

VIC. MINUTES OF THE PROCEEDINGS OF THE LEG. COUNCIL. SESS. 1904.



COUNCIL
CHAMBER

VICTORIA.



MINUTES OF THE PROCEEDINGS

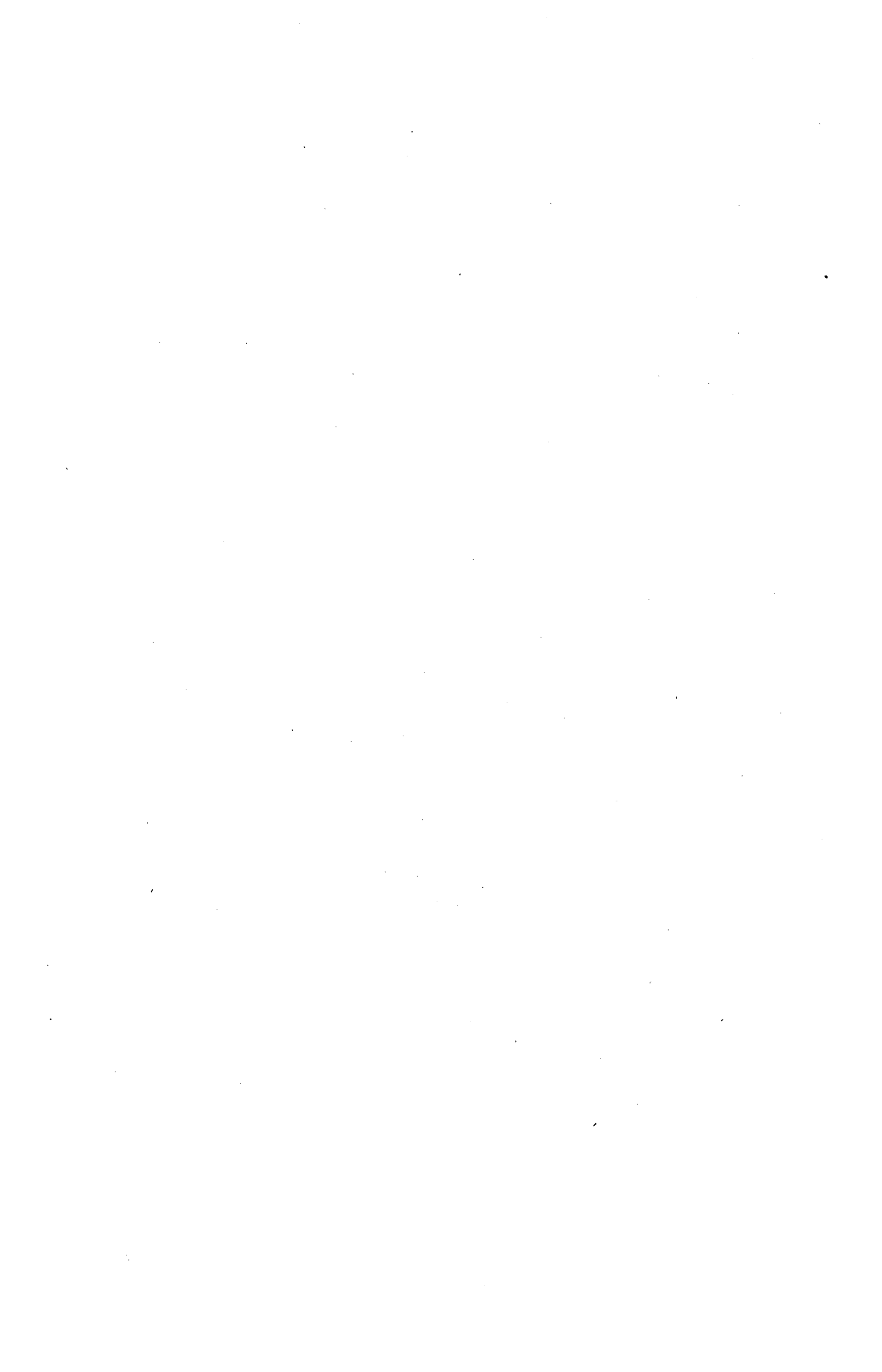
OF THE

LEGISLATIVE COUNCIL.

SESSION 1904.

By Authority:

ROBT. S. BRAIN, GOVERNMENT PRINTER, MELBOURNE.



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TO THE 10th MAY, 1904, WHEN THE LEGISLATIVE COUNCIL WAS DISSOLVED
UNDER THE PROVISIONS OF "THE CONSTITUTION ACT 1903," No. 1864.

Provinces and Members.	Elected at—		Dates of Retirement.	Remarks.
	Nomination.	Polling.		
MELBOURNE PROVINCE :				
No. of Electors, 13,996. No. of Members, 4.				
The Honorables—				
William Cain	21 Feb. 1903	...	1908	Elected in place of Hon. R. Reid, resigned.
Sir Arthur Snowden	31 Aug. 1901	...	1907	Retired by rotation, and re-elected.
John Mark Davies	20 June 1902	...	1906	Vacated seat by accepting office of Solicitor-General; re-elected.
Cornelius Job Ham	26 Aug. 1898	...	1904	Retired by rotation, and re-elected.
NORTH YARRA PROVINCE :				
No. of Electors, 9,218. No. of Members, 3.				
The Honorables—				
William Pitt	29 Aug. 1902	...	1908	Retired by rotation, and re-elected.
Frederick Sheppard Grimwade	1 Sept. 1900	...	1906	Retired by rotation, and re-elected.
Nathaniel Levi	26 Aug. 1898	...	1904	Retired by rotation, and re-elected.
SOUTH YARRA PROVINCE :				
No. of Electors, 13,671. No. of Members, 4.				
The Honorables—				
Thomas Henry Payne	29 Aug. 1902	...	1908	Retired by rotation, and re-elected.
George Godfrey	31 Aug. 1901	...	1907	Retired by rotation, and re-elected.
Edward Miller	1 Sept. 1900	...	1906	Retired by rotation, and re-elected.
Thomas Luxton	12 Dec. 1903	...	1904	Elected in place of Hon. F. E. Smith, resigned.
SOUTHERN PROVINCE :				
No. of Electors, 11,036. No. of Members, 3.				
The Honorables—				
Thomas Brunton	29 Aug. 1902	...	1908	Retired by rotation, and re-elected.
Sir Rupert Turner Havelock Clarke, Bart.	1 Sept. 1900	...	1906	Retired by rotation, and re-elected.
Donald Melville	19 Dec. 1899	...	1904	Vacated seat by accepting office of Minister of Defence; re-elected.
SOUTH-WESTERN PROVINCE :				
No. of Electors, 7,233. No. of Members, 3.				
The Honorables—				
Thomas Charles Harwood	29 Aug. 1902	...	1908	Retired by rotation, and re-elected.
Sidney Austin	1 Sept. 1900	...	1906	Retired by rotation, and re-elected.
Sir Henry John Wrixon, K.C.M.G., K.C.	26 Aug. 1898	...	1904	Retired by rotation, and re-elected. Elected President, 18th June, 1901.
NELSON PROVINCE :				
No. of Electors, 5,922. No. of Members, 3.				
The Honorables—				
Hans William Henry Irvine	29 Aug. 1902	...	1908	Retired by rotation, and re-elected.
Steuart Gladstone Black	30 Mar. 1901	...	1906	Elected in place of Hon. W. H. S. Osmand, deceased.
Thomas Dowling	26 Aug. 1898	...	1904	Retired by rotation, and re-elected.
WESTERN PROVINCE :				
No. of Electors, 6,451. No. of Members, 3.				
The Honorables—				
Alexander Magnus MacLeod	12 Dec. 1903	...	1908	Elected in place of Hon. A. Wynne, resigned, but was not sworn in.
Walter Synnot Manifold ... ..	...	25 June 1901	1906	Elected in place of Hon. S. W. Cooke, resigned.
Robert Blackwood Ritchie	21 Mar. 1903	...	1904	Elected in place of Hon. N. Thornley, deceased.
NORTH-WESTERN PROVINCE :				
No. of Electors, 11,682. No. of Members, 4.				
The Honorables—				
Richard Bloomfield Rees	12 Dec. 1903	...	1908	Elected in place of Hon. H. Williams, resigned.
Joseph Major Pratt	31 Aug. 1901	...	1907	Retired by rotation, and re-elected.
James Bell	1 Sept. 1900	...	1906	Retired by rotation, and re-elected.
Thomas Comrie	26 Aug. 1898	...	1904	Retired by rotation, and re-elected.

MEMBERS OF THE LEGISLATIVE COUNCIL—*continued.*

Provinces and Members.	Elected at—		Dates of Retirement.	Remarks.
	Nomination.	Polling.		
NORTHERN PROVINCE :				
No. of Electors, 8,284. No. of Members, 4.				
The Honorables—				
William Lawrence Baillieu ...	29 Aug. 1902	...	1908	Retired by rotation, and re-elected.
George Simmie ...	31 Aug. 1901	...	1907	Retired by rotation, and re-elected.
Joseph Sternberg ...	1 Sept. 1900	...	1906	Retired by rotation, and re-elected.
Joseph Henry Abbott ...	26 Aug. 1898	...	1904	Retired by rotation, and re-elected.
WELLINGTON PROVINCE :				
No. of Electors, 8,233. No. of Members, 4.				
The Honorables—				
Sir Henry Cuthbert, K.C.M.G., K.C.	29 Aug. 1902	...	1908	Retired by rotation, and re-elected.
Edward Morey ...	31 Aug. 1901	...	1907	Retired by rotation, and re-elected.
David Ham ...	1 Sept. 1900	...	1906	Retired by rotation, and re-elected.
John Young McDonald ...	26 Aug. 1898	...	1904	Elected in place of Hon. T. D. Wanliss, who retired by rotation.
NORTH CENTRAL PROVINCE :				
No. of Electors, 5,380. No. of Members, 3.				
The Honorables—				
Nicholas FitzGerald ...	29 Aug. 1902	...	1908	Retired by rotation, and re-elected. Appointed Chairman of Committees, 16th September, 1903.
William Blair Gray ...	...	25 June 1901	1906	Elected in place of Hon. Sir W. A. Zeal, K.C.M.G., resigned.
Dr. William Henry Embling ...	26 Aug. 1898	...	1904	Retired by rotation, and re-elected.
NORTH-EASTERN PROVINCE :				
No. of Electors, 9,267. No. of Members, 3.				
The Honorables—				
William Orr ...	29 Aug. 1902	...	1908	Retired by rotation, and re-elected.
Arthur Otto Sachs ...	18 Sept. 1903	...	1906	Vacated seat by accepting office of Minister of Public Instruction; re-elected.
Willis Little ...	6 Aug. 1903	...	1904	Elected in place of Hon. F. Brown, deceased.
GIPPSLAND PROVINCE :				
No. of Electors, 9,728. No. of Members, 4.				
The Honorables—				
Samuel Vary ...	12 Dec. 1903	...	1908	Elected in place of Hon. W. McCulloch, resigned.
Joseph Hoddinott ...	31 Aug. 1901	...	1907	Retired by rotation, and re-elected.
William Pearson ...	1 Sept. 1900	...	1906	Retired by rotation, and re-elected.
Edward Jolley Croke ...	26 Aug. 1898	...	1904	Retired by rotation, and re-elected.
SOUTH-EASTERN PROVINCE :				
No. of Electors, 13,986. No. of Members, 3.				
The Honorables—				
James Balfour ...	29 Aug. 1902	...	1908	Retired by rotation, and re-elected.
James Callender Campbell ...	1 Sept. 1900	...	1906	Retired by rotation, and re-elected.
Duncan Elphinstone McBryde ...	13 June, 1901	...	1904	Elected in place of Hon. W. Knox, resigned.
Total No. of Electors, 134,087.				

GEORGE H. JENKINS,
Clerk of the Parliaments.

Legislative Council,
Melbourne, 10th May, 1904.

MEMBERS OF THE LEGISLATIVE COUNCIL

DURING THE PERIOD FROM 1ST JUNE, 1904 (THE DATE OF FIRST GENERAL ELECTION HELD UNDER ACT No. 1864) TO 31ST DECEMBER, 1904.

Names of Provinces and Members.	Elected at—		Dates of Retirement.	Remarks.
	Nomination.	Polling.		
Each Province returns two Members.				
METROPOLITAN.				
EAST YARRA :				12,898 Electors.
The Honorables—				
James Balfour .. ..	..	1 June, 1904 ..	1910	
Edward Miller .. ..	..	1 June, 1904 ..	1907	
MELBOURNE :				13,408 Electors.
The Honorables—				
William Cain	24 May, 1904..	..	1910*	
John Mark Davies ..	24 May, 1904..	..	1907*	
MELBOURNE EAST :				10,901 Electors.
The Honorables—				
William Pitt .. ..	..	1 June, 1904 ..	1910	
Adam McLellan .. ..	..	1 June, 1904 ..	1907	
MELBOURNE NORTH :				11,781 Electors.
The Honorables—				
Donald Melville .. ..	..	1 June, 1904 ..	1910	
Frank Stuart .. ..	..	1 June, 1904 ..	1907	
MELBOURNE SOUTH :				12,838 Electors.
The Honorables—				
Thomas Henry Payne ..	..	1 June, 1904 ..	1910	
Thomas Luxton .. ..	..	1 June, 1904 ..	1907	
MELBOURNE WEST :				12,420 Electors.
The Honorables—				
John George Aikman ..	..	1 June, 1904 ..	1910	
William Haslam Edgar ..	..	1 June, 1904 ..	1907	
COUNTRY.				
BENDIGO :				8,910 Electors.
The Honorables—				
Joseph Sternberg .. ..	..	1 June, 1904 ..	1910	
William Blair Gray ..	..	1 June, 1904 ..	1907	
succeeded by				
Joseph Henry Abbott ..	13 Aug., 1904..	..	1907	Elected in place of Hon W. B. Gray, deceased.
succeeded by				
Alfred Hicks .. ..	..	12 Dec. 1904 ..	1907	Elected in place of Hon. J. H. Abbott, deceased. Not sworn in owing to Prorogation of Parliament.
GIPPSLAND :				9,151 Electors.
The Honorables—				
Edward Jolley Crooke ..	..	1 June, 1904 ..	1910	
William Pearson .. ..	..	1 June, 1904 ..	1907	
NELSON :				7,467 Electors.
The Honorables—				
Hans William Henry Irvine ..	..	1 June, 1904 ..	1910	
James Drysdale Brown ..	..	1 June, 1904 ..	1907	
NORTHERN :				8,436 Electors.
The Honorables—				
William Lawrence Baillieu ..	24 May, 1904..	..	1910*	
Martin Cussen	24 May, 1904..	..	1907*	

* No contest having taken place, the dates of retirement were determined by lot. See Minutes of the Proceedings of the Legislative Council, 2nd August, 1904.

MEMBERS OF THE LEGISLATIVE COUNCIL—*continued.*

Names of Provinces and Members.	Elected at—		Dates of Retirement.	Remarks.
	Nomination.	Polling.		
Each Province returns two Members.				
COUNTRY—<i>continued.</i>				
NORTH-EASTERN :				8,757 Electors.
The Honorables—				
Arthur Otto Sachse ..	24 May, 1904..	..	1910*	
Willis Little ..	24 May, 1904..	..	1907*	
NORTH-WESTERN :				9,504 Electors.
The Honorables—				
Richard Bloomfield Rees ..	..	1 June, 1904 ..	1910	
Joseph Major Pratt ..	..	1 June, 1904 ..	1907	
SOUTHERN :				9,210 Electors.
The Honorables—				
Dr. William Henry Embling	24 May, 1904..	..	1910*	
Nicholas FitzGerald ..	24 May, 1904..	..	1907*	
SOUTH-EASTERN :				10,037 Electors.
The Honorables—				
James Callender Campbell	24 May, 1904..	..	1910*	
Duncan Elphinstone McBryde	24 May, 1904..	..	1907*	
SOUTH-WESTERN :				8,716 Electors.
The Honorables—				
Thomas Charles Harwood	24 May, 1904..	..	1910*	
Sir Henry John Wrixon, K.C.M.G., K.C.	24 May, 1904..	..	1907*	
WELLINGTON :				8,973 Electors.
The Honorables—				
Sir Henry Cuthbert, K.C.M.G., K.C.	..	1 June, 1904 ..	1910	
John Young McDonald ..	..	1 June, 1904 ..	1907	
WESTERN :				9,088 Electors.
The Honorables—				
Walter Synnot Manifold ..	24 May, 1904..	..	1910*	
Robert Blackwood Ritchie	24 May, 1904..	..	1907*	
Representative of Public Officers and Railways Officers.				
The Honorable—				5,696 Electors.
William John Evans ..	..	1 June, 1904 ..	1910	

* No contest having taken place, the dates of retirement were determined by lot. See Minutes of the Proceedings of the Legislative Council, 2nd August, 1904.

GEORGE H. JENKINS,
Clerk of the Legislative Council.

Legislative Council,
Melbourne, 31st December, 1904.

I N D E X .

LEGISLATIVE COUNCIL OF VICTORIA.

FIRST SESSION

OF THE

TWENTIETH PARLIAMENT.

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Read a second time and committed; considered in Committee and reported without amendment; report considered and adopted; Bill read the third time and passed, 3rd November, p. 116. (Assented to 8th November. Act No. 1935.)

ALEXANDRA PARK BILL.—Bill intituled "*An Act to provide for vesting certain Land on the South of the Yarra Yarra River in the Board of Land and Works and the City of Melbourne jointly for the purposes of a Public Park.*"—(Hon. A. O. Sachse.)—Brought from the Legislative Assembly and read a first time, 28th September, 1904, p. 77.

Read a second time and committed; considered in Committee and reported with an amendment; report, by leave, considered and adopted; Bill read the third time and passed, 8th November, p. 121.

Message from the Assembly notifying their agreement to the amendment of the Council, 15th November, p. 125. (Assented to 22nd November. Act No. 1937.)

APPROPRIATION BILL.—Bill intituled "*An Act to apply a sum out of the Consolidated Revenue to the service of the year ending on the thirtieth day of June One thousand nine hundred and five and to appropriate the Supplies granted in this Session of Parliament.*"—(Hon. J. M. Davies.)—Brought from the Legislative Assembly and read a first time, 16th November, 1904, p. 127.

Read a second time and committed; considered in Committee and reported without amendment; report considered and adopted; Bill read the third time and passed, 17th November, p. 133. (Assented to 30th November. Act No. 1960.)

ARTIFICIAL MANURE BILL.—Bill intituled "*An Act to amend the Law relating to the Sale of Artificial Manure.*"—(Hon. W. Pitt.)—Brought from the Legislative Assembly and read a first time, 11th October, 1904, p. 94.

Read a second time and committed; considered in Committee and reported with amendments; report, by leave, considered and adopted; Bill read the third time and passed, 20th October, p. 103.

Message from the Assembly notifying their agreement to the amendments of the Council, 26th October, p. 107. (Assented to 8th November. Act No. 1930.)

BALLARAT WATER COMMISSION BILL.—Bill intituled "*An Act to ratify an Indenture made between the Ballarat Water Commissioners, the Governor of the State of Victoria, and the Board of Land and Works.*"—(Hon. J. M. Davies.) Brought from the Legislative Assembly and read a first time, 22nd November, 1904, p. 136.

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CARRUM ADVANCES BILL.—Bill intituled "*An Act to enable Seed and Manure to be advanced on certain terms to Cultivators of Land within the Carrum Irrigation and Water Supply Trust.*"—(Hon. J. M. Davies.)—Brought from the Legislative Assembly and read a first time; motion, by leave—That this Bill be now read a second time; further motion, for the adjournment of the debate (on division) negatived; question—That this Bill be now read a second time—resolved in the affirmative; Bill read a second time and committed; considered in Committee and reported without amendment; report considered and adopted; Bill read the third time and passed, 27th September, 1904, p. 74. (Assented to 11th October. Act No. 1912.)

CHURCH OF ENGLAND LAW FURTHER AMENDMENT BILL.—Bill intituled "*An Act to further amend the Law relating to the Church of England in Victoria.*"—(Hon. W. Pitt.)—Brought from the Legislative Assembly and read a first time, 16th November, 1904, p. 132.

Read a second time and committed; considered in Committee and reported with amendments; report, by leave, considered and adopted; Bill read the third time and passed, 23rd November, p. 142.

Message from the Assembly notifying their agreement to the amendments of the Council, 25th November, p. 148. (Assented to 30th November. Act No. 1947.)

CLOSER SETTLEMENT BILL.—Bill intituled "*An Act providing for the Acquisition and Disposal of Land for Closer Settlement and for other purposes.*"—(Hon. A. O. Sachse.)—Brought from the Legislative Assembly and read a first time, 27th September, 1904, p. 76.

Motion—That this Bill be now read a second time—debate adjourned, 12th October, p. 95; debate resumed and further adjourned, 18th October, p. 100; debate resumed; Bill read a second time and committed; considered in Committee, 19th October, p. 101.

Further considered in Committee, 25th October, p. 106; 26th October, p. 108.

Point of order raised in Committee as to the power of the Committee to suggest an amendment in sub-clause (2) of clause 30 of the Bill, to add after the word "requisition" the words "together with ten per centum added in case the said land is being taken compulsorily" in view of the following proviso in sub-section (2) of section 30 of *The Constitution Act 1903*, viz.:—"Provided that the Council may not suggest any omission or

CLOSER SETTLEMENT BILL—*continued.*

amendment, the effect of which will be to increase any proposed charge or burden on the people," and the ruling of the President desired thereon. The President, after debate on the point of order, stated that the consideration of the Bill in Committee would be resumed, and if clause 30 were passed it could be recommitted if considered necessary. 26th October, p. 108.

Further considered in Committee, 26th October, p. 108; 2nd November, p. 112; 3rd November, p. 114.

Reported with the following suggested amendments, viz.:—

Clause 7, line 36, after "from time to time" insert "during five years from the coming into operation of this Act."

Clause 10, insert the following new sub-clause:—

(2A) The total amount to be expended for private lands acquired by the Board under this Act shall not exceed the sums provided for in section 7 of this Act;

—report adopted, 3rd November, p. 114.

Message from the Assembly notifying that they have made the amendments suggested by the Council; Message referred to the Committee of the whole on the Bill; Bill, as amended by the Assembly, further considered in Committee and reported with amendments; report, by leave, considered and adopted; Bill read the third time and passed, 8th November, p. 119.

Message from the Assembly notifying that they have agreed to some of the amendments of the Council, have disagreed with others, have agreed to one of the said amendments with an amendment, and have disagreed with two of the said amendments, but have made consequential amendments, 15th November, p. 126.

Amendments considered in Committee of the whole; report from Committee; Council adopted report and did not insist on some of their amendments disagreed with by the Assembly, did insist on others, agreed to one of the amendments on an amendment of the Council, disagreed with another of the said amendments, and insisted on others of their amendments with amendments, 16th November, pp. 128-9.

Message from the Assembly notifying that they do not insist on disagreeing with some of the amendments of the Council, as now amended by the Council, do not insist on disagreeing with some of the amendments made and insisted on by the Council, but have agreed to the same with amendments; do insist on disagreeing with one of the said amendments; do not insist on the amendment made by the Assembly on the amendment of the Council in clause 60, and do insist on the consequential amendment made by the Assembly in clause 22, 22nd November, p. 135.

Amendments considered; Council do not disagree with the consequential amendment to insert a new sub-clause in clause 22, agree to the amendments of the Assembly on some of the amendments of the Council, and (on division) still insist on their amendment to insert new clause B, 23rd November, pp. 139-40.

CLOSER SETTLEMENT BILL—*continued.*

Message from the Assembly notifying that they do not now insist on disagreeing with the amendment of the Council to insert new clause B, 24th November, p. 143.

Message from the Assembly transmitting Message from His Excellency the Governor recommending amendments in the Bill, to which the Assembly had agreed; His Excellency's amendments considered and agreed to, 30th November, pp. 158-9. (*Assented to 30th November. Act No. 1962.*)

COAL AND FIREWOOD SALE REGULATION BILL.—Bill intitled "*An Act for Regulating the Sale of Coal and Firewood.*"—(*Hon. J. M. Davies.*)—Brought from the Legislative Assembly and read a first time, 25th October, 1904, p. 105.

Read a second time and committed; considered in Committee and reported without amendment; report considered and adopted; Bill read the third time and passed, 26th October, p. 109. (*Assented to 8th November. Act No. 1932.*)

CONSOLIDATED REVENUE BILL (No. 1).—Bill intitled "*An Act to apply out of the Consolidated Revenue the sum of Nine hundred and twenty-eight thousand and sixty-three pounds to the service of the year One thousand nine hundred and four and One thousand nine hundred and five.*"—(*Hon. A. O. Sachse.*)—Brought from the Legislative Assembly and read a first time; read a second time, by leave, and committed; considered in Committee and reported without amendment; report considered and adopted; Bill read the third time and passed, 5th July, 1904, p. 19. (*Assented to 12th July. Act No. 1897.*)

CONSOLIDATED REVENUE BILL (No. 2).—Bill intitled "*An Act to apply out of the Consolidated Revenue the sum of Thirty-two thousand four hundred and two pounds to the service of the year One thousand nine hundred and three and One thousand nine hundred and four.*"—(*Hon. J. M. Davies.*)—Brought from the Legislative Assembly and read a first time, 16th August, 1904, p. 39.

Read a second time and committed; considered in Committee and reported without amendment; report considered and adopted; Bill read the third time and passed, 23rd August, p. 46. (*Assented to 26th August. Act No. 1900.*)

CONSOLIDATED REVENUE BILL (No. 3).—Bill intitled "*An Act to apply out of the Consolidated Revenue the sum of Three hundred and eighty-four thousand three hundred and three pounds to the service of the year One thousand nine hundred and four and One thousand nine hundred and five.*"—(*Hon. J. M. Davies.*)—Brought from the Legislative Assembly and read a first time; read a second time, by leave, and committed; considered in Committee and reported without amendment; report considered and adopted; Bill read the third time and passed, 13th September, 1904, p. 64. (*Assented to 27th September. Act No. 1909.*)

CONSOLIDATED REVENUE BILL (No. 4).—Bill intituled "*An Act to apply out of the Consolidated Revenue the sum of Six hundred and eighty-three thousand two hundred and ninety-three pounds to the service of the year One thousand nine hundred and four and One thousand nine hundred and five.*"—(Hon. J. M. Davies.)—Brought from the Legislative Assembly and read a first time; read a second time, by leave, and committed; considered in Committee and reported without amendment; report considered and adopted; Bill read the third time and passed, 11th October, 1904, p. 94. (Assented to 24th October. Act No. 1924.)

CONSOLIDATED REVENUE BILL (No. 5).—Bill intituled "*An Act to apply out of the Consolidated Revenue the sum of One hundred pounds to the service of the year One thousand nine hundred and four and One thousand nine hundred and five.*"—(Hon. W. Pitt.)—Brought from the Legislative Assembly and read a first time, 26th October, 1904, p. 108.

Petitions presented, 2nd November, p. 111.

Read a second time and committed; considered in Committee and reported without amendment; report considered and adopted; Bill read the third time and passed, 2nd November, p. 112. (Assented to 8th November. Act No. 1934.)

CONSTITUTION ACT 1903 AMENDMENT BILL, THE.—Bill to amend *The Constitution Act 1903.*—(Hon. W. J. Evans.)—Initiated and read a first time, 6th July, 1904, p. 21.

Motion—That this Bill be now read a second time—debate adjourned, 31st August, p. 56; debate resumed, and (on division) second reading put off for six months, 14th September, p. 72.

DAIRYING COMPANIES ACT 1900 FURTHER AMENDMENT BILL.—Bill intituled "*An Act to further amend the Dairying Companies Act 1900.*"—(Hon. W. Pitt.)—Brought from the Legislative Assembly and read a first time, 27th September, 1904, p. 75.

Read a second time and committed; considered in Committee and reported without amendment; report considered and adopted; Bill read the third time and passed, 4th October, p. 86. (Assented to 11th October. Act No. 1917.)

DUNOLLY LAND RESERVE REVOCATION BILL.—Bill intituled "*An Act to revoke the Permanent Reservation and Crown Grant of certain Land in the Borough of Dunolly.*"—(Hon. A. O. Sachse.)—Brought from the Legislative Assembly and read a first time, 28th September, 1904, p. 78.

Read a second time and committed; considered in Committee and reported without amendment; report considered and adopted; Bill read the third time and passed, 4th October, p. 87. (Assented to 11th October. Act No. 1921.)

EXECUTORS COMPANY'S ACT FURTHER AMENDMENT BILL.—Bill intituled "*An Act to further amend the Executors Company's Act.*"—(Hon. A. O. Sachse.)—Brought from the Legislative Assembly and read a first time, 23rd November, 1904, p. 142.

Standing Orders relating to Private Bills, with the exception of those relating to the payment of fees, suspended, 25th November, p. 148.

EXECUTORS COMPANY'S ACT FURTHER AMENDMENT BILL—*continued.*

Read a second time and committed; considered in Committee and reported without amendment; report considered and adopted; Bill read the third time and passed, 25th November, p. 151. (Assented to 30th November. Act No. 1951.)

FACTORIES AND SHOPS ACT 1903 AMENDMENT BILL.

—Bill intituled "*An Act to amend section twenty-five of the 'Factories and Shops Act 1903.'*"—(Hon. W. Pitt.)—Brought from the Legislative Assembly and read a first time, 17th November, 1904, p. 134.

Motion—That this Bill be now read a second time; amendment proposed to omit the word "now" and to add the words "this day six months" after the word "time"; amendment, by leave, withdrawn, and Bill read a second time and committed; considered in Committee and reported without amendment; report considered and adopted; Bill read the third time and passed, 23rd November, p. 142.

Message from the Assembly transmitting Message from His Excellency the Governor recommending an amendment in the Bill, to which the Assembly had agreed; His Excellency's amendment considered and agreed to, 30th November, p. 157. (Assented to 30th November. Act No. 1955.)

FACTORIES AND SHOPS ACTS AMENDMENT BILL.—

Bill intituled "*An Act to amend the Factories and Shops Acts.*"—(Hon. A. O. Sachse.)—Brought from the Legislative Assembly and read a first time, 22nd November, 1904, p. 136.

Second reading (on division) put off for one month, 24th November, p. 144.

FOXES DESTRUCTION BILL.—Bill intituled "*An Act to amend the Law relating to the Destruction of Foxes.*"—(Hon. A. O. Sachse.)—Brought from the Legislative Assembly and read a first time, 14th September, 1904, p. 71.

Read a second time and committed; considered in Committee and reported without amendment; report considered and adopted; Bill read the third time and passed, 29th September, p. 80. (Assented to 11th October. Act No. 1913.)

FRANKSTON AND LANGWARRIN LAND RESERVE RE-

VOICATION BILL.—Bill intituled "*An Act to revoke the Permanent Reservation of certain pieces or parcels of Land in the Parishes of Frankston and Langwarrin.*"—(Hon. W. Pitt.)—Brought from the Legislative Assembly and read a first time, 28th September, 1904, p. 78.

Read a second time and committed; considered in Committee and reported without amendment; report considered and adopted; Bill read the third time and passed, 4th October, p. 87. (Assented to 11th October. Act No. 1922.)

GUNBOWER ISLAND LAND RESERVE REVOCATION

BILL.—Bill intituled "*An Act to provide for the Revocation of the Permanent Reservation of certain Land at Gunbower Island.*"—(Hon. A. O. Sachse.)—Brought from the Legislative Assembly and read a first time, 11th October, 1904, p. 93.

Read a second time and committed; considered in Committee and reported without amendment; report considered and adopted; Bill read the third time and passed, 20th October, p. 103. (Assented to 24th October. Act No. 1928.)

INCOME TAX BILL.—Bill intituled "*An Act to declare the Rates of Income Tax for the Year ending on the thirty-first day of December One thousand nine hundred and five and to continue and amend the Income Tax Acts.*"—(*Hon. J. M. Davies.*)—Brought from the Legislative Assembly and read a first time, 15th November, 1904, p. 125.

Read a second time and committed; considered in Committee and reported without amendment; report considered and adopted; Bill read the third time and passed, 16th November, p. 132. (*Assented to 30th November. Act No. 1938.*)

INEBRIATES BILL.—Bill intituled "*An Act to provide for the Care, Control, and Treatment of Inebriates.*"—(*Hon. J. M. Davies.*)—Brought from the Legislative Assembly and read a first time, 4th October, 1904, p. 86.

Read a second time and committed; considered in Committee, 9th November, p. 123.

Further considered in Committee, and reported with amendments; report, by leave, considered and adopted; Bill read the third time and passed, 17th November, p. 134.

Message from the Assembly notifying their agreement to the amendments of the Council, 22nd November, p. 137. (*Assented to 30th November. Act No. 1940.*)

INSTRUMENTS ACT 1890 FURTHER AMENDMENT BILL.—Bill to further amend the *Instruments Act 1890.*—(*Hon. J. M. Davies.*)—Initiated, by leave, and read a first time 16th August, 1904, p. 39.

Read a second time and committed; considered in Committee and reported with an amendment; report, by leave, considered and adopted; Bill read the third time and passed, 30th August, p. 53.

Message from the Assembly notifying their agreement to the Bill with an amendment, 14th September, p. 72.

Amendment considered and agreed to, 13th October, p. 97. (*Assented to 24th October. Act No. 1925.*)

JURIES ACTS AMENDMENT BILL.—Bill to amend the *Juries Acts.*—(*Hon. J. M. Davies.*)—Initiated and read a first time, 30th June, 1904, p. 15.

Read a second time and committed; considered in Committee and reported without amendment; report considered and adopted; Bill read the third time and passed, 12th July, p. 24.

Message from the Assembly notifying their agreement to the Bill with an amendment, 27th July, p. 29.

Amendment considered; the Council agree to the amendment of the Assembly with an amendment, 2nd August, p. 32.

Message from the Assembly notifying that they have disagreed with the amendment made by the Council on the amendment of the Assembly, 9th August, p. 35.

Amendment considered; the Council insist (on division) on their amendment made on the amendment of the Assembly, 23rd August, p. 47.

Message from the Assembly notifying that they do not insist on disagreeing with the amendment of the Council on the amendment of the Assembly to insert new clause A, but have now agreed to the said amendment with an amendment, 31st August, p. 56.

Amendment considered and agreed to, 6th September, p. 61. (*Assented to 27th September. Act No. 1907.*)

JUSTICES ACT 1890 FURTHER AMENDMENT BILL.—

Bill to further amend the *Justices Act, 1890.*

—(*Hon. J. M. Davies.*)—Initiated, by leave, and read a first time, 5th July, 1904, p. 18.

Read a second time and committed; considered in Committee and reported with amendments, 12th July, p. 24.

Order for consideration of report discharged and Bill recommitted, reconsidered in Committee and re-reported without further amendment; report considered and adopted; Bill read the third time and passed, 27th July, p. 30.

Message from the Assembly notifying their agreement to the Bill with amendments, 24th November, p. 143.

Amendments considered in Committee of the whole; report from Committee; Council adopted report and agreed to some of the amendments of the Assembly, disagreed with one of the said amendments, and agreed to one of the amendments with an amendment, 25th November, pp. 148-151.

Message from the Assembly notifying that they do not insist on one of their amendments disagreed with by the Council, and have agreed to the amendment of the Council in another of the said amendments with an amendment, and with a consequential amendment; amendments considered; the Council agree to the amendment of the Assembly on the amendment of the Council in clause H, and to the consequential amendment in the said clause, 25th November, pp. 152-3.

Message from His Excellency the Governor recommending amendments in the Bill; His Excellency's amendments considered and agreed to, 30th November, p. 155.

Message from the Assembly notifying their agreement to His Excellency's amendments, 30th November, p. 159. (*Assented to 30th November. Act No. 1959.*)

LAKE HINDMARSH ABORIGINAL SETTLEMENT LAND BILL.—Bill intituled "*An Act to provide for the resumption by the Crown of the Lake Hindmarsh Aboriginal Settlement Land.*"—(*Hon. W. Pitt.*)—Brought from the Legislative Assembly and read a first time, 27th September, 1904, p. 75.

Read a second time and committed; considered in Committee and reported without amendment; report considered and adopted; Bill read the third time and passed, 4th October, p. 86. (*Assented to 11th October. Act No. 1916.*)

LAND ACTS AMENDMENT BILL.—Bill intituled "*An Act to amend the Land Acts.*"—(*Hon. J. M. Davies.*)—Brought from the Legislative Assembly and read a first time, 25th November, 1904, p. 151.

Read a second time and committed; considered in Committee and reported with amendments; report, by leave, considered and adopted; Bill read the third time and passed, 25th November, p. 152.

Message from the Assembly notifying their agreement to the amendments of the Council, 25th November, p. 152.

Message from the Assembly transmitting Message from His Excellency the Governor recommending an amendment in the Bill, to which the Assembly had agreed; His Excellency's amendment considered and agreed to, 30th November, p. 158. (*Assented to 30th November. Act No. 1957.*)

LEGAL PRACTITIONERS RECIPROCITY ACT 1903 AMENDMENT BILL.—Bill intituled "*An Act to amend the 'Legal Practitioners Reciprocity Act 1903.'*"—(*Hon. J. M. Davies.*)—Brought from the Legislative Assembly and read a first time, 27th July, 1904, p. 29.

Read a second time and committed; considered in Committee and reported without amendment; report considered and adopted; Bill read the third time and passed, 9th August, p. 34. (*Assented to 16th August. Act No. 1898.*)

LICENCES RENEWAL BILL.—Bill intituled "*An Act to amend the Law relating to the Renewal of Licences.*"—(*Hon. J. M. Davies.*)—Brought from the Legislative Assembly and read a first time, 27th September, 1904, p. 76.

Read a second time and committed; considered in Committee, 4th October, p. 87.

Further considered in Committee and reported with amendments; report, by leave, considered and adopted; Bill read the third time; Motion—That this Bill do pass; Amendment proposed—That the following words be added after the word "pass":—"but in passing this Bill this House records its objection to the mixing in the one Bill matter of private legislation with public legislation as is done in clause 3, and declares that it will not regard it as a precedent."

The President said—The question now is that the Bill do pass, and to this Sir Henry Cuthbert has moved an amendment. As this is a matter of procedure, I wish to say a few words, for I think an important question has arisen. Honorable members will observe that this is a public Bill, but it contains in clause 3 matter of distinctly private legislation, namely, a provision with regard to holding a special sitting of the Licensing Court at the request of the owner of the house known as the Guiding Star Hotel. It seems that the owner of this hotel, owing to some cause with which we are not acquainted, did not obtain his licence at the proper time, and the licence for this house is now lost. This clause is put in to enable him to request the Governor in Council to have a special sitting of the Court held at which his licence may be granted. There is nothing on the records of Parliament to show why this provision should be put in for this particular hotel. There is nothing to show why the provision is not extended to others who may be in exactly a similar difficulty. No one reading this Act of Parliament would receive any light on these matters. Honorable members are aware that there is a wide distinction between private and public Bill legislation. Public Bill legislation relates to that of which we have general knowledge, but private Bill legislation is anything in the interests of a corporation, or a particular locality, or a particular individual, and that is subject to the law of Parliament which requires inquiry to be made by a Committee of the House. The facts are ascertained by that inquiry, and if the Committee is satisfied on hearing the evidence it reports to the House, and the House, when informed of the facts and of the rightfulness of the proposed legislation by the inquiry of its Committee, acts as it thinks proper. That is the wide and fundamental distinction between public and private legislation. I quite agree with Sir Henry Cuthbert that his objection is

LICENCES RENEWAL BILL—*continued.*

a proper one when a general Bill contains matter of distinctly private legislation. No one could doubt that if a Bill came up to enable the owner of this hotel to get a licence—no human being could doubt, but that it was distinctly a private Bill on a matter on which we could have no knowledge unless we took evidence about it. I think the mixing of public and private matter in one Bill is a dangerous precedent. I am aware that it has been adopted on three previous occasions during the last four or five years, but it is high time we called attention to it, and gave notice that in future we will not agree to it. We have a standing order to the effect that where the Legislative Assembly has inquired into the matter of a private Bill, then if the other House sends us up the proceedings and evidence of the Committee, we may act on that without having an inquiry ourselves. Standing Order 311 states—"That every private Bill sent up from the Legislative Assembly, if accompanied by a printed copy of the report and proceedings of the Select Committee of that House to which it shall have been referred, shall be dealt with in the same manner as a public Bill, and shall not be referred to a Select Committee of this Council unless the same shall be opposed, and then only by motion on notice to be made before the second reading." In this case, this Bill was treated in the other House as a public Bill, and no inquiry has been made in one House or the other. We are in the position now of passing this legislation without knowing the facts to justify it and without knowing why this concession was made to this particular individual, or why the clause is not a general one dealing with all who may be in a similar position. Nothing would be easier than to make the Bill retrospective for twelve months, and so meet all cases like that in clause 3. I therefore feel indebted to Sir Henry Cuthbert for calling attention to it. I have reason to believe from what I have heard that there are grounds for this clause 3. The mere fact that the Attorney-General proposed the second reading of the Bill is a guarantee that he has satisfied himself that it was proper to do so. Still, we are in the position that neither House has anything before it except the statement of Ministers. And this is an ostensibly public Bill which contains matter of private Bill legislation. I am therefore much indebted to Sir Henry Cuthbert for calling attention to this matter, and I shall endeavour on future occasions to prevent this being turned into a precedent;—

Amendment made; Bill passed with objection; title amended, 19th October, pp. 101-2.

Message from the Assembly notifying their agreement to the amendments of the Council, 26th October, p. 107. (*Assented to 8th November. Act. No. 1929.*)

LOCAL GOVERNMENT ACT 1903 AMENDMENT BILL (NO. 2).—Bill intituled "*An Act to amend the 'Local Government Act 1903.'*"—(*Hon. W. Pitt.*)—Brought from the Legislative Assembly and read a first time, 10th August, 1904, p. 37.

Read a second time and committed, considered in Committee and reported without amendment; report considered and adopted; Bill read the third time and passed, 30th August, p. 53. (*Assented to 6th September. Act No. 1903.*)

LOCAL GOVERNMENT ACT 1903 AMENDMENT BILL (No. 3).—Bill intituled "*An Act to enable a Shire in certain circumstances to be declared a Borough and for other purposes.*"—(Hon. A. O. Sachse.)—Brought from the Legislative Assembly and read a first time, 23rd August, 1904, p. 47.

Read a second time and committed; considered in Committee and reported with amendments; report, by leave, considered and adopted; Bill read the third time and passed, 6th September, p. 61.

Message from the Assembly notifying their agreement to the amendments of the Council, 14th September, p. 71. (*Assented to 27th September. Act No. 1910.*)

MELBOURNE BENEVOLENT ASYLUM SITE SALE BILL.—Bill intituled "*An Act to enable the Melbourne Benevolent Asylum Corporation to sell the Site of the Asylum in the Town of North Melbourne and for other purposes.*"—(Hon. J. M. Davies.)—Brought from the Legislative Assembly and read a first time, 27th September, 1904, p. 76.

Read a second time and committed; considered in Committee and reported with an amendment; report, by leave, considered and adopted; Bill read the third time and passed, 4th October, p. 87.

Message from the Assembly notifying their agreement to the amendment of the Council, 5th October, p. 90. (*Assented to 11th October. Act No. 1923.*)

MELBOURNE HARBOR TRUST ACT 1890 AND MARINE ACT 1890 AMENDMENT BILL.—Bill intituled "*An Act to amend sections one hundred and ten and one hundred and eleven of the 'Melbourne Harbor Trust Act 1890' and section twenty of the 'Marine Act 1890.'*"—(Hon. W. Pitt.)—Brought from the Legislative Assembly and read a first time, 24th August, 1904, p. 50.

Motion—That this Bill be now read a second time—debate adjourned, 30th August, p. 53; debate resumed; Bill read a second time and committed; considered in Committee and reported without amendment; report considered and adopted; Bill read the third time and passed, 31st August, p. 57. (*Assented to 6th September. Act No. 1906.*)

MELBOURNE LANDS EXCHANGE BILL.—Bill intituled "*An Act to authorize the Mayor, Aldermen, Councillors, and Citizens of the City of Melbourne to exchange certain Lands with the Commonwealth.*"—(Hon. W. Pitt.)—Brought from the Legislative Assembly and read a first time, 24th November, 1904, p. 144.

Read a second time and committed; considered in Committee and reported without amendment; report considered and adopted; Bill read the third time and passed, 25th November, p. 151. (*Assented to 30th November. Act No. 1949.*)

MELBOURNE TRAMWAYS TRUST INVESTMENTS BILL.—Bill intituled "*An Act to extend the Powers of the Melbourne Tramways Trust as regards Investments.*"—(Hon. J. M. Davies.)—Brought from the Legislative Assembly and read a first time, 22nd November, 1904, p. 136.

Read a second time and committed; considered in Committee and reported without amendment; report considered and adopted; Bill read the third time and passed, 23rd November, p. 141.

MELBOURNE TRAMWAYS TRUST INVESTMENTS BILL—continued.

Message from the Assembly transmitting Message from His Excellency the Governor recommending an amendment in the Bill, to which the Assembly had agreed; His Excellency's amendment considered and agreed to, 30th November, p. 157. (*Assented to 30th November. Act No. 1954.*)

MINES ACTS FURTHER AMENDMENT BILL.—Bill intituled "*An Act to further amend the Mines Acts.*"—(Hon. J. M. Davies.)—Brought from the Legislative Assembly and read a first time, 6th September, 1904, p. 61.

Motion—That this Bill be now read a second time—debate adjourned, 13th September, p. 65; debate resumed and further adjourned, 27th September, p. 74; Motion—That, pursuant to the provisions of section 9 of *The Constitution Act 1903*, the Legislative Council request that the Honorable Donald McLeod, Minister of Mines, will be so good as to attend in the Council Chamber on Tuesday next for the purpose of explaining some of the provisions of the Bill—proposed and, by leave, withdrawn; debate on second reading resumed; Bill read a second time and committed; considered in Committee, 28th September, pp. 77-8.

Further considered in Committee, 4th October, p. 86; 5th October, p. 90; 6th October, p. 91. Reported with amendments, 6th October, p. 91.

Order for consideration of report discharged and Bill recommitted for the reconsideration of clauses 18, 19, 27, 37, and 60, and for the consideration of a proposed new clause; reconsidered in Committee, 11th October, p. 94.

Further reconsidered in Committee and reported with further amendments; report, by leave, considered and adopted; Bill read the third time and passed, 12th October, p. 95.

Message from the Assembly notifying that they have agreed to some of the amendments of the Council, have disagreed with others, and have agreed to others of the said amendments with amendments, and have made certain consequential amendments, 25th October, p. 106.

Amendments considered in Committee of the whole, 3rd November, pp. 114-16; 8th November, p. 119.

Report from Committee; Council adopted report and did not insist on some of their amendments, did insist on others, and agreed to amendments of the Assembly on certain amendments of the Council, and made further amendments, 8th November, p. 119.

Message from the Assembly notifying that they do not insist on disagreeing with one of the amendments made and insisted on by the Council, and do insist on disagreeing with others of the said amendments, 15th November, p. 125.

Amendments considered in Committee of the whole; report from Committee; Council adopted report and did not insist on their amendments disagreed with by the Assembly, 16th November, pp. 129-30. (*Assented to 30th November. Act No. 1961.*)

MUNICIPAL ENDOWMENT REDUCTION BILL.—Bill intituled "*An Act to reduce for One Year the Municipal Endowment.*"—(Hon. W. Pitt.)—Brought from the Legislative Assembly and read a first time, 27th September, 1904, pp. 75-6.

MUNICIPAL ENDOWMENT REDUCTION BILL—*continued.*

Read a second time and committed; considered in Committee and reported without amendment; report considered and adopted; Bill read the third time and passed, 4th October, p. 87. (*Assented to 11th October. Act No. 1920.*)

MYSIA PUBLIC PARK BILL.—Bill intituled "*An Act to provide for the Exchange of certain Land in the Parish of Mysia for the purpose of a Public Park.*"—(*Hon. W. Pitt.*)—Brought from the Legislative Assembly and read a first time, 14th September, 1904, p. 71.

Read a second time and committed; considered in Committee and reported without amendment; report considered and adopted; Bill read the third time and passed, 29th September, p. 80. (*Assented to 11th October. Act No. 1914.*)

NORTHERN SUBURBS CEMETERY BILL.—Bill intituled "*An Act to provide for the establishment of a Cemetery for the Northern Suburbs.*"—(*Hon. W. Pitt.*)—Brought from the Legislative Assembly and read a first time, 23rd November, 1904, p. 139.

Read a second time and committed; considered in Committee and reported with amendments; report, by leave, considered and adopted; Bill read the third time and passed, 24th November, p. 145.

Message from the Assembly notifying their agreement to the amendments of the Council, 25th November, p. 152. (*Assented to 30th November. Act No. 1952.*)

NUMURKAH RACE-COURSE SITE SALE BILL.—Bill intituled "*An Act to authorize the Sale of certain Land reserved as a Site for a Race-course at Numurkah and for other purposes.*"—(*Hon. W. Pitt.*)—Brought from the Legislative Assembly and read a first time, 27th September, 1904, p. 75.

Read a second time and committed; considered in Committee and reported without amendment; report considered and adopted; Bill read the third time and passed, 4th October, p. 86. (*Assented to 11th October. Act No. 1919.*)

POLICE OFFENCES ACT 1890 AMENDMENT BILL.—Bill to amend the *Police Offences Act 1890.* (*Hon. J. Balfour.*)—Initiated, by leave, and read a first time, 6th July, 1904, p. 21.

Motion—That this Bill be now read a second time—debate adjourned, 12th July, p. 24; debate resumed; Bill (on division) read a second time, 10th August, p. 38.

Order for committal of Bill discharged and Bill withdrawn, 16th November, p. 128.

PUBLIC DEBT CONVERSION BILL.—Bill intituled "*An Act to provide for Converting a certain portion of the Public Debt of Victoria into Debentures.*"—(*Hon. A. O. Sachse.*)—Brought from the Legislative Assembly and read a first time, 9th August, 1904, p. 34.

Read a second time and committed; considered in Committee and reported without amendment; report considered and adopted; Bill read the third time and passed, 23rd August, p. 47. (*Assented to 6th September. Act No. 1901.*)

PUBLIC SERVICE ACTS AMENDMENT BILL.—Bill intituled "*An Act to amend the Public Service Acts.*"—(*Hon. J. M. Davies.*)—Brought from the Legislative Assembly and read a first time, 24th November, 1904, p. 144.

PUBLIC SERVICE ACTS AMENDMENT BILL—*continued.*

Read a second time and committed; considered in Committee and reported without amendment; report considered and adopted; Bill read the third time and passed, 25th November, p. 151. (*Assented to 30th November. Act No. 1950.*)

RAILWAY LOAN APPLICATION BILL.—Bill intituled "*An Act to sanction the Issue and Application of certain Money available under Loan Acts for Railways.*"—(*Hon. A. O. Sachse.*)—Brought from the Legislative Assembly and read a first time, 22nd November, 1904, p. 137.

Read a second time and committed; considered in Committee and reported without amendment; report considered and adopted; Bill read the third time and passed, 23rd November, p. 142. (*Assented to 30th November. Act No. 1944.*)

RAILWAY SPECIAL FUNDS APPLICATION BILL.—Bill intituled "*An Act to sanction the Issue and Application of certain Money available under the 'Country Tramways Trust Fund Act 1904' for Railways and other purposes.*"—(*Hon. A. O. Sachse.*)—Brought from the Legislative Assembly and read a first time, 24th November, 1904, pp. 143-4.

Read a second time and committed; considered in Committee and reported without amendment; report considered and adopted; Bill read the third time and passed, 25th November, p. 151. (*Assented to 30th November. Act No. 1948.*)

RAILWAYS LAWS FURTHER AMENDMENT BILL.—Bill intituled "*An Act to further amend the Laws relating to the Victorian Railways.*"—(*Hon. J. M. Davies.*)—Brought from the Legislative Assembly and read a first time, 22nd November, 1904, p. 136.

Read a second time and committed; considered in Committee and reported with amendments; report, by leave, considered and adopted; Bill read the third time and passed, 23rd November, p. 140.

Message from the Assembly notifying their agreement to the amendments of the Council, 25th November, p. 147. (*Assented to 30th November. Act No. 1946.*)

RAILWAYS STANDING COMMITTEE LAW AMENDMENT BILL.—Bill intituled "*An Act to amend the Law relating to the Railways Standing Committee.*"—(*Hon. J. M. Davies.*)—Brought from the Legislative Assembly and read a first time, 27th July, 1904, p. 29.

Read a second time and committed; considered in Committee and reported without amendment; report considered and adopted; Bill read the third time and passed, 2nd August, p. 31.

Message from the Assembly transmitting Message from His Excellency the Governor recommending an amendment in the Bill, to which the Assembly had agreed; His Excellency's amendment considered and agreed to, 9th August, p. 34. (*Assented to 16th August. Act No. 1899.*)

REAL PROPERTY BILL.—Bill for simplifying and improving the practice of Conveyancing and the Law of Property and for other purposes.—(*Hon. J. M. Davies.*)—Initiated, by leave, and read a first time, 5th July, 1904, p. 18.

Read a second time and committed; considered in Committee, 19th July, p. 23.

REAL PROPERTY BILL—*continued.*

Further considered in Committee and reported with amendments, 27th July, p. 30.

Order for consideration of report discharged and Bill recommitted in respect of clause 15; reconsidered in Committee and re-reported with a further amendment; report, by leave, considered and adopted; Bill read the third time and passed, 2nd August, p. 32.

Report from the Clerk of corrections made by him in the Bill, 9th August, p. 34.

Message from the Assembly notifying their agreement to the Bill with amendments, 6th September, p. 61.

Amendments considered in Committee of the whole, 13th September, pp. 65-9; 28th September, p. 78; 29th September, p. 79.

Report from Committee; Council adopted report and agreed to some of the amendments of the Assembly, disagreed with others, and agreed to certain of the said amendments with amendments and made certain consequential amendments, 29th September, pp. 79-80.

Message from the Assembly notifying that they do not insist on some of their amendments, do insist on others, have agreed to some of the amendments of the Council on the amendments of the Assembly, and have agreed to others of such amendments with amendments, and have made certain consequential amendments. Message referred to Committee of the whole, 2nd November, p. 111.

Amendments considered in Committee of the whole; report from Committee; Council adopted report and did not insist on disagreeing with some of the amendments made and insisted on by Assembly, and agreed to some of the amendments of the Assembly on amendments of the Council, and agreed to others of the said amendments with amendments, 8th November, pp. 119-21.

Message from the Assembly notifying that they have agreed to some of the amendments of the Council on certain amendments of the Assembly, have disagreed with one of the said amendments, and have agreed to one of the said amendments with a further amendment, 15th November, p. 126.

Amendments considered in Committee of the whole; report from Committee; Council adopted report and agreed to the amendment of the Assembly on amendment of Council in new sub-clause (2B) of clause J, and did not insist on their amendment in sub-clause (2A) of the same clause, but made a further amendment, 16th November, p. 131.

Message from the Assembly notifying that they do not insist on disagreeing with the amendment of the Council in sub-clause (2A) as now amended by the Council, 22nd November, p. 135.

Message from His Excellency the Governor recommending amendments in the Bill; His Excellency's amendments considered and agreed to, 25th November, p. 147.

Message from the Assembly notifying their agreement to His Excellency's amendments, 25th November, p. 152. (*Assented to 30th November. Act No. 1953.*)

SHEPPARTON RACE-COURSE SITE SALE BILL.—Bill intituled "*An Act to authorize the Sale of certain Land reserved as a Site for a Race-course and other purposes of Public Recreation in the Parish of Shepparton and for other purposes.*"—(*Hon. W. Pitt.*)—Brought from the Legislative Assembly and read a first time, 22nd November, 1904, p. 136.

SHEPPARTON RACE-COURSE SITE SALE BILL—*continued.*

Read a second time and committed; considered in Committee and reported without amendment; report considered and adopted; Bill read the third time and passed, 23rd November, p. 141. (*Assented to 30th November. Act No. 1941.*)

ST. ARNAUD LAND RESERVE REVOCATION BILL.—Bill intituled "*An Act to revoke the Permanent Reservation of certain Land at St. Arnaud.*"—(*Hon. A. O. Sachse.*)—Brought from the Legislative Assembly and read a first time, 14th September, 1904, p. 71.

Read a second time and committed; considered in Committee and reported without amendment; report considered and adopted; Bill read the third time and passed, 29th September, p. 80. (*Assented to 11th October. Act No. 1915.*)

ST. KILDA ABATTOIRS RESERVE REVOCATION BILL.—Bill intituled "*An Act to revoke the Crown Grant of certain Land granted as a Site for Abattoirs at St. Kilda and for other purposes.*"—(*Hon. J. M. Davies.*)—Brought from the Legislative Assembly and read a first time, 3rd November, 1904, p. 113.

Read a second time and committed; considered in Committee and reported without amendment; report considered and adopted; Bill read the third time and passed, 9th November, p. 123. (*Assented to 22nd November. Act No. 1936.*)

ST. KILDA AND BRIGHTON ELECTRIC TRAMWAY BILL.—Bill intituled "*An Act to authorize the construction of a Line of Electric Tramway from St. Kilda towards Brighton Beach and for other purposes.*"—(*Hon. A. O. Sachse.*)—Brought from the Legislative Assembly and read a first time, 17th November, 1904, p. 133.

Read a second time and committed; considered in Committee and reported without amendment; report considered and adopted; Bill read the third time and passed, 22nd November, p. 137.

Message from the Assembly transmitting Message from His Excellency the Governor recommending an amendment in the Bill, to which the Assembly had agreed; His Excellency's amendment considered and agreed to, 30th November, pp. 157-8. (*Assented to 30th November. Act No. 1956.*)

STAMPS ACTS AMENDMENT BILL.—Bill intituled "*An Act to amend the Stamps Acts.*"—(*Hon. J. M. Davies.*)—Brought from the Legislative Assembly and read a first time, 27th July, 1904, p. 30.

Read a second time and committed; considered in Committee and reported without amendment; report considered and adopted; Bill read the third time and passed, 30th August, p. 53. (*Assented to 6th September. Act No. 1902.*)

STATISTICS COLLECTION BILL.—Bill intituled "*An Act to provide for the Collection and Furnishing of Statistical Returns and Information.*"—(*Hon. A. O. Sachse.*) Brought from the Legislative Assembly and read a first time, 2nd August, 1904, p. 31.

Read a second time and committed; considered in Committee, 9th August, p. 34.

Further considered in Committee and reported with an amendment; report, by leave, considered and adopted; Bill read the third time and passed, 23rd August, p. 46.

STATISTICS COLLECTION BILL—*continued.*

Message from the Assembly notifying their agreement to the amendment of the Council, 31st August, p. 56. (*Assented to 6th September. Act No. 1905.*)

STRATHMERTON TOWARDS TOCUMWAL RAILWAY BILL.—Bill intituled "*An Act to authorize the construction by the State of a Line of Railway from Strathmerton towards Tocumwal.*"—(*Hon. J. M. Davies.*)—Brought from the Legislative Assembly and read a first time, 17th November, 1904, p. 133.

Read a second time and committed; considered in Committee and reported without amendment; report considered and adopted; Bill read the third time and passed, 22nd November, p. 137.

Message from the Assembly transmitting Message from His Excellency the Governor recommending an amendment in the Bill, to which the Assembly had agreed; His Excellency's amendment considered and agreed to, 30th November, p. 158. (*Assented to 30th November. Act No. 1958.*)

SURPLUS REVENUE BILL.—Bill intituled "*An Act relating to the Surplus Revenue of the Financial Year ended on the thirtieth day of June, One thousand nine hundred and four.*"—(*Hon. J. M. Davies.*)—Brought from the Legislative Assembly and read a first time, 2nd August, 1904, p. 31.

Read a second time and committed; considered in Committee, 9th August, p. 34.

Further considered in Committee, 10th August, p. 38.

Motion—That, pursuant to the provisions of section 9 of *The Constitution Act 1903*, the Legislative Council request the Honorable Thomas Bent, Premier, will be so good as to attend in the Council Chamber on Tuesday next for the purpose of explaining some of the provisions of the Bill—agreed to, 10th August, p. 38.

Message from the Assembly notifying that the foregoing resolution of the Council had been communicated to the Premier, 16th August, p. 40.

Resolution of 10th August read by the Clerk and the Honorable the Premier received at the Bar of the Council, and addressed by the President, 16th August, p. 40.

Further considered in Committee, 16th August, p. 40.

Motion—That it be an instruction to the Committee to call Thomas Tait, Esquire, Chairman of the Victorian Railways Commissioners, and Charles Ernest Norman, Esquire, Chief Engineer of Way and Works, to the Bar to give evidence with respect to the Bill—agreed to, 17th August, p. 41.

Further considered in Committee, 17th August, p. 42; 18th August, p. 43; 23rd August, p. 46.

Motion—That Thomas Tait, Esquire; William Francis Joseph Fitzpatrick, Esquire; and Charles Hudson, Esquire, Victorian Railways Commissioners; Maurice Edwin Kernot, Esquire, Acting Engineer-in-Chief, Victorian Railways; Charles Ernest Norman, Esquire, Chief Engineer of Way and Works; and

SURPLUS REVENUE BILL—*continued.*

Joseph Martin Reed, Esquire, Surveyor-General, be summoned to attend to-morrow, at half-past four o'clock, to give evidence at the Bar of the Council before the Committee of the whole on the Bill; amendment—To add the following words to the motion:—"or such of those witnesses as may be in Melbourne"—made, and question, as amended, resolved in the affirmative, 23rd August, p. 46.

Further considered in Committee, 23rd August, p. 46; 24th August, p. 49.

The temporary Chairman of Committees having vacated the Chair, and a difference arising in the Committee as to the appointment of another Chairman, the President resumed the Chair, and on the casting vote of the President the Honorable Dr. W. H. Embling was elected to perform the duties of the Chairman, and Bill further considered in Committee, 24th August, pp. 49-50.

Further considered in Committee, 30th August, p. 52.

Reported with the following suggested amendments, viz.:—

Clause 4, line 27, omit "ninety" and insert "sixty."

Clause 4, lines 33-6 omit "to the Trustees under the *Trust Funds Act 1897* towards payment of the amount for which the Treasurer is by such Act authorized to issue bonds" and insert "into a fund to be dealt with as Parliament may hereafter direct."

Clause 5, line 38, omit "ninety" and insert "sixty."

Schedule, omit "6. Towards Walhalla Railway £30,000."

—30th August, p. 52.

Recommitted (on casting vote of the President) in respect of clauses 4 and 5, and item 6 of the schedule; reconsidered in Committee and re-reported with the following suggested amendment, viz.:—

Clause 4, lines 33-36, omit "to the Trustees under the *Trust Funds Act 1897* towards payment of the amount for which the Treasurer is by such Act authorized to issue bonds," and insert "into a fund to be dealt with as Parliament may hereafter direct," 30th August, pp. 52-3.

Message from the Assembly notifying that they have made the amendment suggested by the Council; Message referred to the Committee of the whole on the Bill; Bill, as amended by the Assembly, further considered in Committee and reported without amendment; report considered and adopted; Bill read the third time and passed, 30th August, p. 54. (*Assented to 6th September. Act No. 1904.*)

SURPLUS REVENUE BILL (No. 2).—Bill intituled "*An Act relating to certain Surplus Revenue.*"—(*Hon. A. O. Sachse.*)—Brought from the Legislative Assembly and read a first time, 23rd November, 1904, p. 139.

Read a second time and committed; considered in Committee and reported without amendment; report considered and adopted; Bill read the third time and passed, 24th November, p. 144. (*Assented to 30th November. Act No. 1945.*)

TIED HOUSES ABOLITION BILL.—Bill intituled "*An Act to abolish Tied Houses.*"—(Hon. J. Ballfour.)—Brought from the Legislative Assembly and read a first time, 27th September, 1904, p. 75.

Petition presented, 5th October, p. 89.

Motion—That this Bill be now read a second time—on division, negatived, 5th October, p. 89.

TRAMWAYS ACT 1890 (PART IV.) AMENDMENT BILL.—Bill intituled "*An Act to amend Part IV. of the 'Tramways Act 1890.'*"—(Hon. J. M. Davies.)—Brought from the Legislative Assembly and read a first time, 18th October, 1904, p. 100.

Read a second time and committed; considered in Committee and reported with the following suggested amendment, viz. :—

In item 2 of the schedule, after "rolling-stock," insert "and for such additions and improvements on existing lines, including rolling-stock";

—report adopted, 20th October, p. 103.

Message from the Assembly notifying that they have made the amendment suggested by the Council; Message referred to the Committee of the whole on the Bill, 26th October, p. 108.

Bill, as amended by the Assembly, considered in Committee and reported without amendment; report considered and adopted; Bill read the third time and passed, 2nd November, p. 112. (*Assented to 8th November. Act No. 1933.*)

TRANSFER OF LAND BILL.—Bill for the Removal of Doubts with regard to the Validity of the practice of the Office of Titles relating to the Registration of certain Instruments.—(Hon. J. M. Davies.)—Initiated, by leave, and read a first time, 5th July, 1904, p. 18.

Motion—That this Bill be now read a second time; debate adjourned, 12th July, p. 24; debate resumed; Bill read a second time and committed; considered in Committee and reported without amendment; report considered and adopted; Bill read the third time and passed, 2nd August, p. 32.

Message from the Assembly notifying their agreement to the Bill with amendments, 27th September, p. 76.

Amendments considered in Committee of the whole, 29th September, pp. 80-84; 13th October, p. 97.

Report from Committee; Council adopted report and agreed to the amendments of the Assembly, 13th October, p. 97.

Report from the Clerk of the Parliaments of clerical errors in the Bill; correction of errors agreed to by the Council and the letter ordered to be sent to the Assembly with a Message requesting their concurrence in such correction, 25th October, p. 105.

Message from the Assembly notifying their concurrence with the Council in the correction of the clerical errors reported by the Clerk of the Parliaments, 26th October, p. 108. (*Assented to 8th November. Act No. 1931.*)

TUNGAMAH RACE-COURSE SITE SALE BILL.—Bill intituled "*An Act to authorize the Sale of certain Land reserved as a Site for a Race-course at Tungamah, and for other purposes.*"—(Hon. W. Pitt.)—Brought from the Legislative Assembly and read a first time, 27th September, 1904, p. 75.

TUNGAMAH RACE-COURSE SITE SALE BILL—continued.

Read a second time and committed; considered in Committee and reported without amendment; report considered and adopted; Bill read the third time and passed, 4th October, p. 86. (*Assented to 11th October. Act No. 1918.*)

UNIVERSITY BILL.—Bill intituled "*An Act to further amend the Law relating to the University of Melbourne.*"—(Hon. A. O. Sachse.)—Brought from the Legislative Assembly and read a first time, 18th October, 1904, p. 99. Read a second time and committed; considered in Committee and reported without amendment; report considered and adopted; Bill read the third time and passed, 19th October, p. 102. (*Assented to 24th October. Act No. 1926.*)

VOTING BY POST ACTS CONTINUANCE BILL.—Bill intituled an "*Act to continue the Voting by Post Acts for one year.*"—(Hon. W. Pitt.)—Brought from the Legislative Assembly and read a first time, 16th November, 1904, p. 128.

Read a second time and committed; considered in Committee and reported without amendment; report considered and adopted; Bill read the third time and passed, 17th November, p. 134. (*Assented to 30th November. Act No. 1939.*)

WATER ACTS CONSOLIDATION AND AMENDMENT BILL.—Bill intituled "*An Act to consolidate and amend the Laws relating to the Conservation and Supply of Water, to declare the Law relating to certain Rights in Natural Waters, the property in the beds and banks containing the same, and for other purposes.*"—(Hon. J. M. Davies.)—Brought from the Legislative Assembly and read a first time, 16th November, 1904, pp. 127-8.

Petition presented, 17th November, p. 133.

Report from Standing Orders Committee that they have considered the question of reviving Bills which may lapse through the Prorogation of Parliament, and that they have agreed to the following resolution with respect to the Bill, and recommend that the same be adopted as a Standing Order of this House, viz. :—
"The Clerk of the Parliaments, on the first day of the next ensuing session of Parliament, shall lay on the Table of the Council a copy of a Bill intituled '*An Act to consolidate and amend the Laws relating to the Conservation and Supply of Water, to declare the Law relating to certain Rights in Natural Waters, the property in the beds and banks containing the same, and for other purposes,*' and such Bill shall bear upon the face of it a certificate from the Clerk that it is identical with the Bill that was received from the Legislative Assembly and read a first time by the Council on the 16th day of November, One thousand nine hundred and four, but was not finally disposed of when Parliament was prorogued; then a motion may be made that such Bill be advanced to the stage it had reached in the Council in the former Session. Such motion shall be determined without debate, and if carried thereupon the said Bill shall be deemed to have been read a first time, and an Order of the Day shall be made for the second reading thereof on such day as the Council may determine; report adopted, and Standing Order agreed to, 23rd November, p. 141. (Standing Order approved by Governor, 30th November, p. 156.)

WATER SUPPLY SPECIAL FUNDS APPLICATION BILL.

—Bill intituled “*An Act to sanction the Issue and Application of certain Money available under the ‘Country Tramways Trust Fund Act 1904’ for Water Supply in Country Districts.*”—(Hon. W. Pitt.)—Brought from the Legislative Assembly and read a first time, 22nd November, 1904, pp. 136-7.

Read a second time and committed; considered in Committee and reported without amendment; report considered and adopted; Bill read the third time and passed, 23rd November, p. 141. (*Assented to 30th November. Act No. 1943.*)

WELSHPOOL TRAMWAY BILL.—Bill intituled “*An Act to authorize the construction of a Line of Rail or Tramway from Welshpool Railway Station to Welshpool.*”—(Hon. W. Pitt.)—Brought from the Legislative Assembly and read a first time, 13th September, 1904, pp. 69-70.

Read a second time and committed; considered in Committee and reported without amendment; report considered and adopted; Bill read the third time and passed, 14th September, p. 72. (*Assented to 27th September. Act No. 1911.*)

WHARFAGE AND HARBORS RATE ALTERATION BILL.—

Bill intituled “*An Act to authorize the alteration of the Wharfage and Harbors Rate leviable under the ‘Marine Act 1890.’*”—(Hon. W. Pitt.)—Brought from the Legislative Assembly and read a first time, 4th October, 1904, p. 86.

Petitions presented, 18th October, p. 100; 19th October, p. 101; 20th October, p. 103.

Read a second time and committed; considered in Committee and reported without amendment; report considered and adopted; Bill read the third time and passed, 20th October, p. 103. (*Assented to 24th October. Act No. 1927.*)

WILD DOGS ACT 1901 REVIVAL AND CONTINUANCE

BILL.—Bill intituled “*An Act to revive and continue the ‘Wild Dogs Act 1901.’*”—(Hon. W. Pitt.)—Brought from the Legislative Assembly and read a first time, 23rd August, 1904, p. 47.

Read a second time and committed; considered in Committee and reported without amendment; report considered and adopted; Bill read the third time and passed, 6th September, p. 61. (*Assented to 27th September. Act No. 1908.*)

MINUTES OF THE PROCEEDINGS, ETC.

VICTORIA.

No. 1.

MINUTES OF THE PROCEEDINGS OF THE LEGISLATIVE COUNCIL.

WEDNESDAY, 29TH JUNE, 1904.

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

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

PROCLAMATION

By His Excellency the Honorable Sir Reginald Arthur James Talbot, Knight Commander of the Most Honorable Order of the Bath, Governor of the State of Victoria and its Dependencies in the Commonwealth of Australia, &c., &c., &c.

I, THE Governor of the State of Victoria in the Commonwealth of Australia, do by this my Proclamation fix Wednesday, the 29th day of June, 1904, as the time for the commencement and holding of the next Session of the Parliament of Victoria, for the despatch of business, at the hour of Twelve o'clock noon, in the State Parliament Houses, situate in the Carlton Gardens, 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 State of Victoria aforesaid, at Melbourne, this twentieth day of June, in the year of our Lord One thousand nine hundred and four, and in the fourth year of His Majesty's reign.

(L.S.)

R. TALBOT.

By His Excellency's Command,

THOS. BENT.

GOD SAVE THE KING!

The Honorable Sir John Madden, K.C.M.G., Chief Justice, and His Honour Mr. Justice a'Beckett, Commissioners from His Excellency the Governor appointed to open the Parliament having been introduced to the Council Chamber by the Usher, the Honorable Sir John Madden desired the Usher to request the presence of the Members of the Legislative Assembly to hear the Commission read for the commencement and holding of this present Session of the Parliament. The Members of the Legislative Assembly having presented themselves, the Honorable Sir John Madden said—

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

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

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

EDWARD, by the Grace of God of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas King, Defender of the Faith, Emperor of India:

WHEREAS by Proclamation made the twentieth day of June instant by His Excellency the Honorable Sir REGINALD ARTHUR JAMES TALBOT, Knight Commander of the Most Honorable Order of the Bath, Governor of the State of Victoria and its Dependencies in the Commonwealth of Australia, Wednesday, the twenty-ninth day of June instant, was fixed as the time for the commencement

and holding of the next Session of the Parliament of Victoria, at Twelve of the clock at noon, in the State Parliament Houses, situate in the Carlton Gardens, in the City of Melbourne: And forasmuch as for certain causes the said Sir REGINALD ARTHUR JAMES TALBOT, cannot conveniently be present in person in the said Parliament at that time: NOW KNOW YE THAT WE, trusting in the discretion, fidelity, and care of Our trusty and well-beloved The Honorable Sir JOHN MADDEN, K.C.M.G., B.A., LL.D., the Chief Justice of Our Supreme Court of Victoria, and His Honour THOMAS A'BECKETT, a Justice of Our said Court, do give and grant by the tenor of these presents unto you the said Sir JOHN MADDEN and THOMAS A'BECKETT, or either of you, full power in Our name to begin and hold the said Session of Our said Parliament, and to do everything which for and by Us, or the said Sir REGINALD ARTHUR JAMES TALBOT, 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 JOHN MADDEN and THOMAS A'BECKETT, or either of them, that they diligently attend in the premises and form aforesaid. In testimony whereof We have caused the Seal of Our said State to be hereunto affixed.

(L.S.) WITNESS Our trusty and well-beloved The Honorable Sir REGINALD ARTHUR JAMES TALBOT, Knight Commander of the Most Honorable Order of the Bath; Governor of the State of Victoria and its Dependencies, in the Commonwealth of Australia, &c., &c., &c., at Melbourne, this twenty-second day of June, One thousand nine hundred and four, and in the fourth year of Our reign.

R. TALBOT.

By His Excellency's Command,

THOS. BENT.

Entered on Record by me in Register of Patents, Book 24, Page 292, this twenty-second day of June, One thousand nine hundred and four.

G. C. MORRISON.

Then the Honorable Sir John Madden said:—

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

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

The Members of the Legislative Assembly withdrew.

His Honour Mr. Justice a'Beckett withdrew.

2. COMMISSION TO ADMINISTER OATH TO MEMBERS.—The Honorable Sir John Madden, Commissioner from His Excellency the Governor to administer the oath prescribed by the twenty-eighth section of the Act No. 1075, then handed his Commission to the Clerk, who read the same as follows:—

By His Excellency the Honorable Sir REGINALD ARTHUR JAMES TALBOT, Knight Commander of the Most Honorable Order of the Bath; Governor of the State of Victoria and its Dependencies in the Commonwealth of Australia, &c., &c., &c.

To the Honorable Sir John Madden, K.C.M.G., B.A., LL.D., the Chief Justice of Our Supreme Court in Our said State of Victoria.

GREETING:

WHEREAS by the twenty-eighth section of *The Constitution Act Amendment Act* 1890, No. 1075, it is enacted that no Member, either of the Legislative Council or the Legislative Assembly, shall be permitted to sit or vote therein respectively until he has taken and subscribed before the Governor, or some person authorized by the Governor in that behalf, the Oath set out in the Second Schedule to the aforesaid Act: Now therefore I, the Governor of the said State, do by these presents command and authorize you to proceed to the State Parliament House, in the Carlton Gardens, in the City of Melbourne, on Wednesday, the twenty-ninth day of June instant, at Twelve of the clock at noon, then and there to administer the said Oath to the several Members of the said Legislative Council.

Given under my Hand and the Seal of the State, at Melbourne, in the said State, this twenty-second day of June, in the year of our Lord One thousand nine hundred and four, and in the fourth year of His Majesty's reign.

(L.S.)

R. TALBOT.

By His Excellency's Command,

THOS. BENT.

Entered on Record by me in Register of Patents, Book 24, page 292, this twenty-second day of June, One thousand nine hundred and four.

G. C. MORRISON.

3. RETURNS TO WRITS.—The Clerk announced that he had received from the Private Secretary to His Excellency the Governor returns to writs issued under the hand of His Excellency, for the election of Members to serve in the Legislative Council of Victoria, that by the indorsements on such writs it appeared that the following Members had been returned for the several Electoral Provinces set opposite their respective names, and that one Member had been returned as Representative of Public Officers and Railways Officers, viz.:—

The Honorable James Balfour	}	For the East Yarra Province.
The Honorable Edward Miller		
The Honorable William Cain	}	For the Melbourne Province.
The Honorable John Mark Davies		
The Honorable William Pitt	}	For the Melbourne East Province.
The Honorable Adam McLellan		
The Honorable Donald Melville	}	For the Melbourne North Province.
The Honorable Frank Stuart		
The Honorable Thomas Luxton	}	For the Melbourne South Province.
The Honorable Thomas Henry Payne		
The Honorable John George Aikman	}	For the Melbourne West Province.
The Honorable William Haslam Edgar		
The Honorable Joseph Sternberg	}	For the Bendigo Province.
The Honorable William Blair Gray		
The Honorable Edward Jolley Crooke	}	For the Gippsland Province.
The Honorable William Pearson		
The Honorable Hans William Henry Irvine	}	For the Nelson Province.
The Honorable James Drysdale Brown		
The Honorable William Lawrence Baillieu	}	For the Northern Province.
The Honorable Martin Cussen		
The Honorable Arthur Otto Sachse	}	For the North-Eastern Province.
The Honorable Willis Little		
The Honorable Richard Bloomfield Rees	}	For the North-Western Province.
The Honorable Joseph Major Pratt		
The Honorable William Henry Embling	}	For the Southern Province.
The Honorable Nicholas FitzGerald		
The Honorable Duncan Elphinstone McBryde	}	For the South-Eastern Province.
The Honorable James Callender Campbell		
The Honorable Thomas Charles Harwood	}	For the South-Western Province.
The Honorable Sir Henry John Wrixon, K.C.M.G. K.C.		
The Honorable Sir Henry Cuthbert, K.C.M.G., K.C.	}	For the Wellington Province.
The Honorable John Young McDonald		
The Honorable Walter Synnot Manifold	}	For the Western Province.
The Honorable Robert Blackwood Ritchie		

The Honorable William John Evans, Representative of Public Officers and Railways Officers.

4. SWEARING-IN OF MEMBERS.—The Honorables J. G. Aikman, W. L. Baillieu, J. Balfour, J. D. Brown, W. Cain, J. C. Campbell, E. J. Crooke, M. Cussen, Sir H. Cuthbert, J. M. Davies, W. H. Edgar, Dr. W. H. Embling, W. J. Evans, N. FitzGerald, W. B. Gray, T. C. Harwood, W. Little, T. Luxton, Walter S. Manifold, D. E. McBryde, J. Y. McDonald, A. McLellan, D. Melville, E. Miller, T. H. Payne, W. Pearson, W. Pitt, J. M. Pratt, R. B. Rees, R. B. Ritchie, A. O. Sachse, F. Stuart, and Sir H. J. Wrixon, having severally approached the Table, took and subscribed the oath required by law, and delivered to the Clerk the Declaration required by the thirty-seventh section of the Act No. 1075, as hereunder set forth:—

“ In compliance with the provisions of the Constitution Act Amendment Acts, I, JOHN GEORGE AIKMAN, do declare and testify that I am legally or equitably seized of or entitled to an estate of freehold for my own use and benefit in lands or tenements in the State of Victoria of the yearly value of One hundred and twenty-five pounds above all charges and incumbrances affecting the same, other than any public or parliamentary tax or municipal or other rate or assessment; and further, that such lands or tenements are situated in the municipal district as herein set out, and are known as—

“ Shop and land, McCulloch-street, Donald, shire of Donald, occupied by John D. Collier, surgeon, and valued at	£50
“ Shop and land, Nhill, shire of Lowan, and valued at	12
“ Shop and land, Nhill, occupied by O. J. Harken, shire of Lowan, and valued at	38
“ Shop, dwellings, and land, shire of Dimboola, and valued at	25
	£125

“ And I further declare that such of the said lands or tenements as are situate in the municipal district as above set out are rated in the rate-books of such districts upon a yearly value of One hundred and twenty-five pounds, and that such of the said lands or tenements as are situate in

the municipal district as above set out are rated in the rate-book of such district upon a yearly value of One hundred and twenty-five pounds, and are as follows :—

“ Shop and land, McCulloch-street, Donald, shire of Donald, occupied by John D. Collier, surgeon, and valued at	£50
“ Shop and land, Nhill, shire of Lowan, and valued at	12
“ Shop and land, Nhill, occupied by O. J. Harken, shire of Lowan, and valued at	38
“ Shop, dwellings, and land, shire of Dimboola, and valued at	25
	<hr/>
	£125

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

“JOHN GEORGE AIKMAN.”

“In compliance with the provisions of the Constitution Act Amendment Acts, I, WILLIAM LAWRENCE BAILLIEU, do declare and testify that I am legally or equitably seized of or entitled to an estate of freehold for my own use and benefit in lands or tenements in the State of Victoria of the yearly value of Two hundred and sixty pounds above all charges and incumbrances affecting the same, other than any public or parliamentary tax or municipal or other rate or assessment; and further, that such lands or tenements are situated in the municipal districts of Melbourne and Boroondara, and are known as—

“Firstly, all that piece of land having a frontage of fifty-one feet and eight inches to Swanston-street, Melbourne, by a depth of one hundred and twelve feet along Latrobe-street, and being Crown allotments 32 and 33, section 44, city of Melbourne, parish of North Melbourne, more particularly described in certificate of title, volume 2043, folio 408547.

“Secondly, all that piece of land containing fifteen acres or thereabouts, having a frontage to Whitehorse-road, Canterbury, and being part of the land described in certificate of title, volume 2038, folio 407259.

“Thirdly, all that piece of land containing two acres three roods and twenty-three perches, being part of Crown portion 129, parish of Boroondara, county of Bourke, and being the land more particularly described in certificate of title, volume 2625, folio 534945.

“And I further declare that such of the said lands or tenements as are situate in the municipal district of Melbourne are rated in the rate-book of such district upon a yearly value of Ninety pounds; and that such of the said lands or tenements as are situate in the municipal district of Boroondara are rated in the rate-book of such district upon a yearly value of Eighty pounds; and that such of the said lands or tenements as are situate in the municipal district of Boroondara, and above referred to as ‘thirdly,’ are rated in the rate-book of such district upon a yearly value of One hundred and seventy pounds (£170).

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

“W. L. BAILLIEU.”

“In compliance with the provisions of the Constitution Act Amendment Acts, I, JAMES BALFOUR, do declare and testify that I am legally or equitably seized of or entitled to an estate of freehold for my own use and benefit in lands or tenements in the State of Victoria of the yearly value of One hundred and six pounds above all charges and incumbrances affecting the same, other than any public or parliamentary tax or municipal or other rate or assessment; and further, that such lands or tenements are situated in the municipal district of Prahran, and are known as part of Crown portion 18, parish of Prahran.

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

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

“JAMES BALFOUR.”

“In compliance with the provisions of the Constitution Act Amendment Acts, I, JAMES DRYSDALE BROWN, do declare and testify that I am legally or equitably seized of or entitled to an estate of freehold for my own use and benefit in lands or tenements in the State of Victoria of the yearly value of Two hundred and thirty-one pounds above all charges and incumbrances affecting the same, other than any public or parliamentary tax or municipal or other rate or assessment; and further that such lands or tenements are situated in the municipal district of Coburg, and are known as part of Crown portion One hundred and forty-three at Coburg, Parish of Jika Jika, County of Bourke.

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

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

“J. DRYSDALE BROWN.”

"In compliance with the provisions of the Constitution Act Amendment Acts, I, WILLIAM CAIN, of Anderson-street, South Yarra, do declare and testify that I am legally or equitably seised of or entitled to an estate of freehold for my own use and benefit in lands or tenements in the State of Victoria of the yearly value of Three hundred and seventy-five pounds above all charges and incumbrances affecting the same, other than any public or parliamentary tax or municipal or other rate or assessment; and further, that such lands or tenements are situated in the municipal district of Melbourne, and are known as part of Crown portions nine and ten, parish of South Melbourne, at South Yarra, at the junction of Anderson-street and Clow-street, on which is erected my dwelling-house, and also of freehold vacant land in Anderson-street, adjoining my said residence.

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

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

"WILLIAM CAIN."

"In compliance with the provisions of the Constitution Act Amendment Acts, I, JAMES CALLENDER CAMPBELL, do declare and testify that I am legally or equitably seised of or entitled to an estate of freehold for my own use and benefit in lands or tenements in the State of Victoria of the yearly value of Two hundred pounds above all charges and incumbrances affecting the same, other than any public or parliamentary tax or municipal or other rate or assessment; and further, that such lands or tenements are situated in the municipal district of Brighton, and are known as 'Myrtle Grove,' situate in New-street and North-road, town of Brighton, containing seven and one-half acres or thereabouts, on which is erected a two-storied brick house, containing sixteen rooms; also an allotment of land situate at Elwood-street, Brighton.

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

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

"JAS. C. CAMPBELL."

"In compliance with the provisions of the Constitution Act Amendment Acts, I, EDWARD JOLLEY CROOKE, do declare and testify that I am legally or equitably seised of or entitled to an estate of freehold for my own use and benefit in lands or tenements in the State of Victoria of the yearly value of Five hundred and fifty-six pounds above all charges and incumbrances affecting the same, other than any public or parliamentary tax or municipal or other rate or assessment; and further, that such lands or tenements are situated in the municipal district of Rosedale, and are known as portion of 'The Holey Plain Estate.'

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

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

"E. J. CROOKE."

"In compliance with the provisions of the Constitution Act Amendment Acts, I, MARTIN CUSSEN, do declare and testify that I am legally or equitably seised of or entitled to an estate of freehold for my own use and benefit in lands or tenements in the State of Victoria of the yearly value of Eighty-eight pounds above all charges and incumbrances affecting the same, other than any public or parliamentary tax or municipal or other rate or assessment; and further, that such lands or tenements are situated in the municipal district of Rodney, and are known as 'Tally Ho Park,' Mooroopna, tenements in Main-street, Mooroopna.

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

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

"M. CUSSEN."

"In compliance with the provisions of the Constitution Act Amendment Acts, I, HENRY CUTNBERT, of the city of Ballarat, K.C.M.G., do declare and testify that I am legally or equitably seised of or entitled to an estate of freehold for my own use and benefit in lands or tenements in the State of Victoria of the yearly value of Two hundred pounds above all charges and incumbrances affecting the same, other than any public or parliamentary tax or municipal or other rate or assessment; and further, that such lands or tenements are situated in the municipal districts of Ballarat and shire of Ballarat, and are known as—

"Part of allotment 1 of section nine, city of Ballarat.

"Allotment 2 of section fourteen, parish of Ballarat, county of Grenville.

“ And I further declare that such of the said lands or tenements as are situate in the municipal district of the city of Ballarat are rated in the rate-book of such district upon a yearly value of Eighty pounds; and that such of the said lands or tenements as are situate in the municipal district of the shire of Ballarat are rated in the rate-book of such district upon a yearly value of One hundred and twenty pounds.

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

“ HENRY CUTHBERT.”

“ In compliance with the provisions of the Constitution Act Amendment Acts, I, JOHN MARK DAVIES, do declare and testify that I am legally or equitably seised of or entitled to an estate of freehold for my own use and benefit in lands or tenements in the State of Victoria of the yearly value of One hundred pounds above all charges and incumbrances affecting the same, other than any public or parliamentary tax or municipal or other rate or assessment; and further, that such lands or tenements are situated in the municipal district of Lilydale, and are known as Crown allotments fifty-six, fifty-seven, and fifty-eight, parish of Wandin Yallock, county of Evelyn, containing six hundred and twenty-five acres and twenty perches or thereabouts.

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

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

“ JNO. M. DAVIES.”

“ In compliance with the provisions of the Constitution Act Amendment Acts, I, WILLIAM HASLAM EDGAR, do declare and testify that I am legally or equitably seised of or entitled to an estate of freehold for my own use and benefit in lands or tenements in the State of Victoria of the yearly value of Fifty-five pounds above all charges and incumbrances affecting the same, other than any public or parliamentary tax or municipal or other rate or assessment; and further, that such lands or tenements are situated in the municipal district of Malvern, and are known as land and house, No. 1 Railway Road, Malvern; also vacant land situate corner of Railway-road and Station-street, Malvern.

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

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

“ W. H. EDGAR.”

“ In compliance with the provisions of the Constitution Act Amendment Acts, I, WILLIAM HENRY EMBLING, do declare and testify that I am legally or equitably seised of or entitled to an estate of freehold for my own use and benefit in lands or tenements in the State of Victoria of the yearly value of Two hundred pounds above all charges and incumbrances affecting the same, other than any public or parliamentary tax or municipal or other rate or assessment; and further, that such lands or tenements are situated in the municipal district of St. Kilda, and are known as ‘ Elmwood,’ Chapel-street, St. Kilda.

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

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

“ WILLIAM HENRY EMBLING.”

“ In compliance with the provisions of the Constitution Act Amendment Acts, I, WILLIAM JOHN EVANS, do declare and testify that I am legally or equitably seised of or entitled to an estate of freehold for my own use and benefit in lands or tenements in the State of Victoria of the yearly value of Fifty-five pounds above all charges and incumbrances affecting the same, other than any public or parliamentary tax or municipal or other rate or assessment; and further, that such lands or tenements are situated in the municipal district of South Melbourne, and are known as 32 Withers-street; of Port Melbourne, and known as 143 Cruickshank-street; and of Lilydale, known as Blocks Nos. 25 and 26, Mullum Mullum-road, Ringwood.

“ And I further declare that such of the said lands or tenements as are situate in the municipal district of South Melbourne are rated in the rate-book of such district upon a yearly value of Thirty-three pounds, and that such of the said lands or tenements as are situate in the municipal district of Port Melbourne are rated in the rate-book of such district upon a yearly value of Twenty-four pounds, and that such of the said lands or tenements as are situate in the municipal district of Lilydale are rated in the rate-book of such district upon a yearly value of Twenty-two pounds ten shillings.

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

“ W. J. EVANS.”

"In compliance with the provisions of the Constitution Act Amendment Acts, I, NICHOLAS FITZGERALD, do declare and testify that I am legally or equitably seised of or entitled to an estate of freehold for my own use and benefit in lands or tenements in the State of Victoria of the yearly value of One hundred pounds above all charges and incumbrances affecting the same, other than any public or parliamentary tax or municipal or other rate or assessment; and further, that such lands or tenements are situated in the municipal district of St. Kilda, and are known as 'Moira,' Alma-road.

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

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

"NICHOLAS FITZGERALD."

"In compliance with the provisions of the Constitution Act Amendment Acts, I, WILLIAM BLAIR GRAY do declare and testify that I am legally or equitably seised of or entitled to an estate of freehold for my own use and benefit in lands or tenements in the State of Victoria of the yearly value of One hundred pounds above all charges and incumbrances affecting the same, other than any public or parliamentary tax or municipal or other rate or assessment; and further, that such lands or tenements are situated in the municipal district of Shire of Maldon, and are known as allotment 10E, High-street, section A, parish of Maldon, and allotment part 14, High-street, section A, parish of Maldon.

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

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

"W. B. GRAY."

"In compliance with the provisions of the Constitution Act Amendment Acts, I, THOMAS CHARLES HARWOOD, do declare and testify that I am legally or equitably seised of or entitled to an estate of freehold for my own use and benefit in lands or tenements in the State of Victoria of the yearly value of Fifty pounds above all charges and incumbrances affecting the same, other than any public or parliamentary tax or municipal or other rate or assessment; and further, that such lands or tenements are situated in the municipal districts of Newtown and Chilwell and Queenscliff, and are respectively known as 'Hawthorn,' Skene-street, Newtown, Geelong, and 'Graylings,' Swanston-street, Queenscliff.

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

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

"THOS. C. HARWOOD."

"In compliance with the provisions of the Constitution Act Amendment Acts, I, WILLIS LITTLE, do declare and testify that I am legally or equitably seised of or entitled to an estate of freehold for my own use and benefit in lands or tenements in the State of Victoria of the yearly value of Two hundred pounds above all charges and incumbrances affecting the same, other than any public or parliamentary tax or municipal or other rate or assessment; and further, that such lands or tenements are situated in the municipal district of Benalla, and are known as allotments 1 to 4, section H, Benalla, one hundred and ninety-three acres, Fifty-seven pounds; allotments 1 and 2, section I, Benalla, three hundred and twenty-seven acres, Eighty-one pounds; allotment 3, section I, Benalla, sixty-five acres, Sixteen pounds; allotment 24AB, Benalla, three hundred and twenty acres, Fifty pounds; allotments 1A, 1B, 46B, 47A, Kilfeera, seven hundred and sixty-six acres, One hundred and fifty-three pounds; allotments 33, 46A, Kilfeera, two hundred and ninety-nine acres, Sixty-one pounds.

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

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

"WILLIS LITTLE."

"In compliance with the provisions of the Constitution Act Amendment Acts, I, THOMAS LUXTON, do declare and testify that I am legally or equitably seised of or entitled to an estate of freehold for my own use and benefit in lands or tenements in the State of Victoria of the yearly value of One hundred and ninety-six pounds above all charges and incumbrances affecting the same, other than any public or parliamentary tax or municipal or other rate or assessment; and further, that such lands or tenements are situated in the municipal district of Prahran, and are known as 'Grandview,' 5 Wynnstay-road, Armadale; 'Craigmill,' 15 Mathoura-road, Toorak.

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

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

"THOS. LUXTON."

"In compliance with the provisions of the Constitution Act Amendment Acts, I, WALTER SYNNOT MANIFOLD, do declare and testify that I am legally or equitably seized of or entitled to an estate of freehold for my own use and benefit in lands or tenements in the State of Victoria of the yearly value of Sixty pounds above all charges and incumbrances affecting the same, other than any public or parliamentary tax or municipal or other rate or assessment; and further, that such lands or tenements are situated in the municipal district of the Shire of Warrnambool, and are known as part of portion 24, parish of Mepunga, county of Heytesbury, containing one hundred and fifty-two acres.

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

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

"WALTER MANIFOLD."

"In compliance with the provisions of the Constitution Act Amendment Acts, I, DUNCAN ELPHINSTONE MCBRYDE, do declare and testify that I am legally or equitably seized of or entitled to an estate of freehold for my own use and benefit in lands or tenements in the State of Victoria of the yearly value of Three hundred and eighty pounds above all charges and incumbrances affecting the same, other than any public or parliamentary tax or municipal or other rate or assessment; and further, that such lands or tenements are situated in the municipal district of Brighton, and are known as 'Kamesburgh,' containing ten acres or thereabouts, being part of Dendy's special survey at Brighton, and situate at the angle of North-road and Cochrane-street, and purchased by me for the sum of Twelve thousand two hundred pounds.

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

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

"D. E. MCBRYDE."

"In compliance with the provisions of the Constitution Act Amendment Acts, I, JOHN YOUNG McDONALD, do declare and testify that I am legally or equitably seized of or entitled to an estate of freehold for my own use and benefit in lands or tenements in the State of Victoria of the yearly value of Two hundred pounds above all charges and incumbrances affecting the same, other than any public or parliamentary tax or municipal or other rate or assessment; and further, that such lands or tenements are situated in the municipal district of Ballarat West, and are known as the 'Edinburgh Buildings.'

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

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

"J. Y. McDONALD."

"In compliance with the provisions of the Constitution Act Amendment Acts, I, ADAM McLELLAN, do declare and testify that I am legally or equitably seized of or entitled to an estate of freehold for my own use and benefit in lands or tenements in the State of Victoria of the yearly value of Seventy-four pounds above all charges and incumbrances affecting the same, other than any public or parliamentary tax or municipal or other rate or assessment; and further, that such lands or tenements are situated in the municipal district of Richmond, and are known as—land adjoining 83 Lord-street, Richmond; house and land, 83 Lord-street, Richmond; cottage and land, 111 Hunter-street; cottage and land, 113 Hunter-street; stables and land adjoining 111 Hunter-street.

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

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

"ADAM McLELLAN."

In compliance with the provisions of the Constitution Act Amendment Acts, I, DONALD MELVILLE, do declare and testify that I am legally or equitably seized of or entitled to an estate of freehold for my own use and benefit in lands or tenements in the State of Victoria of the yearly value of One hundred and forty-six pounds above all charges and incumbrances affecting the

same, other than any public or parliamentary tax or municipal or other rate or assessment; and further, that such lands or tenements are situated in the municipal districts of Brunswick, Pyalong, and McIvor, and are known as—

“My residence, situated in Albion-street, West Brunswick, with twenty-eight and one-half acres land; two hundred and six acres land within the shire of Pyalong; and one hundred and forty acres land within the shire of McIvor.

“And I further declare that such of the said lands or tenements as are situate in the municipal district of Brunswick are rated in the rate-book of such district upon a yearly value of One hundred and one pounds, and that such of the said lands or tenements as are situate in the municipal district of Pyalong are rated in the rate-book of such district upon a yearly value of Thirty pounds, and that within the municipal district of McIvor at Fifteen pounds.

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

“D. MELVILLE.”

“In compliance with the provisions of the Constitution Act Amendment Acts, I, EDWARD MILLER, do declare and testify that I am legally or equitably seised of or entitled to an estate of freehold for my own use and benefit in lands or tenements in the State of Victoria of the yearly value of One hundred and fifty pounds above all charges and incumbrances affecting the same, other than any public or parliamentary tax or municipal or other rate or assessment; and further, that such lands are situated in the municipal district of Kew, and are known as part of ‘Findon’ Estate, being land measuring four acres, situate corner of Barker’s-road and Findon-street.

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

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

“EDWARD MILLER.”

“In compliance with the provisions of the Constitution Act Amendment Acts, I, THOMAS HENRY PAYNE, do declare and testify that I am legally or equitably seised of or entitled to an estate of freehold for my own use and benefit in lands or tenements in the State of Victoria of the yearly value of Nine hundred pounds above all charges and incumbrances affecting the same, other than any public or parliamentary tax or municipal or other rate or assessment; and further, that such lands or tenements are situated in the municipal district of city of Prahran, and are known as ‘Leura,’ Toorak, being Crown portion 20, parish of Prahran, county of Bourke.

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

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

“T. H. PAYNE.”

“In compliance with the provisions of the Constitution Act Amendment Acts, I, WILLIAM PEARSON, do declare and testify that I am legally or equitably seised of or entitled to an estate of freehold for my own use and benefit in lands or tenements in the State of Victoria of the yearly value of Five hundred pounds above all charges and incumbrances affecting the same, other than any public or parliamentary tax or municipal or other rate or assessment; and further, that such lands or tenements are situated in the municipal district of Rosedale, and are known as ‘Kilmany Park,’ Sale.

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

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

“WM. PEARSON.”

“In compliance with the provisions of the Constitution Act Amendment Acts, I, WILLIAM PITT, do declare and testify that I am legally or equitably seised of or entitled to an estate of freehold for my own use and benefit in lands or tenements in the State of Victoria of the yearly value of One hundred pounds above all charges and incumbrances affecting the same, other than any public or parliamentary tax or municipal or other rate or assessment; and further, that such lands or tenements are situated in the municipal district of Collingwood, and are known as land, Trenery-crescent, Collingwood.

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

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

“WILLIAM PITT.”

"In compliance with the provisions of the Constitution Act Amendment Acts, I, JOSEPH MAJOR PRATT, do declare and testify that I am legally or equitably seised of or entitled to an estate of freehold for my own use and benefit in lands or tenements in the State of Victoria of the yearly value of Two hundred pounds above all charges and incumbrances affecting the same, other than any public or parliamentary tax or municipal or other rate or assessment; and further, that such lands or tenements are situated in the municipal district of Melbourne, and are known as all that piece of land containing thirty-six perches and three-tenths of a perch or thereabouts, being part of Crown allotment four, section fourteen, city of Melbourne, parish of North Melbourne, at East Melbourne, county of Bourke.

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

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

"J. M. PRATT."

"In compliance with the provisions of the Constitution Act Amendments Acts, I, RICHARD BLOOMFIELD REES, do declare and testify that I am legally or equitably seised of or entitled to an estate of freehold for my own use and benefit in lands or tenements in the State of Victoria of the yearly value of One hundred pounds above all charges and incumbrances affecting the same, other than any public or parliamentary tax or municipal or other rate or assessment; and further, that such lands or tenements are situated in the municipal district of Swan Hill, and are known as shop and dwelling properties, situate in Campbell-street.

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

"R. BLOOMFIELD REES."

"In compliance with the provisions of the Constitution Act Amendment Acts, I, ROBERT BLACKWOOD RITCHIE, do declare and testify that I am legally or equitably seised of or entitled to an estate of freehold for my own use and benefit in lands or tenements in the State of Victoria of the yearly value of Three thousand three hundred and fifty-two pounds above all charges and incumbrances affecting the same, other than any public or parliamentary tax or municipal or other rate or assessment; and, further, that such lands or tenements are situated in the municipal district of Mount Rouse, and are known as 'Blackwood.'

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

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

"R. B. RITCHIE."

"In compliance with the provisions of the Constitution Act Amendment Acts, I, ARTHUR OTTO SACHSE, do declare and testify that I am legally or equitably seised of or entitled to an estate of freehold for my own use and benefit in lands or tenements in the State of Victoria of the yearly value of Three hundred and fifty pounds above all charges and incumbrances affecting the same, other than any public or parliamentary tax or municipal or other rate or assessment; and further, that such lands or tenements are situated in the municipal district of Prahran, and are known as 'Marilla,' Toorak-road, South Yarra.

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

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

"A. O. SACHSE."

"In compliance with the provisions of the Acts 54 Victoria No. 1075 and 3 Edward VII. No. 1864, I, FRANK STUART, of Flinders-street, Melbourne, warehouseman, do declare and testify that I am legally seised of an estate of freehold for my own use and benefit in lands or tenements in the State of Victoria of the yearly value of Sixty-three pounds ten shillings above all charges and incumbrances affecting the same, other than any public or parliamentary tax or municipal or other rate or assessment; and further, that part of such lands are situate in the municipal district of the town of Essendon, and are known as lots 1, 2, 3, 4, 5, 6, 7, 10, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, and part of lot 25 on plan of subdivision of Crown suburban allotments 44 and 45, at Essendon, parish of Joka Joka, county of Bourke, and further that part of such lands are situate in the municipal district of the shire of Orbst, and known as allotment 104A, in the parish of Colquhoun.

“And I further declare that such of the said lands and tenements as are situate in the municipal district of the town of Essendon, and to which I am entitled to one undivided moiety, are rated in the rate-books of such district upon a yearly value of Ninety-seven pounds, and that such of the said lands as are situate in the municipal district of the shire of Orbost are rated upon the rate-books of such district upon a yearly value of Fifteen pounds.

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

“FRANK STUART.”

“In compliance with the provisions of the Constitution Act Amendment Acts, I, HENRY JOHN WRIXON, do declare and testify that I am legally or equitably seised of or entitled to an estate of freehold for my own use and benefit in lands or tenements in the State of Victoria of the yearly value of One hundred pounds above all charges and incumbrances affecting the same, other than any public or parliamentary tax or municipal or other rate or assessment; and further, that such lands or tenements are situated in the municipal district of the Shire of Braybrook, and are known as ‘Rockbank,’ parish of Derrimut.

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

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

“H. J. WRIXON.”

The Honorable Sir John Madden attested the Oath Roll, and then withdrew.

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

The Honorable N. FitzGerald, addressing the Clerk, proposed to the Council for their President the Honorable Sir Henry John Wrixon; and moved, That the Honorable Sir Henry John Wrixon do take the Chair of the Council as President, which motion was seconded by the Honorable J. Balfour. The Honorable Sir Henry John Wrixon, addressing the Clerk, expressed the high sense he had of the honour proposed to be conferred upon him, and submitted himself to the Council.

The Council then unanimously calling the Honorable Sir Henry John Wrixon to the Chair, he was taken out of his place by the Honorable N. FitzGerald and the Honorable J. Balfour, and conducted to the Chair; and, standing on the dais, he returned his acknowledgments to the Council for the great honour that had been conferred upon him, and thereupon he took the Chair of the President. Then the Honorables J. M. Davies, Sir H. Cuthbert, and A. O. Sachse congratulated the Honorable the President.

6. ADJOURNMENT.—The Honorable J. M. Davies moved, That the Council, at its rising, adjourn until two o'clock to-morrow.

Question—put and resolved in the affirmative.

And then the Council, at thirty-five minutes past twelve o'clock, adjourned until to-morrow.

GEORGE H. JENKINS,
Clerk of the Legislative Council.

VICTORIA.

No. 2.

MINUTES OF THE PROCEEDINGS

OF THE

LEGISLATIVE COUNCIL.

THURSDAY, 30TH JUNE, 1904.

1. The President took the Chair.
2. APPROACH OF HIS EXCELLENCY THE GOVERNOR.—The approach of His Excellency the Governor was announced by the Usher.

His Excellency came into the Council Chamber, and commanded the immediate attendance of the Legislative Assembly, 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 am happy, on this the first occasion of my meeting Parliament, to be able to congratulate you upon the general prosperity of the country.

I have called you together in order that I may have your advice and assistance with regard to matters of importance which will be submitted to you by My Advisers.

It is most desirable for the welfare of the people that the greatest possible facilities should be afforded for settlement on the lands of the State. With this view a measure has been prepared, for your consideration, providing for the acquisition by the Crown, from private owners, of lands suitable for the purposes of closer settlement, not only in the distant country districts, but also within easy reach of centres of population. These lands will be acquired under conditions which, while effectually conserving the rights of the owners, will, it is hoped, prove of great advantage to the State. The areas will be utilized for the purpose of affording sons of farmers and others an opportunity of becoming proprietors of land, and of enabling workmen in towns to take up small blocks which they or their families may be able to cultivate.

With similar objects, an Amending Land Bill will be laid before you, providing for the throwing open for selection, in small areas, of land suitable for people of limited means, in those districts of the State which are, or which may in the future become, by means of irrigation or other works, valuable for the purposes of production.

With the further object of rendering fertile the arid portions of the State, it is intended to proceed, as rapidly and as fully as circumstances will permit, with the important work of Water Conservation and Irrigation. A Bill for this purpose will be brought before you, and that measure will embody the principle that those who derive benefit from the works shall contribute towards their cost.

My Advisers are impressed with the necessity of making known more widely the capabilities of the State in the matter of Food Production, and of securing a wider market for such produce ; and they are using every endeavour to bring about those results. The methods of the Department of Agriculture will be improved, and the Dairying and other industries will be assisted as far as possible. In order to admit of the largest vessels in the world calling here for produce, steps are being taken to deepen the entrance to Port Phillip Heads.

The financial position of the State is, I am glad to inform you, such as to afford great satisfaction and to prove the wisdom of the various measures of economy which have recently been resorted to. For the financial year which will close at the end of June, the Railways, under the management of the present Commissioners, will have practically earned (in addition to working expenses, and an outlay of £115,000 on belated repairs and recoups of Capital Funds) full interest charges on the railway debt, which forms about four-fifths of the total indebtedness of the State.

In these favorable circumstances, My Advisers feel justified in proposing a reduction of the Income Tax, and they will have pleasure in submitting to you a Bill for that purpose.

The greatest economy will still be exercised in every Department of the Public Service, and every opportunity of reducing the cost of administration will be availed of.

MR. SPEAKER AND GENTLEMEN OF THE LEGISLATIVE ASSEMBLY :

The Estimates of Expenditure for the ensuing year, which have been prepared with the greatest regard to economy, will be submitted to you in due course.

MR. PRESIDENT AND HONORABLE GENTLEMEN OF THE LEGISLATIVE COUNCIL :

MR. SPEAKER AND GENTLEMEN OF THE LEGISLATIVE ASSEMBLY :

It is the intention of the Government to undertake, out of revenue, a number of public works which will be beneficial to the community.

Attention is being given to the development of the Mining Industry. A Bill was submitted to the last Parliament providing for several important changes in the existing law, but the time available did not admit of its becoming law. A measure will be introduced containing all the principal provisions of the former Bill, together with several important additions which experience has shown to be desirable and necessary. This measure will include provisions for the simplification of administration ; for the protection from accident of miners and engine-drivers ; for proper ventilation ; and for improving the health conditions of underground workers ; also for giving such increased security of tenure as will encourage the investment of capital in mining.

Boring operations having proved of the greatest value in discovering mineral deposits and in determining the course of the old auriferous beds, it is intended to provide plant for carrying on those operations in various parts of the State, with respect both to gold and coal.

As regards Dredging, it is intended to proceed with caution, because, while much good may result therefrom in some parts of the State, yet in others loss and damage may ensue. Every application for a dredging licence will, therefore, be carefully and fully inquired into, and will only be granted when the work can be carried on without undue risk.

It is also intended to extend the provisions of the Mines Development Act, so as to provide, by means of loans, assistance to companies and parties engaged in developing auriferous areas.

The Conservation of the State Forests is receiving careful consideration, and it is hoped that, by a re-organization of the Forests Department and by the adoption of improved methods of administration, not only will the valuable timber of the State be more effectually preserved and rendered available, but a large revenue will be derived therefrom.

The great importance to the community of unadulterated and wholesome Food is recognised by the Government, and a Bill to secure, as far as possible, this most desirable result will be laid before you.

My Advisers have appointed a Commission to inquire into the working of the Butter Industry ; and the report of that Commission, when presented, will be immediately taken into careful consideration with a view to the initiation of any legislation which may be found to be necessary.

The Factories Acts, which were passed for limited periods, have successfully stood the test of experience, and a Bill will be brought forward for consolidating and placing those Acts permanently upon the Statute-book.

I now leave you to your deliberations, which, I trust, under the blessing of Divine Providence, will conduce to the prosperity and happiness of the people.

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

The Legislative Assembly then withdrew.

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

4. RECEPTION OF THE PRESIDENT-ELECT BY THE GOVERNOR.—The President reported that he had, accompanied by Honorable Members, presented himself to the Governor, who had been pleased to approve of the choice made by the Council, and had addressed him in the following terms :—

MR. PRESIDENT—

It is with much pleasure I learn of the choice made by the Legislative Council in electing you for the second time to fill the high and honorable office of President. I feel assured that you will continue to uphold the dignity of that distinguished position. Your long and prominent public career in both Houses of Parliament of Victoria will, I am certain, fully justify the Members of the Legislative Council in their action, and it is now my pleasing duty to officially approve of their selection of yourself as the President of the Legislative Council of Victoria.

R. TALBOT.

State Government House,
Melbourne, 30th June, 1904.

5. COMMISSION TO ADMINISTER OATH TO MEMBERS.—The President announced that he had received from His Excellency the Governor the following Commission :—

By His Excellency the Honorable Sir REGINALD ARTHUR JAMES TALBOT, Knight Commander of the Most Honorable Order of the Bath ; Governor of the State of Victoria and its Dependencies in the Commonwealth of Australia, &c., &c., &c.

To the Honorable Sir HENRY JOHN WRIXON, K.C.M.G., K.C., President of the Legislative Council of the State of Victoria.

GREETING :

WHEREAS by the twenty-eighth section of *The Constitution Act Amendment Act* 1890, No. 1075, it is enacted that no Member, either of the Legislative Council or the Legislative Assembly, shall be permitted to sit or vote therein respectively until he has taken and subscribed before the Governor,

or some person authorized by the Governor in that behalf, the Oath set out in the Second Schedule to the aforesaid Act: Now therefore I, the Governor aforesaid, do by these presents command and authorize you from time to time, in the State Parliament House, in the Carlton Gardens, 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 since their election to the said Legislative Council.

Given under my hand and the Seal of the State at Melbourne, in the said State, this twenty-ninth day of June, in the year of our Lord One thousand nine hundred and four, and in the fourth year of His Majesty's reign.

R. TALBOT.

By His Excellency's Command,

THOS. BENT.

Entered on Record by me in Register of Patents, Book 24,
page 293, this twenty-ninth day of June, One thousand
nine hundred and four.

G. C. MORRISON.

6. SWEARING-IN OF MEMBER.—The Honorable H. W. H. Irvine, being introduced, took and subscribed the oath required by law, and delivered to the Clerk the Declaration required by the thirty-seventh section of the Act No. 1075, as hereunder set forth:—

“In compliance with the provisions of the Constitution Act Amendment Acts, I, HANS WILLIAM HENRY IRVINE, do declare and testify that I am legally or equitably seised of or entitled to an estate of freehold for my own use and benefit in lands or tenements in the State of Victoria of the yearly value of Three hundred and fifty pounds above all charges and incumbrances affecting the same, other than any public or parliamentary tax or municipal or other rate or assessment; and further, that such lands or tenements are situated in the municipal district of Stawell, and are known as ‘The Great Western’ Vineyard, Great Western.

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

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

“HANS W. H. IRVINE.”

7. JURIES ACTS AMENDMENT BILL.—On the motion of the Honorable J. M. Davies, a Bill to amend the Juries Acts, was read a first time, ordered to be printed, and read a second time on Tuesday next.

8. CHAIRMAN OF COMMITTEES.—The Honorable J. M. Davies moved, by leave, That the Honorable Nicholas FitzGerald be Chairman of Committees of the Council.

Debate ensued.

Question—put and resolved in the affirmative.

Whereupon the Honorable Nicholas FitzGerald was congratulated by the Honorable the President on his again securing the confidence of Honorable Members, and then the Honorable Nicholas FitzGerald returned his thanks for his re-election to the office of Chairman of Committees.

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

The Honorable F. Stuart moved, That a Committee be appointed to prepare an Address to His Excellency the Governor in reply to His Excellency's Opening Speech.

Question—put and resolved in the affirmative.

The Honorable F. Stuart moved, That the Committee consist of the Honorables F. Stuart, W. L. Baillieu, W. Cain, E. J. Crooke, W. H. Edgar, T. H. Payne, and R. B. Ritchie.

Question—put and resolved in the affirmative.

The Committee retired to prepare the Address.

The Honorable F. Stuart presented the Address which had been agreed to by the Committee, and the same was read by the Clerk, and is as follows:—

To His Excellency the Honorable Sir Reginald Arthur James Talbot, Knight Commander of the Most Honorable Order of the Bath; Governor of the State of Victoria and its Dependencies in the Commonwealth of Australia, &c., &c., &c.

MAY IT PLEASE YOUR EXCELLENCY—

We, the Legislative Council of Victoria, in Parliament assembled, beg to express our loyalty to our Most Gracious Sovereign, and to thank Your Excellency for the gracious Speech which you have been pleased to address to Parliament.

The Honorable F. Stuart moved, That the Council agree with the Committee in the said Address.

Debate ensued.

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

Question—That the debate be now adjourned—put and resolved in the affirmative.

Ordered—That the debate be adjourned until Tuesday next.

10. ADJOURNMENT.—The Honorable J. M. Davies moved, That the Council, at its rising, adjourn until Tuesday next, at half-past four o'clock.

Question—put and resolved in the affirmative.

And then the Council, at eight minutes past six o'clock, adjourned until Tuesday next.

GEORGE H. JENKINS,
Clerk of the Legislative Council.



LEGISLATIVE COUNCIL.

Notices of Motion and Orders of the Day.

• No. 1.

TUESDAY, 5TH JULY, 1904.

Questions.

1. The Hon. J. BALFOUR : To call the attention of the Honorable the Attorney-General—
 - (1) To the fact that a large number of cattle and sheep are being often injured on the Railway trucks during transit, and to ask the cause of this. Does it occur generally during shunting, or in driving round curves at a fast speed.
 - (2) How many complaints have been made to the Department during the last twelve months in connexion with this matter.
 - (3) Is it the duty of a station-master to unload a truck when it is pointed out to him that a bullock is down in the truck.
2. The Hon. Dr. W. H. EMBLING : To call the attention of the Honorable the Attorney-General to the fact that certain persons conspired to put an end to freedom of speech at public meetings during the late election, and to ask if the Government will protect the liberty of the people.

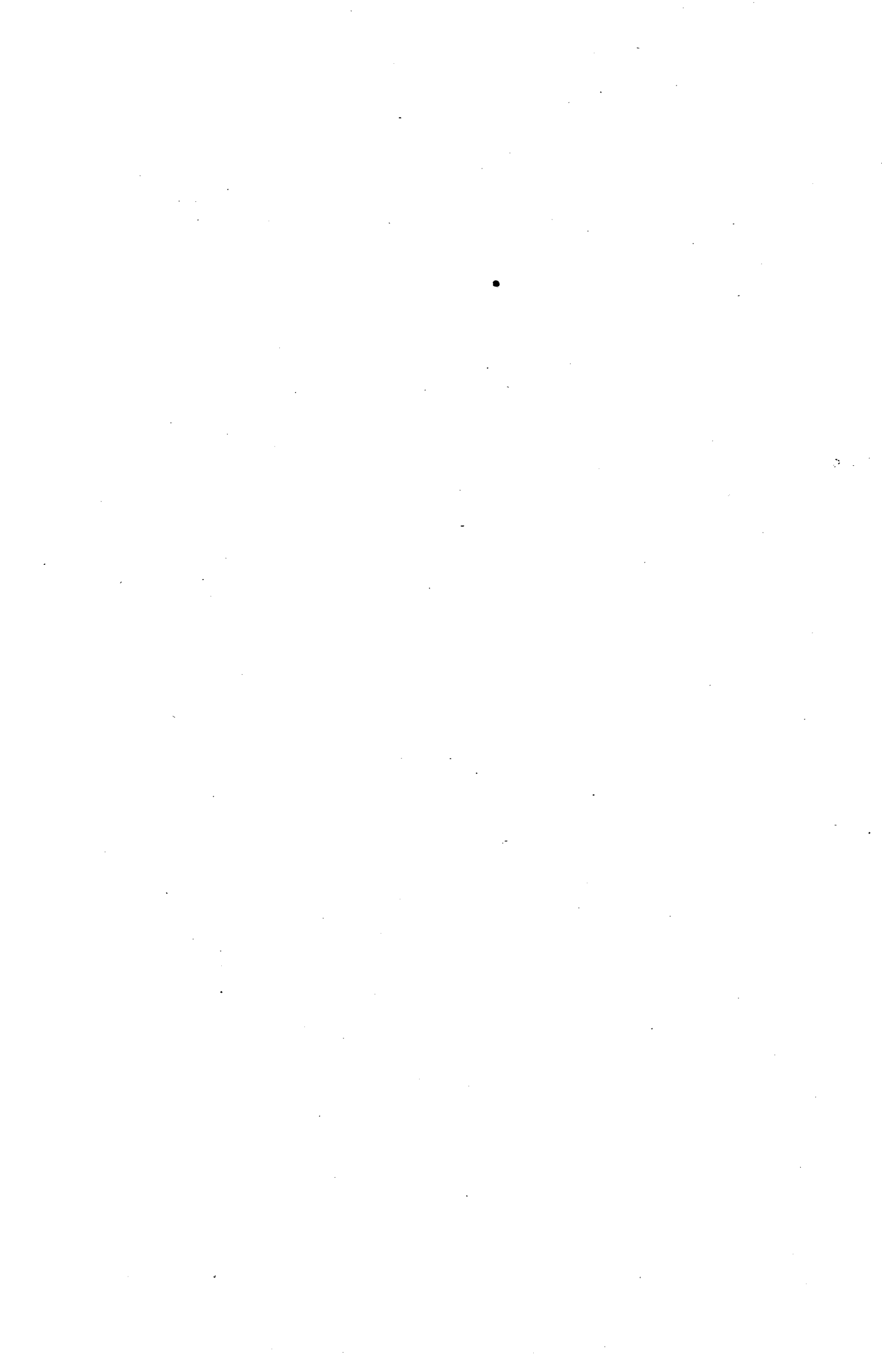
NOTICES OF MOTION :—

1. The Hon. J. M. DAVIES : To move, That Tuesday, Wednesday, and Thursday in each week be the days on which the Council shall meet for despatch of business during the present Session, and that half-past Four o'clock be the hour of meeting on each day ; that on Tuesday and Thursday in each week the transaction of Government business shall take precedence of all other business ; and that on Wednesday in each week Private Members' business shall take precedence of Government business.
2. The Hon. J. M. DAVIES : To move, That the Honorables the President, J. Balfour, Sir H. Cuthbert, Dr. W. H. Embling, N. Fitzgerald, T. C. Harwood, Walter S. Manifold, D. E. McBryde, T. H. Payne, and the Mover be members of the Select Committee on the Standing Orders of the House ; three to be the quorum.
3. The Hon. J. M. DAVIES : To move, That the Honorables the President, W. L. Baillieu, W. Cain, W. Pitt, and J. M. Pratt be Members of the Joint Committee to manage and superintend the Parliament Buildings.
4. The Hon. J. M. DAVIES : To move, That the Honorables the President, E. J. Crooke, D. Melville, E. Miller, and F. Stuart be Members of the Joint Committee to manage the Library.
5. The Hon. J. M. DAVIES : To move, That the Honorables J. C. Campbell, W. B. Gray, T. Luxton, J. Y. McDonald, and A. O. Sachse be Members of the Joint Committee to manage the Refreshment Rooms.
6. The Hon. J. M. DAVIES : To move, That the Honorables the President, J. G. Aikman, W. H. Edgar, H. W. H. Irvine, W. Little, A. McLellan, W. Pearson, R. B. Rees, R. B. Ritchie, and J. Sternberg be Members of the Printing Committee ; three to be the quorum.
7. The Hon. J. M. DAVIES : To move, That an Address of Welcome from this House be presented to His Excellency the Governor.

ORDERS OF THE DAY :—

1. ADDRESS IN REPLY TO SPEECH OF HIS EXCELLENCY THE GOVERNOR—CONSIDERATION OF REPORT OF COMMITTEE—*Resumption of debate*—(Hon. D. Melville).
2. JURIES ACTS AMENDMENT BILL—(Hon. J. M. Davies)—Second reading.

GEORGE H. JENKINS,
Clerk of the Legislative Council.



VICTORIA.

No. 3.

MINUTES OF THE PROCEEDINGS

OF THE

LEGISLATIVE COUNCIL.

TUESDAY, 5TH JULY, 1904.

1. The President took the Chair and read the Prayer.
2. **SWEARING-IN OF MEMBER.**—The Honorable J. Sternberg, being introduced, took and subscribed the oath required by law, and delivered to the Clerk the Declaration required by the thirty-seventh section of the Act No. 1075, as hereunder set forth:—

“In compliance with the provisions of the Constitution Act Amendment Acts I, JOSEPH STERNBERG, do declare and testify that I am legally or equitably seised of or entitled to an estate of freehold for my own use and benefit in lands or tenements in the State of Victoria of the yearly value of over One hundred pounds above all charges and incumbrances affecting the same, other than any public or parliamentary tax or municipal or other rate or assessment; and further, that such lands or tenements are situated in the municipal districts of the shires of Deakin and Echuca, and are known as—firstly, Crown allotments 91, 92, 93, and 133, parish of Kyabram, county of Rodney, in the municipal district of the shire of Deakin; secondly, Crown allotments 39A, 39B, 40A, 40B, and 41B, parish of Carag Carag, county of Rodney, in the municipal district of the shire of Deakin; thirdly, Crown allotments 4 and 5, section 1A, township and parish of Rochester, county of Bendigo, in the municipal district of the shire of Echuca, particularly described in the certificate of title entered in the Register Book, vol. 1190, fol. 237802; fourthly part of Crown allotment 3, section 3A, township of Rochester, parish of Rochester West, county of Bendigo, particularly described in the certificate of title entered in the Register Book, vol. 1828, fol. 365402, and which land is situated in the municipal district of the shire of Echuca.

“And I further declare that such of the said lands or tenements as are situate in the municipal district of the shire of Deakin, and are firstly above described, are rated in the rate-book of such district upon a yearly value of Fifty-five pounds; and that such of the said lands or tenements as are situate in the municipal district of the shire of Deakin, and are secondly above described, are rated in the rate-book of such district upon the yearly value of Thirty-six pounds; and that such of the said lands or tenements as are situate in the municipal district of the shire of Echuca, and are thirdly above described, are rated in the rate-book of such district upon a yearly value of Thirty pounds; and that such of the said lands or tenements as are situate in the municipal district of the shire of Echuca, and are fourthly above described, are rated in the rate-book of such district upon the yearly value of Twenty pounds.

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

“JOSEPH STERNBERG.”

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

VICTORIA.

Pursuant to the provisions of *The Constitution Act Amendment Act* 1890, I do hereby appoint—

The Honorable James Balfour,
 The Honorable Sir Henry Cuthbert,
 The Honorable Dr. William Henry Embling,
 The Honorable Thomas Charles Harwood,
 The Honorable John Young McDonald,
 The Honorable Donald Melville, and
 The Honorable Thomas Henry Payne

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

Given under my hand this fifth day of July, One thousand nine hundred and four.

H. J. WRIXON,
 President of the Legislative Council.

4. JUSTICES ACT 1890 FURTHER AMENDMENT BILL.—On the motion of the Honorable J. M. Davies, a Bill to further amend the *Justices Act 1890* was, by leave, read a first time, ordered to be printed, and read a second time to-morrow.
5. REAL PROPERTY BILL.—On the motion of the Honorable J. M. Davies, a Bill for simplifying and improving the practice of Conveyancing and the Law of Property and for other purposes was, by leave, read a first time, ordered to be printed, and read a second time on Tuesday, 19th July, instant.
6. TRANSFER OF LAND BILL.—On the motion of the Honorable J. M. Davies, a Bill for the Removal of Doubts with regard to the Validity of the practice of the Office of Titles relating to the Registration of certain Instruments was, by leave, read a first time, ordered to be printed, and read a second time to-morrow.
7. PAPERS.—The Honorable J. M. Davies presented, by command of His Excellency the Governor—
 Annual Report of the Secretary for Mines and Water Supply, including Statistics, Reports on Water Supply, Geological Survey, the Inspection of Mines, Dredging, Progress of Mining, Boring Operations, &c., for the year 1903.
 Education.—Report of the Minister of Public Instruction for the year 1902–3.
 Report of the Royal Commission appointed to investigate and report on allegations respecting the acts of certain persons connected with the Independent Order of Foresters in relation to Members of Parliament or candidates for Parliament of the State of Victoria.
 Royal Commission on the University of Melbourne.—Final Report on Government Administration, Teaching Work, and Finances of the University of Melbourne, with Appendices.
 Statistical Register of the State of Victoria for the year 1903—
 Part I.—General Finance.
 Part II.—Population.
 Part III.—Social Condition.
 Part IV.—Accumulation.
 Part VI.—Municipal Statistics.
 Part VII.—Law, Crime, &c.

Severally ordered to lie on the Table.

The following Papers, pursuant to the directions of several Acts of Parliament, were laid upon the Table by the Clerk:—

- Addition to the Regulations under the Land Act 1901.
 Additions to the Regulations under the Land Act 1901.
 Bank Liabilities and Assets.—Summary of Sworn Returns for the Quarter ended 31st December, 1903.
 Banks and Currency Act 1890.—Banks' Liabilities and Assets.—Summary of Sworn Returns for Quarter ended 31st March, 1904.
 Census of Victoria, 1901—
 Summary Tables.—Population enumerated on the 31st March, 1901.
 Part IX.—Occupations of the People.—Population enumerated on the 31st March, 1901.
 Copies of Papers in connexion with the promotion of Walter Bryant House from the Fourth to the Third Class in the Department of Treasurer.
 Cyanide Patents Purchase Act 1900.—Addition to Regulations.
 Dentists Act 1898.—Regulations.
 Explosives Act 1890.—Copies of Orders in Council.
 Hospitals for the Insane.—Report of the Inspector of Lunatic Asylums for the year ended 31st December, 1903.
 Metropolitan Fire Brigades Board.—Report for year ending 31st December, 1903.
 Public Service Acts.—Regulations.
 Report of the Country Fire Brigades Board for the year ended 31st December, 1903, together with Statement of Receipts and Expenditure, and Assets and Liabilities for that period.
 Report of the Trustees of the Public Library, Museums, and National Gallery of Victoria for 1903, with a Statement of Income and Expenditure for the financial year 1902–3.
 Rules under Division VII. of the Companies Act 1896.—Eleventh Schedule.—Return by Prothonotary of Business of Court.
 The Parliamentary Standing Committee on Railways.—Thirteenth General Report.
 Victorian Mining Accident Relief Fund.—Balance-Sheet, 31st December, 1903.
8. DAYS OF BUSINESS.—The Honorable J. M. Davies moved, That Tuesday, Wednesday, and Thursday in each week be the days on which the Council shall meet for despatch of business during the present Session, and that half-past Four o'clock be the hour of meeting on each day; that on Tuesday and Thursday in each week the transaction of Government business shall take precedence of all other business; and that on Wednesday in each week Private Members' business shall take precedence of Government business.
 Question—put and resolved in the affirmative.
9. STANDING ORDERS COMMITTEE.—The Honorable J. M. Davies moved, pursuant to amended notice, That the Honorables the President, J. Balfour, Dr. W. H. Embling, N. FitzGerald, T. C. Harwood, Walter S. Manifold, D. E. McBryde, E. Miller, T. H. Payne, and the Mover, be Members of the Select Committee on the Standing Orders of the House; three to be the quorum.
 Question—put and resolved in the affirmative.

10. PARLIAMENT BUILDINGS COMMITTEE.—The Honorable J. M. Davies moved, That the Honorables the President, W. L. Baillieu, W. Cain, W. Pitt, and J. M. Pratt be Members of the Joint Committee to manage and superintend the Parliament Buildings.
Question—put and resolved in the affirmative.
11. LIBRARY COMMITTEE.—The Honorable J. M. Davies moved, pursuant to amended notice, That the Honorables the President, E. J. Crooke, Sir H. Cuthbert, D. Melville, and F. Stuart be Members of the Joint Committee to manage the Library.
Question—put and resolved in the affirmative.
12. REFRESHMENT ROOMS COMMITTEE.—The Honorable J. M. Davies moved, That the Honorables J. C. Campbell, W. B. Gray, T. Luxton, J. Y. McDonald, and A. O. Sachse be Members of the Joint Committee to manage the Refreshment Rooms.
Question—put and resolved in the affirmative.
13. PRINTING COMMITTEE.—The Honorable J. M. Davies moved, That the Honorables the President, J. G. Aikman, W. H. Edgar, H. W. H. Irvine, W. Little, A. McLellan, W. Pearson, R. B. Rees, R. B. Ritchie, and J. Sternberg be Members of the Printing Committee; three to be the quorum.
Question—put and resolved in the affirmative.
14. ADDRESS OF WELCOME TO HIS EXCELLENCY THE GOVERNOR.—The Honorable J. M. Davies moved, That the Council agree to the following Address to His Excellency the Governor, viz:—

To His Excellency the Honorable Sir REGINALD ARTHUR JAMES TALBOT, Knight Commander of the Most Honorable Order of the Bath, Governor of the State of Victoria and its Dependencies in the Commonwealth of Australia, &c., &c., &c.

MAY IT PLEASE YOUR EXCELLENCY :

We, His Majesty's faithful and loyal subjects, the Members of the Legislative Council of Victoria in Parliament assembled, desire to convey to Your Excellency the expression of our loyalty to His Majesty's Throne and Person, and our regard for the high office His Majesty has been pleased to confer upon Your Excellency.

We extend to Your Excellency on behalf of the people of this State a cordial welcome to Victoria, and we beg that Your Excellency will receive our assurances that we shall at all times readily co-operate with Your Excellency in advancing the welfare of this part of His Majesty's Dominions beyond the Seas, and in preserving the connexion with the Mother Country.

Question—put and resolved in the affirmative.

Ordered—That the said Address be presented to His Excellency the Governor by the President and such Members as may desire to accompany him.

15. ADDRESS IN REPLY TO SPEECH OF HIS EXCELLENCY THE GOVERNOR.—The Order of the Day for the resumption of the debate on the question, That the Council agree with the Committee in the Address in Reply to the Speech of His Excellency the Governor, having been read—
Debate resumed.
The Honorable J. Y. McDonald moved, That the debate be now adjourned.
Question—That the debate be now adjourned—put and resolved in the affirmative.
Ordered—That the debate be adjourned until to-morrow.
16. MESSAGE FROM THE ASSEMBLY.—The President announced the receipt of a Message from the Assembly transmitting a Bill intituled "*An Act to apply out of the Consolidated Revenue the sum of Nine hundred and twenty-eight thousand and sixty-three pounds to the service of the year One thousand nine hundred and four and One thousand nine hundred and five,*" and desiring the concurrence of the Council.
17. CONSOLIDATED REVENUE BILL (No. 1).—On the motion of the Honorable A. O. Sachse, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed, and, by leave, was read a second time, and committed to a Committee of the whole.
House in Committee.
The President resumed the Chair; and the Honorable N. FitzGerald having reported that the Committee had agreed to the Bill without amendment, the Report was adopted, and the Bill read a third time and passed.
Ordered—That the Assembly be informed that the Council have agreed to the Bill without amendment.

And then the Council, at twenty-nine minutes past ten o'clock, adjourned until to-morrow.

GEORGE H. JENKINS,
Clerk of the Legislative Council.

LEGISLATIVE COUNCIL.

Notices of Motion and Orders of the Day.

No. 2.

WEDNESDAY, 6TH JULY, 1904.

General Business.

NOTICE OF MOTION :- -

1. The Hon. W. J. EVANS: To move, That he have leave to bring in a Bill to amend *The Constitution Act 1903*.

Government Business.

ORDERS OF THE DAY :-

1. ADDRESS IN REPLY TO SPEECH OF HIS EXCELLENCY THE GOVERNOR—CONSIDERATION OF REPORT OF COMMITTEE—*Resumption of debate—(Hon. J. Y. McDonald)*.
2. JURIES ACTS AMENDMENT BILL—(*Hon. J. M. Davies*)—Second reading.
3. JUSTICES ACT 1890 FURTHER AMENDMENT BILL—(*Hon. J. M. Davies*)—Second reading.
4. REGISTRATION OF INSTRUMENTS (REMOVAL OF DOUBTS) BILL—(*Hon. J. M. Davies*)—Second reading.

TUESDAY, 19TH JULY.

Government Business.

ORDER OF THE DAY :-

1. CONVEYANCING AND LAW OF PROPERTY BILL—(*Hon. J. M. Davies*)—Second reading.

GEORGE H. JENKINS,
Clerk of the Legislative Council.

PARLIAMENTARY PAPERS ISSUED SINCE 30TH JUNE, 1904.

Notices of Motion and Orders of the Day. Nos. 1 and 2.
Juries Bill—[13].

Votes and Proceedings of the Legislative Assembly. Nos. 1 and 2.
Notices of Motion and Orders of the Day. No. 2.



VICTORIA.

No. 4.

MINUTES OF THE PROCEEDINGS
OF THE
LEGISLATIVE COUNCIL.

WEDNESDAY, 6TH JULY, 1904.

1. The President took the Chair and read the Prayer.
 2. POLICE OFFENCES ACT 1890 AMENDMENT BILL.—On the motion of the Honorable J. Balfour, a Bill to amend the *Police Offences Act* 1890 was, by leave, read a first time, ordered to be printed, and read a second time on Tuesday next.
 3. THE CONSTITUTION ACT 1903 AMENDMENT BILL.—On the motion of the Honorable W. J. Evans, a Bill to amend *The Constitution Act* 1903 was read a first time, ordered to be printed, and read a second time on Tuesday next.
 4. ADDRESS IN REPLY TO SPEECH OF HIS EXCELLENCY THE GOVERNOR.—The Order of the Day for the resumption of the debate on the question, That the Council agree with the Committee in the Address in Reply to the Speech of His Excellency the Governor, having been read—
Debate resumed.
Question—put and resolved in the affirmative.
The Honorable J. M. Davies moved, That the Address be presented to His Excellency the Governor by the President and such Members of the Council as may wish to accompany him.
Question—put and resolved in the affirmative.
 5. POSTPONEMENT OF ORDERS OF THE DAY.—Ordered, That the consideration of the following Orders of the Day be postponed until Tuesday next :—
Juries Acts Amendment Bill—Second reading.
Justices Act 1890 further Amendment Bill—Second reading.
Transfer of Land Bill—Second reading.
 6. ADJOURNMENT.—Ordered, That the Council, at its rising, adjourn until Tuesday next.
- And then the Council, at thirteen minutes past nine o'clock, adjourned until Tuesday next.

GEORGE H. JENKINS,
Clerk of the Legislative Council.

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AMIGOY

LEGISLATIVE COUNCIL.

Notices of Motion and Orders of the Day.

No. 3.

TUESDAY, 12TH JULY, 1904.

Questions.

1. The Hon. D. E. MCBRYDE: To invite the attention of the Honorable the Attorney-General to the statement made by an honorable member of this House that locomotive drivers on the suburban railway system work fourteen hours per day, and to ask if the Honorable the Attorney-General will be good enough to obtain a report from the Commissioners of Railways on the honorable member's statement.
2. The Hon. R. B. REES: To ask the Honorable the Attorney-General the reason why mallee lessees are charged survey fees on selecting their agricultural allotments, such lessees having already paid survey fees on acquiring the same allotments from the Crown or the original block-holder,

Government Business.

ORDERS OF THE DAY:—

1. JURIES ACTS AMENDMENT BILL—(*Hon. J. M. Davies*)—Second reading.
2. JUSTICES ACT 1890 FURTHER AMENDMENT BILL—(*Hon. J. M. Davies*)—Second reading.
3. TRANSFER OF LAND BILL—(*Hon. J. M. Davies*)—Second reading.

General Business.

ORDERS OF THE DAY:—

1. POLICE OFFENCES ACT 1890 AMENDMENT BILL—(*Hon. J. Balfour*)—Second reading,
2. THE CONSTITUTION ACT 1903 AMENDMENT BILL—(*Hon. W. J. Evans*)—Second reading.

TUESDAY, 19TH JULY.

Government Business.

ORDER OF THE DAY:—

1. REAL PROPERTY BILL—(*Hon. J. M. Davies*)—Second reading.

GEORGE H. JENKINS,
Clerk of the Legislative Council.

PARLIAMENTARY PAPERS ISSUED 6TH JULY, 1904.

Notices of Motion and Orders of the Day. No. 3.
Transfer of Land Bill—[22].
Police Offences Bill—[37].

Notices of Motion and Orders of the Day. No. 3.
Mines Bill—[2].
Debenture Conversion Bill—[5].
Closer Settlement Bill—[20].
Railways Standing Committee Bill—[29].
Municipal Electors Bill—[33].
Local Government Bill (No. 2)—[35].
Surplus Revenue Bill—[36].

VICTORIA

No. 5.

MINUTES OF THE PROCEEDINGS
OF THE
LEGISLATIVE COUNCIL.

TUESDAY, 12TH JULY, 1904.

1. The President took the Chair and read the Prayer.
2. PRESENTATION OF ADDRESS OF WELCOME TO HIS EXCELLENCY THE GOVERNOR.—The President reported that he had that day waited upon His Excellency the Governor, and presented the Address of the Legislative Council, agreed to on the 5th instant, and that His Excellency had been pleased to make the following reply :—

MR. PRESIDENT AND HONORABLE GENTLEMEN OF THE LEGISLATIVE COUNCIL :

On behalf of the King I accept with great satisfaction your renewed expressions of loyalty to His Majesty's Throne and Person.

I thank you for the cordial welcome accorded to me by the representatives of the people of Victoria upon my assumption of the high office of Governor.

It will be my pleasing duty to co-operate, to the utmost of my power, with Parliament in advancing the welfare and happiness of the people. I take this opportunity of congratulating you upon the satisfactory condition of the finances of the State, which, I hope and believe, betokens increasing and continued prosperity to all classes in Victoria.

R. TALBOT.

3. PRESENTATION OF ADDRESS TO HIS EXCELLENCY THE GOVERNOR.—The President reported that he had that day waited upon His Excellency the Governor and had presented to him the Address of the Legislative Council agreed to on the 6th instant, and that His Excellency had been pleased to make the following reply :—

MR. PRESIDENT AND HONORABLE MEMBERS OF THE LEGISLATIVE COUNCIL :

In the name and on behalf of His Majesty the King I thank you for your Address, and receive with much pleasure the expression of loyalty towards His Majesty which you convey to me.

R. TALBOT.

4. PAPERS.—The following Papers, pursuant to the directions of several Acts of Parliament, were laid upon the Table by the Clerk :—

Amendment of, and Additions to, the Regulations under the Land Act 1901.

Water Acts—

Irrigation and Water Supply Trusts—

Bacchus Marsh—

Additional Loan of £500.

Graduated Rate.—Regulation No. 11.

Benjeroop and Murrabit.—Rating Regulation.

Campaspe—

Regulation.

Rating Regulation.

Cohuna—

Regulation No. 29.

General Rate.—Rating Regulation.

Minimum Rates for year 1904.

Kerang East—

General Rate.—Rating Regulation.

Special Rate.—Rating Regulation.

Macorna North—

Graduated Rate (Draft Form).—Regulation No. 14.

Graduated Rate.—Regulation No. 14.

Macorna North, Dry Lake, and South Kerang—

Order apportioning Liabilities in regard to Macorna North Trust's No. 11 Channel repealed.

Re-apportionment of Liabilities in regard to Macorna North Irrigation and Water Supply Trust's No. 11 Channel.

Marquis Hill.—General Rate.—Rating Regulation.

South Kerang.—General Rate.—Rating Regulation.

Swan Hill.—General Rate.—Rating Regulation.

The Shire of Wimmera and the Western Wimmera.—Application of Municipal Funds.

The United Koondrook and Myall.—Authority for Overdraft.

Twelve Mile.—General Rate.—Rating Regulation.

Tragowel Plains.—Graduated Rate for year 1904.—Regulation No. 21.

Wandella—

Increasing Trust District and re-defining boundaries.

General Rate.—Rating Regulation.

The Western Wimmera.—Regulation No. 31.

Western Wimmera.—Rating Divisions.

5. JURIES ACTS AMENDMENT BILL.—This Bill was, according to Order, and after debate, read a second time, and committed to a Committee of the whole.
The Honorable J. M. Davies moved, by leave, That the Honorable J. Balfour perform the duties of Chairman of Committees.
Question—put and resolved in the affirmative.
House in Committee.
The President resumed the Chair; and the Honorable J. Balfour having reported that the Committee had agreed to the Bill without amendment, the report was adopted, and the Bill read a third time and passed.
Ordered—That the Bill be sent to the Assembly with a Message desiring their concurrence therein.
 6. JUSTICES ACT 1890 FURTHER AMENDMENT BILL.—This Bill was, according to Order, and after debate, read a second time and committed to a Committee of the whole.
House in Committee.
The President resumed the Chair; and the Honorable N. FitzGerald reported that the Committee had agreed to the Bill with amendments.
Ordered—That the Bill, as amended, be printed, and taken into consideration on Tuesday next.
 7. TRANSFER OF LAND BILL.—The Order of the Day for the second reading of this Bill having been read, the Honorable J. M. Davies moved, That this Bill be now read a second time; and, debate arising thereupon, it was ordered that the debate be adjourned until Tuesday next.
 8. POLICE OFFENCES ACT 1890 AMENDMENT BILL.—The Order of the Day for the second reading of this Bill having been read, the Honorable J. Balfour moved, That this Bill be now read a second time; and, debate arising thereupon, it was ordered that the debate be adjourned until Tuesday next.
 9. POSTPONEMENT OF ORDER OF THE DAY.—Ordered, That the consideration of the following Order of the Day be postponed until Tuesday the 26th instant :—
The Constitution Act 1903 Amendment Bill.—Second reading.
 10. ADJOURNMENT.—Ordered, That the Council, at its rising, adjourn until Tuesday next.
- And then the Council, at twenty-nine minutes past six o'clock, adjourned until Tuesday next.

GEORGE H. JENKINS,
Clerk of the Legislative Council.

LEGISLATIVE COUNCIL.

Notices of Motion and Orders of the Day.

No. 4.

TUESDAY, 19TH JULY, 1904.

Government Business.

ORDERS OF THE DAY :—

1. REAL PROPERTY BILL—(*Hon. J. M. Davies*)—Second reading.
2. JUSTICES ACT 1890 FURTHER AMENDMENT BILL—(*Hon. J. M. Davies*)—Consideration of Report.
3. TRANSFER OF LAND BILL—(*Hon. J. M. Davies*)—Second reading—*Resumption of debate*—(*Hon. Sir H. Cuthbert*).

General Business.

ORDER OF THE DAY :—

1. POLICE OFFENCES ACT 1890 AMENDMENT BILL—(*Hon. J. Balfour*)—Second reading—*Resumption of debate*—(*Hon. D. Melville*).

TUESDAY, 26TH JULY.

General Business.

ORDER OF THE DAY :—

1. THE CONSTITUTION ACT 1903 AMENDMENT BILL—(*Hon. W. J. Evans*)—Second reading.

GEORGE H. JENKINS,
Clerk of the Legislative Council.

PARLIAMENTARY PAPERS ISSUED SINCE 7TH JULY, 1904.

Minutes of the Proceedings of the Legislative Council. Nos. 1, 2, 3, and 4.
Notices of Motion and Orders of the Day. No. 5.
Justices Bill—[15].

Votes and Proceedings of the Legislative Assembly. Nos. 3, 4, and 5.
Notices of Motion and Orders of the Day. No. 6
Legal Practitioners Reciprocity Bill (No. 2)—[32].
Legal Practitioners Reciprocity Bill—[38].

VICTORIA.

No. 6.

MINUTES OF THE PROCEEDINGS

OF THE

LEGISLATIVE COUNCIL.

TUESDAY, 19TH JULY, 1904.

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

2. MESSAGE FROM HIS EXCELLENCY THE GOVERNOR.—The following Message from His Excellency the Governor was presented by the Honorable J. M. Davies, and the same was read by the Honorable the President :—

R. TALBOT,
Governor.

Message No. 1.

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

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

Government Offices,
Melbourne, 12th July, 1904.

3. DECISION BY LOT AS TO RETIREMENT OF MEMBERS.—The President announced that he had received the following letter from the Clerk :—

Parliament House,
Melbourne, 19th July, 1904.

MR. PRESIDENT,

I do myself the honour to invite your attention to the 13th Section of *The Constitution Act* 1903, which provides that “ in case of an equality of votes or of no polling having taken place at such election it shall be decided by lot which Member shall so retire.”

In the elections for the Legislative Council which took place on the first of June last, the following gentlemen were returned unopposed :—

The Honorable William Cain .. .. .	..	..	..	} For the Melbourne Province.
The Honorable John Mark Davies .. .. .	..	..	..
The Honorable William Lawrence Baillieu .. .. .	..	..	..	} For the Northern Province.
The Honorable Martin Cussen .. .. .	..	..	..
The Honorable Willis Little .. .. .	..	..	..	} For the North-Eastern Province.
The Honorable Arthur Otto Sachse .. .. .	..	..	..
The Honorable Dr. William Henry Embling .. .. .	..	..	..	} For the Southern Province.
The Honorable Nicholas FitzGerald .. .. .	..	..	..
The Honorable James Callender Campbell .. .. .	..	..	..	} For the South-Eastern Province.
The Honorable Duncan Elphinstone McBryde .. .. .	..	..	..
The Honorable Thomas Charles Harwood .. .. .	..	..	..	} For the South-Western Province.
The Honorable Sir Henry John Wrixon .. .. .	..	..	..
The Honorable Walter Synnot Manifold .. .. .	..	..	..	} For the Western Province.
The Honorable Robert Blackwood Ritchie .. .. .	..	..	..

In the year 1856 two Members received an equal number of votes, and the question of retirement being undetermined in 1864, the President called the attention of the Council to the

circumstance, whereupon, at a subsequent sitting, viz., the 3rd March, 1864, the question was referred to the Committee of Elections and Qualifications, which brought up a Report on the 8th March, as follows:—

“ Your Committee have deliberated on the matter referred to them, and recommend to your Honorable House that the figures ‘ 1864 ’ be written on one piece of paper, and the figures ‘ 1866 ’ be written on another, and that the papers so inscribed be placed in separate envelopes, and that they be placed on the Table of the House, so that when called upon by the President, the Honorable Members whose seats are in question may each take one; and that the Honorable Member taking the paper inscribed ‘ 1864 ’ shall retire in the present year, according to the terms of *The Constitution Act*.”

The Report was adopted, and the recommendation of the Committee was carried out.

As it must be determined which of those Members, before referred to, will be called upon to retire in 1907 and 1910 respectively, I have deemed it my duty to bring this matter specially under your notice.

I have the honour to be,
Mr. President,
Your most obedient servant,

GEORGE H. JENKINS,
Clerk of the Parliaments.

The Honorable the President,
&c., &c., &c.

On the motion of the Honorable J. M. Davies, the letter of the Clerk of the Parliaments was referred to the Standing Orders Committee for consideration and report.

4. REAL PROPERTY BILL.—This Bill was, according to Order, and after debate, read a second time, and committed to a Committee of the whole.

House in Committee.

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

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

5. POSTPONEMENT OF ORDERS OF THE DAY.—Ordered, That the consideration of the following Orders of the Day be postponed until Tuesday next:—

Justices Act 1890 further Amendment Bill—Consideration of Report.

Transfer of Land Bill—Second reading—Resumption of debate.

Police Offences Act 1890 Amendment Bill—Second reading—Resumption of debate.

6. ADJOURNMENT.—Ordered, That the Council, at its rising, adjourn until Tuesday next.

And then the Council, at thirty-four minutes past six o'clock, adjourned until Tuesday next.

GEORGE H. JENKINS,
Clerk of the Legislative Council.

LEGISLATIVE COUNCIL.

Notices of Motion and Orders of the Day.

No. 5.

TUESDAY, 26TH JULY, 1904.

Government Business.

ORDERS OF THE DAY :—

1. REAL PROPERTY BILL—(*Hon. J. M. Davies*)—To be further considered in Committee.
2. JUSTICES ACT 1890 FURTHER AMENDMENT BILL—(*Hon. J. M. Davies*)—Consideration of Report.
3. TRANSFER OF LAND BILL—(*Hon. J. M. Davies*)—Second reading—*Resumption of debate*—(*Hon. Sir H. Cuthbert*).

General Business.

NOTICE OF MOTION :—

1. The Hon. W. J. EVANS: To move, That the excessive hours worked by locomotive engine-men, and the method adopted in computing the day's work, are of such a nature as to demand the earnest and prompt attention of the Government.

ORDERS OF THE DAY :—

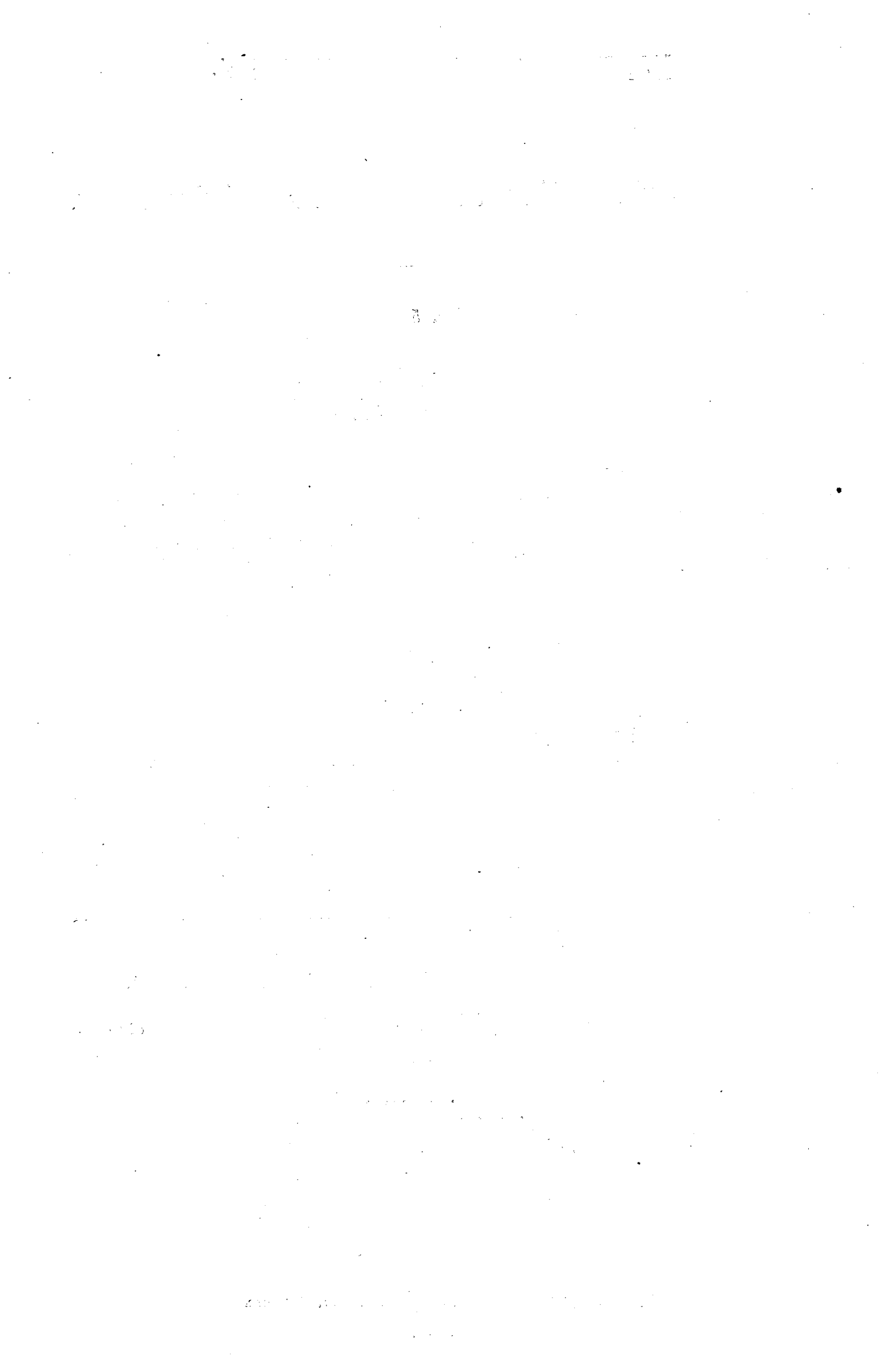
1. THE CONSTITUTION ACT 1903 AMENDMENT BILL—(*Hon. W. J. Evans*)—Second reading.
2. POLICE OFFENCES ACT 1890 AMENDMENT BILL—(*Hon. J. Balfour*)—Second reading—*Resumption of debate*—(*Hon. D. Melville*).

GEORGE H. JENKINS,
Clerk of the Legislative Council.

PARLIAMENTARY PAPERS ISSUED SINCE 14TH JULY, 1904.

Notices of Motion and Orders of the Day. No. 5.
Justices Bill.—(New Clause to be proposed by the Hon. Sir Henry Cuthbert.) (To Members of Council only.)

Notes and Proceedings of the Legislative Assembly. Nos. 6, 7, and 8.
Notices of Motion and Orders of the Day. No. 8.
Juries Bill—[13]. (To Members only.)
Weekly Report of Divisions. No. 1.



VICTORIA.

No. 7.

MINUTES OF THE PROCEEDINGS

OF THE

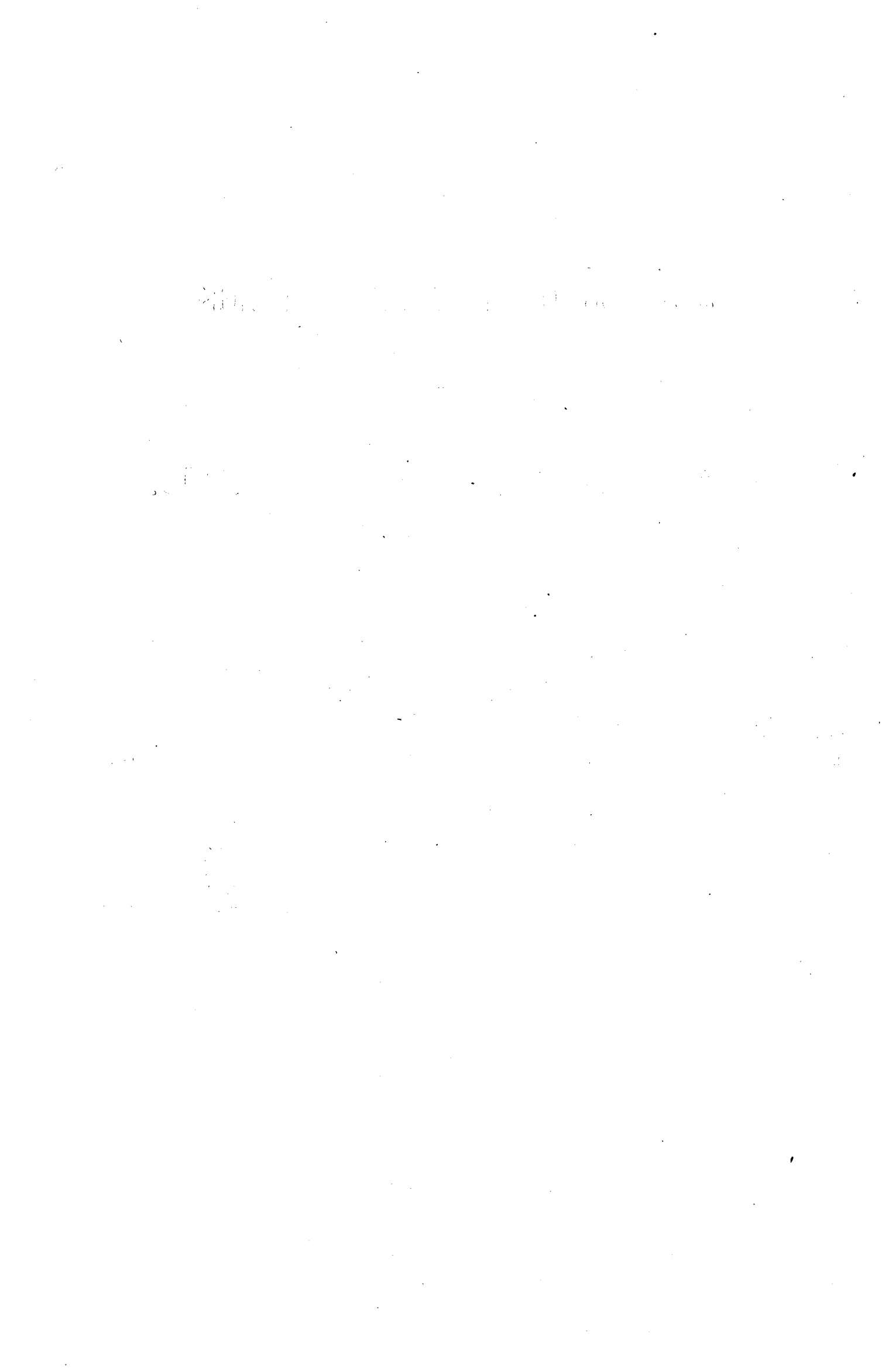
LEGISLATIVE COUNCIL.

TUESDAY, 26TH JULY, 1904.

1. The President took the Chair and read the Prayer.
2. ADJOURNMENT.—The Honorable J. M. Davies moved, That the Council do now adjourn out of respect to the memory of the late Honorable William Blair Gray.
Debate ensued.
Question—put and resolved in the affirmative.

And then the Council, at fifty-three minutes past four o'clock, adjourned until to-morrow.

GEORGE H. JENKINS,
Clerk of the Legislative Council.



LEGISLATIVE COUNCIL.

Notices of Motion and Orders of the Day.

No. 6.

WEDNESDAY, 27TH JULY, 1904.

General Business.

NOTICE OF MOTION :—

1. The Hon. W. J. EVANS: To move, That the excessive hours worked by locomotive engine-men, and the method adopted in computing the day's work, are of such a nature as to demand the earnest and prompt attention of the Government.

ORDERS OF THE DAY :—

1. THE CONSTITUTION ACT 1903 AMENDMENT BILL—(*Hon. W. J. Evans*)—Second reading.
2. POLICE OFFENCES ACT 1890 AMENDMENT BILL—(*Hon. J. Balfour*)—Second reading—*Resumption of debate*—(*Hon. D. Melville*).

Government Business.

ORDERS OF THE DAY :—

1. REAL PROPERTY BILL—(*Hon. J. M. Davies*)—To be further considered in Committee.
2. JUSTICES ACT 1890 FURTHER AMENDMENT BILL—(*Hon. J. M. Davies*)—Consideration of Report.
3. TRANSFER OF LAND BILL—(*Hon. J. M. Davies*)—Second reading—*Resumption of debate*—(*Hon. Sir H. Cuthbert*).

GEORGE H. JENKINS,
Clerk of the Legislative Council.

PARLIAMENTARY PAPERS ISSUED SINCE 21ST JULY, 1904.

Minutes of the Proceedings of the Legislative Council. No. 6.
Notices of Motion and Orders of the Day. No. 6.

Votes and Proceedings of the Legislative Assembly. Nos. 9, 10, and 11.
Notices of Motion and Orders of the Day. No. 11.
Surplus Revenue Bill—[36]. (As re-re-reported.) (To Members only.)
Surplus Revenue Bill.—(Amendments to be proposed by the Hon. the Treasurer.) (To Members only.)

THE UNIVERSITY OF CHICAGO

PHYSICS DEPARTMENT

PHYSICS 435

PHYSICS 435

VICTORIA.

No. 8.

MINUTES OF THE PROCEEDINGS

OF THE

LEGISLATIVE COUNCIL.

WEDNESDAY, 27TH JULY, 1904.

1. The President took the Chair and read the Prayer.
2. MESSAGE FROM THE ASSEMBLY.—The President announced the receipt of a Message from the Assembly transmitting a Bill intituled "*An Act to amend the Legal Practitioners Reciprocity Act 1903*," and desiring the concurrence of the Council.
3. LEGAL PRACTITIONERS RECIPROCITY ACT 1903 AMENDMENT BILL.—On the motion of the Honorable J. M. Davies, the Bill transmitted by the foregoing Message was read a first time, ordered to be printed, and read a second time on Tuesday next.
4. MESSAGE FROM THE ASSEMBLY.—The President announced the receipt of a Message from the Assembly returning the Juries Acts Amendment Bill with an amendment, and desiring the concurrence of the Council.
Ordered—That the foregoing Message be taken into consideration on Tuesday next.
5. MESSAGE FROM THE ASSEMBLY.—The President announced the receipt of a Message from the Assembly transmitting a Bill intituled "*An Act to amend the Law relating to the Railways Standing Committee*," and desiring the concurrence of the Council.
6. RAILWAYS STANDING COMMITTEE LAW AMENDMENT BILL.—On the motion of the Honorable J. M. Davies, the Bill transmitted by the foregoing Message was read a first time, ordered to be printed, and read a second time on Tuesday next.
7. DECISION BY LOT AS TO RETIREMENT OF MEMBERS.—The Honorable the President said—

I have to report that the Standing Orders Committee, to which was referred the letter of the Clerk of the Parliaments respecting the date of retirement of Members of the Council elected without a contest, recommend that the figures "1907" be written on one piece of paper, and the figures "1910" be written on another, and that the papers so inscribed shall be placed in separate envelopes for each of the Provinces in which there was no contest. Honorable Members, upon their names being called, will then come to the Table and draw from a box an envelope, and hand the same to the Clerk. The Clerk will thereupon open the same and announce the figures on the paper. The Members drawing the figures "1907" shall retire in the year 1907, and the Members drawing the figures "1910" shall retire in the year 1910.

I have now to announce that I have requested the Clerk of the Parliaments to inform honorable Members, in writing, that on Tuesday next, the 2nd August, at five o'clock, I will ask honorable Members of the Council who have been returned unopposed to attend here and decide by lot the dates upon which they shall retire from this House.

8. REFRESHMENT ROOMS COMMITTEE.—The Honorable J. M. Davies moved, by leave, That the Honorable M. Cussen be a Member of the Joint Committee to manage the Refreshment Rooms.
Question—put and resolved in the affirmative.
9. LEAVE OF ABSENCE.—The Honorable Walter S. Manifold moved, by leave, That leave of absence be granted to the Honorable R. B. Ritchie for one month, on account of ill-health.
Question—put and resolved in the affirmative.

10. PAPERS.—The Honorable J. M. Davies presented, by command of His Excellency the Governor—
 Penal Establishments and Gaols.—Report of the Inspector-General for the year 1903.
 Report of the Victorian Railways Commissioners on the Rolling Stock, Way and Works, and
 Stores.

Severally ordered to lie on the Table.

The following Papers, pursuant to the directions of several Acts of Parliament, were laid upon the Table by the Clerk :—

Copies of Papers in connexion with the promotion of Victor Edwin Henderson, from the Second to the First Class in the Department of Treasurer.

Explosives Act 1890.—Report of the Chief Inspector of Explosives for the year 1903.

Marine Act 1890.—Statement of Receipts and Disbursements on Pilotage Account for the year ended the 31st December, 1903.

Public Service Act 1890.—Addendum to Regulations, Section 59 (VI.).

Report of the Chief Inspector of Factories, Work-rooms and Shops, for the year ended 31st December, 1903.

Water Act 1890.—Wimmerz United Waterworks Trust.—Application for an additional Loan of £12,945.

11. LOCOMOTIVE ENGINE-MEN.—The Honorable W. J. Evans moved, That the excessive hours worked by locomotive engine-men, and the method adopted in computing the day's work, are of such a nature as to demand the earnest and prompt attention of the Government—and debate having ensued—

On the motion of the Honorable J. M. Davies the debate was, after debate, adjourned until Wednesday, 10th August next.

12. POSTPONEMENT OF ORDERS OF THE DAY.—Ordered, That the consideration of the following Orders of the Day be postponed until Wednesday, 10th August next :—

The Constitution Act 1903 Amendment Bill.—Second reading.

Police Offences Act 1890 Amendment Bill.—Second reading.—Resumption of debate.

13. ABSENCE OF THE PRESIDENT.—The Clerk having announced that the Honorable the President was unavoidably absent, the Honorable N. FitzGerald, on the motion of the Honorable J. M. Davies, was chosen to fill temporarily the office and perform all the duties of the President during his absence.

The Honorable N. FitzGerald took the Chair.

14. REAL PROPERTY BILL.—The Order of the Day for the further consideration of this Bill in Committee of the whole having been read—the Acting President left the Chair.
 House in Committee.

The Acting President resumed the Chair; and the Honorable Dr. W. H. Embling reported that the Committee had agreed to the Bill with amendments.

Ordered—That the Bill, as amended, be printed and taken into consideration on Tuesday next.

15. MESSAGE FROM THE ASSEMBLY.—The Acting President announced the receipt of a Message from the Assembly transmitting a Bill intituled "*An Act to amend the Stamps Acts,*" and desiring the concurrence of the Council.

16. STAMPS ACTS AMENDMENT BILL.—On the motion of the Honorable J. M. Davies, the Bill transmitted by the foregoing Message was read a first time, ordered to be printed, and read a second time on Tuesday next.

17. JUSTICES ACT 1890 FURTHER AMENDMENT BILL.—The Order of the Day for the consideration of the Report from the Committee of the whole having been read—

Ordered—That the said Order be discharged.

On the motion of the Honorable J. M. Davies, this Bill was recommitted to a Committee of the whole.

House in Committee.

The Acting President resumed the Chair; and the Honorable Dr. W. H. Embling having reported that the Committee had agreed to the Bill without further amendment, the House ordered the Report to be taken into consideration this day, whereupon the House adopted the Report, and the Bill was read a third time and passed.

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

18. POSTPONEMENT OF ORDER OF THE DAY.—Ordered, That the consideration of the following Order of the Day be postponed until Tuesday next :—

Transfer of Land Bill—Second reading.—Resumption of debate.

19. ADJOURNMENT.—Ordered, That the Council, at its rising, adjourn until Tuesday next.

And then the Council, at twenty-three minutes past nine o'clock, adjourned until Tuesday next.

GEORGE H. JENKINS,
 Clerk of the Legislative Council.

LEGISLATIVE COUNCIL.

Notices of Motion and Orders of the Day.

No. 7.

TUESDAY, 2ND AUGUST, 1904.

Government Business.

ORDERS OF THE DAY :—

1. RAILWAYS STANDING COMMITTEE LAW AMENDMENT BILL—(*from Assembly—Hon. J. M. Davies*)—
Second reading.
2. REAL PROPERTY BILL—(*Hon. J. M. Davies*)—Consideration of Report.
3. TRANSFER OF LAND BILL—(*Hon. J. M. Davies*)—Second reading—*Resumption of debate—(Hon. Str H. Cuthbert).*
4. JURIES ACTS AMENDMENT BILL—Message from Assembly—To be taken into consideration.
5. STAMPS ACTS AMENDMENT BILL—(*from Assembly—Hon. J. M. Davies*)—Second reading.
6. LEGAL PRACTITIONERS RECIPROCITY ACT 1903 AMENDMENT BILL—(*from Assembly—Hon. J. M. Davies*)—Second reading.

WEDNESDAY, 10TH AUGUST.

General Business.

ORDERS OF THE DAY :—

1. LOCOMOTIVE ENGINE-MEN.—The question is—That the excessive hours worked by locomotive engine-men, and the method adopted in computing the day's work, are of such a nature as to demand the earnest and prompt attention of the Government—*Resumption of debate—(Hon. J. M. Davies).*
2. THE CONSTITUTION ACT 1903 AMENDMENT BILL—(*Hon. W. J. Evans*)—Second reading.
3. POLICE OFFENCES ACT 1890 AMENDMENT BILL—(*Hon. J. Balfour*)—Second reading—*Resumption of debate—(Hon. D. Melville).*

GEORGE H. JENKINS,
Clerk of the Legislative Council.

MEETING OF SELECT COMMITTEE.

Tuesday, 2nd August.

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

PARLIAMENTARY PAPERS ISSUED 27TH JULY, 1904.

Notices of Motion and Orders of the Day. No. 7.
Stamps Bill—[14]. (To Members of Council only.)
Railways Standing Committee Bill—[29]. (To Members of Council only.)
Legal Practitioners Reciprocity Bill—[38]. (To Members of Council only.)

Notices of Motion and Orders of the Day. No. 12



VICTORIA

No. 9.

MINUTES OF THE PROCEEDINGS

OF THE

LEGISLATIVE COUNCIL.

TUESDAY, 2ND AUGUST, 1904.

1. The President took the Chair and read the Prayer.
2. PAPERS.—The following Papers, pursuant to the directions of an Act of Parliament, were laid upon the Table by the Clerk :—
Public Service Acts.—Regulations.
3. MESSAGE FROM THE ASSEMBLY.—The President announced the receipt of a Message from the Assembly transmitting a Bill intituled “*An Act to provide for the Collection and Furnishing of Statistical Returns and Information,*” and desiring the concurrence of the Council.
4. STATISTICS COLLECTION BILL.—On the motion of the Honorable A. O. Sachse, the Bill transmitted by the foregoing Message was read a first time, ordered to be printed, and read a second time on Tuesday next.
5. MESSAGE FROM THE ASSEMBLY.—The President announced the receipt of a Message from the Assembly transmitting a Bill intituled “*An Act relating to the Surplus Revenue of the Financial Year ended on the thirtieth day of June One thousand nine hundred and four,*” and desiring the concurrence of the Council.
6. SURPLUS REVENUE BILL.—On the motion of the Honorable J. M. Davies, the Bill transmitted by the foregoing Message was read a first time, ordered to be printed, and read a second time on Tuesday next.
7. DECISION BY LOT AS TO RETIREMENT OF MEMBERS.—The Honorables W. Cain, J. M. Davies, W. L. Baillieu, M. Cussen, W. Little, A. O. Sachse, Dr. W. H. Embling, N. FitzGerald, J. C. Campbell, D. E. McBryde, T. C. Harwood, Sir H. J. Wrixon, Walter S. Manifold, and R. B. Ritchie, representatives of Provinces in which there had been no contest at the General Election held in June last, were called to the Table to draw lots as to the order of their retirement; and, lots having been drawn, the dates of such retirement were determined as follow :—
To retire in 1907—
The Honorables J. M. Davies, M. Cussen, W. Little, N. FitzGerald, D. E. McBryde, Sir H. J. Wrixon, and R. B. Ritchie.
To retire in 1910—
The Honorables W. Cain, W. L. Baillieu, A. O. Sachse, Dr. W. H. Embling, J. C. Campbell, T. C. Harwood, and Walter S. Manifold.
Ordered—That the Clerk do enter on the Journals the decision arrived at by lot as to the dates of the retirement of Honorable Members.
8. RAILWAYS STANDING COMMITTEE LAW AMENDMENT BILL.—This Bill was, according to Order, and after debate, read a second time and committed to a Committee of the whole.
House in Committee.
The President resumed the Chair; and the Honorable N. FitzGerald having reported that the Committee had agreed to the Bill without amendment, the Report was adopted and the Bill read a third time and passed.
Ordered—That the Assembly be informed that the Council have agreed to the Bill without amendment.

9. REAL PROPERTY BILL.—The Order of the Day for the consideration of the Report from the Committee of the whole having been read—
 Ordered—That the said Order be discharged.
 On the motion of the Honorable J. M. Davies, this Bill was recommitted to a Committee of the whole in respect of clause 15.
 House in Committee.
 The President resumed the Chair; and the Honorable N. FitzGerald having reported that the Committee had agreed to the Bill with a further amendment, the House ordered the Report to be taken into consideration this day, whereupon the House adopted the Report, and the Bill was read a third time and passed.
 Ordered—That the Bill be sent to the Assembly with a Message desiring their concurrence therein.
10. TRANSFER OF LAND BILL.—The Order of the Day for the resumption of the debate on the question, That this Bill be now read a second time, was read, and, after further debate, the question being put, was resolved in the affirmative.—Bill read a second time and committed to a Committee of the whole.
 House in Committee.
 The President resumed the Chair; and the Honorable N. FitzGerald having reported that the Committee had agreed to the Bill without amendment, the Report was adopted, and the Bill read a third time and passed.
 Ordered—That the Bill be sent to the Assembly with a Message desiring their concurrence therein.
11. JURIES ACTS AMENDMENT BILL.—The Order of the Day for the consideration of the amendment made in this Bill by the Assembly having been read—
 The said amendment was read, and is as follows :—
 Insert the following new clause :—
 A. Justices of the Peace shall be exempt from serving as jurors.
 The Honorable J. M. Davies moved, That the Council agree to the amendment made in this Bill by the Assembly.
 Debate ensued.
 The Honorable T. C. Harwood moved, as an amendment, That the following words be added to the proposed new clause, viz.:—“if and whenever they so desire.”
 Question—That the words proposed to be added be so added—put and resolved in the affirmative.
 Question—That the Council agree to the amendment made in this Bill by the Assembly with the amendment agreed to by the Council—put and resolved in the affirmative.
 Ordered—That the Bill be returned to the Assembly with a Message acquainting them that the Council have agreed to the amendment made in this Bill by the Assembly with an amendment, and desiring their concurrence therein.
12. POSTPONEMENT OF ORDERS OF THE DAY.—Ordered, That the consideration of the following Orders of the Day be postponed until Tuesday next :—
Stamps Acts Amendment Bill.—Second reading.
Legal Practitioners Reciprocity Act 1903 Amendment Bill.—Second reading.
13. ADJOURNMENT.—Ordered, That the Council, at its rising, adjourn until Tuesday next.
- And then the Council, at three minutes past six o'clock, adjourned until Tuesday next.

GEORGE H. JENKINS,
 Clerk of the Legislative Council.

LEGISLATIVE COUNCIL.

Notices of Motion and Orders of the Day.

No. 8.

TUESDAY, 9TH AUGUST, 1904.

Government Business.

ORDERS OF THE DAY :—

1. STATISTICS COLLECTION BILL—(*from Assembly—Hon. A. O. Sachse*)—Second reading.
2. SURPLUS REVENUE BILL—(*from Assembly—Hon. J. M. Davies*)—Second reading.
3. STAMPS ACTS AMENDMENT BILL—(*from Assembly—Hon. J. M. Davies*)—Second reading.
4. LEGAL PRACTITIONERS RECIPROCITY ACT 1903 AMENDMENT BILL—(*from Assembly—Hon. J. M. Davies*)—Second reading.

WEDNESDAY, 10TH AUGUST.

General Business.

ORDERS OF THE DAY :—

1. LOCOMOTIVE ENGINE-MEN.—The question is—That the excessive hours worked by locomotive engine-men, and the method adopted in computing the day's work, are of such a nature as to demand the earnest and prompt attention of the Government—*Resumption of debate—(Hon. J. M. Davies)*.
2. THE CONSTITUTION ACT 1903 AMENDMENT BILL—(*Hon. W. J. Evans*)—Second reading.
3. POLICE OFFENCES ACT 1890 AMENDMENT BILL—(*Hon. J. Balfour*)—Second reading—*Resumption of debate—(Hon. D. Melville)*.

GEORGE H. JENKINS,
Clerk of the Legislative Council.

PARLIAMENTARY PAPERS ISSUED SINCE 28TH JULY, 1904.

Minutes of the Proceedings of the Legislative Council. No. 8.
 Notices of Motion and Orders of the Day. No. 8.
 Real Property Bill—[No. 18]. (To Members of Council only.)
 Statistics Bill—[12]. (To Members of Council only.)
 Surplus Revenue Bill—[36]. (To Members of Council only.)

Votes and Proceedings of the Legislative Assembly. Nos. 12, 13, and 14.

Notices of Motion and Orders of the Day. No. 14.

Weekly Report of Divisions. Nos. 2 and 3.

Welshpool Jetty Rail or Tramway Construction Bill—[3].

Wharfage and Harbors Rates Bill—[48].

Justices Bill—[15]. (To Members only.)

Closer Settlement Bill (No. 2)—

(Amendments to be proposed in Committee by Mr. E. Cameron.) (To Members only.)
 (Amendments to be proposed in Committee by Mr. Prendergast.) (To Members only.)

VICTORIA.

No. 10.

MINUTES OF THE PROCEEDINGS
OF THE
LEGISLATIVE COUNCIL.

TUESDAY, 9TH AUGUST, 1904.

1. The Council met in accordance with adjournment.
2. ABSENCE OF THE PRESIDENT.—The Clerk announced that he had received the following letter from the Honorable the President :—

Parliament House,
Melbourne, 3rd August, 1904.

My Dear Mr. Jenkins,

My doctor insists upon my getting change of air, and so I regret that I will not be able to take the Chair on Tuesday next. Will you kindly inform the House, so that the necessary provision may be made for my absence.

I do not expect that I will have to ask the consideration of Honorable Members for very long, as I hope to be quite strong again in a few days.

I remain,

Dear Mr. Jenkins,

Yours faithfully,

H. J. WRIXON.

On the motion of the Honorable J. M. Davies, the Honorable N. FitzGerald was chosen to fill temporarily the office, and perform all the duties of the President during his absence.

3. The Acting-President took the Chair and read the Prayer.
4. PETITIONS.—The following Petitions, praying that the Council would give effect to the expressed wish of the electors of the State by introducing the Scripture Lessons of the Royal Commission, to be taught in the State Schools by the teachers, within school hours, to the children of such parents as desire it; and that a complete analysis of the voting on the Referendum be made and published, were presented as under :—

By the Honorable D. Melville—

From certain residents of the District of Brunswick.

From certain residents of the District of Brunswick.

From certain members, adherents; and attenders, of the Presbyterian Church, North Fitzroy.

From certain residents of the District of Coburg.

By the Honorable J. Balfour—

From certain residents of the District of Oakleigh.

By the Honorable R. B. Rees—

From certain residents of the Districts of Birchip and Watchem.

Severally ordered to lie on the Table.

5. PAPERS.—The Honorable J. M. Davies presented, by command of His Excellency the Governor—
Statistical Register of the State of Victoria for the Year 1903.—Part V.—Vital Statistics, &c.
Ordered to lie on the Table.

The following Paper, pursuant to the direction of certain Acts of Parliament, was laid upon the Table by the Clerk :—

Report of the Registrar of Friendly Societies for the Year 1903.

(600 copies.)

6. LEAVE OF ABSENCE.—The Honorable D. E. McBryde moved, by leave, That leave of absence be granted to the Honorable J. C. Campbell for one month, on account of ill-health.
Question—put and, after debate, resolved in the affirmative.
7. LEGAL PRACTITIONERS RECIPROCIITY ACT 1903 AMENDMENT BILL.—This Bill was, according to Order, and after debate, read a second time and committed to a Committee of the whole.
The Honorable J. M. Davies moved, by leave, That the Honorable J. Balfour perform the duties of Chairman of Committees.
Question—put and resolved in the affirmative.
House in Committee.
The Acting-President resumed the Chair; and the Honorable J. Balfour having reported that the Committee had agreed to the Bill without amendment, the Report was adopted, and the Bill read a third time and passed.
Ordered—That the Assembly be informed that the Council have agreed to the Bill without amendment.
8. STATISTICS COLLECTION BILL.—This Bill was, according to Order, and after debate, read a second time and committed to a Committee of the whole.
House in Committee.
The Acting-President resumed the Chair; and the Honorable J. Balfour reported that the Committee had made progress in the Bill, and that he was directed to move, That the Committee may have leave to sit again.
Resolved—That the Council will, to-morrow, again resolve itself into the said Committee.
9. MESSAGE FROM THE ASSEMBLY.—The Acting-President announced the receipt of a Message from the Assembly, transmitting an amendment recommended by His Excellency the Governor (pursuant to the provisions of section thirty-six of the Constitution Act) in the Railways Standing Committee Law Amendment Bill, to which the Assembly have agreed, and desiring the concurrence of the Council.
The said amendment was read, and is as follows:—
In clause five, sub-clause (2), omit the words “this Act” and substitute the words “the Railways Standing Committee Acts.”
On the motion of the Honorable J. M. Davies, the Council agreed to the amendment recommended by His Excellency the Governor, and ordered that the Assembly be acquainted therewith.
10. MESSAGE FROM THE ASSEMBLY.—The President announced the receipt of a Message from the Assembly transmitting a Bill intituled “*An Act to provide for converting a certain portion of the Public Debt of Victoria into Debentures,*” and desiring the concurrence of the Council.
11. PUBLIC DEBT CONVERSION BILL.—On the motion of the Honorable A. O. Sachse, the Bill transmitted by the foregoing Message was read a first time, ordered to be printed, and read a second time on Tuesday next.
12. CORRECTIONS IN REAL PROPERTY BILL.—The Acting-President announced that he had received the following report from the Clerk:—

Parliament House,
Melbourne, 9th August, 1904.

MR. PRESIDENT,

I have the honour to report that, in pursuance of Standing Order No. 299, I have made the following corrections in the Bill intituled “*An Act for simplifying and improving the practice of Conveyancing and the Law of Property and for other purposes*”:—

In clause, 3, page 3, at end of line 20, the word “and” has been inserted.

In same clause and page, at end of line 22, the word “and” has been omitted.

In clause 15, page 16, lines 37–38, the words “the last preceding sub-section (II.)” have been omitted, and the words “sub-section (II.) of sub-section (7) of this section of this Act” inserted.

In same clause and page, line 43, the word “or” has been omitted.

In clause 16, line 17, the words “(IV.) of sub-section (7)” have been omitted, and the figure “(8)” inserted.

In clause 51, at end of line 30, the word “or” has been omitted, and the word “of” inserted.

I have the honour to be,

Sir,

Your most obedient Servant,

GEORGE H. JENKINS,

Clerk of the Legislative Council.

The Honorable
The President of the Legislative Council,
&c., &c., &c.

13. SURPLUS REVENUE BILL.—This Bill was, according to Order, and after debate, read a second time and committed to a Committee of the whole.
House in Committee.
The Acting-President resumed the Chair; and the Honorable J. Balfour reported that the Committee had made progress in the Bill, and that he was directed to move, That the Committee may have leave to sit again.
Resolved—That the Council will, to-morrow, again resolve itself into the said Committee.

14. MESSAGE FROM THE ASSEMBLY.—The Acting-President announced the receipt of a Message from the Assembly returning the Juries Acts Amendment Bill, and notifying that they have disagreed with the amendment made by the Council in the amendment of the Assembly in this Bill.

Ordered—That the foregoing Message be taken into consideration to-morrow.

15. POSTPONEMENT OF ORDER OF THE DAY.—Ordered, That the consideration of the following Order of the Day be postponed until to-morrow:—

Stamps Acts Amendment Bill.—Second reading.

And then the Council, at nine minutes past ten o'clock, adjourned until to-morrow.

GEORGE H. JENKINS,
Clerk of the Legislative Council.

LEGISLATIVE COUNCIL.

Notices of Motion and Orders of the Day.

No. 9.

WEDNESDAY, 10TH AUGUST, 1904.

General Business.

ORDERS OF THE DAY :—

1. LOCOMOTIVE ENGINE-MEN.—The question is—That the excessive hours worked by locomotive engine-men, and the method adopted in computing the day's work, are of such a nature as to demand the earnest and prompt attention of the Government—*Resumption of debate*—(Hon. J. M. Davies).
2. THE CONSTITUTION ACT 1903 AMENDMENT BILL—(Hon. W. J. Evans)—Second reading.
3. POLICE OFFENCES ACT 1890 AMENDMENT BILL—(Hon. J. Balfour)—Second reading—*Resumption of debate*—(Hon. D. Melville).

Government Business.

ORDERS OF THE DAY :—

1. SURPLUS REVENUE BILL—(from Assembly—Hon. J. M. Davies)—To be further considered in Committee.
2. STAMPS ACTS AMENDMENT BILL—(from Assembly—Hon. J. M. Davies)—Second reading.
3. JURIES ACTS AMENDMENT BILL—Message from Assembly—To be taken into consideration.
4. STATISTICS COLLECTION BILL—(from Assembly—Hon. A. O. Sachse)—To be further considered in Committee.

TUESDAY, 16TH AUGUST.

Government Business.

ORDER OF THE DAY :—

1. PUBLIC DEBT CONVERSION BILL—(from Assembly—Hon. A. O. Sachse)—Second reading.

GEORGE H. JENKINS,
Clerk of the Legislative Council.

PARLIAMENTARY PAPERS ISSUED SINCE 4TH AUGUST, 1904.

Minutes of the Proceedings of the Legislative Council. No. 9.

Notices of Motion and Orders of the Day. No. 9.

Debt Conversion Bill—[5]. (To Members of Council only.)

Police Offences Bill—(Amendment to be proposed by Hon. A. McLellan). (To Members of Council only.)

Notices of Motion and Orders of the Day. No. 17.

Real Property Bill—[18]. (To Members only.)

Transfer of Land Bill—[22]. (To Members only.)

Totalizer Bill—[54].

Closer Settlement Bill (No. 2)—

(Amendments to be proposed in Committee by Mr. E. Cameron.) (To Members only.)

(New Clause to be proposed in Committee by Mr. Fairbairn.) (To Members only.)

(Amendments to be proposed in Committee by Mr. McCutcheon.) (To Members only.)

(Amendments and New Clause to be proposed in Committee by Mr. Thomson.) (To Members only.)

Mines Acts Further Amendment Bill—

(Amendment to be proposed in Committee by Mr. Kirkwood.) (To Members only.)

(New Clauses to be proposed in Committee by Mr. Lawson.) (To Members only.)

(Amendments to be proposed in Committee by Mr. H. S. Bennett.) (To Members only.)

By Authority: ROBT. S. BRAIN, Government Printer, Melbourne.

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VICTORIA

No 11.

MINUTES OF THE PROCEEDINGS

OF THE

LEGISLATIVE COUNCIL.

WEDNESDAY, 10TH AUGUST, 1904.

1. The Acting-President took the Chair and read the Prayer.
2. PETITIONS.—The following Petitions, praying that the Council would give effect to the expressed wish of the electors of the State by introducing the Scripture Lessons of the Royal Commission, to be taught in the State schools by the teachers, within school hours, to the children of such parents as desire it; and that a complete analysis of the voting on the Referendum be made and published, were presented as under:—
 - By the Honorable J. M. Pratt—
From certain residents of the District of Corack.
 - By the Honorable T. C. Harwood—
From certain residents of the District of Barrabool, &c.
 Severally ordered to lie on the Table.
3. MESSAGE FROM THE ASSEMBLY.—The Acting-President announced the receipt of a Message from the Assembly transmitting a Bill intituled "*An Act to amend the Local Government Act 1903*," and desiring the concurrence of the Council.
4. LOCAL GOVERNMENT ACT 1903 AMENDMENT BILL (No. 2).—On the motion of the Honorable W. Pitt, the Bill transmitted by the foregoing Message was read a first time, ordered to be printed, and read a second time on Tuesday next.
5. LOCOMOTIVE ENGINE-MEN.—The Order of the Day for the resumption of the debate on the question—That the excessive hours worked by locomotive engine-men, and the method adopted in computing the day's work, are of such a nature as to demand the earnest and prompt attention of the Government—having been read—
On the motion of the Honorable J. M. Davies, the debate was, after debate, adjourned until Tuesday, the 23rd instant.
6. POSTPONEMENT OF ORDER OF THE DAY.—Ordered, That the consideration of the following Order of the Day be postponed until Wednesday next:—
The Constitution Act 1903 Amendment Bill—Second Reading.
(600 copies.)

7. POLICE OFFENCES ACT 1890 AMENDMENT BILL.—The Order of the Day for the resumption of the debate on the question, That this Bill be now read a second time, having been read—

Debate resumed.

Question—put.

The Council divided.

Ayes, 15.
The Hon. E. J. Crooke
J. M. Davies
W. H. Edgar
Dr. W. H. Embling
T. Luxton
Walter S. Manifold
E. Miller
T. H. Payne
W. Pitt
J. M. Pratt
R. B. Rees
A. O. Sachse
J. Sternberg.

Tellers.

J. Balfour
R. B. Ritchie.

Noes, 10.
The Hon. J. D. Brown
M. Cussen
Sir H. Cuthbert
W. J. Evans
T. C. Harwood
D. E. McBryde
J. Y. McDonald
A. McLellan.

Tellers.

W. L. Baillieu
D. Melville.

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

Ordered—That the Bill be committed to a Committee of the whole on Wednesday next.

8. SURPLUS REVENUE BILL.—The Order of the Day for the further consideration of this Bill in Committee of the whole having been read—the Acting President left the Chair.
House in Committee.

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

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

9. MINISTER OF THE CROWN FROM ASSEMBLY.—The Honorable J. M. Davies moved, by leave, That, pursuant to the provisions of section 9 of *The Constitution Act 1903*, the Legislative Council request the Honorable Thomas Bent, Premier, will be so good as to attend in the Council Chamber on Tuesday next for the purpose of explaining some of the provisions of the Bill intituled "*An Act relating to the Surplus Revenue of the Financial Year ended on the thirtieth day of June One thousand nine hundred and four.*"

Question—put and resolved in the affirmative.

10. POSTPONEMENT OF ORDERS OF THE DAY.—Ordered, That the consideration of the following Orders of the Day be postponed until Tuesday next:—

Stamps Acts Amendment Bill—Second reading.

Juries Acts Amendment Bill—Message from Assembly—To be taken into consideration.

Statistics Collection Bill—To be further considered in Committee.

11. ADJOURNMENT.—Ordered, after debate, That the Council, at its rising, adjourn until Tuesday next.

And then the Council, at twenty-eight minutes past ten o'clock, adjourned until Tuesday next.

GEORGE H. JENKINS,
Clerk of the Legislative Council.

LEGISLATIVE COUNCIL.

Notices of Motion and Orders of the Day.

No. 10.

TUESDAY, 16TH AUGUST, 1904.

Question.

1. The Hon. D. E. McBRYDE : To ask the Honorable the Attorney-General—
 - (1) When will the Butter Bonus Commission conclude their inquiry.
 - (2) Is there any good likely to result by taking further evidence in view of the heavy expenses incurred.

Government Business.

ORDERS OF THE DAY :—

1. SURPLUS REVENUE BILL—(from Assembly—Hon. J. M. Davies)—To be further considered in Committee.
2. STAMPS ACTS AMENDMENT BILL—(from Assembly—Hon. J. M. Davies)—Second reading.
3. JURIES ACTS AMENDMENT BILL—Message from Assembly—To be taken into consideration.
4. STATISTICS COLLECTION BILL—(from Assembly—Hon. A. O. Sachse)—To be further considered in Committee.
5. PUBLIC DEBT CONVERSION BILL—(from Assembly—Hon. A. O. Sachse)—Second reading.
6. LOCAL GOVERNMENT ACT 1903 AMENDMENT BILL (No. 2)—(from Assembly—Hon. W. Pitt)—Second reading.

WEDNESDAY, 17TH AUGUST.

General Business.

ORDERS OF THE DAY :—

1. THE CONSTITUTION ACT 1903 AMENDMENT BILL—(Hon. W. J. Evans)—Second reading.
2. POLICE OFFENCES ACT 1890 AMENDMENT BILL—(Hon. J. Balfour)—To be committed.

TUESDAY, 23RD AUGUST.

General Business.

ORDER OF THE DAY :—

1. LOCOMOTIVE ENGINE-MEN.—The question is—That the excessive hours worked by locomotive engine-men, and the method adopted in computing the day's work, are of such a nature as to demand the earnest and prompt attention of the Government—*Resumption of debate*—(Hon. J. M. Davies).

GEORGE H. JENKINS,

Clerk of the Legislative Council.

MEETING OF SELECT COMMITTEE.

Wednesday, 17th August.

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

(160 copies.)

PARLIAMENTARY PAPERS ISSUED 10TH AUGUST, 1904.

Notices of Motion and Orders of the Day. No. 10.

Local Government Bill—[35]. (To Members of Council only.)

Votes and Proceedings of the Legislative Assembly. Nos. 15, 16, and 17.

Notices of Motion and Orders of the Day. No. 18.

Wild Dogs (Continuation) Bill—[56].

Vermin Destruction Bill—[57].

Closer Settlement Bill (No. 2)—

(Amendments to be proposed in Committee by Mr. Thomson.) (To Members only.)

(Amendments and New Clause to be proposed in Committee by Mr. Hutchinson.) (To Members only.)

(Amendments to be proposed in Committee by the Commissioner of Crown Lands and Survey.) (To Members only.)

Mines Acts Further Amendment Bill—

(Amendment to be proposed in Committee by Mr. Lawson.) (To Members only.)

(Amendments to be proposed in Committee by Mr. Bailes.) (To Members only.)

(Amendments to be proposed in Committee by Mr. Toutcher.) (To Members only.)

39
VICTORIA.

No. 12.

MINUTES OF THE PROCEEDINGS
OF THE
LEGISLATIVE COUNCIL.

TUESDAY, 16TH AUGUST, 1904.

1. The President took the Chair and read the Prayer.
2. ISSUE OF AND RETURN TO WRIT.—The President announced that he had issued a Writ for the election of a Member to serve for the Bendigo Province in the place of the Honorable W. B. Gray, deceased; that there had been returned to him such Writ, and by the indorsement thereon it appeared that the Honorable Joseph Henry Abbott had been elected in pursuance thereof.
3. INSTRUMENTS ACT 1890 FURTHER AMENDMENT BILL.—On the motion of the Honorable J. M. Davies, a Bill to further amend the *Instruments Act 1890* was, by leave, read a first time, ordered to be printed, and read a second time to-morrow.
4. MESSAGE FROM THE ASSEMBLY.—The President announced the receipt of a Message from the Assembly transmitting a Bill intituled “*An Act to apply out of the Consolidated Revenue the sum of Thirty-two thousand four hundred and two pounds to the service of the year One thousand nine hundred and three and One thousand nine hundred and four,*” and desiring the concurrence of the Council.
5. CONSOLIDATED REVENUE BILL (No. 2).—On the motion of the Honorable J. M. Davies, the Bill transmitted by the foregoing Message was read a first time, ordered to be printed, and read a second time to-morrow.
6. PETITIONS.—The following Petitions, praying that the Council would give effect to the expressed wish of the electors of the State by introducing the Scripture Lessons of the Royal Commission, to be taught in the State schools by the teachers, within school hours, to the children of such parents as desire it; and that a complete analysis of the voting on the Referendum be made and published, were presented as under:—
 - By the Honorable T. C. Harwood—
From certain residents of the district of Geelong.
 - By the Honorable W. Little—
From certain residents of the district of Chiltern.
 - By the Honorable W. Pearson—
From certain residents of the district of Drouin.
 - By the Honorable E. Miller—
From certain residents of the districts of Toorak, Hawksburn, and South Yarra.
 Severally ordered to lie on the Table.
7. SWEARING-IN OF MEMBER.—The Honorable J. H. Abbott, being introduced, took and subscribed the oath required by law, and delivered to the Clerk the Declaration required by the thirty-seventh section of the Act No. 1075, as hereunder set forth:—

“In compliance with the provisions of the Constitution Act Amendment Acts, I, JOSEPH HENRY ABBOTT, do declare and testify that I am legally or equitably seised of or entitled to an estate of freehold for my own use and benefit in lands or tenements in the State of Victoria of the yearly value of One hundred and ninety-two pounds above all charges and incumbrances affecting the same, other than any public or parliamentary tax or municipal or other rate or assessment; and further, that such lands or tenements are situated in the municipal districts of Bendigo and Echuca, and are known as—

 - “Firstly, part of Crown allotment nine of section twenty-four B, city of Bendigo, particularly described in certificate of title entered in the Register Book, vol. 2586, fol. 517022.
 - “Secondly, Crown allotment six and six A of section sixty-eight C, Olinda and Gladstone streets, city and parish of Bendigo.
 - “Thirdly, part of Crown allotment three, section six, town of Echuca, parish of Echuca North, county of Rodney, particularly described in certificate of title entered in the Register Book, vol. 1786, fol. 357001.

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

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

“ JOSEPH HENRY ABBOTT.”

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

MR. PRESIDENT,

The Legislative Assembly beg to inform the Legislative Council that they have received a Message from the Legislative Council requesting that the Honorable Thomas Bent, the Premier, will attend in the Council Chamber this day for the purpose of explaining some of the provisions of the Surplus Revenue Bill, and acquaint the Legislative Council that such request has been communicated to the Premier.

Legislative Assembly,
Melbourne, 16th August, 1904.

FRANK MADDEN,
Speaker.

9. PAPER.—The following Paper, pursuant to the direction of an Act of Parliament, was laid upon the Table by the Clerk:—

Statement under the Old-age Pensions Act No. 1751, Section 35.

10. SURPLUS REVENUE BILL.—The Order of the Day for the further consideration of this Bill in Committee of the whole having been read—The resolution of the Council of the 10th August instant was read by the Clerk as follows:—

“ That, pursuant to the provisions of section 9 of *The Constitution Act 1903*, the Legislative Council request the Honorable Thomas Bent, Premier, will be so good as to attend in the Council Chamber on Tuesday next for the purpose of explaining some of the provisions of the Bill intituled ‘ *An Act relating to the Surplus Revenue of the Financial Year ended on the thirtieth day of June One thousand nine hundred and four.* ’ ”

11. MINISTER OF THE CROWN FROM ASSEMBLY.—The Honorable the Premier, having been announced, was received at the Bar of the Council by the Honorable J. M. Davies, and was addressed by the Honorable the President as follows:—

“ As this is the first occasion when the new power, which is conferred by the Reform Act, has been brought into operation, I desire to convey to you, Sir, the fact that this House fully recognises your courtesy in being present to aid honorable members by your counsel and advice, and by the information you are able to give. I have no doubt that the discussion which will take place will be useful in itself, and be a precedent for similar proceedings in future under this valuable reform.”

The Honorable the Premier replied as follows:—

“ Mr. President, I am very pleased to see that you are well enough to be in your place to-day, and I am also pleased at the attendance of the business men of this House. I at once complied with your request to attend here this day. I little thought when I was a member of the Conference which arranged about the new Constitution, that I should be the first to be invited by the Council to give information regarding a Government Bill. I can assure you that it gave me great pleasure to inform our House of my intention to comply with the request, and nothing shall be wanting on my part with a view to affording the Council every assistance, and all the knowledge I possess regarding this measure.”

12. SURPLUS REVENUE BILL.—The President then left the Chair, and the Council resolved itself into a Committee of the whole.

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

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

13. POSTPONEMENT OF ORDERS OF THE DAY.—Ordered—That the consideration of the following Orders of the Day be postponed until to-morrow:—

Stamps Acts Amendment Bill—Second reading.

Juries Acts Amendment Bill—Message from Assembly—To be taken into consideration.

Statistics Collection Bill—To be further considered in Committee.

Public Debt Conversion Bill—Second reading.

Local Government Act 1903 Amendment Bill (No. 2)—Second reading.

And then the Council, at twenty minutes past ten o'clock, adjourned until to-morrow.

GEORGE H. JENKINS,
Clerk of the Legislative Council.

LEGISLATIVE COUNCIL.

Notices of Motion and Orders of the Day.

No. 11.

WEDNESDAY, 17TH AUGUST, 1904.

General Business.

NOTICE OF MOTION :—

1. The Hon. D. MELVILLE: To move, That it be an instruction to the Committee on the Surplus Revenue Bill to call Mr. Thomas Tait, Chairman of the Victorian Railways Commissioners, and Mr. C. E. Norman, Chief Engineer for Existing Lines, to the Bar to give evidence with respect to this Bill.

ORDERS OF THE DAY :—

1. THE CONSTITUTION ACT 1903 AMENDMENT BILL—(*Hon. W. J. Evans*)—Second reading.
2. POLICE OFFENCES ACT 1890 AMENDMENT BILL—(*Hon. J. Balfour*)—To be committed.

Government Business.

ORDERS OF THE DAY :—

1. SURPLUS REVENUE BILL—(*from Assembly—Hon. J. M. Davies*)—To be further considered in Committee.
2. STAMPS ACTS AMENDMENT BILL—(*from Assembly—Hon. J. M. Davies*)—Second reading.
3. JURIES ACTS AMENDMENT BILL—Message from Assembly—To be taken into consideration.
4. STATISTICS COLLECTION BILL—(*from Assembly—Hon. A. O. Sachse*)—To be further considered in Committee.
5. PUBLIC DEBT CONVERSION BILL—(*from Assembly—Hon. A. O. Sachse*)—Second reading.
6. LOCAL GOVERNMENT ACT 1903 AMENDMENT BILL (No. 2)—(*from Assembly—Hon. W. Pitt*)—Second reading.
7. INSTRUMENTS ACT 1890 FURTHER AMENDMENT BILL—(*Hon. J. M. Davies*)—Second reading.
8. CONSOLIDATED REVENUE BILL (No. 2)—(*from Assembly—Hon. J. M. Davies*)—Second reading.

TUESDAY, 23RD AUGUST.

General Business.

ORDER OF THE DAY :—

1. LOCOMOTIVE ENGINE-MEN.—The question is—That the excessive hours worked by locomotive engine-men, and the method adopted in computing the day's work, are of such a nature as to demand the earnest and prompt attention of the Government—*Resumption of debate—(Hon. J. M. Davies).*

GEORGE H. JENKINS,
Clerk of the Legislative Council.

MEETING OF SELECT COMMITTEE.

Wednesday, 17th August.

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

(120 copies.)

PARLIAMENTARY PAPERS ISSUED SINCE 11TH AUGUST, 1904.

Minutes of the Proceedings of the Legislative Council. Nos. 10 and 11.

Notices of Motion and Orders of the Day. No. 11.

The Constitution Bill—[39].

Consolidated Revenue Bill—[63]. (To Members of Council only.)

Votes and Proceedings of the Legislative Assembly. Nos. 18, 19, and 20.

Notices of Motion and Orders of the Day. No. 20.

Weekly Report of Divisions. No. 4.

Public Officers Retirement Bill—[58].

Unclaimed Moneys Bill—[70].

Mines Acts Further Amendment Bill.—

(Schedule of Amendments to be proposed in Committee, of which notice has been given up to 15th August.) (To Members only.)

(Amendment to be proposed in Committee by Mr. J. Cameron.) (To Members only.)

(Amendments to be proposed in Committee by the Minister of Mines.) (To Members only.)

Closer Settlement Bill (No. 2).—(Schedule of Amendments to be proposed in Committee, of which notice has been given up to 10th August.) (To Members only.)

VICTORIA.

No. 13.

MINUTES OF THE PROCEEDINGS
OF THE
LEGISLATIVE COUNCIL.

WEDNESDAY, 17TH AUGUST, 1904.

1. The President took the Chair and read the Prayer.
2. MESSAGE FROM HIS EXCELLENCY THE GOVERNOR.—The following Message from His Excellency the Governor was presented by the Honorable J. M. Davies, and the same was read by the Honorable the President :—

R. TALBOT,
Governor of Victoria. *Message No. 2.*

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

“*An Act to amend the Law relating to the Railways Standing Committee.*”
“*An Act to amend the ‘Legal Practitioners Reciprocity Act 1903.’*”

State Government House,
Melbourne, 16th August, 1904.
3. PETITIONS.—The following Petitions, praying that the Council would give effect to the expressed wish of the electors of the State by introducing the Scripture Lessons of the Royal Commission, to be taught in the State Schools by the teachers, within school hours, to the children of such parents as desire it; and that a complete analysis of the voting on the Referendum be made and published, were presented as under :—

By the Honorable J. Balfour—
From certain residents of the district of Noorat.
From certain residents of the district of Cressy.

By the Honorable J. M. Pratt—
From certain residents of the district of Horsham, Victoria.

Severally ordered to lie on the Table.
4. PAPER.—The following Paper, pursuant to the directions of an Act of Parliament, was laid upon the Table by the Clerk :—

Victorian Railways.—Report of the Victorian Railways Commissioners for the quarter ending 31st March, 1904.
5. SURPLUS REVENUE BILL.—The Honorable D. Melville moved, That it be an instruction to the Committee on the Surplus Revenue Bill to call Thomas Tait, Esquire, Chairman of the Victorian Railways Commissioners, and Charles Ernest Norman, Esquire, Chief Engineer of Way and Works, to the Bar to give evidence with respect to this Bill.

Debate ensued.
Question—put and resolved in the affirmative.
6. POSTPONEMENT OF ORDERS OF THE DAY.—Ordered—That the consideration of the following Orders of the Day be postponed until Wednesday next :—

The Constitution Act 1903 Amendment Bill—Second reading.
Police Offences Act 1890 Amendment Bill—To be committed.

7. SURPLUS REVENUE BILL.—The Order of the Day for the further consideration of this Bill in Committee of the whole having been read—the President left the Chair.

House in Committee.

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

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

8. POSTPONEMENT OF ORDERS OF THE DAY.—Ordered—That the consideration of the following Orders of the Day be postponed until to-morrow:—

Stamps Acts Amendment Bill—Second reading.

Juries Acts Amendment Bill—Message from Assembly—To be taken into consideration.

Statistics Collection Bill—To be further considered in Committee.

Public Debt Conversion Bill—Second reading.

Local Government Act 1903 Amendment Bill (No. 2)—Second reading.

Instruments Act 1890 further Amendment Bill—Second reading.

Consolidated Revenue Bill (No. 2)—Second reading.

And then the Council, at twenty-nine minutes past ten o'clock, adjourned until to-morrow.

GEORGE H. JENKINS,
Clerk of the Legislative Council.

LEGISLATIVE COUNCIL.

Notices of Motion and Orders of the Day.

No. 12.

THURSDAY, 18TH AUGUST, 1904.

Government Business.

ORDERS OF THE DAY :—

1. SURPLUS REVENUE BILL—(from Assembly—Hon. J. M. Davies)—To be further considered in Committee.
2. STAMPS ACTS AMENDMENT BILL—(from Assembly—Hon. J. M. Davies)—Second reading.
3. JURIES ACTS AMENDMENT BILL—Message from Assembly—To be taken into consideration.
4. STATISTICS COLLECTION BILL—(from Assembly—Hon. A. O. Sachse)—To be further considered in Committee.
5. PUBLIC DEBT CONVERSION BILL—(from Assembly—Hon. A. O. Sachse)—Second reading.
6. LOCAL GOVERNMENT ACT 1903 AMENDMENT BILL (No. 2)—(from Assembly—Hon. W. Pitt)—Second reading.
7. INSTRUMENTS ACT 1890 FURTHER AMENDMENT BILL—(Hon. J. M. Davies)—Second reading.
8. CONSOLIDATED REVENUE BILL (No. 2)—(from Assembly—Hon. J. M. Davies)—Second reading.

TUESDAY, 23RD AUGUST.

General Business.

ORDER OF THE DAY :—

1. LOCOMOTIVE ENGINE-MEN.—The question is—That the excessive hours worked by locomotive engine-men, and the method adopted in computing the day's work, are of such a nature as to demand the earnest and prompt attention of the Government—*Resumption of debate*—(Hon. J. M. Davies).

WEDNESDAY, 24TH AUGUST.

General Business.

ORDERS OF THE DAY :—

1. THE CONSTITUTION ACT 1903 AMENDMENT BILL—(Hon. W. J. Evans)—Second reading.
2. POLICE OFFENCES ACT 1890 AMENDMENT BILL—(Hon. J. Balfour)—To be committed.

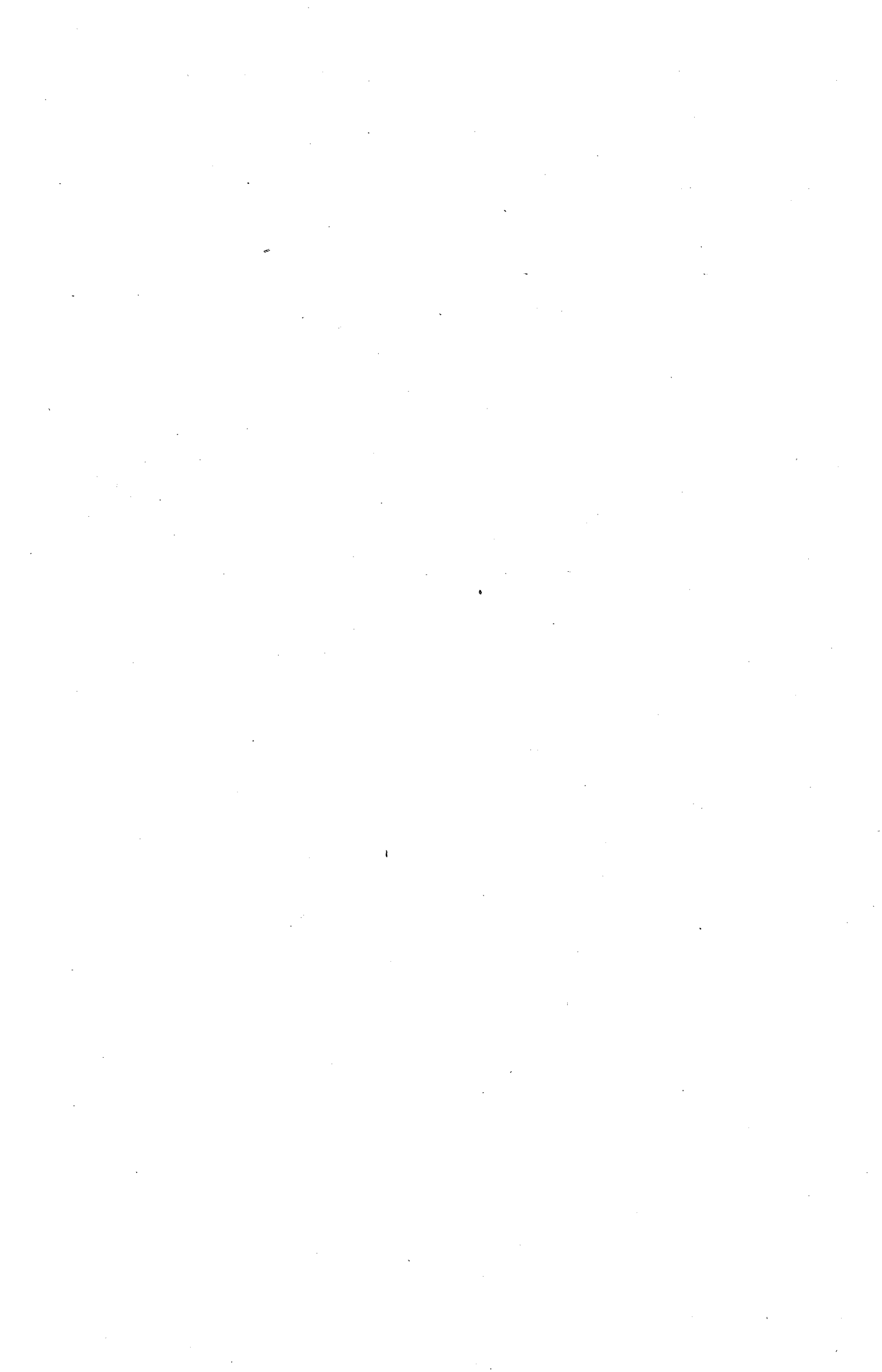
GEORGE H. JENKINS,
Clerk of the Legislative Council.

PARLIAMENTARY PAPERS ISSUED 17TH AUGUST, 1904.

Notices of Motion and Orders of the Day. No. 12.
Instruments Bill—[50].

Notices of Motion and Orders of the Day. No. 21.
Mines Acts Further Amendment Bill.—(Amendment to be proposed in Committee by Mr. J. Cameron, in lieu of Amendment previously circulated.) (To Members only.)

By Authority: ROBT. S. BRAIN, Government Printer, Melbourne.



VICTORIA.

No. 14.

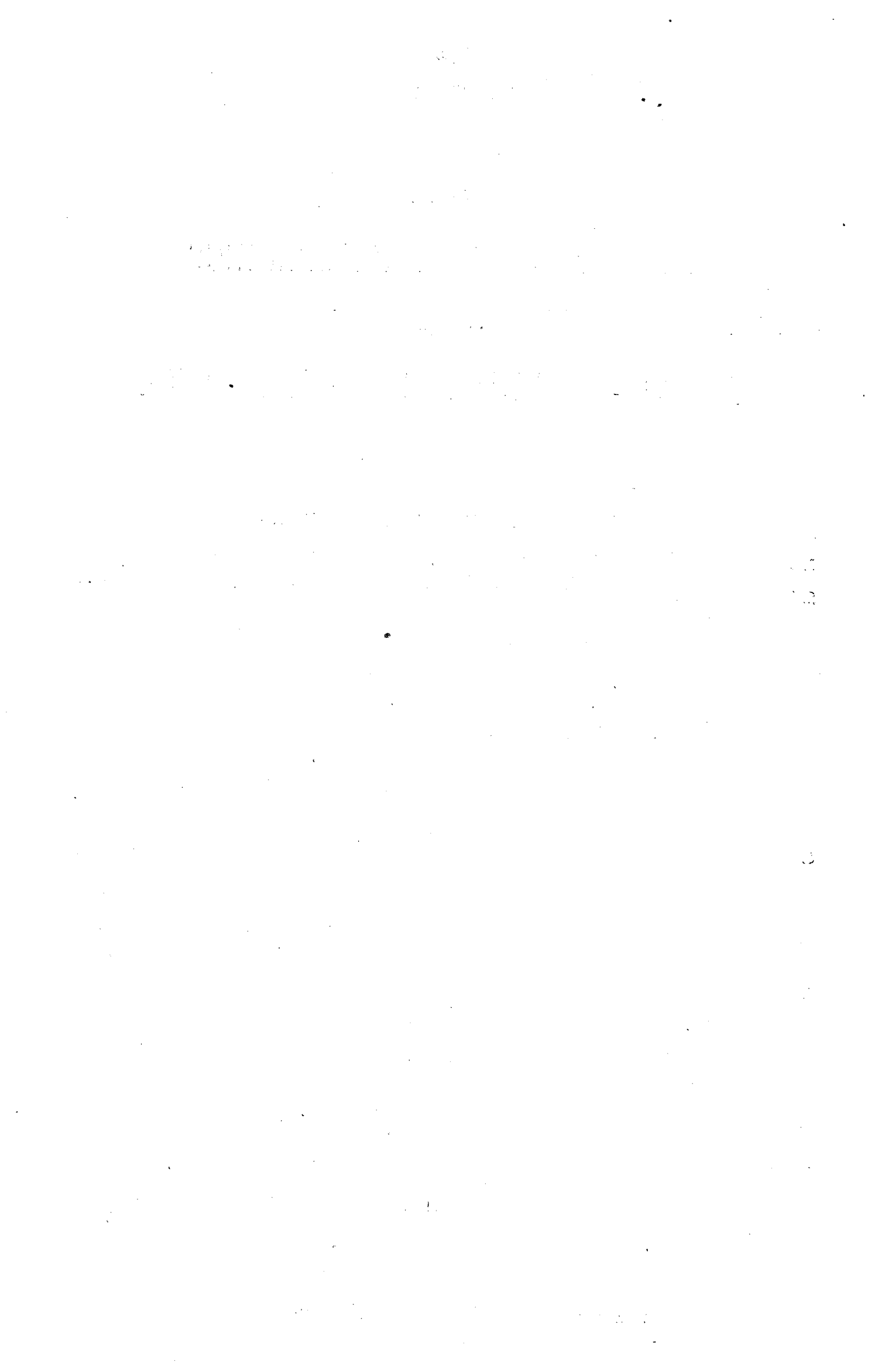
MINUTES OF THE PROCEEDINGS
OF THE
LEGISLATIVE COUNCIL.

THURSDAY, 18TH AUGUST, 1904.

1. The President took the Chair and read the Prayer.
2. PETITIONS.—The following Petitions, praying that the Council would give effect to the expressed wish of the electors of the State by introducing the Scripture Lessons of the Royal Commission, to be taught in the State schools by the teachers, within school hours, to the children of such parents as desire it; and that a complete analysis of the voting on the Referendum be made and published, were presented as under :—
 - By the Honorable E. Miller—
From certain residents of the district of Prahran.
 - By the Honorable W. Pearson—
From certain residents of the district of Jeetho.
From certain residents of the district of Korumburra South.
 - By the Honorable E. J. Croke—
From certain residents of the districts of Toongabbie, Cowwarr, and Heyfield, Gippsland North.
 Severally ordered to lie on the Table.
3. SURPLUS REVENUE BILL.—The Order of the Day for the further consideration of this Bill in Committee of the whole having been read—The President left the Chair.
House in Committee.
The President resumed the Chair; and the Honorable N. FitzGerald reported that the Committee had made progress in the Bill, and that he was directed to move, That the Committee may have leave to sit again.
Resolved—That the Council will, on Tuesday next, again resolve itself into the said Committee.
4. POSTPONEMENT OF ORDERS OF THE DAY.—Ordered, That the consideration of the following Orders of the Day be postponed until Tuesday next :—
 - Stamps Acts Amendment Bill—Second reading.*
 - Juries Acts Amendment Bill—Message from Assembly—To be taken into consideration.*
 - Statistics Collection Bill—To be further considered in Committee.*
 - Public Debt Conversion Bill—Second reading.*
 - Local Government Act 1903 Amendment Bill (No. 2)—Second reading.*
 - Instruments Act 1890 further Amendment Bill—Second reading.*
 - Consolidated Revenue Bill (No. 2)—Second reading.*

And then the Council, at forty-five minutes past ten o'clock, adjourned until Tuesday next.

GEORGE H. JENKINS,
Clerk of the Legislative Council.



LEGISLATIVE COUNCIL.

Notices of Motion and Orders of the Day.

No. 13.

TUESDAY, 23RD AUGUST, 1904.

Government Business.

ORDERS OF THE DAY :—

1. SURPLUS REVENUE BILL—(from Assembly—Hon. J. M. Davies)—To be further considered in Committee.
2. STAMPS ACTS AMENDMENT BILL—(from Assembly—Hon. J. M. Davies)—Second reading.
3. JURIES ACTS AMENDMENT BILL—Message from Assembly—To be taken into consideration.
4. STATISTICS COLLECTION BILL—(from Assembly—Hon. A. O. Sachse)—To be further considered in Committee.
5. PUBLIC DEBT CONVERSION BILL—(from Assembly—Hon. A. O. Sachse)—Second reading.
6. LOCAL GOVERNMENT ACT 1903 AMENDMENT BILL (No. 2)—(from Assembly—Hon. W. Pitt)—Second reading.
7. INSTRUMENTS ACT 1890 FURTHER AMENDMENT BILL—(Hon. J. M. Davies)—Second reading.
8. CONSOLIDATED REVENUE BILL (No. 2)—(from Assembly—Hon. J. M. Davies)—Second reading.

General Business.

ORDER OF THE DAY :—

1. LOCOMOTIVE ENGINE-MEN.—The question is—That the excessive hours worked by locomotive engine-men, and the method adopted in computing the day's work, are of such a nature as to demand the earnest and prompt attention of the Government—*Resumption of debate*—(Hon. J. M. Davies).

WEDNESDAY, 24TH AUGUST.

General Business.

ORDERS OF THE DAY :—

1. THE CONSTITUTION ACT 1903 AMENDMENT BILL—(Hon. W. J. Evans)—Second reading.
2. POLICE OFFENCES ACT 1890 AMENDMENT BILL—(Hon. J. Balfour)—To be committed.

GEORGE H. JENKINS,
Clerk of the Legislative Council.

PARLIAMENTARY PAPERS ISSUED 18TH AUGUST, 1904.

Notices of Motion and Orders of the Day. No. 13.

Notices of Motion and Orders of the Day. No. 22.

Declaring of Boroughs Bill—[66].

Evidence Bill—[72].

Public Service Bill—[73].

Mines Acts Further Amendment Bill.—(New Clauses to be proposed in Committee by Mr. Mackinnon.)
(To Members only.)

Real Property Bill.—(Amendments and New Clauses to be proposed in Committee by Mr. Mackey.) (To Members only.)

Transfer of Land Bill.—(New Clauses to be proposed in Committee by Mr. Mackey.) (To Members only.)

Faint, illegible text covering the majority of the page, possibly bleed-through from the reverse side.

Vertical text on the right margin, possibly a page number or reference code, including characters like '11', '12', '13', '14', '15', '16', '17', '18', '19', '20', '21', '22', '23', '24', '25', '26', '27', '28', '29', '30', '31', '32', '33', '34', '35', '36', '37', '38', '39', '40', '41', '42', '43', '44', '45', '46', '47', '48', '49', '50', '51', '52', '53', '54', '55', '56', '57', '58', '59', '60', '61', '62', '63', '64', '65', '66', '67', '68', '69', '70', '71', '72', '73', '74', '75', '76', '77', '78', '79', '80', '81', '82', '83', '84', '85', '86', '87', '88', '89', '90', '91', '92', '93', '94', '95', '96', '97', '98', '99', '100'.

VICTORIA.

No. 15.

MINUTES OF THE PROCEEDINGS

OF THE

LEGISLATIVE COUNCIL.

TUESDAY, 23RD AUGUST, 1904.

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

2. **SUBSTITUTED DECLARATION OF MEMBER.**—The Honorable J. H. Abbott delivered to the Clerk the following declaration, viz. :—

“In compliance with the provisions of the Constitution Act Amendment Acts, I, **JOSEPH HENRY ABBOTT**, do declare and testify that I am legally or equitably seized of or entitled to an estate of freehold for my own use and benefit in lands or tenements in the State of Victoria of the yearly value of One hundred and ninety-seven pounds above all charges and incumbrances affecting the same, other than any public or parliamentary tax or municipal or other rate or assessment; and further, that such lands or tenements are situated in the municipal districts of Bendigo and Echuca, and are known as—

“Firstly, part of Crown allotment nine of section twenty-four B, city of Bendigo, particularly described in certificate of title entered in the Register Book, vol. 2586, fol. 517022.

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

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

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

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

“**JOSEPH HENRY ABBOTT.**”

3. **PETITIONS.**—The following Petitions, praying that the Council would give effect to the expressed wish of the electors of the State by introducing the Scripture Lessons of the Royal Commission, to be taught in the State schools by the teachers, within school hours, to the children of such parents as desire it; and that a complete analysis of the voting on the Referendum be made and published, were presented as under :—

By the Honorable A. O. Sachse—

From certain residents of the district of Greta.

By the Honorable J. Balfour—

From certain residents of the district of Toorak.

From certain residents of the districts of Moorabbin and Carrum.

By the Honorable W. Pearson—

From certain residents of the district of Bairnsdale.

By the Honorable T. C. Harwood—

From certain residents of the districts of Paynesville, Bengwarden, and Lindenow.

By the Honorable W. H. Edgar—

From certain residents of the district of Williamstown.

By the Honorable D. Melville—

From certain residents of the district of Brunswick, &c.

Severally ordered to lie on the Table.

4. PAPERS.—The Honorable J. M. Davies presented, by command of His Excellency the Governor—
Report of the Director of Education upon some aspects of Education in New Zealand.
Statistical Register of the State of Victoria for the year 1903.—Part VIII.—Interchange.

Severally ordered to lie on the Table.

The following Papers, pursuant to the directions of several Acts of Parliament, were laid upon the Table by the Clerk :—

Eighteenth Annual Report on Trade Unions.—Report of the Actuary for Friendly Societies for the year 1903, with an Appendix.
Shire of Numurkah Waterworks Trust.—Additional Loan of £1,000.

5. CONSOLIDATED REVENUE BILL (No. 2).—This Bill was, according to Order, and after debate, read a second time, and committed to a Committee of the whole.

House in Committee.

The President resumed the Chair; and the Honorable N. FitzGerald having reported that the Committee had agreed to the Bill without amendment, the Report was adopted, and the Bill read a third time and passed.

Ordered—That the Assembly be informed that the Council have agreed to the Bill without amendment.

6. SURPLUS REVENUE BILL.—The Order of the Day for the further consideration of this Bill in Committee of the whole having been read—The President left the Chair.

House in Committee.

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

Resolved—That the Council will, this day, again resolve itself into the said Committee.

7. EVIDENCE AT THE BAR.—The Honorable Sir H. Cuthbert moved, by leave, That Thomas Tait, Esquire; William Francis Joseph Fitzpatrick, Esquire; and Charles Hudson, Esquire, Victorian Railways Commissioners; Maurice Edwin Kernot, Esquire, Acting Engineer-in-Chief, Victorian Railways; Charles Ernest Norman, Esquire, Chief Engineer of Way and Works; and Joseph Martin Reed, Esquire, Surveyor-General, be summoned to attend to-morrow, at half-past four o'clock, to give evidence at the Bar of the Council before the Committee of the whole on the Surplus Revenue Bill.

The Honorable J. M. Davies moved, as an amendment, That the following words be added to the motion, viz. :—“or such of those witnesses as may be in Melbourne.”

Debate ensued.

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

Main question, as amended, put and resolved in the affirmative.

8. SURPLUS REVENUE BILL.—The Order of the Day for the further consideration of this Bill in Committee of the whole having been read, the President left the Chair.

House in Committee.

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

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

9. STATISTICS COLLECTION BILL.—The Order of the Day for the further consideration of this Bill in Committee of the whole having been read—the President left the Chair.

House in Committee.

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

Resolved—That the Council will, this day, again resolve itself into the said Committee.

10. DISTINGUISHED VISITOR.—The Honorable J. M. Davies moved, by leave, That a chair be provided on the floor of the Council Chamber for His Royal Highness Luigi Amedeo, of Savoy, Duke of the Abruzzi.

Question—put and resolved in the affirmative.

11. STATISTICS COLLECTION BILL.—The Order of the Day for the further consideration of this Bill in Committee of the whole having been read—the President left the Chair.

House in Committee.

The President resumed the Chair; and the Honorable J. Balfour having reported that the Committee had agreed to the Bill with an amendment, the House ordered the Report to be taken into consideration this day, whereupon the House adopted the Report, and the Bill was read a third time and passed.

Ordered—That the Assembly be informed that the Council have agreed to the Bill with an amendment, and desiring their concurrence therein.

12. JURIES ACTS AMENDMENT BILL.—The Order of the Day for the consideration of the amendment made in this Bill by the Assembly, and agreed to by the Council with an amendment, with which the Assembly have disagreed, having been read—the said amendment was read, and is as follows :—

Amendment made by the Assembly. 3

How dealt with.

Insert the following new clause :—

A. Justices of the Peace shall be exempt from serving as jurors.

Agreed to by the Council with the following amendment, viz. :—At end of clause add “if and whenever they so desire.”—Disagreed with by the Assembly. 4

The Honorable J. M. Davies moved, That the Council do not insist on their amendment made on the amendment of the Assembly.

Debate ensued.

Question—put.

Council divided.

Ayes, 10.

The Hon. J. G. Aikman
W. L. Baillieu
J. M. Davies
W. J. Evans
W. Little
A. McLellan
W. Pitt
A. O. Sachse.

Tellers.

J. D. Brown
E. J. Crooke.

Noes, 13.

The Hon. J. H. Abbott
J. Balfour
Sir H. Cuthbert
W. H. Edgar
Dr. W. H. Embling
T. C. Harwood
H. W. H. Irvine
Walter S. Manifold
J. Y. McDonald
E. Miller
R. B. Rees.

Tellers.

D. Melville
W. Pearson.

And so it passed in the negative.

Ordered—That the Bill be returned to the Assembly with a Message acquainting them that the Council insist on their amendment of the amendment made in this Bill by the Assembly.

13. PUBLIC DEBT CONVERSION BILL.—This Bill was, according to Order, and after debate, read a second time, and committed to a Committee of the whole.
House in Committee.
The President resumed the Chair; and the Honorable J. Balfour having reported that the Committee had agreed to the Bill without amendment, the Report was adopted, and the Bill read a third time and passed.
Ordered—That the Assembly be informed that the Council have agreed to the Bill without amendment.
14. MESSAGE FROM THE ASSEMBLY.—The President announced the receipt of a Message from the Assembly transmitting a Bill intituled “*An Act to revive and continue the ‘Wild Dogs Act 1901,’*” and desiring the concurrence of the Council.
15. WILD DOGS ACT 1901 REVIVAL AND CONTINUANCE BILL.—On the motion of the Honorable W. Pitt, the Bill transmitted by the foregoing Message was read a first time, ordered to be printed, and read a second time on Tuesday next.
16. MESSAGE FROM THE ASSEMBLY.—The President announced the receipt of a Message from the Assembly transmitting a Bill intituled “*An Act to enable a Shire in certain circumstances to be declared a Borough and for other purposes,*” and desiring the concurrence of the Council.
17. LOCAL GOVERNMENT ACT 1903 AMENDMENT BILL (No. 3).—On the motion of the Honorable A. O. Sachse, the Bill transmitted by the foregoing Message was read a first time, ordered to be printed, and read a second time on Tuesday next.
18. POSTPONEMENT OF ORDERS OF THE DAY.—Ordered, That the consideration of the following Orders of the Day be postponed until to-morrow :—
Stamps Acts Amendment Bill—Second reading.
Local Government Act 1903 Amendment Bill (No. 2)—Second reading.
Instruments Act 1890 further Amendment Bill—Second reading.
Locomotive Engine-men—The question is—That the excessive hours worked by locomotive engine-men, and the method adopted in computing the day’s work, are of such a nature as to demand the earnest and prompt attention of the Government—Resumption of debate.

And then the Council, at fifty-seven minutes past nine o’clock, adjourned until to-morrow.

GEORGE H. JENKINS,

Clerk of the Legislative Council.

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LEGISLATIVE COUNCIL.

Notices of Motion and Orders of the Day.

No. 14.

WEDNESDAY, 24TH AUGUST, 1904.

Question.

1. The Hon. W. J. EVANS: To ask the Honorable the Attorney-General—

- (1) What is the approximate amount of the increments accruing during the currency of the present financial year to Teachers and Officers of the Public Service in receipt of salaries over £125 per annum?
- (2) In view of the large announced surplus for the year 1903-4, and the prospects of another good year, is it the intention of the Government to pay such increments?

General Business.

ORDERS OF THE DAY:—

1. THE CONSTITUTION ACT 1903 AMENDMENT BILL—(*Hon. W. J. Evans*)—Second reading.
2. POLICE OFFENCES ACT 1890 AMENDMENT BILL—(*Hon. J. Balfour*)—To be committed.
3. LOCOMOTIVE ENGINE-MEN.—The question is—That the excessive hours worked by locomotive engine-men, and the method adopted in computing the day's work, are of such a nature as to demand the earnest and prompt attention of the Government—*Resumption of debate*—(*Hon. J. M. Davies*).

Government Business.

ORDERS OF THE DAY:—

1. SURPLUS REVENUE BILL—(*from Assembly—Hon. J. M. Davies*)—To be further considered in Committee.
2. STAMPS ACTS AMENDMENT BILL—(*from Assembly—Hon. J. M. Davies*)—Second reading.
3. LOCAL GOVERNMENT ACT 1903 AMENDMENT BILL (No. 2)—(*from Assembly—Hon. W. Pitt*)—Second reading.
4. INSTRUMENTS ACT 1890 FURTHER AMENDMENT BILL—(*Hon. J. M. Davies*)—Second reading.

TUESDAY, 30TH AUGUST.

Government Business.

ORDERS OF THE DAY:—

1. WILD DOGS ACT 1901 REVIVAL AND CONTINUANCE BILL (*from Assembly—Hon. W. Pitt*)—Second reading.
2. LOCAL GOVERNMENT ACT 1903 AMENDMENT BILL (No. 3)—(*from Assembly—Hon. A. O. Sachse*)—Second reading.

GEORGE H. JENKINS,
Clerk of the Legislative Council.

MEETING OF SELECT COMMITTEE.

Wednesday, 24th August.

LIBRARY (JOINT)—at three o'clock.

(120 copies.)

PARLIAMENTARY PAPERS ISSUED SINCE 19TH AUGUST, 1904.

Minutes of the Proceedings of the Legislative Council. Nos. 12, 13, and 14.

Notices of Motion and Orders of the Day. No. 14.

Wild Dogs (Continuation) Bill—[56]. (To Members of Council only.)

Declaring of Boroughs Bill—[66]. (To Members of Council only.)

Votes and Proceedings of the Legislative Assembly. Nos. 21, 22, 23, and 24.

Notices of Motion and Orders of the Day. No. 24.

Weekly Report of Divisions. No. 5.

Conveyancing and Property Bill—[18]. (To Members only.)

Mines Acts Further Amendment Bill.—(Amendments to be proposed in Committee by the Minister of Mines.) (To Members only.)

Real Property Bill—

(Amendments and New Clause to be proposed on Recommittal by Mr. Bailes.) (To Members only.)

(Amendments and New Clauses to be proposed on Recommittal by Mr. Mackey.) (To Members only.)

VICTORIA.

No 16.

MINUTES OF THE PROCEEDINGS

OF THE

LEGISLATIVE COUNCIL.

WEDNESDAY, 24TH AUGUST, 1904.

1. The President took the Chair and read the Prayer.
2. PETITIONS.—The following Petitions, praying that the Council would give effect to the expressed wish of the electors of the State by introducing the Scripture Lessons of the Royal Commission to be taught in the State schools by the teachers, within school hours, to the children of such parents as desire it; and that a complete analysis of the voting on the Referendum be made and published, were presented as under :—
 - By the Honorable T. C. Harwood—
From certain residents of the districts of Newtown and Chilwell, Geelong.
 - By the Honorable J. H. Abbott—
From certain residents of the districts of Barnedown and Axedale.
From certain residents of the district of Bendigo West.
From certain residents of the district of Bendigo.
 - By the Honorable Dr. W. H. Embling—
From certain residents of the parochial district of St. Andrew's, Queenstown.
From certain residents of the district of Bulla.
From certain residents of the districts of Woodend and Newham.
 - By the Honorable D. E. McBryde—
From certain residents of the district of Doncaster, Bourke.
 Severally ordered to lie on the Table.
3. PARLIAMENTARY STANDING COMMITTEE ON RAILWAYS.—The Honorable J. M. Davies moved, by leave, That the following Members of this House be appointed Members of the Parliamentary Standing Committee on Railways, viz. :—The Honorables Dr. W. H. Embling and D. Melville.
Question—put and resolved in the affirmative.
4. SURPLUS REVENUE BILL.—The Order of the Day for the further consideration of this Bill in Committee of the whole having been read—
The Honorable J. M. Davies moved, by leave, That the Honorable J. Balfour perform the duties of Chairman of Committees.
Question—put and resolved in the affirmative.
House in Committee.
The Honorable J. Balfour vacated the Chair of the Committee.
The Honorable J. M. Davies having proposed, That the Honorable Dr. W. H. Embling perform the duties of Chairman of Committees, and the Honorable J. G. Aikman having further proposed that the Honorable D. Melville perform the duties of Chairman of Committees—the President resumed the Chair.
The Honorable J. M. Davies moved, That the Honorable Dr. W. H. Embling perform the duties of Chairman of Committees.
Question—put.
Council divided.

Ayes, 13.
The Hon. J. Balfour
J. D. Brown
J. M. Davies
D. Melville
E. Miller
T. H. Payne
W. Pearson
W. Pitt
R. B. Rees
A. O. Sachse
J. Sternberg.

Tellers.

W. L. Baillieu
E. J. Crooke.

Noes, 13.
The Hon. J. H. Abbott
J. G. Aikman
Sir H. Cuthbert
W. H. Edgar
Dr. W. H. Embling
W. J. Evans
T. C. Harwood
H. W. H. Irvine
W. Little
J. Y. McDonald
A. McLellan.

Tellers.

F. Luxton
Walter S. Manifold.

The Tellers having declared the numbers for the "Ayes" and for the "Noes" to be respectively thirteen, or equal, the President said—"It is my duty to vote with the Ayes; the Honorable Dr. W. H. Embling will therefore take the Chair;" whereupon the President left the Chair.

House in Committee.

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

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

5. MESSAGE FROM THE ASSEMBLY.—The President announced the receipt of a Message from the Assembly transmitting a Bill intituled "*An Act to amend Sections One hundred and ten and One hundred and eleven of the 'Melbourne Harbor Trust Act 1890' and Section Twenty of the 'Marine Act 1890,'*" and desiring the concurrence of the Council.

6. MELBOURNE HARBOR TRUST ACT 1890 AND MARINE ACT 1890 AMENDMENT BILL.—On the motion of the Honorable W. Pitt, the Bill transmitted by the foregoing Message was read a first time, ordered to be printed, and read a second time on Tuesday next.

7. POSTPONEMENT OF ORDERS OF THE DAY.—Ordered, That the consideration of the following Orders of the Day be postponed until Tuesday next.

The Constitution Act 1903 Amendment Bill—Second reading.

Police Offences Act 1890 Amendment Bill—To be committed.

Locomotive Engine-men—The question is—That the excessive hours worked by locomotive engine-men, and the method adopted in computing the day's work, are of such a nature as to demand the earnest and prompt attention of the Government—Resumption of debate.

Stamps Acts Amendment Bill—Second reading.

Local Government Act 1903 Amendment Bill (No. 2)—Second reading.

Instruments Act 1890 further Amendment Bill—Second reading.

8. ADJOURNMENT.—Ordered, That the Council, at its rising, adjourn until Tuesday next.

And then the Council, at twenty-five minutes past eleven o'clock, adjourned until Tuesday next.

GEORGE H. JENKINS,

Clerk of the Legislative Council.

LEGISLATIVE COUNCIL.

Notices of Motion and Orders of the Day.

No. 15.

TUESDAY, 30TH AUGUST, 1904.

Government Business.

ORDERS OF THE DAY :—

1. SURPLUS REVENUE BILL—(from Assembly—Hon. J. M. Davies)—To be further considered in Committee.
2. STAMPS ACTS AMENDMENT BILL—(from Assembly—Hon. J. M. Davies)—Second reading.
3. LOCAL GOVERNMENT ACT 1903 AMENDMENT BILL (No. 2)—(from Assembly—Hon. W. Pitt)—Second reading.
4. INSTRUMENTS ACT 1890 FURTHER AMENDMENT BILL—(Hon. J. M. Davies)—Second reading.
5. MELBOURNE HARBOR TRUST ACT 1890 AND MARINE ACT 1890 AMENDMENT BILL—(from Assembly—Hon. W. Pitt)—Second reading.
6. WILD DOGS ACT 1901 REVIVAL AND CONTINUANCE BILL (from Assembly—Hon. W. Pitt)—Second reading.
7. LOCAL GOVERNMENT ACT 1903 AMENDMENT BILL (No. 3)—(from Assembly—Hon. A. O. Sachse)—Second reading.

General Business.

ORDERS OF THE DAY :—

1. THE CONSTITUTION ACT 1903 AMENDMENT BILL—(Hon. W. J. Evans)—Second reading.
2. POLICE OFFENCES ACT 1890 AMENDMENT BILL—(Hon. J. Balfour)—To be committed.
3. LOCOMOTIVE ENGINE-MEN.—The question is—That the excessive hours worked by locomotive engine-men, and the method adopted in computing the day's work, are of such a nature as to demand the earnest and prompt attention of the Government—*Resumption of debate*—(Hon. J. M. Davies).

GEORGE H. JENKINS,
Clerk of the Legislative Council.

MEETING OF SELECT COMMITTEE.

Tuesday, 30th August.

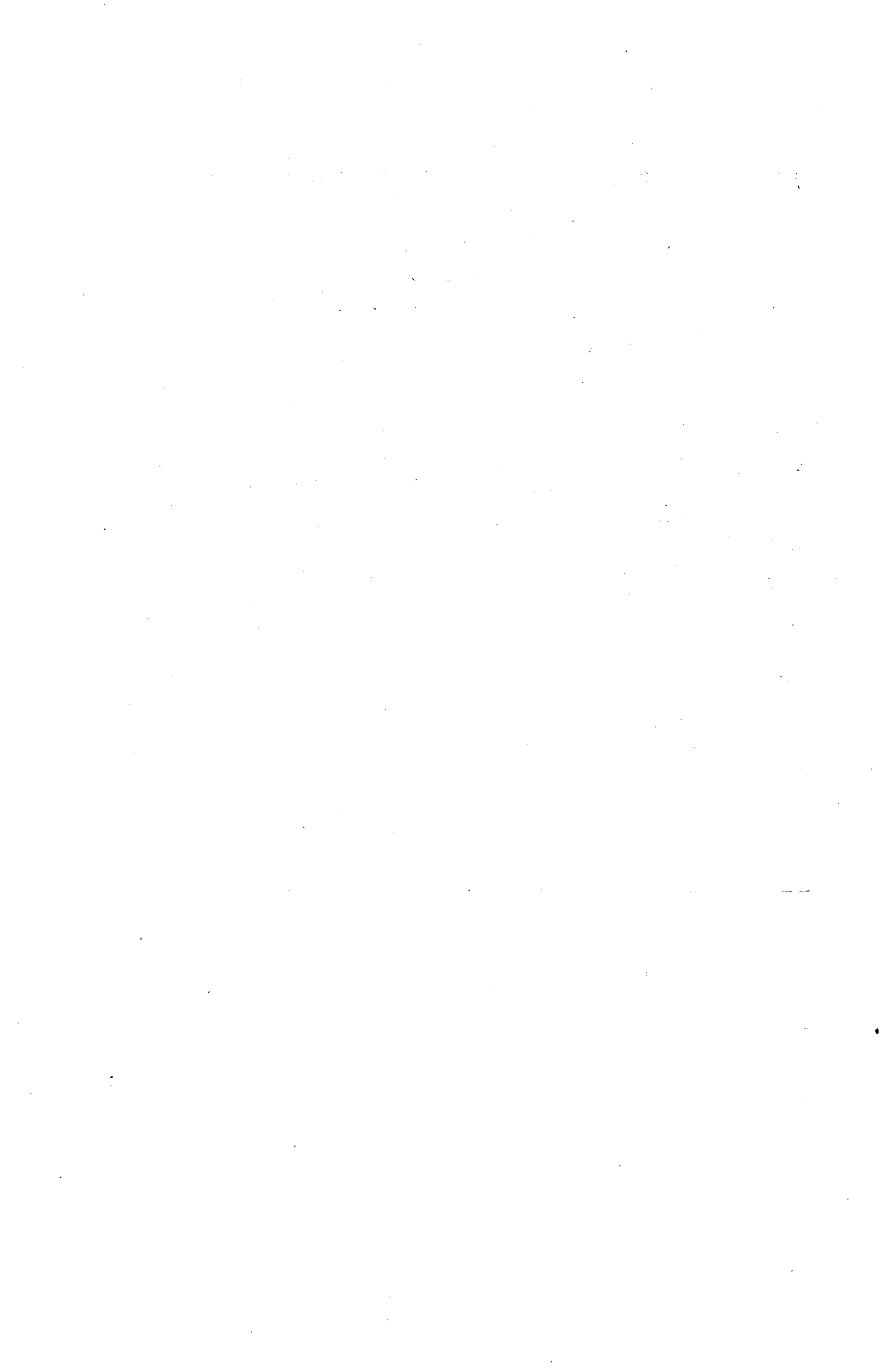
STANDING ORDERS—At four o'clock

PARLIAMENTARY PAPERS ISSUED 24TH AUGUST, 1904.

Notices of Motion and Orders of the Day. No. 15.

Wharfage and Harbors Rates Bill—[48]. (To Members of Council only.)

Notices of Motion and Orders of the Day. No. 25.



VICTORIA.

No. 17.

MINUTES OF THE PROCEEDINGS

OF THE

LEGISLATIVE COUNCIL.

TUESDAY, 30TH AUGUST, 1904.

1. The President took the Chair and read the Prayer.
2. PETITIONS.—The following Petitions, praying that the Council would give effect to the expressed wish of the electors of the State by introducing the Scripture Lessons of the Royal Commission to be taught in the State schools by the teachers, within school hours, to the children of such parents as desire it, and that a complete analysis of the voting on the Referendum be made and published, were presented as under :—
 - By the Honorable Dr. W. H. Embling—
 - From certain residents of the district of Bulla, Southern Province.
 - From certain residents of the districts of Bacchus Marsh and Melton.
 - By the Honorable D. E. McBryde—
 - From certain residents of the districts of Somerville and Mornington Junction.
 - By the Honorable R. B. Rees—
 - From certain residents of the district of Mildura.
 - From certain residents of the district of North-Western, Victoria.
 - From certain residents of the district of Hopetoun.
 - From certain residents of the district of Beulah.
 - From certain residents of the district of Inglewood.
 - From certain residents of the districts of Sea Lake, Perriwillock, and the electorate of Mildura and Swan Hill generally.
 - From certain residents of the district of Donald.
 - From certain residents of the district of Vectis East.
 - From certain residents of the district of Horsham.
 - By the Honorable A. O. Sachse—
 - From certain residents of the district of the Ovens.
 - From certain residents of the districts of Mansfield and Bonnie Doon.
 - From certain residents of the district of Lake Rowan.
 - From certain residents of the district of Beechworth.
 - By the Honorable E. J. Crooke—
 - From certain residents of the districts of Rosedale, Flynn's Creek, and Denison.
 - By the Honorable Walter S. Manifold—
 - From certain residents of the district of Warrnambool.
 - From certain residents of the district of Warrnambool and adherents of the Presbyterian Church.
 - From certain residents of the district of Woodford.
 - From certain residents of the district of Heywood.
 - From certain residents of the district of Apollo Bay.
 - By the Honorable W. Pearson—
 - From certain residents of the district of Stratford, Gippsland.
 - From certain residents of the district of Drouin, Gippsland.
 - From certain residents of the district of Warragul.
 - By the Honorable T. C. Harwood—
 - From certain residents of the district of Geelong.
 - From certain residents of the district of Steiglitz.
 - From certain residents of the district of Werribee.
 - From certain residents of the district of Little River.

- By the Honorable W. L. Baillieu—
 From certain residents of the district of Echuca.
 From certain residents of the district of Shepparton.
 From certain residents of the district of Numurkah.
 From certain residents of the district of Wunghnu.
- By the Honorable J. Balfour—
 From certain residents of the district of Auburn, in the city of Hawthorn.]
 From certain residents of the district of Armadale.
 From certain residents of the district of Inverleigh.
 From certain residents of the district of Preston.
- By the Honorable A. McLellan—
 From certain residents of the district of Fitzroy.
- By the Honorable J. Y. McDonald—
 From certain residents of the district of Ballarat.
 From certain residents of the district of Scarsdale.
- By the Honorable J. M. Davies—
 From certain residents of the district of East Melbourne.
- By the Honorable H. W. H. Irvine—
 From certain residents of the district of Ararat.
- By the Honorable W. Little—
 From certain residents of the district of the Ovens.
- By the Honorable D. Melville—
 From certain residents of the district of Moreland.
 From certain residents of the district of Northcote.
- By the Honorable J. G. Aikman—
 From certain residents of the district of Yarraville.
 From certain residents of the district of Williamstown.
- By the Honorable J. Sternberg—
 From certain residents of the district of Bendigo.

Severally ordered to lie on the Table.

3. PAPER.—The following paper, pursuant to the direction of an Act of Parliament, was laid upon the Table by the Clerk:—

Bank Liabilities and Assets.—Summary of Sworn Returns for the Quarter ended 30th June, 1904.

4. SURPLUS REVENUE BILL.—The Order of the Day for the further consideration of this Bill in Committee of the whole having been read—

The Honorable J. M. Davies moved, by leave, That the Honorable J. Balfour perform the duties of Chairman of Committees.

Question—put and resolved in the affirmative.

House in Committee.

The President resumed the Chair; and the Honorable J. Balfour reported that the Committee had gone through the Bill, and had suggested the following amendments:—

Clause 4, line 27, omit “ninety” and insert “sixty.”

„ lines 33–6, omit “to the Trustees under the *Trust Funds Act* 1897 towards payment of the amount for which the Treasurer is by such Act authorized to issue bonds” and insert “into a fund to be dealt with as Parliament may hereafter direct.”

Clause 5, line 38, omit “ninety” and insert “sixty.”

Schedule, omit “6. Towards Walhalla Railway £30,000.”

The Honorable J. M. Davies moved, That this Bill be recommitted to a Committee of the whole in respect of clauses 4 and 5 and item 6 of the Schedule.

Debate ensued.

Question—put.

Council divided.

Ayes, 13.
 The Hon. W. L. Baillieu
 J. Balfour
 J. D. Brown
 E. J. Crooke
 M. Cussen
 J. M. Davies
 D. E. McBryde
 D. Melville
 W. Pearson
 W. Pitt
 R. B. Rees

Tellers.

T. H. Payne
 A. O. Sachse.

Noes, 13.
 The Hon. J. G. Aikman
 Sir H. Cuthbert
 Dr. W. H. Embling
 W. J. Evans
 T. C. Harwood
 H. W. H. Irvine
 W. Little
 T. Luxton
 Walter S. Manifold
 A. McLellan
 E. Miller.

Tellers.

J. H. Abbott
 W. H. Edgar.

The Tellers having declared the numbers for the "Ayes" and for the "Noes" to be respectively thirteen, or equal, the President said—"The House therefore being equally divided, it is my duty to vote with the Ayes in order to give an opportunity for further consideration."

And so it was resolved in the affirmative.

The Honorable J. M. Davies moved, That the Honorable Dr. W. H. Embling perform the duties of Chairman of Committees.

The Honorable Sir H. Cuthbert moved, That the Honorable Dr. Melville perform the duties of Chairman of Committees.

Question—That the Honorable Dr. W. H. Embling perform the duties of Chairman of Committees—put.

Council divided.

Ayes, 14.
The Hon. J. Balfour
J. D. Brown
M. Cussen
J. M. Davies
D. E. McBryde
D. Melville
T. H. Payne
W. Pearson
W. Pitt
R. B. Rees
[A. O. Sachse
J. Sternberg.

Tellers.

W. L. Baillieu
E. J. Crooke.

Noes, 13.
The Hon. J. H. Abbott
J. G. Aikman
Sir H. Cuthbert
W. H. Edgar
Dr. W. H. Embling
W. J. Evans
T. C. Harwood
W. Little
T. Luxton
A. McLellan
E. Miller.

Tellers.

H. W. H. Irvine
Walter S. Manifold.

And so it was resolved in the affirmative.

The President left the Chair.

House in Committee.

The President resumed the Chair; and the Honorable Dr. W. H. Embling reported that the Committee had gone through the Bill and had suggested the following amendment:—

Clause 4, lines 33-6, omit "to the Trustees under the *Trust Funds Act* 1897 towards payment of the amount for which the Treasurer is by such Act authorized to issue bonds," and insert "into a fund to be dealt with as Parliament may hereafter direct."

Ordered—That the Bill be returned to the Assembly with a Message acquainting them that the Council have suggested an amendment, and requesting their concurrence therein.

5. STAMPS ACTS AMENDMENT BILL.—This Bill was, according to Order, and after debate, read a second time and committed to a Committee of the whole.

House in Committee.

The President resumed the Chair; and the Honorable Dr. W. H. Embling having reported that the Committee had agreed to the Bill without amendment, the Report was adopted, and the Bill read a third time and passed.

Ordered—That the Assembly be informed that the Council have agreed to the Bill without amendment.

6. LOCAL GOVERNMENT ACT 1903 AMENDMENT BILL (No. 2).—This Bill was, according to Order, and after debate, read a second time, and committed to a Committee of the whole.

House in Committee.

The President resumed the Chair; and the Honorable Dr. W. H. Embling having reported that the Committee had agreed to the Bill without amendment, the Report was adopted, and the Bill read a third time and passed.

Ordered—That the Assembly be informed that the Council have agreed to the Bill without amendment.

7. INSTRUMENTS ACT 1890 FURTHER AMENDMENT BILL.—This Bill was, according to Order, read a second time and committed to a Committee of the whole.

House in Committee.

The President resumed the Chair; and the Honorable Dr. W. H. Embling having reported that the Committee had agreed to the Bill with an amendment, the House ordered the Report to be taken into consideration this day, whereupon the House adopted the Report, and the Bill was read a third time and passed.

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

8. MELBOURNE HARBOR TRUST ACT 1890 AND MARINE ACT 1890 AMENDMENT BILL.—The Order of the Day for the second reading of this Bill having been read, the Honorable W. Pitt moved, That this Bill be now read a second time; and debate arising thereupon, it was ordered that the debate be adjourned until to-morrow.

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

MR. PRESIDENT,

The Legislative Assembly return to the Legislative Council the Bill intituled "*An Act relating to the Surplus Revenue of the Financial Year ended on the thirtieth day of June, One thousand nine hundred and four,*" and acquaint the Legislative Council that the Legislative Assembly have considered the Message of the Legislative Council suggesting that this House make a certain amendment in such Bill, and have made the suggested amendment.

FRANK MADDEN,
Speaker.

Legislative Assembly,
Melbourne, 30th August, 1904.

Ordered, That the foregoing Message be referred to the Committee of the whole on the Surplus Revenue Bill.

10. SURPLUS REVENUE BILL.—On the motion of the Honorable J. M. Davies the President left the Chair ; and the House again resolved itself into a Committee of the whole.

The President resumed the Chair ; and the Honorable Dr. W. H. Embling having reported that the Committee had agreed to the Bill without amendment, the Report was adopted, and the Bill read a third time and passed.

Ordered—That the Assembly be informed that the Council have agreed to the Bill including the amendment made in the said Bill by the Legislative Assembly which was suggested by the Legislative Council.

11. POSTPONEMENT OF ORDERS OF THE DAY.—Ordered, That the consideration of the following Orders of the Day be postponed until to-morrow :—

Wild Dogs Act 1901 Revival and Continuance Bill—Second reading.

Local Government Act 1903 Amendment Bill—(No. 3)—Second reading.

The Constitution Act 1903 Amendment Bill—Second reading.

Police Offences Act 1890 Amendment Bill—To be committed.

Locomotive Engine-men.—The question is—That the excessive hours worked by locomotive engine-men, and the method adopted in computing the day's work, are of such a nature as to demand the earnest and prompt attention of the Government—Resumption of debate.

And then the Council, at thirty-five minutes past ten o'clock, adjourned until to-morrow.

GEORGE H. JENKINS,
Clerk of the Legislative Council.

LEGISLATIVE COUNCIL.

Notices of Motion and Orders of the Day.

No. 16.

WEDNESDAY, 31ST AUGUST, 1904.

Questions.

1. The Hon. D. MELVILLE: To ask the Honorable the Attorney-General if the Government will make arrangements for any member of the Victorian Parliament to be driven from Swan Hill to Tooleybuc during the next fortnight to see the River Murray in flood at that place, and the quantity of water now running to waste, which could be utilized to water the northern Mallee at a small expense.
2. The Hon. W. L. BAILLIEU: To ask the Honorable the Attorney-General if he will lay before this House the papers relating to the removal of Constable Roger Trewick from the police force.
3. The Hon. J. H. ABBOTT: To call the attention of the Honorable the Attorney-General to the new regulations regarding excursion trains, and to ask if he will endeavour to arrange for a return to the regulations previously in force.

General Business.

ORDERS OF THE DAY:—

1. THE CONSTITUTION ACT 1903 AMENDMENT BILL—(*Hon. W. J. Evans*)—Second reading.
2. POLICE OFFENCES ACT 1890 AMENDMENT BILL—(*Hon. J. Balfour*)—To be committed.
3. LOCOMOTIVE ENGINE-MEN.—The question is—That the excessive hours worked by locomotive engine-men, and the method adopted in computing the day's work, are of such a nature as to demand the earnest and prompt attention of the Government—*Resumption of debate*—(*Hon. J. M. Davies*).

Government Business.

ORDERS OF THE DAY:—

1. MELBOURNE HARBOR TRUST ACT 1890 AND MARINE ACT 1890 AMENDMENT BILL—(*from Assembly*—*Hon. W. Pitt*)—Second reading—*Resumption of debate*—(*Hon. A. O. Sachse*).
2. WILD DOGS ACT 1901 REVIVAL AND CONTINUANCE BILL (*from Assembly*—*Hon. W. Pitt*)—Second reading.
3. LOCAL GOVERNMENT ACT 1903 AMENDMENT BILL (No. 3)—(*from Assembly*—*Hon. A. O. Sachse*)—Second reading.

GEORGE H. JENKINS,
Clerk of the Legislative Council.

MEETING OF SELECT COMMITTEE.

Wednesday, 31st August.

PARLIAMENT BUILDINGS—At half-past three o'clock.

PARLIAMENTARY PAPERS ISSUED SINCE 24TH AUGUST, 1904.

Minutes of the Proceedings of the Legislative Council. Nos. 15 and 16.

Notices of Motion and Orders of the Day. No. 16.

Declaring of Boroughs Act 1904.—(Amendments to be proposed by the Hon. Mr. Balfour.) (To Members of Council only.)

Votes and Proceedings of the Legislative Assembly. Nos. 25 and 26.

Notices of Motion and Orders of the Day. No. 26.

Weekly Report of Divisions. No. 6.

Mines Bill—[2]. (To Members only.)

Mines Acts Further Amendment Bill.—

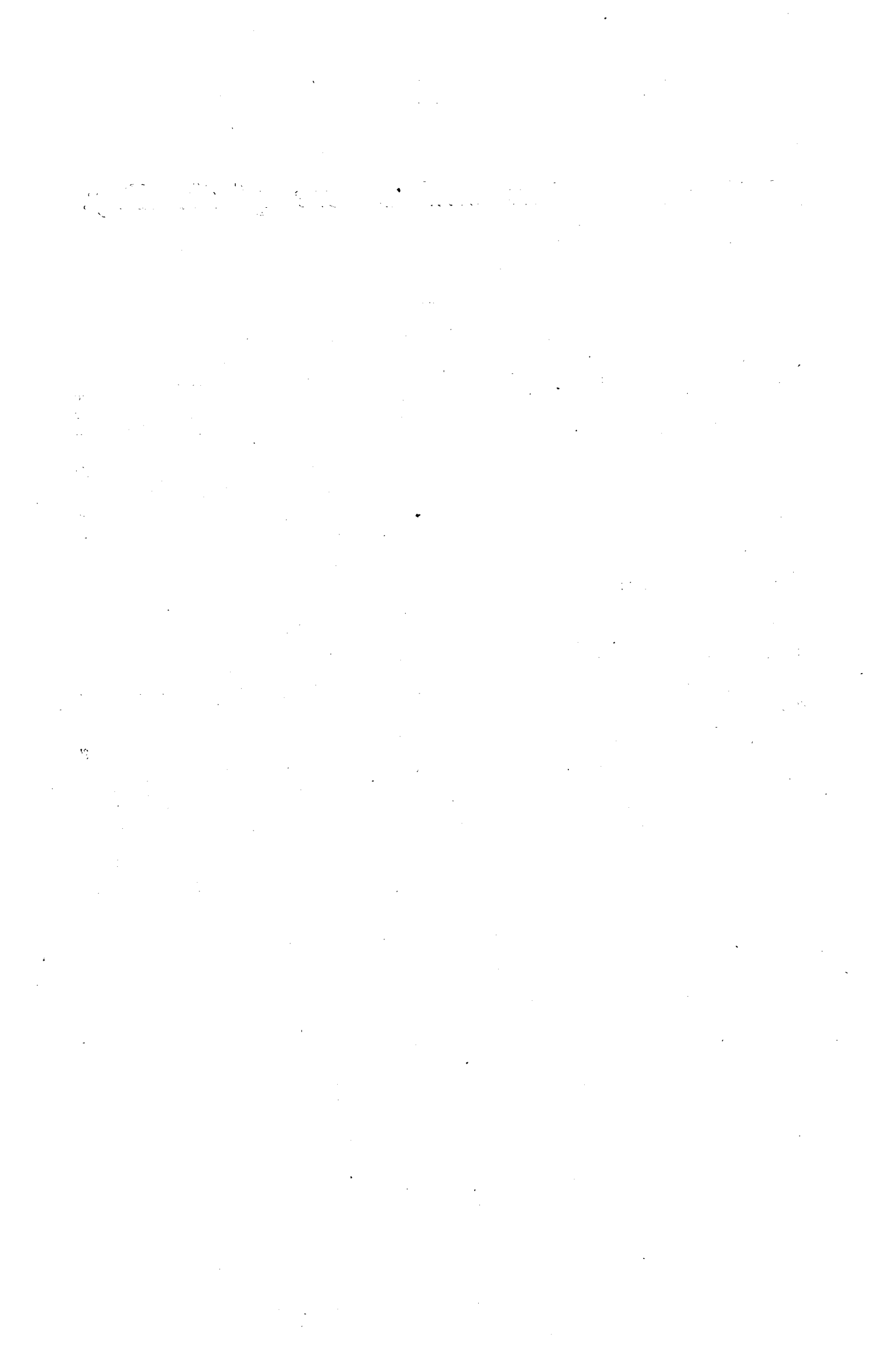
(Amendments to be proposed on Consideration of Report.) (To Members only.)

(New Clauses to be proposed on Consideration of Report by Mr. Anstey.) (To Members only.)

(New Clause to be proposed on Consideration of Report by Mr. Anstey.) (To Members only.)

By Authority: ROBT. S. BRAIN, Government Printer, Melbourne.

(120 copies.)



VICTORIA.

No. 18.

MINUTES OF THE PROCEEDINGS

OF THE

LEGISLATIVE COUNCIL.

WEDNESDAY, 31ST AUGUST, 1904.

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

2. PETITIONS.—The following Petitions, praying that the Council would give effect to the expressed wish of the electors of the State by introducing the Scripture Lessons of the Royal Commission to be taught in the State schools by the teachers, within school hours, to the children of such parents as desire it; and that a complete analysis of the voting on the Referendum be made and published, were presented as under :—

By the Honorable Dr. W. H. Embling—

From certain residents of the district of Lancefield.

From certain residents of the district of Gisborne.

From certain residents of the district of Whittlesea.

By the Honorable R. B. Rees—

From certain residents of the districts of Rupanyup and Lubeck.

From certain residents of the districts of Murtoa, Minyip, and Warracknabeal.

From certain residents of the district of Borung.

From certain residents of the district of Dimboola (two).

From certain residents of the district of Wimmera.

From certain residents of the district of Murtoa.

By the Honorable W. Pearson—

From certain residents of the district of Drouin.

From certain residents of the district of Monbulk.

By the Honorable J. H. Abbott—

From certain residents of the district of Castlemaine.

By the Honorable H. W. H. Irvine—

From certain residents of the district of Beaufort.

From certain residents of the district of Avoca.

By the Honorable T. C. Harwood—

From certain residents of the district of Queenscliff (two).

From certain residents of the district of Rokewood.

From certain residents of the district of Box Hill.

From certain residents of the district of Geelong.

By the Honorable Walter S. Manifold—

From certain residents of the districts of South Ecklin and Cobrico.

From certain residents of the districts of Cobden and Jancourt.

By the Honorable T. Luxton—

From certain residents of the district of South Melbourne.

From certain residents of the districts of Balaclava and St. Kilda.

By the Honorable D. Melville—

From certain residents of the district of Carlton.

From certain residents of the district of Preston.

By the Honorable W. Little—

From certain residents of the districts of Euroa, Alexandra, and Mansfield, North-Eastern Province.

From certain residents of the districts of Tungamah and Yourang.

- By the Honorable W. H. Edgar—
From certain residents of the district of Port Melbourne (two).
- By the Honorable M. Cussen—
From certain residents of the district of Rochester (two).
From certain residents of the districts of Cosgrove, Congupna, Katandra, Yarroweyah, and Dookie.
- By the Honorable W. L. Baillieu—
From certain residents of the district of Nagambie.
From certain residents of the district of Kerang.
- By the Honorable A. O. Sachse—
From certain residents of the district of Wodonga.
From certain residents of the district of Tallangatta.
From certain residents of the districts of Avenel and Seymour.
From certain residents of the district of Freeburgh.
- By the Honorable J. Balfour—
From certain residents of the districts of Camberwell and Hawthorn.
From certain residents of the district of East Kew.
From certain residents of the district of Hawthorn (two).
From certain residents of the district of Canterbury.
From certain residents of the districts of Dromana, Red Hill, and Boneo, &c.
From certain residents of the district of Armadale.
- By the Honorable J. Sternberg—
From certain residents of the districts of Long Gully, California Gully, and Eaglehawk.
- By the Honorable J. M. Davies—
From certain residents of the district of Parkville.

Severally ordered to lie on the Table.

3. MESSAGE FROM THE ASSEMBLY.—The President announced the receipt of a Message from the Assembly returning the Juries Acts Amendment Bill, and acquainting the Council that the Assembly do not insist on disagreeing with the amendment of the Council on the amendment of the Assembly to insert new clause A, but have now agreed to the said amendment with an amendment, and desiring the concurrence of the Council.
Ordered—That the foregoing Message be taken into consideration on Tuesday next.
4. MESSAGE FROM THE ASSEMBLY.—The President announced the receipt of a Message from the Assembly returning the Statistics Collection Bill, and notifying their agreement to the amendment of the Council.
5. ADJOURNMENT.—The Honorable J. Sternberg moved, That the Council do now adjourn, and said he proposed to speak on the subject of the new regulations regarding excursion trains, and six Members having risen in their places and required the motion to be proposed, the question was put and, after debate, negatived.
6. MESSAGE FROM HIS EXCELLENCY THE GOVERNOR.—The following Message from His Excellency the Governor was presented by the Honorable J. M. Davies, and the same was read by the Honorable the President :—
R. TALBOT,
Governor of Victoria. *Message No. 3.*
The Governor informs the Legislative Council that he has, on this day, at State Government House, given the Royal Assent to the undermentioned Act of the present Session, presented to him by the Clerk of the Parliaments, viz. :—
“ *An Act to apply out of the Consolidated Revenue the sum of Thirty-two thousand four hundred and two pounds to the service of the year One thousand nine hundred and three and One thousand nine hundred and four.*”
State Government House,
Melbourne, 26th August, 1904.
7. THE CONSTITUTION ACT 1903 AMENDMENT BILL.—The Order of the Day for the second reading of this Bill having been read, the Honorable W. J. Evans moved, That this Bill be now read a second time; and debate arising thereupon, it was ordered that the debate be adjourned until Wednesday, the 14th September next.
8. POSTPONEMENT OF ORDER OF THE DAY.—Ordered, That the consideration of the following Order of the Day be postponed until Wednesday, the 28th September next :—
Police Offences Act 1890 Amendment Bill—To be committed.
9. LOCOMOTIVE ENGINE-MEN.—The Order of the Day for the resumption of the debate on the question, That the excessive hours worked by locomotive engine-men, and the method adopted in computing the day's work, are of such a nature as to demand the earnest and prompt attention of the Government, having been read—
Debate ensued.
The Honorable J. G. Aikman moved, That the debate be adjourned until Tuesday next.
Debate ensued.
Question—put and resolved in the affirmative.

10. MELBOURNE HARBOR TRUST ACT 1890 AND MARINE ACT 1890 AMENDMENT BILL.—The Order of the Day for the resumption of the debate on the question, That this Bill be now read a second time, was read and, after further debate, the question being put, was resolved in the affirmative. Bill read a second time and committed to a Committee of the whole.

House in Committee.

The President resumed the Chair; and the Honorable Dr. W. H. Embling having reported that the Committee had agreed to the Bill without amendment, the Report was adopted, and the Bill read a third time and passed.

Ordered—That the Assembly be informed that the Council have agreed to the Bill without amendment.

11. POSTPONEMENT OF ORDERS OF THE DAY.—Ordered, That the consideration of the following Orders of the Day be postponed until Tuesday next :—

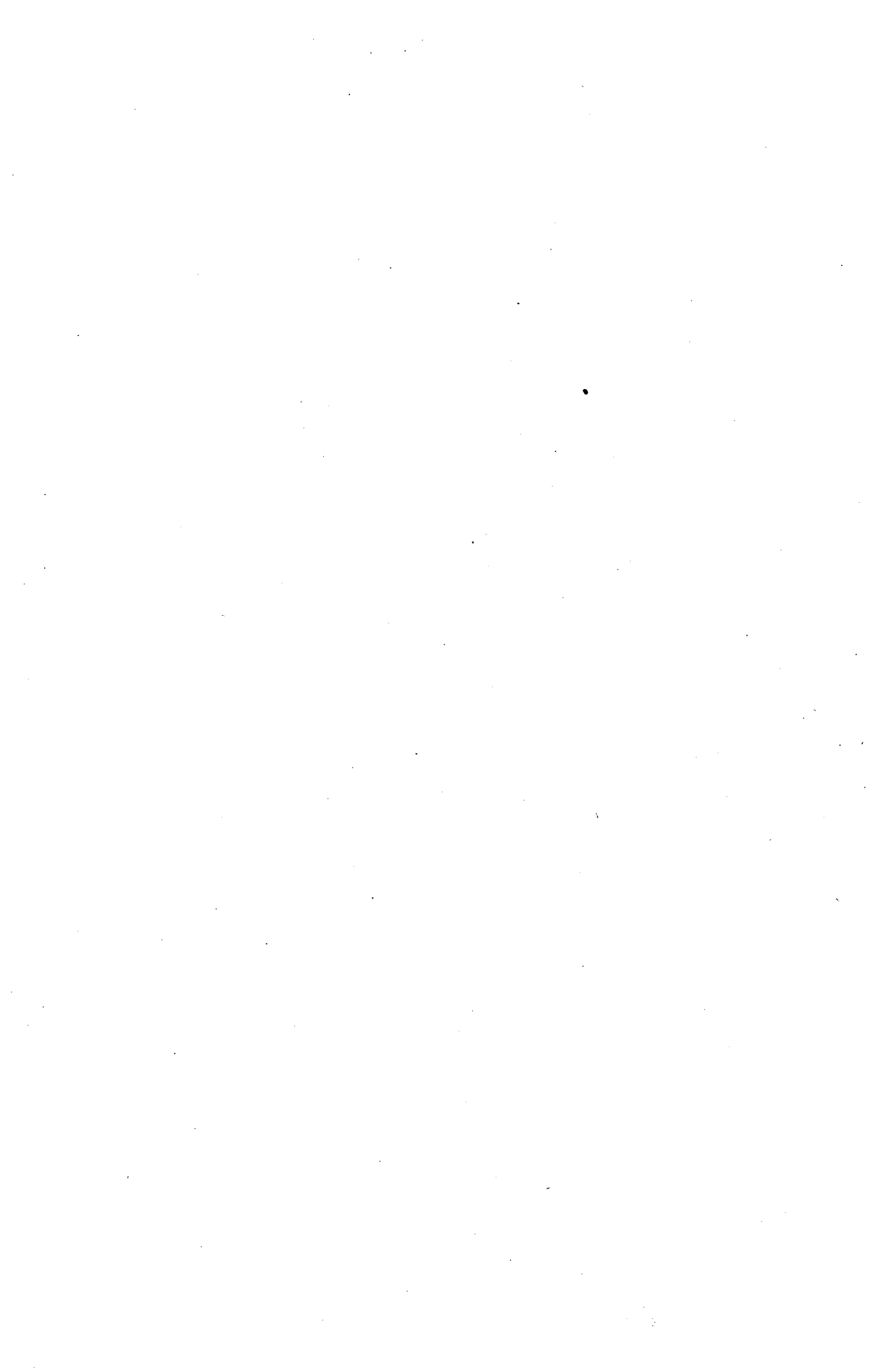
Wild Dogs Act 1901 Revival and Continuance Bill—Second reading.

Local Government Act 1903 Amendment Bill (No. 3)—Second reading.

12. ADJOURNMENT.—Ordered, That the Council, at its rising, adjourn until Tuesday next.

And then the Council, at eight minutes past nine o'clock, adjourned until Tuesday next.

GEORGE H. JENKINS,
Clerk of the Legislative Council.



LEGISLATIVE COUNCIL.

Notices of Motion and Orders of the Day.

No. 17.

TUESDAY, 6TH SEPTEMBER, 1904.

Government Business.

ORDERS OF THE DAY :—

1. JURIES ACTS AMENDMENT BILL—Message from Assembly—To be taken into consideration.
2. WILD DOGS ACT 1901 REVIVAL AND CONTINUANCE BILL (*from Assembly—Hon. W. Pitt*)—Second reading.
3. LOCAL GOVERNMENT ACT 1903 AMENDMENT BILL (No. 3)—(*from Assembly—Hon. A. O. Sachse*)—Second reading.

General Business.

ORDER OF THE DAY :—

1. LOCOMOTIVE ENGINE-MEN.—The question is—That the excessive hours worked by locomotive engine-men, and the method adopted in computing the day's work, are of such a nature as to demand the earnest and prompt attention of the Government—*Resumption of debate—(Hon. J. G. Aikman).*

WEDNESDAY, 14TH SEPTEMBER.

General Business.

ORDER OF THE DAY :—

1. THE CONSTITUTION ACT 1903 AMENDMENT BILL—(*Hon. W. J. Evans*)—Second reading—*Resumption of debate—(Hon. D. Melville).*

WEDNESDAY, 28TH SEPTEMBER.

General Business.

ORDER OF THE DAY :—

1. POLICE OFFENCES ACT 1890 AMENDMENT BILL—(*Hon. J. Balfour*)—To be committed.

GEORGE H. JENKINS,
Clerk of the Legislative Council.

PARLIAMENTARY PAPERS ISSUED 31ST AUGUST, 1904.

Notices of Motion and Orders of the Day. No. 17.

Juries Acts Amendment Bill.—(Amendment made by the Legislative Assembly.) (To Members of Council only.)

Notices of Motion and Orders of the Day. No. 27.

Carrum Advances Bill—[59].



VICTORIA.

No. 19.

MINUTES OF THE PROCEEDINGS
OF THE
LEGISLATIVE COUNCIL.

TUESDAY, 6TH SEPTEMBER, 1904.

1. The President took the Chair and read the Prayer.
2. PETITIONS.—The following Petitions, praying that the Council would give effect to the expressed wish of the electors of the State by introducing the Scripture Lessons of the Royal Commission to be taught in the State schools by the teachers, within school hours, to the children of such parents as desire it, and that a complete analysis of the voting on the Referendum be made and published, were presented as under :—
- By the Honorable F. Stuart—
From certain residents of the district of Essendon (two).
From certain residents of the district of North Fitzroy (Jika Jika).
From certain residents of the district of Jika.
From certain residents of the districts of Fairfield Park and Alphington.
From certain residents of the district of Broadmeadows.
- By the Honorable R. B. Rees—
From certain residents of the district of Hopetoun.
From certain residents of the district of Mildura.
From certain residents of the district of Wycheproof.
From certain residents of the district of Corack.
- By the Honorable T. C. Harwood—
From certain residents of the district of Colac.
From certain residents of the districts of Leopold, Moolap, East Geelong, Curlewis, St. Albans, Marcus Hill, Mannerim, and Ocean Grove.
From certain residents of the district of Geelong.
From certain residents of the district of Horsham.
From certain residents of the district of Moorabool.
From certain residents of the district of Gormandale.
From certain residents of the district of Drysdale.
From certain residents of the district of Werribee.
From certain residents in the South-Western Province.
From certain residents of the district of Portarlington.
From certain residents of the district of Birregurra.
From certain residents of the district of Grenville.
- By the Honorable W. Pitt—
From certain residents of the district of Melbourne East Province.
From certain residents of the district of Burnley.
- By the Honorable J. M. Pratt—
From certain residents of the district of Wimmera.
From certain residents of the district of Inglewood.
From certain residents of the districts of Mysia, Borung, and Korong Vale.
From certain residents of the district of Donald.
From certain residents of the district of Jeparit.
From certain residents of the district of Goroke.
From certain residents of the district of Lowan.

- By the Honorable T. H. Payne—
From certain residents of the district of Elsternwick (two).
- By the Honorable D. E. McBryde—
From certain residents of the district of Brighton.
From certain residents of the district of Evelyn.
From certain residents of the districts of Brighton and Elsternwick.
From certain residents of the districts of Outtrim and Jumbunna.
- By the Honorable Walter S. Manifold—
From certain residents of the district of Mortlake (two).
From certain residents of the districts of Port Campbell and Warrnambool.
From certain residents of the district of Casterton.
From certain residents of the district of Balmoral and neighbourhood.
From certain residents of the district of Wimmera.
From certain residents of the district of Terang.
From certain residents of the districts of Casterton and Glenelg.
- By the Honorable A. McLellan—
From certain residents of the district of Collingwood.
- By the Honorable Dr. W. H. Embling—
From certain residents of the district of Whittlesea.
From certain residents of the district of Alexandra.
From certain residents of Daylesford.
- By the Honorable R. B. Ritchie—
From certain residents of the district of Portland.
From certain residents of the districts of Dunkeld and Penshurst, &c.
- By the Honorable W. H. Edgar—
From certain residents of the district of Flemington (two).
- By the Honorable M. Cussen—
From certain residents of the district of Mooroopna.
From certain residents of the districts of Tatura, Mooroopna, and Toolamba.
- By the Honorable J. D. Brown—
From certain residents of the district of Dunolly.
- By the Honorable D. Melville—
From certain residents of the district of Fitzroy (two).
From certain residents of the districts of Clifton Hill and North Fitzroy.
From certain residents of the districts of Collingwood and Clifton Hill.
From certain residents of the district of North Fitzroy (two).
From certain residents of the district of Nillumbik.
- By the Honorable J. Balfour—
From certain residents of the district of Hawthorn (two).
From certain residents of the district of Hawthorn West.
From certain residents of the district of Box Hill.
From certain residents of the district of Kew.
From certain residents of the districts of Caulfield and Elsternwick.
- By the Honorable T. Luxton—
From certain residents of the district of East St. Kilda.
From certain residents of the district of St. Kilda West.
From certain residents of the district of Windsor.
From certain residents of the district of Prahran.
From certain residents of the district of South Melbourne.
- By the Honorable W. L. Baillieu—
From certain residents of the district of Euroa.
From certain residents of the districts of Shepparton and Goulburn Valley.
From certain residents of the district of Murchison.
From certain residents of the district of Nagambie.
From certain residents of the district of Gunbower.
From certain residents of the district of Kyabram (two).
From certain residents of the districts of Elmore and Toolleen.
From certain residents of the district of Cohuna.
From certain residents of the district of Shepparton.
From certain residents of the district of Violet Town.
- By the Honorable J. H. Abbott—
From certain residents of the district of Bendigo West.
From certain residents of the districts of Laanecoorie, Woodstock, and Shelbourne.
- By the Honorable A. O. Sachse—
From certain residents of the district of Wangaratta.

Severally ordered to lie on the Table.

3. MESSAGE FROM THE ASSEMBLY.—The President announced the receipt of a Message from the Assembly transmitting a Bill intituled “*An Act to further amend the Mines Acts,*” and desiring the concurrence of the Council.
4. MINES ACTS FURTHER AMENDMENT BILL.—On the motion of the Honorable J. M. Davies, the Bill transmitted by the foregoing Message was read a first time, ordered to be printed, and read a second time on Tuesday next.
5. MESSAGE FROM THE ASSEMBLY.—The President announced the receipt of a Message from the Assembly returning the Real Property Bill with amendments, and desiring the concurrence of the Council.
Ordered—That the foregoing Message be taken into consideration on Tuesday next.
6. JURIES ACTS AMENDMENT BILL.—The Order of the Day for the consideration of the amendment made in this Bill by the Assembly, and the amendment made thereon and insisted on by the Council, with which the Assembly have now agreed with a further amendment, having been read—the said amendment was read and is as follows :—

Amendment made by the Assembly.

Insert the following new clause :—

- A. Justices of the Peace shall be exempt from serving as jurors.

How dealt with.

Agreed to by the Council with the following amendment, viz. :—At end of clause add “if and whenever they so desire.”—Disagreed with by the Assembly.—Insisted on by the Council.—Disagreement not insisted on by the Assembly, but amendment of the Council now agreed to with the following amendment, viz. :—After “desire” add “Provided that on the application of any Justice of the Peace personal or by writing a Revision Court shall omit his name from the list then being revised.”

On the motion of the Honorable J. M. Davies, the Council agreed to the further amendment of the Assembly upon the amendment of the Council, and ordered a Message to be sent to the Assembly acquainting them therewith.

7. WILD DOGS ACT 1901 REVIVAL AND CONTINUANCE BILL.—This Bill was, according to Order, and after debate, read a second time, and committed to a Committee of the whole.
The Honorable W. Pitt moved, by leave, That the Honorable Dr. W. H. Embling perform the duties of Chairman of Committees.
Question—put and resolved in the affirmative.
House in Committee.
The President resumed the Chair ; and the Honorable Dr. W. H. Embling having reported that the Committee had agreed to the Bill without amendment, the Report was adopted, and the Bill read a third time and passed.
Ordered—That the Assembly be informed that the Council have agreed to the Bill without amendment.
8. LOCAL GOVERNMENT ACT 1903 AMENDMENT BILL (No. 3).—This Bill was, according to Order, and after debate, read a second time, and committed to a Committee of the whole.
House in Committee.
The President resumed the Chair ; and the Honorable Dr. W. H. Embling, having reported that the Committee had agreed to the Bill with amendments, the House ordered the Report to be taken into consideration this day, whereupon the House adopted the Report, and the Bill was read a third time and passed.
Ordered—That the Bill be returned to the Assembly with a Message acquainting them that the Council have agreed to the same with amendments, and requesting their concurrence therein.
9. LOCOMOTIVE ENGINE-MEN.—The Order of the Day for the resumption of the debate on the question—That the excessive hours worked by locomotive engine-men, and the method adopted in computing the day's work, are of such a nature as to demand the earnest and prompt attention of the Government—having been read—
The Honorable J. G. Aikman moved, That the debate be adjourned until Tuesday next.
Debate ensued.
Question—put and negatived.
The Honorable W. H. Edgar moved, That the debate be adjourned until Tuesday next.
Debate ensued.
Question—put and resolved in the affirmative.
10. ADJOURNMENT.—Ordered, That the Council, at its rising, adjourn until Tuesday next.
And then the Council, at fifteen minutes past six o'clock, adjourned until Tuesday next.

GEORGE H. JENKINS,
Clerk of the Legislative Council.

LEGISLATIVE COUNCIL.

Notices of Motion and Orders of the Day.

No. 18.

TUESDAY, 13TH SEPTEMBER, 1904.

Question.

1. The Hon. Dr. W. H. EMBLING : To call the attention of the Honorable the Attorney-General to the reported increase in the number of robberies of late, and to ask if he will inform the House what duties are imposed upon constables under various Acts of the Commonwealth and State Parliaments in addition to ordinary police work.

Government Business.

ORDERS OF THE DAY :—

1. MINES ACTS FURTHER AMENDMENT BILL—(*from Assembly—Hon. J. M. Davies*)—Second reading.
2. REAL PROPERTY BILL—Message from Assembly—To be taken into consideration.

General Business.

NOTICE OF MOTION :—

1. The Hon. Dr. W. H. EMBLING : To move, That there be laid before this House the Locomotive Drivers' and Firemen's Time Books used in connexion with the locomotive shed at Seymour, for the month of August, 1904.

ORDER OF THE DAY :—

1. LOCOMOTIVE ENGINE-MEN.—The question is—That the excessive hours worked by locomotive engine-men, and the method adopted in computing the day's work, are of such a nature as to demand the earnest and prompt attention of the Government—*Resumption of debate—(Hon. W. H. Edgar).*

WEDNESDAY, 14TH SEPTEMBER.

General Business.

ORDER OF THE DAY :—

1. THE CONSTITUTION ACT 1903 AMENDMENT BILL—(*Hon. W. J. Evans*)—Second reading—*Resumption of debate—(Hon. D. Melville).*

WEDNESDAY, 28TH SEPTEMBER.

General Business.

ORDER OF THE DAY :—

1. POLICE OFFENCES ACT 1890 AMENDMENT BILL—(*Hon. J. Baljour*)—To be committed.

GEORGE H. JENKINS,
Clerk of the Legislative Council.

PARLIAMENTARY PAPERS ISSUED SINCE 31ST AUGUST, 1904.

Minutes of the Proceedings of the Legislative Council. No. 18.

Notices of Motion and Orders of the Day. No. 18.

Mines Bill—[2]. (To Members of Council only.)

Real Property Bill.—(Amendments made by the Legislative Assembly.) (To Members of Council only.)

Notices of Motion and Orders of the Day. No. 28.

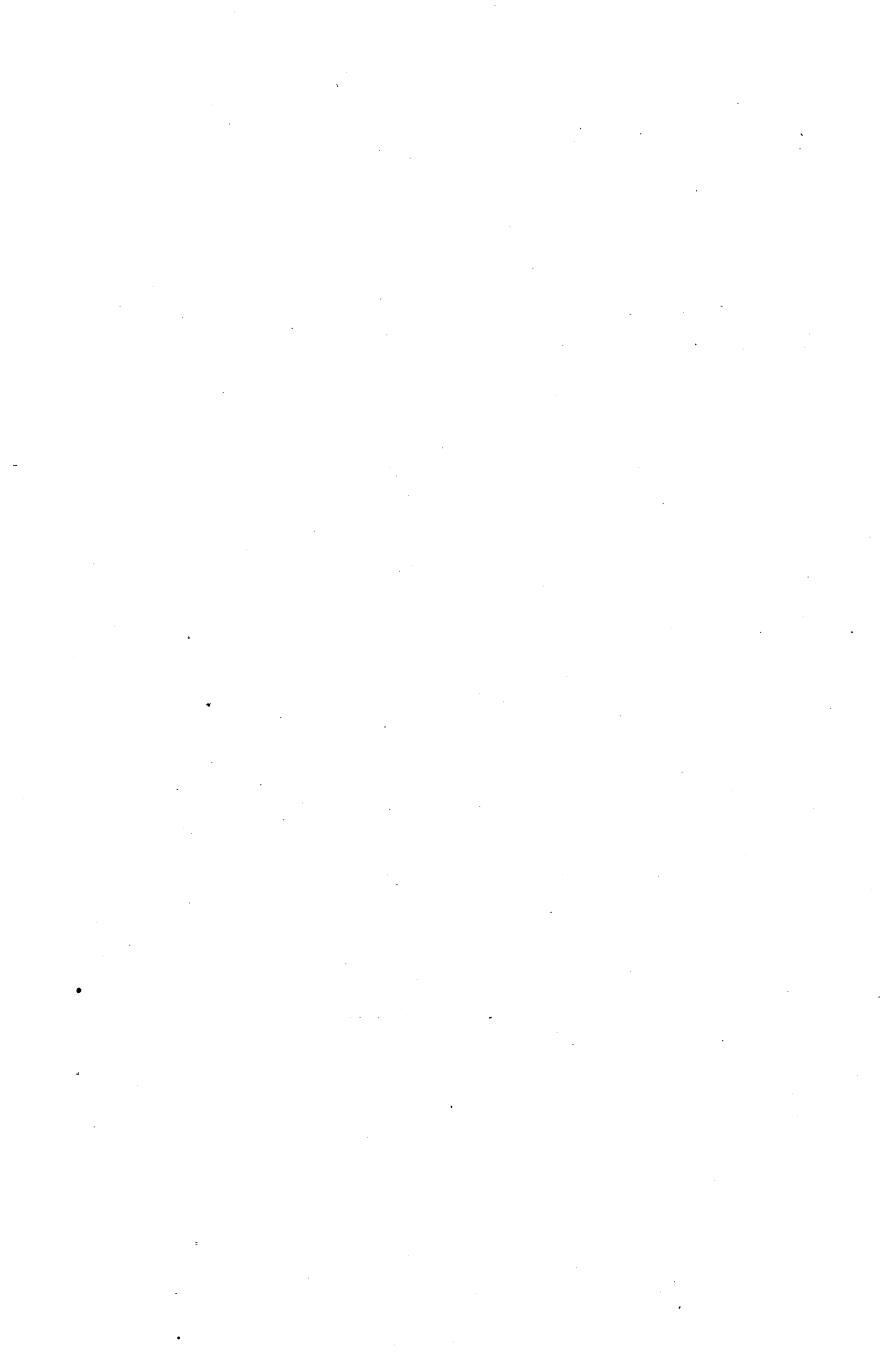
Artificial Manures Bill—[9].

Water Bill—[47].

Instruments Bill—[50]. (To Members only.)

Metropolitan Hackney Carriages Bill—[81].

Closer Settlement Bill (No. 2).—(Amendment to be proposed in Committee by Mr. McKenzie.) (To Members only.)



VICTORIA.

No. 20.

MINUTES OF THE PROCEEDINGS

OF THE

LEGISLATIVE COUNCIL.

TUESDAY, 13TH SEPTEMBER, 1904.

1. The President took the Chair and read the Prayer.
2. **DISTINGUISHED VISITOR.**—The Honorable J. M. Davies moved, by leave, That a chair be provided on the floor of the Council Chamber for the Honorable Walter Hartwell James, K.C., of Western Australia.
Question—put and resolved in the affirmative.
3. **MESSAGE FROM HIS EXCELLENCY THE GOVERNOR.**—The following Message from His Excellency the Governor was presented by the Honorable J. M. Davies, and the same was read by the Honorable the President :—

R. TALBOT,
Governor of Victoria.

Message No. 4.

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

- “ An Act to provide for converting a certain portion of the Public Debt of Victoria into Debentures.”
- “ An Act to amend the ‘ Local Government Act 1903.’ ”
- “ An Act to amend the Stamps Acts.”
- “ An Act to amend Sections One hundred and ten and One hundred and eleven of the ‘ Melbourne Harbor Trust Act 1890 ’ and Section Twenty of the ‘ Marine Act 1890.’ ”
- “ An Act to provide for the Collection and Furnishing of Statistical Returns and Information.”
- “ An Act relating to the Surplus Revenue of the Financial Year ended on the thirtieth day of June One thousand nine hundred and four.”

State Government Offices,
Melbourne, 6th September, 1904.

4. **PETITIONS.**—The following Petitions, praying that the Council would give effect to the expressed wish of the electors of the State by introducing the Scripture lessons of the Royal Commission to be taught in the State Schools by the teachers, within school hours, to the children of such parents as desire it, and that a complete analysis of the voting on the Referendum be made and published, were presented as under :—

- By the Honorable A. O. Sachse—
From certain residents of the district around Violet Town.
- By the Honorable E. J. Crooke—
From certain residents of the district of Bairnsdale.
From certain residents of the district of Walhalla.
From certain residents of the districts of Glen Wills and Sunnyside.
From certain residents of the district of Orbost.
From certain residents of the district of North Mirboo.
- By the Honorable A. McLellan—
From certain residents of the district of Richmond, members of St. Stephen's Church, and others.
From certain residents of the district of Richmond and neighbourhood.
- By the Honorable T. H. Payne—
From certain residents of the district of Melbourne and neighbourhood.
From certain residents of the district of North Carlton.
- By the Honorable H. W. H. Irvine—
From certain residents of the district of Skipton.
From certain residents of the district of Clunes.
- By the Honorable T. C. Harwood—
From certain residents of the district of Geelong.
From certain residents of the district of Geelong (Christ Church).

- By the Honorable D. E. McBryde—
 From certain residents of the districts of Mornington, Sorrento, Portsea, Rye, &c.,
 Division.
 From certain residents of the districts of Frankston and Somerville.
 From certain residents of the districts of Kongwak and Moyarra (Gippsland).
 From certain residents of the South-Eastern Province.
- By the Honorable E. Miller—
 From certain residents of the districts of Malvern and Armadale.
 From certain residents of the districts of Windsor and Prahran.
 From certain residents of the district of Kew.
 From certain residents of the district of Canterbury.
 From certain residents of the districts of Cheltenham and Moorabbin.
 From certain residents of the district of Malvern East.
 From certain residents of the district of Hawthorn (two).
 From certain residents of the district of Oakleigh.
- By the Honorable Walter S. Manifold—
 From certain residents of the district of Hamilton.
- By the Honorable J. Y. McDonald—
 From certain residents of the Church of England district of Brown Hill, Ballarat East.
- By the Honorable W. Pearson—
 From certain residents of the district of Warragul.
 From certain residents of Sale and district.
 From certain residents of the district of Korumburra.
 From certain residents of the district of Kardella.
- By the Honorable W. L. Baillieu—
 From certain residents of the districts of Tongala and Kyabram.
 From certain residents of the district of Kyabram.
 From certain residents of the districts of Pine Grove and Pannooabamawm.
- By the Honorable T. Luxton—
 From certain residents of the district of St. Kilda.
- By the Honorable J. M. Pratt—
 From certain residents of the district of Wedderburn.
- By the Honorable J. D. Brown—
 From certain residents of the district of Wickliffe.
- By the Honorable D. Melville—
 From certain residents of the district of Coburg.
- By the Honorable Sir H. Cuthbert—
 From certain residents of the district of Sebastopol.
 From certain residents of the districts of Learmonth and Waubra.
 From certain residents of the district of Ballarat (two).
- By the Honorable J. H. Abbott—
 From certain residents of the districts of Castlemaine and Maldon.
 From certain residents of the districts of Tylden and Bullarto.
 From certain residents of the district of Newstead.
- By the Honorable W. H. Edgar—
 From certain residents of the districts of Broadmeadows, Bulla, Keilor, and Glenroy.
- Severally ordered to lie on the Table.

5. PAPERS.—The following Papers, pursuant to the directions of several Acts of Parliament, were laid upon the Table by the Clerk :—
 Additions to, and amendment of, the Regulations under the Land Act 1901.
 Department for Neglected Children and Reformatory Schools.—Report of the Secretary and Inspector for the year 1903.
 Education Act No. 1086.—Regulations.
 Medical Act 1890, Part II., and Dentists Act 1898.—Regulations.
 Public Service Acts.—Regulations.
 Water Acts.—
 Cohuna Irrigation and Water Supply Trust.—Regulation No. 31.
 Gunbower West Irrigation and Water Supply Trust.—General Rate.—Rating Regulation.

6. MESSAGE FROM THE ASSEMBLY.—The President announced the receipt of a Message from the Assembly transmitting a Bill intituled "*An Act to apply out of the Consolidated Revenue the sum of Three hundred and eighty-four thousand three hundred and three pounds to the service of the year One thousand nine hundred and four and One thousand nine hundred and five,*" and desiring the concurrence of the Council.

CONSOLIDATED REVENUE BILL (No. 3).—On the motion of the Honorable J. M. Davies, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed, and, by leave, was, after debate, read a second time, and committed to a Committee of the whole House in Committee.

The President resumed the Chair; and the Honorable Dr. W. H. Embling having reported that the Committee had agreed to the Bill without amendment, the Report was adopted, and the Bill read a third time and passed.

Ordered—That the Assembly be informed that the Council have agreed to the Bill without amendment.

- 8. MINES ACTS FURTHER AMENDMENT BILL.—The Order of the Day for the second reading of this Bill having been read, the Honorable J. M. Davies moved, That this Bill be now read a second time ; and debate arising thereupon, it was ordered that the debate be adjourned until Tuesday, the 27th instant.
- 9. REAL PROPERTY BILL.—The Order of the Day for the consideration of the amendments made in this Bill by the Assembly having been read—the said amendments are as follow :—
 - 1. Clause 1, sub-section (1), line 6, omit “ *Real Property* ” and insert “ *Conveyancing*.”
 - 2. “ sub-section (2), line 8, omit “ March ” and insert “ November,” and in line 9, omit “ five ” and insert “ four.”
 - 3. “ sub-section (3), at beginning of sub-section insert “ Except as hereinafter provided.”
 - 4. Clause 4, omit sub-section (1).
 - 5. “ sub-section (2), line 33, after “ inaccurate ” insert “ or to be inconsistent with any statutory record of any dealing.”
 - 6. “ before sub-section (7), page 5, insert the following new sub-section, viz. :—
(6A) No contract of sale by auction relating to land shall contain a clause stipulating for the payment by the purchaser to the vendor or his solicitor of any costs of perusal of the conveyance or of obtaining the execution thereof.
 - 7. Clause 5, sub-section (3), line 43, after “ same ” insert “ on such terms as to the delivering up of deeds or other documents or on such other terms as the Court thinks fit.”
 - 8. Clause 7, sub-section (6), page 11, line 22, omit “ negatived.”
 - 9. Clause 9, sub-section (7), page 12, line 38, after “ Court ” insert “ or Judge thereof.”
 - 10. “ sub-section (7), page 12, line 41, after “ Court ” insert “ or Judge thereof.”
 - 11. “ sub-section (7), line 41, after “ it ” insert “ or he.”
 - 12. “ sub-section (7), line 44, after “ it ” insert “ or he.”
 - 13. “ sub-section (10), page 13, line 10, after “ Court ” insert “ or Judge thereof.”
 - 14. “ sub-section (10), page 13, line 11, after “ Court ” insert “ or Judge thereof.”
 - 15. “ sub-section (10), page 13, line 12, after “ it ” insert “ or he.”
 - 16. “ sub-section (10), page 13, line 14, after “ it ” insert “ or he.”
 - 17. After Clause 10 insert the following new clause :—

Notice.

S. (1) A purchaser shall not be prejudicially affected by notice of any instrument, fact, or thing, unless—

(i) It is within his own knowledge, or would have come to his knowledge, if such inquiries and inspections had been made as ought reasonably to have been made by him ; or

(ii) In the same transaction with respect to which a question of notice to the purchaser arises, it has come to the knowledge of his counsel as such or of his solicitor or other agent as such, or would have come to the knowledge of his solicitor or other agent as such, if such inquiries and inspections had been made as ought reasonably to have been made by the solicitor or other agent.

(2) This section shall not exempt a purchaser from any liability under or any obligation to perform or observe any covenant, condition, provision, or restriction contained in any instrument under which his title is derived, mediately or immediately, and such liability or obligation may be enforced in the same manner and to the same extent as if this section had not been enacted.

(3) A purchaser shall not by reason of anything in this section be affected by notice in any case where he would not have been so affected if this section had not been enacted.

(4) This section applies to purchases made either before or after the commencement of this Act, save that where an action is pending at the commencement of this Act the rights of the parties shall not be affected by this section.

Restriction on constructive notice.
45 & 46 Vict. c. 39 s. 3.

- 18. Before clause 11 insert the following new clause :—
A. The provisions of this Part of this Act shall apply to leases and sub-leases of land under the *Transfer of Land Act* 1890 notwithstanding anything in that Act contained.
- 19. Clause 11, sub-section (1), pages 13 and 14, lines 47 and 1, omit “ and every condition of re-entry and other condition therein contained.”
- 20. “ omit sub-section (2).
- 21. Clause 12, omit sub-section (2).
- 22. Clause 13, omit sub-section (2).
- 23. After Clause 13 insert the following new clause :—

B. No lessee shall be prejudiced or damaged by payment of any rent to any grantor transferrer or assignor of any reversion or by breach of any condition for non-payment of rent before notice shall be given to him of such grant transfer or assignment by the grantee transferee or assignee.

Tenant not to be prejudiced without notice. See Act 1103 s. 23.

- 24. Clause 14, insert the following new sub-section to precede sub-section (1) :—
“ (1A) In the completion of any contract to grant or assign a term of years in land, whether derived or to be derived out of a freehold or leasehold estate, the intended lessee or assign shall not be entitled to call for the title to the freehold.”
- 25. Clause 14, sub-section (1), line 39, after “ years ” insert “ in land.”
- 26. “ after sub-section (1) insert sub-section (2A) :—
(2A) Under a contract to sell and assign a term of years in land derived out of a leasehold interest in land the intended assign shall not have the right to call for the title to the leasehold reversion,

Title to leasehold reversion not to be required on grant or assignment of lease. See 37 & 38 Vict. c. 78 s. 2.

Title to leasehold reversion not to be required on sale or demise by sub-lessee. See *ib.* s 3 (1).

27. After Clause 14, insert the following new clause :—

T. (1) Where a lease is made under a power contained in a settlement, will, Act of Parliament, or other instrument, any preliminary contract for or relating to the lease shall not, for the purpose of the deduction of title to an intended assign, form part of the title or evidence of the title to the lease.

Contract for lease not part of title to lease.
45 & 46 Vict.
c. 39 s. 4.

(2) This section applies to leases made either before or after the commencement of this Act.

28. Clause 15, sub-section (1), line 9, omit "or within the time fixed by the lease."

29. " sub-section (1), at the end of the sub-section add the following paragraph, viz. :—

" This sub-section does not extend to a covenant or condition against doing omitting or suffering anything whereby or by means whereof either alone or with other circumstances any licence under the *Licensing Act* 1890 shall or may be endangered or shall or may be liable to expire or be forfeited suspended taken away or refused."

30. " sub-section (2), line 12, after "enforce" insert "or has enforced without the aid of any Court."

31. " sub-section (2), line 14, after "himself" insert "or upon summons."

32. " sub-section (2), line 14, after "Court" insert "or a Judge thereof."

33. " sub-section (2), line 15, after "Court" in two places, insert "or Judge."

34. " sub-section (2), line 21, after "Court" insert "or Judge."

35. " sub-section (3), omit this sub-section.

36. " sub-section (4), omit this sub-section.

37. " page 16, sub-section (7), paragraph (c), line 22, omit "a public-house" and insert "licensed premises under the *Licensing Act* 1890."

38. " page 17, sub-section (8), lines 2 to 4, omit "the assignment or transfer reciting such consent and the lessor has signed the assignment or transfer in verification of such recital."

39. After Clause 15 insert the following new clause :—

AA. Where a lessor is proceeding by action or otherwise to enforce a right of re-entry or forfeiture under any covenant proviso or stipulation in a lease, the Court or Judge thereof may on application by any person claiming as under-lessee any estate or interest in the property comprised in the lease or any part thereof either in the lessor's action (if any) or in any action brought by such person for that purpose or upon summons make an order vesting for the whole term of the lease or any part thereof in any person entitled as under-lessee to any estate or interest in such property upon such conditions as to execution of any deed or other document, payment of rent costs expenses damages compensation giving security or otherwise as the Court or Judge in the circumstances of each case shall think fit, but in no case shall any such under-lessee be entitled to require a lease to be granted to him for any longer term than he had under his original sub-lease.

Power of Court or Judge to protect under-lessees on forfeiture of superior leases.
55 & 56 Vict.
c. 13 s. 4.

40. Clause 16, line 26, after "Court" insert "or Judge."

After Clause 17 insert the following new clauses :—

41. C. A lessor or lessee or their representatives respectively may at any time or times and from time to time apply in a summary way to a Judge of the Supreme Court in Chambers in respect of any claim for damages or any question arising out of or under or connected with the lease (not being a question affecting the existence or validity of the lease) and upon such application any party shall have the right to call evidence either orally or by affidavit on giving notice to the other parties to the summons of intention so to do, and the Judge shall make such order upon the application as to him shall appear just and shall order how and by whom all or any of the costs incident to the application shall be borne and paid.

Lessor or lessee may obtain decision of Judge as to claims for damages and other questions arising under lease.

42. BB. For the purposes of this Part of this Act "lease" includes so far as circumstances will admit any instrument of letting whether under seal or not; also an original or derivative under-lease, also a grant securing a rent by condition; also an agreement for a lease where the lessee has become entitled to have his lease granted, and "under-lease" shall also include an agreement for an "under-lease" where the under-lessee has become entitled to have his under-lease granted; and a lessee includes an original or derivative under-lessee and the heirs executors administrators and assigns of a lessee, also a grantee under such a grant as aforesaid, his heirs and assigns, and an under-lessee shall include any person deriving title under or from an under-lessee; and a lessor includes an original or derivative under-lessor and the heirs executors administrators and assigns of a lessor, also a grantor as aforesaid and his heirs and assigns.

Definition of "lease" "under-lease" &c.
44 & 45 Vict.
c. 41 s. 14.
55 & 56 Vict.
c. 13 s. 5.

IV.—APPORTIONMENT.

43. D. From and after the commencement of this Act all rents annuities dividends and other periodical payments in the nature of income (whether reserved or made payable under an instrument in writing or otherwise) shall like interest on money lent be considered as accruing from day to day and shall be apportionable in respect of time accordingly.

Rents &c. to accrue from day to day and be apportionable in respect of time.

33 & 34 Vict.
c. 35 s. 2.

44. E. The apportioned part of any such rent annuity dividend or other payment shall be payable or recoverable in the case of a continuing rent annuity or other such payment when the entire portion of which such apportioned part shall form part shall become due and payable and not before, and in the case of a rent annuity or other such payment determined by re-entry death or otherwise when the next entire portion of the same would have been payable if the same had not so determined and not before,

Apportioned part of rent &c. to be payable when the next entire portion shall have become due.

Ib. s. 3.

45. F. All persons and their respective heirs executors administrators and assigns and also the executors administrators and assigns respectively of persons whose interests determine with their own deaths shall have such or the same remedies at law and in equity for recovering such apportioned parts as aforesaid when payable (allowing proportionate parts of all just allowances) as they respectively would have had for recovering such entire portions as aforesaid if entitled thereto respectively; provided that persons liable to pay rents reserved out of or charged on lands or other hereditaments of any tenure and the same lands or other hereditaments shall not be resorted to for any such apportioned part forming part of an entire or continuing rent as aforesaid specifically, but the entire or continuing rent including such apportioned part shall be recovered and received by the heir or other person who if the rent had not been apportionable under this Part of this Act or otherwise would have been entitled to such entire or continuing rent, and such apportioned part shall be recoverable from such heir or other person by the executors or other parties entitled under this Part of this Act to the same by action at law or suit in equity.
- Persons to have same remedies for recovering apportioned parts as for entire portions. 33 & 34 Vict. c. 35 s. 4. Proviso as to rents reserved in certain cases.
46. G. In the construction of this Part of this Act—
 The word “rents” includes rent-service rent-charge and rent-sock and all periodical payments or renderings in lieu of or in the nature of rent.
 The word “annuities” includes salaries and pensions.
 The word “dividends” includes (besides dividends strictly so-called) all payments made by the name of dividend bonus or otherwise out of the revenue of trading or other public companies divisible between all or any of the members of such respective companies whether such payments shall be usually made or declared at any fixed times or otherwise; and all such divisible revenue shall for the purposes of this Part of this Act be deemed to have accrued by equal daily increment during and within the period for or in respect of which the payment of the same revenue shall be declared or expressed to be made; but the said word “dividend” does not include payments in the nature of a return or reimbursement of capital.
- Interpretation of terms. Ib. s. 5.
- 46A. H. Nothing in this Part of this Act contained shall render apportionable any annual sums made payable in policies of assurance of any description.
- Act not to apply to policies of assurance. Ib. s. 6.
- 46B. I. The provisions of this Part of this Act shall not extend to any case in which it is or shall be expressly stipulated that no apportionment shall take place.
- Nor where stipulation to the contrary. Ib. s. 7.
47. Clause 18, omit this clause.
48. In the heading, before Clause 19, omit “IV.” and insert “V.”
49. Before Clause 19, insert the following new clause:—
 “CC. Except as to section J, the provisions of this Part of this Act shall not apply to mortgages of land under the *Transfer of Land Act* 1890 effected by instruments of mortgage under that Act.”
- Mortgages under *Transfer of Land Act* 1890 excepted.
50. Clause 21, line 30, after “behalf” insert “by himself or his solicitor or his agent duly authorized in writing.”
51. „ line 31, after “title” insert “or other documents.”
52. Clause 22, sub-section (2), omit this sub-section, and insert the following sub-section in lieu thereof, viz. :—
 “(2) This section shall have effect notwithstanding any stipulation to the contrary.”
53. After Clause 22, insert the following new clauses:—
 J. (1) On a decree judgment or order absolute for foreclosure the mortgagee and any person claiming through him shall be deemed to have taken the property mentioned in such decree judgment or order in full satisfaction of the money secured by the mortgage and unpaid and his right or equity to bring any action or to take other proceedings for the recovery of the said money from the debtor surety or other person shall be extinguished.
 (2) In the case of mortgages of land under the *Transfer of Land Act* 1890 effected by instruments of mortgage under that Act “order absolute” includes an order for foreclosure under the hand of the Registrar when entered in the register book.
 (3) This section shall have effect notwithstanding any stipulation to the contrary.
- Foreclosure extinguishes right of action for mortgage debt.
54. O. (1) A mortgagor of land while in possession shall as against every incumbrancer have by virtue of this Act power to make from time to time any such lease of the mortgaged land or any part thereof as is in this section described and authorized.
 (2) A mortgagee of land while in possession shall as against all prior incumbrancers if any and as against the mortgagor have by virtue of this Act power to make from time to time any such lease as aforesaid.
 (3) The lease which this section authorizes is—A lease for any term not exceeding twelve months.
 (4) Every person making a lease under this section may execute and do all assurances and things necessary or proper in that behalf.
 (5) Every such lease shall be made to take effect in possession not later than three months after its date.
 (6) Every such lease shall reserve the best rent that can reasonably be obtained regard being had to the circumstances of the case but without any fine being taken.
 (7) Every such lease shall contain a covenant by the lessee for payment of the rent and a condition of re-entry on the rent not being paid within a time therein specified not exceeding thirty days.
- Leasing powers of mortgagor and of mortgagee in possession. 44 & 45 Vict. c. 41 s. 18.

(8) A counterpart of every such lease shall be executed by the lessee and delivered to the lessor of which execution and delivery the execution of the lease by the lessor shall in favour of the lessee and all persons deriving title under him be sufficient evidence.

(9) In case of a lease by the mortgagor he shall within one month after making the lease deliver to the mortgagee or where there are more than one to the mortgagee first in priority a counterpart of the lease duly executed by the lessee, but the lessee shall not be concerned to see that this provision is complied with.

(10) A contract to make or accept a lease under this section may be enforced by or against every person on whom the lease if granted would be binding.

(11) This section applies only if and as far as a contrary intention is not expressed by the mortgagor and mortgagee in the mortgage deed or otherwise in writing and shall have effect subject to the terms of the mortgage deed or of any such writing and to the provisions therein contained.

(12) Nothing in this Act shall prevent the mortgage deed from reserving to or conferring on the mortgagor or the mortgagee or both any further or other powers of leasing or having reference to leasing and any further or other powers so reserved or conferred shall be exercisable as far as may be as if they were conferred by this Act and with all the like incidents effects and consequences unless a contrary intention is expressed in the mortgage deed.

(13) Nothing in this Act shall be construed to enable a mortgagor or mortgagee to make a lease for any longer term or on any other conditions than such as could have been granted or imposed by the mortgagor with the concurrence of all the incumbrancers if this Act had not been passed.

(14) This section applies only in case of a mortgage made after the commencement of this Act, but the provisions thereof or any of them may by agreement in writing made after the commencement of this Act between mortgagor and mortgagee be applied to a mortgage made before the commencement of this Act so nevertheless that any such agreement shall not prejudicially affect any right or interest of any mortgagee not joining in or adopting the agreement.

(15) The provisions of this section referring to a lease shall be construed to extend and apply as far as circumstances admit to any letting and to an agreement whether in writing or not for leasing or letting.

55. Clause 23, line 5, in head-line, omit "*Timber.*"

56. " sub-section (1), paragraph (iii.), omit this paragraph.

57. Clause 24, paragraph (i.), line 14, omit "one month" and insert "two months."

58. " paragraph (ii.), line 16, omit "one month" and insert "two months"

59. Clause 27, sub-section (1), page 21, line 41, omit "nor" and insert "or."

60. " sub-section (3), page 22, line 14, omit "[or mortgagee]."

61. " sub-section (4), page 22, line 18, after "insurance" insert "effected under the mortgage deed or under this Act."

62. Clause 29, in the heading, omit "V.—STATUTORY MORTGAGE" and insert "*Statutory Mortgage.*"

63. " sub-section (2), lines 11 and 12, omit "[or time or happening of the stated event]."

64. " sub-section (2), lines 21 and 22, omit "[or time or happening of the stated event]."

65. After Clause 34 insert the following new clause:—

U. In section twenty-one of the *Married Women's Property Act* 1890 in line three thereof after the word "property" there shall be inserted the words "real or personal" and in line five after the word "such" there shall be inserted the words "property including any."

See *re Harkness and Allsopp*, 1896, 2 Ch. 358.

66. Clause 35, lines 14 and 15, omit all words after "infant" to end of clause and insert "then for the purposes of Part V. of the *Real Property Act* 1890 the land shall be deemed to be settled estate and the infant to be tenant for life thereof."

67. Clause 36, line 16, after "life" insert "or a person having the same powers as a tenant for life under Part V. of the *Real Property Act* 1890."

68. " line 17, after "life" where it first occurs insert "or have the same powers under Part V. of the *Real Property Act* 1890."

69. Clause 41, sub-section (1), line 8, omit "Freehold land or" and insert "Property real or personal including."

70. Clause 42, sub-section (1), at end of sub-section add "or to use the words in tail or in tail male or in tail female, without the words heirs of the body or heirs male of the body or heirs female of the body."

After Clause 43 insert the following new clause:—

71. P. (1) No appointment which from and after the commencement of this Act shall be made in exercise of any power to appoint any property real or personal amongst several objects shall be invalid at law or in equity on the ground that any object of such power has been altogether excluded but every such appointment shall be valid and effectual notwithstanding that any one or more of the objects shall not thereby or in default of appointment take a share or shares of the property subject to such power.

Appointments to be valid notwithstanding one or more objects excluded 37 & 38 Vict. c. 37 s. 1.

(2) Provided always and be it enacted that nothing in this section contained shall prejudice or effect any provision in any deed will or other instrument creating any power which shall declare the amount or the share or shares from which no object of the power shall be excluded or some one or more object or objects of the power shall not be excluded.

Proviso. *Ib.* s. 2.

After Clause 54 insert the following new clauses:—

72. K. In section one hundred and thirty-seven of the *Real Property Act* 1890 after the words "all mortgage debts" in line thirteen of the section there shall be inserted the words "with which the same shall be charged every part thereof according to its value bearing a proportionate part of the mortgage debts."

Amendment of section 137 of *Real Property Act* 1890. See 17 and 18 Vict. c. 113 s. 1.

73. L. In the construction of the will of any person who may die after the commencement of this Act a general direction that the debts or that all the debts of the testator shall be paid out of his personal estate shall not be deemed to be a declaration of an intention contrary to or other than the rule established by the said Act unless such contrary or other intention shall be further declared by words expressly or by necessary implication referring to all or some of the testator's debts or debt charged by way of mortgage on any part of his real estate.
- In construing wills a general direction for payment of debts out of personalty not to include mortgage debts unless such intention expressly implied.
30 & 31 Vict. c. 69 s. 1.
74. M. In the construction of section one hundred and thirty-seven of the *Real Property Act* 1890 and the preceding section of this Act the word "mortgage" shall be deemed to extend to any lien for unpaid purchase money upon any lands or hereditaments purchased by a testator.
- Interpretation of word "mortgage."
Ib. s. 2.
75. N. Section one hundred and thirty-seven of the *Real Property Act* 1890 and the two next preceding sections of this Act shall as to any testator or intestate dying after the commencement of this Act be held to extend to a testator or intestate dying seised or possessed of or entitled to any land or other hereditaments of whatever tenure which shall at the time of his death be charged with the payment of any sum or sums of money by way of mortgage or any other equitable charge including any lien for unpaid purchase money, and the devisee or legatee or heir shall not be entitled to have such sum or sums discharged or satisfied out of any other estate of the testator or intestate unless (in the case of a testator) he shall within the meaning of the said Acts have signified a contrary intention, and such contrary intention shall not be deemed to be signified by a charge of or direction for payment of debts upon or out of residuary real and personal estate or residuary real estate.
- Application of certain sections.
40 & 41 Vict. c. 34 s. 1.
76. V. In the construction of the will of any person who may die after the commencement of this Act a general direction (whether to his executors or not) that his debts (or that all his debts) or that his funeral, testamentary, and other expenses, or any of them, shall be paid shall not (whether real estate is devised or not, and if devised whether to his executors or not) be deemed to charge the same upon his real estate or any part of it unless an intention so to charge the said debts or all the said debts or the said expenses shall be further declared in such will expressly or by necessary implication.
- In a will a direction to pay debts not to be deemed to charge real estate.
See National Trustees and Executors Coy. v. Keast, 22 V.L.R. 447.
77. Q. Every contingent remainder created by any instrument executed after the commencement of this Act or by any will or codicil revived or republished by any will or codicil executed after that date in tenements or hereditaments of any tenure which would have been valid as a springing or shifting use or executory devise or other limitation had it not had a sufficient estate to support it as a contingent remainder shall in the event of the particular estate determining before the contingent remainder vests be capable of taking effect in all respects as if the contingent remainder had originally been created as a springing or shifting use or executory devise or other executory limitation.
- Cases in which contingent remainders capable of taking effect.
40 & 41 Vict. c. 33 s. 1.
78. QQ. (1) Where there is a person entitled to land for an estate in fee, or for a term of years absolute or determinable on life, or for term of life, with an executory limitation over on default or failure of all or any of his issue, whether within or at any specified period or time or not, that executory limitation shall be or become void and incapable of taking effect, if and as soon as there is living any issue who has attained the age of twenty-one years, of the class on default or failure whereof the limitation over was to take effect.
- Restrictions on executory limitations.
45 & 46 Vict. c. 39 s. 10.
- (2) This section applies only where the executory limitation is contained in an instrument coming into operation after the commencement of this Act.
79. R. The term "month" when used in any conveyance mortgage lease under-lease agreement contract or any document or transaction whatever whether relating to property or not shall be deemed to mean calendar month unless the circumstances otherwise require.
- "Month" in documents and transactions to mean calendar month.
80. Clause 56, sub-section (2), omit this sub-section.
81. " sub-section (3), line 13, after "served" insert "addressed to the lessee lessor mortgagee mortgagor or other person to be served by name."
82. Clause 58, sub-section (1), line 1, after "Court" insert "purporting to be."
83. " sub-section (1), line 5, omit all words after "not" to end of sub-section and insert the following new sub-section :—
- "(2A) This section shall have effect with respect to any lease sale or other act under the authority of the Court and purporting to be in pursuance of Part V. of the *Real Property Act* 1890 notwithstanding the exception in section ninety-two of that Act."
84. Clause 59, omit this clause.

On the motion of the Honorable J. M. Davies, the consideration of the foregoing amendments was referred to a Committee of the whole, whereupon the President left the Chair.

House in Committee.

The President resumed the Chair; and the Honorable Dr. W. H. Embling reported that the Committee had made progress in the consideration of the amendments made by the Assembly, and that he was directed to move, That the Committee may have leave to sit again.

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

10. MESSAGE FROM THE ASSEMBLY.—The President announced the receipt of a Message from the Assembly transmitting a Bill intituled "*An Act to authorize the construction of a Line of Rail or Tram-way from Welshpool Railway Station to Welshpool,*" and desiring the concurrence of the Council.

11. WELSHPOOL TRAMWAY BILL.—On the motion of the Honorable W. Pitt, the Bill transmitted by the foregoing Message was read a first time, ordered to be printed, and read a second time to-morrow.
12. LOCOMOTIVE DRIVERS' TIME BOOKS.—The Honorable Dr. W. H. Embling moved, That there be laid before this House the Locomotive Drivers' and Firemen's Time Books used in connexion with the locomotive shed at Seymour, for the month of August, 1904.
Question—put and resolved in the affirmative.
13. LOCOMOTIVE ENGINE-MEN.—The Order of the Day for the resumption of the debate on the question That the excessive hours worked by locomotive engine-men, and the method adopted in computing the day's work, are of such a nature as to demand the earnest and prompt attention of the Government having been read—

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

Debate ensued.

Question—That the debate be now adjourned—put and resolved in the affirmative.

Ordered—That the debate be adjourned until to-morrow.

And then the Council, at fifty-six minutes past nine o'clock, adjourned until to-morrow.

GEORGE H. JENKINS,
Clerk of the Legislative Council.

LEGISLATIVE COUNCIL.

Notices of Motion and Orders of the Day.

No. 19.

WEDNESDAY, 14TH SEPTEMBER, 1904.

Question.

1. The Hon. Walter S. Manifold: To ask the Honorable the Attorney-General if, before clause 60 of the Mines Bill is considered in Committee, he will have placed on the Table of this House—
 1. A clear glass jar containing 1,000 grains of earth in a dry state.
 2. A clear glass jar containing one gallon of water holding in suspension 1,000 grains of earth;
 and if he will inform this House what quantity of water holding in solution cyanide or other poisonous chemicals commonly used in mining, at the rate of 75 grains to one gallon, could be drunk by an average human being without injury.

General Business.

ORDERS OF THE DAY:—

1. LOCOMOTIVE ENGINE-MEN.—The question is—That the excessive hours worked by locomotive engine-men, and the method adopted in computing the day's work, are of such a nature as to demand the earnest and prompt attention of the Government—*Resumption of debate—(Hon. W. H. Edgar).*
2. THE CONSTITUTION ACT 1903 AMENDMENT BILL—(*Hon. W. J. Evans*)—Second reading—*Resumption of debate—(Hon. D. Melville).*

Government Business.

ORDERS OF THE DAY:—

1. WELSHPOOL TRAMWAY BILL—(*from Assembly—Hon. W. Pitt*)—Second reading.
2. REAL PROPERTY BILL—Message from Assembly—To be further considered in Committee.

TUESDAY, 27TH SEPTEMBER.

Government Business.

ORDER OF THE DAY:—

1. MINES ACTS FURTHER AMENDMENT BILL—(*from Assembly—Hon. J. M. Davies*)—Second reading—*Resumption of debate—(Hon. Sir H. Guthbert).*

WEDNESDAY, 28TH SEPTEMBER.

General Business.

ORDER OF THE DAY:—

1. POLICE OFFENCES ACT 1890 AMENDMENT BILL—(*Hon. J. Balfour*)—To be committed.

GEORGE H. JENKINS,
Clerk of the Legislative Council.

MEETING OF SELECT COMMITTEE.

Wednesday, 14th September, at 7 p.m.

REFRESHMENT ROOMS (JOINT).

PARLIAMENTARY PAPERS ISSUED SINCE 8TH SEPTEMBER, 1904.

Notices of Motion and Orders of the Day. No. 19.

Welshpool Jetty Rail or Tramway Construction Bill—[3]. (To Members of Council only.)

Votes and Proceedings of the Legislative Assembly. Nos. 29, 30, and 31.

Notices of Motion and Orders of the Day. No. 31.

Weekly Report of Divisions. No. 7.

Inebriates Bill—[52].

Transfer of Land Bill.—(New Clauses to be proposed in Committee by Mr. Mackey.) (To Members only.)

Closer Settlement Bill (No. 2).—(Amendment to be proposed in Committee by Mr. Toutcher.) (To Members only.)

By Authority: ROBT. S. BRAIN, Government Printer, Melbourne.

VICTORIA.

No. 21.

MINUTES OF THE PROCEEDINGS
OF THE
LEGISLATIVE COUNCIL.

WEDNESDAY, 14TH SEPTEMBER, 1904.

1. The President took the Chair and read the Prayer.
2. PETITIONS.—The following Petitions, praying that the Council would give effect to the expressed wish of the electors of the State by introducing the Scripture Lessons of the Royal Commission to be taught in the State schools by the teachers, within school hours, to the children of such parents as desire it; and that a complete analysis of the voting on the Referendum be made and published, were presented as under :
 - By the Honorable J. M. Davies—
From certain residents of the district of Carlton.
 - By the Honorable T. Luxton—
From certain residents of the districts of Prahran, South Yarra, Elsternwick, &c.
 - By the Honorable R. B. Rees—
From certain residents of the district of Borung (North-western).
From certain residents of the district of Borung.
From certain residents of the district of Quambatook.
 - By the Honorable E. Miller—
From certain residents of the districts of Balwyn and Canterbury.
 Severally ordered to lie on the Table.
3. MESSAGE FROM THE ASSEMBLY.—The President announced the receipt of a Message from the Assembly transmitting a Bill intituled "*An Act to amend the Law relating to the Destruction of Foxes,*" and desiring the concurrence of the Council.
4. FOXES DESTRUCTION BILL.—On the motion of the Honorable A. O. Sachse, the Bill transmitted by the foregoing Message was read a first time, ordered to be printed, and read a second time on Tuesday next.
5. MESSAGE FROM THE ASSEMBLY.—The President announced the receipt of a Message from the Assembly returning the Local Government Act 1903 Amendment Bill (No. 3), and notifying their agreement to the amendments of the Council.
6. MESSAGE FROM THE ASSEMBLY.—The President announced the receipt of a Message from the Assembly transmitting a Bill intituled "*An Act to provide for the Exchange of certain Land in the Parish of Mysia for the purpose of a Public Park,*" and desiring the concurrence of the Council.
7. MYZIA PUBLIC PARK BILL.—On the motion of the Honorable W. Pitt, the Bill transmitted by the foregoing Message was read a first time, ordered to be printed, and read a second time on Tuesday next.
8. MESSAGE FROM THE ASSEMBLY.—The President announced the receipt of a Message from the Assembly transmitting a Bill intituled "*An Act to revoke the Permanent Reservation of certain Land at St. Arnaud,*" and desiring the concurrence of the Council.
9. ST. ARNAUD LAND RESERVE REVOCATION BILL.—On the motion of the Honorable A. O. Sachse, the Bill transmitted by the foregoing Message was read a first time, ordered to be printed, and read a second time on Tuesday next.

10. **LOCOMOTIVE ENGINE-MEN.**—The Order of the Day for the resumption of the debate on the question—
That the excessive hours worked by locomotive engine-men, and the method adopted in computing the day's work, are of such a nature as to demand the earnest and prompt attention of the Government—having been read—
Debate resumed.
Question—put and negatived.
11. **MESSAGE FROM THE ASSEMBLY.**—The President announced the receipt of a Message from the Assembly returning the Instruments Act 1890 further Amendment Bill with an amendment, and desiring the concurrence of the Council.
Ordered—That the foregoing Message be taken into consideration on Tuesday, the 27th instant.
12. **THE CONSTITUTION ACT 1903 AMENDMENT BILL.**—The Order of the Day for the resumption of the debate on the question, That this Bill be now read a second time having been read—
The Honorable D. Melville moved, as an amendment, That the word "now" be omitted, and the words "this day six months" added after the word "time."
Debate ensued.
Question—That the word "now" proposed to be omitted stand part of the question—put and negatived.
On the motion to add "this day six months" after the word "time," the Honorable W. L. Baillieu moved, as an amendment, That the words "six months" be omitted with a view to insert in place thereof the word "month."
Debate ensued.
Question—That the words proposed to be omitted stand part of the question—put and resolved in the affirmative.
Question—That the words "this day six months" be added after the word "time"—put.
Council divided.

Ayes, 15.
The Hon. J. H. Abbott
J. D. Brown
J. M. Davies
H. W. H. Irvine
T. Luxton
Walter S. Manifold
D. E. McBryde
J. Y. McDonald
D. Melville
E. Miller
J. M. Pratt
R. B. Rees
A. O. Sachse.

Tellers.
Dr. W. H. Embling
W. Pitt.

Noes, 4.
The Hon. W. L. Baillieu
A. McLellan.

Tellers.
W. H. Edgar
W. J. Evans.

And so it was resolved in the affirmative.

Ordered—That the Bill be read a second time this day six months.

13. **WELSHPOOL TRAMWAY BILL.**—This Bill was, according to Order, and after debate, read a second time, and committed to a Committee of the whole.
House in Committee.
The President resumed the Chair; and the Honorable Dr. W. H. Embling having reported that the Committee had agreed to the Bill without amendment, the Report was adopted, and the Bill read a third time and passed.
Ordered—That the Assembly be informed that the Council have agreed to the Bill without amendment.
14. **POSTPONEMENT OF ORDER OF THE DAY.**—Ordered, That the consideration of the following Order of the Day be postponed until Tuesday, the 27th instant. :—
Real Property Bill—Message from Assembly—To be further considered in Committee.
15. **ADJOURNMENT.**—Ordered, That the Council, at its rising, adjourn until Tuesday, the 27th instant.
And then the Council, at twenty-seven minutes past nine o'clock, adjourned until Tuesday, the 27th instant.

GEORGE H. JENKINS,
Clerk of the Legislative Council.

LEGISLATIVE COUNCIL.

Notices of Motion and Orders of the Day.

No. 20.

TUESDAY, 27TH SEPTEMBER, 1904.

Government Business.

ORDERS OF THE DAY :—

1. MINES ACTS FURTHER AMENDMENT BILL—(*from Assembly—Hon. J. M. Davies*)—Second reading—*Resumption of debate—(Hon. Sir H. Guthbert).*
2. REAL PROPERTY BILL—Message from Assembly—To be further considered in Committee.
3. FOXES DESTRUCTION BILL—(*from Assembly—Hon. A. O. Sachse*)—Second reading.
4. MYSIA PUBLIC PARK BILL—(*from Assembly—Hon. W. Pitt*)—Second reading.
5. ST. ARNAUD LAND RESERVE REVOCATION BILL—(*from Assembly—Hon. A. O. Sachse*)—Second reading.
6. INSTRUMENTS ACT 1890 FURTHER AMENDMENT BILL—Message from Assembly—To be taken into consideration.

WEDNESDAY, 28TH SEPTEMBER.

General Business.

ORDER OF THE DAY :—

1. POLICE OFFENCES ACT 1890 AMENDMENT BILL—(*Hon. J. Balfour*)—To be committed.

GEORGE H. JENKINS,
Clerk of the Legislative Council.

PARLIAMENTARY PAPERS ISSUED 14TH SEPTEMBER, 1904.

Notices of Motion and Orders of the Day. No. 20.

Mysia Land Exchange Bill—[17]. (To Members of Council only.)

Vermin Destruction Bill—[57]. (To Members of Council only.)

St. Arnaud Market Land Bill—[84]. (To Members of Council only.)

Notices of Motion and Orders of the Day. No. 32.

Carrum Advances Bill—[59]. (To Members only.)

Closer Settlement Bill (No. 2).—(New Clauses to be proposed in Committee by Mr. Mackinnon.) (To Members only.)

THE HISTORY OF THE

REPUBLIC OF

THE UNITED STATES OF AMERICA

BY

W. H. RAY

NEW YORK

1850

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VICTORIA.

No. 22.

MINUTES OF THE PROCEEDINGS
OF THE
LEGISLATIVE COUNCIL.

TUESDAY, 27TH SEPTEMBER, 1904.

1. The President took the Chair and read the Prayer.
2. PETITIONS.—The following Petitions, praying that the Council would give effect to the expressed wish of the electors of the State by introducing the Scripture Lessons of the Royal Commission to be taught in the State schools by the teachers, within school hours, to the children of such parents as desire it; and that a complete analysis of the voting on the Referendum be made and published, were presented as under:—
 - By the Honorable A. O. Sachse—
From certain residents of the district of Ovens.
 - By the Honorable W. Pearson—
From certain residents of the district of Korumburra.
From certain residents of the districts of Cunninghame and Swan Reach.
 - By the Honorable J. Balfour—
From certain residents of the district of Burwood.
 - By the Honorable D. E. McBryde—
From certain residents of the districts of Brighton Beach and Sandringham.
From certain residents of the district of Brighton.
From certain residents of the district of Mornington.
From certain residents of the districts of Frankston and Somerville.
 - By the Honorable W. Cain—
From certain residents of the district of Carlton.
 - By the Honorable E. J. Crooke—
From certain residents of the district of Lake Tyers.
From certain residents of the district of Healesville.
 - By the Honorable M. Cussen—
From certain residents of the district of Rushworth.
 - By the Honorable T. Luxton—
From certain residents of the district of Prahran and neighbourhood.
 - By the Honorable W. Little—
From certain residents of the district of Lima East.
From certain residents of the districts of Thoona, Whitfield, Milawa, Springhurst, &c.
 - By the Honorable J. M. Pratt—
From certain residents of the district of Horsham.
From certain residents of the district of Natimuk, electorate of Lowan.
 - By the Honorable Walter S. Manifold—
From certain residents of the district of Coleraine.
From certain residents of the district of Edenhope, North-Western Province.
From certain residents of the district of Hamilton.
 - By the Honorable Sir H. Cuthbert—
From certain residents of the district of Ballarat.
From certain residents of the district of Miner's Rest.
 - By the Honorable W. H. Edgar—
From certain residents of the districts of Flemington and Kensington.
From certain residents of the district of West Melbourne.
From certain residents of the district of North Melbourne.

Severally ordered to lie on the Table.

3. PAPERS.—The Honorable J. M. Davies presented, by command of His Excellency the Governor—
 Report of Proceedings taken under the Provisions of Part III., Land Act 1901, relating to Village Settlements, during the financial year ended 30th June, 1904.
 Thirty-eighth Report of the Board of Visitors to the Observatory; together with the Report of the Government Astronomer for the period from 1st April, 1903, to 31st March, 1904.
 Severally ordered to lie on the Table.

The Honorable J. M. Davies presented—

Locomotive Drivers' Time Books.—Return to an Order of the Legislative Council, dated 13th September, 1904, for the production of the Locomotive Drivers' and Firemen's Time Books used in connexion with the Locomotive Shed at Seymour, for the month of August, 1904.

The following Papers, pursuant to the directions of several Acts of Parliament, were laid upon the Table by the Clerk:—

Constitution Statute.—Statement of Expenditure under Schedule D to Act 18 & 19 Vict., Cap. 55, during the year 1903-4.

Education Act, No. 1086.—Regulations.

Victorian Railways—

Report of the Victorian Railways Commissioners for the quarter ending 30th June, 1904.

Report of the Victorian Railways Commissioners for the financial year ending 30th June, 1904.

4. MINES ACTS FURTHER AMENDMENT BILL.—The Order of the Day for the resumption of the debate on the question, That this Bill be now read a second time, having been read, the debate was resumed and further adjourned, on the motion of the Honorable J. D. Brown, until to-morrow.
5. MESSAGE FROM THE ASSEMBLY.—The President announced the receipt of the following Message from the Assembly:—

MR. PRESIDENT,

The Legislative Assembly transmit to the Legislative Council a Bill intituled "*An Act to enable Seed and Manure to be advanced on certain terms to Cultivators of Land within the Carrum Irrigation and Water Supply Trust,*" with which they desire the concurrence of the Legislative Council.

Legislative Assembly,
 Melbourne, 20th September, 1904.

FRANK MADDEN,
 Speaker.

6. CARRUM ADVANCES BILL.—On the motion of the Honorable J. M. Davies, the Bill transmitted by the foregoing Message was read a first time, and ordered to be printed.
 The Honorable J. M. Davies moved, by leave, That this Bill be now read a second time.
 The Honorable Sir H. Cuthbert moved, That the debate be now adjourned.
 Debate ensued.
 Question—That the debate be now adjourned—put.
 Council divided.

Ayes, 8.

The Hon. W. L. Baillieu
 J. Balfour
 M. Cussen
 W. J. Evans
 T. Luxton
 J. Y. McDonald.

Tellers.

Sir H. Cuthbert
 W. H. Edgar.

Noes, 15.

The Hon. J. D. Brown
 W. Cain
 J. M. Davies
 Dr. W. H. Embling
 T. C. Harwood
 H. W. H. Irvine
 Walter S. Manifold
 A. McLellan
 E. Miller
 R. B. Rees
 R. B. Ritchie
 A. O. Sachse
 J. Sternberg.

Tellers.

W. Pearson
 W. Pitt.

And so it passed in the negative.

Debate continued.

Question—That this Bill be now read a second time—put and resolved in the affirmative. Bill read a second time and committed to a Committee of the whole.

House in Committee.

The President resumed the Chair; and the Honorable Dr. W. H. Embling having reported that the Committee had agreed to the Bill without amendment, the Report was adopted, and the Bill read a third time and passed.

Ordered—That the Assembly be informed that the Council have agreed to the Bill without amendment.

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

MR. PRESIDENT,

The Legislative Assembly transmit to the Legislative Council a Bill intituled "*An Act to provide for the Resumption by the Crown of the Lake Hindmarsh Aboriginal Settlement Land*," with which they desire the concurrence of the Legislative Council.

Legislative Assembly,
Melbourne, 20th September, 1904.

FRANK MADDEN,
Speaker.

8. LAKE HINDMARSH ABORIGINAL SETTLEMENT LAND BILL.—On the motion of the Honorable W. Pitt, the Bill transmitted by the foregoing Message was read a first time, ordered to be printed, and read a second time on Tuesday next.

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

MR. PRESIDENT,

The Legislative Assembly transmit to the Legislative Council a Bill intituled "*An Act to further amend the Dairying Companies Act 1900*," with which they desire the concurrence of the Legislative Council.

Legislative Assembly,
Melbourne, 21st September, 1904.

FRANK MADDEN,
Speaker.

10. DAIRYING COMPANIES ACT 1900 FURTHER AMENDMENT BILL.—On the motion of the Honorable W. Pitt, the Bill transmitted by the foregoing Message was read a first time, ordered to be printed, and read a second time on Tuesday next.

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

MR. PRESIDENT,

The Legislative Assembly transmit to the Legislative Council a Bill intituled "*An Act to authorize the Sale of certain Land reserved as a Site for a Race-course at Tungamah and for other purposes*," with which they desire the concurrence of the Legislative Council.

Legislative Assembly,
Melbourne, 22nd September, 1904.

FRANK MADDEN,
Speaker.

12. TUNGAMAH RACE-COURSE SITE SALE BILL.—On the motion of the Honorable W. Pitt, the Bill transmitted by the foregoing Message was read a first time, ordered to be printed, and read a second time on Tuesday next.

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

MR. PRESIDENT,

The Legislative Assembly transmit to the Legislative Council a Bill intituled "*An Act to authorize the Sale of certain Land reserved as a Site for a Race-course at Numurkah and for other purposes*," with which they desire the concurrence of the Legislative Council.

Legislative Assembly,
Melbourne, 22nd September, 1904.

FRANK MADDEN,
Speaker.

14. NUMURKAH RACE-COURSE SITE SALE BILL.—On the motion of the Honorable W. Pitt, the Bill transmitted by the foregoing Message was read a first time, ordered to be printed, and read a second time on Tuesday next.

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

MR. PRESIDENT,

The Legislative Assembly transmit to the Legislative Council a Bill intituled "*An Act to abolish Tied Houses*," with which they desire the concurrence of the Legislative Council.

Legislative Assembly,
Melbourne, 21st September, 1904.

FRANK MADDEN,
Speaker.

16. TIED HOUSES ABOLITION BILL.—On the motion of the Honorable J. Balfour, the Bill transmitted by the foregoing Message was read a first time, ordered to be printed, and read a second time on Wednesday, 5th October next.

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

MR. PRESIDENT,

The Legislative Assembly transmit to the Legislative Council a Bill intituled "*An Act to reduce for One Year the Municipal Endowment*," with which they desire the concurrence of the Legislative Council.

Legislative Assembly,
Melbourne, 21st September, 1904.

FRANK MADDEN,
Speaker.

18. MUNICIPAL ENDOWMENT REDUCTION BILL.—On the motion of the Honorable W. Pitt, the Bill transmitted by the foregoing Message was read a first time, ordered to be printed, and read a second time on Tuesday next.

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

MR. PRESIDENT,

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

Legislative Assembly,
Melbourne, 20th September, 1904.

FRANK MADDEN,
Speaker.

20. LICENCES RENEWAL BILL.—On the motion of the Honorable J. M. Davies, the Bill transmitted by the foregoing Message was read a first time, ordered to be printed, and read a second time on Tuesday next.

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

MR. PRESIDENT,

The Legislative Assembly transmit to the Legislative Council a Bill intituled "*An Act to enable the Melbourne Benevolent Asylum Corporation to sell the Site of the Asylum in the Town of North Melbourne and for other purposes,*" with which they desire the concurrence of the Legislative Council.

Legislative Assembly,
Melbourne, 20th September, 1904.

FRANK MADDEN,
Speaker.

22. MELBOURNE BENEVOLENT ASYLUM SITE SALE BILL.—On the motion of the Honorable J. M. Davies, the Bill transmitted by the foregoing Message was read a first time, ordered to be printed, and read a second time on Tuesday next.

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

MR. PRESIDENT,

The Legislative Assembly transmit to the Legislative Council a Bill intituled "*An Act providing for the Acquisition and Disposal of Land for Closer Settlement and for other purposes,*" with which they desire the concurrence of the Legislative Council.

Legislative Assembly,
Melbourne, 20th September, 1904.

FRANK MADDEN,
Speaker.

24. CLOSER SETTLEMENT BILL.—On the motion of the Honorable A. O. Sachse, the Bill transmitted by the foregoing Message was read a first time, ordered to be printed, and read a second time to-morrow.

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

MR. PRESIDENT,

The Legislative Assembly return to the Legislative Council the Bill intituled "*An Act for the Removal of Doubts with regard to the Validity of the Practice of the Office of Titles relating to the Registration of certain Instruments,*" and acquaint the Legislative Council that the Legislative Assembly have agreed to the same with amendments, with which they desire the concurrence of the Legislative Council.

Legislative Assembly,
Melbourne, 20th September, 1904.

FRANK MADDEN,
Speaker.

Ordered—That the foregoing Message be taken into consideration to-morrow.

26. POSTPONEMENT OF ORDERS OF THE DAY.—Ordered, That the consideration of the following Orders of the Day be postponed until to-morrow :—

Real Property Bill—Message from Assembly—To be further considered in Committee.

Foxes Destruction Bill—Second reading.

Mysia Public Park Bill—Second reading.

St. Arnaud Land Reserve Revocation Bill—Second Reading.

Instruments Act 1890 further Amendment Bill—Message from Assembly—To be taken into consideration.

And then the Council, at fifty-eight minutes past ten o'clock, adjourned until to-morrow.

GEORGE H. JENKINS,
Clerk of the Legislative Council.

LEGISLATIVE COUNCIL.

Notices of Motion and Orders of the Day.

No. 21.

WEDNESDAY, 28TH SEPTEMBER, 1904.

General Business.

ORDER OF THE DAY:—

1. POLICE OFFENCES ACT 1890 AMENDMENT BILL—(*Hon. J. Balfour*)—To be committed.

Government Business.

ORDERS OF THE DAY:—

1. MINES ACTS FURTHER AMENDMENT BILL—(*from Assembly—Hon. J. M. Davies*)—Second reading—*Resumption of debate—(Hon. J. D. Brown)*.
2. REAL PROPERTY BILL—Message from Assembly—To be further considered in Committee.
3. CLOSER SETTLEMENT BILL—(*from Assembly—Hon. A. O. Sachse*)—Second reading.
4. TRANSFER OF LAND BILL—Message from Assembly—To be taken into consideration.
5. FOXES DESTRUCTION BILL—(*from Assembly—Hon. A. O. Sachse*)—Second reading.
6. MYSIA PUBLIC PARK BILL—(*from Assembly—Hon. W. Pitt*)—Second reading.
7. ST. ARNAUD LAND RESERVE REVOCATION BILL—(*from Assembly—Hon. A. O. Sachse*)—Second reading.
8. INSTRUMENTS ACT 1890 FURTHER AMENDMENT BILL—Message from Assembly—To be taken into consideration.

TUESDAY, 4TH OCTOBER.

Government Business.

ORDERS OF THE DAY:—

1. LAKE HINDMARSH ABORIGINAL SETTLEMENT LAND BILL—(*from Assembly—Hon. W. Pitt*)—Second reading.
2. DAIRYING COMPANIES ACT 1900 FURTHER AMENDMENT BILL (*from Assembly—Hon. W. Pitt*)—Second reading.
3. TUNGAMAH RACE-COURSE SITE SALE BILL—(*from Assembly—Hon. W. Pitt*)—Second reading.
4. NUMURKAH RACE-COURSE SITE SALE BILL (*from Assembly—Hon. W. Pitt*)—Second reading.
5. MUNICIPAL ENDOWMENT REDUCTION BILL—(*from Assembly—Hon. W. Pitt*)—Second reading.
6. LICENCES RENEWAL BILL—(*from Assembly—Hon. J. M. Davies*)—Second reading.
7. MELBOURNE BENEVOLENT ASYLUM SITE SALE BILL—(*from Assembly—Hon. J. M. Davies*)—Second reading.

WEDNESDAY, 5TH OCTOBER.

General Business.

ORDER OF THE DAY:—

1. TIED HOUSES ABOLITION BILL—(*from Assembly—Hon. J. Balfour*)—Second reading.

GEORGE H. JENKINS,
Clerk of the Legislative Council.

PARLIAMENTARY PAPERS ISSUED SINCE 22ND SEPTEMBER, 1904.

Notices of Motion and Orders of the Day. No. 21.

Mines Acts Further Amendment Bill.—(Amendment to be proposed by the Hon. W. L. Baillieu.) (To Members of Council only.)

Numurkah Race-course Bill—[4]. (To Members of Council only.)

Tungamah Race-course Bill—[16]. (To Members of Council only.)

Tied Houses Bill—[34]. (To Members of Council only.)

Closer Settlement Bill—[41]. (To Members of Council only.)

Melbourne Benevolent Asylum Bill—[49]. (To Members of Council only.)

Licensing Bill—[53]. (To Members of Council only.)

Lake Hindmarsh Land Bill—[55]. (To Members of Council only.)

Municipal Endowment Reduction Bill—[68]. (To Members of Council only.)

Dairying Companies Bill—[87]. (To Members of Council only.)

Transfer of Land Bill.—Amendments of the Legislative Assembly. (To Members of Council only.)

Mines Acts Further Amendment Bill—

(New clauses to be proposed by the Hon. J. H. Abbott.) (To Members of Council only.)

(New clause to be proposed by the Hon. J. D. Brown.) (To Members of Council only.)

(Amendments to be proposed by the Hon. J. H. Abbott.) (To Members of Council only.)

Votes and Proceedings of the Legislative Assembly. Nos. 35, 36, and 37.

Notices of Motion and Orders of the Day. No. 37.

Weekly Report of Divisions. No. 9.

Administration and Probate Duties Bill—[85].

Income Tax Bill—[89].

Frankston Lands Bill—[92].

Dunolly Town Hall Land Bill—[93].

Evidence Bill—[94].

Licensing Acts.—(Resolutions to be proposed in Committee by Sir Samuel Gillott.) (To Members only.)

VICTORIA.

No. 23.

MINUTES OF THE PROCEEDINGS
OF THE
LEGISLATIVE COUNCIL.

WEDNESDAY, 28TH SEPTEMBER, 1904.

1. The President took the Chair and read the Prayer.
2. PETITIONS.—The following Petitions, praying that the Council would give effect to the expressed wish of the electors of the State by introducing the Scripture Lessons of the Royal Commission to be taught in the State schools by the teachers, within school hours, to the children of such parents as desire it; and that a complete analysis of the voting on the referendum be made and published, were presented as under :—
 - By the Honorable Dr. W. H. Embling—
From certain residents of the district of Woodend.
From certain residents of the district of Smeaton.
 - By the Honorable J. D. Brown—
From certain residents of the district of Maryborough.
 - By the Honorable R. B. Ritchie—
From certain residents of the district of Harrow, &c.
 - By the Honorable D. E. McBryde—
From certain residents of the district of Bunyip.
 Severally ordered to lie on the Table.
3. MESSAGE FROM THE ASSEMBLY.—The President announced the receipt of the following Message from the Assembly :—

MR. PRESIDENT,

The Legislative Assembly transmit to the Legislative Council a Bill intituled "*An Act to provide for vesting certain Land on the South of the Yarra Yarra River in the Board of Land and Works and the City of Melbourne jointly for the purposes of a Public Park,*" with which they desire the concurrence of the Legislative Council.

FRANK MADDEN,
Speaker.

Legislative Assembly,
Melbourne, 22nd September, 1904.
4. ALEXANDRA PARK BILL.—On the motion of the Honorable A. O. Sachse, the Bill transmitted by the foregoing Message was read a first time, ordered to be printed, and read a second time on Tuesday next.
5. POSTPONEMENT OF ORDER OF THE DAY.—Ordered, That the consideration of the following Order of the Day be postponed until Wednesday, 12th October next :—

Police Offences Act 1890 Amendment Bill—To be committed.
6. MINISTER OF THE CROWN FROM ASSEMBLY.—The Honorable J. M. Davies moved, by leave, That, pursuant to the provisions of section 9 of *The Constitution Act 1903*, the Legislative Council request that the Honorable Donald McLeod, Minister of Mines, will be so good as to attend in the Council Chamber on Tuesday next for the purpose of explaining some of the provisions of the Bill intituled "*An Act to further amend the Mines Acts.*"

Debate ensued.
Motion, by leave, and after debate, withdrawn.
7. MINES ACTS FURTHER AMENDMENT BILL.—The Order of the Day for the resumption of the debate on the question, That this Bill be now read a second time, was read, and, after further debate, the question being put, was resolved in the affirmative.—Bill read a second time, and committed to a Committee of the whole.
House in Committee.

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

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

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

MR. PRESIDENT,

The Legislative Assembly transmit to the Legislative Council a Bill intituled "*An Act to revoke the Permanent Reservation and Crown Grant of certain Land in the Borough of Dunolly,*" with which they desire the concurrence of the Legislative Council.

Legislative Assembly,
Melbourne, 28th September, 1904.

FRANK MADDEN,
Speaker.

9. DUNOLLY LAND RESERVE REVOCATION BILL.—On the motion of the Honorable A. O. Sachse, the Bill transmitted by the foregoing Message was read a first time, ordered to be printed, and read a second time on Tuesday next.

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

MR. PRESIDENT,

The Legislative Assembly transmit to the Legislative Council a Bill intituled "*An Act to revoke the Permanent Reservation of certain pieces or parcels of Land in the Parishes of Frankston and Langwarrin,*" with which they desire the concurrence of the Legislative Council.

Legislative Assembly,
Melbourne, 28th September, 1904.

FRANK MADDEN,
Speaker.

11. FRANKSTON AND LANGWARRIN LAND RESERVE REVOCATION BILL.—On the motion of the Honorable W. Pitt, the Bill transmitted by the foregoing Message was read a first time, ordered to be printed, and read a second time on Tuesday next.

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

MR. PRESIDENT,

The Legislative Assembly transmit to the Legislative Council a Bill intituled "*An Act relating to Duties payable under the Administration and Probate Acts,*" with which they desire the concurrence of the Legislative Council.

Legislative Assembly,
Melbourne, 28th September, 1904.

FRANK MADDEN,
Speaker.

13. ADMINISTRATION AND PROBATE DUTIES BILL.—On the motion of the Honorable J. M. Davies, the Bill transmitted by the foregoing Message was read a first time, ordered to be printed, and read a second time on Tuesday next.

14. REAL PROPERTY BILL.—The Order of the Day for the further consideration in Committee of the whole of the amendments made in this Bill by the Assembly having been read—the President left the Chair.

House in Committee.

The President resumed the Chair; and the Honorable N. FitzGerald reported that the Committee had made progress in the consideration of the amendments made by the Assembly, and that he was directed to move, That the Committee may have leave to sit again.

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

15. POSTPONEMENT OF ORDERS OF THE DAY.—Ordered, That the consideration of the following Orders of the Day be postponed until to-morrow :—

Closer Settlement Bill—Second reading.

Transfer of Land Bill—Message from Assembly—To be taken into consideration.

Foxes Destruction Bill—Second reading.

Mysia Public Park Bill—Second reading.

St. Arnaud Land Reserve Revocation Bill—Second reading.

Instruments Act 1890 further Amendment Bill—Message from Assembly—To be taken into consideration.

And then the Council, at sixteen minutes past ten o'clock, adjourned until to-morrow.

GEORGE H. JENKINS,
Clerk of the Legislative Council.

LEGISLATIVE COUNCIL.

Notices of Motion and Orders of the Day.

No. 22.

THURSDAY, 29TH SEPTEMBER, 1904.

Government Business.

ORDERS OF THE DAY :—

1. REAL PROPERTY BILL—Message from Assembly—To be further considered in Committee.
2. CLOSER SETTLEMENT BILL—(from Assembly—Hon. A. O. Sachse)—Second reading.
3. TRANSFER OF LAND BILL—Message from Assembly—To be taken into consideration.
4. FOXES DESTRUCTION BILL—(from Assembly—Hon. A. O. Sachse)—Second reading.
5. MYSIA PUBLIC PARK BILL—(from Assembly—Hon. W. Pitt)—Second reading.
6. ST. ARNAUD LAND RESERVE REVOCATION BILL—(from Assembly—Hon. A. O. Sachse)—Second reading.
7. INSTRUMENTS ACT 1890 FURTHER AMENDMENT BILL—Message from Assembly—To be taken into consideration.

General Business.

NOTICE OF MOTION :—

1. The Hon. W. J. EVANS : To move, That there be laid before this House a return of the total number of hours worked in excess of those paid for by the locomotive engine-drivers and firemen in their respective depôts during the month of June, 1904 (suburban work excepted.)

TUESDAY, 4TH OCTOBER.

Government Business.

ORDERS OF THE DAY :—

1. MINES ACTS FURTHER AMENDMENT BILL—(from Assembly—Hon. J. M. Davies)—To be further considered in Committee.
2. LAKE HINDMARSH ABORIGINAL SETTLEMENT LAND BILL—(from Assembly—Hon. W. Pitt)—Second reading.
3. DAIRYING COMPANIES ACT 1900 FURTHER AMENDMENT BILL (from Assembly—Hon. A. O. Sachse)—Second reading.
4. TUNGAMAH RACE-COURSE SITE SALE BILL—(from Assembly—Hon. W. Pitt)—Second reading.
5. NUMURKAH RACE-COURSE SITE SALE BILL (from Assembly—Hon. W. Pitt)—Second reading.
6. MUNICIPAL ENDOWMENT REDUCTION BILL—(from Assembly—Hon. W. Pitt)—Second reading.
7. LICENCES RENEWAL BILL—(from Assembly—Hon. J. M. Davies)—Second reading.
8. MELBOURNE BENEVOLENT ASYLUM SITE SALE BILL—(from Assembly—Hon. J. M. Davies)—Second reading.
9. ALEXANDRA PARK BILL—(from Assembly—Hon. A. O. Sachse)—Second reading.
10. DUNOLLY LAND RESERVE REVOCATION BILL—(from Assembly—Hon. A. O. Sachse)—Second reading.
11. FRANKSTON AND LANGWARRIN LAND RESERVE REVOCATION BILL—(from Assembly—Hon. W. Pitt)—Second reading.
12. ADMINISTRATION AND PROBATE DUTIES BILL—(from Assembly—Hon. J. M. Davies)—Second reading.

WEDNESDAY, 5TH OCTOBER.

General Business.

ORDER OF THE DAY :—

1. TIED HOUSES ABOLITION BILL—(from Assembly—Hon. J. Balfour)—Second reading.

WEDNESDAY, 12TH OCTOBER.*General Business.*

ORDER OF THE DAY:—

1. POLICE OFFENCES ACT 1890 AMENDMENT BILL—(*Hon. J. Balfour*)—To be committed.

GEORGE H. JENKINS,
Clerk of the Legislative Council.

PARLIAMENTARY PAPERS ISSUED 28TH SEPTEMBER, 1904.

Notices of Motion and Orders of the Day. No. 22.

Alexandra Park Bill—[26]. (To Members of Council only.)

Administration and Probate Duties Bill—[85]. (To Members of Council only.)

Frankston Lands Bill—[92]. (To Members of Council only.)

Dunolly Town Hall Land Bill—[93]. (To Members of Council only.)

Mines Bill.—(Amendments to be proposed by Hon. W. Manifold in clause 60.) (To Members of Council only.)

Notices of Motion and Orders of the Day. No. 38.

Public Service Fees Bill—[28].

Railways Bill—[71].

Licensing Bill (No. 2)—[76].

Wharfage and Harbors Rate Alteration Bill.—(New clause to be proposed by Mr. Swinburne.) (To Members only.)

VICTORIA.

No. 24.

MINUTES OF THE PROCEEDINGS

OF THE

LEGISLATIVE COUNCIL.

THURSDAY, 29TH SEPTEMBER, 1904.

1. The President took the Chair and read the Prayer.
2. REAL PROPERTY BILL.—The Order of the Day for the further consideration in Committee of the whole of the amendments made in this Bill by the Assembly having been read—the President left the Chair.

House in Committee.

The President resumed the Chair; and the Honorable N. FitzGerald reported that the Committee had further considered the amendments made by the Assembly in this Bill, and had agreed to some of the amendments, disagreed with others, and had agreed to certain of the said amendments with amendments, and had made certain consequential amendments as hereunder set forth:—

Amendment 1 agreed to.

Amendment 2 disagreed with.

Amendments 3 to 5 agreed to.

Amendment 6 disagreed with.

Amendments 7 and 8 agreed to.

Amendments 9 to 16 disagreed with.

Amendment 17 agreed to with the following consequential amendment, viz.:—Before clause 10, insert headline "*Summary Procedure.*"

Amendment 18 agreed to.

Amendment 19 disagreed with.

Amendments 20 to 27 agreed to.

Amendment 28 disagreed with.

Amendment 29 agreed to.

Amendment 30 agreed to with the following amendments, viz.:—Omit "any" and insert "the"; and after "Court" add "or a County Court."

Amendments 31 to 40 agreed to.

Amendment 41 agreed to with the following amendment, viz.:—After "costs" insert "of and."

Amendments 42 to 49 agreed to.

Amendment 50 agreed to, with the following amendment, viz.:—Omit "or his agent duly authorized in writing."

Amendments 51 and 52 agreed to.

Amendment 53 agreed to with the following amendments, viz.:—At end of sub-clause (1) add "and the right or equity of the mortgagor and of all persons claiming through or under him to redeem the said property shall also be extinguished"; in sub-clause (2) omit "effected by instruments of mortgage under that Act."

Amendment 54 agreed to, with the following amendment, viz.:—At end of sub-clause (6) add "or the rent made payable in advance."

- Amendments 55 and 56 agreed to.
 Amendments 57 and 58 disagreed with.
 Amendment 59 agreed to.
 Amendment 60 agreed to with the following consequential amendment, viz.:—Omit from clause 27, page 22, line 14, “by the mortgagor.”
 Amendments 61 to 70 agreed to.
 Amendment 71 agreed to with the following amendment, viz.:—In sub-clause (2) omit “effect” and insert “affect.”
 Amendments 72 and 73 agreed to.
 Amendment 74 agreed to with the following amendment, viz.:—Omit “preceding section” and insert “two preceding sections.”
 Amendment 75 agreed to with the following amendment, viz.:—Omit “two” and insert “three.”
 Amendment 76 agreed to with the following amendments, viz.:—After “testamentary” omit “and” and insert “or”; in the same line omit “any” and insert “all or some”; and after “any part of it” insert “in exoneration of specific requests or any other personalty.”
 Amendments 77 to 79 agreed to.
 Amendments 80 and 81 disagreed with.
 Amendments 82 to 84 agreed to.

The Honorable J. M. Davies moved, That the Report be now adopted.

Question—put and resolved in the affirmative.

Ordered—That the Bill be returned to the Assembly with a Message acquainting them that the Council have agreed to some of the amendments made in this Bill by the Assembly, have disagreed with others, and have agreed to certain of the said amendments with amendments, and have made certain consequential amendments, and desiring the concurrence of the Assembly.

3. FOXES DESTRUCTION BILL.—This Bill was, according to Order, read a second time, and committed to a Committee of the whole.
 House in Committee.
 The President resumed the Chair; and the Honorable N. FitzGerald having reported that the Committee had agreed to the Bill without amendment, the Report was adopted, and the Bill read a third time and passed.
 Ordered—That the Assembly be informed that the Council have agreed to the Bill without amendment.
4. MYSIA PUBLIC PARK BILL.—This Bill was, according to Order, read a second time, and committed to a Committee of the whole.
 House in Committee.
 The President resumed the Chair; and the Honorable N. FitzGerald having reported that the Committee had agreed to the Bill without amendment, the Report was adopted, and the Bill read a third time and passed.
 Ordered—That the Assembly be informed that the Council have agreed to the Bill without amendment.
5. ST. ARNAUD LAND RESERVE REVOCATION BILL.—This Bill was, according to Order, read a second time, and committed to a Committee of the whole.
 House in Committee.
 The President resumed the Chair; and the Honorable N. FitzGerald having reported that the Committee had agreed to the Bill without amendment, the Report was adopted, and the Bill read a third time and passed.
 Ordered—That the Assembly be informed that the Council have agreed to the Bill without amendment.
6. POSTPONEMENT OF ORDERS OF THE DAY.—Ordered, That the consideration of the following Orders of the Day be postponed until Tuesday next:—
Instruments Act 1890 further Amendment Bill—Message from Assembly—To be taken into consideration.
Closer Settlement Bill—Second reading.
7. TRANSFER OF LAND BILL.—The Order of the Day for the consideration of the amendments made in this Bill by the Assembly having been read—the said amendments are as follow:—

A. Where land has been brought under the *Transfer of Land Act 1890* subject to an outstanding legal mortgage under the general law shown as an encumbrance on the certificate of title which brought the land under the Act; if default has been made in payment of the principal or interest moneys secured by such mortgage and such default shall have continued for six months after the time for payment mentioned in such mortgage it shall be lawful for the mortgagee; where there is but one such mortgage or for the first mortgagee if more than one such mortgage; his executors administrators and assigns or other the person who would be entitled to bring an action for foreclosure under the general law; to make application in writing to the Commissioner of Titles for an order for foreclosure (which order he is hereby empowered to make concurrently with the Supreme Court) provided that the right to foreclosure has not theretofore been determined in any contested proceeding in any Court of competent jurisdiction in which

When a mortgage under the general law is an encumbrance on a certificate of title under the *Transfer of Land Act 1890* application for a foreclosure order can be made to the Commissioner of Titles.
 See Act No. 1149 s. 23.

such right to foreclose was in question : and the only inquiry into title shall be as to whether the applicant's estate and interest under or in respect of the said mortgage are such as would have entitled him had he elected so to do to bring an action for foreclosure under the general law by reason of such default as aforesaid ; and unless the Commissioner so directs such inquiry shall not be extended to time or events prior to the date of the certificate of title which brought the land under the Act and on which such mortgage was first shown as an encumbrance.

B. Such application shall state that such default has been made after due notice to pay given and served in manner provided by the said mortgage and has continued for the aforesaid period of six months ; that the land comprised in and to the mortgage has been offered for sale at public auction by a licensed auctioneer after notice of intention to sell given and served in manner provided by the mortgage ; that the amount of the highest bidding at such attempted sale was not sufficient to satisfy the moneys secured by such mortgage together with the expenses occasioned by such attempted sale ; and that after such attempted sale notice in writing of the intention of the applicant to make such application for foreclosure had been served on the mortgagor or his transferees and on every other person appearing by the register book of the Registrar of Titles and on every person appearing by the register book of the Registrar-General respectively to have any right estate or interest to or in the mortgaged land or in the mortgage security registered in such register books respectively subsequent to the date of the certificate of title by which such land was brought under the Act ; and that such notice has been served by being given to such person or sent through the post office by registered letter directed to him at his address appearing in the register book of the Registrar of Titles or the register book of the Registrar-General as the case may be ; such application shall be accompanied by a certificate of the auctioneer by whom such land was put up for sale ; and the statements made in such application shall be verified by statutory declaration. If the applicant's title is a derivative title the applicant must state shortly in a schedule to the application the assignments devolutions or transmissions under which he claims ; and if the applicant has entered into possession under the mortgage the application shall state that fact and the date of such entry.

Facts to be stated in application.

C. The Registrar shall refer any application made as aforesaid to an Examiner of Titles who shall report thereon to the Commissioner of Titles who in dealing with such application may make such requisitions as to title or otherwise as he shall think fit and may in his discretion grant such application altogether or in part ; or may notwithstanding any direction previously given by him as to such application reject the same altogether or in part if the applicant fail to comply with any such requisition to the satisfaction of the Commissioner within such time as to the Commissioner shall seem reasonable.

How application to be dealt with.

D. Upon such application the Commissioner may direct the Registrar of Titles to cause notice to be published once in each of three successive weeks with an interval of not less than five days between each publication ; in at least one newspaper published in the City of Melbourne ; offering such land for private sale and shall appoint a time not less than one month from the date of the first of such advertisements upon or after which the Registrar shall issue to such applicant an order for foreclosure ; unless in the interval a sufficient amount has been obtained by the sale of such land to satisfy the principal and interest moneys secured and all expenses occasioned by such sale and proceedings ; and every such order for foreclosure under the hand of the Registrar when entered in the register book shall have the effect of vesting in the applicant or his executors administrators or assigns the land mentioned in such order free from all right and equity of redemption on the part of the mortgagor or of any person claiming through or under him subsequently to the mortgage ; and such applicant executor administrator or assign shall upon such entry being made be deemed a transferee of the mortgaged land and become the proprietor thereof and be entitled to receive a certificate of title to the same.

Notice of application issue and operation order.

E. Any person claiming any estate or interest in the land or in or under the mortgage security in respect of which any such application shall be made as hereinbefore provided ; may before the granting thereof lodge a caveat with the Registrar of Titles forbidding the granting of the application ; and every such caveat shall in all other respects be in the same form shall be subject to the same provisions and shall have the same effect with respect to the application against which it is lodged as an ordinary caveat against bringing land under the operation of the *Transfer of Land Act 1890*.

Person objecting to application being granted may lodge caveat.

F. Upon granting such application the Commissioner of Titles may grant the same conditioned upon the applicant contributing to the Assurance Fund in augmentation of such fund such a sum of money as the Commissioner shall certify under his hand to be in his judgment a sufficient indemnity by reason of the imperfect nature of the evidence of title adduced in support of the application ; or as against any uncertain or doubtful claim or demand incident to or which may arise upon the title of the applicant ; and any risk to which the Assurance Fund may be exposed by the granting of the application ; and the applicant shall be chargeable with such fees in respect of such application and order as shall be made chargeable under the *Transfer of Land Act 1890*.

Indemnity and fees chargeable in respect of application and order.

G. Neither the right to make nor the making of such application shall deprive the applicant of the right to bring an action for foreclosure under the general law, but he shall not be at liberty to pursue his remedy by such application and his remedy by action for foreclosure concurrently.

Right to bring an action for foreclosure under the general law preserved to the mortgagee.

H. It is hereby enacted that notwithstanding any construction to the contrary that might be put upon sections sixty-nine, seventy, seventy-four and one hundred and fifty-three and other provisions of the *Transfer of Land Act* 1890 a title to an estate of fee-simple in possession of land under that Act can be acquired by possession adverse to or in derogation of the title of the registered proprietor under or by virtue of the statutory provisions as to limitations contained in Part II. of the *Real Property Act* 1890 commonly referred to as the Statute of Limitations, the same as though the land were under the general law; and any person claiming to have acquired a statutory title to land under the Act by such adverse possession may apply to the Supreme Court by action or other proceeding at law or in equity for a declaratory or other judgment declaring the validity of such title, and for an order directing the registered proprietor to duly transfer such land to the applicant; or in the alternative an order vesting such land in the applicant for an estate of fee-simple free from encumbrances; and a direction to the Registrar of Titles to do all such acts as shall be necessary to give effect to such judgment or order.

Title can be acquired to land under the Act, and application made to Supreme Court for certificate.

I. If upon such application; or if in any other action or proceeding at law or in equity whether instituted by a person in adverse possession or by a registered proprietor, in the Supreme Court in which such adverse possession is in question; a title by statutory adverse possession is established to the satisfaction of the Court, the Court or a Judge of the Supreme Court may at its or his discretion and as the circumstances of the case shall require deliver a declaratory or other judgment decree or order declaring the adverse possessor entitled to such land or to some portion thereof for an estate of fee-simple in possession free from any encumbrance appearing upon the existing Crown grant or certificate of title or in the register book affecting such land but determined or extinguished by such adverse possession; and may either order the registered proprietor or some person for him nominated by such Court or Judge for that purpose to execute an instrument of transfer under the Act of such land to the applicant or other the person entitled by such adverse possession for such estate as aforesaid; or make an order vesting such land for such estate in the applicant or the person so entitled as aforesaid; and direct the Registrar of Titles to cancel any original and duplicate Crown grant, certificate of title, instrument entry or memorial in the register book relating to such land so far as the same are inconsistent with the estate created by such vesting order. And to issue to and in the name of the person declared by such Court or Judge to be entitled thereto a certificate of title for such estate and to do all such other acts and things as shall be necessary under the Act to carry out and give effect to such judgment decree or order. And such Court or Judge may make such further or other order and direction as the circumstances of the case may require.

The Court can where adverse possession established order a transfer or make vesting order and direct Registrar to give effect.

K. Any order or direction made by such Court or Judge in any such action or other proceeding as aforesaid may be made subject to and conditioned upon compliance by the party in whose favour it is made with such conditions or requisitions as the circumstances of the case may require and the Court or Judge shall think fit to impose.

The order or direction can be made subject to conditions.

L. The Court or a Judge may in any such action or other proceeding direct any person or persons to be made parties; and notices to be published and served in such form and manner as it or he shall think fit.

The Court or a Judge can direct as to parties and notices.

M. The Registrar upon being served with the judgment decree or order of such Court or Judge; or with an office copy thereof; shall observe and perform the orders and directions therein contained and do all things necessary under the Act to comply with carry out and give effect to the same; and where a vesting order shall have been made by the Court or a Judge or (as hereinafter provided) by the Commissioner of Titles under this amending Act, the Registrar shall make the entries directed to be made by section one hundred and eighty-eight of the *Transfer of Land Act* 1890 in the case of the vesting orders therein mentioned and the making or omission to make such entries shall be attended by the same results as declared by the said section in respect of the vesting orders therein mentioned; and in cancelling any Crown grant certificate of title or other instrument or any memorial or entry in the register book in pursuance thereof the Registrar shall indorse thereon a memorandum stating the circumstances and authority under which such cancellation is made. And any certificate of title issued by him in pursuance of such judgment or decree shall be issued and registered in manner prescribed by section fifty of the *Transfer of Land Act* 1890 and thereupon the person named therein shall become the registered proprietor of the said land within the meaning and for all purposes of the said Act.

The Registrar shall do all necessary acts to give effect to judgment or order.

Such certificate shall be dated the date of such service upon the Registrar and be numbered in the register book according to its date of registration.

N. If the judgment decree or order of the Court in any such action or proceeding as aforesaid; or the vesting order made by the Commissioner under this amending Act affects any other Crown grant or certificate of title and the right estate or interest of the registered proprietor thereof in respect of any registered easement appearing thereon which has been determined or extinguished, altogether or in part, by such judgment decree or order; the Commissioner shall direct the Registrar to cancel such easement to the extent to which it has been so determined or extinguished upon the original of such certificate in the register book and also upon the duplicate certificate when brought to him for that purpose, or when the same shall be lodged in or brought to the office for the purpose of any dealing with the land comprised therein; and the Registrar may call in such duplicate certificate and may detain the duplicate until such cancellation is effected; and refuse to register any dealing with the land or any estate or interest therein until the duplicate shall have been so brought in or lodged.

Registrar may cancel easements on other certificates where necessary.

O. Where the value of the land claimed with all buildings and other improvements thereon does not exceed Two hundred pounds any person claiming to have acquired such adverse possessory title as aforesaid thereto may instead of instituting an action or other proceeding under the preceding sections make application in writing to the Commissioner of Titles to be registered proprietor of, and have a certificate of title issued to him for, the land specified in such application; such application shall be signed by the applicant and the duly authorized attorney of any corporation may make or join in such application for or on behalf of the corporation and may subscribe the application in his own name and make the declarations necessary for the reception of the application to the best of his knowledge and belief.

Where value of land claimed is less than £200 the application can be made to Commissioner of Titles instead of Court.

P. Such application shall set forth particulars of the adverse possession and occupation on which it is based; when and how it commenced; its exclusiveness continuity and duration; and when and what efforts (if any) have been made to find or communicate with the registered proprietor or his legal representative with respect to the purchase occupation or transfer of the said land; also the present value of the land and the present value of the improvements (if any) made by the applicant or those through whom he claims, and now subsisting on the said land; all allegations of fact in such declaration must be verified by statutory declaration.

Contents of application to Commissioner.

Q. The Registrar shall refer such application to an Examiner of Titles who shall report thereon and submit the same to the Commissioner for his direction who shall direct notice of the application to be published in the *Government Gazette* and in two newspapers published in the City of Melbourne in three successive weeks with an interval of not less than five days between each publication; also in at least one issue of a newspaper published and circulating in the neighbourhood of the land; and such notice to be served on any persons named by him; and shall appoint a time not less than four months or more than twelve months from such notice, or from the first of such advertisements, on or after the expiration of which the Registrar may, unless a caveat shall be lodged forbidding the same, cancel the existing title affecting or so far as it affects such land and issue a certificate of title to the applicant as registered proprietor of an estate in fee simple in possession in the said land free from any encumbrance determined or extinguished by such adverse possession.

Registrar refer case to Examiner who shall report to Commissioner, who shall direct notices.

If granting the application will affect land comprised in any other certificate such fact shall be stated in the notice.

R. The Registrar shall under such direction as aforesaid cause notice to be published in such manner as by such direction is prescribed and shall cause a copy of such notice to be posted in a conspicuous place in the Office of Titles and shall send through the post office a registered letter marked outside "Office of Titles" containing a copy of such notice addressed to every person whom the Commissioner shall have directed to be served with notice and to every person appearing by the register book or by the application to have any estate or interest in the land the subject of the application or in the title thereto; such letter in the case of persons appearing upon the register book to be addressed to the address (if any) appearing upon such register, and in other cases to the address supplied by the applicant for that purpose.

Registrar shall serve notices as directed.

S. Any person claiming any estate or interest in the land in respect of which any such application shall be made may before the granting thereof lodge a caveat with the Registrar forbidding the granting of the application and every such caveat shall in all other respects be in the same form; shall be subject to the same provisions and shall have the same effect with respect to the application against which it is lodged as an ordinary caveat against bringing land under the operation of the Act.

Person objecting to application can lodge caveat.

T. The Commissioner of Titles in dealing with any application made under section O of this amending Act may make such requisitions as to the title claimed to have been acquired as he shall think fit and may in his discretion according to the evidence adduced in support thereof grant such application altogether or in part, and in pursuance thereof make a vesting order vesting the land as to which such application has been granted in the applicant or person entitled thereto for an estate of fee simple in possession free from all encumbrances appearing by the register book to affect the existing title which have been determined by such adverse possession or are inconsistent with the estate created by such vesting order: and shall direct the Registrar to cancel the existing Crown grant or certificate of title and any instrument entry or memorial in the register book altogether or to such extent only as shall be necessary to give effect to such vesting order and to issue to the applicant or person entitled to receive the same a new certificate of title for an estate in fee simple in possession in the land comprised in such vesting order free from all encumbrances appearing upon the Crown grant or certificate of title or disclosed by any entry or memorial thereon respectively or in the register book which shall have been determined by such adverse possession and are inconsistent with the title created by such vesting order: Or the Commissioner may in his discretion notwithstanding any direction previously given by him as to such application reject the same altogether or in part if the applicant fail to comply with any such requisition to the satisfaction of the Commissioner within such time as to the Commissioner shall seem reasonable.

The Commissioner may grant or reject the application and give the necessary directions to Registrar.

U. Upon granting any application made under Section O of this amending Act the Commissioner of Titles may grant the same conditioned upon the applicant contributing to the Assurance Fund existing in connexion with the *Transfer of Land Act 1890* in augmentation of such fund such a sum of money as the Commissioner shall certify under his hand to be in his judgment a sufficient indemnity by reason of the imperfect nature of the evidence of title or as against any uncertain or doubtful claim or demand incident to or which may arise upon the title or any risk to which the Assurance Fund may be exposed by the granting of the application.

Commissioner may direct contribution by way of indemnity to Assurance Fund.

V. Where the possessory title proved to the satisfaction of the Commissioner is not based, or is not proved to be based upon a contract of sale by the registered proprietor to the applicant or to any one through whom he claims the Commissioner shall before making a vesting order determine what amount will in his judgment be an equitable compensation to the registered proprietor or the person entitled to be registered as proprietor of the land to be included in such order for the extinguishment of his estate and interest therein; and for that purpose may require the applicant to produce to him such evidence by statutory declaration or otherwise as he shall think necessary to assist him in determining such amount, and it shall be lawful for any person appearing or claiming to be entitled to such compensation to at any time before the registration of such vesting order submit to the Commissioner evidence as to the then value of such estate and interest.

In certain cases applicant can be required to pay moneys by way of compensation to registered proprietor.

W. When the Commissioner of Titles shall have determined the amount of compensation he shall certify to such amount under his hand and the granting of the application in respect of which such compensation has been determined shall be conditioned upon the applicant paying the amount thereof to the person or persons entitled thereto or if such person or persons have not been ascertained or cannot be found or refuse to receive or acknowledge such payment, or if the Commissioner so direct then conditioned upon the applicant paying such amount into the Assurance Fund existing in connexion with the *Transfer of Land Act* 1890 in augmentation of such fund; and no title shall issue or be registered in pursuance of such application until such payment shall have been made.

Commissioner to assess and certify to amount of contribution.

X. When the compensation moneys shall have been paid into the Assurance Fund under the last preceding section any person thereafter claiming to be entitled thereto or to any portion thereof may submit such claim in writing to the Commissioner of Titles supporting the same by statutory declaration and such other evidence as the Commissioner may require, and if the Commissioner admit the claim altogether or in part and certify accordingly to the Attorney-General the Governor in Council may thereupon issue a warrant to the Treasurer for payment of the amount so certified out of the Assurance Fund: Provided nevertheless that no such claim shall lie or be sustained unless made in manner aforesaid within the period of six years from the date of the order granting the application in respect of which such moneys were paid into the Assurance Fund.

How amount of contribution to be obtained by person entitled thereto.

Y. The compensation chargeable under section V shall be chargeable in addition to the indemnity to the Assurance Fund chargeable under section U but shall not exceed ten per cent. of the amount adopted by the Commissioner as the value of the land comprised in the vesting order.

Compensation Moneys chargeable under section V to be chargeable in addition to indemnity chargeable under section U.

Z. The jurisdiction powers and authority by this amending Act expressed to be conferred upon a Court and a Judge shall notwithstanding the equitable jurisdiction and practice conferred on County Courts by Part III. of the *County Court Act* 1890 and by the *Transfer of Land Act* 1903 be exercisable only by the Supreme Court and a Judge of the Supreme Court.

Jurisdiction limited to the Supreme Court.

Title.—At end of title add “and for other purposes.”

On the motion of the Honorable J. M. Davies, the consideration of the foregoing amendments was referred to a Committee of the whole, whereupon the President left the Chair.

House in Committee.

The President resumed the Chair; and the Honorable N. FitzGerald reported that the Committee had made progress in the consideration of the amendments made by the Assembly, and that he was directed to move, That the Committee may have leave to sit again.

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

8. HOURS WORKED BY LOCOMOTIVE ENGINE-DRIVERS AND FIREMEN.—The Honorable W. J. Evans moved, That there be laid before this House a return of the total number of hours worked in excess of those paid for by the locomotive engine-drivers and firemen in their respective depôts during the month of June, 1904 (suburban work excepted).

On the motion of the Honorable J. M. Davies, the debate was adjourned until Tuesday next.

And then the Council, at fifty-two minutes past five o'clock, adjourned until Tuesday next.

GEORGE H. JENKINS,
Clerk of the Legislative Council.

LEGISLATIVE COUNCIL.

Notices of Motion and Orders of the Day.

No. 23.

TUESDAY, 4TH OCTOBER, 1904.

Question.

1. The Hon. A. McLELLAN: To ask the Honorable the Attorney-General if he will lay before this House a copy of the Return recently supplied to the Legislative Assembly containing particulars concerning increase of salaries to railways officers.

Government Business.

ORDERS OF THE DAY:—

1. MINES ACTS FURTHER AMENDMENT BILL—(from Assembly—Hon. J. M. Davies)—To be further considered in Committee.
2. CLOSER SETTLEMENT BILL—(from Assembly—Hon. A. O. Sachse)—Second reading.
3. TRANSFER OF LAND BILL—Message from Assembly—To be further considered in Committee.
4. LAKE HINDMARSH ABORIGINAL SETTLEMENT LAND BILL—(from Assembly—Hon. W. Pitt)—Second reading.
5. DAIRYING COMPANIES ACT 1900 FURTHER AMENDMENT BILL (from Assembly—Hon. A. O. Sachse)—Second reading.
6. TUNGAMAH RACE-COURSE SITE SALE BILL—(from Assembly—Hon. W. Pitt)—Second reading.
7. NUMURKAH RACE-COURSE SITE SALE BILL (from Assembly—Hon. W. Pitt)—Second reading.
8. MUNICIPAL ENDOWMENT REDUCTION BILL—(from Assembly—Hon. W. Pitt)—Second reading.
9. LICENCES RENEWAL BILL—(from Assembly—Hon. J. M. Davies)—Second reading.
10. MELBOURNE BENEVOLENT ASYLUM SITE SALE BILL—(from Assembly—Hon. J. M. Davies)—Second reading.
11. ALEXANDRA PARK BILL—(from Assembly—Hon. A. O. Sachse)—Second reading.
12. DUNOLLY LAND RESERVE REVOCATION BILL—(from Assembly—Hon. A. O. Sachse)—Second reading.
13. FRANKSTON AND LANGWARRIN LAND RESERVE REVOCATION BILL—(from Assembly—Hon. W. Pitt)—Second reading.
14. ADMINISTRATION AND PROBATE DUTIES BILL—(from Assembly—Hon. J. M. Davies)—Second reading.
15. INSTRUMENTS ACT 1890 FURTHER AMENDMENT BILL—Message from Assembly—To be taken into consideration.

General Business.

ORDER OF THE DAY:—

1. HOURS WORKED BY LOCOMOTIVE ENGINE-DRIVERS AND FIREMEN.—The question is—That there be laid before this House a return of the total number of hours worked in excess of those paid for by the locomotive engine-drivers and firemen in their respective depôts during the month of June, 1904 (suburban work excepted.)—Resumption of debate—(Hon. J. M. Davies).

WEDNESDAY, 5TH OCTOBER.

General Business.

ORDER OF THE DAY:—

1. TIED HOUSES ABOLITION BILL—(from Assembly—Hon. J. Balfour)—Second reading.

WEDNESDAY, 12TH OCTOBER.

General Business.

ORDER OF THE DAY:—

1. POLICE OFFENCES ACT 1890 AMENDMENT BILL—(*Hon. J. Balfour*)—To be committed.

GEORGE H. JENKINS,
Clerk of the Legislative Council.

PARLIAMENTARY PAPERS ISSUED 29TH SEPTEMBER, 1904.

Notices of Motion and Orders of the Day. No. 23.

Mines Acts Further Amendment Bill—

(Amendments to be proposed by the Hon. J. M. Davies.) (To Members of Council only.)

(Amendments to be proposed by the Hon. J. Sternberg.) (To Members of Council only.)

(Amendment to be proposed by the Hon. E. Miller.) (To Members of Council only.)

Closer Settlement Bill.—(Amendments to be proposed by the Hon. M. Cussen.) (To Members of Council only.)

VICTORIA.

No. 25.

MINUTES OF THE PROCEEDINGS

OF THE

LEGISLATIVE COUNCIL.

TUESDAY, 4TH OCTOBER, 1904.

1. The President took the Chair and read the Prayer.
2. PETITIONS.—The following Petitions, praying that the Council would give effect to the expressed wish of the electors of the State by introducing the Scripture lessons of the Royal Commission to be taught in the State schools by the teachers, within school hours, to the children of such parents as desire it; and that a complete analysis of the voting on the Referendum be made and published, were presented as under:—

By the Honorable T. C. Harwood—

From certain residents of the district of Geelong.

By the Honorable J. Sternberg—

From certain residents of the district of All Saints pro-Cathedral, Bendigo.

Severally ordered to lie on the Table.

3. MESSAGE FROM HIS EXCELLENCY THE GOVERNOR.—The following Message from His Excellency the Governor was presented by the Honorable J. M. Davies, and the same was read by the Honorable the President:—

R. TALBOT,

Governor of Victoria.

Message No. 5.

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

“*An Act to amend the Juries Acts.*”

“*An Act to revive and continue the Wild Dogs Act 1901.*”

“*An Act to apply out of the Consolidated Revenue the sum of three hundred and eighty-four thousand three hundred and three pounds to the service of the year One thousand nine hundred and four and One thousand nine hundred and five.*”

“*An Act to enable a Shire in certain circumstances to be declared a Borough and for other purposes.*”

“*An Act to authorize the construction of a Line of Rail or Tramway from Welshpool Railway Station to Welshpool.*”

Government Offices,

Melbourne, 27th September, 1904.

4. INCREASE OF SALARIES TO RAILWAYS OFFICERS.—The Honorable A. McLellan moved, That there be laid before this House a copy of the Return recently supplied to the Legislative Assembly containing particulars concerning increase of salaries to railways officers.
Question—put and resolved in the affirmative.

5. PAPERS.—The Honorable J. M. Davies presented—

Increase of Salaries to Railways Officers.—Return to the foregoing Order.

The Honorable J. M. Davies presented, by command of His Excellency the Governor—

Statistical Register of the State of Victoria for the year 1903.—Part IX.—Production.

Treasurers' Conference.—States' Debts, Transferred Properties, Immigration, &c. 5th February to 12th February, 1904.

Severally ordered to lie on the Table.

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

MR. PRESIDENT—

The Legislative Assembly transmit to the Legislative Council a Bill intituled “ *An Act to provide for the Care, Control, and Treatment of Inebriates,*” with which they desire the concurrence of the Legislative Council.

Legislative Assembly,
Melbourne, 28th September, 1904.

FRANK MADDEN,
Speaker.

7. INEBRIATES BILL.—On the motion of the Honorable J. M. Davies, the Bill transmitted by the foregoing Message was read a first time, ordered to be printed, and read a second time to-morrow.

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

MR. PRESIDENT—

The Legislative Assembly transmit to the Legislative Council a Bill intituled “ *An Act to authorize the alteration of the Wharfage and Harbors Rate leviable under the ‘ Marine Act 1890,’*” with which they desire the concurrence of the Legislative Council.

Legislative Assembly,
Melbourne, 28th September, 1904.

FRANK MADDEN,
Speaker.

9. WHARFAGE AND HARBORS RATE ALTERATION BILL.—On the motion of the Honorable W. Pitt, the Bill transmitted by the foregoing Message was read a first time, ordered to be printed, and, after debate, was ordered to be read a second time to-morrow.

10. MINES ACTS FURTHER AMENDMENT BILL.—The Order of the Day for the further consideration of this Bill in Committee of the whole having been read—the President left the Chair.

House in Committee.

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

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

11. LAKE HINDMARSH ABORIGINAL SETTLEMENT LAND BILL.—This Bill was, according to Order, and after debate, read a second time, and committed to a Committee of the whole.

House in Committee.

The President resumed the Chair ; and the Honorable N. FitzGerald having reported that the Committee had agreed to the Bill without amendment, the Report was adopted, and the Bill read a third time and passed.

Ordered—That the Assembly be informed that the Council have agreed to the Bill without amendment.

12. DAIRYING COMPANIES ACT 1900 FURTHER AMENDMENT BILL.—This Bill was, according to Order, read a second time, and committed to a Committee of the whole.

House in Committee.

The President resumed the Chair ; and the Honorable N. FitzGerald having reported that the Committee had agreed to the Bill without amendment, the Report was adopted, and the Bill read a third time and passed.

Ordered—That the Assembly be informed that the Council have agreed to the Bill without amendment.

13. TUNGAMAH RACE-COURSE SITE SALE BILL.—This Bill was, according to Order, read a second time and committed to a Committee of the whole.

House in Committee.

The President resumed the Chair ; and the Honorable N. FitzGerald having reported that the Committee had agreed to the Bill without amendment, the Report was adopted, and the Bill read a third time and passed.

Ordered—That the Assembly be informed that the Council have agreed to the Bill without amendment.

14. NUMURKAH RACE-COURSE SITE SALE BILL.—This Bill was, according to Order, read a second time and committed to a Committee of the whole.

House in Committee.

The President resumed the Chair ; and the Honorable N. FitzGerald having reported that the Committee had agreed to the Bill without amendment, the Report was adopted, and the Bill read a third time and passed.

Ordered—That the Assembly be informed that the Council have agreed to the Bill without amendment.

15. MUNICIPAL ENDOWMENT REDUCTION BILL.—This Bill was, according to Order, read a second time, and committed to a Committee of the whole.
House in Committee.
The President resumed the Chair; and the Honorable N. FitzGerald having reported that the Committee had agreed to the Bill without amendment, the Report was adopted, and the Bill read a third time and passed.
Ordered—That the Assembly be informed that the Council have agreed to the Bill without amendment.
16. LICENCES RENEWAL BILL.—This Bill was, according to Order, and after debate, read a second time and committed to a Committee of the whole.
House in Committee.
The President resumed the Chair; and the Honorable N. FitzGerald reported that the Committee had made progress in the Bill, and that he was directed to move, That the Committee may have leave to sit again.
Resolved—That the Council will, to-morrow, again resolve itself into the said Committee.
17. MELBOURNE BENEVOLENT ASYLUM SITE SALE BILL.—This Bill was, according to Order, read a second time, and committed to a Committee of the whole.
House in Committee.
The President resumed the Chair; and the Honorable N. FitzGerald having reported that the Committee had agreed to the Bill with an amendment, the House ordered the Report to be taken into consideration this day, whereupon the House adopted the Report, and the Bill was read a third time and passed.
Ordered—That the Bill be returned to the Assembly with a Message acquainting them that the Council have agreed to the same with an amendment, and requesting their concurrence therein.
18. DUNOLLY LAND RESERVE REVOCATION BILL.—This Bill was, according to Order, read a second time, and committed to a Committee of the whole.
House in Committee.
The President resumed the Chair; and the Honorable N. FitzGerald having reported that the Committee had agreed to the Bill without amendment, the Report was adopted, and the Bill read a third time and passed.
Ordered—That the Assembly be informed that the Council have agreed to the Bill without amendment.
19. FRANKSTON AND LANGWARRIN LAND RESERVE REVOCATION BILL.—This Bill was, according to Order, read a second time, and committed to a Committee of the whole.
House in Committee.
The President resumed the Chair; and the Honorable N. FitzGerald having reported that the Committee had agreed to the Bill without amendment, the Report was adopted, and the Bill read a third time and passed.
Ordered—That the Assembly be informed that the Council have agreed to the Bill without amendment.
20. POSTPONEMENT OF ORDERS OF THE DAY.—Ordered, That the consideration of the following Orders of the Day be postponed until to-morrow :—
Closer Settlement Bill—Second Reading.
Transfer of Land Bill—Message from Assembly—To be further considered in Committee.
Alexandra Park Bill—Second Reading.
Administration and Probate Duties Bill—Second Reading.
Instruments Act 1890 Further Amendment Bill—Message from Assembly—To be taken into consideration.
Hours worked by Locomotive Engine-drivers and Firemen.—The question is—That there be laid before this House a return of the total number of hours worked in excess of those paid for by the locomotive engine-drivers and firemen in their respective depots during the month of June, 1904 (suburban work excepted)—Resumption of debate.

And then the Council, at twenty-six minutes past ten o'clock, adjourned until to-morrow.

GEORGE H. JENKINS,
Clerk of the Legislative Council.

LEGISLATIVE COUNCIL.

Notices of Motion and Orders of the Day.

No. 24.

WEDNESDAY, 5TH OCTOBER, 1904.

Question.

1. The Hon R. B. RITCHIE: To ask the Honorable the Attorney-General what arrears of rent are owing by the settlers under the present Closer Settlement Act.

General Business.

ORDERS OF THE DAY:—

1. TIED HOUSES ABOLITION BILL—(from Assembly—Hon. J. Balfour)—Second reading.
2. HOURS WORKED BY LOCOMOTIVE ENGINE-DRIVERS AND FIREMEN.—The question is—That there be laid before this House a return of the total number of hours worked in excess of those paid for by the locomotive engine-drivers and firemen in their respective depôts during the month of June, 1904 (suburban work excepted.)—Resumption of debate—(Hon. J. M. Davies).

Government Business.

ORDERS OF THE DAY:—

1. MINES ACTS FURTHER AMENDMENT BILL—(from Assembly—Hon. J. M. Davies)—To be further considered in Committee.
2. CLOSER SETTLEMENT BILL—(from Assembly—Hon. A. O. Sachse)—Second reading.
3. TRANSFER OF LAND BILL—Message from Assembly—To be further considered in Committee.
4. LICENCES RENEWAL BILL—(from Assembly—Hon. J. M. Davies)—To be further considered in Committee.
5. INEBRIATES BILL—(from Assembly—Hon. J. M. Davies)—Second reading.
6. WHARFAGE AND HARBORS RATE ALTERATION BILL—(from Assembly—Hon. W. Pitt)—Second reading.
7. ALEXANDRA PARK BILL—(from Assembly—Hon. A. O. Sachse)—Second reading.
8. ADMINISTRATION AND PROBATE DUTIES BILL—(from Assembly—Hon. J. M. Davies)—Second reading.
9. INSTRUMENTS ACT 1890 FURTHER AMENDMENT BILL—Message from Assembly—To be taken into consideration.

WEDNESDAY, 12TH OCTOBER.

General Business.

ORDER OF THE DAY:—

1. POLICE OFFENCES ACT 1890 AMENDMENT BILL—(Hon. J. Balfour)—To be committed.

GEORGE H. JENKINS,
Clerk of the Legislative Council.

PARLIAMENTARY PAPERS ISSUED SINCE 29TH SEPTEMBER, 1904.

Notices of Motion and Orders of the Day. No. 24.

Mines Acts Further Amendment Bill—

(Amendments to be proposed by the Hon. J. H. Abbott in substitution for those previously circulated.) (To Members of Council only.)

(Amendments to be proposed by the Hon. W. L. Baillieu.) (To Members of Council only.)

(Amendments to be proposed by the Hon. J. D. Brown.) (To Members of Council only.)

(Amendments to be proposed by the Hon. Sir H. Cuthbert.) (To Members of Council only.)

(Amendment to be proposed by the Hon. J. Y. McDonald.) (To Members of Council only.)

(Amendments to be proposed by the Hon. J. Sternberg in substitution for those previously circulated.) (To Members of Council only.)

(New Clause to be proposed by the Hon. J. D. Brown, to be substituted for Amendment previously circulated.) (To Members of Council only.)

(New Clauses to be proposed by the Hon. J. Sternberg.) (To Members of Council only.)

Melbourne Benevolent Asylum Bill.—(To be proposed by Hon. J. M. Davies.) (To Members of Council only.)

Inebriates Bill—[52]. (To Members of Council only.)

Wharfage and Harbors Rate Alteration Bill—[90]. (To Members of Council only.)

Votes and Proceedings of the Legislative Assembly. Nos. 38 and 39.

Notices of Motion and Orders of the Day. No. 39.

Stock Feeds Bill—[64].

Gunbower Island Land Bill—[74].

Artificial Manures Bill.—[97].

Water Bill.—(Amendments and New Clauses to be proposed in Committee by the Minister of Water Supply.) (To Members only.)

Widows Maintenance Bill.—(Amendments and New Clauses to be proposed in Committee by Mr Mackinnon.) (To Members only.)

Hackney Carriages Law Amendment Bill.—(Amendments and New Clauses to be proposed in Committee by Mr. Bromley.) (To Members only.)

VICTORIA.

No. 26.

MINUTES OF THE PROCEEDINGS
OF THE
LEGISLATIVE COUNCIL.

WEDNESDAY, 5TH OCTOBER, 1904.

1. The President took the Chair and read the Prayer.
2. PETITION.—The Honorable Sir H. Cuthbert presented a Petition from certain licensed victuallers of Ballarat and Ballarat East, praying that the Council would not pass the Bill to abolish Tied Houses into law as it now stands.
Petition read and ordered to lie on the Table.
3. TIED HOUSES ABOLITION BILL.—The Order of the day for the second reading of this Bill having been read—The Honorable J. Balfour moved, That this Bill be now read a second time.
Debate ensued.
Question—put.
The Council divided.

Ayes, 5.

The Hon. J. Balfour
J. M. Davies
W. J. Evans.

Tellers.

W. H. Edgar
D. Melville.

Noes, 21.

The Hon. J. H. Abbott
W. L. Baillieu
J. D. Brown
W. Cain
E. J. Croke
Sir H. Cuthbert
N. FitzGerald
T. C. Harwood
W. Little
T. Luxton
Walter S. Manifold
J. Y. McDonald
E. Miller
T. H. Payne
W. Pitt
R. B. Ritchie
A. O. Sachse
J. Sternberg
F. Stuart.

Tellers.

Dr. W. H. Embling
W. Pearson.

And so it passed in the negative.

4. HOURS WORKED BY LOCOMOTIVE ENGINE-DRIVERS AND FIREMEN.—The Order of the Day for the resumption of the debate on the question—That there be laid before this House a return of the total number of hours worked in excess of those paid for by the locomotive engine-drivers and firemen in their respective depôts during the month of June, 1904 (suburban work excepted)—having been read—
Debate resumed.
Question—put and negatived.

5. MINES ACTS FURTHER AMENDMENT BILL.—The Order of the Day for the further consideration of this Bill in Committee of the whole having been read—the President left the Chair.

House in Committee.

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

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

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

MR. PRESIDENT,

The Legislative Assembly return to the Legislative Council the Bill intituled “ *An Act to enable the Melbourne Benevolent Asylum Corporation to Sell the Site of the Asylum in the Town of North Melbourne and for other purposes,*” and acquaint the Legislative Council that the Legislative Assembly have agreed to the amendment made in such Bill by the Legislative Council.

FRANK MADDEN,
Speaker.

Legislative Assembly,
Melbourne, 5th October, 1904.

7. POSTPONEMENT OF ORDERS OF THE DAY.—Ordered, That the consideration of the following Orders of the Day be postponed until to-morrow.

Closer Settlement Bill—Second reading.

Transfer of Land Bill—Message from Assembly—To be further considered in Committee.

Licences Renewal Bill—To be further considered in Committee.

Inebriates Bill—Second reading.

Wharfage and Harbors Rate Alteration Bill—Second reading.

Alexandra Park Bill—Second reading.

Administration and Probate Duties Bill—Second reading.

Instruments Act 1890 further Amendment Bill—Message from Assembly—To be taken into consideration.

And then the Council, at seventeen minutes past ten o'clock, adjourned until to-morrow.

GEORGE H. JENKINS,
Clerk of the Legislative Council.

LEGISLATIVE COUNCIL.

Notices of Motion and Orders of the Day.

No. 25.

THURSDAY, 6TH OCTOBER, 1904.

Government Business.

ORDERS OF THE DAY:—

1. MINES ACTS FURTHER AMENDMENT BILL—(from Assembly—Hon. J. M. Davies)—To be further considered in Committee.
2. CLOSER SETTLEMENT BILL—(from Assembly—Hon. A. O. Sachse)—Second reading.
3. TRANSFER OF LAND BILL—Message from Assembly—To be further considered in Committee.
4. LICENCES RENEWAL BILL—(from Assembly—Hon. J. M. Davies)—To be further considered in Committee.
5. INEBRIATES BILL—(from Assembly—Hon. J. M. Davies)—Second reading.
6. WHARFAGE AND HARBORS RATE ALTERATION BILL—(from Assembly—Hon. W. Pitt)—Second reading.
7. ALEXANDRA PARK BILL—(from Assembly—Hon. A. O. Sachse)—Second reading.
8. ADMINISTRATION AND PROBATE DUTIES BILL—(from Assembly—Hon. J. M. Davies)—Second reading.
9. INSTRUMENTS ACT 1890 FURTHER AMENDMENT BILL—Message from Assembly—To be taken into consideration.

TUESDAY, 11TH OCTOBER.

Question.

1. The Hon. WALTER S. MANIFOLD: To ask the Honorable the Attorney-General—
 - (1) Whether, in the event of this House passing the Wharfage and Harbors Rate Alteration Bill in its present form, it is the intention of the Government to advise the Governor in Council to proclaim under the *Marine Act 1890* Wharfage and Harbor rates similar to those lately adopted by the Melbourne Harbor Trust for the Port of Melbourne.
 - (2) Is it the intention of the Government to collect those rates on all privately-owned goods landed in Victoria elsewhere than in the Port of Melbourne.

General Business.

NOTICE OF MOTION:—

1. The Hon. WALTER S. MANIFOLD: To move, That there be laid before this House a return showing —
 - (1) The rates lately adopted by the Melbourne Harbor Trust for the Port of Melbourne.
 - (2) The sums such rates would yield at each port or place of landing in the State other than Melbourne, differentiating between goods from any port in the Commonwealth and goods from elsewhere, and the cost of collecting same at each port.
 - (3) To what extent the goods from each Victorian port will be penalized on being landed in the Port of Melbourne.
 - (4) What loss would be caused to the revenue were no wharfage rates to be collected at ports in Victoria other than Melbourne on goods landed from any part of the Commonwealth.

WEDNESDAY, 12TH OCTOBER.

General Business.

ORDER OF THE DAY:—

1. POLICE OFFENCES ACT 1890 AMENDMENT BILL—(*Hon. J. Balfour*)—To be committed.

GEORGE H. JENKINS,
Clerk of the Legislative Council.

PARLIAMENTARY PAPERS ISSUED 5TH OCTOBER, 1904.

Notices of Motion and Orders of the Day. No. 25.

Wharfage and Harbors Rate Alteration Bill.—(Notice of Motion to be proposed by the Hon. Walter S. Manifold in Committee on the Bill.) (To Members of Council only.)

Notices of Motion and Orders of the Day. No. 40.

Coal and Firewood Bill—[65].

Municipalities Reclassification Bill—[88].

VICTORIA.

No. 27.

MINUTES OF THE PROCEEDINGS
OF THE
LEGISLATIVE COUNCIL.

THURSDAY, 6TH OCTOBER, 1904.

1. The President took the Chair and read the Prayer.
2. PETITION.—The Honorable T. C. Harwood presented a Petition from certain residents of the district of Beeac praying that the Council would give effect to the expressed wish of the electors of the State by introducing the Scripture lessons of the Royal Commission, to be taught in the State schools by the teachers, within school hours, to the children of such parents as desire it, and that a complete analysis of the voting on the Referendum be made and published.
Ordered to lie on the Table.
3. MINES ACTS FURTHER AMENDMENT BILL.—The Order of the Day for the further consideration of this Bill in Committee of the whole having been read—the President left the Chair.
House in Committee.
The President resumed the Chair; and the Honorable N. FitzGerald reported that the Committee had agreed to the Bill with amendments.
Ordered—That the Bill as amended be printed, and taken into consideration on Tuesday next.
4. POSTPONEMENT OF ORDERS OF THE DAY.—Ordered, That the consideration of the following Orders of the Day be postponed until Tuesday next:—
 - Closer Settlement Bill—Second reading.*
 - Transfer of Land Bill—Message from Assembly—To be further considered in Committee.*
 - Licences Renewal Bill—To be further considered in Committee.*
 - Inebriates Bill—Second reading.*
 - Wharfage and Harbors Rate Alteration Bill—Second reading.*
 - Alexandra Park Bill—Second reading.*
 - Administration and Probate Duties Bill—Second reading.*
 - Instruments Act 1890 further Amendment Bill—Message from Assembly—To be taken into consideration.*

And then the Council, at thirty-five minutes past ten o'clock, adjourned until Tuesday next.

GEORGE H. JENKINS,
Clerk of the Legislative Council.

LEGISLATIVE COUNCIL.

Notices of Motion and Orders of the Day.

No. 26.

TUESDAY, 11TH OCTOBER, 1904.

Question.

1. The Hon. WALTER S. MANIFOLD : To ask the Honorable the Attorney-General—

- (1) Whether, in the event of this House passing the Wharfage and Harbors Rate Alteration Bill in its present form, it is the intention of the Government to advise the Governor in Council to proclaim under the *Marine Act 1890* Wharfage and Harbor rates similar to those lately adopted by the Melbourne Harbor Trust for the Port of Melbourne.
- (2) Is it the intention of the Government to collect those rates on all privately-owned goods landed in Victoria elsewhere than in the Port of Melbourne.

Government Business.

ORDERS OF THE DAY :—

1. MINES ACTS FURTHER AMENDMENT BILL—(from Assembly—Hon. J. M. Davies)—Consideration of Report.
2. CLOSER SETTLEMENT BILL—(from Assembly—Hon. A. O. Sachse)—Second reading.
3. TRANSFER OF LAND BILL—Message from Assembly—To be further considered in Committee.
4. LICENCES RENEWAL BILL—(from Assembly—Hon. J. M. Davies)—To be further considered in Committee.
5. INEBRIATES BILL—(from Assembly—Hon. J. M. Davies)—Second reading.
6. WHARFAGE AND HARBORS RATE ALTERATION BILL—(from Assembly—Hon. W. Pitt)—Second reading.
7. ALEXANDRA PARK BILL—(from Assembly—Hon. A. O. Sachse)—Second reading.
8. ADMINISTRATION AND PROBATE DUTIES BILL—(from Assembly—Hon. J. M. Davies)—Second reading.
9. INSTRUMENTS ACT 1890 FURTHER AMENDMENT BILL—Message from Assembly—To be taken into consideration.

General Business.

NOTICE OF MOTION :—

1. The Hon. WALTER S. MANIFOLD : To move, That there be laid before this House a return showing —
 - (1) The rates lately adopted by the Melbourne Harbor Trust for the Port of Melbourne.
 - (2) The sums such rates would yield at each port or place of landing in the State other than Melbourne, differentiating between goods from any port in the Commonwealth and goods from elsewhere, and the cost of collecting same at each port.
 - (3) To what extent the goods from each Victorian port will be penalized on being landed in the Port of Melbourne.
 - (4) What loss would be caused to the revenue were no wharfage rates to be collected at ports in Victoria other than Melbourne on goods landed from any part of the Commonwealth.

WEDNESDAY, 12TH OCTOBER.

General Business.

ORDER OF THE DAY:—

1. POLICE OFFENCES ACT 1890 AMENDMENT BILL—(*Hon. J. Balfour*)—To be committed.GEORGE H. JENKINS,
Clerk of the Legislative Council.

PARLIAMENTARY PAPERS ISSUED 6TH OCTOBER, 1904.

Notices of Motion and Orders of the Day. No. 26.

Notices of Motion and Orders of the Day. No. 41.
Country Tramways Trust Fund Bill—[98].

VICTORIA.

No. 28.

MINUTES OF THE PROCEEDINGS
OF THE
LEGISLATIVE COUNCIL.

TUESDAY, 11TH OCTOBER, 1904.

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

2. STANDING ORDERS COMMITTEE.—The Honorable J. M. Davies brought up a Report from this Committee, which was read by the Clerk, and is as follows :—

The Select Committee of the Legislative Council on Standing Orders have the honour to report that they have considered the question involved in section 9 of *The Constitution Act 1903*, by which power is given to Ministers to speak in either House, and have agreed to the following resolution, and recommend that the same be adopted as a Joint Standing Order :—

“ Any responsible Minister of the Crown who, under the provisions of section nine of *The Constitution Act 1903*, may sit in the House of Parliament of which he is not a member, shall while doing so be subject to the Standing Orders of that House and to the law and practice of Parliament which is applicable to it.”

The Honorable J. M. Davies moved, That the Report be now taken into consideration.

Question—put and resolved in the affirmative.

The Honorable J. M. Davies moved, That the resolution agreed to by the Standing Orders Committee be adopted as a Joint Standing Order.

Question—put and resolved in the affirmative.

Ordered—That the said Joint Standing Order be transmitted to the Assembly, with a Message requesting their concurrence therein.

3. PETITIONS.—The following Petitions, praying that the Council would give effect to the expressed wish of the electors of the State by introducing the Scripture Lessons of the Royal Commission to be taught in the State schools by the teachers, within school hours, to the children of such parents as desire it ; and that a complete analysis of the voting on the referendum be made and published, were presented as under :—

By the Honorable T. C. Harwood—

From certain residents of the district of Geelong.

By the Honorable D. E. McBryde—

From certain residents of the districts of Ringwood, Warrandyte, and Bayswater.

By the Honorable T. Luxton—

From certain residents of the district of South Melbourne.

Severally ordered to lie on the Table.

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

MR. PRESIDENT,

The Legislative Assembly transmit to the Legislative Council a Bill intituled “ *An Act to provide for the Revocation of the Permanent Reservation of certain Land at Gunbower Island*,” with which they desire the concurrence of the Legislative Council.

FRANK MADDEN,
Speaker.

Legislative Assembly,
Melbourne, 6th October, 1904.

5. GUNBOWER ISLAND LAND RESERVE REVOCATION BILL.—On the motion of the Honorable A. O. Sachse, the Bill transmitted by the foregoing Message was read a first time, ordered to be printed, and read a second time to-morrow.

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

MR. PRESIDENT,

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

Legislative Assembly,
Melbourne, 6th October, 1904.

FRANK MADDEN,
Speaker.

7. ARTIFICIAL MANURE BILL.—On the motion of the Honorable W. Pitt, the Bill transmitted by the foregoing Message was read a first time, ordered to be printed, and read a second time on Tuesday next.

8. PAPERS.—The following Papers, pursuant to the directions of several Acts of Parliament, were laid upon the Table by the Clerk :—

Education Act No. 1086.—Regulations.
Supreme Court Act 1895, No. 1392.—Remuneration to Bailiffs.

9. MINES ACT FURTHER AMENDMENT BILL.—The Order of the Day for the consideration of the Report from the Committee of the whole having been read, on the motion of the Hon. J. M. Davies the said Order was discharged.

Ordered—That the Bill be recommitted to a Committee of the whole for the reconsideration of clauses 18, 19, 27, 37, and 60, and the consideration of a proposed new clause.

House in Committee.

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

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

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

MR. PRESIDENT;

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

Legislative Assembly,
Melbourne, 11th October, 1904.

FRANK MADDEN,
Speaker.

11. CONSOLIDATED REVENUE BILL (No. 4).—On the motion of the Honorable J. M. Davies, the Bill transmitted by the foregoing Message was read a first time and ordered to be printed and, by leave, was, after debate, read a second time, and committed to a Committee of the whole.

House in Committee.

The President resumed the Chair; and the Honorable N. FitzGerald having reported that the Committee had agreed to the Bill without amendment, the Report was adopted, and the Bill read a third time and passed.

Ordered—That the Assembly be informed that the Council have agreed to the Bill without amendment.

12. POSTPONEMENT OF ORDERS OF THE DAY.—Ordered, That the consideration of the following Orders of the Day be postponed until to-morrow :—

Closer Settlement Bill—Second reading.

Transfer of Land Bill—Message from Assembly—To be further considered in Committee.

Licences Renewal Bill—To be further considered in Committee.

Inebriates Bill—Second reading.

Wharfage and Harbors Rate Alteration Bill—Second reading.

Alexandra Park Bill—Second reading.

Administration and Probate Duties Bill—Second reading.

Instruments Act 1890 further Amendment Bill—Message from Assembly—To be taken into consideration.

And then the Council, at five minutes past ten o'clock, adjourned until to-morrow.

GEORGE H. JENKINS,
Clerk of the Legislative Council.

LEGISLATIVE COUNCIL.

Notices of Motion and Orders of the Day.

No. 27.

WEDNESDAY, 12TH OCTOBER, 1904.

Question.

1. The Hon. W. J. EVANS: To ask the Honorable the Attorney-General—

(1) If his attention has been directed to the following paragraph in the *Age* newspaper of the 10th instant, viz.:—

“Complaints have been frequently made of ‘sweating’ in the Railway Department, and an illustration of the objectionable practice has just been reported in Ballarat. Early on Friday morning an assistant engine was attached to the Adelaide express to Melbourne, and when the city was reached it was decided to send the assisting locomotive back with a goods train in charge of the same driver and fireman. On the return journey the train was delayed at the various stations in shunting. The unfortunate men in charge of the train did not return to Ballarat until 8.30 on Saturday morning, and were thus 25 hours on duty”; and

(2) If such statement is correct.

General Business.

NOTICE OF MOTION:—

1. The Hon. WALTER S. MANIFOLD: To move, That there be laid before this House a return showing—

- (1) The rates lately adopted by the Melbourne Harbor Trust for the Port of Melbourne.
- (2) The sums such rates would yield at each port or place of landing in the State other than Melbourne, differentiating between goods from any port in the Commonwealth and goods from elsewhere, and the cost of collecting same at each port.
- (3) To what extent the goods from each Victorian port will be penalized on being landed in the Port of Melbourne.
- (4) What loss would be caused to the revenue were no wharfage rates to be collected at ports in Victoria other than Melbourne on goods landed from any part of the Commonwealth.

ORDER OF THE DAY:—

1. POLICE OFFENCES ACT 1890 AMENDMENT BILL—(*Hon. J. Balfour*)—To be committed.

Government Business.

ORDERS OF THE DAY:—

1. MINES ACTS FURTHER AMENDMENT BILL—(*from Assembly—Hon. J. M. Davies*)—To be further considered in Committee.
2. CLOSER SETTLEMENT BILL—(*from Assembly—Hon. A. O. Sachse*)—Second reading.
3. TRANSFER OF LAND BILL—Message from Assembly—To be further considered in Committee.
4. LICENCES RENEWAL BILL—(*from Assembly—Hon. J. M. Davies*)—To be further considered in Committee.
5. INEBRIATES BILL—(*from Assembly—Hon. J. M. Davies*)—Second reading.
6. WHARFAGE AND HARBORS RATE ALTERATION BILL—(*from Assembly—Hon. W. Pitt*)—Second reading.
7. ALEXANDRA PARK BILL—(*from Assembly—Hon. A. O. Sachse*)—Second reading.
8. ADMINISTRATION AND PROBATE DUTIES BILL—(*from Assembly—Hon. J. M. Davies*)—Second reading.
9. INSTRUMENTS ACT 1890 FURTHER AMENDMENT BILL—Message from Assembly—To be taken into consideration.
10. GUNBOWER ISLAND LAND RESERVE REVOCATION BILL—(*from Assembly—Hon. A. O. Sachse*)—Second reading.

TUESDAY, 18TH OCTOBER.

Government Business.

ORDER OF THE DAY:—

1. ARTIFICIAL MANURE BILL—(*from Assembly—Hon. W. Pitt*)—Second reading.

GEORGE H. JENKINS,
Clerk of the Legislative Council.

PARLIAMENTARY PAPERS ISSUED SINCE 6TH OCTOBER, 1904.

Notices of Motion and Orders of the Day. No. 27.

Mines Bill—[2]. (To Members of Council only.)

Gunbower Island Land Bill—[74]. (To Members of Council only.)

Artificial Manures Bill—[97]. (To Members of Council only.)

Mines Acts Further Amendment Bill.—(Amendment to be proposed by the Hon. M. Cussen.) (To Members of Council only.)

Votes and Proceedings of the Legislative Assembly. Nos. 40, 41, and 42.

Notices of Motion and Orders of the Day. No. 42.

Teachers Bill—[67].

Melbourne Harbor Trust Bill—[86].

University Bill—[91].

St. Kilda and Brighton Electric Street Railway Bill—[102].

New Licensing Bill.—Licence-fees paid 1903, &c. (To Members only.)

Statement showing approximately the Proposed Operation of the New Licensing Bill. (To Members only.)

VICTORIA.

No. 29.

MINUTES OF THE PROCEEDINGS OF THE LEGISLATIVE COUNCIL.

WEDNESDAY, 12TH OCTOBER, 1904.

- 1. The President took the Chair and read the Prayer.
2. WHARFAGE RATES.—The Honorable Walter S. Manifold moved, That there be laid before this House a return showing—
(1) The rates lately adopted by the Melbourne Harbor Trust for the Port of Melbourne.
(2) The sums such rates would yield at each port or place of landing in the State other than Melbourne, differentiating between goods from any port in the Commonwealth and goods from elsewhere, and the cost of collecting same at each port.
(3) To what extent the goods from each Victorian port will be penalized on being landed in the Port of Melbourne.
(4) What loss would be caused to the revenue were no wharfage rates to be collected at ports in Victoria other than Melbourne on goods landed from any part of the Commonwealth.

Question—put and resolved in the affirmative.

- 3. POSTPONEMENT OF ORDER OF THE DAY.—Ordered, That the consideration of the following Order of the Day be postponed until Wednesday, 26th instant :—
Police Offences Act 1890 Amendment Bill—To be committed.

- 4. MINES ACTS FURTHER AMENDMENT BILL.—The Order of the Day for the further consideration of this Bill in Committee of the whole having been read—the President left the Chair.

House in Committee. The President resumed the Chair; and the Honorable N. FitzGerald having reported that the Committee had agreed to the Bill with further amendments, the House ordered the Report to be taken into consideration this day, whereupon the House adopted the Report, and the Bill was read a third time and passed.

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

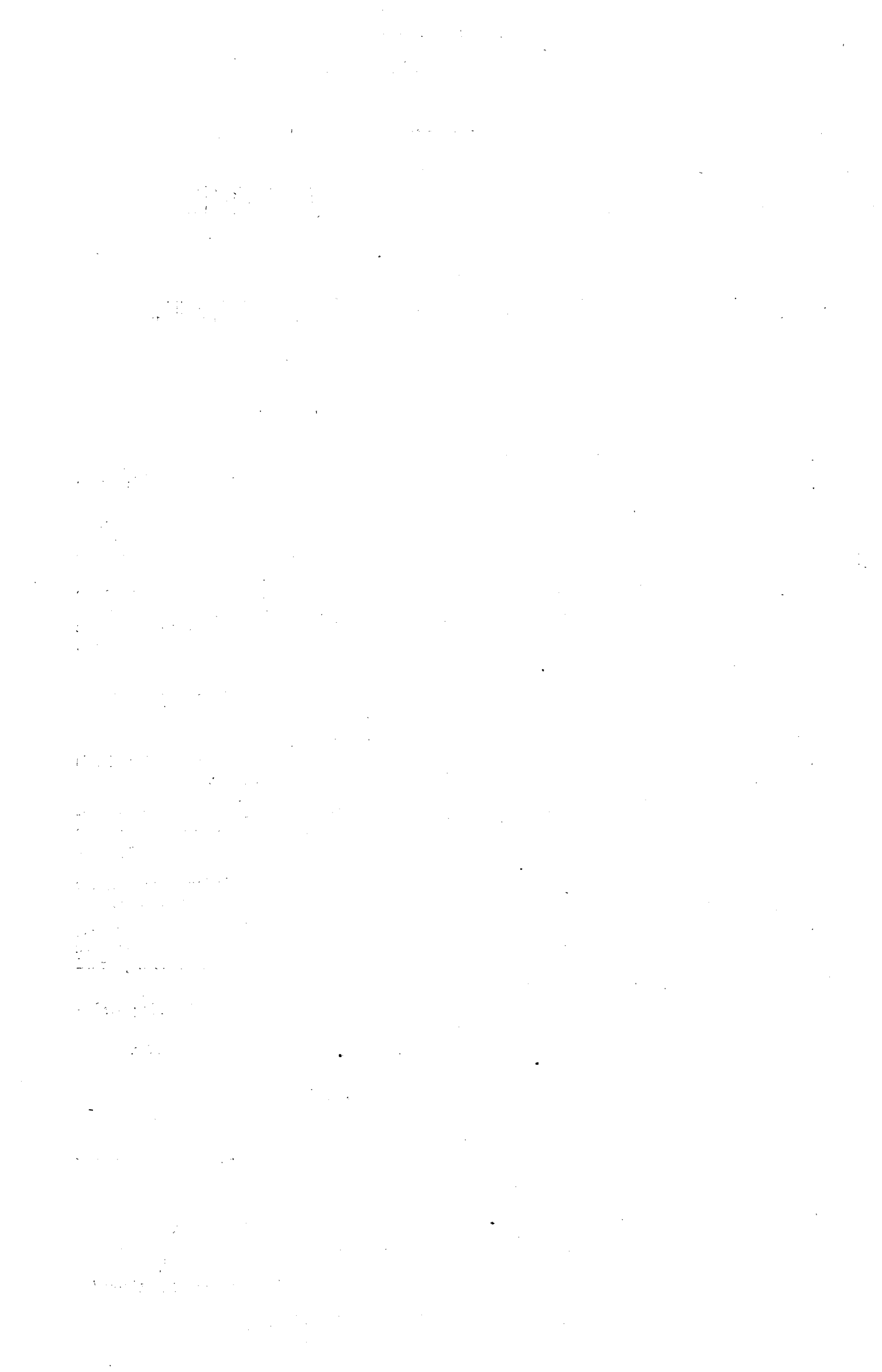
- 5. CLOSER SETTLEMENT BILL.—The Order of the Day for the second reading of this Bill having been read, the Honorable A. O. Sachse moved, That this Bill be now read a second time, and debate arising thereupon, it was ordered, on the motion of the Hon. D. Melville, that the debate be adjourned until Tuesday next.

- 6. POSTPONEMENT OF ORDERS OF THE DAY.—Ordered, That the consideration of the following Orders of the Day be postponed until to-morrow :—

- Transfer of Land Bill—Message from Assembly—To be further considered in Committee.
Licences Renewal Bill—To be further considered in Committee.
Inebriates Bill—Second reading.
Wharfage and Harbors Rate Alteration Bill—Second reading.
Alexandra Park Bill—Second reading.
Administration and Probate Duties Bill—Second reading.
Instruments Act 1890 further Amendment Bill—Message from Assembly—To be taken into consideration.
Gunbower Island Land Reserve Revocation Bill—Second reading.

And then the Council, at thirty-three minutes past ten o'clock, adjourned until to-morrow.

GEORGE H. JENKINS, Clerk of the Legislative Council.



LEGISLATIVE COUNCIL.

Notices of Motion and Orders of the Day.

No. 28.

THURSDAY, 13TH OCTOBER, 1904.

Government Business.

ORDERS OF THE DAY:—

1. TRANSFER OF LAND BILL—Message from Assembly—To be further considered in Committee.
2. INEBRIATES BILL—(from Assembly—Hon. J. M. Davies)—Second reading.
3. WHARFAGE AND HARBORS RATE ALTERATION BILL—(from Assembly—Hon. W. Pitt)—Second reading.
4. ALEXANDRA PARK BILL—(from Assembly—Hon. A. O. Sachse)—Second reading.
5. ADMINISTRATION AND PROBATE DUTIES BILL—(from Assembly—Hon. J. M. Davies)—Second reading.
6. INSTRUMENTS ACT 1890 FURTHER AMENDMENT BILL—Message from Assembly—To be taken into consideration.
7. GUNBOWER ISLAND LAND RESERVE REVOCATION BILL—(from Assembly—Hon. A. O. Sachse)—Second reading.
8. LICENCES RENEWAL BILL—(from Assembly—Hon. J. M. Davies)—To be further considered in Committee.

TUESDAY, 18TH OCTOBER.

Government Business.

ORDERS OF THE DAY:—

1. ARTIFICIAL MANURE BILL—(from Assembly—Hon. W. Pitt)—Second reading.
2. CLOSER SETTLEMENT BILL—(from Assembly—Hon. A. O. Sachse)—Second reading—Resumption of debate—(Hon. D. Melville).

WEDNESDAY, 26TH OCTOBER.

General Business.

ORDER OF THE DAY:—

1. POLICE OFFENCES ACT 1890 AMENDMENT BILL—(Hon. J. Balfour)—To be committed.

GEORGE H. JENKINS,
Clerk of the Legislative Council.

PARLIAMENTARY PAPERS ISSUED 12TH OCTOBER, 1904.

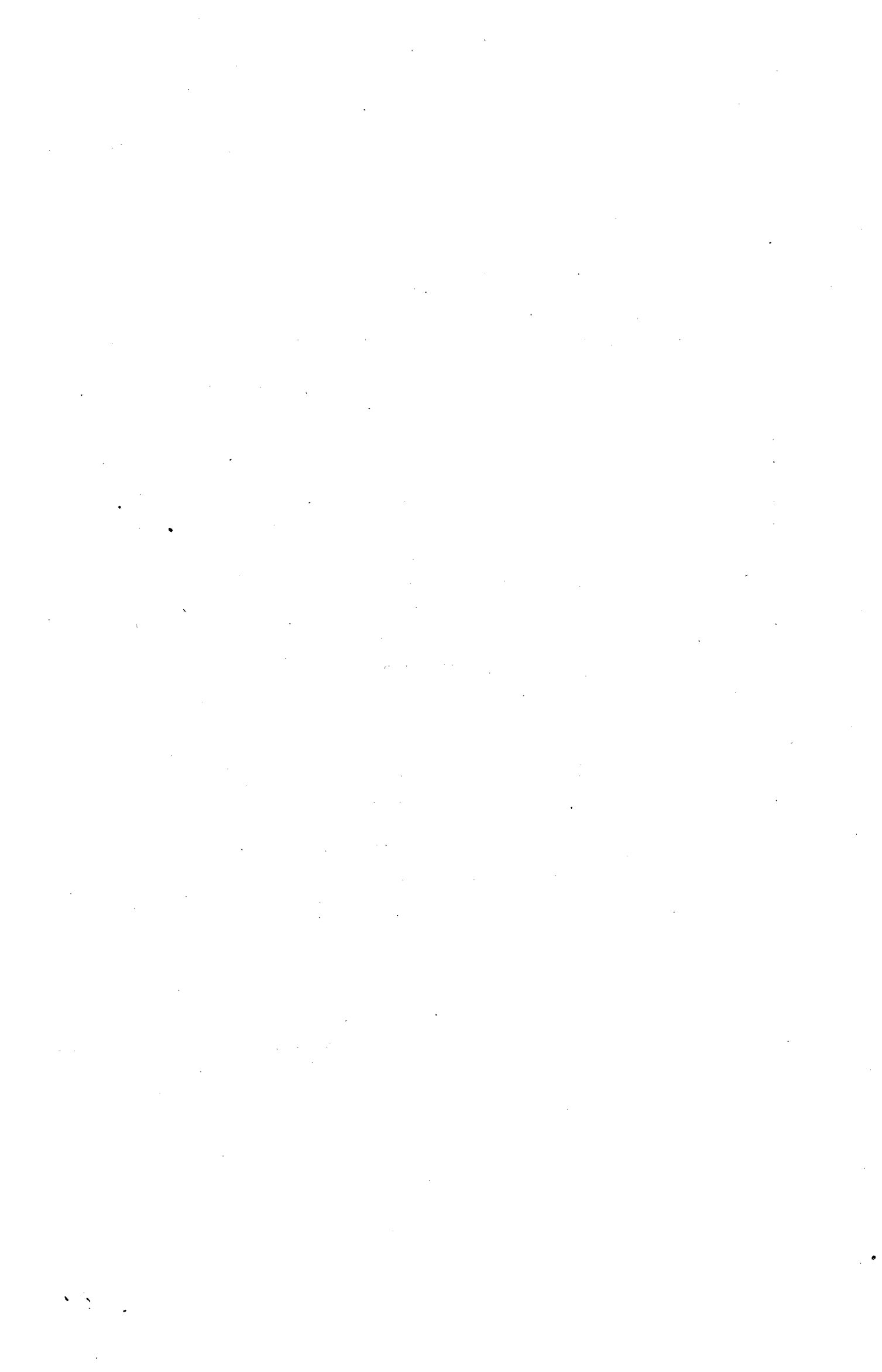
Notices of Motion and Orders of the Day. No. 28.

Notices of Motion and Orders of the Day. No. 43.

Adverse Possession Bill—[101].

Coal and Firewood Sale Regulation Bill.—(New Clause to be proposed in Committee by Mr. Warde.)
(To Members only.)

Water Acts Consolidation and Amendment Bill.—(Amendment to be proposed in Committee by Mr. Lawson.) (To Members only.)



VICTORIA.

No. 30.

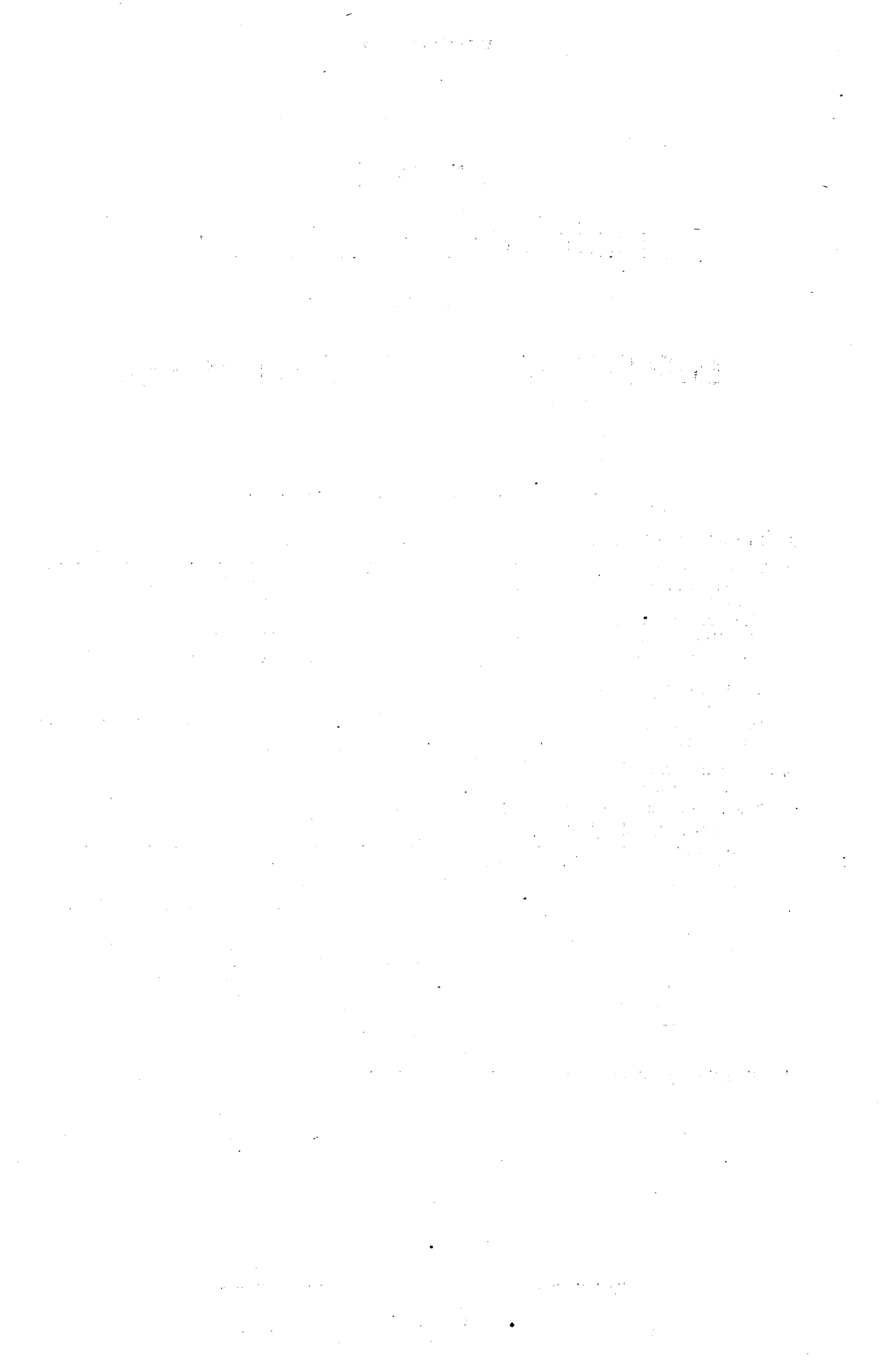
MINUTES OF THE PROCEEDINGS
OF THE
LEGISLATIVE COUNCIL.

THURSDAY, 13TH OCTOBER, 1904.

1. The President took the Chair and read the Prayer.
2. TRANSFER OF LAND BILL.—The Order of the Day for the further consideration in Committee of the whole of the amendments made by the Assembly in this Bill having been read—the President left the Chair.
House in Committee.
The President resumed the Chair; and the Honorable N. FitzGerald reported that the Committee had further considered the amendments made by the Assembly in this Bill and had agreed to the same.
The Honorable J. M. Davies moved, That the Report be now adopted.
Question—put and resolved in the affirmative.
Ordered—That the Assembly be informed that the Council have agreed to the amendments made by the Assembly in this Bill.
3. INSTRUMENTS ACT 1890 FURTHER AMENDMENT BILL.—The Order of the Day for the consideration of the amendment made in this Bill by the Assembly having been read—
The said amendment was read, and is as follows :—
Clause 4, omit this clause.
On the motion of the Honorable J. M. Davies, the Council, after debate, agreed to the amendment made in this Bill by the Assembly, and ordered a Message to be sent to the Assembly acquainting them therewith.
4. POSTPONEMENT OF ORDERS OF THE DAY.—Ordered, That the consideration of the following Orders of the Day be postponed until Tuesday next :—
Inebriates Bill—Second reading.
Wharfage and Harbors Rate Alteration Bill—Second reading.
Alexandra Park Bill—Second reading.
Administration and Probate Duties Bill—Second reading.
Gunbower Island Land Reserve Revocation Bill—Second reading.
Licences Renewal Bill—To be further considered in Committee.

And then the Council, at twenty-eight minutes past six o'clock, adjourned until Tuesday next.

GEORGE H. JENKINS,
Clerk of the Legislative Council.



LEGISLATIVE COUNCIL.

Notices of Motion and Orders of the Day.

No. 29.

TUESDAY, 18TH OCTOBER, 1904.

Government Business.

ORDERS OF THE DAY:—

1. CLOSER SETTLEMENT BILL—(from Assembly—Hon. A. O. Sachse)—Second reading—*Resumption of debate*—(Hon. D. Melville).
2. ARTIFICIAL MANURE BILL—(from Assembly—Hon. W. Pitt)—Second reading.
3. INEBRIATES BILL—(from Assembly—Hon. J. M. Davies)—Second reading.
4. WHARFAGE AND HARBORS RATE ALTERATION BILL—(from Assembly—Hon. W. Pitt)—Second reading.
5. ALEXANDRA PARK BILL—(from Assembly—Hon. A. O. Sachse)—Second reading.
6. ADMINISTRATION AND PROBATE DUTIES BILL—(from Assembly—Hon. J. M. Davies)—Second reading.
7. GUNBOWER ISLAND LAND RESERVE REVOCATION BILL—(from Assembly—Hon. A. O. Sachse)—Second reading.
8. LICENCES RENEWAL BILL—(from Assembly—Hon. J. M. Davies)—To be further considered in Committee.

WEDNESDAY, 26TH OCTOBER.

General Business.

ORDER OF THE DAY:—

1. POLICE OFFENCES ACT 1890 AMENDMENT BILL—(Hon. J. Balfour)—To be committed.

GEORGE H. JENKINS,
Clerk of the Legislative Council.

PARLIAMENTARY PAPERS ISSUED 13TH OCTOBER, 1904.

Notices of Motion and Orders of the Day. No. 29.

Closer Settlement Bill.—(Amendments to be proposed by the Hon. W. H. Edgar.) (To Members of Council only.)

Notices of Motion and Orders of the Day. No. 44.

Water Acts Consolidation and Amendment Bill.—

(Amendments to be proposed in Committee by Mr. McKenzie.) (To Members only.)
(Amendments and New Clause to be proposed in Committee by Mr. Cullen.) (To Members only.)



VICTORIA.

No. 31.

MINUTES OF THE PROCEEDINGS
OF THE
LEGISLATIVE COUNCIL.

TUESDAY, 18TH OCTOBER, 1904.

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

2. MESSAGE FROM HIS EXCELLENCY THE GOVERNOR.—The following Message from His Excellency the Governor was presented by the Honorable J. M. Davies, and the same was read by the Honorable the President :—

R. TALBOT,

*Governor of Victoria.**Message No. 6.*

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

“ *An Act to enable Seed and Manure to be advanced on certain terms to Cultivators of Land within the Carrum Irrigation and Water Supply Trust.* ”

“ *An Act to amend the Law relating to the Destruction of Foxes.* ”

“ *An Act to provide for the Exchange of certain Land in the Parish of Mysia for the purpose of a Public Park.* ”

“ *An Act to revoke the Permanent Reservation of certain Land at St. Annand.* ”

“ *An Act to provide for the Resumption by the Crown of the Lake Hindmarsh Aboriginal Settlement Land.* ”

“ *An Act to further amend the ‘ Dairying Companies Act 1900.’* ”

“ *An Act to authorize the Sale of certain Land reserved as a Site for a Race-course at Tungamah and for other purposes.* ”

“ *An Act to authorize the Sale of certain Land reserved as a Site for a Race-course at Numurkah and for other purposes.* ”

“ *An Act to reduce for one Year the Municipal Endowment.* ”

“ *An Act to revoke the Permanent Reservation and Crown grant of certain Land in the Borough of Dunolly.* ”

“ *An Act to revoke the Permanent Reservation of certain pieces or parcels of Land in the Parishes of Frankston and Langwarrin.* ”

“ *An Act to enable the Melbourne Benevolent Asylum Corporation to sell the Site of the Asylum in the Town of North Melbourne and for other purposes.* ”

Government Offices,

Melbourne, 11th October, 1904.

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

MR. PRESIDENT,

The Legislative Assembly transmit to the Legislative Council a Bill intituled “ *An Act to further amend the Law relating to the University of Melbourne,* ” with which they desire the concurrence of the Legislative Council.

Legislative Assembly,

Melbourne, 13th October, 1904.

FRANK MADDEN,

Speaker.

4. UNIVERSITY BILL.—On the motion of the Honorable A. O. Sachse, the Bill transmitted by the foregoing Message was read a first time, ordered to be printed, and read a second time to-morrow.

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

MR. PRESIDENT,

The Legislative Assembly transmit to the Legislative Council a Bill intituled “ *An Act to amend Part IV. of the ‘ Tramways Act 1890 ’* ” with which they desire the concurrence of the Legislative Council.

FRANK MADDEN,
Speaker.

Legislative Assembly,
Melbourne, 13th October, 1904.

6. TRAMWAYS ACT 1890 (PART IV.) AMENDMENT BILL.—On the motion of the Honorable J. M. Davies, the Bill transmitted by the foregoing Message was read a first time, ordered to be printed, and read a second time to-morrow.
7. PETITIONS.—The Honorable W. Pearson presented a Petition from certain residents of the district of Traralgon, praying that the Council would give effect to the expressed wish of the electors of the State by introducing the Scripture lessons of the Royal Commission, to be taught in the State schools by the teachers, within school hours, to the children of such parents as desire it, and that a complete analysis of the voting on the Referendum be made and published.
Ordered to lie on the Table.
The Honorable Walter S. Manifold presented a Petition from the Mayor and Councillors of the Town of Warrnambool, praying that the Council would not pass into law the Wharfage and Harbors Rate Alteration Bill.
Ordered to lie on the Table, and referred to the Committee on the Wharfage and Harbors Rate Alteration Bill.
8. PAPERS.—The following Papers, pursuant to the directions of several Acts of Parliament, were laid upon the Table by the Clerk :—
Carrum Advances Act 1904.—Regulations.
Water Acts.—Yatchaw Irrigation and Water Supply Trust.—General Rate.—Rating Regulation.
9. CLOSER SETTLEMENT BILL.—The Order of the Day for the resumption of the debate on the question, That this Bill be now read a second time, having been read, the debate was resumed and further adjourned, on the motion of the Honorable J. G. Aikman, after debate, until to-morrow.
10. POSTPONEMENT OF ORDERS OF THE DAY.—Ordered, That the consideration of the following Orders of the Day be postponed until to-morrow :—
Artificial Manure Bill—Second reading.
Inebriates Bill—Second reading.
Wharfage and Harbors Rate Alteration Bill—Second reading.
Alexandra Park Bill—Second reading.
Administration and Probate Duties Bill—Second Reading.
Gunbower Island Land Reserve Revocation Bill—Second reading.
Licences Renewal Bill—To be further considered in Committee.

And then the Council, at twelve minutes past ten o'clock, adjourned until to-morrow.

GEORGE H. JENKINS,
Clerk of the Legislative Council.

LEGISLATIVE COUNCIL.

Notices of Motion and Orders of the Day.

No. 30.

WEDNESDAY, 19TH OCTOBER, 1904.

Government Business.

ORDERS OF THE DAY:—

1. CLOSER SETTLEMENT BILL—(from Assembly—Hon. A. O. Sachse)—Second reading—Resumption of debate—(Hon. J. G. Aikman).
2. ARTIFICIAL MANURE BILL—(from Assembly—Hon. W. Pitt)—Second reading.
3. INEBRIATES BILL—(from Assembly—Hon. J. M. Davies)—Second reading.
4. WHARFAGE AND HARBORS RATE ALTERATION BILL—(from Assembly—Hon. W. Pitt)—Second reading.
5. ALEXANDRA PARK BILL—(from Assembly—Hon. A. O. Sachse)—Second reading.
6. ADMINISTRATION AND PROBATE DUTIES BILL—(from Assembly—Hon. J. M. Davies)—Second reading.
7. GUNBOWER ISLAND LAND RESERVE REVOCATION BILL—(from Assembly—Hon. A. O. Sachse)—Second reading.
8. LICENCES RENEWAL BILL—(from Assembly—Hon. J. M. Davies)—To be further considered in Committee.
9. UNIVERSITY BILL—(from Assembly—Hon. A. O. Sachse)—Second reading.
10. TRAMWAYS ACT 1890 (PART IV.) AMENDMENT BILL—(from Assembly—Hon. J. M. Davies)—Second reading.

WEDNESDAY, 26TH OCTOBER.

General Business.

ORDER OF THE DAY:—

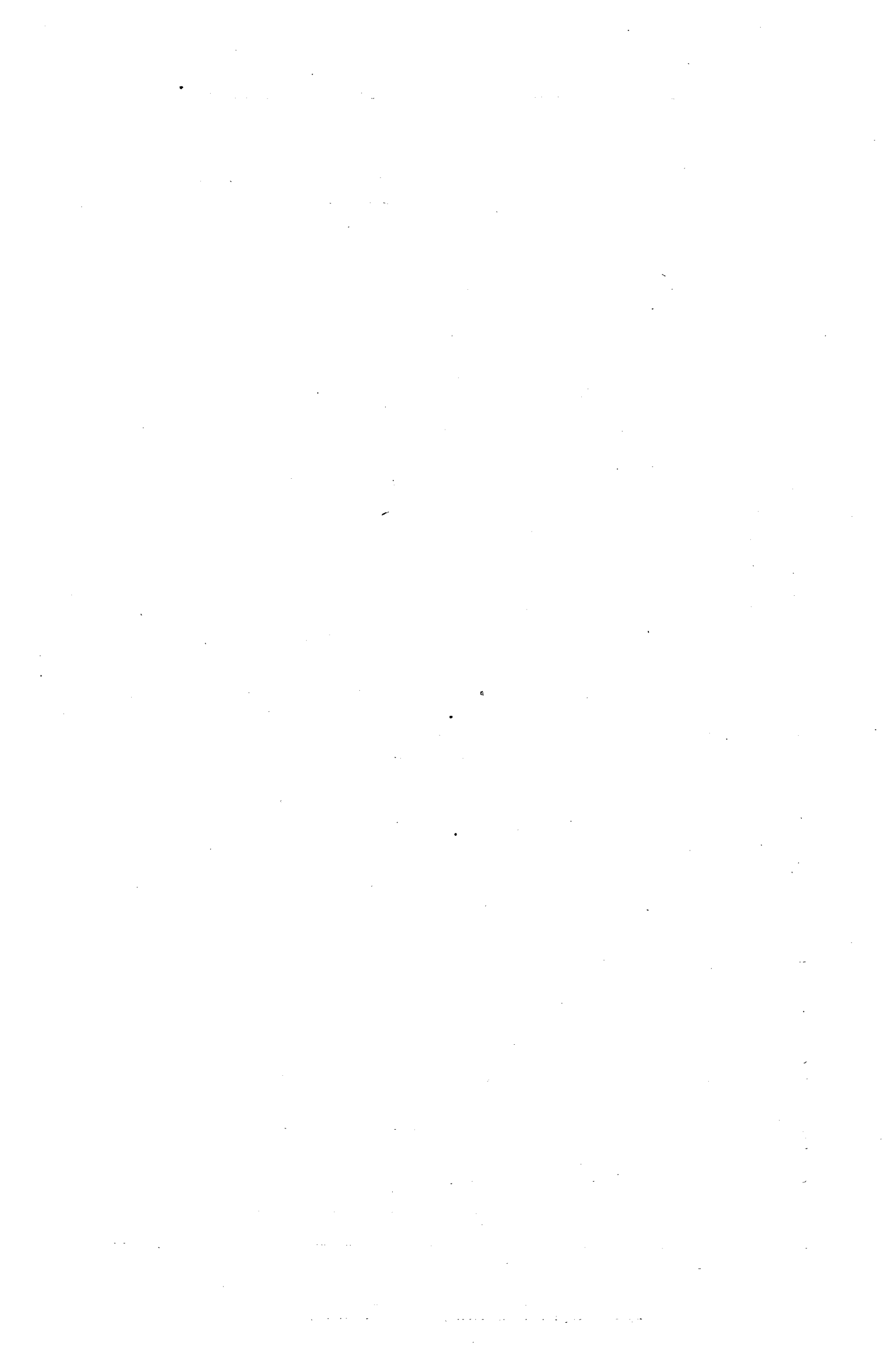
1. POLICE OFFENCES ACT 1890 AMENDMENT BILL—(Hon. J. Balfour)—To be committed.

GEORGE H. JENKINS,
Clerk of the Legislative Council.

PARLIAMENTARY PAPERS ISSUED SINCE 13TH OCTOBER, 1904.

Minutes of the Proceedings of the Legislative Council. Nos. 22, 23, 24, 25, 26, 27, 28, 29, and 30.
 Notices of Motion and Orders of the Day. No. 30.
 University Bill—[91]. (To Members of Council only.)
 Country Tramways Trust Fund Bill—[98]. (To Members of Council only.)

Votes and Proceedings of the Legislative Assembly. Nos. 43, 44, and 45.
 Notices of Motion and Orders of the Day. No. 45.
 Weekly Report of Divisions. No. 10.
 Coal and Firewood Bill—[65]. (To Members only.)
 Food Adulteration Bill—[79].
 Mines Acts Further Amendment Bill.—(Amendments made by the Legislative Council.) (To Members only.)
 Justices Act 1890 Further Amendment Bill.—(Amendment and New Clauses to be proposed in Committee by Sir Samuel Gillott.) (To Members only.)



VICTORIA.

No. 32.

MINUTES OF THE PROCEEDINGS

OF THE

LEGISLATIVE COUNCIL.

WEDNESDAY, 19TH OCTOBER, 1904.

1. The President took the Chair and read the Prayer.
2. PETITION.—The Honorable Walter S. Manifold presented a Petition from the Mayor and Councillors of the Borough of Port Fairy, praying that the Council would not pass into law the Wharfage and Harbors Rate Alteration Bill.
Ordered to lie on the Table, and referred to the Committee on the Wharfage and Harbors Rate Alteration Bill.
3. CLOSER SETTLEMENT BILL.—The Order of the Day for the resumption of the debate on the question, That this Bill be now read a second time was read, and, after further debate, the question being put, was resolved in the affirmative. Bill read a second time, and committed to a Committee of the whole.
House in Committee.
The President resumed the Chair; and the Honorable N. FitzGerald reported that the Committee had made progress in the Bill, and that he was directed to move, That the Committee may have leave to sit again.
Resolved—That the Council will, on Tuesday next, again resolve itself into the said Committee.
4. LICENCES RENEWAL BILL.—The Order of the Day for the further consideration of this Bill in Committee of the whole having been read—the President left the Chair.
House in Committee.
The President resumed the Chair; and the Honorable N. FitzGerald having reported that the Committee had agreed to the Bill with amendments, the House ordered the Report to be taken into consideration this day, whereupon the House adopted the Report, and the Bill was read a third time.
The Honorable J. M. Davies moved, That this Bill do pass.
The Honorable Sir H. Cuthbert moved, as an amendment, That the following words be added after the word “pass” :—“but in passing this Bill this House records its objection to the mixing in the one Bill matter of private legislation with public legislation as is done in clause 3, and declares that it will not regard it as a precedent.”

The President said—

The question now is that the Bill do pass, and to this Sir Henry Cuthbert has moved an amendment. As this is a matter of procedure, I wish to say a few words, for I think an important question has arisen. Honorable members will observe that this is a public Bill, but it contains in clause 3 matter of distinctly private legislation, namely, a provision with regard to holding a special sitting of the Licensing Court at the request of the owner of the house known as the Guiding Star Hotel. It seems that the owner of this hotel, owing to some cause with which we are not acquainted, did not obtain his licence at the proper time, and the licence for this house is now lost. This clause is put in to enable him to request the Governor in Council to have a special sitting of the Court held at which his licence may be granted. There is nothing on the records of Parliament to show why this provision should be put in for this particular hotel. There is nothing to show why the provision is not extended to others who may be in exactly a similar difficulty. No one reading this Act of

Parliament would receive any light on these matters. Honorable members are aware that there is a wide distinction between private and public Bill legislation. Public Bill legislation relates to that of which we have general knowledge, but private Bill legislation is anything in the interests of a corporation, or a particular locality, or a particular individual, and that is subject to the law of Parliament which requires inquiry to be made by a Committee of the House. The facts are ascertained by that inquiry, and if the Committee is satisfied on hearing the evidence it reports to the House, and the House, when informed of the facts and of the rightfulness of the proposed legislation by the inquiry of its Committee, acts as it thinks proper. That is the wide and fundamental distinction between public and private legislation. I quite agree with Sir Henry Cuthbert that his objection is a proper one when a general Bill contains matter of distinctly private legislation. No one could doubt that if a Bill came up to enable the owner of this hotel to get a licence—no human being could doubt, but that it was distinctly a private Bill on a matter on which we could have no knowledge unless we took evidence about it. I think the mixing of public and private matter in one Bill is a dangerous precedent. I am aware that it has been adopted on three previous occasions during the last four or five years, but it is high time we called attention to it, and gave notice that in future we will not agree to it. We have a standing order to the effect that where the Legislative Assembly has inquired into the matter of a private Bill, then if the other House sends us up the proceedings and evidence of the Committee, we may act on that without having an inquiry ourselves. Standing Order 311 states—“That every private Bill sent up from the Legislative Assembly, if accompanied by a printed copy of the report and proceedings of the Select Committee of that House to which it shall have been referred, shall be dealt with in the same manner as a public Bill, and shall not be referred to a Select Committee of this Council unless the same shall be opposed, and then only by motion on notice to be made before the second reading.” In this case, this Bill was treated in the other House as a public Bill, and no inquiry has been made in one House or the other. We are in the position now of passing this legislation without knowing the facts to justify it and without knowing why this concession was made to this particular individual, or why the clause is not a general one dealing with all who may be in a similar position. Nothing would be easier than to make the Bill retrospective for twelve months, and so meet all cases like that in clause 3. I therefore feel indebted to Sir Henry Cuthbert for calling attention to it. I have reason to believe from what I have heard that there are grounds for this clause 3. The mere fact that the Attorney-General proposed the second reading of the Bill is a guarantee that he has satisfied himself that it was proper to do so. Still, we are in the position that neither House has anything before it except the statement of Ministers. And this is an ostensibly public Bill which contains matter of private Bill legislation. I am therefore much indebted to Sir Henry Cuthbert for calling attention to this matter, and I shall endeavour on future occasions to prevent this being turned into a precedent.

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

Question—That this Bill do pass, but in passing this Bill this House records its objection to the mixing in the one Bill matter of private legislation with public legislation, as is done in clause 3, and declares that it will not regard it as a precedent—put and resolved in the affirmative.

The Honorable J. M. Davies moved, That the words “and for other purposes” be added to the title. Debate ensued.

Question—put and resolved in the affirmative.

The Honorable J. M. Davies moved, That the following be the amended title of the Bill :—

“*An Act to amend the Law relating to the Renewal of Licences and for other purposes.*”

Question—put and resolved in the affirmative.

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

5. UNIVERSITY BILL.—This Bill was, according to Order, and after debate, read a second time, and committed to a Committee of the whole.

House in Committee.

The President resumed the Chair; and the Honorable N. FitzGerald having reported that the Committee had agreed to the Bill without amendment, the Report was adopted, and the Bill read a third time and passed.

Ordered—That the Assembly be informed that the Council have agreed to the Bill without amendment.

6. POSTPONEMENT OF ORDERS OF THE DAY.—Ordered, That the consideration of the following Orders of the Day be postponed until to-morrow :—

Artificial Manure Bill—Second reading.

Inebriates Bill—Second reading.

Wharfage and Harbors Rate Alteration Bill—Second reading.

Alexandra Park Bill—Second reading.

Administration and Probate Duties Bill—Second reading.

Gunbower Island Land Reserve Revocation Bill—Second reading.

Tramways Act 1890 (Part IV.) Amendment Bill—Second reading.

And then the Council, at thirty-four minutes past ten o'clock, adjourned until to-morrow.

GEORGE H. JENKINS,
Clerk of the Legislative Council.

LEGISLATIVE COUNCIL.

Notices of Motion and Orders of the Day.

No. 31.

THURSDAY, 20TH OCTOBER, 1904.

Question.

1. The Hon. D. MELVILLE: To ask the Honorable the Minister of Education if the Race holiday—Cup Day—used by many parents as a special day for children's picnics, has been sanctioned by him.

Government Business.

ORDERS OF THE DAY:—

1. WHARFAGE AND HARBORS RATE ALTERATION BILL—(from Assembly—Hon. W. Pitt)—Second reading.
2. GUNBOWER ISLAND LAND RESERVE REVOCATION BILL—(from Assembly—Hon. A. O. Sachse)—Second reading.
3. TRAMWAYS ACT 1890 (PART IV.) AMENDMENT BILL—(from Assembly—Hon. J. M. Davies)—Second reading.
4. ARTIFICIAL MANURE BILL—(from Assembly—Hon. W. Pitt)—Second reading.
5. ALEXANDRA PARK BILL—(from Assembly—Hon. A. O. Sachse)—Second reading.
6. ADMINISTRATION AND PROBATE DUTIES BILL—(from Assembly—Hon. J. M. Davies)—Second reading.
7. INEBRIATES BILL—(from Assembly—Hon. J. M. Davies)—Second reading.

TUESDAY, 25TH OCTOBER.

Government Business.

ORDER OF THE DAY:—

1. CLOSER SETTLEMENT BILL—(from Assembly—Hon. A. O. Sachse)—To be further considered in Committee.

WEDNESDAY, 26TH OCTOBER.

General Business.

ORDER OF THE DAY:—

1. POLICE OFFENCES ACT 1890 AMENDMENT BILL—(Hon. J. Balfour)—To be committed.]

GEORGE H. JENKINS,
Clerk of the Legislative Council.

PARLIAMENTARY PAPERS ISSUED 19TH OCTOBER, 1904.

Minutes of the Proceedings of the Legislative Council. No. 31.
Notices of Motion and Orders of the Day. No. 31.

Notices of Motion and Orders of the Day. No. 46.
St. Kilda Abattoirs Land Bill—[104].
Milk Supervision Bill—[61].
Women's Suffrage Bill—[108].

VICTORIA.

No. 33.

MINUTES OF THE PROCEEDINGS

OF THE

LEGISLATIVE COUNCIL.

THURSDAY, 20TH OCTOBER, 1904.

1. The President took the Chair and read the Prayer.
2. PETITIONS.—The Honorable A. McLellan presented a Petition from certain residents of the districts of Collingwood and Fitzroy, praying that the Council would give effect to the expressed wish of the electors of the State by introducing the Scripture lessons of the Royal Commission to be taught in the State schools by the teachers, within school hours, to the children of such parents as desire it, and that a complete analysis of the voting on the Referendum be made and published.
Ordered to lie on the Table.
The Honorable Walter S. Manifold presented a Petition from the Members of the Chamber of Commerce, Warrnambool, praying that the Council would not pass into law the Wharfage and Harbors Rate Alteration Bill.
Ordered to lie on the Table, and referred to the Committee on the Wharfage and Harbors Rate Alteration Bill.
3. WHARFAGE AND HARBORS RATE ALTERATION BILL.—This Bill was, according to Order, and after debate, read a second time, and committed to a Committee of the whole.
House in Committee.
The President resumed the Chair; and the Honorable N. FitzGerald having reported that the Committee had agreed to the Bill without amendment, the Report was adopted, and the Bill read a third time and passed.
Ordered—That the Assembly be informed that the Council have agreed to the Bill without amendment.
4. GUNBOWER ISLAND LAND RESERVE REVOCATION BILL.—This Bill was according to Order, and after debate, read a second time, and committed to a Committee of the whole.
House in Committee.
The President resumed the Chair; and the Honorable N. FitzGerald having reported that the Committee had agreed to the Bill without amendment, the Report was adopted, and the Bill read a third time and passed.
Ordered—That the Assembly be informed that the Council have agreed to the Bill without amendment.
5. TRAMWAYS ACT 1890 (PART IV.) AMENDMENT BILL.—This Bill was, according to Order, and after debate, read a second time, and committed to a Committee of the whole.
House in Committee.
The President resumed the Chair; and the Honorable N. FitzGerald reported that the Committee had gone through the Bill, and had agreed to the following resolution:—
That it be a suggestion to the Legislative Assembly that they make the following amendment in Item 2 of the Schedule:—After “rolling stock” insert “and for such additions and improvements on existing lines, including rolling stock.”
On the motion of the Honorable J. M. Davies, the Report was adopted.
Ordered—That the Bill be returned to the Assembly with a Message suggesting that the Assembly amend the same as set forth in the foregoing resolution.
6. ARTIFICIAL MANURE BILL.—This Bill was, according to Order, and after debate, read a second time, and committed to a Committee of the whole.
House in Committee.
The President resumed the Chair; and the Honorable N. FitzGerald having reported that the Committee had agreed to the Bill with amendments, the House ordered the Report to be taken into consideration this day, whereupon the House adopted the Report, and the Bill was read a third time and passed.
Ordered—That the Bill be returned to the Assembly, with a Message acquainting them that the Council have agreed to the same with amendments, and requesting their concurrence therein.

7. POSTPONEMENT OF ORDERS OF THE DAY.—Ordered, That the consideration of the following Orders of the Day be postponed until Tuesday next :—

Alexandra Park Bill—Second reading.

Administration and Probate Duties Bill—Second reading.

Inebriates Bill—Second reading.

And then the Council, at five minutes past nine o'clock, adjourned until Tuesday next.

GEORGE H. JENKINS,
Clerk of the Legislative Council.

LEGISLATIVE COUNCIL.

Notices of Motion and Orders of the Day.

No. 32

TUESDAY, 25TH OCTOBER, 1904.

Government Business.

ORDERS OF THE DAY:—

1. CLOSER SETTLEMENT BILL—(*from Assembly—Hon. A. O. Sachse*)—To be further considered in Committee.
2. ALEXANDRA PARK BILL—(*from Assembly—Hon. A. O. Sachse*)—Second reading.
3. ADMINISTRATION AND PROBATE DUTIES BILL—(*from Assembly—Hon. J. M. Davies*)—Second reading.
4. INEBRIATES BILL—(*from Assembly—Hon. J. M. Davies*)—Second reading.

General Business.

NOTICE OF MOTION:—

1. The Hon. D. E. MCBRYDE: To move, That leave of absence be granted to the Honorable J. C. Campbell for the remainder of the session, on account of ill health.

WEDNESDAY, 26TH OCTOBER.

General Business.

ORDER OF THE DAY:—

1. POLICE OFFENCES ACT 1890 AMENDMENT BILL—(*Hon. J. Balfour*)—To be committed.

GEORGE H. JENKINS,
Clerk of the Legislative Council.

PARLIAMENTARY PAPERS ISSUED 20TH OCTOBER, 1904.

Notices of Motion and Orders of the Day. No. 32.

Closer Settlement Bill.—(Amendments to be proposed.) (To Members of Council only.)

Notices of Motions of Motion and Orders of the Day. No. 47.

Retail Shops Bill—[107].

Additional Estimates of Expenditure for the Year ending 30th June, 1905. B.—No. 28.

VICTORIA.

No. 34.

MINUTES OF THE PROCEEDINGS
OF THE
LEGISLATIVE COUNCIL.

TUESDAY, 25TH OCTOBER, 1904.

1. The President took the Chair and read the Prayer.
2. CORRECTIONS IN TRANSFER OF LAND BILL.—The President announced that he had received the following Report from the Clerk of the Parliaments :—

Parliament House,
Melbourne, 19th October, 1904.

Sir,

I do myself the honour to report, in conformity with the Joint Standing Order, No. 21, that the following clerical errors have been discovered in the Bill intituled "*An Act for the Removal of Doubts with regard to the Validity of the Practice of the Office of Titles relating to the Registration of certain Instruments and for other purposes*":—

In clauses 21 and 22 the letter "O" has been inserted after the word "section" instead of the word "sixteen."

In clause 26 the letter "V" has been inserted after the word "section" instead of the word "twenty-three"; and in the same clause the letter "U" has been inserted after the word "section" instead of the word "twenty-two."

I have the honour to be,

Sir,

Your most obedient servant,

GEORGE H. JENKINS,
Clerk of the Parliaments.

The Honorable the President of the Legislative Council,
&c., &c., &c.

On the motion of the Honorable J. M. Davies the Council agreed that the said errors be corrected by the insertion of the word "sixteen" instead of the letter "O" in clauses 21 and 22, and by the insertion of the words "twenty-three" and "twenty-two" instead of the letters "V" and "U" respectively in clause 26.

Ordered—That the letter of the Clerk of the Parliaments be transmitted to the Legislative Assembly with a Message requesting their concurrence in the correction of the said errors.

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

MR. PRESIDENT,

The Legislative Assembly transmit to the Legislative Council a Bill intituled "*An Act for Regulating the Sale of Coal and Firewood*," with which they desire the concurrence of the Legislative Council.

FRANK MADDEN,
Speaker.

Legislative Assembly,
Melbourne, 20th October, 1904.

4. COAL AND FIREWOOD SALE REGULATION BILL.—On the motion of the Honorable J. M. Davies the Bill transmitted by the foregoing Message was read a first time, ordered to be printed, and read a second time to-morrow.

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

MR. PRESIDENT,

The Legislative Assembly acquaint the Legislative Council that they concur with the Council in adopting the following additional Joint Standing Order transmitted by the Legislative Council on the 18th October instant, viz. :—

“ Any responsible Minister of the Crown who, under the provisions of section nine of *The Constitution Act 1903*, may sit in the House of Parliament of which he is not a member, shall while doing so be subject to the Standing Orders of that House and to the law and practice of Parliament which is applicable to it.”

FRANK MADDEN,
Speaker.

Legislative Assembly,
Melbourne, 20th October, 1904.

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

MR. PRESIDENT,

The Legislative Assembly return to the Legislative Council the Bill intituled “ *An Act to further amend the Mines Acts*,” and acquaint the Legislative Council that the Legislative Assembly have agreed to some of the amendments made in such Bill by the Legislative Council, have disagreed with others, have agreed to others of the said amendments with amendments, and have made certain consequential amendments, with which they desire the concurrence of the Legislative Council.

FRANK MADDEN,
Speaker.

Legislative Assembly,
Melbourne, 20th October, 1904.

Ordered—That the foregoing Message be taken into consideration to-morrow.

7. PAPER.—The Honorable J. M. Davies presented, by command of His Excellency the Governor—

Report of the Council of Judges under Section 33 of the *Supreme Court Act 1890*.

Ordered to lie on the Table.

8. CLOSER SETTLEMENT BILL.—The Order of the Day for the further consideration of this Bill in Committee of the whole having been read—the President left the Chair.

House in Committee.

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

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

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

Alexandra Park Bill—Second reading.

Administration and Probate Duties Bill—Second reading.

Inebriates Bill—Second reading.

And then the Council, at thirty-four minutes past ten o'clock, adjourned until to-morrow.

GEORGE H. JENKINS,
Clerk of the Legislative Council.

LEGISLATIVE COUNCIL.

Notices of Motion and Orders of the Day.

No. 33.

WEDNESDAY, 26TH OCTOBER, 1904.

General Business.

NOTICE OF MOTION :—

1. The Hon. D. E. McBRIDE: To move, That leave of absence be granted to the Honorable J. C. Campbell for the remainder of the session, on account of ill health.

ORDER OF THE DAY :—

1. POLICE OFFENCES ACT 1890 AMENDMENT BILL—(*Hon. J. Balfour*)—To be committed.

Government Business.

ORDERS OF THE DAY :—

1. CLOSER SETTLEMENT BILL—(*from Assembly—Hon. A. O. Sachse*)—To be further considered in Committee.
2. MINES ACTS FURTHER AMENDMENT BILL—Message from Assembly—To be taken into consideration.
3. ALEXANDRA PARK BILL—(*from Assembly—Hon. A. O. Sachse*)—Second reading.
4. ADMINISTRATION AND PROBATE DUTIES BILL—(*from Assembly—Hon. J. M. Davies*)—Second reading.
5. INEBRIATES BILL—(*from Assembly—Hon. J. M. Davies*)—Second reading.
6. COAL AND FIREWOOD SALE REGULATION BILL—(*from Assembly—Hon. J. M. Davies*)—Second reading.

GEORGE H. JENKINS,
Clerk of the Legislative Council.

PARLIAMENTARY PAPERS ISSUED SINCE 20TH OCTOBER, 1904.

Minutes of the Proceedings of the Legislative Council. No. 32.

Notices of Motion and Orders of the Day. No. 33.

Coal and Firewood Bill—[65]. (To Members of Council only.)

Closer Settlement Bill 1904—

(New Clause to follow Clause 6 to be proposed by Sir Henry Cuthbert.) (To Members of Council only.)

(New Clause to follow Clause 30 to be proposed by the Hon. T. H. Payne.) (To Members of Council only.)

Mines Acts Further Amendment Bill.—(Amendments of the Legislative Council disagreed with by the Legislative Assembly or agreed to with amendments.) (To Members of Council only.)

Votes and Proceedings of the Legislative Assembly. Nos. 46, 47, and 48.

Notices of Motion and Orders of the Day. No. 48.

Weekly Report of Divisions. No. 11.

Water Bill—[47]. (To Members only.)

Police Regulation Bill—[113].

Water Acts Consolidation and Amendment Bill.—(Amendments to be proposed on Récommittal. (To Members only.)

State School Teachers Bill.—(Amendment to be proposed in Committee by Mr. Duffus. (To members only.)

Licences Renewal Bill.—(Amendments made by the Legislative Council.) (To Members only.)

Licensing Bill—

(New Clauses to be proposed by Mr. Watt.) (To Members only.)

(Amendments to be proposed in Committee by Mr. McCutcheon.) (To Members only.)

(New Clause and Amendment of Title to be proposed in Committee by Mr. Fairbairn.) (To Members only.)

(New Clause to be proposed in Committee by Mr. Hutchinson.) (To Members only.)

(New Clause to be proposed in Committee by Mr. Cullen.) (To Members only.)

Artificial Manure Bill.—(Amendments made by the Legislative Council.) (To Members only.)

Tramways Act 1890 (Part IV.) Amendment Bill.—(Amendments suggested by the Legislative Council.) (To Members only.)

Report from Parliamentary Standing Committee on Railways on the proposed Tocumwal Railway, &c. No. 2. (To Members only.)

VICTORIA.

No. 35.

MINUTES OF THE PROCEEDINGS
OF THE
LEGISLATIVE COUNCIL.

WEDNESDAY, 26TH OCTOBER, 1904.

1. The President took the Chair and read the Prayer.
2. LEAVE OF ABSENCE.—The Honorable D. E. McBryde moved, That leave of absence be granted to the Honorable J. C. Campbell for the remainder of the Session, on account of ill-health.
Question—put and resolved in the affirmative.
3. MESSAGE FROM HIS EXCELLENCY THE GOVERNOR.—The following Message from His Excellency the Governor was presented by the Honorable J. M. Davies, and the same was read by the Honorable the President :—

R. TALBOT,

Governor of Victoria.

Message No. 7.

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

“ An Act to apply out of the Consolidated Revenue the sum of Six hundred and eighty-three thousand two hundred and ninety-three pounds to the service of the year One thousand nine hundred and four and One thousand nine hundred and five.”

“ An Act to further amend the ‘ Instruments Act 1890.’ ”

“ An Act to further amend the Law relating to the University of Melbourne.”

“ An Act to authorize the Alteration of the Wharfage and Harbors Rate leviable under the ‘ Marine Act 1890.’ ”

“ An Act to provide for the Revocation of the Permanent Reservation of certain Land at Gunbower Island.”

Government Offices,
Melbourne, 24th October, 1904.

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

MR. PRESIDENT,

The Legislative Assembly return to the Legislative Council the Bill intituled “ *An Act to amend the Law relating to the Renewal of Licences,* ” and acquaint the Legislative Council that the Legislative Assembly have agreed to the amendments made in such Bill by the Legislative Council.

FRANK MADDEN,
Speaker.

Legislative Assembly,
Melbourne, 26th October, 1904.

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

MR. PRESIDENT,

The Legislative Assembly return to the Legislative Council the Bill intituled “ *An Act to amend the Law relating to the Sale of Artificial Manure,* ” and acquaint the Legislative Council that the Legislative Assembly have agreed to the amendments made in such Bill by the Legislative Council.

FRANK MADDEN,
Speaker.

Legislative Assembly,
Melbourne, 26th October, 1904.

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

MR. PRESIDENT,

The Legislative Assembly return to the Legislative Council the Bill intituled "*An Act to amend Part IV. of the 'Tramways Act 1890,'*" and acquaint the Legislative Council that the Legislative Assembly have considered the Message of the Legislative Council suggesting that this House make a certain amendment in such Bill, and have made the suggested amendment.

Legislative Assembly,
Melbourne, 26th October, 1904.

FRANK MADDEN,
Speaker.

Ordered—That the foregoing Message be referred to the Committee of the whole on the "*Tramways Act 1890*" (Part IV.) Amendment Bill.

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

MR. PRESIDENT,

The Legislative Assembly return to the Legislative Council the accompanying communication* from the Clerk of the Parliaments calling attention to certain clerical errors in the Bill intituled "*An Act for the Removal of Doubts with regard to the Validity of the Practice of the Office of Titles relating to the Registration of certain Instruments and for other purposes,*" and acquaint the Legislative Council that the Legislative Assembly have concurred in the correction of the said errors by the insertion of the word "sixteen" instead of the letter "O" in clauses 21 and 22, and by the insertion of the words "twenty-three" and "twenty-two" instead of the letters "V" and "U" respectively in clause 26.

Legislative Assembly.
Melbourne, 25th October, 1904.

FRANK MADDEN,
Speaker.

[* NOTE.—For the communication referred to see p. 105, ante.]

8. MESSAGE FROM THE ASSEMBLY.—The President announced the receipt of the following Message from the 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 pounds to the service of the year One thousand nine hundred and four and One thousand nine hundred and five,*" with which they desire the concurrence of the Legislative Council.

Legislative Assembly,
Melbourne, 26th October, 1904.

FRANK MADDEN,
Speaker.

9. CONSOLIDATED REVENUE BILL (No. 5).—On the motion of the Honorable W. Pitt the Bill transmitted by the foregoing Message was read a first time, ordered to be printed, and read a second time on Wednesday next.

10. CLOSER SETTLEMENT BILL.—The Order of the Day for the further consideration of this Bill in Committee of the whole having been read—the President left the Chair.

The President resumed the Chair; and the Honorable N. FitzGerald reported that a point of order had arisen in Committee as to the power of the Committee to suggest an amendment in sub-clause (2) of clause 30 of the Bill, to add after the word "requisition" the words "together with ten per centum added in case the said land is being taken compulsorily" in view of the following proviso in sub-section (2) of section 30 of *The Constitution Act 1903*, viz.:—"Provided that the Council may not suggest any omission or amendment, the effect of which will be to increase any proposed charge or burden on the people," and that the ruling of the President was desired thereon.

The President, after debate on the point of order, stated that the consideration of the Bill in Committee would be resumed, and if clause 30 were passed it could be recommitted if considered necessary.

House in Committee.

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

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

11. POSTPONEMENT OF ORDERS OF THE DAY.—Ordered, That the consideration of the following Orders of the Day be postponed until Wednesday next :—

Police Offences Act 1890 Amendment Bill—To be committed.

Mines Acts further Amendment Bill—Message from Assembly—To be taken into consideration.

Alexandra Park Bill—Second reading.

Administration and Probate Duties Bill—Second reading.

Inebriates Bill—Second reading.

12. COAL AND FIREWOOD SALE REGULATION BILL.—This Bill was, according to Order, read a second time and committed to a Committee of the whole.

House in Committee.

The President resumed the Chair ; and the Honorable Dr. W. H. Embling having reported that the Committee had agreed to the Bill without amendment the Report was adopted, and the Bill read a third time and passed.

Ordered—That the Assembly be informed that the Council have agreed to the Bill without amendment.

13. ADJOURNMENT.—The Honorable J. M. Davies moved, by leave, That the Council, at its rising, adjourn until Wednesday next.

Debate ensued.

Question—put and resolved in the affirmative.

And then the Council, at eleven minutes past ten o'clock, adjourned until Wednesday next.

GEORGE H. JENKINS,
Clerk of the Legislative Council.

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LEGISLATIVE COUNCIL.

Notices of Motion and Orders of the Day.

No. 34.

WEDNESDAY, 2ND NOVEMBER, 1904.

General Business.

ORDER OF THE DAY:—

1. POLICE OFFENCES ACT 1890 AMENDMENT BILL—(*Hon. J. Balfour*)—To be committed.

Government Business.

ORDERS OF THE DAY:—

1. TRAMWAYS ACT 1890 (PART IV.) AMENDMENT BILL—Message from Assembly—To be considered in Committee.
2. CONSOLIDATED REVENUE BILL (No. 5)—(*from Assembly—Hon. W. Pitt*)—Second reading.
3. CLOSER SETTLEMENT BILL—(*from Assembly—Hon. A. O. Sachse*)—To be further considered in Committee.
4. MINES ACTS FURTHER AMENDMENT BILL—Message from Assembly—To be taken into consideration.
5. ALEXANDRA PARK BILL—(*from Assembly—Hon. A. O. Sachse*)—Second reading.
6. ADMINISTRATION AND PROBATE DUTIES BILL—(*from Assembly—Hon. J. M. Davies*)—Second reading.
7. INEBRIATES BILL—(*from Assembly—Hon. J. M. Davies*)—Second reading.

GEORGE H. JENKINS,
Clerk of the Legislative Council.

PARLIAMENTARY PAPERS ISSUED 26TH OCTOBER, 1904.

Minutes of the Proceedings of the Legislative Council. No. 34.
Notices of Motion and Orders of the Day. No. 34.
Consolidated Revenue Bill—[109]. (To Members of Council only.)

Notices of Motion and Orders of the Day. No. 49.
The Melbourne Tramways Trust Amendment Bill—[110].

VICTORIA.

No. 36.

MINUTES OF THE PROCEEDINGS
OF THE
LEGISLATIVE COUNCIL.

WEDNESDAY, 2ND NOVEMBER, 1904.

1. The President took the Chair and read the Prayer.
2. PETITIONS.—The Honorable J. Balfour presented a Petition from the Public Questions Committee of the Presbyterian Church of Victoria against the opening of the Public Library, the National Museum, and Picture Galleries on Sunday afternoons.
Petition read, and ordered to lie on the Table.
A similar petition was presented by the Honorable J. M. Pratt from the Council of Churches in Victoria.
Ordered to lie on the Table.
3. MESSAGE FROM THE ASSEMBLY.—The President announced the receipt of the following Message from the Assembly :—
MR. PRESIDENT,
The Legislative Assembly return to the Legislative Council the Bill intituled “ *An Act for simplifying and improving the practice of Conveyancing and the Law of Property and for other purposes,*” and acquaint the Legislative Council that the Legislative Assembly do not insist on some of their amendments in this B.II, do insist on others, have agreed to some of the amendments of the Legislative Council on the amendments of the Legislative Assembly, and have agreed to others of such amendments with amendments, and have made certain consequential amendments, with which they desire the concurrence of the Legislative Council.
FRANK MADDEN,
Speaker.
Legislative Assembly,
Melbourne, 26th October, 1904.
Ordered—That the foregoing Message be referred to a Committee of the whole, and taken into consideration to-morrow.
4. PAPERS.—The Honorable J. M. Davies presented, by command of His Excellency the Governor—
Charitable Institutions.—Report of Inspector for the Year ended 30th June, 1904.
Report of Proceedings taken under the provisions of the *Land Act* 1901 (Parts I and II.) during the Year ending 31st December, 1903.
Severally ordered to lie on the Table.
The following Papers, pursuant to the directions of several Acts of Parliament, were laid upon the Table by the Clerk :—
Exhibition Trustees.—Report of Proceedings and Statement of Income and Expenditure for the Year ended 30th June, 1904.
Public Service Acts.—Regulations.
Report respecting Applications and Proceedings under the Electric Light and Power Act 1896 for the Year 1903.
Water Acts—
Campaspe Irrigation and Water Supply Trust.—Excision of Land from Trust District.
Leaghur and Meering Irrigation and Water Supply Trust.—General Rate.—Rating Regulation.
Rodney Irrigation and Water Supply Trust.—General Rate.—Rating Regulation No. 25.
(600 copies.)

5. POSTPONEMENT OF ORDER OF THE DAY.—Ordered, That the consideration of the following Order of the Day be postponed until Wednesday, the 16th instant :—
Police Offences Act 1890 Amendment Bill.—To be committed.
6. TRAMWAYS ACT 1890 (PART IV.) AMENDMENT BILL.—The Order of the Day for the consideration in Committee of the whole of the Message from the Assembly acquainting the Council that the Assembly have made the amendment suggested by the Council, having been read—the President left the Chair.
 House in Committee.
 The President resumed the Chair; and the Honorable N. FitzGerald having reported that the Committee had agreed to the Bill without amendment, the Report was adopted, and the Bill read a third time and passed.
 Ordered—That the Assembly be informed that the Council have agreed to the Bill, including the amendment made in the said Bill by the Legislative Assembly which was suggested by the Legislative Council.
7. CONSOLIDATED REVENUE BILL (No. 5).—This Bill was, according to Order, and after debate, read a second time, and committed to a Committee of the whole.
 House in Committee.
 The President resumed the Chair; and the Honorable N. FitzGerald having reported that the Committee had agreed to the Bill without amendment, the Report was adopted, and the Bill read a third time and passed.
 Ordered—That the Assembly be informed that the Council have agreed to the Bill without amendment.
8. CLOSER SETTLEMENT BILL.—The Order of the Day for the further consideration of this Bill in Committee of the whole having been read—the President left the Chair.
 House in Committee.
 The President resumed the Chair; and the Honorable N. FitzGerald reported that the Committee had made progress in the Bill, and that he was directed to move, That the Committee may have leave to sit again.
 Resolved—That the Council will, to-morrow, again resolve itself into the said Committee.
9. POSTPONEMENT OF ORDERS OF THE DAY.—Ordered, That the consideration of the following Orders of the Day be postponed until to-morrow :—
Mines Acts further Amendment Bill—Message from Assembly—To be taken into consideration.
Alexandra Park Bill—Second reading.
Administration and Probate Duties Bill—Second reading.
Inebriates Bill—Second reading.

And then the Council, at eighteen minutes past ten o'clock, adjourned until to-morrow.

GEORGE H. JENKINS,
 Clerk of the Legislative Council.

LEGISLATIVE COUNCIL.

Notices of Motion and Orders of the Day.

No. 35.

THURSDAY, 3RD NOVEMBER, 1904.

Question.

1. The HON. W. J. EVANS : To ask the Honorable the Attorney-General—
1. Is it the intention of the Government to appoint a Government Botanist.
 2. If so, will applications be called for in the usual manner.
 3. Will the position be filled from the permanent Public Service staff, providing an applicant possesses the necessary qualifications.

Government Business.

NOTICE OF MOTION :—

1. The HON. J. M. DAVIES : To move, That during the remainder of this Session the Council shall meet for the despatch of business on Friday, and that half-past Four o'clock be the hour of meeting.

ORDERS OF THE DAY :—

1. CLOSER SETTLEMENT BILL—(from Assembly—Hon. A. O. Sachse)—To be further considered in Committee.
2. MINES ACTS FURTHER AMENDMENT BILL—Message from Assembly—To be taken into consideration.
3. REAL PROPERTY BILL—Message from Assembly—To be considered in Committee.
4. ALEXANDRA PARK BILL—(from Assembly—Hon. A. O. Sachse)—Second reading.
5. ADMINISTRATION AND PROBATE DUTIES BILL—(from Assembly—Hon. J. M. Davies)—Second reading.
6. INEBRIATES BILL—(from Assembly—Hon. J. M. Davies)—Second reading.

WEDNESDAY, 16TH NOVEMBER.

General Business.

ORDER OF THE DAY :—

1. POLICE OFFENCES ACT 1890 AMENDMENT BILL—(Hon. J. Balfour)—To be committed.

GEORGE H. JENKINS,
Clerk of the Legislative Council.

PARLIAMENTARY PAPERS ISSUED SINCE 27TH OCTOBER, 1904.

Notices of Motion and Orders of the Day. No. 35.

Closer Settlement Bill. (New Clause to be proposed by the Hon. R. B. Ritchie.) (To Members of Council only.)

Real Property Bill.—Amendments made by the Legislative Assembly. How dealt with. (To Members of Council only.)

Votes and Proceedings of the Legislative Assembly, Nos. 49, 50, and 51.

Notices of Motion and Orders of the Day. No. 51.

Factories and Shops Bill—[103].

Weighbridges Bill—[117].

Water Acts Consolidation and Amendment Bill—

(Amendment to be proposed in Committee by Mr. Gray.) (To Members only.)

(Amendment to be proposed by Mr. Carlisle.) (To Members only.)

(Amendments and New Clauses to be proposed in Committee by the Minister of Water Supply.)
(To Members only.)

VICTORIA.

No. 37.

MINUTES OF THE PROCEEDINGS

OF THE

LEGISLATIVE COUNCIL.

THURSDAY, 3RD NOVEMBER, 1904.

1. The President took the Chair and read the Prayer.
2. MESSAGE FROM THE ASSEMBLY.—The President announced the receipt of the following Message from the Assembly :—

MR. PRESIDENT,

The Legislative Assembly transmit to the Legislative Council a Bill intituled "*An Act to revoke the Crown Grant of certain Land granted as a Site for Abattoirs at St. Kilda and for other purposes,*" with which they desire the concurrence of the Legislative Council.

Legislative Assembly,
Melbourne, 3rd November, 1904.

FRANK MADDEN,
Speaker.

3. ST. KILDA ABATTOIRS RESERVE REVOCATION BILL.—On the motion of the Honorable J. M. Davies, the Bill transmitted by the foregoing Message was read a first time, ordered to be printed, and read a second time on Tuesday next.
4. MESSAGE FROM THE ASSEMBLY.—The President announced the receipt of the following Message from the Assembly :—

MR. PRESIDENT,

The Legislative Assembly transmit to the Legislative Council a Resolution with reference to the recent attack by the Russian Baltic Fleet upon British fishermen, adopted this day by the Legislative Assembly; also an Address to His Excellency the Governor with reference thereto, with which Resolution and Address the Legislative Assembly desire the concurrence of the Legislative Council.

Legislative Assembly,
Melbourne, 3rd November, 1904.

FRANK MADDEN,
Speaker.

The Resolution was read by the Clerk, and is as follows :—

We, the Legislative Assembly of Victoria, in Parliament assembled, desire to express the strong sympathy of the people of Victoria with the sufferers from the late unprovoked and outrageous attack made by the Russian Baltic Fleet on the fishing-boats at the Dogger Bank, and assure the British Government that its promptitude in asserting the honour of the Empire in the matter meets with the unanimous approval of this State.

The Honorable J. M. Davies moved, That the blank in the foregoing Resolution be filled up by the insertion of the words "Legislative Council and the."

Question—put and resolved in the affirmative.

The Honorable J. M. Davies moved, That this House agree with the Legislative Assembly in the said Resolution.

Debate ensued.

Question—put and resolved in the affirmative.

Ordered—That a Message be transmitted to the Legislative Assembly acquainting them that the Legislative Council have agreed to the Resolution, and have filled up the blank therein by the insertion of the words "Legislative Council and the."

The Address to His Excellency the Governor was read by the Clerk, and is as follows :—

MAY IT PLEASE YOUR EXCELLENCY—

We, the Legislative Assembly of Victoria, in Parliament assembled, respectfully request that Your Excellency will be pleased to communicate by cable to the Principal Secretary of State for the Colonies, the accompanying Resolution with reference to the recent attack by the Russian Baltic Fleet upon British fishermen.

The Honorable J. M. Davies moved, That the blank in the foregoing Address be filled up by the insertion of the words "Legislative Council and the."

Question—put and resolved in the affirmative.

The Honorable J. M. Davies moved, That this House agree with the Legislative Assembly in the said Address.

Question—put and resolved in the affirmative.

Ordered, after debate—That a Message be transmitted to the Legislative Assembly acquainting them that the Legislative Council have agreed to the Address, and have filled up the blank therein by the insertion of the words “Legislative Council and the.”

5. ADDITIONAL DAY OF BUSINESS.—The Honorable J. M. Davies moved, That, during the remainder of this Session, the Council shall meet for the despatch of business on Friday, and that half-past four o'clock be the hour of meeting.

Question—put and resolved in the affirmative.

6. CLOSER SETTLEMENT BILL.—The Order of the Day for the further consideration of this Bill in Committee of the whole having been read—the President left the Chair.

House in Committee.

The President resumed the Chair; and the Honorable N. FitzGerald reported that the Committee had gone through the Bill, and had agreed to the following resolution:—

That it be a suggestion to the Legislative Assembly that they make the following amendments in the Bill:—

Clause 7, line 36, after “from time to time” insert “during five years from the coming into operation of this Act.”

Clause 10, insert the following new sub-clause:—

(2A) The total amount to be expended for private lands acquired by the Board under this Act shall not exceed the sums provided for in section seven of this Act.

On the motion of the Honorable A. O. Sachse, the Report was adopted.

Ordered—That the Bill be returned to the Assembly with a Message suggesting that the Assembly amend the same as set forth in the foregoing resolution.

7. MINES ACTS FURTHER AMENDMENT BILL.—The Order of the Day for the consideration of the amendments made in this Bill by the Council and disagreed with by the Assembly, or agreed to with amendments, having been read—the said amendments are as follow:—

Amendments made by the Legislative Council.

How dealt with by the Legislative Assembly.

5. Clause 8, line 30, at end of line add “or within seventy-five feet on either side of any known line of reef on the surface.”

Disagreed with, but the following consequential amendment made, viz.:—
In clause 8, sub-section (1), paragraph (f), after “quartz lode” insert “or within seventy-five feet thereof.”

6. “ after sub-clause (f) insert new sub-clauses—
(g) A residence area may with the consent in writing of the registered proprietor of the lease be registered in respect of land comprised in a gold mining or mineral lease. Such consent shall be forwarded to the Minister and a duplicate original shall be left with the Mining Registrar at the time of registration.

Agreed to, with an amendment that the words proposed to be inserted by the Legislative Council as new sub-clause (g) following sub-clause (f) be not inserted there, but that the said words be added to sub-section (2) of clause 8 as new sub-section (3).

7. “ (h) The date of expiry of the holder’s miner’s right shall be registered.

Disagreed with.

8. Clause 9, at end of clause add—“Upon sale of any residence area by the Crown the boundaries may be adjusted to make the same straight or rectangular or to abut on or conform to the boundaries of adjacent land which has been granted by the Crown in fee-simple.”

Agreed to with the following amendment, viz.:—
After “fee-simple” add “Provided that the total extent of such residence area shall not exceed one acre.”

17. Clause 19, line 24, omit “statutory declaration” and insert “balance-sheet or statement verified as aforesaid.”

Agreed to with the following consequential amendment, viz.:—In clause 19, sub-section (2), line 24, after “If” insert “within two clear months of the expiration of each half-year.”

18. “ line 28, at end of line add—“and if such statutory declaration be not furnished within one month after such fine has been imposed then the lessee or person making such further default shall be guilty of an offence against this Act and on conviction before a Court of Petty Sessions shall be liable to a penalty of Five pounds for each day during which such default continues.”

Agreed to with the following amendment, viz.:—
After “if such” insert “balance-sheet or statement verified as aforesaid by.”

Amendments made by the Legislative Council.	How dealt with by the Legislative Assembly.
28. Clause 35, line 5, omit "four" and insert "two."	Disagreed with.
29. Clause 37, line 31, at end of line add "or for the residue of the term of present lease without obtaining the consent of the owners."	Agreed to with the following amendment, viz.:— Omit all words after "or" and insert in place thereof "may be issued for the residue of the term of the surrendered lease and in such last-mentioned event it shall not be necessary that the owners or occupiers of the lands the subject of such surrendered lease shall consent to the issue of the new lease or that any compensation be paid in respect of any lands demised therein."
37. Clause 45, page 24, line 45, after "Council" insert "after ten days' previous notice from the Minister to the mining manager of his intention to apply for such order."	
38. Clause 53, line 5, after "occurred" insert "any person authorized in writing by the owner of the mine."	
43. Clause 60, after sub-clause (2) insert new sub-clause :— (2A) The business of sluicing dredging hydraulic or other mining operations shall not be carried on without the permit of the Minister after a report by the Board to the Minister. Every person carrying on such business at the commencement of this Act shall within thirty days after the notice in the <i>Government Gazette</i> of the appointment of such Board apply to the Minister for a permit to carry on such business : And nothing in this Act contained shall prevent any such person from continuing to carry on such business from the commencement of this Act until the Minister shall have granted or refused to grant a permit ; and the Minister may in his discretion grant a temporary permit to any such person for such period as may in the opinion of the Minister be reasonably required to enable such person to comply with any order of the Minister.	Disagreed with.
44. " line 27, omit "board" and insert "Minister."	
45. " after line 27, insert new sub-clause :— (aa) to refuse to sanction or grant a permit for any sluicing dredging hydraulic or other mining operations which in the opinion of the Minister could not be carried on without serious contamination to any river stream water-course lake or reservoir not exempted from the operation of this section as hereinafter provided, or to any agricultural or grazing lands adjacent thereto.	
46. " after new sub-clause (aa) insert "(3A) It shall be the duty of the Board—"	
47. " line 28, after "of" insert "serious contamination."	
50. " line 35, after "such" insert "serious contamination."	
51. " line 38, after "cause" insert "serious contamination."	
54. " line 42, after "such" insert "serious contamination."	
55. " page 32, line 5, after "may" insert "seriously contaminate."	
56. " page 32, line 5, after "injure" insert "or contribute towards the serious contamination pollution or injury of."	

59. Clause 60, page 32, lines 13-14, omit " and shall publish notice of every such exemption in the *Government Gazette*" and insert "provided that no exemption shall be given in any case where it is proved to the satisfaction of the Board that the continued inflow of sludge would cause injury to adjacent property and notice shall at least twenty-one days beforehand be given in the *Government Gazette* and published at least three times in a newspaper circulating in the locality affected by all proposed exemptions."

61. " page 32, line 18, after "board" insert "or without a permit as hereinbefore provided."

62. " page 32, line 20, after "causes" insert "or contributes towards causing serious contamination."

67. " page 32, line 28, after "gallon" insert "or such lesser quantity as may from time to time be fixed by the Governor in Council having regard to the particular poisonous matter so held in solution and to the circumstances of the case."

68. " page 32, line 28, after "or" insert "mineral or."

69. " page 32, line 29, after "be" insert "in the opinion of the Governor in Council."

72. " page 32, after sub-clause (6) insert new sub-clauses:—
(6A) Serious contamination means a contamination which in the opinion of the Board would cause serious injury without amounting to pollution within the meaning of the last preceding sub-section.

(6B) No common law rights existing at the commencement of this Act shall be in any way affected abridged or curtailed except as in this Act provided.

Disagreed with, but the following consequential amendment made, viz.:— Clause 60, page 32, line 13, after "purposes" insert "provided the Board is satisfied that such exemption may be granted without causing damage to any agricultural or grazing lands adjacent to any such rivers streams water-courses lakes or reservoirs."

Disagreed with.

On the motion of the Honorable J. M. Davies, the consideration of the foregoing amendments was referred to a Committee of the whole, whereupon the President left the Chair. House in Committee.

The President resumed the Chair; and the Honorable N. FitzGerald reported that the Committee had made progress in the consideration of the amendments made in this Bill by the Council, and disagreed with by the Assembly, or agreed to with amendments, and that he was directed to move, That the Committee may have leave to sit again.

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

8. ADMINISTRATION AND PROBATE DUTIES BILL.—This Bill was, according to Order, and after debate, read a second time, and committed to a Committee of the whole. House in Committee.

The President resumed the Chair; and the Honorable N. FitzGerald having reported that the Committee had agreed to the Bill without amendment, the Report was adopted, and the Bill read a third time and passed.

Ordered—That the Assembly be informed that the Council have agreed to the Bill without amendment.

9. POSTPONEMENT OF ORDERS OF THE DAY.—Ordered, That the consideration of the following Orders of the Day be postponed until Tuesday next.

Real Property Bill—Message from Assembly—To be considered in Committee.

Alexandra Park Bill—Second reading.

Inebriates Bill—Second reading.

10. ADJOURNMENT.—Ordered, That the Council, at its rising, adjourn until Tuesday next.

And then the Council, at thirty-two minutes past ten o'clock, adjourned until Tuesday next.

GEORGE H. JENKINS,
Clerk of the Legislative Council.

LEGISLATIVE COUNCIL.

Notices of Motion and Orders of the Day.

No. 36.

TUESDAY, 8TH NOVEMBER, 1904.

Questions.

1. The HON. J. BALFOUR : To call attention to the extension of Sunday traffic on the railways, and to ask the Honorable the Attorney-General if he will lay on the Table of the House a return showing the addition to Sunday traffic either by extension of area or by extra trains in each year since 1897.
2. The HON. W. J. EVANS : To ask the Honorable the Attorney-General—
 1. Is it the intention of the Government to appoint a Government Botanist.
 2. If so, will applications be called for in the usual manner.
 3. Will the position be filled from the permanent Public Service staff, providing an applicant possesses the necessary qualifications.

Government Business.

ORDERS OF THE DAY:—

1. MINES ACTS FURTHER AMENDMENT BILL—Message from Assembly—To be further considered in Committee.
2. REAL PROPERTY BILL—Message from Assembly—To be considered in Committee.
3. ALEXANDRA PARK BILL—(from Assembly—Hon. A. O. Sachse)—Second reading.
4. ST. KILDA ABATTOIRS RESERVE REVOCATION BILL—(from Assembly—Hon. J. M. Davies)—Second reading.
5. INEBRIATES BILL—(from Assembly—Hon. J. M. Davies)—Second reading.

WEDNESDAY, 16TH NOVEMBER.

General Business.

ORDER OF THE DAY:—

1. POLICE OFFENCES ACT 1890 AMENDMENT BILL—(Hon. J. Balfour)—To be committed.

GEORGE H. JENKINS,
Clerk of the Legislative Council.

PARLIAMENTARY PAPERS ISSUED 3RD NOVEMBER, 1904.

Notices of Motion and Orders of the Day. No. 36.
St. Kilda Abattoirs Land Bill—[104]. (To Members of Council only.)

Notices of Motion and Orders of the Day. No. 52.

VICTORIA.

No. 38.

MINUTES OF THE PROCEEDINGS
OF THE
LEGISLATIVE COUNCIL.

TUESDAY, 8TH NOVEMBER, 1904.

1. The President took the Chair and read the Prayer.
2. MESSAGE FROM HIS EXCELLENCY THE GOVERNOR.—The following Message from His Excellency the Governor was presented by the Honorable J. M. Davies, and the same was read by the Honorable the President :—

R. TALBOT,
Governor of Victoria.

Message No. 8.

The Governor informs the Legislative Council that he, in accordance with the Joint Address presented to him by the Clerk of the Parliaments, communicated, by cable, on the 3rd instant to the Principal Secretary of State for the Colonies the Resolution passed by the Legislative Council and the Legislative Assembly with reference to the recent attack by the Russian Baltic Fleet upon British fishermen, and that the Governor has this day received a telegraphic despatch in reply thereto as follows :—

“ Please convey thanks of His Majesty’s Government to the Legislative Council and the Legislative Assembly for Resolutions of sympathy and support regarding the North Sea disaster.”

State Government House,
Melbourne, 7th November, 1904.

3. THE TITLE OF “HONORABLE.”—The Honorable J. M. Davies presented the following correspondence, which was read, and is as follows :—

[COPY.]

Premier’s Office,
Melbourne, 19th July, 1904.

No. 2680.

Memorandum for His Excellency the Governor.

The Premier presents his duty to your Excellency, and, with reference to the Colonial Office Despatch of 14th April, 1897, has the honour to ask that Your Excellency will be pleased to recommend to the Imperial authorities that His Majesty’s permission to retain the title of “Honorable” be granted to the following gentlemen, viz. :—

Mr. Sidney Austin,
Mr. Thomas Brunton,
Mr. Thomas Dowling,
Mr. Frederick Sheppard Grimwade,
Mr. David Ham,
Mr. Nathaniel Levi,
Mr. Edward Morey,
Mr. George Simmie,

every one of whom served (as per certificate attached) as a Member of the Legislative Council of this State for a continuous period of not less than ten years previous to, and up to, the date of the dissolution of the Council on 10th May, 1904.

Mr. Bent has special pleasure in submitting this request, because, in addition to their long and faithful service, the gentlemen referred to were members of a body which, in passing *The Constitution Act* 1903, No. 1864, voluntarily assented to the reduction of its own numbers, and to the consequent retirement of a certain proportion of its members.

TH. BENT,
Premier.

[COPY.]

Parliament House,
Melbourne, 12th July, 1904.

I hereby certify that the undermentioned gentlemen were Members of the Legislative Council for a continuous period of not less than ten years previous to the Legislative Council being dissolved on the 10th day of May, 1904.

Mr. Sidney Austin,
Mr. Thomas Brunton,
Mr. Thomas Dowling,
Mr. F. S. Grimwade,
Mr. David Ham,
Mr. Nathaniel Levi,
Mr. Edward Morey,
Mr. George Simmie.

GEORGE H. JENKINS,
Clerk of the Parliaments.

[COPY.]

Colonial Office, Downing-street,
24th September, 1904.

Victoria.—Miscellaneous.

SIR,

In reply to your Despatch, No. 45, of the 29th of July, I have the honour to inform you that the King has been pleased to approve of the retention of the title of "Honorable" by Messrs.

Sidney Austin,
Thomas Brunton,
Thomas Dowling,
Frederick Sheppard Grimwade,
David Ham,
Nathaniel Levi,
Edward Morey, and
George Simmie,

who served continuously as members of the Legislative Council of Victoria for a period of more than ten years.

2. A notification to this effect will be published in the *London Gazette*.

I have, &c.,
ALFRED LYTTLETON.

Governor The Honorable Sir R. Talbot, K.C.B.,
&c., &c., &c.

The Honorable J. M. Davies moved, That the foregoing correspondence be inserted in the Journals of the House.

Debate ensued.

Question.—put and resolved in the affirmative.

4. PAPERS.—The Honorable J. M. Davies presented, by command of His Excellency the Governor—
Royal Commission on the Butter Industry.—Progress Report on Open Markets, Grading, Temperatures, Ocean Freights, Butter for Export, Home Separator, Treatment of Cream, Brands, Cool Stores, and Trucks; with Summary of Recommendations and Appendix.

Ordered to lie on the Table.

The following Papers, pursuant to the directions of several Acts of Parliament, were laid upon the Table by the Clerk:—

Public Service Act 1901.—Copies of Papers in connexion with the Promotion of Vivian Tanner from the Fourth to the Third Class in the Law Department.
Savings Banks.—Statements and Returns for the year ended 30th June, 1904.

5. PETITION.—The Honorable W. Little presented a Petition from certain residents of the district of Strathbogie, praying that the Council would give effect to the expressed wish of the electors of the State by introducing the Scripture lessons of the Royal Commission to be taught in the State schools by the teachers, within school hours, to the children of such parents as desire it, and that a complete analysis of the voting on the Referendum be made and published.
Ordered to lie on the Table.

6. MINES ACTS FURTHER AMENDMENT BILL.—The Order of the Day for the further consideration in Committee of the whole of the amendments made in this Bill by the Council and disagreed with by the Assembly, or agreed to with amendments, having been read—the President left the Chair. House in Committee.

The President resumed the Chair; and the Honorable N. FitzGerald reported that the Committee having further considered the amendments made in this Bill by the Council and disagreed with by the Assembly, or agreed to with amendments, do not insist on some of the amendments disagreed with by the Assembly, do insist on others, have agreed to the amendments of the Assembly on certain amendments of the Council, and have made further amendments as hereunder set forth :—

Amendments 5, 6, 8, 17, 18, 29, and 59 agreed to.

Amendments 7, 28, 37, 56, 62, 67, 68, and 69 not insisted on.

Amendments 38, 46, 47, 50, 51, 54, 55, and 61 insisted on.

Amendment 43, insisted on with the following amendment, viz. :—Omit “ other mining operations ” and insert “ any form of mining regulated by the Sludge Abatement Board.”

Amendment 44, insisted on with the following amendment in clause 60, viz. :—in line 27 omit “ It shall be the duty of ” and after “ Minister,” in the amendment, insert “ may.”

Amendment 45, insisted on with the following consequential amendment, viz. :—Omit from new sub-clause (aa) the word “ to ” where first occurring.

Amendment 72, new sub-clause (6A) insisted on; new sub-clause (6B) not insisted on.

On the motion of the Honorable J. M. Davies the Report was adopted.

Ordered—That the Bill be returned to the Assembly with a Message acquainting them that the Council do not insist on some of their amendments disagreed with by the Assembly, do insist on others, have agreed to the amendments of the Assembly on certain amendments of the Council, and have made further amendments with which they desire the concurrence of the Assembly.

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

MR. PRESIDENT,

The Legislative Assembly return to the Legislative Council the Bill intituled “ *An Act providing for the Acquisition and Disposal of Land for Closer Settlement and for other purposes.* ” and acquaint the Legislative Council that the Legislative Assembly have considered the Message of the Legislative Council suggesting that this House make certain amendments in such Bill, and have made the suggested amendments.

FRANK MADDEN,

Speaker.

Legislative Assembly,

Melbourne, 8th November, 1904.

Ordered, That the foregoing Message be referred to the Committee of the whole on the Closer Settlement Bill.

8. CLOSER SETTLEMENT BILL.—On the motion of the Honorable J. M. Davies, the President left the Chair; and the House resolved itself into a Committee of the whole.

The President resumed the Chair; and the Honorable N. FitzGerald having reported that the Committee had agreed to the Bill, with amendments, the House ordered the report to be taken into consideration this day, whereupon the House adopted the Report, and the Bill was read a third time and passed.

Ordered—That the Bill be returned to the Assembly, with a Message acquainting them that the Council have agreed to the same with amendments (including the amendments made in the said Bill by the Assembly which were suggested by the Council), and requesting their concurrence therein.

9. REAL PROPERTY BILL.—The Order of the Day for the consideration in Committee of the whole of the following amendments made by the Assembly in this Bill, viz. :—

Amendments made by the Legislative Assembly.

How dealt with.

2. Clause 1, sub-section (2), line 8, omit “ March ” and insert “ November,” and, in line 9, omit “ five ” and insert “ four.”	} Disagreed with by Council.	} Insisted on by Assembly but the following further amendment made, viz. :— Clause 1, line 8, omit “ first ” and insert “ fifteenth.”
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6. Clause 4, before sub-section (7), page 5, insert the following new sub-section, viz. :— (6A) No contract of sale by auction relating to land shall contain a clause stipulating for the payment by the purchaser to the vendor or his solicitor of any costs of perusal of the conveyance or of obtaining the execution thereof.	} Disagreed with by Council.	} Insisted on by Assembly.
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28. Clause 15, sub-section (1), line 9, omit “ or within the time fixed by the lease.”	} Disagreed with by Council.	} Not insisted on by Assembly, but the following consequential amendment made in clause 15, sub-section (1), line 9, viz. :—Before “ fixed ” insert “ not being less than fourteen days.”
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53. After clause 22, insert the following new clauses:—

Foreclosure extinguishes right of action for mortgage debt, J. (1) On a decree judgment or order absolute for foreclosure the mortgagee and any person claiming through him shall be deemed to have taken the property mentioned in such decree judgment or order in full satisfaction of the money secured by the mortgage and unpaid and his right or equity to bring any action or to take other proceedings for the recovery of the said money from the debtor surety or other person shall be extinguished.

(2) In the case of mortgages of land under the *Transfer of Land Act* 1890 effected by instruments of mortgage under that Act "order absolute" includes an order for foreclosure under the hand of the Registrar when entered in the register book.

(3) This section shall have effect notwithstanding any stipulation to the contrary.

Agreed to by Council with the following amendments, viz.:—
At end of sub-clause (1) add "and the right or equity of the mortgagor and of all persons claiming through or under him to redeem the said property shall also be extinguished"; in sub-clause (2) omit "effected by instruments of mortgage under that Act."

76. In a will a direction to pay debts not to be deemed to charge real estate. See National Trustees and Executors Coy. v. Keast, 22 V.L.R. 447.

V. In the construction of the will of any person who may die after the commencement of this Act a general direction (whether to his executors or not) that his debts (or that all his debts) or that his funeral, testamentary, and other expenses, or any of them, shall be paid shall not (whether real estate is devised or not, and if devised whether to his executors or not) be deemed to charge the same upon his real estate or any part of it unless an intention so to charge the said debts or all the said debts or the said expenses shall be further declared in such will expressly or by necessary implication.

Agreed to by Council with the following amendments, viz.:—
After "testamentary" omit "and" and insert "or"; in same line omit "any" and insert "all or some"; after "any part of it" insert "in exoneration of specific requests or any other personalty."

Agreed to by Assembly with the following amendment, viz.:—Omit "and of all persons claiming through or under him," and the following consequential amendments made in clause J, viz.:—

Sub-section (1), lines 5 and 6, omit "and any person claiming through him."

Sub-section (1), lines 9-11, omit "money secured by the mortgage and unpaid" and insert "mortgage debt."

Sub-section (1), line 14, omit "said" and insert "mortgage."

After sub-section (2) insert the following new sub-sections, viz.:—

(2A.) Nothing in this section shall be deemed to disentitle the mortgagee to obtain foreclosure of any other property over which he shall hold security by way of mortgage for the said money or part thereof as if this section had not been made law.

(2B.) This section applies to foreclosures obtained either before or after the passing of this Act save that where an action to recover the mortgage money is pending at the passing of this Act or where prior thereto a judgment has been obtained or a settlement or compromise made the rights of the parties shall not be affected by this section.

Agreed to by Assembly with the following amendment, viz.:—Omit "requests" and insert "bequests."

House in Committee.

The President resumed the Chair; and the Honorable N. FitzGerald reported that the Committee having considered the amendments of the Assembly, do not insist on disagreeing with some of the amendments made and insisted on by the Assembly, have agreed to some of the amendments of the Assembly on the amendments of the Council, and have agreed to others of the said amendments with amendments as hereunder set forth :—

Amendment 2, disagreement to omit " March " not insisted on, but in place of " November " insert " January " ; disagreement to omit " five," in line 9, insisted on ; amendment to omit " first," in line 8, agreed to, but in place of " fifteenth " insert " thirty-first."

Amendment 6, disagreement not insisted on.

Amendment 28, consequential amendment of Assembly agreed to.

Amendment 53, amendments of Assembly agreed to with the following amendments, viz. :—
In new sub-section (2A), after " thereof " insert " or to put in force any provisions contained in the first mortgage in respect of such other property except the right to sue the mortgagor for the mortgage money " ; in sub-section (2B) omit " passing " wherever it occurs and insert " commencement " ; after " save that where " insert " after foreclosure " ; omit " thereto " and insert " to the passing of this Act " ; after " rights " insert " and liabilities " ; before " parties " insert " respective."

Amendment 76, amendment of Assembly agreed to.

On the motion of the Honorable J. M. Davies, the Report was adopted.

Ordered—That the Bill be returned to the Assembly with a Message acquainting them that the Council do not insist on disagreeing with some of the amendments made and insisted on by the Assembly, have agreed to some of the amendments of the Assembly on the amendments of the Council, and have agreed to others of the said amendments with amendments, with which they desire the concurrence of the Assembly.

10. ALEXANDRA PARK BILL.—This Bill was, according to Order, read a second time, and committed to a Committee of the whole.

House in Committee.

The President resumed the Chair; and the Honorable N. FitzGerald having reported that the Committee had agreed to the Bill with an amendment, the House ordered the Report to be taken into consideration this day, whereupon the House adopted the Report, and the Bill was read a third time and passed.

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

11. POSTPONEMENT OF ORDERS OF THE DAY.—Ordered, That the consideration of the following Orders of the Day be postponed until to-morrow :—

St. Kilda Abattoirs Reserve Revocation Bill—Second reading.

Inebriates Bill—Second reading.

And then the Council, at forty-one minutes past nine o'clock, adjourned until to-morrow.

GEORGE H. JENKINS,
Clerk of the Legislative Council.



LEGISLATIVE COUNCIL.

Notices of Motion and Orders of the Day.

No. 37.

WEDNESDAY, 9TH NOVEMBER, 1904.

Government Business.

ORDERS OF THE DAY:—

1. ST. KILDA ABATTOIRS RESERVE REVOCATION BILL—(*from Assembly—Hon. J. M. Davies*)—Second reading.
 2. INEBRIATES BILL—(*from Assembly—Hon. J. M. Davies*)—Second reading.
-

WEDNESDAY, 16TH NOVEMBER.

General Business.

ORDER OF THE DAY:—

1. POLICE OFFENCES ACT 1890 AMENDMENT BILL—(*Hon. J. Balfour*)—To be committed.

GEORGE H. JENKINS,
Clerk of the Legislative Council.

PARLIAMENTARY PAPERS ISSUED SINCE 3RD NOVEMBER, 1904.

Notices of Motion and Orders of the Day. No. 37.

Votes and Proceedings of the Legislative Assembly. Nos. 52 and 53.

Notices of Motion and Orders of the Day. No. 53.

Weekly Report of Divisions. No. 12.

Land Bill—[111].

Executors Company's Bill—[112].

Church of England Bill—[116].

Railways Bill—[127].

Income Tax Bill. (Amendments to be proposed in Committee.) (To Members only.)

THE UNIVERSITY OF CHICAGO

The University of Chicago is a leading institution of higher learning, dedicated to the pursuit of knowledge and the advancement of the human spirit. It is a place where the brightest minds from around the world come to study, teach, and create. The university's commitment to excellence is reflected in its rigorous academic standards, its world-class faculty, and its commitment to public service.

At the University of Chicago, we believe that education is a transformative experience. It is a journey that challenges us to think deeply, to question our assumptions, and to seek the truth. It is a journey that equips us with the skills and knowledge we need to lead meaningful lives and to make a positive impact on the world.

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VICTORIA.

No. 39.

MINUTES OF THE PROCEEDINGS
OF THE
LEGISLATIVE COUNCIL.

WEDNESDAY, 9TH NOVEMBER, 1904.

1. The President took the Chair and read the Prayer.
2. SUBSTITUTED DECLARATION OF MEMBER.—The Honorable J. M. Davies delivered to the Clerk the following declaration, viz. :—

“ In compliance with the provisions of the Constitution Act Amendment Acts, I, JOHN MARK DAVIES, do declare and testify that I am legally or equitably seised of or entitled to an estate of freehold for my own use and benefit in lands or tenements in the State of Victoria of the yearly value of One hundred pounds above all charges and incumbrances affecting the same, other than any public or parliamentary tax or municipal or other rate or assessment ; and further, that such lands or tenements are situated in the municipal district of Lilydale, and are known as Crown allotments fifty-six, fifty-seven, and part of fifty-eight, parish of Wandin Yallock, county of Evelyn, containing four hundred and twenty-five acres and twenty perches or thereabouts.

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

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

JNO. M. DAVIES.”
3. SUNDAY TRAFFIC.—The Honorable J. Balfour moved, That there be laid before this House a Return showing the addition to Sunday traffic either by extension of area or by extra trains in each year since 1897.
Question—put and resolved in the affirmative.
4. PAPER.—The Honorable J. M. Davies presented—
Sunday Traffic.—Return to the foregoing Order.
Ordered to lie on the Table.
5. ST. KILDA ABATTOIRS RESERVE REVOCATION BILL.—This Bill was, according to Order, and after debate, read a second time and committed to a Committee of the whole.
House in Committee.
The President resumed the Chair ; and the Honorable N. FitzGerald having reported that the Committee had agreed to the Bill without amendment, the Report was adopted, and the Bill read a third time and passed.
Ordered—That the Assembly be informed that the Council have agreed to the Bill without amendment.
6. INEBRIATES BILL.—This Bill was, according to Order, and after debate, read a second time and committed to a Committee of the whole.
House in Committee.
The President resumed the Chair ; and the Honorable N. FitzGerald reported that the Committee had made progress in the Bill, and that he was directed to move, That the Committee may have leave to sit again.
Resolved—That the Council will, on Tuesday next, again resolve itself into the said Committee.

7. ADJOURNMENT.—The Honorable J. M. Davies moved, by leave, That the Council, at its rising, adjourn until Tuesday next.
Debate ensued.
Motion, by leave, withdrawn.
8. KNIGHTHOOD CONFERRED ON THE CLERK OF THE PARLIAMENTS.—The Honorable A. O. Sachse moved, by leave, That this House desires to record its appreciation and satisfaction at the high honour conferred upon the Clerk of the Parliaments by His Majesty the King.
Question—put and resolved in the affirmative.
- ADJOURNMENT.—Ordered—That the Council, at its rising, adjourn until Tuesday next.

And then the Council, at ten minutes past six o'clock, adjourned until Tuesday next.

GEORGE H. JENKINS,
Clerk of the Legislative Council.

LEGISLATIVE COUNCIL.

Notices of Motion and Orders of the Day.

No. 38.

TUESDAY, 15TH NOVEMBER, 1904.

Government Business.

ORDER OF THE DAY:—

1. INEBRIATES BILL—(*from Assembly—Hon. J. M. Davies*)—To be further considered in Committee.
-

WEDNESDAY, 16TH NOVEMBER.

General Business.

ORDER OF THE DAY:—

1. POLICE OFFENCES ACT 1890 AMENDMENT BILL—(*Hon. J. Balfour*)—To be committed.

GEORGE H. JENKINS,
Clerk of the Legislative Council.

PARLIAMENTARY PAPERS ISSUED 9TH NOVEMBER, 1904.

Notices of Motion and Orders of the Day. No. 38.

Notices of Motion and Orders of the Day. No. 54.

Shepparton Race-course Bill—[114].

Strathmerton towards Tocumwal Railway Construction Bill—[120].

Infectious Diseases Hospital Bill—[122].

Alexandra Park Bill.—(Amendment by the Legislative Council.) (To Members only.)

Land Acts Amendment Bill.—(New Clause by Mr. Lawson.) (To Members only.)

Closer Settlement Bill.—(Amendments made by the Legislative Council.) (To Members only.)

Mines Acts Further Amendment Bill.—Amendments of the Legislative Council. How dealt with. (To Members only.)

Real Property Bill.—Amendments made by the Legislative Assembly. How dealt with. (To Members only.)

By Authority: **ROBT. S. BRAIN**, Government Printer, Melbourne.

(160 copies.)

ALPHABETIC INDEX

of the names of the persons mentioned in the preceding pages

THE NAMES ARE LISTED IN ALPHABETIC ORDER

VICTORIA.

No. 40.

MINUTES OF THE PROCEEDINGS

OF THE

LEGISLATIVE COUNCIL.

TUESDAY, 15TH NOVEMBER, 1904.

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

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

MR. PRESIDENT,

The Legislative Assembly transmit to the Legislative Council a Bill intituled "*An Act to declare the Rates of Income Tax for the Year ending on the thirty-first day of December One thousand nine hundred and five and to continue and amend the Income Tax Acts,*" with which they desire the concurrence of the Legislative Council.

FRANK MADDEN,
Speaker.

Legislative Assembly,
Melbourne, 10th November, 1904.

3. INCOME TAX BILL.—On the motion of the Honorable J. M. Davies, the Bill transmitted by the foregoing Message was read a first time, ordered to be printed, and read a second time to-morrow.

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

MR. PRESIDENT,

The Legislative Assembly return to the Legislative Council the Bill intituled "*An Act to provide for vesting certain Land on the south of the Yarra Yarra River in the Board of Land and Works and the City of Melbourne jointly for the purposes of a Public Park,*" and acquaint the Legislative Council that the Legislative Assembly have agreed to the amendment made in such Bill by the Legislative Council.

FRANK MADDEN,
Speaker.

Legislative Assembly,
Melbourne, 10th November, 1904.

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

MR. PRESIDENT,

The Legislative Assembly return to the Legislative Council the Bill intituled "*An Act to further amend the Mines Acts,*" and acquaint the Legislative Council that the Legislative Assembly do not insist on disagreeing with one of the amendments made and insisted on by the Legislative Council, and do insist on disagreeing with others of the said amendments, with which they desire the concurrence of the Legislative Council.

FRANK MADDEN,
Speaker.

Legislative Assembly,
Melbourne, 10th November, 1904.

Ordered—That the foregoing Message be taken into consideration to-morrow.

(350 copies.)

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

MR. PRESIDENT,

The Legislative Assembly return to the Legislative Council the Bill intituled "*An Act for simplifying and improving the practice of Conveyancing and the Law of Property and for other purposes,*" and acquaint the Legislative Council that the Legislative Assembly have agreed to some of the amendments made by the Legislative Council on certain amendments of the Legislative Assembly, have disagreed with one of the said amendments, and have agreed to one of the said amendments with a further amendment, with which they desire the concurrence of the Legislative Council.

FRANK MADDEN,
Speaker.

Legislative Assembly,

Melbourne, 10th November, 1904.

Ordered—That the foregoing Message be taken into consideration to-morrow.

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

MR. PRESIDENT,

The Legislative Assembly return to the Legislative Council the Bill intituled "*An Act providing for the Acquisition and Disposal of Land for Closer Settlement and for other purposes,*" and acquaint the Legislative Council that the Legislative Assembly have agreed to some of the amendments made in such Bill by the Legislative Council, have disagreed with others, have agreed to one of the said amendments with an amendment, and have disagreed with two of the said amendments, but have made consequential amendments, with which they desire the concurrence of the Legislative Council.

FRANK MADDEN,
Speaker.

Legislative Assembly,

Melbourne, 10th November, 1904.

Ordered—That the foregoing Message be taken into consideration to-morrow.

8. ADJOURNMENT.—The Honorable J. M. Davies moved, That the Council do now adjourn out of respect to the memory of the late Honorable Joseph Henry Abbott.

Debate ensued.

Question—put and resolved in the affirmative.

And then the Council, at ten minutes past five o'clock, adjourned until to-morrow.

GEORGE H. JENKINS,
Clerk of the Legislative Council.

LEGISLATIVE COUNCIL.

Notices of Motion and Orders of the Day.

No. 39.

WEDNESDAY, 16TH NOVEMBER, 1904.

General Business.

ORDER OF THE DAY:—

1. POLICE OFFENCES ACT 1890 AMENDMENT BILL—(*Hon. J. Balfour*)—To be committed.

Government Business.

ORDERS OF THE DAY:—

1. CLOSER SETTLEMENT BILL.—Message from Assembly—To be taken into consideration.
2. MINES ACTS FURTHER AMENDMENT BILL.—Message from Assembly—To be taken into consideration.
3. REAL PROPERTY BILL.—Message from Assembly—To be taken into consideration.
4. INCOME TAX BILL—(*from Assembly—Hon. J. M. Davies*)—Second reading.
5. INEBRIATES BILL—(*from Assembly—Hon. J. M. Davies*)—To be further considered in Committee.

GEORGE H. JENKINS,
Clerk of the Legislative Council.

PARLIAMENTARY PAPERS ISSUED SINCE 10TH NOVEMBER, 1904.

Notices of Motion and Orders of the Day. No. 39.

Income Tax Bill—[89]. (To Members of Council only.)

Closer Settlement Bill.—Amendments made by the Legislative Council. How dealt with. (To Members of Council only.)

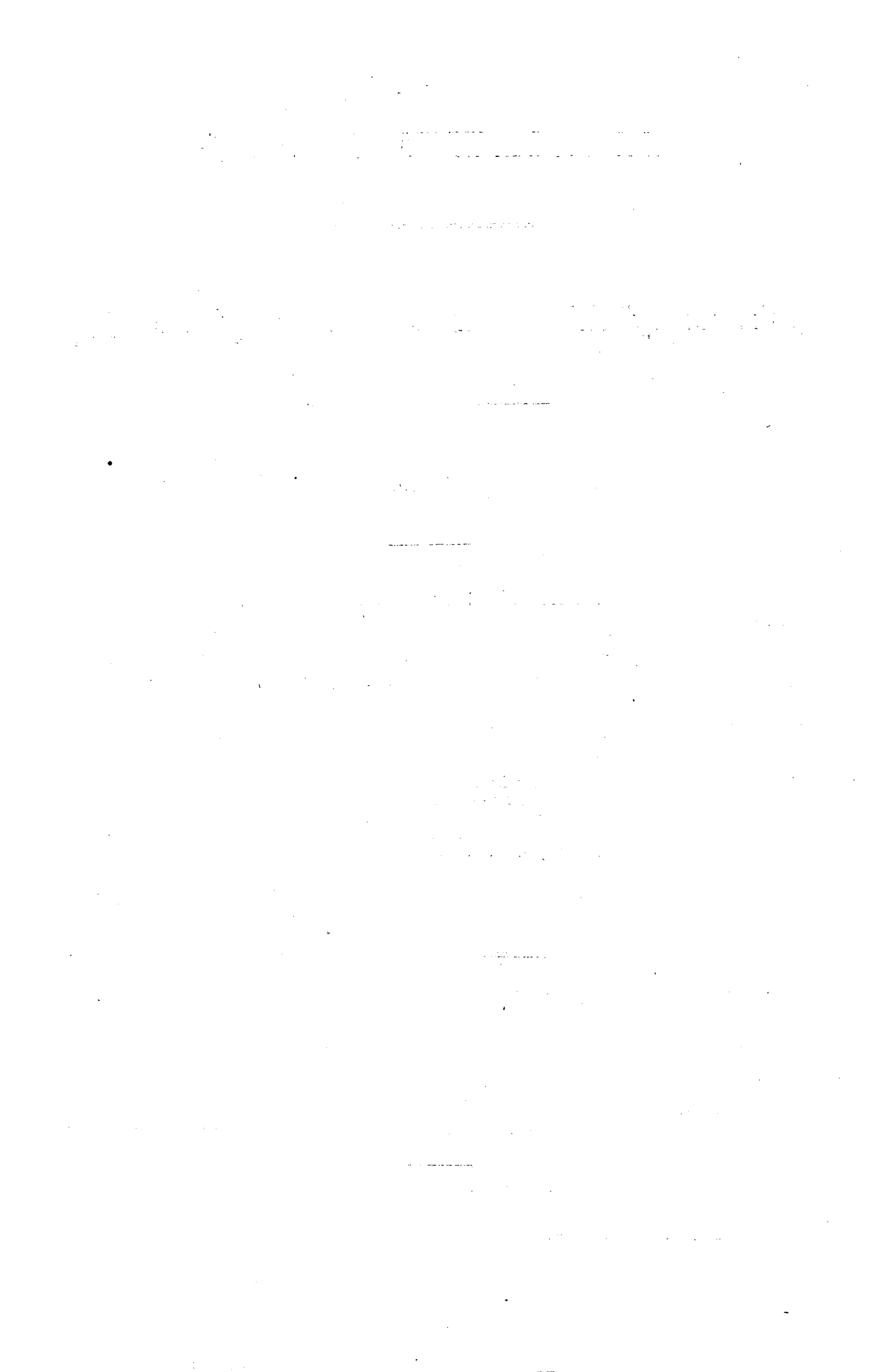
Mines Acts.—Amendments made by the Legislative Council. How dealt with. (To Members of Council only.)

Real Property Bill.—Amendments made by the Legislative Council. How dealt with. (To Members of Council only.)

Notices of Motion and Orders of the Day. No. 56.

Voting by Post (Continuation) Bill—[129].

Water Bill—[47]. (To Members only.)



VICTORIA.

No. 41.

MINUTES OF THE PROCEEDINGS
OF THE
LEGISLATIVE COUNCIL.

WEDNESDAY, 16TH NOVEMBER, 1904.

1. The President took the Chair and read the Prayer.
2. MESSAGE FROM HIS EXCELLENCY THE GOVERNOR.—The following Message from His Excellency the Governor was presented by the Honorable J. M. Davies, and the same was read by the Honorable the President :—

R. TALBOT,

Governor of Victoria.

Message No. 9.

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

“ *An Act to amend the Law relating to the Renewal of Licences and for other purposes.* ”

“ *An Act to amend the Law relating to the Sale of Artificial Manure.* ”

“ *An Act for the Removal of Doubts with regard to the Validity of the practice of the Office of Titles relating to the Registration of certain Instruments and for other purposes.* ”

“ *An Act for regulating the Sale of Coal and Firewood.* ”

“ *An Act to amend Part IV. of the ‘ Tramways Act 1890.’* ”

“ *An Act to apply out of the Consolidated Revenue the sum of One hundred pounds to the service of the year One thousand nine hundred and four and One thousand nine hundred and five.* ”

“ *An Act relating to Duties payable under the Administration and Probate Acts.* ”

Government Offices,

Melbourne, 8th November, 1904.

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

MR. PRESIDENT,

The Legislative Assembly transmit to the Legislative Council a Bill intituled “ *An Act to apply a sum out of the Consolidated Revenue to the service of the year ending on the thirtieth day of June One thousand nine hundred and five and to appropriate the Supplies granted in this Session of Parliament,* ” with which they desire the concurrence of the Legislative Council.

FRANK MADDEN,
Speaker.

Legislative Assembly,
Melbourne, 15th November, 1904.

4. APPROPRIATION BILL.—On the motion of the Honorable J. M. Davies, the Bill transmitted by the foregoing Message was read a first time, ordered to be printed, and read a second time to-morrow.

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

MR. PRESIDENT,

The Legislative Assembly transmit to the Legislative Council a Bill intituled “ *An Act to consolidate and amend the Laws relating to the Conservation and Supply of Water, to declare the Law relating to certain Rights in Natural Waters, the property in the beds and banks containing the same, and for other purposes,* ” with which they desire the concurrence of the Legislative Council.

FRANK MADDEN,
Speaker.

Legislative Assembly,
Melbourne, 16th November, 1904.

6. WATER ACTS CONSOLIDATION AND AMENDMENT BILL.—On the motion of the Honorable J. M. Davies, the Bill transmitted by the foregoing Message was read a first time, ordered to be printed, and read a second time on Tuesday next.

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

MR. PRESIDENT,

The Legislative Assembly transmit to the Legislative Council a Bill intituled "*An Act to continue the Voting by Post Acts for one year*," with which they desire the concurrence of the Legislative Council.

Legislative Assembly,
Melbourne, 16th November, 1904.

FRANK MADDEN,
Speaker.

8. VOTING BY POST ACTS CONTINUANCE BILL.—On the motion of the Honorable W. Pitt, the Bill transmitted by the foregoing Message was read a first time, ordered to be printed, and read a second time to-morrow.

9. PAPERS.—The Honorable J. M. Davies presented, by command of His Excellency the Governor—
Fortieth Report of the Board for the Protection of the Aborigines.
Ordered to lie on the Table.

The following Papers, pursuant to the directions of several Acts of Parliament, were laid upon the Table by the Clerk :—

Report of the Proceedings of the University of Melbourne, from 31st July, 1903, to 31st July, 1904; together with a Statement of Accounts for the year 1903.

Victorian Railways—Report of the Victorian Railways Commissioners for the quarter ending 30th September, 1904.

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

Police Offences Act 1890 Amendment Bill—To be committed.

Ordered—That the said Bill be withdrawn.

11. CLOSER SETTLEMENT BILL.—The Order of the Day for the consideration of the amendments made in this Bill by the Council and disagreed with by the Assembly, or agreed to with amendments, having been read—the said amendments are as follow :—

Amendments made by the Legislative Council.

How dealt with by the
Legislative Assembly.

9. Clause 22, line 16, omit "one person only" and insert "the joint owners in such a way as they may decide providing the area selected shall not exceed Ten thousand pounds in value." } Disagreed with.

10. Clause 22, after sub-clause (5) insert new sub-clause—

(5*) If the owner of the said land shall allege that his income from the said land has been prejudicially affected by prolonged interference with his business he shall be entitled to such compensation as shall be decided by the Compensation Court hereinafter referred to if the owner and the Board cannot agree upon the amount thereof.

{ Disagreed with, but the following consequential amendment made, viz. :—In clause 22, after sub-clause (5), add the following new sub-clause :—" or (6) At any time within twelve months after the date of the Board's notification if Parliament refuses to affirm that it is desirable to acquire the land compulsorily the said restriction on the disposition of the land shall cease to have effect."

11. Clause 26, line 42, omit "one hundred days" and insert "six months."

{ Disagreed with, but the following consequential amendment made, viz. :—In clause 26, line 42, omit "one hundred" and insert "one hundred and fifty."

12. Clause 30, at end of sub-clause (1) add "and all improvements and buildings thereon."

{ Disagreed with.

18. Clause 45, line 15, omit "a farm" and insert "an agricultural."

... Disagreed with.

31. Clause 60, line 35, omit "Two" and insert "Four."

{ Agreed to with the following amendment, viz. :—Omit "Four" and insert "Three."

Amendments made by the Legislative Council.

How dealt with by the
Legislative Assembly.

Insert the following new clauses :—

35. To follow clause 5—

A. Where persons resident in any part of Victoria desire to acquire the whole of any block of private land in the vicinity of their holdings and have entered into a provisional Agreement with the owner for the purchase thereof the Board if it approves of the terms of such Agreement may with the consent of the Governor in Council ratify and adopt the same and may for the purposes of closer settlement acquire and take for the Crown the land included in such Agreement and may dispose of the same under this Act. In such case the persons who so entered into such provisional Agreement shall have a preferential right to a selection of the whole block in such portions as may be provided in said Agreement not exceeding in extent the area or value prescribed by this Act and in other respects shall be subject to the provisions of this Act.

Power to ratify
agreements
between
residents and
the owners of
private land.

Disagreed with.

36. To follow clause 30—

B. Where money has prior to the passing of this Act been *bona fide* lent on the sole security by way of mortgage or incumbrance of any land to be purchased under this Act no less sum shall without the consent of the mortgagee be paid as purchase money for such land than the amount of the money so lent with interest thereon owing at the time of such purchase.

Sum to be paid
for land bought
subject to
mortgage.

Disagreed with.

On the motion of the Honorable A. O. Sachse, the consideration of the foregoing amendments was referred to a Committee of the whole, whereupon the President left the Chair.

House in Committee.

The President resumed the Chair; and the Honorable N. FitzGerald reported that the Committee, having considered the amendments made in this Bill by the Council and disagreed with by the Assembly, or agreed to with amendments, insist on some of their amendments, insist on others of the said amendments with amendments, do not insist on one of the said amendments, and have agreed to one of the amendments made by the Assembly on an amendment of the Council as hereunder set forth :—

Amendment 9 insisted on, but with the following amendment, viz. :—Omit “providing” and insert “or in the event of their disagreement in such a way as the Compensation Court may determine provided that.”

Amendment 10 insisted on, and consequential amendment disagreed with.

Amendment 11 not insisted on, and consequential amendment agreed to.

Amendments 12 and 36 insisted on.

Amendment 18 not insisted on.

Amendment 31 disagreed with.

Amendment 35 insisted on, but with the following amendments, viz. :—Omit “have a preferential right to a selection of” and insert “select”; omit “in extent the area or” and insert “the maximum”; after “by this Act” insert “to be held by any one person.”

On the motion of the Honorable A. O. Sachse, the Report was adopted.

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

12. MINES ACTS FURTHER AMENDMENT BILL.—The Order of the Day for the consideration of the amendments made in this Bill having been read—the said amendments were read and are as follow :—

Amendments of the Legislative Council.

How dealt with.

43. Clause 60, after sub-clause (2) insert new sub-clause :—

(2A) The business of sluicing dredging hydraulic or other mining operations shall not be carried on without the permit of the Minister after a report by the Board to the Minister. Every person carrying on such business at the commencement of this Act shall within thirty days after the notice in the *Government Gazette* of the appointment of such Board apply to the Minister for a permit to carry on such business: And nothing in this Act contained shall prevent any such person from continuing to carry on such business from the commencement of this Act until the Minister shall have granted or refused to grant a permit; and the Minister may in his discretion grant a temporary permit to any such person for such period as may in the opinion of the Minister be reasonably required to enable such person to comply with any order of the Minister.

Disagreed with by
Assembly and
insisted on by
Council, but with
the following
amendment, viz.:
—Omit “other
mining opera-
tions” and insert
“any form of
mining regulated
by the Sludge
A b a t e m e n t
Board.”

Disagreement in-
sisted on by
Assembly.

- | | | | | |
|--|---|--|---|---------------------------------------|
| 44. Clause 60, line 27, omit "board" and insert "Minister." | } | Disagreed with by Assembly and insisted on by Council, but with the following amendment in clause 60, viz.:—In line 27 omit "It shall be the duty of"; and after "Minister" in the amendment insert "may." | } | Disagreement insisted on by Assembly. |
| 45. Clause 60, after line 27, insert new sub-clause :—
(aa) to refuse to sanction or grant a permit for any sluicing dredging hydraulic or other mining operations which in the opinion of the Minister could not be carried on without serious contamination to any river stream water-course lake or reservoir not exempted from the operation of this section as hereinafter provided, or to any agricultural or grazing lands adjacent thereto. | } | Disagreed with by Assembly and insisted on by Council, with the following consequential amendment, viz.:—Omit from new sub-clause (aa) the word "to" where first occurring. | } | Disagreement insisted on by Assembly. |
| 46. Clause 60, after new sub-clause (ax) insert "(3A) It shall be the duty of the Board—" | } | Disagreed with by Assembly and insisted on by Council. | } | Disagreement insisted on by Assembly. |
| 47. Clause 60, line 28, after "of" insert "serious contamination." | } | | | |
| 50. Clause 60, line 35, after "such" insert "serious contamination." | } | | | |
| 51. Clause 60, line 38, after "cause" insert "serious contamination." | } | | | |
| 54. Clause 60, line 42, after "such" insert "serious contamination." | } | | | |
| 55. Clause 60, page 32, line 5, after "may" insert "seriously contaminate." | } | | | |
| 61. Clause 60, page 32, line 18, after "board" insert "or without a permit as hereinbefore provided." | } | | | |
| 72. Clause 60, page 32, after sub-clause (6), insert new sub-clause :—
(6A) Serious contamination means a contamination which in the opinion of the Board would cause serious injury without amounting to pollution within the meaning of the last preceding sub-section. | } | | | |

On the motion of the Honorable J. M. Davies, the consideration of the foregoing amendments was referred to a Committee of the whole, whereupon the President left the Chair.

House in Committee.

The President resumed the Chair; and the Honorable N. FitzGerald reported that the Committee having further considered the amendments made in this Bill and insisted on by the Council and disagreed with by the Assembly, do not now insist on their amendments.

On the motion of the Honorable J. M. Davies, the Report was adopted.

Ordered—That the Assembly be informed that the Council do not now insist on their amendments disagreed with by the Assembly.

13. REAL PROPERTY BILL.—The Order of the Day for the consideration of the amendment made in this Bill by the Assembly having been read—the said amendment was read and is as follows :—

Amendment made by the Legislative Assembly.

How dealt with.

53. After clause 22, insert the following new clauses :—

Foreclosure extinguishes a right of action for mortgage debt.

J. (1) On a decree judgment or order absolute for foreclosure the mortgagee and any person claiming through him shall be deemed to have taken the property mentioned in such decree judgment or order in full satisfaction of the money secured by the mortgage and unpaid and his right or equity to bring any action or to take other proceedings for the recovery of the said money from the debtor surety or other person shall be extinguished.

(2) In the case of mortgages of land under the *Transfer of Land Act* 1890 effected by instruments of mortgage under that Act "order absolute" includes an order for foreclosure under the hand of the Registrar when entered in the register book.

(3) This section shall have effect notwithstanding any stipulation to the contrary.

Agreed to by Council with the following amendments, viz.:—At end of sub-clause (1) add "and the right or equity of the mortgagor and of all persons claiming through or under him to redeem the said property shall also be extinguished"; in sub-clause (2) omit "effected by instruments of mortgage under that Act."

Agreed to by Assembly with the following amendment, viz.:—Omit "and of all persons claiming through or under him," and the following consequential amendments made in clause J, viz.:—

Sub-section (1), lines 5 and 6, omit "and any person claiming through him."

Sub-section (1), lines 9-11, omit "money secured by the mortgage and unpaid" and insert "mortgage debt."

Sub-section (1), line 14, omit "said" and insert "mortgage."

After sub-section (2) insert the following new sub-sections, viz.:—

(2A.) Nothing in this section shall be deemed to disentitle the mortgagee to obtain foreclosure of any other property over which he shall hold security by way of mortgage for the said money or part thereof as if this section had not been made law.

(2B.) This section applies to foreclosures obtained either before or after the passing of this Act save that where an action to recover the mortgage money is pending at the passing of this Act or where prior thereto a judgment has been obtained or a settlement or compromise made the rights of the parties shall not be affected by this section.

Agreed to by Council.

Agreed to by Council with the following amendment, viz.:—After "thereof" insert "or to put in force any provisions contained in the first mortgage in respect of such other property except the right to sue the mortgagor for the mortgage money."

Disagreed with by Assembly.

Agreed to by Council with the following amendments, viz.:—Omit "passing" wherever it occurs and insert "commencement"; after "save that where" insert "after foreclosure"; omit "thereto" and insert "to the passing of this Act"; after "rights" insert "and liabilities"; before "parties" insert "respective."

Agreed to by Assembly with the following amendment, viz.:—Omit "passing" from the words inserted in place of "thereto" and insert "commencement."

On the motion of the Honorable J. M. Davies, the consideration of the foregoing amendment was referred to a Committee of the whole, whereupon the President left the Chair. House in Committee.

The President resumed the Chair; and the Honorable N. FitzGerald reported that the Committee having considered the amendment of the Assembly have agreed to the amendment of the Assembly on the amendment of the Council in new sub-clause (2B) of clause J, and do not insist on their amendment in sub-clause (2A) of the same clause, but have made a further amendment as hereunder set forth :—

After "thereof" insert "or to enforce all or any rights powers and remedies contained or implied in such mortgage, except the right to sue the mortgagor or any surety for the mortgagor either for the mortgage money or on any bill or note given as security for the mortgage money."

On the motion of the Honorable J. M. Davies, the Report was adopted.

Ordered—That the Bill be returned to the Assembly with a Message acquainting them that the Council have agreed to the amendment of the Assembly on the amendment of the Council in new sub-clause (2B) of clause J, and do not insist on their amendment in sub-clause (2A) of the same clause, but have made a further amendment with which they desire the concurrence of the Assembly.

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

MR. PRESIDENT,

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

Legislative Assembly,
Melbourne, 16th November, 1904.

FRANK MADDEN,
Speaker.

15. CHURCH OF ENGLAND LAW FURTHER AMENDMENT BILL.—On the motion of the Honorable W. Pitt, the Bill transmitted by the foregoing Message was read a first time, ordered to be printed, and read a second time to-morrow.

16. INCOME TAX BILL.—This Bill was, according to Order, and after debate, read a second time and committed to a Committee of the whole.

House in Committee.

The President resumed the Chair ; and the Honorable N. FitzGerald having reported that the Committee had agreed to the Bill without amendment, the Report was adopted, and the Bill read a third time and passed.

Ordered—That the Assembly be informed that the Council have agreed to the Bill without amendment.

17. POSTPONEMENT OF ORDER OF THE DAY.—Ordered, That the consideration of the following Order of the Day be postponed until to-morrow :—

Inebriates Bill—To be further considered in Committee.

And then the Council, at ten o'clock, adjourned until to-morrow.

GEORGE H. JENKINS,
Clerk of the Legislative Council.

LEGISLATIVE COUNCIL.

Notices of Motion and Orders of the Day.

No. 40.

THURSDAY, 17TH NOVEMBER, 1904.

Government Business.

ORDERS OF THE DAY:—

1. APPROPRIATION BILL—(from Assembly—Hon. J. M. Davies)—Second reading.
2. INEBRIATES BILL—(from Assembly—Hon. J. M. Davies)—To be further considered in Committee.
3. VOTING BY POST ACTS CONTINUANCE BILL—(from Assembly—Hon. W. Pitt)—Second reading.
4. CHURCH OF ENGLAND LAW FURTHER AMENDMENT BILL—(from Assembly—Hon. W. Pitt)—Second reading.

TUESDAY, 22ND NOVEMBER.

Government Business.

ORDER OF THE DAY:—

1. WATER ACTS CONSOLIDATION AND AMENDMENT BILL—(from Assembly—Hon. J. M. Davies)—Second reading.

GEORGE H. JENKINS,
Clerk of the Legislative Council.

MEETING OF SELECT COMMITTEE.

Thursday, 17th November.

REFRESHMENT ROOMS (JOINT)—At seven o'clock.

PARLIAMENTARY PAPERS ISSUED 16TH NOVEMBER, 1904.

Notices of Motion and Orders of the Day. No. 40.
 Appropriation Bill—[100]. (To Members of Council only.)
 Church of England Bill—[116]. (To Members of Council only.)
 Voting by Post (Continuation) Bill—[129]. (To Members of Council only.)

Notices of Motion and Orders of the Day. No. 57.
 Surplus Revenue Bill (No. 2)—[118].
 Water Supply Special Funds Application Bill—[119].
 Ballarat Water Commission Mortgage Ratification Bill—[123].
 Railway Loan Application Bill—[124].
 Railways Special Funds Application Bill—[125].
 Railways Bill (No. 2)—[127].

THE UNIVERSITY OF CHICAGO

PHYSICS DEPARTMENT

PHYSICS 435

LECTURE 1

1.1. THE CLASSICAL LIMIT

1.2. QUANTUM MECHANICS

1.3. THE SCHRÖDINGER EQUATION

1.4. THE HEISENBERG UNCERTAINTY PRINCIPLE

1.5. THE DIRAC EQUATION

1.6. THE PAULI EXCLUSION PRINCIPLE

1.7. THE SPIN-ORBIT INTERACTION

1.8. THE FINITE DEPTH POTENTIAL WELL

1.9. THE HARMONIC OSCILLATOR

1.10. THE HYDROGEN ATOM

1.11. THE ADDITION OF ANGULAR MOMENTUM

1.12. THE HYPERFINE SPLITTING

1.13. THE ZEEMAN EFFECT

1.14. THE RYDBERG CONSTANT

1.15. THE BOHR MODEL

1.16. THE SPECTRUM OF HYDROGEN

VICTORIA.

No. 42.

MINUTES OF THE PROCEEDINGS
OF THE
LEGISLATIVE COUNCIL.

THURSDAY, 17TH NOVEMBER, 1904.

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

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

MR. PRESIDENT,

The Legislative Assembly transmit to the Legislative Council a Bill intituled "*An Act to authorize the construction by the State of a Line of Railway from Strathmerton towards Tocumwal,*" with which they desire the concurrence of the Legislative Council.

FRANK MADDEN,
Speaker.Legislative Assembly,
Melbourne, 16th November, 1904.

3. STRATHMERTON TOWARDS TOCUMWAL RAILWAY BILL.—On the motion of the Honorable J. M. Davies, the Bill transmitted by the foregoing Message was read a first time, ordered to be printed, and read a second time on Tuesday next.

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

MR. PRESIDENT,

The Legislative Assembly transmit to the Legislative Council a Bill intituled "*An Act to authorize the construction of a Line of Electric Tramway from St. Kilda towards Brighton Beach and for other purposes,*" with which they desire the concurrence of the Legislative Council.

FRANK MADDEN,
Speaker.Legislative Assembly,
Melbourne, 16th November, 1904.

5. ST. KILDA AND BRIGHTON ELECTRIC TRAMWAY BILL.—On the motion of the Honorable A. O. Sachse, the Bill transmitted by the foregoing Message was read a first time, ordered to be printed, and read a second time on Tuesday next.

6. PETITION.—The Honorable T. C. Harwood presented a Petition from the Mayor, Aldermen, Councillors, and Burgesses of the Town of Geelong, praying that the Council would take into consideration the serious effect which the Water Acts Consolidation and Amendment Bill, if passed into law, would have upon the owners of unoccupied lands and tenements in Geelong and the suburbs thereof, and would cause the said Bill to be so amended as to protect such owners from loss.

Ordered to lie on the Table, and referred to the Committee on the Water Acts Consolidation and Amendment Bill.

7. APPROPRIATION BILL.—This Bill was, according to Order, read a second time, and committed to a Committee of the whole.

House in Committee.

The President resumed the Chair; and the Honorable N. FitzGerald having reported that the Committee had agreed to the Bill without amendment, the Report was adopted, and the Bill read a third time and passed.

Ordered—That the Assembly be informed that the Council have agreed to the Bill without amendment.

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

MR. PRESIDENT,

The Legislative Assembly transmit to the Legislative Council a Bill intituled “ *An Act to amend section twenty-five of the ‘ Factories and Shops Act 1903,’* ” with which they desire the concurrence of the Legislative Council.

FRANK MADDEN,
Speaker.

Legislative Assembly,
Melbourne, 17th November, 1904.

9. FACTORIES AND SHOPS ACT 1903 AMENDMENT BILL.—On the motion of the Honorable W. Pitt, the Bill transmitted by the foregoing Message was read a first time, ordered to be printed, and read a second time on Tuesday next.

10. INEBRIATES BILL.—The Order of the Day for the further consideration of this Bill in Committee of the whole having been read—the President left the Chair.
House in Committee.

The President resumed the Chair; and the Honorable N. FitzGerald having reported that the Committee had agreed to the Bill with amendments, the House ordered the Report to be taken into consideration this day, whereupon the House adopted the Report, and the Bill was read a third time and passed.

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

11. VOTING BY POST ACTS CONTINUANCE BILL.—This Bill was, according to Order, read a second time, and committed to a Committee of the whole.
House in Committee.

The President resumed the Chair; and the Honorable N. FitzGerald having reported that the Committee had agreed to the Bill without amendment, the Report was adopted, and the Bill read a third time and passed.

Ordered—That the Assembly be informed that the Council have agreed to the Bill without amendment.

12. POSTPONEMENT OF ORDER OF THE DAY.—Ordered, That the consideration of the following Order of the Day be postponed until Tuesday next :—

Church of England Law further Amendment Bill—Second reading.

13. ADJOURNMENT.—Ordered, That the Council, at its rising, adjourn until Tuesday next.

And then the Council, at thirty-nine minutes past six o'clock, adjourned until Tuesday next.

GEORGE H. JENKINS,
Clerk of the Legislative Council.

LEGISLATIVE COUNCIL.

Notices of Motion and Orders of the Day.

No. 41.

TUESDAY, 22ND NOVEMBER, 1904.

Government Business.

ORDERS OF THE DAY:—

1. WATER ACTS CONSOLIDATION AND AMENDMENT BILL—(from Assembly—Hon. J. M. Davies)—Second reading.
2. STRATHMERTON TOWARDS TOCUMWAL RAILWAY BILL—(from Assembly—Hon. J. M. Davies)—Second reading.
3. ST. KILDA AND BRIGHTON ELECTRIC TRAMWAY BILL—(from Assembly—Hon. A. O. Sachse)—Second reading.
4. FACTORIES AND SHOPS ACT 1903 AMENDMENT BILL—(from Assembly—Hon. W. Pitt)—Second reading.
5. CHURCH OF ENGLAND LAW FURTHER AMENDMENT BILL—(from Assembly—Hon. W. Pitt)—Second reading.

GEORGE H. JENKINS,
Clerk of the Legislative Council.

PARLIAMENTARY PAPERS ISSUED 17TH NOVEMBER, 1904.

Notices of Motion and Orders of the Day. No. 41.

St. Kilda and Brighton Electric Street Railway Bill—[102]. (To Members of Council only.)

Strathmerton towards Tocumwal Railway Construction Bill—[120]. (To Members of Council only.)

Factories and Shops Bill (No. 2)—[128]. (To Members of Council only.)

Notices of Motion and Orders of the Day. No. 58.

Factories and Shops Bill (No. 2)—[128].



VICTORIA.

No. 43.

MINUTES OF THE PROCEEDINGS

OF THE

LEGISLATIVE COUNCIL.

TUESDAY, 22ND NOVEMBER, 1904.

1. The President took the Chair and read the Prayer.
2. PETITION.—The Honorable J. M. Davies presented a petition from certain residents of the districts of North Carlton, North Fitzroy, and neighbourhood worshipping at the Baptist Church, North Carlton, praying that the Council would give effect to the expressed wish of the electors of the State by introducing the Scripture lessons of the Royal Commission, to be taught in the State schools by the teachers, within school hours, to the children of such parents as desire it, and that a complete analysis of the voting on the referendum be made and published.
Ordered to lie on the Table.
3. PAPERS.—The Honorable J. M. Davies presented, by command of His Excellency the Governor—
Public Service Commissioner.—Report.
The following Papers, pursuant to the directions of several Acts of Parliament, were laid upon the Table by the Clerk :—
Amendment of Regulations under the Land Act 1901.
Education Act No. 1086.—Regulations.
Fisheries Act 1890.—Notice of Proclamation Close Season for Murray Cod, and amendment of Second Schedule regarding the weight of Murray Cod.
Rules of the Supreme Court.—Rules repealed and New Rules under Judicature Act.
Summary of Statements for the year 1903 made by the Companies transacting Life Assurance Business in Victoria.
The Melbourne and Metropolitan Board of Works.—Statements of Accounts, and Balance-sheet, together with Schedule of Contracts for year ended 30th June, 1904.

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

MR. PRESIDENT,

The Legislative Assembly return to the Legislative Council the Bill intituled "*An Act for simplifying and improving the Practice of Conveyancing and the Law of Property and for other purposes,*" and acquaint the Legislative Council that the Legislative Assembly do not insist on disagreeing with the amendment of the Legislative Council in sub-clause (2a) as now amended by the Council.

FRANK MADDEN,
Speaker.Legislative Assembly,
Melbourne, 17th November, 1904.

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

MR. PRESIDENT,

The Legislative Assembly return to the Legislative Council the Bill intituled "*An Act providing for the Acquisition and Disposal of Land for Closer Settlement and for other purposes,*" and acquaint the Legislative Council that the Legislative Assembly do not insist on disagreeing with some of the amendments of the Legislative Council, as now amended by the Council, do not insist on disagreeing with some of the amendments made and insisted on by the Legislative Council, but have agreed to the same with amendments; do insist on disagreeing with one of the said amendments; do not insist on the amendment made by the Legislative Assembly on the amendment of the Legislative Council in clause 60, and do insist on the consequential amendment made by the Legislative Assembly in clause 22, with which they desire the concurrence of the Legislative Council.

FRANK MADDEN,
Speaker.Legislative Assembly,
Melbourne, 17th November, 1904.

Ordered—That the foregoing Message be taken into consideration to-morrow.

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

MR. PRESIDENT,

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

Legislative Assembly,
Melbourne, 17th November, 1904.

FRANK MADDEN,
Speaker.

7. RAILWAYS LAWS FURTHER AMENDMENT BILL.—On the motion of the Honorable J. M. Davies, the Bill transmitted by the foregoing Message was read a first time, ordered to be printed, and read a second time to-morrow.

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

MR. PRESIDENT,

The Legislative Assembly transmit to the Legislative Council a Bill intituled "*An Act to authorize the Sale of certain Land reserved as a Site for a Race-course and other purposes of Public Recreation in the Parish of Shepparton and for other purposes,*" with which they desire the concurrence of the Legislative Council.

Legislative Assembly,
Melbourne, 17th November, 1904.

FRANK MADDEN,
Speaker.

9. SHEPPARTON RACE-COURSE SITE SALE BILL.—On the motion of the Honorable W. Pitt, the Bill transmitted by the foregoing Message was read a first time, ordered to be printed, and read a second time to-morrow.

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

MR. PRESIDENT,

The Legislative Assembly transmit to the Legislative Council a Bill intituled "*An Act to extend the Powers of The Melbourne Tramways Trust as regards Investments,*" with which they desire the concurrence of the Legislative Council.

Legislative Assembly,
Melbourne, 17th November, 1904.

FRANK MADDEN,
Speaker.

11. MELBOURNE TRAMWAYS TRUST INVESTMENTS BILL.—On the motion of the Honorable J. M. Davies, the Bill transmitted by the foregoing Message was read a first time, ordered to be printed, and read a second time to-morrow.

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

MR. PRESIDENT,

The Legislative Assembly transmit to the Legislative Council a Bill intituled "*An Act to amend the Factories and Shops Acts,*" with which they desire the concurrence of the Legislative Council.

Legislative Assembly,
Melbourne, 17th November, 1904.

FRANK MADDEN,
Speaker.

13. FACTORIES AND SHOPS ACTS AMENDMENT BILL.—On the motion of the Honorable A. O. Sachse, the Bill transmitted by the foregoing Message was read a first time, ordered to be printed, and read a second time to-morrow.

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

MR. PRESIDENT,

The Legislative Assembly transmit to the Legislative Council a Bill intituled "*An Act to ratify an Indenture made between the Ballarat Water Commissioners, the Governor of the State of Victoria, and the Board of Land and Works,*" with which they desire the concurrence of the Legislative Council.

Legislative Assembly,
Melbourne, 17th November, 1904.

FRANK MADDEN,
Speaker.

15. BALLARAT WATER COMMISSION BILL.—On the motion of the Honorable J. M. Davies, the Bill transmitted by the foregoing Message was read a first time, ordered to be printed, and read a second time to-morrow.

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

MR. PRESIDENT,

The Legislative Assembly transmit to the Legislative Council a Bill intituled "*An Act to sanction the Issue and Application of certain Money available under the 'Country Tramways Trust Fund Act 1904' for Water Supply in Country Districts,*" with which they desire the concurrence of the Legislative Council.

Legislative Assembly,
Melbourne, 17th November, 1904.

FRANK MADDEN,
Speaker.

17. WATER SUPPLY SPECIAL FUNDS APPLICATION BILL.—On the motion of the Honorable W. Pitt, the Bill transmitted by the foregoing Message was read a first time, ordered to be printed, and read a second time to-morrow.

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

MR. PRESIDENT,

The Legislative Assembly transmit to the Legislative Council a Bill intituled "*An Act to sanction the Issue and Application of certain Money available under Loan Acts for Railways,*" with which they desire the concurrence of the Legislative Council.

Legislative Assembly,
Melbourne, 17th November, 1904.

FRANK MADDEN,
Speaker.

19. RAILWAY LOAN APPLICATION BILL.—On the motion of the Honorable A. O. Sachse, the Bill transmitted by the foregoing Message was read a first time, ordered to be printed, and read a second time to-morrow.

20. POSTPONEMENT OF ORDER OF THE DAY.—Ordered, after debate, That the consideration of the following Order of the Day be postponed until to-morrow :—

Water Acts Consolidation and Amendment Bill—Second reading.

21. STRATHMERTON TOWARDS TOCUMWAL RAILWAY BILL.—This Bill was, according to Order, and after debate, read a second time, and committed to a Committee of the whole.

House in Committee.

The President resumed the Chair ; and the Honorable N. FitzGerald having reported that the Committee had agreed to the Bill without amendment, the Report was adopted, and the Bill read a third time and passed.

Ordered—That the Assembly be informed that the Council have agreed to the Bill without amendment.

22. ST. KILDA AND BRIGHTON ELECTRIC TRAMWAY BILL.—This Bill was, according to Order, and after debate, read second time, and committed to a Committee of the whole.

House in Committee.

The President resumed the Chair ; and the Honorable N. FitzGerald having reported that the Committee had agreed to the Bill without amendment, the Report was adopted, and the Bill read a third time and passed.

Ordered—That the Assembly be informed that the Council have agreed to the Bill without amendment.

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

MR. PRESIDENT,

The Legislative Assembly return to the Legislative Council the Bill intituled "*An Act to provide for the Care, Control, and Treatment of Inebriates,*" and acquaint the Legislative Council that the Legislative Assembly have agreed to the amendments made in such Bill by the Legislative Council.

Legislative Assembly,
Melbourne, 22nd November, 1904.

FRANK MADDEN,
Speaker.

24. POSTPONEMENT OF ORDERS OF THE DAY.—Ordered, That the consideration of the following Orders of the Day be postponed until to-morrow :—

Factories and Shops Act 1903 Amendment Bill—Second reading.

Church of England Law further Amendment Bill—Second reading.

And then the Council, at seventeen minutes past ten o'clock, adjourned until to-morrow.

GEORGE H. JENKINS,
Clerk of the Legislative Council.

LEGISLATIVE COUNCIL.

Notices of Motion and Orders of the Day.

No. 42.

WEDNESDAY, 23RD NOVEMBER, 1904.

Government Business.

ORDERS OF THE DAY :—

1. WATER ACTS CONSOLIDATION AND AMENDMENT BILL—(from Assembly—Hon. J. M. Davies)—Second reading.
2. CLOSER SETTLEMENT BILL—Message from Assembly—To be taken into consideration.
3. FACTORIES AND SHOPS ACTS AMENDMENT BILL—(from Assembly—Hon. A. O. Sachse)—Second reading.
4. RAILWAYS LAWS FURTHER AMENDMENT BILL—(from Assembly—Hon. J. M. Davies)—Second reading.
5. SHEPPARTON RACE-COURSE SITE SALE BILL—(from Assembly—Hon. W. Pitt)—Second reading.
6. MELBOURNE TRAMWAYS TRUST INVESTMENTS BILL—(from Assembly—Hon. J. M. Davies)—Second reading.
7. BALLARAT WATER COMMISSION BILL—(from Assembly—Hon. J. M. Davies)—Second reading.
8. WATER SUPPLY SPECIAL FUNDS APPLICATION BILL—(from Assembly—Hon. W. Pitt)—Second reading.
9. RAILWAY LOAN APPLICATION BILL—(from Assembly—Hon. A. O. Sachse)—Second reading.
10. FACTORIES AND SHOPS ACT 1903 AMENDMENT BILL—(from Assembly—Hon. W. Pitt)—Second reading.
11. CHURCH OF ENGLAND LAW FURTHER AMENDMENT BILL—(from Assembly—Hon. W. Pitt)—Second reading.

TUESDAY, 29TH NOVEMBER.

Question.

1. The Hon. J. STERNBERG : To ask the Honorable the Attorney-General if the Government will consider during the recess the necessity that exists of passing legislation similar to New Zealand and the other States, making proper provision for fire escapes in places of public accommodation, such as large hotels, coffee palaces, and similar institutions.

GEORGE H. JENKINS,
Clerk of the Legislative Council.

MEETING OF SELECT COMMITTEE.

Wednesday, 23rd November.

STANDING ORDERS COMMITTEE—at four o'clock.

(120 copies.)

PARLIAMENTARY PAPERS ISSUED SINCE 17TH NOVEMBER, 1904.

Notices of Motion and Orders of the Day. No. 42.

Water Bill—[47]. (To Members of Council only.)

Factories and Shops Bill—[103]. (To Members of Council only.)

The Melbourne Tramways Trust Amendment Bill—[110]. (To Members of Council only.)

Shepparton Race-course Bill—[114]. (To Members of Council only.)

Water Supply Special Funds Application Bill—[119]. (To Members of Council only.)

Ballarat Water Commission Mortgage Ratification Bill—[123]. (To Members of Council only.)

Railway Loan Application Bill—[124]. (To Members of Council only.)

Railways Bill—[127]. (To Members of Council only.)

Closer Settlement Bill.—Amendments made by the Legislative Council. How dealt with. (To Members of Council only.)

Notices of Motion and Orders of the Day. No. 59.

Weekly Report of Divisions. Nos. 13 and 14.

Public Service Acts Amendment Bill.—(Amendments and New Clause by Mr.^s Gaunson.) (To Members only.)

Milk Supervision Bill—

(Amendments to be proposed in Committee by Mr. Robertson.) (To Members only.)

(Amendments and New Clause to be proposed in Committee by Mr. Beard.) (To Members only.)

VICTORIA.

No. 44.

MINUTES OF THE PROCEEDINGS

OF THE

LEGISLATIVE COUNCIL.

WEDNESDAY, 23RD NOVEMBER, 1904.

1. The President took the Chair and read the Prayer.
2. MESSAGE FROM THE ASSEMBLY.—The President announced the receipt of the following Message from the Assembly :—

MR. PRESIDENT,

The Legislative Assembly transmit to the Legislative Council a Bill intituled "*An Act relating to certain Surplus Revenue*," with which they desire the concurrence of the Legislative Council.

FRANK MADDEN,
Speaker.

Legislative Assembly,
Melbourne, 22nd November, 1904.

3. SURPLUS REVENUE BILL (No. 2).—On the motion of the Honorable A. O. Sachse, the Bill transmitted by the foregoing Message was read a first time, ordered to be printed, and read a second time to-morrow.

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

MR. PRESIDENT,

The Legislative Assembly transmit to the Legislative Council a Bill intituled "*An Act to provide for the establishment of a Cemetery for the Northern Suburbs*," with which they desire the concurrence of the Legislative Council.

FRANK MADDEN,
Speaker.

Legislative Assembly,
Melbourne, 22nd November, 1904.

5. NORTHERN SUBURBS CEMETERY BILL.—On the motion of the Honorable W. Pitt, the Bill transmitted by the foregoing Message was read a first time, ordered to be printed, and read a second time to-morrow.

6. CLOSER SETTLEMENT BILL.—The Order of the Day for the consideration of the amendments made in this Bill by the Council having been read—the said amendments were read, and are as follow :—

Amendments made by the Council.

How dealt with.

10. Clause 22, after sub-clause (5) insert new sub-clause—

(5*) If the owner of the said land shall allege that his income from the said land has been prejudicially affected by prolonged interference with his business he shall be entitled to such compensation as shall be decided by the Compensation Court herein-after referred to if the owner and the Board cannot agree upon the amount thereof.

Disagreed with by Assembly, but the following consequential amendment made, viz.:—In clause 22, after sub-clause (5), add the following new sub-clause :—“or (6) At any time within twelve months after the date of the Board’s notification if Parliament refuses to affirm that it is desirable to acquire the land compulsorily the said restriction on the disposition of the land shall cease to have effect.”

Insisted on by Council and consequential amendment disagreed with.

Disagreement not insisted on by Assembly, but the following amendments made, viz.:—omit “allege” and insert “prove to the satisfaction of the Board”; omit “prolonged interference with his business” and insert “the said restriction.” Consequential amendment insisted on by Assembly.

Amendments made by the Council.

How dealt with.

12. Clause 30, at end of sub-clause (1) add "and all improvements and buildings thereon."	} Disagreed with by Assembly.	} by	} Insisted on by Council.	{ Disagreement not insisted on by Assembly, but the following amendment made, viz.:—omit "and" where it first occurs and insert "including."
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Insert the following new clause :—

36. To follow clause 30— B. Where money has prior to the passing of this Act been <i>bonâ fide</i> lent on the sole security by way of mortgage or incumbrance of any land to be purchased under this Act no less sum shall without the consent of the mortgagee be paid as purchase money for such land than the amount of the money so lent with interest thereon owing at the time of such purchase.	} Disagreed with by Assembly.	} by	} Insisted on by Council.	{ Disagreement insisted on by Assembly.
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Amendment 10, consequential amendment of Assembly not now disagreed with, and amendments of Assembly on amendment of Council agreed to.

Amendment 12, amendments of Assembly on amendments of Council agreed to.

The Honorable A. O. Sachse moved, That the Council do not now insist on their amendment to insert new clause B.

Debate ensued.

The Honorable J. M. Pratt moved, as an amendment, That the words "within five years from the commencement of this Act" be inserted after the word "shall" in new clause B.

Debate continued.

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

Question—That the Council do not now insist on their amendment to insert new clause B—put. Council divided.

Ayes, 11.

The Hon. J. Balfour
J. D. Brown
J. M. Davies
W. H. Edgar
W. J. Evans
W. Little
T. Luxton
W. Pitt
R. B. Rees.

Tellers.

A. McLellan
A. O. Sachse.

Noes, 13.

The Hon. W. L. Baillieu
W. Cain
E. J. Crooke
Sir H. Cuthbert
Dr. W. H. Embling
N. FitzGerald
T. C. Harwood
Walter S. Manifold
D. E. McBryde
J. Y. McDonald
J. M. Pratt.

Tellers.

D. Melville
R. B. Ritchie.

And so it passed in the negative.

Ordered—That the Bill be returned to the Assembly, with a Message acquainting them that the Council do not disagree with the consequential amendment to insert a new sub-clause in clause 22, have agreed to the amendments of the Assembly on some of the amendments of the Council, and still insist on their amendment to insert new clause B.

7. POSTPONEMENT OF ORDERS OF THE DAY.—Ordered, That the consideration of the following Orders of the Day be postponed until to-morrow :—

Water Acts Consolidation and Amendment Bill—Second reading.
Factories and Shops Acts Amendment Bill—Second reading.

8. RAILWAYS LAWS FURTHER AMENDMENT BILL.—This Bill was, according to Order, and after debate, read a second time, and committed to a Committee of the whole. House in Committee.

The President resumed the Chair; and the Honorable N. FitzGerald having reported that the Committee had agreed to the Bill with amendments, the House ordered the Report to be taken into consideration this day, whereupon the House adopted the Report and the Bill was read a third time and passed.

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

9. **STANDING ORDERS COMMITTEE.**—The Honorable J. M. Davies brought up a Report from this Committee, which was read by the Clerk, and is as follows :—

The Select Committee of the Legislative Council on Standing Orders have the honour to report that they have considered the question of reviving Bills which may lapse through the Prorogation of Parliament, and that they have agreed to the following resolution with respect to the Water Acts Consolidation and Amendment Bill, and recommend that the same be adopted as a Standing Order of this House :—

“The Clerk of the Parliaments, on the first day of the next ensuing Session of Parliament, shall lay on the Table of the Council a copy of a Bill intituled ‘*An Act to consolidate and amend the Laws relating to the Conservation and Supply of Water, to declare the Law relating to certain Rights in Natural Waters, the property in the beds and banks containing the same, and for other purposes,*’ and such Bill shall bear upon the face of it a certificate from the Clerk that it is identical with the Bill that was received from the Legislative Assembly and read a first time by the Council on the 16th day of November, One thousand nine and hundred and four, but was not finally disposed of when Parliament was prorogued ; then a motion may be made that such Bill be advanced to the stage it had reached in the Council in the former Session. Such motion shall be determined without debate, and if carried thereupon the said Bill shall be deemed to have been read a first time, and an Order of the Day shall be made for the second reading thereof on such day as the Council may determine.”

23rd November, 1904.

The Honorable J. M. Davies moved, That the Report be now taken into consideration.

Question—put and resolved in the affirmative.

The Honorable J. M. Davies moved, That the resolution agreed to by the Standing Orders Committee be adopted as a Standing Order of the Council.

Question—put and resolved in the affirmative.

10. **MESSAGE FROM HIS EXCELLENCY THE GOVERNOR.**—The following Message from His Excellency the Governor was presented by the Honorable J. M. Davies, and the same was read by the Honorable the President :—

R. TALBOT,

Governor of Victoria.

Message No. 10.

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

“*An Act to revoke the Crown Grant of certain Land granted as a Site for Abattoirs at St. Kilda and for other purposes.*”

“*An Act to provide for Vesting certain Land on the South of the Yarra Yarra River in the Board of Land and Works and the City of Melbourne jointly for the purposes of a Public Park.*”

Government Offices,

Melbourne, 22nd November, 1904.

11. **SHEPPARTON RACE-COURSE SITE SALE BILL.**—This Bill was, according to Order, and after debate, read a second time, and committed to a Committee of the whole.
House in Committee.
The President resumed the Chair ; and the Honorable N. FitzGerald having reported that the Committee had agreed to the Bill without amendment, the Report was adopted, and the Bill read a third time and passed.
Ordered—That the Assembly be informed that the Council have agreed to the Bill without amendment.
12. **MELBOURNE TRAMWAYS TRUST INVESTMENTS BILL.**—This Bill, was according to Order, read a second time, and committed to a Committee of the whole.
House in Committee.
The President resumed the Chair ; and the Honorable N. FitzGerald having reported that the Committee had agreed to the Bill without amendment, the Report was adopted, and the Bill read a third time and passed.
Ordered—That the Assembly be informed that the Council have agreed to the Bill without amendment.
13. **BALLARAT WATER COMMISSION BILL.**—This Bill was, according to Order, and after debate, read a second time, and committed to a Committee of the whole.
House in Committee.
The President resumed the Chair ; and the Honorable N. FitzGerald having reported that the Committee had agreed to the Bill without amendment, the Report was adopted, and the Bill read a third time and passed.
Ordered—That the Assembly be informed that the Council have agreed to the Bill without amendment.
14. **WATER SUPPLY SPECIAL FUNDS APPLICATION BILL.**—This Bill was, according to Order, read a second time, and committed to a Committee of the whole.
House in Committee.
The President resumed the Chair ; and the Honorable N. FitzGerald having reported that the Committee had agreed to the Bill without amendment, the Report was adopted, and the Bill read a third time and passed.
Ordered—That the Assembly be informed that the Council have agreed to the Bill without amendment.

15. RAILWAY LOAN APPLICATION BILL.—This Bill was, according to Order, read a second time, and committed to a Committee of the whole.
House in Committee.
The President resumed the Chair; and the Honorable N. FitzGerald having reported that the Committee had agreed to the Bill without amendment, the Report was adopted, and the Bill read a third time and passed.
Ordered—That the Assembly be informed that the Council have agreed to the Bill without amendment.
16. FACTORIES AND SHOPS ACT 1903 AMENDMENT BILL.—The Order of the Day for the second reading of this Bill having been read—
The Honorable W. Pitt moved, That this Bill be now read a second time.
Debate ensued.
The Honorable R. B. Rees moved as an amendment, That the word “now” be omitted, and the words “this day six months” added after the word “time.”
Debate continued.
Amendment, by leave, withdrawn.
Question—That this Bill be now read a second time—put and resolved in the affirmative. Bill read a second time, and committed to a Committee of the whole.
House in Committee.
The President resumed the Chair; and the Honorable N. FitzGerald having reported that the Committee had agreed to the Bill without amendment, the Report was adopted, and the Bill read a third time and passed.
Ordered—That the Assembly be informed that the Council have agreed to the Bill without amendment.
17. CHURCH OF ENGLAND LAW FURTHER AMENDMENT BILL.—This Bill was, according to Order, and after debate, read a second time, and committed to a Committee of the whole.
House in Committee.
The President resumed the Chair; and the Honorable N. FitzGerald having reported that the Committee had agreed to the Bill with amendments, the House ordered the Report to be taken into consideration this day, whereupon the House adopted the Report, and the Bill was read a third time and passed.
Ordered—That the Bill be returned to the Assembly with a Message acquainting them that the Council have agreed to the same with amendments, and requesting their concurrence therein.
18. MESSAGE FROM THE ASSEMBLY.—The President announced the receipt of the following Message from the Assembly:—
MR. PRESIDENT,
The Legislative Assembly transmit to the Legislative Council a Bill intituled “*An Act to further amend the Executors Company’s Act,*” with which they desire the concurrence of the Legislative Council.
Legislative Assembly,
Melbourne, 23rd November, 1904.
FRANK MADDEN,
Speaker.
19. EXECUTORS COMPANY’S ACT FURTHER AMENDMENT BILL.—On the motion of the Honorable A. O. Sachse, the Bill transmitted by the foregoing Message was read a first time, ordered to be printed, and read a second time to-morrow.

And then the Council, at six minutes past ten o’clock, adjourned until to-morrow.

GEORGE H. JENKINS,
Clerk of the Legislative Council.

LEGISLATIVE COUNCIL.

Notices of Motion and Orders of the Day.

No. 43.

THURSDAY, 24TH NOVEMBER, 1904.

Government Business.

ORDERS OF THE DAY :—

1. FACTORIES AND SHOPS ACTS AMENDMENT BILL—(from Assembly—Hon. A. O. Sachse)—Second reading.
2. SURPLUS REVENUE BILL (No. 2)—(from Assembly—Hon. A. O. Sachse)—Second reading.
3. NORTHERN SUBURBS CEMETERY BILL—(from Assembly—Hon. W. Pitt)—Second reading.
4. WATER ACTS CONSOLIDATION AND AMENDMENT BILL—(from Assembly—Hon. J. M. Davies)—Second reading.
5. EXECUTORS COMPANY'S ACT FURTHER AMENDMENT BILL—(from Assembly—Hon. A. O. Sachse)—Second reading.

TUESDAY, 29TH NOVEMBER.

Question.

1. The Hon. J. STERNBERG : To ask the Honorable the Attorney-General if the Government will consider during the recess the necessity that exists of passing legislation similar to New Zealand and the other States, making proper provision for fire escapes in places of public accommodation, such as large hotels, coffee palaces, and similar institutions.

GEORGE H. JENKINS,
Clerk of the Legislative Council.

PARLIAMENTARY PAPERS ISSUED 23RD NOVEMBER, 1904.

Notices of Motion and Orders of the Day. No. 43.

The Executors Company's Bill—[112]. (To Members of Council only.)

Surplus Revenue Bill (No. 2)—[118]. (To Members of Council only.)

Northern Suburbs Cemetery Bill—[132]. To Members of Council only.)

Notices of Motion and Orders of the Day. No. 60.

Licensing Bill.—(New Clauses to be proposed in Committee by Mr. Keogh, Mr. G. H. Bennett, and Mr. Elmslie.) (To Members only.)

Land Acts Amendment Bill.—(Schedule of Amendments to be proposed in Committee, of which notice has been given up to 23rd November.) (To Members only.)

No. 45.

MINUTES OF THE PROCEEDINGS
OF THE
LEGISLATIVE COUNCIL.

THURSDAY, 24TH NOVEMBER, 1904.

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

2. PAPERS.—The following Papers, pursuant to the directions of several Acts of Parliament, were laid upon the Table by the Clerk :—

Public Service Acts.—Regulations.

The Constitution Act Amendment Act 1890, Part IX.—

Statement showing the Names of all Persons temporarily employed in the Department of the Legislative Council.

Statement showing the Names, Remuneration, Duties, &c., of all Persons temporarily employed in the Department of the Legislative Assembly, under the authority of Part IX. of the Constitution Act Amendment Act 1890, during the period from 1st December, 1903, to 24th November, 1904.

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

MR. PRESIDENT,

The Legislative Assembly return to the Legislative Council the Bill intituled "*An Act to further amend the 'Justices Act 1890,'*" and acquaint the Legislative Council that the Legislative Assembly have agreed to the same with amendments, with which they desire the concurrence of the Legislative Council.

FRANK MADDEN,

Speaker.

Legislative Assembly,
Melbourne, 23rd November, 1904.

Ordered—That the foregoing Message be taken into consideration to-morrow.

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

MR. PRESIDENT,

The Legislative Assembly return to the Legislative Council the Bill intituled "*An Act providing for the Acquisition and Disposal of Land for Closer Settlement and for other purposes,*" and acquaint the Legislative Council that the Legislative Assembly do not now insist on disagreeing with the amendment of the Legislative Council to insert new clause B.

FRANK MADDEN,

Speaker.

Legislative Assembly,
Melbourne, 23rd November, 1904.

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

MR. PRESIDENT,

The Legislative Assembly transmit to the Legislative Council a Bill intituled "*An Act to sanction the Issue and Application of certain Money available under the 'Country Tramways Trust Fund Act 1904' for Railways and other purposes,*" with which they desire the concurrence of the Legislative Council.

FRANK MADDEN,

Speaker.

Legislative Assembly,
Melbourne, 24th November, 1904.

6. RAILWAY SPECIAL FUNDS APPLICATION BILL.—On the motion of the Honorable A. O. Sachse, the Bill transmitted by the foregoing Message was read a first time, ordered to be printed, and read a second time to-morrow.

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

MR. PRESIDENT,

The Legislative Assembly transmit to the Legislative Council a Bill intituled "*An Act to authorize the Mayor, Aldermen, Councillors, and Citizens of the City of Melbourne to exchange certain Lands with the Commonwealth,*" with which they desire the concurrence of the Legislative Council.

Legislative Assembly,
Melbourne, 24th November, 1904.

FRANK MADDEN,
Speaker.

8. MELBOURNE LANDS EXCHANGE BILL.—On the motion of the Honorable W. Pitt, the Bill transmitted by the foregoing Message was read a first time, ordered to be printed, and read a second time to-morrow.

9. FACTORIES AND SHOPS ACTS AMENDMENT BILL.—The Order of the Day for the second reading of this Bill having been read—

The Honorable A. O. Sachse moved, That this Bill be now read a second time.

Debate ensued.

The Honorable D. Melville moved as an amendment, That the word "now" be omitted, and the words "this day month" added after the word "time."

Debate continued.

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

Ayes, 8.

The Hon. J. G. Aikman
W. L. Baillieu
J. M. Davies
W. H. Edgar
A. McLellan
J. Sternberg.

Tellers.

W. J. Evans
A. O. Sachse.

Noes, 14.

The Hon. J. Balfour
J. D. Brown
W. Cain
T. C. Harwood
T. Luxton
Walter S. Manifold
D. E. McBryde
J. Y. McDonald
D. Melville
E. Miller
J. M. Pratt
R. B. Ritchie.

Tellers.

Dr. W. H. Embling
R. B. Rees.

And so it passed in the negative.

Question—That the words "this day month" be added after the word "time"—put and resolved in the affirmative.

Ordered—That the Bill be read a second time this day month.

10. SURPLUS REVENUE BILL (No. 2).—This Bill was, according to Order, and after debate, read a second time, and committed to a Committee of the whole.

The Honorable A. O. Sachse moved, That the Honorable J. Balfour perform the duties of Chairman of Committees.

Question—put and resolved in the affirmative.

House in Committee.

The President resumed the Chair; and the Honorable J. Balfour having reported that the Committee had agreed to the Bill without amendment, the Report was adopted, and the Bill read a third time and passed.

Ordered—That the Assembly be informed that the Council have agreed to the Bill without amendment.

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

MR. PRESIDENT,

The Legislative Assembly transmit to the Legislative Council a Bill intituled "*An Act to amend the Public Service Acts,*" with which they desire the concurrence of the Legislative Council.

Legislative Assembly,
Melbourne, 24th November, 1904.

FRANK MADDEN,
Speaker.

12. PUBLIC SERVICE ACTS AMENDMENT BILL.—On the motion of the Honorable J. M. Davies, the Bill transmitted by the foregoing Message was read a first time, ordered to be printed, and read a second time to-morrow.

13. NORTHERN SUBURBS CEMETERY BILL.—This Bill was, according to Order, read a second time, and committed to a Committee of the whole.

House in Committee.

The President resumed the Chair ; and the Honorable J. Balfour having reported that the Committee had agreed to the Bill with amendments, the House ordered the Report to be taken into consideration this day, whereupon the House adopted the Report, and the Bill was read a third time and passed.

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

14. POSTPONEMENT OF ORDERS OF THE DAY.—Ordered, That the consideration of the following Orders of the Day be postponed until to-morrow.

Water Acts Consolidation and Amendment Bill—Second reading.

Executors Company's Act further Amendment Bill—Second reading.

And then the Council, at two minutes past ten o'clock, adjourned until to-morrow.

GEORGE H. JENKINS,

Clerk of the Legislative Council.

LEGISLATIVE COUNCIL.

Notices of Motion and Orders of the Day.

No. 44.

FRIDAY, 25TH NOVEMBER, 1904.

Government Business.

NOTICE OF MOTION :—

1. The Hon. A. O. SACHSE : To move, That all the Standing Orders relating to Private Bills, with the exception of those relating to the payment of fees, be suspended in relation to the Executors Company's Act Further Amendment Bill.

ORDERS OF THE DAY :—

1. JUSTICES ACT 1890 FURTHER AMENDMENT BILL—Message from Assembly—To be taken into consideration.
2. RAILWAY SPECIAL FUNDS APPLICATION BILL—(from Assembly—Hon. A. O. Sachse)—Second reading.
3. MELBOURNE LANDS EXCHANGE BILL—(from Assembly—Hon. W. Pitt)—Second reading.
4. PUBLIC SERVICE ACTS AMENDMENT BILL—(from Assembly—Hon. J. M. Davies)—Second reading.
5. EXECUTORS COMPANY'S ACT FURTHER AMENDMENT BILL—(from Assembly—Hon. A. O. Sachse)—Second reading.
6. WATER ACTS CONSOLIDATION AND AMENDMENT BILL—(from Assembly—Hon. J. M. Davies)—Second reading.

TUESDAY, 29TH NOVEMBER.

Question.

1. The Hon. J. STERNBERG : To ask the Honorable the Attorney-General if the Government will consider during the recess the necessity that exists of passing legislation similar to New Zealand and the other States, making proper provision for fire escapes in places of public accommodation, such as large hotels, coffee palaces, and similar institutions.

GEORGE H. JENKINS,
Clerk of the Legislative Council.

PARLIAMENTARY PAPERS ISSUED 24TH NOVEMBER, 1904.

Notices of Motion and Orders of the Day. No. 44.

Public Service Bill—[73]. (To Members of Council only.)

Railways Special Funds Application Bill—[125]. (To Members of Council only.)

Melbourne Lands Exchange Bill—[130]. (To Members of Council only.)

Justices Act 1890 further Amendment Bill. (Amendments made by the Legislative Assembly.) (To Members of Council only.)

Notices of Motion and Orders of the Day. No. 61.

VICTORIA.

No. 46.

MINUTES OF THE PROCEEDINGS
OF THE
LEGISLATIVE COUNCIL.

FRIDAY, 25TH NOVEMBER, 1904.

1. The President took the Chair and read the Prayer.
2. MESSAGE FROM HIS EXCELLENCY THE GOVERNOR.—The following Message from His Excellency the Governor was presented by the Honorable J. M. Davies, and the same was read by the Honorable the President:—

R. TALBOT,

*Governor of Victoria.**Message No. 11.*

Pursuant to the provisions of section 36 of *The Constitution Act*, the Governor transmits to the Legislative Council, for their consideration, the following amendments, which he desires to be made in the Bill intituled "*An Act for simplifying and improving the practice of Conveyancing and the Law of Property and for other purposes.*" :—

In paragraph (iv.) of sub-section (5) of section 19 omit "(7)" and substitute "(5)."

In section 21 omit "evidenced in manner specified in sub-section (8) of the last preceding section of this Act."

In third last line of the same section omit "fifteen" and substitute "nineteen."

In section 31, for "J" substitute "thirty-six."

In section 38, page 23, at end of paragraph ii. of sub-section (1) omit "and."

Government Offices,

Melbourne, 25th November, 1904.

On the motion of the Honorable J. M. Davies, the Council agreed to the several amendments recommended by His Excellency the Governor, and ordered the Message to be transmitted to the Legislative Assembly with a Message requesting their concurrence therein.

3. PAPERS.—The following Papers, pursuant to the directions of several Acts of Parliament, were laid upon the Table by the Clerk:—

Water Acts—

Bacchus Marsh Irrigation and Water Supply Trust.—Graduated Rate.—Regulation No. 12 (Draft form).

Koroit Waterworks Trust.—Additional Loan of £500.

Shire of Winchelsea Waterworks Trust.—Additional Loan of £500.

The Borung Shire Council and the Western Wimmera Irrigation and Water Supply Trust.—Application of Municipal Funds.

Violet Town Waterworks Trust.—Application for an additional Loan of £1,500.

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

MR. PRESIDENT,

The Legislative Assembly return to the Legislative Council the Bill intituled "*An Act to further amend the Laws relating to the Victorian Railways,*" and acquaint the Legislative Council that the Legislative Assembly have agreed to the amendments made in such Bill by the Legislative Council.

A. W. CRAVEN,
Deputy-Speaker.

Legislative Assembly,
Melbourne, 24th November, 1904.

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

MR. PRESIDENT,

The Legislative Assembly return to the Legislative Council the Bill intituled "*An Act to further amend the Law relating to the Church of England in Victoria*," and acquaint the Legislative Council that the Legislative Assembly have agreed to the amendments made in such Bill by the Legislative Council.

Legislative Assembly,
Melbourne, 24th November, 1904.

A. W. CRAVEN,
Deputy-Speaker.

6. SUSPENSION OF STANDING ORDERS.—The Honorable A. O. Sachse moved, That all the Standing Orders relating to Private Bills, with the exception of those relating to the payment of fees, be suspended in relation to the Executors Company's Act further Amendment Bill.

Debate ensued.

Question—put and resolved in the affirmative.

7. JUSTICES ACT 1890 FURTHER AMENDMENT BILL.—The Order of the Day for the consideration of the amendments made in this Bill by the Assembly having been read—the said amendments are as follow :—

1. Clause 3, sub-section (1), paragraph (a), lines 34 to 40, omit "Melbourne, or at such of those courts that may there be held next after the date on which he so pleaded guilty, or if either of such courts (having jurisdiction as aforesaid) is then sitting or is to sit within seven days of such date at a place nearer or more convenient to the place where such justice then is the justice may direct him to be tried at such last-mentioned court" and insert "the place nearest or most convenient to the place where such justice then is or at such of those courts that may there be held next after the date on which he so pleaded guilty."
2. " sub-section (1), paragraph (a), line 46, after "law" insert "or shall admit him to bail."
3. Clause 6, sub-section(1), line 6, after "him" insert "and all necessary corrections made."
4. " sub-section (1), line 6, before "signed" insert "then."
5. " sub-section (2), line 22, before "evidence" insert "sworn."
6. " page 5, sub-section (5), line 12, omit "bailiwick" and insert "place nearest or most convenient to the place."
7. Clause 14, line 38, omit "item" and insert "items."
8. " line 39, after "stated," insert "Any tax payable with interest thereon under the *Income Tax Act 1895* or any Act amending the same."

Insert the following new Clauses :—

DEFAULT SUMMONS AND PROCEDURE.

9. A. (1) Notwithstanding anything contained in the Principal Act where a complaint has been made for or in respect of any one or more of the causes of action specified in section fifty-nine sub-section (4) thereof where the sum claimed does not exceed fifty pounds (except a complaint for damages for trespass by cattle) the justice or clerk of petty sessions before whom such complaint is made instead of issuing his summons to defendant under the said Principal Act shall if so required by the person making such complaint issue a summons to the defendant to be called a "Default Summons," subject to the provisions hereinafter contained.

(2) Where a "default summons" is issued under the provisions of this section such summons shall be in the form or to the effect of the Second Schedule to this Act to which shall be attached two notices of intention to defend in the form of the said Second Schedule to this Act and must be served not less than six clear days before the day of return by delivering a true copy thereof with the two notices of defence attached to the defendant personally; and the member of the police force or other person who has served the same shall make before some justice or commissioner of the Supreme Court for taking affidavits or clerk of petty sessions or registrar of a county court or clerk of the peace or deputy clerk of the peace or commissioner for taking declarations and affidavits, an affidavit indorsed on the original summons stating the time and manner in which such true copy, with the notices annexed, has been served and shall forthwith transmit such original summons for production at the time and place and before the court of petty sessions therein mentioned; and every affidavit purporting to have been so made may be received by any court of petty sessions as *prima facie* proof of the service of the summons and notices.

(3) If the defendant or his barrister and solicitor does not give notice of his intention to defend the same by posting such notice to complainant at his address set out in the summons and to the clerk of petty sessions (the proper postage rate being duly prepaid by defendant) in time to reach the complainant and the clerk of petty sessions in due course of post at least forty-eight hours before the time appointed for the sitting of the court of petty sessions, the complainant need not attend either personally or otherwise, or prove his claim, and an order in his favour may be made by the court of petty sessions notwithstanding his absence.

(4) If the defendant has not given notice to defend within the aforesaid time he shall not be allowed on the hearing of such complaint to make any defence to such claim unless by permission of the court of petty sessions and then only on such terms as to costs as the said court may determine and if permission to defend be given as aforesaid the hearing of the complaint may be adjourned to some other day to be fixed

Default summons,
R. 196—8.
Comp. No. 1423,
s. 7.

Service thereof.
Second Schedule.

Complainant need
not appear where
no notice of
intention to defend

Where notice to
defend not given
no defence allowed
except by permis-
sion of court.

by the said court if the complainant or his barrister and solicitor so desires or if the said court thinks fit to do so and if he or they be not present shall be adjourned as aforesaid in which case the clerk of petty sessions shall forthwith give notice thereof to the complainant or his barrister and solicitor by post or otherwise.

(5) For the purpose of carrying into effect these provisions any one justice sitting at the time and place appointed for the holding of courts of petty sessions shall be deemed to be a duly constituted court of petty sessions.

Court of petty sessions may consist of one justice.

(6) (a) The court of petty sessions where such order is made whether consisting of the same justices or not may at any time after the making of any such order upon being satisfied by affidavit or statutory declaration that the defendant has a good defence set aside such order and reinstate the complaint and appoint a time and place for the hearing thereof, and if necessary he may stay or set aside any warrant of distress upon such order and give leave to defend upon such terms as to costs or otherwise as to him seems just.

Police magistrate may set aside order when made.

(b) Application to set aside any order as aforesaid shall be made by the defendant giving notice in writing to the complainant or his barrister and solicitor stating the time and place where such application is to be made, to which shall be attached a copy of the affidavit or declaration in support thereof.

Application to set aside order, how made.

(c) Such notice and copy of affidavit or declaration shall be served on the complainant or his barrister and solicitor forty-eight hours before the time when such application is to be made and may be served by post in the manner hereinbefore provided for the service of notice of intention to defend a complaint in respect of which a default summons may be issued, and such court of petty sessions may entertain any answering affidavit or statutory declaration submitted to him by the complainant in reply.

Service of process.

(7) This section shall be supplementary to and not in derogation of any of the provisions of the Principal Act.

Section not to restrict operation of Principal Act. Repeal of part of Act No. 1423.

(8) Sections seven and eight and the Schedule of the *Instruments Act* 1896 is hereby repealed.

10. B. For section one hundred and seventy-nine of the *Justices Act* 1890 the following section shall be substituted, namely:—

Any one of such chairmen with or without any one or more justices of the peace may without any further commission or authority than this Act hold any court of general sessions of the peace and inquire of hear determine and adjudge all indictable offences within the jurisdiction of the said court save and except the offences following (that is to say):—

General sessions. Criminal jurisdiction. See No. 1105, s. 179. Act No. 502 s. 15. 5 & 6 Vict. c. 38 s. 1.

- (I.) Treason and misprision of treason.
- (II.) Felonies now punishable with death.
- (III.) Attempts to murder.
- (IV.) Unnatural offences.
- (v.) Offences against the King's title prerogative person or government or against either House of Parliament.
- (VI.) Bigamy and offences against the laws relating to marriage.
- (VII.) Abduction or defilement of women and girls.
- (VIII.) Composing printing or publishing blasphemous seditious or defamatory libels.
- (IX.) Unlawful combinations and conspiracies except conspiracies or combinations to commit any offence which courts of general sessions have jurisdiction to try when committed by one person.
- (x.) Offences which by any Act cannot be prosecuted or tried at any court of general sessions.
- (XI.) Unlawfully and maliciously setting fire to any property under such circumstances as make such act a capital offence.

11. D. Paragraphs (a) (b) and (d) of sub-section (4) of section thirty-two of the *Income Tax Act* 1895 are hereby repealed.

12. E. Any police magistrate who is a member of a licensing court within the meaning of the *Licensing Act* 1890 may in the name of such court exercise all the powers of the court with respect to any one or more of the matters following and for such purpose such member shall be deemed to constitute such court (that is to say):—

Power of justice as member of a licensing court. R. 211.

- (a) He may give permission in writing to any licensed victualler to permit any person named in such consent of whom he the said member approves to manage superintend and conduct the business of the licensed premises during the absence of the licensee for a longer period than twenty-eight days, but in no case beyond the first day of the next annual sitting of the licensing court;
- (b) He may give permission in writing for a change in the name or sign of any licensed premises; or
- (c) He may hear and determine any unopposed application for a licence or any unopposed application for the transfer of a licence or for the renewal thereof under the said Acts.

13. F. Where justices have power under Part IV. of the *Marriage Act* 1890 to order defendant to find good and sufficient surety that he will comply with the order of maintenance made against

him or that he will not desert or leave without adequate means of support his wife or children such justices shall have discretionary power to order defendant to find such surety forthwith and in default shall commit him to gaol until such surety be found.

14. H. For section two of the *Justices Act* 1898 there shall be substituted the following section, namely:—

Amendment of
Justices Act 1898
s. 2.

2. No order to review any order of any court of petty sessions or justice made in any complaint for any civil debt recoverable summarily shall be granted or made under section one hundred and forty-one of the Principal Act unless the sum in respect to which the person applying for the order to review is aggrieved exceeds Five pounds sterling (exclusive of costs) or unless it appears to the Supreme Court or a Judge thereof that the order complained of ought to be reviewed on the ground that it involved or decided some important question or principle of law or some matter of general application or some undecided question of law or unless the court of petty sessions or justice had no jurisdiction or authority to make such order and substantial justice has not been done.

See *Beven v. Moore*,
24 V.L.R., p. 634,
per *Hood J.* and
p. 792.

15. Insert the following New Schedule to follow the Second Schedule.

THIRD SCHEDULE.

DEFAULT SUMMONS UPON A COMPLAINT FOR A CIVIL DEBT.

In the Court of Petty Sessions

at
in the Bailiwick.

Complainant,
Defendant.

To
of Defendant.

(a) Or the Clerk of Petty Sessions at *WHEREAS* a complaint has this day been made to a Justice of the Peace for the said Bailiwick (a) () for that you in the said Bailiwick were indebted to the said Complainant in the sum of for particulars whereof are annexed.

You are required to take notice that unless you or your barrister and solicitor give notice of your intention to defend by posting to the said Complainant at his address set out in this summons and also to the Clerk of Petty Sessions at each the notice, the form of which is given on the next page, filled in, dated, and signed by yourself or your barrister and solicitor (the proper postage rate being duly prepaid by you) in time to reach the said Complainant and the said Clerk of Petty Sessions in due course of post at least forty-eight hours before o'clock in the noon of the day of 190 . You will not afterwards be allowed to make any defence to the Complaint and the Complainant need not attend the Court or prove his claim and an order in his favour may be made against you by the said Courts.

If such notices are posted by you in time to reach the said Complainant and Clerk of Petty Sessions within the time specified you are then required to appear on the day of 190 , at o'clock in the noon at the Court of Petty Sessions at to answer to the said Complaint and to be further dealt with according to law.

Dated this day of 190 at

The Complainant's address is

of his barrister and solicitor.

or to }

J.P.
or
C.P.S.

NOTICE OF INTENTION TO DEFEND.

To be sent to the Complainant.

In the Court of Petty Sessions
at

Complainant.
Defendant.

Take notice that I intend to defend this Complaint.

Dated this day of 190

(Signed)

Defendant.

To the Complainant.

NOTICE OF INTENTION TO DEFEND.

To be sent to the Clerk of Petty Sessions.

In the Court of Petty Sessions
atComplainant.
Defendant.

Take notice that I intend to defend this Complaint.

Dated this day of
(Signed)

190

Defendant.

To the Clerk of Petty Sessions
at16. *Title.*—At end of Title add “and for other purposes.”

On the motion of the Honorable J. M. Davies, the consideration of the foregoing amendments was referred to a Committee of the whole, whereupon the President left the Chair.

House in Committee.

The President resumed the Chair; and the Honorable Dr. W. H. Embling reported that the Committee, having considered the amendments made by the Assembly in this Bill, have agreed to some of the said amendments, have disagreed with one of the said amendments, and have agreed to one of the amendments with an amendment, as hereunder set forth:—

Amendments 1 to 10, 12, 13, 15, and 16 agreed to.

Amendment 11 disagreed with.

Amendment 14 agreed to with the following amendment, viz.:—After “principle,” in line 9, insert “or public matter.”

On the motion of the Honorable J. M. Davies, the Report was adopted.

Ordered—That the Bill be returned to the Assembly with a Message acquainting them that the Council have agreed to some of the amendments of the Assembly, have disagreed with one of the said amendments, and have agreed to one of the amendments with an amendment, with which they desire the concurrence of the Assembly.

8. RAILWAY SPECIAL FUNDS APPLICATION BILL.—This Bill was, according to Order, and after debate, read a second time, and committed to a Committee of the whole.

House in Committee.

The President resumed the Chair; and the Honorable Dr. W. H. Embling having reported that the Committee had agreed to the Bill without amendment, the Report was adopted, and the Bill read a third time and passed.

Ordered—That the Assembly be informed that the Council have agreed to the Bill without amendment.

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

MR. PRESIDENT,

The Legislative Assembly transmit to the Legislative Council a Bill intituled “*An Act to amend the Land Acts*,” with which they desire the concurrence of the Legislative Council.FRANK MADDEN,
Speaker.Legislative Assembly,
Melbourne, 25th November, 1904.

10. LAND ACTS AMENDMENT BILL.—On the motion of the Honorable J. M. Davies, the Bill transmitted by the foregoing Message was read a first time, ordered to be printed and, by leave, to be read a second time this day.

11. MELBOURNE LANDS EXCHANGE BILL.—This Bill was, according to Order, read a second time, and committed to a Committee of the whole.

House in Committee.

The President resumed the Chair; and the Honorable Dr. W. H. Embling having reported that the Committee had agreed to the Bill without amendment, the Report was adopted, and the Bill read a third time and passed.

Ordered—That the Assembly be informed that the Council have agreed to the Bill without amendment.

12. PUBLIC SERVICE ACTS AMENDMENT BILL.—This Bill was, according to Order, and after debate, read a second time, and committed to a Committee of the whole.

House in Committee.

The President resumed the Chair; and the Honorable Dr. W. H. Embling having reported that the Committee had agreed to the Bill without amendment, the Report was adopted, and the Bill read a third time and passed.

Ordered—That the Assembly be informed that the Council have agreed to the Bill without amendment.

13. EXECUTORS COMPANY'S ACT FURTHER AMENDMENT BILL.—This Bill was, according to Order, and after debate, read a second time, and committed to a Committee of the whole.

House in Committee.

The President resumed the Chair; and the Honorable Dr. W. H. Embling having reported that the Committee had agreed to the Bill without amendment, the Report was adopted, and the Bill read a third time and passed.

Ordered—That the Assembly be informed that the Council have agreed to the Bill without amendment

14. LAND ACTS AMENDMENT BILL.—This Bill was, according to Order, and after debate, read a second time, and committed to a Committee of the whole.

House in Committee.

The President resumed the Chair; and the Honorable Dr. W. H. Embling having reported that the Committee had agreed to the Bill with amendments, the House ordered the Report to be taken into consideration this day, whereupon the House adopted the Report, and the Bill was read a third time and passed.

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

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

MR. PRESIDENT,

The Legislative Assembly return to the Legislative Council the Bill intituled "*An Act to provide for the establishment of a Cemetery for the Northern Suburbs,*" and acquaint the Legislative Council that the Legislative Assembly have agreed to the amendments made in such Bill by the Legislative Council.

Legislative Assembly,
Melbourne, 25th November, 1904.

FRANK MADDEN,
Speaker.

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

MR. PRESIDENT,

The Legislative Assembly return to the Legislative Council the Message from His Excellency the Governor recommending amendments in the Bill intituled "*An Act for simplifying and improving the practice of Conveyancing and the Law of Property and for other purposes,*" and acquaint the Legislative Council that the Legislative Assembly have agreed to the several amendments recommended by His Excellency the Governor in this Bill.

Legislative Assembly,
Melbourne, 25th November, 1904.

FRANK MADDEN,
Speaker.

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

MR. PRESIDENT,

The Legislative Assembly return to the Legislative Council the Bill intituled "*An Act to amend the Land Acts,*" and acquaint the Legislative Council that the Legislative Assembly have agreed to the amendments made in such Bill by the Legislative Council.

Legislative Assembly,
Melbourne, 25th November, 1904.

FRANK MADDEN,
Speaker.

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

MR. PRESIDENT,

The Legislative Assembly return to the Legislative Council the Bill intituled "*An Act to further amend the 'Justices Act 1890,'*" and acquaint the Legislative Council that the Legislative Assembly do not insist on one of the amendments made by the Legislative Assembly in this Bill disagreed with by the Legislative Council, and have agreed to the amendment of the Legislative Council in another of the said amendments with an amendment, and with a consequential amendment, with which they desire the concurrence of the Legislative Council.

Legislative Assembly,
Melbourne, 25th November, 1904.

FRANK MADDEN,
Speaker.

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

14. H. For section two of the *Justices Act* 1898 there shall be substituted the following section, namely :—

2. No order to review any order of any court of petty sessions or justice made in any complaint for any civil debt recoverable summarily shall be granted or made under section one hundred and forty-one of the *Principal Act* unless the sum in respect to which the person applying for the order to review is aggrieved exceeds Five pounds sterling (exclusive of costs) or unless it appears to the Supreme Court or a Judge thereof that the order complained of ought to be reviewed on the ground that it involved or decided some important question or principle of law or some matter of general application or some undecided question of law or unless the court of petty sessions or justice had no jurisdiction or authority to make such order and substantial justice has not been done.

Agreed to by Council with the following amendment, viz. :—
After "principle," in line 15, insert "or public matter."

Agreed to by Assembly with the following amendment :—Omit "or" from the words inserted by Council, and with the following consequential amendment :—In line 15 of clause H omit "question or principle."

On the motion of the Honorable J. M. Davies, the Council agreed to the amendment of the Assembly on the amendment of the Council in clause H, and to the consequential amendment of the Assembly in the said clause.

Ordered—That the Assembly be informed that the Council have agreed to the amendment of the Assembly on the amendment of the Council in clause H, and to the consequential amendment in the said clause.

19. ADJOURNMENT.—The Honorable J. M. Davies moved, That the Council, at its rising, adjourn until Wednesday next at half-past one o'clock.

Debate ensued.

Question—put and resolved in the affirmative.

And then the Council, at eleven minutes past ten o'clock, adjourned until Wednesday next.

GEORGE H. JENKINS,
Clerk of the Legislative Council.

The first part of the document discusses the importance of maintaining accurate records of all transactions. It emphasizes that every entry should be supported by a valid receipt or invoice. This ensures transparency and allows for easy verification of the data.

Furthermore, it is noted that regular audits are essential to identify any discrepancies or errors. By conducting these checks frequently, potential issues can be resolved before they become significant problems. This proactive approach helps in maintaining the integrity of the financial information.

In addition, the document highlights the need for clear communication between all parties involved. All transactions should be documented in a clear and concise manner, using standardized formats and terminology. This facilitates understanding and reduces the risk of misinterpretation.

Finally, it is stressed that all records should be stored securely and backed up regularly. This is crucial to prevent data loss in the event of a system failure or other unforeseen circumstances. Proper data management practices are key to ensuring the long-term availability and reliability of the information.

VICTORIA:

No. 47.

MINUTES OF THE PROCEEDINGS
OF THE
LEGISLATIVE COUNCIL.

WEDNESDAY, 30TH NOVEMBER, 1904.

1. The President took the Chair and read the Prayer.
2. MESSAGE FROM HIS EXCELLENCY THE GOVERNOR.—The following Message from His Excellency the Governor was presented by the Honorable J. M. Davies, and the same was read by the Honorable the President:—

R. TALBOT,

*Governor of Victoria.**Message No. 12.*

Pursuant to the provisions of section 36 of *The Constitution Act*, the Governor transmits to the Legislative Council for their consideration the following amendments, which he desires to be made in the Bill intituled “*An Act to further amend the ‘Justices Act 1890’ and for other purposes*”:

Clause 17, sub-clause (2), for the words “Second Schedule” wherever occurring substitute the words “Third Schedule.”

In sub-clause 8 of the same clause, for the word “is” substitute “are.”

Government Offices,
Melbourne, 29th November, 1904.

On the motion of the Honorable J. M. Davies, the Council agreed to the several amendments recommended by His Excellency the Governor, and ordered the Message to be transmitted to the Legislative Assembly with a Message requesting their concurrence therein.

3. MELBOURNE SOUTH PROVINCE ELECTION.—The President announced that there had been presented to him a Petition from George Godfrey, barrister and solicitor, praying that the election of the Honorable Thomas Luxton, for the Melbourne South Province, may be declared void, and that the matter of his Petition be referred to the Committee of Elections and Qualifications, which Petition he then laid upon the Table, and is as follows:—

To the Honorable Sir Henry John Wrixon, Knight, President of the Legislative Council of Victoria.

The humble Petition of George Godfrey, of Collins-street, Melbourne, in the State of Victoria, Barrister and Solicitor,

RESPECTFULLY SHEWETH—

That on the 1st day of June last an election was held for two Members to serve in the Legislative Council of the State of Victoria to represent the Melbourne South Province.

That your Petitioner was a candidate at the said election.

That Thomas Henry Payne, Esquire, Thomas Luxton, Esquire, and Nathaniel Levi, Esquire, were the only other candidates at the said election.

That, as the result of the said election, the Returning Officer announced that Thomas Henry Payne had received 3,951 votes, that Thomas Luxton had received 3,699 votes, that Nathaniel Levi had received 1,512 votes, and that your petitioner had received 3,665 votes, and thereupon the said Returning Officer publicly declared that the said Thomas Henry Payne and Thomas Luxton had received the majority of votes and were duly elected as Members as aforesaid, and such Returning Officer made his return accordingly.

That the said Thomas Luxton was guilty of an illegal practice at the said election under the sixth section of the *Election Expenses Limitation Act 1903*, in that he did not make a true return in the form set forth in the Second Schedule to that Act, or to the like effect containing a statement of all electoral expenses, together with all bills and receipts respecting the same, accompanied by a statutory declaration in the form of the Third Schedule to that Act, or to the like effect.

That the said Thomas Luxton was also guilty of an illegal practice at the said election under the third section of the said Act, in that he knowingly incurred electoral expenses in excess of the maximum amount in that behalf specified in Part 2 of the Schedule to the said Act.

That the evidence and facts relating to the said illegal practices committed by the said Thomas Luxton above set forth were not known to your Petitioner till the end of September last, when your Petitioner at once took proceedings under the said Act against the said Thomas Luxton, and the delay in presenting this Petition arose solely from the necessity of taking such proceedings in the Court of Petty Sessions.

That on the 18th day of October last the said Thomas Luxton was in the Court of Petty Sessions, Melbourne, fined for the illegal practice under the said sixth section of the Act in the sum of Ten pounds, and Ten pounds ten shillings costs, and although verbal notice of appeal was given on behalf of the said Thomas Luxton, such intended appeal was abandoned, and the fine paid by the said Thomas Luxton.

That the election of the said Thomas Luxton as such Member of the Legislative Council may be declared void, and that the Returning Officer's return so far as regards the said Thomas Luxton may be declared void.

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

And your Petitioner further prays that in the event of the said Committee reporting that the said Thomas Luxton was guilty of illegal practices at the said election a new writ may issue for the holding of another election for the said Province for a Member in the place of the said Thomas Luxton.

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

And your Petitioner will ever pray, &c.

GEO. GODFREY.

Collins-street, Melbourne.

Witness—ERNEST M. GODFREY, Parliamentary Agent, the twenty-eighth day of November, One thousand nine hundred and four.

The Honorable J. M. DAVIES moved, That the foregoing Petition be referred to The Committee of Elections and Qualifications for consideration and report.

Question—put and resolved in the affirmative.

4. JOINT STANDING ORDER.—The President announced the receipt of the following communication from the Clerk of the Parliaments :—

MR. PRESIDENT,

Parliament House,
Melbourne, 30th November, 1904.

I do myself the honour to inform you that His Excellency the Governor has been pleased to approve of the Joint Standing Order that was adopted by the Legislative Council on the 11th day of October, One thousand nine hundred and four.

I have the honour to be,
Mr. President,

Your most obedient Servant,

GEORGE HENRY JENKINS,
Clerk of the Parliaments.

The Honorable
The President of the Legislative Council,
&c., &c., &c.

5. STANDING ORDER.—The President announced the receipt of the following communication from the Clerk of the Parliaments :—

MR. PRESIDENT,

Parliament House,
Melbourne, 30th November, 1904.

I do myself the honour to inform you that His Excellency the Governor has been pleased to approve of the Standing Order that was adopted by the Legislative Council on the 23rd day of November, One thousand nine hundred and four.

I have the honour to be,
Mr. President,

Your most obedient Servant,

GEORGE HENRY JENKINS,
Clerk of the Parliaments.

The Honorable
The President of the Legislative Council,
&c., &c., &c.

6. PAPERS.—The following Papers, pursuant to the directions of several Acts of Parliament, were laid upon the Table by the Clerk :—

Libraries Act 1890.—Rules for the Management of the Public Library, Museums, and National Gallery.

Marine Act 1890.—Amended Regulations relating to Pilots and Pilotage.

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

MR. PRESIDENT,

The Legislative Assembly transmit to the Legislative Council a Message from His Excellency the Governor recommending an amendment in the Bill intituled "*An Act to extend the Powers of The Melbourne Tramways Trust as regards Investments*," and acquaint the Legislative Council that the Legislative Assembly have agreed to the amendment recommended by His Excellency the Governor in this Bill, with which they desire the concurrence of the Legislative Council.

FRANK MADDEN,
Speaker.

Legislative Assembly,
Melbourne, 30th November, 1904.

R. TALBOT,
Governor of Victoria.

Message.

Pursuant to the provisions of section 36 of *The Constitution Act*, the Governor transmits to the Legislative Assembly for their consideration the following amendment, which he desires to be made in the Bill intituled "*An Act to extend the Powers of The Melbourne Tramways Trust as regards Investments*" :—

Clause 3, line 1, after the word "of" omit "the."

Government Offices,
Melbourne, 29th November, 1904.

On the motion of the Honorable J. M. Davies, the Council agreed to the amendment recommended by His Excellency the Governor, and ordered a Message to be transmitted to the Assembly acquainting them therewith.

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

MR. PRESIDENT,

The Legislative Assembly transmit to the Legislative Council a Message from His Excellency the Governor recommending an amendment in the Bill intituled "*An Act to amend Section twenty-five of the 'Factories and Shops Act 1903,'*" and acquaint the Legislative Council that the Legislative Assembly have agreed to the amendment recommended by His Excellency the Governor in this Bill, with which they desire the concurrence of the Legislative Council.

FRANK MADDEN,
Speaker.

Legislative Assembly,
Melbourne, 30th November, 1904.

R. TALBOT,
Governor of Victoria.

Message.

Pursuant to the provisions of section 36 of *The Constitution Act*, the Governor transmits to the Legislative Assembly for their consideration the following amendment, which he desires to be made in the Bill intituled "*An Act to amend section twenty-five of the 'Factories and Shops Act 1903.'*"

Clause 1, second line of clause, omit "(No. 2)."

Government Offices,
Melbourne, 29th November, 1904.

On the motion of the Honorable W. Pitt, the Council agreed to the amendment recommended by His Excellency the Governor, and ordered a Message to be transmitted to the Assembly acquainting them therewith.

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

MR. PRESIDENT,

The Legislative Assembly transmit to the Legislative Council a Message from His Excellency the Governor recommending an amendment in the Bill intituled "*An Act to authorize the construction of a Line of Electric Tramway from St. Kilda towards Brighton Beach and for other purposes*," and acquaint the Legislative Council that the Legislative Assembly have agreed to the amendment recommended by His Excellency the Governor in this Bill, with which they desire the concurrence of the Legislative Council.

FRANK MADDEN,
Speaker.

Legislative Assembly,
Melbourne, 30th November, 1904.

R. TALBOT,
Governor of Victoria.

Message.

Pursuant to the provisions of section 36 of *The Constitution Act*, the Governor transmits to the Legislative Assembly for their consideration the following amendment, which he desires to be

made in the Bill intituled "*An Act to authorize the construction of a Line of Electric Tramway from St. Kilda towards Brighton Beach and for other purposes*" :—

Clause 3, sub-clause (1), omit the words "New-street and Bay-street" and substitute the words "St. Kilda-street and Grosvenor-street."

Government Offices,
Melbourne, 29th November, 1904.

On the motion of the Honorable A. O. Sachse, the Council agreed to the amendment recommended by His Excellency the Governor, and ordered a Message to be transmitted to the Assembly acquainting them therewith.

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

MR. PRESIDENT,

The Legislative Assembly transmit to the Legislative Council a Message from His Excellency the Governor recommending an amendment in the Bill intituled "*An Act to amend the Land Acts*," and acquaint the Legislative Council that the Legislative Assembly have agreed to the amendment recommended by His Excellency the Governor in this Bill, with which they desire the concurrence of the Legislative Council.

FRANK MADDEN,
Speaker.

Legislative Assembly,
Melbourne, 30th November, 1904.

R. TALBOT,
Governor of Victoria.

Message.

Pursuant to the provisions of section 36 of *The Constitution Act*, the Governor transmits to the Legislative Assembly for their consideration the following amendment, which he desires to be made in the Bill intituled "*An Act to amend the Land Acts*" :—

Clause 19, sub-clause (c), after the word "licence" insert the words "wherever occurring."

Government Offices,
Melbourne, 29th November, 1904.

On the motion of the Honorable J. M. Davies, the Council agreed to the amendment recommended by His Excellency the Governor, and ordered a Message to be transmitted to the Assembly acquainting them therewith.

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

MR. PRESIDENT,

The Legislative Assembly transmit to the Legislative Council a Message from His Excellency the Governor recommending an amendment in the Bill intituled "*An Act to authorize the Construction by the State of a Line of Railway from Strathmerton towards Tocumwal*," and acquaint the Legislative Council that the Legislative Assembly have agreed to the amendment recommended by His Excellency the Governor in this Bill, with which they desire the concurrence of the Legislative Council.

Legislative Assembly,
Melbourne, 30th November, 1904.

FRANK MADDEN,
Speaker.

R. TALBOT,
Governor of Victoria.

Message.

Pursuant to the provisions of section 36 of *The Constitution Act*, the Governor transmits to the Legislative Assembly, for their consideration, the following amendment, which he desires to be made in the Bill intituled "*An Act to authorize the construction by the State of a Line of Railway from Strathmerton towards Tocumwal*" :—

Clause 16, omit "*Railway Local Rates Act 1900*" and substitute "*Railway Lands Acquisition Act 1893*."

Government Offices,
Melbourne, 29th November, 1904.

On the motion of the Honorable J. M. Davies, the Council agreed to the amendment recommended by His Excellency the Governor, and ordered a Message to be transmitted to the Assembly acquainting them therewith.

12. MESSAGE FROM THE ASSEMBLY.—The President announced the receipt of the following Message from the 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 providing for the Acquisition and Disposal of Land for Closer Settlement and for other purposes*," and acquaint the Legislative Council that the Legislative Assembly have agreed to the amendments recommended by His Excellency the Governor in this Bill, with which they desire the concurrence of the Legislative Council.

Legislative Assembly,
Melbourne, 30th November, 1904.

FRANK MADDEN,
Speaker.

R. TALBOT,

Governor of Victoria.

Message.

Pursuant to the provisions of section 36 of *The Constitution Act*, the Governor transmits to the Legislative Assembly, for their consideration, the following amendments, which he desires to be made in the Bill intituled "*An Act providing for the Acquisition and Disposal of Land for Closer Settlement and for other purposes*":—

Clause 17, sub-clause 1, second line, after the word "time" insert "may."

Clause 20, second line, omit the word "either."

Clause 68, sub-clause 1, line 3, after the figures "1900" insert "or."

Government Offices,

Melbourne, 29th November, 1904.

On the motion of the Honorable A. O. Sachse, the Council agreed to the several amendments recommended by His Excellency the Governor, and ordered a Message to be transmitted to the Legislative Assembly acquainting them therewith.

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

MR. PRESIDENT,

The Legislative Assembly return to the Legislative Council the Message from His Excellency the Governor recommending amendments in the Bill intituled "*An Act to further amend the 'Justices Act 1890' and for other purposes*," and acquaint the Legislative Council that the Legislative Assembly have agreed to the several amendments recommended by His Excellency the Governor in this Bill.

Legislative Assembly,

Melbourne, 30th November, 1904.

FRANK MADDEN,

Speaker.

14. ROYAL ASSENT TO BILLS.—His Excellency the Governor, at the State Parliament House, gave the Royal Assent to the following Bills:—

"*An Act to declare the Rates of Income Tax for the year ending on the thirty-first day of December One thousand nine hundred and five and to continue and amend the Income Tax Acts.*"

"*An Act to continue the Voting by Post Acts for one year.*"

"*An Act to provide for the Care, Control, and Treatment of Inebriates.*"

"*An Act to authorize the Sale of certain Land reserved as a Site for a Race-course and other purposes of Public Recreation in the Parish of Shepparton and for other purposes.*"

"*An Act to ratify an Indenture made between the Ballarat Water Commissioners, the Governor of the State of Victoria, and the Board of Land and Works.*"

"*An Act to sanction the issue and application of certain Money available under the 'Country Tramways Trust Fund Act 1904' for Water Supply in Country Districts.*"

"*An Act to sanction the issue and application of certain Money available under Loan Acts for Railways.*"

"*An Act relating to certain Surplus Revenue.*"

"*An Act to further amend the Laws relating to the Victorian Railways.*"

"*An Act to further amend the Law relating to the Church of England in Victoria.*"

"*An Act to sanction the issue and application of certain Money available under the 'Country Tramways Trust Fund Act 1904' for Railways and other purposes.*"

"*An Act to authorize the Mayor, Aldermen, Councillors, and Citizens of the City of Melbourne to exchange certain Lands with the Commonwealth.*"

"*An Act to amend the Public Service Acts.*"

"*An Act to further amend the Executors Company's Act.*"

"*An Act to provide for the Establishment of a Cemetery for the Northern Suburbs.*"

"*An Act for simplifying and improving the practice of Conveyancing and the Law of Property and for other purposes.*"

"*An Act to extend the powers of The Melbourne Tramways Trust as regards Investments.*"

"*An Act to amend section twenty-five of the 'Factories and Shops Act 1903.'*"

"*An Act to authorize the construction of a Line of Electric Tramway from St. Kilda towards Brighton Beach and for other purposes.*"

"*An Act to amend the Land Acts.*"

"*An Act to authorize the construction by the State of a Line of Railway from Strathmerton towards Tocumwal.*"

"*An Act to further amend the 'Justices Act 1890' and for other purposes.*"

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

16. 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, who, being come with their Speaker, he, after a short speech to His Excellency, delivered the Appropriation Bill to the Clerk of the Parliaments, who brought it to the Table.

His Excellency was then pleased to assent to the following Bills:—

"*An Act to apply a sum out of the Consolidated Revenue to the Service of the year ending on the thirtieth day of June One thousand nine hundred and five and to appropriate the Supplies granted in this Session of Parliament.*"

"*An Act to further amend the Mines Acts.*"

"*An Act providing for the Acquisition and Disposal of Land for Closer Settlement and for other purposes.*"

To these Bills the Royal Assent was pronounced severally by the Clerk of the Parliaments in these words :—

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

17. 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 :

In releasing you from your attendance in Parliament, I am glad to be able to congratulate you upon the many important and useful measures which you have dealt with during the session, and I trust that the result of your labours will prove of great advantage to the people of Victoria.

The surplus with which the financial year closed on 30th June last has admitted of the repayment of £150,000 in reduction of a sum owing to the Savings Banks, and has also placed at your disposal ample funds which, it is gratifying to know, you have in your wisdom applied to purposes calculated to develop the resources of the country, such as water conservation and irrigation, the encouragement of mining and agriculture, the construction and repair of roads and bridges, the provision of additional rolling-stock for the railways, and the carrying out of various public works of a permanently useful character. You have, in addition, recognised liberally the claims of the University by devoting a portion of the surplus towards the discharge of the liabilities of that institution, and towards the establishment and equipment of various educational classes, upon very advantageous conditions.

The Act which you have passed authorizing the acquisition and disposal of land for the purpose of closer settlement cannot fail to prove of the greatest advantage to the State, by affording largely-increased facilities for the settlement of those who are likely to become producers, and who, in so doing, will benefit not only themselves, but the whole community. The Amending Land Act will also materially aid in bringing about this most desirable result.

My Advisers have already purchased several large areas suitable for Workmen's Homes, and they will take every favorable opportunity of making further similar purchases.

In addition to the assistance you have afforded, out of surplus revenue, to the mining industry, you have passed an Act amending, in various important directions, the law relating thereto.

The financial position of the State still affords ground for satisfaction, and the prospect of a good harvest and of generally increased production warrants the hope of continued prosperity. The buoyancy of the revenue has fully justified the relief you have afforded to the community by the reduction of the Income Tax and the alteration of its incidence.

The amendments you have made in the law relating to real property will greatly simplify and improve the method of procedure, and thus confer a boon upon those who deal in real estate.

The Act providing for the care, control, and treatment of inebriates will, I trust, prove highly beneficial to those who are unfortunately addicted to the immoderate use of intoxicating liquors, and who need a firm but sympathetic restraint and the application of curative measures.

A number of other Bills of a useful character have received your sanction.

MR. SPEAKER AND GENTLEMEN OF THE LEGISLATIVE ASSEMBLY :

I thank you in His Majesty's name for the liberal provision you have made for the necessary services of the State.

MR. PRESIDENT AND HONORABLE GENTLEMEN OF THE LEGISLATIVE COUNCIL :

MR. SPEAKER AND GENTLEMEN OF THE LEGISLATIVE ASSEMBLY :

The Parliamentary Standing Committee on Railways has been asked to consider and report upon several important proposals for the connexion of outlying districts with the existing railway system. The very important question of the construction of Electric Tramways has also been referred to that Committee. As soon as reports have been received with regard to these matters, serious consideration will be given thereto by My Advisers.

In accordance with the Lunacy Act which was passed by the late Parliament, My Advisers have selected a gentleman of high repute to fill the important office of Inspector-General of the Insane, and that gentleman will, it is expected, take up his duties early in the new year.

The appointment of a Royal Commission to inquire into the working of the Butter Industry has been amply justified by the result. Practices of an undesirable character have been revealed ; but, before taking action with regard thereto, My Advisers are awaiting the Final Report of the Commission. The Progress Report, which has already been presented to you, contains many suggestions likely to be of practical use to producers, and these will receive careful attention.

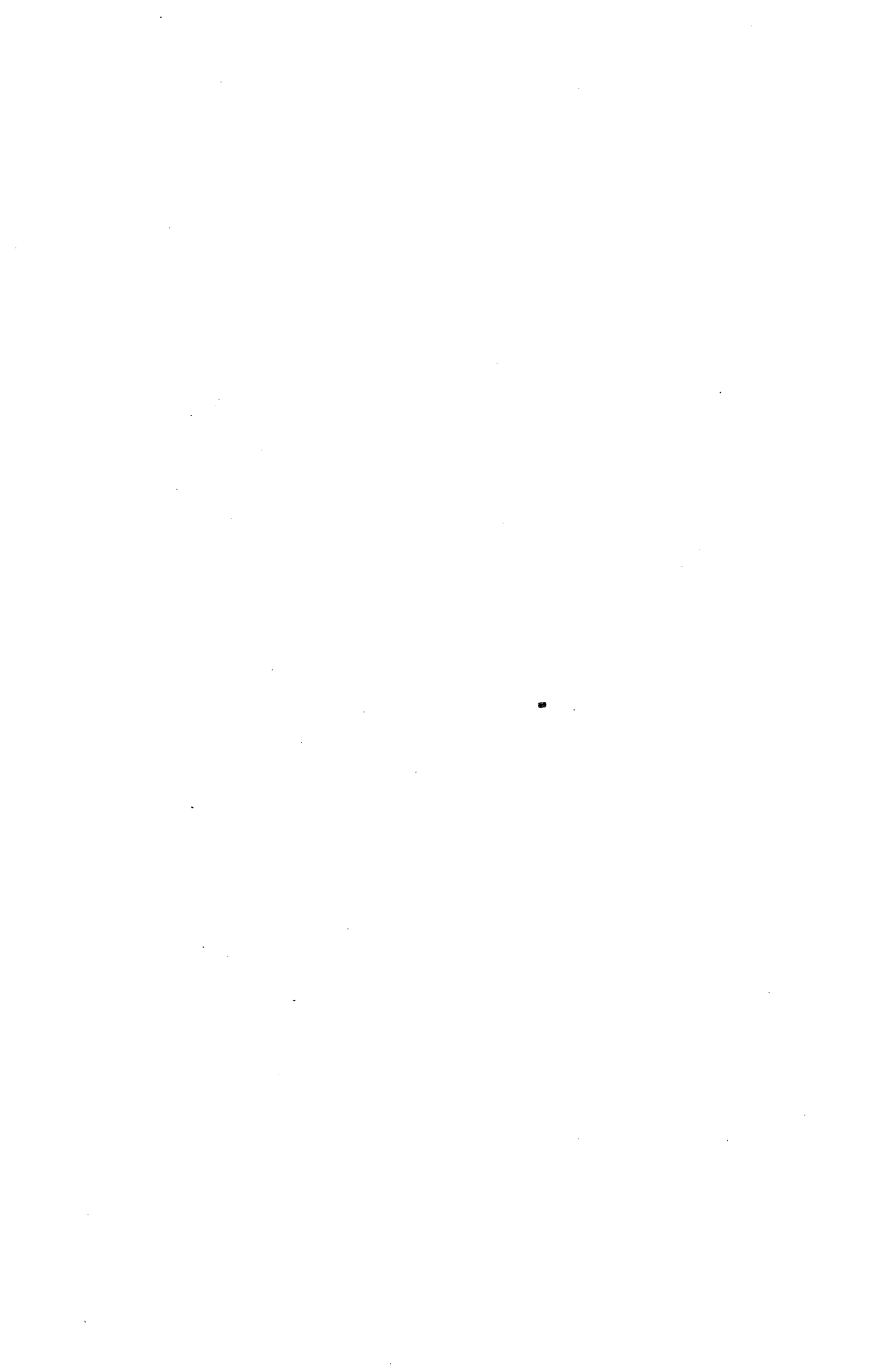
The important Bill for the consolidation and amendment of the Water Acts, and for declaring the law as to private rights in natural waters, has been under your consideration, but, although it has not yet become law, the discussion on its provisions has served to elucidate the principles thereof, and to pave the way for its adoption in the next session of Parliament.

Several other measures of importance which were before you, notably the Food Adulteration Bill and the Milk Supervision Bill, have not yet been placed upon the Statute Book, but My Advisers will, on a future occasion, re-submit these Bills to you.

I now, in His Majesty's name, declare this Parliament to be prorogued until Wednesday, the first day of February, 1905, and it is prorogued accordingly.

GEORGE H. JENKINS,
Clerk of the Legislative Council.

SELECT COMMITTEES.



PARLIAMENTARY STANDING COMMITTEE ON RAILWAYS
(JOINT).

APPOINTED (UNDER ACT No. 1899) 24TH AUGUST, 1904.

The Hon. Dr. W. H. Embling

|

The Hon. D. Melville.

APPOINTED DURING THE SESSION 1904.

No. 1.—ADDRESS IN REPLY TO THE OPENING SPEECH OF HIS EXCELLENCY
THE GOVERNOR.

Appointed 30th June, 1904.

The Hon. F. Stuart
W. L. Baillieu
W. Cain
E. J. Crooke

The Hon. W. H. Edgar
T. H. Payne
R. B. Ritchie.

No. 2.—ELECTIONS AND QUALIFICATIONS.

Appointed (by President's Warrant) 5th July, 1904.

The Hon. J. Balfour
Sir H. Cuthbert
Dr. W. H. Embling
T. C. Harwood

The Hon. J. Y. McDonald
D. Melville
T. H. Payne.

No. 3.—STANDING ORDERS.

Appointed 5th July, 1904.

The Hon. the President
J. Balfour
J. M. Davies
Dr. W. H. Embling
N. FitzGerald

The Hon. T. C. Harwood
Walter S. Manifold
D. E. McBryde
E. Miller
T. H. Payne.

No. 4.—PARLIAMENT BUILDINGS (JOINT).

Appointed 5th July, 1904.

The Hon. the President
W. L. Baillieu
W. Cain

The Hon. W. Pitt
J. M. Pratt.

No. 5.—LIBRARY (JOINT).

Appointed 5th July, 1904.

The Hon. the President
E. J. Crooke
Sir H. Cuthbert

The Hon. D. Melville
F. Stuart.

No. 6.—REFRESHMENT ROOMS (JOINT).

Appointed 5th July, 1904.

The Hon. J. C. Campbell
M. Cussen*
W. B. Gray

The Hon. T. Luxton
J. Y. McDonald
A. O. Sachse.

* Appointed 27th July, 1904, in place of the Hon. W. B. Gray (deceased).

No. 7.—PRINTING.

Appointed 5th July, 1904.

The Hon. the President
J. G. Aikman
W. H. Edgar
H. W. H. Irvine
W. Little

The Hon. A. McLellan
W. Pearson
R. B. Rees
R. B. Ritchie
J. Sternberg.

VICTORIA.

LEGISLATIVE COUNCIL.

SESSION 1904.

WEEKLY REPORT OF DIVISIONS

IN

COMMITTEE OF THE WHOLE COUNCIL.

No. 1.

Extracted from the Minutes.

TUESDAY, 16TH AUGUST, 1904.

No. 1.—SURPLUS REVENUE BILL.—Schedule.—Item No. 5:—

Flinders-street railway station (£20,000 to be spent from railway revenue in
addition) £60,000

—(Hon. J. M. Davies.)

Motion made and question put—That the Chairman do report progress and ask leave to sit again.—
(Hon. D. Melville.)

Committee divided.

Ayes, 16.

The Hon. E. J. Crooke
M. Cussen
Sir H. Cuthbert
Dr. W. H. Embling
T. C. Harwood
W. Little
T. Luxton
J. Y. McDonald
D. Melville
E. Miller
T. H. Payne
W. Pearson
R. B. Rees
J. Sternberg.

Tellers.

J. H. Abbott
H. W. H. Irvine.

Noes, 15.

The Hon. J. G. Aikman
W. L. Baillieu
J. Balfour
J. D. Brown
J. M. Davies
W. H. Edgar
W. J. Evans
Walter S. Manifold
A. McLellan
W. Pitt
J. M. Pratt
R. B. Ritchie
A. O. Sachse.

Tellers.

D. E. McBryde
F. Stuart.

And so it was resolved in the affirmative.

THURSDAY, 18TH AUGUST.

No. 2.—SURPLUS REVENUE BILL.—Schedule.—Item No. 6:—

Towards Walhalla Railway £30,000
 —(*Hon. J. M. Davies.*)

Motion made and question put—That the Chairman do report progress and ask leave to sit again.—
 (*Hon. J. G. Aikman.*)

Committee divided.

Ayes 8.

The Hon. J. G. Aikman
 W. J. Evans
 T. C. Harwood
 W. Little
 A. McLellan
 D. Melville.

Tellers.

Sir H. Cuthbert
 Dr. W. H. Embling.

Noes 17.

The Hon. J. Balfour
 J. D. Brown
 E. J. Crooke
 M. Cussen
 J. M. Davies
 W. H. Edgar
 Walter S. Manifold
 D. E. McBryde
 W. Pearson
 W. Pitt
 J. M. Pratt
 R. B. Rees
 A. O. Sachse
 J. Sternberg
 F. Stuart.

Tellers.

W. L. Baillieu
 E. Miller.

And so it passed in the negative.

VICTORIA.

LEGISLATIVE COUNCIL.

SESSION 1904.

WEEKLY REPORT OF DIVISIONS

IN

COMMITTEE OF THE WHOLE COUNCIL.

No. 2.

Extracted from the Minutes.

TUESDAY, 23RD AUGUST, 1904.

No. 1.—SURPLUS REVENUE BILL.—Schedule.—Item No. 6 :—

Towards Walhalla Railway £30,000

—(Hon. J. M. Davies.)

Motion made and question put—That the Chairman do report progress and ask leave to sit again.—

(Hon. Sir H. Cuthbert.)

Committee divided.

Ayes, 13.

The Hon. J. H. Abbott
 W. Cain
 Sir H. Cuthbert
 Dr. W. H. Embling
 W. J. Evans
 T. C. Harwood
 H. W. H. Irvine
 W. Little
 J. Y. McDonald
 A. McLellan
 D. Melville.

Tellers.

W. H. Edgar
 Walter S. Manifold,

Noes, 11.

The Hon. W. L. Baillieu
 J. Balfour
 J. D. Brown
 E. J. Crooke
 J. M. Davies
 W. Pearson
 A. O. Sachse
 J. Sternberg
 F. Stuart.

Tellers.

D. E. McBryde
 R. B. Rees.

And so it was resolved in the affirmative.

WEDNESDAY, 24TH AUGUST.

No. 2.—SURPLUS REVENUE BILL.—Schedule.—Item No. 6 :—

Towards Walhalla Railway £30,000

—(Hon. J. M. Davies.)

Motion made and question put—That the Chairman do report progress and ask leave to sit again.—

(Hon. D. E. McBryde.)

Committee divided.

Ayes, 12.

The Hon. J. D. Brown
J. M. Davies
D. E. McBryde
D. Melville
T. H. Payne
W. Pearson
W. Pitt
R. B. Rees
A. O. Sachse
J. Sternberg.

Tellers.

W. L. Baillieu
E. J. Crooke.

Noes, 15.

The Hon. J. H. Abbott
J. G. Aikman
W. Cain
Sir H. Cuthbert
W. J. Evans
T. C. Harwood
H. W. H. Irvine
W. Little
T. Luxton
Walter S. Manifold
J. Y. McDonald
A. McLellan
E. Miller.

Tellers.

W. H. Edgar
Dr. W. H. Embling.

And so it passed in the negative.

No. 3.—SURPLUS REVENUE BILL—Schedule.—Item No. 6:—
Towards Waihalla Railway £30,000
—(*Hon. J. M. Davies.*)

Motion made and question put—That the Chairman do report progress and ask leave to sit again.—
(*Hon. J. Sternberg.*)

Committee divided.

Ayes, 12.

The Hon. W. L. Baillieu
J. D. Brown
E. J. Crooke
J. M. Davies
D. Melville
E. Miller
W. Pitt
R. B. Rees
A. O. Sachse
J. Sternberg.

Tellers.

T. H. Payne
W. Pearson.

Noes, 13.

The Hon. J. H. Abbott
J. G. Aikman
W. H. Edgar
Dr. W. H. Embling
W. J. Evans
T. C. Harwood
H. W. H. Irvine
W. Little
Walter S. Manifold
J. Y. McDonald
A. McLellan.

Tellers.

Sir H. Cuthbert
T. Luxton.

And so it passed in the negative.

VICTORIA.

LEGISLATIVE COUNCIL.

SESSION 1904.

WEEKLY REPORT OF DIVISIONS

IN

COMMITTEE OF THE WHOLE COUNCIL.

No. 3.

Extracted from the Minutes.

TUESDAY, 30TH AUGUST, 1904.

No. 1.—SURPLUS REVENUE BILL.—Schedule.—Item No. 6 :—

Towards Walhalla Railway	£30,000
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—(Hon. J. M. Davies.)

Motion made and question put—That it be a suggestion to the Legislative Assembly that Item No. 6, viz. :—“Towards Walhalla Railway, £30,000,” in the Schedule to the Surplus Revenue Bill, be omitted.—(Hon. Sir H. Cuthbert.)

Committee divided.

Ayes, 12.

The Hon. Sir H. Cuthbert
W. H. Edgar
Dr. W. H. Embling
T. C. Harwood
H. W. H. Irvine
W. Little
T. Luxton
Walter S. Manifold
A. McLellan
E. Miller.

Tellers.

J. G. Aikman
W. J. Evans.

Noes, 12.

The Hon. W. L. Baillieu
J. D. Brown
E. J. Crooke
M. Cussen
J. M. Davies
D. E. McBryde
W. Pearson
W. Pitt
R. B. Rees
A. O. Sachse.

Tellers.

D. Melville
T. H. Payne.

The Tellers having declared the numbers for the “Ayes” and “Noes” to be respectively twelve or equal—the Chairman gave his vote with the “Ayes” in order to allow of further consideration of the subject, and declared the question to have been resolved in the affirmative.

No. 2.—SURPLUS REVENUE BILL.—Schedule.—Item No. 6 (on recommittal) :—

Towards Walhalla Railway	£30,000
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On which item the following resolution had been agreed to by the Committee, viz. :—

“That it be a suggestion to the Legislative Assembly that Item No. 6, viz. :—‘Towards Walhalla Railway £30,000,’ in the Schedule to the Surplus Revenue Bill be omitted.”

Motion made and question put—That the foregoing resolution previously agreed to by the Committee be rescinded.—(Hon. J. M. Davies.)

Committee divided.

Ayes, 15.

The Hon. W. L. Baillieu
 J. D. Brown
 E. J. Crooke
 M. Cussen
 J. M. Davies
 D. E. McBryde
 D. Melville
 E. Miller
 T. H. Payne
 W. Pearson
 W. Pitt
 A. O. Sachse
 J. Sternberg.

Tellers.

J. Balfour
 R. B. Rees.

Noes, 11.

The Hon. J. H. Abbott
 J. G. Aikman
 Sir H. Cuthbert
 W. J. Evans
 T. C. Harwood
 H. W. H. Irvine
 W. Little
 Walter S. Manifold
 A. McLellan.

Tellers.

W. H. Edgar
 T. Luxton.

And so it was resolved in the affirmative.

VICTORIA.

LEGISLATIVE COUNCIL.

SESSION 1904.

WEEKLY REPORT OF DIVISIONS

IN

COMMITTEE OF THE WHOLE COUNCIL.

No. 4.

Extracted from the Minutes.

WEDNESDAY, 28TH SEPTEMBER, 1904.

No. 1.—MINES ACTS FURTHER AMENDMENT BILL.—Clause 65:—

(1) In the event of any dispute with respect to wages occurring between the owner or owners of any mine or mines and the miners employed by him or them therein, such dispute may be inquired into and determined by a board, consisting of a chairman, who shall be a warden appointed by the Minister, and of six other persons, three of whom shall be appointed or elected by such owner or owners, and three of whom shall be elected by the miners employed in such mine who are party to such dispute.

(2) The Governor in Council may, pursuant to the provisions of sections seventy-seven and seventy-eight of the Principal Act, make regulations for the conduct of elections of members of such boards.

(3) In the event of the owner, or a majority of the owners, or of a majority of the said miners being dissatisfied with the determination of such board, such owner or majority of owners or majority of miners may require such determination to be referred to the Court of Industrial Appeals constituted under the provisions of the *Factories and Shops Act* 1903, and such determination shall be referred by the Minister accordingly.

(4) The provisions of the *Factories and Shops Act* 1903 with regard to determinations of Special Boards referred by the Minister to the Court of Industrial Appeals shall, as nearly as practicable, apply to determinations referred by the Minister to the court under the provisions of this section.

(5) Any person who contravenes or who does not comply with any determination under the provisions of this section made by a board or by the Court of Industrial Appeals shall be guilty of an offence, and shall be liable to a penalty of the same amount and which may be enforced in the same manner as for an offence against the provisions of Division one of Part III. of the *Mines Act* 1897.

(6) No reference to the Court of Industrial Appeals of a determination of a board constituted under the provisions of this section shall have the effect of suspending or delaying the operation of such determination.—(*Hon. J. M. Davies.*)

Question—That clause 65 stand part of the Bill—put.

Committee divided.

Ayes, 4.

The Hon. J. D. Brown
W. J. Evans.

Tellers.

A. McLellan
J. Sternberg.

Noes, 24.

The Hon. J. H. Abbott
J. Balfour
W. Cain
E. J. Crooke
M. Cussen
Sir H. Cuthbert
J. M. Davies
Dr. W. H. Embling
T. C. Harwood
H. W. H. Irvine
W. Little
T. Luxton
Walter S. Manifold
J. Y. McDonald
D. Melville
E. Miller
T. H. Payne
W. Pearson
W. Pitt
J. M. Pratt
R. B. Ritchie
A. O. Sachse

Tellers.

W. L. Baillieu
W. H. Edgar.

And so it passed in the negative.

VICTORIA.

LEGISLATIVE COUNCIL.

SESSION 1904.

WEEKLY REPORT OF DIVISIONS

IN

COMMITTEE OF THE WHOLE COUNCIL.

No. 5.

Extracted from the Minutes.

THURSDAY, 6TH OCTOBER, 1904.

No. 1.—MINES ACTS FURTHER AMENDMENT BILL—Clause 52 :—

Plans of Mines.

For section one hundred and forty-six of the *Mines Act 1897* there shall be substituted the following section, namely :—

146. (1) An accurate plan and sections of the shafts drives levels and all other underground workings of every mine shall not later than the thirtieth day of June One thousand nine hundred and five or than six months after the opening up of any mine be made and deposited in the office of such mine and shall be there kept for reference and all additions of every kind to the underground workings of such mine made after the date of such deposit shall from time to time be correctly delineated upon such plan and sections at intervals of not more than one month, and such plan and sections shall contain complete information of all the underground workings up to the date of the closing or abandonment of such mine.

(2) At the closing or abandonment of any mine such plan and sections shall become the property of the Crown and shall be deposited in the office of the Secretary for Mines where for a fee of Five shillings such plan and sections may be inspected by any person who desires to inspect the same. Such deposit of the plan and sections shall be made within three weeks after the closing or abandonment of the mine.

(3) The owner or mining manager of the mine shall at any time on the request of an inspector of mines produce to him at the office at the mine such plan and sections and shall also on the like request mark on such plan and sections the state of the workings of the mine and the inspector shall be entitled to examine the plan and sections and for official purposes only to make a copy of such plan and sections respectively.

(4) The owner and mining manager of a mine shall each be liable on conviction before a Court of Petty Sessions to a penalty not exceeding Twenty pounds in the event of any contravention of or non-compliance with the provisions of this section in respect of such mine.—(*Hon. J. M. Davies.*)

Amendment proposed—That the words “or of the Warden where the mine is situated” be inserted after the words “Secretary for Mines” in sub-clause (2).—(*Hon. J. Sternberg.*)

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

Committee divided.

Ayes, 9.

The Hon. J. H. Abbott
W. L. Baillieu
J. D. Brown
W. J. Evans
W. Little
J. Y. McDonald
J. Sternberg.

Tellers.

M. Cussen
R. B. Ritchie.

Noes, 12.

The Hon. W. Cain
J. M. Davies
W. H. Edgar
T. Luxton
Walter S. Manifold
A. McLellan
E. Miller
W. Pearson
W. Pitt
A. O. Sachse.

Tellers.

E. J. Crooke
T. H. Payne.

And so it passed in the negative.

No. 2.—MINES ACTS FURTHER AMENDMENT BILL—Clause 53 :—

Inquests.

At the end of section one hundred and fifty of the *Mines Act 1897* there shall be added the following sub-section, namely :—

(5) The mining manager of the mine in which the accident occurred and a representative of the Amalgamated Miners' Association or any other person whom the Coroner may consider liable to be affected may be present at the inquest and may examine or cross-examine witnesses and elicit evidence relative to the cause of death and to the issue whether the accident was attributable to negligence or to any omission to comply with the provisions of this Act or otherwise.—(*Hon. J. M. Davies.*)

Amendment proposed—That the words “any person authorized in writing by the owner of the mine” be inserted after the word “occurred.”—(*Hon. J. D. Brown.*)

Question—That the words proposed to be inserted be so inserted—put.
Committee divided.

Ayes, 13.

The Hon. J. H. Abbott
W. L. Baillieu
J. D. Brown
E. J. Crooke
W. Little
Walter S. Manifold
J. Y. McDonald
E. Miller
W. Pearson
R. B. Ritchie
J. Sternberg.

Tellers.

W. Cain
M. Cussen.

And so it was resolved in the affirmative.

Noes, 10.

The Hon. J. Balfour
J. M. Davies
W. H. Edgar
W. J. Evans
T. Luxton
A. McLellan
T. H. Payne
W. Pitt.

Tellers.

J. G. Aikman
A. O. Sachse.

No. 3.—MINES ACTS FURTHER AMENDMENT BILL—Clause 60 (amended) :—

Sludge Provisions.

(1) For the purpose of regulating hydraulic mining dredging sluicing or any other form of mining by which mineralized or impure water sludge or mining débris is discharged into any river stream water-course lake or reservoir whether there shall or shall not be water therein at the time of such discharge and for preventing damage to agricultural or grazing lands adjacent to such river stream water-course lake or reservoir the Governor in Council may appoint a board to be called the Sludge Abatement Board.

(2) The board shall consist of three members who may at any time be removed by the Governor in Council, and any two members of the board shall form a quorum.

(3) It shall be the duty of the board—

(a) to investigate any complaint made of pollution or injury caused by sluicing dredging or other mining operations to any river stream water-course lake or reservoir not exempted from the operation of this section as hereinafter provided and to order any person causing or directing such operations to make such provision or take such steps as the board shall direct to prevent the continuance of such pollution or injury.

- (b) to order any person about to commence or authorize sluicing dredging or other mining operations which will in the opinion of the board cause injury or pollution to any river stream water-course lake or reservoir not exempted from the operation of this section as hereinafter provided to make such provision or take such steps as the board shall direct to prevent such pollution or injury; and
- (c) to report to the Minister and make such recommendations as the board shall think fit in connexion with every application for a mining lease for any area upon which the applicant intends to carry on sluicing dredging or other mining operations which may pollute or injure any river stream water-course lake or reservoir not exempted from the operation of this section as hereinafter provided.

* * * * *

—(*Hon. J. M. Davies.*)

Amendment proposed—That the following new sub-clause be inserted after sub-clause (2) :—

(2A) The business of sluicing dredging hydraulic or other mining operations shall not be carried on without the permit of the Board. And any such permit may at any time be suspended or cancelled by the said Board.—(*Hon. Walter S. Manifold.*)

Question—That new sub-clause (2A) be inserted after sub-clause (2)—put.
Committee divided.

Ayes, 15.

The Hon. W. L. Baillieu
J. Balfour
E. J. Crooke
M. Cussen
W. J. Evans
W. Little
Walter S. Manifold
J. Y. McDonald
A. McLellan
E. Miller
T. H. Payne
W. Pearson
R. B. Ritchie.

Tellers.

J. H. Abbott
J. D. Brown.

Noes, 8.

The Hon. J. G. Aikman
W. Cain
J. M. Davies
T. Luxton
W. Pitt
A. O. Sachse.

Tellers.

W. H. Edgar
J. Sternberg.

And so it was resolved in the affirmative.

VICTORIA.

LEGISLATIVE COUNCIL.

SESSION 1904.

WEEKLY REPORT OF DIVISIONS

IN

COMMITTEE OF THE WHOLE COUNCIL.

No. 6.

Extracted from the Minutes.

TUESDAY, 11TH OCTOBER, 1904.

No. 1.—MINES ACTS FURTHER AMENDMENT BILL—Clause 60 (re-committed—amended):—

Sludge Provisions.

(1) For the purpose of regulating hydraulic mining dredging sluicing or any other form of mining by which mineralized or impure water sludge or mining débris is discharged into any river stream water-course lake or reservoir whether there shall or shall not be water therein at the time of such discharge and for preventing damage to agricultural or grazing lands adjacent to such river stream water-course lake or reservoir the Governor in Council may appoint a board to be called the Sludge Abatement Board, and notice of such appointment shall be published in the *Government Gazette*.

(2) The Board shall consist of three members who may at any time be removed by the Governor in Council, and any two members of the Board shall form a quorum.

(2A) The business of sluicing dredging hydraulic or other mining operations shall not be carried on without the permit of the Board. And any such permit may at any time be suspended or cancelled by the said Board.

* * * * *

—(Hon. J. M. Davies.)

Amendment proposed—That the words “The business of sluicing dredging hydraulic or other mining operations shall not be carried on without the permit of the” be omitted.—(Hon. J. M. Davies.)

Question—That the words proposed to be omitted stand part of the clause—put.
Committee divided.

Ayes, 20.

The Hon. J. H. Abbott
W. Cain
E. J. Crooke
M. Cussen
Sir H. Cuthbert
W. J. Evans
T. C. Harwood
H. W. H. Irvine
W. Little
Walter S. Manifold
D. E. McBryde
J. Y. McDonald
A. McLellan
D. Melville
T. H. Payne
W. Pearson
R. B. Rees
R. B. Ritchie.

Tellers.

W. L. Baillieu
Dr. W. H. Embling.

Noes, 11.

The Hon. J. G. Aikman
J. Balfour
J. D. Brown
J. M. Davies
W. H. Edgar
W. Pitt
J. M. Pratt
A. O. Sachse
J. Sternberg.

Tellers.

T. Luxton
E. Miller.

And so it was resolved in the affirmative.

No. 2.—MINES ACTS FURTHER AMENDMENT BILL—Clause 60 (re-committed—amended) :—

Sludge Provisions.

(1) For the purpose of regulating hydraulic mining dredging sluicing or any other form of mining by which mineralized or impure water sludge or mining débris is discharged into any river stream water-course lake or reservoir whether there shall or shall not be water therein at the time of such discharge and for preventing damage to agricultural or grazing lands adjacent to such river stream water-course lake or reservoir the Governor in Council may appoint a Board to be called the Sludge Abatement Board, and notice of such appointment shall be published in the *Government Gazette*.

(2) The Board shall consist of three members who may at any time be removed by the Governor in Council, and any two members of the Board shall form a quorum.

(2A) The business of sluicing dredging hydraulic or other mining operations shall not be carried on without the permit of the Minister after a report by the Board to the Minister. And any such permit may at any time be suspended or cancelled by the said Board.

* * * * *

—(*Hon. J. M. Davies.*)

Amendment proposed—That the words “And any such permit may at any time be suspended or cancelled by the” be omitted.—(*Hon. J. M. Davies.*)

Question—That the words proposed to be omitted stand part of the clause—put.
Committee divided.

Ayes, 12.

The Hon. W. Cain
M. Cussen
Sir H. Cuthbert
Dr. W. H. Embling
T. C. Harwood
W. Little
Walter S. Manifold
D. E. McBryde
T. H. Payne
W. Pearson.

Tellers.

E. J. Crooke
W. J. Evans.

Noes, 18.

The Hon. J. H. Abbott
J. G. Aikman
W. L. Baillieu
J. Balfour
J. M. Davies
W. H. Edgar
H. W. H. Irvine
T. Luxton
J. Y. McDonald
A. McLellan
E. Miller
W. Pitt
R. B. Rees
R. B. Ritchie
A. O. Sachse
J. Sternberg.

Tellers.

J. D. Brown
J. M. Pratt.

And so it passed in the negative.

WEDNESDAY, 12TH OCTOBER.

No. 3.—MINES ACTS FURTHER AMENDMENT BILL—Clause 60 (re-committed—amended):—

* * * * *

(3) It shall be the duty of the Board—

(aa) to refuse to sanction or grant a permit for any sluicing dredging hydraulic or other mining operations which in the opinion of the Board could not be carried on without serious injury to any river stream water-course lake or reservoir not exempted from the operation of this section as hereinafter provided or to any agricultural or grazing lands adjacent thereto.

* * * * *

—(Hon. J. M. Davies.)

Amendment proposed—That the word “Board” in paragraph (3) be omitted with a view to insert in place thereof the word “Minister.”—(Hon. W. L. Baillieu.)

Question—That the word proposed to be omitted stand part of the clause—put.
Committee divided.

Ayes, 9.

The Hon. J. G. Aikman
Sir H. Cuthbert
J. M. Davies
Dr. W. H. Embling
J. Y. McDonald
W. Pitt
A. O. Sachse.

Tellers.

W. Cain
D. E. McBryde.

Noes, 13.

The Hon. W. L. Baillieu
J. Balfour
E. J. Crooke
M. Cussen
W. J. Evans
T. C. Harwood
H. W. H. Irvine
W. Little
Walter S. Manifold
A. McLellan
R. B. Ritchie.

Tellers.

D. Melville
W. Pearson.

And so it passed in the negative.

No. 4.—MINES ACTS FURTHER AMENDMENT BILL—Clause 60 (re-committed—amended):—

* * * * *

(3) It shall be the duty of the Minister—

(aa) to refuse to sanction or grant a permit for any sluicing dredging hydraulic or other mining operations which in the opinion of the Minister could not be carried on without serious injury to any river stream water-course lake or reservoir not exempted from the operation of this section as hereinafter provided or to any agricultural or grazing lands adjacent thereto.

* * * * *

—(Hon. J. M. Davies.)

Amendment proposed—That the word “pollution” be inserted in place of the word “injury” omitted.—(Hon. J. M. Davies.)

Question—That the word proposed to be inserted be so inserted—put.
Committee divided.

Ayes, 9.

The Hon. J. G. Aikman
Sir H. Cuthbert
J. M. Davies
J. Y. McDonald
T. H. Payne
W. Pitt
A. O. Sachse.

Tellers.

J. Balfour
T. Luxton.

Noes, 15.

The Hon. W. L. Baillieu
W. Cain
M. Cussen
Dr. W. H. Embling
T. C. Harwood
H. W. H. Irvine
W. Little
Walter S. Manifold
D. E. McBryde
A. McLellan
D. Melville
W. Pearson
R. B. Ritchie.

Tellers.

E. J. Crooke
W. J. Evans.

And so it passed in the negative.

No. 5.—MINES ACTS FURTHER AMENDMENT BILL—Clause 60 (re-committed—amended) :—

* * * * *

(4) The Governor in Council may from time to time upon the report of the Board exempt from the operation of this section such rivers streams water-courses lakes and reservoirs or such portions thereof as are in his opinion by reason of the polluted condition of such rivers streams water-courses lakes or reservoirs useless as a means of providing a water supply for domestic or stock purposes provided that no exemption shall be given in any case where it is proved to the satisfaction of the Board that the continued inflow of sludge would cause injury to adjacent property and notice shall at least twenty-one days beforehand be given in the *Government Gazette* and in a newspaper circulating in the locality affected by all proposed exemptions, and the Governor in Council may at any time revoke any such exemption and shall give notice thereof in the *Government Gazette*.

* * * * *

—(*Hon. J. M. Davies.*)

Amendment proposed—That the words “provided that no exemption shall be given in any case where it is proved to the satisfaction of the Board that the continued inflow of sludge would cause injury to adjacent property and notice shall at least twenty-one days beforehand be given in the *Government Gazette* and in a newspaper circulating in the locality affected by all proposed exemptions” be omitted.—(*Hon. J. M. Davies.*)

Question—That the words proposed to be omitted stand part of the clause—put.
Committee divided.

Ayes, 15.

The Hon. W. L. Baillieu
W. Cain
E. J. Crooke
M. Cussen
Dr. W. H. Embling
W. J. Evans
T. C. Harwood
W. Little
Walter S. Manifold
D. E. McBryde
D. Melville
W. Pearson
R. B. Ritchie.

Tellers.

H. W. H. Irvine
A. McLellan.

Noes, 12.

The Hon. J. G. Aikman
J. Balfour
Sir H. Cuthbert
J. M. Davies
T. Luxton
E. Miller
T. H. Payne
W. Pitt
A. O. Sachse
F. Stuart.

Tellers.

J. Y. McDonald
J. M. Pratt.

And so it was resolved in the affirmative.

No. 6.—MINES ACTS FURTHER AMENDMENT BILL—Clause 60, proposed new sub-clause (amended) :—

(6c) The Goulburn River and its tributaries the Yarra and its tributaries the Mitchell and its tributaries to be exempt from the business of sluicing dredging and hydraulic operations.—(*Hon. M. Cussen.*)

Question—That new sub-clause (6c) be added to the clause—put.
Committee divided.

Ayes, 10.

The Hon. W. Cain
E. J. Crooke
M. Cussen
Dr. W. H. Embling
Walter S. Manifold
D. Melville
W. Pearson
R. B. Ritchie.

Tellers.

W. L. Baillieu
A. McLellan.

Noes, 18.

The Hon. J. G. Aikman
J. Balfour
Sir H. Cuthbert
J. M. Davies
W. H. Edgar
W. J. Evans
T. C. Harwood
W. Little
T. Luxton
D. E. McBryde
J. Y. McDonald
T. H. Payne
W. Pitt
J. M. Pratt
A. O. Sachse
F. Stuart.

Tellers.

E. Miller
R. B. Rees.

And so it passed in the negative.

No. 7.—MINES ACTS FURTHER AMENDMENT BILL—Proposed new clause. —

In the sixth line of sub-section (5) of section seventy-one of the *Mines Act* 1897 after the word "worship" there shall be inserted the words "nor shall any mining operations be carried on under any lands vested in any public body for municipal or charitable purposes on which any town hall and offices connected therewith or any buildings the property of any municipality or charitable institution free library or other public buildings are situated nor within one hundred yards laterally of any such buildings, nor shall it be competent for any person to mark out or occupy such lands by virtue of a miner's right.—(*Hon. Sir H. Cuthbert.*)

Question—That the proposed new clause be added to the Bill—put.
Committee divided.

Ayes, 7.

The Hon. W. L. Baillieu
W. Cain
Sir H. Cuthbert
T. C. Harwood
Walter S. Manifold.

Tellers.

Dr. W. H. Embling
J. M. Pratt.

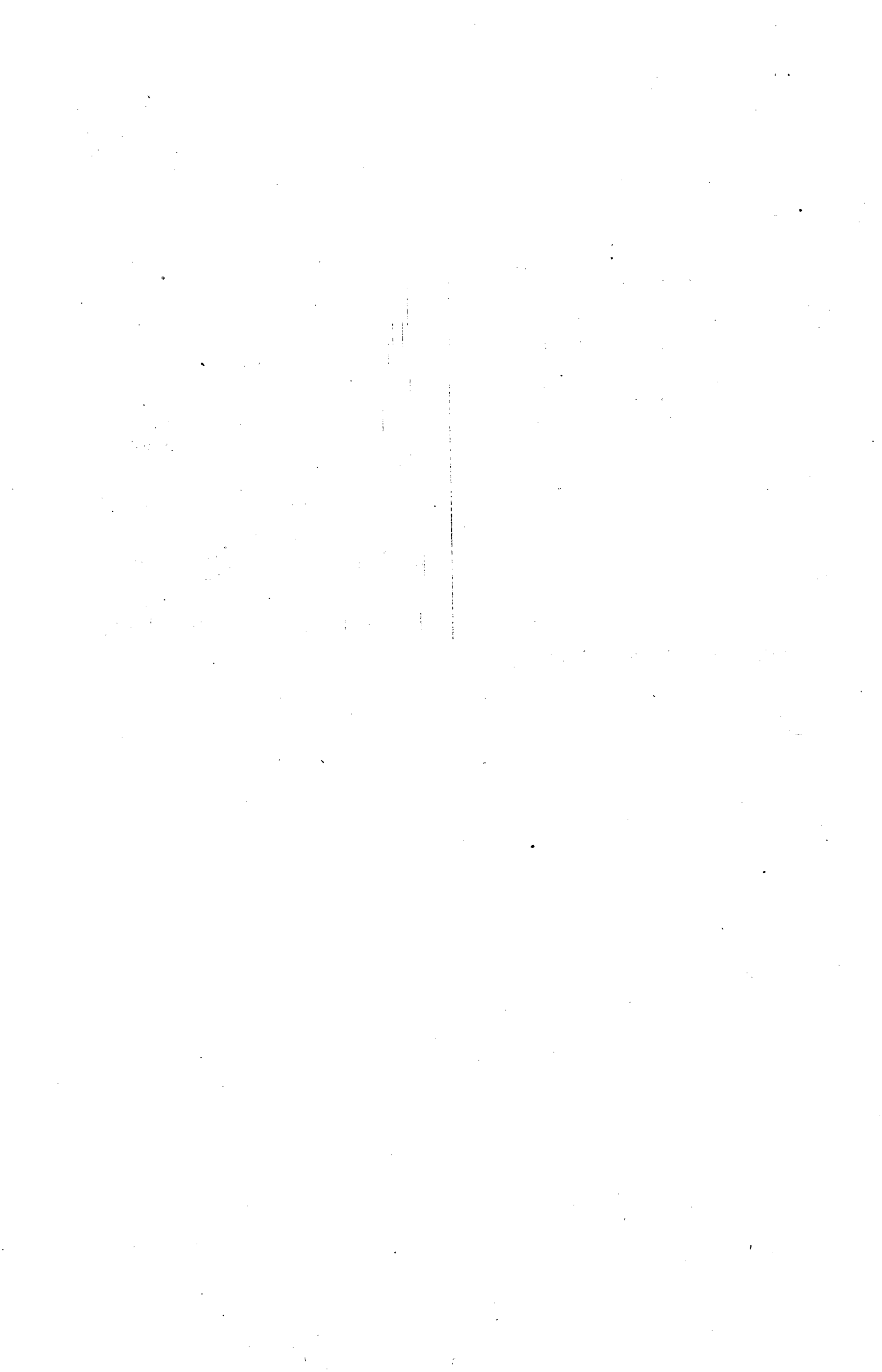
Noes, 20.

The Hon. J. Balfour
E. J. Crooke
M. Cussen
J. M. Davies
W. H. Edgar
W. Little
T. Luxton
D. E. McBryde
J. Y. McDonald
A. McLellan
D. Melville
E. Miller
T. H. Payne
W. Pearson
W. Pitt
R. B. Rees
R. B. Ritchie
A. O. Sachse.

Tellers.

J. G. Aikman
F. Stuart.

And so it passed in the negative.



VICTORIA.

LEGISLATIVE COUNCIL.

SESSION 1904.

WEEKLY REPORT OF DIVISIONS

IN

COMMITTEE OF THE WHOLE COUNCIL.

No. 7.

Extracted from the Minutes.

TUESDAY, 25TH OCTOBER, 1904.

No. 1.—CLOSER SETTLEMENT BILL—Clause 5:—

For the purposes of closer settlement under this Act the Board may in the manner hereinafter provided acquire and take for the Crown either by agreement or compulsorily blocks of private land in any part of Victoria and all land so acquired and taken shall thereupon become Crown land as if the same had never at any time been alienated from the Crown.—(*Hon. A. O. Sachse.*)

Amendment proposed—That the word “either,” in line 2, be omitted.—(*Hon. T. C. Harwood.*)

Question—That the word proposed to be omitted stand part of the clause—put.

Committee divided.

Ayes, 17.

The Hon. J. H. Abbott
W. L. Baillieu
J. D. Brown
W. Cain
E. J. Crooke
J. M. Davies
W. H. Edgar
W. J. Evans
W. Little
T. Luxton
A. McLellan
W. Pitt
J. M. Pratt
A. O. Sachse
J. Sternberg.

Tellers.

R. B. Rees
F. Stuart.

Noes, 13.

The Hon. J. Balfour
Sir H. Cuthbert
Dr. W. H. Embling
T. C. Harwood
D. E. McBryde
J. Y. McDonald
D. Melville
E. Miller
T. H. Payne
W. Pearson
R. B. Ritchie.

Tellers.

H. W. H. Irvine
Walter S. Manifold.

And so it was resolved in the affirmative.

No. 2.—CLOSER SETTLEMENT BILL—Clause 7—

Financial.

(1) For the purposes of this Act the Governor in Council—

- (a) may from time to time increase the amount of stock known as the Victorian Government stock erected under the authority of the *Victorian Government Stock Act 1896* by an additional amount not exceeding in the whole in any one financial year the sum of Five hundred thousand pounds sterling; or
- (b) may issue debentures for the whole or any portion of such sum in lieu of increasing stock as aforesaid,

* * * * *

—(*Hon. A. O. Sachse.*)

Amendment proposed—That it be a suggestion to the Legislative Assembly that they make the following amendment:—

In sub-clause (a), after “from time to time” insert “during five years from the coming into operation of this Act.”—(*Hon. T. C. Harwood.*)

Question—That the proposed suggestion be made to the Legislative Assembly—put.
Committee divided.

Ayes, 18.

The Hon. W. Cain
E. J. Crooke
Sir H. Cuthbert
Dr. W. H. Embling
T. C. Harwood
H. W. H. Irvine
W. Little
T. Luxton
Walter S. Manifold
J. Y. McDonald
D. Melville
E. Miller
T. H. Payne
W. Pearson
J. M. Pratt
R. B. Ritchie.

Tellers.

J. H. Abbott
J. Sternberg.

Noes, 9.

The Hon. W. L. Baillieu
J. Balfour
J. M. Davies
W. J. Evans
W. Pitt
R. B. Rees
A. O. Sachse.

Tellers.

W. H. Edgar
A. McLellan.

And so it was resolved in the affirmative.

WEDNESDAY, 26TH OCTOBER.

No. 3.—CLOSER SETTLEMENT BILL—Clause 21:—

Compulsory Acquisition of Land.

(1) If within such time as so notified, not being within eight weeks from the date of the offer, the owner does not accept such offer, then if the Board decides that it is desirable to acquire such land or any part thereof, and the owner states that he is willing to sell such land but not at the price offered, the amount of compensation may be referred by mutual agreement to the Compensation Court for determination.

(2) If the owner refuses to sell the land or if it appears to the Board that no agreement for sale can be arrived at, the Board shall report accordingly to the Minister.

(3) On receiving such a report the Minister may thereupon submit a resolution to Parliament affirming that it is desirable to take such land compulsorily.

(4) If both Houses of Parliament pass such a resolution, the Minister shall thereupon direct the Board to acquire the land compulsorily, and the Board shall acquire the same accordingly.—(*Hon. A. O. Sachse.*)

Amendment proposed—That the words “On receiving such a report the Minister may” in sub-clause (3) be omitted.—(*Hon. W. J. Evans.*)

Question—That the words proposed to be omitted stand part of the clause—put.
Committee divided.

Ayes, 19.

The Hon. J. H. Abbott
W. L. Baillieu
J. Balfour
W. Cain
J. M. Davies
Dr. W. H. Embling
T. C. Harwood
W. Little
Walter S. Manifold
D. Melville
E. Miller
T. H. Payne
W. Pitt
J. M. Pratt
R. B. Rees
R. B. Ritchie
A. O. Sachse.

Tellers.

J. G. Aikman
W. H. Edgar.

Noes, 2.

Tellers.

The Hon. W. J. Evans
A. McLellan.

And so it was resolved in the affirmative.

VICTORIA.

LEGISLATIVE COUNCIL.

SESSION 1904.

WEEKLY REPORT OF DIVISIONS

IN

COMMITTEE OF THE WHOLE COUNCIL.

No. 8.

Extracted from the Minutes.

WEDNESDAY, 2ND NOVEMBER, 1904.

No. 1.—CLOSER SETTLEMENT BILL.—Clause 37 (amended) :—

Temporary Retention of Estate by Owner.

At any time before the publication of such proclamation, the owner may give notice in writing to the Board that he elects to remain in possession of the land to be specified in the proclamation for a period to be stated in such notice, not exceeding twelve months from the date on which the proclamation is gazetted, and he shall thereupon have a right to occupy such land for the period so stated, subject to the following conditions (that is to say) :—

- (a) No part of the compensation money shall be payable until the expiration of the said period and until effective occupation is acquired by His Majesty.
- (b) At all times during the said period the Board and any persons authorized by it, either generally or particularly, shall have full and free right of ingress, egress, and regress through, over, and upon such land, for the purposes of survey, road-making, or inspection, in the same manner and to the same extent as if such land were unoccupied Crown lands, and doing thereto as little damage as possible, but paying the owner for whatever damage may be done to him in respect of his occupancy of the said land by the exercise of the powers hereby given.
- (c) At all times during the said period the occupier, at his own cost in all things, shall keep the land and all buildings, fences, and other erections thereon in good and substantial condition and repair, and also shall insure and keep insured all buildings and erections of an insurable nature in the name of His Majesty in such sum and insurance office as the Board approves; and if the occupier fails or neglects so to do the Board may do so in his stead and at his cost in all things: Provided that in so far as any such insurance is subsisting in the name of His Majesty the premiums thereon shall be payable by the occupier.
- (d) Whilst in possession of the land under this section the occupier shall pay and discharge all taxes rates and outgoings and shall be deemed to be an occupier within the meaning of the *Land Tax Act* 1890 the *Local Government Acts*, the *Fences Acts*, the *Water Acts*, the *Health Acts*, and the *Vermin Destruction Acts*.

(e) Except with the previous written consent of the Board, and upon such terms as the Board thinks fit to impose, the occupier shall not—

- (a) assign, sublet, or in any way part with possession of the land or any part thereof; or
 (b) plough any part thereof which is in grass, or take any crop or other produce from any part thereof.

* * * * *

—(Hon. A. O. Sachse.)

Amendment proposed—That the words “and in the event of the breach of any of the conditions contained in paragraphs (a) and (b) of sub-section (e) the agreement as to occupancy may at once be determined” be added to sub-clause (e).—(Hon. Sir H. Cuthbert.)

Question—That the words proposed to be added be so added—put.
 Committee divided.

Ayes, 11.

The Hon. W. L. Baillieu
 J. Balfour
 M. Cussen
 Sir H. Cuthbert
 T. C. Harwood
 Walter S. Manifold
 J. Y. McDonald
 W. Pearson
 J. M. Pratt.

Tellers.

W. Cain
 Dr. W. H. Embling.

Noes, 14.

The Hon. J. H. Abbott
 J. G. Aikman
 J. M. Davies
 W. H. Edgar
 W. J. Evans
 W. Little
 T. Luxton
 A. McLellan
 D. Melville
 W. Pitt
 A. O. Sachse
 J. Sternberg.

Tellers.

R. B. Rees
 R. B. Ritchie.

And so it passed in the negative.

No. 2.—CLOSER SETTLEMENT BILL.—Clause 38 (amended):—

The Board may pursuant to this Act dispose of all land acquired for the purposes of closer settlement whether so acquired under this Act or Part III. of the *Land Act* 1898 or the *Brunswick Lands Purchase Act* 1900, and the Board may also with the approval of the Governor in Council notwithstanding anything contained in the *Land Act* 1901 dispose in like manner of any unalienated and unoccupied Crown land (including any swamp or reclaimed Crown land). All such land may be so disposed of on conditional purchase leases as farm allotments or as allotments for workmen's homes or as allotments for agricultural labourers.—(Hon. A. O. Sachse.)

Amendment proposed—That the words “or nine hundred and ninety-nine year leases with periodical valuations” be inserted after the word “leases” in line 6.—(Hon. A. McLellan.)

Question—That the words proposed to be inserted be so inserted—put.
 Committee divided.

Ayes, 4.

The Hon. W. Little
 A. McLellan.

Tellers.

W. H. Edgar
 W. J. Evans.

Noes, 20.

The Hon. J. H. Abbott
 W. L. Baillieu
 J. Balfour
 W. Cain
 E. J. Crooke
 M. Cussen
 Sir H. Cuthbert
 J. M. Davies
 Dr. W. H. Embling
 T. C. Harwood
 Walter S. Manifold
 J. Y. McDonald
 W. Pitt
 J. M. Pratt
 R. B. Rees
 R. B. Ritchie
 A. O. Sachse
 J. Sternberg.

Tellers.

J. G. Aikman
 T. Luxton.

And so it passed in the negative.

No. 3.—CLOSER SETTLEMENT BILL.—Clause 44.

No lease of an allotment shall be granted to any person who is already the holder of land of the value of One thousand five hundred pounds (township land excepted) or who would thereby become the holder of land exceeding such value.—(*Hon. A. O. Sachse.*)

Amendment proposed—That the words “ or whose wife or husband ” be inserted after the word “ who ” in line 1.—(*Hon. W. H. Edgar.*)

Question —That the words proposed to be inserted be so inserted—put.
Committee divided.

Ayes, 10.

The Hon. J. G. Aikman
J. Balfour
W. Cain
W. H. Edgar
Dr. W. H. Embling
W. J. Evans
T. C. Harwood
A. McLellan.

Tellers.

J. H. Abbott
Walter S. Manifold.

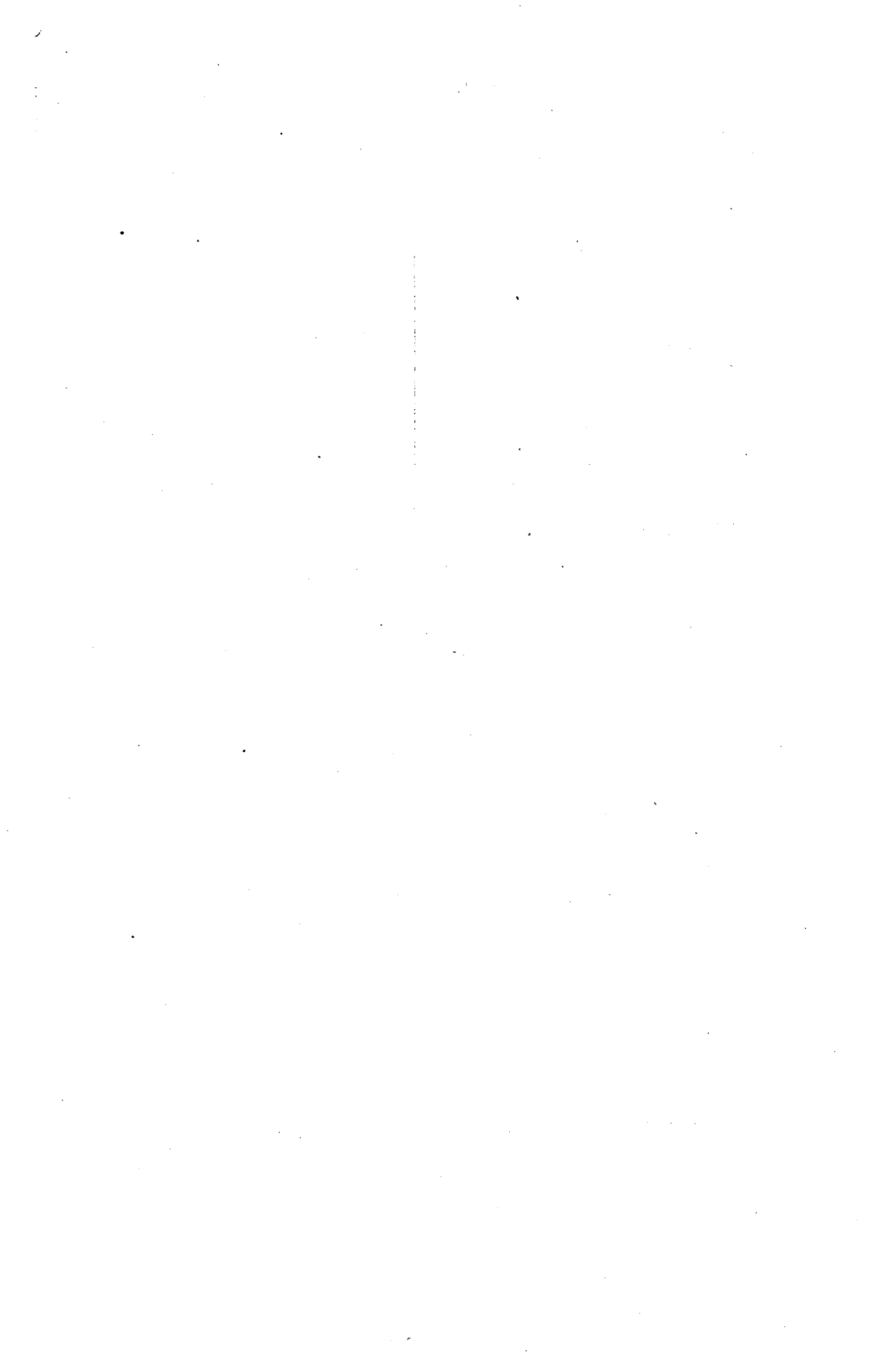
Noes, 14.

The Hon. Sir H. Cuthbert
J. M. Davies
W. Little
T. Luxton
J. Y. McDonald
W. Pearson
W. Pitt
J. M. Pratt
R. B. Rees
R. B. Ritchie
A. O. Sachse
J. Sternberg.

Tellers.

W. L. Baillieu
M. Cussen.

And so it passed in the negative.



VICTORIA.

LEGISLATIVE COUNCIL.

SESSION 1904.

WEEKLY REPORT OF DIVISIONS

IN

COMMITTEE OF THE WHOLE COUNCIL.

No. 9.

Extracted from the Minutes.

TUESDAY, 8TH NOVEMBER, 1904.

No. 1.—MINES ACTS FURTHER AMENDMENT BILL.—Clause 60—Amendment of the Council to insert new sub-clause (2A), disagreed with by the Assembly:—

The business of sluicing dredging hydraulic or other mining operations shall not be carried on without the permit of the Minister after a report by the Board to the Minister. Every person carrying on such business at the commencement of this Act shall within thirty days after the notice in the *Government Gazette* of the appointment of such Board apply to the Minister for a permit to carry on such business: And nothing in this Act contained shall prevent any such person from continuing to carry on such business from the commencement of this Act until the Minister shall have granted or refused to grant a permit; and the Minister may in his discretion grant a temporary permit to any such person for such period as may in the opinion of the Minister be reasonably required to enable such person to comply with any order of the Minister.

Motion made and question put—That the Council do not insist on their amendment to insert new sub-clause (2A).—(*Hon. J. M. Davies.*)

Committee divided.

Ayes, 12.

The Hon. J. H. Abbott
J. M. Davies
W. J. Evans
T. Luxton
J. Y. McDonald
E. Miller
W. Pitt
J. M. Pratt
R. B. Rees
A. O. Sachse.

Tellers.

W. H. Edgar
J. Sternberg.

Noes, 14.

The Hon. J. Balfour
W. Cain
E. J. Crooke
M. Cussen
Sir H. Cuthbert
T. C. Harwood
W. Little
Walter S. Manifold
D. E. McBryde
D. Melville
T. H. Payre
W. Pearson.

Tellers.

W. L. Baillieu
Dr. W. H. Embling.

No. 2.—MINES ACTS FURTHER AMENDMENT BILL.—Clause 60—Amendment of the Council to insert new sub-clause (aa), disagreed with by the Assembly :—

To refuse to sanction or grant a permit for any sluicing dredging hydraulic or other mining operations which in the opinion of the Minister could not be carried on without serious contamination to any river stream water-course lake or reservoir not exempted from the operation of this section as hereinafter provided, or to any agricultural or grazing lands adjacent thereto.

Motion made and question put—That the Council do not insist on their amendment to insert new sub-clause (aa).—(Hon. J. M. Davies.)

Committee divided.

Ayes, 13.

The Hon. J. H. Abbott
J. G. Aikman
J. Balfour
J. D. Brown
J. M. Davies
W. H. Edgar
T. Luxton
W. Pitt
J. M. Pratt
A. O. Sachse
J. Sternberg.

Tellers.

E. Miller
R. B. Rees.

Noes, 15.

The Hon. W. L. Baillieu
W. Cain
M. Cussen
Sir H. Cuthbert
Dr. W. H. Embling
W. J. Evans
T. C. Harwood
W. Little
Walter S. Manifold
A. McLellan
D. Melville
T. H. Payne
W. Pearson.

Tellers.

E. J. Crooke
D. E. McBryde.

And so it passed in the negative.

VICTORIA.

LEGISLATIVE COUNCIL.

SESSION 1904.

WEEKLY REPORT OF DIVISIONS

IN

COMMITTEE OF THE WHOLE COUNCIL.

No. 10.

Extracted from the Minutes.

WEDNESDAY, 16TH NOVEMBER, 1904.

No. 1.—CLOSER SETTLEMENT BILL.—Clause 60 :—

Amendment of the Council in line 35 to omit "Two" and insert "Four" agreed to by the Assembly with the following amendment, viz. :—Omit "Four" and insert "Three."

Motion made and question put—That the Council agree to the amendment of the Assembly on the amendment of the Council.

Committee divided.

Ayes, 9.

The Hon. J. Balfour
J. M. Davies
J. Y. McDonald
A. McLellan
W. Pitt
J. M. Pratt
A. O. Sachse.

Tellers.

J. G. Aikman
W. J. Evans.

Noes, 16.

The Hon. W. L. Baillieu
W. Cain
E. J. Crooke
M. Cussen
Sir H. Cuthbert
W. H. Edgar
Dr. W. H. Embling
T. C. Harwood
W. Little
Walter S. Manifold
E. Miller
T. H. Payne
R. B. Rees
R. B. Ritchie.

Tellers.

T. Luxton
D. E. McBryde.

And so it passed in the negative.

No. 2.—MINES ACTS FURTHER AMENDMENT BILL.—Clause 60.—Amendment of the Council to insert new sub-clause (2A) :—

The business of sluicing dredging hydraulic or other mining operations shall not be carried on without the permit of the Minister after a report by the Board to the Minister. Every person carrying on such business at the commencement of this Act shall within thirty days after the notice

in the *Government Gazette* of the appointment of such Board, apply to the Minister for a permit to carry on such business: And nothing in this Act contained shall prevent any such person from continuing to carry on such business from the commencement of this Act until the Minister shall have granted or refused to grant a permit; and the Minister may in his discretion grant a temporary permit to any such person for such period as may in the opinion of the Minister be reasonably required to enable such person to comply with any order of the Minister.—Disagreed with by Assembly and insisted on by Council, but with the following amendment, viz.:—Omit “other mining operations” and insert “any form of mining regulated by the Sludge Abatement Board.”—Disagreement insisted on by Assembly.

Motion made and question put—That the Council do not now insist on their amendment.—(*Hon. J. M. Davies.*)

Committee divided.

Ayes, 15.

The Hon. J. G. Aikman
 J. Balfour
 Sir H. Cuthbert
 J. M. Davies
 W. H. Edgar
 T. Luxton
 D. E. McBryde
 A. McLellan
 E. Miller
 W. Pitt
 J. M. Pratt
 R. B. Rees
 A. O. Sachse.

Tellers.

W. J. Evans
 F. Stuart.

Noes, 10.

The Hon. W. Cain
 E. J. Crooke
 M. Cussen
 T. C. Harwood
 W. Little
 Walter S. Manifold
 D. Melville
 R. B. Ritchie.

Tellers.

Dr. W. H. Embling
 T. H. Payne.

And so it was resolved in the affirmative.

VIC. MINUTES OF THE PROCEEDINGS OF THE LEG. COUNCIL. SESS. 1904.

COUNCIL
CHAMBER