strachan
 J. McCrae
 A. Fraser
 C. Sladen
 W. Campbell (*Teller*).

VICTORIA.

LEGISLATIVE COUNCIL.

SESSION 1864-5.

WEEKLY REPORT OF DIVISIONS

IN

COMMITTEE OF THE WHOLE COUNCIL.

No. 5.

Extracted from the Minutes.

THURSDAY, 11TH MAY, 1865.

FENCING BILL.—Clause 10.—It shall be lawful for the owner of any land who shall have erected his proportion of any dividing fence if the land of such owner shall be otherwise sufficiently enclosed by a substantial fence or partly by a substantial fence and partly by a sufficient natural boundary to impound any cattle which shall be trespassing upon such land.

Motion made and question put—That the above clause stand part of the Bill.—(*Hon. C. Sladen.*)

Committee divided.

Contents 6.

The Hon. H. M. Murphy
W. Degrares
J. P. Bear
N. Fitzgerald
C. Sladen
J. Lowe (*Teller*).

Not Contents, 10.

The Hon. T. H. Fellows
W. H. F. Mitchell
S. G. Henty
W. Campbell
G. W. Cole
W. Highett
H. Miller
J. McCrae
W. H. Pettett
W. Taylor (*Teller*).

VICTORIA.

LEGISLATIVE COUNCIL.

SESSION 1864-5.

WEEKLY REPORT OF DIVISIONS
IN
COMMITTEE OF THE WHOLE COUNCIL.

No. 6.

Extracted from the Minutes.

TUESDAY, 23RD MAY, 1865.

FENCING LAW AMENDMENT BILL.—Clause III.—Any owner of land (hereinafter called “owner” as distinguished from “adjoining owner”) may require the owner of any adjoining land (hereinafter called “adjoining owner”) to assist in equal proportion with such owner in erecting a substantial fence on the dividing line between such lands (hereinafter called “dividing fence”) where no sufficient fence shall then exist by serving upon such adjoining owner a notice in writing in the form set forth in the First Schedule to this Act or to the like effect stating that such owner is about to erect a substantial fence on his portion of the said dividing line as specified in such notice and also stating the description of fence he is about to erect and if within one month from such service of such notice such adjoining owner should not by writing under his hand served upon such owner object to his so erecting such proportion of fence such owner may erect such proportion of fence accordingly and if such adjoining owner should fail for six months from the service on him of such notice as aforesaid to erect and complete a substantial fence on the remainder of the said dividing line such owner as soon as he shall have erected and completed his said proportion of such dividing fence may erect and complete for such adjoining owner such remainder of such dividing fence or so much thereof as shall not then be completed and for that purpose if he should think proper so to do cut dig and take from such land of such adjoining owner all such indigenous timber and trees (except such as shall have been planted and preserved for ornament) and other materials as may be deemed useful for such fence and such owner or any contractor or servant or workman employed by him shall not be deemed a trespasser or otherwise responsible for any necessary act done or committed by him therein and all the cost and expense of so erecting and completing such remainder of such dividing fence shall be recoverable in any court of competent jurisdiction from the adjoining owner for the time being and in the meantime and until such costs and expense shall be paid they shall be a charge upon such land of such adjoining owner “*in priority to every charge theretofore created or thereafter to be created by law or otherwise thereon*” Provided always that no such owner as aforesaid shall erect as such dividing fence as aforesaid for such adjoining owner any more expensive fence than the best description of substantial fence commonly in use in the neighborhood.

Motion made—That the words “*in priority to every charge theretofore created or thereafter to be created by law or otherwise thereon,*” occurring in the twenty-sixth and twenty-seventh lines of the above clause, be omitted.—(Hon. W. Highett.)

Question—That the words proposed to be omitted stand part of the Bill—put.
Committee divided.

Contents, 11.
The Hon. T. H. Fellows
W. Campbell
J. Lowe
W. H. F. Mitchell
S. G. Henty
N. Fitzgerald
W. Degraives
H. M. Murphy
J. P. Fawkner
C. Sladen
W. Taylor (Teller).

Not Contents, 7.
The Hon. W. H. Pettett
W. Highett
J. F. Strachan
H. Miller
J. P. Bear
J. McCrae
W. J. T. Clarke (Teller).

VICTORIA.

LEGISLATIVE COUNCIL.

SESSION 1864-5.

WEEKLY REPORT OF DIVISIONS
IN
COMMITTEE OF THE WHOLE COUNCIL.

No. 7.

Extracted from the Minutes.

THURSDAY, 22ND JUNE, 1865.

No. 1.—MINING LAW AMENDMENT BILL.—Clause 4.—It shall be lawful for the Governor in Council to cause documents to be issued each of which shall be called a "Miner's Right" and which shall be in force for any number of years not exceeding fifteen and any such document shall be granted to any person applying for the same upon payment of a sum at the rate of "five" shillings for every year for which the same is to be in force. It shall also be lawful for the Governor in Council to cause other documents to be issued each to be called a "Consolidated Miner's Right" and to be in force for any number of years not exceeding fifteen and any such last-mentioned document shall on the application of the manager of any company of persons who shall have agreed to work in partnership any claim or claims registered under the provisions hereof be granted to such manager on behalf of the persons who shall from time to time be members of such company and shall during its continuance be held by the manager for the time being of such company on behalf of such last-mentioned persons and shall be in lieu of and represent and be of the same force and effect as a number of miners' rights granted for the same period of time equal to the number of miners' rights by virtue of which the said claim or claims shall have originally been taken possession of and the same shall be granted to any person so applying on payment of a sum at the rate aforesaid multiplied by the number of miners' rights which the same is to represent and every such document shall be dated of the day and at the place of the issuing thereof and shall state the number of years for which it is to be in force and contain the christian name and surname and the residence of in case of a miner's right the person in whose favor the same shall be issued and in case of a consolidated miner's right the manager to whom and the name of the company on whose behalf the same shall be issued and every such miner's right shall be in the form in the first part of the second schedule to this Act and every such consolidated miner's right shall be in the form in the second part of the said schedule. Provided that the term "miner's right" where it occurs throughout this Act shall unless inconsistent with the context be taken to mean and include a consolidated miner's right. Provided that when any such consolidated miner's right shall be granted the miners' rights of the persons in whose behalf the same shall be granted shall be retained by them and such persons shall be respectively deemed holders of miners' rights within the meaning of this Act.

Motion made—That the word "five," in the fifth line of the above clause, be struck out, with a view to insert the word "twenty."—(Hon. T. H. Fellows.)

Question—That the word proposed to be omitted stand part of the clause—put.

Committee divided.

Contents, 4.
The Hon. C. J. Jenner
N. Fitzgerald
M. Hervey
J. McCrae (Teller).

Not Contents, 11.
The Hon. C. Sladen
W. Taylor
W. H. F. Mitchell
W. Degraives
J. P. Bear
W. Highett
J. F. Strachan
J. P. Fawkner
B. Williams
A. Fraser
T. H. Fellows (Teller).

FRIDAY, 23RD JUNE, 1865.

No. 2.—MINING LAW AMENDMENT BILL.—Clause 53.—There shall be paid annually out of the consolidated revenue to every mining board the sum of five hundred pounds by two equal instalments to be paid respectively at the expiration of six and twelve months after each general election under this Act and such sum shall be apportioned amongst the members of such board according to some scale to be from time to time adopted by the said board and approved by the Treasurer of the colony for the time being Provided always that no person shall be entitled to receive any part of any such instalment who shall have resigned his seat as a member of the said board or whose seat at such board shall become vacant under any of the provisions hereof before such instalment shall become payable.

Motion made and question put—That this clause stand part of the Bill.—(*Hon. M. Hervey.*)

Committee divided.

Contents, 5.
The Hon. M. Hervey
G. W. Cole
J. McCrae
N. Fitzgerald
C. J. Jenner (*Teller*).

Not Contents, 11.
The Hon. T. H. Fellows
W. H. F. Mitchell
W. Campbell
W. J. T. Clarke
J. P. Bear
W. Degraives
W. Highett
J. P. Fawkner
H. M. Murphy
H. Miller
C. Sladen (*Teller*).

No. 3.—MINING LAW AMENDMENT BILL.—Clause 82.—There shall be a Chief Judge of Courts of Mines who shall and may be appointed by the Governor in Council and who shall be a judge of the Supreme Court of Victoria and the judge so appointed shall notwithstanding any law to the contrary act as such Chief Judge and shall hold a court in Melbourne or at such other place within the colony as the Governor in Council shall from time to time appoint to be called the Court of the Chief Judge of Courts of Mines and shall have the jurisdiction hereinafter conferred upon him And such court shall be a court of record and have such power to commit for contempt as the Supreme Court now has and shall have a seal And all barristers attorneys and solicitors now or hereafter to be entitled to practise in the Supreme Court of the said colony shall be entitled to practise in the court of the said Chief Judge and the said last-mentioned court shall hold its sittings at such times as the said Chief Judge shall from time to time appoint and shall have for its officers the persons who shall from time to time be officers of the said Supreme Court in its equity jurisdiction and who shall perform as such officers of the court of the said Chief Judge all such duties as shall be analogous to the duties performed by them as officers of the Supreme Court in its equity jurisdiction and the said court of the said Chief Judge shall have the same powers in respect of such officers as the said Supreme Court in its equity jurisdiction now has in respect of its officers in such jurisdiction And the said Chief Judge shall have power from time to time to make general rules not inconsistent with anything herein contained for regulating the forms and mode of proceeding in his court and for the practice of the same and for the government and conduct of the officers thereof and such rules from time to time to revoke and vary and others to substitute in their place and every such rule and alteration or amendment thereof shall be published in the *Government Gazette* and at the expiration of twenty-one days from the date of such publication shall come into operation and every such rule alteration or amendment shall be laid before both houses of Parliament within fourteen days after the making thereof respectively if Parliament be sitting and if Parliament be not sitting then within fourteen days after the then next meeting of Parliament and in case of the death resignation or removal of any such Chief Judge or any other Chief Judge appointed under this Act it shall be lawful for the Governor in Council to appoint some other judge of the Supreme Court to be Chief Judge in the stead of the Chief Judge who shall have so died resigned or been removed.

Motion made and question put—That the above clause stand part of the Bill.—(*Hon. M. Hervey.*)

Committee divided.

Contents, 4.
The Hon. M. Hervey
N. Fitzgerald
A. Fraser
C. J. Jenner (*Teller*).

Not Contents, 9.
The Hon. W. H. F. Mitchell
T. H. Fellows
C. Sladen
H. M. Murphy
J. P. Fawkner
J. P. Bear
W. Degraives
W. Highett
W. Campbell (*Teller*).

VICTORIA.

LEGISLATIVE COUNCIL.

SESSION 1864-5.

WEEKLY REPORT OF DIVISIONS

IN

COMMITTEE OF THE WHOLE COUNCIL.

No. 8.

Extracted from the Minutes.

TUESDAY, 27TH JUNE, 1865.

MINING LAW AMENDMENT BILL.—Clause 109.—On every such plaint there shall be endorsed in writing a summons directed to the defendant or defendants by name or names which summons shall state whether the plaintiff or plaintiffs is or are proceeding in person or by attorney "*or counsel*" and every such summons shall in the case of a suit to be prosecuted without written pleadings be in the form in the Tenth Schedule to this Act and shall require the defendant to appear in the Court of Mines at the place where the summons shall be sealed as hereinafter directed and on the day on which the court shall first sit at that place next after the expiration of fifteen days from the day of the service of such summons to answer the said plaint and every such summons shall in the case of a suit to be prosecuted with written pleadings be in the form in the Eleventh Schedule to this Act and shall require the defendant within such number of days after service on him of such summons as shall be directed by any such general rules as aforesaid to deliver an answer to the plaint of the plaintiffs.

Motion made—That the words "*or counsel*," occurring in the fourth line of the above clause, be omitted.—(*Hon. T. H. Fellows.*)

Question—That the words proposed to be omitted stand part of the Bill—put.
Committee divided.

Contents, 6.
The Hon. W. Campbell
C. J. Jenner
A. Fraser
G. W. Cole
M. Hervey
J. Lowe (*Teller*).

Not Contents, 6.
The Hon. W. Taylor
T. H. Fellows
W. Degraives
H. M. Murphy
W. Highett
C. Sladen (*Teller*).

VICTORIA.

LEGISLATIVE COUNCIL.

SESSION 1864-5.

WEEKLY REPORT OF DIVISIONS
IN
COMMITTEE OF THE WHOLE COUNCIL.

No. 9.

Extracted from the Minutes.

THURSDAY, 20TH JULY, 1865.

PUBLIC LOAN BILL.—Clause 2.—It shall be lawful for the Governor in Council from time to time or at any time to cause to be made out and issued debentures secured upon the consolidated revenue of Victoria for such sum or sums of money not exceeding eight hundred and fifty thousand pounds sterling in the whole as may be required for all or any of the several purposes hereinafter more particularly expressed (that is to say)—

- (1.) For completing the construction of the State railways.
- (2.) For the purchase of arms guns and ammunition and the erection building furnishing and equipment of works forts and ships and the providing of all other things necessary or useful for the defence of the Colony of Victoria against invasion or attack in time of war.

Motion made and question put—That this clause be postponed.—(*Hon. J. P. Fawcner.*)
Committee divided.

Contents, 7.
The Hon. W. J. T. Clarke
J. P. Fawcner
J. F. Strachan
A. Fraser
S. G. Henty
H. M. Murphy
C. Sladen (*Teller*).

Not Contents, 10.
The Hon. W. H. Pettett
W. Taylor
W. Campbell
N. Black
M. Hervey
C. J. Jenner
G. W. Cole
W. Degraives
J. P. Bear
J. Lowe (*Teller*).

1864-5.
 VICTORIA.

LEGISLATIVE COUNCIL ELECTIONS.

RETURN TO AN ORDER OF THE LEGISLATIVE COUNCIL.
 THE HONORABLE W. CAMPBELL.—20TH DECEMBER, 1864.

LAI D UPON THE COUNCIL TABLE BY THE HONORABLE M. HERVEY, 24TH JANUARY, 1865,
 AND ORDERED BY THE COUNCIL TO BE PRINTED, 31ST JANUARY, 1865.

A RETURN of the Number of Elections, Number of Candidates, Number of Votes polled for each Candidate, and Total Number of Votes polled at each Election for the Legislative Council from 1856 to 1864, inclusive.

Date of Writ.	Number of Elections.	Provinces.	Candidates.	Votes polled		Total Number of Voters at each Election.*
				For each Candidate.	Total at each Election.	
1856. August 5	1	CENTRAL ...	John Hodgson ... J. P. Fawkner ... Henry Miller ... John Hood ... N. Guthridge ... John Thomas Smith ... Thos. Turner a'Beckett ... Thos. Howard Fellows ... David Elliot Wilkie ... James Mayne ...	1,204 1,196 863 736 689 688 598 597 516 439	7,526	1,947
1858. March 12	2	Ditto ...	Henry Miller ...	No Poll.		
April 28	3	Ditto ...	Thos. Howard Fellows ... *Thomas Turner a'Beckett ...	*301 *301	*602	602
August 31	4	Ditto ...	Thos. Turner a'Beckett ... David E. Wilkie ...	1,038 617	1,655	1,655
1859. September 14	5	Ditto ...	George Ward Cole ...	No Poll.		
1860. August 30	6	Ditto ...	William Hull ... *John Pinney Bear ...	*1,160 *938	*2,098	2,098
August 31	7	Ditto ...	George Ward Cole ...	No Poll.		
1862. September 1	8	Ditto ...	Thos. H. Fellows ...	No Poll.		
1864. August 31	9	Ditto ...	J. P. Fawkner ...	No Poll.		
1856. August 5	1	SOUTH ...	Donald Kennedy ... Thos. H. Power... Wm. J. T. Clarke ... Thos. McCombie ... John B. Bennett ... Andrew Russell ... John Carre Riddell ... George Sherwin ... Michael Barry ...	645 513 490 460 447 315 312 242 77	3,501	1,000
1858. September 4	2	Ditto ...	John Barter Bennett ... Jas. Stewart Johnston ...	545 385	930	930

RETURN of the Number of Elections, Number of Candidates, &c.—*continued.*

Date of Writ.	Number of Elections.	Provinces.	Candidates.	Votes polled		Total Number of Voters at each Election.*
				For each Candidate.	Total at each Election.	
1859. October 21	3	SOUTH ...	Gideon Rutherford ...	No Poll.		
1860. September 4	4	Ditto ...	W. Degraives ...	No Poll.		
1861. January 7	5	Ditto ...	J. Sutherland ...	No Poll.		
1862. September 4	6	Ditto ...	W. J. T. Clarke ... Thos. Embling ...	*638 *202	*840	840
1863. May 7	7	Ditto ...	J. P. Bear ... Patrick O'Brien ...	912 284	1,196	1,196
1864. March 3	8	Ditto ...	William Taylor ...	626		
September 5	9	Ditto ...	John Mackenzie ... Wm. Henry Pettett ... Thomas H. Power ...	308 616 388	934 1,004	934 1,004
1856. August 5	1	SOUTH WESTERN	J. F. Strachan ... Robert C. Hope... James Henty ... William Roope ... J. Cowie ... Robert Wm. Pohlman ...	716 697 613 555 438 *418	3,433	845
1858. September 13	2	Ditto ...	G. S. Coppin ... *James Cowie ...	*455 *434	*889	889
1860. September 13	3	Ditto ...	J. McCrae ... *William C. Haines ...	*349 *267	*616	616
1862. September 12	4	Ditto ...	James Henty ...	No Poll.		
1863. February 19	5	Ditto ...	Caleb Joshua Jenner ... *C. J. Griffiths ...	*648 *414	*1,062	1,062
1864. September 12	6	Ditto ...	John Lowe ... Robert C. Hope.	663 176	839	839
1856. August 5	1	WESTERN ...	S. G. Henty ... A. R. Cruikshank ... D. J. Tierney ... J. F. Palmer ... C. Vaughan ... J. Wilson ...	377 311 237 234 225 147	1,531	541
1858. March 1	2	Ditto ...	Henry Miller ... *Francis Henty ...	*357 *111	*468	468
June 7	3	Ditto ...	D. J. Tierney ...	No Poll.		
September 20	4	Ditto ...	Charles Vaughan ... Niel Black ...	336 301	637	637
1859. January 25	5	Ditto ...	Niel Black ... William Lane ...	*487 *227	*714	714
1860. September 20	6	Ditto ...	Sir J. F. Palmer	No Poll.		
1862. September 19	7	Ditto ...	Niel Black ...	No Poll.		
1864. June 24	8	Ditto ...	Charles Sladen ...	No Poll.		
September 19	9	Ditto ...	Henry Miller ...	No Poll.		
1856. August 5	1	NORTH WESTERN	John Allan ... D. P. Keogh ... George Urquhart ... John H. Patterson ... Wm. Hy. F. Mitchell ... Hector N. Simson ... Pearson Thompson ... Henry Miller ...	334 334 332 328 268 246 228 74	2,144	682

RETURN of the Number of Elections, Number of Candidates, &c.—*continued.*

Date of Writ.	Number of Elections.	Provinces.	Candidates.	Votes polled		Total Number of Voters at each Election.*
				For each Candidate.	Total at each Election.	
1857. May 1	2	NORTH WESTERN	W. Hy. F. Mitchell ... H. N. Simson ...	317 262	579	579
1858. August 2	3	Ditto ...	Alexander Fraser ... David E. Wilkie ... Richard Capper ...	336 289 20	645	645
October 2	4	Ditto ...	David E. Wilkie ... W. H. F. Mitchell ...	512 459	971	971
1859. July 5	5	Ditto ...	W. H. F. Mitchell ... Maurice T. McDonough...	525 31	556	556
1860. March 22	6	Ditto ...	George Rolfe ... William Aberdeen ...	424 144	568	568
April 16	7	Ditto ...	Francis Robertson ... William Aberdeen ... Brice Frederick Bunny ... Nathaniel Harris ...	789 2 35 342	1,168	1,168
October 2	8	Ditto ...	W. H. F. Mitchell ...	No Poll.		
1861. December 30	9	Ditto ...	W. H. F. Mitchell ...	No Poll.		
1862. October 2	10	Ditto ...	William Campbell ... George Rolfe ...	819 512	1,331	1,331
1864. October 3	11	Ditto ...	Nicholas Fitzgerald ... Alexr. Bayne ... Francis Robertson ...	696 630 357	1,683	1,683
1856. August 5	1	EASTERN ...	Matthew Hervey ... James Stewart ... Robert Thomson ... William Kaye ... Benjamin Williams ... William Highett ... Joseph Anderson ... James Denham Pinnock ...	151 133 124 99 95 *57 *56 *56	*771	232
1857. March 27	2	Ditto ...	William Highett ... John Gemmell ...	*79 *60	*139	139
1858. September 25	3	Ditto ...	Benjn. Williams ... *Wm. Pearson ...	163 *129	*292	292
1860. September 25	4	Ditto ...	William Highett ...	No Poll.		
1862. September 25	5	Ditto ...	Robert Thomson ...	No Poll.		
1863. June 27	6	Ditto ...	Matthew Hervey ...	No Poll.		
August 5	7	Ditto ...	Jas. D. Pinnock ... *P. Hanna ...	*125 *119	*244	244
November 30	8	Ditto ...	Robert Turnbull ...	No Poll.		
1864. September 26	9	Ditto ...	Henry Morgan Murphy ... *Jas. D. Pinnock ... *Geo. Urquhart ...	*130 *127 *82	*339	339

NOTE.—This return is as complete as it is possible to make it from the official records of the department.

J. MOORE.

Chief Secretary's Office,
24th January, 1865.

* The items distinguished thus * are added in accordance with the resolution of the Council of
7th February, 1865.

1864-5.

VICTORIA.

COMMONS IN THE COLONY.

[PART RETURN.]

RETURN IN PART TO AN ORDER OF THE LEGISLATIVE COUNCIL.

THE HONORABLE W. HULL.—22ND DECEMBER, 1864.

LAID ON THE COUNCIL TABLE BY THE HONORABLE M. HERVEY, 7TH FEBRUARY, 1865,
AND ORDERED BY THE COUNCIL TO BE PRINTED 14TH FEBRUARY, 1865.RETURN specifying Names of all the Commons in the Colony, alphabetically, at this date;
the Date of Proclamation; Areas originally proclaimed and at present existing; the Net
Revenue or Rental received by the Government; and Expense of Management and Sums
handed over to the Shires and Road Boards.

TOWN COMMONS.

Name of Common.	Date of Proclamation.	Area.		Net Revenue or Rental received by the Government.
		Original.	Existing.	
Allansford	July 14, 1863	Acres. 1,440	Acres. ... See United Commons Tallangatta, &c.	Nil.
Amherst	Feb. 6, 1861	5,732	... See United Commons	"
Ararat	" 6, "	2,800	... Ditto	"
Avenel	" 25, "	210	... ... ..	"
"	Sept. 12, 1863	...	1,210	"
Avoca	Feb. 6, 1861	1,475	... See United Commons	"
Axedale	June 18, 1862	2,080	... Ditto	"
Bairnsdale	Feb. 25, 1861	96	... ... ..	"
"	Oct. 9, "	...	1,203	"
Ballan	Feb. 25, "	441	441	"
Ballarat East	" 6, "	10,800	10,800	"
" West	" 6, "	6,000	6,000	"
Ballyshanassy (abolished)	" 25, "	320	... ... ..	"
Beechworth	" 6, "	1,100	... See United Commons	"
Belfast	" 25, "	850	850	"
Belmont and South Barwon	May 7, "	620	... ... ..	"
"	" 15, 1863	...	1,000	"
Belvoir	Sept. 6, 1861	360	360	"
Benalla	Feb. 25, "	560	... ... ..	"
"	June 3, 1864	...	5,560	"
Berwick	Feb. 25, 1861	120	... ... ..	"
"	Aug. 30, 1864	...	257	"
Beveridge	Feb. 25, 1861	160	... ... ..	"
"	Dec. 23, 1862	...	560	"
Braybrook	Feb. 25, 1861	198	... ... ..	"
"	May 1, 1863	...	600	"
Bright	May 29, 1863	3,000	3,000	"
Broadford	Feb. 25, 1861	117	117	"
Broadmeadows	" 25, "	270	270	"

TOWN COMMONS—continued.

Name of Common.	Date of Proclamation.	Area.		Net Revenue or Rental received by the Government.
		Original.	Existing.	
		Acres.	Acres.	
Browns and Scarsdale	May 1, 1863	5,600	...	Nil.
" " " " " " " " " " " "	Mar. 15, 1864	...	7,600	"
Bulla	Aug. 19, 1863	400	400	"
Buninyong	Feb. 6, 1861	1,500	...	See United Commons
Camperdown	Feb. 25, "	364	...	"
" " " " " " " " " " " "	Dec. 23, 1862	...	1,937	"
Carisbrook	Feb. 25, 1861	800	...	"
" " " " " " " " " " " "	Sept. 16, 1862	...	1,500	"
Carlsruhe	Feb. 25, 1861	146	...	"
" " " " " " " " " " " "	Sept. 15, 1863	...	550	"
Carngham	Dec. 23, 1862	580	...	See United Commons
Casterton	Feb. 25, 1861	150	...	"
" " " " " " " " " " " "	Dec. 16, 1862	...	1,650	"
Castlemaine	Feb. 6, 1861	5,060	...	See United Commons
Chiltern	Nov. 3, 1863	1,695	...	"
Clarendon and Burnt Bridge	Feb. 25, 1861	640	640	"
Clunes	" 6, "	5,500	...	See United Commons
Colac	" 25, "	1,700	1,700	"
Coleraine	" 25, "	181	...	"
" " " " " " " " " " " "	Oct. 25, 1864	...	640	"
Cranbourne	Feb. 25, 1861	140	...	"
" " " " " " " " " " " "	Aug. 19, 1863	...	689	"
Creswick	Feb. 6, 1861	4,560	4,560	"
Crowlands	" 25, "	88	88	"
Dabyminga	Dec. 31, 1862	400	400	"
Dandenong	Feb. 25, 1861	280	...	"
" " " " " " " " " " " "	June 23, 1863	...	580	"
Darley	May 20, 1864	300	...	See United Commons, Bacchus Marsh
Daylesford	Feb. 6, 1861	2,000	2,000	"
Digby	" 25, "	325	325	"
Dromana	" 25, "	155	155	"
Drysdale	" 25, "	640	...	"
" " " " " " " " " " " "	Dec. 31, 1862	...	1,100	"
Dunkeld	Oct. 3, "	1,000	1,000	"
Dunolly	Feb. 6, 1861	4,500	...	"
" (now Borough Common)	Jan. 13, 1865	...	14,360	"
Echuca	Feb. 25, 1861	592	592	"
Elphinstone	" 25, "	240	240	"
Elsternwick	Oct. 9, 1863	100	100	"
Eltham	Feb. 25, 1861	680	...	See United Commons
Emerald Hill	Sept. 5, 1862	1,250	...	"
" " " " " " " " " " " "	Oct. 9, 1863	...	900	"
Essendon	Feb. 25, 1861	433	...	"
" and Flemington Municipal Common	May 1, 1863	...	600	"
Euroa	Feb. 25, 1861	210	...	See United Commons
Footscray	" 25, "	448	...	"
" " " " " " " " " " " "	Oct. 3, 1862	...	1,268	"
Gap	Aug. 22, "	640	...	See United Commons Buttlejorrk, &c.
Geelong Municipal Common	Sept. 16, "	1,865	...	"
" " " " " " " " " " " "	Oct. 3, "	...	2,150	"
Gisborne	Feb. 21, 1861	193	...	"
" " " " " " " " " " " "	July 26, "	...	393	"
Glenorchy	Feb. 25, "	240	...	"
" " " " " " " " " " " "	Dec. 2, 1864	...	760	"
Hamilton	Feb. 25, 1861	600	...	"
" " " " " " " " " " " "	Dec. 23, 1862	...	1,600	"
Harrow	Feb. 25, 1861	225	225	"
Hawthorn	" 25, "	62	62	"
Heathcote	" 6, "	2,000	...	"
" " " " " " " " " " " "	May 10, "	...	2,800	"
Heywood	Feb. 26, 1864	500	500	"
Hexham	" 25, 1861	144	...	See United Commons
Horsham	" 25, "	550	...	"
" " " " " " " " " " " "	Nov. 17, 1863	...	1,400	"
Hotham	June 17, 1862	320	320	"
Hotspur	May 3, 1861	171	171	"
Inverleigh	Aug. 29, 1862	450	450	"
Keilor	Feb. 25, 1861	375	...	See United Commons
Kilmore	" 25, "	4,800	...	"
Kyneton	" 25, "	1,333	1,333	"
" Municipal Common	Oct. 3, 1862	...	300	"
Lexton	Feb. 25, 1861	1,200	1,200	"
Linton	Aug. 30, 1864	3,000	3,000	"
Macedon	Dec. 24, 1863	1,200	1,200	"
Maldon	Feb. 6, 1861	4,500	...	See United Commons
Malmsbury	" 25, "	235	...	"

TOWN COMMONS—continued.

Name of Common.	Date of Proclamation.	Area.		Net Revenue or Rental received by the Government.
		Original.	Existing.	
		Acres.	Acres.	
Malmsbury	Dec. 5, 1862	...	307	Nil.
Mansfield	Feb. 25, 1861	341	...	See United Commons
Maryborough	" 6, "	5,800	...	Ditto
Melbourne	Sept. 1, "	1,007	1,007	...
Melton	Feb. 25, "	120	...	...
"	Jan. 21, 1862	...	450	...
Meredith	Aug. 16, 1861	380	380	...
Merino	Feb. 25, "	166	...	...
"	Oct. 21, 1862	...	830	...
Moonambel	Sept. 25, 1863	3,030	3,030	...
Mortlake	Feb. 25, 1861	380	...	See United Commons
Murchison	" 25, "	192	192	...
Navarre	Dec. 2, 1864	400	400	...
Newstead	Nov. 11, 1862	800	800	...
Newtown and Chilwell	May 7, 1861	450	...	...
"	June 10, "	...	790	...
Oakleigh	Feb. 25, "	320	320	...
Portarlington	Nov. 11, 1862	500	500	...
Portland (No. 1)	Feb. 25, 1861	636	...	} See Portland Municipal Commons
" (No. 2)	" 25, "	1,944	...	
" (No. 3)	" 25, "	2,820	...	
" Municipal Common	Nov. 11, 1862	...	5,700	
Pyalong	Feb. 25, 1861	392	392	...
Queenscliff (abolished)	" 25, "	450	...	...
"	Aug. 25, 1863	...	670	...
Redbank	Sept. 25, "	3,250	...	...
"	" 16, 1864	...	7,186	...
Rutherglen Municipal Common	" 8, 1863	1,000	1,000	...
St. Arnaud	Oct. 17, 1862	4,540	...	See United Commons
St. Kilda	April 9, 1861	260	260	...
Sale	Feb. 25, "	198	...	...
" Municipal Common	Sept. 8, 1863	...	3,670	...
Sandford	Feb. 25, 1861	121	121	...
Sandhurst	" 6, "	11,900	11,900	...
Sandridge	Sept. 5, 1862	1,750	...	...
" Municipal Common	Oct. 9, 1863	...	2,100	...
Skipton	Dec. 16, 1862	930	930	...
Smythesdale	July 26, 1861	3,600	...	See United Commons
Stratford	" 21, 1863	1,281	1,281	...
Sunbury	Feb. 25, 1861	504	504	...
Taradale Municipal Common	Nov. 11, 1862	600	600	...
Tarraville	June 3, 1864	300	300	...
Terang	May 3, 1861	90	...	...
"	Jan. 27, 1863	...	540	...
Violet Town	Feb. 25, 1861	240	240	...
Wangaratta	Jan. 21, 1862	1,200	...	...
" Borough	Nov. 3, 1863	...	2,350	...
Warrnambool	Feb. 25, 1861	2,680	2,680	...
" Municipal	Sept. 16, 1862	700	700	...
Wedderburn	Aug. 25, 1863	1,600	...	See United Commons
Williamstown	Feb. 25, 1861	1,522	...	...
"	Jan. 27, 1863	...	1,897	...
Winchelsea	Dec. 20, 1862	800	...	See United Commons
Woodend	Feb. 25, 1861	1,091	...	...
"	Nov. 11, 1862	...	1,950	...
Wyndham	Apr. 30, 1861	150	...	...
"	Sept. 16, 1862	...	500	...
Yea	Feb. 25, 1861	210	...	...
"	Nov. 3, 1863	...	800	...
TOTAL ... ..	...	166,654	157,743	

GOLD FIELDS COMMONS

Name of Common.	Date of Proclamation.	Area.		Net Revenue or Rental received by the Government.
		Original.	Existing.	
Amherst	Feb. 6, 1861	Acres. 2,748	Acres. ...	See United Commons Nil.
Adelaide, Waterloo, Inkerman, and Blacksmith's Lead	Nov. 25, 1862	7,603	7,603	... ..
Anderson's Creek	Feb. 6, 1861	1,660	1,660	... ..
Ararat	" 6, "	17,440	...	See United Commons
Armstrongs Diggings	" 6, "	1,440	1,440	... ..
Avoca	" 6, "	2,725	...	See United Commons
Back Creek	" 6, "	8,300	...	See United Commons Amherst, &c.
Ballarat East	" 6, "	5,740	5,740	... ..
" West	" 6, "	3,120	3,120	... ..
Beechworth	" 6, "	10,000	...	See United Commons
Blackwood	" 6, "	3,300	3,300	... ..
Bowman's Forest... ..	Dec. 31, 1862	1,330	...	... ..
"	Jan. 15, 1864	...	1,800	... ..
Buckland	Feb. 6, 1861	7,000	...	See Morse's Creek Gold Fields Common
Buninyong	" 6, "	3,340	...	See United Commons
Burke and Lauriston	Oct. 21, 1862	851	851	... ..
Burnt Creek	Mar. 28, "	5,000	...	See United Commons Dunolly, &c.
Campbell's Diggings	Feb. 6, 1861	3,620	3,620	... ..
Carngham	" 6, "	3,400	...	... ..
"	July 31, 1863	...	5,400	... ..
Castlemaine	Feb. 6, 1861	22,642	...	See United Commons
Chiltern	Nov. 3, 1863	4,100	...	Ditto
Clunes	Sept. 25, "	1,600	...	Ditto
Cochrane's	Feb. 6, 1861	1,800	...	... ..
"	July 14, 1863	...	2,542	... ..
Costerfield	Feb. 5, 1864	1,860	1,860	... ..
Creswick	" 6, 1861	3,440	3,440	... ..
Daylesford	" 6, "	7,000	7,000	... ..
Dunolly... ..	" 6, "	4,700	...	See United Commons Dunolly, &c.
Durham, Napoleon, Scotchman's, Whimholes, &c.	April 30, "	7,500	7,500	... ..
Fenton's Diggings	Feb. 6, "	500	500	... ..
Fryer's Creek	" 6, "	12,304	12,304	... ..
Glasgow Lead	June 18, 1862	2,560	...	See Landsborough, &c.
Glendhu Reef	Feb. 6, 1861	2,880	...	Ditto
Glenlogie	" 6, "	3,500	3,500	... ..
Glenpatrick	" 6, "	640	...	... ..
"	May 20, 1863	...	880	... ..
Gordon's Diggings	Feb. 6, 1861	1,200	1,200	... ..
Great Western	" 6, "	660	...	... ..
"	June 17, 1862	...	1,460	... ..
Heathcote	Feb. 6, 1861	6,600	...	... ..
"	Aug. 6, "	...	15,800	... ..
Hepburn	" 27, "	9,000	9,000	... ..
Homebush	Feb. 6, "	4,400	4,400	... ..
Indigo	" 6, "	5,795	...	See United Commons, Chiltern, &c.
Inglewood	" 6, "	50,096	...	... ..
"	Aug. 19, 1863	...	49,746	... ..
Inkerman and Wattle Flat	Dec. 23, 1862	3,732	...	See United Commons, Moliagul, &c.
Italian Gully	Mar. 26, 1861	3,000	3,000	... ..
Jamieson	Dec. 23, 1862	16,000	16,000	... ..
Jericho and Jordan's	Feb. 6, 1861	1,200	1,200	... ..
Jones's Creek	Aug. 6, "	480	...	... ..
"	June 23, 1863	...	3,000	... ..
Kingower	Feb. 6, 1861	5,800	...	... ..
"	Aug. 19, 1863	...	5,800	... ..
Korong	Feb. 6, 1861	1,680	...	See United Commons, Wedderburn, &c.
Laplough	" 6, "	13,000	...	... ..
"	Nov. 3, 1863	...	3,600	... ..
Landsborough, Glasgow Lead, Glendhu Reef, and Malakoff	May 1, "	11,300	11,800	... ..
Linton's, Brown's, &c., altered to Linton's, Brown's, Springdallah, Happy Valley, and Lucky } Woman's	Feb. 6, 1861	7,000	...	... ..
Malakoff	June 12, 1863	8,200	8,200	... ..
Maldon	Feb. 6, 1861	640	...	See Landsborough, &c.
Maryborough	" 6, "	1,700	...	See United Commons
Moliagul	" 6, "	5,760	...	Ditto
"	" 6, "	2,300	...	Ditto

Name of Common.	Date of Proclamation.	Area.				Net Revenue or Rental Received by the Government.
		Original.	Existing.			
		Acres.	Acres.			
Moonambel	Sept. 25, 1863	2,968	2,968	...	...	Nil
Morrison's Diggings	Feb. 6, 1861	2,584	...	...	...	"
"	Jan. 15, 1864	...	4,493	...	...	"
Morse's Creek and Buckland Mountain Creek (abolished). See Moonambel.	May 29, 1863	7,000	7,000	...	...	"
Mount Egerton	June 10, 1861	15,000	...	...	...	"
"	Aug. 16, "	960	...	...	...	"
"	Jan. 27, 1863	...	1,563	...	...	"
MacCallum's Creek	Feb. 6, 1861	2,600	...	...	...	"
"	Dec. 1, 1863	...	3,250	...	...	"
MacIntyre's	Feb. 6, 1861	500	...	...	...	"
"	Dec. 9, 1864	...	3,200	...	...	"
Navarre	Sep. 3, 1861	8,500	8,500	...	...	"
Nicholson and Boggy Creek	Feb. 6, "	35,000	35,000	...	...	"
Omeo	" 6, "	2,560	...	...	...	"
"	Nov. 4, 1864	...	5,600	...	...	"
Raglan, Beaufort, and Charlton	Feb. 6, 1861	9,524	...	...	...	"
"	Apr. 30, "	...	18,660	...	...	"
Redbank	May 18, "	18,400	...	See United Commons	...	"
Redcastle	Feb. 6, "	2,560	2,560	...	...	"
Rokewood	" 6, "	1,500	...	...	...	"
"	Oct. 25, 1864	...	2,640	...	...	"
Sago Hill and Campbell's Gully	Nov. 1, 1861	1,800	...	...	...	"
"	Dec. 15, 1863	...	2,728	...	...	"
Saint Andrew's	Feb. 6, 1861	2,500	...	...	...	"
"	Nov. 15, 1864	...	5,220	...	...	"
Saint Arnaud	Feb. 6, 1861	2,500	...	See United Commons	...	"
Sandhurst	" 6, "	83,000	...	...	...	"
"	Apr. 12, 1864	...	83,941	...	...	"
Sandy Creek	July 26, 1861	1,600	1,600	...	...	"
Smythesdale	Feb. 6, "	5,800	...	See United Commons	...	"
Snake Valley	" 6, "	5,426	5,426	...	...	"
Stawell and Pleasant Creek	" 6, "	18,756	...	...	...	"
"	Jan. 13, 1865	...	29,806	...	...	"
Steiglitz	Feb. 6, 1861	5,120	...	...	...	"
"	Aug. 16, "	...	9,390	...	...	"
Swift's Creek	Feb. 6, "	2,560	2,560	...	...	"
Synnott's Diggings	" 6, "	500	500	...	...	"
Taradale	" 6, "	1,200	1,200	...	...	"
Tarnagulla	" 6, "	11,600	...	...	...	"
"	Nov. 3, 1863	...	11,500	...	...	"
Wahgunyah	Feb. 6, 1861	9,000	9,000	...	...	"
Waranga	" 6, "	3,650	...	...	...	"
"	May 18, "	...	5,400	...	...	"
Wedderburn	Feb. 6, "	4,460	...	See United Commons	...	"
Woolshed	" 6, "	2,375	...	...	...	"
" and Eldorado	May 18, "	...	9,200	...	...	"
Yackandandah	Feb. 6, "	9,690	9,690	...	...	"
Yandoit	" 6, "	3,000	...	...	...	"
"	Jan. 27, 1863	...	3,000	...	...	"
Yarra, Upper	May 27, 1864	3,000	3,000	...	...	"
Total		612,879	496,861			

FARMERS COMMONS.

Name of Common.	Date of Proclamation.	Area.			Net Revenue or Rental received by the Government.	Total Revenue of Common.	Expense of Management.	Balance.	Disposal and Appropriation of Balance.	Period.
		Original.	Existing.							
		Acres.	Acres.							
Amherst	Nov. 14, 1861	3,000	3,000	... ..	Nil	£ 38 19 2	£ 38 17 0	£ 0 2 2	In hand	1863.
Anakie	Mar. 8, "	7,150	7,150	... ..	"	...	...	...	Accounts not audited.	
Argyle and Linton's	" 1, "	3,522	3,522	... ..	"	...	...	...	No papers.	
Avoca	Aug. 27, "	6,600	...	See United Commons	"	...	...	...
Axedale	Mar. 8, "	3,866	...	Ditto ... ..	"	...	...	...
Bacchus Marsh	Feb. 22, "	4,500	...	See United Commons	"	...	...	...
Bagshot and Gornong	Mar. 26, "	4,000	...	...	"	...	...	...
" "	Sept. 20, 1864	...	11,662	...	"	...	...	...	No accounts. Managers appointed in June, 1864.	
Ballan	Mar. 8, 1861	13,000	...	...	"	195 13 10	169 5 2	26 8 8	Handed to Ballan District Road Board	1st Oct. 1862 to 30th Sept. 1863.
"	Jan. 27, 1863	...	12,417	...	"	91 9 5	47 14 3	43 15 2	Handed to Ballan District Road Board	1st Oct. | 63 to 31st Mar. | 64.
Baringhup East	Mar. 8, 1861	6,414	6,414	...	"	...	...	...	No papers.	
" West	" 8, "	11,000	11,000	...	"	169 1 6	121 15 11	47 5 7	Handed to Dist. Road Board	29th Oct. | 62 to 31st Dec. | 63.
Barnawartha	" 8, "	5,400	5,400	...	"	37 16 6	38 16 0	0 19 6	Due to managers	7th Nov. | 62 to 31st Dec. | 63.
" South	Dec. 10, "	2,300	2,300	...	"	19 7 3	20 6 11	0 19 8	Ditto	2nd Mar. | 63 to 31st Dec. | 63.
Bet Bet No. 1.	Mar. 8, "	5,120	5,120	...	"	...	...	...	No papers.	
" No. 2.	" 8, "	5,500	5,500	...	"	...	...	...	No papers.	
" No. 3.	June 10, "	3,663	3,663	...	"	65 7 0	43 18 2	21 8 10	Handed to Tullaroop District Road Board	1st Oct. | 62 to 30th Sept. | 63.
" No. 4.	" 10, "	3,036	3,036	...	"	...	...	...	No papers.	
Birregurra	Mar. 8, "	5,355	5,355	...	"	87 3 11	75 16 3	11 7 8	In hand	Year ending 30th June 1863.
Blackwood and Myrning	Feb. 22, "	4,800	4,800	...	"	...	...	...	No accounts.	
Boram Boram and Yalimba	July 26, "	4,896	4,896	...	"	...	...	...	No accounts.	
Boroondara	Mar. 26, "	98	98	...	"	...	...	...	No managers appointed.	
Bowman's Forest	" 8, "	7,167	...	...	"	...	...	...	No papers.	
" "	May 23, "	...	9,200	...	"	...	...	...	No papers.	
Bradford, Shelbourne, &c.	Apl. 30, "	6,690	...	See United Commons Lockwood, Ravenswood, &c.	"	...	...	...	No accounts.	
Braybrook	May 18, "	2,650	...	...	"	...	...	...	No accounts.	
"	Dec. 16, 1862	...	1,800	...	"	...	...	...	No accounts.	
Broadford	Mar. 8, 1861	1,610	1,610	...	"	{ 15 13 0 15 10 6 }	{ 15 13 0 11 16 9 }	3 13 9	In hand	{ 6 | 12 | 62 to 31 | 10 | 63. 2 | 11 | 63 to 1 | 11 | 64.
Bullarook and Spring Hill	" 1, "	4,735	...	...	"	...	...	...	No papers.	
" "	Dec. 1, 1863	...	5,185	...	"	179 19 11	143 7 1	36 12 10	Handed to Dist. Road Board	Year ending 30th Sept. | 63.
Bullecen	Feb. 22, 1861	2,626	...	See United Commons Doncaster, &c.	"	...	...	...	No accounts.	

Bundalaguah	July 26, 1861	4,500	4,500	...	...	...	Nil	...	...	...	No managers appointed.
Bungaree	Mar. 26, "	3,066	3,066	...	...	...	"	...	...	...	Managers appointed 24th October, 1864
Bung Bong	" 8, "	6,074	...	...	...	...	"	...	...	...	No account. Abstract returned to managers.
"	Dec. 24, 1863	...	7,834	...	...	...	"	...	...	...	For publication in the <i>Avoca Mail</i> .
Buninyong, parish of Buninyong	Mar. 1, 1861	3,519	3,519	...	...	...	"	22 1 6	22 1 6	...	Supposed to be for 1863.
Buninyong, near Clarendon ...	April 8, "	4,848	4,848	...	...	...	"	...	...	...	No accounts.
" North	June 29, "	5,290	5,290	...	...	...	"	...	...	...	No accounts.
Burgoyne and Tarrawarra ...	Feb. 22, "	2,488	2,488	...	...	...	"	...	...	...	No accounts.
Burke, Drummond, and Edgcombe	Mar. 8, "	8,750	8,750	...	...	...	"	18 14 0	10 14 6	7 19 6	Handed to Local Committee of Common School
Burrumbeet and Windermere	Dec. 5, 1862	7,783	...	...	...	...	"	...	...	...	No papers.
" (No. 1)	Mar. 8, 1864	...	2,000	...	...	...	"	...	...	...	Under control of the Ripon Shire Council.
" (No. 2)	" 8, "	...	5,783	...	...	...	"	...	...	...	Under control of the Ballarat Shire Council.
Buttlejorrk and Holden ...	Apr. 30, 1861	1,637	...	See United Commons	...	...	"	...	...	...	No accounts.
Bylands, West	July 26, "	2,125	2,125	...	...	...	"	90 2 3	12 12 0	77 10 3	Expended in bridges and fencing
Camperdown	Mar. 26, "	2,145	...	...	...	...	"	78 6 3	15 1 10	63 4 5	Handed to Road Board ...
"	Feb. 15, 1862	...	2,145	...	...	...	"	55 8 0	55 7 6	0 0 6	In hand
Cardigan	" 22, 1861	5,335	...	...	...	...	"	305 16 0	310 19 4	5 3 4	Due to managers ...
"	May 20, 1863	...	6,985	...	...	...	"	...	...	...	Dated 18 | 11 | 63.
Carisbrook	Mar. 8, 1861	2,500	2,500	...	...	...	"	...	...	...	Former papers.
"	" 8, "	3,538	3,538	...	...	...	"	...	...	...	No papers.
Carisbrook and Moolart ...	" 8, "	4,450	4,450	...	...	...	"	...	...	...	No accounts.
Carlsruhe	" 8, "	15,000	...	...	...	...	"	...	...	...	In hand
"	" 6, 1863	...	5,760	...	...	...	"	...	...	...	Handed to Dist. Road Board
Carlyle	June 29, 1861	3,000	3,000	...	...	...	"	23 14 0	21 14 4	1 19 8	Year ending 14 | 10 | 63.
Carngham	Mar. 1, "	2,600	...	See United Commons	...	...	"	47 3 0	36 4 0	10 19 0	15 | 10 | 63 to 14 | 10 | 64.
Castle Barkly (Temp. Common)	Dec. 9, 1864	7,500	7,500	...	...	...	"	...	...	...	No accounts.
Cathcart	Mar. 26, 1861	1,746	1,746	...	...	...	"	...	...	...	No accounts.
Chintin and Springfield ...	Feb. 22, "	3,040	3,040	...	...	...	"	45 1 0	40 16 0	4 5 0	Handed to Dist. Road Board
Codrington	" 21, 1862	12,000	12,000	...	...	...	"	75 0 0	74 14 10	0 5 2	In hand
Connewarre	Mar. 8, 1861	4,500	...	...	...	...	"	...	...	...	No papers.
"	Oct. 21, 1862	...	4,983	...	...	...	"	103 0 3	82 18 4	20 1 11	Handed to Connewarre District Road Board
Coole Barghurk	Aug. 16, 1861	4,200	4,200	...	...	...	"	...	...	...	No accounts.
Cragie and Eglinton	Mar. 8, "	5,900	5,900	...	...	...	"	...	...	...	No accounts.
Creswick and Spring Hill, &c. (see Glendaruel, Ascot, &c.)	Feb. 23, 1864	*8,000	8,000	...	...	...	"	...	...	...	Under control of the Shire Council of Creswick.
Croxton, West	Aug. 27, 1861	2,600	2,600	...	...	...	"	...	...	...	No accounts.
Darrawil	Mar. 8, "	6,300	6,300	...	...	...	"	...	...	...	No accounts.
Duck Ponds	" 8, "	3,200	...	See United Commons	...	...	"	...	...	...	No accounts.
Eddington	Mar. 8, "	4,290	...	...	...	...	"	...	...	...	No accounts.
"	Aug. 30, 1864	...	4,290	...	...	...	"	...	...	...	No accounts.

* Less Creswick, Spring Hill, &c., 8,000 acres.

FARMERS COMMONS—continued.

Name of Common.	Date of Proclamation.	Area.			Net Revenue or Rental received by the Government.	Total Revenue of Common.	Expense of Management.	Balance.	Disposal and Appropriation of Balance.	Period.
		Original.	Existing.							
Edgecombe	Mar. 8, 1861	Acres. 6,464	Acres. 6,464	... ..	Nil	£ s. d. ...	£ s. d. ...	£ s. d. ...	No accounts.	
Ellesmere and Nolan	" 8, "	4,077	...	... ..	"	...	...	...	No accounts.	
" "	Dec. 1, 1863	...	3,308	... ..	"	...	...	...	No accounts.	
Eppalock	Mar. 8, 1861	2,965	...	See United Commons Axedale, &c.	"	...	...	...	No accounts.	
Eurambien (Agricultural Area Strathservice)	Oct. 13, 1863	2,713	2,713	... ..	"	...	...	...	No managers appointed.	
Euroa	July 26, 1861	3,210	...	See United Commons	"	...	...	...	No accounts.	
Evansford (Agricultural Area)	Aug. 19, 1863	2,072	2,072	... ..	"	...	...	...	No accounts.	
Faraday	Mar. 26, 1861	4,339	4,339	... ..	"	{ 74 4 6 75 18 3	65 12 3 55 7 0	8 12 3 20 11 3	In hand Handed to Metcalfe Road Board	1 | 11 | 62 to 31 | 10 | 63. 1 | 1 | 64 to 31 | 10 | 64.
Flinders	Apr. 30, "	6,564	6,564	... ..	"	...	...	...	No managers appointed.	
Ford's Creek	Mar. 26, "	4,000	...	See United Commons, Mansfield, &c.	"	...	...	...	No accounts.	
Fort Fellows (Agricultural area)	Sept. 8, 1863	5,700	5,700	... ..	"	...	...	...	No accounts.	
Franklin	Mar. 8, 1861	9,100	...	... ..	"	...	...	...	No accounts.	
" "	Dec. 23, 1862	...	9,334	... ..	"	...	...	...	No accounts.	
Glenburnie	Mar. 26, 1861	488	488	... ..	"	...	...	...	No managers appointed.	
Gisborne and Bullengarook ...	May 18, "	16,000	...	... ..	"	...	...	...	No accounts.	
" " " " " " " "	Nov. 4, 1864	...	17,400	... ..	"	...	...	...	No accounts.	
Glendaruel, Ascot, Tourello, Beckworth, Addington, &c.	Mar. 1, 1861	34,500	...	... ..	"	...	...	...	Other papers.	
Glendaruel, Ascot, and Tourello	Feb. 23, 1864	*16,000	16,000	Severed (see Creswick, &c., about 8000 a.; and Glendaruel, &c., about 16,000 acres)	"	...	...	...	Under control of the Shire Council of Ballaarat.	
Glengoy	Sept. 24, 1861	2,400	...	See United Commons, Eltham, &c.	"	...	...	...	No accounts.	
Gorrinn	July 26, "	2,403	2,403	... ..	"	27 12 0	23 15 8	3 16 4	In hand	24 | 10 | 62 to 24 | 10 | 63.
Greenfields (Mansfield)	Mar. 8, "	1,944	...	... ..	"	23 16 0	22 15 6	1 0 6	"	Year ending 30 | 6 | 63.
" " " " " " " "	" 18, "	...	1,944	... ..	"	22 14 0	21 2 2	1 11 10	"	" 30 | 6 | 64.
Green Gully " " " " " "	" 8, "	5,540	5,540	... ..	"	...	...	...	No accounts.	
Green Hill, Edgcombe and Metcalfe	" 8, "	33,000	...	... ..	"	...	...	...
" " " " " " " "	Dec. 20, 1862	...	31,789	... ..	"	...	...	...	No papers.	
Greensborough	Feb. 22, 1861	7,455	7,455	... ..	"	64 0 5	64 3 2	0 2 9	Due to managers	Year ending 30 | 9 | 64.
Griffithstown	Dec. 31, 1862	650	650	... ..	"	...	...	...
Hamilton North, and Bochara	" 3, 1861	3,059	3,059	... ..	"	...	...	...
Hamilton South	Mar. 6, "	1,009	"		
" " " " " " " "	Nov. 9, "	...	1,320	"		

* Less Glendaruel, Ascot, and Tourello, 16,000 acres.

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Harcourt, Faraday, and Sutton Grange	Mar. 6, 1861	7,800	7,800	Nil.										
Hardie's Hill	" 6, "	7,500	7,500	"										
Hexham	July 26, "	3,550	...	See United Commons, Hexham, &c.			"										
Holden and Tullamarine	" 26, "	2,170	...	...	...	...	"						
"	Aug. 19, 1863	...	914	...	...	...	"							
Inverleigh...	Mar. 8, 1861	3,260	3,260	...	...	...	"							
Irrewarra	" 8, "	13,440	...	...	...	...	"						
"	Dec. 20, "	...	13,440	...	...	...	"							
Joyce's Creek and Captain's Gully	Mar. 8, "	4,380	4,380	...	...	...	"							
Kangaroo Ground	July 26, "	4,320	...	...	...	...	"						
"	Dec. 23, 1862	...	6,270	...	...	...	"							
Keilor	July 26, 1861	3,600	...	See United Commons, Keilor, &c.			"										
Kerrit Bareet	" 22, "	1,600	1,600	...	...	...	"							
Kyneton	Mar. 8, "	27,000	...	...	...	...	"						
"	June 10, 1862	...	20,379	...	...	...	"							
Laanecoorie	Jan. 21, "	5,650	5,650	...	...	...	"							
" and Woodstock	Mar. 8, 1861	7,335	7,335	...	...	...	"	174 4 0	144 12 6	29 11 6	Handed to Marong District Road Board	1 | 3 | 63 to 29 | 2 | 64.					
Lancefield	Feb. 22, "	8,000	8,000	...	...	...	"							
Langi Ghiran	May 21, "	1,950	1,950	...	...	...	"							
Larpent	Mar. 8, "	4,000	4,000	...	...	...	"							
Lauriston	" 8, "	9,350	9,350	...	...	...	"							
Lethbridge	July 26, "	5,400	5,400	...	...	...	"							
Lillicur and Yalong	Mar. 8, "	2,500	...	...	...	...	"						
"	May 15, 1863	...	2,500	...	...	...	"							
Little River	Mar. 8, 1861	20,000	...	See United Commons Duck Ponds			"										
Lockwood, Ravenswood, and Shelbourn	" 8, "	3,000	...	See United Commons			"	...	...	...	No accounts.						
Marong	" 8, "	8,100	8,100	...	...	...	"	...	...	...	No accounts.						
Melton, Djerriwarrh Mooradoreanook	" 26, "	15,000	15,000	...	...	...	"							
Mepunga	Dec. 6, "	587	587	...	...	...	"							
Merino	" 31, "	5,096	...	See United Commons Merino			"										
Modewarre	Mar. 8, "	5,800	...	...	...	...	"						
"	Dec. 16, 1862	...	9,270	...	...	...	"							
Moolort	" 31, 1861	4,390	4,390	...	...	...	"	103 4 2	36 8 6	66 15 8	Handed to Dist. Road Board	1 | 11 | 62 to 31 | 10 | 63.					
Morrabbin and Mordialloc	Feb. 22, "	4,960	...	...	...	...	"						
"	Mar. 28, "	...	7,960	...	...	...	"							
Mooroolbark	Feb. 22, "	2,338	2,338	...	...	...	"							
Moranding	Mar. 26, "	10,000	10,000	...	...	...	"							
Mortlake	" 26, "	18,000	...	See United Commons Mortlake			"										
Mount Rouse	June 10, "	2,780	2,780	"										
Muckleford	Mar. 8, "	10,100	10,100	"										
Mulgrave	Feb. 21, 1862	743	743	"										

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FARMERS COMMONS—continued.

Name of Common.	Date of Proclamation.	Area.			Net Revenue or Rental received by the Government.	Total Revenue of Common.	Expense of Management.	Balance.	Disposal and Appropriation of Balance.	Period.
		Original.	Existing.							
		Acres.	Acres.							
Murghiboluc	July 26, 1861	6,400	6,400	... ..	Nil.				
Narrawong	June 10, 1861	1,400	1,400	... ..	"				
Natte Yallock	May 20, 1864	4,200	...	... ..	"			
"	Sept. 6, 1864	...	4,126	... ..	"				
Newham	Mar. 8, 1861	9,000	...	... ..	"			
"	Dec. 15, 1863	...	9,000	... ..	"				
Nunawading, Doncaster, &c....	Feb. 22, 1861	2,020	...	See United Commons Doncaster, &c.	"					
Ondit	Sept. 24, 1861	5,380	...	... ..	"			
" and Cundare	" 17, 1862	...	3,629	... ..	"				
Pentland Hills, Maddingley, Parwan, &c.	Mar. 8, 1861	12,000	12,000	... ..	"				
Porcupine Ridge, Holcombe, Middleton's Creek	" 8, "	4,800	4,800	... ..	"				
Purnim and Coomarook ...	Jan. 31, 1862	4,500	...	... ..	"			
" " " ...	Mar. 21, "	...	4,500	... ..	"				
Pyalong	Jan. 28, "	2,130	2,130	... ..	"				
Rokewood... ..	Mar. 8, 1861	6,000	6,000	... ..	"				
Saint Arnaud	July 26, "	4,360	4,360	... ..	"				
Sandford	June 6, 1862	1,570	1,570	... ..	"				
Seymour	Mar. 10, 1863	2,900	2,900	... ..	"				
" and Tallarook ...	May 7, 1861	3,406	3,406	... ..	"				
Shelford	June 29, "	2,580	2,580	... ..	"				
Springfield	Feb. 22, "	3,000	3,000	... ..	"				
Springfield East, No. 3 Creek and Forbes	Mar. 26, "	3,000	3,000	... ..	"	...	...	...	No accounts.
Springfield and Rochford ...	Feb. 22, "	11,500	11,500	... ..	"				
Springs, Lexton, Ercildoun, Addington &c.	Mar. 8, "	14,800	...	... ..	"			
" " " " ...	Aug. 19, 1863	...	13,300	... ..	"				
Strangways	Mar. 26, 1861	4,200	4,200	... ..	"				
Strathfieldsaye and Sedgwick	" 26, 1861	16,000	...	... ..	"			
" " " " ...	Sept. 15, 1863	...	16,601	... ..	"				
Tallangatta, Mepunga, Wan- goom, and Purnim	Apr. 30, 1861	18,190	...	See United Commons, Tallangatta, &c., &c.	"					
Tallarook	Mar. 8, "	6,834	6,834	... ..	"				
Tarnagulla	Apr. 8, "	4,395	4,395	... ..	"				
Tarragal and Mouzie ...	Mar. 8, "	10,000	...	... ..	"			
" " " " ...	Nov. 14, 1862	...	15,000	... ..	"				
Teesdale	Mar. 8, 1861	1,500	1,500	... ..	"				
Terang	" 26, "	2,967	2,967	... ..	"				
Tooborac	" 8, "	5,118	5,118	... ..	"				
Tower Hill	" 8, "	14,500	14,500	... ..	"				

Tylden ...	Mar. 8, 1861	6,700	6,700	...	...	...	Nil.
Upper Plenty and Whittlesea	" 26, "	21,000	...	...	...	...	"
"	" 4, 1862	...	21,000	...	...	...	"
Wabdallah ...	" 8, 1861	2,000	2,000	...	...	...	"
Wallan Wallan	" 26, "	9,700	9,700	...	...	...	"
Walmer ...	" 8, "	4,680	4,680	...	...	...	"
Wandool (Temp. common) ...	Sept. 13, 1864	2,240	2,240	...	...	...	"
Wangaratta, North...	Mar. 8, 1861	3,420	3,420	...	...	...	"
Wareek ...	" 8, "	1,887	...	...	...	...	"
" ...	Jan. 13, 1863	...	2,887	...	...	...	"
Warrandyte ...	Feb. 22, 1861	2,560	2,560	...	...	...	"
Werribee River and Djerri-warrah	" 22, "	4,000	4,000	...	...	...	"
Wild Duck Creek ...	Dec. 3, "	9,300	...	...	...	...	"
"	Nov. 3, 1863	...	9,300	...	...	...	"
Willow Mavin and Moranding	Mar. 26, 1861	10,000	10,000	...	...	...	"
Winchelsea ...	" 8, "	5,000	...	See United Common, Winchelsea			"
Windermere (abolished) ...	Feb. 22, "	5,300	...	See Burrumbeet, &c.			"
Woodend ...	June 10, "	12,700	12,700	...	...	...	"
Woodford and Yangery ...	Aug. 16, "	3,500	3,500	...	...	...	"
Woodstock and Tarnagulla ...	Mar. 8, "	5,319	...	...	...	...	"
"	July 31, 1863	...	5,319	...	...	...	"
Wooragee, North and South...	Dec. 23, 1862	4,224	...	...	...	...	"
"	Oct. 9, 1863	...	6,900	...	...	...	"
Wurdee Boluc ...	Mar. 8, 1861	13,000	13,000	...	...	...	"
Yan Yean and Morang ...	April 8, "	7,000	7,000	...	...	...	"
Yambuk and Bootahpool ...	Sept. 24, "	9,000	9,000	...	...	...	"
Yarram Yarram, Gipps Land	July 26, "	4,300	4,300	...	...	...	"
Yulecart and Audley ...	Mar. 18, 1862	1,954	1,954	...	...	...	"
		993,207	874,684				
TEMPORARY COMMONS.							
Castle Barkly, Eurambeen, Evansford, Fort Fellows, Griffithston, Natte Yallock, and Wandool ...	...	25,650	25,650	...	...	...	"
TOTAL ...	...	967,557	849,034				

... No accounts.

UNITED COMMONS.

Name of Common.	Date of Proclamation.	Area.		Net Revenue or Rental received by the Government.	Total Revenue of Common.	Expense of Management.	Balance.	Disposal and Appropriation of Balance.	Period.
		Original.	Existing.						
		Acres.	Acres.		£ s. d.	£ s. d.	£ s. d.		
Amherst and Back Creek (Town and Gold Field)	Oct. 17, 1862	10,800	...	Nil.					
"	Nov. 24, 1863	...	19,300	"					
Ararat (Borough and Gold Field) ...	Feb. 12, 1864	20,240	...	"					
"	Mar. 4, "	...	20,240	"					
Avoca (Town, Farmers, and Gold Field) ...	Oct. 17, 1862	10,800	10,800	"					
Axedale and Eppalock (Town and Farmers) ...	Nov. 25, "	8,910	...	"					
"	" 25, "	...	9,300	"					
Bacchus Marsh (Town and Farmers) ...	June 3, 1864	4,800	4,800	"					
Beechworth (Town and Gold Field) ...	Mar. 10, 1863	15,500	15,500	"					
Buttlejorrk, Holden, and Gap (Town and Farmers)	Dec. 5, 1862	2,277	2,277	"	...	...	...	No accounts.	
Buninyong (Town and Gold Field) ...	July 7, 1863	4,840	4,840	"					
"	May 20, 1864	...	5,326	"					
Carngham (Town and Farmers) ...	Dec. 23, 1862	3,180	3,180	"	...	...	...	Accounts forwarded to Shire Council of Ripon.	
Castlemaine (Town and Gold Field) ...	Feb. 10, 1863	27,702	...	"					
"	Sep. 15, "	...	23,300	"					
Chiltern (Borough and Gold Field) ...	Nov. 6, "	5,795	5,795	"					
Clunes (Municipal and Gold Field) ...	Sep. 25, "	7,100	7,100	"					
Doncaster, Carlton, Nunawading, and Bulleen (Farmers)	Dec. 16, 1862	4,646	...	"					
"	" 1, 1863	...	4,966	"					
Dunolly and Burnt Creek (Gold Field) ...	" 23, 1862	9,700	9,700	"					
Duck Ponds and Little River (Farmers) ...	Feb. 3, 1863	23,200	23,200	"	...	...	...	Under control of the Shire Council of Wyndham.	
Eltham and Glengoy (Town and Farmers) ...	Jan. 27, "	3,080	3,080	"	19 2 0	18 0 0	1 2 0	In hand ...	1 | 3 | 63 to 29 | 2 | 64.
Euroa (Town and Farmers) ...	Nov. 18, 1862	3,420	...	"	46 11 6	46 7 6	0 4 0	In hand ...	1 | 4 | 63 to 30 | 9 | 63.
"	Feb. 3, 1863	...	3,850	"	120 10 0	108 17 8	11 12 4	In hand ...	5 | 10 | 63 to 30 | 9 | 64.
Hexham " " ...	July 19, 1864	4,050	4,050	"					
Keilor and Maribyrong (Town and Farmers)	Aug. 18, 1863	6,258	6,258	"					
Lockwood, Ravenswood, Shelbourne, and Bradford (Farmers)	Nov. 18, 1862	9,490	9,490	"	...	...	...	No accounts.	
Mansfield (Town and Farmers) ...	May 13, 1864	4,341	...	"					
"	Oct. 18, "	...	5,641	"					
Mortlake " " ...	Mar. 15, "	19,010	19,010	"					
Mirino " " ...	Oct. 17, 1862	5,926	5,926	"					
Maldon (Town and Gold Field) ...	Jan. 27, 1863	15,300	...	"					
"	Sep. 29, "	...	15,300	"					
Maryborough (Town and Gold Field) ...	Nov. 11, 1862	11,560	...	"					
"	" 25, "	...	15,760	"					
Moliagul, Inkerman, and Wattle Flat (Gold Field)	May 20, 1863	6,032	...	"					
"	Nov. 29, 1864	...	10,000	"					
Redbank (Town and Gold Field) ...	Sep. 16, "	7,186	7,186	"					
Smythesdale (Borough and Gold Field) ...	Feb. 12, "	9,400	...	"					

Smythesdale (Borough and Gold Field) ...	Nov. 29, 1864	...	10,000	Nil
St. Arnaud, " ...	Feb. 3, 1863	7,040	7,040	"
Tallangatta, Mepunga, and Allansford (Town and Farmers) ...	Feb. 12, 1864	19,630	19,630	"
Wedderburne (Town and Gold Field) ...	Aug. 28, 1863	7,740	...	"
" " " " ...	Nov. 29, 1864	...	15,230	"
Winchelsea (Town and Farmers) ...	Mar. 10, 1863	5,800	5,800	"
Total ...	...	293,753	332,875	
TOWN COMMONS ...	...	...	157,743	
GOLD FIELDS COMMONS ...	...	...	496,861	
FARMERS COMMONS ...	...	...	849,034	
TEMPORARY COMMONS ...	...	...	25,650	
UNITED COMMONS ...	...	...	332,875	
Total ...	...	...	1,862,163	

A 2.-c.

By Authority: JOHN FARRER, Government Printer, Melbourne.

1864-5.

VICTORIA.

COMMONS IN THE COLONY.

[FURTHER RETURN.]

FURTHER RETURN TO AN ORDER OF THE LEGISLATIVE COUNCIL,
THE HONORABLE W. HULL.—22ND DECEMBER, 1864.

LAI'D UPON THE COUNCIL TABLE BY THE HONORABLE M. HERVEY, 7TH FEBRUARY, 1865,
AND ORDERED BY THE COUNCIL TO BE PRINTED, 14TH FEBRUARY, 1865.

RETURN, showing the total quantity of Crown Lands in the Colony of Victoria used as
Commons, with the amount of Revenue (if any) they yield to the State.

Description of Commons.	Area.	Revenue derived therefrom by the State.	Remarks.
Towns Commons ...	157,743	Nil.	Referring to this return, it is pointed out that the 68th clause of <i>The Land Act</i> , 1862, vests the control of Commons in managers, upon whom, under the 73rd clause of the same Act, it devolves to make rules for the management of Commons, and to determine the number of cattle which each person entitled to commonage may depasture, and the fees to be paid for the use of the commons. Out of the fees so derived the herdsman's salary is to be paid, and the residue, if any, of such fees is to be applied to such public purposes, for the benefit of the town, district, gold-field, or agricultural area, as the duly constituted local authorities, if any, or if no such local authority exist, as the Board of Land and Works shall direct.
Gold Fields Commons ...	496,861	Nil.	
Farmers Commons ...	863,834	Nil.	
Temporary Commons ...	25,650	Nil.	
United Commons ...	332,875	Nil.	
	1,876,963	Nil.	

CLEMENT HODGKINSON,
Assistant Commissioner of Crown Lands and Survey.

Office of Lands and Survey,
Melbourne, 7th February, 1865.

1864-5.

VICTORIA.

ASSISTED IMMIGRATION.

RETURN TO AN ORDER OF THE LEGISLATIVE COUNCIL.

THE HONORABLE C. SLADEN.—20TH DECEMBER, 1864.

LAI'D UPON THE COUNCIL TABLE BY THE HONORABLE M. HERVEY, 7TH FEBRUARY, 1865,
AND ORDERED BY THE COUNCIL TO BE PRINTED, 14TH FEBRUARY, 1865.

A RETURN, showing the amount of money available for Assisted Immigration under the 33th section of *The Land Act*, 1862, for the years 1863 and 1864 respectively; the amount expended for that purpose for each of those years; the amount (if any) not yet brought to account for which the Government is liable.

RETURN, showing the amount available for Immigration purposes out of the Land Fund during 1863, and the amount expended during that period.

Amount available.		Amount expended.	
	£ s. d.		£ s. d.
Amount of deposits received under Immigration Regulations for 2707½ adults introduced into the colony, the partial cost of whose passage was defrayed out of the vote of Parliament	15,725 13 7	Passage money paid for 2707½ adults introduced, out of vote of Parliament	37,826 0 7
Amount available from Land Fund of 1863 for Immigration purposes ...	152,070 12 11	Passage money paid for 2954 adults, for whom warrants were issued	41,053 7 10
Amount of deposits received under Immigration Regulations for 2954 adults	15,558 0 0	Amount remitted to H.M. Emigration Commissioners for passage of single females to be selected...	20,000 0 0
		Sundry expenditure in connection with introduction of Immigrants	5,068 1 4
		Salaries of Immigration department	1,135 0 0
	£183,354 6 6		£105,082 9 9

The entire amount for which Government is liable under the Immigration Regulations has been taken into account in the above statement.

LESLEY C. MOODY,
Immigration Agent.

Immigration Office,
Melbourne, 3rd February, 1865.

RETURN, showing the amount available for Immigration purposes out of Land Fund during the year 1864, and the amount expended during that period.

Amount available.			Amount expended.		
	£	s. d.		£	s. d.
Amount available from Land Fund of 1864 for Immigration purposes ...	158,741	0 0	Passage money paid for 5686½ adults, for whom warrants were issued ...	78,187	10 0
Amount of deposits received under the Immigration Regulations ...	23,877	0 0	Sundry expenses in connection with introduction of Immigrants ...	2,115	11 10
			Second moiety of passage money of 162 single females selected by H.M. Emigration Commissioners ...	1,098	8 6
			Cost of Immigration department—salaries ...	1,135	0 0
TOTAL ...	£182,618	0 0	TOTAL ...	£82,536	10 4

NOTE.—The entire amount for which Government is liable under the Immigration Regulations has been taken into account in the above statement.

LESLY C. MOODY,
Immigration Agent.

Immigration Office,
Melbourne, 3rd February, 1865.

1864-5.

VICTORIA.

ATTORNEY-GENERAL'S OPINION.
(LAND ACT.)

LAI'D ON THE COUNCIL TABLE BY THE HONORABLE M. HERVEY, 9TH FEBRUARY, 1865,
AND ORDERED BY THE COUNCIL TO BE PRINTED 14TH FEBRUARY, 1865.

(COPY.)

OPINION *re* MEANING OF WORDS "NET MONEYS" UNDER THE LAND ACT.

I think that the question as to the meaning of the words "net moneys received from the sale, &c., of land" is not affected by the circumstance that the expenses of survey, sale, and management are in practice defrayed out of the Consolidated Revenue. The net moneys received from the sale of anything appear to me to mean the moneys which come into the hands of the seller after deducting all the expenses, either necessarily incidental to the sale, or which, though not absolutely necessary, have been incurred in respect of the thing sold, with the seller's authority, by the agent who effects the sale and renders the account.

If a public lands account were to be opened between the Board of Land and Works (which may be regarded as the agent of the State for taking care of and selling the public lands) and the Treasury, I suppose that the Board would debit itself with the gross proceeds of land sales, &c., and credit itself with the expenses not only of sale, but of survey and management, either as being necessary for the purpose of sale, or as being something done by the Board in connection with the land, with the authority of the State, the cost of which the State had impliedly promised to repay, or allow to be deducted out of the proceeds of the sales. The net proceeds or moneys would be the amount payable by the Board to the Treasury after deducting all these necessary or authorised charges in respect of the land with the care and sale of which it had been entrusted.

I am of opinion, in accordance with this view, that the expenses of survey, sale, and management are to be deducted from the sum that actually reaches the Treasury, and that the difference will be the net moneys referred to in the 38th Section.

(Signed)

GEO. HIGINBOTHAM.

13th October, 1863.

1864-5.

VICTORIA.

FOREIGN SHIPS OF WAR.—DESPATCHES.

LAI^D ON THE COUNCIL TABLE, BY COMMAND OF HIS EXCELLENCY THE GOVERNOR,
BY THE HONORABLE M. HERVEY, AND ORDERED BY THE COUNCIL TO BE PRINTED,
28TH FEBURARY, 1865.

[COPY.]

Circular.—[VICTORIA.]

Downing Street, 28th March, 1863.

SIR,

Questions having arisen as to the mode in which Governors of Colonies should communicate with Officers of Her Majesty's Navy, and the mode of conveying notices of different kinds to Commanders of Foreign Vessels in colonial waters, I have to convey to you the following instructions on these subjects.

The Governor will write in his own name to any Senior Naval Officer (that is to say, the Senior Officer then within his immediate reach) holding the rank of Flag Officer, Captain, or Commander, but will communicate with any Senior Officer of lower rank through his Private Secretary. In no case will he communicate through the Colonial Secretary, whose functions are of a different character, and whose office should not be the place of deposit for communications between the Governor and officers in command of Her Majesty's naval forces.

Any notice or direction conveyed by the Governor's authority to the Commander of any foreign vessel should be conveyed through the officers of the Colonial Government, and not through the officers of Her Majesty's Navy, whose intervention should not be applied for, unless the directions conveyed through the ordinary channel should fail to produce their effect.

I have, &c.,

Governor Sir H. Barkly,
&c., &c., &c.

(Signed) NEWCASTLE.

[COPY.]

Circular.—[VICTORIA.]

Downing Street, 11th January, 1864.

SIR,

Her Majesty's Government have had occasion to consider whether Salutes can properly be exchanged between the Forts in Her Majesty's Colonies and Vessels of War of the Confederate States.

I have to instruct you that, in case the Commander of any such vessel should offer you a Salute, it will be your duty to decline it, and that, if the Salute should be fired without having been previously offered, it should not be returned.

In each case the Commander of the vessel should be informed that the reason for declining to receive or to return such Salutes is that the Confederate States have not been acknowledged by this country otherwise than as Belligerents.

I have, &c.,

(Signed) C. FORTESCUE.

(In the absence of and by the authority of the Secretary of State.)

Governor Sir Charles Darling, K.C.B.
&c., &c.

1864-5.

VICTORIA.

WHEAT, ETC., IMPORTED.

RETURN TO AN ORDER OF THE LEGISLATIVE COUNCIL.

THE HONORABLE J. F. STRACHAN.—9TH FEBRUARY, 1865.

LAD ON THE COUNCIL TABLE BY THE HONORABLE M. HERVEY, 14TH FEBRUARY, 1865,
AND ORDERED BY THE COUNCIL TO BE PRINTED, 28TH MARCH, 1865.RETURN of all WHEAT, BARLEY, OATS, MAIZE, and FLOUR imported into this Colony during
the Years 1863 and 1864.

IMPORTS.	1863.	*1864.
Wheat	272,538 bushels	831,072 bushels.
Barley	60,051 bushels	35,126 bushels.
Oats...	517,856 bushels	296,917 bushels.
Maize	471,238 bushels	307,944 bushels.
Flour	9,464 tons	26,080 tons.

* The Returns of Warrnambool and some of the Murray River Ports, for the last Quarter of 1864, have not yet been received.

HENRY J. LEPLASTRIER,
For the Inspector-General of Customs.Department of Trade and Customs,
Melbourne, 10th February, 1865.

1864-5.

VICTORIA.

ROYAL COMMISSION AND INSTRUCTIONS.

RETURN TO AN ADDRESS OF THE LEGISLATIVE COUNCIL.

THE HONORABLE T. H. FELLOWS.—7TH MARCH, 1865.

LAI'D ON THE COUNCIL TABLE BY THE HONORABLE M. HERVEY, 21ST MARCH, 1865, AND ORDERED BY THE COUNCIL TO BE PRINTED, 28TH MARCH, 1865.

COPIES OF HIS EXCELLENCY'S COMMISSION AS GOVERNOR OF THE COLONY, AND OF HER MAJESTY'S ROYAL INSTRUCTIONS TO HIS EXCELLENCY.

COMMISSION.

*VICTORIA, by the Grace of God, of the United Kingdom of GREAT BRITAIN AND IRELAND, Queen, Defender of the Faith.**TO Our trusty and well beloved SIR CHARLES HENRY DARLING, Knight, Commander of Our Most Honorable Order of the Bath.*

GREETING:

WHEREAS, We did by Our Commission under the Great Seal of Our United Kingdom of Great Britain and Ireland, bearing date at Westminster, the 9th day of October, One thousand eight hundred and fifty-six, in the twentieth year of Our reign, constitute and appoint Our trusty and well beloved SIR HENRY BARKLY, Knight, Commander of Our Most Honorable Order of the Bath, to be Our Captain-General and Governor-in-Chief in and over Our Colony of Victoria, and of all Forts and Garrisons erected and established, or which should be erected and established within the same, for and during Our Royal will and pleasure, as by the said recited Letters Patent, relation being thereunto had, will more fully and at large appear: Now KNOW YOU that We have revoked and determined and do by these presents revoke and determine Our said recited Commission, and every clause, article, and thing therein contained: AND FURTHER KNOW YOU that We, reposing especial trust and confidence in the prudence, courage, and loyalty of you, SIR CHARLES HENRY DARLING, of Our especial grace certain knowledge and mere motion, have thought fit to constitute and appoint, and by these Presents do constitute and appoint, you to be, during Our pleasure, Our Governor and Commander-in-Chief, in and over Our said Colony of Victoria, and of all Forts and Garrisons erected and established, or which shall be erected and established, within Our said Colony, consisting of the territories bounded on the west by Our Colony of South Australia; on the south by the sea; and on the north and east by a straight line drawn from Cape Howe to the nearest source of the River Murray; and thence by the course of that river to the eastern boundary of the Colony of South Australia, and of all Forts and Garrisons erected and established, or which shall be erected and established, within Our said Colony of Victoria: AND We do hereby authorize, empower, require, and command you to do and execute all things in due manner that shall belong to your said command, and the trust We have reposed in you according to the several powers, authorities, and directions granted or appointed you by this present Commission, and the Instructions herewith given to you, or according to such further powers, instructions, and authorities, as shall at any time hereafter be granted or appointed you under Our Sign Manuel and Signet, or by order in Our Privy Council, or by Us through one of Our Principal Secretaries of State, and according to such laws as are now or shall hereafter be in force in Our said Colony: AND WHEREAS it is expedient that an Executive Council should be appointed to advise and assist you in the administration of the government of Our said Colony: Now WE do declare Our pleasure to be, that there shall be an Executive Council for Our said Colony, and that the said Council shall consist of such persons as you shall, by Instruments to be passed under the Public Seal of Our said Colony in Our name

and on Our behalf, from time to time nominate and appoint to be members of the said Council : AND We do hereby authorize and empower you to keep and use the Public Seal of Our said Colony for sealing all things whatsoever that shall pass the said Seal : AND We do hereby authorize and empower you to make and execute in Our name and on Our behalf, under the Public Seal of Our said Colony, Grants and Dispositions of any lands which may be lawfully granted and disposed of by Us within Our said Colony : AND We do hereby authorize and empower you to constitute and appoint Judges, and, in cases requisite, Commissioners of Oyer and Terminer, Justices of the Peace, and other necessary Officers and Ministers in Our said Colony, for the due and impartial administration of justice, and for putting the laws into execution : AND We do hereby authorize and empower you, as you shall see occasion, in Our name and on Our behalf to grant to any offender convicted of any crime in any court or before any judge, justice, or magistrate within Our said Colony, a Pardon either free or subject to lawful conditions, or any respite of the execution of the sentence of any such offender for such period as to you may seem fit, and to remit any fines, penalties, or forfeitures, which may become due and payable to Us : AND We do hereby authorize and empower you, so far as We lawfully may, upon sufficient cause to you appearing, to remove from his office, or to suspend from the exercise of the same, any person exercising any office or place within Our said Colony, under or by virtue of any Commission or Warrant granted, or which may be granted, by Us, or in Our name, or under Our authority : AND We do hereby declare Our pleasure to be that, in the event of your death, incapacity, or absence out of Our said Colony of Victoria, all and every the powers and authorities herein granted to you shall be and the same are hereby vested in such person or persons as may by Us be appointed by Warrant under Our Sign Manual and Signet to be the Lieutenant-Governor of Our said Colony, or to administer the government of the same ; and in case there shall be no person or persons within Our said Colony, so appointed by Us, then in the Officer for the time being in Command of Our Land Forces in Our said Colony, and such Lieutenant-Governor, or such other person or persons who may by Us be appointed to administer the government of Our said Colony, or such officer, as the case may be, shall exercise all and every the powers and authorities herein granted until Our further pleasure shall be signified therein : AND We do hereby require and command all Our Officers and Ministers, civil and military, and all other the inhabitants of Our said Colony of Victoria, to be obedient, aiding, and assisting unto you, or, in the event of your death, absence, or incapacity, to such person or persons as may, under the provisions of this Our Commission, assume and exercise the functions of Governor and Commander-in-Chief in and over Our said Colony.

IN WITNESS whereof, We have caused these Our Letters to be made Patent.

WITNESS Ourselves, at Westminster, the twenty-third day of June, in the twenty-seventh year of Our Reign.

L.S.

By Warrant under the Queen's Sign Manual,

(Signed) C. ROMILLY.

INSTRUCTIONS.

(Signed) VICTORIA Rg.

Instructions to Our trusty and well beloved SIR CHARLES HENRY DARLING, Knight, Commander of Our Most Honorable Order of the Bath, Our Governor and Commander-in-Chief in and over Our Colony of Victoria, or, in his absence, to Our Lieutenant-Governor, or the Officer administering the Government of Our said Colony for the time being.

GIVEN at Our Court at Windsor, this twenty-third day of June, 1863, in the twenty-seventh year of Our Reign.

First.—WHEREAS, We have, by a Commission under the Great Seal of the United Kingdom of Great Britain and Ireland, bearing even date, herewith constituted and appointed you, the said SIR CHARLES HENRY DARLING, to be Our Governor and Commander-in-Chief, in and over Our Colony of Victoria, and have further authorized, empowered, required, and commanded you in due manner to do and execute all things that shall belong to your said command, and the trust we have reposed in you according to such laws as are now or shall hereafter be in force in Our said Colony and according to the several powers, provisions, and directions granted or appointed you by virtue of Our said Commission, and according to such Instructions as are herewith given to you, or which may from time to time hereafter be given to you under Our Sign Manual and Signet, or by Our Order in Our Privy Council, or by Us through one of Our Principal Secretaries of State : Now therefore by these Our Instructions, under Our Royal Sign Manual and Signet, being the Instructions so referred to as aforesaid, We do declare Our pleasure to be, That you shall, with

all due solemnity, cause Our said Commission to be read and published in the presence of the Chief Justice or other judge of the Supreme Court of Our said Colony, and of the members of the Executive Council thereof, which being done, you shall then and there take the Oath appointed to be taken by an Act passed in the twenty-first and twenty-second year of Our Reign, entitled, "*An Act to substitute one Oath for the Oaths of Allegiance, Supremacy, and Abjuration, and for the Relief of Her Majesty's Subjects professing the Jewish Religion,*" and likewise that you take the usual Oath for the due execution of the office of Our Governor and Commander-in-Chief in and over Our said Colony, and for the due and impartial administration of justice, which oaths the said Chief Justice or other judge then present is hereby required to tender and administer unto you.

Second.—And We do authorize and require you from time to time, and at any time hereafter, by yourself or by any other person to be authorised by you in that behalf, to administer and give to all and every such person or persons, as you shall think fit, who shall hold any office or place of trust or profit, or who shall at any time or times pass into Our said Colony, or be resident therein, the said oath of allegiance, save only in cases wherein any other oath or oaths is or are prescribed by the statutes in that behalf made, or by any of them, in which case it is Our pleasure; and We do hereby direct that you do administer or cause to be administered to such persons such oath or oaths as aforesaid.

Third.—You are to communicate forthwith to Our said Executive Council for Our said Colony, these Our Instructions, and likewise all such others, from time to time, as you shall find convenient for Our service to be imparted to them.

Fourth.—And We do hereby direct and enjoin that Our said Council shall not proceed to the dispatch of business, unless duly summoned by your authority, and unless two members at the least (exclusive of yourself or the member presiding) be present and assisting throughout the whole of the meetings at which any such business shall be dispatched.

Fifth.—And We do hereby further direct and enjoin that you do attend and preside at the meetings of Our said Executive Council, unless when prevented by some necessary or reasonable cause, and that, in your absence, the senior member of the said Executive Council actually present shall preside at all such meetings, the seniority of the Members of the Council being regulated according to the priority of their appointments as Members of Our said Council.

Sixth.—And We do further direct and enjoin that a full and exact journal or minute be kept of all the deliberations, acts, proceedings, votes, and resolutions of Our said Council, and that at each meeting of the said Council the minutes of the last meeting be read over, confirmed, or amended, as the case may require, before proceeding to the dispatch of any other business.

Sevent.—And We do hereby direct and enjoin, that, in the execution of the powers and authorities committed to you by Our said Commission, you do in all cases consult with Our Executive Council, excepting only in cases which may be of such a nature that, in your judgment, Our service would sustain material prejudice by consulting Our Council thereupon, or when the matters to be decided shall be too unimportant to require their advice, or too urgent to admit of their advice being given by the time within which it may be necessary for you to act in respect of any such matters: Provided that in all such urgent cases you do subsequently, and at the earliest practicable period, communicate to the said Executive Council the measures which you may so have adopted, with the reasons thereof.

Eighth.—And We do authorise you in your discretion, and if it shall in any case appear right, to act in the exercise of the power committed to you by Our said Commission in opposition to the advice which may in any such case be given to you by the members of Our said Executive Council: Provided, nevertheless, that, in any such case, you do fully report to Us, by the first convenient opportunity any such proceeding, with the grounds and reasons thereof. And We do further direct, that, twice in each year, a full transcript of all the minutes of the said Council for the preceding half year be transmitted to Us through one of Our Principal Secretaries of State.

Nine.—And whereas it has been appointed by Parliament that such of the provisions of the Act of the fourteenth year of Our reign, chapter fifty-nine, and of the Act of the fifth and sixth years of Our reign, chapter seventy-six, which relate to the giving and withholding Our assent to Bills, the reservation of Bills for the signification of Our pleasure thereupon, and the instructions to be conveyed to Governors for their guidance in relation to the matters aforesaid, shall apply to and be in force in Our said Colony: We do, in the exercise of the powers in Us vested, by these Our Instructions under Our Sign Manual and Signet, declare Our pleasure to be, that, until further order shall be made by Us in that behalf, you do, in the exercise of the powers vested in you of assenting to, or dissenting from, or for reserving for the signification of Our pleasure, such Bills as may be passed by the Legislative Council and House of Assembly of Our said Colony, guide yourself, as far as may be practicable, by the following rules, directions, and instructions (that is to say):—

Ten.—You are, as much as possible, to observe, in the passing of all laws, that each different matter be provided for by a different law, without intermixing in one and the same Act such things as have no proper relation to each other; and you are more especially to take care that no clause or clauses be inserted in or annexed to any Act which shall be foreign to what the title of such Act imports, and that no perpetual clause be part of any temporary law.

Eleven.—If any Bill of any one of the clauses hereinafter specified should be presented to you for Our assent, you are (unless you think proper to withhold Our assent from the same) to reserve the same for the signification of Our pleasure thereon: subject, nevertheless, to your discretion in case you should be of opinion that an urgent necessity exists requiring that such Bill be brought into immediate operation; in which case you are authorised to assent to such Bill in Our name, transmitting to Us, by the earliest opportunity, the Bill so assented to, together with your reasons for assenting thereto, (that is to say)—

1. Any Bill for the divorce of persons joined together in holy matrimony.
2. Any Bill whereby any grant of land, or money, or other donation, or gratuity may be made to yourself.
3. Any Bill whereby any paper or other currency may be made a legal tender, except the coin of the realm, or other gold or silver coin.
4. Any Bill imposing differential duties.
5. Any Bill the provisions of which shall appear inconsistent with obligations imposed upon Us by treaty.
6. Any Bill interfering with the discipline or control of Our forces, in the colony, by land and sea.
7. Any Bill of an extraordinary nature and importance, whereby Our prerogative or the rights and property of Our subjects, not residing in the Colony, or the trade and shipping of the United Kingdom and its Dependencies, may be prejudiced.
8. Any Bill containing provisions to which Our assent has been once refused, or which has been disallowed by Us.

Twelve.—You shall take care that all laws assented to by you in Our name, or reserved for the signification of Our Royal pleasure thereon, shall, when transmitted by you, be fairly abstracted in the margins, and accompanied with explanatory observations upon each of them, exhibiting the reasons and occasion for proposing such laws; and you shall also transmit fair copies of the Journals and Minutes of the Proceedings of the said Legislative Council and House of Assembly, which you are to require from the Clerks or other proper offices* in that behalf of the said Legislative Council and House of Assembly.

sic.

Thirteen.—And whereas We have, by Our said Commission, authorised and empowered you, as you shall see occasion in Our name and on Our behalf, to grant to any offender, convicted of any crime in any court, or before any judge, justice, or magistrate within Our said Colony, a pardon, either free, or subject to lawful conditions. Now, We do hereby direct and enjoin you to call upon the judge presiding at the trial of any offender who may from time to time be condemned to suffer death by the sentence of any court within Our said Colony, to make to you a written report of the case of such offender, and such report of the said judge shall by you be taken into consideration at the first meeting thereafter which may be conveniently held, of Our said Executive Council, where the said judge shall be specially summoned to attend, and you shall not pardon or reprieve any such offender as aforesaid, unless it shall appear to you expedient so to do upon receiving the advice of Our Executive Council therein, but in all such cases you are to decide either to extend or to withhold a pardon or reprieve, according to your own deliberate judgment, whether the Members of Our said Executive Council concur therein or otherwise; entering nevertheless on the minutes of the said Council a minute of your reasons at length, in case you should decide any such question in opposition to the judgment of the majority of the members thereof.

Fourteen.—And it is Our further will and pleasure that you do, to the utmost of your power, promote Religion and Education among the Native Inhabitants of Our said Colony or of the Lands and Islands thereto adjoining, and that you do especially take care to protect them in their persons, and in the free enjoyment of their possessions, and that you do by all lawful means prevent and restrain all violence and injustice which may in any manner be practised or attempted against them.

Fifteen.—And whereas great prejudice may happen to Our service and to the security of Our said Colony by the absence of the Governor, you shall not, upon any pretence whatever, quit Our said Colony without having first obtained Our leave for so doing under Our Sign Manual and Signet, or through one of Our Principal Secretaries of State.

(Signed)

V. Rg.

Sir Charles Henry Darling, K.C.B.,
Instructions,
Victoria.

1864-5.

VICTORIA.

 AGRICULTURAL AREAS.—PROTEST.

LAI'D UPON THE COUNCIL TABLE BY THE HONORABLE M. HERVEY, AND ORDERED BY
THE COUNCIL TO BE PRINTED, 30TH MAY, 1865.

[COPY.]

To the Honorable the President of the Board of Land and Works.

51, Chancery Lane,
Melbourne, 29th May, 1865.

SIR,

Referring to the Agricultural Areas recently proclaimed as open and to be open for selection and leasing under the Amending Land Act 1865, we are instructed to give you notice that many of such areas embrace Runs or Stations, or parts of Runs or Stations, occupied by different Licensees of the Crown under and in pursuance of certain contracts or engagements duly entered into on behalf of the Crown for leases and renewals of leases pursuant to the Orders in Council made under the provisions of 9 and 10 Victoria, chap. 104, that such licensees deny the power of the Legislature of this colony to pass any Act depriving them of the benefit of such contracts or engagements, inasmuch as they are protected by the Constitution Act creating such Legislature. They also deny the right and power of the Government to proclaim such runs or any portions thereof open for selection, for purchase, or leasing under color of any Act of the Legislature of this colony during their tenure under such Orders in Council, except for any of the purposes specifically mentioned in such Orders in Council; and such licensees do hereby protest against the exercise of any such alleged right or assumed power; and in case they are dispossessed of their runs, or any portions thereof, by reason of any selection for purchase or leasing on the part of the Government under color of any of the Acts of the Legislature of this colony during their tenure under the said Orders in Council, except for the purposes before alluded to, it is their intention to seek such redress as they may be advised.

We are instructed to call your attention to the circumstance of such rights and powers being *sub-judice* at the present moment in a certain suit against the Crown now pending on the Equity side of the Supreme Court of this colony at the instance of Mr. Dallimore and others, and to suggest to the Government the advisability of withdrawing such areas so far as they affect runs occupied under contracts or engagements made under the authority of the said Orders in Council until the rights in question are adjudicated upon by competent authority.

We have the honor to be,

Sir,

Your obedient Servants,

(Signed)

BRODRIBB, CRISP, & LEWIS.

1864-5.

VICTORIA.

RATEPAYERS.

RETURN TO AN ORDER OF THE LEGISLATIVE COUNCIL.

THE HONORABLE T. H. FELLOWS.—13TH DECEMBER, 1864.

LAI'D ON THE COUNCIL TABLE BY THE HONORABLE M. HERVEY, 29TH MARCH, 1865 ;
AND ORDERED BY THE COUNCIL TO BE PRINTED, 6TH JUNE, 1865.A RETURN, in the subjoined form, of the several matters and particulars indicated by such form,
in regard to every City, Town, Borough, Shire, and Road District respectively.

CITY OF MELBOURNE.

Total Number of Ratepayers on the Rate last made.	Number of Persons rated at sums from £50 to £100 inclusive.	Number of Persons rated at sums over £100 and not exceeding £150.	Number of Persons rated at sums over £150 and not exceeding £200.	Number of Persons rated at sums over £200 and not exceeding £300.	Number of Persons rated at sums over £300.
8,939	1,297	476	261	272	264

TOWN OF GEELONG.

3,800	280	77	27	15	15
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BOROUGHES.

Borough.	Total Number of Ratepayers on the Rate last made.	Number of Persons rated at sums from £50 to £100 inclusive.	Number of Persons rated at sums over £100 and not exceeding £150.	Number of Persons rated at sums over £150 and not exceeding £200.	Number of Persons rated at sums over £200 and not exceeding £300.	Number of Persons rated at sums over £300.
Amherst ...	461	67	19	5	3	—
Ararat ...	601	43	8	4	3	—
Ballarat East ...	3,226	212	92	35	25	13
Ballarat West ...	2,668	326	50	34	9	20
Barwon South ...	402	29	3	3	3	—
Belfast ...	466	26	9	1	2	2
Beechworth ...	774	69	14	8	3	5
Brunswick ...	1,173	63	14	—	2	2
Brighton ...	496	95	21	5	5	2
Browns and Scarsdale ...	722	27	5	—	—	—
Buninyong ...	366	26	2	2	—	—
Castlemaine ...	1,727	157	30	14	13	14
Carisbrook ...	441	24	2	1	—	1
Chewton ...	920	9	4	—	—	—
Chiltern ...	366	37	5	—	—	—
Clunes ...	864	51	10	5	1	1
Collingwood East ...	4,400	102	30	10	15	1
Creswick ...	783	50	7	3	4	1
Daylesford ...	1,285	94	21	6	10	3
Dunolly ...	488	33	9	4	1	—
Eaglehawk ...	1,097	31	13	2	8	1
Emerald Hill ...	*2,250	93	11	6	1	2

* Estimated—New Roll not yet compiled. Roll in force made from previous Rate Book.

BOROUGHES—continued.

Borough.	Total Number of Ratepayers on the Rate last made.	Number of Persons rated at sums from £50 to £100 inclusive.	Number of Persons rated at sums over £100 and not exceeding £150.	Number of Persons rated at sums over £150 and not exceeding £200.	Number of Persons rated at sums over £200 and not exceeding £300.	Number of Persons rated at sums over £300.
Essendon and Flemington ...	354	35	12	9	5	1
Fitzroy ...	3,073	361	83	17	7	5
Footscray ...	1,105	120	1	6	—	—
Gisborne ...	154	9	—	—	—	—
Hamilton ...	667	53	8	3	5	2
Hawthorn ...	557	91	20	6	6	2
Heathcote... ..	555	20	8	1	1	—
Hotham ...	2,020	68	20	—	1	—
Inglewood ...	340	35	7	1	3	—
Jamieson ...	197	24	8	1	3	—
Kew ...	372	59	22	5	4	4
Kilmore ...	409	29	13	4	2	2
Malmsbury ...	234	16	7	1	—	2
Maryborough ...	461	37	25	10	2	8
Newtown and Chilwell ...	1,670	89	12	4	5	1
Portland ...	505	37	11	1	9	3
Prahran ...	3,325*	310	54	27	17	9
Queenscliff ...	246	17	4	—	1	—
Richmond ...	3,192	118	32	7	3	5
Rutherglen ...	269	30	5	—	1	—
Sandhurst ...	5,850	322	81	39	25	23
Sandridge ...	1,525	68	24	6	7	32
Sale ...	269	28	6	3	1	1
Sebastopol † ...	—	—	—	—	—	—
Smythesdale ...	271	40	4	6	—	—
St. Arnaud ...	274	27	9	4	2	2
St. Kilda ...	1,330	322	128	38	20	8
Taradale ...	319	41	8	4	1	1
Tarnagulla ...	335	24	7	3	1	1
Wangaratta ...	278	27	4	1	4	—
Warrnambool ...	744	30	5	3	6	—
Woodend ...	298	27	8	3	2	—
Williamstown ...	1,803	121	14	9	1	—
	for 2,304 properties.					

* This is the number in the Rate Book; but, as one name appears to several ratings, there will not be more than 2600 persons who are ratepayers.

† This Borough was only constituted on 24th October, 1864.

Chief Secretary's Office,
Melbourne, 29th March, 1865.

J. MOORE,
Under Secretary.

SHIRES AND ROAD DISTRICTS.

[S. Shire; D. Road District.]

Shire or Road District.	Shire or Road District.	Total Number of Ratepayers on the Rate last made.	Number of Persons rated at sums from £50 to £100 inclusive.	Number of Persons rated at sums over £100 and not exceeding £150.	Number of Persons rated at sums over £150 and not exceeding £200.	Number of Persons rated at sums over £200 and not exceeding £300.	Number of Persons rated at sums over £300.
S.	Alberton ...	418	35	17	5	3	1
D.	Amherst and Clunes ...	250	29	14	—	4	3
S.	Ararat ...	382	27	3	2	3	22
S.	Avoca* ...	550	45	3	—	2	10
D.	Avon ...	468	59	8	7	8	11
D.	Bacchus Marsh and Maddingley ...	423	46	13	6	4	1
S.	Ballarat ...	932	284	88	34	27	10
S.	Ballan ...	759	3	—	—	—	—
S.	Bannochburn... ..	455	66	23	17	8	7
D.	Barrabool ...	682	68	17	7	6	4
S.	Belfast ...	988	119	59	27	18	32
D.	Berwick ...	321	47	5	1	1	5
S.	Bet-Bet ...	892	50	8	4	—	6
D.	Boroondara ...	292	34	12	2	1	—
D.	Braybrook ...	262	30	3	—	3	4
D.	Broadmeadows ...	369	51	35	14	7	3
D.	Buckland ...	840	43	10	3	1	1
D.	Bulla ...	192	24	13	7	12	7

* This Return is exclusive of the two late Boroughs of Avoca and Moonambel separately as follows:—

Avoca Borough ..	180	23	6	2	2	4
Moonambel Borough ..	82	16	3	—	—	—

SHIRES AND ROAD DISTRICTS—*continued.*

Shire or Road District.	Shire or Road District.	Total Number of Ratepayers on the Rate last made.	Number of Persons rated at sums from £50 to £100 inclusive.	Number of Persons rated at sums over £100 and not exceeding £150.	Number of Persons rated at sums over £150 and not exceeding £200.	Number of Persons rated at sums over £200 and not exceeding £300.	Number of Persons rated at sums over £300.
S.	Buninyong	2,212	63	13	4	1	4
D.	Bungaree	1,165	54	6	1	3	1
D.	Bylands and Glenburnie	196	18	4	1	1	—
D.	Campaspe	656	44	12	3	7	7
D.	Campbell's Creek	442	14	2	—	—	1
D.	Caulfield	340	26	13	6	1	—
S.	Colac	371	94	17	6	3	17
D.	Connewarre	137	11	3	3	1	—
S.	Corio	520	69	11	6	3	14
D.	Cranbourne	151	28	5	5	5	10
S.	Creswick	965	203	66	16	10	7
D.	Dandenong	287	8	5	1	—	—
D.	Donnybrook and Wallan Wallan	217	28	11	5	5	5
S.	Dundas	494	36	5	4	4	46
D.	Echuca	176	37	16	5	11	11
D.	Eltham	207	24	6	2	2	1
D.	Epping	498	79	8	3	5	1
D.	Franklin and Yandoit	933	84	10	1	1	—
D.	Fryers	1,010	25	8	4	3	2
D.	Gardiner	246	37	13	10	1	—
D.	Gisborne	355	51	18	3	5	6
S.	Glenelg	351	23	5	6	5	36
D.	Glenlyon	380	56	15	4	3	2
D.	Greensborough	110	16	3	1	—	—
S.	Grenville	1,849	75	19	13	3	5
S.	Hampden	299	24	5	7	4	34
D.	Heidelberg	297	30	17	8	8	2
D.	Indented Heads	1,056	54	11	4	1	—
D.	Indigo	218	10	1	1	3	—
D.	Kangerong	89	16	1	1	2	1
D.	Keilor	182	24	7	4	—	5
S.	Korong	566	16	9	7	3	6
S.	Kyneton*	735	204	56	5	5	4
D.	Lancefield	335	62	18	7	6	2
S.	Leigh	390	1	1	2	1	—
S.	Lexion	267	51	8	3	2	6
D.	Loddon, East (no Board yet elected)	—	—	—	—	—	—
S.	Maldon	1,359	96	23	6	7	3
D.	Mansfield (no Board yet elected)	—	—	—	—	—	—
S.	Marong	2,140	91	24	5	6	6
D.	Melton	260	17	7	1	3	8
D.	Meredith	364	17	4	—	3	7
D.	Metcalfe	382	79	11	5	4	6
D.	Moorabbin	713	28	3	—	2	—
S.	Mortlake	228	22	2	9	4	22
D.	Mount Eliza	381	38	2	2	1	2
S.	Mount Rouse	226	20	8	8	4	23
S.	McIvor	338	39	12	10	13	9
D.	Newstead	783	96	18	3	3	2
D.	North Harrow	59	7	2	2	12	5
D.	North Ovens	245	56	12	5	1	3
D.	Nunawading	289	17	5	—	—	—
D.	Oakleigh and Mulgrave	374	13	1	—	—	—
D.	Oxley	146	29	19	5	4	5
D.	Pentridge	295	—	—	—	—	—
S.	Portland	533	76	21	15	13	34
D.	Pyalong	144	34	8	—	1	2
S.	Ripon	1,027	87	9	3	2	16
D.	Rutherglen	584	34	8	5	3	—
S.	Saint Arnaud	295	34	16	5	7	7
D.	Seymour	172	20	2	6	7	6
D.	Springfield	207	47	6	3	2	4
D.	Stanley	922	47	5	1	—	1
S.	Stawell	940	58	9	6	5	10
D.	Strathfieldsaye	963	65	5	3	5	3
D.	Swan Hill	43	6	8	3	4	7
D.	Templestowe	217	15	4	1	1	—
S.	Tullaroop	924	54	11	3	5	2
D.	Upper Pienty or Morang	248	28	5	4	—	1
D.	Upper Yarra	103	22	3	11	6	3
D.	Waranga	451	47	11	2	10	8
S.	Warrnambool	854	150	47	18	16	25
D.	Whittlesea	164	30	6	1	2	1

* This Return is exclusive of the late Borough of Kyneton, as follows:—

810	47	7	1	4	—
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SHIRES AND ROAD DISTRICTS—*continued.*

Shire or Road District.	Shire or Road District.	Total Number of Ratepayers on the Rate last made.	Number of Persons rated at sums from £50 to £100 inclusive.	Number of Persons rated at sums over £100 and not exceeding £150.	Number of Persons rated at sums over £150 and not exceeding £200.	Number of Persons rated at sums over £200 and not exceeding £300.	Number of Persons rated at sums over £300.
D.	Willowmavin	122	10	2	—	—	—
S.	Wimmera	118	7	6	4	10	32
S.	Winchelsea	296	31	6	3	3	19
D.	Woodend, Newham, and Rochford ...	218	38	15	6	1	—
D.	Woodstock	100	14	8	1	3	2
D.	Wooragee	531	19	3	—	1	—
S.	Wyndham	229	54	4	3	4	15
S.	Yackandandah	673	57	14	7	6	3

Roads and Bridges Office,
Melbourne, 14th February, 1865.

(Signed) JOHN STEAVENSON,
Assistant Commissioner of Roads and Bridges.

1864-5.

VICTORIA.

AMENDING LAND ACT, 1865,
REGULATIONS UNDER THE SEVENTH AND
THIRTEENTH SECTIONS OF.

PRESENTED TO BOTH HOUSES OF PARLIAMENT BY HIS EXCELLENCY'S COMMAND.

LAID UPON THE COUNCIL TABLE BY THE HONORABLE M. HERVEY, 11TH MAY, 1865, AND
ORDERED BY THE COUNCIL TO BE PRINTED, 6TH JUNE, 1865.

ORDER BY THE GOVERNOR IN COUNCIL.

At the Government House, Melbourne, the first day of May, 1865.

PRESENT:

His Excellency the Governor.

Major-General Chute
Mr. McCulloch
Mr. Michie
Mr. Verdon

Mr. Grant
Mr. Francis
Mr. Sullivan.

WHEREAS, by the 13th section of *The Amending Land Act 1865*, it is, among other things, enacted that the Board of Land and Works may, in such manner and subject to such terms, conditions, and regulations as the Governor in Council may from time to time direct, grant leases of subdivisions of an allotment to two or more persons, one of whom shall have made application and paid a half-year's rent in advance for the said allotment, in the manner provided by the said Act: Now therefore His Excellency the Governor, with the advice of the Executive Council, doth, by this present Order, make the rules and regulations following for applying for and granting leases in the manner aforesaid:—

1. Every person who may desire to subdivide with another person or persons an allotment applied for by him under sections 12 and 13 of *The Amending Land Act 1865*, and to secure the issue of a separate lease or leases to such person or persons for any subdivision or subdivisions of the said allotment, shall, at the time of making such application, state in writing to the Land Officer the name or names of the person or persons with whom he is desirous of subdividing the same, and shall, within one month from the date of his application, address a request for such leases to the President of the Board of Land and Works, and shall forward with such request a plan, certified by a contract surveyor holding a certificate of competency signed by the Board of Examiners at the Crown Lands Office, and showing the proposed method of subdivision, the lengths and bearings of the dividing and boundary lines, and the names in full of the proposed lessees so previously stated as aforesaid, together with a written undertaking from every such proposed lessee to accept and conform to such plan of subdivision, and to execute a lease prepared in accordance therewith within three months from the date of the original application.

2. This regulation shall not apply to any land selected under or by virtue of a certificate obtained under sections 23 and 24 of *The Land Act 1862*, or under section 7 of *The Amending Land Act 1865*.

And the Honorable James Macpherson Grant, Her Majesty's Commissioner of Crown Lands and Survey for Victoria, shall give the necessary directions herein accordingly.

(Signed) J. H. KAY,
Clerk of the Executive Council.

ORDER BY THE GOVERNOR IN COUNCIL.

At the Government House, Melbourne, the first day of May, 1865.

PRESENT:

His Excellency the Governor.

Major-General Chute
Mr. McCulloch
Mr. Michie
Mr. Verdon

Mr. Grant
Mr. Francis
Mr. Sullivan.

WHEREAS, by the 7th section of *The Amending Land Act 1865*, it is, amongst other things, enacted that any person who had before the passing of the said Act become entitled under the 23rd and 24th, or the 33rd or 34th sections respectively of *The Land Act 1862*, to select or purchase land within twelve months of the date of the said Act, and the executors, administrators, and assigns of such persons, might, subject to all the limitations, conditions, restrictions, and obligations attached by the said last-mentioned Act to such selection or purchase, exercise the said right of selection, upon making application to the Board of Land and Works at any time within twelve months after the passing of *The Amending Land Act 1865*: And, whereas, it is further, by the said 7th section of the said last-mentioned Act, provided that all persons, from the time of the passing of *The Land Act 1862*, entitled to receive certificates, should be entitled to receive the same within three months after the passing of *The Amending Land Act 1865*: And, whereas, by the 133rd section of *The Land Act 1862*, it is, amongst other things, enacted that the Governor in Council should have full powers from time to time to make any rules and regulations for prescribing the form of leases and licences, and transfers of pastoral licences, to be issued under the said Act, and the conditions on which such leases should be issued, for imposing any reasonable charge or fee for any Crown grant or other document issued under the authority of the said Act, and for the more fully carrying out the objects and purposes of the said Act, and to rescind such rules and regulations, and to make other rules and regulations in lieu thereof: And, whereas, by the 70th section of *The Amending Land Act 1865*, it is, amongst other things, enacted that the Governor in Council should have power from time to time to make and alter or rescind rules, regulations, and orders for prescribing the form of and the conditions and mode of applying for leases and licences to be issued under the said last-mentioned Act, and the conditions on which the same should be issued, for imposing any reasonable charge or fee for any Crown grant or other document issued under the authority of the said Act, and for the more fully carrying out the objects and purposes, and guarding against evasions and violations of the said Act: Now therefore His Excellency the Governor, by and with the advice of the Executive Council, doth order that all rules and regulations made under the provisions of *The Land Act 1862*, so far as they are inconsistent with the rule, regulation, or order hereby and hereinafter made, be rescinded, and that the following rule, regulation, or order be made, that is to say:—

All leases granted under the 22nd section of *The Land Act, 1862*, to persons entitled to select an allotment of Crown lands under the 23rd and 24th sections of the said Act and the 7th section of *The Amending Land Act 1865*, shall be in the form of the schedule hereto.

And the Honorable James Macpherson Grant, Her Majesty's Commissioner of Crown Lands and Survey for Victoria, shall give the necessary directions herein accordingly.

(Signed) J. H. KAY,
Clerk of the Executive Council.

SCHEDULE.

Form of Lease of Allotment selected under the 23rd and 24th sections of "The Land Act 1862," and the 7th section of "The Amending Land Act 1865."

THIS DEED made the _____ day of _____ in the year of our Lord One thousand eight hundred and sixty-_____ between the Queen's Most Excellent Majesty of the one part and _____ in the colony of Victoria (hereafter called the lessee) of the other part.

Whereas under the 23rd and 24th sections of *The Land Act 1862* and the 7th section of *The Amending Land Act 1865* the said lessee has become entitled to receive a lease of the land hereinafter described for the term and in manner hereinafter appearing and has paid in advance one year's rent for the same: Now these presents witness that in consideration of the rent and covenants hereinafter reserved and contained and by and on the part of the said lessee his executors administrators and assigns to be paid and performed Her said Majesty doth hereby demise to the said lessee executors administrators and assigns All that piece of land in the said colony containing _____ or thereabouts and described in the schedule hereto and shown with the measurements and abutments thereof in the map drawn in the margin of these presents and therein colored yellow To hold unto the said lessee executors administrators and assigns from the _____ day of _____ for the term of eight years thence next ensuing Yielding and paying for the same unto Her said Majesty Her heirs and successors yearly always in advance on the _____ day of _____ in every year during the said term the clear sum of two shillings and sixpence for every acre or fractional part of an acre of the said land And the said lessee for his executors administrators and assigns do hereby covenant with Her Majesty Her heirs and successors that he the said lessee executors administrators or assigns will during the said term pay in advance unto Her Majesty Her heirs and successors the rent hereby reserved on the day and in the manner hereinbefore mentioned without any deduction whatsoever And also that he the said lessee executors administrators or assigns will within one year from the said _____ day of _____ cultivate at least one acre out of every ten acres of the said allotment or erect thereon a habitable dwelling or enclose such allotment with a substantial fence Provided always and these presents are upon this condition that if the rent hereby reserved or

any part thereof shall be unpaid for fifteen days after any day on which the same ought to have been paid although no formal or legal demand shall have been made for payment thereof or if the said lessee administrators or assigns shall not within the period of one year from the said day of executors cultivate at least one acre out of every ten acres of the said allotment or erect thereon a habitable dwelling or enclose such allotment with a substantial fence then and in such case the term hereby granted shall cease determine and be void anything herein contained to the contrary thereof in anywise notwithstanding And it shall be lawful for Her Majesty Her heirs and successors or Her or their agents or officers or any bailiff of Crown lands to enter forthwith into and upon the said demised premises and the same to re-possess and enjoy as fully and effectually as if these presents had not been made and executed And it is hereby agreed and declared that in any such case it shall be lawful for Her Majesty Her heirs and successors and Her or their agents or officers or any bailiff of Crown lands as aforesaid without any demand whatsoever to enter upon the said demised premises and the said lessee and all persons claiming under h for ever to expel and remove therefrom without any legal process whatsoever and as effectually as any sheriff might do in case Her Majesty Her heirs or successors had obtained judgment in ejectment for recovery of possession thereof and a writ of *habere facias possessionem* or other process had issued on such judgment directed to such sheriff in due form of law And that in case of such entry and any action being brought or other proceedings taken for the same by any person whomsoever the defendants to such action may plead leave and licence in bar thereof and these presents shall be conclusive evidence of the leave and licence of the said lessee and all persons claiming under to Her Majesty Her heirs and successors and all persons acting therein by Her or their or any of their order or by or under the order of any bailiff of Crown lands as aforesaid for the entry or trespass or other matters to be complained of in such action or other proceedings In testimony whereof Her said Majesty hath caused this demise to be sealed with the Seal of the said Colony and the said lessee h set hereto h hand and seal

Witness, SIR CHARLES HENRY DARLING, Knight, Commander of the Most Honorable Order of the Bath, Governor and Commander-in-Chief of the said Colony.

1864-5.

VICTORIA.

POLICE REWARD FUND.

RETURN TO AN ORDER OF THE LEGISLATIVE COUNCIL.
THE HONORABLE W. HULL.—4TH MAY, 1865.

LAI^D ON THE COUNCIL TABLE BY THE HONORABLE M. HERVEY, 16TH MAY, 1865,
AND ORDERED BY THE COUNCIL TO BE PRINTED, 6TH JUNE, 1865.

A RETURN in full of the RECEIPTS and DISBURSEMENTS of the POLICE REWARD FUND from the time it came into existence ; setting forth the manner in which it has been dealt with as regards investment, and whether it has at any time been used for any other purpose than that for which it was originally intended.

By Authority :

JOHN FERRES, GOVERNMENT PRINTER, MELBOURNE.

VICTORIA.

STATEMENT of Police Reward Fund, showing Receipts, Expenditure, and present Balance, and how invested, to 1st January, 1865.

Year.	RECEIPTS.			EXPENDITURE.										
		General Receipts.	Totals.	Pensions.	Good Conduct Pay.	Rewards.	Gratuities.	Gratuities to Widows.	Medical Expenses.	Transfers of Amounts erroneously credited.	Pay refunded, &c.	Fines refunded.	Totals.	
		£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	
1854	*	39,686 18 7											
1855	17,901 11 5											3,234 14 6	
1856	12,335 12 1											11,972 7 2	
1857	9,553 14 6											9,602 13 11	
1858	10,304 7 3					*						11,050 18 2	
1859	7,293 7 9		116 5 0	8,803 16 6	716 16 1	1,041 17 6		177 1 0		40 4 0	90 0 0	10,986 0 1	
1860	6,542 9 11		131 17 6	9,293 14 0	619 2 9	765 5 0		70 7 0	1 0 0		48 0 0	10,929 6 3	
1861	5,587 17 10		286 19 4	12,603 19 0	542 0 0	861 9 8	75 0 0	2 5 0	0 10 0		13 10 0	14,385 13 0	
1862	4,297 5 2		279 11 0	3 6 6	370 0 0	1,446 2 4			69 8 6		55 10 0	2,223 18 4	
1863	4,327 6 4		310 7 2	9 2 6	501 0 0	1,111 4 6			7 2 9		21 10 0	1,960 6 11	
1864	3,391 11 10		293 11 5		582 10 0	568 1 1	207 12 6				15 5 0	1,667 0 0	
Debentures realised and carried to account in April, 1861			11,805 0 0											
Interest on ditto			2,100 0 0											
			13,905 0 0											
In Bank on 31st December, 1864, and at maturity 1st January, 1860			5,000 0 0											
Ditto, 1st January, 1861			5,000 0 0											
Ditto, 1st January, 1864			1,200 0 0											
Interest on same			3,612 0 0											
			14,812 0 0											
Debentures unmatured			23,000 0 0											
Interest on same, to 1st January, 1865			13,110 0 0											
			36,110 0 0											
			£ 186,049 2 8											£ 186,049 2 8
				Invested on Debentures, 1st July, 1855										44,395 0 0
				Balance										63,641 4 4

* There is nothing in this office to show the details of Receipts or Expenditure in years prior to 1855. The original Police Reward Fund was in existence in the years 1853 and 1854, and this balance was an accommodation from years, even prior to 1853, but of which I have no record.—(Signed) W. MAIR.

10th May, 1865.

(Signed)

W. MAIR,
Paymaster of Police.

MEMO.

[COPY.]

With reference to the attached return, it is necessary to explain as follows :—

1. The item £39,686 18s. 7d., was the amount in Treasury on 1st January, 1855, from which period the Police Reward Fund regulations came into operation, and had accumulated from fines, &c., in previous years.
2. The blanks under the head of Expenditure prior to the year 1859 cannot be filled in, as no detailed account was then kept at Treasury.
3. Date of commencement of Police Reward Fund, under new regulations, 1st January, 1855.
4. On 26th September, 1855, Government Debentures were purchased, with sum of £44,395, valued at £46,200 sterling, and deposited in Bank of Australasia, in name of the Trustees of the Fund, viz:—The Honorable the Treasurer, the Chief Commissioner of Police, and Paymaster of Police.
5. In 1861, Debentures of value of £12,000 sterling, that had come to maturity, were withdrawn from Bank, and, together with the interest on coupons, realised and carried to credit of the Reward Fund, to meet liabilities incurred by good conduct pay due to constables, which had increased from £8,803 in the year 1859, to £12,603 in 1861, and would have eventually absorbed the whole funds, had it not been discontinued from 31st December, 1861.
6. Since 1st January, 1865, Debentures at maturity, amounting with the interest to £14,812 sterling, have been realised and carried to account in Treasury.
7. There are still in bank Debentures of value of £23,000 unmaturing, the interest due upon which, to 1st January last, amounts to £13,110 sterling.
8. Neither of the sums mentioned in Nos. 6 and 7 of this statement have been re-invested.
9. The Police Reward Fund has never, that I am aware of, been used for any other purpose than the payments shown in columns under head of Expenditure in attached statement.

(Signed)

W. MAIR,
Paymaster of Police.

Police Pay Office,
10th May, 1865.

1864-5.
VICTORIA.

AGRICULTURAL AND PASTORAL EMPLOYMENT AND PRODUCE.

RETURN TO AN ORDER OF THE LEGISLATIVE COUNCIL.
THE HONORABLE G. W. COLE.—9TH MAY, 1865.

LAID ON THE COUNCIL TABLE BY THE HONORABLE M. HERVEY, 23RD MAY, 1865, AND
ORDERED BY THE COUNCIL TO BE PRINTED 6TH JUNE, 1865.

- (1.) RETURNS of the Quantity and Value of Agricultural and Pastoral Produce raised in the Colony in the Year ending 31st March, 1864 ; the items in each case being specified as far as possible.
- (2.) The Number of Acres occupied for Agricultural, and the same for Pastoral, purposes.
- (3.) The Number and Sexes of Persons employed in those pursuits.
- (4.) The Total Amount of Wages paid by each class, the Number of Runs, and the Number of Holders of them.
- (5.) The Number and Estimated Value of Machines employed in Agricultural or Pastoral pursuits, together with the Number of Men employed in working them.
- (6.) The Quantity of Wool brought from other Colonies.
- (7.) The Number of Sheep and Cattle imported from other Colonies.
- (8.) A Complete Return of the Wheat, Barley, Oats, Maize, and Flour imported during 1864, with the computed Value of the same.

No. 1.

RETURNS of the Quantity and Value of Agricultural and Pastoral Produce raised in the Colony during the year ending 31st March, 1864, the items in each case being specified as far as possible.

AGRICULTURAL PRODUCE.				£	s.	d.	£	s.	d.	
Wheat	1,338,762 bushels	@	0	10	0	669,381	0	0
Oats	3,497,520	"	0	4	3	743,223	0	0
Barley	130,664	"	0	4	6	29,399	8	0
Maize	33,534	"	0	5	0	8,383	10	0
Rye and Bere	3,408	"	0	4	6	766	16	0
Peas, Beans, &c.	16,471	"	0	9	6	7,823	14	6
Potatoes	74,947 tons	"	5	5	0	393,471	15	0
Turnips	627	"	5	0	0	3,135	0	0
Mangel Wurzel	8,741	"	3	0	0	26,223	0	0
Beet, Carrots, Cabbage, &c.	4,761	"	5	10	0	26,185	10	0
Hay	121,840	"	6	0	0	731,040	0	0
Onions	495	"	8	0	0	3,960	0	0
Tobacco	296	"	100	0	0	29,600	0	0
Grapes, not made into wine	783	"	20	0	0	15,660	0	0
Wine	120,894 gallons	"	0	5	0	30,223	10	0
Green Forage and permanent artificial Grass	35,342 acres	{ Produce not returned—say £3 } per acre				106,026	0	0
LIVE STOCK RAISED BY FARMERS:—										
Cattle	68,800 No.	@	6	0	0	412,800	0	0
Sheep	43,311	"	0	10	0	21,655	10	0
Horses	12,808	"	8	0	0	102,464	0	0
Pigs	56,122	"	1	0	0	56,122	0	0
Carried forward				...	...	...	...	...	...	...

Returns of the Quantity and Value of Agricultural and Pastoral Produce, &c.—*continued.*

AGRICULTURAL PRODUCE— <i>continued.</i>							£	s.	d.
Brought forward									
EXPORTS, THE PRODUCE OF VICTORIA, PROPORTION RAISED BY FARMERS:—									
Wool	...	...	...	...	2,550,076 lbs.	Customs' value	...	204,364	0 0
Tallow	...	...	...	...	216 tons	"	...	8,468	0 0
Hides	...	...	...	...	65,120 No.	"	...	43,688	0 0
Skins	...	...	...	...	12,613 "	"	...	783	0 0
Horns and Hoofs	...	...	...	...	140,768 "	"	...	1,404	0 0
							£	3,676,250	13 6
PASTORAL PRODUCE.									
LIVE STOCK RAISED BY SQUATTERS:—									
Cattle	...	...	...	...	146,706 No.	@	£ 6 0 0	880,236	0 0
Sheep	...	...	...	...	885,017 "	"	0 10 0	442,508	10 0
Horses	...	...	...	...	8,113 "	"	8 0 0	64,904	0 0
Pigs	...	...	...	...	1,063 "	"	1 0 0	1,063	0 0
EXPORTS, THE PRODUCE OF VICTORIA, PROPORTION RAISED BY SQUATTERS:—									
Wool	...	...	...	...	22,950,680 lbs.	Customs' value	...	1,839,277	0 0
Tallow	...	...	...	...	649 tons	"	...	25,403	0 0
Hides	...	...	...	...	81,402 No.	"	...	54,608	0 0
Skins	...	...	...	...	113,513 "	"	...	7,042	0 0
Horns and Hoofs	...	...	...	...	175,957 "	"	...	1,752	0 0
							£	3,316,793	10 0

NOTE.—The quantities of crops raised have been taken from the agricultural statistics for the year ending 31st March, 1864. The live stock has been estimated from the increase shown in the collected returns of stock for 1863-4, as compared with those for 1862-3, the quantity slaughtered and the quantity exported being added, and the quantity imported being deducted. The numbers slaughtered, exported, and imported have been allotted to farmers and squatters in proportion to the live stock in their possession respectively, as shown by the collected returns. The wool, tallow, hides, &c. given are those exported during the year, and have been apportioned to farmers and squatters in the same manner as the live stock. The values, except where the Customs rates are stated to have been taken are, as far as possible, those given in the prices current published in Melbourne.

Registrar-General's Office,
Melbourne, 20th May, 1865.

WILLIAM HENRY ARCHER,
Registrar-General.

No. 2.

THE Number of Acres occupied for Agricultural, and the same for Pastoral, purposes.

Extent of Land occupied by Farmers.		Extent of Land occupied by Squatters.	
Acres.		Acres.	
2,697,981		Crown Land	28,826,756
		Alienated Land	2,856,550
		Total	31,683,306

NOTE.—The extent of land occupied by farmers, and the extent of alienated land occupied by squatters, as given above, are respectively the "occupied land not attached to runs," and the "occupied land attached to runs," returned in the Agricultural Statistics for 1863-4. The Crown land occupied by squatters is that published in the Statistics of Victoria for 1863, in accordance with a Return furnished by the Survey Department.

Registrar-General's Office,
Melbourne, 20th May, 1865.

WILLIAM HENRY ARCHER,
Registrar-General.

No. 3.

THE Number and Sexes of Persons employed in those pursuits.

Engaged in Agricultural Pursuits.				Engaged in Pastoral Pursuits.			
Males	...	...	34,738	Males	...	...	9,080
Females	...	...	6,480	Females	...	...	644
Total	...	...	41,218	Total	...	...	9,724

NOTE.—These figures have been taken from the Occupation returns of the last Census (7th April 1861). No later information exists on the required head.

Registrar-General's Office,
Melbourne, 20th May, 1865.

WILLIAM HENRY ARCHER,
Registrar-General.

No. 4.

THE Total Amount of Wages paid by each class, the Number of Runs, and the Number of Holders of them.

There is no record of the gross amount of wages paid by farmers and squatters.

Number of Runs	...	...	...	...	1,161
Approximate Number of Holders of Runs	...	...	...	...	1,161

NOTE.—The number of runs has been taken from a return published in the Statistics of Victoria for 1863, upon the authority of the Assistant Commissioner of Crown Lands and Survey. The number of holders is assumed to be identical with the number of runs; for although in some instances one holder holds more than one run, in other cases one run is held by several partners, and it is believed that the excess of runs over holders in the one case is as nearly as possible counterbalanced by the excess of holders over runs in the other.

WILLIAM HENRY ARCHER,

Registrar-General's Office,
Melbourne, 20th May, 1865.

Registrar-General.

No. 5.

THE Number and estimated Value of Machines employed in Agricultural and Pastoral pursuits, together with the Number of Men employed in working them.

MACHINES EMPLOYED IN AGRICULTURE.

Machines.	Number.	Value.			Remarks.
		£	s.	d.	
Steam Plough	1	1,000	0	0	There are no returns of any machinery used in the furtherance of pastoral pursuits.
Steam Irrigator	1	250	0	0	
Reaping Machines	613 @	£50	30,650	0 0	
Threshing Machines...	163	„ £450	73,350	0 0	
	126	„ £55	6,930	0 0	
Mowing Machines	57	„ £50	2,850	0 0	
Strippers	80	„ £50	4,000	0 0	
Hay and Corn Elevators	3	„ £50	150	0 0	
Chaff Cutters	260	„ £40	10,400	0 0	
Wine Presses	19	„ £20	380	0 0	
Total	1,323		129,960	0 0	

** Number of men employed in working agricultural machines, 9003.

NOTE.—The number of machines employed in agriculture, and the number of men engaged in working them, were returned as above by the collectors of agricultural statistics for the year 1863-4. The values of the different descriptions of machines were not returned, and have therefore been estimated according to the best information procurable.

WILLIAM HENRY ARCHER,

Registrar-General's Office,
Melbourne, 20th May, 1865.

Registrar-General.

No. 6.

THE Quantity of Wool brought from other Colonies.

QUANTITY of Wool brought from other Colonies during the year ending 31st March, 1864.

New South Wales	...	...	...	737,416 lbs.
New Zealand	...	...	...	332,780 „
South Australia	...	...	...	390,670 „
Tasmania	...	...	...	18,700 „
Total	...	...	...	1,479,566 „

NOTE.—This return has been furnished by the Inspector-General of Customs.

WILLIAM HENRY ARCHER,

Registrar-General's Office,
Melbourne, 20th May, 1865.

Registrar-General.

No. 7.

THE Number of Sheep and Cattle imported from other Colonies.

NUMBER of Sheep and Cattle imported by Sea and Land during the year ending 31st March, 1864.

	NUMBER OF SHEEP IMPORTED.			NUMBER OF CATTLE IMPORTED.		
	By Sea.	By Land.	Total.	By Sea.	By Land.	Total.
New South Wales	38	189,448	189,486	2	82,872	82,874
Queensland ... ..	...	...	...	3,871	...	3,871
South Australia	17	56,307	56,324	...	6,668	6,668
Tasmania	290	...	290	10	...	10
Total	345	245,755	246,100	3,883	89,540	93,423

NOTE.—The number of sheep and cattle arriving by sea has been furnished by the Inspector-General of Customs. The numbers arriving overland have been taken from the quarterly registration returns of imported live stock.

WILLIAM HENRY ARCHER,

Registrar-General.

Registrar-General's Office,
Melbourne, 20th May, 1865.

No. 8.

A COMPLETE Return of the Wheat, Barley, Oats, Maize, and Flour imported during 1864, with the computed Value of the same.

RETURN of the Quantity and Value of the Wheat, Barley, Oats, Maize, and Flour imported during 1864.

	Quantity.	Declared Value.
Wheat	833,272 bushels	£ 409,730
Barley	35,126 "	8,687
Oats	298,842 "	64,609
Maize	308,230 "	79,159
Flour	26,198 tons 13 cwt.	573,531
		£1,135,716

NOTE.—This Return has been furnished by the Inspector-General of Customs, who states, that "the declared value of the various articles has been given, as the *computed* value cannot be ascertained."

WILLIAM HENRY ARCHER,

Registrar-General.

Registrar-General's Office,
Melbourne, 20th May, 1865.

1864-5.
VICTORIA.

YAN YEAN WORKS—COST OF.

RETURN TO AN ORDER OF THE LEGISLATIVE COUNCIL.
THE HONORABLE J. F. STRACHAN.—7TH JUNE, 1865.

LAI'D ON THE COUNCIL TABLE BY THE HONORABLE M. HERVEY, AND ORDERED BY
THE COUNCIL TO BE PRINTED, 13TH JUNE, 1865.

1. The Original Cost of the Yan Yean Water Works.
2. The Revenue arising therefrom, with the sources from whence derived.
3. The mode in which said revenue has been appropriated, and specifying the amount of Debentures paid off.
4. The Rates paid by recipients at Melbourne and Suburbs for water supply from the Yan Yean, and specifying whether said rates are compulsory on each householder; such return to be made up to the 31st December, 1864.

DEPARTMENT OF PUBLIC WORKS.

MELBOURNE SEWERS AND WATER SUPPLY.

DR. BALANCE SHEET for Year ending 31st December, 1864. CR.

	£	s.	d.		£	s.	d.
To advances from Treasury from Water Debenture Account—				By amount advanced to Geelong Water Commission, as per contra ...	5,337	17	11
Melbourne Water				By re-payments to General Revenue	60,000	0	0
Commission ... £786,674 17 6				By amount expended on construction and extension of works ...	963,905	0	6
Geelong, ditto ... 5,337 17 11				By amount expended on maintenance of works ...	17,091	11	10
	792,012	15	5	By departmental expenses... ..	36,090	19	0
To advance from Treasury, per vote of Legislative Assembly, No. 94 of 1858	6,000	0	0	By value of stock on hand, exclusive of sewerage plant	15,211	9	9
To amount of revenue from Water Supply to 31st December, 1864 ...	354,308	11	8	By amount expended on sewerage and sewerage plant on hand	37,967	6	1
To sundry amounts due by Department	1,160	8	9	By amount of arrears of water rates	4,320	5	0
				By amount of arrears of compulsory services	383	10	6
				By amount due by City and Suburban Councils for fixing and repairing fire-plugs	2,924	9	11
				By amount in hands of Colonial Agents General, London	87	6	11
				By amount due to department for laying pipes at Toorak	303	7	7
				By balance	9,858	10	10
	£ 1,153,481	15	10		£ 1,153,481	15	10

YAN YEAN SUPPLY.

No. 1.

TOTAL amount expended on construction of works to 31st December, 1864 (*vide* balance sheet) £963,905 0 6

NOTE.—This amount includes the following items :—

Erection of engine-house and tank, &c., for the temporary supply of the city and suburbs, prior to the opening of the Yan Yeans mains, December, 1857	£91,489 15 4
Purchase of rights and interests of the South Yarra Water Works Company in 1863	£16,437 1 0

No. 2.

REVENUE received from water rates and sale of water :—

Year	£	s.	d.	Year	£	s.	d.
1854	1,666	11	1	1861	64,121	0	4
" 1855	10,856	3	10	" 1862	53,931	11	4
" 1856	10,169	9	8	" 1863	47,063	11	2
" 1857	18,513	3	9	" 1864	50,934	18	4
" 1858	23,456	10	11				
" 1859	27,879	3	10		£354,308	11	8
" 1860	45,716	7	5				

NOTE.—The Yan Yeans mains were opened on 31st December, 1857; the revenue derived, therefore, prior to that date, amounting to £41,205 8s. 4d., was from the supply of water from the temporary works.

No. 3.

TOTAL revenue received from sale of water and water rates to 31st December, 1864 ... £354,308 11 8

Of the above amount £60,000 has been repaid into the consolidated revenue, in part payment of advances from the debenture account, and the balance expended in the laying of pipes for the extension of the water supply to the various suburbs.

Sewerage and Water Debentures	£800,000 0 0
Amount advanced for water supply, including £5,337 17s. 11d. to Geelong Commission, (<i>vide</i> balance sheet)	£792,012 15 5
Amount unexpended...	7,987 4 7
	£800,000 0 0
Amount of Debentures paid off to 31st December, 1864	367,000 0 0
Amount still due	433,000 0 0
	£800,000 0 0

No. 4.

THE following are the rates paid by recipients at Melbourne and suburbs for water supply from the Yan Yeans :—

- (1.) On every house or tenement of £20 annual value and under, one pound sterling per annum.
- (2.) On every house or tenement above the annual value of £20 and not exceeding £30 annual value, one pound ten shillings sterling per annum.
- (3.) On every house or tenement above the annual value of £30 and not exceeding £50 annual value, a rate of Five pounds per centum on the amount of the valuation.
- (4.) On every house or tenement above the annual value of £50 and not exceeding £300 annual value, a rate of Four pounds ten shillings per centum on the amount of the valuation.
- (5.) On every house or tenement above the annual value of £300 a rate of Four pounds per centum on the amount of the valuation.
- (6.) Warehouses, stores, shops, offices, or premises in which the quantity of water consumed, or likely so to be, would be less than the average consumption of houses of equal annual value, shall respectively be subject to a rate of Two pounds ten shillings per centum on the amount of such valuation.
- (7.) Butchers' and bakers' premises, and other premises where the quantity of water consumed, or likely so to be, would be greater than the average consumption of private houses of equal annual value, shall respectively be subject to a rate of Seven pounds ten shillings per centum on the amount of such valuation, or to such less rate as may be fixed by the board.
- (8.) All persons using water for other than domestic purposes pay by measurement at the following rates :—
 - Not exceeding 500,000 gals. per quarter, 1s. per 1000 gals.
 - Exceeding 500,000 gals., and not exceeding 1,000,000 gals. per quarter, 1s. per 1000 gals. for first 500,000 gals.; 6d. per 1000 gals. for excess of that quantity.
 - Exceeding 1,000,000 gals. per quarter, 9d. per 1000 gals. for first 1,000,000 gals.; 4½d. per 1000 gals. for excess of that quantity.

Water for pumping cellars for sewerage purposes is supplied at the rate of 2d. per 1000 gallons. The rate for domestic supply is compulsory on the occupier of every house in a street in which the pipes are laid.—*Vide* Clause 5 of Act 21 Vict. No. 59.

W. W. WARDELL,
Inspector-General of Public Works.

1864-5.

VICTORIA.

BORDER DUTIES.

CORRESPONDENCE

BETWEEN THE

GOVERNMENTS OF SOUTH AUSTRALIA AND VICTORIA,

WITH REFERENCE TO THE

COLLECTION OF CUSTOMS DUTIES ON THE MURRAY.

LAI D ON THE COUNCIL TABLE BY THE HONORABLE G. W. COLE, AND ORDERED BY
THE COUNCIL TO BE PRINTED 15TH AUGUST, 1865.

(COPY.)

Immediate.

C. 65 | 178.

Department of Trade and Customs,
Melbourne, 24th April, 1865.

SIR,

Referring to the agreement which has been entered into between this Government and that of New South Wales, by which it is agreed that this Colony shall farm the duties on all goods entering Riverina by way of, or across, the Murray, I am directed by the Honorable the Commissioner of Trade and Customs to inform you that an officer of this department will, from and after the first day of May, be stationed at or near the boundary line separating the three colonies, to whom all duties will require to be paid on goods water-borne by way of the Murray, either for this Colony or New South Wales; and I am further instructed to request that you will advise the Government of South Australia accordingly, as it is indispensable that duties should be imposed at this point, to prevent goods already duty-paid to South Australia from entering the joint territory of New South Wales and Victoria.

I have, etc.,
(Signed) JOHN GUTHRIE,
Inspector-General of Customs.

The Honorable the Chief Secretary.

(COPY.)

963.

Chief Secretary's Office,
Melbourne, 25th April, 1865.

SIR,

I do myself the honor to forward, for the information of the Government of South Australia, a Copy of the Minutes of Proceedings of a Conference recently held at Sydney, between the Governments of New South Wales and Victoria, upon the Border Duties question,

and to acquaint you that, in pursuance of Articles 5 and 8, an officer of the Customs Department of this Colony will, from and after the first day of May next, be stationed at or near the boundary line separating the three colonies, to whom all duties will require to be paid on goods water-borne by way of the Murray, either for this colony or New South Wales.

I have, &c.,

(Signed) JAMES McCULLOCH.

The Honorable the Chief Secretary,
Adelaide, S. A.

(COPY.)

65 | 2521.

SOUTH AUSTRALIA.
Chief Secretary's Office,
Adelaide, 19th June, 1865.

SIR,

By desire of His Excellency Sir Dominick Daly, I beg to acknowledge receipt of your communication of 25th April, on the subject of the new arrangement made between the Governments of New South Wales and Victoria, for the collection of Murray Customs Duties.

That letter having been referred to the Treasurer, I have now the honor to enclose copy of that Minister's remarks thereon, and to request that you will be good enough to inform me at your earliest convenience *when* the Government of Victoria intend to establish the Boundary Custom House, and also the nature of the regulations under which the River Trade will then be conducted, as referred to in the third paragraph of my Honorable Colleague's letter.

(Signed) HENRY AYERS,
Chief Secretary.

The Honorable the Chief Secretary,
Victoria.

(COPY.)

144.

Treasury Offices,
Adelaide, 12th June, 1865.

SIR,

Adverting to the letter from Honorable the Chief Secretary of Victoria, to yourself, dated 25th April last, which I sometime since had the honor to peruse and return to you—no reply being then necessary—I now find myself constrained to remark that, although, under the discourteous and unfriendly action towards this Colony, which is disclosed by the copy Conference Proceedings furnished, in that letter it was definitely arranged that, from and after 1st May, a River Custom House Officer, in the joint interest of New South Wales and Victoria, should be stationed “at or near the boundary line separating the three colonies, to whom all duties will require to be paid on goods water-borne by way of the Murray;” yet, I regret to find that no step has yet been taken to effect that purpose; and, in consequence of that omission, our merchants and shippers are placed at a serious disadvantage.

I have now to represent that it is very desirable we should know when the Government of Victoria proposes to establish the boundary Custom House, as that establishment would greatly facilitate river trade matters.

I would also beg you to ascertain whether the Victorian Customs Officers (either at Wentworth, as at present, or hereafter at the boundary) will insist on the discharge of cargoes from South Australia, or whether they will be satisfied with manifests and shipping bills. Also, whether they will require gold or notes, or will accept marked bank cheques; and whether they will allow goods to pass in bond.

It is much to be regretted that Victoria and New South Wales have assumed so antagonistic a position towards this province, seeing that a more uniformly advantageous (and consequently a fairer) arrangement was possible. I fear such antagonism will, if not relaxed, originate mercantile proceedings that may render necessary to those colonies very large and expensive Customs staffs.

I have, etc.,

(Signed) C. REYNOLDS,
Treasurer.

The Honorable The Chief Secretary.

(COPY.)

1660.

Chief Secretary's Office,
Melbourne, 30th June, 1865.

SIR,

I have the honor to acknowledge the receipt of your letter of the 19th instant, transmitting a copy of a letter addressed to you by the Honorable the Treasurer of South Australia on the subject of the Border Duties, and requesting that you may be informed when this Government intends to establish the Border Custom Houses, and asking to be furnished with a copy of the regulations under which the river trade will then be conducted.

In reply, I forward to you the accompanying letter, which I have received from the Commissioner of Trade and Customs.

I have, &c.,

(Signed) JAMES McCULLOCH.

The Honorable the Chief Secretary,
South Australia.

C. 65 | 261.

Department of Trade and Customs,
29th June, 1865.

SIR,

Referring to the communication from the Honorable Mr. Ayers, to yourself, dated the 19th instant, containing an enclosure from the Honorable the Treasurer of South Australia, requesting certain information with reference to the practice to be pursued by the officers of this department at Ports on the Murray, for giving effect to the late agreement entered into by this Government with New South Wales for farming the border duties, I do myself the honor to inform you that, as the agreement alluded to has been annulled in consequence of the Government of New South Wales having been unable to obtain for it the necessary legislative sanction, it will now be unnecessary to furnish the information desired.

I regret, at the same time, to be under the necessity of referring to the terms in which the Honorable the Treasurer of South Australia has thought fit (in his communication to the Chief Secretary of that Colony) to refer to the agreement entered into between Victoria and New South Wales, and to disavow, at least as far as this Colony is concerned, the imputation conveyed therein, of having acted in a "discourteous and unfriendly" way towards South Australia, in the late negotiation with the Government of the former Colony on the subject of the border duties. It has, on the contrary, ever been the desire of this Government to act on the most friendly terms with the Government of South Australia in settling this vexed question; but it was found that the Government of that Colony, through its Treasurer, Mr. Hart, persistently refused to deal separately with this question on its merits, or to recognise the claim of Victoria to *any portion* of the duty on goods passing up the Murray, even though entered for consumption in this territory.

The course pursued by the South Australian Government (and which Government was the first to give notice of the abrogation of the previously existing compact between the three colonies), subsequent to the 22nd March, 1864, has been to collect *and retain*, as we have reason to believe, as against this Colony, all the duties received by her on goods passing up the Murray from South Australian ports, as a set-off against a claim for loss it was alleged by the Honorable Captain Hart she sustains from goods supposed to be smuggled across our south-western frontier for consumption in her territory.

The officers of this department have grounds for supposing that, so far is this from being the fact, our south-western settlers are illicitly supplied to a considerable and much larger extent under the lower tariff from South Australian ports situated near our boundary, and that the balance of smuggling across the border is greatly against Victoria, as may be fairly inferred from the official returns which have been transmitted to South Australia from time to time, and from the falling off in the receipt of the revenue of this department at the port of Portland and the other western ports, notwithstanding the steady increase which has been taking place in our population in the western district.

I beg to submit, that the Minute written by the Honorable Mr. Hart, the late Treasurer of South Australia (in possession of this department) and the correspondence on the subject between South Australia and New South Wales, published by order of the Legislative Assembly of the latter colony, on the 18th October, 1864, will show that it was useless to hope for any equitable recognition from the Government of South Australia of the rights of this Colony to share any portion of the duty on goods passing into our territory by the Murray through South Australia. It therefore remained for us to deal only with the Government of New South Wales on the subject; and, in attempting to adjust our differences with that Government, I beg to state, that the late agreement was entered into with that Colony on the assurance of the representatives of New South Wales (at the Conference lately held in Sydney to settle the question), that the proposed arrangement did not interfere with any previous or existing treaty arrangement between South Australia and that Colony.

It was distinctly and unequivocally stated, that no such hindrance stood in the way to a settlement of the question as between New South Wales and Victoria. I therefore feel justified in stating that the Honorable the Treasurer of South Australia's remarks can bear no just reference to the proceedings of this Government at the late Conference held with the Government of New South Wales on the subject of the Border Duties.

The agreement between New South Wales and Victoria having failed for the reason before mentioned, this Colony is again placed in the unsatisfactory position which preceded the Conference; and I would submit that the Government of South Australia be invited to deal with the subject of the collection of the Murray border duties on its own merits, apart from the claim she has preferred for imaginary losses to her revenue of duties on the balance of goods conveyed into her territory across our south-western frontier, and which, I submit, have no foundation in fact, and can be better discussed in a separate communication.

Should the South Australian Government consent to adopt the course I have indicated, an arrangement might be entered into of a mutually advantageous nature, for the collection of our duties on goods leaving her ports for Victorian ports or places on the Murray for consumption in this Colony, and for the transmission of goods through or from South Australia under bond to our warehousing ports, which are, or are about to be, established on the Murray.

I have the honor to be,

Sir,

Your most obedient Servant,

(Signed)

J. G. FRANCIS,
Commissioner of Trade and Customs.

The Honorable the Chief Secretary,
&c., &c., &c.

1864-5.

VICTORIA.

 CARGOES AT PIERS AND WHARVES.

RETURN TO AN ORDER OF THE LEGISLATIVE COUNCIL.

THE HONORABLE G. W. COLE.—18TH JULY, 1865.

 LAID ON THE COUNCIL TABLE BY THE HONORABLE G. W. COLE, AND ORDERED BY
 THE COUNCIL TO BE PRINTED 22ND AUGUST, 1865.

A RETURN from 30th June, 1862, to 30th June, 1865, of—

- (1.) The Number and Tonnage of Vessels that have discharged Cargo into Lighters in Hobson's Bay.
- (2.) A similar return for Government Pier at Williamstown.
- (3.) A similar return for Government Pier, Sandridge.
- (4.) A similar return for Hobson's Bay Railway Pier, distinguishing Sea-going Steamers.
- (5.) A similar return for the Wharves, Melbourne; distinguishing Number and Tonnage of Lighters, Sea-going Steamers, and Steamers inside the Heads.
- (6.) A similar return for the Port of Geelong.

(In continuation of returns laid on the Table of the House on the 3rd March, 1863.)

By Authority:

JOHN FERRES, GOVERNMENT PRINTER, MELBOURNE.

VICTORIA.

RETURN of Vessels, &c., discharged at different Piers, Hobson's Bay, &c., during certain periods.

PERIOD.	HOBSON'S BAY.		VICTORIAN RAILWAY PIER.		GOVERNMENT PIER, SANDRIDGE.		MELBOURNE AND HOBSON'S BAY RAILWAY PIER.			
	Number of Vessels.	Tonnage.	Number of Vessels.	Tonnage.	Number of Vessels.	Tonnage.	Number of Sailing Vessels.	Tonnage.	Number of Steamers.	Tonnage.
Half-year ending 31st December, 1862 ...	128	76,200	39	40,919	190	64,185	91	72,422	100	37,961
Half-year ending 30th June, 1863 ...	131	79,831	52	43,417	276	70,671	96	72,544	99	37,846
Half-year ending 31st December, 1863...	119	79,996	72	55,079	244	61,967	85	69,397	85	35,384
Half-year ending 30th June, 1864 ...	101	60,229	64	55,025	217	58,849	90	63,414	129	49,459
Half-year ending 31st December, 1864...	82	45,125	51	43,982	181	49,448	89	60,765	114	48,677
Half-year ending 30th June, 1865 ...	69	39,264	66	40,910	161	50,090	73	56,003	100	44,389

D. W. GOSSET, Tide Inspector.

J. CHATFIELD TYLER, Collector of Customs:

PORT OF MELBOURNE.

RETURN, showing Number and Tonnage (register) of Vessels berthed at Melbourne Wharves, for the Six Months commencing 1st July, 1862, to 31st December, 1862; distinguishing Sailing Vessels, Sea-going Steamers, and Lighters.

Date.		Sailing Vessels.		Sea-going Steamers.		Lighters.	
From	To	Number.	Registered Tonnage.	Number.	Registered Tonnage.	Number.	Registered Tonnage.
1st July, 1862	... 31st December, 1862	640	62,299	146	28,543	382	61,770

CHARLES FERGUSON,
Chief Harbor Master.

Department of Ports and Harbors,
Williamstown, 24th July, 1865.

RETURN, showing Number and registered Tonnage of Vessels berthed at Melbourne Wharves, for the Six Months commencing 1st January to 30th June, 1863; distinguishing Sailing Vessels, Sea-going Steamers, and Lighters.

Date.		Sailing Vessels.		Sea-going Steamers.		Lighters.	
From	To	Number.	Registered Tonnage.	Number.	Registered Tonnage.	Number.	Registered Tonnage.
1st January, 1863	... 30th June, 1863 ...	691	61,581	142	28,405	324	51,552

CHARLES FERGUSON,
Chief Harbor Master.

Department of Ports and Harbors,
Williamstown, 24th July, 1865.

RETURN, showing Number and registered Tonnage of Vessels berthed at Melbourne Wharves, for Six Months ending 31st of December, 1863; distinguishing Sailing Vessels, Sea-going Steamers, and Lighters.

Date.		Sailing Vessels.		Sea-going Steamers.		Lighters.	
From	To	Number.	Registered Tonnage.	Number.	Registered Tonnage.	Number.	Registered Tonnage.
1st July, 1863	.. 31st December, 1863	626	53,361	140	32,390	381	61,443

CHARLES FERGUSON,
Chief Harbor Master.

Department of Ports and Harbors,
Williamstown, 24th July, 1865.

RETURN, showing Number and registered Tonnage of Vessels berthed at Melbourne Wharves, for Six Months ending 30th June, 1864.

Date.		Sailing Vessels.		Sea-going Steamers.		Lighters.	
From	To	Number.	Registered Tonnage.	Number.	Registered Tonnage.	Number.	Registered Tonnage.
1st January, 1864 ...	30th June, 1864 ...	744	55,197	209	50,977	395	64,046

Department of Ports and Harbors,
Williamstown, 24th July, 1865.

CHARLES FERGUSON,
Chief Harbor Master.

RETURN, showing Number and registered Tonnage of Vessels berthed at Melbourne Wharves, for Six Months ending 31st December, 1864.

Date.		Sailing Vessels.		Sea-going Steamers.		Lighters.	
From	To	Number.	Registered Tonnage.	Number.	Registered Tonnage.	Number.	Registered Tonnage.
1st July, 1864 ...	31st December, 1864	678	58,626	262	67,107	379	51,352

Department of Ports and Harbors,
Williamstown, 24th July, 1865.

CHARLES FERGUSON,
Chief Harbor Master.

RETURN, showing Number and registered Tonnage of Vessels berthed at Melbourne Wharves, for Six Months ending 30th June, 1865.

Date.	Sailing Vessels.		Sea-going Steamers.		Lighters.		Total.
	Number.	Registered Tonnage.	Number.	Registered Tonnage.	Number.	Registered Tonnage.	
From 1st January to 30th June, 1865 ...	689	57,879	293	77,790	284	40,717	176,386

Department of Ports and Harbors,
Williamstown, 24th July, 1865.

CHARLES FERGUSON,
Chief Harbor Master.

RETURN, showing Number and registered Tonnage of Bay or Cargo Steamers and Tug Boats berthed at the Melbourne Wharves, with Number of Trips made by each, for Six Months ending 31st December, 1862.

Names.	Tonnage.	Number of Trips.	Gross Tonnage.	SUMMARY.	
					Total.
<i>Bay or Cargo Steamers.</i>					
* Sic. Express	136	150	20,400	Sailing Vessels ...	61,581*
Vesta	68	130	8,840		
Diamond	56	130	7,280	Sea-going Steamers ...	28,405*
			36,520	Lighters	51,552*
<i>Tug Boats.</i>					
Lioness	26	300	7,800	Bay Steamers ...	36,520
Black Eagle	41	300	12,300		
Hercules	36	300	10,800	Tug Boats	45,900
Sophia	35	300	10,500		
Tom Norton	15	300	4,500		
			45,900		223,958

Department of Ports and Harbors,
Williamstown, 24th July, 1865.

CHARLES FERGUSON,
Chief Harbor Master.

RETURN, showing Number and registered Tonnage of Bay or Cargo Steamers and Tug Boats berthed at the Melbourne Wharves, with Number of Trips made by each, for Six Months commencing 1st January and ending 30th June, 1863, inclusive.

Names.	Tonnage.	Number of Trips.	Gross Tonnage.	SUMMARY.	
				—	Total.
<i>Bay or Cargo Steamers.</i>					
Express	136	150	20,400	Sailing Vessels ...	61,581
Vesta	68	130	8,840		
Diamond	56	130	7,280	Sea-going Steamers ...	28,405
			36,520	Lighters	51,552
<i>Tug Boats.</i>					
Lioness	26	300	7,800	Bay Steamers ...	36,520
Black Eagle	41	300	12,300		
Hercules	36	300	10,800	Tug Boats	45,900
Sophia	35	300	10,500		
Tom Norton	15	300	4,500		
			45,900		223,958

CHARLES FERGUSON,
Chief Harbor Master.

Department of Ports and Harbors,
Williamstown, 24th July, 1865.

RETURN, showing Number and registered Tonnage of Bay or Cargo Steamers and Tug Boats berthed at the Melbourne Wharves, with number of Trips made by each, for Six Months ending 31st December, 1863.

Names.	Tonnage.	Number of Trips.	Gross Tonnage.	SUMMARY.	
				—	Total.
<i>Bay or Cargo Steamers.</i>					
Express	136	150	20,400	Sailing Vessels ...	53,361
Vesta	68	130	8,840		
Diamond	56	65	3,640	Sea-going Steamers ...	32,390
			32,880	Lighters	61,433* <i>Sic.</i>
<i>Tug Steamers.</i>					
Lioness	26	300	7,800	Bay or Cargo Steamers	32,880
Black Eagle	41	300	12,300		
Hercules	36	300	10,800	Tug Steamers ...	45,900
Sophia	35	300	10,500		
Tom Norton	15	300	4,500		
			45,900		225,964

CHARLES FERGUSON,
Chief Harbor Master.

Department of Ports and Harbors,
Williamstown, 24th July, 1865.

RETURN, showing Number and registered Tonnage of Bay or Cargo Steamers and Tug Boats, berthed at the Melbourne Wharves, with Number of Trips made by each, for Six Months ending 30th June, 1864.

Date.		Names.	Tonnage.	Number of Trips.	Gross Tonnage.	Total.		
From	To							
1864. 1st Jan.	30th June	<i>Bay or Cargo Steamers.</i>					} 80,090	
		Express	136	150	20,400	}		
		Vesta	68	130	8,840			
		<i>Tug Steamers.</i>						}
		Lioness	26	300	7,800			
		Black Eagle	41	300	12,300			
		Hercules	36	300	10,800			
		Sophia	35	300	10,500			
		Tom Norton	15	260	3,900			
		Yarra	25	150	3,750			
		Resolute	50	36	1,800			

CHARLES FERGUSON,
Chief Harbor Master.

Department of Ports and Harbors,
Williamstown, 24th July, 1865.

RETURN, showing Number and registered Tonnage of Bay or Cargo Steamers and Tug Boats berthed at the Melbourne Wharves, with Number of Trips made by each, for Six Months ending 31st December, 1864.

Date.		Names.	Tonnage.	Number of Trips.	Gross Tonnage.	Total.	
From	To						
1864. 1st July	31st Dec.	<i>Bay or Cargo Steamers.</i>					
		Express	136	150	20,400	} 74,500	
		<i>Tug Boats.</i>					
		Lioness	26	300	7,800		
		Black Eagle	41	300	12,300		
		Hercules	36	300	10,800		
		Sophia... ..	35	300	10,500		
		Yarra	25	300	7,500		
		Resolute	50	100	5,000		
Uno	25	8	200				

CHARLES FERGUSON,
Chief Harbor Master.

Department of Ports and Harbors,
Williamstown, 24th July, 1865.

RETURN, showing Number and registered Tonnage of Bay or Cargo Steamers and Tug Boats berthed at the Melbourne Wharves, with Number of Trips made by each, for Six Months ending 30th June, 1865.

Date.		Names.	Tonnage.	Number of Trips.	Gross Tonnage.	Total.	
From	To						
1865. 1st Jan.	30th June	<i>Bay or Cargo Steamers.</i>					
		Express	136	150	20,400	} 80,350	
		Uno	25	42	1,050		
		<i>Tug Boats.</i>					
		Lioness	26	300	7,800		
		Black Eagle	41	300	12,300		
		Hercules	36	300	10,800		
		Sophia... ..	35	300	10,500		
		Yarra	25	300	7,500		
Resolute	50	200	10,000				

CHARLES FERGUSON,
Chief Harbor Master.

Department of Ports and Harbors,
Williamstown, 24th July, 1865.

PORT OF GEELONG.

No. 1.

RETURN, showing the Number and Tonnage of Vessels that have discharged their Cargoes into Lighters at Point Henry during each Half-year from 1st July, 1862, to 30th June, 1865.

Nil.

Custom House, Geelong,
24th July, 1865.

S. S. RENNIE,
For Collector.

No. 2.

RETURN, showing the Number and Tonnage of Vessels that have discharged their Cargoes into Lighters in Geelong Harbor, during each Half-year from 1st July, 1862, to 30th June, 1865.

Nil.

Custom House, Geelong,
24th July, 1865.

S. S. RENNIE,
For Collector.

No. 3.

RETURN, showing the Number and Tonnage of Vessels that have discharged Cargo at the Geelong Wharves, distinguishing Lighters, Sea-going Steamers, and Steamers inside the Heads, during each Half-year, from 1st July, 1862, to 30th June, 1865.

	Half-year ending 31st December, 1862.		Half-year ending 30th June, 1863.		Half-year ending 31st December, 1863.		Half-year ending 30th June, 1864.		Half-year ending 31st December, 1864.		Half-year ending 30th June, 1865.	
	No.	Tonnage.	No.	Tonnage.	No.	Tonnage.	No.	Tonnage.	No.	Tonnage.	No.	Tonnage.
Lighters ...	109	4,531	77	3,428	74	3,441	70	3,079	45	2,195	51	2,317
Inside Steamers ...	150	20,400	153	20,808	156	21,216	156	21,216	152	20,672	154	20,944
Sea Steamers ...	...	Nil	...	Nil	...	Nil	...	Nil	1	531	...	Nil
Other Vessels ...	79	12,799	71	12,426	58	12,099	61	14,761	63	12,515	55	6,247
TOTALS ...	338	37,730	301	36,662	288	36,756	287	39,056	261	35,913	260	29,508
							No.	Tonnage.				
							1735	215,625				

Custom House, Geelong,
24th July, 1865.

S. S. RENNIE,
For Collector.

1864-5.

VICTORIA.

REAL PROPERTY ACT.

RETURN TO AN ORDER OF THE LEGISLATIVE COUNCIL.

THE HONORABLE C. SLADEN.—8TH JUNE, 1865.

LAI'D ON THE COUNCIL TABLE BY THE HONORABLE M. HERVEY, 27TH JUNE, 1865, AND
ORDERED BY THE COUNCIL TO BE PRINTED, 5TH SEPTEMBER, 1865.

RETURN, showing the Staff now engaged in carrying out the Real Property Act, their Salaries, Functions, Duties, and Relative Positions; also, the General Expenditure of the Department, and the Amount of Fees received during 1864-5, and the Amount of the Assurance Fund.

A.

FUNCTIONS AND DUTIES OF THE COMMISSIONER OF TITLES (UNCLASSIFIED), AND OF THE SOLICITOR (UNCLASSIFIED), UNDER THE REAL PROPERTY ACT.

COMMISSIONER.

Hearing applications to bring land under the Act (the great majority of which are referred to the Solicitor for his report); on receiving such report, perusing and considering the effect of all deeds and other evidences of title, and settling those objections to the title which have either to be got rid of before the land can be brought under the system, or to appear on the face of the certificate as outstanding encumbrances.

Making orders for bringing land under the Act, and for the requisite advertisements, first seeing to the sufficiency of the searches, made at the Solicitor's instance, and of the description of the land.

Settling and initialing the form of every certificate of title issued on an application.

Settling the forms of the various endorsements and notifications required by the Act.

Settling the reasons for any determination arrived at (when an appeal to the Supreme Court is contemplated).

Consulting with applicants and with solicitors concerning errors in the evidences of title, and the mode of overcoming difficulties arising from missing or imperfect deeds, &c., &c.

Considering and determining questions under the four existing Acts, put by the public or by any of the officers, as to the mode in which special transactions have to be effected, and as to the sufficiency of instruments proposed to be registered, and as to the interpretation of the Acts.

SOLICITOR.

Assisting the Commissioner by reporting on all titles referred by him, which report involves the perusal and consideration of all deeds and evidences of title lodged in support of an application, and making a sketch or outline of each title.

Writing for deeds and plans not so lodged, but necessary to make out each link in the chain of title, or to fix with certainty the land sought to be brought under the Act.

Issuing a search paper containing a rough sketch of the land, with instructions to search for prior registered memorials, and for registered encumbrances under the Real Property Statute, and for insolvencies.

Writing upon such search certificates coming in for production of any registered but unproduced instrument.

Reporting on the title, and in all simple cases sketching out the description for the advertisement, and submitting the entire case and papers to the Commissioner for his direction.

B.

DUTIES AT PRESENT PERFORMED BY WILLIAM KEARSEY HUGHES,
SECRETARY (UNCLASSIFIED).

Entering and keeping sufficient extracts from applications in order to give any information that may be required, either in the office, or by the applicants or their solicitors.

Keeping a numerical and alphabetical list of applications.

Submitting applications for hearing to the Commissioner of Titles.

Making out an alphabetical list of all lands included in applications, to save asking in future cases for production of deeds already perused, and to aid searches as to land under the Act.

Receiving deeds produced by third parties in support of applications, giving and signing receipts for them, and submitting same.

Writing letters from the Commissioner and Solicitor to applicants or their solicitors.

Having the custody of caveats, signing the requisite notices thereon, and seeing to the accuracy thereof.

Receiving fees, &c., and giving receipts, entering same, and making returns as collector of imposts (having given security for the performance of the duties of collector of imposts).

Receiving money for salaries and paying and entering same.

Receiving a portion of correspondence, numbering, entering, and answering same, and copying any correspondence that has to be returned.

Making out a portion of the requisition sheets, all salary abstracts and vouchers connected with them, and entering same.

Giving any general information to the public and solicitors that may be desired.

The whole of the above duties performed with scarcely any clerical assistance.

10th June, 1865.

Memorandum by the Commissioner.—Since this return was ordered, a separate fee clerk has been appointed, and the Secretary's duty as receiver of fees is now performed by such clerk. It is in contemplation to appoint the Secretary as the Assistant Registrar-General and to relieve the Chief Draftsman of the duties pertaining to that office—casting them on the Secretary.

C.

DUTIES OF ARCHIBALD McFARLAND, CLERK (UNCLASSIFIED).

To search for insolvencies, as well on bringing land under the Act as on all subsequent transfers, mortgages, leases, &c.

Examining all powers of attorney, concerning instruments purporting to be signed by any one by his attorney; and, in cases of doubt, submitting to the Commissioner the powers for his perusal.

Attesting as a witness all Crown leases executed in this office, a large proportion of which are executed under powers of attorney.

Keeping in analytical order all powers of attorney deposited in the office.

Examining all caveats, and writing notices for Secretary's signature.

Writing letters from the drafts of the Commissioner and Solicitor, calling for the production of legal documents, and on their production giving receipts to the parties, and handing documents to the Secretary.

Giving information to the public as to the procedure in bringing and dealing with land under the Act.

10th June, 1865.

D.

DUTIES PERFORMED BY MR. HORACE SAMSON (3RD CLASS OFFICER) ASSISTANT REGISTRAR - GENERAL, SURVEYOR AND CHIEF DRAFTSMAN.

As Assistant Registrar-General.

Minuting correspondence and signing letters not strictly appertaining to legal matters.
Examining and initialing draft certificates of title in all ordinary cases (save on applications).

Signing all documents as Assistant Registrar-General, pursuant to the Real Property Act.
Conferring with the public on matters connected with their applications, transfers, and dealings.

As Surveyor and Chief Draftsman.

Keeping a record of applications.
Examining particulars of, and reporting on the accuracy or otherwise of the parcels of land included in all applications.
Mathematical computations respecting same.
Preparing plans and supervising the drafting branch.

E 1.

DUTIES PERFORMED BY MESSRS. HENRY KRONE (3RD CLASS) AND CHARLES LINDLEY PERRY (4TH CLASS), OFFICERS ON THE STAFF, AND BY MR. JAMES DAVIDSON (SUPERNUMERARY).

Receiving applications, transfers, mortgages, &c.
Communicating Commissioner's orders on applications.
Preparing and forwarding notices to occupiers and proprietors of contiguous lands.
Comparing engrossments of certificates of title.
Preparing draft certificates in all ordinary cases for engrossment, &c.
Keeping progress record of dealings showing various stages.
Issuing certificates of title.
Registering mining, mineral, and industrial leases.
Preparing certified copies of instruments.
Issuing stamped forms of instruments.
Searching for incumbrances under the Real Property Act.
General correspondence in matters of routine, save as to legal ones, under the Assistant Registrar-General.
Giving information to the public respecting applications, dealings, and affording assistance in searching the registry.
Filling up forms of instruments and attesting signature to same.
Receiving and filing receipts for fees and checking same.

E 2.

DUTIES PERFORMED BY MESSRS. WHITEHEAD, CLAPHAM, REED, AND RICHARDSON (SUPERNUMERARIES).

Registering instruments and entering memorials, and searching for prior registrations on all applications to transfer lease or mortgage.
Indexing same.
Issuing to parties in Melbourne Crown grants and leases.

MR. DANIEL REED (SUPERNUMERARY).

Indexing.

MR. OWEN FISHER (SUPERNUMERARY).

Looking out deeds for partial cancellation or otherwise, and endorsing memorials and notifications thereon.

MESSRS. FENTON, BYRNE, AND RICHARDSON (SUPERNUMERARIES).

Engrossing certificates of title, freehold and leasehold.
Keeping a record of letters received.

F.

DUTIES PERFORMED BY JOSEPH GOODE (4TH CLASS ORDINARY) AS SEARCHING OFFICER UNDER THE IMMEDIATE DIRECTION OF THE COMMISSIONER OF TITLES AND SOLICITOR.

Searching register for incumbrances and dealing under old system of registration, against applications to bring property under the Act; also searching for registered executions, *lites pendentes*, and Crown debts.

10th June, 1865.

G.

DUTIES PERFORMED BY MR. CHARLES JAMES BIRD (4TH CLASS OFFICER), ASSISTANT DRAFTSMAN.

Drawing plans on certificates of title.
Examining and checking subdivisions by transferrees.
Copying maps and plans produced by third parties in support of applications.
Examining work performed by two supernumerary draftsmen.
Keeping documents referring to applications dealt with and passed.

H.

DUTIES PERFORMED BY MESSRS. EDWARD FITZGERALD, COOKE, AND JOHN WIGMORE (5TH CLASS), OFFICERS ON THE STAFF.

Arranging in alphabetical order for the *Government Gazette* all Crown grants and leases, giving particulars of each and the amount of fees to be charged.

Keeping an index of all deeds which have been gazetted, and supplying, when necessary, the folio of *Gazette* on which any particular deed has been advertised.

Forwarding to the receivers and paymasters all grants and leases required to be delivered in the country, and keeping an entry of all deeds so forwarded.

Giving information to the public, and attending to all correspondence respecting the gazetting, issuing and forwarding deeds to the country.

Registering all Crown grants.

A RETURN showing the Staff now engaged in carrying out the Real Property Act, their Salaries, Functions, Duties, and Relative Positions.

Name.	Appointment.	Salaries per annum.	Duties, Functions, and Relative Positions.	
Carter, John ...	The Commissioner of Titles	£ 2,000 0 0	} <i>Vide</i> Appendix A	
Chambers, Hugh John ...	Solicitor ...	1,200 0 0		
Hughes, William Kearsley ...	Secretary ...	500 0 0		"} B
McFarland, Archibald ...	Clerk ...	200 0 0		"} C
Samson, Horace ...	Assistant Registrar-General and Chief Draftsman	430 0 0		"} D
Krone, Henry ...	Clerk ...	430 0 0	"} E	
Goode, Joseph ...	Clerk ...	275 0 0	"} F	
Perry, Charles Lindley ...	Clerk ...	225 0 0	"} E	
Bird, Charles J. ...	Assistant Draftsman	225 0 0	"} G	
Cooke, Edward F. ...	Clerk ...	96 13 4	} H	
Wigmore, John ...	Clerk ...	96 13 4		
Harrison, Richard ...	Messenger ...	120 0 0	Messenger and Office Keeper.	
Moore, Thomas ...	Messenger ...	80 0 0	Messenger.	
Harrison, Mary ...	Housekeeper ...	50 0 0	Housekeeper.	

21st June, 1865.

JOHN CARTER,
Commissioner of Titles.

RETURN of Amount of Fees received during the Year 1864 under the Real Property Acts.

DATE.	Certificate of Title.	Memorandum of Transfer Lease, &c.	Registering Proprietor.	Power of Attorney.	Noting Caveat.	Cancelling Caveat and service of Notice.	For every Search.	For every general Search.	Instrument of Trusts or Will deposited.	Notice of Writ or Supreme Court Order.	Acknowledgment of Married Women.	Exhibition or Return of Instruments.	Certified Copy.		Affidavit or Statutory Declaration.	Each Registration Memorial after the first.	Forms.	Forms.	APPLICATIONS.			Total each Fortnight.	Total each Month.	
													First five folios of 72 words.	Every subsequent folio.					Fees for Hearing.	Contribution to Assurance Fund.				Value.
																				Indemnity.	½d. in the £1.			
<i>Rate ...</i>	£1	10s.	£1	10s.	10s.	5s.	2s.	5s.	10s.	10s.	5s.	5s.	5s.	8d.	5s.	2s.	6d.	4d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	
January... 1st to 14th	35	134	...	...	...	...	3	...	...	1	...	...	...	...	...	20	277	...	7 15 0	...	11 12 0	5,567 10 0	131 1 6
" ... 14th to 31st	34	92	...	...	...	...	3	...	...	...	...	...	...	...	...	21	408	...	2 15 0	...	1 5 5	610 0 0	96 12 5
February 1st to 14th	26	78	...	1	2	1	5	1	...	...	...	1	...	...	...	25	254	...	13 15 0	...	13 1 7	6,278 9 6	103 8 7
" ... 14th to 29th	64	70	...	...	2	...	1	...	...	...	...	...	...	...	...	22	138	120	13 15 0	...	...	...	121 10 0
March ... 1st to 14th	187	196	...	...	2	...	3	...	...	2	...	1	...	...	...	61	389	180	5 0 0	...	0 7 1	170 0 0	311 14 7
" ... 14th to 31st	112	104	3	...	4	2	8	1	...	...	...	...	...	...	...	65	139	...	10 15 0	16 0 0	0 7 3	174 0 0	207 12 9
April ... 1st to 14th	141	69	1	...	1	...	4	...	...	...	...	...	...	...	...	56	204	60	10 10 0	...	0 2 6	60 0 0	199 14 6
" ... 14th to 30th	105	171	...	...	4	1	3	2	...	2	...	...	...	...	...	27	171	...	13 5 0	5 0 0	1 6 5	634 0 0	221 1 11
May ... 1st to 14th	79	122	...	...	...	2	2	1	...	2	...	1	...	...	...	41	289	...	19 5 0	...	0 19 5	465 5 0	173 14 11
" ... 14th to 31st	72	234	2	...	3	...	4	...	...	...	...	1	...	...	...	40	514	...	10 10 0	...	3 6 11½	1,606 0 0	223 16 11½
June ... 1st to 14th	78	178	1	...	5	...	4	2	...	2	...	...	...	...	...	82	364	60	14 5 0	...	4 9 4½	2,144 0 0	209 8 4½
" ... 14th to 30th	90	107	2	...	1	...	8	3	...	3	...	1	...	...	...	58	97	...	11 10 0	30 0 0	26 0 1	12,482 0 0	225 0 7
July ... 1st to 14th	256	139	5	...	2	...	6	...	...	...	...	1	...	...	1	102	105	...	19 0 0	5 0 0	18 5 5	8,770 0 0	387 13 11
" ... 14th to 31st	137	118	2	...	5	...	12	3	...	...	...	...	...	...	...	50	183	60	29 5 0	12 0 0	10 12 10½	5,108 1 6	265 3 4½
August ... 1st to 14th	302	103	...	...	2	1	4	2	...	...	...	...	...	...	...	43	137	240	17 5 0	10 0 0	1 3 10½	572 13 0	395 16 4½
" ... 14th to 31st	529	185	...	...	9	1	7	2	...	...	...	...	...	...	...	199	207	60	15 10 0	56 5 0	22 3 3½	10,638 17 0	747 8 9½
September 1st to 14th	277	98	...	...	6	1	12	...	...	1	2	...	...	...	...	66	121	60	13 15 0	3 0 0	4 6 8½	2,081 0 0	363 3 2½
" ... 14th to 30th	223	112	...	...	2	...	12	...	...	...	...	2	...	...	...	82	116	240	21 15 0	2 0 0	4 16 4	2,312 0 0	325 7 4
October ... 1st to 14th	283	89	2	...	1	...	4	...	1	1	...	...	...	...	...	63	67	...	16 15 0	...	2 8 3½	1,159 0 0	358 10 9½
" ... 14th to 31st	408	403	...	...	5	...	9	2	1	1	...	...	5	...	...	64	238	...	19 5 0	27 10 0	42 13 4	20,479 10 0	716 8 4
November 1st to 14th	212	156	...	...	4	...	10	1	1	...	...	...	5	10	...	63	111	60	21 5 0	12 0 0	22 18 8½	11,009 0 0	360 11 10½
" ... 14th to 30th	507	164	...	...	5	1	10	...	1	...	...	1	...	...	...	57	154	60	23 5 0	12 10 0	26 19 9½	12,955 0 0	666 15 9½
December 1st to 14th	1,710	135	6	...	2	1	8	2	...	1	...	...	...	...	...	424	94	...	18 10 0	1 10 0	9 18 1½	4,755 0 0	321 4 1½
" ... 14th to 31st	319	188	...	...	4	...	11	...	...	...	...	...	...	...	...	119	170	...	8 5 0	15 0 0	11 7 7½	5,463 0 0	466 17 7½
TOTAL during the Year	4,646	3,445	24	1	71	11	153	22	4	16	2	9	10	10	2	1,850	4,947	1,200	356 15 0	207 15 0	240 12 5½	115,494 6 0	7,599 18 7½	7,599 18 7½
Total for half-year to 30th June ...	1,023	1,555	9	1	24	6	48	10	...	12	...	5	518	3,244	420	133 0 0	51 0 0	62 18 1	30,191 4 6	2,224 17 1	2,224 17 1
Total for half-year to 31st December ...	3,623	1,890	15	...	47	5	105	12	4	4	2	4	10	10	2	1,332	1,703	780	223 15 0	156 15 0	177 14 4½	85,303 1 6	5,375 1 6½	5,375 1 6½

21st June, 1865.

JOHN CARTER,
Commissioner of Titles.

RETURN of Amount of Fees received during the Year 1865 (ending 14th June) under the Real Property Acts.

DATE.	Certificates on Dealings and Applications.	Memorandum of Transfer, Lease, &c.	Registering Proprietors.	Noting Caveats.	Cancelling Caveats, &c.	Search.	General Search.	Map or Plan deposited.	Instrument of Trust deposited, &c.	Notice of Writ or Supreme Court Order.	Acknowledgment of Married Women.	Exhibition or Return of Instruments.	Certified Copy.		Affidavit or Statutory Declaration.	Each Registration Memorial after the first.	Forms.	Forms.	APPLICATIONS.				Total each Fortnight.	Total each Month.
													First five folios of 72 words.	Every subsequent folio.					Fees for Hearing.	Contribution to the Assurance Fund.*		Value.		
																				Indemnity.	½d. in the £1.				£ s. d.	£ s. d.
<i>Rate ...</i>	£1	10s.	£1	10s.	5s.	2s.	5s.	5s.	10s.	10s.	5s.	5s.	5s.	8d.	5s.	2s.	6d.	4d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	
January... 1st to 14th	319	110	2	2	1	5	2	...	1	...	1	...	20	4	...	91	79	60	8 10 0	9 0 0	5 4 4	2,503 10 0	414 18 6	
" ... 15th to 31st	161	374	...	4	...	12	...	...	2	1	...	1	...	...	219	193	120	24 0 0	12 10 0	9 17 11	4,750 0 0	428 1 5	
February 1st to 14th	717	257	5	1	2	9	3	...	...	2	1	2	...	...	...	413	116	...	34 5 0	...	3 10 7½	1,695 0 0	936 7 7½
" ... 15th to 28th	727	160	...	5	1	7	3	...	...	3	...	3	...	...	...	151	78	...	19 5 0	5 0 0	5 17 4	2,815 12 6	859 2 4
March ... 1st to 14th	377	185	...	2	...	13	1	...	...	...	...	...	...	...	...	118	228	480	9 15 0	17 0 0	32 11 0½	15,624 10 8	556 17 0½
" ... 15th to 30th	829	335	6	2	3	17	4	...	...	2	...	2	5	3	1	341	190	...	14 15 0	9 15 0	23 19 11	11,518 0 0	1,096 7 11
April ... 1st to 14th	460	118	1	5	1	11	...	...	...	...	...	...	5	...	...	86	124	120	17 5 0	6 0 0	3 1 8½	1,481 0 0	564 12 8½
" ... 15th to 30th	454	82	...	3	...	8	...	...	...	1	...	1	5	...	...	42	251	60	13 15 0	6 9 0	6 10 9	3,137 8 6	536 10 3
May ... 1st to 14th	542	154	4	4	2	10	...	...	1	...	...	...	5	...	...	156	66	60	17 5 0	5 0 0	4 0 4	1,927 10 0	673 6 6
" ... 15th to 31st	178	99	3	1	...	10	...	1	...	2	...	2	5	2	...	344	205	300	12 0 0	6 10 0	7 6 6	3,516 0 0	303 17 2	
June ... 1st to 14th	133	85	...	3	1	15	2	...	1	3	...	3	...	...	1	30	134	180	19 5 0	1 0 0	9 11 6	4,595 10 0	219 18 6
TOTAL ...	4,897	1,959	21	32	11	117	15	1	5	14	2	14	45	9	2	1,991	1,664	1,380	190 0 0	78 4 0	111 11 11½	53,564 1 8	6,589 19 11½	6,589 19 11½

* NOTE.—The Contribution to the Assurance Fund does not include the amount received by the Receiver and Paymaster on land under the Real Property Act, but only that on land brought under the Act by application.

The following Statement as to the Assurance Fund was obtained from The Honorable The Treasurer's Department:—

Assurance Fund—Total amount up to the 31st May, 1865	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	£ s. d.	
Ditto ditto to the end of 1864	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	3,331 9 8
	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	2,571 18 1
Total amount for the Year 1865 up to the 31st May, 1865	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	£759 11 7
Total amount of Expenditure for the Year 1864	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	£ s. d.
Ditto ditto to 31st May, 1865	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	6,929 12 9
	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	3,262 7 1

1864-5.

VICTORIA.

CUSTOMS—CLERKS, SALARIES, AND EXPENDITURE.

RETURN TO AN ORDER OF THE LEGISLATIVE COUNCIL.

THE HONORABLE C. SLADEN.—5TH JULY, 1865.

LAI'D ON THE COUNCIL TABLE BY THE HONORABLE M. HERVEY, 11TH JULY, 1865, AND
ORDERED BY THE COUNCIL TO BE PRINTED, 5TH SEPTEMBER, 1865.

- (1.) The number of Clerks and others employed in the Port of Melbourne for collecting the Customs Duties on Imports during the respective periods from 1st January to 30th June, 1864 ; 1st January to 30th June, 1865.
 - (2.) The total Expenditure in Salaries for the ordinary Customs Staff, and for Clerical and extra Assistance, during the above periods respectively.
-

By Authority :

JOHN FERRES, GOVERNMENT PRINTER, MELBOURNE.

No. 1.

RETURN, showing the number of Clerks and others employed in the Port of Melbourne for collecting Duties on Imports (and Exports) during the respective periods from 1st January to 30th June, 1864 and 1865, as per Appropriation Act and Estimates.

Number.		Designation.	Expenditure.	
1864.	1865.		1864.	1865.
			£ s. d.	£ s. d.
1	1	Collector... ..	450 0 0	450 0 0
1	1	Warehousekeeper... ..	275 0 0	275 0 0
21	21	Clerks	3,050 16 8	3,098 6 8
4	4	{ 1 Queen's Locker } { 3 Messengers }	223 4 0	223 0 0
		<i>Outdoor.</i>	3,999 0 8	4,046 6 8
3	3	{ 2 Landing Surveyors } { 1 Landing Waiter }	870 16 8	879 3 4
9	10	Landing Waiters	1,923 6 8	2,179 7 2
8	7	Ditto	1,037 10 0	925 0 0
16	17	Lockers	1,975 0 0	2,039 9 7
30	30	Weighers	2,672 10 0	2,495 0 0
		<i>Williamstown.</i>	12,478 4 0	12,564 6 9
1	1	Tide Inspector	242 10 0	242 10 0
4	4	Tide Surveyors }	762 10 0	800 0 0
1	1	Clerk }		
8	8	Tide Waiters	762 10 0	750 0 0
5	5	Coxswains	434 12 6	433 8 9
20	20	Boatmen	1,372 10 0	1,368 15 0
		Allowance to Acting Tide Surveyor...	11 5 0	.....
132	133		£16,064 1 6	£16,159 0 6

No. 2.

RETURN, showing the total Expenditure for Clerical and Temporary extra Assistance at the Port of Melbourne, during the respective periods from 1st January to 30th June, 1864 and 1865.

1864.	1865.	Increase in 1865.	Remarks.
£ s. d.	£ s. d.	£ s. d.	The requirements for temporary clerical assistance, occasional officers, and overtime, have been increased by the extra work caused by the bonds, books, and special accounts requisite to keep correct statements of suspense payments, until the resolutions affecting duties of Customs are disposed of.
352 8 7	860 16 1	508 7 6	

No. 3.

RETURN, showing the Amount expended in Salaries for the ordinary Customs Staff, and for Clerical and other Assistance during the periods from 1st January to 30th June, 1864 and 1865 respectively.

Salaries.		Extra Clerical Assistance.		Increase Salaries.	Decrease Salaries.	Increase Clerical Assistance.	Decrease Clerical Assistance.	Total Increase in 1865.
1864.	1865.	1864.	1865.					
£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.
24,900 7 2	22,971 10 2	1,401 15 10	1,509 0 11	...	1,928 17 0	107 5 1	...	1,821 11 11

This Return is for all the Ports with the exception of those on the River Murray.

HENRY J. LEPLASTRIER,
For the Inspector-General of Customs.

1864-5.
 ———
 VICTORIA.

CUSTOMS DUTIES SECURITIES.

RETURN TO AN ORDER OF THE LEGISLATIVE COUNCIL.
 THE HONORABLE C. SLADEN—22ND JUNE, 1865.

LAI'D UPON THE COUNCIL TABLE BY THE HONORABLE M. HERVEY, 19TH JULY, 1865,
 AND ORDERED BY THE COUNCIL TO BE PRINTED 5TH SEPTEMBER, 1865.

A RETURN of all Sums of Money secured to the Government under Bond or otherwise, on account of Duties of Customs upon Goods taken out of Bond or entered for Home Consumption on Importation since the first of the Resolutions (passed by the Committee of Ways and Means in the Legislative Assembly), altering the Customs Tariff as existing prior to the present Session of Parliament, was reported to that House.

The Names of the several Persons or Firms by whom such Sums are owing, or may become payable, and the amount owing, or which may become payable by each.

The nature of the Security for the payment of such sums held by the Government, and, in the case of Bonds, the Names of the Obligors and their respective Sureties.

The Form of Bond used for securing such payments.

By Authority:

JOHN FERRER, GOVERNMENT PRINTER, MELBOURNE.

RETURN OF CUSTOMS DUTIES SECURITIES, ETC.—*continued.*

Date.	Number of Warrant	TEA.		SUGAR.		DRIED FRUITS.		GOLD.		OPIUM.		Names of Parties giving Bonds.	Names of Sureties.	Total Duties covered by Bonds.			
		lbs.	£ s. d.	cwts. qrs. lbs.	£ s. d.	cwts. qrs. lbs.	£ s. d.	ozs. dwts. grs.	£ s. d.	lbs. ozs.	£ s. d.						
1865.																	
Feb. 2	244	252	3 3 0	...	...	...	...	...	...	...	...	T. Armstrong	Thos. Armstrong Emery Armstrong	3 3 0
Jan. 24	822	...	...	...	...	...	...	5,022 0 0	125 11 0	...	...	} Australasia Bank	F. G. Smith H. G. Turner	} 254 18 11
Feb. 22	1,012	5,175 16 0	129 7 11						
Jan. 26	3,411	362½	4 10 8	...	...	...	...	...	...	...	...	Andrade, A.	A. Andrade J. Scott	4 10 8
Feb. 8	1,012	...	...	...	...	33 1 8	1 2 3	...	...	...	...	} Barnett, L.	Thos. Smith Lewis Barnett	} 2 4 7
" 8	1,013	33 1 16	1 2 4						
" 9	1,217	760	9 10 0	...	...	...	...	...	...	...	...	Barnett, M.	M. Barnett L. Folk	9 10 0
" 21	...	...	...	...	...	...	...	1 0 0	0 0 6	...	...	Barrow, T.	...	0 0 6
Jan. 30	1,661	44	0 11 0	...	...	...	...	...	...	...	...	Baissier, V.	J. J. Corkorney Geo. Hurry	0 11 0
" 26	3,397	1,161	14 10 3	...	...	...	...	...	...	...	...	} Bates, H. W.	William Bates Edward Cope	} 22 0 3
" 26	3,398	50 0 0	7 10 0						
" 20	2,646	1,309	16 7 3	...	...	...	...	...	...	...	...
" 20	2,647	1,692	21 3 0	...	...	...	...	...	...	...	...
" 20	2,648	2,250	28 2 6	...	...	...	...	...	...	...	...
" 24	3,090	950	11 17 6	...	...	...	...	...	...	...	...
" 25	3,232	910	11 7 6	...	...	...	...	...	...	...	...
" 26	3,343	900	11 5 0	...	...	...	...	...	...	...	...
" 27	3,565	697	8 14 3	...	...	...	...	...	...	...	...
" 30	3,880	410	5 2 6	...	...	...	...	...	...	...	...
" 31	3,992	1,800	22 10 0	...	...	...	...	...	...	...	...
Feb. 1	116	1,820	22 15 0	...	...	...	...	...	...	...	...
" 2	93	1,120	14 0 0	...	...	...	...	...	...	...	...
" 8	1,127	846	10 11 6	...	...	...	...	...	...	...	...
" 8	1,129	1,230	15 7 6	...	...	...	...	...	...	...	...
" 8	1,130	910	11 7 6	...	...	...	...	...	...	...	...
" 8	1,131	410	5 2 6	...	...	...	...	...	...	...	...
" 8	1,132	1,800	22 10 0	...	...	...	...	...	...	...	...
" 9	1,318	576	7 4 0	...	...	...	...	...	...	...	...
" 11	1,609	900	11 5 0	...	...	...	...	...	...	...	...
" 13	1,787	410	5 2 6	...	...	...	...	...	...	...	...	} Bell, Bruce & Co.	Francis Bell George Bell	} 414 19 0
" 13	1,788	423	5 5 9						
" 13	1,789	480	6 0 0						
" 13	1,794	470	5 17 6						
" 14	2,011	900	11 5 0						
" 15	1,183	280	3 10 0						
" 16	2,275	910	11 7 6						
" 27	3,538	900	11 5 0						
" 27	3,539	950	11 17 6						
" 27	3,567	470	5 17 6						
" 28	3,444	910	11 7 6						

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Jan. 23	2,883	720	9 0 0
" 23	2,886	25 2 8	3 16 9
March 4	539	910	11 7 6
" 4	940	910	11 7 6
" 8	941	470	5 17 6
" 9	1,081	820	10 5 0	...	...	...	...	...	...	...	...
" 10	1,237	546	6 16 6	...	...	...	...	...	...	...	...
" 10	1,440	470	5 17 6	...	...	...	...	...	...	...	...
" 10	1,442	410	5 2 6	...	...	...	...	...	...	...	...
Jan. 25	3,194	1,640	20 10 0	...	...	...	...	...	...	...	...
Feb. 6	748	415	5 3 9	...	...	...	...	...	...	...	...
" 10	721	102	1 5 6	...	...	...	...	...	...	...	...
Feb. 21	1,587	20	0 5 0	...	...	...	...	...	...	...	...
Jan. 31	4,058	716	8 19 0	...	...	...	...	...	...	...	...
" 31	4,057	280½	3 10 2	...	...	...	...	...	...	...	...
Feb. 2	248	238	2 19 6	...	...	...	...	...	...	...	...
" 2	249	171	2 2 9	...	...	...	...	...	...	...	...
" 3	410	101	1 5 3	...	...	...	...	...	...	...	...
" 3	411	85	1 1 3	...	...	...	...	...	...	...	...
" 20	2,735	387	4 16 9	...	...	...	...	...	...	...	...
Mar. 7	902	12	0 3 0	...	...	...	...	...	...	...	...
" 7	977	840	10 10 0	...	...	...	...	...	...	...	...
Feb. 15	2,137	1,264	15 16 0	...	...	...	...	...	...	...	...
" 3	438	588	7 7 0	...	...	...	...	...	...	...	...
Jan. 20	3,666	432	5 8 0	...	...	...	...	...	...	...	...
" 20	3,667	465	5 16 3	...	...	...	...	...	...	...	...
" 20	3,668	409½	5 2 6	...	...	...	...	...	...	...	...
" 20	3,669	407	5 1 9	...	...	...	...	...	...	...	...
" 20	3,670	470	5 17 6	...	...	...	...	...	...	...	...
" 20	3,671	450	5 12 6	...	...	...	...	...	...	...	...
" 21	2,788	294	3 13 6	...	...	...	...	...	...	...	...
" 23	2,878	651	8 2 9	...	...	...	...	...	...	...	...
" 23	2,879	246	3 1 6	...	...	...	...	...	...	...	...
" 23	2,880	756	9 9 0	...	...	...	...	...	...	...	...
" 24	2,980	1,288	16 2 0	...	...	...	...	...	...	...	...
" 24	2,981	252	3 3 0	...	...	...	...	...	...	...	...
" 24	2,982	470	5 17 6	...	...	...	...	...	...	...	...
" 25	3,143	930	11 12 6	...	...	...	...	...	...	...	...
" 25	3,144	420	5 5 0	...	...	...	...	...	...	...	...
" 26	3,307	470	5 17 6	...	...	...	...	...	...	...	...
" 26	3,308	470	5 17 6	...	...	...	...	...	...	...	...
" 26	3,309	168	2 2 0	...	...	...	...	...	...	...	...
" 26	3,310	970	12 2 6	...	...	...	...	...	...	...	...
" 26	3,311	1,350	16 17 6	...	...	...	...	...	...	...	...
" 26	3,342	1,128	14 2 0	...	...	...	...	...	...	...	...

Benjamin, S.	{	S. Benjamin James Ramas	}	20 10 0
Bergin, T. S.	{	T. S. Bergin R. W. Carrick	}	5 3 9
Bickerton, J.K.	{	J. K. Bickerton W. E. Smulders	}	1 5 6
Blanch, John	{	...	}	0 5 0
Bright Bros. & Co.	{	Reginald Bright Thos. H. Smith	}	51 3 8
"	{	W. G. Murray C. E. Bright	}	
"	{	Reginald Bright T. H. Smith	}	
Brown, A.	{	A. Brown E. Mulchay	}	7 7 0
Brown & Reid	{	E. E. Browne James Lorimer	}	

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RETURN OF CUSTOMS DUTIES SECURITIES, ETC.—continued.

Date.	Number of Warrant	TEA.			SUGAR.		DRIED FRUITS.		GOLD.			OPIUM.			Names of Parties giving Bonds.	Names of Sureties.	Total Duties covered by Bonds.		
		lbs.	£	s. d.	cwts. qrs. lbs.	£	s. d.	cwts. qrs. lbs.	£	s. d.	ozs. dwts. grs.	£	s. d.	lbs. ozs.			£	s. d.	£
1865.																			
Jan. 27	3,500	2,106	26	6 6	Brown & Reid {	E. E. Browne James Lorimer			
" 27	3,501	1,260	15	15 0	...	...	...	...	...	...	...	...	...	...
" 28	3,687	470	5	17 6	...	...	...	...	...	...	...	...	...	...
" 28	3,688	504	6	6 0	...	...	...	...	...	...	...	...	...	...
" 30	3,789	376	4	14 0	...	...	...	...	...	...	...	...	...	...
" 30	3,790	470	5	17 6	...	...	...	...	...	...	...	...	...	...
" 30	3,791	420	5	5 0	...	...	...	...	...	...	...	...	...	...
" 30	3,792	420	5	5 0	...	...	...	...	...	...	...	...	...	...
Feb. 1	41	765	9	11 3	...	...	...	...	...	...	...	...	...	...
" 1	42	930	11	12 6	...	...	...	...	...	...	...	...	...	...
" 1	43	940	11	15 0	...	...	...	...	...	...	...	...	...	...
" 1	44	1,015	12	13 9	...	...	...	...	...	...	...	...	...	...
" 1	45	2,268	28	7 0	...	...	...	...	...	...	...	...	...	...
" 1	46	1,260	15	15 0	...	...	...	...	...	...	...	...	...	...
" 1	47	2,974	37	3 6	...	...	...	...	...	...	...	...	...	...
" 1	148	480	6	0 0	...	...	...	...	...	...	...	...	...	...
" 2	212	1,128	14	2 0	...	...	...	...	...	...	...	...	...	...
" 2	213	1,680	21	0 0	...	...	...	...	...	...	...	...	...	...
" 2	214	2,840	35	10 0	...	...	...	...	...	...	...	...	...	...
" 3	431	378	4	14 6	...	...	...	...	...	...	...	...	...	...
" 3	432	740	9	5 0	...	...	...	...	...	...	...	...	...	...
" 3	433	940	11	15 0	...	...	...	...	...	...	...	...	...	...
" 3	434	780	9	15 0	...	...	...	...	...	...	...	...	...	...
" 3	541	945	11	16 3	...	...	...	...	...	...	...	...	...	...
" 6	638	370	4	12 6	...	...	...	...	...	...	...	...	...	...
" 8	1,057	1,780	22	5 0	...	...	...	...	...	...	...	...	...	...
" 8	1,058	850	10	12 6	...	...	...	...	...	...	...	...	...	...
" 8	1,059	860	10	15 0	...	...	...	...	...	...	...	...	...	...
" 8	1,134	387	4	16 9	...	...	...	...	...	...	...	...	...	...
" 10	1,438	860	10	15 0	...	...	...	...	...	...	...	...	...	...
" 10	1,439	280	3	10 0	...	...	...	...	...	...	...	...	...	...
" 10	1,443	740	9	5 0	...	...	...	...	...	...	...	...	...	...
" 13	1,671	752	9	8 0	...	...	...	...	...	...	...	...	...	...
" 13	1,672	1,335	16	13 9	...	...	...	...	...	...	...	...	...	...
" 13	1,673	565	7	1 6	...	...	...	...	...	...	...	...	...	...
" 13	1,674	850	10	12 6	...	...	...	...	...	...	...	...	...	...
" 13	1,675	370	4	12 6					
" 13	1,676	430	5	7 6					
" 13	1,677	400	5	0 0					
" 14	1,851	1,202	15	0 6					
" 14	1,852	940	11	15 0					
																1,027 13 6			

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Feb.	14	1,916	280	3 10 0
"	15	2,108	840	10 10 0
"	15	2,109	900	11 5 0
"	16	2,239	740	9 5 0
"	17	2,431	1,780	22 5 0
"	18	2,566	280	3 10 0	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
"	20	2,633	1,880	23 10 0	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
"	21	2,766	900	11 5 0	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
"	21	2,767	420	5 5 0	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
"	22	2,965	820	10 5 0	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
"	22	2,966	1,880	23 10 0	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
"	22	3,099	288	3 12 0	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
"	23	3,228	240	3 0 0	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
"	23	3,229	259	3 4 9	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
"	24	3,251	1,880	23 10 0	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
"	24	3,252	890	11 2 6	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
"	24	3,339	1,290	16 2 6	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
"	25	3,398	940	11 15 0	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
"	28	3,475	890	11 2 6	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
"	28	3,474	1,440	18 0 0	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
"	28	3,476	840	10 10 0	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
"	28	3,477	560	7 0 0	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
"	28	3,478	940	11 15 0	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Mar.	1	24	740	9 5 0	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
"	2	284	555	6 18 9	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
"	2	285	940	11 15 0	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
"	3	395	850	10 12 6	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
"	3	396	1,464	18 6 0	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
"	6	791	890	11 2 6	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
"	6	819	940	11 15 0	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
"	9	1,127	371	4 14 6	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
"	9	1,128	602	7 10 6	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
"	10	1,383	1,640	20 10 0	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
"	10	1,384	480	6 0 0	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Jan.	20	2,556	172	2 3 0	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Feb.	2	200	336	4 4 0	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Mar.	4	554	378	4 14 6	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Feb.	4	601	1,512	18 18 0	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Jan.	25	816	...	...	...	...	...	...	8,602 19 0	215 1 6	...	...	...	...	...	...	...	...	...	...
Feb.	22	1,017	...	...	...	...	...	...	6,715 0 0	167 17 9	...	...	...	...	...	...	...	...	...	...
"	13	950	...	...	...	...	...	...	...	...	9 3	4 11 11	Chew Ton	Chew Ton Ah Mouy	4 11 11	...	...	...	...	...
Jan.	25	3,147	...	...	...	...	...	...	...	...	48 0	24 0 0	Chow Kee	Chew Kee Ah Mouy	58 0 0	...	...	...	...	...
Feb.	1	95	800	10 0 0
"	1	96	...	...	...	...	...	...	...	...	48 0	24 0 0	...	...	...	...	...	...	...	...

E. E. Browne
C. Reid

E. E. Browne
J. Everard
E. E. Browne
E. S. Harley

Capua, M. { Mark Capua
John Adamson } 6 7 0
" { Mark Capua
John Guest

Carter & Watts { G. D. Carter
Ed. Graham } 4 14 6

Caughey, J. { J. Caughey
Joseph Masters } 18 18 0

Central Bank of
Western India { Nun Chandler
Geo. Hurry } 382 19 3

Chow Kee { Chew Kee
Ah Mouy } 58 0 0

RETURN OF CUSTOMS DUTIES SECURITIES, ETC.—continued.

Date.	Number of Warrant	TEA.		SUGAR.		DRIED FRUITS.		GOLD.		OPIUM.		Names of Parties giving Bonds.	Names of Sureties.	Total Duties covered by Bonds.		
		lbs.	£ s. d.	cwts. qrs. lbs.	£ s. d.	cwts. qrs. lbs.	£ s. d.	ozs. dwts. grs.	£ s. d.	lbs. ozs.	£ s. d.					
1865.																
Jan. 21	2,746	48 0	24 0 0	Chow Sing	Chow Sing Gee On	24 0 0		
March 1	10	2 10 0	0 1 3	Coade, John	...	0 1 3		
Jan. 31	3,997	41	0 10 3	Cohen & Co.	E. Benjamin J. H. Fox	17 10 2		
Feb. 1	55	369	4 12 3	...	...	...	...	...	...	...	...	"	B. Benjamin J. M. Langler
" 16	2,409	150½	1 17 8	...	...	...	...	...	...	...	...	"	E. Benjamin A. Harris
March 2	225	840	10 10 0	...	...	...	...	...	...	...	...	"	B. Benjamin Philip Cohen
Feb. 1	51	332½	4 3 2	Colclough, J.	J. Colclough Robert McCaul Slick	32 2 11		
" 7	979	740	9 5 0	...	...	...	...	...	...	...	...	"	John Colclough
" 7	980	672	8 8 0	...	...	...	...	...	...	...	...	"	Ed. A. Gallagher
" 7	981	470	5 17 6	...	...	...	...	...	...	...	...	"	John Colclough
" 22	3,067	357	4 9 3	"	William Cowper	∞		
Jan. 25	848	2,944 4 0	73 12 2	Colonial Bank	W. Greenlaw	187 16 8		
Feb. 3	162	...	...	...	...	...	...	885 15 12	22 2 11	...	...		Geo. Hurry
" 4	198	...	...	...	...	...	...	3,683 2 18	92 1 7	...	...			
Jan. 20	2,717	31 0 1	4 13 0	Connell & Hogarth	W. Hogarth	353 4 5		
" 20	2,718	...	...	27 1 21	4 2 4	...	...	...	...	...	...		J. H. French
" 23	2,825	360	4 10 0	...	...	...	...	...	...	...	...		John Connell
" 23	2,826	1,900	23 15 0				J. H. French	
" 24	3,107	920	11 10 0	...	...	...	...	...	...	...	...		"
" 24	3,108	546	6 16 6				John Connell	
" 26	3,469	172	2 3 0		"		J. H. French	
" 27	1,545	128 0 0	19 4 0		"		...	
" 31	3,945	1,235	15 8 9		"		W. Hogarth	
" 31	3,946	940	11 15 0				J. H. French	
Feb. 1	86	840	10 10 0	"		W. Hogarth		
" 1	134	228	2 17 0			J. H. French		
" 3	489	95	1 3 9			"	W. Hogarth	
" 6	610	1,720	21 10 0				J. H. French	
" 7	893	846	10 11 6				"	W. Hogarth
" 9	1,336	143	1 15 9					J. H. French
" 9	1,337	1,720	21 10 0				"	W. Hogarth
" 9	1,338	117	1 9 3					J. H. French
" 9	1,339	252	3 3 0		"			W. Hogarth
" 10	1,394	830	10 7 6					J. H. French
" 10	1,395	20 0 0	3 0 0	"	W. Hogarth			
" 10	1,396	20 0 0	3 0 0		J. H. French			

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Feb.	14	1,971	1,480	18	10	0
"	14	1,972	1,290	16	2	6
"	17	2,529	43	0	10	9
"	17	2,531	81	1	0	3
"	21	2,881	1,720	21	10	0
"	21	2,883	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
"	21	2,884	240	3	0	0	...	...	32	1	13	1	1	7	...	...	...	...	...
"	23	2,885	...	...	...	...	...	...	7	3	14	0	5	3	...	...	...	...	...
"	23	3,121	...	...	...	...	...	...	16	3	3	0	11	3	...	...	...	...	...
"	25	3,412	1	0	0	3	...	...	...	...	...	...	...	...	...	...	...	...	...
"	25	3,416	1,376	17	4	0	...	...	...	...	...	...	...	...	...	...	...	...	...
"	27	3,584	860	10	15	0	...	...	...	...	...	...	...	...	...	...	...	...	...
Mar.	1	131	308	3	17	0	...	...	...	...	...	...	...	...	...	...	...	...	...
"	6	649	1,505	18	16	3	...	...	...	...	...	...	...	...	...	...	...	...	...
"	8	1,007	2,580	32	5	0	...	...	...	...	...	...	...	...	...	...	...	...	...
"	10	1,492	320	4	0	0	...	...	...	...	...	...	...	...	...	...	...	...	...
"	10	1,507	720	9	0	0	...	...	...	...	...	...	...	...	...	...	...	...	...
"	1	1	512	6	8	0	...	...	...	...	...	...	...	...	...	...	...	...	...
"	6	833	600	7	10	0	...	...	...	...	...	...	...	...	...	...	...	...	...
Feb.	24	2,076	...	...	...	...	...	...	36	0	8	1	4	1	...	...	...	...	...
Jan.	26	3,371	1,472	18	8	0	...	...	...	...	...	...	...	...	...	...	...	...	...
Jan.	23	2,899	148	1	17	0	...	...	...	...	...	...	...	...	...	...	...	...	...
"	31	4,024	380	4	15	0	...	...	...	...	...	...	...	...	...	...	...	...	...
Feb.	2	223	410	5	2	6	...	...	...	...	...	...	...	...	...	...	...	...	...
"	7	904	880	11	0	0	...	...	...	...	...	...	...	...	...	...	...	...	...
Mar.	6	615	370	4	12	6	...	...	...	...	...	...	...	...	...	...	...	...	...
"	6	774	800	10	0	0	...	...	...	...	...	...	...	...	...	...	...	...	...
Jan.	30	3,849	...	...	...	...	20	0	0	3	0	0	...	...	...	...	...	...	...
"	30	3,850	...	...	...	...	20	0	0	3	0	0	...	...	...	...	...	...	...
Feb.	3	496	...	...	...	...	30	0	0	4	10	0	...	...	...	...	...	...	...
"	17	2,467	...	...	...	...	27	1	26	4	2	6	...	...	...	...	...	...	...
Mar.	1	86	...	...	...	...	42	3	16	6	8	9	...	...	...	...	...	...	...
Jan.	21	1,264	...	...	...	...	40	0	0	6	0	0	...	...	...	...	...	...	...
"	21	2,764	616	7	14	0	...	...	...	...	...	...	...	...	...	...	...	...	...
"	23	1,294	...	...	...	...	40	0	0	6	0	0	...	...	...	...	...	...	...
"	23	1,295	...	...	...	...	80	0	0	12	0	0	...	...	...	...	...	...	...
"	23	2,820	460	5	15	0	...	...	...	...	...	...	...	...	...	...	...	...	...
"	31	1,763	...	...	...	...	600	0	0	90	0	0	...	...	...	...	...	...	...
"	31	4,052	770	9	12	6	...	...	...	...	...	...	...	...	...	...	...	...	...

W. Hogarth
J. H. French
John Connell
J. H. French
W. Hogarth
J. H. French
John Connell
J. H. French
W. Hogarth
J. H. French
Capua, M.
Mark Capua
Patrick Quinn
Mark Capua
G. Shappers
{ Curcier & Adet
Ed. Adet
Geo. G. Allan
{ Currie & Smith
John Currie
M. A. Musin
{ Crosby, W. & Co.
Wm. Crosby
William Bent
Wm. Crosby
F. C. Lange
Wm. Crosby
Wm. Bent
Chow Kee
Jas. Fraser
F. C. Lange
{ Curtiss, Thos.
Thos. Curtiss
John Adamson
Thos. Curtiss
W. Jardine Smith
Thos. Curtiss
W. C. Fisher
{ Dalgetty & Co.
James Blackwood
John Davenport
John Buckley
John Davenport
James Blackwood
Wm. Richards

13 18 0

1 4 1

18 8 0

27 7 0

10 0 0

21 1 3

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RETURN OF CUSTOMS DUTIES SECURITIES, ETC.—continued.

Date.	Number of Warrant	TEA.			SUGAR.			DRIED FRUITS.			GOLD.			OPIMUM.			Names of Parties giving Bonds.	Names of Sureties.	Total Duties covered by Bonds.		
		lbs.	£	s. d.	cwts. qrs. lbs.	£	s. d.	cwts. qrs. lbs.	£	s. d.	ozs. dwts. grs.	£	s. d.	lbs. ozs.	£	s. d.			£	s. d.	
1865.																					
Feb. 3	402	...	...	...	400 0 0	60 0 0	...	...	...	...	...	...	...	...	...	Dalgetty & Co. {	James Blackwood John Davenport	278 12 6
" 11	991	...	...	...	100 0 0	15 0 0	...	...	...	...	...	...	...	...	...	}	John Buckley John Davenport	}
" 17	2,540	575	7 3 9	...	...	...	...	...	...	...	...	...	...	...	...
" 17	2,541	449	5 12 3	...	...	...	...	...	...	...	...	...	...	...	...
" 18	1,427	430	5 7 6	...	...	...	...	...	...	...	...	...	...	...	...
Mar. 1	159	240	3 0 0	...	...	...	...	...	...	...	...	...	...	...	...
" 1	160	460	5 15 0	...	...	...	...	...	...	...	...	...	...	...	...
" 1	161	770	9 12 6	...	...	...	...	...	...	...	...	...	...	...	...	"	James Blackwood W. Richards	}
" 2	215	...	...	...	200 0 0	30 0 0	...	...	...	...	...	...	...	...	...
Jan. 23	2,846	...	...	...	25 1 8	3 16 0	...	...	...	...	...	...	...	...	...	{ Dalglish & Adamson	John Adamson John Dorrington	3 16 0
" 30	3,832	840	10 10 0	...	...	...	...	...	...	...	...	...	...	...	...	Davidson, A.	A. Davidson T. H. Corr	}
Mar. 7	887	798	9 19 6	"	A. Davidson Thos. Flintoff		20 9 6		
Feb. 15	2,124	...	...	...	...	...	...	...	...	...	...	48 0	24 0 0	...	...	Davis, J. ...	Gee On John Davies	24 0 0
Jan. 23	2,822	240	3 0 0	...	...	...	...	...	...	...	...	...	...	...	...	Davy, J. ...	John Davy John Meagher	}
Feb. 24	3,282	258	3 4 6	"	John Davy H. Wragge		6 4 6		
Jan. 26	3,400	...	...	...	100 0 0	15 0 0	...	...	...	...	...	...	...	...	...	{ Dillon & Burrows	W. H. Dillon James Garton	}
" 27	3,623	28 0 5	4 4 2	"	W. H. Dillon J. E. Smith		19 4 2		
Mar. 6	702	...	...	...	30 0 0	4 10 0	...	...	...	...	...	...	...	...	...	Dixon, G. ...	P. G. Dickson Thos. Gamson	}
" 7	954	20 0 0	3 0 0	"	James Dickson E. Gallagher		7 10 0		
Jan. 20	2,698	...	...	...	95 1 7	14 6 0	...	...	...	...	...	...	...	...	...	{ Donovan & Mulcahy	Patrick Donovan Gavin Shaw	}
" 24	3,022	63 2 21	9 11 1	"	Patrick Donovan Martin Hood		}		
" 24	3,023	3,520	44 0 0	"	Patrick Donovan D. S. Hughes			128 3 1	
Feb. 15	2,075	4,200	52 10 0	...	...	...	...	...	...	...	...	...	...	...	...	"	Patrick Donovan James Paine	}
Mar. 10	1,359	624	7 16 0	"	James Paine		}		
Jan. 23	2,845	...	...	...	34 0 18	5 2 6	...	...	...	...	...	...	...	...	...	{ Dorrington, John	John Dorrington John Adamson	}
" 26	3,303	330	4 2 6	"	John Dorrington Wm. Vallander		9 5 0		

10

Jan.	20	2,702	740	9 5 0	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
"	20	2,704	672	8 8 0	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
"	24	3,111	617½	7 14 5	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
"	28	3,695	120	1 10 0	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
"	30	3,896	1,428	17 17 0	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Feb.	7	932	246	3 1 6	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
"	1	143	...	...	39 2 5	5 18 8	...	...	...	...	...	...	...	...	...	...	...	...	...
"	20	2,739	...	...	60 0 0	9 0 0	...	...	...	...	...	...	...	...	...	...	...	...	...
"	22	3,069	...	...	11 0 6	1 13 2	...	...	...	...	...	...	...	...	...	...	...	...	...
Jan.	26	3,326	460	5 15 0	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Feb.	2	267	235	2 18 9	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
"	16	2,246	552	6 18 0	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
"	25	3,442	329	4 2 3	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Mar.	6	680	630	7 17 6	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
"	6	681	940	11 15 0	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Jan.	—	825	...	...	...	...	...	...	...	4 0 0	0 2 0	...	...	...	...	...	...	...	...
"	20	2,589	...	...	100 0 0	15 0 0	...	...	...	...	...	...	...	...	...	...	...	...	...
"	21	2,724	...	...	440 0 0	66 0 0	...	...	...	...	...	...	...	...	...	...	...	...	...
"	21	2,725	...	...	300 0 0	45 0 0	...	...	...	...	...	...	...	...	...	...	...	...	...
"	21	2,726	...	...	50 0 0	7 10 0	...	...	...	...	...	...	...	...	...	...	...	...	...
"	21	2,727	...	...	240 0 0	36 0 0	...	...	...	...	...	...	...	...	...	...	...	...	...
"	21	2,728	...	...	700 0 0	105 0 0	...	...	...	...	...	...	...	...	...	...	...	...	...
"	21	2,729	...	...	1,500 0 0	225 0 0	...	...	...	...	...	...	...	...	...	...	...	...	...
"	24	2,948	...	...	74 0 4	11 2 2	...	...	...	...	...	...	...	...	...	...	...	...	...
"	24	3,012	...	...	27 1 25	4 2 5	...	...	...	...	...	...	...	...	...	...	...	...	...
"	25	3,153	...	...	46 1 21	6 19 4	...	...	...	...	...	...	...	...	...	...	...	...	...
"	25	3,154	...	...	38 2 18	5 16 0	...	...	...	...	...	...	...	...	...	...	...	...	...
"	25	3,155	...	...	32 1 18	4 17 2	...	...	...	...	...	...	...	...	...	...	...	...	...
"	25	3,271	...	...	88 0 7	13 4 2	...	...	...	...	...	...	...	...	...	...	...	...	...
"	26	3,299	...	...	65 0 0	9 15 0	...	...	...	...	...	...	...	...	...	...	...	...	...
"	26	3,406	...	...	80 0 0	12 0 0	...	...	...	...	...	...	...	...	...	...	...	...	...
"	27	3,486	...	...	40 0 0	6 0 0	...	...	...	...	...	...	...	...	...	...	...	...	...
"	27	3,487	...	...	70 0 0	10 10 0	...	...	...	...	...	...	...	...	...	...	...	...	...
"	29	3,631	...	...	100 0 0	15 0 0	...	...	...	...	...	...	...	...	...	...	...	...	...
"	30	3,751	...	...	140 0 0	21 0 0	...	...	...	...	...	...	...	...	...	...	...	...	...

Dunlea, Jas.	James Dunlea					
	John McLennon					
	James Dunlea					
	J. T. Richardson					
	James Dunlea	47	15	11		
	John Hart					
	James Dunlea					
Eckersley, C	E. Slobaach					
	James Dunlea					
	T. C. Hurlock					
	R. C. Hicks					
Falk & Co.	W. Grove					
	T. M. Tate					
	R. C. Hicks	16	11	10		
	R. C. Hicks					
	R. McCall					
Fanning, Nankiville, & Co.	C. Eckersley					
	Hy. Abrahams					
	C. Eckersley					
	W. C. Fisher	39	6	6		
	C. Eckersley					
	Thos. Osborn					
	C. Eckersley					
Fanning, Nankiville, & Co.	J. Elleker					
	Isaac Jacobs					
	Joseph Woodman	0	2	0		
	T. Gamson					
	William Crosbie					
	Thomas Gamson					
	Robert Sellar					
	Thos. Gamson					
	G. B. Thomas					
Thos. Gamson						
Robert Sellar						
Thos. Gamson						
G. G. Crespin						
Thos. Gamson						
J. T. McKenzie						
Thos. Gamson						
W. H. Dillon						
Thos. Gamson						
Robert Harper						
Thos. Gamson						
Geo. Crespin						
Thos. Gamson						
G. G. Crespin						

RETURN OF CUSTOMS DUTIES SECURITIES, ETC.—*continued.*

Date.	Number of Warrant	TEA.			SUGAR.			DRIED FRUITS.			GOLD.			OPIUM.			Names of Parties giving Bonds.	Names of Sureties.	Total Duties covered by Bond.
		lbs.	£	s. d.	cwts. qrs. lbs.	£	s. d.	cwts. qrs. lbs.	£	s. d.	ozs. dwts. grs.	£	s. d.	lbs. ozs.	£	s. d.			
1865.																			
Jan. 31	3,929	70 0 0	10 10 0	Fanning; Nankiville, & Co.	Thos. Gamson James Simson	2,083 5 5	
" 31	4,011	...	...	...	50 0 0	7 10 0	...	...	...	...	...	...	...	...	...	"	Thos. Gamson G. G. Crespin
Feb. 2	95	...	...	...	1,000 0 0	150 0 0	...	...	...	...	...	...	...	...	...	"	Thos. Gamson F. C. Lange
" 2	239	...	...	...	100 0 0	15 0 0	...	...	...	...	...	...	...	...	...	"	Thos. Gamson Robert Harper
" 2	313	...	...	...	100 0 0	15 0 0	...	...	...	...	...	...	...	...	...	}	Thos. Gamson John Paterson
" 3	256	...	...	...	1,000 0 0	150 0 0	...	...	...	...	...	...	...	...	"
" 3	383	...	...	...	100 0 0	15 0 0	...	...	...	...	...	...	...	...	...	}	Thos. Gamson Robert Harper
" 4	559	...	...	...	200 0 0	30 0 0	...	...	...	...	...	...	...	...	"
" 6	630	...	...	...	400 0 0	60 0 0	...	...	...	...	...	...	...	...	...	}	Thos. Gamson Robert Harper
" 7	835	...	...	...	1,000 0 0	150 0 0	...	...	...	...	...	...	...	...	"
" 8	1,032	...	...	...	500 0 0	75 0 0	...	...	...	...	...	...	...	...	...	}	Thos. Harper J. T. McKenzie
" 8	1,033	...	...	...	400 0 0	60 0 0	...	...	...	...	...	...	...	...	"
" 8	1,034	...	...	...	600 0 0	90 0 0	...	...	...	...	...	...	...	...	...	}	Thos. Gamson G. G. Crespin
" 9	1,187	...	...	...	200 0 0	30 0 0	...	...	...	...	...	...	...	...	"
" 9	1,324	...	...	...	100 0 0	15 0 0	...	...	...	...	...	...	...	...	...	}	Thos. Gamson Robert Harper
" 10	658	...	...	...	100 0 0	15 0 0	...	...	...	...	...	...	...	...	"
" 10	1,371	...	...	...	400 0 0	60 0 0	...	...	...	...	...	...	...	...	...	}	Thos. Gamson Robert Harper
" 10	1,372	...	...	...	200 0 0	30 0 0	...	...	...	...	...	...	...	...	"
" 11	1,660	...	...	...	400 0 0	60 0 0	...	...	...	...	...	...	...	...	...	}	J. C. Nankiville Geo. G. Crespin
" 11	1,661	...	...	...	16 3 13	2 10 7	...	...	...	...	...	...	...	...	"
" 14	1,835	...	...	...	100 0 0	15 0 0	...	...	...	...	...	...	...	...	...	}	Thos. Gamson C. Skinner
" 14	1,968	80	1 0 0	...	...	...	...	...	...	...	...	...	...	...	"
" 15	1,157	...	...	...	118 2 22	17 16 1	...	...	...	...	...	...	...	...	...	}	Thos. Gamson Fred. Lange
" 15	2,228	...	...	...	2 3 22	0 8 10	...	...	...	...	...	...	...	...	"
" 16	2,264	...	...	...	100 0 0	15 0 0	...	...	...	...	...	...	...	...	...	}	Thos. Gamson M. Michaelis
" 20	2,635	...	...	...	360 0 0	54 0 0	...	...	...	...	...	...	...	...	"
" 21	2,913	...	...	...	200 0 0	30 0 0	...	...	...	...	...	...	...	...	...	}	Thos. Gamson Henry Bell
" 22	3,010	...	...	...	100 0 0	15 0 0	...	...	...	...	...	...	...	...	"
" 24	3,321	...	...	...	60 0 0	9 0 0	...	...	...	...	...	...	...	...	...	}	Thos. Samson M. Michaelis
" 27	3,508	695½	8 13 11	...	...	...	...	...	...	...	...	...	...	...	"
" 27	3,509	423	5 5 9	...	...	...	...	...	...	...	...	...	...	...	...	}	Thos. Gamson Wm. Crosbie

Feb. 27	3,510	...	...	20 0 0	3 0 0	...	...	...	...	...	...	...	...	Fanning, Nan- kiville, & Co.	Thos. Gamson R. Harper						
" 28	3,616	...	...	200 0 0	30 0 0	...	...	...	...	...	...	...	...	"	Thos. Gamson J. S. Peterson						
Mar. 1	105	...	...	100 0 0	15 0 0	...	...	...	...	...	...	...	...	"	Thos. Gamson S. House						
" 2	169	...	...	100 0 0	15 0 0	...	...	...	...	...	...	...	...	"	Thos. Gamson R. Harper						
" 2	239	...	...	20 0 0	3 0 0	...	...	...	...	...	...	...	...	"	Thos. Gamson W. A. Lyall						
" 3	490	...	...	100 0 0	15 0 0	...	...	...	...	...	...	...	...	"	Thos. Gamson M. Gottleif						
" 3	491	122	1 10 6	...	...	...	...	...	...	...	...	...	...	}	Thos. Gamson! Moritz Gottlieb						
" 3	492	646	8 1 6											
" 3	493	516	6 9 0											
" 3	494	2,120	26 10 0											
" 7	917	1,200	15 0 0	...	...	...	...	...	...	...	...	...	...	"	Thos. Gamson Robert Amos						
" 8	1,030	...	...	100 0 0	15 0 0	...	...	...	...	...	...	...	...	"	Thos. Gamson Moritz Gottlieb						
" 9	1,179	652	8 3 0	...	...	...	...	...	...	...	...	...	...	"	Thos. Gamson Moritz Michaelis						
" 10	1,351	...	...	200 0 0	30 0 0	...	...	...	...	...	...	...	...	}	Thos. Gamson Charles Heape						
" 11	1,549	400 0 0	60 0 0										
Jan. 31	1,727	...	...	...	...	206 3 24	6 18 0	...	...	...	...	...	...	Farrar, H. W., & Co.	H. W. Farrar R. Johnston G. F. Rolfe						
Feb. 27	2,374	...	...	...	...	53 3 14	1 15 11	...	...	...	...	...	...	"	H. W. Farrar Thos. Pickard Geo. F. Rolfe	10	3	0			
Mar. 6	507	...	...	...	...	43 2 8	1 9 1	...	...	...	...	...	...	"	H. W. Farrar James D. Miller Thos. Pickard						
Jan. 25	3,226	...	...	61 0 11	9 3 5	...	...	...	...	...	...	...	...	Fink, M. & H.	Hirsch Fink P. F. Fink	28	5	11			
Feb. 2	187	680	8 10 0	...	...	...	...	...	...	...	...	...	...	}	Hirsch Fink Fred. Flintoff						
" 2	188	850	10 12 6			"							
Feb. 1	34	246	3 1 6	}	Fogarty, Daly, & Co.	John Daily	35	1	6				
" 1	37	1,700	21 5 0				James Adam						
" 3	444	860	10 15 0										
" 2	103	568	7 2 0	...	...	...	...	...	...	...	...	...	...	Francis, Mc Pherson & Co.	J. G. Francis Andw. Newell	7	2	0			
Jan. 20	3,654	1,040	13 0 0	}	Filson, Coughey, & Dalziel	W. J. Dalziel G. A. Colquhoun							
" 20	3,657	1,290	16 2 6										
" 24	3,097	1,118	13 19 6	...	...	...	...	...	...	...	...	...	...	"	W. J. Dalziel B. Hawthorne						
" 25	3,242	75 2 23	11 7 1	"	W. J. Dalziel E. H. Lamont								
" 26	1,463	280 0 0	42 0 0	"	A. Caughey Wm. McCleary R. Caughey J. Flett								

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RETURN OF CUSTOMS DUTIES SECURITIES, ETC.—continued.

Date.	Number of Warrant	TEA.			SUGAR.			DRIED FRUITS.			GOLD.			OPIMUM.			Names of Parties giving Bonds.	Names of Sureties.	Total Duties covered by Bonds.		
		lbs.	£	s. d.	cwts. qrs. lbs.	£	s. d.	cwts. qrs. lbs.	£	s. d.	ozs. dwts. grs.	£	s. d.	lbs. ozs.	£	s. d.			£	s. d.	
1865.		lbs.	£	s. d.	cwts. qrs. lbs.	£	s. d.	cwts. qrs. lbs.	£	s. d.	ozs. dwts. grs.	£	s. d.	lbs. ozs.	£	s. d.			£	s. d.	
Jan. 31	4,065	989	12	7 3	Filson, Coughy, & Dalziel	W. J. Dalziel	} 239 10 9		
Feb. 2	195	...	...	...	38 3 4	5 16 4	...	...	...	...	...	...	...	...	...	...		W. McCleary
" 3	466	970	12	2 6	...	...	...	...	...	...	...	...	...	...	...	...	"	W. J. Dalziel
" 3	467	378	4	14 6	...	...	...	...	...	...	...	...	...	...	...	...		J. Flett
" 8	1,170	810	10	2 6	...	...	...	...	...	...	...	...	...	...	...	...	"	R. Caughey
" 10	1,449	280	3	10 0	...	...	...	...	...	...	...	...	...	...	...	...		G. A. Colquhoun
" 16	2,375	1,309	16	7 3	...	...	...	...	...	...	...	...	...	...	...	...	"	Alex. Caughey
" 17	2,518	...	...	...	44 0 0	6 12 0	...	...	...	...	...	...	...	...	...	...		R. Caughey
" 20	2,746	...	...	...	29 1 24	4 8 5	...	...	...	...	...	...	...	...	...	...	"	B. Hawthorne
" 20	2,747	445½	5	11 5	...	...	...	...	...	...	...	...	...	...	...	...		A. Caughey
" 27	3,154	...	...	...	20 0 0	3 0 0	...	...	...	...	...	...	...	...	...	...	"	B. Hawthorne
" 28	3,711	870	10	17 6	...	...	...	...	...	...	...	...	...	...	...	...		R. Caughey
Mar. 1	62	970	12	2 6	...	...	...	...	...	...	...	...	...	...	...	...	"	W. McCleary
" 2	364	900	11	5 0	...	...	...	...	...	...	...	...	...	...	...	...		R. Caughey
" 7	895	870	10	17 6	...	...	...	...	...	...	...	...	...	...	...	...	"	John Flett
" 10	1,412	168	2	2 0	...	...	...	...	...	...	...	...	...	...	...	...		W. J. Dalziel
" 11	1,575	900	11	5 0	...	...	...	...	...	...	...	...	...	...	...	...	"	John Flett
Jan. 26	3,306	...	...	...	81 2 18	12 5 0	...	...	...	...	...	...	...	...	...	...		Robert Caughey
" 31	4,075	2,880	36	0 0	...	...	...	...	...	...	...	...	...	...	...	...	"	John Flett
Feb. 4	563	260 1 4	39 0 10		Francis Bros.	William Francis		
" 4	564	...	...	...	58 0 4	8 14 1	...	...	...	...	...	...	...	...	...	...	P. Reaney	
" 23	3,155	...	...	...	100 0 0	15 0 0	...	...	...	...	...	...	...	...	...	...	Francis Bros.	
Mar. 10	1,373	700	8	15 0	...	...	...	...	...	...	...	...	...	...	...	...
" 10	1,385	940	11	15 0	...	...	...	...	...	...	...	...	...	...	...	...
" 10	1,386	576	7	4 0	...	...	...	...	...	...	...	...	...	...	...	...
" 1	27	1,350	16	17 6	...	...	...	...	...	...	...	...	...	...	...	...	Fordyce, A.	Andw. Fordyce
Jan. 27	3,616	1,720	21	10 0	...	...	...	...	...	...	...	...	...	...	...	...		Thos. Gamson
" 28	3,994	1,680	21	0 0	...	...	...	...	...	...	...	...	...	...	...	...	Fraser & Co.	Alex. Fraser
Feb. 6	774	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...		T. Wm. Uther
" 13	872	...	...	...	...	...	3 0 24	0 2 2	...	...	...	...	...	...	...	...	"	H. C. Fraser
Feb. 6	774		Gee, On, & Co.	Chin a Toy		
" 13	872	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	"	M. L. King
Feb. 6	774	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...		Chin Ton
" 13	872	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	"	T. Hillas
" 13	872	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...

Jan. 28	1,611	110	1 7 6	...	...	...	...	...	...	...	Gibb, A. J.	A. J. Gibb Geo. Martin	1 7 6
Feb. 7	845	1,134	14 3 6	...	...	...	...	...	...	...	} Gibbs, R. & S.	R. B. Gibbs Francis Bell	23 8 6
" 7	847	740	9 5 0		Gibbs, Ronald, & Co.	
Jan. 24	3,120	100 0 0	15 0 0	"	James McBain John Cairns	
" 25	3,278	...	...	100 0 0	15 0 0	...	...	...	...	...	"	James McBain Fredrick Haller	
" 27	3,534	...	...	80 0 0	12 0 0	...	...	...	...	...	"	James McBain Alex. Webster	
" 31	4,003	...	...	9 0 10	1 7 3	...	...	...	...	...	} "	James McBain Robert Amos	276 10 3
Feb. 4	615	850	10 12 6		"	
" 7	902	...	...	100 0 0	15 0 0	...	...	...	...	...	} "	James McBain Alex. Webster	276 10 3
" 7	970	100 0 0	15 0 0		"	
" 8	1,040	...	...	200 0 0	30 0 0	...	...	...	...	...	} "	James McBain Charles Syder	276 10 3
" 8	1,041	800 0 0	120 0 0		"	
" 11	1,569	...	...	200 0 0	30 0 0	...	...	...	...	...	} "	James McBain Thos. Nicoll	276 10 3
" 13	1,711	21 1 10	3 4 0		"	
" 27	3,497	...	...	...	...	23 0 4	0 15 5	...	...	...	"	James McBain Charles Syder	
Mar. 1	168	...	...	40 0 0	6 0 0	...	...	...	...	...	"	James McBain Charles Syder	
" 3	525	...	...	...	...	76 2 12	2 11 1	...	...	...	"	James McBain Charles Syder	
Feb. 14	1,215	97	1 4 3	2 1 0	0 6 9	18 0 1	0 12 1	...	...	...	Giles —	...	2 3 1
Mar. 3	448	462	5 15 6	...	...	...	...	...	...	...	} Gill, Fowler, & Co..	James Fowler Henry Heath	5 15 6
Jan. 30	3,783	252	3 3 0		} Gleeson, P.		P. Gleeson John Turnbull	19 12 6
" 30	3,784	1,036	12 19 0	...	...	...	...	...	...	...	"		P. Gleeson W. J. Mulrady
Feb. 6	749	282	3 10 6	...	...	...	...	...	...	...	} Goer & Ashmore	James Goer Wm. Haselam	55 18 6
Mar. 1	65	1,782	22 5 6		"	
" 1	66	1,482	18 10 6	...	...	...	...	...	...	...	} Goller, J. J.	J. J. Goller C. J. Claridge	7 19 10
" 1	67	400	5 0 0		Greig, Jas.		James Greig Caleb Anderson
" 1	108	810	10 2 6	...	...	...	...	...	...	...	} Greig & Murray	E. D. Greig W. J. Greig	0 0 7
Feb. 23	3,141	40 0 0	6 0 0		} Greig, W. J., & Co.		W. J. Greig E. Hartley	44 8 6
" 23	3,234	...	...	13 1 4	1 19 10	...	...	...	...	...	"		W. J. Greig and E. Hartley
" 14	2,056	2,100	26 5 0	...	...	...	...	...	...	...	"	W. J. Greig and F. Tate	
Jan. 31	3,947	...	...	...	...	0 1 5	0 0 3	...	...	...	} Greig, W. J., & Co.	W. J. Greig E. Hartley	44 8 6
" 31	3,948	0 1 16	0 0 4		"	
Feb. 10	1,402	480	6 0 0	"	W. J. Greig John De Pass	
Mar. 1	155	2,752	34 8 0	"	W. J. Greig John De Pass	
" 6	683	322	4 0 6	"	W. J. Greig John De Pass	

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Feb.	9	1,285	21 0 21	0 14 2	Hage & Prell	F. W. Prell	1 9 2
"	9	1,286	22 1 23	0 15 0	T. Meyer	T. Meyer	
"	13	1,726	440	5 10 0	...	...	...	...	...	...	...	...	...	Harrison, W.	Wm. Harrison	5 10 0
	11	586	...	...	...	...	...	...	40 0 0	1 0 0	...	...	...	Hayman, P. & Co.	P. Hayman	1 4 0
Mar.	9	283	...	...	...	...	...	...	8 0 0	0 4 0	...	...	...	J. C. King	J. C. King	
Jan.	21	2,777	...	...	100 0 0	15 0 0	...	...	...	...	...	...	...
"	23	2,860	...	...	31 3 17	4 15 8	...	...	...	...	...	...	...
"	25	3,277	...	...	62 2 9	9 7 9	...	...	...	...	...	...	...
"	26	3,389	920	11 10 0	...	...	...	...	...	...	...	...	...
"	26	3,390	840	10 10 0	...	...	...	...	...	...	...	...	...
"	26	3,392	...	...	100 0 0	15 0 0	...	...	...	...	...	...	...
"	28	3,709	850	10 12 6	...	...	...	...	...	...	...	...	...
Feb.	1	66	76	0 19 0	...	...	...	...	...	...	...	...	...
"	3	464	425	5 6 3	...	...	...	...	...	...	...	...	...
"	3	465	684	8 11 0	...	...	...	...	...	...	...	...	...
"	6	799	...	...	200 0 0	30 0 0	...	...	...	...	...	...	...
"	6	800	3,060	38 5 0	...	...	...	...	...	...	...	...	...
"	6	801	...	...	100 0 0	15 0 0	...	...	...	...	...	...	...
"	8	1,004	...	...	...	...	10 0 14	0 6 9	...	...	...	...	...
"	8	1,005	...	...	...	...	9 2 27	0 6 6	...	...	...	...	...	Heape Bros.	Charles Heape	309 11 6
"	10	1,397	1,320	16 10 0	...	...	...	...	...	...	...	...	...	James Shann	James Shann	
"	10	1,398	516	6 9 0	...	...	...	...	...	...	...	...	...
"	13	1,706	1,760	22 0 0	...	...	...	...	...	...	...	...	...
"	17	2,497	...	...	160 0 0	24 0 0	...	...	...	...	...	...	...
"	24	3,289	...	...	...	...	29 2 23	0 19 10	...	...	...	...	...
"	25	3,431	...	...	...	...	23 1 15	0 15 8	...	...	...	...	...
Mar.	3	513	480	6 0 0	...	...	...	...	...	...	...	...	...
"	8	1,038	840	10 10 0	...	...	...	...	...	...	...	...	...
"	9	1,262	...	...	...	...	120 3 12	4 0 7	...	...	...	...	...
"	9	1,263	...	...	...	...	...	...	...	...	...	...	...
"	9	1,264	...	...	...	...	...	...	...	...	...	...	...
"	9	1,265	...	...	...	...	...	...	...	...	...	...	...
"	10	1,484	2,620	32 15 0	...	...	...	...	...	...	...	...	...
"	10	1,485	804	10 1 0	...	...	...	...	...	...	...	...	...
Jan.	26	3,414	880	11 0 0	...	...	...	...	...	...	...	...	...	Heath, Jos. & Co.	Joseph Heath	
"	27	3,608	...	...	60 0 20	9 0 6	...	...	...	...	...	...	...	J. N. Reynolds	J. N. Reynolds	
"	30	3,770	1,720	21 10 0	...	...	...	...	...	...	...	...	...	"	Joseph Heath	43 15 6
														"	Alfred Telton	
Feb.	11	1,581	180	2 5 0	...	...	...	...	...	...	...	...	...	"	Joseph Heath	
														"	J. N. Reynolds	
Jan.	21	1,259	...	...	60 0 0	9 0 0	...	...	...	...	...	...	...	Henty, Jas. & Co.	H. J. Henty	
"	21	1,273	...	...	600 0 0	90 0 0	...	...	...	...	...	...	...	"	B. J. Bell	
"	21	2,747	880	11 0 0	"	James Balfour	
"	23	2,856	264	3 6 0	"	B. J. Bell	
														"	H. J. Henty	
														"	B. J. Bell	
														"	H. J. Henty	
														"	E. D. Macallister	

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RETURN OF CUSTOMS DUTIES SECURITIES, ETC.—continued.

Date.	Number of Warrant	TEA.			SUGAR.			DRIED FRUITS.			GOLD.			OPIUM.			Names of Parties giving Bonds.	Names of Sureties.	Total Duties covered by Bonds.			
		lbs.	£	s. d.	cwts. qrs. lbs.	£	s. d.	cwts. qrs. lbs.	£	s. d.	ozs. dwts. grs.	£	s. d.	lbs. ozs.	£	s. d.			£	s. d.		
1865.																						
Feb.	9	1,342	287	3 11 9	...	...	...	...	...	...	...	...	...	...	...
"	9	1,343	3,172 $\frac{1}{2}$	39 13 2	...	...	...	...	...	...	...	...	...	...	...
"	9	1,344	...	...	...	...	...	9 1 14	0 6 3	...	...	...	...	...	...	Henty, Jas., & Co. {	H. J. Henty B. J. Bell				
"	9	1,345	8 2 8	0 5 9								
"	9	1,346	430	5 7 6								
"	10	726	...	...	300 0 0	45 0 0	...	...	...	...	...	...	...	...	...
"	11	1,551	435	5 8 9	...	...	...	...	...	...	...	...	...	...	...
"	11	1,643	460	5 15 0	...	...	...	...	...	...	...	...	...	...	...
"	13	1,735	400	5 0 0	...	...	...	...	...	...	...	...	...	...	...
"	13	1,826	282	3 10 6	...	...	...	...	...	...	...	...	...	...	...
"	14	1,955	...	...	200 0 0	30 0 0	...	...	...	...	...	...	...	...	...
"	14	1,981	356	4 9 0	...	...	...	...	...	...	...	...	...	...	...
"	15	2,239	294	3 13 6	...	...	...	...	...	...	...	...	...	...	...
"	15	2,240	256	3 4 0	...	...	...	...	...	...	...	...	...	...	...
"	15	2,244	84	1 1 0	...	...	...	...	...	...	...	...	...	...	...
"	16	2,389	1,320	16 10 0	...	...	...	...	...	...	...	...	...	...	...
"	16	2,390	...	...	200 0 0	30 0 0	...	...	...	...	...	...	...	...	...
"	17	2,483	400	5 0 0	...	...	...	...	...	...	...	...	...	...	...
"	18	2,584	1,260	15 15 0	...	...	...	...	...	...	...	...	...	...	...
"	21	2,934	...	...	200 0 0	30 0 0	...	...	...	...	...	...	...	...	...
"	22	2,941	490	6 2 6	...	...	...	...	...	...	...	...	...	...	...
"	22	3,096	258	3 4 6	...	...	...	...	...	...	...	...	...	...	...
"	23	3,230	...	...	...	...	...	1 0 17	0 0 10	...	...	...	...	...	...	
"	24	2,179	...	...	300 0 0	45 0 0	...	...	...	...	...	...	...	...	...
"	24	3,313	252	3 3 0	...	...	...	...	...	...	...	...	...	...	...
"	24	3,314	833	10 8 3	...	...	...	...	...	...	...	...	...	...	...
"	24	3,315	270	3 7 6	...	...	...	...	...	...	...	...	...	...	...
"	24	3,375	252	3 3 0	...	...	...	...	...	...	...	...	...	...	...
"	24	3,379	569	7 2 3	...	...	...	...	...	...	...	...	...	...	...
"	28	3,599	240	3 0 0	...	...	...	...	...	...	...	...	...	...	...
"	28	3,600	264	3 6 0	...	...	...	...	...	...	...	...	...	...	...
"	28	3,601	1,054	13 3 6	...	...	...	...	...	...	...	...	...	...	...
Mar.	1	13	890	11 2 6	...	...	...	...	...	...	...	...	...	...	...
"	1	14	288	3 12 0	...	...	...	...	...	...	...	...	...	...	...
"	1	15	350	4 7 6	...	...	...	...	...	...	...	...	...	...	...
"	2	267	240	3 0 0	...	...	...	...	...	...	...	...	...	...	...
"	2	352	820	10 5 0	...	...	...	...	...	...	...	...	...	...	...
"	3	370	1,640	20 10 0	...	...	...	...	...	...	...	...	...	...	...
"	3	371	435	5 8 9	...	...	...	...	...	...	...	...	...	...	...
"	3	511	264	3 6 0	...	...	...	...	...	...	...	...	...	...	...
"	3	412	516	6 9 0	...	...	...	...	...	...	...	...	...	...	...
"	4	543	240	3 0 0	...	...	...	...	...	...	...	...	...	...	...
"	4	544	240	3 0 0	...	...	...	...	...	...	...	...	...	...	...

RETURN OF CUSTOMS DUTIES SECURITIES, ETC.—continued.

Date.	Number of Warrant	TEA.		SUGAR.		DRIED FRUITS.		GOLD.		OPIUM.		Names of Parties giving Bonds.	Names of Sureties.	Total Duties covered by Bonds.
		lbs.	£ s. d.	cwts. qrs. lbs.	£ s. d.	cwts. qrs. lbs.	£ s. d.	ozs. dwts. grs.	£ s. d.	lbs. ozs.	£ s. d.			
1865. Feb. 7	929	29	0 7 3	Jones, W. B.	W. B. Jones J. Fraser	£ 0 7 3
Jan. 20	1,245	600 0 0	90 0 0	Joshua Bros.	M. Joshua W. Hammil	3,358 11 0
" 20	1,246	...	...	600 0 0	90 0 0	...	...	...	...	...	...		M. Joshua James White
" 25	1,399	...	...	1,000 0 0	150 0 0	...	...	...	...	...	...	"	M. Joshua Mathew Marwood
" 25	1,400	...	...	1,000 0 0	150 0 0	...	...	...	...	...	...	"	M. Joshua James White
" 28	1,653	...	...	200 0 0	30 0 0	...	...	...	...	...	...	"	M. Joshua Mathew Marwood
" 28	1,654	...	...	200 0 0	30 0 0	...	...	...	...	...	...	"	M. Joshua James White
Feb. 2	161	...	...	1,000 0 0	150 0 0	...	...	...	...	...	...	"	M. Joshua Mathew Marwood
" 2	162	...	...	1,000 0 0	150 0 0	...	...	...	...	...	...	"	M. Joshua Mathew Marwood
" 3	230	...	...	2,000 0 0	300 0 0	...	...	...	...	...	...	"	M. Joshua James White
" 7	453	...	...	2,000 0 0	300 0 0	...	...	...	...	...	...	"	M. Joshua James White
Feb. 10	685	...	...	800 0 0	120 0 0	...	...	...	...	...	...	"	M. Joshua M. C. Alford
" 10	686	...	...	600 0 0	90 0 0	...	...	...	...	...	...	"	M. Joshua M. C. Alford
" 10	687	...	...	1,400 0 0	210 0 0	...	...	...	...	...	...	"	M. Joshua James White
" 15	1,189	...	...	792 1 0	118 16 9	...	...	...	...	...	...	"	M. Joshua James White
" 15	1,187	...	...	2 2 0	0 7 6	...	...	...	...	...	...	"	M. Joshua James White
" 18	1,422	...	...	1,000 0 0	150 0 0	...	...	...	...	...	...	"	M. Joshua M. C. Alford
" 18	1,423	...	...	600 0 0	90 0 0	...	...	...	...	...	...	"	M. Joshua M. C. Alford
" 20	1,430	...	...	200 0 0	30 0 0	...	...	...	...	...	...	"	M. Joshua D. A. Osborne
" 23	1,963	...	...	1,000 0 0	150 0 0	...	...	...	...	...	...	"	M. Joshua D. A. Osborne
" 28	3,594	462½	5 15 8	...	...	...	...	...	...	...	...	"	M. Joshua Mathew Marwood
" 28	3,595	295	3 13 9	...	...	...	...	...	...	...	...	"	M. Joshua Mathew Marwood
" 28	3,596	499	6 4 9	...	...	...	...	...	...	...	...	"	M. Joshua Mathew Marwood
" 28	3,597	491½	6 2 11	...	...	...	...	...	...	...	...	"	M. Joshua Mathew Marwood
" 28	3,598	507½	6 6 11	...	...	...	...	...	...	...	...	"	M. Joshua Mathew Marwood
Mar. 2	248	...	...	200 0 0	30 0 0	...	...	...	...	...	...	"	M. Joshua D. A. Osborne
" 2	223	85	1 1 3	...	...	...	...	...	...	...	...	"	M. Joshua James White
" 3	276	...	...	1,000 0 0	150 0 0	...	...	...	...	...	...	"	M. Joshua D. A.
" 3	277	...	...	2,400 0 0	360 0 0	...	...	...	...	...	...	"	M. Joshua James Lorimer
" 9	742	...	...	200 2 0	30 1 6	...	...	...	...	...	...	"	M. Joshua James Lorimer
" 11	862	...	...	2,400 0 0	360 0 0	...	...	...	...	...	...	"	M. Joshua James White
Jan. 26	3,335	...	...	...	...	...	...	...	...	144 0	72 0 0	Kong Meng & Co.	Kong Meng Tiny A. Pack
Feb. 1	39	...	...	...	...	12 0 6	0 8 1	...	...	...	...	"	Kong Meng G. Douglas
" 1	41	...	...	10 0 0	1 10 0	...	...	...	...	...	...	"	Kong Meng J. Fraser
" 2	300	...	...	...	...	...	...	...	...	96 0	48 0 0	"	Kong Meng L. A. Neam
" 2	301	...	...	...	...	...	...	...	...	96 0	48 0 0	"	Kong Meng L. A. Neam
" 2	315	...	...	...	...	...	...	...	...	48 0	24 0 0	"	Kong Meng L. A. Neam

Feb.	13	970	96 0	48 0 0	}	" }	Kong Meng M. L. King Ping Kai	458 0 7
"	14	1,201	...	...	...	...	...	...	...	...	240 0	120 0 0
"	18	2,564	...	...	...	...	...	...	...	...	96 0	48 0 0
Mar.	3	398	96 0	48 0 0	}	" }	M. L. King Ping Kai J. Fraser	
"	7	582	10	0 2 6	...	...	...	...	...	...	...	...
Jan.	20	2,696	518	6 9 6	}	" }	Katzenstein, J. & Co.	J. Katzenstein G. A. Thompson
"	20	2,697	336	4 4 0	...	...	...	...	...	...	...	...
"	23	2,804	1,280	16 0 0	...	...	...	...	...	...	...	...
"	24	2,947	284	3 11 0	...	...	...	...	...	...	...	...
"	24	3,060	279	3 9 9	...	...	...	...	...	...	...	...
"	24	3,112	328	4 2 0	...	...	...	...	...	...	...	...
"	25	3,136	420	5 5 0	...	...	...	...	...	...	...	...
"	25	3,137	370	4 12 6	...	...	...	...	...	...	...	...
"	26	3,430	425	5 6 3	...	...	...	...	...	...	...	...
"	26	3,431	287	3 11 9	...	...	...	...	...	...	...	...
"	26	3,432	44	0 11 0	...	...	...	...	...	...	...	...
"	27	3,503	902	11 5 6	...	...	...	...	...	...	...	...
"	31	2,930	...	...	...	...	11 3 26	0 8 0	...	...	...	...
"	31	2,931	...	...	...	...	13 0 5	0 8 9	...	...	...	...
"	31	2,932	...	...	...	...	5 1 26	0 3 8	...	...	...	...
"	31	4,072	2,140	26 15 0	...	...	...	...	...	...	...	...
Feb.	2	285	410	5 2 6	}	" }	Isaac Katzenstein Thomas Hart	
"	3	416	...	...	...	...	18 3 0	0 12 6	...	...	...	...
"	3	417	280	3 10 0	...	...	...	...	...	...	...	...
"	3	418	410	5 2 6	...	...	...	...	...	...	...	...
"	3	419	5,526	69 1 6	...	...	...	...	...	...	...	...
"	3	525	...	...	...	...	14 3 19	0 10 0	...	...	...	...
"	3	526	850	10 12 6	...	...	...	...	...	...	...	...
"	3	527	...	...	...	...	14 3 9	0 9 11	...	...	...	...
"	4	552	140	1 15 0	...	...	...	...	...	...	...	...
"	4	553	273	3 8 3	...	...	...	...	...	...	...	...
"	6	803	2,350	29 7 6	...	...	...	...	...	...	...	...
"	6	804	850	10 12 6	...	...	...	...	...	...	...	...
"	6	807	...	...	...	...	9 3 24	0 6 8	...	...	...	...
"	7	984	840	10 10 0	...	...	...	...	...	...	...	...
"	8	1,021	...	...	...	...	14 3 9	0 9 11	...	...	...	...
"	8	1,022	...	...	...	...	14 3 27	0 10 0	...	...	...	...
"	8	1,023	...	...	...	...	15 0 26	0 10 6	...	...	...	...
"	8	1,024	...	...	...	...	14 3 22	0 10 0	...	...	...	...
"	8	1,038	680	8 10 0	...	...	...	...	...	...	...	...
"	8	1,039	246	3 1 6	...	...	...	...	...	...	...	...
"	8	1,144	870	10 17 6	...	...	...	...	...	...	...	...
"	9	1,256	850	10 12 6	...	...	...	...	...	...	...	...
"	13	1,843	1,680	21 0 0				
"	14	1,980	364	4 11 0				
"	15	2,091	410	5 2 6				
"	15	2,092	430	5 7 6				
"	15	2,093	430	5 7 6	634 3 5			

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RETURN OF CUSTOMS DUTIES SECURITIES, ETC.—continued.

Date.	Number of Warrant	TEA.			SUGAR.		DRIED FRUITS.		GOLD.		OPIUM.		Names of Parties giving Bonds.	Names of Sureties.	Total Duties covered by Bonds.		
		lbs.	£	s. d.	cwts. qrs. lbs.	£	s. d.	cwts. qrs. lbs.	£	s. d.	ozs. dwts. grs.	£			s. d.	lbs. ozs.	s. d.
1865.																	
Feb. 16	2,336	850	10	12 6	...	...	...	...	...	...	...	...
" 16	2,338	...	...	...	...	...	...	...	...	...	...	...
" 16	2,340	186	2	6 6	...	...	15 0 18	0 10 2	...	...	...	...	
" 16	2,341	450	5	12 6	...	...	...	...	...	...	...	...
" 16	2,399	1,290	16	2 6	...	...	...	...	...	...	...	...
" 17	2,507	1,452	18	3 0	...	...	...	...	...	...	...	...
" 18	2,553	...	...	...	...	...	7 2 0	0 5 0	...	...	...	...	
" 20	2,640	880	11	0 0	...	...	...	...	...	...	...	...
" 21	2,803	990	12	7 6	...	...	...	...	...	...	...	...
" 21	2,804	430	5	7 6	...	...	...	...	...	...	...	...
" 21	2,805	41	0	10 3	...	...	...	...	...	...	...	...
" 22	2,975	840	10	10 0	...	...	...	...	...	...	...	...
" 22	3,011	430	5	7 6	...	...	...	...	...	...	...	...	Katzenstein & Co.	Isaac Katzenstein			
" 22	3,012	1,320	16	10 0	...	...	...	...	...	...	...	...		Thomas Hart			
" 23	3,169	...	...	...	...	...	12 3 16	0 8 8	...	...	...	...	
" 23	3,170	...	...	...	...	...	11 3 21	0 8 0	...	...	...	...	
" 25	3,421	400	5	7 6	...	...	...	...	...	...	...	...
" 25	3,422	1,310	16	7 6	...	...	...	...	...	...	...	...
" 25	3,423	450	5	12 6	...	...	...	...	...	...	...	...
" 25	3,424	370	4	12 6	...	...	...	...	...	...	...	...
" 27	3,504	498	6	4 6	...	...	...	...	...	...	...	...
" 27	3,505	880	11	0 0	...	...	...	...	...	...	...	...
" 27	3,569	240	3	0 0	...	...	...	...	...	...	...	...
Mar. 1	33	664	8	6 0	...	...	...	...	...	...	...	...
" 1	34	880	11	0 0	...	...	...	...	...	...	...	...
" 2	305	850	10	12 6	...	...	...	...	...	...	...	...
" 3	381	...	...	...	...	...	4 0 8	0 2 9	...	...	...	...	
" 3	382	420	5	5 0	...	...	...	...	...	...	...	...
" 3	383	534	6	13 6	...	...	...	...	...	...	...	...
" 3	439	880	11	0 0	...	...	...	...	...	...	...	...
" 4	580	860	10	15 0	...	...	...	...	...	...	...	...
" 6	730	1,740	21	15 0	...	...	...	...	...	...	...	...
" 9	1,258	300	3	15 0	...	...	...	...	...	...	...	...
" 9	1,316	430	5	7 6	...	...	...	...	...	...	...	...
" 9	1,317	480	6	0 0	...	...	...	...	...	...	...	...
" 11	1,554	300	3	15 0	...	...	...	...	...	...	...	...
" 11	1,557	1,720	21	10 0	...	...	...	...	...	...	...	...
" 11	1,558	430	5	7 6	...	...	...	...	...	...	...	...
" 11	1,559	870	10	17 6	...	...	...	...	...	...	...	...
Feb. 1	43	...	...	...	...	...	...	...	2 0 0	0 1 0	...	...	Kohn, H.	...		0 1 0	
Jan. 25	3,159	...	...	...	...	...	50 0 0	1 13 4	...	...	...	...	Lamb, F.	F. Lamb			
Feb. 20	2,466	...	...	...	...	...	5 1 4	0 3 7	...	...	...	...	"	John Strachan			
Mar. 2	174	129	1	12 3	...	...	...	...	...	...	...	...	"	F. Lamb			
" 2	175	...	...	...	...	...	11 2 0	0 7 8	...	...	...	...	"	T. Parsons, jun.		3 16 10	
													"	Fred. Lamb.			
													"	T. Parsons, jun.			

Jan. 27	3,588	...	...	100 0 0	15 0 0	...	...	...	...	...	...	...	...
" 28	3,686	...	...	60 0 0	9 0 0	...	...	...	...	...	...	...	...
" 30	3,914	...	...	61 2 8	9 4 9	...	...	...	...	...	...	...	...
" 30	3,915	...	...	3 3 7	0 11 6	...	...	...	...	...	...	...	...
" 30	3,916	...	...	36 3 15	5 10 8	...	...	...	...	...	...	...	...
Feb. 16	2,364	225	2 16 3	...	...	...	...	...	...	...	...	...	...
Jan. 20	2,601	470	5 17 6	...	...	...	...	...	...	...	...	...	...
" 20	2,602	830	10 7 6	...	...	...	...	...	...	...	...	...	...
" 23	2,865	246	3 1 6	...	...	...	...	...	...	...	...	...	...
" 24	2,995	...	...	...	...	9 1 14	0 6 3	...	...	...	...	...	...
" 31	4,029	425	5 6 3	...	...	...	...	...	...	...	...	...	...
" 31	4,031	840	10 10 0	...	...	...	...	...	...	...	...	...	...
" 1	171	410	5 2 6	...	...	...	...	...	...	...	...	...	...
" 2	275	...	...	30 0 0	4 10 0	...	...	...	...	...	...	...	...
" 2	318	1,700	21 5 0	...	...	...	...	...	...	...	...	...	...
" 10	676	64	0 16 0	...	...	...	...	...	...	...	...	...	...
" 11	1,630	860	10 15 0	...	...	...	...	...	...	...	...	...	...
" 13	1,838	...	...	25 0 0	3 15 0	...	...	...	...	...	...	...	...
" 14	1,884	410	5 2 6	...	...	...	...	...	...	...	...	...	...
" 14	1,885	850	10 12 6	...	...	...	...	...	...	...	...	...	...
" 16	2,272	...	...	20 0 0	3 0 0	...	...	...	...	...	...	...	...
" 17	2,512	270	3 7 6	...	...	...	...	...	...	...	...	...	...
" 17	2,513	504	6 6 0	...	...	...	...	...	...	...	...	...	...
" 18	2,625	...	...	...	...	11 3 4	0 7 11	...	...	...	...	...	...
" 20	2,657	368	4 12 0	...	...	...	...	...	...	...	...	...	...
" 20	2,658	...	...	25 0 0	3 15 0	...	...	...	...	...	...	...	...
" 20	2,659	376	4 14 0	...	...	...	...	...	...	...	...	...	...
" 20	2,660	840	10 10 0	...	...	...	...	...	...	...	...	...	...
" 20	2,723	...	...	25 0 0	3 15 0	...	...	...	...	...	...	...	...
" 25	3,394	1,204	15 1 0	...	...	...	...	...	...	...	...	...	...
" 25	3,395	...	...	25 0 0	3 15 0	...	...	...	...	...	...	...	...
" 27	3,563	430	5 7 6	...	...	...	...	...	...	...	...	...	...
Mar. 2	198	336	4 4 0	...	...	...	...	...	...	...	...	...	...
" 2	200	240	3 0 0	...	...	...	...	...	...	...	...	...	...
" 3	496	400	5 0 0	...	...	...	...	...	...	...	...	...	...
" 3	499	1,032	12 18 0	...	...	...	...	...	...	...	...	...	...
" 3	501	240	3 0 0	...	...	...	...	...	...	...	...	...	...
" 6	765	860	10 15 0	...	...	...	...	...	...	...	...	...	...
" 7	903	282	3 10 6	...	...	...	...	...	...	...	...	...	...
" 9	1,311	430	5 7 6	...	...	...	...	...	...	...	...	...	...

Lamont, E. H.	E. H. Lamont
	W. J. White
"	E. H. Lamont
	Geo. F. Brewster
Lange & Thoneman	F. C. Lange
	Geo. Martin
"	F. C. Lange
	R. Lobley
"	F. C. Lange
	Wm. Crosby
"	F. C. Lange
	Richard Lobley
"	F. C. Lange
	Wm. Crosby
"	F. C. Lange
	Richard Lobley
"	E. Thoneman
	Wm. Crosby
"	F. C. Lange
	Wm. Crosby
"	F. C. Lange
	Geo. Martin
"	F. C. Lange
	Wm. Crosby
"	F. C. Lange
	S. King
"	F. C. Lange
	R. Lobley
"	F. C. Lange
	P. Sheahan
"	F. C. Lange
	R. Lobley
"	F. C. Lange
	W. Crosby
"	F. C. Lange
	P. Sheahan
"	F. C. Lange
	Thos. Peake
"	F. C. Lange
	P. Sheahan
"	F. C. Lange
	Wm. Crosby
"	F. C. Lange
	P. Sheahan
"	F. C. Lange
	Thos. Peake
Lange & Thoneman	F. C. Lange
	Thos. Peake
"	F. C. Lange
	P. Sheahan

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RETURN OF CUSTOMS DUTIES SECURITIES, ETC.—continued.

Date.	Number of Warrant	TEA.		SUGAR.		DRIED FRUITS.		GOLD.		OPIUM.		Names of Parties giving Bonds.	Names of Sureties.	Total Duties covered by Bonds.		
		lbs.	£ s. d.	cwts. qrs. lbs.	£ s. d.	cwts. qrs. lbs.	£ s. d.	ozs. dwts. grs.	£ s. d.	lbs. ozs.	£ s. d.			£ s. d.		
1865.																
Feb. 24	3,250	1,696	21 4 0	...	...	...	...	...	...	...	...	Laurance, G. J.	G. J. Laurence J. S. Harwood	21	4 0
Jan. 23	2,900	820	10 5 0	...	...	...	...	...	...	...	...	} Laurance and Adams	J. B. Laurence Thos. Fogarty		
" 23	2,901	35 0 0	5 5 0		"	J. B. Laurence Isaac Sewell	54	9 6
" 24	3,042	840	10 10 0	...	...	...	...	...	...	...	...	"	J. B. Laurence John Daly		
Feb. 14	1,942	1,428	17 17 0	...	...	...	...	...	...	...	...	"	J. B. Laurence John Daly		
" 16	2,396	850	10 12 6	...	...	...	...	...	...	...	...	"	J. B. Laurence W. Jardine Smith		
Mar. 10	316	...	...	...	...	...	...	1 10 0	0 0 9	...	...	Lebocke, John	...	0	0 9
Jan. 24	1,366	400	5 0 0	...	...	...	...	...	...	...	...	Leng Lote	Leng Lote Louis Legure	5	0 0
Feb. 3	430	1,200	15 0 0	...	...	...	...	...	...	...	...	Lewn Hong	Ah Hung T. A. Pack	15	0 0
Jan. 23	2,934	...	...	24 2 16	3 14 0	...	...	...	...	...	...	} Lloyd, John	...		
" 23	2,935	430	5 7 6		
" 25	3,237	430	5 7 6		
" 25	3,241	39 3 20	5 19 8			John Lloyd Alex. Clarke	48	19 1
Feb. 11	1,648	118 1 24	17 15 5		
" 18	2,582	860	10 15 0	...	...	...	...	...	...	...	...		...
Jan. 25	836	...	...	...	...	...	...	1,800 8 12	45 3 0	...	...	} London Chartered Bank	M. C. Machardy James McCulloch	309	17 9
" 25	837	3,964 18 12	99 2 6		
" 21	941	4,003 10 12	100 1 9			M. C. Machardy Robert Sellar		
" 21	942	2,626 9 0	65 13 3		
Feb. 17	1,378	...	...	...	...	...	...	...	...	2 2	1 1 3	{ Long, D. R., & Sons	...	1	1 3
" 6	383	249	3 2 3	...	...	...	...	...	...	...	...	} Lorimer, Marwood, & Rome	M. Marwood C. R. Parsons		
" 20	1,694	166	2 1 6	12 2 20	1 18 0	8 0 4	0 5 5		
Mar. 2	269	34 3 2	1 3 3			James Lorrimer		
" 2	270	35 0 14	1 3 5			C. R. Parsons	38	16 3
" 3	272	821 0 0	27 6 1		
" 3	274	...	...	...	...	30 0 0	1 0 0	...	...	...	...		M. Marwood C. R. Parsons		
" 9	1,319	...	...	...	...	23 2 6	0 15 9	...	...	...	...		...
Jan. 23	2,912	...	...	...	...	...	...	...	...	96 0	48 0 0	Lye Ching	Lye Ching Fan Fat	48	0 0
" 23	2,813	880	11 0 0	...	...	...	...	...	...	...	...	} Lyell & Brown	E. Brown W. H. Campbell		
" 26	3,348	1,276	15 19 0			E. Brown T. G. Logan	84	16 6
" 30	3,917	3,520	44 0 0			E. Brown		
" 30	3,918	420	5 5 0	...	...	...	...	...	...	...	...		Stewart Patrick		
Feb. 1	22	280	3 10 0	...	...	...	...	...	...	...	...		E. Brown		
" 1	23	410	5 2 6	...	...	...	...	...	...	...	...		H. Smith		

Jan. 25	3,193	...	...	34 1 0	5 2 9	...	...	...	...	...	...	...	...	Lyster & Angel	S. Angel J. M. Kennedy	8 8 0
" 27	3,526	...	...	21 3 0	3 5 3	...	...	...	...	...	...	...	...	"	S. Angel C. Lyster	
" 25	3,140	200	2 10 0	...	...	...	...	...	...	...	...	...	...	Lung Hup	Lung Hup Lum Kum Gee	2 10 0
" 26	3,463	450	5 12 6	...	...	...	...	...	...	...	...	...	...	{ Mackintosh & Co.	A. McIntosh Wm. Peterson	5 12 6
" 24	2,961	420	5 5 0	...	...	...	...	...	...	...	...	...	...	{ Marks, J.	J. Marks J. Nolen	10 15 0
" 24	2,962	440	5 10 0	...	...	...	...	...	...	...	...	...	...
" 21	2,736	...	...	...	...	...	...	...	...	...	...	...	...
Feb. 1	52	...	...	...	...	...	...	...	...	...	...	...	...	{ Marshall, J.J. & Co.	J. J. Marshall G. F. Agnew	
" 7	903	...	...	...	...	...	...	...	...	...	...	...	...
" 9	1,188	107	1 6 11	...	...	...	...	...	...	...	...	...	...
" 17	2,485	1,025	12 16 3	...	...	...	...	...	...	...	...	...	...	"	G. F. Agnew J. McEwan	215 7 4
" 18	2,583	736½	9 4 2	...	...	...	...	...	...	...	...	...	...	{ Marshall, J.J. & Co.	G. F. Agnew J. C. Livingston	
Mar. 9	1,170	...	...	...	...	...	...	...	...	...	...	...	...	"	G. F. Agnew Robert Walker	
Jan. 20	2,649	...	...	24 3 18	3 14 10	...	...	...	...	...	...	...	...	{ Martin, Peter John	P. J. Martin M. Hood	17 2 3
" 24	2,987	...	...	26 0 0	3 18 0	...	...	...	...	...	...	...	...
" 26	3,427	...	...	63 0 15	9 9 5	...	...	...	...	...	...	...	...
" 26	3,429	...	...	...	...	4 3 3	0 3 3	...	...	...	...	...	...	{ Martin, Geo. & Co.	G. Martin A. Pelleter	
" 26	3,444	...	...	...	...	0 1 26	0 0 4	...	...	...	...	...	...
" 27	3,421	...	...	...	...	23 2 18	0 15 10	...	...	...	...	...	...	"	G. Martin W. Lyell	
" 30	3,799	...	...	...	...	24 0 11	0 16 1	...	...	...	...	...	...	"	Geo. Martin G. G. Allan	
" 31	4,038	...	...	...	...	22 0 6	0 14 9	...	...	...	...	...	...	"	Geo. Martin O. O'Callaghan	
" 31	4,039	...	...	...	...	28 3 15	0 19 4	...	...	...	...	...	...	"	Geo. Martin D. Spence	
" 31	4,074	...	...	...	...	24 0 19	0 16 2	...	...	...	...	...	...	"	Geo. Martin Wm. Donaldson	
Feb. 1	83	...	...	...	...	36 0 27	1 4 2	...	...	...	...	...	...	"	Geo. Martin C. Downward	
" 1	84	...	...	...	...	36 1 19	1 4 4	...	...	...	...	...	...	"	Geo. Martin R. W. Carrick	14 19 10
" 2	192	...	...	...	...	22 0 12	0 14 9	...	...	...	...	...	...	"
" 6	742	...	...	...	...	6 3 12	0 4 7	...	...	...	...	...	...	"
" 6	743	...	...	...	...	7 0 10	0 4 9	...	...	...	...	...	...	"
" 10	1,472	...	...	...	...	23 3 6	0 15 11	...	...	...	...	...	...	"
" 10	1,473	...	...	...	...	23 3 27	0 16 0	...	...	...	...	...	...	"
" 14	1,849	...	...	...	...	23 2 25	0 15 10	...	...	...	...	...	...	"	Geo. Martin David Spence	
" 18	2,600	...	...	...	...	24 0 21	0 16 2	...	...	...	...	...	...	"
" 21	2,765	...	...	...	...	12 1 4	0 8 3	...	...	...	...	...	...	"
" 23	3,170	...	...	...	...	24 1 6	0 16 3	...	...	...	...	...	...	"	G. Martin G. G. Allan	
" 23	3,171	...	...	...	...	32 3 5	1 1 11	...	...	...	...	...	...	"	G. Martin T. J. Parker	
" 28	3,468	...	...	...	...	22 3 5	0 15 3	...	...	...	...	...	...	"	P. J. Martin F. C. Large	
Mar. 6	660	...	...	...	...	12 0 2	0 8 1	...	...	...	...	...	...	"	Geo. Martin P. Turnbull	
" 6	661	...	...	...	...	11 3 0	0 7 10	...	...	...	...	...	...	"

RETURN OF CUSTOMS DUTIES SECURITIES, ETC.—continued.

Date.	Number of Warrant	TEA.			SUGAR.			DRIED FRUITS.			GOLD.			OPIUM.			Names of Parties giving Bonds.	Names of Sureties.	Total Duties covered by Bonds.
		lbs.	£	s. d.	cwts. qrs. lbs.	£	s. d.	cwts. qrs. lbs.	£	s. d.	ozs. dwts. grs.	£	s. d.	lbs. ozs.	£	s. d.			
1865.																			
Jan. 20	3,664	25 0 0	3 15 0	Masterton, D. {	D. Masterton	} 311 19 9	
" 20	3,665	420	5 5 0	...	...	...	...	...	...	...	...	...	...	...	...		G. G. Allan
" 24	3,020	...	...	...	25 0 0	3 15 0	...	...	...	...	...	...	...	...	...	" {	D. Masterton
" 24	3,021	...	...	...	25 0 0	3 15 0	...	...	...	...	...	...	...	...	...		James Tuycross
" 24	3,085	370	4 12 6	...	...	...	...	...	...	...	...	...	...	...	...	" {	D. Masterton
" 24	3,086	910	11 7 6	...	...	...	...	...	...	...	...	...	...	...	...		James Tuycross
" 26	3,461	...	...	...	4 2 12	0 13 10	...	...	...	...	...	...	...	...	...	" {	D. Masterton
" 26	3,462	...	...	...	30 1 1	4 10 10	...	...	...	...	...	...	...	...	...		G. W. Brown
" 26	3,466	240	3 0 0	...	...	...	...	...	...	...	...	...	...	...	...	" {	D. Masterton
" 27	1,559	...	...	...	40 0 0	6 0 0	...	...	...	...	...	...	...	...	...		J. Dodd
" 27	3,603	470	5 17 6	...	...	...	...	...	...	...	...	...	...	...	...	" {	D. Masterton
" 27	3,684	420	5 5 0	...	...	...	...	...	...	...	...	...	...	...	...		C. J. Tanner
" 28	3,725	740	9 5 0	...	...	...	...	...	...	...	...	...	...	...	...	" {	D. Masterton
" 28	3,727	...	...	...	49 2 16	7 8 11	...	...	...	...	...	...	...	...	...		C. J. Tanner
" 30	3,872	308	3 17 0	...	...	...	...	...	...	...	...	...	...	...	...	" {	D. Masterton
" 31	4,043	370	4 12 6	...	...	...	...	...	...	...	...	...	...	...	...		J. Dodd
" 31	4,044	420	5 5 0	...	...	...	...	...	...	...	...	...	...	...	...	" {	D. Masterton
Feb. 1	7	430	5 7 6	...	...	...	...	...	...	...	...	...	...	...	...		H. Moore
" 9	1,295	370	4 12 6	...	...	...	...	...	...	...	...	...	...	...	...	" {	D. Masterton
" 9	1,297	615	7 13 9	...	...	...	...	...	...	...	...	...	...	...	...		G. G. Allan
" 9	1,298	396	4 19 0	...	...	...	...	...	...	...	...	...	...	...	...	" {	D. Masterton
" 11	1,647	280	3 10 0	...	...	...	...	...	...	...	...	...	...	...	...		D. Masterton
" 13	1,831	...	...	...	25 3 2	3 17 4	...	...	...	...	...	...	...	...	...	" {	D. Masterton
" 14	1,859	...	...	...	23 0 12	3 9 4	...	...	...	...	...	...	...	...	...		F. Tate
" 15	2,182	...	...	...	25 1 5	3 15 11	...	...	...	...	...	...	...	...	...	" {	D. Masterton
" 15	2,242	850	10 12 6	...	...	...	...	...	...	...	...	...	...	...	...		G. G. Allan
" 15	2,243	425	5 6 3	...	...	...	...	...	...	...	...	...	...	...	...	" {	D. Masterton
" 16	2,358	430	5 7 6	...	...	...	...	...	...	...	...	...	...	...	...		Fred. Tate
" 16	2,359	240	3 0 0	...	...	...	...	...	...	...	...	...	...	...	...	" {	D. Masterton
" 17	2,480	540	6 15 0	...	...	...	...	...	...	...	...	...	...	...	...		W. H. Bailey
" 21	2,836	...	...	...	40 1 26	6 1 6	...	...	...	...	...	...	...	...	...	" {	D. Masterton
" 21	2,914	...	...	...	85 2 9	12 16 9	...	...	...	...	...	...	...	...	...		Geo. Buttolf
" 22	3,028	1,270	15 17 6	...	...	...	...	...	...	...	...	...	...	...	...	" {	D. Masterton
" 24	3,376	420	5 5 0	...	...	...	...	...	...	...	...	...	...	...	...		W. H. Bailey
" 24	3,377	...	...	...	25 0 0	3 15 0	...	...	...	...	...	...	...	...	...	" {	D. Masterton
" 24	3,278	420	5 5 0	...	...	...	...	...	...	...	...	...	...	...	...		P. J. Martin
" 28	3,487	420	5 5 0	...	...	...	...	...	...	...	...	...	...	...	...	" {	D. Masterton
" 28	3,705	280	3 10 0	...	...	...	...	...	...	...	...	...	...	...	...		Geo. Buttolf
" 28	3,506	430	5 7 6	...	...	...	...	...	...	...	...	...	...	...	...	" {	D. Masterton
" 28	3,707	1,270	15 17 6	...	...	...	...	...	...	...	...	...	...	...	...		W. H. Bailey
" 8	1,137	765	9 11 3	...	...	...	...	...	...	...	...	...	...	...	...	" {	D. Masterton
" 8	1,138	...	...	...	11 0 2	1 13 1	...	...	...	...	...	...	...	...	...		P. J. Martin
" 9	1,364	440	5 10 0	...	...	...	...	...	...	...	...	...	...	...	...	"	Geo. Buttolf

RETURN OF CUSTOMS DUTIES SECURITIES, ETC.—continued.

Date.	Number of Warrant	TEA.			SUGAR.			DRIED FRUITS.			GOLD.			OPIUM.			Names of Parties giving Bonds.	Names of Sureties.	Total Duties covered by Bonds.		
		lbs.	£	s. d.	cwts. qrs. lbs.	£	s. d.	cwts. qrs. lbs.	£	s. d.	ozs. dwts. grs.	£	s. d.	lbs. ozs.	£	s. d.			£	s. d.	
1865.																					
Jan. 21	2,759	246	3	1 6	...	...	...	...	...	...	...	...	...	...	...	...	McClure, Valantine, & Co.	J. P. Adams J. L. McClure	
" 23	2,868	410	5	2 6	...	...	...	...	...	...	...	...	...	...	...	...	"	J. L. McClure J. Mason	
" 25	3,160	240	3	0 0	...	...	...	...	...	...	...	...	...	...	...	...	"	J. L. McClure	
" 25	3,161	2,322	29	0 6	...	...	...	...	...	...	...	...	...	...	...	...	"	W. McGaan W. Radcliff	
" 27	3,633	860	10	15 0	...	...	...	...	...	...	...	...	...	...	...	...	"	J. Mason J. L. McClure	
" 31	3,962	1,173	14	13 3	...	...	...	...	...	...	...	...	...	...	...	...	"	R. Yeomans D. H. Valantine	
Feb. 1	72	688	8	12 0	...	...	...	...	...	...	...	...	...	...	...	...	"	H. Russell J. L. McClure	
" 4	562	1,720	21	10 0	...	...	...	...	...	...	...	...	...	...	...	...	"	T. H. Simpson D. H. Valentine	
" 6	815	860	10	15 0	...	...	...	...	...	...	...	...	...	...	...	...	"	J. W. Smith D. H. Valentine	244 4 9
" 8	1,067	860	10	15 0	...	...	...	...	...	...	...	...	...	...	...	...	"	A. Bishop J. L. McClure	
" 11	1,562	860	10	15 0	...	...	...	...	...	...	...	...	...	...	...	...	"	R. Yeomans D. H. Valentine	
" 13	1,664	1,020	12	15 0	...	...	...	...	...	...	...	...	...	...	...	...	"	A. Bishop J. L. McClure	
" 15	2,095	860	10	15 0	...	...	...	...	...	...	...	...	...	...	...	...	"	W. H. Dodd D. H. Valentine	
" 17	2,423	820	10	5 0	...	...	...	...	...	...	...	...	...	...	...	...	"	Mathew Lang J. L. McClure	
" 17	2,496	860	10	15 0	...	...	...	...	...	...	...	...	...	...	...	...	"	Mathew Lang J. L. McClure	
" 20	2,634	2,580	32	5 0	...	...	...	...	...	...	...	...	...	...	...	...	"	Mathew Lang J. L. McClure	
" 21	2,800	620	7	15 0	...	...	...	...	...	...	...	...	...	...	...	...	"	J. L. McClure R. Yeomans	
Mar. 6	610	820	10	5 0	...	...	...	...	...	...	...	...	...	...	...	...	"	J. L. McClure R. Yeomans	
" 6	611	1,720	21	10 0	...	...	...	...	...	...	...	...	...	...	...	...	"	R. Yeomans	
Jan. 23	2,857	880	11	0 0	...	...	...	...	...	...	...	...	...	...	...	...	McEwan & Co.	J. McEwan N. McLean	
" 23	2,858	180 0 0	27 0 0					
" 23	2,859	...	...	...	200 0 0	30 0 0	...	...	...	...	...	...	...	...	...	...
" 30	3,842	3,780	47	5 0	...	...	...	...	...	...	...	...	...	...	...	...	"	J. McEwan R. Walker	
Feb. 1	29	...	...	...	51 1 22	7 14 4	...	...	...	...	...	...	...	...	...	...	"	John McEwan N. McLean	186 8 11
" 4	583	...	...	...	18 3 13	2 16 7	...	...	...	...	...	...	...	...	...	...	"	John McEwan Robert Walker	
" 8	1,064	1,272	15	18 0	...	...	...	...	...	...	...	...	...	...	...	...	"	James McEwan Robert Walker	
" 13	1,715	1,428	17	17 0	...	...	...	...	...	...	...	...	...	...	...	...	"	James McEwan Robert Walker	
" 25	3,408	1,092	13	13 0	...	...	...	...	...	...	...	...	...	...	...	...	"	James McEwan Robert Walker	
Mar. 1	22	1,060	13	5 0	...	...	...	...	...	...	...	...	...	...	...	...	"	James McEwan Robert Walker	
Jan. 23	2,896	...	...	...	80 0 0	12 0 0	...	...	...	...	...	...	...	...	...	...	McCulloch, Sellar, & Co.	R. Sellar Geo. McCulloch	

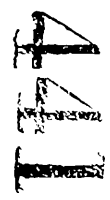
RETURN OF CUSTOMS DUTIES SECURITIES, ETC.—continued.

Date.	Number of Warrant	TEA.			SUGAR.			DRIED FRUITS.			GOLD.			OPIUM.			Names of Parties giving Bonds.	Names of Sureties.	Total Duties covered by Bonds.			
		lbs.	£	s. d.	cwts. qrs. lbs.	£	s. d.	cwts. qrs. lbs.	£	s. d.	ozs. dwts. grs.	£	s. d.	lbs. ozs.	£	s. d.			£	s. d.		
1865.																						
Mar. 3	402	29 3 7	0 19 11	McCulloch, Sellar, & Co.	Jas. McCulloch J. H. Dodd					
" 3	403	30 3 3	1 0 7								
" 3	404	29 3 12	0 19 11								
" 3	405		240 0 0	36 0 0								
" 6	796		40 0 0	6 0 0					Robt. Sellar W. H. Dodd			
" 6	805		200 0 0	30 0 0								
" 8	1,127	}	100 1 3	3 7 1								
" 8	1,130																					
" 8	1,131																					
" 8	1,132																					
" 11	1,538																					
Jan. 25	838	...	...		200 0 0	30 0 0	...	...	...	7,173 9 18	179 6 9	...	...	...		Jas. McCulloch R. Sellar			
Feb. 23	1,033	...	...		...	...	...	...	...	8,501 2 0	212 10 7	...	...	...		Robt. Sellar Jas. H. Dodd			
Jan. 24	3,000	4,624	57 16 0			McDonnell, John, & Co.	S. McDonnell W. H. Dyson					
" 24	3,001		28 0 2	4 4 1								
" 24	3,002		30 3 12	4 12 7								
" 24	3,003		30 0 0	4 10 0								
" 24	3,004		30 0 0	4 10 0								
" 25	3,213		129 3 6	19 9 5								
" 26	3,350	660	8 5 0									
" 26	3,351		80 0 0	12 0 0								
" 26	3,352		60 0 0	9 0 0								
" 26	3,353		91 0 26	13 13 9								
" 31	3,970	...	...		165 0 0	24 15 0	...	...	...	...	...	...	...	...
" 31	3,971	880	11 0 0		...	...	...	...	...	...	...	...	...	...
" 31	3,972	2,438	30 9 6		...	...	...	...	...	...	...	...	...	...
" 31	3,973	1,152	14 8 0		...	...	...	...	...	...	...	...	...	...
Feb. 6	643		40 2 22	6 2 1			John McDonnell Samuel McDonnell					
" 6	697	2,680	33 10 0									
" 6	702	...	...		60 0 0	9 0 0	...	...	...	...	...	...	...	...
" 14	1,935	...	...		60 0 0	9 0 0	...	...	...	...	...	...	...	...
" 14	1,936	...	...		100 0 0	15 0 0	...	...	...	...	...	...	...	...
" 14	1,937	...	...		120 0 0	18 0 0	...	...	...	...	...	...	...	...
" 14	1,938	1,984	24 16 0		...	...	...	...	...	...	...	...	...	...
" 18	2,571	1,940	24 5 0		...	...	...	...	...	...	...	...	...	...
" 18	2,573	1,740	21 15 0		...	...	...	...	...	...	...	...	...	...
" 21	2,832	480	6 0 0				Samuel McDonnell W. H. Dyson					
" 21	2,833	440	5 10 0									
" 24	3,273	...	...		25 3 24	3 17 11	...	...	...	...	...	...	...	...
" 24	3,274	...	...		1 2 12	0 4 9	...	...	...	...	...	...	...	...
" 24	3,279	1,770	22 2 6		...	...	...	...	...	...	...	...	...	...
" 24	3,280	860	10 15 0		...	...	...	...	...	...	...	...	...	...
" 24	3,281	880	11 0 0		...	...	...	...	...	...	...	...	...	...
Mar. 8	1,040	880	11 0 0		...	...	...	...	...	...	...	...	...	...
" 10	1,407	...	...		120 0 0	18 0 0	...	...	...	...	...	...	...	...

468 11 7

Jan. 27	3,549	420	5 5 0	...	...	...	...	...	...	...	...
" 28	3,663	740	9 5 0	...	...	...	...	...	...	...	...
Feb. 1	125	480	6 0 0	...	...	...	...	...	...	...	...
" 1	126	...	...	55 0 0	8 5 0	...	...	...	...	...	...
" 7	933	430	5 7 6	...	...	...	...	...	...	...	...
" 9	1,365	...	...	52 0 0	7 16 0	...	...	...	...	...	...
" 9	1,369	470	5 17 6	...	...	...	...	...	...	...	...
" 18	2,621	940	11 15 0	...	...	...	...	...	...	...	...
" 21	3,151	810	10 2 6	...	...	...	...	...	...	...	...
" 28	3,465	...	...	15 3 19	2 7 9	...	...	...	...	...	...
" 1	75	...	...	30 0 0	4 10 0	...	...	...	...	...	...
" 9	1,347	...	...	89 1 4	13 7 10	...	...	...	...	...	...
" 9	1,348	...	...	132 1 16	19 17 2	...	...	...	...	...	...
Mar. 8	1,030	682	8 10 6	...	...	...	...	...	...	...	...
Feb. 7	945	738	9 4 6	...	...	...	...	...	...	...	...
Jan. 30	3,836	85	1 1 3	...	...	...	...	...	...	...	...
" 30	3,837	94	1 3 6	...	...	...	...	...	...	...	...
" 30	3,838	924	11 11 0	...	...	...	...	...	...	...	...
Mar. 7	950	2,184	27 6 0	...	...	...	...	...	...	...	...
" 7	951	4,040	50 10 0	...	...	...	...	...	...	...	...
Feb. 13	603	...	...	...	...	...	...	4 0 0	0 2 0	...	...
Jan. 25	834	...	...	...	...	...	...	2,530 4 6	63 5 2	...	...
Feb. 22	982	...	...	...	...	...	...	2,684 14 0	67 2 4	...	...
" 22	983	...	...	...	...	...	...	2,487 18 12	62 4 0	...	...
Jan. 21	741	...	...	...	...	...	...	2,007 17 0	50 0 11	...	...
" 21	742	...	...	...	...	...	...	8,375 9 12	209 7 9	...	...
" 24	779	...	...	...	...	...	...	12,371 19 0	309 6 0	...	...
Feb. 1	35	...	...	...	...	...	...	4,157 8 12	103 18 8	...	...
" 3	189	...	...	...	...	...	...	1,721 9 12	43 0 9	...	...
" 22	974	...	...	...	...	...	...	7,306 3 0	182 13 1	...	...
" 22	975	...	...	...	...	...	...	4,344 15 12	108 12 5	...	...
Jan. 25	3,189	...	...	23 3 8	3 11 7	...	...	...	...	...	...
" 25	3,190	...	...	34 3 17	5 4 9	...	...	...	...	...	...
" 27	3,556	...	...	15 0 7	2 5 3	...	...	...	...	...	...
" 30	3,913	702	8 15 6	...	...	...	...	...	...	...	...
Feb. 16	2,293	560	7 0 0	...	...	...	...	...	...	...	...
Mar. 9	1,323	860	10 15 0	...	...	...	...	...	...	...	...
Jan. 24	3,091	468	5 17 0	...	...	...	...	...	...	...	...
" 24	3,092	567	7 1 9	...	...	...	...	...	...	...	...
" 31	3,982	1,820	22 15 0	...	...	...	...	...	...	...	...
" 31	3,983	1,740	21 15 0	...	...	...	...	...	...	...	...
Feb. 22	3,006	910	11 7 6	...	...	...	...	...	...	...	...
" 24	3,240	1,302	16 5 6	...	...	...	...	...	...	...	...

McGee, John, & Co.	John McGee Wm. F. Mooney	72 1 3
Moore Bros.	Hugh Moore G. G. Allan	4 10 0
Moore, H., & Co.	Hugh Moore T. S. Parker	33 5 0
Morley & Carrick	R. W. Carrick Thos. McDonald	8 10 6
Mort & Watson	J. Mort G. F. Brewster	9 4 6
Morton, W.	Wm. Morton Isaac Soloman	13 15 9
Moss, Morton	Moton Moss Geo. Robinson	77 16 0
Murray, M.	W. H. Murray John Powell	0 2 0
National Bank	A. Cunningham E. Whitby A. Cunningham	192 11 6
New South Wales Bank	J. C. Lloyd J. Badcock D. Mackenzie	...
"	J. Badcock F. A. Walsh	...
"	J. Badcock J. Millidge	1,006 19 7
"	J. Badcock F. Millidge	...
Nicholson, Germain	Germain Nicholson Chas. Pulling	...
"	Germain Nicholson Wm. Peterson	37 12 1
"	Germain Nicholson Charles Pulling	...
O'Callaghan & Swan	O. O'Callaghan G. W. Brown	...
"	O. O'Callaghan G. A. Thompson	...
"	O. O'Callaghan J. Kelly	85 1 9
"	O. O'Callaghan James Zirken	...



RETURN OF CUSTOMS DUTIES SECURITIES, ETC.—continued.

Date.	Number of Warrant	TEA.			SUGAR.			DRIED FRUITS.			GOLD.			OPIMUM.			Names of Parties giving Bonds.	Names of Sureties.	Total Duties covered by Bonds.		
		lbs.	£	s. d.	cwts. qrs. lbs.	£	s. d.	cwts. qrs. lbs.	£	s. d.	ozs. dwts. grs.	£	s. d.	lbs. ozs.	£	s. d.			£	s. d.	
1865.																					
Mar. 2	171	...	...	...	50 0 0	7 10 0	...	...	...	...	...	...	...	...	...	...	...	...	...	...	7 10 0
Feb. 20	853	...	...	...	...	...	...	...	...	2 0 0	0 1 0	...	...	...	...	...	...	...	...	...	0 1 0
Jan. 24	825	...	...	...	...	...	...	...	...	8,923 15 20	223 1 11	...	...	...	...	...	...	...	...	...	...
" 28	961	...	...	...	...	...	...	...	...	5,217 13 22	130 8 10	...	...	...	...	...	...	...	...	...	...
" 3	174	...	...	...	...	...	...	...	...	0 13 15	0 0 4	...	...	...	...	...	...	...	...	...	648 6 0
" 23	1,035	...	...	...	...	...	...	...	...	5,674 8 10	141 17 3	...	...	...	...	...	...	...	...	...	...
" 23	1,036	...	...	...	...	...	...	...	...	6,115 6 0	152 17 8	...	...	...	...	...	...	...	...	...	...
Feb. 3	210	30	0 7 6	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	0 7 6
Jan. 23	2,799	...	...	...	...	...	...	...	...	...	...	...	96 0	48 0 0	...	...	...	...	...	...	...
" 30	2,755	...	...	...	...	...	...	...	...	...	...	...	94 0	47 0 0	...	...	...	...	...	...	...
Feb. 1	25	...	...	...	...	...	...	...	...	...	...	...	96 0	48 0 0	...	...	...	...	...	...	...
" 1	26	...	...	...	...	...	...	...	...	...	...	...	96 0	48 0 0	...	...	...	...	...	...	...
" 3	409	...	...	...	...	...	...	...	...	...	...	...	94 0	47 0 0	...	...	...	...	...	...	430 0 0
" 11	1,559	...	...	...	...	...	...	...	...	...	...	...	144 0	72 0 0	...	...	...	...	...	...	...
" 21	2,775	...	...	...	...	...	...	...	...	...	...	...	48 0	24 0 0	...	...	...	...	...	...	...
" 21	2,776	...	...	...	...	...	...	...	...	...	...	...	96 0	48 0 0	...	...	...	...	...	...	...
Mar. 10	1,388	...	...	...	...	...	...	...	...	...	...	...	96 0	48 0 0	...	...	...	...	...	...	...
Jan. 21	1,261	...	...	...	13 0 0	1 19 0	...	...	...	...	...	...	...	...	...	...	...	...	...	...	1 19 0
" 23	2,834	2,124	26 11 0	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
" 23	2,835	1,880	23 10 0	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
" 23	2,836	378	4 14 6	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
" 23	2,837	294	3 13 6	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
" 23	2,838	2,100	26 5 0	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
" 23	2,840	644	8 1 0	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
" 24	3,036	1,380	17 5 0	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
" 24	3,037	1,204	15 1 0	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
" 24	3,838	...	...	60 0 0	9 0 0	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
" 25	3,222	1,720	21 10 0	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
" 25	3,223	1,380	17 5 0	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
" 26	3,286	...	...	49 0 12	7 7 4	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...

Jan.	26	3,322	2,070	25 17 6	...	...	...	...	...	...	...	...	...	...	...	...	...
"	26	3,323	1,880	23 10 0	...	...	...	...	...	...	...	...	...	...	...	...	...
"	26	3,324	1,880	23 10 0	...	...	...	...	...	...	...	...	...	...	...	...	...
"	30	3,810	5,060	63 5 0	...	...	...	...	...	...	...	...	...	...	...	...	...
"	30	3,922	645	8 1 3	...	...	...	...	...	...	...	...	...	...	...	...	...
"	31	3,954	1,380	17 5 0	...	...	...	...	...	...	...	...	...	...	...	...	...
Feb.	1	91	2,520	31 10 0	...	...	...	...	...	...	...	...	...	...	...	...	...
"	2	199	...	...	94 1 25	14 3 5	...	...	...	...	...	...	...	...	...	...	...
"	2	341	3,560	44 10 0	...	...	...	...	...	...	...	...	...	...	...	...	...
"	2	342	1,316	16 9 0	...	...	...	...	...	...	...	...	...	...	...	...	...
"	7	842	5,428	67 17 0	...	...	...	...	...	...	...	...	...	...	...	...	...
"	9	1,314	492	6 3 0	...	...	...	...	...	...	...	...	...	...	...	...	...
"	10	1,530	270	3 7 6	...	...	...	...	...	...	...	...	...	...	...	...	...
"	11	1,632	1,462	18 5 6	...	...	...	...	...	...	...	...	...	...	...	...	...
"	13	1,743	2,852	35 13 0	...	...	...	...	...	...	...	...	...	...	...	...	...
"	14	2,003	...	...	49 2 3	7 8 7	...	...	...	...	...	...	...	...	...	...	...
"	15	2,096	560	7 0 0	...	...	...	...	...	...	...	...	...	...	...	...	...
"	20	2,733	...	...	49 0 18	7 7 7	...	...	...	...	...	...	...	...	...	...	...
"	24	3,324	1,316	16 9 0	...	...	...	...	...	...	...	...	...	...	...	...	...
"	27	3,500	...	...	...	...	13 0 14	0 8 9	...	...	...	...	...	...	...	...	...
"	28	3,613	1,320	16 10 0	...	...	...	...	...	...	...	...	...	...	...	...	...
Mar.	2	288	1,230	15 7 6	...	...	...	...	...	...	...	...	...	...	...	...	...
"	2	289	1,840	23 0 0	...	...	...	...	...	...	...	...	...	...	...	...	...
"	2	290	1,700	21 5 0	...	...	...	...	...	...	...	...	...	...	...	...	...
"	2	291	1,720	21 10 0	...	...	...	...	...	...	...	...	...	...	...	...	...
"	4	557	1,748	21 17 0	...	...	...	...	...	...	...	...	...	...	...	...	...
Jan.	20	2,690	755	9 8 9	...	...	...	...	...	...	...	...	...	...	...	...	...
"	20	2,691	517	6 9 3	...	...	...	...	...	...	...	...	...	...	...	...	...
"	20	2,692	164	2 1 0	...	...	...	...	...	...	...	...	...	...	...	...	...
Feb.	14	1,845	1,188	14 17 0	...	...	...	...	...	...	...	...	...	...	...	...	...
Jan.	21	2,734	280	3 10 0	...	...	...	...	...	...	...	...	...	...	...	...	...
Feb.	14	2,020	252	3 3 0	...	...	...	...	...	...	...	...	...	...	...	...	...
Mar.	8	1,087	420	5 5 0	...	...	...	...	...	...	...	...	...	...	...	...	...
Jan.	31	1,002	...	...	...	...	...	...	2 0 0	0 1 0	...	...	...	...	...	...	...
Mar.	10	1,563	420	5 5 0	...	...	...	...	...	...	...	...	...	...	...	...	...

John Peterson
John Whitting-
ham
John Peterson
G. Whittingham
J. S. Peterson
J. H. Dodgson
J. S. Peterson
J. S. Peters
} Peterson, W.,
& Co. {
J. S. Peterson
J. H. Dodgson
J. S. Peterson
G. Henderson
W. Peterson
J. J. Peters
W. Peterson
W. Power
W. Peterson
W. St. Paul
W. Peterson
G. Henderson
John Peterson
John Whitney
John S. Peterson
Gideon Henderson
J. S. Peterson
John Whitney
J. S. Peterson
G. Henderson
Wm. Peterson
Gideon Henderson
J. S. Peterson
Gideon Henderson
} John S. Peterson
Gideon Henderson
} Philpott, W. {
Wm. Philpott
Richd. Whitehead
} Wm. Philpott
Geo. Martin
} Wm Power
John Peak
} Prince, H. A. {
A. H. Prince
E. Bennett
} A. H. Prince
Simeon Cohen
} W. Quick
J. Selrie
} J. Rankin
E. A. Gallaghan

737 13 11

85

32 16 0

3 10 0

8 8 0

0 1 0

5 5 0

RETURN OF CUSTOMS DUTIES SECURITIES, ETC.—continued.

Date.	Number of Warrant	TEA.			SUGAR.			DRIED FRUITS.		GOLD.		OPIUM.		Names of Parties giving Bonds.	Names of Sureties.	Total Duties covered by Bonds.				
		lbs.	£	s. d.	cwts. qrs. lbs.	£	s. d.	cwts. qrs. lbs.	£	s. d.	ozs. dwts. grs.	£	s. d.			lbs. ozs.	£	s. d.	£	s.	d.
1865.																				
Jan. 20	2,581	...	...	...	100 0 0	15 0 0	...	...	...	...	...	...	...	} Rolfe & Bailey {	E. Bailey					
" 20	2,582	...	...	...	100 0 0	15 0 0	...	...	...	...	...	...	...		W. Lawrence					
" 23	2,908	1,940	24 5 0	...	...	...	...	...	...	...	...	...	...
" 23	2,909	...	...	...	25 0 0	3 15 0	...	...	...	...	...	...	...
" 23	2,910	...	...	...	25 0 0	3 15 0	...	...	...	...	...	...	...
" 23	2,911	...	...	...	25 0 0	3 15 0	...	...	...	...	...	...	...			E. Bailey				
" 23	2,936	...	...	...	25 0 0	3 15 0	...	...	...	...	...	...	...			J. Ingelow				
" 23	2,937	...	...	...	50 0 0	7 10 0	...	...	...	...	...	...	...
" 23	2,940	...	...	...	21 0 0	3 3 0	...	...	...	...	...	...	...
" 23	2,941	...	...	...	96 0 0	14 8 0	...	...	...	...	...	...	...
" 24	2,976	246	3 1 6	...	...	...	...	...	...	...	...	...	...
" 25	3,132	...	...	...	20 0 0	3 0 0	...	...	...	...	...	...	...	} " {	Geo. Rolfe					
" 25	3,273	840	10 10 0	...	...	...	...	...	...	...	...	...	...		E. Dickenson					
" 25	3,282	...	...	...	70 1 0	10 10 9	...	...	...	...	...	...	...
" 26	1,451	...	...	...	...	...	83 2 17	2 15 10	...	...	...	...	...		
" 26	3,291	700	8 15 0	...	...	...	...	...	...	...	...	...	...	} " {	E. Bailey					
" 26	3,419	...	...	...	30 0 0	4 10 0	...	...	...	...	...	...	...		W. C. Fisher					
" 26	3,420	...	...	...	41 0 0	6 3 0	...	...	...	...	...	...	...	} " {	E. Bailey					
" 26	3,421	...	...	...	50 0 0	7 10 0	...	...	...	...	...	...	...		Thos. Osbourne					
" 26	3,422	798	9 19 6	...	...	...	...	...	...	...	...	...	...
" 28	3,748	1,680	21 0 0	...	...	...	...	...	...	...	...	...	...	} " {	E. Bailey					
Feb. 1	152	252	3 3 0	...	...	...	...	...	...	...	...	...	...		C. J. Cottell					
" 3	492	820	10 5 0	...	...	...	...	...	...	...	...	...	...	} " {	Geo. Rolfe					
" 3	493	1,940	24 5 0	...	...	...	...	...	...	...	...	...	...		C. J. Cottell					
" 4	573	4,400	55 0 0	...	...	...	...	...	...	...	...	...	...	} " {	E. Bailey					
" 6	705	...	...	...	218 2 6	32 15 8	...	...	...	...	...	...	...		C. J. Cottell					
" 6	706	840	10 10 0	...	...	...	...	...	...	...	...	...	...	} " {	Geo. Rolfe					
" 6	706	840	10 10 0	...	...	...	...	...	...	...	...	...	...		E. Dickenson					
" 6	795	392	4 18 0	...	...	...	...	...	...	...	...	...	...
Feb. 7	907	5,880	73 10 0	...	...	...	...	...	...	...	...	...	...	} " {				952 13 3		
" 7	913	...	...	...	39 2 11	5 18 10	...	...	...	...	...	...	...
" 7	995	...	...	...	43 3 16	6 11 9	...	...	...	...	...	...	...
" 8	1,117	...	...	...	4 2 9	0 13 9	...	...	...	...	...	...	...
" 8	1,155	...	...	...	30 0 0	4 10 0	...	...	...	...	...	...	...
" 9	1,228	...	...	...	159 2 3	23 18 7	...	...	...	...	...	...	...
" 9	1,229	...	...	...	64 0 13	9 12 4	...	...	...	...	...	...	...
" 9	1,274	...	...	...	450 0 0	67 10 0	...	...	...	...	...	...	...		} " {	E. Bailey				
" 9	1,275	138 0 0	20 14 0			C. J. Cottell				
" 9	1,276	...	...	...	150 0 0	22 10 0	...	...	...	...	...	...	...
" 11	943	4,434	55 8 6	...	...	...	...	...	...	...	...	...	...		} " {	E. Bailey				
" 13	1,813	2,619	32 14 9			E. Dickenson				
" 13	1,814	2,993	37 8 3	...	...	...	...	...	...	...	...	...	...
" 14	1,023	104 0 4	3 9 5		} " {	Geo. Rolfe				
														E. Dickenson						

RETURN OF CUSTOMS DUTIES SECURITIES, ETC.—continued.

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ate.	Number of Warrant	TEA.			SUGAR.		DRIED FRUITS.		GOLD.		OPIUM.		Names of Parties giving Bonds.	Names of Sureties.	Total Duties covered by Bonds.
		lbs.	£	s. d.	cwts. qrs. lbs.	£	s. d.	cwts. qrs. lbs.	£	s. d.	ozs. dwts. grs.	£				s. d.	lbs. ozs.	£	s. d.
865.															
Feb. 2	290	800	10	0 0	} Scott, J.	{ J. Scott A. Andrade	} £ s. d. 11 1 6
" 2	291	86	1	1 6	...	...	...	...	...	...	...	...
Jan. 20	2,626	860	10	15 0	} Service, Jas., & Co.	{ J. Ormond F. Seyler	}
" 20	2,628	600	7	10 0	...	...	...	...	...	...	...	...
" 20	2,629	470	5	17 6	}	{ J. Ormond W. M. Bell	
" 23	2,815	460	5	15 0	...	...	...	...	...	...	...	...
" 23	2,816	1,701	21	5 3	}	{ J. Ormond J. B. White	
" 24	3,123	460	5	15 0	...	...	...	...	...	...	...	...
" 24	3,124	465	5	16 3	}	{ J. Ormond F. Seyler	
" 24	3,125	470	5	17 6	...	...	...	...	...	...	...	...
" 24	3,127	860	10	15 0	}	{ J. Ormond F. Seyler	
" 25	3,148	470	5	17 6	...	...	...	...	...	...	...	...
" 26	3,365	1,880	23	10 0	}	{ J. Ormond J. B. White	
" 26	3,366	1,860	23	5 0	...	...	...	...	...	...	...	...
" 27	3,637	21 3 17	0 14 8	}	{ J. Ormond F. Seyler	
" 28	3,744	1,395	17	8 9	...	...	...	...	...	...	...	...
" 28	3,745	400	5	0 0	}	{ J. Ormond F. Seyler	
" 28	3,746	440	5	10 0	...	...	...	...	...	...	...	...
" 30	3,904	405	5	1 3	}	{ J. Ormond W. M. Bell	
" 30	3,905	1,398	17	9 6	...	...	...	...	...	...	...	...
" 30	3,906	21 2 4	0 14 5	}	{ J. Ormond F. Seyler	
" 30	3,907	430	5	7 6	...	...	...	...	...	...	...	...
" 31	4,026	1,380	17	5 0	}	{ J. Ormond W. M. Bell	
" 31	4,028	940	11	15 0	...	...	...	...	...	...	...	...
Feb. 1	76	465	5	16 3	}	{ J. Ormond F. Seyler	
" 2	297	3,290	41	2 6	...	...	...	...	...	...	...	...
" 3	475	2,275	28	8 9	}	{ J. Ormond R. Shannon	
" 7	925	1,720	21	10 0	...	...	...	...	...	...	...	...
" 8	1,156	24 0 8	0 16 1	}	{ J. Ormond F. Seyley	
" 8	1,157	800	10	0 0	...	...	...	...	...	...	...	...
" 0	1,315	1,880	23	10 0	}	{ J. Ormond W. M. Bell	
" 9	1,316	567	7	1 9	...	...	...	...	...	...	...	...
" 10	1,532	21 1 13	0 14 3	}	{ J. Ormond F. Seyley	
" 10	1,535	930	11	12 6	...	...	...	...	...	...	...	...
" 13	1,754	1,395	17	8 9	}	{ J. Ormond J. Caughey	
" 13	1,756	432	5	8 0	...	...	...	...	...	...	...	...
" 13	1,757	860	10	15 0	}	{ J. Ormond W. M. Bell	
" 14	2,843	516	6	9 0	...	...	...	...	...	...	...	...
" 15	2,152	6,573	82	3 3	}	{ J. Ormond J. Caughey	
" 15	2,153	800	10	0 0	...	...	...	...	...	...	...	...
" 16	2,277	609	7	12 3	}	{ J. Ormond R. Shannon	
" 16	2,345	935	11	13 9			
" 20	2,758	800	10	0 0	}	{ J. Ormond R. Shannon	
" 20	2,758	800	10	0 0			

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775 0 9

Feb.	21	2,924	552	6 18 0	J. Ormond
"	21	2,925	425	5 6 3	G. W. Brown
"	21	2,926	800	10 0 0	"
"	22	3,081	860	10 15 0	J. Ormond
"	22	3,082	860	10 15 0	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	W. Muir
"	22	3,083	920	11 10 0	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	"
"	24	3,349	850	10 12 6	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	J. Ormond
"	24	3,350	465	5 16 3	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	F. Seyler
"	24	3,351	910	11 7 6	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	"
"	24	3,352	...	...	...	...	43 2 10	1 9 1	...	...	...	...	...	...	...	...	...	...	...	...	...	"
"	27	3,544	800	10 0 0	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	J. Ormond
Mar.	1	117	516	6 9 0	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	H. Hall
"	1	118	368	4 12 0	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	J. Ormond
"	1	120	1,275	15 18 9	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	F. Seyley
"	1	121	1,032	12 18 0	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	J. Ormond
"	1	122	1,260	15 15 0	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	W. M. Bell
"	3	465	...	...	...	...	42 2 22	1 8 6	...	...	...	...	...	...	...	...	...	...	...	...	...	J. Ormond
"	6	756	840	10 10 0	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	H. Hall
"	7	987	930	11 12 6	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	J. Ormond
"	9	1,332	3,230	40 7 6	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	R. McCracken
"	9	1,333	1,290	16 2 6	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	J. Ormond
"	10	1,568	1,161	14 10 3	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	R. Caughey
Jan.	20	2,547	768	9 12 0	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	Gavin Shaw
"	20	2,549	738	9 4 6	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	W. Peterson
"	20	2,709	...	...	60 3 4	9 2 5	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	Gavin Shaw
"	26	3,325	...	...	60 0 0	9 0 0	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	N. McLean
"	27	3,484	364	4 11 0	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	George Shaw
"	27	3,485	308	3 17 0	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	Wm. Cramer
"	27	3,488	14	0 3 6	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	George Shaw
"	28	3,693	1,620	20 5 0	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	John Little
Feb.	1	2	1,512	18 18 0	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	Gavin Shaw
"	2	194	...	...	100 0 0	15 0 0	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	D. Maclenker
"	8	1,190	1,760	22 0 0	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	"
"	8	1,192	1,640	20 10 0	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	Gavin Shaw
Mar.	1	107	336	4 4 0	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	John Little
"	8	1,054	...	...	160 0 0	24 0 0	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	"
"	8	1,055	2,640	33 0 0	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	George Shaw
"	8	1,056	1,440	18 0 0	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	J. T. Mackenzie
"	8	1,057	1,804	22 11 0	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	"
Feb.	8	1,050	840	10 10 0	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	Shaw, A.
"					...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	W. Shaw
Jan.	27	1,553	17 0 0	2 11 0	B. F. Stubbs
"	24	3,366	708	8 17 0	John Shaw
"					E. Adet
"					John Shaw
"					Thomas Thorp

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243 18 5

10 10 0

11 8 0

RETURN OF CUSTOMS DUTIES SECURITIES, ETC.—*continued.*

Date.	Number of Warrant	TEA.			SUGAR.			DRIED FRUITS.			GOLD.			OPIUM.			Names of Parties giving Bonds.	Names of Sureties.	Total Duties covered by Bonds.										
		lbs.	£ s. d.	cwts. qrs. lbs.	£ s. d.	cwts. qrs. lbs.	£ s. d.	ozs. dwts. grs.	£ s. d.	lbs. ozs.	£ s. d.																		
1865.																													
Jan. 23	2,906	920	11 10 0	Shields & Co.	A. Shields W. A. Horley	11 10 0												
Feb. 6	357	...	...	...	...	3 1 12	0 3 7	...	...	...	...	...	...	Shung Hop	Geo. Touzel Sung Hop	0 3 7			
Jan. 24	799	...	...	...	...	...	...	1 0 0	0 0 6	...	...	...	...	Smith, W.	W. Smith G. G. Allan	0 0 6			
Feb. 4	571	...	...	20 0 0	3 0 0	...	...	...	...	...	...	...	...	Smith, H. S.	H. S. Smith John McCleavy	3 0 0			
Jan. 20	2,680	...	...	61 2 3	9 4 7	...	...	...	...	...	...	...	...	} Smith, R., & Co.	} Robert Smith Edward Bailey				
" 20	2,681	830	10 7 6				} Robert Smith David Webster												
" 20	2,682	450	5 12 6						} Robert Smith Charles Watson	} 170 9 6									
" 20	2,683	44 3 6	6 14 5								} Robert Smith Joseph Webster								
" 20	2,684	450	5 12 6										} Robert Smith T. E. Bearer						
" 20	2,685	1,085	13 11 3												} Robert Smith W. H. Johnston				
" 26	3,341	1,275	15 18 9														} Robert Smith F. Edwards		
" 30	3,863	1,610	20 2 6																} Robert Smith Charles Watson
Feb. 4	604	...	...	...	...	9 1 24	0 13 0	...	...	...	...	...	...	} Robert Smith Robert Payne					
" 9	1,221	61 3 5	9 5 6			} Solomon, J., & Co.	} Isaac Solomon James Harley	} 3 1 6											
" 10	1,417	33 1 25	5 0 5						} Spence Bros.	} David Spence George Bell									
" 15	2,089	27 3 18	4 3 9								} " David Spence George W. Lilley								
" 21	2,770	1,800	22 10 0										} " David Spence Charles Griffiths						
" 23	3,193	1,800	22 10 0												} " David Spence John Andrew				
Mar. 1	94	23 1 20	3 10 4														} " David Spence G. W. Lilley		
" 3	515	420	5 5 0																} " " " " " "
" 9	1,241	830	10 7 6	...	...	...	...	...	...	...	...	...	...	} " " " " " "					
Feb. 3	522	246	3 1 6			} " " " " " "													
Jan. 20	2,634	840	10 10 0					} " " " " " "											
" 24	3,019	588	7 7 0							} " " " " " "									
" 25	3,225	1,020	12 15 0									} " " " " " "							
" 28	3,734	21 3 16	0 14 8											} " " " " " "					
" 28	3,735	1,073	13 8 3													} " " " " " "			
Feb. 2	227	1,260	15 15 0															} " " " " " "	
" 7	885	21 3 1	0 14 7	} " " " " " "															
" 7	886	150	1 17 6			} " " " " " "													
" 8	1,065	21 3 13	0 14 7					} " " " " " "											
" 8	1,066	410	5 2 6							} " " " " " "									

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Feb. 13	1,823	8 2 7	0 5 9	Spence Bros.	David Spence John Andrew	148 18 3
" 16	2,323	9 2 26	0 6 6	"	David Spence William Ray	
" 16	2,327	840	10 10 0	...	...	...	...	...	...	...	...	"	David Spence Charles Griffiths
" 17	2,543	...	...	...	...	13 1 13	0 8 11	...	...	...	...	"	David Spence John Andrews
" 24	3,260	...	...	30 0 0	4 10 0	...	...	...	...	...	...	"	David Spence John Andrews
" 24	3,262	...	...	5 3 26	0 18 0	...	...	...	...	...	...	"	David Spence John Andrews
" 24	3,340	840	10 10 0	...	...	...	...	...	...	...	...	"	David Spence John Andrews
" 25	3,409	...	...	30 0 0	4 10 0	...	...	...	...	...	...	"	David Spence John Andrews
Mar. 2	238	280	3 10 0	...	...	...	...	...	...	...	...	"	David Spence John Andrews
" 2	332	820	10 5 0	...	...	...	...	...	...	...	...	"	David Spence John Andrews
" 3	479	1,900	23 15 0	...	...	...	...	...	...	...	...	"	David Spence John Andrews
" 4	560	840	10 10 0	...	...	...	...	...	...	...	...	"	David Spence John Andrews
Jan. 27	3,567	39 1 27	5 18 6	St. Paul Bros.	George St. Paul George Bell	26 15 0
" 27	3,568	...	...	40 0 4	6 0 2	...	...	...	...	...	...	"	William St. Paul F. Albert Moody
Feb. 10	1,531	...	...	95 0 0	14 5 0	...	...	...	...	...	...	"	William St. Paul F. Albert Moody
" 13	1,817	...	...	3 3 3	0 11 4	...	...	...	...	...	...	"	William St. Paul F. Albert Moody
Jan. 25	851	1,153 2 0	28 16 7	Stevenson, L., & Sons	G. Stevenson D. Copeland	28 16 7
Feb. 10	1,419	1 1 0	0 3 9	Stewart, T.	Thomas Stewart James Reid	1 5 0
Mar. 2	233	85	1 1 3	...	...	...	...	...	...	...	...	"	Thomas Stewart Robt. McFarland
Feb. 9	646	0 0 20	0 0 2	Sugelmann & Riedel	...	0 0 2
" 8	1,181	760	9 10 0	Sum Kum Lee	Sum Kum Lee M. L. King	222 2 11
" 20	2,649	...	...	...	...	...	...	...	...	96 0	48 0 0	"	Sum Kum Lee W. B. Jones
" 20	2,971	...	...	...	...	...	...	...	...	48 0	24 0 0	"	Sum Kum Lee W. B. Jones
" 20	2,972	...	...	...	...	...	...	...	...	48 0	24 0 0	"	Sum Kum Lee W. B. Jones
" 20	2,973	...	...	...	...	...	...	...	...	48 0	24 0 0	"	Sum Kum Lee W. B. Jones
" 27	3,482	...	...	...	...	...	...	...	...	96 0	48 0 0	"	Sum Kum Lee W. B. Jones
" 6	659	...	...	37 0 20	5 11 6	...	...	...	...	...	...	"	Sum Kum Lee W. B. Jones
Mar. 1	189	...	...	...	...	...	...	...	...	48 0	24 0 0	"	Sum Kum Lee W. B. Jones
" 1	190	760	9 10 0	...	...	...	...	...	...	...	...	"	Sum Kum Lee W. B. Jones
" 3	429	...	...	37 0 16	5 11 5	...	...	...	...	...	...	"	Sum Kum Lee W. B. Jones
Feb. 2	117	15 1 24	0 10 4	Tie Leock & Co.	Tie Leock & Co. Joshua Fraser	48 10 4
Mar. 6	640	...	...	...	...	...	...	...	...	48 0	24 0 0	"	Tie Leock & Co. Joshua Fraser
" 6	827	...	...	...	...	...	...	...	...	48 0	24 0 0	"	Tie Leock & Co. Joshua Fraser
Jan. 23	2,896	245	3 1 3	Toohey, T., & Co.	Thomas Toohey Dennis Healey	48 10 4
" 24	3,070	...	...	30 0 0	4 10 0	...	...	...	...	...	...	"	Thomas Toohey Dennis Healey
" 25	3,267	...	...	35 0 17	5 5 7	...	...	...	...	...	...	"	Thomas Toohey Dennis Healey
" 26	3,394	880	11 0 0	...	...	...	...	...	...	...	...	"	Thomas Toohey Dennis Healey
" 26	3,395	602	7 10 6	...	...	...	...	...	...	...	...	"	Thomas Toohey Dennis Healey
" 27	3,572	...	...	34 2 14	5 3 11	...	...	...	...	...	...	"	Thomas Toohey Dennis Healey
" 30	2,865	...	...	23 1 26	3 10 5	...	...	...	...	...	...	"	Thomas Toohey Dennis Healey

RETURN OF CUSTOMS DUTIES SECURITIES, ETC.—continued.

Date.	Number of Warrant	TEA.		SUGAR.		DRIED FRUITS.		GOLD.		OPPIUM.		Names of Parties giving Bonds.	Names of Sureties.	Total Duties covered by Bonds.	
		lbs.	£ s. d.	cwts. qrs. lbs.	£ s. d.	cwts. qrs. lbs.	£ s. d.	ozs. dwts. grs.	£ s. d.	lbs. ozs.	£ s. d.			£ s. d.	
1865.															
Feb. 3	452	294	3 13 6	Toohy, T., & Co.	Thomas Toohy George Phillips	147 19 1	
" 3	453	...	...	...	...	18 3 0	0 12 6	...	...	...	...
" 3	454	924	11 11 0	...	...	...	...	...	...	...	...
" 3	455	420	5 5 0	...	...	...	...	...	...	...	...
" 4	619	1,720	21 10 0	...	...	...	...	...	...	...	...
" 6	766	...	...	6 0 6	0 18 2	...	...	...	...	...	...
" 11	1,595	435	5 8 9	...	...	...	...	...	...	...	...
" 14	1,922	924	11 11 0	...	...	...	...	...	...	...	...
" 15	2,157	840	10 10 0	...	...	...	...	...	...	...	...
" 18	2,590	870	10 17 6	...	...	...	...	...	...	...	...
Mar. 7	836	420	5 5 0	"	Thomas Toohy Patrick Ward	"	
" 10	1,460	1,660	20 15 0	...	...	...	...	...	...	...	...
Feb. 11	796	3 1 26	0 2 4	Tung Hop	Sum Tung Hop Ah Mouy	7 12 4	
" 11	1,590	600	7 10 0	...	...	...	...	...	...	...	...
Jan. 20	2,720	16 0 11	0 10 9	Townes, R., & Co.	D. S. Warren Robert Geo. Haig	148 17 7	
" 20	2,721	...	...	...	...	16 1 9	0 10 11	...	...	...	...
" 23	2,895	4,250	53 2 6	...	...	...	...	...	...	...	...
" 30	3,834	300	3 15 0	...	...	...	...	...	...	...	...
" 30	3,835	850	10 12 6	...	...	...	...	...	...	...	...
" 30	3,839	...	...	...	...	2 0 27	0 1 6	...	...	...	...
Feb. 2	330	85	1 1 3	...	...	...	...	...	...	...	...
" 8	1,125	425	5 6 3	...	...	...	...	...	...	...	...
" 11	1,626	...	...	...	...	15 0 0	0 10 0	...	...	...	...
" 21	2,764	...	...	...	...	1 0 0	0 0 8	...	...	...	...
" 21	2,921	1,700	21 5 0	...	...	...	...	...	...	...	...
" 24	3,356	1,275	15 18 9	...	...	...	...	...	...	...	...
" 27	3,516	850	10 12 6	...	...	...	...	...	...	...	...
Mar. 1	129	2,040	25 10 0	"	W. W. Couche R. G. Haig	"	
Jan. 26	3,349	...	...	40 0 0	6 0 0	...	...	...	...	...	...
" 30	3,924	100 0 0	15 0 0	Turnbull, R. & P.,	P. Turnbull B. Hawthorne P. Turnbull	"	
Feb. 1	5	40 0 0	6 0 0				
" 6	802	40 0 0	6 0 0	"	P. Turnbull B. Hawthorne G. Handyside pro P. Turnbull D. Moore	"	

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Jan. 31	29 1 1	4 7 10	Watson, D. B. {	D. B. Watson W. G. Neill	}	28 4 4																														
Feb. 1	175	280	3 10 0	}	"	W. G. Neill A. Nelis																																
" 1	176	616	7 14 0						}	"	"																											
" 1	177	322	4 0 6									"	"																									
" 1	178	688	8 12 0	...	...	...	...	...	...	...	...	...	...	...	...	...	...																	
Jan. 23	758	...	...	...	...	...	...	10 5 0	0 5 2	...	...	...	...	Watson, W., & Sons	A. Watson E. Smythers	}	0 5 2																					
" 20	2,535	630	0 17 6	...	...	...	...	...	...	...	...	...	...	}	Warnock, Bros.			Jas. Warnock J. Davenport																				
" 20	2,336	690	8 12 6																													
" 20	2,554	486	6 1 6	...	...	...	...	...	...	...	...	...	...	}	Walters, Boulton & Co.	J. R. Boulton Arthur Young J. R. Boulton W. Prell	}	96 17																				
" 20	2,555	1,512	18 18 0						}	"	J. R. Boulton R. B. Wilson																											
" 27	3,519	810	10 2 6																								
Feb. 2	216	370	4 12 6	...	...	...	...	...	...	...	...	...	...	}	"	J. R. Boulton J. H. Dodgson	}	96 17																				
" 2	217	420	5 5 0						}	"	"																											
" 2	218	810	10 2 6									}	"	"																								
" 16	2,290	810	10 2 6																					
" 16	2,291	860	10 15 0	...	...	...	...	...	...	...	...	...	...	}	"	"	}	96 17																				
Mar. 11	1,576	860	10 15 0						}	"	"																											
" 11	1,577	810	10 2 6	...	...	...	...	...	...	...	...	...	...	...	...	...	...																	
Jan. 23	2,930	714	8 18 6	...	...	...	...	...	...	...	...	...	...	}	Webster, Bros.	David Webster John Webster	}	142 8 6																				
" 23	2,931	774	9 13 6						}	"	"																											
" 23	2,932	1,426	17 16 6									}	"	"																								
" 23	2,938	308	3 17 0																					
" 25	3,254	...	...	60 0 0	9 0 0	...	...	...	...	...	...	...	...	}	"	"	}	142 8 6																				
" 27	3,559	1,020	12 15 0																										
Feb. 3	510	...	...	16 0 0	2 8 0	...	...	...	...	...	...	...	...	}	"	"	}	142 8 6																				
" 9	1,246	40 0 0	6 0 0																										
" 16	2,271	...	...	...	...	...	...	...	...	...	...	...	...	}	"	"	}	142 8 6																		
" 18	2,579	60 0 0	9 0 0	9 2 26	0 6 6						}	"	"																											
" 23	3,199	2,342	29 5 6																							
Mar. 6	716	12	0 3 0	...	...	...	...	...	...	...	...	...	...	}	"	Hurtley, Hall J. H. French	}	142 8 6																				
" 6	717	1,860	23 5 0						}	"	"																											
" 6	718	800	10 0 0																							
Jan. 20	2,592	455	5 13 9	...	...	...	...	...	...	...	...	...	...	}	Webster, Jos. & Co.	Jos. Webster W. Hogarth	}	142 8 6																				
" 20	2,593	860	10 15 0						}	"	"																											
" 20	2,594	1,740	21 15 0									}	"	"																								
" 20	2,595	840	10 10 0												}	"	"																					
" 20	2,596	430	5 7 6															}	"	"																		
" 20	2,597	704	8 16 0																		}	"	"															
" 20	2,598	940	11 15 0																					}	"	"												
" 20	2,599	880	11 0 0																								}	"	"									
" 20	2,600	819	10 4 9																											}	"	"						
" 20	2,603	60 0 0	9 0 0																														}	"	"			
" 20	2,604	130 0 0	19 10 0																																	}	"	"
" 20	2,605	60 0 0	9 0 0																																			
" 20	2,606	...	...	80 0 0	12 0 0	...	...	...	...	...	...	...	...	...	...	...	...																			

RETURN OF CUSTOMS DUTIES SECURITIES, ETC.—continued.

Date.	Number of Warrant	TEA.			SUGAR.			DRIED FRUITS.		GOLD.		OPIUM.		Names of Parties giving Bonds.	Names of Sureties.	Total Duties covered by Bonds.		
		lbs.	£	s. d.	cwts. qrs. lbs.	£	s. d.	cwts. qrs. lbs.	£	s. d.	ozs. dwts. grs.	£	s. d.			lbs. ozs.	£	s. d.
1865.																		
Jan. 23	2,848	1,820	22	15	0	Webster, Jos., & Co.	Hurtley Hall W. Hogarth			
" 23	2,849	247	3	1	9	...	...	...	...	...	...	...	...
" 23	2,850	738	9	4	6	...	...	...	...	...	...	...	...
" 23	2,851	1,698	21	4	6	...	...	...	...	...	...	...	...
" 23	2,852	468	5	17	0	...	...	...	...	...	...	...	...
" 23	2,853	740	9	5	0	...	...	...	...	...	...	...	...
" 23	2,854	943	11	15	9	...	...	...	...	...	...	...	...
" 23	2,855	260	3	5	0	...	...	...	...	...	...	...	...
" 24	3,080	...	...	...	...	39	3	0	5	19	3	...	...			
" 24	3,081	...	...	...	...	180	0	0	27	0	0	...	...			
" 25	3,203	870	10	17	6	...	...	...	...	...	...	...	...
" 26	3,300	...	...	...	...	42	3	8	6	8	6	...	...			
" 26	3,301	...	...	...	...	27	1	4	4	1	10	...	...			
" 27	3,628	820	...	...	...	...	...	...	...	...	...	...	...
" 27	3,629	860	...	...	...	...	...	...	...	...	...	...	...
" 27	3,630	4,653	...	...	...	...	...	...	...	...	...	...	...
" 28	3,669	540	...	...	...	...	...	...	...	...	...	...	...
" 28	3,670	1,536	...	...	...	...	...	...	...	...	...	...	...
" 28	3,671	1,320	...	...	...	...	...	...	...	...	...	...	...
" 30	3,756	696	...	...	...	...	...	...	...	...	...	...	...
" 30	3,831	3,580	...	...	...	...	...	...	...	...	...	...	...
" 31	3,940	765	...	...	...	...	...	...	...	...	...	...	...
" 31	3,941	481	...	...	...	...	...	...	...	...	...	...	...
" 31	4,040	...	...	...	...	4	3	26	0	15	0	...	...			
" 31	4,077	...	...	...	...	7	2	12	1	2	10	...	...			
Feb. 2	234	420	...	...	...	...	...	...	...	...	...	...	...
" 2	235	129	...	...	...	...	...	...	...	...	...	...	...
" 3	517	470	...	...	...	...	...	...	...	...	...	...	...
" 3	518	740	...	...	...	...	...	...	...	...	...	...	...
" 6	780	820	...	...	...	...	...	...	...	...	...	...	...
" 6	781	410	...	...	...	...	...	...	...	...	...	...	...
" 6	782	560	...	...	...	...	...	...	...	...	...	...	...
" 6	783	930	...	...	...	...	...	...	...	...	...	...	...
" 7	926	15	...	...	...	...	...	...	...	...	...	...	...
" 8	1,053	1,700	...	...	...	...	...	...	...	...	...	...	...
" 8	1,054	1,222	...	...	...	...	...	...	...	...	...	...	...
" 13	1,740	...	...	...	...	60	0	0	9	0	0	...	...			
" 13	1,741	860	10	15	0	...	...	...	...	...	...	...	...
" 13	1,742	750	9	7	6					
" 14	1,962	1,000	12	10	0					
" 14	1,963	560	7	0	0					
" 16	2,318	1,820	22	15	0					
" 16	2,348	3	2	1	0	10	7					

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RETURN OF CUSTOMS DUTIES SECURITIES, ETC.—continued.

Date.	Number of Warrant	TEA.			SUGAR.			DRIED FRUITS.			GOLD.			OPIUM.			Names of Parties giving Bonds.	Names of Sureties.	Total Duties covered by Bonds.	
		lbs.	£	s. d.	cwts. qrs. lbs.	£	s. d.	cwts. qrs. lbs.	£	s. d.	ozs. dwts. grs.	£	s. d.	lbs. ozs.	£	s. d.			£	s. d.
1865.																				
Feb.	17	2,455	...	...	147	2	3	22	2	7	...	...	...	...	...	...
"	17	2,456	...	...	36	1	13	5	9	1	...	...	...	...	...	...
"	20	2,665	1,350	16	17	6	...	...	...	...	...	...	...	...	...	...
"	22	3,041	1,025	12	16	3	...	...	...	...	...	...	...	...	...	...
"	23	3,107	2,690	33	12	6	...	...	...	...	...	...	...	...	...	...
"	27	3,580	400	5	0	0	...	...	...	...	...	...	...	...	...	...
"	27	3,588	735	9	3	9	...	...	...	...	...	...	...	...	...	...
Mar.	3	423	...	...	...	...	...	...	...	...	18	0	24	0	12	2	...		
"	3	425	495	6	3	9	...	...	...	...	...	...	...	...	...	...
"	3	436	...	...	2	1	8	0	7	0	...	...	...	...	...	...
"	6	695	4,067	50	16	9	...	...	...	...	...	...	...	...	...	...
Jan.	24	2,997	...	...	69	2	6	10	18	8	...	...	...	...	...	...
"	24	2,998	...	...	60	0	0	9	0	0	...	...	...	...	...	...
"	24	2,999	870	10	17	6	...	...	...	...	...	...	...	...	...	...	Wilson, Crosbie, & Co.	William Crosbie George Bell	
"	24	3,121	...	...	68	0	8	10	14	3	...	...	...	...	...	...
"	24	3,122	...	...	65	3	3	9	17	4	...	...	...	...	...	...
"	25	3,178	...	...	71	1	22	10	14	4	...	...	...	...	...	...
"	25	3,255	...	...	...	...	...	8	3	22	0	6	0	...	...	...	"	William Crosbie M. A. Alexander	48
"	28	3,703	258	3	4	6	...	...	...	...	...	...	...	...	...	...
"	28	3,706	262½	3	5	8	...	...	...	...	...	...	...	...	...	...
"	28	3,707	528	6	12	0	...	...	...	...	...	...	...	...	...	...
"	30	3,899	...	...	3	2	16	0	11	0	...	...	...	...	...	...
"	30	3,900	...	...	5	2	4	0	16	8	...	...	...	...	...	...
"	31	4,021	...	...	2	2	5	0	7	8	...	...	...	...	...	...
Feb.	2	263	387	4	16	9	...	...	...	...	...	...	...	...	...	...
"	2	264	...	...	60	0	0	9	0	0	...	...	...	...	...	...
"	2	265	1,740	21	15	0	...	...	...	...	...	...	...	...	...	...
"	2	364	410	5	2	6	...	...	...	...	...	...	...	...	...	...
"	3	546	...	...	120	0	0	18	0	0	...	...	...	...	...	...
"	3	547	465	5	16	3	...	...	...	...	...	...	...	...	...	...
"	3	952	880	11	0	0	...	...	...	...	...	...	...	...	...	...	"	William Crosbie Robt. Ramsay	
"	7	1,090	...	...	13	0	15	1	19	6	...	...	...	...	...	...
"	8	1,209	880	11	0	0	...	...	...	...	...	...	...	...	...	...
"	9	1,486	...	...	...	...	...	1	0	5	0	0	9	...	...	...	
"	10	1,487	440	5	10	0	...	...	...	...	...	...	...	...	...	...
"	10	1,488	280	3	10	0	...	...	...	...	...	...	...	...	...	...
"	10	1,491	880	11	0	0	...	...	...	...	...	...	...	...	...	...
"	14	1,833	2,100	26	5	0	...	...	...	...	...	...	...	...	...	...
"	16	2,255	1,056	13	4	0	...	...	...	...	...	...	...	...	...	...
Feb.	20	2,711	880	11	0	0	...	...	...	...	...	...	...	...	...	...
"	20	2,712	280	3	10	0	...	...	...	...	...	...	...	...	...	...
"	22	3,055	1,680	21	0	0	...	...	...	...	...	...	...	...	...	...			455 17 3

RETURN OF CUSTOMS DUTIES SECURITIES, ETC.—continued.

Date.	Number of Warrant	TEA.			SUGAR.		DRIED FRUITS.		GOLD.		OPIUM.		Names of Parties giving Bonds.	Names of Sureties.	Total Duties covered by Bonds.	
		lbs.	£ s. d.		cwts. qrs. lbs.	£ s. d.	cwts. qrs. lbs.	£ s. d.	ozs. dwts. grs.	£ s. d.	lbs. ozs.	£ s. d.			£ s. d.	
1865.																
Mar. 4	570	...	...	...	...	...	...	...	...	...	48 0	24 0 0	{ Marshall, J.J., & Co. }	{ G. F. Agnew W. Hogarth }	} 48 0 0	}
" 6	804	...	...	...	...	...	...	...	...	...	48 0	24 0 0	"	{ G. F. Agnew R. Walker }		
Jan. 25	3,151	825	10 6 3	...	...	...	...	...	...	...	...	...	{ Myring & Halford }	{ Joseph Myring E. Bailey }	} 44 2 4	}
" 26	3,336	...	...	87 3 12	13 3 7	...	...	...	...	...	...	...	"	{ Joseph Myring Simeon Cohen }		
Feb. 7	823	1,650	20 12 6	...	...	...	...	...	...	...	...	...	"	{ Simeon Cohen }	} 35 15 0	}
Mar. 8	1,039	1,100	13 15 0	...	...	...	...	...	...	...	...	...	{ Walker, Robt }	{ R. Walker Geo. Hurry }		
" 9	1,259	1,760	22 0 0	...	...	...	...	...	...	...	...	...	"	{ Geo. Hurry }		
Feb. 14	1,853	...	...	...	...	6 1 24	0 4 4	...	...	...	...	...	Barnett, L.	{ Thos. Smith L. Barnett }	} 0 4 4	}
TOTAL ...	...	1,071,239½	13,390 10 10	99,316 3 7	14,897 12 10	4,111 1 3	137 12 6	185,023 11 10	4,625 10 10	4,039 5	2,019 13 2	...	...	£35,071 0 2		

Custom House,
Melbourne, 18th July, 1865.

J. CHATFIELD TYLER,
Collector of Customs.

1864-5.
VICTORIA.

GUNPOWDER AND SALTPETRE IMPORTED.

LAI D ON THE COUNCIL TABLE BY THE HONORABLE M. HERVEY, 19TH JULY, 1865, AND
ORDERED BY THE COUNCIL TO BE PRINTED, 5TH SEPTEMBER, 1865.

A RETURN of the Quantity of GUNPOWDER imported in 1862, 1863, and 1864; the
declared Value of the same; the Country imported from; also, a Return of SALTPETRE
for the same years, and the declared Value of the same.

RETURN, showing the Quantity and Value of Gunpowder and Saltpetre imported into the
Colony during the Years 1862, 1863, and 1864.

Articles.	Countries whence imported.	1862.		1863.		1864.		Total Quantity.	Total Value.
		lbs.	£	lbs.	£	lbs.	£		
Gunpowder	United Kingdom...	525,135	21,280	529,171	17,251	526,431	22,940	1,580,737	61,471
	New South Wales	2,016	25	...	...	30,400	1,630	32,416	1,655
	Tasmania ...	...	...	95	20	5,244	660	5,339	680
	South Australia...	...	...	...	...	37,710	1,890	37,710	1,890
Saltpetre ...	United Kingdom...	7 15	390	20 15	1,168	36 16	2,029	65 6	3,587
	Tasmania ...	2	5	2	10	...	...	4	15
	New South Wales	...	...	12	40	...	...	12	40
	Calcutta ...	...	...	3 10	120	3 0	110	6 10	230

Department of Trade and Customs,
Melbourne, 19th July, 1865.

HENRY J. LEPLASTRIERE,
For the Inspector General of Customs.

1864-5.

VICTORIA.

WRECKS AND CASUALTIES.

RETURN TO AN ORDER OF THE LEGISLATIVE COUNCIL.
THE HONORABLE G. W. COLE.—15TH AUGUST, 1865.

LAI'D UPON THE COUNCIL TABLE BY THE HONORABLE G. W. COLE, 15TH AUGUST, 1865,
AND ORDERED BY THE COUNCIL TO BE PRINTED 5TH SEPTEMBER, 1865.

REGISTER of WRECKS and serious CASUALTIES to SHIPPING, on and near the Coast of
Victoria, from January 1860 to December 1864.

(In continuation of a Return laid upon the Council Table by the Honorable T. H. Fellows on the 29th March, 1860.)

By Authority:

JOHN FERRES, GOVERNMENT PRINTER, MELBOURNE.

REGISTER

OF

WRECKS AND CASUALTIES TO SHIPPING

FROM

JANUARY 1860 TO DECEMBER 1864.

REGISTER OF WRECKS

REGISTER of WRECKS and serious CASUALTIES to SHIPPING, on and

Date.	Name of Vessel. — Where belonging.	Rig.	Tons.	Men.	From. — Bound to.	Cargo.	Wind.		Weather.	Hour and Time of Tide.
							Direction.	Force.		
1860. April 23	<i>Saracen,</i> Geelong	Schooner	100	6	Newcastle to Geelong	Coals	S.E.	Gale	Thick	12 a.m. half-tide
Aug. 25	<i>Janet Dickson,</i> Melbourne	Schooner	...	7	Melbourne to Gabo Island	Ballast	S.E.	Gale	Thick	3 p.m. half-tide
Sept. 21	<i>Great Britain</i> and <i>Oscar</i>	Steamer Steamer	...	...	Liverpool to Melbourne	General	...	...	...	...
1861. May 4	<i>Ariel,</i> Melbourne	Schooner	120	8	Melbourne to New Zealand	General	...	...	Fine	...
May 4	<i>Rembrandt,</i> Bremen	Ship	600	14	Newcastle to Melbourne	Coals	West	10	Heavy Gale	...
May 8	<i>Keera and</i> <i>Golden Spring</i>	Steamer Brig	...	...	Melbourne to Port Albert	General General	S. S.	Fair Fair	... ...	10 p.m. 10 p.m.
1862. June	<i>Comet</i>	Steamer	...	8	Melbourne to New Zealand	Ballast	...	...	...	...
Aug. 24	<i>Tubal Cain</i>	Ship	564	15	Melbourne to Wallaroo	Coal	...	...	...	6 p.m.
Aug. 24	<i>Constance</i>	Steamer	...	...	Liverpool to Melbourne	General	...	...	...	...
October	<i>Citizen</i>	Steamer	...	17	Melbourne to New Zealand	Ballast	...	...	...	...
Nov. 28	<i>Alhambra,</i> Melbourne	Steamer	900	...	London to Mel- bourne	General	S.	Fair	...	...
1863. Feb. —	<i>Anne,</i> Melbourne	Schooner	102	8	Apollo Bay	Timber	S.E.	8	Gale	...
June 7	<i>Jane</i>	Schooner	160	9	Adelaide to Otago	General	W.N.W.	4	Cloudy	Mid- night
July	<i>Grecian Queen,</i> Geelong	Brig	119	9	Newcastle to Geelong	Coals	...	...	...	...

AND SERIOUS CASUALTIES.

near the COAST of VICTORIA, from JANUARY 1860 to DECEMBER 1864.

Master or Mates passed Examination.	Vessel's Age and how classed at Lloyd's.	Vessel.		Cargo.		Number of Lives lost.	Site of Casualty.	Remarks.	Authority.
		Estimated Loss on.	Insured for and where.	Estimated Loss on.	Insured for and where.				
...	All	Five miles east of Port Albert	The <i>Saracen</i> was seen to capsize in a squall and go down	Records in Harbor Office.
...	Melbourne	...	...	Nil	Sealer's Cove	Parted from her anchors and went ashore; was afterwards got afloat	Ditto.
...	Nil	Off Cape Otway	These steamers came into collision; both vessels damaged. Inquiry before Steam Navigation Board. <i>Oscar</i> found to be in the wrong	Ditto.
...	10 years	1000	800	...	...	Nil	Twentymiles off Cape Schanck	The <i>Ariel</i> was totally destroyed by fire at sea	Ditto.
...	11	Off Gabo Island	Sprung a leak and foundered; crew landed at Gabo Island, and were supplied with clothes and provisions by keeper of lighthouse	Ditto.
...	Nil	Bass's Straits	These vessels came into collision; both damaged. Inquiry held before Steam Navigation Board. <i>Keera</i> in the wrong	Ditto.
...	Nil	...	...	...
...	8	Unknown	The <i>Comet</i> was last seen on the 28th of June in lat. 41° 10' S., long. 152° 4' E. She is supposed to have foundered at sea	Ditto.
...	14	Off Cape Otway	This vessel got into collision with ship <i>Constance</i> and sank in a few minutes	Ditto.
...	Off Cape Otway	Collision with <i>Tubal-Cain</i> . Came into port seriously damaged	Ditto.
...	All	Unknown	The <i>Citizen</i> has not been heard of since she left the port	Ditto.
Yes	Five miles outside of Heads	The steamer <i>Alhambra</i> and pilot schooner <i>Rip</i> . Both vessels received damage	Ditto.
No	...	600	...	...	...	Nil	Between Loutit Bay and Barwon Bight	Drove ashore under canvas and became a total wreck	Ditto.
No	...	2000	2000	3500	3500	Nil	Cape Bridgewater	Drove ashore under canvas and became a total wreck. Crew saved by means of a hawser secured between the ship and the shore. W. C. Heditch, aged 23, belonging to the neighborhood, lost his life in bravely trying to save the crew	Ditto.
No	...	1200	...	...	...	9	Unkonwn	The <i>Grecian Queen</i> left Newcastle for Geelong on the 26th July, 1863, and has not since been heard of	Ditto.

REGISTER of WRECKS and serious CASUALTIES to SHIPPING, on and

Date.	Name of Vessel. — Where belonging.	Rig.	Tons.	Men.	From. — Bound to.	Cargo.	Wind.		Weather.	Hour and Time of Tide.
							Direction.	Force.		
1863.										
July 7	<i>Emily</i> , Launceston	Schooner	46	5	Sydney to Mel- bourne	Maize	S.E.	Gale	Very thick	12:30 a.m. Low water
July 6	<i>Colchester</i> , Melbourne	Brig	180	10	Melbourne to Corner Inlet	Ballast	S.E.	Gale	Very thick	10:30 p.m.
Aug. 2	<i>Julia</i>	Brig	138	9	Adelaide to Hobarton	Ballast	S.S.W.	6	Cloudy Squally	Midnight
Sept. 10	<i>Maori</i>	Barque	...	...	Newcastle to Melbourne	Coals	...	...	...	...
Oct. 12	<i>Earl of Windsor</i> , New Zealand	Ship	670	22	New Zealand to Welchpool	Ballast	Easterly	Gale	Thick	8 p.m. half tide
Dec. 15	<i>Amazon</i>	Barque	...	...	Melbourne to Mauritius	Ballast	S.	Gale	...	10 a.m.
Dec. —	<i>Iqueque</i> , France	Barque	400	...	Bordeaux to Melbourne	General	S.E.	Gale	Bad	...
Dec. 18	<i>Hugh Roberts</i>	Schooner	70	4	Warrnambool to Sydney	Produce	S.W.	Gale	...	3 a.m.
1864.										
Aug. 8	<i>Apollo</i>	Schooner	25	3	Sale to Mel- bourne	Ballast	Northerly	Light	Fine	3 p.m.
Aug. 8	<i>Jane</i> , Melbourne	Schooner	27	4	Melbourne to Sale	General	Southerly	Light	Fine	...
Oct. 6	<i>Circassian</i>	Schooner	120	...	Melbourne to Sydney	...	...	...	...	...
Nov. —	<i>Result</i>	Brig	...	8	Newcastle to Melbourne	Coals	...	...	...	...
										PORT
1860.										
Feb. 28	<i>Phœnix</i> , Boston	Ship	900	30	Liverpool ...	Wool, tallow, hides, and rags	S.	6	...	1:15 a.m.
April 23	<i>Elizabeth</i> , Melbourne	Schooner	90	7	Adelaide to Melbourne	Flour	S.W.	4	Showery	10 p.m.

near the COAST of VICTORIA, from JANUARY 1860 to DECEMBER 1864.

Master or Mates passed Examination.	Vessel's Age and how classed at Lloyd's.	Vessel.		Cargo.		Number of Lives lost.	Site of Casualty.	Remarks.	Authority.
		Estimated Loss on.	Insured for and where.	Estimated Loss on.	Insured for and where.				
...	Melbourne	Nil	15 miles east of Port Albert	Drove ashore under canvas and became a total wreck	Records in Harbor Office.
...	Melbourne	...	...	Nil	18 miles east of Port Albert	The <i>Colchester</i> parted from her anchors under Rabbit Island, and drove to sea on the 4th; two days after drifted on shore under canvas and became a total wreck	Ditto.
...	23 years	1500	1500 Hobarton	...	...	Nil	10 miles east of Portland	The <i>Julia</i> shifted her ballast at sea, anchored on the coast in a gale of wind, drove from her anchors, and become a total wreck. The crew rescued by life boat. A boat's crew of six persons belonging to the neighborhood were drowned the same night near the wreck	Ditto.
...	Nil	Eastern entrance to Western Port	This vessel sprang a leak in Bass's Straits, ran for shelter, sank at her anchors and became a total wreck	Ditto.
...	England	...	...	Nil	Entrance to Corner Inlet	Mistook the fairway; struck on the sands. Crew saved with difficulty by ship's own boats	Ditto.
...	Nil	Near Anderson's Inlet	The <i>Amazon</i> drove on shore under canvas and became a total wreck	Ditto.
...	5 miles N.W. of Cape Schanck	This vessel got embayed in a gale; drove ashore and became a total wreck. Greater part of cargo saved	Ditto.
...	4	Ram Head	Ran on shore under canvas and became a total wreck	Ditto.
...	Nil	Entrance to Gipps Land Lakes	Grounded at the entrance of the Lakes and became a total wreck	Ditto.
...	Nil	Entrance to Gipps Land Lakes	This vessel, when in tow of a tug, took the ground at the entrance, where she lay three days; was got afloat leaky, and sank in Reeves's River	Ditto.
...	Nil	Ram Head	Drove on shore under canvas; became a total wreck	Ditto.
...	All	Unknown	Left Newcastle for Melbourne on the 23rd November, and has not since been heard of	

PHILLIP.

...	...	10,000	...	30,000	...	Nil	Hobson's Bay	This vessel caught fire at her moorings, was scuttled and sunk. Masts, yards, and upper deck were destroyed. Hull afterwards raised, and cargo landed in a damaged state	Records in Harbor Office.
No	...	500	...	2000	...	Nil	Point Lonsdale Reef	This vessel ran on the reef and filled. Part of the cargo saved in a damaged state. Vessel became a total wreck. The master was in charge	Ditto.

REGISTER of WRECKS and serious CASUALTIES to SHIPPING, on and

Date.	Name of Vessel. — Where belonging.	Rig.	Tons.	Men.	From. — Bound to.}}	Cargo.	Wind.		Weather.	Hour and Time of Tide.
							Direction.	Force.		
PORT										
1860. Nov. 13	<i>Arabia</i> , Liverpool	Ship	1,100	27	Liverpool ...	General	S.W.	2	Moderate	Midnight
Nov. 17	<i>Sydney Griffiths</i> , Melbourne	Barque	280	11	China to Mel- bourne	Tea	East	4	Clear	2 p.m.
1861. May 24	<i>Asa Packer</i> , New South Wales	Barque	250	13	Melbourne to Sydney	Ballast	N.W.	5	Squally	9 a.m.
June 19	<i>Janet</i> , Melbourne	Brig	180	9	Melbourne to Newcastle, New South Wales	Ballast	N.W.	4	Squally	Midnight
Sept. 13	<i>Venus</i>	Tug steamer	80	8	Working in Hobson's Bay	None	Calm	0	Fine	2 a.m.
Oct. 28	<i>Aphrasia</i>	Tug steamer	90	8	Working in Hobson's Bay	None	South	4	Fine	After- noon
Nov. 15	<i>Prince of the Seas</i> , Liverpool	Ship	1200	27	Liverpool	Ballast	South	1	Fine	Midnight
Dec. 19	<i>Empress of the Seas</i> , Liverpool	Ship	1400	25	Melbourne to Liverpool	General	N.E.	1	Fine	4 a.m.
1862. Jan. 24	<i>George</i> , Sydney	Schooner	100	6	Newcastle to Melbourne	Coals	S.W.	Strong	Squally	10 p.m.
Mar. —	<i>Lady Bird</i>	Steamer	...	...	Melbourne to Portland	General	...	...	...	H.W.
May 3	<i>Lawrence</i>	Barque	309	14	Geelong to India	Ballast	N.W.	...	Squally	...
Sept. 5	<i>Sebim</i>	Schooner	125	6	Discharging Cargo	Coal	South	8	Gale	Noon

near the COAST of VICTORIA, from JANUARY 1860 to DECEMBER 1864.

Master or Mates passed Examination.	Vessel's Age and how classed at Lloyd's.	Vessel.		Cargo.		Number of Lives lost.	Site of Casualty.	Remarks.	Authority.
		Estimated Loss on.	Insured for and where.	Estimated Loss on	Insured for and where.				
Yes	...	10,000	...	500	...	Nil	Hobson's Bay	This vessel caught fire alongside the railway pier; was scuttled; burned to the water's edge. Inquiry held into cause of fire by Coroner. No evidence to show how fire originated	Records in Harbor Office.
No	Nil	West Channel	In beating up West Channel missed stays and went on shore; discharged part of her cargo, and was got off by <i>Empire</i> and steam tugs. Inquiry by Pilot Board; pilot exonerated	Ditto.
No	...	800	...	...	...	Nil	Point Nepean	This vessel missed stays and grounded on the Nepean Reef and became a total wreck; crew saved by Queenscliff life boat. The master was in charge	Ditto.
No	...	700	...	...	...	Nil	West Channel	This vessel went ashore on the night of the 18th; sprung a leak, filled, and became a total wreck. Crew saved by <i>Empire's</i> boat and tug <i>Sophia</i> . Master in charge	Ditto.
No	...	1400	...	...	...	Nil	River Yarra	This vessel took fire at anchor. Total wreck	Ditto.
No	4 years	2000	...	...	...	Nil	River Yarra	Came into collision with steamer <i>Balclutha</i> ; sunk; was afterwards raised and repaired. Inquiry held by Steam Navigation Board. Blame attributed to both vessels	Ditto.
Yes	...	8000	...	...	...	Nil	Hobson's Bay	This ship took fire alongside the Sandridge Railway Pier; was burnt to the water's edge; became a total wreck	Ditto.
Yes	...	9000	...	30,000	...	Nil	Off Queenscliff	This vessel caught fire whilst at anchor off Queenscliff; was scuttled and sunk; gold saved; cargo raised from wreck, much damaged. Coroner's inquest; verdict, cause of fire unknown	Ditto.
No	Nil	West Channel	This vessel was entering the channel at night and ran on shore; was lightened and hove off by schooner <i>Empire</i>	Ditto.
No	River Yarra	Ran on a rock in the Yarra. Was run aground with a large quantity of water in her hold. Vessel and cargo damaged	Ditto.
...	Nil	Prince George's Bank	This vessel ran aground; was got off and returned to port leaking; was repaired. Pilot suspended for six months	Ditto.
...	Nil	Hobson's Bay Railway Pier	Broke from her moorings and was seriously damaged at the pier; was repaired	Ditto.

near the COAST of VICTORIA, from JANUARY 1860 to DECEMBER 1864.

Master or Mates passed Examination.	Vessel's Age and how classed at Lloyd's.	Vessel.		Cargo.		Number of Lives lost.	Site of Casualty.	Remarks.	Authority.
		Estimated Loss on.	Insured for, and where.	Estimated Loss on.	Insured for, and where.				
PHILLIP (continued).									
No	Nil	West Channel	This vessel ran aground on her way down; was got afloat by aid of schooner <i>Empire</i> and steam tugs; returned to Hobson's Bay for repairs. Pilot in charge suspended for three months	Records in Harbor Office.
...	River Yarra	Struck on a rock in the Yarra; sprung a leak; vessel and cargo damaged	
...	Nil	Heads	Struck upon a pinnacle rock not previously known; proceeded on her voyage, and was found on examination at Liverpool to have sustained damage in the keel and forefoot	Ditto.
...	...	8000	...	...	...	One	Hobson's Bay	Took fire at her anchors; was scuttled; burnt to the water's edge; part of cargo saved in a damaged state. Magisterial inquiry; cause of fire unknown	Ditto
...	Nil	Hobson's Bay	Took fire whilst discharging her cargo alongside the Railway Pier; the fire was extinguished without injury to the ship, but a quantity of the cargo was damaged. Cause of the fire—the bursting of a case of acids	Ditto.
...	Nil	Hobson's Bay	Upset whilst being hauled up on to patent slip; was seriously damaged; afterwards repaired	Ditto.
No	...	100	...	...	...	Nil	Hobson's Bay	Broken up alongside Pier	Ditto.
...	Nil	South Channel	This vessel missed stays in working up the channel and went on shore; discharged 300 tons of cargo and was got afloat by aid of schooner <i>Empire</i> , and steam tugs engaged by Pilot Board. Pilot exonerated	Ditto.
No	Nil	Shortland's Bluff.	This vessel missed stays and went on shore; discharged 150 tons of cargo, and was got afloat by assistance of schooner <i>Empire</i> and steam tugs. Ship damaged; master in charge	Ditto.
...	Nil	Yarra Basin	This vessel caught fire alongside the wharf, Melbourne; the fire was extinguished, but ship was much damaged. Investigation held before Steam Navigation Board, but no evidence was adduced to show how fire originated	Ditto.
...	Hobson's Bay	Caught fire whilst lying alongside the Railway Pier; the fire was extinguished without damage; supposed to have been the act of an incendiary	Ditto.

REGISTER of WRECKS and serious CASUALTIES to SHIPPING, on and

Date.	Name of Vessel. — Where belonging.	Rig.	Tons.	Men.	From. — Bound to.	Cargo.	Wind.		Weather.	Hour and Time of Tide.
							Direction.	Force.		
PORT										
1863. Oct. 30	<i>Vanguard,</i> Liverpool	Ship	1400	25	Liverpool to Melbourne	General	N.W.	4	Squally	Midnight
Dec. 16	<i>Dunedin,</i> Melbourne	Barque	200	10	...	Ballast	S.E.	7	Gale	3 p.m.
Dec. 25	<i>Northern Light,</i> Melbourne	Schooner	90	7	Melbourne to Circular Head	Stock	S.S.W.	5	Squally	Noon
1864. Feb. 1	<i>Blandina Dud- ley</i>	Ship	890	22	Cardiff to Mel- bourne	Coals	S.W.	...	Fine	6 a.m.
Aug. 27	<i>Elizabeth,</i> Melbourne	...	...	...	Snapper Point to Melbourne	Timber	N.W.	7	Squally	...
June 28	<i>Express and Vesta</i>	Steamers	...	...	...	...	...	...	...	...
Feb. 20	<i>Melbourne,</i> Melbourne	Schooner	60	5	Warrnambool to Melbourne	Wool	West	3	Squally	6 a.m.
June 6	<i>Gem,</i> Melbourne	Schooner	80	6	Melbourne to Warrnambool	Ballast	W.N.W.	4	Squally	Midnight
July 26	<i>Gem,</i> Melbourne	Schooner	80	6	Warrnambool to Melbourne	Grain	...	...	...	...
PORT-										
1860. Feb. 11	<i>Lady Bird,</i> Melbourne	Steamer	175	21	Adelaide to Melbourne	General	E.S.E.	6	Cloudy Squally	5 a.m.
Nov. 16	<i>Regia</i>	Brig	181	9	Mauritius to Sydney	Ballast	E.S.E.	7	Cloudy Squally	4 p.m.
Nov. 16	<i>Tamora</i>	Barque	386	14	London to Portland	General	E.S.E.	7	Cloudy Squally	11 p.m.
Nov. 16	<i>Eva</i>	Schooner	30	3	Circular Head to Portland	Ballast	E.S.E.	7	Cloudy Squally	11 p.m.

near the COAST of VICTORIA, from JANUARY 1860 to DECEMBER 1864.

Master or Mates passed Examination.	Vessel's Age and how classed at Lloyd's.	Vessel.		Cargo.		Number of Lives lost.	Site of Casualty.	Remarks.	Authority.
		Estimated Loss on.	Insured for and where.	Estimated Loss on	Insured for and where.				
Yes	Nil	Pope's Eye	This vessel was entering the port at midnight and was driven on shore in a heavy squall. Investigation held by Pilot Board; pilot exonerated	Records in Harbor Office.
...	...	500	...	...	...	Nil	Hobson's Bay	Parted both chains and went on shore; became a total wreck	Ditto.
...	Nil	Swan Island	Dragged her anchors and went on shore; was, after much effort, got afloat by the underwriters and repaired	Ditto.
Yes	Nil	Heads	Struck on Lonsdale Rock and was seriously injured. Pilot suspended for three months	Ditto.
...	3	Point Cook	Left Snapper Point and was found sunk off Point Cook, total wreck	Ditto.
...	Hobson's Bay	These steamers came into collision, <i>Vesta</i> seriously damaged. Inquiry held by Steam Navigation Board. <i>Vesta</i> in the wrong	Ditto.
No	Nil	West Channel	Caught in a sudden squall and capsized; was afterwards raised and towed up to Hobson's Bay, <i>Empire</i> and tugs assisting	Ditto.
No	Nil	Symond's Channel	Went on shore during the night; was towed off by steam tug; very leaky; returned to Hobson's Bay and was repaired	Ditto.
...	Nil	River Yarra	Got into collision with steamer <i>Southern Cross</i> and sunk; was afterwards raised and repaired; cargo saved very much damaged. Inquiry before Pilot Board. Pilot of <i>Southern Cross</i> held to be in the wrong	Ditto.

LAND.

...	9 years	300	6000 Melbourne	Nil	...	Nil	North side of new jetty	This vessel parted from her anchors and went on shore; was got afloat without much damage	Records in Harbor Office.
...	30 years	800	8000 Sydney	Nil	...	Nil	North side of new jetty	Parted from her anchors; went ashore, and became a total wreck	Ditto.
Both passed	7 years 9 A1	3000	London, amount unknown	8000	London, amount unknown	Nil	North side of new jetty	Struck the ground at her anchors; sprang a leak; slipped cables and ran on shore; became a total wreck. Crew saved by rocket apparatus. Part of cargo saved in a damaged state	Ditto.
..	...	Nil	...	...	...	Nil	North side of new jetty	Parted from both her anchors; ran on shore; was afterwards got afloat and repaired	Ditto.

REGISTER of WRECKS and serious CASUALTIES to SHIPPING, on and

Date.	Name of Vessel. — Where belonging.	Rig.	Tons.	Men.	From. — Bound to.	Cargo.	Wind.		Weather.	Hour and Time of Tide.
							Direction.	Force.		
PORT										
1861. July 10	<i>Macclesfield,</i> Melbourne	Brigantine	180	7	Newcastle to Melbourne	Coals	S.E.	Gale	Thick	3 a.m. half tide
1863. Feb. 25	<i>Victoria</i>	Barque	300	13	Port Albert to Otago	Cattle & Horses	Westerly	Light	Fine	5 a.m. half tide
1864. Dec. —	<i>Royal Shepherd</i>	Steamer	300	...	Melbourne to Port Albert	General	...	...	...	...
WARRNAM-										
1863. July 6	<i>Golden Spring,</i> Melbourne	Brig	186	8	Melbourne to Adelaide	Timber and Potatoes	S.S.E.	10	Heavy gale and squally	9 a.m. high
July 6	<i>Peveril</i>	Cutter	71	6	Melbourne to Warrnambool	General	S.S.E.	10	Heavy gale and squally	5 a.m. high
May 27	<i>Fair Tasma- nian,</i> Melbourne	Brigantine	144	10	Melbourne to Sydney	Potatoes	S.S.W.	Moderate	Moderate	Midnight half tide

near the COAST of VICTORIA, from JANUARY 1860 to DECEMBER 1864.

Master or Mates passed Examination.	Vessel's Age and how classed at Lloyd's.	Vessel.		Cargo.		Number of Lives lost.	Site of Casualty.	Remarks.	Authority.
		Estimated Loss on	Insured for and where.	Estimated Loss on.	Insured for and where.				
ALBERT.									
...	...	...	...	...	...	5	East Sand Spit	This vessel drove ashore under canvas; became a total wreck	Records in Harbor Office.
...	...	...	Melbourne	...	Melbourne	Nil	Outer Bar	Struck on the bar, filled, and became a total wreck	Ditto.
...	...	...	...	...	...	Nil	Bar	Struck on Port Albert; damaged keel and stern post	Ditto.
BOOL.									
...	15 years	...	...	...	...	Nil	Beach north of jetty	This vessel drove on shore from her anchors; became a total wreck. Crew saved by means of rocket apparatus	Records in Harbor Office.
...	...	...	...	...	...	Nil	Beach north of jetty	Parted from her anchors and drove ashore; was afterwards repaired on the beach and got afloat	Ditto.
Yes	18 years	...	...	...	...	Nil	Beach north of jetty	Parted from both anchors; drove on shore, and became a total wreck. Crew saved by rocket apparatus	Ditto.

CHARLES FERGUSON,
Chief Harbor Master.

13th March, 1865.

1864-5.

VICTORIA.

**SUPPOSED SHIPWRECKED PERSONS ON THE
AUCKLAND ISLANDS.**

LAID ON THE COUNCIL TABLE BY THE HONORABLE G. W. COLE, AND ORDERED BY THE
COUNCIL TO BE PRINTED, 3RD OCTOBER, 1865.

CORRESPONDENCE respecting the dispatch of the Steamship *Victoria* to search for and
convey relief to supposed Shipwrecked Persons on the Auckland Islands.

C 65 | 365.
SIR,

[COPY]

Department of Trade and Customs,
Melbourne, 3rd October, 1865.

The Government having decided to send the *Victoria* under your command to the Auckland Islands, for the purpose of searching for and relieving any person or persons who may be there and in distress. You are hereby authorised and directed to proceed to the Auckland Islands with the greatest dispatch.

Captain Musgrave, whose vessel (the *Grafton*) was wrecked on these islands in January, 1864, will accompany you as a cabin passenger. His past experience as a shipmaster, long residence there, and intimate acquaintance with the harbors and island generally, will render his advice and assistance in the search of the greatest value to you; and I have accordingly to request that, when the *Victoria* arrives off the island, you will avail yourself thereof.

In the event of any persons being found on the islands, or, if after you have satisfied yourself that no persons are there, should you not have fuel enough on board to bring the ship back here, and wind and weather rendering it desirable, you will proceed to the most convenient port in New Zealand, and report your arrival, with the particulars and results of your voyage, to the Government, or the nearest representative of the Government, and request from them a supply of coal, which it is presumed they will, under the circumstances, supply free of charge. Should such authorities decline to furnish you with fuel, you are hereby authorised to purchase some, and make the best of your way here.

With the view of making provision, to a certain extent, for any persons who may hereafter be wrecked or in distress on these islands, the Acclimatisation Society have put on board a number of animals, which you will be good enough to let loose on the islands.

I have, &c.,

(Signed)

JAS. G. FRANCIS,

Commissioner of Trade and Customs.

Commander Norman,
H.M.C.S. *Victoria*.

♦ I forward herewith a list of special stores, &c., placed on board the *Victoria*, beyond the full supply of ship's stores for three months (and exclusive of other fresh provisions) which you have laid in for fifty men, of which you will be good enough to take every care, and to account for the same on your return to this port:—

25 pairs blankets
15 palliasses
15 rugs

20 men's complete suits } Including boots
10 women's " } and shoes of
different sizes

1 piece of flannel, about 50 yards
1 piece of calico, about 25 yards
3 tents
6 tomahawks.

STORES.

1 case brandy
1 case port wine
1 case sherry

1 cask ale
1 cask porter
1 cwt. biscuits (tinned)

1 cwt. soup and Bouilli
1 cwt. preserved meat
28 lbs. arrowroot.

In addition to the animals before referred to, there will be some birdcages and seeds, with the view, if possible, of capturing and bringing to Melbourne some of the birds of the island.

C 65 | 366.

SIR,

Department of Trade and Customs,
Melbourne, 3rd October, 1865.

In continuation of my general Instructions of to-day's date, I have to direct you that, after the principal object of your voyage has been performed at the Auckland Islands, it is within your discretion to visit "Campbell Island," "Bounty Island," &c., if such can be done without any considerable addition to the risk or expense.

You will please to prepare a journal of your voyage, in narrative form, to be forwarded to this office, in order that copies may be furnished to the Governments of New South Wales and Queensland, which have so handsomely joined with this Government in the cost of outfitting the expedition.

I enclose for your information a copy of a letter from this Department to Captain Musgrave, relative to the expedition.

I have, &c.,

(Signed)

JAS. G. FRANCIS,

Commissioner of Trade and Customs.

Commander Norman,
H.M.C.S. *Victoria*.

D 65 | 864.

SIR,

[COPY]

Department of Trade and Customs,
Melbourne, 3rd October, 1865.

The Governments of New South Wales and Queensland having in the most handsome manner co-operated with that of Victoria in its intention of fitting out an expedition to the Auckland Islands, to search for shipwrecked persons supposed to be there, this Government will be obliged by your proceeding to that locality, as a cabin passenger, in the steamship *Victoria*, which vessel proceeds there to convey relief to any such persons who may be discovered on the islands. In this object of humanity the Government have been guided by the information afforded by you, and rely greatly on your local knowledge, obtained during your unfortunate shelter on one of the islands. Your duty will be to advise and assist Commander Norman on all matters relating to the expedition, and specially to assist as pilot when the ship reaches any place within your recent and intimate knowledge, and also to communicate all local information as to currents and prevailing winds to that officer; and further to accompany and direct any searching party on shore, and (subject to the superior control of Captain Norman) decide when to abandon further search or the further direction of the ship.

While thanking you for your handsome offer, voluntarily made, to head an expedition which your knowledge held to be necessary in the interests of the probable fellow-sufferers with yourself, and for which service you asked no consideration whatever, this Government cannot permit you to make this sacrifice, knowing, as it does, that you are without means, and have a wife and family entirely dependent on your exertions for support. Firstly, therefore, you have been requested to obtain a suitable outfit (to an assumed cost of about £20); and secondly, the Government will provide you with the sum of £25, to serve as a remittance to your family for their present necessities, and also undertake to pay you a further sum of £25 on your return from the proposed voyage, to enable you to rejoin your family after a prolonged absence of two or three years.

I have, in conclusion, to request that you will keep a journal of the proceedings of the expedition, for the information of the three Governments, which you will be good enough to forward to this office by the first opportunity.

I have, &c.,

(Signed)

JAS. G. FRANCIS,

Commissioner of Trade and Customs.

Captain Thomas Musgrave.

Telegram for the Honorable the Colonial Secretary, New South Wales.

No. 206.

[COPY]

Department of Trade and Customs,
Melbourne, 3rd October, 1865.

Victoria leaves to-morrow morning for Auckland Islands. Commander Norman has received discretionary power to examine other islands.

(Signed)

JAS. G. FRANCIS.

Telegram for the Honorable the Colonial Secretary, Queensland.

No. 207.

Department of Trade and Customs,
Melbourne, 3rd October, 1865.

Victoria leaves to-morrow morning for Auckland Islands. Commander Norman has received discretionary power to examine other islands.

(Signed)

JAS. G. FRANCIS.

1864-5.

VICTORIA.

PAYMENTS ON ACCOUNT OF
THE PUBLIC SERVICE.

RETURN TO AN ORDER OF THE LEGISLATIVE COUNCIL.

THE HONORABLE W. HIGHETT.—6TH SEPTEMBER, 1865.

LAI'D ON THE COUNCIL TABLE BY THE HONORABLE G. W. COLE, 20TH SEPTEMBER, 1865,
AND ORDERED BY THE COUNCIL TO BE PRINTED, 5TH SEPTEMBER, 1865.

COPIES OF ALL CORRESPONDENCE between the Government and the Banks on the subject of the Advance required for enabling payments on account of the Public Service to be resumed ; also, Copies of the Agreement or other documents having reference to the terms entered into with the London Chartered Bank for the Advance to be made by that establishment ; also, any Correspondence between the Government and the Audit Commissioners on the same subject.

By Authority:

JOHN FERRES, GOVERNMENT PRINTER, MELBOURNE.

CORRESPONDENCE.

COPIES of all Correspondence between the Government and the Banks on the subject of the Advance required for enabling payments on accounts of the Public Service to be resumed; also, Copies of the Agreement or other documents having reference to the terms entered into with the London Chartered Bank for the Advance to be made by that establishment; also, any Correspondence between the Government and the Audit Commissioners on the same subject.

No. 4595 to 4600.

(COPY.)

[*Circular to Contracting Banks.*]

Treasury, Melbourne,
29th August, 1865.

SIR,

I do myself the honor to inform you, that the Government is desirous that the payment of salaries, wages, and contingencies for the Public Service may be resumed.

You will have observed that the Legislative Assembly, by an absolute majority of the House, has adopted an Address to His Excellency the Governor expressing the same wish, and praying His Excellency to take such measures as in the opinion of his Advisers may be necessary to that end. Pending the passage of the Supply and Appropriation Bill, payments cannot be legally made from the Public Account. The Government, therefore, does not intend that any use shall be made of that fund; but, in consideration of the urgent need there is for resuming the ordinary public expenditure, makes the following proposal to your Bank:—

- 1st. That the Bank of _____ shall allow the Government a Cash Credit; the amount of such Cash Credit to be regulated according to the amount to credit of the Public Account in your hands, and, of course, in no case to exceed that amount.
- 2nd. That payments shall be made from the cash credit account in accordance with the Estimates passed by the Legislative Assembly, as embodied in the Supply and Appropriation Bill.
- 3rd. That all accounts paid from this credit shall be submitted to the Audit Commissioners for examination.
- 4th. That the course proposed shall be authorised by His Excellency the Governor in Council; the cheques drawn upon the cash credit account being issued as shall be directed by such Order, and signed by me or by the Under Treasurer on my behalf.
- 5th. As it is desirable that payments for this month shall be made without delay, I beg leave to request that you will be good enough to inform me, by twelve o'clock on Thursday next, if you are prepared to make the arrangement I have indicated.

Should your Bank assent to the proposal, I presume that interest would be charged upon the advance, at the rate allowed by the Banks to the Government upon the Public Account.

I have the honor to be, &c.,

(Signed) GEO. VERDON.

65 | R.
5879.

London Chartered Bank of Australia,
Melbourne, 30th August, 1865.

The Honorable the Treasurer of Victoria,
&c., &c., &c.

SIR,

I have the honor to acknowledge the receipt of your letter of yesterday's date, stating that, pending the passing of the Appropriation Bill, the Government is desirous of making a temporary arrangement for meeting the wants of the Public Service, and proposing, for my consideration, a plan for carrying out this object, with the view to ascertain whether this Bank would be prepared to assist the Government in the way which you therein indicate.

In reply, I have to state, that I shall be happy on the part of this corporation to assist the Government in the present emergency, by complying with their wishes as to granting them

a Cash Credit equal in amount to the balance from time to time of the Public Account in our hands, on the following conditions :—

1. That all amounts paid from this credit shall be submitted to the Audit Commissioners for examination, and shall be duly certified to by them, as being in accordance with the Estimates passed by the Legislative Assembly as embodied in the Supply and Appropriation Bill.
 2. That the course proposed shall be authorised by His Excellency the Governor in Council, the cheques drawn upon the cash credit account being issued as shall be directed by such Order, and signed by you or the Under Treasurer on your behalf.
- The interest to be charged upon the Cash Credit shall be at the same rate as that allowed by the Banks to the Government upon the Public Account.

I have the honor to be, Sir,
Your very obedient servant,
(Signed) JOHN BRAMWELL,
Manager.

No. 4641.

(COPY.)

Treasury, Melbourne,
2nd September, 1865.

SIR,

I beg to acknowledge the receipt of your communication of the 30th ultimo, in reply to mine of the 29th.

2. I have much pleasure in expressing to you the thanks of the Government for the prompt and cordial assent you have given to the request we have been constrained to make for a Cash Credit to enable us to resume the public payment.

3. I am not yet able to inform you of the disposition which the Government intend to make of the Public Account, inasmuch as negotiations are now pending with other banks, upon the result of which will depend with which banks and upon what terms the public money will be in future deposited.

I have the honor to be, Sir,
Your most obedient servant,
(Signed) GEO. VERDON.

The Manager of the London Chartered Bank.

9197.

65 | R.
5877.

Bank of New South Wales,
Melbourne, 30th August, 1865.

SIR,

I do myself the honor to acknowledge your letter, No. 65 | 4597, of yesterday's date, in which you ask this Bank to allow the Government a Cash Credit, to be regulated according to the amount at credit of the Public Account in its hands—payments to be made therefrom in accordance with the Estimates passed by the Legislative Assembly, as embodied in the Supply and Appropriation Bill, by cheques signed by yourself, or the Under Treasurer on your behalf. You also inform me that the course proposed shall be authorised by His Excellency the Governor in Council.

I beg to assure you of the desire of this Bank to afford the Government every legitimate facility for making payments and for the conduct of public business ; but before giving a decisive reply to your letter, which I observe you are desirous of having before noon to-morrow, I must ask you to afford me information on the following points :—

- 1st. The probable amount of the advance you require from the Bank by Cash Credit, and the probable duration of the loan.
- 2nd. Whether His Excellency the Governor would authorise all payments made from the cash credit account, and whether the Governor and the Executive Council have the power to borrow money in the manner proposed.
- 3rd. The mode that the Government would adopt to secure the repayment to the Bank of the money proposed to be borrowed, and whether it could give the Bank a valid lien over the funds at credit of the Public Account in the Bank.

I have the honor to be, Sir,
Your most obedient Servant,
(Signed) J. BADCOCK,
Manager.

The Honorable the Treasurer, Melbourne.

No. 4666.

Treasury, Melbourne,
2nd September, 1865.

SIR,

I have the honor to acknowledge the receipt of your letter No. 9197, in reply to mine of the 30th ultimo.

2. I thank you for the expression of your desire to afford the Government every legitimate facility for making payments and for the conduct of public business.

3. In reply to the first questions you put to me, I regret that I am unable to say for how long a time the Cash Credit may be rendered necessary by the conflict between the two Houses

of Legislature, but I may say, that it is the earnest desire of the Government that the conflict shall end, when of course the Cash Credit will cease to be necessary.

4. In reply to your second question, I beg leave to inform you that the Governor in Council has already sanctioned the proposal I have made to the Banks.

If the Government did not believe that they possess the power of making an arrangement upon which the first duty of Government—the maintenance of the Public Credit—is dependent, it would not have been my duty to have addressed you upon the subject.

5. In answer to your third question, I would say that the repayment of the advance will be made from the Public Account upon the Governor's Warrants, which will have precedence over other claims which have not been made a first charge upon the Consolidated Revenue by law. If this were not sufficient security for the advance, there are other means by which the repayment can be placed beyond the reach of any possible contingency; and if you should decide upon proceeding further with the matter, I shall be prepared to give you orally such other information as you may desire, whenever it will suit your convenience to meet me. But as I am anxious to resume payment at once, I shall be obliged by your informing me, at your earliest convenience, if the Bank of New South Wales will enter into the arrangement, which, I may add, will necessarily involve the future disposal of the Public Account, and should therefore be considered in connection with that subject.

I have the honor to be, Sir,

Your most obedient Servant,

(Signed) GEO. VERDON.

The Manager of the Bank of New South Wales.

65 | R.
5878.

(COPY.)

Colonial Bank of Australasia,
Melbourne, 30th August, 1865.

The Honorable The Treasurer of Victoria.

SIR,

I have the honor to acknowledge the receipt of your letter of yesterday's date, in which you request a Cash Credit in favor of the Government, for the purpose of resuming cash payments of salaries, wages, &c., pending the passage of the Supply and Appropriation Bill through the Legislature.

I am desired by the Court of Directors to state, that they are most desirous of affording the Government every assistance in their power, in alleviating the serious embarrassment which has been thrown over a large section of the community, by the miscarriage of the Appropriation Bill, provided such assistance can be granted, either legally, or with safety to this corporation.

With the view of enabling me to give a definite reply to your request, I beg that you will kindly furnish me with the following information:—

- 1st. How long is the proposed Cash Credit likely to continue? and for what amount, approximately, does the Government desire a Cash Credit?
- 2nd. Is it proposed that, after the examination referred to by the Commissioners of Audit, they will transmit Warrants for payment, such as at present in use, to the various banks?
- 3rd. As I am not aware that any Act of Parliament exist, empowering the Governor in Council to raise loans, I will thank you to inform me whether such power has been conferred on His Excellency in his "Commission" or "Instructions" from the Crown.

I have the honor to be, Sir,

Your most obedient Servant,

(Signed) ADAM BURNES,
General Manager.

No. 4667.

(COPY.)

Treasury, Melbourne,
2nd September, 1865.

SIR,

I have the honor to acknowledge the receipt of your communication in reply to mine of the 29th ult., upon the subject of a Cash Credit proposed by the Government to enable public payments to be resumed.

2. I beg leave to express my thanks to the Court of Directors for the expression of their desire to assist the Government in alleviating the serious embarrassment caused by the miscarriage of the Supply and Appropriation Bill, provided that such assistance can be granted either legally, or with safety to the Bank.

3. In reply to the first of the questions with which your letter concludes, I beg to observe, that the amount of the advance will necessarily be dependent upon the length of time for which the Credit may be necessary, and this I am unable to state, inasmuch as it depends upon political conditions over which the Government has no control; but I may observe, that whatever the amount of the advance, it will be always covered by the amount to the credit of the Public Account.

4. It is proposed that the Cash Credit shall be operated on by cheques, which cannot be supported by the Warrants of the Audit Commissioners, because Warrants are applicable to the Public Account only; and the Cash Credit will leave the Public Account untouched, until it shall have been made legally available.

5. In reference to your third question, I would observe, that I am not aware that there is any Act of Parliament which forbids such an arrangement as that we propose, and which is necessary in order that one of the chief duties of every Government may be fulfilled.

6. Should there be any matter upon which you desire further or other information, I shall be glad to meet you whenever it may suit your convenience; but I shall esteem it a favor if you will inform me of your final determination as soon as you can, as I am desirous of resuming payments without delay, and of making arrangements for the custody of the Public Account, which must be of necessity dependent upon the result of the negotiations now pending between the Banks and the Government.

I have the honor to be, Sir,
Your most obedient Servant,
(Signed) GEO. VERDON.

The Manager of the Colonial Bank of Australasia.

65 | R
5881.

Union Bank of Australia,
Melbourne, 31st August, 1865.

The Honorable The Treasurer.

SIR,

I have the honor to acknowledge the receipt of your letter, No. 65 | 4599, of 29th instant, in which you inform me that the Government is desirous of resuming the payment of salaries and other liabilities, and, as a means to that end, proposing that this Bank should establish a Cash Credit in favor of the Government, for an amount to be regulated according to the balance which may be at credit of the Public Account in our hands.

In reply, I beg to assure you that this Bank is prepared to afford the Government every reasonable facility for carrying out the proposed object; but, before giving a definite answer to your favor, I must crave leave to apply for information on the following points, viz. :—

For what length of time will the Cash Credit be required.

From what source does the Government contemplate repayment of advances obtained under this Credit.

I assume that the course proposed in the fourth clause of your letter will furnish a sufficient authority for the required advance. Will you favor me with an expression of the opinion of the Government on this point?

As your letter, though dated on 29th instant, did not reach me until yesterday, I have not been able to reply to it within the time requested.

I have the honor to be, Sir,
Your most obedient Servant,
(Signed) J. CURTAYNE,
Manager.

(COPY.)

No. 4642.

Treasury, Melbourne,
2nd September, 1865.

SIR,

I have the honor to acknowledge the receipt of your communication of the 31st ultimo, in reply to mine of the 29th.

2. I thank you for the expression of your readiness to afford the Government every reasonable facility for resuming payment on account of the public service.

3. In reply to your first inquiry, I can only say generally, that it is the object and desire of the Government to make the duration of the arrangement as short as possible.

4. In reply to your second question, I would observe, that the repayment of the advances will be made from the Public Account, under the Governor's Warrant, which will have precedence over other claims on the Public Account, which are dependent on the annual Votes of the Legislature.

5. As to your third question, I may inform you that, in the opinion of the Government, it is one of their first and most important functions to maintain the public credit; and if that can be done without violation of any law, and without involving any risk of loss to the banks, it appears to the Government that, supported by the Resolution of the Assembly, and the concurrence of His Excellency the Governor, they are bound to avail themselves of the facility which would be extended to any trading firm, and which the control of the Public Account places at their command.

6. As it may be that the answers to your categorical inquiries might be made more fully, and that other information, not comprehended in them, might be given *vivâ voce*, I beg leave to say, that if you desire to proceed with the negotiation, and desire further information

from the Government; I shall be happy to meet you whenever it may be convenient to you; but as I am anxious to resume payments as soon as possible, I shall esteem it a favor if you will oblige me with your decision at your earliest convenience.

I have the honor to be, Sir,
Your most obedient Servant,
(Signed) GEO. VERDON.

The Manager of the Union Bank.

(COPY.)

65 | R
5880

Bank of Australasia,
Melbourne, Victoria, 31st August, 1865.

SIR,

I have the honor to acknowledge the receipt yesterday of your letter, dated the 29th instant, intimating that the Government is desirous of resuming the payment of salaries, wages, and contingencies for the Public Service, and applying to this Bank for a Cash Credit equal in amount to the sum at credit of the Public Account to enable that to be done; and further desiring that a reply may be sent in by noon to-day.

In respect to this last-named proviso, I regret to say that the time which has elapsed since the receipt of your communication has not been sufficient to enable the authorities of this Bank to give the subject that consideration which its novel character and the responsibility which it seems to involve requires; but I am to assure you that their final reply will not be delayed longer than is absolutely necessary.

In the mean time, I beg to inquire in what way it is proposed to adjust the two accounts by transfer of funds from the Public Account, on which the former would virtually be based? and secondly, when that adjustment will be effected?

I have the honor to be, Sir,
Your most obedient Servant,
(Signed) F. G. SMITH,
Manager.

To the Honorable The Treasurer of Victoria.

No. 4640.

(COPY.)

Treasury, Melbourne,
2nd September, 1865.

SIR,

I have the honor to acknowledge the receipt of your communication of the 31st ult., in reply to mine of the 29th ult.

In reply to your first question, I have to inform you that the transfer of the amount of the advance from the Public Account will be effected upon the Warrant of His Excellency the Governor, which will have precedence over any other claim upon the Public Account for which annual provision is made.

In answer to your second inquiry, I must observe that, while every endeavor has been made, and will continue to be made, to render the Cash Credit unnecessary, it is impossible that I can say, definitely, when the adjustment will be effected.

As there may be other points upon which I could give you information more conveniently *vivâ voce* than by letter, I beg leave to say that, if you desire to proceed with the negotiations, and wish to have further information as to the safety of the transaction to the banks, I shall be happy to see you whenever it may be convenient to you; but, as I am desirous of resuming payments as soon as possible, I shall esteem it a favor if you will let me have your decision at your early convenience.

I have the honor to be, Sir,
Your most obedient Servant,
(Signed) GEO. VERDON.

The Manager of the Bank of Australasia.

65 | R.
5882

Bank of Victoria,
Melbourne, 31st August, 1865.

SIR,

I have the honor to acknowledge the receipt of your communication of the 29th instant, submitting for the consideration of this Bank a proposal on behalf of the Government, by which the wants of the Public Service may be temporarily supplied, pending the passing of the Appropriation Bill, without which the moneys of the Public Account cannot be made legally available.

In reply, I have the honor to state that, while the Directors of this Bank are most desirous of affording the Government every assistance in their power for the carrying on of the business of the country, so far as they can consistently do so, they consider it necessary, before fully entering into the application in question, to ask for further information, and I am therefore instructed to inquire from you—

1st. By what process the Government propose ultimately to transfer the amount advanced on the temporary Cash Credit to the debit of the public funds now deposited with the Bank.

2nd. What amount is likely to be required, and the probable period which may elapse before the adjustment of the two accounts may be looked for.

I may add, in conclusion, that in so important a matter as this, it would have been highly desirable for the six contracting Government Banks to have acted in unison, but unfortunately time has been too short to permit of a deliberate consideration of the subject by the banks in question.

I have the honor to be, Sir,
Your most obedient servant,

(Signed) J. MATHESON,
General Manager.

The Honorable The Treasurer of Victoria.

(COPY.)

No. 4665.
SIR,

Treasury, Melbourne,
2nd September, 1865.

I have the honor to acknowledge the receipt of your letter dated the 31st ultimo, in reply to mine of the 29th.

2. I thank you for the expression of your desire to aid the Government in carrying on the business of the country, and in maintaining the Public Credit, in which I venture to think the Banks are equally concerned with the Government.

3. In reply to your first question, I beg to inform you that the amount advanced on the Cash Credit will be repaid from the Public Account, upon the Governor's Warrants, which will have precedence over any claims upon the Public Account which are dependent upon the annual Votes of Parliament. In other words, I am authorised to say, that Warrants for such expenditure will not issue for future payments until the amount advanced on the Cash Credit shall have been repaid.

4. In reply to your second question, I would observe that the amount of the Cash Credit will depend entirely upon the time for which it may be necessary to maintain it, and it is not in my power to say how long that may be; but I may tell you that it is the earnest wish of the Government to do everything in their power to bring the present state of affairs to an end.

5. As there may be matters not touched by your questions upon which the Bank may desire information, especially as to the security of the advance against every possible contingency, and as to the future arrangement for the custody of the Public Account, which is necessarily dependent upon these negotiations, I beg leave to say that I shall be happy, if you desire it, to meet you whenever it may be convenient to you; but I shall be glad to learn your decision at your earliest convenience, in order that payments may be resumed as soon as possible.

I have the honor to be, Sir,
Your most obedient Servant,

(Signed) GEO. VERDON.

The Manager of the Bank of Victoria, Melbourne.

To the Honorable
The Treasurer of Victoria.

SIR,

Melbourne, 4th September, 1865.

Begging reference to the correspondence with the several Banks, parties to the Railway Loan Contract, on the subject of a proposal to open Cash Credits to the extent of the funds available at the credit of the Public Account, for the purpose of enabling the Government to make payments and conduct the public business without the intervention of the Commissioners of Audit, we, whose names are subscribed, on the part of the Banks which we represent, having given so important a question due consideration, feel ourselves compelled to decline acceding to your request.

2. Anxious as we are to maintain the Constitution, support the Government, and promote the public interests by any means in our power, yet, under a conviction deliberately arrived at, after having taken the best advice within our reach, that we cannot legally afford the accommodation applied for, we feel it to be our duty respectfully but firmly to state, that we cannot comply.

We have the honor to be, Sir,
Your most obedient Servants,

For the Bank of Australasia,	(Signed)	J. J. FALCONER.
For the Union Bank of Australia,	(Signed)	J. CURTAYNE, Manager.
For the Bank of New South Wales,	(Signed)	J. BADCOCK, Manager.
For the Bank of Victoria,	(Signed)	J. MATHESON, General Manager.
For the Colonial Bank of Australasia,	(Signed)	ADAM BURNES, General Manager.

(COPY.)

WHEREAS, by an Order of His Excellency the Governor in Council, made on the first day of September, A.D. 1865, it was authorised and directed that the Treasurer be authorised to make arrangements for the payment of salaries, wages, and contingencies, and such other liabilities as are now due, or which shall become due, by means of a Cash Credit to be opened with one or more of the Banks in Melbourne, and that the amount to be so obtained from any one of the said Banks shall not at any time exceed the amount standing to the credit of the Public Account with such Bank, and that payments from such credit shall be examined by the Commissioners of Audit, and shall not be made otherwise than in strict accordance with the Votes of the year; and whereas, by an Order of His Excellency the Governor in Council, made on the fifth day of September, A.D. 1865, it was authorised and directed that such Cash Credit, when opened, shall be operated upon by the Treasurer or his Deputy by means of an order in writing, addressed to the manager of the bank in which the Cash Credit is opened, directing that the drafts or cheques of such paymaster as shall be named in such order be honored and charged to the Cash Credit Account: Now, therefore, I, George Frederic Verdon, Treasurer of the Colony of Victoria, in consideration that the London Chartered Bank of Australia will, from time to time, lend to the Treasurer for the time being of the Colony of Victoria, on behalf of Her Majesty's Local Government, such sums of money as may be required for the purposes mentioned in the Orders aforesaid, do promise, on behalf of Her Majesty and Her Majesty's Local Government, to repay to the said London Chartered Bank of Australia all sums of money so lent as aforesaid.

In witness whereof I have hereunto set my hand and seal this sixth day of September,
A.D. 1865.

(Signed)

GEO. VERDON,

Treasurer of the Colony of Victoria.

Witness to signature—

(Signed)

E. S. SYMONDS.

65 | R.
5967.

65 | No. 418.
SIR,

Audit Office,
Melbourne, 7th September, 1865.

Mr. Eaton of your office has delivered to us Warrant No. 63, and has informed us that his instructions from the Honorable The Treasurer are, to wait till we have countersigned it, and then to take it back with him to the Treasury. As the Warrant is in some respects peculiar in its character, and beyond doubt very important, we desire to have it left until to-morrow, in order that we may have an opportunity of examining into the matter.

We have the honor to be, Sir,

Your most obedient servants,

(Signed)

C. H. SYMONDS.

(Signed)

ALFRED J. AGG.

The Under Treasurer.

Pp. 5967.
No. 419.
SIR,

65 | R.
5968.

Audit Office,
Melbourne, 8th September, 1865.

We have the honor of transmitting herewith Warrant No. 63, for refunding from the Public Account the amount for which the London Chartered Bank of Australia obtained judgment yesterday against the Government, viz., £40,006 14s. 4d.; and in doing so, we beg to explain the cause of the short but necessary delay which has attended the affixing of our signatures to it.

You were, no doubt, aware that the Act No. 241 makes the Consolidated Revenue legally available to satisfy judgment obtained under it from the Supreme Court of the Colony, and that, therefore, the said Revenue was available to satisfy the particular demand specified in the above-mentioned Warrant; but as the Warrant was the first of the precise kind which had reached us, it behoved us carefully to consider whether the Act 241 and the judgment of the Supreme Court were grounds rendering it imperative upon us to sign it.

Had we received any previous intimation from the Government of the existence of such a debt, we should, no doubt, have made all necessary inquiries beforehand, so as to have placed ourselves in a position to sign the Warrant without any delay, or to assign reasons for declining to do so; but the receipt of the Warrant at the hands of a gentleman attached to the Treasury, who informed us that he had been desired by you to wait for it, was the first intimation we received that such a claim was pending; and under these circumstances it behoved us to take such time as would enable us to satisfy our own minds.

Our apologies are especially due, inasmuch as the short delay was incurred, notwithstanding the statement made by the Under Treasurer, to the effect that it was of the utmost importance that the said Warrant should be signed and acted upon before the close of the day; that you were unable to conceive of any objection we could have to sign it, as we had signed for a claim respecting seizures at the Customs under the same Act the day before; that you were

at your office, and ready to afford us any information we required ; and that His Excellency the Governor was waiting to sign the Warrant.

We trust that these explanations will be accepted as satisfactory, and that no inconvenience has been experienced from the causes which have seemed to call for them.

In returning the Warrant duly signed, we beg to state that, after mature deliberation, we have arrived at the conclusion that the judgment of the Supreme Court makes the Revenue legally available for the payment to the London Chartered Bank. It will be understood, however, that our certificate applies only to the payment to the Bank, and that, as we have not seen the accounts paid by the Bank, for which the repayment from the Public Account is now made, we have not ascertained, nor have we the means of doing so, that the Revenue was legally available for the particular services which this repayment covers. That could manifestly only be ascertained at the present stage by the Law Officer when making his answer to the plaintiff's petition, neither of which documents, we need hardly say, has ever been before us.

We have the honor to be, Sir,

Your most obedient Servants,

(Signed)

C. H. SYMONDS,
FRANCIS JONES,
ALFRED J. AGG,

Commissioners of Audit.

The Honorable The Treasurer.

No. 4932.

Treasury, Melbourne,
13th September, 1865.

GENTLEMEN,

I am directed by the Honorable the Treasurer to acknowledge the receipt of your letter of the 8th instant, No. 419, explaining the delay that took place before you signed the Warrant for refunding from the Public Account the amount for which the London Chartered Bank of Australia obtained judgment against the Government on the 7th instant.

I am to thank you for the attention which you have given to the matter, and to explain that the Treasurer would not have been so pressing in his application for your certificate, but for the urgent necessity which existed for making payments.

I have the honor to be, Gentlemen,

Your most obedient servant,

(Signed)

E. S. SYMONDS,

Under Treasurer.

The Commissioners of Audit.

No. 423.

65 | R.
6092.

Audit Office,
Melbourne, 11th September, 1865.

SIR,

In pursuance of the requirement of the 22nd sec. of the Audit Act, that we should from time to time communicate with you upon all matters relating to the collection and receipts of the public and other moneys, we have the honor to apprise you that we have received from the London Chartered Bank of Australia a "*Cash Credit Account*," by which it appears that the sum of £40,000 was advanced by the Bank on the 6th September, and was placed at credit of a new account opened under that heading, instead of being placed to credit of the "*Public Account*," as established by the Audit Act.

2. The fact that there was an actual advance of £40,000 before any moneys were drawn out of the account makes it, we apprehend, rather a loan than a cash credit, and accordingly it was admitted to be a loan to Her Majesty by the Honorable the Attorney-General when confessing judgment. This being so, we beg to represent that the money came to your "*control*" as a "*person in the public service*," within the meaning of the 11th sec. of the Audit Act.

3. That the advance was made "*for or on account of the Consolidated Revenue*," in terms of the same 11th sec. is evidenced by the fact that the claims paid out of the advance for the police, railways, and other services, were all such as are chargeable on the Consolidated Revenue, and by the further fact, that the repayment of the advance has been made under the judgment of the Supreme Court out of the Consolidated Revenue. That a debt due by Her Majesty is legally payable out of the Consolidated Revenue carries with it, we apprehend, the necessity, that, when the debt is contracted, the moneys raised should be credited to the same fund; otherwise Her Majesty's Revenue would be made to bear a charge, the fund provided to meet which had been credited in another account.

4. If, as thus appears, these moneys come to your control on account of the Consolidated Revenue, and so are within the purview of the Audit Act, we beg to point out that the 11th sec. further requires that you should pay the moneys to the *Receiver of Revenue*; and sec. 15 requires that the Receiver shall pay them to the "*Public Account*," there to be operated upon only by the Governor's Warrant.

5. We beg, lastly, to mention that (if this view be correct) by these moneys coming under your control, you have become liable to render a declared return to this office, as provided by the 17th sec. of the Act.

We have the honor to be, Sir,

Your most obedient Servants,

(Signed)

”

”

C. H. SYMONDS,
FRANCIS JONES,
ALFRED J. AGG,

Commissioners of Audit.

The Honorable The Treasurer,
&c. &c. &c.

338 | 65.

[OPINION.]

20th September, 1865.

The Treasurer is not, in my opinion, “a person” to whose “possession or control the money lent on a Cash Credit by the London Chartered Bank has come for or on account of the Consolidated Revenue,” within the meaning of the 11th section of the Audit Act, No. 86. This section applies only to receivers, collectors, and other persons in the public service, mentioned in the preceding section 10, to whom “money shall be legally payable for or on account of the Consolidated Revenue,” and who are made liable to a penalty for neglecting or omitting to receive or collect such money. The money lent on a Cash Credit by the London Chartered Bank was not money “legally payable” to the Treasurer, for the now collection of which the Treasurer would have been liable to a penalty. It was money which the Bank might have refused to lend, and which the Treasurer was under no obligation, legally or in accordance with the terms of the contract with the Bank, to receive. It is only where money is payable by law on account of the Consolidated Revenue that the person to whom it is so payable is liable to a penalty for not collecting it, or is bound (under section 11), to pay it, when collected, to a Receiver of Revenue, or is bound (under section 17), to render a declared return to the Commissioners of Audit.

(Signed)

GEO. HIGINBOTHAM.

1864-5.

VICTORIA.

LEGISLATIVE COUNCIL.

FIRST REPORT

OF THE

PRINTING COMMITTEE.

LAI'D UPON THE COUNCIL TABLE BY THE HONORABLE J. P. FAWKNER, AND ORDERED
BY THE COUNCIL TO BE PRINTED, 31ST JANUARY, 1865.

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 :—

Subject.	When moved for and by whom.	When laid on the Council Table.	By Command.	Report and Remarks of the Committee.
Licences under Clause XLVII, Act 25 Victoria, No. 145	Hon. W. Hull, 19th April, 1864	29th Nov., 1864	... ..	No order made.
University of Melbourne.— Report—Year ending 31st May, 1864	”	”
Criminal Statistics, 1863	”	”
Census of Victoria, 1861.— Conjugal Condition of the People	”	”
Conjugal Health of the People	”	”
Conjugal Education of the People	”	”
Mining Surveyors and Registrars —Reports of, for Quarter ending 31st March, 1864	6th Dec., 1864	... ..	”
The same, for the Quarter ending 30th June, 1864	”	”
The same, for the Quarter ending 30th September, 1864	”	”
Gold Fields—Report of Board on applications for rewards for discovery of New (15 June, 1864)	”	”
Spring Gully Reservoir—Mining operations at.—Order in Coun- cil (15th August, 1864)	”	”
Clunes and Rushworth County Court.—Order in Council (10th October, 1864)	”	”
Sandhurst District Court of Mines, to be holden at Rush- worth.—Order in Council (3rd October, 1864)	”	”
Public Accounts—Regulations (11th April, 5th October, 8th October, 12th November, 1864)	”	”
Volunteer Force.—Regulations (4th July, 18th July, 1864)	”	”
Birth of Son to His Royal High- ness the Prince of Wales.— Despatch from the Right Hon. the Secretary of State, ac- knowledging Address from Legislative Council (24th May, 1864)	13th Dec., 1864	... ..	”
Mining within Exempted Lands. —Order in Council (13th June, 1864)	”	”
Neglected and Criminal Children Act.—Regulations (3rd August, 1864)	”	”

Subject.	When moved for and by whom.	When laid on the Council Table.	By Command.	Report and Remarks of the Committee.
Transportation.—Further Papers	13th Dec., 1864	... ..	No order made.
Health—Central Board of.— Ninth Annual Report	"	"
Wood's Point—Beechworth District Court of Mines to be holden at.—Order in Council (5th Dec., 1864)	20th Dec., 1864	... ..	"
Wood's Point—County Court to be holden at.—Order in Council (5th December, 1864)	"
Races, Dams, and Reservoirs.— Land Act, 1862.—Order in Council (21st November, 1864)	"	"
Hospitals and Lunatic Asylums.— —Copy of Despatch from the Right Hon. the Secretary of State, with enclosures (6th April, 1864)	"	"	"
Refreshment Rooms—Report of Select Committee upon	"	"	"
Avoca, St. Arnaud, Haddon— Authorised Mining at.—Orders in Council (12th Dec., 1864)	22nd Dec., 1864	... ..	"
Trade and Customs.—Accounts (1863)	17th Jan., 1865	... ..	"
Land sold and leased from 1st July to 31st December, 1863	"	"
Land sold and leased from 1st January to 30th June, 1864	"	"
Lands.—Regulations as to Crown Grants selected (27th June, 1864)	"	"
Leases—Regulations as to execution and production of (18th April, 1864)	"	"
Sewers and Water Supply, Melbourne.—Cash and Balance Sheet (1863)	"	"
Statistics of Victoria.—1863	"	"
Ballan—County Court to be holden at.—Order in Council (19th December, 1864)	"	"
Aborigines—Fourth Report of Central Board to watch over	"	"
Royal Mint.—Despatch from the Right Hon. the Secretary of State (26th November, 1864, No. 87, with enclosures)	24th Jan., 1865	... ..	"
Pleuro-pneumonia—Report of Royal Commission on (12th December, 1864)	"	"
Volunteer Cavalry—Regulations for (28th December, 1864)	"	"
Legislative Council Elections.— Return to Order	Hon. W. Campbell, 20th Dec., 1864	"	... ..	Recommended to be printed.

Committee Room, Parliament Houses,
31st January, 1865.

S. G. HENTY,
Chairman.

1864-5.

VICTORIA.

LEGISLATIVE COUNCIL.

SECOND REPORT

OF THE

PRINTING COMMITTEE.

LAI'D UPON THE COUNCIL TABLE BY THE HONORABLE J. P. FAWKNER, AND ORDERED
BY THE COUNCIL TO BE PRINTED, 14TH FEBRUARY, 1865.

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 :—

Subject.	When moved for and by whom.	When laid on the Council Table.	By Command.	Report and Remarks of the Committee.
Banking Companies—Colonial Acts incorporating.—Circular Despatch from the Right Honorable the Secretary of State for the Colonies (9th March, 1864)	31st Jan., 1865.	... ..	No order made.
Statistics of Victoria, 1864	"	"
Sandhurst Authorised Mining.—Order in Council, 25th August, 1862.—Regulations under (dated 3rd January, 1865)	"	"
Mining Lease—Amended Form of, under 25 Vict., No. 148.—Order in Council (12th December, 1864)	"	"
Public Accounts—Regulations respecting, in substitution of Regulation dated 4th February, 1861	"	"
Accounts, Public.—Regulation (27th January, 1865)	7th Feb., 1865.	... ..	"
Transportation.—Further Papers.—Despatch from the Right Honorable the Secretary of State, No. 89 (26th November, 1864)	"	"
Electric Telegraph.—Report of General Superintendent for year ending 31st December, 1864	"	"
Commons in the Colony.—Return in part to Order of Council	Hon. W. Hull, 22nd Dec., 1864.	"	... ..	Recommended to be printed.
Further Return to same	"	"
Assisted Immigration.—Return to Order of Council	Hon. C. Sladen, 20th Dec., 1864.	"	... ..	"
Elections and Qualifications.—Report from Select Committee on Petition of Alexander Bayne	8th Feb., 1865.	... ..	"
Attorney-General's Opinion.—Land Act	9th Feb., 1865.	... ..	"

JOHN P. FAWKNER,

Committee Room, Parliament Houses,
14th February, 1865.

Chairman.

1864-5.

VICTORIA.

R E P O R T

OF THE

SELECT COMMITTEE OF THE LEGISLATIVE COUNCIL

OF

ELECTIONS AND QUALIFICATIONS,

ON THE

PETITION OF ALEXANDER BAYNE;

TOGETHER WITH

PROCEEDINGS OF COMMITTEE.

ORDERED BY THE COUNCIL TO BE PRINTED 14TH FEBRUARY, 1865.

By Authority :

JOHN FERRES, GOVERNMENT PRINTER, MELBOURNE.

EXTRACTED FROM THE MINUTES.

TUESDAY, 29TH NOVEMBER, 1864.

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

VICTORIA.

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

The Honorable John Pinney Bear,
The Honorable William Campbell,
The Honorable Thomas Howard Fellows,
The Honorable William Highett,
The Honorable Henry Miller,
The Honorable William Henry Fancourt Mitchell,
The Honorable Charles Sladen,

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

Given under my Hand this twenty-ninth day of November, 1864.

J. F. PALMER,
President of the Legislative Council.

TUESDAY, 6TH DECEMBER, 1864.

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

TUESDAY, 13TH DECEMBER, 1864.

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

THURSDAY, 22ND DECEMBER, 1864.

PETITION.—The President announced to the Council that a Petition from Alexander Bayne, against the return of the Honorable N. Fitzgerald, had been presented to him in terms of the sixty-eighth section of the Electoral Act.

The Honorable J. P. Fawkner moved, That the Petition be referred to the Elections and Qualifications Committee.

Question—put and passed.

TUESDAY, 31ST JANUARY, 1865.

ELECTIONS AND QUALIFICATIONS COMMITTEE.—MEMBERS SWORN.—The following Members of the Elections and Qualifications Committee were sworn at the Table by the Clerk in the manner prescribed by the Electoral Act of 1856 :—

The Honorable John Pinney Bear,
The Honorable William Campbell,
The Honorable Thomas Howard Fellows,
The Honorable William Highett,
The Honorable Henry Miller,
The Honorable William Henry Fancourt Mitchell,
The Honorable Charles Sladen.

The President appointed the time and place of the first meeting of the Committee to be at eleven o'clock in the forenoon on Wednesday, the 1st February, 1865, in the South Committee Room.

WEDNESDAY, 8TH FEBRUARY, 1865.

ELECTIONS AND QUALIFICATIONS COMMITTEE.—The Honorable W. H. F. Mitchell, as Chairman of the Elections and Qualifications Committee, brought up the Report of the Committee on the Petition of Alexander Bayne, which was referred to the Committee on the 22nd December, 1864.

The Report was read at the Table by the Clerk.

THURSDAY, 9TH FEBRUARY, 1865.

ELECTIONS AND QUALIFICATIONS COMMITTEE REPORT.—The Honorable W. H. F. Mitchell, in accordance with notice, moved, That the Report of the Elections and Qualifications Committee, in the matter of the Petition of Alexander Bayne, be confirmed.

Question—put and passed.

REPORT.

The Honorable W. H. F. Mitchell, from the Select Committee on Elections and Qualifications, to which Committee was referred the Petition of Alexander Bayne, complaining of the improper return of Nicholas Fitzgerald for the North-Western Province, informed the House that the Committee had determined:—

1. That the general statement in the last paragraph of the Petition is too vague to be entertained by the Committee.
2. That the Petitioner must be limited to the disqualification specifically charged by him.
3. That the disqualification so charged is not in itself sufficient to unseat the sitting member.
4. That the Petition cannot, therefore, be proceeded with.
5. That the foregoing resolutions be reported to the House.

W. H. F. MITCHELL,
Chairman.

Legislative Council Chamber,
Melbourne, 8th February, 1865.

PROCEEDINGS OF THE COMMITTEE.

WEDNESDAY, 1ST FEBRUARY, 1865.

Members present :

The Honorables W. H. F. Mitchell, W. Campbell, W. Highett, C. Sladen, T. H. Fellows, J. P. Bear.

The Honorable T. H. Fellows moved, That the Honorable W. H. F. Mitchell be appointed Chairman.

Resolved unanimously.

The parties were called in.

The following petition was read by the Clerk and handed in to the Chairman.

“TO THE HONORABLE THE PRESIDENT OF THE LEGISLATIVE COUNCIL.

“The humble Petition of Alexander Bayne, of Sandhurst, in the colony of Victoria, landowner :

“SHOWETH—

“That, on the third day of October, One thousand eight hundred and sixty-four, a writ was duly issued by His Excellency Sir Charles Darling, Governor of Victoria, directed to the Returning Officer of the North-Western Province for the election of a member of the Legislative Council for that Province.

“That your Petitioner and Nicholas Fitzgerald, and Francis Robertson, duly became and were announced by the said Returning Officer to have been duly nominated, and to have become candidates at said election.

“That the said Returning Officer duly announced that a poll would be taken for said election on the second day of November, One thousand eight hundred and sixty-four.

“That the poll was taken on the said second day of November, One thousand eight hundred and sixty-four, when there were polled the following number of votes :—

“ For Nicholas Fitzgerald	...	...	...	...	696
“ For your Petitioner	...	...	...	...	630
“ For Francis Robertson	...	...	...	...	357

And the said Returning Officer declared the said Nicholas Fitzgerald to be duly elected as member for said North-Western Province ; and the name of said Nicholas Fitzgerald was endorsed on said writ by said Returning Officer, and the said writ was returned, by him to the said Governor within the time specified.

“That the said Nicholas Fitzgerald was not for one year previous to such election legally or equitably seized of or entitled to an estate of freehold in possession, for his own use and benefit, in lands and tenements, or either of them, in the said Colony of Victoria, of the value of five thousand pounds sterling money, above all charges and incumbrances affecting the same respectively.

“That your Petitioner was for one year previous to such election legally seized of an estate of freehold in possession, for his own use and benefit, in lands and tenements in the Colony of Victoria, of the value of five thousand pounds sterling money, over and above all charges and incumbrances affecting the same respectively, and was, at the time of such election, in every other respect qualified to be elected as a member of said Legislative Council, within and according to the provisions of the Act to establish a Constitution in and for the Colony of Victoria.

“That, notwithstanding the declaration of said returning officer, your Petitioner submits that the said Nicholas Fitzgerald was not, but that your Petitioner was, duly elected member at such election for said North-Western Province, on the ground that the said Nicholas Fitzgerald was not qualified at the time of said election to be elected a member for said province.

“Your Petitioner therefore respectfully prays—

“First—That you will, as soon as conveniently may be, lay this petition before the Legislative Council.

“Second—That the Legislative Council may be pleased forthwith to refer such petition to the Committee of Elections and Qualifications.

“Third—That when such reference has been made, such Committee will determine and report to the Legislative Council that the said Nicholas Fitzgerald was at the time of said Election not qualified to be elected a member for said North-Western Province, and that your Petitioner was duly elected as a member to serve in the Legislative Council for the said North-Western Province, and that said return be amended by striking out therefrom the name of the said Nicholas Fitzgerald, and substituting instead thereof the name of your Petitioner, and that your Petitioner may make the declaration required by law, as a member of said Council, and may take his seat accordingly.

“Fourth—Or, failing this, That a new writ may be issued for the election of a Member to serve in the said Legislative Council for said North-Western Province.

“Fifth—And that your Petitioner may have such further and other relief in the premises as the nature of the case requires.

“And your Petitioner will ever pray.

“ALEXANDER BAYNE,

“A Candidate at the election for the North-Western Province, held on the 2nd day of November, 1864.”

Messrs. Fitzgerald and Prendergast appeared as agents for the Sitting Member.
Mr. Charles Faussett appeared as agent for the Petitioner.

Mr. Wood and Mr. Quinlan appeared as counsel for the Sitting Member.

The Chairman announced that the Committee had agreed to the following resolutions :—

1. That counsel will not be allowed to go into matters not referred to in their opening statements without a special application to the Committee for permission to do so.
2. That no person shall be examined as a witness who shall have been in the room during any part of the proceedings (with the exception of the parties and their agents, whose names shall be handed in) without the special leave of the Committee.
3. That the Committee will only hear one counsel on each side on the opening and summing up of the case.
4. That, should any point of law arise requiring argument, the Committee reserve to themselves the power of hearing only one counsel on each side.

Mr. Faussett applied for adjournment, in consequence of the unavoidable absence of the counsel engaged.

Mr. Wood heard on the question of adjournment, stating that he wished to be heard on a preliminary objection to the Petition.
Committee deliberated.

The Committee determined to adjourn until ten minutes to four o'clock on Friday; and as a matter of convenience to the parties themselves, informed the parties, that the Committee would be prepared to hear preliminary objections on Wednesday next, at eleven o'clock.

FRIDAY, 3RD FEBRUARY, 1865.

No quorum.

Notices issued for same hour (3·50) on next sitting day of the House.

TUESDAY, 7TH FEBRUARY, 1865.

Members present :

The Honorable T. H. Fellows in the Chair.
The Honorables C. Sladen, W. Campbell, and H. Miller.
Committee adjourned to 11 a.m. on the 8th instant.

WEDNESDAY, 8TH FEBRUARY, 1865.

Members present :

The Honorable W. H. F. Mitchell in the Chair.

The Honorables H. Miller, C. Sladen, J. P. Bear, W. Highett, W. Campbell.

Parties called in.

Mr. Billing appeared as counsel for the Petitioner.

Mr. J. D. Wood appeared as counsel for the Sitting Member.

The Chairman announced that the Committee were prepared to hear counsel on the preliminary objection mentioned by counsel.

Mr. J. D. Wood heard on an objection that the Petition did not state that the estate of the Sitting Member was not worth the sum of (£500) five hundred pounds sterling per annum, and that stating that it was not worth (£5000) five thousand pounds sterling was insufficient.

Mr. Billing heard in reply.

Mr. Wood heard in reply.

Committee-room cleared.

Committee deliberated.

The Honorable J. P. Bear proposed the following resolution :—

“That the general statement in the last paragraph of the Petition is too vague to be entertained by the Committee.”

Resolved unanimously.

The Honorable J. P. Bear proposed the following resolution :—

“That the Petitioner must be limited to the disqualification specifically charged by him.”

Resolved unanimously.

The Honorable J. P. Bear proposed the following resolution :—

“That the disqualification so charged is not in itself sufficient to unseat the Sitting Member.”

Resolved unanimously.

The Honorable J. P. Bear proposed the following resolution :—

“That the Petition cannot therefore be proceeded with.”

Resolved unanimously.

The Honorable J. P. Bear proposed the following resolution :—

“That the foregoing resolutions be reported to the House.”

Resolved unanimously.

The parties were called in.

The Chairman informed the parties of the resolutions arrived at.

Mr. Wood applied for costs.

The Chairman stated that the Committee had determined not to grant costs.

MINUTES OF EVIDENCE.

WEDNESDAY, 1ST FEBRUARY, 1865.

Members present :

The Hon. W. H. F. MITCHELL, in the Chair ;	
The Hon. T. H. Fellows	The Hon. J. P. Bear
" C. Sladen	" W. Campbell.
" W. Highett	

The petition of Alexander Bayne, of Sandhurst, against the return of Nicholas Fitzgerald, as the member for the North Western Province, was read.

The counsel and parties were called in.

Mr. Faussett appeared as agent for the petitioner, and stated that *Mr. Billing* would appear as counsel, but was unavoidably absent on the present occasion.

Mr. Wood and *Mr. Quinlan* appeared as counsel for the sitting member.

Messrs. Fitzgerald and *Prendergast* appeared as agents.

The Chairman intimated that the committee had agreed to the following preliminary resolutions :—

- (1.) That counsel will not be allowed to go into matters not referred to in their opening statement without a special application to the committee for permission to do so.
- (2.) That no person shall be examined as a witness who shall have been in the room during any part of the proceedings (with the exception of the parties and their agents, whose names have been handed in) without the special leave of the committee.
- (3.) That the committee will only hear one counsel on each side on the opening and summing up of the case.
- (4.) That should any point of law arise requiring argument, the committee reserve to themselves the power of hearing only one counsel on each side.

Mr. Faussett applied for a postponement, on the ground of the unavoidable absence of *Mr. Billing*, who was in Sydney, but shortly expected to return.

Mr. Wood was heard *contra*.

Mr. Faussett was heard in reply.

The Chairman intimated that the committee would adjourn *pro forma* to Friday next, but that the committee would meet to proceed with business on Wednesday next, at eleven o'clock.

WEDNESDAY, 8TH FEBRUARY, 1865.

Members present :

The Hon. W. H. F. MITCHELL, in the Chair ;	
The Hon. H. Miller	The Hon. J. P. Bear
" W. Highett	" C. Sladen
" W. Campbell	" T. H. Fellows.

The counsel and parties were called in.

Mr. Wood, for the sitting member, took the following preliminary objection to the petition, viz. : That the petition only alleged that the sitting member had not an estate of the value of £5,000, and did not allege that he had not an estate of the value of £500 per annum, although the qualification required by the Constitution Act was only that the sitting member should have either an estate of the value of £5,000, or an estate of the annual value of £500, and was heard to contend that this was a case in which the committee had not power to give liberty to amend the petition.

Mr. Billing, for the petitioner, was heard in support of the sufficiency of the petition, and contended that there was sufficient in the petition to show that the ground of objection taken by the petitioner was, That the sitting member was not qualified at the time of the election, there being a distinct averment that the ground upon which the petitioner sought to unseat the sitting member was, That he was not qualified at the time of the election to be elected for the province.

Mr. Wood was heard in reply.

The Committee-room was cleared.

After some time the counsel and parties were again called in, and informed by the chairman that the committee had agreed to the following resolutions :—

- (1.) That the general statement in the last paragraph of the petition is too vague to be entertained by the committee.
- (2.) That the petitioner must be limited to the disqualification specifically charged by him.
- (3.) That the disqualification so charged is not in itself sufficient to unseat the sitting member.
- (4.) That the petition cannot therefore be proceeded with.
- (5.) That the foregoing resolutions be reported to the House.

1864-5.

VICTORIA.

LEGISLATIVE COUNCIL.

THIRD REPORT

OF THE

PRINTING COMMITTEE.

LAI'D UPON THE COUNCIL TABLE BY THE HONORABLE J. P. FAWKNER, AND ORDERED
BY THE COUNCIL TO BE PRINTED, 23TH MARCH, 1865.

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 :—

Subject.	When moved for and by whom.	When laid on Council Table.	By Command.	Report and Remarks of Committee.
Mining Surveyors and Registrars.—Reports (for quarter ending 31st December, 1864)	... ..	14th Feb., 1865	... ..	No order made.
Wheat, &c., Imported.—Return to Order of Council	Hon. J. F. Strachan, 9th Feb., 1865	"	... ..	Recommended to be printed.
Beechworth and Yackandandah Courts of Mines.—Order in Council (6th February, 1865)	... ..	21st Feb., 1865	... ..	No order made.
Beechworth and Yackandandah County Court.—Order in Council (6th February, 1865)	... ..	"	... ..	"
Local Government Act—First Report of Assistant Commissioner of Roads and Bridges on execution of (25th January, 1865)	... ..	28th Feb., 1865	... ..	Recommended to be printed, if not printed by Legislative Assembly.
Wedderburne—Mining Operations at.—Order in Council (13th February, 1865)	... ..	"	... ..	No order made.
Land Act, 1862—Form of Leases under 47th clause of—	... ..	7th Mar., 1865	... ..	"
Royal Commission and Instructions.—Return to Address of Council	Hon. T. H. Fellows, 7th Mar., 1865	21st Mar., 1865	... ..	Recommended to be printed.

JOHN P. FAWKNER,

Chairman.

Committee Room,

Legislative Council Chambers,

28th March, 1865.

1864-5.

VICTORIA.

REPORT

OF THE

SELECT COMMITTEE OF THE LEGISLATIVE COUNCIL

ON

PRECEDENTS:

TACKING OF BILLS, SUPPLY AND TAX BILLS,
APPROPRIATION BILLS;

TOGETHER WITH THE

PROCEEDINGS OF THE COMMITTEE AND APPENDICES.

ORDERED BY THE LEGISLATIVE COUNCIL TO BE PRINTED 4TH MAY, 1865.

By Authority:

JOHN FERRES, GOVERNMENT PRINTER, MELBOURNE.

EXTRACTED FROM THE MINUTES.

TUESDAY, 28TH MARCH, 1865.

PRECEDENTS.—TACKING OF BILLS—SUPPLY AND TAX BILLS—APPROPRIATION BILLS.—The Honorable C. Sladen, in accordance with notice, moved, That a Select Committee of ten Members be appointed to search for Precedents on the subject of the Tacking of Bills, and also on the subject of dealing with Bills of Supply and Tax, and with Bills for appropriating Supplies, and to report thereon to the Council.

Question—put and passed.

The Honorable C. Sladen moved, That such Committee consist of the Honorables J. P. Bear, J. P. Fawkner, T. H. Fellows, A. Fraser, M. Hervey, W. Highett, W. H. F. Mitchell, Sir James Palmer, J. F. Strachan, and the Mover.

A Ballot having been demanded, in accordance with the forty-fifth Standing Order, lists were given in to the Clerk by the Members; and the following Members being reported by the Clerk to have the greatest number of votes, were declared by the President to be the Members of the Committee, viz. :—
The Honorables C. Sladen, Sir J. F. Palmer, M. Hervey, T. H. Fellows, W. H. F. Mitchell, W. Highett, J. P. Fawkner, J. F. Strachan, J. P. Bear, and A. Fraser.

The President fixed two o'clock on Wednesday, the 29th instant, as the time for the first meeting of the Committee.

THURSDAY, 4TH MAY, 1865.

PRECEDENTS.—TACKING OF BILLS—SUPPLY AND TAX BILLS—APPROPRIATION BILLS.—The Honorable C. Sladen brought up the Report of the Select Committee appointed “to search for Precedents on the subject of Tacking of Bills, and also on the subject of dealing with Bills of Supply and Tax, and with Bills for appropriating Supplies, and to report thereon,” and moved, That the same be received and printed, together with the Appendices thereto.

Question—put and passed.

REPORT.

THE SELECT COMMITTEE, appointed on the 28th March to search for Precedents on the subject of Tacking of Bills, and also on the subject of dealing with Bills of Supply and Tax, and with Bills for appropriating Supplies, have agreed to the following Report:—

Your Committee have searched the journals of the House of Lords and House of Commons for precedents on the subject of tacking of Bills, and on the mode of dealing with Bills of Supply and Tax, and Bills for appropriating Supplies, and append to their Report a summary (Appendix A) which they have prepared. They have classified the same under the following heads:—

Part 1.—Tacking generally.

Part 2.—Tacking of foreign matter to a Bill for appropriating Supplies.

Part 3.—Tacking of foreign matter to a Bill of Supply and Tax.

Part 4.—Mode of procedure with Supply Bills.

Part 5.—Mode of procedure with Appropriation Bills.

PART I.—TACKING GENERALLY.

Your Committee have searched under this head so far back as the Restoration, and found in the journals of the House of Lords, from which they have made an extract, some remarks in the King's speech and that of his Chancellor (on the occasion of the opening of Parliament, on 23rd May, 1678), valuable as well for their remarkable terseness as for the testimony they afford as to the usage of Parliament so far back as the reign of Charles II, and previously to that period.

The King said, on that occasion—

“One thing more I have to add, and that is, to let you know that I will never more suffer the course and method of passing laws to be changed, and that if several matters shall ever again be tacked together in one Bill, that Bill shall certainly be lost, let the importance of it be never so great.

“The rest I leave to my Lord Chancellor.”

The Chancellor said (among other things)—

“But the King hath so far expressed himself this day, that 'tis evident the manner of your proceedings is to him as considerable as the matter, and that he will not accept a good Bill, how valuable soever it may be, unless it come to him in the old and decent method of Parliaments.

“The late way of tacking together several independent and incoherent matters in one Bill seems to alter the whole frame and constitution of Parliaments, and, consequently, of the Government itself.

“It takes away the King's negative voice, in a manner, and forces him to take all or none, when sometimes one part of the Bill may be as dangerous for the kingdom as the other is necessary.

“It takes away the negative voice of the House of Peers too, by the same consequence, and disinherits the Lords of that honor they were born to, the liberty of debating and judging what is good for the kingdom.

“It looks like a kind of defamation of the Government, and seems to suppose the King and House of Lords to be so ill-affected to the public, that a good Bill cannot carry itself through by the strength of its own reason and justice, unless it be helped forward by being tacked to another Bill that will be favored.

“It does at last give up the greatest share of legislature to the Commons, and, by consequences, the chief power of judging what laws are best for the kingdom.

“And yet it is a privilege that may be made use of against the Commons, as well as by them; for, if this method hold, what can hinder the Lords at one time or other from taking advantage of a Bill very grateful to the Commons, and much desired by them, to tack a new clause to it of some foreign matter, which shall not be altogether so grateful, nor so much desired; and then the Commons must take all or none too.

“Thus every good Bill shall be dearly bought at last; and one chief end of calling Parliaments, the making of good laws, shall be wholly frustrated and disappointed; and all this by departing from that method which the wisdom of our ancestors prescribed on purpose to prevent and exclude such inconveniencies.

“These innovations the King resolves to abolish; and hath commanded me to say to you, *State super Vias antiquas.*”

The journals of the House of Commons show that, when the Lord Chancellor's speech was taken into consideration, the only question submitted to the House relative to his statements was, “That the proceedings of this House have not occasioned a peace.”

Some pertinent remarks of Hatsell on this subject are given in the Appendix (B).

PART II. TACKING OF FOREIGN MATTER TO A BILL FOR APPROPRIATING SUPPLIES.

PART III. TACKING OF FOREIGN MATTER TO A BILL OF SUPPLY AND TAX.

Under these heads your Committee have found many cases in which bills, both of appropriation and supply, having foreign matter embodied in them, have passed through the British Legislature without dissent or interference on the part of either House.

During the first half of the eighteenth century, from 1700 to 1768, it appears that the annual Appropriation Act frequently contained clauses of supply and other foreign matter; but, from the commencement of the reign of George III, this practice, which bears upon the face of it the impress rather of irregularity than of a design to deprive the House of Lords of its right of deliberating upon the matter separately, seems to have fallen into disuse, and your Committee have not found any case, from 1768 to the present time, in which any foreign matter has been introduced into the Appropriation Act; but there seems to be good reason for supposing that, with the accession of George III, not only were all these irregularities, as regards the Appropriation Act itself, done away with, but an uniform system of appropriating the supplies to the service of the year was then established: for whereas previously there had been instances of clauses of appropriation being contained in bills of supply, your Committee have the high authority of the Speaker of the House of Commons (Mr. Shaw Lefevre) for stating that since the year 1762 there has not been a single instance of a clause of appropriation being inserted in any other than the ordinary Appropriation Act at the close of the session.

On the 22nd March, 1841, the House of Commons being in Committee on the Consolidated Fund (£8,000,000) Bill, the Speaker said—

“Before the question was put, he was anxious to call the attention of the House to what appeared to him to be an irregularity in its proceedings. The clause now before them was a clause of appropriation introduced into a Bill to provide for the ordinary ways and means of the year. Now, it was quite unusual to introduce a clause of appropriation into a Bill of this description at this period of the session. He believed the object the Chancellor of the Exchequer had in view, in proposing this clause, was to mark the sense of the House on an excess of expenditure in the departments of the Navy above the amount voted for that service in the past year, that it might not be drawn into a precedent for the future—such clauses had frequently been introduced into the ordinary Appropriation Bill at the close of the session, but since the year 1762, there was not a single instance of a clause of appropriation being inserted in any other Bill. A very remarkable instance to the contrary occurred in 1790, when an extraordinary expenditure had been incurred in fitting out an expedition to Nootka Sound. When

the attention of Parliament was called to this circumstance by Mr. Pitt, it was considered so desirable that it should not be mixed up with the ordinary expenditure of the year, that special votes in supply were taken to provide for it before Christmas, the ordinary votes of supply for the current year being taken after Christmas; and yet, although the House evidently intended specially to mark these votes, it was not considered necessary to appropriate them specifically in any Bill, until the general Appropriation Act at the end of the session.

"There were other considerations as affecting the proceedings of the two Houses of Parliament which ought not to be overlooked on the present occasion; but he was satisfied that it was only necessary for him to direct the attention of the House to the subject, for it to exercise a due caution and to avoid establishing a novel and perhaps dangerous precedent."

The Committee unanimously acquiesced in the views thus enunciated by the Speaker, and allowed the clause of appropriation to be withdrawn. The remarks made by various members of the House are given in full in the Appendix (C) to this Report.

The circumstances under which the clause of appropriation was withdrawn deserve particular notice.

On the 19th of March, 1841, on the motion of the Chancellor of the Exchequer, power was "given to the Committee to introduce into the Consolidated Fund (£8,000,000) Bill a clause for appropriating a vote for the excess of the naval expenditure of the past year.

"The House having resolved itself into Committee, a clause was accordingly offered and read a first time, appropriating £165,000 for this purpose."—[*Hansard*, 3 series, vol. 57, p. 395.]

On the 22nd March, the House being again in Committee on the Bill, the Speaker called the attention of the Committee to the irregularity of its proceedings, as above set forth.

Accordingly, as shown by the extract from the Commons' journals in the Summary of Precedents, the House retraced its steps, and the clause was withdrawn.

Your Committee find, that the identical sum required by the Chancellor of the Exchequer as having been expended in excess of the Votes for the Navy, in 1840, and which the House of Commons declined to appropriate in a Bill to provide for the ordinary ways and means of the year, was subsequently, during the same session, provided for in a clause of the Appropriation Act (4 & 5 Vic. c. 53, s. 12).

They also find, that the principle and practice thus recognised, were, twenty years afterwards, adhered to in the general Appropriation Act, 23 and 24 Vict., cap. 131, s. 12, in order to provide for an excess of expenditure in the Army Estimates, amounting to £407,649, incurred in the previous year.

Although in the course of their search your Committee have found instances of Supply Bills containing matter foreign to them, which have passed through both Houses of Parliament without dissent or interference, particularly during the first half of the 18th century; yet, from the repeated protests which they have found recorded in the journals of the House of Lords, and from the unwillingness, as evinced by their votes on various occasions, of the Commons to tack any foreign matter to a Supply Bill, they are forced to the conclusion, that such a course has been ever considered a departure from Parliamentary usage.

Your Committee have not thought it necessary to invite attention to cases of Bills tacked together which have been allowed to pass *sub silentio*; but where exception has been taken by either House to the proposed tack, your Committee have thought it desirable to furnish, together with the circumstances of each case, such comments as are to be found in the works of leading historians and of the commentators of the period.

Your honorable House will perceive, that the Repeal of the Excise Duties on Paper in the Customs and Inland Revenue Bill of 1861 is not included in the Summary of Precedents annexed to this report.

Although attention has been drawn to that measure as an instance of a tack, an investigation of the proceedings of the Houses of Lords and

Commons will show that it was not looked upon in that light by the leaders of parties there ; and indeed it would seem to be a contradiction in terms to say that the "ways and means" by which a "supply" is to be raised are or can be unconnected with the supply itself, or "foreign" to the Bill which authorises it.

The circumstances attending that case are set out at length in Appendix D.

Your Committee now proceed to remark on those cases which are included in the Summary.

Of all the cases of tacks, or proposed tacks, found by your Committee, being thirteen in number, and extending over the period from 1675 to 1841, to which exception was taken by one or other of the Houses of Parliament, and of which your Committee have provided a Summary of Precedents, only four were carried in the teeth of protests and opposition ; and three of those were confined to the short period of 1698, 1699, and 1700 ; while the fourth, which occurred in 1703, was protested against by several peers, among whom was Lord Somers. Five cases of propositions to tack were disallowed in the Commons. In three of the cases the measures were rejected in the Lords upon the ground of the tack. And in the case which occurred in 1675, when a tack had been agreed to in the Commons, Parliament was prorogued before the measure reached a second reading in that House. But in the following session a similar proposition to tack to the same Bill was negatived in the Commons. Your Committee have included in the Summary one Bill in which no tack was attempted to be made in the same session, but which was the occasion of the passing of the Standing Order of the House of Lords on the subject of annexing any clause or clauses to a Bill of Aid or Supply (in 1702) ; which Standing Order since that period appears to have been accepted as declaratory of Parliamentary usage.

November 11, 1675.—It was resolved by the Commons, upon a division, that the Bill for appropriating the Customs to the use of the Navy should be annexed to the Bill for raising a supply for providing, equipping, and furnishing twenty ships, and a Bill with the said annexation was read a first time ; but Parliament was prorogued before the second reading was brought on.

In the following Session, a similar proposition was rejected in the House of Commons.

July 1, 1698.—A Bill for Settling the Trade to the East Indies was read a second time in the Lords, with the following protest, viz.—

"*Dissentient.*—Because," amongst other reasons there given, "the Bill granting likewise a supply of £2,000,000, in which the Commons pretend the House of Lords ought not to make any alteration, we are of opinion their lordships are likewise thereby deprived of the freedom of their vote in the matter of the East India trade, to which it cannot be denied but that they have an equal right with the Commons ; and yet, by its being joined to a Bill of Supply, this House must either be the occasion of disappointing so large and necessary a grant for the public service, or be put upon the unreasonable hardship of consenting to a matter which, though it seems never so unjust, it is fruitless for them to examine if their amendments are not to be admitted, because offered to a Money Bill ; which we humbly conceive to be a manifest violation of the rights of this House, and tending to an alteration of the Constitution of the Government."

April 27, 1699.—On the occasion of "*A Bill for granting to His Majesty the sum of One million four hundred and eighty-four thousand and fifteen pounds one shilling and eleven pence three farthings, for disbanding the Army, providing for the Navy, and for other necessary occasions,*" to which a clause had been tacked for taking an account of the Forfeited Estates in Ireland, being sent up to the Lords, and passed by them, the following protest was entered in the journals :—

"*Dissentient.*—Because of the clause at the latter end of the Bill, which constitutes Commissioners for inquiring into and taking account of all such estates, real and personal within the Kingdom of Ireland, as have been forfeited for high treason by any person whatsoever during the late rebellion within that kingdom, which we conceive was a matter foreign to this Bill and

more proper for a Bill by itself, and that the tacking of a clause of that nature is contrary to the ancient method of proceedings in Parliament, and on that account, as we apprehend, may be of very ill consequence to the freedom of debate in either House and highly prejudicial to the privileges of the Peers and the prerogative of the Crown."

In April, 1700, a Bill, intituled "*An Act for granting an Aid to His Majesty by sale of Forfeited and other Estates in Ireland, and by a Land Tax in England for the several purposes therein mentioned,*" being sent up from the Commons, the second reading was, after debate, affirmed by the Lords, but the following protest was entered in the journals :—

"*Dissentient.*—Though there be nothing we more earnestly desire, and shall on all occasions, to the utmost of our power, more sincerely and heartily endeavour, than the preservation of a constant, right, and good understanding and agreement between the Two Houses of Parliament, as that on which the safety, welfare, and happiness of the nation, and the preservation of the wisest and noblest Constitution in the world does so much depend, yet we cannot but enter this our protestation against a second reading of this Bill."

"1. First, Because (as we conceive) this Bill does in one part very much tend to the alteration (if not to the destruction) of that Constitution which we believe the supply in the other part was given to preserve.

"2. Because (we conceive) the tacking of so many and different matters to a Money Bill is not only contrary to all the rules and methods of Parliament, but highly dangerous both to the undoubted prerogative of the Crown, and right of this House, putting it (as we conceive) in the power of the Commons to make any Resolutions of their own as necessary as any supply given for the support or emergencies of State.

"3. We know not how far the just right any private subject has to his estate may be endangered by the precedent of such a Bill, for if the titles so many persons have to their estates may be determined by the Commons in a Money Bill, without either oath or appeal, as (we conceive) in this Bill they are, we cannot apprehend how any single private subject, or Minister of State, can for the future be safe, which must needs be a weakening the Prince's hands, and the legal security every man now has to his estate."

The Bill was subsequently put into Committee, several amendments were made, and two riders added, and the Bill so amended was returned to the Commons.

A conference was then held, when the Commons gave their reasons for not agreeing to the amendments of the Lords in the following words, viz. :—

"For that all Aids and Supplies granted to His Majesty in Parliament are the sole and entire gift of the Commons; and as all Bills for the granting such Aids and Supplies begin with the Commons, so it is the undoubted and sole right of the Commons to direct, limit, and appoint, in such Bills, the Ends, Purposes, Considerations, Limitations, and Qualifications of such Grants, which ought not to be changed or altered by your Lordships.

"This is well known to be such a fundamental right of the Commons, that to give reasons for it has been esteemed by our ancestors to be a weakening of that right.

"The Commons therefore leave the Bill and the amendments with your Lordships; together with the ill consequences that may attend the not passing of this Bill."

The Lords, however, insisting on their amendments, another conference was had, in which the Lords gave their reasons for so doing.

"1. Because the reasons given by the Commons against their Lordships' amendments do no ways relate to the matter contained in the said amendments.

"2. Because, though there be nothing in the said amendments relating to Aids or Supplies granted to His Majesty in Parliament, yet the Commons have thought fit to take occasion thereupon to assert a claim to their sole and entire right, not only the granting all Aids in Parliament, but that such aids are to be raised by such methods and with such provisions as the Commons only think proper. If the said assertions were exactly true (which their Lordships cannot allow), yet it could not with good reason follow from thence that the Lords may not alter or leave out according to their amendments, when the saving the estates of innocent persons, and of such as have been outlawed after their death, make such amendments necessary.

"And the Lords think it unreasonable and unjust to invest in the trustees any greater or other estate than was in the forfeiting person, or than the King may legally have; since thereby, not only many innocent persons, who come in by descent or purchase, or other valuable considerations, might suffer equally as criminals; but 'tis possible that men, who, with the utmost hazard of their lives, have been defending the Government, may forfeit as traitors; and they cannot apprehend that, by any law of this land or by any rule of reason or justice, any person ought to be outlawed after his death, since 'tis condemning a man unheard, and allowing him no opportunity of making his innocence appear.

“The Lords admit the resumption of the Forfeited Estates in Ireland to be a thing necessary, by reason of the great debt due to the army and others, which they earnestly desire to see discharged; and are therefore very willing and desirous to give their consents to any reasonable Bill the Commons shall send them up to that purpose; but the Lords can by no means consent, that the Commons shall take upon them to dispose of any of the said forfeitures to any private persons; it being the sole and undoubted right of the Crown to be the distributor of all bounties; and being contrary to all the laws and course of Parliaments to give Aids, Supplies, or Grants, to any but the King only; and as the contrary practice is totally new and unprecedented, so, in process of time it may become of the last ill consequence to the public.

“The Lords cannot agree to the clauses that create an incapacity in the Commissioners or Managers of the Excise for sitting in this Parliament, because the qualification of Members to serve in Parliament is a thing (if proper to be meddled with at all) that hath been thought fit by the Commons to be in a Bill by itself; and the joining together, in a Money Bill, things so totally foreign to the methods of raising money, and to the quantity or qualification of the sums to be raised, is wholly destructive of the freedom of debates, dangerous to the privileges of the Lords and to the prerogative of the Crown; for by this means things of the last ill consequence to the nation may be brought into money bills, and yet neither the Lords nor the Crown be able to give their negative to them without hazarding the public peace and security; and it seems a great hardship to the counties and places, who chose such members, to deprive them of their services, since they knew them to be Commissioners of Excise at the time they chose them; and since the Commons admit them to be proper persons to serve either in Excise or Parliament, though not at the same time; so that there seems to be no other reason of distinguishing these Commissioners but what is common to all other officers of the Crown: and the question, ‘Whether such an alteration may be convenient’ must needs be a doubt with the Lords, since the Commons have not been able this very session to satisfy themselves with the Bill, and the considerations they have entertained upon that subject.

“The Lords do seriously consider the dangers and inconveniences that are likely to happen by the loss of this Bill, and by the difference betwixt the two Houses, and are heartily sorry for them, and desirous to avoid them by all the means they can, as does manifestly appear by their having complied, and overlooked the irregularities of Bills of the like nature; and, at the same time, by entering in their books, to be seen by every body, their just sense of their wrong, and their resolutions of asserting that fundamental right of the exercise of which there are many precedents extant in their books; but since they find that such their kind intentions of maintaining a good correspondence with the Commons has had no other effect but to introduce greater impositions upon them, and such as will certainly prove destructive of the ancient and excellent Constitution of our Government, since the Lords have no objection to the resumption, nor no design to invade the least right of the Commons, but only to defend their own, that they may transmit the Government and their own rights and privileges to their posterity in the same state and condition that they were derived down to them from their ancestors: they think themselves wholly discharged from being in the least accessory to any such dangers or inconveniences, and conceive they are sufficiently justified before God and man in withstanding such innovations and invasions upon our Constitution and our laws as must necessarily prove the destruction of them.”

After several conferences, the Lords at length gave way and passed the Bill, without amendments; but the following protest was entered in the journals:—

“We do dissent for the reasons given this day to the Commons at a conference.”

[Signed by twenty-one peers.]

The circumstances which are supposed to have induced the Lords to pass the Bill eventually, without amendments, and the views which constitutional writers have entertained on the subject, are given in Appendix E.

In 1702, on reference to the Lords’ journals, your committee find that a Bill for preventing Occasional Conformity was sent up from the Commons, and passed by the Lords with amendments, provisoes, and riders, and returned to the Commons; immediately after which it was ordered and declared by the Lords—

“That the annexing any clause or clauses to a Bill of Aid or Supply, the matter of which is foreign to and different from the matter of the said Bill of Aid or Supply, is unparliamentary, and tends to the destruction of the constitution of this Government.”

On referring to Boyer’s “History of the Reign of Queen Anne,” your Committee find the following reasons assigned for the above order being made at that particular time.

(November, 1702.) “Towards the end of that month the Commons read the said Bill a third time, passed it, and sent it to the Lords, who, on the 9th Dec., 1702, sent it back to the lower house, with several amendments. At the same time, their lordships being apprehensive that the Commons would not give their concurrence to the said amendments, and

might, as they had done on other occasions, tack their Bill to some money bill, their lordships therefore made a vote, 'That the annexing any clause to a money bill was contrary to the constitution of the English Government and the usage of Parliament,' and ordered this vote to be added to the roll of the Standing Orders of their house."

In the Commons it was subsequently proposed to tack this Bill to a Land Tax Bill, but, upon a division, it was negatived by 251 to 134. The circumstances are set forth in the extract from Boyer's History, which appears in the Appendix F, accompanied by a passage from Hallam.

In 1712, it was attempted in the Commons to annex, to a Soap and Paper Duty Bill, a Bill to appoint Commissioners to examine the value of all lands, &c., and it was resolved by the Commons, that it should be an instruction to the Committee of the whole House, to whom had been committed the Bill "*For laying several Duties upon Soap and Paper made in Great Britain or imported into the same; and upon chequered and stained Linen imported; and upon certain Silks, Calicoes, Linens, and Stuffs printed, painted, or stained; and upon Bricks and other things therein mentioned, to raise Money by way of a Lottery towards Her Majesty's Supply,*" to make into one the said Bill and the Bill "*To appoint Commissioners to examine the value of all Lands and other interests granted by the Crown since the 13th day of February, 1688, and upon what considerations such Grants were made.*" On the Order being read upon a subsequent day for the House to go into Committee on the said Bills, a motion was made, "That the said Committee be discharged from the instruction to alter and make into one the said Bills." And it was ordered, "That the Sergeant-at-Arms attending this House do go with the mace into the Court of Requests and places adjacent and summon the Members there to attend the service of the House." And he went accordingly, and, being returned, the question was put—That the Committee be discharged from the instruction to alter and to make into one the said Bills,—when the House divided, and it was resolved in the affirmative, by 300 to 81—That the Committee be so discharged.

Again, in 1713, it was proposed in the Commons to tack to a Malt Duties Bill a clause for securing the freedom of Parliaments, but it was negatived on a division by 160 to 111.

In the same year, 1713, an Act for encouraging the Tobacco Trade, being a Supply Bill, which contained much incongruous matter, was rejected by the Lords on the first reading.

In 1807, in the Lords, the Order of the Day being read for the House to be put into a Committee upon the Bill intituled "*An Act for continuing and granting to His Majesty certain Duties upon Malt in Great Britain for the service of the year 1807, and for removing doubts with respect to signing the Exchequer Bills, issued pursuant to two Acts of the last Session of Parliament, for granting to His Majesty certain Duties upon Malt in Great Britain, and upon Sugar, Malt, Tobacco, and Snuff in Great Britain,*"—it was moved,—

"That the Standing Order, No. 25, 'That no clause be annexed to a Money Bill foreign to the matter thereof' be now read,"

and the same was accordingly read by the Clerk, when it was "ordered "that the said Bill be rejected."

Hatsell (vol. 3, p. 220) makes the following remarks on the subject of this Bill :—

"On the 9th January, 1807, the Lords laid aside the Annual Malt Bill, on account of a tack, viz, a clause to legalise certain Exchequer Bills charged upon the Malt and Pension Duties of last year; which Exchequer Bills had been signed by the creditors' trustee, acting for Lord Grenville. The Lords objected to this, 1st, because the whole clause was a tack; and 2dly., even if the Exchequer Bills charged upon the Malt Duty could be deemed so far in *pari materia* as not to be a tack, yet the bills charged on the Pension Duty were entirely a different matter. In the House of Commons, upon reading again the resolution reported from the Committee of Ways and Means, on the 1st January, a new Malt Bill was ordered in."

In Cobbett's Parliamentary Debates (vol. 8, p. 427) the following additional information is to be found:—

“HOUSE OF LORDS.

“Friday, January 9th, 1807.

“[MALT DUTY BILL.] The order for committing the Malt Duty Bill, which also purported to be a bill for removing doubts respecting the issue of certain Exchequer bills, and for other purposes, having been read—

“The Lord Chancellor left the woolsack to call the attention of the House to this bill, which appeared to contain matter foreign to the object of a money bill. His Lordship moved, That the Standing Order respecting bills of this description should be read. The Standing Order was accordingly read by the Clerk, declaring, that to insert in money bills clauses foreign to the objects of those bills was unparliamentary and destructive of the constitution of Parliament. The noble and learned Lord said it would be wasting the time of their Lordships for him to attempt to prove what must be obvious to the House, that clauses were inserted in this bill which had no relation to its object as a Money Bill, and which therefore rendered it obnoxious to the Standing Order of the House which had just been read. He therefore moved, That the bill be rejected; which was ordered accordingly.”

“HOUSE OF COMMONS.

“Friday, January 9th, 1807.

“ON the motion of Mr. Vansittart (Chancellor of the Exchequer), the resolution of the Committee of Supply on the 1st January, for continuing the usual Duties on Malt, was read. Mr. V. then stated, that, in consequence of circumstances into which it was unnecessary for him to enter, the bill already brought in on this resolution had been lost in another place. He therefore moved for leave to bring in another bill, which was granted.”

Again, in 1807, on the motion that the Bill, intituled “*An Act to provide for abolishing Fees received by Officers in the service of the Customs in the several Ports of Ireland and for making compensation to the said Officers and for regulating the hours of attendance and the number of holidays to be observed by them,*” be read a third time, the Standing Order No. 25—“That no clause shall be annexed to a Money Bill foreign to the matter”—was ordered to be read, and the third reading of the above Bill was thereupon negatived.

PART IV. MODE OF PROCEDURE WITH SUPPLY BILLS.

PART V. MODE OF PROCEDURE WITH APPROPRIATION BILLS.

Under these heads your Committee have extracted from the report of the Select Committee of the House of Commons (of 1860) on Precedents the following observations:—

“The appropriation of Supplies to specified heads of expenditure was introduced in the reign of Charles the Second; and generally, though not in every instance, it was adopted by Parliament.

“The practice, with regard to the Appropriation Act, assumed substantially its present form in the reign of William III; and as the Bill by which the appropriation is made enacts that the aids and supplies enumerated therein shall not be issued or applied to any use, intent, or purpose, other than those which are mentioned in it, the constitutional usages with respect to these Bills are the same as those above adverted to with respect to Supply Bills; it is prepared in the same way as the Act of the Commons only. It is sent up to the Lords for their assent. It is returned by that House into the charge of the Commons, and when the Commons are summoned to attend Her Majesty or the Lords Commissioners in the House of Peers it is carried with the Supply Bills to the Bar of their House by the Speaker and there presented by him for the Royal Assent.

“Although the Lords have in some instances rejected Bills for specific appropriation of supplies, they appear to have uniformly passed the general Appropriation Bill at the end of the session without any amendment.”

Your Committee would also call attention to the ruling of the Speaker of the House of Commons (Mr. Shaw Lefevre) in 1856.

On the 10th July, upon the order for going into Committee on the *Consolidated Fund (Appropriation) Bill* being read—

“MR. M. GIBSON wished to put a question to the Right Honorable Member for Dublin University (Mr. Napier) relative to a Bill on the Table, connected with finance. This bill proposed to extend the exemption from the paper duty now enjoyed by bibles, &c., to the educational works used in Dublin University.

“MR. SPEAKER: I must remind the Right Honorable Member that he is discussing a different Order of the Day than the one before the House.

“MR. M. GIBSON proceeded and said, that he imagined any question affecting ways and means, or the income of the country, was perfectly regular.

“MR. SPEAKER: The House is now discussing a bill to appropriate the votes granted in supply, a question which has nothing to do with ways and means.”

On the following day, Friday, 11th July—

“MR. M. GIBSON said he was desirous of asking the Speaker a question with reference to the privileges of members to raise discussions on the various stages of the Appropriation Bill. It was contended by some gentlemen that members had the same rights upon the different stages of this bill as they had on supply, inasmuch as this bill was to give legal effect to the votes in supply, and the application of public money. Others contended that there was no more latitude on this bill than on any other bill which came before them. He should be glad if the Speaker would declare from the chair what the rule was. Last year the noble lord, the member for the city of London, raised the whole question of the foreign policy of the country, and entered on a discussion of Italian affairs, on the third reading of this bill; and the Prime Minister also made a long speech on the foreign policy of the country at the same time. On a previous occasion Mr. Lucas also brought forward the question of the income tax on a stage of this bill.

“MR. SPEAKER: In answer to the question of the right honorable gentleman, I have to state, that members have no more privileges with respect to the Appropriation Bill than with reference to any other Bill before the House; and that any observation that they may wish to make, and any amendment which they may wish to propose on this Bill, ought to be strictly relevant to the question before the House. As the right honorable gentleman has been kind enough to give me notice of the question which he has put to me, I have been able to refer to the report of a committee of which I had the honor to be a member in 1837, and on which also the noble lord, the member for London, and the right honorable gentleman, the member for Carlisle sat. That committee was appointed to consider the state of public business at that time, and I have no doubt, it will be in the recollection of many honorable members that a very inconvenient and irregular practice had been introduced of moving amendments upon the Orders of the Day. Members asserted that they had the right upon the question, that any Order of the Day be read, of moving any amendment they thought proper, and if the right honorable gentleman will turn to the report of the proceedings of the House at that time, he will find that most of the amendments to which he has referred were amendments on the Orders of the Day. The committee, however, to which I have referred consulted the then Speaker (Mr. Abercombe), and those persons connected with the House of Commons who had had the greatest experience in parliamentary practice, and I will read to the House a paragraph from their report, bearing on this question; but I must first explain that the committee recommended that the practice of moving amendments on the Orders of the Day should be discontinued, and that there should only be two amendments allowed on this question—that the other Orders of the Day should be read, or that some particular Order should be read. The report proceeds thus:—

“‘Your Committee have been given to understand that, according to the practice now followed, it would be considered disorderly to interpose upon this question unless, of course, with the exception stated, of a Committee of Supply or Ways and Means, by interposing any question not strictly relating to the Bill which the House by its order has resolved upon considering; and they have therefore deemed it unnecessary to provide against the occurrence of an attempt to disturb this course of proceeding, although they wish strongly to impress upon the House the propriety of maintaining what they deem to be the established practice at present, should any attempt to interfere with it be made.’

“This I take to be a clear statement of the Rules of the House, and that members have really no greater privilege with reference to the Appropriation Bill than with reference to any other Bill. With respect to the speech made by the noble lord, the Member for London, last year, to which the right honorable gentleman has alluded, the noble lord, I remember, put himself in order by referring at the commencement of his speech to certain votes in the Appropriation Bill, upon which the noble lord founded the observations he then made.

“MR. ROEBUCK: Was that recommendation ever affirmed by the resolution of this House?

“MR. SPEAKER: That Report was framed after great consideration. It stated what was a Rule of the House at that time. That Rule has been maintained ever since, and I shall consider it to be my duty to maintain it until the House shall otherwise order.”

Having thus communicated to your honorable House the results of their investigations, your Committee think it advisable to leave those results in the hands of your honorable House unaccompanied by arguments or deductions which might appear unnecessary or unbecoming.

In adopting this course, your Committee are following the example of the Select Committee appointed by the House of Commons in 1860, to search the journals of the Houses of Parliament in England; from the labors of which Committee, as contained in the volumes of the Parliament Library, your Committee have derived much valuable information in the course of their researches.

J. F. PALMER,
Chairman.

PROCEEDINGS OF THE COMMITTEE.

WEDNESDAY, 29TH MARCH, 1865.

Members present :

The Hon. C. Sladen
A. Fraser

The Hon. J. P. Bear
The President.

Proposed by the Honorable C. Sladen, That the President be Chairman of the Committee; which being agreed to, the President took the chair.

The Honorable T. H. Fellows arrived.
Committee deliberated.

Resolved—That a Summary be made of Precedents of Proceedings in the British Houses of Parliament, from the year 1688, relating to the annexing any clause or clauses to a Bill of Aid or Supply, or to a Bill for Appropriating Supplies; the matter of which has been considered, by either House, to be foreign to the matter of the said Bill of Aid or Supply, or the said Bill for Appropriating Supplies.

Resolved—That the Officers of the House do prepare such Summary under the direction of the Chairman.

Committee adjourned until two o'clock on Tuesday, 4th April.

TUESDAY, 4TH APRIL, 1865.

Members present :

The Hon. the President (in the Chair);

The Hon. C. Sladen
J. P. Fawkner
W. H. F. Mitchell

The Hon. W. Highett
A. Fraser.

Summary of Precedents, as prepared in pursuance of the order of the Committee on 29th ultimo, laid before the Committee by the Chairman.

Committee deliberated.

Resolved—That the Summary of Precedents, as prepared, be printed for the use of the Members of the Committee.

Resolved—That a Summary be made of Precedents in the British Houses of Parliament of Clauses relating to Grants of Supplies having been included in General Appropriation Acts since the accession of Geo. III, without also being included in separate Bills; and that such Summary also include all cases of foreign matter having been inserted in such Appropriation Acts.

Committee adjourned until one o'clock on Thursday, 6th instant.

THURSDAY, 6TH APRIL, 1865.

Members present :

The Hon. the President (in the Chair);

The Hon. C. Sladen
W. H. F. Mitchell

The Hon. W. Highett
J. P. Bear.

Resolved—To add to the Summary prepared in pursuance of the resolution of the 29th March any Precedents as to tacking between the Restoration and the year 1688.

Resolved—To add to the Summary, now being prepared in pursuance of the resolution of the 4th April, any Precedents between 1700 and 1760.

Committee adjourned *sine die*.

TUESDAY, 25TH APRIL, 1865.

Members present :

The Hon. the President (in the Chair);

The Hon. C. Sladen
W. H. F. Mitchell
J. P. Bear

The Hon. J. P. Fawkner
J. F. Strachan.

The Summary of Precedents ordered on the 29th ultimo, as to annexing clauses to Bills of Supply, considered, and alterations ordered in the framing thereof.

The Summary of Precedents ordered on the 4th instant considered.

Draft Report brought up by the Honorable C. Sladen.

Draft Report read and considered.

Resolved—That a synopsis of the circumstances connected with the rejection of the Paper Duty Repeal Bill in England by the House of Lords in 1860, and the passing of the Customs and Inland Revenue Bill in 1861, be added to the Report.

Committee adjourned until Monday next, at 4 p.m.

MONDAY, 1ST MAY, 1865.

Members present :

The Hon. the President (in the Chair);

The Hon. C. Sladen
T. H. Fellows
W. Highett

The Hon. J. P. Fawkner
M. Hervey
W. H. F. Mitchell.

Draft Report taken into consideration, and read paragraph by paragraph.

Resolved—That the extract from the debates of the Imperial Parliament on the questions of the Paper Duty Bill be an Appendix to the Report.

Resolved—That the extracts from the Histories of Macaulay and Hallam be made part of the appendices to the Report.

Further alterations in the framing of Appendix A were ordered.

Resolved—That the Report be printed.

The Committee adjourned until Thursday, at 2 o'clock.

THURSDAY, 4TH MAY, 1865.

Members present :

The Hon. the President (in the Chair);

The Hon. C. Sladen

The Hon. W. Highett.

Report as printed brought up. Certain verbal alterations and alterations in the Appendices ordered.

Report, as altered, adopted.

The Chairman ordered to Report.

APPENDICES.

APPENDIX A.

SUMMARY of PRECEDENTS of PROCEEDINGS in the IMPERIAL PARLIAMENT, from 1660, relating to the annexing any Clause or Clauses to a Bill of Aid or Supply, the matter of which has been considered by either House to be foreign to the matter of the said Bill of Aid or Supply.

No.	Years.	Short Title of Bill.	Page.
1	1675	NAVY SUPPLY BILL AND CUSTOMS APPROPRIATION BILL ... (Bill read a first time—not further proceeded with before prorogation.)	16
2	1676	NAVY SUPPLY; CUSTOMS APPROPRIATION (Proposal to tack lost in Commons.)	17
3	1698	EAST INDIA TRADE BILL (Bill passed.)	17
4	1699	NAVY SUPPLY BILL, &c. (WITH CLAUSE APPOINTING COMMISSIONERS FOR FORFEITED ESTATES IN IRELAND.) (Bill passed.)	18
5	1700	LAND TAX IN ENGLAND AND FORFEITED ESTATES IN IRELAND BILL. (Bill passed.)	18
6	1702	OCCASIONAL CONFORMITY, BILL TO PREVENT, AND STAND- ING ORDER ON BILLS OF AID OR SUPPLY. (Bill lost; each House insisting on certain points.)	23
7	1703	PRINCE OF DENMARK BILL (Bill passed.)	25
8	1704	OCCASIONAL CONFORMITY, BILL TO PREVENT, AND LAND TAX BILL. (Proposal to tack lost in Commons.)	26
9	1712	GRANTS SINCE REVOLUTION BILL, AND SOAP AND PAPER, ETC. BILL. (Proposal to tack lost in Commons.)	26
10	1713	FREEDOM OF PARLIAMENTS BILL, AND MALT BILL... .. (Proposal to tack lost in Commons.)	28
11	1713	TOBACCO TRADE BILL (Rejected in House of Lords.)	28
12	1807	MALT DUTIES BILL (Rejected in House of Lords.)	29
13	1807	CUSTOMS FEES (IRELAND) BILL (Rejected in House of Lords.)	30
14	1841	CONSOLIDATED FUND (£8,000,000) BILL; AND CLAUSE OF APPRO- PRIATION. (Proposal to tack withdrawn in Commons.)	30

SUMMARY OF PRECEDENTS OF PROCEEDINGS IN THE
IMPERIAL PARLIAMENT.

Vol. of Journals.	Page.	Date.	—																				
No. 1.																							
Com. J. Vol. 9.	373	11th Nov., 1675.	<p style="text-align: center;">NAVY SUPPLY BILL AND CUSTOMS APPROPRIATION BILL.</p> <p>A debate arising in the House touching the annexing the Bill for appropriating the Customs to the use of the Navy to the Bill for the Supply : The question being put, That the Debate be adjourned ;— The House divide. The Yeas go forth.</p> <table style="width: 100%; border: none;"> <tr> <td style="text-align: right;">Tellers ...</td> <td style="font-size: 2em; vertical-align: middle;">{</td> <td style="padding-left: 10px;">Sir Richard Temple Sir Jona. Trelawny</td> <td style="font-size: 2em; vertical-align: middle;">}</td> <td style="padding-left: 10px;">For the Yeas, 136</td> </tr> <tr> <td style="text-align: right;">Tellers ...</td> <td style="font-size: 2em; vertical-align: middle;">{</td> <td style="padding-left: 10px;">Sir Scroope How Sir John Lowther</td> <td style="font-size: 2em; vertical-align: middle;">}</td> <td style="padding-left: 10px;">For the Noes, 150</td> </tr> </table> <p>And so it passed in the Negative. The question being propounded, "That the Bill for appropriating the "Customs to the use of the Navy shall be annexed to the Bill to be "brought in for the raising of a Supply for the providing, equipping, and "furnishing the Twenty Ships :" A motion being made that these words, "That this House will take "into consideration the Anticipations upon the Revenue of the Customs," be made part of the question : The question being put, That these words "That this House will take "into consideration the Anticipations upon the Revenue of the Customs," be made part of the question : It passed in the Negative. The question being put—"That the Bill for appropriating the Customs "to the use of the Navy shall be annexed to the Bill to be brought in for "the raising of a supply for the providing, equipping, and furnishing "the Twenty Ships :" The House divide. The Yeas go forth.</p> <table style="width: 100%; border: none;"> <tr> <td style="text-align: right;">Tellers ...</td> <td style="font-size: 2em; vertical-align: middle;">{</td> <td style="padding-left: 10px;">Sir Eliah Harvey Mr. Asher</td> <td style="font-size: 2em; vertical-align: middle;">}</td> <td style="padding-left: 10px;">For the Yeas, 151</td> </tr> <tr> <td style="text-align: right;">Tellers ...</td> <td style="font-size: 2em; vertical-align: middle;">{</td> <td style="padding-left: 10px;">Lord Ancram Sir Robert Holmes</td> <td style="font-size: 2em; vertical-align: middle;">}</td> <td style="padding-left: 10px;">For the Noes, 124</td> </tr> </table> <p>And so it was resolved in the Affirmative. <i>Resolved, &c.</i>—That the Bill for appropriating the Customs to the use of the Navy shall be annexed to the Bill to be brought in for raising of a Supply for the providing, equipping, and furnishing the Twenty Ships. <i>Resolved, &c.</i>—That a Committee be appointed of these Members follow- ing, viz., Sir Tho. Meres, Mr. Sacheverell, Sir Leoline Jenkins, Sir John Trevor, Sir Tho. Lee, Wm. Vaughan, Mr. Wright, Colonel Burch, Sir Edward Boynton, Mr. Williams, Mr. Powle, Sir Edward Deering, Sir Thos. Littleton, or any three of them, to bring in the said Bill, so united and annexed, according to the several votes of this House.</p>	Tellers ...	{	Sir Richard Temple Sir Jona. Trelawny	}	For the Yeas, 136	Tellers ...	{	Sir Scroope How Sir John Lowther	}	For the Noes, 150	Tellers ...	{	Sir Eliah Harvey Mr. Asher	}	For the Yeas, 151	Tellers ...	{	Lord Ancram Sir Robert Holmes	}	For the Noes, 124
Tellers ...	{	Sir Richard Temple Sir Jona. Trelawny	}	For the Yeas, 136																			
Tellers ...	{	Sir Scroope How Sir John Lowther	}	For the Noes, 150																			
Tellers ...	{	Sir Eliah Harvey Mr. Asher	}	For the Yeas, 151																			
Tellers ...	{	Lord Ancram Sir Robert Holmes	}	For the Noes, 124																			
Com. J. Vol. 9.	378	16th Nov., 1675.	<p><i>Ordered.</i>—That Sir John Duncombe, Sir Robert Howard, and Sir George Downing, be added to the Committee to whom it is referred to bring in the Bills for appropriating the Customs to the use of the Navy, and for raising the Supply for the providing, equipping, and furnishing the Twenty Ships, united and annexed according to the several Votes of this House.</p>																				
Com. J. Vol. 9.	381	20th Nov., 1675.	<p>A Bill for raising a Supply for the building, and towards the Guns, rigging, and other furnishing of Twenty Ships of War, and for appro- priating the Customs to the use of the Navy, was read the first time. <i>Resolved, &c.</i>—That this Bill be read a second time on Wednesday next, after ten of the clock. [The Bill was not further proceeded with. Parliament was prorogued on the 22nd November.]</p>																				

Vol. of Journals.	Page.	Date.							
COM. J. Vol. 9.	392	5th March, 1676.	<p style="text-align: center;">No. 2.</p> <p style="text-align: center;">NAVY SUPPLY ; CUSTOMS APPROPRIATION.</p> <p><i>Resolved.</i>—That the thirty ships shall be built in two years ; to be accounted from Midsummer next.</p> <p>The last of the said Votes being read the second time ;</p> <p>A motion being made, That these words, “and that the Customs granted by an Act of Subsidy of Tonnage and Poundage be appropriated to the use of the Navy, by a clause in the said Bill,” be added to the said Vote ;</p> <p>The question being put, That these words, “and that the Customs granted by an Act of Subsidy of Tonnage and Poundage be appropriated to the use of the Navy, by a clause in the said Bill,” be added to the said Vote ;</p> <p>The House divide.</p> <p>The Yeas go forth.</p> <table style="margin-left: auto; margin-right: auto;"> <tr> <td style="text-align: center;">Tellers ..</td> <td style="text-align: center;">{ Mr. Sacheverell Mr. Hopkins }</td> <td style="text-align: center;">} For the Yeas, 124.</td> </tr> <tr> <td style="text-align: center;">Tellers ..</td> <td style="text-align: center;">{ Lord Ancram Sir Henry Ford }</td> <td style="text-align: center;">} For the Noes, 175.</td> </tr> </table> <p>And so it passed in the negative.</p> <p>The question being put, That the House do agree with the Committee of the whole House in the last of the said Votes.</p> <p>It was resolved in the affirmative.</p>	Tellers ..	{ Mr. Sacheverell Mr. Hopkins }	} For the Yeas, 124.	Tellers ..	{ Lord Ancram Sir Henry Ford }	} For the Noes, 175.
Tellers ..	{ Mr. Sacheverell Mr. Hopkins }	} For the Yeas, 124.							
Tellers ..	{ Lord Ancram Sir Henry Ford }	} For the Noes, 175.							
LORDS' J. Vol. 16.	335	1st July, 1698.	<p style="text-align: center;">No. 3.</p> <p style="text-align: center;">BILL FOR SETTTLING THE TRADE TO THE EAST INDIES.</p> <p>Bill read a second time, with the following</p> <p style="text-align: center;">PROTEST.</p> <p><i>Dissentient.</i>—First, because this Bill puts an unreasonable hardship upon the present East India Company, since it plainly appeared at the bar of this House that a security, of which we conceive there was no reason to doubt, had been offered by the said Company for raising the whole Two Millions for the Public Service ; Whereas, the Bill investing the New Subscribers with the Trade upon a Subscription of One Million only does not, as we conceive, give so much as a probability of raising more, and it may be reasonably enough doubted whether the separate Trade allowed in this Bill, concurrent with a joint stock, may not prove so inconsistent as to discourage the Subscriptions from ever coming near to the said Million.</p> <p>Secondly.—Because the Bill puts a period to the charter of the East India Company, and gives the whole trade thither to other persons, without so much as suggesting that the said charter, or the trade carried on by virtue of it, hath been prejudicial to the King or kingdom ; though the said Company have an expressed clause in their charter that it shall not be determined without three years' warning, even if it should appear not profitable to the King, or this realm. And the Bill, granting likewise a supply of two millions, in which the Commons pretend the House of Lords ought not to make any alteration, we are of opinion their lordships are thereby likewise deprived of the freedom of their vote in the matter of the East India trade, to which it cannot be denied but they have an equal right with the Commons : and yet, by its being joined to a Bill of Supply, this House must either be the occasion of disappointing so large and necessary a grant for the public service, or be put upon the unreasonable hardship of consenting to a matter which, though it seems never so unjust, it is fruitless for them to examine, if their amendments are not to be admitted because offered to a Money Bill ; which we humbly conceive to be a manifest violation of the Rights of this House, and tending to an alteration of the Constitution of the Government.</p>						

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COM. J. Vol. 12.	652	19th April, 1699.	<p style="text-align: center;">No. 4.</p> <p style="text-align: center;">NAVY SUPPLY BILL, &c.</p> <p style="text-align: center;">(WITH CLAUSE APPOINTING COMMISSIONERS FOR FORFEITED ESTATES IN IRELAND.)</p> <p>The House resumed the adjourned debate of yesterday upon the amendment proposed to be made to the Clause, for an account to be taken of the Forfeited Estates in Ireland, offered to be added to the Bill for granting to His Majesty the sum of One Million Four Hundred Eighty-four Thousand and Fifteen Pounds One Shilling Eleven Pence Three Farthings, for disbanding the army, providing for the navy, and for other necessary occasions: and several amendments were made to the Clause: and then the Clause was, upon the question put thereupon, agreed to be made part of the Bill.</p> <p>Another Clause was offered to the House, with a Blank for Commissioners' names, for taking the said account.</p> <p>And the same was twice read.</p>
LORDS' J. Vol. 16.	453	27th April, 1699.	<p><i>Hodie 3^a vice lecta est Billa</i>, intituled "An Act for granting to His Majesty the sum of One Million Four Hundred Eighty Four Thousand and Fifteen Pounds, One Shilling Eleven Pence Three Farthings, for disbanding the Army, providing for the Navy, and for other necessary occasions."</p> <p>The question was put, "Whether this Bill shall pass?"</p> <p>It was resolved in the affirmative.</p> <p><i>Dissentientibus.</i>—Because of the Clause at the latter end of the Bill, which constitutes Commissioners for inquiring into, and taking an account of all such Estates, Real and Personal, within the Kingdom of Ireland, as have been forfeited for High Treason, by any persons whatsoever, during the late Rebellion within that kingdom; which we conceive was a matter foreign to this Bill, and more proper for a Bill by itself; and that the tacking of a clause of that nature is contrary to the ancient method of proceedings in Parliament, and on that account, as we apprehend, may be of very ill consequence to the freedom of debate in either House, and highly prejudicial to the privileges of the Peers and the Prerogative of the Crown.</p> <p><i>Ordered.</i>—That the Commons have notice, The Lords have agreed to the said last-mentioned Bill, without any amendment.</p>
COM. J. Vol. 13.	164	1st Feb., 1700.	<p style="text-align: center;">No. 5.</p> <p style="text-align: center;">LAND TAX IN ENGLAND AND FORFEITED ESTATES (IRELAND) BILL.</p> <p>A Bill for granting an Aid to His Majesty, for maintaining His Majesty's Navy, Guards, and Garrisons, and towards paying the debts due to Seamen, and for other necessary occasions, was, according to order, read a second time.</p> <p><i>Resolved.</i>—That the Bill be committed.</p> <p><i>Resolved.</i>—That the Bill be committed to the Committee of the whole House, to whom the Bill for the applying all the Forfeited Estates, and Interests in Ireland, and all grants thereof, and of the Rents and Revenues belonging to the Crown within that Kingdom, since the 13th day of February, 1688, to the use of the public, is committed.</p> <p><i>Ordered.</i>—That it be an instruction to the said Committee, That they do join both the said Bills together.</p> <p><i>Ordered.</i>—That it be an instruction also to the said Committee, That they have power to receive a clause of credit.</p>

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COM. J. Vol. 13.	164	1st Feb., 1700.	<p><i>Ordered.</i>—That it be an instruction also to the said Committee, That they have power to receive a clause of appropriation.</p>								
COM. J. Vol. 13.	264	4th March, 1700.	<p>A motion being made and the question being put, That the House do, according to Order, resolve itself into a Committee of the whole House to consider further of the Bill for the applying all the Forfeited Estates and Interests in Ireland, and all Grants thereof, and of the Rents and Revenues belonging unto the Crown within that Kingdom, since the 13th day of February, 1688, to the use of the public, and of the Bill for granting an Aid to His Majesty for maintaining His Majesty's Navy, Guards, and Garrisons, and towards paying the debts due to Seamen, and for other necessary occasions :</p> <p>The House divided. The Noes go forth.</p> <table style="margin-left: auto; margin-right: auto;"> <tr> <td style="text-align: right;">Tellers for the Yeas</td> <td style="font-size: 2em; vertical-align: middle;">}</td> <td style="text-align: left;">Mr. Brotherton Mr. Rowney</td> <td style="vertical-align: middle;">142</td> </tr> <tr> <td style="text-align: right;">Tellers for the Noes</td> <td style="font-size: 2em; vertical-align: middle;">}</td> <td style="text-align: left;">Mr. Tredenham Sir Thomas Davall</td> <td style="vertical-align: middle;">105</td> </tr> </table> <p>So it was resolved in the affirmative.</p>	Tellers for the Yeas	}	Mr. Brotherton Mr. Rowney	142	Tellers for the Noes	}	Mr. Tredenham Sir Thomas Davall	105
Tellers for the Yeas	}	Mr. Brotherton Mr. Rowney	142								
Tellers for the Noes	}	Mr. Tredenham Sir Thomas Davall	105								
COM. J. Vol. 13.	311	2nd April, 1700.	<p>The House resumed the consideration of the amendment proposed to be made to the Bill for the applying all the Forfeited Estates and Interests in Ireland and all grants thereof, and of the rents and revenues belonging to the Crown within that Kingdom since the 13th day of February, 1688, to the use of the public ; and for granting an Aid to His Majesty, for maintaining His Majesty's Navy, Guards, and Garrisons, and towards paying the Debts due to Seamen, and other necessary occasions ;</p> <p style="text-align: center;">* * * * *</p> <p>Then other amendments were severally proposed to be made to the Bill, viz. :—</p> <p style="text-align: center;">* * * * *</p> <p>And the said several amendments were, upon the question severally put thereupon, agreed unto by the House ; and the Bill amended at the Table accordingly.</p> <p><i>Resolved.</i>—That the Bill do pass ; and that the Title be “ An Act for granting an Aid to His Majesty, by Sale of the Forfeited and other Estates in Ireland, and by a Land Tax in England for the several purposes therein mentioned.”</p>								
LORDS' J. Vol. 16.	569	4th April, 1700.	<p>The Order being read for resuming the debate adjourned yesterday upon the Bill intituled “ An Act for granting an Aid to His Majesty by sale of Forfeited and other Estates and Interests in Ireland, and by a Land Tax in England, for the several purposes therein mentioned ;”</p> <p>After debate thereupon—</p> <p>This question was put, “ Whether this Bill shall be read a second time ?” It was resolved in the affirmative.</p> <p style="text-align: center;">PROTEST AGAINST READING IT A SECOND TIME.</p> <p><i>Dissentient.</i>—Though there be nothing we more earnestly desire, and shall on all occasions, to the utmost of our power, more sincerely and heartily endeavour, than the preservation of a constant, right, and good understanding and agreement between the Two Houses of Parliament, as that on which the safety, welfare, and happiness of the nation, and the preservation of the wisest and noblest Constitution in the world does so much depend, yet we cannot but enter this our protestation against a second reading of this Bill.</p> <ol style="list-style-type: none"> 1. First, Because (as we conceive) this Bill does in one part very much tend to the alteration (if not to the destruction) of that Constitution which we believe the supply in the other part was given to preserve. 2. Because (we conceive) the tacking of so many and different matters to a Money Bill is not only contrary to all the rules and methods of Parliament, but highly dangerous both to the undoubted prerogative of the Crown and right of this House, putting it (as we conceive) in the power of the Commons to make any Resolutions of their own as necessary as any supply given for the support or emergencies of State. 								

Vol. of Journals.	Page.	Date.	
LORDS' J. Vol. 16.	569	4th April, 1700.	<p>3. We know not how far the just right any private subject has to his estate may be endangered by the precedent of such a Bill, for if the titles so many persons have to their estates may be determined by the Commons in a Money Bill, without either oath or appeal, as (we conceive) in this Bill they are, we cannot apprehend how any single private subject, or Minister of State, can for the future be safe, which must needs be a weakening the Prince's hands, and the legal security every man now has to his estate.</p> <p><i>Ordered.</i>—That the said Bill shall be committed to a Committee of the whole House to-morrow, at Twelve o'clock, and all the Lords summoned to attend.</p>
LORDS' J. Vol. 16.	570	5th April, 1700.	<p>The House was adjourned during pleasure, and put into a Committee upon the Bill intituled "An Act for granting an Aid to His Majesty, by sale of Forfeited and other Estates and Interests in Ireland, and by a Land Tax in England, for the several purposes therein mentioned."</p> <p>After some time the House was resumed.</p> <p>And the Lord Herbert reported, "That the Committee had made some progress in the Bill, and desire another time may be appointed to proceed thereupon."</p> <p><i>Ordered.</i>—That this House shall be put into a Committee to proceed on the said Bill to-morrow at 12 of the clock, and no other business to intervene; and that all the Lords be summoned then to attend.</p>
LORDS' J. Vol. 16.	571	6th April, 1700.	<p>The House was adjourned during pleasure, and put into a Committee upon the Bill intituled, "An Act for granting an Aid to His Majesty, by sale of Forfeited and other Estates and Interests in Ireland, and by a Land Tax in England, for the several purposes therein mentioned."</p> <p>After some time the House was resumed.</p> <p>And the Lord Herbert reported "That the Committee had gone through the said Bill, and think it fit to pass with some amendments."</p> <p>Which were read twice and agreed to.</p> <p><i>Ordered.</i>—That the said Bill shall be read the third time on Monday next at 12 of the clock, and all the Lords and Judges summoned then to attend.</p>
LORDS' J. Vol. 16.	572	8th April, 1700.	<p><i>Hodie 3a vice lecta est Billa</i>, intituled "An Act for granting an Aid to His Majesty, by Sale of Forfeited and other Estates and Interests in Ireland, and by a Land Tax in England for the several purposes therein mentioned."</p> <p>A Rider was offered to be made part of the Bill.</p> <p>The Rider was read.</p> <p>After debate:</p> <p>The question was put, "Whether this Rider shall be made part of the Bill?"</p> <p>It was resolved in the affirmative.</p> <p>Then another Rider was offered and read.</p> <p>And the question being put, "Whether this Rider shall be made part of the Bill?"</p> <p>It was resolved in the affirmative.</p> <p>Then the question was put, "Whether the Bill with the amendments shall pass?"</p> <p>It was resolved in the affirmative.</p> <p>A Message was sent to the House of Commons by Mr. Baron Powys and Mr. Baron Hatsell; To return the said Bill and desire their concurrence to their Lordships' amendments.</p>
LORDS' J. Vol. 16.	573	9th April, 1700.	<p>A Message was brought from the House of Commons by the Lord Hartington and others;</p> <p>To desire a Conference upon the subject-matter of the Lords' amendments made to the Bill intituled "An Act for granting an Aid to His</p>

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LORDS' J. Vol. 16.	573	9th April, 1700.	<p>“ Majesty by Sale of Forfeited and other Estates, and Interests in <i>Ireland</i>, “ and by a Land Tax in <i>England</i> for the several purposes therein “ mentioned.” To which the House agreed. The Commons being called in, were told “ That the Lords agreed to a “ Conference as desired ; and appointed presently, in the Painted Chamber.” [<i>Here follow the names of the managers of the Conference.</i>]</p> <p>The Commons being come to the Conference, the House was adjourned during pleasure, and the Lords went to the Conference. Which being ended the House was resumed. And the Lord President reported “ That they had attended the Conference ; and that the Commons “ do not agree to the Amendments made by this House, and gave their “ reasons for it, (<i>videlicet</i>) for that all Aids and Supplies granted to His “ Majesty in Parliament are the sole and entire gift of the Commons ; and “ as all Bills for the granting such Aids and Supplies begin with the Com- “ mons, so it is the undoubted and sole right of the Commons to direct, “ limit, and appoint, in such Bills, the Ends, Purposes, Considerations, “ Limitations, and Qualifications of such Grants, which ought not to be “ changed or altered by your Lordships. “ This is well known to be such a fundamental right of the Commons, “ that to give reasons for it has been esteemed by our ancestors to be a “ weakening of that right. “ The Commons therefore leave the Bill and the Amendments with your “ Lordships ; together with the ill consequences that may attend the not “ passing of this Bill.” The House being moved, “ To insist upon their Amendments made to the aforesaid Bill ;” and debate thereupon : This question was proposed, “ Whether this House shall insist on their “ amendments made to the Bill ?” Then the previous question was put, “ Whether this Question shall be “ now put ?” It was resolved in the affirmative. Then the main question was put, “ Whether this House shall insist on “ their amendments made to the Bill ?” It was resolved in the affirmative. <i>Ordered.</i>—That the Managers of the Conference do draw Reasons to be offered at a Conference with the Commons, for the Lords insisting on their amendments made to the said Bill ; and that they withdraw presently for that purpose. Then the House was adjourned during pleasure. The House was resumed. <i>Ordered.</i>—That the Report of the Reasons be made to-morrow at Eleven of the Clock.</p>
LORDS' J. Vol. 16.	575	10th April, 1700.	<p>The Lord President reported, from the Managers of the Conference, the Reasons drawn by them for their Lordships insisting on their amendments to the Bill, intituled “ An Act for granting an Aid to His Majesty by Sale “ of Forfeited and other Estates and Interests in <i>Ireland</i>, and by a Land “ Tax in <i>England</i>, for the several purposes therein mentioned ”— Which were read, and agreed to, as followeth ; (<i>videlicet</i>) “ The Lords insist on their Amendments to the Bill for granting an Aid “ to His Majesty, by sale of the Forfeited and other Estates and Interests “ in <i>Ireland</i>, and by a Land Tax in <i>England</i>, for the several purposes “ therein mentioned— “ 1. Because the Reasons given by the Commons against their Lord- “ ships' Amendments do no ways relate to the matter contained in the “ said Amendments. “ 2. Because, though there be nothing in the said Amendments relating “ to Aids or Supplies granted to His Majesty in Parliament, yet the Com- “ mons have thought fit to take occasion thereupon to assert a claim to “ their sole and entire right, not only the granting all Aids in Parliament, “ but that such aids are to be raised by such methods and with such pro-</p>

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LORDS' J. Vol. 16.	575	10th April, 1700.	<p>“ provisions as the Commons only think proper ; if the said assertions were “ exactly true (which their Lordships cannot allow), yet it could not with “ good reason follow from thence, that the Lords may not alter or leave out “ according to their amendments, when the saving the Estates of innocent “ persons, and of such as have been outlawed after their death, make such “ amendments necessary.</p> <p>“ And the Lords think it unreasonable and unjust, to vest in the trustees “ any greater or other estate than was in the forfeiting person, or than the “ King may legally have ; since thereby, not only many innocent persons, “ who come in by descent or purchase, or other valuable considerations, “ might suffer equally as criminals ; but 'tis possible that men, who, with “ the utmost hazard of their lives, have been defending the Government, “ may forfeit as traitors ; and they cannot apprehend, that, by any law “ of this land or by any rule of reason or justice, any person ought to “ be outlawed after his death, since 'tis condemning a man unheard, and “ allowing him no opportunity of making his innocence appear.</p> <p>“ The Lords admit the resumption of the Forfeited Estates in Ireland “ to be a thing necessary, by reason of the great debt due to the army and “ others, which they earnestly desire to see discharged ; and are therefore “ very willing and desirous to give their consents to any reasonable Bill “ the Commons shall send them up to that purpose ; but the Lords can by “ no means consent, that the Commons shall take upon them to dispose of “ any of the said Forfeitures to any private persons ; it being the sole and “ undoubted right of the Crown, to be the distributor of all bounties: and “ being contrary to all the Laws and course of Parliaments to give Aids, “ Supplies, or Grants, to any but the King only ; and as the contrary “ practice is totally new and unprecedented, so, in process of time it may “ become of the last ill consequence to the public.</p> <p>“ The Lords cannot agree to the clauses that create an incapacity in the “ Commissioners or Managers of the Excise for sitting in this Parliament, “ because the qualification of Members to serve in Parliament is a thing (if “ proper to be meddled with at all) that hath been thought fit by the Com- “ mons to be in a Bill by itself : and the joining together, in a Money Bill, “ things so totally foreign to the methods of raising money, and to the “ quantity or qualification of the sums to be raised, is wholly destructive “ of the freedom of debates, dangerous to the privileges of the Lords, and “ to the prerogative of Crown ; for by this means things of the last ill “ consequence to the nation may be brought into Money Bills, and yet “ neither the Lords nor the Crown be able to give their negative to “ them without hazarding the public peace and security: And it seems a “ great hardship to the counties and places who chose such Members to “ deprive them of their services, since they knew them to be Commissioners “ of Excise at the time they chose them : and since the Commons admit them “ to be proper persons to serve either in Excise or Parliament, though not “ at the same time : so that there seems to be no other reason of distin- “ guishing these Commissioners but what is common to all other Officers of “ the Crown : and the question, ‘ Whether such an alteration may be “ ‘ convenient’ must needs be a doubt with the Lords, since the Commons “ have not been able this very Session to satisfy themselves with the Bill, “ and the considerations they have entertained upon that subject.</p> <p>“ The Lords do seriously consider the dangers and inconveniences that “ are likely to happen by the loss of this Bill, and by the difference betwixt “ the two Houses ; and are heartily sorry for them, and desirous to avoid “ them by all the means they can, as does manifestly appear by their “ having complied, and overlooked the irregularities of Bills of the like “ nature ; and, at the same time, by entering in their books, to be seen by “ every body, their just sense of their wrong, and their resolutions of “ asserting that fundamental right of the exercise of which there are many “ Precedents extant in their books: But since they find that such their “ kind intentions of maintaining a good correspondence with the Commons “ has had no other effect but to introduce greater impositions upon them, “ and such as will certainly prove destructive of the ancient and excellent “ Constitution of our Government, since the Lords have no objection to the “ resumption, nor no design to invade the least right of the Commons, but “ only to defend their own, that they may transmit the Government, and “ their own rights and privileges to their posterity, in the same state and “ condition that they were derived down to them from their ancestors :</p>

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LORDS' J. Vol. 16.	575	10th April, 1700.	<p>“ they think themselves wholly discharged from being in the least accessory to any such dangers or inconveniences, and conceive they are sufficiently justified before God and man, in withstanding such innovations and invasions upon our Constitution and our laws as must necessarily prove the destruction of them.”</p> <p>A Message was sent to the House of Commons by Sir Richard Halford and Mr. Meredith ;</p> <p>To desire a present Conference, in the Painted Chamber, upon the subject-matter of the last conference.</p> <p>The Messengers sent to the House of Commons return answer ;</p> <p>That the Commons agree to a Conference as desired.</p> <p><i>Ordered.</i>—That the same managers do attend at the Conference as before.</p> <p>Then the Commons being come to the Conference, the House was adjourned during pleasure, and the Lords went to the Conference.</p> <p>Which being ended, the House was resumed.</p> <p>And the Lord President reported “ That they had attended the Conference, and delivered the Bill, with their Lordships’ reasons, to the Commons.”</p> <p>A Message was brought from the House of Commons by Mr. Boyle and others ;</p> <p>To desire a Free Conference, upon the subject-matter of the last two Conferences.</p> <p>After debate ;</p> <p>The question was put, “ Whether the Free Conference shall be appointed presently ? ”</p> <p>It was resolved in the affirmative.</p> <p>Then the Commons were called in and told “ That the Lords agreed to a Free Conference, as desired, and appoint it presently in the Painted Chamber.”</p> <p><i>Ordered.</i>—That the same managers as before, be managers of the Free Conference.</p> <p>The Commons being come to the Free Conference, the House was adjourned during pleasure, and the Lords went to the Free Conference.</p> <p>Which being ended, the House was resumed.</p> <p>And the Lord President reported, “ That they had attended the Free Conference, and that the Commons had used no Reasons at the said Free Conference ; but said they had orders to return the Bill, and leave it with the Lords.”</p> <p>It being moved, “ To adhere to the amendments made to the Bill ; ”</p> <p>After debate thereupon :</p> <p>This question was put, “ Whether this House will adhere to their amendments made to this Bill ? ”</p> <p>It was resolved in the negative.</p> <p>Then the question was put, “ Whether this House will agree to the said Bill, without any amendment ? ”</p> <p>It was resolved in the affirmative.</p> <p style="text-align: center;">PROTEST AGAINST NOT ADHERING.</p> <p>“ We do dissent, for the reasons given this day to the Commons at a Conference.”</p> <p style="text-align: center;">(Signed by 21 Peers.)</p>
LORDS' J. Vol. 17.	185	9th Dec., 1702.	<p style="text-align: center;">No. 6.</p> <p style="text-align: center;">OCCASIONAL CONFORMITY, BILL TO PREVENT, AND STANDING ORDER ON BILLS OF AID OR SUPPLY.</p> <p>[Occasional Conformity—Bill to prevent,—read third time with amendments, provisoes, and riders.]</p> <p>Then it being proposed “ To order and declare that the annexing any Clause or Clauses to a Bill of Aid or Supply, the matter of which is foreign to, and different from, the matter of the said Bill of Aid or Supply</p>

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LORDS' J. Vol. 17.	185	9th Dec., 1702.	<p>“is unparliamentary, and tends to the destruction of the Constitution of “this Government.”</p> <p>Then it being proposed “to adjourn the House.”</p> <p>After debate :</p> <p>The question was put, “Whether the House shall be now adjourned ?”</p> <p>It was resolved in the negative.</p> <p>Then the main question being read,</p> <p>The question was put, “Whether it shall be ordered and declared, That “the annexing any Clause or Clauses to a Bill of Aid or Supply, the matter “of which is foreign to, and different from, the matter of the said Bill of “Aid or Supply, is unparliamentary, and tends to the destruction of the “Constitution of this Government.”</p> <p>It was resolved in the affirmative.</p> <p><i>It is ordered</i> and declared by the Lords Spiritual and Temporal in Parliament assembled, That the annexing any Clause or Clauses to a Bill of Aid or Supply, the matter of which is foreign to and different from the matter of the said Bill of Aid or Supply, is unparliamentary, and tends to the destruction of the Constitution of this Government.</p> <p><i>It is ordered</i>, by the Lords Spiritual and Temporal, in Parliament assembled, That this Order and Declaration be added to the Roll of Standing Orders.</p> <p>Then it was proposed, “That such Lords as think fit may sign this Order and Declaration (now agreed to) in the Journal.”</p> <p>And debate thereupon.</p> <p>This question was put, “That such Lords as think fit may sign this Order and Declaration (now agreed to) in the Journal.”</p> <p>It was resolved in the affirmative.</p> <p><i>It is ordered</i>, by the Lords Spiritual and Temporal in Parliament assembled, That such Lords as think fit may sign the Order and Declaration (now agreed to) in the Journal.</p> <p style="text-align: center;">(Here follow 63 signatures.)</p> <p>[After Free Conferences on the subject of this Bill, the Bill was lost, both Houses insisting on certain points. The reasons urged are set out in the Lords' Journals, Vol. XVII, pp. 306 to 314, 24th February, 1702. Parliament was prorogued on the 27th February, 1702.]</p>
LORDS' J. Vol. 18.	303	28th Mar., 1707.	<p>The House, taking into consideration the Order and Declaration of this House of the Ninth of December, One thousand seven hundred and two, against the annexing any clause or clauses to a Bill of Aid or Supply, the matter of which is foreign to, or different from, the matter of the said Bill of Aid or Supply.</p> <p><i>It is ordered</i>, by the Lords Spiritual and Temporal, in Parliament assembled, That the said Order and Declaration shall be entered again in the Journal of this House, that such Lords of this House as have not signed the same may sign the same, if they think fit.</p> <p style="text-align: center;">(Here follows the Order, with seven signatures attached.)</p>
LORDS' J. Vol. 18.	692	30th Mar., 1709.	<p>The House, taking into consideration the Order or Declaration of this House, the Ninth of December, One thousand seven hundred and two, and also that of the Eight and Twentieth of March, One thousand seven hundred and seven, against annexing any clause or clauses to a Bill of Aid or Supply, the matter of which is foreign to, or different from, the matter of the said Bill of Aid or Supply.</p> <p><i>It is ordered</i>, That such Lords of this House as have not signed the same, may sign the same if they think fit.</p> <p style="text-align: center;">(Here follows the Order, with seven signatures attached.)</p>

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LORDS' J. Vol. 17.	247	19th Jan. 1703.	<p style="text-align: center;">No. 7.</p> <p style="text-align: center;">PRINCE OF DENMARK BILL.</p> <p>The Order being read for putting the House into a Committee upon the Bill intituled, "An Act for enabling Her Majesty to settle a Revenue for supporting the dignity of His Royal Highness Prince George Hereditary of Denmark, in case he shall survive Her Majesty."</p> <p>The House was adjourned during pleasure, and put into a Committee upon the said Bill.</p> <p>After some time spent therein, the House was resumed.</p> <p>And the Lord Viscount Longueville reported, "That the Committee had gone through the said Bill, and think it fit to pass, with leaving out one clause in the 9th skin, 1st line, (<i>videlicet</i>) And be it further enacted by the authority aforesaid that in case the said Prince George Hereditary of Denmark shall happen to survive Her said Majesty and the issue of Her body, the said Prince shall and may be capable to be of the Privy Council and a Member of the House of Peers, and to have and enjoy any office or place of trust, either civil or military, and to have and enjoy the grants herein mentioned, or any other grants of lands, tenements, or hereditaments from the Crown to himself, or to any other or others in trust for him, an Act made in the twelfth year of the reign of His late Majesty King William the Third, intituled, 'An Act for the further limitation of the Crown, and better securing the rights and liberties of the subject,' or anything therein contained to the contrary thereof in anywise notwithstanding."</p> <p>Which said Clause being read twice, and debate thereupon.</p> <p>The question was put, "Whether this House will agree with the Committee in leaving out this clause?"</p> <p>It was resolved in the negative.</p> <p style="text-align: center;">PROTESTS AGAINST CLAUSES IN IT.</p> <p>"1st. We dissent from this Clause, because we conceive this is a Bill of Aid and Supply, and that this Clause is altogether foreign to, and different from, the matter of the said Bill, and that the passing of such Clause is therefore unparliamentary, and tends to the destruction of the Constitution of this Government."</p> <p>"2ndly. Because we conceive that a Parliamentary expedient might have been found whereby His Royal Highness might, by an unanimous consent, have had all the advantages designed him by this Bill, without the Lords being obliged to depart from what we conceive to be their undoubted right."</p> <p>"3rdly. Because we conceive that this Clause was not necessary to enable His Royal Highness to enjoy the benefit of the said grant."</p> <p>"4thly. Because that this clause, which pretends to capacitate His Royal Highness to enjoy his peerage, notwithstanding the Act for the further Limitation of the Crown, and better securing the Rights and Liberties of the Subject, and which makes no provision for other Peers under the same circumstances, we conceive may tend very much to their prejudice."</p> <p style="text-align: center;"><i>(Here follow the signatures of eight Peers.)</i></p> <p>"We dissent from the clauses relating to the grants :</p> <p>"1st. Because the said grants were not laid before the House (though desired) : by which we are ignorant upon what considerations the same were granted.</p> <p>"2ndly. Because we conceive that the saving clauses are so far from having any relation to His Royal Highness, that, if they signify anything (without any respect to him), they prefer their payment before his."</p> <p style="text-align: center;"><i>(Here follow the signatures of 27 Peers.)</i></p> <p>Then the question was put, "Whether this clause shall stand part of the Bill?"</p> <p>It was resolved in the affirmative.</p> <p><i>Hodie 3^a vice lecta est Billa,</i> intituled "An Act for enabling Her Majesty to settle a Revenue for supporting the dignity of His Royal Highness Prince George, Hereditary of Denmark, in case he shall survive Her Majesty."</p>

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LORDS' J. Vol. 17.	247	19th Jan. 1703.	<p>The question was put, "Whether this Bill shall pass?" It was resolved in the affirmative. A Message was sent to the House of Commons by Sir Robert Legard and Mr. Rogers : To let them know, that the Lords have agreed to the said Bill without any amendment.</p>																
COM. J. Vol. 14.	437	28th Nov. 1704.	<p style="text-align: center;">No. 8.</p> <p style="text-align: center;">OCCASIONAL CONFORMITY, BILL TO PREVENT, AND LAND TAX BILL.</p> <p>A Bill for preventing Occasional Conformity was (according to order) read a second time. <i>Resolved.</i>—That the Bill be committed. And a motion being made and the question being put, That the Bill be committed to the Committee of the whole House to whom the Bill for granting an Aid to Her Majesty by a Land Tax, and otherwise, is committed ; The House divided. The Yeas go forth.</p> <table style="margin-left: auto; margin-right: auto;"> <tr> <td style="padding-right: 10px;">Tellers for the Yeas</td> <td style="font-size: 2em; vertical-align: middle;">{</td> <td style="padding-right: 10px;">Mr. Bromley</td> <td rowspan="2" style="font-size: 2em; vertical-align: middle;">}</td> <td rowspan="2" style="padding-left: 10px;">134</td> </tr> <tr> <td></td> <td></td> <td>Mr. Freeman</td> </tr> <tr> <td style="padding-right: 10px;">Tellers for the Noes</td> <td style="font-size: 2em; vertical-align: middle;">{</td> <td style="padding-right: 10px;">Lord Coningsby</td> <td rowspan="2" style="font-size: 2em; vertical-align: middle;">}</td> <td rowspan="2" style="padding-left: 10px;">251</td> </tr> <tr> <td></td> <td></td> <td>Sir Charles Hesham</td> </tr> </table> <p>So it passed in the negative.</p>	Tellers for the Yeas	{	Mr. Bromley	}	134			Mr. Freeman	Tellers for the Noes	{	Lord Coningsby	}	251			Sir Charles Hesham
Tellers for the Yeas	{	Mr. Bromley	}	134															
		Mr. Freeman																	
Tellers for the Noes	{	Lord Coningsby	}	251															
		Sir Charles Hesham																	
COM. J. Vol. 17.	194	21st April, 1712.	<p style="text-align: center;">No. 9.</p> <p style="text-align: center;">GRANTS SINCE REVOLUTION BILL AND SOAP AND PAPER, ETC. BILL.</p> <p>A Bill to appoint Commissioners to examine the value of all Lands and other interests, granted by the Crown, since the 13th day of February, 1688 ; and upon what consideration such Grants were made ; was read a second time. <i>Resolved.</i>—That the Bill be committed. <i>Resolved.</i>—That the Bill be committed to the Committee of the whole House, to whom the Bill for laying several Duties upon Soap and Paper made in Great Britain, or imported into the same ; and upon chequered and stained Linen imported ; and, upon certain Silks, Calicoes, Linens, and Stuffs, printed, painted or stained ; and upon Bricks and other things therein mentioned ; to raise Money by way of a Lottery towards Her Majesty's Supply ; is committed. A motion being made, and the question being put, That it be an Instruction to the said Committee, That they do alter and make both the said Bills into one Bill. The House divided. The Yeas go forth.</p> <table style="margin-left: auto; margin-right: auto;"> <tr> <td style="padding-right: 10px;">Tellers for the Yeas</td> <td style="font-size: 2em; vertical-align: middle;">{</td> <td style="padding-right: 10px;">Mr. Shippen</td> <td rowspan="2" style="font-size: 2em; vertical-align: middle;">}</td> <td rowspan="2" style="padding-left: 10px;">101</td> </tr> <tr> <td></td> <td></td> <td>Mr. Campion</td> </tr> <tr> <td style="padding-right: 10px;">Tellers for the Noes</td> <td style="font-size: 2em; vertical-align: middle;">{</td> <td style="padding-right: 10px;">Mr. Boscawen</td> <td rowspan="2" style="font-size: 2em; vertical-align: middle;">}</td> <td rowspan="2" style="padding-left: 10px;">71</td> </tr> <tr> <td></td> <td></td> <td>Mr. Hampden</td> </tr> </table> <p>So it was resolved in the affirmative. <i>Resolved.</i>—That this House will to-morrow morning resolve itself into a Committee of the whole House, upon the Bill for laying several duties upon Soap and Paper made in Great Britain, or imported into the same ; and upon chequered and stained Linens imported ; and upon certain Silks, Calicoes, Linens, Stuffs, printed, painted, or stained ; and upon Bricks, and other things therein mentioned : to raise Money, by way of a Lottery, towards Her Majesty's Supply ; and also, upon the Bill to appoint Commissioners to examine the value of all Lands, and other Interests, granted by the Crown, since the 13th day of February, 1688 ; and upon what considerations such Grants were made.</p>	Tellers for the Yeas	{	Mr. Shippen	}	101			Mr. Campion	Tellers for the Noes	{	Mr. Boscawen	}	71			Mr. Hampden
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Tellers for the Noes	{	Mr. Boscawen	}	71															
		Mr. Hampden																	

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Com. J. Vol. 17.	197	22nd April, 1712.	<p>A Motion being made, and the Question being proposed, That it be an instruction to the Committee of the whole House, to whom the Bill for laying several duties upon Soap and Paper made in Great Britain, or imported into the same ; and upon certain Silks, Calicoes, Linens, and Stuffs, printed, painted, or stained ; and upon Bricks and other things therein mentioned ; to raise money, by way of a Lottery, towards Her Majesty's Supply ; that they do leave out of the said Bill such clauses as relate to the laying a duty on bricks, tiles, slate, lime, and stones ; and to receive such clauses as are necessary to substitute an equivalent for the same, out of the duties upon stamps, agreed to by the House.</p> <p>And a debate arising in the House thereupon :</p> <p>A motion was made, and the question was put, that the debate be adjourned.</p> <p>It passed in the negative.</p> <p>And after some farther debate, another motion was made, That the House do now adjourn.</p> <p>And then the House upon the question adjourned till to-morrow morning, nine of the clock.</p>								
Com. J. Vol. 17.	212	6th May, 1712.	<p>The Order being read, for the House to resolve itself into a Committee of the whole House, to consider farther of the Bills for laying several duties upon Soap and Paper made in Great Britain, or imported into the same, and upon chequered and stained Linens imported ; and upon certain Silks, Calicoes, Linens, and Stuffs, printed, painted, or stained ; to raise Money by way of a Lottery towards Her Majesty's Supply ; and upon the Bill to appoint Commissioners to examine the value of all Lands, and other Interests granted by the Crown, since the 13th day of February, 1688, and upon what consideration such grants were made ; and also upon the Bill for laying several duties upon stamped Vellum, Parchment, and Paper, as therein mentioned ; and for licensing an additional number of Hackney Chairs ; and for charging certain Stocks of Cards and Dice in the hands of the Dealers therein.—</p> <p><i>Ordered</i>—That the Serjeant-at-Arms attending this House, do go with the Mace into the Court of Requests and places adjacent, and summon the members there to attend the service of the House.</p> <p>And he went accordingly.</p> <p>And being returned ;</p> <p>A motion being made, and the question being put, That the said Committee be discharged from the instruction to alter, and make into one, the Bill for laying several duties upon Soap and Paper made in Great Britain, or imported into the same ; and upon chequered and stained Linen imported ; and upon certain Silks, Calicoes, Linens, and Stuffs, printed, painted, or stained ; to raise money by way of a Lottery, towards Her Majesty's Supply ; and the Bill to appoint Commissioners to examine the value of all Lands, and other Interests granted by the Crown, since the 13th day of February, 1688, and upon what considerations such grants were made.</p> <p>The House divided.</p> <p>The Yeas go forth.</p> <table data-bbox="468 1952 1209 2105"> <tr> <td>Tellers for the Yeas</td> <td>...</td> <td>{ Sir William Pole Mr. Shuttleworth }</td> <td>300</td> </tr> <tr> <td>Tellers for the Noes</td> <td>...</td> <td>{ Sir William Barker Mr. Shippen }</td> <td>81</td> </tr> </table> <p>So it was resolved in the affirmative.</p> <p>[No further proceedings with the tack.]</p>	Tellers for the Yeas	...	{ Sir William Pole Mr. Shuttleworth }	300	Tellers for the Noes	...	{ Sir William Barker Mr. Shippen }	81
Tellers for the Yeas	...	{ Sir William Pole Mr. Shuttleworth }	300								
Tellers for the Noes	...	{ Sir William Barker Mr. Shippen }	81								

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Com. J. Vol. 17.	354	15th May, 1713.	<p style="text-align: center;">No. 10.</p> <p style="text-align: center;">FREEDOM OF PARLIAMENTS BILL AND MALT BILL.</p> <p>A Bill for securing the Freedom of Parliaments, by limiting the number of Officers in the House of Commons, was read a second time.</p> <p><i>Resolved.</i>—That the Bill be committed.</p> <p>A motion being made, and the question being put—That the Bill be committed to the Committee of the whole House, to whom the Bill for granting to Her Majesty duties upon Malt, Mum, Cider, and Perry, for the service of the year 1713, is committed.</p> <p>The House divided.</p> <p>The Yeas go forth.</p> <table style="margin-left: auto; margin-right: auto;"> <tr> <td style="text-align: right;">Tellers for the Yeas</td> <td style="text-align: center;">...</td> <td style="text-align: center;">...</td> <td style="font-size: 2em;">}</td> <td style="text-align: left;">Mr. Wortley Mr. Hampden</td> <td style="text-align: right; vertical-align: middle;">111</td> </tr> <tr> <td style="text-align: right;">Tellers for the Noes</td> <td style="text-align: center;">...</td> <td style="text-align: center;">...</td> <td style="font-size: 2em;">}</td> <td style="text-align: left;">Mr. Pytts Mr. Blackmore</td> <td style="text-align: right; vertical-align: middle;">160</td> </tr> </table> <p>So it passed in the negative.</p>	Tellers for the Yeas	}	Mr. Wortley Mr. Hampden	111	Tellers for the Noes	}	Mr. Pytts Mr. Blackmore	160
Tellers for the Yeas	}	Mr. Wortley Mr. Hampden	111										
Tellers for the Noes	}	Mr. Pytts Mr. Blackmore	160										
LORDS' J. Vol. 19.	608	13th July, 1713.	<p style="text-align: center;">No. 11.</p> <p style="text-align: center;">TOBACCO TRADE BILL, ETC.</p> <p>A Message was brought from the House of Commons, by <i>Mr. Bertie</i> and others :</p> <p>With a Bill, intituled "An Act for encouraging the Tobacco Trade : and for Ease of Merchants, as to Wine Bonds : and for disposing of Goods lying long in Her Majesty's Warehouses, for the Duties : and for the explaining a former Act as to a Duty of Fifteen per Cent. on certain Linens : and for allowing the making of Quarter Pieces of Linen in Scotland : and for discharging the Lustring Company from Sealing Lustrings and Alamodes to be made in Great Britain : and for continuing the Deputations of Custom House Officers, notwithstanding the death or removal of any Commissioners of the Customs : and for the relief of Sir John Lambert and others, in relation to the duties of certain Wines taken as Prize : and for the better enabling the Bank of England to lend Money on Stock of the South Sea Company : and for the more effectual taking, stating, and determining several Accounts relating to the Forces and Marines" : to which they desire the concurrence of this House.</p> <p><i>Hodie 1^a vice lecta est Billa</i>, intituled : " An Act for encouraging the Tobacco Trade, and for Ease of Merchants, as to Wine Bonds and Tobacco Bonds, and for disposing of Goods lying long in Her Majesty's Warehouses, for the duties ; and for the explaining a former Act as to a duty of fifteen per cent. on certain linens and for allowing the making of quarter pieces of linen in Scotland ; and for discharging the Lustring Company from sealing Lustrings and Alamodes, to be made in Great Britain ; and for continuing the deputations of custom house officers, notwithstanding the death or removal of any Commissioners of the Customs ; and for the relief of Sir John Lambert and others, in relation to the Duties of certain wines taken as prize ; and for the better enabling the Bank of England to lend Money on stock of the South Sea Company : and for the more effectual taking, stating, and determining several Accounts, relating to the Forces and Marines."</p> <p><i>Ordered.</i>—That the said Bill be rejected.</p>												

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LORDS' J. Vol. 46.	32	9th Jan., 1807.	<p style="text-align: center;">No. 12.</p> <p style="text-align: center;">MALT DUTIES BILL.</p> <p>The Order of the Day being read for the House to be put into a Committee upon the Bill, intituled, "An Act for continuing and granting to His Majesty certain duties upon Malt in Great Britain, for the Service of the Year One thousand eight hundred and seven; and for removing doubts with respect to signing the Exchequer Bills issued, pursuant to two Acts of the last Session of Parliament, for granting to His Majesty certain duties upon Malt in Great Britain, and upon Sugar, Malt, Tobacco, and Snuff, in Great Britain."</p> <p>It was moved, "That the Standing Order, No. 25, That no clause be annexed to a Money Bill foreign to the matter thereof, be now read:"</p> <p>The same was accordingly read by the Clerk.</p> <p><i>Ordered.</i>—That the said Bill be rejected.</p>
COM. J. Vol. 62.	61	9th Jan., 1807.	<p>The House was moved, That the Resolution which upon the 1st day of this instant, January, was reported from the Committee of the whole House, to whom it was referred to consider of Ways and Means, for raising the Supply granted to His Majesty, and was then agreed to by the House, might be read again—And the same was, as agreed to by the House, read; and is as followeth, <i>viz.</i> :—</p> <p><i>Resolved.</i>—That towards raising the Supply granted to His Majesty the duties upon Malt, which, by an Act of the 46th year of His present Majesty, have continuance to the 24th day of June, 1807, be further continued and charged upon all Malt which shall be made within Great Britain, from the 23rd day of June, 1807, to the 24th day of June, 1808."</p> <p><i>Ordered.</i>—That a Bill be brought in upon the said Resolution, and that Mr. Hobhouse, Lord Henry Petty, Lord Viscount Althorp, Mr. Wickham, Mr. Courtenay, Mr. Attorney-General, Mr. Solicitor-General, Mr. Vansittart, and Mr. Freemantle, do prepare and bring in the same.</p> <p>And notice being taken, That a Bill, intituled "An Act for continuing and granting to His Majesty, certain duties upon Malt in Great Britain, for the service of the year 1807, and for removing doubts with respect to signing the Exchequer Bills issued pursuant to two Acts of the last Session of Parliament, for granting to His Majesty certain duties upon Malt in Great Britain, and upon Sugar, Malt, Tobacco, and Snuff, in Great Britain," had passed this House, in this Session of Parliament, and had been carried to the Lords, for their concurrence.</p> <p><i>Ordered.</i>—That an entry be made in the Journal of this House, of the reasons which induced the House to give leave for the bringing in the Bill now ordered.</p> <p><i>Memorandum.</i>—A Bill intituled, "An Act for continuing and granting to His Majesty certain Duties upon Malt in Great Britain, for the Service of the Year 1807, and for removing doubts with respect to signing the Exchequer Bills issued pursuant to two Acts of the last Session of Parliament, for granting to His Majesty certain duties upon Malt in Great Britain, and upon Sugar, Malt, Tobacco, and Snuff in Great Britain," containing all the provisions meant to be enacted in this Bill, together with other matters, had already passed the House in this Session; but, as the House were now informed by a Member in his place, that the same had been rejected in the House of Lords, on account of its containing multifarious matter, therefore the House permitted this Bill to be ordered in, some of the matters contained in the former Bill being omitted.</p> <p>[New Bill, without multifarious matter, agreed to by both Houses, and assented to 22nd January, 1807.]</p>

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LORDS' J. Vol. 46.	342	3rd August, 1807.	<p style="text-align: center;">No. 13.</p> <p style="text-align: center;">CUSTOMS FEES (IRELAND) BILL.</p> <p>It was moved, "That the Bill intituled, 'An Act to provide for abolishing Fees received by Officers in the service of the Customs in the several Ports of Ireland, and for making Compensation to the said Officers; and for regulating the hours of Attendance and the number of Holidays to be observed by them,' be read a third time."</p> <p>Then it was moved, That the Standing Order, No. 25, "That no Clause shall be annexed to a Money Bill foreign to the matter," be now read.</p> <p>The same was accordingly read by the Clerk.</p> <p>The question was put, "Whether this Bill shall be read the third time?"</p> <p>It was resolved in the negative.</p> <p><i>Ordered.</i>—That the said Bill be rejected.</p>
Com. J. Vol. 96.	151	19th Mar., 1841.	<p style="text-align: center;">No. 14.</p> <p style="text-align: center;">CONSOLIDATED FUND (£8,000,000) BILL; AND CLAUSE OF APPROPRIATION.</p> <p>The Order of the Day being read for the Committee on the Consolidated Fund Bill.</p> <p>The House was moved, "That the second of the Resolutions which, upon Monday last, were reported from the Committee of Supply, and which resolution was then agreed to by the House, might be read; and the same was read as followeth;</p> <p><i>Resolved.</i>—That a sum not exceeding One Hundred and Sixty-one Thousand and Five Hundred Pounds, be granted to Her Majesty, to defray the Excess of the Naval Expenditure beyond the Grants for the year ending on the 31st day of March, 1841.</p> <p><i>Ordered.</i>—That it be an instruction to the Committee on the said Bill that they have power to receive a Clause of Appropriation for the said sum.</p>
Com. J. Vol. 96.	157	22nd Mar., 1841.	<p>The House, according to Order, resolved itself into a Committee upon the Consolidated Fund Bill.</p> <p style="text-align: center;">(In the Committee.)</p> <p>Bill read 1°; to be read 2° paragraph by paragraph.</p> <p>Preamble postponed.</p> <p>Clauses agreed to.</p> <p>Clause offered—(For directing the appropriation of a part of the sum to be issued out of the Consolidated Fund to the payment of £161,500 for excess of naval expenditure beyond the grants for the year ending 31st March, 1841, brought up and read 1°.</p> <p>Question—that the Clause be now read 2°.</p> <p>Amendment by leave withdrawn.</p> <p>Clause withdrawn.</p> <p>Preamble read and agreed to.</p> <p>Bill to be reported.</p>

APPENDIX B.

[HATSELL, *vol. 3, pp. 221-4.*]

Whenever this measure of tacking to a Bill of Supply is attempted by the House of Commons, with an intention of thereby compelling the Crown or the Lords to give their assent to a Bill which they would otherwise probably disapprove of and reject, it is highly irregular ; and is a breach of those parliamentary rules and orders that have been established by long and uniform practice between the two Houses, in the mode of passing Bills. It is much to be wished that every question, which is brought either before the House of Lords or Commons, should be as simple and as little complicated as possible. For this reason, the proceeding, that is but too often practised, of putting together in the same Bill clauses that have no relation to each other, and the subjects of which are entirely different, ought to be avoided. Even where the propositions are separately not liable to objection in either House, the heaping together in one law such a variety of unconnected and discordant subjects is unparliamentary, and tends only to mislead and confound those who have occasion to consult the Statute Book upon any particular point. But to do this in cases where it is known that one of the component parts of the Bill will be disagreeable to the Crown, or to the Lords ; and that, if it was sent up alone, it would not be agreed to—for this reason, and with a view to secure the Royal assent, or the concurrence of the Lords, to tack it to a Bill of Supply which the exigencies of the State make necessary—is a proceeding highly dangerous and unconstitutional. It tends to provoke the other branches of the legislature, in their turn, to depart from those rules to which they ought to be restrained by the long and established forms of Parliament ; and can have no other effect than finally to introduce disorder and confusion. The Commons are by the practice of Parliament entitled to insist, “that the Lords shall make no alteration in a Bill of Supply :” but to avail themselves of this right, and thereby to refuse to the House of Lords the exercise of that privilege which they have as one of the branches of the legislature (“to give their dissent to a proposition they disapprove of,”—without, at the same time, being obliged to reject the supply which the public necessities demand, and which they are ready and desirous to grant),—is to confound those separate rights that belong to each House of Parliament, and thereby to introduce and encourage proceedings which must in their consequences prove dangerous to the constitution. The Lords therefore, in their answer to the attempt which was made by the Commons in 1699, replied with great weight, “The joining together in a Money Bill things so totally foreign to the methods of raising money, and to the quantity or qualification of the sums to be raised, is wholly destructive of the freedom of debates, dangerous to the Privileges of the Lords, and to the Prerogative of the Crown. For by this means things of the last ill consequence to the nation may be brought into Money Bills, and yet neither the Lords or the Crown be able to give their negative to them, without hazarding the public peace and security.”

The measure attempted by the tories, in 1704, to avail themselves of this weapon to force through the House of Lords their favorite but absurd Bill, “for preventing occasional conformity,” was, like many of the designs of that party throughout the reigns of King William and Queen Anne, “with a view (as Burnet says) to put all matters in confusion at home and abroad ; and thereby to put a stop to the war, and force a peace ; and dispose our allies, as despairing of any help from us, to accept of such terms as France would offer them.”

In short, however desirable the end may be that is at any time aimed at by this measure, the means are always bad ; it is much safer to trust to time and to circumstances, which sooner or later dispose the minds of men to accept and approve of such propositions as are really for the public good, than to obtain even the best of laws by breaking down those bounds and fences which the wisdom of past ages has set up, and to let in disorder and confusion, which may finally prove fatal to the security, perhaps to the existence, of the constitution.

APPENDIX C.

[HANSARD (1841), *vol. 57, p. 455.*][*House in Committee on the Consolidated Fund (£8,000,000) Bill.*]

The CHANCELLOR of the EXCHEQUER observed, that it had been remarked by the hon. member for Stamford, on a former occasion, that by the returns there appeared to be an outstanding claim to the amount of £1,421,000. There remained to be issued from the Exchequer £1,034,000, and he asked the question why, with so large a deficiency, he (the Chancellor of the Exchequer) did not take a further vote of £161,000. He thought the hon. gentleman had not adverted sufficiently to the order in which the returns were made. The honorable member had asked for an account showing the total amount of grants of Parliament issued, and remaining issued, on the 8th February, 1841, together with an estimate of the demand outstanding, or the charges outstanding, under the several heads. The hon. gentleman asked for all the demands outstanding, but did not ask for all the funds ; he only asked for part of the funds unissued in

the Exchequer. Any sums which might remain unavailable were not included in the hon. gentleman's return. It was clear that his return did not include the whole sum which was available to meet the demands. If the returns had been asked on the 1st of April in every year; if the hon. gentleman had asked for all the expenses likely to be incurred in the year, and the same remaining unissued in the Exchequer, the House would have found that the sum in the Exchequer would have been insufficient for the expenses likely to be occasioned. In the navy estimates the gross expense for 1841 was £6,043,000, whereas all the sum voted was £5,847,000. For this reason there was £1,958,000 for credits in aid were* taken. Consequently, when the hon. member compared the sum remaining in the Exchequer with outstanding demands, he had compared two things which it was impossible to compare. He should have compared the sum which was disposable to meet the demands, and the demands which were outstanding. The estimate of the amount of the demand was £1,400,000. The deficiency to make up was £386,594. The House would recollect that they had already voted £191,104, and there was a sum due of £195,000. One word as to China. He observed that they had returned only the estimated amount of the demand outstanding, £23,000. It was true, so far as the Treasury was concerned, that that was all the amount; but there was a much larger sum outstanding than that.

* Sic.

SIR G. CLERK said, the right hon. gentleman had not given a distinct answer to the question why, with an apparent excess of £386,000 he had only estimated that excess at £161,000. To that was to be added £29,694, which the House, by a separate vote, voted to supply the deficiency. Perhaps, when he went into the details, the Chancellor of the Exchequer would explain why he had not included a sum of £30,000 in the account of the excess of demand outstanding as compared with the money of the Exchequer. The Chancellor of the Exchequer would allow him to put a question to him as to the reasons which induced him to state the amount of the naval vote of last year. The gross amount of the estimate last year was £6,043,000. That was the amount of the estimates of the House; but that included a sum of £23,442, which it had been found more convenient to take as a balance remaining unissued on the China vote. When the Chancellor of the Exchequer laid before the House an estimate of £216,000, he said it was sufficient for his purpose to take £150,000. Instead of six days, it would be more likely six months before the estimates were brought to a termination, the amount demanded exceeding four or five times the amount of the estimate. He did not wish to offer any objection to the progress of the Bill.

MR. M. O'FERRALL :—It was true that a sum of £23,000 was included in the estimates of 1841 and 1842, and it was included in the returns made by the Admiralty and to the Treasury. It was under the same heading in the estimates, and he thought it was sufficiently clearly stated.

MR. HERRIES should not have been satisfied without the explanation just given by the Chancellor of the Exchequer. The main object in moving for the returns was to obtain some clue to the expenses of the China expedition. The Chancellor of the Exchequer could not furnish the particulars, alleging that the East India Company had not sent over any documents officially relating to the subject. This was wrong on the part of the East India Company. He was bound to say, that the House was in an extraordinary—in a deplorable—state of ignorance on the subject of the China proceedings. It was the duty of Government to supply all the information in their power, and he hoped the Chancellor of the Exchequer would furnish the House with some statement approximating, as near as circumstances would admit, to the amount of the expenses of the expedition. He was of opinion, when the Chancellor of the Exchequer put into the hands of the Chairman a vote for money, it was his duty to be prepared to answer any questions, or give any explanation on the subject that honorable members might require.

THE CHANCELLOR OF THE EXCHEQUER said, he had no official source of information with regard to the expenses, but all the information he could give he was willing to render. The reason why he had not laid an account before the House was, because he thought it better to wait until he was in possession of complete information.

MR. HUME wished to inquire of the Chancellor of the Exchequer whether or not he was now applying money belonging to the savings banks to carry on the expenses of the country. He asked this question because it was believed in the city that a very large sum had been applied in this way. On a former occasion he (Mr Hume) had asked a similar question in the House, which the Chancellor of the Exchequer evaded; but, in the end, it appeared that he had borrowed money in this manner, and funded it to the amount of more than two millions. He therefore wished to know whether, in the present state of the finances of the country, this course was again resorted to; as, if so, he considered it to be highly improper.

THE CHANCELLOR OF THE EXCHEQUER hoped a wrong impression would not go forth, in consequence of the honorable member's question, that the savings banks' money was less safe than before, because a portion had been taken by Government. The only question, he apprehended, that could be with regard to savings banks' funds was, as to the security. In answer to the honorable gentleman's question, he said, that undoubtedly he had had recourse to savings banks' money to a certain extent, but to nothing like the amount of the former year. He had recourse to the expedient of taking out a certain sum, and funding it to meet the deficiencies under which the revenue labored.

MR. HUME thought that the candid avowal of the right honorable gentleman the Chancellor of the Exchequer ought to alarm the House, and call for an expression of its disapprobation that any Government should presume to add to the national debt without coming to the House when the House was sitting. If there were any deficiency in the revenue, the

Chancellor of the Exchequer ought to come before the House and state fairly what it was, and let the House provide for it. No Chancellor of the Exchequer ought to be allowed to go into the market and raise money as he pleased without the sanction and knowledge of the House. He protested against it as being a most irregular proceeding, and it would be for the House to consider whether it would place any more ways and means at the disposal of a Government which had adopted such an unconstitutional proceeding.

The CHANCELLOR OF THE EXCHEQUER said, that the law was clear upon the subject, and the exercise of it depended entirely on the discretion of the Government, and for which they were responsible. The same thing had been done before, and whenever the honorable member thought fit to bring his (the Chancellor of the Exchequer's) responsibility under the consideration of the House he should be prepared to meet him.

The SPEAKER said that, before the question was put, he was anxious to call the attention of the House to what appeared to him to be an irregularity in its proceedings. The clause now before them was a clause of appropriation introduced into a Bill to provide for the ordinary ways and means for the year. Now, it was quite unusual and unprecedented to introduce a clause of appropriation into a Bill of this description at this period of the session. He believed the object the Chancellor of the Exchequer had in view, of proposing this clause, was to mark the sense of the House on an excess of expenditure, in the departments of the navy, above the amount voted for that service in the past year, that it might not be drawn into a precedent in future. Such clauses had frequently been introduced into the ordinary Appropriation Bill at the close of the session. But since the year 1762 there was not a single instance of a clause of appropriation being inserted in any other Bill. A very remarkable instance to the contrary occurred in 1790, when an extraordinary expenditure had been incurred in fitting out an expedition to Nootka Sound. When the attention of Parliament was called to this circumstance by Mr. Pitt, it was considered so desirable that it should not be mixed up with the ordinary expenditure of the year, that special votes in supply were taken to provide for it before Christmas, the ordinary votes of supply for the current year being taken after Christmas; and yet, although the House evidently intended specially to mark these votes, it was not considered necessary to appropriate them specifically in any Bill until the general Appropriation Act at the close of the session. There were other considerations as affecting the proceedings of the two Houses of Parliament, which ought not to be overlooked on the present occasion. But he was satisfied that it was only necessary for him to direct the attention of the House to the subject, for it to exercise a due caution, and to avoid establishing a novel, and perhaps dangerous, precedent.

MR. HUME said that the Chancellor of the Exchequer had stated that the same course, as to applying the funds of the savings banks to the public service, had been pursued before. Yes it had, two years ago, by Mr. Rice, and a worse precedent for a Chancellor of the Exchequer could not be followed. He was quite aware that no injury could arise from the practice, because the money would be again replaced at three and a-half per cent., but it was the irregularity of the practice he complained of, without consulting the House.

MR. GOULBURN said that what he had complained of on a former night, was the Estimates having been framed on so low a scale; but as to the course which the Chancellor of the Exchequer had pursued, he (Mr. Goulburn) had stated that he would be quite satisfied with any mode, by Bill or otherwise, that would mark the circumstances of the case, so as to guard against it as a general practice.

SIR J. GRAHAM said that he foresaw at the time that the present difficulty would arise, and he suggested a Bill of Indemnity.

The CHANCELLOR OF THE EXCHEQUER said that he was aware the only object of the House was to mark the circumstances of the case, and he had no objection to that being done in any way that might appear most satisfactory.

MR. C. WOOD said that, after what had fallen from the Speaker, of which he believed no Member was before aware, he thought it would be better to withdraw the clause, and introduce it at the end of the session, with the understanding, on the part of the House, that it was to be so introduced.

SIR R. PEEL had been entirely satisfied with the course which the right honorable gentleman proposed, thinking it quite sufficient to mark the sense of the House, and to prevent this proceeding from being drawn into a precedent. He would have been satisfied, as he had before said, if, in the Queen's Speech, the Queen had said, "I have departed from the ordinary course with respect to the expenditure of the navy. I have exceeded the estimate, and I foresaw that I should exceed it; but the circumstances were such as to justify me in taking the course which I did." That would have entirely satisfied him. It would have been a record of the circumstances under which the thing was done. But the Chancellor of the Exchequer's zeal outstripped his, and he said he would bring in a Bill providing for the special case. Some objections, however, had arisen, which he had not foreseen, to the course proposed. The object, he thought, would be equally answered by inserting the clause in the general Appropriation Bill, with some specific reference to it in the preamble. That would prevent its being drawn into a precedent, and avoid those inconveniences and possible dangers to which the right honorable gentleman the Speaker of the House had so properly called their attention.

House resumed. Bill to be reported.

APPENDIX D.

In 1860, in consequence of the commercial treaty lately entered into with France, it became necessary to make considerable changes in the Customs duties, which also involved changes in the general financial arrangements of the country; and Bills were sent up to the House of Lords to give effect to the budget.

Amongst others were Bills for amending the Law relating to Customs, and for repealing the Excise Duties on Paper.

The former was passed without obstruction, Lord Derby, as the leader of the opposition, merely remarking as follows (*Hansard, 3rd series, vol. 158, p. 1002*):—

“While, however, these are the sentiments upon the question to which I feel it to be my duty to give expression, I concur with those who think that it is desirable the occasions should be as rare as possible on which your lordships should feel it to be incumbent upon you to reject propositions connected with the finances and commerce of the country, which have obtained the sanction of the House of Commons, and which come up to us stamped with the *imprimatur* and responsibility of Her Majesty’s advisers. And if that be a course which it is expedient to refrain from adopting under ordinary circumstances, the reasons which operate against its being taken, when the question is not only one between your lordships and the other House of Parliament, but one which involves the issue of our negotiations with a foreign power, and the adherence to a treaty to which, however disadvantageous to us it may be, we are so far bound as to render it impossible for us to retrace our steps—acquire considerably increased force. I may add that, from a Bill of the nature of that which we are now considering, and which, as your lordships are aware, comprises a great variety of articles, it would not be possible for us to eliminate any one of its provisions, and send the measure back so altered to the House of Commons without an interference with the privileges of that branch of the Legislature. No alternative, therefore, remains to us, except that of either assenting to or absolutely rejecting the Bill as it stands; the result of adopting the latter course being, that we should disturb the whole of the financial arrangements of the Government, and not only that, but materially interfere with those commercial arrangements which have been entered into by the commercial world upon the full reliance that that scheme would receive the assent of Parliament. I am, under those circumstances, of opinion that we should be acting unwisely in rejecting the Bill, and I, for one, should certainly shrink from taking upon myself the responsibility of asking your lordships to pursue that course, notwithstanding the fact that I regard the whole of the arrangements which have been made by the Government, including the treaty, as being of a most improvident and dangerous character; and the financial position of the country, as a consequence, not only in the present year, but perhaps still more as regards the next, as being one which is calculated to create the deepest anxiety in the mind of every man who gives the slightest consideration to the progress of public affairs and to our financial and international policy. There are undoubtedly proposals embodied in this Bill, which, if carried into effect, will tend to aggravate the difficulty, inasmuch as it provides for the remission of duties which upon a more fitting occasion it might be just and expedient to abolish, but with which we cannot at present afford to dispense. We are, nevertheless, as it were, compelled to give our assent to those proposals, and thus far to diminish the already too attenuated revenue of the country. There is, however, another subject—I refer to the abolition of the Paper Duty—with which the terms of the Treaty do not in the slightest degree interfere, with respect to which no commercial arrangements have as yet been entered into, and in dealing with which Her Majesty’s Government call upon us to make a wholly useless and dangerous sacrifice of nearly £1,500,000 of public revenue. My noble friend on the cross benches (Lord Monteagle) has given notice of his intention to oppose the second reading of the Bill in which this proposal is embodied; and I, for my part, feeling that its rejection, so far from embarrassing Her Majesty’s Government, interfering with their other arrangements, prejudicing the course of business, or proving injurious to the financial position of the country, would rather tend considerably to the advantage of each—will do everything in my power to accomplish that rejection, and so preserve a large sum of money to the exchequer and a large portion of the revenue to the state.”

This took place on the 10th May, 1860.

In the same month, LORD GRANVILLE, President of the Council, moved the second reading of the Bill for repealing the Excise Duties on Paper (which had been passed in the House of Commons on its second reading by a majority of 53, and on its third reading by a majority of only 9). Lord Monteagle had given notice that he should move an amendment that the Bill be read a second time that day six months. A long debate took place, having reference more particularly to the financial aspect of the question rather than to the intrinsic merits of the duty itself.

LORD MONTEAGLE in submitting his amendment, said, “I ask your lordships, by agreeing to my amendment, to reserve to the House of Commons the opportunity of dealing with this tax next session, when avowedly the whole of our system of finance must be brought under their review.”

LORD DERBY said, “I do not defend the Paper Duty theoretically as a desirable source of revenue; but if the Exchequer were full, if the finances were flourishing, if the prospects abroad were more certain, and if your Income Tax were at a less exorbitant rate than that at which your necessities have compelled you now to place it—if you had relieved the taxation

which presses on the laboring classes, by the remission of the tea and sugar duties—if circumstances were in fact altogether different, it might be desirable to repeal the Paper Duty; but while they remain as they are, you are only adding to the financial embarrassments of the country by this improvident and reckless proposal.”

The Bill was thrown out, on a division, by a considerable majority.

The rejection of this Bill was considered by the House of Commons as a very unusual course; not because they denied the right of the House of Lords to reject a Money Bill, but because the House of Lords, when they had on a former occasion exercised that right, had done so, not on financial grounds, but on grounds of public policy.

In the next session a clause for repealing the Excise Duty on Paper was introduced into a Customs Bill in the House of Commons, and in the same Bill was also a provision for reducing the Income Tax. A long debate ensued, in which Mr. Newdegate styled the course adopted by the Government an “unworthy stratagem.”

MR. GLADSTONE said, “I do not know on what account the honorable gentleman calls this an unworthy stratagem. It is a proceeding perfectly consistent with precedent, and a proceeding entirely conformable to the principles of the Constitution as they bear upon the powers of this House; we have desired to do that which should indicate the joint purpose with which the proposal was made, and at the same time we have endeavored to avoid doing that which would give an offensive aspect to the proposal.”

SIR JOHN RAMSDEN (member for the West Riding) said “Many would condemn their conduct as ill-advised—some as petulant, some as an arrogant proceeding. Public opinion neither supplied the motive nor acknowledged the necessity. If the Lords submitted, it would impose on them humiliation. If they resisted, it would provoke a conflict. And he thought that that minister would be a friend neither to this country nor to the constitution, who went out of his way needlessly and wantonly to compel the House of Peers to choose between two such alternatives.”

MR. MELLOR said, “If the House of Lords had refused to repeal the paper duties on the ground of their intrinsic merits, it might have been a challenge. But every one knew that no noble lord justified the retention of the duty on that ground. They all condemned it on principle.”

LORD JOHN RUSSELL said, “But be it observed, that gentlemen like the hon. member for the West Riding, who have been so tender of the honor of the lords, have asked for that house something which they never asked for themselves. What they did last year, unwisely, I think, but still it was a question for their own discretion, was this: A Bill was sent up to them which they had a right to reject, and they said, ‘You are engaged in a war with China, which may be extraordinarily costly, and you ought not, therefore, to part with any means by which this cost may be met,’ and they refused on that ground to sanction the repeal of the Paper Duty. There is no such case at present. For what I know, and for what anybody knows, the House of Lords may be as much agreed that the Paper Duty should be repealed as the Government themselves. . . . It would be an utter absurdity to say that the House of Lords shall be judges as to the amount of taxes, and to say that they shall not be judges of the amount of expenditure. Every year we send up to them an Appropriation Act, containing the whole of your army, navy, and civil service expenditure, all in one bill, which they must take in a lump or reject in a lump. If you say that every tax is to go up in a separate measure, then every branch of the expenditure must go up in a separate measure.”

In the House of Lords, in the debate on the second reading, the Duke of Rutland said the Bill came to them in the shape of “tack”; but he was the only one of the lords who took that view.

LORD GRANVILLE, on moving the second reading, said “The Bill certainly offers no sort of affront or insult to your lordships; on the contrary, it was thought more respectful to your lordships, instead of bringing in again separately the measure which you before rejected, to bring it in coupled with the other portions of the budget, inasmuch as it was more likely to be agreeable to you to consider and adopt it in that form, than to deal with it in a manner having anything like the appearance of the retraction of a previous decision.”

LORD DERBY said, “The question is this: The House of Commons has sent up this measure and in a form which I must own is fairly within their competence. And without placing ourselves prominently in opposition to the House of Commons, we have it in our power to divide the Bill which has been sent to us by that house; and so divided, we have it in our power to adopt it, and to send it back to the Commons for acceptance or rejection. By that course we have always a remedy in our hands, by which we can vindicate our privileges whenever we please; and should circumstances ever arise so extreme as to justify us in taking that course, I hope your Lordships would not be slow to vindicate your rights. . . . There never has been any doubt as to the inadmissibility of tacks in the strict sense of the word. That is, the introduction into a money bill of matter wholly different from and unconnected with the main object of the measure. But a more difficult question comes when you have to deal with a large financial scheme, in which nothing is introduced that has not reference to finance, but in which various matters of finance are introduced and submitted to your lordships’ consideration, I do not hesitate to admit to my noble friend opposite, that there are repeated precedents for the introduction of whole fiscal schemes into one measure, and of that measure being sent up by the House of Commons and acceded to by the House of Lords. . . . And even after these estimates have been provided for, the House of Commons has complete and absolute control, not only over the levying of the taxes, but over their application. Not a single shilling of the

taxes, not even of the permanent taxation of the country, can be applied to the purposes for which they are required without an Appropriation Act, which, as your lordships know, must originate in the House of Commons, while it must receive the sanction of your lordship's house. The control, therefore, of the House of Commons over the finances of the country consists, first, in the absolute control it has over the estimates for the support of all the great services of the country, and next, in the fact that, after these estimates are voted, not a step in regard to the payment of those services can be taken without the introduction of all the items of that expenditure into an Act which must originate in the House of Commons."

The DUKE OF ARGYLE said, "With regard to the form in which the bill had come up to their lordships' house, he did not know that there was any remark of the noble earl (Derby) which was open to very great exception. The form of the bill was said to be unusual; so it was, but then the circumstances were unusual. Even the noble earl himself must admit that the course taken by their lordships last year was at least unusual, even although it might not be held to be unconstitutional. He fully admitted that the Government had last year considerable difficulty in making out a technical objection to the course taken by the noble earl. No doubt many Bills of Supply had been rejected by the House of Lords. But the course pursued by the noble earl was not so much a technical violation of the established usages between the two Houses of Parliament; the real objection to that course was not that the Lords had rejected a money bill, but that they had rejected a bill for the supply of the year, which was connected with the financial proposals of the Government, and that rejection took place entirely in relation to financial grounds. He believed that, on every previous occasion, when the House of Lords had rejected a money bill, it was in connection, not with questions of finance, but questions of general policy which were incidental to the tax. He was glad that the noble earl had thrown over the argument of the noble duke (Rutland), that this bill was in the nature of a tack. It was beyond controversy that in no respect was it so."

As is well known, the Bill was accordingly passed.

APPENDIX E.

[MACAULAY, *vol. 5, pp. 260-283.*]

The ignominious failure of the attacks on Somers and Burnet seemed to prove that the assembly was coming round to a better temper. But the temper of the House of Commons left without the guidance of a ministry is never to be trusted. "Nobody can tell to-day," said an experienced politician of that time, "what the majority may take into their heads to do to-morrow." Already a storm was gathering in which the Constitution itself was in danger of perishing, and from which none of the three branches of the legislature escaped without serious damage.

The question of the Irish forfeitures had been raised; and about that question the minds of men, both within and without the walls of Parliament, were in a strangely excitable state. Candid and intelligent men, whatever veneration they may feel for the memory of William, must find it impossible to deny that, in his eagerness to enrich and aggrandise his personal friends, he too often forgot what was due to his own reputation and to the public interest. It is true that in giving away the old domains of the Crown he did only what he had a right to do, and what all his predecessors had done; nor could the most factious opposition insist on resuming his grants of those domains without resuming at the same time the grants of his uncles. But between those domains and the estates recently forfeited in Ireland there was a distinction, which would not indeed have been recognised by the judges, but which to a popular assembly might well seem to be of grave importance. In the year 1690 a Bill had been brought in for applying the Irish forfeitures to the public service. That Bill passed the Commons, and would probably, with large amendments, have passed the Lords, had not the King, who was under the necessity of attending the Congress at the Hague, put an end to the session. In bidding the Houses farewell on that occasion, he assured them that he should not dispose of the property about which they had been deliberating, till they should have had another opportunity of settling that matter. He had, as he thought, strictly kept his word; for he had not disposed of this property till the Houses had repeatedly met and separated without presenting to him any bill on the subject. They had had the opportunity which he had assured them that they should have. They had had more than one such opportunity. The pledge which he had given had therefore been amply redeemed; and he did not conceive that he was bound to abstain longer from exercising his undoubted prerogative. But, though it could hardly be denied that he had literally fulfilled his promise, the general opinion was that such a promise ought to have been more than literally fulfilled. If his Parliament, overwhelmed with business which could not be postponed without danger to his throne and to his person, had been forced to defer, year after year, the consideration of so large and complex a question as that of the Irish forfeitures, it ill became him to take advantage of such a laches with the eagerness of a shrewd attorney. Many persons, therefore, who were sincerely attached to his government, and who on principle disapproved of resumptious, thought the case of these forfeitures an exception to the general rule.

The Commons had at the close of the last session tacked to the Land Tax Bill a clause empowering seven Commissioners, who were designated by name, to take account of the Irish forfeitures; and the Lords and the King, afraid of losing the Land Tax Bill, had reluctantly consented to this clause. During the recess, the commissioners had visited Ireland. They had since returned to England. Their report was soon laid before both Houses. By the Tories, and by their allies the republicans, it was eagerly hailed. It had, indeed, been framed for the express purpose of flattering and of inflaming them. Three of the commissioners had strongly objected to some passages as indecorous, and even calumnious: but the other four had overruled every objection. Of the four the chief was Trenchard. He was by calling a pamphleteer, and seems not to have been aware that the sharpness of style and of temper which may be tolerated in a pamphlet is inexcusable in a state paper. He was certain that he should be protected and rewarded by the party to which he owed his appointment, and was delighted to have it in his power to publish, with perfect security and with a semblance of official authority, bitter reflections on King and ministry, Dutch favourites, French refugees, and Irish Papists. The consequence was, that only four names were subscribed to the report. The three dissentients presented a separated memorial. As to the main facts, however, there was little or no dispute. It appeared that more than a million of Irish acres, or about seventeen hundred thousand English acres, an area equal to that of Middlesex, Hertfordshire, Bedfordshire, Cambridgeshire, and Huntingdonshire together, had been forfeited during the late troubles. But of the value of this large territory very different estimates were formed. The commissioners acknowledged that they could obtain no certain information. In the absence of such information they conjectured the annual rent to be about two hundred thousand pounds, and the fee simple to be worth thirteen years' purchase, that is to say, about two millions six hundred thousand pounds. They seem not to have been aware that much of the land had been let very low on perpetual leases, and that much was burdened with mortgages. A contemporary writer, who was evidently well acquainted with Ireland, asserted that the authors of the report had valued the forfeited property in Carlow at six times the real market price, and that the two million six hundred thousand pounds, of which they talked, would be found to shrink to about half a million, which, as the exchanges then stood between Dublin and London, would have dwindled to four hundred thousand pounds by the time that it reached the English Exchequer. It was subsequently proved, beyond all dispute, that this estimate was very much nearer the truth than that which had been formed by Trenchard and Trenchard's colleagues.

Of the seventeen hundred thousand acres which had been forfeited, above a fourth had been restored to the ancient proprietors in conformity with the civil articles of the treaty of Limerick. About one-seventh of the remaining three fourths had been given back to unhappy families, which, though they could not plead the letter of the treaty, had been thought fit objects of clemency. The rest had been bestowed, partly on persons whose services merited all and more than all that they obtained, but chiefly on the King's personal friends. Romney had obtained a considerable share of the royal bounty. But of all the grants the largest was to Woodstock, the eldest son of Portland; the next was to Albemarle. An admirer of William cannot relate without pain that he divided between these two foreigners an extent of country larger than Hertfordshire.

This fact, simply reported, would have sufficed to excite a strong feeling of indignation in a House of Commons less irritable and querulous than that which then sate at Westminster. But Trenchard and his confederates were not content with simply reporting the fact. They employed all their skill to inflame the passions of the majority. They at once applied goads to its anger and held out baits to its cupidity.

They censured that part of William's conduct which deserved high praise even more severely than that part of his conduct for which it is impossible to set up any defence. They told the Parliament that the old proprietors of the soil had been treated with pernicious indulgence; that the capitulation of Limerick had been construed in a manner far too favourable to the conquered race; and that the King had suffered his compassion to lead him into the error of showing indulgence to many who could not pretend that they were within the terms of the capitulation. Even now, after the lapse of eight years, it might be possible, by instituting a severe inquisition, and by giving proper encouragement to informers, to prove that many Papists, who were still permitted to enjoy their estates, had taken the side of James during the civil war. There would thus be a new and plentiful harvest of confiscations. The four bitterly complained that their task had been made more difficult by the hostility of persons who held office in Ireland, and by the secret influence of great men who were interested in concealing the truth. These grave charges were made in general terms. No name was mentioned: no fact was specified: no evidence was tendered.

Had the report stopped here, those who drew it up might justly have been blamed for the unfair and ill natured manner in which they had discharged their functions; but they could not have been accused of usurping functions which did not belong to them for the purpose of insulting the Sovereign and exasperating the nation. But these men well knew in what way and for what purpose they might safely venture to exceed their commission. The Act of Parliament from which they derived their powers authorised them to report on estates forfeited during the late troubles. It contained not a word which could be construed into an authority to report on the old hereditary domain of the Crown. With that domain they had as little to do as with the seignorage levied on tin in the Duchy of Cornwall, or with the church patronage of the Duchy of Lancaster. But they had discovered that a part of that domain had been alienated by a grant which they could not deny themselves the pleasure of publishing to the world. It

was indeed an unfortunate grant, a grant which could not be brought to light without much mischief and much scandal. It was long since William had ceased to be the lover of Elizabeth Villiers, long since he had asked her counsel or listened to her fascinating conversation except in the presence of other persons. She had been some years married to George Hamilton, a soldier who had distinguished himself by his courage in Ireland and Flanders, and who probably held the courtier-like doctrine that a lady is not dishonoured by having been the paramour of a king. William was well pleased with the marriage, bestowed on the wife a portion of the old Crown property in Ireland, and created the husband a peer of Scotland by the title of Earl of Orkney. Assuredly William would not have raised his character by abandoning to poverty a woman whom he had loved, though with a criminal love. He was undoubtedly bound, as a man of humanity and honour, to provide liberally for her; but he should have provided for her rather by saving from his civil list than by alienating his hereditary revenue. The four malcontent commissioners rejoiced with spiteful joy over this discovery. It was in vain that the other three represented that the grant to Lady Orkney was one with which they had nothing to do, and that, if they went out of their way to hold it up to obloquy, they might be justly said to fly in the King's face. "To fly in the King's face!" said one of the majority; "our business is to fly in the King's face. We were sent here to fly in the King's face." With this patriotic object a paragraph about Lady Orkney's grant was added to the report, a paragraph too in which the value of that grant was so monstrously exaggerated that William appeared to have surpassed the profligate extravagance of his uncle Charles. The estate bestowed on the countess was valued at twenty-four thousand pounds a year. The truth seems to be that the income which she derived from the royal bounty, after making allowance for incumbrances and for the rate of exchange, was about four thousand pounds.

The success of the report was complete. The nation and its representatives hated taxes, hated foreign favourites, and hated Irish Papists; and here was a document which held out the hope that England might, at the expense of foreign courtiers and of popish Celts, be relieved from a great load of taxes. Many, both within and without the walls of Parliament, gave entire faith to the estimate which the commissioners had formed by a wild guess, in the absence of trustworthy information. They gave entire faith also to the prediction that a strict inquiry would detect many traitors who had hitherto been permitted to escape with impunity, and that a large addition would thus be made to the extensive territory which had already been confiscated. It was popularly said that, if vigorous measures were taken, the gain to the kingdom would be not less than three hundred thousand pounds a year; and almost the whole of this sum, a sum more than sufficient to defray the whole charge of such an army as the Commons were disposed to keep up in time of peace, would be raised by simply taking away what had been unjustifiably given to Dutchmen, who would still retain immense wealth taken out of English pockets; or unjustifiably left to Irishmen, who thought it at once the most pleasant and the most pious of all employments to cut English throats. The Lower House went to work with the double eagerness of rapacity and of animosity. As soon as the report of the four and the protest of the three had been laid on the table and read by the clerk, it was resolved that a Resumption Bill should be brought in. It was then resolved, in opposition to the plainest principles of justice, that no petition from any person who might think himself aggrieved by this bill should ever be received. It was necessary to consider how the commissioners should be remunerated for their services: and this question was decided with impudent injustice. It was determined that the commissioners who had signed the report should receive a thousand pounds each. But a large party thought that the dissentient three deserved no recompense; and two of them were merely allowed what was thought sufficient to cover the expense of their journey to Ireland. This was nothing less than to give notice to every man who should ever be employed in any similar inquiry that, if he wished to be paid, he must report what would please the assembly which held the purse of the state. In truth, the House was despotic, and was fast contracting the vices of a despot. It was proud of its antipathy to courtiers; and it was calling into existence a new set of courtiers who would study all its humours, who would flatter all its weaknesses, who would prophesy to it smooth things, and who would assuredly be, in no respect, less greedy, less faithless, or less abject than the sycophants who bow in the antechambers of kings.

Indeed, the dissentient commissioners had worse evils to apprehend than that of being left unremunerated. One of them, Sir Richard Levinz, had mentioned in private to his friends some disrespectful expressions which had been used by one of his colleagues about the King. What he had mentioned in private was, not perhaps very discreetly, repeated by Montague in the House. The predominant party eagerly seized the opportunity of worrying both Montague and Levinz. A resolution implying a severe censure on Montague was carried. Levinz was brought to the bar and examined. The four were also in attendance. They protested that he had misrepresented them. Trenchard declared that he had always spoken of His Majesty as a subject ought to speak of an excellent sovereign, who had been deceived by evil counsellors, and who would be grateful to those who should bring the truth to his knowledge. He vehemently denied that he had called the grant to Lady Orkney villainous. It was a word that he never used, a word that never came out of the mouth of a gentleman. These assertions will be estimated at the proper value by those who are acquainted with Trenchard's pamphlets, pamphlets in which the shocking word "villainous" will without difficulty be found, and which are full of malignant reflections on William.* But the House was determined not to believe

* I give an example of Trenchard's mode of showing his profound respect for an excellent Sovereign. He speaks thus of the commencement of the reign of Henry the Third. "The kingdom was recently delivered from a bitter tyrant, King John, and had likewise got rid of their perfidious deliverer, the Dauphin of France, who, after the English had accepted him for their King, had secretly vowed their extirpation."

Levinz. He was voted a calumniator, and sent to the Tower, as an example to all who should be tempted to speak truth which the Commons might not like to hear.

Meanwhile the bill had been brought in, and was proceeding easily. It provided that all the property which had belonged to the Crown at the time of the accession of James the Second, or which had been forfeited to the Crown since that time, should be vested in trustees. These trustees were named in the bill; and among them were the four commissioners who had signed the report. All the Irish grants of William were annulled. The legal rights of persons other than the grantees were saved. But of those rights the trustees were to be judges, and judges without appeal. A claimant who gave them the trouble of attending to him, and could not make out his case, was to be heavily fined. Rewards were offered to informers who should discover any property which was liable to confiscation, and which had not yet been confiscated. Though eight years had elapsed since an arm had been lifted up in the conquered island against the domination of the Englishry, the unhappy children of the soil, who had been suffered to live, submissive and obscure, on their hereditary fields, were threatened with a new and severe inquisition into old offences.

Objectionable as many parts of the bill undoubtedly were, nobody who knew the House of Commons believed it to be possible to carry any amendment. The King flattered himself that a motion for leaving at his disposal a third part of the forfeitures would be favourably received. There can be little doubt that a compromise would have been willingly accepted twelve months earlier. But the report had made all compromise impossible. William, however, was bent on trying the experiment; and Vernon consented to go on what he considered as a forlorn hope. He made his speech and his motion: but the reception which he met with was such that he did not venture to demand a division. This feeble attempt at obstruction only made the impetuous current chafe the more. Howe immediately moved two resolutions: one attributing the load of debts and taxes which lay on the nation to the Irish grants; the other censuring all who had been concerned in advising or passing those grants. Nobody was named; not because the majority was inclined to show any tenderness to the Whig ministers, but because some of the most objectionable grants had been sanctioned by the Board of Treasury when Godolphin and Seymour, who had great influence with the country party, saté at that board.

Howe's two resolutions were laid before the King by the Speaker, in whose train all the leaders of the opposition appeared at Kensington. Even Seymour, with characteristic effrontery, showed himself there as one of the chief authors of a vote which pronounced him guilty of a breach of duty. William's answer was that he thought himself bound to reward out of the forfeited property those who had served him well, and especially those who had borne a principal part in the reduction of Ireland. The war, he said, had undoubtedly left behind it a heavy debt; and he should be glad to see that debt reduced by just and effectual means. This answer was but a bad one; and, in truth, it was hardly possible for him to return a good one. He had done what was indefensible; and, by attempting to defend himself, he made his case worse. It was not true that the Irish forfeitures, or one-fifth part of them, had been granted to men who had distinguished themselves in the Irish war; and it was not judicious to hint that those forfeitures could not justly be applied to the discharge of the public debts. The Commons murmured, and not altogether without reason. "His Majesty tells us," they said, "that the debts fall to us and the forfeitures to him. We are to make good out of the purses of Englishmen what was spent upon the war; and he is to put into the purses of Dutchmen what was got by the war." When the House met again, Howe moved that whoever had advised the King to return such an answer was an enemy to His Majesty and the kingdom; and this resolution was carried with some slight modification.

To whatever criticism William's answer might be open, he had said one thing which well deserved the attention of the House. A small part of the forfeited property had been bestowed on men whose services to the state well deserved a much larger recompense; and that could not be resumed without gross injustice and ingratitude. An estate of very moderate value had been given, with the title of the Earl of Athlone, to Ginkell, whose skill and valour had brought the war in Ireland to a triumphant close. Another estate had been given, with the title of the Earl of Galway, to Rouvigny, who, in the crisis of the decisive battle, at the very moment when St. Ruth was waving his hat, and exclaiming that the English should be beaten back to Dublin, had, at the head of a gallant body of horse, struggled through the morass, turned the left wing of the Celtic army, and retrieved the day. But the predominant faction, drunk with insolence and animosity, made no distinction between courtiers who had been enriched by injudicious partiality and warriors who had been sparingly rewarded for great exploits achieved in defence of the liberties and the religion of our country. Athlone was a Dutchman: Galway was a Frenchman: and it did not become a good Englishman to say a word in favour of either.

Yet this was not the most flagrant injustice of which the Commons were guilty. According to the plainest principles of common law and of common sense, no man can forfeit any rights except those which he has. All the donations which William had made he had made subject to this limitation. But by this limitation the Commons were too angry and too rapacious to be bound. They determined to vest in the trustees of the forfeited lands an estate greater than had ever belonged to the forfeiting landholders. Thus innocent persons were violently deprived of property which was theirs by descent or by purchase, of property which had been strictly respected by the King and by his grantees. No immunity was granted even to men who had fought on the English side, even to men who had lined the walls of Londonderry and rushed on the Irish guns at Newton Butler.

In some cases the Commons showed indulgence: but their indulgence was not less unjustifiable, nor of less pernicious example, than their severity. The ancient rule, a rule which is still strictly maintained, and which cannot be relaxed without danger of boundless profusion and shameless jobbery, is that, whatever the Parliament grants shall be granted to the Sovereign, and that no public bounty shall be bestowed on any private person except by the Sovereign.

The Lower House now, contemptuously disregarding both principles and precedents, took on itself to carve estates out of the forfeitures for persons whom it was inclined to favour. To the Duke of Ormond especially, who ranked among the Tories and was distinguished by his dislike of the foreigners, marked partiality was shown. Some of his friends, indeed, hoped that they should be able to insert in the bill a clause bestowing on him all the confiscated estates in the county of Tipperary. But they found that it would be prudent in them to content themselves with conferring on him a boon smaller in amount, but equally objectionable in principle. He had owed very large debts to persons who had forfeited to the Crown all that belonged to them. Those debts were therefore now due from him to the Crown. The House determined to make him a present of the whole; that very House which would not consent to leave a single acre to the general who had stormed Athlone, who had gained the battle of Aghrim, who had entered Galway in triumph, and who had received the submission of Limerick.

That a bill so violent, so unjust, and so unconstitutional would pass the Lords without considerable alterations was hardly to be expected. The ruling demagogues, therefore, resolved to join it with the bill which granted to the Crown a land tax of two shillings in the pound for the service of the next year, and thus to place the Upper House under the necessity of either passing both bills together without the change of a word, or rejecting both together, and leaving the public creditor unpaid and the nation defenceless.

There was great indignation among the peers. They were not indeed more disposed than the Commons to approve of the manner in which the Irish forfeitures had been granted away; for the antipathy to the foreigners, strong as it was in the nation generally, was strongest in the highest ranks. Old barons were angry at seeing themselves preceded by new earls from Holland and Guelders. Garters, gold keys, white staves, rangerships, which had been considered as peculiarly belonging to the hereditary grandees of the realm, were now intercepted by aliens. Every English nobleman felt that his chance of obtaining a share of the favours of the Crown was seriously diminished by the competition of Bentincks and Keppels, Auverquerque and Zulesteins. But, though the riches and dignities heaped on the little knot of Dutch courtiers might disgust him, the recent proceedings of the Commons could not but disgust him still more. The authority, the respectability, the existence of his order were threatened with destruction. Not only,—such were the just complaints of the Peers,—not only are we to be deprived of that co-ordinate legislative power to which we are, by the constitution of the realm, entitled. We are not to be allowed even a suspensive veto. We are not to dare to remonstrate, to suggest an amendment, to offer a reason, to ask for an explanation. Whenever the other House has passed a bill to which it is known that we have strong objections, that bill is to be tacked to a bill of supply. If we alter it, we are told that we are attacking the most sacred privilege of the representatives of the people, and that we must either take the whole or reject the whole. If we reject the whole, public credit is shaken; the Royal Exchange is in confusion; the Bank stops payment; the army is disbanded; the fleet is in mutiny; the island is left, without one regiment, without one frigate, at the mercy of every enemy. The danger of throwing out a bill of supply is doubtless great. Yet it may on the whole be better that we should face that danger, once for all, than that we should consent to be, what we are fast becoming, a body of no more importance than the Convocation.

Animated by such feelings as these, a party in the Upper House was eager to take the earliest opportunity of making a stand. On the fourth of April, the second reading was moved. Near a hundred lords were present. Somers, whose serene wisdom and persuasive eloquence had seldom been more needed, was confined to his room by illness; and his place on the woosack was supplied by the Earl of Bridgewater. Several orators, both Whig and Tory, objected to proceeding farther. But the chiefs of both parties thought it better to try the almost hopeless experiment of committing the bill and sending it back amended to the Commons. The second reading was carried by seventy votes to twenty-three. It was remarked that both Portland and Albemarle voted in the majority.

In the Committee and on the third reading several amendments were proposed and carried. Wharton, the boldest and most active of the Whig peers, and the Lord Privy Seal Lonsdale, one of the most moderate and reasonable of the Tories, took the lead, and were strenuously supported by the Lord President Pembroke, and by the Archbishop of Canterbury, who seems on this occasion to have a little forgotten his habitual sobriety and caution. Two natural sons of Charles the Second, Richmond and Southampton, who had strong personal reasons for disliking resumption bills, were zealous on the same side. No peer, however, as far as can now be discovered, ventured to defend the way in which William had disposed of his Irish domains. The provisions which annulled the grants of those domains were left untouched. But the words of which the effect was to vest in the parliamentary trustees property which had never been forfeited to the King, and had never been given by him, were altered; and the clauses by which estates and sums of money were, in defiance of constitutional principle and of immemorial practice, bestowed on persons who were favourites of the Commons, were so far modified as to be, in form, somewhat less exceptionable. The bill, improved by these changes, was sent down by two judges to the Lower House.

The Lower House was all in a flame. There was now no difference of opinion there. Even those members who thought that the Resumption Bill and the Land Tax Bill ought not to have been tacked together, yet felt that, since those bills had been tacked together, it was impossible to agree to the amendments made by the Lords without surrendering one of the most precious privileges of the Commons. The amendments were rejected without one dissentient voice. It was resolved that a conference should be demanded; and the gentlemen who were to manage the conference were instructed to say merely that the Upper House had no right to alter a money bill; that the point had long been settled and was too clear for argument; that they should leave the bill with the Lords, and that they should leave with the Lords also the responsibility of stopping the supplies which were necessary for the public service. Several votes of menacing sound were passed at the same sitting. It was Monday the eighth of April. Tuesday the ninth was allowed to the other House for reflection and repentance. It was resolved that on the Wednesday morning the question of the Irish forfeitures should again be taken into consideration, and that every member who was in town should be then in his place on peril of the highest displeasure of the House. It was moved and carried that every Privy Councillor who had been concerned in procuring or passing any exorbitant grant for his own benefit had been guilty of a high crime and misdemeanour. Lest the courtiers should flatter themselves that this was meant to be a mere abstract proposition, it was ordered that a list of the members of the Privy Council should be laid on the table. As it was thought not improbable that the crisis might end in an appeal to the constituent bodies, nothing was omitted which could excite out of doors a feeling in favour of the bill. The Speaker was directed to print and publish the report signed by the four commissioners, not accompanied, as in common justice it ought to have been, by the protest of the three dissentients, but accompanied by several extracts from the journals which were thought likely to produce an impression favourable to the House and unfavourable to the Court. All these resolutions passed without any division, and without, as far as appears, any debate. There was, indeed, much speaking, but all on one side. Seymour, Harley, Howe, Harcourt, Shower, Musgrave, declaimed, one after another, about the obstinacy of the other House, the alarming state of the country, the dangers which threatened the public peace and the public credit. If, it was said, none but Englishmen sate in the Parliament and in the Council, we might hope that they would relent at the thought of the calamities which impend over England. But we have to deal with men who are not Englishmen, with men who consider this country as their own only for evil, as their property, not as their home; who, when they have gorged themselves with our wealth, will, without one uneasy feeling, leave us sunk in bankruptcy, distracted by faction, exposed without defence to invasion. "A new war," said one of these orators, "a new war, as long, as bloody, and as costly as the last, would do no less mischief than has been done by the introduction of that batch of Dutchmen among the barons of the realm." Another was so absurd as to call on the House to declare that whoever should advise a dissolution would be guilty of high treason. A third gave utterance to a sentiment which it is difficult to understand how any assembly of civilised and Christian men, even in a moment of strong excitement, should have heard without horror. "They object to tacking; do they? Let them take care that they do not provoke us to tack in earnest. How would they like to have bills of supply with bills of attainder tacked to them?" This atrocious threat, worthy of the tribune of the French Convention in the worst days of the Jacobin tyranny, seems to have passed unrepined. It was meant—such at least was the impression at the Dutch embassy—to intimidate Somers. He was confined by illness. He had been unable to take any public part in the proceedings of the Lords; and he had privately blamed them for engaging in a conflict in which he justly thought that they could not be victorious. Nevertheless, the Tory leaders hoped that they might be able to direct against him the whole force of the storm which they had raised. Seymour, in particular, encouraged by the wild and almost savage temper of his hearers, harangued with rancorous violence against the wisdom and the virtue which presented the strongest contrast to his own turbulence, insolence, faithlessness, and rapacity. "No doubt," he said, "the Lord Chancellor was a man of parts. Anybody might be glad to have for counsel so acute and eloquent an advocate. But a very good advocate might be a very bad minister; and, of all the ministers who had brought the kingdom into difficulties, this plausible fair-spoken person was the most dangerous." Nor was the old reprobate ashamed to add that he was afraid that his Lordship was no better than a Hobbist in religion.

After a long sitting the members separated; but they re-assembled early on the morning of the following day, Tuesday the ninth of April. A conference was held; and Seymour, as chief manager for the Commons, returned the Bill and the amendments to the Peers in the manner which had been prescribed to him. From the Painted Chamber he went back to the Lower House, and reported what had passed. "If," he said, "I may venture to judge by the looks and manner of their lordships, all will go right." But within half an hour evil tidings came through the Court of Requests and the lobbies. The Lords had divided on the question, whether they would adhere to their amendments. Forty-seven had voted for adhering, and thirty-four for giving way. The House of Commons broke up with gloomy looks, and in great agitation. All London looked forward to the next day with painful forebodings. The general feeling was in favour of the bill. It was rumoured that the majority which had determined to stand by the amendments had been swollen by several prelates, by several of the illegitimate sons of Charles the Second, and by several needy and greedy courtiers. The cry in all the public places of resort was that the nation would be ruined by the three B's,—Bishops, Bastards, and Beggars. On Wednesday the tenth, at length, the contest came to a decisive issue. Both Houses were early crowded. The Lords demanded a conference. It was held;

and Pembroke delivered back to Seymour the bill and the amendments, together with a paper containing a concise, but luminous and forcible, exposition of the grounds on which the Lords conceived themselves to be acting in a constitutional and strictly defensive manner. This paper was read at the bar : but, whatever effect it may now produce on a dispassionate student of history, it produced none on the thick ranks of country gentlemen. It was instantly resolved that the Bill should again be sent back to the Lords with a peremptory announcement that the Commons' determination was unalterable.

The Lords again took the amendments into consideration. During the last forty-eight hours, great exertions had been made in various quarters to avert a complete rupture between the Houses. The statesmen of the Junto were far too wise not to see that it would be madness to continue the struggle longer. It was indeed necessary, unless the King and the Lords were to be of as little weight in the State as in 1648, unless the House of Commons was not merely to exercise a general control over the Government, but to be, as in the days of the Rump, itself the whole government, the sole legislative chamber, the fountain from which were to flow all those favours which had hitherto been in the gift of the Crown, that a determined stand should be made. But, in order that such a stand might be successful, the ground must be carefully selected ; for a defeat might be fatal. The Lords must wait for some occasion on which their privileges would be bound up with the privileges of all Englishmen, for some occasion on which the constituent bodies would, if an appeal were made to them, disavow the acts of the representative body ; and this was not such an occasion. The enlightened and large minded few considered tacking as a practice so pernicious that it would be justified only by an emergency which would justify a resort to physical force. But, in the many, tacking, when employed for a popular end, excited little or no disapprobation. The public, which seldom troubles itself with nice distinctions, could not be made to understand that the question at issue was any other than this, whether a sum which was vulgarly estimated at millions, and which undoubtedly amounted to some hundreds of thousands, should be employed in paying the debts of the state and alleviating the load of taxation, or in making Dutchmen, who were already too rich, still richer. It was evident that on that question the Lords could not hope to have the country with them, and that, if a general election took place while that question was unsettled, the new House of Commons would be even more mutinous and more impracticable than the present House. Somers, in his sick chamber, had given this opinion. Orford had voted for the bill in every stage. Montague, though no longer a minister, had obtained admission to the royal closet, and had strongly represented to the King the dangers which threatened the state. The King had at length consented to let it be understood that he considered the passing of the bill as on the whole the less of two great evils. It was soon clear that the temper of the Peers had undergone a considerable alteration since the preceding day. Scarcely any, indeed, changed sides. But not a few abstained from voting. Wharton, who had at first spoken powerfully for the amendments, left town for Newmarket. On the other hand, some Lords who had not yet taken their part came down to give a healing vote. Among them were the two persons to whom the education of the young heir apparent had been entrusted, Marlborough and Burnet. Marlborough showed his usual prudence. He had remained neutral, while by taking a part he must have offended either the House of Commons or the King. He took a part as soon as he saw it was possible to please both. Burnet, alarmed for the public peace, was in a state of great excitement, and, as was usual with him when in such a state, forgot dignity and decorum, called out "stuff" in a very audible voice while a noble Lord was haranguing in favour of the amendments, and was in great danger of being reprimanded at the bar or delivered over to Black Rod. The motion on which the division took place was that the House do adhere to the amendments. There were forty contents and thirty-seven not contents. Proxies were called ; and the numbers were found to be exactly even. In the House of Lords there is no casting vote. When the numbers are even, the non contents have it. The motion to adhere had therefore been negatived. But this was not enough. It was necessary that an affirmative resolution should be moved to the effect that the House agreed to the bill without amendments ; and, if the numbers should again be equal, this motion would also be lost. It was an anxious moment. Fortunately the Primate's heart failed him. He had obstinately fought the battle down to the last stage. But he probably felt that it was no light thing to take on himself, and to bring on his order, the responsibility of throwing the whole kingdom into confusion. He started up and hurried out of the House, beckoning to some of his brethren. His brethren followed him with a prompt obedience, which, serious as the crisis was, caused no small merriment. In consequence of this defection, the motion to agree was carried by a majority of five. Meanwhile the members of the other House had been impatiently waiting for news, and had been alternately elated and depressed by the reports which followed one another in rapid succession. At first it was confidently expected that the Peers would yield ; and there was general good humour. Then came intelligence that the majority of the Lords present had voted for adhering to the amendments. "I believe," so Vernon wrote the next day, "I believe there was not one man in the House that did not think the nation ruined." The lobbies were cleared : the back doors were locked : the keys were laid on the table : the Serjeant-at-Arms was directed to take his post at the front door, and to suffer no member to withdraw. An awful interval followed, during which the angry passions of the assembly seemed to be subdued by terror. Some of the leaders of the opposition, men of grave character and of large property, stood aghast at finding that they were engaged,—they scarcely knew how,—in a conflict such as they had not at all expected, in a conflict in which they could be victorious only at the expense of the peace and order of society. Even Seymour was sobered by the greatness and nearness of the danger.

Even Howe thought it advisable to hold conciliatory language. It was no time, he said, for wrangling. Court party and country party were Englishmen alike. Their duty was to forget all past grievances, and to co-operate heartily for the purpose of saving the country.

In a moment all was changed. A message from the Lords was announced. It was a message which lightened many heavy hearts. The bill had been passed without amendments.

[HALLAM. *Constitutional History, sixth edition, vol. 2, p. 306.*]

But even if the resumption of William III's Irish grants could be reckoned defensible, there can be no doubt that the mode adopted by the Commons, of tacking, as it was called, the provisions for this purpose to a money Bill, so as to render it impossible for the Lords even to modify them without depriving the King of his supply, tended to subvert the constitution and to annihilate the rights of a co-equal House of Parliament. This most reprehensible device, though not an unnatural consequence of their pretended right to an exclusive concern in money Bills, had been employed in a former instance in this reign. They were again successful on this occasion; the Lords receded from their amendments, and passed the Bill at the King's desire, who perceived that the fury of the Commons was tending to a terrible convulsion. But the precedent was infinitely dangerous to their legislative power. If the Commons, after some more attempts of the same nature, desisted from so unjust an encroachment, it must be attributed to that which has been the great preservative of the equilibrium in our Government, the public voice of a reflecting people averse to manifest innovation, and soon offended by the intemperance of faction.

APPENDIX F.

[BOYER. *History of the Reign of Queen Anne, pp. 161, 162.*]

It was generally wished, and indeed expected, both in the court, the city, and the country, that the Bill to prevent occasional conformity, which afforded matter of division and contention in the two former sessions of this Parliament, would not have been set on foot again at this juncture, when all parties ought, at least, to have suspended their animosities, and joined in one voice to celebrate the triumphs of Her Majesty's arms. But, notwithstanding all the endeavours used by the Ministry, to engage the leading men of the high church party to contain their pretended zeal for the church, till such an opportunity as the same might not appear to be a design to obstruct the public business, the Parliament had not sat long before Mr. William Bromley moved, in the House of Commons, that leave be given to bring in that Bill. This motion met with notable opposition from all the moderate party, among whom appeared many courtiers, particularly Mr. Boyle, Chancellor of the Exchequer, who spoke strenuously against it; but though it was carried in the affirmative, yet the chief of the high church party debated several days in their private assemblies, whether they should bring in the Bill or no?

Many urged strong reasons for the negative; but, however, the Bill was brought in, [Nov. 23] read the first time, and the question put, whether it should be read a second time? which, after high and warm debates, was carried in the affirmative. This second struggle against the Bill, even in the House of Commons, made them who pushed it forward justly apprehensive that it would never pass by itself through the House of Lords; and, therefore, after a long consultation in their chief club, and as was then whispered by the suggestion of a person [Robert H—ey, Esq.] in whom they still reposed great confidence, but who designed to decoy them into a snare, they resolved to attempt the tacking of it to the Land Tax Bill. Accordingly on the second [Nov. 28] reading of the Conformity Bill, Mr. Bromley made a long speech, wherein, among other things, he urged, that the practice of occasional conformity was such a scandalous hypocrisy as was no way to be excused upon any pretence whatsoever. That it was condemned even by the better sort of dissenters themselves. That the employing persons of a different religion from that established by law had never been practised by any wise Government, and was not allowed even in Holland. That the Sacramental Test was appointed by the wisdom of the Legislature to preserve the established church; which church seemed in as much danger from the dissenters at this time as it was from papists when the Act was made. That this law being so necessary, and having been twice refused in the House of Lords, the only way to have it pass was to tack it to a money bill. That it had been an ancient practice to tack bills that were for the good of the subject to money bills; it being reasonable that, while grievous taxes were laid upon the people for support of the Crown, the Crown should, in return, pass such laws as were for the benefit of the people. That the great necessity there was for the money bills passing was rather an argument for, than against, this proceeding. For what danger could there be that the Lords, who pretended to be such great patriots, should rather lose the necessary supplies than pass an Act so requisite for the preservation of the church? That however, if they should suppose them so unreasonable, the matter was not yet so bad, for it was only but proroguing the Parliament for a few days, and then the Commons might pass the Land Tax again without the tack. And so he concluded with moving, "That the Bill to prevent Occasional Conformity might be tacked to the Land Tax Bill." This motion occasioned a warm and long debate in the House, and a great deal of anxiety both in court and city, it being generally apprehended

that, if the question had been carried in the affirmative, the dissolution of this Parliament would have ensued ; which would have been no small prejudice to the affairs of the Grand Alliance ; but by the crafty management of Mr. Secretary Harley and some courtiers, the sticklers for the Bill were strangely surprised and disappointed to find themselves deserted by above a hundred members, who before used to vote with them ; so that the negative prevailed by a majority of two hundred and fifty-one voices against one hundred and thirty-four. Besides, the obvious argument that the tacking Bills of another nature to money bills takes away the negative, both from the Crown and from the House of Lords, gives the Commons the whole legislative power, and so tends to destroy the Constitution. Mr. Secretary Hedges and the Lord Cutts represented to the House, that the Duke of Marlborough had lately concluded a treaty with the King of Prussia, for eight thousand of his men to be employed towards the relief of the Duke of Savoy, who was in most imminent danger : that those troops were actually on their march upon the credit of a vote of this House : That they would make good Her Majesty's treaties ; and that the obstructing the money bills, which the tacking would infallibly do, would put an immediate stop to the march of those troops, and thereby occasion the entire ruin of the Duke of Savoy. My Lord Cutts urged, "That the English nation was now in the highest consideration abroad ; that all Europe were attentive to the resolutions of this Parliament ; and that, if any division should happen between the two Houses, it would cast a damp upon the whole confederacy, and give the French King almost as great an advantage as we had gained over him at Blenheim." Mr. Boyle, Chancellor of the Exchequer, spoke on the same side, and in a laconic style, asked, *Whether any wise man among them would venture his whole estate upon a vote?* And answering himself in the negative ; then, added he, *Shall we now venture the safety of all England, nay, of all Europe, upon this Vote?* Sir John Holles, perceiving that many members had left the High Church party, did wittily expose them by saying, "That for his own part, he had been against this Bill from the beginning, but he wondered that those gentlemen, who had all along pretended that the Church of England was on the brink of ruin unless such a Bill should pass, did not pursue the only method that might secure the passing of that Bill. I put it to the conscience of those gentlemen who are come over to us," added he, "whether they were before satisfied as to the reasonableness and necessity of this Bill, since they now desert their own friends ? I wish they had voted on our side two years ago, for 'twould have saved us a great deal of trouble, the greatest part of the nation a great deal of uneasiness, and themselves the confusion of abandoning their party at a pinch." Sir Thomas Lyttleton spoke on the same side and said ; "Gentlemen, by the tacking of this Bill we mean to throw a necessity upon the Lords to pass it ; but suppose the Lords think fit to untack what we have tacked, and to acquaint us, that they are ready to pass the money bill, but will consider of the other. Pray, whose fault will the nation account it to be, that the Queen's business is retarded ?" Against all which reasons, little was offered of any weight ; and so it was resolved that the Bill should not be tacked.

[HALLAM. *Constitutional History, sixth edition, vol. 2, p. 411.*]

In the first Parliament of Anne, a bill to prevent occasional conformity more than once passed the Commons, and on its being rejected by the Lords, a great majority of William's bishops voting against the measure, an attempt was made to send it up again in a very reprehensible manner, tacked, as it was called, to a grant of money, so that, according to the pretensions of the Commons in respect to such Bills, the Upper House must either refuse the supply, or consent to what they disapproved.

This however, miscarried, and the next Parliament being of better principles, &c.

1864-5.

VICTORIA.

LEGISLATIVE COUNCIL.

FOURTH REPORT

OF THE

PRINTING COMMITTEE.

LAI'D UPON THE COUNCIL TABLE BY THE HONORABLE J. P. FAWKNER, AND ORDERED
BY THE COUNCIL TO BE PRINTED, 6TH JUNE, 1865.

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 :—

Subject.	When moved for and by whom.	When laid on the Council Table.	By Command.	Report and Remarks of the Committee.
Volunteer Force.—Return showing results of effective system during the Year 1864.	28th Mar., 1865	... ..	No order made.
Mineral Statistics of Victoria (1864)	29th Mar., 1865	... ..	"
Ratepayers, Return of.—Return to Order of Council	Hon. T. H. Fellows, 13th Dec., 1864	"	... ..	Recommended to be printed.
Geological Survey.—Report from June, 1863, to September, 1864	4th April, 1865	... ..	No order made.
Defences of the Colony.—Papers and Reports	"	"
Neglected and Criminal Children Act.—Regulations for Reformatory School on board Hulk <i>Deborah</i>	"	"
Friendly Societies—Return of, Registered, expired, or dissolved, during 1864.	"	"
Great Southern Telescope—Extracts from Correspondence regarding	"	"
Tarnagulla—District Court of Mines to be held at.—Order in Council (10th April, 1865)	2nd May, 1865	... ..	"
Tarnagulla—County Court to be holden at.—Order in Council (10th April, 1865)	"	"
Border Customs Duties.—Further Correspondence between New South Wales and Victoria (8th June, 1864, to 18th April, 1865)	"	"
Neglected and Criminal Children Act.—Regulations for Female Reformatory Schools (20th March, 1865)	9th May, 1865	... ..	"
Amending Land Act, 1865—Regulations under.—Order in Council (1st May, 1865)	11th May, 1865	... ..	Recommended to be printed.
Police Reward Fund.—Return to Order of Council	Hon. W. Hull, 4th May, 1865	16th May, 1865	... ..	"
Mining Surveyors' and Registrars' Reports (for Quarter ending 31st March, 1865)	"	No order made.
Supreme Court—Registrar-General (10th May, 1865)	"	"
Volunteer Force, Victoria.—Regulations (3rd May, 1865)	23rd May, 1865	... ..	"

Subject.	When moved for, and by whom.	When laid on the Council Table.	By Command.	Report and Remarks of the Committee.
Agricultural and Pastoral Employment and Produce.— Return to Order of Council	Hon. G. W. Cole, 9th May, 1865	23rd May, 1865	... ..	Recommended to be printed.
Mornington—County Court to be holden at.—Order in Coun- cil (8th May, 1865)	25th May, 1865	... ..	No order made.
Defences of the Colony.—Re- marks on Report of Commodore Sir W. Wiseman, by Majors Pasley and Scratchley, R.E. (25th February, 1865)	"	"
Diseases—Return of (Year 1864)	30th May, 1865	... ..	"
Health Officer—Report of (Year ending 31st December, 1864)	"	"

JOHN P. FAWKNER,
Chairman.

Committee Room,
Legislative Council Chamber,
1st June, 1865.

1864-5.

VICTORIA.

REPORT

OF THE

SELECT COMMITTEE OF THE LEGISLATIVE COUNCIL

ON

MARKETS,

TOGETHER WITH

THE PROCEEDINGS OF COMMITTEE, MINUTES OF EVIDENCE, AND
APPENDICES.

ORDERED BY THE COUNCIL TO BE PRINTED, 8TH JUNE, 1865.

By Authority:

JOHN FERRES, GOVERNMENT PRINTER, MELBOURNE.

EXTRACTED FROM THE MINUTES.

WEDNESDAY, 8TH FEBRUARY, 1865.

PETITION.—The Honorable J. P. Fawkner presented a Petition signed by Thomas Dolling and others, styling themselves market gardeners and farmers, praying that a Bill may be passed to afford increased market accommodation, and to establish fair fees, and to further relieve the Petitioners.

Petition received.

The Honorable J. P. Fawkner moved, That the Petition be printed.

Question—put and passed.

TUESDAY, 7TH MARCH, 1865.

MARKETS.—The Honorable J. P. Fawkner, in accordance with notice, moved, That a Select Committee be appointed to examine and report upon the Petition addressed to the Honorable the Legislative Council of Victoria from the Market Gardeners, that they may have the benefit of a market capacious enough for the wants of this community; and that such regulations and modifications may be made as will effectuate the supply of good wholesome vegetables and fruit at all times during the year, with such facilities of sale as will enable the producer and the consumer to reap the benefits resulting from an open market at all hours of the day, and on all the days of the week (Sundays excepted); and report to the House the result of their enquiry.

Debate ensued.

Question—put and passed.

The Honorable J. P. Fawkner, in accordance with *contingent* notice, moved, That the Select Committee have power to call for books, papers, and returns, and such witnesses as are necessary; and that the Honorables Messrs. Cole, J. Henty, McCrae, Lowe, Highett, Pettett, and the Mover, be the Committee.

Question—put and passed.

TUESDAY, 28TH MARCH, 1865.

PETITION.—The Honorable W. Hull presented a Petition, under the corporate seal of the mayor, aldermen, councillors, and citizens of the City of Melbourne, on the subject of Markets, and praying that the Council will take the premises into consideration.

Petition received.

The Honorable W. Hull moved, That the Petition be referred to the Select Committee on Markets.

Question—put and passed.

WEDNESDAY, 29TH MARCH, 1865.

PETITION OF CORPORATION OF CITY OF MELBOURNE.—The Honorable J. P. Fawkner, with leave of the Council, moved, without notice, That the Petition from the Corporation of Melbourne, presented to this House on Tuesday, and referred to the Select Committee on Markets, be printed.

Question—put and passed.

THURSDAY, 8TH JUNE, 1865.

MARKETS.—The Honorable J. P. Fawkner, as Chairman of the Committee, brought up the Report of the Select Committee appointed on the 7th March, 1865, "to examine and report upon the Petition addressed to the Council by Market Gardeners, and to report to the House the result of their enquiry," and moved, That the Report be printed and taken into consideration on Wednesday next.

Question—put and passed.

R E P O R T.

THE SELECT COMMITTEE of the Legislative Council, appointed to consider the Petition of the Market Gardeners and Farmers, have the honor to report as follows :—

Your Committee have examined many witnesses, amongst others the Town Clerk of the City of Melbourne, the Lessee of the markets, and seventeen Market Gardeners—in all, nineteen witnesses.

The Committee recommend—

1. That, in order to preserve the vegetables, fruit, and other produce from exposure to the weather, the whole available space in the Eastern Market be covered in and made into stalls.

2. That the fruit and vegetable market, known as the Eastern Market, be open every day in the week, or at least for three days in the week, for the benefit and convenience of the consumer as well as the producer ; and with the view of relieving the pressure of so large a number of carts coming to market in one day.

3. That the system hitherto adopted, of charging separate market dues upon each description of produce comprising the same load, instead of charging one fee for a single load, is oppressive to the producer, and therefore the market dues should be changed.

4. That the rent paid for the shed-stands should include and cover all market dues.

5. That in order to carry out the alterations above indicated, the Hay Market be removed to some other part of the city.

JOHN P. FAWKNER,
Chairman.

Committee Room,
Parliament Houses,
8th June, 1865.

PROCEEDINGS OF COMMITTEE.

WEDNESDAY, 22ND MARCH, 1865.

Members present :

The Honorables J. P. Fawkner, W. H. Pettett, W. Highett, G. W. Cole, J. Lowe, J. McCrae.

The Honorable J. P. Fawkner was appointed chairman.
Petition referred to Committee handed in by the clerk.*
Committee deliberated.

Mr. Joseph Ostler was called in and examined.

Mr. John Hunt was called in and examined.

Mr. Thomas Johnson was called in and examined.

Mr. George Cole was called in and examined.

Mr. Thomas Lansly was called in and examined.

Mr. George Coates was called in and examined.

Mr. John Huntley was called in and examined.

Clerk of Committee ordered, in transmitting their evidence to the several witnesses residing out of town, to enclose a frank stamp envelope to each, to cover the evidence posted in return.

The Committee adjourned until one o'clock on Wednesday, 29th instant.

WEDNESDAY, 29TH MARCH, 1865.

Members present :

The Honorable J. P. Fawkner (in the chair),

The Honorables W. H. Pettett, G. W. Cole, W. Highett, J. Lowe, J. McCrae.

Petition from the Corporation of Melbourne referred to Committee, handed in by the Clerk, and the Chairman was requested to move the Council to order it to be printed.†

Mr. James Exley was called in and examined.

Mr. Thomas Barrett was called in and examined.

Mr. J. C. Clinch was called in and examined.

Mr. Josiah Mitchell was called in and examined.

Mr. P. W. Smith was called in and examined.

Mr. John Potts was called in and examined.

Mr. Joseph Chandler was called in and examined.

The Committee adjourned to one o'clock that day week.

WEDNESDAY, 5TH APRIL, 1865.

Members present :

The Honorables G. W. Cole, W. H. Pettett, W. Highett.

It having been intimated that the Honorable J. P. Fawkner was unavoidably absent, the Honorable W. Highett was appointed Chairman.

Mr. Robert Daff was called in and examined.

Mr. Henry Comport was called in and examined.

Mr. Charles Burgess was called in and examined.

The Committee adjourned.

WEDNESDAY, 10TH MAY, 1865.

Members present :

The Honorable J. P. Fawkner (in the chair),

The Honorables W. Highett, W. H. Pettett, J. Lowe.

Mr. George Robinson was called in and examined.

E. G. Fitz Gibbon, Esq., was called in and examined.

The Committee was adjourned.

THURSDAY, 25TH MAY, 1865.

Members present :

The Honorables W. Highett, J. McCrae, W. H. Pettett, G. W. Cole.

The Honorable W. Highett was appointed Chairman.

The Committee deliberated, and then adjourned until Tuesday, 30th May.

* Ordered by the Council to be printed, 8th February, 1865.

† Ordered by the Council to be printed, 29th March, 1865.

TUESDAY, 30TH MAY, 1865.

Members present :

The Honorable W. Highett (in the chair),
The Honorables G. W. Cole, J. McCrae.

The Committee deliberated.

The Honorable J. P. Fawcner entered the room.

Committee deliberated.

Committee adjourned to Tuesday, at three o'clock.

TUESDAY, 6TH JUNE, 1865.

Members present :

The Honorable J. P. Fawcner (in the chair),
The Honorables G. W. Cole, J. McCrae, W. Highett.

The Chairman submitted Draft Report, which was read, and then considered paragraph by paragraph.

Amended Draft Report ordered to be printed and its further consideration postponed.

The Committee adjourned until three o'clock on Thursday.

THURSDAY, 8TH JUNE, 1865.

Members present :

The Honorable J. P. Fawcner (in the chair),
The Honorables W. Highett, J. McCrae, G. W. Cole.

The Honorable J. McCrae submitted Draft of a Report prepared by him.
Committee deliberated.

Draft Report of the Chairman further considered, and agreed to as amended.

Chairman to report it to the House.

The Committee adjourned.

MINUTES OF EVIDENCE.

WEDNESDAY, 22ND MARCH, 1865.

Members present:

The Hon. J. P. FAWKNER, in the chair;

The Hon. G. W. Cole
W. Highett

The Hon. W. H. Pettett.

Mr. Joseph Ostler called in and examined.

1. *By the Chairman.*—What are you?—Clerk of the Moorabbin Road Board, which is a district very largely interested in market gardening. Mr. J. Ostler,
22nd March, 1865.

2. What number of persons in your district are engaged in market gardening?—About four hundred; that is, in the district included within the boundaries of the proclaimed Moorabbin Road District.

3. Do you know what they produce for the market?—Vegetables principally; some of them are fruit growers as well.

4. Do you know whether they have any difficulties in getting to the market?—The majority of the ratepayers in that district, in addition to the market dues, have to pay one and sixpence toll every time they come into market: one shilling at one toll, and sixpence at the other.

5. Can you tell what the average weight of their loads is?—The average would be about eight hundredweight.

6. Do you know whether there is sufficient room for them in the market when they come?—They complain very much of want of room. There is not accommodation in the market for half the carts that go there.

7. Do you know that of your own knowledge?—Yes, I know that none but those who hire a stand beforehand can depend upon getting under shelter. The whole of the stands are taken up at the commencement of the quarter at 26s. per quarter; that is, all that are under shelter, and there is not shelter sufficient to accommodate half the people who go.

8. Have they sufficient time in the market to sell their produce?—They complain when there is a slow market they are obliged to leave at ten o'clock in the morning, and the dealers take advantage of that. I occasionally send in, though I am not a regular market gardner; I have occasionally sent produce in myself.

9. Do you know what fees they pay?—I could not say, from memory, just now. My man generally pays the money.

10. *By Mr. Highett.*—Are they obliged to leave the market at ten o'clock?—Yes, ten o'clock is the regulation time.

11. *By the Chairman.*—Do you know at what time they have to leave your district to get into town?—I think pretty well half the people in our district leave home before midnight, in order to get the chance of getting as good a stand as possible in the market; not a stand under the shed, but in order to get a stand within the market at all.

12. Would you recommend any reduction in the market dues?—The general opinion is, that a reduction of one-half at any rate they are entitled to. They complain more than anything about having to pay something extra if they happen to have some article which does not come under the head upon which they pay their first fee. That is, if they pay for selling vegetables, and they have a water melon in the cart, they have to pay an extra fee for fruit. And I have known cases in my own knowledge where the fruit sold did not produce as much as the fee paid for selling it.

13. *By Mr. Pettett.*—What does the twenty six shillings a quarter include?—The sale of vegetables only.

14. *By Mr. Cole.*—Do the gardeners pay the same, whether they get into the market or not?—Just the same. If we stand in Bourke street we pay the same fee as a man who stands under the shelter of the market. In a plentiful season I have known it to operate in many cases that more than half the money received by the gardener has been paid away in tolls and fees.

15. *By the Chairman.*—Has it come within your knowledge that some of the gardeners will be compelled to give up in consequence?—I know several of them that are selling their places now; they cannot continue to carry them on. It is a slavish life; they work on an average fifteen or sixteen hours a day. I believe that the working gardeners who bring their produce into the market work at least fifteen hours a day, on the average, independently of having to get up in the middle of the night two nights in the week.

16. Do you consider that the fees are extravagant, and press very heavily on the market gardeners?—Very extravagant, and very heavy.

Mr. J. Ostler,
continued,
22nd March, 1865.

17. *By Mr. Pettett.*—Suppose a person wished to start for the market, would he go to bed at night?—No.

18. Then he would be up all night, and start away about twelve o'clock, and would not get back again till about five in the afternoon?—Yes.

19. So that there is some thirty-six hours in which he does not get any sleep?—Yes, that is about the rule in the Moorabbin district.

20. *By the Chairman.*—If they start before midnight, does not that involve the necessity for paying double tolls?—Yes; but as a rule that will not apply, except in the case of the one toll, it will be after midnight before they get to the St. Kilda toll, but the further toll is the most expensive.

21. *By Mr. Cole.*—What time is allowed in the market?—They commence to sell at five, and the regulation time to leave is ten.

22. *By Mr. Pettett.*—In these cases, have the gardeners to put down their produce in the wet?—There is no cover for the vegetables put into the market, except for those who hire the stands regularly at the commencement of the quarter; and the demand for these stands is so large, that there is not accommodation for half the people that require them and consequently there is no cover, and those who have not regular stands stand out in the wet. In addition to the tolls and market fees, the corporation claims that every dray shall be registered in Melbourne as well.

The witness withdrew.

Mr. John Hunt examined.

Mr. John Hunt,
22nd March, 1865.

23. *By the Chairman.*—Where do you live?—At Gardiner's Creek, in the district of Gardiner.

24. Do you supply the markets with anything?—Yes, we have vegetables and fruit. I am marketing about twelve acres of ground in full cultivation.

25. Do you attend the market yourself?—No, my son attends the market regularly.

26. What time does he start from your house for the market?—Although we are but five miles out of town, he is obliged to start in the morning by two o'clock.

27. What has he to pay between there and town?—He has to pay one turnpike gate, sixpence; that we do not find fault with.

28. Do you take a stand in the market?—Yes, we pay twenty-six shillings a quarter in advance for one stand.

29. What size is the stand?—I am not prepared to say how many feet, but just accommodation for one cart, and there is scarce room to put down the vegetables.

30. What time do you get into the market?—He is in the market by three o'clock.

31. How long does he stay in the market?—He is not allowed to stay any longer than twelve o'clock; it was ten o'clock till lately, but the corporation I believe have lengthened it to twelve now on Saturdays.

32. Do you ever bring fruit as well as vegetables to market?—Yes.

33. Do you pay anything extra for that?—We pay one shilling extra for fruit, and if you do not bring any vegetables at all, only fruit, you have to pay two shillings for that day, independent of what you pay quarterly.

34. How many days in the week do you come to town?—We generally come twice a week.

35. Do you wish for any longer time in the market?—I should like to go in for the whole day. I think that those who do like to stay the whole day should have the privilege of stopping the whole day, for there are middlemen who take advantage of the gardeners. They have the rule of the market themselves and the market gardener has no chance. Those that would like to stop all day, and retail the things out to the consumers, I think should have the privilege of doing so.

36. Would you require that more than two days in the week?—I think not; two days in the week would do for me at present at any rate.

37. Do you complain of twenty-six shillings a quarter being too high?—I do indeed; it is very oppressive.

38. Do you know any gardeners that are compelled by necessity to give up business?—A good many; and I may say myself, that, although I have a very large family and we all work ourselves, if the land was not my own, and I had to pay rent, I could not carry it on; I could not do it if the place was not my own.

39. Do you consider that, if you were allowed the whole day, you could sell your fruit and vegetables to advantage and make a good living at it?—Yes, a very great advantage, because then the consumers could come in and buy the quantity they wanted for themselves.

40. *By Mr. Highett.*—You think there should be more market accommodation?—Yes.

41. Do you also think that the fees should be reduced?—Yes.

42. Do you think the toll should be reduced?—I do not complain of that at all.

43. *By the Chairman.*—Have you anything further you wish to state to the Committee?
—No.

The witness withdrew.

Mr. Thomas Johnson called in and examined.

Mr. T. Johnson,
22nd March, 1865.

44. *By the Chairman.*—Where do you live?—At Hawthorn.

45. Do you pay any toll coming from there?—One.

46. How much?—Sixpence.

47. You do not complain of that, I suppose?—No.

48. What time do you leave home for the market?—I have a stand that I pay twenty-six shillings a quarter in advance for; that secures the stand in the morning. Sunrise is time enough for my being there; and I have to pay for that stand whether I am there or not.

Mr. T. Johnson,
continued,
22nd March, 1865.

49. What does that payment cover?—Vegetables only.

50. Do you ever supply fruit?—Yes.

51. What do you pay, in addition to this twenty-six shillings, for fruit?—One shilling each morning.

52. Whether you carry much or little?—If it was half a pound of strawberries, I would have to pay a shilling.

53. Do you sometimes take small quantities of fruit?—In the early part of the season, of course, we are glad to take them in as early as we can. If we can gather a pound of strawberries, we are glad to take them in, and we pay a shilling for it.

54. *By Mr. Pettett.*—Does your licence for vegetables cover flowers and bouquets?—Yes.

55. *By the Chairman.*—Do you complain of the present fees?—Yes; I think one-fourth of what we are paying now would be quite sufficient for any market.

56. Does that press upon your means of living?—It is not so much pressing upon us personally, as after it goes out of our hands again.

57. What time have you to leave the market?—We have to leave the market at eleven; I think an alteration has been made, though no notice has ever been given about it. The corporation passed a resolution that the gardeners were to occupy the market for an hour later. I find that anybody who likes to stand now till eleven in the market, they do not attempt to turn them out; still, the bell rings very frequently at ten o'clock, and the hay carts come rushing in. At the same time, if there were market gardeners standing there, they would not let the hay carts turn the market gardeners out before eleven o'clock.

58. Would it be any benefit to you to be allowed to stay longer?—I think the gardeners should have the whole day; there is no doubt about that.

59. *By Mr. Highett.*—How many days a week?—I think we should have a market the whole week. I think Melbourne should be supplied with fresh vegetables and fruit every day in the week.

60. *By the Chairman.*—Do you think the market gardeners could raise a far larger income if they had the market open every day in the week?—Yes; as a proof of that, those selling the imported stuff outside the market had the Adelaide grapes ticketed up this morning twopence a pound, as soon as the market was opened.

61. *By Mr. Cole.*—And they pay nothing?—Yes, they pay the market dues. I find now that they have got them ticketed up at threepence and fourpence, and some as high as sixpence—the same grapes that were ticketed up at twopence while the market was open. I offered grapes this morning at a penny a pound, far superior to what they have got there, and could not sell them, and I sold them at Richmond at a penny farthing; and if I had had the market the whole day I could have competed with the Adelaide grapes, and could have had the same price for our own stuff as they can get for the imported stuff.

62. Do you believe you would get a better price, if you were the whole day in the market?—I feel satisfied we could get double the present prices if we were allowed to stop in the market all day. I believe there are market gardeners now sufficient to supply Melbourne with fresh vegetables and fruit every day in the week.

63. Do you know the number of market gardeners around Melbourne?—I think there are something like 600, just at the height of the season, attend the market. The market collector has told me that he has had as many as 640 carts in the market. I think that is about the highest number they have ever had at one market day.

64. When you are all there, do you all get accommodation in the market?—No, not above half.

65. What accommodation do the others get who cannot get into the market? where do they stand?—Outside in the streets, some in Big Bourke street, some round in Stephen street.

66. Do they pay anything for standing there?—They pay just the same there as we pay in the market. If I had no stand hired and I was to take a hundred weight of apples in a dray and set it down in Big Bourke street, I should have to pay 2s. for that. I believe they can legally demand the 2s. for fruit in addition to the one shilling for vegetables, but they do not do so. I know one case where a man had to pay £2 6s. for one load of butter he brought into the market, and he did not sell a pound of it. The lessee let him off the 6s. and took the £2. He did not sell the butter, and if he came again with it the next morning he would have to pay again the same money.

67. *By Mr. Highett.*—Do you object to the leasing of the markets?—I do not know that that really does affect the market gardener further than this—if there is anything occurs in the market we go to the corporation, and the corporation will say “You must go to the lessee, we cannot interfere.”

68. The petition recommends that collectors should be appointed to collect the fees, instead of their being leased. Do you see any advantage in that?—I do not think there is any advantage to be got for the gardener. There might be an advantage to the corporation, that they would get more money; but I cannot see that there is any advantage to the gardener.

69. *By Mr. Cole.*—What size is the stand you pay twenty-six shillings a quarter for?—Eight feet frontage where the cart backs in and there is hardly room for people to pass. It is one of the worst constructed markets I ever saw in my life. I never saw anything like it.

70. Is any of that under cover?—There are four sheds and I think there are about fifty-two stands in each shed; there may be 220 stands in the whole.

Mr. T. Johnson,
continued,
22nd March, 1865.

71. *By the Chairman.*—Is there anything else you wish to state to the committee?—I think one fee should cover all that is brought in one cart, whatever its character is.

72. Can you tell the average weight of the carts coming to market?—That will entirely depend upon the crops. At this time of year I would bring perhaps from three to four hundredweight of fruit each market morning. Next Saturday I shall clear out with fruit altogether. I have not brought any vegetables myself lately, but there are many persons that will come to market with about five dozen of carrots, two or three dozen of cabbages, and four or five dozen of small herbs.

73. What weight would that be?—Perhaps about sixty pounds. There are plenty come to market who do not bring sixty pounds of vegetables. Some of them will bring a load of cabbage in, perhaps thirty dozen, and they would average thirty or thirty-five pounds a dozen.

74. What is the average weight of the loads that come in?—They would not average five hundredweight, I believe, on an average, unless it was potatoes; they generally come in with large loads with potatoes and wurzells on one cart. Carts will sometimes come bringing in whole loads of potatoes, a ton or twenty-five hundredweight on a cart. The average, exclusive of potatoes and wurzells, would not be above five hundredweight.

75. *By the Chairman.*—Is there anything else you wish to add to your evidence?—There is one thing I would like to mention, that is, there are a great many of those stands under the shed now which are taken up by retailers, not by growers; and there is the grower, who has had to come from a long distance, and had to leave home, perhaps at 10 or 11 o'clock over night, comes to market and cannot get a stand, and he has to stand in the open street; whereas the man, living in Melbourne, a retailer, who brings in the imported stuff to market to sell, stands in the dry under cover.

76. *By Mr. Cole.*—What do those people pay?—The same as we do.

77. How long do they stay there?—The same time; only the men with drays of their own coming from a distance are out all night, and they have to stand in the open street; whereas, the other men living in Melbourne have the stands.

78. *By the Chairman.*—Do you think they affect the market by acting upon the market early in the day, by fixing prices?—I am sure they do; in fact, it is no market at all; it cannot be called a market. You find men going home at one and two o'clock in the morning. These men hire the stands, and the men coming from a long distance are glad to get back again, and they sell for little or nothing. I took two of the corporation gentlemen down the evening of the Horticultural Exhibition, at half-past 11 at night, and they were offering peas at 1½d. a pound.

79. *By Mr. Lowe.*—Was that the growers?—Yes.

80. *By Mr. Cole.*—How is the market occupied after ten o'clock?—This was at night.

81. How is the market place occupied at 11 o'clock?—By hay.

82. *By the Chairman.*—Could you occupy the whole day in the market, if you had it?—We could: it would be an advantage to the public and the growers, no doubt.

83. *By Mr. Pettett.*—Is there a class of men called the "bagmen," that the market gardeners are obliged to sell to at reduced rates, because they must leave the market?—Yes, or we must take the loads back, as I told you already. We have repeatedly applied to the corporation of Melbourne, and they just laugh at us.

84. *By the Chairman.*—You applied to the corporation, and they have not granted you any redress?—No, except this hour; and we have had no due notice of that.

85. The hour from ten to eleven o'clock?—That is all.

86. *By Mr. Cole.*—What would be the effect of having a market every day? and what should prevent it?—There is nothing to prevent it, and the effect I believe it would have upon the public is this—that they would have a fresh supply of vegetables and fruit every day in the market, instead of having a lot of rotten stuff packed away from Wednesday morning to Saturday morning.

87. *By the Chairman.*—Would it be any better for the consumer?—It would be better for both.

88. Would he get articles cheaper or not, if you had a daily market?—I believe he would get them cheaper.

89. Does the middleman get an extra profit after you have sold to him?—He gets more than double what the grower gets.

90. Part of that would remunerate you and part go to the consumer?—Yes.

91. *By Mr. Lowe.*—What you wish is, that you could take your horses out of the carts and put them under the sheds, and remain with them until the loads are sold? not to be put out by the hay dealers? that is what you wish?—The corporation misconstrued us when we asked for that before, and they concluded that there was no room in Melbourne for us to put our carts and horses, and there is none; we only asked to be allowed to stand with the carts till we had sold. We wanted the whole day. They shirked the question in that way—that there was no room; but we never asked it.

92. *By Mr. Cole.*—You want to back into the stand?—Yes, but I always take my horse out myself.

93. If then there was a daily market, would not it relieve the pressure of carts coming in? there would not be so many daily as there are now twice a week?—Yes.

94. It would relieve the pressure?—Yes. I do not say that I would come to market every day in the week; but, even if I did, I should be a saver by it.

95. *By Mr. Lowe.*—Somebody would come every day in the week?—Yes.

The witness withdrew.

Mr. George Cole examined.

96. *By the Chairman.*—Where do you cultivate?—At Gardiner's Creek.

97. What time do you have to leave home to come to market?—I leave home at about three o'clock.

98. In the morning?—In the summer, and about four in the winter.

99. At what time does the market open?—I always find the market open.

100. Do you occupy a stand in the sheds?—I do.

101. What do you pay for that stand?—Twenty-six shillings per quarter in advance, and a shilling every time I have fruit in my cart extra; and the eggs, and butter, and cheese, and all the other little things, are all extra; but if I only bring vegetables, the 26s. a quarter clears me.

102. You have only one toll?—That is all.

103. Will it be any benefit to the gardeners generally if the market be open the whole day every day in the week?—Yes. The gardeners are a divided class; a great many are new beginners, and some on a small piece of ground are glad to retail their produce, and they live from twelve to fifteen miles from town. If they could leave home at six o'clock, and sell about eleven or twelve o'clock, it would suit them; while men living nearer town would sell at once and get away.

104. Do you recommend that it should be open the whole day?—I do. I think two days a week is sufficient for wholesale marketing.

105. But it would not compel everybody to come?—No.

106. Is the fee too high?—It is for the accommodation we get; it is very bad accommodation.

107. Have you applied to the corporation for any redress?—Yes, we applied twelve months ago.

108. What redress did they give you?—They said they could do nothing that year, as the market was leased. They said they would consider it at the end of the year.

109. Have you since applied to them?—No, they promised to extend the hour till twelve o'clock, twelve months ago, and they have done it.

110. You that are under the sheds can stop till twelve, you say. Some of the witnesses say the hour is eleven?—I was under the impression it was twelve.

111. *By Mr. Pettett.*—You cannot say that from your own knowledge?—No, I never stop.

112. *By the Chairman.*—You say in the petition that a collector should be appointed. What is your reason for that, instead of having the market let?—I have not considered that.

113. *By Mr. Highett.*—You stated that you had applied to the corporation for a reduction of fees, and the corporation said they could not do it in consequence of the markets being leased, so that it prevented their reducing the fees?—Yes, it did that year.

114. *By the Chairman.*—Do you know whether they are leased now again?—I do not.

115. *By Mr. Pettett.*—Do you think that the 26s. ought to include vegetables, fruit, poultry, and eggs, and butter?—I think so. I cannot see any justice in charging me 1s. extra for my fruit, because I have been to the expense of trenching and planting my orchard, and I get no more accommodation than the men with vegetables.

116. What would be the average weight of your load that you bring in?—They differ.

117. The average?—This morning I had twelve cases of grapes, about thirty pounds to thirty-three pounds per case, and the market was so bad, from the Adelaide fruit, that I sold those for a penny a pound.

118. If you had been allowed to stop all the day, what could you have got?—I could have retailed the grapes, if I had stopped, I suppose at 3d. and 4d. a pound, as they were marked up through the town. I sold some of my very best Black Hambro's that I could produce for 4d. and some I sold for less than a penny a pound. It is impossible to keep on at the present rate of prices. I would be very glad to sell out and get away altogether. I have been here twenty years, and worked sixteen hours a-day, and I fetch my own manure, and I would gladly sell my place for less than it cost me nine years ago.

119. *By the Chairman.*—If you were allowed to be in the market, do you believe you could make a living so as to carry on?—I think hawking would be a great matter for the gardeners; that is, when there is a glut of produce. I could engage a man to hawk, because I find out that the people in Melbourne pay 3d. to 4d. for a cabbage, when I have been selling at 6d. to 9d. a dozen. I think we could do better by hawking. It is at the time when there is a glut that we feel it. For instance, the shopkeepers give us 4d. a quart for peas, when the public give them 6d., but when peas come one penny or less a quart the shopkeepers do not care about it, and we have a glut then.

120. Do you think the gardeners generally, if they were allowed to retail in the market, could live and support their families?—Yes.

121. *By Mr. Lowe.*—You say the Adelaide fruit is injuring the market now—is it grapes?—Yes.

122. How much a pound do you consider it takes off your price to-day, suppose there had been no Adelaide grapes in the market?—For the grapes I sold at 1d. I should have got 3d., and for the best, 6d.; I sold some of the best for 2½d. to-day. According to the crop that is in Victoria I do not think I should have got more than 3d. for those I sold at a 1d., and 6d. for my best.

123. *By Mr. Pettett.*—What would be the average weight of your loads, one day with another?—They will not average more than 5 cwt.

Mr. George Cole,
22nd March, 1865.

Mr. George Cole,
continued,
22nd March, 1865.

124. *By Mr. Highett.*—That does not include potatoes?—No, that includes the fruit only. Of course in the winter, with cabbage, they average more.

125. *By Mr. Cole.*—You pay the same fee for fruit, if there was one box or fifty?—Yes; if there was only one melon, or a pound of strawberries, you have to pay a shilling extra.

126. *By the Chairman.*—In the early part of the season is it found necessary by people to bring small quantities of fruit?—Yes, it is necessary.

127. People bringing vegetables, I mean?—I do myself; because, when I bring vegetables in, perhaps not more than 1lb. of strawberries are ripe; I may get 2s. 6d. for that 1lb., but then there is 1s. for the toll. They do not ripen fast early in the spring.

128. *By Mr. Highett.*—Do you think there would be sufficient accommodation in the market, provided you had the whole day, and the hay market were removed to some other place?—There is about one-third of the market gardeners are accommodated in the shed now, as near as I can guess.

129. *By the Chairman.*—If you had the whole market to yourselves, would it accommodate the whole of you, some coming one day and some another?—Yes, I think it would.

130. And no hay market should be held there?—And no hay market should be held there. But we should not all have shed room, unless it was all covered over. Some of my neighbors now leave home at twelve o'clock at night; they have been applying for stands and cannot get them.

131. Is there any thing else you wish to add to your evidence?—No.

The witness withdrew.

Mr. Thomas Lansly examined.

Mr. T. Lansly,
22nd March, 1865.

132. *By the Chairman.*—Where do you reside?—At Hawthorn.

133. You only have a sixpenny toll to pay?—Yes.

134. Do you attend the markets yourself occasionally?—Generally.

135. What time do you leave home?—In the summer, the early part of the season, that is, in the height of the fruit season, about three o'clock, sometimes half-past two. Then at other seasons I leave about four.

136. At what time are you obliged to leave the market?—Nine o'clock, it used to be; I think it is ten now.

137. Perhaps you have not noticed very closely?—No, because I have generally sold out before ten.

138. What market fees do you pay?—Two shillings a day.

139. You have no stand?—I have; I pay 26s. a quarter, and a shilling each time I have fruit. Mine is fruit alone; I have nothing else.

140. You pay one shilling each day that you attend?—Yes, beside the 26s.

141. Do you complain of that being too much?—I do, at present prices.

142. What do you consider you ought to pay?—I should be perfectly satisfied with the 26s. a quarter; that is, a shilling each market morning.

143. You think that the extra shilling is too much?—Yes.

144. Does your cart attend regularly?—It will attend now about six months in the year, because, when fruit is out, I have nothing to go into market; I do not grow vegetables. I shall have done going to market in another month.

145. Do you wish to have the market kept open every day, and all day?—I should like it kept open till we have sold, say twelve o'clock.

146. Do you think the retailers all sell by twelve o'clock?—I think they would. I do not see why they should not have market two days in the week, the whole day Wednesday and Saturday, seeing that we pay 1s. a day.

147. You would be satisfied with two days a week?—Yes.

148. Some say they would require it every day in the week?—Mine is only fruit.

149. *By Mr. Cole.*—If you have a cart load, you only pay 1s.?—Two shillings; that is, it amounts to 2s. by paying 26s. a quarter.

150. What is the 1s. (besides the 26s.) for?—The stand. A person comes in with vegetables, he pays 1s.; the 26s., if they bring nothing but vegetables, clears them; but if you bring fruit, you pay 2s.

151. *By Mr. Pettett.*—But do you mean to say that you pay 26s. a quarter for the stand, and then you have to pay 1s. a day before you can sell your fruit?—I do. I complain of it. I shall have done coming to market by the middle of April; then I keep my stand, on paying 26s. a quarter for the next half year, not coming in.

152. *By the Chairman.*—Why is that? for fear of losing it?—Yes.

153. *By Mr. Highett.*—Cannot you let it to anyone else during that time?—No, I have not that privilege. Any other person can go into my stand, but they take care they pay for it.

154. *By Mr. McCrae.*—You could turn them out, if you came there?—Yes, but I have not anything to go in. Supposing I had, then I could claim my stand. The expense is so great, that I have made up my mind, if there is not some reduction, I will sell out and leave the colony. I shall discharge my man. I shall not keep a man in the winter; I cannot meet my expenses.

155. I understand from you, that, if some remedy is not proposed, you will sell out and leave the colony?—Yes.

156. Do you refer to the market, in making that statement?—I do. The wages are so high that I cannot make my expenses.

157. *By Mr. Pettett.*—You are obliged to sell by ten o'clock?—Yes.

158. But if you were left to stand the whole day, no doubt you would be able to get more for your produce?—There should be a reduction. Let 1s. be the uniform due. I should be quite satisfied to pay 1s. a day, but 2s. a day I object to.

159. What sized piece of ground do they give you?—About seven feet.

160. What depth?—Just room for the horse to back in.

The witness withdrew.

Mr. George Coates examined.

161. *By the Chairman.*—Where do you live?—At Brighton.

162. The near part, or the further part?—About nine miles away.

163. What do you pay toll for coming to Melbourne?—I used to pay eighteenpence, but I now just escape the toll. I have a crossing just as the toll-gate opens back upon it; I escape the shilling toll.

164. *By Mr. McCrae.*—You pay another toll?—I pay 6d. now.

165. *By the Chairman.*—Persons beyond you have to pay 1s.; how far beyond you?—All beyond me.

166. If it is only 100 yards?—Yes.

167. They have to pay 1s. 6d.?—Yes.

168. At what time do you have to leave home to arrive at the market?—I generally leave about one o'clock; but we try to be in Melbourne each market morning an hour previous to daylight, as it takes that time to move the goods off the dray. According to the season of the year we are in earlier. During this season, now, from December through February and March, we are in between three and four o'clock; afterwards, as the day shortens, we are in between four and five.

169. Why are you obliged to be in so early?—In order to remove the vegetables off the dray, to be ready to sell to purchasers at daybreak.

170. What stand do you have? have you one under the shed?—Yes, two stands.

171. What do you pay for them; I pay £2 12s. each quarter.

172. *By Mr. Highett.*—You have a double stand?—Yes.

173. *By the Chairman.*—Do you pay anything besides that, when you bring things to market?—Eggs, poultry, pigs, —

174. Whatever you bring?—Yes; an addition to all things beside vegetables and fruit. For instance, in December I had only 3 lbs. of raspberries, and I was charged 1s. in addition to these tickets, for the 3 lbs. of raspberries alone, which I sold for 2s. 3d.

175. Do you pay nothing besides this 26s. when you come in? do you pay on every load anything?—Not, excepting we have eggs, chickens, fowls, pigs, or fruit.

176. What does the 26s. cover?—Only the dray with vegetables.

177. *By Mr. Lowe.*—How much does a sucking pig cost you?—I believe it is 4d. I have occasionally paid three tolls.

178. On the same load?—Yes. Now, to-day I had some chickens—I was very nearly taking them home; and if you should fail to sell them, you have to repay them a second time.

179.—Could you not get the market inspector to mark them, that they have been in before?—No. I called his attention to the small quantity of fruit, and he told me that he was liable to discharge from his situation if he did not enforce the payment.

180. *By the Chairman.*—Are you in favor of the market being open any longer time than now?—I do not see what benefit could accrue either to the market gardeners or to the public by keeping it open longer. The market gardeners are divided into two classes, that is, the wholesale dealers, who would rather sell off and leave, and the retailers who would rather remain.

181. Are you wholesale or retail?—Wholesale. Those that grow in a small way would prefer to retail, but those that grow in a large way, it would not answer them to do so. The public would not benefit by it, and it would be injurious to the shopkeepers and hawkers.

182. But do not the hawkers get double prices?—If we could get double price we should do the same. It is an uncertain climate, and for the risk and loss we are obliged to demand the highest price we think we can realise, to cover the losses at other times.

183. What fruit are you bringing at present?—At present, none.

184. What do you bring?—Vegetables.

185. Have you any opinion as to whether there should be a collector, instead of leasing the markets?—The markets being leased certainly makes them more stringent, to enable them to make up the amount the market is leased for; but if there was a uniform rate charged for the load, I do not see that it would make any difference. I believe that the complaint that the market gardeners mostly feel is, that it is an imposition on them to make them pay a tax on every article they bring in. It acts in the opposite direction to what the tariff is contemplated to do; I believe the tariff is to encourage native industry; whereas, the tolls payable to the corporation impoverish it.

186. *By Mr. Pettett.*—Are you in favor of a uniform rate for each load?—Yes, decidedly so. You see, where you have an indolent man, he would contribute very little to the revenue, but an industrious man would contribute more in proportion; but when, in addition to that, he wants to be a market gardener, the corporation levies an additional very heavy tax. If you take into consideration what is paid by a market gardener during the season, on eggs, poultry, and fruits, it is very heavy.

Mr. T. Lansly,
continued,
22nd March, 1865.

Mr. G. Coates,
22nd March, 1865.

Mr. G. Coates,
continued,
22nd March, 1865.

187. *By the Chairman.*—How much, do you know, has been paid in a year by any person?—I do not know. I have paid some days as high as 6s.

188. A day?—Yes.

189. *By Mr. Pettett.*—Besides the standing room?—Yes.

190. Do you see any of those carts standing in Bourke and Stephen streets? Is there sufficient accommodation for all the market gardeners who go there?—I think there are nearly or over 600 market gardeners—perhaps 630 or 640. I do not think there is accommodation for more than one-third.

191. *By Mr. Highett.*—If the hay market was removed to some other place, and you had the market the whole day, would there be sufficient accommodation then?—I think not, there are so many who have not stands. They have to be there all night; they will pass by my place by daylight, nine miles out, in the summer season, to get a place for their drays.

192. *By the Chairman.*—If the market was open every day, could not some men come one day and some another, and so accommodate the whole of them?—They could.

193. You want to come two days a week. If the men were to divide it amongst them in that way (as you say there is now accommodation for one-third) would there not be sufficient for all?—There would; though, I am of opinion, to divide the stands through the week would make it compulsory on those persons to attend only on those days; therefore it would be felt to be arbitrary and cause dissatisfaction.

194. Then you believe, if it was open all the week, there would be accommodation enough, if they divided the time amongst them?—Yes.

195. *By Mr. Pettett.*—You said there are about 640 carts. What number of stands are there in the market?—I have not taken particular notice. I can merely guess. Something over 200.

196. *By Mr. Cole.*—There are four sheds and 50 in a shed?—Yes, there are 56 in my stand, and they are all nearly of the same length; that is four times 56.

197. Can you tell the committee what the effect is upon those who have not stands? have you ever been placed in that situation, when you had to sell your goods in the street?—Those that have not stands, should it come a wet morning, are obliged to part with their goods at almost any offer.

198. *By the Chairman.*—To get away out of the rain?—Yes, and, in addition, they are obliged to leave very early, take no rest that night, in order to get a standing place. Certain portions of the market are better for sale, more people pass; that is why many leave so early to choose their situation.

199. Do you complain that your 26s. a stand is too much?—Not in the least. I consider even if it was more, so that there was a uniform rate, I could see no objection, if it was not sufficient to cover the outlay in the market; but if this is a fair amount for the outlay, I think this is sufficient.

200. Do you know what the leaseholder pays for the market?—No.

201. Do you know whether it is £7,000 a year?—I could not say.

202. Do you think it requires £7,000 a year to keep the market in repair?—Certainly not.

203. Do you think it would take £1,000 to keep it in repair?—I think not.

204. *By Mr. Pettett.*—You would not object to pay 26s., provided it covered all poultry, fruit, and eggs?—Yes.

205. *By the Chairman.*—Do you have to keep your stand all the year?—Yes.

206. Do you attend all the year?—Yes, always, with one dray, if not two.

207. *By Mr. McCrae.*—How much do you pay annually for your stand?—£2 12s a quarter.

208. *By Mr. Pettett.*—You pay £10 8s. per annum?—Yes.

209. *By Mr. McCrae.*—You do not think that too much?—No.

210. Not for two stands?—No. Even if I had one dray out, it would make more than 1s. difference to have it brought ready to sell.

211. What do you object to?—I object to a tax being levied upon everything (such as eggs, butter, fruit, pigs, and poultry) that we have to bring in in addition.

212. In addition to what you pay for your stand?—Yes. You see, we have to pay, and we derive no benefit from paying it. It only impoverishes us, because we cannot charge it to the buyer; we only sell according to the demand. Demand and supply regulate the price. On the last market, 1st inst., I sold cabbage for 10s. per dozen. I have previously sold equally as good for 10d. per dozen. The amount of market dues paid by the producer does not in any way affect the consumer.

213. *By Mr. Cole.*—And you think the 26s. should cover everything?—Yes.

214. *By Mr. McCrae.*—What name do they call the second rate they charge you?—I consider it an imposition.

215. Under what heading do they charge it? “market dues,” or what?—They consider it market dues.

216. *By Mr. Lowe.*—You consider it a genteel robbery?—I consider it a gross imposition.

217. *By the Chairman.*—Have you anything else to add to your evidence?—No.

The witness withdrew.

Mr. John Huntley examined.

218. *By the Chairman.*—Where do you live?—At Brighton.

219. How far do you call it?—Better than seven miles.

220. You have only one toll to pay?—One toll.

221. What do you supply the market with? fruit or vegetables?—Fruit generally.

222. Do you hire a stand?—I have two.

223. At what time do you leave home to attend the market?—We leave, at this time of the year, about three o'clock.

224. Do you have to leave the market before you have sold your goods?—Sometimes we cannot sell them at all, when critical times come.

225. What time are you obliged to leave?—Ten o'clock, it has been, but the time is extended now, to eleven. We generally leave about that time, sold or unsold.

226. Would you wish the time to be extended, or would you wish any extra day for market?—The market is not sufficient to accommodate us.

227. Would you wish to have the market open every day, so that some could come some days, and others on other days?—I believe that would be better for both the public and the gardeners.

228. How many attend the market?—From 300 to 500.

229. How many would the market accommodate, do you think?—Very little over 200, I think the stalls.

230. Have you ever seen people with their carts out in the street?—Half way down Bourke street.

231. Do they pay the same as they pay in the market?—They pay the same toll.

232. Is it any injury to parties? should they pay as much for standing in the street?—It does not seem very reasonable; there is not the accommodation.

233. Would you be willing to pay as much for standing outside there, as if you had accommodation?—I should not. I have to keep two stands all the year round, to keep them for the six months in the summer; in the winter, I only use one occasionally, never two; and only the two, most part of the six months in summer, not invariably.

234. You pay upwards of £10 a year?—We pay £10.

235. Are you obliged to pay anything extra besides your £10? Every cart with fruit pays an extra shilling, if it is only 5s. worth.

236. In addition to your £10 8s.?—Yes. The other day my boy had only 5s. or 6s. worth of apples, and he had to pay the other shilling, and the other stand was empty at the time.

237. And you pay the first sum in advance per quarter?—Yes.

238. *By Mr. McCrae.*—That stand which you do not use occasionally is let to other people when you do not use it?—Yes, and they have to pay again.

239. *By the Chairman.*—Do you know that of your own knowledge?—I am certain of it. I have seen it often.

240. Have you seen payment charged at any one time?—Yes.

241. Have you seen money paid for it?—Yes, I have, ten times in the last six months.

242. You pay the whole year round, for fear you should lose the accommodation?—Yes.

243. *By Mr. McCrae.*—In fact, they make money twice out of the same stand?—They do. I have spoken to the collector about it.

244. Will they not make you any compensation for that?—Not any whatever.

245. *By the Chairman.*—Is it too much? and, if it is, how much too much is it for you to pay?—I do not think it too much myself, for my loads are of a little more value, generally speaking, than what many are. I do not think so much of the fee as of the inconvenience of the accommodation. This morning, for instance, the imported fruit that comes in by ship loads is brought up there, at about the price they buy it, to keep our market down, and immediately ours is sold off a double price, nearly, is put upon the same thing; it is completely beating us out of our price altogether. Six cases of my fruit have gone back; I could not get an offer for it at any price.

246. Then you do not complain of the amount of the fee? you complain of the want of accommodation?—I do not complain of the fee at all. I do not consider that paying 2s. for a stand is too much, providing I have it when I require it.

247. Do you wish to have it for the whole day? would it benefit you beyond 10 o'clock?—Of course it would.

248. You believe it would be a benefit to you and others to have it every day?—I believe it would. When the hour of 11 o'clock comes the bell rings, and you must pick up your things and go out, and the hay comes in.

249. *By Mr. Cole.*—How often is the hay market?—Every day.

250. *By Mr. Highett.*—If you have the whole day every day in the week, and the hay market were removed, would there then be sufficient accommodation for the gardeners?—Not at all.

251. *By the Chairman.*—If it was open every day, and some came one day and some another, would it not be sufficient?—I do not know how the thing would work that way. Two days a week is sufficient for me to come, provided we can have the whole day or half the day, as we may want it; but I say the place is too small. You could not put a thousand people in this room, nor a hundred, nor can you put 500 carts in that little market.

252. *By Mr. Highett.*—But some would come one day and some another, if you had a daily market?—Yes, it would be a great improvement if we had the whole day, but what I speak of is the entire accommodation as the market comes twice a week now. There are some days

Mr. J. Huntley,
22nd March, 1865.

Mr. J. Huntley,
continued,
22nd March, 1865.

500 or 600 carts there; very little over 200 get under shelter, I believe. We have to put our things down in wet, windy, or dirty weather, and we suffer a great loss, and the consumer gets a worse article.

253. *By Mr. Pettett.*—Then, if you have not sold by the time the bell rings, what do you do with the unsold portion?—We go home, generally speaking, for it is little use to hawk. I sent home three cases of grapes this morning and three of apples.

254. *By Mr. Cole.*—What did you sell grapes for to-day?—I offered my grapes—they were very good—at threepence. I could not get an offer; they were good black Hambro' grapes.

255. *By the Chairman.*—Will you be able to carry on market gardening, or be obliged to give it up, under the pressure of these circumstances?—I am not thinking of giving it up, unless I can see my way clear. My little property is my own.

256. But some people say they will sell and leave it?—They may sell, but what can they do?

257. *By Mr. McCrae.*—Do you ascribe the low price of grapes here to the large influx of Adelaide grapes?—It is that and nothing else.

258. Supposing that a good duty was placed on those Adelaide grapes, would that be a great benefit to you?—It would make a difference.

259. A great difference?—It would; I do not admire great duties on anything.

260. *By Mr. Pettett.*—Do you think that you would have any objection to pay the £10 8s. a-year if it would clear your fruit, and fowls, and pigs, or anything else you may bring in?—Not the least, so far as I am concerned myself.

261. You pay twenty-six shillings a quarter for each stand, and one shilling extra for any grapes you bring in?—Yes.

262. You would not think it too high if it covered all you had in your cart?—Not if I had a quantity, but if I only brought in six shillings, or five shillings, or four shillings' worth of fruit, I think it is too much upon that.

263. *By Mr. McCrae.*—Are you charged these market dues upon these grapes of yours, whether you sell them or not?—Yes, if I bring them in, the same grapes that I sent home to-day, and put them down, I should have to pay the same dues over again.

264. *By Mr. Pettett.*—Then you really pay £20 16s.?—If I paid it all the year round; but I do not pay the other shilling all the year round. It is over £15 what I pay regularly.

265. *By the Chairman.*—Have you anything further to say?—Nothing more.

The witness withdrew.

WEDNESDAY, 29TH MARCH, 1865.

Members present:

The Honorable J. P. FAWKNER, in the chair;

The Hon. G. W. Cole

W. H. Pettett

W. Highett

The Hon. J. Lowe

J. McCrae.

James Exley called in and examined.

266. *By Mr. Pettett.*—What are you?—A market gardener.

267. Where do you live?—At South Brighton.

268. How many miles from Melbourne?—Ten miles from Melbourne.

269. What tolls do you pay coming into Melbourne?—One and sixpence from home to the market.

270. What time do you have to leave in the morning?—When the sun rises at six, I start at about half-past two, speaking of this time of the year.

271. What do you generally bring in your cart?—Most of my produce is cabbages, potatoes, and fruit, and eggs occasionally.

272. What do you pay for a stand in the market?—Twenty-six shillings a quarter, and 1s. for every other commodity than vegetables, such as fruit and eggs in proportion. A half-penny a dozen for eggs, and if I bring butter I pay separately for it. I have paid in one instance, that is the nearest point that ever I had to pay; I had to pay one shilling for what I sold. I offered the contractor the melons and 6d. for the 1s. that he demanded of me; and upon many occasions I have had to pay 1s. for what I have not realised more than 1s. 6d. for.

273. Do you attend regularly?—I have only missed once in three years and a half.

274. *By Mr. Highett.*—Is the market open to you every day?—No; only two days a week.

275. *By the Chairman.*—The Town Council say that the market is open every day in the week, but that you market gardeners prefer coming in only two days a week?—That is the first time I ever heard that mentioned, and I do not think it is so.

276. Has it been made public to you that the market is open to you every day?—Never, and, at the same time, what would be the effect, if it was. It would be no good to us or any one else, because there must be a set time for the buyers to come to meet us.

James Exley,
29th March, 1865.

277. *By Mr. Pettett.*—Do you think that the 26s. a quarter, and the fee extra upon the butter, and eggs, and fruit is too much?—I think it is more than too much. I think it is an abomination in any civilized country to be imposed upon, people that have to get a living in the way the market gardeners have; and, in fact, if they can demand it, the consumers must suffer for it. If a man brings threepence worth of fruit, he must pay a shilling for it. My opinion is, that whatever the market fee is fixed at ought to be fixed; and there ought to be an accommodation to the public.

James Exley,
continued,
29th March, 1865.

278. *By the Chairman.*—Do you require, on the market days, a longer time than you have to sell your goods?—Decidedly, we ought to have the whole day.

279. *By Mr. Highett.*—Have not you the whole day?—No, only to ten o'clock.

280. *By the Chairman.*—Have not you till twelve on Saturdays?—No. On Saturdays I have been ordered out many a time at ten o'clock. We are not allowed to stop after ten; very likely we might have been entitled to stop till twelve, but we have been compelled to leave on some days, even on Saturdays, at ten o'clock.

281. What is the price that you would get for fruit or vegetables in the early part of the day? What proportion does it bear to the price at which it is sold elsewhere?—I do not think we can fix exactly that; but the morning price is the best price of the market, for a considerable time, till another certain class of buyers come in; then, from that class we can get as much as we can from the early buyers, only the early buyers buy a greater quantity. Last Saturday morning I had some cabbages in—I was asking 14s. a dozen, they were very fine grown—a dealer bid me 13s. a dozen for them. I sold them two hours and a half after, just before ten o'clock, at 2s. and 1s. 6d. each. I am there not as a retailer, but, if the retailers will not buy them, I cannot afford to give my vegetables away; and I say, if I sell them retail I will have the retailers price and support the retailers.

282. Do you wish to have the market open all day, in order to have an opportunity of getting the best price?—Yes, and the community would get the benefit of it.

283. *By Mr. Cole.*—Are there any rules printed stuck up in the market?—I think there is, and I believe they state ten o'clock is the time to leave the market.

284. *By Mr. Pettett.*—What time have you heard the bell ring?—I have heard that bell ring twenty times at ten o'clock for us to clear out. Not lately, because we have not been so pressed.

285. *By the Chairman.*—Are you ordered to clear out when that bell rings?—Yes.

286. Who tells you that you are to obey the order of the bell?—I suppose it would be a passing remark one to the other; but in one case I wished to stop only ten minutes, and a certain party had the stand, a hay cart, and he came and took my horse out, independent of me, whilst I was away, and the horse had to stand in the right-of-way till I got back.

287. *By Mr. Highett.*—What hour was that?—At ten o'clock. The man that owned the hay-cart came in and took my horse out and put his own in.

288. *By the Chairman.*—When was this?—I could not tell the day; it is twelve months since.

289. Have you lately known that the hours were extended?—We have had no notice, nor never heard tell of such a thing, not the least; it has never been hinted to us.

290. How long have you been in the market?—Three years and a half, but I have sent into the markets regularly for six years and a half.

291. Are the prices of fruit and vegetables now better than they were six years and a half ago?—No, they are not more than half the price, according to the produce.

292. Do you wish to have the markets open every day, or only certain days, and what hours?—Two days a week would be quite sufficient, in my estimation, and all day.

293. For all the gardeners?—Yes, for all the gardeners.

294. Do you know how many gardeners there are?—I do not know exactly, I should think between 500 and 600.

295. Is there accommodation for 600 in that market?—No; I believe that is the most greivous thing in the whole matter.

296. Do the gardeners all get accommodation in the stands when they come?—Not one half, or not more than one half, I believe.

297. Do you know what they pay who do not get accommodation in stands?—Just the same as we do who do get accommodation. They have to pay a shilling for the stand, and a shilling for the fruit and for eggs, and so on, just the same as if they had a stand; the only difference is, they only pay when they come. We pay the twenty-six shillings in advance, whether we come or not.

298. Is there room enough in the market out of the sheds for all the persons that attend when you have been there?—No; I have seen it for two or three months together this season, that even in Bourke Street, I have seen fifty or sixty that could not get near the market.

299. And do they pay anything?—They have to pay just the same as the others. If you are selling any kind of produce, you have to pay a shilling.

300. Do you keep your stand all the year?—I have had it ever since I got it first, six years and a half ago.

301. You think the fees are too high?—Yes.

302. You think the time should be the whole day?—Yes.

303. *By Mr. Highett.*—Have not you the market all day, though not that particular part of the market?—Yes, we can go out in the streets and hawk and they will not take the fee of us, like they do the general hawkers, but we cannot stop in the market all day; but we do not want to hawk. If we come as wholesale producers, we want to sell wholesale.

James Exley,
continued,
29th March, 1865.

304. *By the Chairman.*—When you are ordered out of the stand, have you been told that you might stand in the market in any other place?—Never; I must say, that I heard it once, and only a short time ago, that we could go on the top side of the vacancy above the sheds, and stand there; but, if there are 150 drays, how are we to go and stand there. It is just as likely that there may be 150 as one, and there is not room to pack them, if they pack them as close together as they can.

305. You yourself do not wish to have more market days?—No, two market days are quite sufficient for the cutting of vegetables in this colony.

306. Has it ever struck you that, if there were more market days, the men who did not come in one day might come in another, and so have more room in the market?—I do not believe it would suit the community as well.

307. *By Mr. Cole.*—Have you never considered whether it would be better for the public to have their vegetables fresh every morning, than to have them twice a week?—I have never thought of it. If the people could have the vegetables, I believe that a cabbage cut fresh out of the garden is better than at any other time; at the same time, one gardener cannot go over his crop and cut it to advantage more than twice a week.

308. Have the markets been leased during all the time you have been coming in?—Yes, I think all the time. I think Mr. Kelly was the lessee all the time, excepting the present lessee, Mr. Robinson.

309. *By Mr. Highett.*—Are there not four other market places you could take your produce into?—Very possibly; but the dealers will congregate in one place, and these other markets are not for vegetables.

310. *By the Chairman.*—Do you know that there are other places you can go to?—Decidedly not.

311. Has it not been made known to you by any of the officers of the Corporation?—No.

312. *By Mr. Cole.*—What is the use of the vacant ground in the market?—That is where the other persons come in promiscuously, and when that is filled, they have to go into the streets and pay the same fee as those that are inside.

The witness withdrew.

Thomas Barrett called in and examined.

Thomas Barrett,
29th March, 1865.

313. *By the Chairman.*—Where do you reside?—At Pentridge.

314. Are you a market gardener?—Yes.

315. How long have you been in the habit of frequenting the markets?—From the first time a market was opened here, nearly twenty-five years.

316. Do you complain of the tolls on the road being too dear?—Yes.

317. What toll do you pay?—A shilling each time coming in.

318. What is the average load you bring in?—Seldom ever more than two hundred weight and a half.

319. Do you bring vegetables or fruit?—Fruit.

320. Do you take a stand in the market?—Yes.

321. What do you pay for that?—Twenty-six shillings a quarter in advance, and a shilling extra each time I come in for the privilege of selling the fruit.

322. Then if you come in twice a week you pay four shillings?—Yes. I also bring in butter and eggs, and I am compelled, if I have but six pounds of butter, to pay a halfpenny a pound extra, and a farthing a dozen on each dozen of eggs I bring in, over and above that.

323. *By Mr. Lowe.*—Do not you think it would be quite sufficient for you to pay a shilling for each load you bring in for all the various items you bring in?—Yes, no one would complain of a shilling for the whole load.

324. *By the Chairman.*—Do you come in all the year round?—No.

325. Do you pay all the year round?—Yes, just the same as though I was in every market day, for the purpose of keeping the privilege of having one stand; if I did not, I should have to leave my residence about eight at night to secure a place to stand in. Rather than do that I would pay for a stand one half of the year when I do not come in, in order to have the stand the other half year when I do come in, and they can occupy my stand if I am not there. If any one else goes and puts their cart in my stand they have to pay.

326. *By Mr. Pettett.*—Have you known any cases where your stand has been occupied?—Yes, and I have had to go to the inspector to have them put out.

327. When you do not come to market do you know that your stand is occupied?—Yes, every stand in the shed is invariably occupied, because there are plenty glad to step in in the absence of those who have paid for the sheds.

328. *By Mr. Cole.*—Are you aware that the market is open every day, and that you could come every day?—I am aware that it is open, that we could come, but that would be no advantage to the grower; it would be no use to the community for us to go, if the purchasers do not come. I think a market three times a week would be quite sufficient for the growers' purpose.

329. Would not fruit be better fresh every day, instead of only twice a week?—It would certainly.

330. Would not it be an advantage to have it fresh every day, if it could be done?—Decidedly.

331. And would not that diminish the number of carts that come in just merely two days in the week?—It would, if it was made a point to do so; but I do not think that would suit the

community at large, because a master, or a trusty servant, generally comes in with the fruit, and the things at home have to be attended to as well as that, so that he could not give the whole of his time to coming into market, even if he had it; but the generality of the growers could bring in all their stuff in twice or three times a week.

Thomas Barrett,
continued,
29th March, 1865.

332. *By Mr. Highett.*—Could not some come one day, and some another?—The community would not do it. In almost all towns there is a market and market days established; and, that being the case, the community know it and the growers know it, and the thing is, you get the greatest bulk of people to come at one time. That benefits all parties.

333. *By the Chairman.*—Does the attendance at the market pay you now?—No, it does not, and has not done for some years past.

334. Are the prices of fruit, at the present time, as good as they were in 1849?—No, I distinctly deny that, and, I believe, every grower in the colony would deny it. I can state an instance of that, which would show that I was in the market on Saturday last, and Wednesday last, with grapes. Good black Hamburgh grapes could not be disposed of at three halfpence a pound. I had apples myself, and I could not sell them at a penny a pound—not Ribstone pippins. The market was inundated with foreign fruit, so that there was no demand at all; and we had to take them home; and, in fact, I bought grapes in the market last Wednesday at a penny a pound, to make wine of.

335. What were the prices in 1849? can you recollect?—Twopence halfpenny to threepence a pound, grapes were then. That was the lowest price I got. I made fourpence generally speaking of the black grape then, but taking the average twopence halfpenny and threepence.

336. *By the Chairman.*—Do you wish the market kept open any longer than it is now on the market days?—Until we saw it in print to-day, we were not aware that we were allowed the privilege of stopping till twelve o'clock on Saturday. That seems to have been conceded to us from the deputation to the Government last season.

337. Do you wish it open all day?—All day, from morning to night.

338. Do you know how many there is accommodation for in the sheds?—I could not say, but I believe there are three hundred attend the market that have no place to stand in. They are obliged to leave their home from eight to nine at night, to get any place whatever in which to stand with their produce, and they have to pay the same fee charges as we have who have stands.

339. Do you know, of your own knowledge, that many of them are obliged to stand in the street?—Yes; I am aware of it. I have seen 150 at least on a Saturday morning standing in the street, that had no place whatever to stand in within the market boundary.

340. *By Mr. Cole.*—When you leave at night before twelve o'clock, do you have to pay double tolls on the road?—Yes.

341. *By Mr. McCrae.*—Has the market to be vacated by the vendors of market produce at ten o'clock?—It has been until recently, and we were never aware till this morning that we were allowed to stop till twelve o'clock. The bell rings exactly at ten o'clock, and all the carts have to clear out.

342. When you have vacated the part of the market required then to be vacated at ten o'clock, is there any other part of the market open to you to go to for the whole of the day?—There is the upper range of sheds towards Stephen street, but to prohibit the market gardeners going there that is let to retailers of produce that pay the same as we do for our stalls; so that, if we wanted to go there, we are prohibited, because they occupy them previously.

343. *By the Chairman.*—Is it occupied by gardeners or middlemen?—Middlemen.

344. *By Mr. McCrae.*—Do you consider that, if the hay market was removed from the Eastern Market, that would give the market gardeners a greater room for the sale of their produce?—It would certainly give greater room, but not the required room. One large place is required.

345. Not so much room as you require?—No; not half the required room now, and every year it will require more. One large market in Carlton Gardens would answer well.

346. Even if the hay market were removed.—No.

347. But still it would be a great advantage?—It would be an advantage.

348. *By Mr. Cole.*—As to that part where the retailers are, do they take possession of that after you leave?—Yes, they keep possession of that the whole of the day after we leave.

349. *By the Chairman.*—Have the wholesale dealers of imported fruits any unfair advantage over you?—Not that I am aware of; but what we complain of is, that they can bring theirs into the market to cope with us, to our disadvantage, because they can bring such a bulk there, say half a ton weight by paying a shilling, the same as I pay for bringing a hundred weight, or even one box. If I have only six pounds in a box of apples, plums, or cherries, I have to pay a shilling equally the same as though I had half a ton weight.

350. Do they affect the market prices?—Yes.

351. What do they do?—On Saturday morning last there were something like 800 cases of imported grapes brought into the market at six o'clock in the morning, and no grower could sell a bunch of grapes after that; they would not pay us for cutting.

352. Then how does it pay them for importing?—When they are come, they must be sold. In Adelaide they can grow four times the crop of grapes on the vines that we can in Victoria, so that they can sell theirs at a halfpenny per pound and get as much profit as we can at two pence a pound.

353. *By Mr. Cole.*—Into what part of the market were these 800 cases of grapes brought?—Along up by Bourke Street.

354. *By the Chairman.*—Not in the sheds?—No.

Thomas Barrett,
continued,
29th March, 1865.

355. *By Mr. Cole.*—Are they better off there, than the men in the carts, in Bourke Street?—Yes, because the bulk of the people, passing up and down, cannot pass without seeing these; they can offer them their grapes, and prevent people from coming into the market at all.
356. So that the market is occupied by imported produce, and not by what is brought in by the gardeners?—That part of the market entirely.

The witness withdrew.

John Charles Clinch called in and examined.

J. C. Clinch,
29th March, 1865.

357. *By the Chairman.*—Where do you live?—At Preston.
358. What are you?—A market gardener.
359. What do you deal in? vegetables, or fruit?—Fruit only, now.
360. What toll do you pay coming in?—Now, it is sixpence.
361. Do you complain of that?—No.
362. Do you have a stand in the market?—I have one now. I was two years before I could get a stand, and trying in every quarter to get one; and I had to start about eight or nine o'clock in the evening and stop in the market all night, and it injured my health very much; but I was bound to do so, as I could not get a stand.
363. What did you pay for this standing out?—Two shillings every time.
364. And what do you pay for the stand?—Twenty-six shillings a quarter, and a shilling extra every time I come in, that will be four shillings a week, coming in twice a week. I do not come in twice a week now, the fruit being burnt up so. When I do not come, the stand is let to somebody else. I pay the whole year, that I may have a place to come to in the fruit season.
365. *By Mr. Highett.*—Do you think the 26s. a quarter reasonable?—I do not object to that, if it would clear everything; but I pay £7 16s. now, and only come six months in the year; that is independent of the toll and the road board rates we are subject to.
366. *By Mr. Cole.*—You do not come in for six months in the year?—No.
367. Who occupies your shed in your place?—Any stranger that goes in pays 1s. or 2s. One morning I brought in three boxes of fruit for two neighbors of mine, and I had to pay 4s. for these boxes of fruit, because they did not belong to me.
368. *By the Chairman.*—Do you mean to say that your stand pays double fees occasionally?—I do; because, if I am not there, and another man goes in, he pays also.
369. *By Mr. Cole.*—Have you the privilege of letting your neighbor go to your stand when you are not there yourself?—No, not without paying; he must pay extra.
370. He would pay no more for going to your stand than if he were standing in the street?—No, but he would pay as much.
371. Then it is not a benefit to the lessee, but to the person who gets the stand?—Yes.
372. Are you aware that you can stay all day in the market?—I was not, till I saw the memorial that was presented in the House last night. I see now it is said to be open to twelve o'clock some days.
373. Are you aware what the importers pay for occupying a space in Bourke street?—I do not know.
374. *By the Chairman.*—Do you wish the market kept open any longer than it is now, either more days, or longer in the day?—I think two days in the week is quite as much as the market-gardeners can afford to come into town, and we ought to have it open all day, and the market is not large enough.
375. If an open space was found in some other part of the town, would you be satisfied to go to that space in order to sell?—Yes, the Carlton Gardens would be a fine place for a market.
376. Do you know that, when you are turned out of these sheds, you can sell in any other part of the market?—I believe there is the upper stand, but no other place except the upper stand. Only last Saturday—I had not sold out—I was there till 12 o'clock, and I took my box out.
377. Do you know that there is a market outside these sheds open to you?—No, because on Saturday I was there, in the upper part, till 2 o'clock, and then the cleaners came and ordered us off.
378. *By Mr. McCrae.*—Is not the upper part of the market occupied by retailers?—Yes, and I would rather take my goods home than go there; and I have done so several times.
379. *By the Chairman.*—Do you complain of any extra charge for bringing in fowls, or eggs, or butter?—I bring nothing of that in; I only bring fruit.
380. *By Mr. Highett.*—Do you think the fees, generally, are too high?—Yes, out of my three acres of fruit I shall only get £40 this year; and out of that I have to pay thirty shillings for my road rate, and £7 16s. to the market.
381. *By Mr. Cole.*—You say that two days in the week would answer your purpose?—Yes, and quite as much as we can attend; because, if we brought in a little stuff, we should have to pay toll and everything.
382. *By the Chairman.*—Have you ever considered whether, if some came in one day and some another, that would not accommodate you all?—I question it. The gardeners as a body would prefer a wholesale market till eight o'clock on Wednesdays and Saturdays, and after, a retail market for the remainder part of the day.
383. And whether the public would not have the benefit of having the fruit and vegetables fresh, instead of three days' stale?—Then there are so many that come in on the Tuesdays and Fridays that do not come to that market at all, but only hawk about their vegetables.

384. *By Mr. Highett.*—Is it only an arrangement amongst yourselves, that you come in two days in the week? and do you know that the market is open every day, if you choose to come?—No, I never heard the lessee say anything about it. J. C. Clinch,
continued,
29th March, 1865.

385. *By Mr. Cole.*—What do they pay who retail their things about the town?—The same as we do. I believe two shillings a day, and if they bring eggs or anything extra, no doubt they pay extra.

The witness withdrew.

Josiah Mitchell called in and examined.

386. *By the Chairman.*—Where do you live?—At the Experimental Farm. Josiah Mitchell,
29th March, 1865.

387. Have you any toll to pay coming into market?—No.

388. What do you grow? vegetables or fruit?—I grow vegetables and other crops.

389. What do you supply the market with?—Both vegetables and fruit.

390. Have you a stand in the market?—Yes.

391. What do you pay for that?—Twenty-six shillings a quarter.

392. Do you pay any extras?—Anything I bring in except vegetables I have to pay extra for.

393. *By Mr. McCrae.*—For vegetables you pay nothing extra?—No.

394. *By the Chairman.*—To what time are you allowed in your stand?—Till ten o'clock.

395. Do you know that you are allowed to stop there till twelve?—No; within the last three months I have been put out at ten, and I have not been told that I may stop till twelve.

396. Do you complain anything of the amount of fees you pay?—I think a shilling would be sufficient to cover all the market fees.

397. A shilling per day?—Yes, per market day. That the twenty-six shillings a quarter ought to cover all the city dues.

398. Are you of opinion that you should pay extra when you bring fruit or other things?—I am not.

399. Can you tell the average weight of your loads?—I really could not say.

400. *By Mr. Pettett.*—How much did you bring in this morning?—This morning I had 24 cwt. of mangold-wurzel, and about 120 pounds of grapes. I paid a shilling extra for the privilege of selling the fruit.

401. *By the Chairman.*—You think the extra charge is uncalled for?—Yes, the extra charges I think an imposition.

402. Do you wish the market open any longer than it is?—I think the market ought to be open all day long for those who wish to retail their vegetables; and I think there ought to be a wholesale market until eight o'clock, to prevent the depreciation of Victorian grown fruit by the dealers in imported fruit. For the dealers are in the habit of putting up tickets in the morning with a low price upon them, and after the market is over, or between ten and eleven o'clock, they alter these tickets and put higher priced ones on their fruit.

403. Is that often done?—I have seen it done, but I cannot say how often it is done.

404. *By Mr. McCrae.*—At what hour does the wholesale market terminate?—There is no distinction made now in reference to wholesale and retail markets, but I think there ought to be.

405. *By the Chairman.*—Should they be on the same day, or on separate days?—On the same day, I think.

406. *By Mr. Cole.*—Are those who have the imported fruit cleared away at ten o'clock, the same as you are?—No, they remain all day; but in the meantime in the morning, while the market gardeners and the fruit growers are there, they put up tickets at the lower price, and then the people going to buy of the market gardeners, say, "Oh, they are ticketed up at so and so, on these stands;" and then, when the market is over, they put up tickets from fourpence to sixpence, the others being twopence; thus unjustly depreciating the value of Victorian grown produce.

407. On the same ground that you are ordered out of, they are allowed to remain?—Yes.

408. *By the Chairman.*—You are in the sheds?—Yes.

409. Are the men that you speak of in the sheds?—A portion of them are; but the men that I speak of putting up tickets are not in the sheds.

410. Are they in the open market?—Yes.

411. And if you were in the open part of that market in the same place as the sellers of imported fruit are, could you remain all day?—No, I believe that I would be put out, and not allowed to stay with a horse and dray; and if I moved out of my regular stand and took up another, I would have to pay the market dues a second time.

412. *By Mr. Pettett.*—At what time is the bell rung for you to leave?—There is no bell rung, but at ten o'clock all the hay drays rush in and take possession of the market, and the market gardeners are compelled to leave to make room for the hay drays.

413. Do the hay carts occupy the stand that you have in the morning?—Yes.

414. At what time do they come in?—They stand in Stephen street till ten, and then they take up the sheds in the market.

415. *By the Chairman.*—Have you seen that lately?—No, not within the last three months.

416. Do you know whether there is room enough in the market for all the market gardeners that attend?—There is not room enough.

Josiah Mitchell,
continued,
29th March, 1865.

417. Have you noticed any carts standing outside? and if so, what number have you seen?—I have seen from 150 to 200 or 250 carts disposing of produce outside the market altogether.

418. Do you know whether they pay any fees or not?—They are all charged. If they have fruit, they are charged two shillings, and if they have vegetables they are charged one shilling.

419. *By Mr. Cole.*—Are you aware that you can go to the market every day?—I believe that I could go any day that I liked, according to my knowledge: I do not think they could put me out up till ten o'clock, if I was to go any day into the market; but on other than the present market days I would be charged market dues according to what I had for sale.

420. Is there any understanding or combination amongst the market gardeners that they should only occupy the market two days in the week?—None, whatever; I believe, if you open the market for six days, that ultimately, in accordance with the interests of the producers, it would resolve itself into certain wholesale market days. Now the Saturday is the largest market.

421. *By Mr. McCrae.*—Would not it be a great advantage to the gardeners and the public generally, that there should be a fruit and vegetable market open every day in the week?—If it is open every day in the week, you will find that ultimately certain days will become wholesale market days without any combination on the part of the producers at all. They will find it to their interest to attend on certain days, and will meet with better markets on such a day; at the same time I think it would be a great advantage to the public, and to such producers as may choose to retail their own produce, if the market was open every day in the week, and all day long. I would further beg to state that extended market accommodation is imperatively necessary otherwise, to say nothing of the inconvenience and loss suffered by producers from the want of it. Owing to the crowded state of the market at certain seasons of the year, serious accidents may be expected to take place. I have seen several narrow escapes from horses bolting, &c. I am of opinion too that the market ought to be opened at sunrise by the ringing of a bell, and that the bell should be rung again at eight o'clock for the retail market to commence; and also that a weighing machine ought to be placed in each shed for the convenience and satisfaction of buyers and sellers.

422. Would not it be better to have fruit and vegetables every morning?—Yes, and I think the market ought to be free for people to come into it every day if they think proper.

423. *By Mr. Highett.*—Have you ever heard of any person being refused admission to the market on any day?—Never; but they would always be put out to make room for the hay at ten o'clock.

The witness withdrew.

P. W. Smith examined.

P. W. Smith,
29th March, 1865.

424. *By the Chairman.*—Where do you live?—At Alphington, on the Heidelberg road, five miles from town.

425. What toll do you pay?—One toll; one shilling for a spring cart.

426. What is the usual weight of your load, on an average?—I cannot say; for six months I bring in nothing.

427. What do you bring in?—Fruit.

428. Have you a stand in the market?—Yes.

429. What do you pay?—Twenty-six shillings a quarter, and a shilling extra each market day.

430. How long are you allowed to remain in that stand?—Till ten o'clock.

431. Do not you know that you can stop till twelve?—No, I never was aware of it.

432. Have you been forced to go out lately at ten o'clock?—I have not been in the market myself these last few weeks, but I believe my brother has been turned out.

433. Do you think that the fees are too much?—I do. I think they are a great deal too much.

434. What do you complain of?—I complain, for instance, that sometimes we take in a very small quantity of fruit, and we have to pay two shillings for that, the same as we have for a load.

435. Do you know how much you pay altogether in a year for the market dues?—I keep the stand for the year, for fear of losing it. I pay for six months in the year when I do not attend. I never calculated what it amounts to.

436. What is the value of your fruit for these last six months?—I dare say the value of my fruit has been about £150.

437. Do you bring anything else to market besides fruit?—Very seldom.

438. Do you know whether there is room enough in the market for all the market gardeners that attend the market?—I should say there is not room for more than half the growers. I applied last season for a stand, all the season trying to get another stand, and was willing to pay if I could have got one, but I could not.

439. When you have seen the market full, have you seen any carts outside?—I have had a cart of my own outside.

440. How many in number have you seen standing outside?—I have seen there very often two hundred carts, and they pay just the same as we would inside, without any protection from the weather. I stood outside for years myself in Bourke street. I was often caught in the rain, and I would have to cover up my fruit, and often got it spoiled by rain and dust when standing in the street. Roger Craker, of Alphington, market gardener, sixty-three years of age,

could not get a stand in the Eastern Market, and advertised in the *Argus*, offering a bonus for a stand and could not get one. He finds it a great hardship to have to stand in the street all night for the market in the morning. He also complains of the dues being too heavy.

P. W. Smith,
continued,
29th March, 1865.

441. *By Mr. Cole.*—And were you out yourself in the rain?—Yes.

442. *By the Chairman.*—Do you think it unfair that you should pay for that?—Yes. I think, generally speaking, the tolls are too high.

443. Do you know the market is open every day in the week, if you choose to come?—I was not aware of it.

444. Has no one ever told you?—No.

445. No notice from the Corporation put up?—No, I have not seen any notice whatever.

446. Do you know, when you leave the stand, you could stop in the open part of the market all day, if you liked?—I have heard that we could go out in the open part; but after moving out of the stand we would sooner go and hawk in the streets, because it is not a usual thing for gardeners to stay there.

447. Could you get a better price by stopping in your stand?—I think so.

448. Do you know that the practice exists of fixing a low price for fruit in the morning, and a higher price in the afternoon?—Yes, I have often seen imported fruit ticketed up at a very low price. I would come down the street afterwards, and notice them a higher price—perhaps a halfpenny or a penny a pound, more often a penny a pound, higher than they were in the morning.

449. *By Mr. Cole.*—Do you think it would be an advantage if the market were occupied every day in the week, some coming one day and some another?—I think three days would be sufficient. I should often send three days in the week, but I do not know that I should attend every day.

450. *By the Chairman.*—If the market was open, could not some come on Monday, some Tuesday, and some Wednesday? would not that be an advantage for those that chose to do so?—It would for some. I think we could have three very good markets in the week, but I do not think we would have more than that, because the growers have to prepare one day for the market the next day.

451. Would they be satisfied if an open space of ground could be found, where you could all go in at once, to go to that open place? would that be a benefit?—I think it would, as long as each man knew his stand; but if he did not know his stand, there would be the same rushing as at the present time.

The witness withdrew.

John Potts called in and examined.

452. *By the Chairman.*—Where do you live?—At Brighton, thirteen miles from town.

453. What do you pay for toll-gates?—A shilling one, and sixpence another.

454. Does that pass you in and out each time?—Yes.

455. What time do you have to leave home in the morning?—I have a stall quarterly; I leave home about one o'clock.

456. How much do you pay for the stall?—Twenty-six shillings a quarter.

457. What do you supply the market with? fruit or vegetables?—Vegetables.

458. You pay nothing extra for vegetables?—No.

459. Do you bring other things to market?—Yes: fowls, butter, eggs, and pork.

460. In small quantities?—Yes.

461. What do you pay for these?—Twopence for a pig, a penny a pair for fowls, a farthing a pound for butter. They generally charge by the lump, and sometimes you pay more than is due, and sometimes less.

462. Do you complain of these charges being too high?—I do.

463. What are you willing that you should pay?—I think a shilling ought to clear a market gardener or farmer of all produce they bring to market.

464. *By Mr. Highett.*—In addition to the twenty-six shillings?—No, I think the 26s. should cover everything.

465. *By the Chairman.*—Do you bring a large weight in your cart?—Half a ton, perhaps.

466. When you are bringing this half ton of vegetables, what quantity of eggs or butter do you usually bring?—About on an average twelve dozen a week of eggs. I have made a small calculation of the expenses of a market gardener with ten acres of land:—The stand for the year is £5 4s.; fruit, for six months, £2 12s.; eggs, twelve dozen per week, 13s.; pair of fowls per market day, for the year, 8s. 8d.; one pig, per market day, 17s. 4d.; four pounds of butter, per market day, 8s. 8d.; pair of ducks, per market day, 8s. 8d.; tolls, per year, £7 16s.: that amounts for the year to £17 18s. 4d. It is monstrous, and I do not think I have gone to any extreme in that.

467. Are all the market gardeners favoured with stalls?—No.

468. How many are there that cannot get shed room?—From 150 to 200.

469. Are there many obliged to stand in the street?—A great many. There are a great many that stand outside the market in Bourke street, Stephen street, and Little Collins street.

470. Do they pay anything?—Yes, the same dues as those that occupy the sheds.

471. They only pay the days they come?—Yes.

472. You pay whether you come or not?—Yes.

John Potts,
continued,
29th March, 1865.

473. Do you require more market room? or do you require more market days?—Two market days a week is sufficient, in my opinion.

474. You would not like to let the public have a fresh cabbage every day?—I think a well grown cabbage twice a week would be quite sufficient for any man.

475. How would you accommodate those who cannot get accommodation in the market?—By extending the market room.

476. Where would you get it?—The present market is not large enough, and I think Carlton Gardens would make a very good market. The present sheds are too limited in the size for each stand—there is only eight feet in width. A man with a moderate load of produce cannot expose it for sale to advantage. When it is rough weather, which ever way the wind blows, it blows on to the horses' heads, the sheds not being deep enough.

477. *By Mr McCrae.*—Are you able to dispose of all your produce every market day?—We generally get through, but we are very much limited to time. There are many that have to go out and hawk. I have had to do it myself.

478. *By the Chairman.*—What time are you compelled to go?—Ten o'clock.

479. They say you are at liberty to stay till 11 or 12 o'clock?—They have given no notice of it. I applied to Mr. Langham, the collector, and said I had seen it in the papers, that we could stop till twelve o'clock, and he said he knew nothing of it.

480. How long is it since you were turned out?—I could not say the exact time. Not very long ago I was turned out at ten o'clock. It is within three months, I am positive of that.

481. *By Mr. McCrae.*—Is there not another part of the market that you can adjourn to?—There is a part in the upper sheds.

482. *By the Chairman.*—Do you know that the open part of the market is open to you all day if you like to stop?—I do not know it. We have been told that we could retire at ten o'clock to the upper shed for a short time, but that shed was occupied by retailers and would not hold a tenth part of us if it were not.

483. Would you like at any time to stop longer and retail your goods?—I would like, if I could get a better price. I have been repeatedly told, "You are all gone from the market before we can get down." I have been repeatedly told that by housekeepers.

484. *By Mr. Cole.*—Are you aware that you can go to the market every day in the week?—No, only two days in the week for what I pay for.

485. But are you aware that you can go to the market every day in the week?—No.

486. Do you have any receipt for the money you pay—the 26s.?—We get a receipt for the quarter.

487. Are there any rules attached to it?—No; it states on the ticket we are to conform to the market rules. There is a board stuck up in the market.

488. *By the Chairman.*—Have you ever read them?—Yes. I have seen, myself, one shilling's worth of fruit sold and one shilling demanded for them. I brought, myself, a dozen of water melons on one occasion, and could not sell them, and one shilling was demanded for them; and sooner than take the melons back I gave them away. In conclusion, I wish to remark, that I think there is a great evil in allowing imported butter and eggs, and other imported produce to stand amongst the market gardeners.

The witness withdrew.

Joseph Chandler examined.

Joseph Chandler,
29th March, 1865.

489. *By the Chairman.*—Where do you live?—At Dandenong, about eighteen miles from town.

490. How many tolls do you pay?—Two; a shilling at Brighton gate, and sixpence at St. Kilda gate.

491. What time do you have to leave home to get to market?—I generally leave home on Tuesday and Friday afternoons, and come over the worst of the road before it gets dark. We do not come through the Brighton tollgate till after twelve o'clock, or we should have to pay a second shilling there on our return.

492. Do you hold a stall in the market?—Yes.

493. What do you pay?—Twenty-six shillings a quarter, in advance. Those who have no stall pay a market fee of one shilling each time they attend.

494. What do you bring into market?—Vegetables chiefly. Some fruit in the spring of the year.

495. When you bring fruit, what do you pay?—One shilling extra. Sometimes I bring a few eggs and butter.

496. Do you pay extra for them?—Not always; if I have only a couple of dozen of eggs and a few pounds of butter, I tell the collector "I have nothing for you," and he goes away and does not charge me for it.

497. Do you think the charges are too high?—No, not for those who have stalls; but I think them too high for those outside.

498. Is there accommodation enough in the market for those who have stalls?—No.

499. Is there accommodation for those who cannot get stalls?—No.

500. How many have you seen standing out in the street?—I have seen as many as fifty altogether away from the market, some of them not having more perhaps than a pound or thirty shillings' worth of stuff in their carts.

501. Do they pay anything?—Yes, they will have to pay equal fees with the stall-holders.

502. Do you know that the market is open to you the whole day?—No, I did not know it was open any longer than ten o'clock, until I heard it talked of to-day. Joseph Chandler,
continued,
29th March, 1865.

503. No official notice was given you by the market people?—No.

504. Would you wish it kept open all day?—No; it is left open quite long enough for me to ten o'clock, for I find the longer I stay the less the prices get.

505. Is it desirable to have a larger market?—I think so.

506. Is it desirable that the market be open three days a week?—Not for me, certainly.

507. Is it desirable that it be open all day for the sale of goods?—No, not for me; I do not want it.

508. Do you think a shilling, being the market fee, should include all the expenses of the market for that day?—I say, as I said before, for those that have the sheds to stand in I do not think the present fee is too much, but for those standing outside it is too much. I think that, if there was a larger market, they could do with the same fees as they do now.

509. Do you think the market fee you pay at present is sufficient?—I do not want the fees lowered.

510. Do you think a shilling extra should be paid for fruit, besides what you pay for your stand?—I do not object to it.

511. *By Mr. McCrae.*—Supposing you bring in fruit, and geese, and turkeys, and eggs, all in the same load, do you think it is too high a charge to have to pay for all these extra?—No, I do not myself; if I have plenty of room to display my goods I am quite content to pay for it.

512. *By Mr. Cole.*—Have you ever occupied the streets instead of the stand?—No, I have always had a stand in the Eastern Market since there has been a stand to let. I have sometimes paid the quarter's fee when I knew I should have no occasion for the stall, the price of vegetables ruling so low that it could not pay me to bring them into the market. Had I, on such occasions, given up the stall, I should, most likely, have been unable to get a stall again when I needed it. This is an instance of the loss occasioned to the holders of stalls by the present limited size of the market. Those who have no stalls are likewise serious sufferers. When vegetables are plentiful, and there is a large attendance, they are frequently compelled to stand at such a distance from the market, that they fail to effect a sale of their produce, or have to accept prices which injuriously affect the rates obtained throughout the whole market.

513. *By Mr. McCrae.*—Were you aware of the petition being forwarded to the Legislative Council, praying for certain reforms in the market?—I have heard of it, but I never had anything to do with it.

514. You did not sign that petition?—No, I never saw it.

515. *By the Chairman.*—Are you satisfied with things as they are?—I am, except that I am strongly of opinion that there should be more market accommodation than there is at present.

The witness withdrew.

WEDNESDAY, 5TH APRIL, 1865.

Members present:

The Hon. W. HIGHETT, in the chair;

The Hon. G. W. Cole.

The Hon. W. H. Pettett.

Robert Daff called in and examined.

516. *By the Chairman.*—What are you?—A market gardener.

517. How many times a week do you attend the market?—Twice a week.

518. Do you consider that a sufficient number of days?—Quite sufficient.

519. What do you pay for market dues?—Twenty-six shillings a quarter, and if I bring in anything extra, I pay extra for it.

520. Do you consider the charges excessive?—I do.

521. What do you consider would be fair?—I consider that every man ought to have accommodation for twenty-six shillings a quarter, at any rate, and even then I would go lower; but I think for twenty-six shillings a man ought to have proper accommodation.

522. To bring in whatever he liked?—Yes.

523. Do you consider that there is sufficient market accommodation?—There are many of my neighbors, that have not stands, have to start at eight or nine in the evening and get in at twelve, and have to stand till five or six in the rain and cold; and even then, if the rain keeps on, they make no market.

524. *By Mr. Pettett.*—Have you seen men standing out in Bourke-street and Stephen-street and Little Collins-street?—I have seen them standing there from twelve o'clock at night.

525. What do you pay for tolls coming in?—One and sixpence.

526. What time do you leave home?—This time of the year I leave about half-past one; sometimes about half-past twelve, when the days are very long.

527. What do you pay a week for tolls?—One and sixpence a time; that is, three shillings a week for coming into market.

Robert Daff,
5th April, 1865.

Robert Daff,
continued,
5th April, 1865.

528. *By Mr. Cole.*—Do you know that you can occupy the market every day?—No, I never knew that.

529. Would it be an advantage if it was opened every day?—No, I think it would be a disadvantage. I can state my reasons, if you wish it.

530. What are they?—The disadvantage would be this: If I could come in every day in the week I could retail the produce I grew. I think it would be a disadvantage to the buyers in town. Instead of bringing ten dozen of cabbages on a market day, I might bring in two dozen every day in the week, and get 6d. each, perhaps, for those, or 1s. each, whatever the market might be. You would make us all retailers and hawkers in that way.

531. Would not it give more accommodation if a certain number were to come in every day in the week? would not it be better than all coming in twice a week?—I do not see how you could arrange that every day in the week; there would be no market at all.

532. Would it not be better if people could get a fresh cabbage every day, than to get them only two days in the week?—As I say, I could bring in perhaps two dozen cabbages every day in the week, and might sell them retail. Now, I am a wholesale dealer, and wish to sell wholesale, and of course making a market every day in the week would make it a retail market.

533. *By Mr. Pettett.*—What time have you to leave the market in the morning?—We have to leave now, I believe, at eleven o'clock.

534. Do you wish to continue there longer than eleven?—I think we ought to have the market all the day. The advantage of that is, there are a lot of men come round that market with bags on their backs, and ask the price of this, that, and the other, and they say, "These men have to clear out in such and such a time, and they must either sell out or go and hawk, and the consequence is, they will have to sell out to us," and we have to sell to them for little or nothing, or else to go and hawk; and I think if we had the market all day we should have the advantage of that. These men are obliged to buy, and would buy early. I know now that cabbages I have sold early in the morning at 5s. a dozen I have had to take 2s. and 1s. 6d. for at ten o'clock in the morning.

535. Do you know that these men who stand in Bourke street, and Stephen street, and Collins street pay the same rent as you do?—I do not know what they pay, but I believe every stand is a shilling; and if I bring in a cart loaded with fruit, if I stand out in the street, I have to pay a shilling for the stand and a shilling for the fruit.

536. *By Mr. Cole.*—Have you ever had to stand in the street before you got a stall?—Yes; before this market was opened I had, and I brought in a box of peaches one morning, and when the market collector came round I paid him a shilling for the peaches and I sold them for ninepence.

537. *By the Chairman.*—Have you any other complaint to make besides the excessive charge and the want of accommodation?—No.

The witness withdrew.

Henry Comport called in and examined.

Henry Comport,
5th April, 1865.

538. *By the Chairman.*—What are you?—A market gardener.

539. How often do you attend the market?—Sometimes twice a week, sometimes only once; it just depends upon the quantity of produce I have to bring.

540. Do you think twice a week is sufficient for the market to be open?—Quite enough.

541. What market dues do you pay?—The stand by the quarter 26s. in advance, and extras, according to the scale for eggs, fruit, &c.

542. Do you consider the market dues excessive?—I do.

543. To what extent?—I think they are at least four times as much as they ought to be. I consider a public market should be free, that is to say, sufficient dues to cover necessary working expenses, and not be made a profit of by a corporation.

544. Do you object to the 26s. as being too high?—I think it is decidedly too much.

545. *By Mr. Pettett.*—If 26s. covered vegetables, and fruit, and fowls, and eggs, and everything, would that be too much?—I think that even would be too much.

546. What do you think would be a fair price for a stand per quarter?—I scarcely know. The present dues would not be too much if we always had good seasons, and could come in with a load twice a week; but where there is one man comes twice a week, there are two or three that do not come in more than once upon the average. It takes a good garden of stuff to come in with a full load once a week. There are many come in with half a load for the sake of getting manure, but I think once a week is as much as the average of gardeners come.

547. *By the Chairman.*—Do you think there is sufficient accommodation?—No.

548. *By Mr. Cole.*—Are you aware that you can go to the market any day in the week?—I suppose I could. I did not know that I could; but I suppose I could; but it would be no use going there if there were no buyers.

549. Supposing there was a market every day?—The market is established at two market days a week, Wednesday and Saturday.

550. Who established it?—The consumers, the purchasers; I think it is the purchasers. It is the established time to meet.

551. If some of these charges were removed, would not it be much better for the population to have fresh vegetables every day, and fresh butter every day, than only twice a week?—If you could do it, but I question whether you could.

552. How many carts are there generally coming in?—I suppose 500, or 600, or 700; I could not tell. Upon further consideration, I believe there are nearly, if not quite, one thousand carts which go to the market at different times.

Henry Comport,
continued,
5th April, 1865.

553. Would not it be better if 100 carts came in each day?—You could not regulate it that way. For instance, I myself, if I had only one load to bring in, would bring it on the Saturday, because the Saturday is the best day; consequently, we should most likely all be there on Saturday, because the buyers would be there.

554. Would not your cabbages be better fresh every day than brought in only twice a week?—They are decidedly better fresh, but whether the community at large would get them fresh is a question, because the dealer would buy them up and would be selling them every day in the week, the same as he is now, and he could keep them a week, if he chose.

555. *By the Chairman.*—Are you aware that there are five other markets open to you to take your produce to?—I know there are several little places, but it would be no use going there, because there would be no one there.

556. Do you think, if the hay market was done away with, it would increase the accommodation?—If it was done away with on these two days, I think that would be sufficient.

557. Would there be sufficient accommodation for the market gardeners, if you had the market open during the whole day, and the hay market taken away, two days in the week?—No; there is no shed accommodation for at least one-third of the gardeners now, and the removal of the hay market would not increase that, but there is room to build the sheds.

558. Have you any other complaint to make, except as to the excessive charges and the want of accommodation?—The size of the stands is very small, it is not enough to exhibit a load of vegetables. As to the allegation in the petition of the Corporation that the produce fetches a remunerative price, I can deny that strongly, and allege, without fear of contradiction, that there is a great deal of the produce sold within the last three years that did not pay three shillings a day for the labor of producing it.

559. *By Mr. Cole.*—How is the other part of the market occupied besides the sheds?—By retailers and shopkeepers' carts, and the top shed is taken up by retailers also. It is supposed to be for gardeners, but it is taken up by retailers; so that, at the time stated, when we are turned out, we cannot get in there.

The witness withdrew.

Charles Burgess called in and examined.

560. *By the Chairman.*—What are you?—A market gardener.

Charles Burgess,
5th April, 1865.

561. Where do you come from?—South Brighton.

562. How many times a week do you attend the market?—Once a week on the average.

563. *By Mr. Cole.*—Have you a stall?—No. I have had a stall. I now pay a shilling each time I come in with vegetables; and if I have fruit, I have to pay a shilling extra, even if it is only a single case.

564. Where do you stand when you come in?—Wherever I can get; just by chance. If it rains, I have still to stand in the open air.

565. *By the Chairman.*—Do you consider the charge excessive?—I think so, according to the state of the colony now. I think it should be reduced.

566. What do you think would be a fair charge?—I think a shilling should cover everything for a cart.

567. What weight do you generally bring in your cart?—In the potato season I bring in sometimes fifteen to sixteen hundredweight. Cabbages and those kind of things are lighter, of course. Five or six hundredweight, I suppose, in other seasons. Potatoes and onions are heavy.

568. *By Mr. Pettett.*—What time do you leave home in the morning?—In the summer time, since I have had no stand, I have had to leave at eight o'clock the night previous, and even then I have been shut out of the market when I got to town, and obliged to stand in the street.

569. *By the Chairman.*—Do you consider the market accommodation sufficient?—I do not, and we have not a fair chance; for even when I have started so early and got in, I have found that the available spaces have been taken up by the dealers with their barrows, and we dare not turn them out, because they have the same right as us, according to the regulations, I believe.

570. What do they pay for a barrow?—A shilling, the same as us; they put the barrow in to keep the place.

571. *By Mr. Cole.*—Do they pay the established rates besides the shilling?—I believe they do, if they have fruit or poultry, but I am not sure of that. I have had to stand in the rain with fruit and lost the sale of it in consequence. I think it is two years ago I had some grapes one morning, and I could not get a stand in the shed anywhere, and I had to keep the grapes covered up or they would be spoiled, and so I had to go and hawk them about the town.

572. Are you aware that you could come in every day to sell?—I never was aware of that.

573. How many carts generally go to the market?—In the summer months I should think 600 fully. I think that would be within the mark; in the winter, not so many.

574. Would not it be an advantage if the market was open every day?—I think not; I think twice a week is sufficient.

Charles Burgess,
continued,
5th April, 1865.

575. Would not it be an advantage to the public?—I do not think it would; they might get the produce fresher, but I do not think they would get the market gardeners to come in every day.

576. Might not it be an advantage that you could come in any day in the week with your load, in preference to standing out in Bourke street on what are called the market days?—We profess to sell wholesale, most of us, and Wednesdays and Saturdays are fixed market days, and the greengrocers come and buy on those days. We should have to be like hawkers if we came in every day.

577. Would not the greengrocers come every day and get fresh vegetables?—I think not. I think at home there are generally market days about twice a week. I do not think there is an instance where a wholesale market is held every day.

578. *By the Chairman.*—Have you any other complaint to make, except the excessive charges and want of accommodation?—Want of accommodation and excessive charges are the chief things; but I think it would be large enough if we had it all to ourselves, on Wednesdays and Saturdays, without a hay market and without the dealers being allowed to come in. Now, all along the pavement facing Bourke street is taken up with nothing else but imported fruit every market day, and the top shed it is no use standing there. I had a stand in there for nearly two years, and there was a dealer each side of me, and I found I could do no good in the wholesale way, for the greengrocers would not come into that shed. They knew they were nearly all retailers, so I could not sell, and I was obliged to give the stand up.

579. Do you think, if the market gardeners had the market two days in the week for the whole day, the other four days might be appropriated to the hay market?—Yes, if we had it exclusively for the market gardeners, without the retailers. Of course we have nothing to do with the retailers. In referring to dealers and retailers, I mean those who buy of the market gardeners and sell out again to the public in small quantities. I wish to state one instance of what I consider a very exorbitant charge. A man stood next me this morning with some grapes, a very inferior sample—I think six cases—he only got a penny a pound for them. I think it came to ten or twelve shillings, and he had to pay two shillings dues for them, and I think that quite exorbitant. Of course, they were an inferior article, not the best grapes.

The witness withdrew.

WEDNESDAY, 10TH MAY, 1865.

Members present:

The Honorable J. P. FAWKNER, in the chair;

The Hon. W. H. Pettett
W. Highett

The Hon. J. Lowe.

Mr. George Robinson called in and examined.

Mr. G. Robinson,
10th May, 1865.

580. *By the Chairman.*—Are you the lessee of the markets?—Yes; and inspector also.

581. Have you the management of the Eastern Market?—Yes.

582. Have you sufficient accommodation in the Eastern Market for all the carts and other vehicles that frequent your market?—For about two or three months in the year there is not sufficient shed room at present; but I understand the corporation are at present making plans for increasing that accommodation. It has passed the council and the plans are all but ready to get up about fifty or sixty more stalls.

583. How many carts have you seen at any one time in the market? How many have you had rates paid from?—I dare say there are sometimes about four hundred. There is a very great difference. Some days there are not one fourth the number on other days.

584. Is there accommodation in the market for 400 carts to stand?—There are not sheds sufficient for that number. There is plenty of space in the market reserve for them.

585. Are you sure that there is plenty of space in the market for all the carts you have seen there?—Not on all occasions. Coming about Christmas market a number stand outside packed up against the footway.

586. Do you charge the same upon them as to those in the sheds?—Those immediately bordering upon the market, they do; but, if not, they only pay for what they have, fowls, or vegetables, or fruit; those in the shed pay an extra shilling for the shed apart from the fruit or fowls.

587. Do you know that persons bringing fruit to the market pay the whole year when they come only half the year?—They take out the licence quarterly; and a person, to save his stall, though it is quite possible he may not be in every market day, pays from quarter to quarter in advance.

588. If he ceased to pay, might he not run the chance of losing his stall?—He might, certainly; that is in consequence of there not being a sufficient number of stalls.

589. Can the market be made sufficiently covered in to accommodate the whole of the carts you have seen there?—I think it can.

590. *By Mr. Highett.*—Except I suppose on extraordinary occasions, such as Christmas time?—Yes, about one market or two in the year, when there might not be space. The market is quite sufficient, if properly arranged, to contain the number of parties that generally frequent it.

591. *By the Chairman.*—Do you rent that market by itself, or in conjunction with other markets?—In conjunction with the Western Market, the Northern Market, and the Eastern-hill Market. Mr. G. Robinson,
continued,
10th May, 1865.

592. Do you pay a separate sum for each, or a joint sum for the whole?—A bulk sum for the whole; they are all let in one lease.

593. What sum do you pay for the whole?—I pay for the year ending 30th April, 1866, £7500.

594. What is there carried on at the Northern Market?—Weighing principally; weighing hay and other things. There is a weigh-bridge for every sort of produce.

595. Is there much custom to it?—Yes.

596. For what?—Weighing only. Weighing loads of every description of goods.

597. Do any vegetable or fruit carts go there?—No; the reserve is there, but it is not used as a market.

598. Is the Western Market open to the gardeners?—Yes.

599. Is it not let on leases to the importers?—The shops that are let there are let by the corporation themselves now.

600. Independent of you?—Yes, but they can avail themselves of the market to bring in their carts and sell. The shops are not tenanted by gardeners, because the gardeners do not require them; they are tenanted by people with stores, potatoes, and oranges, and other produce of that sort.

601. Do you know any reason why the market could not be kept open on the two days for vegetables only, and the other days allowed for the hay carts?—No, I do not see any impossibility whatever in it. It might be an inconvenience probably to the owners of hay; no doubt they would be very much displeased to be restricted to only two or three days.

602. Would it not in your opinion give facilities to the growers of fruit and vegetables?—No, I think not; they can come in any day, as it is.

603. But if they had the whole of the two days to themselves, would it not be better?—They would not occupy one third of the day. They are now very often cleared out, without an exception, at eleven o'clock.

604. Is there not a rule compelling them to clear out?—Yes, at eleven on Wednesdays, and twelve on Saturdays.

605. Was it not ten formerly?—Yes.

606. Do not the hay carts go up and take up the stalls that are paid for by the fruit and vegetable growers?—Not if they are in occupation of them. They go into any place where it is vacant.

607. Are they not all vacant when they are ordered out?—I never saw any man ordered out of it yet. The regulation is, that they are to give place to the hay, if there is not room for them, and they are all out at ten or eleven; one or two might probably be waiting then, but there is ample room for them.

608. Do you know what the difference of the fee is to those who go about the town with their goods, and do not come to the market?—There is a shilling less.

609. It has been stated that, with a cart full of vegetables, if you find any fruit in the cart, you charge a shilling for the fruit, whatever the quantity is?—Yes, that was the regulation and the scale laid down, if they had only twenty pounds, or ten pounds, or five pounds; but there is an alteration now. Any amount of fruit now, up to 100 pounds, only pays twopence; that is in my present lease.

The witness withdrew.

E. G. Fitz Gibbon, Esq., Town Clerk of Melbourne, called in and examined.

610. *By the Chairman.*—I wish to call your attention to this clause in the petition of the corporation: "In respect to the averments which are put forward in support of such prayer, your memorialists submit that the first, viz., 'That the high scale of dues charged in the Eastern Market acts injuriously to the cultivators of the soil,' can be true only in the event of the dues so increasing the price of the produce as to prevent its being purchased, which is not the case, as the produce offered for sale in the market is, save in very exceptional cases, readily purchased at prices remunerating the vendor for all expenses of production and sale, market dues included; it is, in fact, the purchaser who ultimately pays the dues; and were the scale reduced, the vendor's remuneration would, by the natural law of competition, be reduced proportionately." How do you arrive at that conclusion, that the produce offered for sale is quite remunerative?—To my own knowledge, a considerable number of the persons now growing for and supplying the market have continued to do so for many years, which would not be the case, if they were doing so at a loss. E. G. Fitz Gibbon,
Esq.,
10th May, 1865.

611. The petition also says, "Your memorialists further beg to point out, that the scale of market dues was fixed in 1849, at rates deemed reasonable at a time anterior to the gold discoveries, and when produce was of smaller pecuniary value than at the present or any intervening period." Can you furnish the committee with any evidence of the truth of that assertion?—The bye-law fixing the market dues bears date 22nd March, 1849. I furnish, as Appendix A, a copy of the market report of the *Port Phillip Herald* of the 5th of that month, set in contrast with that of the *Argus* of the 6th of March last; from which it will be seen that, with the exception of fruit, in the prices of which there is a slight decrease, the majority of articles reported as sold in the market are quoted at higher rates in 1865 than in 1849.

E. G. FitzGibbon,
Esq.,
continued,
10th May, 1865.

612. The petition then states, "The second averment, viz., 'That the rate of fees prohibits the bringing to market of small quantities of various produce at one time,' is only true in the event of the market space being occupied by a dray for the conveyance of such quantity. If brought into market in a barrow or basket proportionate to its quantity, a smaller amount is charged upon it."—Upon that point I may state, that a new bye-law has been passed by the council, limiting the charge to twopence for any quantity of fruit up to 100 pounds.

613. The petition says, "The third averment of the Petition, viz., 'That the market has to be vacated by the vendors of garden produce at ten o'clock, a.m.,' is contrary to fact." The lessee of the market says, that that was the case, but that it is now extended to 11 on Wednesdays and 12 o'clock on Saturdays?—The regulation of the city council upon that subject is, "The wholesale vegetable market shall be open daily, at the times hereinbefore provided for the opening of the market, and shall close at ten o'clock a.m. daily during the months of April, May, June, and July; but such of the market gardeners as may desire to remain in the market after the hour for closing the wholesale market shall remove to such one of the sheds as shall be appointed for their use by the market committee of the city council, and shall occupy such standings therein as shall be indicated to them by the inspector of the market." I may say that if any representation had been made to the city council by the market gardeners that the sheds set apart for their use were insufficient, other space would have been provided; but no such representation has been made.

614. They complain terribly before this committee that they are obliged to pay for standing in the open market the same as in the sheds, and the same for standing in the street as if standing in the sheds?—All coming to the market, whether they can get into the market or not, pay the market dues; the market can accommodate no more drays than there is space for in it.

615. Could not the whole market be covered in, if necessary, and more accommodation be thus afforded?—The market gardeners have a practice here which is not pursued in the markets at home; but it is a great convenience and saving to them, and it would be a hardship to interfere with it; that is, the keeping of the horses standing in the drays in the market. The rule in the English markets is, that, where produce is brought in, the dray is pitched and the horse taken away, so that greater space is given in the market. Here the horse is kept continually in the dray, so that there must be a large space left open for the horses to wheel in and out of their several places, and it is necessary to allow roadways; those are, I think, 24 feet in breadth, and there would be no increase of space gained by covering them in, as no standings could be taken up in the roadways. All that you can possibly make available under the existing circumstances is the portion that can be occupied by so many horses and drays.

616. Is there not vacant room on which sheds can be put up?—Yes, and the city council have now voted the sum of £1750 for extending the sheds, and putting an additional shed along the line of Stephen street, whereby accommodation will be given for 100 more drays than heretofore.

617. The present accommodation is, as marked up, 224, is it not?—Yes.

618. And you propose to supply accommodation for 100 more?—Yes, and no amount of ingenuity that could be exercised could, I think, extend that.

619. If a site was found big enough to accommodate all the persons coming to the market, would the city council have any objection to such a site?—I apprehend not, but the possibility of finding such a site in any central area of the city is almost out of the question.

620. If such a site could be found, would the city council object to its being thrown open to them?—I apprehend not. The market gardeners, as well as my memory serves me, for it is now five or six years ago, applied for a site in Elizabeth street, opposite the Stork Hotel, for the purpose of a wholesale vegetable market; the ground was made over to the city council for that purpose, and the council did not object to its being so used.

621. Is that still open?—Yes, but the market gardeners have never shown any disposition to use it, and therefore the city council have not put that amount of accommodation on it which they would if the market gardeners had been inclined to resort to it. To have fitted it up as a wholesale vegetable market would have cost from £3,000 to £4,000, and it would be useless expending such a sum of money when the market gardeners have clearly no intention to go there; the intention not to go there was expressed pretty strongly by a considerable number of them.

622. Would it not be better for the community at large that there should be accommodation for all the carts coming to the market?—No doubt it would, if the space can be found; but whatever ingenuity can be applied to the Eastern Market, if the whole space were given up to market gardeners alone, I do not think it would be possible to make the area of the Eastern Market capable of containing more than, say, from 350 to 400 carts.

623. Can you tell the committee what money the Government gave towards erecting the Eastern Market?—The Government, at the period that the present sheds were put up, gave annual grants in aid of improvements in the city, and, at the instance of some of the members then in the House, the grant for the year was charged with the condition that £3,000 of the amount should be applied to the improvement of the Eastern Market.

624. What is the money levied at the market for?—For the maintenance of the markets, and the general purposes of the city; and, as in respect to the market gardeners, the rent and rates of the place of business provided for them, equivalent in some degree to the rent and rates paid by the citizens upon their places of business.

625. For the lighting or paving?—The paving and other general purposes of the city. Not for the lighting, because that is paid for by a special tax upon the citizens.

626. Are not the roads paid out of a special tax?—There are two descriptions of funds which the city council control: one is the lighting rate, which is a sum specially devoted to lighting, and for the purposes of which the council has power to levy a distinct rate not exceeding fourpence in the pound. That rate covers the lighting of the city, which is kept as nearly as possible within the amount of the rate. The other fund is called the town fund, into which all the income of the corporation goes, and the rate which is raised upon the ratepayers is to supplement that fund, and provide as much more money as shall be wanted for the general purposes of the city. The market income goes as one of the primary portions of that fund, and it is in supplement of the market dues, and other items of that fund, that rates are raised.

E. G. Fitz Gibbon,
Esq.,
continued,
10th May, 1865.

627. Then it is in order to carry on the business of the town that vegetables and fruit are taxed?—Primarily, and to maintain the expenses of the markets.

628. What expense have you been at beyond the £3,000 which the Government gave for the sheds?—I can answer that question upon reference to documents. There is a range of shops along the Eastern Market, and there have been other erections in other markets.

629. Do not you derive a rent from those shops, separate from this?—No, they are all amalgamated in one rent, the whole of the general markets of the city are let in one lease; except that this year the shops in the Western Market are excluded, so as to obviate any objection by the lessee on account of loss of rent during any works which may be undertaken for the completion of the buildings there.

630. Can you say what share the Eastern Market has in the total rent received for the markets?—Very much the largest, but not the whole. Neither is the Eastern Market the only one calling for expenditure; the corporation has spent money upon the market opposite the Stork Hotel, in Elizabeth street—one market-shed was erected in that. Again, in a general market in Spencer street, opposite the railway station, one market-shed is erected, and other expenses have been incurred for market purposes besides the expenditure in the Eastern Market.

631. For what purpose is the Spencer street market open?—At present it is principally a wood market, for the sale of the firewood brought down from Mount Macedon. We have been promised by the Railway Department that so soon as the Batman's Hill Station is ready for use, and the railway sheds can be shifted from their present position, a siding will be run into the market from the main line, so as to admit of the grain and produce from up country being brought into the market.

632. Do you know whether that market is paying its expenses?—Yes, I should say that it is. I should say that a portion of the rent which is paid by the lessee contemplates his income from that market.

633. In your petition you say, "Your memorialists further beg to state, that there are, in addition to the Eastern Market, four other places within the city proclaimed as general market places, viz. :—The Eastern Hill Market, in rear of the water-tank in Victoria parade; the Western Market, in Collins street; the Spencer street Market, opposite the goods station of the Government railways; the Northern Market, at the junction of the Sydney and Mount Alexander roads; besides a fifth market place at the junction of Elizabeth and Victoria streets, obtained specially for use as a wholesale vegetable market." That last has never been used as a wholesale vegetable market yet?—No, the market gardeners have never resorted to it, and shown no disposition to use it.

634. You lead the committee to think that the Spencer street market is used as a vegetable market. Now I have seen that it is as full of timber as it can hold?—The only reason of that is, because no vegetable sellers would resort to it up to the present time. If there were any disposition on the part of the vegetable sellers to resort to it, convenience would be afforded without delay. The inhabitants of that district have been most urgent to get the vegetable sellers to go down there, but they will not do so.

635. Do not you think that accommodation should be afforded all day there to the market gardeners, to stay and retail their produce, if they like?—Upon that point I may say that I have made careful inquiries of the market gardeners, when I was in communication with them, at the time the Eastern Market was laid out, and also at the time the Western Market shops were opened; I inquired whether they desired any special preference in respect to the market arrangements; whether they would desire to keep standings or shops in the market, to remain there and retail; and the almost unanimous reply that I got—the reply that I got from all who gave me a reply—was, that they would not remain in the market to retail. Whilst I put the question to all those that I had access to, the only answer I got was from those who told me they would not stand in the market as retailers. My attention has been called since this committee has been formed to what certainly seemed to me a grievance when made aware of it, that the retailers of fruit had a practice of placing their boxes at an earlier hour than the market gardeners came in, thereby excluding the gardeners and taking up the best standing places; and, having brought that matter under the attention of the market committee, an instruction was passed to the lessee of the market, desiring that no carts or other vehicles should be allowed into the market prior to the hour fixed for opening the market, except the carts of *bonâ fide* growers, so far as they could be distinguished. A difficulty arises in drawing the line what you shall exclude. As to preventing the competition between imported produce and home grown produce; this very serious difficulty has presented itself to me in thinking over the subject, as I have very seriously and often, that it is almost impossible to distinguish home grown from imported produce. There are the agricultural areas in Gipps Land and the Western District, and quantities of fruit either are or will be brought round by steam from thence, and it is impossible to discriminate between that and imported produce from any other colony. Supposing that we were disposed to adopt the rule, that Victorian grown produce should have the preference over

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continued,
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other ; in respect to an ordinary steam-boat, coming round from Adelaide, with a large quantity of Adelaide grapes, and calling in at Belfast or at Portland on the way, and receiving there a quantity of similar fruit, it would be all but impossible to discriminate between those on their arrival at the market in Melbourne. I can assure the committee that there is every desire on the part of the city council to give all the encouragement and facilities in their power to the frequenters of the market, especially those who are cultivating round the city.

636. *By Mr. Lowe.*—Have you ever thought over the propriety of charging every cart that comes into the market a shilling and let them bring what they will?—That has been considered, but it has been foreseen that, immediately it should come into operation, it would be made a serious ground of complaint on this score, that a load of ordinary vegetables would be charged at the same rate as a load of fruit, the one being worth perhaps not forty shillings and the other several pounds. Uniformity of charge has not been adopted, because it has been thought reasonable that there should be some difference between the dues upon the more and the less valuable descriptions of produce.

637. Would not the present revenue derived from the market, taken in connection with the expense of the market, allow of a general reduction in the market fees?—That is a question I can scarcely answer.

638. Would you give the committee a return of the expenses of each market half-yearly or yearly, showing the cost they are to the corporation?—I will have such a statement made out.—[*See Appendix B.*]—With respect to the income of the market, I would again state that it is collected for the general purposes of the city.

639. *By Mr. Highett.*—Has the £3000 expended for the Eastern Market been more than refunded to the corporation out of the market dues?—I should say so, considerably.

640. Can you furnish to the committee the amount of the market fund applicable to the town fund, after the outlay for the markets?—I will furnish that information to the committee.—[*See Appendix C.*]

641. *By Mr. Lowe.*—Could it not be changed in this way : that three days in the week should be given to the hay entirely in the eastern market, and three days to the vegetables and fruit ; would not that suit owners of hay and growers of vegetables also, if that were an understood regulation, and remove the sources of complaint with regard to their being ordered off at a certain hour?—Possibly it might. I may say, in respect to the growers of hay, that, finding a disposition on the part of the corporation to comply with the wishes of the market gardeners as far as possible, and remove the hay market, a deputation of hay growers, gentlemen who have been furnishing hay to the city for years, attended, and made very urgent statements to the market committee of the city council, pointing out that they had been for years attending the eastern market before the market gardeners came there ; that their business was established there, and whilst they had every desire to defer to any regulations made by the committee, they submitted whether it would not be a serious hardship to break up the regularity of their business, because in the interval pending the bringing of new arrangements into working order very heavy losses would be suffered by them and they begged of the committee to make any arrangement short of driving them out of the market. The committee then asked whether they would be satisfied with a shorter occupation of the market, and they said yes. Their occupation was thereupon reduced from twelve to two on Saturdays, and from eleven to two on Wednesdays. Being asked as to coming in on separate days, if I remember rightly, their reply was, that they would have to keep their men and cattle unemployed on the days when they would be excluded from the market, and that would be a hardship upon them. I may say in respect of the market gardeners, that there has been an impression on the part of the market committee that certain of the market gardeners have been actuated by somewhat of an exclusive spirit and a determination to keep the market entirely as their own, and drive everybody else out of it by force. That is the impression that has been conveyed to the market committee, because the great majority of the market gardeners state their desire not to remain in the market longer than is absolutely necessary for the sale of their produce ; and it could scarcely be an advantage to the city to have a void space in its centre unused throughout the day, when, by allowing the hay salesmen to occupy it, business could be transacted there. If it were a fact that the majority of the market gardeners, or a very large number of them, wished to occupy the market, it would be retained for them for as long as they should think proper to stay. The intention of the market committee has always been to keep as much space as they required open to them, and for as long a time as they desired to occupy it.

642. *By the Chairman.*—Has that been made known to them? because some of them positively deny any knowledge of it?—Yes ; and I have no hesitation in saying that, if it had been represented that one shed was not sufficient for them, more sheds would have been kept for their use. The view of the market committee has been that, as a great majority of the carts would have left the market by a certain hour, it would be no advantage to these men to leave them dotted at long intervals on so large a space, but that it would be more conducive to the transaction of business to bring them to one spot, where the public could look at all their produce together.

643. *By Mr. Lowe.*—What is the fee for a load of hay?—One shilling.

644. *By the Chairman.*—The gardeners have asked, nearly every one of them, that they should have the market to themselves on the Wednesdays and Saturdays. Could any other place be arranged for the hay carts on these days to let them have the market to themselves on those days?—I would have no hesitation in saying, on behalf of the corporation, though I have no instruction upon the subject, that, if the market gardeners will put down their names to an

undertaking that they will remain in the market and sell their produce, places shall be kept for them for as long as they like to stay, and on as many days as they like in the week. If they choose to come in on six days in the week instead of two, as at present, there shall be space kept for them, save this—that, at two o'clock on Saturdays they will be requested to make room for the night market. If the market gardeners will sign an undertaking to remain in the market and sell their produce at first hand, and not to middlemen, they shall have standings as long as ever they like to occupy them, and shall not be interfered with in any way whatever.

E. G. FITZGIBBON,
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645. Could you give the committee the area of the different markets in the city?—The Western Market is one acre two roods twenty-six perches; the Eastern Market two acres, one rood, and twenty perches; the Northern two acres and thirty-four perches; the East Melbourne three acres three roods; Spencer-street two acres one rood twenty perches; the Vegetable Market, in Elizabeth-street, opposite the Stork Hotel, two acres one rood twenty-one perches, not quite so large as the Eastern Market; the Fish Market, at Prince's Bridge, is twenty-eight roods and three-quarters, and there is the Horse Market, near the University, of twenty acres.

646. By what authority has the corporation, in its scale of market charges, deviated from the terms of the 1st Schedule to the Consolidated Market Statute of last Session of Parliament?—The market dues were fixed by bye-law before the passing of the Act of last session, namely, in 1849, under an Act (6 Vic., No. 18) not included in the 1st Schedule to the Act of last session, but in the 5th Schedule to that statute, which contains a list of Acts declared specially by the 47th not to be repealed or altered by the statute. [*The witness subsequently sent in to the committee the statements printed as appendices A, B, and C.*

The witness withdrew.

APPENDICES.

APPENDIX A.

PRICES ruling in the Melbourne General Markets, as shown by *The Port Phillip Herald* of 5th March, 1849, contrasted with the Prices as stated in the *Argus* of 6th March, 1865.

	5th March, 1849.	6th March, 1865.
VEGETABLES.		
Potatoes (wholesale)	£5 per ton	£6 per ton.
French beans	2d. to 4d. per lb.	3d. to 4½d. per lb.
Peas	3d. per quart	4d. per lb.
Onions	1½d. per bunch	1d. per bunch.
Dried onions	5s. to 6s. per cwt.	10s. to 13s. per cwt.
Turnips	1½d. per bunch	1½d. to 2½d. per bunch.
Carrots	1½d. per bunch	1d. to 1½d.
Rhubarb	2d. to 4d. per bunch	1d. per bunch.
Cabbages	1d. to 2d. each	2½d. to 1s. each.
Lettuces	1½d. each	1d. to 3d. each.
Cucumbers	1½d. to 3d. each	1d. to 5d. each.
Cut flowers	2d. to 4d. per bunch	6d. to 1s. per bunch.
Beet ... ..	... ..	9d. to 1s. per dozen.
Celery ... ..	... ..	3s. to 6s. per dozen.
Water cress ... ..	... ..	1s. 6d. per dozen bunches.
Garlic ... ..	... ..	3d. per lb.
Horse radish ... ..	... ..	3s. per dozen sticks.
Lavender ... ..	... ..	1s. per dozen bunches.
Marjoram ... ..	... ..	9d. per dozen bunches.
Mint ... ..	... ..	9d. per dozen bunches.
Parsley ... ..	... ..	2s. per dozen bunches.
Parsnips ... ..	... ..	1s. to 2s. 6d per dozen bunches.
Pumpkins ... ..	... ..	12s. to 30s. per dozen.
Radishes ... ..	... ..	8d. per dozen bunches.
Sage ... ..	... ..	9d. per dozen bunches.
Thyme ... ..	... ..	9d. per dozen bunches.
Tomatoes ... ..	... ..	2d. to 3d. per lb.
Vegetable Marrow ... ..	... ..	4s. to 8s. per dozen.
FRUIT.		
Almonds ... ..	... ..	5d. per lb.
Apples	3d. to 6d. per lb.	1½d. to 5d. per lb.
Damsons ... ..	... ..	4½d. per lb.
Grapes ... ..	... ..	2d. to 6d. per lb.
Water melons	4s. to 12s. per dozen	4s. to 6s. per dozen.
Rock melons	6s. to 12s. per dozen	6s. to 12s. per dozen.
Preserving melons ... ..	... ..	6s. per dozen.
Peaches	3d. to 7d. per dozen	2d. to 1s. 6d. per dozen.
Pears	3d. each	2d. to 6d. per lb.
Quinces ... ..	... ..	2d. per lb.
Mulberries	1s. 6d. per lb.	
Apricots	6d. to 1s. per lb.	
Plums	4d. to 7d. per lb.	
DAIRY PRODUCE.		
Butter	1s. to 1s. 4d. per lb.	1s. 4d. to 1s. 6d. per lb.
Butter, potted... ..	10d. to 1s. per lb.	
Cheese	5d. to 6d. per lb.	6d. to 9d. per lb.
Ducks	4s. to 5s. per pair	4s. to 5s. per pair.
Eggs	1s. 6d. per dozen	1s. 9d. to 2s. per dozen.
Geese	10s. to 12s. per pair	10s. to 12s. per pair.
Guinea fowls	5s. per pair.	
Hens	3s. to 3s. 6d. per couple	2s. 6d. to 4s. 6d. per couple.
Honey ... ..	... ..	6d. to 7d. per lb.
Pigeons	2s. per pair	2s. per pair.
Pork ... ..	... ..	6d. to 7d. per lb.
Rabbits	4s. per pair	4s. per pair.
Sucking pigs ... ..	... ..	6s. 6d. each.
Turkeys	9s. to 10s. per couple	20s. to 30s. per couple.
Ham ... ..	... ..	10d. to 1s. per lb.
Bacon ... ..	... ..	10d. to 1s. per lb.

APPENDIX B.

RETURN of the Amount of Receipts and Expenditure of the General Markets of the City of Melbourne, from the date of the Grant-in-Aid of £3,000 by Colonial Government, 31st December, 1858, to 31st August, 1864.

RECEIPTS.					EXPENDITURE.					
					£	s.	d.	£	s.	d.
1858.										
December 31.	Grant-in-Aid	...	...	...	3,000	0	0			
1859.										
January 1 to August 31.—										
	Rents and dues, Eastern Market	...	...	...	1,934	4	5			
	Ditto, Western Market	...	...	...	1,797	18	11			
	Ditto, Northern Market	...	...	...	481	3	0			
								7,213	6	4
1859.										
September 1 (1859), to February 29, 1860.—										
	Balance brought down	...	...	...	1,755	4	3			
	Receipts for half-year ending 29th February, 1860:									
	Eastern Market ...	...	...	...	2,090	15	6			
	Northern Market	...	...	...	510	11	6			
	Western Market...	...	...	...	991	1	6			
								5,347	12	9
1860.										
March 1 to August 31.—										
	Dues, &c., for half-year ending 31st August, 1860:									
	Northern Market	...	...	...	533	16	0			
	Eastern Market ...	...	...	...	2,777	1	9			
	Western Market...	...	...	...	892	10	6			
	East Melbourne Market	...	...	...	4	3	4			
								4,207	11	7
1859.										
January 1 to August.—										
	Cost of erecting sheds in Eastern Market...	...	...	...	3,621	14	2			
	Expenditure on salaries and labor, lighting, paving, and cleansing—									
	Eastern Market	...	...	...	475	17	4			
	Western Market	...	...	...	319	15	4			
	Northern Market	...	...	...	809	5	3			
	Erecting weighbridge, Northern Market	...	...	...	231	10	0			
					5,458	2	1			
	Balance	...	...	...	1,755	4	3			7,213 6 4
1859.										
September 1 (1859), to February 29, 1860.—										
	Erection of shops, Eastern Market	...	...	...	3,100	0	0			
	Ditto sheds, ditto	...	...	...	200	0	0			
	Ditto weighbridge, ditto	...	...	...	108	1	6			
	Salaries, labor, lighting, &c.	...	...	...	304	8	9			
	Ditto, Northern Market	...	...	...	100	0	0			
	Ditto, Western Market	...	...	...	152	17	7			
	Erection of weighbridge, East Melbourne Market	...	...	...	300	0	0			
					4,265	7	10			
	Balance available for general purposes of the city				1,082	4	11			5,347 12 9
1860.										
March 1 to August 31.—										
	Erection of shops, Eastern Market	...	...	...	151	0	0			
	Ditto sheds, ditto	...	...	...	367	7	0			
	Ditto weighbridge, East Melbourne Market	...	...	...	35	0	0			
	Salaries, labor, lighting, &c., Northern Market	...	...	...	100	0	0			
	Ditto, Eastern Market	...	...	...	430	14	3			
	Ditto, Western Market	...	...	...	163	5	0			
					1,247	6	3			
	Balance available for general purposes of the city				2,960	5	4			4,207 11 7

1860.							
September 1 (1860), to February 28, 1861.—							
Receipts for half-year ending 28th February, 1861:							
Northern Market	...	...	...	...	426 4 6		
Eastern Market ...	...	...	...	...	2,955 13 5		
Western Market...	...	...	...	...	813 16 3		
East Melbourne Market	...	...	...	...	14 11 8		
						4,210 5 10	
1861.							
March 1 to August 31.—							
Receipts for half-year ending 31st August, 1861:							
Northern Market	...	...	...	...	166 16 5		
Eastern Market ...	...	...	...	...	1,217 2 5		
Western Market...	...	...	...	...	278 6 4		
East Melbourne Market	...	...	...	...	4 3 4		
Rent of above from date of leasing, 1st May to 31st August, 1861	...	...	...	...	2,533 6 8		
						4,199 15 2	
1861.							
September 1 (1861), to February 28, 1862.—							
Rent of General Markets, for half-year ending 28th February, 1862						3,800 0 0	
						3,800 0 0	
1862.							
March 1 to August 31.—							
Rent of General Markets for half-year ending 31st August, 1862						3,600 0 0	
						3,600 0 0	

1860.							
September 1 (1860), to February 28, 1861.—							
Salaries, &c., Northern Market	...	...	...	...	83 6 8		
Ditto, Eastern Market	...	...	...	...	324 7 10		
Ditto, Western Market...	...	...	...	...	102 9 3		
						510 3 9	
Balance available for general purposes of the city						3,700 2 1	4,210 5 10
1861.							
March 1 to August 31.—							
Northern Market	...	...	...	...	50 0 0		
Eastern Market	...	...	...	...	138 15 7		
Western Market	...	...	...	...	57 15 0		
General Markets, labor, &c., and compensation to dismissed officers	...	...	...	...	277 15 0		
						524 5 7	
Balance available for general purposes of the city						3,675 9 7	4,199 15 2
1861.							
September 1 (1861), to February 28, 1862.—							
Erection of Sheds—Spencer street Market	...	...	...	...	340 4 0		
Labor, lighting, &c., general Markets	...	...	...	...	40 12 4		
Ditto, Eastern Market	...	...	...	...	84 0 6		
						464 16 10	
Balance available for general purposes of the city						3,335 3 2	3,800 0 0
1862.							
March 1 to August 31.—							
Lighting, &c., general Markets	...	...	...	...	167 6 6		
Labor, &c., Western Market	...	...	...	...	36 7 0		
Ditto, Spencer street Market	...	...	...	...	23 5 8		
						226 19 2	
Balance available for general purposes of the city						3,373 0 10	3,600 0 0

1864-5.

VICTORIA.

REPORT

FROM THE

COMMITTEE OF THE LEGISLATIVE COUNCIL

APPOINTED TO CONFER WITH A COMMITTEE OF A LIKE NUMBER OF THE
LEGISLATIVE ASSEMBLY ON THE AMENDMENTS

IN THE

WATER WORKS BILL;

TOGETHER WITH THE PROCEEDINGS OF THE COMMITTEE.

ORDERED BY THE COUNCIL TO BE PRINTED, 22ND AUGUST, 1865.

By Authority:

JOHN FERRES, GOVERNMENT PRINTER, MELBOURNE.

EXTRACTED FROM THE MINUTES.

WEDNESDAY, 26TH JULY, 1865.

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 to authorize Works for supplying Water to certain Districts and Places in Victoria*," and acquaint the Legislative Council that the Legislative Assembly have agreed to some of the amendments made therein by the Legislative Council, that they have disagreed to others of the said amendments, and that they have agreed to one of the said amendments with amendments, with which they desire the concurrence of the Legislative Council.

And the Legislative Assembly further acquaint the Legislative Council, that they disagree to the amendments to insert new clauses A, B, C, D, and E, for the following reasons, viz. :—

That the alteration of the limits of the district to be rated is an interference with the privileges of the Legislative Assembly.

That they disagree with the amendment to insert new clause H for the following reason:—

That the amendment giving a right of appeal against the rate is an interference with the privileges of the Legislative Assembly.

And that they disagree with the insertion of the first 13 lines of the amendment to insert new clause K for the following reason, viz. :—

That the provision therein contained interferes with the privileges of the Legislative Assembly.

Legislative Assembly Chamber,
Melbourne, 26th July, 1865.

FRANS. MURPHY,
Speaker.

WATER WORKS BILL.—The Honorable G. W. Cole moved, That the consideration of the Message from the Legislative Assembly, returning this Bill, be made an Order of the Day for Tuesday next.

Question—put and passed.

TUESDAY, 1ST AUGUST, 1865.

POSTPONEMENT.—The following Order of the Day was postponed until Wednesday, the 2nd instant :—
"Water Works Bill"—Consideration of Message from Legislative Assembly.

WEDNESDAY, 2ND AUGUST, 1865.

WATER WORKS BILL.—The Order of the Day for the consideration of the Message from the Legislative Assembly, returning this Bill, being read, the Honorable G. W. Cole moved, That the Council do not insist on the amendments with which the Legislative Assembly have disagreed.

Amendment moved by the Honorable T. H. Fellows, that the Council do insist on their amendments in the Bill, and do not agree to the amendments made by the Legislative Assembly in Clause K of the Bill, for the following reasons :—

- (1.) The Legislative Council and Legislative Assembly are the creation of an Imperial Statute, and have no powers either separately or together which are not conferred upon them by that Act.
- (2.) The First Section of the Constitution Act establishes two Houses of Legislature, and authorizes Her Majesty, with the advice and consent of those two Houses, to make laws.
- (3.) The power thus conferred equally and alike upon both Houses is, by subsequent clauses, qualified and restricted.
- (4.) By the Fifty-sixth Section, certain Bills, including "Bills for imposing any rate," must originate in the Legislative Assembly, and may be rejected, but not altered, by the Legislative Council.
- (5.) Although the power to impose a rate is incidentally contained in this Bill, it is not "a Bill for imposing a rate," as such is not its only nor even its main object.
- (6.) Excepting the Fifty-sixth Section, no other section of the Constitution Act restricts or qualifies the powers conferred by the First Section.
- (7.) By the Thirty-fifth Section of the Constitution Act, and the Act No. 1, the privileges, immunities, and powers of the Council and Assembly may be as extensive as those "held, enjoyed, and exercised" by the House of Commons on the 16th July, 1855, if not inconsistent with the Constitution Act; but there is no provision by which the two Houses are placed in the same relative position as the Houses of Lords and Commons; but, on the contrary, the privileges, immunities, and powers of either House can not exceed those of the House of Commons.
- (8.) The Thirty-fourth Section of the Constitution Act requires the observance of the rules, forms, and usages of the Imperial Parliament (so far as the same may be applicable to the proceedings of the Council and Assembly respectively), until Standing Orders are adopted as contemplated by that section.
- (9.) The purposes for which Standing Orders may be made, are as follows, viz. :—
 - 1st. The manner in which the Council and Assembly shall be presided over in case of the absence of the President or Speaker.
 - 2nd. The mode in which the Council and Assembly shall communicate.
 - 3rd. The proper passing, intituling, and numbering of Bills.
 - 4th. The proper presentation of the same to the Governor for Her Majesty's assent.
 - 5th. The consideration of all amendments proposed to be made by the Governor.
 - 6th. The due publication of all proposed proceedings in the Council and Assembly.
 - 7th. The conduct of all business and proceedings in the Council and Assembly, severally and collectively.
- (10.) The objects to be attained by adopting the Imperial "rules, forms, and usages," and the extent to which they may be applied, are thus clearly indicated.
- (11.) The Imperial "rules, forms, and usages" are such as apply to and regulate the machinery or procedure of the two Houses, and the adoption of them can neither limit nor enlarge the powers conferred upon either House by the Constitution Act.

- (12.) There is no provision in the Constitution Act which gives to the Legislative Assembly the exclusive power of determining "the limits of district to be rated."
- (13.) The second section of the Bill gives uncontrolled power to the Governor in Council to determine what shall be the area within which works shall be constructed for providing a water supply, and of imposing a rate upon the residents within such area; whereas, the amendments of the Council, as contained in clauses A, B, C, D, and E, give to the residents within any area the opportunity of first determining amongst themselves whether and within what limits they are willing to be taxed for such purposes, and also afford to the Governor in Council an opportunity of ascertaining with greater accuracy the probability of a return from the residents of such area of six per cent. on the cost of construction of such works.
- (14.) Clause F is only necessary to replace section 2, in consequence of the amendment made in it by clause A.
- (15.) The amendments in section 6 are to protect all persons in the use and enjoyment of their property and the rights pertaining to it, and to provide compensation where they are deprived of such property or rights, in accordance with a fundamental law of society.
- (16.) The new clause G is based upon the same ground as the amendments in section 6.
- (17.) With regard to the appeal provided for in clause H, it would be as unjust, as it is certainly unusual, to deprive any person of the right of appeal against what he may consider a too high valuation of his property.
- (18.) The Board ought not to be invested with arbitrary power, so as to be the sole judge of what is or is not likely to injure the water.
- (19.) The new clause I merely exempts from any rate such buildings and institutions as are exempted under the Municipal and Local Government Acts.

Question—put and passed.

The Honorable C. Sladen moved, That a Committee of six Members be appointed to confer with a Committee of like number of the Legislative Assembly on the amendments in the Bill, such Committee to consist of the following Members, viz. :—The Honorables T. H. Fellows, W. Highett, W. H. F. Mitchell, H. Miller, J. F. Strachan, and the Mover.

Question—put and passed.

The Honorable C. Sladen moved, That a special entry be made in the Journals of the House to the effect That this proceeding is adopted under a great exigency, and is not to be drawn into a precedent.

Question—put and passed.

The Honorable T. H. Fellows moved, That the following be the form of the Message to the Legislative Assembly :—

The Legislative Council acquaint the Legislative Assembly that they insist on the amendments made by the Legislative Council in the Bill intituled "*An Act to authorise Works for supplying Water to certain Districts and Places in Victoria,*" and acquaint the Legislative Assembly that they have no desire to interfere with the privileges of that House, nor do they consider that the amendments made by them in this Bill do so interfere, for the following reasons, viz. :—

[See Reasons as set out above.]

The Legislative Council also acquaint the Legislative Assembly that they have appointed a Committee of six Members to confer with a Committee of a like number of the Legislative Assembly on the amendments in the Bill, and request the Legislative Assembly to appoint a Committee of that House to confer with such Committee.

Question—put and passed.

TUESDAY, 8TH AUGUST, 1865.

WATER WORKS BILL—COMMITTEE TO CONFER ON AMENDMENTS IN.—The Honorable C. Sladen, with leave of the Council, moved, without notice, That the Honorable W. H. F. Mitchell be discharged from attendance at the Committee appointed to confer with a Committee of a like number of the Legislative Assembly on the amendments in the Water Works Bill, and that the Honorable S. G. Henty be appointed a Member of the said Committee.

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 acquaint the Legislative Council that, in response to the invitation of the Legislative Council, the Legislative Assembly have appointed a Committee, consisting of six Members, to confer with the Committee of the Legislative Council upon the subjects indicated in the Message from the Legislative Council with regard to the Water Works Bill.

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.

FRANS. MURPHY,
Speaker.

Legislative Assembly Chamber,
Melbourne, 8th August, 1865.

WATER WORKS BILL.—MEETING OF COMMITTEE TO CONFER.—The Honorable T. H. Fellows moved, That the Committee appointed to confer on the amendments in the Water Works Bill be empowered to meet on days on which the Council does not sit.

Question—put and passed.

The Honorable T. H. Fellows moved, That the Committee be empowered to sit, in the first instance, on Wednesday, the 9th instant, at three o'clock, in the Parliament Library.

Question—put and passed.

Ordered—That a Message be sent to the Legislative Assembly to acquaint them that the Committee appointed by the Council to confer on the amendments in the Water Works Bill is empowered to sit on days on which the Council does not sit, and that the said Committee is empowered to meet, in the first instance, on Wednesday, the 9th instant, at three o'clock, in the Parliament Library.

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 power to the Committee of the Legislative Assembly appointed to confer with the Committee of the Legislative Council on the amendments on the Water Works Bill, to meet on Wednesday, the 9th instant, at three o'clock p.m., in the Parliament Library.

FRANS. MURPHY,
Speaker.

Legislative Assembly Chamber,
Melbourne, 8th August, 1865.

TUESDAY, 22ND AUGUST, 1865.

WATER WORKS BILL—COMMITTEE TO CONFER ON AMENDMENTS IN.—The Honorable T. H. Fellows brought up a Report of the Proceedings of the Committee appointed to confer with a like number of the Legislative Assembly on the amendments in this Bill.

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

THE COMMITTEE, appointed by your Honorable House to confer with a Committee of a like number of the Legislative Assembly on the Amendments in the Water Works Bill, have the honor to report as follows :—

1. Your Committee have conferred with the Committee of the Legislative Assembly on the subject of the said amendments, and have interchanged arguments in support of their respective views, and your Committee append to this Report the Shorthand Writer's notes of those arguments.

2. Your Committee regret to be able to state their belief, that neither Committee have succeeded in convincing the other of the correctness of the position assumed by either House in regard to the alteration of Bills by the Legislative Council.

3. Your Committee think it would be unbecoming in them to express any opinion upon the comparative weight or value of the arguments advanced at the Conference.

4. Your Committee, however, have the satisfaction of reporting that both Committees have agreed as to the advisability of certain amendments in the Bill, which, consistently with the practice of either House, cannot now be made.

5. Your Committee, therefore, recommend that your Honorable House should agree to the amendments made by the Legislative Assembly upon the amendments of your Honorable House ; that your Honorable House should insist on the amendments in clause 6, and on the amendment to insert clause G, and should not insist on the other amendments which have been disagreed to.

The Honorable T. H. Fellows moved, That the Report be printed.

Question—put and passed.

The Honorable T. H. Fellows moved, That the Bill be returned to the Legislative Assembly with a Message, acquainting them, that the Council agree to the amendments made by the Legislative Assembly upon the amendments made by the Legislative Council ; that they insist on the amendments in clause 6, and on the amendment to insert clause G, and do not insist on the other amendments which have been disagreed to.

Question—put and passed.

WATER WORKS BILL.

*Amendments by the Legislative Council.**

Considered by Legislative Assembly,
25th July, 1865,
and—

After clause 1 insert new clauses A B C D E :—

Petition for the benefit of this Act.

A. If not less than five hundred of the inhabitant householders resident within any area shall sign and cause to be presented to the Governor a petition setting forth accurately the boundaries of such area and praying that it may be constituted a district under this Act and if within one month next after the publication of such petition as hereinafter mentioned an equal or greater number of inhabitant householders resident within such boundaries shall not have signed and caused to be presented to the Governor a petition praying him not to grant the prayer of such first-mentioned petition it shall be lawful for the Governor in Council to constitute such area or any portion thereof a district within the meaning of this Act.

Disagreed to.

Signatures to be verified.

B. The signatures so appended to any petition for or against any such constitution as last aforesaid shall be verified by the solemn declaration (appended thereto) of some person or persons residing within the boundaries aforesaid in the form and to the effect set forth in the schedule to this Act and signed by such person or persons and if any person shall make any such declaration falsely or shall forge any such petition or signature or declaration or utter any such petition signature or declaration being forged knowing the same to be forged he shall be guilty of a misdemeanor.

Disagreed to.

Notice of petition to be gazetted.

C. Notice of every petition for the constitution of a district under this Act and of the time when it shall please the Governor to order that the same be taken into consideration by the Executive Council shall be published in the *Government Gazette* by the minister for the time being administering this Act one month at least before such petition shall be so considered.

Disagreed to.

Signatures and other matter may be inquired into.

D. If it shall be credibly represented to such minister that any of the signatures to any Petition under this Act are not the signatures of the persons whose they purport to be or that any of such signatures are those of persons not being inhabitant householders within the boundaries aforesaid or that in any other respect this Act has not been complied with or if it shall seem expedient to ascertain the truth of any matter to which such petition shall refer it shall be lawful for such minister to cause such inquiry to be made with respect to the particulars aforesaid as may seem necessary in that behalf and the consideration of the matter by the Governor in Council shall be postponed accordingly.

Disagree

Evidence to be taken on such inquiry.

E. For the purpose of every such inquiry it shall be lawful for such one or more persons as the minister aforesaid shall appoint in that behalf to hear receive and examine evidence and by summons under his or their hands to require all such persons as he or they may think fit to appear personally before him or them at a time and place to be fixed in and by such summons and to produce to him or them all such books and papers in their possession or under their control as may appear necessary for their examination.

Clause 2, leave out all words to "extended" in line 12, and insert "In every order by which a district is constituted the boundaries of the district shall be, accurately set forth but."

Disagreed to.

Clause 2, line 15, omit "such," and insert "the," and after "works" insert "for supplying water to such district."

Clause 2, line 17, leave out "or place."

After Clause 2 insert new Clause F :—

Waterworks may be constructed.

F. It shall be lawful for the Board of Land and Works to construct complete and extend such works for supplying water to any district constituted under this Act as may from time to time by order of the Governor in Council to be published in the *Government Gazette* be directed to be constructed completed or extended.

Clause 6, line 42, leave out "and," and insert "but so nevertheless that the average quantity of water which at the time of the passing of this Act has usually flowed or stood in any such river stream or watercourse between the last day of October in any year and the first day of June in the following year shall at all times flow or stand in such river stream or watercourse and the said board may."

Disagreed to.

Clause 6, line 43, leave out "and may do all things necessary for any of the purposes aforesaid."

Clause 6, add to end of clause "Provided always that nothing herein contained shall authorise the said board to cut off or divert water from any river stream or watercourse supplying any dam or reservoir constructed before the passing of this Act without making due compensation for the damage caused thereby."

* On which the Committee of the Council were empowered to confer.

After clause 6 insert new clause—

Compensation.

G. If such average quantity as aforesaid shall not by reason of such taking or diversion as hereinbefore mentioned at all times flow or stand in any such river stream or watercourse the said board shall from time to time be liable to make compensation for the damage or injury occasioned by the want of such water and notwithstanding the provisions hereinbefore contained the said board shall make compensation to every person interested in any mill built before the presentation of the petition and damaged or injuriously affected by the execution of any work authorised by this Act and in any of the cases aforesaid the amount of compensation shall be ascertained in the manner provided by Part VII. of "The Public Works Statute 1865."

Clause 7, line 3 (p. 3), leave out "and for determining the limits of the district to be rated for any such works."

Disagreed to

Clause 7, line 5, leave out "all or some of," and leave out "lands and tenements," and insert "land."

Clause 7, line 14, leave out "lands or tenements," and insert "land."

Clause 7, line 15, leave out "lands and tenements," and insert "land."

Clause 7, line 16, leave out "Corporation."

Clause 7, line 17, leave out "lands or tenements," and insert "land."

Clause 7, line 18, leave out "are," insert "is."

Clause 7, line 19, leave out "subject to review and alteration by a police magistrate on appeal by any owner or occupier."

After clause 7 insert new clause H.

Publication of and appeal against rates.

H. Notice of every rate made under this Act and of some place within the district at which the same is and will be open for inspection shall be advertised by the Board of Land and Works in some newspaper published in the district or if there be no newspaper published in the district then in some newspaper circulating therein and such rate shall be open for inspection accordingly and if any person shall think himself aggrieved by such rate on the ground of inequality unfairness or incorrectness in the valuation of any rateable property included therein or in the amount assessed thereon or upon the ground that his land is not liable to be rated under this Act he may at any time within one month after such advertisement as aforesaid appeal to the justices in the court of petty sessions holden nearest to such property but no such appeal shall be entertained by such justices unless fourteen days' notice in writing of such appeal be given by the aggrieved party to the Board of Land and Works and at the Sessions for which such notice is given or any adjournment thereof the justices there present shall hear and determine all objections to any such rate on the ground of which notice has been given but no other objection and their decision shall be final.

Disagreed to.

Clause 8, line 29, leave out "a police magistrate," and insert "any two justices."

Clause 10, line 4 (p. 4), leave out "or care taker."

Clause 10, line 11, leave out "or care taker."

Clause 11, line 30, leave out "schedule hereto mentioned," and insert "colony."

Clause 15, line 40, leave out "which in the opinion of the board is."

After clause 15 insert new clauses I and K :—

Exemption from rates under this Act.

I. No rate under this Act shall be made or levied upon any hospitals benevolent institutions or buildings used exclusively for public charitable purposes churches chapels or other buildings used exclusively for public worship dwellings of ministers of religious denominations buildings used as schools provided they be inhabited only by the master or the mistress of such schools or his or her family and be schools receiving aid from the Government or otherwise of a public character nor upon any land unless such land shall be actually improved by the works executed under this Act or be thereby rendered capable of more beneficial occupation regard being had to the outlay necessary for that purpose.

Disagreed to.

Compensation to existing water companies.

K. The powers conferred by this Act shall not be exercised within the limits of any place supplied with water by any company established under any Act of the Parliament of Victoria until such company shall have been compensated for the injury which shall be occasioned to it by the exercise of the said powers But it shall be lawful for any such company at any time with the consent of a majority of votes of the shareholders present in person or by proxy or by attorney at any general meeting specially convened for the purpose to sell to the Board of Land and Works and for such Board to purchase all or any part of the undertaking lands works and property of any such company upon such terms and conditions as may be mutually agreed upon.

Agreed to with the following amendments: Omit all words to "But" inclusive in line 4. Line 5, omit "such," and after "company" insert "established for supplying any place with water." Line 7, omit "such," insert "the" and after "Board," insert "of Land and Works (in case it should appear to such Board equitable or advantageous so to do.)"

Leave out schedule and insert new schedule—

I A.B. do solemnly and sincerely declare that all the signatures [or if the case so require such and such signatures describing them as initialed or otherwise marked by each declarant] affixed to the above petition are the genuine signatures of the persons whose they purport to be, and that such persons are inhabitant householders of the area therein referred to.

Disagreed to.

REPORT.

THE COMMITTEE, appointed by Your Honorable House to confer with a Committee of a like number of the Legislative Assembly on the amendments in the Water Works Bill, have the honor to report as follows:—

1. Your Committee have conferred with the Committee of the Legislative Assembly on the subject of the said amendments, and have interchanged arguments in support of their respective views, and your Committee append to this Report the Shorthand Writer's notes of those arguments.

2. Your Committee regret to be able to state their belief, that neither Committee have succeeded in convincing the other of the correctness of the position assumed by either House in regard to the alteration of Bills by the Legislative Council.

3. Your Committee think it would be unbecoming in them to express any opinion upon the comparative weight or value of the arguments advanced at the Conference.

4. Your Committee, however, have the satisfaction of reporting that both Committees have agreed as to the advisability of certain amendments in the Bill, which, consistently with the practice of either House, cannot now be made.

5. Your Committee, therefore, recommend that your Honorable House should agree to the amendments made by the Legislative Assembly upon the amendments of your Honorable House; that your Honorable House should insist on the amendments in Clause 6, and on the amendment to insert Clause G, and should not insist on the other amendments which have been disagreed to.

PROCEEDINGS OF COMMITTEE.

WEDNESDAY, 9TH AUGUST, 1865.

Present :

Legislative Council.
The Hon. S. G. Henty
C. Sladen
J. F. Strachan
W. Highett
H. Miller
T. H. Fellows.

Legislative Assembly.
Mr. Michie
Mr. Higinbotham
Mr. Sullivan
Mr. Macgregor
Mr. Berry
Mr. Bindon.

The Government Shorthand Writer was directed to attend the Committees.
Mr. Michie suggested that the Committee of the Council should open the proceedings.
The Honorable T. H. Fellows suggested that, as the Assembly had begun by asserting privileges, it would perhaps be better for the Committee of the Assembly to explain the claims to those privileges.
The Conference then took place as detailed in the notes of the Shorthand Writer.
Mr. Michie addressed the Committees.
The Honorable T. H. Fellows addressed the Committees.
Adjourned until Thursday the 10th instant, at a quarter past three o'clock.

THURSDAY, 10TH AUGUST, 1865.

Present :

Legislative Council.
The Hon. T. H. Fellows
W. Highett
S. G. Henty
H. Miller
J. F. Strachan
C. Sladen.

Legislative Assembly.
Mr. Michie
Mr. Higinbotham
Mr. Sullivan
Mr. Macgregor
Mr. Berry
Mr. Bindon.

The Honorable T. H. Fellows addressed the Committees.
Mr. Higinbotham addressed the Committees.
The Honorable C. Sladen addressed the Committees.
Mr. Michie addressed the Committees.
After further conference, the Committees adjourned until three o'clock on Monday next.

MONDAY, 14TH AUGUST, 1865.

Present :

Legislative Council.
The Hon. T. H. Fellows
W. Highett
S. G. Henty
H. Miller
J. F. Strachan
C. Sladen.

Legislative Assembly.
Mr. Michie
Mr. Higinbotham
Mr. Bindon
Mr. Sullivan
Mr. Macgregor
Mr. Berry.

Mr. Michie informed the Committees that, in correcting the report of his speech, as supplied to him, he had found it necessary to make a few corrections in the mode of expression, but that he had made no substantial alterations.

An understanding was arrived at, that it should be competent for each speaker to act in a similar manner.
The Honorable W. Highett addressed the Committees.
Mr. Bindon addressed the Committees.
The Honorable J. F. Strachan addressed the Committees.
Mr. Macgregor addressed the Committees.
After further conference, Mr. Sullivan addressed the Committees.
After further conference, the Committees adjourned until Wednesday next at two o'clock.

WEDNESDAY, 16TH AUGUST, 1865.

Present :

Legislative Council.
The Hon. T. H. Fellows
W. Highett
S. G. Henty
H. Miller
J. F. Strachan
C. Sladen.

Legislative Assembly.
Mr. Higinbotham
Mr. Berry
Mr. Macgregor
Mr. Sullivan
Mr. Michie
Mr. Bindon.

The Honorable W. Highett addressed the Committees.
The Honorable H. Miller addressed the Committees.
Mr. Berry addressed the Committees.
Mr. Higinbotham addressed the Committees.
After further conference, the Committees adjourned until Thursday the 17th instant, at three o'clock.

THURSDAY, 17TH AUGUST, 1865.*Present:*

Legislative Council.
The Hon. C. Sladen
S. G. Henty
J. F. Strachan
W. Highett
H. Miller
T. H. Fellows.

Legislative Assembly.
Mr. Michie
Mr. Higinbotham
Mr. Sullivan
Mr. Macgregor
Mr. Berry
Mr. Bindon.

The Honorable W. Highett addressed the Committees.
After conference, the Honorable C. Sladen addressed the Committees.
Mr. Macgregor addressed the Committees.
Mr. Sullivan addressed the Committees.
The Committees finally conferred.

MINUTES OF PROCEEDINGS

AT THE CONFERENCE BETWEEN THE COMMITTEES RESPECTIVELY OF
THE LEGISLATIVE COUNCIL AND LEGISLATIVE ASSEMBLY ON THE
AMENDMENTS MADE BY THE LEGISLATIVE COUNCIL IN THE WATER
WORKS BILL, DISAGREED TO BY THE LEGISLATIVE ASSEMBLY, AND
INSISTED ON BY THE LEGISLATIVE COUNCIL.

WEDNESDAY, 9TH AUGUST, 1865.

Present :

THE COMMITTEE OF THE LEGISLATIVE COUNCIL.

The Hon. T. H. Fellows,
The Hon. W. Highett,
The Hon. S. G. Henty,
The Hon. H. Miller,
The Hon. J. F. Strachan,
The Hon. C. Sladen.

THE COMMITTEE OF THE LEGISLATIVE ASSEMBLY.

Mr. Michie,
Mr. Bindon,
Mr. Higinbotham,
Mr. Macgregor,
Mr. Berry,
Mr. Sullivan.

The Hon. T. H. Fellows : It would strike me, that as the Assembly asserts the privileges, the onus of establishing them would be rather on their side than ours. On the 26th July they asserted that the alteration was an interference with their privileges. The Council reply to that, setting out reasons no doubt. I do not wish to insist upon any particular rule, but it would appear to be almost a negative we have to establish on our side. There has been no exchange of reasons.

Mr. Michie : The order that occurred to me as the most convenient was this : seeing that the originating of this Conference is with the Legislative Council, and reasons are submitted here *seriatim*, the reasonable course would be, that arguments in support of these reasons should be submitted. By analogy, these reasons should be considered so many counts in respect of which certain arguments should be offered in support of them ; as, before I hear what the arguments are in support of these reasons I receive them as so many assertions only.

The Hon. T. H. Fellows : That is what I am calling attention to : that the Message of the Assembly of the 26th July is the first reason. They begin the reasons, and therefore should begin the support of them.

Mr. Michie : I have no desire to stand upon any form. If you desire that we should begin on our side, I have not the slightest objection.

The Hon. T. H. Fellows : Of course there will be no strict rule of debaté followed.

Mr. Michie : Then, as that appears to be the desired order of proceeding, I propose to take the reasons which are enumerated here on the paper of the 3rd of August, 1865 ; the first of which I find to be this, that "The Legislative Council and Legislative Assembly are the creation of an Imperial Statute, and have no powers, either separately or together, which are not conferred upon them by that Act."

That of course is a position that speaks for itself, and it is scarcely necessary either to admit it or deny it ; and I do not think it necessary to make any observation upon it.

The second reason is, that "The first section of the Constitution Act establishes two Houses of Legislature, and authorises Her Majesty, with the advice and consent of those two Houses, to make laws."

That seems to me to be the first reason which calls for an answer upon the part of the members of the Legislative Assembly who constitute this Committee. Now, before I come to make any observations upon it, I would submit this general consideration as the index which should guide us in the endeavor to ascertain the object and meaning of the Legislature in this Constitution Statute. No principle can be clearer than this, that a general view of Statutes reduces them, for the purpose of interpretation, into remedial and penal Statutes. This is an enabling Statute, and, I suppose, remedial to the extent that a previous insufficient form of Government should be displaced by a more efficient and satisfactory one for the then state of the colony ; and therefore, I suppose, the Act being to remedy a previous insufficient state of things, it should be regarded as a remedial Act. Then this inference should necessarily follow, that it must have a large and reasonable interpretation, always of course according to the apparent intention of the framers, the creating Legislature, to enable the Act to have effect given to it.

With that general observation, I approach the consideration of this second reason. I may admit it at once that the two Houses of Legislature are authorised to make laws—and the only question as to this reason is, "what are laws" for the purpose of dealing with the matters now before us? It being conceded that it is the function of the two Houses to make laws, it then becomes a point of controversy as to whether this expression comprehends questions relating to the imposition of a tax or matters relating to finance. Now I would particularly call the attention of members of both Committees to this, because I have not as yet met with any answer to the position I am about to state—not for the first time—with respect to this constitutional question, "What is strictly the business of legislation." I say *in limine* it is no part of the business of legislation the matter of supply or the imposition of a tax. For this I have various authorities, to which I will call the attention of the two Committees. I shall refer to two or three short passages in *Hatsell* for the purpose of making good this position, and afterwards to May's Treatise upon the Constitutional History of England. In the third volume

of *Hatsell*, page 46, of the edition of 1785, this passage will be found—"Each House has a right to originate and to pass such Bills as to them may seem proper; except that the Lords have, as appears from several of the instances, claimed the exclusive right that Bills for restitution of honors, or in blood, should commence with them; and the House of Commons have, on their part, asserted, and I believe invariably preserved the exclusive exercise of the right: 'That Bills of Supply, imposing burthens upon the people, should be the grant of the Commons; and that the Lords should have no other voice than as one branch of the Legislature, by their assent to give the authority of a law to the levying of those aids and taxes which the Commons shall think wise and fitting to impose.' Other Bills of what kind soever, whether relating to the Parliament itself or to either House separately, may have their commencement indifferently in either House." In a further passage of the same volume, at page 274 of this edition, it is said—"The said Act for raising money by a Poll, being an Act for the raising and levying of money upon the subjects of this realm, for an aid to the King and Queen towards the reducing of Ireland, the money and aid to be so raised and levied, and all money, aids, and taxes to be raised or charged upon the subjects in Parliament, are the gift and grant of the Commons in Parliament, and presented by the Commons in Parliament, and are, and always have been, and ought to be, by the constitution and ancient course and laws of Parliament, and by the ancient and undoubted rights of the Commons of England, the sole and entire gift, grant, and present of the Commons in Parliament; and to be laid, rated, raised, collected, paid, levied, and returned for the public service and use of the Government as the Commons shall direct, limit, appoint, and modify the same; and the Lords are not to alter such gift, grant, limitation, appointment, or modification of the Commons in any part or circumstance, or otherwise to interpose in such Bills, than to pass or reject the same for the whole, without any alteration or amendment, though in ease of the subjects. As the Kings and Queens, by the constitution and laws of Parliament, are to take all, or leave all in such gifts, grants, and presents from the Commons, and cannot take part, and leave part; so are the Lords to pass all, or reject all without diminution or alteration." At an earlier page, 90, of the same volume, is this passage:—"On the 22nd of June, 1678, the Lords amend the Bill for granting a supply to His Majesty for enabling him to disband his forces: to these amendments the Commons disagree. See the reasons on the 25th; see also the 26th and 28th of June, and 1st, 2nd, and 3rd of July, on the last of which days the Commons came to the resolution 'That all aids and supplies'—this is the resolution of the Commons—'That all aids and supplies, and aids to His Majesty in Parliament, are the sole gift of the Commons; and all Bills for the granting of any such aids and supplies ought to begin with the Commons; and that it is the undoubted and sole right of the Commons to direct, limit, and appoint in such Bills, the ends, purposes, considerations, conditions, limitations, and qualifications of such grants, which ought not to be changed or altered by the House of Lords.'" I find that the positions conveyed by those resolutions coming down to us through a long course of years, are reiterated, in substance, by a speech made by Lord Chatham, a high authority upon subjects of this kind, in which he says this—"Taxation is no part of the governing or legislating power," which goes direct to the point, that it is no part of the ordinary business of making a law. That disposes of much, as it seems to me, of the argument arising out of the alleged co-ordination of authority between the two Houses, as I do not controvert the position that there may be co-ordinate authority under the first clause of the Constitution Act for the making of ordinary laws, but all co-ordinate authority I submit goes to that point and ceases at that point; and if Lord Chatham is correct in using this expression, "Taxation is no part of the governing or legislating power," then it

appears to me that this argument irresistibly follows, that the Legislative Council, assuming for the purpose of argument at this stage, that there is a sufficiently intimate relation between the Legislative Council and Legislative Assembly here, and the House of Lords and House of Commons to make the constitutional authorities applicable to them a guide to us, assuming that, it seems to me that this conclusion follows, that if taxation be no part of legislation, it is merely of course another mode of repeating the expressions used in the earlier authorities, that taxation is the free gift of the Commons, that it is no part of the business of law making, and that the Assembly insisting upon that point, do not exclude the Council from or deprive them of any power that they possess, but say that they never possessed this power. The Constitution never gave them this power; never permitted them to have anything to do with the subject of taxation beyond requiring that, inasmuch as all taxation of course must be legal, the assent of the House of Lords on the one hand, or the Council in this Colony on the other, shall be given in order to give to the taxation the authority of law; and that, too, although the language in the clause to which I shall presently call attention, the fifty-sixth clause, is, that the Legislative Council may reject, not alter. The authority to reject in the Constitution Act must be read with this limitation; that they can legally but not constitutionally reject, for as they cannot be seized of the thing at all to give their assent without their having the power of rejecting, appropriate language has been used under these circumstances. Otherwise of course, this absurdity would follow, that in the same breath in which the creating Legislature has said, that not the minutest tittle shall be altered, yet the largest power of rejecting the whole is given. The proper limitation of that term "rejected" is the limitation I have already proposed, namely, that as it is sent up to them they have the power, being seized of the thing of rejecting, if they choose to exercise that power, but it is unconstitutional for them to do so, and for the reason, that taxation is no part of legislation, and therefore it may be admitted upon the part of the Assembly, that the Houses may have co-ordinate authority upon matters of legislation, but that co-ordinate authority does not travel into what is not matter of legislation, and taxation is not matter of legislation.

The next reason rendered here is "The power thus conferred equally and alike upon both Houses is, by subsequent clauses, qualified and restricted." There is no doubt it is so, and the stater of the reasons proceeds to submit: "By the fifty-sixth section, certain Bills, including Bills for imposing any rate must originate in the Legislative Assembly, and may be rejected, but not altered, by the Legislative Council." The third reason is one which, being of course self-evident, it is not necessary that I should observe on it. I proceed, therefore, to group these three reasons, the third, fourth, and fifth together; the fifth being this: "Although the power to impose a rate is incidentally contained in this Bill, it is not 'a Bill for imposing a rate,' as such is not its only, nor even its main object." I have already partially indicated the conclusion to which my own mind is forced as to the proper interpretation of the word "rejected," and I now submit to honorable members of the Committee on the other side this conclusion for them to meet. If further argument in support of the view I take as to the limited interpretation that is to be put upon this word "rejected" in this fifty-sixth clause be needed. I apprehend we are unanimous in both Committees here that the creating Legislature never intended to stultify itself by saying "Yes" and "No" to the same proposal almost in the same words, and yet we can scarcely stop short of that position unless we are to adopt the limited construction of the word "rejected" for which I am now contending. If the larger construction which has been contended for in the Legislative Council be admitted, this preposterous conclusion must follow that if the

Legislative Council have a right to reject once, they have a right to reject twice, three, or a hundred times. A right of course is a right properly exercisable a thousand times if exercisable once. It either is or is not a right. If it be no right, *cadit questio*, if it be a right, it is exercisable a hundred times; and then if a money measure was sent up from the Assembly to the Legislative Council a hundred times in succession, it might be rejected a hundred times by the Council; and then what would follow—that, although the same clause has said that they shall not alter, but may reject, they would at length, by this protracted and circuitous process, of successive rejections, reject plan after plan, until they had effected the thing precisely in the shape they desired; so that, thus the Legislative Council would be enabled, by a circuitous process, to initiate the taxation, which, in express terms, in the same clause is denied to them. I very specially beg the attention of honorable members upon the Committee of the Legislative Council to this consideration, in order that we may have, if it admit of it, a satisfactory and convincing answer. I have submitted two constructions of this word “reject:” a more limited construction, and a less limited or absolute construction, in which “reject” shall have put upon it the popular sense. I hope that I shall hear some answer as to how that conclusion which I have shown must necessarily result here is avoidable, that if a proposition of taxation could be rejected once it could be rejected a hundred times; and in the successive processes of rejection, the Council intimating what was repugnant to their feelings as to taxation until there was no taxation at all, or the other alternative of their having a proposition submitted to them of which they approve. By this *reductio ad absurdum*, the result, as I submit, of an absurd and untenable construction, I am forced to the construction which is not only in itself a more reasonable one, but which is the one also borne out by the language of these very authorities to which I have called the attention of honorable members; in this Statute the creators of our constitution have selected the very word “reject,” as if they were desirous, that a word which had been the subject of judicial consideration, so to speak, in the parliamentary authorities at home should be employed here in the same constitutional sense as at home, and we find that this word never has received the interpretation in either House that there was in the House of Lords an absolute right to reject a Money Bill, exercisable as in ordinary cases of rejection of ordinary legislation; but that, as *May* says, all that the proposal for taxation shall receive—the sanction and authority of a law—and only for that bare purpose is the power of rejection given.

The fifth reason proposes a distinction between what are ordinarily considered as Money Bills and those which are not ostensibly Money Bills. The fifth reason is in these terms:—“Although the power to impose a rate is incidentally contained in this Bill, it is not ‘a Bill for imposing a rate,’ as such is not its only nor even its main object.” Now, I join issue with the proposition contained in this fifth reason; it is not only a violation of reason, but a violation of language, to say that, because a Bill (to use the expression of this fifth reason) merely “incidentally” involves a rate or tax, as distinguished from a Bill for imposing a rate, therefore a Bill so distinguished as incidentally imposing a rate is not a Money Bill. I contend that it is not necessary that it should be either its only or even its main object to constitute it a Money Bill. Supposing a Bill be a Bill for ten objects, and only the ninth or tenth imposes a rate. Supposing a man with a pen in his hand had to describe the objects of that Bill in the title or name of it in answer to the question, “What is that Bill for?” In other words, “What provisions, or powers, authorities, or duties, does it prescribe?” I apprehend that, accurately to describe the Bill, the man would be compelled to say, “It is a Bill for so-and-so, and for so-and-so, and for so-and-so, and for so-and-so.” If he gave the full list, it might be a prolix description,

but when we are testing the merits of this reason we must resort to prolixities, and it would not accurately describe the Bill to any casual listener to say—“It is a Bill for the providing of better water supply to the colony and for other purposes,” but he would have to say—“It is a Bill for the more adequate provision of water supply to the colony, and for so-and-so, and for the imposition of a rate;” and if it be for the purpose of the imposition of a rate, amongst others, is it not a Bill for the imposition of a rate? It is assumed here that because there are other objects, and, it may be, much more conspicuous objects than rating, it is not a Bill for rating. It is a Bill for rating just as much as for anything else, and it is assumed in the phraseology of this fifth reason that, to constitute an accurate description of a Bill for a particular purpose that must be its sole purpose, or its most prominent purpose, which is, I submit, begging the whole question. It is not the less a Bill for an inconspicuous purpose, or to use the word here “incidental” purpose, because it is a Bill for some other and more conspicuous purpose too, and it may be only in relation substantially to some portions of the Bill it is a Money Bill, and with respect to other matters it may be an ordinary Bill. In that case it might not, perhaps, be very unreasonable for it to be contended that, in so far as contained the subject matter of ordinary legislation, the House of Lords or the Legislative Council have as much right to have a co-ordinate voice in legislation as the House of Commons or the Assembly. That to that extent their authorities are co-ordinate; yet, when you come to the money portions, it is a Money Bill for those purposes, and to be respected accordingly by the House of Lords or Legislative Council in those particulars.

Now that that is the most reasonable conclusion and construction to which we can arrive, is, I think, to be seen in this, that if the framer of this reason is put to justify all the extremities that will result from his own position he will see that he is placed here in a very considerable difficulty. With respect to this fifth reason, it is necessary, for the purpose of this particular argument, that I should just glance by anticipation here at the reference in the sixth reason to the fifty-sixth section; “Excepting the fifty-sixth section, no other section of the Constitution Act restricts or qualifies the powers conferred by the first section.” There is a great oversight there, that of the fifty-seventh clause of the Constitution Act, because it must be read *in pari materia* with the fifty-sixth section, and as qualifying it to a certain extent. The language of the fifty-seventh section is this, “It shall not be lawful for the Legislative Assembly to originate or pass any vote resolution or Bill for the appropriation of any part of the said consolidated revenue fund or of any other duty rate tax rent return or impost for any purpose which shall not have been first recommended by a Message of the Governor to the Legislative Assembly during the session in which such vote resolution or Bill shall be passed.” Now we may read the fifty-sixth and fifty-seventh clauses together. I will, at the outset, for the sake of argument, admit the fifth reason as a sound position, just to see what it comes to in the results. If that is not a Money Bill in any respect, it is a Bill which of course could be introduced equally in the Legislative Council, as in the Legislative Assembly. That conclusion follows of course. I am now admitting that this is not a Money Bill as I understand to be contended for; and if it is not a Money Bill, it is amongst the “other Bills;” it is a Bill of some other kind. “Other Bills,” says *Hatsell*, “of what kind soever, whether relating to the Parliament itself or to either House, may have their commencement indifferently in either House.” Then it is plain that this Bill could be introduced in the Legislative Council, and also that it could be introduced in the Legislative Council without a Message imposed by the fifty-seventh clause upon Bills introduced into the Assembly.

The Hon. T. H. Fellows: There was no Message in this case, was there?

Mr. Berry: Yes, it was introduced by Message from the Governor.

Mr. Higginbotham: The objection was taken and the original Bill was dropped, and a Message brought down.

Mr. Michie: It is obvious now that we have got to this stage, that, according to what is understood to be the argument upon the other side, a Bill which merely incidentally involves taxation is not a Money Bill for any purpose, and comes, under the authority in *Hatsell*, as one which may be equally introduced in the Council or in the Assembly, and that being so, it can be introduced in the Council without any Message from the Governor. Then what, as it appears to me, preposterous consequences would ensue from such a position as that? That nothing would be easier than for the Council or the House of Lords to disguise various subjects of taxation under a Bill having other more conspicuous objects upon its face, and disguising those apparently subordinate subjects of taxation under the more conspicuous subjects—might possess themselves of the very power which is never contended to be possessed by the House of Lords at home, and which is expressly denied by the Constitution Act to the Legislative Council here. As it seems to me, if this be not a Money Bill for any purpose whatsoever, the Legislative Council could introduce this same Bill in the Council, and it would not be required to be introduced by any Message, and it would be open to them, if there were any remonstrances of the Legislative Assembly to say, "This is not a Money Bill; this merely incidentally involves a rate; this is a Bill for some other purpose than imposing a rate; and we may introduce this equally with you; and therefore we introduce this in a form and divested of the originating authority of a Message from the Governor, which the Assembly itself could not do." It seems, therefore, that equally as in the position I contended for just now, by the circuitous process applicable to successive rejections at last bringing round to the Council the possession of the power of originating in effect we bring both that position as to the power of rejection, and this position to the *reductio ad absurdum*, and we must necessarily of course follow out all these processes of reasoning to see what the results would come to, in order to arrive as approximately as we can at what must have been the intention of the Legislature in framing this Act; because, for the purpose of many of these arguments, we must look at the creating Legislature for the character of the Constitution created here, and then read it by the best lights we can obtain from the British Constitution and the home authorities.

I proceed now to the seventh reason, which is this, "By the thirty-fifth section of the Constitution Act and the Act No. 1, the privileges, immunities, and powers of the Council and Assembly may be as extensive as those 'held, enjoyed, and exercised' by the House of Commons on the 16th July, 1855, if not inconsistent with the Constitution Act." Of course that defining Act very properly contains the expression "if not inconsistent with the Constitution Act," because, if inconsistent with the Constitution Act, it would be a Colonial Act of legislation affecting to repeal the Constitution Act, and therefore that guarded and limiting expression is found in the later Act. The reason goes on to say, "but there is no provision by which the two Houses are placed in the same relative position as the House of Lords and Commons; but, on the contrary, the privileges, immunities, and powers of either House can not exceed those of the House of Commons." Now, I submit here, that this is an extraordinary abuse (leading to a curious fallacy) of the expression "but on the contrary," because I contend there is really no contradiction at all. I might just as accurately use this language: there is no relation between the anatomical structure of a gorilla and an ape, because both of them fall far below the anatomical structure of a man; there is no relation between the anatomical structure of a gorilla and an ape; but, on the contrary, both fall below the anatomical structure of a man; the use of the word

"contrary" in this seventh reason is an absurd use of the word. I say it without offence, because there are the strongest, and I might almost use the expression, the most violent indications of expression of intimate relation between the Legislative Assembly and the Legislative Council here corresponding with the relation between the House of Commons and the House of Lords at home. Of course there may be a strong similarity, although an important element is wanting here which would justify us in using the expression "the High Court of Parliament." We call our Legislature a Parliament, but we have no "High Court of Parliament" here. Nobody would think of contending that the Legislative Council possesses any of the judicial functions of the House of Lords at home. But admitting that our Parliament cannot be called a "High Court of Parliament," and that the powers, privileges, and immunities of the two Houses here do not exceed the powers, privileges, and immunities of the House of Commons at home, to contend thence, as it is put in another part of the reason, that they are not in the same relative position as the Houses of Lords and Commons in many other very substantial particulars, is to contend that which I respectfully submit is entirely untenable. For my own part I am unable to find language which shows the relationship more strikingly than some of the language to which I have already called the attention of the Committee. If the intention was not manifest in the creating legislature, and if they did not intend to use apt words, I can only say, by most extraordinary accident, they have lighted upon words the most apt that could be used to describe the relation between the Council and Assembly here as correlative to the relation for legislative purposes of the House of Lords and House of Commons at home. In the first place, we have seen by the authorities already quoted, and we may see by abundance of other authorities, that the House of Lords and the House of Commons at home stand in this relation to each other. We have only to go to the history of a few years back to see what was the reading of the House of Lords of the Constitution, their reading being by their most significant acts, that is, by actual proceedings of their own, in respect to the Paper Duties Bill which has been so frequently referred to, and which was sent up to the House of Lords by the House of Commons, in the first instance, as a separate measure. It was a finance measure; it was a measure for the abolition of a tax. It was extremely distasteful to the Lords, and they rejected the measure. I do not hesitate to say, and I say so without immodesty, because I have the authority of the House of Lords itself for saying so, they did this unconstitutionally; they had only a bare naked legal right to reject any Finance Bill sent up to them to receive the sanction of an Act of Parliament, and there is no doubt upon the first occasion they exercised that power which they had, and they threw the Bill out; in other words, they rejected it. The Bill was sent up to them again connected with a number of other measures. We cannot disguise from ourselves for a moment, that it was the intention of the Commons to constrain the House of Lords to pass it upon the second occasion when associated with those other fiscal propositions. The House of Lords had the same power as they had before to reject it, but they would not exercise it; reflection came to their aid, and reading the various constitutional authorities, the learned Lords who took part in those debates, as well as the lay Lords, considered that it would be unconstitutional to persist in rejection, and they did not repeat that rejection; and I use, therefore, no improper language when I say that it would have been an unconstitutional thing for them to reject a financial measure of that kind upon the occasion when it was sent up to them a second time, and they did not reject it.

I go then to the passage where it is said the Lords may reject the whole or take the whole, just as the Queen may assent to the whole or reject the whole; and thence I say that we have in that one particular alone the most remarkable feature of relation denied

here in this reason that I am now discussing, but which, if we were about to frame a legislature, we should insist upon. Indeed, I shall quote the Honorable Mr. Miller against himself here, because I must assume that he now takes the view that will be contended for by the Committee of the Legislative Council, and I shall be enabled to quote his authority—he being unanimous with others as to what were the objects of the Legislature in passing this measure, and used apt and proper machinery for carrying out their object. This, then, is one feature of resemblance, which I think cannot be denied by any candid and reasoning mind. Then what are we to say to this further resemblance, that the Legislative Assembly here must always originate Money Bills? We have the very letter, as well as the substance, of the Statute for it, that they cannot be originated in the Legislative Council, and what is that but the merest echo of the rule, that Money Bills originate in the House of Commons, and cannot originate in the House of Lords? Are these two important features, therefore, not features of resemblance? In the face of these can it be contended that the relative position of the House of Assembly to the Legislative Council here in all matters of legislation is not that of the House of Commons at home to the House of Lords at home? I cannot imagine apter expressions for showing the strength and peculiar consistency of the relationship in both these particulars. Then we have the whole course of proceeding of the Houses, the manner in which His Excellency comes down to the Houses, and the ordinary forms of the Vice-regal speech; and how curiously all these things are conformable to the construction for which I am contending. I do not say that the considerations which I am now approaching are to be accepted by the other Committee as conclusive authorities, like a written law. I am not going to violate the plain rule of logic, which would make it imputable to me that I was attempting to argue in a circle by saying, “Here are certain things prescribed to the Council and certain results following, and here are certain powers given to make regulations and forms and certain forms adopted, making the one, as it were, prove the other. I am not going to do that; but the effect I intend to give to these considerations is this, to show the curious unanimity of interpretation there has been here, and show that, with respect to ten years’ usage of the Legislative Council, they have recognised the form of our Standing Orders. I find at page 70 of our Standing Orders, “With respect to any Bill brought to this House from the Legislative Council or returned by the Legislative Council to this House with amendments, whereby any pecuniary penalty, forfeiture, or fee shall be authorized, imposed, appropriated, regulated, varied, or extinguished, this House will not insist on its privileges in the following cases:—(1.) When the object of such pecuniary penalty or forfeiture is to secure the execution of the Act or the punishment or prevention of offences. (2.) Where such fees are imposed in respect of benefit taken or service rendered under the Act and in order to the execution of the Act, and are not made payable into the Treasury or in aid of the public revenue, and do not form the ground of public accounting by the parties receiving the same, either in respect of deficit or surplus.” Now upon the principle *expressio unius est exclusio alterius* in matters outside these particulars, it will insist upon its privileges. These Standing Orders are copied from the Standing Orders of the House of Commons, and according to my recollection took many days in passing, and were the product of the leading members of the Assembly of that day. I speak of the time when the present Chief Justice, Mr. Childers, and others were on the Committee of Standing Orders. That Committee consisted then of the Speaker, the Chairman of Committees, Mr. O’Shanassy, Mr. Griffith, Mr. Duffy, Mr. Palmer, Mr. Horne, Mr. Stawell, Mr. McCulloch, Mr. Childers, Dr. Evans, Mr. Greeves, Mr. Ebdon, and Mr. Foster. These are similar to the Standing Orders of the House of Commons, and have had the consent and concurrence of

the Council, with no protest, no question, no suggestion even, that there is an undue assumption of the powers of the House of Commons, or that these Standing Orders the Assembly was not justified in making. All this is inconsistent with the argument that there is co-ordinate authority between the Council and Assembly in matters of taxation.

Let us now proceed to the apparent intention of the original framers of the Constitution. I take it that when they approached the task before them their object was to frame a constitution which, compatibly with the circumstances of the colony, should be as nearly as possible a reflex of representation of the British Constitution. I find that the members of the Select Committee which framed the Constitution Bill in the former legislature in their report say, “In reporting on what should be the future Constitution of Victoria, your Committee will avoid entering into those details which have been embodied in the Bill now presented to your Honorable House. They will not attempt to discuss at any length, even those leading principles which have caused so much debate in the adjacent colonies. It is due, however, to themselves to state some of the views which have actuated them in adopting a form of Constitution different from those prevailing in most other British dependencies. Desirous as they are in all practicable points to approximate our future Constitution to that of our mother country, and determined to uphold the just prerogative of the Crown here as fully as in the United Kingdom, they have unanimously concurred in thinking that the social condition of this colony renders a close assimilation to certain British institutions impossible, and that an attempt to imitate them is likely not only to fail, but to introduce the evils without the advantages experienced from them in England. They recommend that the legislature should consist of an upper and a lower house,—the opinion of the greatest statesmen of all nations, and they believe of the majority of this colony concurring in that view. They are unanimous in advising that the Legislative Council should be wholly elective; that it should represent the education, wealth, and more especially the settled interest of the country. The universal failure of the nominee element in the British-colonial system, forming, as it has proved, no check on extreme views, but ensuring a preponderance to whatever party may happen to possess the supreme power, has determined your Committee to look for an enlightened policy essential to wise legislation in that portion of the community naturally indisposed to rash and hasty measures. For the Legislative Council they are, therefore, of opinion that a high freehold qualification should be required, partly to ensure that its members should hold a large stake in the land, but more especially that it may consist of men who may reasonably be expected to possess education, intelligence, and leisure to devote to public affairs. They recommend that its members should be of mature age—should be elected by the educated, independent, and permanent residents in the country; that they should hold their seats for ten years, thereby being removed from the influence of any sudden impulse of popular feeling, while, by the provision that the House never should be dissolved, but should go out by rotation, experience not only will be secured, but, at the same time, opportunity will be given to infuse new men and principles into the House, thereby preserving it in harmony with any abiding change in the circumstances of the country. To such a body they propose to entrust the legislative functions of the House of Lords.” I would call especial attention to this “the legislative functions of the House of Lords.” What is this but saying this Legislative Council is to be a House of Lords, minus its judicial function; that was their proposal. Have they used words in the Constitution Act which have effected their purpose? I say in the presence of one member of this Committee they have used apt words for a creation of this kind. They have effected their object in erecting a house which is a house of legislation, representing the House of Lords, minus the judicial function. “Being convinced that nothing

could be more impolitic than to legislate against the spirit of the age, viewing the universal tendency throughout the world towards the spread of popular institutions, they are prepared to recommend that the Franchise for electing the House of Assembly should be placed on as wide a basis as possible. They have therefore proposed practically to include all whose permanent settlement in Victoria renders them justly entitled to it. On the House of Assembly they propose to confer all the rights and powers of the House of Commons." That was their proposal. Have they affected that object? I say, they have, they have used apt language in which they have satisfactorily clothed their proposal. This is very different language from the language used in the description of the proposed function of the Legislative Council. Let us contrast them without the intermediate matter to which I have called the attention of the Committee. "To such a body they propose to entrust the legislative functions of the House of Lords." "On the House of Assembly they propose to confer all the rights and powers of the House of Commons." What power is there in the House of Lords, at home, to initiate taxation? What power in the House of Lords is there, constitutionally, to reject Money Bills? It will not be found that Constitutional Law Lords contend for the right to reject Money Bills, and it appears that it was the intention of the Committee which framed this statute, some of the provisions of which we are now discussing, to effect objects which I say they have succeeded in effecting. Nor is the position modified by the consideration that, as distinguished from the House of Lords in this particular, they are an elective body, instead of being created by the prerogative of the Crown, because they have set that question at rest by saying that they propose to entrust them with the legislative functions of the House of Lords; and, further, by other provisions which denude them of the right of originating taxation, or of altering the taxation proposed to them by the Assembly. It is the House of Lords, therefore, with a difference. It is contended, sometimes, that what is now claimed on the part of the Assembly cannot be legitimately claimed by that body, because the Legislative Council is a representative body as well as the Legislative Assembly; but I think it must be obvious that the Legislative Assembly represents all the persons who are represented in the Legislative Council. As it is considered desirable that this Upper House should represent as far as could be the property of a certain rich class, so it was intended that the whole of the community, or the bulk of the community, should be adequately and completely represented by the Assembly here as the Commons of England are represented by the House of Commons at home. The so-called representative character of the Legislative Council is merely the representative of the property of a certain limited number of thousands of persons in the same community. Even if that construction were not the most reasonable as well as tenable one, the Legislature themselves have set the thing at rest in framing the Constitution, by saying, "Although we have framed a representative council representing these property classes, we propose not to entrust it with more than the legislative functions of the House of Lords." In other words, "We do not propose, because it is a representative body, to entrust it with any sort of authority or power over taxation in any shape." The very expression of entrusting it with the legislative function, again by the *expressio unius est exclusio alterius* principle will exclude any right to meddle with taxation, they having alone the thing committed to them with which they are to be entrusted, namely, the legislative functions of the House of Lords," which legislative functions do not intrude into the separate domain referred to by Lord Chatham when he says, that the matter of finance and taxation is no part of the business of legislation. Still reading from the report of the Committee, the framers of the Constitution, the passage immediately following that I have already read is as follows:—

"To the Legislature, composed of the Crown, represented by the Governor, and of these Houses, respectively possessing the powers of the Lords and Commons Houses of Parliament, your Committee would entrust all legislation on matters of colonial interest. A special power of *veto* on all questions affecting the Empire should be continued as at present in Her Most Gracious Majesty." In the face of that language of the Committee who framed this Constitution, I understand it to be contended now that there is not that relationship which was distinctly intended, and that that which these honorable members deliberately set to work for nights and weeks in succession to carry out, not only was not effected, but not even intended. I say, therefore, that these expressions of opinion and purpose, as being guides to the reasonable and legitimate interpretation, are extremely important in themselves; not, of course, as I have already admitted, as absolutely conclusive as the clear and unmistakable language of an Act of Parliament or express resolutions of the House of Commons, but clear and unmistakable expression of opinion and intent, as to what this Constitution should be—a reflex of the British Constitution.

I have also to remind honorable members before I close, not only of all these various modes of interpretation but of the forms ever since pursued upon the commencement of every session. If there were not this relation, how are we to understand, unprotected against by the Legislative Council, the kind of language which His Excellency uses when he addresses the Houses? What is the meaning of this useless and ridiculous and unintelligible form of the Assembly being sent for, the division of the Vice-regal speech into its various sections, those appropriate to the Council and those peculiarly appropriate to the Assembly? Why thank the Assembly for supplies? Whence this ridiculous parroting of forms which mean nothing? Why has all this been unprotected against for eight years if the Legislative Assembly has only co-ordinate authority in all essential particulars with the Legislative Council? Not only has this not been protested against, but throughout all successive governments to the present time, and by all politicians in both Houses, has it been recognized as the appropriate form; and yet the Governor has affected a form of speech ridiculously inapplicable unless the relation exists to which those forms alone are appropriate.

I do not propose to address myself to the substantial alterations here, with respect to the subject of water supply in itself, which the honorable members of the Legislative Council have enumerated, because that is matter which stands entirely independent of the considerations I have been submitting to honorable members of the Legislative Council, is wholly within the functions of my honorable colleague the Minister of Mines, and will be discussable in its proper place, if we arrive at the stage in which it should be discussed. I thank the honorable members of the Committee of the Legislative Council for the patience with which they have listened to these too prolonged remarks, and do not think it necessary to trouble them with any further authorities or arguments in support of the proposition I think it right to maintain.

The Hon. T. H. Fellows: The proposition which the members of the Committee of the Council put forward is that the Constitution Act itself is the guide which both Houses ought to look at to ascertain the respective rights of the two; and, in the first place, it will be observed that, in the first section of that Act the two Houses are constituted instead of the Legislative Council then existing, and therefore that is of itself, to a certain extent, a clue to the powers conferred upon the two Houses—the two are to be instead of the one. Now, if they are to be instead of the one, one would imagine that it is a transfer of the powers which the one exercised to the two which are placed in lieu of it. That, I apprehend, would be the ordinary meaning of the expression used. If that be correct, we know very well what the powers of the old Council were with respect to passing Acts; and if these two were to have the powers of the old House,

I apprehend that embraces all the powers which the old Council had, unless there is anything in the Constitution Act itself inconsistent with them. Now the words of the Constitution Act are, "There shall be established in Victoria, instead of the Legislative Council now subsisting, one Legislative Council and one Legislative Assembly, to be severally constituted in the manner hereinafter provided, and Her Majesty shall have power by and with the advice and consent of the said Council and Assembly to make laws in and for Victoria in all cases whatsoever." Now, it is admitted that the third reason, that "The power thus conferred equally and alike upon both Houses is, by subsequent clauses, qualified and restricted," is an accurate statement of what it purports to state. But, if I may be permitted so to observe, it would appear to me, that that is almost inconsistent with the argument which denies to the two Houses the power of making laws as provided for in the first section; for if the first section, under the expression "make laws," never conferred upon the Council the power to pass this Act, then it is difficult to see how that which was never conferred upon them by the first section can be cut down or restricted by subsequent sections. Without placing too much stress, however, upon that I would refer to other sections as pointing out what appears to be the tolerably clear intention of the Act. Amongst others, I would refer to the forty-third section, "Subject to the provisions of this Act and notwithstanding any Act of Parliament now in force to the contrary it shall be lawful for the Legislature to impose and levy such duties of customs as to them may seem fit." Now the term "Legislature" does not mean one House more than the other, but the Act says, "It shall be lawful for the Legislature" to do that. Then in the forty-second section we find a prohibition on the Legislature, "It shall not be lawful for the Legislature of Victoria to levy any duty on articles imported *bonâ fide* for the supply of Her Majesty's land or sea forces." The forty-fourth section gives the power of appropriation to the present or any future Legislature, "All taxes imposts rates duties and all territorial casual and other revenues of the Crown (including royalties) from whatever source arising within the Colony of Victoria or over which the present or any future Legislature has or may have power of appropriation shall form one consolidated revenue,"—it does not draw any distinction in those clauses, either as to the imposition of taxes or the appropriation of revenue, between the one House and the other—"shall form one consolidated revenue to be appropriated for the public service of the colony of Victoria in the manner and subject to the charges hereinafter mentioned." We refer then to the fifty-second section, "A list of all pensions granted under this Act, and of the persons to whom the same shall have been granted, shall be laid in every year before both legislative houses of the said colony," and by the fifty-third section, with reference to framing regulations for appropriating the £50,000 for the purposes of religion, it is provided that those regulations shall be made by the Governor and Executive Council, and submitted to both the Legislative Houses; so that all these points are utterly inconsistent with any notion that there is any distinction recognized, as far as these sections are concerned, between one House and the other. Under the forty-third section, the Legislature may impose duties of customs, and without placing any stress on the first section, and even admitting that a tax is no part of legislation in the sense in which the word "laws" occurs there, it appears to me that the forty-third section, which says, that the Legislature may impose duties of Customs, would, if it stood alone, give equal power to either House to originate taxation. Then, how do we find that cut down? There is the forty-fifth clause I should also allude to, which provides "The consolidated revenue of Victoria shall be permanently charged with all the costs charges and expenses incident to the collection management and receipt thereof such costs charges and expenses being subject nevertheless to be reviewed and audited in such manner as shall be directed by any Act of the Legislature." Then the fifty-sixth clause shows why the

Legislative Council cannot initiate taxation as well as the other House:—"All Bills for appropriating any part of the revenue of Victoria and for imposing any duty rate tax rent return or impost shall originate in the Assembly and may be rejected but not altered by the Council.

It is said that this Bill is a Bill for imposing a rate, and, if it be one, I certainly cannot understand upon what principle it is, or can be admitted, that any one single clause of that Bill can be altered by the Council. Because, what is a Bill? It is nothing more than a series of clauses put together. If I say to a man, "You are not to write in, or tear that book;" if a single page is torn or written upon, it cannot be said that that book is not torn or written in; yet, where is the distinction? It has been said, that if this is not a Money Bill; then, under color of introducing Bills for other purposes, wholesale objectionable clauses of taxation might be put in; and, that appropriating clauses might be inserted in a Bill introduced into either House without the Message of the Governor. Supposing that to be so, that possibly may be the result of such a proceeding; but that does not at all affect the question, as it appears to me, as to whether this is or is not a Money Bill, because although not put as an argument of inconvenience, the converse is equally true, that under color of a Bill for introducing a tax, clauses may be inserted in any number for any purpose. And it may be said, because it is a Bill for imposing a rate, therefore it is not to be altered.

Mr. Higinbotham: That is not contended for.

The Hon. T. H. Fellows: I do not say it is, but that is the difficulty I cannot get over. A Bill is one entire thing; if you alter any portion of the Bill you alter the Bill. I could refer to several Acts containing clauses levying taxes of one kind or another: I may mention the 18th Vict. No. 9, also No. 27; the 21st Vict. No. 7, and the 27th Vict. No. 209. The Council could not alter any one of those; and, as it appears to me from the language of the fifty-sixth clause, it is the object and not the subject of the Bill, that is the test of whether there is the power of amendment or not in the Council. If the object of a Bill be for imposing a rate, and any machinery be supplied for the purpose of carrying out the object and giving effect to the principle of the Bill, that is then unalterable; but if incidentally in the course of legislating for any other purpose, a taxing clause in aid is inserted, I really cannot see upon what principle that is to be called a Bill for imposing a rate. It is a Bill for imposing a rate and other purposes, no doubt, but that is not such a Bill as is defined by the Constitution Act. It must be a Bill wholly and solely of a fiscal nature. If it is a Bill for appropriating any part of the revenue, if it is wholly and solely fiscal, the Council cannot touch it; but supposing a Bill were passed for making a railway from Ballarat to Castlemaine, and power were given to point out any line of country through which the road should go—the power to construct the line, and power to lease it or to work it—how would that Bill be described? Why, as a Bill for constructing a railway; and surely the addition of another clause at the end of it, that the sum of £500,000 should be appropriated out of the general revenue for the purpose of making the railway, would not make it cease to be what it would be without that clause, and convert it into a Bill for appropriating the revenue. I say it must be a Bill wholly and solely fiscal, it must appropriate the revenue and do nothing more, or it must impose a rate or duty, and do nothing more, except provide such things as are ancillary and subservient to the collection of the revenue. Under the other section, the thirty-fourth, which relates to the Standing Orders of the Assembly, it appears to me to be a *petitio principii* to rely upon that Standing Order, because upon what authority is that made? It is truly, no doubt, copied, with one or two omissions, not material to this question, from the Standing Order of the House of Commons, but it is a provision with reference to which the position of

the Assembly is quite untenable, because if we turn to the House of Commons, from which this is taken, the House of Commons deny the right of the House of Lords to impose a penalty for the commission of an offence, and this 273rd Standing Order specifies the instances in which the Assembly will not insist upon what they consider a right. "When the object of such pecuniary penalty or forfeiture is to secure the execution of the Act, or the punishment or prevention of offences. Where such fees are imposed, in respect of benefit taken or service rendered under the Act, and in order to the execution of the Act, and are not made payable into the Treasury, or in aid of the public revenue, and do not form the ground of public accounting by the parties receiving the same, either in respect of deficit or surplus. When such Bill shall be a private Bill for a local or personal Act." Is it contended that the Legislative Council cannot initiate a Bill by which a person committing a certain offence should be subjected to a penalty of ten pounds? because if that is the principle, that must be the result. The House of Commons assert broadly, wherever there are burdens on the people, whether the clauses imposing them are in Bills purely Money Bills or in any other Bill, that they cannot be touched; but is it contended that a Bill could not be introduced into the Legislative Council which provided a punishment, by way of pecuniary fine, upon a man guilty of assault of an aggravated character upon women and children? That, no doubt, is the result of the Standing Order which has been read, and I apprehend, if that is the interpretation of that Standing Order, then it clearly affects the proceedings of the Council. Supposing the Council introduce a Bill creating some new offence, and saying it is to be punished by a pecuniary fine; if that is the interpretation, as it unquestionably is, of the 273rd Standing Order, it would affect the proceedings of the Council. Then if we look to the proviso at the end of the thirty-fourth section of the Constitution Act, it says that "No standing rule or order which shall affect the communication between the said Council and Assembly or the proceedings of the said Council and Assembly collectively shall be of any force unless the same shall have been adopted both by the said Council and Assembly." Therefore, that Standing Order, it appears to me, cannot be relied upon at all.

As to the question of certain Bills being joined together, I do not know that that comes before these Committees in any way, and therefore as to the Paper Duties Bill, which has been incidentally alluded to, I do not know that that will elucidate this question in any way, because the question before these Committees appears to depend upon whether this is a Bill for imposing a rate, and not upon any question as to the forms of procedure. With reference to that Standing Order and the thirty-fourth section of the Constitution Act, if that Standing Order is to be considered as law, I say that it is altogether without any authority from this Act, because being one affecting as it does the proceedings of the Council it would require to be assented to by both Houses, so that that does not give any additional force to the position which has been assumed by the Legislative Assembly.

Then with reference to the precedents that have been referred to from *Hatsell* and those other authorities, which, no doubt, are very applicable in England to the House of Commons. It appears to me to be also begging the question as to what is the power of the two Houses here; because, to make the analogy complete, this provision in the forty-third section, instead of giving power to the Legislature to impose duties, should have gone on more explicitly than it has done to define what was to be done. With reference to the other clause, the fifty-sixth, that cuts it down, no doubt. If it had not been for that fifty-sixth clause, reading the forty-third by itself, what would there have been to prevent the Council initiating any Money Bill? Then the fifty-sixth clause comes in and says "All Bills for appropriating any part of the revenue of Victoria, and for imposing any duty rate tax rent return or impost shall

originate in the Assembly and may be rejected but not altered by the Council." What does that mean? What is a Bill? I apprehend the whole contents of the document, from the preamble, if there be one, down to the concluding clause—from beginning to end. If this is a Money Bill, the Council is prevented from touching one letter of it. To say otherwise is nothing more than saying that, because the House of Commons will not allow money clauses in any Bill to be altered, therefore the Legislative Council cannot alter such clauses. It rather admits that they are not Money Bills, but Bills containing money clauses; but to come within this fifty-sixth clause they must be Money Bills. If the object of the Bill is to be looked to, every difficulty can be always avoided by keeping each subject properly to itself; otherwise, under cover of a Money Bill, they may insert a number of clauses in the Legislative Assembly, and say "The Council cannot alter this." I am informed now that they do not insist upon that, but I say they are bound to insist upon it. Taking up the entire document, I say "That is a Bill." The Assembly say (as I collect from what fell just now), "We do not object to your altering the clauses which are not money clauses." I say the Act prevents it. I ask, if a single clause is touched, is not the Bill altered? I really cannot see the way out of it. The money clause is not altered, no doubt; but the Bill is. Therefore it would simply come to the question, "Is this a Bill for imposing a rate?" We read the Bill; it is intitled "*An Act to authorise Works for supplying Water to certain districts and places in Victoria.*"

Then as to the rate itself—it is not a rate for revenue purposes, which I apprehend are those referred to in the Constitution Act, because we must read all those clauses together. If we refer to the forty-fourth section, it says, "All taxes imposts rates and duties and all territorial casual and other revenues of the Crown (including royalties) from whatever source arising within the colony of Victoria or over which the present or any future Legislature has or may have power of appropriation"—there is no distinction drawn between the power of the one House and of the other—"shall form one consolidated revenue." Then we find the same things are introduced and repeated in the fifty-sixth section "for imposing any duty rate tax rent return or impost." Those are the things which by the forty-fourth section are to be the subject of revenue. In this particular Bill the rate therefore is not for revenue, as I understand the Bill; and of course it may be matter of construction; but the rate in this particular Bill is not, as I understand, for revenue purposes, and does not go into the consolidated revenue undistinguished from any other portion of the revenue; it is both levied and expended in the same provision or substantially so. It is not like the customs duty, which is put into the revenue, and you do not know how it is to be spent; it is levied with a particular object and for a particular purpose. But a rate, in the meaning of the Constitution Act, must be a universal rate on all the colony, and not a particular local levy of this kind. In this case there is no locality defined to begin with in the Bill, it is left to the Governor in Council, subject, no doubt, to a restriction previously imposed; but all this goes to show that it is not a Bill for imposing a rate, which within the meaning of the forty-fourth section, is to become a part of the consolidated revenue to be appropriated for the public service of the colony. Then, has this Bill been passed without amendments, or has it not? If you answer "Yes, it has been altered," then, if it is a Bill for imposing a rate, it cannot be altered, and the argument that, under cover of some other purpose, a Bill for taxation might be introduced is answered by what we conceive to be the proper practice; that if separate subjects are kept separate, that never can occur; because if, under cover of a Bill to provide punishment for an assault, the Council were to insert an Appropriation Act for the year, and originate it and pass it, it would be properly objected to on another ground; but that is branching into another argument

which does not appear to throw much light on this particular matter, which, after all, resolves itself into this simple question, "Has the Bill been altered or not?" If a single clause in the Bill has been altered, then it violates that provision of the Act if it is a Bill imposing a rate.

Then as to the intention of the framers of the Constitution—if that is supposed to be a criterion of the interpretation of the Act. Whatever their intention might have been when they said they recommended that all the power of the House of Commons should be conferred on the Assembly, they clearly have not done it, for they have not given the power of impeachment. When we look at the whole language of the Act, limited only by the fifty-sixth and fifty-seventh sections, it seems to me to reduce it to this question, "Has this Bill been altered?" Can that be answered "No:" then, if not, "Is this a Bill for imposing a rate?" If that be answered "Yes," then it has been wrongly altered; and if it cannot be altered, on the ground of its being a Bill imposing a rate, then, under cover of a Bill imposing one subject of taxation, any number of other subjects might be introduced, which the Legislative Council could not alter. I apprehend that is the real test to

be applied in this instance; if a single clause in the Bill has been altered, it cannot be said that the Bill is not altered. Whatever inconveniences are likely to arise, are of course for the whole Legislature, or whoever has authority to correct, to deal with. Upon the clear and plain grammatical sense of the words used can you say, "This Bill has not been altered?" and if you cannot say "No," as you cannot, when any single clause has been altered, the next question is, "Is this a Bill for imposing a rate?" The answer to that being "Yes," then I say that this is a Bill which the Council had no right to alter. Thus under cover of one taxation clause any amount of legislation might be brought forward without the Council having an opportunity of dealing with it; whereas, if we consider the object and not the subject of the Bill, all that difficulty vanishes, and any other difficulty might be met by having separate Bills. As long as the taxation is only subservient, or ancillary to some other chief object of the Bill, it cannot, in my opinion, be said to be a Bill for imposing a rate; or if it be a Bill imposing a rate, then this general result must follow, that it is totally unalterable by the Council.

Adjourned to to-morrow at a quarter past three o'clock.

THURSDAY, 10TH AUGUST, 1865.

Present:

THE COMMITTEE OF THE LEGISLATIVE COUNCIL.

The Hon. T. H. Fellows,
The Hon. C. Sladen,
The Hon. H. Miller,
The Hon. W. Highett,
The Hon. S. G. Henty,
The Hon. J. F. Strachan.

THE COMMITTEE OF THE LEGISLATIVE ASSEMBLY.

Mr. Michie,
Mr. Higinbotham,
Mr. Bindon,
Mr. Macgregor,
Mr. Berry,
Mr. Sullivan.

The Hon. T. H. Fellows: There was an omission which I made yesterday in regard to Bills originating in the Council, with reference to Mr. Michie's argument, that, if a Bill with an incidental rating clause in it is not a Bill for imposing a rate, it could in some cases originate in the Council. I admit that to be so. But with reference to his argument that a Bill with an incidental appropriation clause in it is on the same footing and might also originate in the Council, it is not material to consider whether that be so or not, and for this reason, that the Assembly could not legally pass such a clause in any Bill unless the appropriation had been first recommended by the Governor to the Legislative Assembly. It will be observed that section 56 speaks of Bills, while section 57 speaks not only of Bills, but also of votes and resolutions, and, moreover, contains the words "originate or pass"; so that, if a Bill with an incidental appropriation clause originated in the Council, it would, on reaching the Assembly, be at once stopped if the Governor's Message had not been sent to that House; otherwise the Assembly would "pass a vote" in violation of the Act. As a practical illustration of the difference between a Bill for appropriating and a Bill which incidentally appropriates, I may refer to the annual Appropriation Acts, which must be, and invariably are, preceded by a Message; while Bills which incidentally appropriate may be introduced without any appropriation clause, and that clause may be added in a Committee, if authorised by a Message. I refer to the Land Act of 1862, which appropriates the proceeds of the land fund, which was introduced on the 18th of December, 1861, and the Message recommending the appropriation was only sent on the 4th of February, 1862, after the Bill was in the House, in the same session; proving that where there is a "Bill for appropriating," the whole thing must be preceded by a Message; whereas, if it is a Bill which only incidentally appropriates, it may be introduced without a Message, and the appropriation take place in Committee, so long as it is recommended by the Governor before

it is introduced; in the one case the Message must precede the Bill.

Mr. Higinbotham: Has that been decided?

The Hon. T. H. Fellows: Yes, it was in that case in the discussion held, that, where it is a Bill for appropriation, that Act must be preceded by a Message; if it is not a Bill for appropriation, but only contains a clause to appropriate, that may be put in by the Committee, if authorised by a Message. I would also refer to an opinion of Mr. Wood, among the papers of the Legislative Assembly.

Mr. Higinbotham: I beg to observe, in reference to the opinion just referred to by Mr. Fellows, to the effect that the fifty-sixth clause of the Constitution Act only applies to Bills, which both impose a duty and appropriate moneys, and that it does not apply to a Bill which either only appropriates moneys, or imposes a tax, that it would seem to be the necessary consequence from this opinion, if it be correct, that this clause of the Constitution Act contemplates the practice of putting into one Bill appropriation and taxation and can only be applicable to the particular case where that combination takes place; in point of fact, that the Legislative Council is only prevented from altering a Bill in which taxation is imposed and public moneys are appropriated. If it should be held to be unparliamentary to adopt this course and if at the same time it be true that this section applies only to Bills in which that combination takes place, I think it must follow that this section of the Constitution Act was intended to be, and has been, and must ever remain absolutely a dead letter.

The question which seems to arise on the first amendment in this Bill is whether the Legislative Council, according to the forms of the Constitution Act, has the power to alter a money clause in a Bill incidentally imposing a duty, that is, in a Bill, the main or sole object of which is not the imposition of that duty. That I take to be the question which the Committees on the first amendment have now to consider. And I submit that the earlier sections of the Constitution Act which have been referred to are not

inconsistent with the negative of that proposition. Those sections are the first and second which establish the Legislative Council and the Legislative Assembly, and confer on those bodies jurisdiction "to make laws in and for Victoria in all cases whatsoever;" the forty-third clause, which more particularly empowers this Legislature to impose and "levy duties of customs" subject to certain restrictions; the forty-fifth, which directs that the consolidated revenue "shall be permanently charged" with all the cost of collection and management thereof, subject to review and audit "in such manner as shall be directed by any Act of the Legislature;" the fifty-second clause, which provides that lists of pensions shall be laid, in every year, before both Houses of the Legislature; and the fifty-third, which provides "for the advancement of the Christian religion in Victoria" a sum to be reserved, subject to regulations to be framed by the Governor and Executive Council, and submitted to both the Legislative Houses. I submit that none of those sections is inconsistent in any degree with the negative of the proposition, that the Council has the power to alter a money clause of a Bill, the main object of which is not the imposition of a rate, but which has a particular clause having the effect of imposing a rate. The first two clauses of the Constitution Act merely direct in general terms that the legislature is to make laws "in all cases whatsoever." In works on English constitutional law, it is laid down as a general principle that the legislature of England has the power to make laws for the British people, and it seems by no means inconsistent with that principle that one House should have—as in fact the House of Commons has—more power in certain particular cases than the other. It is stated by *Blackstone*, as a general proposition, that that which is in England the supreme power is divided into two parts, the one legislative, to wit—the Parliament, consisting of King or Queen, Lords and Commons; the other, the Executive, consisting of the King, or Queen alone. He proceeds to treat of "the British Parliament in which the legislative power, and, of course, the supreme and absolute authority of the State is vested by our constitution." This proposition simply states, as the first clause of this Constitution Act states with reference to the colonial legislature, that the supreme legislative power is vested in the English Parliament. Yet this general statement of the general powers of the Legislature is not inconsistent with the fact that the House of Commons has certain special powers established by constitutional usage in reference to certain particular acts. The clause empowering legislation as to customs and the clauses directing that certain regulations shall be laid on the table of both Houses and shall be subject to be reviewed by both Houses, are also consistent with the possession of special powers by one House. It is admitted by those who argue on behalf of the Legislative Assembly on this question, that even although the Assembly has the power it claims, still, before that power can have legal effect given to it, its resolutions must be clothed with the form of law, and that that can only be done with the concurrence and assent of the Legislative Council. It is consistent with this claim that, in all cases where regulations are made in accordance with the Constitution Act, even although those regulations may relate directly or indirectly to taxation, they should be laid upon the table of both Houses of the Legislature. The Legislative Council as well as the Legislative Assembly has something to do even with taxation; it is therefore not improper, it would seem, to give by the Constitution Act the right to both branches of the Legislature to be made acquainted with the proceedings in legislation in all its branches. Even in England, where the right of the House of Commons is not a subject of dispute, the House of Lords has a Message sent to it annually, asking for its concurrence in the grant of public moneys; the Commons are asked to grant revenue, and the House of Lords are asked to concur therewith, because the House of Lords must concur with the grant by the House of Commons, in order to clothe the grant with the form of law. In like manner the House of

Lords has the power to order the production of all documents relating to taxation. Why? Because they are connected with legislation. Even if the assent of the House of Lords to Bills of Taxation be a mere form, still, that form is a part of their functions, and therefore they have a right given to them to the production of all papers connected with taxation equally with the other House.

I confess I see nothing in the earlier sections of this Constitution Act which have been referred to inconsistent in the slightest degree with the denial of the right of the Legislative Council to amend a money clause in a Bill of this character; and it seems to have been the opinion of the Honorable Mr. Fellows, in which I entirely concur, that the solution of this question must be looked for in the interpretation which is to be put on the fifty-sixth and fifty-seventh sections of the Constitution Act. Those two sections must be taken together. The first provides that "all Bills for appropriating any part of the revenue of Victoria and for imposing any duty rate tax rent return or impost shall originate in the Assembly and may be rejected but not altered by the Council." The next section appears to deal with Bills that have been referred to in the previous section, and without referring to the Legislative Council at all says, "It shall not be lawful for the Legislative Assembly to originate or pass any vote resolution or Bill for the appropriation of any part of the consolidated revenue, or any other rate duty rent return or impost for any purpose which shall not first have been recommended by a Message of the Governor to the Legislative Assembly during the session in which such vote resolution or Bill shall be passed." Now, it is contended on the part of the Assembly that these two clauses were intended to establish, and that they do establish, the principles which govern the relative powers of the Houses of Lords and Commons with respect to taxation and finance. The language indeed is not free from objection. I think it would be impossible in the Constitution Act to set out at once accurately and fully the whole of the rights which are claimed by the House of Commons, some of which are disputed and even denied by the House of Lords, but which have acquired a certain authority by usage and practice. It would have been almost impossible to have set them out fully and accurately in an Act of this kind. But, in attempting to place a construction upon all parts of this Act, it must be assumed that an Act establishing a Constitution is intended to lay down principles rather than to prescribe rules for particular cases, that it would have been impracticable to introduce into any Act of this character rules that would apply to every particular case that might arise, and that all that can be expected is, that the general principles, upon which Government shall be conducted in this country, shall be there laid down. In submitting to the honorable members of the Committees that these two clauses were intended to contain and do contain all the principles that are understood to regulate the power of the House of Commons, I would ask them to remember what those principles are.

One is alluded to in the fifty-seventh clause, which has not yet been adverted to, and it is the first to which I will call attention, namely, that moneys are to be asked for by the Crown; they are not voted by the House of Commons, until they are asked for. The grant of all public moneys is a grant for the supply of the necessities of the Crown. The Crown asks for moneys, the House of Commons grants them, and imposes taxation for the purpose of supplying the necessary means. The House of Commons grants no supplies except such as are asked for by the Crown. It was intended, I think, that some similar principle should be introduced into our Constitution, which is in the latter words of the fifty-seventh section.

The second principle in England is, that the House of Commons is the author of all taxation and the grantor of all supplies to the Crown. It has always claimed the right—the sole right—to impose taxation upon the people. That power too appears to be,

to some extent at all events, intended to be conferred by these sections of the Constitution Act upon the Legislative Assembly. That right of the House of Commons is a limitation of the power of the House of Lords, which has, in practice, been always submitted to by that body, that it shall not alter or reject either Bills the main purpose of which is to impose taxation, or Bills in which taxation is proposed as an incidental part. With regard to Bills of the latter character, though the practice has not been perfectly well settled, and though there are several instances in which the House of Lords have assumed the power to make alterations, still, as a general rule, it will be conceded that the House of Lords have refrained from making alterations even in Bills which incidentally operate as a charge upon the people; that the House of Commons have always insisted upon their right to deal exclusively with those parts of such Bills, and that the House of Lords have generally, in practice, conceded that right, though they have not formally admitted it. On this point I would ask the permission of the Committees to refer to the practice of the House of Commons, as stated in the report of the committee in 1860. In that report—the adopted report I mean—Bills are divided into, first, “Bills of Supply and Tax Bills;” secondly, “Bills for the Appropriation of Supplies;” and, thirdly, “Public Bills which operate as a charge on the people.” This third class of Bills corresponds with the one now under consideration. What is the practice of the House of Commons with respect to Bills of that kind? The committee say—“While the controversy was going on respecting Supply and Tax Bills, in the early part of the reign of Charles the Second, a question arose whether other Bills which were not strictly Bills of Supply, or Tax Bills, but which would operate as a charge on the people, could, or could not originate in the Lords. Thus, in the year 1661, a Bill came down from the Lords to the Commons, intitled ‘*A Bill for paving repairing or amending the Streets and Highways of Westminster.*’ But the House, observing that the said Bill was to alter the course of law in part, and to lay a charge upon the people, and, conceiving that it is a privilege inherent in this House, that Bills of that nature ought first to be considered here, it was ordered that the said Bill be laid aside, and that the Lords be acquainted therewith, and with the reasons inducing the House thereunto.” So, on the 17th of May, 1662, the Lords returned, with amendments, a Highways Bill, by inserting two provisoes concerning the erecting and repairing two bridges. These provisoes were disagreed to by the Commons; and it was ordered, ‘That it be insisted on, for a reason of the dissent of this House to these provisoes, because the provisoes are to lay a charge on the people, which ought not to begin with the Lords, but in this House; and, although it be but a part of the kingdom, yet, by the same reason it may be extended to the whole.’ Upon a conference, the Lords gave way.” And further on the Committee say—“With regard to those Bills,” that is, Bills “which operate as a charge on the people, the practice of the Commons is substantially the same as that which is observed in Bills of Supply and Tax Bills. The form of the Bill and the mode of procedure is different from that in Bills of Supply; and the Lords may, without objection from the Commons, *make amendments in those provisions which do not concern the charge, or the mode of levying it, or its duration or distribution, or the management or collection of it.* In other respects, the practice is identical in both classes of cases.” That being the principle at home, it appears not to be inconsistent with the general power of legislation that belongs to the House of Lords, and the question is, whether it is intended by these two clauses of the Constitution Act to confer upon the Legislative Assembly the same rights which are claimed by and allowed to the House of Commons in England in regard to Bills which incidentally operate as a charge upon the people.

Now that question seems to turn upon the effect of the words “for imposing any duty rate tax rent

or impost.” It has been contended by the Honorable Mr. Fellows that those words mean that the main or sole object of the Bill must be the imposition of a duty, rate, or tax, &c., and that unless that is the main or the sole object of the Bill, the Legislative Council is not prevented by the fifty-sixth clause from altering it—in fact, that a Bill which has not this imposition of a rate for its main object does not come within the clause at all. I admit that the words will bear that construction, and I will ask honorable members to admit that they will bear another construction, the construction, namely, put upon them by Mr. Michie yesterday, when he contended that those words might refer to Bills which amongst other things imposed a duty, rate, or tax. I say the words will bear that meaning. I will admit they will bear the meaning put on them by the Honorable Mr. Fellows, but I will ask the members of the Committees to consider what will be the effect of putting the construction on them argued for by Mr. Fellows yesterday. In the first place I think he will not dispute that the same words in the next section must bear the same meaning; that if the words “for imposing any duty,” in the fifty-sixth section, refer to a Bill the main or sole object of which is to impose a duty, a similar meaning must be attached to the words of the fifty-seventh section “for the appropriation of any part of the said consolidated revenue,” and then, in this latter section, if the construction contended for be correct, we must suppose to be intended Bills, the main or the sole object of which is the appropriation of any part of the revenue. By parity of reasoning, the same construction must be put upon the word “for” in both sections. What will be the effect of putting that construction upon those words in each section? If you say that the Legislative Assembly is only required by the fifty-seventh section to obtain the authority of a Message from the Governor prior to originating or passing any vote, resolution, or Bill, the main object or the sole object of which is appropriation of any part of that revenue, it will follow that the Assembly may, if it think fit, introduce a Bill appropriating revenue, but not having appropriation for its main object, without the authority of a Message from the Governor. I need not remind honorable members it is merely by a rule of the House that votes and resolutions of supply are introduced in Committee. This Constitution Act defines the powers and liabilities and obligations of the Houses; each of them for itself defines its practice, and it would have been competent for the Assembly, and would be so now in so far as that course might be not inconsistent with the restrictions imposed by this section, to determine that matters of supply should be considered in the whole House without Committee. If then you say that this section only restricts the Assembly from originating or passing votes, resolutions, or Bills for the appropriation of the revenue, when that vote, resolution, or Bill has for its sole or its main object the appropriation of revenue, the effect will be that the Assembly may if it think fit introduce Bills, or votes, or resolutions having other ostensible objects or other real objects, and may incidentally appropriate public moneys without the authority of a Message of the Governor. I ask honorable members of both Houses to consider whether the effect of such a construction would not be, not merely to deprive this section of intelligible meaning, but really to subvert what must be assumed to be a fundamental principle of this Act, namely, that the Houses of Parliament shall only deal with appropriation when that subject is brought under their notice, and is recommended to them by the Queen’s Representative. If either of them can deal with appropriation without such a Message being communicated to either House or both Houses, that would be to constitute themselves the Executive Government; therefore, if the Houses can deal without the intervention of a Message from the Governor with matters of appropriation they can constitute themselves a Government. It is admitted that it is by means of the initiation of financial measures by the Queen’s authority that the Royal authority is preserved, and that the due relations

between the Crown and both Houses of Parliament are preserved intact, but if you put a construction upon one or other of these sections of the Act by which either House can discard the necessity of a Governor's Message, and deal with finance without obtaining such Message, I say you strike at the very root of what appears to be the principle intended to be established by these sections, and which certainly exists in England, that the appropriation of public moneys must be introduced to the consideration of Parliament by a Message from the Crown or its representative.

It seems to me that there is another consequence which will follow from attaching the proposed meaning to the word "for" in the one clause or the other, namely, that the Legislative Council may originate Bills for imposing a duty, or for appropriating part of the revenue. The second clause, the fifty-seventh, deals only with the Legislative Assembly. It is contended on the part of the Assembly that by the fifty-sixth clause it is declared that certain Bills shall not originate in the Council, and that the fifty-seventh clause goes on to deal with the same Bills and to say, that those Bills that are by the last section, the fifty-sixth, directed not to originate in the Council, may be originated in the Assembly in a particular way and subject to a certain restriction. But if the proposed construction is put upon the word "for" in the fifty-sixth section, it will follow that the Legislative Council may introduce Bills appropriating money and imposing taxation. All that they would have to do would be to put those subjects in a Bill of a general character, and as soon as that was done, it would go to the Assembly. Then (applying the proposed construction of the word "for" in the fifty-seventh section) as the Bill sent down by the Council would not come within this section, since it would not be a Bill having taxation or appropriation for its sole or main object, the Legislative Assembly would not be prohibited from passing it.

Now, if these be the consequences of putting this construction upon the word "for" in the two clauses, I ask are these the consequences that we have been led to expect? or are they consequences that we are prepared to face? I would ask further, if this be the legal effect of both these clauses, for what purpose were they introduced into this Constitution Act at all, if it was intended that by a mere deviation in point of form, by the merely putting the taxation to be imposed, or the money to be appropriated, into a general Bill, the one House or the other could defeat the objects of these sections? Why then were these sections passed at all? and what was the policy of these sections? If the views taken by the Assembly are assented to, the policy is intelligible. There are provisions which are similar, I think, or at all events nearly precisely similar to be found in the English Constitution; but if these be not the principles intended to be embodied in these two sections, what are the principles intended to be embodied? what was the purpose for which these sections were passed, if they may be so easily evaded?

Now, I was struck with an argument used by the Honorable Mr. Fellows yesterday, in his opposition to the views put forward on behalf of the Assembly, and on which he strongly relied. He said, you cannot alter a clause without altering a Bill, and if you alter a Bill which operates as a charge on the people, while you say that Bills of that character come within the fifty-sixth section, you violate the section. Therefore, he concluded, that any Bills that come within this section cannot be altered at all, in part or in whole. If it be so, I admit at once, that, however dangerous or unexpected the consequences may be to which his construction would lead us, we ought not to shrink from them. But is it so? He illustrated his argument by saying, if you tear a page of a book, you tear the book. I would ask, if there were a prohibition contained in a law against tearing a book which was described by a particular name, indicating one of its purposes or subjects, but which included many other subjects besides that contained in its descriptive title—if you were forbidden to tear that book described by one of its purposes

only, and you tore a page of that book constituting another part, and relating to a different subject, could you be said to violate that law? If this clause merely forbids the alteration of a Bill, or of part of a Bill for imposing a duty, can it be said that the prohibition has been violated if you merely alter the Bill, in that part of it to which the prohibition does not extend? Let me take a parallel case from the old Constitution Acts. I take the Act 5 and 6 Victoria, cap. 76, which provided that the Legislature in certain colonies might make laws for the peace, order, and good government of the colony, provided that no such law or ordinance be repugnant to the law of England. Now, if the argument of the Honorable Mr. Fellows be correct, a law passed by the colonial legislature under this authority which was repugnant in a single line to the law of England would be absolutely and wholly repugnant to it, and would consequently be void; and yet I can inform the Committees that the Law Officers of the Crown in England have expressed an opinion that an Act repugnant only in part to the law of England, is not rendered wholly invalid by this clause which requires conformity with the law of England. The Legislature are not to pass laws repugnant to the laws of England; if by mistake, or error or even by design, they pass a law repugnant in part, that law is bad in part, but not so as to the parts that are not repugnant. May not the same principle of construction be applied to this clause—may it not be held that this prohibition against alteration applies to parts only of general Bills operating as a charge on the people—to those parts which do so operate as a charge? and that, while the Legislative Council may be prevented from altering those parts which operate as a charge on the people, they are not prevented from altering other parts relating to different subjects, in which the Legislative Council has equal and co-ordinate power with the Legislative Assembly. If that view be not adopted, we are compelled to accept the conclusion, that either House of Parliament may deal with money, may impose a tax, may appropriate money, and that either or both Houses may utterly disregard the prohibition by which in apparent conformity with the law and practice in England, a Message from the Crown is required in order to give validity to the appropriation of public funds.

The views of the Assembly which I have endeavored to put forward are views, I will remind honorable members, which have been entertained ever since the Constitution Act was passed. We are not endeavoring to establish novel principles. The views which have been contended for by the Honorable Mr. Fellows, and which lead to results which I think he must admit certainly to flow from them, are views which have been hitherto unknown to politicians in this Colony. It has never been known I believe to members of either House that the Legislative Council could initiate Bills for taxation by adopting a new form in those Bills. It has never been known that the Legislative Assembly or the Legislative Council, or both, could dispense with the Governor's Message for the appropriation of money. The views put forward on behalf of the Assembly are views which (without at present referring to the question whether they are right or wrong or not) have been as shown yesterday by the Hon. the Minister of Justice, Mr. Michie, entertained by those who framed this Constitution Bill. The Committee have heard the names of the gentlemen who were appointed a committee to frame that Bill. They consisted of the Colonial Secretary (Mr. Foster), the Attorney General (Mr. Stawell), the Collector of Customs (Mr. Childers), Mr. Haines, Mr. O'Shanassy, Mr. Greaves, the Hon. the Speaker, the present President of the Legislative Council, Mr. Miller, Mr. Goodman, Mr. Nicholson, and Dr. Thomson. It was plainly the intention of all those gentlemen that the Legislative Council should represent, except where the difference was expressly made, the House of Lords, and that the Legislative Assembly should possess all the rights and powers of the House of Commons. That was the argument and that has been the view which the leading members of the Legislative Assembly

have subsequently always taken of their own power. I would refer to the Standing Orders again, which have been before mentioned. I do not refer to the Standing Orders for the purpose of contending that the Assembly had power to make them; it may be the Assembly had no power to make those Standing Orders; but I do refer to them for the purpose of asking honorable members to consider this, that those Standing Orders have been framed by the leading members of the Legislative Assembly; that they have been in force and acted upon in legislation by that body for the last eight years and that no exception has been taken, so far as I am aware, by any member of the Legislative Council, or by the Legislative Council as a body, to the claims of right set forth in those Standing Orders, and that therefore it must be assumed that the opinions entertained by the framers of the Standing Orders and adopted by the Assembly are the opinions which represent the views entertained by leading politicians in this colony since the Constitution Act came into force. These Standing Orders can refer to no other Bills but those of the class which are under consideration now, namely, Bills operating as a charge upon the people; they do not refer to Money Bills; because, Money Bills, it is admitted, the Council have no power to alter; but these Standing Orders relate to Bills in which the Council can make alterations. The Assembly says it will not insist upon its privileges with respect to those Bills in certain cases, namely, cases in which the Assembly is assumed to have privileges in reference to those Bills. If the views contended for on the part of the Legislative Council be correct, the Assembly has no more power in respect to Bills operating as a charge upon the people than the Legislative Council possesses. It is a singular thing that during these eight years these Standing Orders have been before Parliament, have been acted upon, and have never been objected to. It is certainly, as it seems to me, a very singular fact; but I merely refer to it at present for the purpose of asking honorable members to recollect that, in putting forward these claims, the Assembly is not putting them forward now for the first time; that it is advancing claims to rights which the framers of the Constitution Act intended to confer on it, which those who adopted the Constitution believed they had acquired, and which the Assembly has acted upon practically by the adoption of those Standing Orders. These opinions may be right or wrong; it is unfortunate there is no tribunal which can give an authoritative decision upon that subject; but I must take leave most earnestly to press upon the attention of the Committee this fact,—that whether these claims and principles be right or wrong, they are not new; and that the responsibility of challenging their accuracy or disproving their authority rests, not upon the Legislative Assembly, but upon the Legislative Council, if it should now for the first time in the history of constitutional government in this colony, dispute the authority of these principles.

The Hon. C. Sladen: In answering the remarks made by the Honorable the Attorney-General and the Honorable the Minister of Justice, I am at this disadvantage, inasmuch as, though I have been on the roll and practised as an attorney, it has not been my *forte*, nor have I been called upon in any way, to argue technical law points, and I am afraid I shall not be able to put the argument so clearly as it has been put by those honorable gentlemen.

As regards the latter part of the argument which has been adduced by the Attorney-General, as to the particular complexion he puts upon the report of the gentlemen who constituted the committee for framing the Constitution Act, and his reference to the Standing Orders, which apparently, he observes, have been framed to carry out the recommendations of that report, I think it will, at all events, break down if I am in a position to show that the Council has been in the habit of amending Bills of the character which is now before us, and not only those parts of the Bill which relate to other subjects, but also the particular clauses in the Bill which have reference to rating or taxing, or to appro-

printing, whichever it may have been. That the Council has been in the habit of making such alterations for a great many years past must be undoubted; and if I show that, I think all the arguments adduced from that particular view of the question, relating to the Standing Orders and the report of the committee, must fall to the ground; because I could say, on the part of the Council, that amendments have been, from time to time, sent down to the Assembly, and have been agreed to by the Assembly, which shows that they have admitted the Council to have the power of altering matters relating to taxation or to charges upon the people, whether those charges were incidentally contained in Bills containing other matter or not.

I am prepared to show, by reference to various Acts, that such amendments have been from time to time made by the Council, and accepted by the Assembly: There was an Act passed in the year 1859 relating to Sewerage and Drainage. I find there amendments were made in a clause relating to rates and charges which were assented to by the Assembly. In Act No. 63, which is "*An Act for granting a Duty on Spirits distilled in Victoria*," the Council amended a clause, the clause which immediately imposed the duty; the Council made an amendment which was accepted by the Assembly. The words struck out were the words "colonial or imported" before "grain" in the fourth line of the first section. That was a measure almost in the nature of a Supply Bill, and the amendment on that occasion was accepted. Then there was Act No. 66, which was passed in 1859, relating to gunpowder: an amendment was made in the schedule of the Act which contained the rates, which was accepted also by the Assembly; and so I find that a number of Acts have been passed relating to other matters, but in which a rate was incidentally imposed, in all of which amendments were made, which were received by the Assembly. There are the Gold Fields Act, the Local Government Act, the Electoral Act Amendment Bill, No. 168; there is the Passage Brokers Bill, No. 174, there are amendments there; the Chinese Emigration Act, No. 170, which was an Act for suspending the imposition of a tax, which also comes under the general category of Bills imposing a charge upon the people, and so with regard to a number of others. There is the Distillation Bill (I forget when passed, I see it is No. 147, therefore it must have been passed comparatively lately), that was "*An Act to consolidate and amend the law relating to the distillation and rectifying and compounding of spirits to the granting a duty upon spirits distilled in Victoria*," and so on. That was a measure almost in the nature of a Supply Bill, yet it was amended and accepted. When over a number of years we see that Acts have been passed in which amendments have been made by the Council having relation to charges made upon the people, and that they have not been objected to on the part of the Assembly, I think the inference is, at all events, that during that period the Assembly has not objected to the course taken by the Council, as being an interference with their privileges, and I may safely put that argument against the argument of the Attorney-General and the Minister of Justice, which they derive from the recommendations that were made in the report of the Committee for framing the Constitution, and from the observations made by them with reference to the Standing Orders.

I think it is quite possible that the Standing Orders of the Assembly may have never been noticed by the Council, because the Council might rely upon its inherent power under the Constitution Act, and not think it worth while to question a Standing Order made by the Assembly, and which by no means interfered with their own privileges; I do not think much is to be derived from that.

In 1860 I see the question was raised in the Assembly with reference to the power of the Council to make amendments, and I see the Speaker stated on that occasion that "The objection was taken to the amendments in the fourth clause"; this has reference to the Customs Act Amendment Bill; the Speaker

said, "The objection was taken to the amendments in the fourth clause, which amounted to a prohibition on the part of the Legislative Council against this House fixing and collecting duties for bonded warehouses in other than warehouse ports." Then there was a debate upon that, and the House decided in favor of the amendment made by the Legislative Council on a division of 19 to 15, so that even up to so late a period as 1860 it appears that the Assembly has permitted alterations to be made in Bills of this character.

The analogy is insisted upon by the Attorney General, as well as by the Minister of Justice, that the rights of the Council and the Assembly here must be construed as strictly as possible to resemble the rights respectively of the Lords and Commons in England; but by the fifty-sixth section the Legislative Council is prevented from altering any Bill. The analogy, therefore, breaks down because the House of Lords claims the right up to the present time of altering all Bills. Admitted that that right has not been exercised for a very long period of time—I believe a century and a half—nevertheless that right is still claimed, and I observe in a debate, I think on the Paper Duties Bill, Mr. Gladstone laid down in distinct terms, that it was a right that the House of Lords had never given up, and which they might exercise at any time if they pleased; and, he added, moreover, he thought it would be undesirable that they should give up such a privilege. This shows that the Constitution Act has not been drawn with a view to preserve that particular analogy. The Constitution Act simply lays down, that a Bill cannot be altered, but that it may be rejected. And with regard to the limitation of the term "rejected," which was laid down by the Minister of Justice yesterday, it can scarcely prevail. I think, in fact, the argument is scarcely a sound one. It is stated in this way: "If the Legislative Council have a right to reject once, they have a right to reject twice, three, or a hundred times. A right, of course, is a right properly exercisable a thousand times, if exercisable once. It either is or is not a right. If it be no right *cadit questio*, if it be a right, it is exercisable a hundred times;" and then the honorable member proceeded to say, if that were the case, it was tantamount to giving the initiatory power of imposing taxation to the Legislative Council by a round-about way, *quod est absurdum*. The same argument might be used as against the Legislative Assembly. Admitting, for the sake of the argument, the position assumed by the Minister of Justice, that the Legislative Assembly has the sole power to originate and control taxation; the Assembly might impose an odious tax, an essentially unjust and inequitable tax; they might for instance impose a tax, limited to the constituents of the several electoral districts returning members to the Legislative Council; or they might go further (of course I take an extreme case), and impose a tax which should operate only upon members of the Legislative Council; and then, having the right to originate a tax, and to control taxation, they might compel the Legislative Council to submit at last to an act of tyranny. The *reductio ad absurdum* would be equally applicable to the case I have put as to that insisted upon by the Minister of Justice, viz., that if the Council may legally reject a Bill once they may do so a hundred times.

With regard to the construction to be put on the fifty-seventh clause, Mr. Higinbotham says that the same construction which is put on the fifty-sixth clause must prevail in the fifty-seventh. Undoubtedly the same rule of construction must apply to both, but I think that his argument breaks down. On reading the fifty-seventh section, and the particular wording of it, he must, I think, be convinced, on looking at it, that the words of that are altogether different from those in the previous section. The fifty-sixth section deals with Bills only, "All Bills for appropriating any part of the revenue"—"shall originate in the Assembly"; but the fifty-seventh, which controls the action

of the Legislative Assembly, preventing it from imposing any charge upon the people without a Message from the Governor, varies its language to meet that particular view of the case, and instead of saying, "It shall not be lawful for the Legislative Assembly to originate any Bill for appropriating any part of the revenue," it says—"It shall not be lawful for the Legislative Assembly to originate or pass any vote resolution or Bill without a Message;" so that the words "vote" and "resolution" appear to put quite a different complexion on this section, and to point distinctly to any charge which may be placed, under any circumstances, or in any kind of Bill upon the people.

And then again with reference to those two clauses, and the necessary conclusion which it is contended arises from the construction put upon them by my honorable friend (Mr. Fellows), that a Bill, for instance in the nature of a Water Works Bill, containing a clause necessary for the purpose of working out the reproductive character of the Water Supply, might be originated by the Legislative Council, there is no doubt (although it is not contended for by the Council) that such a deduction does follow. I am quite willing to admit that, but it does not weaken the case on the part of the Council—but that view of the case is very much strengthened indeed when we look at the fifty-seventh clause and find that the Legislative Assembly may not only not originate any Bill for the appropriation of any part of the consolidated revenue, but it says they must not "originate or pass any vote resolution or Bill without a Message from the Governor." If this clause had simply referred to what might take place in the Legislative Assembly it would have been quite sufficient to have said "the Legislative Assembly cannot originate without a Message," because if they could not originate they could not pass without a Message, and the word "pass" would therefore be superfluous; but it does seem rather to direct attention to the possibility of a measure being brought down from the Council which would involve the necessity of a Message before the Assembly could "pass" it into law; that conclusion appears to me to be almost inevitable; otherwise, I must ask the honorable members who take a different view what particular significance or meaning they put upon those two words "or pass," for I confess I cannot see that there is any necessity for them in the clause, if it be intended to confine the introduction or origination of any Bill, involving incidentally a charge upon the people, to the Assembly alone; but as it is, we must look further to see if we can attach any possible meaning to those words.

Then it was said if this could be the case—if a clause imposing a charge upon the people were incidentally contained in a Bill having other objects, in contradistinction from a Bill having for its main object the imposing of a charge upon the people, the Message might be evaded altogether.

Mr. Higinbotham: A Bill for appropriation; the Message might be evaded if you put that meaning upon the word "for" which is put upon the same word in the previous section.

The Hon. C. Sladen: I thought I understood the honorable member to say so. It might be urged that a Message was not necessary then for an incidental clause of appropriation; but there could not be that evasion with regard to general taxation, because it would be impossible so to involve a measure of general taxation in any other Bill as to overcome that necessity—the necessity of having a Message. Admitted that it might be in the case of an incidental appropriation clause, as, for instance, that which is contained in "The Land Act of 1862." Supposing a message were not necessary in such a case, it would not follow that a Message would not be necessary in any general fiscal scheme, or any general Appropriation Bill that might be wrapped up in or attached to any Bill containing ordinary legislation.

Then with reference to Mr. Higinbotham's remarks upon the question, which is really the only question at issue, as it appears to me, whether the

Water Works Bill, which is now the subject of our discussion, is a Bill coming under the category of Bills mentioned in the fifty-sixth clause, or whether it is not. Mr. Higinbotham alludes to Mr. Fellows's argument, that you cannot alter a Bill for appropriating anything, but you might alter a Bill which incidentally appropriates, and Mr. Higinbotham takes the instance of a book which was alluded to yesterday by Mr. Fellows. He says that, in the case of a book containing several subjects, and dealing with several subjects, which might be designated by its general title on the title page—

Mr. Higinbotham: Some particular title.

The Hon. C. Sladen: Which might be designated by some particular title; but as the honorable member did not instance any particular book I am not prepared to give an instance of a book with a particular title, yet dealing with several subjects. But he states that, suppose a book has a particular title, and that you were told you must not tear that book, you would not be disobeying if you were to tear a leaf from the book which did not relate to the particular subject which was indicated in the title. Well, I scarcely can fancy a book of that character. I wish the honorable member had referred to some one. For instance, if you were to say you were not allowed to tear a leaf of the Old Testament.

Mr. Higinbotham: I will give you one that occurs to me at the moment: Suppose a merchant binds up his day-book and his ledger in one and the same volume, and it was forbidden to alter his ledger, and he altered the day-book, or the volume it is forbidden to alter in regard to the ledger.

The Hon. T. H. Fellows: Containing the ledger.

Mr. Higinbotham: If he alters the day-book, is that a violation of the rule?

The Hon. C. Sladen: That does not appear to me to meet the honorable member's argument at all, because if the day-book and ledger were bound together and the merchant said, "You must not tear that ledger;" if you tore a page out of the day-book you would not be violating his instructions at all; but if he said, "You must not tear that book which is bound up, containing the ledger and the day-book," then, I conceive, if he tore any page in it he would be disobeying the orders. I can understand, if a person were told he must not tear a leaf of the Bible, if he were to tear a page in the New Testament he would violate that order. Supposing a Bible lying on the table, and he were told, "You must not tear the Old Testament," tearing the New Testament would not be a violation of that instruction; but if a person is told, "You must not tear a leaf of that book," alluding to that book by its title, no matter whether a particular or general title, if you tore any page from that book you would be violating the instructions given you, because the title would be merely alluded to as a mode of designating the book, and not as necessarily indicating the particular object which the person to whom the book belonged had in view when he said, "You must not tear it."

Then another argument was used with reference to the construction of those clauses. Mr. Higinbotham alluded to cases of Acts of Parliament which might be passed which were partly *ultra vires*, or were repugnant to some Imperial Act of Parliament; but that will not necessarily invalidate the whole Act, but only so much of the Act as was so repugnant. No doubt that is very true, but suppose we attempt to compare the question at issue, viz.: the amendment in the Water Works Bill, with the case so quoted, I think it would be necessary in the first instance to show that the Council has not the power to alter a Bill of this kind. If the Council has the power to alter, there is no comparison to be drawn; therefore, it appears to me, rather a begging of the whole question, to submit that as a mode of argument applicable to this particular case.

Mr. Michie: As gentlemen seem to be disposed to go on half an hour longer, I wish to make an observation or two upon what has been submitted by the Honorable Mr. Sladen. I understood him to commence by remarking that no particular effect could

be given to the argument that had been urged by the Committee of the Legislative Assembly, founded upon the report of the Committee to frame the Constitution, or founded upon the effect of the Standing Orders, and the long concurrence with those Standing Orders by the Legislative Council, that no particular effect could be given to them by reason of the fact that those Standing Orders had been violated, or rather, as put by the Honorable Mr. Sladen, that repeatedly alterations have been made by the Legislative Council in Bills of the character we are now discussing. I conceive that the effect of that argument is merely this, that the Assembly has occasionally, and not unfrequently, in non-essentials, made concessions from their unquestionable rights; concessions have been made by the House of Commons to alterations made by the House of Lords at home; if those concessions have been made altogether without prejudice to or affecting their rights to stand upon their privileges, if they choose to do so, I think the honorable member who urges this argument does not seem to see the full force of the fact which he, in urging his arguments, admits, namely, that, in 1860, an objection was taken by the Speaker of the Legislative Assembly and a debate ensued upon it with respect to one of those very alterations. Now what was that objection founded on but the re-asserting, in the most practical form in which those Standing Orders could be re-asserted, the re-assertion and the re-consideration arising therefrom, nor does it affect the view I am urging that, after insisting upon a division by the Legislative Assembly, the alterations that had been made by the Legislative Council were eventually concurred in by the Assembly, because it is sufficient to show that the Assembly stood upon their privilege on that occasion. Debate ensued upon it, and the Council recognised the right of the Assembly to divide upon it. I understood the Honorable Mr. Sladen to say that, by the majority of 19 to 15 the amendments that had been made by the Legislative Council were confirmed, but some of them were not.

The Hon. T. H. Fellows: The one on which the privilege arose. You will find it at page 1343.

Mr. Michie: It begins earlier. "The next order of the day was the consideration of the amendments made by the Legislative Council in the Customs Act Amendment Bill. The Speaker called attention to what appeared to him to be an infringement of privilege and of the Standing Orders by the Council's striking out, in the 1st clause of the bill, that portion applying to the exacting of fees for bonded warehouses in other places besides warehousing ports. The Standing Orders waived the privilege when fees were not paid into the Consolidated Revenue, or became the subject of public accounts; but the fees under this Act were received as Customs duties and formed part of the consolidated revenue." That refers plainly to those Standing Orders; it was those Standing Orders that were referred to, because the Speaker calls attention to a portion of the language of those Standing Orders. For the purpose of this argument it is absolutely indifferent, I contend, as to whether the Assembly on debate assented to this alteration by the Council or not, because it is sufficient for this argument that the Assembly debated the alteration made by the Council for the assertion of privilege, that is, that a debate took place upon that assertion of privilege, and that there was no counter assertion by the Council, apparently alleging the matter was not privilege; and I cannot collect that it was stated by the honorable member who raised this argument, that there was any assertion by the Council that the subject was not of privilege at all, or that, upon their attention being called to these Standing Orders, any assertion was made that these Standing Orders were, *ultra vires*, the privileges of the House of Assembly. I have said—and indeed it still appears to me—that it is of almost no importance whether the alterations of the Council, upon the occasion of 1860, were concurred in or not, in the view I take of them, seeing that there was an absolute demonstration by the Assembly, at that time, of its being

a matter of privilege, and no counter assertion by the Council that these Standing Orders to which their attention was expressly called were, *ultra vires*, the privileges of the House of Assembly. My honorable and learned colleague, the Attorney-General, further calls my attention to this, and it is certainly of some importance when we look into it. Some of these alterations made by the Council were disapproved of, therefore that shows that the whole of them were discussed upon their merits; and with regard to those upon which the Assembly gave way, it was simply a giving way upon the public policy of the alterations made by the Council; because it must be obvious that it is perfectly consistent that there may be some particular alteration upon which it might be competent to the Assembly to stand upon their privilege, which yet, in the very essence and character of the alteration itself, might, notwithstanding, be more advantageous, when looked at upon the ground of public policy. And therefore, if it had the latter character, it would be competent to the Assembly to do as the House of Commons does in like circumstances—waive their privilege on that particular and recognise the advantage of the substance, waiving their right to object to the particular substance in that particular form; so that the argument the Honorable Mr. Sladen now insists upon, accompanied by the instance he gives of the objection taken and the debate which ensued in 1860, furnishes the Committee of the Legislative Assembly with an additional weapon in the way of illustration with which they had not provided themselves before, and that authority recoils upon the view, as it seems to me, of the honorable member who urged it. For what do we find the history of those alterations to be? We find that in 1860 the honorable the Speaker calls the attention of the Assembly in the terms used by him, those terms being breach of privilege and a violation of our Standing Orders, and no counter assertion by the Council that it was not privilege on the part of the Assembly, and no counter assertion upon the part of the Council that those Standing Orders to which reference was made by the Speaker, were Standing Orders it was not competent for the Assembly to make. There is nothing in questions of this sort of more importance in any event of the Legislature with reference to what might be framed, and which might perhaps for years escape the critical attention of either House. There is nothing more important, when a form, or what would be called a form, is suddenly evoked as it were from the books, and a practical application proposed to be given to it, than the manner in which the subject is treated at the time a distinct specific attention is called to it, and it is of the utmost importance in the consideration, when we find that the attention of the Legislative Council having been thus called to this subject by the Speaker in 1860—the attention of the Council having been called to the assertion or the exercise of a power in the passing of these Standing Orders—there was no counter assertion that these were Standing Orders that could not have been passed by the Assembly.

It comes round therefore merely to this, that in those particulars, in which the alterations have been permitted by the Legislative Assembly, they must be taken to have been permitted merely upon grounds of public policy, because we have on the one hand (that is unmistakable, it does not admit of discussion we have on the one hand) a strong assertion of these privileges in the shape of these Standing Orders, a portion of a permanent code passed very soon after the passing of the Constitution Act. But as against this strong and permanent assertion of the power and privilege implied by those Standing Orders, we have merely occasional violations or abuses of these Standing Orders, for the utmost that can be stated by the Committee of the Legislative Council is that the alterations of the Council were concurred in upon grounds of public policy by the Assembly, and if it had been intended to contend at any time that those Standing Orders were *ultra vires* the power of the House, I apprehend that at that time, when the

Legislative Council's attention was so specifically called to it, they should have so asserted, and yet they did not.

Having dealt therefore with that argument, I proceed to another argument of the honorable member in the reply submitted by him to the argument that was presented to the attention of both Committees from this side of the chamber, namely, as to the abuse that might occur, or the evasion rather than that might occur, of the functions of the Legislative Assembly, if effect was given to the argument which was submitted, not merely by myself, but also by my honorable and learned colleague the Attorney-General.

The Honorable Mr. Sladen said that the Assembly might bring in an odious or partial tax; this was the position that was put as a reply, as I understood the honorable member, to what I had contended for yesterday; that the Legislative Council, if it could reject once could reject two or three times, or a hundred times, that that which it was their right to exercise once could be properly exercised a hundred times, and the conclusion I thence deduced was that, by a circuitous process, the Council could absolutely possess themselves of the right of initiating taxation. The Honorable Mr. Sladen has not answered that argument, it is not any answer to the argument to say that everybody knew before; it was asserted that the Assembly may bring in a proposition a hundred times; of course it may, any number of times, but is it any answer to my argument to say that, because the Assembly may bring in a particular proposition—be it of taxation or any other proposition—a hundred times, that it might be an unjust measure? Is it any answer to my argument for the honorable member to say that such a thing as I have suggested could be done a hundred times by the Assembly? It is not any answer to the effect of the argument. What I especially required to be answered by the Committee of the Legislative Council was this—to answer the strong ground of reason comprehended in the argument I submitted, because, of course, the Honorable Mr. Sladen will admit to me that the creating legislature could never have intended an absurdity. We are always, of course, in an Act of this character to look for the apparent intention of the Legislature. And we are always to be astute in the highest degree to avoid the conclusion that the creating legislature intended a manifest absurdity and self-contradiction; but I repeat the creating legislature, if we are to assume this to be the intention, would have intended a manifest and self-contradictory proposition if it had in the same breath, as I contended yesterday it must have done, upon the supposition of the other side, have said that we should have this power, and said we should not have this power at one and the same time; because the argument to be answered was this, that inasmuch as admittedly in the most express terms and letter of the Constitution, the Assembly has the power of originating, and has alone the power of originating taxation; if, on the other hand, a process can be suggested, as pointed out yesterday, by which not only might the Assembly be denuded of that power, but be denuded of that power with the further effect that the Legislative Council would possess itself of the power, so that it would not only dispossess the Assembly, but possess itself of the power which, in literal terms, is given to the Assembly, that process would lead us to the conclusion that the creating legislature had given and taken away the same power in the same breath. The honorable member has not attempted to answer the argument, nor to follow along the steps which I indicated yesterday, namely, that by successive rejections (and the honorable member has not said they cannot reject for a hundred times,) the Council can reject a measure until they have reduced the matter to the form they like, which is only another means of saying the Council can originate and have the alternate power of taxation.

The Hon. T. H. Fellows: That is, if they exhaust all modes of taxation but the one.

Mr. Michie: That is, if they exhaust all modes of taxation but the one they like, not "all modes of taxation." It may be that all modes of taxation would not be exhausted if done five hundred times. If you have a right to do it once, you have the right to do it five hundred times. Then I come to this—that successive propositions must be exhausted until the Legislative Council get the proposition they like, and then they will pass it. I have not had an answer to that. I say it is a preposterous and almost unimaginable consequence. I should like to hear any honorable member take up that consequence, and endeavor to deal with it on some rational grounds, which has not been done yet. It is not the color of an answer to say that the Legislative Assembly may bring in a proposition one hundred times that might be an oppressive tax; the same thing could be done in the House of Commons. The House of Commons might be supposed to do so preposterous a thing as to bring in a tax which should be only a tax upon members of the House of Lords, the very supposition which is submitted by the Honorable Mr. Sladen, and as to which supposition I might content myself with the answer which Sir John Campbell, in the case of Stockdale and Hansard, made to the proposition put by Lord Denman, "Why, if the House of Commons possess the privilege contended for in this case of permitting Mr. Hansard to publish libels of this nature they may say, *sic volo sic jubeo*, the law remains with us, you (that is, the House of Commons) may order a man to be hanged up in your lobby;" to which Sir John Campbell said, "It is not decent to suppose such cases against any Legislature." That is a sufficiently good answer to any such suggestion as that any Assembly could be supposed to bring in a Bill for the purpose of taxing merely the Members of the Legislative Council. Whether it is a decent or indecent argument, it is not an answer to the argument that I submitted yesterday, and I wait an answer to the proposition I put which comes round to this, that the Legislature, unless the view we contend for is the correct one, would be saying, "Yes" and "No" to the same proposal in the very same Constitution Statute, which I say, is a *reductio ad absurdum*.

The Hon. C. Sladen: Might not the same be said with regard to the supposed rejection by the Council one hundred times or one thousand times, that it would be most indecent to suppose such a thing could happen?

Mr. Michie: No; because there is not the slightest suggestion that can emanate from any human mind, according to the contention on the other side, that the right to reject once is not a perfectly proper act—an unexceptionable act of legislative authority—and the second act of rejection cannot be less I apprehend. Is there to be a sort of evanishing principle by which you are to get down from the first rejection being a most unquestionable and unexceptionable act of legislative authority, to the repetition of the act ultimately becoming indecent? Are honorable members of the other committee going to take up that position, that by the successive doing of a thing which is admitted to be a perfectly proper, right, and wise, a lawful and advantageous thing to do a first time, becomes on its repetition a third, a fourth, or fifth time indecent or improper? Is that the amended argument of the Honorable Mr. Sladen? I am utterly unable to see the tenability of an argument of that description; for, from being a right, and wise, and virtuous proceeding at first, it is equally a legislatively proper proceeding a hundred times; nor can the character of the thing done be qualified to the detriment of its doing, because it is done the hundredth instead of the first time, all other circumstances being the same; so that I think the suggestion thrown out by the honorable member scarcely avails him, because he is putting a case in which, in the very origination of the proposition, his illustration breaks down, namely, that any Legislative Assembly, or any House of Commons, would impose a tax merely upon some thirty or forty members of the community, from which the whole of the rest of the community is exempt. That is not a reasonable proposition in its first statement.

I proceed then from that to the only other argument urged by the Honorable Mr. Sladen, the argument to which he specially called the attention of my honorable and learned colleague the Attorney-General founded upon those words in the fifty-seventh clause, "or pass."

Says the honorable member to my honorable and learned colleague, "What effect do you give to those words 'or pass'?" Now, it appears to me—I am not certain if I correctly apprehend the argument of the honorable member; I will, however, endeavor to state it, to see if I have apprehended him correctly—it appeared to me that the honorable member intended, in dealing with those words, to say they must have been inserted with the object of authorising the coming back, of something in the shape of taxation from the Council to the Assembly. I find I correctly apprehended the honorable member. It appears to me those words "or pass" by no means imply anything to that effect; looking to the context in the statute, to the clause, more particularly the fifty-sixth. I can give a reasonable effect to those words in that clause, though they may not occur in the grammatical order in which a very skilful draftsman might have put them; but very easily the most reasonable effect can be given to the words "or pass," not the effect proposed to be given by the Honorable Mr. Sladen. Then the fifty-seventh clause says, "It shall not be lawful for the Legislative Assembly to originate or pass any vote, resolution, or Bill." Now, I say the words "originate a Bill" is the proper expression; but you do not say you originate a vote or resolution, which is passed or rejected at once, and not in successive stages like a Bill; and therefore the rational as well as grammatical reading of this clause is, that it shall not be lawful for the Legislative Assembly to originate any Bill altering the collocation of the words by putting the word "Bill" before the word "vote." The unmistakable reading would be, taking the words in the distributive order in which grammatically they should be taken, thus reading, "It shall not be lawful for the Legislative Assembly to originate any Bill, or pass any vote or resolution with regard to appropriation which shall not have been first sent down by message," and that is not the less a reasonable and proper reading. Those words can be perfectly justified upon the construction we are contending for here. Now, it appears to me there has been no answer to my honorable and learned colleague in which he has submitted the views he takes with respect to the use of the word "appropriation;" because the Honorable Mr. Fellows, who contends for the limited construction which he applies to that minute part of speech "for," must submit to the same construction where it occurs in the same way in connection with the word "appropriation." Let him ransack all the dictionaries he can get in the English language, Richardson, or any other, he will find an amazing number of definitions of the little word "for," having its minutely varying shades of meaning controlled and regulated by the various contexts in which we find that part of speech, and therefore showing how very comprehensive a word it is; but if the honorable member be permitted to contend for the limited application of the word "for" in the case in which he contends for it, he must submit to the same limited application when it occurs in another place, and it does occur in another place—"It shall not be lawful for the Legislative Assembly to originate or pass any vote, resolution, or Bill for the appropriation of any part of the said consolidated revenue." The argument of my honorable and learned colleague follows upon that, that a Bill for the appropriation of money must be a Bill which has either that for its exclusive or principal object, and if that be so, the deduction is inevitable—that by effectually disguising the attempt, and there might be a number of attempts for the appropriation of money in a Bill introduced into the Legislative Assembly, by means of covering that by more conspicuous subjects, you would give to the Legislative Council an

appropriative power quite as large, if not larger, than either of the honorable members has admitted to be possessed by the Legislative Assembly, which is another *reductio ad absurdum*. There is no escape from that position; the only color of an answer is in the peculiar, and as I say (without offence) perverted application of the words "or pass" in that fifty-seventh clause. But when I see those two words "or pass" operate in the clause itself, and operate perfectly consistently with the view we are offering, and when I find that those words "or pass" cannot have the effect given them by the Honorable Mr. Sladen without being directly repugnant to what is expressed in the fifty-sixth clause, then I say the reading I offer, namely, "shall not originate a Bill, or pass a vote or resolution," is the true reading of that clause, and therefore as the whole of the arguments that have been submitted by the Honorable Mr. Sladen have, I think, fallen short of meeting the case he attempted to make, I shall not at this stage trouble the honorable members of either Committee with any further observations.

[Upon the proposal to adjourn, the following discussion took place:—

The Hon. W. Highett: I think we have heard argument enough upon these points, and that we might now consider the questions before us (No, no!). I think we might treat this Bill as other Bills have been treated by the Assembly.

Mr. Higinbotham: No doubt that might be done, if each House had not presented reasons on which the conference has held and stated adverse views.

The Hon. W. Highett: Who is to decide? There is no one to decide between us; we have heard the arguments on both sides.

Mr. Higinbotham: We trust to reason to induce honorable members to alter or modify their views.

The Hon. W. Highett: All I have heard has only made me much stronger in favor of the Council's views.

The Hon. J. F. Strachan: It appears to me simply this: Other Bills have been allowed to be altered without any objection, but the particular Bill which the Minister of Justice alludes to is a very different Bill to this. This is a Water Supply Bill; those are Customs Bills, or Bills relating to Customs.

The Hon. T. H. Fellows: That Bill dropped altogether, and a new Bill was brought in, in consequence of the Council insisting upon their amendments.

The Hon. J. F. Strachan: The schedule was altered in the Council and accepted by the Assembly; it was first of all £300, and that was reduced to £250, if I am correct in that statement.

The Hon. T. H. Fellows: There was an alteration in the amount of the fee.

The Hon. J. F. Strachan: The question upon my mind as to this Bill is, as to those points which have been raised, which are very important points, that they were raised not on the part of the Government, who did not express any desire to raise that privilege point, if I understood the debate and the speech of the Honorable the Minister of Mines. The honorable member said he was afraid if that point was raised, it might be the means of throwing out the Bill in the other House. We have had many Bills altered by the Legislative Council where the privileges might have been more correctly insisted upon, or on which a stronger case might have been made out by the Assembly, by standing on their privileges. I am sure I have no desire to infringe those privileges in the slightest degree, but here is a Bill, I think, which by its title clearly sets forth, that it is for the supply of water, and it is not for general taxation—a tax like a wharfage rate or a rate that would fall upon the whole body of the people. Here is a Bill where the only rates to be levied are to be levied upon those who receive a benefit from the water—it is not a strong case. I think it is to be regretted the Assembly should have taken up a Bill of this sort, and stood upon their privileges as they have done, seeing, more especially, that they have had much stronger cases before during the last eight years on which to have taken up the particular ground they do now.

With regard to the legal point of view, I leave that to those who are of course more conversant with the legal phraseology of Acts; but looking upon it in a common sense point of view, I confess I regret that the Assembly should have taken it up in the way they have with regard to their privileges.

Mr. Sullivan: Mr. Highett asks that we should waive the whole matter in dispute.

The Hon. W. Highett: Not further than what has been previously done with former Bills—it has been waived on the ground of public policy.

Mr. Sullivan: That may be a reason why we should do it, but we are asked to waive the whole matter in dispute. Why are we here? The honorable member (Mr. Fellows) stated in my hearing that the Assembly put forth certain pretensions to privilege, he wished to know those rights we claimed, and invited a conference that we might discuss the claims and see how they stood, at the same time persisting in the amendments and rejecting the amendments of the Assembly, and sending down a certain string of reasons for their action. We are met in consequence of that invitation, and we are met to submit to listen to reason. If honorable members are determined not to be convinced, we cannot help it. When the representatives of the Legislative Council come to them, we are prepared with good and substantial reasons for our position. If honorable members are inclined not to hear us, we cannot help it; but we cannot waive the whole matter in dispute; and, therefore, if any party might do anything in the shape of waiver without any sacrifice of principle, it might be for the Legislative Council to consider the propriety of waiving their amendments; they do not attempt to say it affects their privileges. We say, and we feel, and we know, and we are as fully satisfied as of anything that this attempt on the part of the Legislative Council is a direct interference with one of the vital privileges of the Assembly, and therefore I say, the amendments, when the time comes to consider the Bill on its merits, the amendments which the Council contend for are of that important character that we could not receive them *en masse*, because though they may not do any harm to the Bill as regards the passage of the Bill, yet these amendments of the Council do involve such important questions of public policy, not affecting the privilege of the Council, but, on the other hand, affecting the vital privileges of the Assembly, that it is utterly impossible we can give way on them. I think, therefore, the relative amount of sacrifice would be so slight on the part of the Council as compared with that which the Assembly would have to give up, that the Council might waive their amendments, and then we might waive any further discussion.

Mr. Macgregor: The discussion now is not for the benefit of this Conference, but of both Houses. A Report will have to be submitted to both Houses, containing a full statement of the discussion, and the Conference ought not to be brought to a close before the discussion is half ended. There are certain arguments, in my opinion, which ought to influence in some degree the opinion of honorable members on both sides, which have not yet been urged, and it would be unfair, considering we have been invited here, to insist now upon closing the discussion before it has been half gone through.

Mr. Bindon: The discussion will be of great importance: and, although we may fail in changing the opinion of Mr. Highett, or other honorable members, it may yet be of importance if our reasons for holding on to what we conceive to be our privileges are made known. It is of extreme value, to clear the way in order to lay our finger, so to speak, on the exact difference that there is between the two Houses on the point of privilege and taxation. Then, taking the view of Mr. Strachan, as to the common sense view of the question, we have not yet touched the question of policy. The question of privilege having been raised, the Upper House gave reasons for not agreeing to our view of the matter, and those reasons came down, so to speak, to be argued, and we are arguing them here. When we get the question

of privilege disposed of, which will be in a very short time, that part of the subject being now almost exhausted, that will be the time to discuss the question of policy and to take what Mr. Strachan was good enough to call the common sense view. Then will be the time to give and take, to avoid differences on privilege and make concessions so as to produce a measure valuable to the country and acceptable to both parties; but how can we do that till we have exhausted the prior subject, with which

we are now seized. I differ from my honorable friend Mr. Highett in thinking the discussion is of no use; I think it will be of great use, and both parties will put forward their claims in the best way they can. The country will then have to express its opinion upon it, when it knows the exact point of dispute between us; so that, although we may fail to convince the honorable members representing the Upper House, I maintain the discussion will be of great importance nevertheless.

Adjourned to Monday next, at three o'clock.

MONDAY, 14th AUGUST, 1865.

Present :

THE COMMITTEE OF THE LEGISLATIVE COUNCIL.

The Hon. T. H. Fellows,
The Hon. W. Highett,
The Hon. S. G. Henty,
The Hon. H. Miller,
The Hon. J. F. Strachan,
The Hon. C. Sladen.

The Hon. W. Highett : Referring to the first reason given by the Legislative Council for insisting on their amendments—that reason is, “The Legislative Council and Legislative Assembly are the creation of an Imperial Statute, and have no powers either separately or together which are not conferred upon them by that Act.” As to that, the Honorable Mr. Michie said, “That of course is a position that speaks for itself, and it is scarcely necessary to admit or deny it, because it is obvious, and I do not think it necessary to make any observations upon it.” Yet it seems that both the Minister of Justice and the Attorney-General do practically disregard both the foregoing reason (which they assent to) and the absolute terms of the Constitution Act by which they are bound. The Honorable Mr. Fellows quoted the fifty-sixth section of the Constitution Act, which provides that “All Bills for appropriating any part of the revenue and for imposing any duty rate tax rent return or impost shall originate in the Assembly and may be rejected but not altered by the Council;” and it is agreed on the part of the Council—that the Bills provided for by this section must be Bills of which the main object is appropriation or taxation; that it does not apply to Bills to which the taxation is incidental only or ancillary; that already with regard to this very Bill, the Water Works Bill, the case has been conceded to be as the Council allege; for, if a Bill within the scope of the fifty-sixth clause, it could not be altered by the Council; yet it has been altered by the Council, and the Assembly have agreed to the alterations.

It was argued that no part of such a Bill could be altered, if it were a Money Bill within the fifty-sixth clause; just as, if there were a prohibition against tearing a book—if one leaf were torn, the prohibition would be broken. The Attorney-General replies that, if there were an account book in an office and the object were to prevent the ledger it contained from being torn, an order that the book should not be torn would not be broken if a part of the account book separate from the ledger were torn. There is a fallacy here as to the meaning he imputes to the word “book.” He gives it a double meaning; when the book is torn he treats it as a ledger only, and considers the order unbroken unless the ledger is torn. When the order is given he admits that the whole book is included, but says that it is not meant to be so, but only a part of it.

Mr. Higinbotham : If I may be permitted to interrupt: I do not admit that, when the order is given, it applies to the whole book. I say that the prohibition applies to the book, which is the subject matter of the prohibition, and that is one part of it.

THE COMMITTEE OF THE LEGISLATIVE ASSEMBLY.

Mr. Michie,
Mr. Bindon,
Mr. Higinbotham,
Mr. Macgregor,
Mr. Berry,
Mr. Sullivan.

The Hon. W. Highett : I am merely taking the honorable member's argument as reported at the time, and I think he will find I am correct.

Mr. Higinbotham : The honorable member, Mr. Sladen, has referred me to this passage in my argument, “I will give you an instance that occurs to me at the moment: Suppose a merchant binds up his day-book and his ledger in one and the same volume, and it was forbidden to alter his ledger, and he altered the day-book, or the volume it is forbidden to alter in regard to the ledger; if he alters the day-book, is that a violation of the rule?”

The Hon. T. H. Fellows : If you say, You must not tear a book containing the Old Testament, is not it a violation of that, if you tear the New Testament?

Mr. Higinbotham : A book intended to contain—for containing the Old Testament: if that book also contains the New Testament, I submit that tearing that is not a breach of the order not to tear the Old Testament.

The Hon. T. H. Fellows : If it was a case or a box, and the order was, You must not break any box containing the Old Testament; in that case, you could not break a box containing that and half a dozen other things as well.

The Hon. W. Highett : If the agreement be with regard to the book as a book, the tearing of any leaf therein comes within the scope of the prohibition. If the Bill be a Bill within the meaning of the fifty-sixth clause the alteration of any clause therein is a violation of the Constitution Act; there can be no doubt about that, I think.

I will now refer to the thirty-fourth section of the Constitution Act, which distinctly enacts that, “No Standing Rule or Order which shall affect the communication between the said Council and Assembly, or the proceedings of the said Council and Assembly collectively, shall be of any force, unless the same shall have been adopted both by the said Council and Assembly.”

As to Mr. Michie's statement, that the Council were aware of the Standing Order, he is in error in supposing that it is usual to take cognizance in one House of what is done in the other, unless a communication be made between the two Houses. That is all I have to say in answer to that.

Then Mr. Michie referred to the Paper Duties Bill. When the Lords threw out the Paper Duties Bill in 1860, the House of Commons appointed a Committee to search the journals of the House of Lords, before any notice was taken in the Commons of the action of the other House.

This, therefore, is the practice and usage of the Imperial Parliament, which usage is made by the

thirty-fourth section of the Constitution Act, so far as it is applicable, the rule which "shall be followed" in the proceedings of the Council and Assembly. And this rule, coupled with the stringent provision of the fifty-sixth clause of the Constitution Act, that the Council shall not originate any Money Bill, and may not alter, but may reject, such Bills, guards against any undue or unconstitutional power by the Council to deal with or initiate Money Bills.

Mr. Michie says, with regard to the rejection of the Paper Duties Bill by the House of Lords in 1860:—"I do not hesitate to say, and I say so without immodesty, because I have the authority of the House of Lords itself for saying so, *they did this unconstitutionally.*" Those are the words made use of by the Minister of Justice: "they had only a bare naked legal right," and so on. Lord Lyndhurst, on the contrary, gave a directly opposite opinion, in the following words, "If your lordships are satisfied"—

Mr. Michie: In which debate?

The Hon. W. Highett: On the Paper Duties Bill.

Mr. Michie: There were two debates.

The Hon. W. Highett: I am not aware which of the two; but it was in reference to the Paper Duties Bill; and Lord Lyndhurst said, "If your lordships are satisfied, as you must be, that you have not only the power, but the constitutional right, to reject this Bill," and so on.

Now, as the House of Lords acted in conformity with Lord Lyndhurst's advice, and never, by any vote or recorded opinion, admitted the truth of Mr. Michie's assertion, that they acted *unconstitutionally*? His assertion is not sufficient to outweigh Lord Lyndhurst's opinion. That is all I have to say in answer to that.

Mr. Michie: Lord Lyndhurst does not express any opinion. All he says is, "If your lordships are of opinion."

The Hon. W. Highett: He states distinctly, "If your lordships are satisfied, as you must be, that you have not only the power, but the constitutional right, to reject this Bill." Now I might state that the opinion given by Mr. Michie as to the proceedings in the House of Lords amounts to nothing whatever, because it was never entered on the journals of the House, and to bring forward the action of the House as an authority, it must be entered on the journals of the House. I believe I am correct in saying so.

I have only one other matter to touch upon, which Mr. Michie dwelt considerably upon, namely, the use of the word "rejected" in the fifty-sixth clause of the Constitution Act. Mr. Michie asserts that, "If the Legislative Council have a right to reject once, they have a right to reject twice, three or a hundred times;" but he denies their right to reject at all, because (he says) Taxation by law is not law-making, for, he says (I quote from the proof sheet of his speech furnished to me) "the subject of taxation is not the subject of legislation," and while it may be "admitted upon the part of the Legislative Assembly that the Houses may have co-ordinate authority upon matters of legislation, but that co-ordinate authority does not travel into what is not matter of legislation, and taxation is not matter of legislation." I believe these were the words of Mr. Michie. This assertion is made by Mr. Michie within a few minutes rather singularly of his admission that neither Council nor Assembly, either separately or together, have any power not conferred upon them by the Constitution Act; and in the face of the fact that the first clause of the Constitution Act is to the effect that, with the "advice and consent" of the Council and Assembly, power is given to make laws in and for Victoria in all cases whatsoever.

Mr. Michie argues that, by repeated rejections of a Bill, the Council would be enabled to initiate taxation, which, in express terms in the same clause, is denied to them. To this argument Mr. Michie seeks for a satisfactory answer. He dwelt considerably upon it, and called upon the whole of the members on this side to answer it. The only answer I have to give is this: If two men are travelling, and one wishes to go in a northerly direction, and

the other declines to do so; according to this argument, the declining to go northwards is positively initiating a journey in another direction. Declining to do one thing is really, according to Mr. Michie, doing another thing. These are the only observations which I wish to offer to honorable members of these Committees upon the general question before them.

Mr. Bindon: As the most salient points in this discussion have been already treated by the different speakers; by my learned friends, the Minister of Justice and the Attorney-General, I shall express my views as briefly as possible on the matter. It appears to me, in considering this Constitution Act, we are too apt to look upon it, as an ordinary Act of Parliament. It is more than that: it is like a charter granting us privileges and rights, and we must all admit that any Act of Parliament of that class must be construed with greater liberality and more freedom of construction than an ordinary Act of Parliament. Acts of Parliament of this character ought to be construed—and all the authorities say so—precisely as wills are, that we must look at the intent, no doubt governed by the words, and if we for a moment look at the different charters of the English Corporations, and how they have been construed from time to time, we may see that by the decisions of courts privileges have so accumulated and gone to such an extent, that it required legislative enactment to curtail and abate the extent of these privileges. And here we come to construe this Act, and we are invited to argue it as closely, so to speak, as if it was not a granting or conferring Act, giving us rights and privileges which are not new to us, which are English privileges enjoyed at home, but which are conferred upon us in this country as a grant from the English Parliament. I merely now observe this with reference to the mode of construing this Act of Parliament, and that we should not do so in a narrow and restrictive spirit, but rather in a free and generous spirit as far as we can do so consistently with the words of this statute. That being conceded, we go to the fifty-sixth section, and where are we to get a definition of the words "Money Bill?" Now, I believe you must admit that the words "Money Bill" are borrowed from English history and English legislation, and what may be called English political literature. It is a term, so to speak, of legislative art, which we find in this Act of Parliament, and therefore, when we come to define it, how are we to define it?

The Hon. T. H. Fellows: I do not think you will find it in the Act at all. I do not think it occurs.

Mr. Bindon: In the Act we find these words: "Duties rates and imposts now raised levied and collected or to be raised levied and collected to and for the use of the colony for such time as shall have been appointed by any Acts of the Legislature by which any such charge was authorised." Suppose now we apply the words "Money Bill" to that; we have used the words "Money Bill" for that. We find that the same language is applied to Bills, such as we are speaking of here, in all through English legislation. The words "Money Bill," at all events is used by us, and is a technical term, used in a technical way: and the question is, can we apply it to the Bill now under consideration? Now, I think the definition the honorable member, Mr. Fellows, has laid down is this, that Money Bills were simply Bills for appropriation and supply.

The Hon. T. H. Fellows: No; I say, that nothing is a Bill within the prohibition of that section, unless it be a Bill for "imposing," by which I understand the sole object to be that.

Mr. Bindon: According to the argument of the learned gentleman, Mr. Fellows, it simply amounts to this, that it is the mere wording of the Bill that will make it a Bill within the fifty-sixth section. The mere wording of the title—suppose the title ran to this extent—"For levying a rate throughout this country, and appropriating the rate for the erection of Water Works."

The Hon. W. Highett: Then the Council would have no power or control over it?

Mr. Bindon : Then it depends upon the penmanship of the draftsman. If I had been drawing the title of the Water Works Bill, which we are now considering, and had put it in this way, a "Bill to levy a rate to be appropriated for the purpose of constructing Water Works," then you admit it would be such a Bill as the Upper House could not touch or alter?

The Hon. W. Highett : I do.

Mr. Bindon : Then how does this Bill differ from that Bill in substance—then of course you give up the point?

The Hon. W. Highett : No.

Mr. Bindon : Is merely the description of the thing to alter it in substance? In substance it is a Bill to levy a rate and appropriate that rate for the erection of water works throughout the country. That is the object and substance of the Bill.

The Hon. H. Miller : No, no.

Mr. Bindon : Then what is the Bill for?

The Hon. H. Miller : To supply the country with water.

Mr. Bindon : How is that to be done?

The Hon. J. F. Strachan : We voted to raise the money for it.

The Hon. W. Highett : The money is voted in a separate Bill.

Mr. Bindon : Is the rate necessary or not to the existence of the Bill? If the rate be necessary, of course it is an important part of the Bill. You must have the rate before you have the water. That will be admitted, I apprehend?

The Hon. H. Miller : No, you must have the water first.

Mr. Bindon : You must have the power to rate before you have the water. It is a condition precedent—the striking of a rate; and you must have that before you go to supply the water; and, therefore, if I describe the Act as a Bill for striking a rate for the purpose of expending that rate for the carrying out certain water works, is that a Bill then within the fifty-sixth section of the Act or not?

The Hon. W. Highett : It would be a question.

Mr. Bindon : Then how can a definition alter the substance of the Bill? Now, we have a classification of these different Bills, Money Bills, and laid down by an authority not very favorable to the House of Commons, Mr. Hallam, he says this—I am now quoting from the tenth edition of *Hallam* on Constitutional History, vol. iii., page 32—"The principles laid down by *Hatsell* are, 1. That, in Bills of Supply, the Lords can make no alteration but to correct verbal mistakes. 2. That, in Bills not of absolute Supply"—that is such as this Bill before us—"yet imposing burthens as Turnpike Acts, &c., the Lords cannot alter the quantum of the toll, the persons to manage it, &c., but in other clauses they may make alterations. 3. That where a charge may indirectly be thrown on the people by a Bill, the Commons object to the Lords making amendments. 4. That the Lords cannot insert pecuniary penalties in a Bill, or alter those inserted by the Commons," for which he refers me to the third volume of *Hatsell*, page 137, in which he sums up these different distinctions, all coming under the head "Money Bill," every one of them, although the term "Money Bill" may not be used. It is a term we now use, and when the Lords in their division of those "Money Bills" have adopted that category, and that description of those different Bills, and adopted those four classes, why should we not follow the same division precisely as they do—that is, if we can do so consistently with the Act of Parliament. Now, I apprehend, the argument that has been used by Mr. Fellows, and also by Mr. Highett, is this: If you admit my argument, you cannot touch the Bill at all, or alter it under any circumstances; that I grant; but let me say it may be inconvenient not to allow the Upper House the privilege of touching a part of the Bill that relates to policy; and, although technically, there may be a difficulty about it, common sense is better than technicality, and we must submit to common sense; that is precisely the practice which exists

between the House of Lords and the House of Commons at home about it. The House of Commons may say to the House of Lords, setting up the argument of Mr. Highett, "You cannot touch this at all; it has relation to rating; it is a Money Bill, and you cannot touch it." But they do not do that, because they say, "We will not differ about trifles; they are only touching parts that do not relate to taxing, but only relate to policy alone, and therefore we will not interfere with it." But may I ask gentlemen on the opposite side why is the policy of this restriction at all? Every line in an Act of Parliament must have force and effect, as has been said somewhere, "Every string has the right to have its sound." What is the use of this interdiction about alteration, unless there be a purpose—and the only purpose that common sense can point out is this, that taxation is limited to the Assembly, and that ordinary legislation, in contrast to taxation, is a co-ordinate function of the Upper House. Now, here it may be said that I have no right to look outside the Act of Parliament for that view of the matter, but I have the right to look to constitutional history, and I have the right to look to the journals of this House, and the proceedings of this House, and when the Governor's speech is delivered here by His Excellency, I suppose it is not done without thought and consideration. In the first volume of *Hansard*, at page 1397, the Governor is addressing the President and the Honorable Gentlemen of the Legislative Council, and he is also addressing Mr. Speaker and the Gentlemen of the Legislative Assembly, and he says, "Gentlemen of the Legislative Assembly, I desire to express my cordial thanks for the readiness with which you have provided the necessary supplies for carrying on the service of the Colony;" and having spoken that sentence, what does he say then? The Governor begins again; "Mr. President and Honorable Gentlemen of the Legislative Council, Mr. Speaker and Gentlemen of the Legislative Assembly," and so on. He introduces that particular paragraph, talking with reference to supply. Now, Mr. Highett will say that alludes to supply alone, merely to appropriation, and not to other taxation; but section fifty-six of the very Act we are now speaking of alludes to taxes and imposts, and what is the use of conferring the privilege with reference to taxation upon this Assembly, rather than upon the other body? It is, that we should stand in a protective character, with reference to taxation, and to the public purse of the colony, we should stand between the Upper House and the country, with reference to that one subject and that one subject alone.

A good deal has been said as to the word "reject," and although Mr. Michie has put it very fully, I think there is a common sense view of it, which I will suggest for a moment. Suppose there is a deficiency in the Treasury; suppose there are only five healthy ways of recouping that deficiency; suppose the Treasurer says, "I will supply that by an income tax," and suppose the Upper House says, "No, we will not have an income tax," and rejects it, out it goes. Then he comes up again and says "I will introduce a property tax." The Upper House may say, "We will not have a property tax," that is two. Suppose stamp taxes are proposed, and the Upper House says, "We will not have that," and suppose succession duties are proposed, the Upper House may say, "We will not have that." Then supposing legacy duties are proposed, and they reject that; and then supposing a sixth comes, who then has the ultimate power of taxation? If you can reject one you can reject the five practicable ways and reject every practicable means proposed, and then direct ultimate taxation, and then what does it amount to? that the Upper House can tax; because, if you be right in your view of the power, which I apprehend you assume and hold you have, with reference to the constitutional right to reject as well as the legal right, then you clearly cannot get out of the logical conclusion—the Upper House will then assume the ultimate power with reference to the taxes of this country. They say absolutely, they have ultimate

power, and can defeat the Legislative Assembly upon every point except what they like, and then it amounts to this, that the few can tax the many, or that the House representing the minority can govern the majority with reference to taxation. Now, look into constitutional history and see whether the Upper House will be prepared to affirm that view of the matter, or was that the original intention of the clause. I have no personal objection to any of them; but was it the object of the clause to give the Upper House an absolute power of imposing taxation in this country? and, if so, is it not a mockery when the Governor turns round to the Legislative Assembly and says, "I thank you for giving the supplies." The two views appear to me to be as opposite as things can possibly be. My view of the matter then is simply, that, in reference to the matter of construction, which is before us, the most liberal construction should be given to the Act, considering that it grants privileges, that it is a charter rather than anything else to us, that it should be viewed and construed in the most liberal and generous way that it possibly can be consistently. Then how am I to construe it? By the light of intent and such other light as I can bring to bear upon it? With reference to the mode of definition, it is only a mere word or two I have to read upon the matter. I am reading now from *Broom's Maxims*—"The only rule," it has been said, "for the construction of Acts of Parliament, is that they should be construed according to the intent of the Parliament which passed the Act. If the words of the statute are in themselves precise and unambiguous, then no more can be necessary than to expound the words in their natural and ordinary sense. The words themselves alone, do in such case, best declare the intention of the law giver. But if any doubt arises from the terms employed by the Legislature, it has always been held a safe means of collecting the intention to call in aid the ground and cause of making the statute, and to have recourse to the preamble, which, according to Chief Justice Dyer, is a 'key to open the minds of the makers of the Act, and the mischiefs which they intended to redress.'" There to my mind is a canon as plain as possibly can be with reference to the intent and the rule laid down. Then, was it the intent of the Legislature to give the Upper House the exclusive, and I use the word "ultimate power"—it is not my word, it is Mr. John Stuart Mill's word—the ultimate power of taxation in this country. Are we to have any further power, with reference to taxation, than the Upper House, is it a mere co-ordinate power, or are we to have a further power. I claim on the part of the Assembly a further and larger power with reference to the taxation. I do not want to define what the word "further" is, but a further and larger power. I ask you to define what that further power is. You say you can bring any Bill first into your House; but, according to the definition of Mr. Highett, if the title is artfully drawn, you can bring it into the Upper House. Under those circumstances, it appears to me that the Upper House are possessed, no doubt, of co-ordinate authority in every respect, except with reference to this one question of taxation.

The Hon. T. H. Fellows: May I call Mr. Bindon's attention to the fourteenth clause of this Act:—"If any person shall wrongfully take or use any water from any works constructed or completed under the authority of this Act or shall bathe therein, or shall throw or convey or cause or permit to be thrown or conveyed therein any rubbish dirt filth or other noisome thing or shall wash or cleanse therein any cloth wool leather or skin of any animal or any clothes or other thing or shall do any other act whereby the water in any of such works shall be fouled or shall wilfully injure in any way any of such works or shall wilfully or negligently waste misuse or unduly or wrongfully consume the water of any such works, he shall for each such offence forfeit a sum not exceeding five pounds." The Council could not

alter that penalty under the Constitution Act as the result of that argument.

Mr. Bindon: I do not believe they could. I hold this—the Act being one to impose a tax gives it such a character, that the Upper House cannot touch it; because I say Money Bills, which term you use in your reasons—

The Hon. T. H. Fellows: The word "Money Bills" does not occur in the reasons, I think. It is a common expression that is used.

Mr. Bindon: I saw the word "Money Bills" somewhere. Mr. Fellows frequently used it in his address.

The Hon. T. H. Fellows: I think I used the expression "solely fiscal."

Mr. Bindon: Then, I say, a Money Bill may be a Bill not solely fiscal.

The Hon. J. F. Strachan: I should like to ask the honorable member wherein the Council have altered the rates in this Bill?

Mr. Bindon: You have altered the places of rating.

The Hon. T. H. Fellows: The places are not defined in either Bill. There is no definition of the places.

Mr. Higinbotham: I think, upon the question, whether this particular alteration comes within the rule or not, there might not be irreconcilable differences amongst honorable members; for it was only on the Speaker expressing his opinion that it was a violation of the rule, that the House rejected the amendments. As to the question of principle which is now raised upon these amendments, without discussing whether these particular amendments come within the principle or not, it is necessary for us to agree, or to ascertain grounds for disagreeing.

The Hon. J. F. Strachan: Mr. Bindon appears to put great stress upon the Governor's Speech in bringing in Bills of Supply. There is no question upon that point. As far as regards Bills of Supply, there is no question between us. With reference to this Bill, I have yet to ask, wherein any point has been changed, beyond the simple boundaries of the areas? The Council have never altered in any respect with regard to the different rates to be charged; and, even if they had done that, I question in my mind whether the Council cannot do it; but they have not done so. The simple alteration in this Bill, upon which so much stress is put, is no alteration in taxation at all: it is a mere simple alteration of certain boundaries. The original Bill from the Assembly set forth a Schedule which, in the main, is ratified. Now, I presume, the object of Mr. Fellows's amendment was, that those boundaries should be defined clearly and distinctly by legislation and embodied in the Bill, and, therefore, I see no alteration at all as to taxation.

Mr. Sullivan: It would not have that effect at all.

The Hon. J. F. Strachan: The whole matter, in fact, was known; it was leaving the whole affair in the hands of the Governor in Council. With reference to the petitions being sent in by certain communities, it was the same principle as we have in operation, I believe, in one of our present Acts—the Municipal Government Act—in which one hundred inhabitants, or whatever number it might be, send in a petition to have their town or their portion of country made into a municipality. It gave a month, or a certain time for the opposite petition to come in. Now, that is all that has been done in this Bill with regard to that part of the question, and it always remains entirely with the Governor in Council. There was no interference whatever on the part of the Council with the Assembly's views on that part of the Bill; and as to the taxation in this Bill, I do not see where you can find it. I am fully aware that the question was not raised by the Government, but by a private member, and the opinion of the Speaker being asked, they were bound to support the opinion of the House.

Mr. Higinbotham: The question arises in regard

to another Bill. Reasons have been stated by the Assembly for refusing to agree to the alteration of the Legislative Council in the amount to be paid for a miner's right.

The Hon. J. F. Strachan: That is another point altogether. We are bound to deal with the gold, and I believe that comes within our province, whether disputed by the Assembly or not, I do not know. But, as I said before with reference to this Bill, with regard to the question raised, it is extremely important, because one schedule altered by the Council was sent down by the Council to the Assembly, and accepted without question, and that was taxation; and I think it was a more glaring and pointed case than the present, for there the schedule was altered.

Mr. Sullivan: Which one?

The Hon. J. F. Strachan: The Conveyance of Gunpowder Bill; that was a Bill altered by the Council and sent down to the Assembly and accepted by the present Chief Secretary.

Mr. Higinbotham: Quite an unimportant and trivial alteration.

The Hon. J. F. Strachan: The importance of it does not matter, if it was an infringement upon your privileges.

Mr. Macgregor: As I happen to be the member who raised the objection to the amendments of the Upper House in this Bill, I think it is only right that I should make a few observations in support of the objections which I have raised, and which I still believe to be perfectly valid. I am quite prepared to concede at once all the reasons up to reason No. 5 of those alleged by the Legislative Council for insisting upon their amendments. I do so for the purpose of bringing the question into the smallest possible compass. And I am also prepared to concede at once that the difference between the powers of the two Houses of Legislature in this colony is expressed in the fifty-sixth clause of the Constitution Act, and also, incidentally, in the following clause; but I contend at the same time, that this difference, with a very slight exception, comprises the very difference between the powers of the House of Lords and the House of Commons at home; I mean practically existing between them, because I am quite aware that the House of Lords insists that, theoretically, it has the right not merely to reject, but to alter, and even to introduce, Money Bills; but it is not a right practically insisted on, and therefore I say that the fifty-sixth clause of the Constitution Act comprises, with a slight exception, the same difference that practically exists between the House of Lords and the House of Commons in Britain.

The words in the fifty-sixth clause honorable members are perfectly familiar with now, but, in order that my remarks may be consecutive. I will just read them: "All Bills for appropriating any part of the revenue of Victoria and for imposing any duty rate tax rent return or impost shall originate in the Assembly and may be rejected but not altered by the Council." I contend that, by that clause, there is even a greater power conferred upon the Legislative Assembly in this colony than even that of the House of Commons at home. This is not only a practical, but it is a legal power, conferred upon the Legislative Assembly; and it can only be ascertained by referring to text writers at home upon the constitution of the House of Commons and the House of Lords, what really constitutes the difference between these two bodies. I contend that that difference is sufficiently defined for our purpose, and that substantially the difference is the same as that which exists between both Houses in this colony, with the slight exception which I shall point out. I shall, in the first instance, refer to the description given in a text book of authority, Blackstone's Commentaries, by Stephen, second volume, page 362, "First, with regard to taxes: it is the ancient indisputable privilege and right of the House of Commons, that all grants of subsidies or parliamentary aids do begin in their House, and are first bestowed by them; although their grants are not effectual to

all intents and purposes, until they have the assent of the other two branches of the Legislature." He goes on to state the reasons for this, which it is not necessary that I should trouble the Committee with, and goes on again, "But so reasonably jealous" he says, "are the Commons of this valuable privilege, that herein they will not suffer the other House to exert any power but that of rejecting. They will not permit the least alteration or amendment to be made by the Lords to the mode of taxing the people by a Money Bill, under which appellation are included all Bills by which money is directed to be raised upon the subject, for any purpose, or in any shape whatsoever, either for the exigencies of government, and collected from the kingdom in general, or for private benefit, and collected in any particular district, as by turnpikes, parish rates, and the like; and the rule is even extended to all Bills in which pecuniary penalties and fines are imposed for offences." That is their peculiar function as contradistinguished from those of the House of Lords, as set down in Blackstone's Commentaries. I would refer also to another work of considerable authority upon this subject. I think it of great importance to fix the identity between the Parliament here and the Parliament at home; because, if we can fix that identity, then I think we can at once refer to the precedents of the Imperial Parliament for our guidance; but I admit that, until that identity is established, we have no right to look to the Imperial precedents. I need scarcely state to the legal members of both Committees that this is the principle followed in courts of law—first show that the rule of law is the same here as in England, and then the court is warranted in taking the English precedent and applying it to similar cases as they may arise in this colony. From *Dwarris on Statutes* I would read very shortly the distinction between the House of Lords and the House of Commons. They are extracted, it appears, from the larger work of *Hatsell*—I refer to the first volume of *Dwarris on Statutes*, page 339—"The following propositions are supposed by Mr. Hatsell to contain nearly the whole of their undeniable pretensions"—(that is, the pretensions of the House of Commons). "First, that in Bills of aid and supply, as the Lords cannot begin them, so they cannot make any alterations, either as to the *quantum* of the rate, or the disposition of it; or indeed any amendment whatsoever, except in correcting verbal or literal mistakes; and even *these* the House of Commons direct to be entered *specialy* in their journals, that the nature of the amendments may appear, and that no argument prejudicial to their privileges may be hereafter drawn from their having agreed to such amendments. Secondly, that in Bills which are not for the special grant of supply, but which, however, impose pecuniary burthens upon the people, such as Bills for turnpike roads, for navigations, for paving, for managing the poor, &c., for which purposes tolls and rates must be collected: in these, though the Lords may make amendments, these amendments must not make any alteration in the *quantum* of the toll or rate, in the disposition or duration of it, or in the persons, commissioners, or collectors, appointed to manage it. In all the other parts and clauses of these Bills, not relative to any of these matters, the Commons have not objected to the Lords making alterations or amendments. Thirdly, where the Bill or the amendments made by the Lords appear to be of a nature which, though not immediately, yet in their consequences, will bring a charge upon the people, the Commons have denied the right of the Lords to make such amendments, and the Lords have acquiesced. And lastly, the Commons assert that the Lords have no right to insert in a Bill pecuniary penalties or forfeitures, or to alter the application or distribution of the pecuniary penalties or forfeitures which have been inserted by the Commons." Now, this last is the exception I am prepared to admit, inasmuch as the fifty-sixth clause of the Constitution Act does not give exclusive power to the

Assembly to originate all measures relating to penalties, or prevent the Upper House from altering them. I say that the Upper House have the right to impose penalties, if they think proper, and alter penalties in Bills sent up to them; that I say is the only exception to the identity of the powers possessed by the House of Lords and Commons and those possessed by the Legislative Council and Assembly, according to what I have read from those text books. I would now ask any man dispassionately to compare the powers as comprised and very fairly set out in those writers with what is contained in the fifty-sixth clause of the Constitution Act; and to say whether, with that exception, there has not been substantially given to the Assembly the privileges of the House of Commons. Then, I think we have a right to look at the English precedents to guide us as to the relative rights of the two Houses.

As to the Bill now under consideration, it is stated in the fifth reason of the Legislative Council for insisting upon the amendments, that the rate is merely an incident in the Bill. I say, with all due respect, it is something more than an incident—it is a substantial element in the Bill. It is the consideration which is given by certain person for the advantage of water supply. In other words, it is just one side of the bargain; and I certainly am at a loss to understand how that which is a full consideration for the other side of the bargain is to be regarded simply as incidental. It appears to me to be not incidental, but a very substantial element of this Bill, or the contract made by the Government with certain parties who may be desirous of obtaining water supply.

Then, as to the construction which has been put upon the words of this clause—namely, that they only apply to measures which are exclusively for the purposes set forth in the clause—it results that, in order to exclude the right of the Legislative Council to making alterations in a Bill for appropriation, it must be for appropriation exclusively, and not for any other purpose. This I cannot accede to. I conceive it is putting a construction upon the words of the statute which they will not rightly bear. It appears to me that the Bill now before us is a Bill for imposing a rate under the fifty-sixth clause of the Constitution Act, so far as the taxation clauses of that Bill go. So far as the other clauses are concerned it is not a rating Bill; and, therefore, it is competent for the Upper House to alter that part that does not relate to rating. But so far as the rating itself is concerned, I contend it is a Bill coming under the fifty-sixth section of the Act, and that the rate cannot be in any way altered—either as to the persons by whom the rate is to be paid—as to the area in which it is to be levied—or the means by which it is to be collected. The construction, contended for by Mr. Fellows, is one which, I feel almost certain, would not be put upon it by any competent court of law. The clauses of a Bill form the parts of a Bill. A clause is the less that is contained in the greater; and if the greater is prohibited, the less also will be prohibited. It is a maxim very well known, that the greater contains the less; and the Bill, which is the greater, containing the less—the clause—the clause, therefore, cannot be interfered with any more than the Bill itself, if it exclusively related to the subject to which the clause relates. I am aware that we cannot, perhaps, find any direct precedents bearing upon this particular point, because it is never known that the English Parliament would for a moment prescribe its own powers of legislation. The only case in which the powers of legislation are prescribed would be as in the case of ourselves, or other colonies upon which constitutions have been conferred; but I am not aware of any case similar to the present having arisen, and, therefore, we must only look to analogous cases where similar phraseology occurs. Looking at the phraseology used in some prohibitory statutes, such as those of limitation, for

instance, we find that actions are prohibited from being brought after a certain time—the words generally are “actions brought to recover certain claims.” Now, it has never been held that, simply because another claim which was not so prohibited was included in the same action with one that was prohibited; therefore, that action did, so far as the prohibited part of it, come within the Statute of Limitations. Supposing an action is brought altogether for £600, to £300 of that, the Statute of Limitations is applicable, and the remainder of the sum is within the period of limitation, and, therefore, may be recovered. It cannot be said for a moment that the £300, to which the statute is applicable, can be recovered, solely because another sum of £300, to which the statute is not applicable, is introduced into the same action. We know in practice every day that actions are brought to a portion of which the Statute of Limitations may be pleaded, but not to other portions. We know very well that the portion to which the statute is not applicable may be recovered: that to which it is applicable, if it is pleaded, cannot be recovered. It cannot be said that, because to an item to which the Statute of Limitations is applicable, another item to which it is not applicable is joined, therefore the statute is not applicable to any part of the action. It is said here, because you have introduced other clauses besides rating clauses into this Bill, therefore it is not a Bill to impose a rate. I say it is just as much a Bill to impose a rate, so far as the rating clauses are concerned, as the cases that I have just put come within the Statute of Limitations. Anyone looking at the phraseology of the various Statutes of Limitations will find that it runs almost the same with that used in the fifty-sixth clause of the Constitution Act, namely, they prohibit an action being brought for certain claims; but at the same time that does not prevent the application of the statute to these claims, although joined with other claims to which it is not applicable. So here I contend that, whether a rating Bill contains only rating clauses, or whether there are any other clauses inserted in it, it just amounts to the same thing, that the Council can simply alter those clauses not relating to rating, and that as to the others they cannot interfere; inasmuch as the fifth-sixth clause of the Constitution Act prevents their altering the rating Bills; and, so far as those clauses are concerned, the Bill is a rating Bill.

The fifty-sixth section of the Constitution Act confers upon the Assembly the power of originating Bills relating to the various matters set forth in that section; and that power is not to be interfered with by any alteration on the part of the Legislative Council. I contend it is a perfect exercise of that power, to introduce a Bill containing rating along with other clauses. It is a principle of law that a power is not vitiated simply because it is exceeded; it will be bad for the excess, if the excess is not otherwise supported. Then this being, as I contend, a Bill within the fifty-sixth section of the Constitution Act, so far as those clauses for rating go, the alteration by the Council of such clauses is an interference with the exercise of the power of the Legislative Assembly.

The Hon. W. Hightt: Am I to understand the honorable member to argue that we have not power to introduce Bills with money clauses incidentally in them?

Mr. Macgregor: Not except penalties.

The Hon. W. Hightt: Then I would refer the honorable member to the 538th page of the fifth edition of *May*. There he will see, distinctly laid down, the practice of the House of Lords.

Mr. Macgregor: I am quite aware that, with regard to penalties, they can do so under the fifty-sixth clause of the Constitution Act; but I say there is nothing in *May*, or any book of authority, to warrant it.

The Hon. W. Hightt: I will read the passage to which I have referred: “It is sometimes convenient that a Bill intended to contain provisions of

this character should be first introduced into the House of Lords; in which case, the Bill is presented and printed with all the necessary provisions for giving full effect to its object, and is considered and discussed in the House of Lords in that form. But on the third reading, any provisions which infringe upon the privileges of the Commons are struck out."

Mr. Sullivan: Hear! hear!

The Hon. W. Highett: I will go on with the passage: "But, on the third reading, any provisions which infringe upon the privileges of the Commons are struck out; and the Bill, having been drawn so as to be intelligible after their omission, is sent to the Commons without them. These provisions, however, are printed by the Commons in red ink, with a note that they 'are proposed to be inserted in committee.' According to the usual rule, they are supposed to be in blank; they form no part of the Bill received formally from the House of Lords, and no privilege is violated; but the Commons are thus put in possession of a Bill containing every provision which will be necessary for giving it full effect, and in Committee the words printed in italics or red ink are agreed to."

Mr. Macgregor: At the same time, they are not supposed to be part of the Bill. I am aware that a similar practice has been followed in this colony. Bills have been introduced in the Council here, and certain money matters which, it was supposed, did not come within the power of the Council to introduce, were inserted in italics, and when they came to the Lower House they were considered as so much plain paper, and were filled in afterwards. It will be evident to honorable members that these were not considered part of the Bill at all in the House of Commons, and could therefore be no infringement of the privileges of that House. I would refer to *Broom's Maxims* to show that the exercise of a power, although excessive, is valid so far as the power authorises the exercise of it, and that if the excess is not supported by any other authority, of course the excess is bad; but, still, so much as the power justifies is a valid exercise of it. In *Broom's Maxims*, at page 166, it is said—"It is laid down as generally true that, where more is done than ought to be done, that portion for which there was authority shall stand, and the Act shall be void *quoad* the excess only (*y*), *quando plus fit quam fieri debet, videtur etiam illud fieri quod faciendum est* (*z*); as in the instance of a power above referred to, if a man do more than he is authorized to do under the power, it shall be good to the extent of his power. Thus, if he have power to lease for ten years, and he lease for twenty years, the lease for the twenty years shall, in equity, be good for ten years of the twenty (*a*)."

"So, if the grantor of land is entitled to certain shares only of the land granted, and if the grant import to pass more shares than the grantor has, it will nevertheless pass those shares of which he is the owner (*b*). Where also there is a custom that a man shall not devise any greater estate than for life, a devise in fee will be a good devise for life, if the devisee will claim it as such (*c*)." I contend here, that so far as the rating clauses of the Bill under consideration are concerned, the Assembly have exercised the power conferred upon them by the fifty-sixth section of the Constitution Act, and, so far as the excess is concerned, it is supported by other authority. Having then exercised that power under the fifty-sixth section of the Constitution Act, it appears to me to be an infringement of the right to exercise that power if the Legislative Council are to alter the Bill as passed by the Legislative Assembly, so far as rating clauses are concerned.

Then I submit that this Bill being, so far as the rating clauses are concerned, a Bill to impose a rate, and coming within the fifty-sixth section of the

Constitution Act, cannot be altered. The precedents of the Imperial Parliament appear to be perfectly applicable to the present case, inasmuch as, with the exception of penalties, the pecuniary powers, if I may so say, of the House of Commons are precisely the same as those of the Assembly under the Constitution Act.

Now, in *May*, it is very distinctly laid down that the House of Lords cannot alter in any way rating clauses, either as to the amount of the rates, the persons by whom they are to be paid, the area in which they are to be collected, or the machinery by which they are to be imposed. In *May*, at page 536, it is said, "In Bills not confined to matters of aid or taxation, but in which pecuniary burthens are imposed upon the people, the Lords may make any amendments, provided they do not alter the intention of the Commons with regard to the amount of the rate or charge, whether by increase or reduction, its duration, its mode of assessment, levy, collection, appropriation, or management, or the persons who shall pay, receive, manage, or control it, or the limits within which it is proposed to be levied." I say in this case that the districts within which rates were proposed to be levied by the Bill having been inserted in a schedule and distinctly specified there, it was an alteration of the limits or area of taxation to have struck out that schedule, and to have made it applicable to any part of the colony. Then looking over that schedule, I think it will be evident that, even taking it for granted that all the districts specified in that schedule were supplied with water according to the limits usually supposed to be comprised within those districts, there would be large districts of the colony to which these limits would not apply, and hence I contend that the alteration made by the Legislative Council alter the area of taxation as well as the persons by whom the rates are to be paid; also, the clauses of the Bill by which certain persons are exempted from paying rates come within the same rule.

The Assembly, in the way in which the Bill was first introduced, proposed that persons within certain districts should be rated. The Council said, "No, certain persons shall be exempted;" and I submit that that comes within the rule that the Council are not to interfere as to the persons by whom the rates are to be paid, the area within which they are to be paid, or the means by which they are to be collected.

I may say, that the very words "imposing a rate" would imply, independently of any authority upon the subject, that in order that the rate may be imposed, there must be persons to collect, persons to pay, and a locality in which it is to be raised; and in reality the imposition of a rate implies all those elements, and an interference in any of those matters is certainly an interference in the imposing of the rate.

There is also an objection of a very similar character to the clauses giving compensation; these may or may not be right in themselves. I do not deny that it is perfectly right; where parties are injured, there should be compensation made to them. I believe I supported such a clause myself in the Legislative Assembly; but the House having decided that compensation was not to be given in this particular case, I think it is not the province of the Council to insert clauses of compensation, for this reason, that it is an appropriation of revenue.

The Hon. T. H. Fellows: The Board of Land and Works have no control over the Revenue.

Mr. Macgregor: Any payment made by the Board of Land and Works must come out of the Consolidated Revenue. By one of the Public Works Acts, all the money received by the Board of Land and Works must be paid into the Consolidated Revenue.

The Hon. T. H. Fellows: They cannot pay it out of the Consolidated Revenue, or out of any money coming to them under any Act.

Mr. Macgregor: It must be paid out of the Consolidated Revenue, if it is to be paid at all.

(y) Noy, Max., 9th ed., p. 25.

(z) 5 Rep. 115.

(a) See *Bartlett v. Rendle*, 3 M. and S. 99; *Doe d. Williams v. Matthews*, 5 B. and Ad. 298.

(b) 3 Prest. Abstr. Tit. 35.

(c) Gr. and Rud. of Law, p. 242.

The Hon. T. H. Fellows: It does not say where they are to get the money from; but, until they have got the money, they are not to exercise the powers. *Non constat* a shilling is to be paid. That may dis-able them to exercise the powers. By the last section of the clauses inserted by the Legislative Council "The powers conferred by this Act shall not be exercised within the limits of any place supplied with water by any company established under any Act of the Parliament of Victoria until such company shall have been compensated." Supposing they do not compensate, the only result will be that they will not exercise that power. If they can get the money, well and good; if they do not, they do not go there, that is all it says. The clause does not appropriate any money; because, if they do not spend it, they do not go there.

Mr. Macgregor: The work must be done before the damage accrues, in order to ascertain the amount of the damage; and if the work is then done the payment of compensation is not a condition precedent. Here, the work must be commenced first, and, as a compensation for the injury consequent upon it, a certain amount is paid out of the consolidated revenue. I contend that that is substantially an appropriation of the revenue.

The Hon. T. H. Fellows: They may not be able to pay it at all, and then they cannot exercise their powers. If they say, "We have got no money," they cannot do it.

Mr. Macgregor: I think, for these reasons, the Legislative Council should not insist upon their amendments. First, because the powers of the Legislative Assembly in this colony are substantially the same as those practically exercised by the House of Commons at home, with the exception which I pointed out. And, secondly, because the construction which is put upon the wording of the fifty-sixth clause of the Constitution Act is not a construction which it will rightly bear. The fair construction, according to the maxim that the greater contains the less, being that the alteration of a rating clause is as much prohibited as the alteration of a Bill solely relating to rates. Under these circumstances, and for these reasons, I conceive that the Assembly cannot assent to the amendments of the Legislative Council.

The Hon. T. H. Fellows: May I ask, with reference to the schedule, whether it is considered that the schedule does fix the places? It does some of them—30 fixes the County of Mornington—that is defined; but take 37, Kilmore, how is that defined?

Mr. Macgregor: I presume the municipal limits of Kilmore.

The Hon. T. H. Fellows: It does not say so.

Mr. Higinbotham: How has a county defined boundaries?

The Hon. T. H. Fellows: By the *Gazette*, under the old Constitution Act, all the counties that existed were defined.

Mr. Sullivan: Some places are set forth in the schedule, although some other places are very vague.

The Hon. T. H. Fellows: It may be defined as to certain places in it, but Kilmore may mean either the town or the municipality. Is it contended that giving the Governor in Council power to define the district is the same as defining it in the Bill? When you come to give the Governor in Council power to define it, though the Legislative Assembly do not define it, the Council say, "Fix your districts and we will not interfere with them;" but if you do not fix the districts, how are you interfered with, if a clog is thrown in the way of those who are to fix them? You say the Governor in Council may do it in certain districts, which the Governor in Council is to ascertain—that is not the same as fixing it by the Bill; and, assuming that the Legislative Assembly have the sole and exclusive right to limit the districts, does that doctrine hold when they do not themselves fix the districts, but give the power to some delegated functionary? If the Legislative

Assembly say, "We will authorise somebody else to fix what limits he pleases, and you shall not qualify his rights in any way;" are those two cases identical?

Mr. Higinbotham: I think it would be a great pity if it were supposed that this Conference assembled for the purpose of discussing the question, whether this is or is not a case in which the Assembly has privileges.

The Hon. T. H. Fellows: That was the immediate object, but no doubt it touches the other two Bills.

Mr. Higinbotham: I think, inasmuch, as reasons have been given by each House, and communicated to the other House, we are now dealing with those reasons themselves, rather than the particular amendment.

The Hon. T. H. Fellows: It is in connection with this particular Bill.

Mr. Higinbotham: I apprehend probably this particular amendment, and the objection to the amendment might be got rid of, if we could come to an agreement on the question raised by the reasons.

The Hon. T. H. Fellows: Admitting all the arguments on either side to be well founded, the question then arises, how do they affect this particular Bill, although the general question may be either one way or the other.

Mr. Higinbotham: The general question appears to be the one that is to be first considered and settled.

Mr. Michie: This distinction now between an alteration by the Council in anything done by the Assembly, and an alteration in anything to be done by the Governor in Council is rather by analogy to another kind of practice; a sort of departure from what we are here to confer upon. There is no doubt, when the question is settled as to privilege or no privilege, as to the matters referred to in these reasons, it may be a very legitimate matter of discussion whether there be not that substantial difference to which you refer.

The Hon. T. H. Fellows: Of course they are two distinct questions, but it is in reference to this particular Bill, that of course secondarily, their application is to be considered. A position has been taken up on two rules and arguments put forward as to inconvenience. But of course the power of alteration, if it is to be limited in this particular mode contended for, will necessarily almost result in a more liberal exercise of that other power of rejection. Of course, it is only another argument as to inconvenience, but that does not apply to this particular Bill.

Mr. Sullivan: It has been stated here, that objections would not be made to alterations made in other parts of the Bill, provided all these clauses were allowed to remain intact. I do not understand the members of the Council to set up a right to alter the rating clauses.

The Hon. T. H. Fellows: I say the fifty-sixth clause applies merely to what I should call supply and appropriation.

Mr. Sullivan: I apprehend the question we have to determine is merely whether the Legislative Council and Assembly in this colony have the respective rights of the House of Lords and the House of Commons in England. In that case, there can be no doubt of it. Without wishing to go into the legal argument that has been so ably handled, I wish to say this much, that it is clear to me it was the manifest intention of the framers of the Constitution to produce, in this country, as nearly as possible, a reflex of the British Constitution, with such material as they could pick up here to manufacture a House of Lords and Assembly. Not possessing the same kind of material that they have in England, being the growth of centuries, they proceeded to make up for it by having a certain property qualification, and having the whole of the Upper House elective. In this they differ from the House of Peers, which is only partially an elective body. The House of Peers is partially elective by the Scotch and Irish Peers, which makes the House

of Lords to some extent a representative body; but certainly much less so than the Legislative Council here. I think it cannot be denied that it was the object of those who framed the Constitution to produce two respective bodies such as exist in England, and all the action taken by the members of both Houses of Legislature, both indoors and out, up to almost this time, has been based upon the assumption that they were respectively the House of Lords and the House of Commons in Victoria. Indeed, on many occasions, the Legislative Council sought for proceedings in the journals of the House of Lords for guides to their own conduct, thereby regarding themselves in that light. I say that, as far as possible, the feeling they acted upon up to this time was, that we were respectively—the Legislative Council, the House of Lords; and the Legislative Assembly, the House of Commons; and unless we take that as our guide, we shall be constantly falling into mistakes. If we seek now to set up a new theory of government, quite distinct from that which we suppose we have, we do not know where we shall get to, or the mistakes we may fall into. Unless we fall back upon the English precedents, and regard ourselves in the light respectively of the House of Commons and the House of Lords, how far can the precedents apply? If we say that we get our Legislative Council from America and our House of Commons from England, to which country shall we go for precedents?—to Congress, the Senate, or the House of Lords, or House of Commons? We must be one thing or the other, as near as circumstances will permit; and the Council must be a counterpart, to a limited extent, of the Upper House in England. If you do that, you must be governed by their precedents; and if you claim that, we must claim also to be a counterpart, as far as possible, of the Commons of England, and claim all the privileges of the House of Commons. If this position is denied, what position do the Legislative Council claim? they cannot be the House of Lords, and the House of Commons both. Which are they? What do they claim to be? they cannot get out of this position. I am sure the report which my honorable colleague Mr. Michie read the other night of the Constitution Committee, shows as far as possible, that it was their intention to produce, as nearly as possible, a reflex of the Parliament of Great Britain and Ireland; and I say for myself, giving an opinion very humbly, it would be very wise to stick to it, and not to depart from it for the purpose of obtaining a point; I say then the precedents we must fall back on are those of the British Parliament, and those precedents thoroughly back up the position taken by the Legislative Assembly. I say, if we go on those precedents, the Council cannot maintain the position they claim; if we do not go on them, but throw them overboard, then I should like to know what country will they go to.

I may now venture to come to this Bill, and I would ask the members of the Legislative Council if there is anything in the amendments or alterations that improves the character of the Bill to that extent that would warrant them risking the Bill for those amendments. I believe there is not a dissentient voice in either House of Parliament, that the object of the Bill is a good one, and a water supply absolutely necessary; but, having admitted the main principle, and the soundness and practicability and goodness of it, a class of amendments has been introduced, which, I may say, with the utmost deference, do not improve in any way the character of the Bill. Certain amendments were introduced, stating that, when a certain number of persons living in a locality memorialised the Governor for a supply of water, the Governor should have the power of saying they should have it. And if certain other parties opposed it, the Governor should say that they should not have it. I think a number of five hundred was stated, and I think, as matter of policy, it would be unwise to insert that number, because the Local Government Act, I think, only requires ten men to sign a memorial, and that is the latest Act on the subject passed by the Council; yet in one of those amendments it is stated that it

must be five hundred. Now there are many portions of this country where you could not find five hundred freeholders, and I hold that amendment to be practically injurious. In very many of the agricultural and mining districts where water might be supplied on very moderate terms, you could not get five hundred freeholders. Now, the spirit of the Bill is, that the Governor in Council, when satisfied of the capacity of any place to pay the amount of interest, may proceed to supply that place with water. There are several gentlemen on the other side who have been members of a Government, and I ask if there is likely to be any Government in this country that will force this Bill upon persons against their will? On the contrary, we know that it requires a great deal of pressure to induce the Government to lay out money; and in this case, if it becomes law, the operation of it would be, that the localities would virtually do what Mr. Fellows proposed, that they would memorialise the Government, and other portions of the community objecting to it would be just as alive to their own interests to memorialise against it; so that it would be the duty of the Government first to satisfy themselves on behalf of the State that the locality seeking to be supplied was in a position necessary to be supplied; and next, that the Government would be consulting the wishes of the inhabitants by giving the water. Therefore I say that the Bill provides sufficiently for all these safeguards without these amendments; and I would ask whether it is desirable to risk the passing of the Bill for the sake of a number of amendments, which I would be prepared to admit are supererogatory to the Bill, but doing no particular harm. I would be willing to let them pass, nothing else standing in the way, but when I see that they involve questions of broad consideration, and when we recollect the jealousy of the House of Commons in England, in such cases we cannot accede to them. I say that each branch of the legislature is fully justifiable in watching with the greatest jealousy any act of the other chamber that will interfere with its privileges, and it is by this constant watchfulness that the usages of the House of Commons have been established; and it is the accumulation of small things and the giving way in little things that often bring about great things. A great deal has been made of the argument, that many Bills have been passed through the Assembly containing alterations of similar character to those objected to; but all that can be said is, that a certain amount of irregularity has crept into the practice of the two Houses, and it is time that those irregularities were checked; but those things do not constitute an argument, that because the Assembly was sleeping for a moment and allowed these things to be done they ought to be done again; and, as in the case of the objection now raised to this Bill, if any member of the House had then raised the objection and the Speaker of the House had ruled that it was an interference with the privileges of the Assembly, all those things would have been objected to that have passed; otherwise, they might have been passed in this way: that if it was within the province of the Assembly to object to them, we have a general discretion to waive the rights of the Assembly, and might do it. But there are certain circumstances wherein the members of the Assembly cannot give way; they are bound by the precedents and usages, and they have no right to give them up. Therefore, I say regarding the unimportant character of these amendments, I maintain that the substance of the Bill provides for the very same thing. I do not think it worth while on the part of the Legislative Council to insist on them. I would assure honorable members, if I could have given way as well as the members of the Council could, I would have given way with great pleasure, that is, if the amendments had not involved any principle; I can assure you, upon my honor, I would not have hesitated for one moment in giving way, because there is a higher and more important consideration that it was to confer a good upon the country, and a thing that the country is manifestly and anxiously looking for and one that I believe will be productive of a vast amount of good as a creator of wealth, and a fruitful

source of valuable assistance to the production of the country; and therefore I think we do not ask much when we ask the Council not to insist upon these amendments, when no member of the Council will say that the giving way of the amendments affects the privileges of the Council. I shall be glad to listen to any gentleman who will show me that this Bill will not work without the amendments, or that they are any great safe guard; but if honorable members will compare the amendments with the Bill itself, and consider the slight amount of difference there is between them, I think they could scarcely insist upon the amendments to jeopardise the passing of this Bill.

With regard to the compensation clause and other amendments, they could not be accepted, and simply why? A clause of that kind would be an invitation to litigation, and would just simply harrass the Government of this country with endless law suits every year, and it is simply for the protection of the State that the amendments could not be accepted; otherwise, we do not know what demands might be made upon the public purse. As regards the principle of diverting, surely no honorable members can imagine that the Government would take away water from one person to give it to another. The first claim to the water is that of the riparian proprietors.

The Hon. T. H. Fellows: The Bill takes their rights away.

Mr. Sullivan: I beg the honorable gentleman's pardon, it does nothing of the kind; there is not one word in the Bill which says that the water will be taken away from one person and given to another. I say the first consideration would be to secure an ample supply of water for the parties who purchased land along the rivers; but it was simply in order to guard against vexatious litigation, and claims and demands that would be made on the State by parties who had property on the banks of the rivers, and that notwithstanding they might have ample water for their own use, which is the intention of the Government; and I will refer to the report of the Committee which sat upon the Coliban water scheme to show the spirit of the Committee of the legislature. They proposed in the summer months that a much larger quantity of water should be allowed to run down the river than at the present time; that first of all what is called "compensation water" should be provided. But, according to the new clause, one man might live on the banks of the river, and, if one bucket of water was taken out of that river, he would have a right to come on the State.

The Hon. H. Miller: Certainly not.

Mr. Sullivan: Is that a right state of things? That, although a thousand times as much as he wants goes down the river, yet he is to have a right of action for one bucket being taken, and no damage done to him?

The Hon. T. H. Fellows: I think the honorable member must have forgotten the words. The Bill gives power to divert the water "without being deemed a trespasser or making compensation therefor."

Mr. Sullivan: And if that clause were not put in I would be a trespasser if I took a bucket of water away. But, says the clause, the compensation should be an amount of water equal to the average of the months named—actually in those months the water might be at its maximum, but if by reason of that the water was going away, although it was no absolute injury to the people by its going down the river, they could have a claim on the State for compensation.

The Hon. T. H. Fellows: It is the average that has run during past years that is to be the guide.

Mr. Sullivan: Yes, and in those very months there may have been the very largest amount of water brought down the river.

The Hon. W. Highett: Take the average of five years, or ten years.

Mr. Sullivan: As regards that clause, I would be willing to adopt anything that could properly secure to the riparian proprietors a fair amount of water.

The Hon. H. Miller: That is all that is required.

The Hon. T. H. Fellows: We do not want to go far for an instance of its having been done, and to an enormous extent; just a little beyond Heidelberg.

Mr. Higinbotham: Nor to several instances in which it has been done in accordance with an Act of the Legislature passed by both Houses. It is done by the licensees under the Land Act—the making of races upon Crown lands implies that water is to be taken from some other place where Crown lands do not exist, and that licence has given a right which is exercised daily, in the Beechworth District, to divert water without paying compensation.

The Hon. T. H. Fellows: To divert streams?

Mr. Higinbotham: Yes.

The Hon. T. H. Fellows: That question has not been disposed of yet.

Mr. Sullivan: That compensation clause can be very easily arranged.

The Hon. T. H. Fellows: No doubt it could.

Mr. Sullivan: Then, as to the provision that no water is to be introduced into a place where there is a company established without compensation, of course, it is an admissible principle, and one that ought not to be overlooked, that if the State is to enter into competition with people who have invested their money in any district, in my opinion the State would be doing an injustice; but where the State does not enter into competition with them—where any large district embracing fifty or sixty miles would be laid out as a water area, but in one portion of that district there is a water company, the clause says the State is not to come into any portion of that district without compensating the company.

The Hon. H. Miller: You ruin the company.

Mr. Sullivan: The company may exist in one part of the district, and the water area may extend fifty miles, and the water supply brought by the State might not enter within miles of them.

The Hon. H. Miller: Suppose it entered into competition.

Mr. Higinbotham: Has it ever been recognised in England that a proposed railway company in England should not enter into competition with an existing railway company?

The Hon. T. H. Fellows: That is not the analogy. There is no compulsory power to levy rates in that case.

Mr. Sullivan: I simply say it would be a matter of injustice to go and interfere with a company already existing.

The Hon. H. Miller: The company will be protected by what the Council have done.

Mr. Sullivan: No, that is the very thing you have not done, but you have done too much.

The Hon. T. H. Fellows: That is what we desire, and as to the particular language, there is no desire whatever to maintain the phraseology employed.

Mr. Sullivan: There is a power in the Bill to purchase any water-works, a power to the Government to buy and to the company to sell.

The Hon. T. H. Fellows: That is not compulsory.

Mr. Sullivan: No, it is left fairly open, to guard the State as much as possible from vexatious claims. The legislature is not to think about dividends or particular corporations, but the general public; we should legislate only on broad general principles of public policy. There was another amendment which exempted land from rates. I have certainly never been able to understand the possible motive which could have induced the Legislative Council to have introduced such an amendment as that; because, if you take away the power of rating for land, I do not know how Geelong and all those towns who expect to supply the inhabitants can or will ever collect their rates, or how the corporate bodies will be able to pay the interest on the money.

The Hon. T. H. Fellows: "Unless such land shall be actually improved or rendered capable of more beneficial occupation." You would not rate land in Melbourne for the benefit of Sandhurst or Castlemaine.

Mr. Sullivan: Certainly not; but I would rate the land in the district supplied by the water, which land reaps the benefit.

The Hon. T. H. Fellows: That is all that was intended. It is intended to rate all land that receives any advantage from it. If it is not so expressed, counter-amend again. There is no difference between us upon that.

Mr. Sullivan: I am merely pointing out that, as I conceive, all these amendments are unnecessary alterations. I would accept an amendment with the greatest pleasure, anything that would make a Bill better. I should not be influenced by pique, pride, or obstinacy—I should accede with pleasure; but I say, weighing the whole of these very well, I do not discover that they are the least necessary to the Bill; and I am sure now, at this time, if you give your consent, that the Bill will work as well without the amendments as with them, and without the amendments there is a probability of its becoming the law of the land.

The Hon. T. H. Fellows: The honorable member has said that, under this Bill, there was no possibility of a riparian proprietor being deprived of his water.

Mr. Sullivan: I say there is a possibility, but no likelihood of it. It is a thing which nobody would do.

The Hon. T. H. Fellows: Certainly we cannot guarantee who the people will be who will carry out this Act in all time, and what security is there for future years? For instance, if the Coliban were diverted as part of this scheme, under this a man who had lost the whole of his water would not have the slightest remedy of any kind; he could not demand the restoration of even the summer supply. It is rather giving the Bill on credit; it is saying, "There is not the slightest chance of their doing any injury; you may just as well entrust them with these powers."

Mr. Higinbotham: It would be possible, by a directory clause to indicate the wish of the legislature that water should not be diverted beyond a certain quantity; but the reason that influenced the Assembly in introducing those words taking away compensation was this—that without them you opened apparently an unlimited liability to actions.

The Hon. T. H. Fellows: The Act itself is an answer to any action, whatever the amount of the water may be.

Mr. Higinbotham: The last Part of the Public Works Bill relating to compensation applies, and there may be proceedings on the part of fifty proprietors, along the banks of a single river, every year, so often as the water is diverted.

The Hon. T. H. Fellows: That may be a very good objection to the form of the amendment. I suppose the object of making these alterations is to bring about something which both will approve of; but then, is that a reason why there should be unlimited power that I might have the whole of the stream running through my land taken away?

Mr. Higinbotham: I think the opinion of the Assembly is, that you might, without doing injury, divert in many cases a large body of the water without giving rise to any just claim for compensation.

The Hon. T. H. Fellows: I fully agree with that; but, because you can do that, is that to give an unlimited right to take away any quantity of water? You cannot find a single instance, even under the National Defence Act, in England, which is the most strong Act, to take away property or rights without compensation.

Mr. Higinbotham: There are cases where the right is given to a company to perform certain works where no compensation is provided; to do acts injurious to individuals or property, and there is no right of action, unless the powers are carried out negligently.

The Hon. T. H. Fellows: Because they come under the compensation clauses.

Mr. Higinbotham: No; cases which do not come under the compensation clause. There is that case

in the House of Lords, where the sparks of a steam engine burned a thicket of a gentleman's property; it was held that there was no claim to compensation.

The Hon. T. H. Fellows: In that case it was held that the power given by the Act to make the railway implied a power to use it, and that there could be no damages recovered unless there was negligence in the use of it.

Mr. Sullivan: The Government of which Mr. Fellows was a member gave power to the department of Roads and Bridges to go in and take people's land and cut through, and do all things without compensation.

The Hon. J. F. Strachan: No, no.

Mr. Sullivan: There is an Act that does that.

The Hon. T. H. Fellows: Not the present Act.

Mr. Higinbotham: Yes; but there has been an alteration in the Legislative Council, in the Bill consolidating that Act, by which compensation is given.

Mr. Sullivan: If the clause could be so worded as to save the State from unnecessary and vexatious law suits, it would not be so objectionable.

The Hon. T. H. Fellows: Nobody stands upon the particular phraseology in these clauses. The earlier clauses stand on a totally different footing, but in these clauses we only say, that there should not be this power of inflicting unlimited injury without control.

Mr. Michie: If such a clause could be framed with any useful effect I should be disposed to say "Let the clause be framed." But the difficulty to my mind, and I think to Mr. Fellows's mind, would be, that it would be simply transferred from a now difficulty to a difficulty in evidence. Of course you may frame a clause that will express clearly enough the purpose of the Legislature, that purpose being that you shall merely take such a body of water from the stream as shall leave the riparian proprietors practically uninjured. How is that to be ascertained by evidence? Especially in a country like this, in which streams very frequently are dry, not merely for months together, but which have no water in their beds at all for a very long period, probably years, and that makes, as we imagine, the difficulty. I am reminded by an honorable member (not a member of this Committee), Mr. Smith, of Beechworth, who has read Colonel Smith's work upon this very subject of irrigation, that practically it is found, in countries where irrigation is conducted under the authority of the Legislature, impossible to limit the power of the Government; that the whole work would be inoperative if you did so, and a certain discretion must, after all, be left to the Government.

The Hon. T. H. Fellows: This does not confine itself to the Government; when the works are given over to the local bodies they may continue it.

Mr. Michie: Diverting water from any stream I hold to be rather a different thing from diverting any stream; because the expression "diverting water from a stream" necessarily implies that you leave a stream still flowing; but if you divert a stream, you in fact alter the course of the whole water.

The Hon. T. H. Fellows: It does not say they are to take it all, certainly.

The Hon. W. Highett: I am aware that there are many small proprietors of land, who have purchased land at very high prices, not so much for the sake of the land as the benefit of the water; and, as Mr. Michie states, diverting the water from a stream is not diverting the whole of it, but in those very small streams, by diverting the water at all you would divert the whole, and in all probability would destroy the value of the land.

Mr. Michie: If you divert the whole it must be a peculiar sort of stream, purely Australian, in fact no stream at all; because if you divert only water from a stream, you still leave something below the point of diversion; and if it be not a stream of that character, where is the material injury more than nature is inflicting upon them in this country, where it is no stream at all, sometimes for years in succession.

The Hon. J. F. Strachan: Then they store it. I have two such streams as that, and I store the water, and I have sufficient water for three years; but if I let it go pass, of course I have none.

Mr. Sullivan: Are you sure you have the power of storing it?

Mr. Bindon: If you have the power of storing it, the Crown has the right to store it; or, probably, there are no proprietors below you.

The Hon. J. F. Strachan: If the proprietors below me can show any injury from my diverting the stream, they have a perfect right to do so, and to get compensation from me. My storing it does not deprive the others of claiming compensation, if they sustain damage.

Mr. Higinbotham: No, but this clause invites persons to claim compensation whether they have sustained damage or not. I believe it is possible for any one to prove in this colony damage against the Government, and to show that he has suffered very heavy damage. I find it is possible to get evidence to prove any amount of damages against the Government.

Mr. Michie: I invariably find my experience to be that, by some sort of rough logic of juries and arbitrators, they say, "The compensation is to come out of a deep purse," and so on, and they give very much greater damages in such cases as those than as between *A* and *B*; and to show this difficulty is almost purely imaginary, that operation to which *Mr. Strachan* refers as having been performed in his own case is, I suppose, not a solitary case; and yet I only know of one action brought in this colony over a considerable number of years for damage to a riparian proprietor.

The Hon. T. H. Fellows: There are some going on now.

Mr. Bindon: About ten years ago it became necessary to improve the river Shannon and the Government of the day were afraid of arbitration, and afraid of leaving the compensation to a jury, and a plan was adopted by which two commissioners were appointed with power to call in a Queen's counsel, and those two commissioners with a Queen's counsel sat and heard evidence, and gave the compensation which they thought necessary. They would not leave it to arbitration nor a jury, and I think, if there is any compensation to be given in this case, it would be desirable to appoint two of the Audit Commissioners with power to call in an engineer, and let that be the tribunal, and not the ordinary tribunal of a jury or arbitrators. With reference to the principle of the question, I think there is very little difficulty between the two sides as to the principle, and it would be a melancholy thing that such a Bill as this should go off because we have not a person competent to draw a clause to which both sides can agree. If there is a clause wisely worded, which will meet the difficulty in a moderate way, I think it may be met.

Mr. Sullivan: If this Bill is carried out as it is intended to be, the proprietors will be better off, because the floods will be lessened, when there is a large amount of water; and they will have a larger amount of water in the summer time than at present, so that their condition in nearly every case will be improved.

Mr. Berry: By going into the last clauses of the Bill, are we to understand that the Committee of the Council have waived the earlier clauses as to the question of privilege?

The Hon. H. Miller: Certainly not. I understand just the other way, that the Assembly have waived the question of privilege and are proceeding to discuss the later clauses of the Bill.

The Hon. T. H. Fellows: We have no power to bind the Council in any way.

The Hon. H. Miller: Our powers are defined in the resolution appointing us—they are to "confer upon the amendments in the Bill." I wish to address a few observations to the Committee, and desire to take a more statesmanlike view of the question than has been done by former speakers, whose arguments, able as they were, have been confined in a great measure to mere technicalities; but as it is now getting late, and I think we could scarcely come to any conclusion this evening, probably the Committees would wish to adjourn until to-morrow.

Mr. Higinbotham: It appears to me almost unnecessary to consider the subsequent amendments, until we come to a determination upon the earlier point.

The Hon. T. H. Fellows: Probably it could be referred to the Judicial Committee of the Privy Council. The Queen might do that upon an address from both Houses.

Mr. Higinbotham: Probably the Judicial Committee would hardly be a fair tribunal, as it represents rather the House of Lords than the Commons. Moreover it is hard to say how either House is to bind its successors by an expression of opinion; and even supposing the Judicial Committee expressed an opinion favorable to the views entertained by the Council, still it would be a question whether the people of this country might desire that the matter should remain in that state.

The Hon. C. Sladen: That is another point.

The Hon. T. H. Fellows: It might be then properly altered, perhaps.

Mr. Higinbotham: Perhaps it would be a better and more expeditious plan if the question could be at once referred to the decision of the people of this country, as a question of policy; and that might be done if there were a dissolution of the Assembly, and a resignation of the Members of the Council, the opinion of the people could then be taken.

The Hon. T. H. Fellows: Upon a question upon which they know nothing.

Mr. Higinbotham: The question of policy is also involved.

Mr. Bindon: Suppose we did refer it to the Privy Council at home, do you not think it would be a pity to hang up this Bill.

The Hon. H. Miller: It would remove all difficulties in my view of it. I must say I am most anxious that this Bill should pass, and I give the Assembly credit for their sincerity in the same opinion.

Mr. Higinbotham: It appears to me that there are questions raised upon these amendments which are far more important than a dozen such Bills.

The Hon. T. H. Fellows: Of course, the only thing is to have a Bill as practicable as possible. I would only throw out, for the consideration of those who are going to impose the rates upon the places in the schedule, with what safety they could do it, so as to be sure that they would be able to collect them, because there are no limits defined, and no power in the Bill to define them.

Mr. Sullivan: Yes, in the second and third clauses.

Adjourned to Wednesday next, at two o'clock.

WEDNESDAY, 16TH AUGUST, 1865.

Present :

THE COMMITTEE OF THE LEGISLATIVE COUNCIL.

The Hon. C. Sladen,
The Hon. S. G. Henty,
The Hon. J. F. Strachan,
The Hon. W. Highett,
The Hon. H. Miller,
The Hon. T. H. Fellows.

THE COMMITTEE OF THE LEGISLATIVE ASSEMBLY.

Mr. Higinbotham,
Mr. Berry,
Mr. Macgregor,
Mr. Sullivan,
Mr. Bindon,
Mr. Michie.

The Hon. W. Highett : I wish to add a few words to what I stated on the last occasion. On the last occasion of our meeting I quoted the opinion of Lord Lyndhurst in reply to a statement of the Minister of Justice. He stated that he had the authority of the House of Lords for saying that they had acted unconstitutionally in throwing out the Paper Duties Bill. I wish to add a few passages to the one I have already quoted, which, I trust, will satisfy the Minister of Justice as to their undoubted legal and constitutional right to do so. Mr. Michie states, Lord Lyndhurst does not express any opinion. Now, I think I shall be able to show clearly that he did express a very decided opinion. I will first commence by reading a passage in the speech of Lord Lyndhurst, in which he says, "If we amended a Bill which was sent up from the other House of Parliament, the House of Commons had the power of rejecting the amendment. With them the Bill originated, and it was idle for us, therefore, to insist on a right which could not be enforced. But that principle does not apply to the rejection of Money Bills. I take leave to say, that there is not an instance to be found in which the House of Commons has controverted our right to reject Money Bills. Over and over again, I repeat it, nothing can be found in the Parliamentary Journals, or in any history of parliamentary proceeding, to show that our right to reject Money Bills has been questioned." This debate took place when the Paper Duties Bill was rejected by the House of Lords.—See *Hansard*, volume 158. Lord Lyndhurst further states, "The question comes to this: If your lordships are satisfied, as you must be"—this is expressing an opinion, I think—"that you have not only the power, but the constitutional right, to reject this Bill; and if you are satisfied that there is an actual deficiency, that next year there must be a most enormous deficiency, and that the present state of Europe is such as to create continual anxiety, then, I ask your lordships, will you consent to give up, not for the present year only, but permanently, a sum of nearly a million and a half? That is the proposition I put to your lordships." I come next to Lord Clanricarde. He says, "My Lords, I entirely go along with those who assert the power of this House to vote, with perfect freedom, on the present occasion. I do not think there can, in a constitutional point of view, be the slightest doubt, but it lies perfectly within our province to reject this Bill if we please. There exists, however, a wide difference between the possession of such a power and the hasty exercise of it. No man can doubt that the imposition of an additional penny in the pound," and so on. Then Lord Chelmsford says, "My Lords, I undoubtedly thought after the admirable speech of my noble and learned friend at the commencement of the evening, that the constitutional part of this question was entirely settled." "My noble and learned friend does not deny the power of the House to refuse its assent to this Bill. We have heard no denial of that proposition, and none indeed can be offered; because, it stands to reason that, if your assent is required before this Bill can become law, it necessarily follows, that you must have the power of withholding your assent; this, in other words, being the power of rejecting. We are all agreed as to the privileges of the two Houses of Parliament, with respect to Money Bills; we are agreed in reference to Bills of Supply and Taxation that your lordships

have, at all events, the power to reject them." Then he goes on to say, "There are many instances since 1678 in which your lordships have made amendments in Money Bills; those Bills have then gone down to the Commons, and, supposing the Commons have not thought those amendments improper, they have preserved their privileges and asserted their dignity by refusing to assent to those amendments, but have introduced another Bill, embodying the amendments proposed by the Lords. In that way the privileges of both Houses of Parliament have been maintained." I come now to the speech of Lord Derby, in which he says "If we are unable to amend a Money Bill, or to reject a Money Bill—that is, if we are unable, practically, to express any opinion at all upon a Money Bill, and if all these Money Bills have a joint political and financial character—by the assumption of the noble Duke, your lordships' House is deprived, not only of the power of dealing with matters of finance, but also with those political considerations involved in the Bill. Surely Her Majesty's Government are not contending for a limitation of the power of your lordships' House, so extraordinary, and I will, with all respect to the noble Duke, say, so absurd as that contended for by him." This was when the Paper Duties Bill was rejected by the House of Lords.

Now I come to the debate when the Customs Duties Bill was brought in, repealing the paper duties in part of the Bill. This is what Lord Derby says, "But there is nothing more clearly laid down and recognised, than that to the House of Commons belongs the initiation of every Money Bill. And on the other hand, nothing is more indisputable, and that is the vindication of your Lordships' conduct last year, than that the House of Lords have the power of accepting or rejecting any Money Bill." Then again: "Every constitutional authority concurs in giving to the House of Lords this right of amending Money Bills, if they choose to exercise it. Mr. Hallam, and Lord Macaulay have so laid it down; but I will only trouble your Lordships with a short extract from a work recently published by my noble friend (Earl Stanhope) the Life of William Pitt, in which I find the opinion of Mr. Fox thus stated: "Pitt proposed a measure to regulate our commercial intercourse with America. The views of Pitt upon this question were of the largest kind. The Bill was complicated and extensive. It was several times committed and re-committed with a variety of amendments, and at last, under the next administration, was further altered by the Lords. It was no doubt a Money Bill." ('Hear.') 'But I am of opinion (said Fox) that the Order of the House respecting Money Bills, is often too strictly construed. It would be very absurd, indeed, to send a Loan Bill to the Lords for their concurrence, and at the same time deprive them of the right of deliberation.' This is the judgment of Mr. Fox, a great constitutional authority, upon the resolution of the House of Commons in 1671." Lord Derby further says, "I do not hesitate to admit to my noble friend opposite, that there are repeated precedents for the introduction of whole fiscal schemes into one measure, and of that measure being sent up by the House of Commons, and acceded to by the House of Lords. On the other hand, there are repeated cases of financial measures being amended by the House of Lords, and the amendments being accepted by the House of Commons." I mention this to show that there are repeated instances in which whole fiscal measures

have been sent up to the House of Lords, and the amendments have been afterwards accepted by the Commons. I come next to the opinion of Earl Grey, who says, "But, in the first place, allow me to congratulate your lordships upon the conclusive testimony which this Bill bears to the propriety and wisdom of the course which you adopted last year in the rejection of the Bill for the repeal of the paper duties, we all remember how the vote of this House was condemned not only out of doors, but within the walls of Parliament itself. It was argued that, for the House of Lords to throw out a Bill for the repeal of a tax which the House of Commons had passed, was in effect to impose a tax upon our sole authority. It was argued that, on passing a Bill sent up to us by the Commons for reducing or abolishing a tax, was a matter of form, and that we were not entitled to exercise a discretion on the subject. So far was this carried out of doors, that from that time to this a paper of considerable circulation has headed its daily impression with a statement of the proportion of taxation which is daily levied upon the sole authority of the House of Lords. The present Bill puts an end to that kind of argument, because the House of Commons have admitted that the paper duties are legally and properly enforced; nay more, that they ought not to be repealed until October next. I think it is of great importance that this principle has been established; because, if it were once admitted that our passing a Bill for repealing a tax was a matter of form, and that the House of Commons was the only judge of what burdens should be imposed upon the people, the same doctrine must be applied not only to Bills for taking off taxes, but also to Bills for taking off permanent appropriations. Yet it has always hitherto been held to be a doctrine of the Constitution that there are certain great expenses which ought not to be left to the mercy or caprice of a popular assembly; that the civil list which provides for the dignity of the Crown, the fund necessary for defraying the salaries of the judges and maintaining their independence, and the sums required to pay the public creditors, should be settled by permanent appropriations; and therefore a great distinction has heretofore been drawn, not only by writers on the Constitution, but also by Parliament, and indeed, all parties in the country, between those permanent taxes which it requires the consent of the whole Legislature to repeal, and the sums which are annually voted by the House of Commons. *If the doctrine put forward last year had been acquiesced in, this great principle of our Constitution would have been at an end; but, fortunately, it is no longer in danger, because it is now freely admitted that this House is entitled to exercise its judgment upon all Bills that are brought before it, whether they refer to matters of taxation, appropriation, or anything else.* At the same time I quite concur with the noble Earl opposite that the right is one which ought to be exercised with discretion and judgment." That is the opinion of Earl Grey. Now I come to the opinion of Lord Monteaule, who says, "The deliberate decisions of the other House were always received with respect by their lordships, and the decisions of the Lords as pronounced last session by a majority of eighty-nine votes was no assertion of usurped privileges, but the exercise of an unquestionable right. This had now ceased to be a matter of controversy; yet that decision had last session led to an almost unexampled amount of vituperation coming from certain quarters, not, perhaps, wholly disinterested. That vituperation had been overcome mainly by the good sense and feeling of the people at large. Their lordships would recollect the opening of an office in Parliament-street to organise a resistance to what was most untruly designated as the aggression of the Lords. It proved a miserable failure." That is the opinion of Lord Monteaule. Now I think I have quoted quite enough to show—although there are other numerous quotations that I might have made—that the House of Lords have authority and power to reject Money Bills.

Mr. Sullivan: That is the opinion of some of the members of the House of Lords.

The Hon. W. Highett: It is not only the opinion of certain members of the House of Peers, but that opinion was carried out, and the Bill was rejected. That was on the first occasion. I am now upon the second occasion. But on the first occasion, as to which I quoted from Lord Lyndhurst's speech—on that first occasion, when the Bill was introduced that opinion was carried out. Mr. Michie stated in his speech that he had the authority of the House of Lords for stating that they had acted unconstitutionally in rejecting the Paper Duties Bill. Now I am desiring to show that they acted constitutionally, and I am quoting from some of the most able members of the House of Lords, to show what their opinion was on that occasion. I merely wish to argue to show that the House of Lords have the power of rejecting Money Bills, and that we have also similar power. But we have much greater power in that respect than the House of Lords, because we go on the written law—the statute law of the colony—which expressly gives us power to reject Money Bills; so that we have a much greater power in dealing with Money Bills than even the House of Lords.

Mr. Sullivan: That it is stronger because it is written than it is by usage?

The Hon. W. Highett: We do not go by usage so much; we go by the written statute law of the colony, which gives us power to reject Money Bills.

Mr. Higinbotham: May I ask, is there any instance in which the alleged right has been exercised by the Lords? because I see it is stated in the draft report of the House of Commons on this same subject, which was assented to by Lord John Russell, Mr. Gladstone, and Mr. Bright, that, "from the year 1628 to the present time, 232 years have passed over. During that period it does not appear that the House of Lords has, in any one case, before the year 1860, rejected any Bill of Taxation materially affecting or interfering with the *quantum* of supply provided by the House of Commons for the service of the year. It is scarcely possible to imagine that, if the exercise of the power to reject such a Bill had been believed to be within the 'law and usage of Parliament,' it would not have been attempted during so long a period, wherein so many important Bills have been passed, granting, changing, or withholding supply from the Crown, or imposing or remitting taxes affecting the people." If therefore, during all this time, the right has never been exercised by the Lords, it may be easy to understand why it has never been disputed by the Commons.

The Hon. C. Sladen: It is quite possible that no instances may be found in which the right has been disputed.

The Hon. W. Highett: I am not arguing as to the right of the Commons, or as to the right of the Council to reject Bills for appropriation—Appropriation Bills.

Mr. Higinbotham: The quotations you have been reading state that there is more than one case in which it had never been disputed.

The Hon. W. Highett: I stated there were no instances to be found in which the House of Commons had controverted the right of the House of Lords to reject Money Bills.

The Hon. C. Sladen: I think the statement which the Attorney-General has quoted is qualified by the expression, "any measure of taxation *materially affecting the quantum* of supply for the service of the year." I do not think the case amounts to anything to that extent, or to so material a point as the rejection of the paper duties.

Mr. Higinbotham: Has there been any instance in which any fiscal measure has been absolutely rejected by the House of Lords—any Money Bill?

The Hon. W. Highett: Repeatedly.

The Hon. C. Sladen: By the speeches in the House of Lords, there seem to be numerous instances.

Mr. Higinbotham: I think the effect of the quotations is, that the right has never been disputed; but I do not gather from anything Mr. Highett has read that any instances have occurred in which the right has been exercised by the Lords to reject a Money Bill.

The Hon. C. Sladen: I understand Lord Lyndhurst to say so.

Mr. Berry: May I call attention to an authority that will settle that point—the first volume of *May on Constitutional History*? He states it at page 477:—“Never until now”——

The Hon. W. Highett: Is that the Paper Duties Bill?

Mr. Berry: Yes.—“Never until now had the Lords rejected a Bill for imposing or repealing a tax raised solely for the purposes of revenue, and involving the supplies and ways and means for the service of the year. Never had they assumed the right of reviewing the calculations of the Commons regarding revenue and expenditure. In principle, all previous invasions of the cherished rights of the Commons had been trifling compared with this. What was a mere amendment in a Money Bill compared with its irrevocable rejection?”

Mr. Sullivan: That is very expressive.

The Hon. C. Sladen: Those are measures dealing with taxation. I think it is quite possible that no taxation measure was ever rejected; but no doubt Money Bills incidentally imposing a charge upon the people have been rejected by them.

Mr. Higinbotham: You have read quotations to show that there was no instance of the Commons objecting to the Lords' right to reject Money Bills; but I have not gathered that there has been any instance in which the Lords have rejected such Bills.

The Hon. W. Highett: Lord Lyndhurst distinctly states there has been no instance whatever. He says—“I take leave to say that there is not an instance to be found in which the House of Commons has controverted our right to reject Money Bills.”

Mr. Higinbotham: So I understand.

The Hon. W. Highett: I am speaking as to the right of rejecting. It is in answer to what was stated by Mr. Michie when he stated that he had the authority of the House of Lords for stating that they had acted unconstitutionally in rejecting the Paper Duties Bill—I am making these quotations in answer to that. The passage which I referred to upon the last occasion, and which I have read to-day from the speech of Lord Lyndhurst, in which he states, “If your lordships are satisfied, as you must be, that you have not only the power, but the constitutional right, to reject this Bill,” and so on, clearly claims throughout the right of rejecting Money Bills, and also of amending them in certain cases. All I wished to show was, in answer to Mr. Michie, that we have the right of rejecting Money Bills, and I wished him at the same time to give some further evidence of what he stated, that he had the authority of the House of Lords for what he stated on that occasion.

The Hon. H. Miller: I think I may now proceed to address a few remarks to the honorable members of the Committees upon the question under consideration. The legal and technical arguments have been in my opinion so ably conducted, and in such an exhaustive manner, that even if I considered myself, as a layman, capable of judging of such a legal argument, I think it would be unnecessary to go into the matter at any greater length, than has already been done by the learned and honorable members who have addressed the Committees upon the subject; for it must have struck honorable members that the learned members of the Committees have given very great attention indeed to this subject, they have looked up authorities, and have conducted their arguments in such a way as to command the attention and also to convince honorable members of the Committees, and the question has been so ably handled on our side by Mr. Fellows, and so carefully and at such great length attempted to be answered by the honorable and learned members on the other side, especially by the honorable member, Mr. Macgregor, that I think so far as argument is concerned, nothing more need be said on the subject; I would not therefore have touched upon this part of the Conference had not the learned and honorable member the Minister of Justice, Mr. Michie, done me the honor of mentioning my name in connexion with the Select Committee that framed the Constitu-

tion Act, when that measure was introduced in the old Legislative Council, and it will be apparent to honorable members that the honorable Mr. Michie, with that address and tact which he possesses as a very able arguer, at once saw that having to deal, in me, with a living witness, who might give evidence damaging to the case he was advocating, proceeds at once to cut the ground from under my feet, by asserting that, having agreed to the Report of the Constitution Committee, I was compromised to his view of what were the objects of the Legislature in passing the Constitution Act. Well, gentlemen, that may be so, or it may not, but taking the honorable member's own argument, I will draw the attention of the Committees to that report, and particularly to this part of it. The Committee in reporting say, “It is due, however, to themselves to state some of the views which have actuated them in adopting a form of constitution different from those prevailing in most other British dependencies. Desirous as they are, in all practicable points, to approximate our future Constitution to that of our mother country, and determined to uphold the just prerogative of the Crown here as fully as in the United Kingdom, they have unanimously concurred in thinking that the social condition of this colony renders a close assimilation to certain British institutions impossible, and that an attempt to imitate them is likely, not only to fail, but to introduce the evils without the advantages experienced from them in England.” Therefore, taking up that argument, it will be evident that the object of that Committee was not so much to produce a reflex of the British Constitution, as to produce a Constitution in this colony, applicable to the situation of the people; and one essential feature that weighed, at all events, with me, was this, that this very point in dispute—the right of the Legislative Council to the control with regard to the finances of the colony—should be fully set forth and limited, and so distinctly laid down that no dispute could arise upon the subject, and honorable members who have addressed themselves to the argument, therefore, that the Legislative Council is a House of Lords, I think, have gone altogether on a wrong basis. The Legislative Council, as has been well set out here, is the creation of a statute, and it has powers co-ordinate with the House of Assembly, to make all laws and to do all things, and legislate in every way in a co-ordinate manner with the Assembly, with certain exceptions. It will be observed that one of the framers of the Constitution was His Honor the now Chief Justice. It will therefore be granted, I presume, that the intentions of the Committee were fully borne out and expressed in the Constitution which was then framed, and which, I may observe, in passing, was so highly thought of by the British House of Parliament, that it was adopted without any alteration whatever.

A great deal has been said with regard to the meaning of the word “reject;” and it has been argued by Mr. Michie that it is a technical word; that when we read “reject,” we are to understand in fact it is not the word “reject” at all, as we have it in common language. I cannot agree with the reading or argument of the honorable and learned member in that respect. It was the intention of myself, at least, and I think I may say of every member of that Committee, that the Legislative Council should have the power to reject Money Bills of every description, and here it is expressly set out in words so plain, that those who run may read, “All Bills for appropriating any part of the revenue of Victoria and for imposing any duty rate tax rent return or impost shall originate in the Assembly and may be rejected but not altered by the Council.” I am quite prepared to admit that, in using that power and that right, very great wisdom, and very great discretion, and very great forbearance ought to be exercised by the Legislative Council; and I say, having been elected by the people a member of this Parliament from its first creation, that this rule of forbearance has been invariably the rule that has governed the Council, in interfering with Money

Bills; and in exercising this right, and upon this occasion I will show the Council have good and sufficient reasons for making the alterations which they have done in the Water Supply Bill, now under consideration.

With these very few remarks, which I felt bound as a personal matter to make, I will proceed to state my opinion of the question as it now stands. I paid very great attention to the arguments of the learned and honorable members who addressed the Committees, and I have had the opportunity of reading the printed report of their addresses, and I must say, that the impression made on my mind with regard to this matter, is so very clear and so distinct that I can scarcely conceive any honorable member who has paid attention—and all have paid attention—to this matter, can be of any but one opinion. I am of opinion that the arguments of the honorable member, Mr. Fellows, have been so sound and convincing, and so logical, that they have not only not been answered, but that they are unanswerable. I observed the labored efforts of the honorable and learned members of the Assembly to answer the reasons given by the Council for the amendments in this Bill, and I must say, that, although not having received a legal training, it may be perhaps thought presumptuous in me even to give an opinion, yet, as an old legislator, as a Member of Parliament of some standing, and, at all events, a person engaged in business, I must say, that it made the impression on my mind that what was said by the honorable and learned members opposite, partook more of the character of special pleading than of sound argument; and therefore I have come to this conclusion—of course honorable members of the Committee will take it for what it is worth—that up to this time the weight of the argument has undoubtedly resulted in favor of the attitude taken by the Council. And if that be so, I then arrive at this conclusion, a conclusion different from what has been expressed by some members of the Committees, namely, that these arguments have been quite useless, and that they will have no effect. I think the arguments and the proceedings of this Committee will have the greatest influence and have the greatest effect upon the country, that they will actually settle the vexed question which has been raised between the Legislative Assembly and the Legislative Council, as to how far the Legislative Council should interfere with Bills that have been termed "Money Bills;" for our proceedings will be published, no doubt the press of the colony will take up this subject, the press will appeal to public opinion, and I have no doubt that in a very short time the public opinion will be so unanimously and definitely expressed, that it will settle this question, without appeal to the Privy Council or appeal to any other authority. I am of opinion, and have always been of opinion, that the ultimate appeal is to the people of this colony. Supposing, that we should appeal to any other power or any other court, it would eventually come to the same thing—it is the people of the colony who must decide upon that question, and I accordingly congratulate myself and the members of the Committee, if I am right, that our labors will not be without fruits, and that we shall settle this vexed question that has been raised by the Legislative Assembly upon this occasion, as to the right and power of the Council to interfere with what I am afraid have been somewhat loosely called Money Bills. But what in fact in the language of the fifty-sixth clause?—"Are Bills for appropriating any part of the revenue of Victoria and for imposing any duty rate tax rent return or impost." I trust it will be clearly observed that the Council do not ask to alter any purely Fiscal Bill, any Bill that is brought in for the purposes of revenue; and, that being the case, the Assembly have it perfectly in their power to control the taxation of the country, they have only to embody the proposed law in "a Bill appropriating any part of the revenue of Victoria and for imposing any duty rate tax rent return or impost." That Bill, we admit, must originate in the Assembly. We also admit it cannot be altered by the Legislative Council.

Mr. Higinbotham: But they may reject it.

The Hon. H. Miller: In the words of the Constitution Act, it may be rejected. Why, let me ask, should the Assembly not comply with the constitution of the colony? For what purpose? There can only be, to my mind, one purpose, and that is to control, interfere with, and set aside the powers of the Council. I do not think that view has been avowed by the Assembly. I do not think it has been stated in the Assembly that it is expedient to abolish the Council. On the contrary, I think it is given as the opinion of most members that there should be two chambers; that it would be exceedingly inexpedient, and, in fact, anti-British, to govern this colony by one chamber alone; and I need scarcely call on all readers of history to remember the effects that have resulted in France and in other countries where one chamber has had the uncontrolled government of the country. Government by one chamber has universally resulted in the destruction of the liberties of the people; an Assembly having the full, the uncontrolled, and the unchecked power, must become tyrannical, and will thrust aside the rights of property and all other rights, and go on tyrannising over the people until they are swept away by a single tyrant. But we in this colony have desired to assimilate our government, as far as possible, to that of the British constitution, which I maintain is the freest and the best mode of government at this time existing in the world. And there is one matter that I would urge upon both Committees; it is this: the British constitution is naturally a constitution requiring compromises on both sides. Where exist two bodies of equal power, it must be evident that, if either of those bodies insist upon their rights to the exclusion of the co-ordinate power of the other, that must result in what is popularly termed "a dead lock." And here we have, as has been over and over again read to us; here we have precedents laid down for us, by which two bodies, namely, the House of Commons and the House of Lords, have for centuries governed the British nation; they have occasionally come to matters of very serious difference, but they have, as all wise men, and men who have the good of their country alone in view, arrived at a solution, by compromise. And in this very Paper Duties Bill the Lords, as has been shown undeniably, by my honorable friend, Mr. Hightt, in contradiction to the opinion expressed by a member of the Assembly, did reject the Bill. It has been undeniably shown, that there are not only arguments upon the question, but there may be text books written, one text book saying one thing, and another, another; but the House of Lords, who must be allowed to be the best judge of their own actions, did actually reject; they not only argued that they had the power to reject, but they did reject this Paper Duties Bill. I am reminded that that has not been disputed by the Commons; but I do not attach much importance to that, because, as has been shown by the Honorable the Attorney-General, they might not dispute, because the question never arose; but here it did arise, and then how do they get out of this difficulty? It has been read to you, by my honorable friend, Mr. Hightt, that—if I followed the words rightly—when this great difficulty arose, the Commons rejected the amendments of the Lords, but immediately brought in amendments to the same effect, and then sent up the amended Bill, and so got over the difficulty.

Now, I think I need say no more upon that part of the subject; but there is one point I must go back upon. It is this very material point, that the Bill in question is not a Bill for appropriating any part of the revenue of Victoria, nor for imposing any duty, rate, tax, rent, return, or impost. I maintain this is a Bill, as it is stated to be, the primary object of which is to supply water to certain districts and places in Victoria, and that the power of collecting what has been termed rates, but what, in point of fact, is the price of the water, to be supplied by the Government, and is a subject proper to be legislated upon by the Legislative Council, as representatives of the people, especially of the propertied classes,

and upon the principle of taxation by representation; the Assembly can keep the power of taxation in their own hands without encroaching upon the privileges of the Council; they have merely to take the view we have laid down, and which, as I said before, is unanswered, that each rate, tax, rent, and return of a fiscal nature, for the purpose of revenue and taxation, should be put in a Bill by itself; and I can answer for it that the Council would not interfere with any such Bill, except the imposition attempted by the Assembly was of so unjust, or offensive a character, that it would call down an expression from the people of such a weighty nature that the Council would be called upon to interfere upon the occasion, for, I should say, nothing less than the salvation of the country, and then to exercise that power of rejection which I contend they undoubtedly have.

With regard to the precedents as to the practice between the Council and the Assembly up to this time, it has been conceded that the Assembly have frequently passed amendments made by the Council in Bills for these purposes of rates, taxation, and so on. My honorable friend, Mr. Sladen, has given several instances. I certainly did understand the Attorney-General to deny there was such a case. I think I must have misunderstood him; but, even supposing he did take up that line of argument, I presume he is now aware it has been the practice hitherto.

Mr. Higinbotham : I never made that statement.

The Hon. H. Miller : It is admitted that such has been the practice up to the present time.

Mr. Sullivan : No, that has not been admitted.

Mr. Higinbotham : It has been done in certain instances.

Mr. Macgregor : It has been done, not admitted.

The Hon. H. Miller : It is admitted that it has been done; that is what I argue for, that it has been frequently done; the thing is on record.

Mr. Sullivan : Occasionally.

The Hon. H. Miller : Occasionally it has been done, and I content myself simply with asking this question, why has it not been done upon the present occasion? Of course I shall be answered; perhaps I should be rash in hazarding a conjecture as to what the answer will be, but I ask this, is it considered that upon the merits which I shall address myself to—and in fact, had it not have been for the consideration of which, I should not have presumed to address the members of the Committees here—I ask, is it contended that these amendments made by the Legislative Council are of an objectionable character? Well, if it be so, I will proceed to argue that they are not only not objectionable, but in my opinion they are absolutely necessary upon this occasion.

Honorable members will observe that this is an Act to authorise works for supplying water. But we must begin a little further back, if honorable members will bear with me; we must begin at the beginning of this question; it commences, as honorable members no doubt will recollect, with a debate upon the motion made on the 9th December, 1864, by Mr. Tucker, a member of the Assembly, who moved for a Select Committee to be appointed "To inquire into and report upon the three rival schemes for supplying Castlemaine and Sandhurst districts with water." The Committee seems to have gone into that question, as they say themselves, "the labors of your Committee have been of a very careful character," and they seem to have examined, at very great length indeed, various competent parties, engineers, upon the subject, and they recommend what I think it material to state to the Committee, that "Your Committee recommend that the supply of water to the districts of Castlemaine and Sandhurst be entrusted to the State, the evidence disclosed proving this desirable." Well, the Honorable the Minister of Mines being on that Committee, which reported upon the 18th of May, 1865, takes up the question very properly, and on the 14th of June, 1865, he circulates a paper, headed, "Victorian Water Supply," embracing a schedule of works projected for the general supply of water,

showing the determination of this Government to supply the localities therein set forth, namely, the town of Geelong, the Castlemaine and Sandhurst districts, the Heathcote district, the Ovens district, the Maryborough district, and the Avoca district; and he shows, according to the approximate estimate of the cost, that it will cost £1,161,700, so that honorable members will see that, in entering upon this subject, we are taking the first step in initiating a very large outlay, for the purposes of supplying this country with water.

Now, it will be observed that, in a somewhat unusual and (so to say) inverted order, the Act for raising this money was passed before the Water Supply Bill itself. It is usual, I think, that certain works should be first determined upon, and then the means of executing the works—the financial means—should be initiated; but for some reason or other the Public Loan Act of 1865 was first brought in and passed. There are no less than three purposes to which the moneys raised by the Act are to be applied; that is to say:—"First, for completing the construction of the State railways a sum not exceeding two hundred and fifty thousand pounds. Second, for the purchase of arms, guns, and ammunition, and the erection, building, furnishing, and equipment of works, forts, and ships, and the providing of all other things necessary or useful for the defence of the Colony of Victoria against invasion or attack in time of war, a sum not exceeding one hundred thousand pounds. Third, for the construction of works for supplying water to divers mining, agricultural, and other districts, and to towns in Victoria, and for the purchase of land, material, and plant required for or in connection therewith, a sum not exceeding five hundred thousand pounds." Now, when this Bill for supplying water came up to the Council, I thought it my duty, being somewhat conversant with banking and financial matters, to see whether such provisions were made in this Bill as would recommend it to the capitalists in England, from whom, if I understand rightly, it is intended to obtain this loan. It will be evident to honorable members that this would be a material part of the question. It is very desirable, indeed, to have the water supply; and I believe, with good engineering science, which I think we have here, it is possible, though it would be exceedingly difficult, to obtain such a supply as has been proposed by the Honorable the Minister of Mines, amounting to, I do not know how many millions of gallons—something very large, indeed I did not think that the Bill, as sent up to the Council, contained such provisions as would make the undertaking reproductive, and suggested alterations accordingly to what the honorable and learned member who is so good as frequently to assist us, by putting the views and wishes of the Council into legal language. These alterations I deemed to be of the more importance in the present instance, as I observed in the *Times* of the 26th of June last, that there are whole strings of advertisements by the Cape of Good Hope Government, the British Columbia Government, the Mauritius Government, the New South Wales Government, and the New Zealand Government, all competing in the London market for loans. I consider it to be of the utmost importance that our loan should be obtained on the most advantageous terms in the London market; and unless it is put in the usual way, and shown to be reproductive to the British capitalists, you will either not get the money, or you will have to pay a very high rate of interest for it. To illustrate my statement I will read shortly the position in which the province of Otago has placed itself in the money market, by the very thing we are now entering into, that is by undertaking ambitious works, which would be looked upon at home as beyond our capacity to execute. These things are looked into very closely at home. This colony should not only have a Loan Bill, but be able to submit a good Water Works Bill when you place the loan on the British market. But to give the instance I wished to bring before the Committees. It is this. It appears that there is now for the province of Otago a loan pending of

£500,000; this loan, the Bank of New Zealand, on behalf of the Provincial Government of Otago, offer for sale, at a minimum of 90—that is, for every £90 of British capital they incur a debt of £100; and it is then shown, of course as a reason for inducing the capitalists on the Stock Exchange to advance these moneys, that the interest will amount to $7\frac{1}{2}$ per cent. discount, taking the £90 instead of the £100. I should be sorry to see the credit of this colony damaged, which has hitherto stood so well in the money market, by any want of proper provisions in the Bill. To further illustrate the importance of this question, I will refer honorable members to the result of the railway loan. In the very able report from the Engineer-in-Chief, Mr. Higinbotham, the whole matter is embraced; and it is shown that, by framing our Act in such a way as convinced parties operating on the Stock Exchange that it would be a reproductive and safe work to advance upon, premiums on debentures sold in London have realized a sum of £445,826. I will leave honorable members of both Committees to contrast the difference between the loan properly introduced by the Victorian Government of that day, who, it must be remembered, operated through the Government banks—and, in that way, were enabled to realise this large amount of premium—and what would take place if they were to send home a Bill that would be condemned by the Stock Exchange; and, instead of obtaining the new loan at a rate of premium equal to the old loan, have to submit to a heavy discount. Now, that was my reason for making amendments in the Bill; and certainly I had no wish to interfere with the privileges of the Assembly. I trust that will be thoroughly understood by honorable members, and that it will be noted that the question of privilege has been raised by the Assembly, and that upon a question of the utmost moment to the prosperity of the colony and the benefit of the miners, a water supply to the districts of Castlemaine and Sandhurst, and I trust I may not be thought as at all wishing to convey any censure—it would be unbecoming in me to do so—but I would point out that the responsibility of the stoppage rests with that House in which the question of privilege originated. I trust I have given sufficient reasons for the action taken by myself and honorable members of the Council. I trust these reasons will weigh with the members of the Assembly, and that they will see fit to take some of the many courses open to them upon the present occasion. There was another amendment that was made, as set out in the reasons of the Council, namely, that “The amendments in section six are to protect all persons in the use and enjoyment of their property, and the rights pertaining to it, and to provide compensation where they are deprived of such property or rights, in accordance with a fundamental law of society.” I regret to see that it was proposed to enact that in certain cases, although parties might receive injuries from the diversion of the water, still that they were to be deprived of any remedy or any compensation by Act of Parliament. That is a denial of justice in my opinion, which the Council were bound to take notice of and to alter, although I can perfectly well understand the adverse bearing upon the financial question. I cannot for a moment agree with the estimates that have been submitted as to the cost of the proposed water works. Why, gentlemen, if we had no experience in this matter, we might be induced to act like rash people who build houses, or attempt to build houses, upon the estimates of their architects, who almost invariably find, before the whole is paid for, that the cost will come to at least double the estimate. That I think is a very common occurrence. Experience teaches us what the costs of water works, constructed out of the public moneys, has been in the instance of the Yan Yean. I hold in my hand a return to an order of the Legislative Assembly, dated the 28th of March, 1865, called for by Mr. Vale, showing the cost of the Yan Yean: the construction, £963,905 Os. 6d.; maintenance, £17,091 11s. 10d., and departmental expenses, £36,090 19s., amounting to £1,017,087 11s. 4d. Then there is the interest, £569,973 18s. 5d.

to be added, less the amount of the revenue, £354,308 11s. 8d. It is perfectly right, in this return of the Yan Yean, to take credit for the revenue, but I question whether the revenues would be available to such an amount, or could be so readily collected in the districts intended to be operated upon by the Minister of Mines; but notwithstanding that so large an amount of revenue has been collected, it will be observed that the balance of expenditure amounts to £1,232,752 18s. 1d., and yet the aqueduct and the works constructed are by no means of a very difficult character. I had the honor, with Mr. LaTrobe, to turn the first turf upon the occasion of the construction of the Yan Yean reservoir, and I entirely approved of that project from the first, because there were natural facilities for the saving of the water, and the length of aqueduct is only about twenty-nine miles. Taking the cost of the Yan Yean as a guide, I was greatly astonished when I found in this report of the Water Supply, in the appendix, a statement made by a very competent man (for aught I know), Mr. Christopher; he estimates that the total cost of this work—honorable members of the Committee will observe that the aqueduct is to be seventy-seven miles long—and yet this work is only to cost £266,520. Well, I for one do not believe in that estimate. I do not believe the work can be done for it. It must be observed that Mr. Brady's plan has been adopted, and there is an opinion given in this report as to that plan. And what is it? “The scheme propounded by Mr. Brady is of a totally different character from that of Mr. Reilly, and also departs considerably from that of Mr. Wardle. Mr. Brady proposes to impound the waters of the Coliban at a level affording but a limited fall from the discharging valve of the reservoir to the point at which he calculates upon crossing the Dividing Range at Elphinstone, and to collect all the water intended for distribution at one side, commanding the railway works at Malmsbury, at a considerable elevation, and closely adjacent thereto. The storage dam suggested by him is but five or six chains from the Coliban viaduct. The fall from the bye-wash of this reservoir appears to me to be dangerously great. The bye-wash provided for the escape of the flood waters is undoubtedly inadequate for the purpose intended. It would be the height of imprudence to erect a dam for impounding forty-five feet in depth of water at a site so close to the railway as that proposed, unless works of far greater magnitude and permanence than those suggested were decided upon,” and so on, showing that this is not a scheme that commands the approval of all scientific men. Why do I dwell upon this? It is for this purpose, to point out to the Honorable the Minister of Mines, that it is essential to provide a security for parties who may be induced to advance capital for such purposes, that should the result prove satisfactory or not, they shall at all events have something to look to for a return for their principal and interest. It was my anxious desire that such a provision should be made—not a provision left to the discretion of the Ministry of the day, or, as it is termed, “The Governor in Council,” by whom I understand the Ministry of the day, because we all know the doctrine is now that the Governor must go by the advice of his responsible advisers; it is not sufficient I say to induce capitalists to advance their money on such a vague provision as that; that in their discretion they shall make such regulations as shall bring in six per cent.; that is not sufficient. This is not a new idea of mine, this is now in the statute book of the colony; if you turn to the Local Government Act of 1863, you will see what I call a sufficient provision to make these works reproductive; and it is somewhat singular, and what has perhaps called my attention to this matter more than anything else is what has occurred in Ballarat. There there has been a water commission at work for some time; they did me the honor to communicate with me when they were in want of funds for that purpose; and I had made arrangements to make such advances as they required at

eight per cent., but difficulties and disputes arose between the representatives of the respective municipalities, and the consequence was, that they determined upon advertising for debentures, and very properly so: they did advertise for debentures; and I was prepared to make the advance, until I discovered they had not complied with the requirements of the Act; that though they were making arrangements for borrowing the money, they were making no provision for repaying the amount in case of the water scheme failing, and I have no doubt they would receive with open arms the proposition of the Minister of Mines to advance this money at six per cent., without making such a rate as would ensure repayment. No doubt, if the revenues received from the sale of water were sufficient, then the Government would be repaid; but if those revenues were not sufficient, I anticipate great difficulty, should the scheme fail, in obtaining payment from ratepayers, who are also electors, and have, you may say, a voice potential, at all events, with the members representing those respective localities. I say, and maintain, it would be with extreme difficulty that any return would be got for the moneys laid out. It would be said, "You have gone upon a foolish scheme; you should have foreseen this; you want now to throw the responsibility of your acts upon us, and we will repudiate the whole concern." And while I am upon that point, I will submit, for the consideration of the honorable member, the Minister of Mines, whether or not he would think it desirable, with a view to placing this loan in the position in which it should be placed before the British capitalists, as to whether clauses should not be introduced into the Bill to make these works at all events reproductive?

I must beg pardon of honorable members for the length at which I have entered upon this matter, but I really thought it a matter of such consequence that I might trespass somewhat upon their indulgence.

Mr. Sullivan: I have not heard any honorable member on the opposite side—of the Council—give any argument in favor of the amendments introduced into this Bill. With the exception of that compensation clause, there is not the slightest argument adduced by any member sitting opposite in favor of the amendments. The honorable member, Mr. Miller, said there have been certain amendments made to secure certain things, but where are we to look for the security for the repayment? That was in the Bill when it left the Assembly.

The Hon. H. Miller: I addressed my observations to the amendments made by the Legislative Council which have been disagreed to.

The Hon. J. F. Strachan: There is one point I wish to observe upon. I was going to say that question put by yourself was answered by yourself in the Assembly.

Mr. Sullivan: Probably before we close some honorable gentleman will have an opportunity of saying something upon it.

Mr. Berry: Speaking at so late a period of this Conference, I may observe, that a great deal that I should have thought it necessary to state, if I had spoken earlier, has been already alluded to, and probably much better stated than I could have stated it myself; but, nevertheless, I wish to offer one or two observations to the notice of the Committees.

I agree with the Honorable Mr. Miller, that this discussion has been conducted in a very excellent spirit, and that there have been very able expositions of the opinions held on the opposite sides; and I have no doubt that, whatever may be the immediate effect of this Conference upon the two Houses of Parliament, it will have a very beneficial effect upon public opinion; and, to a limited extent, I agree with him also that that opinion, when sufficient time is allowed for it to develop itself, will be almost unanimous; though I altogether differ from him as to the side on which that unanimity will be; for, though I am not prepared to say that the whole of the argument is on my own side, I must say, I think that not only the legal but the constitutional argument advanced in this discussion, both by the

Honorable the Minister of Justice and the Honorable the Attorney-General, have been able in the extreme, and, up to the present moment, I am not aware that they have been substantially answered.

It has occurred to me, and no doubt to other honorable members, that, however able the various arguments have been, unfortunately the result has not been so practical as might have been wished, because the whole question of privilege is not before this Conference, and honorable members have diverged from the question immediately before them to that other question collateral to it, which is also in dispute now between the two Houses. In proof of this, I would allude to the very able and most exhaustive argument used by the Honorable the Minister of Justice, with respect to the power of the Council to reject Money Bills. Strictly speaking, that question is not before this Conference, and I noticed that the Honorable Mr. Fellows in answering, altogether avoided giving an opinion upon that point of the argument. I think, therefore, at an important Conference like this, which is not likely to be repeated very soon, it would have been well if the Constitutional question had not been raised upon this Water Works Bill. In the first place, it only raises a comparative unimportant point of privilege; whilst, secondly, it gives rise to discursive arguments upon the various clauses of the Bill. As an instance of the latter inconvenience I would allude to the speech of the Honorable Minister of Mines, who probably in his very natural anxiety for the passage of his Bill, mainly directed his attention to the Bill itself, rather than to the question of privilege, and also the latter part of the argument of Mr. Miller, all of which tends to divert attention from what should be the main object of this Conference, namely, to ascertain, if possible, what are the respective rights and privileges of the two Houses. And here I would say that, up to very recently, it has been acknowledged, both by members of the Assembly, and also by honorable members of the Council, that the two Houses stand respectively towards each other in the same position that the House of Commons and the House of Lords do at home. Now I consider that construction of our Constitution Act has been acknowledged for many years, and has been acted upon in various ways, and I think the Honorable Mr. Michie pointed out many arguments in proof of that—there were some others also that occurred to my mind, but which have since been alluded to by honorable members on this side—but I would add, in addition, that the mode in which the Council vote and put the question is the exact form used by the House of Lords, and not that of the House of Commons; and that, in addition to other matters, they have themselves, as near as possible, been guided by the precedents and usages of the House of Lords, rather than of the House of Commons. Another striking point is that, in practice, the whole laborious work of legislation has devolved upon the House of Assembly in this colony, as it has in the House of Commons in the old country; that Ministries have been entirely formed from the Assembly, that is, that the Executive, so to speak, has always largely consisted of members of the Assembly, and its political existence has always been co-existent with the confidence of that body. Now, for the first time, the Legislative Council would altogether interfere with the constitutional right of the Assembly; because, I submit, if the Council have the right to reject Money Bills, to derange the financial operations of the Executive of this colony, they have the right to take the responsibility of doing so by adopting some other scheme by which they will propose, in a constitutional way, to govern this colony. I think it is unfortunate that the Council should have been advised to change their relative position in the constitution in the way they have. I do not think ultimately they will gain even in the discussion anything by so doing. It is of recent date; because, think for the first time it was alluded to in the debate in the Council upon the second reading of the Customs and Appropriation Bill by the Honorable Mr. Sladen. He threw out a suggestion in a way far from confident

that it did not appear altogether certain by the Constitution Act that the two Houses were comparatively in the position of the House of Commons and the House of Lords, but that the two Houses together only possessed the power of the Commons, and that, in fact, our Houses were solely the House of Commons divided. That was the first time I ever heard it publicly announced, though it had occurred to my mind before. Since then, it has been taken up by the Honorable John Dennistoun Wood, in public meetings outside; and we cannot shut our eyes to the fact that it is depended upon by honorable members of the Council in Committee at this Conference.

I would submit, it is not only inconvenient, but also unjust, at this late period of time, to take up that position; and I do think if that position is maintained any inconvenience that may arise, and any long continuance of conflict which may occur between the two Houses of Parliament in this country must be directly chargeable upon honorable members of the Council, who have accepted a certain position for a considerable number of years, and in fact obtained a dignified position and title of respect necessary to a House having special privileges like the House of Lords, the members of which should not now attempt to deny that analogy, and for special purposes endeavor to claim not the privileges nor the legislative functions of the House of Lords, but really the legislative functions of the House of Commons, limited only by the express wording of the Constitution Act.

Now, I followed very carefully the various speakers, members of the Committee of the Council, and especially the Honorable Mr. Fellows, and I have since read his speech, and I find that he altogether ignores all analogy or parallel between the two Houses whatsoever. Other honorable members appear not to have taken this view, because, I take it, the whole of the long extracts which the Honorable Mr. Highett favored us with this afternoon are altogether outside the discussion, if he denies, with the Honorable Mr. Fellows and other members of his Committee, that there is any analogy existing between the two Houses of Parliament in this colony and the Houses of Lords and Commons at home. I would submit to honorable members a further proof of the inconvenience of the course which they have taken. Honorable members have been arguing for three days very ably, many of the arguments strictly legal, in regard to a matter of the very greatest importance to the people of this colony, without any court of competent jurisdiction to decide the question when the case is complete. I submit that the reason why we have no court of competent jurisdiction is entirely in consequence of the new position the members of the Council have now taken up, because they refuse to acknowledge the only possible court of competent jurisdiction, namely, the whole array of precedents that have created during the last one hundred and fifty years, or longer, in the British Parliament. They would deny the analogy, and thus destroy the only court of appeal we can have. Admit the analogy, and we have at once what we now feel the lack of—a competent court of appeal; how would these cases be decided in the mother country with respect to the rights and privileges of the two Houses? Now, I might ask honorable members of the Council, and I think they would be bound to answer, What is the meaning of the fifty-sixth section of the Constitution Act, if it is not intended, to be precisely the putting in words the generally received notion of the British Constitution? What is the use of a section in an Act of Parliament, saying, that the Council shall not alter certain Bills, but they may reject them, if that language is to be taken altogether distinct from anything else we know, with respect to constitutional legislation elsewhere? It would be almost an absurdity without further explanation. If it had not been intended that that clause should be interpreted by the British Constitution, that clause would be nonsense; because, as Mr. Michie exhaustively shows, if its interpretation is to be taken in its plain common sense, then the power now claimed by the Council is a power they ought not to possess.

True, Mr. Miller said the right was to be exercised with caution, but we may not always have the same cautious gentlemen to handle it; if in the judgment of the Council the right to reject Money Bills is absolute, and can be used fully, what was the use of saying they should not alter in any one tittle, a Bill; because it is evident either such alterations must be allowed under the right of rejection, or they would exercise the full power of rejection. Then, if that was to be the acknowledged meaning of that section, something like this must arise, that the Council might say, "Although we have not the right to alter, we will intimate to you what we wish, and you must alter, or we shall reject." In fact, I caught from the Honorable Mr. Fellows the exclamation, in alluding to this very Bill,—that if prevented from altering, the Council must more frequently enforce their power of rejection. That I think fell from Mr. Fellows incidentally in conversation in this Conference. I submit, then, that, if we are to take the Constitution Act alone, without its being interpreted by its analogy to the British Constitution, the whole of the pretended distinction between the two Houses, and the power of taxation resting with the Assembly alone, would be altogether a dead letter, unless, as I submit, would be the case, the people of this colony would be too high-spirited to submit to it, and you would then have, instead of the benefit of past experience, gained in the long-continued conflict between the Houses of Lords and Commons on this and kindred subjects, resulting in certain compromises, thoroughly well understood by all constitutional lawyers and all experienced parliamentary men at home—instead of having precedents ready made to your hand, you will have to go through the same course of continued differences here, until you bring about substantially the same, if not more stringent conclusions, with respect to the limitation of the power of the Council to deal with the taxation of the people.

I think it was argued by Mr. Fellows, that whatever was the intention of the framers of the Constitution Act, at all events, they have not carried out what they intended. It is important to know what are the rules by which an Act of Parliament, such as the one we are now considering, would be generally and properly construed; and I find that, in looking at the second volume of *Dwarris's Treatise on Statutes*, page 617, it is laid down there: "Plowden (after Aristotle) points it out as the best way to form a right judgment, whether a case be within the equity of a statute to suppose the lawmaker present, and that you have asked him the question, 'Did you intend to comprehend this case?' Well now, it is very rarely that you could—I can see the difficulty—it is very rarely you could have the lawmaker present to ask him if he did intend to comprehend this case;" but as relates to the particular case we are discussing, we have them present; we have them in the form of their report, which Mr. Michie read to this Conference; and after very ably detailing what their intentions were—which we find really carried out substantially in the Constitution Act which they framed)—they wind up by saying that to the Legislative Council they intend to apportion the legislative functions of the House of Lords. I submit now, with that document before us, we positively have the lawmaker here, and can ask him what he meant, and we are in no doubt as to what it was that he meant. I admit, without that report, if it had not been in existence, that, although common sense would have pointed out the analogy from the very wording of the statute, there might have been a doubt in the way, if that report had not been in existence, so full and so complete as it is. The report, honorable members will be aware, goes on to say—there can be no doubt as to the meaning of the framers of the Act—that to the Legislative Assembly they propose to give the powers rights and privileges of the House of Commons. Now, if the rule laid down in the work I am now reading from is correct, we are in a particularly good position so far as this case is concerned, because we really have, not only the Honorable Mr. Miller, who is present now, but what I submit is far better than any

recollection, the written document, presented to Parliament at that time. Going back to the extract I was alluding to when I broke off, it goes on to say, "Did you intend to comprehend this case? Then you must give yourself such answer, as you suppose he, being an upright and reasonable man, would have given." I submit that all the gentlemen who framed the Constitution Act, if they could be present here, and be asked that question as truthful and reasonable men, so far as the points under discussion are concerned, must admit they intended to give to the Legislative Council the legislative functions of the House of Lords, and to the Assembly the rights and the full privileges of the House of Commons. I know, the Honorable Mr. Miller said, and quoted with some apparent satisfaction a clause in that report which appeared to militate against an exact analogy between the two Constitutions, and the part he quoted was this. After the Committee state that they are "desirous to approximate our future Constitution to that of the mother country, and intend to uphold the just prerogative of the Crown here as fully as in the United Kingdom, they have unanimously concurred in thinking that the social condition of this colony renders a close assimilation to certain British institutions impossible." I respectfully submit that all that meant was that they did not consider it advisable to have titles here, nor to recommend the Queen either to issue titles to the members of that House in the first place, nor did they wish them to be nominees in the second, and also to withhold judicial power; and therefore they limited its power to the legislative functions of the House of Lords. But unless this exception had more expressly stated what was meant, I respectfully submit the Honorable Mr. Miller cannot shelter himself under it; because, a vague exception cannot alter the distinct words of the preceding and following sentences in that report in which the committee distinctly state what their intentions were in respect of the relative position of the two Houses. I have marked one or two other points here to show the liberality of construction that would be accorded to Acts of Parliament such as this, where such good evidence can be given as is supplied by that report of the absolute intention of the framers of that Act. In page 618 of the same work I have quoted from, it says—"Statutes made *pro bono publico* shall be construed in such manner that it may, as far as possible, attain the end proposed." I take it, if the end proposed was to be an Act of Parliament that should govern this colony similarly to the way in which the mother country was governed, as far as circumstances will admit, we are perfectly correct in construing that statute in that direction. And further on, at page 622, "The Judges, in Edrich's case, declared that it would be dangerous to give scope to make a construction in any case against the express words, but they added the qualifying words 'when the meaning of the makers doth not appear to the contrary, and when no inconvenience will thereupon follow.'" So that when the meaning of the maker could appear to the contrary, even the express words might be overridden. Here we have no wish, and no need, to wrest the express words in any way, but we can amplify the express words by the intentions of the framers. I do not know that it is necessary to quote further extracts in proof of that, because I do not intend to go, and should not have—had it not been pointed out to me—gone into anything like the legal point of the matter that has been very ably argued; but I do think, leaving outside that legal argument, it is most inconvenient that so strict an interpretation of the Constitution Act, at this late period of time, should have been taken by the Legislative Council. I conceive, and have no doubt in my own mind, that the ultimate result will be the same, whether the new view taken by the Legislative Council be adhered to or not, and I respectfully submit that we should hold to the intelligent view that has hitherto prevailed as regards the position of the two Houses at home. No doubt the ultimate result will be the same in both cases, because we are sure the people in this colony are as

unquestionably alive to their rights and privileges as the inhabitants of the mother country; and whatever may be the cost, whatever the inconvenience, and the time and trouble of bringing about a satisfactory arrangement, they will not be satisfied until the whole taxation of the country rests in that House in respect to which they have a direct vote in its creation.

I noticed the Honorable Mr. Miller stated that the power to reject, though he claimed it as absolute, would be only exercised when the people, as it were, called upon the Council to save them from the arbitrary conduct of the Assembly. I would remind honorable members that the Council rejected a Bill imposing a tax without any such excuse as that, the tax on bank notes; and I regret that the Assembly have not been more careful in watching their privileges in years past than they have been. No doubt it has placed the Assembly in a position of greater difficulty now than it would have done had their true position been taken up sooner, but honorable members of the Council will know, that the Assembly have had to, as it were, inaugurate responsible government, with all its difficulties, with constant changes of Government, before it could in natural order give its attention to matters involved between the two Houses; but certain usages having been in abeyance some time does not invalidate the absolute right of the Assembly, when their attention is roused to the point, from taking such steps as are necessary to preserve their own privileges and the rights of those who have elected them.

I do not know that I could add much more, because, it appears to me, that the whole of this question rests really upon whether we are to consider our Constitution in the light I have indicated or not. If we are, I think that our course is very simple and easy, if we take the interpretation put upon the powers of the two Houses at home and look to their precedents. Occasionally a slight difficulty may arise, but I think that those difficulties will be easily smoothed, because we shall have always, as it were, a Court of Appeal as I expressed it before; and it will be very rare indeed that a case would occur that could not be settled in that way, and if, indeed, a case did arise—it being admitted that the two Houses stand in the relative positions I contend for—a case that could not be settled by a similar case at home, there would be no objection to remit such a case—the premises having been allowed that the analogy was the same—to some high authority in England upon constitutional law and usage, and, therefore, I would urge, if it is possible for anything that I can say, or that can be said at this stage of the proceedings, to have any effect upon the determination of the Council, that they should reconsider the position which they have taken up, which is novel in its application, and which I do not think can either logically or legally be maintained, which will give rise to continued conflicts until some rules and precedents are established by actual collision, as it were, upon the various points. I say, that I would urge upon them to give up that idea, to accept, broadly, the position that has always been assumed, and I may say, in passing, was really acted upon by the honorable members of the Council when they appointed a Committee on the question of the Supply and Appropriation Bill to ascertain the practice in similar cases from the records of the House of Commons and the records of the House of Lords. Now, I submit up to the time of the appointment of that Committee—

The Hon. C. Staden: No, it was not quite so; it was to take precedents generally from the Imperial Parliament.

Mr. Berry: That is to say, precedents as between the House of Lords and the House of Commons. I respectfully submit that that was altogether a useless piece of work, unless the honorable members of the Council were prepared to admit that those precedents would apply to this colony; because, if they do not apply, where was the use of appointing the committee to seek for them? Therefore I am justified in saying that the position now taken up is altogether new, and had not occurred to honorable members of the

Council at that time, and was first mooted by the Honorable Mr. Sladen during the discussion upon the second reading of that Bill. It is suggested to me that the members of the Council have applied for and have been allowed the right of assuming the title of honorable, no doubt to the greatest extent—

The Hon. H. Miller: I do not think there was any application.

The Hon. W. Highett: It was never applied for.

Mr. Berry: I was under the impression it was applied for indirectly, but for my argument it is sufficient to know it was conferred. If the argument of the honorable member is correct, should there be any distinction in that case? If we are both House of Commons, why should there be any distinction as regards the election for the one body and the election for the other? Why should the work—so to say—the hard continuous work of legislation fall upon one House more than on the other, while the honor is upon the House that really does not do the work? Why should this position be assumed—that is, the honorable, and easy, indolent position of the House of Lords, a kind of play at legislation—why should that be assumed on the one hand, and at the same time why should there be that grasping after the ultimate power of legislation on the other, speaking now of taxation? because, substantially, if the power now claimed for the Council were conceded, that body would have more real power with respect to taxation than with regard to ordinary legislation. Whilst we find it is very rare indeed for a Bill of public utility which has passed the Legislative Assembly through all its stages to be rejected by the Legislative Council—of course, a Bill is altered at times, and some of the alterations are waived or conceded by the Assembly, but the rejection of a measure is very rare; but if we were to allow that the position now taken up by the Honorable Mr. Fellows, the Honorable Mr. Miller, and the other honorable members who have spoken, that the power to reject is only to be bounded by the conscience and the judgment of members of the Council, but that they must not alter, they being prohibited from altering, we have a right to suppose that Money Bills would be more frequently rejected than other measures, and more interference would thus take place with taxation and ordinary Supply Bills than with legislation not involving that principle. All this contradiction is got rid of if the honorable members of the Council are satisfied with their position and their dignity, and will admit at once that the position of the two Houses is precisely analogous to that of the two Houses at home, the Executive being elected as it were from the Legislative Assembly, and the whole arduous work of the session being conducted by them? Careful revision in ordinary legislation, I candidly admit, is highly beneficial, and that amendments by the second chamber are highly desirable, that body frequently suggesting alterations and omissions and amendments, good in themselves, which have not been seen by, or have not occurred to, members of the Assembly; still, bearing in mind that the real anxiety of bringing those measures forward, and discussing them clause by clause in every form, devolves upon the Assembly, which, therefore, must really always throw the responsibility of legislation for the country upon the Assembly. If that position be at once frankly and fairly accepted, I am quite sure no section of the House of Assembly would wish in any way to infringe upon the privileges or rights of the Council, or in any way to act derogatory to their dignity or position—that they would always be glad to consider their opinions, and equally willing and ready to consider their amendments in the very best spirit, and to give to their views that weight of consideration due to their position, experience, and knowledge. I do think that it would be wise, at the outset of a difference like this, if there could be some general adaptation—the adoption of some substantial grounds of reference similar to those I laid down—and that such should be conceded on both sides; because, by so doing, we could solve not only this question, but every other question; and I have no doubt that the Council by so doing would lose

nothing; because, although the Assembly may have to enforce its rights and privileges in matters of this sort, they have never been disposed to treat harshly or with discourtesy any amendment that might be suggested on the part of the Legislative Council, for instance, as pointed out, in Bills of this character, or indeed the Bill we are now considering. If we once admit the practice of the two Houses at home, there is at once a way out of the difficulty; if the amendments are not differences of policy—if the amendments are not amendments that it is utterly impossible for the Assembly to admit, and which they would not agree to though it were not a Money Bill—if they are amendments, such as I say, we would admit in a Bill that was not a Money Bill—in that case, the practice of the House of Commons is, if they receive a Bill of this nature from the House of Lords having amendments to which they do not particularly object to, put the Bill aside and bring in a new Bill, in which the amendments of the Lords are embodied, thus substantially giving to the Lords their amendments and retaining their own rights and privileges. No doubt, if the real question for which the Conference was appointed, and about which the two Houses are so ardently contending, was abandoned by the Council, I for one feel sure they would be really surrendering nothing, but would receive as much consideration then, and perhaps more, from the members of the Assembly in any matter of public good, the Assembly waiving their privileges, as they could do—following the example of the House of Commons—whereas, the denial of the right of the Assembly to deal exclusively with Supply and Appropriation is naturally calculated to bring about an estrangement between the two Houses, to bring about a conflict throughout the country, which must result disastrously to all classes, and I submit, must ultimately end in the success of that House which represents so much more largely, as I think will be admitted even by members of the Council, the public opinion of this country, than the Council can possibly pretend to do.

Mr. Higinbotham: There are one or two observations I should like to make before the discussion closes. The first is, as to one of the instances referred to by the Honorable Mr. Sladen, in which the Council exercised the alleged power of making alterations in a Bill of this character. It is the Local Government Bill. The Council introduced a clause in that Bill imposing a tax upon dogs; and when that amendment came down to the Assembly, I find it reported that, "The Speaker pointed out the Council had inserted an amendment imposing a tax upon dogs. He did not think it was in the power of the Council to insert such a provision, inasmuch as it imposed a new tax, and he therefore suggested that it be disagreed with. Mr. Morton said, he had been entrusted with a petition in favor of the clause as carried by the Council. He took the earliest opportunity, after the ruling of the Speaker, to declare his intention of bringing in a Bill to legalise the system proposed." Mr. Mollison, an old member of the Legislative Assembly, and a member whose opinion on these points has always commanded weight, "moved, that the amendment be disagreed with. He did so on the ground stated by the Speaker; personally he was of opinion that the dog nuisance must be suppressed. He could not forget that the death of Colonel Neill was occasioned by the nuisance, and also that great loss of property was caused by it. When the honorable member, Mr. Morton, brought in his Bill, he would support it." The amendment was therefore disagreed to for the reason assigned, although its substance was approved of. Other amendments were made by the Council and adopted; so that in one of those instances it appears the Legislative Assembly refused to accept the amendments on the express ground that, although the member who spoke on it had approved of the amendment, it was an amendment the Council had not power to make, and was one the Assembly was bound to reject.

The Hon. J. P. Strachan: What analogy is there between the objection made in that Bill—the objections were perfectly right—what analogy is there be-

tween that and the objections in this Bill? What alterations have the Council made in this Bill which bears upon that point in that particular Bill.

Mr. Higinbotham: I would say, that I have myself abstained from arguing that the amendments made by the Council in this particular Bill are amendments which they have not the power to make. I conceive the question on this first amendment is not, whether the amendment is one which the Council have power to make, but whether the reasons which the Council have advanced in support of that amendment are reasons which can be accepted by the Assembly.

The Honorable Mr. Miller, referring to the remarks that have been made in connection with the report on the Constitution Bill, stated that at the time the Constitution Bill was framed, he was very desirous that this portion of the Bill should be so clearly settled that no disputes could afterwards arise, and I inferred—I hope I do not misrepresent the honorable gentleman—but I inferred that he conceived that, at that time, both he and the other members of the Committee had paid special attention to those clauses of the Constitution Bill, and had carefully settled them in the terms in which they are now found in the Statute Book. If that was the intention of the honorable member, that intention does not appear to be borne out by the records of that Bill. As the Bill passed in its several stages, it appears that those clauses assumed different forms at different times, and that at last the amendment which reduced the clause to its present shape, that is, the fifty-sixth clause, is treated as a mere verbal amendment. In the first instance the Committee appointed on the Constitution Bill drew up certain resolutions to guide their deliberations, and the two resolutions corresponding with those two clauses, the fifty-sixth and fifty-seventh clauses, are the forty-second and the forty-third resolutions; they are in these terms, "That all Money Bills should originate in the House of Assembly. The Legislative Council to have the power of refusing, or returning them for re-consideration to the House of Assembly, but not the power of altering them." That is the forty-second; then the forty-third says, "That all appropriations should be proposed by the Government and should rest with the House of Assembly." The intention being, as far as Appropriation Bills were concerned, that they should rest absolutely with the House of Assembly." In Committee this motion was made, "That all Money Bills should originate in the House of Representatives, the Senate to have the power of refusing, but not the power of altering them.—Carried." I would observe here, at this time in the Committee it was proposed that the respective Houses should be called the House of Representatives, and the Senate, carrying out the idea proposed by the report; so that, except in the cases there expressly specified, the legislative bodies in this country should correspond with the legislative bodies in the mother country. This proposal certainly indicated the intention to carry out that view. It was proposed "That all appropriations should be proposed by the Government, and should rest with the House of Representatives." That was carried. Subsequently, however, when the Bill was introduced, those resolutions do not appear to have been carried into effect, for what now stands as the fifty-sixth section of the Constitution Act was the sixty-third of the Bill, which was in this form, "All Bills for appropriating any part of the revenue of the said Colony of Victoria, and for imposing any duty rate tax rent return or impost shall originate in the said House of Assembly," nothing more being said. The sixty-fourth clause provides, "It shall not be lawful for the Legislative Assembly to originate or pass any vote resolution or Bill for the appropriation of any part of the said consolidated revenue," and goes on in the same terms as the clause at present stands; and I find, upon reference to the daily journals, the only two daily journals in Melbourne which then reported the proceedings of the Legislative Council, that when the matter was considered in Committee, according to one of the journals this sixty-third clause was accepted with verbal amendments, there being no

discussion; and, according to the other journal, it was passed in silence—no mention is made of it. So that it would appear from these various unimportant changes made from time to time in those two clauses, that there was no definite idea or intention in the mind of the framers of the Bill to do more than to make the Constitution of the two Houses correspond as nearly as possible with the Constitution of the respective powers in the Houses of the Lords and Commons.

There is one other point the honorable member mentioned, and which he is not quite accurate in. He has stated that this Bill was prepared with so much care, that as an indication of its perfectness, it was adopted without any alteration by the Government at home, and so passed through Parliament. But I would remind the honorable member of what, no doubt, has escaped his memory, that a great number of the clauses of the original Bill sent home from the Legislative Council here relating to the mode of assent to Bills adopted by this Legislature, and to the cases in which Bills should be reserved for the Royal Assent, were struck out of the Bill before it was passed by the English Parliament.

The honorable member has also stated that, adopting the construction put upon the fifty-sixth clause by the Legislative Council, it is always competent for the Legislative Assembly to retain its power over the finances of the colony by putting those financial measures in separate Bills. If it were so, I would respectfully submit to members of both Committees, that the views argued for by the Legislative Council now, merely amount to a question of form; and that the fifty-sixth section must, in that case, be understood to prescribe, not a principle, but a mere form; because, if it be competent for the Legislative Assembly, by putting rents, taxes, and imposts in a separate Bill, and if by that means the Assembly can prevent the Council from altering them, then the objection taken by the Legislative Council now is an objection of mere form. It is not a question of jurisdiction, but of the form in which certain provisions shall be submitted to the Council. The honorable member said further, that if the Legislative Assembly adopted that practice, and placed those legislative provisions in separate Bills, the Council would not interfere with any such Bill, unless it was of so unjust and oppressive a character that the salvation of the country demanded its rejection. If that opinion be accepted by other honorable members of the Legislative Council, I think the whole question is set at rest; because it has never been contended by the House of Commons at home, or by the Legislative Assembly here, that in no case, and under no circumstances, is the House of Lords, or the Legislative Council, justified in rejecting a Money Bill. It has never been so contended. It has been expressly admitted by the House of Commons that the House of Lords has the power to reject Money Bills: it has been admitted by the House of Lords, in the extract Mr. Highett has referred to, that the power to reject differs from the constitutional exercise of that power. The extract he read from Lord Clanricarde's speech shows that. Lord Clanricarde states there is no doubt as to the right to reject, but there is a wide difference between the right to reject and the constitutional exercise of that right, and Lord Lyndhurst draws the same distinction. He says, "If your lordships are satisfied, as you must be, that you have not only the power but the constitutional right to reject this Bill, and if you are satisfied that there is an actual deficiency, that next year there must be a most enormous deficiency, and that the present state of Europe is such as to create continual anxiety, then I ask your lordships, will you consent to give up, not for the present year only, but permanently, a sum of nearly a million and a half?" The House of Lords, therefore, admit that the constitutional exercise of this admitted power is distinct from the possession of the power, and while they claim the possession of the power, they have never, in the exercise of that wise discretion which

should characterise their acts, insisted upon it. They have always reserved to themselves the right if they thought fit to exercise that power, but they have not exercised it from 1628 in the case of any Bill that materially affected the *quantum* of supply provided by the House of Commons. If honorable members of the Legislative Council are prepared to accept the statement of the Honorable Mr. Miller, and to say that in no case, except in a case in which a Money Bill is of so unjust or of so oppressive a character, that the salvation of the country demands its rejection, that principle will not be questioned by any member of the Assembly. The fact that the Constitution Act gives the power to reject, implies that there may be circumstances, and that there may be times when that power may be exercised; but the only question is, if that power is a matter of constitutional practice in ordinary times and under ordinary circumstances, and where you have no such elements as the honorable member has referred to; under these circumstances, is it the constitutional right of the Legislative Council to reject Money Bills? We respectfully submit, it is not. And I say, if the Legislative Council admit the argument and doctrine put forward by the Honorable Mr. Miller, they must admit the same conclusion.

I have only to add, in reference to this Water Works Bill, in regard to a point referred to in the early part of the debate, as to whether this Bill was introduced by Message or not, I find it was introduced by Message from the Governor, on the 15th June, 1865, as follows:—

C. H. DARLING,
Governor.

Message No. 28.

The Governor recommends to the Legislative Assembly that provision be made for levying Rates in Country Districts in which it is proposed to construct works for a supply of water. Government Offices, Melbourne, 15th June, 1865.

but the Message appears to have been found insufficient; and on the 22nd of June, before the second reading of the Bill, the undermentioned Message from the Governor was received, and resolutions in committee thereon were agreed to by the House.

C. H. DARLING,
Governor.

Message No. 30.

In accordance with the Constitution Act, the Governor recommends the appropriation out of the Consolidated Revenue, in the manner described in the Water Works Bill 1865, of any rate, charge, or impost to be charged, made, or levied for the supply of water to certain districts and places in Victoria. Government Offices, 22nd June, 1865.

The Hon. T. H. Fellows: The same argument would apply to the veto of the Crown.

Mr. Higinbotham: In the report on the Constitution Bill, the veto of the Crown is one of the points referred to by the Committee as points in which the Constitution of this colony could not be assimilated to that of the mother country. The report says, "To the legislature composed of the Crown, represented by the Governor and the two Houses, respectively possessing the powers of the Lords and Commons Houses of Parliament, your Committee would entrust all legislation on matters of colonial interest. A special power of veto on all questions affecting the empire should be continued as at present, in Her Most Gracious Majesty." When the report was presented, the Committee intended that the Bill should set forth all the cases in which the veto should be exercised; the Bill did set them forth, but the Home Government refused to submit the Bill in that form to the Imperial Parliament; it struck out those clauses, and insisted that the power of veto and the reservation of Bills for Royal Assent should continue to be as provided for by the old Constitution Act, and that is the reason why there is a difference between this Constitution and that of England in those respects.

The Hon. W. Highett: Do I understand the Attorney-General to say, he admits the Council have the right to reject Money Bills?

Mr. Higinbotham: The Council have the legal right and the legal power; I have always admitted that. The power and the right are distinguished in the extracts you have referred to.

The Hon. W. Highett: The Hon. Mr. Michie states he has the authority of the House of Lords for saying that they acted unconstitutionally in throwing out the Paper Bill. How do you reconcile the two?

Mr. Michie: I reconcile the expression the honorable member refers to, in this way—the Paper Duties Bill was before the House of Lords on two occasions.

The Hon. W. Highett: I was referring to the first occasion, 1860.

Mr. Michie: The Paper Duties Bill was before the House of Lords on two occasions. First, separately; and afterwards, in connection with other measures. The same Paper Duties Bill which had been rejected upon the exercise of the bare legal power by the House of Lords, in the first instance, was passed by the House of Lords in the second instance; and the reason why I say there was an admission on their part of an unconstitutional exercise of the power on their part previously, was the whole tenor and scope of the debate upon the second bringing up of that Paper Duty Bill, which showed they could not constitutionally exercise that power; for on that second occasion they did not exercise it. If the power had been constitutionally exercised on the first, it could not have been an unconstitutional one the second time, by being merely associated with the second.

The Hon. W. Highett: I think I quoted some seven or eight passages, giving the opinions of various members of the House of Lords, showing distinctly that they had the right to reject; and it has been generally admitted.

Mr. Higinbotham: They had the right, but did not exercise it.

Mr. Michie: In that debate, no doubt, the honorable member will find expressed the opinion of Lord Montague and other members of the House of Lords; but their expressed opinions result merely in this, that, after a full debate of the subject, upon the second occasion they passed specifically that which they had rejected before; therefore, I say so, for if you can have an expression of opinion in the most practical form, there was a practical acknowledgment that the power had not been constitutionally exercised. It was not persisted in; on the contrary, they took the opposite course, of swallowing it in a more objectionable form.

The Hon. T. H. Fellows: In one instance it came up as a Bill of Finance and did not in the other.

Mr. Michie: It was all finance.

The Hon. T. H. Fellows: Yes, on the second occasion.

Mr. Michie: All finance on both occasions.

The Hon. T. H. Fellows: No; it was a supplement to it if you like, but it was not all one.

Mr. Michie: I suppose the honorable member will admit that the proposing to repeal the Paper Duties Bill was a financial measure.

The Hon. T. H. Fellows: No, I do not; it was not treated so any more than the Corn Laws were the second time.

Mr. Michie: The proposing to repeal a tax was I contend a financial measure, and it was because it was regarded as an improper rejection of a financial measure by Lord Palmerston's Government, as an improper rejection of a financial measure that that series of resolutions which ensued upon that rejection was passed by the House of Commons. It was because it was so regarded, and upon that series of resolutions, the House of Commons subsequently proceeded in the most practical form to vindicate their privileges as shown in the treatise of Mr. May, and the practical form in which they succeeded in vindicating their privileges was to send up that financial measure annexed to other financial measures in a still more objectionable form, because they vindicated their privileges to the extent of constraining the House of Lords to swallow that which they had rejected before; for if you read the debate on the second occasion, they regarded themselves as being under constraint, and though under

constraint, they passed it; that is a tolerably practical admission that they had not constitutionally exercised the power on the first occasion. Certainly it was not less objectionable to their feelings on the second occasion than the first, and yet they passed it.

The Hon. T. H. Fellows: No doubt.

The Hon. C. Sladen: The other day I confined myself to answering some arguments, feebly perhaps, that were put forward, and I did not go into the case generally. As other honorable members have gone into the case generally, I wish to have the opportunity of doing so, and I propose to be as brief as possible in doing so.

Mr. Michie: I should like at this stage to have some indication, on the part of the Committees, where is to be the conclusion. I have not the slightest objection for an instant to the Honorable Mr. Sladen proceeding further to address the Committees, but it must be borne in mind that this side were required to commence, and therefore I suppose there will be a concluding address on the one side or the other; and as we were obliged to commence, I presume it will rest with us, and that

we shall have the right of reply. I understand Mr. Fellows to say that to be so.

The Hon. T. H. Fellows: I suppose so. The usual course.

Mr. Michie: With that general observation, I beg pardon for interrupting the honorable gentleman, and have not the slightest objection to his going into the subject as largely as he pleases.

Mr. Sullivan: I think we might come to an understanding that the next meeting should close the Conference. We might adjourn with the understanding that one more day should be given to the Conference.

The Hon. C. Sladen: I believe we adjourned pretty well with that understanding on Monday last, that we should finish it on that occasion, and we adjourned after sitting only two hours. Of course I am in the hands of honorable members.

Mr. Bindon: I think, if it is understood, the thing may end to-morrow.

The Hon. C. Sladen: I do not wish to press it now; if you would rather that I should postpone my remarks till to-morrow, I will do so.

Adjourned to to-morrow, at three o'clock.

THURSDAY, 17th AUGUST, 1865.

Present:

THE COMMITTEE OF THE LEGISLATIVE COUNCIL.

The Hon. T. H. Fellows,
The Hon. W. Highett,
The Hon. S. G. Henty,
The Hon. H. Miller,
The Hon. J. F. Strachan,
The Hon. C. Sladen.

THE COMMITTEE OF THE LEGISLATIVE ASSEMBLY.

Mr. Michie,
Mr. Bindon,
Mr. Higinbotham,
Mr. Macgregor,
Mr. Berry,
Mr. Sullivan.

The Hon. W. Highett: I think I understood the Hon. Mr. Michie, yesterday, to state that the House of Lords in 1861 voted against their expressed opinions in 1860. Mr. Michie was not here when I read a number of extracts from *Hansard*. I would wish to say a few words in answer to Mr. Michie. Both of the quotations I made yesterday went to show that, when the House of Lords, in 1861, passed the Customs and Inland Revenue Bill, which contained the repeal of the paper duties, it was maintained in the House of Lords, and apparently admitted by every member of it, that they had not only a legal, but a constitutional right to do so. So far from abandoning the ground taken up by the House of Lords in 1860, the Lords asserted it in more cogent language than before, as I think I have already shown. Mr. Michie says, practically they voted against their statements, because they passed, in 1861, the repeal they objected to in 1860; but the facts of the case show that, on the contrary, they did not in the abstract object to the repeal. They objected to it in 1860, and they said that their objection was limited to existing circumstances. Mr. Michie must, I think, confess that this is so, when he looks at the statement made by Lord Granville, in his speech moving the second reading of the Customs and Inland Revenue Bill in 1861. I intended to have read a passage from Lord Granville, yesterday, but it was overlooked. I will read it now: "The House of Commons passed the Bill after many discussions and divisions. It then came up to this House, and your Lordships rejected it; but on what ground? Nobody, as far as I can recollect, spoke in favor of the tax, or expressed any abstract dislike of its repeal. The language held was, that the state of things either at the time of its first being proposed, or subsequently, made the repeal imprudent, that there was no surplus to deal with in the way of remissions, and that, therefore, as a measure of prudence, and with a view of keeping sufficient money in the exchequer, it would be wise to retain the tax for the present, and give the House of Commons another opportunity of considering the subject." That is in *Hansard*, p. 701, vol. 163. As Lord Granville represented the Government, both in 1860 and in 1861, his admission, that the repeal was not forced upon the

House of Lords in 1861, must, I think, outweigh Mr. Michie's statement that it was. I do not know that I need make any further remark.

Mr. Sullivan: The fact remains, notwithstanding, that they did accept it the following year.

The Hon. W. Highett: The fact remains that they did; but their reasons are altogether different from those stated.

Mr. Michie: With reference to the observation of Mr. Highett, I will only add a few words. In looking through both debates, the debate in the House of Lords in 1860, and the debate in the House of Lords in 1861, the honorable member, Mr. Highett, will find various expressions of opinion from various noble lords, both learned and lay, in both years; but the point to which I desire to direct the attention of Mr. Highett, and which he does not seem to have met, is this: that the measure was precisely the same in both years. It is sent up in the second year in a more objectionable form than in the first year, because it is accompanied with circumstances which really involve restraint, and leave the subject less, apparently, to the discretion of the uninfluenced minds of the House of Lords than before. "Constraint" indeed; as I remarked yesterday, is the expression that is used by Mr. May in his treatise; and that restraint was brought to bear upon the House of Lords is seen in this, that, if the Honorable Mr. Highett looks into the history of that question, he will see that the House of Commons was so incensed at the conduct of the House of Lords in the first dealing with the measure in the year 1860, that, although the repeal of the Paper Duties Bill had only passed the House of Commons by an insignificant majority in 1860, the privileges of the House of Commons were vindicated by an enormous and overwhelming majority when it came before them, with reference to the assumptions of the House of Lords in dealing with the measure; so that the very same House of Commons which passed the repeal of the Paper Duties Bill upon its merits, only by a very slight majority, felt that the question was so entirely altered upon the second occasion, that they placed Lord Palmerston's Government in so strong a position, that, by an overwhelming majority, they enable the Government to send it up a second time, and the House of Lords,

under that pressure, and under that constraint, in connexion with the Bill, passed the Act. I therefore treat as comparatively insignificant the expression of individual opinion, when—let them protest as they might—they ate the leek.

The Hon. W. Highett: There is nothing to show that that pressure was brought upon the Lords on the second occasion, and I do not think the Honorable Mr. Michie has answered what I have stated; he has not shown that they voted against their statements in 1860.

Mr. Michie: I have not the debate before me.

The Hon. W. Highett: He has not shown that they voted against their statements.

Mr. Michie: The honorable member is merely referring to individual statements. I could select with the greatest ease passages from the various speeches in which I can show my position is borne out in the various speeches in both the first and second debates. Of course individual opinions *pro* and *con*, run through the whole of the speeches uttered on both occasions; but leave the position untouched, that the Lords ate the leek in 1861, which they had rejected in 1860, though coming up in a much more objectionable form than in the first instance, namely, in the form of pressure.

The Hon. W. Highett: They do not admit that.

Mr. Sullivan: It is immaterial what they admit, when the fact is clear to anyone who chooses to read it. No doubt the second time they did a very disagreeable thing, because they would not take the responsibility of doing the other thing.

The Hon. W. Highett: That is not shown.

Mr. Sullivan: Let anybody read both the debates and he cannot come to any other conclusion. The Lords were just placed in the same predicament in the case of the Reform Bill, when they rejected the Reform Bill by a very large majority, and when under the pressure of the prerogative they were compelled to swallow it the second time—a measure particularly obnoxious—just the same as they were compelled to swallow the Paper Duties Bill when sent up a second time in a different shape.

The Hon. C. Sladen: Perhaps the Minister of Mines will recollect that Lord John Russell stated very clearly, that, for aught he knew to the contrary, the Lords were just as willing to repeal the duty on paper as the Commons were upon the second occasion.

Mr. Sullivan: Perhaps that was a pleasant way of putting it to gild the pill.

The Hon. C. Sladen: Before going into the subject I wish to enter upon to-day, I must express, with much regret, my fears that the conference of the two Committees is not likely to be attended with any good results; for, although it must be a matter of congratulation that, during the discussions here, the remarks on both sides have been temperate and conciliatory, and a desire has been manifested to meet each other's views; yet with regard to one honorable gentleman who addressed us the other night in an able and temperate speech, in which there was nothing, either in the manner or in the matter at all exceptionable, I cannot but regret that, on taking up the newspaper the next day, my attention was drawn to some expressions made use of by that honorable member at Brunswick, which were scarcely calculated to bring the matters under discussion to such a conclusion as we could wish. I allude to what Mr. Macgregor is reported to have said. It is very probable that he is not correctly reported. I will just read a passage from the *Age*, which is generally supposed to be the organ that represents faithfully the opinions of members supporting the Government. The honorable member is reported to have said, "He hoped, however, that it would not be necessary to go so far as that here,"—alluding to some similar circumstances as now exist here, that had taken place in Jamaica, attended with violence,—"as he believed some plan would be devised by the Assembly, and adopted by the Government, which would enable the majority of the Assembly to show that they had some regard to the public interest and safety, and which would allow them to adopt some plan by which this difficulty would be got over, and the Council would be taught that the Assembly could get on without them." Of course, I can easily conceive that in an election address, or anything of that kind, words might be said which might not be intended to have much meaning in them; but, when a member of this Conference makes use of such expressions, one cannot help feeling that a slight is intended to be put upon the Legislative Council, and that the spirit which dictates such remarks is scarcely calculated to bring about the result which we wish for from this Conference. I am

sure it must be a subject of regret to all who heard that gentleman state his opinions the other night, not only ably, but with a great deal of moderation and good taste.

Mr. Sullivan: I think it is scarcely wise to import into this discussion anything except what takes place in it. We are met here as representatives of the different bodies, and as such only know each other, and I think it would be well to confine ourselves to what takes place here.

The Hon. C. Sladen: I do not wish to draw any more attention to it than that. In some remarks which Mr. Berry addressed to us the other evening, he alluded to what had fallen from myself on a late occasion—in a debate in the Council on the Appropriation Bill—that I had stated that the Council and Assembly here did not correspond to the Houses of Lords and Commons in England, but that the Council and Assembly here together could only be taken to correspond with that part of the people of Great Britain generally known as the Commons. I believe that that is a true and correct view of the case; and I was very happy to hear Mr. Berry also say, that the same idea had occurred to him sometime previously. He did not say that it had or had not made any impression on him: probably it would not suit his argument at the present time to admit that, but the reason I drew attention to that particular position was this, that I do not conceive that there is an entire similarity between, the Houses of Lords and Commons in England and the two Chambers here—the Council and the Assembly—and I am forced to this conclusion upon the ground, that we have not here that particular element which is comprised in the House of Lords. It is that peculiar feature in the Imperial Parliament which has caused the growth of that jealousy which the Commons entertain of the Lords interfering with Money Bills; and upon this ground, that the Lords, being the creation of the Crown, either nominees or hereditary, may be supposed to have and to keep up a greater leaning to the Crown. It does not appear so much at the present day as it did in the earlier days, in times when there was not the same constitutional method of raising the supplies as now; and when frequently the Commons considered that they were subject to exactions from the Crown. I think I am justified in that position, for I find in Story's Commentary on the Constitution of the United States that, alluding to the power which the Senate has of dealing with Money Bills, he states it to be grounded on the practice which had prevailed in the Imperial Parliament of Great Britain. He says, "This provision, so far as it regards the right to originate what are technically called 'Money Bills,' is beyond all question, borrowed from the British House of Commons." "The general reason given for this privilege of the House of Commons is, that the supplies are raised upon the body of the people; and therefore it is proper that they alone should have the right of taxing themselves; and Mr. Justice Blackstone has very correctly remarked that this reason would be unanswerable if the Commons taxed none but themselves. But it is notorious that a very large share of property is in possession of the Lords; that this property is equally taxed, as the property of the Commons; and therefore the Commons not being the sole persons taxed, this cannot be the reason of their having the sole right of raising and modelling the supply. The true reason seems to be this: the Lords being a permanent hereditary body, created at pleasure by the King, are supposed more liable to be influenced by the Crown, and when once influenced, more likely to continue so, than the Commons, who are a temporary elective body, freely nominated by the people. It would therefore be extremely dangerous to give the Lords any power of framing new taxes for the subject. It is sufficient that they have a power of rejecting, if they think the Commons too lavish or improvident in their grants." I wish to draw attention to that particular sentence. It appears to me in the constitution of our two Houses that we have not that element, and there is no reason nor necessity in a country of this kind, as it appears to me, that that jealousy should arise between the two chambers, because there is no influence to be exerted by the Crown through either the one or the other; but both represent the people in different degrees, perhaps only in degree, in a similar way, as the different sections of the British House of Commons represent different portions of the people. For instance, there is a £10 franchise in the boroughs and a higher franchise in the counties. The county members are a different class, and have a Parliamentary title, being described as knights of the shire, and so forth, so that

there is some slight similarity in the composition of the House of Commons to the constitution of the two Houses here, and there it ends; so that, although I am quite willing to admit, and the Council is quite willing to admit, that there is and must be an analogy observed between the House of Lords and the House of Commons, and the Council and the Assembly here, still it must be limited to those cases in which it may be clearly applicable; but it is not applicable to all cases, and I think that is one of the cases in which it is certainly inapplicable, inasmuch as there is no necessity why the Assembly here, which certainly cannot be called the Commons, in contradistinction to any other class of the community, should entertain any particular jealousy of the Legislative Council, as being influenced in favor of the Crown. Then, although I take up the ground, and the Committee of the Council generally take up the ground, that there is not an analogy applicable to all cases as between the Imperial Parliament and the Legislature here; still, I admit that there is that analogy in many cases, and that resort must be had in many cases to the practice, and, perhaps, sometimes to the powers exercised by the two Houses, but it can only be in those cases in which the Constitution Act is silent; and it appears to me that the position which the Committee of the Assembly take up, in insisting upon a thorough analogy, is not well founded; because, where there is a written Constitution which must be looked to as a charter, it is that charter from which each body will derive its particular rights, and to which each House will be supposed to look for its extreme rights, and primarily for all its rights; and, therefore, any analogy that may exist between the Imperial Parliament and the Legislature here, must be made subordinate and subservient to the Constitution Act: but if the powers of the Assembly are such as is insisted upon on the part of the Committee of the Assembly, then I take it the Assembly would have the powers and privileges of the Parliament in England as applicable to them, overriding, as it were, the Constitution Act. They only look for a construction upon the Constitution Act to bear out that particular analogy, and it appears to me that that is not the right way to look at it. We must always look at the Constitution Act as the charter of all our rights, and all our privileges, and wherever they clash with the powers of the Parliament in England, the Constitution Act must prevail, and it is only where the Act is altogether silent that we should look to the Imperial Parliament for any elucidation of our rights and powers. Mr. Berry states that in throwing aside that analogy we cut away all precedents to which we ought to be able to resort. Now I do not think he is borne out even in that, because we can resort always to the precedents of the Imperial Parliament wherever they may be applicable. Where it is necessary, we are required, under the thirty-fourth section of the Constitution Act, to go to the Imperial Parliament for all modes of procedure which are not laid down, and until Standing Orders are provided for our particular practice and procedure, we are bound by the practice of the Imperial Parliament; and, therefore, wherever it is necessary to ascertain the particular powers of each House of the Legislature, we are willing to abide by the rules and so forth which guide the Imperial Parliament, without insisting that the powers of the two Houses here are similar, respectively, to the powers of the two House of Parliament in Great Britain.

Mr. Sullivan: No one has ever mentioned that they were equal.

The Hon. C. Sladen: I think, to some extent, that has been maintained; it has been attempted, in putting a construction upon the Constitution Act, to show that the House of Commons claims certain privileges, and therefore they must be given to the House of Assembly here: whereas, I think, Mr. Fellows has put the argument pretty clearly, that under the first section of the Constitution Act, each House has co-ordinate power to make laws in all cases whatsoever.

Mr. Sullivan: No one ever claims for the Legislative Council the same power as that possessed by the House of Lords.

The Hon. C. Sladen: No, but it has been attempted to claim for the Legislative Assembly powers which belong to the House of Commons.

Mr. Sullivan: Yes, as far as they go.

The Hon. C. Sladen: And it is that point that the Council rather dispute, and I think that has been answered in the argument so clearly put of my honorable friend, Mr. Fellows. Clearly, under the first section of the Constitution Act, the Legislative Assembly and Legislative

Council have co-ordinate power in all cases whatsoever. It was attempted by the Honorable the Minister of Justice, the other day, to limit the meaning of the word legislation, by saying that taxation is no part of legislation. I think it is undoubted that the legislature, under the Constitution Act, has power to make laws for imposing taxes; and, without going into the argument so deeply as Mr. Michie did, it appears to me that under the first section, if it were not qualified by any other, the two Houses have co-ordinate power in making laws in all cases whatsoever; and therefore in making laws for imposing taxes. Of course, that is qualified by section fifty-six, and to a certain extent by the fifty-seventh section.

Mr. Michie: I beg your pardon for interrupting you. Will you show why the Council cannot both initiate and alter, according to your argument.

The Hon. C. Sladen: I was going to show that under the fifty-sixth section. I say, by the first section, if it were not qualified by any other, the Houses have co-ordinate jurisdiction. I think that will be admitted.

Mr. Michie: Apparently, yes.

The Hon. C. Sladen: Then, I say, the fifty-sixth section does qualify that, and does materially restrict the power of the Legislative Council, because it gives the Legislative Assembly the power of originating measures for appropriating any part of the revenue of Victoria, and for imposing any rate, tax, duty, and so forth; whereas, it says that the Council may not alter any measure of that kind, but may reject it. Now here, at once, is a distinction drawn between the powers of the Legislative Council, and the power of the House of Lords, because the House of Lords possesses the power of altering, which here is denied to the Legislative Council—they simply have the power of rejection. There is another point I wish to draw attention to upon this section, that the particular power which is here given to the Legislative Assembly of originating is confined, according to the construction which I put upon it, to measures affecting the revenue of Victoria, but not for other purposes—not for all that class of cases in which the House of Commons are as jealous of interference on the part of the House of Lords almost as they are in matters connected with revenue. It appears to me that the Assembly cannot possibly claim, under the fifty-sixth section, any more than the power of dealing with the revenue, and as a co-ordinate power is given to the Council with the Assembly in the first section, wherever it is not qualified in other portions of the Constitution Act, they may claim to exercise rights which are not exercised by the House of Lords at home; and I think one of the rights which they may claim to exercise here is to deal with matters in which incidentally the power of rating and so forth may be introduced, as in this Bill. For instance, in any case relating to tolls, municipalities, local government, and matters of that kind, I take it they have co-ordinate power under the statute with the Legislative Assembly by no means restricted by the fifty-sixth section, which simply says, that they may not alter any Bills for appropriating any part of the revenue of Victoria and for imposing any duty, rate, &c. So that I think, whenever a clear right can be deduced from the Constitution Act, by either the Legislative Assembly or the Legislative Council, they should adhere to it, and act up to it; and, what is more, that they have not the power of giving it up and surrendering it. It is their duty, when they see they have a clear right, to maintain that right; and I think the argument of Mr. Fellows was so very convincing upon that point, that it appears to me almost impossible to controvert it—that, under the first section, we clearly have the right, except so far as it may be qualified by the fifty-sixth clause; and I maintain that it is impossible for anybody to argue that the fifty-sixth clause takes away any power, excepting as to Bills for “appropriating any part of the revenue of Victoria and for imposing any duty rate tax,” and so forth, and that the latter words must be read as only applicable to the revenue. The power to appropriate clearly refers to revenue, because it is so stated; and, though revenue is not stated in the next line, I think that is the construction which must prevail—that revenue only is referred to; and the same in the fifty-seventh clause; there again revenue only is referred to. It has been stated by several speakers opposite that this is a peculiar kind of statute, of which there should be a very liberal construction. I am quite free to admit that there should be a liberal construction put upon it, but not in the sense in which honorable members opposite wish to put it; because it appears they only put a liberal construction upon it

in favor of the rights and privileges of the Assembly; whereas, I think that liberal construction should be put upon it as showing what are the rights and privileges which may be claimed by either House; and in the latter case I think we should be quite right in construing it liberally—that it would be very inconvenient now, and certainly, one hundred or even fifty years hence, it would be still more inconvenient, if we had to search for our powers, rights, and privileges outside this statute—I maintain we can go outside this particular statute only, for powers ancillary to the powers clearly and distinctly laid down in the statute. The powers of either House appear to be very clearly and distinctly laid down, and I think honorable members must not shrink from that construction, even although it may appear to put rather more power in the Legislative Council than previously appeared. In alluding to what Mr. Berry stated the other day—that it was very late in the day for the Legislative Council to take up a new position, after going on for some years apparently under the impression that there was an analogy between the Legislature here and the Imperial Parliament, and that they were guided in every respect by the practice of the Imperial Parliament—I am not prepared either to say that we have or that we have not taken up a new position. I do not know that I am altogether prepared to deny that we are taking up a new position; but, at the same time, I do not know that it is fair to say we are taking up a new position, particularly when I refer to those cases quoted the other day, to show that the Council have frequently made amendments in Bills of a somewhat similar character to that now before us. But even if we had not done that particularly, honorable members will not contend that when attention is particularly called to a claim or privilege, which had not at an earlier period become prominent, we are precluded, when we become aware of it, from claiming it. On the contrary, should we not be wrong in surrendering what the Constitution has clearly given to us; and I think that same line of argument was taken the other day by some honorable members opposite. Therefore I think, altogether, it is much more convenient that we should determine at once that we have our charter of rights and privileges in the Constitution Act, and that we should not go out of that to seek for anything which is not in it, unless ancillary to that which is in it. Anything which may be subservient or subordinate to it, or appear necessary for carrying out the powers conferred by this statute, we ought to look to the Imperial Parliament for. Of course it will be said again, that the power—of rejecting—which is given to the Legislative Council under the fifty-sixth section, virtually places altogether the control of taxation in its hands. Now, I think it is scarcely fair for honorable members to say that would be the case. Hitherto, except in the case alluded to the other day, of the tax on bank notes; I am not aware that any fiscal measure has ever been thrown out by the Legislative Council, neither do I think, from what I know of the feelings and opinions of the Council, that they would ever be likely to adopt that course without very strong and sufficient grounds. But, of course, where the Council have the right to reject, they must exercise that right according to the particular views they entertain of the matter, under all the circumstances surrounding it, when the question is submitted to them; but I am not quite prepared to adopt the *ultimatum* which my friend, Mr. Miller, submitted last night—that it is only in a case, where the salvation of the country is at stake, we should reject, which I think rather unreasonable. No doubt it is a power which should only be exercised where the measure involves very important public policy. The time and mode of dealing with such measures will, of course, regulate the particular action which the Council may take upon them; but, in all those cases any House, having a power of that kind, should be guided by great prudence, and should endeavor to look at the subject matter before it in a calm and dispassionate way, and exercise a great deal of judgment and moderation, and also a great deal of forbearance. The constitutional exercise of it of course will depend upon the particular circumstances attaching to it at the time, and the particular mode the Council might take of dealing with it; and to say that, because it could reject it once, therefore it could reject it one hundred times, is a truism of course, but it is one of those events which is not at all likely to arise: it is not necessary that the Council only, but that the Assembly also, should exercise forbearance. In any Legislature consisting of two

chambers, it is absolutely necessary that a great deal of forbearance should be exercised on the part of either; and where each have rights, if they are determined to stand upon those rights to their full extent, it is quite evident that the working of the constitution must be stopped; in familiar words, a “dead lock” must in all probability ensue. I think, at all events, under the fifty-sixth section, it is clear that the Council has quite the same power to reject as the Assembly has to originate; so that, in order to preserve harmony, it is necessary that each should study the views and opinions of the other, and each must be prepared to modify their own views according to the particular circumstances at the time. We find, as between individuals, we cannot have all our own way. For instance, taking the Land Act, I daresay no two persons in the country think alike upon it; and therefore we find, when we go before our constituents, or are discussing the matter in Parliament, we are obliged to give way in some of our views; and so in the aggregate, it is impossible that either House can carry out in their entirety the views which it holds, but should endeavor to respect the views of the other; and by that moderation it appears to me there never need be any necessity of a “dead lock.”

Then there is another view which occurs to me also upon the fifty-sixth section, and that is, that whenever any duty, rate, tax, rent, return, or impost, is to be imposed upon the people, the duty or tax to be imposed shall be matter for a separate measure, and shall not be encumbered with any other matter whatever; and I think that is a fair reading of the section. “All Bills for imposing,” and so on, must be Bills for that particular purpose only, and if they are encumbered with other matter, they are at variance with that section and interfere with the practice of Parliament as it exists in England, and therefore we may look to that practice to a certain extent for the mode of construing this section. “All Bills for imposing any duty” seems to me to imply that shall be a Bill for that purpose and no other purpose.

Mr. Higinbotham: Do I understand you to say, that we are to look to the practice of the British Parliament for the purpose of construing this particular section?

The Hon. C. Sladen: Yes, we may; and that practice is, that each Bill shall be a separate measure by itself; and when any tax is to be imposed upon the people here, it seems to me it should be the matter of a separate Bill, taking the strict interpretation of the clause as it stands. Perhaps it is not worth while dwelling too much upon this particular part of the subject. I do not think it affects the question which we are now considering so much. Then as to the question of how far the amendments made by the Council in this Bill interfere with the privileges of the Assembly—following out the view which I just now expressed of the fifty-sixth clause, that the Legislative Assembly have only the particular power there to originate Bills dealing with revenue—I wish to draw a distinction between a Revenue Bill and this Bill, because it does not appear to me that this Bill imposes a rate which in any sense is part of the revenue; of course, one cannot be blind to the letter of the Bill, that the money goes to the consolidated revenue, but the mere fact of its going into the consolidated revenue does not necessarily make it revenue; it may perhaps appear a fine distinction, I do not know that it is so; I do not put it in that way, but it appears to me that essentially it is not revenue, although it accidentally goes into the consolidated revenue, owing to the circumstance of the Governor in Council being the body to carry out the working of the Bill. This Bill not only does not deal with revenue, but it does not even impose a rate itself; and I wish to call the particular attention of honorable members opposite to that circumstance. The Bill delegates the power of Parliament to the Governor in Council; it delegates the power of taxation to the Governor in Council; it does not impose a rate in itself; and I take it, there is a very great distinction to be drawn between a Bill which immediately imposes a rate and a Bill which delegates the power of imposing a rate to some other body, no matter what that body may be, whether the Governor in Council, or some local or corporate body.

Mr. Sullivan: The Legislature fixes the rate, you will observe, in the Bill. It is not to be less than six per cent.

The Hon. C. Sladen: That is, not with reference to the rate, but with reference to the return, which the Governor in Council may get from a particular district

proclaimed under the Act; and it is not at all necessary even for that, that any rate should be raised at all, because the charges for the use of water may be, although perhaps they will not be, equivalent to six per cent. upon the cost of construction, and in that case there will be no necessity to impose a rate at all. With regard to the particular view which I wish to submit to the Committee now, I refer the Minister of Justice and the Attorney-General to a case in the Law Reports, which, I think, bears out what I am saying, in *14 Meeson and Welsby*, Palmer v. Earith. Baron Alderson presiding, says, "A county rate is not a parliamentary tax, although it is, in one sense, made by Parliament; but the rate is not fixed or assessed by Act of Parliament." In answer to the argument that parliamentary tax means a tax imposed by Parliament, the same judge says, "According to that view, a poor-rate would be a parliamentary tax;" and in the judgment he says, "It is quite clear that sewers rates are not to be considered as parliamentary taxes. A parliamentary tax is one that is imposed directly by Act of Parliament." Now, I submit in the measure that is before us at the present time, there is a very great distinction to be drawn; for even supposing this measure imposed a rate immediately, and did not delegate the power to anybody else; supposing it to be solely for revenue purposes, it would be one of the measures which, under the fifty-sixth section, the Council could not alter. I maintain that, if it comes under the description of Bill which I now allude to, of a delegated power to some other body to impose the rate, it is a measure which the Council cannot be prohibited from dealing with, any more than any other measure of legislation; and the mere fact of the delegated power being given to the Governor in Council is, I think, immaterial; because, whether it is the Governor in Council or any other body, it is the same thing, Parliament is *functus officio*, as far as that rate is concerned. In a measure of this kind, where a particular machinery is laid down under which a delegated body shall act, I can see no reason why one House should not have as much to say as the other House. It is a delegation of the power of Parliament, and the power of Parliament, even on the most rigid construction of the Constitution Act in favor of the Assembly, could not be made to imply in the Assembly any greater power than the Council would have. In delegating the powers of Parliament, there must be co-ordinate power in each as to how far it would be right to entrust the power to any other body. Then again, there is another point which I wish to draw attention to; that, although there is power to impose a rate here, still it is not of that character which would come under the category of taxation, and, I take it, that the rate is merely an equivalent for the particular benefit received, and in that respect it is different from a tax. I think the Honorable Mr. Michie, in 1861, drew a distinction between what was a tax and what was not a tax, and I do not know that I can express it more clearly than it is expressed by him.—"By a tax he (Mr. Michie) apprehended was meant a sum paid to a tax-gatherer, for which no immediate consideration was received. He quite held that the principle of taxation should be such that the burden should be equitably distributed among all classes of society, and that it should press where it could be more easily borne; but what was called by honorable members a tax was not a tax, and never would be one." I think this was in a debate on the gold duty. What I wish to draw attention to here is, that this Bill is similar in its character, and similar in its operation, to the Act for putting an assessment on stock, which was merely to supplement the rent or licence fee paid for the use and occupation of the land. Now, I am not aware that the assessment on stock has ever been called a tax. It appears to me that it does not properly come under the denomination of a tax; it is essentially and directly an equivalent for some benefit received, viz., the use and occupation of the land. So here, the charge is for water, and the rate that may be levied is simply to supplement that charge. So that, even upon that ground, supposing that the case, which I have submitted, of its being a Bill to delegate the powers of Parliament, should not prevail, still it appears to me that it is not one of those measures which will come under the restrictions imposed by the fifty-sixth section. The works are entirely for local purposes, and there are none of the incidents of revenue connected with it; because, when I look to the twelfth section of the Bill, I find it is not intended that this money shall ever be part of the revenue: it is intended to meet the six per cent. interest, which I suppose we understand is guaranteed by the Govern-

ment. But there has been this addition to the clause made I think when the Bill was in Committee, "Any sums of money which may be received from water rates and from the sale of water in excess of the before mentioned six per cent. interest on each special work shall after the needful expenditure for the management and maintenance of the works has been paid be by the Governor in Council invested at interest, the principal and accruing compound interest to be a fund to the credit of such works, and when any district by its local bodies shall purchase the works for their use constructed under this Act, the amount of the said fund shall be credited off the cost of construction, completion, and extension." Although the money goes into the Consolidated Revenue, a separate account is to be kept of it, and it is to be invested at interest and compound interest, and kept as a fund to the credit of the locality, not to the credit of the revenue.

Mr. Sullivan: Only the surplus.

The Hon. C. Sladen: But then the revenue is raised expressly for the purpose of meeting this particular water supply, and water supply would only be given to those districts which would pay six per cent.; so that, after all, it is only a circuitous way of showing that the return is entirely made by the district, although the money may be in the hands of the Government, and may be received and disbursed by the Government. What I want to show is, that, essentially, it is no part of the public revenue.

A few words with regard to the amendments which have been made in this Bill, which the hon. Minister of Mines tells us he thinks are no improvements. I do not wish to put my opinion against that of the hon. member opposite, but I think I can point out where, as it seems to me, some of the amendments do contain very great improvements. Of course the question, whether an amendment is better than the original, must depend upon the particular views which parties hold on either side, and I think I could show to the Minister of Mines in what respect they are considered to be improvements. Alluding to the first, which is an amendment to the second clause of the Bill, the Governor in Council had the power to proclaim any district for this purpose. The objection to that particular power being given to the Governor in Council is, that it appears to be a power without any control whatever.

[*The Committees adjourned during the sitting of the Legislative Council.*]

[*The Committees resumed.*]

The Hon. C. Sladen: I was about to call attention to the amendments which have been made by the Council, in answer to a challenge which was put by the Minister of Mines, yesterday, that none of them were any improvements. Of course, I am content to say that may be matter of opinion. The principal amendments, comprising any principle at all, are contained in the new clause A, and those immediately following it, and in those clauses, where compensation is alluded to, and in clause I, which refers to exemptions. Those are the three leading points upon which there may be any great difference of opinion. In clause 2 of the Bill, as it was originally sent up, the Governor in Council had the power of proclaiming any district for the purposes of a water supply. The objection, I think, which the Council entertained to that was, that in the first place it was not desirable to give such large powers as we have been continually doing in acts of the Legislature to the Governor in Council. I believe it has been admitted on all sides that the legislation of this country has been too much thrown into the hands of the Executive, whereas a little more trouble might possibly have put the subject matter into the Act itself, instead of deputing the Governor in Council to do it. That was one of the reasons why an alteration was made in that section. The next is, that there is no prescribed way of ascertaining the views of the residents. Of course we shall be told that the Executive—the Governor in Council—in doing anything under this Act, would not do it without consulting the persons who were likely to be affected by it. No doubt they would not, but at the same time it is quite as easy to suppose—and I am sure this will not be taken offensively on the part of the Government, or persons who have been in any former Government—that the Governor in Council may be supposed to be influenced by political partisans, and would be more likely to get information through them than through others, and it might be that they would be persuaded of the necessity or propriety of doing things, acting under the advice and representations of particular sections of the com-

munity, which might not be approved of by the community at large; and there being no express mode in the Bill by which the community at large might give utterance or form to their opinions, it was thought desirable, particularly where it involved a matter of possible taxation of the locality, that the persons in the neighborhood or in the district to be supplied with water should initiate the matter themselves in the same manner as has been the case hitherto in regard to the formation of new municipalities. As I said before, there is no doubt that the Governor in Council would endeavor to inform themselves as much as they could, but in the absence of any mode prescribed by the Act it is not quite clear that the dissentients would have an opportunity of making their opinions known, or attended with any effect. Another reason, and the reason which induced the Council to require the larger number of signatures necessary to a petition to initiate measures for proclaiming a district for water supply, is, that it was not thought desirable that too small districts should be made for this purpose, that there would not be the same facility for meeting the six per cent.—the sum to be required by the Government as interest upon the estimated cost of construction of the works,—in a small district, as in a larger district. I daresay the point would have been taken by honorable members opposite, that, in naming a number of signatures necessary to initiate this water supply, the Council have prescribed a kind of minimum limit, within which this taxation should take place. Supposing that the Council, in doing that, were at all interfering with the privileges of the Assembly, which I do not admit they would be; even supposing this were a Bill for imposing a rate directly, I do not think it would interfere with the privileges of the Assembly under the fifty-sixth section; but this being an Act simply for delegating the powers to a third party it does not appear to me that fixing that minimum at all brings the Council into collision with any privileges of the Assembly.

Then, with regard to compensation: I think it is scarcely necessary to say anything upon that point, because I understood Mr. Sullivan to say, the other day, that he would be willing to introduce a clause in a different shape into this measure, providing for compensation, or if not providing for compensation, of such a character that no person's water supply or water rights should be interfered with. I think it is hardly necessary to say anything upon the question of compensation, for it must be admitted that no one should be deprived of his property—even for the benefit of the public at large,—without his being remunerated for it. But it would be a dog-in-the-manger view of it to take, that, if a bucketful of water were taken out of a river, the rights of the riparian proprietor would be held to be infringed upon; and in that case, I do not think a person would be entitled to compensation; but there is a view of a person's rights as a riparian proprietor, independently of the actual supply of water for consumption. Many persons buy land on the banks of a river and pay greatly more for it, not merely for the water supply which that river may afford, but from that river being a natural boundary which does away with the necessity of a fence. Sufficient water might be left for consumption, and still so much water be taken away as to leave intervals between water-holes in the summer time, which would require to be fenced; and I am sure nobody would say that that would not be an injury to a riparian proprietor. I am unwilling to detain the Committee upon the point of compensation, because I believe, from what fell the other day, in conversation upon it, that we are pretty well all agreed that compensation should be allowed, but that we must not give such a handle as that persons will be continually bringing in frivolous claims upon the Government, knowing, as we do, that the Government is considered legitimate plunder. With regard to clause I, I think the Minister of Mines will not deny that the first part is an improvement; viz.: that charitable and benevolent institutions generally should be exempt from the operations of any rate, as is the case in other measures of a municipal and local nature.

Mr. Sullivan: I do not object to the policy involved in that portion of it, finding it was already in existence in other Bills.

The Hon. C. Sladen: Then the latter portion of the clause is open to difference of opinion. I think the ground upon which that amendment was made was, that this Bill is professedly a Bill for water supply, more particularly for mining operations, and a district is to be proclaimed for the purpose; but in all

probability there would be a number of persons, landed proprietors, or tenants of the land, agriculturists, and so forth, who would in all probability, have had their water supply from other sources previously, and they might be miles away from the reservoir, and could not possibly receive any benefit from it, and it was supposed that in the case of a rate of that kind, it ought not to be exacted, unless it could be shown that their property might be improved by proximity to the water supply. A great deal may be said on both sides on that point; but I suppose the argument would be, that every person within this proclaimed district would be supposed to benefit to some extent, in proportion to the advantage derived by the mining population there, and to the development of that particular industry, and, I am willing to admit that. But if a person who could not possibly be benefitted by it should be rated and derive no benefit whatever from the water supply, there appears to be no more reason for imposing a water rate upon that person, than upon any person living outside the district. You might as well say, that the whole community would be benefitted in proportion, as the particular industry of mining is developed; therefore all persons should submit to be taxed for the purpose of maintaining a water supply for that object. I think that would be a fair way of looking at it. Then there is another view of it which I wish to submit, that is, the uncontrolled power in the Governor in Council to make what charges they please, and impose what rate they please; they might favor the one class, and they might place a burden upon another class. They might allow the persons who used the water to use it without paying an equivalent in the charge made for it, and they might impose the larger portion of the return to be drawn altogether from the district upon the rate, and therefore the principal burden might fall upon persons who did not derive any immediate benefit from it; so that, upon that ground, there is some reason for exempting lands which derive no benefit from the water. I have nothing further to observe upon the question.

Mr. Macgregor: Perhaps I may be allowed to make one observation which I did not wish to make previously, not desiring to interrupt the honorable member who has last addressed the Committee. He has been pleased to refer to an observation which I was reported to have made at a meeting held in one of the suburbs. Whether what I stated then is correctly reported or not, I do not consider that this is the place to allude to it, and it might perhaps have a tendency to raise what it is very desirable to prevent, some ill-feeling. All I can say is, that if this were the place at which to justify what I then said, I feel satisfied that I should be able to convince any reasonable man that what I stated on the occasion referred to did not exceed the bounds of propriety, and what I stated was stated simply as an elector of the district in which the meeting was held; and I am not aware that my having been a member of the Assembly, or of this Conference, should preclude me from exercising those rights to which I am entitled as an elector. I regret that the subject should have been now referred to, as such allusion is only calculated to have the effect that I have mentioned; although I would not allow it to interfere in the slightest degree with the course I am prepared to pursue on the present occasion.

The Hon. C. Sladen: The honorable member will acquit me, at all events, of having alluded to it as a reflection upon him. I merely alluded to it as matter of regret, seeing that so much moderation had been shown by members of this Committee, as to lead to the hope of coming to a satisfactory conclusion, that I was sorry anything should be spoken that would seem to throw a doubt upon that.

Mr. Sullivan: Before the debate comes to a close, or we go to the general matter, I should like to make a few observations in reply to one or two remarks that fell from Mr. Miller last night, and as what is said here will be printed and go before the public, I do not wish to allow things to go forth as acquiesced in by members present, and therefore I wish to make these remarks in order that an assertion made by Mr. Miller last night, should not go forth uncontradicted. In the first place, I did not consider it necessary to introduce it into this discussion. He observed last night, that in all cases where a single chamber of legislation existed, anarchy was the consequence, and a military despotism followed. Now I say, there is no occasion to introduce that, because no one here has ever advocated the propriety of a single chamber. It is not a question in any way connected with the subject before us, but even if it

were I make an observation upon it now, because Mr. Miller's assertion itself is historically incorrect, and the inference drawn from it an erroneous one. Although I am not going to inflict a lecture upon history on the members of this Conference, I may say thus much, that although military despotisms have been the result of single chambers of legislation, the same thing has happened in all forms of legislation. Where double chambers have existed, there has been anarchy and despotism; and where there have been two chambers and a king, as in the British Constitution, the same things have occurred, and I can cite instances of cases where there have been single chambers for hundreds of years, and nations have maintained their liberties and good order. Now if we refer back to the history of England during the Wars of the Roses, they had kings, lords, and commons, and had had long before; and, as every reader of history must be well aware, for some two or three generations, Englishmen were flying at each other's throats, like so many wolves. It was nothing but a scene of rapine and disorder, which resulted in what may be called the despotism of the Tudors; and for a hundred years longer the English were fighting to get a moderately constitutional form of government. All this time they had a second chamber. Now, just contrast that with the condition of the Swiss republics at that time. During the existence of all this disorder and brigandage—for it was very little better—in England, the Swiss republics, most of them having but one chamber of legislation for five hundred years, without a change of dynasty, preserved their liberties intact; during which time the country with two chambers was undergoing constant revolutions and changes; nay, the democratic spirit was carried so far, that in the forest cantons of Switzerland the laws were enacted in the primary assemblies of the people, which is the most democratic form of government possible to have, consistently with any civilized system of society. I just cite that against the double chamber of England, to show, without wishing to advocate the double chamber, or the single chamber, that a state of society may exist where a country is governed by one chamber, and good order may prevail, with safety and security to life and property, and the preservation of political independence and individual liberty. I know that there is a great fallacy generally entertained, because people do not think it worth while to consider the thing, that there is something dangerous, unstable, and of a revolutionary character in a single chamber; and I believe people fall into this error, because there is one single chamber standing out prominently in history, in bold relief, overshadowing all others, namely, the National Convention, formed in 1781, in the first French Revolution. That is, I think, impressed so much on the memory of men, and the bloody deeds enacted, and the terrible scenes, and the extraordinary amount of ability and the remarkable eloquence and determination of the men of that time, has stamped the remembrance of that single chamber in the mind of the world; the Girondists on the one side, with Vergniaud, Brissot, and Guadet, at their head; and on the other side, Danton, Robespierre, St. Just, and others, all famous in various ways—the one famous by their eloquence, and the other by their eloquence and their energy, and the terrible results that followed. I say, that Convention having made itself so prominent to the world, most men identify the idea of a single chamber with the Convention. Now, I say it was not the single chamber of the Convention that created the military despotism, but when France got a second chamber, when they had the Council of Five Hundred, and the Council of Ancients, not from the single chamber arose the military despotism, though the causes and the anarchy which went to bring it about arose from the introduction to absolute liberty from absolute slavery; but it was after the advent of the two chambers of legislation, the Council of Five Hundred and the Council of Ancients, that then the Directory was formed—then came the Consulate and then came the Empire—and that was a military despotism, resulting not from the one chamber but from the two. Now, why are the two chambers so much lauded? Simply because everything is comparative, and the time when first the English Constitution began to be so much lauded was when the power of two chambers was felt in the State. Take, we will, say the time from what is called the English Revolution of 1688; the English constitution, at that time, as compared with the other governments of the world was certainly admirable comparatively and all those who wrote upon the subject, the political philosophers of the day, Montesquieu, De Lolme,

Rousseau, and others, all who alluded to this, and lauded the English Constitution, when they compared the Constitution of Great Britain as it then stood with the cold artificial deputation of Louis Quatorze, the debauchery of Louis Quinze, and the profligacy of the Regency, they said naturally how infinitely superior is the British Constitution to ours, and so to all others existing—Russia, Austria, Prussia, all military despotisms. Spain certainly at one time had very fine representative institutions, which fell rather into disuse, but I say at that particular time when those writers were holding forth the British Constitution to the world, it was beyond measure superior to any other Constitution in the world; but it was then very far from being perfect when we see the amendments that have taken place in the Constitution in later times, and within our own memory from what it was at the time when Walpole bribed and Junius wrote. We see that it was then anything but a perfect constitution. But I say, comparing it with the existing order of things, all thoughtful writers held it up to the admiration of the world, and because it had two chambers, two chambers began to be regarded as the *beau ideal* of a constitution; and therefore we find that in all constitutions, framed since that time, they have been framed upon the model of two chambers—so it was in America. That constitution was framed as far as possible upon the model of the British constitution. Alexander Hamilton, John Jay, Washington; those who acted with the federalists were in favor of imposing as many aristocratic elements as possible, and therefore they wished to strengthen the Senate. On the other hand, Jefferson, Madison, and Monro, and those who were anti-federalists did not believe in the excellence of this second chamber to that extent that Hamilton did. They saw that it was a very difficult thing to make similar institutions out of dissimilar materials. They found they had not, as they had in England, a large landed proprietary, people whose names were identified with the history of the country; who had grown up and been added to by the best minds in the country, from generation to generation; that had been lifted from the House of Commons to the House of Peers, which gave it a hold upon the minds of the people, irrespective of any power the law gave it—the power of affection, and the popular opinion. They were looked up to, their names were known in every battle field, and figured in science, and literature. I go thus far to show that there is nothing particular in this double chamber. However, I am satisfied with it. I believe myself, from the reading and attention I have given to history, that the British Constitution, especially mellowed down by time as it is, the thing that is required to make any constitution work well—time the mellow—I say, taking everything into consideration, I think the double chamber properly constituted, with their functions properly defined, is probably as good a form of government as the imperfect nature of our minds will allow us to form. At the same time, with a thorough conviction on my own mind that nations could get along and countries be governed by a single chamber, if necessary, I say I accept the two, I am content with it, but do not express my disbelief in the existence of a single chamber; and I therefore repeat, that the assertion that has been made in the press, out of doors, and made here, that the government of a single chamber is attended with disastrous results, is altogether a fallacy, and I give it my most unqualified denial, and I challenge any set of men to the proof of it. I am prepared to debate the matter at any length, and to go into the history of every country on earth, that we have any records of, to prove the contrary.

There was another point urged by Mr. Miller, which comes a little nearer home. He stated that if we rejected the amendments of the Legislative Council, we were the obstructives, and on our heads be it. I am quite prepared to combat that position. Is it really so? let us examine if it is so. The Legislative Assembly passes a Bill, and sends it up to the Legislative Council; the Legislative Council deem it their duty to make certain amendments in that Bill; those amendments come back to us and the Legislative Assembly, whether right or wrong, but feeling they are right, regard those amendments as an interference with the usages and rights of the Assembly; in that opinion the member who objects is fortified by the opinion of the Speaker. Now, under those circumstances, it is sent back to the Council, with an intimation to the Council that, at all events, the Assembly, backed by the Speaker, believe those amendments to be an infringement of their peculiar privileges. The Council are aware now, are made aware by the

action of the Assembly, that the Assembly cannot accept the Bill with the amendments. How can it be possibly said that the Assembly is standing in the way of the Bill, when it is clearly pointed out to the Council that they have inserted amendments, which preclude the Assembly from passing the Bill. Now, although the people of this country, as stated by Mr. Miller, will regard us as the obstructives, I do not think so. Although Mr. Miller has lived a great deal longer in Victoria than I have, I presume to know something of the people of Victoria, and their way of thinking; and though Mr. Miller may have been longer in the country, I may have mixed more with the people of this colony than the honorable member; and the people of this colony are as capable of judging for themselves as any people I ever lived amongst, and I have been amongst a good many. Take the whole mass, from the higher to the lower, and I defy any country to turn out a lot of men more capable of forming a correct judgment of what is going on around them; and they are not to be led away by what I say, or what anyone else says, or what is written in the newspapers; and I believe those I am peculiarly interested in have sufficient confidence in me to take my opinion; at all events, I leave all of them to form opinions for themselves. I say the Bill can work without the amendments very well, and there is no question of public policy involved in the amendments of the Council; they are mere matters of machinery and detail in the Bill; there is nothing that would prevent the Council giving way on them, anxious as they must be to have this Bill carried into law. There is no question of public policy, no question that can possibly affect their position as a Council.

The Hon. T. H. Fellows: Not in the compensation clauses?

Mr. Sullivan: I admit that that can be overcome; we all having the same idea. We are all agreed upon this one thing, that it would be unjust to take water away from one man to give it to another, if anybody could be insane enough to propose it—not only that, but it would be essentially wrong—if a set of men were living on the banks of a river with just water enough for their own use, can any man in his senses dream that anybody would take the water away from them; and if that idea could be embodied in language so as to guard the State from frivolous and unjust claims, I say, if any thing of that kind can be done, I am perfectly willing to accept it. Therefore, I say, under all these circumstances, I demur to the charge. I will not sit under it—that I am obstructing the passage of this Bill. I would do a good deal to pass it, but I cannot do this—that is, give up any right that I have no right to give up.

The Hon. T. H. Fellows: There may be a practical question as to how these things are to be brought about.

Mr. Higinbotham: I believe it is the feeling on this side of the chamber that, unless some understanding can be arrived at with reference to the first amendment, it is almost a waste of time, at all events before reporting to the Legislative Assembly, to proceed with the consideration of the other amendments. The question involved in the reasons stated by the Council for insisting upon their first amendment is so grave a one, and one on which the members of the Committee of the Assembly are so little disposed to give way, that, until they have reported to the Assembly, they are not in a position, hardly, to discuss the other amendments—certainly not to discuss them with any reasonable prospects of arriving at a satisfactory conclusion.

The Hon. T. H. Fellows: Of course, neither Committee can pledge either House to any course; and, therefore, the only thing is to put it hypothetically; and it appears to me, individually, quite possible that these first amendments may be abandoned without at all admitting the reasons to be unfounded. It does not at all follow that, because these first three or four clauses are abandoned that, therefore, the reasons assigned for insisting upon them have been abandoned. The clause may be withdrawn without prejudice, as we say, in another place. It is not necessary that any united opinion should be arrived at with a view of arriving at the shape which these subsequent clauses are to be made to assume.

Mr. Higinbotham: That is, that the Council should withdraw its amendment.

The Hon. T. H. Fellows: It is possible to do that without at all disposing of the question, whether the reasons are well founded or not.

Mr. Michie: That is an operation that has frequently taken place in parliamentary practice at home—that of receding without prejudice.

Mr. Higinbotham: Of course, that would be a very different course from the Assembly dropping this Bill, and bringing in a new Bill with those amendments embodied in it. The great difficulty then would be, that it would still leave on the records of both Houses of Parliament the reason for the course taken; and if the Assembly should, after having heard these reasons, lay aside the Bill and introduce another in accordance with the practice at home, where no reasons are stated, it appears to me that it could hardly take that course without prejudicing, at all events, in public opinion what it deems to be its rights.

The Hon. T. H. Fellows: I should say, with all deference, that it appears to me just the reverse, because the fact of their saying, "We will have nothing more to do with this Bill" shows that they do not yield to the objection, but are insisting upon their privilege to the extent that they will not deal with the Bill any more. Supposing you laid aside the Bill and brought it in *verbatim* as amended, it would be to me a stronger assertion of the Assembly's rights.

Mr. Higinbotham: It might have been, if those reasons had not been stated.

The Hon. T. H. Fellows: It seems to me that then you say, So far from agreeing with your reasons, we admit that the amendments are good as matter of expediency, but denying your right to make amendments, we will not accede to them.

Mr. Michie: The reasons standing—and then upon those reasons a Bill being brought in embodying the amendments insisted upon in those reasons—the reasons stand as admissions upon the record as it were.

The Hon. T. H. Fellows: No; if you went on with the Bill, that would be an admission; but you say, We will not go on with this Bill, but lay it aside altogether.

Mr. Michie: I take it that, if the amendments were embodied in a new Bill, it would be an admission upon the record as far as the amendments being conceded.

Mr. Higinbotham: I believe all persons consider this an important Bill, and it is regarded as a Bill of great practical importance in the mining districts. Now, it seems to me, that there can be no Bill that presents a more favorable opportunity for enlisting the active interest of the country in the very important question of the respective rights of the two Houses than this. If it were an unimportant Bill in which the country had no interest, probably very little regard would be had to the difference between the Houses upon this question; but if the country is made to feel that a practical measure, in which it is deeply interested, depends upon the settlement of this important constitutional question, it will probably awaken an interest in that constitutional question, which I think it must be the desire of all parties to awaken, because it is a question which can only be decided ultimately by public opinion in the country. Public opinion amongst Englishmen on abstract principles is very difficult to awaken at any time, and it is only in connection with practical measures that it can be awakened. It seems to me that this is about the best measure that could be devised for the purpose of bringing to a public settlement the constitutional question.

The Hon. H. Miller: The only objection to that is, that, in the meantime, the miners will not get the water.

The Hon. T. H. Fellows: It is a pure question of law.

Mr. Higinbotham: No; it is a question of policy as well as law.

The Hon. T. H. Fellows: As to what the law ought to be—I admit that; but as to what the law is, it is a question of law merely.

Mr. Higinbotham: Yes, as to what it is, it is a question of dry law.

Mr. Bindon: Suppose the Upper House give up their amendments, their reasons may stand. Supposing they wish to give up their amendments, and think that they are not of such importance as to insist upon them, we then come to the other clause, the compensation clause.

The Hon. T. H. Fellows: The Attorney-General does not go to that; he stops *in limine* at the first clauses.

Mr. Bindon: The Attorney-General supposes that the Upper House do not give up the amendments.

The Hon. T. H. Fellows: He was supposing that the clauses could not be given up without setting aside these reasons.

Mr. Higinbotham: By the Assembly: the Assembly could not do that.

The Hon. T. H. Fellows: Of course the Assembly could not take the clauses in this Bill without giving up the principle; but they could lay aside the Bill and bring up a new Bill; there are numerous instances of that being done.

Mr. Higinbotham: Not where reasons of this nature are given.

Mr. Bindon: Suppose, for conciliation sake—for the purpose of carrying an important and necessary Bill—these amendments are given up in the Upper House, we then come to the question of compensation. We are all disposed to admit the general principle that you admit, that one man shall not be injured for the purpose of benefitting others; the matter then resolves itself merely into the drafting of a clause. We want to avoid incessant actions.

The Hon. T. H. Fellows: What I am suggesting is the practical carrying of it out; because, with the views of the Assembly, that clause cannot be amended by the Council; and if the Council assent to it, and send it back, the Assembly cannot make any amendments, because it is assented to without amendments.

Mr. Bindon: Cannot both sides here agree upon a clause?

The Hon. T. H. Fellows: Certainly not; the Assembly say the Council cannot make these amendments in these particular clauses.

Mr. Bindon: We say you have a right to touch the compensation clause.

The Hon. T. H. Fellows: I understand the argument is, that that involves money.

Mr. Higinbotham: I do not think the compensation clause is objected to upon the ground of privilege.

Mr. Macgregor: I think it all comes under the same principle.

The Hon. T. H. Fellows: There are three amendments in the Bill, and I understand they are all put on the same footing by the Assembly. Then, if the Council withdraw their amendments, the Bill would be returned without that compensation clause, and there will be no way of putting it in.

Mr. Bindon: I remember the discussion upon the compensation clause in our House, and the question of privilege was not touched upon.

Mr. Macgregor: The question was raised upon that.

Mr. Higinbotham: There are no reasons attached to the disagreeing with the amendments to clause six.

Mr. Macgregor: Clause G is the compensation clause that was rejected.

Mr. Higinbotham: It was rejected, but no reasons stated.

Mr. Macgregor: In clause K it is a condition precedent.

Mr. Michie: Compensation must involve appropriation.

Mr. Macgregor: No, the paying of compensation is to be a condition precedent to carry out the work; in the other case it is an actual appropriation of moneys for damages consequent upon carrying out the works; and I think there is a difference between the two. I do not think the amendment involved in clause K is liable to the objection that the other, I think, is. The way to get over the difficulty, I think, would be this—I may refer to an instance very much like it—the amendment introduced into the Mint Bill, merely stopping its operation. In that case, I apprehend, it is not liable to the objection; but, I say, the amendment in clause G is liable to the objection.

The Hon. T. H. Fellows: Supposing all these amendments are withdrawn, and the Bill is sent back to the Assembly agreed to without amendments, the Assembly will then have no opportunity of putting in the compensation clause in the shape which the Committees think there ought to be one, because they will have nothing upon which to amend.

Mr. Bindon: What would you suggest?

The Hon. T. H. Fellows: Then the Attorney-General's objection comes in. I would suggest that the Bill should be dropped.

Mr. Macgregor: If the Attorney-General would undertake to introduce the amendment by Message, I apprehend it would be the same thing. Supposing the Council agreed to the Bill as it stands, upon the undertaking to bring down an amendment by Message?

The Hon. T. H. Fellows: That might be done, but it would be a worse precedent than the other.

Mr. Sullivan: Could you not slightly amend the clause, so that the other amendment could be hung upon it?

The Hon. T. H. Fellows: There is the objection at once: it is the amendment that is objected to.

Mr. Bindon: Could you not abandon the compensation amendment, and then, in the other House, we could insert a new amendment?

The Hon. T. H. Fellows: No; you cannot amend a Bill that comes back without alteration.

Mr. Berry: A case occurred at home in which a tax or rate was levied by the Commons, to come into operation on a certain day—the 1st of October, and it was found impossible to bring it into operation by that day, and the House of Lords wished to amend it in accordance with the wish of the Commons; in fact, the absolute necessity existed to alter it to the 1st of January following because the department could not bring it into operation sooner. They were however precluded from making that alteration, and then the same difficulty arose—that without they did alter it, it was out of the hands of the Commons, and the Commons could not interfere. It was considered desirable in that case the Lords should make an amendment that it should be the day after the last day of September. The Commons then took it into consideration, and discovered that no alteration had been made in the bill; their privileges were not touched; but the clause having been altered, and coming back to them, enabled them to put in the date they wished.

The Hon. T. H. Fellows: But there is no equivalent expression here which enables us to do that.

Mr. Higinbotham: I confess I think we might save time, if we were to consider first, how this first amendment is to be disposed of; and secondly, what would be the character of the amendment as to the compensation clause, which would be agreed to, because that has been by no means settled yet. Is it understood that the feeling of the members of the Council Committee is, that they would be disposed to recommend to the Council to give up the first amendment, those new clauses, with a view of enabling the Houses to deal with the other amendments; because, I confess, unless that is done, for my own part, I do not see how we are to proceed to the other amendments.

The Hon. W. Highett: I think the Council would agree to the Assembly introducing a new Bill.

Mr. Michie: We could do that without the consent of the Council.

The Hon. W. Highett: I do not think it would interfere in the slightest degree with any of the rights and privileges. I read a passage yesterday from Lord Chelmsford which I think shows very clearly what the practice of the Parliament is at home.

Mr. Bindon: We know that perfectly well.

The Hon. W. Highett: That clearly shows that it does not interfere in any way with the rights or privileges of either House.

Mr. Michie: Of course, it is not denied for a single moment; we do not require Lord Chelmsford's authority for that. There have been instances, and the instances speak for themselves, in which the Bills coming down as altered by the Lords, have been not merely dropped, but if he looks at the observations of Lord Lyndhurst in the same debate, after being thus dropped by the House, in order very emphatically and extremely significantly to preserve their privileges, Lord Lyndhurst has referred to the ancient practice of kicking a Bill out of the House of Commons by one of their servants; and then having thus vindicated their privileges, bringing in the same Bill and adopting the amendments made by the House of Lords, as if they were friendly amendments coming from any indifferent source. That is not this case at all, because, as Mr. Fellows admits, those Bills came down from the House of Lords altered without any reasons assigned, but only an assertion of what they say is their right of alteration; but here these reasons will be standing upon record in both Houses, which is a very different case from the case Mr. Highett is referring to.

The Hon. T. H. Fellows: It makes it stronger no doubt, but does it make the principle different? You can only assent to those reasons by taking the amendments.

Mr. Higinbotham: The Committees have been appointed to confer upon these reasons. If the Assembly concede the point to the Council practically, by laying aside this Bill and introducing another Bill adopting the amendments, whatever the Assembly may say, it will be a concession to the reasons as put forward by the Council.

The Hon. T. H. Fellows: I do not see that myself.

The Hon. C. Sladen: Of course, that is a view honorable members opposite may take, but it does not convey that idea to me; but, of course, honorable members must satisfy themselves, no doubt, as to the question respecting their own privileges.

Mr. Michie: That curiously ridiculous kicking out process to which Lord Lyndhurst refers, may be invoked in aid; of course the reasons could not be kicked out, and the Bill itself, when the Commons drop it, is only ignored in that more courteous fashion than the more

practical and demonstrative mode pursued in the old practice as emphasising that they do not take those amendments from the Lords.

The Hon. T. H. Fellows: Making the amendments is asserting the right; assigning the reasons may be a stronger act, but I do not see any different principle to apply to them.

Mr. Bindon: Will the gentlemen representing the Upper House propose and assent to abandoning the first amendments? I think, if they do so, there can be no difficulty in our dealing with the other amendments, although I believe it touches privilege, because we do not, on the face of the proceedings, raise the ground of privilege.

The Hon. T. H. Fellows: Practically, how are you to do it? There is nothing to amend upon; the amendments are withdrawn.

Mr. Bindon: Suppose you withdraw the amendments with reference to rating, then the Bill comes back to us with the compensation clause untouched. We say, we believe the question of privilege touches that also.

The Hon. C. Sladen: We can do nothing more than withdraw altogether the amendments. We have no power, except not to insist.

Mr. Higinbotham: The Assembly really cannot alter the Bill now; and if the Council cannot alter it, then the question as to this Bill is at an end.

The Hon. T. H. Fellows: It is, no doubt, practically; that is what I was alluding to—the practical difficulty.

Mr. Michie: Could not the Bill be dropped altogether, and the reasons dropped; and then it would be an exact parallel.

The Hon. T. H. Fellows: The reasons withdrawn on both sides?

Mr. Berry: No.

Mr. Michie: There are no reasons on our side.

The Hon. T. H. Fellows: Yes: you began with them. In the Message of the Assembly, of the 26th July, 1865, you say, "The Legislative Assembly further acquaints the Legislative Council that they disagree to the amendments to insert new Clauses A, B, C, D, and E, for the following reasons"—and the reason assigned is, that they are an interference with the privileges of the Assembly.

Mr. Higinbotham: This question has been raised now for the first time, and it is desirable to have it settled, and we should have it settled by public opinion.

The Hon. T. H. Fellows: I do not see what public opinion knows about it.

Mr. Higinbotham: Public opinion can determine whether in this respect it is the interest and desire of this Colony to have an English Constitution, or a Constitution framed upon no model at all.

The Hon. T. H. Fellows: No doubt, but that will not alter the formation of it, if it is not so already.

Mr. Higinbotham: But it may lead to an alteration of the law.

The Hon. T. H. Fellows: No doubt; that is just my view.

Mr. Bindon: You say, it cannot be done.

The Hon. T. H. Fellows: I am merely pointing out this difficulty; if honorable members can see any way of meeting it. Supposing all the amendments were withdrawn, you could not do it. I do not see any way of doing it, to accomplish what all of us desire.

Mr. Macgregor: Do I understand that the Council, if they like, could not waive all the amendments?

The Hon. T. H. Fellows: Yes.

Mr. Macgregor: Then they could waive all but one?

The Hon. T. H. Fellows: Yes.

Mr. Macgregor: Then they can leave the compensation clause in the Bill. Supposing so large a concession should be made as the withdrawing of all these amendments and simply leaving this clause, with a view of enabling the Legislative Assembly to modify it in the form that has been indicated now—could not that be done?

The Hon. T. H. Fellows: You could not assent to that, after your views. You insist upon the objection, that it is a breach of the rights and privileges of the House; and, consistently with that you cannot receive the clause back again, as it appears to me.

Mr. Bindon: There are no reasons with reference to clause G.

The Hon. T. H. Fellows: But it is clearly hit by them. The argument hits it, if the reasons do not.

Mr. Sullivan: That question was not raised by me, at all events, as to that clause.

Mr. Macgregor: It is disagreed with, and the reasons are patent upon the face of it, and it is perfectly immaterial whether the reason is assigned or not; it carries the reason upon the face of it.

The Hon. T. H. Fellows: There is no doubt about that. Of course, I am only putting the case hypothetically; Supposing the first five amendments, A, B, C, D, E, were not insisted on, and then something else insisted on, and then the Bill was laid aside, that would make it a drawn battle any way, as far as the Bill is concerned.

Mr. Berry: That is a drawn battle; that is not wanted.

The Hon. T. H. Fellows: That is, on this particular bill.

Mr. Michie: Do I understand that it is suggested that some non-essential alteration should be insisted upon as the right to alter?

The Hon. T. H. Fellows: That is what I have suggested might be done.

Mr. Michie: What will become of the reasons then?

The Hon. T. H. Fellows: It is not reasonable to ask us to withdraw reasons, unless the Assembly withdraw their reasons.

Mr. Michie: What does Mr. Fellows propose in lieu of the amendments he proposes to withdraw, supposing you abandon these amendments and propose some other amendments?

The Hon. T. H. Fellows: No, withdraw these amendments and insist upon the others that remain, and then the Assembly can lay the Bill aside. Of course, I do not expect an answer now that will bind the House.

Mr. Higinbotham: If that were possible, we might consider what would be the nature of the amendment as to the compensation clause. I do not think that has been discussed. It has been admitted by the Minister of Mines, that so far as it is practicable and consistent with the carrying out of these works, and with the protection of the public revenue from actions, it is not his desire and not desirable that private persons should suffer any injury; but still that hardly reduces the question to a practical point.

The Hon. T. H. Fellows: I understood Mr. Bindon was prepared with some suggestion.

Mr. Higinbotham: I understood it was admitted by Mr. Fellows, that it did not follow that, because water was taken from a proprietor, therefore he suffered any injury.

The Hon. T. H. Fellows: No, it is laid down as a rule that there must be a diminution of five per cent. before he could bring an action.

Mr. Higinbotham: I would submit that the object would be carried out, if it were a direction to the Board of Land and Works in all cases, unless prevented by extraordinary circumstances that a certain quantity of water should be allowed to run in streams from which water was diverted. That would be an admission that the riparian proprietors were entitled to water whenever it could be given, and if the state of the weather or season was such that the water could not be allowed to run—that is a case similar to one provided in the Public Works Act, that water is only to be laid on where pressure admits of it. If the Board were directed in this Bill to keep up a certain quantity of water, unless they were prevented from doing it, that, while saving the State from these claims for money compensation, which I believe is the main ground of objection entertained to this proposal, would at the same time recognize the right of individuals to the water, so long as it was possible to supply it.

The Hon. T. H. Fellows: The supply from the Yan Yean is hardly a parallel case, because the insufficiency of the supply of water down those streams may arise from a too liberal application of it to other purposes.

Mr. Sullivan: This diversion of water has been in operation, without compensation, for the last ten years in this colony, and I never heard any complaint as to any damage being done; under Miner's Rights and Warden's Permits they have been diverting the water of streams, and under Orders in Council I have been issuing licences for the diverting of water for the last twelve months.

The Hon. T. H. Fellows: That has been chiefly on Crown lands, I think.

Mr. Sullivan: Many places, and I do not think any complaint has been made, either publicly or privately, or to any person about injury being done. It is the very essence of things inherent in every government, that they will for their own sakes, if for no higher motive, take the utmost care that no injury shall be done to an individual. I say that for their own sakes, because they are responsible for any damage done. Great powers have been given to the Governor in Council in this country, administered by many different sets of gentlemen, and I think it is a rare thing, even where a strong political animosity has been excited, that there

has been any accusation against any government of having over-stepped the power of government and injured an individual. I may mention the absolute power of granting or refusing mineral leases, given to the Governor in Council, but of course it is generally known to be the Head of the Department. He can refuse a lease or grant it, and he is not limited to any amount of ground; of the Crown lands in this country he can give any amount of them.

The Hon. T. H. Fellows: There is nobody injured by that.

Mr. Sullivan: The State can be injured by granting a large body of auriferous land as a monopoly, and holders of miners' rights might be very much injured by granting a lease over their heads.

The Hon. T. H. Fellows: That would be a hardship, but it would not infringe any right; the miners' rights confer no title as against Her Majesty.

Mr. Sullivan: Those orders for leases were issued during the time Mr. Miller was in office—administered by the O'Shanassy Government, then the Heales Government, the Nicholson Government, then the O'Shanassy Government, and then the present Government. Four or five different Governments have had the administration of this, what may be termed, absolute law; and there has not been a single complaint made, or a motion in Parliament showing that the department in any instance exercised the power given to the injury of any one. We do not ask a greater power here, but a much similar power; and my honorable colleague, the Attorney-General, says a directory clause shall be put into this Bill, stating, that in any case where the department or the Governor in Council diverted water from a river, they should not deprive the riparian proprietor of the water necessary for his own use. I say, looking back at the past, there is nothing to tremble at in the power asked here on behalf of the public; and I maintain this much more, that if it were not for the absolute power which I have in managing the department, I could not manage it as satisfactorily as I do in the various intricate cases that arise day by day. It is only that absolute power that enables me to manage it to my own satisfaction, and I think, to the satisfaction of the public.

The Hon. T. H. Fellows: Hard cases may arise; but no man can say that an absolute legal right is interfered with. A man may have his miner's right taken away at any moment.

Mr. Sullivan: Other parties might apply for a lease.

The Hon. T. H. Fellows: Neither having any right to it.

Mr. Sullivan: They have a sort of inchoate right by a variety of circumstances—making out surveys and buying out miners. Giving it to one in preference to the other would be an injury.

The Hon. T. H. Fellows: It would be a disappointment, but no interference with the legal right.

Mr. Bindon: With reference to the suggestion I threw out last night, about the plan adopted in the improvement of the Shannon, I have thrown it into a few sentences, which I will read:—"Provided however that in case the Board of Land and Works shall be of opinion that damage shall be done by such diversion, then in that case it shall be lawful for the said Board to direct, that any two of the Commissioners of Audit, together with an engineer to be appointed by them, shall have power to sit, administer oaths, hear evidence, and award such compensation, which shall be final and conclusive." Gives the Board power to make rules to regulate the manner of application for such compensation.

The Hon. C. Sladen: That makes the Board a Grand Jury in the first instance.

Mr. Bindon: That plan was the plan in practice on the Shannon. General Burgoyne and Sir Harry Jones, and the late Chief Baron Green, were the three appointed.

The Hon. T. H. Fellows: Was there any clog to a person applying to them, in the first instance?

Mr. Bindon: No; they sent in a form of application.

The Hon. T. H. Fellows: That is not what you have got there.

Mr. Bindon: As far as the improvement of the Shannon went, they were the Board for the improvement, and they were for the time being the Board of Land and Works.

The Hon. T. H. Fellows: Supposing the Board were omitted from that, and you had only those officers you have mentioned there?

Mr. Bindon: I am merely suggesting what experience has taught me in a similar matter, and what I saw carried out practically and efficiently. In reference to the observation of the Minister of Mines, he is responsible to Parliament, if any wrong is done to any riparian proprietor.

The Hon. T. H. Fellows: That is very poor satisfaction to the owners of the land.

Mr. Michie: There is a terrible facility usually for granting Committees on most frivolous occasions.

Mr. Higinbotham: This amendment is an amendment suggesting a money compensation; who is to judge of that? the amount awarded might be unsatisfactory to all parties, and why should the Audit Commissioners be appointed.

The Hon. T. H. Fellows: I am not suggesting that.

Mr. Higinbotham: If it be a water compensation, it will be one that will equally protect the substantial rights of the riparian proprietors.

The Hon. T. H. Fellows: No doubt, if you can define the quantity of water there is to be let run down.

Mr. Higinbotham: Perhaps the quantity suggested in the amendment by the Council would be sufficient.

Mr. Sullivan: The seasons are so variable; sometimes the maximum would go down in the summer months, and sometimes the minimum.

Mr. Higinbotham: Even at times of the year when there might be no water in the river in its natural state; under this system, there might be compensation water provided during those months, and that would be a more satisfactory kind of compensation than any money compensation.

Mr. Sullivan: This plan of water supply is not so much a diversion of rivers as the collection of water that runs down the rivers, using the river beds as storage ground; and practically, every man living on the banks of the river, below the reservoir, would be far better off than he is at present; because, in winter they will not experience such heavy floods, and in summer a larger quantity of compensation water will flow down than at the present time. Take the Coliban; a good stream would be allowed to run down that stream all the summer. I am sorry I have not a book here, a very good authority on water supply, the report of Lieutenant-Colonel Smith, who was sent to India to carry out large works there. He lays it down there, and points out the necessity of very large powers being given to the government of any country in dealing with the water, in order to do the right thing; that it is almost essential to the carrying out of a good water supply in any country that the party responsible should have very great powers indeed given to him.

Mr. Michie: I do not feel myself that the illustration derived from mining leases applies. I can see that there is a difference in character no doubt between the Minister of Mines, discretion as regards the leases, and the cases of riparian proprietors—in one word there is a right in one case and not in the other. The clause we are discussing as possible is so difficult, that though it may be extremely precise in its terms, it seems to me the difficulty would be in its application. Of course, clauses could be so framed as to express what I am now going to say. Considering the extraordinary vicissitudes involved in the various seasons here, the water should only be drawn from the stream at such a point of depth as that none should flow into these reservoirs of which the Minister of Mines speaks, when you get down to a point at which you would have your streams merely left water-holes. Of course, that could be expressed with sufficient clearness. That being provided, it would actually be a benefit, as the Minister of Mines suggests that the withdrawal of the water into the reservoirs should go on down to that point, because all that would be diverted then from the stream would be such as would otherwise naturally and inevitably flow through the stream towards the sea. Take the Murray for an illustration. We know that millions and billions of tons of water must flow every year into the sea which, if diverted at other seasons from the overflowing Murray, might provide immense reservoirs in various directions, and thus save the water which would otherwise flow to the sea without any harm possibly resulting in any direction. It would of course necessarily require that the water should be diverted at a certain point of depth only; if it went below that level you might interfere with even the possible water-holes which might be in the driest seasons. If you did not go beyond those levels, then you leave the riparian proprietor exactly where nature puts him. That could only be provided for by clauses which should of course prescribe provisions for the

effecting of that object. Of course it could not be fixed in every instance in the Bill.

Mr. Sullivan: I think the safest way would be to have a directory clause.

The Hon. T. H. Fellows: How would you specify the quantity?

Mr. Sullivan: That in every case a sufficient quantity of water should be allowed to flow down the river for the use of the inhabitants. I do not see how you can put it in specific terms. If any one attempts to put the ideas into the shape of a clause he will just get into what is commonly called a muddle, and fail of his object.

Mr. Bindon: Suppose you say that no such diversion shall deprive the proprietor of water sufficient for domestic or farming purposes?

The Hon. T. H. Fellows: Suppose there are manufactories?

Mr. Bindon: I do not know of any.

The Hon. T. H. Fellows: There are mills on the Coliban and the Campaspe.

The Hon. W. Highett: It appears to me that, if a clause can be drawn embodying the views of the Honorable Minister of Justice and Mr. Bindon it would probably satisfy the Council, and it is not at all improbable that the Council would give up some of the first amendments they have insisted upon. I cannot answer for the Council, but I think such a clause might be drawn with which they would be satisfied. Of course, it will be necessary to see the clause, and it must be in a new Bill, of course. There is no other way of doing it without either side giving up their rights and privileges.

The Hon. E. Miller: I presume each Committee will report to its respective House?

The Hon. C. Sladen: Do we understand what we are to do?

Mr. Michie: It appears that we may go on indefinitely till midnight, thus; I suppose they will report respectively to their respective Houses, without prejudice, if I may use the expression, to renewing the Conference for the practical purpose, if possible, of deriving some sort of fruit from it. It would be a great pity unless we could reserve to ourselves the prospect of doing that, and therefore not consider at the present stage that we shall break off and report merely to our respective Houses, without any hope being entertained of our being able to approach each other again for practical purposes. Neither Committee surrenders anything to the other; in fact, I hesitated in taking part in some of the discussions, because it occurred to me that, inasmuch as for this purpose, we derive our authority from the Houses respectively, we should be very chary of committing ourselves, in either principle or practice, so as to be disapproved of by the body to which we are responsible for what we do here.

The Hon. W. Highett: It seems to me that the Assembly could bring in a new Bill, without reference to their rights and privileges. Neither side will give up any of their rights or privileges; the Bill could be sent up to the Council, and if it were sent up even without the first amendments, it is possible it would be received.

Mr. Sullivan: We could do all that without a Conference. We were invited to come here, and the invitation must bear some fruit; and now to go back without anything being arrived at amounts to nothing.

The Hon. T. H. Fellows: There is something arrived at. Each knows the position taken by the other.

The Hon. W. Highett: There are numerous precedents for what I state.

Mr. Sullivan: No doubt about it—there is no argument upon that.

Mr. Higinbotham: I presume the Committees will be able to meet again, even after they present a Progress Report to their respective Houses?

The Hon. T. H. Fellows: Not without fresh authority, I think.

Mr. Higinbotham: If they present only a Progress Report? I presume this Bill will be equivalent to a Bill rejected, so as to come within the rule that a second Bill can be brought in in the same session?

The Hon. T. H. Fellows: Not if there be a clause in it to which you object on the question of privilege. If the Council abandon the first four amendments, and insist upon the rest, you lay it aside.

Mr. Bindon: Would not it be wise for both Committees to ask permission to sit again, with reference to this compensation clause.

The Hon. T. H. Fellows: As it is not a money clause, I do not see that it is necessary.

Mr. Berry: I would suggest that, as the Committees are in a position to report to their respective Houses,

and as the Council are in possession of the Bill, the Council should deal with this Bill in the light of this Conference, conceding as much as they possibly can concede, and return the Bill to the Assembly, intimating what amendments they have not insisted upon, and if they still insist upon any others, stating so. The Assembly would then have had the result in a report from their Committee, and could then deal with the Bill and with the remaining amendments, in any spirit that they liked.

The Hon. T. H. Fellows: With a view to get in this compensation clause—Yes. The practical result of what I was suggesting was in answer to the Attorney-General's objection, that possibly the matter might be in that state that would preclude the introduction of a new Bill, that that would be obviated if the Council insisted upon some of the amendments which the Assembly say is a violation of their privileges, and that would enable the Assembly to lay it aside.

Mr. Berry: Then, if that course is likely to be adopted, we need scarcely go further; because it will be eventually in the hands of the two Houses, and that really brings our labors to a close.

Mr. Macgregor: Although the clause G would be liable to the same objection, it does not appear that any reason has been given for or against that clause on the ground of privilege. Hence the Council might insist upon the retention of that clause, and if it went back to the Assembly, a new Bill might be introduced with that clause in it.

The Hon. T. H. Fellows: It is the same thing; the objection is on the face of it, whether it is in the reasons or not. As at present advised, speaking individually, it appears to me to be open to the objection which will enable the Assembly to lay it aside.

Mr. Bindon: Suppose the Upper House withdraw their objections to the amendments with reference to what we call the rating clauses, and the Bill comes back to us with the compensation clause, we can then treat that Bill as we are advised—introduce a new Bill and go on.

The Hon. T. H. Fellows: Clause G is insisted on, and the others abandoned.

Mr. Bindon: Speaking hypothetically, suppose the Upper House withdraw their amendments with relation to what we call rating; you say it is not rating.

The Hon. T. H. Fellows: I say, all except G.

Mr. Bindon: Then send us back the Bill with G; then we, without communicating by Message, can object to the Bill on the ground of privilege, throw it on one side, introduce a new Bill and avoid the difficulty.

The Hon. T. H. Fellows: I do not know how clause K is regarded.

Mr. Higinbotham: That we have agreed to with an amendment. I would ask the members of the Committee of the Council to notice Clause H; although this clause was disagreed to, on the ground of privilege; the practical objection to the amendment taken by the Assembly was this, that, in the Public Works Bill a similar plan has been adopted for preventing all appeals by limiting the amount of the assessment, and the amount of per centage on the assessment. In the Public Works Bill, the valuation of any property is not to exceed the amount of the valuation of the borough or city, if the works be within a borough or city; and, if outside that the valuation is to be estimated by a police magistrate, and the assessment is not to exceed five per cent. on valuation. The object of that was to save the numerous appeals from persons rated, and it limits all liability by limiting both the valuation of their property, and the amount of the per centage on that valuation; and this Bill as sent up by the Assembly is just the same in that respect.

The Hon. T. H. Fellows: I was not aware of that.

Mr. Sullivan: It was for the purpose of uniformity as much as anything.

The Hon. T. H. Fellows: Of course, if you give them the municipal amount as the maximum, they have got an appeal against the municipal rates, and that is indirectly an appeal against this rate, but I did not think there was any such provision here.

Mr. Higinbotham: "Provided that the valuation of any lands or tenements for the purpose of such shall not in any year exceed the valuation (if any) of such lands and tenements during the same or previous year by the corporation council or board of any town borough, shire, or district in which such lands or tenements are situated; or (if there be no such valuation) the valuation made by a valuator to be appointed by the Board of Land and Works, subject to review or alteration by a police magistrate." You will find that in the Public Works Bill also in the provisions relating

to bye-laws about waterworks, "Provided also that the total amount of the charges and rates for any such works in any district shall not be less in any year than a sum equal to six pounds per centum." In the Public Works Bill it is, the total amount of the water rate shall not exceed five per cent. on the whole valuation. So that in that Bill both Houses have agreed to a plan by which appeals may be avoided.

The Hon. T. H. Fellows: Is there no appeal outside corporate limits?

Mr. Higinbotham: Then the valuation is to be fixed by the police magistrate, in the Public Works Bill there is no appeal in any case. As to clause K, it is agreed to with this alteration in substance, that it shall be lawful for the Board of Land and Works to buy, and any company to sell, any works established by Act of Parliament in case it shall appear to the Board equitable or advantageous so to do. It was considered that that would sufficiently indicate to the Government the equitable claim to companies established by Act of Parliament, without establishing their legal right to be bought if public waterworks were introduced into any neighborhood. I believe this clause was introduced chiefly with reference to the case of a particular company which was thought to be hardly dealt with. There was an objection on the part of the Assembly to admit their legal right to be bought out; it was thought that these words would sufficiently indicate the sense of Parliament in cases where an equitable claim could be

made out, and would be sufficient authority to the Government to buy the works where such a claim could be made out.

The Hon. W. Highett: It appears to me that that arrangement would be all very well if there was no compulsory rate. There will be a compulsory rate under the present Water Works Bill, and consequently any other companies would be compelled to give up; the consumer would not pay two—the compulsory rate and the company also—therefore the companies would have to give up altogether, and without compensation. Where there is a compulsory rate, then there should be compensation.

Mr. Higinbotham: Practically, in railways, it is compulsory; there is no other means of travelling.

The Hon. T. H. Fellows: But there you can go by either line, if there is competition. The company could not complain if you established anybody else on the same footing as themselves; but if you give a second company compulsory power, you strangle the first.

Mr. Higinbotham: Is this to be the final meeting of the Conference.

The Hon. T. H. Fellows: I presume so. We are *functi officio* on reporting.

Mr. Higinbotham: Of course it will be understood that neither Committee can bind its own House. If the Council should take the course suggested, the Assembly cannot be considered bound to adopt it; we have no power to answer for the Assembly.

1864-5.

VICTORIA.

LEGISLATIVE COUNCIL.

FIFTH REPORT

OF THE

PRINTING COMMITTEE.

LAI'D UPON THE COUNCIL TABLE BY THE HONORABLE J. P. FAWKNER, AND ORDERED
BY THE COUNCIL TO BE PRINTED, 5TH SEPTEMBER, 1865.

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 :—

Subject.	When moved for and by whom.	When laid on the Council Table.	By Command.	Report and Remarks of the Committee.
Standing Orders Committee.— Report	... ..	14th June, 1865	... ..	No order made.
Civil Establishment of Victoria, 1864	... ..	14th June, 1865	... ..	"
Fine Arts Commission.—Second Progress Report	... ..	20th June, 1865	... ..	"
Parliament Buildings Committee. —Second Report	... ..	22nd June, 1865	... ..	"
Real Property Act—Staff Ex- penditure, Fees, Assurance.— Return to Order of Council	Hon. C. Sladen, 8th June, 1865.	27th June, 1865	... ..	Recommended to be printed.
Observatory—Fourth Report of Visitors of (5th May, 1865)	... ..	4th July, 1865	... ..	No order made.
Criminal Statistics (1864) ...	... ..	"	... ..	"
<i>Shenandoah</i> , Steamer—Despatch relating to, from the Right Hon. the Secretary of State (26th April, 1865)	... ..	"	... ..	"
Customs—Clerks, Salaries, and Expenditure.—Return to Order of Council	Hon. C. Sladen, 5th July, 1865.	11th July, 1865	... ..	Recommended to be printed.
Immigration Regulations—Nomi- nation and Introduction of Immigrants (1st August, 1865)	... ..	"	... ..	No order made.
<i>Shenandoah</i> , Steamer.—Reply to Address of Council	Hon. J. P. Fawkner, 4th July, 1865.	"	... ..	"
Sewers and Water Supply—Cash Sheet and Balance Sheet, 1864	... ..	12th July, 1865	... ..	"
Manufactures and Industries, New—Regulations for the Pro- motion of.	... ..	"	... ..	"
Echucá—County Court to be holden at.—Order in Council (3rd July, 1865)	... ..	13th July, 1865	... ..	"
Supreme Court—Registrar-Gen- eral (10th July, 1865)	... ..	"	... ..	"
Pilot Board—Accounts of, for year ending 31st August, 1864	... ..	"	... ..	"
Customs Duties Securities—Re- turn to an Order of the Council	Hon. C. Sladen, 22nd June, 1865.	19th July, 1865	... ..	Recommended to be printed.
Gunpowder and Saltpetre im- ported (1862, 1863, 1864)	... ..	"	... ..	"
Naval and Seaboard Defences of the Colony—Return to Address of Council	Hon. W. Hull, 14th July, 1865.	25th July, 1865	... ..	No order made.

Subject.	When moved for and by whom.	When laid on the Council Table.	By Command.	Report and Remarks of the Committee.
Mail Service—Conveyance of Australian Mails.—Despatch from the Right Hon. the Secretary of State for the Colonies, with Enclosures (26th May, 1865)	25th July, 1865	... ..	No order made.
Education—Board of.—General Regulation, Military Drill, and Gymnastics (23rd June, 1865)	"	"
Customs Bill (1864).—Message from His Excellency the Governor—Reply to Address of Council	Hon. W. Highett, 19th July, 1865.	"	... ..	"
Judges of the Colony—Correspondence with.—Message from His Excellency the Governor—Reply to Address of Council	Hon. W. H. F. Mitchell, 19th July, 1865.	"	... ..	"
Trade and Customs Accounts, 1864	"	"
Health, Central Board of—Tenth Annual Report of—	1st Aug., 1865	... ..	"
Mining Surveyors' and Registrars' Reports (for Quarter ending 30th June)	"	"
Immigration Regulations—Nomination and Introduction of Immigrants—(To take effect on and after 1st August, 1865).—In substitution for paper laid on Table 11th July, 1865	2nd Aug., 1865	... ..	"
Wrecks and Casualties, Register of, from January, 1860, to December, 1864	15th Aug., 1865	... ..	Recommended to be printed.
University of Melbourne.—Report for Year ending 31st May, 1865	29th Aug., 1865	... ..	No order made.
Message from His Excellency the Governor	"	"

JOHN P. FAWKNER,
Chairman.

Committee Room,
Legislative Council Chamber,
5th September, 1865.

1864-5.

VICTORIA.

LEGISLATIVE COUNCIL.

SIXTH REPORT

OF THE

PRINTING COMMITTEE.

LAI'D ON THE COUNCIL TABLE BY THE HONORABLE J. P. FAWKNER, AND ORDERED BY
THE COUNCIL TO BE PRINTED, 3RD OCTOBER, 1865.

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 have to report, as appears by such Table :—

Subject.	When moved for, and by whom.	When laid on Council Table.	By Command.	Report and Remarks of the Committee.
Post Office Savings Banks.—General Regulations (7th August, 1865)	...	6th Sept., 1865	...	No order made.
Agriculture—Sixth Annual Report of	...	19th Sept., 1865	...	"
Castlemaine District Court of Mines, to be held at Kyneton.—Order in Council (4th September, 1865)	...	"	...	"
Payments on Public Account—Return to an Order of the Council	Hon. W. Highett 6th Sept., 1865	20th Sept., 1865	...	Recommended to be printed.

JOHN P. FAWKNER,
Chairman.

Committee Room, Parliament House,
3rd October, 1865.

1864-5.

VICTORIA.

MELBOURNE AND ESSENDON RAILWAY.

PETITION.

ORDERED BY THE COUNCIL TO BE PRINTED, 8TH FEBRUARY, 1865.

TO THE HONORABLE THE LEGISLATIVE COUNCIL OF VICTORIA IN PARLIAMENT ASSEMBLED.

The Petition of the undersigned, being residents and owners of land along the Melbourne and Essendon Railway, and also owners of stock and cattle, and frequenters of the cattle yards and racecourse, and others desirous of using the Essendon Railway,

SHOWETH:

That great loss and inconvenience is sustained by the public, and more particularly by the undersigned, in consequence of the above-mentioned railway being closed.

That, from the published Report of the company, 482,888 passengers in all appear to have travelled on this line of railway, and that the total receipts have been £17,898 10s. 6d.

That the running expenses of the company have not (with the exception of the Government charges) exceeded £2000 per annum, and the receipts have been £5000 per annum.

That, considering the large railway plant and stock immediately available which the Government is necessitated to keep on hand, it has been thought by those competent to form a correct judgment, that for a very trifling additional expense the Government can work with advantage the Essendon Railway and Racecourse Branch even with the present traffic shown to exist.

That, if the railway were opened and worked by the Government, it is submitted that an increasing population would avail themselves of it, affording, as it does, communication with one of the most healthy suburbs of Melbourne.

That the price of land heretofore sold by the Government was increased in consequence of the inducements at the sale offered to the purchasers of the use of this railway, and there is no doubt that the land at present unsold by the Government will realize a much larger amount if this railway were opened.

That it is the subject of constant complaint that no provision exists for the conveyance of stock to the cattle and sheep sale yards at Newmarket, and this consideration alone is worthy of bringing the subject of this Petition under the consideration of Parliament, involving the interest and saving of the owners of stock and sheep, and consequently of the public.

That the development of the cattle and sheep traffic, and the convenience afforded to the Victorian Railway Department, would afford an adequate consideration for the amount for which it is probable the company would receive for the line.

That the remembrance of your Honorable House is called to the circumstance, that the Old Cattle Yards were removed in consequence of the danger and inconvenience to the immediate neighbourhood, and thereby the Government realized a very large sum in the sale of the land and transferring the cattle yards to another neighbourhood to the injury of its inhabitants, and they would find the danger and annoyance attending such transfer greatly abated by conveyance of the stock by rail.

That the traffic to the racecourse would be remunerative to the Government, and advantageous to the public.

That it has been stated that the traffic (with the exception of that to the racecourse) would be unremunerative beyond Newmarket; but the report of the Returns, as obtained from the company, prove the contrary, namely 212,341 passengers have been booked from Melbourne; 173,873 have been booked from Essendon, Moonee Ponds, and Ascot Vale.

Your Petitioners, therefore, pray that your Honorable House may be pleased to take your Petitioners' case into consideration, and afford them such relief as to your Honorable House may seem meet.

[Here follow 660 signatures.]

By Authority: JOHN FERRES, Government Printer Melbourne.

1864-5.

VICTORIA.

PETITION.

MELBOURNE MARKETS.

ORDERED BY THE COUNCIL TO BE PRINTED, 8TH FEBRUARY, 1865.

TO THE HONORABLE THE LEGISLATIVE COUNCIL OF VICTORIA IN PARLIAMENT ASSEMBLED.

WE, the undersigned Market Gardeners and Farmers, respectfully inform you that two petitions, signed by them, and a requisition and a memorial, signed by some Members of the Legislative Council and of the Legislative Assembly, and some of the influential citizens of Melbourne, have been presented to the Corporation, praying them to reduce the fees of the Eastern Market, to keep the market open the whole of the market days, and to make such new regulations as would meet the present state and requirements of the people; and beg leave to call the attention of your Honorable House to the inconvenience and burdensome taxes of the above market, which are as follow:—Vegetables, 1s.; Fruit, 1s.; Geese and Turkeys, 2d. per pair; Ducks and Fowls, 1d. per pair; Rabbits, 1d. per pair; Wild Fowls and Pigeons, $\frac{1}{2}$ d. per pair; Roasting Pigs 2d. each; Eggs, $\frac{1}{4}$ d. per dozen; Butter, $\frac{1}{2}$ d. per lb.; and Cheese, 1d. per stone; and the market is closed to the gardeners at 10 o'clock a.m.

N.B.—These fees are in addition to that charged for a standing in the market.

YOUR PETITIONERS SHOWETH—

That the present high rate of fees levied for the sale of the produce of the land in the Eastern Market acts injuriously to them as cultivators of the soil.

That this rate of fees prohibits them bringing to market small quantities of various produce at one time, inasmuch as such fees are in many instances equal to, and in some more than the value of the article sold;* consequently, small quantities of the produce of their hard labor lies upon the land, unconsumed, as useless produce.

That the short time allowed for the disposal of their goods and the smallness of the market cause them to be up all the previous night, although within ten miles of Melbourne, in order to compete with each other in gaining a good standing in the market, that they might succeed in disposing of their produce within the time allowed for that purpose; for, unless they dispose of their produce before ten o'clock a.m., they must vacate the market with their goods unsold, and hawk them in the streets, or take them home again.

From these several items it will be seen that the present high rate of fees, limited time, and smallness of market—(1.) Necessarily inconvenience them and cramp their energies; (2.) Prevent them extending the cultivation of the land; and (3.) Decrease their means of providing for their families.

Your Petitioners also showeth—

That the limited time allowed the gardeners each day at the Eastern Market affects materially the inhabitants of the city and its suburbs, inasmuch as they have not the advantages of the market which they should have, and as citizens they have a right to. The domestic duties of private families and others concerned prevent them going to market at so early an hour as ten o'clock in the morning.

That, in consequence of this limited time, the gardeners are obliged to dispose of their produce at very greatly reduced prices to hawkers or middlemen; and, as the inhabitants cannot go to the market, they are obliged to purchase their vegetables, &c., of these hawkers at the door, and frequently at prices ranging from one to three hundred per cent. above the market price—a serious injury to the growers, and an extravagant charge to the consumers of at least cent. per cent.

From these it is seen, that the present fees and limited time—(1.) Prevent, in some measure, the sales to the poor (in fact very small quantities are sold among the poor); (2.) A direct and positive injury to the consumers and growers; (3.) Extravagant prices to the public at large, at least double the sum they would pay for the same articles if sold direct from the producer.

* A market gardener this season brought a small quantity of fruit to market; the dues charged and paid were 1s., and the fruit was sold for 9d.; the dues charged being £125 per cent.

Your Petitioners further showeth—

That vegetables and fruit are necessaries of life, forming the great renovators of the bodily system, and promoting health, if not preventing mortality, especially among children. It becomes, therefore, a subject of great importance, and involves a vital duty, that these should be freely used by the working classes; but these (fruit, &c.) are inaccessible to them in hundreds, if not in thousands of instances, through the present limited hours of the market and its burdensome fees.

From this it will be seen, that if these are placed within the command of the poor they will tend—(1.) To promote their health and comfort; (2.) To promote a greater consumption; and, as a consequence, (3.) To promote prosperity and a greater circulation of money, &c., and favorably affecting tradesmen in Melbourne.

Your Petitioners then showeth—

That our present large and increasing population and numerous produce growers require a market three times larger than the present, or more; or more markets than we now have, for *wholesale* and *retail* produce, and every day in the week, or at least three days in the week, viz., Tuesday, Thursday, and Saturday, for the sale of garden produce; and three days, viz., Monday, Wednesday, and Friday, for the sale of hay; that the market or markets be open to the use of gardeners the whole of the market days, from early morning to six o'clock p.m., except on Saturdays, and on these days to be open until eight o'clock p.m., at the latest; and that the present fees be reduced to a certain fixed fee per cart or dray load, containing fruit, butter, eggs, poultry, vegetables, and all kinds of garden and farm produce, and that this fee may also include the charge for the stall.

That the above rate of fees, a larger market, or increased number of markets, and market days as may be specified, and the extended time for the sale of produce, will enable the gardeners—(1.) To increase the cultivation of their lands; (2.) To provide for their families more respectably; (3.) To compete with the neighbouring colonies, which are daily exporting their produce to these markets; and (4.) To employ more laborers.

And your Petitioners pray—

That your Honorable House will pass such an Act as will establish a sufficiently large market or markets as our increasing and important town, the metropolis of the Australian colonies, requires; and place it or them on such a basis as will tend to promote the prosperity, health, and comfort of the entire community that will be commensurate with the wants of the people, and that will reflect credit upon our legislature.

That your Honorable House will also allow only such fees that shall be really necessary to keep the market in its proper state of cleanliness, &c.

That your Honorable House will make the road tolls free to the gardeners, or reduce them to a reasonable sum; and in all respects remove every hindrance to the cultivation of the land; and make ample provision for all necessary requirements that may be demanded in future by the increase of our population, gardeners, and farmers.

And that your Honorable House will prohibit the leasing the market or markets in future, and cause that a collector or collectors be appointed, to gather whatever fees may be made; and enact that the management of the market or markets be under a committee, consisting of gardeners, farmers, citizens, and Members of the two Houses.

And your Petitioners will ever pray, &c., &c., &c.

[Here follow 417 signatures.]

1864-5.

VICTORIA.

PETITION.

MARKETS.

ORDERED BY THE LEGISLATIVE COUNCIL TO BE PRINTED, 29TH MARCH, 1865.

TO THE HONORABLE THE LEGISLATIVE COUNCIL OF VICTORIA, &c., &c., &c.

The Memorial of the Mayor, Aldermen, Councillors, and Citizens of the City of Melbourne—

SHOWETH:

That your Memorialists have perused a Petition presented to your Honorable House, and by your Honorable House ordered to be printed on the 8th February ultimo, from certain Market Gardeners and Farmers thereto undersigned, who therein pray, amongst other things—“That your Honorable House will pass such an Act as will establish a sufficiently large market or markets as our increasing and important town, the metropolis of the Australian Colonies, requires, and place it or them on such a basis as will tend to promote the prosperity, health, and comfort of the entire community, that will be commensurate with the wants of the people, and that will reflect credit upon our Legislature.

“That your Honorable House will also allow only such fees that shall be really necessary to keep the market in its proper state of cleanliness, &c.

“And that your Honorable House will prohibit the leasing the market or markets in future, and cause that a collector or collectors be appointed, to gather whatever fees may be made; and enact that the management of the market or markets be under a committee, consisting of gardeners and farmers, citizens, and members of the two Houses.”

In respect to the averments which are put forward in support of such prayer, your Memorialists submit that the first, viz.—“That the high scale of dues charged in the Eastern Market acts injuriously to the cultivators of the soil”—can be true only in the event of the dues so increasing the price of the produce as to prevent its being purchased, which is not the case; as the produce offered for sale in the market is, save in very exceptional cases, readily purchased at prices remunerating the vendor for all expenses of production and sale, market dues included. It is in fact the purchaser who ultimately pays the dues, and were the scale reduced, the vendor's remuneration would, by the natural law of competition, be reduced proportionately.

Your Memorialists further beg to point out that the scale of market dues was fixed in 1849 at rates deemed reasonable at a time anterior to the gold discoveries, and when produce was of smaller pecuniary value than at the present or any intervening period.

The second averment, viz.—“That the rate of fees prohibits the bringing to market of small quantities of various produce at one time”—is only true in the event of the market space being occupied by a dray for the conveyance of such quantity. If brought into market in a barrow or basket proportionate to its quantity, a smaller amount is charged upon it.

The third averment of the Petition, viz.—“That the market has to be vacated by the vendors of garden produce at ten o'clock, a.m.”—is contrary to fact. The vendors of produce are not interfered with, on the days on which they have chosen to come out, until 11 o'clock a.m. on each Wednesday, and 12 o'clock noon on each Saturday; nor are they then required to vacate the market, but only to assemble in one part of it, in which they are free to remain until sunset, save on Saturday, when the market is closed at 2 o'clock p.m., to allow of its being cleansed preparatory for use for the night market.

In respect to the remaining averments of injury for want of space, and consequent need for extension of the Eastern Market, the creation of other markets, or an increase in the number of market days: Your memorialists submit that the inconveniencies complained of are created by the

vendors themselves, in resorting to one market place, in keeping their horses in their drays whilst standing there, and in choosing to confine themselves to but two days per week on which to resort to the city with produce for the market.

Your Memorialists beg to direct the special attention of your Honorable House to the fact that the market gardeners as a body are not retailers of produce, and would not, however great the accommodation, remain in town longer than necessary for the disposal of their goods wholesale, and that the persons who have petitioned your Honorable House would, for the sake of a very small number of their body for whom there is at present ample accommodation, cause the market place to remain void, driving out the important class of agriculturists who supply the hay market of the city, who have urgently petitioned your Memorialists against the injury which they would sustain by such expulsion, and have submitted to a reduction of their time in the market to three hours on one, and two hours of the other day, on which the market gardeners resort to the city.

Your Memorialists further beg to state, that there are, in addition to the Eastern Market, four other places within the city proclaimed as General Market places, viz. :—

The Eastern Hill Market, in rear of the water tank in Victoria Parade.

The Western Market, in Collins street.

The Spencer street Market, opposite the Goods Station of the Government Railways.

The Northern Market, at the junction of the Sydney and Mount Alexander roads.

Besides a fifth market place at the junction of Elizabeth and Victoria streets, obtained specially for use as a wholesale vegetable market.

In any or all of these your Memorialists have been and are prepared to provide, as occasion shall require, accommodation suitable to the business to be transacted, and have been and are likewise prepared from time to time to alter or modify, as shall be thought most advisable and to the benefit of the citizens and others, the several market regulations and by-laws. Any appeal to your Honorable House in these matters is therefore, your Memorialists submit, unnecessary.

Your Memorialists therefore pray that your Honorable House will be pleased to take the premises into consideration in connection with the Petition aforesaid.

And your Memorialists will ever pray.



GEO. WRAGGE,
Mayor.

E. G. FITZ GIBBON,
Town Clerk.

1864-5.

VICTORIA.

 PETITION.

 SUPREME COURT LAW CONSOLIDATION
 BILL.

 ORDERED BY THE LEGISLATIVE COUNCIL TO BE PRINTED, 8TH JUNE, 1865.

 TO THE HONORABLE THE PRESIDENT AND THE HONORABLE MEMBERS OF THE LEGISLATIVE COUNCIL
 IN PARLIAMENT ASSEMBLED.

The Humble Petition of the Judges of the Supreme Court,

RESPECTFULLY SHEWETH :

That a Bill to consolidate the Laws relating to the Supreme Court recently passed through its various stages in the Legislative Assembly has been received by your honorable House. By one of those Laws the Supreme Court was established ; power was given to the Governor to appoint Judges of the Court, and a further power entrusted to the Governor, with the advice of the Executive Council, to suspend any Judge who should be absent without leave, become incapable, or neglect to perform the duties of his office, or otherwise misbehave therein. Both these powers were to be exercised provisionally, until the pleasure of Her Majesty should be known. 15 Vict., No. 10.

By the Statute and Schedule generally known as the Constitution Act, the appointment to all public offices was vested absolutely in the Governor, with the advice of the Executive Council ; but the tenure of the office of Judge was enlarged, in effect, from an appointment during pleasure to an estate during good behaviour, and a proviso added, enabling the Governor to remove any such Judge upon the address of both Houses of the Legislature. 18 and 19 Vict., c. 55, ss. 37 and 38.

Your Petitioners respectfully submit this later Law, if not in express terms, by necessary intendment, repealed the provisional powers of appointing and suspending originally conferred by the first enactment.

The present Bill contains a clause authorising the Governor in Council to suspend, until the next Session of Parliament, any Judge, for inability, misbehaviour, or absence without leave.

Your Honorable House will not fail to observe that, as the passing the Constitution Act repealed portions of the first-mentioned Act, in like manner the re-enactment of any of those portions will so far repeal the Constitution Act.

No question can be raised as to the power by local enactment to vary or alter the Schedule to the Statute of the Imperial Parliament. Full authority has been expressly reserved to the Legislature of Victoria so to do. Repealing part of the Constitution of the country, however, by a measure supposed merely to consolidate existing laws relating to the Supreme Court, and repealing it by implication only, instead of in express terms, may prove an inconvenient precedent. But your Petitioners are not impelled to observe on any mode of legislation Parliament may deem it expedient to adopt ; nor is it their desire to complicate an important question, affecting the interest of every member of the community, by allusion to personal matters. They do not now take exception to this Bill because it ignores the vested rights of the present occupants of the office, and thus presents the appearance, at least, of retrospective legislation. They protest against the measure because it is in direct violation of the fundamental principle recognized by Parliament, that the Judicial should be independent of the Executive portion of the Government.

Judges of the Supreme Court, as well as all other members of the community, are subject to the Laws of their country. They, as well as all other holders of office during good behaviour, may be removed from that office if proved before a Court of competent jurisdiction to have misbehaved therein. They are also removable by the Governor, addressed by both Houses of the Legislature, for any cause deemed sufficient to justify such a course. But they ought not to be subjected to the summary jurisdiction of the Cabinet, who, at once prosecutors and judges, constitute themselves the exponents of what conduct amounts to misbehaviour, and what mental or bodily defects may be classed under the term inability.

Your Petitioners are the only public servants whom it is proposed to make amenable to this extraordinary authority. A member of the Civil Service may have the alleged causes of his misbehaviour enquired into by a board duly constituted, and may test the validity of his suspension or dismissal by appeal to a Court of Law.

The alterations made by this Bill in the clause as it stood in the Supreme Court Act—though doubtless not so intended—have, as your Petitioners submit, rendered it more objectionable than it would have been in its original form. The anomaly of keeping a Judge suspended, awaiting a pleasure which was not to be exercised, must have rendered the clause inoperative, and, save as an expression of the opinion of Parliament, innocuous. No Minister of the Crown in Great Britain possesses any such power as that now proposed to be conferred on the Executive. There (did such a power exist) the abuse of it might be checked by impeachment. Here, no such course is practicable.

The present measure contemplates the possibility of a Judge who has been suspended becoming re-instated without investigation or enquiry. Your honorable House need not be reminded, that a Judge merely re-instated in office is not restored. A judicial position forfeited can, with difficulty, if ever, be regained; nor is the injury confined to the individual Judge—it extends to the Court. The seat of Justice has been disgraced, and the moral influence of the highest tribunal of the country necessarily impaired by the suspension of any one of its members. Far from facilitating the removal from the judicial office, such an event should be regarded as a misfortune to the community, and all solemnity of form observed as affording some protection against unfounded accusations, or the effect of temporary excitement.

It seems difficult, from the materials now before your honorable House, to discover the necessity for this somewhat unseemly haste, or to suppose a case of importance so great as to justify the sudden and summary suspension of a Judge, which would not also warrant the summoning of Parliament. In Great Britain and her principal colonies, in new countries as well as old, a sense of duty, the force of public opinion, and the existence of a power in Parliament, without any recourse to the exercise of that power, have been found sufficient to prevent judicial misconduct.

The independence of the Judiciary has hitherto been deemed essential to maintain the due balance of power between the Executive and the Legislature.

The destruction of this equipoise may not have been foreseen. The combination of the Judicial with the Executive was, doubtless, never intended. But, after a cause has been set in operation, the necessary effect produced, and that effect has proved disastrous, it will be too late to rely on purity of intentions.

A Ministry may represent the whole or a section only of the community—both Houses, or but one. The honor of such a Ministry or its interests may be deeply involved in the interpretation of an existing Law, or the decision on some controverted facts. Few will question the importance then of a tribunal whose Members are independent of the dictation of such a Ministry. It is not beyond the range of probability that a Cabinet, supported by a factious party either favorable or opposed to what are termed popular rights, might dare to displace a Judge of unquestionable integrity, because in the honest discharge of his duty he was supposed to thwart their views or obstruct their policy.

One House of the Legislature has in effect declared that the Judges ought to be dependent on the Executive, but no explanation has been offered for the apparent anomaly that, although society is not sufficiently advanced for an independent judiciary, the country may yet be trusted to a Parliamentary Government; or how, being unfit for the one free institution, it is yet ripe for any other.

The independence of the Judges in the mother country is unquestioned. There, disputes between the Crown and the subject are determined by a tedious and, to the subject, expensive process. Here, a wise and useful enactment now in operation for some years allows of the Crown being sued. It has proved of advantage not less to the Government, who are constant suitors, than to the community generally. It is now proposed to make the Court itself dependent on a body which must necessarily be one of the litigant parties.

Commerce, trade, capital, and the relations with other countries, invest this question with an interest more than local. The position of the Judges has commanded the attention of the profession in England, and some of her most eminent statesmen have deemed the subject of Imperial, not merely Colonial, importance.

Merchants and capitalists will at once notice an important change in the constitution of the tribunal of any locality in which their interests are involved. The retrograde step now proposed in legislation does not appear calculated to inspire strangers with confidence in the stability of the institutions or the progress of the country. A law, which a few years ago was repealed, is to be re-enacted. There has been, apparently, no alteration of circumstances to demand this change in the opinion of the Legislature. No fact then unknown has been subsequently discovered. No argument has now been urged in support of the proposal which might not then have been adduced. The passing the 38th clause of the Constitution Act required no more than the embodying in words the unanimous opinion of Parliament; this very unanimity prevented discussion, and the boon thus easily obtained has been lightly esteemed. Had the necessity for legislation on this subject been actually experienced, instead of having been providently foreseen, and this clause forced into law, despite the opposition of those in power, greater interest would now be exhibited in carefully retaining it in all its integrity.

Your Petitioners now appeal to your honorable House. They have a good confidence that you will negative this unwise proposition, adhere to the precedent set by Great Britain and followed so successfully by so many of her possessions, and rescue Victoria from the lasting disgrace of having degraded her highest Court of Judicature and rendered it subservient to the Ministry of the day.

And your Petitioners, as in duty bound, will ever pray, &c.

WILLIAM F. STAWELL, C.J.
 REDMOND BARRY.
 EDWARD EYRE WILLIAMS.
 ROBERT MOLESWORTH.

Report of Committee of Law Amendment Society, 1854. Canada. Ld. Durham. Mr. Justice Boothby. Duke of Newcastle.

VICTORIA.



VOTES
AND

PROCEEDINGS
OF THE
LEGISLATIVE
COUNCIL.

SESSION.

1864-5.