

VICTORIA



VOTES

AND

PROCEEDINGS

OF THE

LEGISLATIVE

COUNCIL

SESSION

1871.

LIBRARY.



VICTORIA.



VOTES AND PROCEEDINGS

OF THE

LEGISLATIVE COUNCIL

DURING THE SESSION

1871,

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







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RETURN OF MEMBERS OF THE LEGISLATIVE COUNCIL, 25TH APRIL, 1871, AT THE  
OPENING OF THE NINETEENTH SESSION OF PARLIAMENT.

Names arranged in the Order of Retirement.	Elected at—		Remarks.
	Nomination.	Polling.	
<b>CENTRAL PROVINCE :</b>			
George Ward Cole ... ..	10th Dec., 1870	...	Retired by rotation, and re-elected.
Thomas Turner a'Beckett ... ..	20th April, 1870.		
James Graham ... ..	20th Sept., 1866.		
Henry Sallows Walsh ... ..	22nd Sept., 1869.		
John O'Shanassy ... ..	26th Feb., 1868.		
<b>SOUTH PROVINCE :</b>			
William Degraives ... ..	...	29th Aug., 1870.	Elected instead of the Hon. W. J. T. Clarke, resigned.
John Pinney Bear ... ..	...	3rd Oct., 1868.	
William Arthur Callander a'Beckett...	...	16th Sept., 1868.	
William Henry Pettett ... ..	...	3rd Oct., 1864.	
Frank Stanley Dobson ... ..	...	1st Dec., 1870	
<b>SOUTH-WESTERN PROVINCE :</b>			
John Cumming ... ..	24th Aug., 1870.		Elected instead of the Hon. S. G. Henty, resigned.
Caleb Joshua Jenner ... ..	29th Sept., 1868.		
Philip Russell ... ..	20th April, 1869.		
Robert Culbertson Hope ... ..	...	23rd April, 1867.	
James Henty ... ..	27th Sept., 1862.		
<b>WESTERN PROVINCE :</b>			
Thomas McKellar ... ..	...	12th Sept., 1870.	Elected instead of the Hon. S. G. Henty, resigned.
Robert Simson ... ..	6th Oct., 1868.		
William Skene ... ..	14th Dec., 1870	...	
James Ford Strachan ... ..	...	8th Aug., 1866.	
Niel Black ... ..	6th Oct., 1862.		
<b>NORTH-WESTERN PROVINCE :</b>			
William Henry Fancourt Mitchell ...	2nd Sept., 1870.		Elected instead of the Hon. S. G. Henty, resigned.
Francis Robertson ... ..	...	2nd Nov., 1868.	
Alexander Fraser ... ..	19th Oct., 1866.		
Nicholas Fitzgerald ... ..	...	2nd Nov., 1864.	
William Campbell ... ..	...	1st Nov., 1862.	
<b>EASTERN PROVINCE :</b>			
William Highett ... ..	2nd Sept., 1870.		Elected instead of the Hon. S. G. Henty, resigned.
Benjamin Williams ... ..	...	24th Oct., 1868.	
Robert Stirling Anderson ... ..	10th Oct., 1866.		
Henry Morgan Murphy ... ..	...	24th Oct., 1864.	
Robert Turnbull ... ..	14th Dec., 1863.		



# MEMORANDUM

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- 27th April. 1. Insolvency Court Rules (25th April, 1871).  
 " 2. Insolvency Court Rules (1st February, 1871).  
 " 3. Supreme Court Rules under "Insolvency Statute 1871" (10th February, 1871).  
 " 4. Rules under "The Duties on the Estates of Deceased Persons Statute 1870 (2nd February, 1871).  
 " 5. Rules and Regulations under "The Stamp Statute 1869" (4th April, 1871).  
 " 6. Public Accounts (National Gallery, &c.) Regulation, 31st January, 1871, and 28th March, 1871.  
 " 7. Regulations under "Volunteer Statute 1865" (4th January, 1871).  
 " 8. Regulations under "The Discipline Act 1870" (2nd February) and (20th February, 1871).  
 " 9. Mineral Statistics for year 1870.  
 " 10. Mining Surveyors and Registrars.—Reports for quarter ending 31st December, 1870.  
 " 11. Ballarat Mining District.—Polling Places.—Order in Council (31st January, 1871).  
 " 12. Sandhurst and Ararat Mining Districts.—Polling Places.—Order in Council (6th February, 1871).  
 " 13. Occupation of Excepted Lands at Ballarat authorized for mining purposes.—Order in Council (4th April, 1871).  
 " 14. Gold Mining Leases.—Regulations.—Order in Council (23rd January, 1871).  
 " 15. Gippsland Mining Board.—Order in Council (28th December, 1870).  
 " 16. Gippsland Mining District.—Polling Places.—Order in Council (28th December, 1870).  
 " 17. Maryborough Mining District.—Polling Place.—Order in Council (14th March, 1871).  
 " 18. Ballarat Mining District.—Polling Place.—Order in Council (20th February, 1871).  
 " 19. Charitable Institutions.—Report of Royal Commission (16th January, 1871).  
 " 20. Friendly Societies.—Return of Registered (1870).  
 " 21. Health Officer.—Report of, for year ending 31st December, 1870.  
 " 22. Sanatory Station.—Report of Chief Medical Officer for year ending 31st December, 1870.  
 " 23. Twelfth Report of Central Board of Health.  
 " 24. Summary of Shipping Returns, &c., for 1870.  
 " 25. Pilotage Accounts from 1st September, 1869, to 31st August, 1870.  
 2nd May. 26. Post Office and Telegraph Department.—Report for 1870.  
 " 27. Post Office Savings Bank.—Statement of Accounts (1870).  
 9th May. 28. Diseases.—Return of (Chief Medical Officer), in 1870.  
 " 29. Intercolonial Legislation.—First Report of Royal Commission (April, 1871).  
 23rd May. 30. Mining Surveyors' and Registrars' Reports for quarter ending 31st March, 1871.  
 " 31. Schedule D, 18 and 19 Vic., cap. 55.—Statement of Expenditure for the year 1869.  
 30th May. 32. Schedule D, 18 and 19 Vic., cap. 55.—Expenditure under (1870).  
 " 33. Insane, Hospitals for.—Report of Inspector for 1870.  
 " 34. Penal and Prison Discipline.—Report (No. 2) of Royal Commission (23rd May, 1871).  
 " 35. County Court Statute 1869.—Amended Scale of Costs and Fees (22nd May, 1871).  
 6th June. 36. Railway, North-Eastern Line—Contracts for.—Copy of Contracts under which the North-Eastern Railway is being constructed.  
 13th June. 37. Privilege.—Arguments, Judgment, and Order of the Privy Council in the case of the Speaker of the Legislative Assembly of Victoria *versus* Hugh Glass.  
 " 38. Railways, Victorian.—Report of Board of Land and Works for year ending 31st December, 1870.  
 " 39. Gippsland—Court of Mines for District of, to be holden at Palmerston.—Order in Council (5th June, 1871).  
 " 40. Noxious Trades.—Final Report of Royal Commission (21st May, 1871).  
 " 41. Education Board—Ninth Report of.  
 " 42. Public Accounts.—Additional Regulation (Census), 23rd May, 1871.  
 1st August. 43. Statistics of the Colony of Victoria, 1870.—Part I.—Blue Book.  
 " 44. Census of Victoria, 1871.—Approximate Returns.  
 " 45. Education Board.—Supplement to the Report of 1870.—List of Certificated and Classified Teachers.  
 " 46. University of Melbourne—Report of the Proceedings for the year ending 31st May, 1871.  
 " 47. Yaekandandah—Mining Operations on Reserved Lands at, authorized.—Order in Council (10th July, 1871).  
 " 48. Gold Mining Leases—Regulations relating to.—Order in Council (12th June, 1871).  
 " 49. Lands Compensation Statute 1869—Report of Proceedings under.  
 " 50. Industrial and Reformatory Schools.—Inspector's Report for the year 1870.  
 " 51. Public Library, Museums, and National Gallery.—Report of Trustees for year 1870-1.  
 " 52. County Court Statute 1869.—Amended Scale of Costs and Fees (7th July, 1871).

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- 8th August. 53. Mining Lease, Form of, altered.—Order in Council (18th July, 1871).
- ” 54. Melbourne Sewers and Water Supply.—Cash-sheet and Balance-sheet for year ending 31st December, 1870.
- 15th August. 55. Beaufort, Land at, excepted from Mining Operations.—Order in Council (24th July, 1871).
- ” 56. Yackandandah—Mining Operations authorized on Reserved Lands at, authorized.—Order in Council (31st July, 1871).
- ” 57. Mining Surveyors and Registrars—Reports of, for quarter ending 30th June, 1871.
- ” 58. Festiniog Railway—Report on, by Director-General of Ceylon Railway (24th March, 1871).
- ” 59. Observatory.—Seventh Report of Board of Visitors.
- ” 60. Statistics of Victoria, 1870.—Part II.—Population.
- ” 61. Public Worship—Regulations respecting (28th June, 1871).
- ” 62. Insolvency Statute, 1871.—Further Rules of Supreme Court (2nd August, 1871).
- 22nd August. 63. Coliban and Geelong Schemes of Water Supply—Report on, by Lieut.-Colonel R. H. Sankey, R.E. (11th August, 1871).
- ” 64. Statistics of Colony of Victoria, 1870.—Part III.—Finance, &c.
- ” 65. Aborigines—Seventh Report of Board for Protection of.
- 29th August. 66. Daylesford—Mining on Reserved Lands at, authorized.—Order in Council (7th August, 1871).
- ” 67. Gippsland Mining District.—Polling Places altered.—Order in Council (7th August, 1871).
- ” 68. Gippsland Mining District.—Fees of Mining Registrars prescribed.—Order in Council (7th August, 1871).
- 31st August. 69. Message from His Excellency the Governor, transmitting Copy of Despatch from the Right Honorable the Secretary of State with reference to the Discipline Act 1870.
- ” 70. Message from His Excellency the Governor, forwarding Regulations for the Supply of British Silver Coinage to the Colonies.
- ” 71. Message from His Excellency the Governor, with reference to the proposal of several of the Australian Colonies to conclude agreements for reciprocal Tariff advantages.
- 5th Sept. 72. Errata in Report of Lieut.-Col. Sankey, in “Report on the Coliban and Geelong Schemes of Water Supply.”
- ” 73. Report of Lieut.-Col. Sankey on the Cost of so far completing the Coliban Waterworks as to provide for the delivery of seven millions of gallons per diem to Sandhurst and Castlemaine (2nd September, 1871).
- 12th Sept. 74. Lunatic Asylums—Return of Inspector of—for six months, ending 30th June, 1871.
- ” 75. Stony Creek Reservoir—Reply of Lieut.-Col. Sankey, R.E., to questions relating to (5th September, 1871).
- ” 76. Statistics of Colony of Victoria, 1870.—Part IV.—Accumulation.
- 19th Sept. 77. Mining under Malmesbury Reservoir site, authorized.—Order in Council (28th August, 1871).
- ” 78. Mining under Malmesbury Reservoir site, authorized.—Order in Council (28th August, 1871).
- ” 79. Mining under Railway Reserve, Sandhurst District, authorized.—Order in Council (28th August, 1871).
- ” 80. Mining under Railway Reserve, Sandhurst District, authorized.—Order in Council (28th August, 1871).
- ” 81. Mining under Railway Reserve, Sandhurst District, authorized.—Order in Council (28th August, 1871).
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- ” 83. Mining under Railway Reserve, Sandhurst District, authorized.—Order in Council (28th August, 1871).
- ” 84. Mining under Railway Reserve, Sandhurst District, authorized.—Order in Council (28th August, 1871).
- ” 85. Mining under Railway Reserve, Sandhurst District, authorized.—Order in Council (4th September, 1871).
- ” 86. Mining under Railway Reserve, Sandhurst District, authorized.—Order in Council (4th September, 1871).
- ” 87. Mining under Railway Reserve, Sandhurst District, authorized.—Order in Council (4th September, 1871).
- ” 88. Mining under Railway Reserve, Sandhurst District, authorized.—Order in Council (4th September, 1871).
- ” 89. Mining under Railway Reserve, Sandhurst District, authorized.—Order in Council (4th September, 1871).
- ” 90. Mining under Railway Reserve, Sandhurst District, authorized.—Order in Council (28th August, 1871).
- ” 91. Geelong Water Supply.—Report from Chief Engineer on bringing Water from Stony Creek to Junction of Anakie Gap, with Remarks by Lieut.-Col. Sankey, R.E.
- ” 92. Library—Joint—Committee, Report of.
- 26th Sept. 93. Corrigenda to Orders in Council relative to Mining under Railway Reserve, Sandhurst (12th September, 1871).
- ” 94. Mining under Railway Reserve, Sandhurst District, authorized.—Order in Council (11th September, 1871).
- 4th October. 95. Education—General Regulations of Board of.—Rules for distribution of Special Vote for Exhibitions.
- ” 96. Mining under Railway Reserve, Sandhurst District, authorized.—Order in Council (18th September, 1871).



1871.

- 4th October. 97. Mining in Malmsbury Reservoir Reserve, authorized.—Order in Council (18th September, 1871).
- ” 98. Mining in Railway Reserve, Castlemaine District, authorized.—Order in Council (18th September, 1871).
- ” 99. Mining under Railway Reserve, Castlemaine District, authorized.—Order in Council (18th September, 1871).
- ” 100. Occupation of Water Reserve, Sandhurst, for Mining purposes, authorized.—Order in Council (18th September, 1871).
- 10th October. 101. Immigration Regulations under Act 27 Victoria No. 195 (6th October, 1871).
- ” 102. Insolvency—Court of.—Altered Rules (6th October, 1871).
- ” 103. Intercolonial Conference of 1871—Report.
- ” 104. Telegraphic Messages on Sundays.—Charges (29th September, 1871).
- 11th October. 105. Mining on Railway Reserve, Sandhurst District.—Order in Council (2nd October, 1871).
- ” 106. Mining on Railway Reserve, Sandhurst, authorized.—Order in Council (25th September, 1871).
- ” 107. Mining under Railway Reserve, Castlemaine, authorized.—Order in Council (25th September, 1871).
- ” 108. Mining under Railway Reserve, Castlemaine, authorized.—Order in Council (25th September, 1871).
- ” 109. Mining under Railway Reserve, Castlemaine, authorized.—Order in Council (25th September, 1871).
- ” 110. Mining under Railway Reserve, Castlemaine, authorized.—Order in Council (25th September, 1871).
- ” 111. Mining under Railway Reserve, Castlemaine, authorized.—Order in Council (25th September, 1871).
- 19th October. 112. Discipline Act, 1870—Regulations under (2nd October, 1870); Torpedo and Telegraph Corps—Rules for (25th September, 1870).
- ” 113. Railway Reserve, Sandhurst District—Mining on, authorized.—Order in Council (6th October, 1871).
- 24th October. 114. Sewerage of Melbourne and Suburbs.—Progress Report of Board (20th October, 1871).
- ” 115. Foreign Industries and Forests.—Progress Report of Royal Commission.
- ” 116. Coal Fields, Western Port.—Progress Report of Board (16th October, 1871).
- 26th October. 117. Intercolonial Legislation.—High Court of Appeal.—Despatch from the Right Honorable the Secretary of State for the Colonies, with Enclosures (8th August, 1871).
- 1st Nov. 118. Mining on Railway Reserve, Sandhurst District, authorized.—Order in Council (16th October, 1871).
- ” 119. Mining on Malmsbury Reservoir Reserve, authorized.—Order in Council (16th October, 1871).
- ” 120. Savings Banks.—Returns for Year ending 30th June, 1871.
- 8th Nov. 121. Mining on Railway Reserve, Sandhurst District, authorized.—Order in Council (30th October, 1871).
- 15th Nov. 122. Bank Liabilities and Assets—Return of, for Quarter ending 30th September, 1871.
- 21st Nov. 123. Railway Loan Act.—Treasury Correspondence respecting Special Deposit (1870) with Associated Banks.
- ” 124. Mining Surveyors' and Registrars' Reports, for Quarter ending 30th September, 1871.
- 23rd Nov. 125. Statistics of Colony of Victoria, 1870 { Part V.—Interchange.  
Part VI.—Production.  
Part VII.—Law, Crime, &c.
- ” 126. Mining on Railway Reserve, Castlemaine District, authorized.—Order in Council (7th November, 1871).
- ” 127. Mining on Railway Reserve, Castlemaine District, authorized.—Order in Council (7th November, 1871).
- ” 128. Mining on Railway Reserve, Sandhurst District, authorized.—Order in Council (7th November, 1871).
- ” 129. Victorian Railways.—Report of Board of Land and Works, for six months ending 30th June, 1871.
- ” 130. Yan Yean Water Supply.—Cash and Balance Sheets, for Half-year ending 30th June, 1871.



# VICTORIA.

## SUMMARY OF PROCEEDINGS ON BILLS IN THE LEGISLATIVE COUNCIL DURING THE SESSION 1871.

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.				
														Without Amendment.	With Amendments.							
1	Fencing Bill .. .. .	Hon. T. T. a'Beckett .. .. .	1871. 27th April	1871. 27th April	1871. ..	1871. ..	1871. ..	1871. ..	1871. ..	1871. ..	1871. ..	1871. ..	1871. ..	1871. ..	1871. ..	1871. ..	1871. ..	1871. ..	1871. ..	..	Lapsed; referred to Select Committee, 31st May, 1871.	
2	Justices of Peace Bill .. .. .	Hon. T. T. a'Beckett .. .. .	9th May	9th May	16th May	16th May	30th May	30th May	30th May	31st May	31st May	31st May	31st May	..	..	..	..	..	..	..	Not returned from Assembly.	
3	Lands Compensation Statute Amendment Bill .. .. .	Message from Legislative Assembly	23rd May	23rd May	6th June	6th June	6th June	..	..	6th June	6th June	6th June	..	..	..	..	..	..	2nd August	4th August	CCCXCII.	
4	Marine Board Bill .. .. .	Honorable T. T. a'Beckett.. .. .	23rd May	23rd May	15th August	15th August	26th Sept.	26th Sept.	26th Sept.	4th Oct.	4th Oct.	4th Oct.	4th Oct.	..	..	..	..	..	..	..	..	
5	Consolidated Revenue Bill .. .. .	Message from Legislative Assembly	1st August	1st August	1st August	1st August	1st August	..	..	1st August	1st August	1st August	..	..	..	..	..	..	2nd August	4th August	CCCXCIII.	
6	Bank of New South Wales Act Amendment Bill .. .. .	Message from Legislative Assembly	29th August	29th August	5th Sept.	12th Sept.	12th Sept.	..	..	19th Sept.	19th Sept.	19th Sept.	..	..	..	..	..	..	23rd Nov.	24th Nov.	CCCXCVI.	
7	Consolidated Revenue Bill (2) .. .. .	Message from Legislative Assembly	31st August	31st August	31st August	31st August	31st August	..	..	31st August	31st August	31st August	..	..	..	..	..	..	31st August	1st Sept.	CCCXCIV.	
8	Public Works Loan Appropriation Bill .. .. .	Message from Legislative Assembly	5th Sept.	5th Sept.	5th Sept.	5th Sept.	5th Sept.	..	..	5th Sept.	5th Sept.	5th Sept.	..	..	..	..	..	..	12th Sept	15th Sept.	CCCXCV.	
9	Prescription Bill .. .. .	Honorable Dr. Dobson .. .. .	12th Sept.	12th Sept.	3rd Oct.	3rd Oct.	10th Oct.	..	..	10th Oct.	12th Oct.	12th Oct.	12th Oct.	..	..	..	..	..	..	..	..	
10	Goals Statute Amendment Bill .. .. .	Message from Legislative Assembly	19th Sept.	19th Sept.	26th Sept.	26th Sept.	26th Sept.	..	..	3rd Oct.	3rd Oct.	3rd Oct.	3rd Oct.	4th Oct.	..	..	..	..	23rd Nov.	24th Nov.	CCCXCVII.	
11	Post Office Statute Amendment Bill .. .. .	Message from Legislative Assembly	19th Sept.	19th Sept.	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	
12	Discipline Act Amendment Bill .. .. .	Message from Legislative Assembly	19th Sept.	19th Sept.	26th Sept.	26th Sept.	26th Sept.	..	..	25th Sept.	26th Sept.	26th Sept.	..	..	..	..	..	..	..	..	..	
13	Fencing Bill (2) .. .. .	Message from Legislative Assembly	19th Sept.	19th Sept.	12th Oct.	12th Oct.	24th Oct.	26th Oct.	26th Oct.	2nd Nov.	2nd Nov.	2nd Nov.	2nd Nov.	..	8th Nov.	14th Nov.	14th Nov.	..	..	..	..	
14	Bye-Laws Validity Bill .. .. .	Honorable Dr. Dobson .. .. .	26th Sept.	26th Sept.	3rd Oct.	3rd Oct.	3rd Oct.	..	..	3rd Oct.	10th Oct.	12th Oct.	12th Oct.	12th Oct.	..	..	..	..	..	..	..	
15	Criminal Law and Practice Statute Amendment Bill .. .. .	Message from Legislative Assembly	26th Sept.	26th Sept.	4th Oct.	4th Oct.	4th Oct.	..	..	10th Oct.	10th Oct.	4th Oct.	11th Oct.	11th Oct.	..	..	..	..	23rd Nov.	24th Nov.	CCCXCIX.	
16	Shires Statute Amendment Bill .. .. .	Message from Legislative Assembly	3rd Oct.	3rd Oct.	4th Oct.	4th Oct.	4th Oct.	..	..	..	..	4th Oct.	10th Oct.	10th Oct.	..	..	..	..	23rd Nov.	24th Nov.	CCCCL.	
17	Victoria Racing Club Bill .. .. .	Message from Legislative Assembly	4th Oct.	4th Oct.	10th Oct.	10th Oct.	10th Oct.	..	..	..	..	10th Oct.	10th Oct.	10th Oct.	..	..	..	..	23rd Nov.	24th Nov.	CCCXCVIII.	
18	Railways Bill .. .. .	Message from Legislative Assembly	10th Oct.	10th Oct.	12th Oct.	12th Oct.	2nd Nov.	..	..	..	..	7th Nov.	7th Nov.	7th Nov.	..	16th Nov.	16th Nov.	..	..	..	..	
19	Impounding Law Amendment Bill .. .. .	Message from Legislative Assembly	11th Oct.	11th Oct.	25th Oct.	25th Oct.	2nd Nov.	2nd Nov.	2nd Nov.	2nd Nov.	7th Nov.	7th Nov.	7th Nov.	..	21st Nov.	..	..	..	23rd Nov.	24th Nov.	CCCCXV.	
20	Customs Duties Bill .. .. .	Message from Legislative Assembly	11th Oct.	11th Oct.	26th Oct.	26th Oct.	26th Oct.	..	..	..	..	26th Oct.	26th Oct.	26th Oct.	..	..	..	..	23rd Nov.	24th Nov.	CCCC.	
21	Friendly Societies Statute Amendment Bill .. .. .	Message from Legislative Assembly	25th Oct.	25th Oct.	26th Oct.	26th Oct.	26th Oct.	..	..	..	..	26th Oct.	26th Oct.	26th Oct.	..	..	..	..	23rd Nov.	24th Nov.	CCCCII.	
22	Wine, Beer, and Spirits Sale Statute Amendment Bill .. .. .	Message from Legislative Assembly	26th Oct.	26th Oct.	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	
23	Railway Loan Appropriation Bill .. .. .	Message from Legislative Assembly	26th Oct.	26th Oct.	2nd Nov.	2nd Nov.	2nd Nov.	..	..	..	..	2nd Nov.	2nd Nov.	2nd Nov.	..	..	..	..	23rd Nov.	24th Nov.	CCCCIV.	
24	Mining Companies Law Amendment Bill	Message from Legislative Assembly	1st Nov.	1st Nov.	7th Nov.	7th Nov.	8th Nov.	8th Nov.	8th Nov.	14th Nov.	14th Nov.	14th Nov.	15th Nov.	15th Nov.	15th Nov.	..	16th Nov.	16th Nov.	..	23rd Nov.	24th Nov.	CCCCIX.
25	Insolvency Bill .. .. .	Message from Legislative Assembly	1st Nov.	1st Nov.	8th Nov.	8th Nov.	8th Nov.	..	..	..	..	8th Nov.	8th Nov.	8th Nov.	8th Nov.	16th Nov.	..	..	23rd Nov.	24th Nov.	CCCCXI.	
26	Public Works Loan Appropriation Bill .. .. .	Message from Legislative Assembly	1st Nov.	1st Nov.	2nd Nov.	2nd Nov.	2nd Nov.	..	..	..	..	2nd Nov.	7th Nov.	7th Nov.	..	..	..	..	23rd Nov.	24th Nov.	CCCCVII.	
27	Electoral Act Amendment Bill .. .. .	Message from Legislative Assembly	1st Nov.	1st Nov.	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	
28	Duties on Estates of Deceased Persons Statute 1870 Amendment Bill .. .. .	Message from Legislative Assembly	1st Nov.	1st Nov.	2nd Nov.	2nd Nov.	2nd Nov.	..	..	..	..	2nd Nov.	2nd Nov.	2nd Nov.	..	..	..	..	23rd Nov.	24th Nov.	CCCCIII.	
29	Scab Bill .. .. .	Message from Legislative Assembly	1st Nov.	1st Nov.	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	
30	Appropriation Bill .. .. .	Message from Legislative Assembly	2nd Nov.	2nd Nov.	21st Nov.	21st Nov.	21st Nov.	..	..	..	..	21st Nov.	21st Nov.	21st Nov.	..	..	..	..	23rd Nov.	24th Nov.	CCCCXVI.	
31	Bendigo Waterworks Sale Bill .. .. .	Message from Legislative Assembly	2nd Nov.	2nd Nov.	7th Nov.	7th Nov.	7th Nov.	..	..	..	..	7th Nov.	7th Nov.	7th Nov.	..	..	..	..	23rd Nov.	24th Nov.	CCCCVI.	
32	Sir Francis Murphy's Grant Bill .. .. .	Message from Legislative Assembly	2nd Nov.	2nd Nov.	7th Nov.	7th Nov.	7th Nov.	..	..	..	..	7th Nov.	7th Nov.	7th Nov.	..	..	..	..	23rd Nov.	24th Nov.	CCCCV.	
33	Game Act Amendment Bill .. .. .	Message from Legislative Assembly	2nd Nov.	2nd Nov.	7th Nov.	7th Nov.	7th Nov.	..	..	..	..	7th Nov.	7th Nov.	7th Nov.	..	..	..	..	23rd Nov.	24th Nov.	CCCCVIII.	
34	Labor Bill .. .. .	Message from Legislative Assembly	7th Nov.	15th Nov.	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	
35	Permissive Liquor Sales Bill .. .. .	Message from Legislative Assembly	7th Nov.	7th Nov.	21st Nov.	21st Nov.	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	
36	Western Port Tramway Bill .. .. .	Message from Legislative Assembly	8th Nov.	14th Nov.	14th Nov.	14th Nov.	15th Nov.	..	..	..	..	16th Nov.	16th Nov.	16th Nov.	..	..	..	..	23rd Nov.	24th Nov.	CCCCX.	
37	Drawbacks Bill .. .. .	Message from Legislative Assembly	16th Nov.	16th Nov.	21st Nov.	21st Nov.	21st Nov.	..	..	..	..	21st Nov.	21st Nov.	21st Nov.	..	..	..	..	23rd Nov.	24th Nov.	CCCCXIII.	
38	Volunteers' Land Certificates Bill .. .. .	Message from Legislative Assembly	16th Nov.	16th Nov.	21st Nov.	21st Nov.	21st Nov.	..	..	..	..	21st Nov.	21st Nov.	21st Nov.	..	..	..	..	23rd Nov.	24th Nov.	CCCCXII.	
39	Telegraphic Message Copyright Bill .. .. .	Message from Legislative Assembly	21st Nov.	21st Nov.	21st Nov.	21st Nov.	21st Nov.	..	..	..	..	21st Nov.	21st Nov.	21st Nov.	..	..	..	..	23rd Nov.	24th Nov.	CCCCXIV.	

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Reserved for the signification of Her Majesty's pleasure thereon .. .. .	1
Not returned from Legislative Assembly .. .. .	6
Negatived on motion for Second reading .. .. .	1
Ordered to be read a second time "this day six months" .. .. .	4
Lapsed .. .. .	2
	39



# Minutes of the Proceedings

OF THE

# LEGISLATIVE COUNCIL.

TUESDAY, 25<sup>TH</sup> APRIL, 1871.

Pursuant to Proclamation the Council met.

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

### PROCLAMATION.

By His Excellency the Right Honorable JOHN HENRY THOMAS VISCOUNT CANTERBURY, of the City of Canterbury, in the County of Kent, and BARON BOTTESFORD, of Bottesford, in the County of Leicester, in the Peerage of the United Kingdom of Great Britain and Ireland, Knight Commander of the Most Honorable Order of the Bath, Governor and Commander-in-Chief in and over the Colony of Victoria, &c., &c., &c.

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

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

(L.S.)

CANTERBURY.

By His Excellency's Command,  
J. McCULLOCH,  
Chief Secretary.

GOD SAVE THE QUEEN!

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

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

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

WHEREAS, by Proclamation made the fourth day of April instant, by His Excellency the Right Honorable JOHN HENRY THOMAS VISCOUNT CANTERBURY, of the City of Canterbury, in the County of Kent, and BARON BOTTESFORD, of Bottesford, in the County of Leicester, in the Peerage of the United Kingdom of Great Britain and Ireland, Knight Commander of the Most Honorable Order of the Bath, Governor and Commander-in-Chief in and over Our Colony of Victoria, the said Right Honorable JOHN HENRY THOMAS VISCOUNT CANTERBURY 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 Tuesday, the twenty-fifth day of April instant, at Twelve of the clock at noon, in the Parliament Houses, situate in Parliament place, Spring street, in the City of Melbourne: And forasmuch as for certain causes the said Right Honorable JOHN HENRY THOMAS VISCOUNT CANTERBURY cannot conveniently be present in person in the said

Parliament at that time : NOW KNOW YE that We, trusting in the discretion, fidelity, and care of Our trusty and well-beloved SIR REDMOND BARRY, Knight, a Justice of Our Supreme Court of Victoria, and the Honorable ROBERT MOLESWORTH, a Justice of Our said Court, do give and grant by the tenor of these presents unto you, the said SIR REDMOND BARRY and ROBERT MOLESWORTH, or either of you, full power in Our name to begin and hold Our said Parliament, and to do everything which for and by Us, or the said Right Honorable JOHN HENRY THOMAS VISCOUNT CANTERBURY, shall be there to be done ; commanding also by the tenor of these presents, all whom it may concern, to meet Our said Parliament, and to the said SIR REDMOND BARRY and the Honorable ROBERT MOLESWORTH, 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 Cousin the Right Honorable JOHN HENRY THOMAS VISCOUNT CANTERBURY, of the City of Canterbury, in the County of Kent, and BARON BOTTESFORD, of Bottesford, in the County of Leicester, in the Peerage of the United Kingdom of Great Britain and Ireland, Knight Commander of the Most Honorable Order of the Bath, Governor and Commander-in-Chief in and over the Colony of Victoria, &c., &c., &c., at Melbourne, this twenty-fourth day of April, One thousand eight hundred and seventy-one, and in the thirty-fourth year of Our Reign.

(L.S.)

CANTERBURY.  
By His Excellency's Command,  
J. McCULLOCH.

Entered on Record by me in Register of Patents,  
Book 17, page 54, this twenty-fourth day of  
April, One thousand eight hundred and seventy-  
one.

W. H. ODGERS.

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 Thursday, the twenty-seventh 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.

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

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

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

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

WITNESS Our trusty and well-beloved the Right Honorable JOHN HENRY THOMAS VISCOUNT CANTERBURY, of the City of Canterbury, in the County of Kent, and BARON BOTTESFORD, of Bottesford, in the County of Leicester, in the Peerage of the United Kingdom of Great Britain and Ireland, Knight Commander of the Most Honorable Order of the Bath, Governor and Commander-in-Chief in and over the Colony of Victoria, &c., &c., &c., at Melbourne, this twenty-eighth day of October, One thousand eight hundred and seventy, and in the thirty-fourth year of Our reign.

(L.S.)

CANTERBURY.  
By His Excellency's Command,  
J. McCULLOCH.

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

W. H. ODGERS.

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

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

in the parish of Emberton, in the county or reputed county of Dalhousie, the description of which lands and tenements are as follow:—

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

“No. 103, South Riding; owner, W. H. F. Mitchell; occupier, ditto. Barfold estate in Emberton, 4,700 acres. Full net annual value, £1,500.

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

“W. H. F. MITCHELL.”

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

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

“2. Portion of 139 allotment B, part of portion 139 of allotment A, and part of portion 144 allotment B, in the parish of Prahran, with dwelling-house and outbuildings erected on 139 allotment B.

“3. Portion of lot 5, block 3 of Dendy's special survey, in the parish of Moorabbin, having a frontage to Church street and to Wall street, Brighton, consisting of one acre and a half, with dwelling-house and other buildings erected thereon.

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

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

2. Rated in the municipal district of St. Kilda at £270 per annum.

3. Rated in the rate-book of the municipal district of Brighton at £108 per annum.

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

“THOS. T. A'BECKETT.”

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

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

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

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

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

“W. A. C. A'BECKETT.”

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

“House and premises at Emerald Hill, now in the occupation of Captain Fullarton.

“House and premises at Kew, now in my own occupation.

“Land and premises at Sunbury, in the occupation of Mr. Breen.

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

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

“R. S. ANDERSON.”

“In compliance with the provisions of the Act 32 Victoria, No. 334, I, NIEL BLACK, do declare and testify that I am duly seised at law or in equity of an estate of freehold for my own use and benefit in lands or tenements in the Colony of Victoria of the full value of Five thousand pounds

sterling money, above all charges and incumbrances affecting the same: And further, that the lands and tenements out of which such qualification arises are situate in the parishes of Terang and Glenormiston, in the county or reputed county of Hampden, the description of which lands and tenements are as follow:—

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

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

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

“NIEL BLACK.”

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

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

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

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

Description of Property.	Situation or other description.	Amount at which rateable property is rated.
Freehold ... ..	Two miles from Kyneton ... ..	} In excess of £250 a year.
Ditto ... ..	King street, Melbourne ... ..	

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

“W. CAMPBELL.”

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

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

“Cole’s Bonded Stores, Flinders street, at over £350 per annum.

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

“GEORGE WARD COLE.”

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

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

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

“JOHN CUMMING.”

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



Prahran, in the county or reputed county of Bourke, the description of which lands and tenements are as follows :—

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

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

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

“No. 1, rated in the rate-book of the district of St. Kilda at Two hundred and twenty pounds sterling (£220) a year.

“No. 2, rated in the rate-book of the district of St. Kilda at Thirty pounds sterling (£30) a year.

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

“Melbourne, 25th April, 1871.”

“ALEX. FRASER.”

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

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

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

Description and Situation of Rated Property.	Net Annual Rated Value.	Electoral Division.
Land and house property, La Trobe Ward, City of Melbourne	Three thousand and forty-eight pounds sterling	St. Paul's Division, City of Melbourne, Central Province.

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

“JAS. GRAHAM.”

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

“(2155) Two thousand one hundred and fifty-five acres of land, in the parishes of Duneed and Paraparap, freehold land.

“(4480) Four thousand four hundred and eighty acres, in the parishes of Pakenham and Nar-nar-Goon, freehold land.

“Three allotments, with buildings thereon, in Brougham place, town of Geelong.

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

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

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

“JAS. HENTY.”

“In compliance with the provisions of the Act 32 Victoria, No. 334, I, WILLIAM HIGHETT, do declare and testify that I am duly seised at law or in equity of an estate of freehold for my own use and benefit in lands or tenements in the Colony of Victoria of the annual value of Seven hundred pounds sterling money, above all charges and incumbrances affecting the same: And further, that the lands and tenements out of which such qualification arises are situated in the parishes of Mansfield and Maindample, in the shire of Mansfield, the description of which lands and tenements are as follow :—

“Six thousand acres and upwards.

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

“Upwards of Seven hundred pounds per annum.

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

“WILLIAM HIGHETT.”

"In compliance with the provisions of the Act 32 Victoria, No. 334, I, R. C. HOPE, do declare and testify that I am duly seised at law or in equity of an estate of freehold for my own use and benefit in lands or tenements in the Colony of Victoria of the annual value of Five hundred pounds sterling money, above all charges and incumbrances affecting the same: And further, that the lands and tenements out of which such qualification arises are situate in the parishes of Carrungemurnung, Carrah, Murgheboluk, Gheringhap, in the county or reputed county of Grant, the description of which lands and tenements are as follow:—

"Five thousand acres in Carrungemurnung, fronting River Barwon; two thousand acres in Carrah, fronting Native Creek and Barwon River; two thousand acres in Murgheboluk, fronting Native Creek; one hundred and fifty acres in Gheringhap, with water-mill on Moorabool River; two hundred acres in Moorpanyal, fronting Moorabool River. And I further declare that such of the said lands and tenements as are situate in the municipal districts of Winchelsea, and Bannockburn, and Corio, are rated in the rate-books of such municipal districts respectively as follows:—At over £250 per annum.

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

"R. C. HOPE."

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

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

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

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

"THOMAS MCKELLAR."

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

"Forty-six acres and three roods of land in Boroondara, on which my private residence stands: And I further declare that such of the said lands and tenements as are situate in the municipal district of Boroondara are rated in the rate-books of such municipal district as follows:—At Three hundred pounds per year.

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

"JOHN O'SHANASSY."

"In compliance with the provisions of the Act 32 Victoria, No. 334, I, WILLIAM HENRY 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 annual value of Two hundred and fifty pounds sterling money, above all charges and incumbrances affecting the same: And further, that the lands and tenements out of which such qualification arises are situate in the parish of \_\_\_\_\_ in the county or reputed county of \_\_\_\_\_ the description of which lands and tenements are as follow:—

"South Bourke, Terrick-terrick, Hawthorn, dwelling and six acres; County Bourke, Claremont House, St. Kilda; County Ripon, thirteen hundred acres, Minmurra; County Ripon, six hundred acres, Bally Rogan. And I further declare that such of the said lands and tenements as are situate in the municipal districts of South Bourke, County Bourke, County of Ripon, are rated in the rate-books of such municipal districts respectively as follows:—Over Two hundred and fifty pounds per annum.

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

"W. H. PETTETT."

"In compliance with the provisions of the Act 32 Victoria, No. 334, I, FRANCIS ROBERTSON, do declare and testify that I am duly seised at law or in equity of an estate of freehold for my own use and benefit in lands or tenements in the Colony of Victoria of the value of over Two thousand five hundred pounds sterling money, above all charges and incumbrances affecting the same; and further that the lands and tenements out of which such qualification arises are situate in the parishes

of Newham, Edgecombe, Dousta Galla, and Maribyrnong, in the counties or reputed counties of Bourke and Dalhousie, the description of which lands and tenements are as follow :—

“Eight allotments in parish of Newham, two allotments in Edgecombe, and one allotment in Maribyrnong, and one allotment in Dousta Galla. And I further declare that such of the said lands and tenements as are situate in the municipal districts of Woodend, Newham, and Rochford, the shire of Kyneton, the Keilor road board, and borough of Essendon and Flemington, are rated in the rate-books of such municipal districts respectively as follows :—At over Two hundred and fifty pounds per annum.

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

“FRANCIS ROBERTSON.”

“In compliance with the provisions of the Act 32 Victoria, No. 334, I, PHILIP RUSSELL, do declare and testify that I am duly seised at law or in equity of an estate of freehold for my own use and benefit in lands or tenements in the Colony of Victoria of the full annual value of Five hundred pounds sterling money, above all charges and incumbrances affecting the same: And further, that the lands and tenements out of which such qualification arises are situate in the parishes of Skipton, Nanimia, and Enuic, in the counties of Hampden and Ripon, the description of which lands and tenements are as follow :—“Five thousand acres, more or less, known as Langi Willy.

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

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

“PHILIP RUSSELL.”

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

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

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

Description of Rateable Property.	Situation.	Riding and Division.	Electoral District and Division.	Full Net Annual Value.
5,423 acres	... Brewster ...	North ...	Ripon and Hampden, Raglan ...	Over £700 0 0

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

“ROBERT SIMSON.”

“In compliance with the provisions of the Act 32 Victoria, No. 334, I, WILLIAM SKENE, do declare and testify that I am duly seised at law or in equity of an estate of freehold for my own use and benefit in lands or tenements in the colony of Victoria of the full value of 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 Kanoualla and Warriyure, in the county or reputed county of Dundas, the description of which lands and tenements are as follow :—

“Freehold property known as Skene.

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

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

“WILLIAM SKENE.”

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

“All that piece or parcel of land situate in the parish of Prahran, in the county of Bourke, being part of allotment No. 139A in said parish, with the dwelling-house thereon.

“All that piece or parcel of land containing 150 acres, more or less, in the shire of Alberton, in the colony of Victoria.

“And I further declare that such of the said lands and tenements as are situated in the municipal districts of St. Kilda and shire of Alberton are rated in the rate-books of such municipal districts respectively as follows:—

“In the rate-books of the borough of St. Kilda, at Two hundred and twenty-five pounds sterling per annum.

“In the rate-books of the shire of Alberton, at One hundred pounds sterling per annum.

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

“ROBERT TURNBULL.”

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

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

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

“No. 3. Land and tenements, St. Kilda East.

“No. 4. Land and tenements, St. Kilda, Acland street.

“No. 5. Land and tenements, Queen street, Melbourne.

“No. 6. Land and tenements, White Hills, Sandhurst.

“No. 7. Land and tenements, Heidelberg.

“No. 8. Land in Eltham, Dandenong, and Cranbourne.

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

“No. 1. Rated municipal district, Sandridge, £280.

“No. 2. Rated municipal district, Sandhurst, 120.

“No. 3. Rated municipal district, St. Kilda } £150.

“No. 4. Rated municipal district, St. Kilda } £150.

“No. 5. Rated municipal district, Melbourne, £50.

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

“BENJAMIN WILLIAMS.”

The Council adjourned at half-past twelve o'clock, until two o'clock on Thursday the twenty-seventh instant.

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



*Minutes of the Proceedings*  
 OF THE  
**LEGISLATIVE COUNCIL.**

THURSDAY, 27<sup>TH</sup> APRIL, 1871.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the Prayer.

DECLARATIONS OF MEMBERS.—The Honorables W. Degraives, F. S. Dobson, C. J. Jenner, N. Fitzgerald, H. M. Murphy, and J. F. Strachan severally delivered to the Clerk the declarations required by the seventh clause of the Act 32 Victoria, No. 334, as hereunder set forth:—

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

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

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

“No. 1, rated at over Three hundred pounds per annum.

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

“WM. DEGRAIVES.”

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

“Land and house in Church street; land and house in Yarra street.

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

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

“F. STANLEY DOBSON.”

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

“House and land and business premises situate in Castlemaine.

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

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

“N. FITZGERALD.”

"In compliance with the provisions of the Act 32 Victoria, 334, I, CALEB JOSIUA JENNER, do declare and testify that I am duly seised at law or in equity of an estate of freehold for my own use and benefit in lands or tenements in the Colony of Victoria of the annual value of Two hundred and fifty pounds sterling money, above all charges and incumbrances affecting the same: And further, that the lands and tenements out of which such qualification arises are situate in the parishes of Melbourne, Ballarat, and Keelbundora, in the counties or reputed counties of Bourke and Grenville, the description of which lands and tenements are as follow:—

"66 feet frontage to George street, East Melbourne, by a depth of 165 feet, on which are erected three houses.

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

"42 acres of land fronting the Heidelberg road, on which is erected a family residence and other improvements.

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

"Over Two hundred and fifty pounds per annum.

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

"C. J. JENNER."

"In compliance with the provisions of the Act 32 Victoria, No. 334, I, HENRY MORGAN MURPHY, do declare and testify that I am duly seised at law or in equity of an estate of freehold in possession for my own use and benefit in lands or tenements in the Colony of Victoria of the full value of Two hundred and fifty pounds per annum, above all charges and incumbrances affecting the same: And further, that the lands and tenements out of which such qualification arises are situate in the parish of St. Paul's, in the county or reputed county of Bourke, the description of which lands and tenements are as follow:—

"Merchants' stores Nos. 65, 67, and 123 Flinders street east, and house and grounds, South Yarra, rated at over £250 clear of all incumbrances: And I further declare that the said lands and tenements are situate in the municipal districts of Melbourne and Prahran.

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

"H. M. MURPHY."

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

"Offices and stores situate in Moorabool and Corio terrace.

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

"More than Two hundred and fifty pounds annual value.

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

"JAMES F. STRACHAN."

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:

I have called you together thus early in order that provision may be made in due time for the requirements of the ensuing financial year, and also that the large amount of practical legislation now awaiting settlement may as soon as possible engage your attention.

The subject of Public Instruction stands foremost in importance. The principles of the measure which will be submitted to you have been already before the country, and will at an early period of the Session demand your consideration. It is the confident anticipation of my Advisers that you will deal with this national question in a national spirit, and endeavor to settle our educational system on a comprehensive and efficient basis, which will not readily be secured unless the subject be dealt with as one apart from and superior to party conflicts.

The question of Mining Legislation requires the attention that is due to such a prominent interest of this country. A Bill will be submitted to you which, it is hoped, will present a fair settlement of the difficult and long-contested question of mining on private property, and Bills for the amendment of the law relating to the constitution and management of mining companies, and for the preventing of accidents in mines, will also be brought under your consideration.

Connected with mining, though not limited to its interests, is the subject of Water Supply. This important question has constantly engaged the consideration of my Advisers, and they have,

through the courtesy of the Government of India, been enabled to secure the services of an hydraulic engineer of high attainments, who has already been occupied in an enquiry into the principle and the construction of the Water Supply works now in progress in Victoria, and whose opinion on the character of these works, and advice as to the extension of similar undertakings, will be of great value.

A Bill will be laid before you for giving practical effect to these investigations, and for providing for advances on certain conditions of loans for Water Supply purposes to local bodies throughout the country.

A measure to amend the Land Act 1869 will be introduced early in the Session ; and also a Bill to settle, on a satisfactory basis, the law relating to Fencing, which is now the source of both trouble and injustice to occupiers of the lands.

The experience of some years past shows that the Criminal Law requires amendment, so that a more efficient mode of punishment should be provided for criminals who are not adequately deterred from crime by the fear of imprisonment, and that young offenders, who are more apt to be contaminated than reformed by a gaol, should be subjected to a punishment of a summary character. A Bill to effect these objects, and also a Bill providing more effectually for the management and safe custody of convicts, will be laid before you.

A measure to remedy defects in the Justices of the Peace Statute will be laid before you during the Session. You will also be asked to consider a Bill for improving the law relating to the control and regulation of the Police Force.

A Bill will be submitted for amending the Postal Act, with a view of affording to the people increased facilities at a reduced cost.

Your attention will be asked to a measure for establishing a Marine Board, to which will be entrusted the administration of the laws and regulations relating to shipping and our ports and harbors.

MR. SPEAKER AND GENTLEMEN OF THE LEGISLATIVE ASSEMBLY :

The Estimates for 1871-2 will be laid before you without delay. They have been framed with a due regard to economy and the requirements of the Public Service.

MR. PRESIDENT AND HONORABLE GENTLEMEN OF THE LEGISLATIVE COUNCIL :

MR. SPEAKER AND GENTLEMEN OF THE LEGISLATIVE ASSEMBLY :

Reports from the Royal Commissions that I appointed to enquire into the subjects of Intercolonial Legislation and Charitable Institutions have been presented to me, and I have directed them to be laid before you. They form a valuable addition to our means of information on those subjects, and will engage the careful consideration of my Advisers, whom they will materially assist in the task of bringing before you satisfactory legislation on those important subjects.

A Bill for Railway Extension will be brought under your consideration. My Advisers are deeply impressed with the necessity of economy in the construction of such works, and they trust that, by a judicious expenditure of the money available, the most important districts will, ere long, be supplied with railway communication.

I am glad to be able to congratulate you on the termination of the war in Europe, which inflicted such calamities on the two nations engaged, and indirectly affected the prosperity of other countries. Though I hope we may now anticipate a prolonged peace, the Government have not relaxed their endeavors to place the country in a proper state of defence. The construction of batteries and the mounting of guns have been prosecuted with vigor, and the constitution and discipline of the local force and naval reserve corps have been carefully attended to. The arrival of the *Cerberus* after her successful voyage adequately completes the defences of our bay.

I have to congratulate you on the recent decision of the Privy Council, which so clearly declares the law regarding the privileges of Parliament.

In conclusion, I would express a hope that your deliberations will tend, under Providence, to improve the condition and advance the best interests of the people of this country.

CANTERBURY.

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

His Excellency the Governor left the Council Chamber.

The President took the Chair.

FENCING BILL.—The Honorable T. T. a'Beckett, with leave of the Council, moved, without notice, That leave be given to bring in a Bill to amend the law relating to Fencing.

Question—put and passed.

Bill brought in, and, on the motion of the Honorable T. T. a'Beckett, read a first time and ordered to be printed, and the second reading made an Order of the Day for Thursday, the 11th proximo.

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

The Honorable F. Robertson moved, That a Select Committee be appointed to prepare an Address in reply to His Excellency the Governor's Speech, and that such Committee consist of the following Members, viz.:—The Honorables T. T. a'Beckett, A. Fraser, J. Graham, R. Simson, W. Campbell, W. Highett, and the Mover.

Question—put and passed.

The Committee withdrew to prepare the Address.

The Honorable F. Robertson brought up the Address prepared by the Committee, and moved that the same be read.

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

*To His Excellency the Right Honorable JOHN HENRY THOMAS VISCOUNT CANTERBURY, of the City of Canterbury in the County of Kent, and BARON BOTTESFORD, of Bottesford in the County of Leicester, in the Peerage of the United Kingdom of Great Britain and Ireland, Knight Commander of the Most Honorable Order of the Bath, Governor and Commander-in-Chief in and over the Colony of Victoria, &c., &c., &c.*

MAY IT PLEASE YOUR EXCELLENCY—

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

We thank Your Excellency for having called us together thus early in order that provision may be made in due time for the requirements of the ensuing financial year, and also that the large amount of practical legislation now awaiting settlement may as soon as possible engage our attention.

We concur with Your Excellency that the subject of Public Instruction stands foremost in importance; and we thank Your Excellency for informing us that the principles of the measure which will be submitted to us have been already before the country, and will at an early period of the Session demand our consideration. We assure Your Excellency that we shall deal with this national question in a national spirit, and endeavor to settle our educational system on a comprehensive and efficient basis, which will not readily be secured unless the subject be dealt with as one apart from and superior to party conflicts.

We concur with Your Excellency that the question of Mining Legislation requires the attention that is due to such a prominent interest of this country. We thank Your Excellency for acquainting us that a Bill will be submitted to us which, it is hoped, will present a fair settlement of the difficult and long-contested question of mining on private property, and that Bills for the amendment of the law relating to the constitution and management of mining companies, and for the regulation of mines and preventing accidents therein, will also be brought under our consideration.

We concur with Your Excellency that connected with mining, though not limited to its interests, is the subject of Water Supply for this country. We thank Your Excellency for informing us that this important question has constantly engaged the consideration of Your Excellency's Advisers, and that they have, through the courtesy of the Government of India, been enabled to secure the services of an hydraulic engineer of high attainments, who has already been occupied in an enquiry into the principle and the construction of the Water Supply works now in progress in Victoria, and whose opinion on the character of these works, and advice as to the extension of similar undertakings, will be of great value.

We thank Your Excellency for informing us that a Bill will be laid before us for giving practical effect to these investigations, and for providing for advances on certain conditions of loans for Water Supply purposes to local bodies throughout the country.

We thank Your Excellency for informing us that a measure to amend the Land Act 1869 will be introduced early in the Session; and also a Bill to settle, on a satisfactory basis, the law relating to Fencing, which is now the source of both trouble and injustice to occupiers of the lands.

We thank Your Excellency for informing us that the experience of some years past shows that the Criminal Law requires amendment, so that a more efficient mode of punishment should be provided for criminals who are not adequately deterred from crime by the fear of imprisonment, and that young offenders, who are more apt to be contaminated than reformed by a gaol, should be subjected to a punishment of a summary character, and that a Bill to effect these objects, and also a Bill for providing more effectually for the management and safe custody of convicts, will be laid before us.

We thank Your Excellency for informing us that a measure to remedy defects in the Justices of the Peace Statute will be laid before us during the Session, and that we shall be also asked to consider a Bill for improving the law relating to the control and regulation of the Police Force.

We thank Your Excellency for informing us that a Bill will be submitted for amending the Postal Act, with a view of affording to the people increased facilities at a reduced cost.

We thank Your Excellency for acquainting us that our attention will be asked to a measure for establishing a Marine Board, to which will be entrusted the administration of the laws relating to shipping and our ports and harbors.

We thank Your Excellency for informing us that Reports from the Royal Commissions appointed by Your Excellency to enquire into the subjects of Intercolonial Legislation and Charitable Institutions have been presented to Your Excellency, and that Your Excellency has directed them to be laid before us.

We thank Your Excellency for informing us that a Bill for Railway Extension will be brought under our consideration, and that Your Excellency's Advisers are deeply impressed with the necessity of economy in the construction of such works, and informing Your Excellency that we trust that, by a judicious expenditure of the money available, the most important districts will, ere long, be supplied with railway communication.

We are glad that your Excellency is able to congratulate us on the termination of the war in Europe, which inflicted such calamities on the two nations engaged, and indirectly affected the prosperity of other countries. We are gratified to know that though it is to be hoped that we may now anticipate a prolonged peace, the Government have not relaxed their endeavors to place the country in a proper state of defence; that the construction of batteries and the mounting of guns have been prosecuted with vigor, and the constitution and discipline of the local force and naval reserve corps have been carefully attended to; that the arrival of the *Cerberus* after her successful voyage adequately completes the defences of our bay.

We assure Your Excellency that we receive with much satisfaction Your Excellency's congratulations on the recent decision of the Privy Council, which so clearly declares the law regarding the privileges of Parliament.

In conclusion, we express to Your Excellency a hope that our deliberations will tend, under Providence, to improve the condition and advance the best interests of the people of this country.

The Honorable F. Robertson moved, That the Address be now adopted.

Debate ensued.

Question—put and passed.

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

Question—put and passed.

**ADDRESS OF CONDOLENCE TO LADY PALMER.**—The Honorable T. T. a'Beckett, with leave of the Council, moved, without notice, That a Select Committee be appointed to prepare an Address to Lady Palmer, the widow of the late President, Sir J. F. Palmer, expressing the sympathy of this House in the loss she has sustained by his decease; the Committee to consist of the Honorables the President, W. Campbell, J. O'Shanassy, J. F. Strachan, J. Graham, W. Highett, J. Henty, G. W. Cole, and the mover.

Question—put and passed.

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

Question—put and passed.

**DAYS OF BUSINESS.**—The Honorable T. T. a'Beckett, with leave of the Council, moved, without notice, That Tuesday, Wednesday, and Thursday be the days on which the Council shall meet for the despatch of business during the present Session, and that half-past four o'clock be the time of meeting on each day; and that on Wednesday in each week the transaction of Government business take precedence of all other business.

Debate ensued.

Question—put and passed.

**STANDING ORDERS COMMITTEE.**—The Honorable T. T. a'Beckett, with leave of the Council, moved, without notice, That the Honorables the President, W. Campbell, J. O'Shanassy, H. M. Murphy, and the Mover be appointed a Select Committee on the Standing Orders of the House.

Question—put and passed.

**LIBRARY COMMITTEE (JOINT).**—The Honorable T. T. a'Beckett, with leave of the Council, moved, without notice, That the Honorables the President, J. O'Shanassy, R. C. Hope, R. S. Anderson, and C. J. Jenner be members of the Joint Committee of both Houses to manage the Library.

Question—put and passed.

**PRINTING COMMITTEE.**—The Honorable T. T. a'Beckett, with leave of the Council, moved, without notice, That the Honorables R. S. Anderson, A. Fraser, J. Henty, J. Graham, and F. Robertson, 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 COMMITTEE (JOINT).**—The Honorable T. T. a'Beckett, with leave of the Council, moved, without notice, That the Honorable P. Russell, R. Turnbull, R. Simson, the President, and W. H. Pettett, be members of the Joint Committee of both Houses to manage the Refreshment Rooms.

Question—put and passed.

**PARLIAMENT BUILDINGS COMMITTEE (JOINT).**—The Honorable T. T. a'Beckett, with leave of the Council, moved, without notice, That the Honorables the President, J. F. Strachan, N. Black, N. Fitzgerald, and W. Degraives, be members of the Joint Committee of both Houses to manage and superintend the Parliament Buildings.

Question—put and passed.

**PAPERS.**—The Honorable T. T. a'Beckett laid on the Table the following papers:—

1. Insolvency Court Rules (25th April, 1871).
2. Insolvency Court Rules (1st February, 1871).
3. Supreme Court Rules under "Insolvency Statute 1871" (10th February, 1871).
4. Rules under "The Duties on the Estates of Deceased Persons Statute 1870" (2nd February, 1871).
5. Rules and Regulations under "The Stamp Statute, 1869" (4th April, 1871).
6. Public Accounts (National Gallery, &c.) Regulation, 31st January, 1871, and 28th March, 1871.
7. Regulations under "Volunteer Statute 1865" (4th January, 1871).
8. Regulations under "The Discipline Act 1870" (2nd February) and (20th February, 1871).

Ordered severally to lie on the Table.

**PAPERS.**—The Honorable T. T. a'Beckett, by command of His Excellency the Governor, laid on the Table the following papers:—

1. Mineral Statistics for Year 1870.
2. Mining Surveyors and Registrars.—Reports for Quarter ending 31st December, 1870.
3. Ballarat Mining District.—Polling Places.—Order in Council (31st January, 1871).
4. Sandhurst and Ararat Mining Districts.—Polling Places.—Order in Council (6th February, 1871).



5. Occupation of Excepted Lands at Ballarat authorized for Mining purposes.—Order in Council (4th April, 1871).
6. Gold Mining Leases.—Regulations.—Order in Council (23rd January, 1871).
7. Gipps Land Mining Board.—Order in Council (28th December, 1870).
8. Gipps Land Mining District.—Polling Places.—Order in Council (28th December, 1870).
9. Maryborough Mining District.—Polling Place.—Order in Council (14th March, 1871).
10. Ballarat Mining District.—Polling Place.—Order in Council (20th February, 1871).
11. Charitable Institutions.—Report of Royal Commission (16th January, 1871).
12. Friendly Societies—Return of Registered (1870).
13. Health Officer—Report of, for Year ending 31st December, 1870.
14. Sanatory Station.—Report of Chief Medical Officer for Year ending 31st December, 1870.
15. Twelfth Report of Central Board of Health.
16. Summary of Shipping Returns, &c., for 1870.
17. Pilotage Accounts : from 1st September, 1869, to 31st August, 1870.

Ordered severally to lie on the Table.

ELECTIONS AND QUALIFICATIONS COMMITTEE.—In pursuance of "*The Electoral Act 1856*," the President laid upon the 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 Thomas Turner a'Beckett,  
 The Honorable William Campbell,  
 The Honorable Robert Culbertson Hope,  
 The Honorable John Cumming,  
 The Honorable William Highett,  
 The Honorable John O'Shanassy, and  
 The Honorable Philip Russell,

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

Given under my Hand this twenty-seventh day of April, 1871.

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

The Council adjourned at ten minutes to four o'clock, until half-past four o'clock on Tuesday, the 2nd proximo.

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## ORDER OF THE DAY.

THURSDAY, 11TH MAY, 1871.

FENCING 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.

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TUESDAY, 2ND MAY, 1871.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the Prayer.

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

**PAPERS.**—The Honorable T. T. a'Beckett, by command of His Excellency the Governor, laid on the Table the following papers:—

1. Post Office and Telegraph Department.—Report for 1870.
2. Post Office Savings' Bank.—Statement of Accounts (1870).

Ordered severally to lie on the Table.

**ADDRESS OF CONDOLENCE TO LADY PALMER.**—The Honorable T. T. a'Beckett, as Chairman of the Select Committee appointed on the 27th April "to prepare an Address to Lady Palmer, the widow of the late President, Sir J. F. Palmer, expressing the sympathy of the Council in the loss she has sustained by his decease," brought up the Address prepared by the Committee.

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

### TO LADY PALMER.

MADAM,

We, the members of the Legislative Council of Victoria in Parliament assembled, desire to express to you our sincere sympathy in the bereavement you have suffered in the loss of your husband, Sir J. F. Palmer, our late President.

Throughout his Parliamentary career in Victoria, which commenced with the formation of our first Legislature and continued until within a few months of his decease, he presided—first in the Legislative Council in 1851, and afterwards in the Council of which we are members.

The manner in which he performed his important public duties during this long period gained for him universal respect, and caused his retirement from public life to be greatly deplored.

Aware of the feebleness of all human consolation, we refrain from doing more than express in general terms our sympathy with you in your bereavement.

The Honorable T. T. a'Beckett moved, That the Address be now adopted.

Question—put and passed.

The Honorable T. T. a'Beckett moved, That the Address be signed by the President and forwarded by him to Lady Palmer.

Question—put and passed.

**ADJOURNMENT.**—The Honorable T. T. A'Beckett, 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 ten minutes to five o'clock, until half-past four o'clock on Tuesday, the 9th instant.

## ORDER OF THE DAY.

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TUESDAY, 9TH MAY, 1871.

1. The Hon. J. O'SHANASSY : To ask the Commissioner of Trade and Customs—
    - (1.) If he has any objection to request the Government Botanist, Dr. Von Mueller, to furnish this Council with a report upon a tree known in the Province of Catamanca, Argentine Republic, as algarrabo (*hymenia courbaral faitaba*).
    - (2.) If he has not, will he be good enough to learn, by means of Dr. Mueller's report, whether this tree can be easily acclimatized in Victoria and retain therein its inestimably valuable properties, viz., a breadstuff exceedingly nutritious, and used almost exclusively as food for the people in the Province of Catamanca and other portions of the Argentine Republic, as well as for fattening cattle.
    - (3.) In the event of a favorable report from Dr. Mueller, will the Government give effect to his recommendation.
  
  2. The Hon. F. S. DOBSON : To ask the Honorable the Commissioner of Trade and Customs whether the Government contemplate proceeding with the drainage of the Carrum Swamp at an early date ; what is the estimated area of the land which will become available for agricultural purposes in consequence of such drainage ; and what is the average value of such land per acre.
  
  3. The Hon. P. RUSSELL : To ask the Honorable the Commissioner of Trade and Customs if he has received an application from the Shire of Leigh to have the Electric Telegraph extended to Rokewood, and if such application is to be complied with.
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THURSDAY, 11TH MAY, 1871.

### ORDER OF THE DAY :—

1. FENCING 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, 9TH MAY, 1871.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the Prayer.

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

**LADY PALMER'S REPLY TO ADDRESS OF CONDOLENCE.**—The President read to the Council the following reply, which he had received from Lady Palmer, to the Address of Condolence adopted by the Council on the 2nd instant :—

TO THE HONORABLE W. H. F. MITCHELL.

DEAR SIR,

In reply to your letter of May the 3rd, I beg that you will convey to the members of the Honorable the Legislative Council, and receive for yourself the expression of my deep and grateful sense of the kindness which has dictated the Address of sympathy and condolence which you have forwarded to me on the death of my beloved husband.

No greater sorrow can await me in this life, but it will ever be an unspeakable source of consolation to me to know that the lengthened services, which, in singleness of aim and purpose, he rendered to this his adopted country, obtained him, in the distinguished legislative body of which he was ever an honored member, that just appreciation and recognition which they have been pleased to accord to his memory in your Address.

I remain, Dear Sir,  
Yours faithfully,

ISABELLA PALMER.

Burwood Hill, 8th May, 1871.

**PAPERS.**—The Honorable T. T. a'Beckett, by command of His Excellency the Governor, presented to the Council the following papers :—

1. Diseases, Return of (Chief Medical Officer) in 1870.
2. Intercolonial Legislation.—First Report of Royal Commission (April, 1871).

Ordered severally to lie on the Table.

**ADJOURNMENT.**—The Honorable T. T. a'Beckett, with leave of the Council, moved, without notice, That the Council, at its rising this day, adjourn until Tuesday next.

Debate ensued.

Question—put and passed.

**ALGAROA TREE.**—The Honorable T. T. a'Beckett laid on the Table a Report by Dr. F. von Mueller, on the Algaroa Tree.

The Honorable J. O'Shanassy, with leave of the Council, moved, without notice, That the Report be printed.

Question—put and passed.

**JUSTICES OF PEACE BILL.**—The Honorable T. T. a'Beckett, with leave of the Council, moved, without notice, That leave be given to bring in a Bill to amend "*The Justices of the Peace Statute 1865.*"

Question—put and passed.

Bill brought in, and, on the motion of the Honorable T. T. a'Beckett, read a first time, and ordered to be printed, and the second reading made an Order of the Day for Tuesday the 16th instant.

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

## NOTICE OF MOTION AND ORDERS OF THE DAY.

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TUESDAY, 16TH MAY, 1871.

1. The Hon. W. A. C. A'BECKETT: To ask the Commissioner of Customs whether the verdict of the jury in the case of the boy Adams was, "Guilty" of the whole capital offence with which he was charged, or of the attempt only.

NOTICE OF MOTION:—

1. The Hon. W. A. C. A'BECKETT: To move, That a Schedule of all Offences against the Statute Law as are misdemeanors or felonies, distinguishing each, and showing the sentences applicable to each, be laid upon the Table of this House.

ORDERS OF THE DAY:—

1. FENCING BILL.—To be read a second time.
2. JUSTICES OF PEACE 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, 16TH MAY, 1871.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the Prayer.

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

MR. PRESIDENT AND HONORABLE GENTLEMEN OF THE LEGISLATIVE COUNCIL :

I receive with pleasure your loyal Address. I rely on your desire to promote the general welfare, and I look forward with confidence to the result of your deliberations.

CANTERBURY.

Government Offices,  
Melbourne, 16th May, 1871.

LEVEE ON THE QUEEN'S BIRTHDAY.—The President announced to the Council that he had received from the Public Works Department a request for the use of the Council Chamber for the purpose of holding the Levee on the Queen's Birthday therein.

The Honorable H. M. Murphy moved, That the request be acceded to.

Debate ensued.

Motion by leave withdrawn.

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

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

JUSTICES OF THE PEACE BILL.—The Order of the Day for the second reading of this Bill being read, the Honorable T. T. a'Beckett moved, That the Bill be now read a second time.

Debate ensued.

Question—put and passed.

Bill read a second time.

The Honorable T. T. a'Beckett moved, That the Bill be now considered in Committee of the whole Council.

Debate ensued.

Question—put and passed.

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

The President left the Chair.

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

Ordered.

POSTPONEMENT.—The following Order of the Day was postponed until Wednesday the 17th instant :—

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

The Council adjourned at a quarter to six o'clock, until half-past four o'clock on Wednesday the 17th instant.



## NOTICE OF MOTION AND ORDERS OF THE DAY.

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WEDNESDAY, 17TH MAY, 1871.

1. The Hon. C. J. JENNER : To ask the Honorable the President when will the members of the Committee of Elections and Qualifications be sworn, with a view to their considering the Petition presented to this House by Mr. Harbison.

ORDERS OF THE DAY :—

1. JUSTICES OF THE PEACE BILL.—To be further considered in Committee.
  2. FENCING BILL.—To be read a second time.
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TUESDAY, 23RD MAY, 1871.

1. The Hon. C. J. JENNER : To call the attention of the Commissioner of Customs to the great increase of Mainas and Sparrows, and to ask if the Government will introduce a Bill this Session to give the power to those who are deprived of their corn, fruit, &c., to destroy the same by the use of firearms or otherwise.

NOTICE OF MOTION :—

1. The Hon. G. W. COLE : To move : That there be laid upon the Table of this House all papers from Sir John Burgoyne relative to the defences of Victoria.

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

# Minutes of the Proceedings

OF THE

## LEGISLATIVE COUNCIL.

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WEDNESDAY, 17<sup>TH</sup> MAY, 1871.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the Prayer.

JUSTICES OF THE PEACE BILL.—The Order of the Day for the further consideration of this Bill being read, the President left the Chair.

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

Ordered.

ADJOURNMENT.—The Honorable T. T. a'Beckett, with leave of the Council, moved, without notice, That the House, at its rising this day, adjourn until Tuesday next.

Question—put and passed.

POSTPONEMENT.—The following Order of the Day was postponed until Tuesday the 23rd instant :—

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

The Council adjourned at half-past six o'clock, until half-past four o'clock on Tuesday the 23rd instant.

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

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TUESDAY, 23<sup>RD</sup> MAY, 1871.

1. The Hon. C. J. JENNER : To call the attention of the Commissioner of Customs to the great increase of Mainas and Sparrows, and to ask if the Government will introduce a Bill this Session to give the power to those who are deprived of their corn, fruit, &c., to destroy the same by the use of firearms or otherwise.
2. The Hon. C. J. JENNER : To ask the Honorable the President when will the members of the Committee of Elections and Qualifications be sworn, with a view to their considering the Petition presented to this House by Mr. Harbison.
3. The Hon. W. A. C. A'BECKETT : To ask whether the Government will recommend a further commutation of the sentence of the boy Adams.
4. The Hon. R. SIMSON : To ask the Honorable the Commissioner of Customs whether it is the intention of the Government to put up a new fence along the St. Kilda road on the western side of the reserve known as the Government Domain before the valuable trees planted there have been destroyed by stray cattle or otherwise.

#### NOTICES OF MOTION :—

1. The Hon. G. W. COLE : To move, That there be laid upon the Table of this House all papers from Sir John Burgoyne relative to the defences of Victoria.
2. The Hon. T. T. A'BECKETT : To move for leave to bring in a Bill to constitute a Marine Board for the Colony of Victoria.
3. The Hon. W. A. C. A'BECKETT : To move, That the practice of reading the Lord's Prayer be discontinued.

#### ORDERS OF THE DAY :—

1. JUSTICES OF THE PEACE BILL.—To be further considered in Committee.
2. FENCING BILL.—To be read a second time.

# MEETING OF SELECT COMMITTEE.

*Tuesday, 23rd May.*

PARLIAMENT BUILDINGS COMMITTEE (JOINT)—at half-past three o'clock.

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

# Minutes of the Proceedings

OF THE

## LEGISLATIVE COUNCIL.

TUESDAY, 23RD MAY, 1871.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the Prayer.

PETITION.—The Honorable W. A. C. a'Beckett presented a Petition from "William Harbison, of Brighton, in the Colony of Victoria, Timber Merchant," setting forth that the Petitioner presented a Petition in the month of December last against the return of Frank Stanley Dobson, for the South Province, and praying that the matter may "be considered by the Honorable the Legislative Council of Victoria, and that the Committee of Elections and Qualifications do enquire into the premises."

The Honorable W. A. C. a'Beckett moved, That the Petition be referred to the Committee of Elections and Qualifications.

Debate ensued.

The Honorable W. Highett moved, That the debate be adjourned until Tuesday next.

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

OPINION OF COUNSEL.—The Honorable T. T. a'Beckett moved, That the Honorable the President be requested to take the opinion of Counsel as to whether the second petition presented by Mr. Harbison against the return of the Honorable Dr. Dobson can now be accepted, regard being had to the sixty-eighth and sixty-ninth clauses of the Act 19 Victoria No. 12, and the date of the return of the Writ declaring the Honorable Dr. Dobson duly elected as a representative of the Southern Province.

Amendment moved by the Honorable J. Graham, That all the words after the word "That" be omitted with a view to insert the words "the Petitioner and the sitting Member be heard by Counsel at the Bar of the House."

Debate ensued.

Motion and amendment by leave withdrawn.

PAPERS.—The Honorable T. T. a'Beckett, by command of His Excellency the Governor, presented to the Council the following papers:—

1. Mining Surveyors and Registrars.—Reports for Quarter ending 31st March, 1871.
2. Schedule D, 18 and 19 Vic., cap. 55, Statement of Expenditure for the year 1869.

Ordered severally to lie on the table.

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

MR. PRESIDENT,

The Legislative Assembly transmit to the Legislative Council a Bill, intituled, "*An Act to amend the Lands Compensation Statute 1869*," with which they desire the concurrence of the Legislative Council."

C. MAC MAHON,  
Speaker.

Legislative Assembly Chamber,  
Melbourne, 23rd May, 1871.

LANDS COMPENSATION STATUTE AMENDMENT BILL.—The Honorable T. T. a'Beckett moved, That this Bill be now read a first time.

Question—put and passed.

Bill read a first time; and, on the motion of the Honorable T. T. a'Beckett, ordered to be printed, and the second reading made an Order of the Day for Tuesday the 30th instant.

DEFENCES OF VICTORIA.—The Honorable G. W. Cole, in accordance with notice, moved, That there be laid upon the Table of this House all Papers from Sir John Burgoyne relative to the defences of Victoria.

Question—put and passed.

MARINE BOARD BILL.—The Honorable T. T. a'Beckett, in accordance with notice, moved, That leave be given to bring in a Bill to constitute a Marine Board for the colony of Victoria.

Question—put and passed.

Bill brought in and read a first time, and ordered to be printed, and the second reading made an Order of the Day for Tuesday, the 6th proximo.

PRAYER.—The Honorable W. A. C. a'Beckett, in accordance with *amended* notice, moved, That the practice of reading the Lord's Prayer before the commencement of the business of this House be discontinued.

Debate ensued.

Question—put.

Council divided.

Contents, 4.  
The Hon. J. O'Shanassy  
J. F. Strachan  
N. Fitzgerald  
W. A. C. a'Beckett (*Teller*).

Not Contents, 18.  
The Hon. G. W. Cole  
T. T. a'Beckett  
B. Williams  
W. Campbell  
R. Simson  
W. Skene  
N. Black  
J. Cumming  
Dr. Hope  
P. Russell  
C. J. Jenner  
W. Degraives  
W. Highett  
F. Robertson  
A. Fraser  
Dr. Dobson  
J. Henty  
J. Graham (*Teller*).

The question was therefore negatived.

ADJOURNMENT.—The Honorable T. T. a'Beckett, 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 seven o'clock, until half-past four o'clock on Tuesday the 30th instant.

## NOTICE OF MOTION AND ORDERS OF THE DAY.

TUESDAY, 30TH MAY, 1871.

1. The Hon. J. O'SHANASSY: To ask the Honorable the Commissioner of Customs, if he has any objection to lay on the Table of this House a brief report from the Railway Department, showing—
  - (1.) The number of tons of timber brought by the railway from Echuca to Melbourne in each year (up to date) since that traffic commenced.
  - (2.) The charge per ton for carriage by railway of such timber.
  - (3.) Comparative charge for timber from Echuca to Melbourne, and wool, tallow, and other dead-weight goods, during a similar period to the foregoing return, No. 2.
  - (4.) Cost to the owners of timber per ton for loading and unloading timber.
2. The Hon. JAS. GRAHAM: To ask the Honorable the Commissioner of Customs at whose instance or on what grounds the facilities hitherto afforded by the Customs authorities for the shipment of cargo and parcels on board the mail steamers on Sundays have been withdrawn.

NOTICE OF MOTION:—

1. The Hon. J. GRAHAM: To move, That the petitioner against the return of the Honorable Dr. Dobson as well as also the sitting Member, be heard by counsel at the bar of the House as to the power of this House to refer the petition, presented on Tuesday last by the Honorable W. A. C. a'Beckett, to the Committee of Elections and Qualifications, this course being in accordance with the wishes of the parties interested.

ORDERS OF THE DAY:—

1. ADJOURNED DEBATE ON PETITION—SOUTH PROVINCE ELECTION.
2. LANDS COMPENSATION STATUTE AMENDMENT BILL.—To be read a second time.
3. JUSTICES OF THE PEACE BILL.—To be further considered in Committee.
4. FENCING BILL.—To be read a second time.

TUESDAY, 6TH JUNE.

ORDER OF THE DAY:—

1. MARINE BOARD BILL.—To be read a second time.

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

By Authority: JOHN FERRES, Government Printer, Melbourne.

# Minutes of the Proceedings

OF THE

## LEGISLATIVE COUNCIL.

TUESDAY, 30TH MAY, 1871.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the Prayer.

ADMINISTERING OATH TO ELECTIONS AND QUALIFICATIONS COMMITTEE.—The Honorables T. T. a'Beckett, W. Campbell, Dr. Hope, J. Cumming, W. Highett, J. O'Shanassy, and P. Russell, approached the table and took the oath provided by the Act 19 Victoria, No. 12.

PAPERS.—The Honorable T. T. a'Beckett, by command of His Excellency the Governor, presented to the Council the following Papers:—

1. Schedule D, 18 and 19 Vic., cap. 55—Expenditure under (1870).

2. Insane, Hospitals for.—Report of Inspector for Year 1870.

3. Penal and Prison Discipline.—Report (No. 2) of Royal Commission (23rd May, 1871).

Ordered severally to lie on the Table.

PAPER.—The Honorable T. T. a'Beckett laid on the Table the following Paper:—

County Court Statute 1869.—Amended Scale of Costs and Fees (22nd May, 1871).

Ordered to lie on the Table.

PETITION.—SOUTH PROVINCE ELECTION.—The President delivered the following opinion on the questions put to him with regard to the Petition presented by the Honorable W. A. C. a'Beckett on the 23rd instant:—

I have considered the questions arising out of the petition addressed to the President by Mr. Harbison, and presented to this House on the 23rd instant.

The Electoral Act, 19 Victoria, No. 12, provides that all petitions complaining of undue elections, &c., shall be presented to the President within forty days of the Return of the Writ, and before such presentation One hundred pounds shall be lodged to his credit.

These provisions were complied with by Mr. Harbison in the first instance.

The fifty-eighth clause of the said Act enacts that, in the first session of the Council, and in every other session, the President shall by Warrant appoint a Committee of Elections and Qualifications. It follows, that such Committee dies with the session, as does likewise all business which may have been referred to it.

Consequently, Mr. Harbison's first Petition has thus been disposed of.

The sixty-ninth section of the Act provides that any petition complaining of the insufficiency of the qualification of any member, and presented to the President within three months after such member shall have subscribed the declaration required by law, may be referred to the Elections and Qualifications Committee, and in case of a prorogation such petition may be presented to the Council, within such time after the next meeting thereof as shall, together with the time expired before the prorogation, make up such period of three months.

I am of opinion that it is still open to Mr. Harbison to present a petition to the Council, and that the Act is silent with regard to any payment before presenting such petition to the Council.

The petition now under discussion does not meet the requirements of the Act. It is not a petition to the Council.

W. H. F. MITCHELL.

30th May, 1871.

ADJOURNED DEBATE ON PETITION.—SOUTH PROVINCE ELECTION.—The Order of the Day for the resumption of the debate on the motion, That the petition presented on the 23rd instant "be referred to the Committee of Elections and Qualifications" being called on, the Honorable W. Highett moved, That the Order of the Day be discharged.

Debate ensued.

Question—put and negatived.

Question—That the Petition be referred to the Committee of Elections and Qualifications—put and passed.

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

"Lands Compensation Statute Amendment Bill"—To be read a second time.



JUSTICES OF THE PEACE BILL.—The Order of the Day for the further consideration of this Bill in Committee of the whole Council being read, the President left the Chair.

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

The Honorable R. Simson moved, That the Bill be now re-committed on the eighteenth 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 T. T. a'Beckett moved, That the adoption of the Report of the Committee be made an Order of the Day for to-morrow.

Question—put and passed.

POSTPONEMENTS.—The following Orders of the Day were postponed until Wednesday the 31st instant :—

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

“*Lands Compensation Statute Amendment Bill*”—To be read a second time.

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

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## ORDERS OF THE DAY.

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WEDNESDAY, 31ST MAY, 1871.

ORDERS OF THE DAY :—

1. JUSTICES OF THE PEACE BILL.—Adoption of Report.
2. FENCING BILL.—To be read a second time.
3. LANDS COMPENSATION STATUTE AMENDMENT BILL.—To be read a second time.

THURSDAY, 1ST JUNE.

1. The Hon. DR. DOBSON : To ask the Honorable the Commissioner of Trade and Customs if the Government will cause to be laid upon the Table of this House a copy of the Contracts under which the North Eastern line of railway is being constructed.

TUESDAY, 6TH JUNE.

ORDER OF THE DAY :—

1. MARINE BOARD BILL.—To be read a second time.

G. W. RUSDEN,

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

# Minutes of the Proceedings

OF THE

## LEGISLATIVE COUNCIL.

WEDNESDAY, 31<sup>ST</sup> MAY, 1871.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the Prayer.

**ELECTIONS AND QUALIFICATIONS COMMITTEE.**—The President appointed two o'clock on Thursday the 1<sup>st</sup> proximo, in the South Committee Room, to be the time and place of the first meeting of the Elections and Qualifications Committee.

**JUSTICES OF THE PEACE 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. T. a'Beckett moved, That the Report be now adopted.

Question—put and passed.

The President having reported that the Chairman of Committees had certified that the fair print of the Bill was in accordance with the Bill as reported, the Bill, on the motion of the Honorable T. T. a'Beckett, was read a third time and *passed*.

The Honorable T. T. a'Beckett moved, That the title of the Bill be “*An Act to amend the Justices of the Peace Statute 1865.*”

Question—put and passed.

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

**FENCING BILL.**—The Order of the Day for the second reading of this Bill being read, the Honorable T. T. a'Beckett moved, That the Bill be now read a second time.

Debate ensued.

Amendment moved by the Honorable R. Simson, That all the words after the word “Bill,” be omitted, with a view to insert the words “be referred to a Select Committee.”

Debate ensued.

Original motion, by leave, withdrawn.

Question—That the Bill be referred to a Select Committee—put and passed.

The Honorable R. Simson moved, That the Select Committee consist of ten members, and that the Honorables the President, T. T. a'Beckett, N. Black, W. Campbell, J. Cumming, W. Highett, F. Robertson, P. Russell, J. O'Shanassy, and the mover, be members of the Select Committee.

Question—put and passed.

**ADJOURNMENT.**—The Honorable T. T. a'Beckett, with leave of the Council, moved, without notice, That the House, at its rising this day, adjourn until Tuesday next.

Question—put and passed.

**ELECTIONS AND QUALIFICATIONS COMMITTEE.**—The Honorable T. T. a'Beckett, with leave of the Council, moved, without notice, That the Elections and Qualifications Committee have leave to sit during the adjournment of the House.

Question—put and passed.

The Council adjourned at ten minutes to seven o'clock, until half-past four o'clock on Tuesday the 6<sup>th</sup> proximo.

## ORDERS OF THE DAY.

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TUESDAY, 6TH JUNE, 1871.

1. The Hon. DR. DOBSON : To ask the Honorable the Commissioner of Trade and Customs if the Government will cause to be laid upon the Table of this House a copy of the Contracts under which the North Eastern line of railway is being constructed.

ORDERS OF THE DAY :—

1. MARINE BOARD BILL.—To be read a second time.
  2. LANDS COMPENSATION STATUTE AMENDMENT BILL.—To be read a second time.
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### MEETING OF SELECT COMMITTEE.

*Thursday, 1st June.*

ELECTIONS AND QUALIFICATIONS COMMITTEE—at 2 o'clock.

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

# Minutes of the Proceedings

OF THE

## LEGISLATIVE COUNCIL.

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TUESDAY, 6TH JUNE, 1871.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the Prayer.

ABSENCE, LEAVE OF.—HONORABLE DR. DOBSON.—The Honorable J. F. Strachan, with leave of the Council, moved, without notice, That leave of absence for fourteen days be given to the Honorable Dr. Dobson.

Question—put and passed.

RAILWAY, NORTH-EASTERN LINE—CONTRACTS FOR.—The Honorable T. T. a'Beckett laid on the Table a copy of the Contracts under which the North-Eastern line of Railway is being constructed.

Ordered to lie on the Table.

PETITION.—The Honorable J. Cumming presented a Petition, signed by Thomas Stoneman and others (styling themselves inhabitants of the Borough of Queenscliffe), on the subject of the carrying out of the Quarantine Regulations in Port Phillip.

Petition received.

The petition was read at the table by the Clerk.

POSTPONEMENT.—The following Order of the Day was postponed until Tuesday the 13th instant :—

“*Marine Board Bill*”—to be read a second time.

LANDS COMPENSATION STATUTE AMENDMENT BILL.—The Order of the Day for the second reading of this Bill being read, the Honorable T. T. a'Beckett moved, That the Bill be now read a second time.

Question—put and passed.

Bill read a second time.

The Honorable T. T. a'Beckett moved, That the Bill be now considered in Committee of the whole Council.

Question—put and passed.

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

The President left the Chair.

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

The Honorable T. T. a'Beckett moved, That the Report be now adopted.

Question—put and passed.

The President having reported that the Chairman of Committees had certified that the fair print of the Bill was in accordance with the Bill as reported, the Bill, on the motion of the Honorable T. T. a'Beckett, was read a third time and *passed*.

The Honorable T. T. a'Beckett moved, That the title of the Bill be “*An Act to amend the Lands Compensation Statute 1869.*”

Question—put and passed.

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

ADJOURNMENT.—The Honorable T. T. a'Beckett, with leave of the Council, moved, without notice, That the House, at its rising this day, adjourn until Tuesday next.

Question—put and passed.

ELECTIONS AND QUALIFICATIONS COMMITTEE.—The Honorable J. O'Shanassy, with leave of the Council, moved, without notice, That the Elections and Qualifications Committee have power to sit during the adjournment.

Question—put and passed.

FENCING COMMITTEE.—The Honorable R. Simson, with leave of the Council, moved, without notice, That the Committee on Fencing have power to sit during the adjournment.

Question—put and passed.

The Council adjourned at five o'clock, until half-past four o'clock on Tuesday the 13th instant.

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## ORDER OF THE DAY.

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TUESDAY, 13TH JUNE, 1871.

ORDER OF THE DAY:—

1. MARINE BOARD BILL.—To be read a second time.

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## MEETINGS OF SELECT COMMITTEES.

*Wednesday, 7th June.*

ELECTIONS AND QUALIFICATIONS COMMITTEE—at 3 o'clock.

*Thursday, 8th June.*

FENCING—at 2 o'clock.

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

# Minutes of the Proceedings

OF THE

## LEGISLATIVE COUNCIL.

TUESDAY, 13<sup>TH</sup> JUNE, 1871.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the Prayer.

PAPERS.—The Honorable T. T. a'Beckett, by command of His Excellency the Governor, presented to the Council the following Papers :—

1. Privilege.—Arguments, Judgment, and Order of the Privy Council in the case of the Speaker of the Legislative Assembly of Victoria *versus* Hugh Glass.
2. Railways, Victorian.—Report of Board of Land and Works for year ending 31st December, 1870.

Ordered severally to lie on the Table.

PAPERS.—The Honorable T. T. a'Beckett laid on the Table the following Paper :—

Gippsland, Court of Mines for District of, to be holden at Palmerston.—Order in Council (5th June, 1871).

Ordered to lie on the Table.

ELECTIONS AND QUALIFICATIONS COMMITTEE, ADJOURNMENT OF.—The Honorable T. T. a'Beckett, with leave of the Council, moved, without notice, That leave be given to the Elections and Qualifications Committee to adjourn for a period exceeding five days.

Question—put and passed.

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

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

“The house, homestead, and lands, known as Moorabbin, in the borough of Brighton.

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

“No. 545, West Brighton—Over Two hundred and fifty pounds per annum.

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

“J. P. BEAR.”

MARINE BOARD BILL.—The Order of the Day for the second reading of this Bill being called on, the Honorable T. T. a'Beckett moved, That the Bill be now read a second time.

Debate ensued.

The Honorable J. O'Shanassy moved, That the debate be adjourned until this day fortnight.

Question—That the debate be adjourned until this day fortnight—put and passed.

PAPER.—The Honorable T. T. a'Beckett, by command of His Excellency the Governor, presented to the Council the following Papers :—

1. Noxious Trades.—Final Report of Royal Commission (21st May, 1871).
2. Education Board—Ninth Report of.

Ordered severally to lie on the Table.

PAPER.—The Honorable T. T. a'Beckett laid on the Table the following Paper :—

Public Accounts.—Additional Regulation (Census), 23rd May, 1871.

Ordered to lie on the Table.



DEFENCES OF VICTORIA.—The Honorable T. T. a'Beckett laid on the Table a Return to the Order of the Council made on the 23rd May, 1871.

ADJOURNMENT.—The Honorable T. T. a'Beckett, with leave of the Council, moved, without notice, That the House, at its rising this day, adjourn until Tuesday next.  
Question—put and passed.

SELECT COMMITTEES AND COMMITTEE OF ELECTIONS AND QUALIFICATIONS.—The Honorable T. T. a'Beckett, with leave of the Council, moved, without notice, That all Select Committees and the Committee of Elections and Qualifications have power to sit during the adjournment of the House.  
Question—put and passed.

The Council adjourned at a quarter past six o'clock, until half-past four o'clock on Tuesday the 20th instant.

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## ORDER OF THE DAY.

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TUESDAY, 27TH JUNE, 1871.

ORDER OF THE DAY:—

1. MARINE BOARD BILL.—Adjourned debate on second reading.

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## MEETINGS OF SELECT COMMITTEES.

*Wednesday, 14th June.*

ELECTIONS AND QUALIFICATIONS COMMITTEE—at 12 o'clock.

*Thursday, 15th June.*

FENCING—at 2 o'clock.

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

# Minutes of the Proceedings

OF THE

## LEGISLATIVE COUNCIL.

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TUESDAY, 20<sup>TH</sup> JUNE, 1871.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the Prayer.

ADJOURNMENT.—The Honorable R. S. Anderson, with leave of the Council, moved, without notice, That the House, at its rising this day, adjourn until Tuesday the 25th July.

Question—put and passed.

ELECTIONS AND QUALIFICATIONS COMMITTEE REPORT.—The Honorable T. T. a'Beckett, in the absence of the Honorable J. O'Shanassy, brought up the Report of the Elections and Qualifications Committee on the Petition of William Harbison, referred to the Committee on the 30th May, and moved that the Report, with the Proceedings of the Committee, be printed.

Question—put and passed.

The Council adjourned at a quarter to five o'clock, until half-past four o'clock on Tuesday the 25th proximo.

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### ORDER OF THE DAY.

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TUESDAY, 25<sup>TH</sup> JULY, 1871.

ORDER OF THE DAY:—

1. MARINE BOARD BILL.—Adjourned debate on second reading.

G. W. RUSDEN,

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



# Minutes of the Proceedings

OF THE

## LEGISLATIVE COUNCIL.

TUESDAY, 25TH JULY, 1871.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the Prayer.

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

PRIVILEGE.—The Honorable W. A. C. a'Beckett, without notice, moved, That T. D. S. Heron, warden at Castlemaine, John Cooper, official agent at Castlemaine, and Thomas Johnston, constable at Berwick, be ordered to be brought to the Bar of this House on Tuesday, the 1st August, to answer for a Breach of Privileges of this House committed on the person of one of its Members, the mover. Debate ensued.

The Honorable W. A. C. a'Beckett, with leave of the Council, amended his motion, by the omission of the words "John Cooper, official agent at Castlemaine, and Thomas Johnston, constable at Berwick." Question (further amended by leave of the Council)—That T. D. S. Heron, warden at Castlemaine, be ordered to attend at the Bar of this House on Tuesday the 1st of August, to answer for a Breach of Privileges of this House committed on the person of one of its Members, the mover—put and passed.

PRINTING COMMITTEE.—FIRST REPORT.—The Honorable J. Graham brought up the First Report of the Printing Committee and moved, That the Report be adopted and printed. Question—put and passed.

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

PETITION.—The Honorable R. S. Anderson presented a Petition, signed by J. W. Singleton and another, on the subject of the Marine Board Bill. Petition received.

The Council adjourned at five minutes past five o'clock, until half-past four o'clock on Tuesday the 1st proximo.

### ORDERS OF THE DAY.

TUESDAY, 1ST AUGUST, 1871.

#### ORDERS OF THE DAY:—

1. PRIVILEGE.—T. D. S. Heron to attend at the Bar of the House.
2. MARINE BOARD BILL.—Adjourned debate on second reading.

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



# Minutes of the Proceedings

OF THE

## LEGISLATIVE COUNCIL.

TUESDAY, 1ST AUGUST, 1871.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the Prayer.

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

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

- “1. Portion of an allotment, part of block fourteen city of Melbourne, with the buildings thereon, and known as number seventy-three Little Collins street, or Chancery lane.
- “2. Land in the Alma road, East St. Kilda, being lots nine, ten, eleven, twelve, fifteen, sixteen, seventeen, and eighteen (of portions one hundred and fifty-five A, and a hundred and fifty-five B on plan of subdivision), with dwelling-house and out-buildings erected thereon.
- “3. Part of portion a hundred and fifty-five A, being lot fourteen and part of lot thirteen on plan of subdivision of such portion, together with the dwelling-house and out-buildings erected thereon.

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

- “No. 1. Rated in the city of Melbourne rate-book at £230 (two hundred and thirty pounds) per annum.
- “No. 2. Rated in the rate-book of the municipal district of St. Kilda at £230 (two hundred and thirty pounds) per annum.
- “No. 3. Rated in the rate-book of the municipal district of St. Kilda at £130 (a hundred and thirty pounds) per annum.

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

“ARCHIBALD MICHIE.”

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

**MR. PRESIDENT—**

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

C. MAC MAHON,  
Speaker.

Legislative Assembly Chamber,  
Melbourne, 1st August, 1871.



CONSOLIDATED REVENUE BILL.—The Honorable W. A. C. a'Beckett moved, That this Bill be now read a first time.

Question—put and passed.

Bill read a first time.

The Honorable W. A. C. a'Beckett moved, That the Bill be now read a second time.

Question—put and passed.

Bill read a second time.

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

Question—put and passed.

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

The President left the Chair.

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

The Honorable W. A. C. a'Beckett 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 W. A. C. a'Beckett, was read a third time and *passed*.

The Honorable W. A. C. a'Beckett moved, That the title of the Bill be "*An Act to apply out of the Consolidated Revenue the sum of One hundred and thirty thousand pounds to the service of the year One thousand eight hundred and seventy-one and 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 Bill without amendment.

PAPERS.—The Honorable W. A. C. a'Beckett, by command of His Excellency the Governor, presented to the Council the following Papers:—

1. Statistics of the Colony of Victoria, 1870.—Part I, Blue Book.
2. Census of Victoria, 1871.—Approximate Returns.
3. Education Board.—Supplement to Report of 1870.—List of Certificated and Classified Teachers.
4. University of Melbourne—Report of Proceedings for the year ending 31st May, 1871.
5. Yackandandah.—Mining operations on reserved lands at, authorized.—Order in Council (10th July, 1871).
6. Gold Mining Leases—Regulations relating to.—Order in Council (12th June, 1871).
7. Lands Compensation Statute 1869—Report of proceedings under.
8. Industrial and Reformatory Schools.—Inspector's Report for the year 1870.
9. Public Library, Museums, and National Gallery.—Report of Trustees for year 1870-1.

Ordered severally to lie on the Table.

PAPER.—The Honorable W. A. C. a'Beckett laid on the Table the following paper:—

County Court Statute 1869.—Amended Scale of Costs and Fees (7th July, 1871).

Ordered to lie on the Table.

PRIVILEGE.—The Order of the Day for the attendance of T. D. S. Heron at the Bar of the House being read, the Honorable W. A. C. a'Beckett moved, That the Order of the Day be discharged.

Debate ensued.

Question—put and passed.

MARINE BOARD BILL.—The Order of the Day for the adjourned debate on the second reading of this Bill being read, the Honorable T. T. a'Beckett moved, That the debate be adjourned until this day fortnight.

Question—put and passed.

The Council adjourned at a quarter-past five o'clock until half-past four o'clock on Wednesday, the 2nd instant.

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## ORDER OF THE DAY.

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TUESDAY, 15TH AUGUST, 1871.

ORDER OF THE DAY:—

1. MARINE BOARD BILL.—Adjourned debate on second reading.

G. W. RUSDEN,

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

# Minutes of the Proceedings

OF THE

## LEGISLATIVE COUNCIL.

WEDNESDAY, 2ND AUGUST, 1871.

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 to His Excellency the Governor announcing that it is the intention of His Excellency to proceed to the Legislative Council Chamber this day, at half-past four o'clock, for the purpose of giving the Royal Assent to certain Bills passed by the Legislative Council and the Legislative Assembly.

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

Question—put and passed.

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

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

*“An Act to amend the Lands Compensation Statute 1869.”*

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

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.

“CANTERBURY,  
“Governor.”

A Schedule of the Bills assented to was delivered to Mr. Speaker.

The Legislative Assembly withdrew.

His Excellency the Governor left the Council Chamber.

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

### ORDER OF THE DAY.

TUESDAY, 15TH AUGUST, 1871.

ORDER OF THE DAY:—

1. MARINE BOARD BILL.—Adjourned debate on second reading.

G. W. RUSDEN,

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



# Minutes of the Proceedings

OF THE

# LEGISLATIVE COUNCIL.

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TUESDAY, 8TH AUGUST, 1871.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the Prayer.

PAPER.—The Honorable W. A. C. a'Beckett, by command of His Excellency the Governor, presented to the Council the following Paper :—

Mining Lease, Form of, altered.—Order in Council (18th July, 1871).

Ordered to lie on the Table.

PAPER.—The Honorable W. A. C. a'Beckett laid upon the Table the following Paper :—

Melbourne Sewers and Water Supply.—Cash Sheet and Balance Sheet for year ending 31st December, 1870.

Ordered to lie on the Table.

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

Question—put and passed.

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

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## ORDER OF THE DAY.

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TUESDAY, 15TH AUGUST, 1871.

1. The Hon. DR. DOBSON: To ask the Honorable the Member representing the Government whether the Government are aware that a document purporting to be a copy of the new Mining Bill lately introduced by the Honorable the Attorney-General was published in the Ballarat newspapers last week? Whether the document so published is a copy of the said Bill; and if so, whether the Government are in possession of any information as to the means by or sources from which the newspapers in question obtained a copy of the Bill before the same was distributed among the Members of the Legislature.

ORDER OF THE DAY :—

1. MARINE BOARD BILL.—Adjourned debate on second reading.

G. W. RUSDEN,

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



# Minutes of the Proceedings

OF THE

## LEGISLATIVE COUNCIL.

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TUESDAY, 15<sup>TH</sup> AUGUST, 1871.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the Prayer.

PAPERS.—The Honorable W. A. C. a'Beckett, by command of His Excellency the Governor, presented to the Council the following Papers:—

1. Beaufort—Land at, excepted from mining operations.—Order in Council (24th July, 1871).
2. Yackandandah—Mining operations authorized on reserved lands at, authorized.—Order in Council (31st July, 1871.)
3. Mining Surveyors and Registrars—Reports of, for Quarter ending 30th June, 1871.
4. Festiniog Railway—Report on, by Director-General of Ceylon Railway (24th March, 1871).
5. Observatory.—Seventh Report of Board of Visitors.
6. Statistics of Victoria, 1870.—Part II.—Population.

Ordered severally to lie on the Table.

PAPERS.—The Honorable W. A. C. a'Beckett laid upon the Table the following Papers:—

1. Public Worship—Regulations respecting (28th June, 1871.)
2. Insolvency Statute 1871.—Further Rules of Supreme Court (2nd August, 1871.)

Ordered severally to lie on the Table.

MARINE BOARD BILL.—The Order of the Day for the resumption of the adjourned debate on the second reading of this Bill being read, the debate was resumed.

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

Bill read a second time.

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

Question—put and passed.

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

The President left the Chair.

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

Ordered.

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

Debate ensued.

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

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

## NOTICE OF MOTION AND ORDER OF THE DAY.

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TUESDAY, 22ND AUGUST, 1871.

1. The Hon. DR. DOBSON: To ask the Honorable the Member representing the Government, if he will state by what means or from what sources the *Ballarat Star* and *Ballarat Courier* newspapers obtained the information upon which they respectively published what purported to be a copy of the Mining Bill recently introduced into the Legislative Assembly by the Honorable the Attorney-General; also by which member of the Government, if any, such information was communicated to the proprietors of the newspapers or either of them.

NOTICE OF MOTION:—

1. The Hon. W. HIGHETT: To move, That there be laid upon the Table of this House a return of all Crown lands sold by public auction previous to the 1st day of January, 1870, for which title deeds have not been issued by the Government; together with the names of the purchasers and cause of delay in issuing the same.

ORDER OF THE DAY:—

1. MARINE BOARD BILL.—To be further considered in Committee.

G. W. RUSDEN,

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

No. 18.

# Minutes of the Proceedings

OF THE

## LEGISLATIVE COUNCIL.

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TUESDAY, 22<sup>ND</sup> AUGUST, 1871.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the Prayer.

PETITION.—The Honorable T. McKellar presented a Petition signed by John Peachey and others, styling themselves inhabitants of Casterton and its vicinity, praying that there may be investigation as to the need of Post and Telegraph offices at Casterton.

Petition received.

PAPERS.—The Honorable W. A. C. a'Beckett, by command of His Excellency the Governor, presented to the Council the following Papers :—

1. Coliban and Geelong Schemes of Water Supply—Report on, by Lieut-Col. R. H. Sankey, R.E. (11th August, 1871).
2. Statistics of Colony of Victoria, 1870. Part III.—Finance, &c.
3. Aborigines—Seventh Report of Board for Protection of.

Ordered severally to lie on the Table.

TITLE DEEDS NOT ISSUED.—The Hon. W. Highett, in accordance with notice, moved, That there be laid upon the Table of this House a return of all Crown Lands sold by public auction previous to the 1st day of January, 1870, for which title deeds have not been issued by the Government; together with the names of the purchasers and cause of delay in issuing the same.

Question—put and passed.

MARINE BOARD 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 W. A. C. a'Beckett, with leave of the Council, moved, without notice, That the House, at its rising this day, adjourn until this day week.

Question—put and passed.

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



## NOTICE OF MOTION AND ORDER OF THE DAY.

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TUESDAY, 29TH AUGUST, 1871.

ORDER OF THE DAY:—

1. MARINE BOARD BILL.—To be further considered in Committee.

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WEDNESDAY, 30TH AUGUST.

NOTICE OF MOTION:—

1. The Hon. J. F. Strachan: To move, That this House deems it its duty, in the interest of Parliamentary Government, and in view of the absolute necessity of having the public business duly and properly transacted, to record its opinion that it is necessary to have one or more Ministers members of this Council.

G. W. RUSDEN,

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

# Minutes of the Proceedings

OF THE

## LEGISLATIVE COUNCIL.

TUESDAY, 29<sup>TH</sup> AUGUST, 1871.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the Prayer.

**ABSENCE, LEAVE OF, TO HONORABLE W. SKENE.**—The President informed the Council that he had received a letter from the Honorable W. Skene stating that he was prevented by illness from attending in his place in the House.

The Honorable J. Graham, with leave of the Council, moved, without notice, That leave of absence for one fortnight be given to the Honorable W. Skene.

Question—put and passed.

**ABSENCE, LEAVE OF, TO HONORABLE W. H. PETTETT.**—The Honorable W. A. C. a'Beckett, with leave of the Council, moved, without notice, That leave of absence for one month be given to the Honorable W. H. Pettett, who is prevented by illness from attending in his place in the House.

Question—put and passed.

**PETITION.**—The Honorable T. McKellar presented a Petition, signed by Edward Henty and others, styling themselves inhabitants of Portland, Heywood, Greenhills, Condah, Branxholme, Byaduk, Hochkirch, Coleraine, Casterton, Sandford, Merino, Digby, Hotspur, and the counties of Normanby, Dundas, and Follett, praying for the completion of a Railway Line northward from Portland.

The Petition was read at the Table by the Clerk.

Petition received.

**PAPERS.**—The Honorable W. A. C. a'Beckett, by command of His Excellency the Governor, presented to the Council the following Papers:—

1. Daylesford, Mining on Reserved Lands at, authorized.—Order in Council (7th August, 1871).
2. Gippsland Mining District.—Polling-places altered.—Order in Council (7th August, 1871).
3. Gippsland Mining District.—Fees of Mining Registrars prescribed.—Order in Council (7th August, 1871).

Ordered severally to lie on the Table.

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

MR. PRESIDENT—

The Legislative Assembly transmit to the Legislative Council a Bill, intituled "*An Act to amend an Act intituled 'An Act to incorporate the Proprietors of a certain Banking Company 'called the Bank of New South Wales' and for other purposes therein mentioned,*" with which they desire the concurrence of the Legislative Council.

C. MAC MAHON,  
Speaker.

Legislative Assembly Chambers,  
Melbourne, 29th August, 1871.

**BANK OF NEW SOUTH WALES ACT AMENDMENT BILL.**—The Honorable T. T. a'Beckett produced a certificate of the payment of the sum of Twenty pounds into the hands of the Colonial Treasurer for the public uses of the colony, and moved, That this Bill be now read a first time.

Question—put and passed.

Bill read a first time.

The Honorable T. T. a'Beckett, with leave of the Council, moved, without notice, That a Message be carried to the Legislative Assembly requesting that they will be pleased to communicate to the Council copies of the Report and Proceedings from the Select Committee of that House appointed during the present session of Parliament on the Bill.

Question—put and passed.

The Honorable T. T. a'Beckett moved, That the second reading of the Bill be made an Order of the Day for Tuesday next.

Question—put and passed.

MARINE BOARD 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 ten minutes past six o'clock, until half-past four o'clock on Wednesday the 30th instant.

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## NOTICES OF MOTION AND ORDERS OF THE DAY.

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WEDNESDAY, 30TH AUGUST, 1871.

NOTICES OF MOTION:—

1. The Hon. J. F. STRACHAN: To move, That this House deems it its duty, in the interest of Parliamentary Government, and in view of the absolute necessity of having the public business duly and properly transacted, to record its opinion that it is necessary to have one or more Ministers members of this Council.
2. The Hon. W. A. C. A'BECKETT: To move, That the Parliament Buildings Joint Committee take into consideration the propriety of removing the present structure over the President's chair, with a view to making better arrangements instead thereof and for the Reporter's Gallery.

ORDER OF THE DAY:—

1. MARINE BOARD BILL.—To be further considered in Committee.

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TUESDAY, 5TH SEPTEMBER.

ORDER OF THE DAY:—

1. BANK OF NEW SOUTH WALES ACT AMENDMENT BILL.—To be read a second time.

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

# Minutes of the Proceedings

OF THE

# LEGISLATIVE COUNCIL.

WEDNESDAY, 30TH AUGUST, 1871.

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 request that the Legislative Council will give leave to the Honorable G. W. Cole to attend in order to his being examined before the Select Committee of the Legislative Assembly on the Artillery Corps.

Legislative Assembly Chamber,  
Melbourne, 29th August, 1871.

C. MAC MAHON,  
Speaker.

MR. PRESIDENT—

The Legislative Assembly transmit to the Legislative Council copies of the Report and Proceedings from the Select Committee of the Legislative Assembly, appointed during the present session on the Bill intituled "*An Act to amend an Act intituled 'An Act to incorporate the Proprietors of a certain Banking Company called the Bank of New South Wales, and for other purposes therein mentioned,'*" in accordance with the request of the Legislative Council.

Legislative Assembly Chamber,  
Melbourne, 29th August, 1871.

C. MAC MAHON,  
Speaker.

ATTENDANCE OF HONORABLE G. W. COLE BEFORE A SELECT COMMITTEE OF THE LEGISLATIVE ASSEMBLY.—The Honorable R. S. Anderson, with leave of the Council, moved, without notice, That the Honorable G. W. Cole have leave to attend, if he think fit, before the Select Committee of the Legislative Assembly on the Artillery Corps.

Question—put and passed.

MINISTER OR MINISTERS IN THE COUNCIL.—The Honorable J. F. Strachan, in accordance with notice, moved, That this House deems it its duty, in the interest of Parliamentary Government, and in view of the absolute necessity of having the public business duly and properly transacted, to record its opinion that it is necessary to have one or more Ministers members of this Council.

Debate ensued.

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

Debate ensued.

The Honorable W. Highett moved, That the debate be adjourned until this day week.

Debate ensued.

Motion for adjournment by leave withdrawn.

Debate resumed on the previous question.

Question—That this question be now put—put.

Council divided.

Contents, 14.  
The Hon. T. McKellar  
J. Graham  
H. M. Murphy  
C. J. Jenner  
R. Simson  
R. Turnbull  
J. F. Strachan  
W. Degraives  
W. Highett  
Dr. Hope  
A. Fraser  
J. O'Shanassy  
N. Fitzgerald  
B. Williams (*Teller.*)

Not Contents, 9.  
The Hon. W. A. C. a'Beckett  
T. T. a'Beckett  
A. Michie  
F. Robertson  
J. Henty  
J. Cumming  
P. Russell  
R. S. Anderson  
W. Campbell (*Teller.*)

The question was therefore passed.

Question—That this House deems it its duty, in the interest of Parliamentary Government, and in view of the absolute necessity of having the public business duly and properly transacted, to record its opinion that it is necessary to have one or more Ministers members of this Council—put and passed.

MARINE BOARD 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 a quarter to seven o'clock, until half-past four o'clock on Thursday the 31st instant.

## NOTICE OF MOTION AND ORDERS OF THE DAY.

THURSDAY, 31ST AUGUST, 1871.

NOTICE OF MOTION :—

1. The Hon. W. A. C. A'BECKETT : To move, That the canopy over the President's chair in the Council Chamber be removed, and that the Reporters be provided with seats in the Eastern Gallery in lieu of those now occupied by them, and that the Department of Public Works be instructed to carry out these alterations.

TUESDAY, 5TH SEPTEMBER.

ORDERS OF THE DAY :—

1. BANK OF NEW SOUTH WALES ACT AMENDMENT BILL.—To be read a second time.
2. MARINE BOARD BILL.—To be further considered in Committee.

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

# Minutes of the Proceedings

OF THE

## LEGISLATIVE COUNCIL.

THURSDAY, 31<sup>ST</sup> AUGUST, 1871.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the Prayer.

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

MR. PRESIDENT—

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

C. MAC MAHON,  
Speaker.

Legislative Assembly Chamber,  
Melbourne, 31<sup>st</sup> August, 1871.

CONSOLIDATED REVENUE BILL (2).—The Honorable W. A. C. a'Beckett moved, That this Bill be now read a first time.

Question—put and passed.

Bill read a first time.

The Honorable W. A. C. a'Beckett moved, That the Bill be now read a second time.

Question—put and passed.

Bill read a second time.

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

Question—put and passed.

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

The President left the Chair.

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

The Honorable W. A. C. a'Beckett moved, That the Report be now adopted.

Question—put and passed.

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

The Honorable W. A. C. a'Beckett moved, That the title of the Bill be "*An Act to apply out of the Consolidated Revenue the sum of Three hundred and seventy thousand pounds to the service of the Year One thousand eight hundred and seventy-one and 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 Bill without amendment.

ROYAL ASSENT TO A BILL.—The President announced to the Council that he had received a communication from the Private Secretary to His Excellency the Governor, intimating that it is His Excellency's intention to proceed to the Legislative Council Chamber this day at five o'clock, to assent, in Her Majesty's name, to a certain Bill passed by the Legislative Council and Legislative Assembly.

REPORTERS' GALLERY.—The Honorable W. A. C. a'Beckett, in accordance with notice, moved, That the canopy over the President's chair in the Council Chamber be removed, and that the Reporters be provided with seats in the Eastern Gallery in lieu of those now occupied by them, and that the Department of Public Works be instructed to carry out these alterations.

Debate ensued.

APPROACH OF HIS EXCELLENCY THE GOVERNOR.—The Usher announced the approach of His Excellency the Governor to the Council Chamber.

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

“ *An Act to apply out of the Consolidated Revenue the Sum of Three hundred and seventy thousand pounds to the service of the Year One thousand eight hundred and seventy-one and two.*”

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

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

“ CANTERBURY,  
“ Governor.”

A schedule of the Bill assented to was delivered to Mr. Speaker.

The Legislative Assembly withdrew.

His Excellency the Governor left the Council Chamber.

REPORTERS' GALLERY.—Debate resumed on the question, That the canopy over the President's Chair in the Council Chamber be removed, and that the Reporters be provided with seats in the Eastern Gallery, in lieu of those now occupied by them, and that the Department of Public Works be instructed to carry out these alterations.

The Honorable H. M. Murphy moved, That the debate be adjourned until Tuesday fortnight.

Question—That the debate be adjourned until Tuesday fortnight—put and negatived.

The Honorable A. Michie moved, That this House do now adjourn.

Debate ensued.

Question—That this House do now adjourn—put and negatived.

Question—That the canopy over the President's chair in the Council Chamber be removed, and that the Reporters be provided with seats in the Eastern Gallery in lieu of those now occupied by them, and that the Department of Public Works be instructed to carry out these alterations—put and negatived.

MESSAGES FROM HIS EXCELLENCY THE GOVERNOR.—The Honorable W. A. C. a'Beckett presented to the Council the following Messages from His Excellency the Governor :—

CANTERBURY,

*Governor.*

The Governor transmits to the Legislative Council a copy of a Despatch which he has received from the Right Honorable the Secretary of State with reference to the Act of the Legislature of this Colony, No. 389, “ *The Discipline Act 1870.*”

Government Offices,

Melbourne, 31st August, 1871.

CANTERBURY,

*Governor.*

The Governor transmits to the Legislative Council a copy of a Despatch which he has received from the Right Honorable the Secretary of State, forwarding regulations for the supply of British silver coinage to the Colonies.

Government Offices,

Melbourne, 31st August, 1871.

CANTERBURY,

*Governor.*

The Governor transmits to the Legislative Council a copy of a Despatch which he has received from the Right Honorable the Secretary of State, with reference to the proposal of several of the Australasian Colonies to conclude agreements for reciprocal Tariff advantages.

Government Offices,

Melbourne, 31st August, 1871.

The Council adjourned at ten minutes to six o'clock, until half-past four o'clock on Tuesday the 5th proximo.

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## ORDERS OF THE DAY.

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TUESDAY, 5TH SEPTEMBER, 1871.

ORDERS OF THE DAY :—

1. BANK OF NEW SOUTH WALES ACT AMENDMENT BILL.—To be read a second time.
2. MARINE BOARD BILL.—To be further considered in Committee.

G. W. RUSDEN,

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

Minutes of the Proceedings  
OF THE  
LEGISLATIVE COUNCIL.

TUESDAY, 5TH SEPTEMBER, 1871.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the Prayer.

PAPER.—The Honorable W. A. C. a'Beckett, by command of His Excellency the Governor, presented to the Council the following Papers:—

1. Errata in Report of Lieut.-Colonel Sankey, in "Report on the Coliban and Geelong Schemes of Water Supply."
2. Report of Lieut.-Colonel Sankey on the cost of so far completing the Coliban Waterworks as to provide for the delivery of Seven Million Gallons per diem to Sandhurst and Castlemaine (2nd September, 1871).

Ordered severally to lie on the Table.

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

Question—put and passed.

BANK OF NEW SOUTH WALES ACT AMENDMENT BILL.—The Order of the Day for the second reading of this Bill being read, the Honorable T. T. a'Beckett moved, That the Bill be now read a second time.

Question—put and passed.

Bill read a second time.

The Honorable T. T. a'Beckett moved, That the consideration of the Bill in Committee of the whole Council be made an Order of the Day for Tuesday next.

Question—put and passed.

MARINE BOARD 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.

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

MR. PRESIDENT—

The Legislative Assembly transmit to the Legislative Council a Bill, intituled "*An Act to sanction the issue and expenditure of certain Sums from 'The Public Works Loan Account' for a Salary and Contingencies for the service of the Year One thousand eight hundred and seventy-one,*" and request the concurrence of the Legislative Council therein.

C. MAC MAHON,  
Speaker.

Legislative Assembly Chamber,  
Melbourne, 5th September, 1871.

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

Question—put and passed.

Bill read a first time.

The Honorable W. A. C. a'Beckett moved, That the Bill be now read a second time.

Question—put and passed.

Bill read a second time.

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

Question—put and passed.

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

The President left the Chair.



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

The Honorable W. A. C. a'Beckett moved, That the Report be now adopted.

Question—put and passed.

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

The Honorable W. A. C. a'Beckett moved, That the title of the Bill be “*An Act to sanction the issue and expenditure of certain Sums from 'The Public Works Loan Account' for a Salary and Contingencies for the service of the Year One thousand eight hundred and seventy-one.*”

Question—put and passed.

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

The Council adjourned at half-past six o'clock, until half-past four o'clock on Tuesday the 12th instant.

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## NOTICE OF MOTION AND ORDERS OF THE DAY.

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TUESDAY, 12TH SEPTEMBER, 1871.

NOTICE OF MOTION :—

1. The Hon. DR. DOBSON : To move for leave to bring in a Bill for establishing a time of Prescription in certain cases.

ORDERS OF THE DAY :—

1. BANK OF NEW SOUTH WALES ACT AMENDMENT BILL.—To be committed.
2. MARINE BOARD BILL.—To be further considered in Committee.

G. W. RUSDEN,

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

# Minutes of the Proceedings

OF THE

## LEGISLATIVE COUNCIL.

TUESDAY, 12TH SEPTEMBER, 1871.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the Prayer.

**ROYAL ASSENT TO A BILL.**—The President announced to the Council that he had received a communication from the Private Secretary to His Excellency the Governor, intimating that it is His Excellency's intention to proceed to the Legislative Council Chamber this day, to assent, in her Majesty's name, to a certain Bill passed by the Legislative Council and the Legislative Assembly.

**PAPERS.**—The Honorable W. A. C. a'Beckett, by command of His Excellency the Governor, presented to the Council the following Papers:—

1. Lunatic Asylums—Return of Inspector of, for Six Months ending 30th June, 1871.
2. Stony Creek Reservoir—Reply of Lieut.-Colonel Sankey, R.E., to questions relating to (5th September, 1871).
3. Statistics of Colony of Victoria, 1870.—Part IV.—Accumulation.

Ordered severally to lie on the Table.

**TITLE DEEDS NOT ISSUED.**—The Honorable W. A. C. a'Beckett laid on the Table a Return to the Order of the Council made on the 22nd August, 1871.

**PRESCRIPTION BILL.**—The Honorable Dr. Dobson, in accordance with notice, moved for leave to bring in a Bill for establishing a time of Prescription in certain cases.

Question—put and passed.

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

**BANK OF NEW SOUTH WALES ACT AMENDMENT BILL.**—The Order of the Day for the committal of this Bill 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 T. T. a'Beckett moved, That the adoption of the Report be made an Order of the Day for the next day of meeting.

Question—put and passed.

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

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

*“An Act to sanction the issue and expenditure of certain Sums from ‘The Public Works Loan Account’ for a Salary and Contingencies for the service of the Year One thousand eight hundred and seventy-one.”*

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

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

“CANTERBURY,  
“Governor.”

A Schedule of the Bill assented to was delivered to Mr. Speaker.

The Legislative Assembly withdrew.

His Excellency the Governor left the Council Chamber.

**MARINE BOARD 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.

**TITLE DEEDS NOT ISSUED.**—The Honorable W. Highett, with leave of the Council, moved, without notice, That the Return laid on the Table of the House, this day, be printed.  
Question—put and passed.

**ADJOURNMENT.**—The Honorable W. A. C. a'Beckett, 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 19th instant.  
Question—put and passed.

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

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## ORDERS OF THE DAY.

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TUESDAY, 19TH SEPTEMBER, 1871.

1. The Hon. A. FRASER: To ask the Honorable Member representing the Government when he expects the Tariff Bill to reach this House.

ORDERS OF THE DAY:—

1. BANK OF NEW SOUTH WALES ACT AMENDMENT BILL.—Adoption of Report.
2. MARINE BOARD BILL.—To be further considered in Committee.

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TUESDAY, 26TH SEPTEMBER.

ORDER OF THE DAY:—

1. PRESCRIPTION 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, 19<sup>TH</sup> SEPTEMBER, 1871.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the Prayer.

PAPERS.—The Honorable W. A. C. a'Beckett, by command of His Excellency the Governor, presented to the Council the following Papers :—

1. Mining under Malmsbury Reservoir site authorized.—Order in Council (28th August, 1871).
2. Mining under Malmsbury Reservoir site authorized.—Order in Council (28th August, 1871).
3. Mining under Railway Reserve, Sandhurst District, authorized.—Order in Council (28th August, 1871).
4. Mining under Railway Reserve, Sandhurst District, authorized.—Order in Council (28th August, 1871).
5. Mining under Railway Reserve, Sandhurst District, authorized.—Order in Council (28th August, 1871).
6. Mining under Railway Reserve, Sandhurst District, authorized.—Order in Council (28th August, 1871).
7. Mining under Railway Reserve, Sandhurst District, authorized.—Order in Council (28th August, 1871).
8. Mining under Railway Reserve, Sandhurst District, authorized.—Order in Council (28th August, 1871).
9. Mining under Railway Reserve, Sandhurst District, authorized.—Order in Council (4th September, 1871).
10. Mining under Railway Reserve, Sandhurst District, authorized.—Order in Council (4th September, 1871).
11. Mining under Railway Reserve, Sandhurst District, authorized.—Order in Council (4th September, 1871).
12. Mining under Railway Reserve, Sandhurst District, authorized.—Order in Council (4th September, 1871).
13. Mining under Railway Reserve, Sandhurst District, authorized.—Order in Council (4th September, 1871).
14. Mining under Railway Reserve, Sandhurst District, authorized.—Order in Council (28th August, 1871).
15. Geelong Water Supply.—Report from Chief Engineer on bringing Water from Stony Creek to Junction at Anakie Gap, with remarks by Lieut.-Col. Sankey, R.E.

Ordered severally to lie on the Table.

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

MR. PRESIDENT,

The Legislative Assembly transmit to the Legislative Council a Bill, intituled—“ *An Act to amend ‘ The Statute of Gaols 1864 ’ and for other purposes ;*”

Also, a Bill, intituled—“ *An Act to amend ‘ The Post Office Statute 1866 ;*’ ”

Also, a Bill, intituled—“ *An Act to amend ‘ The Discipline Act 1870 ;*’ ”

with which they desire the concurrence of the Legislative Council.

C. MAC MAHON,  
Speaker.

Legislative Assembly Chambers,  
Melbourne, 19th September, 1871.

GAOLS STATUTE AMENDMENT BILL.—The Honorable W. A. C. a’Beckett moved, That this Bill be now read a first time, and be printed, and that the second reading of the Bill be made an Order of the Day for this day week.

Question—put and passed.

Bill read a first time.

POST OFFICE STATUTE AMENDMENT BILL.—The Honorable W. A. C. a’Beckett moved, That this Bill be now read a first time, and be printed, and that the second reading of the Bill be made an Order of the Day for this day week.

Question—put and passed.

Bill read a first time.

DISCIPLINE ACT AMENDMENT BILL.—The Honorable W. A. C. a’Beckett moved, That this Bill be now read a first time, and be printed, and that the second reading of the Bill be made an Order of the Day for the next day of meeting.

Question—put and passed.

Bill read a first time.

LIBRARY JOINT COMMITTEE REPORT.—The Honorable R. S. Anderson brought up the First Report of the Joint Committee of both Houses of Parliament appointed to manage the Library.

BANK OF NEW SOUTH WALES ACT AMENDMENT BILL.—The Order of the Day for the adoption of the Report of the Committee of the whole Council on this Bill being read, the Honorable T. T. a’Beckett moved, That the Report be now adopted.

Question—put and passed.

The Honorable T. T. a’Beckett, with leave of the Council, moved, without notice, That the Standing Order, No. CXIII, be suspended in order that the Bill may be passed through the remaining stages this day.

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. T. a’Beckett was read a third time and *passed*.

The Honorable T. T. a’Beckett moved, That the title of the Bill be “ *An Act to amend an Act intituled “ An Act to incorporate the proprietors of a certain banking company called “ The Bank of “ “ New South Wales ” and for other purposes therein mentioned .*”

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.

MARINE BOARD 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 this day week.

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 amend the Law relating to Dividing Fences,*” with which they desire the concurrence of the Legislative Council.

C. MAC MAHON,  
Speaker.

Legislative Assembly Chambers,  
Melbourne, 19th September, 1871.

FENCING BILL (2).—The Honorable W. A. C. a’Beckett, moved, That this Bill be now read a first time, and be printed, and that the second reading of the Bill be made an Order of the Day for Tuesday next.

Question—put and passed.

Bill read a first time.

ADJOURNMENT.—The Honorable W. A. C. a'Beckett, 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 six o'clock, until half-past four o'clock on Tuesday the 26th instant.

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## NOTICE OF MOTION AND ORDERS OF THE DAY.

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TUESDAY, 26TH SEPTEMBER, 1871.

NOTICE OF MOTION :—

1. The Hon. Dr. DOBSON: To move, For leave to bring in a Bill for ascertaining the validity of Bye-Laws in certain cases.

ORDERS OF THE DAY :—

1. PRESCRIPTION BILL.—To be read a second time.
2. GAOLS STATUTE AMENDMENT BILL—To be read a second time.
3. POST OFFICE STATUTE AMENDMENT BILL—To be read a second time.
4. DISCIPLINE ACT AMENDMENT BILL—To be read a second time.
5. MARINE BOARD BILL.—To be further considered in Committee.
6. FENCING BILL (2).—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, 26TH SEPTEMBER, 1871.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the Prayer.

PAPERS.—The Honorable W. A. C. a'Beckett, by command of His Excellency the Governor, presented to the Council the following Papers :—

1. Corrigenda to Orders in Council relative to mining under Railway Reserve, Sandhurst (12th September, 1871).
2. Mining under Railway Reserve, Sandhurst District, authorized.—Order in Council (11th September, 1871).

Ordered severally to lie on the Table.

TIMBER AND PRODUCE BROUGHT BY RAILWAY FROM ECHUCA.—The Honorable W. A. C. a'Beckett laid on the Table a Return of Timber brought by Railway from Echuca to Melbourne, of the charge per ton, of the comparative charge for timber and for wool, tallow, and other goods, with the cost per ton for loading and unloading timber.

Ordered to lie on the Table.

BYE-LAWS VALIDITY BILL.—The Honorable W. Campbell, on behalf of the Honorable Dr. Dobson, moved, in accordance with notice, for leave to bring in a Bill for ascertaining the validity of Bye-Laws in certain cases.

Question—put and passed.

Bill brought in, and, on the motion of the Honorable W. Campbell, read a first time, and ordered to be printed, and the second reading of the Bill made an Order of the Day for Tuesday the 3rd proximo.

POSTPONEMENT.—The following Order of the Day was postponed until Tuesday the 3rd proximo :—

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

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

Question—put and passed.

Bill read a second time.

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

Question—put and passed.

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

The President left the Chair.

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

The Honorable W. A. C. a'Beckett moved, That the adoption of the Report of the Committee be made an Order of the Day for to-morrow.

Question—put and passed.

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

Debate ensued.

The Honorable W. Campbell moved, That the word “ now ” be omitted, with a view to add the words “ this day six months ” after the word “ time.”

Debate ensued.



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

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The Hon. T. T. a'Beckett  
H. M. Murphy  
W. A. C. a'Beckett  
C. J. Jenner  
W. Highett  
A. Fraser  
J. Henty  
B. Williams (*Teller*).

## Not Contents, 12.

The Hon. W. Campbell  
W. Skene  
T. McKellar  
J. Graham  
N. Black  
J. P. Bear  
W. Degraives  
Dr. Hope  
J. F. Strachan  
R. Turnbull  
R. Simson  
R. S. Anderson (*Teller*).

The question was therefore negatived.

Question—That the words “this day six months” proposed to be added after the word “time” be so added—put and passed.

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

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

MR. PRESIDENT,

The Legislative Assembly transmit to the Legislative Council a Bill, intituled—“*An Act to amend 'The Criminal Law and Practice Statute 1864,'*” with which they desire the concurrence of the Legislative Council.

C. MAC MAHON,  
Speaker.

Legislative Assembly Chambers,  
Melbourne, 26th September, 1871.

CRIMINAL LAW AND PRACTICE STATUTE AMENDMENT BILL.—The Honorable W. A. C. a'Beckett moved, That this Bill be now read a first time, and be printed, and that the second reading of the Bill be made an Order of the Day for to-morrow.

Question—put and passed.

Bill read a first time.

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

Question—put and passed.

Bill read a second time.

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

Question—put and passed.

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

The President left the Chair.

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

The Honorable W. A. C. a'Beckett 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 from the Committee of the whole House, the Bill, on the motion of the Honorable W. A. C. a'Beckett, was read a third time and *passed*.

The Honorable W. A. C. a'Beckett moved, That the title of the Bill be “*An Act to amend 'The Discipline Act 1870.'*”

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.

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

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

The Honorable W. A. C. a'Beckett moved, That the Bill be now re-committed on the 97th 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 W. A. C. a'Beckett moved, That the adoption of the Report of the Committee be made an Order of the Day for Tuesday next.

Question—put and passed.

POSTPONEMENT.—The following Order of the Day was postponed until Tuesday the 3rd proximo :—

“ *Fencing Bill (2)* ”—to be read a second time.

ADJOURNMENT.—The Honorable W. A. C. a’Beckett, 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 half-past four o’clock on Tuesday the 3rd proximo.

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## ORDERS OF THE DAY.

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TUESDAY, 3RD OCTOBER, 1871.

The Hon. W. HIGHETT : To ask the Honorable the Member representing the Government, why the Order of the House of the 1st of November last, for a Return of all Crown Lands gazetted as Permanently Reserved for Parks and Gardens or other Public purposes, for which Crown Grants or Certificates of Title or Leases have not been issued, has not yet been complied with, and whether it will be furnished before the termination of the present Session.

ORDERS OF THE DAY :—

1. BYE-LAWS VALIDITY BILL.—To be read a second time.
2. PRESCRIPTION BILL.—To be read a second time.
3. MARINE BOARD BILL.—Adoption of Report.
4. FENCING BILL (2).—To be read a second time.
5. GAOLS STATUTE AMENDMENT BILL.—Adoption of Report.
6. CRIMINAL LAW AND PRACTICE STATUTE AMENDMENT BILL.—To be read a second time.

G. W. RUSDEN,

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



*Minutes of the Proceedings*  
OF THE  
**LEGISLATIVE COUNCIL.**

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TUESDAY, 3RD OCTOBER, 1871.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the Prayer.

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

MR. PRESIDENT,

The Legislative Assembly transmit to the Legislative Council a Bill, intituled—“ *An Act to amend and explain the ‘Shires Statute,’*” with which they desire the concurrence of the Legislative Council.

Legislative Assembly Chambers,  
Melbourne, 3rd October, 1871.

C. MAC MAHON,  
Speaker.

SHIRES STATUTE AMENDMENT BILL.—The Honorable W. A. C. a’Beckett moved, That this Bill be now read a first time, and be printed, and that the second reading of the Bill be made an Order of the Day for to-morrow.

Question—put and passed.

Bill read a first time.

MESSAGE FROM HIS EXCELLENCY THE GOVERNOR.—The Honorable W. A. C. a’Beckett presented to the Council the following Message from His Excellency the Governor :—

CANTERBURY,  
*Governor.*

The Governor informs the Legislative Council that he has recommended to the Legislative Assembly an appropriation out of the Consolidated Revenue for providing an annuity to Sir Francis Murphy, Knt., during his life, in consideration of his valuable services as Speaker of the Legislative Assembly ; and he recommends the Legislative Council to concur in such provision being made.

Government Offices,  
Melbourne, 2nd October, 1871.

TIMBER AND PRODUCE BROUGHT BY RAILWAY FROM ECHUCA.—The Honorable J. O’Shanassy, with leave of the Council, moved, without notice, That the Return laid on the Table of the House on the 26th ultimo be printed.

Question—put and passed.

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

Debate ensued.

Question—put and passed.

Bill read a second time.

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

Question—put and passed.

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

The President left the Chair.

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

The Honorable Dr. Dobson moved, That the Report of the Committee be now adopted.

Question—put and passed.

The Honorable Dr. Dobson moved, That the third reading of the Bill be made an Order of the Day for Thursday next.

Question—put and passed.

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

Debate ensued.

Question—put and passed.

Bill read a second time.

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

Question—put and passed.

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

The President left the Chair.

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

Ordered.

**MARINE BOARD 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 J. Graham moved, That the Order of the Day be discharged, with a view to the re-committal of the Bill.

Question—put and passed.

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

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

The President left the Chair.

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

The Honorable W. A. C. a'Beckett moved, That the adoption of the Report of the Committee be made an Order of the Day for to-morrow.

Question—put and passed.

**POSTPONEMENT.**—The following Order of the Day was postponed until Wednesday the 4th instant :—  
“*Fencing Bill*” (2)—to be read a second time.

**GAOLS STATUTE AMENDMENT BILL.**—The Order of the Day for the adoption of the Report of the Committee of the whole Council on this Bill being read, the Honorable W. A. C. a'Beckett moved, That the Report be now adopted.

Question—put and passed.

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

The Honorable W. A. C. a'Beckett moved, That the title of the Bill be “*An Act to amend the Statute of Gaols 1864, and for other purposes.*”

Question—put and passed.

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

**POSTPONEMENT.**—The following Order of the Day was postponed until Wednesday the 4th instant :—  
“*Criminal Law and Practice Statute Amendment Bill*”—to be read a second time.

The Council adjourned at a quarter to seven o'clock, until half-past four o'clock on Wednesday the 4th instant.

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## ORDERS OF THE DAY.

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WEDNESDAY, 4TH OCTOBER, 1871.

The Hon. W. HIGHETT : To ask the Honorable the Member representing the Government, why the Order of the House of the 1st of November last, for a Return of all Crown Lands gazetted as Permanently Reserved for Parks and Gardens or other Public purposes, for which Crown Grants or Certificates of Title or Leases have not been issued, has not yet been complied with, and whether it will be furnished before the termination of the present Session.

*Government Business.*

## ORDERS OF THE DAY :—

1. SHIRES STATUTE AMENDMENT BILL.—To be read a second time.
2. MARINE BOARD BILL.—Adoption of Report.
3. CRIMINAL LAW AND PRACTICE STATUTE AMENDMENT BILL.—To be read a second time.
4. FENCING BILL (2).—To be read a second time.

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THURSDAY, 5TH OCTOBER.

## ORDER OF THE DAY :—

1. BYE-LAWS VALIDITY BILL.—To be read a third time.

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TUESDAY, 10TH OCTOBER.

## ORDER OF THE DAY :—

1. PRESCRIPTION BILL.—To be further considered in Committee.

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## MEETING OF SELECT COMMITTEE.

*Thursday, 5th October.*

PARLIAMENT BUILDINGS (JOINT)—at half-past three o'clock.

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



Minutes of the Proceedings  
OF THE  
LEGISLATIVE COUNCIL.

WEDNESDAY, 4TH OCTOBER, 1871.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the Prayer.

ABSENCE, LEAVE OF, TO HONORABLE W. H. PETTETT.—The Honorable W. A. C. a'Beckett, with leave of the Council, moved, without notice, That leave of absence be granted to the Honorable W. H. Pettett for the remainder of the Session.

Question—put and passed.

PAPERS.—The Honorable W. A. C. a'Beckett, by command of His Excellency the Governor, laid on the Table the following Papers:—

1. Education, General Regulations of Board of.—Rules for distribution of Special Vote for Exhibitions.
2. Mining under Railway Reserve, Sandhurst District, authorized.—Order in Council (18th September, 1871).
3. Mining in Malsbury Reservoir Reserve, authorized.—Order in Council (18th September, 1871).
4. Mining in Railway Reserve, Castlemaine District, authorized.—Order in Council (18th September, 1871).
5. Mining under Railway Reserve, Castlemaine District, authorized.—Order in Council (18th September, 1871).
6. Occupation of Water Reserve, Sandhurst, for mining purposes, authorized.—Order in Council (18th September, 1871).

Ordered severally to lie on the Table.

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

Debate ensued.

Question—put and passed.

Bill read a second time.

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

Question—put and passed.

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

The President left the Chair.

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

The Honorable W. A. C. a'Beckett moved, That the Report of the Committee be now adopted.

Question—put and passed.

The Honorable W. A. C. a'Beckett moved, That the third reading of the Bill be made an Order of the Day for the next day of meeting.

Question—put and passed.

MARINE BOARD BILL.—The Order of the Day for the adoption of the Report of the Committee of the whole Council on this Bill being read, the Honorable W. A. C. a'Beckett moved, That the Report be now adopted.

Question—put and passed.



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

The Honorable W. A. C. a'Beckett moved, That the title of the Bill be "*An Act to establish a Marine Board for Victoria.*"

Question—put and passed.

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

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

"*Criminal Law and Practice Statute Amendment Bill*"—to be read a second time.

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

MR. PRESIDENT,

The Legislative Assembly transmit to the Legislative Council a Bill, intituled—" *An Act to enable the members of 'The Victoria Racing Club' to sue and be sued in the name of the Chairman for the time being of the Committee of the said Club, and for other purposes,*" with which they desire the concurrence of the Legislative Council.

C. MAC MAHON,  
Speaker.

Legislative Assembly Chambers,  
Melbourne, 4th October, 1871.

VICTORIA RACING CLUB BILL.—The Honorable H. M. Murphy moved, That this Bill be now read a first time, and be printed, and that the second reading of the Bill be made an Order of the Day for Tuesday next.

Question—put and passed.

Bill read a first time.

FENCING BILL (2).—The Order of the Day for the second reading of this Bill being read, the Honorable W. A. C. a'Beckett moved, That the Bill be now read a second time.

Debate ensued.

The Honorable J. O'Shanassy moved, That all the words after the word "be" be omitted, with a view to insert the words "referred to the Select Committee appointed on the 31st May, on the first Fencing Bill."

Debate ensued.

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

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

Question—That the Bill be referred to the Select Committee appointed on the 31st May, on the first Fencing Bill—put and passed.

CRIMINAL LAW AND PRACTICE STATUTE AMENDMENT BILL.—The Order of the Day for the second reading of this Bill being read, the Honorable W. A. C. a'Beckett moved, That the Bill be now read a second time.

Question—put and passed.

Bill read a second time.

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

Question—put and passed.

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

The President left the Chair.

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

The Honorable W. A. C. a'Beckett moved, That the Report be now adopted.

Question—put and passed.

The Honorable W. A. C. a'Beckett moved, That the third reading of the Bill be made an Order of the Day for to-morrow.

The Honorable J. F. Strachan moved, That the word "to-morrow" be omitted, with a view to insert the words "Tuesday next" 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 the third reading of the Bill be made an Order of the Day for Tuesday next—put and passed.

VICTORIA RACING CLUB BILL.—The Honorable H. M. Murphy, with leave of the Council, moved, without notice, That a Message be sent to the Legislative Assembly, requesting that they will be pleased to communicate to the Council copies of the Report and Proceedings of the Select Committee of the Legislative Assembly to which the Victoria Racing Club Bill was referred during the present Session of Parliament.

Question—put and passed.

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

MR. PRESIDENT—

The Legislative Assembly return to the Legislative Council the Bill intituled "*An Act to amend the Statute of Gaols 1864, and for other purposes,*" and acquaint the Legislative Council that the Legislative Assembly have agreed to the amendments made therein by the Legislative Council.

C. MAC MAHON,  
Speaker.

Legislative Assembly Chamber,  
Melbourne, 4th October, 1871.

ADJOURNMENT.—The Honorable W. A. C. a'Beckett, 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-five minutes to seven o'clock, until half-past four o'clock on Tuesday the 10th instant.

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## ORDERS OF THE DAY.

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TUESDAY, 10TH OCTOBER, 1871.

The Hon. R. SIMSON: To ask the Honorable Member representing the Government, whether it is the intention of the Government to renew the fence surrounding the Government domain along the St. Kilda and Domain Roads, the present fence being in a very ruinous state.

ORDERS OF THE DAY :—

1. PRESCRIPTION BILL.—To be further considered in Committee.
2. SHIRES STATUTE AMENDMENT BILL.—To be read a third time.
3. VICTORIA RACING CLUB BILL.—To be read a second time.
4. CRIMINAL LAW AND PRACTICE STATUTE AMENDMENT BILL.—To be read a third time.
5. BYE-LAWS VALIDITY BILL.—To be read a third time.

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## MEETINGS OF SELECT COMMITTEES.

*Thursday, 5th October.*

PARLIAMENT BUILDINGS (JOINT)—at half-past three o'clock.

*Tuesday, 10th October.*

FENCING—at two o'clock.

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



Minutes of the Proceedings  
OF THE  
LEGISLATIVE COUNCIL.

TUESDAY, 10TH OCTOBER, 1871.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the Prayer.

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

MR. PRESIDENT,

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

C. MAC MAHON,  
Speaker.

Legislative Assembly Chamber,  
Melbourne, 10th October, 1871.

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 enable the Members of 'The Victoria Racing Club' to sue and be sued in the name of the Chairman for the time being of the Committee of the said Club, and for other purposes,*" as requested by the Legislative Council.

C. MAC MAHON,  
Speaker.

Legislative Assembly Chamber,  
Melbourne, 10th October, 1871.

RAILWAYS BILL.—The Honorable W. A. C. a'Beckett moved, That this Bill be now read a first time.

Question—put and passed.

Bill read a first time.

The Honorable W. A. C. a'Beckett moved, That the Bill be printed, and that the second reading of the Bill be made an Order of the Day for Thursday next.

Question—put and passed.

PAPERS.—The Honorable W. A. C. a'Beckett, by command of His Excellency the Governor, laid on the Table the following Papers :—

1. Immigration Regulations under Act 27 Victoria, No. 195 (6th October, 1871).

2. Insolvency—Court of.—Altered Rules (6th October, 1871).

Ordered severally to lie on the Table.

PAPER.—The Honorable W. A. C. a'Beckett, by command of His Excellency the Governor, presented to the Council the following Paper :—

Intercolonial Conference of 1871.—Report.

Ordered to lie on the Table.

PARKS AND GARDENS, RESERVES AND GRANTS.—The Honorable W. A. C. a'Beckett laid on the Table a Return to the Order of the Council made on the 1st November, 1870.

The Honorable W. Highett, with leave of the Council, moved, without notice, That the Return be printed.

Question—put and passed.

ACTING CHAIRMAN OF COMMITTEES.—The Honorable Dr. Dobson, with leave of the Council, moved, without notice, That as the Honorable Dr. Hope is prevented by illness from attending in the House, the Honorable A. Fraser do act as Chairman of Committees this day.

Question—put and passed.

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

The Honorable Dr. Dobson moved, That the Report be now adopted.

Question—put and passed.

The Honorable Dr. Dobson moved, That the third reading of the Bill be made an Order of the Day for Thursday next.

Question—put and passed.

**SHIRES STATUTE AMENDMENT BILL.**—The President having reported that the Acting 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 W. A. C. a'Beckett, was read a third time and *passed*.

The Honorable W. A. C. a'Beckett moved, That the Title of the Bill be "*An Act to explain and amend the Shires 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.

**VICTORIA RACING CLUB BILL.**—The Honorable R. S. Anderson produced a certificate showing that the sum of Twenty pounds had been paid into the hands of the Colonial Treasurer for the public uses of the colony and the Order of the Day for the second reading of this Bill having been read, the Honorable R. S. Anderson moved, That the Bill be now read a second time.

Question—put and passed.

Bill read a second time.

The Honorable R. S. Anderson, with leave of the Council, moved, without notice, That the Standing Order CXIII be suspended, in order that the Bill may pass through more stages than one this day.

Question—put and passed.

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

Question—put and passed.

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

The President left the Chair.

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

The Honorable R. S. Anderson moved, That the Report of the Committee be now adopted.

Question—put and passed.

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

The Honorable R. S. Anderson moved, That the title of the Bill be "*An Act to enable the Members of 'The Victoria Racing Club' to sue and be sued in the name of the Chairman for the time being of the Committee of the said Club, and for other purposes.*"

Question—put and passed.

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

**CRIMINAL LAW AND PRACTICE STATUTE AMENDMENT BILL.**—The Order of the Day for the third reading of this Bill being called on, the Honorable Dr. Dobson 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 Acting Chairman of Committees reported that the Committee had gone through the Bill, and had agreed to the same with amendments.

The Honorable W. A. C. a'Beckett moved, That the adoption of the Report of the Committee be made an Order of the Day for to-morrow.

Question—put and passed.

**BYE-LAWS VALIDITY BILL.**—The Order of the Day for the third reading of this Bill being called on, the Honorable Dr. Dobson 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 Acting Chairman of Committees reported that the Committee had gone through the Bill and had agreed to the same with further amendments.

The Honorable Dr. Dobson moved, That the Report be now adopted.

Question—put and passed.

The Honorable Dr. Dobson moved, That the third reading of the Bill be made an Order of the Day for Thursday next.

Question—put and passed.

PAPER.—The Honorable W. A. C. a'Beckett, by command of His Excellency the Governor, presented to the Council the following Paper :—

Telegraphic Messages on Sundays.—Charges (29th September, 1871).

Ordered to lie on the Table.

The Council adjourned at a quarter to six o'clock, until half-past four o'clock on Wednesday the 11th instant.

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## ORDERS OF THE DAY.

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WEDNESDAY, 11TH OCTOBER, 1871.

*Government Business.*

ORDER OF THE DAY :—

1. CRIMINAL LAW AND PRACTICE STATUTE AMENDMENT BILL.—Adoption of Report.
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THURSDAY, 12TH OCTOBER.

ORDERS OF THE DAY :—

1. RAILWAYS BILL.—To be read a second time.
  2. PRESCRIPTION BILL.—To be read a third time.
  3. BYE-LAWS VALIDITY BILL.—To be read a third time.
- 

## MEETING OF SELECT COMMITTEE.

*Wednesday, 11th October.*

FENCING—at three o'clock.

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



# Minutes of the Proceedings

OF THE

## LEGISLATIVE COUNCIL.

WEDNESDAY, 11TH OCTOBER, 1871.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the Prayer.

FENCING BILL (2).—The Honorable R. Simson, as Chairman of the Select Committee appointed on the 31st May, to which Committee was referred the Fencing Bill (1), and to which Committee was referred, on the 4th instant, the Fencing Bill (2), brought up the Report of the Committee, and moved that the same be printed.

Question—put and passed.

The Honorable R. Simson, with leave of the Council, moved, without notice, That the second reading of the Fencing Bill (2) 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 amend the Law relating to the Impounding of Cattle,*" with which they desire the concurrence of the Legislative Council.

Legislative Assembly Chamber,  
Melbourne, 11th October, 1871.

C. MAC MAHON,  
Speaker.

MR. PRESIDENT,

The Legislative Assembly transmit to the Legislative Council a Bill intituled "*An Act to grant certain Duties of Customs and to repeal and alter certain other Duties of Customs,*" with which they desire the concurrence of the Legislative Council.

Legislative Assembly Chamber,  
Melbourne, 11th October, 1871.

C. MAC MAHON,  
Speaker.

IMPOUNDING LAW AMENDMENT BILL.—The Honorable W. A. C. a'Beckett moved, That this Bill be now read a first time, and printed, and that the second reading of the Bill be made an Order of the Day for to-morrow.

Question—put and passed. *propo*

Bill read a first time.

CUSTOMS DUTIES BILL.—The Honorable W. A. C. a'Beckett moved, That this Bill be now read a first time, and printed, and that the second reading of the Bill be made an Order of the Day for to-morrow.

Question—put and passed.

Bill read a first time.

PAPERS.—The Honorable W. A. C. a'Beckett, by command of His Excellency the Governor, presented to the Council the following Papers :—

1. Mining on Railway Reserve, Sandhurst District.—Order in Council (2nd October, 1871).
2. Mining on Railway Reserve, Sandhurst, authorized.—Order in Council (25th September, 1871).
3. Mining on Railway Reserve, Castlemaine, authorized.—Order in Council (25th September, 1871).
4. Mining under Railway Reserve, Castlemaine, authorized.—Order in Council (25th September, 1871).
5. Mining under Railway Reserve, Castlemaine, authorized.—Order in Council (25th September, 1871).
6. Mining under Railway Reserve, Castlemaine, authorized.—Order in Council (25th September, 1871).
7. Mining under Railway Reserve, Castlemaine, authorized.—Order in Council (25th September, 1871).

Ordered severally to lie on the Table.



PETITION.—The Honorable J. O'Shanassy presented a Petition signed by Louis L. Smith, styling himself Chairman of a meeting of the unemployed of Melbourne, praying for relief.  
Petition received.

CRIMINAL LAW AND PRACTICE STATUTE AMENDMENT BILL.—The Order of the Day for the adoption of the Report of the Committee of the whole Council on this Bill being read, the Honorable W. A. C. a'Beckett moved, That the Report be now adopted.

Question—put and passed.

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

The Honorable W. A. C. a'Beckett moved, That the title of the Bill be "*An Act to amend the Criminal Law and Practice Statute 1864, 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.

The Council adjourned at five o'clock, until half-past four o'clock on Thursday the 12th instant.

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## ORDERS OF THE DAY.

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THURSDAY, 12TH OCTOBER, 1871.

ORDERS OF THE DAY :—

1. RAILWAYS BILL.—To be read a second time.
2. PRESCRIPTION BILL.—To be read a third time.
3. BYE-LAWS VALIDITY BILL.—To be read a third time.
4. FENCING BILL (2).—To be read a second time.
5. IMPOUNDING LAW AMENDMENT BILL.—To be read a second time.
6. CUSTOMS DUTIES BILL.—To be read a second time.

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## MEETING OF SELECT COMMITTEE.

Thursday, 12th October.

FENCING—at three o'clock.

G. W. RUSDEN,

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

# Minutes of the Proceedings

OF THE

## LEGISLATIVE COUNCIL.

THURSDAY, 12TH OCTOBER, 1871.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the Prayer.

**PETITION.**—The Honorable F. Robertson presented a Petition from the Mayor and Councillors of the Borough of Castlemaine, and under the corporate seal thereof, on the subject of the Railways Bill.

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

**PETITION.**—The Honorable F. Robertson presented a Petition, signed by B. S. Dawson and others, styling themselves residents in the Borough of Stawell, on the subject of the Railways Bill.

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

**PETITION.**—The Honorable T. T. a'Beckett, on behalf of the Honorable A. Michie, presented a Petition, signed by David Flynn and others, styling themselves residents of Yackandandah, on the subject of the Railway Gauge on the North-Eastern Line of Railway.

Petition received.

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

Debate ensued.

Amendment moved by the Honorable J. O'Shanassy, That all the words after the word "That" be omitted, with a view to insert instead thereof the words "the Order of the Day for the second reading of the Bill be discharged from the Paper, with a view to refer the Bill to a Committee of the whole House, and that such Committee have power to call for persons and papers."

Debate ensued.

Amendment, by leave, withdrawn.

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

Bill read a second time.

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

Amendment moved by the Honorable J. O'Shanassy, That the words "and that it be an instruction to the Committee that they have power to examine witnesses and call for papers," be added after the word "Council."

Debate ensued.

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

Council divided.

Contents, 15.

The Hon. W. Skene  
 W. Campbell  
 J. Graham  
 T. T. a'Beckett  
 J. O'Shanassy  
 A. Michie  
 N. Black  
 W. Degraives  
 R. Simson  
 W. Highett  
 J. P. Bear  
 R. Turnbull  
 T. McKellar  
 R. S. Anderson  
 Dr. Dobson (*Teller*).

Not Contents, 9.

The Hon. G. W. Cole  
 C. J. Jenner  
 F. Robertson  
 J. Cumming  
 H. M. Murphy  
 J. F. Strachan  
 A. Fraser  
 J. Henty  
 W. A. C. a'Beckett (*Teller*).

The question was therefore passed.

Question—That the Bill be now considered in Committee of the whole Council, and that it be an instruction to the Committee that they have power to examine witnesses and call for papers—put and passed.

ACTING CHAIRMAN OF COMMITTEES.—The Honorable W. A. C. a'Beckett, with leave of the Council, moved, without notice, That the Honorable A. Fraser do act as Chairman of Committees this day.

Question—put and passed.

RAILWAYS BILL.—

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

The President left the Chair.

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

PRESCRIPTION BILL.—The President having reported that the Acting 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 Dr. Dobson, was read a third time and *passed*.

The Honorable Dr. Dobson moved, That the title of the Bill be "*An Act for establishing a time of Prescription in certain cases.*"

Question—put and passed.

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

BYE-LAWS VALIDITY BILL.—The President having reported that the Acting 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 Dr. Dobson, was read a third time and *passed*.

The Honorable Dr. Dobson moved, That the Title of the Bill be "*An Act for ascertaining the Validity of Bye-laws in certain cases.*"

Question—put and passed.

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

FENCING BILL (2).—The Order of the Day for the second reading of this Bill being read, the Honorable W. A. C. a'Beckett moved, That the Bill be now read a second time.

Question—put and passed.

Bill read a second time.

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

Question—put and passed.

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

The President left the Chair.

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

POSTPONEMENT.—The following Order of the Day was postponed until Tuesday the 17th instant.

"*Impounding Law Amendment Bill*"—To be read a second time.

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

The Honorable J. F. Strachan moved, That the debate be adjourned until Tuesday next.

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

The Council adjourned at twenty-five minutes past nine o'clock, until half-past four o'clock on Tuesday the 17th instant.

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## ORDERS OF THE DAY.

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TUESDAY, 17TH OCTOBER, 1871.

ORDERS OF THE DAY :—

1. RAILWAYS BILL.—To be further considered in Committee.
2. FENCING BILL (2).—To be further considered in Committee.
3. IMPOUNDING LAW AMENDMENT BILL.—To be read a second time.
4. CUSTOMS DUTIES BILL—Adjourned debate on second reading.

G. W. RUSDEN,

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

# Minutes of the Proceedings

OF THE

## LEGISLATIVE COUNCIL.

TUESDAY, 17<sup>TH</sup> OCTOBER, 1871.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the Prayer.

**PETITION.**—The Honorable R. S. Anderson presented a Petition signed by B. J. Bartley, styling himself chairman of a meeting of the ratepayers of the Indigo United Road District, and of delegates of certain shires, and of the Rutherglen Borough Council, and of the Wodonga local committee, on the subject of the gauge of the North-Eastern Railway.

Petition received.

**ACTING CHAIRMAN OF COMMITTEES.**—The Honorable W. A. C. a'Beckett, with leave of the Council, moved, without notice, That the Honorable A. Fraser do act as Chairman of Committees this day.

Question—put and passed.

**ABSENCE, LEAVE OF, TO HON. DR. HOPE.**—The Honorable J. F. Strachan, with leave of the Council, moved, without notice, That leave of absence for fourteen days be granted to the Honorable Dr. Hope.

Question—put and passed.

**RAILWAYS.**—The Honorable J. O'Shanassy, with leave of the Council, moved, without notice, That a Message be sent to the Legislative Assembly, requesting that they will be pleased to communicate to the Council Copies of the Proceedings and Evidence of the Select Committee of the Legislative Assembly on Railways, during the present session of Parliament, together with any documents or papers relating to Railway Construction, which may have been laid before the Assembly.

Question—put and passed.

**RAILWAYS 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 Acting Chairman of Committees reported progress and asked leave to sit again to-morrow.

Ordered.

**ADJOURNMENT.**—The Honorable W. A. C. a'Beckett, with leave of the Council, moved, without notice, That the House, at its rising this day, adjourn until two o'clock 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 return to the Legislative Council the Bill intituled "*An Act to amend 'The Criminal Law and Practice Statute 1864,' and for other purposes,*" and acquaint them that the Legislative Assembly have agreed to the amendments made therein by the Legislative Council.

C. MAC MAHON,  
Speaker.

Legislative Assembly Chamber,  
Melbourne, 17th October, 1871.

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 Railways during this present session of Parliament; and also copies of documents and papers relating to Railway Construction laid before the Legislative Assembly, as requested by the Legislative Council.

Legislative Assembly Chamber,  
Melbourne, 17th October, 1871.

C. MAC MAHON,  
Speaker

The Council adjourned at a quarter to ten o'clock, until two o'clock on Wednesday the 18th instant.

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## ORDERS OF THE DAY.

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WEDNESDAY, 18TH OCTOBER, 1871.

*Government Business.*

ORDERS OF THE DAY:—

1. RAILWAYS BILL.—To be further considered in Committee.
2. FENCING BILL (2).—To be further considered in Committee.
3. IMPOUNDING LAW AMENDMENT BILL.—To be read a second time.
4. CUSTOMS DUTIES BILL—Adjourned debate on second reading.

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

# Minutes of the Proceedings

OF THE

# LEGISLATIVE COUNCIL.

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WEDNESDAY, 18<sup>TH</sup> OCTOBER, 1871.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the Prayer.

PETITION.—The Honorable J. Cumming presented a Petition, signed by T. Stoneman and other inhabitants of Queenscliff, praying that a Railway line from Geelong to Queenscliff may be sanctioned.  
Petition received and read at the Table by the Clerk.

RAILWAYS 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 Acting Chairman of the Committee reported progress and asked leave to sit again to-morrow.  
Ordered.

FENCING BILL (2).—The Order of the Day for the further consideration of this Bill in Committee of the whole Council being read, the President left the Chair.  
The Acting Chairman of the Committee reported progress and asked leave to sit again to-morrow.  
Ordered.

POSTPONEMENTS.—The following Orders of the Day were severally postponed, as hereunder set forth, until Thursday the 19th instant:—

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

“*Customs Duties Bill*”—Adjourned debate on second reading, to take precedence next after the consideration of the Railways Bill.

The Council adjourned at half-past eight o'clock, until half-past four o'clock on Thursday the 19th instant.

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## ORDERS OF THE DAY.

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THURSDAY, 19<sup>TH</sup> OCTOBER, 1871.

ORDERS OF THE DAY:—

1. RAILWAYS BILL.—To be further considered in Committee.
2. CUSTOMS DUTIES BILL.—Adjourned debate on second reading.
3. FENCING BILL (2).—To be further considered in Committee.
4. IMPOUNDING LAW AMENDMENT BILL.—To be read a second time.

G. W. RUSDEN,

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



# Minutes of the Proceedings

OF THE

## LEGISLATIVE COUNCIL.

THURSDAY, 19TH OCTOBER, 1871.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the Prayer.

PAPERS.—The Honorable W. A. C. a'Beckett, by command of His Excellency, laid on the Table the following Papers:—

1. Discipline Act 1870—Regulations under (2nd October, 1870); Torpedo and Telegraph Corps—Rules for (25th September, 1870).
2. Railway Reserve, Sandhurst District—Mining on, authorized.—Order in Council (6th October, 1871).

Ordered severally to lie on the Table.

ACTING CHAIRMAN OF COMMITTEES.—The Honorable W. A. C. a'Beckett, with leave of the Council, moved, without notice, That the Honorable A. Fraser do act as Chairman of Committees during the absence of the Honorable Dr. Hope.

Question—put and passed.

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

POSTPONEMENTS.—The following Orders of the Day were severally postponed until Tuesday the 24th instant:—

“*Customs Duties Bill*”—Adjourned debate on second reading.

“*Fencing Bill*” (2)—To be further considered in Committee.

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

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

### ORDERS OF THE DAY.

TUESDAY, 24TH OCTOBER, 1871.

ORDERS OF THE DAY:—

1. RAILWAYS BILL.—To be further considered in Committee.
2. CUSTOMS DUTIES BILL.—Adjourned debate on second reading.
3. FENCING BILL (2).—To be further considered in Committee.
4. IMPOUNDING LAW AMENDMENT BILL.—To be read a second time.

G. W. RUSDEN,

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





# Minutes of the Proceedings

OF THE

## LEGISLATIVE COUNCIL.

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TUESDAY, 24<sup>TH</sup> OCTOBER, 1871.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the Prayer.

**PETITION.**—The Honorable C. J. Jenner presented a Petition from the Shire of Bannockburn, and under the corporate seal thereof, on the subject of the Fencing Bill (2).

Petition received, and read at the Table by the Clerk.

**PETITION.**—The Honorable R. Simson presented a Petition signed by D. Laidlaw, styling himself Mayor of the Borough of Hamilton, praying for extension of Railway Communication to Hamilton.

Petition received.

**PETITION.**—The Honorable W. Highett presented a Petition from the Mayor, Councillors, and Ratepayers of the Borough of Wangaratta, and under the corporate seal of the borough, praying that the North-Eastern Railway may be completed in conformity with the plan already sanctioned by Parliament.

Petition received.

**PETITION.**—The Honorable R. S. Anderson presented a similar Petition from the President, Councillors, and Ratepayers of the Shire of North Ovens, and under the corporate seal thereof.

Petition received.

**PETITION.**—The Honorable T. McKellar presented a Petition signed by J. Wiggins, styling himself President of the Shire of Dundas, praying that an extension of the Ballarat and Ararat Railway line to Hamilton may be sanctioned.

Petition received.

**PETITION.**—The Honorable R. S. Anderson presented a Petition signed by G. Sharp, styling himself Chairman of a meeting of the inhabitants of Benalla, praying that no alteration of the gauge of the North-Eastern Railway may be sanctioned.

Petition received.

The Honorable R. S. Anderson moved, That all the Petitions on the subject of Railways, presented this day, be referred to the Committee of the whole Council on the Railways Bill.

Question—put and passed.

**PAPERS.**—The Honorable W. A. C. a'Beckett, by command of His Excellency the Governor, presented to the Council the following Papers:—

1. Sewerage of Melbourne and Suburbs.—Progress Report of Board (20th October, 1871).
2. Foreign Industries and Forests.—Progress Report of Royal Commission.
3. Coals Field, Western Port.—Progress Report of Board (16th October, 1871).

Ordered severally to lie on the Table.

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

Ordered.

CUSTOMS DUTIES BILL.—The Order of the Day for the resumption of the debate on the second reading of this Bill being read, the debate was resumed.

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

Contents, 10.  
The Hon. G. W. Cole  
T. T. a'Beckett  
C. J. Jenner  
W. Degraives  
P. Russell  
F. Robertson  
J. Henty  
J. Cumming  
R. Turnbull  
W. A. C. a'Beckett (*Teller*).

Not Contents, 13.  
The Hon. N. Black  
B. Williams  
W. Campbell  
J. O'Shanassy  
T. McKellar  
J. Graham  
W. Skene  
Dr. Dobson  
J. F. Strachan  
A. Fraser  
W. Highett  
R. Simson  
R. S. Anderson (*Teller*).

The question was therefore negatived.

FENCING BILL (2).—The Order of the Day for the further consideration of this Bill in Committee of the whole Council being read, the President left the Chair.

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

The Honorable R. Simson moved, That the adoption of the Report be made an Order of the Day for Thursday next.

Question—put and passed.

POSTPONEMENT.—The following Order of the Day was postponed until Wednesday the 25th instant:—

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

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

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## ORDERS OF THE DAY.

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WEDNESDAY, 25TH OCTOBER, 1871.

*Government Business.*

ORDER OF THE DAY:—

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

THURSDAY, 26TH OCTOBER.

ORDER OF THE DAY:—

1. FENCING BILL (2).—Adoption of Report.

TUESDAY, 31ST OCTOBER.

ORDER OF THE DAY:—

1. RAILWAYS BILL.—To be further considered in Committee.

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

# Minutes of the Proceedings

OF THE

## LEGISLATIVE COUNCIL.

WEDNESDAY, 25<sup>TH</sup> OCTOBER, 1871.

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 amend and explain the Shires Statute,*" and acquaint the Legislative Council that the Legislative Assembly have agreed to the amendment made by the Legislative Council in this Bill with amendments, and that they have made amendments in the Bill and the Title consequent on the amendment made by the Legislative Council, with which they desire the concurrence of the Legislative Council.

C. MAC MAHON,  
Speaker.

Legislative Assembly Chambers,  
Melbourne, 25th October, 1871.

MR. PRESIDENT,

The Legislative Assembly transmit to the Legislative Council a Bill intituled "*An Act to facilitate the operations of Friendly Societies interested in Land under the 'Transfer of Land Statute,'*" with which they desire the concurrence of the Legislative Council.

C. MAC MAHON,  
Speaker.

Legislative Assembly Chambers,  
Melbourne, 25th October, 1871.

SHIRES STATUTE AMENDMENT BILL.—The Honorable W. A. C. a'Beckett moved, That the consideration of the amendments and consequential amendments made in this Bill be made an Order of the Day for to-morrow.

Question—put and passed.

FRIENDLY SOCIETIES STATUTE AMENDMENT BILL.—The Honorable W. A. C. a'Beckett moved, That this Bill be now read a first time, and be printed, and that the second reading of the Bill be made an Order of the Day for to-morrow.

Question—put and passed.

Bill read a first time.

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

Question—put and passed.

Bill read a second time.

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

Question—put and passed.

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

The President left the Chair.

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

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

## NOTICE OF MOTION AND ORDERS OF THE DAY.

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THURSDAY, 26TH OCTOBER, 1871.

NOTICE OF MOTION :—

1. The Hon. C. J. JENNER : To move, That the Customs Duties Bill be now read a second time.

ORDERS OF THE DAY :—

1. FENCING BILL (2).—Adoption of Report.
  2. SHIRES STATUTE AMENDMENT BILL.—Consideration of Message from Legislative Assembly.
  3. FRIENDLY SOCIETIES BILL.—To be read a second time.
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TUESDAY, 31ST OCTOBER.

ORDERS OF THE DAY :—

1. RAILWAYS BILL.—To be further considered in Committee.
2. IMPOUNDING LAW AMENDMENT BILL.—To be further considered in Committee.

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

# Minutes of the Proceedings

OF THE

## LEGISLATIVE COUNCIL.

THURSDAY, 26TH OCTOBER, 1871.

The Clerk of the Council having stated that the President was unavoidably detained, the Acting Chairman of Committees took the Chair as Deputy President.

The Deputy President read the Prayer.

ACTING CHAIRMAN OF COMMITTEES.—The Honorable C. J. Jenner, with leave of the Council, moved, without notice, That the Honorable T. T. a'Beckett do act as Chairman of Committees this day.  
Question—put and passed.

PAPER.—The Honorable W. A. C. a'Beckett, by command of His Excellency the Governor, presented to the Council the following Paper:—

Intercolonial Legislation.—High Court of Appeal.—Despatch from the Right Honorable the Secretary of State for the Colonies, with enclosures (8th August, 1871).

Ordered to lie on the Table.

CUSTOMS DUTIES BILL.—The Honorable C. J. Jenner, 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. A. C. a'Beckett moved, That the Bill be now considered in Committee of the whole Council.

Question—put and passed.

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

The Deputy President left the Chair.

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

The Honorable W. A. C. a'Beckett moved, That the Report of the Committee be now adopted.

Question—put and passed.

The Deputy President having reported that the Acting Chairman of Committees had certified that the fair print of the Bill was in accordance with the Bill as reported, the Bill, on the motion of the Honorable W. A. C. a'Beckett, was read a third time and passed.

The Honorable W. A. C. a'Beckett moved, That the title of the Bill be "*An Act to grant certain Duties of Customs and to repeal and alter certain other Duties of Customs.*"

Question—put and passed.

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

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

MR. PRESIDENT,

The Legislative Assembly transmit to the Legislative Council a Bill intituled "*An Act to amend the Laws relating to the Sale of Wine, Beer, and Spirits,*" with which they desire the concurrence of the Legislative Council.

C. MAC MAHON,  
Speaker.

Legislative Assembly Chambers,  
Melbourne, 26th October, 1871.

MR. PRESIDENT,

The Legislative Assembly transmit to the Legislative Council a Bill intituled "*An Act to sanction the issue and application of certain sums of money from 'The Railway Loan Account' for Salaries, Wages, and Contingencies for the service of the Year One thousand eight hundred and seventy-one and for the six months ending thirtieth June One thousand eight hundred and seventy-two,*" with which they desire the concurrence of the Legislative Council.

C. MAC MAHON,  
Speaker.

Legislative Assembly Chambers,  
Melbourne, 26th October, 1871.

RAILWAY LOAN APPROPRIATION BILL.—The Honorable W. A. C. a'Beckett moved, That this Bill be now read a first time, and be printed, and that the second reading of the Bill be made an Order of the Day for Tuesday next.

Question—put and passed.

WINE, BEER, AND SPIRITS SALE STATUTE AMENDMENT BILL.—The Honorable W. A. C. a'Beckett moved, That this Bill be now read a first time, and be printed, and that the second reading of the Bill be made an Order of the Day for Tuesday next.

Question—put and passed.

Bill read a first time.

FENCING BILL (2).—The Order of the Day for the adoption of the Report of the Committee of the whole Council on this Bill being called on, the Honorable R. Simson moved, That the Order of the Day be discharged, with a view to the re-committal of the Bill.

Question—put and passed.

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

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

The Deputy President left the Chair.

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

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

Question—put and passed.

SHIRES STATUTE AMENDMENT BILL.—The Order of the Day for the consideration of the Message from the Legislative Assembly with this Bill being read, the amendments, and consequential amendments, made by the Legislative Assembly, were read, and, on the motion of the Honorable W. A. C. a'Beckett, were severally agreed to as hereunder set forth :—

Clause A, line 1, before "Act" insert "the."

After "apply" insert "and shall be construed and deemed to have applied from and after the date of the passing of the said Act."

At the end of clause add "And all bye-laws heretofore made by any such last-mentioned shire as in pursuance or under the authority of the said sixth section shall be and be deemed to have been as valid and effectual as if made under the authority of this Act."

Amendments consequent on the amendment of the Legislative Council :—

Preamble, line 5, after "removed" insert "and whereas it is expedient to extend the application of certain provisions of the Act No. CCCLXXXVII."

Add to the title "and for other purposes."

Ordered—That a Message be sent to the Legislative Assembly to acquaint them that the Council have agreed to the amendments and to the consequential amendments made by the Legislative Assembly.

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

Question—put and passed.

Bill read a second time.

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

Question—put and passed.

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

The Deputy President left the Chair.

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

The Honorable W. A. C. a'Beckett moved, That the Report be now adopted.

Question—put and passed.

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

The Honorable W. A. C. a'Beckett moved, That the title of the Bill be "*An Act to facilitate the operations of Friendly Societies interested in Land under the 'Transfer of Land Statute.'*"

Question—put and passed.

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

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

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## ORDERS OF THE DAY.

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TUESDAY, 31ST OCTOBER, 1871.

ORDERS OF THE DAY:—

1. RAILWAYS BILL.—To be further considered in Committee.
2. IMPOUNDING LAW AMENDMENT BILL.—To be further considered in Committee.
3. RAILWAY LOAN APPROPRIATION BILL.—To be read a second time.
4. WINE, BEER, AND SPIRITS SALE STATUTE AMENDMENT BILL.—To be read a second time.
5. FENCING BILL (2).—Adoption of Report.

G. W. RUSDEN,

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

Minutes of the Proceedings

OF THE

LEGISLATIVE COUNCIL.

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TUESDAY, 31ST OCTOBER, 1871.

The Council met in accordance with adjournment.

The Clerk of the Council having stated that the President was unavoidably detained, the Acting Chairman of Committees took the Chair as Deputy President.

The Deputy President read the Prayer.

ADJOURNMENT.—The Honorable W. A. C. a'Beckett, with leave of the Council, moved, without notice, That, in consequence of the death of the wife of the President of the Council, the House do now adjourn, as a mark of respect.

Question—put and passed.

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

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ORDERS OF THE DAY.

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WEDNESDAY, 1ST NOVEMBER, 1871.

*Government Business.*

ORDERS OF THE DAY:—

1. RAILWAYS BILL.—To be further considered in Committee.
2. IMPOUNDING LAW AMENDMENT BILL.—To be further considered in Committee.
3. RAILWAY LOAN APPROPRIATION BILL.—To be read a second time.
4. WINE, BEER, AND SPIRITS SALE STATUTE AMENDMENT BILL.—To be read a second time.
5. FENCING BILL (2).—Adoption of Report.

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





# Minutes of the Proceedings

OF THE

## LEGISLATIVE COUNCIL.

WEDNESDAY, 1st NOVEMBER, 1871.

The Council met in accordance with adjournment.

The Clerk of the Council having stated that the President was unavoidably detained, the Chairman of Committees took the Chair as Deputy President.

The Deputy President read the Prayer.

PAPERS.—The Honorable W. A. C. a'Beckett, by command of His Excellency the Governor, presented to the Council the following Papers:—

1. Mining on Railway Reserve, Sandhurst District, authorized.—Order in Council (16th October, 1871).
2. Mining on Malmsbury Reservoir Reserve, authorized.—Order in Council (16th October, 1871).
3. Savings Banks.—Returns for year ending 30th June, 1871.

Ordered severally to lie on the Table.

PETITION.—The Honorable J. O'Shanassy presented a Petition signed by F. C. Goyder and others styling themselves licensed victuallers, residing in the City of Melbourne and its neighborhood, and praying that the Wines, Beer, and Spirits Sale Statute Amendment Bill may be rejected.

Petition received.

The Honorable J. O'Shanassy, with leave of the Council, moved, without notice, that the Petition be printed.

Question—put and passed.

PETITION.—The Honorable F. Robertson presented a Petition signed by John Dickson and others, styling themselves President and Inhabitants of the shire, town, and district of Avoca, and praying that the Council will favorably consider the construction of a branch line from Maryborough to Avoca.

Petition received, and, on the motion of the Honorable F. Robertson, referred to the Committee on the Railways Bill.

ACTING CHAIRMAN OF COMMITTEES.—The Honorable W. A. C. a'Beckett, with leave of the Council, moved, without notice, That the Honorable A. Fraser do act as Chairman of Committees this day.

Question—put and passed.

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

Ordered.

MESSAGES FROM THE LEGISLATIVE ASSEMBLY.—The Deputy 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 for the Incorporation and Winding-up of Mining Companies*"; also a Bill intituled "*An Act to amend the Insolvency Statute 1871*"; with which they desire the concurrence of the Legislative Council.

Legislative Assembly Chamber,  
Melbourne, 1st November, 1871.

C. MAC MAHON,  
Speaker.

MR. PRESIDENT,

The Legislative Assembly transmit to the Legislative Council a Bill intituled "*An Act to sanction the issue and expenditure of certain sums from 'The Public Works Loan Account' for Salaries, Wages, and Contingencies for the service of the year ending the thirtieth day of June One thousand eight hundred and seventy-two, and for repaying to the Consolidated Revenue moneys heretofore advanced therefrom,*" with which they desire the concurrence of the Legislative Council.

Legislative Assembly Chambers,  
Melbourne, 1st November, 1871.

C. MAC MAHON,  
Speaker.

MR. PRESIDENT,

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

Legislative Assembly Chambers,  
Melbourne, 1st November, 1871.

C. MAC MAHON,  
Speaker.

MR. PRESIDENT,

The Legislative Assembly transmit to the Legislative Council a Message from His Excellency the Governor, recommending an amendment in the Bill intituled "*An Act to amend the Statute of Gaols 1864 and for other purposes,*" and acquaint the Legislative Council that the Legislative Assembly have agreed to such amendment and request the concurrence therein of the Legislative Council.

Legislative Assembly Chambers,  
Melbourne, 1st November, 1871.

C. MAC MAHON,  
Speaker.

CANTERBURY,

Governor.

In pursuance of section 36 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 Statute of Gaols 1864 and for other purposes,*"—

Clause 1: omit "thirtieth day of September," and insert in lieu thereof "first day of December;" such Bill having been presented to him for Her Majesty's assent.

Government Offices,  
Melbourne, 1st November, 1871.

MR. PRESIDENT,

The Legislative Assembly transmit to the Legislative Council a Bill intituled "*An Act to amend the Duties on the Estates of Deceased Persons Statute 1870,*" with which they desire the concurrence of the Legislative Council.

Legislative Assembly Chamber,  
Melbourne, 1st November, 1871.

C. MAC MAHON,  
Speaker.

MR. PRESIDENT,

The Legislative Assembly transmit to the Legislative Council a Bill intituled "*An Act for the prevention of Scab in Sheep,*" with which they desire the concurrence of the Legislative Council.

Legislative Assembly Chamber,  
Melbourne, 1st November, 1871.

C. MAC MAHON,  
Speaker.

GAOLS STATUTE AMENDMENT BILL.—MESSAGE FROM HIS EXCELLENCY THE GOVERNOR.—The amendment recommended by His Excellency the Governor being read, the Honorable W. A. C. a'Beckett moved, That the Council do concur with the Legislative Assembly in agreeing to the amendment recommended by His Excellency the Governor in this Bill.

Question—put and passed.

Ordered—That a Message be sent to the Legislative Assembly to acquaint them that the Council have concurred with the Assembly in agreeing to the amendment recommended by His Excellency the Governor in the Bill.

ELECTORAL ACT AMENDMENT BILL.—The Honorable W. A. C. a'Beckett moved, That this Bill be now read a first time, and be printed, and that the second reading of the Bill be made an Order of the Day for to-morrow.

Question—put and passed.

Bill read a first time.

DUTIES ON ESTATES OF DECEASED PERSONS STATUTE 1870 AMENDMENT BILL.—The Honorable W. A. C. a'Beckett moved, That this Bill be now read a first time, and be printed, and that the second reading be made an Order of the Day for to-morrow.

Question—put and passed.

Bill read a first time.

PUBLIC WORKS LOAN APPROPRIATION BILL.—The Honorable W. A. C. a'Beckett moved, That this Bill be now read a first time, and be printed, and that the second reading of the Bill be made an Order of the Day for to-morrow.

Question—put and passed.

Bill read a first time.

**MINING COMPANIES LAW AMENDMENT BILL.**—The Honorable W. A. C. a'Beckett moved, That this Bill be now read a first time, and be printed, and that the second reading of the Bill be made an Order of the Day for to-morrow.

Question—put and passed.

Bill read a first time.

**INSOLVENCY BILL.**—The Honorable W. A. C. a'Beckett moved, That this Bill be now read a first time, and be printed, and that the second reading of the Bill be made an Order of the Day for to-morrow.

Question—put and passed.

Bill read a first time.

**SCAB BILL.**—The Honorable W. A. C. a'Beckett moved, That this Bill be now read a first time, and be printed, and that the second reading of the Bill be made an Order of the Day for to-morrow.

Question—put and passed.

Bill read a first time.

The Council adjourned at twenty-five minutes to eleven o'clock, until half-past four o'clock on Thursday the 2nd instant.

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## ORDERS OF THE DAY.

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THURSDAY, 2ND NOVEMBER, 1871.

ORDERS OF THE DAY:—

1. RAILWAYS BILL.—To be further considered in Committee.
2. ELECTORAL ACT AMENDMENT BILL.—To be read a second time.
3. DUTIES ON THE ESTATES OF DECEASED PERSONS STATUTE 1870 AMENDMENT BILL.—To be read a second time.
4. PUBLIC WORKS LOAN APPROPRIATION BILL.—To be read a second time.
5. MINING COMPANIES LAW AMENDMENT BILL.—To be read a second time.
6. INSOLVENCY BILL.—To be read a second time.
7. SCAB BILL.—To be read a second time.
8. IMPOUNDING LAW AMENDMENT BILL.—To be further considered in Committee.
9. RAILWAY LOAN APPROPRIATION BILL.—To be read a second time.
10. WINE, BEER, AND SPIRITS SALE STATUTE AMENDMENT BILL.—To be read a second time.
11. FENCING BILL (2).—Adoption of Report.

G. W. RUSDEN,

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



# Minutes of the Proceedings

OF THE

## LEGISLATIVE COUNCIL.

THURSDAY, 2ND NOVEMBER, 1871.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the Prayer.

**PETITION.**—The Honorable W. Campbell presented a Petition from the Shire of Caulfield, and under the corporate seal thereof, praying that no alteration may be made in the mode of compiling the Rate-payers' Electoral Roll.

Petition received, and, on the motion of the Honorable W. Campbell, referred to the Committee of the whole Council, to which the Electoral Act Amendment Bill may be referred.

**PETITION.**—The Honorable J. F. Strachan presented a Petition from the Mayor, Aldermen, and Councillors of the Town of Geelong, and under the corporate seal thereof, praying that a line of Railway from Geelong to Camperdown may be authorized.

Petition received, and read at the Table by the Clerk.

**RAILWAYS 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.

Ordered.

**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 to the service of the year One thousand eight hundred and seventy-one and two, and to appropriate the supplies granted in this Session of Parliament, and for other purposes,*" with which they desire the concurrence of the Legislative Council.

C. MAC MAHON,  
Speaker.

Legislative Assembly Chamber,  
Melbourne, 2nd November, 1871.

MR. PRESIDENT,

The Legislative Assembly transmit to the Legislative Council a Bill intituled "*An Act to enable the 'Bendigo Waterworks Company' to sell and alienate and the Corporation of the City of Sandhurst to purchase and be possessed of the Waterworks or other property of the said company and for other purposes,*" with which they desire the concurrence of the Legislative Council.

C. MAC MAHON,  
Speaker.

Legislative Assembly Chambers,  
Melbourne, 2nd November, 1871.

MR. PRESIDENT,

The Legislative Assembly transmit to the Legislative Council a Bill intituled "*An Act to Provide for a Grant to Sir Francis Murphy, Knight,*" with which they desire the concurrence of the Legislative Council.

C. MAC MAHON,  
Speaker.

Legislative Assembly Chambers,  
Melbourne, 2nd November, 1871.

**SIR FRANCIS MURPHY'S GRANT BILL.**—The Honorable W. A. C. a'Beckett moved, That this Bill be now read a first time, and be printed, and that the second reading of the Bill be made an Order of the Day for Tuesday next.

Question—put and passed.

Bill read a first time.

**BENDIGO WATERWORKS 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, and moved, That this Bill be now read a first time, and that the second reading of the Bill be made an Order of the Day for Tuesday next.

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 the Council copies of the Report and Evidence of the Select Committee of the Legislative Assembly appointed during the present Session of Parliament on the Bill.

Question—put and passed.

**APPROPRIATION BILL.**—The Honorable W. A. C. a'Beckett moved, That this Bill be now read a first time, and be printed, and that the second reading of the Bill be made an Order of the Day for Tuesday next.

Question—put and passed.

Bill read a first time.

**RAILWAYS BILL.**—

Question—That the President do now leave the Chair, in order that this Bill be now further considered in Committee—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. A. C. a'Beckett moved, That the adoption of the Report of the Committee be made an Order of the Day for Tuesday next.

Question—put and passed.

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

MR. PRESIDENT,

The Legislative Assembly transmit to the Legislative Council copies of the Report and evidence taken before the Select Committee on the Bill intituled "*An Act to enable the Bendigo Waterworks Company to sell and alienate, and the Corporation of the City of Sandhurst to purchase and be possessed of the Waterworks or other property of the said Company, and for other purposes,*" as requested by the Legislative Council.

C. MAC MAHON,  
Speaker.

Legislative Assembly Chamber,  
Melbourne, 2nd November, 1871.

MR. PRESIDENT,

The Legislative Assembly transmit to the Legislative Council a Bill intituled "*An Act to amend an Act intituled 'An Act to protect Game,'*" with which they desire the concurrence of the Legislative Council.

C. MAC MAHON,  
Speaker.

Legislative Assembly Chamber,  
Melbourne, 2nd November, 1871.

**GAME ACT AMENDMENT BILL.**—The Honorable W. A. C. a'Beckett moved, That this Bill be now read a first time and be printed, and that the second reading be made an Order of the Day for Tuesday next.

Question—put and passed.

Bill read a first time.

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

Debate ensued.

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

Debate ensued.

The Honorable T. T. a'Beckett moved, That the debate be adjourned.

Debate ensued.

Motion—That the debate be adjourned—by leave withdrawn.

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 after the word "time" be so added—put and passed.

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

**DUTIES ON ESTATES OF DECEASED PERSONS STATUTE 1870 AMENDMENT BILL.**—The Order of the Day for the second reading of this Bill being read, the Honorable W. A. C. a'Beckett moved, That the Bill be now read a second time.

Question—put and passed.

Bill read a second time.

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

Question—put and passed.

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

The President left the Chair.

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

The Honorable W. A. C. a'Beckett moved, That the Report be now adopted.

Question—put and passed.

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

The Honorable W. A. C. a'Beckett moved, That the title of the Bill be "*An Act to amend the Duties on the Estates of Deceased Persons Statute 1870.*"

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.

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

Question—put and passed.

Bill read a second time.

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

Question—put and passed.

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

The President left the Chair.

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

The Honorable W. A. C. a'Beckett 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 next.

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

Debate ensued.

The Honorable J. O'Shanassy moved, That the debate be adjourned until Tuesday next.

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

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

Debate ensued.

The Honorable J. O'Shanassy moved, That the debate be adjourned until Tuesday next.

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

**POSTPONEMENT.**—The following Order of the Day was postponed until Tuesday, the 7th instant :—

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

**IMPOUNDING 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 W. A. C. a'Beckett moved, That the Bill be now re-committed on the 16th and 22nd clauses, and on the First Schedule.

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 W. A. C. a'Beckett moved, That the Report be now adopted.

Question—put and passed.

The Honorable W. A. C. a'Beckett moved, That the third reading of the Bill be made an Order of the Day for Tuesday next, then to take precedence.

Question—put and passed.

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

Question—put and passed.

Bill read a second time.

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

Question—put and passed.

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

The President left the Chair.

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

The Honorable W. A. C. a'Beckett moved, That the Report be now adopted.

Question—put and passed.

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



The Honorable W. A. C. a'Beckett moved, That the Title of the Bill be "*An Act to sanction the issue and application of certain Sums of Money from 'The Railway Loan Account,' for Salaries, Wages, and Contingencies for the Service of the Year One thousand eight hundred and seventy-one and for the six months ending Thirtieth June One thousand eight hundred and seventy-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 Bill without amendment.

POSTPONEMENT.—The following Order of the Day was postponed until Tuesday the 7th instant:—

"*Wine, Beer, and Spirits Sale Statute Amendment Bill*"—To be read a second time.

FENCING 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 W. A. C. a'Beckett moved, That the Report be now adopted.

Question—put and passed.

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

The Honorable W. A. C. a'Beckett moved, That the title of the Bill be, "*An Act to amend the Law relating to Dividing Fences.*"

Question—put and passed.

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

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

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## ORDERS OF THE DAY.

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TUESDAY, 7TH NOVEMBER, 1871.

### ORDERS OF THE DAY:—

1. IMPOUNDING LAW AMENDMENT BILL.—To be read a third time.
2. SIR FRANCIS MURPHY'S GRANT BILL.—To be read a second time.
3. BENDIGO WATERWORKS SALE BILL.—To be read a second time.
4. APPROPRIATION BILL.—To be read a second time.
5. RAILWAYS BILL.—Adoption of Report.
6. GAME ACT AMENDMENT BILL.—To be read a second time.
7. PUBLIC WORKS LOAN APPROPRIATION BILL.—To be read a third time.
8. MINING COMPANIES LAW AMENDMENT BILL.—Adjourned debate on second reading.
9. INSOLVENCY BILL.—Adjourned debate on second reading.
10. SCAB BILL.—To be read a second time.
11. WINE, BEER, AND SPIRITS SALE STATUTE AMENDMENT BILL.—To be read a second time.

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## MEETING OF SELECT COMMITTEE.

*Tuesday, 7th November.*

PRINTING—at 4 o'clock.

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

# Minutes of the Proceedings

OF THE

## LEGISLATIVE COUNCIL.

TUESDAY, 7<sup>TH</sup> NOVEMBER, 1871.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the Prayer.

**SUBPENA OF CLERK OF COUNCIL.**—The President having informed the Council that the Clerk of the Council had been summoned to attend at the Supreme Court in a cause pending there, the Honorable W. A. C. a'Beckett moved, That the Clerk of the Council have leave to attend at the Supreme Court. Question—put and passed.

**PRINTING COMMITTEE.—SECOND REPORT.**—The Honorable R. S. Anderson brought up the Second Report of the Printing Committee, and moved, That the report be received and printed. Question—put and passed.

**EVIDENCE TAKEN AT THE BAR IN COMMITTEE ON RAILWAYS BILL.**—The Honorable A. Fraser moved, That the Evidence taken at the Bar of the House before the Committee on the Railways Bill, together with all the Appendices handed in, be printed. Question—put and passed.

**PETITION.**—The Honorable F. Robertson presented a Petition, signed by G. Taylor, styling himself chairman of a meeting of ratepayers and residents of Kynetonshire, praying that the Bill for conferring a gratuity upon Sir Francis Murphy may not be passed. Petition received.

**PETITION.**—The Honorable W. Campbell presented a Petition, signed by E. McPherson and others, in the Benalla District, praying that the present Scab Act may be continued in force until July, 1872. Petition received, and, on the motion of the Honorable W. Campbell, referred to the Committee of the whole Council to which the Scab Bill may be referred.

**IMPOUNDING 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 W. A. C. a'Beckett, was read a third time and *passed*.

The Honorable W. A. C. a'Beckett moved, That the title of the Bill be "*An Act to amend the Law relating to the Impounding of Cattle.*"

Question—put and passed.

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

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

"*Sir Francis Murphy's Grant Bill*"—To be read a second time.

"*Bendigo Waterworks Sale Bill*"—To be read a second time.

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

**RAILWAYS 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 F. Robertson 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 F. Robertson, was read a third time and *passed*.

The Honorable F. Robertson moved, That the title of the Bill be "*An Act to authorize the construction of certain Lines of Railway by the State.*"

Question—put and passed.

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

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

Question—put and passed.

Bill read a second time.

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

Question—put and passed.

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

The President left the Chair.

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

The Honorable W. A. C. a'Beckett moved, That the Report be now adopted.

Question—put and passed.

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

The Honorable W. A. C. a'Beckett moved, That the title of the Bill be "*An Act to provide for a Grant to Sir Francis Murphy, Knight.*"

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.

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

Question—put and passed.

Bill read a second time.

The Honorable A. Fraser, with leave of the Council, moved, without notice, That the Standing Order No. 113 be suspended, in order to enable the Bill to pass through its remaining stages this day.

Question—put and passed.

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

Question—put and passed.

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

The President left the Chair.

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

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

Question—put and passed.

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

The Honorable A. Fraser moved, That the title of the Bill be "*An Act to enable the Bendigo Waterworks Company to sell and alienate, and the Corporation of the City of Sandhurst to purchase and be possessed of the Waterworks or other property of the said Company, and for other purposes.*"

Question—put and passed.

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

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 determine the Number of Hours which shall constitute a Legal Day's Work*"; and also a Bill intituled "*An Act to enable Electors in Certain Districts to prevent the Common Sale of Intoxicating Liquors within Certain Districts,*" with which they desire the concurrence of the Legislative Council.

Legislative Assembly Chamber,  
Melbourne, 7th November, 1871.

C. MAC MAHON,  
Speaker.

PERMISSIVE LIQUORS SALE BILL.—The Honorable W. A. C. a'Beckett moved, That this Bill be now read a first time, and be printed.

Question—put and passed.

Bill read a first time.

The Honorable W. A. C. a'Beckett moved, That the second reading of the Bill be made an Order of the Day for Tuesday next.

Question—put and negatived.

The Honorable N. Fitzgerald moved, That the second reading of the Bill be made an Order of the Day for this day fortnight.

Question—put and passed.

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

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

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

Question—put and passed.

Bill read a second time.

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

Question—put and passed.

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

The President left the Chair.

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

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

Question—put and passed.

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

The Honorable R. Simson moved, That the title of the Bill be “*An Act to amend an Act intituled “An Act to protect Game.”*”

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.

PUBLIC WORKS LOAN APPROPRIATION BILL.—The President having reported that the Chairman of Committees had certified that the fair print of this Bill was in accordance with the Bill as reported from a Committee of the whole Council, the Bill, on the motion of the Honorable W. A. C. a'Beckett, was read a third time and *passed*.

The Honorable W. A. C. a'Beckett moved, That the Title of the Bill be “*An Act to sanction the “issue and expenditure of certain Sums from ‘The Public Works Loan Account,’ for Salaries, “Wages, and Contingencies for the Service of the Year ending the thirtieth day of June One “thousand eight hundred and seventy-two and for repaying to the Consolidated Revenue moneys “heretofore advanced therefrom.”*”

Question—put and passed.

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

PETITION.—The Honorable P. Russell presented a Petition, signed by D. Brophy and others, styling themselves licensed victuallers of Ballarat and its neighborhood, praying that the Wines, Beer, and Spirits Sale Statute Amendment Bill may not be passed.

Petition received, and, on the motion of the Honorable P. Russell, referred to the Committee of the whole Council, to which the Bill may be referred.

MINING COMPANIES LAW AMENDMENT BILL.—The Order of the Day for the resumption of the adjourned debate on the second reading of this Bill being read, the debate was resumed.

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

Bill read a second time.

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

Question—put and passed.

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

The President left the Chair.

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

Ordered.

POSTPONEMENT.—The following Orders of the Day were severally postponed, as hereunder set down :—

“*Insolvency Bill*”—Adjourned debate on second reading,—until Wednesday the 8th instant.

“*Scab Bill*”—To be read a second time,—until after the disposal of the succeeding Order of the Day.

WINE, BEER, AND SPIRITS SALE STATUTE AMENDMENT BILL.—The Order of the Day for the second reading of this Bill being read, the Honorable W. A. C. a'Beckett moved, That the Bill be now read a second time.

Debate ensued.

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

Debate ensued.

The Honorable T. T. a'Beckett moved, That the debate be adjourned until to-morrow.

Debate ensued.

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

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

Debate ensued.

Amendment moved by the Honorable P. Russell, That the word “now” be omitted with a view to add the words “this day six months” after the word “time.”

Debate ensued.

Question—That the word “now” proposed to be omitted stand part of the question—put and negatived.

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

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

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

Debate ensued.

The Honorable J. O'Shanassy moved, That the debate be adjourned until Tuesday next.

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

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

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## NOTICE OF MOTION AND ORDERS OF THE DAY.

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WEDNESDAY, 8TH NOVEMBER, 1871.

*Government Business.*

ORDERS OF THE DAY:—

1. MINING COMPANIES LAW AMENDMENT BILL.—To be further considered in Committee.
2. INSOLVENCY BILL.—Adjourned debate on second reading.
3. WINE, BEER, AND SPIRITS SALE STATUTE AMENDMENT BILL.—Adjourned debate on second reading.

NOTICE OF MOTION:—

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

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TUESDAY, 14TH NOVEMBER.

ORDER OF THE DAY:—

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

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TUESDAY, 21ST NOVEMBER.

ORDER OF THE DAY:—

1. PERMISSIVE LIQUORS SALE BILL.—To be read a second time.

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

No. 41.

# Minutes of the Proceedings

OF THE

## LEGISLATIVE COUNCIL.

WEDNESDAY, 8TH NOVEMBER, 1871.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the Prayer.

PAPER.—The Honorable W. A. C. a'Beckett, by command of His Excellency the Governor, presented to the Council the following Paper :—

Mining on Railway Reserve, Sandhurst District, authorized.—Order in Council (30th October, 1871).

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 return to the Legislative Council a Bill, intituled "*An Act to amend the Law relating to Dividing Fences,*" and acquaint the Legislative Council that the Legislative Assembly have agreed to some of the amendments made in this Bill by the Legislative Council, have disagreed to others of the amendments, and agreed to others of the said amendments with amendments ; with which they desire the concurrence of the Legislative Council.

C. MAC MAHON,  
Speaker.

Legislative Assembly Chamber,  
Melbourne, 8th November, 1871.

MR. PRESIDENT,

The Legislative Assembly return to the Legislative Council the Bill, intituled "*An Act to amend the Law relating to the Impounding of Cattle,*" and acquaint the Legislative Council that the Legislative Assembly have agreed to some of the amendments made by the Legislative Council in this Bill, have disagreed to others of the said amendments, and agreed to others with amendments ; with which they desire the concurrence of the Legislative Council.

C. MAC MAHON  
Speaker.

Legislative Assembly Chamber,  
Melbourne, 8th November, 1871.

FENCING BILL (2).—MESSAGE FROM THE LEGISLATIVE ASSEMBLY.—The Honorable W. A. C. a'Beckett 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.

IMPOUNDING LAW AMENDMENT BILL.—The Honorable W. A. C. a'Beckett 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.

PETITION.—The Honorable J. O'Shanassy presented a Petition, signed by E. J. Croker, styling himself Chairman of the Mining Board of the Mining District of Ballarat, on the subject of the Mining Companies Law Amendment Bill.

Petition received, and, on the motion of the Honorable J. O'Shanassy, ordered to be printed and referred to the Committee on the Bill.

**PETITION.**—The Honorable F. Robertson presented a Petition from the President and Members of the Council of the Shire of Avoca, and under the corporate seal thereof, on the subject of Railway Extension to Avoca.  
Petition received.

**MINING COMPANIES 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 J. O'Shanassy moved, That the Bill be now re-committed.  
Question—put and passed.  
Question—That the President do now leave the Chair—put and passed.  
The President left the Chair.  
The Chairman of Committees reported, That the Committee had gone through the Bill and had agreed to the same with further amendments.  
The Honorable J. O'Shanassy moved, That the Bill be now re-committed on the 37th 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 W. A. C. a'Beckett moved, That the adoption of the report of the Committee be made an Order of the Day for Tuesday next.  
Ordered.

**ADJOURNMENT.**—The Hon. W. A. C. a'Beckett, 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 to the Council the receipt of the following Message from the Legislative Assembly:—

MR. PRESIDENT,

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

C. MAC MAHON,  
Speaker.

Legislative Assembly Chamber,  
Melbourne, 8th November, 1871.

**WESTERN PORT TRAMWAY BILL.**—The Honorable C. J. Jenner moved, That the consideration of the Message from the Legislative Assembly with this Bill be made an Order of the Day for Tuesday next.  
Question—put and passed.  
The Honorable C. J. Jenner, with leave of the Council, moved, without notice, That a Message be sent to the Legislative Assembly, requesting that they will be pleased to communicate to the Council copies of the Report and Evidence of the Select Committee of that House, to which this Bill was referred, during the present session of Parliament.  
Question—put and passed.

**INSOLVENCY BILL.**—The Order of the Day for the resumption of the adjourned debate on the second reading of this Bill being read, the debate was resumed.  
Question—That the Bill be now read a second time—put and passed.  
Bill read a second time.  
The Honorable T. T. a'Beckett moved, That the Bill be now considered in Committee of the whole Council.  
Question—put and passed.  
Question—That the President do now leave the Chair—put and passed.  
The President left the Chair.  
The Chairman of Committees reported, That the Committee had gone through the Bill, and had agreed to the same with amendments.  
The Honorable T. T. a'Beckett moved, That the 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. T. a'Beckett, was read a third time and *passed*.  
The Honorable T. T. a'Beckett moved, That the title of the Bill be "*An Act to amend the Insolvency Statute 1871.*"  
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.

**POSTPONEMENT.**—The following Order of the Day was postponed until Tuesday the 14th instant:—  
"*Wine, Beer, and Spirits Sale Statute Amendment Bill,*"—Adjourned debate on second reading.  
The Council adjourned at five minutes to seven o'clock, until half-past four o'clock on Tuesday the 14th instant.

## NOTICE OF MOTION AND ORDERS OF THE DAY.

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TUESDAY, 14TH NOVEMBER, 1871.

NOTICE OF MOTION:—

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

ORDERS OF THE DAY:—

1. APPROPRIATION BILL.—To be read a second time.
  2. FENCING BILL (2).—Consideration of Message from Legislative Assembly.
  3. IMPOUNDING LAW AMENDMENT BILL.—Consideration of Message from Legislative Assembly.
  4. MINING COMPANIES LAW AMENDMENT BILL.—Adoption of Report.
  5. WESTERN PORT TRAMWAY BILL.—Consideration of Message from Legislative Assembly.
  6. WINE, BEER, AND SPIRITS SALE STATUTE AMENDMENT BILL.—Adjourned debate on second reading.
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TUESDAY, 21ST NOVEMBER.

ORDER OF THE DAY:—

1. PERMISSIVE LIQUORS SALE BILL.—To be read a second time.

G. W. RUSDEN,

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





# Minutes of the Proceedings

OF THE

## LEGISLATIVE COUNCIL.

TUESDAY, 14<sup>TH</sup> NOVEMBER, 1871.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the Prayer.

PETITION.—The Honorable T. McKellar presented a Petition, signed by C. A. Macan and others, styling themselves inhabitants of Hamilton, praying that the Permissive Liquors Sale Bill may be passed.  
Petition received.

PETITION.—The Honorable W. Skene presented a similar Petition, signed by W. Bond and others, styling themselves inhabitants of Peshurst and its vicinity.  
Petition received.

PETITION.—The Honorable W. Skene presented a similar Petition from Richard Howell and others, styling themselves inhabitants of Dunkeld and its vicinity.  
Petition received.

PETITION.—The Honorable Dr. Dobson presented a Petition from Hugh Anderson, praying to be heard by Counsel against the Western Port Tramway Bill before a Committee of the Council.  
Petition received, and read at the Table by the Clerk.

SUSPENSION OF STANDING ORDERS.—The Honorable C. J. Jenner, in accordance with *amended* notice, moved, That all the Standing Orders relating to Private Bills be suspended, so far as necessary, to enable a Bill to authorize the construction of a Tramway by the Western Port Coal Mining Company, and for other purposes, to be passed through all its stages on the same day.  
Debate ensued.

PETITION.—The Honorable N. Black presented a Petition, signed by E. J. Duerdin and others, praying that the Standing Orders may not be suspended to facilitate the passing of the Western Port Tramway Bill, and praying further, that the Bill may be referred to a Committee of the Council, and that the Petitioners may be heard by Counsel against the Bill.  
Petition received.

SUSPENSION OF STANDING ORDERS.—Debate resumed.

Question—That all the Standing Orders relating to Private Bills be suspended, so far as necessary, to enable a Bill to authorize the construction of a Tramway by the Western Port Coal Mining Company, and for other purposes, to be passed through all its stages on the same day—put and passed.

FEES, REMISSION OF—WESTERN PORT TRAMWAY BILL.—The Honorable C. J. Jenner, in accordance with notice, moved, That the fees on this Bill be remitted.

Debate ensued.

Question—put and passed.

POSTPONEMENT.—The following Order of the Day was postponed until Wednesday the 15<sup>th</sup> instant :—  
“*Appropriation Bill*”—To be read a second time.

FENCING BILL (2).—The Order of the Day for the consideration of the Message from the Legislative Assembly with this Bill being read, the Message was read at the Table by the Clerk.

The Honorable W. A. C. a'Beckett moved, That the Council do not insist on the amendment in clause 3, line 15, to leave out the words “two-rail fence or any.”

Debate ensued.

The Honorable R. Simson 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 and negatived.

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

The Honorable W. A. C. a'Beckett moved, That the Council do not insist on their amendment in clause 3, line 16, to leave out "great," and after "cattle" insert "and sheep."

Debate ensued.

The Honorable R. Simson moved, That the word "not" be omitted from the question.

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 W. A. C. a'Beckett moved, That the Council agree to the following amendments made by the Legislative Assembly.—In clause A, line 4, leave out the words "and sheep;" line 8 after "shall" insert "leave to each allotment a water frontage and;" leave out all words from "floods" in line 9 to "other" inclusive in line 14; leave out all words from "determined by," in line 18, to end of clause, and insert "arbitration as provided by this Act."

Debate ensued.

Question—put and negatived.

The Honorable W. A. C. a'Beckett moved, That the Council do not insist on their amendment in clause 5, line 16 of the Bill, to leave out the words "and the two divisions into which the same shall be divided for the purpose of enabling the occupant so served with the notice to elect which division he will fence, but if the occupant serving such notice shall not receive within fourteen days from the day of such service notice in writing of such election being made, the occupant serving the notice shall be entitled to proceed with the erection of whichever division of the fence he chooses."

Debate ensued.

The Honorable R. Simson moved, That the word "not" be omitted from the question.

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—put and passed.

The Honorable W. A. C. a'Beckett moved, That the Council do not insist on their amendment in clause 5, line 24.

Debate ensued.

The Honorable R. Simson moved, That the word "not" be omitted from the question.

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 in clause 5, line 24—put and passed.

The Honorable W. A. C. a'Beckett moved, That the Council do not insist on inserting the new clauses B, C, and D.

Debate ensued.

The Honorable R. Simson moved, That the word "not" be omitted from the question.

Question—That the word "not," proposed to be omitted, stand part of the question—put and negatived.

Question—That the Council do insist on inserting the new clauses B, C, and D—put and passed.

The Honorable W. A. C. a'Beckett moved, That the Council do not insist on their amendment in clause 6, line 27.

Debate ensued.

The Honorable R. Simson moved, That the word "not" be omitted from the question.

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 W. A. C. a'Beckett moved, That the Council do not insist on their amendment in clause 6, line 35.

Debate ensued.

The Honorable R. Simson moved, That the word "not" be omitted from the question.

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 W. A. C. a'Beckett moved, That the Council do not insist on their amendments in clause 7.

Debate ensued.

The Honorable R. Simson moved, That the word "not" be omitted from the question.

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 amendments in clause 7—put and passed.

The Honorable W. A. C. a'Beckett moved, That the Council do agree to the following amendment in the new clause E.—Omit, in line 4, "if he shall have given such notice as hereinafter mentioned but not otherwise."

Question—put and passed.

The Honorable W. A. C. a'Beckett moved, That the Council do not insist on their amendments in clause 8 of the Bill.

Question—put and passed.

The Honorable W. A. C. a'Beckett moved, That the Council do not insist on their amendment in clause 9.

Debate ensued.

The Honorable R. Simson moved, That the word "not" be omitted from the question.

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 in clause 9—put and passed.

The Honorable W. A. C. a'Beckett moved, That the Council do not insist on their amendment to insert the new clause F.

Debate ensued.

The Honorable R. Simson moved, That the word "not" be omitted from the question.

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 new clause F—put and passed.

The Honorable W. A. C. a'Beckett moved, That the Council do not insist on their amendment in clause 10, line 29.

Question—put and passed.

The Honorable W. A. C. a'Beckett moved, That the Council do not insist on their amendments severally in clause 10, lines 30, 34, 36, and 37, and the amendment to leave out clause 12.

Debate ensued.

The Honorable R. Simson moved, That the word “not” be omitted from the question.

Question—That the word “not,” proposed to be omitted, stand part of the question—put and negated.

Question—That the Council do insist on their amendments severally—put and passed.

The Honorable W. A. C. a'Beckett moved, That the Council do not insist on their amendment in clause 13, line 36.

Question—put and passed.

The Honorable W. A. C. a'Beckett moved, That the Council do not insist on the remaining amendments in the Bill.

Debate ensued.

The Honorable R. Simson moved, That the word “not” be omitted from the question.

Question—That the word “not,” proposed to be omitted, stand part of the question—put and negated.

Question—That the Council do insist on the amendments—put and passed.

Ordered—That the Bill be returned to the Legislative Assembly, with a Message acquainting them that the Council insist on some amendments, do not insist on other amendments, and have agreed to certain amendments on amendments, and desiring the concurrence of the Legislative Assembly therewith.

**IMPOUNDING LAW AMENDMENT BILL.**—The Order of the Day for the consideration of the Message from the Legislative Assembly with this Bill being read, the Message was read at the Table by the Clerk.

The Honorable W. A. C. a'Beckett moved, That the Council do not insist on their amendment in clause 3, line 30.

Debate ensued.

The Honorable R. Simson moved, That the word “not” be omitted from the question.

Question—That the word “not,” proposed to be omitted, stand part of the question—put and negated.

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

The Honorable W. A. C. a'Beckett moved, That the Council do not insist on their amendment in clause 10, line 20 of the Bill.

Question—put and passed.

The Honorable W. A. C. a'Beckett moved, That the Council agree to the amendments made by the Legislative Assembly in the new clause A.

Question—put and passed.

The Honorable W. A. C. a'Beckett moved, That the Council do not insist on their amendments in clauses 16 and 22 of the Bill.

Debate ensued.

The Honorable R. Simson moved, That the word “not” be omitted from the question.

Question—That the word “not,” proposed to be omitted, stand part of the question—put and negated.

Question—That the Council do insist on their amendments in clauses 16 and 22 of the Bill—put and passed.

The Honorable W. A. C. a'Beckett moved, That the Council do not insist on their amendment in clause 31.

Question—put and passed.

The Honorable W. A. C. a'Beckett moved, That the Council agree to the amendments made by the Legislative Assembly in the amendment made by the Council in the First Schedule.

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, do insist on certain amendments, and have agreed to the amendments on amendments made by the Legislative Assembly in the Bill, and desiring the concurrence of the Legislative Assembly therewith.

**MINING COMPANIES 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 W. A. C. a'Beckett 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.

The Honorable W. A. C. a'Beckett 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.

**WESTERN PORT TRAMWAY BILL.**—The Order of the Day for the consideration of the Message from the Legislative Assembly with this Bill being read, the Honorable C. J. Jenner moved, That the Bill be now read a first time.

Question—put and passed.

Bill read a first time.

The Honorable C. J. Jenner moved, That the Bill be now read a second time.

Question—put and passed.

Bill read a second time.

The Honorable C. J. Jenner moved, That the Bill be now considered in Committee of the whole Council, and that it be an instruction to the Committee that they have power to take evidence and call for persons and papers.

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.

POSTPONEMENT.—The following Order of the Day was postponed until Wednesday the 15th instant :—  
*“Wine, Beer, and Spirits Sale Statute Amendment Bill”*—Adjourned Debate on second reading.

ADJOURNMENT.—The Honorable N. Fitzgerald moved, That the House do now adjourn.

Debate ensued.

Question—put and passed.

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

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## NOTICE OF MOTION AND ORDERS OF THE DAY.

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WEDNESDAY, 15TH NOVEMBER, 1871.

### *Government Business.*

#### ORDERS OF THE DAY:—

1. APPROPRIATION BILL.—To be read a second time.
2. MINING COMPANIES LAW AMENDMENT BILL.—To be read a third time.
3. WINE, BEER, AND SPIRITS SALE STATUTE AMENDMENT BILL.—Adjourned Debate on second reading.

### *General Business.*

1. The Hon. T. McKellar: To ask the Honorable member representing the Government, If they intend to introduce a Bill next Session for the construction of a Railway from Ararat to Hamilton.

#### NOTICE OF MOTION:—

1. The Hon. W. A. C. A'Beckett: To move, That the Labor Bill be now read a first time.

#### ORDER OF THE DAY:—

1. WESTERN PORT TRAMWAY BILL.—To be further considered in Committee.

G. W. RUSDEN,

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

# Minutes of the Proceedings

OF THE

## LEGISLATIVE COUNCIL.

WEDNESDAY, 15<sup>TH</sup> NOVEMBER, 1871.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the Prayer.

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

MR. PRESIDENT,

The Legislative Assembly transmit to the Legislative Council copies of the Report and Evidence taken before the Select Committee on the Bill intituled, "*A Bill to authorize the Western Port Coal Mining Company, Limited, to construct a Tramway or Railway, and to take and purchase certain lands for that purpose,*" as requested by the Legislative Council.

Legislative Assembly Chamber,  
Melbourne, 14th November, 1871.

C. MAC MAHON,  
Speaker.

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

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

MINING COMPANIES 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 W. A. C. a'Beckett, was read a third time and *passed*.

The Honorable W. A. C. a'Beckett moved, That the title of the Bill be "*An Act for the Incorporation and Winding-up of Mining Companies.*"

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.

POSTPONEMENT.—The following Order of the Day was postponed until after the disposal of the Order of the Day for the further consideration of the Western Port Tramway Bill in Committee:—

"*Wine, Beer, and Spirits Sale Statute Amendment Bill*"—Adjourned debate on second reading.

LABOR BILL.—The Honorable W. A. C. a'Beckett, in accordance with notice, moved, That this Bill be now read a first time.

Question—put and passed.

Bill read a first time.

The Honorable W. A. C. a'Beckett moved, That the Bill be printed, and that the second reading of the Bill be made an Order of the Day for to-morrow.

Question—put and passed.

WESTERN PORT TRAMWAY 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 C. J. Jenner moved, That the adoption of the Report of the Committee be made an Order of the Day for to-morrow.

Question—put and passed.

PAPER.—The Honorable W. A. C. a'Beckett laid on the Table the following paper :—  
 Bank Liabilities and Assets—Return of, for Quarter ending 30th September, 1871.  
 Ordered to lie on the Table.

WINE, BEER, AND SPIRITS SALE STATUTE AMENDMENT BILL.—The Order of the Day for the resumption of the adjourned debate on the second reading of this Bill being read, the debate was resumed on the question—That the word “now,” proposed to be omitted, stand part of the question.

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

Question—That the words “this day six months,” proposed to be added after the word “time,” be so added—put and passed.

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

POSTPONEMENT.—The following Order of the Day was postponed until Thursday the 16th instant :—  
 “*Appropriation Bill*”—To be read a second time.

The Council adjourned at twenty-five minutes to ten o'clock until half-past four o'clock on Thursday the 16th instant.

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## ORDERS OF THE DAY.

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THURSDAY, 16TH NOVEMBER, 1871.

1. The Hon. W. HIGGETT : To call attention of the House to the holding of a Land Commission at Rosedale, on the 20th instant, and to enquire whether the same should not be postponed until the lands to be comprised in the contemplated concession to the Melbourne and Gippsland Railway Company have been ascertained.
2. The Hon. T. MCKELLAR : To ask the Honorable Member representing the Government, If they intend to introduce a Bill next session for the construction of a Railway from Ararat to Hamilton.

ORDERS OF THE DAY :—

1. LABOR BILL.—To be read a second time.
2. WESTERN PORT TRAMWAY BILL.—Adoption of Report.
3. APPROPRIATION BILL.—To be read a second time.

TUESDAY, 21ST NOVEMBER.

ORDER OF THE DAY :—

1. PERMISSIVE LIQUORS SALE BILL.—To be read a second time.

G. W. RUSDEN,

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

# Minutes of the Proceedings

OF THE

## LEGISLATIVE COUNCIL.

THURSDAY, 16<sup>TH</sup> NOVEMBER, 1871.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the Prayer.

PETITION.—The Honorable R. S. Anderson presented a Petition from the Council of the Shire of Beechworth, and under the corporate seal thereof, praying that no alteration may be sanctioned in the width of gauge on the North-Eastern Railway.  
Petition received.

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

MR. PRESIDENT,

The Legislative Assembly return to the Legislative Council a Bill, intituled "*An Act for the Incorporation, Regulation, and Winding up of Mining Companies,*" and acquaint the Legislative Council that they have agreed to several of the amendments made by the Legislative Council in this Bill, that they have disagreed to one of the said amendments, and that they have agreed to another with amendments ; with which they desire the concurrence of the Legislative Council.

C. MAC MAHON,  
Speaker.

Legislative Assembly Chamber,  
Melbourne, 16th November, 1871.

MR. PRESIDENT,

The Legislative Assembly return to the Legislative Council the Bill, intituled "*An Act to authorize the construction of certain Lines of Railway by the State,*" and acquaint the Legislative Council that they have agreed to some of the amendments made by the Legislative Council in this Bill, that they have disagreed with others of the said amendments, and that they have agreed to one amendment with an amendment, with which they desire the concurrence of the Legislative Council.

And the Legislative Assembly further acquaint the Legislative Council that they have disagreed to the amendment in clause 3, line 29, after "Maryborough," to insert "with an extension to Avoca," and to the amendment in the Third Schedule, for the following reason :—

Because these amendments would, in their consequences, lay a charge on the people, and it is a privilege of this House that all measures of that nature ought to be first considered in the Legislative Assembly.

C. MAC MAHON,  
Speaker.

Legislative Assembly Chamber,  
Melbourne, 16th November, 1871.

MINING COMPANIES LAW AMENDMENT BILL.—The Honorable W. A. C. a'Beckett moved, That the Council do agree to the following amendments made by the Legislative Assembly on the amendment made by the Council in clause 50, line 6, of the Bill, viz. :—

In first blank insert "one hundred pounds."

In second blank insert "five hundred pounds."

Question—put and passed.

The Honorable A. Fraser moved, That the Council do not insist on their amendment to insert a new subdivision (v.) in clause 136 of the Bill.

Question—put and passed.

Ordered—That a Message be sent to the Legislative Assembly to acquaint them that the Council have agreed to the amendment on amendment in clause 50, and do not insist on their amendment in clause 136, to which the Legislative Assembly have not agreed.



RAILWAYS BILL.—The Honorable W. A. C. a'Beckett moved, That the Message from the Legislative Assembly with this Bill be taken into consideration at eight o'clock this day.

Question—put and passed.

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

Debate ensued.

Question—put and negatived.

WESTERN PORT 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 C. J. Jenner moved, That the Report be now adopted.

Debate ensued.

Amendment moved by the Honorable P. Russell, That the Bill be re-committed.

Debate ensued.

Amendment, by leave, withdrawn.

Question—That the report be now adopted—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 authorize the Western Port Coal Mining Company, Limited, to construct a Tramway or Railway, and to take and purchase certain lands for that purpose.*"

Question—put and passed.

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

At twenty minutes to six o'clock the Council adjourned until eight o'clock.

At eight o'clock the President resumed the Chair.

RAILWAYS BILL.—The Order of the Day for the consideration of the Message from the Legislative Assembly with this Bill being read, the Message was read at the Table by the Clerk.

The Honorable W. A. C. a'Beckett moved, That the Council do not insist on their amendment—"In clause 3, line 29, after 'Maryborough' insert 'with an extension to Avoca.'"

Debate ensued.

The Honorable J. O'Shanassy moved, That the debate be adjourned until Tuesday next.

Debate ensued.

Question—That the debate be adjourned until Tuesday next—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 Message from His Excellency the Governor, recommending amendments in the Bill intituled "*An Act for the Incorporation Regulation and Winding-up of Mining Companies,*" and acquaint the Legislative Council that the Legislative Assembly have agreed to such amendments, and request the concurrence of the Legislative Council therein.

C. MAC MAHON,  
Speaker.

Legislative Assembly Chamber,  
Melbourne, 16th November, 1871.

CANTERBURY,  
Governor.

In pursuance of the provisions of section 36 of the Constitution Act, the Governor transmits to the Legislative Assembly the following amendments, which he recommends to be made in a Bill intituled "*An Act for the Incorporation Regulation and Winding-up of Mining Companies,*" such Bill having been presented to him for Her Majesty's Assent:—

Clause 41, line 2, after the first word "in" of that line, insert the words "the *Gazette* and in."

Part V., sub-heading 1, omit "*The Mining Companies Statute 1864,*" and after the word "under," insert the words "*The Mining Companies Limited Liability Act 1864.*"

Government Offices,  
Melbourne, 15th November, 1871.

MR. PRESIDENT,

The Legislative Assembly transmit to the Legislative Council a Bill, intituled "*An Act to enable the Allowance of Drawbacks on the Exportation of certain Goods from Victoria and for other purposes,*" with which they desire the concurrence of the Legislative Council.

C. MAC MAHON,  
Speaker.

Legislative Assembly Chamber,  
Melbourne, 16th November, 1871.

MR. PRESIDENT,

The Legislative Assembly return to the Legislative Council the Bill, intituled "*An Act to amend the Insolvency Statute 1871,*" and acquaint the Legislative Council that they have agreed to the amendments made by the Legislative Council in this Bill.

C. MAC MAHON,  
Speaker.

Legislative Assembly Chamber,  
Melbourne, 16th November, 1871.

MR. PRESIDENT,

The Legislative Assembly transmit to the Legislative Council the Bill, intituled "*An Act to provide for the issue of Land Certificates to certain Members of the Volunteer Force of Victoria*," with which they desire the concurrence of the Legislative Council.

Legislative Assembly Chamber,  
Melbourne, 16th November, 1871.

C. MAC MAHON,  
Speaker.

**VOLUNTEERS' LAND CERTIFICATES BILL.**—The Honorable W. A. C. a'Beckett moved, That this Bill be now read a first time.

Question—put and passed.

Bill read a first time.

The Honorable C. J. Jenner moved, That the Bill be printed, and that the second reading be made an Order of the Day for Tuesday next.

Question—put and passed.

**DRAWBACKS BILL.**—The Honorable W. A. C. a'Beckett moved, That this Bill be now read a first time.

Question—put and passed.

Bill read a first time.

The Honorable W. A. C. a'Beckett moved, That the Bill be printed, and that the second reading be made an Order of the Day for Tuesday next.

Question—put and passed.

**MINING COMPANIES LAW AMENDMENT BILL.**—On the motion of the Honorable W. A. C. a'Beckett, the amendments recommended by His Excellency the Governor in this Bill were read and agreed to.

Ordered—That a Message be sent to the Legislative Assembly to acquaint them that the Council have concurred with the Assembly in agreeing to the amendments recommended by His Excellency the Governor in the Bill.

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

Debate ensued.

The Honorable J. O'Shanassy moved, That the debate be adjourned until Tuesday next.

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

The Council adjourned at twenty minutes to ten o'clock until half-past four o'clock on Tuesday the 21st instant.

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## ORDERS OF THE DAY.

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TUESDAY, 21ST NOVEMBER, 1871.

### ORDERS OF THE DAY:—

1. PERMISSIVE LIQUORS SALE BILL.—To be read a second time.
2. RAILWAYS BILL.—Adjourned Debate on Consideration of Message from Legislative Assembly.
3. VOLUNTEERS' LAND CERTIFICATES BILL.—To be read a second time.
4. DRAWBACKS BILL.—To be read a second time.
5. APPROPRIATION 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, 21<sup>ST</sup> NOVEMBER, 1871.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the Prayer.

PAPERS.—The Honorable W. A. C. a'Beckett, by command of His Excellency the Governor, presented to the Council the following Papers :—

1. Railway Loan Act 1868—Treasury Correspondence respecting Special Deposit (1870) with Associated Banks.
2. Mining Surveyors' and Registrars' Reports for Quarter ending 30th September, 1871.

Ordered severally to lie on the Table.

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

Question—put and passed.

Bill read a second time.

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

Question—put and passed.

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

The President left the Chair.

The Chairman of Committees reported progress and asked leave to sit again this day three months.

Ordered.

POSTPONEMENT.—The Honorable W. A. C. a'Beckett moved, That the second Order of the Day be postponed until after the disposal of the third and fourth Orders of the Day.

Question—put and negatived.

RAILWAYS 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 R. S. Anderson moved, That a Committee of six Members be appointed to confer with a Committee of like number of the Legislative Assembly on the amendments of the Legislative Council in the Railways Bill.

Question—put and passed.

The Honorable R. S. Anderson moved, That the Committee consist of the Honorables Dr. Dobson, A. Fraser, W. Highett, W. Campbell, C. J. Jenner, and the mover.

Question—put and passed.

The Honorable R. S. Anderson moved, That a Message be sent to the Legislative Assembly to acquaint them that the Council have appointed a Committee of six members to confer with a Committee of like number of members of the Legislative Assembly on the amendments in the Railways Bill to which the Legislative Assembly have not agreed; and to request the Legislative Assembly to appoint a Committee of that House to confer with the Committee of the Legislative Council.

Question—put and passed.

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

MR. PRESIDENT,

The Legislative Assembly transmit to the Legislative Council a Message from His Excellency the Governor recommending amendments in the Bill intituled "*An Act for the Incorporation and Winding-up of Mining Companies*," and acquaint the Legislative Council that the Legislative Assembly have agreed to such amendments, and request the concurrence of the Legislative Council therein.

Legislative Assembly Chamber,  
Melbourne, 21st November, 1871.

C. MAC MAHON,  
Speaker.

CANTERBURY,  
Governor.

In pursuance of section 36 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 for the Incorporation and Winding up of Mining Companies*," presented for Her Majesty's assent:—

Clause 1, line 2, omit the first word "to," and insert in lieu thereof the word "in."

Clause 102, line 13, omit "enforcible," and insert "enforceable" in lieu thereof.

Clause 133, line 2, omit the words "with a door as thereby required."

Government Offices,  
Melbourne, 20th November, 1871.

MINING COMPANIES LAW AMENDMENT BILL.—On the motion of the Honorable W. A. C. a'Beckett, the amendments recommended by His Excellency the Governor in this Bill were severally read and agreed to.

Ordered—That a Message be sent to the Legislative Assembly to acquaint them that the Council have concurred with the Assembly in agreeing to the amendments recommended by His Excellency the Governor in the Bill.

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

Debate ensued.

Question—put and passed.

Bill read a second time.

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

Question—put and passed.

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

The President left the Chair.

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

The Honorable W. A. C. a'Beckett moved, That the Report be now adopted.

Question—put and passed.

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

The Honorable W. A. C. a'Beckett moved, That the title of the Bill be "*An Act to provide for the issue of Land Certificates to certain Members of the Volunteer Force of Victoria.*"

Question—put and passed.

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

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

Debate ensued.

Question—put and passed.

Bill read a second time.

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

Question—put and passed.

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

The President left the Chair.

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

The Honorable W. A. C. a'Beckett moved, That the Report be now adopted.

Question—put and passed.

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

The Honorable W. A. C. a'Beckett moved, That the title of the Bill be "*An Act to enable the allowance of Drawbacks on the exportation of certain Goods from Victoria, and for other purposes.*"

Question—put and passed.

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

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

Debate ensued.

Question—put and passed.

Bill read a second time.

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

Question—put and passed.

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

The President left the Chair.

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

The Honorable W. A. C. a'Beckett moved, That the Report be now adopted.

Question—put and passed.

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

The Honorable W. A. C. a'Beckett moved, That the title of the Bill be "*An Act to apply a sum out of the Consolidated Revenue to the service of the year One thousand eight hundred and seventy-one and two, and to appropriate the supplies granted in this session of Parliament and for other purposes.*"

Question—put and passed.

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

At six o'clock the Council adjourned during pleasure.

At ten o'clock the President resumed the Chair.

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

MR. PRESIDENT,

The Legislative Assembly 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 on the amendments in the "Railways Bill" to which the Legislative Assembly have not agreed.

And the Legislative Assembly further acquaint the Legislative Council that the Legislative Assembly have given power to their Committee to meet this day in the South Library.

C. MAC MAHON,  
Speaker.

Legislative Assembly Chamber,  
Melbourne, 21st November, 1871.

The Council adjourned during pleasure in order that the Committees might confer.

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

**RAILWAYS BILL—REPORT OF COMMITTEE TO CONFER.**—The Honorable R. S. Anderson brought up the Report of the Select Committee appointed to confer with the Committee of six members of the Assembly on the amendments in the Railways Bill.

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

The Committee, appointed to confer with a like number of members of the Legislative Assembly on the amendments of the Legislative Council in the Railways Bill with which the Legislative Assembly have disagreed, have the honor to report that they met and conferred with the Committee of the Legislative Assembly in the South Library Room.

The Committees agreed to the following resolution:—

This Conference recommend that a pledge be given by the Government to the Legislative Council that the question of the breadth of gauge shall be submitted to both branches of the Legislature for consideration and approval, the same mode of submitting the question being adopted towards both Houses; and that thereupon the Committee of the Council shall recommend to that body not to insist on their amendments to which the Legislative Assembly have disagreed.

The Honorable R. S. Anderson moved, That the Report of the Committee be now adopted.

Question—put and passed.

WEDNESDAY, 22ND NOVEMBER, 1871.

**ADJOURNMENT.**—The Honorable Dr. Dobson moved that the House do now adjourn.

Debate ensued.

Motion, by leave, withdrawn.

**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 the Legislative Assembly have agreed to the resolution adopted by the Joint Committees appointed to confer on the amendments in the Railways Bill to which the Legislative Assembly have not agreed.

C. MAC MAHON,  
Speaker.

Legislative Assembly Chamber,  
Melbourne, 22nd November, 1871.

MR. PRESIDENT,

The Legislative Assembly transmit to the Legislative Council a Bill, intituled "*An Act to secure in certain cases the right of property in Telegraphic Messages,*" with which they desire the concurrence of the Legislative Council.

C. MAC MAHON,  
Speaker.

Legislative Assembly Chamber,  
Melbourne, 21st November, 1871.

**RAILWAYS BILL.**—The Honorable W. A. C. a'Beckett moved, That the Council do not insist on their amendment in clause 3, line 29.

Question—put and passed.

The Honorable R. S. Anderson moved, That the following reasons be communicated to the Legislative Assembly :—

The Council deem it proper to transmit to the Legislative Assembly their reasons for not concurring with the reason given by the Legislative Assembly for not agreeing to the amendment of the Legislative Council, viz. :—

1. The only restriction on the legislative functions of the Council is contained in the 56th clause of the Constitution Act, and that restriction in no way debars the Council from amending such a Bill as the "*Bill to authorize the construction of certain lines of Railway by the State.*"

2. The Council, in 1857, inserted in a similar Bill (to authorize the Construction of Main Trunk Lines of Railway to the River Murray and to Ballarat) the following clause :—“Each of the said Railways shall be constructed so as to be capable of having placed thereon a double line of rails,” and the Assembly agreed to the amendment, and have since that date agreed to numerous amendments involving the same principle in other Bills, but which were not, in the language of the 56th clause of the Constitution Act, “Bills for appropriating any part of the Revenue, and for imposing any duty, rate, tax, rent, return, or impost.”

3. That the reason now urged by the Message from the Legislative Assembly contravenes the previous practice of both Houses, by affirming that the Bill is one which the Council cannot alter in accordance with the amendment in clause 3, line 29 ; and is, indeed, in conflict with the manner in which the Assembly has dealt with the Bill itself ; inasmuch as the Assembly have agreed to certain amendments made by the Legislative Council in the Bill ; whereas, if the Bill were one which the the Constitution Act prevented the Council from altering, the Council would not have altered it, nor would the Assembly have agreed to any alteration in it.

4. That none of the amendments made by the Council are of such a nature as “will” (or “would” as alleged by the Assembly) either immediately, or in their consequences bring a charge upon the people ; and although the amendment clause 3, line 29, after “Maryborough” insert “with an extension to Avoca” authorizes the construction of certain works, the expenditure of the money required for the execution thereof must be hereafter sanctioned by a Bill which will have to be initiated in the Assembly.

Question—put and passed.

The Honorable W. A. C. a'Beckett moved, That the Council do agree to the amendment made by the Legislative Assembly in the amendment made by the Council in clause 3 (page 2), line 2, omit “through,” insert “by way of.”

Question—put and passed.

The Honorable W. A. C. a'Beckett moved, That the Council do not insist on their amendment to insert after “rolling stock,” in clause 5, line 13, “Provided that the railways mentioned in this Act shall be made on a uniform gauge of five feet three inches.”

The Honorable W. A. C. a'Beckett, on behalf of the Government, gave a pledge that the approval of the Council should be obtained, according to the recommendation of the Report of the Conference Committees, with regard to the width of railway gauge, and the President directed that the same should be recorded in the Minutes.

Question—That the Council do not insist on their amendment in clause 5—put and passed.

The Honorable W. A. C. a'Beckett moved, That the Council do not insist on their amendment in line 40, (page 10), of the Third Schedule.

Question—put and passed.

The Honorable W. A. C. a'Beckett moved, That the following consequential amendments be made in the Bill :—

Clause 3, line 31, omit “Third” insert “Second.”

Clause 3, page 2, line 4, omit “Fourth” insert “Third.”

In the Schedules :—

Change “Third” into “Second.”

Change “Fourth” into “Third.”

Question—put and passed.

Ordered—That the Bill be returned to the Legislative Assembly with a Message acquainting them that the Council do not now insist on certain amendments, but give at the same time certain reasons with regard to them; that they have agreed to an amendment of the Legislative Assembly on an amendment made by the Council; that they do not insist on a certain amendment in consequence of the adoption of and compliance with the report of the Conference Committees, and that they have made certain consequential amendments, with which they desire the concurrence of the Legislative Assembly.

**ROYAL ASSENT TO BILLS.**—The President announced to the Council that he had received a communication from the Private Secretary to His Excellency the Governor, intimating that it is His Excellency's intention to proceed to the Council Chamber on Thursday the 23rd instant, to assent, in Her Majesty's name, to certain Bills passed by the Legislative Council and the Legislative Assembly.

**TELEGRAPHIC MESSAGES COPYRIGHT BILL.**—The Honorable W. A. C. a'Beckett moved, That this Bill be now read a first time.

Question—put and passed.

Bill read a first time.

The Honorable W. A. C. a'Beckett moved, That the Bill be now read a second time.

Question—put and passed.

Bill read a second time.

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

Question—put and passed.

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

The President left the Chair.

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

The Honorable W. A. C. a'Beckett, 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 was in accordance with the Bill as reported, the Bill, on the motion of the Honorable W. A. C. a'Beckett, was read a third time and *passed*.

The Honorable W. A. C. a'Beckett moved, That the title of the Bill be "*An Act to secure in certain cases the right of Property in Telegraphic Messages.*"

Question—put and passed.

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

ADJOURNMENT.—The Honorable W. A. C. a'Beckett, with leave of the Council, moved, without notice, That the House, at its rising this day, adjourn until half-past Eleven o'clock on Thursday the 23rd instant. Question—put and passed.

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

MR. PRESIDENT,

The Legislative Assembly return to the Legislative Council the Bill intituled "*An Act to authorize the construction of certain Lines of Railway by the State,*" and acquaint the Legislative Council that they have agreed to the consequential amendments made by the Legislative Council in this Bill.

C. MAC MAHON,  
Speaker.

Legislative Assembly Chamber,  
Melbourne, 22nd November, 1871.

The Council adjourned at ten minutes to one o'clock until half-past eleven o'clock on Thursday the 23rd instant.

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





# Minutes of the Proceedings

OF THE

## LEGISLATIVE COUNCIL.

THURSDAY, 23RD NOVEMBER, 1871.

The Council met in accordance with adjournment.

The President took the Chair.

The President read the Prayer.

PAPERS.—The Honorable W. A. C. a'Beckett, by command of His Excellency the Governor, presented to the Council the following Papers:—

1. Statistics of Colony of Victoria, 1870:—

Part V. Interchange.

Part VI. Production.

Part VII. Law, Crime, &c.

2. Mining on Railway Reserve, Castlemaine District, authorized.—Order in Council (7th November, 1871).

3. Mining on Railway Reserve, Castlemaine District, authorized.—Order in Council (7th November, 1871).

4. Mining on Railway Reserve, Sandhurst District, authorized.—Order in Council (7th November, 1871).

5. Victorian Railways.—Report of Board of Land and Works, for six months ending 30th June, 1871.

6. Yan Yean Water Supply.—Cash and Balance Sheets for Half-year ending 30th June, 1871.

Ordered severally to lie on the table.

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

ROYAL ASSENT TO BILLS, AND RESERVATION OF A BILL FOR THE SIGNIFICATION OF HER MAJESTY'S PLEASURE.—His Excellency the Governor came into the Council Chamber and commanded the Usher to desire the attendance of the Legislative Assembly in the Council Chamber; who being come with their Speaker, he, after a speech to His Excellency, delivered the Appropriation Bill to the Clerk of the Parliaments, who brought it to the Table.

His Excellency was then pleased to assent, in Her Majesty's name, to the following Bills, viz. :—

*"An Act to amend an Act intituled 'An Act to incorporate the proprietors of a certain Banking Company called 'The Bank of New South Wales' and for other purposes therein mentioned.'"*

*"An Act to amend 'The Statute of Gaols 1864,' and for other purposes."*

*"An Act to enable the Members of 'The Victoria Racing Club' to sue and be sued in the name of the Chairman for the time being of the Committee of the said Club, and for other purposes."*

*"An Act to amend 'The Criminal Law and Practice Statute 1864,' and for other purposes."*

*"An Act to grant certain Duties of Customs and to repeal and alter certain other Duties of Customs."*

*"An Act to amend and explain the 'Shires Statute,' and for other purposes."*

*"An Act to facilitate the operations of Friendly Societies interested in Land under the 'Transfer of Land Statute.'"*

*"An Act to amend the 'Duties on the Estates of Deceased Persons Statute 1870.'"*

*"An Act to sanction the issue and application of certain Sums of Money from 'The Railway Loan Account,' for Salaries, Wages, and Contingencies for the service of the Year One thousand eight hundred and seventy-one and for the six months ending thirtieth June One thousand eight hundred and seventy-two."*

*"An Act to provide for a Grant to Sir Francis Murphy, Knight."*

*"An Act to enable 'The Bendigo Waterworks Company' to sell and alienate, and the Corporation of the City of Sandhurst to purchase and be possessed of the Waterworks or other property of the said Company, and for other purposes."*

- “An Act to sanction the issue and expenditure of certain Sums from ‘The Public Works Loan Account,’ for Salaries, Wages, and Contingencies for the Service of the Year ending the thirtieth day of June One thousand eight hundred and seventy-two and for repaying to the Consolidated Revenue moneys heretofore advanced therefrom.”
- “An Act to amend an Act intituled ‘An Act to protect Game.’”
- “An Act for the Incorporation and Winding-up of Mining Companies.”
- “An Act to authorize the Western Port Coal Mining Company, Limited, to construct a Tramway or Railway, and to take and purchase certain lands for that purpose.”
- “An Act to amend the ‘Insolvency Statute 1871.’”
- “An Act to provide for the issue of Land Certificates to certain Members of the Volunteer Force of Victoria.”
- “An Act to enable the allowance of Drawbacks on the exportation of certain Goods from Victoria, and for other purposes.”
- “An Act to secure in certain cases the right of Property in Telegraphic Messages.”
- “An Act to authorize the construction of certain Lines of Railway by the State.”
- “An Act to apply a sum out of the Consolidated Revenue to the service of the year One thousand eight hundred and seventy-one and two, and to appropriate the supplies granted in this session of Parliament and for other purposes.”

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.

“CANTERBURY,  
“Governor.”

RESERVATION OF A BILL FOR THE SIGNIFICATION OF HER MAJESTY'S PLEASURE.—His Excellency was then pleased to reserve the following Bill for the signification of Her Majesty's pleasure thereon:—  
“An Act to amend the ‘Discipline Act 1870.’”

The Clerk of the Parliaments delivered to Mr. Speaker Schedules of the Bills assented to, and of the Bill reserved.

His Excellency was then pleased to speak as follows:—

MR. PRESIDENT AND HONORABLE GENTLEMEN OF THE LEGISLATIVE COUNCIL :

MR. SPEAKER AND GENTLEMEN OF THE LEGISLATIVE ASSEMBLY :

I am glad to be able to release you from your attendance on Parliament after a session not unduly protracted, and at a period of the year which justifies me in hoping that, from this time forward, we may establish the practice of the Legislature meeting and going into recess at a fixed season, as in the mother country. It will be a convenience not only to Members of Parliament but to the community if this can be done; and I have no doubt it will greatly facilitate the transaction of public business by enabling my advisers to mature measures of public policy more carefully than is possible under the present system, before presenting them for your consideration.

You have given your assent to a scheme of Railway Extension, which brings the existing lines into connection with each other and with many new centres of population. The proposed expenditure is on a scale so moderate that it affords ground to hope the investment will become speedily reproductive. And when the scheme comes into complete operation it will furnish such additional facilities for the development of every branch of national industry as will, I trust, greatly promote the interest of all classes of the community.

The adoption of a new Tariff, designed to restore the equilibrium between revenue and expenditure, and to foster manufacturing industry in this country, will, I trust, secure these objects, and so content a large section of the community who have long desired a modification of our public policy in this direction.

The Mining Companies Bill, framed to regulate a productive and successful pursuit, in which a large proportion of our population are engaged, removes impediments which have long barred the path of enterprise, and by limiting risk and placing legitimate speculation under the protection of law, will, I am assured, greatly stimulate mining industry in all its branches.

MR. SPEAKER AND GENTLEMEN OF THE LEGISLATIVE ASSEMBLY :

I have much gratification in assuring you that the public revenue in all its branches is in a healthy and satisfactory condition, and that there is good reason to believe that the current year will be one of unusual prosperity for this community.

I thank you in the name of Her Majesty for the generous provision you have made for the Public Service; your liberality will be a new inducement to my advisers to subject the public expenditure to a rigorous scrutiny during the recess.

I regret that difficulty should have arisen in renewing the contract with the Government of New South Wales for the collection of duties on goods crossing the Murray. Should an agreement not be arrived at, it will be our duty to make such arrangements as may be necessary under the circumstances for protecting the trade and revenue of the colony. But I continue to hope that the proposal made by my advisers, the fairness of which has been generally recognised, will still be accepted.

MR. PRESIDENT AND HONORABLE GENTLEMEN OF THE LEGISLATIVE COUNCIL :

MR. SPEAKER AND GENTLEMEN OF THE LEGISLATIVE ASSEMBLY :

I have to express my concern that a number of important measures which were under the consideration of Parliament have not become law. Bills for securing the better representation of the people in the Legislative Assembly, for effecting reforms in the administration of the Postal and Telegraph Service, and for amending the laws regulating Fencing and Impounding, respecting which an agreement was not come to, will be submitted for the further consideration of Parliament on its re-assembling.

Bills amending the Military and Naval "Discipline Act," the Gaols Statute, the Friendly Societies Act, the Land Compensation Statute, the Shires Statute, and the Insolvency Act, in important particulars, and others enabling me to frame regulations for granting drawbacks for the protection of intercolonial trade, and enlarging the concessions hitherto made to the Volunteers, have, except the first, which requires to be reserved for Her Majesty's pleasure, received my assent, and will, I trust, prove convenient and beneficial.

These measures have been considered and adopted with a promptitude which is creditable to your industry and public spirit. My advisers were of opinion that it was wiser to limit attention to such a number of measures as Parliament could adequately consider in one session rather than increase the number with the probability of abandoning some of them in the end. The result has fully answered their expectations; every measure of any urgency or importance which they introduced has been dealt with by Parliament, with the exception of a Bill to amend the law regulating the powers and functions of Justices of the Peace, which they have postponed till next session.

I now, in Her Majesty's name, declare this Parliament to be prorogued to Saturday, the sixth day of January next, and it is prorogued accordingly.

CANTERBURY.

Melbourne,

23rd November, 1871.

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 1871.

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## No. 1.—ADDRESS IN REPLY TO GOVERNOR'S SPEECH.

Appointed 27th April, 1871.

The Hon. T. T. a'Beckett  
A. Fraser  
J. Graham  
R. Simson

The Hon. W. Campbell  
W. Highett  
F. Robertson (*Mover*).

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## No. 2.—ADDRESS OF CONDOLENCE TO LADY PALMER.

Appointed 27th April, 1871.

The Hon. The President  
W. Campbell  
J. O'Shanassy  
J. F. Strachan  
J. Graham

The Hon. W. Highett  
J. Henty  
G. W. Cole  
T. T. a'Beckett (*Mover*).

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## No. 3.—STANDING ORDERS.

Appointed 27th April, 1871.

The Hon. The President  
W. Campbell  
J. O'Shanassy

The Hon. H. M. Murphy  
T. T. a'Beckett (*Mover*).

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## No. 4.—LIBRARY (JOINT).

Appointed 27th April, 1871.

The Hon. The President  
J. O'Shanassy  
R. C. Hope

The Hon. R. S. Anderson  
C. J. Jenner.

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## No. 5.—PRINTING.

Appointed 27th April, 1871.

The Hon. R. S. Anderson  
A. Fraser  
J. Henty

The Hon. J. Graham  
F. Robertson.

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## No. 6.—REFRESHMENT ROOMS (JOINT).

Appointed 27th April, 1871.

The Hon. P. Russell  
R. Turnbull  
R. Simson

The Hon. The President  
W. H. Pettett.

## No. 7.—PARLIAMENT BUILDINGS (JOINT).

Appointed 27th April, 1871.

The Hon. The President  
J. F. Strachan  
N. Black

The Hon. N. Fitzgerald  
W. Degraives.

## No. 8.—ELECTIONS AND QUALIFICATIONS.

Appointed 27th April, 1871.

The Hon. T. T. a'Beckett  
W. Campbell  
R. C. Hope  
J. Cumming

The Hon. W. Highett  
J. O'Shanassy  
P. Russell.

## No. 9.—FENCING BILL.

Appointed 31st May, 1871.

The Hon. The President  
T. T. a'Beckett  
N. Black  
W. Campbell  
J. Cumming

The Hon. W. Highett  
F. Robertson  
P. Russell  
J. O'Shanassy  
R. Simson (*Mover*).

## No. 10.—RAILWAYS BILL.—COMMITTEE TO CONFER.

Appointed 21st November, 1871.

The Hon. Dr. Dobson  
A. Fraser  
W. Highett

The Hon. W. Campbell  
C. J. Jenner  
R. S. Anderson (*Mover*).

# LEGISLATIVE COUNCIL.

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SESSION 1871.

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WEEKLY REPORT OF DIVISIONS  
 IN  
 COMMITTEE OF THE WHOLE COUNCIL.

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No. 1.

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Extracted from the Minutes.

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TUESDAY, 30TH MAY, 1871.

No. 1. JUSTICES OF THE PEACE BILL.—Clause 3.—All appointments of persons to be justices of the peace or police magistrates made or purporting to be made by the Governor prior to the passing of this Act are hereby declared to be “*valid*,” and the authority of all persons so appointed and not removed from office either in express terms or by death or by operation of law or who shall not have resigned their office shall not be questioned upon any grounds whatever.

Motion made—That all the words to “*valid*” in the third line of the above clause be struck out, with the view of inserting the following words: “*No appointment by the Governor of any persons to be territorial justices of the peace in any commission shall be held to have been invalidated by any subsequent notices or commissions purporting to limit the jurisdiction of such justices.*”—  
 (Hon. N. Fitzgerald.)

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

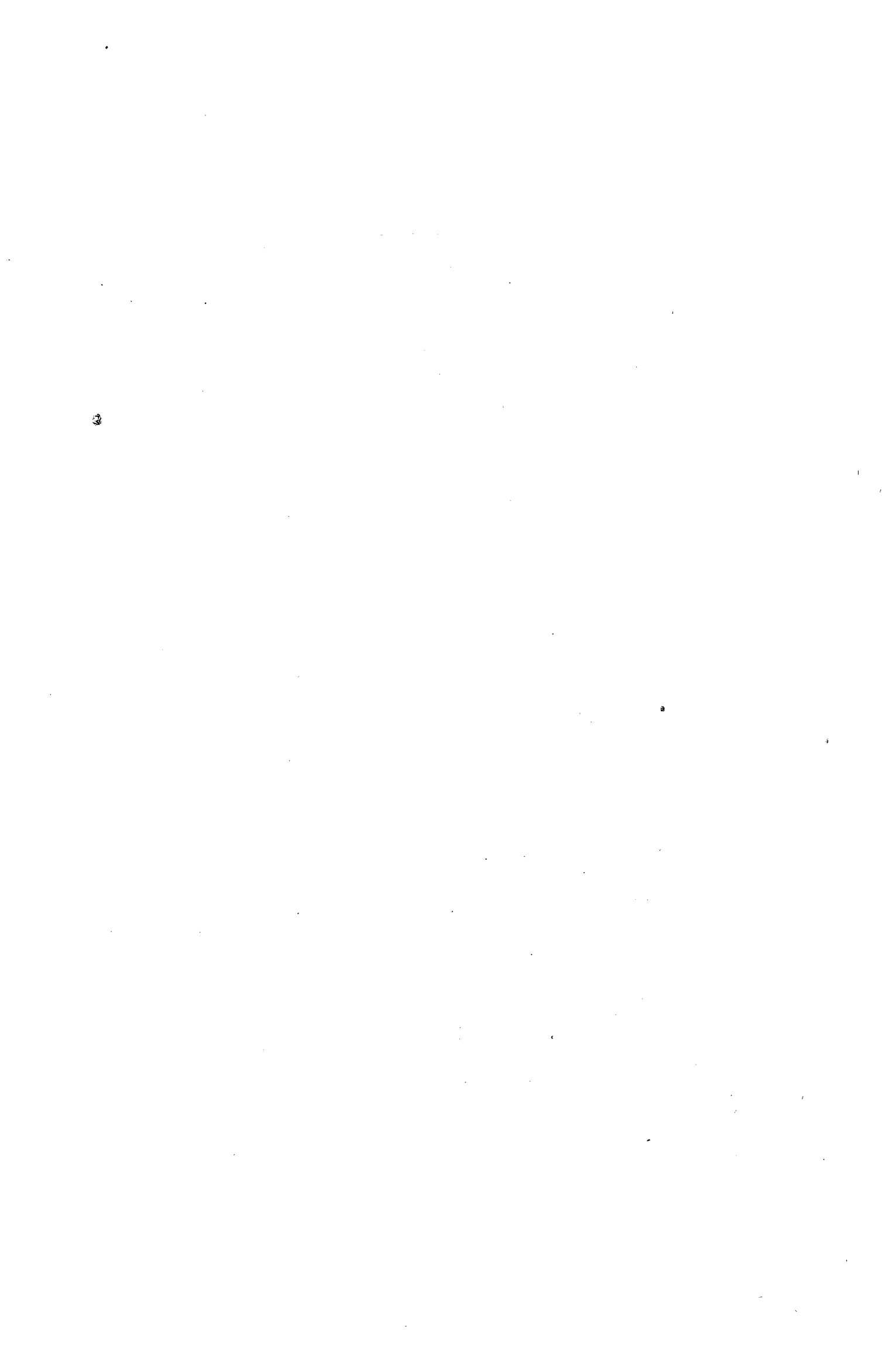
Committee divided.

Contents, 10.  
 The Hon. A. Fraser  
 J. Cumming  
 W. Highett  
 R. Turnbull  
 P. Russell  
 J. F. Strachan  
 J. Graham  
 G. W. Cole  
 T. T. a'Beckett  
 H. M. Murphy (*Teller*).

Not Contents, 10.  
 The Hon. J. O'Shanassy  
 N. Black  
 B. Williams  
 R. Simson  
 W. Skene  
 W. Campbell  
 N. Fitzgerald  
 C. J. Jenner  
 W. H. Pettett  
 T. McKellar (*Teller*).

The tellers having declared that the numbers for the Contents and for the Not Contents were respectively 10, or equal, the Chairman gave his vote with the Contents, and declared the question to have passed.





VICTORIA.

# LEGISLATIVE COUNCIL.

SESSION 1871.

## WEEKLY REPORT OF DIVISIONS

IN

## COMMITTEE OF THE WHOLE COUNCIL.

No. 2.

Extracted from the Minutes.

TUESDAY, 5TH SEPTEMBER, 1871.

MARINE BOARD BILL.—Clause 10.—The Marine Board shall have the disposal and expenditure of all moneys which may be voted by Parliament for the purposes of carrying out any of the objects of this Act, “*but such disposal and expenditure shall be subject to the control and approval of the Commissioner of Customs for the time being.*”

Motion made—That the words “*but such disposal and expenditure shall be subject to the control and approval of the Commissioner of Customs for the time being,*” in the third line of the above clause, be omitted.—(Hon. R. S. Anderson.)

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

Committee divided.

Contents, 8.

The Hon. B. Williams  
T. T. a'Beckett  
A. Michie  
W. Degraives  
F. Robertson  
J. Henty  
W. A. C. a'Beckett  
W. Campbell (*Teller*).

Not Contents, 10.

The Hon. T. McKellar  
R. S. Anderson  
J. Cumming  
R. Simson  
P. Russell  
J. F. Strachan  
Dr. Dobson  
A. Fraser  
R. Turnbull  
J. Graham (*Teller*).



LEGISLATIVE COUNCIL.

SESSION 1871.

WEEKLY REPORT OF DIVISIONS

IN

COMMITTEE OF THE WHOLE COUNCIL.

No. 3.

Extracted from the Minutes.

WEDNESDAY, 1st NOVEMBER, 1871.

No. 1.—RAILWAYS BILL.—Clause 3.—It shall be lawful to make and maintain the following railways and all proper works and conveniences in connection therewith (that is to say) :—

- (I.) A railway commencing at or in the city of Ballarat and terminating at or within the town of Ararat, in the line and upon the lands described in the First Schedule to this Act, and within any deviation thereof as herein provided, to be called the Ballarat and Ararat Railway.
- (II.) A railway commencing at the town of Geelong and terminating at or within the township of Camperdown, in the line and upon the lands described in the Second Schedule to this Act, and within any deviation thereof as herein provided, to be called the Geelong and Western District Railway.
- (III.) A railway commencing in the town of Castlemaine passing through the town of Maryborough, and terminating at or in the town of Dunolly, in the line and upon the lands described in the Third Schedule to this Act, and within any deviation thereof as herein provided, to be called the Castlemaine and Dunolly Railway.

Motion made—That the first two paragraphs of this clause be postponed till after the consideration of the third paragraph.—(*Hon. R. S. Anderson.*)

Question—That the paragraphs proposed to be postponed be so postponed—put.

Committee divided.

Contents, 12.  
 The Hon. G. W. Cole  
 W. Skene  
 R. S. Anderson  
 A. Michie  
 J. O'Shanassy  
 R. Turnbull  
 T. McKellar  
 W. Highett  
 R. Simson  
 J. Graham  
 N. Fitzgerald  
 W. Campbell (*Teller*).

Not Contents, 13.  
 The Hon. R. C. Hope  
 N. Black  
 T. T. a'Beckett  
 H. M. Murphy  
 B. Williams  
 C. J. Jenner  
 J. Cumming  
 F. Robertson  
 P. Russell  
 J. F. Strachan  
 J. Henty  
 Dr. Dobson  
 W. A. C. a'Beckett (*Teller*).

No 2.—RAILWAYS BILL.—Clause 3.—It shall be lawful to make and maintain the following railways and all proper works and conveniences in connection therewith (that is to say) :—

- (I.) A railway commencing at or in the city of Ballarat and terminating at or within the town of "Ararat," in the line and upon the lands described in the First Schedule to this Act, and within any deviation thereof as herein provided, to be called the Ballarat and Ararat Railway.
- (II.) A railway commencing at the town of Geelong and terminating at or within the township of Camperdown, in the line and upon the lands described in the Second Schedule to this Act, and within any deviation thereof as herein provided, to be called the Geelong and Western District Railway.
- (III.) A railway commencing in the town of Castlemaine passing through the town of Maryborough, and terminating at or in the town of Dunolly, in the line and upon the lands described in the Third Schedule to this Act, and within any deviation thereof as herein provided, to be called the Castlemaine and Dunolly Railway.

Motion made—That the word “*Ararat*,” occurring in the fourth line of the above clause, be omitted, with a view of inserting the word “*Hamilton*.”—(*Hon. T. McKellar*.)

Question—That the word proposed to be omitted be so omitted—put.

Committee divided.

Contents, 11.  
The Hon. T. McKellar  
A. Michie  
J. Graham  
J. O'Shanassy  
N. Fitzgerald  
W. Skene  
W. Highett  
R. S. Anderson  
R. Simson  
R. Turnbull  
W. Campbell (*Teller*).

Not Contents, 14.  
The Hon. N. Black  
H. M. Murphy  
T. T. a'Beckett  
P. Russell  
W. A. C. a'Beckett  
B. Williams  
C. J. Jenner  
Dr. Dobson  
J. Cumming  
F. Robertson  
J. F. Strachan  
G. W. Cole  
J. Henty  
R. C. Hope (*Teller*).

No. 3.—RAILWAYS BILL.—Clause 3.—It shall be lawful to make and maintain the following railways and all proper works and conveniences in connection therewith (that is to say) :—

- (I.) A railway commencing at or in the city of Ballarat and terminating at or within the town of Ararat, in the line and upon the lands described in the First Schedule to this Act, and within any deviation thereof as herein provided, to be called the Ballarat and Ararat Railway.
- (II.) A railway commencing at the town of Geelong and terminating at or within the township of Camperdown, in the line and upon the lands described in the Second Schedule to this Act, and within any deviation thereof as herein provided, to be called the Geelong and Western District Railway.
- (III.) A railway commencing in the town of Castlemaine passing through the town of Maryborough, and terminating at or in the town of Dunolly, in the line and upon the lands described in the Third Schedule to this Act, and within any deviation thereof as herein provided, to be called the Castlemaine and Dunolly Railway.

Motion made and question put—That subdivision (II.) of the above clause stand part of the Bill.

Committee divided.

Contents, 12.  
The Hon. Dr. Hope  
W. A. C. a'Beckett  
T. T. a'Beckett  
G. W. Cole  
J. F. Strachan  
H. M. Murphy  
P. Russell  
C. J. Jenner  
J. Henty  
N. Black  
J. Cumming  
Dr. Dobson (*Teller*).

Not Contents, 12.  
The Hon. A. Michie  
W. Campbell  
J. O'Shanassy  
R. Simson  
J. Graham  
T. McKellar  
J. P. Bear  
W. Skene  
W. Highett  
R. Turnbull  
N. Fitzgerald  
R. S. Anderson (*Teller*).

The Tellers having declared that the numbers for the Contents and for the Not Contents were respectively twelve, or equal, the Chairman gave his vote with the Not Contents.

No. 4.—RAILWAYS BILL.—Clause 3.—It shall be lawful to make and maintain the following railways and all proper works and conveniences in connection therewith (that is to say) :—

- (I.) A railway commencing at or in the city of Ballarat and terminating at or within the town of Ararat, in the line and upon the lands described in the First Schedule to this Act, and within any deviation thereof as herein provided, to be called the Ballarat and Ararat Railway.
- (II.) A railway commencing at the town of Geelong and terminating at or within the township of Camperdown, in the line and upon the lands described in the Second Schedule to this Act, and within any deviation thereof as herein provided, to be called the Geelong and Western District Railway.
- (III.) A railway commencing in the town of Castlemaine passing through the town of “*Maryborough*,” and terminating at or in the town of Dunolly, in the line and upon the lands described in the Third Schedule to this Act, and within any deviation thereof as herein provided, to be called the Castlemaine and Dunolly Railway.

Motion made—That the words “*with an extension to Avoca*” be inserted after the word “*Maryborough*,” in the twelfth line of the above clause.—(*Hon. N. Fitzgerald*.)

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

Contents, 13.  
The Hon. G. W. Cole  
W. Campbell  
R. Simson  
A. Michie  
J. O'Shanassy  
F. Robertson  
W. Skene  
W. Highett  
J. P. Bear  
T. McKellar  
R. S. Anderson  
N. Fitzgerald  
J. Graham (*Teller*).

Not Contents, 9.  
The Hon. T. T. a'Beckett  
P. Russell  
Dr. Hope  
C. J. Jenner  
N. Black  
J. Cumming  
J. F. Strachan  
R. Turnbull  
W. A. C. a'Beckett (*Teller*).

THURSDAY, 2ND NOVEMBER, 1871.

No. 5.—RAILWAYS BILL.—Clause 5.—In all railways constructed under this Act the expenditure shall be restricted to a sum not exceeding an average of Five thousand pounds per mile, including stations and rolling-stock: "*Provided that the railways mentioned in this Act shall be made on a uniform gauge of five feet three inches.*"

Motion made and question put—That this clause, as amended, stand part of this Bill.—(*Hon. J. O'Shanassy.*)

Committee divided.

Contents, 21.  
The Hon. W. Campbell  
R. Simson  
P. Russell  
R. S. Anderson  
G. W. Cole  
T. T. a'Beckett  
J. O'Shanassy  
A. Michie  
Dr. Dobson  
W. Skene  
C. J. Jenner  
R. Turnbull  
W. Highett  
N. Black  
A. Fraser  
J. P. Bear  
N. Fitzgerald  
J. Cumming  
T. McKellar  
B. Williams  
J. Graham (*Teller*).

Not Contents, 4.  
The Hon. J. F. Strachan  
F. Robertson  
H. M. Murphy  
W. A. C. a'Beckett (*Teller*).

VICTORIA.

# LEGISLATIVE COUNCIL.

SESSION 1871.

## WEEKLY REPORT OF DIVISIONS

IN

## COMMITTEE OF THE WHOLE COUNCIL.

No. 4.

Extracted from the Minutes.

TUESDAY, 21<sup>ST</sup> NOVEMBER, 1871.

No. 1.—PERMISSIVE LIQUORS SALE BILL.—Clause 1.—In this Act unless the context otherwise requires—

The word “district” shall mean and include any city town borough shire or road district.

The word “elector” shall mean any person who shall appear by the rate-book to be rated in respect of any rateable property situated within any district within the meaning of this Act and who shall reside within such district and any holder of an elector’s right not hereinbefore included resident within such district who shall be enrolled on any general roll of electors in force for the electoral district or division in which such district may be in whole or part situated.

The expression “alcoholic liquor” shall mean and include all spirituous liquors wine ale beer cider perry and every description of intoxicating liquors, but it shall not mean nor apply to any person selling any spirituous or distilled perfume *bonâ fide* as perfumery, nor to any person who may sell wine cider or perry in quantities not less than two gallons at any one time the produce of grapes apples or pears respectively of his own growth, and not to be consumed on the premises, nor to any apothecary chemist or druggist who may administer or sell any spirituous or fermented liquors for medicinal purposes, nor to any importer or proprietor of any liquor who shall sell such liquor before the same is landed from the ship in which it shall be imported, and before the time of entry, or after it has been duly entered to be warehoused, or is in any warehouse established according to law.

Motion made and question put—That this clause be postponed.

Committee divided.

Contents, 12.  
The Hon. R. S. Anderson  
A. Michie  
R. Simson  
N. Fitzgerald  
R. Turnbull  
W. Highett  
W. Degraives  
H. M. Murphy  
Dr. Dobson  
G. W. Cole  
J. Henty  
J. Graham (*Teller*).

Not Contents, 8.  
The Hon. B. Williams  
W. Campbell  
W. Skene  
C. J. Jenner  
T. T. a’Beckett  
A. Fraser  
P. Russell  
W. A. C. a’Beckett (*Teller*).

# THE ALGARROBA TREE.

LAI'D ON THE TABLE OF THE LEGISLATIVE COUNCIL BY THE HONORABLE T. T. A'BECKETT, AND ORDERED BY THE COUNCIL TO BE PRINTED, 9<sup>TH</sup> MAY, 1871.

SIR,

Melbourne Botanic Garden,  
5th May, 1871.

In reply to the question asked by the Honorable John O'Shanassy, C.M.G., in the Legislative Council, concerning a bean-tree of the Argentine Republic, I have the honor to remark that the *Hymenæa* Courbaril, specially referred to by the honorable gentleman, occurs in various parts of tropical America, particularly on the Orinoco, at Panama, in West India, and Guiana, and was discovered by Marcgrav and Piso in the year 1648; the Brazilian name being Ietaiba, the Guiana name Simiri. In some other parts of America it is called by the natives Courbaril, and it is one of the Algaroba trees of the Spanish and Portuguese colonists in South America, namely, the Algaroba of Carichana; while British settlers in the Antilles call it the West Indian Locust tree. A specimen\* of the young plant from the conservatory of the Botanic Garden is sent for inspection herewith. The tree is remarkable for its longevity and enormous size; some in the forests of Brazils are regarded over 2000 years old, the width of the stem with its buttresses measuring in some instances over eighty feet in girth, while the main stem measures occasionally sixty feet in circumference. The timber is hard, extremely ponderous, and close-grained; for various structures valuable, and even imported into Britain for select wheel-work, for treenails in planking vessels, and for beams and planks of steam engines. A fragrant amber-like resin, known as the West Indian Copal, often confused with the true Anime resin, is derived for varnishes of the most superior kind from this tree and some allied species of *Hymenæa*, all of tropical America; and I hope to obtain soon samples of this and various other sorts of copal for the Industrial Museum.

The beans of the pod are lodged in a mealy pulp of honey-like taste, which pulp is used for food by the natives; and this remark applies to several other *Hymenæas* of tropical America. Thus the name of Algaroba, originally applying only to the Carob tree of South Europe, the *κεραϊον* of the Greeks, the *Silqua dulcis* of the Romans, the Carob of the Arabs, now largely naturalized in South America also, and well known for its sweetest pod, furnishing the St. John's Bread, was extended to the *Hymenæas* and indeed also to various kinds of *Prosopis*.

No full work on the plants of the La Plata States being extant, it is impossible for me here at so wide a distance to say whether the *Hymenæa* Courbaril extends so far south as Catamarca (lat. 26–29° S.); but I am inclined to believe that the bean-tree referred to in the February number of the scientific journal *Nature* of this year, as the tree in question, is not a *Hymenæa* at all, but a species of the genus *Prosopis*, which genus furnishes several kinds of bean trees, about which Professor De Candolle offers the following remarks as regards their edible fruit-pulp:—"La deuxième section, que je nomme Algarobia, est toute composée d'espèces Américaines; *plusieurs dans leur pays portent le nom d'Algaroba*, qui est aussi celui du Caroubier, et qui est déterminé par l'analogie de forme, de saveur et d'usage de leurs fruits."—(*Memoires sur la famille des Légumineuses*, p. 430.) I may instance *Prosopis horrida*, growing as well on the base of the Andes as on some of the sand shores of Peru; *Prosopis julifera* of Jamaica, Mexico, and Ecuador; *Prosopis siliquastrum*, furnishing the Chilian Algaroba; and probably it is this latter which advances as an Algaroba tree across the Andes into Catamarca, it being within Chilian territory known from Santiago (33° 20' S.) to the Rio Colorado (27° S.), the latter river indeed rising in the Argentine Province Catamarca. *Prosopis dulcis* extends, spontaneously or cultivated, from Mexico to Buenos Ayres (lat. 34° 30' S.) into the Argentine Republic.

I have moreover received a few months ago from Dr. Hooker, C.B., of Kew, seeds of a South American bean-tree furnishing edible pods, which seeds are *supposed* to belong to a species of *Prosopis*, although no means of identifying the tree were available. These seeds were sown, but had not retained vitality. I enclose a sample of them, which shows that they could not have been produced by *Hymenæa* Courbaril, the seeds of that Algaroba being many times larger and very turgid; indeed the seeds of *Hymenæa* Courbaril are nearly an inch long.

\* Can be seen in Chief Secretary's Office.



Having thus endeavoured to dispose of the phytographic aspect of the question, I have now the honor to point out, that not likely any part of the Victorian territory would be simultaneously humid and warm enough to cultivate *Hymenaea Courbaril* to advantage (this tree being particularly suitable for Queensland); but it will be evident from the geographic notes just offered on *Prosopis* that the bean-tree of Catamarca, to which the Honorable J. O'Shanassy specially alluded, if such should prove a *Prosopis*, may thrive in sheltered spots in the milder climatic tracts of Victoria. In reference to the actual value of this Argentine Algaroba for food, I have no means to offer from my own experience any opinion; but inasmuch as an important scientific journal (*Nature*, vol. iii., p. 313, February, 1871) bestows considerable praise on this plant as one eligible for food, I would certainly recommend that it should be fairly tested in our colony. But, as pointed out in one of my official reports to Parliament, many plants from humid sub-tropical regions could only to advantage be grown in the mild sheltered fern gullies of our ranges, because they would obtain there the necessary irrigation from natural springs, rich soil, equable temperature, and other conditions imperative for successful growth of such plants; and, as indicated in former public documents of mine, it would be worthy of consideration, whether I might not obtain about half a hundred acres of land in a valley about Fernshaw, so that proper tests could be instituted on a multitude of plants, for which the soil, climate, and exposure here at Melbourne is not favorable. The maintenance of a test garden in the ranges need not be costly, as one man and two or three boys would do all the work needed, and the spot for it might be so chosen as to admit of my directing the work there by occasional visits, without being ever longer than a day from Melbourne. In such a place the Cinchona or Peru Bark trees could be tested, the Cork Oak would grow far quicker, the China and Assam tea would yield a far more prolific harvest, and thousands of different other plants, many of high value, would thrive, for which it is in vain to provide in the Botanic Garden an adequate place without resorting to protective covers. As test cultures for the benefit of the community are among the many real objects of a true botanic garden, I venture to submit my proposition to your favorable consideration. As regards the introduction of seeds of the Catamarca Algaroba no difficulty will be experienced. I am already in communication with Professor Dr. Lorentz, of the University of Cordova, and with Don José Martinez de Iloz, President of the Sociedad Rural Argentina at Buenos Ayres, having effected already interchanges with the latter institution, through the mediation of the Honorable Geo. Verdon, C.B., the Agent-General of Victoria.

I have the honor to be,

Sir,

Your very obedient Servant,

FERD. VON MUELLER, M.D.,  
Government Botanist and Director of the Botanic Garden.

The Honorable Sir James McCulloch, M.L.A.,  
Chief Secretary.

1871.

VICTORIA.

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DEFENCES OF VICTORIA.

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RETURN TO AN ORDER OF THE LEGISLATIVE COUNCIL.

THE HONORABLE G. W. COLE.—23RD MAY, 1871.

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LAI'D ON THE COUNCIL TABLE BY THE HONORABLE T. T. A'BECKETT, 13TH JUNE, 1871; AND ORDERED  
BY THE COUNCIL TO BE PRINTED 25TH JULY, 1871.

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RETURN of all Papers from Sir John Burgoyne relative to the Defences of the Colony.

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DEFENCES OF VICTORIA.

MILITARY.  
No. 2.

Government Offices, Melbourne,  
15th February, 1858.

SIR,

Your circular despatch of 8th December, 1856, desiring me to impress upon my Government the expediency of not neglecting to maintain a reasonable amount of warlike preparation during peace, was duly communicated to my responsible advisers, and by them laid before the local Parliament.

As the military estimates for the year 1857 had not at that time been voted, it was deemed better that the report required from the officer commanding Her Majesty's troops as to the efficiency of the volunteer force recently established and the general state of the colonial defences, should be postponed, and I subsequently fixed the 30th June as the most convenient period for its being annually rendered.

Owing to circumstances, however, alluded to in the enclosed letter from Major-General Macarthur, the first annual report has just come into my hands; and, as the mail is about to close, I can only, in forwarding it, make a few hasty remarks upon its contents.

It will be seen that, at each of the seaports on the shores of Port Phillip, the nucleus of a volunteer corps, armed either as artillery or rifles, exists; and there can be no doubt that, with proper encouragement from the local Government, a large and effective force could speedily be organized.

Towards the protection of the Bay by fortifications much progress has not yet been made; though, since the idea of fortifying the Bluffs at its entrance was abandoned as unfeasible, on the report of Captain Ross, R.E., two of the batteries recommended to Sir Charles Hotham by Captain Pasley, R.E., for the defence of the inner harbor at Hobson's Bay, have been constructed, under the supervision of that officer as Commissioner of Public Works.

Captain Pasley, however, does not seem to regard them as likely to prove of much use, even in resisting the attack of a privateer, unless in combination with a tower to be erected on a shoal in the middle of the Bay, for which no provision has been made.

It has been suggested, indeed, that a floating battery, or a gunboat, moored on this spot, would be sufficient; but this raises the wider question of the comparative facility of defending the entire harbor by means of ships, which could be placed so as to command the two channels of approach, whenever the requisite amount of naval protection could be afforded by Great Britain.

Such a plan would apparently be far more advantageous than the expenditure of large sums in the erection of permanent fortifications.

I have, &c.,  
(Signed) HENRY BARKLY.

The Right Honorable Henry Labouchere,  
&c., &c., &c.

[A true copy.—  
O. F. TIMINS, Private Secretary.]

No. 20.

SIR,

Downing-street, 26th May, 1858.

I have to acknowledge the receipt of your despatch, No. 2, of the 15th of February, with the papers enclosed, on the existing state of the Defences of the Colony under your Government.

6th May. 1858.

Having communicated these papers to the War Office, I now transmit to you a Report from the Inspector-General of Fortifications, in which, from the want of such detailed information as would be indispensably necessary to enable him to propose any regular defensive system for the protection of the Colony against assault, he has indicated the general principles by which the development and maintenance of the armed forces and the construction of batteries should be regulated.

I cannot doubt that you and your advisers will consider the Inspector-General's suggestions most valuable, and eminently deserving your careful consideration.

Governor Sir Henry Barkly, K.C.B., &c., &c.,  
Victoria.

I have, &c.  
(Signed) STANLEY.

ENCLOSURE TO DESPATCH OF 26TH MAY, 1858.

*Memorandum on the Defence of Victoria.*

There is no detailed information in the War Office, nor probably in England at all, on which to form specific projects for the most appropriate defensive arrangements for Victoria, but it may be useful to lay down a few principles that would appear to be worthy of attention.

I assume that even in war time England will not be able to contribute more towards the protection of Victoria and its establishments than the chance operations of its fleets against those of the enemy, which must be very precarious in any one given very distant locality, and a very small (if any) additional auxiliary force on shore, and that the main resources for defence must be from the efforts of the Colony itself.

I assume also, that the great mass of the population would feel warmly the desire to oppose an inroad by any hostile power.

Three distinct measures then are involved in the consideration :—

1. Armed forces.
2. Batteries and works of defence.
3. Floating defences ; and the problem is, how these are to be provided in a manner to be most efficient, and at a reasonable expense.

1. So distant a locality to reach, which requires a voyage over nearly half the globe, may be attacked by perhaps a considerable squadron, but hardly by any large forces ashore.

The attacks by the ships must be met by batteries and floating armaments ; and to prevent any impression being made by landing, armed forces on shore must be organized ; the latter, however, not in dribblets of a few hundred men, as indicated by the report made by the General in command, which would be insufficient to oppose the force that might be landed by a moderate squadron sent for the purpose, but by several thousands, on the principle that the defence will rest with the Colony itself.

The first impression probably will be, that an increase to that extent is impossible, on account of the expense, and of the inconvenience to the population ; but it is submitted, that it may be very practicable by deviating from the ordinary system of organising such forces.

The first and most economical process is a simple enrolment as a militia of all the able bodied men in the Colony, say such as are between twenty and fifty years of age, and without physical incapability, with such exemptions and modifications as may be thought desirable ; this is the system adopted by the United States. They are not clothed, nor even embodied, but simply enrolled ; but there should be a collection of arms, ammunition, and accoutrements for them, stored, carefully maintained, and always forthcoming.

This would be the basis for periods of peace, not precluding any smaller force in a more advanced condition for early service, such as the present volunteers, that the Colony might deem expedient ; nor by any means impeding the valuable bodies of self supporting volunteer corps, who will provide their own uniform and give up certain portions of their time without remuneration, and who generally select peculiar branches for their service, such as cavalry, rifles, or artillery, and are worthy of every encouragement.

A militia, as above described, thus previously enrolled with its officers, arranged by regiments and companies in as compact districts as regards their residences as possible, having all necessary arms and equipments in store, and being in good spirit, would, on war breaking out, or threatened danger, speedily be trained into such simple exercises as would render them formidable to any enemy.

The exercises would be in proportion to the apprehended danger, and would be studiously arranged so as to interfere in the smallest degree with the avocations of the men, as in the admirably organized militia of the Channel Islands, where the existence of such a corps without remuneration is considered by law a duty.

An uniform is considered necessary for all organized military bodies, but it becomes a heavy item of expense for those who may be only very occasionally embodied ; in this case therefore it might be altogether dispensed with, or such style adopted, as by a very moderate encouragement, the bodies might be induced to adopt for themselves, namely a frock coat or jacket and foraging cap, such as the artizans and laboring classes habitually use, but of some select uniform color and pattern. This, which would be always serviceable and for every day use, with the arms and black waist-belt for ammunition and bayonet, would give a sufficient degree of military appearance in the ranks.

By such a system it is conceived that a Colony like Victoria might have powerful means, and at a very moderate expense, always available for opposing the inroad of any enemy on its territory.

2. There seems to be no reason to doubt but that the propositions of Captain Pasley, R.E., comprise what can be best done in the batteries for the protection of the bay and anchorage off Melbourne.

The works would however be very imperfect, as the localities do not afford sites for guns that could keep an enemy's ships at an effectual distance.

A tower, as Captain Pasley suggests, in the middle of the bay, near the buoy, would afford a powerful addition, but the cost of construction would be extremely heavy.

Judging however from the chart (the only information available) I cannot at all agree with him and Col. Ross in the total rejection of all defences for the outer entrance from the ocean to an estuary of from thirty to thirty-five miles in diameter, on which Melbourne, Geelong, and no doubt other valuable settlements are placed, and to which the only access is by this channel.

The effect of leaving that passage totally unprotected would be, that an enemy could at all times enter freely, having complete range over the gulf, approach quite near to these most important settlements, and be able to destroy a vast amount of property by distant cannonading and bombardment, even if he could not venture to land; and worst of all, he would possess a shelter and anchorage at the very entrance to the channel, which could not be passed in or out by any inferior force, and thus he might blockade the entire settlement with ease and in security.

The occupation of the entrance by three forts, if it did not totally prevent, would greatly impede these effects.

The objection no doubt is the great width of the channel—it would appear to be nearly 4000 yards from point to point; but though that distance is very great for an effective cross-fire, there are certain advantages in the conformation of the land that may be turned to account.

The course of the passage in winds round from between Point Nepean and Point Lonsdale for about a quarter of a mile, when another point, Shortland's Bluff, is met at about the same distance from the former; so that a ship entering could not, during a course of between three and four miles, be more than 2000 yards from one or the other of the batteries placed on those three points. She could not therefore enter by daylight without considerable risk of serious damage, although the range is very long, nor could she venture to anchor within even a greater distance.

Friendly vessels also chased from the outside would find protection under these forts.

One or more floating batteries in time of war moored about midway between these three points would very greatly increase the defensive arrangements.

It may be said, and with truth, that the enemy might enter by night, but there is always a disadvantage in being so restricted, and in the reflection that he cannot know under what circumstances he may have to return.

These works need not necessarily be large, nor need they require more than very small garrisons, but they should be well flanked and covered, and quite secure against being taken by a *coup-de-main*, with bomb-proof cover for men and stores.

Fort Nepean being on a long narrow peninsula could probably be easily given these qualities, combined with considerable interior space, and it would have on it the mainhold of the three.

3. In the event of war with any considerable maritime power, the demand on the naval service of the country will be too great to indulge in expectations that any man of war could be allotted to a stationary service for this peculiar dependency. It must therefore consider, however, to provide for itself a certain amount of the valuable resource of floating defences.

This will be best and most economically done by converting, when the emergency of war shall arise, any vessel that can be procured into floating batteries, and almost any can be so converted.

That they should be steamers is hardly to be expected on account of the constant expense, for a chance of being required, or at most, for an occasional service; but they may have many of the advantages of steam by applying in times of need for their principal moving power, the steamers, of which, it is presumed, there will always be a certain number for the ordinary traffic at the different places in the estuary, and with whom easy arrangements could no doubt be made for such periods of emergency.

To carry out these principles of protection in general for the Colony, and as preparatives to be constantly maintained, the matters for early attention (for they require time) will be the construction and arming of the small forts at the outer entrance, an arsenal at or near the principal settlement, well provided with guns, small arms, ammunition, and other necessary warlike stores, secured and sheltered in the manner best adapted to their preservation, with a capability by position and system of being rapidly made available for their respective service.

(Signed)

J. F. BURGOYNE,  
I.G.F.

6th May, 1858.

MILITARY.

No. 9.

SIR,

Government Offices, Melbourne,

11th September, 1858.

With reference to Lord Stanley's despatch of the 26th May, No. 20, covering the valuable report of the Inspector-General of Fortifications upon the plans proposed by Captain Pasley, R.E., for the defence of this city and harbor, I have the honor to state that the whole subject had, since the date of my communication, been referred for the consideration of a committee, before whom that despatch and its enclosure were immediately laid.

The rumored intention of the French Government to make their recently acquired settlement in New Caledonia the rendezvous of a far larger naval force than has hitherto been stationed in the Pacific, coupled with reports of increased activity in the Russian establishments on the Amoor, led indeed to a good deal of excitement here, and before the Legislature separated last June, discussions took place as to the state of the defensive preparation of the colony, which, if they resulted in nothing else, proved the general existence of a desire that it should be placed on a more efficient footing, with as little delay as possible.

In deference to this desire, my advisers decided that the subject should be thoroughly investigated during the recess, and I appointed accordingly (as will be seen from the accompanying *Gazette*), a Commission, under the presidency of the Major-General commanding, composed, in nearly equal proportions, of naval and military men, and of such members of either House as had exhibited the warmest interest on the question.

The Commissioners have not yet reported; but, after taking the evidence of those best acquainted with the system of modern warfare, as well as of those familiar with the great estuary of Port Phillip, and,

proceeding in Her Majesty's colonial steam sloop *Victoria* to the Heads, at its entrance, with a view of ascertaining the practicability of their being fortified, they have communicated to the Government a series of resolutions, as unanimously adopted, in order that steps may be taken at the earliest period possible to order out from home the heavy ordnance required, as well as a certain supply of rifles, ammunition, and accoutrements for light infantry.

This, I am afraid, cannot well be done until Parliament reassembles on the 7th prox., but I trust, by the ensuing mail, to be in a position to invoke your assistance in the matter; and meantime, I have thought it right to send forward a copy of these resolutions for your information, without loss of time.

I have, &c.,

(Signed)

HENRY BARKLY.

The Right Honorable Sir Edward Bulwer Lytton, Bart.,  
&c., &c., &c.

[A true copy.—  
O. F. TIMINS, Private Secretary.]

MILITARY,  
No. 2.  
SIR,

Government Offices, Melbourne,  
27th January, 1859.

In my despatch of the 11th September, "Military No. 9," I mentioned that I had with the concurrence of my advisers, appointed a Commission to enquire into the state of the Defences of the Colony, and I also forwarded a copy of resolutions unanimously adopted by the Commissioners respecting the best mode of protecting the shipping in Hobson's Bay, as well as the City of Melbourne itself, against an attack.

2. At that time I anticipated that the subject would be promptly dealt with, but by the meeting of Parliament popular feeling on the prospect of invasion had subsided. It was thought better to await the final report of the Commissioners; and as this had not been sent in when the vote of £25,000 asked for defensive purposes came under consideration in the House of Assembly, it was agreed that that vote should stand over until the rest of the Estimates had been gone through.

3. As some weeks may still elapse ere this is the case, and the questions involved are such as demand the fullest investigation of the military authorities at home, it seems better however no longer to delay submitting the Report of the Commission, which has now been printed, and I have the honor accordingly to enclose a copy for the information of Her Majesty's Government.

4. In so doing I shall not attempt to pass in review the suggestions therein made, either with regard to the fortification of the harbor, or to the enrolment and organisation of the militia:—the first being in the main a professional question, on which my opinion could have little weight; the second, one which it will be plenty of time to discuss when a Bill on the subject is framed and laid before the Legislature next session.

5. It may perhaps, however, serve to bring out the more salient points of the report, and give some indication of the views of this Government with regard thereto, if I append copies of the minute in which I thought it right to call the attention of my responsible advisers to the document in question, and of that handed to me in return by the Chief Secretary, Mr. O'Shanassy.

6. It will be seen, first, that the Ministry disclaim any idea of applying, as suggested, for a company of Royal Artillery, though I must confess I do not see how the extensive works contemplated could be manned without such a nucleus for the organization of a colonial force.

ENCLOSURE A TO DESPATCH (MILITARY) No. 2, OF 27TH JANUARY, 1859.

*Memorandum for the Hon. the Chief Secretary on returning Report of Defence Commission.*

The Governor has perused, with much interest, the report of the Commissioners appointed to enquire into the state of the defences of the colony, and is desirous that thanks should be conveyed in his name to the members of the Commission, for the calm and moderate spirit in which the subject is treated, the careful manner in which their investigations have been conducted, and the practical nature of the suggestions submitted, which latter will receive the serious attention of the Executive Government without loss of time.

The Governor has no wish to precipitate the decision of his advisers; indeed, on a question of such great difficulty and importance, in which he is aware they must be guided mainly by the amount of the pecuniary provision which the Legislature may be willing to make, but he feels deeply sensible of the responsibility which, after the appointment of such a Commission and the receipt of their report, rests upon the Executive, until proper steps are taken to carry out the principal recommendations.

As the consideration of the vote of £25,000 towards the defences of the colony has been postponed until the rest of the Estimates are gone through, and as the proposal to provide the military pay and allowances of the garrison on the usual scale gave rise to discussions in the Assembly not yet apparently set at rest, he deems it not an inappropriate time to make a few remarks on the whole subject.

Entirely concurring in the conclusion at which the Commissioners have arrived as to the inexpediency, under present circumstances, of incurring expense in fortifying the Heads of Port Phillip, he is strongly impressed with the necessity which they point out for the immediate establishment of batteries around Hobson's Bay, sufficiently strong to protect the shipping and the city of Melbourne from any force that could probably be brought against them.

As a considerable period must elapse before the heavy ordnance required for this purpose can be procured from Great Britain, the Governor would urge the desirableness of at once obtaining the sanction of the Legislature to the order being given.

The proposed vote of £25,000 would amply suffice: say—

Sixty 68-pounder guns, complete, with ammunition, at £300 each	£18,000
Ten 32-pounders, ditto, ditto, at £200 each ... ..	2,000

£20,000

leaving a balance for the purchase of the 2,000 stand of rifles recommended by the Commissioners to be immediately procured, as also for the light field batteries.

This would leave the block ship, or floating battery, still unprovided for; but as the Imperial Government is to be requested to bear half the cost of it, a correspondence must necessarily take place previously, and inquiries as to the expense be made.

The Inspector-General of Fortifications at home will, no doubt, be able to decide which of the two means of defence is the most eligible; but a copy of the chart, which it is understood was prepared by Commander Ross, R.N., for the use of the Commission, should be forwarded with the report; for the question, as Sir William Denison has remarked, turns very much upon the depth of water, since any battery of the kind, drawing over ten feet, would be liable to be boarded and its guns turned against the defenders, thus constituting in itself a fresh source of danger.

The money at present asked for being thus appropriated, it would remain to be considered what is to be done as to raising a militia force.

The Governor considers the Commissioners' suggestion to embody between three and four thousand volunteers in the neighborhood of Melbourne by no means in excess of the requirements of the case; but he is somewhat alarmed at the largeness of their estimate of the annual cost, £23,855, particularly as no provision is appended for the pay of the men when called out for training, which would amount to at least £10,000 per annum more—say together £34,000!

This might not be a large item for a disciplined and effective force; but, as it is questionable whether seven days' drill a year for five years would make a soldier, it is well worthy of the serious consideration of the Legislature, and he scarcely looks on it as probable that a Militia Bill will pass during the present session.

As an auxiliary to regular troops, a force thus imperfectly trained might doubtless prove valuable, but the four companies of infantry to which the garrison has lately been reduced, in pursuance of the provision on the estimates for 1859, would, as pointed out by the Commission, be altogether insufficient in the event of an attack on the colony.

At any rate, such training as is proposed would scarcely produce artillerymen fit to work the guns round Hobson's Bay, without professional assistance, and the application, therefore, suggested by the Commissioners for a company of the Royal Artillery as a nucleus on which the Militia Artillery might be formed and trained, seems imperatively to demand attention.

The Governor is perfectly ready to support this application, if in accordance with the views of his advisers; but he feels bound to add that, according to the principles laid down in recent despatches, the colony will be expected to provide not only the allowances but the pay of the company sent out; and he would suggest, after the discussions which have arisen on the annual votes for the expenses of the Head Quarter Staff and the 40th regiment, both equally removed here at the request of the authorities on the same understanding, that it would be far preferable if a pledge were given by the Legislature to secure payment for a fixed term of years.

Of course it is not meant that the Colonial Government should under no circumstances be competent to put an end to the arrangement by notice at an earlier period, but it is certainly only fair that the Imperial Government should not be at the trouble and expense of sending troops needlessly backwards and forwards, whose services might perhaps have been more advantageously applied in some other quarter of the globe.

The Governor, lastly, will not fail to press on the special consideration of the Imperial Government that portion of the report in which his attention is directed to the inadequacy of the naval forces at present maintained in these colonies.

The representations of the Executive Council of Tasmania, to which approving reference is made by the Commissioners, were, as will be remembered, brought under the notice of his advisers at the time, with a view, as desired by Sir Henry Young, of joint action in the matter, and it is well now to determine whether a similar application to have the Australian naval station raised to an Admiral's command ought not to be distinctly put forward in the name of this Government.

That the armament of the steam sloop *Victoria* ought to be completed, as recommended by the Commission, admits of no doubt, and the Governor hopes the remainder of the 32-pounders for which she is pierced and fitted will be forthwith ordered from home, so as to be ready to be put on board in case of necessity.

The Governor, in conclusion, trusts to be placed in a position, when forwarding by next mail copy of the report to H.M. Secretary of State for the Colonial Department, to accompany it by some intimation as to the views and intentions of this Government on the points to which he has severally adverted.

(Signed) HENRY BARKLY.

8th January, 1859.

ENCLOSURE B TO DESPATCH (MILITARY) NO. 2, OF 27TH JANUARY, 1859.

[COPY.]

*Minute for the information of His Excellency.*

Having convened the Members of the Government to consider the Report of the Defence Commission and the Minute of Your Excellency by which it was accompanied, I have now the honor of briefly communicating their views upon the subject.

1. It is proposed immediately to address a circular to the gentlemen composing the Commission, thanking them for their services in the terms contained in Your Excellency's Memorandum.

2. Considering the state of the public business in Parliament, it is not deemed expedient to submit any proposal to the House until the consideration of the vote of £25,000 for the Defences comes before it in due course.

3. It is proposed immediately after the vote has been obtained to take the necessary steps to procure the heavy guns and the rifles, &c., &c.

4. It is not intended to make any application for a company of artillery.

5. It is considered impracticable to introduce a Militia Bill during the present session.

6. It is considered that negotiations for obtaining a blockship may be entered upon with the Home Government without delay.

7. It is also deemed desirable that there should be an Admiral's Station established here, and that application should be made for a squadron for these seas ; the interest of the mercantile navy of England demanding the grave attention of the Imperial Government.

8. It has been decided that the armament of the *Victoria* will be completed out of the proposed vote.  
17 | 1 | 59. (Signed) J. O'S.

[COPY.]

*Sir E. Lugard to Sir F. Rogers.*

SIR,

War Office, 28th January, 1861.

I am directed by the Secretary of State for War to transmit to you, for the information of the Duke of Newcastle, the accompanying copy of a report drawn up by Captain Scratchley, R.E., upon the defences of *Victoria*, together with a memorandum thereon by the Inspector-General of Fortifications.

I am, &c.,  
(Signed) EDWARD LUGARD.

Duplicate.  
Victoria.  
No. 21.

SIR,

Downing street, 25th February, 1861.

I have to acknowledge the receipt of your despatch, No. 9, of the 21st of November, transmitting, together with other documents, a report from Captain Scratchley, R.E., upon the defences of *Victoria*, and the Third Progress Report of the Defence Commission.

2. I caused this despatch to be forwarded to the War Office, where I have no doubt every effort will be made to supply the colony under your government with the arms necessary for its defence.

3. You will, however, already have learnt from Sir B. Hawes's letter of the 18th of September, enclosed in my despatch No. 75, of the 13th of October, that the Secretary of State for War was prepared to have furnished a large number of arms of precision, but that Captain Clarke declined to accept those arms, with which alone the Government was able to supply him.

4. I take this opportunity of forwarding to you a copy of a letter from the War Office, together with a memorandum by the Inspector-General of Fortifications upon Captain Scratchley's report.

I have, &c.,  
(Signed) NEWCASTLE.

Governor Sir H. Barkly, K.C.B.,  
&c., &c., &c.

28th January,  
1861,  
3rd January,  
1861.

[COPY.]

*On Report of Captain Scratchley, R.E., on the Defences of Victoria.*

While in some few particulars I do not quite concur with Captain Scratchley, I consider his report a very able one as a whole. Without a knowledge of the localities from inspection, and at this distance, we can only reason on general principles, and on an imperfect understanding of the circumstances of the settlement.

The attack of *Victoria* may be in different degrees, from single cruisers, or very small forces on the shipping alone, to powerful squadrons capable of landing some thousands of troops.

Any consistent naval superiority in those seas on our side, to be sufficient to preclude the possibility of such enterprises, never can be expected under present circumstances.

To meet any of these contingencies, I feel more and more persuaded that the measure of primary importance, in the way of permanent defences, should be the establishment of good batteries at the Heads, and heaping every possible means of annoyance upon an enemy at that point, as explained in my minute of 6th May, 1858, and now very much confirmed by the particulars given by Captain Scratchley ; nor is my opinion at all altered by the objections of the Commissioners at Melbourne, dated 9th December, 1858.

I believe that such measures might be taken there as would very probably prevent any attempt to penetrate, or if attempted, would very likely lead to the discomfiture of the enemy, and in either case would have the very important benefit of precluding him from the shelter of any part of the great estuary of Port Phillip.

One leading objection to fortifying at the Heads is the expense ; but even if too heavy to be borne at once on a full scale, I would still construct batteries, always, however, upon some definite entire plan that would bear subsequent progress, until the whole were completed.

The hopes of a successful defence of the colony must, however, be mainly dependent upon its movable armed forces, to oppose the effects of a landing either in Port Phillip or at Western Port.

The Commissioners of 1858 and Captain Scratchley, in addition to the works and floating defences, propose a force of about 4000 men.

These forces, and the measures proposed by them, are by no means unreasonable, and indeed may be considered moderate for a period of war with any great naval power ; but there will always be a repugnance to incur the necessary expenses of works, armaments, and troops, in time of peace, and the problem for consideration will be, how due provision can be made for attaining effective powers of defence rapidly on the breaking out of war, and at the least cost during peace, and, in so rising and rich a colony, every year that the emergency is deferred, ought to remove difficulties, and enable the means of self-protection to be improved.

Every measure may at once be defined even in details, and many of the necessary arrangements made for carrying them out ; the works for the standing defences put in hand, and carried on at the rate the authorities may sanction. One of the first objects to be provided will be arms, great and small ; ammunition and warlike stores ; for without them the station would be entirely helpless. They would be preserved with care in appropriate magazines and storehouses till it becomes necessary to distribute them.

The troops, it is presumed, must consist almost, if not entirely, of colonial levies ; and it is in the organization of that force that the greatest economy must be studied. Such a force, however well established, and however brave as individuals, will be very inferior to regular troops ; and it is by superior numbers that they can only hope to repel an invader.

Their uniform may be of the most simple kind, and might be devised even to be applicable to all the ordinary purposes of life.

During peace they might be very seldom, if ever, embodied and separated from their ordinary avocations; but go through all the preparatory drill and exercise in the small bodies of the same neighbourhood, at a few hours at a time, carefully selected as shall be least inconvenient.

Even the boys at school may be drilled to great advantage.

Rifle practice to be encouraged as a recreation.

On such a foundation the force would be speedily raised to a very respectable state of efficiency, when really likely to be required; and perhaps numbers could, by such a system, be greatly augmented.

Their value would be immensely increased by the presence of even one battalion of the Line as an example and pattern.

A company of Royal Artillery would also seem to be almost indispensable.

But a description of force that I think would be particularly applicable to the colony, would be a strong company of Engineers, say of 120 men, with Captain and two subalterns; even if paid by the colony, the value of their labour as artificers in the military works would nearly, if not quite, pay the whole cost of their maintenance.

3rd January, 1861.

(Signed) J. F. B.

(“*Bombay*,” 9th September, 1862.)

62 | R | 5914.

VICTORIA | No. 42.

[COPY.]

Downing street,

4th July, 1862.

SIR,

I communicated to the Secretary of State for the War Department a copy of your despatch, No 5, Military, of the 21st of March, with its enclosures on the subject of the defences of the colony, and the efficiency of the Local Volunteer Force, and I transmit for your information a copy of a memorandum containing some remarks by the Inspector-General of Fortifications, to whom Sir George Lewis caused the papers to be referred. 14th June, 1862.

Her Majesty's Government have received, with much satisfaction, Sir T. Pratt's favorable report of the general appearance and efficiency of the Volunteers of Victoria.

I have the honor to be, Sir,

Your obedient servant,

Governor Sir H. Barkly,  
&c., &c., &c.

(Signed) NEWCASTLE.

[COPY.]

*Memorandum by the Inspector-General of Fortifications.*

Although no proceedings are required on this periodical report from the Governor of Victoria, the War Department, for whose consideration it has been forwarded from the Colonial Office, may be expected to offer some general opinions upon it, and I submit the following:—

1. That it is very creditable to this settlement that it seems to be the only one of our colonial possessions that, at some sacrifices, takes a very active interest in providing for its protection.

2. The showing of the Volunteers, under the ordinary arrangements of that Force, seem to be very satisfactory; but I am inclined to think that the *system*, not alone at Victoria, but elsewhere, might be improved. Complaint is made of imperfect attendance on occasions of exercise which the General says he will endeavour to correct; and the Governor adds that, “in the event of any emergency, it may be doubted whether three-fifths of the strength shown on paper would be brought together.” These are showings of something faulty in principle.

It is manifest that no such force would be organized at all, but from a willingness on the part of the colonists to come forward in defence of their properties and settlements, and it cannot be supposed, whatever might be the case at other times, that two-fifths would be absent “in the event of any such emergency;” or if such be anticipated, it can only be from peculiar moral or physical incapacity on the part of the individuals, which ought to be guarded against as much as possible in the enrolment.

With regard to absence from habitual drill and exercises, it must be expected in ordinary peaceable times, when the men have their ordinary occupations to attend to, and should not be pressed too strongly, by which the service might become irksome and unpopular, if they all attend sufficiently, though at different times, so as to become all of them tolerably well grounded in the ordinary drill and exercises; the whole will form the basis for a valuable corps, to be perfected when more continuously collected to meet the emergency; if there are individuals, who constantly neglect attendance and who learn nothing, it would be well for the credit of the corps, to dispense with their services.

3. The General seems to consider that all that is likely to be required is to be able to resist “attacks by armed privateers, or isolated men-of-war.” I would submit, however, that the attack might be of a more formidable nature, that however predominant even our navy may be throughout the world, an enemy might have a commanding force for a given period in any distant sea, and therefore such remote stations even as Australia might possibly be attacked by a lauded force of 5,000 or 6,000 men, the object being of such great consideration, and therefore that it would be wise to enrol and partially organise a much larger body than what it is at present in the colony, to act as a reserve in case of any emergency, such extended enrolment and organization to be necessarily on a system of the least possible expense and inconvenience to the parties; the very knowledge of such preparations might tend to prevent any attempt of the kind being made.

4. The General, it is observed, advocates strongly batteries and arrangements for defence of what are called the “Heads,” *i.e.*, the comparatively narrow entrance into the great Gulph of Port Phillip, a measure certainly of first rate importance, as they would tend to keep an enemy from the shelter of that inland sea, from whence he would closely threaten all the most important settlements in the colony, and force him to more lengthened and difficult land operations to reach them.

(Signed)

J. F. B.



MINUTE on 5914 by Sir Henry Barkly.

Communicate to the Honorable the Treasurer.  
12 | 9 | 62.

(Signed)

H. B.

MINUTE by the Treasurer.

The Treasurer has called the attention of the Colonel-Commandant of Volunteers to the remarks of Sir J. Burgoyne, relative to the attendance at drill, and has received the enclosed memorandum, which the Treasurer requests may be transmitted home, as it contains valuable information in relation to the question of colonial defences.

8 | 10 | 62.

(Signed)

W. C. H.  
2657.

MINUTES on 5914.

Forward to the Colonel-Commandant of Volunteers, and direct his attention to the remarks of Sir J. Burgoyne as to the attendance at drill.

29 | 9 | 62.

(Signed)

W. C. H.

Forwarded, by direction of the Honorable the Treasurer, to the Colonel-Commandant of Volunteers, whose attention is directed to the remarks of Sir J. Burgoyne as to the attendance at drill.

Treasury, 29 | 9 | 62.

(Signed)

E. S. SYMONDS.  
2570.

MEMORANDUM.

I have, as directed, noted the remarks of Sir J. Burgoyne, having reference to the attendance of the Volunteers at drill. The following information will enable an opinion to be formed of whether it is desirable to endeavor to exact more frequent attendance from the members of the force. I am of opinion that to do so would render, to use Sir John's own words, the service irksome and unpopular.

During the year 1861, of which Sir John writes, 3935 men formed the force, and averaged in attendance at drill  $4\frac{1}{3}$  drills per man per month, that is  $49\frac{1}{3}$  drills per man per year. In addition to this, 1549 men for the year ending 31st August, 1862, went through the modified Hythe course of musketry instruction; and numbers attended instruction in their orderly rooms at nights, which is not counted in the above average. Moreover, the rifle meetings, and constant practice at the various butts, afford valuable indirect means of instruction, and have given that force that proficiency as marksmen which our records proved them to have attained.

It is impossible for me to say what portion of the force would assemble in time of war; but the law gives power to compel attendance in time of danger, and if the emergency justified its being put in force any number of Volunteers could be brought together.

As an indication of the spirit of the men, which would hardly be changed by the expectation of an attack, I may mention that, in 1861, out of 4309 men, 2013 were present at the Werrabee encampment for three days; that in 1862, out of 3789 men 2382 were present at the camp during three days of constant rain and gales, which flooded the camp and deprived the men of shelter most part of the time. One half the force were therefore present on both occasions; and, taking 1862 for an example, the results—

Strength of force at time of camp	...	...	...	...	3,789
Strength of corps <i>not ordered</i> to attend on account of being an average distance of 139 miles from camp, without rail	...	...	...	...	769
Of which attended voluntarily	...	...	...	...	217
					552
					3,237
Present in camp	...	...	...	...	2,382
					855
Not accounted for	...	...	...	...	855

It will thus be seen that out of 3789 men only 855 were absent, as it were, without leave; but from this number take a reasonable per-centage for those sick, unavoidably detained on business, and not granted leave by their employers, and a still more favorable deduction will be made.

(Signed)

W. A. D. ANDERSON,  
Colonel Commanding Volunteers.

VICTORIA.  
No. 35.

SIR,

Downing Street,  
26th May, 1863.

I communicated to the Secretary of State for War a copy of your despatch, No. 6 (Military), of the 22nd January, reporting the progress made in the fortifications around Hobson's Bay, and I enclose, for your information and for that of your responsible advisers, a copy of a memorandum which has been drawn up on the subject by Sir John Burgoyne.

28th April, 1863.

I have the honor to be,  
Sir,

Your most obedient humble Servant,  
(Signed)

Governor Sir Henry Barkly, K.C.B.,  
&c., &c., &c.,

NEWCASTLE.

[COPY.]

Among all the British foreign settlements, Victoria is one of the most energetic in showing a desire to apply self-dependent means for its protection.

These papers, without entering into details, deal with the general principles involved in the consideration of measures for its defence, but they are hardly precise enough with reference to the different modes of attack (none by any means impossible) to which the colony may be subjected.

First.—The attack to which it would be most liable :—one, two, or three detached cruisers that might, at times, in the absence of a superior naval force, make a dash into Port Phillip, do great damage to the shipping therein, and to the establishments on its immediate shores and retire.

Secondly.—An attack by a much more powerful fleet of men of war, but having limited means for undertaking operations on shore.

Thirdly.—An attack by a fleet of the above description, but with means for landing a force of from 8,000 to 10,000 or 12,000 men, including regiments of drilled seamen.

Against the two first, the character of the defences will be the same, only varying in amount, and if adapted to meet the greater, it will be most ample to oppose the smaller. It consists in simply providing for the defence of Port Phillip against a floating attack.

An armed flotilla within the great estuary, of equal power to the attacking force, would, of course afford perfect protection; but the expense of its establishment and maintenance, merely for the chance service, renders it hopeless to have anything of the kind, except on the smallest scale.

The only chance of security, therefore, is in the establishment of powerful co-operating shore batteries, and, notwithstanding the reported length of ranges to the navigable channel, my own persuasion is that without any very extravagant means expended on them, these batteries may be very formidable to an enemy by their direct action, by the support they will give to the floating means, great or small, and by facilitating the application of floating and submerged mines and other obstructions.

On these grounds, my own strong opinion is that *no check* should be put on the progress and construction of the shore batteries in their fullest extent.

If the service of the batteries is so difficult and ineffective, as some of the representations in these papers seem to imply, it is the greater reason for multiplying them, to increase the chances of their efficiency; for it is manifest that the two small floating batteries here advocated would afford but an insignificant protection without such support, which must also be on a sufficient scale.

The third system of defence involves different considerations altogether. It is to resist what may be called invasion. If such a force as above mentioned can be landed by an enemy, all the defences for Port Phillip would be turned and nullified, and indeed the safety of the entire settlement compromised; whereas if sufficient means are adopted for encountering this evil, they will be of great assistance in repelling the other mode of attack, by affording an ample supply of gunners, and of detachments to prevent partial small landings, &c.

The basis of what is required to obtain this last object, and that on which it will entirely or almost entirely depend, must be local corps; and the easiest system will be to enrol a *large* force, and during peace to have the whole very partially drilled and exercised in a way that would least interfere with the ordinary avocations of the men and create the smallest expense. The main object is the *engagement* of every individual to join at an appointed rendezvous when called upon, and the maintenance at all times of arms and ammunition for the whole well stored and preserved.

This would form a basis for the rapid organization of a force sufficient to meet any emergency, when the greatest exertions would be willingly made.

It may be worthy of consideration, whether the building of any floating batteries for Melbourne might not be deferred till some interesting questions are decided regarding the best system for their construction, and this seems likely to be elucidated early. The considerations referring to the application of iron to shore batteries are further advanced, and only apply to one small portion of their construction, which can be added at any time.

(Signed)

J. F. BURGOYNE.

28th April, 1863.

VICTORIA.  
No. 25,

SIR,

Downing-street,  
26th March, 1864.

I have received your Despatch of the 23rd of October last, relating to the mode of distributing Her Majesty's troops in Australia, and assessing upon the colonies concerned their respective shares in the expenses of these troops.

The allotment of the troops is a matter which must be dealt with as a whole, and it is therefore impossible for me to communicate to you any absolute decision till I shall have learnt the views of the New South Wales Government and Legislature, which have not yet reached me.

Meantime I have consulted the Secretary of State for War on the questions raised by your Despatch, and I have to inform you that his Lordship sees no objection to supplying Victoria with a second battery of artillery instead of the proposed five companies of infantry, subject to the following conditions—

- (1.) That this disposition can be made to fall in with the general arrangements for the supply of troops for Australia.
- (2.) That the capitation rate on the artillery is to be fifty-five pounds a head.
- (3.) That the garrison duties at the station are such that the men of the two batteries will suffice for them.

There remain two questions closely connected together, which have been raised in the course of this correspondence: the one, whether the Home Government, after sending out the troops at its own expense, should not have some legislative security for the continued payment of the colonial contribution, beyond that which can be afforded by an annual vote; the other, whether some pledge should not be given by the Imperial to the Colonial Government, that the troops should not be withdrawn without the consent of the latter. Upon these two points I think it better that neither party should be peremptorily bound, while I entertain every confidence that no practical difficulty or disappointment will arise from the absence of such an absolute engagement.

I have, &c.,

(Signed)

C. FORTESCUE,

In the absence of and by the authority  
of the Secretary of State.

Governor Sir Charles Darling,  
&c., &c., &c.

*Memorandum upon a Despatch from His Grace the Duke of Newcastle relative to the Colonial Military Establishments, for the consideration of His Excellency the Governor.*

The circular despatch of His Grace the Duke of Newcastle proposes that colonial contributions to the Imperial military expenditure shall be reduced to a uniform system.

There is allotted to the Australian group an entire regiment, and the head quarter wing of another, the officers and men comprising the force being apportioned to each colony according to its estimated means and requirements. The colonial allowances heretofore paid are to be commuted by a payment of £40 per annum for each officer and soldier of the line up to the maximum number of the establishment, and of £70 per annum for every officer and man in excess of the establishment—if the excess be for colonial convenience—and for all artillery whatever. But in the main the Imperial contribution to the security and protection of the Australian colonies must be represented by Her Majesty's navy.

The protection afforded by the navy is justly relied on as the most effective aid the Imperial Government can afford, and it is demanded as much by Imperial as by colonial interests; for the ships which trade to Australian ports are for the most part the property of British owners, and their cargoes are insured in British offices, so that their capture or destruction would be almost entirely an Imperial loss. It has been a very general opinion here that the permanent location of one of Her Majesty's ships in Port Phillip Bay would be one of the most effectual means of defence that could be afforded.

The principle upon which the proposals contained in His Grace's despatch are founded is so just and reasonable, that if there be any hesitancy in at once asking Parliament to accept the scheme, it must be attributed to the inadequacy of some of the details, rather than to any objection to the plan as a whole.

Before proceeding to state the objection which occurs to the Government of Victoria, but which may not be raised elsewhere, it may be well to advert to another which most probably may be common to all.

The Duke of Newcastle observes, "that it is impossible for Her Majesty's Government to guarantee under all circumstances a definite number of troops," and proposes, therefore, that the colonies shall pay only for the number of men actually engaged in their defence.

Now, while this condition would be quite satisfactory, financially, it appears to the Government that, unless it be qualified, it leaves the supposition open that the troops may be removed for Imperial purposes at the time when they are most needed for colonial defence. Indeed the probability is, that the very cause of their removal would be a reason for their retention, unless it were understood that in case of war, or imminent danger to the colony, the troops would be left to protect it. In the absence of such an understanding, the colonies might pay their subsidies during many years of peace, and find themselves without protection upon the occurrence of war. It is quite reasonable that the colonies should pay their quota of the cost of defence for any length of time that peace may last, but it seems equally reasonable to ask that when the occasion arises the troops shall be here.

If his Grace refers only to such occasional and temporal removals as have been rendered necessary by the New Zealand war, this colony will cheerfully acquiesce—as it has done before—in any course that may be demanded by the exigencies of the case; but a local conflict in a neighbouring colony differs very much from a European war, and if his Grace proposes to recognize the distinction, the objection to this condition is at once removed.

And now as to the objection which may not be common to all the colonies, but which is very obvious here.

The position of Victoria is such, that any attack to which she is subject is most likely to be an affair of artillery, and it seems improbable that any force of sufficient strength to make good a landing will ever enter Hobson's Bay; such a force must needs be a very large one, and half a regiment of infantry would be quite inadequate to resist it. In this view Sir John Burgoyne, in his memorandum dated the 28th of April, concurs; Major Pasley, R.E., and Capt. Clarke, R.E., lately employed in the colony, and now in England, having expressed a similar opinion. Moreover, if a landing were attempted, there would be a large and well-trained body of volunteers to oppose it.

An artillery force is, therefore most needful for the defence of this colony, for although the volunteer artillery are well drilled, and are acquainted with the ordinary routine of garrison and field gun service, they necessarily lack knowledge of laboratory duties, and they cannot be expected to work the guns with the precision and rapidity of the Royal Artillery. As the ships attacking would speedily run the gauntlet of the forts, engaging them at the longest ranges, these two last qualities would be of paramount importance.

It follows, then, from these considerations, that two batteries of well trained artillery would be of much greater value to the colony than 500 men of the line; but according to the scale of payment proposed by the Duke of Newcastle, the cost to the colony would be 75 per cent. greater for artillery than for infantry of the line; and it is this difference which, in the opinion of the Government, requires consideration before any Bill can be proposed to the Legislature before the adoption of the scheme as a whole.

If the Imperial Government would permit the colonies the option of taking companies of the line or batteries of artillery upon the same terms, it would in the opinion of the Government, greatly facilitate the general adoption of the plan, and the importance of avoiding exceptions seems to be worth the alterations suggested. In proposing that artillery and infantry should be obtained upon the same terms, the difference between their relative value and between the relative cost of their enlistment, instruction, and maintenance, is not overlooked; His Grace estimates the cost of the infantry at £70 per annum for each soldier, and of this it is proposed that the colonies shall contribute £40. If the difference between the relative value of the two arms can be expressed in money, it might be reckoned, and the amount of the colonial contribution determined accordingly, the proportion between the colonial contribution and the cost of men of the line being observed in determining what the colony shall pay for artillery.

The Government therefore desires to ascertain through His Excellency the Governor, if the Duke of Newcastle will be pleased to consider the suggestion contained in this memorandum, in order that the Government may be enabled to submit a Bill, which, so far as Victoria is concerned, shall definitely settle the question of colonial subsidies to Imperial troops.

(Signed) GEORGE VERDON.

The Treasury, Melbourne,  
19th August, 1863.

## VICTORIA.

## TITLE DEEDS NOT ISSUED.

RETURN TO AN ORDER OF THE LEGISLATIVE COUNCIL.

THE HONORABLE W. HIGHETT.—22ND AUGUST, 1871.

LAI'D ON THE COUNCIL TABLE BY THE HONORABLE W. A. C. A'BECKETT, AND ORDERED BY THE COUNCIL TO BE PRINTED 12TH SEPTEMBER, 1871.

Office of Lands and Survey,  
Melbourne, 4th September, 1871.

RETURN, showing all the Crown Lands Sold by Auction previous to the 1st January, 1870, for which the Title Deeds have not been issued.

Purchasers.	Section.	Allotment.	Parish or Township.	Area.			Reference No.	Particulars wanted to complete preparation of Crown Grant.
				A.	R.	P.		
McK—, Donald	...	42	Ballark ...	452	3	33	1802	Query, Surname
N—, Patrick	...	1	Lal-lal ...	0	2	21 $\frac{8}{10}$	1807	" Ditto
...	...	4	Durham ...	0	1	8	1853	" Purchaser
B—, Ferdinand	...	455	Ararat ...	1	0	0	1831	" Surname
...	31	3	Colac ...	1	0	0	1990	" Purchaser
Gaylend, Frederick	...	5	Ditto ...	1	0	0	"	" Surname
Troy, Pat	...	12	Ercildoun ...	1	1	37 $\frac{1}{10}$	1950	" Christian name and residence
C—, J—	...	42	Beechworth ...	2	1	24	1944	" Name
Black, Joshua	...	20	Tarragal ...	44	0	0	1931	" Residence
B—, Thomas	...	57	Warrak ...	328	0	0	1920	" Surname
Joyce, Alfred	...	20	Wareek ...	1	0	20	1918	" More to pay
Perkins, P—	...	4	Jericho ...	0	0	27	1917	" Christian name
Cull, John	...	1	Ditto ...	0	0	21 $\frac{1}{2}$	"	" Surname
Drevermann, Emma H.	...	8	Bairnsdale ...	0	3	9	2094	" Amount
Jenning, William	...	9	Inglewood ...	0	0	21	2062	" Surname
Toohey, Patrick	...	2	Baddaginnie ...	0	2	0	2058	" Residence
Fitz—, Timothy	...	17	Sunbury ...	0	1	0	2051	" Surname
C—, John	...	10	Walhalla ...	0	0	4 $\frac{5}{10}$	2043	" Ditto
Martin, Mich—	...	1	Ballarat ...	0	1	0	2040	" Christian name
Lindsay, Robert	...	4	Beerik ...	0	1	39 $\frac{5}{10}$	2034	" Residence
Ditto	...	5	Ditto ...	0	2	0	"	" Ditto
Ditto	...	8	Ditto ...	0	2	0	"	" Ditto
Ditto	...	2	Ditto ...	0	2	0	"	" Ditto
Chealovich, Steronich	...	7	Wedderburne ...	2	3	19	2501	" Surname of purchaser
Carroll, John	...	3	Yambuk ...	0	2	0	2503	" Residence
Ditto	...	4	Ditto ...	0	2	0	"	" Ditto
Ditto	...	5	Ditto ...	0	2	0	"	" Ditto
Ditto	...	17	Ditto ...	0	2	0	"	" Ditto
Ditto	...	18	Ditto ...	0	2	0	"	" Ditto
—, William	...	4	Echuca ...	0	1	0	2505	" Surname
Rees, John William	...	B 1	Franklin ...	18	3	0	2508	" Extra amount to pay
Manson, David	...	3	Hamilton ...	0	1	4 $\frac{1}{10}$	2513	" Surname
Whitehead, Joseph	...	7	Cowes ...	0	1	0	2527	" Ditto
Byers, Julia S.	...	18	Blackwood ...	0	1	0	2538	" Name
Ditto	...	19	Ditto ...	0	1	0	"	" Ditto
Cave, Edward	...	1	Chatsworth ...	0	2	0	2544	" Purchaser
Robertson, Messrs.	...	4a	Skipton ...	61	1	36	2556	" More to pay
Henderson, William	...	2	Wandin Yallock ...	79	1	26	2571	" Departmental objections
Carrogio, John	...	7	Chilton ...	0	2	22	2575	" Name
Pirken, James	...	8	Merino ...	0	2	0	2580	" Surname
Collier, John Abbot	...	5F	Huntly ...	0	1	0	2581	" Second Christian name and residence
Ditto	...	5H	Ditto ...	0	1	0	"	" Ditto
Ditto	...	5G	Ditto ...	0	1	0	"	" Ditto
Ditto	...	5E	Ditto ...	0	1	0	"	" Ditto

## RETURN of Title Deeds Not Issued—continued.

Purchasers.	Section.	Allotment.	Parish or Township.	Area.			Reference No.	Particulars wanted to complete preparation of Crown Grant.
				A.	R.	P.		
Couchben, James ...	53	3	Ararat ...	1	0	0	2587	Query, Surname
Mecking, Philip ...	E	6	Nerring ...	7	3	27	2593	" Ditto
Oliver, Orlando ...	10	16	Stawell ...	0	1	0	2594	" Christian name
Ditto ...	10	20	Ditto ...	0	1	0	"	" Ditto
—, Janet ...	62	19 & 20	Ballarat ...	4	0	0	2596	" Surname
Curnick, Robert ...	9	14	Landsborough ...	0	0	9 <sup>10</sup>	2598	" Ditto
Nicol, James ...	...	2	Woranga ...	8	0	25	2573	" Departmental objections
Ditto ...	...	1	Ditto ...	13	1	1	"	" Ditto
Ditto ...	...	9	Ditto ...	13	2	24	"	" Ditto
Ditto ...	...	4	Ditto ...	13	3	8	"	" Ditto
Ditto ...	...	3	Ditto ...	7	0	0	"	" Ditto
Ditto ...	...	10	Ditto ...	4	2	8	"	" Ditto
Matches, Joseph ...	...	8	Ditto ...	11	2	32	"	" Ditto
Ditto ...	...	7	Ditto ...	4	3	34	"	" Ditto
Gray, John ...	...	645	Ararat ...	0	1	35	2587	" Ditto
Fry, James ...	14	2	Windermere ...	25	2	0	2588	" Purchasers
Trihey, Maurice ...	4	17	Jika-jika ...	0	2	0	2599	" Conditions to be complied with
Ditto ...	4	18	Ditto ...	0	2	0	"	" Ditto
McDonald, Farquhar ...	4	20	Ditto ...	0	3	8	"	" Ditto
Blain, Walter ...	6	12	Ditto ...	0	2	0	"	" Ditto
C—, John ...	8	6	Great Western ...	1	0	0	2600	" Surname
—	...	83	Buangor ...	4	0	10	"	" Purchaser
—	...	91	Ditto ...	5	0	0	"	" Ditto
Roads, William ...	...	668	Ararat ...	0	3	23	"	" Ditto
—	...	92	Buangor ...	5	0	0	"	" Ditto
Brown, Patt ...	10a	6	Yambuk ...	0	2	0	2601	" Residence
Coffey, Michael Daniel ...	...	138	Glenlogie ...	2	2	0	2603	" Ditto
Meade, Philip ...	...	142	Ditto ...	5	0	0	"	" Ditto
Ditto ...	...	143	Ditto ...	5	0	0	"	" Ditto
G—, William ...	...	145	Ditto ...	5	0	0	"	" Surname and residence
Farquharson, John ...	2a	1	Glenpatrick ...	1	0	0	"	" Residence
—, Edmond ...	...	65a	Trentham ...	40	0	0	2605	" Surname
Ditto ...	...	65b	Ditto ...	19	2	8	"	" Ditto
Brennan, Pierce ...	...	27b	Linton ...	80	0	0	2608	" Ditto
L—, Thomas ...	36	1	Stratford ...	0	2	38	2610	" Ditto
Ditto ...	36	10	Ditto ...	0	2	29	"	" Ditto
Coysh, John A. ...	...	A7	Yackandandah ...	0	1	31	2619	" Christian names
Barber, Chas. Henry ...	4	1b	Gundwring ...	59	3	6	"	" Surname
Paton, Messrs. ...	...	59	Noorongong ...	28	1	6	2621	" More to pay
Sharpe, George ...	6	5	Benalla ...	0	1	0	2622	" Surname
C—, John ...	E	22	Llanally ...	0	2	16	2628	" Ditto
Scholze, Traugott ...	25	2	Penshurst ...	0	2	0	2629	" Christian name
Mull, Christian ...	BB	14	St. Arnaud ...	4	0	0	2632	" Surname
Thomas, John ...	11	6	Yambuk ...	0	2	0	2642	" Christian name
Suter, Isabella ...	11	2	Ditto ...	0	1	20	"	" Purchaser
Suter, Charlotte ...	11	7	Ditto ...	0	2	0	"	" Ditto
Thomas, John ...	11	8	Ditto ...	0	2	0	"	" Ditto
Collard, Alexr. MacLean ...	3	3a 1	Eddington ...	80	0	0	2649	" Surname
Collard, Charles ...	3	3a 2	Ditto ...	80	0	0	"	" Ditto
Mc—, James ...	D 13	4	Castlemaine ...	1	0	7	"	" Ditto
—	D 9	65	Ditto ...	2	3	17	2650	" Name
Clarke, George W. ...	137	B	Bairnsdale ...	1	2	0	2679	" Second Christian name
Moroney, P. C. ...	62	B	Ditto ...	1	1	0	"	" Christian names
Kinley, William C. ...	57	C	Ditto ...	1	1	0	"	" Surname
Howitt, A. W. ...	22	4	Ditto ...	0	2	0	"	" Christian names
Scatcherd, James Owen ...	60	8	Ballarat East ...	0	1	13 <sup>10</sup>	2684	" Surname
Ditto ...	60	7	Ditto ...	0	1	13 <sup>10</sup>	"	" Ditto
Brown, Andrew ...	4	10	Nelson ...	0	2	0	2692	" Residence
Ditto ...	4	9	Ditto ...	0	2	0	"	" Ditto
Ditto ...	4	8	Ditto ...	0	2	0	"	" Ditto
Ditto ...	4	7	Ditto ...	0	2	0	"	" Ditto
McMullin, Edward ...	2	2	Ditto ...	0	2	0	"	" Surname and residence
Ditto ...	2	4	Ditto ...	0	2	0	"	" Ditto
Ditto ...	2	3	Ditto ...	0	2	0	"	" Ditto
Ditto ...	2	1	Ditto ...	0	2	0	"	" Ditto
Paton, Messrs. ...	...	60	Noorongong ...	37	1	39	2621	" More to pay
Dunsdon, Alfred Thos. ...	3	Por. 5,	Sutton Grange ...	1	0	0	2624	" First Christian name
—	10 G							
Nichols, George ...	9	13	Wurrok Wurrok ...	0	1	24	2658	} Requests that Grant be issued to his son, A. Nichols. $\frac{v.}{69}$ 20,433
Ditto ...	9	12	Ditto ...	0	3	4	"	
Lindsay, Robert ...	29	3	Beerik ...	0	2	0	2034	Query, Residence
Ditto ...	29	4	Ditto ...	0	2	0	"	" Ditto
Ditto ...	29	1	Ditto ...	0	2	0	"	" Ditto
Musg—, Samuel ...	L	1	Birregurra ...	0	1	30	2139	" Surname
Ye Quin and Ah —, Messrs. ...	1	2	Ready Creek ...	0	1	27	2106	" Last surname
—	...	50	Bairnsdale ...	0	3	10	2292	" Names
B—, George ...	...	3	Merrijig ...	0	1	35 <sup>10</sup>	"	" Name and residence
Stewart, David G. ...	55	3	Beaufort ...	0	1	8 <sup>10</sup>	2234	" Second Christian name
Laird and Laing, Messrs. ...	1a	3	Kilnoorat ...	55	0	15	2360	" Residence
Campbell, Donald ...	2	2	Traralgon ...	0	2	24	2346	" More to pay
Davies, Richard Z— ...	20	4	Stawell ...	0	1	0	2396	" Second Christian name
—	10	4	Moyston ...	0	2	8	2390	" Name
Carrol, Ellen ...	7	4	Burrumbcep ...	36	0	0	"	" Surname
Tonsing, Francis H. ...	U	70	Wedderburne ...	2	0	0	2374	" Name
Roh—, Michael ...	25	12	Terang ...	0	1	0	2360	" Surname
Ditto ...	28	8	Ditto ...	0	1	0	"	" Ditto

RETURN of Title Deeds Not Issued—*continued.*

Purchasers.	Section.	Allotment.	Parish or Township.	Area.			Reference No.	Particulars wanted to complete preparation of Crown Grant.
				A.	R.	P.		
P—, James	...	S	8b	St. Arnaud	...	0 0 0 <sup>6</sup> / <sub>10</sub>	2358	Query, Surname
Saffen, James	...	8	9	Maffra	...	0 2 0	2346	Application to have another name inserted. Corr. 68   8784
—, Edward	...	4	2	Ghin Ghin	...	0 0 19 <sup>2</sup> / <sub>10</sub>	2345	Query, Surname
Smidt, Christina	...	7	14	Ditto	...	0 0 5 <sup>1</sup> / <sub>10</sub>	"	" Name
Newman, C— Silvester	...	61	61	Lodge Park	...	1 1 32	"	" First Christian name
Cramond, Margaret H.	...	16	10	Garvoc	...	0 1 26	2339	" Residence
Ditto	...	16	9	Ditto	...	0 1 27	"	" Ditto
Noske, Traugott	...	40	40	Linlithgow	...	53 0 0	2333	" Ditto
B—, Joseph	...	P	10	Chilton East	...	0 0 23	2330	" Surname
Wood, R. G.	...	A	37	Clarquesdale	...	0 0 30 <sup>2</sup> / <sub>10</sub>	2321	" Christian names
Timper, Lewis	...	35	6	Beaufort	...	0 1 0	"	" Surname
Lucas, John	...	1	11	Macarthur	...	0 1 2	2316	" Name
Crawford, Jung, and others, Trustees of Church of England School	...	9	6a	Muckleford	...	2 0 5	2301	" Correct names
Crossley and Knight, Messrs.	...	606	606	Ararat	...	0 1 27	2300	" Christian names
Dodds, James	...	46	13	Ballarat	...	1 0 13 <sup>4</sup> / <sub>10</sub>	2498	" Residence
Whau, Samuel	...	53	2	Creswick	...	0 1 2 <sup>1</sup> / <sub>10</sub>	2491	" Surname
Ditto	...	53	1	Ditto	...	0 1 17 <sup>1</sup> / <sub>10</sub>	"	" Ditto
Ditto	...	53	3	Ditto	...	0 1 0 <sup>1</sup> / <sub>10</sub>	"	" Ditto
Wallace, William	...	10	7E	Woundellah	...	5 0 0	2475	" Residence
Payne, Charles	...	5	4	Alexandra	...	0 2 0	2471	" Ditto
Houston, James	...	K	6	Chiltern East	...	0 0 8	2428	" Name
Kellar, George	...	Y	6	Ditto	...	0 0 34	"	" Surname
Anderson, Aitken, and Timm, Messrs.	...	83aa	83aa	Vite-vite	...	73 2 0	2403	" Third surname
Goodman, Richard	...	...	46	Bairnsdale	...	5 3 39	1873	" More to pay
Rooks, Joseph	...	...	43	Ditto	...	3 2 36	"	" Ditto
Bischoffsheim, H. L.	...	...	38	Ditto	...	5 3 34	"	" Ditto
Calvert, John	...	...	30	Ditto	...	3 2 0	"	" Ditto
Bischoffsheim, H. L.	...	...	23	Ditto	...	1 0 23	"	" Ditto
Ditto	...	...	22	Ditto	...	4 1 35	"	" Ditto
Bruce, Thomas	...	...	10	Ditto	...	2 2 7	"	" Ditto
Ditto	...	...	8	Ditto	...	2 1 29	"	" Ditto
Guthrie, Patrick	...	B	33b	Smeaton	...	29 1 0	1969	" Departmental objections <sup>P</sup> / <sub>2190</sub>
Wallis, Robert	...	113	16	Ballarat East	...	0 3 16 <sup>1</sup> / <sub>10</sub>	2040	Amelia Wallis, widow of purchaser, desires issue of grant in her name, 67   4222
Keegan, L., Duffy, Patk.	...	4a	81	Castlemaine	...	0 2 16	901	Query, One or two purchasers
Smith, James	...	6	30	Coleraine	...	0 2 0	613	" Residence
...	...	...	1	Unnamed	...	0 1 0	617	" Names
Damman, Geo. & Gustav.	...	2	23	Redbank	...	0 0 14 <sup>1</sup> / <sub>4</sub>	610	Purchasers in Germany (detained by request)
Lane, George D.	...	3	8	Muckleford S.	...	0 2 0	71	Awaiting production of army remission order, under old Acts of Council
Ditto	...	2	8	Ditto	...	0 2 0	"	Ditto
Ditto	...	D	5	Castlemaine	...	4 0 4 <sup>2</sup> / <sub>5</sub>	20	Ditto
Ditto	...	4	2	Newham	...	8 2 34	67	Ditto
Ditto	...	G	112	Castlemaine	...	0 1 0	20	Ditto
Wragg, Jonathan	...	7a	16	Bet-bet	...	20 2 16	163	Query, Name
Date, — Edward	...	3	10	Warrenmang, town of Moonambel	...	0 0 8 <sup>3</sup> / <sub>10</sub>	260	" Second name
Walker, R. R., Whi—, Chas. Hy.	...	3	1	Moonambel	...	0 0 2 <sup>3</sup> / <sub>10</sub>	"	" Ditto
—vison, Enos	...	1	8	Ditto	...	0 0 19 <sup>2</sup> / <sub>5</sub>	"	" Davison or Lavison
Follgrave, L.	...	10	18	Redcastle	...	0 0 36	337	" Name
Dawson, Annabella Buchanan	...	6	12	Sarsfield	...	0 2 0	350	" Residence
Cameron, Alexander	...	B	12 & 13	Jennawarra	...	106 1 4	535	" Ditto
McG—, Jas. Wm., and Dick Alexr.	...	84	10	Smythesdale	...	0 1 30	567	" Name
Bain, H. Robert	...	15	2	Berwick	...	0 2 0	877	" Second name
Simm, Samuel	...	15	13	Elphinstone	...	0 0 28	932	" Name (Simon)
Martin, Edward	...	F	3	Harcourt	...	0 1 5	628	" Residence
Ditto	...	F	4	Ditto	...	0 1 3	"	" Ditto
McInnes, William	...	G	10	Wedderburne	...	0 0 33	601	" Name
C—, David	...	60	14	Lancefield	...	0 2 0	590	" Ditto
Twiss, Christopher, and Phillips, Wm. B.	...	1	1	Queenstown	...	0 1 21	591	" Second name
Turner, R., and Berlineblew, Louis	...	17	14	Dunolly	...	0 0 32	211	Vide petition to have Turner's name alone inserted
Mac Ewan, Alexander	...	9	1	Lancefield	...	0 2 0	D/325	Departmental objections, vide corr. 14,263
Forbes, Marg.	...	16	18	Mortlake	...	0 1 0	1788	Query, Christian name
Dickinson, W. W.	...	4	5	Peterborough	...	0 2 0	1786	" Ditto, and address
Angus, David	...	4	6	Ditto	...	0 2 0	"	" Residence
S—, Jno., Mahan, C., Brandt, C., Paling, C., and Ryan, J.	...	4a	2	Wood's Point	...	0 0 18	1779	" Names
—, Gueli R.	...	8	26	Redbank	...	0 1 0	1772	" Name
Ditto	...	8	25	Ditto	...	0 1 0	"	" Ditto
Cre—, Joseph	...	68	7	Hamilton	...	0 1 39 <sup>6</sup> / <sub>10</sub>	1770	" Ditto
Quin, James	...	3	W	Cut-paw-paw	...	8 3 23	1768	" Ditto
B—, Henry	...	5a	4	Maryborough	...	1 0 16	1755	" Ditto
E—, David	...	46	42	Ditto	...	0 0 32	1720	" Ditto

RETURN of Title Deeds Not Issued—*continued.*

Purchasers.	Section.	Allotment.	Parish or Township.	Area.			Reference No.	Particulars wanted to complete preparation of Crown Grant.
				A.	R.	P.		
Wilson, Chas. and Taylor, John R.	20	4	Kevington ...	1	3	32	1702	Query, Second Christian name of second purchaser
Ditto ...	20	2	Ditto ...	3	1	23	"	" Ditto
Ditto ...	20	3	Ditto ...	6	2	5	"	" Ditto
McQuar—, Lachlan	28	1	Majorca ...	0	1	10 $\frac{3}{4}$	1651	" Name
Robertson, William	R	8	Healesville ...	0	0	32	1629	Departmental objections to issue
Binks, William L.	27	3	Haddon ...	0	1	36 $\frac{6}{10}$	1606	Query, Second Christian name
O'Brien, John ...	21	4	Inglewood ...	0	0	16	1543	Amount of purchase money omitted
Brune, B. ...	4	3	Mortlake ...	0	0	14	1531	Query, Christian name
Kemp and Atkin	3a	2	Matlock ...	0	0	27 $\frac{3}{4}$	1500	" Names
Ditto ...	2a	3	Ditto ...	0	1	8	"	" Ditto
Soir, John B. ...	1a	7	Ditto ...	0	0	18	"	" Christian name
Kemp and Atkin	3a	1	Ditto ...	0	0	14	"	" Names
Gould, William	...	12	Kurracca ...	30	0	0	1466	" Ditto
Shearer and ( <i>name not known</i> )	3	2	Matlock ...	0	0	8	1401	" Ditto
Ditto and ( <i>name not known</i> )	10	1	Ditto ...	0	0	28	"	" Ditto
Ditto and ( <i>name not known</i> )	3	1	Ditto ...	0	0	4 $\frac{3}{4}$	"	" Ditto
Ditto and ( <i>name not known</i> )	4	6	Ditto ...	0	0	5	"	" Ditto
Singleton and Ackman ...	4	8	Ditto ...	0	0	16 $\frac{3}{4}$	"	" Christian name
Ditto and ( <i>name not known</i> )	5	4	Ditto ...	0	0	7	"	" Names
Cronin and O'Callaghan	2	3	Ditto ...	0	0	24	"	" Christian names
Grissold, Thos. and Williams, Llewellyn	15	5	Tarnagulla ...	0	0	19 $\frac{3}{10}$	1389	" Area, departmental objections
Williams, William C. ...	26	1	Lauraville ...	1	1	4	1373	" Second Christian name
Mac—, James C. ...	2	2	Ditto ...	0	1	30	1354	" Christian and surname
( <i>Name not known</i> )	3	8	Ditto ...	0	0	32	"	" Name
Sand—, Andw. Wm. ...	11	3	Ditto ...	0	0	11	"	" Concluding portion of name
Justice, Thos. H. ...	16	8	Ditto ...	0	1	23 $\frac{1}{2}$	1353	" Second Christian name
Justice, Thos. R. ...	16	7	Lauraville ...	0	1	20	"	" Second Christian name
Baker, William ...	17	3	Ditto ...	0	0	32	"	" Surname
Justice, Thos. R. ...	16	6	Ditto ...	0	2	0	"	" Second Christian name
Ditto ...	19	7	Ditto ...	0	0	25	"	" Ditto
Naus—, William	108	2	Ballarat East ...	0	1	32	1327	" Second part of surname
Connell, Michael ...	14	10	Darley ...	0	2	0	1292	" Residence
Ditto ...	14	9	Ditto ...	0	2	0	"	" Ditto
( <i>Name unknown</i> ), Thomas	16	10	Merino ...	0	2	16	1287	" Surname
Ditto ...	5	3	Ditto ...	0	3	2	"	" Ditto
Ditto ...	16	6	Ditto ...	0	2	8	"	" Ditto
Ryan, P. ...	16	10	Burke ...	16	1	30	1278	" Christian name
Feshwick, William ...	13	4	Jamieson ...	1	0	28	1238	" Surname
Ginty, John ...	10	7	Berwick ...	0	2	0	1209	" Ditto
Ditto ...	10	8	Ditto ...	0	2	0	"	" Ditto
Ditto ...	10	6	Ditto ...	0	2	0	"	" Ditto
( <i>Names not known</i> )	26	3	Talbot ...	0	1	0	1207	" Trustees' names
Ditto ...	26	4	Ditto ...	0	1	0	"	" Ditto
Ditto ...	26	2	Ditto ...	0	1	0	"	" Ditto
Ditto ...	26	1	Ditto ...	0	1	0	"	" Ditto
Heany, T. ...	29	24	Sunbury ...	0	1	0	1189	" Christian name
McCaslin, Robert ...	...	330	Ararat ...	9	2	12	1112	Departmental objections to issue
( <i>Name not known</i> ), Edmund	13	5	Wyndham ...	0	2	0	1102	Query, Surname
Hiscutt, George ...	29	2	Scarsdale ...	0	3	14	1048	" Residence
Purcell, Philip ...	1	22	Clunes ...	5	3	9	998	" £5 8s. more to pay
Habbijham, Maryann ...	...	39a	Warrenmang ...	8	1	10	973	" Christian name
Ditto ...	...	29a	Ditto ...	5	3	4	"	" Ditto
Ditto ...	...	38a	Ditto ...	8	2	12	"	" Ditto
Finn, Daniel ...	9	8	Wood's Point ...	0	0	17 $\frac{3}{4}$	968	" Purchaser
James, William ...	...	39	Warrak ...	3	2	21	923	Departmental objections to issue
( <i>Name not known</i> )	H	70	Chewton ...	0	1	10 $\frac{6}{10}$	920	Query, Name
McDiarmid, Jno. Angus.	11	8	Mordialloc ...	0	3	23	906	" Residence
Chirnside, Thos. or Robt.	8	5	Mambourin ...	84	3	20	"	" Purchaser's Christian name
Ditto ...	8	4	Ditto ...	102	2	3	"	" Ditto
Moss, Haaus ...	...	37	Cobrungra ...	1	0	0	887	" Name
Ditto ...	...	38	Ditto ...	1	0	8	"	" Ditto
Butterworth, B., Hepburn, B., and Kirby, E.	A	34a	Bullarook ...	1	0	0	885	Departmental objections
Horsbrugh, Thos., and Jones, E. J.	15	1	Carngham ...	0	2	0	881	Query, Residence
Duncan, James ...	27	13	Ditto ...	1	0	0	"	" Ditto
S—, John ...	01	3	Beechworth ...	4	2	8	857	" Surname
Shepherd, William ...	15	4	Bealiba ...	1	3	13	834	" Valuation (Corr. $\frac{6}{63}/10849$ )
Faulkener, Archbd. ...	3	28	Landsborough ...	0	0	4 $\frac{3}{10}$	813	" Christian name
( <i>Names not known</i> )	E	208	Chewton ...	0	0	36	785	" Names
Beamish, Marg. ...	16	6	Wyndham ...	0	2	0	783	" Christian name and residence
Ditto ...	16	5	Ditto ...	0	2	0	"	" Ditto
Chirnside, Thos. ...	21	5	Truganina ...	83	1	9	771	" Ditto
Scott, David ...	H	69	Chewton ...	0	1	7 $\frac{4}{10}$	761	" Residence
B—, Peter ...	B	16	Talbot ...	0	0	25 $\frac{6}{10}$	713	" Surname
Ware, John ...	8	4	North Minjah ...	101	3	9	699	" Alteration of road boundary
Reynolds, William ...	11	4	Smythesdale ...	0	0	33 $\frac{9}{10}$	661	" Residence

1871.

VICTORIA.

TIMBER AND PRODUCE BROUGHT BY RAILWAY.

LAI D ON THE COUNCIL TABLE BY THE HONORABLE W. A. C. A'BECKETT, 26<sup>TH</sup> SEPTEMBER, 1871,  
AND ORDERED BY THE COUNCIL TO BE PRINTED, 3<sup>RD</sup> OCTOBER, 1871.

- (1.) The number of tons of timber brought by the railway from Echuca to Melbourne in each year (up to date) since that traffic commenced.
- (2.) The charge per ton for carriage by railway of such timber.
- (3.) Comparative charge for timber from Echuca to Melbourne, and wool, tallow, and other dead-weight goods, during a similar period to the foregoing return, No. 2.
- (4.) Cost to the owners of timber per ton for loading and unloading timber.

RETURN, showing (approximately) the quantity of timber forwarded from Echuca to Melbourne, the rate per ton for carriage; also the comparative rate for timber, wool, and tallow, during the years 1868-1871.

Year.	Tons of Timber.	Rate per Ton to Melbourne.	COST TO OWNERS PER TON.		RATE TO MELBOURNE.	
			For loading.	Unloading.	For Wool.	For Tallow.
1868	1,846	18s. 3d.	Nil	...	8s. per bale	40s. per ton
1869	4,160	13s.	Nil	...	Do.	Do.
1870	26,572	13s.	About 2s. 6d. per truck	...	7s. 6d. and 8s. 6d. per bale	Do.
1871 (for 9 months)	20,826	13s.	Do.	...	45s. and 55s. per ton	Do.

RICHARD MANLY,  
Station Master.

Echuca, 21st September, 1871.

NOTE.—The above is an approximation only, based on the first week's tonnage for June in each year, and includes 14,114 tons in 1870, and 11,088 tons in 1871 forwarded to Williamstown.

RICH. MANLY, S.M.





## VICTORIA.

## PARKS AND GARDENS.—RESERVES AND GRANTS.

RETURN TO AN ORDER OF THE LEGISLATIVE COUNCIL.

THE HONORABLE W. HIGHETT—1ST NOVEMBER, 1870.

LAID ON THE COUNCIL TABLE BY THE HONORABLE W. A. C. A'BECKETT, AND ORDERED BY THE COUNCIL TO BE PRINTED, 10TH OCTOBER, 1871.

RETURN of all Crown Lands gazetted as Permanently Reserved for Parks and Gardens or other public purposes, for which Crown Grants or Certificates of Title or Leases have not been issued.

Locality.	Area.			Purposes or Uses of Reservation.	Date of Order in Council. (See Note at end of Return.)	Date of first Publication of Notice in Government Gazette. (See Note at end of Return.)
	A.	R.	P.			
Carlton ... ..	63	0	0	Public Gardens ... ..	1st Feb., 1864	12th Feb., 1864
Carlton ... ..	3	1	0	Argyll square ... ..	1st Feb., 1864	12th Feb., 1864
Carlton ... ..	3	1	0	Lincoln square ... ..	1st Feb., 1864	12th Feb., 1864
Carlton, at Gratton street, near University	3	2	0	Ornamental ... ..	1st April, 1867	9th April, 1867
Carlton ... ..	0	3	22	Macarthur place ... ..	1st Feb., 1864	12th Feb., 1864
Carlton ... ..	0	3	28	Murchison place ... ..	1st Feb., 1864	12th Feb., 1864
Collingwood ... ..	15	3	4	Public Gardens ... ..	12th Nov., 1866	18th Dec., 1866
Castlemaine ... ..	76	0	0	Botanic Gardens ... ..	5th April, 1869	9th April, 1869
Emerald Hill ... ..	0	1	34	Public Gardens ... ..	5th April, 1869	9th April, 1869
Emerald Hill ... ..	0	1	34	Public Gardens ... ..	19th Apr., 1869	23rd Apr., 1869
Geelong ... ..	189	0	0	Botanic Gardens ... ..	18th Dec., 1865	29th Dec., 1865
Kyneton ... ..	2	0	0	Mechanics' Institute and Experimental Gardens	19th Aug., 1862	23rd Sept., 1862
Kyneton ... ..	18	1	0	Public Gardens ... ..	5th Aug., 1865	13th Aug., 1865
Melbourne (Royal Park) ... ..	550	0	0	Zoological ... ..	10th Mar., 1862	25th Mar., 1862
Melbourne ... ..	140	2	8	Experimental Farm ... ..	10th Aug., 1863	21st Aug., 1863
Melbourne ... ..	64	2	0	Fitzroy Gardens ... ..	15th Feb., 1864	26th Feb., 1864
Melbourne ... ..	17	2	34½	Flagstaff Gardens ... ..	15th Feb., 1864	26th Feb., 1864
Melbourne ... ..	100	0	0	Fawkner Park ... ..	1st Feb., 1864	12th Feb., 1864
Melbourne ... ..	84	0	0	Prince's Park ... ..	18th July, 1864	2nd Aug., 1864
Melbourne, east of Swanston street, and between Yarra Bank Road and M. & H. B. U. Railway	44	0	0	Public Park ... ..	25th Apr., 1864	6th May, 1864
Melbourne, west of Spring street and between Flinders street and M. & H. B. U. Railway	6	0	0	Public Park ... ..	12th Sept., 1864	20th Sept., 1864
Prahran, at Glen Eira and Brighton Roads	4	1	14	Public Recreation ... ..	13th May, 1867	21st May, 1867
Studley Park ... ..	203	0	0	Public Recreation ... ..	29th Feb., 1864	11th Mar., 1864
St. Kilda ... ..	21	2	17	Part of Albert Park ... ..	1st Feb., 1864	16th Feb., 1864
St. Kilda and Emerald Hill ... ..	724	0	0	Part of Albert Park ... ..	22nd Feb., 1864	11th Mar., 1864
Snapper Point ... ..	...	...	...	Promenade and Recreation	10th Apr., 1865	25th Apr., 1865
Sandhurst ... ..	4	3	39	Public Recreation ... ..	17th Nov., 1869	26th Nov., 1869

NOTE.—The Orders in Council specified in this Return state that the lands in respect of which these Orders were made are to be permanently reserved.  
The Gazette notices state that it is the intention of the Governor in Council to permanently reserve from sale the lands to which they refer.

CLEMENT HODGKINSON,  
Assistant Commissioner of Lands and Survey.

Crown Lands Office,  
Melbourne, 10th October, 1871.

1871.  
—  
VICTORIA.

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# REPORT

OF THE

SELECT COMMITTEE OF THE LEGISLATIVE COUNCIL

OF

# ELECTIONS AND QUALIFICATIONS

ON THE

PETITION OF WILLIAM HARBISON;

TOGETHER WITH THE

PROCEEDINGS OF COMMITTEE AND MINUTES OF EVIDENCE.

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ORDERED BY THE COUNCIL TO BE PRINTED 20TH JUNE, 1871.

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By Authority:

JOHN FERRES, GOVERNMENT PRINTER, MELBOURNE.

## EXTRACTED FROM THE MINUTES.

THURSDAY, 27TH APRIL, 1871.

ELECTIONS AND QUALIFICATIONS COMMITTEE.—In pursuance of "*The Electoral Act 1856*," the President laid upon the 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 Thomas Turner a'Beckett,  
The Honorable William Campbell,  
The Honorable Robert Culbertson Hope,  
The Honorable John Cumming,  
The Honorable William Highett,  
The Honorable John O'Shanassy, and  
The Honorable Philip Russell,

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

Given under my Hand this twenty-seventh day of April, 1871.

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

TUESDAY, 2ND MAY, 1871.

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

TUESDAY, 9TH MAY, 1871.

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

TUESDAY, 23RD MAY, 1871.

PETITION.—The Honorable W. A. C. a'Beckett presented a Petition from "William Harbison, of Brighton, in the colony of Victoria, timber merchant," setting forth that the Petitioner presented a Petition in the month of December last against the return of Frank Stanley Dobson, for the South Province, and praying that the matter may "be considered by the Honorable the Legislative Council of Victoria, and that the Committee of Elections and Qualifications do enquire into the premises."

The Honorable W. A. C. a'Beckett moved, That the Petition be referred to the Committee of Elections and Qualifications. Debate ensued.

The Honorable W. Highett moved, That the debate be adjourned until Tuesday next.

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

OPINION OF COUNSEL.—The Honorable T. T. a'Beckett moved, That the Honorable the President be requested to take the opinion of Counsel as to whether the second petition presented by Mr. Harbison against the return of the Honorable Dr. Dobson can now be accepted, regard being had to the sixty-eighth and sixty-ninth clauses of the Act 19 Victoria, No. 12, and the date of the return of the Writ declaring the Honorable Dr. Dobson duly elected as a representative of the Southern Province.

Amendment moved by the Honorable J. Graham, That all the words after the word "That" be omitted, with a view to insert the words "the Petitioner and the sitting Member be heard by Counsel at the Bar of the House."

Debate ensued.

Motion and amendment by leave withdrawn.

TUESDAY, 30TH MAY, 1871.

ADMINISTERING OATH TO ELECTIONS AND QUALIFICATIONS COMMITTEE.—The Honorables T. T. a'Beckett, W. Campbell, Dr. Hope, J. Cumming, W. Highett, J. O'Shanassy, and P. Russell, approached the Table and took the oath provided by the Act 19 Victoria, No. 12.

PETITION.—SOUTH PROVINCE ELECTION.—The President delivered the following opinion on the questions put to him with regard to the Petition presented by the Honorable W. A. C. a'Beckett on the 23rd instant:—

I have considered the questions arising out of the petition addressed to the President by Mr. Harbison, and presented to this House on the 23rd instant.

The Electoral Act, 19 Victoria, No. 12, provides that all petitions complaining of undue elections, &c., shall be presented to the President within forty days of the Return of the Writ, and before such presentation One hundred pounds shall be lodged to his credit.

These provisions were complied with by Mr. Harbison in the first instance.

The fifty-eighth clause of the said Act enacts that, in the first session of the Council, and in every other session, the President shall by Warrant appoint a Committee of Elections and Qualifications. It follows, that such Committee dies with the session, as does likewise all business which may have been referred to it.

Consequently, Mr. Harbison's first petition has thus been disposed of.

The sixty-ninth section of the Act provides that any petition complaining of the insufficiency of the qualification of any member, and presented to the President within three months after such member shall have subscribed the declaration required by law, may be referred to the Elections and Qualifications Committee, and in case of a prorogation such petition may be presented to the Council within such time after the next meeting thereof as shall, together with the time expired before the prorogation, make up such period of three months.

I am of opinion that it is still open to Mr. Harbison to present a petition to the Council, and that the Act is silent with regard to any payment before presenting such petition to the Council.

The petition now under discussion does not meet the requirements of the Act. It is not a petition to the Council.  
30th May, 1871. W. H. F. MITCHELL.

ADJOURNED DEBATE ON PETITION.—SOUTH PROVINCE ELECTION.—The Order of the Day for the resumption of the debate on the motion, That the petition presented on the 23rd instant "be referred to the Committee of Elections and Qualifications" being called on, the Honorable W. Highett moved, That the Order of the Day be discharged.

Debate ensued.

Question—put and negatived.

Question—That the petition be referred to the Committee of Elections and Qualifications—put and passed.

WEDNESDAY, 31ST MAY, 1871.

ELECTIONS AND QUALIFICATIONS COMMITTEE.—The President appointed two o'clock on Thursday the 1st proximo, in the South Committee Room, to be the time and place of the first meeting of the Elections and Qualifications Committee.

ELECTIONS AND QUALIFICATIONS COMMITTEE.—The Honorable T. T. a'Beckett, with leave of the Council, moved, without notice, That the Elections and Qualifications Committee have leave to sit during the adjournment of the House.

Question—put and passed.

TUESDAY, 13TH JUNE, 1871.

ELECTIONS AND QUALIFICATIONS COMMITTEE—ADJOURNMENT OF.—The Honorable T. T. a'Beckett, with leave of the Council, moved, without notice, That leave be given to the Elections and Qualifications Committee to adjourn for a period exceeding five days.

Question—put and passed.

SELECT COMMITTEES AND COMMITTEE OF ELECTIONS AND QUALIFICATIONS.—The Honorable T. T. a'Beckett, with leave of the Council, moved, without notice, That all Select Committees, and the Committee of Elections and Qualifications, have power to sit during the adjournment of the House.

Question—put and passed.

TUESDAY, 20TH JUNE, 1871.

ELECTIONS AND QUALIFICATIONS COMMITTEE REPORT.—The Honorable T. T. a'Beckett, in the absence of the Honorable J. O'Shanassy, brought up the Report of the Elections and Qualifications Committee on the Petition of William Harbison, referred to the Committee on the 30th May, and moved that the Report, with the Proceedings of the Committee, be printed.

Question—put and passed.

# REPORT.

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The Honorable J. O'Shanassy, from the Committee of Elections and Qualifications, to which was referred the Petition of William Harbison against the return of Frank Stanley Dobson for the South Province in December, 1870, informed the House that the Committee had determined—

“That the sitting member was duly qualified and was duly elected.

“That the Petition was not frivolous or vexatious, nor was the opposition thereto frivolous or vexatious.

“That the Committee recommend that the sum of One hundred pounds, lodged by the Petitioner, be returned to him, less the amount of costs of attendance allowable for the Shorthand Writer and the transcription of his notes.”

JOHN O'SHANASSY,  
Chairman.

Committee Room,  
14th June, 1871.



## PROCEEDINGS OF COMMITTEE.

THURSDAY, 1st JUNE, 1871.

### *Members present :*

The Honorables P. Russell, J. Cumming, J. O'Shanassy, W. Campbell, W. Highett, T. T. a'Beckett.

The Honorable J. O'Shanassy was appointed Chairman of the Committee.

The Committee agreed to adopt the following preliminary 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 if costs be demanded by either party under the provisions of the Electoral Act of 1856, the question must be raised immediately after the decision on that particular case, unless the Committee shall otherwise decide.
3. That no person shall be examined as a witness who shall have been in the room during any 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.
4. That the Committee will only hear one counsel on each side on the opening and summing up of the case.
5. That should any point of law arise requiring argument, the Committee reserve to themselves the power of hearing only one counsel on each side.

The Clerk of the Council produced the Petition referred to the Committee on the 30th instant.

### *To the Honorable the PRESIDENT of the LEGISLATIVE COUNCIL of Victoria.*

The humble Petition of William Harbison, of Brighton, in the Colony of Victoria, Timber Merchant,

SHEWETH :—

That your Petitioner, on or about the twentieth day of December, One thousand eight hundred and seventy, presented, or caused to be presented, to the Honorable the President of the Legislative Council of Victoria in the words and figures following :—

### *“ To the Honorable the PRESIDENT of the LEGISLATIVE COUNCIL of Victoria.*

“ The humble Petition of William Harbison, of Brighton, in the Colony of Victoria,  
“ Timber Merchant,

“ SHEWETH :—

“ That on the seventh day of November last a writ was duly issued, directed to the Returning Officer of the South Province, for the election of a member of the Legislative Council for that province.

“ That your Petitioner, the said William Harbison, was a candidate at such election, and Frank Stanley Dobson, of Hawthorn, in the said colony, LL.D., barrister-at-law, was also a candidate at such election ; and the votes of the electors being duly taken, the said Frank Stanley Dobson obtained a majority of twenty-four votes over your Petitioner, and he was declared to be duly elected, and was returned as a member to serve in the said Legislative Council for the said South Province.

“ That, on the seventh day of December instant, the said Frank Stanley Dobson made and subscribed the declaration in writing required by the provisions of the seventh section of the Act 32 Victoria, No. 334, setting forth that he, the said Frank Stanley Dobson, was duly seised at law or in equity of an estate of freehold for his own use and benefit in lands or tenements in the Colony of Victoria of the value of Three thousand pounds sterling money above all charges and incumbrances affecting the same. And further, that the lands and tenements out of which such qualification arose were situate in the parish of Boroondara, in the County or reputed County of Bourke, the descriptions of which lands and tenements were as follows :—Household property and land in Church and Yarra Streets. And the said Frank Stanley Dobson thereby further declared, that such of the said lands and tenements as were situate in the municipal district of Hawthorn were rated in the rate-books of such municipal district as follows :—

“ Church Street	} £270 per annum.
“ Yarra Street	

“ That the said Frank Stanley Dobson has owned the said household property and land for about two years ; but, in the month of February, One thousand eight hundred and seventy, the same was rated to the said municipal district at Two hundred and twenty pounds only per annum ; and, that, in the said month of February, the house now built on the said land was in the course of erection and was valued in its unfinished state as part of the property, and the valuation of the said household property and land was not increased to the said sum of Two hundred and seventy pounds till about a month before the said election ; and, until the said last-mentioned valuation, the said household property and land was not, and during the greater part of one year previous to such election had not been, of the value of Two thousand five hundred pounds, or of the annual value of Two hundred and fifty pounds, above all charges and incumbrances affecting the same respectively.

“That the said Frank Stanley Dobson is not now, nor has he been one year previous to the said election, legally or equitably seised of or entitled to any estate of freehold in lands or tenements in Victoria save and except that above-mentioned.

“Your Petitioner submits that the said Frank Stanley Dobson was not for one year previous to such election legally or equitably seised of or entitled to an estate of freehold in possession for his own use and benefit in lands or tenements in Victoria of the value of Two thousand five hundred pounds, or of the annual value of Two hundred and fifty pounds, above all charges and incumbrances affecting the same respectively; and that the said Frank Stanley Dobson was not therefore capable of being elected a member of the said Legislative Council, and that your Petitioner should have been declared to be such member, and your Petitioner therefore feels aggrieved.

“Your Petitioner therefore humbly prays that it may be declared that the said Frank Stanley Dobson was not capable of being elected as a member of the Legislative Council for the said Province, and that the said election and return of the said Frank Stanley Dobson is void accordingly, and that your Petitioner may be declared to be duly elected member of the Legislative Council of the said Colony for the said Province.

“And your Petitioner will ever pray, &c.

“Dated this 20th day of December, 1870.

“WILLIAM HARBISON,

“Bay street, Brighton, a candidate at the said election, and who voted at the said election.”

That such Petition has not yet been decided upon.

Your Petitioner therefore humbly prays that the said matter be considered by the Honorable the Legislative Council of Victoria, and that the Committee of Elections and Qualifications do inquire into the premises.

Dated this 23rd day of May, 1871.

W. HARBISON,

Bay street, Brighton, a candidate for the said election, and who voted at the said election.

Mr. James McKean appeared as agent for the petitioner.

Messrs. Bennett and Aitenborough appeared as agents for the sitting member.

The preliminary resolutions agreed to by the Committee were announced to the parties.

Mr. Casey requested to be informed whether the Committee would object to his appearing as counsel before them, he being a member of the Legislative Assembly.

The Committee decided that they would not object to Mr. Casey's appearance as counsel.

The Committee adjourned until two o'clock on Tuesday, the 6th instant.

TUESDAY, 6TH JUNE, 1871.

*Members present:*

The Honorable J. O'Shanassy, in the chair;

The Hon. W. Highett  
P. Russell  
Dr. Hope

The Hon. W. Campbell  
J. Cumming  
T. T. a'Beckett.

Parties called in.

The Chairman announced that the costs of attendance of the shorthand-writer and of the transcription of his notes would have to be borne by the parties, or by one of them.

Dr. Hearn and Mr. Webb appeared as counsel for the sitting member.

Mr. Casey appeared as counsel for the petitioner.

Dr. Hearn raised a preliminary objection to the petition.

Mr. Webb was heard on the objection.

Mr. Casey was heard on the other side.

Dr. Hearn was heard in reply.

The committee room was cleared.

The Committee deliberated.

Question—Whether the whole merits of the case between the petitioner and the sitting member are before the Committee—put.

Contents.

The Hon. P. Russell  
J. Cumming  
W. Highett

Not Contents.

The Hon. Dr. Hope  
T. T. a'Beckett  
W. Campbell.

The Chairman gave his vote with the Contents, that the whole merits of the case between the petitioner and the sitting member are before the Committee.

The question was therefore resolved in the affirmative.

The parties were called in and the decision of the Committee was communicated to them.

Mr. Casey made an application for costs with regard to the preliminary objection already raised.

It was ordered that a record should be made of the application.

Mr. Casey was heard to open the case on behalf of the petitioner.

The shorthand writer was sworn.

Mr. William Harbison was sworn and examined, and produced a transcript from the rate-books of the Hawthorn municipality.

Dr. Hearn objected, that a portion of the evidence tendered was not receivable as applicable to the case, viz., the portion anterior to the rating existing at the time of the election.

It was ordered that the petition produced to the Committee should be taken as read, on the application of Mr. Casey, and the petitioner's case was concluded.



Dr. Hearn was heard on behalf of the sitting member, and raised the point, that the petitioner having proved the sitting member's property to have been rated at £250 a year at the time of the election, the sitting member must be declared duly elected.

Mr. Webb was heard on behalf of the sitting member on the same point.

The Committee adjourned until three o'clock on Wednesday the 7th instant.

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WEDNESDAY, 7<sup>TH</sup> JUNE, 1871.

*Members present :*

The Honorable J. O'Shanassy, in the chair ;

The Hon. W. Campbell  
J. Cumming  
P. Russell

The Hon. Dr. Hope  
W. Highett  
T. T. a'Beckett.

Parties called in.

Mr. Casey was heard to reply on the point raised by counsel for the sitting member.

Dr. Hearn was heard to reply in support of the point.

The committee room was cleared.

The Committee deliberated.

The Committee resolved—

That, in the opinion of the Committee, it is requisite that a candidate must have been possessed of property of the value of Two thousand five hundred pounds for one year previous to the election, or of property of the annual value of Two hundred and fifty pounds for such period.

That the Committee is of opinion, that the respondent is not precluded from giving evidence that the value of his property is in excess of that at which it is valued in the rate-book.

That the Committee will be prepared to receive evidence on behalf of the sitting member as to whether his property was continuously, for twelve months before the election, either of the value of Two thousand five hundred pounds, or of the annual value of Two hundred and fifty pounds.

The Committee adjourned till twelve o'clock on Wednesday, the 14th instant.

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WEDNESDAY, 14<sup>TH</sup> JUNE, 1871.

*Members present :*

The Honorable J. O'Shanassy, in the chair ;

The Hon. J. Cummings  
P. Russell  
Dr. Hope

The Hon. W. Campbell  
T. T. a'Beckett  
W. Highett.

Parties called in.

Dr. Hearn was heard on the case of the sitting member.

Mr. John Toon was sworn and examined.

Mr. Thomas James Crouch was sworn and examined.

Mr. Theophilus Job Ham was sworn and examined.

Mr. George Raymond Johnson was sworn and examined.

Mr. Charles Vickers was sworn and examined.

Mr. Frederick Peterson was sworn and examined.

Mr. Cornelius Job Ham was sworn and examined.

Dr. Hearn was heard to sum up the evidence.

Mr. Casey was heard to reply on behalf of the petitioner.

Counsel for the sitting member was heard on the question of costs, and applied for them on behalf of the sitting member.

Mr. Casey was heard on the question of costs.

The committee room was cleared.

The Committee deliberated.

*Resolved*—That the sitting member was duly qualified, and was duly elected.

That the petition was not frivolous or vexatious, nor was the opposition thereto frivolous or vexatious.

That the Committee recommend that the sum of One hundred pounds, lodged by the petitioner, be returned to him, less the amount of costs of attendance allowable for the shorthand writer and the transcription of his notes.

The parties were called in, and the resolutions of the Committee were announced to them by the Chairman.

Chairman ordered to report to the House.



# MINUTES OF EVIDENCE.

THURSDAY, 1ST JUNE, 1871.

## Members present:

The Hon. J. O'SHANASSY, in the chair ;	
The Hon. T. T. a'Beckett	The Hon. W. Highett
J. Cumming	P. Russell.
W. Campbell	

*The counsel and parties were called in.*

*Mr. Casey* asked that, before any proceedings were commenced, he might be permitted to draw the attention of the Committee to the point as to whether his appearance before the Committee was permissible; the question being, whether it was proper that a member of one branch of the Legislature should appear before the Committee of Elections and Qualifications of that House of which he was not himself a member. The learned counsel referred to May's "Parliamentary Practice," p. 358, and pointed out that a member of the Legislature is not permitted to take part professionally in any proceedings in either House, since he himself forms a part of the Legislature.

*The Chairman* intimated to *Mr. Casey* that this matter would only come regularly before the committee after the appearances had been put in.

*Mr. McKean* appeared as agent on behalf of the petitioner.

*Messrs. Bennett and Attenborough* appeared as agents for the sitting member.

*Mr. Casey*, in appearing as counsel for the petitioner, proceeded to quote the passage from May's "Parliamentary Practice," already referred to, and stated that he would not desire to appear before the Committee if it were thought that he was infringing this rule.

*The Hon. Dr. Dobson* stated that, so far as he was concerned, he had no objection to *Mr. Casey's* appearing.

*The Chairman* intimated to *Mr. Casey* that the Committee were unanimously of opinion that he might appear.

*The Chairman* intimated that the Committee had agreed to the following preliminary resolutions, viz.:—

- (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 to do so.
- (2.) That, if costs be demanded by either party, under the provisions of the *Electoral Act* of 1856, the question must be raised immediately after the decision on that particular case, unless the Committee shall otherwise decide.
- (3.) That no person shall be examined as a witness who shall have been in the room during any 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.
- (4.) That the Committee will only hear one counsel on each side on the opening and summing up of the case.
- (5.) That should any point of law arise requiring argument, the Committee reserve to themselves the power of hearing only one counsel on each side.

*The Chairman* intimated that it would be needful for the parties to apply for summonses for such witnesses as they might respectively require.

*Dr. Dobson* stated that it had accidentally come to his knowledge that the intention on the other side was to summon the town clerk of Hawthorn, and intimated that, if the object in doing so was to prove a certain entry in the rate-book, he would be willing to admit a properly certified copy of the book, in order to save expense.

*Mr. McKean* stated that he had intended to summon the witness for the purpose mentioned by *Dr. Dobson*, but that having heard *Dr. Dobson's* proposal, he would obtain a certified copy of the rate-book.

*Ordered—That this Committee be adjourned to Tuesday next at two o'clock.*

TUESDAY, 6TH JUNE, 1871.

## Members present:

The Hon. J. O'SHANASSY, in the chair;	
The Hon. T. T. a'Beckett	The Hon. W. Highett
W. Campbell	R. C. Hope
J. Cumming	P. Russell.

*The counsel and parties were called in.*

*The Chairman* intimated that the expenses of the shorthand writer's attendance, and of his transcript of his notes, would have to be borne by the parties, or one of them, as might be hereafter decided.

*Dr. Hearn* and *Mr. Webb* appeared as counsel for the sitting member.

*Dr. Hearn*, while disclaiming any desire to make a technical objection, pointed out that the petition did not impeach the sitting member's seat, but merely prayed that a former petition might be dealt with: that the former petition was not before this committee, and that it having been presented to the House in a

former session and not dealt with, was gone as soon as that session terminated, and could not, upon a mere recital of it in this petition, be revised: that the Act under which Election Committees were constituted in the Council differed from the English law upon the subject; and that therefore this petition should be dismissed with costs.

*Mr. Webb* referred to the 69th section of the Act, and pointed out that the prayer of this petition did not touch the matters referred to in that section: that the petition did not complain of an improper return, and was not an election petition at all: and that if the Committee did inquire into the premises, as prayed, the result would be *nil*.

*Mr. Casey* was heard to argue that the committee could investigate the allegations contained in the former petition: that the 64th section of the Act prescribed the jurisdiction of the Committee: that there was no statutory provision as to the prayer of the petition: that power was given to the Committee "to procure evidence": that, whereas, it had been urged on the other side that the petition prayed that the former petition might be taken into consideration, such was not the language of the petition, which prayed that the "matter" might be taken into consideration: that though an Elections Committee might die, yet the Council did not die, and that this petition was to the Council: that, unless the Committee set at nought the first lines of the 67th clause, the petition must be entertained: that this was not a new petition, but the old one repeated, and that the mere fact of the reference of the petition to the Committee by the Council gave jurisdiction: that even if the last two clauses of the petition had not been contained in it, still the petition was sufficient: that even had there been no prayer in it at all, still, if the Committee, on inquiring into the matter, should find a certain state of facts, the seat could be declared vacant: and that the petitioner had complied with the requirement of the Act, that the petition must be presented within three months.

*Dr. Hearn* was heard in reply.

*The committee-room was cleared.*

*After a short time the counsel and parties were again called in.*

*The Chairman* intimated that the Committee had arrived at the following decision, viz:—

"That the whole merits of the case between the petitioner and the sitting member are before the Committee."

*Mr. Casey* applied for the costs arising on the preliminary objection.

*The Chairman* stated, that it was not usual for Elections Committees to decide upon the question of costs until the close of the proceedings.

*Mr. Casey* was heard to open the case for the petitioner.

*Mr. Casey* inquired whether it would be admitted that a petition was presented on the 20th of December, 1870.

*Dr. Hearn* replied in the affirmative.

*Mr. Casey* inquired whether counsel for the sitting member would admit the following allegations in the petition, viz:—

"That on the seventh day of November last a writ was duly issued, directed to the returning officer of the South Province, for the election of a member of the Legislative Council for that province.

"That your petitioner, the said William Harbison, was a candidate at such election, and Frank Stanley Dobson, of Hawthorn, in the said colony, LL.D. barrister-at-law, was also a candidate at such election; and the votes of the electors being duly taken, the said Frank Stanley Dobson obtained a majority of twenty-four votes over your petitioner, and he was duly declared to be elected, and was returned as a member to serve in the said Legislative Council for the South Province.

"That, on the seventh day of December instant, the said Frank Stanley Dobson made and subscribed the declaration in writing required by the provisions of the seventh section of the Act 32 Victoria, No. 334, setting forth that he, the said Frank Stanley Dobson, was duly seised at law or in equity of an estate of freehold for his own use and benefit in lands or tenements in the colony of Victoria of the value of Three thousand pounds sterling money above all charges and incumbrances affecting the same. And further, that the lands and tenements out of which such qualification arose were situated in the parish of Boroondara, in the county or reputed county of Bourke, the descriptions of which lands and tenements were as follows:—Household property and land in Church and Yarra Streets.

*Mr. Webb* was heard to state, that it is well settled in election law that a sitting member cannot be unseated upon admissions; that though the sitting member was perfectly willing to admit all these allegations, it would nevertheless be for the committee to consider whether these admissions should be thus taken; and that he desired to mention this point, lest the other side should be misled.

*Mr. Casey* went on to ask whether the counsel for the sitting member would, in addition to the allegations already recited, admit the following, viz:—

"And the said Frank Stanley Dobson thereby further declared that such of the said lands and tenements as were situate in the municipal district of Hawthorn were rated in the rate-books of such municipal district as follows:—

Church street	}	£270 per annum."
Yarra street		

*Dr. Hearn* replied in the affirmative and admitted each of these allegations severally.

*Mr. Casey* asked whether counsel for the sitting member would admit the allegation "that the said Frank Stanley Dobson has owned the said household property and land for about two years."

*Dr. Hearn* replied in the negative.

*Mr. Casey* inquired whether the following allegation would be admitted, viz:—

"\* \* \* but, in the month of February, One thousand eight hundred and seventy, the same was rated to the said municipal district at Two hundred and twenty pounds only per annum."

*Dr. Hearn* replied in the negative, and intimated that, if evidence were tendered upon it, an objection would be raised.

*Mr. Casey* stated that, at the last meeting, the sitting member intimated that he would admit a certified copy of the rate-books.

*Dr. Hearn* stated, that he did not object to the copy being treated as the original, but objected to the rate-book itself altogether.

*Mr. Casey* proposed to read a certified copy of what he would prove, if the rate-book were here. The sitting member objected that the certification was not sufficient.

*The Chairman* suggested that the evidence might be tendered, and taken subject to objection.

*Dr. Hearn* consented.

The shorthand writer was sworn.

William Harbison, Esq., sworn.—Examined by *Mr. Casey*.

1. Are you the petitioner in this case?—Yes.

2. Have you recently been to the Kew municipality, and inspected the rate-book there?—Yes.

3. The Hawthorn municipality?—Yes.

[The sitting member inquired which municipality the witness did mean.]

4. The sitting member desires to know which you mean?—There are two properties, and they are both described in that paper.

5. Which municipality do you mean?—Hawthorn.

6. Did you see the declaration that the sitting member had made, wherein he stated he qualified upon certain properties in Church street and Yarra street?—Yes.

7. In the municipal district of Hawthorn? Did you inspect the rate-books?—I did.

8. Did you take a transcript from the rate-books with respect to those two properties—from the rate-books of 1869, and the two rates that were made in the year 1870?—I did.

9. One in February 1870, and the other in October 1870?—I did.

10. Did you see this—[handing a paper to the witness]—this morning before you swore it?—I did.

11. Is it an exact transcript from the rate-books?—It is.

12. There is the 1869 one, and the two from 1870—one rate made March 1st, 1869—

*Dr. Hearn* objected, not to the document, but to any evidence taken from the rate-book of 1869.

*The witness withdrew.*

*Mr. Casey* read the exhibit to the declaration as follows:—

[Copy.] HAWTHORN BOROUGH RATES FOR THE YEARS 1869 AND 1870.

Date when made.	No. on the Rate Roll.	Name.	Occupier.	Owner.	Net Annual Value.	Rates.
1st Mar. 1869	No. 568	Wm. Henry Odgers, civil servant	Occupier	Frank Stanley Dobson	£ s. d. 130 0 0	£ s. d. 6 10 0
" "	569	Frank Stanley Dobson ... ..	Occupier	Owner ... ..	50 0 0	2 10 0
7th Feb. 1870	7	Frank Stanley Dobson ... ..	Occupier	Owner ... ..	50 0 0	2 10 0
" "	640	Wm. Henry Odgers, civil servant	Occupier	Frank Stanley Dobson	110 0 0	5 10 0
23rd Oct. 1870	6	Frank Stanley Dobson ... ..	Occupier	Owner ... ..	130 0 0	6 10 0
" "	633	Wm. Henry Odgers, civil servant	Occupier	Frank Stanley Dobson	140 0 0	7 0 0

This is the document referred to in the annexed declaration of William Harbison, declared before me this sixth day of June, one thousand eight hundred and seventy-one.

(Signed) W. H. F. MITCHELL, J.P.

*The Chairman* asked *Mr. Casey* whether he was prepared to contend that, though the rating might vary at several periods, the gross value also varied.

*Mr. Casey* replied, that the sitting member would not, in that case, be qualified, since the gross value was mere matter of calculation, taking ten times the rating.

*The Chairman* inquired whether *Mr. Casey* would contend that the qualification was insufficient, if the gross value were proved to be sufficient.

*Mr. Casey* replied that, in that case, he would be out of court—that he must show that the sitting member had neither the one nor the other; but that the annual value was to be ascertained by the rate-book, and that the capital value was to be ascertained by multiplying such annual value by ten, as provided by section 4.

*Mr. Casey* asked that the petition might be taken as read, as portion of his speech.

The counsel for the sitting member stated that they did not object.

*The Chairman* intimated that *Mr. Casey's* request was complied with.

*Mr. Casey* stated that this was his case.

*Dr. Hearn* submitted that no case had been made out for the petitioner.

*Mr. Webb* was heard in support of the point raised by *Dr. Hearn*.

*Mr. Casey* asked for an adjournment before being called upon to reply.

Ordered—That this Committee be adjourned to to-morrow, at three o'clock.

WEDNESDAY, 7TH JUNE, 1871.

Members present:

The Hon. J. O'SHANASSY, in the chair;

The Hon. T. T. a'Beckett

W. Campbell

J. Cumming

The Hon. W. Highett

R. C. Hope

P. Russell.

*The counsel and parties were called in.*

*Mr. Casey* was heard against the objection taken by *Dr. Hearn*, on the last day of meeting, to urge that there could be no such thing as a non-suit point before an Election Committee.

Wm. Harbison,  
Esq.,  
6th June, 1871.

*Dr. Hearn* was heard in reply, and to ask that, if the Committee should decide to admit evidence against the last rate-book, he might be permitted to adduce evidence to rebut such evidence.

*The committee-room was cleared.*

*After some time the counsel and parties were called in, and informed that the Committee had agreed to the following resolutions:—*

- (1.) That, in the opinion of the Committee, it is requisite that a candidate must have been possessed of property of the value of £2500 for one year previous to the election, or of property of the annual value of £250 for such period.
- (2.) That the Committee is of opinion that the Respondent is not precluded from giving evidence that the value of his property is in excess of that at which it is valued in the rate-book.
- (3.) That the Committee will be prepared to receive evidence on behalf of the sitting member, as to whether his property was continuously, for twelve months before the election, either of the value of £2500, or of the annual value of £250.

*Ordered—That this Committee be adjourned to Wednesday next, at twelve o'clock.*

WEDNESDAY, 14TH JUNE, 1871.

*Members present:*

The Hon. J. O'SHANASSY, in the chair;

The Hon. P. Russell  
J. Cumming  
R. C. Hope

The Hon. W. Campbell  
T. T. a'Beckett  
W. Highett.

*The counsel and parties were called in.*

*Dr. Hearn* was heard to open the case on behalf of the sitting member.

Mr. John Toon called and sworn.—Examined by *Dr. Hearn*.

Mr. John Toon,  
14th June, 1871.

13. What are you?—I am the town clerk of Hawthorn.
14. Are you connected with the valuation of the borough?—Yes, I am the borough valuator as well.
15. Have you been so long?—Ever since 1858. I have been fourteen years on the borough of Hawthorn and the Boroondara Road Board.
16. Have you had many valuations in your time?—Many thousands—ten or twelve thousand, I dare say. No one else has ever valued.
17. Have you had many appeals?—Sometimes five or six; sometimes none at all. I do not think 100 altogether.
18. Do you know Dr. Dobson's property, in Church street?—Yes.
19. Will you show the Committee where it is upon this map.—[*The map was handed in.*]
- The Chairman* suggested that the land should be identified with that mentioned in the declaration by evidence.
20. *Dr. Hearn (to the witness).*—Where is his property?—In Church street—the corner of Church street and Denham street.
21. *By the Committee.*—Called the Kew road?—Yes, we call it Denham street; that is a Government road.
22. Has he any other property in Church street?—Not that I know of.
23. Has he any in Yarra street?—Yes.
24. Do you know it?—Yes, but it is some distance from that.
25. *By Dr. Hearn.*—You know that he has those two properties, and is rated for them?—Yes.
26. And you know that property—do you see that map?—Yes.—[*The witness referred to the same.*]
27. Is that a map of the Church street property?—Yes, I could not say if it is exactly correct.
28. It is a map of that property?—Yes.
29. That is rated, I believe, at £140—so we have in evidence?—It is, Sir.
30. It was rated in 1869 at £130, I think?—£130, I think.
31. How do you account for that?—Is it at £130 or £120 in 1869; I am not very clear.
32. In 1870 at £110?—Yes, I thought you were wrong.
33. Before that it was rated at a higher rate?—It was rated at £130.
34. When it was rated at £110, did you rate the whole of it?—No, we discovered at the last valuation that Dr. Dobson had a piece of land in Hill street which we could not find out an owner for, and finding that to be the case, we valued the piece of land in Mr. Odgers's occupation; we valued it at £600, and added it to that property.
35. What do you estimate the capital value at of that block?—The house and land, if sold to-day, at say £2200; but if you cut it up, it would be very much more valuable.
36. What would it have been, say twelve months ago?—It was equally valuable twelve months ago as it is to-day.
37. Then, in the beginning of December, 1869, if the property were sold in one block, it would be worth £2200?—It would be worth more for what I know.
38. But it admits of subdivision?—Very nicely; it is a very nice property. It has two fronts, one in Hill street and one in Denham street, as well as the house by itself; and land in Denham street is worth £3 or £3 10s. a foot.
39. *By the Committee.*—How much of it is worth £3 a foot, leaving sufficient for the house?—I would take off 250 feet, and then, according to this plan, the house would have 218 feet. It has 468 feet frontage to Denham street—take off 250 feet, say.

40. Supposing it was all sold—suppose the house was not there at all?—There would be no frontage there then—[*pointing to the plan.*]

41. What would you estimate it at without the house?—Taking in Hill street?

42. No, take the other frontage first, and then take Hill street?—If I was going to cut it up, I would take about 300 feet to Denham street.

43. Take it any way you please?—[*The witness made a calculation.*—Without the house I should make it worth £1350.

44. I only ask you what the block of land would fetch by any way you would subdivide it—take it without the house a year ago?—It was the same value last year as now.

45. You are leaving out 250 feet, are you not?—No, I value that piece at £4 a foot.

46. How many feet?—60; I make the other 250 feet.

47. How much do you make that—[*pointing to the plan*]?—250 feet; that would be about £1600.

48. You value the land without the house a year ago at £1600?—Yes.

49. *By Dr. Hearn.*—And with the house?—I put the value of the house at £800 or £1000.

50. That would be how much?—Some portion of the house was built a dozen years—long before Mr. Dobson bought it—it was the old Bowling-green Hotel.

51. Has it been improved?—Yes, considerably; an immense sum of money has been spent in improving it.

52. *By the Committee.*—Then you value the whole property as it stood twelve months ago—Mr. Odgers's house included—at £2200?—Nearer £3000 than £2000.

53. If anybody had sold the house and a reasonable quantity of land in one lot, and sold the land cut up, it would have come in that way to about £3000?—Nearly, I should think so.

54. Are there two houses—one Mr. Odgers's and one Dr. Dobson's?—No; it is quite a different place.

55. *By Dr. Hearn.*—We are only speaking now of the Church street property, where Mr. Odgers lives; Dr. Dobson lives on another property altogether. Now that Yarra street property—have you ever had occasion to value that property?—Yes.

56. Did you value it at any time in 1869?—Yes; I was appointed on the 13th of December, 1869, by the borough, along with Mr. Bright, to value the property in the district, and I returned my valuation on the 12th of January. I may say that Dr. Dobson's property was the fifth on my rate-book: we always commence at Sir James Palmer's, which is the first property in the district and go eastward.

57. You must have valued Dr. Dobson's property a very short time after the 13th of December then?—In two or three days, as far as I can say: looking at my book, I see "Two acres of land, seven-roomed house (brick) going up, unfinished," valued £50, which would be £1000 on that occasion.

58. How do you make it £1000—you say it was valued at £50?—Under the Municipal Act we have power either to value all property at five per cent., or take it at its fair rental. Property at a fair rental is considerably more than five per cent.; but when no one lives upon the property, and it is not habitable, we could not tell what it was worth that way, but we take it at five per cent., and we estimated this at £50, and that makes it £1000.

59. *By the Committee.*—What date was that?—From the 13th December, 1869, to the 5th January, 1870.

60. Was there any appeal against that?—There was not.

61. *By Dr. Hearn.*—Was that a sworn valuation?—Yes, we were obliged to make an affidavit before magistrates before we commenced.

62. Had you any conversation with Mr. Harbison about this property lately?—Mr. Harbison called upon me a little time ago, and I showed him the book myself.

63. Did you explain to him that it was valued at a £1000?—Yes, and he told me to be careful what I was about, that he had ascertained from Crouch and Wilson, the architects, that the building did not go up till the 7th of March, 1870; and I said, if that was the case, my books told a story, which I did not believe they did; and I believe they found out afterwards that they were wrong.

64. *By the Committee.*—Can you fix the date of that conversation in any way?—It was two or three days ago.

#### Cross-examined by *Mr. Casey.*

65. I thought it was twelve months ago?—No; it must have been a day after, I think, that Dr. Dobson asked me. It may be four days ago—I will not be certain. I saw Mr. Munro upon the subject, I presume, from Mr. Harbison. Mr. Burt accompanied Mr. Harbison.

66. *By Dr. Hearn.*—What Mr. Munro is that?—The Secretary to the Building Association. I could not understand clearly how it was that it appeared in my book that the house was going up; I knew some one was wrong, but I was right.

67. *By Mr. Casey.*—The property to which reference has last been made is near the railway?—It is near to the railway station; it is in Yarra street.

68. Do you remember whether any portion of the house now standing upon that property was erected upon the 1st December, 1869?—I am not speaking of that date.

69. I am speaking of it?—There must have been. It is impossible to put up "seven rooms, brick, unfinished," in thirteen days.

70. Wholly?—Quite so.

71. And the brick house, consisting of seven rooms, was finished on the 13th December, 1869?—I did not say so. I said it was going up.

72. What I want to know is, was any portion of it up on the 1st of December, 1869?—Yes, and considerably sooner.

73. Was any portion of the building up on the 1st of December, 1869?—Yes, it must have been.

74. How much?—I really could not tell. I know the contractor very well, and he does not work fast.

75. I ask about the building. Did you see the building?—Yes; no doubt the foundations and some of the brick work too.

76. How much?—I have no doubt the roof was on.

77. You say you have been valuing the property?—Yes, but I did not begin till the 13th.

Mr. John Toon,  
continued,  
14th June, 1871.

78. I ask you, Can you tell what condition the property was in on the 1st?—I say that some portion of the work must have been up.
79. You do not know, Sir?—I was passing every day.
80. Do you or do you not—on the 1st of December?—I will swear it was.
81. Now that you have taken the trouble to swear, will you tell us how much?—No, I could not.
82. How much?—Over the foundations must have been in.
83. Can you go any further than over the foundations?—I could not; but allow me to say that, in addition to the building going up, Mr. Dobson had fenced it, trenched it, and done the garden.
84. You are very willing to give evidence no doubt, but I only want to ask a few questions?—You are always asking what I cannot say.
85. Only say what you know?—I say some portions of it were up.
86. What was the value of unimproved land there on the 1st December, 1869? Do you know what the value of unimproved property was there?—It depends upon the position, and everything.
87. At that particular place?—£200 an acre is a fair price.
88. Do you know the area of this land of Mr. Dobson's there?—Two acres.
89. Then the value of that land would be £400?—Yes.
90. Besides the foundations, that you say were in on the 1st December, 1869, were any other improvements put on by Mr. Dobson then?—Yes, it was fenced; the garden was laid out and trenched; they commenced laying out a very nice garden.
91. Were the two acres trenched?—I do not say the two acres are all trenched now.
92. I do not know either; I ask you the question?—I should think not.
93. Do you know how much was?—I could not say.
94. How much was fenced?—It was all fenced.
95. How?—A very nice fence along Yarra street.
96. Wood or iron?—Wood.
97. Palings?—Yes; some portion not palings, a three-rail fence—a dividing fence.
98. What would this elaborate three-rail fence round two acres of land cost?—It is not all round. I speak of one side—the railway side—
99. What was the fencing worth, do you think?—Perhaps, £50.
100. One side was fenced by the railway?—The railway bounded one side.
101. What was the cost of fencing on the other sides?—I really could not tell without measuring it.
102. I thought you were a valuator?—I do not particularly value fences.
103. Then why do you refer me to fences?—Altogether, I say we took it at a thousand pounds.
104. But you did not value the fences?—Not particularly.
105. Now, about the other property in Church street, you cannot tell what time in December, 1869, you made that valuation?—That was about the same time.
106. What time?—The valuation of the whole borough; this was part of it; it might be January when we got there.
107. It was near January, 1870, when you made this valuation?—Yes.
108. And I believe the valuation was adopted by the council on the 7th February, 1870?—It was.
109. Now come to the Church street property?—Did you say the valuation approved?
110. Adopted by the council?—No; the rate was struck—it was adopted a month before that.
111. Now, with reference to that Church street property, do you know of any land having been sold in the vicinity there for anything over £2 a foot within the last two years?—To the best of my knowledge, there has not been a piece sold.
112. Let me refresh your memory upon that point; do you know the property Mr. Duffy had there?—Yes; but that is altogether different.
113. I am given to understand that it is right on the other side of the street; I speak of two pieces of property that Mr. Duffy held right on the other side of the street?—I know; you mean at the corner of Creswick street.
114. I presume so?—I know it; it is in a straight line from this property; it is close to the bridge. I know the property well; I know it has been sold recently—the house has been.
115. How far is this property that was Mr. Duffy's from Dr. Dobson's?—About—I could hardly say—perhaps 200 yards; I really could not say.
116. I do not want you to say exactly, but approximately. Would you point out to the Committee where Creswick street is situated in respect to that street there upon the plan?—If the Committee can see this street running down to the Yarra (Creswick street), Mr. Duffy's property is in an exact line with the same property as Dr. Dobson's; it stands in the corner of Creswick and Denham streets; the original road ran round; but since the alterations, it is impossible to get to the back yards or anything.
117. *By the Committee.*—Is it not a main road?—Yes.
118. Is it situated as well as Dr. Dobson's?—No.
119. *By Mr. Casey.*—What is the difference?—You could scarcely get to your back door to start with, the hill has such a declivity; it is about 45. It was the old road; when the bridge was built the road was turned. Mr. Dobson's property is upon the new road.
120. Is there no road to Mr. Duffy's property?—Yes, Creswick street, to the front. The main road to Kew is Church street, on which Dr. Dobson's property is situated.
121. Is there much difference in the valuations of the land in Creswick street and Dr. Dobson's property?—In reference to Mr. Duffy's property. Is that what you are asking me?
122. When you have been valuing property for the town council of Hawthorn, what was the difference of the value of land in your estimation in Creswick street and in the street fronting Dr. Dobson's property? Was there any difference?—Some property in Creswick street is very valuable and some not valuable. I never had occasion to value Mr. Duffy's property for what that was worth, because those houses were let to tenants paying £65, and we took £60 a year, and that settled the matter; I never troubled my head as to what it was worth; the rent was better for me than the 5 per cent.
123. Are you certain it was only £60 a year?—£65, that was what the tenants said; but I may say that tenants have a very great tendency to tell a story when they find you are valuing, and give you a lower figure; we often find out that we have been victimised in that way.



124. Do you know how much that property was sold for—there were two?—I believe—Mr. Helliker told me he had bought it for some one for £900, and he bought it very cheap.
125. Do you know whether he sold it again?—I think not; I think he bought it for his sister—some trust property, he told me.
126. Are you aware that the person who bought it from Mr. Duffy bought it for £850, spent £300 upon it, and sold it for £900?—I am not aware what he gave for it; and I know that he improved the property.
127. The man that improved the property sold it for £900?—So Mr. Helliker told me.
128. After improving the property he sold it for £900?—Yes, so I was told.
129. Do you know how much land was occupied by those two houses?—I could not say; they are semi-detached houses.
130. You do not know the quantity of land?—I do not know.
131. The town clerk and valuator of the place for fourteen years, and cannot tell?—You do not suppose I know the length of everybody's back yard.
132. You seem to know a great deal about Dr. Dobson's?—Simply because he has given me a plan; I should not have known without that.
133. Do you know anything about the correctness of that plan?—I should say, from looking at it, that it is correct.
134. You know nothing more?—I find, by my stepping that piece, and putting it down in the book; I step it 150 feet, and he has put down 145.
135. Do you know what rent Mr. Odgers pays Dr. Dobson?—I believe it is £130 a year, but I am not certain that that is the case; he might pay £140.
136. Or £139 19s., I suppose. You valued it at £110?—I valued it at £110.
137. And you wish the Committee to understand that a property that you think worth £3000 should be valued at £110 a year?—Unfortunately the Municipal Act gives me no alternative but to value the value of £3000 at £110.
138. Why?—It states that property must not be valued at less, but you may take the rental if it is more, so that taking Mr. Odgers's house at the rent he paid for it—£130—and allowing £10 or £12 for insurance, and all that sort of thing, would bring it to £110.
139. But 5 per cent. on £3000 would make £150?—I did not take 5 per cent. You ask me, do I say that the property is worth £3000; I take it £110.
140. You say the property is worth £3000?—And as a proof of it, I value the land at £140, taking the piece of land at the back.
141. Although it was only paying £130 rent, you valued it at £140?—Yes, on account of the back piece of land that we found out.
142. You were not bound by the rent in that instance?—No, because we did not know it belonged to him.
143. You were not bound by the rent to make that valuation?—No, it was then 5 per cent.
144. So that you could have gone upon the capital value, if you liked?—Yes, £2700 was my valuation at capital valuation, and I say it might be £3000, but I would not take the extreme amount.
145. Do you know if any property has been sold there?—I know of none.
146. You have no means of knowing?—It is a mere guess price. I know of some property in Weinberg road being sold at £4 a foot.
147. But not at this place?—No, there is no property for sale there—it is nearly all reserved by the council, so that there are nice gardens all round it.
148. *By the Committee.*—In the estimation of people at Hawthorn, along the main road with equal facilities and the depth shown upon this plan, would property fetch £3 or £4 a foot?—More than that. I valued some the other day at £5 a foot.
149. Which would be the more advantageous, or would they be equal?—I should presume that this position is about the very best in Hawthorn.
150. Then, you consider it equal to any property sold in Hawthorn on the main road at £3 or £4 a foot?—Quite so.
151. And in making your valuation, you took it at the general value in the district?—Yes; of course, that would not be so well suited for shops.
152. A site for a shop, what would it bring at Hawthorn?—One hundred feet depth in the mainroad at Hawthorn, you would get it for £5 a foot.

Re-examined by *Dr. Hearn.*

153. You say you cannot get at the back-door of Mr. Duffy's property?—No, except you had a lot of good horses.
154. There are no such difficulties in the way of smells coming in at the front door?—It is open to the river.
155. It has a fine view of the maizena factory?—Yes.
156. And the river?—If the river rises, there is a great possibility of its coming into the front garden.
157. Altogether, a fine place to get fever, I should say?—Yes.
158. *By the Committee.*—In estimating that Yarra street property, did you take into account the building material?—No, if all that material be taken away it would be worth £1000, and I may say that, though I valued it at £1000, it was more nearly worth £1500; we thought that Dr. Dobson would soon be rated again, and we could take a little more out of him then.

*The witness withdrew.*

Mr. Thomas James Crouch, called and sworn.—Examined by *Mr. Webb.*

159. You are an architect and surveyor?—I am an architect and surveyor, and surveyor to several building societies.
160. Does that give you an opportunity of having a great many valuations of property to make?—Perhaps, about 200 or 300 a year.

Mr. T. J. Crouch,  
continued,  
14th June, 1871.

161. In the neighborhood of Melbourne?—In Melbourne and all the suburbs. Brighton, Hawthorn, Kew, and even greater distances away.
162. Do you know the property of Dr. Dobson, in Church street, Hawthorn?—Yes, I have carried out repairs there, at different times, for Dr. Dobson.
163. Have you known the property which is represented upon that plan?—I have not seen this plan before, but it seems to be a representation of it.
164. Have you known that property for some years?—Yes.
165. Can you give the Committee an estimate of your valuation of it?—I have made a valuation of it—[*producing a note-book*]. It has a frontage of 468 feet to Denham street, with an unusual depth to the Kew road; and the other properties on Denham street are usually sold by frontages to the other street. I have made valuations in both those streets. In 1868 I valued some property in Denham street, having a depth of half that distance, say 125 feet, at 4os. a foot; and in Hill street, in 1864–65——

*Mr. Casey* objected to all this evidence.

*The Witness*.—My valuation in 1869 would be as follows: for a frontage to Kew road, having a depth of 200 feet, £4 a foot.

166. How many feet frontage?—161 feet 8 inches.
167. *By the Committee*.—Is Kew road the same as Denham street?—The Kew road is called Church street, I think.
168. *By Mr. Webb*.—At how much a foot?—£4 a foot, that is £646 13s. 4d.; 145 feet to Hill street, 125 feet deep—that is, half the depth—3os. a foot, making £217 1os.; and the 268 feet remaining in Denham street, by the 125 feet, at 4os. a foot, making £536. That is the same valuation as I put upon it in 1868.
169. You value it at the same now?—Yes.
170. *By the Committee*.—How much do those valuations make?—£1400 3s.
171. *By Mr. Webb*.—That is the land only?—The bare land.
172. Now the buildings?—And I put down the buildings at £1300.
173. *By the Committee*.—Were those buildings upon the property in 1869?—They were, to my knowledge.
174. That gives a value to the property of £2700 in 1869?—Yes, in 1869. I may mention that these figures have never been seen by anyone but myself, for they were done this morning at my office.
175. *By Mr. Webb*.—Are those valuations based upon other valuations in the neighborhood?—Yes, as far as the land is concerned.
176. If you had been valuing for a building society, is that the value, or about the value, you would have put upon it?—That is the value I should have put upon it; it is not over-rated or under-rated.
177. *By the Committee*.—Not valued for a forced sale, but a fair market value?—That would be the fair market value.
178. *By Mr. Webb*.—Such a valuation as you would advise a mortgagee?—Yes.
179. Now, Yarra street. You know this is a plan of the land in Yarra street, which has been made by you—[*producing the same*]—This is a plan from notes in the office. I measured the land for Dr. Dobson.
180. I believe you were architect for Dr. Dobson in building the house in Yarra street?—Yes.
181. When was the contract signed, do you recollect?—The contract was signed on the 8th October.
182. 1869?—1869.
183. Do you recollect when the works were commenced?—I cannot say to a day or two, but almost immediately afterwards; I should say at least within a week of the date.
184. I suppose you gave progress certificates to enable the contractor to get his payments?—Yes, we did.
185. Did those certificates represent the amount of work actually completed?—Something less than 75 per cent.
186. Then the certificates you gave were for 75 per cent. of the work actually executed at the time you gave them?—Yes, or less.
187. Certainly not more?—Not more.
188. Can you say what certificates you had given up to the 1st December, 1869?—I had given two certificates, each of £100, one on the 8th November, and one on the 18th.
189. *By the Committee*.—November?—November.
190. *By Mr. Webb*.—The last was the 18th November?—Yes, and the 3rd of December was the next one for £150.
191. Do you think that the work represented in the certificate of the 3rd December would be completed by the 1st December?—Yes.
192. I mean to say, that your going out to look at it, and the making out of the certificate and so on, would fill up the interval from 1st December?—Yes.
193. The work included in the certificate of 3rd December would be done on the 1st?—Yes.
194. The total certificates would be £350, and the total value of the work would be, how much more—25 per cent.?—Yes, more; it is a third more; £466 at least.
195. Then you say that the value of the work would be £466?—At least that.
- 196.—Can you tell the Committee the value of the land in your opinion at that time?—I think it was worth £250 an acre; there are about two acres in it.
197. Was there any fencing or other improvements?—I think a fence was in progress then, but not completed. The garden was also in progress of formation. As to the exact value of that improvement I cannot speak—either the garden or the fencing.
198. Can you say, as an architect, what in your opinion was the value of the land and all that was on it on the 1st of December, 1869?—Not less than £1000.
199. *By the Committee*.—The value of the two properties on the 1st December would be £3700?—Not less than £3700.
200. Are you aware whether all those improvements remained from that day till now in the possession of Dr. Dobson?—Yes, as far as I am aware.

Cross-examined by *Mr. Casey.*

Mr. T. J. Crouch,  
continued,  
14th June, 1871.

201. You know this property in Yarra street?—Yes.  
 202. For some time?—Yes.  
 203. Has it the special advantage of being flooded occasionally by the Yarra?—There is the corner of it, a small portion of it running down in this corner here—[*pointing to the plan*]  
—which is subject to flooding, but it is only a very small portion of it; it is just in the bend of the creek.  
 204. With reference to the other property in Church street, you say that you have based your estimate of the value upon property in the vicinity, and other valuations that you have made?—Other valuations that I made about that date.  
 205. Have you ascertained whether any property had been sold there—of course the value of a thing is just as much as it will bring?—I am quite aware of that, Mr. Casey. I may say that then the property I valued in Denham street, at 40s. a foot, was valued at a lower rate than the property was under offer for to a person to purchase, which was considered the value.  
 206. And do you know of any sales?—I believe the property was sold at a higher rate.  
 207. Do you know what property that was, who purchased, and when it took place?—It was under offer to Mr. McCallen, for whom I made the valuation and report.  
 208. Who was negotiating the sale?—I cannot say.  
 209. Do you know a property of Mr. Duffy's about there?—I believe that is upon the main road; is it not?  
 210. No?—I know of none of Mr. Duffy's there.  
 211. Do you know where the Red Lion Hotel is?—Yes.  
 212. There were four weatherboard cottages there, close to the Red Lion Hotel; do you know those?—I have some indistinct recollection of them. I have never taken particular notice of them.  
 213. A frontage of 96 feet to Church street; that is the most important of any of the streets there?—That is my valuation of £4 a foot for Church street.  
 214. Ninety-six by £4 would come to nearly £400?—Yes.  
 215. A depth of 147 feet?—I have given 200 feet depth for this land, and then it is a corner allotment facing Church street; in fact, it has two reserves opposite.  
 216. What would you think if those four cottages and 96 feet of land in Church street, with a depth of 147 feet, and bringing a rental per annum of £60, were offered and could not be sold for £275?—I should think it was a very low price; but the fact that such property as that would not fetch more is no argument against the value of adjoining property. For I may tell you that I valued two adjoining properties in Melbourne, one vacant and the other with an iron store upon it, and the vacant piece brought a great deal more than the piece where the iron store was—that shows that the buildings may actually depreciate the property.  
 217. Is there much difference between the value of ground near the Red Lion Hotel and Dr. Dobson's?—I should choose Dr. Dobson's in preference.  
 218. *By the Committee.*—Is not the Red Lion Hotel much further up the road?—Further towards Kew, on the same side of the road as Dr. Dobson's.  
 219. *By Mr. Casey.*—Could you say how far from Dr. Dobson's—about?—Not many hundred yards.  
 220. *By the Committee.*—For building purposes, every property has to be taken upon its own merits, as a rule?—Yes, peculiarities of site influence the valuation.  
 221. Would not a few feet even make a difference in value?—Yes.  
 222. Is this—[*pointing to a plan*]  
—near the railway station?—This is the railway line; those were the old gates crossing the line. Mr. Power laid it out.  
 223. How far from the railway?—About a minute and a half walk, or something like that.

Re-examined by *Mr. Webb.*

224. I think you said something about flooding?—I was asked that question. A corner of the ground is liable to flooding when a fresh of water comes down there.  
 225. That is not the Yarra?—No, a little creek.  
 226. Have you ever seen it flooded?—No, but I know from the appearance of the ground it is liable to flooding.  
 227. How far would you say that would affect it?—Perhaps a distance of 50 or 60 feet, it might be.  
 228. *By the Committee.*—Does the ground rise?—The ground rises very rapidly; in fact, that corner seems to be a deposit from the creek.  
 229. *By Mr. Webb.*—There is a very sudden rise in the ground there?—Yes.  
 230. Have you taken that into consideration in your valuation?—I have.  
 231. As to the houses near the Red Lion; they are not corner allotments, are they?—I cannot say.  
 232. Supposing they are not corner allotments, and do not face a reserve, are those elements to be taken into consideration?—The being the corner allotments, and facing the reserve, adds considerably to the value of the property.  
 233. That is, Dr. Dobson's property?—Yes.

*The witness withdrew.*

Theophilus Job Ham, Esquire, called and sworn.—Examined by *Dr. Hearn.*

234. What are you?—A land and estate agent.  
 235. Have you had any experience in your profession?—Yes, I have had some years of it.  
 236. You are in the habit of making valuations, I presume?—Yes.  
 237. Are you acquainted with Hawthorn?—Yes.  
 238. Are you aware of the value of property there?—I have sold property in the neighborhood and made valuations there.  
 239. Do you know Dr. Dobson's property in Church street?—Yes.  
 240. Have you valued that property?—We have seen the property—in fact, we had the letting of it.  
 241. Can you tell us what the value of that property is?—The value that I should estimate at—the market value of the property as a whole?

T. J. Ham, Esq.  
14th June, 1871.

T. J. Ham, Esq.  
*continues.*  
 14th June, 1871.

242. As a whole—tell us first?—I should consider that property as a whole would realise a market value of from £2000 to £2200; but if subdivided, I think it would realise from £300 to £500 more. I think £2500 would be the realisable market value of it, if subdivided.

243. *By the Committee.*—With or without the buildings?—With the buildings.

244. *By Dr. Hearn.*—Do you know Dr. Dobson's property in Yarra street?—Yes.

245. Will you tell us what the value of that property was about December, 1869?—The property then would be only hardly finished.

246. But about the 1st of December, 1869, can you tell the Committee what its probable worth would have been?—The land I should say would be worth fully what the doctor gave for it, which was £200 an acre; for I know that a gentleman holding property in the neighborhood at that time declined to sell some land in the neighborhood at that time for that price, and held for £250 an acre. I can hardly recollect how much building was upon it at the time; so I should not like to speak of it.

247. You know the sort of building that was being erected upon it?—I remember seeing it in progress, and it seemed to be a substantial building that was going up.

248. Would such a building have increased the value of the land—the fact that such a building was going up?—That would give an additional value to land in the neighborhood, good buildings going up—most decidedly.

249. Would not the fact that land in the neighborhood was increased in value react upon the value of the land itself?—Yes, no doubt, if the value of the adjoining land was increased, the value of the land itself would increase decidedly.

250. *By the Committee.*—Did the building present the appearance of a large building or a small one? What I recollect first seeing—the walls were perhaps a third to a half up—it looked a good sized place, perhaps six rooms, kitchen, and servant's room. I did not go over the building at the time; but I was not far from it.

251. In the Church street property, did you give the present value of that?—No, the value it was fully worth at that time, £2000.

252. At what time?—December, 1869. I may mention that I am acquainted that £2000 or less than £2000 would not have purchased it at that time.

253. Taking the value of that and the other property, you estimate at £2400, but you estimate them subdivided something more?—I say the first property.

254. *By Dr. Hearn.*—The first property, if subdivided, £2500?—Yes; I consider that, if sold in one lot, the Church street property would be worth about £2200; if subdivided, about £300 or £400 more.

255. *By the Committee.*—That would bring the two properties up to about £3000, if subdivided?—Yes.

256. Have you any idea of the value of the Yarra street property at that time when the house was going up?—I should think, to look at it, judging roughly as now—I am not speaking with any degree of certainty upon the subject, because I did not go over it; but judging from what I saw, I should consider there was some £300 or £400, or perhaps more than that expended up to that time.

*Cross-examined by Mr. Casey.*

257. Are you aware of any land having been sold in Church street about December, 1869?—No; we had a property for sale there.

258. As good as Dr. Dobson's—No.

259. Not as good?—No.

260. How far away from it?—I should think about a quarter of a mile, perhaps.

261. Do you know of any sale of property that has taken place close to Dr. Dobson's?—I believe there has some sale taken place in Creswick street, but I am not exactly aware of the—

262. Amounts realised?—Amounts realised for them.

263. Then, in fact, this estimate that you give here of £2000 as a sum for the whole, between £2200, is arrived at, not from the actual sale of property there, but just merely your own idea?—By what has been asked for properties of a similar nature and possessing similar advantages.

264. By what has been asked?—Yes.

265. Not by what has been obtained?—No; I do not know any property possessing the same advantages as Dr. Dobson's in that locality having been offered for sale.

266. Do you know of any sold close to it?—I know of some in Creswick street.

267. But you said you did not know of any other property in the same position as Dr. Dobson's?—Yes.

268. But can you tell us whether there has been any property whatever in the position of Dr. Dobson's that has been sold?—We have sold some near.

269. How far off?—One would be a quarter of a mile—that is but a very short distance from it.

270. Take a quarter of a mile from Bourke street and the value of the property would alter?—Twenty yards in Bourke street would make a very considerable difference in value.

271. You estimate the value of the property as an experienced man in the suburbs?—Yes; I believe that is the market value of it—I believe at the time it would have realised that in the market.

*The witness withdrew.*

Mr. George Raymond Johnson called and sworn.—Examined by *Mr. Webb.*

272. What are you?—I am an architect and surveyor.

273. Have you had any experience in valuing land in the neighborhood of Hawthorn?—Yes; I am valuator for the West Melbourne Building Society.

274. Do you know Dr. Dobson's house in Church street, Hawthorn?—I do.

275. Have you looked at it with a view of valuing it?—Yes.

276. Recently?—Yesterday.

277. What do you consider to be the value of that house?—

*Mr. Casey* objected to the question being put.

*The Witness.*—I went yesterday to get the measurement.

278. *By Mr. Webb.*—You have valued it yesterday, or you made the measurements yesterday?—It was only the measurements that I made then.

Mr. G. R. Johnson,  
 14th June, 1871.

279. What do you consider to be the value of that house and land?—£2623.

280. *By the Committee.*—Do you see that plan—does that nearly represent it?—Yes; that is just the measurements I took of it.

281. Is that the house in Yarra street or in Church street?—Church street.

282. *By Mr. Webb.*—Has there been any difference do you think in the value of property within the last year or two?—The value of property is gradually increasing in Hawthorn, but the difference between the value now and the value eighteen months ago is very slight.

283. *By the Committee.*—What would it be?—I do not suppose it would amount to  $2\frac{1}{2}$  per cent., because the improvements are not going on in that direction.

284. *By Mr. Webb.*—Do you know Dr. Dobson's property in Yarra street?—I do.

285. Have you made a valuation of that?—Yes.

286. What do you consider to be the value of that property?—Its present value?

287. Yes; the land—take that first by itself?—I should fix the present value of the land at £600.

288. Do you think the land was worth that eighteen months ago?—No, I do not think it was worth so much as that by £50.

289. *By the Committee.*—£50 an acre or £50 altogether?—£50 altogether.

290. *By Mr. Webb.*—You have given £600 as the total of the present value?—The present value of the land—the two acres, for Dr. Dobson had not eighteen months ago the amount of land he has now, for he has taken in a right-of-way that he purchased from Sir James Palmer.

291. When did he buy the right-of-way?—I suppose about twelve or fifteen months ago; I am not certain, I have not the dates.

292. *By the Committee.*—Excluding that, what would it be worth?—It would be worth that.

293. *By Mr. Webb.*—What would be the value of the land eighteen months ago?—£550, excluding the right-of-way. I bought myself a piece of land very near to it, and I paid £500 for an acre and a half.

294. Do you know about how much of the house had been built eighteen months ago?—You are speaking now previous to the Christmas of 1869?

295. Say the beginning of December, 1869?—As far as my memory serves me, the brick walls were nearly completed at that time.

296. Do you live next door?—I live next door but one—I own the property next door.

297. You were living there at that time?—I was living there at that time.

298. Now, can you say that the brick walls were completed?—Nearly completed; the brick walls of the house, for I recollect distinctly taking Mrs. Johnson over it to show her the size of it, after getting into the new house ourselves.

299. When would that be?—I went into my own house about the latter end of November.

300. Now, having gone and looked at it as an architect, can you say what you consider would be the value of the work done then?—I should think the value of the work done then would be between £500 and £600.

301. *By the Committee.*—Putting those two figures together, the property would be clearly worth above £1000 then?—Yes.

302. Taking your value of Church street at £2623, less  $2\frac{1}{2}$  per cent., the value of the two properties would be about £3600?—Yes.

#### Cross-examined by *Mr. Casey.*

303. Do you know of any property being sold there, about Church street?—No, not for certain—I have heard it rumoured of properties being sold there, but I do not know of any to guide me at all.

304. Do you know the land close by the Red Lion Hotel?—Yes.

305. Four weatherboard cottages there?—Yes.

306. Covering about 96 feet frontage to Church street?—Yes; I think I know the houses you allude to—it is called Bug Row—they have been returned to the borough council as dilapidated buildings—we receive no rates for them.

307. *By the Committee.*—Is that the name that the owner has given them?—I do not know; no one would go into those houses, because they are swarming with those vermin.

308. Who is the owner of those houses?—I do not know the owner. They have a very small depth, but I think the land would be worth about 50s. a foot—I should not think there is above 30 feet depth to them.

309. That is 147 feet?—With that depth a frontage would be worth more.

310. How much?—It ought to be worth £3 10s. to £4.

311. Four times 96 would be nearly 400?—Yes.

312. What would you think if that property was offered and could not be sold for £275?—I could quite understand that—I know myself I would not own such a property except for the sake of the land.

313. I speak about the land—I am not talking about the aristocratic building you speak of?—That might have been sold for that amount—of course it was very cheap.

314. It was very cheap?—Yes.

315. Do you know of any sales that have taken place at all to guide you in ascertaining the value of the property?—No; I do not know of any—it would be very difficult to find a customer for that particular property.

#### Re-examined by *Mr. Webb.*

316. I suppose those cottages in this happy condition would cost something to get out of the way, would they not?—Yes; I question whether you would find a purchaser for them to cart the materials away, for they really are alive—they are noted all over Hawthorn.

317. Have you been attempting to negotiate the purchase of a piece of land adjoining Dr. Dobson's?—Yes.

318. From Mr. Power?—Yes.

319. What is he asking for it?—He asked me for a Yarra street frontage with a depth of about 75 feet, £2 10s. a foot; for a frontage to the Burwood road £5 a foot, and the land is 10 feet below the level of the road.

320. Does that join Dr. Dobson's property?—It joins Dr. Dobson's property.

Mr. G. R. Johnson,  
continued,  
14th June, 1871.

321. You have given us Dr. Dobson's value in acres; what relation would those properties bear to this?—I do not know Dr. Dobson's frontage on the present land.
322. At the value of £2 10s. a foot and £5 a foot, would it be more than you have put upon it?—It would be double about of what I have put upon it.
323. *By Mr. Casey.*—What was the roof of those houses that you call Bug Row?—As far as my memory serves me, I think it is iron on shingles.
324. You do not think iron would be any good to cart away?—If they could only take the iron, it might be valuable.
325. You think the animals would resist the taking?—Yes; I do not think they would be able to take the iron alone.

*The witness withdrew.*

Mr. Charles Vickers called and sworn.—Examined by *Dr. Hearn.*

Mr. C. Vickers,  
14th June, 1871.

326. Will you take that plan in your hand, Mr. Vickers—[*the witness did so*]. Did you make that plan?—No, that is not the one.—[*The other plan was handed to the witness.*]—Yes, I made that plan.
327. Is that a correct representation of the property it professes to represent?—Yes.
328. What are you?—An architect and surveyor.
329. Have you had experience in valuing property?—Yes, I have; I have lived in the neighborhood of Kew for some years.
330. Are you acquainted with the value of property in Hawthorn?—Yes, I am.
331. Will you tell us what you value that property at?—To cut it up for sale, I should value it at £2810.
332. *By the Committee.*—At present?—At present; that is including £800 for the house.
333. *By Dr. Hearn.*—And if it were sold in one lump?—It might not fetch so much, but the property is not utilised now at all; the house would let for as much if the cut off lots were taken from it; none of the windows look upon it, and the ground is valueless to the house.
334. What would have been the value of that property, could you say, upon the 1st December, 1869?—Pretty much as it is now. I do not think there has been much difference in the value of property in the last year.
335. Do you know the Yarra street property belonging to Dr. Dobson?—Yes.
336. Could you tell us what the value of that property was at that time in 1869?—I know that the land about it was fetching £200 an acre. I do not know the extent of this land.
337. You had not occasion to examine that property at that time?—No, but I know from Burwood property—the other property—at that time, that it was worth about £200 an acre.
338. Unimproved?—Without any improvements.
339. *By the Committee.*—£400 for two acres?—Yes.
340. *By Dr. Hearn.*—Were there any improvements at that time upon the land?—I cannot tell.

Cross examined by *Mr. Casey.*

341. How much less would the land and buildings be worth put up together?—If a speculator bought it with a view of cutting it up, of course—
342. But what in an ordinary purchase? If a person wants to sell land, you cannot tell who is going to buy?—I think £2300 or £2400.
343. You estimate the value at £800?—Yes.
344. The value of the land would be £1600?—I value the land in Denham street at £4 a foot. Deducting 38 feet out for the angle which is valueless, and taking 430 feet (the actual frontage is 468 feet) and 145 feet to Hill street, at £2 a foot, that is £290; and the house I value at £800, making a total of £2810.
345. Have you anything to guide you in estimating the value of land per foot there beyond your own notion?—Yes; I know the value of property in that neighborhood.
346. How do you ascertain the value?—Only by comparison of one frontage with another; a general knowledge, and a land in the locality.
347. I thought the value of an article is ascertained by what it can be purchased for?—Yes, generally; you watch the sales.
348. Have there been any sales about there to guide you?—None that I know of.
349. Not within the last two or three years?—Yes, but I cannot speak of my own knowledge.

*The witness withdrew.*

Mr. Fredk. Peterson called and sworn.—Examined by *Mr. Webb.*

Mr. F. Peterson,  
14th June, 1871.

350. What are you?—A valuator.
351. Do you value for any municipalities?—I valued for nearly every municipality surrounding Melbourne, of which I have certificates and testimonials in my pocket.
352. Do you know the lands at Hawthorn pretty well?—I do.
353. Do you know Dr. Dobson's house and land in Church street?—I do.
354. You made a valuation of that?—I have.
355. What do you value it at at the present time?—I value it as a whole at £2500—from £2500 to £2600.
356. That is in its present condition?—It is.
357. If sold in one lot?—If sold in one lot.
358. Would it be worth more or less, if it were cut up?—It would be worth considerably more.
359. What do you think it would be worth then?—It might increase from £200 to £300.
360. Is land at Hawthorn now about the same value as it was eighteen months ago?—It is.
361. Would you value this property of Dr. Dobson's there eighteen months ago about the same as you do now?—Just the same.
362. Do you know Dr. Dobson's land in Yarra street?—I do.
363. Where he is living?—Yes.

364. What do you value the land there at apart from the house?—The land apart from the house I value now at £500. Mr. F. Peterson,  
continued.  
14th June, 1871.

365. Do you think it was worth the same eighteen months ago?—I do.

366. Do you know how much of the house was built eighteen months ago?—I know that, in the early part of December, 1869, I saw the house, and the carcass of it was nearly finished then—the carcass of the house was up; the roof was not on, but the walls were nearly at their full height.

367. Can you put any value upon the amount of work which was then executed upon the house, say—at the commencement of December, 1869?—I should say from £400 to £500.

Cross-examined by *Mr. Casey.*

368. How do arrive at the values of these properties?—I take the surface of the land—the area, and I calculate the cost of the house. I then take into account the state of the house at the time I see it, and after making due inquiries in the neighborhood as to the rate at which houses let, I come to a conclusion as to what it is worth annually, and from the annual value deduce my capital value.

369. How many years' purchase do you consider properties worth at Hawthorn?—It depends altogether upon the sort of property.

370. I mean Dr. Dobson's property?—I consider it worth ten to twelve years purchase.

371. What is the annual value of his property in Church street?—Annual value of the house and land there I suppose to be about £200.

372. The annual value?—Yes.

373. Could it be rented or let for that?—I should think it ought to be.

374. It is not what it ought to be—do you know whether it ever has been?—As a house agent, being employed frequently to look for houses for my friends, I should not hesitate to give £200 a year for that house.

375. You could get a tenant for it at that rent?—Yes.

376. *By the Committee.*—For what house?—The house Mr. Odgers lives in, and which he showed me over last Saturday; and from the experience I have in various municipalities, and the knowledge that I am moving about continually, my friends are led to ask me to look for houses for them; but I would never put a friend into a house for more than it is worth.

377. *By Mr. Casey.*—You could get a tenant at £200 a year?—I think I could.

378. And upon that fact you think the house and land worth what you state?—Yes. The house is somewhat exceptional. Mr. Odgers called my attention to the neighborhood thickly populated, and said that the garden was comparatively little value to him, as the boys got all the fruit, so I suppose the house was worth nearly the whole of what he pays for rent. I do not know what he pays, but I suppose he pays a low rental, on account of the garden being little or no use to him. The garden is exceedingly valuable, for if cut up and built upon, it would realize very long rates.

379.—Upon the assumption that the house is worth £200, you assume that the capital value is £2500?—Yes.

Re-examined by *Mr. Webb.*

380. Do you consider that the ten or twelve years' purchase would apply to unoccupied land?—Not to unoccupied land, because the value of unoccupied lands is fixed at twenty years purchase by the Legislature. As a valuator, I am called upon to value lands not improved, and I must value them at five per cent., that represents twenty years' purchase.

381. *By the Committee.*—Never mind what the Legislature fixes a purchase at, we want to know the actual value?—Yes.

382. *By Mr. Webb.*—In your own opinion, do you think ten or twelve years' purchase is a fair valuation for unoccupied land?—No, it is far too low.

383. May not a great deal of this land adjoining Mr. Odgers's house be treated as almost unoccupied land, for the reason you have stated, that the garden is of very little use to him?—More than half of it.

384. Therefore, I presume, you do not think that ten or twelve years' purchase upon Mr. Odgers's rental would be a fair valuation for the capital value?—Certainly not.

Re-cross-examined by *Mr. Casey.*

385. I merely asked you, Sir, upon what basis you ascertained the capital value of land. You told me it was by first ascertaining what the annual value was, and then from that as to the capital value?—Permit me, you referred to house property; you did not say land; you said house.

386. I said Dr. Dobson's property: do you only refer to the house in your evidence?—I referred to the house particularly.

*The witness withdrew.*

Cornelius Job Ham, Esq., called and sworn.—Examined by *Dr. Hearn.*

387. What are you?—A land and estate agent.

388. Do you know Dr. Dobson's property in Hawthorn?—I know both of them. Which are you alluding to? C. J. Ham, Esq.,  
14th June, 1871.

389. Do you know the Church street property?—Yes, we have been acting as his agents in letting it.

390. Can you tell us what you value that property at?—I should estimate the value of that property at £2000 as it stands in one block.

391. And if divided, what would you make it?—Between £300 and £400 more.

392. Are you aware that it is let at present to Mr. Odgers?—It is.

393. Are you aware of the circumstances under which it is let?—Yes, I recommended Dr. Dobson to accept them.

394. Is it not let at rather a low rent?—It is let at £30 a year less than it was put into our hands to let at. It is in our books £150 a year as the rent Dr. Dobson wanted.

395. It is £130 it is let at, is it not?—£120, I think.

396. Will you say why it is let at so low a rate?—Mr. Odgers is the Under Secretary, and had been a tenant of ours, or a client of ours, for very many years, and was unquestionably a first-class tenant to keep

C. J. Ham, Esq.,  
continued,  
14th June, 1871.

- that property in order, and we never had to ask for his rent, he always sent it, and we recommended Dr. Dobson to make a concession to take it, and he would take it for a time, perhaps all his life, he said.
397. He was an exceptionally good tenant?—Yes.
398. There is a large garden attached to the house?—Yes.
399. Does he take care of the garden?—He keeps the garden in order, and not only agreed to do so, but took an interest in it.
400. Do you know the Yarra street property?—Yes.
401. Can you tell us the value of the land there without the house?—The present value?
402. No, the value in December, 1869?—From £200 to £250 an acre.
403. What improvements were upon it at that time?—I could not tell.

*The witness withdrew.*

*Dr. Hearn* was heard to sum up the evidence for the sitting member.

*Mr. Casey* was heard in reply.

*The Chairman* intimated that, before the committee-room was cleared, the Committee would hear whatever the parties might desire to say upon the subject of costs.

*Dr. Hearn* was heard to apply that the costs might follow the decision of the case.

*The Chairman* intimated that the Committee rather desired to hear what counsel had to say upon the question of preliminary costs, namely, those dependent upon the preliminary objection.

*Dr. Hearn* pointed out that, as in court, the costs of a non-suit point followed the decision of the case.

*Mr. Webb* was heard on the same side.

*Mr. Casey* was heard to state, that the only application that had been made in accordance with the resolutions of the Committee, was the application made by himself for costs upon the preliminary objection, and to contend that the petition was not frivolous or vexatious.

*The committee-room was cleared.*

*The Committee deliberated.*

*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 sitting member was duly qualified and was duly elected.
2. That the petition was not frivolous or vexatious, nor was the opposition thereto frivolous or vexatious.
3. That the Committee recommend that the sum of £100 lodged by the petitioner be returned to him, less the amount of costs of attendance allowable for the shorthand writer and the transcription of his notes.



1871.

—  
VICTORIA.

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LEGISLATIVE COUNCIL.

---

FIRST REPORT

OF THE

PRINTING COMMITTEE.

---

LAI'D UPON THE COUNCIL TABLE BY THE HONORABLE J. GRAHAM, AND ORDERED BY THE  
COUNCIL TO BE PRINTED, 25<sup>TH</sup> JULY, 1871.

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By Authority:

JOHN FERRES, GOVERNMENT PRINTER, MELBOURNE.



# REPORT.

IN pursuance of the Order of your Honorable House, your Committee have had referred to them the several Papers mentioned in the following table, upon which your Committee beg to report, as appears by such table :—

Title of Paper.	When moved for and by whom.	When laid on the Council Table.	By Command.	Report and Remarks of the Committee.
Insolvency Court Rules (25th April, 1871) ... ..	1871. ... ..	1871. 27th April	... ..	No order made.
Insolvency Court Rules (1st February, 1871) ...	... ..	"	... ..	"
Supreme Court Rules under "Insolvency Statute 1871" (10th February, 1871)	... ..	"	... ..	"
Rules under "The Duties on the Estates of Deceased Persons Statute 1870" (2nd February, 1871)	... ..	"	... ..	"
Rules and Regulations under "The Stamp Statute 1869" (4th April, 1871)	... ..	"	... ..	"
Public Accounts (National Gallery, &c.) Regulation, 31st January, 1871, and 28th March, 1871	... ..	"	... ..	"
Regulations under "Volunteer Statute 1865" (4th January, 1871)	... ..	"	... ..	"
Regulations under "The Discipline Act 1870" (2nd February) and (20th February, 1871)	... ..	"	... ..	"
Mineral Statistics for year 1870 ... ..	... ..	"	By Command	"
Mining Surveyors and Registrars.—Reports for quarter ending 31st December, 1870	... ..	"	"	"
Ballarat Mining District.—Polling Places.—Order in Council (31st January, 1871)	... ..	"	"	"
Sandhurst and Ararat Mining Districts.—Polling Places.—Order in Council (6th February, 1871)	... ..	"	"	"
Occupation of Excepted Lands at Ballarat authorized for mining purposes.—Order in Council (4th April, 1871)	... ..	"	"	"
Gold Mining Leases.—Regulations.—Order in Council (23rd January, 1871)	... ..	"	"	"
Gippsland Mining Board.—Order in Council (28th December, 1870)	... ..	"	"	"
Gippsland Mining District.—Polling Places.—Order in Council (28th December, 1870)	... ..	"	"	"
Maryborough Mining District.—Polling Place.—Order in Council (14th March, 1871)	... ..	"	"	"
Ballarat Mining District.—Polling Place.—Order in Council (20th February, 1871)	... ..	"	"	"
Charitable Institutions.—Report of Royal Commission (16th January, 1871)	... ..	"	"	"
Friendly Societies.—Return of Registered (1870) ...	... ..	"	"	"
Health Officer.—Report of, for year ending 31st December, 1870	... ..	"	"	"
Sanatory Station.—Report of Chief Medical Officer for year ending 31st December, 1870	... ..	"	"	"
Twelfth Report of Central Board of Health ... ..	... ..	"	"	"

Title of Paper.	When moved for and by whom.	When laid on the Council Table.	By Command.	Report and Remarks of the Committee.
Summary of Shipping Returns, &c., for 1870 ...	1871. ... ..	1871. 27th April	By Command	No order made.
Pilotage Accounts from 1st September, 1869, to 31st August, 1870	... ..	"	"	"
Post Office and Telegraph Department.—Report for 1870	... ..	2nd May	"	"
Post Office Savings Bank.—Statement of Accounts (1870)	... ..	"	"	"
Diseases.—Return of (Chief Medical Officer), in 1870...	... ..	9th May	"	"
Intercolonial Legislation.—First Report of Royal Commission (April, 1871)	... ..	"	"	"
Mining Surveyors' and Registrars' Reports for quarter ending 31st March, 1871	... ..	23rd May	"	"
Schedule D, 18 and 19 Vic., cap. 55.—Statement of Expenditure for the year 1869	... ..	"	"	"
Schedule D, 18 and 19 Vic., cap. 55.—Expenditure under (1870)	... ..	30th May	"	"
Insane, Hospitals for.—Report of Inspector for year 1870	... ..	"	"	"
Penal and Prison Discipline.—Report (No. 2) of Royal Commission (23rd May, 1871)	... ..	"	"	"
"County Court Statute 1869."—Amended Scale of Costs and Fees (22nd May, 1871)	... ..	"	... ..	"
Railway, North-Eastern Line—Contracts for.—Copy of Contracts under which the North-Eastern Railway is being constructed	... ..	6th June	... ..	"
Privilege.—Arguments, Judgment, and Order of the Privy Council in the case of the Speaker of the Legislative Assembly of Victoria <i>versus</i> Hugh Glass	... ..	13th June	By Command	"
Railways, Victorian.—Report of Board of Land and Works for year ending 31st December, 1870	... ..	"	"	"
Gippsland—Court of Mines for District of, to be holden at Palmerston.—Order in Council (5th June, 1871)	... ..	"	... ..	"
Noxious Trades.—Final Report of Royal Commission (21st May, 1871)	... ..	"	By Command	"
Education Board—Ninth Report of ... ..	... ..	"	"	"
Public Accounts.—Additional Regulation (Census), 23rd May, 1871	... ..	"	... ..	"
Defences of Victoria.—Return to an Order of the Council	Hon. G. W. Cole, 23rd May	"	... ..	Recommended to be printed.

Committee Room,  
25th July, 1871.

JAS. GRAHAM,  
Chairman.

1871.

VICTORIA.

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# REPORT

OF THE

SELECT COMMITTEE OF THE LEGISLATIVE COUNCIL

ON

## THE FENCING BILLS (1 & 2);

TOGETHER WITH

THE PROCEEDINGS OF COMMITTEE.

---

ORDERED BY THE COUNCIL TO BE PRINTED, 11TH OCTOBER, 1871.

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By Authority:

JOHN FERRES, GOVERNMENT PRINTER, MELBOURNE.

EXTRACTED FROM THE MINUTES.

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WEDNESDAY, 31<sup>ST</sup> MAY, 1871.

FENCING BILL.—The Order of the Day for the second reading of this Bill being read, the Honorable T. T. a'Beckett moved, That the Bill be now read a second time.  
Debate ensued.  
Amendment moved by the Honorable R. Simson, That all the words after the word "Bill" be omitted, with a view to insert the words "be referred to a Select Committee."  
Debate ensued.  
Original motion by leave withdrawn.  
Question—That the Bill be referred to a Select Committee—put and passed.  
The Honorable R. Simson moved, That the Select Committee consist of ten members, and that the Honorables the President, T. T. a'Beckett, N. Black, W. Campbell, J. Cumming, W. Highett, F. Robertson, P. Russell, J. O'Shanassy, and the mover, be members of the Select Committee.  
Question—put and passed.

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TUESDAY, 6<sup>TH</sup> JUNE, 1871.

FENCING COMMITTEE.—The Honorable R. Simson, with leave of the Council, moved, without notice, That the Committee on Fencing have power to sit during the adjournment.  
Question—put and passed.

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TUESDAY, 13<sup>TH</sup> JUNE, 1871.

SELECT COMMITTEES AND COMMITTEE OF ELECTIONS AND QUALIFICATIONS.—The Honorable T. T. a'Beckett, with leave of the Council, moved, without notice, That all Select Committees and Committee of Elections and Qualifications have power to sit during the adjournment of the House.  
Question—put and passed.

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WEDNESDAY, 4<sup>TH</sup> OCTOBER, 1871.

FENCING BILL (2).—The Order of the Day for the second reading of this Bill being read, the Honorable W. A. C. a'Beckett moved, That the Bill be now read a second time.  
Debate ensued.  
The Honorable J. O'Shanassy moved, That all the words after the word "be" be omitted, with a view to insert the words "referred to the Select Committee appointed on the 31st May, on the first Fencing Bill."  
Debate ensued.  
Question—That the words proposed to be omitted stand part of the question—put and negatived.  
Question—That the words proposed to be inserted be so inserted—put and passed.  
Question—That the Bill be referred to the Select Committee appointed on the 31st May, on the first Fencing Bill—put and passed.

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WEDNESDAY, 11<sup>TH</sup> OCTOBER, 1871.

FENCING BILL (2).—The Honorable R. Simson, as Chairman of the Select Committee appointed on the 31st May, to which Committee was referred the Fencing Bill (1), and to which Committee was referred, on the 4th instant, the Fencing Bill (2), brought up the Report of the Committee, and moved that the same be printed.  
Question—put and passed.  
The Honorable R. Simson, with leave of the Council, moved, without notice, That the second reading of the Fencing Bill (2) be made an Order of the Day for to-morrow.  
Question—put and passed.

## REPORT.

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The SELECT COMMITTEE appointed by your Honorable House, to which were referred the two Bills on the subject of Fencing, have the honor to report :—

That they have carefully considered the Bills in question, and have agreed to recommend certain amendments in the Bill intituled “*An Act to amend the Law relating to Dividing Fences,*” which was read a first time on the 19th ultimo.

ROBERT SIMSON,  
Chairman.

Committee-room,  
11th October, 1871.

## FENCING BILL.

(Proposed new clauses.)

A. When a river creek or natural watercourse forms the boundary of contiguous lands, but is not capable of resisting the trespass of cattle and sheep, it shall be competent for the occupants of such contiguous lands to agree upon such a line of fence on either side of such river creek or natural watercourse as shall secure such fence from the action of floods, and it shall be competent for such occupants to agree as to the amount of rent (if any) to be paid by either of them to the other for the occupation of any of the contiguous land of such other, and in the event of such occupiers not being able to agree in any one or more of the matters aforesaid, then such matter or matters shall be determined by the nearest Court of Petty Sessions, which shall have power to make an order thereupon, which shall be final and conclusive between such parties: But no such order shall affect the title to or possession of any such lands save for the purposes of this Act.

B. After the service of any such notice as aforesaid the respective occupants so serving and served with such notice may agree in writing between themselves as to the character and material of the fence to be erected in pursuance of such notice, and as to by or at the cost in the first instance of which of such occupants respectively the whole or any part of such fence shall be erected, and as to the time within which such fence shall be erected, and every such agreement shall be conclusive and binding as well upon such occupants respectively as upon all subsequent occupants of the land on either side of and contiguous to such fence.

. If at the expiration of fourteen days from the service of any such notice as aforesaid the respective occupants so serving and served with such notice have not agreed in writing upon all the matters in the last preceding section of this Act mentioned then any one or more of such matters not agreed upon shall be determined by the nearest Court of Petty Sessions, which shall have power from time to time to make such order as it may deem necessary upon any one or more of such matters, and all such orders shall be conclusive and binding in like manner as any agreement entered into under the provisions of the said last preceding section.

. If after having entered into any such agreement as aforesaid, or after any such order as aforesaid shall have been made, either of such occupants shall fail within the time prescribed by such agreement or order to complete such portion of the fence as he shall by such agreement or order be bound or required to erect, the other of such occupants may complete such portion of the fence at his own cost in the first instance.

. The entire cost of erecting any fence under the provisions of this Act shall be equally divided between the respective occupants of the land on either side of and contiguous to such fence, and for that purpose the respective occupants serving and served with any notice to fence under this Act shall be liable to the other of them for one-half of the actual cost incurred by such other in erecting any portion of such fence, and the amount for which each such occupant respectively shall be so liable shall be and remain a charge upon the land contiguous to such fence occupied by such occupier.



C. Provided always that the occupant so served with any such demand may, if he shall have given such notice as hereinafter mentioned but not otherwise, deduct and set off from the amount of such demand the amount, if any, which shall be due to such occupant by the occupant serving such demand in respect of any portion of the same fence erected by the occupant served with such demand, but in such case he shall within the said period of one month give to the occupant serving such demand a notice in writing of the amount he claims to be entitled to, deduct and set off with the particulars of the work in respect of which such deduction is claimed.

D. In any case where by this Act power is given to a court of petty sessions to make an order under this Act it shall be lawful for any justice of the peace upon the application of either party to summon the other party to appear at a time and place in such summons mentioned before such justices as may then and there be in petty sessions assembled, and upon the appearance of such parties or in the absence of any of them upon proof of due service of the summons it shall be lawful for such justices in petty sessions assembled to hear and determine the matter in difference between such parties and for that purpose to examine such parties or any of them and their witnesses upon oath, and the costs of every such enquiry shall be in the discretion of such justices and they shall settle the amount thereof and order by and to whom the same shall be paid.

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FIRST SCHEDULE.

And I hereby require you within fourteen days from the service upon you of this notice to treat with me, in order that we may if possible agree between ourselves as to the character and material of the fence to be erected in pursuance of this notice; and as to by or at the cost in the first instance of which of us respectively the whole or any part of such fence shall be erected; and as to the time within which such fence shall be erected: And take notice that if at the expiration of fourteen days from the service upon you of this notice we have not agreed, in writing, upon all the matters aforesaid, then any one or more of such matters not agreed upon may be determined by the nearest court of petty sessions, upon the application of either of us, in the manner provided by the said Statute.

Dated this                      day of                      A.D. 187 .

[ *To be signed by the occupant giving the notice or his agent or overseer.* ]

PROCEEDINGS OF COMMITTEE.

THURSDAY, 8<sup>TH</sup> JUNE, 1871.

*Members present :*

The Hon. R. Simson  
J. Cumming

The Hon. P. Russell.

The Hon. R. Simson was appointed Chairman.  
Committee deliberated on several clauses of the Bill.

Adjourned until Tuesday at two o'clock.

TUESDAY, 13<sup>TH</sup> JUNE, 1871.

*Members present :*

The Hon. R. Simson, in the chair ;

The Hon. W. Campbell  
P. Russell  
J. Cumming  
W. Highett

The Hon. N. Black  
The President  
T. T. a'Beckett.

The Committee deliberated ; and several clauses of the Bill being considered, an adjournment was ordered until two o'clock on Thursday.

THURSDAY, 15<sup>TH</sup> JUNE, 1871.

*Members present :*

The Hon. R. Simson, in the chair ;

The Hon. P. Russell  
J. Cumming

The Hon. W. Campbell.

Several clauses of the Bill were further considered, and the Committee adjourned.

TUESDAY, 20<sup>TH</sup> JUNE, 1871.

*Members present :*

The Hon. R. Simson, in the chair ;

The Hon. W. Highett  
J. Cumming

The Hon. F. Robertson  
The President.

On the motion of the Hon. J. Cumming, it was resolved that the Chairman and the President do put themselves in communication with the Solicitor-General with a view to having certain amendments, suggested by the Committee, embodied in the Bill by a draftsman.

PROCEEDINGS OF THE COMMITTEE UPON BILL No. 2.

TUESDAY, 10<sup>TH</sup> OCTOBER, 1871.

*Members present :*

The Hon. J. O'Shanassy  
W. Campbell  
W. Highett  
The President

The Hon. J. Cumming  
N. Black  
F. Robertson  
R. Simson.

The Hon. R. Simson was appointed Chairman.

The Committee went through the Bill clause by clause, and made certain amendments, viz. :—

Clause 3, omit "two-rail or any," omit "great" before "cattle," and insert "and sheep."

After clause 4, insert new clause as to natural boundaries "when not a permanent fence how to be settled."

Clauses 6 and 7, to be considered by draftsman.

Clause 13, omit "£50" and insert "£200."

Clauses 17, 20, 22, struck out.

A clause was ordered to be inserted providing a penalty for damaging fences.

The Committee adjourned until Wednesday.

WEDNESDAY, 11<sup>TH</sup> OCTOBER, 1871.

*Members present :*

The Hon. R. Simson, in the chair ;

The Hon. The President  
W. Campbell  
J. Cumming

The Hon. F. Robertson  
P. Russell  
J. O'Shanassy.

Certain proposed new clauses, as drafted by Mr. Webb, in accordance with instructions given on the previous day, were considered and ordered to be printed.

Draft Report submitted and adopted.

Chairman ordered to report same to the House.

1871.

—  
VICTORIA.

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# EVIDENCE

TAKEN AT THE BAR OF THE LEGISLATIVE COUNCIL

ON

# THE RAILWAYS BILL

IN COMMITTEE OF THE WHOLE COUNCIL.

---

ORDERED BY THE COUNCIL TO BE PRINTED, 7<sup>TH</sup> NOVEMBER, 1871.

---

By Authority:

JOHN FERRES, GOVERNMENT PRINTER, MELBOURNE.

# MINUTES OF EVIDENCE

TAKEN AT THE BAR OF THE LEGISLATIVE COUNCIL (IN COMMITTEE OF THE WHOLE HOUSE) ON THE RAILWAYS BILL.

TUESDAY, 17TH OCTOBER, 1871.

Thomas Higinbotham, Esq., Engineer-in-Chief of Victorian Railways, called and examined.

1. *By Mr. O'Shanassy.*—Will you be good enough to state to the Committee what are your chief duties as Engineer-in-Chief in relation to railways?—My duties as Engineer-in-Chief are the general supervision of existing lines, the supervision of the construction of new lines, and the surveys of proposed lines.

T. Higinbotham,  
Esq.,  
17th Oct., 1871.

2. Is it any portion of your duty to suggest lines of railway on public grounds?—It has been my duty, on several occasions, to report on lines by direction of the Government. I do not know that in any instance I have suggested any line.

3. Have you been employed in the survey of lines; that is to say, have lines been surveyed under your direction?—Yes.

4. Will you state the lines, in relation to the Bill before this Committee, of which you have official knowledge, and which have been surveyed in relation to this Bill?—There are four lines proposed in the Bill before the Committee; one from Ballarat to Ararat, by way of Beaufort; a second from Geelong, by way of Winchelsea and Colac, to Camperdown; a third from Ballarat, by way of Creswick, to Maryborough; and a fourth from Castlemaine, by way of Newstead, to Dunolly.

5. When were those lines surveyed?—I cannot say, at this moment, the exact date when each line was surveyed; it is several years since they were surveyed.

6. In what state are the surveys now?—They are preliminary surveys only—they were made with the intention of reserving land from sale in contemplation of railways being made.

7. How far would that preliminary survey assist you in preparing plans and specifications for the making of those lines, if the Bill should become law?—The preliminary surveys are not sufficient for the preparation of plans and specifications, but they are sufficient for the purpose of forming an approximate estimate.

8. What time would it take to prepare the plans and specifications of those lines carefully and specifically?—I think, with a complete staff on each line, it would probably be seven or eight months before any of the works could be let.

9. What do you mean by complete staff on each line?—I mean several parties of surveyors.

10. Extra to your existing staff?—Yes.

11. What would the cost of that be?—The cost of setting out the lines?

12. No; the extra staff in the first instance?—The cost would be about £60 per mile for the permanent setting out.

13. Do you consider there is any advantage in setting out the whole of the lines at once, or taking them *seriatim* with your existing staff?—I should prefer having the lines set out one by one, rather than proceeding with them all at once.

14. On what ground?—The work could be done with more deliberation and greater care than I think is possible if the whole be undertaken at once.

15. The subject of land for the purpose of those lines would form a subject of considerable importance, from a public point of view, in relation to the proposed lines?—I beg your pardon?

16. Would not the land, which is by the Bill to be paid for, form a subject of considerable public importance and value, if it was known that there were proprietors willing to give land gratuitously in the event of the line going in their direction; whilst others, if they were not guaranteed payment, would make no concession in land?—The land is not a heavy item. It is not of very great importance in railway construction here. The land for the lines proposed would not probably exceed ten acres per mile.

17. Probably you are acquainted with the document signed "Railway Department, September 19th, 1871," and headed "Victorian Railways," though not signed by any officer, setting out the purchase of land in several cases; in one it is set out £15,000, in another £28,000, in a third it is £11,000?—I do not know what that document is—[*The document was handed to the witness*].—Yes.

18. That is a considerable sum of money to pay for land?—Yes.

19. In the case of persons who are about to receive the public benefit of a railway, are you acquainted with the American practice in regard to the obtaining of land, especially in relation to surveys, whether it is not the practice to project sundry rules giving owners the opportunity of making an offer of the land for the sake of having the railway in preference to the purchase of it by the State as proposed by this Bill?—I have heard that that is the practice, but I have no personal knowledge of the matter.

20. Have you been called upon, in your professional capacity, to express any opinion upon the proposed lines as in the Bill?—Yes; I was called upon by the late Government to advise which was the best line to the westward. The late Government contemplated making a line to Hamilton.

T. Higinbotham,  
Esq.,  
continued,  
17th Oct., 1871.

21. Is that the line marked green on this map as projecting from Ballarat, forming, as it were, the base of a triangle, as in relation to the proposed extension to Ararat now?—There were two routes proposed; one, by what is called the pink line, that is, from Ballarat through Ararat to Hamilton; and the other, by what is known as the black line, from Geelong by Colac through Camperdown to Hamilton.
22. Have you been called upon, since the change of Government, to express any opinion in relation to what you formerly expressed on that subject to the other Government?—No, I advised the late Government to make only one line, and that by way of Ararat.
23. And you have not been since called upon for any other opinion?—No.
24. Have you examined the line as projected by way of Creswick—the branch to Creswick as laid down on the map to Maryborough and the extension to Dunolly, and finally from Maryborough to Castlemaine?—Yes, I have been over both those lines.
25. Have you approved of those lines proposed?—I have never given any opinion as to the construction of either of those lines.
26. Have you been asked to give an opinion?—No; I have verbally given an opinion that the line through Creswick and Clunes to Maryborough would probably prove very profitable in point of traffic returns, and accommodate a large population.
27. From Maryborough to Castlemaine?—I have given no opinion on that line.
28. Do you see the line projected, marked No. 1, by three different routes—different from the one now in the Bill?—There is one route by way of Maldon, and another route by way of Guildford, Newstead, and Maryborough, the route that the Government have adopted.
29. You have not expressed any opinion upon either of those routes?—No; I expressed an opinion that, if a railway were made between Castlemaine and Maryborough, the better route of the two would be that by way of Newstead and Guildford.
30. You have not before been called upon to make any estimates of traffic returns from these projected lines beyond the one you have given a general opinion about—from Ballarat, through Creswick to Maryborough?—No, I have not.
31. Do you know whether any authorized officer in your department has made any traffic returns; and if so, upon what basis?—The traffic manager, I believe, has made approximate estimates.
32. You are acquainted with the mileage income of the railways, as shown in the published reports?—Yes.
33. Is it not about 3½d. (pence) upon one line, and 4d. (pence) upon the other per ton per mile?—I think the average is about 5d.
34. According to the last report, it comes to that?—I thought it was 5d. I may be wrong; the traffic manager can speak more positively upon that point than I can.
35. Have you made any estimate as to cost of construction?—Yes.
36. What is your estimate of the line from Ballarat to Maryborough with its extension to Creswick?—[*The witness referred to papers*]—From Ballarat to Maryborough, including the branch to Creswick; the estimated cost is £186,786 on the 3ft. 6in. gauge.
37. Including rolling-stock and stations?—Including a certain allowance for rolling-stock and stations.
38. What is that per mile, may I ask?—It is between £4000 and £5000 a mile; the line is forty-two miles long.
39. What would be the cost of that line upon the 5ft. 3in. gauge, keeping the same class as far as practicable of rolling-stock, stations, bridges, &c.?—Making a strict comparison between the 3ft. 6in. gauge and the 5ft. 3in. gauge, the additional cost would be £350 per mile.
40. The outside difference?—Yes.
41. Is there any set-off against that in the annual cost of labor in removing the goods?—Yes, a very large set-off.
42. Would it equal that amount or surpass it?—On the whole of the lines included in the Government Bill there would be a positive loss, in my opinion, by adopting the 3ft. 6in. gauge; and I think I could prove it to the Committee.
43. Are there any other advantages that you think arise from the continuance of the 5ft. 3in. gauge in the extension of our railways?—There is the immense advantage of having uniformity of rolling-stock, which allows you to carry on the traffic of the lines with a very much smaller quantity of rolling-stock than you can do if you have different rolling-stocks for different railways; and then changing stations must be provided at every place where a break occurs.
44. Does not it also guard against accidents? is it not the opinion of Mr. Stephenson that uniformity is necessary to avoid accidents?—No doubt about it.
45. You would not therefore be prepared, as a professional man having read upon this subject, to recommend to this colony that the extension of our lines should be in the direction of the 3ft. 6in. gauge?—On the contrary; I am of opinion that it would be the most fatal mistake that has ever been made in the public works of the colony. I would say, I am not now speaking of what would have been the best gauge in the first instance.
46. I put the question as to the extension of existing lines?—Of our existing lines.
47. Is that opinion fortified from your reading by the opinion of very many eminent engineers?—I believe it is the opinion of the most eminent engineers in my profession.
48. Have you read the opinion of Mr. Guildford Molesworth upon the Festiniog railway in England, as to running down an incline?—Yes; Mr. Guildford Molesworth's Report was sent out two or three mails since by the Imperial Government with a strong recommendation of the importance of the opinion expressed in it.
49. Then if the 3ft. 6in. gauge were adopted in this country, the effect would be, that the existing lines would have to give way to the 3ft. 6in. gauge, the rails taken up and the rolling-stock got rid of?—I am satisfied that the evils of a break of gauge would be found so intolerable, that either the new lines would have to be altered to the standard, or the existing lines would have to be reduced to the 3ft. 6in. gauge.
50. What is the value of the rolling-stock under your control at present on the existing lines?—I believe the cost of the rolling-stock upon the existing lines has been upwards of £800,000. I do not speak positively; but, I believe, it is quite that.

51. And for further extensions on the 3ft. 6in. gauge, that stock would be comparatively valueless for those lines?—Totally valueless.

52. You are therefore, having carefully considered the subject, entirely opposed, as a professional man, to the extension of our railways upon any other gauge than the 5ft. 3in.?—Yes. I perhaps may be allowed to observe, that the opinion I have given upon the subject is that held by every professional man of large experience in England and America. The statement that the 3ft. 6in. gauge is rapidly becoming the gauge of the world is a totally unfounded statement: every country is striving for uniformity of gauge.

53. You have given me the probable cost of the line from Ballarat with the branch line to Creswick: would you be able to give an estimate of the cost, per mile, for the line from Ballarat to Ararat?—Yes; the total cost of the line from Ballarat to Ararat, upon the 3ft. 6in. gauge of a very light construction will be £247,786, and the length of the line is 55 miles.

54. Being at the rate of?—[*The witness made a calculation*—£4505 a mile.

55. Upon the 3ft. 6in. gauge?—Yes.

56. Then adding the £350, could a line be constructed upon the 5ft. 3in. gauge for that £350 per mile additional cost?—It would not cost more than £350 a mile in addition to the cost I have given you for the 3ft. 6in. gauge.

57. Have you made an estimate of the cost of the line from Maryborough to Castlemaine, by way of Newstead, which you think is the best?—Yes.

58. Would you be good enough to state it to the Committee?—£298,956 for a length of 47 miles to Dunolly by Maryborough.

59. That is at the rate of?—£6360 per mile.

60. £6360 for that line?—Yes.

61. That is 5 feet 3?—No, 3 feet 6.

62. Might I ask, what weight of rail you have estimated in those constructions?—The weight of rail is 50 lbs. to the yard, an iron rail.

63. Have you experience in this colony in regard to lighter rails, as to their durability; the life, so to say, of a rail under that?—They are not at all durable with such engines as are used on the existing lines.

64. Then what would be the effect on the proposed lighter rolling-stock upon the new lines? as I understand you, the rolling-stock would be lighter?—The rolling-stock upon the new lines would be much lighter. It is not proposed to put more than three-and-a-half or four tons on any one wheel of an engine.

65. Professionally, you would not recommend that the weight of rails should be less than 50lbs?—No.

66. As to fencing in this new country; have you contemplated fencing?—Yes.

67. On what plan?—Various kinds of fencing have been adopted. In some cases a three-rail fence and a wire; in other cases a top rail and five wires; I am using that on one part of the North-Eastern line; in other cases, four rails.

68. Do you use the timber as you proceed, in certain localities, for fencing construction?—No; you cannot use the timber as it comes, some of it is very much superior to other.

69. There is a line marked green, from Castlemaine, by way of Maryborough, passing through Avoca and going on to Ararat, with an extension of the green to Stawell; have you made any estimate of the cost of that line ever?—Yes, an estimate was made of the cost, but I am not prepared to say what it is now.

70. Was it heavier or lighter than the lines you speak of?—Rather heavier; it is not one of the lines included in the Bill before the Committee.

71. I am quite aware of that. With regard to the use of coal—have you contemplated the possibility of not being supplied with coal in this part to work the railways?—No, I have not taken the subject into consideration.

72. If such an unfortunate thing should happen, what would be the nature of our supplies for working the railways—what would be the material you would use?—We must depend either upon wood or lignite.

73. Would that enhance the cost of working the railways?—I think it would upon the whole; certainly it would with the present price of coal. The cost of coal has been very much reduced of late years.

74. There is another line, I think, we have not examined you about, starting from Geelong, called the "black line," to Camperdown—have you examined that, as laid down on this map and in the Bill?—Yes.

75. What will be the cost of that line?—The estimated cost of that line, which is 77 miles long, to Camperdown, on the 3ft. 6in. gauge, is £406,648, or £5280 per mile.

76. And on the 5ft. 3in. gauge, what would it be?—It would be £350 per mile more.

77. There is another line marked here, though not accepted in the Bill; do you know anything of that line by way of Leigh Road?—Yes.

78. What would the cost be, taking that route for the whole line?—I have not got the estimate with me—it would be about £80,000 less by that line to Camperdown than by the black line to Camperdown.

79. What would be the relative distance from Geelong, taking one as 77 miles—what would the other be?—The other would be three miles longer.

80. Eighty miles?—Yes.

81. Do you know the extent of the population along that route?—No, I have not examined that; there is not much population, I am aware of that. I have been over the route, but have not gone into the statistics of the population.

82. Is there anything else you would wish to state to the Committee in relation to the construction of those lines?—I should like to make some remarks on the question of gauge, if the Committee would allow me.

83. Before you go into that, would you continue your examination, and give us an estimate of the cost of the Hamilton line on the 5ft. 3in. gauge, continuing from Ballarat, as originally surveyed, on the green line to Hamilton, leaving Ararat out—is that in the original survey?—I have not got that with me—it was never proposed to carry that line out.

84. Which was proposed?—The direct line would have been the cheapest line of any, but it passes through a district with very little population, and it was never seriously proposed to carry it out.

85. Which was the one you recommended the former Government to adopt?—The line I recommended was from Ballarat by way of Beaufort and Ararat to Hamilton.

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86. Was that a line that might be as cheaply constructed as any of the others?—Not quite as cheaply as what is called the direct line from Ballarat to Hamilton.

87. Taking that in comparison with the one from Ballarat to Ararat, or Ballarat to Maryborough, would the cost of it be as cheap in proportion as these lines that are proposed?—The Ballarat to Ararat line is, I think, the cheapest of any included in the present Bill.

88. From Ararat to Hamilton?—No, that is the easiest portion of the route, from Ararat to Hamilton.

89. You may safely assume that could be constructed as cheaply as any other portion?—More cheaply than any other portion.

90. Now, will you make any statements you wish to offer to the Committee?—The whole mileage, included in the Bill which is now before the Committee, is 220 miles; the cost of the whole of these lines, if made on the 3ft. 6in. gauge would be less than if they were made on the 5ft. 3in. gauge by £77,000. I have no hesitation in saying to the Committee that that is the outside difference in cost which will result from adopting the 3ft. 6in. instead of the 5ft. 3in. gauge. Against that saving in the construction there is to be put the cost of transferring goods at three several points, for the scheme that the Bill proposes involves three breaks of gauge: the cost of transferring goods has been estimated by the Traffic Manager, and, I believe, his estimate is a very low one, at £3900. If you capitalize £3900 at 5 per cent. the amount is £78,000: in addition to that, three changing stations must be provided, that is to say, it would be necessary to have stations in addition to and close to the present stations, where the 5ft 3in. gauge carriage could be drawn up alongside the 3ft. 6in., so that the goods in the waggons on one gauge may be loaded into or unloaded from the waggons of the other gauge. There is no provision in the estimates which I have given to the House for those changing stations; they are not in any way provided for in the estimates which I have now mentioned to the Committee, but certainly the very lowest cost of each would be £6000, that is £18,000. There is a third item—an increased quantity of rolling-stock would be required if the gauge is broken. The ordinary estimate is, if the line is worked with a separate rolling-stock, you require one-third more rolling-stock than you do if you work it in conjunction with another line. The estimated cost of the rolling-stock for these new lines is £500 per mile; one-third of that would be, of course, £160; but with a view of making a perfectly safe estimate, and one that with confidence I could put before the Committee, I have only taken credit for £100 a mile for additional rolling-stock—that on 220 miles would be £22,000. The account between the two gauges would therefore stand in this way—by adopting the 3ft. 6in. gauge you save in construction £77,000—that is, in the construction of the actual mileage mentioned in the Bill; but you have three items to set against that—£78,000, which is the annual cost of removing goods capitalized, £18,000 for three changing stations, and £22,000 for the increased cost of rolling-stock—making £118,000 as against the 3ft. 6in. gauge, and £77,000 in its favor, or £41,000 loss by adopting the 3ft. 6in. gauge in the lines before the Committee.

91. Is not that also assuming that there are no accidents caused by that gauge?—I am coming to that—that is entirely independent of the damage done to the goods by transferring them from one truck to another, which is very heavy indeed, and the injury to the public; the inconvenience and danger to traffic passing from one set of carriages to another, and the delay and inconvenience to the shippers of goods. Now these evils have been found perfectly intolerable in every country where the gauge has been broken. In England, the Great Western, after spending millions of money, has taken up all the lines to the north and west which varied from the national gauge, and re-laid them on the national gauge of 4 feet 8½ inches. The only broad gauge lines in England—that is the 7 feet gauge—are those in the old Great Western district. All the extensions of the Great Western Railway have been taken up and re-laid on the 4ft. 8½in. gauge, with a view to secure uniformity of gauge. The same thing has been done, and is being done in America. I saw a statement in a paper here the other day, that the Great Western of Canada had adopted the narrow gauge with great advantage to themselves. Now what the Great Western of Canada did, was to alter its gauge from 6 feet to 4 feet 8½ inches, which was the gauge of the lines it was in correspondence with, and no doubt this was done with immense advantage to the traffic of the district.

92. Is there not an item to be taken into account, namely, the competition of carriers where there were good roads formerly in the neighbourhood of the projected lines, arising from the delays and injuries in the transfer of the goods?—No doubt; one of the objects in making the line from Ballarat to Ararat, was to secure the traffic now taken by boat to Geelong, where it is put on drays and carried across the country direct to Ararat, avoiding altogether the angle by way of Ballarat. It was expected that, when there was through communication by rail to Ararat, the whole of the western traffic would go direct there, and I have no doubt it would; but if you break the gauge at Ballarat, as proposed, it is a direct encouragement to carriers on the road. The result of breaking the gauge at Geelong would be, that the traffic which would go to Camperdown and that district, if the gauge were not broken, would go by water to the western ports—Warrnambool and Belfast, or by sea to Geelong, and so the Geelong and Melbourne railway would suffer. I do not know whether I make myself understood.

93. I thoroughly understand you. I would like to ask a question in relation to the 3ft. 6in. gauge, as to carrying the stock—whether upon the 3ft. 6in. gauge an arrangement could be made with as much advantage for that portion of the traffic as upon the 5ft. 3in. gauge?—Certainly not; the break of gauge would be peculiarly felt in the carriage of stock—the stock would have to be taken out of one set of carriages and put into another; there is already sufficient difficulty in loading stock.

94. But with regard to cattle specially—would cattle trucks be as easily constructed for the 3ft. 6in. gauge with a view to the carrying of horned cattle as upon the 5ft. 3in. gauge?—I think not. Perhaps the Committee will allow me to finish what I was about to say. The Committee has before it certain estimates of traffic receipts and expenditure; those estimates, I believe, were made upon the assumption that the gauge would not be broken; and I believe the traffic superintendent will confirm my opinion, that, if the gauge be broken, the same amount of traffic which has been put before the Committee cannot be expected.

95. Are you now referring to the paper marked 6—comparative estimate of revenue, and expenses showing the completed lines and the proposed new lines—or are you referring to that document I placed in your hands a few minutes ago—Anthony Mathieson, accountant, and the other not signed by any person?—Those estimates I refer to are signed “W. M. Fehon, Traffic Manager;” I believe they have been laid before the Committee.

96. Do you believe the estimates would be entirely altered if the 3ft. 6in. gauge is adopted?—I believe so.

97. With a loss to the revenue, or with a gain to it?—A loss of revenue. There is a general impression, and that I believe has led to what I consider a delusion with reference to the 3ft. 6in. gauge more than anything else, that there is a great saving in the cost of working expenses—that is, that the 3ft. 6in. gauge can be worked at very much lower cost than the 5ft. 3in. gauge. Now, on that point, there is a very distinctly expressed opinion of certainly the most experienced and also one of the ablest engineers in the world, Mr. John Fowler, who was employed by the Indian Government to report on the question of gauge in the railways of India, and who is favorable to 3ft. 6in. gauge under certain circumstances. If the Committee will allow me, I will read what he says on the question of working expenses. Mr. Fowler's report is addressed to the Under Secretary of State for India, dated 25th October, 1870. "On the important question of the cost of working the goods traffic on different gauges we have experience in England with all gauges up to 7 feet, and I have no hesitation in advising that, in considering at any time the question of extending the standard gauge of 5ft. 6in."—that is the Indian gauge—"with a light permanent way, or applying a narrow gauge line of 3ft. 6in., the cost of working may always be assumed to be the same." I thought it desirable also to have the experience of the Queensland railways, as to the cost of working. The Queensland railways, as I have no doubt every member of the Committee is aware, are on the 3ft. 6in. gauge; therefore they are peculiarly suitable for the purpose of comparison. Now, what has been so prominently put before the public, would lead the public to believe that there is some extraordinary virtue in the gauge of 3ft. 6in., or even a narrower gauge, which enables it to be worked with an economy that cannot be achieved at all on a broader gauge. An inquiry was made of the Queensland Government, what was their rate of working expenses, and this answer was received—"The gross receipts from our Southern railways in the year 1870 was £67,849 17s. 2d. and the working expenses, exclusive of flood damage which cost £3921 16s., were £58,124 16s. 8d.; that is 85 $\frac{2}{3}$  per cent. of the gross receipts"—that is on their Southern lines. On their Northern line the gross receipts were £3964 12s. 10d., and the working expenses thereon £8478 1cs. 10d., which is upwards of 214 per cent. upon the receipts.

98. What was the length of the line?—I am not quite certain as to the length. I telegraphed for the length of the lines, but I have not got the information. I think the Northern is about 40 miles, and the Southern, I know, is about 160 miles long.

99. So that practically the investment in Queensland is a loss?—Yes.

100. Working the 3ft. 6in. gauge?—Yes. I am anxious to point out this, to dispel the delusion that the 3ft. 6in. gauge can be worked at a lower rate than the 5ft. 3in. gauge. I am satisfied such an idea is altogether a delusion. The Victorian railways were worked in the year 1869, the best year they have ever had, at a cost of only 41 per cent. on the gross receipts; last year, a much less favorable year, I may say the worst they have had, they were worked for 45 per cent. Some of the Irish lines mentioned in Mr. Molesworth's report are worked at a rate as low as 33, some at 39, and some even as low as 31 per cent. The average cost of working the English railways on the 4ft. 8 $\frac{1}{2}$ in. gauge is 48 per cent.

101. The working expenses?—The working expenses, yes. I may mention that, although the subject of the 3ft. 6in. gauge, and the supposed advantages of the narrow gauge, have been brought very prominently forward in England, not a single new line in England, where they have been constructing a great many new lines, has been constructed on the narrow gauge. They are all constructed upon the standard gauge, but of a very much lighter construction, being intended to accommodate districts where the population is small and the traffic light; they are all of lighter construction, but are constructed upon the national gauge of 4ft. 8 $\frac{1}{2}$ in. In America also the whole tendency is to get rid of some exceptional gauges they have and to have a uniform gauge, a 4ft. 8 $\frac{1}{2}$ in. gauge on the whole length. In South Australia, which has been quoted as an example for the 3ft. 6in. gauge, the engineers of the Government have reported to the Government in the strongest terms against introducing any exceptional gauge into any district that can possibly communicate with lines constructed upon the established gauge. It is proposed to make a horse tramway from Lacipede Bay towards the Victorian boundary on the 3ft. 6in. gauge; but it is proposed expressly, because there can be no communication between that and the railways already established. Colonel Sankey's evidence before the Committee of the Legislative Assembly has been quoted again and again to the effect, that a saving might be made of 20 to 30 per cent. in the first cost of railways constructed upon the 3ft. 6in. as compared with the 5ft. 6in., the Indian gauge. I am very sorry Colonel Sankey should have made that statement, and I feel sure that, upon second thoughts, he would not have made it. He told me himself that, having had no experience whatever in the construction of railways, he was very unwilling to be examined before the Committee, because he felt that he might commit himself to some opinion for which his experience did not furnish sufficient grounds. One of the strongest advocates for the narrow gauge, in sparsely peopled districts where the traffic is small, is Captain Tyler, one of the Government Inspectors of Railways in England, and he admits, in the case of surface lines—which all the lines referred to in the Bill now before the Committee will be practically—that there is little or no saving in the first cost by the narrow gauge. Mr. Fowler, and others, who have gone very carefully into the matter, thought the greatest saving which can be effected is, from 6 to 8 per cent. I am satisfied, that, in the estimate I have laid before the Committee of the increased cost of £350 per mile, as between 3ft. 6in. and 5ft. 3in. gauge, I have over-estimated rather than under-estimated the additional cost resulting from the use of the 5ft. 3in. gauge.

102. Perhaps you would permit me to ask, in relation to the recommendation of the Committee of another branch of the Legislature, which, under the second head, reads as follows: "That the traffic between Geelong and Ballarat, Footscray and Sandhurst, should be worked for six months on a single line, and, unless the result be unsatisfactory, then the second line should be removed and the materials used in the construction of branches to these lines, or such other lines as Parliament may direct. That it is desirable that such alteration should commence from the 1st October, and that the Commissioner of Railways be requested to furnish to Parliament a monthly report of the result." I would ask you in relation to those two recommendations, whether anything has been done, or proposed to be done?—What has been done is—I was asked to give an opinion, and I advised that the experiment might be tried between Geelong and Ballarat, but that it would be very unwise to try it between Melbourne and Sandhurst; the traffic upon the one line is very much heavier than it is upon the other.

103. *By Mr. Campbell.*—Would the adoption of the bogie engine enable you greatly to reduce the expenses of the permanent way—could you use lighter rails by the adoption of that engine?—No; by using an ordinary engine, we can distribute the weight upon the rails quite as well as with the Fairlie engine, which I believe you allude to.



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104. Would you consider the bogie engine any improvement as regards power—in the consumption of fuel?—Certainly not.

105. Would there not be less friction upon the bearings of the wheels—the rigid space between the wheels would be shorter with the bogie than with the other?—Yes; if you have a line that has many and sharp curves, there is considerable advantage in using the bogie engine—if you have a line where the curves are not sharp, and nowhere in any of the districts to which it is proposed to make the lines in the Bill are they sharp, there is no advantage, in my opinion, in using the bogie engine.

106. In regard to fencing, could the expense of fencing be further reduced by adopting wire fences solely without rails?—The expense of fencing, in the estimate I have laid before the House, is greatly reduced. It is proposed to use such a fence as is generally used by squatters in the Western districts.

107. Does it embrace a wire fence?—Yes.

108. It is a very common thing for squatters to erect a fence entirely of wire without a top rail—would that be suitable for railway purposes?—It may do in some districts, and it is the kind of fence it is proposed to adopt in the lines now under consideration.

109. With regard to gates at crossings where there is little traffic—have you seen the principle of trenches being made across the railways in place of gates in operation?—Yes, I have seen it; I do not think it would answer in this country, because in dry weather those trenches would be dry and would form no fence at all.

110. Would the stock cross a dry trench of that sort?—I think so.

111. I wish to draw your attention to the short branch line near Creswick—do you know the locality?—I do.

112. Will you be good enough to look at this plan [*a plan was produced*]?—Yes, I see it.

113. Looking at the map, do you see that point about six miles seven chains from Ballarat?—

Yes.

114. Do you think it would be possible to adopt a line through Creswick in place of branching off at right angles, and returning to the main line?—It may be possible, but I do not wish to speak positively about it till a more detailed survey has been made than has been made at present. I advised the Commissioner of Railways to include in the Bill such a limit of deviation as would allow this route through Creswick to be made, if on examination it should be found to be practicable and desirable.

115. And that deviation would be an exceptional one for that distance?—For certain distances it would be necessary to take a limit of deviation of four miles instead of two, which the Bill proposes.

116. But after being constructed, would not it be easier to work the line through Creswick than by adopting a branch line at right angles and returning?—Yes, it would be easier.

117. And it would be cheaper, too—it would be less distance to travel from Ballarat to Clunes?—

Yes.

118. On the whole, you would be favorable to the alteration?—Decidedly, yes.

119. Would that line through Creswick accommodate the people of Castlemaine and Spring Hill, and all that rich agricultural district, better than the way now shown on this plan?—The line would be brought nearer to the people of this district, and of course so far accommodate them better.

120. Then, in the cost of rolling stock for the narrow line, would the engines and the carriages be constructed at less expense than on the present gauge?—I believe not—certainly not, taking into account the fact that the existing rolling stock cannot be used on the narrow gauge.

121. *By Mr. W. A. C. a'Beckett.*—You are aware of the proposed lines by the Government on this map?—Yes.

122. Do you object to any of those routes as being lines not likely to pay at all?—I do not believe the line from Geelong to Camperdown would pay.

123. Did you make the surveys yourself?—They were made under my direction.

124. You have alluded already to the estimates of the probable traffic, and other statistics?—

Yes.

125. Are they correct, do you think—I allude to those signed by Mr. Fehon?—Yes, I should not myself have estimated the receipts as high as Mr. Fehon has done; and in the case of the black line there appears to me to be an evident mistake in the estimates of the working expenses, and I think the Committee will see it in a moment by looking at the estimate.

126. The working expenses?—Yes. The estimates of receipts on the Ballarat and Ararat line average £13 per mile per week; the full estimated annual receipt is £36,865—that is at the rate, speaking in round numbers, of £13 per mile per week.

127. On the whole?—Yes, the working expenses are taken at 45 per cent., giving £16,589, and that gives £300 per mile per annum for working expenses on that line; and I believe that line may be worked for £300 per mile per annum, if worked very economically and at a low speed; but if you go on to the next line, Geelong to Camperdown, the total receipts for that line (the annual receipts) are estimated at £34,220, that is about £8 10s. per mile per week; but in the same way, in that case 45 per cent. of the gross receipts is taken for the working expenses, but the receipts being very much smaller, gives you only £200 per mile for working that line, against £300 per mile, which I am satisfied is the very lowest sum it could be worked for. Therefore, in the case of the line from Geelong to Camperdown, the working expenses, I am sure quite unintentionally, are greatly under-stated. If anyone will take the figures, they will see at once the rate per mile provided for working expenses from Geelong to Camperdown is only £200 per mile per annum; whereas, upon the other line it is within a pound or two of £300.

128. Do you think a railway can be constructed, under the present circumstances, at £5000 per mile?—Yes, I believe a railway can be opened for £5000 a mile.

129. On the 5ft. 3in. gauge?—On the 5ft. 3in. gauge—yes. I have no doubt, as the traffic in the district increases, the demands for additional stations and rolling-stock will increase.

130. May I ask if you have not slightly altered your opinions lately upon this subject?—No. I may explain that, before the Committee of the Legislative Assembly, I stated the difference between the cost of a railway on the 3ft. 6in. gauge and the 5ft. 3in. gauge, for such lines as the Government then proposed to make, would be £540 a mile. Since that time, under the direction of the Government, I have made estimates for a still lighter class of line than was then proposed; the result of the diminution in the cost per mile is, to diminish the difference of cost between the 5ft. 3in. and the 3ft. 6in. gauges; therefore, I say now, the lines, as estimated and proposed by the Government at present on the 3ft. 6in. gauge,

will cost only some £350 per mile less than the same class of lines upon the 5ft. 3in. gauge would cost. The difference between my former estimate and my present estimate, £350, arises from the fact that the Government directed a different class of lines to be provided for.

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131. I understood you to express your objection to this scheme apparently more in consequence of the break of gauge—is that so? not an objection so much to the gauge, as a gauge itself, but to the fact of the break, and the loss occasioned thereby to the rolling-stock?—Yes.

132. That is simply it?—Yes; and the inconvenience in the transfer of goods.

133. You have no objection to the gauge, provided it were uniformly 3ft. 6in.?—I think 3ft. 6in. too narrow.

134. Do you think it is unsafe?—If the country were beginning *de novo*, I should not propose the 3ft. 6in. gauge; but if the 3ft. 6in. gauge were extended over all the lines there would be, comparatively, very small evil, as compared with a 3ft. 6in. gauge on part of the lines, while the other part of the lines is 5ft. 3in. gauge.

135. In the course of time, as the present rolling-stock wears out, instead of renewing it, or rather repairing it, could not the loss to the country be lessened by altering the gauge on the standing railways under the present proposed plan of altering it?—You cannot alter the gauge gradually—you must alter it all at once. It has been repeatedly said that, as the existing rolling-stock wears out, it can be replaced by rolling-stock on a different gauge. A moment's consideration will be sufficient to convince any body that that can not be done—the alteration must be made all at once.

136. Would there be a great loss to the country upon the line itself irrespective of the rolling-stock? would it cost much to insert one line, to reduce it to the 3ft. 6in. gauge; to reduce the present gauge to the 3ft. 6in. gauge—the mere line itself?—It would cost a very large sum to do it, and you throw away the whole of the present rolling-stock.

137. *By Mr. Russell.*—Will you tell us if there has been more than one preliminary survey from Ballarat to Ararat?—Not from Ballarat to Ararat.

138. Could there not be a cheaper route found than the present line that is proposed by way of Carngham and Stockyard Hill?—Not a cheaper route, I believe it would be a dearer route.

139. Would not it accommodate a larger population?—I cannot say positively, but I am inclined to think not.

140. I think it would?—Perhaps so.

141. Are you aware that on the right hand of the proposed route it is all forest country from Ercildoun to Beaufort and Mount Cole?—There is a very considerable extent of forest country.

142. Is that forest country of any value?—The timber is valuable.

143. On what part?—I think generally all along.

144. Would not it be more profitable to carry produce from Stockyard Hill than from a forest where there is only timber?—If you have the produce to carry, no doubt it would be: timber is not a very profitable traffic, I admit.

145. In going through the forest from Beaufort to Mount Cole, have you to tunnel through the hill—have you to tunnel through the forest?—No.

146. Can you explain to us the reason why the produce now is not carried by the railways from the Wimmera, for instance? Are you aware the produce of a country, such as the Wimmera, is being carted direct from the Wimmera to the coast through the town of Ballarat?—Not through the town of Ballarat, I think.

147. Yes, through the town of Ballarat?—I was not aware of that. I know a great deal is carted direct to Geelong to save the angle.

148. I mean to Geelong through the town of Ballarat?—I did not know there was cartage through Ballarat. I have always understood it went direct from Ararat to Geelong; by doing so, a considerable angle is saved, and the transshipment is saved at Ballarat.

149. I am assured, at the present time, that wool is being carried from Ararat through the town of Ballarat to Geelong?—I was not aware of that.

150. *By Mr. Strachan.*—I am very desirous to ascertain the difference in the cost and working expenses of the two lines. You spoke of the Queensland line I think, and said the expenses were 80 per cent., or close upon it?—85½ per cent.

151. What did I understand you the other was?—214 per cent.

152. Do you attribute that to the narrow gauge alone, or would the working expenses have been more or less upon the broad gauge?—I think they would have been the same. I quoted the Queensland railways merely to prove that there is no virtue about the 3ft. 6in. gauge, as we have been very industriously taught to believe in the public prints, over the 5ft. 3in. gauge, which enables it to be worked at a lower rate.

153. In regard to those broad or narrow gauges, suppose we adopted the broad gauge, are we to have as substantial a railway as we have now?—No.

154. Then of course if we are going to have either the broad or the narrow gauge, we must have it, if I may so term it, more of a slop affair?—Very much lighter.

155. But the difference between the broad gauge and the narrow gauge will be only, I think you say, £350 per mile?—Yes, £350—it would certainly not exceed that—I pledge myself to that.

156. I think you gave an opinion some time ago as to the cost of carrying a railway through Geelong; have you altered your opinion with regard to the cost of the purchase of the private property? I see, in your evidence some time ago, you put down the estimated value of the property you would have to go through at £10,000?—Yes.

157. I presume, if a subsequent survey were made, showing a different estimate of the value from its going through Crown lands, that might alter your opinion in that respect?—I should be quite prepared to alter my opinion, if I saw sufficient ground for it. But I may state, it is very difficult to estimate the cost of carrying a railway through a town, especially a tunnel through a town, because very heavy claims may be made by those owning buildings over the tunnel on account of the vibration which the buildings suffer: in fact, you do not know where the end of the claims would be in connection with work of that kind; therefore I put down what may appear to be a large sum to go through the town of Geelong, but not what I consider more than safe for getting through.—£10,000 for the first two miles next the terminus at Geelong.

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158. I presume, if you are satisfied that £10,000 would carry it through the town of Geelong, you would not have the same objection on the ground of expense?—Certainly not.

159. You were speaking of the black line going through the country; now with regard to the green line to Inverleigh, your object would be to put a line of railway through the most populous district and the best agricultural district?—Those are the two very important features.

160. And you have said already it would open out one of the best, or at all events most valuable, districts in the colony, the Cape Otway ranges?—I believe there is very fine timber in the Cape Otway ranges, but I have never been there.

161. Here is an estimate of the probable cost of traffic upon the different lines of railway. I have seen so many of these returns and estimates of railways, that I am always dubious about their correctness; but I want to ask you on what grounds you question the traffic on this particular line?—From the knowledge I have of the district.

162. I mean from Geelong to Camperdown?—Yes.

163. This estimate is drawn out, I presume, by the traffic superintendent, and I should not have asked that question from you, but you seemed to question the correctness of the statement?—I do not in the least question that he has made a perfectly honest estimate according to the best information he could get, but I state it is a high estimate, as it appears to me.

164. How do you arrive at that?—From my general impression. I do not pretend to go into it.

165. I thought you said you did not know the country?—I have been over the country.

166. The Cape Otway ranges?—No. The traffic superintendent puts the traffic on that line at a much lower rate per mile—which is, after all, the only way of getting at the traffic—than on any of the other lines.

167. In going through from Geelong to Camperdown, from Colac to Camperdown, by the black line, you go through a larger population and a better country than you do by the green line?—You go through a better country, and I believe a larger population. The only advantage of the green line is, that it is £78,000 cheaper.

168. How do you arrive at that conclusion?—By careful estimates.

169. That is, in basing your estimate, you have put the tunnel at a certain price, and valued the land at a certain price in Geelong, and you arrive at that conclusion through that?—Yes, that is part of the data.

170. However, you have said you are quite prepared to alter your opinion, provided you were convinced to the contrary?—Yes.

171. *By Mr. Bear.*—Speaking of the matter of gauge, you are aware the Great Western Railway at home have, to accommodate the narrow gauge traffic on their broad gauge, laid down an extra rail on a portion of their line?—Yes.

172. Have you made any estimate of what it would cost to lay down an extra rail on our present lines to accommodate the narrow gauge traffic, if it be carried out?—I have made an estimate, but I cannot at the moment recollect it. I shall be happy to furnish it to the Committee.

173. I believe the cost to the Great Western at home was something very trifling; and if that can be done, would not the inconvenience of breaking the gauge be very much obviated? We could use our broad gauge rolling-stock and narrow gauge upon the same line?—Mr. Robert Stephenson gave a distinct opinion on that subject, if you will allow me to read it. He says, in a report to the London and North-Western Railway, "Mixing gauges introduces into the road itself a greatly increased risk of accident entirely incapable of remedy, and scarcely justifiable by any consideration of mere convenience; the application of a third-rail system at stations is inadmissible; the only alternative is to lay separate sidings for the two gauges, or, in other words, completely to duplicate the station arrangements; the stock would be nearly doubled; the amount of labor and expense in dispatching trains would be much increased; the risk of collision would be fully doubled, and the profit, of course, would be much diminished." After going into figures as to the expense of laying a third rail and the increased cost of maintenance, he says, "For this vastly additional outlay, we should get an inferior road, less safe and less efficient than the ordinary form of railway." And then he winds up by saying, "Economy, safety, and efficiency demand a uniform gauge." That is the opinion of Mr. Robert Stephenson, the greatest railway authority in the world.

174. That is where the traffic is much greater than on our lines?—We have a very large traffic on our main lines.

175. Absolutely or relatively?—Absolutely. The traffic on the Mount Alexander line is a very large traffic, and it may be expected to be very largely increased.

176. You are not prepared with the actual cost per mile?—No, but I will furnish it.

177. *By Mr. Hightt.*—What course do you consider would ultimately be more economical and expedient, namely, to construct our lines with the 3ft. 6in. gauge, to cost £5000 per mile, or the 5ft. 3in. gauge, to cost £8000 per mile?—I believe, for such an extent of railway as may be contemplated in this country in the present generation, it would be cheaper to pay £8000 a mile for the 5ft. 3in., and not break the gauge, than pay £5000 for the 3ft. 6in., and break the gauge.

179. Are any of the four lines contemplated by the Government likely to pay interest on the capital expended in constructing them, and if so, which?—I believe the line from Ballarat to Ararat, if constructed and worked very cheaply, would pay perhaps 4 per cent. interest. I do not believe that the line from Geelong to Camperdown, whichever way it is taken, will do more than pay its working expenses for many years to come. I do not believe it would pay any interest.

180. Has the 3ft. 6in. experiment proved successful in Queensland, South Australia, or elsewhere, under circumstances analogous to our own?—The only place where it has been tried is Queensland. I have mentioned the result of the working there, but I have said I do not attribute the high per centage at which the railways are worked to the 3ft. 6in. gauge, but to the fact, that the traffic is light; but I wish to remark, in Queensland they have no break of gauge, they confine themselves to 3ft. 6in.

181. Would you consider the substitution of the 3ft. 6in. gauge for the 5ft. 3in. on the North-Eastern line judicious or otherwise?—No; I think it would be a most calamitous experiment to make, especially in view of the fact that two-thirds of that line is already under contract. In fact, I should feel at once bound to state to the Government that, having advised as to the cost of the North-Eastern line on the 5ft. 3in. gauge, and the work having been made so far on that gauge, I must not be held responsible for

the great expenditure that must arise if the gauge is altered. I believe a fresh loan would be necessary to complete that line, if the gauge is changed.

182. Which is the greater evil involved in a break of gauge, the additional expense or the additional danger?—I do not know that any additional danger to life arises from break of gauge: additional danger arises if you attempt to mix the gauges and lay down, as has been suggested, a third rail; but the inconvenience and loss from break of gauge in the transfer of goods is enormous.

183. Have you, by memorandum or otherwise, communicated these objections to the head of the department?—I have reported once or twice with great distinctness in writing, and verbally on many occasions, my strong opinion as to the evils that would arise from a break of gauge.

184. *By Mr. Simson.*—You have informed the Committee, in answer to a question, that the difference would be £350 per mile between the 3ft. 6in. gauge and the 5ft. 3in. gauge?—Yes; with the class of lines the Government now propose to construct.

185. Does that include the difference in regard to the building of carriages, the accidents to engines, the difference in ballast, and difference in sleepers for laying the rails upon?—It includes everything.

186. I presume, speaking as an unprofessional person, the difference in the quantity of ballast and sleepers would be one-fourth less on the 3ft. 6in. gauge than on the 5ft. 3in. gauge?—One-fourth.

187. I presume that the line would be, in fact as the rails would be, narrower?—Yes.

188. Two feet less in the sleepers, and two feet less in the ballast of the line?—One foot nine less; it is 1ft. 9in. less in the ballast by 8 inches deep, by whatever the length of the line may be.

189. Now, granting that a narrow gauge line was made from Ballarat to Ararat, what would be the cost of lifting one rail between Ballarat and Geelong, and making one of those lines a narrow gauge line through—that is, leaving the one line permanently and lifting the others?—The only case that I know of in England, that I can speak of positively, in which the gauge was altered, and where I could speak to the cost of it, was on the original Eastern Counties line to Chelmsford and Colchester; that line was originally laid with a gauge of 5 feet, and after they had experienced the evils of a break of gauge, they altered the gauge to 4ft. 8½in. The cost of alteration, in that case, was £500 per mile for a double line—it would be more in this country.

190. Do you mean to state, that it would cost £500 per mile to lift a single line of rail—merely lifting it, with the same bolts and wedges doing again—taking that into consideration, would it cost £500 per mile to lift one of those rails?—No; at the same rate, it would cost only £250 per mile, because, if I understand you rightly, you propose to alter one line only.

191. Yes?—The cost in the case I speak of was £500 per mile for a double line; of course, against that, there is the higher rate of wages in the colony.

192. I see the question is asked Colonel Sankey before the Committee of the Lower House, upon what the saving would arise: “Would it be the ballast of the line, in the first instance?—From many circumstances: the carriage, for instance, upon the narrow gauge line, having shorter bearings, all its framework being shorter; the law of strength enables you to reduce scantlings to a corresponding extent, and with the reduction of scantling you reduce dead weight and haulage”?—Yes.

193. As I understand, the haulage would be very much reduced upon the narrow gauge, as compared with the broad gauge—is that the case, or not?—I am quite sure it is not, if you just bear in mind that the narrow gauge waggons are small waggons. To carry the same amount of traffic, you must have more of them; as, suppose for the sake of illustration, that the narrow gauge waggon only carries half as much as the broad gauge waggon will carry, you must have twice as many narrow gauge waggons; if you have twice as many waggons, you have twice as many wheels and axles, and all the additional friction of these wheels and axles. You carry a load, say, of eight tons in a broad gauge waggon on four wheels, and you have the friction of four wheels and axles; but with waggons of only half the capacity, you have eight wheels and axles with their friction.

194. Could you give me the average that is carried in each waggon throughout the year upon the Victorian lines?—I cannot give it at the moment; the Traffic Manager could give it.

195. *By Dr. Dobson.*—You said that, with reference to the four lines now before the Committee, only preliminary surveys had been made?—Yes.

196. Are you aware of any other railways having been started in this colony, or tenders called for, when only preliminary surveys had been made?—No; but it is not intended to call for tenders under those surveys.

197. It would be impossible to call for tenders on the information you have got?—Yes.

198. You know the ordinary outlines of the Railway Bill?—Yes.

199. Can you give any instance of a railway in this colony, or elsewhere, being made in which the schedules definitely fixed the line until you knew what your cross sections were to be throughout the length?—There is the limit of deviation given.

200. Apart from the limit of deviation, can you give us any instance where the schedules of the Act have been fixed upon before the plans and surveys were made?—The North-Eastern line was done in precisely the same way.

201. Was the limit of deviation the same—two miles on each side of the road?—I am not sure; it is one or two miles. I am not sure which—I think one mile.

202. Can you give any reason why it should be necessary to require double the amount of deviation, unless in point of fact the department is in possession of less information as to the expenses of this line than they were in other cases?—There were one or two points on these lines: one at Beaufort and the other at Creswick, where it was possible a deviation of two miles might be thought desirable. I am not at all sure that in any case, except Creswick, it will be necessary to use the limit of two miles; but it was thought wise to adopt it. There is just as much information about these lines as there was about the North-Eastern line in the same stage.

203. Does not a great deal depend upon the fact whether a line, such as the North-Eastern, goes through a great proportion of Crown lands, or whether it be land all taken up—is the limit of deviation then not necessarily so large?—No, I think not—there is no difference.

204. No difference as to who the proprietor of the land is?—No; at least I have never considered that point.

205. Looking through the Railway Acts in this volume—the 4th volume of Victorian Statutes—I find one clause runs through the whole apparently:—“Whereas, a plan and section of the proposed railway,

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showing the line and levels thereof, have been deposited in the office of the Board of Land and Works." Has anything like that been done in this case?—I really cannot say, but it could be done.

206. Even from preliminary survey?—Yes.

207. Then a preliminary survey does in point of fact include the approximate sections?—Yes, there are sections of all those lines now before the Committee; they can be deposited, and if they have not been, it is an omission of a matter of form.

208. At what distance in a preliminary survey do you make the cross sections, as a rule—does not it depend upon the nature of the country—the contour lines—or is there a fixed uniform distance from cross-survey to cross survey?—We do not make cross sections in preliminary surveys, except in very peculiar circumstances, where there is something peculiar in the character of the country.

209. Then what does it mean by saying here, "Whereas, a plan and section of a railway"—that surely means cross sections?—No, it means longitudinal sections.

210. It would only show the gradients?—Yes, and those sections are in existence for all the lines included in the Bill.

211. I find that clause is adopted in the Sandhurst and Inglewood Tramway Act:—"And whereas a plan and section of the proposed railway, showing the lines and levels thereof, have been deposited in the office of the Board of Land and Works." You say, in each of those cases, nothing more was done than in the present case?—I say I am not certain whether in the case of the Bill which is now before the Committee those plans and sections have been deposited. I presume they have been, but I do not know it.

212. I want to know whether, in point of fact, there is sufficient information in the possession of the department to accurately fix the lines, from the preliminary surveys that have been already made?—Yes, with the limit of deviation.

213. In this Act?—Yes.

214. That is, two miles on each side of the line?—Yes, except in the case of Creswick.

215. It was suggested to me by some gentleman on that side of the House just now, that the limit of deviation on the North-East line was a mile\* on each side of the road. Apparently it does not say anything about deviation in that Act?—Yes, there is a limit of deviation.

216. In the Act?—I think it is one mile.

217. With reference to the gauge again—would not the narrow gauge make a very considerable difference in the proposed tunnel going through Geelong—would it not very much reduce the cost?—No.

218. Then, if it is not necessary to reduce it, why would you reduce your carriage one-half in breadth, or nearly, so you said just now—assuming for the sake of argument, to take your own figures, that the carriages on the narrow gauge were one-half the breadth of the broad gauge?—One-half the capacity.

219. In order to have the same carrying capacity on the narrow gauge, you would have to double the length?—Yes.

220. Would not you require the same tunnel width—the height would be same, I presume—for the narrow gauge as you would for the broad gauge?—I am not sure you would require it exactly.

221. Would not it be considerably different?—No, it would not be considerably different.

222. Then, is not the present broad gauge tunnel wider than necessary?—No.

223. I can understand, if you had a very long tunnel, that it is desirable to have it wider for ventilation; but suppose, on the outside of the platform of the carriages to the wall of the tunnel, what width do you think would be requisite, according to engineering practice?—Three feet is the usual allowance.

224. Then the width of the carriage is six feet, is it not now?—They are nearly eight feet wide.

225. That would make a width of 14 feet for your present tunnel?—Yes.

226. If you reduce the gauge by a foot, or say from 5ft. 3in. to 3ft. 6in.—1ft. 9in.—would you not reduce the tunnel in the same proportion?—No, you do not reduce the carriages in the same proportion; though the width of the rails is reduced, the carriage overhangs.

227. Then, in fact, the statement as to the carrying capacity of the carriages would not be so much reduced, the overhanging, in other words, would be greater in the narrow gauge than it is now in the broad?—Of course very much greater.

228. What would be the width of the carriage, consistent with safety, on the narrow gauge, going at a speed of twenty miles an hour, say?—I have never made a narrow gauge line, and therefore I cannot say exactly what width is adopted, but I believe 7ft. 6in.

229. You stated just now, that the carrying capacity of the narrow gauge carriage would be half the capacity of the broad gauge carriage?—I said, assuming that, for the sake of illustration, not as a positive fact.

230. I understand you distinctly. Then, if there is only six inches difference in the width of the carriages, the carrying capacity of the carriages would be nearly the same; you would only have to increase the length of the train to a very small extent?—No, to a very considerable extent. I am not prepared to state at the moment the relative carrying capacities, but there is no doubt a very considerable difference.

231. Even with a slice of only six inches taken off the whole length of the train?—Yes.

232. With reference to the crossings, do you know the principle known as the American crossings, instead of having gates?—I have heard of it.

233. Is not it possible to adopt that in some parts of some of these lines?—It is quite possible; of course, you run the risk of accident. We have been very careful to avoid accidents hitherto in this country, and I may mention that there is an Act of Parliament distinctly requiring that every crossing should be protected by gates—that there should be a gate and gatekeeper.

234. Supposing that was struck out. Supposing you could consistently, with safety, recommend the abolition of those gates, at certain crossings, would it not materially reduce the expense?—It would make some difference.

235. What would you put down the expense of a gate-keeper at—£100 a year?—The gates are generally kept by women, the wives of men employed upon the permanent-way, and they get two shillings a day, about £36 a year.

236. Not more than that?—No.

237. Then, it would not be an item worth considering in railway expenditure?—If there were many level crossings, it would be worth considering; but against that you have the increased risk of accidents. In America, as everyone knows, they are less careful of life than is the case in most British communities.

238. In one of the lines on the map submitted to Parliament, there is a line proposed, and then it is stated to be subsidized; a line to Gippsland?—Yes.
239. Were there any surveys made for that line?—Yes.
240. To the same extent and the same kind of preliminary survey as for these others?—It was a preliminary survey, but it is a much more difficult country than the country through which the lines included in the Bill before the Committee pass, the survey was not so perfect; the funds were very limited, there was a sufficient survey made to ascertain if a line could be had at a moderate expense; but very much more careful surveys would be necessary before that line could be carried out.
241. Do you know the country yourself?—Yes, I have been over it several times.
242. Does not the greater part go through Crown lands?—The greater part of it.
243. Heavily timbered land?—Yes.
244. Where the soil is good, if the timber were removed?—Over a part of it; not a very great part of it.
245. Not over the majority of it?—No.
246. Part of the timber could be utilised for fences, sleepers, and so on?—A great part of it could.
247. Can you give us any idea of the average cost per mile of the English railways upon the National gauge, 4ft. 8½in.?—I think the average cost of the railways all over England has been about £33,000 per mile; the amount paid for compensation has been enormous.
248. Could you say, apart from the compensation, what the cost of construction has been there?—In one case that came under my own knowledge—the Great Northern railway, that I was resident engineer upon—the cost of that, for the first 76 miles from London to Peterborough was, I think, about £33,000 per mile, but £10,000 per mile had been paid in the purchase of land and compensation before a spade was put into the ground in that length.
249. That estimate would include interest on the money as well?—I do not understand you.
250. You say money was invested before a spade was put into the ground?—No; paid for compensation, and for the purchase of land and severance, and so on.
251. I want to ascertain what the relative cost of construction, apart from compensation, of the English lines is, compared with the estimated cost out here?—There is no comparison to be made between the two.
252. On account of the difference in the price of labor?—And the value of the land.
253. I want the construction alone, if I can get at it, apart from the land altogether. Assuming you have the land given you, what would be the cost of laying down in England railways at per mile, the average cost?—The limit was so wide, it is scarcely possible to state it; they are making railways now in England of light construction on the 4ft. 8½in. gauge, for about £4500 per mile.
254. Those are single lines?—Yes; other lines have cost as much as £60,000 per mile.
255. For construction alone?—For construction alone.
256. Taking Chatmoss or the Box Hill tunnel?—I think the Brighton and South Coast—the original Brighton line—cost £60,000 per mile for 40 miles.
257. And the iron and labor both cheaper than here?—Yes.
258. How do you contemplate the possibility of putting down lines here at £5000 per mile, considering we have to pay so much higher amounts for both labor and material?—The works are reduced to a very small matter, by using very steep gradients; there is scarcely any line in England where the gradients are so steep as those which are used here; then again, the cost of land is very much less, and the compensation—; the stations are nothing like so expensive nor so numerous. The Parliamentary expenses in England are an enormous item.
259. £1000 a mile?—A great deal more than that in some cases.
260. With reference to the difference between the black and green lines, there is five miles difference in the length of the two in favor of the black, as compared with the green line, from Geelong to Camperdown, or from Inverleigh to Camperdown?—I think it is three miles; I can tell you exactly.

*The Committee adjourned.*

*The Committee resumed.*

261. I was asking you, when the Committee adjourned, if you knew the difference in length of mileage between the green line and the black line?—I have the distance by the black line from Geelong to Colac, and by the green line from Geelong to Colac, that will answer the purpose.
262. Yes?—Yes; shall I give it to you.
263. Yes, please?—The distance by the black line from Geelong to Colac is 47 miles; the distance by the green line from Geelong to Colac is 50 miles 34 chains, that will be 3½ miles nearly.
264. Can you tell me how far from Colac the two lines would meet, supposing they were both carried out?—About seven miles.
265. That would be between Gellibrand and Colac?—About seven miles, I think.
266. Could you tell me at all how far would be the nearest point to the township of Birregurra?—The black line passes through Birregurra.
267. But the green keeps to the north of it?—The green keeps to the north of it; I think the plan would show it very nearly.
268. About four miles, is it not?—About four miles, I think.
269. Have you been over that—you have told us you have been over the proposed black line—over that country?—Yes.
270. The whole of it as far as Camperdown?—Right through to Hamilton.
271. Have you also been over the green line?—Not over the whole of it.
272. I mean by the green line from the Leigh Road station to where it meets with the black line?—Yes.
273. I see by the map laid before the House, that the country that that line goes through is according to the colors laid down upon the map; the green line goes through first-class pastoral land only, not touching any agricultural land at all?—Yes; I have no doubt the map is correctly colored; I did not color it, but I believe it to be correct—I assume it is correctly colored.
274. Then, apart from the question of actual population upon the land at present, would it not be a better course to take a railway through first-class agricultural land, rather than through pastoral land?—Other things being equal, no doubt it would.



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275. Expenses of construction, that is?—Yes.

276. In projecting a line of railway, is it not advisable to consider the carrying capabilities of the land and its productive properties with reference to its future state, quite as much as its present one?—I should say so, where railways are projected for the future. It has not been usual to make railways except for the present, to accommodate an existing want.

277. Yes, but whereas we see here, from the returns of population given us, the existing wants upon the two lines really do not differ so very much, would it not be wise to consider what would be the relative character of the land through which each line passes with a view to deciding the question which line of the two you would adopt?—No doubt other things, as I say, being equal. I may mention at once what perhaps would answer your question, viz., that it appears to me to be premature to make either the one line or the other. I do not think either can pay at present; ultimately, no doubt, a line upon the black or green route will be made and would pay; but as neither will pay at present, I do not think either should be made.

278. In projecting the Ballarat and Hamilton line, did you take into account the existence of the Mount Cole forest?—As an element of traffic?

279. Not only the traffic, but also the material for construction being close at hand?—No, I cannot say that I did, because upon any line you make in this country, there is generally an abundance of material.

280. Sleepers?—Sleepers.

281. I thought most of our sleepers came down from the Murray by way of Echuca?—No doubt we do get them from the Murray, because we have railway communication, and they come down cheaper; but when we have the North-Eastern railway, we shall get them from there.

282. Do you know the extent of forest at all in either place, so as to be able to say whether the forests along the Otway ranges, or in the Mount Cole direction are the larger?—I should say the Cape Otway ranges are much the larger.

283. Do you know the character of the land?—I have not been there.

284. Do you know whether there is any report in your department that would throw light upon the subject?—No; you would get that better from the Surveyor-General.

285. Mr. Skene?—Yes.

286. Do you know where the bulk of the population upon the green line is situated?—There is very little population on either line.

287. Are you not aware that the greater part of the green line population exists at Inverleigh?—I believe so.

288. That is seven or eight miles from the Leigh-road Station?—I do not know the exact distance; I thought it was more than that; I cannot speak positively.

289. Seven miles, I am told. An honorable member says fourteen. Have you estimated in the cost the number of bridges you would have to make upon the two lines?—Yes.

290. Are there more upon the green, or less?—There are fewer upon the green. One of the reasons for the green being the more economical line than the other is, that there are fewer.

291. Upon the black you have the Barwon only to cross, have you not?—The Barwon and several minor streams; but the great expense is passing the Barwon. In the green the Barwon is not crossed.

292. Do you know the Native Hut Creek?—Yes, generally.

293. And the Leigh?—Yes.

294. Is not the Leigh as large as the Barwon itself?—No, not as large as the Barwon at Geelong.

295. Even then, you say the amount of bridges would be actually less upon the green line than it would be upon the black?—No doubt of it.

296. No doubt of it?—Yes.

297. With reference to carrying out four lines at once, considering the state of the labor market and the staff of your department, which do you consider would be the more advantageous plan for the Government to pursue, to carry out the four lines, or go on with and complete one at a time?—I think, taking into consideration that the Government is already engaged in the construction of 181 miles of railway in the North-Eastern line, that the construction of one additional line at a time would be the more prudent course than to commence the whole four, or, as I believe is proposed, three lines.

298. *By Mr. O'Shanassy.*—I believe some members of the Committee do not understand a question I put clearly with regard to the cost of the line—whether you included in the black line, Camperdown to Hamilton in your estimate, or only to Camperdown?—Only to Camperdown.

299. What would be the expense from Camperdown to Hamilton by the black route? I am asking that question at the request of some honorable members who do not understand that point?—I have given the whole cost of the line from Geelong, by way of Colac, to Camperdown.

300. At per mile?—The whole cost and the cost per mile. The cost of the line from Geelong, by way of Colac and Camperdown, to Hamilton is £759,421.

301. And to Camperdown alone?—To Camperdown alone, £406,648.

302. That is upon the 5ft. 3in. gauge?—No, upon the 3ft. 6in. gauge.

303. We must add £350 a mile?—It would be £350 a mile extra.

304. There is one matter more. I was requested to ask whether there has been a survey of the line—is such survey in your office—from Castlemaine by Maldon to Maryborough?—Yes.

305. Is there any objection to submit to the Committee a short sketch, and a memorandum showing what is the length of the line, and the probable cost of making it, as compared with the cost of the lines you have given evidence in favor of to-day?—None whatever; but I may say at once, the line by Maldon is shorter, I believe, by five miles between Castlemaine and Maryborough than by way of Newstead; but the works being heavier upon that line, the estimated cost is, as nearly as possible, the same in both cases; but I will take care to furnish the Committee with the information.

306. *By Mr. Robertson.*—You have under your supervision at the present moment the construction of the North-Eastern railway?—Yes.

307. Does that line present greater engineering difficulties than the lines projected in the Bill now before the Committee?—Not greater engineering difficulties; but it is a more costly line, from the character of the country.

308. Will you inform the Committee in what way it is more costly?—There are several large rivers to be crossed upon the North-Eastern railway; there is a very large provision indeed necessary for flood waters at Seymour, and between Seymour and Benalla, again at Benalla in crossing the Broken River, and

beyond Benalla, at Wangaratta, in crossing the Ovens River. The great expense upon the North-Eastern railway is the very large water-ways necessary to provide for floods.

309. You estimate the lines now proposed to be constructed may be constructed at about £5000 a mile?—Yes.

310. You say that the saving between the narrow gauge and the broad gauge will not be more than £350?—Not for lines of the same character.

311. If the North-Eastern railway had been constructed upon the narrow gauge, would the saving not have been more than £350 per mile?—It would have been greater upon the North-Eastern railway; because, as I said before, the works upon the North-Eastern railway are heavier than they are upon the lines included in the Bill before the Committee; but the great difference in the cost between the North-Eastern railway, which was estimated to cost £9300 a mile, and the lines which are now estimated to cost £5000 a mile, arises from the fact that the construction of the North-Eastern railway is of a very much more solid character than the construction of the lines now proposed to be made.

312. That pretty well meets a question I was about to ask—how you reconcile the fact that, in estimating the construction of this line to the Murray, you estimate the cost of that line at £9274, and that now, when we are going to have other lines constructed upon the narrow gauge, you inform the Committee it can be done for £5000 a mile, and yet no greater saving than £350 can be effected, as between the narrow and broad gauge?—If on the North-Eastern railway the Government of the day had determined to adopt a similar mode of construction to that which is proposed by the Bill—for the lines included in the Bill now before the Committee—the difference as affecting the gauge, or as affected by the gauge, would not have been more than £350 a mile. I do not know whether I have made myself understood or not. The construction of the North-Eastern railways is totally different from the construction of the railways now proposed to be made; on these lines, much lighter rails are used. Instead of allowing, as I allowed in the estimate for the North-Eastern railway, £1000 a mile for stations and £1000 for rolling-stock—only £300 per mile for stations is allowed in the estimates before the Committee. There is £800 now in these estimates for rolling-stock and stations, as against £2000 provided in the estimate for the North-Eastern. Again, in the North-Eastern all the bridges are either of stone, brick, or iron. The lines it is now proposed to make, all the bridges will be of wood. There will be much less ballast too.

313. What weight of rails do you propose to use upon the North-Eastern line?—Upon the two first sections of the North-Eastern railway—that is, for 116 miles the rails to be used will be steel rails of 67lbs. to the yard; on the lines now proposed to be made the rails will be iron rails of 50lbs. a yard for the main line, and only 40lbs. iron rails for the sidings.

314. What per centage of saving would there be between using the heavy rails and the light?—What per centage of saving?

315. Yes?—I think it may be stated roundly. I do not like to speak off hand upon the subject, but, I think, it may be stated roundly—that between such a permanent way as is used upon the North-Eastern, and such a permanent way as it is proposed to use here, there will be a difference of about £1200 a mile.

316. In rails alone?—Permanent way.

317. What per centage would be saved in the price of the rails alone between the rails now being laid down upon the North-Eastern line and the rails proposed to be used upon the lines about to be constructed under the Bill?—There is a difference of 34lbs. to the yard of line in the weight of the rails, and the difference in cost between steel and iron rails is about 50 per cent.

318. Fifty per cent.?—Yes.

319. Would you inform the Committee what would be the amount of saving in the sleepers between those on the narrow gauge and those upon the broad gauge line. I am informed there is 50 per cent. saved in sleepers?—There is the difference in the width of gauges and a somewhat lighter sleeper.

320. Upon the broad gauge you use the 9ft. sleeper?—Yes.

321. And upon the narrow gauge you only use 7 feet?—Yes.

322. Making a difference of two feet?—Yes.

323. That is a considerable item?—Yes, 1ft. 9in. it is strictly.

324. It makes a difference of about a cubic foot I think upon each sleeper?—I daresay it would be.

325. That is about 50 per cent.—that is 50 per cent. for rails and 50 per cent. for sleepers?—Excuse me, it will not be 50 per cent., if it makes a difference of one cubic foot in a sleeper; the cubical quantity in the sleeper used for the 5ft. 3in. gauge is  $3\frac{1}{2}$ ft., so that it is something less than 50 per cent.

326. Do you attribute much advantage to the light haulage upon the narrow railways—that is, do you attribute much gain on the narrow lines to the light haulage?—No, I do not; with the very small wheels which are to be used with the narrow gauge, and with the greater number of wheels, on account of the greater number of vehicles, the haulage per ton of useful load will be heavier upon the narrow than upon the 5ft. 3in. gauge.

327. Can you inform the Committee what is the amount of dead weight necessary to be carried in conveying 200,000 (odd) tons of goods—conveyed during the last twelve months upon our existing lines of railway?—I cannot.

328. Do you think it would require 2,000,000 tons of dead weight to convey 400,000 tons of goods?—Certainly not; if it did, there must be very bad management.

329. On account of the very heavy character of our rolling-stock?—No, I do not believe there would be anything like that.

330. Is it true that, at the present time, you often carry as much as ten to fifteen tons of pig iron in your break to prevent the trains running away?—The breaks are loaded to check the impetus upon the very heavy inclines that have to be worked.

331. To the extent of ten or fifteen tons?—Not to the extent of ten or fifteen tons; the whole break carriage, loaded as it is, perhaps weighs ten tons, or perhaps twelve tons.

332. What extra weight do you generally put into the break?—I do not exactly recollect at this moment, but I think from 15 cwt. to a ton; the locomotive superintendent can give you more accurate information than I can.

333. Which of the four lines now projected do you think would give the best return to the State?—The line from Ballarat to Ararat, or that from Ballarat to Maryborough, I am not sure which; I believe the most valuable line to the country would be that from Ballarat to Ararat.



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334. *By Mr. Campbell.*—The witness has stated that the line from Ballarat to Ararat, according to his estimate, would pay about 4 per cent., I think, and that Geelong to Camperdown would hardly pay its expenses, I understood him to say so?—That is my impression.

335. There are two other important lines—that is, the line from Ballarat to Maryborough, and upon which we have had no estimate of the expenses and profits derived from the line. That is a question I wish now to put, at what do you estimate the profits from the line from Ballarat to Maryborough through Creswick, Clunes, and Talbot?—I think the line might be expected to pay the same per centage as the line from Ballarat to Ararat.

336. Four per cent.?—Yes. I merely give my opinion upon the matter. It is a matter perhaps scarcely within my province; but knowing something of the country, I give it as an opinion.

337. Then the line from Castlemaine to Maryborough—what may it be estimated to return?—I do not think it would return anything like so much as the line from Ballarat to Maryborough.

338. Which of the lines is the estimate for construction the least expensive?—The least expensive line is the line from Ballarat to Ararat.

339. Comparing the two lines—from Ballarat to Maryborough, and from Castlemaine to Maryborough—of these two lines, which is the easiest to be constructed?—The easiest constructed of the two lines would be, I think, the line from Ballarat to Maryborough.

340. There is another point I wish to get information upon, that is, with regard to the route of the line to Carisbrook. It has been pointed out to me here that an equally good line could be obtained crossing Deep Creek a little above Carisbrook, by which the inhabitants of Majorca and that district would be better accommodated. Has your attention been drawn to that part of the country, or do you know it?—I do not know it. My attention has been drawn to it in course of to-day, but not previously.

341. And in making this trial, or preliminary survey that has been made, is it intended that a more detailed and particular survey should be made before the lines are finally defined in the Bill?—Certainly, within the limits of deviation.

342. Do you think it is practicable for us now, in the present state of our information, to decide the direction and points in which the line should pass?—I think so. I think the line is sufficiently defined in the Bill before the Committee.

343. And with a wide deviation of two miles?—With a deviation of two miles on either side.

344. *By Mr. Jenner.*—What is the quality of the land through which it is proposed to carry the green line?—From the Ballarat line, do you mean?

345. Yes, from the junction of the Ballarat line?—I have not been over the whole of that line, but I believe it is mainly pastoral country.

346. Is it plains, stony plains, or timber?—It is stony plains.

347. Would not the cost of the black line be less where the material for fences and sleepers can be had upon the spot than the green line?—It might make some difference; not a very material difference, I think.

348. Not if the fencing and sleepers had to be carted in one case twelve miles?—The carriage would not be quite so long from the place where the timber is found to the place where it is used.

349. Would not it make considerable difference in the cost?—It would make some difference, but I do not think a very material difference.

350. How many miles would it be necessary to cart the timber from the forest?—I cannot say at this moment; I do not recollect what the distance is.

351. Has any coal been found near the proposed black line?—I am not aware. I have heard of coal being found in the ranges. I am not aware of it of my own knowledge.

352. You have not seen any of the seams?—No.

353. Would not the construction of a railway from Geelong to Queenscliff be less if the black line is carried as proposed in the Bill?—Yes.

354. To what extent?—The line to Queenscliff would use a portion of the black line in leaving Geelong.

355. What would be the saving?—I think about two miles of line. I cannot speak positively, because the line to Queenscliff has never been surveyed.

356. It would branch off near South Geelong, near the Barwon?—Yes.

357. What would be the saving in cost?—If the line to Queenscliff were made at the same rate as the lines now under construction, it is £10,000; it would save two miles.

358. £20,000?—£10,000 for the two miles, at £5,000 a mile.

359. If the green line should be constructed upon the narrow gauge, would you recommend that all goods should be removed into different trucks at the junction of the Ballarat line, or would you extend the system of narrow gauge to Geelong?—I should recommend the change at the junction.

360. To change all goods at the junction?—Yes.

361. What would be the additional cost of changing goods upon that line?—It of course depends upon the quantity of goods; the traffic manager estimates, in the case of the black and pink lines, that the cost of transfer of goods would amount to £1950 yearly; half of that would be about £975, which would be the cost according to his estimate.

362. Would it require an additional station?—Yes; wherever there is—

363. Further expense?—Wherever there is a junction of the narrow with the existing gauge, there must be, I believe, a changing station.

364. You think it would be better to move the goods to be moved, and also for passengers to change carriages, rather than carry the narrow gauge into Geelong?—Rather than lay a third rail, which introduces so much complication.

365. *By Mr. Black.*—I hold in my hand the probable estimate of the returns from the railway between Ballarat and Ararat; the amount I think is £36,865?—Yes.

366. I presume you are well acquainted with the character of the country through which the railway has to pass?—Yes, I have some acquaintance with it.

367. What is the probability of an increase of traffic upon that line?—I think there is a probability of a large increase of traffic.

368. May I ask what that traffic will rise from?—It would arise from the growth of Ararat, Pleasant Creek, and the Reefs, and the increase of traffic from the Wimmera district; I do not attach much importance to the traffic between Ballarat and Ararat.

369. Not from the produce of the soil?—There is considerable settlement.

370. As to the character of the country, I see it laid down upon the map as chiefly green soil, which I believe, is supposed to be a soil capable of sustaining a large proportion of sheep and bullocks, but not a human being; am I right in that view?—I do not know that I am sufficiently acquainted with the character of the soil to say that; I may say, that the character of the land along the pink line is not nearly so good as along the black line.

371. I want to come to some definite conclusion as to what the increase of the traffic on that line would be for some ten or fifteen years say, and upon that, what is the best line to construct?—I do not pretend to be able to make such an estimate for any line.

372. Do you estimate that the traffic will chiefly arise from the natural produce of the country; I mean the surface produce, or from the gold-fields, and population of that character? that is, the population that usually extends where gold-diggings are found?—I look at the thing as it is at present. I do not pretend to see into the future, and what is likely to be; but at present there is the largest centre population on the pink line, that is at Ararat and Pleasant Creek.

373. Will you permit me to ask again, in proposing the line on which the railway is to be constructed, did you look merely to the present population upon that line in forming your estimate of the advantage or disadvantage of having a railway there?—In considering what lines should be made, I think it is quite possible the lines which do not appear to me to be desirable or necessary to be made at present may and will be made hereafter; but, in advising the Government as to the best line to be made, I necessarily considered the present state of things.

374. You necessarily consider what the amount of population is upon that line at present?—No doubt.

375. Then you ignore entirely the capability of the country—the opening up of a rich and fertile country—for the benefit not only of those resident in that part of the country, but for the benefit of the country generally?—I do not pretend to see into the future. My duty is, and the duty I was directed to undertake was, to advise the Government what route was the most desirable to adopt at the present time from Ballarat to Hamilton, and I advised the pink line.

376. May I ask, if you think it should form no element in the formation of a judgment as to the route a railway should travel what the capability of a country is,—whether the object is merely to serve the population that exists there at present, or whether the object is to open up a rich and productive country capable of sustaining a very large population?—I should say the object in making a railway is to accommodate existing interests. When new interests grow up in another district, then make a railway to accommodate them.

377. Then you do not at all approve of the principle of opening up the country by means of a railway, nor populating it by the facility of travelling? I understand you right, I think?—I am not sure that I catch what you mean. If you put the question again, I might be better able to answer.

378. It is very easy to transpose the words in such a way as to ask you, do you approve or disapprove of constructing a railway with a view of opening up a country for a population to settle down upon it, and pour the produce of their labor from a rich and fertile soil into the towns for the benefit of the community at large?—If I am called upon to advise which route a railway should take—and upon one line there is a settled population, and upon the other line only a prospective population—I should certainly advise the making of a line where a population exists.

379. I suppose I need not direct your attention to the principle upon which the American railways are constructed, not for the convenience of the existing population only, but for the laying open a vast extent of country for population to occupy?—I am very glad to have an opportunity of saying a word upon that point, because the principle upon which American railways are constructed is very generally quoted, and under an entire mistake. Here the railways are made by the State; in America, railways are made by private speculators, and the State endows the line very largely with land; the speculators, so as to make a market for the land, construct a line through it. They make the line, in the first instance, in the very lightest and most temporary way, their object being primarily not a railway speculation, but a land speculation. There is that essential difference between railways made here by the State, and railways in America, made by speculators in land mainly.

380. Then, according to your knowledge of what is done in America, railways are constructed upon private property, and for the benefit of individuals, partners in the concern, and not for the benefit of the country at large; not by the Government, or through the Government at all?—The country at large no doubt benefits, but the private speculator makes a railway in the way he thinks most advantageous to himself, and the most advantageous way for the private speculator is to make a line as quickly as possible, in order to bring the land granted to him by the Government into the market.

381. To return to what I started from. The yield from, or probable estimate of the yield from, the railway between Ballarat and Ararat is £36,865?—Yes.

382. And I think, if I understood you aright, certainly not with any prospect of a large increase of population from any occupation of the country drawn from the surface; it is from gold diggings?—I think I said there was considerable settlement along that route.

383. But not extensive?—Not so large as in other places.

384. Then I would direct your attention, if you will allow me, to the estimate of the Camperdown line, the yield of which is £34,220?—Yes.

385. Having regard to the prospect of an increase of population, and traffic and carriage of goods of all kinds from that district, I would like to ask you to state shortly—if you recommended one line, would you recommend the pink?—Yes.

386. With all those considerations before you I would ask, with a difference of somewhere about two thousand pounds, would you think it advantageous to recommend a railway to pass through a country not fertile, if not barren, rather than through a country that is capable of producing every requirement of mankind—capable, if railways were constructed there, of pouring into Geelong and Melbourne every single day every article that a man can require to add to the comforts of his breakfast or of his dinner, I would ask if, with so small a difference, would you think it advisable that a railway should be constructed where there is no prospect of that increase of population?—I think I have almost answered that question before. I felt it my duty to advise the Government to make a railway where the population exists; the population existing in a place has wants that have to be supplied; the traffic is not merely from a district to Melbourne, but it is from Melbourne to the district.

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387. I would ask you if it is any advantage to population living in a country not very naturally fertile in itself to have the advantage of communication with a country that is capable of supplying their daily wants?—Undoubtedly.

388. Is not that an element to be taken into consideration?—Certainly. The population along the line from Ballarat to Ararat will be supplied by the fertile district of Ballarat, so far as they need supplies.

389. I presume I need not ask you the character of the country—I can ascertain as to the character of the country through which the pink line passes—I need ask you the character of the country through which the black line passes, you are acquainted with it all?—Yes, it is a very fine country.

390. All capable of producing everything man requires?—Some parts are finer than others, but the greater part of it is very fine.

391. It appears to me to pass through land colored pink, representing agricultural land, or land capable of agricultural produce?—Through the greater part of it it does, no doubt.

392. I suppose, from the answers you have already given, I need not ask you if you could form any estimate as to the number of population per mile that each of those districts is capable of maintaining, the relative numbers?—I could not give any opinion upon the subject.

393. But you could give an opinion as to whether there is a very great difference?—The land along the black is undoubtedly finer than the land along the pink line.

394. And capable of sustaining a larger population?—And capable of sustaining a larger population.

395. I would like to learn from you, whether you think an element in considering the line which a railway ought to traverse is the advantage to the people resident in that portion of the country; that is to say, for instance, in such a portion of the country as I have described, do you think that the interest that the population in towns have in having a railway traversing such a country is an element to be taken into consideration?—The position of the termini of course has always to be taken into consideration.

396. It is an advantage to a town to have communication with a rich and fertile country?—No doubt it is.

397. Therefore Geelong and Melbourne would benefit largely by communication with such a rich and fertile district. I see here, and I have heard it frequently spoken of, two lines—one called the “blue line,” I think, and the other the “black line”?—The green line.

398. The green line, and the other black line, leading from Geelong, I think you say there is a difference of about £80,000 in the construction of those lines?—About that—£78,000 I believe is the exact sum.

399. Could you point out any advantage that would be derived from constructing a more expensive line?—I do not think, as I said before, it is desirable to construct either line at the present time.

400. I want a nearer answer, if you please, to the point?—But if either line is to be constructed, the least expensive of the two would be the least burdensome to the State, as things are at present.

401. I have got in my hand a paper showing the relative expense of constructing a line to Hamilton by Ballarat and by Camperdown—that estimate, I presume, is based upon the blue line and the pink line?—No, I think all the estimates, so far as I can recollect, for the line from Geelong to Hamilton have been based upon the black line.

402. From Ballarat?—From Ballarat to Hamilton the estimates are based upon the pink line.

403. It says here, that the rate per mile to Hamilton from Ballarat, *via* Beaufort and Ararat, is £4099 [*handing a paper to the witness*]?—Yes.

404. And the next, to Hamilton by Castlemaine, is £4671?—Yes.

405. And that by Camperdown is £4725?—Yes.

406. Could you inform me what the rate per mile would be by Camperdown, taking the Geelong line—taking off the £80,000?—Taking off the £80,000?

407. Yes; you estimate the green line at £80,000 less than the black line?—Yes.

408. What would the rate per mile be to Hamilton?—[*The witness referred to a paper*]—It would be, speaking roundly, about £4300 a mile.

409. I made a rough calculation, by which I made it about £4130?—£4300, I think, will be about it.

410. And the pink line would be——?—£4099.

411. So that the choice of money between these two different lines amounts to nothing, or very near it?—I beg your pardon; the pink line is only 119 miles long; the black line, to Hamilton, is 152 miles long—there is a great difference in length; the black line, besides being the more expensive line per mile, is something like 30 miles longer—it is 32 miles longer, I think.

412. May I ask if you think that return a sufficient test of the profit and yield to be derived from the railway—the per centage upon the capital?—I am not quite sure that I understand the question.

413. I wish to know whether you think the per centage, or return upon the capital invested, is a true test of the value of a railway?—It may not be in every case; for instance, in the case of a line where there is a great deal of unsold land, as in the case of a line from Melbourne to Gippsland, it may be worth the while of the Government to consider the increased value which will be given to the land by the formation of a railway; but that consideration does not apply upon a line where all the land is sold.

414. No; but it would apply in this way, that a railway may be constructed for the purpose of opening up a country, and it is expedient to take a low rate on purpose to reach a country that is difficult of access, and therefore the return from that will be limited, and the per centage will be low. Before leaving off this green line, I would like to ask you if you think it would be possible or expedient to have the junction of the green line nearer Winchelsea, with a slight deviation, avoiding the very great expense which you seem to think there must be in making a tunnel?—There is no tunnel upon the green line.

415. Upon the black line?—No.

416. Joining the blue line down nearer Winchelsea to the black line it might be possible to avoid the expense of making a tunnel?—There would be no tunnel in either case.

417. Is not there a tunnel comes through Geelong?—At Geelong there is a tunnel.

418. By having the junction lower down nearer Geelong than as at present proposed, perhaps it would be possible to avoid the necessity for a tunnel?—Then you take the green line to Leigh Road, or nearly so.

419. Take it to Winchelsea, or somewhere near it?—I do not understand you.

420. From the junction lower down, nearer Geelong?—You do not avoid the tunnel then in that way, the tunnel is at Geelong.

421. But if they start by the green line, and instead of following the green line as at present laid down, form a junction nearer Winchelsea, that is possible?—That is possible.

422. And nothing impracticable, or difficult, or expensive about it?—I am not prepared to say; it has not been surveyed; it would be a very awkward line I should say, from just looking at it on the map.

423. Can you tell me what is the greatest distance from the green line of railway proposed to the boundary of what is here shown as the fertile land, or the present route going up to Colac—what would be the deviation?—I cannot say; it could be scaled upon the map at once.

424. It appears to me, upon this map, to be somewhere about ten miles?—I dare say it would be about that.

425. There has been a good deal said about the working expenses upon the Queensland lines, and it appears to me that that is no correct estimate, from what I have already mentioned to you of what the returns may be, because it may be thought expedient to charge a low rate on purpose to open up a new country; is it not so?—I cannot say. I do not know what the policy of the Queensland Government is. I have merely given the fact as to the per centage of working expenses to receipts upon their lines, and I have no doubt the Queensland Government tries to make the best of its lines—to get all the profit it can out of them. I know they were doing it when I was in that country, and no doubt they do so now.

426. Is there not a money profit and the profit of opening up a new country that is unopened yet?—I have said already that I think there is, where the land is unsold.

427. I presume there is a good deal of that in Queensland?—Yes.

428. *By Mr. McKellar.*—Mr. O'Shanassy has asked what would be the expense of an extension of the present line from Camperdown to Hamilton. I think you said £430,000?—I gave the two estimates. The whole cost of a line on the 3ft. 6in. gauge from Geelong to Hamilton *via* Camperdown I estimated at £759,400.

429. From Camperdown to Hamilton?—I have not that separately, but I have given it from Geelong to Camperdown, I think.

430. A rough estimate?—I can give it you in a moment. From Camperdown to Hamilton would be about £311,000.

431. Have you any idea what the expense of an extension from Ararat to Hamilton would be?—*[The witness referred to papers and made a calculation]*—£240,000.

432. You mentioned it was the cheapest constructed line of any?—Yes.

433. Are you aware that the Grampians contain freestone?—I believe they do.

434. Would it be a source of revenue to the railway, taking that freestone down?—Not a very large revenue.

435. It would be a source of revenue?—Some revenue.

436. Would this railway, in going to Hamilton, enter a very rich agricultural country?—There is a good agricultural district.

437. Would it be a better extension and more beneficial to the western districts than the extension from Camperdown to Hamilton?—Yes, I have said so over and over again, that I believe that it is the right extension.

438. *By Mr. Cumming.*—What do you estimate the revenue from the different lines proposed in the present Bill—what return do you expect may be obtained from the different lines?—I have not made any estimate. I have not been called upon by the Government to make any estimate of that kind.

439. I thought you said you had carefully prepared an estimate of the revenue?—No.

440. And the interest upon the money the different lines would cost?—I have made no estimate of revenue; I was not instructed by the Government to make any.

441. In reference to the line from Ararat to Ballarat, you estimate it would pay 4 per cent. upon the cost of construction?—I said that was my impression; the estimates of revenue were made by the Traffic Manager.

442. Your impressions carry great weight in the country?—I think it is in the recollection of the Committee that I said distinctly, I simply gave it as my impression, from what I know of the district, that 4 per cent. might be expected as a return from the line between Ballarat and Ararat.

443. That is simply your impression. What is your impression that the revenue will be from the railway from Ballarat to Maryborough?—I was asked that question before, and I said I thought the same returns might be expected from the line between Ballarat and Maryborough as from the line between Ballarat and Ararat.

444. That is 4 per cent.?—Yes.

445. And what is your impression that a line of railway from Castlemaine to Dunolly would return upon the cost of construction?—I have not any opinion about it; I have never considered it; I do not feel that I know sufficient of that district to give an opinion.

446. What is your impression as to the interest to be obtained upon the cost of construction of the black line from Geelong to Camperdown?—I believe it would barely pay its working expenses, if it did pay them, without returning any interest whatever.

447. You have not the same information in connection with the line from Maryborough to Dunolly as between Geelong and Camperdown?—I have not; I may explain why. The line from Castlemaine to Dunolly by Maryborough is a line that has been very recently projected. It was not proposed by the late Government, but by the present Government; and I never was called upon to consider the question in any way. I was called upon to consider the question between what are known as the black and the pink lines.

448. At that time, what did you estimate the revenue from the pink line, carrying it throughout to Hamilton?—Again, it is only an impression. I thought the portion between Ballarat and Ararat would return 4 per cent., and the portion between Ararat and Hamilton would return 2 per cent. There would be a return of between 2 and 3 per cent. upon the whole; that was my impression.

449. Can you give the Committee any information as to the grounds upon which you found your estimate of the revenue to be obtained from the line from Geelong to Camperdown?—Simply seeing the district in travelling through it. I do not pretend to have gone carefully into any statistics, but one is accustomed to consider such matters. In passing through a country, and seeing the population and the character of the traffic of the roads, you can form almost instinctively a tolerably correct impression. I

T. Higinbotham, also took this into consideration, that Camperdown, Mortlake, Terang, and all those places, I believe, are supplied now as cheaply through the Port of Warrnambool as they can be supplied by a railway. The district through which the black line passes is in a totally different position from the district through which the pink line passes.

450. That is your impression?—No, that is a fact. There is carriage by water to the one district. There is no carriage by water to the district between Ballarat and Ararat and Hamilton.

451. You know that, as a fact, that these districts—Camperdown, Terang, and Mortlake districts—are supplied from Warrnambool?—The greater part to Camperdown, or a considerable part, is supplied from Geelong. I made very careful inquiries of some of the carriers, as to the rates at which goods can be delivered *via* Warrnambool, and certainly to Mortlake and Terang the rates were as low as those at which goods could be conveyed through from Melbourne by railway.

452. What was the rate you were informed goods could be conveyed from Geelong to Mortlake for?—I do not remember at the moment. I have not got it with me; but I can give it.

453. Have you travelled along the black line?—Yes.

454. Beginning at Geelong, it is a town, I believe?—Yes, a very good town.

455. Is there any population there. Have you any idea of the extent of the population at Geelong?—I do not remember at the moment. It is a large population.

456. What is the nature of the country along the black line going out from Geelong?—It is very good country.

457. Is there a population along the country?—There is a scattered population.

458. Throughout its whole length?—Three or four miles from Geelong perhaps, then after that there is very little all the way to Colac. There are a few people at Winchelsea.

459. Have you any idea how many there are at Winchelsea?—300 or 400 I think is the outside.

460. Is not there a large population between Duneed and Mount Moriac?—There may be; I am not aware of it.

461. You are not aware of the amount of population on both sides of the line between Duneed, which is a hill on the left hand side about seven miles from Geelong, and Mount Moriac, a prominent object to the right; you are not aware of that?—I am not aware of the population; but a railway is of very little use to any population within seven miles of a market-town.

462. You contemplate carrying some of the products of that country to other parts of the country along that line?—Probably; but I presume that the nearest market-town is the natural destination of it.

463. The black line throughout goes through good land?—The greater part of it. A great deal of it is magnificent land.

464. Birregurra is a populous district on the right?—It is not a populous district; it is fine land.

465. A great many farmers?—Yes.

466. In going through a farming district you do not see the population collected together the same as in going through a digging township?—No.

467. So that you would require to traverse the land on both sides to some distance to see the population. You have been asked a question already as to the character of the country on the left hand side, towards the Otway?—I have not been in the Otway Ranges. I do not know what the character of the country is.

468. In estimating the cost of the black line, at what rate per mile have you estimated the cost of fencing?—The same as on the other line.

469. The same as on the green line?—Yes; they are made on the same principle and the same prices.

470. When fencing materials can be obtained on the spot, is not the cost much lower than it would otherwise be?—The fencing can be obtained upon the spot in either case, and a few miles more or less carriage does not make much difference.

471. What have you estimated the cost of fencing at?—£80 per mile.

472. On each side?—Yes.

473. For what kind of fence?—A sufficient fence against sheep.

474. Is it for a three-railed fence?—I cannot say I went into that amount of detail; it was such a fence as squatters generally put up.

475. That depends upon the nature of the country and the expense of getting the materials?—If you will observe, in making such estimates as are made in this case, it is not possible to adapt your estimate to every mile of the line; the fencing may be done at a low rate upon one mile and a higher rate upon another mile, but, in making such estimates as I have been obliged to make on this occasion for Parliament, you must take the average.

476. In one case the fencing may be more expensive than in another—there may be a difference of £100 upon a length of 20 or 30 miles?—Not if the fence is of the same character.

477. I would like to know how you arrive at the cost of the fencing—first of all, what kind of fence do you propose to put up on the respective lines, and at what cost?—£80 a mile, a sufficient sheep-proof fence. I have not made up my mind whether I should use partly rails and partly wire, or altogether wire.

478. A wire fence through a timber country would not be a good fence, nor would it be desirable?—It may be as good a fence as you could put up for £80 a mile. It may be desirable upon part of the line to adopt a timber fence, where timber is plentiful and cheap; on other parts of the line, where timber is not plentiful, it may be desirable to adopt a wire fence.

479. What is the cost of the fence being put up on the North-east line?—Very much more than £80 per mile; it is twice as much, speaking generally, or nearly so.

480. That would be nearly £160?—Not quite so much as that; it would be about 8s. 6d. per rod.

481. Then, if I understand you correctly, you allow no difference in the cost of fencing a line of railway. With regard to the two lines projected from Geelong to Colac, the green and black lines, the cost of fencing would be the same?—I have estimated the cost of fencing the same on both lines.

482. And on the black line, could not sleepers be obtained nearer to the line?—There may be some advantage in that. If a balance is to be struck, it must be struck all round. On the green line stone can be got easily. It is a fair way to take the same prices all round. On one line you may have a little advantage in sleepers, on another line you may have a counterbalancing advantage in ballast.

483. Then it is simply your impression that the line would not pay more than working expenses between Geelong and Camperdown?—I have said that is my impression.

484. It is also your impression that that land is capable of producing a great deal, if put under proper cultivation?—No one can look at the land without seeing that it would be so, if it were under cultivation.

485. Would not the construction of the black line stimulate production along its course?—I dare say it would.

486. And so encourage the traffic, and increase it on the railway?—Yes; but I have already explained, it is beyond my province to contemplate that; my duty is to recommend the Government in what direction a line is, under the present circumstances and at the present time most required.

487. You have no detailed estimates of the cost entering into the particular items—fencing, permanent way, and sleepers, and so forth, that would be required?—I have got these items, purchase of land—they are all given, in fact, in the estimates before the House.

488. With regard to the purchase of land, it is simply your impression that it would cost £10,000 to purchase land required for the line of railway through the town of Geelong?—That is my estimate for the first two miles from the present terminus.

489. How did you arrive at that estimate—cannot you say how you arrived at that estimate?—I cannot give you any particulars. I did not inquire into the special value of each particular house or building along the route.

490. Have you any detailed particulars of houses and property that would be taken?—Not otherwise than would be found on the map.

491. Would you be good enough to look at that plan—[*handing same to witness*]*—*the land colored upon that plan blue is reserved, those are reserves; do you see, if the black line were constructed from Geelong, you would get out from Geelong through Johnstone Park?—Yes.

492. And whereabouts would the tunnel commence?—The tunnel commences, I think, close to the Presbyterian church—as far as I can see upon this plan, immediately under the Presbyterian church.

493. Could not the line go to the east of the Presbyterian church?—I daresay it might do, but it would introduce a very awkward curve into the line.

494. Would it introduce a greater curve than that which existed in making the Spencer street Railway station?—I think so, I could not be certain without laying down the curve.

495. If the line could be carried to the east of the church, the church property would not be damaged, would it?—I am not sure of that; there might be a vibration which would injure the church.

496. How far from the tunnel would the vibration extend?—I cannot say; that would be a matter to be ascertained from actual experiment, it would depend upon the strata passed through, and various circumstances.

497. Has there been no similar instance to determine that point?—None precisely similar, that I am aware of.

498. No tunnel carried under buildings?—A tunnel was carried through the Red Hill at Liverpool, and the North-Western Railway Company had to pay enormous compensation to owners on the surface whose property was not apparently injured in the slightest degree, but they felt themselves aggrieved, and got damages on account of vibration, though the property was not injured.

499. Can you give any idea at what distance this damage from vibration would exist?—No.

500. The compensation would have to be determined afterwards?—Yes; no doubt there would be claims for compensation after the opening of the line, judging from experience in other cases.

501. Would a building be injured if a tunnel were 80 feet away from it?—I cannot say.

502. At what distance would it be safe?—I cannot say.

503. When were you along the course of the black line?—I think about a year and a half since.

504. Then if you merely went along the line, you do not know what extent of population there may be to the right or to the left?—I did not go to any distance to the right or to the left.

505. You have estimated the cost of the tunnel to be some £40,000?—£43,000, I think it is.

506. And that cost would not be reduced if the gauge were narrowed?—This estimate is for the narrow gauge.

507. If the narrow gauge started from the Leigh-road stations it would necessitate a changing station there?—Yes, I believe so.

508. At what cost?—I have estimated the cost of the changing station at £6000, but there would be a changing station at Geelong also. Wherever you have a break of gauge a changing station is necessary.

509. Could not you run into the present station?—No, the gauges are different; you would run off the rails.

510. Then if you required a changing station, is there not sufficient ground in connection with the Geelong station to form a changing station at such a point that the tunnel there would be a considerable distance away from those buildings?—I do not understand you.

511. If it should be necessary to construct a changing station at Geelong, could not that changing station be built sufficiently east of the present station to avoid carrying the tunnel near to the church—you said some time ago that you thought that, to avoid that church, would cause an awkward curve in going into the Geelong station?—Yes.

512. If it be necessary to construct a changing station at Geelong, could not it be built sufficiently east to avoid going near the church?—It is quite possible; but if you avoid the church, you get into other property. It is a case of Scylla and Charybdis—if you avoid one building you get into another.

513. But those buildings may not be of much value?—I cannot say; all the buildings upon that hill seem to be of good character; they all seem to be good buildings.

514. Are they churches, or what two story buildings?—I have never examined them specially, but they seem to be good substantial buildings, as far as I can judge. Anyone who has been to the Geelong station can see them opposite to him, near the public gardens on the hill.

515. If you carried out the green line, to get into the Birregurra country, you would require to have a branch line into Birregurra from the green line?—No; the line is shown on the map before the Committee.

516. Would you be kind enough to look at this—[*handing a map to the witness*]? Do you think the green and black lines are correctly laid down there?—I should think so. I could not speak positively, not having examined them thoroughly.



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517. How far is the green line there from the township of Birregurra?—I should think about four miles, but I have not the scale with me.
518. So that if it were necessary to get to Birregurra you would require a branch line of four miles?—To go into the township of Birregurra, yes.
519. You are aware there is a forest of valuable timber immediately to the east of Birregurra?—There is timber there, I know.
520. To go into that timber country, you would have to extend that branch to a greater distance than four miles?—No doubt.
521. What is the average distance between the black and green lines—the distance they are apart?—The average distance?
522. The average distance they are apart?—It varies from nothing to I should think 12 miles.
523. That would be an average distance of six miles?—Yes.
524. Looking at the map, do not you think that the average would be greater than that?—I daresay it would.
525. So that those two lines traverse very different country?—No doubt of it.
526. The green line would not serve the black line country at all?—Not in the least.
527. Those lines only converge close upon 40 miles from Geelong?—About 40 miles.
528. You said, I think, when the Honorable Mr. Jenner asked some questions about the railway extension to Queenscliff—is a line projected to Queenscliff?—It has been frequently talked of.
529. If this black line were constructed, a portion of it would be available for an extension to Queenscliff?—A portion of it would be used as a part of the route to Queenscliff.
530. About 2 miles?—About 2 miles.
531. What part of it?—That part next Geelong.
532. What is the estimate of the cost of construction of those 2 miles?—Including the tunnel, and taking the tunnel at £43,000, and the land at £10,000, the cost would be something like £60,000—quite that for those 2 miles.
533. I understood you to say, that the saving in the cost of construction to Queenscliff would be only £10,000?—The saving in the cost.
534. The saving in the cost of construction of a line of railway from Geelong to Queenscliff would be only £10,000?—If you made a line of railway from Geelong to Queenscliff along the route of the present black line the saving would be more.
535. The saving would be nearly £60,000?—Yes.
536. Then, that was a mistake; I understood you to say the saving would be only £10,000?—Yes, it was, as far as this, that I assume the whole length of the line to Queenscliff at the same rate of £5000 a mile, which was taking the average cost of the lines now before the Committee, and therefore I took 2 miles at £10,000.
537. Then, in the cost of construction of a line of railway from Geelong to Queenscliff you have included the £60,000 for the first 2 miles?—I did not include it, if you make a line of railway from Geelong to Queenscliff, and adopt, as a part of it, the black line that passes through Geelong, then the cost of that I put down at £63,000.
538. So that, in fact, there would be a saving of £60,000 if you followed the black line?—If you were making a line to Queenscliff alone, it would be so.
539. Then that was a mistake, saying that the saving was £10,000?—In that respect it was.
540. Unless some cheaper route could be adopted?—Unless some cheaper route could be adopted.
541. Are you aware whether a cheaper route could be adopted?—Another route has been proposed, going along the frontage of the bay and through the Botanical Gardens; it is a more circuitous route.
542. If the railway is carried out, would not a tunnel be the most convenient way of approaching Geelong for the present and for future time?—I think so.
543. Seeing it goes under the streets at a considerable depth?—Yes; I do not think the route through the Botanical Gardens and by the bay is practicable, or certainly not desirable.
544. A line of railway has now been constructed between Melbourne and Beechworth—the North-Eastern line of railway?—Yes.
545. What is the extent of that from Essendon, say?—181 miles.
546. A line of railway was surveyed from Goornong on the Echuca line to the same terminus, was there not?—Yes.
547. From Goornong on the Echuca line?—Yes.
548. Do you remember what the length of that line is?—I do not at this moment. The route from Melbourne was very much longer than the present route.
549. I was asking from Goornong?—I do not recollect exactly. I have not got the information with me.
550. You can give me what your impression is?—It may be upon the map, perhaps. I think 151 miles from Goornong to Wodonga.
551. You are quite positive about the one, but not so positive about the other?—I am quite positive about the length of the North-Eastern line, and I believe, I am nearly correct in stating the length from Goornong to Wodonga would be 151 miles.
552. At what point do those two lines that were surveyed converge?—Violet Town.
553. What distance is, Violet Town from Melbourne?—It would be about 91 miles—no, it would be more than that, it would be 98 miles.
554. What distance is Violet Town from Goornong?—67 miles.
555. So that if it had been an object to get at the terminus in the cheapest way, the cheapest way would have been by Goornong?—No doubt of it.
556. A saving of some 30 miles of railway?—Yes; but none of the country lying between Violet Town and Melbourne would have been accommodated.
557. So that for the accommodation of that country you have constructed 30 miles of railway in addition to what would have served?—Yes; and the route I have mentioned, the route from Wodonga to Melbourne would have been greatly increased by a detour to Goornong.
558. So that the country in its wisdom has considered the convenience of those residing along the route, and the shortest way of getting at the terminus?—Yes.
559. What is the nature of the country between Melbourne and Violet Town—what kind of country

is it?—Some of the country, as far as about 30 miles from Melbourne, is very good country, from there to Seymour it is poor country. There is very good country about Seymour and to the left of the line between Seymour and Avenel is all good country.

560. Is that good country of any extent?—Yes, of large extent.

561. Is it merely upon river flats?—There is a large extent of good country lying between the railway and the Goulburn.

562. And from Seymour to Violet Town?—From Seymour to Avenel there is good land; from Avenel to Violet Town, the most of it is poor land, except about the creeks.

563. What kind of land is it from Violet Town to Benalla?—Very poor for the most part; there is some good land, but not much.

564. You have stated in the course of the examination that you considered the present population merely in advising the Government in relation to the construction of new lines of railway—you considered merely the present location of the population?—Yes; their present wants.

565. You would construct a railway for the present wants according to the present necessity?—Yes.

566. But some of the occupations conducted in this country are somewhat changeable, as in the case of some of the goldfields; some of the mines become worked out, and the population remove to another part of the country?—Then it may be a question whether any line should be made or not.

567. That is not the case in an agricultural district?—Agricultural pursuits are generally regarded as more permanent than mining pursuits.

568. What are the pursuits of the population that would be served by the extension of the line from Ballarat to Ararat—the chief pursuits?—Between Ballarat and Ararat there is some amount of settlement on farms; but the principal value of that line will be in the accommodation it will afford to Ararat, Stawell, and Pleasant Creek, and the pastoral district of the Wimmera.

569. So that, in effect, the extension of the railway to Ararat would give accommodation to the greater portion of the persons within a radius of twenty or thirty miles of Ararat?—The principal population is there, and it is the most desirable position for the population to be situated in, if the line is to pay, because they have further to travel.

570. I do not altogether understand the meaning of that; do you mean to say that the neighborhood of Ararat is the most desirable position for the population?—I say, in considering whether a line will pay or not, it is desirable to have the largest amount of population at one end of the line, because you can get what are called long rates; instead of travelling two or three miles, or four or five miles, they have to travel fifty or sixty miles.

571. But the greater portion of the population at the end of the line are engaged in mining pursuits, are they not?—Principally, I believe.

572. It does not require a great deal of railway accommodation to carry their gold?—No.

573. But in an agricultural district, the population would be likely to produce a large amount of traffic?—Yes.

574. *By Mr. Degraives.*—I should like to know the greatest speed you have known from Woodend to Gisborne?—I have never timed it, but I have no doubt they go seventy miles an hour at times.

575. And the average amount of carriages, or about the average?—Do you mean goods trucks?

576. Goods trucks and passengers' together?—Goods trucks—a single goods' engine will come down with about twenty-eight, that is double the load she takes up.

577. What number of tons will that twenty-eight carriages take?—It will be about seven times that, about seven tons to each truck—about 196 tons.

578. Then, to carry that same amount of tonnage on the 3ft. 6in. gauge, you would want about double the number of trucks, I imagine?—I do not say double the number.

579. Fifty per cent.?—Quite that.

580. Then, do you consider that there would be any greater amount of danger in the trucks on the narrow gauge, carrying the same amount of tonnage than there is at present going at a speed of 70 miles an hour?—You could not go a speed of 70 miles an hour on the 3ft. 6in. gauge.

581. Could you go at 50?—I should be very sorry to go at 50.

582. Can you go at 50 with safety now upon the 5ft. 3in. gauge?—Certainly, with perfect safety.

583. Is it your opinion, from your experience in other countries as well as this, that it is more beneficial for the State, for the railways generally, to be made by private enterprise, subsidized by the State in the shape of land, or guarantees, or by the State?—I think, in this country, it is more desirable for the State to make railways. There are a great many considerations that enter into that matter; but, upon the whole, my opinion is, that the great arteries of communication in this country should be in the hands of the State.

584. *By Mr. W. A. C. a'Beckett.*—You have been asked as to whether there are any advantages in the narrow gauge line in the way of gradients—could you ascend a steeper gradient upon that gauge than upon the 5ft. 3in. gauge?—Certainly not.

585. Is there an advantage in the sharpness of the curves?—No, I believe not; theoretically there is a supposed advantage, and, theoretically, I believe there is an advantage in the 3ft. 6in. gauge in that respect—it can use sharper curves than the wider gauge, but, practically, there is really no difference—there was an illustration of that in London not very long ago—I dare say almost all honorable members present recollect some experiments made near London in a cabbage garden, there on a gauge of 4ft. 8½in. the engine ran round a curve of 50 feet radius; that proved conclusively that really, as to the question of curves, there is nothing to be gained by having a narrower gauge than 4ft. 8½in.

586. Not with a long bogie engine?—Mr. Molesworth mentions that in his report.

587. You are quite of opinion that an equal weight on the 3ft. 6in. gauge will require a greater weight of carriages, and carrying material, carrying stock than what it does upon the present gauge?—Yes.

588. You are definitely of that opinion?—Quite. Allow me to read what Mr. Molesworth says upon the subject of curves. "The sharpest curves of the Festiniog railway are 115 feet radius, and the wheel base only 5ft. or 6ft.; but lately a steam carriage 43 feet long has been exhibited near London, running round curves of only 50 feet radius, at a speed of 25 miles an hour, on the ordinary gauge of 4ft. 8½in., so that the greatest element of economy claimed for the exceptionally narrow gauge is, to some extent, illusive, inasmuch as with the ordinary gauge curves can be used which are twice as sharp as the sharpest curves upon the Festiniog railway." If the honorable member will read Mr. Molesworth's report, he will see he completely exposes the fallacies that have been stated about the excessive dead weight carried



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upon what are now called broad-gauge lines. He says, that upon the Festiniog railway, about which so very much has been said, the load exceeded  $2\frac{1}{2}$  tons per passenger. Now, the greatest charge that has ever been made against the 4ft.  $8\frac{1}{2}$ in. and 5ft. 3in. gauge, is a ton per passenger—it depends upon the number of passengers to be carried. If you allow passengers to stretch themselves at length along the side of the carriage, so as to let one man take up the room of three, instead of properly filling your carriages, you may get any amount of dead weight; but if you pack the carriages as they are packed upon the Hobson's Bay railway, the dead weight, upon the gauge of 4ft.  $8\frac{1}{2}$ in., or 5ft. 3in., does not really exceed the dead weight upon the 3ft. 6in. gauge. Would the Committee allow me, before leaving, to read the opinions of two of the most eminent engineers in the world upon the subject of break of gauge. When break of gauge was proposed in India, Mr. Bidder was consulted, and upon the 14th July, 1870, he wrote to Mr. Andrew, the Secretary to the Scinde railway, to which Mr. Bidder was engineer, to the following effect. I will just quote one or two of his remarks, if the Committee will allow me:—

“If on any given line the traffic is small, and a low speed will suffice, there is no difficulty whatever in designing lighter engines, smaller and lighter carriages and waggons, lighter rails, and lighter and less expensive works generally, by which means the cost of a line may be reduced to a minimum, without making the fatal mistake of altering the gauge.”

Now, that is the opinion of a man of immense experience, not merely in the construction but in the working of railways. He says—

“In the published despatches on railway extension in India, it seems to be assumed throughout that a reduction of gauge is essential to and identical with a reduction of cost; but no kind of reasoning or proof is given to support such an assumption. Moreover, in regard to the inconveniences of the break, the arguments are reproduced which were urged in the earliest agitation of the question; such, for example, as the statement that the change of vehicle for goods was only equivalent to the cost of transport over 10 miles of railway. It ought to have been borne in mind that when the break was put to the test of experience in the hands of the same company, and under the most favorable circumstances possible, all these arguments were disproved, and the result was the total abandonment of a system for the establishment of which millions of money had been expended. The question of the possibility of constructing cheap railways in districts where the traffic will not warrant a large outlay, is by no means confined to India. Such railways are now required in England, and I may mention a case where one of our largest companies has lately constructed a line 22 miles long, to accommodate a very poor district, at the smallest possible outlay. They have used specially light rails, and specially light engines; and all the arrangements have been of the cheapest possible character; and the cost of the line, including expensive land, has been kept down to a little over £4,000 per mile. In another line, eight miles long, it is intended to carry the economy still further; but in none of such cases would any railway authorities in England dream that it was necessary to reduce the gauge. In conclusion, I cannot but view with dismay this startling and unprecedented proposal (the break of gauge). It sets at nought the most positive results of all our vast railway experience: it is unjustified by any reasonable prospect of advantage; it is only supported by fallacious and long exploded arguments; it involves an immense and wanton sacrifice of money; it might produce the most disastrous effects on the military interests of the country; it would interfere seriously with the commercial traffic, and it would be attended with a large and certain loss to the system over which you preside.”

Mr. Hawkshaw was consulted upon the same subject, and he reported to the directors of the Eastern Bengal Company on the 13th July, 1870.—Mr. Hawkshaw is an engineer of very large railway practice in England and in India. He says—

“The evils of break of gauge are now well understood by those who had any sufficient experience of railways in this country. They are of so serious a nature as would, I apprehend, deter any Government from encountering them, except in some cases of absolute necessity. In the one case you have all the evils of a break of gauge, and vehicles 4ft. shorter and 2ft. narrower than your present carriages and waggons, the carrying capacity of the latter of which you have, on requisition from India, lately been endeavouring to make as large as possible in the iron cylindrical waggons now being constructed. In the other case you would avoid those evils and there would appear to me to be no occasion to pursue this subject further, as it seems clear that if the saving of capital be the object, there is no such difference in those sums as would justify a break of gauge; and of those two alternatives it would be much the better to keep your present gauge and adopt a lighter railway. One advantage alone which I will here point out seems to me, so far as you are concerned, to more than cover the difference of cost. By adopting, as I have done, a maximum weight of four tons per wheel, the cost of the whole of your rolling stock, excepting your engines, would be available for your extension, and you would only require a moderate addition to that stock, for none of your carriages and waggons when loaded will weigh more than four tons per wheel upon the rail. If you had two different gauges, you must have two descriptions of vehicles of every kind, with a corresponding amount of duplicates for each; and this circumstance alone, in my opinion, would turn the scale in favor of the lighter railway on the present gauge against the narrower gauge. But besides this you would be subjected to the cost of unloading and reloading goods at the change of gauge, with all its attendant inconveniences, delays and loss of time; and looking at your interests alone as a commercial company, I consider you would be greatly injured by the introduction of a break of gauge in your system of lines. The evils involved in a break of gauge are to me no new question. So far back as 1838, when I had occasion to report on the introduction of the broad gauge in this country, I then pointed out the evils that would ensue by introducing a break of gauge. Those evils have all come to pass, and large sums of money have already been expended in remedying them to some extent, and more money remains to be expended for the same purpose.”

I will just read one passage more, if the Committee will allow me.

“In the long and repeated discussions which occurred in this country years ago on the break of gauge, it was urged by those who supported the differential gauge that the inconvenience would be measured by the expense and time occupied in shifting goods from one waggon to another where the change of gauge occurred; and this was put by them as being equal to the cost and time involved in ten miles of railway transit. It was variously reckoned at 4d. a ton, at 8d. a ton, and at 1s. a ton; and this charge, could it have been arrived at, would have been capitalised and added by me to the credit of the lighter railways on the present gauge, as it will become a charge on the break of gauge, if introduced. But experience has shown that the evil effects of break of gauge under this head must be put higher than this, or the Great Western Railway Company could never have been justified in spending the large sums they have done in putting the narrow gauge on their broad gauge line; and although I cannot imagine that an experiment which has already been made in this country with such results will be again tried in India, I venture to prophesy that if it be, the time will come when the Indian Government will be called upon to expend more money to remedy the evil than they can save by introducing it.”

589. *By Mr. Campbell.*—I observe, upon the map here, the green line of railway, passes to Ararat by way of Maryborough and Avoca. I would like to know whether there has been anything against the adoption of that line, or why it was not carried out as pointed out on the map. I wish to know whether it is the chief engineer's opinion that it would be a good line; or why it was struck off the plan?—The reason for not adopting that line was, that there is much more line to make upon that route than upon the route between Ballarat and Ararat, and it passes through a very poor country indeed between Maryborough and Ararat.

590. It is poor country, I am aware, but is it not an auriferous country—is not there a considerable population at Avoca, and some of those places upon the way?—There is some population, but not a large population.

*The witness withdrew.*  
*Adjourned to to-morrow at two o'clock.*

WEDNESDAY, 18TH OCTOBER, 1871.

Robert Watson, Esq., called and examined.

591. *By Mr. O'Shanassy.*—I believe you are the resident engineer of the Government Railways of Victoria?—The North-Eastern railway. R. Watson, Esq.,  
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592. Only the North-Eastern?—Only the North-Eastern.
593. How long have you been employed by the Government?—I have been seventeen years in the Railway Department.
594. Seventeen years in the Railway Department—what capacity—what office did you fill before you became resident engineer for that long period?—I had charge of the surveys—the preliminary and permanent surveys for the different railways in Victoria.
595. Are you familiar with the preliminary surveys made upon the proposed line now, as exhibited by this map, and in the Bill before this Committee?—With some of them.
596. Which of them?—I am not familiar with the line from Castlemaine to Maryborough, or from Maryborough to Dunolly.
597. Under whose supervision were those surveyed?—I think under Mr. Hull's.
598. How long ago?—In 1863 or 1864; I am not quite certain of the date.
599. That is seven years?—It is seven years.
600. Was there any other survey of those railways made since that period—preliminary surveys, I mean?—There has been no survey made since that period.
601. Have you been over that portion of the colony yourself?—I have not been over either of the lines that I have mentioned.
602. Is it within your knowledge that, within a period of seven years, a very great change as to residence of the population may arise?—I do not know.
603. It is not within your knowledge?—It is not within my knowledge.
604. Now, what is in your knowledge, will you be good enough to state, with regard to preliminary surveys?—I have only had to do with making the estimates of the cost of lines from those preliminary surveys that were then made. I have had to make estimates of the cost of the lines.
605. But you took your data altogether from facts supplied to you by the officers engaged to make those preliminary surveys?—Precisely.
606. And upon that you made an estimate for a certain class of railway?—I did.
607. What description of railway were you called upon to make an estimate for?—There were estimates made for three different descriptions of railways.
608. Will you state them, if you please?—I may state that those estimates have all been made under the direction of the engineer-in-chief, under his instructions.
609. Yes. What year were they made in?—The most recent were made in the present year.
610. Would you be good enough to inform the Committee of the estimates made in the present year for those lines?—[*The witness referred to papers.*]—The first estimates that were made comprised the whole distance from Geelong to Hamilton, from Castlemaine to Hamilton, and from Ballarat to Hamilton.
611. Would you specify the route from Geelong to Hamilton?—From Geelong to Hamilton *via* Colac and Camperdown.
612. By the green or the black line now?—Generally called the "black line." The estimate that was made was by the black line into Geelong.
613. That is through the town of Geelong?—Through the town of Geelong.
614. Will you describe in detail the route, as well as the estimate, how the line went by way of Geelong through Colac?—It went by way of Geelong crossing the Barwon a short distance above the Barwon bridge. I cannot remember the names of the several towns.
615. Generally say Colac, Camperdown, and so on?—Colac, Camperdown, Terang, and thence to Hamilton.
616. Will you state the estimate in stages, if you please, as you went along?—I have only it in one complete length from Geelong to Hamilton.
617. What did that show?—It shows for the first estimate a substantial construction for the 5ft. 3in. gauge; works similar in every respect to those now being constructed on the North Eastern line, total £1,192,176, or a cost per mile of £7843.
618. That was to include rolling stock?—Rolling stock and stations.
619. Stations?—Stations.
620. Rolling stock and stations being of the same character as are now proposed upon the North-Eastern line?—Precisely.
621. Bridges?—Bridges of stone, or brick, and iron.
622. And rails?—Rails 66lbs. per lineal yard, steel.
623. The depth of metal?—The depth of metal under the sleepers was 10 inches.
624. And the sidings?—The sidings were taken at 10 per cent. of the entire length of the line.
625. Might I ask you how many stations there are upon that route?—I do not remember the number of stations.
626. The whole distance—what is the distance in mileage?—152 miles.
627. Did you inspect the line yourself?—I went over it with the engineer-in-chief.
628. About what period, it does not matter about the month—about the year?—It must be 2½ years ago, probably three years ago.
629. What state did you find the main roads in as you went along?—Very good.
630. Good metal road?—A considerable portion.
631. Was it any portion of your duty to inquire the cost of carriage along the metalled road?—We did so, but I do not remember the particulars we obtained.
632. Was it given to the traffic superintendent?—That I cannot say.
633. Now, will you describe the other class of line that you estimated for?—The second class of line was for light construction with a 5ft. 3in. gauge—the estimate was made from the same section and the total cost (from the same survey)—£970,093; the cost per mile being £6382.
634. On the 5ft. 3in. gauge?—On the 5ft. 3in. gauge.

635. Bridges?—Bridges the same as before.
636. Rails?—Rails the same as before—I am not quite certain about that.
637. Stations and metal?—The ballast is narrower; there is the same quantity of ballast as was used in the estimate made by Mr. Fowler for light construction on the 5ft. 6in. gauge, on the Indian lines.
638. Fencing?—Fencing the same as for the substantial construction.
639. At per mile, what was it?—£352 per mile of railway; £176 per mile of fence.
640. You made a third estimate, I think you stated?—The third estimate was for light construction, the 3ft. 6in. gauge; and here also the character of the lines was assumed to be the same as that by the engineers who reported upon the Indian railways.
641. The character in what particular?—Forty-two-pound rails; 10ft. 6in. formation, 3ft. 6in. gauge of railway.
642. What is your own idea, as a professional engineer, upon a 40lb. rail?—It depends entirely upon the heaviest weight per wheel that is put upon the rail.
643. Taking the estimated or presumed traffic, which, in making that estimate, you must have had before you, what would be the life of such a rail?—I cannot tell you that; but the weight of rail is determined rather by the heaviest weight that any one wheel puts upon the rail than by the traffic that is taken over it.
644. What was the carriage you designed in connection with that line, in estimating the weight?—The heaviest weight contemplated that would ever pass over this rail (42lbs. weight) was  $3\frac{1}{2}$  tons upon the wheel. The rule is to multiply the number of tons per wheel by twelve for the number of pounds per lineal yard of the rail.
645. That is the power of carrying. I speak now rather of the duration of it?—I cannot speak of the duration of the rails.
646. Have you heard, or have you read, of the loss to the railways from using in the first instance too light a rail?—I believe the disposition is generally—and it is founded upon experience—to increase the weight of the rail where light railways have been laid down. The practice has been to increase the weight of the rail when they are renewed.
647. Why not in the first instance—as between 40lbs. and 50lbs. For example, why should the 10lbs. be subtracted from the 50lbs. if it is found to be a permanent loss?—I presume it is done from motives of economy in the first construction.
648. Where the State is doing it, and not a private company furthering their own interests by land speculations, do you see any advantage in suggesting a 40lb. rail as compared with a 50lb., seeing the loss must necessarily fall almost immediately upon the State?—The rule that I have mentioned is no doubt arrived at from practice; that is, it is desirable, where  $3\frac{1}{2}$  tons per wheel are put upon the rail, the weight of the rail should be 42lbs. per lineal yard.
649. But if it is found in working it is economical to the State, and that in using the 50lb. rail there would be a saving in the first instance, would not it have been better to have substituted the 50lb. in the first instance?—No doubt it would.
650. Then solely upon the ground of trying to make a saving in that item 40lbs, was suggested in that estimate?—That was the reason no doubt.
651. What would be the difference in value in the interest between the 40lb. and the 50lb. rails?—Speaking of steel rails?
652. I am talking of iron—you are speaking of steel all through?—I do not make any difference; but what I understood you to ask was the difference between the 42lb. and 50lb. steel rail.
653. No—keep to iron?—The price at which we get iron delivered in the colony is about £8 or £8 10s. per ton, but I require to make a little calculation to know that. It is about £8 per ton delivered here; the difference between 42lb. and 50lb. is 8lbs.
654. About a fifth?—About a fifth.
655. Would that difference, in your mind, be of such a character where the State is making a railway as to justify the substitution of a 40lb. rail for a 50lb. rail?—I think I should be inclined to prefer the 42lb. rail on the score of economy, the traffic here is not likely to be great for many years.
656. Have you any other reason than mere idea of economy in the first instance?—I am not quite sure that I understand your question.
657. Had you any other reason operating in your mind why you would prefer a 42lb. rail in the first instance than the score of economy to the 50lb. rail—the latter costing a little more?—My only idea was to lessen the first cost.
658. The reason why I ask you the question is, that I have read your evidence, which is now before us, but which you gave in another place; and you seemed to have before your mind there the notion that a State might proceed to capitalize the savings, and bring out the same result as a private individual, or that a company would—that, by proceeding upon principles of economy in the first instance, they might save the money and put it out to interest. I put it, therefore, to you, was there any other reason in your mind for substituting the 42lb. for the 50lb.?—I do not think the calculations that were there made would apply to so small a difference as the cost between a 42lb. and 50lb. rail. The evidence that I gave was to show that, in some cases it might be advisable to use iron rails in preference to steel, although the one should cost only two-thirds as much as the other, and that other last to all eternity.
659. *By Mr. a'Beckett.*—There being a difference of 50 per cent. between the two?—A difference of 50 per cent. between the two.
660. *By Mr. O'Shanassy.*—That is the reason why I asked the question?—There being so small a difference as that, it would not apply.
661. Would you proceed now to describe that third estimate throughout?—I will now give the character of the third estimate, that is light construction with the 3ft. 6in. gauge; the total cost is £886,585, the cost per mile £5833.
662. Is that the last estimate that was made?—That is not the last estimate that was made.
663. I understood you to say there were three estimates?—There were three estimates made by the engineer-in-chief.
664. The date of that?—The report is dated 27th April, 1871.
665. Was there any subsequent estimate?—There have been recently estimates made for the same lines, with a very much lighter description of construction.

666. Will you give us the date of them, if you please?—The first of them was made on the 19th September, 1871. R. Watson, Esq.,  
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667. When you say "the first of them," you contemplate several, then?—There are two.

668. That will be in the whole, five—as far as your knowledge extends?—Five estimates—yes.

669. Exactly—now let us get on with that?—I have only given you the estimate of the line from Geelong to Hamilton—do you wish the estimates of the other lines?

670. I would like to finish one first, because the Committee would think it desirable to exhaust each line to the end, with regard to inquiry about it, and then begin the others; let us have the whole thing relating to one line and see how it stands from beginning to end, by the estimates of the department, and then we shall not confuse them one with the other?—The next estimate was made on the 19th September, 1871, and was for the same line that I have already described, from the same survey, and the total cost is £717,033.

671. Was that made under the direction of the engineer-in-chief?—It was made under the direction of the Honorable the Commissioner of Railways; the engineer-in-chief was out of town at the time.

672. Very good?—The rate per mile was £4725, and the way in which this estimate differs from those previously made by the engineer-in-chief is by substituting fencing, such as is erected by squatters, instead of a four-rail fence, viaducts and bridges to be of timber instead of stone and iron, ballast 8 inches under the sleepers instead of 10, rails to be 50lbs. per yard and of iron, instead of 42lbs. per yard and of steel, the sidings to be  $7\frac{1}{2}$  per cent. with iron 40lb. rails instead of 10 per cent. with steel 42lb.; the rolling stock and stations to be £800 a mile instead of £1000 per mile.

673. Then do I understand you to say that the return which we have before us, and from which you have now substantially read, headed "Railway Department, 17th September, 1871," and bearing no signature, was an estimate ordered by the Commissioner of Railways to be made from his own view?—Precisely.

674. Therefore, it bears no authentic signature of any professional man, so far as submitted to Parliament?—It does not.

675. Can you explain the reason why that document should emanate from the Railway Department, apparently under authority, for it is signed "Railway Department, 17th September, 1871," and have no person responsible, apparently, for the statement set forth in it?—As far as the engineer-in-chief's office is concerned, it should rather be called a calculation than an estimate.

676. A calculation rather than an estimate?—I was instructed by the Honorable the Commissioner of Railways to make certain alterations in the prices and in the quantities, those alterations I have already described—I simply made the calculations and handed them to him.

677. Then the estimates of the Victorian Railways, headed "Lithograph Sketches of certain Lines," placed before Parliament, and which we are now possessed of, as I have described, were made out in that way?—Precisely.

678. But when that was forwarded, was there any explanatory statements forwarded with it, to show how it was made out?—I am not aware of any. I beg your pardon, I believe there was—there was a statement made and handed by me to the Honorable the Commissioner of Railways upon the following day. I have not a copy of it by me, but there was such a document.

679. However, as far as Parliament is concerned, there does not appear to be anything to show that you were in your professional capacity merely carrying out the instructions of the Minister?—Precisely.

680. Professionally, do you hold yourself responsible for it?—Not at all.

681. You do not?—Not for the items that were altered.

682. Not the items that are altered?—Not the items that are altered.

683. Did you form any opinion upon them, as a professional man?—As far as the fencing goes, I agreed with the Honorable the Commissioner of Railways, that a less substantial fence might answer the purpose; that is, that if squatters and farmers are satisfied with a certain description of fence to separate their lands from each other, I cannot see why they should not be satisfied with the same description of fence to separate them from the railway.

684. What was that assumed to be, may I ask?—I think it was assumed to be £200 per mile of railway, or £100 per mile of fence.

685. According to the locality—that in your opinion might be a reasonable item?—I think so. I have been informed by squatters that they can erect a sufficient fence for that price.

686. Now the other point, if you please—what other items were altered from the third estimate you have read?—The viaducts and bridges were altered to timber instead of stone and iron. I think that the calculations that I made and submitted to the Committee of the Legislative Assembly would guide us in choosing whether we would erect temporary structures, which would last only a short time, or permanent structures that would last a longer time.

687. Would you describe, what you have in your mind, those two periods, the short period and the long period in the life of a bridge?—Some calculations that I submitted to the committee assume that a timber structure would last ten or twelve years.

688. And a stone one?—And a stone one probably a hundred years.

689. And the relative cost of the renewal and original construction?—There are other matters that have to be—

690. The relative cost of the renewal of the ten or twelve years' wooden bridges, as against a hundred years stone?—The item that I took was the Campaspe viaduct. The actual cost of that viaduct was about £6000—the estimated cost of the permanent structure was £30,000.

691. What period did you take in the point of labor and carriage of materials in making that comparison—the period of time?—The estimate was made on the 18th February, 1868.

692. But the cost at the time the Campaspe viaduct was constructed was a period as you know of—the gold period—when labor was high compared with what it is at present—did you take that into account?—I took the actual cost of the structure, and the actual—

693. Not taking into account at all the alteration in the price of labor, or the difficulty in bringing the material to the ground?—Between then and now?

694. Yes?—I did not take that into account at all.

695. Is not that a very serious item?—It is.

696. A hundred per cent.?—It is not so much as that.

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697. In point of labor?—I do not think wages have come down one-half.
698. Nor the difficulty of carrying material to that point, say 140 miles from Melbourne?—It could be carried, at that time, 100 out of those 140 miles by railway.
699. The item of carriage was very heavy, you know?—I took the probable cost of the construction of what was not erected and the actual cost of the viaduct that was erected, but I should say in explanation that the viaduct that was erected was for a single line only; whereas, the estimate made for a permanent structure, which it was anticipated would be erected some time or other, was for a double line.
700. Did you contemplate that those bridges on the black line were to be of the same character as the Campaspe?—The first estimate that was made in 1867, I think, for the Colac committee, contemplated timber structures everywhere; the estimates that have been more recently made contemplated substantial structures—that is, stone and iron.
701. I am now referring to the fall of water that has to be carried under the bridges in certain localities—do you contemplate, in the erection of bridges along the black line, such structures for the purpose of carrying off water as was required in the case of the Campaspe bridge?—That was the structure upon which the estimate for crossing the Barwon was made.
702. And for other portions of the line beyond the Barwon, is there any other such water fall to be guarded against?—Nothing at all approaching to it.
703. Therefore, taking an isolated instance like that and making that the standard for the bridges along a whole line of 150 miles, having only one water-course like the Barwon to deal with—would be an unfair estimate?—It would be unfair.
704. Now, would you explain your idea upon the making of bridges for the actual line, not taking anything like the Campaspe, what would answer in the way of substantial series of bridges along the line, making an allowance for the necessary exceptions of the Barwon?—A number of calculations were made to show the difference in cost between the way in which the North-Eastern line is being constructed, and what it would have cost if the structures had been of wood instead; it shows that a wooden structure for bridges would decrease the cost of the water provision by 46 per cent.
705. In the item of bridges alone?—On the item of bridges and culverts, water provision.
706. But in relation to all the other items?—Certainly not.
707. What would that amount to in the estimate you made?—In the estimates I have here there are several items mixed up together, which I cannot very well separate.
708. Then will you just follow the general line of inquiry, and tell the Committee, according to the view you have described, what the work to be constructed under the fourth estimate would cost per mile, with the explanation you have given of the character of the works in view?—The fourth estimate I gave was £717,033.
709. Which is, per mile?—Which is, per mile, £4725.
710. On the 3ft. 6in. gauge?—On the 3ft. 6in. gauge.
711. Have you included the purchase of land?—I have included the purchase of land.
712. Clearing, fencing, earthworks?—Clearing, fencing, earthworks, and level crossings.
713. Would that include the tunnel?—That includes the tunnel.
714. Water provision?—Water provision.
715. Metalling road approaches, ballast, and permanent way?—Metalling road approaches, ballast, and permanent way.
716. How far did you go with regard to the metalling and ballast? did you reduce that much there in the third or the fourth—how far did you reduce so as to bring it down?—There is no reduction from the third, in the item "metalling roads," but the ballast is reduced from 10 inches to 8 inches under the sleepers.
717. In the ballast and the permanent way?—In the ballast and permanent way; no, I beg pardon, the rails for the third estimate were of steel, the rails in the fourth estimate were of iron, and of a slightly different weight, 50lbs. instead of 42lbs.
718. But that does not appear in any document sent to Parliament, because here the iron is 40lbs.?—There is a note at the bottom which shows that, in the fourth estimate, the weight of the rails is altered to 50lbs.
719. Well, what is your opinion as between those estimates, the third and the fourth, professionally?—You do not get so good a line; you cannot travel at so great a speed on the fourth as on the third.
720. By how much?—The difference in speed between the third estimate, and the fourth would not be considerable; but the difference in speed between the fourth estimate and the first will probably be that the maximum speed under the first estimate might be from sixty to sixty-five miles per hour, and the other not exceed twenty-five miles.
721. You would get only twenty-five on this fourth estimate?—That is the maximum speed.
722. The average speed would be about twenty?—Not so much, fifteen probably.
723. Then the speed would be reduced to fifteen miles on the average on the fourth estimate?—I judge of it in this way: the maximum speed on the lines already constructed is from sixty to sixty-five miles per hour, and the average speed is twenty-five.
724. And the other plan the maximum would be?—The maximum would be twenty-five miles per hour, and probably the average would be fifteen.
725. What is your opinion between that proposal, as relates to the 3ft. 6in. gauge and the 5ft. 3in. gauge, made of the same materials? what would be the difference in the cost and what would be the relative speeds?—Taking the same construction over the same line, with the 5ft. 3in. gauge instead of the 3ft. 6in. gauge, the cost of the line from Geelong to Hamilton is £759,421, or an average rate per mile of £5005.
726. And the average of the other was how much?—£4725.
727. That is somewhere about £300 per mile?—£300 nearly.
728. Then, do I understand you to say, that you confirm, if you have read or heard the opinion of the engineer-in-chief upon that subject, with regard to the relative cost of the first outlay?—I do. My own impression is that the engineer-in-chief has rather over estimated the difference than under estimated it. The estimates that were prepared show a difference, taking the whole length of the line, for the three lines—from Geelong to Hamilton, from Ballarat to Hamilton, and from Castlemaine to Hamilton—between the cost of the 3ft. 6in. gauge and the 5ft. 3in. gauge, of £261 per mile.
729. Something less than what he has estimated?—Yes.
730. In fact, professional men, as a rule, whether architects or engineers, are rather prone to make themselves safe by making an over estimate?—They prefer to be on the safe side.

731. Then, in point of fact, if tested, it may turn out to be less than £200 per mile?—Yes; but I should state that the difference between the cost of the 3ft. 6in. gauge and the 5ft. 3in. gauge for the first portion of each of those three lines would be very considerably greater than the average upon the whole, in consequence of the heavy works upon the first portion of each line. R. Watson, Esq.,  
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732. In consequence of the Barwon, the tunnelling, and other difficulties?—Yes.

733. Therefore, to get at an average of the line, you must not take the first section?—Certainly not.

734. You must take the whole?—Yes.

735. Will you now be good enough to tell us the relative speeds you could succeed in obtaining on the 5ft. 3in. gauge at a cost of £261 per mile, as against the 3ft. 6in. gauge?—No doubt the speed would be considerably increased, but I am not prepared to say how much.

736. Would it be a fourth?—I scarcely think that.

737. At all events it would be considerable?—It would be considerable.

738. And that increase of speed would not entail any loss upon the working?—I think not.

739. Would it not rather be a gain?—Probably it might be.

740. By hastening the business?—It would be a gain—a slight gain—in this respect; in the maintenance of the line it is more necessary to keep a narrow gauge line with a good top upon it (that is, having both lines of the same level), than it is a wide gauge line, and for this reason—

741. It will not bear the oscillation?—It will not bear the oscillation so well. You may perhaps understand it better if I say that the height of a waggon from the rail is about 10ft. 6in., the width between the narrow gauge rails is 3ft. 6in.; if one of those rails gets two inches lower than the other, the height of the waggon being three times as much as the gauge of the line, the top of the waggon is thrown three times two inches out of plumb.

742. And creates oscillation?—And creates oscillation; whereas, if the gauge is 5ft. 3in. instead, the top of the waggon is then only thrown twice two inches out of plumb; so that, if the line gets out of order with the 3ft. 6in. gauge, there is more danger travelling at the same speed than with the 5ft. 3in. It alters the centre of gravity.

743. Have you borne in mind also the capitalized value of labor for the purpose of transferring goods where there is a break of gauge—have you taken that into account at all, in making the difference of £260, or is it only in relation to construction?—Only in relation to construction.

744. Have you read or heard the engineer-in-chief's evidence on that point in regard to capitalising the labor?—You refer to the evidence he gave before the Committee yesterday; I have not read his evidence given yesterday.

745. What is your own opinion?—The figures he submitted yesterday were shown to me before they were submitted, and I think that I may say that I have independently arrived at nearly, but not quite, the same conclusion; there is one item that is relating to the transfer of goods. The traffic superintendent of Victorian Railways estimates the cost per ton at nine pence.

746. For transfer?—Nine pence per ton.

747. For transfer?—For transfer; I have no practical experience of traffic, but I have been informed by Mr. Finlayson, the secretary of the Hobson's Bay Railway Company, that the cost of transfer would be at least 3s. per ton.

748. And if the ninepence were multiplied by four, the loss to the State by the transfer of those goods would be four times that amount, supposing that should be the result arrived at ultimately, as Mr. Higinbotham said?—I am not giving those figures as my own, but simply the information I have obtained from Mr. Finlayson. I wish, however, to make this explanation: I do not wish to convey the impression that the three shillings per ton mentioned by Mr. Finlayson was for simply handling the goods—taking them from one truck and placing them in another; it includes interest on the cost of additional permanent way and goods sheds, transferring the goods from the trucks to the goods sheds, re-loading, additional clerical labor, loss by breakage, delay, &c. Mr. Finlayson estimates the total cost at from two shillings and sixpence to three shillings per ton.

749. At all events, Mr. Finlayson, we may fairly presume, has large experience in that line of business?—I presume so, and so also has the traffic superintendent.

750. Then it rests between the opinion of those two gentlemen between 9d. and 3s.?—Precisely.

751. But in any case, whether it is 9d. or 3s., there is an undoubted loss to the State by a break of gauge, supposing the construction to be carried out as proposed?—Yes; I have not the slightest doubt there is a considerable loss. It may be in the recollection of the honorable members present, that a discussion on a similar question came up about 25 years ago, and opinions of the most eminent men were then given. It may seem absurd to quote opinions given 25 years ago at the present time; still, the opinions of those men, such men as Hawkshaw, and Bidder, and Braithwaite, and Locke, Brunel, Saunders, and several others, are based upon such large practical experience and sound judgment, that they assume the form of mathematical truths; time scarcely alters them. It was the opinion of all those gentlemen, who were examined before a Royal Commission at that time, that a break of gauge was an undoubted evil; they differed in their measure of it—the advocates of the broad gauge, which was the 7ft. gauge as compared with the 4ft. 8½in. gauge, saw less difficulties in the way of a break of gauge than did those who advocated the 4ft. 8½in. gauge. Mr. Brunel stated, as one of his reasons why there was not a great evil in a break of gauge, "that it would lead to healthy competition between different companies, which would serve the public better than the uniformity of gauge"; but that reason entirely disappears here, where there are no competing companies. I might produce a number of quotations from the evidence then taken, but—

752. It is scarcely necessary to give the quotations, if you give us the result of your judgment on them as a professional man on the reading of them?—I can only be guided by the evidence I have read, by receiving the opinions of others and exercising my own judgment on them. I have no experience of these matters.

753. What was the conclusion in your mind, from studying the opinions of men of such high authority?—My own impression is, that very few of the evils that existed then have disappeared now. A great number of plans were suggested for mitigating the evil, but I do not think any of them have succeeded.

754. You have spoken generally with regard to the disadvantage of transferring the traffic—have you considered the question of accidents in relation thereto?—No doubt the probability of accidents would be very much increased if the two gauges were intermingled at the station yard; that is, if you attempted to lay what is called a third rail. The subject of the third rail has not, I think, received the attention it ought to have received in this colony. It would be an extremely difficult matter to construct



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our railroads with a third rail in them. In the first place, it is not so safe. It is usual to have a space between the two tracks, that is, between the two lines of railway which is technically called the "six foot," and is in fact in this colony, with a 5ft. 3in. gauge, 6 feet between the rails. It may appear strange when I say that that space of 6 feet is sufficient for a 5ft. 3in. gauge, but is not sufficient for a 3ft. 6in. gauge; so that, in fact, if you were going to alter our present lines to the 3ft. 6in. gauge, you must take them up and leave a larger space between the two tracks than is now found sufficient for the 5ft. 3in. gauge. Again, on coming into the stations, if you were to lay a third rail nearest the one that is nearest the platform, you would then throw your trucks so far away from the platform that they could not be worked; if, on the other hand, you were to lay a third rail nearest the rail that is not nearest the platform, your engine could not come up to the platform—there would not be sufficient room.

755. Therefore the intermixing of the gauge at the station is one of the difficulties not calculated upon?—It is a difficulty; of course it is not impracticable.

756. But one not so fully calculated upon as you think it ought to be?—No; the same remark applies to the tunnels. It might be supposed that a tunnel that was sufficiently wide for a 5ft. 3in. gauge was more than sufficiently wide for a 3ft. 6in. gauge, but it is not so, because the engine in either case would be of the same width, or nearly so.

757. Now, with regard to the convertibility of the rolling-stock, would you state the advantages or disadvantages, if there are disadvantages, as I assume there are, the possibility or impossibility of conversion to meet the case of the supposed new lines?—My attention has been almost exclusively devoted since I have been in the colony to surveys and construction; I have had no practical experience of the locomotive or traffic branch. I would rather, therefore, not attempt to give any evidence upon those points.

758. You are clear upon the subject of the tunnels—there is no advantage?—I am quite clear that the same width would be required for engines upon the 3ft. 6in. gauge as for the 5ft. 3in. gauge.

759. And the bridges?—And the bridges.

760. Now, would you be good enough to inform the Committee of the fifth estimate; I think you have another one in reserve?—The original estimate of the Engineer-in-Chief is £1000 per mile for rolling-stock and stations; the amount put down in this estimate is £800 a mile, that is £500 a mile for rolling-stock and £300 a mile for stations. I believe the Locomotive Superintendent is of opinion that he could stock those lines for £500 a mile—that I could scarcely offer an opinion upon, nor can I offer an opinion as to the sufficiency of £300 a mile for stations; it depends entirely upon the requirements of the locality and the station accommodation that the public would be satisfied with.

761. Upon the number and character of them?—Upon the number and character of them.

762. State the estimate of the fifth line, if you please?—The fifth estimate was for a line whose formation was 12ft. 6in., and gauge 5ft. 3in., similar in all other respects to the fourth estimate.

763. Differing only in 12ft. 6in. formation?—Differing in only 12ft. 6in. formation, and 5ft. 3in. gauge for this particular line.

764. That is the black line?—The difference on the black line is £280 per mile; the difference between 5ft. 3in. gauge and 3ft. 6in. gauge was £261 per mile, on the three lines put together, so as to get a general average, but the three varied. On this particular line it is a difference of £280 per mile.

765. What would that be per mile in the 5ft. 3in. gauge for the whole distance?—5ft. 3in. gauge, £5005 per mile, or a total of £759,421 for 152 miles.

766. And the formation and everything else would be the same?—The formation is wider, but of the same character.

767. But the whole of the project, except those two items, would be the same?—It would be the same.

768. Was that submitted in any way to Parliament?—I am not aware; it was prepared by me, and handed by me to the Engineer-in-Chief.

769. When?—On the 5th October, 1871.

770. That is quite recently, then?—Quite recently.

771. Was it handed to him for the purpose of information, or for the purpose of asking his opinion?—I believe he had instructions from the Honorable the Commissioner of Railways to prepare it.

772. What was done with it?—I am not aware.

773. *By Mr. a'Beckett.*—I am to understand that this black line, in your opinion, can be made upon the 5ft. 3in. gauge at £5000 per mile?—Taking the line from Geelong to Camperdown, and adopting the suggestions of the Honorable the Commissioner of Railways?

774. Yes; with the 5ft. 3in. gauge?—With the 5ft. 3in. gauge.

775. You state, that it is proposed to substitute timber viaducts for stone, and the difference is, as I understood you to say, between them (you gave an illustration) of £30,000 for stone, I think, as against £6000 for timber?—That was for a particular and exceptional instance, but I also stated afterwards a number of calculations had been made having reference to the construction of the North-Eastern line, which showed that the reduction, by using timber bridges instead of stone and iron, was 46 per cent.

776. You give the life in wood at about 12 years, do you not?—Yes.

777. Have you had any experience of the duration of timber structures to justify that conclusion?—I have not; and I may say, that those calculations were rather taken to illustrate a principle, namely, upon assumed quantities and assumed data. I know that there is no experience in the colony as to the durability of hardwood timber bridges.

778. I think I could point you to some illustrations. There is a viaduct on the St. Kilda railway carried across the swamp almost always in water that has been more than 12 years in existence, and there it is still?—I have no doubt I have kept quite within the mark when I took the durability of a timber bridge at 12 years, possibly it may be 20 or 25 years, but I have had no experience, and, therefore, I hesitate to adopt a larger number of years.

779. I observe, from an extract from your evidence embodied in the report, that you consider it would be cheaper to lay down iron rails at £100,000 which would only last 25 years, than steel rails at £150,000 which would last to all eternity, I think was your expression?—Precisely.

780. Then you would justify that opinion by suggesting that the difference between the two sums could be capitalized?—Precisely.

781. And that at five per cent., at the end of the 25 years, the money would have so increased the £50,000, that you would then have sufficient to pay out of the interest the difference in the cost?—Yes.

782. Well now, supposing this principle be applied to timber as against more durable viaducts, and I

think you will find it would not only be sufficient, setting apart the difference in price, but you would have sufficient to give five per cent., if not, a very considerable bonus, at the end of a short period?—I have not the slightest doubt of it.

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783. Then, in point of fact, it would be a wise mode to erect all those structures in wood instead of stone?—At any rate, I think it is a matter that should receive very great consideration.

784. Now, you calculated originally the cost of transferring goods from one truck to another at break of gauge at 9d. per ton?—It is not a calculation of mine.

785. Whose calculation was it then?—The traffic superintendent's.

786. Have you not as much confidence in the calculations of your own traffic superintendent as in that of a strange company?—Quite.

787. Then why do you make it 3s. on the strength of Mr. Finlayson's statement as against Mr. Fehon's statement of 9d.?—I beg your pardon—I said nothing of the sort. I did not adopt it; I merely say, I obtained the information; I do not state whether it is right or wrong. Nor do I think, because Mr. Finlayson said 3s. it will be 3s., but I think it would be somewhere between the 9d. and the 3s. Those are the opinions of two gentlemen of great experience in the business.

788. I know something of the business too. Are you quite certain that Mr. Finlayson represented to you that it would cost 3s. a ton to transfer goods from one truck to another?—I do not think it is possible that I could have misunderstood him; in support of that I may say that, in evidence given before the Commission I referred to just now, they state the cost of transferring goods in 1845 at from 1s. 6d. to 3s. 6d. per ton; the opinions there given are those of railway agents, at least of large carriers or their agents. They assume that there would be a considerable loss from pilfering, and also a cost of from 1s. 6d. to 2s. 6d. per ton for transferring.

789. I do not want to go very minutely into this matter, for you do not profess to know anything about the matter?—I give it from the experience of others; I have no experience myself.

790. *By Mr. O'Shanassy.*—There is one question a member of the Committee wished me to ask, that was, in relation to the green line; have you made a calculation of the difference in the cost between adopting the green and the black lines to Geelong?—Not upon the same principle upon which that line has been estimated from Geelong to Hamilton. I have not made any estimate; the latest estimate made of the cost of the green line was made in 1867, for the information of the Colac Committee.

791. And you do not know on what principle that estimate was made, whether it was upon an expensive line of railway or upon any of the five plans, in fact. It would be upon one of the first three, I imagine?—It would be upon the first of the first three, I think.

792. What was that?—The estimated cost of the Geelong and Colac railway by the green line, that is, leaving the Geelong and Ballarat line near the Eureka was £303,049, or at the rate of £7566 per mile.

793. And the estimate by the black from the same point to Colac?—The estimate by the black line from Geelong to the same point at Colac is £428,361, or £9090 per mile.

794. Making a difference of how much upon the whole?—Making a difference upon the whole of £125,312.

795. Can you reduce that now by the fourth or fifth estimate as to what the proportion would be upon anything like a basis?—It would be only an approximate estimate, if it were so dealt with.

796. But merely as an approximate estimate, would you be good enough to state it?—I think the Engineer-in-Chief has stated that the difference would be reduced from £125,312 to £78,000.

797. What is your opinion upon that?—I think he is right.

798. You made a calculation of the cost at which timber bridges could be constructed in this country by contract. Since you gave evidence before the Select Committee of the Legislative Assembly, have you inquired into the estimate to see whether it is borne out, or whether you have made any error in calculation as to what they could be obtained for in this country?—No, I have not.

799. Have you noticed that there was a correction or representation made on that point by the Engineer-in-Chief?—Yes.

800. He saw your evidence?—He did.

801. He doubted whether the bridges could be constructed for that money?—He considered I had put them down at too low a rate.

802. And he thought it necessary to point out, for prudential reasons, with no desire to challenge your judgment—to write a special letter on that subject?—Yes.

803. What was the difference between what you said and what he deemed ought to be the right amount?—I think I stated in my evidence that bridges of a certain class—that is, where the span did not necessarily exceed 15 feet, and where the height of the embankment in which the bridge was placed was not more than 10 feet—could be constructed at an average cost of £3 10s. per lineal foot. Mr. Higinbotham does not agree with that estimate; he says, "I believe that such bridges as Mr. Watson refers to may be built for £5 or £5 10s. per lineal foot."

804. Along the course of line—excluding the Barwon, which would be an exception—would the bridges on this black line be of the character you estimated for the Assembly?—Very few—scarcely any. The bridges to which I referred were those that have been found necessary for the water provision—particularly in the neighborhood of Euroa, on the second section of the North-Eastern line, where the ground is comparatively level for a very considerable distance. There are scarcely any undulations, the embankments in scarcely any case exceed 10 feet in height, whereas the water courses upon the black line are chasms. The courses there are well defined everywhere, and would require higher bridges and bridges of a larger span, which would increase the cost considerably per lineal foot.

805. What would you estimate that class of bridge to cost?—I do not like guessing at these matters, but I am inclined to think a bridge of 20 feet in height and of 20 feet to 25 feet span could be constructed for £6 to £6 10s. per lineal foot.

806. Would that be a cheaper construction, after all, than the introduction of the lateral iron bridge, which we see now in use in the Sydney harbor—a modern improvement, imported from Belgium?—I have not seen or heard of them.

807. Constructing piers having tubular columns, and running those along from one to the other by the lateral principle, by which they can carry any weight, and brought out in large lengths according to the distance; have you made any calculation relative to the lateral iron bridges constructed in Belgium, as compared with the timber bridges you have spoken of?—No, I have not.

808. Would it be desirable to inquire into that subject?—It might be; but I think the bridges on



R. Watson, Esq., the second section of the North-Eastern railway are designed in a way that would bear favorable comparison, as far as economy goes, with bridges in any part of the world.

809. Would not the iron lateral bridges in some cases be much more durable?—I have not seen any of the bridges to which you refer.

810. Considering the material of a lateral iron bridge, constructed on improved scientific principles of modern times, light, and strong, and durable; is it not likely to be cheaper than any wooden bridge made by us in the colony?—I could not give an opinion upon that, without seeing the bridge, or seeing drawings of it.

811. *By Mr. a'Beckett.*—Assuming it were determined to alter the existing gauge from 5ft. 3in. to 3ft. 6in., what would be necessary to be done, so as not to interfere with existing traffic, so long as it is to be kept up on the line?—The way in which the alteration of gauge has been effected at home, I think upon the Eastern Counties line, was, by confining the traffic, where it was a double line, to one line only, whilst the other was being constructed upon a different gauge.

812. We have double lines; all our lines are double?—With the exception of the Echuca line and the line from Geelong to Melbourne.

813. It would be merely then shifting the one line nearer so as to reduce the gauge?—You would require, as I stated just now, to shift both lines.

814. But at first you would shift the rail, I presume?—Shift one or both rails; both should be shifted. If you shift one rail and not the other, you do not get your road in the centre of the sleeper.

815. What would that cost per mile?—I can scarcely form an estimate as to it.

816. Have you thought about it at all?—I have not; but I think Mr. Higinbotham stated in his evidence last night that the cost of changing the gauge of the Eastern Counties line was about £500 per mile.

817. Now of course it would be necessary to get special carriages for this line?—No doubt.

818. For the new gauge?—Yes.

819. What is the value of our existing stock of carriages?—I could not give you any information that would be reliable about that. The locomotive superintendent, under whose charge it is—

820. Would that be entirely lost, or could it by any ingenuity or by any mechanical or engineering skill, at some cost—by going to some expense—be adapted to the new gauge?—I do not feel competent to give an answer to that question.

821. *By Mr. Campbell.*—In estimating the durability of timber, I would like to know what sort of timber you speak of?—The timber to which I referred was red gum, procured from the Murray or the junction of the Goulburn with the Murray, in the construction of the Campaspe viaduct.

822. Is the Campaspe viaduct built entirely of red gum?—Not entirely; the superstructure of the main spans is soft wood—Baltic timber; but the piers on which the superstructure is carried, and the approaches on this side of the bridge, are all red gum.

823. What is the durability of that soft timber used in that bridge—the Baltic timber—as compared with the red gum?—The Baltic, I presume, would not be likely to last nearly so long as red gum; in fact, the portion of the viaduct constructed with Baltic timber has required a much larger outlay in repairs than the portion constructed in red gum.

824. How long has that bridge been built?—I think about seven or eight years.

825. And the red gum portions of the bridge, are they in good order yet?—I have not seen it the last three or four years, but I believe it is as sound as when it was new.

826. In fact, is there any data to judge from the length of time that red gum may last?—I think not; from the experience here, we cannot determine what length of time red gum will last.

827. Do you not think your estimate of ten years is a very short one?—I have no doubt it is, but I make these remarks after seven years' experience, and I had not had one year's experience then.

828. You compare the wood bridge to stone in regard to the time, but you have not compared wood with iron; how many years will an iron bridge last?—I have assumed an iron bridge to last a hundred years, but there is no experience in regard to iron bridges. I do not know that there is an iron bridge in the world that has been constructed anything like a hundred years.

829. I suppose the decay arises more from rust than the natural decay, or the friction?—Yes, from oxidation.

830. You estimated, I think, the cost of fences at £100 per mile; that is, such as the squatters put up?—£100 per mile of fence, £200 per mile of railway.

831. What did that fence between Echuca and Sandhurst cost per mile, that four-railed fence?—I cannot remember the exact price per mile, the price was a high one, I think; very probably it may have cost £500 per mile of railway, or nearly; I am speaking only from a very indistinct recollection. I could of course tell the exact cost, and if you prefer it, I will get it.

832. Has your attention been drawn to the construction of wire fences?—We have been, and are now constructing wire fences upon some portions of the North-Eastern line.

833. Five or six wires?—Five wires and a top rail.

834. You have not tried wires solely?—No.

835. You mentioned adopting fencing similar to what squatters use; do you know squatters generally use wire alone without top rails?—I have seen a good many fences in the Western District where wire alone is used. I have no doubt, where timber is scarce, there would be a very considerable saving by the use of wire, but I am not able to say how much.

836. *By Mr. a'Beckett.*—As to the speed upon the 3ft. 6in. gauge, you assume that it would, as a rule, not exceed 15 miles per hour?—No, 25 miles an hour.

837. You said that was the maximum, but the average would be 15 miles an hour, because the maximum speed on the broad gauge was 60 miles an hour; and generally speaking, the average is from 30 to 40 miles?—The average speed is 25 miles an hour, the maximum speed being 60 miles.

838. After you get beyond a certain speed, is not the expense very great indeed?—It may be, but those are matters I have nothing whatever to do with.

839. But you gave us an opinion, and if you do that, it is only reasonable you should give facts to justify it?—My opinion is derived from conversations I have had with the locomotive superintendent—he can give you the details of all those statements.

840. The reason why they do not go to the maximum speed is, because it is not required; you do not require to go at a speed of 60 miles an hour?—A maximum of 65 miles is frequently got, because they cannot help it.

841. From the gradients?—It is very difficult to regulate the speed coming down from Woodend to Gisborne. R. Watson, Esq.,  
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842. Would it be quite safe to go 25 miles an hour on the 3ft. 6in. gauge?—No doubt it would, but I have had no experience on a 3ft. 6in. gauge. I have never seen a 3ft. 6in. gauge line.

843. *By Mr. Simson.*—You said in your evidence before the House here, that you consider that £261 a mile is the difference between the broad and narrow gauges. Do you believe, as an engineer, that tenders could be called for, for the different gauges, and that £261 to £350 would be the only difference between them?—I have stated the circumstances under which the estimates were made, and I have stated the result to be £261 per mile. I can scarcely pretend to offer an opinion whether or not you would find a contractor to undertake the works upon those terms.

844. Could you inform the Committee of the difference of the cost of rolling-stock required for the broad and narrow gauges, taking into consideration that the waggons, instead of being 6 tons 7 cwt., would be from one to two tons in weight, and would carry a load of 3 tons?—That is an opinion you should rather get from the locomotive superintendent. I have stated before, that, since I have been in the colony, my attention has been entirely confined to surveys and construction. I have had no experience whatever with the traffic or locomotive branch.

845. The fences come within your department?—They do.

846. Do you consider that a wire fence, without any top rail, would be a sufficient guarantee to the public against the accident of cattle or sheep getting on the line during the night or by day—would six wires be a sufficient guard against stock getting on the line?—I have had no experience of wire fences beyond what I have seen as I have travelled through the country, but if you can by a little, or even considerable expense, secure a top rail to the fence, you get a considerable advantage, and make a much more secure fence.

847. *By Mr. Highett.*—Are you aware whether the 3ft. 6in. gauge has proved successful in any of the other colonies where it has been tried?—I believe it has not proved successful in Queensland, but I do not know the circumstances that have led to its not succeeding. I have been informed that the working expenses of the Queensland line bear a very much higher proportion to the revenue than on any other we have heard of. I think it was stated here yesterday that the working expenses of the Southern Queensland line were 84½ per cent. of the revenue, and that the working expenses of the Northern lines exceeded the actual revenue by about 114 per cent., the average working expenses, taking the north and south lines together, being 95 per cent. of the revenue. And I may perhaps take this opportunity of supplying some information the Engineer-in-Chief was not able to supply yesterday, but which he received by telegraph to-day. It has reference to the number of miles in Queensland, and is as follows—

*Telegram for Thomas Higinbotham, Esq., Engineer-in-Chief.*

Ipswich to Gowrie Junction 85 miles; Gowrie Junction to Dalby 45 miles; Gowrie Junction to Warwick 58 miles; Rockhampton to Westwood 30 miles. (Signed) Wm. Hy. WALSH.

Giving for the southern lines 188 miles, and for the northern line 30 miles. I think Mr. Higinbotham's statement yesterday differed slightly from that, and he desired me, if I had an opportunity, to correct it.

848. Would you consider the substitution of the 3ft. 6in. for the 5ft. 3in. gauge on the North-Eastern line judicious or otherwise?—A great deal of complication would, I believe, arise if the gauge of the North-Eastern had now to be changed. I do not like to speak of the merits or demerits of the 3ft. 6in. gauge or the 5ft. 3in. gauge. I simply express my opinion that a break of gauge is a great evil; and I believe that a change in the gauge on the North-Eastern line would lead to very great complications. Two-thirds of the length have been let, and the contractors no doubt—certainly on one portion of the line—have provided plant for carrying out the works. This would entail a very serious loss to them, and it would also occasion a very serious delay in the completion of the works.

849. Do you see any other objections but those you have stated?—There are objections to the change in the gauge, but I express no opinion as to the merits of either one gauge or the other.

850. Have you by any written memorandum, or otherwise, communicated your objections to the head of your department?—I have not, the question has never been raised.

851. I saw, I think, some objections in the last page of the Report of the Select Committee of the Assembly. I am not sure whether they were yours or Mr. Fehon's?—Mr. Fehon's, I believe.

852. Would you consider it to be ultimately more economical or expedient to construct a railway with the 3ft. 6in. gauge, at a cost of, say, from £4000 to £5000 per mile, or with the 5ft. 3in. gauge, at from £7000 to £8000 per mile?—If I understand the figures that you have given, you do not contemplate the same character of line in both cases.

853. No; I want to know whether you consider it would be more economical in the one or the other, calculating the 3ft. 6in. gauge at, say, £5000 per mile, and the 5ft. 3in. gauge at £8000; which would be the most economical?—The character of the lines is entirely different: the one contemplates substantial construction, and the other a very light construction with timber bridges.

854. Which is the most economical?—I think it is very possible that the cheaper line would yield a return larger than the other: which would be the most economical in the long run, I can scarcely say.

855. Taking everything into consideration?—If you can tell me the actual cost of the first description of line you have mentioned—say, at £4000 per mile, and tell me its life, and the annual cost of maintenance, and also give me the same particulars respecting the more expensive line, I can tell you which it would be the most economical to construct.

856. That is the information we wish to get at from the evidence?—Then it would be only a matter of opinion. I cannot say how long a line costing £4000 per mile would last, nor how long a line costing £7000 per mile would last; because, without data, I could not tell the cost of maintenance of one or the other.

857. You know one is much more substantial than the other?—Yes, I know that one is more substantial, and would last longer than the other; but when you ask me which it is most economical to construct I must first ascertain the cost of each, the life of each, and the maintenance of each.

858. And you could not ascertain that without further inquiry?—I could not ascertain that without further inquiry.

859. Are any of the four lines contemplated by the Government likely to pay interest on the capital expended in their construction?—I cannot give any opinion upon that; I have no statistics and no opinion upon it.

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860. Do you know anything of the line of country between this and Sale?—I have been over the country between this and Sale, and I had charge of the surveys made there three or four years ago: I have not followed the exact course of the line.

861. Do you consider that it would be a more profitable line for the Government to construct than either of the four now contemplated?—I cannot give an opinion upon that.

862. *By Mr. Robertson.*—Did I understand you to say that the 3ft. 6in. gauge would require the same width of tunnel, or the same width of bridge as the 5ft. 3in. gauge?—Yes.

863. What is the width of the embankments you use at present for the 5ft. 3in. gauge?—The embankments we are using at present are 17 feet on the North-Eastern line. In the estimates that have been prepared they are much less than that. In the cheapest estimate that has been prepared they are 12ft. 6in. wide; but there is a great difference in the width required for the embankments, and the width required for a bridge or a tunnel. The engine may, if it be necessary, entirely overhang the embankment without doing damage. A man, who meets a train when on a bank 17 feet wide, is in a very different position from a man who meets it in a tunnel only 15 feet wide.

864. You would not require in embankments the same width with the narrow as with the broad gauge?—You would not require your embankments to be of the same width, but you would require your tunnels and bridges to be of the same width.

865. Can you inform the Committee what saving you would effect in the embankments by adopting the narrow gauge?—I have an estimate of the earthworks here of each line that will furnish the information asked for. The total cost of the earthworks on the line from Geelong to Hamilton, for the 5ft. 3in. gauge, and I have also the total cost of earthworks for the line from Geelong to Hamilton by the 3ft. 6in. gauge; for the 5ft. 3in. gauge where the formation is 12ft. 6in. wide, the total cost of the earthwork is £117,568, for the 3ft. 6in. gauge from Geelong to Hamilton, with a formation 10ft. 6in. wide, the total cost of the earthworks is £103,065.

866. How much per mile saving does that amount to?—In round numbers about £96 per mile.

867. By adopting the narrow gauge, I notice the ballast and permanent way occupy a very prominent place in your estimate here for all the lines; could you inform the Committee what saving would be effected in ballast on the narrow gauge—on your broad gauge I think your permanent way is now 12 feet; by adopting the narrow gauge I think it would be 9 feet; is that correct?—I do not understand what you mean by permanent way.

868. I mean that which you spread the ballast over—I mean the space covered by ballast?—The bottom width of the ballast for the 5ft. 3in. gauge is 12ft. 6in.; for the 3ft. 6in. gauge the ballast is 10ft. 6in. wide; and for the 5ft. 3in. gauge it would require to be 1ft. 9in. wider.

869. How much per mile would you save by adopting the narrow gauge?—I cannot give you the different items comprised in the ballast and permanent way separately. I have them together; but if you wish it, I will give you the details at some other time.

870. As regards sleepers, would there be a considerable saving effected in sleepers alone?—Speaking from recollection, I think the saving in ballast is about £85 per mile. I cannot give you the saving in sleepers without some calculations, and that would occupy some time.

871. The difference in the length of the sleepers would be two feet, I apprehend?—The length of the sleepers would be 1ft. 9in. less. That is the difference between 3ft. 6in. and 5ft. 3in.

872. You would require, in fact, about 50 per cent. less timber for the narrow gauge than you would for the broad gauge?—You would require the difference—

873. Or rather, the broad gauge would require about 50 per cent. more than the narrow gauge?—Oh no! the broad gauge would not require 50 per cent. more than the narrow gauge; it would, if the sleepers were only the exact length of the gauge of the railway, but a sleeper is considerably longer, and is not increased in proportion to the increase of gauge. It is simply increased 1ft. 9in. upon the length.

874. What per centage would that amount to?—The one is 6ft. 3in. in length and the other is 1ft. 9in. longer, increased by about 20 per cent.

875. Can you inform us what the amount of saving per mile would be?—I cannot tell you the exact saving per mile, I will prepare that information if you wish it.

876. What weight of rails do you use for the broad gauge?—We are using at the present time 60lb. rails.

877. And you propose for the narrow gauge 42lb. rails?—42lb., and we also propose 50lb. rails for the 5ft. 3in. gauge.

878. What saving per mile would that effect?—Will you allow me to make a correction there, please. The weight of the rails is the same in either case; in the most recent estimates it is 50lbs. for the main line, and 42lbs. for the sidings, both of iron.

879. That is, for the cheaper broad gauge you speak of; I speak of the ordinarily constructed line?—You mean the lines being constructed at the present time, those are being constructed on the two first contracts with 66lbs. rails, steel; but I believe it is contemplated that the third section shall be constructed with rails of iron, 75lbs. per yard.

880. What would be the saving per mile between the 75lbs. rails and the 42lbs. rails you propose to adopt on the narrow gauge?—Merely the difference in the weight of iron per mile, between 50lbs. and 75lbs.

881. Can you inform us how much per mile?—It would scarcely vary. The permanent way material would not vary in exact proportion to the weight of the rail, because the fastenings continue in each case nearly the same; but if you desire it, I will prepare details of each description.

882. *By Mr. d'Beckett.*—How many tons are there to the mile?—In the 42lbs. rails, I believe, about 72 tons per mile. The weight of the steel rails per mile on the North-eastern line is 103.714 tons. The only other weight that I have here is the description of the permanent way materials used on the Echuca line, which were iron rails, 72lbs. per yard, and the weight of the rails per mile there was 113.143 tons; if you wish it, I can procure similar information respecting any other description of permanent way.

883. I should like to be informed of the actual saving between the 75lb. rails and the 50lb. rails per mile?—I cannot furnish that information now. I could tell you the saving between a line laid on the 5ft. 3in. gauge with 66lb. steel rails and 50lb. iron rails. There is very little difference in the cost of permanent way, so far as the rails and fastenings go, between the 5ft. 3in. gauge and the 3ft. 6in. gauge. You must have two rails in either case, and you must have the same number of fastenings.

884. Perhaps you will furnish the Committee at a future time with the actual saving in the material,

showing the difference between the cost of the 75lb. and the 50lb. rails per mile?—Do you mean the whole of the permanent way materials, or do you confine yourself to the rails and fastenings?

885. I confine myself to the rails alone?—That is, the rails and fastenings.

886. The rails alone?—The difference in cost between rails of 75lbs. for the 5ft. 3in. gauge and the 50lb. rails for the 3ft. 6in. gauge?

887. Yes. Would the rolling-stock required for the 3ft. 6in. gauge be of a very much lighter character than that employed in the 5ft. 3in. gauge?—I must give the same reply I have repeatedly given before, that I would rather not give any evidence relating to rolling-stock and traffic; I have no experience in either of those subjects, and any information I might give must be merely from the opinions of others.

888. If the rolling-stock is of a much lighter character, the maintenance of the permanent way would be lighter?—I do not know; no doubt if the rolling-stock is of a lighter description the maintenance would be much less expensive.

889. Are you aware whether there is any difficulty in the breakage of the lines at present—whether there is a difficulty in preventing the trains running away, and what means, if any, are adopted to prevent it?—That is as much apart from my own particular branches as the questions you have previously asked.

890. *By Mr. d'Beckett.*—The carriages being of very light construction, do they wear as long?—That is a part of the rolling-stock, again I cannot answer.

891. *By Mr. Campbell.*—I would like to ask of Mr. Watson if he has had any experience in America, or any of the neighboring colonies?—I have never been in America.

892. South Australia?—Or South Australia.

893. Are you aware that, in that colony, the railway department have discarded nearly all the gates at the level crossings and adopted the system of protecting the crossings by deep ditches across the line?—I have heard they have adopted some such means, but how far it has been successful, I am not able to say.

894. Are you aware that, by that means, they dispense with the services of a gatekeeper?—I am not aware that that is dispensing with the services of a gatekeeper.

895. Do you know whether that has been tried on the Melbourne and Hobson's Bay line at Elsternwick?—There was a suggestion somewhat similar to that brought forward by Mr. Zeal some years ago before the Colac Committee; he suggested pits.

896. That is what I mean?—Pits should be sunk, but he further suggested that those pits should be filled with water, and the difficulty was how to get water to supply them with, especially on the Echuca plains in drought.

897. I think you will see the experiment at Elsternwick. Sometimes the pit is dry and sometimes full of water, and I believe it is equally effective in either case?—Very good.

898. *By Mr. Murphy.*—Can you give the Committee information as to the gauge that is adopted on the Indian lines of railway?—The gauge that has been recently adopted is I believe 3ft. 3in. and a fraction.

899. I mean the original gauge?—I believe 5ft. 6in.

900. That was adopted upon the Indian system of railways as first constructed?—I believe it was.

901. Can you say approximately what was about the number of miles constructed upon the 5ft. 6in. gauge?—I have seen the figures, but not very recently, and I cannot recall them to my memory at the present moment.

902. Some thousand miles?—I know that they contemplate constructing several thousands of miles, but I am not prepared to say how many thousands of miles they have already constructed.

903. The first construction of the Indian lines of railways was 5ft. 6in.?—It was, I believe.

904. Are you aware that a commission of engineers was called by Lord Mayo, the Governor-General of India, to decide upon the new system of railways, or an additional system of railways?—Certain English engineers were desired to report upon the break of gauge in India; and also, if a narrower gauge were adopted, what the narrower gauge should be.

905. Do you know what gauge they recommended?—There was a difference of opinion between them; I think Mr. Fowler disagreed with Colonel Strachey and Colonel Dickens, the latter gentlemen recommended a gauge of 2ft. 9in., and Mr. Fowler I believe a 3ft. 5in. gauge.

906. So that the first gauge adopted upon the Indian system of railways was 5ft. 6in.?—I believe that to be the case.

907. And the new committee of those eminent engineers, as I understand you, recommended, some of them, a gauge of 2ft. 9in., and the other of 3ft. 3in.?—Three feet six inches, I think.

908. Can you give the Committee an approximate idea of how many miles this new system of Indian railways is to embrace?—I have an idea, but I do not speak with great confidence, that it is 10,000 miles.

909. Talking of the break of gauge, I would ask if you can give any reason, or suggest any reason, to the Committee why a committee of eminent men of this sort should recommend that the gauge should be changed from 5ft. 6in. to 3ft., where there is already some thousands of miles constructed, and they are going as you say to construct something like ten thousand miles more; now, bearing in mind that the break of gauge has been represented to the Committee by, I think, yourself to night, or certainly by Mr. Higinbotham last night, as insuperable, I think he said intolerable?—I think not insuperable.

910. I think "intolerable" was the word used by Mr. Higinbotham; and I think a strong adjective by yourself, to show the great inconvenience that would occur to the colony by any break of gauge. Can you give any explanation why those gentlemen could possibly think of changing the gauge from 5ft. 6in., and erect 10,000 miles on the basis of that 3ft. 3in.?—I do not think they have lost sight of the evil of the break of gauge. I think that both reports admit that the break of gauge is an evil; but I believe, the points at which the break of gauge will occur are in thinly populated districts, where the inconvenience will not be so seriously felt as it would be either at Geelong, Ballarat, or Castlemaine.

911. Do you think the break of gauge might be permissible in India, but not permissible in Victoria?—I should think there might be circumstances in India where the break of gauge would be a less evil than it would be in some parts of Victoria.

912. But you see that some thousands of miles might be involved in the case of Madras, Calcutta, and other chief towns?—Still the break of gauge might be a considerable distance from either of those places, and in a very thinly populated country.

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913. So that, upon those grounds, you think those gentlemen would be justified in recommending a break of gauge on ten thousand miles of new line?—I do not think they recommended the break of gauge at all; they were merely asked to consider what would be the best narrow gauge, and if they suggested any gauge narrower than the existing one, there must necessarily be a break of gauge; but it does not follow that that is their recommendation.

914. Then they necessarily must have reported in favor of a break of gauge?—Not at all; but, as I understand their commission, it was to report what gauge should be adopted if any narrower gauge were adopted, and also to furnish estimates of the narrow gauge lines as compared with the existing gauge.

915. Then, with all those facts before them, those gentlemen have recommended that a change should be made?—I understand them to have recommended that, if the gauge were changed, two of them recommended it should be changed to 2ft. gin., and the other recommended it should be changed to 3ft. 6in. It does not follow from that, that they are advocates of a break of gauge.

916. They all recommend a change?—I am not aware that they even recommend a change; they are called upon to say, if a narrow gauge be adopted what the narrow gauge shall be, and to furnish estimates of the cost.

917. They have recommended, you say, two of them 2ft. gin. and one of them 3ft. 6in.?—They have not recommended, as far as I know, that the gauge should be 2ft. gin. at all; they simply recommend that, if a narrow gauge be adopted, 2ft. gin. should be adopted.

918. Are you aware whether the Indian Government have commenced the construction of the 10,000 miles upon the narrow gauge?—I think it is very probable that they have.

919. *By Mr. O'Shanassy.*—Are you aware whether the great lines of railway in India already constructed were made by companies?—I know very little indeed about the circumstances attending the construction of railways in India.

920. You are not aware of the reasons which induced the Governor-General to bring the subject under the consideration of those engineers?—I am not.

921. If you were informed that the reason given by him was, that the Government of India made a mistake in giving a guarantee of five per cent. to a company or companies, which rendered it indifferent to them what the nature of the communication was, so long as the Government gave them five per cent., and further, that the Government lost considerably on the transaction—would not that be a reason, when looking forward to the future construction of railways over the vast extent of India, for his taking that action, which does not exist in this colony?—No doubt it would.

922. Are you aware whether those lines of 5ft. 6in. are not made rather for military purposes, that is, for the transit of troops over great areas of country?—I should think it is very likely it is the case.

923. Now for the narrow gauge that they propose—do you think that the same reason which applies for constructing a narrow gauge in such a country as India, of great extent and vast amount of population, a smaller outlay in construction and smaller traffic of goods, has any parallel basis in this colony?—I do not think so.

924. In fact, narrow lines must be made there as if there were no other lines that had been made substantially?—There might be circumstances where the break of gauge there might be less objectionable than it would be here.

925. In consequence of the vast distances those lines would traverse without coming into contact with the leading lines?—Yes, and their joining the main lines in thinly populated districts.

926. *By Mr. Highett.*—Are you acquainted with the Fairlie system of railways and the bogie engine?—The Fairlie system of railways, I think it has been repeatedly stated, is entirely a misnomer.

927. *By Mr. a'Beckett.*—It is the application of an old principle?—It is the Fairlie system of traction, and not the Fairlie system of railways. I never saw one of them.

928. *By Mr. Highett.*—Do you consider it adapted for branch lines of railways, as feeders to the main lines, in mountainous districts, such for instance as between Beechworth and Wangaratta?—I have heard it is peculiarly adapted for ascending steep gradients, and I can understand that it should be so to some extent, and for going round sharp curves, but I have had no experience of them.

929. *By Mr. O'Shanassy.*—Having concluded the examination of one line mentioned in the Bill, would you be good enough to give us your evidence upon the other one, from the town of Ballarat to the town of Ararat; when was that surveyed?—From Ballarat to Ararat?

930. Yes?—I forget the exact date, but I fancy in 1865 or 1866.

931. A mere preliminary survey?—That is all.

932. Have you been over that line since?—I have, within the last twelve months.

933. From Ballarat to Ararat?—From Ballarat to Ararat and Stawell.

934. Did you notice any difference in the settlement of the country—I mean as to the alteration of settlement—from the time you were there in 1865 down to the last time?—I did not go over it in 1865. I say a survey was made at that time; but the first time I went over it was about a year or a year and a half ago.

935. What was the nature of your observation with regard to the survey, judging simply from a public point of view? which part would give the greatest advantage in the route, the cheapest cost of construction, and the largest amount of traffic?—I do not know anything about the traffic, but the construction generally is light; there is only one place, a distance of about six or seven miles, where there is any difficulty whatever; that is a short distance beyond Beaufort. A railway between Ballarat and Ararat would cost more per mile than taking the whole distance from Ballarat by way of Ararat to Hamilton.

936. How do you explain that?—There is scarcely any difficulty between Ararat and Hamilton; the difficulty that I have spoken of occurs between Ballarat and Ararat.

937. How does the continuation from Ararat affect that point in the question to Hamilton? how does the fact, that there is no difficulty from Ararat to Hamilton, raise a difficulty between Ballarat and Ararat?—The average cost of the line from Ballarat to Ararat is greater than that from Ballarat to Hamilton by way of Ararat, because the principal difficulty occurs between Ballarat and Ararat, which increases the cost of the line between those two termini considerably above that from Ballarat to Hamilton.

938. Will you state the relative amount on each survey made last year?—All that I have is the survey that was made some years ago, and the estimate that was made by Mr. Higinbotham on 27th April, 1871, which comprises the whole line from Ballarat to Hamilton.

939. What was that?—That was for the first estimate for substantial construction, 5ft. 3in. gauge, £836,663, or an average cost per mile of £7031.
940. That was on the permanent principle, something like the North-eastern?—Something like the North-eastern, the same as I gave you for the other lines.
941. Will you state what towns that was to embrace along the route from Ballarat to Hamilton was it to go through Creswick?—No, it went from Ballarat passing a very short distance to the north of Lake Burrumbeet from that to Beaufort, then to Buangor to Ararat. From Ararat there are no towns of any consequence till you get to Dunkeld, it passes close by Dunkeld, and thence to Hamilton.
942. That route did not embrace Haddon?—No, Haddon is a considerable distance to the south of this route.
943. How far from the line?—I should think about five or six miles.
944. Are you able to form an estimate as to whether a route conducted in that way would be any advantage in point of population or character of the country?—There is scarcely any population, at least it is not thickly populated on either route, but I should be inclined to think that the line which passes north of Burrumbeet would perhaps pass through more population than the other. There is a population in the neighbourhood of Carngham, that is Lintons, Smythesdale, &c., but I have no means of knowing what the population is.
945. If the population is stated to be so considerable as 6000, would not it make a considerable difference whether you went north or south of Burrumbeet?—Those are questions having reference to traffic.
946. Will you state the other estimate—will you distinguish the amount from the one point to the other?—I cannot give an estimate of the portion from Ballarat to Ararat separate from the portion from Ballarat to Hamilton.
947. It was all taken together as an average?—I have an estimate on another basis, where I can give you each portion.
948. Now, we will proceed with the second one?—The second estimate for light construction with the 5ft. 3 gauge was £663,650, or at the rate of £5577 per mile.
949. That was also made in April, was it?—That was also made on the 27th April, 1871.
950. And on the 5ft. 3in. gauge?—And on the 5ft. 3in. gauge.
951. Now, would you state the third?—The third estimate for light construction with the 3ft 6in. gauge is £603,582, or at the rate per mile of £5072.
952. So that the £500 per mile in April is now apparently reduced by closer examination to £350 in the estimation of Mr. Higinbotham, and to £280 in yours?—I do not think I stated £280.
953. £261?—£261, taking the three lines together; but the difference varies.
954. That would account for the discrepancy in the new estimate?—Yes, that is it.
955. Would you take the fourth estimate?—The fourth estimate from Ballarat to Hamilton, by way of Beaufort and Ararat, formation width 10ft. 6in., gauge 3ft. 6in., timber bridges. Is it necessary I should recapitulate that?
956. You need not go into details; they correspond with the different classes you have read?—Yes.
957. State number four now?—The total cost is £487,505; the cost per mile £4099.
958. The fifth?—The fifth estimate is £515,726 for the 5ft. 3in. gauge, or at the rate per mile of £4336.
959. That is the latest estimate on the 5ft. 3in. gauge?—Yes, that is the latest estimate on the 5ft. 3in. gauge.
960. Can you discriminate now the value between Ararat and Ballarat and between Ararat and Hamilton on that estimate?—Not on the 5ft. 3in. gauge.
961. You could not tell how much more it costs per mile? No; I can give you on the 3ft. 6in. gauge.
962. Could not you add to that the probable extra cost, and give us the amount on that head?—I could procure that information for you, but it would be mere guess-work if I were to give it now.
963. What time would it take to lay out this line permanently from Ballarat, assuming you went by Creswick without a branch and went to Ararat—what time would it take to survey it permanently with a view to calling for tenders?—Do you mean the whole line?
964. The line from Ballarat to Ararat simply?—I forget the distance.
965. From Ballarat to Ararat is 55 miles?—An efficient survey party, when they once get well into work, will do about a mile and a quarter per week upon an average.
966. Then that being 55 miles, we may judge it would be nearly a year from the time you put your staff on?—Four-fifths of a year, 40 weeks.
967. No increase of staff on that line could facilitate that?—Yes, you might put on a half a dozen parties there. I do not mean to say that six parties would do six times as much as one.
968. Would the cost be increased very considerably by doing that?—It would be increased slightly, but not to any considerable extent.
969. What do you estimate the cost of laying out a line permanently, that 55 miles, taking the ordinary expense of the staff?—£35 to £40 per mile.
970. And the time, with an ordinary staff, about forty weeks; have you contemplated an extension to Stawell, eighteen miles further, in any survey that has been made?—There has been a survey made from Ararat to Stawell, but there has been no estimate made.
971. Of the cost?—Of the cost.
972. Is there any means of getting an estimate of the cost?—We have the means in the office of making estimates similar to those already made.
973. Have you any objection to send an estimate to the Committee of the cost of making a line from Ararat to Stawell?—If it be the order of the Committee that I am to do that, it will be my duty to do it, and I shall be most glad to do it. Upon what basis?
974. Upon the basis of the 5ft. 3in., the cheapest, just as you gave the last one?—The last one.
975. What time would it take to survey the line permanently from Ararat to Hamilton, proceeding on the same principle, taking the 55 miles from Ballarat to Ararat?—The rate of survey would be about the same that I have already given—that is, a mile and a quarter per week by an efficient survey party, and the distance from Ararat to Hamilton is 63 miles; that would take about 45 weeks at the same rate.



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976. Supposing you employed the whole staff available, what time would it take to lay out the line permanently from Ballarat to Hamilton?—It is almost impossible to say what the whole available staff is—I do not know whether you confine yourself to the surveying staff already in the Railway Department.
977. What time would it take the existing staff to survey a line from Ballarat by Ararat to Hamilton?—I am not quite sure, and without a little consideration, I could not give an answer to that question, for I do not know how many efficient officers we have that could be spared from other work to go on with this work.
978. Assuming you were directed to do it as fast as possible, could you give us an approximate estimate of the time it would take, using ordinary diligence, for the whole line from Ballarat *viâ* Ararat to Hamilton?—One party would take probably 85 weeks; four parties would consequently take about 21 weeks; but as I said before, four parties would not do four times as much as one.
979. Could you equip four parties in this colony for that purpose?—I think we could without going outside the Railway Department, but I cannot say without little consideration as to whether or not they could be spared from their present work.
980. Would you be good enough to tell us what time it would take to survey a line from Ararat or from Castlemaine through the town of Maryborough, terminating at Dunolly—the third line?—That would be a more difficult line than the other to survey, but the time would be in about the same proportion, taking the milage.
981. What staff would be required for that length of line?—That is from where?
982. Castlemaine *viâ* Maryborough to Dunolly, what time would it take and what staff would be required to make a survey of that line, with a view to call for tenders?—The distance from Castlemaine to Dunolly *viâ* Guildford, Newstead, and Maryborough, is 47 miles, that is 36 weeks, at the same rate or nearly as before.
983. Will you state the other one now, with regard to the fourth line spoken of from Ballarat to Maryborough through or near Creswick, what time would that take to lay out?—From Ballarat to Maryborough?
984. Yes, *viâ* Creswick?—I have not the distance of that *viâ* Creswick, I have the Creswick branch the whole distance; I have got from Ballarat to Maryborough, and the Creswick branch is 42 miles.
985. What time would it take to do that?—Thirty-two weeks.
986. Will you take the black line from Geelong to Camperdown, and add that to see what time it would take to survey that permanently, 77 or 78 miles?—Sixty-two weeks.
987. Will you deduct the line that has been proposed in the Bill from Ararat to Hamilton from the total, and say how long it would take to survey the proposed four lines permanently as laid out in this Bill, with a view to the contract. What time would it take the department to survey permanently with a view to call for tenders for the four lines in the Bill; about 220 miles I think it is said to be?—I have given in the figures without putting them down, so I am rather at a loss—176 weeks, that is all for one party only.
988. That would be three years and a half for one party?—For one party; you may multiply the number of parties.
989. Would you give us a notion of the strength of the staff you could put on to do the whole of those four lines at once, with a view to permanent construction and calling for tenders?—I am not sure that we could furnish from our present staff more than sufficient to start four or five parties.
990. Taking the strength of the colony, what you know of professional men available?—I scarcely know anything of the profession outside the department.
991. Would it be practicable to obtain outside the railway department any additional staff you could entrust with laying out a line permanently?—I know so little of professional gentlemen outside the department, that I cannot say.
992. No estimate has been made of that?—No estimate has been made of that.
993. There is a point here with regard to deviation, which gives a latitude to the surveyor for carrying out the line, to an extent of two miles on each side. What is the use or necessity of taking such a wide latitude as four miles?—There are several points; there is one point especially, on the line between Ballarat and Ararat, in the ranges, just beyond Beaufort; there are several gullies there extending over a distance from north to south of I dare say something like four miles.
994. Is there any such difficulty uniformly throughout all those lines?—Certainly not.
995. Do you remember the distance that was allowed in the Railway Construction Act for our first railways for deviation?—I have an idea that it was 10 chains. I speak from indistinct recollection.
996. It was a very small one?—I know that, upon the plans prepared, and which are still in existence, there was a line drawn upon either side at 10 chains distance.
997. And it was set out in the Act, so as not to give such a wide latitude to be enabled to be traversed, as would probably be the case, by having so large a power of deviation as four miles?—Very much more trouble was taken in calculation over the preliminary surveys than has been taken since, and therefore the line was more clearly defined.
998. Have you any idea of the fixed positions where stations will be placed, from the preliminary surveys now at your command?—I presume they will be at all townships where there is sufficient population to warrant it.
999. In the locality of a township, there has been considerable difficulty from the interests involved, which have made it appear of great importance to have the stations set out originally, and from which have arisen deputations and questions as to which was the best-site for a station?—The position of the stations has not, I think, been considered in the minute manner you suggest.
1000. But that leaves you as the Bill is drawn, a distance of four miles—two miles on each side; within which you could come or go in regard to stations?—Yes.
1001. Is not that a point of great importance to persons resident in both of those places?—No doubt it would be better if the line could be restricted within very much narrower limits of deviation in the first instance, as to stations, at any rate.
1002. So as to prevent contentions and demands upon the Government?—Yes.
1003. Then, except with respect to that one point you speak of, you think there is no absolute necessity for such a wide power of deviation?—I do not see any necessity at any other point of the line at all approaching to that.

1004. Have you had any offer made to you by owners of large areas of land, offering it gratuitously to the State, for the advantage of having the railway to their property?—I never heard of any.

R. Watson, Esq.,  
continued,  
18th Oct., 1871.

1005. Are you not aware of the American system, by which that is induced?—I am not.

1006. May I ask you a question in relation to construction. What time would it take you after those surveys are completed to finish one of those lines—say from Ballarat to Ararat, and form a second line from Ballarat *viâ* Maryborough, and Dunolly to Castlemaine?—I can scarcely say without seeing the detailed surveys; but you have misunderstood me, when I said one survey party could complete a survey of a mile and a quarter per week, I meant the field work only; that does not by any means complete the work ready for advertising for tenders. The the field and office work might go on simultaneously, but the office work could not be commenced for a considerable time.

1007. No, because the office work has to be done afterwards, checking quantities and so forth?—Yes, the work might go on simultaneously, but the office work could not commence for a considerable time.

1008. Supposing the office could follow the survey parties as rapidly as possible, there would be some delay?—Yes.

1009. What time do you consider would be a fair period to allow for the construction of the two lines from Ballarat to Ararat, and Ballarat *viâ* Creswick, Dunolly, and Maryborough to Castlemaine?—I do not see any reason why the line from Ballarat to Ararat should take longer in its construction than either of the first sections of the North-Eastern line.

1010. What time was that?—The time given for each of those lengths is, I think, about 21 months.

1011. And on the other, by way of Creswick, what time do you consider?—Do you mean the line from Ballarat to Maryborough?

1012. Maryborough, Dunolly, and Castlemaine—what time would be a reasonable time to give a contractor to execute that work?—From Ballarat to Maryborough would probably occupy rather less time than the construction of the line from Ballarat to Ararat.

1013. That is 21 months?—That is 21 months.

1014. The extension to Dunolly and joining on to Castlemaine, how much more time would those two points take?—If you start four or five different lines of such lengths as have been mentioned, I can scarcely form an idea how long it would take without having more information than I have about the available labor in the colonies.

1015. Do you think it would be desirable not to determine that point until the whole surveys were completed and the office work done?—I see no reason why short portions of 15, 20, or 30 miles of those lines should not be commenced, instead of waiting to let the whole length.

1016. Would not a line of 50 miles comparatively rapidly put into operation give a more rapid return to Government than the carrying out of sections on several lines not completed for a long time?—I think it is very likely that it would.

1017. Then, taking the surveys and the best method of bringing those things to a conclusion, can you form an opinion of the time it would take to complete the line from Ballarat to Ararat, and the line to Dunolly and Maryborough by Creswick, continuing on to Castlemaine?—I cannot form an idea, because I have no means of knowing what available labor there is in the colony.

1018. Simultaneously with the construction, would you be able to have your orders executed in England for rolling-stock and iron, etc.?—I do not know what time it takes to get rolling-stock after the order is sent from the colony.

1019. What time would intervene between the time of the issue of the order for rails in England and their being returned to the colony on the order?—I could form a better idea of the time occupied in getting rails.

1020. About eighteen months generally?—Eighteen months need not be occupied in getting rails.

1021. It depends upon the orders and the markets in England?—Yes, sometimes the shipments of rails have been delayed because freights have been particularly high at some seasons of the year; you can of course get freights at any season of the year, but you must pay for it. I should think twelve months should be allowed between sending the order home and getting the rails here.

1022. About freight and traffic returns, can you give any information?—No.

1023. With regard to the Sale line, have you made an estimate of the cost of that line to Sale from Brighton?—An estimate has been prepared, but it is prepared in the same way as the estimates which we have called, this afternoon—the first estimate.

1024. You do not think there would be any difficulty in following out the arrangement under the classification—five heads—as to construction and applying any one of them to that line?—None whatever; it is merely a work of time.

1025. Can you, looking at that plan, give any opinion or estimate as to the value of the land in the country set apart by the Government on the Sale line?—I cannot give an estimate of the value of land in any part of the colony.

1026. You could not?—I could not.

1027. Have you ever considered making a railway from Hamilton to Warrnambool and Portland on the coast?—I have never been there.

1028. You have never been asked to make a preliminary survey?—No.

1029. Would it be a difficult matter to make a preliminary survey from Hamilton to Warrnambool?—I do not know the country.

1030. What would be the cost of the survey?—£20 to £25 per mile; it would not exceed that, certainly.

1031. You have not been along that country?—I have not been along that country.

1032. *By Mr. Robertson.*—You have stated that you think it would be much better if the deviation of two miles were reduced; but do you not think, seeing the surveys are only of a flying nature, it would be very undesirable to reduce the deviation in the Bill now before the Committee?—There are very many cases along the lines where, although the surveys have been only preliminary, we should not require anything like the extent of deviation that lies within two miles, and what I stated was, that I thought it very desirable that, in cases where the line was well defined, the limit of the deviations should be confined to as small a space as possible near inhabited towns, in order that they might not be led astray in supposing a station would be at one place, whereas, eventually it might be two miles from it.

*The witness withdrew.*



William Elsdon, Esq., called in and examined.

W. Elsdon, Esq.,  
18th Oct., 1871.

1033. *By Mr. O'Shanassy.*—You are the engineer of the Hobson's Bay Railway lines?—I am.
1034. How long have you been professionally engaged as an engineer?—With companies, about seventeen years.
1035. With any other persons?—With Stephenson, about seven or eight years.
1036. The celebrated Stephenson?—Yes.
1037. Then you have had twenty-five years' experience in railways, in management and construction?—Yes.
1038. Have you lately visited Europe?—I have.
1039. And America?—I have.
1040. Have you examined the system of railways in operation on the continent of Europe and Great Britain and America?—I have, very closely.
1041. What has been the result of your experience in regard to the construction, the width of gauge, and rolling-stock, &c.?—That the rolling-stock used on the American lines, in my opinion, is far superior to that used on the British lines, both as regards carriages, and also engines, and as far as light rails are concerned.
1042. Superior?—Yes.
1043. In what do you consider the superiority to exist?—In that the bogie principle is carried out, not only in the carriages, but also in the engines.
1044. With regard to the rail, do you consider it an advantage, their system of laying down, to that of the English or the continental system?—I consider that, for opening up new countries, the system carried out in America is much superior to what is carried out in England.
1045. Is that relatively to their difference of situation, one being an old-established country, with a dense population, and the other a new country with a sparse population, compared with its area?—Yes.
1046. And with a view to the distribution of population in America upon the seaboard, which does not occur in England?—Yes.
1047. There is no strict analogy therefore between the two systems?—I may tell you, that in many of the lines where the traffic has been increasing for the last seven or eight years, the inclination of the Americans has been to increase the weight of the rails to meet the extra amount of traffic.
1048. Does not that bring them into the English system as soon as they possibly can get to it?—I think it is possible.
1049. Is it not practically so?—I think it is certain to be.
1050. So that, as soon as they get into the condition of the English population, they are necessarily driven from their ideas of cheap construction with light rails to the English method?—Yes.
1051. That accounts for the difference you see between railways in new countries as compared with the lines in the settled portions of America near the great centres of population?—Yes.
1052. The construction, however, of lines in the new states is entirely speculative?—It is done by companies that are subsidised by every alternate block of land being given them.
1053. Have you ascertained that those persons who are engaged in these projects in the first instance get out of them as soon as they possibly can?—I have heard that statement made here, but I never heard it there.
1054. Did you inquire into the matter?—I did; but I do not think it is true.
1055. You never heard of Cobden's investment?—I did. There may be some exceptions.
1056. You never heard of Mr. Cobden's venture upon those lines?—I heard of that; I do not think it is altogether true.
1057. Were they very successful?—I believe not.
1058. There may be such a thing, in judging of railways, to the eye of a stranger coming into America, as a slight delusion in showing him fine country, and bringing forward fine animals to be seen along the route, of the project and prospects of a great future to a railway constructed in America?—As far as delusion, there was no delusion as regards myself; and as to the route, I went where I thought it best to obtain information.
1059. You do not think speculative companies getting grants of land, having a private object in view rather than the public interest, does not give any parallel to our position in this country?—I think it does, for the reason that the land is opened up by railways constructed by private capital where railways would not exist, if the Government had to carry them out.
1060. That is in America?—Yes.
1061. But in this country?—I think the same applies here.
1062. Would you be good enough to carry your mind for a moment to the area of available country here by the State at the present time, taking a bird's eye view of the map, and considering the blue to be alienated land, would you be able to inform us whether the Government of this country have any lands to give in the ratio that the Americans have?—What I am more particularly referring to is, the Gippsland railway.
1063. That is an exceptional railway; it does not apply to the whole area of the colony?—I have not applied my mind to the whole area of the colony.
1064. You know that the States of America are rich in area of land, and can and do part with it at a very nominal rate?—Yes.
1065. Whereas, the area now unalienated here is exceedingly limited, except that land at Gippsland?—I believe the price to the company is a dollar and a quarter per acre—five shillings.
1066. Our price here is, at the lowest, about sixteen shillings?—I believe it is about sixteen.
1067. We will go to construction, if you please—what is your own view after seeing the two systems in operation—the continental system, which includes the same width of gauge as England, and the American with regard to the width of gauge?—With regard to the American—the width of gauge in America is the same as on the continent; that is, in Prussia, and Belgium, and France, though there are some exceptions in France.
1068. Italy?—Italy.
1069. 4ft. 8½in.?—4ft. 8½in.
1070. The same as England?—In England 4ft. 8½in. and 7 feet; the 7ft. gauge they are pulling up.

- No. 1071. Have you seen any attempt to make mixed gauges between 4ft. 8½in. and anything smaller?—
1072. In any place?—In Russia they are attempting it. I may say they are putting out branch lines on the 3ft. 6in. gauge.
1073. In connection with what lines?—One of them I think is to come on to the St. Petersburg and Moscow railway.
1074. What is the length of it?—I think about 50 versts—about 35 miles.
1075. That is, however, experimental?—There were two lines—one by the Government and one by a private company; but the Minister of Commerce told me that it was an experiment, and I was not led by him to believe that they would go into it till it is a proved success.
1076. The private company's line is only 24½ miles?—That is all.
1077. So that those two lines you have seen bear no comparison to what is projected here—that is, form lines in connection with leading lines constructed on 5ft. 3in. gauge with a heavy traffic?—None.
1078. You can make no comparison between them at all?—None.
1079. Did you see, at any other place, any attempt to make mixed gauges, or to break the gauge in any other country?—None.
1080. Have you formed an opinion of what the effect of that would be in this country, if adopted?—I would not advise it. I think it would not be at all advisable for the Government to break the gauge.
1081. What are the grounds of your opinion?—Cost of transferring goods from truck to truck, the extra quantity and cost of rolling stock, and the extension of trains in length.
1082. Danger of accident?—That naturally follows, and there must of necessity be a greater risk upon the increased length of trains.
1083. Injury to goods?—Injury to goods in transferring, and also delay.
1084. Damages?—That naturally follows upon the transferring of goods and pilfering.
1085. With regard to construction, can you form an opinion, or have you formed an opinion, between the 3ft. 6in. gauge and the 5ft. 3in., assuming the rolling-stock and materials to be of the same character, as to probable difference in value and cost of construction?—The estimate I gave to the Committee on railway construction was £200 a mile. It would not come to that.
1086. Not £200?—Not £200.
1087. Does that take into consideration capitalising the cost of labor in the transfer of goods or any other item embracing damages?—I did not take that into consideration at all.
1088. If you take that into consideration, what would be your opinion as to the £200?—It would be entirely swamped, it would be entirely against the narrow gauge.
1089. Therefore it would be cheaper for the Government, taking into consideration the liability of damage, the risk of accident, and the cost of construction, to have a 5ft. 3in. gauge than a 3ft. 6in.?—Undoubtedly so.
1090. Assuming the materials and rolling-stock to be the same?—Yes.
1091. While the advantage of being able to use the present rolling-stock over all the lines would be very considerable?—Yes.
1092. What led you to form that conclusion—what observation?—I find that the only saving that can be really effective is in the width of ballast. There is no saving in the area or contents of the sleeper—none whatever—for if you put a given weight upon a wheel, on either the broad or the narrow gauge, it naturally follows that the area of the sleeper must be the same in each case whether the rails be 5ft. 3in. or 3ft. 6in. apart. Do I make myself understood?
1093. As far as I am concerned—you hold from personal observations upon these matters that there would be no advantage to the Government whatever in making 3ft. 6in. instead of 5ft. 3in. gauge on these projected railways?—No.
1094. If you take into account the loss of labor, then the advantage would be to the Government in making 5ft. 3in. instead of 3ft. 6in.?—The transfer of goods would be great.
1095. What do you estimate the cost of transfer of goods per ton?—Ninepence—that is labor alone.
1096. And loss from claims?—You cannot very well calculate that.
1097. In the turning out of goods by the Government at so many different stations, there could not be the same strict supervision that you exercise in one shed over men tossing goods about?—There could not be that supervision.
1098. Would not that be likely to increase the cost to the Government or force the carriers to carry goods on the common roads in some cases in preference to using the railways?—That might be so.
1099. You said something about a bogie engine being in operation in America upon the 4ft. 8½in. gauge; may I ask, were the curves which were used larger than the projected curves upon the proposed lines here?—I have not examined the plans of the proposed railways here, but I think the curves in America are much smaller than they are here.
1100. I believe that the Bill says that the radius of the smallest curves is sixty chains—will you look at the Bill—[handing a paper to the witness]?—Eighty chains I think.
1101. Then, are there no curves projected here anything at all like the American curves, as upon the American lines?—No.
1102. Is there not also a difference in the shape and character of the country where the bogie engine is used; is it not more applicable to climbing or going round the base of a hill?—The bogie engine used in America is merely a single bogie, and they adapt themselves very much better to the inferior quality of the roads than the English engines do?—Yes.
1103. They use little or no ballast on the new lines?—No.
1104. They get over the difficulty by putting down more sleepers?—Yes, and collecting dry earth from the cuttings.
1105. In fact, they make up the railway when once they have done sufficient to get a carriage over it by some other process?—Yes, as the traffic increases, they improve the line.
1106. They started in a very loose state comparatively?—I did not see it. I travelled about 280 miles from Chicago to St. Louis; the line had not been made many years. I also went into the Michigan district.
1107. Did you go in one of Pullman's palace cars?—Yes, I did.
1108. And you found the statement that had been made true, that you could travel for 300 miles and

W. Elsdon, Esq., could drink a glass of champagne and not feel the vibration?—I must say that they ride much more comfortably than the English carriages.

1109. You visited a very celebrated railway which has given rise to much discussion, the Festiniog railway?—I did.

1110. That is a line of 14 miles in length?—Fourteen miles.

1111. Is there any peculiarity in the country?—It is hilly.

1112. Sharp curves?—Sharp curves.

1113. And a deep incline?—A steep incline; the curves are down to about  $1\frac{3}{4}$  chains.

1114. And heavy gradients?—Yes.

1115. And the goods that have to be carried are of a peculiar character, are they not?—Slates principally; about 118,000 tons of slates a year.

1116. What is your impression, after visiting that line?—My opinion is, that it is very well adapted to the description of work that has to be performed; that they would have made a great mistake if they had done anything else but what they have done; it is not like anything we have here.

1117. Where it is a flat country, without sharp curves, you do not require anything like it?—No, I am speaking of the slate quarries where you have to go up to the face of the rock, and up steep inclines and in places hauled by ropes.

1118. Do you consider the whole of that construction exceptional and not applicable to this country?—Just so, unless it was to stone or slate quarries.

1119. Did you go to Belgium?—I did.

1120. Did you see anything particular there which attracted your attention with regard to railways?—The railways there are carried out upon the English system, with the exception that the platforms are only in some places a few inches in height as compared with the height of the platforms in England; their management appears to me to be more perfect than I observed in other places.

1121. In what regard? in respect of the luggage as in France?—In regard to the luggage, and also the returns obtained of the money borrowed to execute the railways with.

1122. Do you think their plan of organisation for the management of railways is a very good one?—Very good.

1123. At Belgium, in fact, most of the Government business there partakes of the same character?—Yes; I may say that the sleepers on the Festiniog railway are about half the contents of the sleepers used on the Victorian railways, the gauge being in one case 1ft.  $11\frac{1}{2}$ in., and the other 5ft. 3in.; the engines, the heaviest they have, being 19 tons, as against 35 tons here; so that in reality the saving upon sleepers does not exist.

1124. Is there anything else you wish to state upon railway construction or rolling-stock?—I may observe, that the width of the gauge is no guide to the width of the bridges, or cuttings, or tunnels; it is the width of rolling-stock, not the width of gauge that governs the width of the cuttings, &c.; because the width of engines put forward by narrow gauge advocates is 7ft. 9in. and carriages 7ft. 3in. There is nothing to stop the Government here reducing the width of carriages and engine to 7ft. 6in., by which they would be less by three inches of the proposed width for the narrow gauge, that is, the stock would go through a less aperture than that proposed for narrow gauge stock.

1125. But if they carry cattle, would there be any advantage in reducing the width—a truck to carry cattle would require to be wider than for sheep?—Yes.

1126. Would that be a disadvantage in the way of traffic by cattle, to have your truck narrowed, assuming that you kept the 5ft. 3in. gauge?—I think that 7ft. 6in. would be amply wide for the carrying of cattle.

1127. You do not speak from any experience upon that point?—I speak from the general length of cattle.

1128. You have seen cattle trucks in England?—Yes.

1129. What is the length there?—They run about 7ft. 6in. wide.

1130. And the bullocks carried about 800?—About 800lbs.

1131. Will you state now, as to speed, the relative advantages and disadvantages of the 5ft. 3in. gauge, and the same as to the mode of construction of rolling-stock on the 3ft. 6in. gauge?—No doubt a higher speed and more stability can be obtained upon the wider gauge than upon the narrow gauge.

1132. There is an advantage then in the question of speed?—Yes; and further, that while the narrow gauge may be taxed at its maximum, the wider gauge may be only taxed at its minimum.

1133. What do you mean by taxed?—I speak as to the working of the line and quantity of traffic.

1134. With regard to maintenance, what is your opinion in regard to the cost of maintenance as between the 3ft. 6in. gauge and 5ft. 3in., what would afford the most advantage?—The working expenses on the Festiniog line I make to be 47.88, the returns of the company 44.10, the working expenses upon three or four main lines of England, as for instance, the Great Western of 7ft. gauge, the North Eastern of 4ft.  $8\frac{1}{2}$ in., and the Lancashire and Yorkshire also of 4ft.  $8\frac{1}{2}$ in. gauge are respectively 46.87, 43.29, and 44.43.

1135. On what gauge?—4ft.  $8\frac{1}{2}$ in. That makes it two or three per cent. less than the Festiniog.

1136. Are there not the money advantages in other respects as to distance, closer economy in management, and so forth?—Yes.

1137. And not so much work in the year comparatively with the distance?—No.

1138. Would you give your opinion as to the working and life of the rails under your inspection on the Hobson's Bay railway, taking several kinds of rail and weight, taking it 50lbs., 40lbs., 70lbs., or a steel rail?—The life of an iron rail weight for weight as compared with a steel one, the one lasts at least four times the life of the other.

1139. And between iron and steel?—Yes.

1140. But in iron itself, between 50lbs. and 42lbs. rail?—No; I spoke of weight for weight between 50lb. iron and 50lb. steel.

1141. Now between 50lb. and 42lb. iron?—Both of iron?

1142. Yes?—Undoubtedly the 50lb. rail would last much longer than the 42lb.

1143. But, relatively to the cost, which is more advantageous to lay down in the first instance?—50lbs.

1144. Do you consider the 50lbs. rail for the 5ft. 3in. gauge of rough construction ample at starting?—Ample. I may observe also, as regards the Festiniog railway, the main part of the traffic is

down hill, it runs down by its own gravity, and the engines are simply used to take up part of the passenger traffic and all the goods and empty slate trucks.

W. Elsdon, Esq.,  
continued,  
18th Oct., 1871.

1145. You have made an experiment upon the Hobson's Bay railway with a bogie engine as a test of their use?—I have.

1146. Over light rails?—Over our own rails.

1147. What is the advantage?—That the coke consumption, with a 15 in. cylinder eagle bogie engine, as compared with a 14 in. cylinder ordinary engine, with the same load, is certainly in favor of the bogie engine.

1148. Coal or coke?—Coal or coke.

1149. But nothing more?—There is a saving of friction going round curves.

1150. But assuming that it was merely line for line level, is there any advantage upon a level line besides the item of coke?—On a level line there would be the same advantages.

1151. There would be no advantage in fact of one over the other?—There would.

1152. That is with regard to the coke economy?—With regard to the coke economy.

1153. But with regard to anything else, is there any other item in which it is superior to the ordinary engine?—The tires of the wheels would last much longer in the bogie than what they would do in ordinary cases.

1154. Why the tires in one case rather than another?—Because the flanges of the wheels adapting themselves to the curves, there is less flange friction—they last longer.

1155. But I speak now of where the things are relatively equal, upon a plane line where there are no curves?—It would not apply so well.

1156. Would there be any advantage, things being equal, upon a plane line?—I think there would, but not to such an extent.

1157. It would not be justifiable to go to expense on account of it, as an experiment?—There is no expense—no cost.

1158. Can bogie engines be made in this colony?—I am not prepared to say that.

1159. Are you aware that plain engines can?—I am not aware of that; they have not been made yet, I believe.

1160. Have you seen the Sydney engines?—I have not; I superintended one made here by Mr. Enoch Chambers, at least a great portion of it.

1161. You have not seen the Sydney engines, or carriages, or any drawings of them?—I have not.

1162. *By Mr. Campbell.*—You mention, in America they apply the bogie principle to carriages as well as engines?—Yes.

1163. Are the American lines generally as level and as straight as ours are?—They have many severe gradients, but I think the curves are far smaller than what they are in Victoria.

1164. Do you think they have more curves than we have?—The Americans have smaller curves than we have.

1165. Have we any railways here without curves, or are we likely to have them?—No, you cannot do without them; they must exist somewhere.

1166. Then a bogie engine must increase the power very much—a bogie engine rests upon many more points than a common engine, I believe, so that it can work with the same power upon a lighter rail, can it not, and act with less force?—Yes.

1167. Its bearing is upon four points of the rails, upon which account the rails can be made lighter?—The weight is smaller and better distributed.

1168. A heavy engine upon a light line is better supported; that is one of the advantages of the bogie engine?—Yes.

1169. And it can be worked upon a lighter rail?—Yes.

1170. Then the points on what you call the rigid bearings are shorter in the bogie engine?—Shorter—they are reduced to two thirds by an ordinary single bogie engine.

1171. Therefore the friction in turning round a curve is reduced to a minimum on the bogie engine?—Yes.

1172. Whereas, in the ordinary engine the wheels are fixed upon a solid frame, and a great portion of the power is lost in sliding upon the line instead of turning?—It is the steam power of the engine, as applied against flange friction.

1173. Therefore, you think the bogie principle would be a great improvement upon our present rolling stock?—Yes, I think so, for ordinary general traffic. I have no hesitation in saying, in regard to inclines, the double bogie might be applicable in certain cases, but not for general traffic.

1174. What would be the difference of cost between the two engines of the same power?—The same power? The last bogie engine I bought was much cheaper than the ones I bought upon the old principle.

1175. With the same power?—More.

1176. With more power, and you purchased it for less money?—Yes.

1177. At the present moment, has the Fairlie, comparing engines, any advantage in regard to power?—In certain cases.

1178. You mentioned that, in America they use very little ballast upon the lines?—Very little.

1179. Do you think lines constructed here upon a level country, where there are few curves, could be constructed with little or no ballast?—I do.

1180. Do you think there has been a great deal of superfluous ballast used here?—I think they might save by using more sleepers per mile and less ballast, especially where timber is plentiful, there would be a great advantage; and further, by doing so, the weight of rail could be kept down much more than in the other case.

1181. Is there any other point you think of suggesting to the Committee by which there could be economy in the construction of railways and rolling-stock?—I may say, that the carriages on some of the lines in Victoria here bear a very fair comparison as to the carriages suggested for the 3ft. gauge; the weight of carriages suggested for the 3ft. gauge is 3 tons 5 cwt., carrying eighteen people; carriages in the colony weighing 6 tons 1 or 2 cwt. carry thirty-two people, so the loss is only one or two passengers, and such carriages can be considerably reduced in weight.

1182. Do you think the carriages here are much heavier than they are required to be?—Yes.

1183. Do you think carriages could be built entirely of malleable iron?—By building them of

W. Elsdon, Esq., malleable iron, they would be lighter. The Russian authorities are getting some carriages built in Belgium of the best sheet iron in panels. They do very well for a cold climate; I am scarcely able to tell what effect they would have in a hot climate like this.

1184. And would be much lighter?—It would be much lighter.

1185. And there would be no objection to them in the carriage of goods?—None.

1186. *By Mr. a'Beckett.*—Are the average working expenses upon the 3ft. 6in. gauge less than those upon the 5ft. 3in. or 4ft. 8½in.?—No.

1187. Then what are the advantages of the 3ft. 6in. gauge over and above the first saving in construction which you estimate at £200 a mile?—None.

1188. It is a great expense—the watching of gates and crossings upon railways, is it not?—Yes, considerable expense.

1189. Do you think that the system adopted here to protect level crossings is unnecessarily expensive?—I do.

1190. Will you point out the difference between the system here and that which obtains at home or on the continent?—In America they have simply side ditches, the cattle never attempt to cross or to go up the line.

1191. Are they found to be effective?—Very.

1192. And that saves, in respect of every gate, the wages of a gatekeeper?—Yes.

1193. Are there gates?—None.

1194. Then how do vehicles cross the line?—In the ordinary way.

1195. But they must cross over this ditch?—No; they cross the line. The ditches are put, as it were, outside the roadway—that is, of the street—the crossing of the street or road.

1196. In a town?—In a town they do not use the ditches.

1197. What protection is there in the towns?—None. In fact, in many places, the trains go along the street.

1198. Do accidents very frequently occur?—No.

1199. What warning is given to the people?—Simply by slackening the speed and ringing a bell.

1200. Are they obliged to slack the speed very frequently?—They ring a bell. In fact, they seem to make it a sort of rule that the people are to keep out of the way of the train, and not the train to keep out of the way of the people.

1201. *By Mr. Campbell.*—In America, is travelling in carriages on the bogie principle easier; is the oscillation less?—Undoubtedly so.

1202. Much easier?—I have travelled long distances both on the Continent, and in England, and America, and I can say that you can travel without fatigue double or treble the distance in a bogie carriage than in the English carriages.

1203. Could you sleep comfortably in the carriages, and be refreshed after your sleep?—Yes.

1204. Can you speak as to the fences?—In many places they have fences, and in a great many instances they have none; they have fences where the cattle are likely to be numerous. As long as they can prove the fences to be in good condition, if any cattle get upon the line and get injured the expense falls upon the owners.

1205. So that the cow gets the worst of it?—Undoubtedly.

1206. *By Mr. O'Shanassy.*—I do not think I asked you the expense of the lines made in America upon the principle of 4ft. 8½in.?—44,000 dollars on an average.

1207. That is about £8000 per mile?—About £8000 per mile.

1208. Did you see any peculiar mechanical construction in front of the engines on the American lines, for taking up animals?—Yes.

1209. What is it called?—A cow-catcher.

1210. Are other classes of animals picked up by it?—Not that I saw.

1211. That is, £8000 without the land?—The land is given to them.

1212. That is not included in that estimate?—No.

1213. *By Mr. a'Beckett.*—It is stated in a pamphlet published in favour of the 3ft. 6in. gauge, that there would be a very considerable saving in the weight of the train as against the 4ft. 8½in. gauge.—If you take the rolling-stock as it exists in England, I believe it to be very true.

1214. Then it is quite possible to make the carrying capacity of the present carriages, on the present 5ft. 3in. gauge, equal to those?—Yes.

1215. By lightening the construction of the stock?—Yes.

1216. Then, in point of fact, all the rolling-stock in England is very much heavier than it need be?—The weight of stock, I believe, has never been taken into consideration; it is more the comfort of the passengers that has been considered.

1217. It is far in excess of what is needed for safety or carrying power?—Yes; I may observe, that it has been stated that the weight of the engines on the narrow gauge lines—power for power and weight for weight—is more than on the broad gauge; such does not exist at all and it is very easily proved. The Fairlie engine on the Festiniog railway weighs from 19½ to 20 tons, and if the area of the cylinders is compared with the double-bogie engine made by Mr. Fairlie to go upon the Peruvian railways of 4ft. 8½in. gauge, weighing 60 tons, and the power of the one compared with the other is about three times, so that multiplying the 20 tons by three, that gives the same weight, and this shows that, by paying proper attention to the rolling-stock, no difference exists in the weight between the same power used in either gauge.

1218. It is stated that, under the present system, for one ton carried that pays you carry five tons, is that so?—Statements are easily put forth.

1219. What is your opinion founded on—observation?—If you compare the trucks as used upon the Festiniog line to meet the particular description of traffic, you will find the carriages and trucks are specially adapted for it. The trucks are made of strips of iron to keep the slates compact together; but if you put that truck to carry wool, a different feature would be formed.

1220. Then you do not agree with the statement?—I do not.

1221. What do you think is the proportion of the non-paying weight to the paying weight?—It varies according to the different lines.

1222. Do you think of necessity there must be a much larger proportion on the broad gauge than on

the narrow gauge?—Not at all; you might adapt your stock to meet the supposed advantages of the narrow gauge.

W. Eldon, Esq.,  
continued.  
18th Oct., 1871.

1223. The suggestion is, that upon the narrow gauge you can carry more; but would not that very much extend the length of the carriages?—Yes.

1224. For instance, if you carry 10 tons upon the narrow gauge, you must have a longer truck?—Yes.

1225. We should be glad to have some information upon that point?—At any rate for the same quantity of goods carried on the 4ft. 8½in. gauge, the length of the train on the narrow gauge railway is far in excess.

1226. Therefore there must be a multiplication of carriages and trucks?—Yes, necessarily, and a greater number of attendants and guards, and oiling of truck-axles and other things.

1227. And repairs?—And repairs.

1228. *By Mr. Simson.*—Relative to the fences on those lines in America—are the lines you saw similar to the lines here in this respect, that, in the country through which you pass, do the lines on either side have stock running at large as they are in this country?—No.

1229. Consequently, no fences are required?—I would not say that, because I believe in many places in the colony here there is not much stock.

1230. Were stock running at either side of the line at large?—I saw stock running on the side of the lines, but not in such numbers as I should say between here and Geelong.

1231. Was any method taken to keep the stock from the lines—do the trains run at night there?—Yes.

1232. And those ditches instead of gates—if the ditches are sufficiently deep to keep the cattle from passing over them, how do the vehicles pass over them?—The ditches are outside of the road. If you have a road 60ft. wide, the ditches are outside of the 60ft.

1233. What is to prevent the sheep or the oxen going upon the line the same as a vehicle?—The cattle will never attempt to cross a ditch 8 or 9 feet wide and 10 feet deep.

1234. How does a vehicle get across the ditch?—It does not go across the ditch at all—[*The witness explained the same by a diagram.*]

1235. Is there a bridge over the ditch there?—No.

1236. *By Mr. a'Beckett.*—Perhaps you would put that in as a part of your evidence, showing the way in which this arrangement is carried out?—If the traffic manager has no objection—[*The same was handed in, vide Appendix.*]

1237. This illustrates the arrangement?—Yes.

1238. Would that obviate the necessity of keeping gatekeepers at all the stations, where that plan is adopted?—Yes.

1239. *By Mr. Degraes.*—I would like to ask you, from your own experience in the colony and your experience in the old country, and your approval of the bogie engine, and so forth, whether—we will suppose fifty trucks, carrying 200 tons, for argument sake, coming down a gradient such as that from Woodend to Gisborne, and distributing that over double the amount of engines travelling at the same speed—would it be as safe as the 5ft. 3in gauge?—No.

1240. Supposing you went to the other extreme, and said you could go at a speed of 40 miles an hour, or over 50, with a 5ft. 3in., which would be the safer of the two—40 with the 3ft. 6in. gauge, or the 50 with the 5ft. 3in.?—The 50.

1241. With the 5ft. 3in.?—With the 5ft. 3in. gauge.

1242. On the whole, as a rule, throughout the colony, as a matter of safety and speed, you would be in favor of the wide gauge?—Of the wide gauge. I may observe, however, that you might obtain a speed of 30 miles an hour on the narrow gauge, but could not go beyond that, because the oscillation would be so great, you would be obliged to slacken speed.

1243. And the consequence would be, there would be a great risk?—By the overhanging weight of the carriages.

1244. For the transit of stock, for instance—say from the Murray or from the western boundary—which would be the safer of the two?—The wider gauge.

1245. Then, as we have heard from other witnesses as to the great difference of outlay of capital in regard to the sleepers, in your opinion, what is the difference between the 3ft. 6in. and the 5ft. 3in.?—There is no saving in the sleepers whatever, as I say you can illustrate it in this way—if you confine the number of tons on the wheels to three tons on either the broad or narrow gauge, the area must be the same in each case; as, for instance, if you have a long wall of a house weighing so many tons, you have a foundation simply sufficient to carry that long wall; if you concentrate that wall by putting it into half the length, you must have a foundation sufficient to carry the concentrated weight.

1246. Then, on the whole, your opinion is, that the mere saving of a foot or so in the ballast and a foot or eighteen inches in the sleepers in a country where sleepers go at 8s. or 10s. per 100, the comparison is a mere bagatelle between the narrow and broad gauge?—There is no saving in the sleepers, there may be a saving in the ballast; for the same weight on either gauge you must have the same area.

1247. Supposing, as we have had it suggested here by an honorable member, last night, that you will have the 5ft. 3in. gauge here, and we were to have a third rail; query, whether you would place that pressure upon the third rail, would not there be a certain amount of oscillation when the bearing was only on the one side instead of the centre; would it not in your mind give something like a doubt as to the stability of that railway; supposing wet weather sets in, after a three or four weeks wet season, and oscillation comes on, with weight upon the one side and not upon the other, is it not your opinion, from your long experience (I put this as my idea, I may be wrong or right), having the weight the same as you would in a ship, a certain amount of weight on one side, is not there a doubt whether there is not more oscillation through not having it in the centre?—No doubt, if the weight is not equally distributed there must be more oscillation. I was going to make an observation; that the width of the formation on the 5ft. 3in. gauge need not necessarily be more than in the 3ft. 6in. gauge.

1248. *By Mr. a'Beckett.*—Why not?—Because by adopting small wheels on the narrow gauge, the cuttings must necessarily be of the same width as the wider gauge, because of the body of the carriages being brought closer down to the slope of the cuttings; in fact, the narrow gauge engines are wider than the ones recommended in my report; they forget, however, by reducing the size of the wheels, in order to lower the centre of gravity to insure stability, they are obliged to widen the cuttings out, that is, the 5ft. 3in. gauge need not necessarily have a formation more than 10ft. or 10ft. 6in. in width, the very width advocated by the

W. Elsdon, Esq., narrow gauge authorities; the bridges need not necessarily extend beyond 12ft., and 12ft. 3in. is positively required in the 3ft. 6in. gauge, if they carry out the width of the carriages and engines as they propose.

1249. Double lines?—Single lines I speak of.

1250. *By Mr. DeGRAVES.*—I will suppose that we have agreed upon these level lines to the westward, or anywhere else where it is level country, but I am supposing that we are going up to higher regions, such as the Blue Mountains of Gippsland, and so on; there, I presume, at least I may be right or may be wrong, then there would be a benefit of the bogie engine over and above the level country?—Yes.

1251. That is your opinion?—There can be no doubt that there is less flange friction upon the bogie engine than there is upon the rigid wheel-base of the ordinary engines.

1252. But it is not so well adapted for level countries?—No, double bogie engines are not so good for general traffic.

1253. The double bogie-engine and narrow gauge is better adapted for hilly country in Austria, near Munich, and those mountainous places where they have to twist round hills?—Yes.

*The witness withdrew.*

William M. Fehon, Esq., examined.

Wm. M. Fehon,  
Esq.,  
18th Oct., 1871.

1254. *By Mr. O'Shanassy.*—You are the traffic superintendent of the Victorian railways?—Yes.

1255. How long have you been employed in that capacity?—Since the line was first opened, January, 1859.

1256. Have you been all that time traffic superintendent?—No.

1257. What other office did you fill?—I was travelling auditor for some years.

1258. That was to check accounts?—Yes.

1259. That gave you a facility for judging, I imagine, the traffic on the lines?—Yes.

1260. How long were you travelling auditor?—Three years.

1261. How many years traffic superintendent?—I have been traffic superintendent and assistant superintendent for about eight years.

1262. Were you ever engaged in a similar capacity upon any other lines of railway?—Not as superintendent.

1263. I hold in my hand an estimate of traffic for the proposed lines, as set out in the Bill now before the Committee made by you, and it is not dated, will you be good enough to supply the date when you made it?—The 14th of last September.

1264. It is headed "Estimates of the probable Traffic on proposed new lines of Railways;" will you state to the Committee how you arrived at those probable estimates?—I got returns from all the principal carrying firms in the colony doing business on the roads where those lines are proposed to run—to Ararat, Camperdown, Maryborough, and the other points to which the railways would run.

1265. Did you get the rates from them which they charged?—No, I did not.

1266. The mileage for carrying the goods?—No, I did not.

1267. Nor the quantity they could carry by any waggon?—No, I did not.

1268. You are not able to state what the comparison would be by private efforts on the present main roads as against any proposed lines of railways in this direction for short distances?—For short distances, I believe the carriers can still compete with a railway.

1269. On good roads?—Yes.

1270. If there were any facilities for water carriage, would that be an item for consideration?—I think not.

1271. Not from Melbourne to Geelong?—Yes; but not to Camperdown.

1272. Do you know the rate, to Warrnambool, per ton, by steamer, for carriage of goods?—I cannot say.

1273. Do you know whether it is 12s.?—About that.

1274. You do not know, you say, the cost of the carriage by road from Warrnambool to Camperdown?—No, it would vary according to the season.

1275. What would be the average per ton on that road?—I could not say.

1276. Would it be a pound?—About a pound.

1277. To Terang—could we get any approximate estimate of the cost of traffic?—I do not know.

1278. You have never made that an object of inquiry?—No.

1279. You say, for short distances, the farmers, if a railway were constructed in the direction of where the present roads are made, would still compete with the railway?—I think they would, to some extent, from Castlemaine.

1280. Are not the farmers very desirous, at certain seasons of the year, to earn a little ready money at this kind of traffic?—Yes; a great deal is done by farmers.

1281. Have you any means of judging of the extent of that, because you said you had only spoken to the leading carriers?—I know that a large quantity of the tonnage, going from Geelong to Ararat and Pleasant Creek, is carried by farmers.

1282. Notwithstanding the railway to Ballarat?—Yes.

1283. Can you account for that circumstance by any other desire than the necessity of the small farmers getting money, or is it due to the facility of the road, or anything else?—The difference in the rates of carriage from Geelong to Ararat is about £1 per ton more than from Ballarat to Ararat, and the railway rate upon first-class goods would be more than £1 a ton.

1284. Then, if you take the cost of carriage per ton of goods from Ballarat to Geelong, and in the event of the continuation of the line from Ballarat to Ararat, what would be the cost of the carriage of a ton of goods on those two lines, according to your proposed estimate?—From Geelong to Ararat it would be 50s. per ton, taking second-class goods as the average.

1285. Add the Melbourne price from Melbourne to Geelong to that, and how much would that be per ton?—It would be about 70s.

1286. What is the distance by rail?—96 miles to Ballarat; 55 miles from Ballarat to Ararat, by the proposed line.

1287. That would be 151 miles. Is that less than the distance from Melbourne to Echuca?—Rather less; it is 156 from Melbourne to Echuca.

1288. You would charge 5s. per ton more in that case?—Yes, we should.



1289. Allowing for water carriage from Melbourne to Geelong, and the present rate of carriage by road by carriers, what would be the rate to a person using that mode instead of the railway?—I have not the information with me as to the rates of the carriage by road.

1290. Have you not just stated the present rate from Geelong to Ararat by carriers?—No; I stated the relative rate from Geelong or Ballarat to Ararat; there is generally a difference of £1 per ton in favour of Ballarat to Ararat.

1291. You mean as between the carriers and the railway?—No; as between the carriers carrying goods from Geelong to Ararat or from Ballarat to Ararat.

1292. Can you state what the cost per ton is for a carrier to carry goods from Geelong to Ararat now?—I do not know what the rate is just now.

1293. Do you know the rate by water carriage to Geelong?—Six or seven shillings.

1294. Is it not as low as 4s. or 5s.?—Yes, it is exceptionally low for some kinds of goods.

1295. Could you obtain for the Committee information of the cost of carrying goods from Geelong to Ararat by the common road; and also give the Committee information from the same source of the cost of carrying goods upon the same road from Geelong to Camperdown, by way of Colac; and also what is the cost now charged by carriers or farmers for carrying goods upon those roads?—Yes.

1296. *By Mr. a'Beckett.*—And the time occupied?—Yes.

1297. *By Mr. O'Shanassy.*—In making your calculation of the cost of making the line from Ballarat to Ararat, I see you have put down Ballarat to Beaufort 2080 tons per annum, at 6d. per ton per mile, £1040?—Yes.

1298. How did you arrive at that—the quantity of tonnage?—From actual returns furnished by the carrying-firms.

1299. Did they estimate what the farmers carry as well as themselves?—No, they did not.

1300. You do not know what that would be?—I may explain, that the farmers are generally hired by the carriers. The goods from the seaboard usually go through the carriers' hands.

1301. Therefore, the carriers include all that the farmers carry for them, as far as you know?—Yes.

1302. Will you explain how you arrive at 6d. per ton per mile for that distance—55 miles?—That is the second-class rate now charged upon the Victorian Railways.

1303. The same distance?—All based on 6d. per ton per mile.

1304. Would you explain to me, then, what appears in your report of what the Government receives upon the two main lines of railway. I think it is stated that 3½d. or 4d. in this year's report?—Yes.

1305. Will you explain the difference between your estimate here of sixpence, and that return upon the main lines?—The gross tonnage on the Victorian Railways includes large quantities of firewood and sawn timber, and many other articles carried at a very low rate, which brings the average down to three-pence and one third and fourpence; but this estimate which gives from Ballarat to Beaufort 2080 tons at sixpence per ton per mile is exclusively the goods carried from Ballarat to Beaufort on the down journey. All goods carried on the return journey are carried at a cheaper rate than on the down journey.

1306. Have you made any estimate for that?—Yes, return traffic in grain, flour, hides, and so on, £150 per week.

1307. That is a rough estimate. From Ballarat to Ararat you estimate it at 7800 tons?—Yes.

1308. Of what does these goods consist?—Imported goods.

1309. Dry goods?—Drapery goods.

1310. Spirits, sugar, tea, and so on?—Yes.

1311. The return traffic in timber, put down at £50 a week, is that firewood?—Firewood and mining timber.

1312. Wool you estimate at 8000 bales at 2s. 6d.?—I believe that is a very low estimate.

1313. Is that upon the assumption that the Wimmera country, which is occupied as a pastoral country, will send its wool to Ararat?—Yes.

1314. And make no allowance for carriage at all by road—you make no allowance for any portion being sent by waggons or drays?—I believe that if this line were constructed to Ararat the railway would catch a large portion of that wool, fully to the extent of 8000 bales per annum.

1315. How do you propose to charge the addition of bringing it to the port of shipment?—I put down 2s. 6d. per bale from Ararat to Ballarat.

1316. But it must be brought to the port of shipment?—Yes.

1317. What would be the cost additional per bale?—That would depend upon whether it was shipped at Geelong or Williamstown.

1318. What are the rates on those lines now per bale?—Seven shillings to Geelong.

1319. And to Williamstown?—Nine shillings per bale.

1320. Making a total of about, in the one case, 11s. 6d., and in the other 9s. 6d. per bale for the carriage?—I am speaking of the full rate from Ararat to Geelong or Williamstown.

1321. But 11s. 6d. or 9s. 6d. as the case may be?—Seven shillings or 9s. from Ararat to Geelong or Williamstown.

1322. I misunderstood you; I thought 2s. 6d. was added. You make provision for the carrying of sheep and other live-stock £1000 in that district; how do you make out that item?—That, I may say, is a rough estimate.

1323. The whole of this, in fact, is based upon that idea—making a rough calculation?—Yes; but I think I am within the mark in nearly all the items.

1324. You have some experience of the passenger traffic upon the existing lines, according to population, and have stated the passenger traffic to be an average of 100 per day, at a fare of 7s. 6d. each from Ararat to Ballarat—that is one of the chief items in the income; how do you get that?—From the returns furnished by the Registrar-General of the population of the district.

1325. How did he know the number who would travel by rail?—I may say also, that I got information from the coach proprietors as to the number of coaches that were running on the road, and the number of people travelling by their coaches upon that road.

1326. You have brought it out to 7s. 6d., for all classes of passengers the same?—Yes, that is an average. The Ararat fare would be much higher.

1327. From those various sources you return a probable estimate of £36,865?—Yes.



M. Fehon,  
Esq.,  
continued,  
Oct., 1871.

1328. Have you had anything to do with putting down the working expenses of that line at 45 per cent.?—It must not be taken as applying to the Ballarat and Ararat line exclusively; the whole of those branch lines are charged 45 per cent. I assume, if those lines were built they would become part of the Victorian Railway system, and that each would not bear its own working expenses, but would bear its proportion of the whole expenses according to the traffic going over it; and that the average working expenses over the whole of the Victorian railways would be 45 per cent.; I believe it would be less. After the Echuca line was opened in 1865 the working expenses were brought down from over 50 to 43 per cent. upon the whole line.

1329. Are you not aware that, in consequence of the extension of the passenger line in a way that has had the effect of adding two or three provinces to Victoria, the working expenses had been reduced on the other portions of the line by an enormous amount from the feeding that has been received in that way?—Yes.

1330. There is no probability of such a result arising on these other lines?—Not to the same extent.

1331. There is no such probability of feeding the main from Ballarat to Ararat, or any such feedings as is the case in regard to the Echuca line?—No.

1332. Then, if this traffic does not realise this result, this statement turns out to be fallacious in its result?—Yes.

1333. Have you made any calculations in regard to wear and tear, preserving permanent way, and loss by accident?—That is all included in the 45 per cent.

1334. Upon the basis that it is kept up to its standard?—Yes.

1335. Have you made this calculation on a basis of 5ft. 3in., without any break of gauge, or 3ft 6in.?—The 5ft. 3in., upon the continuation of the same gauge.

1336. With lighter rolling-stock, I suppose I may assume, you would have given practically the same answers to the other inquiries as to the income from Geelong to Camperdown as you have given with regard to Ballarat and Ararat?—Yes.

1337. Do you know the relative numbers of the population on the Camperdown to Geelong line? What is the total population along that line taking ten miles each side?—Between 12,000 and 13,000.

1338. And what are the numbers between Ballarat and Ararat?—28,000.

1339. That 28,000 persons from Ballarat to Ararat would give a gross revenue of £36,865, and the 12,000 people between Geelong and Camperdown would give £34,220?—Being a longer mileage, and a larger proportion of the goods being through goods, the revenue would be larger.

1340. But the cost of working would be greater and the making of the line?—It would be, of course.

1341. What is the population from Castlemaine to Dunolly and Maryborough, how many does that embrace?—56,000.

1342. And they are estimated to give a gross revenue of £30,744?—Yes.

1343. From Ballarat to Maryborough, what do you also reckon as to the population of that district?—39,000.

1344. They are estimated to give a gross traffic of £31,000?—Yes.

1345. Will you add up the populations of those lines connected and see if they do not come to about 140,000 persons, bringing a traffic to the Government upon those lines of £100,000 gross, assuming the lines were made?—£120,000.

1346. You have not included the population of Stawell in that as assisting Ararat?—No. I may say that those are not my figures; I am simply guided by the returns of the Registrar-General.

1347. 120,000 persons giving a gross railway income of about 100,000?—Yes, that would be about it.

1348. Whilst 12,000 persons would give a gross return upon the Camperdown and Geelong line of £34,000 upon a line of 84 miles long?—Yes, it would; but it must be borne in mind that the line from Castlemaine and the line from Ballarat to Maryborough both reach the same destination; whereas, upon the black line the one line gets the benefit of the whole traffic.

1349. Would you like to supply the Committee with any further details of the estimated income, because this has been prepared roughly, and you have probably not had the same opportunity of preparing the returns as you would have since the Registrar-General's returns were made up?—Yes.

1350. You have some experience in working the traffic of the present railways, and have written a letter, and given evidence for a Committee of the Legislative Assembly. I think you wrote a letter dated 4th July, 1871, upon the subject of gauge, for the information of the Commissioner?—Yes.

1351. Have you had any reason to change that opinion that you wrote in relation to the width of the gauge proposed upon these railways?—Not at all.

1352. Are you confirmed in this by all that you have read and heard?—Yes, I believe it would be a mistake to have any alteration of gauge. Uniformity of gauge simplifies the working and reduces the working expenses materially.

1353. Then, you would not recommend in any way an alteration of the gauge?—No.

1354. Have you had any experience in the cost of construction?—No.

1355. But merely as managing goods and traffic, you would think it inexpedient to alter the gauge from the present one—the 5ft. 3in.?—I would.

1356. The cost of transferring goods, in the event of a break of gauge, has been spoken of—what do you estimate the cost to the Government in labor?—In the letter I wrote to the Commissioner I stated 9d. per ton—I believe that would cover the expense.

1357. Without taking into account the damage and claims?—Inclusive of damage. The goods revenue for the last year amounted to £357,000, and the total amount for compensation paid for breakage and loss of goods was £324, so that the breakage is a very small item.

1358. Would you look at the return I have put into your hands, signed by the Registrar-General, showing the population of Stawall. The population there, as stated in the last census, is about 9000?—Yes.

1359. Is not that population, looking at its position in relation to the Wimmera—is not that population as likely to yield a return on railway extension as any of the proposed line here, if not more?—I think so.

1360. The distance is only about 18 miles; the population 9000. Would you read along the line the stock and other advantages that are possessed there?—Population 9157, value of ratable property £648,453, the annual value £79,579, number of farms 375, number of horses 1396, cattle 8119, sheep 30,281, pigs 1202, acres under cultivation 2445, oats 1761, other cereals 118, root crops 118, hay 2021,

green forage 449, other tillage 2051, total acres 8963, produce wheat 35,920 bushels, oats 49,643, other cereals 1901, root crops 258 tons, hay 2917, wine 3084 gallons, approximate value of farming plant and machinery £15,645, approximate value of improvements on farms £105,133.

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1361. Gold is not given?—No.

1362. Do you know the locality?—No.

1363. You know nothing about its permanence or history?—Only what I have read.

1364. Have you heard of its being a very prominent place for quartz and gold?—I believe so.

1365. And would connect on with a very large extent of pastoral country between that and the Murray?—Yes, I think so.

1366. On the same principle, do you think the connecting of lines of population would tend to reduce the great working expenses of the railways—do you see any reason why such a population as that should not have railway accommodation as soon as practicable to help your main lines?—I believe it would be a very profitable extension.

1367. Would you look at the second line in the return I placed in your hands, signed by the Registrar-General, and state the leading facts?—According to the last census which has not been supplied before, as it does not relate to any railway in the Bill, but one once contemplated, a line from Ararat to Hamilton—approximate population, 16,840; value of ratable property, £2,687,324; annual rate, £332,436; number of farms, 1581; live stock—7820 horses, 29,862 cattle, 1,815,877 sheep, 5124 pigs; acres under cultivation wheat, 14,608; oats, 4723; other cereals, 499; root crop, 1148; hay, 5097; green fodder, 4540; other tillage, 5314; total, 35,929 acres; produce, 66,508 bushels of wheat, 90,104 oats, 5056 other cereals, 2604 tons root crops, 6321 tons of hay, 1921 gallons of wine; approximate value of farm, plant, and machinery, £52,566; approximate of improvements upon farms, £632,954.

1368. Would you be able to give the Committee from that return the probable estimate of the returns which a railway made by that route would give the Government on the same basis as those you have already supplied for the proposed line?—Yes, but I am of opinion that if a railway were constructed to Hamilton it would not monopolise the whole of the traffic; I believe a considerable portion of the Hamilton traffic would go round by Portland and the coast.

1369. Would you make an allowance for that and send in an estimate of the probable traffic?—I will do my best to supply it.

1370. *By Mr. Anderson.*—I wish to ask you if you have any traffic returns made on the proposed line from Melbourne to Sale?—No, I have not, I know nothing of traffic upon that road.

1371. Do you know the length of that proposed line?—Simply from the mileage shown on the map.

1372. Taking it from the point about Elsternwick to Sale, I believe it is about 135 miles?—Melbourne to Sale 126 miles.

1373. Have you had any returns of a similar description in making the traffic estimate in making the two other lines?—No, I have not.

1374. Will you look at the paper placed in your hands by Mr. O'Shanassy, and see the third return there?—Yes.

1375. That is from the office of the Registrar-General?—Yes.

1376. Will you be good enough in this case as in the others to read, for the information of the Committee, the statistics given by the Registrar-General there with regard to the population and the inducements for a railway between those two points?—Yes: Brighton to Sale, approximate population, 19,480; value of ratable property, £1,796,913; annual value, £151,296; number of farms, 1606. Live stock—number of horses, 15,858; cattle, 92,685; sheep, 145,196; pigs, 9624. Number of acres under cultivation—wheat, 7207; oats, 3251; other cereals, 2257; root crops, 1989; hay, 2173; green fodder, 16,313; other tillage, 3166; total number of acres, 36,356. Produce—bushels of wheat, 87,562; oats, 20,980; other cereals, 23,923; root crop, 8200 tons; hay, 2,919 tons; wine, 1788 gallons. Approximate value of farm plant and machinery, £32,948. Approximate value of improvements on farms, £461,805.

1377. *By Mr. Simson.*—Does the amount of population given there in that return include the populations of Sale and Brighton, or does it include merely the population upon the land between the two places?—I am not aware, as this return is furnished by the Registrar-General.

1378. *By Mr. Anderson.*—The return states the population between Brighton and Sale?—Brighton to Sale.

1379. I have no doubt it includes the population of Sale, not Brighton?—I know the other returns furnished by the Registrar-General do not include the population at the starting point nor within a radius of ten miles from the starting point.

1380. This is a similar return?—I believe so.

1381. Do you know anything of your own knowledge of the difficulty of access to Gippsland in the absence of roads?—Merely from what I have heard, not from my own knowledge.

1382. What is your own knowledge, as to the capabilities of that country for producing a large amount of cereals and other produce, if there were the means of communication between Sale and Melbourne—do you know the country?—No.

1383. Do you know the country?—I am not acquainted with the country.

1384. *By Mr. a'Beckett.*—These calculations of revenue are founded, of course, upon the existing state of things?—Yes.

1385. And it may be fairly assumed that there would be an increase of population and an increase upon all those items in the future, if the country is to go on at all?—I have no doubt there would.

1386. Would not the increase in receipts be far in excess of any increase in working expenses—does not the ratio of increase yield a much greater profit than the calculations made at a given time?—Yes; as the business increases the working expenses decrease.

1387. Decrease in proportion to the revenue?—Yes.

1388. If there is to be any increase in these estimates, the working expenses will bear a less proportion than they are put down in the estimates?—Yes, they would. I was going to remark that, presuming the lines were constructed upon a uniform gauge—if there is a break of gauge, the working expenses would be considerably increased.

1389. Then it would intensify the mischief at present likely to result from a break of gauge?—Yes, it would.

1390. The greater the traffic, of course, the greater the mischief resulting from the break of gauge?

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—Yes. There is one point not touched on yet, which is the fact that a very small addition to our present rolling-stock would suffice, if the present gauge were continued. I estimate that the rolling-stock is running, on an average, about four hours out of the twenty-four, that is one sixth of the time is occupied in running; the other twenty hours it is standing idle, and it would matter nothing to the department whether the stock is standing idle at Dunolly or Castlemaine—an increase would be simply required to the extent of the additional time occupied in running.

1391. Then, in point of fact, the working expenses, as estimated on this paper, would be greatly increased, if there were to be a break of gauge?—Yes.

1392. Therefore, those estimates then could not be relied upon—they would not be borne out—the expenses would be greater than 45 per cent. if you had the break of gauge?—Yes.

1393. It is put down here working expenses 45 per cent., is that based upon the supposition that there will be no break of gauge, and that you can utilise the present rolling-stock to a much greater extent than you can at present with the limited mileage that you have?—Yes.

1394. But if there be a break of gauge, you cannot avail yourselves of the existing stock at all—for those new lines you would have to get new rolling-stock altogether?—Yes.

1395. Therefore, in that view of the case, the working expenses would be over 45 per cent?—Assuming that 45 per cent. is a correct estimate, by continuing the present gauge, the working expenses would be increased.

1396. Have you made any calculation of the extent of the increase?—No, so many circumstances would influence it.

1397. Would the increase be more than the difference of 9d. per ton upon the amount of traffic?—Yes, there would be other expenses incident to a break of gauge; for instance, an engine that might otherwise run to Ararat would have to stop at Ballarat, and a fresh engine would be required.

1398. That is, over and above the mere expense of shifting the goods?—Yes. There are many small items that would increase the expense.

1399. *By Mr. Anderson.*—How many hours in a day could the rolling-stock work without injury to itself beyond the fair wear and tear? is it necessary there should be rests in the working of it?—Not at all.

1400. It might work continuously?—Yes.

1401. And only four hours out of the twenty-four, on the average, are the various carriages employed at present?—I am speaking more particularly in reference to goods, not to passenger carriages; I believe the average would be about that.

1402. To come back to the railway from Melbourne to Sale, do you know, of your own knowledge, of any large amount of produce from gold mines and copper in that country?—No, I do not; I am a stranger altogether to the country.

1403. Could you make out a traffic return from the return of the Registrar-General similar to that which is proposed in reference to the line to Stawell?—Yes, I could; but I should require more detailed information; for instance, I should require to know how much of the traffic would be through traffic and how much wayside; that would determine the amount of revenue to be derived.

1404. There are no important places until you come to Sale; no doubt you will get that information from the Registrar-General. If they furnish you with returns from the Registrar-General's Department and the Mining Department and others, you could form your estimate more completely by the larger and fuller returns?—Yes, I will do so.

1405. *By Mr. Black.*—I understand you to say that your calculation of expenses was based entirely upon the 5ft. 8in.?—5ft. 3in.

1406. That your calculations were based upon the 5ft. 3in.?—Yes.

1407. And therefore you never took into consideration what Mr. a'Beckett was referring to. It strikes me that, if your calculations were based for lines entirely upon the 5ft. 3in., the Honorable Mr. a'Beckett's argument, and the questions that he was putting to you, must fall to the ground, because it does not affect your calculations in the very least, it is the same—am I not right in that?—As to the amount of revenue, but not as to the proportion of revenue that would have to be taken for working expenses.

1408. If you base your calculations upon the 5ft. 3in., and with no break, there would be no such case as Mr. a'Beckett suggested?—The calculations would stand correct then.

1409. *By Mr. a'Beckett.*—But if there be a break in the gauge, then will those estimates be correct? I believe not, the working expenses would be higher.

1410. *By Mr. Campbell.*—I suppose your attention has been drawn to the expectation of a large amount of timber out of that district from the Gippsland line?—Yes, I anticipate that one of the principal items of traffic would be timber; and the carriage of cattle would be another large item.

1411. Have you carried many cattle by railway yet?—No, we have not; we have not the appliances.

1412. Have you the trucks?—We have the trucks, but we have not the yards.

1413. What quantity of timber do you think would be taken out of that line, supposing it were adopted; would it be a large amount of traffic?—I think myself that the quantity coming into Melbourne at the present time from the Mount Macedon district is equal to the requirements of Melbourne.

1414. It is better timber?—I believe so.

1415. Do you think, in place of being brought from Mount Macedon, a great quantity would come down from Gippsland?—I believe a great deal would come from Gippsland, but it would be to a great extent in competition with that coming from the Mount Macedon district.

1416. *By Mr. a'Beckett.*—Is not Mount Macedon being denuded of timber?—Yes, it is to some extent.

1417. The supply is beginning to fall off?—Yes, but timber is being brought on to the Victorian railways from the Glenlyon forest.

1418. *By Mr. Highett.*—Would you consider the substitution of the 3ft. 6in. gauge for the 5ft. 3in. gauge on the North-Eastern line judicious or otherwise, the substitution of one for the other?—I should not say it was at all advisable to do so, it would necessitate a larger quantity of rolling-stock being constructed for that particular line. I believe myself that any money which can be saved on construction would not be sufficient to pay for the additional rolling-stock that would be required if a break of gauge occurs.

1419. Have you by any memorandum or document communicated your objections to the head of your department?—In the memorandum that is printed as an Appendix to the Select Committee's Report, that is the only communication I have addressed to the Commissioner on the subject.

1420. I believe you know something of the American lines ; you have been in America, I think ?—I was in the employment of the Great Western Railway in Canada. Wm. M. Fehon,  
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1421. Does not the American Government give large grants of land on each side of the railway when laid down by private individuals ?—Yes, they do ; that is through the waste lands of the State, but a great deal of land has to be purchased when they approach townships or cities.

1422. How is such land given? is it in alternate blocks ?—Yes, in ten mile blocks.

1423. Do not settlers take up the land on such line of railway ?—Yes they do, they purchase from the railway company.

1424. Then, by the Government reserving every alternate block, they participate in the funds raised from the sale of land as also in the advanced price for the same ?—Yes, it enhances the value of the land retained by the State.

1425. Do you think, if the railways had been left to the Government to make, they would have had as many miles as now exist on the line—that is, railways to the same extent ?—They would not ; because in America there are a great many competing lines.

1426. *By Mr. Jenner.*—What are the returns of the Leigh Road station per annum ?—Last year—that is, 1870—£1997 9s. 1½d.

1427. What would be the expense of that station during the year ?—Twenty-three and three-quarters per cent.

1428. Do you know the amount ?—Four hundred and seventy pounds.

1429. That is for the year's expenses of the Leigh Road station ?—Yes.

1430. If the green line is constructed, and a station erected at Inverleigh, would not that reduce the returns for the Leigh Road station ?—Yes, precisely.

1431. Can you give any idea as to what extent ?—I know that a large proportion of the traffic at present going to the Leigh Road station is for Inverleigh and the immediate surrounding neighbourhood ; I could not say with certainty as to the extent.

1432. Then the construction of the green line would tend to reduce the income of the Geelong and Ballarat line ?—It would to a small extent.

1433. But you cannot give the Committee any idea as to what extent ?—The whole amount of revenue is so small that, if we were to assume £500 a year, it would not be more than that, I think.

1434. *By Mr. Degraes.*—From your own experience of railways, which of the three commodities pays the State best—wool, grain, or timber, from Echuca ?—Wool.

1435. What do you consider would be the saving in clerical expenses, as between the cental system and the present system, adopting the cental system of 100lbs. instead of the present system of 112lbs. ?—I do not think it would make a very great difference ; the calculations in charging goods are only a small portion of the clerks' duty, writing the detailed information in the invoice describing the goods, the principal work consists in that ; but as to casting out the charges upon the cental system, or upon the present system of currency and weights, I do not think would make much difference ; certainly, it has the advantage of being much more simple.

1436. Would not it facilitate the despatch of goods ?—If it were universally adopted, it might ; but it would be a mistake for the railways to adopt the cental system, while all other branches of trade were continuing our present weights.

1437. Supposing that all other branches of trade complied with that rule, what saving do you suppose there would be to the general revenue of the colony, supposing the Chamber of Commerce were to adopt it as a rule ?—It would make a very small saving, perhaps 2½ per cent. on clerical labor, or something of that sort, I do not think it would exceed that.

1438. Do you think there would be any difficulty, when you had got the trucks to arrange in the interior, the bringing of cattle to market by railway ?—No difficulty at all ; we have the trucks, but we have not the proper yards for loading. The trucks are used at the present time for conveying goods, though they were built for carrying cattle.

1439. Do you think it would be for the benefit of the State, to take stock back from the metropolis when they were found not to be in a fit condition for sale, at half price? or would it be a loss to the State ?—I think half-price would be a loss.

1440. Do you think sheep trucks would be a loss ?—No, not sheep trucks ; I understood you to speak of cattle.

1441. There are lots of intermediate stations where they could be sent back, but it does not pay them, on account of the travelling expenses ; I wish to know whether it was so or not ?—I am not in a position to give you an answer.

1442. Supposing stock had to be sent from here to Castlemaine, or Bendigo, sold here at a sacrifice, only being half fat—would it pay the railway department to take them back at half-price? we know it would not pay to send them back by road, the risk of scab and travelling, and so on, being so great ?—I believe it would pay, but the trucks would then go back dirty to bring stock to market, and that would be a great objection in sending sheep from the interior.

1443. There could be no difficulty of cleaning trucks at Echuca, where you have abundance of water ?—We have not the appliances at the present time ; the trucks are always washed out at Melbourne, and go back clean to receive sheep, but that is a very trifling objection.

1444. Do you know of any instance where sheep have been sent back to the interior by rail ?—A few, very few.

1445. Because you have made no reduction in charge, I suppose ?—Yes.

1446. *By Mr. Campbell.*—May I ask, whether you keep a separate account of the profits derived from each in proportion to the cost ?—Not in proportion to the cost, but in proportion to the railway revenue. The expenses of each line are kept separate.

1447. Have you no separate account of the returns yielded by that short railway from Echuca to Sandhurst ?—No ; it is not kept as a separate piece of road.

1448. You are aware that that line cost a much less sum to build than the rest of the line ?—About one-third of the cost per mile.

1449. What would you estimate, without going into particulars, to be the profit derived from that line alone from Echuca to Sandhurst—what would be the per centage on the cost ?—Being all through traffic from Echuca to Sandhurst, I believe the working expenses, if kept separate, would not be more than

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35 per cent. of the revenue; for this reason, the Echuca line is a very level line, and an engine can haul double as many trucks as it could on the same length on the Melbourne side of Sandhurst.

1450. Then the profits would be much larger?—Yes, much larger, and the working expenses very small.

1451. What profits would you estimate to be yielded on the line from Echuca? I believe the lines generally return  $3\frac{1}{2}$  to 4 per cent.?—Yes.

1452. Taking the whole of the railways in operation?—Yes.

1453. Then this line would give more profit?—That portion of the line pays better than any other.

1454. Does it pay 6 or 7 per cent.?—Yes, it would.

1455. If that portion was separate, would it pay 10 per cent.?—Yes, I believe it would.

1456. Therefore, money now being borrowed at 5 per cent., that line must be a great gain to the country?—Yes, it is.

1457. *By Mr. Simson.*—I wish to ask, you what is the average load of a truck throughout the year; because, according to the home returns, the average load of a truck is one ton?—Ours is much in excess of that.

1458. Could you give me an idea?—At least three tons.

1459. Throughout the year?—Yes.

1460. *By Mr. Robertson.*—How many tons of dead weight do you reckon requisite to carry before—100 000 odd tons of goods were carried during the last twelve months?—That is a question I could scarcely answer; it would require a good deal of calculation as to the number of trains run, and the number of vehicles used.

1461. You have not made that calculation?—No; it could be done. I could give the quantity of dead weight as against the loading of a truck on the average.

1462. You have told the last gentleman who asked you a question that the average load was three tons during the twelve months?—I believe three tons is within the weight.

1463. How many tons of dead weight would you require to put under way to carry a ton of passengers?—It would depend upon the size of the passengers.

1464. There are about twelve to a ton, I believe?—About two tons—that is, two tons, provided the carriage were filled.

1465. Your trucks, I believe, now weigh 5 tons 7 cwt.?—They vary, according to the class of truck.

1466. Pretty much about that?—That would be about the average.

1467. Seeing that you only average three tons per truck, I suppose we may say, that a very much lighter class of rolling-stock would be sufficient to meet requirements of the colony at present?—No, it would not; you could not reduce the weight of the rolling-stock very much, consistent with safety.

1468. *By Mr. a'Beckett.*—On this gauge?—On this gauge, yes.

1469. *By Mr. Robertson.*—Could not you put more than 3 tons in a truck of 5 tons 7 cwt.?—Experiments have been made lately, with a view of reducing the weight of the trucks, and for a truck to carry 7 tons, about  $4\frac{1}{2}$  tons is the lightest weight it can be brought to, consistent with safety.

1470. Are you in the habit of loading the break-van with any extra metal, or anything of that sort, with a view to ease the train when going down inclines?—The goods vans are weighted, I believe, with about a ton of pig iron in the boxes; but the passenger vans are not weighted, because they are light upon the springs; if they were weighted, it would bring the body of the van down on the springs.

1471. It is not true, that you load the van sometimes to the extent of 10 or 15 tons?—No.

1472. *By Mr. Campbell.*—Would it be possible for you to hand in to the Committee a statement showing the profits derivable from each of the lines—that is, from Echuca to Sandhurst, from Sandhurst to Melbourne, and Ballarat to Melbourne, and from Williamstown to Melbourne?—That is already supplied in the annual report, excepting from Echuca to Sandhurst, that is not given separately; it would be shown as part of the Murray river line, extending from Melbourne to Echuca; but that could be separated pretty accurately.

1473. The line from Echuca to Melbourne—taking it with the Sandhurst and Echuca branch—what is that paying, without the Ballarat and without the Williamstown line?—In the year 1870, 42·10.

1474. That is the working expenses?—That is the working expenses.

1475. What is the per centage of profit upon the cost—could you say?—I cannot supply you with that upon the cost—working expenses against revenue is all the information I can give you at present.

1476. *By Mr. O'Shanassy.*—What is the amount of revenue?—The revenue is £331,983 18s. 4d.

1477. *By Mr. Campbell.*—What are the working expenses on the Williamstown line?—82·34.

1478. It costs that?—Yes.

1479. That leaves about 18 per cent. for return of capital invested?—It leaves £7716 19s. 4d. towards paying interest.

1480. Is that allowing for wear and tear in the bridges and the various other items, and the rolling-stock?—It allows for keeping the rolling-stock and all the works in a thorough state of repair.

1481. Not actual wear and tear—the engines and carriages do not last above a certain number of years?—There is no sinking fund to renew the stock.

1482. How long will those trucks and engines last?—The wooden trucks 15 years at the outside, even if they are kept in a thorough state of repair.

1483. You would require all the repairs to keep them as long as that?—The iron trucks, unless they met with any mishap, would run 100 years.

1484. How long will an engine run?—Fifteen years will be a fair time, if kept continually running.

1485. So that, that allowance from your profits should be deducted from the gross revenue?—The working expenses will be increased by the cost of renewal; in after years they will be much heavier than they are at the present time.

1486. *By Mr. O'Shanassy.*—Did you say the amount of profit was over the working expenses upon the Murray line £331,000 and odd?—That was the gross revenue; the nett revenue was £192,188 15s.

1487. *By Mr. Black.*—I hold a return in my hand here, showing that the estimated cost of the line of railway to Hamilton by Ballarat would be at the rate of £4099 per mile; have you got that?—No, I have not that; in fact, I am no authority in regard to the construction of railways.

1488. Are you acquainted with the line that the railway upon the pink line would traverse?—I am not acquainted with the country.

1489. Do you know the country by the black line?—No, I do not.

1490. You do not know the country by Colac and Camperdown?—No.

1491. My attention was directed to it by the questions that were put to you in respect to the line of railway to Gippsland; are you acquainted with that country?—No, I am not.
1492. You were questioned about that, as to what your opinion was of the probable increase of traffic on that line?—On the Gippsland line?
1493. Yes, and the amount of traffic that would be brought in?—I can only give a very imperfect idea, without making further enquiries.
1494. And could you give the same idea in respect to the other two lines I mention now?—Yes, I could do so.
1495. The one by Ballarat is supposed to yield a return of £36,865?—Yes.
1496. And the one by Colac £34,220?—Yes, that is the estimate.
1497. May I ask if you are in a position to state which of those lines is likely to increase most in its traffic after the railway is constructed—Camperdown to Hamilton, or Ballarat to Hamilton: which of the lines is most likely to increase in traffic?—I should fancy the pink line.
1498. Then, upon what ground do you base your opinion, that the increase would be greater on the pink line?—The population, and the fact that there would be no competition by the seaboard.
1499. May I ask if you base your opinion upon the present population?—Yes.
1500. Not upon a prospective one?—It would be impossible for me to form any estimate of a prospective population.
1501. *By Mr. a'Beckett.*—I understood you to say, when you were first examined, that you did not think practically there would be any competition with the sea-board upon the black line?—Not to Camperdown, but there would to Hamilton.
1502. That is the black line?—The black line to Hamilton.
1503. *By Mr. W. A. C. a'Beckett.*—Do you not think that a line to nearly any part of the colony—at £5000 per mile—would pay?—I believe it would to any settled part of the colony.
1504. At that cost?—Yes.

*The witness withdrew.*

*Adjourned to to-morrow at half-past four o'clock.*

THURSDAY, 19TH OCTOBER, 1871.

E. S. Symonds, Esq., called and examined.

1505. *By Mr. O'Shanassy.*—I believe you are Under-Treasurer of the Colony of Victoria?—I am.
1506. How long have you held that office?—Fourteen years.
1507. During that time, you have had the revenue and expenditure of the colony under your review, and its management, so far as the keeping of accounts and so on is concerned?—It has been under my constant review.
1508. You know its rise and present position; you know its progress?—Yes.
1509. Will you be good enough to state to the Committee what is the annual revenue of the Colony of Victoria?—The amount of revenue actually realised for the year 1870 was £3,257,224.
1510. What is the estimated revenue for the year 1871-72?—£3,538,750.
1511. The difference in those two amounts, that is, the difference between the two years would be about £270,000?—More than that.
1512. How much?—£281,000.
1513. How is that difference made out; by what new sources of income, or from what cause?—Principally from the Customs.
1514. How much from the Customs?—About a quarter of a million.
1515. £250,000?—£250,000.
1516. How much is it per head of the population, estimating them on the last census?—The population was 720,000.
1517. Including Chinese and aborigines, how much is it per head, about—it is about 6s. 8d. per head, I think?—About that.
1518. About 6s. 8d. per head has to be obtained from the Customs this year from every man, woman, and child in the colony, over and above what was received last year?—So it appears.
1519. Of course, you can form no opinion, as Treasurer, as to the working of that, as it has been barely introduced, as to the permanency of it or otherwise?—I cannot.
1520. You are aware that a sum of £200,000 was set apart by special appropriation by the Land Act of 1869 from the land revenue?—Yes.
1521. Are you aware of the object for which it was set apart by special appropriation?—The object is set forth in the Act, viz., the construction of new lines of rails, &c.
1522. Or the purchase of debentures?—Or the redemption of debentures issued for the construction of State railways.
1523. It was supposed that the colony was capable, out of its large revenue, to set that apart for those objects?—At the time the Act was passed?
1524. Yes, it was supposed that the colony was rich enough to set apart from its revenue £200,000 for that purpose?—I presume it was so considered.
1525. In fact, now, as it has turned out after some time, the state of the matter is, that, inasmuch as we have additional taxation of £281,000 from the Customs alone, we are £81,000 in excess of that £200,000, raised by additional taxation for the ensuing year, and permanently too, if not repealed?—It has been found necessary to raise additional revenue to meet our expenditure, including the additional interest upon loans.
1526. To meet that special appropriation, and that assumed saving, it has been necessary to put on additional taxation to that amount, and also for meeting the interest upon the loans?—Additional revenue has been found necessary to meet our increasing expenditure, in which the appropriation referred to is included, as also interest on the loans recently negotiated.
1527. Are you acquainted with the proportion of the whole revenue derivable under the head of territorial, from the sales of land by auction, receipts towards the purchase of lands, rents, and licences, pastoral, occupation, &c., miners' rights, business licences, leases of auriferous and mineral lands, water rights, and searching licences, &c.?—Yes.

Wm. M. Fehon,  
Esq.,  
continued.  
18th Oct., 1871.

E. S. Symonds,  
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E. S. Symonds,  
Esq.,  
continued,  
19th Oct., 1871.

1528. What has been the yearly income from that source?—Under the head of territorial revenue for the year ending 30th September, 1871, £893,734.

1529. How much was on the proposed estimate of income as laid before Parliament last year? How much was the amount set down in the Estimates?—The estimate for the year ending 30th June, 1872, is £841,500.

1530. I am not speaking of that, I speak of the previous year?—I have not got the estimate for 1870 with my papers.

1531. I want to see what the difference was between the receipts and the amount laid before Parliament, as anticipated under the head of Estimates of Revenue and Expenditure?—I have not got the information with me.

1532. It was £891,000?—The territorial revenue, year ending 30th September, 1871, realized £893,734.

1533. Will you read the heads under which it was realized, if you please?—Sales of land by auction, £254,387.

1534. Stop now—will your memory carry you back to legislation upon that point—was it not a settled fact that £200,000 only was to be realized by sales by auction in that year?—I believe there was an Act of Parliament in which such a provision was inserted. I do not know without referring.

1535. Was it not the settled purpose of the Legislative Assembly upon that subject, that not more than that sum should be realized by auction?—I do not know.

1536. £59,000 worth more were sold than authorized by Parliament, is not that so?—The amount is as I state, £254,387.

1537. £54,000 in excess of the £200,000?—Exactly; and in addition there were receipts towards purchase of land £146,052.

1538. What was the estimate?—I am dealing with the year ending the 30th September, 1871; no estimate was made for that year.

1539. What was the proportion on the estimates as they were framed—it must bear some proportion to to what was estimated as the income from that source?—I do not happen to have the 1871 estimates with me.

1540. What is the amount now obtained from that head, or obtainable within this year?—£220,000 is the estimate from sales of land by auction.

1541. What from receipts towards purchase of land?—Obtainable, £130,000.

1542. Estimated to be obtainable, I suppose?—£130,000 is the estimate.

1543. How does that correspond with the amount you have just stated for the previous year?—For the year 1870?

1544. Yes?—The receipts towards the purchase of land in the year 1870 have been taken into account with the purchase of land, inasmuch as the moneys eventually fall into that account. I see that the accountant, in preparing this return, has lumped the items without giving the particulars, so that the total sum for 1870 under the head of proceeds of sale of land by auction, and rents from selection, is shown as £373,000 against £350,000 estimated to be received from the same sources for the year ending 30th June, 1872.

1545. When did he commence to lump these items together, in forming his published quarterly return?—Since the passing of the Land Act of 1869. I refer to the Finance Statement laid annually before Parliament.

1546. Is there any difference in the quarterly return issued in the last quarter and the previous returns under those heads, in the mode of publishing them under heads in the *Gazette*?—Not for the last four quarters.

1547. In the current quarter—is there any difference in the publication under that head, or under other heads, of territorial revenue in the last quarters return from the previous quarters?—None.

1548. Will you be good enough to show me the *Gazette* publication of the last quarter and the previous one?—[*The witness handed the same to the honorable member.*]

1549. There is no alteration then in the publication of the *Gazette* notice, with regard to the heads; they are kept strictly as they are put before Parliament, under the head of territorial—under the various heads there is no alteration?—No.

1550. Will you proceed to describe the income from receipts under purchase of land?—The estimates for 1871–72?

1551. Yes?—The estimates for 1871–72—rents and licences £280,000; pastoral occupation £172,000.

1552. Will you describe the rents and licences, in comparison with the rents and licences of the previous year—what is the difference, if any?—Pastoral occupation for the year ending 31st December, 1870 amounted to £165,945.

1553. It is now put down at £172,000?—Yes.

1554. Miners' rights and licences?—Rents and licences realized for the year 1870, £274,386.

1555. And it is now put down at?—£280,000.

1556. Miners' rights?—Miners' rights realized £10,220, and they are estimated now at £10,000.

1557. Business licences?—Realized £3446, estimate £3500.

1558. And other sums?—Leases of auriferous and mineral lands realized £24,388, estimated for year ending 30th June, 1872, £25,000; water rights and searching licences, &c., realized £1090, estimated £1000; total in the one case £852,953, and in the other, £841,500.

1559. The difference then was mainly in the excessive quantity of land sold by auction between the estimate of this year and the sales, or the income of last year?—The difference in revenue from sales of lands is £23,000.

1560. In the sales of land?—Yes.

1561. At what rate by the last quarterly returns were the sales of land, by auction, now proceeding?—The receipts for the last quarter for sales of land by auction were £85,562.

1562. What quarter?—The quarter ending 30th September, 1871.

1563. What was the amount of the previous quarter?—£51,551.

1564. And the quarter before that?—£58,797.

1565. £58,797?—Yes; and £58,475 for the quarter ending 31st December, 1870.

1566. Have you any estimate of the proposed sales by auction for the coming quarter?—No.

1567. Then, for the last quarter the ratio is £85,000?—Yes.

1568. Which, if continued, would be somewhere about £325,000 a year?—More than that; upwards of £330,000—say £340,000.

1569. That is far in excess of the amount set down here of £220,000?—Yes.

1570. Now, will you be good enough to state what is your view of the income from land and your receipts, as to its durability and permanence or otherwise—as Under Treasurer, I imagine the subject must have embraced your attention—in this colony?—That is a question which, I apprehend, is determinable in a great measure by the quantity of land unalienated in the colony, and, no doubt, it would be a question of policy with the Government of the day as to what portion of that land would be from time to time put up for sale: it is quite impossible for me to form an opinion upon it.

1571. Can you form no judgment whatever of what the future income from that source would be, as Under Treasurer?—No.

1572. Will you be good enough to state to the Committee, as I have given you notice by memorandum of this line of examination, what is the indebtedness of the colony of Victoria as to loans and the interest thereon under two heads; that is, the interest payable in London and in Victoria and elsewhere?—The total indebtedness of the colony for loans is £11,947,800.

1573. Nearly twelve millions?—Yes.

1574. Will you be good enough to state under what heads those loans are; what they are for?—Railways, £10,724,800; waterworks, country districts, £923,000; graving dock (portion of £250,000 authorised) £150,000; defences, £100,000; Yan Yean waterworks, due 1st January, 1872, £50,000; total amount, £11,947,800.

1575. The total is nearly twelve millions?—Yes.

1576. Will you state the interest on that—the total amount of interest payable?—The total amount of interest payable?—The total amount of interest payable during the currency of the bonds, is £10,575,930—the total amount payable annually at the present time is £687,890.

1577. Does that include the payments the Government make for other public works, or for trust funds lodged with them—such as the Post Office Savings Banks, or anything of that kind?—Yes.

1578. Does it include all the interest the Government pay?—Yes.

1579. Including waterworks?—Yes.

1580. Will you state the balance, if any, to the credit of the Government, in relation to all these loans, available for any purpose for which a loan was not raised—the balance available for any new purpose, if any?—None.

1581. None whatever?—None whatever.

1582. There is no fund at the disposal of the Government under that loan, it is all either applied or appropriated by law to some destined purpose?—Yes.

1583. There is no available money of any kind at the control of the Government out of that twelve millions?—None, except what is appropriated.

1584. The amount appropriated is, in relation to the North-Eastern line, now in course of completion?—Yes.

1585. There are no funds available for the completion of the waterworks at the Coliban?—No.

1586. Docks?—No.

1587. At Williamstown?—No. There is an amount of £62,648 available for waterworks, country districts, but it is appropriated.

1588. For what class of waterworks?—Country waterworks.

1589. For any particular place or district—appropriated for what district or place?—I am not in a position to say.

1590. Is it for the general purpose of water supply, or is it for the special one of the Coliban scheme?—I cannot answer the question.

1591. At all events, that is the amount out of the whole of the twelve millions that is appropriated for water supply?—£62,648 is the amount remaining of the loan for waterworks only.

1592. With regard to the £200,000 set apart by special appropriation under the Land Act of 1869, how is that placed at present—what is the amount of it?—£300,000.

1593. Up to when?—Up to date.

1594. The total available fund under the special appropriation of the Land Act for the purpose of constructing railways, or purchasing debentures of railways, is £300,000 at this moment?—Yes.

1595. How is that placed?—To the credit of a special account in the Treasury books; it forms a portion of the public account in the bank.

1596. Is it capable of being drawn out for any other purpose than the purpose set out in the Land Act—is it capable of being used by the Government for any other purpose than that for which it is destined by law?—Certainly not.

1597. Then how is it sometime since, as we read by reports, it was placed to a separate account, and might have been drawn by the Treasurer?—You are speaking of the loan account.

1598. I am speaking of this special fund of £200,000, arising out of the appropriation set out in the Land Act of 1869?—This special account was never out of the public account in the six banks.

1599. It was never out of the public account?—Never.

1600. It was never capable of being drawn by any person, whoever he may be, except by the usual authorities by the Governor?—No.

1601. And it is now so fixed, it cannot be applied to any other purpose?—Yes.

1602. The total amount is £300,000?—The total amount is £300,000.

1603. You say the interest covers the trust funds—have you included the trust funds in the amount of the total liability of the Government, the twelve millions in the trust fund, or Post Office Savings Banks?—Not the Post Office Savings Bank.

1604. How much is the amount of that?—About £10,000 or £12,000 per year.

1605. Do you mean the total amount of the interest?—Yes, upon the Savings Bank account.

1606. Interest?—Yes.

1607. What is the capital upon which you have to pay that interest—that £10,000?—About £300,000.

1608. Then there is an outstanding liability of £300,000, in addition to the twelve millions for which you pay interest at the rate of £10,000 a year under the head of Post Office Savings Bank?—Yes, no doubt.

1609. Where is that money?—A quarter of a million may be considered as invested in debentures, and the residue forms a portion of the trust account.

1610. Then that money is absolutely owing by the Government, in addition to the twelve millions, or does it form part of the twelve millions?—It is due by the Government to the depositors.



E. S. Symonds,  
Esq.,  
continued,  
19th Oct., 1871.

1611. But is it in excess of the twelve millions, or a part of it?—In excess.
1612. Then the total amount is twelve millions and £300,000?—I look upon it as a debt.
1613. Exactly, a liability is a debt—I want to get at the total liabilities of the Government—there are £300,000 to be added then for which you pay £10,000 a year?—Yes.
1614. Are there any other funds for which the Government are liable?—All the trust funds are in the same category as the Post Office Savings Banks.
1615. Exactly. I want to get at the amount of the trust funds?—£450,000 is about the amount of the trust fund account, besides the Savings Bank account.
1616. Then we have to add £450,000 for the trust moneys—does that include the Police Reward Fund?—Yes.
1617. Is that, from your knowledge, the total liability of the Government for loans, trust funds, and Post Office Savings Bank money?—Yes.
1618. That is nearly thirteen millions?—Yes.
1619. Of which you have available the sum of sixty some odd thousand pounds (£62,000) for public works?—Yes; but there is also a balance of loan for railway purposes.
1620. That is for the North-Eastern line?—Yes.
1621. What is the interest you pay for the use of the £430,000 trust money, in addition to the £10,000 you have just spoken of—for the Post Office Savings Bank, what interest do you pay?—Nothing beyond the interest for the Post Office Savings Bank account.
1622. How can you get that money for nothing—would you explain that—how can you get the use of £430,000 for nothing; for if we could go on a little more upon that principle, I think we could build all these railways very comfortably?—I do not know that anybody is legally empowered to claim interest—certainly not for the Police Reward Fund.
1623. Would you be good enough to supply the Committee with a schedule of the trust funds, and the sources from which they arise, and the way in which they have been taken over, so as to form a liability on the part of the Government, without paying interest?—Yes [*the witness produced a paper*], I hold in my hand a statement of the trust fund, showing the credit balances on the 30th September, 1871.
1624. Would you let me see it?—Yes [*handing the same to the honorable member*].
1625. You show here on the debit side of this account the sum of £782,000, and a credit of £2000 on the opposite side. I wish you could explain this account—it seems a very large one [*handing the document to the witness*]?—The particulars shown by this account are the credit balances of the trust moneys and special accounts, total £782,000. On the opposite side appears the sum of £250,000 invested in debentures, and there are other entries on the debit side of the account—so that we have in our cash balance, or ought to have, say £500,000, moneys belonging to the trust funds, &c., uninvested.
1626. You have invested £250,000 of that trust money out at interest, for which you are not liable to pay anybody; and you have £500,000 for which you are liable uninvested, and you are not liable for any interest—is that the statement?—Yes.
1627. So far as you know, as Under Treasurer, those are the whole of the liabilities of the Government of this colony for loans and interest—somewhere about thirteen millions?—Yes.
1628. *By Mr. W. A. C. a'Beckett.*—You say that the North-Eastern loan can only be used for that line—has a loan been taken at any other time from its original purpose, and applied to any other purpose—that is, diverted from its original purpose?—I cannot answer the question.
1629. Why not?—I do not know of any instance where a loan raised under an Act of Parliament has been appropriated to any other purpose than that directed by the Act under which the loan was raised.
1630. Where did the loan come from that purchased the Geelong railway?—The £300,000 loan?
1631. Yes, that did not come from the Mount Alexander railway loan?—A special loan was raised for the purchase of the Geelong and Melbourne line of £300,000.
1632. You say £300,000 are now placed to the credit of the land fund: how soon will another £100,000 be placed to the credit of that account to that fund?—Towards the end of the year; the Act requiring the full amount of £200,000 to be paid within the year.
1633. How soon will another £200,000 be available?—At any time within the calendar year 1872.
1634. *By Mr. O'Shanassy.*—Will that depend upon the receipts and income of land?—Entirely so.
1635. *By Mr. T. T. a'Beckett.*—The Committee understood you to say that there never was any money put to any account, excepting in accordance with the regulations under which money ought to be put to accounts—you have never had to protest against, or object to any putting of any sum of money to any particular account that ought not strictly to be placed there?—It is possible that objections may have been raised, if the expenditure out of any general loan has not seemed to the Treasury to be in proper accordance with the law, that is, with the Act under which the money was raised.
1636. There never was any money in such a position that it could be dealt with irrespective of the checks put upon its expenditure by our Legislature?—I do not know of any case. I am now speaking of the public account, which cannot be operated upon in any way except as prescribed by the Legislature.
1637. You have given us the money that we have to provide for the payment of one interest, I think, at £780,000 a year, is it not?—£687,000.
1638. In a couple of years, I believe, we shall be relieved of a very considerable portion of that—the Yan Yean expenditure will cease, will not it?—Yes; the amount payable for interest on that account is at the rate of £3000 per annum for the year 1872.
1639. £3000 yearly?—Yes; I give you now the amount payable for the year 1872.
1640. It will have run off by that time?—Yes.
1641. Will the Gabrielli loan have run off also?—No.
1642. It will make some difference, will it not?—The Gabrielli loan will not expire till 1875, the last instalment being payable May, 1875.
1643. In 1875, what shall we be relieved of then, as compared with now?—The annual payments, do you mean?
1644. Yes?—£25,000 for the Melbourne corporation, £10,000 for the Geelong corporation, £50,000, say, for the waterworks; and the annual interest of £3390 for the Mount Alexander railway debentures.
1645. How much will that amount to, in the gross?—£270,000.
- 1645.\* Annually?—About £90,000.
1646. £90,000 a year for three years?—Yes.
1647. Within what time?—Three years, counting from January, 1872.
1648. Three years from hence our annual expenditure, in the way of interest, will be reduced by

£90,000 per annum?—It will be reduced £90,000 per annum on account of principal and interest and the loan which is guaranteed to be paid on behalf of the Melbourne and Geelong corporations.

1649. Are there any works which have been paid for in respect of which we have now to pay interest for the money with which they were constructed, which are not yet remunerative, but which are likely to be remunerative?—No doubt such is the case.

1650. Will you state what they are?—The waterworks in the country districts, it is well known, are not paying.

1651. What do those waterworks represent in the way of capital?—Upwards of £900,000.

1652. As yet producing no return whatever?—No return whatever, with the exception of a small annual payment made by the borough of Ballarat and Ballarat East.

1653. You say, small annual payment, when we are dealing with such large figures, but it may not be perhaps, by itself, very small—what is the amount?—Say, 6 per. cent upon £100,000.

1654. Then, when is it likely that these water supply works will be productive?—I am afraid that is a question I cannot answer.

1655. They have not been utilized at all yet, have they—they are not a source of income at all yet?—No.

1656. The graving-dock—how much does that represent in the way of capital?—£250,000.

1657. How much more will have to be expended upon that?—We have no official information, I think, upon the subject.

1658. Is the money appropriated for the completion of it?—A portion of the loan is available.

1659. There is sufficient in the appropriations made, I suppose, to complete the dock?—To complete it as originally intended.

1660. That is, unless it is extended?—Yes.

1661. How much money will be expended, or is in course of expenditure, upon the North-Eastern Railway?—£2,107,000 I believe.

1662. Which is not at present producing any return?—No return beyond 3 per cent. on the unexpended portion of the loan.

1663. We shall be relieved, of course, to the extent that we get revenue from the Water Supply, and the North-Eastern Railway, and from the Williamstown graving-dock—from all these we may expect some return, whereas we are getting nothing from them?—Yes.

*The witness withdrew.*

*The Chairman intimated that he had received certain returns from Mr. Fehon—[the same were handed in and read, vide Appendix 2.]*

*The Hon. John O'Shanassy handed in a memo. from Mr. Robert Watson, which was read.—[Vide Appendix 3.]*

*The Hon. Francis Robertson handed in a memo. which he had received from Mr. Robert Watson.—[Vide Appendix 4.]*

*The Hon. William Campbell handed in a memo. from Mr. Elsdon, which was read.—[Vide Appendix 5.]*

A. J. Skene, Esq., examined.

1664. *By Mr. O'Shanassy.*—You are Surveyor-General of the Colony of Victoria?—I am.

1665. How long have you held that office?—Three years.

1666. Were you previously employed in the Lands Department in Victoria?—For the last twenty-three years.

1667. You have an intimate knowledge then of the colony, as far as its territorial aspect is concerned?—I have visited every part of the colony, at various times.

1668. May I ask you then, whether the map now in my hands has been prepared in your office?—Yes, it was prepared in my office.

1669. It represents upon that scale the present position of the alienation of land, and of the unalienated portion?—It does.

1670. All that is marked blue shows land alienated from the Crown?—Yes.

1671. Mainly sold, and in fee, I presume?—And partly under lease by the Act of 1869.

1672. For selection?—For selection.

1673. But so far under selection by the Act of 1869, that you have, in preparing the map, had a reasonable idea that it was permanently alienated?—Every selection is shown upon this map.

1674. You have no reason to doubt that these selections will be in any material degree thrown up, and, therefore, not be alienated as shown on that map?—I have no reason to doubt that any single selection will be thrown up:

1675. That shows, as if in fee practically, the quantity alienated in that way?—It does.

1676. Will you be good enough to state to the Committee what the extent of that is?—The total land alienated up to the 30th of June of the present year is 10,949,587 acres. To that should be added, however, 5 per cent. for the roads necessary in connection therewith, making a total alienation of 11,497,066 acres.

1677. In what part of the colony, considered in an agricultural point of view, is that quantity alienated—is it mainly in the best parts of the colony that were available?—In the parts of the colony that are best suited for agriculture, considering both climate and quality of soil.

1678. Will you be good enough to state to the Committee now, under other heads than the pastoral, the quantity of mountainous and unavailable land?—The total extent of country occupied under pastoral licence at the present moment is 27,370,340 acres.

1679. So that, chiefly those that are marked white—which I would request you to mark with a pencil so as to show the grouping as it were—is that in the Wimmera district chiefly, and the Gippsland mountainous country and flat country not available for agricultural purposes in consequence of climate and soil?—Principally in that direction. I may also state, that in the area of 27,000,000 I have mentioned, there are 6,000,000 of perfectly worthless country.

1680. Which cannot be used for either agricultural or pastoral purposes?—Yes.

1681. Then the balance is 21,000,000 of purely pastoral land?—21,261,000.

1682. What does that yield to the State at the present time per annum?—£168,000.

A. J. Skene, Esq.,  
continued,  
19th Oct., 1871.

1683. Is that area diminishing?—Of course, as selection proceeds, the extent of land held under pastoral licence will decrease.
1684. Is there much prospect of selection going on in the direction of that 21,000,000 of acres of land for the purpose of cultivation?—I cannot say for what purpose, but very considerable selection is taking place every day.
1685. On this area you have referred to?—On this area of 21,000,000.
1686. Will you point out upon the map where it is shown, if you please, for I cannot see it upon the 21,000,000 of acres, and in what direction?—In the direction of Echuca, and in the direction of Apsley on the South Australian boundary.
1687. But is there any on that great area of the white country?—No, that is unoccupied country.
1688. But the other is taking place at Echuca and in the direction of Apsley towards Portland?—In the direction of Apsley towards Portland, and also in the north-eastern part of the colony.
1689. Will you allow me to ask you this question; supposing my pencil ran it that direction [*pointing to the map*] and including that much, what area of the country is pastoral included within that circuit of 21,000,000 of acres you have spoken of, taking the point at Echuca and running along the verge of the blue, keeping to that without going into Gippsland, what area of country is within that circuit pastorally occupied now?—I should say from 7,000,000 to 8,000,000.
1690. And that I think you say is constantly undergoing transformation by selection?—Yes.
1691. Will you tell us what amount of rent the State is receiving from those 7,000,000?—I could not state that at the present moment.
1692. Is it one-third of the whole or one-half?—I am not prepared to answer that question.
1693. Would you be able to supply that information to the Committee by running your pencil over that map, and showing it after in a lithograph?—Yes.—[*The witness marked the map.*]
1694. Have you marked it?—I have.
1695. Will you be good enough to mark the white, and say what it is yielding in revenue; the white portion, and also the third portion in Gippsland, that is not occupied by selection at present?—Perhaps I might be able to give the information that I have drawn up here in a different form.
1696. I will state at once, my object is under the three heads of territorial income, rents, and licences of pastoral occupation, to see what the income is. It appears in this year's return there are £512,000. Those three heads, according to your evidence, are undergoing transformation owing to the existing state of the law; and consequently, this account cannot appear annually in this form. I want, therefore, to be able to distinguish how much of it will fall out of this item and assume a new form, and how much of it will come practically to the State—that is the object of my inquiry, and that is the object I had in putting the mark on the chart as indicated, because you will see that £512,000 out of the large sum of £800,000 is a very large proportion of the amount; it also affects the other item of £220,000 or £250,000, which we have heard to-day are obtained by sales by auction, so that it affects nearly the entire £800,000 of income in the future years. I want to show what amount it will form in your view of alienation within the area available for agricultural purposes. Do you think you will be able to make that estimate in your office?—Yes.
1697. At all events, you now state there are 7,000,000 of the 21,000,000 within the lines indicated?—That is, judging by the eye.
1698. Will you afterwards correct it in detail, all the portion not marked blue, but white, on each side? What is your opinion of the annual income from that as a permanent source, and the extent of it?—Of course the extent will be the difference between the 7,000,000 and the 21,000,000.
1699. That will be 14,000,000. What do you estimate the annual income from that portion of the colony, assuming it to remain under its present condition of occupation?—I must take time to make up that account.
1700. Will you be able to supply the Committee with that?—Yes.
1701. Then, practically, for the purposes of sale by auction, and alienation by selection for agriculture, do you consider the selection is limited within the lines already indicated, apart from Gippsland?—I do.
1702. Will you be able to state to the Committee by return what that extent will be?—Yes.
1703. And will you be able to subdivide it in pounds, under the heads of country lands and suburban lands?—I am not able to do that.
1704. Can you make an estimate of the quantity of land that will be sold by auction the next five years?—No, I can form no estimate of the wants of the country within that time.
1705. What provision do you make for setting apart land to be sold by auction beyond the mere impulse of selling it—have you any plan or system in operation?—No system whatever.
1706. Then it is a mere question of chance or policy, as the case may be, of the Minister for the time?—And also the demand that exists.
1707. How do you ascertain that fact?—By applications being made.
1708. By letter?—Generally by letter.
1709. And that is deemed evidence of the desire for purchase by auction?—Yes.
1710. Has the department raised the price of land recently by auction?—Yes, from 20s. to 30s. and 40s.
1711. Is that in any regard to localities, or merely a general proposition?—It is a general proposition, as far as I am aware.
1712. Can you classify the quantity of land that will come under that head?—I have made out an estimate of the quality of 21,000,000 of available land in the colony.
1713. Will you read it?—I placed in the first class 2,595,445 acres; in the second, 8,828,741; in the third, 3,449,214.
1714. Will you be good enough to state the prices you estimate those will bring in respectively?—My estimate of the actual value of those lands, or what they would bring if brought indiscriminately into the market for the first time, is £3,250,000.
1715. At per acre?—That is about 25s.; the second, 8,828,741 acres, I estimate as worth 17s. 6d. per acre.
1716. But what would they bring in under the law, if selected?—It would bring in 20s., if it were all selected.
1717. Not paid for at once, but in instalments?—I am not looking at it in that point of view.
1718. The third?—The third, 3,449,214, at 12s., £2,000,000.
1719. Is there any provision by law for selling land at 12s. per acre?—No, but those are the relative values of the land.

1720. And it would depend upon an alteration in the law to produce that result?—Yes.

1721. Would you be able to show on the map those three classes, according to your estimate, or prepare them upon a lithographed map for the Committee, to show the directions in which those three portions of territory in your estimate can be realised in that way?—Those portions could be shown upon the map, but it would take some time to prepare.

1722. Could you roughly indicate where your first-class is?—It is spread over the whole colony, a piece here and a piece there.

1723. How did you get at that?—By my own knowledge of the country.

1724. Then it is a rough estimate, not tabulated or brought out by any statistics in the office?—They are recorded in the office.

1725. You made out a rough estimate, not tabulated by any number of acres, but only from your knowledge of the country?—Yes.

1726. There are no places where you could indicate the 12s. and the 17s. 6d. lands?—I could show you the locality of each of them, but the map is so very small, and the portions are so very much scattered, I cannot show them by scale on this map.

1727. Could you mention them by districts, localities, counties, or in any way you please?—In any one county you will find lands of each description. You will find a bit of good land, a bit of second-class, and a bit of third-class.

1728. Is there now practically available in the colony of Victoria one farm of 320 acres that could be selected?—Yes.

1729. I do not want to know the precise locality, but I should like to know if you could name the county even, first-class agricultural land?—Yes.

1730. Where?—On the Avoca.

1731. Is that a county of agricultural climate?—The climate is perhaps a little uncertain, but the quality of the soil is good.

1732. A little uncertain in the Avoca district. Is it not the same range of climate almost as Echuca upon the Murray?—I should say the Avoca district was a little drier than the Murray.

1733. Are you aware that a crop will not grow once in three years in the Echuca district, taking the average of the seasons?—I do not know that any skilled person has attempted to go into agriculture there.

1734. But, whatever their skill, I suppose they have no control over the rainfall?—No, but they have control over the times at which they put the crops in.

1735. That would not guarantee the time of the fall of rain in any period of the year?—No.

1736. Are you in a position to say a crop could be grown in the Avoca district at all?—I am not a farmer.

1737. Have you any knowledge of the range of climate?—I have.

1738. Is the Avoca district a favorable one for agriculture?—Not unless it were assisted by artificial means.

1739. How?—By irrigation, for which that part of the country is peculiarly adapted.

1740. That would involve a very considerable capital to be expended, assuming that farming was carried out there?—Yes, no doubt it would.

1741. Then the 17s. 6d. is not to be taken by itself, nor the £1 per acre?—The land is worth a pound an acre from its quality.

1742. Is there any other part of the colony you could indicate where these farms would be likely to be available upon the areas, or the quantity you have stated?—Farms could be got upon the South Australian border, and are being taken up every day.

1743. The Avoca and the South Australian boundary. Can you indicate any other portion of the colony?—Country to the south-east of Melbourne—the wooded tract of country between Western Port and—

1744. On the Gippsland route?—Yes.

1745. Is not the chief part of that route reserved for railway purposes, as colored green upon the map?—Yes, it is.

1746. Do you mean, apart from that reserved land, or the reserved land itself?—A portion of the reserved land I was speaking about.

1747. Assuming that is reserved, is there any outside of it available in Gippsland for farming purposes?—I should say not.

1748. Is there any other portion of the colony that, in your experience, you could point out where there is any likelihood of agricultural settlement and land available for settlement?—Land might be found along the North-Eastern line of railway.

1749. In this direction—[pointing to the map]?—Yes.

1750. Are you acquainted with the character of the country there?—Yes; I have travelled over it.

1751. Is not a great portion of that country very unavailable?—It is not first class land; but still it is land that will be taken up for agricultural purposes.

1752. In your opinion?—Yes.

1753. Was not there a great rush there in anticipation that the railway would enormously enhance the value of land there?—I do not know that that is the case.

1754. You do not know whether persons have settled along the line of railway since it was projected?—I know there is a considerable population along the line.

1755. Do you know anything of the quantity available there?—I could give any estimate of it.

1756. Can you form an opinion as to the value of this green land on the map, with the extent of it between Brighton and Sale, set apart for the purpose of constructing a railway by a private company?—There were 500,000 acres set apart there.

1757. What is the value of that per acre?—I estimate the value of that land at £350,000.

1758. That is —?—£500,000.

1759. This would be by railway construction—what would you estimate the value of it running through the centre to Sale?—I am not prepared to say that it would be more than I have estimated.

1760. In its natural state—without the railway—you estimate the same value as if it had railway facilities?—I look at it only in regard to its capability of growing produce.

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1761. Exactly, but that facility of carrying produce to market is a matter of consideration?—The facility of taking produce to market I have not taken into account.
1762. Would that double the value of land to have railway facility of bringing it to a market?—It would very much enhance it.
1763. It might be fairly assumed to be worth £700,000, if a railway were constructed?—No doubt of it; it has no value at present.
1764. With no railway facility for bringing produce to the market, you have said it would be worth 17s. 6d. per acre?—Yes.
1765. But, having a railway to it, is it a fair estimate to assume that it would be double that?—I would not go so far as double.
1766. But would it not be worth 3s. per acre, if you had a railway to a market?—I think not.
1767. You know there is timber along the road?—Yes.
1768. Is not all the timber reserved by Government?—No.
1769. But though that land is set apart for railway purposes by the Government, any person can go and cut the timber?—It is not set apart, it is simply reserved from selection for twelve months.
1770. But the timber is not reserved?—No, the timber is not reserved.
1771. What is the quantity of land reserved on the other portions in the map set apart for the sake of railway endowment at Portland?—At Portland 181,000 acres are reserved.
1772. Have you made any estimate of the value of that?—I think about £150,000.
1773. At present?—Yes.
1774. With railway communication, do you think it would enhance its value?—No doubt it would.
1775. Probably double?—Not to such a great extent as the increase in Gippsland, for there are roads already formed upon the Portland reservation.
1776. Will you state now the other portions marked yellow?—For Wahgunyah 53,000 acres have been reserved, I think worth about £45,000; at Beechworth 94,000 acres, I think worth about £80,000.
1777. What is the object of the reservation of that land, seeing that there is the North-Eastern line to the Murray, that in point of fact you have two valuable portions of land 94,000 and 53,000 acres—147,000 acres; what is the object of setting that apart?—I believe the intention is to establish branch lines from the main line of rail in one case to a point on the Murray, Wahgunyah, and in the other case to a large centre of population in Beechworth.
1778. Then the object is to give the land to the persons who will make these constructions?—I believe the reservation is made with the intention of allowing the projectors of these lines to bring their claims to endowment under the consideration of Parliament.
1779. Will you be good enough to state whether the demand for land at auction in the country districts has diminished or increased?—It has kept tolerably steady for some years.
1780. By auction?—Yes.
1781. Have you any test since you have raised the price, whether it has diminished the demand?—It has diminished the demand.
1782. It has diminished the demand?—Certainly.
1783. Then, there is no reliability in putting this price at £2, that anything in excess of the ordinary quantity purchased last year will be realized from that?—Certainly not.
1784. Do you not consider that, as selection proceeds, and land becomes distributed or diffused among a large number of persons, buying and selling will go on amongst private owners instead of the State?—After a period, when the selectors become entitled to the fee simple of their land.
1785. They will enter into competition with the Government for those portions they may have to sell by auction, or that they wish to transfer?—Yes.
1786. Will not all that have a tendency to render unreliable the sources of income by the Government from land?—I anticipate that the demand for sale by auction will steadily be diminished and is now decreasing.
1787. If that item should continue to decrease in that way, and selectors, by paying up their purchase money should continue to get rid of the sums they have to pay, and if the pastoral tenants' income should be diminished by having their lands encroached upon, what reliability is there at all in having £800,000 a year from lands in the colony?—I do not see any certainty in it—it will rather diminish.
1788. So that, to have any calculation upon this, as an item of certainty, will be most fallacious, considering the position in which the colony is now placed by settlement, etc.?—It would be most fallacious to expect £800,000 a year from territorial revenue.
1789. Would you be able to explain to the Committee what is the extent of forfeiture made under the Land Acts?—The extent of land forfeited under the Land Act of 1859, was 1,250,000 acres.
1790. Upon which the Government obtained—how much money?—£100,000.
1791. What is the quantity since under other Acts and the Amending Acts?—There has been no land forfeited yet under the Act of 1869.
1792. How are rents, or progressive payments, I may call them, made?—I can give a statement here of the progressive payments that will fall in for the next ten years.
1793. The Committee will be much obliged for that?—In 1872, under section 7 of the Land Act of 1865, £70,061 will become payable; and under section 12, £124,713; under section 42, the same Act, £95,000; and under the Land Act of 1869, £57,900.
1794. That is the payments within the year under each of these?—Yes, making a total for that year of £347,674.
1795. What year?—1872.
1796. Can you follow the progressive payments up in the next year 1873—what will it be then?—In 1873, under section 7 of the Land Act 1865, £34,934.
1797. As against the sum in the former year?—£70,000 odd.
1798. It falls off?—Yes. Under section 12, £124,713.
1799. As against?—The same amount. Under section 42, £70,000, as against £95,000.
1800. A falling off of £25,000?—Yes. Under the Land Act of 1869, the same amount will become payable on the previous amount of land, of course.
1801. What state will the progressive payments be in each year, then—how many instalments will have been paid up?—Each year represents an additional instalment.

1802. At the time you started, each person was commencing or had paid something previously in fees or something; he must have begun to make a progressive payment before that?—In 1870 the first payment under the Land Act 1869 became due. A. J. Skene, Esq.,  
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1803. Those are progressive payments, and, when the money was finally paid up, that will terminate the whole thing?—Yes.

1804. Can you give the area of the country which they cover?—It is simply multiplication by ten.

1805. How much would it be?—Two shillings.

1806. What is the area?—Under which item?

1807. Multiplying these progressive payments by ten, you say, gives the area of the country occupied?—Yes.

1808. Well, multiply by ten, and tell us the number of acres from which progressive payments are made under the returns you have now read—the number of acres held?—The total number of acres held in 1872 is 3,476,740.

1809. The annual addition to that—at what rate of progress is it going on in each area, the present mode of selection, how many acres does it absorb annually?—The present number of acres that are held under the Act 1869 are 850,000.

1810. What is the annual progress—have you any test of how much is absorbed under that Act annually?—We have only had two years' experience.

1811. What is the quantity in the two years?—About 600,000 acres in the year—between 5 and 600,000.

1812. Then, the chief payments that will come to the State for the territorial revenue will come from those sources of income, assuming that auction falls off and squatting will be diminished?—There are large payments under the previous Acts.

1813. But mainly for that area, it is under the present system, you expect to get the results, for under the previous Acts the progressive payments must terminate in a short time?—In the same way as the Act of 1869 terminates.

1814. The Act of 1869 is more recent than the one of 1865 or 1862?—The payments under 1862 Act are terminated; under the 1865 Act there is still a large amount of money to come in.

1815. With regard to the progressive payments?—Yes; under the 1865 Act.

1816. Would you show the sources of income under those Acts as they fall due within the next three or four years?—Yes, I have them here.

1817. Can you show how much has been paid by the occupiers, and how much is still due?—The total extent of land alienated, as I stated before, is 10,949,587 acres, on which £16,267,444 have been paid, leaving a balance payable of £1,346,420 to fall in within the next eight years.

1818. That is an average payment of about £150,000 or £160,000 per year?—Yes, about £160,000.

1819. That £16,000,000, of course, represent the sale of land under all former laws, during the entire history of the colony from 1836 down to the present time?—Yes, it does.

1820. During the gold period?—Yes, from the foundation of the colony.

1821. So that, including town lands, the average has been about 30s.?—£1 10s. 8d. per acre.

1822. That includes all the cities, towns, &c., and through the whole period?—Yes.

1823. Is there much land in the various towns and cities still available for sale by auction?—There are 54 principal townships in the colony, about 320 small ones—I estimate the value of the town lands at about £750,000.

1824. In the 54 towns?—In all the townships.

1825. In the small ones?—Yes.

1826. Will you divide them under the head of principal towns, the 54 towns, as different from the small ones?—Yes.

1827. What is the estimate of the unsold land in the 54?—I have not made any separate calculation. I took the total.

1828. How did you bring out the result—I suppose the town of Melbourne cannot be compared exactly with Wallan-wallan, there must be certain varieties of locality and commercial positions?—I put them down—

1829. I do not wish to bind you to the exact figures, but, from the knowledge formed from having the management of the department so many years, can you give an account of the 54 towns apart from the others—what is the area of land unsold?—I cannot say what land will be sold as township or suburban land.

1830. That is, a rough estimate?—Yes.

1831. And supposing the demand to continue in the future as with the past?—No.

1832. What allowance have you made for the falling off, seeing there is no great increase by emigration, and people have purchased already in towns to a great extent?—I say, in the course of 10 or 20 years we might obtain about £750,000 from the sale of township lands.

1833. That is about £30,000 per year?—Yes.

1834. Is there any detailed information you would wish to give the Committee from your own point of view?—The only information I should wish to lay before the Committee is this, that the value of the average of the whole of the land hitherto alienated is about £1 10s. 8d. per acre, but I estimate the remaining available portion of the colony at about 16s. 4d.

1835. Half the price the other part has been sold for?—A little over half.

1836. How could you arrive at that result, if the population be comparatively stationary, with the exception of natural increase?—I compare the land sold with the remaining Crown lands.

1837. Have you compared the circumstances of a population of 720,000 persons having settled, and been supplied, and no new population of 720,000 being in view to settle and to be supplied in future, and the best land being taken up?—I have taken all those matters into consideration.

1838. And still you take 16s. 4d. in your estimate?—Yes, as against £1 10s. 8d.

1839. But you have nothing to justify that?—It is a mere calculation of qualities.

1840. But there is the element of the progressive population, which has gone on from the foundation of the colony to the present time, to be taken into consideration, when considering if the future is to go on upon the tabulated statement of the past figures, and whether the land will be of equal commercial and agricultural value?—Yes.

1841. Substantially, the valuable lands of the colony are gone?—No doubt of it.

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1842. We might as well understand the plain matter of fact : what is left is of comparatively less value, by more than one-half?—By about one-half, in my estimation.

1843. Are you acquainted with the country through which it is proposed to project the lines contained in the Bill before the Committee in relation to shires?—I have no personal knowledge of all the boundaries of the shires, but I have a general knowledge of all the country that the proposed lines of railway pass through.

1844. Do you know the country called the "black line," by the way of Barrabool, Winchelsea, Colac, and Hamilton?—I do.

1845. Do you see those four shires marked there, Barrabool, Winchelsea, Colac, and Hamilton?—Yes.

1846. Are you aware of the annual subsidy or endowment those shires receive from Government for the making of roads?—It is not in the Lands department that the distribution of that vote is made.

1847. Having taken the figures out, I find it is £8667 for those four shires under that subsidy. What is the nature and class of the population along that road?—The first twelve miles out of Geelong, a considerable agricultural settlement, in small holdings. The line through the remaining portion, passes almost entirely through large properties.

1848. Large properties without a large population?—With very small population.

1849. To how far?—Up to Camperdown.

1850. Would you be good enough to state the character of the line from Ballarat to Ararat, running your finger along the shires of Ballarat, Ripon, Lexton, and Ararat, with a subsidy of £12,510 for making roads?—It passes through the three shires of Ballarat, Ripon, and Ararat.

1851. What is the kind of settlement along that route, large or small proprietors, mining, or what?—Round Ballarat there is very large mining enterprise; out of Ballarat considerable agricultural settlement for a distance of 15 miles.

1852. Along the shire of Ripon?—No; the shire of Ripon, the eastern extremity. There is considerable mining carried on at Beaufort and elsewhere.

1853. Lexton?—It does not touch Lexton.

1854. Within 10 miles, a railway on either side?—Yes, taking 10 miles.

1855. The calculation of the population put before this Committee is a calculation of 10 miles on either side of the proposed line?—As you proceed along the line towards Buangor there is a small amount of settlement, that is about the centre of the line.

1856. On to Ararat?—There is not much settlement between Buangor and Ararat.

1857. Can you state the line from Ballarat to Castlemaine and Dunolly, going by Creswick, Talbot, Tullaroop, Bet-Bet, and Newstead, with an endowment of £5500 a year for roads—can you state that?—Yes; I see the line there passes almost entirely through country held in small properties.

1858. And by small farmers?—Yes.

1859. And considerable mining?—And considerable mining in various directions.

1860. Have you any knowledge of the line from Ararat to Hamilton, by way of Dundas shire and Mount Rouse, with an endowment of £11,603 per year for roads?—Yes, I know it. After leaving Ararat there is very little settlement at any point on the line.

1861. Is that at the present moment?—Yes.

1862. If the population were stated to be between the two points, including Hamilton, by the Registrar-General, sixteen thousand some odd hundred souls, where are they placed?—At the two extremities.

1863. Not including ten miles from Ararat?—That population you mention is located round Ararat and Hamilton. There is very little intermediate population.

1864. But if the statistics of the Registrar-General show that, including Ararat, and within ten miles of it, there are 16,000 souls by the last census, would not that go entirely against your evidence?—I think not. I say that the population is found at those two points.

1865. But if the returns show that there are 16,000 affected by the projected line of railway, including ten miles round Hamilton, and not within ten miles round Ararat, your evidence and the statistics taken from the census could not agree; however, that is a matter of opinion upon which I shall not press you. With regard to the line from Ararat to Stawell, are you acquainted with the population. With an endowment of £6146 in the shire, would you be able to state?—There is a considerable population there. There is agricultural and mining population along the short line.

1866. You are not much acquainted with the Gippsland route, I suppose?—I have been along that line several times.

1867. Is there much available land in Gippsland itself for settlement, apart from the quantity set apart in reserve along the line?—No, I should say very little indeed.

1868. So that, the whole advantage, apart from the population there, would be the inducement of settlement along the reserved land, or the main inducement?—Yes.

1869. For people already resident in Gippsland?—Yes.

1870. *By Mr. Jenner.*—Are you well acquainted with the proposed black and green lines?—I know them thoroughly.

1871. Which of the two would serve the greatest number of the population, the black or the green?—Of the population now on the ground?

1872. Yes; now resident in the locality?—The larger number would be benefited by the black line.

1873. Is the land traversed by the black line good soil, and fit for agriculture?—Generally, it is.

1874. To what extent would the line open up the Crown land for settlement?—The black line would open up Crown lands more than the green line.

1875. Is there any land south of that black line that it would increase in value, and tend to settlement that is not now used for any purpose?—The Crown land south of the black line is of very indifferent quality indeed. I do not think that the opening of the line there would promote settlement to any great extent, the ground being so indifferent in quality.

1876. Is the timber in the Otway Ranges suitable for bridges, or posts and rails, and sleepers?—Yes, in those ranges there is a very large quantity of valuable timber.

1877. Would it be used to any extent for building purposes, if that line were constructed?—Of course, it would be a source of supply to the timber market.



1878. Is some of it especially suitable for furniture, or carriages, or agricultural implements?—Yes, there is a quantity of blackwood, and lightwood timber, and pencil wood, in those ranges, which is of exceptional value. A. J. Skene, Esq.,  
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1879. What do you suppose would be the height and circumference of some of the large trees in the ranges?—I have measured several of the largest trees that I have come across: 15 to 18 feet in diameter is not an uncommon size of timber on the crest of the range.
1880. And what would be the height?—200 to 250 feet without a branch.
1881. Have you seen any very long spars of 100 to 200 feet, and only 3 inches in diameter?—No, I have seen spars 9 to 12 inches in diameter of those dimensions, but not such fishing rods as you mention.
1882. Then, the quality of the soil must be rich, and if cleared, valuable where those trees grow?—That does not follow.
1883. They would not grow on poor land to that extent?—I have seen some of the largest timber growing out of the rock.
1884. But they would get some nourishment from some place or other?—Yes, but not from soil fitted for agricultural purposes.
1885. Would the Melbourne, Geelong, and Ballarat markets be supplied with timber from the Otway Ranges?—I imagine the cost of transit to Ballarat would be against the supply being drawn from that range.
1886. The cost to Ballarat you think would be against supplying it from there?—Yes, the cost of railway transit.
1887. Is not the timber scarce now at Ballarat for mining purposes?—It is becoming scarce, certainly.
1888. Will they not have to go further for it?—Of course.
1889. Every year?—Every year, of course it is questionable at the same time whether the results of mining would bear the cost of timber derivable from Otway forest.
1890. Would the railway returns from the carriage of timber be a considerable item do you think?—I am not prepared to give an answer to that; I cannot speak to that.
1891. Would the timber last many years without being exhausted, do you think?—There is a very large supply indeed in that forest.
1892. Of very fine-grown timber?—Of very fine sound timber.
1893. Has any coal been discovered near the proposed black line?—I have seen small seams of coal cropping out in the gullies, but not any over an inch, or an inch and a half in thickness.
1894. You have not seen any three feet in thickness?—No.
1895. Have any of the seams been opened out to ascertain their value?—Not to my knowledge.
1896. If the black line is constructed as proposed, that is, in a straight line from the Geelong station to near the Barwon bridge, what would be the compensation for land in passing through the town of Geelong?—It is a question I have never studied; I cannot speak to it.
1897. But you could give an estimate, I suppose, of what would be the likely compensation by seeing the plans and other things?—That is more the business of a house and land agent. I have no special knowledge of it.
1898. Would that green line open up any of the Crown lands?—None.
1899. Has it all passed into the hands of private purchasers?—I may say so, almost, with the exception of a small reserve of 50 or 100 acres here or there on the line.
1900. What would be the quality of the soil and climate through which it is proposed to carry the green line—is it plains?—No, it is forest country rather broken in places, one-half of the soil is volcanic stony, and the other half poor and sandy, with the exception of the valleys of small streams and rivers that the line crosses.
1901. Is it occupied for pastoral purposes, or is it agricultural or what?—From the junction down to Inverleigh, the country is occupied in small holdings, not much agriculture, the remaining portion is through pastoral country.
1902. *By Mr. Campbell.*—I think, if I understood you correctly, you have classed the land into three classes and valued them respectively at 25s., 17s. 6d., and 12s.?—Yes.
1903. Your first-class, your best land, I presume, was 25s.?—Yes.
1904. Then, how is it you have raised the price at auction to £2?—I cannot say.
1905. It was not done at your recommendation?—Not at my recommendation, certainly.
1906. Have you any expectation of selling much of the unsold land at £2?—Personally, I have no expectation.
1907. *By Mr. Strachan.*—I believe you gave evidence before the Select Committee of the Assembly some three years ago upon the black line?—Yes.
1908. I believe you have a thorough knowledge of that country?—Yes.
1909. A question was put to you by the Honorable Mr. O'Shanassy that you only went 10 miles beyond Geelong. With regard to the population I asked you, with reference to the population, if you do not know what is the character of the country from Geelong to Colac, taking 10 miles on either side of the line?—[*The witness referred to a map.*] From Geelong to Mount Moriac, a distance of 10 miles from Geelong, the quality of the soil is very good, indeed agricultural, and held in moderate sized farms.
1910. In fee simple?—In fee simple.
1911. Are you aware of the population?—I am not.
1912. Or from Moriac to Winchelsea?—From Moriac to Winchelsea the country on the right hand side of the line is held in tolerably large properties.
1913. From Moriac?—From Moriac to Winchelsea.
1914. This is a chart from Government; the black line goes through here; and I believe the red marks the agricultural land?—Quite so; I admit there are agricultural grounds, but I am speaking of the mode in which they are at present held; they are held for grazing purposes, they are not used for agriculture.
1915. What portion of that line is held for grazing purposes; I mean, from Dunced to Winchelsea?—From Mount Moriac to Winchelsea on the right hand side of the line.
1916. Take the left hand side of the line—take both sides?—I was intending to do so; I was distinguishing the right hand side from the left; on the right hand side, the country is held in large blocks.
1917. By whom?—Mr. Austin and several others.



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1918. By whom else; what one particular individual? How far does that line diverge from the line of road now, I mean the line of railway from the main line of road to Colac?—It diverges about four to five miles.

1919. To the south?—To the south.

1920. That is all; I presume you have stated agricultural land?—Yes.

1921. Then come to Winchelsea?—At Winchelsea the line still keeps upon the south side of the Barwon up to the township of Birregurra.

1922. Are you aware of the population at Winchelsea?—I am not aware—I know it is a middling sized country township.

1923. Then, from Winchelsea to Birregurra?—It is principally through land held in large estates.

1924. Are you aware of the population at Birregurra?—I am not aware of the population.

1925. Or the area of agricultural lands?—I know that the land is agricultural in quality.

1926. It is throughout?—Yes.

1927. But it is agricultural lands?—Yes.

1928. Capable of being populated?—Yes, capable.

1929. You cannot speak with regard to the population upon that line of road to Colac—the population along what is called the “black line” from Geelong to Colac?—I know there is a considerable population in the small centres; at Winchelsea there is a considerable population settled in the immediate town and suburbs—at Birregurra there is a considerable population also settled within a small compass; but between those two points very little settlement indeed has taken place with view to cultivation.

1930. What is your opinion of the Cape Otway ranges, which of course you know perfectly well—is that district capable of supplying this whole colony with timber?—The timber is there, if it can be supplied at a price to suit the market.

1931. Exactly so. Then I will put this question to you again. Suppose any one can have sawn timber from that forest, from beyond Birregurra, within 18 miles of the stump or the saw mills, at 5s. per hundred, while it costs in landing on the wharves in Victoria from 12s. to 13s. a hundred; do you not think, as regards that forest, whether a very large revenue could be derived from that source alone, if you can supply timber 20 miles from the stumps at 5s. a hundred, and supply it from within eight miles to Birregurra station, bringing it down to Geelong or Melbourne, or any part of the country at a comparatively low, perhaps at the same rate—would it not supersede the importation of timber, if it could be done?—Of course, if you can supply at a cheaper rate than you can import.

1932. All I can state is this, that it can be done within 18 miles of the stump. Now the question is, whether you cannot supply the whole of the country at Geelong or Melbourne, or even throughout the country by rail, at 5s. a hundred?—I can only speak to the fact that it is within 18 miles.

1933. But I ask, if it can be done from the stump at 5s. a hundred—18 miles for 5s. a hundred—is it not reasonable to suppose that this forest can supply the whole colony at a lesser rate than what the timber can be imported for?—If your premises are correct, of course the conclusion naturally follows.

1934. I presume that you consider that the Cape Otway ranges are capable of supplying the whole country with timber, if they have the appliances to do it with?—I do not put it in those precise words.

1935. In what words?—I put it, that there is a very large supply indeed in the forest—a very large supply of timber suitable for building purposes.

1936. Are you aware, in carrying that black line through that line of country, whether a very great saving would be made in the sleepers?—Sleepers could be supplied at a very cheap rate for that line from the Cape Otway forest, if the quality of the timber would be suitable for the purpose—that I cannot speak to.

1937. I thought you would have some little knowledge of that?—There is very little red gum in that forest; and that, I believe, is the quality of wood most admired by the railway engineers.

1938. That has not always been applied to the main trunk lines of railway in this country. There is only one point you can speak to—as to the population along the line?—I only know that at certain points there is a considerable population settled, but I cannot speak to the exact number.

1939. I would simply draw your attention to the green line; but first tell me, how many shires does the black line go through?—The black line goes through Barrabool, Winchelsea, Colac, and Hampden.

1940. Then the population there you cannot tell; but what benefit would the green line be to any other shire?—The green line would intersect the shires of Bannockburn through Colac and Hampden.

1941. But what benefit would that be, except to those shires which you have already stated—to any shires beyond Winchelsea, Colac, and Hampden?—It would be no benefit, the black line being nearer to the Cape Otway forest than the green line, at any point.

1942. It only skirts the Bannockburn shire?—It would intersect the Bannockburn shire.

1943. Slightly. Here is the Bannockburn shire—that is the only corner, I believe, that it would take in, is it not?—Bannockburn and a portion of Leigh.

1944. I mean Leigh—that is Inverleigh?—Yes.

1945. Are you aware what population is there?—I am not aware—I cannot speak as to number, of my own knowledge.

1946. You cannot say there are 200 people?—I never studied the number—I know there is a considerable settled population there.

1947. Supposing you were going through the black line or the green line, with regard to population or with regard to the agricultural lands, not only what it may be now, but what it is likely to be—what is your opinion which line ought to be taken?—The black line would give conveniences to a larger number of people as at present settled in the country than the green line; the black line would also pass through a richer country than the green line, though that country is not at the present moment utilized to its highest purposes.

1948. Can you not reasonably surmise or come to the conclusion that that agricultural country is more likely to be populated and cultivated than a country which is now, as it were, a barren country with comparatively few inhabitants?—I cannot answer that—it depends altogether upon the ideas or whims of proprietors of the land.

1949. You are perfectly aware of the green line that goes through from Inverleigh?—I know it.

1950. At Inverleigh, can you count the number of inhabitants between Inverleigh and Colac, and

explain the character of the country?—No, I could not. After you leave Inverleigh, three or four miles, it would not require much trouble to count the number of the inhabitants.

1951. Do you think there are 500 people between Inverleigh and Colac, within five miles on each side of the line at the present moment?—Starting at what distance from Inverleigh?

1952. Taking the whole population of Inverleigh, the small farmers outside, taking the shire of Bannockburn of 2000 people?—I do not quite comprehend your question.

1953. It goes through, as you are aware, Mr. Austin's ground, through Mr. Hopkins's?—Yes.

1954. Through Mr. Srode's?—Yes.

1955. Through my own, through Beale's, through Denis's, and then through Mr. Calvert's?—Yes.

1956. Now, I can state positively that I do not think there are a hundred people between—taking outside of Inverleigh until you get to Colac, a distance of a good deal more than 20 miles?—A distance of 30 miles.

1957. There are about 200 people within five miles on each side of the line. I think, with regard to the examination of the Engineer-in-Chief, he must have been mistaken, when he said that this green line went in close to Birregurra. I presume you are aware of the distance between Birregurra and the railway line?—There are two Birregurras.

1958. Yes, I know there are—only one now?—The Engineer-in-Chief is correct in saying that there was only one.

1959. It is now called Gellibrand?—I was not aware of the change.

1960. That is, what was called Birregurra is now gone to the river, and Gellibrand is now what was the old Birregurra. I think there was a mistake there on his part—he does not go within five miles—you are aware of the distance between the river that is now called Birregurra and Beale's, which you know perfectly well?—The distance from the township of Birregurra to Beale's I take to be about four miles.

1961. Then, if the Engineer-in-Chief said, or any statement was made, that the line went into Birregurra, it must have been a mistake?—I imagine the Engineer-in-Chief must have been speaking of old Birregurra.

1962. Exactly so; then he was quite right?—He was right. I was not aware myself of the change of name, or I would have mentioned it.

1963. *By Mr. W. A. C. a'Beckett.*—I understood rightly then, in saying that you thought the land south of the black line first-class agricultural land?—I do not say first-class agricultural land; it is very good agricultural land, but a large portion of it really first-class, but not all.

1964. May I ask, was this coloring taken from your estimate—the coloring of the class of land, was it taken from your estimate?—I think so.

1965. You agree with this coloring?—Yes, it was prepared under my direction.

1966. You said that this land—the range of the Otway where the large timber grew, you said you did not think first-class land?—Certainly not.

1967. What colored soil is that?—No particular color; the fine timber grows more in a stony country in the rotten rock.

1968. Is it not a chocolate soil, a great portion of it?—No.

1969. Is it not black soil?—No, there may be a little black soil in the narrow gullies and gorges running up into the ranges.

1970. Is not the climate of a moist character?—Yes, the climate is very moist.

1971. Is not that very conducive to agriculture?—Moisture and warmth.

1972. Have they not a most important effect in the utilizing even the worst soil?—Poor soil with warmth and moisture will certainly give very fair results.

1973. Better than plains, dry arid plains, however rich the soil may be?—Certainly; I prefer a poor soil with moisture to rich soil without.

1974. There are some townships in this place not marked?—The townships I can mention by name, as I go along the line.

1975. Are they likely and good spots for settlement?—All the good spots are already alienated—the whole county.

1976. It is a district that will very much improve by settlement?—There is no doubt of it, when settlement does take place there, it is likely to improve.

1977. *By Mr. Black.*—Are you acquainted with the country through which the pink line is intended to pass for a railway?—Which is the pink line—where does it run?

1978. Ballarat to Ararat, and Ararat to Hamilton?—Yes.

1979. May I ask what is the general character of the country that that line is intended to traverse?—From Ballarat up as far as Langi Kal-kal Creek the country traversed by the pink line is very good indeed, from that onward to Ararat the character of the country very much falls off.

1980. May I ask if this map has been prepared in your office?—Sundry maps have been prepared—[*a map was handed to the witness.*]—Yes, it was.

1981. Then, what character of country is the blue intended to represent?—The blue represents fair first-class pastoral country, portions in patches of good agricultural land in it, but the generality of the blue country is pastoral.

1982. It is here stated, I think, to be good pastoral country?—Yes, that is the character of it.

1983. It is limited, according to this map, to pastoral country exclusively?—With the exception of the first 18 miles out of Ballarat.

1984. To a very limited extent?—Yes.

1985. Do you consider that that country is well adapted for agricultural purposes?—I do.

1986. Notwithstanding that your map represents it as fitted for pastoral purposes?—I am speaking of the land that was last mentioned, the land from Ballarat westward, 18 miles, there is not better land than it for cultivation in Victoria.

1987. I presume that this map was intended for making us acquainted with the character of the country, and the statements put in the margin, we were led to believe we could rely upon?—Yes.

1988. You say that it is fit for agriculture?—It is so colored upon the map.

1989. If the blue was intended for agriculture, what is the pink fit for?—The blue is intended for pastoral country, and the pink for agricultural.

1990. But I understood you to say, that this pink line passes through a country that is well qualified

A. J. Skene, Esq., for agriculture?—From Ballarat for a distance of 18 miles, as shown upon the map here and tinted pink, the country is of very first-class character for agricultural operations.

1991. What extent is there of that pink, or can you give us an approximate idea of what extent there is through which that line passes?—Eighteen miles in length by about ten miles back.

1992. Is that country capable of maintaining a large population?—It is.

1993. And what is the chief occupation of the population that exists there now, or that the place is capable of sustaining?—When you get eight miles out of Ballarat there is no population at all—the country is all grazed over.

1994. Well, what is the distance that this line traverses from Ballarat to Ararat?—About 55 miles.

1995. And there is 18 out of the 55 that is agricultural land?—Yes.

1996. Is there any gold digging upon the line?—Yes, very close to the line there is gold digging at Beaufort.

1997. Within the limit of ten miles upon either side?—Yes.

1998. You say it is fit for agricultural pursuits for 18 out of 55 miles—then, the other portion of it is only fit for pastoral pursuits, I presume, from what you say?—Chiefly for pastoral pursuits; there are patches of very fair land mixed with it, but the general character of the country is pastoral.

1999. Do you characterize the whole of that country as capable of sustaining a dense population?—I do not; the first 18 miles would sustain a very large population.

2000. It is a matter of very considerable importance to find out what is the character of the land, and what it is capable of supporting; you say that there is a digging population also, is there much of that?—At Beaufort there is a digging population.

2001. Do you consider that a gold-digging population is a safe basis on which to calculate for a large extension of the population permanently?—I have never given my attention to questions of that character.

2002. I thought you were giving your opinion as regarded the population the country was capable of sustaining, and I wanted to arrive at a conclusion of the basis upon which you formed your opinions?—If the soil is fit for agriculture, the country can support a large population and support it continuously.

2003. Then, may I ask you, if you think, from your description of the character of the soil and the occupation generally pursued there, that the country is likely to have a large increase of traffic for a railway in the event of its being carried through there?—There are two views in which that question can be considered. If you look at the terminus at Ararat, there would be large traffic that would centre at that point.

2004. At Ballarat?—No, at Ararat; that is the extremity of the line; of the country beyond I do not think there would be any very great traffic arising from the land immediately bordering on the line.

2005. Then, am I to understand from what you say, you do not think there is any probability of a very large increase of the traffic upon that line, if there should be a railway constructed there?—The traffic that is now in existence, and comes into Ararat, naturally goes along the existing roads and finds its terminus at Ballarat. That traffic would still go the same way, even where the line intercepts it. The railway itself would make no traffic, but would carry the produce much more rapidly and more cheaply than the bullock-drays; but the traffic carried either by rail or by bullock remains the same.

2006. Do you think a railway is itself calculated to increase the traffic in a fertile country?—Certainly.

2007. You say there are 18 miles there?—Certainly.

2008. And that would have a tendency to increase it; you cannot point out any particular source from which there is a probability of a large increase to the traffic upon the railway line there?—No, I cannot.

2009. Except for those 18 miles?—And that is too close to the terminus to create any increase whatever.

2010. Am I right in drawing the inference that you do not see there is a prospect of any great increase of traffic, even though the railway should be made there?—No.

2011. I think I draw the inference generally from what you say?—The same traffic would exist whether there were a railway there or not; the railway would carry it more expeditiously and, perhaps, cheaper, but the same traffic still exists.

2012. Are you acquainted with the district through which the black line is intended to pass from Geelong to Hamilton?—Yes.

2013. From Geelong to Camperdown?—I know that intimately.

2014. I think you have superintended the surveying of most of that country?—I have surveyed, personally, a large extent of that country.

2015. May I ask, as far as Camperdown, where it is proposed at present to go, what is the general character of the country which the railway would traverse, ten miles upon each side?—The general character of the country is agricultural, to a very large degree, with the exception of the one patch between Colac and Camperdown, known as the Stony Rises.

2016. Then the country traversed is an agricultural district throughout the whole, with the exception of how much?—With the exception of about 12 miles. It is a district fitted for agriculture, but it is not used for agricultural purposes at present.

2017. Do you consider it well adapted for agricultural pursuits and purposes?—Yes.

2018. Of the highest class?—Yes.

2019. And capable of sustaining a numerous rural population?—The soil is fitted to support a large population, if it were settled there.

2020. I do not ask you what is there, I ask you what is the capability of the country; would a railway through that country tend to a rapid increase of the population?—It would depend upon the ideas of the holders of property.

2021. Do you suppose then that the holders of property, whenever they found it more profitable to have human beings occupying the soil than bullocks and sheep, would continue bullocks and sheep?—I cannot for a moment imagine but that they are reasonable men.

2022. I will limit the question to you, because I merely want an answer to it—I merely want to know, whether you think a railway passing through that district would have a tendency to increase the population in the district to a great extent, and rapidly?—That depends entirely upon the action taken by the holders of the purchased land. I cannot predicate what their action is likely to be.

2023. Then, I suppose I may ask you, if you think you are not able to form an opinion as to what the views of those persons may be?—I should not be inclined to answer. I should decline to answer that question.

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2024. May I ask you, then, if you know, generally, what the effect of a railway is, passing through a country capable of agricultural purposes: whether it tends to bring a large population?—I have no experience, except in the colony here, and I find it has not had that effect, as yet, in the case of many large properties intersected by railways, though those railways have been constructed for ten years and upwards.

2025. Do you know the effect of macadamised roads passing through a district, whether it tends to bring population?—My experience does not show that it does.

2026. Have you any idea of the number of selectors that are residing within a radius of ten miles upon that line of railway—ten miles upon each side?—From Geelong to Camperdown?

2027. Yes?—No. I am not prepared to state that.

2028. If that district was under judicious cultivation, are you of opinion that it would be capable of sustaining a large population for ever?—I have no doubt but that it would do so.

2029. Would that population be able to occupy and cultivate the country in its present state, without the facility of carriage by railway?—The construction of a railway would, no doubt, very much benefit farmers, by giving them cheaper and more quick access to markets.

2030. Without the facilities afforded by a railway, may I ask if you are of opinion that farmers could dispose of their produce advantageously, or compete with those who have sea carriage?—Taking mile for mile of distance from market, no doubt sea carriage would be cheaper than land carriage.

2031. May I ask, if it may be inferred from that, that the population has not increased more rapidly in that fertile district of which we are now speaking, from the absence of facilities of carriage to market, to the sea-board, and to large towns?—The land has been all purchased and occupied in large properties, there has been no room for settlement; it has been purchased years and years ago.

2032. How long is it since you left England, may I ask?—Thirty-three years ago.

2033. Is the land all purchased there?—I believe it is.

2034. And has that prevented the population occupying the land in England?—I have known many instances in Scotland where population has been driven off the land.

2035. The land being held by whom?—By large proprietors.

2036. The land being held by large proprietors does not prevent the occupation of it, if large proprietors find it to their interest to have a rural population—to have a population upon freeholds—do not you think they would be disposed to take advantage of it?—I imagine they are reasonable men; if they see they would derive a benefit, they would avail themselves of it.

2037. You are well acquainted with the whole of that district, I believe, to the present day?—Yes.

2038. The country is chiefly sub-divided?—It is sub-divided into largish paddocks, 2000, and 3000, and 4000 acres in each.

2039. Do you suppose that you are now stating the average size of the paddocks when you speak of 3000 or 4000 acres?—I would be sorry to say that—I know that there are paddocks of that size, I never measured round them, I only judge by my eye.

2040. May I ask you, if you know what those fences or sub-divisions are chiefly composed of?—I see various styles of fence, from three and four rail fencing to wire fencing, also wire fencing with a top rail, log fencing, and every description of fencing you find in a pastoral country.

2041. What would you consider the chief character of the fencing—in wood or wire?—Between Geelong and Camperdown?

2042. Yes?—Almost entirely of wood, except on the open stony plains, where a good deal of wire fencing is erected.

2043. Can you tell me whether the supply of timber for those fences is becoming scarce and difficult to obtain in that district?—There is only one source of supply, that is the Cape Otway forest and its outlying spurs.

2044. But I suppose you probably can tell me whether you think there is a limit to the distance to which it can be carted profitably, and whether they are now getting pretty near that limit?—Timber can be carted profitably from Cape Otway ranges yet for fencing purposes.

2045. Within what distance?—I should say any distance within 30 miles.

2046. Are you aware of any timber that is nearer than that for that district?—Of course, close to Camperdown, the supply of timber is very much nearer. I spoke of the country on the plains between Winchelsea and Colac, for instance.

2047. Then you know there is an abundant supply of timber can be had from that country?—There is a very fine supply of timber in the Cape Otway ranges.

2048. South of the line of railway now proposed?—Yes.

2049. Would a railway constructed through that country greatly facilitate the means of carriage of timber from that forest to supply timber generally for the purpose of fencing?—I think not.

2050. You think it would not?—I think not for fencing purposes, because the demand would be at right angles with the line and not along it.

2051. At what distance from the nearest point of the Colac railway, as now proposed, is that excellent quality of timber that you speak of to be had—what would be the distance of carriage to bring it to the railway?—From 10 to 25 miles.

2052. Is that the nearest point?—The nearest point to get really good timber.

2053. And what distance do they cart it at present, can you tell me?—About the same distance; the line of railway running pretty nearly parallel to the trunk line of road.

2054. And if the distance is 20 to 25 miles to the nearest point of railway, would it not be an advantage to have carriage from that, east or west, 30 or 40 miles?—No, I think not; because all along that line of railway the same distance to the south would bring you into the belt of timber.

2055. May I ask, if you are quite certain that you know the distance that the carters now bring timber from the forest into the country that is most suited for agricultural purposes; are you speaking from a knowledge of that?—I am speaking from a perfect knowledge of it.

2056. From a perfect knowledge?—Yes.

2057. Are you aware of any extensive tract of Crown lands south of the proposed black line?—Cape Otway forest lies south of the black line, which is the only tract of Crown lands in the district.

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2058. Is there any land there fit for agricultural purposes?—Some very small patches in the gullies still remain for settlement.
2059. Is that of a remarkably good quality, or very ordinary?—It is very good along the immediate banks of the small watercourses that take their rise in the summits of the ranges.
2060. May I ask what is the extent of the Crown lands now?—I am not prepared to say.
2061. A rough estimate?—There must be some 400,000 to 500,000 acres there, perhaps more.
2062. What proportion of that do you suppose is of that good quality of soil you speak of now?—A very small proportion; I should say from 12,000 to 15,000 acres at the very outside.
2063. In the whole?—Yes.
2064. Twelve thousand to 15,000 acres of very superior land?—Yes.
2065. And that is open for selection?—It is open for selection.
2066. Will not that be capable of sustaining a large population?—That is a simple calculation; 100 acres perhaps would support a man and his wife and family.
2067. *By Mr. Simson.*—As far as the pink line goes, I think you said that the first 18 miles from Ballarat to Ararat is first class agricultural land?—Yes.
2068. Is it within your knowledge that the second 18 miles are not so thoroughly settled as the first 18 miles from Ballarat—that almost every acre of that ground is taken up under selection and partially under cultivation at the present moment?—There is settlement along the immediate line.
2069. I speak of both sides, that for a certain distance all the Crown lands are taken up?—there is a pretty considerable settlement there.
2070. I ask you, whether the land on both sides the black line for 10 miles is more exclusively pastoral at the present moment than the land along the pink line on either side of it, take either of the 18 miles you choose?—I have said that it is already.
2071. *By Mr. Cumming.*—You are aware that, in the Railway Bill now before this Committee, there are four lines of railway proposed?—Yes.
2072. Will you be good enough to say if you are well acquainted with the country through which the proposed lines of railways will pass?—Yes.
2073. Will you describe their adaptability for permanent agricultural operations?—The black line will traverse nearly its entire course land eminently adapted for agricultural operations.
2074. Would you be good enough to describe the country from a point 20 miles beyond the proposed terminus at Camperdown?—Twenty miles beyond Camperdown would embrace a tract of the richest soil in Victoria—the garden of Victoria.
2075. And is there a population there at present on any part of it?—A small population at Terang, and another small population round Mortlake. I think those are the only two points at which permanent population is fixed.
2076. Is there much settlement to the south of Terang?—Not very much.
2077. What distance is Terang from Camperdown?—Some 18 miles, I think.
2078. *By Mr. Black.*—Thirteen miles, is it not?—I do not recollect the exact distance, I must say; it may be so.
2079. *By Mr. Cumming.*—Is the climate of the district favorable for agricultural pursuits?—Yes; it is a moist climate.
2080. Will you be good enough to go on to any of the other lines of railway and describe them throughout?—The line from Ballarat to Ararat passes in its first 18 miles through a very rich tract of country, suitable for agricultural purposes. Onward to Ararat the country is of an inferior character, but still suited for settlement, not so rich as the country I speak of on the black line, or the first 18 miles out of Ballarat.
2081. Is the climate favorable?—The climate is very favorable there, being immediately under the Great Dividing Range.
2082. Will you pass on?—From Ararat to Hamilton, after leaving Ararat, save 12 miles, the country intersected by the line of rail is of a very indifferent character, suited almost solely for pastoral purposes, until Dunkeld is reached. Between Dunkeld and Hamilton the soil again is of a very superior character, and the climate there is also good, being under the tail of the Grampian and Victorian Ranges.
2083. There is a line from Ballarat to Maryborough, what is that?—From Ballarat to Maryborough, as far up as Talbot, the country traversed by the line is of a very superior character, with the exception of a spur, here and there of auriferous country that intersects; from Amherst to Dunolly the country again is of an indifferent character, principally auriferous.
2084. There is a proposed line from Castlemaine to Dunolly?—From Castlemaine to Guildford the line passes through auriferous country; and from Guildford up to Carisbrook the country is of a very superior character for agricultural operations. From Carisbrook on to Maryborough the country is partly, I should say, about one-half good, the other auriferous.
2085. Will you give us the description of the country towards Dunolly?—From Maryborough to Dunolly the country is not of a very rich description for agricultural purposes.
2086. You have been asked with reference to the Cape Otway ranges, and you have stated that, in some of the gullies along the watercourses, the land is very good?—Yes.
2087. In the course of the evening you have been asked with reference to the Cape Otway Ranges, and you stated that the land on some of the gullies along some of the water-courses is very good?—Yes.
2088. Are the water-courses very numerous throughout the entire area?—The water-courses are very numerous, and the spurs come down from the ranges every quarter or half a mile; there is a patch of very rich soil running up the bottom of each of these gullies, but the extent is limited.
2089. Is there any stone in that forest?—Yes, it is principally carboniferous sandstone.
2090. Is the sandstone of a good description—freestone I suppose it is called?—I have never discovered any stone there of any exceptional value.
2091. Have you been at the Cape Otway lighthouse at any time?—Yes, I have been down there; there is a limestone ridge there; very nice grassy country, but not suited for any other purpose.
2092. Do you know what material the lighthouse itself is built of?—I never looked particularly at it; I think it must be sandstone.
2093. You have described the timber in the Cape Otway forest; at how near a point to the available forest would the black line reach?—The nearest point I should take to be somewhere from ten to twelve

miles distance; at other points, before you get into really good timber, might reach up perhaps as far as twenty miles, a little more.

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2094. In the neighborhood of Birregurra, where the black line crosses?—I should think that it must go pretty close on to ten miles to get really good timber.

2095. Would the material be suitable for sleepers?—I cannot exactly state, I know there is very little red gum in that forest, and that is the timber I believe that railway engineers generally most affect.

2096. What is the timber called in that forest?—The large timber consists principally of white gum.

2097. Is that timber suitable for fences?—It is not so durable as red gum or stringy bark, but there is stringy bark there in abundance, as well as white gum.

2098. A good deal of the timber could be cut into weather boards?—Yes, it is very suitable for that.

2099. So that way-side stations might be constructed of that timber?—Yes, there is any amount of timber for building of any description.

2100. Or planks for platforms and so forth, or any of those things where there is exposure to the weather?—That would be for an engineer to say whether it was sufficiently durable to answer that purpose.

2101. Do you think an agricultural and pastoral population will produce as much for the employment of a line of railway as a mining population of the same number?—An agricultural population would give more traffic to a railway than a mining population.

2102. Of the same number?—Yes.

2103. Are agricultural operations increasing in this colony?—No doubt of it.

2104. Do you think that agricultural productions are likely to be greater than the requirements of the colony?—When they become greater than the requirements of the colony, we should very soon cease to produce.

2105. Unless we seek for a market outside the colony?—Quite so.

2106. Do you think that the construction of railways in such a way as to give access to the markets of the colony, to the nearest and safest seaports whence shipments may be made at the least cost would benefit the country generally?—I do not understand; that is a point of political science that I have never studied; I have not gone into a calculation of that kind.

2107. But generally?—I have never sufficiently studied the subject to give an opinion.

2108. Do you know the character of the coast west of Queenscliff?—West of Queenscliff; yes, from Queenscliff down to Cape Otway, I know the line of coast.

2109. Do you know the line of coast west of Cape Otway?—Yes, from Cape Otway to Warrnambool I am familiar with it.

2110. And from Warrnambool to the boundary?—From Warrnambool to the boundary, I have been along the line of the coast.

2111. What seaports are there west of Queenscliff that are considered safe in all weathers?—The only port west of Port Phillip Heads safe in all weathers, I should say, is Portland Bay—there are other intermediate ports, but they are certainly not safe in a south-easterly gale.

2112. How far would you suppose Camperdown to be from Portland Bay?—Over 100 miles.

2113. How far do you suppose Hamilton is from Portland Bay?—Fifty miles.

2114. What part of the colony have you always considered to be the Western District, and would you describe its boundaries?—The Western District is bounded on the south by the sea-board up to the South Australian boundary; on the north by a line that would connect Geelong with Ballarat, Ballarat with Ararat, Ararat to the head of the Glenelg, and by the Glenelg on to the South Australian boundary line.

2115. Then, from Geelong round Indented Heads?—Yes, of course, to the Indented Heads forms a portion of the district.

2116. It is proposed in the extension from Geelong to construct a tunnel from the present railway station, passing under the hill—you are acquainted with that locality?—Yes.

2117. This is a map and plan of the town of Geelong which I obtained from your office—will you be good enough to look at it—[handing the same to the witness]—do you notice that portion of land there, that is reserved for baths for the town of Geelong, between Little Malop street and Ryrie street—it is east of Mr. Campbell's church?—Yes, I observe the spot.

2118. What do you suppose would be the width of that reserve?—Five chains in depth and two chains in width.

2119. Do you think that a line could be curved from the present station to enter that reserve—I should rather draw your attention before that to the fact, that a reserve intervenes?—Yes, the reserve of Johnstone Park.

2120. And then crossing Little Malop street, you enter the Bath reserve?—Yes.

2121. Do you think the line could be curved into that from the present station?—Oh! readily.

2122. And the width of that reserve is 132ft.?—Yes.

2123. Extending from Little Malop street to Ryrie street?—Yes.

2124. Then if you carried out the line, say in the centre of that Bath reserve, parallel with Fenwick street, towards the Barwon river, how would you go?—That would pass through the Wesleyan reserve across little Ryrie street, then through the National School reserve across another street, then pass close to the Gaelic church reserve.

2125. But would you pass through the Gaelic church reserve?—Or close to it—pass through the Church of England reserve, then it would fall into a block of Crown land.

2126. Extending from where?—Extending from Little Myers street to McKillop street, then between McKillop street and Kilgour street, pass over alienated land to Kilgour street, it would touch two unsold blocks for a distance of 30 chains, it would then pass under Crown lands.

2127. Where would that point bring you to?—To Highest street; between Fyan's street and Barwon terrace would intervene a block of alienated land.

2128. Between Fyan's street and Barwon terrace—would you pass through any alienated land?—I see it is marked.

2129. It is leased to the cloth company, as marked there?—Yes.

2130. It is not alienated land?—It is leased land.

2131. So that, with a slight exception, you would not pass through any alienated land from Little Myers street until you reach the Barwon reserve?—From Kilgour street, rather from Little Myers street,



- A. J. Skene, Esq., the line would pass through 15 chains of alienated land, then through Crown lands for 30 chains until you reach the cloth manufactory, and 10 chains through that site on to Barwon terrace.
2132. That is merely leased land?—Yes; but still the lease is equivalent to a grant; no doubt the company would get a grant upon applying for it. They would be treated in the same respect as the other cloth company.
2133. Have you any idea of the value of the alienated land that such a line would traverse?—I am not prepared to give an opinion upon that point.
2134. If a tunnel entered that hill, commencing at Johnstone park, and running out at Little Myers street, it would not at all interfere with the traffic that passes over Myers street and the other streets leading into Geelong to the west?—No; I think there is a sufficient rise in the hill there to admit of a tunnel being run below all those streets without interfering with the traffic.
2135. That is the most valuable part of the land?—Yes; when the crest of the hill is reached the value of that land is less as you go down the hill towards South Geelong.
2136. That land is waste at present, is not it, extending to what is called Chilwell Flat?—Yes.
2137. It has been proposed to ornament that in some manner by fencing and planting trees?—Yes, such a proposal has been made.
2138. Then from the Barwon river until you get to Belmont Hill, what distance would it be?—That would be about 30 to 35 chains.
2139. Is that alienated land?—No; Crown land.
2140. *By Mr. Degraves.*—I wish to know from you, what is the amount, in your opinion, that has been expended in survey fees of Crown lands which have not been selected, bought, or been of any benefit to the State, since the *Land Act* of 1862?—I would require a little time to get that information for you.
2141. Will you favor us with it, if you please, at some other time?—I will take the question down.
2142. The next question I wish to ask is what, in your opinion, is the nearest and best available forest of good timber for general purposes to Melbourne?—I should say Dandenong and the country to the eastward and south-east.
2143. Take the Dandenong, the nearest point from Dandenong, say you get into the Sassafras Gully, where this large timber is?—Yes.
2144. What mileage would you call that to Melbourne?—About 25 miles.
2145. I presume you have been into that forest?—I have been through it on several occasions.
2146. How do you think it compares with the other forests you have seen, such as those spoken of this evening?—There is better timber in the Cape Otway forest, if you go sufficiently deep into the forest.
2147. Better in what respect, quality or quantity?—In quality.
2148. Do you think the forest near Dandenong, a distance of 25 miles from Melbourne, is likely to be exhausted in the next 10, 15, or 20 years?—I cannot say what Melbourne may turn out to be.
2149. Perhaps you do not know very much of the consumption of timber, or the working of it?—No, it does not fall within my knowledge.
2150. You know there is timber there of 200 feet without a limb?—Yes.
2151. Fit for weather-boarding, fencing, post and rails, or any other purpose that hardwood is used for?—I know there is such timber.
2152. Can you inform the Committee what amount of waste lands have been abandoned by the pastoral tenants from over assessment, and also what amount of waste lands are now unoccupied in consequence of the Government not affording sufficient inducement in the shape of long leases, such as the other colonies have granted, so as to induce enterprising colonists to improve the development of the inferior waste lands of the colony?—The extent of unoccupied territory is 15,679,000 acres not under pastoral licence at the present time.
2153. *By Mr. O'Shanassy.*—Did I ask you the gross area of the colony, or whether there has not been a mistake discovered recently by a more accurate survey as to what the area was?—The most accurate computation now makes the area to be 56,446,720 acres.
2154. Has there any error been recently discovered in relation to the area—any large error?—No, only better and more reliable maps have been used to make the computation from.
2155. What was the original computation?—It makes a difference of about 600,000 acres.
2156. *By Mr. W. A. C. a'Beckett.*—Did I understand you to say that there was no red gum in the Cape Otway country?—Very little.
2157. Do you suppose that to be the only wood fit for sleepers?—I do not give an opinion.
2158. Do you know the messmate timber?—Yes.
2159. Is there messmate there?—There is messmate and stringybark, but the white gum is the larger and more prevailing timber.
2160. Have you heard that messmate is nearly equal to red gum?—I do not know.
2161. *By Mr. McKellar.*—Do you know this line from Ararat to Hamilton?—Yes.
2162. The pink line—there are no engineering difficulties in the way?—After you get out of Ararat there is no difficulty.
2163. No expense of culverts?—No.
2164. Do you know the nature of the country when you come to Mount Sturgeon?—Yes.
2165. You say it is very rich agricultural soil to Hamilton?—From that onwards to Hamilton, yes.
2166. Has there been a large population growing upon the land since 1869?—A very large amount of settlement has taken place.
2167. Greater than in any other part of the colony?—I am not prepared to go that length; but the settlement is very large.
2168. How many selectors, do you think, have settled on that land the last two years; say from Casterton, Hamilton, and Wickliffe?—I am not prepared to answer that question, but I could get the information.
2169. Can you say how many selectors are taking up land there, per month, for instance?—I cannot answer that.
2170. Would it be 600 per month?—Certainly not.
2171. Are you aware that there is a large traffic comes down in that direction, past Dunkeld?—Yes, the traffic from the whole of the county of Dundas passes round there.
2172. Do you think a railway would pay from there?—To what point?

2173. To Ararat and Ballarat and Melbourne—an extension?—My opinion is, that the railway from Hamilton to Camperdown would pay better than a line from Hamilton to Ararat, and from that to connect with Ballarat. A. J. Skene, Esq.,  
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2174. What makes you suppose that?—Because the line would pass through the very garden of Victoria the whole way. From Mount Sturgeon, up to within 10 miles of Ararat, the country traversed by that railway is very poor indeed on one side, it is blocked up by the Grampian mountains coming quite close up to the line.

2175. Would the freestone in Mount Sturgeon be of any value?—I should say not, if conveyed by rail.

2176. Would you be kind enough to let us know the number of selectors at some future time?—I will.

*The witness withdrew.*

S. V. Kemp, Esq., called and examined.

2177. *By Mr. Murphy.*—Will you inform the Committee if you are a civil engineer?—I am. S. V. Kemp, Esq.,  
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2178. Have you been in the service of the Victorian Government?—I was in the employment of the Victorian Government for about ten years, in the Railway Department.

2179. Were you employed on railways in England also?—Yes, I was.

2180. Have you been recently employed, by the Tasmanian Government, as a government engineer in railway construction?—I am in the employment of the Tasmanian Government now, upon the North-Western railway.

2181. Did you superintend the construction of the Western railway?—I have nothing to do with supervision. My appointment is a non-political appointment, to see that the money is properly expended upon the works.

2182. You know that line?—Well.

2183. Can you inform the Committee of the gauge?—5ft. 3in.

2184. Do you know if the Tasmanian Government are about to construct another line of railway?—We contemplate constructing another line from Hobart Town to Launceston.

2185. Upon what gauge?—3ft. 6in.

2186. Am I to understand that the railway already constructed is upon the 5ft. 3in. gauge?—Yes.

2187. And that now, with the experience of the construction of that railway and the working of it, the Tasmanian Government contemplate erecting another line of railway upon a different gauge?—Exactly so. It is found that our line of railway to the westward, to Deloraine, on the 5ft. 3in. gauge, is considerably in advance of the requirements of our colony. The line they propose to construct now is to be constructed by an English company; they made an offer to construct it for little over £5000 per mile, or £640,000, and they have sent out an engineer from England, Mr. Wylie, a man of some considerable ability at home, and he has reported favorably upon it, and the Government have signed a contract, and it is gone home now for the company to sign; as soon as that is completed, engineers will be sent out and work commenced.

2188. Will you explain to the Committee upon what grounds the Tasmanian Government have determined to change the gauge from the one already established to the narrow gauge?—The 3ft. 6in. can be constructed so much cheaper than the 5ft. 3in. An estimate for a 5ft. 3in. gauge on that line, I am now speaking from memory, was between £800,000 and £900,000; that was the estimate.

2189. How much is that per mile?—It would be nearly £9000 per mile, would it not?—[*The witness made a calculation.*—No, £8000 per mile.

2190. Can you inform the Committee at what rate per mile the new railway is contracted to be constructed for?—A little over £5000 per mile; it is £640,000 for the whole distance, which is between 120 and 125 miles.

2191. That is a fraction over £5000 per mile?—Yes.

2192. So that the difference between the gauge you have already constructed, the 5ft. 3in., and the 3ft. 6in. gauge you are about to construct is £4000 per mile; are we to understand that?—The line we have already constructed, the Launceston and Western Railway, has cost £10,000 a mile; it was estimated to cost £8500, I think.

2193. It actually cost £10,000?—It actually cost £10,000.

2194. And the line you are about to construct upon the narrow gauge?—Will cost a little over £5000 per mile.

2195. That makes the difference greater still?—Yes.

2196. Are we to understand it would be double the expense?—It is so upon that line.

2197. The difference between the broad and narrow gauges will be £5000 to £10,000, or double the expense per mile?—Yes.

2198. Do the Tasmanian railway authorities apprehend any very serious or intolerable difficulty from the break of gauge that must necessarily be incurred?—I think not. I see no difficulty in a break of gauge; there are very many opinions on that subject, but my own opinion, from what I have learnt upon the subject, and from what I have read, is, that a break of gauge is not a very important matter; it entails a cost per ton of, I should think in this colony, about 6d. per ton, which would cover the cost of transferring the goods. Mr. Boyd, a civil engineer of some considerable experience, who is now constructing the Toronto and Bruce railway in Canada, puts it down at 3d. In India Colonel Scratchley's, and Colonel Dixon's, and Mr. Rendell's report to the Secretary of State, puts it down at 4d. Certainly labor is very cheap there; but I think it would cost about 6d., not more.

2199. Have you any idea, or can you inform the Committee, whether it is probable, or have you any reason to believe it is likely the Tasmanian Government will alter the gauge already constructed to the narrow gauge, or make any alteration?—I think so; the line from Launceston to Hobart Town will be a main line across the island, the other comes in a branch, and I think, to overcome that difficulty, it is very likely in course of time it will be altered to the 3ft. 6in. gauge. You must bear in mind, that there are only 45 miles now constructed of the branch line, the other would be the main line of a little over 120 miles.

2200. That is upon the narrow gauge, the main line?—Upon the narrow gauge.

2201. Can you inform the Committee, or give any approximate idea, of the difference in the expense of maintenance between the wide and narrow gauge?—The narrow gauge maintenance must of necessity



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be cheaper than the broad, because the engines and rolling-stock, and everything appertaining to the lighter gauge is lighter, and there is not so much wear and tear on the road as there is on the heavy gauge.

2202. Have you been recently deputed to visit one of the neighboring colonies—Queensland—that have recently constructed railways?—I was not deputed—I went for my own information—I went over Queensland and all over New South Wales.

2203. To gain information?—Yes.

2204. Are we to understand the information you have just given the Committee is based upon that?—It is based upon what I saw in the neighboring colonies. I may mention, that the line in Queensland, where it ascends the ranges, ascends at a very high altitude there; I think it rises about 1 in 50 for about 18 miles; in that 18 miles there is very little embankment, the principal portion of the distance is occupied by tunnels and viaducts. The line, I think, cost about £20,000 per mile. To construct the 5ft. 3in. gauge over such a country would cost £80,000 per mile—quite that. The difference of cost between the gauges is based upon the country over which you have to traverse. If you had to traverse a very even and smooth country, the difference, of course, is very slight; for instance, you can draw no more upon the 5ft. 3in. gauge than you can on the 3ft. 6in. gauge; that is, all things being equal: if the rails are of the same weight and the engines of the same weight, you can only draw the same load—you cannot draw any more upon the 5ft. 3in. gauge than you can upon the 3ft. 6in. gauge, if everything is equal; but in Queensland the carrying capacity between the gauges is not so great. Here the bodies of the rolling-stock are 8 feet, there they are 7 feet broad; but then, I consider, the Queensland railways are far in advance of the railways in any of the colonies—they have adopted all the newest inventions, and have got the bogie engine with radial boxes of Clarke's, which is far superior to Adams's, and they have continuous breaks and many other new inventions unknown in any of the colonies, and they go round very sharp curves—five chain curves—with the greatest ease, at about 30 miles an hour. I travelled most of the distance on the engine, and I got the driver to put up the speed and to give her steam, and she went about 30 miles an hour, I think, and we ran that speed with perfect safety.

2205. What was the sharpest gradient?—We did not do it on the 1 in 50; that was on a moderate grade, a portion of it was level after we got below the range.

2206. Have you any such gradients as 1 in 50 to surmount in Queensland?—There are 18 miles; it is not one continuous grade, but nearly so; there are a few level breaks in places, but for 18 miles it is 1 in 50.

2207. *By Mr. Robertson.*—The works of the narrow gauge line in Tasmania, are they to be of the same permanent character as those on the broad gauge already constructed?—Yes, the company undertake, and the Government guarantee them 5 per cent.; they undertake to construct the line and maintain it for thirty years, and at the expiration of that time to hand it over to the Government.

2208. Did the Tasmanian Government take into consideration, before proceeding with the narrow gauge, the construction of the railway on a lighter principle on the same gauge as that in existence?—I do not altogether comprehend your question.

2209. Did the Tasmanian Government, before deciding on the narrow gauge, take into consideration the construction of the railway of the same gauge as that in existence, but of a lighter construction?—Yes, they did. Messrs. Doyne, Major, and Willett surveyed the line and submitted designs for the 5ft. 3in. gauge; their estimate was £850,000, that gives an average of £6700 per mile, that is, without any allowances for land severances and law charges; adding those together would bring it up to a little over £9000 per mile.

2210. *By Mr. Campbell.*—May I ask you, whether I am right in supposing that the difference of construction between the narrow and broad gauges is £5000 per mile in Tasmania?—That arises from the peculiarity of the country.

2211. Then, how does this difference arise? because here we are supposed to construct a line for £5000 per mile altogether?—Yes; but you must bear in mind that the narrow gauge line—if you have heavy work, of course the difference between the broad and narrow gauges is something very considerable—for the 5ft. 3in. gauge you want a 20ft. formation, with the 3ft. 6in. gauge you want 11ft. 6in. or 12ft. formation. Then, if you have very high banks, the high banks necessitate long slopes, and the culverts are increased in length, that increases the cost; then if your bridges are of stone, it increases the masonry in the length, and also in the abutments and wing walls, and everything to match; in every way they are increased; so that, take a bank 30 feet in height, the difference in cost in travelling over such a bank on the 5ft. 3in. and the 3ft. 6in. gauges is over 20 per cent.

2212. That is, in carrying a lighter weight, the rolling-stock must be lighter?—Certainly, the rolling-stock must be lighter.

2213. Then it must be longer to carry the same load?—I do not understand you.

2214. A longer train, you cannot put so much in each carriage?—You can, because, on the 3ft. 6in. gauge, the width of the carriage is 7 feet. You can put four people on one side quite as comfortably in the 7 feet carriage; the foot you get in the 5ft. 3in. carriage is space thrown away.

2215. What is the width of our carriages?—Eight feet.

2216. What is the width of your engines?—In Queensland?

2217. No; in Tasmania, that you are alluding to—you are speaking of the construction in Tasmania?—I was speaking generally of the 5ft. 3in. and the 3ft. 6in. gauge.

2218. What is the width of the engines all over?—In Tasmania, I suppose the greatest width would be 8 feet.

2219. Then, you would require an 8 feet tunnel or culvert to get through, or a little over?—Yes, it would.

2220. What is the width of our engines here?—I think they are about the same.

2221. Consequently, they would require the same width of tunnel to go through?—On the 5ft. 3in., but not the 3ft. 6in.

2222. I thought you said the engines were of the same width?—We have no engines for the 3ft. 6in. gauge—our lines, as I have explained, are only in contemplation; our 3ft. 6in. line—the line we have now opened and are working—is on the 5ft. 3in. gauge.

2223. Have you had no experience in the working of the narrow gauge?—Only what I gained in Queensland.

2224. Then, in Queensland, the engines are 8 feet?—7 feet.

2225. Then that is within a foot of the width of our engines here?—True.  
2226. Consequently, they require tunnels, and bridges, and viaducts within a foot of the same width?—Yes.

2227. What is the saving in that foot?—That is the saving above the rails; the saving above the rails is not so much, I admit, as the saving below the rails. As I explained to you with reference to the 30 feet bank, if you travel over it, it necessitates going over a 30 feet bank, on the 5ft. 3in. gauge, and you build another line parallel to it over the same place, or as close as you can, the one would be 20 per cent. cheaper than the other.

2228. I can easily understand that the embankment must be narrower—it appears, from your statement, that each carriage carries the same weight—if you put the carriage upon a narrower base, that base must be stronger, it must have a wider sleeper, or something more for it to rest upon?—Not necessarily.

2229. If the sleeper is shorter, it must be broader to carry it?—Not necessarily; the sleepers in Queensland are 6ft. 9in. by 9 by 4½—here they are 9ft. by 10 by 5.

2230. Then, you think, you would not require more sleepers, or a wider base from the shortness of the sleepers?—Certainly not.

2231. You think a short sleeper will carry the same weight as a long one?—Certainly.

2232. And that the embankments would not require to be more consolidated to bear it?—Certainly not; those lines are working, and working admirably.

2233. Then, with regard to speed—at what rate of speed can you safely go upon this narrow gauge?—Thirty miles an hour you can go with perfect safety.

2234. That is about half the rate we can safely go on the 5ft. 3in. gauge?—Certainly.

2235. Then what is the advantage of a higher speed, in travelling in half the time from one point to another?—There are other advantages. I believe, at the present time at Sandhurst, it is a great advantage to come down at a great speed; but how long that may last, I do not know.

2236. Supposing the train carries 400 or 500 passengers, and that saves an hour or two hours to each passenger on the journey from here to Echuca, how much is that worth?—It entirely depends upon the individual business.

2237. Taking ordinary first-class passengers, such as may come?—I think, travelling to Echuca, two hours difference would be a very little consideration.

2238. Do you say you can travel round sharper curves upon the narrow gauge than upon the wide?—Yes; a 5 chain curve is equal on the 3ft. 6in. gauge to an 8 chain curve on the 4ft. 8½in. gauge, or a 10 chain curve on the 5ft. 3in. gauge.

2239. Have we many curves of that radius here?—I think the sharpest curve we have on the Victorian lines is about a 15 chain curve. I think that is the sharpest; it is on the railway station grounds. I think that is the only one.

2240. Have you had an opportunity of observing the working of the bogie engine in Queensland?—Yes; not only in Queensland, but all our engines have bogies in Tasmania.

2241. Are they double or single bogies?—Double bogies. We have double bogies in Tasmania; but in Queensland they have both double and single bogies; and, in addition to that, they have radial boxes—that is, the engine travels on the box, on Adams's principle, and some of the carriages are fitted with Clarke's radial system, which answers much better, as there is not so much surface exposure; in fact, it is all boxed in—no dust can get to it.

2242. By using the bogie engine, can you work on a lighter rail?—You can. That is, if you adopt Fairlie's engine; but there is no engine in Victoria that can go round a five-chain curve at thirty miles an hour.

2243. I am speaking of the strength of the rail—whether, by using the bogie engine, you could not use a lighter rail than you could by working the common engine?—If you use what is known as Fairlie's engine—that is, on the double bogie principle—that is, like two engines coupled together upon a bogie truck of four or six wheels each, then you can, because you get the whole weight of the engine distributed over a much larger surface.

2244. You have considerable economy in the use of lighter rails?—Yes, much.

2245. Because the carrying weight of a railway is regulated by the weight of the engine?—Certainly.

2246. Do the carriages weigh anything approximate?—No; in Queensland, the weight of the rail is 40lb. per yard.

2247. Is that found sufficient?—Quite sufficient. I believe they have replaced some of the iron rails that have been found damaged on the incline with steel rails.

2248. What weight may the engines be, compared with ours here?—They are much lighter, only weighing about 20 tons when loaded.

2249. And the power?—They are able to take up, I think, about four times their own weight, about 80 tons; that is, bear in mind, over a road of 1 in 50 rising for 18 miles, and that is very trying to the engine.

2250. What is our maximum gradient here?—1 in 50.

2251. The same?—But a much shorter distance. I think the longest is about four miles at the Woodend incline.

2252. Have they applied the bogie principle to the carriages as well as the engines?—I think we have some few, but in Sydney they have very long carriages on the bogie principle, and it answers admirably.

2253. Are they much easier to travel in; is the oscillation less?—They are very comfortable carriages; I did not notice any very great difference. Of course the New South Wales road is not maintained in such a high state of perfection as the Queensland. The Queensland road is maintained in the most effective manner I have seen—it is extravagantly maintained.

2254. Supposing you take one of our lines here, from this to Geelong, for instance, what would be the difference in such a line as that between the narrow and broad gauges in construction?—Of course, I am only speaking generally, without working it out; but I should think from 15 to 20 per cent.

2255. What would that be per mile?—If it were constructed now?

2256. Yes; what would the saving be per mile between the two gauges on an ordinary line in Victoria?—I am not aware now what the Geelong line cost, I know it was a very considerable amount; but it would not be fair, scarcely, to take the original cost; take it at what it may be constructed for now.

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2257. Supposing it done now, at the present rate of labor?—I should think, if the Geelong line were in the market now, it would be constructed for about £8000 per mile on the 5ft. 3in. gauge.
2258. What on the narrow gauge?—15 per cent. less.
2259. That is about one-sixth less, about £1200 per mile less?—Yes, about that.
2260. *By Mr. O'Shanassy.*—I think you spoke of the line made in Tasmania 45 miles in length?—Yes.
2261. When was that commenced?—About three years ago.
2262. When was that finished?—It was finished and opened about a year ago—it is about four years since it began.
2263. That is, from the time of letting the contract until the completion?—Yes.
2264. Can you inform the Committee how long a time has elapsed from the date of the inception by the preliminary surveys?—That has taken very many years.
2265. Ten years?—I am sure I could not say—it was long before my connection with the line.
2266. Do you know the history of its construction well?—I do.
2267. It passed through difficult country?—We rise for the first section—it is difficult—I forget now the exact altitude, but we rise 1 in 70 between 8 and 9 miles—a continuous pull.
2268. Did that necessitate heavy construction?—It did.
2269. What was the remainder—can you give an estimate of that?—The remainder from that on to Longford was not very heavy, and from that on to Deloraine it was much lighter.
2270. Do you cross many rivers or flood waters?—We do.
2271. Were you obliged to make heavy provision for that?—Yes.
2272. Tunnels?—No.
2273. Was there much land-purchasing?—Yes.
2274. Beginning at Hobart Town, I presume?—Not Hobart Town—Launceston. Our land has averaged about £40 an acre—that includes all charges.
2275. What was the gross amount you had to pay for land, what was the total?—£40 a mile for about 45 miles.
2276. Had you much land presented by private owners to encourage the making of the line?—I think there was only one proprietor who presented it, and that was a very small portion.
2277. Could you state the direction which this line takes from Launceston in contrast with the proposed line from Launceston to Hobart Town, does it run at right angles?—Not quite; the direction from Launceston to Hobart Town is about south-east, and the Deloraine line runs west.
2278. It comes into Launceston at the town?—It does.
2279. Have you seen any survey made of the proposed line from Launceston to Hobart Town?—I have.
2280. Is it to connect with the other line?—Yes.
2281. At Launceston?—Yes.
2282. And in connecting with the present railway, there will be break of gauge?—There will; there will be a break of gauge, were Mr. Wylie to join in at the Avondale road twelve miles from Launceston.
2283. Will you state the number of trains that run daily upon the present line?—Three each way.
2284. What amount of traffic goods?—Our traffic is about £200 a week, goods and passengers.
2285. A traffic running three trains to Launceston?—And out again.
2286. That is, six trains a day—about £200 a week?—About £200 a week.
2287. What are the working expenses?—£200 a week without maintenance.
2288. The working expenses?—Yes, and the maintenance will fall into the hands of the company; it expires at the end of this month.
2289. What company?—The Launceston and Deloraine Company.
2290. This line has been constructed by a company?—By a company. The maintenance, taking it all the year through, will cost £100 a week.
2291. Then it amounts to this, that the company has invested £450,000 worth of capital and will lose £5000 a year by the transaction, as at present conducted?—The company has not invested it—that was what the company got up in the district.
2292. But that was the capital invested?—That was the capital invested; but the Government supply eight-ninths of the capital—the Government supply £400,000 and the company only £50,000.
2293. And the effect of the whole is, to produce a loss of £100 a week in the working of that railway—that is the amount of the maintenance?—Allow me to explain, that the Government are protected, because the whole of the landowners through whose land the railway passes have pledged their properties for the payment of the interest.
2294. But, at all events, the parties interested have laid out £450,000 to produce the result of a loss of £5000 a year for the working of that 45 miles of land in Tasmania?—Yes, but you must bear in mind that this is a very bad season of the year, and when the lines were first opened in Victoria it was with a similar result.
2295. Tasmania is increasing in population in the ratio of about 20 to 1 to what we were at that time, is that so or not?—I do not know.
2296. You do not know whether the country is retrograding or advancing?—I cannot say.
2297. How long have you been resident there?—About three years.
2298. Can you form no idea, from your intercourse with the people, whether it is receding or advancing?—I think it is about stationary. I do not notice any great improvement myself.
2299. Nor any great prospect of improvement?—I do not know.
2300. At all events, the investment is not a very profitable speculation?—It is not.
2301. The new project is, to start another line from Launceston to Hobart Town, a distance of 120 miles?—Yes.
2302. That is under offer to a company?—That is under offer to a company now.
2303. Do you know the name or nature of the company?—Merely, that there is a company formed in London; I forget the names of the directors.
2304. Have they any capital paid up?—I believe so.
2305. How much?—I am informed, the whole of it; I merely speak of what they say themselves.
2306. A million of money?—£640,000.

2307. Subscribed in London to build a railway from Launceston to Hobart Town?—Yes, the S. V. Kemp, Esq., Government guaranteeing 5 per cent. continued,  
19th Oct., 1871.
2308. The Government undertake to pay that guarantee?—Yes.
2309. And the line is to revert to the Government?—At the end of thirty years.
2310. When was this company started, and when was the capital paid up, or is it merely a promoters' idea at present—merely subscribed capital, and not paid up?—I think not. I think, from the names of the gentlemen, that it is a *bonâ fide* company.
2311. Are you supplied with the names of the gentlemen in that company—have you a prospectus of that company?—I had one.
2312. Can you supply one to the Committee?—The Tasmanian Government can do so.
2313. You have no possession of it?—No.
2314. You have no knowledge whether they have paid up the money or not?—No.
2315. You are acquainted somewhat with the London market, I believe, with regard to the getting up of schemes of this kind—you have heard a good deal of their ability and skill in promoting companies to catch the outside world?—I have.
2316. This 5 per cent. guarantee will be an ample amount to them, according to English notions—whether the Government make a profit or not, they must pay the 5 per cent.?—The Government must pay the 5 per cent.
2317. Are you acquainted with the operation of that principle in India, and what it has ended in?—Merely from report; and judging from report, I believe the results are very favorable.
2318. Do you mean, from a Government point of view?—I do.
2319. You have not read Lord Mayo's speech on the subject, I presume?—I have not—I have read Mr. Danver's report.
2320. If you were informed that Lord Mayo made a speech, and has pointed out the frightful evil, and the immense loss entailed upon the Government, and the abandonment of the principle altogether, what would you say of any Government taking it up again on the same principle?—I should be disposed to believe in Danver's report, rather than in Lord Mayo's speech; because he is better able to give an opinion.
2321. Is it not obvious that a company has no interest in the working of a railway, if they are to get five per cent. from Government?—They have an interest.
2322. What is it?—They are supervised, and there are certain conditions as to the number of the staff, and the payment of the staff, and also as to the nature of the works, that they shall be constructed in a substantial and durable manner.
2323. However, at the present moment there is no contract entered into by the Tasmanian Government; it is only a project?—It is only a project.
2324. It may or may not be carried out?—I believe, in my own opinion, that it will be carried out.
2325. Without any difficulty whatever as to alteration of price, as the work proceeds, or anything else, as the work proceeds?—I think so.
2326. What is the character of the country for the purpose of construction comparatively between Launceston and Hobart Town, and the line you have described as already made?—The line where it joins in at Avondale on to Campbell Town, or Ross, will require only very light works; but from that on, it will be 40 or 60 miles.
2327. Half the distance?—Half the distance, not quite that, and from that on to Brighton or Bridgewater they will be of a very heavy character.
2328. What do you mean by a heavy character, as compared with the existing line—bridges, water accommodation, and so forth?—There would be more difficulties to surmount, and then from that on, from Brighton to Hobart Town the works will not be heavy, they will be tolerably light.
2329. What is the extent of the country that will be comparatively heavy, what is the length of it?—I suppose 50 miles, 40 or 50 miles.
2330. And the proposal of this company is, through their agent, to build that at how much a mile on the 3ft. 6in. gauge?—A little over £5000.
2331. What would be the character of the works projected?—Of the most durable kind, such as would pass the Board of Trade in England.
2332. Stone bridges?—Yes.
2333. Weight of rail?—The weight of rail, I think, 40lbs.
2334. That is not a heavy construction?—For the 3ft. 6in., ample.
2335. What are the gradients?—The gradients, a good portion of it, none of it more than 1 in 50.
2336. And the metalling—what will be the extent of the metalling under the sleepers?—Eight inches.
2337. That is not deemed very heavy?—I think so; ample for any traffic that is likely to be upon that line.
2338. What is the nature of the traffic that is likely to be upon that line?—I have not the traffic returns with me which have been taken by the Government. I could not promise, without the permission of the Government.
2339. Will you ask for them?—I will; but you have copies of them here, in the blue books.
2340. Do you know the nature of the traffic, from your observation, that is likely to arise on that line?—I have only travelled over the line by coach; I do not know.
2341. The materials for making a railway in Tasmania are very readily obtainable, in the shape of timber and stone?—Yes.
2342. Labor?—Labor is scarce.
2343. What is the relative price of labor there, as compared with this country?—About the same.
2344. And the cost of living?—About the same.
2345. Is it not dearer in Tasmania, on the whole?—I think not.
2346. You have stated that, all things being equal, a railway in a level country, without unnecessarily sharp curves, can be constructed upon the 3ft. 6in. gauge for from 15 to 20 per cent. less than upon the 5ft. 3in. gauge?—I do not think those are exactly my words.
2347. I ask you, whether, all the conditions being equal, you would arrive at that opinion—can you say what it would be?—Perhaps 10 per cent.
2348. That is £500 a mile, assuming the cost to be £5000?—A little more; your rails would cost

S. V. Kemp, Esq., about £1000 a mile, and a rail of half the weight would only cost £500; that is, reducing from an 80lb. rail at £1000 to a 40lb. rail at £500.

2349. Take it upon that basis of a 50lb. rail, such as is proposed here?—I can work it out.
2350. What would be the relative speed in those cases?—On the 3ft. 6in. gauge, it would not be safe to travel at a higher rate of speed than 30 miles an hour.
2351. With passengers or goods?—Anything you like.
2352. Practically, would it be reduced to 15 miles an hour, as an average speed?—No; the average speed will be about 20 miles an hour; the average speed here, in Victoria, is 25 miles.
2353. What would be the average speed that could be obtained from a 5ft. 3in. gauge upon the same class of line?—What you are running at now, 25 miles an hour.
2354. In a flat country?—Of course, you can run at high rates of speed, but high rates of speed are very costly to maintain.
2355. What would be the difference?—The difference exists at the present time—the average speed upon the Victorian lines is 25 miles an hour.
2356. The average speed upon the 3ft. 6in. line, under equal conditions, would be about 20 miles an hour?—About 20.
2357. You say, that the cost of maintenance upon the 3ft. 6in. gauge, assuming that you have to put ballast on, and taking the same class and value of labor, is cheaper than upon the 5ft. 3in. gauge?—Yes.
2358. How do you arrive at that conclusion?—From all the materials being of a lighter description, the engines are lighter, and the waggons, and carriages, and everything else is lighter.
2359. Assuming the engines and waggons are all of the same class in point of construction upon the 5ft. 3in., gauge as upon the 3ft. 6in., what would be the difference in the maintenance and ballast?—I do not exactly understand the question.
2360. Assuming that we make new carriages and engines, and start them equal upon the 3ft. 6in. gauge and upon the 5ft. 3in.—I suppose you admit that can be done—equal in material, and in point of structure, only differing a few inches in point of width, what would be the difference in maintaining the railways?—It would be something considerable, it would be so much lighter; you would not make the carriage so heavy upon the 3ft. 6in. as upon the 5ft. 3in.
2361. If an experienced engineer stated that, from the oscillation being greater upon the 3ft. 6in. than upon the 5ft. 3in. (from the height of the carriage being greater) it would cost more to keep the line ballasted and in good order, would his opinion be of no value as compared with yours?—I should be inclined to accept my own opinion.
2362. Notwithstanding that he was a practical man, who had seen railways of every class, in every part of the world?—Yes.
2363. Have you had any experience in working such a railway—3ft. 6in.?—Not 3ft. 6in. gauge, except in Queensland.
2364. Then it is theoretical at present?—And from observation.
2365. Where?—In Queensland.
2366. And you have seen none but that?—I have read a great deal and collected a great deal of information in connection with the 3ft. 6in. gauge.
2367. Where have you read of them?—In Norway.
2368. What is the extent of that in Norway?—I am not able to say.
2369. Is it twenty miles upon the 3ft. 6in. gauge in Norway?—Considerably more than that.
2370. How much is it?—I could not tell.
2371. Where else?—In Canada, they are constructing the 3ft. 6in., and in Queensland they have over four hundred miles.
2372. In Canada the mainlines are 4ft. 8½in.?—They have a 7ft., a 5ft. 6in. gauge, a 4ft. 8½ gauge, and a 3ft. 6in. gauge in Canada.
2373. But the main lines in Canada are constructed upon 4ft. 8½in.?—They have been, but they are constructing, to my knowledge, no more upon that gauge.
2374. Where is this narrow line in Canada? how does it affect the question we are discussing here? where does it come to? does it join the main lines? that is the question, whether it causes a break of gauge?—It does.
2375. Where?—At Bruce and Toronto.
2376. What is the length of it?—I am not able to answer that question.
2377. Nor whether it is exceptional?—It is a new system they are introducing into Canada.
2378. Have they not wooden tramways?—Yes, they have tramways.
2379. Is there any parallel in any part of the world where there have been lines constructed at a cost of ten millions of money, upon the 5ft. 3in. gauge, which are now in working order, and where it is proposed that the extensions of those lines shall be upon a 3ft. 6in. instead of upon the original 5ft. 3in. gauge?—No, there cannot be; because the question of the 3ft. 6in. gauge has only just come into existence.
2380. Have you considered the question of a third rail, or the mixed gauge system?—I have.
2381. What is your opinion upon it, derived from your experience and reading?—I think, in reference to your line of railways, that it would be a very imprudent thing to alter your present 5ft. 3in. gauge to 3ft. 6in. I would sooner submit to the transmission of goods at the break of gauge.
2382. You would not advocate the converting of our lines to the 3ft. 6in. gauge ultimately?—Certainly not; where you have a very large amount of money invested in rolling stock, you could not dispose of them, and you could not adapt them to the 3ft. 6in. gauge.
2383. Have you taken into account, in the extension of our lines, that the 3ft. 6in. gauge will necessitate a large quantity of new rolling stock, which must be constructed to work these lines on the 3ft. 6in. gauge, if those lines are made, and throw aside the present rolling stock, which can only be applied to the 5ft. 3in. gauge?—Yes, seeing that you have no engine in Victoria which can run upon the 40lb. rail upon the 3ft. 6in. line (for the present engines are too heavy) you would have to construct new engines.
2384. And workshops to keep them in order?—That would not be a very large item.
2385. At all events, you must have new rolling stock for the extensions upon the 3ft. 6in. gauge, if those extensions be made?—Certainly.
2386. And you are not in favor of converting the existing lines into 3ft. 6in. gauge lines?—I am not.

2387. That is your deliberate opinion?—That is my deliberate opinion.
2388. Then, those who advocate the conversion of the lines into 3ft. 6in. lines are advising wrongly?—I think it would be a wrong thing to do, considering the large amount invested in rolling stock, but of course you can run with a third rail.
2389. Have you heard, or read, or do you know of your own knowledge, what trouble has been given in England by any attempt of that kind? you know the experiment was made?—I do not.
2390. Have you had any experience of working mixed gauges, or narrow gauge lines running into broad gauge lines in England?—No.
2391. How long have you been an engineer at all?—I have been connected with railways all my life time.
2392. Where?—In England and here. I was in the Railway department here, and assisted in setting out the Geelong and Ballarat railway.
2393. How is it that you had no experience of these efforts being made in England, inasmuch as you say you have been an engineer all your life?—When I left England I was very young.
2394. But have you not read of what is deemed the unprofitable character of those attempts?—I have heard that there was some considerable difficulty in working a line with three lines laid down upon it.
2395. Have you heard anything at all about Mr. Stephenson's opinion upon that subject?—I have not.
2396. You have never read his opinion?—I have not.
2397. You do not know that he condemned it?—I do not.
2398. You do not know that he condemned any such thing as an attempt to carry a narrow gauge line into a station where there was a wider gauge?—I do not.
2399. Where there is the danger of accidents?—The danger of accidents, I should think, would not be very great.
2400. Have you ever read his opinion upon that point?—I have not.
2401. Have you read the opinion of Mr. Molesworth, of Ceylon, on that point?—No.
2402. Then, all your experience is founded on what you saw in Queensland the other day—upon a 3ft. 6in. gauge line?—My knowledge of the 3ft. 6in. lines is what I saw in Queensland.
2403. Did you see any stock carried upon those lines—cattle and sheep?—I did not.
2404. What was carried upon them?—Goods and passengers.
2405. You said that you had been over the New South Wales lines. What struck you in regard to the New South Wales system of 4ft. 8½in. going over alpine countries and mountain regions—the Zig-zags, for instance—is that comparable to anything you saw in Queensland?—The works are not so heavy in New South Wales as they are in Queensland.
2406. What class of works are you referring to?—To all the works.
2407. Do you mean bridges?—Bridges, embankments, tunnels, and viaducts.
2408. Were you on the Zig-zags there?—I was. I was upon the Bowenfells.
2409. And you say the works you saw there are inferior in construction to those upon the Queensland line?—I did not say that.
2410. What did you say?—I said the works were a heavier class of works. Upon the Bowenfells they have abundance of freestone, and they have built them all of freestone. In Queensland, they have no material of that kind; they have used iron; they have imported all their material.
2411. I understand the distinction to be this, that in one case they use freestone for their material, and in the other they had to send to England for iron. Was there not something else with regard to the water-way in Queensland that necessitated that class of construction in crossing the large rivers?—Some of them; the large river I crossed at Ipswich, I forget the name of the river.
2412. Upon the 4ft. 8½in. Sydney line, going up the Zig-zag, were you not struck with that as a very superior piece of work, taking it all through?—Yes, it was well constructed.
2413. Do you know what that line cost?—I did know, but I forget it now.
2414. Was it £14,000 per mile, on the 4ft. 8½in. gauge?—I think it was considerably more than that; upon the Bowenfells I know it was considerably more than that.
2415. In comparing railways, you must have the character of the country, and of the materials that are procurable, to get at an accurate comparison?—Yes.
2416. Then, any loose estimate of per centages upon that subject would be entirely illusory, or might be so, unless it was carried out in detail by plans and sections?—No, I think it is scarcely fair to put it in that way.
2417. What else?—I made an estimate of the cost of constructing a line across the island, and I will give you those figures.
2418. That is an estimate, but from what data—was it from surveys?—From actual surveys and sections.
2419. Actually surveyed from Hobart Town to Launceston?—Yes.
2420. What would it be?—The cost of constructing it upon the 5ft. 3in. gauge would be about £9200, and the cost of constructing it upon the 3ft. 6in. gauge would be about £6500 per mile; there would be about 30 per cent. difference.
2421. Would you have any objection to state in detail in writing, for the information of the Committee, those respective figures, showing how that result was brought out?—I think I could; I will do it now if you like, I have it here.
2422. Will you be good enough to hand it in to the Committee now; I should like to have it tested; and then we can see what the materials were?—I cannot do that, because it is a confidential copy; but I can make a copy of it, and hand that in to you, and I can show you the cost of each item on the other line—the Deloraine line.
2423. Do you know anything of the proposed projected lines here?—Will you tell me what they are.
2424. From Ballarat to Ararat?—I do not.
2425. From Ballarat to Maryborough?—No.
2426. From Maryborough to Castlemaine?—I have ridden over that country.
2427. Is that anything like the country you have been speaking of between Launceston and Hobart Town for railway construction?—I cannot tell from memory, it is a considerable time since I went over that country.

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2428. You have never seen the plans, surveys, or sections?—No.
2429. From Ararat to Hamilton, do you know anything of the line of country?—I cannot speak to it.
2430. From Ballarat to Camperdown?—Nor of that.
2431. Then, practically, you could make no comparison, from the knowledge you possess of this country and from the knowledge you have got in Tasmania, as between the cost in this country and the cost of the line from Launceston to Hobart Town?—No, I could not.
2432. Have you read the evidence of other engineers given before this Committee?—I can scarcely say that I have.
2433. Or heard it?—I have been too busy to read it; I have the papers put by; I have not had time to read them for the present.
2434. Therefore, you do not know the opinion of other scientific men on the subject?—I do not.
2435. Therefore, your evidence is entirely confined to your own view, what you have seen in Queensland and Launceston?—And my knowledge of lines generally.
2436. That line from Hobart Town to Launceston is not carried out yet?—No.
2437. *By Mr Simson.*—You have told Mr. O'Shanassy that you are unacquainted with the lines about to be constructed in this colony?—Yes.
2438. You know, the lines that have been constructed?—I do.
2439. Could you give an estimate of the difference between the two upon the broad and the narrow gauge, as, knowing the lines as you do now, taking into consideration the difference of rolling stock and everything else?—You must bear in mind, that the Victorian railways were constructed at a time when labor was scarce.
2440. But I am speaking about the lines now to be constructed. You know the nature of the ground, cuttings, embankments, and so forth, that have to be made—could you tell what would be the difference, in making those lines, between the narrow and broad gauge?—I have no hesitation in saying that the line from here to Sandhurst could be made upon the narrow gauge 20 per cent. cheaper than upon the 5ft. 3in. gauge, and in saying that, I am well within the limit.
2441. What is the difference in rolling stock between the 3ft. 6in. and 5ft. 3in. gauges?—That I can scarcely tell you. I had no idea when I came here that I should be examined; it was only this evening that I was asked to come here and give evidence, and if I had had any idea that I was going to be examined, I should have telegraphed to Tasmania for all my papers and documents.
2442. Is the engineering difficulty, in construction in Tasmania, greater or less than it is in this country?—They are about the same.
2443. Are not the cuttings much heavier here?—No, we have some heavy cuttings—we have a 60ft. cutting projected.
2444. I am not speaking of the line that has been made—I know that country—I am speaking now of the line between Hobart Town and Launceston, there are no very heavy cuttings there?—No.
2445. *By Mr. Highett.*—Are you aware whether the railway in Queensland has been successful or otherwise?—From what I have read, I believe they are anything but successful. They are maintained, as I said before, at a very high cost. To go over the Queensland railways and see the way they are maintained—the ballast is held in with the curb stones, and when I went up there, there was scarcely a stone out of its place, and the side drains are all swept out; it was like a garden.
2446. Then you consider the 3ft. 6in. gauge in Queensland a failure?—No; I consider it a great success.
2447. But the railway is not a success?—Not a commercial success.
2448. Do they pay their working expenses?—I think not.
2449. What rate of speed do the railways travel at?—I will not be certain, but I think they are content with a low rate of speed; I think sixteen to eighteen miles on the average, but I travelled on one portion thirty miles.
2450. But that was merely an experiment?—I have not the time tables with me, but I think it is about eighteen miles an hour. It is difficult to retain all these matters in one's head.
2451. *By Mr. Strachan.*—As to the cost of the broad and narrow gauges; taking the proposed lines of railways in this country, have you given consideration to that subject—of the cost between the narrow and the broad gauge?—We have no narrow gauge railways here.
2452. No, but according to your view of Queensland, you say that the narrow gauge there is the gauge of the country.—Yes.
2453. Suppose the broad gauge, which would cost a certain amount of money more, would pay less than what the narrow gauge would do, the narrow gauge produces a better revenue to the country, I presume?—Yes.
2454. Suppose we were going to introduce the narrow gauge here, what saving would it be to this country in adopting the narrow gauge against the broad gauge?—I have just answered that question to another gentleman—the last question; I take twenty per cent.
2455. Upon the construction?—Upon the construction; that is, over a country that I know, assuming from Sandhurst to Melbourne, or Melbourne to Sandhurst, the difference in the cost of constructing a 3ft. 6in. gauge line over that country would be twenty per cent. less than upon the 5ft. 3in.
2456. Then why should your estimate deviate in any country whatever?—I think I have answered that question before. The difference of gauge is based upon the country that you have to traverse. If you have to traverse a very difficult country, such as I have described in Queensland, which has cost £20,000 a mile, I have no hesitation in saying that, if the portion of the line to Toowoomba had been constructed upon the 5ft. 3in. gauge, it would have cost £80,000 a mile.
2457. How does that arrive?—Because it would necessitate so much heavier works than they have at the present time. If you adopt 5ft. 3in. you must have much flatter curves for instance, and that would have brought you into gullies of some hundreds of feet deep; but on the narrow gauge, they are able to skirt round those spurs, and thereby shorten the line considerably.
2458. Then, would not you suppose that, in that country, it would make more than twenty per cent. difference—upon that particular part of the country?—According to that, if one cost £20,000 and the other £80,000, it would be 400 per cent.
2459. The more difficult the country is—I mean the engineering difficulties of the country, in passing



railways through it—would you not say that the broad gauge would be more expensive by far—more than 20 per cent. than the narrow gauge?—Certainly.

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2460. Could you give the Committee any idea of what the difference would be?—I could not tell you that, unless you supply me with plans and sections.

2461. According to the character of the country?—Exactly.

2462. Suppose you take a straight line as a twenty per cent. saving—I mean this country, for instance—take a level country, what difference would you make between a broad gauge and the narrow gauge?—I tell you, that the difference there would be perhaps ten per cent.

2463. Ten per cent. between the two gauges?—Over a perfectly level country.

2464. But where there are very steep gradients, those, of course, would make a very material difference?—Very material.

2465. With regard to these lines of railway in different localities, it may be twenty per cent. or it may be thirty per cent.?—It may be twenty or thirty, or it may be four hundred per cent. It entirely depends upon the engineering difficulties to be overcome.

2466. *By Mr. W. A. C. a'Beckett.*—Do I understand you to say, that the difference of expense between the broad gauge and the narrow gauge increases in a much greater proportion than the difficulties, that is to say—that, with the increase of difficulty, as it were, the increase in price is double?—I must say, I do not exactly catch the drift of your question.

2467. That the proportion of price between the two increases in a greater ratio, according as the difficulty of the line—is that a clear question?—No, sir; I do not quite comprehend the question.

2468. Is this it—the greater the difficulty the greater the increase in price?—Yes, of course, the greater the difficulty, the greater the proportion between the gauges.

2469. In a greater proportion on the broad than the narrow line?—Yes, certainly.

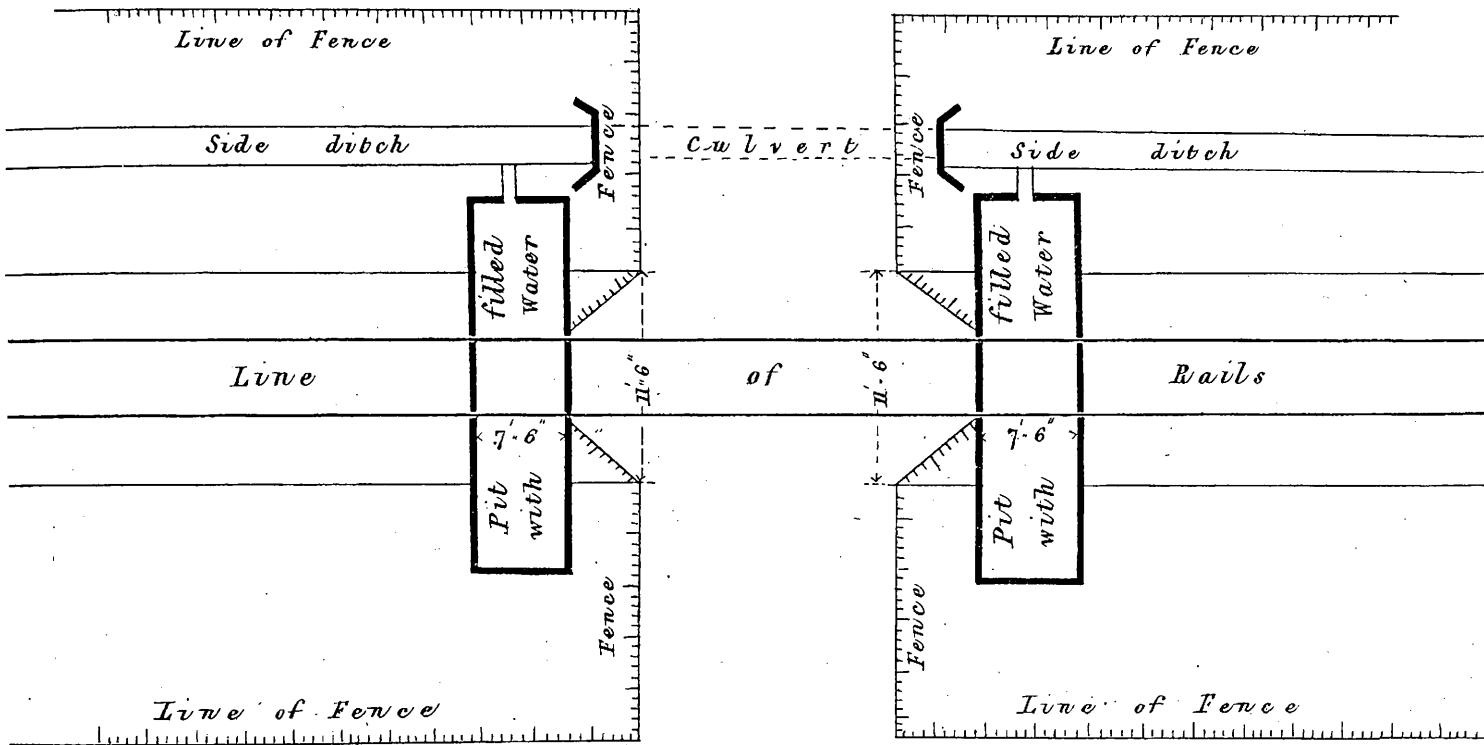
[*The witness withdrew.*]

Further returns were handed in to the Committee, showing the return of population, &c., along certain proposed lines of railway (*vide Appendix 6*), also Memo. from Mr. Fehon in reference to the probable amount of traffic which would be derived from a railway constructed from Melbourne to Sale (*vide Appendix 7*).

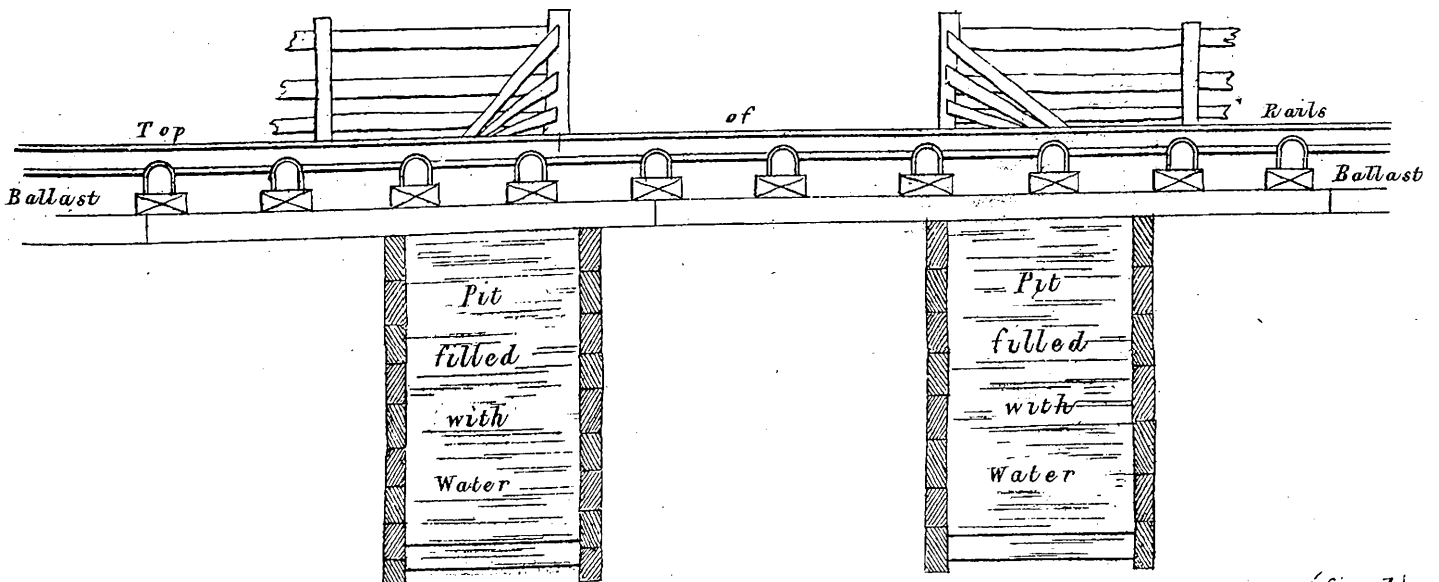




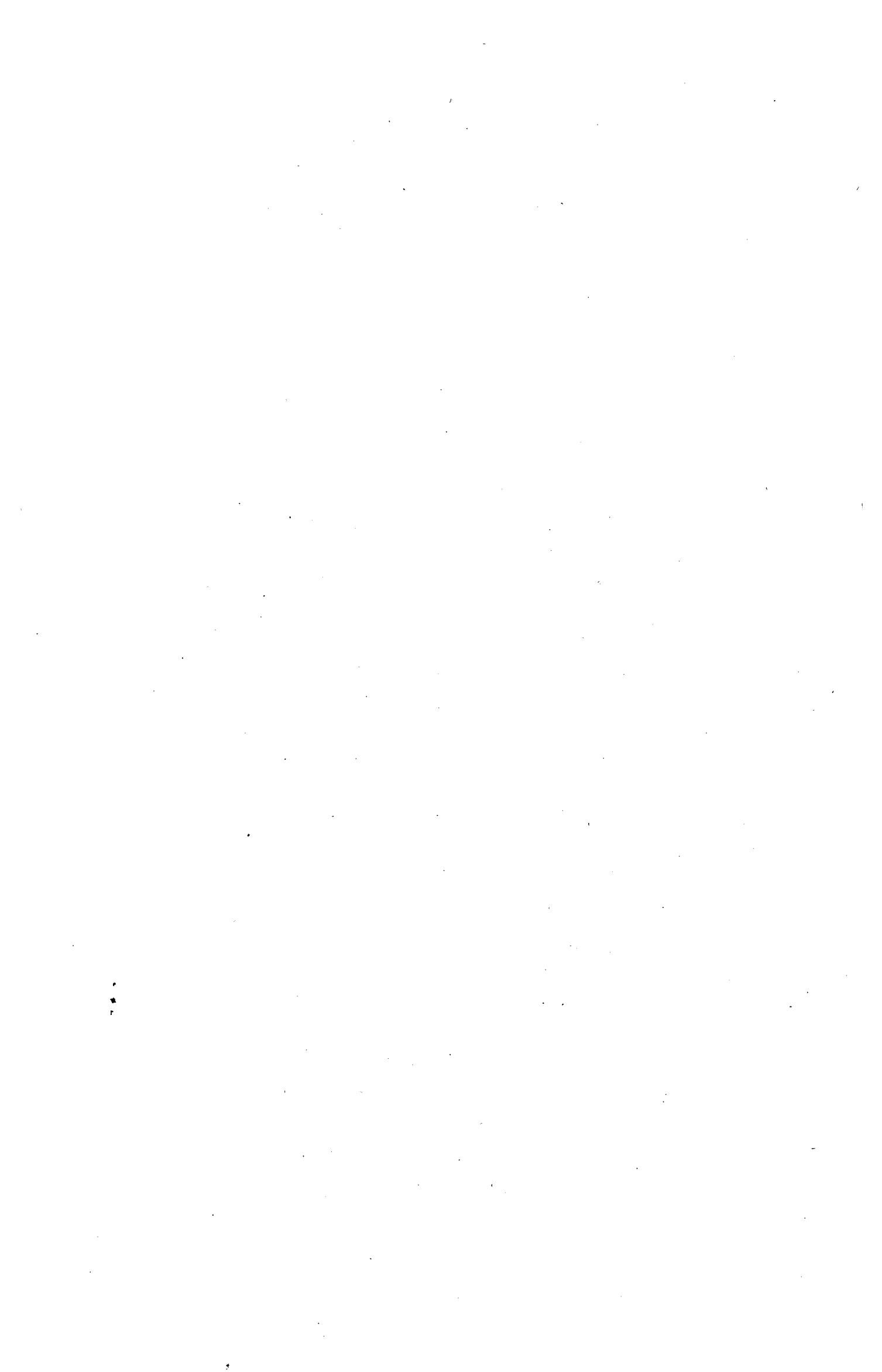
*Rough Sketch Plan of  
Level crossing without Gates or Keeper's Lodge, and which  
requires no attendant*



*Section.*



(Signed)  
W.A. Zeal  
3.5.57.



## APPENDIX 2.

DEAR SIR,

Herewith I forward two returns asked for by the Railways Committee. I have further information to supply, and will endeavour to do so to-morrow.

G. W. Rusden, Esq.

Victorian Railways, Traffic Manager's Office,  
Melbourne, 19th October, 1871.

Yours truly,  
W. M. FEHON.

P. 5 | 607.  
MEMO.

Victorian Railways, Traffic Manager's Office,  
Melbourne, 19th October, 1871.

I have the honor to report, for the information of the Committee of the Legislative Council at present sitting on the Railway Extension Bill, that the rates of cartage on goods to and from the terminal stations on the proposed extensions are as follows, viz. :—

Geelong to Colac	...	...	...	...	...	...	40s. per ton.
"    Camperdown	...	...	...	...	...	...	50s. "
Ballarat to Ararat	...	...	...	...	...	...	42s. 6d. "
"    Creswick	...	...	...	...	...	...	12s. 6d. "
"    Clunes	...	...	...	...	...	...	20s. "
"    Talbot	...	...	...	...	...	...	27s. 6d. "
"    Maryborough	...	...	...	...	...	...	35s. "
Castlemaine to Maryborough	...	...	...	...	...	...	25s. "
"    Dunolly	...	...	...	...	...	...	35s. "

G. W. Rusden, Esq.,  
Clerk of Legislative Council.

W. M. FEHON,  
Traffic Manager.

## MEMORANDUM.

To determine strictly what proportion of the net revenue of the Murray line is due to the distance between Sandhurst and Echuca, it would be necessary to affix and apportion the terminal charges for all stations, and also to analyze the traffic before any division could be made upon a mileage according to the distance carried.

This could not be done without very great labor extending over a considerable time. I am of opinion, that the net revenue of the Echuca line may be reliably estimated, and allowance made for terminals without specifying details.

The gross revenue, outwards and inwards, at all stations from Goornong to Echuca for 1870, is £117,112 15s. 5d. The intermediate traffic between these stations is inconsiderable, and upon the assumption that the whole of this was through traffic, the proportion for the Echuca line, according to mileage, would be  $\frac{56}{135}$ , or £42,040. But the Echuca line is entitled to the whole traffic between Sandhurst and Echuca, as also to half the traffic between Echuca and Woodend, and other stations according to distance. For this traffic, I consider £10,000 a fair estimate, making a total gross revenue of £52,040. I estimate the expenses at 35 per cent. on the receipts, or £18,214, leaving a net revenue of £33,826; or 5.63 per cent. upon the cost of the Echuca line, taking it roundly at £600,000.

ANTHONY PARKER MATHISON,  
Accountant.  
19 | 10 | 71.

The Traffic Manager.

## APPENDIX 3.

Railway Department (North-Eastern Line),  
Melbourne, 19th October, 1871.

## MEMO. FOR HONORABLE JOHN O'SHANASSY, M.L.C.

No quantities have yet been taken out for the line from Ararat to Stawell; but a careful examination of the section, and a comparison between it and the section of the line from Ballarat to Hamilton, *via* Beaufort and Ararat, justify me in saying, that the cost per mile would be very nearly, if not quite, the same on each, viz., £4336 per mile, or £86,720 for the 20 miles from Ararat to Stawell; *i.e.*, for 12ft. 6in. formation, 5ft. 3in. gauge, timber bridges, &c., similar to what has been called Estimate No. 5.

ROBT. WATSON,  
Resident Engineer.

## APPENDIX 4.

Railway Department (North-Eastern Line),  
Melbourne, 19th October, 1871.

## MEMO. FOR HONORABLE FRANCIS ROBERTSON.

The cost per mile of rails for a single line, exclusive of sidings, when the rails weigh 75lbs. per lineal yard, is £963 9s. 8d., and for 50lb. rails, £642 6s. 5d., the difference being £321 3s. 3d. per mile.

ROBT. WATSON,  
Resident Engineer.

## APPENDIX 5.

## MEMO. FROM MR. ELSDON.—TO BE APPENDED TO HIS EVIDENCE.

I may state that, although I consider the 5ft. 3in. gauge preferable to one of 3ft. 6in., yet, in my opinion, a 4ft. 8½in. is superior to either as regards the adaptation of rolling-stock, and as creating a similarity of gauge between the lines of this colony and those of New South Wales, which will be of great benefit when the connection takes place of the North-Eastern lines, now in course of construction, and the New South Wales railway through Riverina to Albury, which will probably be made at no distant date.

## APPENDIX 6.

RETURN OF THE POPULATION, LIVE STOCK, NUMBER OF FARMS, LAND IN CULTIVATION UNDER VARIOUS DESCRIPTIONS OF CROPS, ANNUAL AND TOTAL VALUE OF RATABLE PROPERTY, VALUE OF FARMING PLANT AND MACHINERY, AND VALUE OF IMPROVEMENTS ON FARMS, ALONG CERTAIN PROPOSED LINES OF RAILWAYS.

	Approximate Population, Census of 1871.	Value of Ratable Property.		Number of Farms.	Live Stock.				Cultivation.								Produce.					Approximate value of Farming Plant and Machinery.	Approximate value of Improvements on Farms.	
		Total.	Annual.		Horses.	Cattle.	Sheep.	Pigs.	Wheat.	Oats.	Other Cereals.	Root Crops.	Hay.	Green Forage.	Other Tillage.	Total.	Wheat.	Oats.	Other Cereals.	Root Crops.	Hay.			Wine produced.
		£	£						Acres.	Acres.	Acres.	Acres.	Acres.	Acres.	Acres.	Acres.	Bush.	Bush.	Bush.	Tons.	Tons.	Galls.	£	£
Ararat to Stawell	91,157	648,453½	79,579½	375	1,396	8,119	30,281	1,202	2,445	1,761	118	118	2,021	449	2,051	8,963	35,920	49,643	1,901	258	2,917	3,084	15,645	105,133
Ararat to Hamilton	16,840	2,687,324	332,436	1,581	7,820	29,862	1,815,877	5,124	14,608	4,723	499	1,148	5,097	4,540	5,314	35,929	66,508	90,104	5,056	2,608	6,321	1,921	52,566	632,954
Brighton to Sale ...	19,480	1,796,913	151,296	1,606	15,858	92,685	145,196	9,624	7,207	3,251	2,257	1,989	2,173	16,313	3,166	36,356	87,562	20,980	23,923	8,200	2,919	1,788	32,948	461,805

W. H. ARCHER, Registrar-General.

Registrar-General's Office,  
Melbourne, 16th October, 1871.

## APPENDIX 7.

Victorian Railways, Traffic Manager's Office,  
Melbourne, 24th October, 1871.

## MEMO. FOR THE INFORMATION OF THE COMMITTEE OF THE LEGISLATIVE COUNCIL AT PRESENT SITTING ON THE RAILWAY CONSTRUCTION BILL.

In compliance with the request of the Honorable R. S. Anderson, I have the honor to state my views in reference to the probable amount of traffic which would be derived from a railway constructed from Melbourne to Sale.

My opinion is, that a railway from Melbourne to Sale could not possibly pay more than working expenses until the facility offered, for the transport of produce, induced a considerable accession of the population along the line, as with direct water communication at low rates from Melbourne to the head of Lake Wellington (about eight miles from Sale) it would be impossible for a railway to monopolise the through traffic.

I find, from inquiry, that the present rates by steamboat, from Melbourne to within eight miles of Sale, are 6os. per ton for dead weight, and 45s. per ton for measurement goods, whilst the railway charges, if based upon the same terms as the estimates for other proposed lines, would be 63s. per ton.

The rates from Melbourne to Port Albert, by steamboat, are 25s. per ton dead weight, and 2os. per ton measurement, whilst from Port Albert to Melbourne it is but 15s. per ton for goods of any class.

Agricultural produce from Sale to Melbourne, by railway, if charged at the same rate as is at present obtained on the existing lines, would be 26s. 3d. per ton, which would be too high to command the trade, and even if a considerable proportion of the tonnage were secured, it would be very unprofitable to work, as the distance from Melbourne to Sale is 126 miles; consequently, it would require a monopoly of the traffic which could be expected from so limited a population to pay even working expenses.

I have no doubt but that some little traffic would arise about Berwick, Pakenham, and the surrounding districts, but as the distance from Melbourne is short, and the rates would be correspondingly low, it could not be looked upon as a very profitable item.

The carriage of timber and cattle would, I believe, contribute a fair revenue; but taking all the circumstances of the district into consideration, I believe I am correct in stating, that the success of a line of railway to Gippsland would depend more upon future prospects than on present resources; and in reference to this line, I may say that the fact of its terminal station being so well situated for supply by water carriage, should induce very careful consideration before it is decided to build a railway, as such works are invariably unremunerative when in competition with steamboats.

W. M. FEHON,  
Traffic Manager.

G. W. Rusden, Esq.,  
Clerk, Legislative Council.

## APPENDIX 8.

Railway Commissioner's Office,  
Public Buildings, Launceston, 28th October, 1871.

SIR,

In compliance with your request, and with the consent of the Honorable the Colonial Secretary of this colony, I have the honor to forward herewith the desired information relative to the cost of constructing a line of railway from Hobart Town to Launceston upon the 5ft. 3in. and 3ft. 6in. gauges.

In making these estimates, I desire it to be understood that I was tied to data, the feasibility of which, I am in no way answerable for.

It has since been ascertained by a re-survey that, by altering the route and by using sharper curves (5 chains), many of the engineering difficulties have been considerably lessened, and the length of the line has been shortened nearly twenty miles.

It has also been proved by an engineer of high standing, sent out expressly from England to report upon the practicability of this undertaking, that a line of railway across the island can be constructed upon the 3ft. 6in. gauge under £5000 per mile, including everything appertaining to a well equipped line of railway.

I have the honor to be, Sir,

Your obedient Servant,  
SAM. V. KEMP.

To the Honorable  
John O'Shanassy, Esq., C.M.G., M.L.C., Victoria.

COMPARATIVE ESTIMATE between the cost of a 5ft. 3in. and a 3ft. 6in. gauge railway from Hobart Town to Longford, distance 127m. 10chs. 39lks., at which point it joins the Launceston and Western line of railway, already constructed, distance 18m. 48chs. 3lks. from Launceston; making a total length of 145m. 58chs. 77lks. from Hobart Town to Launceston. The length of the macadamized road between the same points being 120 miles.

	5ft. 3in. gauge.			3ft. 6in. gauge.		
	£	s.	d.	£	s.	d.
Lands, including compensation, severance, law charges, &c., &c. ...	30,480	0	0	27,432	0	0
Fencing, four rails, on both sides of line ...	15,240	0	0	15,240	0	0
Clearing and grubbing between the fences ...	3,200	0	0	2,880	0	0
Earthworks ...	270,000	0	0	189,000	0	0
Draining ...	12,700	0	0	11,430	0	0
Culverts ...	25,400	0	0	17,780	0	0
Bridges ...	50,000	0	0	35,000	0	0
Tunnelling ...	133,000	0	0	103,000	0	0
Level crossings ...	10,000	0	0	8,000	0	0
Road diversions ...	7,620	0	0	7,620	0	0
Soiling and sowing slopes of embankments ...	11,430	0	0	9,144	0	0
Ballasting, including 7½ per cent. for sidings ...	125,580	0	0	81,627	0	0
Sleepers, ditto, ditto ...	54,600	0	0	38,220	0	0
Rails, 65lbs., ditto, ditto ...	173,355	0	0	(40lbs.) 104,013	0	0
Laying permanent way, ditto, ditto ...	27,300	0	0	23,205	0	0
Rolling stock ...	88,900	0	0	72,230	0	0
Stations, workshops, &c. ...	95,250	0	0	80,963	0	0
Engineering and supervision ...	25,400	0	0	21,590	0	0
Totals ...	£1,159,455	0	0	£848,374	0	0
	or			or		
	£9129	per	mile.	£6800	per	mile.

SAM. V. KEMP.  
28 | 10 | 71.

The following particulars of the Queensland locomotive engines have been obtained from Mr. J. F. L. Jetter, Locomotive Superintendent and Traffic Manager of the Launceston and Western Railway Company, and formerly Locomotive Superintendent of the Queensland Government Railways.

SAM. V. KEMP.  
30 | 10 | 71.

*Particulars of the Six-wheeled coupled Engines used upon the 3ft. 6in. gauge in Queensland.*

Outside cylinders, 11in. diameter by 18in. stroke.  
Boiler, 9ft. 3½in. long by 3ft. 3½in. diameter.  
Heating surface, 600 super. ft.  
Six wheels, coupled, 3ft. 3in. diameter.  
Leading wheels on Bissell Bogy, 2ft. diameter.  
Distance, centre to centre of cylinders, 4ft. 9in.  
No flange on centre pair of coupled wheels.  
Rigid wheel base, 7ft. 2in.  
Total wheel base, 10ft. 9in.  
Tender on four wheels 2ft. diameter, to contain 500 gallons of water.  
Weight of engine in steam, 20 tons.  
Weight of tender, 7½ tons.  
Duty—Will take a gross load of 70 tons up gradients of 1 in 50, or of 160 tons up a gradient of 1 in 100.

## APPENDIX 9.

SIR,

I have the honor to forward, for the use of the Committee of the Honorable the Legislative Council, a reply to the several questions on which I undertook to supply the necessary information.

Begging that you will have the goodness to lay the same before the Committee,

I have the honor to be,

G. W. Rusden, Esq.,  
Clerk of the Parliaments.

Your most obedient servant,

A. J. SKENE.

Amount expended in survey of lands now remaining open for selection or sale by auction :—4,534,000 acres, at a cost of £135,000 approximately.

A. J. SKENE.

31 | 10 | 71.

Approximate area of country over which selection and purchase are most likely to be made during the next few years :—

	ACRES.
Lands to the west and south-west of Echuca extending to the South Australian boundary	6,020,000
Lands east of Campaspe river, extending from the Murray river to the North-eastern trunk-line of railway, and lying between Seymour and Wodonga	3,140,000
Pastoral rent at present derived from lands within the above limits	£120,000
Pastoral rent at present derived from the remainder of the colony	48,000
Total Pastoral Rent	£168,000

A. J. SKENE.

31 | 10 | 71.

Total number of selections made within Hamilton district under Land Act 1869 ... .. 1395

Average number of selections per month during the last three months ... .. 103

A. J. SKENE.

31 | 10 | 71.

## APPENDIX 10.

### MEMORANDUM.

Treasury, Melbourne,  
7th November, 1871.

The particulars correspond with the books of this office, and correspond also with the statement submitted by me when giving my evidence.

I would also request attention to the circumstance, that although the Treasury is liable, as shewn in the statement, to the full extent of £782,464, there are assets representing that sum, to wit, Debentures, £250,000; and the remainder is covered by the cash balance.

Dear Sir,

Yours faithfully,

E. S. SYMONDS.

G. W. Rusden, Esq.,  
Clerk of Parliaments.

### STATEMENT of Credit Balances of Trust Fund and Special Accounts on 30th September, 1871.

Account.	Amount.
	£ s. d.
Assurance Fund	17,808 5 1
Penal Establishment Fund	3,188 16 9
Pension Fund, Sched. D, Part 5	29,084 8 4
Police Hospital Fund	101 1 9
Police Reward Fund	74,714 14 8
Trust Fund (including Savings Banks, £314,144)	424,660 9 9
Immigration Deposits	28,101 12 8
Customs Overtime Officers	300 6 0
Ditto Goods	818 6 2
Sale of Ammunition	2,761 10 3
Railway Loan Liqn. and Constn. A/c.	200,000 0 0
Suspense Cr. Account	925 6 11
	£782,464 18 4

1871.

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VICTORIA.

---

LEGISLATIVE COUNCIL.

---

SECOND REPORT

OF THE

PRINTING COMMITTEE.

---

LAD UPON THE COUNCIL TABLE BY THE HONORABLE R. S. ANDERSON AND ORDERED BY THE  
COUNCIL TO BE PRINTED, 7<sup>TH</sup> NOVEMBER, 1871.

---

By Authority:

JOHN FERRES, GOVERNMENT PRINTER, MELBOURNE.





# REPORT.

IN pursuance of the Order of Your Honorable House, your Committee have had referred to them the several Papers mentioned in the following Table, upon which your Committee beg to report, as appears by such Table :—

Title of Paper.	When moved for and by whom.	When laid on the Council Table.	By Command.	Report and Remarks of the Committee.
Statistics of the Colony of Victoria, 1870.—Part I., Blue Book	... ..	1st Aug., 1871	By Command	No order made.
Census of Victoria, 1871.—Approximate Returns	... ..	"	"	"
Education Board.—Supplement to the Report of 1870.—List of Certificated and Classified Teachers	... ..	"	"	"
University of Melbourne.—Report of the Proceedings for the year ending 31st May, 1871	... ..	"	"	"
Yackandandah—Mining operations on Reserved Lands at—authorized.—Order in Council (10th July, 1871)	... ..	"	"	"
Gold Mining Leases—Regulations relating to.—Order in Council (12th June, 1871)	... ..	"	"	"
Lands Compensation Statute, 1869—Report of proceedings under	... ..	"	"	"
Industrial and Reformatory Schools.—Inspector's Report for the year 1870	... ..	"	"	"
Public Library, Museums, and National Gallery.—Report of Trustees for year 1870-1	... ..	"	"	"
County Court Statute, 1869.—Amended scale of Costs and Fees (7th July, 1871)	... ..	"	... ..	"
Mining Lease, Form of, altered.—Order in Council (18th July, 1871)	... ..	8th Aug., 1871	By Command	"
Melbourne Sewers and Water Supply—Cash-sheet and Balance-sheet for year ending 31st December, 1870	... ..	"	... ..	"
Beaufort, Land at, excepted from Mining Operations.—Order in Council (24th July, 1871)	... ..	15th Aug., 1871	By Command	"
Yackandandah.—Mining Operations authorized on Reserved Lands at, authorized.—Order in Council (31st July, 1871)	... ..	"	"	"
Mining Surveyors and Registrars—Reports of, for Quarter ending 30th June, 1871	... ..	"	"	"
Festiniog Railway—Report on, by Director-General of Ceylon Railway (24th March, 1871)	... ..	"	"	"
Observatory.—Seventh Report of Board of Visitors	... ..	"	"	"
Statistics of Victoria, 1870.—Part II.—Population	... ..	"	"	"
Public Worship—Regulations respecting (28th June, 1871)	... ..	"	... ..	"
Insolvency Statute, 1871.—Further Rules of Supreme Court (2nd August, 1871)	... ..	"	... ..	"
Coliban and Geelong Schemes of Water Supply—Report on, by Lieut.-Col. R. H. Sankey, R.E. (11th August, 1871)	... ..	22nd Aug., 1871	By Command	"
Statistics of Colony of Victoria, 1870—Part III.—Finance, &c.	... ..	"	"	"
Aborigines—Seventh Report of Board for Protection of	... ..	"	"	"

Title of Paper.	When moved for and by whom.	When laid on the Council Table.	By Command.	Report and Remarks of the Committee.
Daylesford—Mining on Reserved Lands at—authorized.—Order in Council (7th August, 1871)	...	29th Aug., 1871	By Command	No order made.
Gippsland Mining District—Polling Places altered.—Order in Council (7th August, 1871)	... ..	"	"	"
Gippsland Mining District—Fees of Mining Registrars presented.—Order in Council (7th August, 1871)	... ..	"	"	"
Message from His Excellency the Governor, transmitting copy of a Despatch from the Right Honorable the Secretary of State with reference to the Discipline Act 1870	... ..	31st Aug., 1871	"	"
Message from His Excellency the Governor forwarding Regulations for the Supply of British Silver Coinage to the Colonies	... ..	"	"	"
Message from His Excellency the Governor with reference to the proposal of several of the Australasian Colonies to conclude agreements for reciprocal Tariff advantages	... ..	"	"	"
Errata in Report of Lieut.-Col. Sankey, in "Report on the Coliban and Geelong Schemes of Water Supply."	... ..	5th Sep., 1871	"	"
Report of Lieut.-Col. Sankey on the Cost of so far completing the Coliban Waterworks as to provide for the delivery of seven millions of gallons per diem to Sandhurst and Castlemaine (2nd September, 1871)	... ..	"	"	"
Lunatic Asylums—Return of Inspector of—for six months ending 30th June, 1871	... ..	12th Sep., 1871	"	"
Stony Creek Reservoir—Reply of Lieut.-Col. Sankey, R.E., to questions relating to (5th September, 1871)	... ..	"	"	"
Statistics of Colony of Victoria, 1870.—Part IV.—Accumulation	... ..	"	"	"
Mining under Malmsbury Reservoir, site authorized.—Order in Council (28th August, 1871)	... ..	19th Sep., 1871	"	"
Mining under Malmsbury Reservoir, site authorized.—Order in Council (28th August, 1871)	... ..	"	"	"
Mining under Railway Reserve, Sandhurst District, authorized.—Order in Council (28th August, 1871)	... ..	"	"	"
Mining under Railway Reserve, Sandhurst District, authorized.—Order in Council (28th August, 1871)	... ..	"	"	"
Mining under Railway Reserve, Sandhurst District, authorized.—Order in Council (28th August, 1871)	... ..	"	"	"
Mining under Railway Reserve, Sandhurst District, authorized.—Order in Council (28th August, 1871)	... ..	"	"	"
Mining under Railway Reserve, Sandhurst District, authorized.—Order in Council (28th August, 1871)	... ..	"	"	"
Mining under Railway Reserve, Sandhurst District, authorized.—Order in Council (28th August, 1871)	... ..	"	"	"
Mining under Railway Reserve, Sandhurst District, authorized.—Order in Council (4th September, 1871)	... ..	"	"	"
Mining under Railway Reserve, Sandhurst District, authorized.—Order in Council (4th September, 1871)	... ..	"	"	"

Title of Paper.	When moved for and by whom.	When laid on the Council Table.	By Command.	Report and Remarks of the Committee.
Mining under Railway Reserve, Sandhurst District, authorized.—Order in Council (4th September, 1871)	... ..	19th Sep., 1871	By Command	No order made.
Mining under Railway Reserve, Sandhurst District, authorized.—Order in Council (4th September, 1871)	... ..	"	"	"
Mining under Railway Reserve, Sandhurst District, authorized.—Order in Council (4th September, 1871)	... ..	"	"	"
Mining under Railway Reserve, Sandhurst District, authorized.—Order in Council (28th August, 1871)	... ..	"	"	"
Geelong Water Supply.—Report from Chief Engineer on bringing Water from Stony Creek to Junction of Anakie Gap, with Remarks by Lieut.-Col. Sankey, R.E.	... ..	"	"	"
Library—Joint—Committee, Report of ...	... ..	"	... ..	"
Corrigenda to Orders in Council relative to Mining under Railway Reserve, Sandhurst (12th September, 1871)	... ..	26th Sep., 1871	By Command	"
Mining under Railway Reserve, Sandhurst District, authorized.—Order in Council (11th September, 1871)	... ..	"	"	"
Education—General Regulations of Board of.—Rules for distribution of Special Vote for Exhibitions	... ..	4th Oct., 1871	"	"
Mining under Railway Reserve, Sandhurst District, authorized.—Order in Council (18th September, 1871)	... ..	"	"	"
Mining in Malmsbury Reservoir Reserve, authorized.—Order in Council (18th September, 1871)	... ..	"	"	"
Mining in Railway Reserve, Castlemaine District, authorized.—Order in Council (18th September, 1871)	... ..	"	"	"
Mining under Railway Reserve, Castlemaine District, authorized.—Order in Council (18th September, 1871)	... ..	"	"	"
Occupation of Water Reserve, Sandhurst, for Mining purposes, authorized.—Orders in Council (18th September, 1871)	... ..	"	"	"
Immigration Regulations under Act 27 Victoria, No. 195 (6th October, 1871)	... ..	10th Oct., 1871	"	"
Insolvency—Court of—altered Rules (6th October, 1871)	... ..	"	"	"
Intercolonial Conference of 1871—Report ...	... ..	"	"	"
Telegraphic Messages on Sundays.—Charges (29th September, 1871)	... ..	"	"	"
Mining on Railway Reserve, Sandhurst District.—Order in Council (2nd October, 1871)	... ..	11th Oct., 1871	"	"
Mining on Railway Reserve, Sandhurst, authorized.—Order in Council (25th September, 1871)	... ..	"	"	"
Mining under Railway Reserve, Castlemaine, authorized.—Order in Council (25th September, 1871)	... ..	"	"	"
Mining under Railway Reserve, Castlemaine, authorized.—Order in Council (25th September, 1871)	... ..	"	"	"
Mining under Railway Reserve, Castlemaine, authorized.—Order in Council (25th September, 1871)	... ..	"	"	"

Title of Paper.	When moved for and by whom.	When laid on the Council Table.	By Command.	Report and Remarks of the Committee.
Mining under Railway Reserve, Castlemaine, authorized.—Order in Council (25th September, 1871)	... ..	11th Oct., 1871	By Command	No order made.
Mining under Railway Reserve, Castlemaine, authorized.—Order in Council (25th September, 1871)	... ..	"	"	"
Discipline Act, 1870—Regulations under (2nd October, 1870) : Torpedo and Telegraph Corps—Rules for (25th September, 1870)	... ..	19th Oct., 1871	"	"
Railway Reserve, Sandhurst District—Mining on, authorized.—Order in Council (6th October, 1871)	... ..	"	"	"
Sewerage of Melbourne and Suburbs—Progress Report of Board (20th October, 1871)	... ..	24th Oct., 1871	"	"
Foreign Industries and Forests—Progress Report of Royal Commission	... ..	"	"	"
Coal Fields, Western Port.—Progress Report of Board (16th October, 1871)	... ..	"	"	"
Intercolonial Legislation—High Court of Appeal—Despatch from the Right Honorable the Secretary of State for the Colonies, with Enclosures (8th August, 1871)	... ..	26th Oct., 1871	"	"
Mining on Railway Reserve, Sandhurst District, authorized.—Order in Council (16th October, 1871)	... ..	1st Nov., 1871	"	"
Mining on Malmsbury Reservoir Reserve, authorized.—Order in Council (16th October, 1871)	... ..	"	"	"
Savings Banks.—Returns for year ending 30th June, 1871	... ..	"	"	"

ROBERT S. ANDERSON,  
Chairman.

Committee Room, Parliament Houses,  
7th November, 1871.

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WINE, BEER, AND SPIRITS SALE STATUTE  
AMENDMENT BILL.

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PETITION.

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ORDERED BY THE LEGISLATIVE COUNCIL TO BE PRINTED, 1ST NOVEMBER, 1871.

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TO THE HONORABLE THE PRESIDENT AND MEMBERS OF THE LEGISLATIVE COUNCIL OF THE COLONY OF VICTORIA,  
IN PARLIAMENT ASSEMBLED.

The Petition of the undersigned Licensed Victuallers residing in the city of Melbourne and its  
neighbourhood:

HUMBLY SHEWETH—

That your Petitioners have learned with surprise that a Bill has been introduced into your Honorable House, intituled "*A Bill to amend the Laws relating to the sale of Wine, Beer, and Spirits,*" which materially affects their interests and liberties.

That, by one of the clauses in the said Bill, it is proposed to enact that "If any person the holder of a licence shall within a period of twelve months be twice convicted of any offence against the provisions of the Statute No. CCXXVII, the Act No. CCCXC, or of this Act, the licensing magistrates may if they or the majority of them think fit declare and adjudge the licence of the person so convicted and of his licensed house to be forfeited, and the same shall thereupon be void. If any person whose licence has been forfeited shall by himself, servant, or agent, keep any licensed house or have any interest of any kind whatsoever in any licensed house for or within the period of twelve months after such forfeiture, the person so offending shall on conviction of the said offence be liable to imprisonment for any period not exceeding three months; and if any person shall aid assist or abet any person whose licence has been forfeited in the commission of the offence created by this section, he shall on conviction be liable to a penalty of not less than Ten pounds nor more than Twenty pounds, or to imprisonment for any period not exceeding three months."

That, should the said Bill become law, every licensee would be subject to financial ruin and deprivation of his personal liberty, not on account of any act of his own, but from a multitude of reasons, such as inadvertence of servants, &c.

That your Petitioners are most anxious to have the laws affecting the sale of liquors amended in such a manner as will be satisfactory both to your Petitioners and the public.

That your Petitioners learn that a full and comprehensive measure will be laid before Parliament early next session, when all questions affecting your Petitioners will be fully discussed, and your Petitioners hope definitely settled.

That, in the opinion of your Petitioners, should the present Bill be passed into law, great injustice would be inflicted on the members of the trade to which your Petitioners belong.

Your Petitioners, therefore, humbly pray that your Honorable House will be pleased to reject the said Bill, and to postpone legislation on the subject until a comprehensive and exhaustive measure can be laid before Parliament.

And your Petitioners will ever pray, &c.

[Here follow 549 signatures.]

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# MINING COMPANIES LAW AMENDMENT BILL.

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## P E T I T I O N .

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ORDERED BY THE LEGISLATIVE COUNCIL TO BE PRINTED, 8TH NOVEMBER, 1871.

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TO THE HONORABLE THE PRESIDENT AND MEMBERS OF THE LEGISLATIVE COUNCIL OF THE COLONY OF VICTORIA.

The Petition of the Mining Board of the Mining District of Ballarat—

HUMBLY SHEWETH—

That, in the opinion of your Petitioners, the Bill before your Honorable House “for the Incorporation, Regulation, and Winding-up of Mining Companies,” should be amended in the following particulars:—

*Reference to Clauses of Bill.*

Clauses 6, 10, 16, 23, and 45.—That the Registration or Incorporation of Companies should be effected by the Clerks of Courts of Mines, as at present; and, if necessary, such clerks should be for the purpose appointed deputies of the Registrar-General. The objections to the registrations being made in the office of the Registrar-General in Melbourne, are the extra expense of registration, and the greater expense and inconvenience attending the inspection and production of documents connected with such registration. The words “operations are being carried on,” in the 16th and 17th lines of clause 6, should read “registered office is situated”.

Clause 7 and Schedule 2.—That the “occupations” of shareholders should be omitted, because the actual occupations are very seldom correctly given; and the manager, as a rule, has no means of knowing whether the occupations are correctly stated in the memorial.

Clause 13.—That the words “forty-one,” should read “forty-four.”

Clause 14.—That service of a notice by passing it through the slit in the door should not be restricted to the office hours; because, unless the office hours be notified in such a manner that the persons making the service may know them, he will not know when the service can be properly made in that manner.

Clause 15.—That the words “or manager,” should be omitted; because, if service, to be good, must be made at the company’s office, it would be the same whether or not the company have a manager, if it have no office.

Clause 23.—That the depositing of the books should be permissive, not compulsory, because it is frequently most difficult for a manager to tell whether the company has absolutely ceased to carry on, or simply suspended business. In very many cases when a company ceases to carry on business it is expected that it will shortly resume, and in some cases it does so resume after a very long suspension. It would be a great hardship to have to send the books, &c., to the Registrar-General if there was a probability of the company resuming business; and yet, in view of the penalty in clause 135, it would be dangerous for a manager to retain them. The latter part of the clause does not correspond with the provisions respecting the Registrar-General.

Clause 25.—That the matter of the directors’ reports should be left to be dealt with in the rules of the respective companies. Some companies prefer that the report should be made up to the very day of the meeting, so as to obtain the latest information.

Clauses 27, 28, &c.—That shares should be deemed to be transferred, and transferror should be freed from further responsibility (except as a past shareholder) as soon as the scrip shall have been actually and properly deposited with and received by the manager for transfer.

Clause 31.—That any person relinquishing a share in a company should be required to pay, in addition to the calls due upon such share, his fair proportion of the then existing liabilities of the company; and the amount so paid should be placed to the credit of the capital represented by such share.

Clause 44.—That the power to increase the capital is usually exercised before the capital is exhausted, so as to prevent a suspension of business. If a company cannot increase its capital until the capital is exhausted, then, unless funds for carrying on the works be obtained from another source, such works must stop until the increased capital shall be available. There does not appear to be any good reason for preventing the increase of the capital in anticipation of the requirements of the company before the capital has been exhausted. The capital should, in no case, be increased “by increasing the amount payable in respect of each share” without the express consent of every shareholder, because, if it be, there is practically no limit to the shareholders’ liability.

Clause 49.—That companies, having no unpaid capital, but having valuable assets, may require to give bills of exchange or make promissory notes; and there does not appear any good reason why such companies should not enjoy the same privilege as those that have merely unpaid capital.

Clause 51.—That the provision for the making of all calls payable on a certain fixed day is a very valuable one, if a day could be fixed upon that would be suitable to all the companies; but as most companies have now adopted the practice that no further call shall be made until the previous one shall have been paid, or the shares forfeited and sold, it would not be possible, in view of the provisions in clauses 55 and 56, to adhere to that practice and yet to make monthly calls. If calls are payable only on one day in each month, and if they cannot be made payable on that particular day, they would not be payable till that day month, which would involve a lapse of two months between the calls.

Clause 57.—That the words in parenthesis should be omitted, as it is almost impossible either to give the notice or to prove the giving of it.

Clause 59.—That the quorum should be the same as that provided in clause 44.

Clause 124.—That "Part III." should read "Part IV."

Clause 125.—That existing companies should be permitted to remain under the present Act, if they prefer to do so; because, in some cases, their deeds of association would not be suitable if brought under the operation of the proposed Act.

Clause 136.—That paragraph (IV.) should be omitted, because the manager in very many cases will not know when the company will be deemed to have ceased to carry on business, and he might, without the slightest intention of wrong doing, become guilty of a misdemeanor.

Your Petitioners therefore humbly and earnestly pray that your Honorable House will, in its wisdom, be pleased to give to this petition its favorable consideration, and will grant the prayer thereof.

And your Petitioners, as in duty bound will ever pray, &c.

EDWARD J. CROKER,

Chairman for and on behalf of the Mining Board of the  
Mining District of Ballarat.



VICTORIA



VOTES

AND

PROCEEDINGS

OF THE

LEGISLATIVE

COUNCIL

SESSION

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