

- 1) Copies ^{of} extracts of despatches between the colonial department and the Governors of New South Wales relating to the proposed changes in the Constitution of Australia. 1849
V8:2.M5 A849
- 2) Copies or extracts of correspondence on the subject of Australian Colonies Government Bill. 1850 (March)
V8:2.M5 A850
- 3) Further papers relative to the proposed alteration in the Constitution of the Australian colonies. 1850 (April)
V8:2.M5 A850
- 4) Further papers relative to the alterations in the constitution of the Australian Colonies. Feb 1851
~~V8:2.M5 A851~~
- 5) Further papers relative to the alterations in the constitution of the Australian colonies. July 1852
V8:2.M5 A852
- 6) Further papers relative to the alterations in the constitutions of the Australian colonies. Dec. 1854.
V8:2.M5 A854
- 7) Further papers relative to the alterations in the constitution of the Australian colonies. March 1855.
V8:2.M5 A855
- 8) Further papers relative to the alterations in the constitution of the Australian colonies. April 1855. V2:2.M5 A855
- 9) Further papers relative to the alterations in the constitutions of the Australian colonies. The constitution bills of New South Wales and Victoria with portions which it is proposed to omit printed in italics. May 1855 V8:2.M5 A855

1846
PROPOSED Addressed to
THE CONSTITUTION OF

Colonial Office, Downing Street, }
24th May 1849. }

B. HAWES.

Ordered to be printed 25th May 1849.

(132.)

A 2
... thanks for the important Aid he has
rendered

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CORRESPONDENCE, &c.

No. 1.

(No. 203.)

COPY of a DESPATCH from Earl GREY to Governor Sir C. FITZROY.

Sir,

Downing Street, 31st July 1847.

THE long Delay which has occurred in communicating to you the Decision of Her Majesty's Government on the Question of the Erection of the Port Phillip District of New South Wales into a separate Colony under a distinct Government, has been occasioned by the Magnitude of the Interests at stake, and by the Necessity of proceeding with the utmost Deliberation, in a Case in which any material Error might involve Consequences of such grave Inconvenience. An additional Motive for Delay has arisen from the Nature of the Business, alike urgent and momentous, which has chiefly occupied the Attention of Parliament during their recent Session. Under the Pressure of such Exigencies as the Failure of a large Part of the usual Produce of the Soil in the United Kingdom had produced, Her Majesty's Government could scarcely hope that the Attention of the Legislature could be devoted to the Re-construction of the political Institutions of Australia, with the Care requisite for the safe Accomplishment of such a Measure. Nor can I altogether regard this as undesirable on other Grounds. It has afforded, and will yet afford, to Her Majesty's Government the Opportunity and the Means of framing the Bill to be submitted to Parliament with more Circumspection; and (as I trust) with greater Accuracy, than might otherwise have been attainable.

In the Year 1846 Six Despatches were addressed to this Office by Sir George Gipps and by yourself on this Subject. They were dated on the 23d January, the 29th April, the 21st and the 24th of June, and the 29th September in that Year. Of these the first was marked "Confidential," the others were numbered respectively, 90, 91, 122, 125, and 23. Of these, however, the Despatch No. 91. relates principally to a Question of Boundaries; and the Despatch No. 23. has chiefly in view the commercial Relations between the Australian Colonies. Each of them, however, has an incidental and an important Bearing on the Subject of the Erection of Port Phillip into a separate Government. It is therefore most convenient that I should acknowledge and answer the whole of the Series together.

The Despatch dated the 29th April 1846, No. 90, and the voluminous Annexures attached to it, may be considered as having exhausted the Arguments for and against the Separation of the Port Phillip District from the rest of the Colony of New South Wales, so far as those Arguments are drawn from Facts or Considerations of a local Nature. It would be vain to expect from any other Body of Persons to whom the Inquiry could be referred a Review of those Arguments, more complete, more dispassionate, or conducted with greater Ability than is the Discussion comprised in the various Minutes of the Executive Council of New South Wales of the 1st and 23d April 1846, and in the Appendixes subjoined to those Minutes. As it would be impossible for me to exhibit a more clear or comprehensive Summary of the whole Controversy than is to be found in those Minutes and Appendixes, it will be sufficient for me to state that, adopting in general the Reasonings of Sir George Gipps, and of the Majority of the Executive Council, Her Majesty's Government have submitted to the Queen their Opinion, that Parliament should be recommended to impart to Her Majesty the Authority necessary for carrying into effect the practical Conclusion of that Majority.

I am far from being insensible to the Weight of the opposing Considerations, or of the Authority they derive from the Suffrages of the Colonial Treasurer and of the Bishop of Australia in their Favour. That right reverend Prelate has perceived and pointed out the indissoluble Connexion between the secular and the ecclesiastical Bearings of this Question, and has justly felt that the Duties of his sacred Office imposed on him the Obligation of considering it in each of those Lights. You will convey to him my Thanks for the important Aid he has

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DESPATCHES AND PAPERS RELATIVE TO

No. 1.
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rendered on this Occasion to Her Majesty's Government, an Aid which I do not value the less because the Objections of the Bishop to the contemplated Change do not appear to me to countervail the Considerations urged in support of it by the Majority of his Colleagues in the Executive Council.

Without entering at large into the Argument, I must yet so far vindicate my own Conclusion as to remark, that it rests mainly on the great Principle of colonial Government, which all Theory and all Experience seem to me to concur in establishing. That Principle is, that all Affairs of merely local Concern should be left to the Regulation of the local Authorities; to that Principle I know of no general Exceptions, unless in Cases where local Interests may clash with the Interests of the Empire at large, or in Cases where some one predominant Class of a colonial Society might be disposed to exert such Powers so as unjustly to depress some feebler and defenceless Class. It was on this general Principle that the existing Constitution of New South Wales was founded. It is on the same general Principle that the proposed Qualification of it may be most successfully vindicated.

Local Self-government, if necessary for the Good of the whole Colony, is not less necessary for the Good of the several Districts of which it is composed. For this Reason it was that Parliament provided for the Erection throughout New South Wales of Municipal Corporations, which should, in various respects, balance and keep in check the Powers of the Legislative Council. By this Method it was supposed that the more remote Districts would be able to exercise their fair Share of Power, and to enjoy their proper Influence in the general Polity of the whole Province. But the Result has disappointed this Expectation. The Municipalities have only a nominal Existence. The Legislative Council has absorbed all the other Powers of the Colonial State. The Principle of Self-government in the Districts the most remote from Sydney is therefore acted upon almost as imperfectly as if the Conduct of local Affairs had remained under the same Management and Institutions as those which the existing System superseded.

Members, it is true, are chosen to represent those Districts in the Legislature; but it is shown that such of the Inhabitants of Port Phillip as are really qualified for this Trust are unable to undertake it, at the Expense of abandoning their Residences and their Pursuits in the Southern Division of the Colony. Thus the Port Phillip Representation has become an unreal and illusory, not a substantial, Enjoyment of representative Government.

The Principle of local Self-government (like every other political Principle) must, when reduced to Practice, be qualified by many other Principles which must operate simultaneously with it. To regulate such Affairs with reference to any one isolated Rule or Maxim would, of course, be an idle and an ineffectual Attempt; for example, it is necessary that while providing for the local Management of local Interests, we should not omit to provide for a central Management of all such Interests as are not local. Thus Questions, co-extensive in their Bearing with the Limits of the Empire at large, are the appropriate Province of Parliament. But there are Questions which, though local as it respects the British Possessions in Australia collectively, are not merely local as it respects any one of those Possessions; considered as Members of the same Empire, those Colonies have many common Interests, the Regulation of which in some uniform Manner, and by some single Authority, may be essential to the Welfare of them all. Yet in many Cases such Interests may be more promptly, effectually, and satisfactorily decided by some Authority within Australia itself than by the more remote, the less accessible, and, in truth, the less competent Authority of Parliament.

Her Majesty's Government, therefore, hope in the next Session of Parliament to introduce a Bill for the Division of New South Wales into Two Colonies, the Northern of which would retain its present Name, while the Southern Colony would, by Her Majesty's gracious Permission, receive the Name of the Province of Victoria.

The Effect of this Alteration would be to render inevitable some Changes in the existing Constitution of the Northern Government. When detached from the Southern Districts, the existing System would cease in many respects to be appropriate and applicable to its new Condition, and there appear also to be some Particulars in which the practical Operation of the present Constitution proves that it might with Advantage be revised. One of the most material of these contemplated

contemplated Changes is that which involves a Return to the old Form of colonial Constitutions. You are aware that in the older British Colonies, the Legislature, as in New South Wales, is generally composed partly of Nominees of the Crown and partly of the Representatives of the People; but there is this important Difference between the Two Systems, that in the one Case the Legislature is divided into Two separate Houses and Chambers, in the other the Representatives of the People and the Nominees of the Crown form a single Body, under the Title of the Legislative Council. It does not appear to me that the practical Working of this last System would by any means justify the Conclusion that it is an Improvement upon that which it was formerly the Practice to adopt; on the contrary, I see many Reasons for Belief, that the more ancient System, by which every new Law was submitted to the separate Consideration of Two distinct Houses, and required their joint Consent for its Enactment, was the best calculated to ensure judicious and prudent Legislation.

Another very important Question will arise as to the Means which should be taken in order more effectually to provide for the municipal Government of the various Towns, Counties, or other smaller Divisions. I have already observed that it was the Intention of Parliament, in establishing the existing Constitution of New South Wales, to create local Authorities of this Description; and although that Intention has hitherto been defeated, it is not the Opinion of Her Majesty's Government that it ought to be abandoned. The Experience of our own Country, that of the British Provinces in North America, and also that of the former British Colonies, which now constitute the great Republic of the United States, may be said to have conclusively established not merely the great Advantages of devolving the Management of local Affairs upon the Inhabitants of Districts of moderate Size, acting by their Representatives, but likewise the converse of this, and that Evils of a very serious Kind result from committing the exclusive Management of the Affairs, both general and local, of a whole Province, to a central Legislature, unaided and unbalanced by any Description of local Organization. It follows, that in revising the Constitution of New South Wales, it will be necessary to consider what Changes ought to be made in the existing Law for the Erection of Municipalities, in order to secure to those Bodies their just Weight and Consideration, and especially whether, with that View, they may not be made to bear to the House of Assembly the Relation of Constituents and Representatives.

Some Method will also be devised for enabling the various Legislatures of the several Australian Colonies to co-operate with each other in the Enactment of such Laws as may be necessary for regulating the Interests common to those Possessions collectively; such, for example, are the Imposition of Duties of Import and Export, the Conveyance of Letters, and the Formation of Roads, Railways, or other internal Communications traversing any Two or more of such Colonies.

I will not attempt at the present Moment to do more than to indicate the general Principles on which it is proposed to legislate. The Details will be the Subject of further and of very attentive Consideration.

That Part of the Plan which respects the Creation of a central Authority implies the Establishment of the System of representative Legislation throughout the whole of the Australian Colonies, including Van Diemen's Land and South and Western Australia, though in the latter it will probably be thought right to postpone the Operation of the Change, until the Colonists shall be prepared to defray the Expense of their own Civil Government without the Assistance of an annual Parliamentary Grant.

In giving Effect to these Intentions it will be my Duty to take the necessary Means for adjusting the Question respecting the Boundaries of New South Wales, South Australia, and Western Australia, to which Sir George Gipps refers in his Despatch of the 29th April 1846, No. 91.

I shall take the same Opportunity of proposing to Parliament to adjust the Questions of territorial Revenue between the Two Provinces of New South Wales and Victoria, to which Sir George Gipps refers in his Despatches of the 21st June 1846, No. 122, and of the 24th June 1846, No. 125.

The Subject of your own Despatch of the 29th September 1846, viz., the Imposition of discriminating Duties, in any Australian Colony, on Goods the Growth, Produce, or Manufacture of any other Australian Colony, will also be adverted to, and provided for, in that Part of the contemplated Act of Parli-

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to
Governor
Sir C. FitzRoy,
31st July 1847.

ment which will relate to the Creation of a central legislative Authority for the whole of the Australian Colonies.

With these general Remarks, I must for the present dismiss a Subject, the Importance of which would merit, and may hereafter receive, a much more copious Examination and Discussion. What I have written will, however, I trust be sufficient to relieve the Anxiety of the public Mind in New South Wales respecting Arrangements pregnant with Results so momentous to that Part of Her Majesty's Dominions, and therefore so deeply interesting to every other Member of the widely extended Empire over which Her Majesty reigns. It will be no slight Relief to the Responsibility of proposing such a Change to find myself in possession of the most complete local Intelligence and supported by the Opinion of the most eminent local Authorities. I need scarcely add that it will be a Source of the highest Gratification to me, if, under the Authority of Parliament, the Colonial Governments of Australia can be settled on a Basis on which the Colonists may, under the Blessing of Divine Providence, themselves erect Institutions worthy of the Empire to which they belong, and of the People from whom they are descended.

I have, &c.
(Signed) GREY.

No. 2.
Governor
Sir C. FitzRoy
to
Earl Grey,
6th January 1848.

No. 2.

(No. 3.—Executive.)

COPY of a DESPATCH from Governor Sir C. FITZROY to Earl GREY.

Government House, Sydney, 6th January 1848.
(Received 8th May 1848.)

My Lord,

Your Lordship's Despatch, No. 203, of the 31st July last, on the Subject of the Erection of the Port Phillip District into a separate Colony, and informing me of the Changes proposed by Her Majesty's Government in the Constitution of the Australian Colonies generally, reached me at a Moment when a severe domestic Affliction rendered me incapable of attending to my public Duties; I, however, lost no Time in directing that it should be submitted to my Executive Council, and it was accordingly laid before that Board at a Meeting at which, in my Absence, Sir Maurice O'Connell presided; and by the Advice of the Council the Despatch was printed, for the Information of the Public, in the Government Gazette, as the best Means of complying with your Lordship's Desire to elicit the Opinions of the Community relative to the Measures contemplated by Her Majesty's Government, the Legislature not being in Session.

I am sure your Lordship would, under my present Circumstances, excuse my offering any lengthened Remarks upon these Measures, even if I had been called upon by your Lordship to do so; but it is right that I should inform your Lordship that, from what I know of the general Feeling throughout the Colony on the Subject of District Councils, the Proposal to make these Institutions bear to the House of Assembly the Relation of Constituents and Representatives will be very unpalatable to the Colonists, and will not fail to create great Opposition and Discontent. I also deem it my Duty to put your Lordship in possession of Two Reports, drawn up at my Request some Time since by Mr. La Trobe and Mr. Deas Thomson, the latter of which gives a complete History of the working of the District Councils of the Colony, from their first Institution to the present Moment; and I know of no Persons in the Colony whose sound practical Understandings and long Experience entitle their Opinion to greater Weight than these Two Gentlemen.

The Recurrence to the old Form of Colonial Constitution by the Division of the Legislature into Two separate Chambers will not, I apprehend, be ill received, at all events by those Persons in the Colony who understand the Subject, and will give it fair Consideration. I can have no Hesitation in stating my own Opinion, founded upon long practical Experience, that it will be a decided Improvement upon the present Form of Legislation in this Colony.

I further beg to transmit to your Lordship the Copy of a Letter addressed to me by the Mayor of Sydney, as Chairman of a public Meeting which was held

Mr. La Trobe.
28th Sept. 1846.
Mr. Deas Thomson.
27th March 1847.

6th January 1848.

in Sydney on the 5th instant, which I have just received, requesting me to use my Influence with your Lordship to prevent the Introduction of the proposed Measure until the Colonists shall have had an Opportunity of appealing to Her Majesty and both Houses of Parliament.

I have, &c.
(Signed) CHAS. A. FITZROY.

No. 2.
Governor
Sir C. FitzRoy
to
Earl Grey,
6th January 1848.

Enclosure 1. in No. 2.

DISTRICT COUNCILS.

Encl. 1. in No. 2.

THE practical Effect of the Application of the System of District Councils authorized by the Imperial Act 5 & 6 Vict. c. 76., to the Port Phillip District, has been to retard rather than facilitate the Advancement of that Portion of the Colony, and the Progress of its internal Improvement.

It took, so to say, the Power of effecting local Improvements, and the Performance of certain Functions, out of the Hands of the Executive Government, under the Pretence of placing them in the Hands of those who might, in the Abstract, be considered best acquainted with the Wants of the Community, and with the fittest Means of meeting them; while it seemingly would relieve the general Revenue of the Colony from the Burden of wholly bearing the necessary Expenditure; but in its practical working it has totally failed in effecting the Objects aimed at.

District Councils were established in the Counties or Districts of Bourke and Grant. These have now been in existence for Four Years; yet it is not in my Power to point out a single Instance or Particular in either Case in which the Object of these Establishments has been attained. There has not been one Road made or repaired under their Charter, not one School established, not one public Building erected, and not one Farthing raised or applied to the Support of a District Police or to the Administration of Justice. If you except some unimportant preparatory Surveys, and the Execution of certain preparatory Estimates, nothing whatsoever has been done.

To issue the Charter and name properly qualified Persons to form the District Council in the first instance, was the Duty of the Governor, and no very difficult Matter; neither was the first internal Organization of the Council, when so established, difficult. Rules were laid down and Bye Laws framed, and salaried Officers appointed in due Form; and when the Period arrived when the Government Nominees were to give place to Members chosen by the Electors, there was, in the first instance, no Difficulty whatsoever in finding Persons both ready and willing to undertake the Charge. But when the Time came when the Machine thus prepared and framed should set to work, to perform its real and ultimate Functions, it was found totally incompetent to do so.

I cannot attribute this Result to any Indisposition to work, or any Want of Management in the Two District Councils in question. Although the People generally may have viewed the Scheme from the Outset with a Degree of Repugnance and Suspicion, as they will every Project which threatens Taxation, still in the Minds of many, both in and out of the Councils, there existed a Prejudice in its Favour, and a sincere Desire to see it carried into effect.

The District Council of Grant particularly exerted itself to the utmost to do so, but with no other Result than that, after Four Years Existence, it has, with all its Zeal, effected nothing to the public Advantage; and brought Embarrassment and Ridicule upon all connected with it. Its Liabilities, if I recollect right, do not fall much short of 700*l*.

The District Council of Bourke having proceeded with more Caution in appointing salaried Officers, while the ultimate working of the Taxation Part of the System lay under reasonable Doubt, is less deeply involved, but still sufficiently so to render the Position of the Gentlemen, who, from their official Connexion with it, are in Law responsible for its Debts, a very unpleasant one.

Meanwhile the Executive Government finds itself forced, on the one hand, to furnish wholly from the general Revenue, with the Approval of the Legislative Council, that Provision for the Maintenance of Police and Schools within the several Districts which it was the express Object of the Imperial Act to relieve it of, in part at least, and on the other, to decline entering upon the Performance of other Functions which the Law provides must be performed by the District Council, or to undertake the Direction and meet the Expense of Works of internal Improvement, however called for, which under the same Law must be effected by the Council, and at the Cost of the Community.

It would seem from the Correspondence upon this Subject, that while the Governor finds it impossible to reconcile the Law and the actual Circumstances of the Colony, he is neither in a Position to advise nor assist; that he not only cannot assist the Council by coming forward to extricate them by entirely setting aside the Law, or by reconciling the opposing Interests of the Crown and the District Council within the Counties sufficiently to enable them to extricate themselves, but that he has the ungracious Task committed to him, in the event of the Non-election of Members to fill up Vacancies, of forcing Gentlemen who may be considered properly qualified to enter the Council, and become, whether they will or no, Participants in the Embarrassment and Discredit that beset the Institution.

Encl. 1. in No. 2.

The plain Fact appears to be, that though you may make an Institution suit the Condition of a Colony, you cannot force a Colony to suit a given Institution; and that the System of District Councils was neither properly devised nor suited to the present State and Circumstances of the Port Phillip District.

The Population is not sufficiently large. With the Exception of Melbourne, it is not for the present found sufficiently concentrated, or equally distributed over the Surface; our Acquaintance with the physical Details of the Country even is too slight, the Value of Property too fluctuating, and too undetermined; the Distinction between Points of general and local Interests not sufficiently recognised. Where everything has to be done, the Character and relative Value of different public Improvements, and the Order in which they ought to be undertaken, are Points not easily decided. The sold and the unsold Crown Lands (the latter still forming the great Bulk of the Areas nominally under the Jurisdiction of the Councils) are found to interlock on every Side; and wherever this is the Case it will be difficult to hit upon a Mode of reconciling the Interests of the Public with the Rights of the Crown. And, lastly, the Country does not possess, for the present, the Class of Men which, in older Countries and Communities, may be found possessing both the Ability, the Leisure, and the Will to make the public Business their own. The Port Phillip District, however advanced, is in this respect young yet.

The Facts I have stated, however briefly, descriptive of the practical working of the System in the District, no one can dispute; and I believe that the Opinion I have given of its Inapplicability to the present Circumstances of the Community which it was intended to benefit and advance in Prosperity, is very generally that of the sober and practically-minded Inhabitants.

I trust that this Portion of the Imperial Act, if no other, will be repealed, and that the Power will be left to the executive and legislative Authorities of the Colony to introduce, as the Times and Circumstances of the Colony permit or render advisable, such Measures of local Self-government as may be clearly applicable to it, and practicable in execution.

I would further hope that the present District Councils will be placed in a Position to terminate their Duties by paying the just Claims preferred against them.

28th September 1846.

(Signed) C. J. LA TROBE.

Encl. 2. in No. 2.

Enclosure 2. in No. 2.

DISTRICT COUNCILS OF NEW SOUTH WALES.

IN conformity with the Desire of his Excellency the Governor, I have the Honour to subjoin some Observations on the practical working of that Portion of the Constitutional Act of the Colony, 5 & 6 Vict. c. 76., which relates to the Establishment of District Councils.

2. Soon after the Act in question came into force (namely, in 1843), the late Governor, Sir George Gipps, proceeded to exercise the Power thereby vested in him, of issuing Charters for the Establishment of District Councils in the whole of the 19 Counties (and the reputed County of Macquarie), within the Limits of Location; and also in the reputed Counties of Bourke and Grant, in the District of Port Phillip.

3. As a general Rule, the Boundaries of their Jurisdiction were chosen not from those of the Counties, but of the several Police Districts, as being more suited to the Convenience of the Inhabitants; and in a few Instances, where the Population was scattered and few in number, Two Police Districts were for this Purpose thrown into One.

4. The whole Number of Districts for which Charters were issued was 28, namely:—

- | | |
|----------------------------|--|
| 1. Maitland. | 16. Queanbeyan. |
| 2. Windsor. | 17. Merton and Muswellbrook. |
| 3. Goulburn. | 18. Campbelltown, Camden, and Narellau and Pictou. |
| 4. Yass. | 19. Paterson. |
| 5. Patrick's Plains. | 20. Raymond Terrace and Dungoy. |
| 6. Scone and Munurunde. | 21. Bourke (Port Phillip). |
| 7. Macquarie. | 22. Grant (Port Phillip). |
| 8. Hartley. | 23. Liverpool. |
| 9. Bathurst and Carcon. | 24. Wollombi and Macdonald. |
| 10. Penrith. | 25. Brisbane Water. |
| 11. Berrima. | 26. Mudgee and Wellington. |
| 12. Parramatta. | 27. Cassilis, and |
| 13. Sydney. | 28. New Castle. |
| 14. Illawarra. | |
| 15. Braidwood and Broulee. | |

5. The District of Campbelltown, Camden, and Narellau and Pictou (originally comprising Three Police Districts) was subsequently divided, by Act of Council, into Two Districts, under the respective Denominations of Campelltown and Appin, and Camden and Narellau and Pictou, thus making the entire Number of District Councils 29.

7 Vict. No. 15.

6. To each of these a Warden was appointed, and the Councillors were selected from the most influential and respectable Persons resident in each District. Encl. 2. in No. 2

7. The Form of Charter was carefully drawn up, and before any of them were issued, was submitted for the Approval and Revision of the late Solicitor General, now Mr. Justice a'Beckett, resident Judge at Port Phillip. Copy enclosed.

8. Soon after the Issue of the Charters, numerous Petitions were adopted on the Subject of the Powers granted to these Bodies. During the Season of 1843, no less than Fifteen were presented to the Legislative Council, by far the greater Number of which prayed either a Suspension of the Functions of District Councils until better Times, or the total Abrogation of the Clauses of the Constitutional Act having reference to their Establishment.

9. On the 10th October 1843 an Address to the Governor was adopted by the Legislative Council, communicating a Resolution, to the Effect, "that in the present State of the Colony it is highly inexpedient if not impossible to cast any Portion of the Police Expenditure on the Country Districts; that this Expenditure, therefore, for the Year 1844 should be defrayed as hitherto out of the general Revenue;" and "earnestly assuring his Excellency that the Pressure of the Times enforced the above Resolution on the Council;" and "praying that his Excellency would therefore take such Measures as might be requisite for giving Effect to the same without Injury to the Public Service." To this Address the Governor replied by Message, on the 12th October, stating in substance that for the Reasons assigned by the Council, he was willing to share with them the Responsibility of postponing for a Year the Requirements of the 47th Clause of the Act of Parliament, and inviting the Council therefore to appropriate out of the general Revenue a Sum sufficient to defray the Expense of an efficient Police in the rural Districts, without calling on these Districts in the Year 1844 for the Contributions which, under the Act of Parliament, ought to be required from them. The Estimates for the whole of the Police and School Expenditure were accordingly voted for the Service of 1844 out of the general Revenue. Copy enclosed.
(A.)

10. Considerable Difficulty having been experienced in finding Persons to serve as District Councillors who were possessed of the requisite Qualifications according to the Provisions of the Imperial Act, a Bill was introduced into the Legislative Council by the Government on the 22d November 1843, reducing the Qualification from a Freehold Estate of the Value of 2,000*l.* on the whole, or 100*l.* per Annum, to a Real or Personal Estate of 500*l.* on the whole, or the being rated for the Purposes of the District Council on Property of the annual Value of 50*l.* This Bill having been read a First Time, it was, upon a Division of Eleven to Five, ordered to be read a Second Time on Thursday the 7th December, but having been again postponed to Friday the 8th of the same Month, it was ultimately thrown out by a Motion for the previous Question, in which there was a Majority of Eight to Five against the same. Copy enclosed.
(B.)

11. It having been found impracticable without the Aid of the Legislature to give proper Effect to the Powers, &c. granted to the District Councils by the Charters under the Imperial Act, a Bill was introduced into the Legislative Council by the Government, in the Session of 1844, intituled "A Bill to make further Provision respecting the Constitution of District Councils in the Colony of New South Wales." On the 25th of July 1844, on the Motion that this Bill be printed and read a Second Time on Thursday, August 1, it was moved as an Amendment, "that the Bill be read a Second Time that Day Six Months." A further Amendment was moved in the Debate which ensued thereon, to the Effect "that in the Opinion of this Council the District Councils are totally unsuited to the Circumstances of the Colony, the Country Districts being unable to meet the additional Taxation which would necessarily be required in carrying out the various Objects contemplated by their Institution; and the Cost of the Machinery requisite to bring them into Operation being of itself an Obstacle fatal to their Success; and that therefore the Second Reading of the Bill be postponed to that Day Six Months." Upon a Division the latter Amendment was carried by a Majority of Fourteen to Seven, only One elective Member voting in the Minority. Copy enclosed.
(C.)

12. During the same Session it appears that no less than Thirteen Petitions were presented to the Council, having reference to District Councils, some of them objecting to the Power of Taxation granted to these Bodies, and others praying for some Alteration, either in the Boundaries of the Districts or in the Constitution of the Councils. Copy enclosed.
(D.)

13. In the Course of the Debate which took place on the Amendment of the 25th July 1844, the principal Objections urged against the District Councils were, that the Districts would be unable to meet the Demands which would in consequence be made upon them, especially those of Police and Gaols; that the Expense of the Machinery alone was a serious Objection; and that there was no sufficient Population in the Country Districts to enable the Inhabitants to manage their local Affairs.

14. On the same Day a Bill, which had been introduced into the Council by the Government, on the 18th of the same Month, intituled "A Bill to settle the Proportions in which Money shall be raised in each District in the Colony of New South Wales, by Assessments for the Purpose of defraying Half the Expense of maintaining a Police Force," was also thrown out by a Majority of Eleven to Four, the Minority consisting entirely of non-elective Members. Copy enclosed.
(E.)

Encl. 2. in No. 2.

15. It seemed, indeed, to be the fixed Determination of the Council to lend no Assistance to the Government in bringing into successful Operation this Part of the Constitution of the Colony. The Result has been, that as a general Proposition it has remained, as regards the peculiar Functions delegated to the District Councils, wholly inoperative.

Copy enclosed.
(F.)

16. On the 9th August 1844 the Council voted an Address to the Governor, transmitting to his Excellency a Copy of the above Resolution, and stating "that it had been passed after a full Consideration of the numerous Petitions that had been presented to the House, and under a full Persuasion that the District Councils, as at present constituted, could not be carried out without much Hardship and Oppression." The Council also begged to remind his Excellency that they were prevented by the Act of the Imperial Parliament, 5 & 6 Vict. c. 76., from amending the Constitution of the District Councils in the most important Points prayed for, particularly in regard to the Police Clauses which the Council and the Colonists generally considered the most obnoxious. The Council further requested his Excellency to make such a Representation to Her Majesty's Government as would procure a Repeal of those Clauses of the Imperial Act which relate to District Councils, and that the Incorporation of Towns and Districts should be left to the Governor and Legislative Council of the Colony. The Council concluded by requesting, "that until the Governor received Instructions from Her Majesty's Government, he would place on the Estimates of Expenditure such Sums as his Excellency might think necessary to make Provision for such Objects as it was intended should be provided for by the District Councils, had they been brought into Operation." To this Address the Governor replied by Message on the 20th August 1844, to the Effect, "that the Council having rejected the Bills which he caused to be presented to them, for the Purpose of carrying into effect the Enactments of Parliament in regard to the Police of the Colony, he would accept such Sums as the Council might place at his Disposal for the Maintenance of the Police Force during the Year 1845, though he must disclaim any Share in the Responsibility which this Infraction of the Constitution might involve."

Copy enclosed.
(G.)

17. The Estimates for the whole Expenditure for Police and Schools during the Year 1845 were accordingly again voted from the general Revenue.

Copy enclosed.
(H.)

18. In the Session of 1845 an Address was voted by the Council to the Governor, on the 24th September of that Year, communicating the following Resolution, namely, "That as no Answer had been received by the Council to the Address which was voted on the 9th August 1844, in reference to District Councils, his Excellency the Governor be requested to recommend to the Council that the Expense of the Police and Schools of the Colony during the Year 1846 be defrayed on the same Principle as was adopted for the current Year." To this Address the Governor replied by Message, on the 30th September 1845, acceding to the Proposal of the Council. The necessary Provision was accordingly made in the Appropriation Act for these Services.

Copy enclosed.
(I.)

19. During the Session of 1845 there appears to have been only One Petition presented to the Council on the Subject of District Councils, being that from the Electors and Rate-payers in the District of Grant, Port Phillip, praying, "that Measures should be adopted for suspending the Operations of the District Council of Grant, and to provide for the Liquidation of the Expenses already incurred." The Absence of other Petitions may be accounted for from the Fact that, with certain Exceptions which will be noticed in the Sequel, the Functions of the several District Councils throughout the Colony had fallen into complete Abeyance. The Petition referred to arose apparently from a contemplated Collection of the Assessment Rates by the District Council of Grant.

Statement enclosed.
(K.)

20. In the Debates which took place in Council 1845, the same Arguments were advanced against the District Councils as in the previous Session, and it was further urged, that it was a Subject which should properly be left to the local Legislature, who, from a superior Knowledge of the Circumstances of the Colony, would be able to devise a System better suited to the Wants and the Wishes of the Community, and one which at the same Time would be acceptable to Her Majesty's Government; that the Clauses of the Imperial Act relative to the Enforcement of the Assessment for Police Purposes were peculiarly obnoxious to the Colonists generally; that, from the great Disproportion of the alienated to the unalienated Lands (averaging One Acre of the former to Six of the latter), any System of Taxation for the Purpose of Roads would bear peculiarly hard upon the Landed Proprietors, who would thus be compelled to pay for such Roads as passed through the Crown Lands, by which their Value would be proportionally enhanced at the Expense of those who had paid for their Lands, without, however, any Contribution being made for the Purpose from the public Funds; that the System had never been attempted in the Counties of England, and if unsuited to them, it was doubly so to the thinly peopled Pastures of Australia; that, although there was a Power to make an Assessment under the Act, there was none to levy it when made, and there was a fixed Determination, by every Means in the Power of the Council, by raising substantial as well as technical Objections, to prevent the successful working of the Bodies.

21. In the Session of 1846 the necessary Sums were placed on the Estimates for the Support of Police and Schools, without waiting for any Application to this Effect from the Legislative Council, a Course which it will, it is conceived, be necessary to continue until the final Decision on the Question be received from Her Majesty's Government.

Exception hereafter noticed, having been in a State of Abeyance, it does not appear that any Proceeding in reference to them took place in the Legislative Council during that Session. Encl. 2. in No. 2

23. Such is a brief Account of the legislative Proceedings on the Subject of these Institutions, since their first Establishment to the present Time.

24. It may not be altogether irrelevant now to inquire how far the Establishment of municipal Institutions in the Country Districts has been favourably received by the Inhabitants. If we may judge by the Result of the Elections in the different Districts, the Possession of this Privilege is looked upon, at least in a great many of them, with much Indifference, an Indifference which appears to have annually increased since their first Establishment. The following Summary, showing the Number of Members elected, and nominated by the Governor in default of Election, to fill the annual Vacancies of One Third under the Charter, will sufficiently illustrate the Truth of this Conclusion : viz.,

1844	-	-	-	-	-	{ elected 67
						{ nominated 0=67
1845	-	-	-	-	-	{ elected 51
						{ nominated 14=65
1846	-	-	-	-	-	{ elected 38
						{ nominated 32=70

Thus during the Three Years in question, there were 156 Persons elected, and 46 nominated by the Governor. It is also undoubted that of those elected a considerable Proportion did not consist of the Persons most eligible for so important a Trust, a great Disinclination being understood to prevail amongst many highly respectable Persons to accept the Office.

25. It appears that (with the solitary Exception of the Sum of 170*l.* raised by the District Council of Grant) in none of the Districts was any Revenue whatever raised by Assessment. In several Debts have been incurred in Payment of the Salaries of the Officers appointed by the Council; but the Refusal of the Legislative Council to grant the additional Facilities necessary to enable these Bodies to levy the Assessments when made, and the strong Opinions expressed in Debate of the Risk which would attend their Enforcement, seem to have entirely paralysed the Endeavours of the several District Councils to exercise their legitimate Powers.

26. Almost the only Exception to the total Inactivity which has characterised these Bodies is to be found in the District Council of Parramatta; but even here the necessary Expenditure is not met by Assessment in the Manner contemplated in the Imperial Act, but by the Sums received for Tolls on the public Roads in the District, which are levied and collected by the Government, and then handed over to the District Council, to be expended exclusively in the Repair of the Roads. There is every Reason to believe that the Sums so granted have been spent for the Purpose in a very judicious and economical Manner. The same Arrangement was proposed to the District Council of Windsor, but was not acted on. It should also be mentioned here that the District Councils of Sydney and of Grant for some Time evinced considerable Activity, but for the Reasons already alluded to they also are now in Abeyance.

27. It has been clearly shown that the Legislative Council would lend no Assistance to the Executive Government in giving Effect to this Part of the Constitution of the Colony; and notwithstanding the Power granted to the Governor and Executive Council under the 48th Clause of the Constitutional Act, as amended by the 5th Section of the 7th & 8th Vict. c. 74., to declare the Property on which an Assessment might be levied for Purposes of Police, this Power must remain wholly inoperative unless the Legislative Council shall previously declare by a Bill the Proportions in which each District shall contribute the Half of the Expense of Police, to be raised by Assessments by the District Councils. It has not therefore been possible, even if it had been expedient, for the Governor and Executive Council to exercise this Power in the Absence of a Bill of the Nature in question.

28. From the foregoing Statement it will be gathered,

1st. That District Councils have, from the Causes mentioned, entirely failed to answer the Object contemplated in their Establishment.

2d. That there is at present only One in active Operation, and this One is sustained only by Contributions from the Government, and not by Assessment raised under the Powers granted to it under the Act.

3d. That these Institutions, in their present Form, are not adapted to the State of Society in this Colony.

4th. That so far as the Legislative Council or the Public at large is concerned, they are not regarded in any favourable Light.

29. Such are the general Conclusions at which I am forced to arrive, from a full Consideration of all the Circumstances I have detailed. I am by no means prepared to say, however, that, with considerable Modification, they may not be adapted to the peculiar Circumstances of the Colony; but this can only be done by leaving all Legislation on the Subject to the local Legislature. No doubt, as has been experienced in other Colonies, there may be an Indisposition on the Part of the supreme Legislature to grant to any other Bodies concurrent Powers of Taxation; but for mere local Purposes it is scarcely to be apprehended that this would be refused, especially when it would have the Effect of relieving the general Treasury from heavy Burdens, which it can ill afford to bear.

Encl. 2. in No. 2.

30. I am aware of the Convenience of ascertaining the real Wants of any particular District of an adequate Police Force, from the Willingness of the Inhabitants to contribute a Portion of the Expense; but nevertheless I am doubtful, in the present scattered State of the Population, whether the whole Expense of the Police should not continue to be borne on the general Revenue; more especially so long as it is expedient that the Management of it should remain in the Hands of the Executive Government.

31. With respect to Schools, there appears to me to be great Objections to make them wholly dependent upon the Support that the District Councils may be willing to grant to them. It is the peculiar Province of the Government and the Legislature to watch over the Education of the People; and it may therefore be scarcely safe that it should be left contingent on the narrow Views of Economy which may influence merely local Bodies in raising the necessary Funds for the Purpose. There is this great Objection also to leave this important Service to be provided for by the several District Councils, namely, that a different System of Education may be introduced into each, instead of One general and comprehensive Plan suited to the Colony at large. No doubt this might be regulated by an Act of Council applicable to the whole; but there would still be this Objection, that if unpalatable to any particular District, the Council thereof might frustrate the Intentions of the general Legislature by refusing to raise for the Purpose the necessary Funds.

32. I would propose also that the great Lines of Thoroughfares throughout the Colony should be entirely withdrawn from the Control of the District Councils. These must be considered of general not merely of local Interest. On the other hand Parish Roads and Bye Roads leading from one Part of a District to another, and in which the Public at large have no Concern, should be left to the Management of the District Councils.

There are many other local Works and Buildings such as are contemplated by the present Constitutional Act, which should also be confided to them.

(Signed) E. DEAS THOMSON.

Colonial Secretary's Office, Sydney,
27th March 1847.

CHARTER ESTABLISHING THE DISTRICT COUNCIL OF —

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

To all to whom these Presents shall come, Greeting:

Preamble.

5 & 6 Vict. c. 76. ss. 41.
to 44. recited.

WHEREAS by an Act of our Imperial Parliament, passed in the Fifth and Sixth Year of our Reign, intituled "An Act for the Government of New South Wales and Van Diemen's Land," after reciting the Expediency of making Provision for the local Government of the different Parts of the said Colony of New South Wales, it was, amongst other Things enacted, that it should be lawful for the Governor of the said Colony, by Letters Patent, under the Great Seal of the said Colony of New South Wales, to incorporate the Inhabitants of every County within the said Colony, or of such Parts of Counties or other Divisions as to him should seem fit, to form Districts for the Purposes of the said recited Act, and by such several Letters Patent to establish a Council in every such District for the local Government thereof, subject to the following Provisions as therein contained; (that is to say,)

1. That every such District Council shall be elective after the First Nomination thereof as herein-after mentioned, the Elections being made in the several Districts or other fit Divisions to be defined by the Charter within the District, so that until further Provision be made in this Behalf by the Governor and Legislative Council of the Colony of New South Wales, if the Population in such District, according to the last Census taken before the Charter, be less than 7,000 Souls, the Number of Councillors for such District shall not be more than Nine; if the Population be 7,000 and less than 10,000 the Number of Councillors shall not be more than 12; if the Population be 10,000 and less than 20,000 the Number of Councillors shall not be more than 15; if the Population be 20,000 and upward the Number of Councillors shall not be more than 21:

2. That until further Provision be made in this Behalf by the Governor and Legislative Council of the Colony of New South Wales, the District Councillors shall be Persons qualified to be elected Members of the Legislative Council, and shall be elected to such Office by the Persons qualified to vote in the Election of Members of the Legislative Council within the District in which the Election is made:

3. That no District Councillor shall hold any lucrative Office or Appointment under such District Council, or enter into or be concerned or interested in any Contract or any pecuniary Dealings with such District Council, under a Penalty or Penalties to be fixed in such Letters Patent of Incorporation:

4. That no District Councillor shall continue in Office for more than Three Years, unless re-elected:

5. That the District Council shall be presided over by a Warden to be appointed and be removable by Her Majesty, or by the Governor in the Name of Her Majesty:

6. That

6. That a District Surveyor, who shall have passed an Examination before a competent Tribunal approved by the Governor, shall be appointed in each District for superintending the Construction of Roads and other public Works undertaken by Authority of the District Council; and that the District Surveyor, and all other Officers needed for the Exercise of the Powers of the District Council, shall be appointed and be removable by the District Council, subject to the Approval of the Governor:

7. That Accounts in detail of all Monies expended in every Year, by or under the Authority of the District Councils, be laid before the Governor, and otherwise published in such Manner as may be directed by the Charter, or provided by any Law of the Governor and Legislative Council of the Colony of New South Wales.

And whereas it was by the said Act further enacted, that it should be lawful for each of the said Councils in the said Districts respectively to make Orders and Bye Laws for all or any of the following Purposes; (that is to say,)

For making, maintaining, or improving any new or existing Road, Street, Bridge, or other convenient Communication and Means of Passage through the District, or for stopping up, altering, or diverting any Road, Street, or Communication within the Limits of the District:

For building, repairing, and furnishing public Buildings:

For the Purchase of such Real and Personal Property situate within the District as shall be required, in the Opinion of the Council, for the Use of the Inhabitants thereof:

For the Sale of such Part of the Real and Personal Property belonging to the District as shall have ceased, in the Opinion of the Council, to be useful to the Inhabitants:

For the Management of all Property belonging to the District:

For providing the Means of defraying such Expenses of or connected with the Administration of Justice and Police within the District as are or shall be hereafter by Law directed to be defrayed by the District, or out of the District Funds:

For providing for the Establishment and Support of Schools:

For raising, assessing, levying, and appropriating such Monies as shall be required for the Purpose of carrying into effect all or any of the Objects for which the said District Councils respectively shall be empowered to make Orders and Bye Laws, which Monies shall be raised, either by means of Tolls to be paid in respect of any public Work within the District, or by means of Rates and Assessments to be assessed and levied on Real or Personal Property, or both, within the District, or in respect of such Property, upon the Owners and Occupiers thereof:

For the collecting and accounting for all Tolls, Rates, and Assessments imposed or raised under the Authority of any such Council, and of the Revenues belonging to the District:

For imposing and determining reasonable Penalties to be recovered from such Persons as, having been elected to Offices, as herein-before provided, should refuse to serve the same, or refuse or neglect to take and subscribe such Oaths of Office as shall by Law be required to be taken by such Officers respectively:

For determining the Amount and Time of Payment of all Salaries or other Remuneration of District Officers to be appointed under the Authority of this Act:

For providing for any other Matters which shall be specially subjected to the Direction and Control of the said District Councils respectively by any Law of the Governor and Legislative Council of the Colony.

Provided always, that no such Bye Law should impose any Punishment of Imprisonment, or any Penalty exceeding 10*l.*; provided also, that it should not be lawful for any such District Council as aforesaid to levy any Rate or Assessment whatever on any Lands or Tenements, Goods or Chattels, Real or Personal Estates, belonging to Her Majesty, Her Heirs and Successors: And whereas it was by the said recited Act further enacted, that a Copy of every Bye Law made by any District Council under the Authority of this Act should be transmitted by the Warden of the District, within Fourteen Days after the making thereof, to the Governor of the Colony of New South Wales, and it should be lawful for the said Governor, with the Advice of his Executive Council, at any Time within Two Calendar Months after the Receipt of such Copy, to disallow such Bye Law, and such Disallowance should without Delay be signified to the Warden of the District where such Bye Law should have been passed, and thenceforward such Bye Law should be void and of no effect; and no such Bye Law should have effect until the Expiration of the said Period of Two Calendar Months, unless the said Governor should have given Assent thereto before the Expiration of that Period: And whereas it was by the said Act further enacted, that, subject to the Provisions therein contained, it should be lawful for the said Governor to specify in Writing, and by the said several Charters of Incorporation, the Metes and Bounds of the said several Districts, and the Number of Councillors which should be for every District, and the Time and Manner of their Election, and to fix the Qualification of the Councillors, and to nominate among the Persons qualified to vote in the Election of Councillors, the Councillors, being duly qualified, who should form the first Council in every such District, and to appoint the Order and Manner in which they should go out of Office, and to fix Penalties for qualified Persons refusing to hold Office in the Council, and to make all other necessary Provisions for establishing such District Councils, for defining their Powers, and enabling them to exercise their Functions: Now, know ye, that We, upon full Consideration of the Premises, and of our special Grace, certain Knowledge,

- Inhabitants incorporated.
District Council established.
- Boundaries.
- Seal of District Council.
- Appointment of Warden.
- Number of Councillors.
- Nominating first Councillors.
- Election of Councillors.
- Nomination of Councillors at Elections.
- Order in which Councillors to go out of Office.
- Booths to be erected for taking the Poll.
- Electoral List to be furnished to each Booth.
- Polling Places.
- Election at Polling Places to be before Warden or his Deputy.
- ledge, and mere Motion, have, in pursuance of the said Act of Parliament, thought fit to incorporate, and do by these Presents accordingly for Us, Our Heirs and Successors, incorporate the Inhabitants of the District of _____ to be and form a District for the Purposes of the said Act; and We do further direct, ordain, and appoint, that there shall be established within the said District a Council for the local Government thereof, to consist of the Members appointed or chosen in the Manner herein-before declared.
- II. And We do further direct and ordain, that the said District shall be deemed to include all that Part of the Territory of New South Wales situate within the following Metes and Bounds; (that is to say),
- III. And We do hereby give and grant to the said Council Power to have a Common Seal, and such Seal from Time to Time to break, change, and alter, as to the said Council may seem fit or expedient.
- IV. And We do further will and ordain, that _____ shall be the Warden of the said District during Our Pleasure, or the Pleasure of the Governor of Our said Territory for the Time being.
- V. And We do hereby further ordain and declare, that the Number of Councillors for the said District shall be _____
- VI. And We do further nominate and appoint _____ to be the Councillors who shall be and form the first Council for the said District.
- VII. And We do hereby further ordain and appoint, that in every Year, at the Times and in the Manner herein-after mentioned, there shall be elected the Number herein-after mentioned of fit and proper Persons to be Councillors of the said District, to supply the Vacancies which shall arise by the Councillors going out of Office, in the Manner herein-after mentioned.
- VIII. And We do further will and ordain, that the first Tuesday in the Month of May in every Year shall be the Day of Nomination of Councillors to supply the Vacancies which shall arise from the Councillors going out of Office, in the Manner herein-after mentioned, and that the said Warden shall preside at a Meeting to be holden at Noon, at _____ and shall declare the Purpose for which such Meeting is held; and if there be at such Meeting no more Candidates proposed than the Number of Councillors to be elected, the said Warden shall declare such Candidates to be duly elected; and that in the event of there being more Candidates than the Number to be elected, the said Warden shall call for a Show of Hands separately in favour of each Candidate, and after such Show of Hands shall declare the Persons on whom the Election has fallen, unless a Poll be demanded by some or one of the Candidates, or by not less than Six Electors on their or his Behalf; and on such Demand being made for a Poll, the Polling shall commence at the different polling Places, as nearly as may be at Nine o'Clock of the Forenoon on the Day next but Two after the Day of Nomination.
- IX. And We do further will and ordain, that during the first Three Years One Third Part of the said District Councillors shall go out of Office, on the First Day of May, in each such Year, in the inverse Order in which their Names are herein-before mentioned; and that in every subsequent Year One Third Part of the said Councillors shall go out of Office on the said First Day of May, in the following Order; that is to say, the Councillors to go out of Office shall be those who have been longest in Office without Re-election; provided, however, that the Councillors, whether nominated or elected, so going out of Office may be re-elected at the next Election, if still duly qualified; provided also, that if any Question arise as to which Councillor shall be the One to go out of Office, of any Two or more who may have been elected on the same Day, the Councillor to go out of Office shall be the One who was elected by the smallest Number of Votes, and that in the event of the Number of Votes having been equal the Warden shall decide.
- X. And We do further will and ordain, that at every Election in such District, the Warden, if it shall appear to him expedient for taking the Poll at such Election, may cause Booths to be erected or Rooms to be hired and used as Booths, in One Place or in several Places at each Polling Place, as Occasion may require, and the same shall be so divided into Compartments as to the said Warden shall seem most convenient; and the said Warden shall appoint a Clerk to take the Poll at each Compartment, and shall, before the Day of Election, if there be a Contest, cause to be furnished for each Booth or Polling Place a Copy of the Electoral List of the District, and shall, under his Hand, certify such Copy to be true.
- XI. And We do further will and ordain, that every Place within the said District at which Courts of Petty Sessions have been or shall be appointed to be holden, provided that such Courts shall continue to be so holden thereat, shall be a Polling Place for taking the Poll at the Election of Councillors for the said District.
- XII. And We do further will and ordain, that the Election of Councillors at each Polling Place within the said District shall be held before the Warden (for the Time being of the same) or his Deputy; and the voting at every such Election shall commence, as nearly as may be, at Nine o'Clock in the Forenoon, and shall finally close at Four o'Clock in the Afternoon

Afternoon of the same Day, and shall be conducted in manner following; that is to say, every Inhabitant entitled to vote in the Election of Councillors may vote for any Number of Persons, not exceeding the Number of Councillors then to be chosen, by delivering to the said Warden, or his Deputy, a voting Paper, containing the Christian Names and Surnames of the Persons for whom he votes, and their respective Places of Abode and Descriptions, such Paper being previously signed with the Name of the Elector voting, and with the Name of the District or Place in which the Property in respect of which he is qualified to vote is situated.

Manner of voting.

XIII. And We do further will and ordain, that the Warden of the said District shall preside at _____, being the chief Polling Place of the same, and that he may appoint a Deputy to act for him and take the Poll at each of the other Polling Places; provided that such Deputy be appointed by a Writing under the Hand of the said Warden, and that such Writing be posted up at the Court House, or in any other public Manner, where such Polling Place may be situate, at least Seven Days before the Day of Election: Provided also, that if the Warden of the said District shall be prevented, by Illness or other adequate Cause, from presiding at the said Election, the senior Councillor of the District, as herein-before provided, shall preside in his Place.

Warden to preside at chief Polling Place and to appoint Deputies for the others.

XIV. And We do further will and ordain, that before any Candidate for the Office of Councillor shall be capable of being elected, he shall, if required by any Elector or the Warden, make the following Declaration, or that some Person on his Behalf shall produce a written Declaration to the same effect, duly signed and executed before a Magistrate by such Candidate, not more than Fourteen Days before the Day of Election:—

Declaration to be made by Candidate if required.

‘ I A.B. do declare and testify that I am duly seised, at Law or in Equity, of an Estate of Freehold, for my own Use and Benefit, in Lands or Tenements in the Colony of New South Wales, of the yearly Value of 100*l.* Sterling Money (or of the Value of 2,000*l.* Sterling Money, as the Case may be), above all Charges and Incumbrances affecting the same; and that I have not collusively or colourably obtained a Title to or become possessed of the said Lands and Tenements, or any Part thereof, for the Purpose of qualifying or enabling me to be returned a Member of the Council of the District of _____

XV. And We do further will and ordain, that in any Matter not provided for by this Charter, or by the Act of Parliament made in that Behalf, the Elections shall be conducted in the same Manner as the Elections of Members to serve in the Legislative Council of the said Colony are conducted under the Law now or hereafter existing for the Regulation of such Elections.

Conduct of Elections in other respects as in Elections of Members for Legislative Council.

XVI. And We do further ordain and declare, that the present Charter is only supplementary to the said recited Act, and that nothing herein contained shall be held or construed in any Manner repugnant to the said Act.

Charter Supplementary only to the Act of Parliament.

XVII. And We do further will and ordain, that if any extraordinary Vacancy shall be occasioned in the Office of Councillor, the Electors entitled to vote shall, upon a Day to be fixed by the Warden, such Day not to be later than 30 Days from the Occurrence of such Vacancy, elect from the Persons duly qualified to be Councillors another Person to supply such Vacancy; and such Election shall be held, and the voting and other Proceedings, in case of a Contest, shall be conducted in the same Manner, and subject to the same Provisions, as are herein-before directed with respect to the Election of Councillors as aforesaid; and every Person so elected (or in the event of there being no Election, every Person nominated by the Governor to fill the said Vacancy or Vacancies,) shall hold Office until the Time at which the Person in room of whom he was chosen would have regularly gone out of Office, whether such Person be one of the original Councillors named in this Charter, or otherwise; and he shall then go out of Office, but shall be capable of immediate re-election, if then duly qualified: provided, that after the full Number of Councillors to be regularly elected, or in default thereof nominated or appointed, in every Year, shall have been so elected or nominated, no new Election or Nomination of Councillors shall be made by reason of such extraordinary Vacancy, unless the Number of the whole Council (Warden included) remaining after such Vacancy shall be less than Five, in which case the Number of Councillors for the District shall be completed.

Extraordinary Vacancies of Councillors how filled.

XVIII. And whereas, by the said recited Act, it was further enacted, that no District Councillor should hold any lucrative Office or Appointment under such District Council, or enter into or be concerned or interested in any Contract or any pecuniary Dealings with such District Council, under a Penalty or Penalties to be fixed in the Letters Patent of Incorporation: now, We further will and ordain, that if any District Councillor shall offend in the Premises, he shall, for every such Offence, pay a Fine of 50*l.* to the Treasurer of the District Council for the Use of the District, or in default thereof, his Seat in the Council shall, after the Lapse of Ten Days, be declared to be and be vacant.

Penalty on Councillors holding lucrative Office or Contracts under the Council.

XIX. And We do further will and ordain, that if any Person, being duly qualified, shall refuse to take upon himself the Office of a Councillor, after having been duly elected or nominated to such Office, every such Person shall forfeit and pay the Sum of 50*l.*, the same to be recovered by Action of Debt in the Supreme or any Circuit Court of New South Wales, on the Information of the Attorney General of the Colony, or of any qualified

Penalty on Councillor refusing to act.

- Enol. 2. in No. 2.** Elector of the District; the same Penalty to be paid, one Moiety to the Treasurer of the District, for the public Uses thereof, and the other Moiety to the Informer.
- Questions to be decided by Majority.** XX. And We do further will and declare, that all Questions, Matters, and Things, which shall be discussed or considered at any Meeting of the said Council, shall be decided and determined by the Majority in Number of the Members present, and the Warden shall be entitled to vote thereat, and in case of an Equality of Votes shall have an additional or casting Vote: provided, however, that the said Council shall in no Case be competent to proceed to Business unless there be at least Three Members present.
- General Meetings may be adjourned.** XXI. And We do further will and declare, that it shall be lawful for the said Council to adjourn any such General or Special Meeting to some future Day, and from Time to Time, as may be necessary for disposing of the Business in hand.
- Special General Meetings may be convened by Advertisement.** XXII. And We do further will and declare, that the Warden for the Time being of the said District shall and may convene Special General Meetings of the said Council, either by his own Desire or at the Request in Writing of any Three Councillors of the said District, provided that public Notice thereof, and of the Purpose for which such Meeting shall be so convened, be given at least Ten Days previously, in the "New South Wales Government Gazette;" and in every Case a Summons to attend such Special Meeting, signed by the Warden, shall be left at the usual Place of Abode of every Member of Council, or sent to him by Post Three clear Days at least before such Meeting; and no Business shall be transacted at such Meeting other than is specified in such Notice.
- General Meetings to be held quarterly.** XXIII. And We do further will and ordain, that the said Council shall on the first Tuesday in the Months of March, June, September, and December, in each and every Year, hold a General Meeting of the Members of the said Council, for the Despatch of Business, in conformity with the Provisions of the said Act, at such Place within the said District as the said Council may determine.
- Books to be kept at a fixed Office.** XXIV. And We do further will and direct, that all Bye Laws, Rules, and Regulations, Orders, and Proceedings of the said Council shall be entered in a Book or Books to be kept for that Purpose, and shall be signed by the Warden for the Time being, and that such Book or Books shall be carefully preserved, and kept at the Office of the said Council.
- Appointment of Committees.** XXV. And We do further will and ordain, that the said Council shall have Power to appoint One or more Committee or Committees of their Number for the Despatch of such Business as may be specially referred to any such Committee, but that no such Committee shall be competent to proceed to Business unless Three Members at the least of such Committee be present during the whole of the Meeting thereof, nor until such Committee shall have made Choice of a Chairman to preside at such Meeting; and all Questions, Matters, and Things which shall be discussed or considered at any Meeting of such Committee shall be determined by the Majority in Number of the Members present; and the Chairman, in case of an Equality of Votes, shall have an additional or casting Vote: Provided always, that the Acts of every Committee shall be submitted to the Council for their Approval or otherwise as they may determine.
- Quorum and Chairman.** XXVI. And We do further will and ordain, that the said Council shall require the Treasurer and such other Officers of the Council as they may think necessary, to enter into Bond, with Two or more sufficient Sureties, for the safe keeping of the Monies and other Property belonging to the said Council which may be entrusted to their Care, for such Amount in every Case as the said Council may determine, before they shall commence the Duties of their respective Offices; and such Bonds shall be safely kept by the said Council to be used in case of Need.
- District Officers to give Security.** XXVII. And We do further will and ordain, that the said Treasurer shall pay no Money on account of the said Council except on the Order in Writing of the Warden, or of at least Three Members of the Council, or on the Order of the Governor of the Colony, pursuant to the Enactments contained in the before recited Act, passed in the 5th and 6th Year of Our Reign, intituled "An Act for the Government of New South Wales and Van Diemen's Land."
- Treasurer to pay no Money, except by Order of Council.** XXVIII. And We do hereby further will and ordain, that the Treasurer of the said Council shall, at the General Meeting of the same on the first Tuesday in the Month of March in each Year, lay before the said Council an Account in Writing of all the Sums of Money received, paid, laid out, and expended by him as such Treasurer, such Account being made out from the 1st Day of January to the 31st Day of December, both inclusive, in the Year next preceding; and that the said Council shall thereupon appoint a Committee for auditing the said Accounts, before which Committee the said Treasurer shall produce all his Books, Papers, Receipts, and Vouchers relating to the said Account; and the said Committee shall report to a General Meeting of the said Council, to be specially convened for that Purpose, on or before the 1st Day of April then next ensuing, upon the said Treasurer's Account, when the same shall either be approved, or otherwise, as the Case may require, and a Copy of such audited Account, certified by the Warden to be a true Copy, shall be forthwith transmitted to the said Governor, and the same shall be published in the New South Wales "Government Gazette," for general Information.
- Treasurer to lay Accounts before General Meeting.**
- Committee to audit Accounts.**
- Copy of audited Accounts to be transmitted to the Governor, and published in Government Gazette.**

In testimony whereof, We have caused these Letters to be made Patent, and the Seal of Our said Colony to be hereunto attached. Encl. 2. in No. 2.

Witness, Our trusty and well-beloved Sir George Gipps, Knight, Our Captain General and Governor-in-Chief of Our Territory of New South Wales and its Dependencies, and Vice Admiral of the same, this

(L. S.) (Signed) GEORGE GIPPS, Governor.
By his Excellency's Command. (Signed) E. DEAS THOMSON.

(A.)

EXTRACT from the VOTES and PROCEEDINGS of the LEGISLATIVE COUNCIL,
10th Oct. 1843.

4. Police Expenditure for the Year 1844.—Mr. Windeyer, pursuant to Notice, moved the following Address to his Excellency the Governor:—

We, Her Majesty's most dutiful and loyal Subjects, the Members of the Legislative Council of New South Wales, in Council assembled, beg to lay before your Excellency the following Resolution:

“That in the present State of the Colony it is highly inexpedient if not impossible to cast any Portion of the Police Expenditure on the Country Districts; that this Expenditure therefore for the Year 1844 be defrayed, as hitherto, out of the general Revenue.”

We further beg to inform your Excellency that the above Resolution originated in a Committee of the whole Council on the Estimates for the Year 1844, and was therein unanimously agreed to, as well as afterwards by the full Council, on the 6th instant.

Moved as an Amendment that the Words “nemine contradicente” be substituted for the Word “unanimously.”

Address adopted as so amended; to be presented by the Colonial Secretary and the Commander of the Forces.

(B.)

4. Police Expenditure for the Year 1844.—The following Message from his Excellency the Governor received and read:—

Message from his Excellency the Governor to the Legislative Council, replying to an Address from the Council, wherein it was communicated to his Excellency that the Council had resolved, that “in the present State of the Colony it is highly inexpedient if not impossible to cast any Portion of the Police Expenditure on the Country Districts; that this Expenditure therefore for the Year 1844 be defrayed as hitherto out of the general Revenue.”

Gentlemen,

By the 47th Clause of the Act of Parliament for the Government of New South Wales (5 & 6 Vict. c. 76.), it is enacted, that One Half of the Expense of the Police Establishment of the Colony shall be defrayed out of the general Revenue and the other Half by Assessments on the different Districts of the Colony in such Proportions as shall be from Time to Time fixed by the Governor and Legislative Council. According therefore to this 47th Clause an Act of the Governor and Council ought to be passed in every Year declaring the Amount to be assessed on each District of the Colony.

In the Estimates now under the Consideration of the Council the Sums set down for the Maintenance of the Police in the Country Districts collectively amount to 38,260*l.*; and in a separate Paper which has been printed by Order of the Council the Proportions are shown in which it was proposed that the Half of this Sum, or 19,130*l.*, should be charged on the Districts severally.

The Council has, however, now presented me an Address, announcing to me that, in the Opinion of the Council, “it is highly inexpedient if not impossible in the present State of the Colony to cast any Portion of the Police Expenditure on the Country Districts;” and intimating a Desire that the whole Expenditure for the Country Districts shall continue, during the Year 1844, to be defrayed as hitherto out of the general Revenue.

The 48th Clause of the Act already referred to appears to have been intended by Parliament to meet a Case in which the Legislative Council might fail to comply with the Requirements of the preceding or 47th Clause; but owing to what may have been an Error of the Printer, the real Object of this Clause is scarcely to be collected from the Words of it.

I am, however, Gentlemen, well aware that you have adopted the Resolution communicated to me by your Address with no Intention of contravening an Act of Parliament, but solely from a Desire to relieve the Country Districts of the Colony from Charges which, under

Encl. 2. in No. 2.

existing Circumstances, you think they are unable to bear; and as I cannot but be also of opinion that the District Councils could not, so soon after their Formation, raise without great Difficulty the Sums which would be necessary to defray Half the Police Expenses of their respective Districts, in addition to the other Sums to be raised for the Services which, by the Act, they are required to provide for, I am willing to share with the Legislative Council the Responsibility of postponing for a Year a Compliance with the Requirements of the 47th Clause of the Act of Parliament; and accordingly I have, Gentlemen, to invite you to appropriate out of the general Revenue of the Colony, either the Sum set down in the Estimates or such smaller Sum as you may think sufficient, to defray the Expenses of an efficient Police within the rural Districts of the Colony, without calling on those Districts during the Year 1844 for the Contributions which, under the Act of Parliament, ought to be required from them.

Government House, 12th October 1843.

(Signed) GEORGE GIPPS.

Message to be considered in Committee To-morrow.

(C.)

7 VICTORIA, 1843.

A BILL to alter the QUALIFICATION required by Law for MEMBERS of DISTRICT COUNCILS, in the Colony of NEW SOUTH WALES.

Preamble.

WHEREAS by an Act of the Imperial Parliament passed in the Fifth and Sixth Year of the Reign of Her present Majesty, intituled "An Act for the Government of New South Wales and Van Diemen's Land," Provision was made for the Establishment of District Councils within the Colony of New South Wales; and it was by the said Act provided, "that until further Provision be made in this Behalf by the Governor and Legislative Council of the Colony of New South Wales, the District Councillors shall be Persons qualified to be elected Members of the Legislative Council, and shall be elected unto such Office by the Persons qualified to vote in the Election of Members of the Legislative Council within the District in which the Election is made:" And whereas it is expedient to make further Provision in this Behalf: Be it therefore enacted by his Excellency the Governor of New South Wales, with the Advice and Consent of the Legislative Council thereof, that from and after the passing of this Act so much of the said recited Act of Parliament as relates to the Qualification of Members of the said District Councils shall be and that the same hereby is repealed.

Former Qualification of District Councillors repealed.

New Qualification required.

II. And be it enacted, That from and after the passing of this Act no Person not a natural-born Subject of Her Majesty, and no Person not of the full Age of Twenty-one Years, and no Person in Holy Orders, or being a regular Minister of any religious Congregation, shall be qualified to be elected or nominated a District Councillor; nor any Person who shall not be seised or possessed of Real or Personal Estate within the Colony of New South Wales, or of a mixed Estate, partly Real and partly Personal, to the Amount of _____, either in his own Right or in that of his Wife, or who may not have been rated for the Purposes of the District Council of which he is elected or nominated a Member upon Property of the annual Value of 50*l.*, for Twelve Months at least prior to the Day of his Election or Nomination.

Members of District Councils to take the Oath of Allegiance, and make a Declaration of their Qualification.

III. And be it enacted, That no Person elected or nominated to be a District Councillor shall be capable of acting as such until he shall have taken before the Warden of the District, or before some Person deputed by the Warden to administer the same, the Oath of Allegiance to Her Majesty, Her Heirs and Successors, and shall have made and subscribed the following Declaration:—

' I *A. B.* having been elected (or nominated) a Councillor for the District of _____, do hereby declare that I take the said Office on myself, and will duly and faithfully fulfil the Duties thereof according to the best of my Judgment and Ability; and (in case of the Party being qualified by Estate) I do hereby declare that I am seised or possessed, either in my own Right or in that of my Wife, of an Estate, Real or Personal, to the Amount of _____ over and above what will satisfy my Debts; and that I have not fraudulently or collusively obtained the same, in order to qualify me for the Office to which I have been elected or nominated.'

Declaration to be repeated yearly if required.

And every Person who shall have made and subscribed such Declaration in respect of Estate, shall once in every Year, if required in Writing so to do by any Five Electors of the District, make and subscribe a Declaration that he is qualified to the like Amount in Real or Personal Estate, or both, as the Case may then be.

Penalty for neglecting or refusing to make Declaration, or for making it falsely.

IV. And be it enacted, That if any Person, when duly called on to make such Declaration, shall refuse or neglect to make it, he shall after the Expiration of Fourteen Days, reckoned from the Day on which he is so called on, cease to be a Member of the Council; and if any Person shall make the said Declaration falsely, knowing at the Time that such Declaration

Declaration is false; he shall and may be adjudged, by any competent Court, to have been guilty of a Misdemeanor, and be punished accordingly. Encl. 2. in No. 2.

V. And be it enacted and declared, That no Proceedings of any District Council shall be vitiated or invalidated by reason only that a Person or any Number of Persons not duly qualified by Law may have acted as a Member of and voted in such Council prior to the passing of this Act. Past Proceedings valid notwithstanding unqualified Persons may have acted as Councillors.

VI. And be it enacted, That at no Time after the passing of this Act shall any Proceedings of any District Council be held to be vitiated or invalidated by reason only that any Person or Number of Persons not duly qualified by Law may have taken part in such Proceedings, unless such Person or Persons may have been required to make the Declaration herein-before required to be made by Members of such Councils, and shall have refused or neglected to make it. Future Proceedings not to be invalid by reason only of unqualified Persons having acted as Councillors.

(D.)

8 VICTORIA, 1844.

A BILL to make further Provision respecting the CONSTITUTION, and to define and extend the POWERS, of DISTRICT COUNCILS in the COLONY OF NEW SOUTH WALES.

WHEREAS by an Act of the Imperial Parliament passed in the Fifth and Sixth Year of the Reign of Her present Majesty, intituled "An Act for the Government of New South Wales and Van Diemen's Land," certain Provisions were made for the local Government of the different Parts of the said Colony of New South Wales, and in pursuance of the same his Excellency Sir George Gipps, as Governor of the said Colony, hath issued several Letters Patent, under the Great Seal of said Colony, to form Districts, and incorporate the Inhabitants of each such District, and establish Councils in the same for the local Government thereof respectively: Be it enacted by the Governor and Legislative Council of New South Wales, and by virtue of the Authority conveyed to them by the said Act, that the said Districts so incorporated shall be capable in Law of suing and being sued, and of purchasing and holding Land and Tenements situate within the Limits of such District for the Use of the Inhabitants of the same, and of making and entering into such Contracts and Agreements as may be necessary for the Exercise of its corporate Functions, and that the Powers aforesaid shall be exercised by and through and in the Name of the Council of every such District. Preamble.
5 & 6 Vict. c. 76.

II. Provided always, and be it enacted, That it shall not be lawful for any District so incorporated as aforesaid to exercise any other Powers of a Corporation, except such as are in said Letters Patent or are herein-after mentioned, or such as shall be expressly conferred by the Governor and Legislative Council of New South Wales, or such as shall be necessary for the due Execution of the Powers in said Letters Patent or herein granted. Incorporated Districts to exercise only the Powers specially granted to them.

III. And whereas it is expedient to alter the Qualification of Members who are or shall be elected Members of such District Councils: Be it enacted, That from and after the passing of this Act so much of the said recited Statute as relates to the Qualification of Members of the said District Council shall, by virtue of the especial Authority given by the said Statute to the Governor and Council of New South Wales, be and the same is hereby repealed. 5 & 6 Vict. c. 76. as regards Qualifications repealed.

IV. And be it enacted, That from and after the passing of this Act no Person not a natural-born Subject of Her Majesty, and no Person not being of the full Age of Twenty-one Years, and no Person in Holy Orders or being a Minister of any Religious Sect or Congregation, nor any Person accountable for the District Revenues, nor any Person receiving any pecuniary Allowance from the District for his Services, nor any Person having directly or indirectly, by himself or his Partners, any Contract or any Share or Interest in any Contract with or on behalf of the District, shall be qualified to be elected to or to hold the Office of Councillor in any such District Council, nor any Person who shall not be seised or possessed of Real or Personal Estate within the Colony of New South Wales, or of a mixed Estate, partly real and partly personal, to the Amount of £500, either in his own Right or that of his Wife, or who has not been rated for the Purposes of the District Council of which he shall be nominated or elected a Member upon Property of the annual Value of £50 for Twelve Months at least prior to the Day of his Election or Nomination. Persons disqualified.

Qualification.

V. And be it enacted, That no Person elected or nominated to be a District Councillor shall be capable of acting as such until he shall have taken before the Warden of the District, or before some Justice of the Peace deputed by the Warden to administer the same, the Oath of Allegiance to Her Majesty, Her Heirs and Successors, and shall have made and subscribed the following Declaration:— Oath of Allegiance and Declaration of Acceptance of Office.

‘ I A. B., having been elected (or nominated) a Councillor for the District of _____ do hereby declare, That I take the Office of a Councillor on myself, and will duly and faithfully fulfil the Duties thereof according to the best of my Judgment and Ability; and

Encl. 2. in No. 2. ' (in case of the Party being qualified by Estate) I do hereby declare, that I am seised
' or possessed, either in my own Right or in that of my Wife, of an Estate, Real or Per-
' sonal, to the Amount of over and above what will satisfy my Debts, and
' that I have not fraudulently or collusively obtained the same in order to qualify me for
' the Office to which I have been elected or nominated.'

And every Person who shall have made and subscribed such Declaration in respect of Estate shall once in every Year, if required in Writing so to do by any Five Electors of the District, make and subscribe a Declaration before the Warden, and at such Time and Place as the said Warden may appoint, that he is qualified to the like Amount in Real or Personal Estate, or both, as the Case may then be.

Persons refusing to make Declaration as to Qualification to cease to be Members and pay a Fine, except on Proof of being disqualified.

VI. And be it enacted, That if any Person, when duly called on by the Warden to make such Declaration, shall refuse or neglect to make it, the Person so refusing or neglecting shall, after the Expiration of Fourteen Days, reckoned from the Day on which he is so called on, cease to be a Member of the Council, and shall be liable to pay the Fine specified in said Letters Patent for such Refusal, unless he make Declaration before the Warden that he does not possess the required Qualification; and the said Office shall thenceforward be deemed to be vacant, and shall be filled up by another Election or Nomination; and if any Person shall make Declaration falsely, either that he does or does not possess the required Qualification, knowing at the Time that such Declaration is false, he shall and may be adjudged by any competent Court to have been guilty of a Misdemeanor, and be punished accordingly.

How Seats may become vacant.

VII. And be it enacted, That if any Member of any District Council shall for One entire Year fail to give his Attendance in the said Council, without the Permission of the Governor of the said Colony, signified by the said Governor to the Warden of the District, or shall take any Oath or make any Declaration or Acknowledgment of Allegiance, Obedience, or Adherence to any Foreign Prince or Power, or shall do, concur in, or adopt any Act whereby he may become a Subject or Citizen of any Foreign State or Power, or shall become insolvent or make any Assignment of his Goods for the Benefit of his Creditors, or accept any Letter of Licence from his Creditors, or become a public Defaulter, or be attainted of Treason, or be convicted of Felony or any infamous Crime, or shall become non compos mentis, his Seat in such Council shall thereby become vacant.

Proceedings before the passing of this Act not to be void on account of Councillors not being qualified.

VIII. And be it enacted and declared, That no Proceedings of any District Council shall be held to be vitiated or invalidated by reason only that a Person or any Number of Persons not duly qualified by Law may have acted as a Member of and voted in such Council prior to the passing of this Act.

No Proceedings after the passing of this Act to be invalid on account of Councillors not being qualified, unless they may have refused to make the Declaration when required to do so.

IX. And be it enacted, That at no Time after the passing of this Act shall any Proceedings of any District Council be held to be vitiated or invalidated by reason only that any Person or Number of Persons not duly qualified by Law may have taken Part in such Proceedings, unless such Person or Persons may have been required to make the Declaration herein-before required to be made by Members of such Councils, and shall have refused or neglected to make it.

In case of Refusal to make Declaration of Qualification the Warden to give Notice of new Election.

X. And be it enacted, That in Cases where any Person duly elected to the Office of Councillor in any of said Districts shall refuse to accept such Office, or shall refuse or neglect to take and subscribe the above-mentioned Declaration, it shall and may be lawful for the Warden of such District, as often as such Case shall occur, to proceed after

Proviso in Clause 17.

Days Notice in this Behalf to the Electors qualified to vote, to be posted on the Doors of the Court House or Court Houses in the District, to another Election of a fit and proper Person to supply the Place of the Person who shall have so refused or neglected to accept Office, or take and subscribe the said Oaths; and the Councillor who may be elected at such new Election shall hold Office until the Time at which the Person in whose Place he may have been elected would, according to the Provisions in said Letters Patent contained, have gone out of Office, and no longer: Provided however, that nothing herein contained shall be held to repeal or affect the Provision in the several Charters establishing District Councils, by which it is provided, that after the full Number of Councillors to be regularly elected, or in default thereof nominated or appointed, in every Year, shall have been so elected or nominated, no new Election or Nomination of Councillors shall be made by reason of such extraordinary Vacancy, unless the Number of the whole Council (Warden included) remaining after such Vacancy shall be less than Five, in which Case the Number of Councillors for the District shall be completed.

Petitions against undue Returns.

XI. And be it enacted, That all Complaints of the undue Return of Members to serve in any District Council shall be addressed in the Form of a Petition to the Warden and Councillors of such District; and that no Petition shall be noticed, nor any Proceedings had thereon, unless it shall be addressed to the said Warden and Councillors by a Person who was a Candidate at the Election whereof it may be alleged that an undue Return has been made, or by a Number of Persons who either voted, or were qualified to have voted at the said Election, amounting to not less than One Tenth of the whole Number on the List of Electors; and no Petition shall be noticed which shall not be received by the Warden within Ten Days from the Day on which the Result of the Election may have been declared by the Warden.

XII. And

XII. And be it enacted, That within Twenty-one Days after any such Petition shall have been received by the Warden the Petition shall be referred by the Warden to the Council; and in deciding on the Merits of such Petition the Council shall have Power to regulate its own Proceedings, and shall be guided by the Principles of good Faith and Equity, and shall receive or reject, at their Discretion, any Evidence that may be tendered to them, and shall have Power to compel the Attendance of Witnesses, and to examine them on Oath; and if the said Council shall declare that any Person was not duly elected who was returned as elected, the Person so declared to have been not duly elected shall cease to be a Member of the said Council; and if the said Council shall declare that any Person was duly elected who was not returned as elected, the Person so declared to have been duly elected shall be sworn a Member of the said Council, and take his Seat accordingly; and if the said Council shall declare any Election to have been absolutely void, it shall be lawful for the Warden to proceed to a new Election.

Encl. 2. in No. 2.
Proceedings of Council on Petitions.

XIII. And be it enacted, That the Decision of every District Council shall, in Matters of disputed Elections, be final and without Appeal, and that their Proceedings may be conducted in a summary Manner.

Decision to be final and Proceedings summary.

XIV. Provided, however, and be it enacted, That no Person whose Seat may be in dispute shall take part in any such Proceedings.

Members whose Seats may be in dispute not to take part in Proceedings.
Warden not to have double Vote.

XV. And be it enacted, That from and after the passing of this Act the Warden, or in his Absence the Chairman appointed to preside at any Meeting of such Council, shall be entitled to vote on all Questions, but such Warden or Chairman shall not be entitled to have a double Vote on any Question, anything in said Letters Patent to the contrary notwithstanding.

XVI. And be it enacted, That if at any Time a District Councillor shall accept the Office of Warden, either of his own or of any other District, his Office of District Councillor shall thereby become vacant, in the same way as it would become vacant were he naturally dead.

Councillor becoming Warden, Seat vacant.

XVII. And be it enacted, That the Meetings of the Council of each District respectively shall be open to the Public, under Regulations to be made by such Councils, and, except as herein-after excepted, shall be held at some fixed Place within each District, to be provided and appropriated for the Purpose.

Meetings of Council to be open to the Public.

XVIII. And be it enacted, That Minutes of the Proceedings of all the Meetings of the said Councils shall be drawn up and fairly entered in a Book to be kept for that Purpose by the Clerks of the said Councils respectively, and such Minutes shall be signed by the Warden or temporary Chairman who shall preside at the Meeting.

Minutes of Proceedings to be kept.

XIX. And be it enacted, That all other Books of each District Council respectively in which the Bye Laws, Rules, Orders, Regulations, Minutes, or other Proceedings are entered shall be open to Inspection by any Elector of the District at all reasonable Times, on Payment of a Fee not exceeding One Shilling.

Books to be open to Inspection.

XX. And whereas certain Powers and Authorities are now vested in Justices of the Peace by an Act of the Legislative Council passed in the Fourth Year of the Reign of His late Majesty King William the Fourth, intituled "An Act to repeal an Act of the Governor and Council of New South Wales, intituled 'An Act to authorize the Erection of ' Pounds, and for regulating the impounding of Cattle,' and to make further and other Provision in lieu thereof;" and also by another Act passed in the Fourth Year of the Reign of Her present Majesty, being an Act to amend the said Act herein-before recited; and it is expedient that the same should be transferred to the District Councils of the several Districts: Be it enacted, That all the Powers and Authorities now vested in the Justices of the Peace of each District respectively by the said recited Acts shall respectively be and are hereby transferred to and vested in and may be exercised by the District Council of each District respectively within the Limits thereof; and that all Duties required by the said recited Act or Acts to be performed by the Clerk of Petty Sessions, and all Accounts and other Things required to be furnished to him for the Information of such Justices, shall be henceforward performed by and furnished to the Clerk of the District Council of the Locality.

Certain Powers transferred to District Councils.

4 Will. 4. No. 3.

4 Vict. No. 1.

XXI. Whereas by an Act of the Governor and Legislative Council passed in the Fourth Year of the Reign of Her present Majesty, intituled "An Act to provide for the making and repairing of Parish Roads in the Colony of New South Wales," certain Provisions were made for the Election and Appointment of Trustees for Parish Roads: And whereas it is deemed expedient that the same should be repealed, for the Purpose of allowing the District Councils to act and be ex-officio Trustees within their respective Districts in the Place of Trustees elected or to be elected in pursuance of said Provisions; Be it enacted, That from and after the Day of next so much of the said recited Act as relates to the Election of Trustees for Parish Roads shall be and is hereby repealed.

4 Vict. No. 12. repealed in regard to the Appointment of Trustees

XXII. And be it enacted, That from and after the said Day of the District Councils in their several Districts shall be ex-officio Trustees of all Parish Roads

District Councillors to be ex-officio Trustees of Parish Roads

- Encl. 2. in No. 2. Roads within their several Districts, with as full and ample Powers and Authorities as Trustees who have been or might have been elected under and by virtue of the aforesaid Provisions of the said last-recited Act; and the said several District Councils and their Officers shall have the same Powers and Authorities and shall be liable to the same Duties in respect to the Parish Roads within the Limits of the respective Districts as are given to and imposed upon elected Trustees by the same.
- Powers of District Surveyors extended. XXIII. And be it enacted, That the District Surveyor of each District shall have the same Powers, Authorities, and Duties in respect to Parish Roads as the Surveyor or Surveyors appointed or to be appointed under and by virtue of said last-recited Act.
- Councils of the Districts of Sydney and Bourke may sit in the City of Sydney and Town of Melbourne. XXIV. And whereas it may be expedient for the District Councils of Sydney and Bourke to hold their Meetings within the Limits of the City of Sydney and the Town of Melbourne respectively: Be it enacted, That it shall and may be lawful for the Council of the District of Sydney to assemble for the Business of the Council within the Limits of the City of Sydney, and for the Council for the District of Bourke to assemble for the same Purpose within the Limits of the Town of Melbourne.
- Assessments. XXV. And be it enacted, That each of the said District Councils shall assess all Tenements and Lands whatsoever within their respective Districts, whether cultivated or uncultivated, cleared or uncleared, (Crown Lands excepted,) according to the full and fair annual Value of the same, or according to the Profit to be derived from or the Rent which would be given for them by a prudent and solvent Tenant; provided, however, that the annual Value of uncultivated, waste, or uncleared Land shall not be valued or assessed at less than pence per Acre per Annum.
- Rates payable by Occupiers. XXVI. And be it enacted, That on the Assessments so made Rates shall be levied by the District Councils, and that such Rates shall be raised on such Assessments equally or at such a Number of Pence in the Pound as may be fixed from Time to Time by the said Councils, or any of them; and such Rates shall be paid by the Occupiers or Persons in possession (whether Owners or Tenants) of the Lands so assessed, to the Collectors to be appointed for that Purpose by said Councils respectively; and if any such Occupier shall neglect or refuse to pay to any such Collector the Money or Rate due by him or her for the Space of Fourteen Days next after the same shall have been demanded by such Collector, either personally or by a written Notice left at the last or usual Place of Abode of such Occupier, if such Place can be found within the District, but if not, then by posting a Notice of such Demand on some conspicuous Place on said Lands so assessed, such Money shall be levied and recovered from every such Occupier so neglecting or refusing to pay the same, by Distress and Sale of the Goods and Chattels, Lands and Tenements of such Occupier so in default, by Warrant under the Hand and Seal of a Justice of the Peace, who, on Proof upon the Oath of such Collector of such Demand or Notice, and of such Neglect or Refusal, shall be and is hereby empowered and required to issue the same; and the Surplus, if any, of the Monies raised by such Distress and Sale shall be paid on Demand to the Owner of the Goods and Chattels, Lands and Tenements, so distrained and sold, after deducting all Costs, Charges, and Expenses attending or preparatory to such Distress and Sale, the same to be ascertained by such Justice; and in default of such Distress it shall be lawful for such Justice to commit such Defaulter to the nearest Gaol or House of Correction, there to remain without Bail for any Time not exceeding Three Calendar Months, unless Payment of such Sum or Sums of Money as shall have been found to be due and in arrear upon such Assessment as aforesaid, together with all Costs, Charges, and Expenses, to be ascertained by such Justice, shall be sooner paid.
- Recovery of Rates from Absentees. XXVII. Provided always, and be it enacted, That if any Owner or Occupier of any Land situate within any such District does not reside thereon, or in any Place within the Limits of such District, and in case there be not sufficient Goods or Chattels of such Owner or Occupier within the District to distrain upon for the Payment of any Rates due and owing on such Land, under and by virtue of this Act, or of any Bye Law passed by such District Council, it shall and may be lawful for the Council for the District in which such Land shall be situated, to sue such Owner or Occupier for the Recovery thereof, in any Court of competent Civil Jurisdiction in the said Colony.
- Rates to be levied on Sheep, &c. XXVIII. And be it enacted, That it shall and may be lawful for each of said District Councils to levy Rates upon all Sheep, Cattle, Horses, and Dogs within the Limits of their respective Districts, at such Sum per Head for each Animal as may be fixed by a Bye Law for that Purpose to be passed by the Council.
- Payment or Recovery of Rates. XXIX. And be it enacted, That the last-mentioned Rates shall be paid by the Agisters or other Persons in possession of such Sheep, Cattle, or Horses, whether Owners or not, and by the Owners of Dogs, to the Collectors for that Purpose to be appointed by said District Councils; and if any such Agister or other Person in possession of such Animals, or their Owners, shall neglect or refuse to pay to any such Collector the Money so assessed on the aforesaid Animals for the Space of Fourteen Days next after the same shall have been demanded by such Collector, either personally or by a written Notice left at the last or usual Place of Abode of such Agister or other Person in possession of such Animals,

Animals, or the Owners thereof, if such Place can be found within the District; but if not, then by posting a Notice of such Demand on some conspicuous Place on the Lands or Place where such Animals are kept, such Money shall be levied and recovered by Distress and Sale of a sufficient Number of the Animals aforesaid themselves so rated, by Warrant under the Hand and Seal of a Justice of the Peace, who, on Proof upon the Oath of such Collector of such Demand and Notice, and of such Neglect or Refusal to pay, shall be and is hereby empowered to issue the same; and the Surplus, if any, of the Monies raised by such Distress and Sale shall be paid on Demand to the Owners of such Animals, or the Person having them in possession, after deducting all Costs and Expenses attending or preparatory to such Distress and Sale, the same to be ascertained by such Justice.

Encl. 2. in No. 2.

XXX. And whereas by a certain Act of the Governor and Legislative Council of said Colony passed in the Fourth Year of the Reign of His late Majesty King William the Fourth, intituled "An Act for making, altering, and improving the Roads throughout the Colony of New South Wales, and for opening and improving the Streets in the Towns thereof," certain Powers, Duties, and Indemnities are imposed and conferred upon the said Surveyor General and his Assistants: And whereas it is expedient that similar Duties, Powers, and Indemnities should be extended to District Surveyors, or to Surveyors acting under the Directions of any District Council: Be it enacted, That all the Duties, Powers, or Indemnities which by the last-recited Act were imposed or conferred upon the Surveyor General and his Assistants shall be and hereby are conferred on and extended to District Surveyors or Surveyors acting under the Direction of any District Council; provided, however, that nothing herein contained shall be held in any way to impair or invalidate the Powers and Indemnities which by the said last-recited Act were conferred on the Surveyor General and his Assistants when actually engaged in the Execution of any public Duty, or interfere in any way with the Duties and Powers of the Surveyor General in the laying out of Roads throughout the Colony.

4 Gul. 4. No. 11.

XXXI. And whereas by an Act of the Governor and Legislative Council of New South Wales, passed in the Second Year of the Reign of His late Majesty King William the Fourth, intituled "An Act for repealing so much of an Act, intituled 'An Act to continue, until further Provision shall be made, certain Duties, Tolls, Rates, Fees, and other Sums of Money imposed by the Governors of New South Wales, and for other Purposes,' as relates to the levying of Tolls in New South Wales, and for raising a Fund towards making, repairing, and upholding public Roads, Bridges, and Ferries, and for regulating the Collection of Tolls thereon," Authority was conferred on the Governor of said Colony for the Time being to appoint by Proclamation under his Hand, Places at which Tolls should be collected upon certain Lines of Road, and to cause Tolls to be collected at certain Bridges and Ferries; and to cause Toll Houses and Ferry Houses, Gates, Bars, Chains, Rails, and Fences to be built and set up, to prevent Passengers, Beasts, and Carriages from passing without the Payment of Toll: And whereas in pursuance of that Authority Tolls have been established upon divers Roads and Bridges in Parts of said Colony, and Toll Houses, Ferry Houses, Gates, Bars, Chains, Rails, and Fences have been built and set up for the Purpose aforesaid: And whereas it is expedient that the Property in the same, and the Right to collect and cause such Tolls to be collected, should henceforward be vested in the District Council of the District in which they are situated: Be it enacted, That from and after the Day of next the Right, Interest, and Property of and in all Tolls (save as herein-after excepted) which have been established on any public Road or Bridge, and of and in all Toll Houses, Ferry Houses, Gates, Bars, Chains, Rails, and Fences built and set up in pursuance of said last-recited Act shall be and are hereby vested in each District Council for the District in which they may respectively be and are situate, and each such District Council shall be and is hereby authorized and empowered to apply and dispose of the same as they may think fit within their respective Limits, and to bring or cause to be brought any Action or Actions or other Civil Proceedings, and to prefer and prosecute or cause to be preferred and prosecuted any Informations, Charges, or Indictments against any Person or Persons who may evade or attempt to evade any Provision or Provisions of said last-recited Act, or who shall break or pull down, steal, take, carry away, spoil, destroy, damage, or in anywise injure any of the Roads, Bridges, Toll Houses, Ferry Houses, or any Buildings, Toll Boards, Bars, Gates, Posts, Rails, Fences, or other Things, or any of the Conveniences or Appurtenances thereunto belonging, or shall interrupt such District Council or any of its Officers in the Duties in respect thereto or in the Possession thereof; in all which Proceedings it shall be sufficient to state generally any or all of said Things to be the Property of the District Council of the particular Locality.

Tolls.

2 Will. 4. No. 12.

XXXII. And be it enacted, That it shall and may be lawful for the several District Councils to exercise all the Powers conferred on the Governor of said Colony in respect to the Establishment of Tolls or Ferries, or the levying or leasing thereof, and the Erection of Toll Houses, Ferry Houses, Gates, Bars, Chains, Rails, and Fences upon any public Road or Bridge within their respective Limits; provided always, that no such Toll Houses, Turnpike Gates, or Bars shall be erected within a less Distance than Five Miles from the extreme Boundary of every such District, and that no Ferry shall be established over any River or Water of which the opposite Banks shall be in different Districts, without special Authority from the Governor and Legislative Council.

Powers of erecting Toll Houses, &c. transferred to the Councils.

Right to take Toll declared.

XXXIII. And be it enacted, That it shall and may be lawful for the said several Councils, or any Person or Persons appointed or authorized by such Councils as Collector or Collectors or Lessees of the Tolls to be taken by virtue of the said last-recited Act, to demand and take every Day the several and respective Tolls mentioned therein (or any lesser Tolls), at the several and respective Toll Gates and Ferries which have been, are, or shall be erected or established in pursuance of the same, or of this or any future Act of the Governor and Legislative Council of said Colony, upon or across any public Road, Bridge, or Ferry within their respective Limits, and which Tolls or Sums of Money shall be demanded and taken as aforesaid before any Passengers, Horses, Beasts, or Carriages, (save as is excepted in said recited Act), shall be permitted to pass through any Toll Gate, or over any Ferry; and the Tolls and Sums of Money to be collected by virtue of and in the Exercise of the Powers hereby conferred on the said District Councils and their Officers shall be and the same are hereby vested in such District Council of the Locality.

How Money taken by Toll is to be appropriated.

XXXIV. And be it enacted, That all Tolls and Sums of Money so to be levied and collected by said District Councils, under and in pursuance of the Provisions of said last-recited Act and of this present Act shall be paid over to the Treasurer of the District, for the Support of the Roads, Bridges, or Ferries in respect of which the said Tolls are taken, and for no other Purpose.

Powers of Councils limited to their respective Districts.

XXXV. And be it enacted, That it shall not be lawful for any District Council by any Bye Law to affect any Property situate and being beyond the Limits of the respective Districts, nor any Property *in transitu*, within their several Districts, which shall belong *bonâ fide* to any Person not residing in such District, or not owing any Arrears of Rates assessed on his or her Property within such District; provided however, that nothing herein contained shall prevent the Collector of such District from pursuing and seizing any Property clandestinely or fraudulently removed out of any District for the Purpose of evading a Distress for any District Rates.

Distress not unlawful for Want of Form.

XXXVI. And be it enacted, That when any Distress shall be made for any Sum or Sums of Money to be levied by any District Council, by virtue of this Act, or under and by the Authority of any Bye Law passed by such Council, and in force, the Distress itself shall not be deemed unlawful, nor the Party or Parties making the same be deemed a Trespasser or Trespassers on account of any Defect or Want of Form in Proceedings relating thereto, nor shall the Party or Parties distraining be deemed a Trespasser or Trespassers *ab initio* on account of any subsequent Irregularity on the Part of the Party or Parties distraining, but the Person or Persons aggrieved by such Irregularity may recover full Satisfaction for the special Damage by Action on the Case.

How Persons are to be punished who unlawfully resist.

XXXVII. And be it enacted, That in case any Person or Persons shall resist or make forcible Opposition to any Person or Persons employed by any District Council in the Execution of the Powers vested in such Council, or shall assault any Surveyor or Collector or Bailiff, or their respective Assistants, or shall make or attempt to make any Rescue of Goods or Chattels distrained or seized by the Authority of any District Council, every Person offending therein, and being convicted thereof before any Two Justices in a summary Way by the Oath of One or more credible Witness or Witnesses, shall for every such Offence forfeit and pay any Sum not exceeding 20*l.* nor less than 40*s.*, at the Discretion of such Justices; and in case the same shall not be paid, such Justices are hereby empowered and required to commit such Offender to any Gaol or House of Correction for any Time not exceeding Three Calendar Months, or until the said Forfeiture shall be sooner paid.

Recovery of Fines and Penalties.

XXXVIII. And be it enacted, That all Fines and Penalties imposed by any Bye Law made by any District Council, and with regard to which no special Provision is by this Act made, or by any other Act or Law already made, may be recovered with Costs, on the Oath of at least One credible Witness other than the Prosecutor, by summary Proceeding before any Two Justices of the Peace sitting at Petty Sessions within the District in which such Fine or Penalty shall have been imposed, and may, if not forthwith paid, be levied by Distress and Sale of the Goods and Chattels of the Offender, under Warrant of such Justices or One of them; and one Moiety of such Penalty shall belong to the Informer or Prosecutor, and the other Moiety to the District, unless the Informer or Prosecutor shall renounce his Portion of such Fine or Penalty, in which Case he shall become a competent Witness, and the whole Fine or Penalty shall in such Case belong to the District, and shall (as shall the Moiety in the Case first mentioned) be paid over to the Treasurer of the District, and make Part of the District Funds.

Rate-payers competent Witnesses.

XXXIX. Provided always, and be it enacted, That no Person shall be deemed incompetent to be a Witness in any Prosecution or Suit for the Recovery of any such Fine or Penalty, or in any Suit for the Recovery of any Sum of Money payable to any District, by reason of such Person being an Inhabitant or Rate-payer of the District, or a Member or Officer of the District Council, or in their Employ, provided such Person have no other and more immediate Interest in the Result of such Suit or Prosecution.

Publication of Advertisements.

XL. And whereas, by the several Charters which have been issued by his Excellency the Governor it is required that certain Advertisements be inserted in the New South Wales Government Gazette: And whereas the Insertion of Advertisements in the said Gazette

Gazette may in some Cases be inconvenient: Be it enacted, That it shall and may be lawful for any District Council, by a Bye Law to be passed for that Purpose, to cause such Advertisements to be inserted in any other Newspaper instead of the Government Gazette; provided, however, that the annual Accounts of the Treasurer of each District shall always be published in the said Gazette, as directed by the said Charters. Encl. 2 in No. 2.

XLI. And be it enacted, That it shall be lawful for any District Council, by a Bye Law to be passed for that Purpose, to make such additional Provisions for the Conduct of Elections of District Councillors, as to such District Council may seem necessary; provided, however, that such additional Provisions be not repugnant to this Act, nor to any Law in force within the Colony, nor to the Charter under which such District Council was established. District Councils may make additional Provisions for the Conduct of Elections.

XLII. And be it declared and enacted, That if in any Bye Law already passed by any District Council any Matter or Thing shall be contained contrary to the Enactments of this present Act, such Matter or Thing shall by the passing of this Act be held to be repealed, and shall thenceforward be null and of no Effect. Bye Laws already passed.

XLIII. And be it enacted, That nothing in this Act shall be construed to repeal or affect any Enactment or Provision of any Act or Law in force within the said Colony, or any Power, Right, Authority, Duty, Obligation, or Liability thereby conferred or imposed upon any Officer, Officers, Person or Persons, unless and so far only as such Enactment or Provision shall be inconsistent with or repugnant to the express Enactments or Provisions of this Act, or the Attainment of the Objects and Purposes thereof, according to its true Intent and Meaning. Limitations.

(E.)

8 VICTORIA, 1844.

A BILL to settle the PROPORTIONS in which MONEY shall be raised in each DISTRICT of the Colony of NEW SOUTH WALES by ASSESSMENTS for the Purpose of defraying Half the Expense of maintaining a Police Force.

WHEREAS by an Act of the Imperial Parliament of Great Britain and Ireland, passed in the Fifth and Sixth Years of Her Majesty's Reign, intituled "An Act for the Government of New South Wales and Van Diemen's Land," it is enacted, that one Half of the Expense of the Police Establishment of the Colony of New South Wales (exclusive of the Convict Establishment,) shall be defrayed out of the General Revenue arising from Taxes, Duties, Rates, and Imposts within the said Colony, and the other Half shall be defrayed by Assessment on the several Districts of the Colony, in such Proportions as shall be from Time to Time fixed by the Governor and Legislative Council: And whereas it is necessary to fix the Proportions in which the Sums required for the Payment of One Half of the Expense of maintaining a Police Force shall be raised in the different Districts of the Colony, during the Year 1845: Be it therefore enacted by his Excellency the Governor of New South Wales, with the Advice and Consent of the Legislative Council thereof, That there shall be levied by Assessment, within the several Districts of the Colony incorporated by any Charter issued by the said Governor, under the Provisions of the said Act, and also within the City of Sydney and Town of Melbourne, the Sums which stand respectively against the Names of the said Districts, City, and Town, in the Schedule to this Act annexed. Preamble.
5 & 6 Vict. c. 76.

Sums to be raised in the several Districts as in Schedule annexed.

II. And be it enacted, That for the Purposes of this Act the Mayor and Council of the City of Sydney, and the Mayor and Council of the Town of Melbourne, are authorized and required to perform the Duties which in other Parts of the Colony are performed by the respective Wardens and Councils of the several Districts into which the Colony is divided. Mayors and Councils of Corporate Towns to act as Wardens and Councils in other Districts.

III. And whereas, under the Provisions of an Act of the Governor and Council of New South Wales passed in the Second and continued and amended by an Act passed in the Fifth Year of the Reign of Her present Majesty, which latter Act is intituled "An Act to amend and to continue for Five Years an Act, intituled 'An Act to further restrain the 'unauthorized Occupation of Crown Lands, and to provide the Means of defraying the 'Expense of a Border Police,'" an Assessment is in some Cases levied on Stock depastured on Crown Lands lying within the Limits assigned to the Jurisdiction of District Councils, and it is neither just nor expedient that the same Stock should be again assessed by the said District Councils: Be it enacted, That no District Council shall, during the Year One thousand eight hundred and forty-five, make any Assessment of or raise any Rate upon Cattle or Stock depastured on Crown Lands, and subject to Assessment under the Acts last recited of the Second and Fifth Years of the Reign of Her present Majesty. 2 Vict. No. 27.
5 Vict. No. 1.

Cattle or Stock assessed under the 2 Vict. No. 27, not to be again assessed by District Councils;

IV. And be it enacted, That all Stock depastured on Crown Lands, under depasturing Licences shall continue as heretofore to be subject to the said Assessment under the Acts of the Second and Fifth Years of the Reign of Her present Majesty notwithstanding that the Lands on which such Stock is depastured may be included within the Limits of the Jurisdiction of any District Council. but such Cattle or Stock to be still assessed as heretofore.

In the Counties of Bourke, Grant, and Normanby Aid to be given out of the Assessment raised on Sheep and Cattle depastured on Crown Land.

V. And be it enacted, That out of the Sums raised by Assessment under the said Acts of the Second and Fifth Years of the Reign of Her present Majesty it shall and may be lawful for the Governor of New South Wales to appropriate such Monies as may be necessary to make good any Deficiency in the Sums which in the Schedule to this Act annexed stand respectively against the Districts of Bourke, Grant, and Normanby; provided that there shall have been first raised for Police Purposes under the Authority of the Councils of each of the said Districts Rates equal to not less than Three-pence in the Pound on the annual Value of all Real Property within each District, (exclusive of the Property of the Crown,) and in addition thereto a Rate of not less than One Halfpenny per Annum on each Sheep, One Penny Halfpenny per Annum on each Head of Cattle, and Three-pence per Annum on each Horse, Mare, or Gelding, not assessed under the said Acts of the Second and Fifth Years of the Reign of Her present Majesty.

SCHEDULE.

City of Sydney.	District of Mudgee and Wellington.
Town of Melbourne.	„ Newcastle.
District of Bathurst.	„ Patrick's Plains.
„ Berrima.	„ Parramatta.
„ Braidwood.	„ Paterson.
„ Brisbane Water.	„ Penrith.
„ Camden, Narrelan, &c.	„ Queenbeyan.
„ Campbelltown.	„ Raymond Terrace.
„ Cassillis.	„ Scone.
„ Goulburn.	„ Sydney.
„ Hartley.	„ Wollombi and Macdonald.
„ Illawarra.	„ Yass.
„ Liverpool.	„ Bourke.
„ Macquarie.	„ Grant.
„ Maitland.	„ Normanby.
„ Merton and Muswellbrook.	

(F.)

EXTRACT from the VOTES and PROCEEDINGS of the LEGISLATIVE COUNCIL, Friday, 9th August 1844.

3. District Councils Bill:—Mr. Cowper, pursuant to Notice, moved the Adoption of the following Address to His Excellency the Governor:

May it please Your Excellency,

WE, Her Majesty's most loyal and dutiful Subjects, the Members of the Legislative Council of New South Wales, in Council assembled, beg respectfully to transmit to your Excellency the following Resolution, which was passed by this House on the 25th ultimo, upon the Introduction of "A Bill to make further Provision respecting the Constitution, and to define and extend the Powers of District Councils, in the Colony of New South Wales."

Upon the Motion of the Colonial Secretary, that the Bill be printed and read a Second Time on Thursday, August the 1st, an Amendment was moved, that the Bill be read a Second Time this Day Six Months. Upon which another Amendment was moved and carried: "That in the Opinion of this Council the District Councils are totally unsuited to the Circumstances of the Colony, the Country Districts being unable to meet the additional Taxation which would necessarily be required in carrying out the various Objects contemplated by their Institution, and the Cost of the Machinery requisite for bringing them into operation, being of itself an Obstacle fatal to their Success, and that therefore the Second Reading of this Bill be postponed to this Day Six Months."

We beg to acquaint your Excellency, that the above Resolution was passed after a full Consideration of the numerous Petitions which have been presented to this House during the past and present Sessions, and under a full Persuasion that the District Councils, as at present constituted, cannot be carried out, without much Hardship and Oppression. We beg also to remind your Excellency, that this Council is prevented by the Act of the Imperial Parliament, 5 & 6 Vict. Reg., Cap. 76., from amending the Constitution of the District Councils in the most important Points prayed for, more especially in regard to the Police Clauses, which this Council and the Colonists generally consider the most obnoxious.

Under all the Circumstances, we beg to request that your Excellency will be pleased to make such a Representation to Her Majesty's Government as will procure a Repeal of those Clauses of the Act of Parliament which have reference to the Erection of District Councils, and that the Incorporation of Towns or Districts may be left to the Governor and Legislative Council of this Colony.

We beg leave further to request, that until your Excellency is favoured with Instructions from Her Majesty's Government, that your Excellency will be pleased to place upon the Estimates of Expenditure for the Year 1845, such Sums as may, in your Excellency's Opinion,

Opinion, be necessary to make Provision, from the general Revenue, for such Objects as it was intended should be provided for by the District Councils, had they been carried into operation. Encl. 2. in No. 2

Debate ensued; Question put; Council divided.

Ayes, 20.

Mr. Murray.
Mr. Walker.
Mr. Lowe.
Mr. W. C. Wentworth.
Mr. Berry.
Mr. Cowper.
Mr. Windeyer.
Captain Dumaresq.
Mr. Panton.
Mr. Bowman.
Mr. Lawson.
Mr. Suttor.
Mr. Bradley.
Mr. Coghill.
Mr. Foster.
Mr. Young.
Mr. Macarthur.
Mr. Robinson.
Dr. Bland.
Dr. Nicholson (Teller).

Noes, 8.

Mr. Therry.
Mr. Icely.
Mr. Hamilton.
The Colonial Secretary.
The Collector of Customs.
The Attorney General.
The Auditor General.
The Colonial Treasurer (Teller).

Address to be presented to his Excellency the Governor by a Deputation to consist of the Speaker, Mr. Foster, and Mr. Murray.

(G.)

EXTRACT from the VOTES and PROCEEDINGS of the LEGISLATIVE COUNCIL, Tuesday, 20th August 1844.

1. District Councils Expenditure:—The following Message from his Excellency the Governor, received and read:—

Message from his Excellency the Governor to the Legislative Council, replying to an Address of the Council, dated the 9th August 1844, wherein his Excellency was requested to place upon the Estimates of Expenditure for the Year 1845, "such Sums as may be necessary to make Provision, from the general Revenue, for such Objects as it was intended should be provided for by the District Councils, had they been carried into operation."

Gentlemen,

The Council having rejected the Bills which I caused to be presented to them for the Purpose of carrying into effect the Enactments of Parliament in regard to the Police of the Colony, I shall accept such Sums as the Council may place at my Disposal for the Maintenance of a Police Force during the Year 1845, though I must disclaim any Share in the Responsibility which this Infraction of the Constitution may involve.

I must also reserve to myself the Right to make such Alterations in the Estimates recently submitted to the Council for the Service of the Year 1845 as the altered Circumstances in which the Government is now placed may require. A Minute, showing these Alterations, accompanies the present Message.

I shall, of course, communicate the Address of the Council to Her Majesty's Government.
Government House, Sydney,
20th August 1844.

GEORGE GIPPS, Governor.

Message and Minute therein referred to to be printed, and taken into consideration To-morrow.

(H.)

EXTRACT from the VOTES and PROCEEDINGS of the LEGISLATIVE COUNCIL, Wednesday, 24th September 1845.

THE Chairman brought up the following Resolution, and obtained Leave to sit again To-morrow:—

"That, as no Answer has been received by this Council to the Address which was voted on the 9th August 1844, in reference to the District Councils, his Excellency the Governor be requested to recommend to this Council that the Expense of the Police and Schools of the Colony during the Year 1846 be defrayed on the same Principle as was adopted for the current Year."

(132.)

G

Moved

Encl. 2. in No. 2.

Moved by Mr. Wentworth, That the House do adopt this Resolution.

Question put, and passed.

Moved by Mr. Wentworth, That an Address embodying this Resolution be presented to his Excellency the Governor by the Speaker and the Colonial Secretary.

Question put, and passed.

Council adjourned, at Ten Minutes after Eight o'Clock, until To-morrow at Three o'Clock.

(I.)

3. POLICE and SCHOOL EXPENDITURE, 1846.

MESSAGE from his Excellency the Governor to the Legislative Council, replying to an Address from the Council, dated the 24th September 1845, wherein a Request was preferred to his Excellency, that the Expense of maintaining the Police and public Schools of the Colony may be defrayed, during the Year 1846, in the same Manner as the Expenses are at present defrayed.

Gentlemen,

I shall not object to make Provision for the Police and public Schools of the Colony during the Year 1846 on the Principle on which the Expenses of these Establishments are now defrayed, if I be not, before the Close of the present Session, prevented from giving my Assent to such a Measure, by the Arrival of Instructions from Her Majesty.

I have therefore to recommend that Sums for the Maintenance of the Police, not exceeding those which stand on the Estimates now before you, may be voted without requiring any Contributions from the District Councils, also that Sums may be appropriated towards the Support of Schools equal in Amount to those voted for the Service of the current Year. Under existing Circumstances I regret I cannot recommend that the Provision for Schools should be increased.

GEORGE GIPPS.

Government House, Sydney, 30th September 1845.

Message ordered to be printed, and taken into consideration on Thursday, 2d October.

(K.)

RETURN of the NUMBER of ACRES contained in each DISTRICT for which a District Council is provided, and the Extent of the Land alienated by the Crown, in each respectively.

No.	District.	Acres alienated.	Acres unalienated.	Total of Acres.
1	Macquarie	116,672	2,395,321	2,512,000
2	Raymond Terrace and Dungog	331,159	1,620,728	1,951,887
3	Paterson	168,283	104,960	273,243
4	Maitland	145,318	108,682	254,000
5	Patrick's Plains	251,784	151,500	403,284
6	Merton and Muswellbrook	149,818	542,080	691,898
7	Scone and Murrurundi	237,885	841,600	1,079,485
8	Cassilis	283,051	1,198,000	1,481,051
9	Mudgee and Wellington	244,787	2,035,135	2,279,922
10	Wolombi and M'Donald	97,173	958,827	1,056,000
11	Newcastle	35,868	76,160	112,028
12	Brisbane Water	57,054	300,800	357,854
13	Sydney	58,102	82,631	140,733
14	Parramatta	87,169	63,936	151,105
15	Windsor	92,059	429,630	521,689
16	Penrith	129,191	247,898	377,089
17	Liverpool	64,008	39,900	103,908
18	Appin and Campbelltown	51,361	82,603	133,964
19	Camden, Narellan, and Picton	129,386	340,000	469,386
20	Hartley	80,647	1,279,882	1,360,529
21	Bathurst and Carcor	715,236	2,719,858	3,435,094
22	Yass	146,387	965,099	1,111,486
23	Goulburn	590,714	955,920	1,546,634
24	Berrima	90,169	360,676	450,845
25	Illawarra	137,917	432,640	570,557
26	Braidwood and Broulee	262,060	1,399,133	1,661,193
27	Queanbeyan	403,201	806,402	1,209,603
PORT PHILLIP.				
28	Bourke	156,640	5,027,360	5,184,000
29	Grant	59,854	5,412,146	5,472,000

Surveyor General's Office,
31st July 1844.

Enclosure

Enclosure 3. in No. 2.

Encl. 3. in No. 2.

To his Excellency Sir CHARLES AUGUSTUS FITZROY, K. C. H., Captain General and Governor-in-Chief.

Sir,

Sydney, 6th January 1848.

THE Publication of the Despatch announcing the Intention of Lord Grey to introduce a Bill for the Purpose of giving a Constitution to this Colony of an entirely novel Character has excited Feelings of the deepest Alarm among the Colonists of all Classes, more particularly as it would appear to be his Lordship's Intention to proceed with the Measure without awaiting for further Information from the Colony.

A Meeting of highly respectable Colonists was held Yesterday, at which I had the Honour to preside, and at which a Committee was formed to prepare Resolutions and make other Arrangements for holding a general Meeting of Colonists, to petition and remonstrate against the proposed Measure; and as on a Measure of such Importance it is necessary that great Care should be used some Weeks will probably elapse before the Documents will be ready for Transmission to Her Majesty's Government. I am desired by the Committee to bring these Circumstances under your Excellency's Notice, with the Hope that you may use your Influence with the Right Honourable the Secretary of State to prevent the Introduction of the proposed Measure until the Colonists shall have had an Opportunity of appealing to Her Majesty and both Houses of Parliament.

As I believe the Mail for London will close this Evening or To-morrow, I have been requested by the Committee to transmit this Letter to your Excellency personally instead of through the Colonial Secretary.

(Signed) I have, &c.,
J. JOSEPHSON, Mayor,
Chairman of the Committee.

No. 3.

(No. 31.)

COPY of a DESPATCH from Sir C. A. FITZROY to the Right Honourable Earl GREY.

No. 3.
Sir C. FitzRoy
to
Earl Grey,
2d February 1848.

Government House, Sydney, 2d February 1848.

(Received 1st June 1848.)

My Lord,

I HAVE the Honour to transmit a Petition addressed to the Queen, and signed by upwards of 3,100 Persons of Respectability residing in Sydney or its immediate Neighbourhood, praying that Her Majesty will be graciously pleased not to assent to any Change in the Constitution of this Colony which shall not have received the previous Sanction of the Colonists at large.

This Petition was framed in pursuance of Resolutions passed unanimously at a public Meeting held in Sydney on the 19th ultimo, which was very numerously attended by Persons of every Shade of Opinion on other colonial Topics, and of great Respectability and Influence.

It is right that I should add that public Meetings for a similar Purpose have been called very generally throughout the Colony, and that Petitions to the same Effect as the one now forwarded are in progress of Signature.

I have the Honour to enclose a Copy of the "Sydney Morning Herald" of the 21st ultimo, containing a full Report of the Proceedings of the Meeting held on the 19th ultimo.

I have, &c.,
(Signed) CHARLES A. FITZROY.

Enclosure 1. in No. 3.

Encl. 1. in No. 3.

To the QUEEN's most Excellent Majesty.

The humble Petition of the undersigned Colonists of New South Wales,

Respectfully sheweth,

THAT the Publication of a Despatch, dated the 31st July 1847, from Your Majesty's Principal Secretary of State for the Colonies, indicating a Change in the Constitution of this Colony, by which (among other things) the System of District Councils is to be perpetuated, and the Legislative Assembly is to be placed, with respect to those District Councils, in the Relation of Representative and Constituent, has filled us with the utmost Apprehension and Dismay.

(132.)

That

Encl. 1. in No. 3.

That in consequence of the Dispersion of a large Portion of the Inhabitants of this Colony any Measure establishing Municipalities similar in Principle to the District Councils attempted to be created by the Act of Parliament 5 & 6 Vict. c. 76. would be so repugnant to the Wishes and so adverse to the Interests of this Community, that it is utterly impossible that it could ever be brought into effective Operation.

That the Change in the Constitution of this Colony proposed in the before-mentioned Despatch would have the Effect of depriving us of the Elective Franchise, which we maintain to be our inalienable Right as British Subjects.

That we cannot but be persuaded that by delegating our Right to elect our Representatives we are deprived not only of that Choice to which we are entitled, but also of that constitutional Control over our Legislature without which no People can be considered free.

That we are anxious to enjoy a Form of Government founded as nearly as Circumstances will admit upon the Principles of the British Constitution, and that the making this Colony the Subject of a theoretical Experiment in Legislation is a Measure the Justice or Policy of which we can never admit.

That we see nothing in the Erection of Port Phillip into a separate Colony to justify the extraordinary Change which is by the before-mentioned Despatch proposed to be made in the Constitution of the Colony.

That we feel ourselves entitled to expect that no important Alteration in that Constitution shall be made without the previous Consent of those whose Persons and Property it may be intended to affect.

Your Petitioners therefore humbly pray that Your most Gracious Majesty will not assent to any Change in the Constitution of this Colony which shall not have received the previous Sanction of the Colonists at large; and your Petitioners will ever pray, &c.

Encl. 2. in No. 3.

Enclosure 2. in No. 3.

EXTRACT from the "SYDNEY MORNING HERALD" of the 21st January 1848.

GREAT PUBLIC MEETING to oppose Lord GREY's intended ALTERATION in the CONSTITUTION of the Colony.

IN pursuance with the Arrangements made by the Committee appointed to draw up Resolutions and Petitions to Her Majesty and both Houses of Parliament, with respect to the Despatch of Earl Grey, and the Changes in the Constitution of the Colony proposed therein, a public Meeting was held at the Victoria Theatre on Wednesday Afternoon, to adopt such Resolutions. The Pit and Boxes were densely thronged, whilst the Stage, on which the more active Movers in the Matter were assembled, was crowded with the most influential Gentlemen of the Colony of every Shade of political Opinion. At about Half-past Two Dr. Dobie moved that

The Right Worshipful the MAYOR do take the Chair.

Mr. Francis Macarthur seconded the Motion. Carried.

His Worship having taken the Chair opened the Business of the Meeting. The Subject on which they had been called together was the Despatch of Earl Grey relative to certain proposed Changes in the Constitution of the Colony. That Despatch it would presently be his Duty to read to them, in order that they might fully understand the Objects and appreciate the Importance of the present Meeting. He should detain them with very few Remarks, for the various Resolutions which formed the Basis of the Petition would be moved and discussed by Gentlemen of far greater Ability than himself. But he could not but express his own Opinion that the Changes proposed in the Despatch were such that no Good could be expected from them, whilst to carry them out must cause those Disturbances and Confusions so dangerous to the political Welfare of a State. Had the Plans of Earl Grey with regard to this Colony been fully developed there might have been no Occasion for the present Meeting, but the Document was so vague that they were left unacquainted with the actual Form of their new Constitution. It seemed, however, that it was intended to introduce a Form of Government similar if not identical with the Constitution lately given to New Zealand. Such a Form would not only be most unjust to the Colonists but it could not work well. It would indeed be a Piece of Class Legislation disastrous in its Results. The Legislators of the Country were to be elected only by the elected for the District Councils, whilst the Right of Representation by the Members of their own Choice would be taken from the People altogether. Then they were to have Two Legislative Houses, so that neither could be independent. One of these was to be a Council of Nominees appointed by the Crown, and of course dependent only on the Government, and the other House subservient only to the District Councils, by whom its Members would be elected. The elective Franchise, therefore, which had been so recently conceded to them would be entirely destroyed, and that against the Assent of the People themselves. With these few Remarks he would beg to read the Despatch of Earl Grey.

The

The Despatch having been read,

Mr. Norton rose to move the First Resolution. He was sorry that in moving this Resolution the Task had not fallen on some one who could not have felt more deeply its Truth and Importance but who might with greater Ability have expressed more strongly than he could his Sense of the Evils about to be inflicted on the Colony by Her Majesty's Ministers. The Resolution he had to move was as follows:

“ That this Meeting views the proposed Change in the Constitution of the Colony,
 “ indicated by the Despatch of the Right Honourable the Secretary of State for
 “ the Colonies, now before the Public, with the utmost Apprehension and
 “ Dismay.”

The Sentiments contained in this Resolution must, he was sure, carry with them those of every sincere Well-wisher of the Colony. Step by Step had Concessions of political Rights been made to the Colony, and on this gradual Progress towards civil Liberty many People had been led to emigrate, in the full Belief that they were coming to New South Wales to enjoy those Privileges which are the Birthright of Englishmen, to a Land free from political Abasement, a Land worthy of the parent Country by which it was founded. (Cheers.) First, they had their old Council granted to them freeing the Colony from the absolute Control of the Executive. Then they gained the glorious Boon of Trial by Jury, and at last they gained their present Constitution, by which the Members of the Legislature were made personally responsible for their Acts to the People who elected them. And now this Right of Enfranchisement was to be taken from them, not because they asked for it, not because it had not worked well, for he contended the Council had done its Duty, and, in the Efforts it had made, loyally and honestly it had done its Duty to the Country. True it was, that all its Measures might not be wise, were not free from Errors, but it must be remembered how short their Season of political Education had as yet been. The public Mind required to be disciplined before it could be expected to enter with perfect Correctness into all the Details of experienced Legislation, but he did believe, and the Colony would re-echo his Belief, that in all their Measures the Representatives of the Colony had been actuated by a deep Sense of Duty to the Colony and to the parent Country. There was one convincing Proof that the present Council had worked well,—had done its Duty,—and it must be satisfactory to the Members of that Council to know, that although now the constitutional Rights which they had so energetically protected were about to be torn from them, that in the Exercise of their Functions nearly every Measure they had passed had received the Assent of the English Ministry. What Pretext then could exist for altering this Constitution, when nearly all the Measures it had given Birth to were approved of by the English Government, and those that were not so approved showed only how grossly a Ministry in Downing Street, 16,000 Miles away, could err in forming any Opinion of the Good or Evil of any Measures for this Colony. There was the Lien on Wool Bill, a Measure which perhaps as much as any Measure ever passed had benefited the Colony,—had in fact saved it from Destruction,—had twice been disallowed by the Home Government. It did occur to him, when Her Majesty's Advisers first refused to assent to this Measure that they might have fancied that the Colonists were the best Judges of the Circumstances in which they were placed, and of the Remedies to be applied to them. But no, the Minister found out that the Bill, so beneficial in its Provisions, must be disallowed, in some Crotchet of its not being consistent with English Law, although he had never yet been able to make out on what Points it was inconsistent with any English Law whatever. But when it was disapproved of again, it did occur to him most forcibly that neither the Wishes nor the Interests, nor even the Distresses, of the Colonists were Matters of much Concern or Moment to Her Majesty's Ministers. And now that the Constitution they possessed, and had been tried and found to work well, when they were looking forward to still further Concessions than those which had been already made to them, they were threatened with the Measure which would place them in a worse Position than that in which they stood Twenty Years ago. The Minister must know that even if District Councils could be carried into effect here, that although the Parties elected might be very upright, honourable, and honest Men, they would be Men whom it would be entirely unfit to trust with the sole Control of the Elective Franchise. There was, however, one Argument of more Importance than all the rest to be urged against the Measure, and one which was of itself sufficient to induce the Colonists to resist in any possible Way, and that was, that the Constitution it was proposed to give them was perfectly different to that of the parent Empire. It was a perfect Novelty in Legislation, and offered no Precedent by which to test its Good or Evil. Whether it were a good Measure or a bad one, it had this dangerous Defect attaching to it, which ought to induce all most carefully to shun it, namely, that there was nothing in past Experience to guide them in the working of it,—a Defect which would counterbalance any Advantages it might possess. In such a Measure they had placed the Light, if Light there were, at too remote a Distance to allow the Mind to be illumined by it. But if this Innovation were not suited to England, how much stronger the Objection to trying it here, when the Minister at home was perfectly ignorant of the Circumstances of the Colony? Where it was urged by one Minister that the Fire should not be allowed to do its Work of Devastation on the Grasses of the Country, whilst the island of Cockatoo was appointed the place to which all the Mass of Prisoners should be sent. These were the Lights by which they were guided in their profound Legislation

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for this Colony. Who could contemplate the vast Wastes of the Colony not yet redeemed from the Wilderness? Who could contemplate the recent Discoveries of Mineral Treasures, probably richer than any in the World? Who could contemplate the Droughts which devastate the Colony,—Thousands and Thousands of Animals, the very Wealth of the Colony, perishing from their Effects,—without feeling the deep Conviction that in this Country, of all others, Legislation to be effective must be present and immediate—(Cheers)—that the Legislature should be made by those who had a deep Interest in all the Concerns of the Empire? He felt that it was so important to the Interests of the Colony and of England that the fullest Inquiry should be made into the Circumstances which ought to guide Legislation, that the Colony ought to have its own Representative in Parliament. Then they would not have the freest Government in the World making Laws, that he would not say would be disapproved, but that would actually astound all England if applied to the barrenest Waste, the most confined Country of the Empire. (Cheers.) And why were the Rights of Englishmen withheld from them more here than elsewhere? If such an Innovation had once been commenced in England, the whole Country would have been aroused to denounce, and even the very slightest Innovation on these Rights so dear to Englishmen would probably in its Results have threatened to upset the whole Constitution. But even if this new Scheme could be carried into present Effect, how long was it to last? Was it fancied that it could last through the Ages which would give to Australia a Name and Place among the Nations of the Earth? Till all its wide Wastes were redeemed from the Desert, till all its vast Mineral Treasures, which, if stamped with a Diadem, were still applicable to all the Purposes of civilized Life, were developed? It was hardly possible to contemplate such an Intention; but if it were so, then it seemed to involve a very serious Reflection on Her Majesty's Ministers, who must proclaim by it that the English Constitution was not fit for her Colonies. If it were not so, if it were intended at some future Day to give all the noble Institutions of their Fatherland to the Colony, what a miserably strange Perversion of the Scriptural Command, "Train up a Child in the Way he should go, and when he is old he will not depart from it." How were they to learn the true working, how were they to learn to cherish and respect the venerated Constitution of their Country, if their Days of Pupillage in Legislation were to be passed in the angry Discussions, the constant Abuse which this Infringement on their Rights would give rise to? Except by such gross Impolicy and Injustice he could alone attribute this proposed Change, unless he could venture to attribute it to a miserable Jealousy of this Colony and its rising Greatness; and if so, he knew but One Parallel to it in History, and that was of an American Law which made it highly penal to teach the unfortunate African to read; thus debasing the poor Creature to the Condition of a Brute, to prevent him aspiring to be any thing beyond a Slave. But how miserable, how short-sighted, such a selfish Policy. (Cheers.) How much wiser and nobler to endeavour to extend her Dominion to every Portion of the Globe, and look on her Colonies as additional Countries added to the Empire, to carry into the remote Ends of the Earth the Language, the Arts, the Sciences, which had grown up under her own glorious Constitution, and to plant that Constitution, and the Rights and Privileges it gave, wherever British Colonization flourished. A different Policy than had been adopted to America would have made these great Colonies her fervent Ally in Peace or War, would have secured the Connexion between them in Amity for ever. And what Advantages would not America have derived from the Continuance of such a Connexion. In the Engagement of the Science, and Art, and Literature of England, the Language of the Americans, now so corrupted and alloyed, would have retained its Purity. Her Nobles and her Senators would have been educated at British Colleges, and the great Institutions of the parent Country would have flourished again in the generous Emulation which would have been excited in the Offspring. But such had not been the Case. But England should recollect, in the contracted and unjust Colonial Policy she was now pursuing, that the Fate of Nations was never beyond an overwhelming Destiny. That though through her energetic Intellect Science had led her to the most important Place amongst Nations, yet notwithstanding her Resources she might be bowed and broken before some unexpected Tempest. The miserable Failures of the Crops which lately caused Suffering so intense throughout the Empire ought to be a Warning to her, for should that Failure have extended throughout Europe, and it had done so Twenty Times in the Annals of History, how advantageous, when those Supplies failed which neighbouring Countries were accustomed to give her, to be enabled to turn for Aid and Assistance to her far-off Colonies, which, under a System of Policy which would plant the Institutions of the parent Country amongst those which would have nothing but the Distance of Space between the Rights exercised by Englishmen at home and Englishmen here, would hold out every Inducement to Immigration until their mighty Resources were fully developed. (Cheers.) Most Nations had gone down in the World, and England might yet be doomed to share their Fate. He did not say that any had been her Equal in Resources and Greatness, but that they stood in their Day much in the Position she at present occupied in relation to the rest of the World. Let the Colonists then show to the People of England that they were fit to enjoy those Privileges which the Constitution of England made their inalienable Right. That they knew how to choose between Slavery and Freedom, and would not tamely submit to have their Liberties taken from them or endure in Silence the Scourge of the Oppressor. (Cheers.)

Mr. James

Mr. James Martin could assure them that it was a most high Gratification to him on looking round at that Meeting to see Men of so many different Opinions, whose political Views were in general so hostile to each other, assembled to make common Cause in resisting the Measure sought to be inflicted on them by Earl Grey. He was sure that on no previous Occasion, however urgent, had many of the Gentlemen around him ever acted in concert. But he was not surprised to see them now, for they were called on to act as Englishmen in resisting an Oppression that would put an end to everything worthy the Name of Liberty. On such an Occasion as the present it was difficult to preserve that Moderation in Language in which all such great and momentous Questions should be discussed. If the Measure had been proposed to them for their Consideration and Acceptance it would be enough to excite their just Indignation to imagine them base enough not to scorn it; but how much worse was their Position, when they yet scarcely knew that Earl Grey had not already carried his Views into effect without even the Appearance of asking for the Assent of the Colonies. There was an Ambiguity in the Despatch of the Secretary of State which left it extremely difficult to determine what Course he intended to pursue. At the Close of the Despatch he found the following Paragraph:—

“What I have written will, however, I trust, be sufficient to relieve the Anxiety of the public Mind in New South Wales respecting Arrangements pregnant with Results so momentous to that Part of Her Majesty’s Dominions, and therefore so deeply interesting to every other Member of the widely extended Empire over which Her Majesty reigns. It will be no slight Relief to the Responsibility of proposing such a Change to find myself in possession of the most complete local Intelligence, and supported by the Opinion of the most eminent local Authorities.”

From the first Part of this Extract it would seem doubtful whether Earl Grey wished the Colonists to give any Opinion on the Matter at all. If he did so, why did not he candidly and openly send the Despatch to the Governor to be at once published, and thus elicit public Opinion upon it? In the latter Part however he states that he wishes his Opinions to be confirmed by eminent local Authorities; and what Authorities would he have if he reject that of the chosen Representatives, who have utterly repudiated the System of District Councils, on which the notable Scheme rests? Reading the Despatch, and looking at its Tone and Tenor, there could be no Doubt that the proposed Innovation in the Constitution was a Blow levelled at the Legislative Council, and that it was not proposed from any abstract Good in it. It arose not from the spontaneous Belief in the Minister’s Mind that it would be an Improvement, but was traceable, he had no Doubt, to the Suggestions of Sir George Gipps, who, finding, that even backed by the Twelve Nominees in the present Council, he had been unable to carry his Measures against the Representatives of the People, suggested this insidious Scheme to take from these Representatives what little Power they ever possessed. The Gentleman who had preceded him had paid a well-merited Tribute to the existing Council. The different Measures which had been passed by that Body might be viewed in different Light by Persons of different Opinions; but they were the Result of an honest Sense of Duty, and in many Instances had greatly benefited the Colony. But whatever their Acts, the Council had done great Good by showing the Colony for the first Time how public Business was carried on: It had infused into the Community a Spirit which had never before existed, and which, gradually growing up, would fit them for due and proper Exercise of all their constitutional Rights; and this of itself was enough to entitle them to respect. That this was the Object of the new Measure was evident; for it was repeated over and over again in the Despatch that the Council had got all the Power, and therefore it was proposed to erect Two Houses of Legislature, one of which should be composed of Nominees of the Crown only, which should stand between the Representatives and the Government. The Question of whether Two Houses were better than One, might be disputed. In an independent Country perhaps it was so. But here they had no Materials for the Constitution of a Second House. They were dependent for its Constituents solely on the Will of the Government, which would give it a very different Position to that occupied by the House of Lords at home. Far better for them to keep the Constitution they had at present, which had as yet worked well, and had not been found fault with by the Colonists. There were Two prominent Points of Objection to the proposed Change to which he would briefly advert; first, the Continuation of District Councils; and second, giving those Bodies Power to elect the Legislature. Now the Expression of the Opinion of the Legislative Council, in regard to the first of these Points, ought to have convinced Lord Grey, if he were sincere in his Expression of a Wish to be supported by the Opinion of local Authorities, that such a Measure must be most distasteful to the Colonists. In spite of all the Exertions of the Legislature, the earnest Desire evinced to bring these Bodies into existence, not One of them had as yet performed any one of the Duties that were designed for them in the Constitutional Act. The Legislative Council had from the first resolutely set their Faces against investing them with Power to exercise those Functions which they were intended to exercise. They would have nothing to do with District Councils, and had told the Secretary of State so, distinctly and emphatically; and after having been called into being Five Years, not one had exercised any of its Functions. One indeed of these Institutions, which had obtained for itself a most unenviable Notoriety, had appeared to sustain an Existence,—the Parramatta,—but he denied that even this one had exercised any of its legitimate Functions. It was intended that District Councils should have Powers to assess Property, and make Rates and Taxes for divers Purposes,—

not

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not one of which it had performed, and therefore was virtually defunct. But with the full Knowledge of all this, the British Government persevered in the Endeavour to force this Measure down the Throats of the Colonists. But the more important View in which this Measure was to be looked at was, the Establishment of the Position of Constituents and Representatives between these Bodies and the Legislature; or what was, in other Words, virtually taking from the Colonists the Privilege of the Elective Franchise. There was no Precedent whatever under the British Constitution for a Measure like this. True it was that before the passing of the Reform Bill certain limited Bodies and Corporations did send Members to Parliament; but it was a Right they did not possess under the Constitution, but which they had usurped in the gathered Corruptness of Ages. But even if it existed before the passing of the Reform Bill, any such Right had been repealed; and under the Constitution as it now stood no Member of the Legislature could be elected by mere local Bodies, but must be elected by the great Body of Electors. It was urged indeed, by Earl Grey, in his Despatch, that it was proposed by this Measure to assimilate the Constitution of these Colonies to that of the old American Colonies. There was a specious Policy in this, as it was generally imagined that the Constitutions of the American Colonies were free and based on that of Great Britain. When he first read the Statement of Earl Grey, he must acknowledge that it did startle him a little. He thought he knew something, had read something, of the History and Constitution of the old American Colonies, but he certainly remembered nothing in it at all resembling that which it was proposed to inflict upon this Colony. But when he reflected the Weight which such an Assertion should have coming from a Person in the high and responsible Position held by his Lordship, a Position which could not be held without the Possession of at least much Talent and Information, he perused and referred to the Authorities on the Subject; and in the very highest that could be adduced, that of Judge Storey, he found the following Passage:—

“ The American People had long been in the Enjoyment of the Privilege of electing, at least, One Branch of the Legislature, and in some of the Colonies, of electing all the Branches composing the Legislature. A House of Representatives, under various Denominations, such as a House of Delegates, a House of Commons, or, simply a House of Representatives, emanating directly from and responsible to the People, and possessing a distinct and independent Legislative Authority, was familiar to all the Colonies, and was held by them in the highest Reverence and Respect. They justly thought, that as the Government in general should always have a common Interest with the People, and be administered for their good, so it was essential to their Rights and Liberties that the most numerous Branch should have an immediate Dependence upon and Sympathy with the People. There was no Novelty in this View. It was not the mere Result of a State of colonial Dependence, in which their Jealousy was awake to all the natural Encroachments of Power in a Foreign Realm. They had drawn their Opinions and Principles from the Practice of the parent Country. They knew the inestimable Value of the House of Commons as a compound Branch of the British Parliament; and they believed that it had at all Times furnished the best Security against the Oppressions of the Crown and the Aristocracy. While the Power of Taxation, of Revenue, and of Supplies remained in the Hands of a popular Branch it was difficult for Usurpation to exist for any Length of Time without Check, and Prerogative must yield to that Necessity which controlled at once the Sword and the Purse. No reasoning therefore was necessary to satisfy the American People of the Advantages of a House of Representatives, which should emanate directly from themselves, which should guard their Interests, support their Rights, express their Opinions, make known their Wants, redress their Grievances, and introduce a pervading popular Influence throughout all the Operations of the Government. Experience as well as Theory had settled it in their Minds as a fundamental Principle of a free Government, and especially of a Republican Government, that no Laws ought to be passed without the Co-operation and Consent of the Representatives of the People, and that these Representatives should be chosen by themselves without the Intervention of any other Functionaries to intercept or vary their Responsibility.”

This was the Account given by the great American Jurist of the Constitution of his Country previous to the Revolution, and it was a direct and authoritative Contradiction of the Assertion made by the Earl Grey that his Scheme of double Election was at all similar to that which existed in the British Colonies in America. Speaking of the Advantages of this System of direct Representation as applied to the Election of the Members of the lower House of Congress, Mr. Justice Storey has the following most conclusive Arguments:—

“ The Choice too is to be made immediately by them, so that the Power is direct, the Influence direct, and the Responsibility direct. If any intermediate Agency had been adopted, such as a Choice through an electoral College, or by official Personages, or by select and specially qualified Functionaries *pro hac vice*, it is obvious that the Dependence of the Representative upon the People, and the Responsibility to them, would have been far less felt and far more obstructed. Influence would have naturally grown up with Patronage; and here, as in many other Cases, the legal Maxim would have applied, *Causa proxima, non remota, spectatur*. The select Body would have been at once the Patrons and the Guides of the Representative, and the People themselves have become the Instruments of subverting their own Rights and Power. The indirect Advantages from this immediate Agency of the People in the Choice of their Representatives are of incalculable Benefit,

“Benefit, and deserve a brief Mention in this Place, because they furnish us with Matter for most serious Reflection in regard to the actual Operation and Influences of Republican Governments. In the first place, the Right confers an additional Sense of Personal Dignity and Duty upon the Mass of the People. It gives a strong Direction to the Education, Studies, and Pursuits of the whole Community. It enlarges the Sphere of Action, and contributes, in a high Degree, to the Formation of the public Manners and national Character. It procures to the common People Courtesy and Sympathy from their Superiors, and diffuses a common Confidence as well as a common Interest through all the Ranks of Society. It awakens a Desire to examine and sift and debate all public Proceedings, and thus nourishes a lively Curiosity to acquire Knowledge, and at the same Time furnishes the Means of gratifying it. The Proceedings and Debates of the Legislature, the Conduct of public Officers, from the highest to the lowest, the Character and Conduct of the Executive and his Ministers, the Struggles, Intrigues, and Conduct of different Parties, and the Discussion of the great public Measures and Questions which agitate and divide the Community, are not only freely canvassed, and thus improve and elevate Conversation, but they gradually furnish the Mind with safe and solid Materials for Judgment upon all public Affairs, and check that Impetuosity and Rashness to which sudden Impulses might otherwise lead the People, when they are artfully misguided by selfish Demagogues and plausible Schemes of Change.”

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No Person could read that Reasoning without being convinced of its Propriety, but what did Earl Grey's Constitution propose to do? To take away the elective Franchise, to give them no Control over the Legislature, except by electing District Councillors, to make the Representatives not responsible to the People or to the Councils, for such would be the Effect. He would refer to another Authority on this Point, and one which would always guide them aright in constitutional Matters,—the Authority of Edmund Burke:—

“With you there is little or rather no Connexion between the last Representative and the first Constituent. The Member who goes to the National Assembly is not chosen by the People, nor accountable to them. There are Three Elections before he is chosen; Two Sets of Magistracy intervene between him and the primary Assembly, so as to render him, as I have said, an Ambassador of a State, and not the Representative of the People within a State. By this the whole Spirit of the Election is changed; nor can any Corrective which your Constitution-mongers have devised render him anything else than what he is. The very Attempt to do it would inevitably introduce a Confusion if possible more horrid than the present. There is no Way to make a Connexion between the original Constituent and the Representative, but by the circuitous Means which may lead the Candidate to apply in the first instance to the primary Electors, in order that, by their authoritative Instructions, (and something more perhaps,) these primary Electors may force the Two succeeding Bodies of Electors to make a Choice, agreeable to their Wishes. But this would plainly subvert the whole Scheme. It would be to plunge them back into that Tumult and Confusion of popular Election which by their interposed Gradation of Elections they mean to avoid, and at length to risk the whole Fortune of the State with those who have the least Knowledge of it and the least Interest in it. This is a perpetual Dilemma into which they are thrown by the vicious, weak, and contradictory Principles they have chosen. Unless the People break up and level this Gradation it is plain that they do not at all substantially elect to the Assembly; indeed they elect as little in Appearance as Reality. What is it we all seek for in an Election? To answer its real Purposes you must first possess the Means of knowing the Fitness of your Man; and then you must retain some Hold upon him by personal Obligation or Dependence. For what End are these primary Electors complimented or rather mocked with a Choice? They can never know anything of the Qualities of him that is to serve them, nor has he any Obligation whatsoever to them. Of all the Powers unfit to be delegated by those who have any real Means of judging that most peculiarly unfit is what relates to a personal Choice. In Case of abuse that Body of primary Electors never can call the Representative to an Account for his Conduct. He is too far removed from them in the Chain of Representation.”

And a little further on the same great Statesman adds thus:—

“As in the End all the Members of this elective Constitution are equally fugitive, and exist only for the Election, they may be no longer the same Persons who had chosen him to whom he is to be responsible when he solicits for a Renewal of his Trust. To call all the secondary Electors of the Commune to account is ridiculous, impracticable, and unjust; they may themselves have been deceived in their Choice as the Third Set of Electors, those of the Department, may be in theirs. In your Elections Responsibility cannot exist.”

There was One other Fact to which he wished to allude, and it was the remarkable Fact, that this Measure, worse than the Rotten Borough System at its Height, was proposed by the Son of a Statesman who for more than Half a Century battled, and battled successfully at last, to abolish these rotten Corporations. With these Remarks, he begged to second the Resolution. (Cheers.)

Mr. Hipkiss, as one of the humbler Classes, would beg to say a few Words on the Resolution. He was not going to oppose it, for he objected to the Measure of Earl Grey,

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and agreed in most of what had fallen from the Gentlemen who preceded him ; but as his Objections took rather a different Shape, he wished to express them. (Cheers.) He objected to it because it would do Evil to England, for it never could be carried out. To attempt the Constitution of an Assembly to legislate for a Variety of Colonies, whose Interests were totally distinct, would give rise not only to endless Dissension and Jealousies, but must terminate fatally to the Colonial Empire of Great Britain. (Cheers.) The Measure was the Child of the French Revolution. The same System had revolutionized France, and he warned them that it must eventually lead to Revolution here. (Cheers.) It was little Matter to him whether the Measure was adopted or not ; long before its Results could be seen he should be Dust and Ashes, but he warned them to resist this Measure to the utmost, if they would preserve their Constitutional Liberty, and avert the Horrors of Revolution. The Measure would be fatal to the Colonists, and God send it might not be carried out. (Cheers.)

The Resolution was then put, and passed unanimously.

Mr. S. A. Donaldson should approach the Duty which had been allotted to him with much Fear, did he not know how ably he should be backed by the Gentleman who had been appointed to second it, their tried Representative, Mr. C. Wentworth. (Cheers.) Feeling, however, perfect Confidence in the Manner he should be supported, and equally confident of the Voice of the Meeting going in favour of the Resolution, he advanced boldly to the Charge, in the true Spirit of British Soldiers, looking not on the Foe before him, so long as he could rely on the Rearguard. With regard to the few Observations he had to make, he regretted to detain the Meeting for a few Moments, but would promise to be as brief as possible, and to put his Remarks into plain Language. In order to make these Remarks intelligible, he would read the Resolution he had to move. It was as follows :—

“ That the proposed Measure will have the Effect of depriving the Colonists of the
“ Elective Franchise, which we maintain to be our inalienable Right, as British
“ Subjects.”

It would be seen that in the Consideration of this Resolution Two Points arose : first, the Effect of this Measure in depriving them of the Elective Franchise ; and, secondly, that such Franchise was their inalienable Right. Before proceeding to consider these Points it would perhaps be well to see what was the Meaning of the Word Franchise ; “ to enfranchise ” was to make free, and therefore the Word “ Franchise ” was the Synonym to Liberty. Every British Subject, high or low, rich or poor, was therefore born with a Right to this Franchise, which no one, not even Parliament itself, could take from him, and which was limited only by the Power which created it, and which had fixed on a certain recognized social Position as the only Qualification necessary to its Possession, and possessed of this Qualification every Man in Great Britain had a Right to enter upon the Enjoyment of it. Every individual Man who has attained that social Position is as capable of enjoying that Right equally with the highest and wealthiest of the Realm. It is as free to him as the Air he breathes, and such social Position may, by honest Industry, actuated by a noble Desire to obtain this Privilege, be attained by the most miserable. As he had before stated, the Right once enjoyed could not be taken from any British Subject, even by Parliament itself, without his own Consent ; because, although it might be said, and he would concede it for the Sake of Argument, that Parliament might commit an Act unconstitutional in itself, they might rest assured they would be unable to carry any such Act into effect. The Pressure from without, the Feeling of awakened Resistance to any Infringement on constitutional Rights, would be too strong to admit of it for a Moment, and the Voice of the People whom that Parliament was sent to represent would put a Stop to it before any such Bill could be passed into Law. The Parliament of England who would consent to such a Measure would cease to exist before they could perpetuate it without the Consent of the Electors themselves. Now they had only to import this same Argument from Great Britain to Australia. Every British Subject resident in Australia, whether born in Great Britain or born of British Family here, was born with the same Right as any British Subject at home. This, he hoped, was not denied, for the Parliament of England had themselves recognized that Right, and had fixed the social Position at which the Colonist may exercise that Right, a Right which he has already enjoyed and exercised. (Cheers.) He would therefore assert, and assert it boldly, that having enjoyed this Right, of which Parliament, powerful, aye, nearly supreme as it is, could not, and dare not, attempt to deprive the meanest English Subject, could not take from them that Right, without an Appeal to themselves. (Cheers.) They must first obtain the Consent of the Colonists, either by a direct Appeal or through their Representatives. He repeated they could not do this lawfully ; by the strong Hand they might deprive them of their Rights, might force this Measure upon them, as they might commit any other Act of Oppression ; in the Way, in fact, in which almost every Act of Colonial Legislation had been managed at home. The Minister might go down to the House, and propose, and read, and pass any Bill into Law which the Parliament neither knew nor cared anything about, passing it, indeed, as in the Case of the Act under which the Legislative Council of the Colony was granted, in a House not numbering Forty Members. (Cheers.) He must again repeat it, the Measure, if passed, would be opposed to the Spirit of the Constitution, and would not be Law. If passed it would be to the Prejudice of Rights already granted, which they had an inalienable

able and indefeasible Claim to. It would be an Invasion of their Privileges, of their Constitutional Liberties, to which they must be lost to all Pride, dead to all Feeling, sunk to the lowest Depths of political Wretchedness, if they could submit without a manful, straightforward, and British Protest and Remonstrance against a Measure so iniquitous. The very People from whom they sprung would reproach and condemn for base Subserviency if they were silent on such an Occasion as this. If this disgusting, this disgraceful Law, should pass, let it die; but let them not be any Parties to their own Degradation. The Electors Franchise, which it was now proposed to take from them, was, as stated in the Resolution he held in his Hand, their inalienable Right as British Subjects. It was their inalienable Right, and let no Man forget the proud Distinction which attaches to its Enjoyment,—the Connexion, which he prayed to God might never be disowned, between themselves and the mother Country. That Connexion, the Glory of their Origin, they would deserve to lose, if they did not speak up fearlessly for the Rights and Privileges which for ever belong to it. (Cheers.) One of the Gentlemen who had preceded him had alluded to the political Education of the Colony. Truly had he informed them that Step by Step had they attained their present Position; that the Concessions which had been made had been wrung from the Home Government only by constant Application. But where they had attained the Elective Franchise, where they had shown how justly they appreciated its Value, the Use they had made of it, they had a Right to expect that unlimited Control of public Praise would have been conceded to their Representatives, and that the next Step on the forward Path would have been the Abandonment of the Schedules. Far, far different, however, was the Case. Instead of abandoning the Schedules, the present Measure proposed to cut away from beneath the Fraction of political Liberty they had already obtained, to take back in 1848 that which was granted in 1842. It had been suggested that this Measure did not emanate from the Minister; that it had arisen from the Suggestions of one who, though since dead, whilst presiding over the Government of the Colony, had exhibited a constant Predilection for these impracticable Institutions of District Councils. He would fain walk tenderly over the Grave of the high-minded and the great,—would deal gently with departed Talent; but let them not forget that they too had their Martyr in the Strife which that Predilection caused. But a few short Weeks ago and they had laid in the Grave one who had been the unflinching Champion of their Rights,—who had never been absent from his Post, but had battled Inch by Inch for that Freedom which they had now gathered together to protect. (Cheers.) His Services in the Cause of Freedom would not be forgotten. He had passed away, but the Memory of his Exertions, his Labours, his fearless Zeal, would never be effaced from the Heart of his Country; and when in the successful Termination of the Struggle in which they were engaged,—when in the Atmosphere of constitutional Freedom the Colony should wax great and powerful, in her Hall of Archives, adorned by the Effigies of the illustrious Dead, a proud Niche would be found for the honoured Bust of Richard Windeyer. (A Burst of most enthusiastic Cheering followed the Mention of Mr. Windeyer's Name.) The Proposal of double Election would deprive them of the Right of the Elective Franchise. On this Part of the Question he was obliged to generalize very much; for the studied Reserve which characterized all official Communications had precluded the Right Honourable the Secretary of State from fully enlightening them as to the particular Infliction under which they were to suffer. But as the main Ingredient in the Change was directly pointed out, and as they knew from the published Particulars of the neighbouring Island of New Zealand that the Plan of Lord Grey was to work by the odious System of double Election, it would be sufficient for his Argument to show how this would involve the Withdrawal of the Franchise which they now enjoyed, and which he trusted he had succeeded in showing they enjoyed as a Right. Here he would appeal to those who worked; those whom he looked upon as the Thews and Sinews of the social Body; and he would adjure them not to be misled and deceived by the specious Seeming and Sophistries of any one who might attempt to persuade them that they would have greater Power and Influence in the proposed Changes. They would have less, for they would lose all Control over their Representatives, who would be responsible only to the Members of those District Councils who returned them. The Nature of the Colony too, its scattered Population, rendered it totally unfit for the Establishment of District Councils. In a Country with a concentrated Population such Municipalities might work, but even then the Grounds to choose a Representative for the Purpose of making local Improvements were entirely different from those which should induce them to elect a Representative Law-maker. Again, the infallible Result of such a Close Borough System must be that Bribery and all Sorts of corrupt Influence would be brought to bear on Elections, with all their concomitant Degradation and Misery. Slavery instead of Freedom, Anarchy instead of Peace, Retrogression instead of Improvement, would pervade. It was their Duty to make a Stand, a firm Stand, against the odious Measure. They had been told of the high-minded Sentiments, the noble Words which had been spoken in the House of Lords on the Subject of Colonization. He admitted these Words were noble, but practically he feared their Effect would be lost before they reached New South Wales. Like the Stone dropped into the Centre of a calm Lagoon, they knew that by a Law of Nature the expanding Circles would extend to the very Shores of the Lake, but in so gentle a Manner that they were seen and unnoticed. The Blast of the Trumpet which sounded to the Charge would vibrate through the Realms of Space; but the distant Vibrations were not audible to human Ear; and generous and high-minded as the

Encl. 2. in No. 3. the Principles laid down in the Colonization Report undoubtedly were, he feared they would scarcely reach this Colony. It was, however, to make a firm Appeal against this Measure; and the Promptitude with which all Classes of the Inhabitants of Sydney had come forward to assert their Rights would find a Response in the distant Districts. Petitions from all Quarters would pour in, and when the universal Feeling was full and firmly expressed, he trusted the Appeal would not be made in vain. (Loud cheering.)

Mr. Wentworth rose to second the Resolution, and was received with loud Cheers. In appearing before them he could not but express his Gratification at the Warmth of his Reception amongst them. It showed him that however in some Quarters the Course he had adopted on some Occasions had been disapproved, that they at least gave him Credit for Sincerity and Honesty of Intention. (Cheers.) In common with many other Members of the Council he had felt some Reluctance to take any Part in these Proceedings, because the proposed Measure being clearly intended as an Attack on the Legislative Council, to reduce its Powers, any Opposition arising from its Members might be received with Suspicion by Her Majesty's Ministers, and would have but little Weight. They would recollect, that in the Words of the Despatch it was said the Council usurped all the Power of the Colony, and the Object of the proposed Measure was avowedly to reduce that Power. But when he saw that Meeting, thronged as it was with Thousands of all Classes and Shades of Opinion,—when he saw them with One Voice repudiating this Charge, he felt that as Units they might without Suspicion join in their Deprecation of the Injustice about to be committed upon them. He denied the Assertion of Lord Grey, that the Council had usurped any Power. The Council had done its best to ameliorate the Condition of the Colony, and to give it a larger Share of political Freedom; but little had it succeeded in doing. They had sent home Petitions and Addresses, and Lists of Grievances on all Subjects; but when the Power of the Council was talked of, which of all these Grievances had been redressed? Not a single one. But it was absurd to talk of the Power of the Council as long as it had not the Control of the public Purse. What could its puny Efforts do, when, without its Consent, the Government could take a Sum of 82,000*l.* for Payment of its Officers? True, if the Council had been insane enough, had so far forgotten the Interests of their Constituents, they might have embarrassed the Government by stopping the Supplies; but the sole Sufferers would have been the Community, as the Payment of the Salaries of the Government would have gone on the same as ever. It has been objected to the Council by the Minister, that it had not put the District Councils into operation. If that was the Objection, why did not the English Government give Life to these Bodies, instead of leaving it to the Legislative Council, whose Duty it was to refuse to give them Vitality against the unanimous Wish of the People? With what Show of Wisdom and Prudence could the Legislature have put in operation a new System of Taxation when the Colony was already burdened with Imposts to a greater Extent than any other Country in the World? Was it not enough that a Colony containing about 200,000 Persons should be taxed to the Extent of 300,000*l.*? No doubt, to have burdened the Country to the Extent of some 40,000*l.* or 50,000*l.* more would have been very acceptable to the Government; but where was the Good of imposing Taxes when Men had not a Shilling to pay, and the Result of which must have been the Confiscation to the Crown of all the Lands on which they were levied? (Cheers.) There was one Peculiarity in the Despatch of Lord Grey, which was the Passage in which he speaks of the Anxiety of the public Mind in the Australian Colonies as to these new Arrangements. Now he must confess, for his own Part, that he should like to know in what Quarter this Anxiety existed. He had never heard that any such Change was in contemplation, until enlightened by Lord Grey's Despatch. In what Shape or Manner the Anxiety had been displayed it would be difficult to say. Where were the Petitions which had gone home on the Subject for any Alterations in the Constitution of the Council? True, it might be that some Difference of Opinion did exist as to the Formation of another House, but he knew of no absorbing Interest taken in the Question. The only Objection he had to the present Council was, that it did not possess Power enough. That the Restrictions by which it was surrounded were such as rendered it powerless for Good, and potent for Evil. (Cheers.) If the Schedules were withdrawn, then the People, through their Representatives, would have some Power, and this was the only Change he would advocate in the present Constitution, besides those recommended in the Report of the General Grievance Committee. It appeared to him that the Suggestions as to the Origin of this Measure were well founded. That it had arisen out of the Representations of the Governor, when he found in his numerous Encounters with the Council that it was strong enough to successfully resist Measures which it believed to be detrimental to the Interests of the Colony, but which that Government obstinately persisted in forcing upon it. Finding himself foiled in this, and that he could not always carry into effect the Wishes or Instructions of the Secretary of State, he must have made Proposals which the Minister was induced to accept, in order to make the Council subordinate to the Government, and this was the beautiful Scheme they had concocted. The Effect of this Measure would be to deprive them of the Right of Franchise, but he hoped the People of New South Wales would not submit to be despoiled thus of their inalienable Birthright. The Right of Franchise had always existed in the Anglo-Saxon Constitution, and was clearly traceable therein for at least 1,000 Years. It was confirmed in the great Charter of Great Britain, and in Twenty subsequent Charters, and finally in the Petition of Rights, and Bill of Rights at the Revolution. (Cheers.) It was too a Principle that the Rights which these Charters

Charters conferred on British Subjects should be carried by them into all Colonies planted by Great Britain; and therefore this audacious Attempt to take from them the Right of the Elective Franchise was nothing less than a gross Invasion of their Constitutional Rights. They had Constitutional Rights to this Privilege, and though Parliament have been powerful enough to withhold it so long, it had not any lawful Right to do so. (Cheers.) He was glad to find this Attempt of the Minister so unanimously resisted by all Classes. It would prove to that Minister that the People of New South Wales were not dead to a Sense of their Rights; that they wanted not his Change; and prove by their Remonstrances now that they never would accept any Change unless asked for by themselves. (Cheers.) He looked with peculiar Suspicion on this specious Boon, which the Minister so spontaneously offered to the Colony. He was firmly convinced that there must be some sinister Motive at the Bottom of it. They had never found the Colonial Office so ready to concede Boons when asked, as to be deluded into the Belief that they had now commenced to grant them of their own Accord. He did not believe there was any Good in it, on this ground alone, that if there had been, it would never have been offered. The Right of Franchise they had to importune for for more than Twenty Years, and now they had got it it was found to work too well for the Minister at home, to surely effect the Ends for which the glorious Privilege was designed, and so forsooth they would take it from them to give them something they did not want, and had not asked for. The Constitution, as proposed by Earl Grey, portended the most disastrous Effects. It would result in the same Spirit of Despotism, of unrestrained Bribery and Corruption, which existed in France, where the Members of the Legislature were elected by the Electoral Colleges, instead of the Mass of the People. Who could doubt the Corruptions of a System which took the Elective Franchise from the Thousands who exercised it, to vest it in some 200 Persons, who could at all Times be brought under the Influence of the Government, and over whom the People would have no Sort of Control? The same System in France, where the Elective Privilege was enjoyed by only about 180,000 out of a Population of about 40,000,000, had involved the grossest Corruptions and Abuses. A System of Bribes prevailed by which the Government, with the Means at its Command, could always secure a Majority in order that they might do as they liked with France; and they did do as they liked with that unhappy Country. This Measure would lead to the same Results; it was founded on the same Principle, and he warned them not to be deluded by it, but to scout it; to tell the Minister formally and boldly that they love their Constitutional Freedom too well not to abhor his Measure, and that they will have none of it. (Loud and continued Cheers.)

The Resolution was passed unanimously.

Mr. Michie.—If a Prize had been offered for a Plan for effectually enslaving a Community by some illusory Proposition of Concession of popular Rights, he believed that Earl Grey would in this Measure of his have carried off that Prize. (Cheers and great Laughter.) When he (Mr. Michie) left London he had a Vote for that City, and it was now proposed to take away that Right, of which, if any Government or Parliament attempted to deprive the meanest Citizen there, the Empire would rise as One Man to resist and punish the base Design. (Cheers.) It was said by some of the preceding Speakers that there were Parts of the Despatch which should be touched tenderly, as there might be Differences of Opinion about them; he was actuated by no such Scruples. He could see no Part of this most notable Scheme which was not most unwise and most wicked and unjust, and therefore in the few Remarks he had to make he should not feel called upon to approach with bated Breath anything that had emanated from his Lordship. (Cheers.) The whole Scope and Drift of the Scheme was, that the Inhabitants of New South Wales should have no Vote in the Election of their Representatives, except through the Medium of those District Councils; that these impracticable Municipalities were to be the only Means by which the Voice of the People could be brought to bear upon the Legislature, and the Members of these Bodies the only Persons in the Community to whom it would be safe to intrust this Duty of Election. (Cheers.) Now what was the Occasion of this Change? It had been suggested that the Council as at present possessed too much Power. Whatever Power they might possess, it did not seem as yet that they had ill-used it, or that the Colonists were at all dissatisfied. But if, in the Infancy of free legislative Institutions in the Colony, that Legislature should be somewhat crude, rash, or incautious, who could suffer by it but the Colony; who so interested in trying to cure the Defects in it as the Colonists alone affected by it? Are the Colonists so void of Common Sense and Intelligence as not to be able to see whether a Scheme of Legislation works beneficially or not? While, then, they had tried the present Constitution they found it work well; they found no fault with it, they asked no Change in it; and why fly to this System of District Councils? Why turn from the smaller Evils of our present Condition, “to fly to others that we know not of?” (Cheers.) But the District Councils and the Annihilation of the elective Franchise were not all. This would not be a sufficient Restriction on popular Influence, and so they must have a Legislative Council of Crown Nominees to sustain the Government Influence. But where were the Materials to come from in a Colony like this? Was it supposed for a Moment that such a Body would be in any way analogous to the House of Lords? Where would they find learned Lords to guide their Decisions? Where would they find any Fifteen Judges to direct their Councils? These Elements would be entirely wanting. What Substitute would they find for them? He should propose that such an Assembly should consist of the entire City Magistracy (Roars of Laughter);

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Laughter); and perhaps, to make the Thing complete, they should have the Judge of the Court of Requests sitting on a Woolsack as a Substitute for the Lord Chancellor. This was the Scheme dished up for New South Wales; this gross Piece of political Quackery. He intensely abhorred Quacks of every Description, whether they were Quacks medical, Quacks legal, or Quacks political. But of all quack Schemes never was one that equalled this. He looked upon it as a Kind of political Holloway's Pill (great Laughter), which Doctor Grey was to administer to cure all the Diseases, including the Excess of Power of the Council, under which the Colony laboured. They would see the Colony figuring Morning after Morning as a Kind of Set-off to the Earl of Aldborough. "New South Wales cured by Grey's Holloway's Pills, administered with the District Council Ointment." (Great Laughter.) He did at first pause whether it were not useless to take any Measure of Resistance, as he questioned whether they might already be politically defunct; but more mature Reflection had convinced him, that standing as they did, as it were between Life and Death, it was their Duty to come forward energetically and determinedly, in order that it might not be thrown in the Teeth of those good Men and true who would have to fight their Battle on the Floor of Parliament, that they had not sought to avert this Evil. The Minister of England knew very well that the People of New South Wales knew their Rights very well; and if they neglected to petition and protest and remonstrate, it would be argued that either they understood this Measure, and accepted it, with all its Evils; or that, knowing them, and anxious to avert them, they were content politically to die, and make no Sign. True, they might at present be a kind of Political Ghost, but it might be the Bill had not yet passed. They knew that a Whig Ministry was in; but they also knew that Whig Ministries of late Years had been very short-lived; and if Mr. Gladstone should have returned to Power, after the unceremonious Manner in which his New Settlement of North Australia had been disposed of, he would not be likely to be over-tender in slaughtering these little Innocents of District Councils of my Lord Grey. (Cheers, and great Laughter.) But whatever the political Squabbles of Ministers might be, it was at least a comfortable Reflection that when Whigs and Tories fell out, patient and suffering People got their own. The Resolution he had to propose was—

" That in consequence of the Dispersion of a large Portion of the Inhabitants of this Colony, any Measure establishing Municipalities similar in Principle to the District Councils attempted to be created by the Act of Parliament 5 & 6 Vict. c. 76. would be so repugnant to the Wishes and so adverse to the Interests of this Community, that it is utterly impossible that it could ever be brought into effective Operation."

Dr. Wallace seconded the Resolution.

Mr. Oakes felt it his Duty to come forward to make some Observations on the Reflections that had fallen from some of the Speakers in reference to District Councils, particularly that of Parramatta, of which he was a Member. (Great Laughter.) It was not true that the Parramatta District Council had done no Good. It had done a great deal of Good. (Cries of "Sit down," and "Go back.") It had not only expended Money (tremendous Laughter), but it had spent it well and advantageously to the District. But although he felt bound to stand up for the District Council of Parramatta, he no more approved of the present Measure than any one present, and should most strenuously resist it. The District Council at Parramatta had done their Duty; but they were not fit to be trusted with the Election of Members of Legislative Council. (Cheers.)

The Motion was then put, and carried unanimously.

Mr. James Macarthur would endeavour to compress the Observations he had to make into the least possible Space, as he saw the Meeting was getting rather impatient, and the Hour too was growing late. The Resolution he had to move was as follows:

" That the Colonists protest against being thus made the Subject of theoretical Experiments in Legislation, and are anxious to enjoy a Form of Government founded, as nearly as Circumstances will admit, upon the Principles of the British Constitution."

This Resolution enumerated Two distinct Propositions, both of which he intensely felt the Importance of. He contended, and would ever contend most zealously, that every British Subject had a Right to enjoy those constitutional Privileges which had at all Times been so dear to Englishmen. Though an Australian by Birth, he felt that he had a Right to stand there, and lift up his Voice to denounce this most fatal Measure. He had a Right to reflect back upon the parent Country the Ignominy and the Shame she would inflict upon Australia in daring to offer such a Scheme for enslaving her; a prouder Right than had any noble Peer who could consent to such a Proposition. He cared not whether this Scheme emanated from a Grey or from any one else, but he protested indignantly against it as a flagrant Breach of British Law. The Constitutions of all the Colonies contain Provisions that the local Legislatures should not pass any Act repugnant to British Law. How then, could any Minister attempt to insult this Colony with an Act by which the first and highest Principle of the British Constitution would be violated? He, however, laid not all the Blame of this atrocious Measure to Earl Grey, although as Colonial Minister he had affixed his Name to the Despatch, and of course must be held responsible for it. There was, as they all knew well, a behind-the-Scene Influence in

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Downing Street, where a Mr. Nobody or a Mr. Somebody were all-powerful, and who foisting Measures to serve his own Purposes on the Minister, then left him to fight his dirty Battles for him. He did not believe that Sir George Gipps had been the Author of the Measure, although it might be, from his pre-conceived Impressions formed in Canada, he might have strong Prepossessions in favour of these District Councils. But though a System of Municipalities might be very well suited to Canada and the American Colonies, although he had never been able to find anything analogous in the American Municipal Institutions to those Councils, they would be utterly impracticable here. It would be impossible to work them, even under the present Act, far less under the much worse Proposition of Earl Grey. It has been urged by Mr. Oakes, that the Parramatta Council had worked well; but he must say that he agreed with Mr. Martin, that it had not performed any of the Functions for which it was designed. It was true it had effected much good by spending Money derived from Tolls, and which must have been spent by some one, better than it had ever been spent before. But it was impossible to find in America, or any other Colonies, any such Bodies as were proposed to be formed under this Measure, and endowed with the sole Power of electing Members to the Legislature. Mr. Martin had quoted from Storey, the very highest Authority, from which they found that the Principle did not exist, and never did exist. In addition to the Authority already quoted, he would read an Extract or two that would confirm them, and show the Folly and Danger of constructing Constitutions on mere theoretical Principles. He quoted from Chalmers' Annals of the United Colonies of America:—

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“ Lord Baltimore, the Father of his Province, having lived to enjoy what few Men ever possess, the Fruit of the Tree which his own Hands had planted and watered, died in the Beginning of 1676, covered with Age and Reputation, in the Forty-fourth Year of his Government. Too honest a Man to scatter the idle Theories of the Projector among the Million, he published no Scheme of ideal Commonwealths to delude his Followers; and too wise not to mark the solid Texture and excellent Balance of the English Constitution, he resolved to build upon its Plan, and to rear that of Maryland with all possible Consimilarity.

“ After a few gradual Changes, proceeding from the Increase of Population and Alteration of Circumstances, that Form was soon established which has happily continued to the present Time (1780). In the Governor, the Council, and House of Representatives, we see the King, the Lords, and Commons of England in miniature.”

He should be glad to see Two Houses erected when they were fit for it; the Principle he thought a Piece of Justice, but they were not fit for it yet. They had no Materials for an upper House, and could not have for very long to come. In the same Author he found the following, in relation to the Constitution of South Carolina and Pennsylvania, and also of Maryland:—

“ Thus at the End of Twenty-three Years finished the Labours of Locke; thus was abrogated, upon the Requisition of the Carolinians, who had scarcely known One Day of real Enjoyment, a System of Laws intended to remain for ever sacred, but which, far from having answered their End, introduced only Dissatisfaction and Disorder.

“ The Carolinian Annals show all Projectors the Vanity of attempting to make Laws for a People whose Voice, proceeding from their Principles, must ever be the supreme Law.

“ The theoretical Frame of Government introduced by Penn underwent a similar Fate to the no less impracticable Constitutions of Locke. It was at once found inapplicable to the Condition of the Colony; and, after a Variety of Alterations which did not amend it, it was at length wholly laid aside, and a simpler Form established. What happened to both offer this instructive Lesson to Mankind,—to be content with the Principles handed down to them by their Fathers, and to be cautious how they remove ancient Foundations, in their Eagerness to adopt the Speculations of Theorists.

“ The Constitution of Maryland was simple, and therefore solid and durable. Under it the People enjoyed Repose to the Period of the American Revolution. Those of Pennsylvania and Carolina were too theoretical to be practicable, too flimsy to prove lasting, too complicated to work harmoniously; yet what did Honour to the good Sense of Calont has conferred no Celebrity on his Name; whilst that which was too wild and speculative to be useful has acquired the Praise and Approbation of Philosophers.”

He had already adverted to one Principle of Colonial Legislation, that it must not be repugnant to English Law; but there were other Principles which in the present Measure seemed to be entirely lost sight of, and in relation to which he would cite the eminent Authority of Mr. Justice Halliburton:

“ To what Extent the British Parliament has a Right to interpose its Authority, or how far the Power of the Colonial Assembly extends, it is impossible to ascertain with Accuracy. The Doctrine of the Competence of the one and the Independence of the other has at different Times been pushed to the Extreme by the Advocates of each. The true Distinction appears to be that Parliament is supreme in all external, and the Colonial Assembly in all internal Matters. The unalterable Right of Property has been guaranteed to the Colonies by the Act renouncing the Claim of Taxation, the 18th Geo. 3. * * * Taxation is ours, Commercial Regulation is theirs; this Distinction, says a distinguished Statesman, is involved in the abstract Nature of Things. Property is private, individual, abstract; and it is contrary to the Principles of natural and civil Liberty that a Man should be

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“divested of any Part of his Property without his Consent. Trade is a complicated and extended Consideration; to regulate the numberless Movements of its several Parts, and to combine them in one harmonious Effect for the Good of the whole, requires the superintending Wisdom and Energy of the supreme Power of the Empire. The Colonist acknowledges this Supremacy in all Things, with the Exception of Taxation and of Legislation in those Matters of internal Government to which the Local Assemblies are competent. * * * But in Matters of a local Nature the Imperial Control is well secured by the Negative of the Governor; by his standing Instructions not to give his Assent to any Law of a doubtful Nature without a Clause suspending its Operations until the King's Pleasure be known, and by the Power assumed and exercised of disagreeing to any Law within Three Years after it had passed the Colonial Legislature. With these Provisoes it is absurd to suppose, whatever may be said to the contrary, that the local Assemblies are not supreme within their own Jurisdiction; or that a People can be subject to Two different Legislatures, exercising at the same Time equal Powers, yet not communicating with each other, nor from their Situation capable of being privy to each other's Proceedings.

“I have already observed that the true Line is, that Parliament is supreme in all external, and the Colonial Assemblies in all internal Legislation; and that the Colonies have a Right to be governed within their own Jurisdiction by their own Laws, made by their own internal Will. But if the Colonies exceed their peculiar Limits, form other Alliances, or refuse Obedience to the general Laws for the Regulation of Commerce or external Government, in these Cases there must necessarily be a coercive Power lodged somewhere; and it cannot be lodged more safely for the Empire at large than in Parliament, which has an undoubted Right to exercise it in such Cases of Necessity.”

From this Authority it will be seen that in all Matters relating to themselves they are the right Persons to judge of what is best for them; and surely in a Question of this Sort, the Bearings of which must be governed so entirely by the internal Circumstances of the Colony, there could be no Doubt that the Colonists were the best Judges. Another Objection to this System of District Councils was, that in giving them the Power of double Election, the little Good that was previously in them would be destroyed, and they would become the mere Instruments of all Sorts of Mischief. It filled him with Indignation to see an Attempt at speculative Legislation of this Sort attempted to be foisted on this Colony. He said this not in Bitterness of Spirit, but he trusted that the Colony would stand firm, and protest against this Measure; that they would send their Remonstrances and Memorials to Her Majesty's Government, to prevent Vitality ever being given to this Measure. As for the after Destiny of the Colony, he had no Doubt that it would be a bright one; that a long and glorious Career was reserved for it; but as an Australian, on the Part of the Colony, he entered his deep and solemn Protest against this Attempt to subvert its constitutional Liberties.

Mr. Lowe rose to second the Resolution, and was received with deafening Cheers from all Parts of the House. He had no Authority to read to them, but he had one to cite. He spoke to their Feelings as Men, as British Men, and it needed not that he should read his Authority to them, for he well knew that there was not a Man in the Assembly who had not the Authority on which he stood graven upon his Heart. That Authority was the British Constitution. (Tremendous Cheers.) He would not refer to any of the Constitutions made up on Speculation by rash Politicians, scheming Experimentalists, speculative Empirics, crack-brained Philosophers, or witty Schoolmen; but he referred to that great and noble Constitution, the Bulwark of English Liberty and English Rights, which had ripened with Time, and grown with the Growth of Ages, beneath the jealous and fostering Care of the Wisdom and Experience of great and learned Men; that Constitution which with the Lapse of Time was stable as the Hills, and was justly their Pride and Honour, and which in its Guardianship of the Liberties of the Subject had become the Joy, the Pride, the Emulation of the Universe. (Cheers.) The Resolution he was called upon to second wished to assimilate the Constitution of this Colony to that of the Parent Land; and if there was a Man among them who refused to assent to it, he would tell him with Scorn and Contempt he was unworthy of the Name of Freeman. It was under this Constitution that they had enjoyed, since a Period that could not be traced out, the glorious Boon of living under Laws made by the Men elected by their own Choice. This was the Principle they were seeking to bring out here; this was the System which had been the cherished Pride of the Anglo-Saxon Race in all its Wanderings; and this was the only intelligible Principle of Representation, and not the degraded, absurd, nonsensical Scheme propounded by Earl Grey. Under this Principle, if he were elected to represent any Constituency, he should know what to do. He should explain his Principles to his Constituents, and if they approved of them they would return him; but under this atrocious Scheme he could know only the Ten Jobbers who sent him there, and protect their Interests, to the Injury of the 1,000 who might not want him at all. This was the Constitution they were asked to accept as an Extension of constitutional Privileges,—this miserable Counterfeit, by which they were to be chiselled, cheated, choused out of their dearest constitutional Right. (Cheers.) And how would this famous Plan work; what would be its Effect, but to give the Government an absolute Control of the Legislature? With the Means at the Disposal of the Government, its immense Revenues, Places could be made, Honours conferred

conferred on these District Councillors to enlist them in favour of the Government, until the elected Legislature would cease even to represent their Ten Constituents, but would become entirely subservient to the Government. (Cheers.) And what a Position for a Man of Honour, Education, and Independence to represent such a Body. Before he could descend to such degrading Meanness, such grovelling Servility, as to become the Delegate of these Men, Honour, Education, and Independence must be alike forgotten. He repeated, their "Delegate," not their "Representative," for the Test of the Support of One of these Ten Jobbers would be, what could he do for his Son Jack. The Power would now all be given over to these Ten Individuals; and never did an Instance of such Impolicy occur that the Power delegated was not grossly and systematically abused. (Cheers.) He had thought that it was the Policy of good Government to provide for Peace, and not for Anarchy,—to centralize, not to federalize. What would be thought of any such Attempt to establish this local Representation and this Principle of double Election in any of the Counties in England? It was never attempted in England, or in any of the other Colonies; but it was attempted here, of all Places, where, instead of the Land belonging almost entirely to Individuals, it nearly all vested in the Crown. Suppose such a System were introduced into Cornwall, there would be a general Resistance from Fear of Ruin; but here Money was to be raised by Taxation by these local Bodies, to be expended in Roads and Bridges on Crown Lands, in the Effort to gull others to come out. There was another Point, that the Establishment of these local Legislatures all over the Country would give rise to Confusion as to the Jurisdiction, and endless Dissension would be the Consequence. As others had done, he had felt some Doubt whether, as one of those Oligarchs mentioned in the Despatch, one of those aristocratic Giants that grind everything here beneath Foot, he ought or ought not to take any Part in the Proceedings; but when he saw a Meeting like the present, which no Power of any Members of the Council or their Deputies could have got together, he felt he was called upon to take this Duty on himself. As for the Approval or Disapproval of the Colonial Office of the Proceedings of the Council, he must say, that, looking as he did at any of the Persons connected with that Office with the most unmitigated Contempt, he felt their Dislike of their Proceeding to be an Honour, and a Proof in itself that they had fulfilled their Duty to the Colony and their Constituents. He could only advise them that should they ever have a Council on which the Sun of Downing Street Favour should shine, to take the earliest Opportunity of packing such a Council about its Business as a Set of dishonest Traitors to the Trust imposed in them. (Laughter and Cheers.) Previous Speakers had indulged in some Speculation as to the Origin of this proposed Measure, and he might perhaps be permitted to give his own Speculations on the Point. When the Constitutional Act was passed, it was attempted to foist these District Councils on the Colony, except that the Representatives of the People stepped in to stop these Hell-hounds of Confiscation. The Legislature would not vote these Councils the Power to levy Rates, which would have had to be collected by the Government, perhaps at the Point of the Bayonet, and certainly to the utter Ruin of the Colony. The Downing Street People saw that the Legislature could discriminate the Bad which was so mixed up with the Good in the Boon offered; and, determined to have its Will, they mixed up the Bad with the Good so that neither could be accepted if both were not. They did what the Tyrant of old did; they tied the living to the dead,—fastened these inanimate Corporations to the quick Vitality of Elective Representation; and then, as Earl Grey proposed, insisted on their taking what they had before rejected. (Great Cheers.) This was the Way in which the Colonial Office played upon the Feelings of the Colonists, and trifled with their dearest Rights and Liberties. Because they had a Spirit of Independence,—because they had Feelings of Veneration and Love for the Constitution of their Forefathers, and which conferred on them the same Privileges as an inalienable Right,—they were to be crushed by this Measure, which either by Force or Fraud was to be foisted upon them. But if the Colonists were of his Mind, they would show the Minister that there was a Limit beyond which the sluggish Legislation of Downing Street could not pass. Although they might hear of their Weakness, and, relying on the Strength of the irresponsible Power they wielded, they might withdraw the present Constitution, and they might inflict upon them the other,—yet there was one Thing they could not do,—they could not make them accept the Act, and act upon it. They might take the Horse to the Water, but they could not make him drink; they might tie the Millstone round their Necks, but they could not make them carry. They might pipe, but the Colonists need not dance; and if they would be advised by him, they would leave this Act, this damning Proof of Colonial Office Tyranny, to rot in its own Loathsomeness,—to put it from them as a Thing accursed, and have no Part whatever in working it. (Immense Cheers.) If they were not indeed Bastards to the Race they sprung from, they would never become Instruments to their own Slavery and Ruin; they would never, under any Sufferings, any Sacrifices, surrender that constitutional Freedom, fought and bled for by their Ancestors, and without which Life to an Englishman must be a galling Slavery. (Cheers.) He for one would show them an Example, and would denounce as a Traitor to his Country, as a Renegade from the Spirit of Freedom of his Race, any Person who should by Act or Part, by electing, or suffering himself to be elected, assist in carrying out the Provisions of this detestable Measure. The Colonial Minister might send it, but the Colonists might leave it to itself. (Cheers.) He disclaimed in this Instance anything like the Policy of making the best of it. Let them leave the wretched Offspring of Tyranny and Indolence still-born—dead. (Cheers.) They

Encl. 2. in No. 3. They had no Power to resist this Measure forcibly. It would, indeed, be idle for them to measure Strength with the greatest Power on Earth. Out of their Weakness grew their Strength; they could passively resist, and let them leave this Act to them altogether. Let them, when they found that the Colonists will not accept it, will not on any Condition have anything to do with it, will not pollute their Souls by putting any of its foul Provisions into operation,—let them take their Scheme back amidst the Shouts of Ridicule which shall reverberate through the Empire at their ridiculous Miscarriage. (Tremendous cheering.) He wished to be understood. He did not say this with any Hope of averting the Evil; he felt perfectly assured in his own Mind that the Act would pass, that they would have this slavish Constitution forced upon them. He, however, would be no Party to it. He would not stoop to be the Thing into which my Lord Grey, or any other Colonial Minister, wished to make the Representative of a British Community. He repeated, he had made these Observations not in hope, but with the View of pointing out a Scheme by which the Machinations of those who would enslave them might be defeated; and he would pray to that God who was always ready to succour an oppressed People, to grant them Firmness and Patience in the Ruin that was impending over the Colony, that they might not basely and infamously assist those who were conspiring to ruin it. (The honourable Gentleman resumed his Seat amidst tremendous Cheering, which was continued for several Minutes.)

The Resolution was then put, and carried unanimously.

Mr. C. Kemp said, that those who had read Lord Grey's Despatch would observe that the first Half of it consisted of Arguments respecting the proposed Division of the Colony, and the Erection of Port Phillip into the Colony of Victoria, and then followed these Words:

“ Her Majesty's Government therefore hope, in the next Session of Parliament, to introduce a Bill for the Division of New South Wales into Two Colonies, the Northern of which would retain its present Name, while the Southern Colony would, by Her Majesty's gracious Permission, receive the Name of the Province of Victoria. The Effect of this Alteration would be to render inevitable some Changes in the existing Constitution of the Northern Government, When detached from the Southern Districts, the existing System would cease in many respects to be appropriate and applicable to its new Condition; and there appear also to be some Particulars in which the practical Operation of the present Constitution proves that it might with Advantage be revised.”

After that, the Despatch pointed out the various Changes intended, and which had been dwelt upon by previous Speakers. It would appear from this that the intended Separation of the Colony was put forward as the Reason why these Changes should be made at this particular Time; and he had therefore to move the following Resolution:—

“ That the Erection of Port Phillip into a separate Colony affords no sufficient Reasons for such Innovations.”

This might appear almost a Truism, but, for the Reasons stated, he conceived the Resolution necessary. The Fourth Section of the Constitutional Act (5th and 6th Victoria, c. 76.) gives the Legislative Council of the Colony Power to increase the Number of Members, alter the Electoral Districts, and make new ones, the only Proviso being that the Proportion between the elected and nominated Members shall remain as heretofore, Two to One. All, therefore, that will be requisite when the District of Port Phillip ceases to belong to the Colony will be for the Legislative Council to distribute the Six Members among the Districts least represented, and the Government would go on as at present.

r. Holden seconded the Motion, which was carried unanimously.

Mr. Cape said, that as the many luminous Addresses which they had heard in support of the previous Resolutions, compassing nearly every Topic to be considered by the Meeting, had detained them to this late Hour, he would not dwell upon the Resolution now to be proposed.

“ That the Colonists are entitled to expect that no important Alteration in the Constitution which they enjoy shall be made without their previous Assent.”

The Changes to which the Colonies were so continually subject, from the Succession of Secretaries and Under-Secretaries of State, were, with other Events deeply affecting the Interests of these Communities, forming a History,—the History of the Colonies, which it was their Duty to bear in mind. The Moderation and Loyalty of the People in this Colony could not be doubted, when, under a Feeling of such Excitement as that induced by the Despatch of Earl Grey, the Resolutions which had been passed so unanimously, as embodied in the Petitions from the People, were only in accordance with the Principles of the British Constitution. And if unhappily this Scheme should, without any reference to themselves, become Law, it would be well that they had had this Meeting; for though they may not alter the past, it would better prepare them for the future.

Mr. Thacker was proud of the humble Duty that had been cast upon him of seconding the Resolution. He concurred in all that it contained, and was indeed disposed to go even further, and to say that all Alterations and Amendments in their Constitution should be made by themselves; and he felt so much the Danger of trusting to irresponsible English Legislation

Legislation on the Subject, that he had no Hesitation in saying that he would rather trust his Liberties to the most despotic Government that ever existed, than to any Gentleman at the Head of the Colonial Office. (Cheers.) Encl. 2. in No. 3.

The Resolution was passed unanimously.

Mr. Alexander moved the Seventh Resolution, as follows:

“ That the following Petition, embodying the foregoing Resolutions, be presented to Her Majesty the Queen, and both Houses of Parliament.”

Captain Rossi seconded the Resolution. It was the first public Meeting he had ever attended, but so deep was his Horror of the Scheme proposed by Earl Grey, that he had felt it his Duty to come forward. He agreed with all that had been said concerning the Measure; but there was one Point which he wished to notice, in order that Justice might be done to one who was now no more. It had been suggested by some Speakers, that Sir George Gipps was the Author, or had recommended this Measure. Now, it had come to his Knowledge a Day or two ago, that a Copy of this very Bill had been sent to Sir George Gipps by Earl Grey, then Lord Howick, with Instructions to confer with Sir John Franklin, then Lieutenant Governor of Van Diemen's Land; as to the Applicability of the Measure to the Circumstances of the Colonies. The Report that both sent home was, that it was not so. (Cheers.)

The Resolution was then passed.

Mr. Edward Cox proposed the Eighth Resolution, as follows:

“ That the Petition to Her Majesty the Queen be transmitted to his Excellency the Governor, that to the House of Lords to the Right Honourable Lord Monteagle, and that to the House of Commons to the Honourable Francis Scott, the Colonial Agent.”

Dr. Bland seconded the Resolution, which was carried.

Mr. Norton then proposed, and Captain Rossi seconded, that the Right Worshipful the Mayor do now leave the Chair, and that the same be taken by Mr. James Macarthur.

The Mayor having left the Chair, the Thanks of the Meeting for his able and impartial Conduct whilst presiding over the Meeting were voted and acknowledged.

The Meeting broke up in the most orderly Manner.

No. 4.

(No. 133.)

COPY of a DESPATCH from Earl GREY to Governor SIR CHARLES FITZROY.

Sir,

Downing Street, 31st July 1848.

1. I HAVE to acknowledge your Despatch, No. 3, of the 6th of January last, in which you report the Steps which you had taken to collect the Opinions of the Community over which you preside in relation to the Measures proposed by me in my Despatch of 31st July 1847, and also No. 31, of the 2d February last, enclosing a Petition from a large Number of the Householders and Inhabitants of Sydney and its Vicinity deprecating any Change in the Constitution of the Colony which shall not have received the previous Sanction of the Colonists at large.

2. I can only repeat my Expressions of Sorrow for the calamitous Events which rendered you unable to give that personal Attention which you would otherwise have been anxious to devote to the Consideration of these important Subjects, and at the same Time assure you that I feel every Reason to be satisfied with the Proceedings which you found it in your Power to adopt.

3. I have given my best Consideration to the Representations thus addressed to me, and have delayed answering you for some Time in consequence of the Expectation held out in your Despatches of further Petitions on the same Subject, which have not yet arrived. My Anxiety not to act without being fully in possession of the Views of the Inhabitants of New South Wales on the Question of their future Government has thus caused a Delay, which at the now advanced Period of the Session renders it impossible that any Measure can be introduced into Parliament with a Prospect of being carried through; it becomes therefore unavoidable to postpone Legislation on this Subject until next Session, when Her Majesty's Government will be prepared to undertake the Task in full Possession of all the available Materials. Enough, however, has transpired to give me an Insight into the general State of Opinion among the Colonists, and to enable me, in consequence, to state the Outline of the Measures which I am prepared to recommend.

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4. I collect

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No. 4.
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4. I collect from the Documents now before me, that the Objections most strongly felt throughout the Colony to the Views propounded in my Despatch relate to the Project of making the District Councils serve as constituent Bodies to the Legislature; and, though in a less Degree, to the Division of the Legislature into an Assembly and a Council, according to the ordinary Pattern of the Governments of those Colonies which derive their free Institutions from Great Britain.

5. With regard to the first of these Suggestions I certainly continue to believe, that in Colonies possessing an extensive Territory it is highly desirable that the purely local Affairs of different Districts should be intrusted to the Management of some local Authority distinct from the general Legislature, and that the surest Method of preventing a Conflict between such Authority and the Legislature is to make the latter emanate from the former; but I can have no Wish to impose upon the Inhabitants of the Colony a Form of Government not in their Judgment suited to their Wants, and to which they generally object, and shall therefore not think it necessary to advise the carrying of this Proposal into execution.

6. With regard to the Division of the Legislature into Assembly and Council; your own Opinion, founded, as you state, on long practical Experience, that it would be a decided Improvement upon the present Form of the Legislature in New South Wales, is one to which I have already stated my own Adherence. Had, therefore, the general Feeling of the Colony responded in any Degree to the Views expressed by myself, I should have had no Hesitation in advising Her Majesty's Government to lay before Parliament the Measures necessary to accomplish the Change. But it is not such a Reform as I consider it to be at all incumbent on the Legislature at home to press on an unwilling, or even an indifferent People; their Interests will, I think, be better served by leaving in their own Hands the Power of effecting it whenever they shall see Reason to do so. Nor am I insensible to the Difficulty which might be found to exist, if not in the Northern Districts at least in Port Phillip, in finding at first a sufficient Number of Persons, unconnected with Government, qualified and willing to act as nominated Members of a separate Legislative Council.

7. Having premised thus much in answer to the Observations contained in your Despatch and its Enclosures, I will proceed to state the Measure which Her Majesty's Government have it in contemplation to introduce into Parliament, in order to effect at once the Separation of Port Phillip from New South Wales, and certain ulterior Objects which will be explained in the course of this Despatch.

8. The Bill for this Purpose will, in the first place, effect no Change in the Composition or Authority of the Legislative Council of New South Wales, beyond such as are the necessary Consequences of the Separation.

9. It will also establish in Port Phillip a Legislature similar in Character to that which now exists in New South Wales.

10. It further appears to me advisable that the same Bill should contain Provisions for the Establishment of Representative Institutions in the Colonies of Van Diemen's Land and South Australia. In the former the Numbers of the Convict Population, and the strict Discipline which it was necessary in consequence to maintain, have hitherto been regarded as presenting Obstacles to the Adoption of any System of Self-government, but it now appears to me that such a Measure ought no longer on this account to be delayed. In South Australia no such Obstacles have ever existed; and the rapid Advance of its Population in Numbers, and in Wealth and Intelligence, appears to indicate that the Time has fully arrived when that Province should take its Place among the self-governing Colonies of the British Empire. I propose, therefore, that in both these Colonies the Principle of popular Representation should be introduced, and that this should be effected by adding to their existing Legislatures elective Members, bearing the same Proportion to those nominated by the Crown as in New South Wales. But as this Form of Government, while upon the whole it may be the best adapted to present Circumstances, is one which may admit of much Modification and Improvement under the Suggestions of Experience, and as the Australian Communities are, in my Opinion, fully competent to originate and to discuss for themselves any Changes in this Portion of their Institutions, I have it further in contemplation to recommend that their respective Legislative Councils should have Power to make such Alterations in their

own Institutions as they may think expedient; subject, however, to the Condition, that no Ordinance which any such Legislative Council may pass for this Purpose shall come into force until it shall have been specially confirmed by the Queen in Council, after being laid for One Month before both Houses of Parliament. By this Arrangement, Provision will, I trust, be made for accommodating the Constitutions of these thriving Colonies to the Wants and the Wishes of their Inhabitants, while at the same Time the necessary Security will be taken against the Introduction of rash and ill-considered Changes.

11. There is another Subject to which, in making the proposed Arrangement, it will be necessary to advert. The Communication by Land between the Districts of New South Wales and Port Phillip is already completely established; that of the latter, with South Australia, is becoming not inconsiderable; and, in the rapid Progress of Events in those advancing Communities, the Intercourse between them will yearly become more and more intimate and frequent. If, therefore, these Three Portions of the Mainland of Australia should be placed under distinct and altogether independent Legislatures, each exerting absolute Authority as to the Imposition of Duties on Goods imported, the almost inevitable Result will be that such Differences will grow up between the Tariffs of the several Colonies as will render it necessary to establish Lines of internal Custom Houses on the Frontiers of each. The extreme Inconvenience and Loss which each Community would sustain from such Measures needs no Explanation. It will therefore be absolutely necessary to adopt some Means of providing for that Uniformity in their Commercial Policy which is necessary, in order to give free Scope for the Development of their great natural Resources, and for the Increase of their Trade. In what Manner this may best be accomplished is a Question of some Difficulty, which I must reserve for more mature Consideration.

12. I regret the Delay which has occurred (although from Causes independent of Her Majesty's Government) in carrying into effect this necessary and urgently required Measure; but the Time lost will not be regretted, if the Consequence of that Delay should be the framing of a Measure more complete in all its Parts, and more in accordance with the now ascertained Views of the Australian Community, than could have been the Case if Legislation had been attempted during the present Session of Parliament.

I have, &c.
(Signed) GREY.

No. 4.
Earl Grey
to
Governor
Sir C. FitzRoy,
31st July 1848.

No. 5.

(No. 36.)

COPY of a DESPATCH from Earl GREY to the Lieutenant Governor of
SOUTH AUSTRALIA.

Sir,

Downing Street, 3d August 1848.

I TRANSMIT to you herewith, for your Information and Guidance, a Copy of a Despatch which I have addressed to the Governor of New South Wales, explaining the Principles of the Measure which Her Majesty's Government propose to introduce at as early a Period as may be practicable of the next Session of Parliament, and which, while it would effect the Separation of the District of Port Phillip from the Colony of New South Wales, and its Formation into a separate Government, would at the same Time provide for introducing the Principle of Popular Representation into the Governments of Van Diemen's Land and of South Australia, by the Addition of Elective Members to their Legislative Councils, bearing the same Proportion to those nominated by the Crown as that which is now established in New South Wales. The Motives which have influenced Her Majesty's Government in thus designing to maintain in New South Wales and Port Phillip the Form of Legislature now existing in the former Colony, instead of creating Two distinct Chambers, are fully stated in the enclosed Despatch. And it appears to me, that there is no sufficient Reason for departing from the same Form of Constitution in those Colonies to which Representative Government will be now for the first Time extended. It is unnecessary to recapitulate those farther Points, which you will find sufficiently noticed in the Despatch in question.

I have, &c.
(Signed) GREY.

No. 5.
Earl Grey
to the
Lieut.-Governor of
South Australia,
3d August 1848.

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No. 6.
Earl Grey
to the
Lieut.-Governor of
Van Diemen's Land,
3d August 1848.

(No. 124.)

COPY of a DESPATCH from Earl GREY to the Lieutenant Governor of
VAN DIEMEN'S LAND.

Sir,

Downing Street, 3d August 1848.

I TRANSMIT to you herewith, for your Information and Guidance, a Copy of a Despatch which I have addressed to the Governor of New South Wales, explaining the Principles of the Measure which Her Majesty's Government propose to introduce at as early a Period as may be practicable of the next Session of Parliament, and which, while it would effect the Separation of the District of Port Phillip from the Colony of New South Wales, and its Formation into a separate Government, would at the same Time provide for introducing the Principle of Popular Representation into the Governments of Van Diemen's Land and of South Australia, by the Addition of Elective Members to their Legislative Councils, bearing the same Proportion to those nominated by the Crown as that which is now established in New South Wales. The Motives which have influenced Her Majesty's Government in thus designing to maintain in New South Wales and Port Phillip the Form of Legislature now existing in the former Colony, instead of creating Two distinct Chambers, are fully stated in the enclosed Despatch. And it appears to me that there is no sufficient Reason for departing from the same Form of Constitution in those Colonies to which Representative Governments will be now for the first Time extended. It is unnecessary to recapitulate those farther Points, which you will find sufficiently noticed in the Despatch in question.

You will observe that the most material Suggestion made by yourself in conformity with the Report of your Executive Council, in your Despatch No. 122, of 2d October 1847, has been followed; and the other Recommendations of your Council will receive full Attention.

I have, &c.
(Signed) GREY.

31st July.
No. 139, p. 45.

No. 7.
Earl Grey
to the
Lieut.-Governor of
Western Australia,
3d August 1848.

(No. 26.)

COPY of a DESPATCH from Earl GREY to the Lieutenant Governor of
WESTERN AUSTRALIA.

Sir,

Downing Street, 3d August 1848.

I TRANSMIT to you herewith, for your Information and Guidance, a Copy of a Despatch which I have addressed to the Governor of New South Wales, explaining the Principles of the Measure which Her Majesty's Government propose to introduce at as early a Period as may be practicable of the next Session of Parliament, and which, while it would effect the Separation of the District of Port Phillip from the Colony of New South Wales, and its Formation into a separate Government, would at the same Time provide for introducing the Principle of Popular Representation into the Governments of Van Diemen's Land and of South Australia, by the Addition of Elective Members to their Legislative Councils, bearing the same Proportion to those nominated by the Crown as that which is now established in New South Wales. The Motives which have influenced Her Majesty's Government in thus designing to maintain in New South Wales and Port Phillip the Form of Legislature now existing in the former Colony, instead of creating Two distinct Chambers, are fully stated in the enclosed Despatch. And it appears to me that there is no sufficient Reason for departing from the same Form of Constitution in those Colonies to which Representative Government will be now for the first Time extended. It is unnecessary to recapitulate those farther Points, which you will find sufficiently noticed in the Despatch in question.

It is proposed that by the same Measure the Legislative Council of Western Australia shall be empowered to pass an Ordinance, adding Elective Members in the same Proportion to its own Numbers, whenever the Inhabitants shall, by Petition, have declared themselves generally favourable to such a Change, and prepared, for the sake of obtaining it, to take upon themselves that Part of the Charge for the Civil Government of the Colony which is now met by the annual Grants of Parliament.

I have, &c.
(Signed) GREY.

31st July.
No. 139, p. 45.

NEW SOUTH WALES.

COPIES OR EXTRACTS

OF

DESPATCHES

BETWEEN THE

**COLONIAL DEPARTMENT AND THE GOVERNMENT
OF NEW SOUTH WALES**

RELATING TO THE

**PROPOSED CHANGES IN
THE CONSTITUTION OF AUSTRALIA.**

COPIES OR EXTRACTS

OF

CORRESPONDENCE

ON THE SUBJECT OF THE

AUSTRALIAN COLONIES

GOVERNMENT BILL.

Presented to both Houses of Parliament by Command of Her Majesty,

1st MARCH 1850.

LONDON:

PRINTED BY WILLIAM CLOWES AND SONS, STAMFORD STREET,
FOR HER MAJESTY'S STATIONERY OFFICE.

1850.

SCHEDULE.

Australian Colonies Government Bill.

NEW SOUTH WALES.

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Despatches from Governor Sir C. A. FitzRoy.

NEW SOUTH
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No. 1.

(No. 3.)

No. 1.

*Already printed
in Parlia-
mentary Paper,
No. 715, August
29, 1848.*

COPY of a DESPATCH from Governor Sir C. A. FITZROY to Earl GREY.
Government House, Sydney, January 6, 1848.

(Received May 8, 1848.)

(Answered July 31, 1848, No. 133, page 39.)

MY LORD,

* Page 36.

YOUR Lordship's Despatch, No. 203,* of the 31st July last, on the subject of the erection of the Port Phillip district into a separate colony, and informing me of the changes proposed by Her Majesty's Government in the constitution of the Australian colonies generally, reached me at a moment when a severe domestic affliction rendered me incapable of attending to my public duties; I, however, lost no time in directing that it should be submitted to my Executive Council, and it was accordingly laid before that Board at a meeting, at which, in my absence, Sir Maurice O'Connell presided; and by the advice of the Council the Despatch was printed, for the information of the public, in the Government Gazette, as the best means of complying with your Lordship's desire to elicit the opinions of the community relative to the measures contemplated by Her Majesty's Government, the Legislature not being in session.

I am sure your Lordship would, under my present circumstances, excuse my offering any lengthened remarks upon these measures, even if I had been called upon by your Lordship to do so; but it is right that I should inform your Lordship that, from what I know of the general feeling throughout the colony on the subject of District Councils, the proposal to make these institutions bear to the House of Assembly the relation of constituents and representatives, will be very unpalatable to the colonists, and will not fail to create great opposition and discontent. I also deem it my duty to put your Lordship in possession of two reports, drawn up at my request some time since by Mr. Latrobe and Mr. Deas Thomson, the latter of which gives a complete history of the working of the District Councils of the colony, from their first institution to the present moment: and I know of no persons in the colony whose sound practical understandings and long experience entitle their opinion to greater weight than these two gentlemen.

The recurrence to the old form of colonial constitution by the division of the Legislature into two separate chambers will not, I apprehend, be ill received, at all events by those persons in the colony who understand the subject, and will give it fair consideration. I can have no hesitation in stating my own opinion, founded upon long practical experience, that it will be a decided improvement upon the present form of legislation in this colony.

I further beg to transmit to your Lordship the copy of a letter addressed to me by the mayor of Sydney, as chairman of a public meeting which was held in Sydney on the 5th instant, which I have just received, requesting me to use my influence with your Lordship to prevent the introduction of the proposed measure until the colonists shall have had an opportunity of appealing to Her Majesty and both Houses of Parliament.

I have, &c.,

The Right Hon. Earl Grey,
&c. &c. &c.

(Signed)

C. A. FITZROY.

Enclosures 1 and 2 to No. 1, relating to District Councils, is printed in the Parliamentary Paper of 29th August, 1848, No. 715.

Encl. 3 in No. 1.

Enclosure 3 in No. 1.

To his Excellency Sir CHARLES AUGUSTUS FITZROY, K.C.H., Captain-General and Governor-in-Chief.

SIR,

Sydney, January 6, 1848.

THE publication of the Despatch announcing the intention of Lord Grey to introduce a Bill for the purpose of giving a Constitution to this colony of an entirely novel character, has excited feelings of the deepest alarm among the colonists of all classes,

more particularly as it would appear to be his Lordship's intention to proceed with the measure without awaiting for further information from the colony.

A meeting of highly respectable colonists was held yesterday, at which I had the honour to preside, and at which a committee was formed to prepare resolutions and make other arrangements for holding a general meeting of colonists to petition and remonstrate against the proposed measure; and as, on a measure of such importance, it is necessary that great care should be used, some weeks will probably elapse before the documents will be ready for transmission to Her Majesty's Government, I am desired by the Committee to bring these circumstances under your Excellency's notice, with the hope that you may use your influence with the Right Honourable the Secretary of State to prevent the introduction of the proposed measure until the colonists shall have had an opportunity of appealing to Her Majesty and both Houses of Parliament.

As I believe the mail for London will close this evening or to-morrow, I have been requested by the Committee to transmit this letter to your Excellency personally, instead of through the Colonial Secretary.

I have, &c.,
(Signed) J. JOSEPHSON, Mayor,
Chairman of Committee.

(No. 31.)

No. 2.

No. 2.

COPY of a DESPATCH from Governor Sir C. A. FITZROY to Earl GREY.

Government House, Sydney, February 2, 1848.

(Received June 1, 1848.)

(Answered July 31, 1848, No. 133, page 39.)

Already printed
in Parliamentary
Paper, No. 715,
August 29, 1848,
page 29.

MY LORD,

I HAVE the honour to transmit a petition addressed to the Queen, and signed by upwards of 3,100 persons of respectability residing in Sydney or its immediate neighbourhood, praying that Her Majesty will be graciously pleased not to assent to any change in the constitution of this colony, which shall not have received the previous sanction of the colonists at large.

This petition was framed in pursuance of resolutions passed unanimously at a public meeting held in Sydney on the 19th ultimo, which was very numerously attended by persons of every shade of opinion on other colonial topics, and of great respectability and influence.

It is right that I should add, that public meetings for a similar purpose have been called very generally throughout the colony, and that petitions to the same effect as the one now forwarded are in progress of signature.

I have the honour to enclose a copy of the "Sydney Morning Herald" of the 21st ultimo, containing a full report of the proceedings of the meeting held on the 19th ultimo.

I have, &c.,
(Signed) C. A. FITZROY.
The Right Hon. Earl Grey,
&c. &c. &c.

Enclosure 1 in No. 2.

Encl. 1 in No. 2.

To the QUEEN'S MOST EXCELLENT MAJESTY.

The humble Petition of the undersigned Colonists of New South Wales.

RESPECTFULLY SHOWETH,

THAT the publication of a Despatch, dated 31st July 1847, from Your Majesty's Principal Secretary of State for the Colonies, indicating a change in the constitution of this colony, by which (among other things) the system of District Councils is to be perpetuated, and the Legislative Assembly is to be placed, with respect to those District Councils, in the relation of representative and constituent, has filled us with the utmost apprehension and dismay.

That in consequence of the dispersion of a large portion of the inhabitants of this colony, any measure establishing municipalities, similar in principle to the District Councils attempted to be created by the Act of Parliament 5 and 6 Vict., c. 76, would be so repugnant to the wishes, and so adverse to the interests of this community, that it is utterly impossible that it could ever be brought into effective operation.

That the change in the constitution of this colony, proposed in the before-mentioned Despatch, would have the effect of depriving us of the elective franchise, which we maintain to be our inalienable right as British subjects.

That we cannot but be persuaded, that by delegating our right to elect our representatives, we are deprived not only of that choice to which we are entitled, but also of that

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constitutional control over our Legislature without which no people can be considered free.

That we are anxious to enjoy a form of government founded, as nearly as circumstances will admit, upon the principles of the British Constitution, and that the making this colony the subject of a theoretical experiment in legislation, is a measure, the justice or policy of which we can never admit.

That we see nothing in the erection of Port Phillip into a separate colony to justify the extraordinary change which is, by the before-mentioned Despatch, proposed to be made in the constitution of the colony.

That we feel ourselves entitled to expect, that no important alteration in that constitution shall be made without the previous consent of those whose persons and property it may be intended to affect.

Your petitioners therefore humbly pray, that Your Most Gracious Majesty will not assent to any change in the constitution of this colony which shall not have received the previous sanction of the colonists at large, and your petitioners will ever pray, &c.

Enclosure 2 in No. 2.

Encl. 2 in No. 2.

EXTRACT from the "Sydney Morning Herald" of the 21st January, 1848.

GREAT PUBLIC MEETING to oppose Lord GREY's intended alteration in the Constitution of the Colony.

IN pursuance with the arrangements made by the Committee appointed to draw up resolutions and petitions to Her Majesty and both Houses of Parliament, with respect to the Despatch of Earl Grey, and the changes in the constitution of the colony proposed therein, a public meeting was held at the Victoria Theatre on Wednesday afternoon, to adopt such resolutions. The pit and boxes were densely thronged, whilst the stage, on which the more active movers in the matter were assembled, was crowded with the most influential gentlemen of the colony, of every shade of political opinion. At about half-past two, *Dr. Dobie* moved that the Right Worshipful the Mayor do take the chair.

Mr. Francis Macarthur seconded the motion.—Carried.

His worship having taken the chair, opened the business of the meeting. The subject on which they had been called together, was the Despatch of Earl Grey, relative to certain proposed changes in the constitution of the colony. That Despatch it would presently be his duty to read to them, in order that they might fully understand the objects, and appreciate the importance of the present meeting. He should detain them with very few remarks, for the various resolutions which formed the basis of the petition would be moved and discussed by gentlemen of far greater ability than himself. But he could not but express his own opinion, that the changes proposed in the Despatch were such, that no good could be expected from them, whilst to carry them out must cause those disturbances and confusions so dangerous to the political welfare of the state. Had the plans of Earl Grey, with regard to this colony been fully developed, there might have been no occasion for the present meeting; but the document was so vague that they were left unacquainted with the actual form of their new constitution. It seemed, however, that it was intended to introduce a form of government similar, if not identical with the constitution lately given to New Zealand. Such a form would not only be most unjust to the colonists, but it could not work well. It would indeed be a piece of class legislation, disastrous in its results. The legislators of the country were to be elected only by the elected for the District Councils; whilst the right of representation by the members of their own choice would be taken from the people altogether. Then they were to have two legislative houses; so that neither could be independent. One of these was to be a council of nominees appointed by the Crown, and of course dependent—only on the Government: and the other house, subservient only to the District Councils, by whom its members would be elected. The elective franchise, therefore, which had been so recently conceded to them, would be entirely destroyed, and that against the assent of the people themselves. With these few remarks he would beg to read the Despatch of Earl Grey.

The Despatch having been read,

Mr. Norton rose to move the first resolution. He was sorry that, in moving this resolution, the task had not fallen on some one who could not have felt more deeply its truth and importance, but who might with greater ability have expressed more strongly than he could, his sense of the evils about to be inflicted on the colony by Her Majesty's ministers. The resolution he had to move was as follows:—

"That this meeting views the proposed change in the constitution of the colony, indicated by the Despatch of the Right Honourable the Secretary of State for the Colonies, now before the public, with the utmost apprehension and dismay."

The sentiments contained in this resolution must, he was sure, carry with them those of every sincere well-wisher of the colony. Step by step had concessions of political rights been made to the colony, and on this gradual progress towards civil liberty, many people had been led to emigrate, in the full belief that they were coming to New South Wales to enjoy those privileges which are the birthright of Englishmen, to a land free from political abasement, a land worthy of the parent country by which it was founded. First, they had their old Council granted to them, freeing the colony from the absolute control of the Executive. Then they gained the glorious boon of trial by jury, and at last they gained

their present constitution, by which the members of the Legislature were made personally responsible for their acts to the people who elected them. And now this right of enfranchisement was to be taken from them, not because they asked for it, not because it had not worked well, for he contended the Council had done its duty, and in the efforts it had made, loyally and honestly it had done its duty to the country. True it was that all its measures might not be wise, were not free from errors; but it must be remembered how short their season of political education had as yet been. The public mind required to be disciplined before it could be expected to enter with perfect correctness into all the details of experienced legislation; but he did believe, and the colony would re-echo his belief, that in all their measures the representatives of the colony had been actuated by a deep sense of duty to the colony, and to the parent country. There was one convincing proof that the present Council had worked well, had done its duty, and it must be satisfactory to the members of that Council to know, that although now the constitutional rights which they had so energetically protected were about to be torn from them, that in the exercise of their functions, nearly every measure they had passed had received the assent of the English ministry. What pretext then could exist for altering this constitution, when nearly all the measures it had given birth to were approved of by the English Government, and those that were not so approved, showed only how grossly a ministry in Downing-street, 16,000 miles away, could err, in forming any opinion of the good or evil of any measures for this colony? There was the Lien on Wool Bill, a measure, which perhaps as much as any measure ever passed, had benefited the colony, had in fact saved it from destruction, had twice been disallowed by the Home Government. It did occur to him, when Her Majesty's advisers first refused to assent to this measure, that they might have fancied that the colonists were the best judges of the circumstances in which they were placed, and of the remedies to be applied to them. But no; the Minister found out that the Bill, so beneficial in its provisions, must be disallowed, in some crotchet of its not being consistent with English law, although he had never yet been able to make out on what points it was inconsistent with any English law whatever. But when it was disapproved of again, it did occur to him most forcibly, that neither the wishes nor the interests, nor even the distresses of the colonists, were matters of much concern or moment to Her Majesty's Ministers. And now that the constitution they possessed, and had been tried and found to work well, when they were looking forward to still further concessions than those which had been already made to them, they were threatened with the measure which would place them in a worse position than that in which they stood 20 years ago. The Minister must know that even if District Councils could be carried into effect here, that although the parties elected might be very upright, honourable, and honest men, they would be men whom it would be entirely unfit to trust with the sole control of the elective franchise. There was, however, one argument of more importance than all the rest to be urged against the measure, and one which was of itself sufficient to induce the colonists to resist in any possible way, and that was, that the constitution it was proposed to give them was perfectly different to that of the parent empire. It was a perfect novelty in legislation, and offered no precedent by which to test its good or evil. Whether it were a good measure or a bad one, it had this dangerous defect attaching to it, which ought to induce all most carefully to shun it; namely, that there was nothing in past experience to guide them in the working of it,—a defect which would counterbalance any advantages it might possess. In such a measure they had placed the light, if light there were, at too remote a distance to allow the mind to be illumined by it. But if this innovation were not suited to England, how much stronger the objection to trying it here, when the Minister at home was perfectly ignorant of the circumstances of the colony? Where it was urged by one Minister that the fire should not be allowed to do its work of devastation on the grasses of the country, whilst the island of Cockatoo was appointed the place to which all the mass of prisoners should be sent. These were the lights by which they were guided in their profound legislation for this colony. Who could contemplate the vast wastes of the colony not yet redeemed from the wilderness—who could contemplate the recent discoveries of mineral treasures, probably richer than any in the world—who could contemplate the droughts which devastate the colony—thousands and thousands of animals, the very wealth of the colony, perishing from their effects—without feeling the deep conviction that in this country, of all others, legislation to be effective must be present and immediate? That the legislature should be made by those who had a deep interest in all the concerns of the empire? He felt that it was so important to the interest of the colony and of England that the fullest inquiry should be made into the circumstances which ought to guide legislation, that the colony ought to have its own representative in Parliament. Then they would not have the freest government in the world making laws, that he would not say would be disapproved, but that would actually astound all England if applied to the barrenest waste, the most confined country of the empire. And why were the rights of Englishmen withheld from them more here than elsewhere? If such an innovation had once been commenced in England, the whole country would have been aroused to denounce, and even the very slightest, innovation on these rights, so dear to Englishmen, would probably in its results have threatened to upset the whole constitution. But even if this new scheme could be carried into present effect, how long was it to last? Was it fancied that it could last through the ages which would give to Australia a name and place among the nations of the earth? Till all its wide wastes were redeemed from the desert, till all its vast mineral treasures, which, if stamped with a diadem, were still applicable to all the purposes of civilized life, were developed? It was hardly possible to con-

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template such an intention; but if it were so, then it seemed to involve a very serious reflection on Her Majesty's Ministers, who must proclaim by it, that the English constitution was not fit for her colonies. If it were not so, if it were intended at some future day to give all the noble institutions of their fatherland to the colony, what a miserable strange perversion of the scriptural command, "Train up a child in the way he should go, and when he is old he will not depart from it." How were they to learn the true working, how were they to learn to cherish and respect the venerated constitution of their country, if their days of pupilage in legislation were to be passed in the angry discussions, the constant abuse which this infringement on their rights would give rise to? Except by such gross impolicy and injustice he could alone attribute this proposed change, unless he could venture to attribute it to a miserable jealousy of this colony and its rising greatness; and if so, he knew but one parallel to it in history, and that was of an American law which made it highly penal to teach the unfortunate African to read; thus debasing the poor creature to the condition of a brute; to prevent him aspiring to be anything beyond a slave. But how miserable, how short-sighted such a selfish policy. How much wiser and nobler to endeavour to extend her dominion to every portion of the globe, and look on her colonies as additional countries added to the empire, to carry into the remote ends of the earth the language, the arts, the sciences, which had grown up under her own glorious constitution, and to plant that constitution, and the rights and privileges it gave, wherever British colonization flourished. A different policy than had been adopted to America would have made these great colonies her fervent ally in peace or war, would have secured the connexion between them in amity for ever. And what advantages would not America have derived from the continuance of such a connexion. In the engagement of the science, and art, and literature of England, the language of the Americans now so corrupted and alloyed, would have retained its purity. Her nobles and her senators would have been educated at British colleges, and the great institutions of the parent country would have flourished again in the generous emulation which would have been excited in the offspring. But such had not been the case; but England should recollect in the contracted and unjust colonial policy she was now pursuing, that the fate of nations was never beyond an overwhelming destiny. That though through her energetic intellect, science had led her to the most important place amongst nations, yet notwithstanding her resources she might be bowed and broken before some unexpected tempest. The miserable failure of the crops, which lately caused suffering so intense throughout the empire, ought to be a warning to her; for should that failure have extended throughout Europe, and it had done so twenty times in the annals of history, how advantageous when those supplies failed which neighbouring countries were accustomed to give her, to be enabled to turn for aid and assistance to her far off colonies, which, under a system of policy which would plant the institutions of the parent country amongst those which would have nothing but the distance of space, between the rights exercised by Englishmen at home and Englishmen here, would hold out every inducement to immigration until their mighty resources were fully developed. Most nations had gone down in the world, and England might yet be doomed to share their fate. He did not say that any had been her equal in resources and greatness, but that they stood in their day much in the position she at present occupied in relation to the rest of the world. Let the colonists then show to the people of England that they were fit to enjoy those privileges which the constitution of England made their inalienable right. That they knew how to choose between slavery and freedom, and would not tamely submit to have their liberties taken from them, or endure in silence the scourge of the oppressor.

Mr. James Martin could assure them that it was a most high gratification to him on looking round at that meeting to see men of so many different opinions, whose political views were in general so hostile to each other, assembled to make common cause in resisting the measure sought to be inflicted on them by Earl Grey. He was sure that on no previous occasion, however urgent, had many of the gentlemen around him ever acted in concert. But he was not surprised to see them now, for they were called on to act as Englishmen in resisting an oppression that would put an end to everything worthy the name of liberty. On such an occasion as the present it was difficult to preserve that moderation in language, in which all such great and momentous questions should be discussed. If the measure had been proposed to them for their consideration and acceptance, it would be enough to excite their just indignation to imagine them base enough not to scorn it; but how much worse was their position; when they yet scarcely knew that Earl Grey had not already carried his views into effect without even the appearance of asking for the assent of the colonies. There was an ambiguity in the Despatch of the Secretary of State which left it extremely difficult to determine what course he intended to pursue. At the close of the Despatch he found the following paragraph:

"What I have written will, however, I trust, be sufficient to relieve the anxiety of the public mind in New South Wales, respecting arrangements pregnant with results so momentous to that part of Her Majesty's dominions, and therefore so deeply interesting to every other member of the widely-extended empire over which Her Majesty reigns. It will be no slight relief to the responsibility of proposing such a change, to find myself in possession of the most complete local intelligence, and supported by the opinion of the most eminent local authorities."

From the first part of this extract it would seem doubtful whether Earl Grey wished the colonists to give any opinion on the matter at all. If he did so, why did not he candidly and openly send the Despatch to the Governor to be at once published, and thus elicit public opinion upon it? In the latter part, however, he states that he wishes his opinions to be

confirmed by eminent local authorities; and what authorities would he have if he reject that of the chosen representatives, who have utterly repudiated the system of District Councils, on which the notable scheme rests? Reading the Despatch and looking at its tone and tenor, there could be no doubt that the proposed innovation in the Constitution was a blow levelled at the Legislative Council, and that it was not proposed from any abstract good in it. It arose, not from the spontaneous belief in the Minister's mind that it would be an improvement, but was traceable, he had no doubt, to the suggestions of Sir George Gipps, who, finding that even backed by the twelve nominees in the present Council, he had been unable to carry his measures against the representatives of the people, suggested this insidious scheme to take from these representatives what little power they ever possessed. The gentleman who had preceded him had paid a well-merited tribute to the existing Council. The different measures which had been passed by that body might be viewed in different light by persons of different opinions; but they were the result of an honest sense of duty, and in many instances had greatly benefited the colony. But whatever their acts, the Council had done great good by showing the colony for the first time how public business was carried on. It had infused into the community a spirit which had never before existed, and which gradually growing up, would fit them for due and proper exercise of all their constitutional rights,—and this of itself was enough to entitle them to respect. That this was the object of the new measure was evident; for it was repeated over and over again in the Despatch, that the Council had got all the power, and therefore it was proposed to erect two houses of legislature, one of which should be composed of nominees of the Crown only, which should stand between the representatives and the Government. The question of whether two houses were better than one might be disputed. In an independent country perhaps it was so; but here they had no materials for the constitution of a second house. They were dependent for its constituents solely on the will of the Government, which would give it a very different position to that occupied by the House of Lords at home. Far better for them to keep the constitution they had at present, which had as yet worked well, and had not been found fault with by the colonists. There were two prominent points of objection to the proposed change, to which he would briefly advert; first the continuation of District Councils; and, second, giving those bodies power to elect the Legislature. Now, the expression of the opinion of the Legislative Council in regard to the first of these points, ought to have convinced Lord Grey, if he were sincere in his expression of a wish to be supported by the opinion of local authorities, that such a measure must be most distasteful to the colonists. In spite of all the exertions of the Legislature, the earnest desire evinced to bring these bodies into existence, not one of them had as yet performed any one of the duties that were designed for them in the Constitutional Act. The Legislative Council had from the first resolutely set their faces against investing them with power to exercise those functions which they were intended to exercise. They would have nothing to do with District Councils, and had told the Secretary of State so, distinctly and emphatically; and after having been called into being five years, not one had exercised any of its functions. One, indeed, of these institutions, which had obtained for itself a most unenviable notoriety, had appeared to sustain an existence—the Parramatta—but he denied that even this one had exercised any of its legitimate functions. It was intended that District Councils should have powers to assess property, and make rates and taxes for divers purposes, not one of which it had performed, and therefore was virtually defunct. But with the full knowledge of all this, the British Government persevered in the endeavour to force this measure down the throats of the colonists. But the more important view in which this measure was to be looked at, was the establishment of the position of constituents and representatives between these bodies and the Legislature, or what was, in other words, virtually taking from the colonists the privilege of the elective franchise. There was no precedent whatever under the British constitution for a measure like this. True it was that, before the passing of the Reform Bill, certain limited bodies and corporations did send members to Parliament; but it was a right they did not possess under the Constitution, but which they had usurped in the gathered corruptness of ages. But even if it existed before the passing of the Reform Bill, any such right had been repealed; and under the Constitution as it now stood, no member of the Legislature could be elected by mere local bodies, but must be elected by the great body of electors. It was urged, indeed, by Earl Grey, in his Despatch, that it was proposed by this measure to assimilate the Constitution of these colonies to that of the old American colonies. There was a specious policy in this, as it was generally imagined that the Constitutions of the American colonies were free, and based upon that of Great Britain. When he first read the statement of Earl Grey, he must acknowledge that it did startle him a little. He thought he knew something, had read something, of the history and constitution of the old American colonies, but he certainly remembered nothing in it at all resembling that which it was proposed to inflict upon this colony. But when he reflected the weight which such an assertion should have, coming from a person in the high and responsible position held by his Lordship—a position which could not be held without the possession of at least much talent and information—he perused and referred to the authorities on the subject, and in the very highest that could be adduced, that of Judge Storey, he found the following passage:—

“The American people had long been in the enjoyment of the privilege of electing, at least, one branch of the legislature, and in some of the colonies of electing all the branches composing the legislature. A house of representatives, under various denominations, such as a house of delegates, a house of commons, or simply a house of representatives, emanating directly from, and responsible to, the people, and possessing a distinct and inde-

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pendent legislative authority, was familiar to all the colonies, and was held by them in the highest reverence and respect. They justly thought, that as the government in general should always have a common interest with the people, and be administered for their good, so it was essential to their rights and liberties that the most numerous branch should have an immediate dependence upon and sympathy with the people. There was no novelty in this view. It was not the mere result of a state of colonial dependence, in which their jealousy was awake to all the natural encroachments of power in a foreign realm. They had drawn their opinions and principles from the practice of the parent country; they knew the inestimable value of the House of Commons, as a compound branch of the British Parliament; and they believed that it had at all times furnished the best security against the oppressions of the Crown and the aristocracy. While the power of taxation, of revenue, and of supplies, remained in the hands of the popular branch, it was difficult for usurpation to exist for any length of time without check; and prerogative must yield to that necessity which controlled at once the sword and the purse. No reasoning, therefore, was necessary to satisfy the American people of the advantages of a house of representatives which should emanate directly from themselves; which should guard their interests, support their rights, express their opinions, make known their wants, redress their grievances, and introduce a pervading popular influence throughout all the operations of the government. Experience as well as theory had settled it in their minds, as a fundamental principle of a free government, and especially of a republican government, that no laws ought to be passed without the co-operation and consent of the representatives of the people, and that these representatives should be chosen by themselves without the intervention of any other functionaries to intercept or vary their responsibility."

This was the account given by the great American jurist of the constitution of his country, previous to the revolution; and it was a direct and authoritative contradiction of the assertion made by the Earl Grey, that his scheme of double election was at all similar to that which existed in the British colonies in America. Speaking of the advantages of this system of direct representation, as applied to the election of the members of the lower House of Congress, Mr. Justice Storey has the following most conclusive arguments:—

"The choice, too, is to be made immediately by them, so that the power is direct, the influence is direct, and the responsibility direct. If any intermediate agency had been adopted, such as a choice through an electoral college, or by official personages, or by select and specially qualified functionaries *pro hac vice*, it is obvious that the dependence of the representative upon the people, and the responsibility to them, would have been far less felt, and far more obstructed. Influence would have naturally grown up with patronage; and here, as in many other cases, the legal maxim would have applied, *causa proxima, non remota, spectatur*. The select body would have been at once the patrons and the guides of the representative, and the people themselves have become the instrument of subverting their own rights and power. The indirect advantages from this immediate agency of the people in the choice of their representatives are of incalculable benefit, and deserve a brief mention in this place, because they furnish us with matter for most serious reflection in regard to the actual operation and influences of republican governments. In the first place, the right confers an additional sense of personal dignity and duty upon the mass of the people. It gives a strong direction to the education, studies, and pursuits of the whole community. It enlarges the sphere of action, and contributes, in a high degree, to the formation of the public manners and national character. It procures to the common people courtesy and sympathy from their superiors, and diffuses a common confidence as well as a common interest through all the ranks of society. It awakens a desire to examine, and sift, and debate all public proceedings, and thus nourishes a lively curiosity to acquire knowledge, and at the same time furnishes the means of gratifying it. The proceedings and debates of the legislature, the conduct of public officers from the highest to the lowest; the character and conduct of the Executive and his ministers, the struggles, intrigues, and conduct of different parties, and the discussion of the great public measures and questions which agitate and divide the community, are not only freely canvassed, and thus improve and elevate conversation, but they gradually furnish the mind with safe and solid materials for judgment upon all public affairs, and check that impetuosity and rashness to which sudden impulses might otherwise lead the people when they are artfully misguided by selfish demagogues and plausible schemes of change."

No person could read that reasoning without being convinced of its propriety; but what did Earl Grey's constitution propose to do? to take away the elective franchise, to give them no control over the legislature, except by electing district councillors, to make the representatives not responsible to the people or to the Councils, for such would be the effect. He would refer to another authority on this point, and one which would always guide them aright in constitutional matters—the authority of Edmund Burke:—

"With you there is little or rather no connexion between the last representative and the first constituent. The member who goes to the National Assembly is not chosen by the people, nor accountable to them. There are three elections before he is chosen; two sets of magistracy intervene between him and the primary assembly, so as to render him, as I have said, an ambassador of a state, and not the representative of the people within a state. By this the whole spirit of the election is changed; nor can any corrective which your constitution-mongers have devised render him anything else than what he is. The very attempt to do it would inevitably introduce a confusion, if possible, more horrid than the present. There is no way to make a connexion between the original constituent and the representative, but by the circuitous means which may lead the candidate to apply in the first instance to the

primary electors, in order, that by their authoritative instructions (and something more perhaps), these primary electors may force the two succeeding bodies of electors to make a choice agreeable to their wishes. But this would plainly subvert the whole scheme. It would be to plunge them back into that tumult and confusion of popular election, which, by their interposed gradation of elections, they mean to avoid, and, at length, to risk the whole fortune of the state with those who have the least knowledge of it, and the least interest in it. This is a perpetual dilemma into which they are thrown by the vicious, weak, and contradictory principles they have chosen. Unless the people break up and level this gradation, it is plain that they do not at all substantially elect to the assembly; indeed they elect as little in appearance as reality. What is it we all seek for in an election? To answer its real purposes you must first possess the means of knowing the fitness of your man; and then you must retain some hold upon him by personal obligation or dependence. For what end are these primary electors complimented, or rather mocked, with a choice? They can never know anything of the qualities of him that is to serve them, nor has he any obligation whatsoever to them. Of all the powers unfit to be delegated by those who have any real means of judging, that most peculiarly unfit is what relates to a personal choice. In case of abuse, that body of primary electors never can call the representative to an account for his conduct. He is too far removed from them in the chain of representation."

And a little further on the same great statesman adds thus—

"As in the end all the members of this elective constitution are equally fugitive, and exist only for the election, they may be no longer the same persons who had chosen him to whom he is to be responsible when he solicits for a renewal of his trust. To call all the secondary electors of the commune to account is ridiculous, impracticable, and unjust; they may themselves have been deceived in their choice as the third set of electors, those of the department, may be in theirs. In your elections responsibility cannot exist."

There was one other fact to which he wished to allude, and it was the remarkable fact, that this measure, worse than the rotten borough system at its height, was proposed by the son of a statesman, who for more than half a century battled, and battled successfully at last, to abolish these rotten corporations. With these remarks, he begged to second the resolution.

Mr. Hiphiss, as one of the humbler classes, would beg to say a few words on the resolution. He was not going to oppose it, for he objected to the measure of Earl Grey, and agreed in most of what had fallen from the gentlemen who preceded him, but as his objections took rather a different shape, he wished to express them. He objected to it because it would do evil to England, for it never could be carried out. To attempt the constitution of an assembly to legislate for a variety of colonies, whose interests were totally distinct, would give rise not only to endless dissension and jealousies, but must terminate fatally to the colonial empire of Great Britain. The measure was the child of the French revolution. The same system had revolutionized France, and he warned them that it must eventually lead to revolution here. It was little matter to him whether the measure was adopted or not; long before its results could be seen he should be dust and ashes, but he warned them to resist this measure to the utmost, if they would preserve their constitutional liberty, and avert the horrors of revolution. The measure would be fatal to the colonists, and God send it might not be carried out.

The resolution was then put and passed unanimously.

Mr. S. A. Donaldson should approach the duty which had been allotted to him with much fear, did he not know how ably he should be backed by the gentleman who had been appointed to second it—their tried representative, *Mr. C. Wentworth*. Feeling, however, perfect confidence in the manner he should be supported, and equally confident of the voice of the meeting going in favour of the resolution, he advanced boldly to the charge, in the true spirit of British soldiers, looking not on the foe before him, so long as he could rely on the rear-guard. With regard to the few observations he had to make, he regretted to detain the meeting for a few moments, but would promise to be as brief as possible, and to put his remarks into plain language. In order to make these remarks intelligible, he would read the resolution he had to move. It was as follows:—

"That the proposed measure will have the effect of depriving the colonists of the elective franchise, which we maintain to be our inalienable right as British subjects."

It would be seen that, in the consideration of this resolution, two points arose: first, the effect of this measure in depriving them of the elective franchise; and, secondly, that such franchise was their inalienable right. Before proceeding to consider these points, it would perhaps be well to see what was the meaning of the word "franchise"; "to enfranchise," was to make free, and therefore the word "franchise" was the synonym to liberty. Every British subject, high or low, rich or poor, was therefore born with a right to this franchise, which no one, not even Parliament itself, could take from him, and which was limited only by the power which created it, and which had fixed on a certain recognized social position as the only qualification necessary to its possession, and possessed of this qualification every man in Great Britain had a right to enter upon the enjoyment of it. Every individual man who has attained that social position, is as capable of enjoying that right equally with the highest and wealthiest of the realm. It is as free to him as the air he breathes, and such social position may, by honest industry, actuated by a noble desire to obtain this privilege, be attained by the most miserable. As he had before stated, the

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right once enjoyed could not be taken from any British subject, even by Parliament itself, without his own consent; because, although it might be said, and he would concede it for the sake of argument, that Parliament might commit an act unconstitutional in itself, they might rest assured they would be unable to carry any such act into effect. The pressure from without, the feeling of awakened resistance to any infringement on constitutional rights, would be too strong to admit of it for a moment, and the voice of the people whom that Parliament was sent to represent would put a stop to it before any such Bill could be passed into law. The Parliament of England who would consent to such a measure would cease to exist before they could perpetuate it without the consent of the electors themselves. Now they had only to import this same argument from Great Britain to Australia. Every British subject resident in Australia, whether born in Great Britain, or born of British family here, was born with the same right as any British subject at home. This, he hoped, was not denied, for the Parliament of England had themselves recognized that right, and had fixed the social position at which the colonist may exercise that right, a right which he has already enjoyed and exercised. He would therefore assert, and assert it boldly, that having enjoyed this right, of which Parliament, powerful, aye, nearly supreme as it is, could not, and dare not, attempt to deprive the meanest English subject, could not take from them that right, without an appeal to themselves. They must first obtain the consent of the colonists, either by a direct appeal, or through their representatives. He repeated they could not do this lawfully, by the strong hand they might deprive them of their rights, might force this measure upon them, as they might commit any other act of oppression, in the way, in fact, in which almost every act of colonial legislation had been managed at home. The minister might go down to the House, and propose, and read, and pass any Bill into law which the Parliament neither knew nor cared anything about, passing it, indeed, as in the case of the Act under which the Legislative Council of the colony was granted, in a House not numbering 40 members. He must again repeat it, the measure, if passed, would be opposed to the spirit of the Constitution, and would not be law. If passed it would be to the prejudice of rights already granted, which they had an inalienable and indefeasible claim to. It would be an invasion of their privileges, of their constitutional liberties, to which they must be lost to all pride, dead to all feeling, sunk to the lowest depths of political wretchedness, if they could submit without a manful, straightforward, and British protest and remonstrance against a measure so iniquitous. The very people from whom they sprung would reproach and condemn for base subserviency, if they were silent on such an occasion as this. If this disgusting, this disgraceful law, should pass, let it die; but let them not be any parties to their own degradation. The electors' franchise, which it was now proposed to take from them, was, as stated in the resolution he held in his hand, their inalienable right as British subjects. It was their inalienable right, and let no man forget the proud distinction which attaches to its enjoyment—the connexion which he prayed to God might never be disowned between themselves and the mother country. That connexion, the glory of their origin, they would deserve to lose, if they did not speak up fearlessly for the rights and privileges which for ever belong to it. One of the gentlemen who had preceded him, had alluded to the political education of the colony. Truly had he informed them that step by step had they attained their present position. That the concessions which had been made, had been wrung from the Home Government only by constant application. But where they had attained the elective franchise, where they had shown how justly they appreciated its value, the use they had made of it, they had a right to expect that unlimited controul of public praise would have been conceded to their representatives, and that the next step on the forward path would have been the abandonment of the schedules. Far, far different, however, was the case. Instead of abandoning the schedules, the present measure proposed to cut away from beneath the fraction of political liberty they had already obtained, to take back in 1848, that which was granted in 1842. It had been suggested that this measure did not emanate from the Minister. That it had arisen from the suggestions of one, who, though since dead, whilst presiding over the government of the colony, had exhibited a constant predilection for these impracticable institutions of District Councils. He would fain walk tenderly over the grave of the high-minded and the great—would deal gently with departed talent; but let them not forget that they too had their martyr in the strife which that predilection caused. But a few short weeks ago, and they had laid in the grave one who had been the unflinching champion of their rights—who had never been absent from his post; but had battled inch by inch for that freedom which they had now gathered together to protect. His services in the cause of freedom would not be forgotten. He had passed away, but the memory of his exertions, his labours, his fearless zeal, would never be effaced from the heart of his country; and when, in the successful termination of the struggle in which they were engaged—when in the atmosphere of constitutional freedom the colony should wax great and powerful, in her hall of archives, adorned by the effigies of the illustrious dead, a proud niche would be found for the honoured bust of Richard Windeyer. The proposal of double election would deprive them of the right of the elective franchise. On this part of the question he was obliged to generalize very much; for the studied reserve which characterized all official communications, had precluded the Right Honourable the Secretary of State from fully enlightening them as to the particular infliction under which they were to suffer. But as the main ingredient in the change was directly pointed out, and as they knew from the published particulars of the neighbouring island of New Zealand that the plan of Lord Grey was to work by

the odious system of double election, it would be sufficient for his argument, to show how this would involve the withdrawal of the franchise which they now enjoyed, and which he trusted he had succeeded in showing they enjoyed as a right. Here he would appeal to those who worked; those whom he looked upon as the thews and sinews of the social body; and he would adjure them not to be misled and deceived by the specious seeming and sophistries of any one who might attempt to persuade them that they would have greater power and influence in the proposed changes. They would have less, for they would lose all control over their representatives, who would be responsible only to the members of those District Councils who returned them. The nature of the colony too, its scattered population, rendered it totally unfit for the establishment of District Councils. In a country with a concentrated population, such municipalities might work, but even then the grounds to choose a representative for the purpose of making local improvements, were entirely different from those which should induce them to elect a representative law-maker. Again, the infallible result of such a close-borough system must be that bribery and all sorts of corrupt influence would be brought to bear on elections, with all their concomitant degradation and misery. Slavery instead of freedom, anarchy instead of peace, retrogression instead of improvement, would pervade. It was their duty to make a stand, a firm stand, against the odious measure. They had been told of the high-minded sentiments, the noble words which had been spoken in the House of Lords on the subject of colonization. He admitted these words were noble, but, practically, he feared their effect would be lost before they reached New South Wales. Like the stone dropped into the centre of a calm lagoon, they knew that by a law of nature the expanding circles would extend to the very shores of the lake, but in so gentle a manner that they were seen and unnoticed. The blast of the trumpet which sounded to the charge would vibrate through the realms of space; but the distant vibrations were not audible to human ear, and generous and high-minded as the principles laid down in the Colonization Report undoubtedly were, he feared they would scarcely reach this colony. It was, however, to make a firm appeal against this measure, and the promptitude with which all classes of the inhabitants of Sydney had come forward to assert their rights, would find a response in the distant districts. Petitions from all quarters would pour in, and when the universal feeling was full and firmly expressed, he trusted the appeal would not be made in vain.

Mr. Wentworth rose to second the resolution, and was received with loud cheers. In appearing before them, he could not but express his gratification at the warmth of his reception amongst them. It showed him that, however in some quarters the course he had adopted on some occasions had been disapproved, that they at least gave him credit for sincerity and honesty of intention. In common with many other members of the Council, he had felt some reluctance to take any part in these proceedings, because the proposed measure being clearly intended as an attack on the Legislative Council, to reduce its powers, any opposition arising from its members might be received with suspicion by Her Majesty's Ministers, and would have but little weight. They would recollect that in the words of the Despatch, it was said the Council usurped all the power of the colony, and the object of the proposed measure was avowedly to reduce that power. But when he saw that meeting, thronged as it was with thousands of all classes and shades of opinion; when he saw them with one voice repudiating this charge, he felt that as units they might without suspicion join in their deprecation of the injustice about to be committed upon them. He denied the assertion of Lord Grey, that the Council had usurped any power. The Council had done its best to ameliorate the condition of the colony, and to give it a larger share of political freedom; but little had it succeeded in doing. They had sent home petitions and addresses, and lists of grievances on all subjects; but when the power of the Council was talked of, which of all these grievances had been redressed? Not a single one. But it was absurd to talk of the power of the Council as long as it had not the control of the public purse. What could its puny efforts do, when, without its consent, the Government could take a sum of 82,000*l.* for payment of its officers? True, if the Council had been insane enough, had so far forgotten the interests of their constituents, they might have embarrassed the Government by stopping the supplies; but the sole sufferers would have been the community, as the payment of the salaries of the Government would have gone on the same as ever. It has been objected to the Council by the Minister, that it had not put the District Councils into operation. If that was the objection, why did not the English Government give life to these bodies, instead of leaving it to the Legislative Council, whose duty it was to refuse to give them vitality against the unanimous wish of the people? With what show of wisdom and prudence could the Legislature have put in operation a new system of taxation, when the colony was already burthened with imposts to a greater extent than any other country in the world? Was it not enough that a colony containing about 200,000 persons, should be taxed to the extent of 300,000*l.*? No doubt, to have burthened the country to the extent of some 40,000*l.* or 50,000*l.* more would have been very acceptable to the Government; but where was the good of imposing taxes when men had not a shilling to pay, and the result of which must have been the confiscation to the Crown of all the lands on which they were levied? There was one peculiarity in the Despatch of Lord Grey, which was the passage in which he speaks of the anxiety of the public mind in the Australian colonies as to these new arrangements. Now he must confess for his own part, that he should like to know in what quarter this anxiety existed. He had never heard that any such change was in contemplation, until enlightened by Lord Grey's Despatch. In what shape or

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manner the anxiety had been displayed it would be difficult to say. Where were the petitions which had gone home on the subject, for any alterations in the constitution of the Council? True, it might be that some difference of opinion did exist as to the formation of another house, but he knew of no absorbing interest taken in the question. The only objection he had to the present Council was, that it did not possess power enough. That the restrictions by which it was surrounded, were such as rendered it powerless for good, and potent for evil. If the schedules were withdrawn, then the people, through their representatives, would have some power, and this was the only change he would advocate in the present Constitution, besides those recommended in the Report of the General Grievance Committee. It appeared to him that the suggestions as to the origin of this measure were well founded. That it had arisen out of the representations of the Governor, when he found in his numerous encounters with the Council, that it was strong enough to successfully resist measures which it believed to be detrimental to the interests of the colony, but which that Government obstinately persisted in forcing upon it. Finding himself foiled in this, and that he could not always carry into effect the wishes or instructions of the Secretary of State, he must have made proposals which the Minister was induced to accept, in order to make the Council subordinate to the Government, and this was the beautiful scheme they had concocted. The effect of this measure would be to deprive them of the right of franchise, but he hoped the people of New South Wales would not submit to be despoiled thus of their inalienable birthright. The right of franchise had always existed in the Anglo-Saxon Constitution, and was clearly traceable therein for at least 1,000 years. It was confirmed in the Great Charter of Great Britain, and in 20 subsequent charters, and finally in the Petition of Rights, and Bill of Rights at the Revolution. It was, too, a principle that the rights which these charters conferred on British subjects, should be carried by them into all colonies planted by Great Britain; and, therefore, this audacious attempt to take from them the right of the elective franchise, was nothing less than a gross invasion of their constitutional rights. They had constitutional rights to this privilege, and though Parliament have been powerful enough to withhold it so long, it had not any lawful right to do so. He was glad to find this attempt of the Minister so unanimously resisted by all classes. It would prove to that Minister that the people of New South Wales were not dead to a sense of their rights; that they wanted not his change, and prove by their remonstrances now, that they never would accept any change unless asked for by themselves. He looked with peculiar suspicion on this specious boon, which the Minister so spontaneously offered to the colony. He was firmly convinced that there must be some sinister motive at the bottom of it. They had never found the Colonial Office so ready to concede boons when asked, as to be deluded into the belief that they had now commenced to grant them of their own accord. He did not believe there was any good in it on this ground alone—that, if there had been it would never have been offered. The right of franchise they had to importune for for more than 20 years, and now they had got it it was found to work too well for the Minister at home, to surely effect the ends for which the glorious privilege was designed, and so forsooth they would take it from them to give them something they did not want, and had not asked for. The constitution, as proposed by Earl Grey, portended the most disastrous effects. It would result in the same spirit of despotism, of unrestrained bribery and corruption, which existed in France, where the members of the legislature were elected by the electoral colleges, instead of the mass of the people. Who could doubt the corruptions of a system which took the elective franchise from the thousands, who exercised it, to vest it in some 200 persons, who could at all times be brought under the influence of the Government, and over whom the people would have no sort of control? The same system in France, where the elective privilege was enjoyed by only about 180,000, out of a population of about 40,000,000, had involved the grossest corruptions and abuses. A system of bribes prevailed by which the Government, with the means at its command, could always secure a majority in order that they might do as they liked with France, and they did do as they liked with that unhappy country. This measure would lead to the same results; it was founded on the same principle, and he warned them not to be deluded by it, but to scout it: To tell the Minister formally and boldly that they love their constitutional freedom too well not to abhor his measure, and that they will have none of it.

The resolution was passed unanimously.

Mr. Michie.—If a prize had been offered for a plan for effectually enslaving a community, by some illusory proposition of concession of popular rights, he believed that Earl Grey would in this measure of his have carried off that prize. When he (Mr. Michie) left London he had a vote for that city, and it was now proposed to take away that right, of which, if any Government or Parliament attempted to deprive the meanest citizen there, the empire would rise as one man to resist and punish the base design. It was said by some of the preceding speakers that there were parts of the Despatch which should be touched tenderly, as there might be differences of opinion about them; he was actuated by no such scruples. He could see no part of this most notable scheme which was not most unwise and most wicked and unjust, and therefore in the few remarks he had to make, he should not feel called upon to approach with bated breath anything that had emanated from his Lordship. The whole scope and drift of the scheme was, that the inhabitants of New South Wales should have no vote in the election of their representatives, except through the medium of those District Councils. That these impracticable municipalities were to be the only means by which the voice of the people could be brought to bear upon the Legislature, and the members of these bodies the only persons in the community to

whom it would be safe to intrust this duty of election. Now what was the occasion of this change? It had been suggested that the Council as at present possessed too much power. Whatever power they might possess, it did not seem as yet that they had ill-used it, or that the colonists were at all dissatisfied. But, if in the infancy of free Legislative institutions in the colony, that Legislature should be somewhat crude, rash, or incautious, who could suffer by it but the colony; who so interested in trying to cure the defects in it as the colonists alone affected by it? Are the colonists so void of common sense and intelligence as not to be able to see, whether a scheme of legislation works beneficially or not. While, then, they had tried the present Constitution, they found it work well; they found no fault with it, they asked no change in it, and why fly to this system of District Councils? Why turn from the smaller evils of our present condition, "to fly to others that we know not of?" But the District Councils and the annihilation of the elective franchise were not all. This would not be a sufficient restriction on popular influence, and so they must have a Legislative Council of Crown nominees to sustain the Government influence. But where were the materials to come from in a colony like this? Was it supposed for a moment that such a body would be in any way analogous to the House of Lords? Where would they find learned lords to guide their decisions? Where would they find any 15 judges to direct their councils? These elements would be entirely wanting. What substitute would they find for them? He should propose that such an assembly should consist of the entire city magistracy, and perhaps to make the thing complete, they should have the Judge of the Court of Requests sitting on a woolsack as a substitute for the Lord Chancellor. This was the scheme dished up for New South Wales; this gross piece of political quackery. He intensely abhorred quacks of every description, whether they were quacks medical, quacks legal, or quacks political. But of all quack schemes never was one that equalled this. He looked upon it as a kind of political Holloway's pill, which Dr. Grey was to administer to cure all the diseases, including the excess of power of the Council, under which the colony laboured. They would see the colony figuring morning after morning as a kind of set-off to the Earl of Aldborough. "New South Wales cured by Grey's Holloway's pills, administered with the District Council ointment." He did at first pause whether it were not useless to take any measure of resistance, as he questioned whether they might already be politically defunct; but more mature reflection had convinced him, that standing as they did, as it were between life and death, it was their duty to come forward energetically and determinedly, in order that it might not be thrown in the teeth of those good men and true who would have to fight their battle on the floor of Parliament, that they had not sought to avert this evil. The Minister of England knew very well that the people of New South Wales knew their rights very well, and if they neglected to petition, and protest, and remonstrate, it would be argued that either they understood this measure, and accepted it, with all its evils; or that, knowing them, and anxious to avert them, they were content politically to die, and make no sign. True, they might at present be a kind of political ghost, but it might be the Bill had not yet passed. They knew that a Whig Ministry was in; but they also knew that Whig Ministries, of late years, had been very short lived; and if Mr. Gladstone should have returned to power, after the unceremonious manner in which his new settlement of North Australia had been disposed of, he would not be likely to be over tender in slaughtering these little innocents of District Councils of my Lord Grey. But whatever the political squabbles of Ministers might be, it was at least a comfortable reflection, that when Whigs and Tories fell out, patient and suffering people got their own. The resolution he had to propose was—

"That in consequence of the dispersion of a large portion of the inhabitants of this colony, any measure establishing municipalities similar in principle to the District Councils, attempted to be created by the Act of Parliament, 5 and 6 Vict., c. 76, would be so repugnant to the wishes, and so adverse to the interests of this community, that it is utterly impossible that it could ever be brought into effective operation."

Dr. Wallace seconded the resolution.

Mr. Oakes felt it his duty to come forward to make some observations on the reflections that had fallen from some of the speakers in reference to District Councils, particularly that of Parramatta, of which he was a member. It was not true that the Parramatta District Council had done no good. It had done a great deal of good. It had not only expended money, but it had spent it well and advantageously to the district. But although he felt bound to stand up for the District Council of Parramatta, he no more approved of the present measure than any one present, and should most strenuously resist it. The District Council at Parramatta had done their duty; but they were not fit to be trusted with the election of members of Legislative Council.

The motion was then put, and carried unanimously.

Mr. James Macarthur would endeavour to compress the observations he had to make into the least possible space, as he saw the meeting was getting rather impatient, and the hour too was growing late, the resolution he had to move was as follows:—

"That the colonists protest against being thus made the subject of theoretical experiments in legislation, and are anxious to enjoy a form of government founded as nearly as circumstances will admit upon the principles of the British Constitution."

This resolution enumerated two distinct propositions, both of which he intensely felt the importance of. He contended, and would ever contend most zealously, that every

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British subject had a right to enjoy those constitutional privileges which had at all times been so dear to Englishmen. Though an Australian by birth, he felt that he had a right to stand there and lift up his voice to denounce this most fatal measure. He had a right to reflect back upon the parent country the ignominy and the shame she would inflict upon Australia in daring to offer such a scheme for enslaving her—aye, a prouder right than had any noble peer who could consent to such a proposition. He cared not whether this scheme emanated from a Grey or from any one else, but he protested indignantly against it as a flagrant breach of British law. The constitutions of all the colonies contain provisions that the local legislatures should not pass any Act repugnant to British law. How, then, could any minister attempt to insult this colony, with an Act by which the first and highest principle of the British Constitution would be violated? He, however, laid not all the blame of this atrocious measure to Earl Grey, although as Colonial Minister he had affixed his name to the Despatch, and of course must be held responsible for it. There was, as they all knew well, a behind-the-scene influence in Downing-street, where a Mr. Nobody or a Mr. Somebody were all-powerful, and who, foisting measures, to serve his own purposes, on the Minister, then left him to fight his dirty battles for him. He did not believe that Sir George Gipps had been the author of the measure, although, it might be from his preconceived impressions formed in Canada, he might have strong prepossessions in favour of these District Councils. But though a system of municipalities might be very well suited to Canada and the American colonies, although he had never been able to find anything analogous in the American municipal institutions to those councils, they would be utterly impracticable here. It would be impossible to work them even under the present Act, far less under the much worse proposition of Earl Grey. It has been urged by Mr Oakes, that the Parramatta Council had worked well; but he must say, that he agreed with Mr. Martin, that it had not performed any of the functions for which it was designed. It was true it had effected much good by spending money derived from tolls, and which must have been spent by some one, better than it had ever been spent before. But it was impossible to find in America, or any other colonies, any such bodies as were proposed to be formed under this measure, and endowed with the sole power of electing members to the Legislature. Mr. Martin had quoted from Storey, the very highest authority, from which they found that the principle did not exist and never did exist. In addition to the authority already quoted, he would read an extract or two that would confirm them, and show the folly and danger of constructing constitutions on mere theoretical principles. He quoted from Chalmer's *Annals of the United Colonies of America*:—

“Lord Baltimore, the father of his province, having lived to enjoy what few men ever possess, the fruit of the tree which his own hands had planted and watered, died in the beginning of 1676, covered with age and reputation, in the 41th year of his government. Too honest a man to scatter the idle theories of the projector among the million, he published no scheme of ideal commonwealths to delude his followers; and too wise not to mark the solid texture and excellent balance of the English constitution, he resolved to build upon its plan and to rear that of Maryland with all possible consimilarity.

“After a few gradual changes, proceeding from the increase of population and alteration of circumstances, that form was soon established which has happily continued to the present time (1780). In the Governor, the Council, and House of Representatives, we see the King, the Lords, and Commons of England in miniature.”

He should be glad to see two houses erected when they were fit for it; the principle he thought a piece of justice, but they were not fit for it yet. They had no materials for an upper house, and could not have for very long to come. In the same author he found the following, in relation to the constitution of South Carolina, and Pennsylvania, and also of Maryland:—

“Thus, at the end of 23 years, finished the labours of Locke; thus was abrogated upon the requisition of the Carolinians, who had scarcely known one day of real enjoyment, a system of laws intended to remain for ever sacred, but which far from having answered their end, introduced only dissatisfaction and disorder.

“The Carolinian annals show all projectors the vanity of attempting to make laws for a people, whose voice proceeding from their principles, must ever be the supreme law.”

“The theoretical frame of government introduced by Penn, underwent a similar fate to the no less impracticable constitutions of Locke. It was at once found inapplicable to the condition of the colony, and, after a variety of alterations, which did not amend it, it was at length wholly laid aside, and a simpler form established. What happened to both, offer this instructive lesson to mankind—to be content with the principles handed down to them by their fathers, and to be cautious how they remove ancient foundations in their eagerness to adopt the speculations of theorists.”

“The constitution of Maryland was simple, and, therefore, solid and durable. Under it the people enjoyed repose to the period of the American Revolution. Those of Pennsylvania and Carolina were too theoretical to be practicable, too flimsy to prove lasting, too complicated to work harmoniously; yet, what did honour to the good sense of Calont, has conferred no celebrity on his name, whilst that which was too wild and speculative to be useful, has acquired the praise and approbation of philosophers.”

He had already adverted to one principle of colonial legislation, that it must not be repugnant to English law; but there were other principles which, in the present measure,

seemed to be entirely lost sight of, and in relation to which he would cite the eminent authority of Mr. Justice Halliburton:—

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“To what extent the British Parliament has a right to interpose its authority, or how far the power of the Colonial Assembly extends, it is impossible to ascertain with accuracy. The doctrine of the competence of the one, and the independence of the other has, at different times, been pushed to the extreme by the advocates of each. The true distinction appears to be, that Parliament is supreme in all external, and the Colonial Assembly in all internal matters. The unalterable right of property has been guaranteed to the colonies by the Act renouncing the claim of taxation, the 18th Geo. III. * * * Taxation is ours, commercial regulation is theirs; this distinction, says a distinguished statesman, is involved in the abstract nature of things. Property is private, individual, abstract; and it is contrary to the principles of natural and civil liberty that a man should be divested of any part of his property without his consent. Trade is a complicated and extended consideration; to regulate the numberless movements of its several parts, and to combine them in one harmonious effect for the good of the whole, requires the superintending wisdom and energy of the supreme power of the empire. The colonist acknowledges this supremacy in all things, with the exception of taxation and of legislation in those matters of internal government to which the local assemblies are competent. * * * But, in matters of a local nature, the Imperial control is well secured by the negative of the Governor; by his standing instructions not to give his assent to any law of a doubtful nature without a clause suspending its operations until the King's pleasure be known, and by the power assumed and exercised of disagreeing to any law within three years after it had passed the Colonial Legislature. With these provisos, it is absurd to propose, whatever may be said to the contrary, that the local assemblies are not supreme within their own jurisdiction; or that a people can be subject to two different Legislatures exercising at the same time equal powers, yet not communicating with each other, nor from their situation capable of being privy to each other's proceedings.

“I have already observed that the true line is, that Parliament is supreme in all external, and the colonial assemblies in all internal legislation; and that the colonies have a right to be governed within their own jurisdiction by their own laws, made by their own internal will. But if the colonies exceed their peculiar limits, form other alliances, or refuse obedience to the general laws for the regulation of commerce or external government, in these cases there must necessarily be a coercive power lodged somewhere, and it cannot be lodged more safely for the empire at large than in Parliament, which has an undoubted right to exercise it in such cases of necessity.”

From this authority it will be seen that in all matters relating to themselves they are the right persons to judge of what is best for them; and surely in a question of this sort, the bearings of which must be governed so entirely by the internal circumstances of the colony, there could be no doubt that the colonists were the best judges. Another objection to this system of District Councils was, that in giving them the power of double election, the little good that was previously in them would be destroyed, and they would become the mere instruments of all sorts of mischief. It filled him with indignation to see an attempt at speculative legislation of this sort attempted to be foisted on this colony. He said this not in bitterness of spirit, but he trusted that the colony would stand firm and protest against this measure. That they would send their remonstrances and memorials to Her Majesty's Government, to prevent vitality ever being given to this measure. As for the after destiny of the colony, he had no doubt that it would be a bright one; that a long and glorious career was reserved for it; but as an Australian, on the part of the colony, he entered his deep and solemn protest against this attempt to subvert its constitutional liberties.

Mr. Lowe rose to second the resolution, and was received with deafening cheers from all parts of the house. He had no authority to read to them, but he had one to cite. He spoke to their feelings as men, as British men, and it needed not that he should read his authority to them, for he well knew that there was not a man in the Assembly who had not the authority on which he stood graven upon his heart. That authority was the British constitution. He would not refer to any of the constitutions made up on speculation by rash politicians, scheming experimentalists, speculative empirics, crack-brained philosophers, or witty schoolmen; but he referred to that great and noble constitution, the bulwark of English liberty and English rights, which had ripened with time, and grown with the growth of ages, beneath the jealous and fostering care of the wisdom and experience of great and learned men. That constitution which with the lapse of time was stable as the hills, and was justly their pride and honour, and which in its guardianship of the liberties of the subject had become the joy, the pride, the emulation of the universe. The resolution he was called upon to second wished to assimilate the constitution of this colony to that of the parent land, and if there was a man among them who refused to assent to it, he would tell him with scorn and contempt he was unworthy of the name of freeman. It was under this constitution that they had enjoyed since a period that could not be traced out, the glorious boon of living under laws made by the men elected by their own choice. This was the principle they were seeking to bring out here; this was the system which had been the cherished pride of the Anglo-Saxon race in all its wanderings; and this was the only intelligible principle of representation, and not the degraded, absurd, nonsensical scheme propounded by Earl Grey. Under this principle, if he were elected to represent any constituency, he should know what to do. He should explain his principles to his constituents, and if they approved of them they would return him; but under this atrocious scheme he could know only the 10 jobbers who sent him there, and protect their interests, to

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the injury of the 1,000 who might not want him at all. This was the constitution they were asked to accept as an extension of constitutional privileges—this miserable counterfeit, by which they were to be chiselled, cheated, choused out of their dearest constitutional right. And how would this famous plan work—what would be its effect, but to give the Government an absolute control of the Legislature? With the means at the disposal of the Government, its immense revenues, places could be made, honours conferred on these district councillors to enlist them in favour of the Government, until the elected Legislature would cease even to represent their 10 constituents, but would become entirely subservient to the Government. And what a position for a man of honour, education, and independence to represent such a body. Before he could descend to such degrading meanness, such grovelling servility as to become the delegate of these men, honour, education, and independence must be alike forgotten. He repeated, their delegate, not their representative; for the test of the support of one of these 10 jobbers would be, what could he do for his son Jack. The power would now all be given over to these 10 individuals, and never did an instance of such impolicy occur, that the power delegated was not grossly and systematically abused. He had thought that it was the policy of good government to provide for peace and not for anarchy, to centralize, not to federalize. What would be thought of any such attempt to establish this local representation and this principle of double election in any of the counties in England? It was never attempted in England, or in any of the other colonies; but it was attempted here of all places, where, instead of the land belonging almost entirely to individuals, it nearly all vested in the Crown. Suppose such a system were introduced into Cornwall, there would be a general resistance, from fear of ruin. But here money was to be raised by taxation by these local bodies, to be expended in roads and bridges on Crown lands, in the effort to gull others to come out. There was another point—that the establishment of these local legislatures all over the country would give rise to confusion as to the jurisdiction, and endless dissension would be the consequence. As others had done, he had felt some doubt whether, as one of those oligarchs mentioned in the Despatch, one of those aristocratic giants that grind everything here beneath foot, he ought or ought not to take any part in the proceedings. But when he saw a meeting like the present, which no power of any members of the Council or their deputies could have got together, he felt he was called upon to take this duty on himself. As for the approval or disapproval of the Colonial Office of the proceedings of the Council, he must say that, looking, as he did, at any of the persons connected with that office with the most unmitigated contempt, he felt their dislike of their proceeding to be an honour, and a proof in itself that they had fulfilled their duty to the colony and their constituents. He could only advise them, that should they ever have a Council on which the sun of Downing-street favour should shine, to take the earliest opportunity of packing such a Council about its business, as a set of dishonest traitors to the trust imposed in them. Previous speakers had indulged in some speculation as to the origin of this proposed measure, and he might perhaps be permitted to give his own speculations on the point. When the Constitutional Act was passed, it was attempted to foist these District Councils on the colony, except that the representatives of the people stepped in to stop these hell-hounds of confiscation. The Legislature would not vote these councils the power to levy rates, which would have had to be collected by the Government, perhaps at the point of the bayonet, and certainly to the utter ruin of the colony. The Downing-street people saw that the Legislature could discriminate the bad which was so mixed up with the good in the boon offered, and determined to have its will, they mixed up the bad with the good, so that neither could be accepted if both were not. They did what the tyrant of old did, they tied the living to the dead—fastened these inanimate corporations to the quick vitality of elective representation; and then, as Earl Grey proposed, insisted on their taking what they had before rejected. This was the way in which the Colonial Office played upon the feelings of the colonists, and trifled with their dearest rights and liberties. Because they had a spirit of independence—because they had feelings of veneration and love for the constitution of their forefathers, and which conferred on them the same privileges as an inalienable right, they were to be crushed by this measure, which either by force or fraud was to be foisted upon them. But if the colonists were of his mind, they would show the Minister that there was a limit beyond which the sluggish legislation of Downing-street could not pass. Although they might hear of their weakness, and relying on the strength of the irresponsible power they wielded, they might withdraw the present constitution, and they might inflict upon them the other—yet there was one thing they could not do—they could not make them accept the Act and act upon it. They might take the horse to the water, but they could not make him drink; they might tie the millstone round their necks, but they could not make them carry. They might pipe, but the colonists need not dance; and if they would be advised by him, they would leave this act, this damning proof of Colonial Office tyranny, to rot in its own loathsomeness—to put it from them as a thing accursed, and have no part whatever in working it. If they were not indeed bastards to the race they sprung from, they would never become instruments to their own slavery and ruin; they would never, under any sufferings, any sacrifices, surrender that constitutional freedom, fought and bled for by their ancestors, and without which life, to an Englishman, must be a galling slavery. He, for one, would show them an example, and would denounce as a traitor to his country, as a renegade from the spirit of freedom of his race, any person who should, by act or part, by electing, or suffering himself to be elected, assist in carrying out the provisions of this detestable measure. The colonial minister might send it, but the colonists might leave it to itself. He disclaimed, in this instance, anything like the policy of making the best of it. Let them leave the wretched offspring of tyranny and indolence still-born—dead. They had no power to resist this measure forcibly. It would, indeed, be idle for them to measure strength with the greatest power on earth. Out of their weakness grew their strength,

they could passively resist, and let them leave this act to them altogether—let them, when they found that the colonists will not accept it, will not on any condition have anything to do with it, will not pollute their souls by putting any of its foul provisions into operation,—let them take their scheme back amidst the shouts of ridicule which shall reverberate through the empire at their ridiculous miscarriage. He wished to be understood. He did not say this with any hope of averting the evil; he felt perfectly assured in his own mind that the Act would pass, that they would have this slavish constitution forced upon them. He, however, would be no party to it. He would not stoop to be the thing into which my Lord Grey, or any other colonial minister, wished to make the representative of a British community. He repeated, he had made these observations not in hope, but with the view of pointing out a scheme by which the machinations of those who would enslave them might be defeated; and he would pray to that God who was always ready to succour an oppressed people, to grant them firmness and patience in the ruin that was impending over the colony, that they might not basely and infamously assist those who were conspiring to ruin it.

The resolution was then put and carried unanimously.

Mr. C. Kemp said, that those who had read Lord Grey's Despatch would observe that the first half of it consisted of arguments respecting the proposed division of the colony, and the erection of Port Phillip into the colony of Victoria, and then followed these words:—

“ Her Majesty's Government therefore hope, in the next session of Parliament, to introduce a Bill for the division of New South Wales into two colonies, the northern of which would retain its present name, while the southern colony would, by Her Majesty's gracious permission, receive the name of the province of Victoria. The effect of this alteration would be to render inevitable some changes in the existing constitution of the northern government. When detached from the southern districts, the existing system would cease, in many respects, to be appropriate and applicable to its new condition; and there appears also to be some particulars in which the practical operation of the present constitution proves that it might with advantage be revised.”

After that, the Despatch pointed out the various changes intended, and which had been dwelt upon by previous speakers. It would appear from this that the intended separation of the colony was put forward as the reason why these changes should be made at this particular time, and he had, therefore, to move the following resolution:—

“ That the erection of Port Phillip into a separate colony affords no sufficient reasons for such innovations.”

This might appear almost a truism, but for the reasons stated he conceived the resolution necessary. The fourth section of the Constitutional Act (5th and 6th Victoria, c. 76), gives the Legislative Council of the colony power to increase the number of members, alter the electoral districts, and make new ones, the only proviso being that the proportion between the elected and nominated members shall remain as heretofore—two to one. All, therefore, that will be requisite, when the district of Port Phillip ceases to belong to the colony, will be for the Legislative Council to distribute the six members among the districts least represented, and the government would go on as at present.

Mr. Holden seconded the motion, which was carried unanimously.

Mr. Cape said, that as the many luminous addresses which they had heard in support of the previous resolutions, compassing nearly every topic to be considered by the meeting, had detained them to this late hour, he would not dwell upon the resolution now to be proposed.

“ That the colonists are entitled to expect that no important alteration in the constitution which they enjoy shall be made without their previous assent.”

The changes to which the colonies were so continually subject, from the succession of Secretaries and Under-Secretaries of State, were, with other events deeply effecting the interests of these communities, forming a history—the history of the colonies, which it was their duty to bear in mind. The moderation and loyalty of the people in this colony could not be doubted, when under a feeling of such excitement as that induced by the Despatch of Earl Grey, the resolutions which had been passed so unanimously, as embodied in the petitions from the people, were only in accordance with the principles of the British constitution. And if, unhappily, this scheme should, without any reference to themselves, become law, it would be well that they had had this meeting, for though they may not alter the past, it would better prepare them for the future.

Mr. Thacker was proud of the humble duty that had been cast upon him of seconding the resolution. He concurred in all that it contained, and was indeed disposed to go even further, and to say that all alterations and amendments in their constitution should be made by themselves; and he felt so much the danger of trusting to irresponsible English legislation on the subject, that he had no hesitation in saying that he would rather trust his liberties to the most despotic government that ever existed, than to any gentleman at the head of the Colonial Office.

The resolution was passed unanimously.

Mr. Alexander moved the 7th resolution, as follows:—

“ That the following petition, embodying the foregoing resolutions, be presented to Her Majesty the Queen, and both Houses of Parliament.

Captain Rossi seconded the resolution. It was the first public meeting he had ever attended, but so deep was his horror of the scheme proposed by Earl Grey, that he had felt it his duty to come forward. He agreed with all that had been said concerning the measure; but there was one point which he wished to notice, in order that justice might be done to one who was

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now no more. It had been suggested by some speakers, that Sir George Gipps was the author, or had recommended this measure. Now, it had come to his knowledge a day or two ago, that a copy of this very Bill had been sent to Sir George Gipps by Earl Grey, then Lord Howick, with instructions to confer with Sir John Franklin, then Lieutenant-Governor of Van Diemen's Land, as to the applicability of the measure to the circumstances of the colonies. The report that both sent home was, that it was not so.

The resolution was then passed.

Mr. Edward Cox proposed the eighth resolution, as follows:—

"That the petition to Her Majesty the Queen be transmitted to his Excellency the Governor, that to the House of Lords to the Right Honourable Lord Monteaule, and that to the House of Commons to the Honourable Francis Scott, the colonial agent."

Dr. Bland seconded the resolution, which was carried.

Mr. Norton then proposed, and Captain Rossi seconded, that the Right Worshipful the Mayor do now leave the chair, and that the same be taken by Mr. James Macarthur.

The Mayor having left the chair, the thanks of the meeting for his able and impartial conduct whilst presiding over the meeting were voted and acknowledged.

The meeting broke up in the most orderly manner.

No. 3.

(No. 71.)

No. 3.

COPY of a DESPATCH from Governor Sir C. A. FITZROY to Earl GREY.

Government House, Sydney, March 27, 1848.

(Received August 7, 1848.)

(Answered August 14, 1848, No. 140, page 41.)

Already printed
in Parliamentary
Papers, May 25,
1849.

MY LORD,

* Page 29 of Parl.
Paper, No. 715,
August 25, 1848.

WITH reference to my Despatch, No. 31,* of the 2nd February, 1848, forwarding a petition to Her Majesty from the inhabitants of Sydney, praying that Her Majesty would be graciously pleased not to assent to any change in the constitution of this colony, which shall not have received the sanction of the colonists at large; I have the honour to enclose petitions of a similar nature addressed to Her Majesty, which I have been requested to forward.

No. 1.

1. From the inhabitants of the electoral district of Penrith.

No. 2.

2. From the clergy, landowners, and inhabitants of Singleton, and the district of Patrick's Plains.

No. 3.

3. From the inhabitants of the district of Port Phillip, together with the copy of a letter in which I received it from the Superintendent.

March 9, 1848. No. 4.

4. From the inhabitants of the district of Windsor.

No. 5.

I also transmit a similar petition, but addressed to myself, by the inhabitants of the district of Picton; and a series of resolutions to the same effect from the inhabitants of the district of Queanbeyan.

No. 6.

I may add, that petitions of a similar nature to the enclosed, are in course of preparation in many of the other country districts.

No. 7.

I have, &c.,

The Right Hon. Earl Grey,
&c. &c. &c.

(Signed) C. A. FITZROY.

Encl. 1 in No. 3.

Enclosure 1 in No. 3.

TO THE QUEEN'S MOST EXCELLENT MAJESTY.

The humble petition of the undersigned Inhabitants of the Electoral District of Penrith, in the counties of Cumberland and Cook, and colony of New South Wales.

HUMBLY SHOWETH,

* Page 3, Parl.
Paper, No. 715,
1848.

THAT the contents of the Despatch, dated July 31,* 1847, from Earl Grey, Secretary of State for the Colonies, has excited in the breasts of Your Majesty's petitioners, indignation and alarm, as by it they learn that the electoral franchise enjoyed by them under the Act of the Imperial Parliament of 5 and 6 Vict., cap. 76, was about to be abrogated and superseded by a crude experiment no less at variance with the principles of the British constitution than absurd and impracticable in a population dispersed and located, as are the inhabitants of New South Wales. Second to none of Your Majesty's subjects in glowing loyalty to Your Majesty's person, and deep veneration for the principles of the constitution of the parent State, as seen in operation in Great Britain, Your Majesty's petitioners are unconscious of any adequate reason for depriving them of that dearly cherished birthright of a Briton, the power of electing his representatives in the councils of their country.

That an Act effecting the change propounded by Earl Grey would deprive Your Majesty's

petitioners of that power, and thus be in truth to them a Bill of Pains and Penalties, without a pretence that any conduct of theirs has merited punishment.

That Your Majesty's petitioners claim the right to enjoy, as nearly as circumstances will admit, the full benefit of the principles of the British Constitution, and humbly and earnestly implore Your Majesty to be graciously pleased to interpose Your high authority to prevent this colony being made the field of theoretical experiments in legislation.

That, as born subjects of Your Majesty, they conceive themselves entitled to all the blessings and benefits of Britons, and they have, therefore, a right to expect that no alteration in the constitution of the colony shall be effected without the previous assent of those whose liberties and property must be affected by it.

Your petitioners, therefore, most humbly pray Your Most Gracious Majesty will not assent to any alteration of the electoral franchise of your subjects in this colony, which may have the effect of diminishing the rights they now enjoy, nor any such important changes in the form of their government, which shall not have been previously submitted for the opinion, and received the approbation of the colonists.

And your petitioners, as in duty bound, will ever pray.

Enclosure 2 in No. 3.

Encl. 2 in No. 3.

To Her Most Gracious Majesty VICTORIA, by the Grace of God, of the United Kingdom of Great Britain and Ireland, Queen, Defender of the Faith, &c., &c., &c.

The humble petition of the undersigned Clergy, Landowners, and Inhabitants of Singleton, and the District of Patrick's Plains, in the Colony of New South Wales.

SHOWETH,

Your petitioners approach Your Majesty with the most sincere assurance of loyalty and attachment to Your Majesty's person and Government.

Your petitioners, in common with the whole of the colonists of New South Wales, settled and residing in the old or middle portion of this colony, have felt the greatest alarm upon his Excellency Sir Charles Augustus FitzRoy, the Governor, having published a Despatch of the Right Honourable Earl Grey, Your Majesty's Secretary of State for the Colonies, and dated 31st July, 1847.*

Your petitioners would, in approaching Your Most Gracious Majesty by petition, represent that such Despatch conveys to the colonists of New South Wales the intention of the Right Honourable Secretary of introducing a Bill at the ensuing session of the Imperial Parliament of Great Britain, for the purpose of altering the government and constitution of this Your Majesty's colony of New South Wales, and which, of necessity, must repeal the Constitutional Act of 5 and 6 Vict., c. 76.

Your petitioners would beg respectfully to state, that the Act 5 and 6 Vict., c. 76, was brought in, and passed the Imperial Parliament, after the most deliberate and serious consideration of its purposes by this community; that it has only existed for five years; that it was welcomed as a boon, for it conceded to the colonists their inherent birthright,—that well-known British principle of taxation by representation was acknowledged and granted.

On your petitioners receiving this settlement of their long solicited claims, they were still shackled with a condition humiliating to their feelings and irreconcilable with their interest. A civil list amounting to about one-third part of the yearly revenue of the colony was appropriated by the Imperial Parliament, and over which the representatives of the people had not the least control.

Yet your petitioners have not complained; they looked forward with confidence, that through the wisdom of Your Majesty's Ministers and the Imperial Parliament, any alteration of the law would be to extend their representative system, to lower the franchise, to enlarge their liberties, and to approximate their constitutional freedom still nearer to that of the mother country.

Your petitioners, whilst they feel the greatest veneration for that noble, inimitable, and integral part of the British Constitution, the House of Commons, cannot but feel that they are not, as they should be, adequately represented in that body; and that upon the discussion of, or the passing of laws affecting your petitioners in the most sensible manner, they are sorry to observe a continued apathy and indifference to their interests, and thus Your Majesty's colonial minister is perfectly uncontrolled in any measure affecting your petitioners, which he (from whatsoever cause) may wish to fix the sanction of the Imperial Legislature upon.

Your petitioners, then, cannot but feel the most heartfelt grief at the intentions suggested in the Despatch of the Right Honourable Secretary of State for the Colonies; and cannot see any good reason for such a radical change in the laws and institutions of the elder colony because a junior one requires a separate government. It is making the strong subservient to the weak.

Your petitioners observe in the Despatch of the Right Honourable Secretary his dissatisfaction with the practical operation of the present constitution of the colony; and they cannot fail to see that this points to his favourite principle of self government through the instrumentality of municipal corporations, and which the Right Honourable Secretary states has hitherto been defeated; yet, he continues, "it is not the opinion of Her Majesty's Government that it ought to be abandoned."

Your Majesty's petitioners must here take leave to state that such a defeat has not arisen from factious or disloyal feelings, but from the solemn conviction of the Legislative Council

* Page 3, Parl. Paper, No. 715, 1848.

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that the same could not beneficially be carried into effect; showing the fallacy of the Imperial Parliament legislating for so remote a colony, without sufficient knowledge of its local wants; but if the laws instituting local self-government were left to the colonial legislature, your petitioners believe that such institutions would be favourably received.

If the great mischiefs of the contemplated change are not already apparent to Your Majesty, your petitioners would beg briefly to bring a few of them to Your Majesty's further notice.

Your petitioners' representative system is about to undergo a radical change without any solicitation from your petitioners, or conference with their present representatives. Your petitioners are to have municipal bodies thrust upon them contrary to their expressed declarations that such are unsuited to their present wants and means of supporting them. The franchise for the choice of members to the Legislative Council is to be transferred to the municipal corporations of the colony. Your petitioners feel that investing district councillors with the right of returning members to their legislature, whereby from 20 to 30 persons only will form the constituency in each of their counties, will be subversive of their rights as British subjects, and virtually disfranchising nineteen-twentieths of their present electors.

Your petitioners have already recorded their dissent to District Councils, they are opposed to an upper house of Crown nominees, and moreover, are decidedly adverse to a central legislature as altogether unnecessary. In fine, they cannot accord their assent to any part of the proposed new constitution.

Your petitioners would further urge upon Your Majesty's attention, that as municipal bodies can only exist in their cities and towns, the rural, being the most useful and important part of the population of the colony, and comprising nearly half of the same, would be wholly unrepresented, and left in a situation unworthy of their descent, and intolerable as British subjects to bear.

Your petitioners would, therefore, most humbly pray Your Most Gracious Majesty to hear the voice of your subjects from this distant portion of your dominions, and not sanction the passing of a crude and experimental law, unsolicited by your petitioners, which must affect their rights and privileges, as loyal, industrious, and deserving people.

And your petitioners further pray, before the least alteration is attempted in their constitutional law as at present existing and established, that opportunity will be given for an expression of the opinion of your petitioners, through their representatives, upon a subject so vital and momentous to them as subjects of the British Empire.

And Your Majesty's petitioners, as in duty bound, will ever pray, &c., &c.

Encl. 3 in No. 3.

Enclosure 3 in No. 3.

TO THE QUEEN'S MOST EXCELLENT MAJESTY.

MOST GRACIOUS SOVEREIGN,

The humble petition of the undersigned Inhabitants of the district of Port Phillip, in the colony of New South Wales, in public meeting assembled.

SHOWETH,

THAT a Despatch addressed by the Right Honourable Earl Grey, Your Majesty's Secretary of State for the Colonies, to his Excellency the Governor of New South Wales, has been published by his Excellency, from which the inhabitants of Port Phillip have learnt with the liveliest emotions of joy and gratitude, that it is the determination of Your Majesty's Government to take immediate measures to erect Port Phillip into a separate colony, to be named after Your Most Gracious Majesty the Colony of Victoria.

But that the said Despatch also announces the intention of giving a new constitution and form of government to the Australian colonies generally, a constitution which Your Majesty's petitioners respectfully aver is universally disapproved of and condemned by the inhabitants of Port Phillip, as unsuited to their requirements, as being experimental, as disturbing a form of government with which, in most particulars, they are contented, and as altering and abridging their natural rights as British subjects.

And, whereas, against this proposed constitution the inhabitants of New South Wales Proper have very generally petitioned, and it is feared that if these petitions are successful, they may also have the effect of delaying the erection of Port Phillip into a separate colony.

Your Majesty's petitioners, therefore, implore that mindful of the many intolerable hardships and injustices to which their district is subjected by its union with New South Wales, as set forth in their various former petitions, and of all the strong grounds on which Your Majesty's Government has decided to erect Port Phillip into an independent colony, they may without further delay be at once released from these hardships and injustices.

And Your Majesty's petitioners humbly pray, that the district of Port Phillip may, forthwith be separated from New South Wales, and erected into an independent colony.

Encl. 4 in No. 3.

Enclosure 4 in No. 3.

SIR,

Superintendent's Office, Melbourne, March 9, 1848.

THE enclosed petition addressed to Her Most Gracious Majesty has been placed in my hands for transmission, through his Excellency the Governor, under circumstances which preclude, if the wishes of the petitioners are to be complied with, my doing more than stating,

That the object of the petitioners is to deprecate the new form of constitution proposed for the Australian colonies to this portion of the same, and to urge upon Her Majesty's gracious consideration the early separation of the Port Phillip district from New South Wales.

Upon the latter point I may, however, remark, that under the present constitutional Act of the colony Her Majesty is precluded from detaching the Port Phillip district from New South Wales, and forming it into a separate colony, in so much as the last paragraph of the 51st section of the Act of Parliament, 5 and 6 Vict., c. 76, provides that no part of the territories lying southward of the 26° of south latitude in the colony of New South Wales, shall be detached from the said colony.

A repeal, however, of such portions of the present Act, in the event of obstacles arising in the way of the immediate passing of the new Constitutional Act, in the precise form contemplated by the Right Honourable the Secretary of State, would enable Her Majesty to confer that boon upon the inhabitants of the Port Phillip district, which has been so long and earnestly prayed for.

The Honourable
the Colonial Secretary, Sidney.

I have, &c.,
(Signed) C. J. LATROBE.

Enclosure 5 in No. 3.

Encl. 5 in No. 3.

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

MAY IT PLEASE YOUR MAJESTY,

WE, the undersigned inhabitants of the district of Windsor, in the colony of New South Wales, beg, in approaching Your Majesty, to express our ardent and devoted loyalty to Your Majesty's person and Government, and our fervent desire that it may be permitted to you, by Divine Providence, long to sway the British sceptre with much prosperity and glory.

The contemplated changes in the constitution of this colony, as respects the electoral franchise, which are indicated in the Despatch of the Right Honourable the Secretary of State for the Colonies, under date 31st July, 1847, to the Governor of New South Wales, are regarded by us with strong aversion, and with anxious dread of the consequences should these changes be effected.

These changes appear to us utterly uncalled for and unjustified, and unexampled by anything similar in the British Constitution. They will, in effect, deprive the colonists of the elective franchise which they have enjoyed now for five years, and lodge it in the hands of a small irresponsible body, which will practically be, in many instances, nominated by the Governor, and in almost all instances will be easily susceptible of being directed by influences other than those of their constituents. They involve, as a first step, the full operation in the colony of District Councils, which (except for a few of the closely-peopled districts, and even in those for such purely local purposes as roads, &c., only), are odious to the colonists, unadvisable and impolitic on general grounds, and impracticable in this colony where the population is naturally widely dispersed over a vast territory.

As natural born subjects of Your Majesty, we consider ourselves entitled to equal rights and privileges with our fellow subjects in the United Kingdom: and we earnestly deprecate the changes alluded to as laying the axe to the very root of those rights and privileges by depriving us of the most valuable of them, the being present by immediate representation in the Assembly where are enacted the laws by which we are governed. We are most desirous to enjoy a constitution as nearly as may be alike to that of the United Kingdom; and we accordingly think it due to the colonists that no measure of magnitude should be passed at home affecting the colony without their previous assent.

We, therefore, humbly pray that Your Majesty will be graciously pleased to withhold your sanction from any measure calculated to impair our electoral franchise, or render less direct our representation in the legislature, and from any important measures affecting our constitution which have not previously been approved of by the colonists.

And we, your petitioners, as in duty bound, will ever pray, &c.

Enclosure 6 in No. 3.

Encl. 6 in No. 3.

Unto his Excellency Sir Charles Augustus FitzRoy, Knight Companion of the Royal Guelphic Hanoverian Order, Governor-in-Chief in and over the territory of New South Wales and its dependencies, and Vice-Admiral of the same, &c., &c.

The humble petition of the undersigned Magistrates, Landholders, and Residents in the district of Picton, county of Camden.

RESPECTFULLY SHOWETH,

THAT your petitioners have learned with much regret and dissatisfaction that it is the intention of Her Majesty's Government to alter the present constitution of the colony, and substitute in its stead a form of representation totally at variance with all their ideas of liberty, and utterly repugnant to every British colonist.

Your petitioners would respectfully point to their own district in order to show that it will

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be impossible to carry out such a scheme as is detailed in the Despatch (No. 203) of Earl Grey to your Excellency. The district contains an area of nearly 600 square miles, and the population only numbers 1,200, according to the last census; while there is but one village in the whole district, containing about 120 persons, and distant only 50 miles from Sidney. By the last electoral list there appears to be 68 voters, but the number would be considerably increased if the franchise was extended to leaseholders.

Your petitioners would also beg to remark, that not only would it be impossible to establish District Councils in any shape, but at present there is even a difficulty in finding properly-qualified persons to act as local magistrates; and your petitioners believe that there are other districts similarly situated in the colony.

Your petitioners would particularly call the attention of your Excellency to that part of the Despatch where it is admitted that "the intention of Parliament to create local authorities (District Councils) has hitherto been defeated;" but the fact of such a dangerous and iniquitous power being given to any Government officer, as detailed in clause 49 of the present Constitutional Act (5 and 6 Vict., c. 76) is quite sufficient of itself to account for that part of the Act not having been carried out. And your petitioners are convinced that all future attempts of this nature will in like manner be defeated.

Your petitioners therefore pray that the present representative system may be continued to the colony, and all alterations in their laws and government left in the hands of the Legislative Council as at present established.

Your petitioners respectfully request that your Excellency will be pleased to forward this petition to the Right Honourable the Secretary of State for the Colonies.

Encl. 7 in No. 3.

Enclosure 7 in No. 3.

At a public meeting held at Queanbeyan, in the county of Murray, on Wednesday, the 16th of February, 1848 (Dr. Murray being in the chair), the annexed Resolutions were unanimously adopted:—

First Resolution.—Moved by Mr. C. Campbell, of Duntroon, and seconded by Mr. Hall, of Charnwood—

"That this meeting regards the change which it appears from the letter of the Right Honourable the Secretary of State for the Colonies recently published, Her Majesty's Ministers contemplate making in the constitution at present enjoyed by this colony, with extreme aversion and alarm, conceive that it will materially deprive the colonists of the most important privilege of British subjects, viz., the elective franchise."

Second Resolution.—Moved by Morey, of Gundaroo, and seconded by Mr. S. A. Murray, M.L.C.—

"That in the event of the proposed change being effected, this meeting would advise their fellow colonists to adopt a system of passive resistance by refusing to elect members to the proposed District Councils or electoral colleges."

Third Resolution.—Moved by Mr. Haley, of Queanbeyan, and seconded by Mr. Mowle, of Camberry—

"That the chairman be requested to transmit a copy of these resolutions to his Excellency the Governor, and respectfully to solicit his Excellency to forward them to the Right Honourable the Secretary of State for the Colonies."

Fourth Resolution.—Moved by Mr. Mowle, of Camberry, and seconded by Mr. S. Rutledge, of Molonglo—

"That the petition now read, being the one which was adopted at the public meeting held at Sydney, be now adopted."

(Signed)

J. F. MURRAY, Chairman.

No. 4.

(No. 111.)

No. 4.

COPY of a DESPATCH from Governor Sir C. A. FITZROY to Earl GREY.

Government House, Sydney, May 11, 1848.

(Received October 31, 1848.)

(Answered November 22, 1848, No. 199, page 41.)

MY LORD,

WITH reference to my Despatches, No. 31,* of 2nd February, and No. 71†, of 27th March last, I have the honour to enclose a petition addressed by the inhabitants of Maitland to Her Majesty the Queen, respecting the projected changes in the constitution of this colony.

I have, &c.

(Signed)

C. A. FITZROY.

The Right Hon. Earl Grey,
&c. &c. &c.

Already printed
in Parliamentary
Papers, May 25,
1849.

* Page 29 of Parl.
Paper, No. 715,
1848.

† Page 18.

Enclosure in No. 4.

TO THE QUEEN'S MOST EXCELLENT MAJESTY.

NEW SOUTH WALES.

Encl. in No. 4.

The humble petition of the undersigned Inhabitants of the district of Maitland, New South Wales.

RESPECTFULLY SHOWETH,

THAT the publication of the Despatch dated 31st* July, 1847, from Your Majesty's Principal Secretary of State for the Colonies, indicating a change in the constitution of this colony, by which (among other things) the system of District Councils is to be perpetuated, and the Legislative Assembly is to be placed with respect to those District Councils in the relation of representative and constituent, has filled us with the utmost apprehension and indignation.

* Page 3 of Parl. Paper, No. 715, 1848.

That any measure establishing municipalities, similar in principle to the District Councils attempted to be created by the Act of Parliament, 5 and 6 Vic., cap. 76, would be so repugnant to the wishes, and so adverse to the interests of this community, that it is utterly impracticable that it could ever be brought into effective operation.

That the change in the constitution of this colony, proposed in the before-mentioned Despatch, would have the effect of depriving us of the elective franchise, which we maintain to be our inalienable right as British subjects.

That we cannot but be persuaded that by delegating our right to elect our representatives, we are deprived not only of that choice to which we are entitled, but also of that constitutional control over our Legislature without which no people can be considered free.

That a constitution having been lately conceded to us, we trust that no theoretical experiment will be allowed to interfere with its existence.

That we see nothing in the erection of Port Phillip into a separate colony to justify the extraordinary change which is, by the before-mentioned Despatch, proposed to be made in the constitution of the colony.

That we feel ourselves entitled to expect that no important alteration in the Constitution shall be made without the previous consent of those whose persons and property it may be intended to affect; for if such change was to take place, it would neither be expedient, practicable, nor likely to be beneficial to the colonies at present.

Your petitioners therefore humbly pray that Your Most Gracious Majesty will not assent to any change in the constitution of this colony, which shall not have received the previous sanction of the colonists at large.

And your petitioners, as in duty bound, will ever pray.

(No. 178.)

No. 5.

No. 5.

COPY of a DESPATCH from Governor SIR C. A FITZROY to Earl GREY.

Government House, Sydney, August 11, 1848.

(Received January 19, 1849.)

Already printed in Parliamentary Papers, May 25, 1849.

MY LORD,

IN my Despatch No. 3,* of the 6th of January last, acknowledging the receipt of your Lordship's Despatch No. 203.† of the 31st July, 1847, on the subject of the separation of Port Phillip and the contemplated changes in the Legislature of this colony, I had the honour to inform your Lordship of the steps I had taken for giving publicity to the views of Her Majesty's Government (the Council at that time not being in Session); and in my subsequent Despatches, Nos. 31,‡ 71,§ and 111,|| of the 2nd February, 27th March, and 11th May last, I placed before your Lordship the result of various public meetings held in Sydney and other parts of the colony.

* Page 6 of Parl. Paper, No. 715, 1848.

† Page 3, *ibid.*

‡ Page 29, *ibid.*

§ Page 18.

|| Page 22.

As your Lordship will naturally be anxious to be informed of the proceedings of the Legislative Council with reference to this subject, I have now the honour to report that on the 21st March, the day on which the Legislative Council was convened, I caused a copy of your Lordship's Despatch to be laid on the table of the House.

On the 26th of April Mr. W. C. Wentworth (one of the members for Sydney), gave notice of his intention to move the adoption by the House of a series of resolutions, which your Lordship will find printed in the annexed paper marked A. These proposed resolutions, however, underwent considerable modification before they were submitted to the Council.

Enclosure A 1.
Page 26.

On the 2nd May the modified resolutions specified in the Enclosure marked B, were proposed by Mr. Wentworth, and seconded by Mr. Foster, one of the members for Port Phillip.

Enclosure 1 B.
Page 27.

The adoption of the resolutions in their then shape was opposed by the

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Colonial Secretary; Mr. Lowe, the member for Auckland and St. Vincent, followed on the same side, strongly advocating the expediency of establishing a Legislative Council distinct from the Representative Assembly, instead of the present form of Legislature. After some other members had spoken, the debate was adjourned to the following day. For the particulars of this debate I beg to refer your Lordship to the Supplement to the "Sydney Morning Herald" of the 4th May, 1848.

On the second day, Mr. Bland, M.C. for Sydney, proposed a series of resolutions, based on those of Mr. Wentworth, although in some respects differing from them; these not having been seconded, it is unnecessary to trouble your Lordship with them.

It was then moved by Mr. Cowper, M.C. for Cumberland, that the House should resolve itself into a Committee to frame resolutions; this amendment having been seconded, the House, after a lengthened debate, went into Committee. The resolutions are set forth in the Enclosure marked C.

Enclosure 1 C.
Page 28.

Mr. Cowper proceeded to move the first of these resolutions; but, after a long discussion it was thought that further time should be given to consider the new matter introduced in them; and with that view it was moved that the Chairman should report progress, and ask leave to sit again on the following Tuesday. After a further discussion on a point of order, the Committee divided, with the following result (see Enclosure D) :—

Enclosure 1 D.
Page 29.

Ayes 14; noes 9.

The second day's debate will be found reported in the Supplements to the "Sydney Morning Herald" of the 5th and 6th of May.

On Tuesday, the 9th of May, the Council again resolved itself into Committee.

The first resolution was carried without observation, as follows:—

"That the erection of Port Phillip into a new province may be effected
"without any fundamental change in the constitution of this colony."

To the second resolution,—

"That the principle that local affairs should be managed by local
"authorities, &c.," (see Enclosure 1 C, No. 2),

It was proposed as an amendment that the second of Mr. Wentworth's original resolutions should be substituted for it, when the Committee divided,—

Enclosure 1 E.
Page 30.

Ayes 3; noes 20.

For the names of the members voting see No. 1 Division, Enclosure E.

A second amendment was then proposed, altering the terms of Mr. Cowper's second resolution (No. 2, Enclosure 1 C.), so as to make it apply, not generally, but at the present time only, when the Committee divided,—

Ayes 13; noes 11. (See Division No. 2, Enclosure E.)

A further amendment having been introduced by Mr. Wentworth, making the resolutions applicable to this colony only, the Committee again divided,—

Ayes 19; noes 3. (See Division No. 3, Enclosure E.)

The third resolution,—

Page 28.

"That it is from the utter inability of the rural districts, &c.," (see No. 3, Enclosure 1 C.),

was carried without a division.

The fourth resolution,—

Ibid.

"That any scheme of District Council involving powers of local assess-
"ment, &c.," (see No. 4, Enclosure 1 C.),

was carried, after a desultory debate, without a division.

Ibid.

The fifth (see No. 5, Enclosure C.), after having been submitted, was withdrawn.

The sixth,—

"That this Council cannot acquiesce in any plan of an inter-colonial
"Congress, in which the superior wealth and population of New
"South Wales, as compared with the other colonies of the Australian
"group, both individually and collectively, shall not be fully recog-
"nised as the basis of representation," (see No. 6, Enclosure C.),

was passed almost without remark.

The seventh resolution was moved by Mr. Cowper in two parts. Firstly,—
 “That the Council is disposed to view favourably the proposition of
 “separating the deliberations of the nominees of the Crown from
 “those of the representatives of the people.”

Upon this an amendment was moved by Mr. Wentworth, being, in fact, a distinct negative. Other amendments were also proposed, but finally withdrawn, and the Committee divided on Mr. Wentworth's,—

Ayes 10; noes 11.

The Committee then divided on the original resolution,—

Ayes 11; noes 10. (For particulars, see Nos. 4 and 5, Enclosure E.)

The second clause of the seventh of the proposed resolutions was moved as a distinct resolution as follows,—

“That the Committee consider that if such an amendment be made in
 “the present constitution, it ought to be accompanied by the cession
 “of the territorial revenue, or the Schedules A, B, and C, to the
 “appropriation of the Representative Assembly.”

Page 32.

Upon this the Committee divided,—

Ayes 16; noes 5. (See Division No. 6, Enclosure E.)

The last of the series was then put,—

“That although the Council has deemed it a duty to give its opinion
 “upon the several propositions contained in the Despatch of the
 “Right Honourable the Secretary of State for the Colonies, it cannot
 “forbear from expressing its strong sense of the indignity with which
 “the people of this colony are treated, by the announcement that a
 “measure so seriously influencing their destiny for good or for evil,
 “will be introduced into Parliament without affording them an
 “opportunity of previously expressing their sentiments upon it.”
 (See No. 8, Enclosure C.)

Ibid.

When the Committee divided,—

Ayes 14; noes 5. (See Division No. 7, Enclosure E.)

As it was then growing late, Mr. Cowper moved that the Chairman leave the chair, report progress, and ask leave to sit again on the following Friday, when the Committee divided,—

Ibid.

Ayes 6; noes 9. (See No. 8 Division, Enclosure E.)

It was next moved “that the Chairman do leave the chair, and report the
 “resolutions to the House,” when the Committee again divided,—

Page 33.

Ayes 6; noes 9. (See No. 9 Division, Enclosure E.)

As therefore the Committee would neither consent to sit again nor report its resolutions to the House, it was finally moved by Mr. Wentworth “that the
 “Chairman do leave the chair, report progress, and ask leave to sit again that
 “day six months.” Upon this the Committee divided,—

Ibid.

Ayes 10; noes 5. (See No. 10 Division, Enclosure E.)

Ibid.

These proceedings in Committee are briefly reported in the “Sydney
 “Morning Herald” of the 10th May.

Your Lordship will perceive that the result of this last step was clearly to prevent the Council from placing on record any opinion whatever on the momentous questions affecting so largely the interests of the community which had engaged its attention throughout a protracted debate, although it is not perhaps too much to suppose that such a result was not anticipated at the time.

Your Lordship will not fail also to observe that the main point of difference which led to the result was, the question of the establishment of a Legislative Council distinct from a Representative Assembly, and a perusal of the debates which took place on this question will make your Lordship acquainted with the fact, that the opposition that was raised to the constitution of these two legislative bodies was not grounded upon any principle of government, but simply and avowedly upon the assertion that a Legislative Council interposed between the Executive Government and the Representative Assembly would render the former more independent of the latter, and therefore not so liable to be controlled by the fear of coming into direct collision with it.

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WALES.

Having thus endeavoured to put your Lordship in possession of the proceedings of the Council as briefly as was consistent with a clear explanation of them, it only remains for me to add my own opinion, which is, I believe, confirmed by that of the most experienced and unprejudiced persons who have watched the working of the present constitution of the colony, that the assimilation of the constitution of this colony to that of the older British colonies, where distinct legislative bodies exist, would be generally considered to be extremely advantageous to its interests, but that the introduction of the double scheme of election, by making the District Councils the constituents of the House of Assembly, would be most unpalatable to the whole community, and would excite throughout the colony a resistance which would in all probability render it inoperative, while it would not fail to create an ill-feeling towards Her Majesty's Government, which would not easily be allayed.

I have, &c.,

(Signed) C. A. FITZROY.

The Right Hon. Earl Grey,
&c. &c. &c.

Enclosure A 1.

Enclosure A 1.

EXTRACT from VOTES and PROCEEDINGS of the LEGISLATIVE COUNCIL,
Friday, April 29, 1848.

MR. WENTWORTH, to move the following Resolutions:—

This Council having had under consideration the copy of a Despatch from the Right Honourable Earl Grey, Her Majesty's Principal Secretary of State for the Colonies, to his Excellency Governor Sir Charles Augustus FitzRoy, No. 203*, dated Downing-street, 31st July, 1847, it is resolved thereupon:—

* Page 3, Parl.
Paper, No. 715,
1848.

1. That the only useful amendment of our present Constitution, as established by the Imperial Act, 5 and 6 Victoria, cap. 76, suggested in this Despatch, is the proposition relative to a Congress from the various colonial Legislatures in the Australian colonies, with power to enact laws on inter-colonial questions; that such a Congress, if not too numerous, might be got together for short periods at certain intervals, but that all the rest of the scheme developed in this Despatch is so cumbrous and expensive, and implies so numerous, so concentrated, and so opulent a population to carry out its indispensable details, that it is wholly unsuited to the circumstances of our population, and if passed into law, must of necessity become a dead letter.

2. That the allegation contained in the Despatch, that this Council "has absorbed all the powers of the colonial State," in derogation of the "balance and checks" intended to be established by the Municipal Corporations created by the Imperial Act, is wholly unfounded; and granting it to be true "that the municipalities have only a nominal existence," their abeyance is ascribable mainly to the incompleteness of the machinery devised for carrying them into effect. That it could scarcely, however, be expected that this Council would lend its aid (which it had an undoubted right either to grant or withhold) in extending, as it was called upon to do by the late head of our Executive, a scheme of municipal Government which it had denounced as one of the constitutional grievances of the colony, and the failure of which, from its evident inapplicability to the dispersed state of our rural population, and the mischievous tendencies with which it was fraught, was a subject of congratulation among all classes of the people, and most of all among those who were to have been participators of the fancied benefits which this system of balances and checks was to provide.

3. That the intention indicated in this Despatch, of making the contemplated municipalities bear to the House of Assembly "the relation of constituents and representatives," is viewed by this Council as an attempt to force upon this colony a plan of local Government not adapted to its requirements; and if this plan be carried out against the wishes of the entire community, as their various and unanimous petitions to Her Majesty and both Houses of Parliament attest, it will involve a virtual repeal of the elective franchise,—one of the inalienable rights of the British Constitution, which Englishmen, according to the doctrine of the common law, carry with them wherever they settle as subjects of the British Crown. That this immemorial right, asserted in Magna Charta, confirmed by all succeeding charters, and finally embodied in the Bill of Rights, is a fundamental principle in the Act which establishes the right of Her Majesty to the throne.

4. That this Council emphatically denies that any British Minister, or any other authority, has, or of right ought to have, any power to abrogate this immemorial and undefeasible franchise; and this Council also emphatically asserts, that the people of this colony have a vested interest in the constitution which they now enjoy, and that it ought not to be altered or interfered with, unless at the instance of the colonists themselves, or of their representatives. That if the colonists are not altogether satisfied with their present form of Constitution, they have not yet sought for any alteration or amendments therein, except those pointed out in the General Grievance Report adopted by a large majority of this Council, in its Session of 1844.

5. That it appears to this Council there is a certain degree of inconsistency on the part of the Right Honourable the Secretary of State for the Colonies, in not explaining—if it be so

ood for the colonies "to devolve the management of local affairs upon the inhabitants of districts of moderate size," by the creation of a system of municipalities, and to make these bear to the general Legislature "the relation of constituents and representatives"—why it is that these principles are not carried out either in the mother-country, or in the great republic of the United States to which his Lordship refers as his exemplar, in both of which countries, and particularly in the latter, the elective franchise, properly so called, instead of being thus virtually abrogated, has been placed and is exercised on the widest basis.

6. That it appears to this Council there is a further unexplained inconsistency in that part of the Despatch of the Right Honourable Secretary, which deprecates centralization of power in the general Legislatures of colonies, while the office over which his Lordship presides in fact monopolizes, and enforces by its rescripts—in many instances illegal—the whole government and authority of the colonies, to the great detriment and dissatisfaction of the colonies themselves.

7. That this Council is averse, at present, to the introduction of the old form of colonial Constitution, embracing two Houses, the one composed of nominees of the Crown, the other of the representatives of the people:—1st. Because there does not, and, for some considerable period yet to come, cannot exist in these colonies, any class of sufficient fortune and stability to be raised to the situation of hereditary legislators, or even to be created legislators for life. 2nd. Because, if this opinion be correct, the Upper House would have to be composed of nominees of the Crown, appointed during pleasure, or for limited periods; and the experience of other colonies shows that a Council thus constituted is a mere machine interposed between the Executive and the representatives of the people, to ward off the responsibility attached to the exercise of the veto, and thus to prevent those wholesome and constitutional collisions which ever have been, and still are, whenever they occur, the main source and preservation of constitutional freedom.

8. That this Council, therefore, denounces this proposed change in the government of the colony, as uncalled for, visionary, impacticable, and unwarranted by any constitutional precedents to be found either at home or in the United States of America, or in any of our older colonies; and as an attempt, without any sufficient cause shown to warrant so great an innovation, to establish in a British community, most averse to its reception, the system of electoral colleges which exists in France, and the practical effect of which in that country is, that the elective franchise is exercised by about 200,000 people out of a population exceeding 30,000,000, and that the nation thereby is virtually disfranchised and enslaved.

9. That this Council cannot, in conclusion, refrain from the expression of its deliberate opinion, that if the Right Honourable the Secretary of State for the Colonies be sincere in his desire "that the colonial governments of Australasia should be settled on a basis on which the colonists may, under the blessing of Divine Providence, themselves erect institutions worthy of the empire to which they belong, and of the people from whom they are descended," the best, the easiest, and indeed the only way of attaining this end, is to leave its purely domestic legislation to itself, unfettered by instructions from, or references to, Downing-street; to give to the Governor an absolute discretion in the exercise of the Royal Prerogative of the veto, in all cases, except where the Imperial interests are involved; in a word, to act with good faith on the conclusion at which the noble Secretary himself appears to have arrived, "that the interests of this colony may be more promptly, effectually, and satisfactorily decided within Australia itself, than by the more remote, the less accessible, and in truth the less competent authority of Parliament."

10. That these Resolutions be embodied in petitions to Her Majesty, and both Houses of Parliament.

Enclosure 1 B.

Enclosure 1 B.

EXTRACT from VOTES and PROCEEDINGS of the LEGISLATIVE COUNCIL,
Tuesday, May 2, 1848.

PROPOSED change in the Constitution:—Mr. Wentworth, pursuant to notice, moved the following Resolutions:—

This Council having had under consideration a copy of a Despatch from the Right Honourable Earl Grey, Her Majesty's Principal Secretary of State for the Colonies, to his Excellency the Governor Sir Charles Augustus Fitzroy, No. 203, dated Downing-street, 31st July, 1847, it is resolved thereupon:—

1. That the erection of Port Phillip into a new province may be effected without any fundamental change in the Constitution of this colony.

2. That the allegation contained in the Despatch, that this Council "has absorbed all the powers of the Colonial State," in derogation of the "balance and checks" intended to be established by the Municipal Corporations contemplated by the Imperial Act, 5 and 6 Vict., chap. 76, is unfounded; and granting it to be true that "the municipalities have only a nominal existence," their abeyance is ascribable mainly to the incomplete and objectionable machinery devised for carrying them into effect, and their evident inapplicability to the dispersed state of our rural population.

3. That the intention indicated in this Despatch, of making the contemplated municipalities bear to the House of Assembly "the relation of constituents and representatives," is viewed by this Council as an attempt to force upon this colony a plan of local Government not adapted to its requirements; and if this plan be carried out against the wishes of the entire community,

NEW SOUTH
WALES.

as their various and unanimous petitions to Her Majesty and both Houses of Parliament attest, it will involve a virtual repeal of the elective franchise,—one of the inalienable rights of the British Constitution, which Englishmen, according to the doctrine of the common law, carry with them wherever they settle as subjects of the British Crown.

4. That this Council emphatically denies that any British Minister, or any other authority, has, or of right ought to have, any power to abrogate this immemorial and undefeasible franchise; and this Council also emphatically asserts, that the people of this colony have a vested interest in the Constitution which they now enjoy, and that it ought not to be altered or interfered with, unless at the instance of the colonists themselves, or of their representatives. That if the colonists are not altogether satisfied with their present form of Constitution, they have not yet sought for any alterations or amendments therein, except those pointed out in the General Grievance Report, adopted by a large majority of this Council in its session of 1844.

5. That the only useful amendment in our present Constitution suggested in this Despatch is, the proposition relative to a Congress from the various Colonial Legislatures in the Australian colonies, with power to enact laws on inter-colonial questions; that such a Congress, if not too numerous, might be got together for short periods at certain intervals; but that all the rest of the scheme is so cumbrous and expensive, and implies so numerous, so concentrated, and so opulent a population to carry out its indispensable details, that it is wholly unsuited to the circumstances of this community.

6. That this Council therefore objects to the proposed change in the government of the colony, as uncalled for, impracticable, and unwarranted by any constitutional precedents to be found either at home, in the United States of America, or in any of our older colonies.

7. That this Council cannot, in conclusion, refrain from the expression of its deliberate opinion, that if the Right Honourable the Secretary of State for the Colonies desire “that the colonial governments of Australia should be settled on a basis on which the colonists may, under the blessing of Divine Providence, themselves erect institutions worthy of the empire to which they belong, and of the people from whom they are descended,” the best, and indeed the only way of attaining this end is, to leave its purely domestic legislation to itself, unfettered by instructions from, or references to, Downing-street; to give to the Governor an absolute discretion in the exercise of the Royal prerogative of the veto, in all cases except where imperial interests are involved; in a word, to act with good faith, on the conclusion at which the noble Secretary himself appears to have arrived,—“that the interests of this colony may be more promptly, effectually, and satisfactorily decided within Australia itself than by the more remote, the less accessible, and, in truth, the less competent authority of Parliament.”

8. That these resolutions be embodied in petitions to Her Majesty, and both Houses of Parliament.

Debate ensued.

Mr. Wentworth, by leave, withdrew the seven resolutions following the first, in order to their being subsequently put *seriatim*, with the understanding that the debate should proceed upon the whole.

Debate resumed.

Moved by Dr. Bland, That this debate be adjourned until to-morrow, and take precedence of all other business on the paper.

Question put and passed.

Council adjourned at 10 minutes before 8 o'clock, until to-morrow at 3 o'clock.

Enclosure 1 C.

Enclosure 1 C.

DRAFT of RESOLUTIONS to be proposed in Committee of the whole House, in reference to Earl Grey's Despatch upon the proposed New Constitution.

THIS Council having had under consideration the copy of a Despatch from the Right Honourable Earl Grey, Her Majesty's Principal Secretary of State for the Colonies, to his Excellency Governor Sir Charles Augustus FitzRoy, No. 203, dated Downing-street, 31st July, 1847, it is resolved thereupon:—

1. That the erection of Port Phillip into a new province may be effected without any fundamental change in the constitution of this colony.

2. That the principle that local affairs should be managed by local authorities, though obviously true as between the colonies and the mother country, cannot safely be extended to the relation between the central government of a colony and its rural districts.

3. That it is from the utter inability of the rural districts to bear the expense of District Councils, and not from any desire on the part of the Legislative Council to monopolize all the powers of the colonial state, that the one part of the constitution intended for the colony has been brought into operation, while the other has remained in abeyance.

4. That any scheme of District Councils involving powers of local assessment for local purposes would operate as a virtual confiscation of the lands already alienated, would create endless discord and confusion; and, by simultaneously introducing a federal and local system of government, render that government at once ruinously expensive and miserably inefficient.

5. That grievous as this Council would esteem it, to see any system of delegated election imposed upon the colony, the disfranchisement of the present constituencies in order to confer the elective right upon these justly obnoxious Corporations would render this invasion of public liberty still more intolerable.

6. That this Council cannot acquiesce in any plan for an inter-colonial Congress in which

The superior wealth and population of New South Wales, as compared with the other colonies of the Australian group, both individually and collectively, shall not be fully recognized as the basis of representation.

7. That this Council is disposed to view favourably the proposition of separating the deliberations of the nominees of the Crown from those of the representatives of the people, but considers that such an amendment in the present constitution ought to be accompanied by the cession of the territorial revenue, or the Schedules A, B, and C, to the appropriation of the Representative Assembly.

8. That although this Council has deemed it a duty to give its opinion upon the several propositions contained in the Despatch of the Right Honourable the Secretary of State for the Colonies, it cannot forbear from expressing its strong sense of the indignity with which the people of this colony are treated, by the announcement that a measure so seriously influencing their destiny for good or for evil will be introduced into Parliament without affording them an opportunity of previously expressing their sentiments upon it.

Intended to be proposed by Mr. Foster.

That instead of the proposal to abrogate the elective franchise by a delegation of it to new and unconstitutional authorities elected by constituencies exercising nearly an universal suffrage, this Council suggest that the franchise be extended to all lessees of land for a period of not less than five years, and paying an annual rent of not less than 20*l*.

Enclosure 1 D.

Enclosure 1 D.

No. 1.—EARL GREY'S DESPATCH, No. 203, of 31st July, 1847, in reference to the proposed change in the Constitution.

Question proposed (1st Resolution), "This Council having had under consideration the copy of a Despatch from the Right Honourable Earl Grey, Her Majesty's Principal Secretary of State for the Colonies, to his Excellency Governor Sir Charles Augustus FitzRoy, No. 203, dated Downing-street, 31st July, 1847, it is resolved thereupon:—

"1. That the erection of Port Phillip into a new province may be effected without any fundamental change in the Constitution of this colony." (*Mr. Cowper.*)

Debate ensued.

Moved, "That the Chairman do now leave the Chair, report progress, and ask leave to sit again on Tuesday next." (*Attorney-General.*)

Debate ensued (in which the question of order arose whether this motion admitted of debate).

Question put, "That the Chairman do now leave the Chair, report progress, and ask leave to sit again on Tuesday next."

Committee divided.

Ayes, 14.

- o* The Colonial Secretary.
- e* Mr. Lowe.
- e* The Speaker.
- o* The Attorney-General.
- o* The Auditor-General.
- n* Mr. Lamb.
- o* The Colonial Treasurer.
- e* Mr. Bowman,
- e* Captain Dumaresq.
- e* Mr. M'Leay.
- e* Mr. Macarthur.
- n* Mr. Allen.
- o* The Collector of Customs.
- e* Mr. Cowper (Teller).

Elected . . . 7
 Official . . . 5
 Nominees . . . 2

14

Noes.

- e* Captain O'Connell.
- e* Dr. Bland.
- e* Mr. Wentworth.
- e* Mr. Dangar.
- e* Mr. Lord.
- e* Mr. Foster.
- e* Mr. Murray.
- e* Mr. Donaldson.
- e* Mr. Robinson (Teller.)

Elected . . . 9

Enclosure 1 E.

Enclosure 1 E

No. 1.—EARL GREY'S DESPATCH, No. 203, of 31st July, 1847, in reference to the proposed change in the Constitution.

Question proposed—That this Committee do agree to the following Resolution:—“(2.) That the principle that local affairs should be managed by local authorities, though obviously true

NEW SOUTH
WALES.

as between the colonies and the mother country, cannot 'safely' be extended to the relation between the central government of a 'colony' and its rural districts." (*Mr Cowper.*)

Question put.—That all the words following "That," at the commencement, be omitted, and the following words inserted in their place:—"the allegation contained in the Despatch, that this Council 'has absorbed all the powers of the colonial state,' in derogation of the 'balance and checks' intended to be established by the Municipal Corporations contemplated by the Imperial Act, 5 and 6 Vict., chap. 76, is unfounded; and, granting it to be true that 'the municipalities have only a nominal existence,' their abeyance is ascribable mainly to the incomplete and objectionable machinery devised for carrying them into effect, and their evident inapplicability to the dispersed state of our rural population." (*Mr Murray.*)

Committee divided.

Ayes, 3.

- e Captain O'Connell.
- e Mr. Robinson.
- e Mr. Murray, (Teller.)

Elected . . . 3

Noes, 20.

- o The Colonial Secretary.
- e Mr. Donaldson.
- e Mr. Bowman.
- e Mr. Wentworth.
- n Mr. Berry.
- e Mr. Foster.
- e Mr. Lord.
- e Mr. Macarthur.
- n Mr. Allen.
- e Mr. Grant.
- e Mr. Dangar.
- e Captain Dumaresq.
- o The Attorney-General.
- e The Speaker.
- e Mr. Lowe.
- o The Colonial Treasurer.
- o The Major-General Commanding.
- n Mr. Lamb.
- n Mr. Darvall.
- e Mr. Cowper (Teller.)

Elected . . . 12

Official . . . 4

Nominees . . . 4

—
20

No. 2.—Question put.—That the words "at present be," be inserted after "cannot," and that the word "be," after "safely," be expunged. (*Mr Lamb.*)

Committee divided,

Ayes, 13.

- e Mr. Robinson.
- e Captain O'Connell.
- e Mr. Foster.
- n Mr. Lamb.
- o The Major-General Commanding.
- o The Attorney-General.
- e The Speaker.
- o The Colonial Secretary.
- n Mr. Allen.
- n Mr. Darvall.
- o The Collector of Customs.
- e Mr. Murray.
- o The Colonial Treasurer (Teller.)

Elected . . . 5

Officials . . . 5

Nominees . . . 3

—
13

Noes, 11.

- e Mr. Bowman.
- e Mr. Wentworth.
- n Mr. Berry.
- e Mr. Donaldson.
- e Mr. Lord.
- e Mr. Macarthur.
- e Mr. Lowe.
- e Mr. Grant.
- e Mr. Dangar.
- e Captain Dumaresq.
- e Mr. Cowper (Teller.)

Elected . . . 10

Nominee . . . 1

—
11

No. 3.—The word "this" having, on motion of *Mr. Wentworth*, been substituted for the letter "a," before "Colony,"—

Question put.—That this Committee do agree to the Resolution (2) as amended. (*Mr Cowper.*)

Committee divided.

Ayes, 19.

- e The Speaker.
- o The Attorney General.
- o The Colonial Treasurer.
- o The Major-General Commanding.
- n Mr. Lamb.
- e Mr. Foster.
- o The Collector of Customs.
- e Mr. Lowe.
- n Mr. Berry.
- e Mr. Lord.
- e Mr. Grant.
- e Mr. Donaldson.
- e Mr. Wentworth.
- e Mr. Dangar.
- e Mr. Macarthur.
- e Captain Dumaresq.
- n Mr. Darvall.
- n Mr. Allen.
- e Mr. Cowper (Teller.)

Elected . . . 11
 Official . . . 4
 Nominees . . . 4

19

Noes, 3.

- e Captain O'Connell.
 - e Mr. Murray.
 - e Mr. Robinson (Teller.)
- Elected . . . 3

No. 4.—Question proposed.—That this Committee do agree to the following Resolution:—
 “(7.) That this Council is disposed to view favourably the proposition of separating the deliberations of the nominees of the Crown from those of the representatives of the people.”
 (Mr. Cowper.)

Question put.—That the word “not” be inserted before disposed, and the words “but that the cession of the Territorial Revenue, or of the Schedules A, B, and C, to the appropriation of this Council, would be an amendment in the present Constitution,” after the word “people.”
 (Mr. Wentworth.)

Committee divided.

Ayes, 11.

- e Mr. Murray.
- e Mr. Wentworth.
- e Captain O'Connell.
- e Mr. Bowman.
- e Mr. Lord.
- e Dr. Bland.
- o The Collector of Customs.
- e Mr. Dangar.
- e Captain Dumaresq.
- e Mr. Robinson (Teller.)

Elected . . . 9
 Official . . . 1

10

Noes, 11.

- o The Major-General Commanding.
- o The Colonial Secretary.
- n Mr. Allen.
- e Mr. Foster.
- o The Attorney-General.
- e Mr. Lowe.
- n Mr. Berry.
- e Mr. Macarthur.
- n Mr. Darvall.
- e Mr. Cowper.
- o The Colonial Treasurer (Teller.)

Elected . . . 4
 Official . . . 4
 Nominees . . . 3

11

No. 5.—Original question put.
 Committee divided.

Ayes, 11.

- o The Attorney-General.
- o The Colonial Secretary.
- o The Colonial Treasurer.
- e Mr. Lowe.
- n Mr. Berry.
- e Mr. Macarthur.
- n Mr. Darvall.
- n Mr. Allen.
- e Mr. Foster.
- o The Major-General Commanding.
- e Mr. Cowper (Teller.)

Elected . . . 4
 Official . . . 4
 Nominees . . . 3

11

Noes, 10.

- e Captain O'Connell.
- e Mr. Bowman.
- e Mr. Wentworth.
- e Mr. Dangar.
- e Mr. Lord.
- e Dr. Bland.
- e Mr. Murray.
- e Captain Dumaresq.
- o The Collector of Customs.
- e Mr. Robinson (Teller.)

Elected . . . 9
 Official . . . 1

10

NEW SOUTH
WALES.

No. 6.—Motion made and question put, that this Committee do agree to the following Resolution:—“(8). That this Council considers that if such an amendment be made in the present Constitution, it ought to be accompanied by the cession of the Territorial Revenue, or the Schedules A, B, and C, to the appropriation of the Representative Assembly.” (Mr. Cowper.)

Committee divided.

Ayes, 16.

e The Speaker.
e Mr. Foster.
e Mr. Lowe.
n Mr. Berry.
e Mr. Macarthur.
n Mr. Darvall.
e Mr. Wentworth.
e Mr. Dangar.
e Captain O'Connell.
e Dr. Bland.
e Mr. Bowman.
e Mr. Murray.
e Captain Dumaresq.
n Mr. Allen.
e Mr. Lord.
e Mr. Cowper (Teller.)

Elected . . .	13
Nominees . . .	3
	<hr/>
	16

Noes, 5.

o The Major-General Commanding.
o The Colonial Secretary.
o The Attorney-General.
o The Collector of Customs.
o The Colonial Treasurer (Teller.)

Officials, 5.

No. 7.—Motion made and question put, that this Committee do agree to the following Resolution:—“(9). That although this Council has deemed it a duty to give its opinion upon the several propositions contained in the Despatch of the Right Honourable the Secretary of State for the Colonies, it cannot forbear from expressing its strong sense of the indignity with which the people of this colony are treated, by the announcement that a measure so seriously influencing their destiny, for good or for evil, will be introduced into Parliament, without affording them an opportunity of previously expressing their sentiments upon it.” (Mr. Cowper.)

Committee divided.

Ayes, 14.

e The Speaker.
e Mr. Wentworth.
e Mr. Lowe.
n Mr. Berry.
e Mr. Foster.
n Mr. Darvall.
e Mr. Macarthur.
e Dr. Bland.
e Mr. Murray.
e Captain O'Connell.
e Mr. Bowman.
e Mr. Dangar.
e Captain Dumaresq.
e Mr. Cowper (Teller.)

Elected . . .	12
Nominees . . .	2
	<hr/>
	14

Noes, 5.

o The Collector of Customs.
o The Attorney-General.
o The Colonial Secretary.
o The Major-General Commanding.
o The Colonial Treasurer (Teller.)

Officials, 5.

No. 8.—Motion made and question put, that the Chairman do now leave the Chair, report progress, and ask leave to sit again on Friday next. (Mr. Cowper.)

Committee divided.

Ayes, 6.

n Mr. Darvall.
e Mr. Cowper.
e Mr. Lowe.
e Mr. Wentworth.
e The Speaker.
e Mr. Foster (Teller.)

Elected . . .	5
Nominees . . .	1
	<hr/>
	6

Noes, 9.

e Mr. Bowman.
e Mr. Murray.
e Captain O'Connell.
e Dr. Bland.
o The Attorney-General.
o The Major-General Commanding.
o The Colonial Secretary.
o The Collector of Customs.
o The Colonial Treasurer (Teller.)

Elected . . .	4
Official . . .	5
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	9

No. 9.—Motion made and question put, that the Chairman do now leave the Chair, and report these Resolutions to the House. (*Captain O'Connell.*)

Ayes, 6.

o The Speaker.	
n Mr. Darvall.	
o Mr. Cowper.	
o The Attorney-General.	
o Mr. Lowe.	
o Mr. Foster (Teller.)	
Elected . . .	4
Official . . .	1
Nominee . . .	1
	6

Noes, 9.

o Mr. Murray.	
o The Colonial Secretary.	
o The Major-General Commanding.	
o Dr. Bland.	
o Captain O'Connell.	
o Mr. Wentworth.	
o The Collector of Customs.	
o Mr. Bowman.	
o The Colonial Treasurer (Teller.)	
Elected . . .	5
Official . . .	4
	9

No. 10.—Motion made and question put, that the Chairman do now leave the Chair, report progress, and ask leave to sit again this day six months. (*Mr. Wentworth.*)

Ayes, 10.

o The Major-General Commanding.	
o The Colonial Secretary.	
o The Attorney-General.	
o Captain O'Connell.	
o Mr. Wentworth.	
o Mr. Murray.	
o Mr. Bowman.	
o Dr. Bland.	
o The Collector of Customs.	
o The Colonial Treasurer (Teller.)	
Elected . . .	5
Official . . .	5
	10

Noes, 5.

o Mr. Lowe.	
o The Speaker.	
o Mr. Foster.	
n Mr. Darvall.	
o Mr. Cowper (Teller.)	
Elected . . .	4
Nominee . . .	1
	5

Enclosure F.

Encl. F.

EXTRACT from VOTES and PROCEEDINGS of the LEGISLATIVE COUNCIL.

(Tuesday, May 16.)

3. MR. COWPER to move the following Address to his Excellency the Governor:—

To his Excellency Sir Charles Augustus FitzRoy, Knight Companion of the Royal Hanoverian Guelphic Order, Captain-General and Governor-in-Chief of the Territory of the New South Wales and its Dependencies, and Vice-Admiral of the same, &c. &c. &c.

MAY IT PLEASE YOUR EXCELLENCY,

WE, Her Majesty's most dutiful and loyal subjects, the members of the Legislative Council of New South Wales, in Council assembled, beg respectfully to request, that your Excellency will be pleased to communicate to Her Majesty's Government that this Council is of opinion—

1. That the erection of Port Phillip into a new province may be effected without any fundamental change in the constitution of this colony.
2. That the principle that local affairs should be managed by local authorities, though obviously true, as between the colonies and the mother country, and as regards the regulation of the affairs of large towns, cannot safely be extended to the relation between the central Government of this colony and its rural districts.
3. That it is from the utter inability of the rural districts to bear the expenses of District Councils, and not from any desire on the part of the Legislative Council to monopolize all the powers of the colonial state, that the one part of the constitution intended for the colony has been brought into operation, while the other has remained in abeyance.
4. That any scheme of District Councils involving powers of local assessment for local purposes, would operate as a virtual confiscation of the lands already alienated; would create endless discord and confusion; and by simultaneously introducing a federal and local system of government, render that government at once ruinously expensive and miserably inefficient.
5. That grievous as this Council would esteem it to see any system of delegated election imposed upon the colony, the disfranchisement of the present constituencies, in order to confer the elective right upon these justly obnoxious corporations, would render this invasion of public liberty still more intolerable.
6. That this Council cannot acquiesce in any plan for an inter-colonial assembly, in which the superior wealth and population of New South Wales, as compared with the other colonies

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of the Australian group, both individually and collectively, shall not be fully recognized as the basis of representation.

(7.) That this Council cannot forbear expressing its strong sense of the indignity with which the people of this colony are treated, by the announcement that a measure so seriously influencing their destiny for good or for evil, will be introduced into Parliament, without affording them an opportunity of previously expressing their sentiments upon it.

Enclosure G.

Encl. G.]

EXTRACT from VOTES and PROCEEDINGS of the LEGISLATIVE COUNCIL.

(Tuesday, May 16.)

3. PROPOSED change in the Constitution:—*The Speaker*,—requesting the attention of the Council to the Minutes of Votes and Proceedings on the 9th instant, wherein it is recorded under this head, that, “on the motion of Mr. Wentworth, the Council resolved itself into a Committee of the whole, for the further consideration of resolution upon Earl Grey’s Despatch No. 203, of 31st July, 1847.”

And that, “The Chairman reported progress, and obtained leave to sit again this day six months,”—observed that in his opinion it was not competent for the honourable member for Cumberland (Mr. Cowper), to make the motion standing in his name on the Notice Paper for to-day, as it involved substantially the same questions as that disposed of by the question of “that day six months,” on the 9th instant, and ruled accordingly.

Motion made (*by Mr. Lowe*) and question put, That it is competent for the honourable member for Cumberland to make this motion.

Council divided—

Ayes, 7.

e Mr. Foster.
e Mr. Lowe.
e Mr. Donaldson.
n Mr. Lamb.
e Mr. Bowman.
e Mr. Grant.
e Mr. Cowper, (Teller.)

Elected . . . 6
Nominee . . . 1

7

Noes, 11.

e Mr. Ebdon.
n Mr. Parker.
e Mr. Murray.
e Mr. Lord.
e Mr. Robinson.
e Mr. Wentworth.
o The Attorney General.
e Captain Dumaresq.
o The Collector of Customs.
o The Colonial Secretary.
o The Colonial Treasurer, (Teller).

Elected . . . 6
Official . . . 4
Nominee . . . 1

11

NEW SOUTH WALES.

Despatches from the Right Hon. Earl Grey,
Secretary of State.

NEW SOUTH
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No. 1.

*Already printed
in Parliamentary
Paper, No. 715,
August 29, 1848,
page 3.*

(No. 203.)

No. 1.

COPY of a DESPATCH from Earl GREY to Governor Sir C. A. FITZROY.

SIR,

Downing-street, July 31, 1847.

THE long delay which has occurred in communicating to you the decision of Her Majesty's Government on the question of the erection of the Port Phillip district of New South Wales into a separate colony under a distinct government, has been occasioned by the magnitude of the interests at stake, and by the necessity of proceeding with the utmost deliberation, in a case in which any material error might involve consequences of such grave inconvenience. An additional motive for delay has arisen from the nature of the business, alike urgent and momentous, which has chiefly occupied the attention of Parliament during their recent session. Under the pressure of such exigencies as the failure of a large part of the usual produce of the soil in the United Kingdom had produced, Her Majesty's Government could scarcely hope that the attention of the Legislature could be devoted to the reconstruction of the political institutions of Australia, with the care requisite for the safe accomplishment of such a measure. Nor can I altogether regard this as undesirable on other grounds. It has afforded, and will yet afford to Her Majesty's Government, the opportunity and the means of framing the Bill to be submitted to Parliament with more circumspection, and (as I trust) with greater accuracy, than might otherwise have been attainable.

In the year 1846 six Despatches were addressed to this office by Sir George Gipps and by yourself on this subject. They were dated on the 23rd January, the 29th April, the 21st and the 24th of June, and the 29th September in that year. Of these the first was marked "confidential," the others were numbered respectively 90, 91, 122, 125, and 23. Of these, however, the Despatch No. 91 relates principally to a question of boundaries; and the Despatch No. 23 has chiefly in view the commercial relations between the Australian colonies. Each of them, however, has an incidental and an important bearing on the subject of the erection of Port Phillip into a separate government. It is therefore most convenient that I should acknowledge and answer the whole of the series together.

The Despatch dated the 29th April, 1846, No. 90, and the voluminous annexures attached to it, may be considered as having exhausted the arguments for and against the separation of the Port Phillip district from the rest of the colony of New South Wales, so far as those arguments are drawn from facts or considerations of a local nature. It would be vain to expect from any other body of persons to whom the inquiry could be referred a review of those arguments, more complete, more dispassionate, or conducted with greater ability than is the discussion comprised in the various minutes of the Executive Council of New South Wales of the 1st and 23rd April, 1846, and in the appendices subjoined to those minutes. As it would be impossible for me to exhibit a more clear or comprehensive summary of the whole controversy than is to be found in those minutes and appendices, it will be sufficient for me to state that, adopting in general the reasonings of Sir George Gipps, and of the majority of the Executive Council, Her Majesty's Government have submitted to the Queen their opinion, that Parliament should be recommended to impart to Her Majesty the authority necessary for carrying into effect the practical conclusion of that majority.

I am far from being insensible to the weight of the opposing considerations, or of the authority they derive from the suffrages of the Colonial Treasurer, and of the Bishop of Australia in their favour. That right reverend prelate has perceived and pointed out the indissoluble connexion between the secular and the ecclesiastical bearings of this question, and has justly felt that the duties of his sacred office imposed on him the obligation of considering it in each of those lights. You will convey to him my thanks for the important aid he has rendered on this occasion to Her Majesty's Government,—an aid which I do not value the less because the objections of the bishop to the contemplated change do not appear to me to countervail the considerations urged in support of it by the majority of his colleagues in the Executive Council.

Without entering at large into the argument, I must yet so far vindicate my own conclusion as to remark, that it rests mainly on the great principle of colonial government, which all theory and all experience seem to me to concur in establishing. That principle is, that all affairs of merely local concern should be left to the regulation of the local authorities; to that principle I know of no general exceptions, unless in cases where local interests may clash with the interests of the empire at large, or in cases where some one predominant class of a colonial society might be disposed to exert such powers so as unjustly to depress some feebler and defenceless class. It was on this general principle that the existing constitution of New South Wales was founded. It is on the same general principle that the proposed qualification of it may be most successfully vindicated.

Local self-government, if necessary for the good of the whole colony, is not less necessary for the good of the several districts of which it is composed. For this reason it was that Parliament provided for the erection throughout New South Wales of municipal corporations, which should, in various respects, balance and keep in check the powers of the Legislative Council. By this method it was supposed that the more remote districts would be able to exercise their fair share of power, and to enjoy their proper influence in the general polity of the whole province. But the result has disappointed this expectation. The municipalities have only a nominal existence. The Legislative Council has absorbed all the other powers of the colonial state. The principle of self-government in the districts the most remote from Sydney is therefore acted upon almost as imperfectly as if the conduct of local affairs had remained under the same management and institutions as those which the existing system superseded.

Members, it is true, are chosen to represent those districts in the Legislature; but it is shown that such of the inhabitants of Port Phillip as are really qualified for this trust, are unable to undertake it at the expense of abandoning their residences and their pursuits in the southern division of the colony. Thus the Port Phillip representation has become an unreal and illusory, not a substantial, enjoyment of representative government.

The principle of local self-government (like every other political principle) must, when reduced to practice, be qualified by many other principles which must operate simultaneously with it. To regulate such affairs with reference to any one isolated rule or maxim, would, of course, be an idle and an ineffectual attempt; for example, it is necessary that while providing for the local management of local interests, we should not omit to provide for a central management of all such interests as are not local. Thus questions, co-extensive in their bearing with the limits of the empire at large, are the appropriate province of Parliament. But there are questions which, though local as it respects the British possessions in Australia collectively, are not merely local as it respects any one of those possessions; considered as members of the same empire, those colonies have many common interests, the regulation of which in some uniform manner, and by some single authority, may be essential to the welfare of them all. Yet in many cases such interests may be more promptly, effectually, and satisfactorily decided by some authority within Australia itself than by the more remote, the less accessible, and, in truth, the less competent authority of Parliament.

Her Majesty's Government, therefore, hope in the next session of Parliament to introduce a Bill for the division of New South Wales into two colonies, the northern of which would retain its present name, while the southern colony would, by Her Majesty's gracious permission, receive the name of the Province of Victoria.

The effect of this alteration would be to render inevitable some changes in the existing constitution of the northern government. When detached from the southern districts, the existing system would cease in many respects to be appropriate and applicable to its new condition, and there appears also to be some particulars in which the practical operation of the present constitution proves that it might with advantage be revised. One of the most material of these contemplated changes is that which involves a return to the old form of colonial constitutions. You are aware that in the older British colonies, the Legislature as in New South Wales, is generally composed partly of nominees of the Crown and partly of the representatives of the people; but there is this impor-

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tant difference between the two systems, that in the one case the legislature is divided into two separate houses and chambers, in the other the representatives of the people and the nominees of the Crown form a single body under the title of the Legislative Council. It does not appear to me that the practical working of this last system would by any means justify the conclusion that it is an improvement upon that which it was formerly the practice to adopt; on the contrary, I see many reasons for belief, that the more ancient system by which every new law was submitted to the separate consideration of two distinct houses, and required their joint consent for its enactment, was the best calculated to ensure judicious and prudent legislation.

Another very important question will arise as to the means which should be taken in order more effectually to provide for the municipal government of the various towns, counties, or other smaller divisions. I have already observed that it was the intention of Parliament, in establishing the existing constitution of New South Wales, to create local authorities of this description; and although that intention has hitherto been defeated, it is not the opinion of Her Majesty's Government that it ought to be abandoned. The experience of our own country, that of the British provinces in North America, and also that of the former British colonies, which now constitute the great republic of the United States, may be said to have conclusively established not merely the great advantages of devolving the management of local affairs upon the inhabitants of districts of moderate size, acting by their representatives, but likewise the converse of this, and that evils of a very serious kind result from committing the exclusive management of the affairs, both general and local, of a whole province, to a central legislature unaided and unbalanced by any description of local organization. It follows, that in revising the constitution of New South Wales, it will be necessary to consider what changes ought to be made in the existing law for the erection of municipalities, in order to secure to those bodies their just weight and consideration, and especially whether, with that view, they may not be made to bear to the House of Assembly the relation of constituents and representatives.

Some method will also be devised for enabling the various legislatures of the several Australian colonies to co-operate with each other in the enactment of such laws as may be necessary for regulating the interests common to those possessions collectively; such, for example, are the imposition of duties of import and export, the conveyance of letters, and the formation of roads, railways, or other internal communications traversing any two or more of such colonies.

I will not attempt at the present moment to do more than to indicate the general principles on which it is proposed to legislate. The details will be the subject of further and of very attentive consideration.

That part of the plan which respects the creation of a central authority implies the establishment of the system of representative legislation throughout the whole of the Australian colonies, including Van Diemen's Land and South and Western Australia, though in the latter it will probably be thought right to postpone the operation of the change until the colonists shall be prepared to defray the expense of their own civil government without the assistance of an annual Parliamentary grant.

In giving effect to these intentions, it will be my duty to take the necessary means for adjusting the question respecting the boundaries of New South Wales, South Australia, and Western Australia, to which Sir George Gipps refers in his Despatch of the 29th April, 1846, No. 91.

I shall take the same opportunity of proposing to Parliament to adjust the questions of territorial revenue between the two provinces of New South Wales and Victoria, to which Sir George Gipps refers in his Despatches of the 21st June, 1846, No. 122, and of the 24th June, 1846, No. 125.

The subject of your own Despatch of the 29th September, 1846, viz., the imposition of discriminating duties, in any Australian colony, on goods the growth, produce, or manufacture of any other Australian colony, will also be adverted to, and provided for, in that part of the contemplated Act of Parliament which will relate to the creation of a central legislative authority for the whole of the Australian colonies.

With these general remarks, I must for the present dismiss a subject, the importance of which would merit, and may hereafter receive a much more copious examination and discussion. What I have written will, however, I trust

sufficient to relieve the anxiety of the public mind in New South Wales respecting arrangements pregnant with results so momentous to that part of Her Majesty's dominions, and therefore so deeply interesting to every other member of the widely extended empire over which Her Majesty reigns. It will be no slight relief to the responsibility of proposing such a change to find myself in possession of the most complete local intelligence, and supported by the opinion of the most eminent local authorities. I need scarcely add that it will be a source of the highest gratification to me if, under the authority of Parliament, the colonial governments of Australia can be settled on a basis on which the colonists may, under the blessing of Divine Providence, themselves erect institutions worthy of the empire to which they belong, and of the people from whom they are descended.

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Sir C. A. FitzRoy,
&c. &c.

I have, &c.,
(Signed) GREY.

(No. 133.)

No. 2.

COPY of a DESPATCH from Earl GREY to Governor Sir C. A. FITZROY.

SIR.

Downing-street, July 31, 1848.

No. 2.
*Already printed
in Parliamentary
Paper, No. 715,
August 29, 1848.*

* Page 2.

1. I HAVE to acknowledge your Despatch, No. 3*, of the 6th of January last, in which you report the steps which you had taken to collect the opinions of the community over which you preside, in relation to the measures proposed by me in my Despatch of 31st July 1847,† and also No. 31, of the 2nd February last, enclosing a petition from a large number of the householders and inhabitant of Sydney and its vicinity, deprecating any change in the constitution of the colony which shall not have received the previous sanction of the colonists at large.

† Page 36.

2. I can only repeat my expressions of sorrow for the calamitous events which rendered you unable to give that personal attention, which you would otherwise have been anxious to devote to the consideration of these important subjects, and at the same time assure you, that I feel every reason to be satisfied with the proceedings which you found it in your power to adopt.

3. I have given my best consideration to the representations thus addressed to me, and have delayed answering you for some time, in consequence of the expectation held out in your Despatches of further petitions on the same subject, which have not yet arrived. My anxiety not to act without being fully in possession of the views of the inhabitants of New South Wales on the question of their future government, has thus caused a delay, which at the now advanced period of the session, renders it impossible that any measure can be introduced into Parliament with a prospect of being carried through. It becomes, therefore, unavoidable to postpone legislation on this subject until next session, when Her Majesty's Government will be prepared to undertake the task in full possession of all the available materials. Enough, however, has transpired to give me an insight into the general state of opinion among the colonists, and to enable me, in consequence, to state the outline of the measures which I am prepared to recommend.

4. I collect from the documents now before me, that the objections most strongly felt throughout the colony to the views propounded in my Despatch, relate to the project of making the District Councils serve as constituent bodies to the Legislature; and, though in a less degree, to the division of the Legislature into an Assembly and a Council, according to the ordinary pattern of the governments of those colonies which derive their free institutions from Great Britain.

5. With regard to the first of these suggestions, I certainly continue to believe, that in colonies possessing an extensive territory it is highly desirable that the purely local affairs of different districts should be entrusted to the management of some local authority distinct from the general Legislature, and that the surest method of preventing a conflict between such authority and the Legislature is to make the latter emanate from the former; but I can have no wish to impose upon the inhabitants of the colony a form of government not in their judgment suited to their wants, and to which they generally object, and

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shall, therefore, not think it necessary to advise the carrying of this proposal into execution.

6. With regard to the division of the Legislature into Assembly and Council, your own opinion, founded, as you state, on long practical experience, that it would be a decided improvement upon the present form of the Legislature in New South Wales, is one to which I have already stated my own adherence. Had, therefore, the general feeling of the colony responded in any degree to the views expressed by myself, I should have had no hesitation in advising Her Majesty's Government to lay before Parliament the measures necessary to accomplish the change. But it is not such a reform as I consider it to be at all incumbent on the Legislature at home to press on an unwilling, or even an indifferent people. Their interests will, I think, be better served by leaving in their own hands the power of effecting it, whenever they shall see reason to do so; nor am I insensible to the difficulty which might be found to exist, if not in the northern districts, as least in Port Phillip, in finding at first a sufficient number of persons, unconnected with Government, qualified and willing to act as nominated members of a separate Legislative Council.

7. Having premised thus much in answer to the observations contained in your Despatch and its Enclosures, I will proceed to state the measure which Her Majesty's Government have it in contemplation to introduce into Parliament, in order to effect at once the separation of Port Phillip from New South Wales, and certain ulterior objects which will be explained in the course of this Despatch.

8. The Bill for this purpose will, in the first place, effect no change in the composition or authority of the Legislative Council of New South Wales, beyond such as are the necessary consequences of the separation.

9. It will also establish in Port Phillip a Legislature, similar in character to that which now exists in New South Wales.

10. It further appears to me advisable that the said Bill should contain provisions for the establishment of representative institutions in the colonies of Van Diemen's Land and South Australia. In the former the numbers of the convict population, and the strict discipline which it was necessary in consequence to maintain, have hitherto been regarded as presenting obstacles to the adoption of any system of self-government; but it now appears to me that such a measure ought no longer on this account to be delayed. In South Australia no such obstacles have ever existed, and the rapid advance of its population in numbers, and in wealth and intelligence, appears to indicate that the time has fully arrived when that province should take its place among the self-governing colonies of the British empire. I propose, therefore, that in both these colonies the principle of popular representation should be introduced, and that this should be effected by adding to their existing Legislatures elective members bearing the same proportion to those nominated by the Crown, as in New South Wales. But as this form of Government, while upon the whole it may be the best adapted to present circumstances, is one which may admit of much modification and improvement under the suggestions of experience, and as the Australian communities are, in my opinion, fully competent to originate and to discuss for themselves any changes in this portion of their institutions, I have it further in contemplation to recommend that their respective Legislative Councils should have power to make such alterations in their own institutions as they may think expedient; subject, however, to the condition that no Ordinance which any such Legislative Council may pass for this purpose shall come into force until it shall have been specially confirmed by the Queen in Council, after being laid for one month before both Houses of Parliament. By this arrangement provision will, I trust, be made for accommodating the constitutions of these thriving colonies to the wants and the wishes of their inhabitants, while, at the same time, the necessary security will be taken against the introduction of rash and ill-considered changes.

11. There is another subject to which, in making the proposed arrangement, it will be necessary to advert. The communication by land between the districts of New South Wales and Port Phillip is already completely established; that of the latter with South Australia is becoming not inconsiderable; and, in the rapid progress of events in those advancing communities, the intercourse between them will yearly become more and more intimate and frequent. If, therefore, these three portions of the mainland of Australia should be placed

Under distinct and altogether independent legislatures, each exerting absolute authority as to the imposition of duties on goods imported, the almost inevitable result will be, that such differences will grow up between the tariffs of the several colonies, as will render it necessary to establish lines of internal custom-houses on the frontiers of each. The extreme inconvenience and loss which each community would sustain from such measures needs no explanation; it will, therefore, be absolutely necessary to adopt some means of providing for that uniformity in their commercial policy which is necessary, in order to give free scope for the development of their great natural resources, and for the increase of their trade. In what manner this may best be accomplished is a question of some difficulty, which I must reserve for more mature consideration.

12. I regret the delay which has occurred (although from causes independent of Her Majesty's Government), in carrying into effect this necessary and urgently required measure; but the time lost will not be regretted, if the consequence of that delay should be the framing of a measure more complete in all its parts, and more in accordance with the now ascertained views of the Australian community than could have been the case if legislation had been attempted during the present session of Parliament.

I have, &c.,
(Signed) GREY.

Governor Sir C. A. FitzRoy,
&c. &c. &c.

(No. 140.)

No. 3:

COPY of a DESPATCH from Earl GREY to Governor Sir C. A. FITZROY.

SIR,

Downing-street, August 14, 1848.

I HAVE to acknowledge the receipt of your Despatch, No. 71,* of the 27th March last, forwarding a memorial from the inhabitants of Sydney to the Queen, praying that Her Majesty will be pleased not to assent to the contemplated change in the constitution of the colony under your government.

I have laid that petition before Her Majesty, who was pleased to receive it very graciously. For the views of Her Majesty's Government on the subject to which it relates, I have to refer you to my Despatch, No. 133,† of the 31st ultimo.

I have, &c.,
(Signed) GREY.

Governor Sir C. A. FitzRoy,
&c. &c. &c.

No. 3.
*Already printed
in Parliamentary
Papers of May
25, 1849.*

* Page 18.

† Page 44, Parl.
Paper, No. 715,
1848.

(No. 199.)

No. 4.

COPY of a DESPATCH from Earl GREY to Governor Sir C. A. FITZROY.

SIR,

Downing-street, November 22, 1848.

I HAVE received your Despatch, No. 111,* of the 11th May last, forwarding a petition addressed to the Queen by certain inhabitants of the district of Maitland, praying that Her Majesty would not assent to any change in the constitution of the colony which should not have received the previous sanction of the colonists at large.

You will acquaint the petitioners that I have laid their petition before the Queen, who was pleased to receive it very graciously; and I have to refer you to my Despatch, No. 133,† of the 31st July last, as containing the views of Her Majesty's Government with regard to the future constitution of the Australian colonies.

I have, &c.,
(Signed) GREY.

Governor Sir C. A. FitzRoy,
&c. &c. &c.

No. 4.
*Already printed
in Parliamentary
Papers of May
25, 1849.*

* Page 22.

† Page 44, Parl.
Paper, No. 715,
1848.

VAN DIEMEN'S LAND.

Despatches from Lieut.-Governor Sir W. Denison.

VAN DIEMEN'S
LAND.

No. 1.

*Already printed
in Parliamentary
Papers of May
25, 1849.*

(No. 144.)

No. 1:

COPY of a DESPATCH from Lieut.-Governor Sir W. DENISON to Earl GREY.

Van Diemen's Land, Government House,
August 15, 1848.

(Received March 10, 1849.)

(Answered, No. 31, March 20, 1849, page 48.)

MY LORD,

I HAVE just received your Lordship's Despatch, No. 43, dated March 15, 1848, acknowledging the receipt of the Report which I was instructed to furnish respecting the institution of a Representative Legislative Assembly for this colony.

Your Lordship, at the termination of the Despatch, expresses a hope that you will be able to submit a Bill to Parliament before the end of the present Session, which will provide for a Representative Assembly for Van Diemen's Land.

In the face of this it would almost seem needless that I should say anything more upon the subject, as the chances appear to be that the Bill will have passed long before your Lordship can receive this Despatch; but as delays may take place, and as your Lordship may not be able to carry the Bill through Parliament in the present Session, it will be but just to the Members of the Executive Council, and to myself, that I should explain to your Lordship the grounds upon which we recommended the adoption of a form of government similar to that at present existing in New South Wales, without attempting to give an opinion as to the advantages or disadvantages contingent upon the adoption of that particular form.

These reasons may all be summed up in the simple fact, that the form was established in New South Wales, and that the Australian colonies are so connected together—so identified with each other, as far as the character and habits of the people are concerned—as to make any change in the existing system of representation, if applied only to one colony, a matter of very doubtful policy.

The probability would be, that such a change would be looked upon with suspicion and dislike, and for that very reason would not be carried into effectual operation.

We were altogether ignorant that any change in the system of New South Wales was contemplated, and we therefore conceived ourselves limited to the consideration of the trifling amendments in the details of the Bill, without touching upon the principle.

As, however, your Lordship has expressed an intention of making certain alterations in the system of representation now in operation in New South Wales, and as I have now the experience of a session of the Legislative Council to help me in forming an opinion of the character of the people comprising this community, I do not think that the chance of the Act having been passed will justify me in withholding any information, as to either facts or opinions, which may be of use in enabling your Lordship to form a judgment as to the nature of the institution best adapted to secure the permanent welfare of these colonies.

Without, therefore, wishing or presuming to give an opinion on the general question of the best form of legislative body, I may say that, under the peculiar circumstances of these colonies, I should most strenuously recommend the adoption of a Second or Upper Chamber.

When we consider the elements of which society here is composed,—when we see the low estimate that is placed upon everything which can distinguish a man from his fellows, with the sole exception of wealth,—when we see that even wealth does not lead to distinction, or open the road to any other ambition than that of excelling in habits of self-indulgence,—it can hardly be subject of surprise that so few are found who rise above the general level, or that those few owe more to the possession of a certain oratorical facility than to their powers of mind or the justness of the opinions which they advocate.

The broad plain of equality, as in America, receives the whole of the com-

munity, and though there are many who would gladly avail themselves of any opportunity of raising themselves above the general level, yet here, as in America, any attempt to do so would be frustrated by the jealousy of the remainder of the community.

Your Lordship can hardly form an idea of the character of the population of these colonies.

It is usual to assume that colonies are off-shoots from the parent stock, containing in themselves the germs of all the elements of which society in the mother country is composed.

This can only be said of any colony with many reservations, but it cannot be said of these colonies with any appearance of justice or truth.

There is an essentially democratic spirit which actuates the large mass of the community; and it is with the view to check the development of this spirit, of preventing its coming into operation, that I would suggest the formation of an Upper Chamber.

The members of this, call it senate or what you may, will be raised in some measure above the general level of society,—they will be rendered independent of popular blame or approbation,—but being also free from the suspicion of acting under the control of the Government, they will conciliate popular feeling, and hold a fair position between the Executive and the Legislature.

I do not presume to enter into any detail of the mode in which such an assembly should be constituted, further than to express an opinion that the Government should have as little as possible to do in the nomination or selection of the members.

There must, of course, be some ex-officio representatives of the Government in the House. The bishops of the Church of England and Rome might sit as representatives of the ecclesiastical bodies; but as the object with which I advocate the establishment of a second chamber, is more that of operating morally upon the body of the community, than of facilitating generally the operations of the Executive Government, I should be loth to recommend the adoption of a plan which might in any way neutralize the beneficial action of such a body upon the mass of the people.

I also think that, in order to render the members perfectly independent of either the Government or the people, they should be appointed or elected for life.

Trusting that your Lordship will not be of opinion that, in offering these suggestions, I have in any way exceeded the limits imposed upon me by my position in this colony,

I have, &c,

The Right Hon. Earl Grey,
&c. &c. &c.

(Signed) W. DENISON.

No. 2.

EXTRACT of a DESPATCH from Lieut.-Governor Sir W. DENISON to Earl GREY, dated Van Diemen's Land, Government House, Nov. 6, 1848.

“THE trade which is rapidly increasing between Van Diemen's Land and the other Australian Colonies, will in a few years become of the greatest importance. From South Australia a quantity of copper ore has been already sent here for shipment to England as ballast, and we have every prospect of being able to establish smelting-furnaces in this colony, by which a large portion of the copper ore raised in South Australia will be transferred here, and a back trade in coal created.

“I have therefore deemed it very desirable to relieve a rising traffic of such importance, from the trammels which a heavy duty of 15 per cent. would impose upon it. In the same way, the wool which is brought into this colony is merely sent here from the settlements to the southward and eastward of New South Wales, because there are greater opportunities of shipment to England from hence, than from the place where the wool is produced. The coal which it is proposed to admit, duty free, is merely that which may be required for the purposes of steam navigation. I expect to be able very shortly to provide an article from the coal-mines of the colony, of better quality and far cheaper than any which can be imported.”

No. 2.
*Already printed
in Parliamentary
Papers of May
25, 1849.*

EXTRACT of a DESPATCH from Lieut.-Governor Sir W. DENISON to Earl GREY, dated Government House, Van Diemen's Land, February 9, 1849.
(No. 26.) (Received June 22, 1849.)

* Page 48.

" 1. I HAVE the honour to acknowledge the receipt of your Lordship's Despatch, No. 124,* dated 3rd August, 1848, transmitting a copy of a Despatch addressed to the Governor of New South Wales, explanatory of the principles of the measure which Her Majesty's Government propose to introduce early in the next session of Parliament, and which, while it would effect the separation of the district of Port Phillip from the colony of New South Wales, would at the same time provide for introducing the principle of popular representation into the government of Van Diemen's Land, by the addition of elective members to the Legislative Council, bearing the same proportion to those nominated by the Crown as that which is now established in New South Wales.

" 2. This boon of popular representation which has so long been sought for by the inhabitants of this colony will, I have no doubt, be thankfully acknowledged.

" 3. With regard to the mode in which it is proposed to constitute the Council, by adding elective members to the present Assembly, bearing the same proportion to those now nominated by the Crown as that established in New South Wales, I would remark that, looking to the numbers of the free inhabitants of the colony, the proportion of representatives to constituents would appear very large.

" 4. The free population of all ages, according to the census of 1848, was about 40,000. Of these, upwards of one-half were under the age of 21, leaving thus only 20,000 free people of an age to vote. Of these, upwards of 7,000 are women. The number of persons, therefore, capable of exercising the franchise, were no property qualification insisted upon, could not exceed 13,000, and the qualification required in New South Wales, which, as I have stated in my Despatch, No. 122, dated 2nd October, 1847, it would not be desirable to reduce at present, will of course very much diminish the number of electors.

" 5. If, then, 28 members are to be elected, there will be one elected member for every 460 free male adults, or one member of Council, including both nominee and elected members, for every 310 free adults. The whole population, free and bond, amounting to about 70,000, there would be one member of Council to every 1,600 inhabitants.

" 6. In addition to the objections arising from the large proportion of members to constituents, I may point out to your Lordship the difficulty which will be experienced in finding such a number of persons properly qualified and willing to act as members of Council, and the chance that in consequence of the unwillingness of the more respectable portion of the population to sacrifice their time and means in attending the Council, the business of legislation will fall into the hands of a set of people in no way qualified to perform it.

" 7. I would also remark, that as the present nominees of the Crown hold their office during good behaviour, or practically for life, any measure which would have the effect of retaining those gentlemen as permanent members of Council would, I imagine, not only be distasteful to the community, but also injurious to the Government; for, looking to the character and abilities of the present nominees of the Crown, and to the peculiar circumstances which have placed several of them in the position in which they stand, it would be unjust to the community were I not to state my opinion that it might hereafter be in my power, or that of future Lieutenant-Governors, to replace some of these with men better qualified in every way to do their duty by the colony.

" 8. I may, however, have misunderstood the expression in the Despatch above quoted, and having laid before your Lordship the facts relative to the population, I need not further allude to this branch of the subject."

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AUSTRALIAN COLONIES GOVERNMENT BILL. 47

No. 4.

VAN DIEMEN'S
LAND.
No. 4.

EXTRACT of a DESPATCH from Lieut.-Governor Sir W. DENISON to Earl
GREY, dated Government House, Van Diemen's Land, Sept. 25, 1849.

(No. 138.)

(Received February 22, 1850.)

“ I HAVE received duplicate copies of the papers relative to the proposed alteration in the constitution of the Australian colonies, which were laid before the Houses of Parliament on the 25th May.”

“ I may say, with reference to the principles upon which a Representative Constitution is to be granted to this colony, as detailed in the above-mentioned report, that they are such as are fully appreciated and approved by the inhabitants.”

VAN DIEMEN'S
LAND.
No. 1.

Despatches from the Right Hon. Earl Grey,
Secretary of State.

(No. 124.)

No. 1.

Already printed
in Parliamentary
Paper, No. 715,
August 29, 1848.

COPY of a DESPATCH from Earl GREY to the Lieut.-Governor of VAN
DIEMEN'S LAND.

SIR,

Downing-street, August 3, 1848.

July 31, No. 133,
page 39.

I TRANSMIT to you herewith, for your information and guidance, a copy of a Despatch which I have addressed to the Governor of New South Wales, explaining the principles of the measure which Her Majesty's Government propose to introduce at as early a period as may be practicable of the next Session of Parliament, and which, while it would effect the separation of the district of Port Philip from the colony of New South Wales, and its formation into a separate government, would at the same time provide for introducing the principle of popular representation into the governments of Van Diemen's Land and of South Australia, by the addition of elective members to their Legislative Councils, bearing the same proportion to those nominated by the Crown as that which is now established in New South Wales. The motives which have influenced Her Majesty's Government in thus designing to maintain in New South Wales and Port Phillip the form of legislature now existing in the former colony, instead of creating two distinct chambers, are fully stated in the enclosed Despatch; and it appears to me that there is no sufficient reason for departing from the same form of constitution in those colonies to which representative governments will be now for the first time extended. It is unnecessary to recapitulate those farther points, which you will find sufficiently noticed in the Despatch in question.

You will observe that the most material suggestion made by yourself in conformity with the report of your Executive Council, in your Despatch, No. 122, of 2nd October, 1847, has been followed; and the other recommendations of your Council will receive full attention.

I have, &c.,

(Signed) GREY.

The Lieut.-Governor of Van Diemen's Land,
&c. &c. &c.

No. 2.

(No. 31.)

No. 2.

Already printed in
Parliamentary
Papers of May
25, 1849.

* Page 44.

COPY of a DESPATCH from Earl GREY to Lieut.-Governor Sir W. DENISON.
SIR,

Downing-street, March 20, 1849.

I HAVE to acknowledge your Despatch, No. 144,* of the 15th August last, containing suggestions as to the introduction of representative institutions into Van Diemen's Land. You will have already ascertained that I found it impossible to bring in a Bill for this purpose last Session, and also that since this measure was first contemplated, accounts have been received showing that objections, to which it has been considered right to defer, are entertained by the inhabitants of New South Wales to the changes which were proposed in the system of government now prevailing in that colony. The Bill now in preparation, and which will very shortly be introduced, will accordingly leave New South Wales and the new colony of Victoria, which is to be formed out of it, under legislatures resembling that by which they are at present governed. And for the reasons which you have yourself adduced, it is not thought advisable to adopt a different system for Van Diemen's Land from that which prevails in the adjacent colonies.

I have not the less to express my thanks to yourself and the Executive Council for the attention which you have paid to the subject, and the suggestions with which you have favoured me.

I have, &c.,

(Signed) GREY.

Lieut.-Governor Sir W. Denison,
&c. &c.

SOUTH AUSTRALIA.

Despatch from the Right Hon. Earl Grey,
Secretary of State.

SOUTH
AUSTRALIA.

No. 1.

(No. 36.)

No. 1.

*Already printed
in Parliamentary
Paper, No. 715.
August 29, 1848.*COPY of a DESPATCH from Earl GREY to the Lieutenant-Governor of
SOUTH AUSTRALIA.

SIR,

Downing-street, August 3, 1848.

July 31, 1848.
No. 133, p. 39.

I TRANSMIT to you herewith, for your information and guidance, a copy of a Despatch which I have addressed to the Governor of New South Wales, explaining the principles of the measure which Her Majesty's Government propose to introduce at as early a period as may be practicable of the next Session of Parliament, and which, while it would effect the separation of the district of Port Phillip from the colony of New South Wales, and its formation into a separate government, would, at the same time, provide for introducing the principle of popular representation into the governments of Van Diemen's Land and of South Australia, by the addition of elective members to their Legislative Councils, bearing the same proportion to those nominated by the Crown as that which is now established in New South Wales. The motives which have influenced Her Majesty's Government in thus designing to maintain in New South Wales and Port Phillip the form of legislature now existing in the former colony, instead of creating two distinct chambers, are fully stated in the enclosed Despatch. And it appears to me, that there is no sufficient reason for departing from the same form of constitution in those colonies to which representative government will be now, for the first time, extended. It is unnecessary to recapitulate those farther points, which you will find sufficiently noticed in the Despatch in question.

The Lieut.-Governor of South Australia,
&c.I have, &c.,
(Signed) GREY.

WESTERN AUSTRALIA.

**Despatch from the Right Hon. Earl Grey,
Secretary of State.**

WESTERN
AUSTRALIA.

No. 1.

(No. 26.)

No. 1.

*Already printed
in Parliamentary
Paper, No. 715,
August 29, 1848.*COPY of a DESPATCH from Earl GREY to the Lieutenant-Governor of
WESTERN AUSTRALIA.

SIR,

Downing-street, August 3, 1848.

I TRANSMIT to you herewith, for your information and guidance, a copy of a Despatch which I have addressed to the Governor of New South Wales, explaining the principles of the measure which Her Majesty's Government propose to introduce at as early a period as may be practicable of the next Session of Parliament, and which, while it would affect the separation of the district of Port Phillip from the colony of New South Wales, and its formation into a separate government, would, at the same time, provide for introducing the principle of popular representation into the governments of Van Diemen's Land and of South Australia, by the addition of elective members to their Legislative Councils, bearing the same proportion to those nominated by the Crown as that which is now established in New South Wales. The motives which have influenced Her Majesty's Government in thus designing to maintain in New South Wales and Port Phillip the form of legislature now existing in the former colony, instead of creating two distinct chambers, are fully stated in the enclosed Despatch; and it appears to me that there is no sufficient reason for departing from the same form of constitution in those colonies to which representative government will be now, for the first time, extended. It is unnecessary to recapitulate those farther points, which you will find sufficiently noticed in the Despatch in question.

It is proposed that by the same measure the Legislative Council of Western Australia shall be empowered to pass an Ordinance, adding elective members in the same proportion to its own numbers, whenever the inhabitants shall, by petition, have declared themselves generally favourable to such a change, and prepared, for the sake of obtaining it, to take upon themselves that part of the charge for the civil government of the colony which is now met by the annual grants of Parliament.

The Lieut.-Governor of Western Australia,
&c. &c.I have, &c.,
(Signed) GREY.

despatches from the Right Hon. Earl Grey to
the Governors of the Australian Colonies.

AUSTRALIAN
COLONIES.

No. 1.

No. 1.

CIRCULAR to the GOVERNORS of the AUSTRALIAN COLONIES.

SIR,

Downing-street, May 24, 1849.

I TRANSMIT to you a Report of the Committee of Her Majesty's Privy Council for Trade and Plantations on the subject of the proposed Bill for the separation of Port Phillip from New South Wales, and the extension of representative institutions to Van Diemen's Land and South Australia.

The importance of the questions which required to be determined in making arrangements for the future administration of these colonies, induced me to advise Her Majesty to refer the subject to the consideration of the above Committee, by which it has accordingly been very carefully and deliberately investigated; and though some delay has thus been occasioned in maturing the measure, for carrying into effect the proposed changes in the existing institutions of Her Majesty's Australian Possessions, I trust that this loss of time will be more than compensated by the advantage which has been derived from the labours of the Committee in rendering the Bill, which will now be submitted to Parliament, as perfect as possible.

The Report itself explains so fully the general purport of the proposed measure, that it is unnecessary for me to state more than that a Bill, framed in accordance with the recommendation of the Committee, will be introduced forthwith into Parliament; but as some time must necessarily elapse before it can become law, I have thought it advisable that you should be made acquainted with its provisions through the medium of this Report; and the highly interesting nature of the general subject, of which it also treats, affords an additional reason for its transmission.

I have, &c.,
(Signed) GREY.

Encl. in No. 1.

Enclosure in No. 1.

At a COURT at BUCKINGHAM PALACE, the 1st day of May, 1849.

Present,

The QUEEN'S MOST EXCELLENT MAJESTY in COUNCIL.

WHEREAS there was this day read at the Board a Report of the Right Honourable the Lords of the Committee of Council, appointed for the consideration of all matters relating to Trade and Foreign Plantations, dated the 4th day of April last, in the words following, viz. :—

“ Your Majesty having been pleased by your Order in Council of the 31st January last, to refer unto this Committee copies of a correspondence between Earl Grey, one of Your Majesty's Principal Secretaries of State, and Sir Charles FitzRoy and the other Governors of Your Majesty's Australian Settlements, on the subject of the introduction to Parliament, in the ensuing session, of a Bill for the better government of those colonies, to consider the same, and report to your Majesty our opinion as to the steps which it would be advisable for Your Majesty to take on the subject of the said correspondence.

“ In obedience to Your Majesty's commands we have taken into consideration the subject so referred to us, and humbly submit to Your Majesty the following Report of the conclusions which we have adopted.

“ In order to render intelligible the grounds on which our opinions on this subject proceed, we must briefly advert to the distinctions between the practice which has been observed during the present century, and the practice which was observed in earlier times, respecting the establishment of systems of civil government in the colonial dependencies of the British Crown.

“ In those ancient possessions of Your Majesty's royal predecessors, which at present form so large a part of the United States of America, and in all the other British colonies (whether acquired by the occupation of vacant territories or by cessions from foreign powers), there prevailed until the commencement of the nineteenth century the almost invariable usage of establishing a local legislature consisting of three estates—that is, of a Governor appointed by the Sovereign, of a Council nominated by the Sovereign, and of an Assembly elected by the people. Although in some cases other schemes of colonial polity had been at first established, yet those schemes had all, with one exception, progressively been brought before the end of the eighteenth century into conformity with this general type or model. The colonies of Ceylon, Trinidad, and Guiana, do not form exceptions, for although conquered, they had not been ceded before the beginning of the present century. Nor is Newfoundland an exception, because it was in those times regarded and governed as a mere fishing station, and not as a

colony. Neither can Malta and Gibraltar be referred to as exceptions, because they were regarded not as colonies, but as mere military fortresses, and were governed by military laws. The only real exception was in the case of Sierra Leone, which at the era in question was governed by an incorporated company.

"Further, these colonial constitutions were all (except in the Canadas) created by letters patent under the Great Seal either of England or of Great Britain, and those letters patent were issued in the exercise of an unquestionable and undisputed prerogative of the Crown. But in Lower and Upper Canada, the three estates of Governor, Council, and Assembly, were established, not by the Crown, but by the express authority of Parliament. This deviation from the general usage was unavoidable, because it was judged right to impart to the Roman Catholic population of the Canadas privileges which in the year 1791 the Crown could not have lawfully conferred on them. There is also reason to believe that the settlement of the Canadian constitution, not by a grant from the Crown merely, but in virtue of a positive statute, was regarded by the American loyalists as an important guarantee for the secure enjoyment of their political franchises.

"But during the nineteenth century the British Crown has acquired by conquest and cession from foreign states, three transatlantic colonies, one colony in Southern Africa, and four colonies to the eastward of the Cape of Good Hope. During the same period the British Crown has acquired, by the occupation of vacant territories, two colonies on the western coast of Africa, three in New Holland, one in Van Diemen's Land, one in New Zealand, and one in the Falkland Islands. In no one of these sixteen colonies has the old colonial polity of a Governor, Council, and Assembly been introduced. In no one of them (except New South Wales) has any electoral franchise been granted to the colonists, or any share in the local legislation to their representatives.

"In all these conquered colonies, the ancient system of internal government remains such as it was at the times of the respective conquests, excepting that by letters patent under the Great Seal, a Governor and a Council appointed by the Crown have in each of them been authorized to make local laws. In Guiana, indeed, no such letters patent have been issued, because the ancient Dutch legislature still retains in that colony its ancient forms and powers.

"In all the colonies acquired during the nineteenth century by the occupation of vacant territories, the same system of internal legislation by a Governor and a Council appointed by the Crown has been introduced by the authority of Parliament.

"In colonies so acquired, the royal prerogative was competent only to the establishment of systems of civil government, of which a legislature, composed in part at least of the representatives of the people, formed a component part. To dispense even for awhile with such a legislature, Parliamentary aid was requisite. But in sanctioning that departure from the general type or model of the earlier colonial Constitutions, it has been the practice of Parliament to recognize the ancient principle, and to record the purpose of resuming the former constitutional practice so soon as the causes should have ceased to operate, which in each particular case had forbidden the immediate observance of it. Nor has the pledge thus repeatedly given been forgotten. It has been redeemed in New South Wales, except so far as relates to the combination which has taken place there of the Council and Assembly into one Legislative House or Chamber. It has been redeemed with regard to New Zealand, although peculiar circumstances have required a temporary postponement of the operation in that colony of the Act passed by Parliament for establishing in it a representative legislature.

"We are of opinion that the time has not yet arrived for conferring this franchise on the colonists of Western Australia, because they are unable to fulfil the condition on which alone, as it appears to us, such a grant ought to be made the condition, that is, of sustaining the expense of their own civil government by means of the local revenue, which would be placed under the direction and control of their representatives. Whenever the settlers in Western Australia shall be willing and able to perform this condition, they ought, we apprehend, to be admitted to the full enjoyment of the corresponding franchises, but not till then.

"The colonies of South Australia and Van Diemen's Land, being on the other hand at once willing and able to provide by local resources for the public expenditure of each, or at least for so much of that expenditure as is incurred with a view to colonial and local objects, the time has in our judgment arrived when Parliament may properly be recommended to institute in each of those colonies a legislature in which the representatives of the people at large should enjoy and exercise their constitutional authority.

"In submitting to Your Majesty this advice we are only repeating an opinion so familiar and so generally adopted by all persons conversant with the government of the British colonies, that it would seem superfluous to support it by argument or explanation. The introduction of this constitutional principle into every dependency of the British Crown is a general rule sanctioned by a common and clear assent. The exception to that rule arises only when it can be shown that the observance of it would induce evils still more considerable than those which it would obviate and correct. We are aware of no reason for apprehending that such a preponderance of evil would follow on the introduction of such a change in South Australia and Van Diemen's Land. The contrary anticipation appears to be entertained by all those who possess the best means and the greatest powers of foreseeing the probable results of such a measure. We therefore recommend that during the present session of Parliament a Bill should be introduced for securing to the representatives of the people of South Australia and Van Diemen's Land, respectively, their due share in the legislature of each of those colonies.

"We apprehend, however, that it would be found highly inconvenient to consider this question as it regards those two settlements, without at the same time adverting to the effects

with which such a change in them must be followed in the whole range of the Australian colonies.

“New Holland is at present divided between the three governments of New South Wales, South Australia, and Western Australia. The most cursory inspection of the maps and charts of those regions will sufficiently show, that as they shall become more populous and more extensively settled, it will be necessary to divide them into a greater number of distinct colonies. But confining our immediate attention to the case of New South Wales, we observe that the cities of Sydney and of Melbourne, lying at a great distance from each other, form the respective capitals of districts of great extent, separated from each other by diversities of climate and by some corresponding differences in their natural resources, and in the agricultural and commercial pursuits followed in each of them. The inhabitants of the southern districts have long and earnestly solicited that Melbourne should be made the seat and centre of a colonial government separated from that of Sydney; and so decided has this wish become of late, that on the recent general election of members of the Legislature of New South Wales collectively, the inhabitants of the southern district have virtually and in effect refused to make any such choice. The reluctance which was at first so naturally entertained at Sydney to the proposed innovation, appears to have gradually but effectually yielded to the progress of knowledge and reasoning on the subject. The Governor and the Executive Council, the existing Legislature, and, as we believe, the great body of the colonists, now favour the contemplated division of their extensive territory into a northern and a southern colony.

“Nor is it surprising that such should have been the ultimate conclusion of such a debate. The inhabitants of countries recently and imperfectly settled are exposed to few greater social evils than that of the remoteness of the seat of government from large bodies of the settlers. The effect is virtually to disfranchise a large proportion, if not a majority, of the colonists, by excluding them from any share in the management of public affairs, and in the inspection and control of the conduct of their rulers. In such circumstances the inconveniences of the centralization of all the powers of government are experienced in their utmost force. The population of the districts most distant from the metropolis are compelled to entrust the representation of their persons and the care of their local interests to settled residents at that metropolis, who possess but a very slight knowledge of their constituents, and a faint sympathy with their peculiar pursuits and wants.

“We propose, therefore, that Parliament should be recommended to authorize the division of the existing colony of New South Wales into a northern and a southern province. Sydney would be the capital of the northern division, which would retain the present name of New South Wales. Melbourne would be the capital of the southern division, on which we would humbly advise that Your Majesty should be graciously pleased to confer the name of Victoria. In former times Your Majesty's royal ancestors or predecessors permitted a similar use of their names to designate provinces on the North American continent. Venturing to presume that it will be Your Majesty's pleasure to follow those precedents on the present occasion, we shall take the liberty in the sequel of this Report to use the name of Victoria to describe the same province; and the name of New South Wales to describe the northern province of the great territory to which, collectively, the latter of those appellations at present belongs.

“The line of demarcation between New South Wales and Victoria would coincide with the existing boundary between the two districts into which, for certain purposes, the colony is already divided. It would commence at Cape How, pursue a straight line to the nearest source of the River Murray, and follow the course of that river as far as the boundary which now divides New South Wales from South Australia.

“In each of the two proposed provinces of New South Wales and Victoria, we apprehend that provision ought now to be made by Parliament for creating a legislature in which the representatives of the people should exercise their constitutional authority and influence. We do not advise that resort should be had for these purposes to the ancient and unaided prerogatives of Your Majesty's Crown, because it is competent to Your Majesty, in the exercise of that prerogative, to supersede the constitutions which Parliament has already established in the Australian colonies. Parliamentary intervention is therefore indispensable.

“If we were approaching the present question under circumstances which left to us the unfettered exercise of our own judgment as to the nature of the legislature to be established in New South Wales, Victoria, South Australia, and Van Diemen's Land, we should advise that Parliament should be moved to recur to the ancient constitutional usage by establishing in each a Governor, a Council, and an Assembly. For we think it desirable that the political institutions of the British colonies should thus be brought into the nearest possible analogy to the constitution of the United Kingdom. We also think it wise to adhere as closely as possible to our ancient maxims of government on this subject, and to the precedents in which those maxims have been embodied. The experience of centuries has ascertained the value and the practical efficiency of that system of colonial polity to which those maxims and precedents afford their sanction. In the absence of some very clear and urgent reason for breaking up the ancient uniformity of design in the government of the colonial dependencies of the Crown, it would seem unwise to depart from that uniformity. And further, the whole body of constitutional law which determines the rights and the duties of the different branches of the ancient colonial governments having, with the lapse of time, been gradually ascertained and firmly established, we must regret any innovation which tends to deprive the Australian colonies of the great advantage of possessing such a code so well defined and so maturely considered.

“But great as is the weight that we attach to these considerations, the circumstances under

which we actually approach the question are such as to constrain us, however reluctantly, to adopt the opinion that the proposed Act of Parliament should provide for the establishment in each of the four Australian colonies of a single House of Legislature only; one-third of the members of which should be nominated by Your Majesty, and the remaining two-thirds elected by the colonists.

"For such is in point of fact the system which now prevails throughout the territories which will compose the two provinces of New South Wales and Victoria. It was the pleasure of Parliament, in the year 1842, to establish that system. Custom appears to have attached the colonists to it. Public opinion in New South Wales would appear to be decidedly opposed to an alteration in this respect of the existing constitution of the colony by the authority of Parliament.

"Of this fact the most conclusive proof is to be found in the petitions recently presented to Your Majesty, and to Parliament, from a large body of the colonists, praying that no change may be made without the consent of the inhabitants at large, in the constitution and form which the local legislature has already received from Parliament. In the absence of any counter petitions we think it reasonable to conclude that such is the deliberate judgment of the great body of the settlers in New South Wales and Victoria, and we are of opinion that it would be unwise and unjustifiable to force such a change upon them. All that in our judgment can be reasonably done is to leave to the legislatures, now to be established, the power of amending their own constitutions, by resolving either of these single Houses of Legislature into two Houses. The weight which is justly due to the arguments in favour of that measure will, we trust, not be without its proper influence on both the electoral and the elected bodies.

"But even if the state of public opinion in New South Wales were less distinctly ascertained, the adoption of the course which in itself we regard as the most wise, would be forbidden by the pledge into which Your Majesty's Executive Government have already entered on the subject. Proceeding as we apprehend in the same view which we have ourselves taken of the wishes and judgment of the inhabitants at large, and anticipating, as we believe, our own view of the impropriety of any direct encounter with that opinion on the present subject, Your Majesty's Secretary of State having the department of the colonies, in a Despatch of the 21st July last, informed the Governor of New South Wales, and through him the existing legislature and the colonists at large, that this was not such a 'reform as it was at all incumbent on the legislature at home to press on an unwilling or even on an indifferent people.' The language of this Despatch (in the wisdom of which we entirely concur) will of course, be regarded by Your Majesty as implying an engagement, to which it is necessary strictly to adhere.

"The considerations to which we have thus adverted in favour of thus establishing a single House of Legislature in each of the two proposed provinces of New South Wales and Victoria may perhaps appear applicable to those provinces only. For neither in Australia nor in Van Diemen's Land has Parliament introduced any such constitution; nor has Your Majesty's Executive Government entered into any pledge on the subject to either of those colonies; nor have any petitions been received ascertaining what is the state of public opinion in either of them, on the question whether the Legislative Houses should be combined into one Chamber or separated into two. But we cannot from these considerations conclude that a real freedom remains to Your Majesty and to Parliament of selecting that which may appear on abstract grounds and on general principles to be the wiser course. We apprehend that the inconvenience of settling the forms of government simultaneously in colonies so closely adjacent and so intimately connected with each other, with any diversity in regard to a principle so fundamental as this, is a much more formidable inconvenience than any which could follow, from maintaining a strict uniformity in that respect. As therefore, for the reasons which we have already assigned, it appears necessary to constitute a single House of Legislature only, both in New South Wales and Victoria, we are of opinion that the same system must prevail in regard to South Australia and Van Diemen's Land.

"We recommend, therefore, that the proposed Act of Parliament should provide for con-voking in each of the four colonies a legislature comprising two estates only, that is, a Governor and a single house, composed of nominees of the Crown and of the representatives of the people jointly. We also think, that in South Australia and Van Diemen's Land, as in New South Wales and Victoria, the legislatures now to be established ought to have the power of amending their own constitutions, by resolving either of these single Houses of Legislature into two Houses. Whatever the result may be in either of the four colonies, Your Majesty will thus at least have the satisfaction of knowing that free scope had been given for the influence of public opinion in them all; and that this constitutional question has been finally adjusted in each, in accordance with that opinion.

"For the same reason we think it desirable, that the legislatures now to be created should be entrusted with the power of making any other amendments in their own Constitution, which time and experience may show to be requisite. We are aware of no sufficient cause for withholding this power, and we believe that the want of it in the other British colonies has often been productive of serious inconvenience.

"On the other hand, we do not think it right that a subordinate legislature should have the power of enlarging or altering any of the constitutional franchises conferred on it by Parliament, without either the express or the implied assent of the Queen, Lords and Commons of the United Kingdom. We should object to such an unrestrained permission, not for technical or legal reasons merely, but on broad and substantial grounds. Changes in the constitution of any colony, may be productive of consequences extending far beyond the limits of the place

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COLONIES.

itself. They may affect the interests of other British settlements adjacent or remote. They may be injurious to the less powerful classes of the local society. They may be prejudicial to your Majesty's subjects in this country, or they may invade the rights of your Majesty's crown. We think, therefore, that no Act of any Australian Legislature, which shall in any manner enlarge, retrench, or alter the constitution of that Legislature of its rights and privileges, or which shall be in any respect at variance with the Act of Parliament or other instruments under which the Legislature is constituted, ought to be of any validity until it had been expressly confirmed and finally enacted by your Majesty in Council. And we are further of opinion, that it should not be lawful to make any Order in Council so confirming any such Act, until it had been laid before each House of Parliament for at least 30 days.

"Such being the general views we entertain as to the creation of the proposed Australian legislatures, it seems necessary to advert, however briefly, to the subordinate and auxiliary enactments requisite for giving effect to that design. We shall, however, indicate the principal topics of this class to which it will be necessary to advert, without entering into any minute examination of the particular course which it would be desirable to follow in regard to each of them.

"The statute-book abounds in recent precedents of such enactments; they will especially be found in the Acts establishing the existing legislature of New South Wales, and in the recent Act for establishing a legislature in New Zealand. The main objects of them, are the division of each colony into convenient electoral districts; the determining who shall be qualified to vote and to be elected; the settling whatever relates to the registration of votes, the conduct of elections and the making returns; the ascertaining all the rules to be observed respecting the nomination of such of the members as are not to be elected; the defining the powers of the Governor as to the acceptance or rejection of bills; the defining the powers of Your Majesty with regard to the confirmation or disallowance of any such Bills; and the securing to the Executive Government of each colony the initiation of all money votes. It would be easy to enlarge this catalogue of subordinate topics, demanding attention in framing the proposed Act of Parliament; but for the reason already mentioned, we apprehend that it would be a needless addition to the length of this Report.

"We should think it prudent, if we thought it practicable, to confine the proposed Act to those provisions which are necessary for constituting legislatures in the four colonies in question, and for enabling those legislatures to perform the duties to which they will be called. For we contemplate with great reluctance any departure from the general principle, which leaves to the local legislature of every colony the creation of other local institutions, and the enactment of any laws which are to have their operation within the local limits of the colony. But there are circumstances which seem to render unavoidable some deviation from that principle in the case of the Australian colonies.

"Thus throughout New South Wales, there are at present existing (at least, in point of law) municipal corporations, called District Councils. In point of fact, and for every practical purpose, these bodies may be regarded as extinct. Nevertheless, their legal rights, founded on an Act of Parliament, might at any time be called into action. It becomes therefore inevitable that Parliament should, in some form or other, dispose of the claims of these bodies to corporate powers and privileges.

"The most obvious course is that of a simple repeal of so much of the existing statute as relates to the District Councils, leaving the local legislatures to deal with the subject afterwards at their discretion. The objection to this method of proceeding is, that it would not really be the mere removal from the British Statute-book of a series of ineffectual enactments. It would be regarded, and not unreasonably regarded, in these colonies, as a significant intimation of the judgment of Parliament, that local municipal corporations might safely be dispensed with in their system of government. We think that it would be highly inexpedient to afford any countenance to such an opinion.

"We are of opinion that the existence in Australia of municipal bodies in a state of efficiency is scarcely less necessary to the public welfare than the existence there of representative legislatures. A large part of the benefit to be derived from such legislatures seems to us to depend on the simultaneous establishment and co-existence of incorporated municipalities. It is the only practicable security against the danger of undue centralization. It is the only security for the vigilant and habitual attention by the local legislature to the interests of the more remote localities. It is by such bodies alone that in those secluded societies public spirit is kept alive, and skill in the conduct of public affairs acquired and exercised. It is in such corporations that the colonists are trained to act as legislators in a larger sphere. By them, and by them alone, can any effectual resistance be made to the partial and undue dedication of the public resources to the advantage of districts peculiarly fortunate in the zeal and authority of their representatives in the legislature.

"For these reasons we cannot think it right that the legal existence of the existing District Councils should be abolished by Parliament.

"We think it would be a better course that the Act of Parliament passed in 1842 should be amended, by enacting that the District Councils which it contemplated should not be brought into operation unless upon the petition of the inhabitants of the several districts; and that the Governor should be invested with the power of issuing charters for creating these corporations in the districts from which he should receive petitions for their establishment, such petitions fairly representing the prevailing and deliberate wishes of the inhabitants of any such district. We apprehend that this arrangement, by which the grant of corporate powers would be left to the Governor as the representative of your Majesty, would be in strict accordance with the practice of this country from the earliest period. The ancient charters of incorporation were granted

the petition of the towns to which they were accorded by the Sovereigns. The early charters invested the corporations with the right of holding markets and of levying tolls, and landed property was also frequently conferred upon them, and they were thus placed in a possession of such resources as were necessary for the proper performance of the duties assigned to them.

“When, in the progress of society, a different state of things had arisen, and it was no longer possible to provide any new corporations which might be created with the pecuniary means of discharging the functions belonging to them without the imposition of rates, as it was held that the authority of the Crown did not extend to empowering corporations created by it to levy rates, the practice of granting charters fell into disuse, and many of our largest towns experienced much inconvenience from being without any adequate local organization. To meet this difficulty, Parliament, in reforming the ancient corporations, invested the Crown, in the year 1835, with the power of granting charters, by which the corporations so created should be authorized to levy rates for local purposes.

“Charters of incorporation have in this country, it is true, been confined to the towns; but without charters, the rural districts have possessed from the earliest times an organization enabling them to manage their own local affairs with but little interference on the part either of the Crown or of the legislature, except for the purpose of from time to time extending or regulating the exercise of the powers of their local authorities.

“The parish vestries, from very ancient times, have exercised the power of levying rates for the repair of churches, to which was afterwards added the relief of the poor. The magistrates also, who may be regarded as the virtual representatives of the counties, have been empowered, by Acts of Parliament, passed at various times, to levy county rates for the purpose of building bridges, gaols, lunatic asylums, and court-houses; also for the custody of prisoners, for maintaining a police, and for various other purposes of local interest. It has always been held that this system of local government has been one of the main elements of our national greatness and of the stability of the British Constitution.

“In Australia it seems impossible, from its peculiar circumstances, to create so complex a system of local organization as that which prevails in this country; in their present state of progress, inconvenience only could result from attempting to create in these colonies, parishes, poor-law unions, and corporate towns, with their distinct powers; the same localities being for different purposes, under the jurisdiction of two or three different local authorities. But we are of opinion that it would be both practicable and desirable that so extensive a territory should be divided into districts, each possessing some body of a representative character, constituted in some simple manner, to which should be entrusted all the powers of local administration which are required. Such a body ought to possess the power of levying rates, but we would recommend that the exercise of this power should not be made imperative, and that the provision of the existing Act of Parliament which renders it necessary that half the expense of the police in each district should be thus levied, should be repealed. The colonial legislature ought, we think, to have full power to pass laws, making any regulations it may think fit as to the mode of assessing and levying rates; also for making any alterations which may be found necessary in the constitution and in the duties assigned to these municipal bodies. We recommend that the provisions we have now described should be made applicable to Van Diemen's Land and South Australia, as well to the provinces into which New South Wales will be divided, and should likewise be extended to Western Australia, whenever that settlement may be capable of receiving a representative legislature.

“It may however be questioned, and with great apparent reason, whether there exists, or is likely to arise in any of these colonies, a disposition to bring into action the dormant powers of the existing municipalities, or to solicit the grant of any new powers of that nature. It is at least certain that there has hitherto been a strong disinclination in the rural districts of New South Wales to assume the privileges and to undertake the responsibilities of such incorporations, and that reluctance may of course be found insuperable hereafter. If so, we should regard it as a conclusive objection to the project of reviving the old or of creating new municipalities. Neither Your Majesty nor Parliament would desire to force unwelcome duties on the Australian colonists under the name of franchises. If such duties are not undertaken with alacrity, and performed with zeal, and controlled by public vigilance, and rewarded by public applause, they would be undertaken to no good purpose, and would be better declined.

“But the acknowledged want of alacrity and zeal in this service in the municipal corporations already established, has been publicly and generally ascribed to a cause which we are disposed to regard as remediable. In order to the effective execution of the powers of these bodies, it would be necessary to raise large local rates, and to devote a large part of the produce of them to an expenditure unfruitful of any considerable or immediate advantage to the ratepayers. If, for example, a road or a drain should be formed through a district imperfectly settled, by the produce of rates levied on the present settlers, that outlay would confer on the ungranted lands, in proportion to their extent, a benefit equal to that which the settled lands would derive from it. Eventually, indeed, those ungranted lands would be sold at prices enhanced by this application of the local rates, and the general territorial revenue of the colony would to the same extent be enhanced: but the ratepayers of the district would receive no peculiar benefit excepting that of the more rapid increase of settlement in their immediate vicinity. Persons living in a new country, to whom the command of capital is of such urgent importance, can never be expected to find in such remote, uncertain, and inappreciable benefits as these, a motive strong enough to induce them to impose on themselves rates to which the wild lands could contribute nothing.

“To remove this very reasonable objection we would observe that one-half of the territorial

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revenue of the Australian colonies is at present appropriated by Act of Parliament to the cost of introducing emigrants. The remaining half, subject to a deduction of certain enumerated charges, has been placed by Parliament at the disposal of the Lords Commissioners of the Treasury for the public service of the respective colonies. We recommend that of the territorial revenue realized in each district, the proportion thus left under their Lordships' control, should be placed by them at the disposal of the District Councils for objects of local concern, reserving only such a per centage as might be necessary for any purposes of general interest which ought to be charged upon this fund. We should further propose, that the sums so placed at the disposal of the District Councils should be applicable exclusively to public works within their respective districts. We also think, that no such work, if effected at the expense or by the aid of the land fund, should be undertaken without a previous report on its probable advantages, and a previous estimate of its cost by official persons duly qualified to prepare such reports and estimates. Further, we would advise that no such work should be actually undertaken without the previous sanction of the Governor in Council, founded on the proposed estimates and reports. Finally, we think that the proper officers of each District Council should render annually accounts of the grant of the last preceding year, which accounts should be published for general information. No additional grant ought to be made to any such body so long as any such account was in arrear.

"It appears to us that, by dedicating to these purposes that part of the land fund which Parliament has left at the disposal of the Crown, many important ends would be answered. The Executive Government in this country would be relieved of a responsibility which is as needless as it is invidious. A powerful motive would be called into action for the acceptance and employment of the proposed corporate franchises. The great principle of devoting the land fund to the utmost possible extent to the improvement of the land would be observed. The manual labourers introduced into the colony by the one-half of that fund, would not more directly contribute to the improvement of the territory than the remaining portion would contribute to that end by the creation of roads, drains, and other similar works. The price of all ungranted lands in the district would be enhanced by such works, and of that increased price the colony would receive the benefit in an augmented emigration fund, while the particular district would also receive a particular benefit from it in an augmented dividend of the part of the fund which we propose to dedicate to these services. It would operate as an inducement to purchase waste lands to *bonâ fide* settlers, as every such purchaser would, through the Council of his district, virtually receive back again a large part of his payment for the land in improvements of the locality in which it was situate. Thus every district in which sales of Crown lands could be effected would be in a state of progressive improvement. As by means of successive sales, the waste lands of the Crown in any district became small in comparison with the improved lands of actual settlers, this source of local revenue would indeed diminish; but the value of the rateable property would be continually increasing. The resource afforded by this use of the funds at the disposal of the Lords of the Treasury would thus come in aid of the local resources of a district when such aid was most essential to its welfare, and would cease to avail the district as it became more and more independent of all resources but its own. Thus District Councils would be rescued from the necessity of contracting debts in the infancy of the settlement of their district, when the lenders of the money would demand a very high rate of interest, and such loans would be necessary only in districts wealthy enough to be able to make them on moderate terms.

"As however the proposed application of this fund must be contingent on the acceptance or non-acceptance by the districts of the proposed charters, we apprehend that until that contingency shall be determined by the event, it will be premature to ratify, by the authority of Parliament, the contemplated dedication of the fund to these purposes. Nor is there any present necessity for the intervention of Parliament, as under the existing law Your Majesty possesses the power of directing this appropriation of the funds in question.

"Among the appropriations of the public revenues of New South Wales by Parliament is that of a sum of 30,000*l.* per annum for the support of public worship, it being however referred to Your Majesty to apportion that fund between the different Christian Churches amongst which the colonists are divided. Your Majesty has already determined that this sum shall be distributed between the Churches of England, of Scotland, and of Rome, and the Wesleyan Society. To each of those bodies has been assigned an income bearing to the entire income the proportion which, according to the census of the year 1841, the number of the members of each of those bodies bore to the collective number of the members of all of them. The census of 1846 has however shown such a change in these numerical proportions, or such an inaccuracy in the census of 1841, as renders the division of the fund somewhat more favourable to the Church of England, than, according to the strict principle of that division, it ought to be.

"We are of opinion that the proposed Legislatures ought not to possess the unrestricted power of altering the existing arrangements. The vested rights which individual clergymen hold under the New South Wales Constitutional Act, ought, we apprehend, to be maintained inviolate. And in the absence of very weighty reasons, clearly and fully established, it would, we think, be inexpedient to deprive any one of the four churches in question of any part of the temporal support to which it is at present entitled under that statute. The existing arrangement, however, which appears to have contemplated a periodical revision of the number of the members of each church, and a consequent readjustment from time to time of their respective dividends, is in this respect open to much objection, and the effect of adopting that principle would inevitably be to bring discredit on the efforts made by those churches for the diffusion of the opinions peculiar to and characteristic of each of them. Such efforts would be ascribed,

however unjustly, to other motives than the disinterested desire for the propagation of truth, or of supposed truth, and a spirit of competition and rivalry would be excited, which every devout member of each of those churches would earnestly deprecate.

"We should, therefore, propose to secure to each of the four churches, not for a definite, but for an indefinite period, that share of the common fund which has been assigned to it under the existing arrangement. If at any future time the local legislature of either province should see fit to endow any other church than those four, or to augment the endowment of any one of the four, any such new or augmented endowment ought, we apprehend, to be made by an additional charge on the revenue of the province, and not by a deduction from the revenue of any one of four the endowed churches. Whatever fluctuations may occur in the comparative numbers of the members of those churches, the steady and rapid increase of the population of the Australian colonies renders it eminently improbable that the absolute wants of any one of those churches will ever be less than they are at present, or that the existing endowment of any one of them will ever be found to be excessive.

"In giving this permanent character to the existing apportionment, it seems, however, necessary to guard against one error which has already been brought to light. That apportionment was founded on the census of 1841. But there is reason to conclude that the subsequent census of 1846 was not only taken with much greater care, but was drawn up with much greater accuracy, and affords a much safer basis on which to erect a scheme of indefinite duration. We subjoin a schedule showing the results of the census of 1846, as far as respects the numerical proportion between the adherents of the different churches. From that schedule it will appear that the present apportionment of the fund for the support of public worship is less favourable to the other endowed churches, as compared to the Church of England, than according to the census of 1846 it ought to be. In pursuance of the principle already stated, we propose that Parliament should be recommended to redress that inequality, not by a deduction from the share of the latter, but by an additional charge on the public revenue. Such a charge would not be of great amount, and would not raise the whole appropriation for public worship to the same proportion to the existing resources of New South Wales, as that which subsisted between the former appropriation for that service, and the resources of the colony at the time when it was made.

"In distributing between New South Wales and Victoria the total amount of the proposed annual charge for public worship, we apprehend that in pursuance of the principle of respecting, as far as possible, all vested interests and existing arrangements, the census of 1846 should be taken as the guide to be followed. We, therefore, propose that the proportion of the grant for each of the four churches to be charged on the revenue of each province respectively, should be determined by the comparative numbers of the members of these churches in the two districts at the time the census was made. We add in an Appendix to this Report a Schedule, showing the amount which, following this rule, would be charged on the revenues of both provinces in favour of the several churches.

"With regard to Van Diemen's Land and South Australia, in neither of which colonies has any Parliamentary provision been made for the support of public worship, we conceive that it will be sufficient that Parliament should now provide that the proposed Act shall not in any manner interfere with the operation of the laws existing on that subject in either of those colonies; but that those laws shall continue in force as fully as if no such Act had been passed.

"Passing to the subject of a Civil List, we have to observe that the very large proportion of the revenue of New South Wales, at present withdrawn from the control of the Legislature by the permanent appropriation of Parliament, has been a continual subject of complaint and remonstrance in the colony since the passing of the Constitutional Act of 1842; and we cannot conceal our opinion that these complaints are not without some foundation. It appears to us hardly consistent with the full adoption of the principles of representative Government, that as to a large part of the public expenditure of the colony, the Legislature should be deprived of all authority; nor does there appear to us to be any real occasion for imposing a restriction upon the powers of that body which manifests so much jealousy as to the manner in which those powers may be exercised. The expenditure thus provided for is all incurred for services in which the colonists alone are interested. The colonists themselves are mainly concerned in the proper and efficient performance of those services; and it appears to us that they ought to possess, through their representatives, the power of making such changes from time to time in the public establishments as circumstances may require. But while we are of opinion that there is no sufficient reason for refusing to the legislatures of the colonies a control over the whole of their expenditure, we also think that great inconvenience and very serious evils might be expected to arise from leaving the whole of the public establishments to be provided for by annual vote. In this country Your Majesty's Civil List is settled upon Your Majesty for life, and, in addition to this, Parliament has thought fit to provide, by a permanent charge on the Consolidated Fund, for a very considerable part of the establishments kept up for the public service, including the whole of those of a judicial character, leaving to be defrayed by annual votes those charges only which have been regarded as requiring the more frequent revision of the Legislature. The reasons which have induced the British Parliament in this manner to withdraw various heads of expenditure from annual discussion, and to make provision for them in a manner which can only be altered by an act of the whole Legislature, apply, as we apprehend, with much increased force in favour of adopting a similar policy in the colonies. It is not to be denied that in these smaller societies party spirit is apt to run still higher than amongst ourselves, and that questions respecting the remuneration of public servants are occasionally discussed, rather with reference to personal feelings than to a calm

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consideration of the real interest of the community. We believe also, that true economy is promoted by giving to those who are employed in the public service some reasonable assurance for the permanence of their official incomes. It is thus only that efficient service can be secured in return for a moderate remuneration. With these views, the arrangement which we should recommend is, that Parliament should, in the first instance, charge upon the revenues of the several colonies an amount sufficient to defray the expense of those services which it would be inexpedient to leave to be provided for by annual votes of the respective legislatures, leaving, however, to those legislatures full power to alter this appropriation by laws to be passed in the usual form. It would remain for Your Majesty to determine what instructions should be given to the governors of those colonies as to their assenting on behalf of the Crown to any laws which might be tendered to them by the legislatures for repealing or altering any of the charges created by Parliament on the revenues of the respective colonies. We conceive that it might be advisable by such instructions to restrain the governors from assenting to Acts making any alterations in the salaries of their own offices, or of those of the judges and some others of the public servants, unless these Acts contained clauses suspending their operation until they should be confirmed by Your Majesty's immediate authority. It appears to us that this course ought to be adopted, because we consider that the salaries of the principal officers of the colonial governments ought not to be changed without Your Majesty's direct concurrence; and because the present holders of some of the offices of lower rank have received their appointments under circumstances which give them a strong claim to the protection which would be thus afforded to them. Men who have abandoned other prospects for the purpose of accepting colonial employment, which they had reason to expect would be permanent, and who have since faithfully discharged their duties, must be regarded as having claims which rest upon the grounds of public faith, and on contracts which on their side have hitherto been strictly fulfilled, to retain their present salaries, so long as they shall conduct themselves properly, or to receive adequate compensation for their loss. We doubt not that such claims would be respected by the local legislatures, whatever reductions they might see fit to make in other cases; but we think that Your Majesty ought to secure them even from the risk of a hasty and ill-considered decision to their prejudice occasioned by some temporary excitement; subject to these qualifications, we are of opinion that complete control over the colonial expenditure ought to be given to the respective legislatures.

"There yet remains a question of considerable difficulty. By far the larger part of the revenue of the Australian colonies is derived from duties on customs. But if, when Victoria shall have been separated from New South Wales, each province shall be authorized to impose duties according to its own wants, it is scarcely possible but that in process of time differences should arise between the rates of duty imposed upon the same articles in the one and in the other of them. There is already such a difference in the tariffs of South Australia and New South Wales, and although, until of late, this has been productive of little inconvenience, yet with the increase of settlers on either side of the imaginary line dividing them, it will become more and more serious. The division of New South Wales into two colonies would further aggravate this inconvenience, if the change should lead to the introduction of three entirely distinct tariffs, and to the consequent necessity for imposing restrictions and securities on the import and export of goods between them. So great indeed would be the evil, and such the obstruction of the inter-colonial trade, and so great the check to the development of the resources of each of these colonies, that it seems to us necessary that there should be one tariff common to them all, so that goods might be carried from the one into the other with the same absolute freedom as between any two adjacent counties in England.

"We are further of opinion that the same tariff should be established in Van Diemen's Land also, because the intercourse between that island and the neighbouring colonies in New Holland has risen to a great importance and extent, and has an obvious tendency to increase. Yet fiscal regulations on either side of the intervening strait must of necessity check, and might perhaps, to a great extent, destroy that beneficial trade.

"If the duties were uniform, it is obvious there need be no restrictions whatever imposed upon the import or export of goods between the respective colonies, and no motive for importing into one goods liable to duty, which were destined for consumption in another; and it may safely be calculated that each would receive the proportion of revenue to which it would be justly entitled, or, at all events, that there would be no departure from this to an extent of any practical importance.

"Hence it seems to us that a uniformity in the rate of duties should be secured.

"For this purpose we recommend that a uniform tariff should be established by the authority of Parliament, but that it should not take effect until twelve months had elapsed from the promulgation in the several colonies of the proposed Act of Parliament. That interval would afford time for making any financial arrangements which the contemplated change might require in any of them, and by adopting the existing tariff of New South Wales (with some modifications, to adapt it to existing circumstances), as the General Tariff for Australia, we apprehend that there would be no risk of imposing upon the inhabitants of these colonies a table of duties unsuited to their actual wants. We should not, however, be prepared to offer this recommendation, unless we proposed at the same time to provide for making any alteration in this general tariff, which time and experience may dictate, and this we think can only be done by creating some authority competent to act for all those colonies jointly.

"For this purpose we propose that one of the Governors of the Australian colonies should always hold from Your Majesty a commission constituting him the Governor-General of Australia. We think that he should be authorized to convene a body to be called the General Assembly of Australia at any time and at any place within your Majesty's Australian

provisions which he might see fit to appoint for the purpose. But we are of opinion that the first convocation of that body should be postponed until the Governor-General should have received from two or more of the Australian Legislatures addresses requesting him to exercise that power.

" We recommend that the General Assembly should consist of the Governor-General and of a single House, to be called the House of Delegates. The House of Delegates should be composed of not less than twenty, nor of more than thirty members. They should be elected by the Legislatures of the different Australian colonies. We subjoin a schedule explanatory of the composition of this body, that is, of the total number of delegates, and of the proportions which each colony should contribute to that number.

" We think that Your Majesty should be authorized to establish provisionally, and, in the first instance, all the rules necessary for the election of the delegates, and for the conduct of the business of the General Assembly, but that it should be competent to that body to supersede any such rules and to substitute others, which substituted rules should not, however, take effect until they had received Your Majesty's sanction.

" We propose that the General Assembly should also have the power of making laws for the alteration of the number of delegates, or for the improvement in any other respect of its own constitution. But we think that no such law should come into operation until it had actually been confirmed by Your Majesty.

" We propose to limit the range of the legislative authority of the General Assembly to the ten topics which we proceed to enumerate. These are :—

- " 1. The imposition of Duties upon Imports and Exports.
- " 2. The conveyance of Letters.
- " 3. The formation of Roads, Canals, or Railways, traversing any two or more of such colonies.
- " 4. The erection and maintenance of Beacons and Lighthouses.
- " 5. The imposition of Dues or other Charges on Shipping in every Port or Harbour.
- " 6. The establishment of a General Supreme Court, to be a Court of original jurisdiction, or a Court of Appeal for any of the inferior Courts of the separate provinces.
- " 7. The determining of the extent of the jurisdiction and the forms and manner of proceeding of such Supreme Court.
- " 8. The regulation of Weights and Measures.
- " 9. The enactment of laws affecting all the colonies represented in the General Assembly on any subject not specifically mentioned in the preceding list, but on which the General Assembly should be desired to legislate by addresses for that purpose presented to them from the Legislatures of all those colonies.
- " 10. The appropriation to any of the preceding objects of such sums as may be necessary, by an equal per centage from the revenue received in all the Australian colonies, in virtue of any enactments of the General Assembly of Australia.

" By these means we apprehend that many important objects would be accomplished which would otherwise be unattainable, and by the qualifications which we have proposed, effectual security would, we think, be taken against the otherwise danger of establishing a central Legislature in opposition to the wishes of the separate Legislatures, or in such a manner as to induce collisions of authority between them. The proceedings also of the Legislative Council of New South Wales, with reference to the proposed changes in the Constitution, lead us to infer that the necessity of creating some such general authority for the Australian colonies begins to be seriously felt."

SCHEDULE I.

	Distribution of £30,000 according to Census of 1841. (existing arrangement.)			Distribution of £30,000 according to Census of 1846.		Sums which according to the Census of 1846, will correspond with the sum now enjoyed by the Church of England, according to the Census of 1841.
	1.			2.		3.
	£.	s.	d.	£.	£.	
Church of England	17,581	2	4	15,715	17,581	
" Rome	8,510	14	6	9,333	10,441	
" Scotland	3,136	9	11	3,634	4,066	
Wesleyans	771	13	3	1,316	1,472	
Total	29,998	0	0	29,998	33,560	

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DISTRIBUTION of the SUMS in Column 3 between New South Wales (present Sydney District) and Victoria, (present Port Phillip District), according to the Census of 1846.

	New South Wales.	Victoria.	Total.
	£.	£.	£.
Church of England . . .	14,812	2,769	17,581
„ Rome . . .	8,757	1,684	10,441
„ Scotland . . .	2,979	1,087	4,066
Wesleyans . . .	1,176	296	1,472
Total . . .	27,724	5,836	33,560

CENSUS of 1841 and 1846, upon which the above calculations are founded.

	1841.		1846.	
Church of England :—				
Sydney District	67,537		79,810	
Port Phillip District	6,190		14,921	
		73,727		94,731
Church of Rome :—				
Sydney District	33,249		47,187	
Port Phillip District	2,441		9,075	
		35,690		56,262
Church of Scotland :—				
Sydney District	11,009		16,053	
Port Phillip District	2,144		5,856	
		13,153		21,909
Wesleyans :—				
Sydney District	2,586		6,338	
Port Phillip District :—	650		1,597	
		3,236		7,935

SCHEDULE 2.

COMPOSITION of the HOUSE of DELEGATES.

Each colony to send two members, and each to send one additional member for every 15,000 of the population, according to the latest census, before the convening of the House.

On the present population the numbers would be as follows :—

	Population by last Census.	Number of Members.
New South Wales	155,000	12
Victoria	33,000	4
Van Diemen's Land (deducting convicts)	46,000	5
South Australia	31,000	4
		25

Her Majesty having taken the said Report, together with the Schedules thereunto annexed, into consideration, was pleased by and with the advice of Her Privy Council to approve thereof.

(Signed) W. L. BATHURST.

No. 2.

No. 2.

CIRCULAR to GOVERNORS of the AUSTRALIAN COLONIES.

SIR,

Downing-street, August 18, 1849.

* Page 63.

IN reference to my circular Despatch* of 24th May last, enclosing the Report of the Committee of Her Majesty's Privy Council for Trade and Foreign Plantations, on which the Bill for the better Government of Her Majesty's Australian Colonies, recently introduced into the House of Commons, was founded: I have now to inform you, with very great regret, that it has been found impossible to proceed with that Bill during the Session just concluded, in consequence of the heavy pressure of business of a most urgent character, which has occupied the attention of Parliament even down to its close.

AUSTRALIAN COLONIES GOVERNMENT BILL 65

2. It will, however, be again introduced with the least possible delay, after the re-assembling of Parliament, modified in one important particular only. The provisions for a general and uniform tariff to be established by the Act itself, and unalterable except by the General Assembly when convoked, will be omitted. For while Her Majesty's Government continue to think it of the utmost importance, that all possible freedom should be given to that inter-colonial trade, which is year by year increasing in importance between the Australian settlements, inquiry and discussion have rendered it evident, that the proposed uniformity could not be carried into practical effect, without a variety of subsidiary arrangements, which could only be well considered and matured on the spot.

3. The Bill, therefore, when re-introduced, while it will empower the colonies to establish an uniform tariff through the General Assembly, will not impose one upon them. There will, probably, be some other changes introduced into the measure, with the view of rendering it more perfect in detail, but with the exception above-mentioned, it will be substantially the same with that of the late Session; and I sincerely hope, that the delay thus unavoidably interposed may be productive of advantage, by enabling Parliament to consider these questions of detail with greater preparation,

I have, &c.,
(Signed) **GREY.**

AUSTRALIAN
COLONIES.

AUSTRALIAN
COLONIES.

APPENDIX.

APPENDIX.

EXTRACT of a DESPATCH from Governor Sir GEO. GRIPPS to Lord STANLEY, dated Government House, Sydney, April 29, 1846.

(Received August 25, 1846.)

"ASSUMING separation of Port Phillip from the rest of New South Wales to be necessary, there is no difference of opinion among the members of the Executive Council, nor indeed did there appear to be any deserving notice among the persons who gave evidence before it, as to the form of government which should be established in the portion of the colony to be separated from the rest.

"It was not asserted by any party whose opinion the Council was disposed to receive with any great degree of deference that Port Phillip is now ripe for a Representative Assembly; and a form of government such as that which existed in New South Wales prior to the year 1843, was what seemed to be looked for by all.

"It may, however, be perhaps pretty safely assumed, that though Port Phillip may for the moment be satisfied with separation, it will ere long look for and demand other changes.

4 & 5 Will. IV.,
c. 95, s. 23.

"In the Act of Parliament which established the colony of South Australia, a promise is held out that a constitution (the nature of which, however, is not defined) shall be given to it whenever it attain a population of 50,000 souls, and possibly some expectation of a similar nature might advantageously be held out to Port Phillip.

"As, however, the district of Port Phillip will, even when separated from New South Wales, form a colony of no inconsiderable extent, I feel strongly the propriety of submitting to your Lordship that some security should be taken for establishing in it a system of local self-government before any legislative body be called together, founded either wholly, or in part, on the principle of representation. It might perhaps suffice for this purpose, to provide that the first representatives introduced into the Legislative Council should be elected by local municipalities, or District Councils, themselves representing a population not less than a fixed number, perhaps not less than 5000 souls.

"Although any discussion on abstract principles, or on the best form of government for a British colony, might be misplaced in a Report like the present, I trust I may, if only in consideration of the deep and unremitting attention which it has been my duty here and elsewhere to give to the subject of colonial government, be excused by your Lordship if I venture to add that I am in no way disposed to recommend the formation in any new British colony of a second legislative chamber, or of a Legislative Council distinct from a Legislative Assembly.

"The constitution intended for New South Wales by the 5 & 6 Vict., c. 76, appears to me to require amendment only in some few particulars in order to be well suited to the wants and condition of the colony, and if it were so amended, and the principles on which it is founded fully brought into operation, it would, I believe, be greatly to be preferred to any form of government now existing, or at any previous period existed, in a British colony.

"It is undoubtedly the natural wish of every Briton to see the institutions of his own country copied, as far as circumstances will admit, in the British colonies; but it should nevertheless be borne in mind that a colonial government, or one which is in its very nature secondary and dependent, can neither be founded nor conducted exactly on the same principles as one which is sovereign and independent.

"The non-admission, or the reluctant admission of this truth in the colonies, and the constant indisposition which prevails in England to put it prominently forward, even on occasions of high importance, appear to me to lie at the root of nearly all the misunderstandings which occur between Great Britain and her colonial dependencies.

"The political position of a British colony is no unenviable one; to be a member of the British Empire is alone a glorious privilege; but those who enjoy it cannot be allowed to forget that the condition of a colonist is one to which duties are attached, as well as privileges; that men who claim to be Her Majesty's subjects cannot be at the same time members of an independent republic."

EXTENSION of the ELECTIVE FRANCHISE in NEW SOUTH WALES.

SCHEDULE.

DESPATCHES FROM GOVERNOR SIR G. GIPPS.

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NEW SOUTH
WALES.

No. 1.

(No. 249.)

No. 1.

COPY of a DESPATCH from Governor Sir GEORGE GIPPS to Lord STANLEY.

Government House, Sydney, November 29, 1844.

(Received April 15, 1845.)

(Answered August 16, 1845, No. 82, p. 106.)

MY LORD,

No. 1.
Oct. 11, 1844.

I HAVE the honour herewith to forward to your Lordship a copy of an address presented to me by the Legislative Council of this colony, wherein I am requested to transmit to your Lordship a Resolution passed by the Council on the 8th October last, to the effect, "that it is the opinion of the Council "that the elective franchise ought to be extended to all leaseholders occupying "land of not less than 20*l.* of annual value, and holding leases of five years and "upwards, on condition of actual residence thereon for a period of at least six "months previously to the last registration of electors in the district."

* Page 16 of House
of Commons Paper,
No. 400 of 1846.

On the subject of the extension to leaseholders of the elective franchise, I beg to refer to your Lordship's Despatch to myself, No. 181,* of the 5th September, 1842, in which your Lordship was pleased thus to express yourself:—"I have felt some doubt as to the propriety of permitting a qualification "in the country districts, to be derived from leasehold as well as from freehold "property; nor am I possessed of sufficient information to enable me to decide "on the expediency or necessity of such an addition to the franchise conferred "by the present Act. It would not of course be competent to the Legislative "Council to make such an alteration in the principle of the qualification; but I "should be glad to receive your opinion on the subject; and if, being convinced "of the advantage of such a measure, you should hereafter think fit to submit "the question to the newly constituted Council, you are authorized to do so; "and on receiving an intimation in the shape of an address to the Crown, of "the concurrence of that body in your views, I shall feel warranted in submit- "ting to Parliament an amendment of the Act in that respect; you would, "however, carefully consider what term of lease should be deemed a sufficient "permancy to confer the franchise; and you must bear in mind, that the "annual interest possessed by the leaseholder, over and above any rent to which "he may be subject, must be at the least equal in amount to the annual value "of freehold property required in order to give the qualification."

Your Lordship will observe, that in the resolution of the Legislative Council no beneficial interest is required on the part of the leaseholder, over and above the rent to which he may be subject; but that the mere occupation of land of the annual value of 20*l.*, and residence thereon under a lease of not less than five years, is proposed to place the leaseholder on a par with the freeholder, or householder entitled to the elective franchise, under the 5th clause of the Act of Parliament.

I regret greatly that I can scarcely concur with the Council in this view of the subject; and I feel bound to express to your Lordship my opinion, that if beneficial occupation be dispensed with (as I think it might be, on account of the difficulty which must always exist in proving that the occupation is beneficial), the amount of rent ought at least to be 30*l.* instead of 20*l.*

I may remark, that the occupier of a dwelling-house worth 20*l.* a-year (entitled to the franchise under the 5th clause of the Act), is generally in New South Wales a person of higher standing in the colony than one merely occupying land to the value of 20*l.*; the dwelling occupied by a person of the latter description may probably not be worth 20*s.* per annum.

No. 2.
Sept. 27, 1844.

I further, in connexion with the subject of this Despatch, transmit to your Lordship a copy of a Report made to the Legislative Council by a committee appointed to inquire into, and report generally on the subject of the elective franchise in this colony.

As the only part of this Report which has yet been adopted by the Council is that relating to leaseholders, I am not called on at present to express an

opinion on the other recommendations contained in it; though, I may observe, that the proposal to confer the elective franchise on the occupiers of Crown land (squatters), in virtue simply of the possession of sheep or cattle, and irrespective of any payment of rent to the Crown, is one which I can scarcely approve or recommend for adoption.

NEW SOUTH
WALES.

The Right Hon. Lord Stanley,
&c. &c. &c.

I have, &c.,
(Signed) GEORGE GIPPS.

Enclosure 1 in No. 1.

Encl. 1 in No. 1.

To his Excellency Sir GEORGE GIPPS, Knight, Captain-General and Governor-in-Chief of the Territory of New South Wales and its Dependencies, and Vice-Admiral of the same, &c. &c. &c.

MAY IT PLEASE YOUR EXCELLENCY,

WE, Her Majesty's most dutiful and loyal subjects, the members of the Legislative Council of New South Wales in Council assembled, beg to lay before your Excellency the following resolutions adopted by the Legislative Council on the 8th and 11th instant, and to request, in terms of the second of these resolutions, that your Excellency will be pleased to transmit the first resolution, adopted on the 8th instant, to the Right Honourable Her Majesty's Principal Secretary of State for the Colonies, and to recommend that the principle it contains may be embodied in an Act to be passed by the Imperial Parliament, to amend the Act 5 and 6 Vict., c. 76.

1. That it is the opinion of this Council that the elective franchise ought to be extended to all leaseholders occupying land of not less than 20*l.* of annual value, and holding leases of five years or upwards, on condition of actual residence thereon for a period of at least six months previously to the last registration of electors in the district.

2. That an Address be presented to his Excellency the Governor, communicating the resolution on the extension of the elective franchise adopted by this Council, and praying that his Excellency will be pleased to transmit the same to the Right Honourable Her Majesty's Principal Secretary of State for the Colonies, and to recommend that the principle it contains may be embodied in an Act to be passed by the Imperial Parliament to amend the Act 5 and 6 Vict., c. 76.

(Signed) ALEX. MACLEAY,
Speaker.

Legislative Council Chamber, Sydney,
October 11, 1844.

Enclosure 2 in No. 1.

Encl. 2 in No. 1.

REPORT from the Select Committee on the Extension of the Elective Franchise, and on the Representation of the Colony.

THE Select Committee of the Legislative Council, appointed on the 13th June, 1844, "to ascertain whether any, and what measures are requisite for the Extension or Improvement of the Representation of this Colony, under the Act of Parliament, 5 and 6 Vict., c. 76," have agreed to the following Report:—

The points to which the attention of your Committee has been particularly directed, in the consideration of the general subject submitted for their inquiry and opinion, have been,

- 1st. The propriety of extending the elective franchise to leaseholders of land;
- 2nd. The proposed extension of the franchise to squatters, or persons licensed to depasture sheep and cattle on crown lands; and
- 3rd. The representation of Sydney, and of the colony generally.

On these points your Committee have examined various witnesses from all parts of the colony; and they have also addressed a Circular to each of the benches of magistrates throughout the territory, containing a series of questions on the proposed extension of the elective franchise to the two classes above mentioned, from both of which that important political right is at present withheld. But they regret to state, that through the unaccountable negligence of certain of the extra or occasional employes of the reporting department of the Council Office, the whole of the evidence taken at two or three of their earlier meetings has disappeared, and cannot now be replaced, as most of the gentlemen examined on these occasions are at present residing at great distances in the interior. Your Committee have deemed it incumbent upon them to notice this circumstance, not merely with the view of preventing the recurrence of similar negligence in future, but to relieve themselves from the charge which might otherwise be preferred against them, of not having zealously endeavoured to collect all the evidence available in the case submitted for their consideration.

In regard to the first of the three points enumerated, your Committee would beg to remind the Council, that the question of extending the elective franchise to leaseholders of land was originally brought under the notice of the Colonial Executive by the Right Honourable the Secretary of State for the Colonies, in the following passage of his Lordship's letter of instructions to his Excellency the Governor, relative to the carrying out of the Act of Parliament,

NEW SOUTH
WALES.

5 and 6 Vict., c. 76, of date "5th September, 1842.—I have felt some doubt as to the propriety of permitting a qualification in the country districts, to be derived from leasehold as well as from freehold property, nor am I possessed of sufficient information to enable me to decide on the expediency or necessity of such an addition to the franchise conferred by the present Act. It would not of course be competent to the Legislative Council to make such an alteration in the principle of the qualification; but I should be glad to receive your opinion on the subject; and if, being convinced of the advantage of such a measure, you should hereafter think fit to submit the question to the newly constituted Council, you are authorized to do so; and on receiving an intimation, in the shape of an Address to the Crown, of the concurrence of that body in your views, I shall feel warranted in submitting to Parliament an amendment of the Act in that respect; you would, however, carefully consider what term of lease should be deemed a sufficient permanency to confer the franchise; and you must bear in mind, that the annual interest possessed by the leaseholder over and above any rent to which he may be subject, must be, at the least, equal in amount to the annual value of freehold property required, in order to give the qualification."

In accordance with the opinion of all the witnesses examined on this important point, as well as of all the magistrates that have been consulted on the subject, your Committee are decidedly of opinion that the elective franchise ought to be extended forthwith to leaseholders of land; and that in the case of such leaseholders it should not be made dependent, as at present, on their having dwelling-houses on their land worth 20*l.* of annual rent. In this peculiarly salubrious climate, in which respectable families are often found living for years together, after their first settlement on their land, in dwelling-houses that would be deemed uninhabitable by persons of the same class in society in the mother-country, the circumstance of occupying a house worth 20*l.* a-year can afford no certain criterion of the comparative respectability of the leaseholder, whose obvious interest it is, especially in the first instance, to expend the greater portion, if not the whole, of his available capital and labour for the increase of his stock and the cultivation of his land. But independently of the positive evil of withholding the elective franchise from many reputable persons who are undoubtedly well qualified for the honest and judicious exercise of the privileges it confers; the present system is also attended with evil consequences to society of a negative kind; for it cannot be doubted that the extension of so important a political privilege to leaseholders or tenants of land would tend to raise up a superior class of tenantry throughout the colony, by elevating the leaseholder in his own estimation, and placing him on a more independent footing in regard to his landlord. With this view your Committee would recommend that the minimum rental to entitle a leaseholder of land to the elective franchise should be 20*l.* a-year, payable at the option of the parties, either in money or in produce; and that the lease entitling the holder to such franchise should not be for a shorter term than five years. As the annual interest possessed by the leaseholder in this colony, over and above the full amount of his rental, is uniformly much greater than that of tenants of land in the mother-country, the precaution recommended by Lord Stanley in the portion of his Despatch above cited, with a view to ascertain the exact amount of the personal interest of the leaseholder, will be quite unnecessary in this country, as the fact that a tenant of land is paying 20*l.* of annual rent will always be proof positive of his having a personal interest to a much larger amount in the produce of the land. In order, however, to prevent the manufacturing of spurious leases for electioneering purposes, your Committee would recommend that residence, either personally or by an agent, should be an indispensable qualification for the exercise of the franchise on the part of the leaseholder; and that his lease should be registered at least six months previous to the preparation of the electoral list for the district, in a book to be kept for the purpose, by the clerk of the district police bench.

In connexion with the proposed extension of the elective franchise to leaseholders of land, the attention of your Committee has been directed to the propriety of making the franchise dependent, in certain cases, on a literary or intellectual, rather than on a property qualification. But while they would hail the adoption of any practicable plan for the enfranchisement of the numerous class of employes in towns, as well as professional men and men of education generally—whose standing as members of society should unquestionably entitle them to the elective franchise, although not occupying houses of 20*l.* of annual rent—your Committee conceive, that until more effectual means than are at present available for the general education of the people shall have been for some time in extensive operation throughout the colony, it would not be accordant with the principles of impartial justice to withhold the elective franchise from illiterate persons at present possessed of a property qualification; as the ignorance of such persons may generally be regarded as the natural result of a species of unfortunate and unavoidable necessity, arising not unfrequently from past misgovernment rather than from choice.

A large proportion of the class of squatters on the waste lands of the colony consist of persons of reputable character and superior intellectual qualifications; and their flocks and herds constitute, in great measure, the wealth of the colony. As far therefore as they are personally concerned, your Committee could have had no hesitation in recommending the immediate extension of the elective franchise to this numerous and important class of our colonial population. But on taking into consideration the uncertain and precarious tenure on which the whole class of squatters have hitherto held their grazing stations, and the state of entire dependence to which they have virtually been reduced under the arbitrary rule of the Commissioners of Crown Lands, your Committee hesitated for some time before giving an unqualified recommendation of such an extension of the franchise, and delayed coming to any definitive conclusion on the subject, till the Council should have given its opinion on

the propositions of the Land Grievance Committee, in reference to the squatting interest of the colony generally. From the favourable prospect, however, which is now entertained of obtaining fixity of tenure for the squatters, in consequence of that opinion, as well as of the establishment of some constitutional Court of Appeal from the awards of the Crown Land Commissioners, your Committee can have no further ground for hesitation on the subject, and would therefore earnestly recommend, that the franchise should be extended to every squatter possessed of not fewer than 200 head of cattle or of 1,000 sheep, the possession of such stock to be ascertained from the assessment list of the district.

In the district of Port Phillip, in which the squatting stations are generally within the limits of the counties, and where the five district members are returned by the united suffrages of the whole district, no practical difficulty can be anticipated from the extension of the franchise to this numerous and influential class of colonists, who, in that event, would immediately take their proper place among the other voters of the district. But in this part of the colony, where each county forms either a separate electoral district, or an integral portion of such district, and where the squatters are uniformly beyond the boundaries of these counties, the case is somewhat different. In the event, therefore, of the general enfranchisement of the squatters, it would be necessary either to constitute new electoral districts beyond the boundaries, in this part of the colony, or to include the squatters, in each extensive tract of pastoral country, within the electoral district formed by the nearest county or series of counties. To the former of these courses your Committee conceive there are many and strong objections; but the adoption of the latter as a temporary measure to meet the exigencies of the case, could occasion no practical difficulty, although it would present a case for which, your Committee conceive, there is no precedent in the constitutional history of Great Britain and her colonies. But as the case of a numerous body of colonists depasturing vast flocks and herds on the waste lands beyond the boundaries of location, and thereby creating important colonial interests, that are unquestionably entitled to their proper weight and influence in the general legislature is a case to which there is no parallel in the previous history of British colonization, it would be a libel on the British constitution to affirm that it could not provide for such a case (as is proposed to be done in the manner suggested) with perfect facility.

Your Committee have taken it for granted, that the system of representation provided for the colony under the Act of Parliament, 5 and 6 Vict., c. 76, is based neither on property nor on population exclusively, but on an equitable and judicious combination of both. Viewed in this light, however, the actual representation of the colony presents several very strange anomalies. For example, the six electoral districts, comprising the city of Sydney, the town of Melbourne, and the counties of Cumberland, Camden, Northumberland and Durham, contain nearly three-fifths of the whole population of the colony, and more than two-thirds of its entire constituency. But these six districts return only eight of the 24 elective members of Council; the remaining 16 being returned by little more than two-fifths of the population, and less than one-third of the constituency of the colony. The following was the population of the six electoral districts referred to, according to the census of 1841; which, although it does not exhibit the absolute numbers at the present moment, certainly affords a fair approximation to the relative proportions:—

Cumberland, including Sydney, but excluding Parramatta and the Cumberland boroughs	49,629
Camden	6,286
Durham	6,238
Northumberland, but excluding the Northumberland boroughs ..	5,830
Melbourne	4,479
Total	<u>72,462</u>

The total population of the colony at the period referred to was 130,856*; consequently while the eight members representing the six electoral districts above enumerated, were returned by a population of 72,462, or at the rate of 9,057 for each member; the remaining 16 members were returned by a population of not more than 58,394, or at the rate of 3,649 for each member. Again, the present constituency of the six electoral districts above enumerated is as follows:—

Sydney	2,823	electors returning 2 members.
Cumberland	1,344	" " 2 "
Camden	386	" " 1 "
Northumberland	369	" " 1 "
Durham	345	" " 1 "
Melbourne	591	" " 1 "
The Eleven other Districts ..	<u>5,858</u>	8
	<u>2,619</u>	16

The numerical amount of the constituency that returns the eight members for the six districts, is thus more than double that of the 11 remaining districts that return the other 16; the eight members being returned at the rate of 732½ electors, and the remaining 16 at the rate of only 163½ electors for each representative.

* At present estimated at 185,000.

NEW SOUTH
WALES.

But great as this anomaly in the actual representation of the colony undoubtedly is, the case of Sydney presents a still greater. Containing, as it does, one-fifth of the entire population of the colony, the city of Sydney has only one-twelfth of its actual representation; the constituency of Sydney, viz., 2,823, which returns only two members, being actually considerably more numerous than that of all the 11 districts, viz., 2,619, that return 16. Besides, there are concentrated, almost exclusively in Sydney, all those colonial interests that are not immediately and directly connected with agriculture and grazing, the shipping and commercial, the manufacturing and trading interests, of the whole colony from Cape Howe to Moreton Bay. It would be preposterous to affirm, however, that these interests can be either sufficiently or satisfactorily represented by two elective members in a legislative body comprising 24 such members for the whole colony.

It may, doubtless, be alleged, as your Committee acknowledge it has actually been, by certain of the witnesses examined on the subject, that the citizens of Sydney are virtually represented in the Legislative Council, although they may not be represented directly to the full extent to which they are entitled to such representation. But the idea of virtual representation, your Committee conceive, can never be either entertained or tolerated by an intelligent and free people, who know their rights and desire to maintain them; the only species of representation which such a people can ever recognize, without compromising their own character as freemen, being that which has been created by their own voluntary suffrages.

On the subject of the representation of Sydney your Committee have examined, besides other witnesses, the right worshipful the mayor and two of the aldermen of the city. Mr. Alderman Broughton was of opinion that Sydney ought to have, at least, other two members. In this opinion Mr. Botts concurred; conceiving that Sydney, "considering its population and wealth, as compared with that of the whole colony, had not obtained its proper share in the representation of the colony." The mayor (whose evidence, however, has been unfortunately lost, together with that of various other witnesses already referred to) and Mr. Alderman Macdermott, were both strongly of opinion that Sydney should have four additional members, or one for each ward altogether; and while these gentlemen regarded such a measure as being one merely of strict justice, indispensably necessary to ensure to the colonial capital its proper share in the general representation, and to secure the proper advocacy of city interests, as contradistinguished from those of the country or agricultural and grazing districts. They were also of opinion that the allotment of a separate member for each ward in Sydney would prove eminently conducive to the peace and quiet of the city on all future occasions of a general election.

There is therefore no difference of opinion as to the propriety of increasing the representation of Sydney, the only difference on the subject being as to whether that increase should extend to two or to four additional members; and your Committee have no hesitation in expressing their entire concurrence in the opinion of those witnesses who recommend the larger number, which would afford a representative member for each ward of the city. The entire constituency of the colony, with the exception of that of Sydney, amounts at present to 5,654, which affords an average of 257 electors for each of the 22 members at present returned by that constituency; but the average number of electors in each of the wards of Sydney, as appears from the electoral statistics of the city exhibited in the evidence of Mr. Alderman Macdermott, is 471, that is, nearly double the average number returning one member all over the rest of the colony. Now your Committee cannot conceive why 471 persons, possessing the elective franchise in any one of the six wards of the city of Sydney, should form an inferior constituency to the 278 electors who return a member for the Cumberland boroughs, or to the 257 electors who return a member for the Northumberland boroughs, or for any other electoral district in the colony. On the contrary, your Committee feel persuaded that such a constituency as each of the city wards would constitute, would represent a much larger amount, both of wealth and population, as well as of general intelligence, than any other constituency at present returning a single member in the middle district.

Your Committee would also recommend that the town of Melbourne, which bears a somewhat similar relation to Port Phillip to that which the city of Sydney bears to this part of the colony, and which has a constituency of 591 electors, should return two members to the Legislature instead of one, as at present; for it seems preposterous that the 591 electors of that large sea-port town should only return one member, while the 475 electors of the district, who are probably by no means superior individually, either in property or in intelligence, to the electors of Melbourne, should return so many as five.

The county of Cumberland, with a constituency of 1,344 electors, returns at present only two members; your Committee would recommend, however, that it should in future be entitled to return four; who would thus have each an average constituency of 336 electors, a much higher average than that of the rest of the colony.

Your Committee would also recommend that the county of Camden, having a constituency of 386 electors; the county of Durham, having a constituency of 345; and the county of Northumberland, having a constituency of 369, being the only other electoral districts of the colony having constituencies considerably above the present average number for each district, should each be entitled to return an additional member. In respectfully submitting this recommendation to the Council, your Committee would beg to direct their attention to the fact that, in the event of the extension of the elective franchise to leaseholders of land paying 20*l.* of yearly rent, the addition to the general constituency of the colony, which that extension would occasion, would be made chiefly in the counties of Cumberland, Camden, Northumberland, and Durham; the addition to the general constituency which would result from the enfranchisement of the squatters, in the manner suggested by your Committee, would, on the

contrary, take place exclusively in the district of Port Phillip, and in the border counties of the middle district, where at present the average constituency is very small.

The attention of your Committee has also been directed to several petitions presented to the Council during its first session, praying for certain changes in the arrangement or distribution of the electoral districts, so as to ensure a more equitable apportionment of their respective constituencies. But while your Committee are fully alive to the importance of the suggestions made in the cases referred to in these petitions, they would not recommend any change, for the present, in the boundaries of the electoral districts; especially till it be ascertained, first, whether the Imperial Parliament will deem it expedient to enfranchise the freeholders and squatters; and secondly, what effect such a measure would have on the general constituency of the colony.

(Signed)

JOHN DUNMORE LANG, D.D.,

Chairman.

Legislative Council Chamber, Sydney,
September 27, 1844.

NEW SOUTH
WALES.

MINUTES of EVIDENCE taken before the Select Committee on the EXTENSION of the FRANCHISE.

MONDAY, June 24, 1844.

Present,

Rev. Dr. LANG, M.C., in the Chair.

Sir T. L. Mitchell.

W. H. Suttor, Esq.

Mr. John Carfrae, called in; and examined.*Mr. John Carfrae.*

June 24, 1844.

1. You have resided for a considerable time in the district of Port Phillip?—Two years.
2. Is it consistent with your knowledge that there is a considerable number of persons occupying land under leases in that district?—There are a good many.
3. Persons who are otherwise of respectable standing in society?—Decidedly so; in many cases they are highly educated men.
4. What is your opinion as to the propriety of extending the elective franchise to leaseholders of land?—Highly favourable.
5. What term of lease would you recommend as a minimum?—About three years.
6. What would you recommend as the minimum rental to entitle to the franchise, bearing in mind that householders occupying houses worth 20*l.* a-year are entitled to vote?—That is rather a difficult matter to decide; the same rental should not be required from the people at Port Phillip as is required here, because in many cases parties of respectable standing pay no rental whatever; they have establishments, and hold them simply upon clearing leases.
7. The rental is paid in improvements?—Yes; in many cases also the rental is paid in grain.
8. (*By Mr. Suttor.*) Supposing the party to pay a money rental, what would you recommend as a minimum?—Twenty pounds.
9. (*By the Chairman.*) Is it your opinion that residence on the land should be indispensable in the case of a leaseholder exercising the franchise?—I think occupation would be sufficient; this would take considerable expense and trouble.
10. Is it your opinion that the elective franchise should be extended to squatters?—Decidedly.
11. On what, then, would you recommend that it should be based, the payment of a licence to depasture stock or the possession of a certain quantity of stock, subject to assessment?—I think all persons who pay for a licence to Government should be qualified.
12. You would not consider it necessary, then, that a person so paying for a licence should possess a certain quantity of stock?—I think not; and for this reason, that any person who can bear to pay 10*l.* for a licence must have a sufficient stake in the colony to entitle him to a vote.
13. (*By Mr. Suttor.*) But that would reduce the squatters' qualification lower than the leaseholders?—Yes; but the squatters and leaseholders are in rather different positions; the squatter not only pays a licence to Government of 10*l.* yearly, but is, besides, taxed upon the sheep and cattle which he may possess.
14. Supposing the Government licence were to be reduced to a lower sum, would you still recommend that a person paying the licence fee should be qualified?—I should say, if he were paying any licence fee to Government for squatting purposes.
15. (*By the Chairman.*) You think that, at all events, the payment for a licence is proof positive of the standing of a squatter?—I should think so, generally speaking; there is no man who would pay 10*l.* for a licence unless he had some 400 or 500 sheep at least.
16. (*By Mr. Suttor.*) You would recommend that the leaseholders should be placed on precisely the same footing as householders, with regard to voting?—Yes.
17. As regards the respectability of the parties, do you consider that leaseholders paying 20*l.* a-year are equal to householders in town paying the same rent?—Certainly; I should say, more so.
18. (*By Sir T. L. Mitchell.*) Are there any small farms occupied in the district of which you have been speaking that are occupied for cultivation that have not houses worth 20*l.*

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2-year upon them?—There are very few of the houses worth 20*l.* a-year occupied by the man who lives by farming the land.

19. Are there many tenants there farming land under lease?—Yes, there are a great many small farms.

20. What is about their extent?—About the creeks and rivers, and the most available parts of the country, they are generally from 150 to 200 acres.

21. Are there any let on longer leases than three years?—I think they range from three to about seven or eight, and may be ten years.

22. Is a money rental named, or are they generally clearing leases?—Now they are, I believe, more generally clearing leases, with a rental of grain or cash; those who have had to pay a money rental alone have generally, in many cases, been unable to go on with their lease.

23. Is the quantity of grain mentioned, or with reference to a money value?—More frequently with reference to a money value.

24. When were the first farms established there; how many years ago?—I understand, about nine years.

25. When did the system of letting begin?—As far as my knowledge goes, about five years ago.

26. And since that the tenants have not done so well?—Since that it has been more general to let farms upon clearing leases than formerly.

27. (*By the Chairman.*) You do not consider it necessary to the profitable occupation of a farm by a practical agriculturist that there should be a house upon it worth 20*l.* a-year?—Decidedly not.

28. The climate renders it unnecessary?—It is not required.

29. (*By Mr. Suttor.*) Is it usual, at present, to register the description of lease you have been speaking of?—I believe it ought to be done, but it is not generally acted upon.

30. Are they not, very frequently, drawn up merely as an agreement between landlord and tenant?—They are, and often drawn up very loosely.

31. When so drawn, they could not be registered; No; a mere agreement between landlord and tenant could not be registered; printed forms of leases, approved of by the Council, would be of great advantage to both parties.

32. If a proper lease were drawn up by an attorney, and registered in the Supreme Court, that would be attended with considerable expense, would it not?—It would.

33. When you state that you consider the lease should be registered six months before a party is entitled to vote, do you mean that it should be actually registered in the Supreme Court, or that he should be in possession of the land?—I mean that he should occupy, or have an interest in the land, at least six months before he is entitled to vote.

34. (*By the Chairman.*) Is it your opinion that the rent should be paid in money, grain, or improvements?—I think payment in grain and improvements is the most beneficial in the present state of Port Phillip.

Mr. T. Cadell.

Mr. Thomas Cadell, called in, and examined.

1. You have a pretty extensive acquaintance with the Hawkesbury district, have you not?—I have had for eleven years and a half; I have a large brewing establishment on the Hawkesbury.

2. Are you aware whether there are a considerable number of persons in that district holding leases of land?—I am aware that there are a great many proprietors of small farms in that district.

3. What is your opinion as to the propriety of extending the elective franchise to leaseholders of land?—Favourable.

4. What term of lease would you recommend as a minimum?—Three years.

5. What would you recommend as the minimum rental to entitle to the franchise, bearing in mind that householders occupying 20*l.* a-year are entitled to vote?—20*l.*

6. Then you think tenants of land are upon the same footing as the occupants of dwelling-houses?—I think so.

7. Is it within your knowledge that, generally speaking, leaseholders of land paying 20*l.* a-year are equal, in point of respectability, to occupants of houses in towns paying 20*l.*?—I should say they are more so.

8. Is it your opinion that the registration, for a certain time previous to an election, should be indispensably necessary to entitle the leaseholder to the franchise?—Yes, I should say six months previous.

9. Is it your opinion that residence on the land should also be indispensable, in the case of a leaseholder exercising the franchise?—I would advise that, if possible; but of course there are cases where the parties cannot be expected to do so.

10. In the case of tenants of land?—It is absolutely necessary that they should be on their farms, and they generally are, on the Hawkesbury.

11. In the case, however, of a person residing in town, and renting a small farm in the neighbourhood for agricultural purposes, you would not consider residence necessary?—No.

12. Is it your opinion that the elective franchise should be extended to squatters?—It is.

13. On what would you recommend that the franchise should be based; the payment of a licence to depasture stock, or the possession of a certain quantity of stock subject to assess-

ment?—On the possession of stock subject to assessment; say 100 head of cattle, or 500 sheep.

14. Would you consider the bare payment of the licence a sufficient evidence of the respectable standing of the squatter?—I should decidedly think so.

15. Without reference to any particular quantity of stock?—Yes.

16. (*By Mr. Suttor.*) What class of persons, generally, occupy leases of land in your district?—Rather a superior class.

17. Are they generally natives of the colony?—They are generally natives of the colony; they are also the proprietors of a good many farms.

18. (*By the Chairman.*) Do you think granting the franchise to occupants of houses in country towns, of the value of 20*l.* a-year, tends to swamp the occupants of land?—I do not think so; my reason for saying so is, that there are so few houses in country towns that are worth 20*l.*; I do not think there are above three or four in Richmond.

19. (*By Sir T. L. Mitchell.*) You mean not above three or four persons paying 20*l.* rent I presume?—Yes; there may be parties who reside in their own houses of that value, and who have votes as freeholders.

20. The occupants of these small farms are chiefly natives?—Yes, but there are a good many others; there were a great many allotments in that neighbourhood, given by Governor Macquarie to convicts when they had served their time and had married.

21. Have you known many instances of persons attempting to cultivate small farms who have given them up as unprofitable speculations?—I have known one or two instances, but they were principally Scotchmen, or persons who were unacquainted with the colony.

22. But this has not happened to such an extent as to prove that the climate of this colony renders the land unfit for cultivation?—Quite the reverse. If the Committee will allow me, I will state the quantity of grain we have at the present moment at our establishment for malting purposes. There are 1,000 bushels of malt, 500 working and in operation, and 1,500 bushels of barley ready to go into operation as the other goes out. For the last 11 years we have been increasing in a gradual ratio. Every bushel of this grain I mentioned as being now at our establishment, and many more manufactured into ale these last six months, has been raised since December last, in our own district.

23. Is the whole of the barley used at your establishment the production of the district?—The whole is the production of the district, excepting 316 bushels from the Hunter.

24. You supply the country very extensively with ale?—Yes; we supply Penrith, Windsor, Pitt Town, Richmond, Parramatta, Liverpool, and Sydney, and it is sent from thence to all quarters.

25. Has any failure of crops, at any time since you commenced business there, prevented your operations being carried on?—Our operations have never been interrupted; we have always got a supply, either from the district or from the sister colony of Van Diemen's Land. The production of grain in the district has increased in a proportionate ratio with the demand.

26. Do those parties who have succeeded to farms from their fathers show any great skill in farming?—Some of them do.

27. But they do not generally?—Some of them are rather slovenly.

28. Still they live by the soil?—Yes.

29. (*By Mr. Suttor.*) What has been the average price of barley in your district for the last three years?—It has been very high; the average for some years past has been from 4*s.* to 5*s.*

30. What is the price now?—From 2*s.* 6*d.* to 3*s.* 6*d.*; there has been a large quantity of barley sown this year.

31. (*By Sir T. L. Mitchell.*) Have you known many instances of persons giving up farming and returning to live in towns?—I cannot say that I have known many instances; there have been a few native young men who have come into town to take public-houses.

32. Have you known many instances of persons leaving towns to take farms?—Yes.

Mr. Melville Innes called in and examined.

Mr. M. Innes.

1. You are a free immigrant, are you not?—I am.
2. When did you arrive in the colony?—About five years ago.
3. In what way have you been chiefly occupied since you came to the colony?—In my own business of a baker till the last five months.
4. You were in business on your own account in the town of Sydney?—Yes.
5. What was your reason for giving up that business?—It would not pay; I could not make my living by it.
6. Where are you now residing?—At Upper Minto, in the county of Camden.
7. You are a leaseholder of land in that district?—I am.
8. What is the extent of your farm?—Fifty acres of arable land.
9. What rental do you pay?—20*l.*, payable in money.
10. What is the term of your lease?—Ten years.
11. Are you aware whether there are many small farms, of a kind similar to yours, let in your district?—There are, and in the surrounding country generally.
12. Are those farms in the hands of a reputable class of people generally?—Generally speaking, they are a very industrious class of men.
13. Do you think they are equal to occupants of houses worth 20*l.* a-year in towns?—I think they are much superior.

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14. What is your opinion as to the propriety of extending the franchise to leaseholders of land?—I think where a man pays 20*l.* a-year, either for his land or his house, he is fairly entitled to it; leaseholders consider it a grievance that they are not entitled to vote.
15. What term of lease would you recommend as a minimum to entitle a person to a vote?—I could not form an opinion.
16. Do you think 20*l.* should be the minimum rental?—Yes.
17. Is your lease registered?—Not yet.
18. Was it not part of your agreement with the landlord that the lease should be registered?—Yes, it was mentioned at the time.
19. Do you reside on the land?—Yes.
20. Is not that generally the case with persons renting small farms?—It is.
21. (*By Mr. Suttor.*) It is not usual in the part of the country where you reside to build houses worth 20*l.* on land rented in small farms?—Not to my knowledge.
22. It is not necessary to have such houses?—They are not required.
23. Are not a great many farms let without any houses being upon them at all?—Not a great many.
24. (*By Sir Thomas Mitchell.*) Was your farm cleared when you took it?—Yes.
25. Was it fenced in?—On one side.
26. Are you bound to fence it?—Yes, within 12 months.
27. Have you a house upon it?—Yes.
28. Is it a good house?—No, it is a small hut.
29. Have you put up any other house?—No, I live in the hut.
30. Have you any barn?—No.
31. Will improvements be allowed for in the rent?—That is not stated in the lease.
32. Do you think of putting up a barn?—I have not determined upon it.
33. Would you rather put up a barn or a better house?—A better house before I put up a barn.
34. What land have under wheat this year?—About 20 acres.
35. How far are you from Sydney?—37 miles.
36. (*By the Chairman.*) What animals have you for carrying on the working of the farm?—A team of bullocks and one horse.

Sir T. L. Mitchell,
M. C.

Sir Thomas Livingstone Mitchell, M.C., examined.

1. What is your opinion as to the propriety of extending the elective franchise to leaseholders of land?—I think it but right that it should be upon the same scale as houses, at least that a person paying 20*l.* a-year for his farm is fairly entitled to the elective franchise.
2. What term of lease would you recommend as a minimum, to entitle a person to the franchise?—I should say if it had three years to run he ought to have a vote.
3. What would you recommend as a minimum rental, to entitle to the franchise, bearing in mind that householders occupying houses worth 20*l.* a-year, are entitled to vote?—20*l.*
4. Is it your opinion that the registration of such leases for a certain time previous to an election should be indispensably necessary to entitle the leaseholder to the franchise. I think it should be indispensable that it should have been done at least six months previous to an election.
5. Is it your opinion that residence on the land should also be indispensable in the case of a leaseholder exercising the franchise?—I would rather say occupation than residence, or that residence should be understood as either personally or by agent.
6. Is it your opinion that the extension of the franchise to tenants in rural towns has a tendency to swamp the district?—I think to a certain extent it may have an injurious effect in that way; in fact, it will so far discourage colonization, in the strictest sense of the word.
7. Do you think the extension of the franchise to the class of leaseholders generally would tend to establish a more respectable tenantry than would be likely to arise from the present state of things?—I am sure it would have a tendency that way.
8. Would it be likely to induce proprietors to divide their estates into such farms as would entitle the tenants to the franchise?—I think it would be productive of that effect, and that is extremely desirable.
9. I understand you have a considerable number of tenants of that kind?—I have a number of farms ready for them, but have only a few tenants; I have four farms let on the terms of the lease, which I beg to hand to the chairman of the Committee; three of these farms are let to four men with large families, and one of them to two young men, who were, I think, printers till lately in Sydney; they can get on better, they think, by farming.
10. What is the extent generally of the farms you let in this way?—Fifty acres each.
11. What is the rental; have they to pay it in money or grain?—They take the land for four years on a clearing lease; I supply them with rations during the first year, provided they effect a certain extent of clearing. The condition is, that at the end of four years I shall grant them leases either for nine years, at 8*s.* per acre, or 20*l.* a-year, or for 14 years, at 10*s.* per acre, or 25*l.* a-year, payable either in money or in grain at the market price. Altogether I have 50 farms laid out in that way, all possessing such facilities for reserving water on a clayey soil as I think will make the land available for cultivation even in the driest seasons.

Richard Windeyer, Esq., M. C., examined.

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R. Windeyer, Esq.

1. Are you aware that there are a great many persons holding land under lease, in the part of the country with which you are more particularly acquainted?—Along the whole course of the Hunter, the William's, and the Paterson Rivers, I should say, that by far the largest proportion of the land that is under cultivation is cultivated by tenants. When large numbers of convicts were obtainable there were agricultural establishments, conducted on a large scale by the proprietors of land themselves; but since the cessation of assignment, and necessity of hiring free labour has arisen, the proprietors, in most instances, can only grow wheat at a loss; the consequence has been that those who formerly cultivated as labourers, and the greater portion of the immigrants who have come into the parts I have spoken of, have become the actual cultivators, under lease or other holding. Within these five years, in a tract of land between the Paterson and William's Rivers, where there were only three or four farms, there are now, to my knowledge, at least 90, all in the hands of tenants. In the upper part of the Hunter the number of small farms let on lease has of late years diminished; but everywhere within the reach of the coast showers they have wonderfully increased, and they are so to do. The bulk of the population on the William's, Hunter, and Paterson Rivers may be said to consist of tenants of land; on one single section, that I have myself, the population in the last five years has increased from one soul to upwards of 100.

2. What is your opinion as the propriety of extending the elective franchise to leaseholders of land?—I am decidedly of opinion that leaseholders of lands should have the elective franchise.

3. What term of lease would you recommend as a minimum?—Looking to the desirableness of having persons of character as electors, I should think that from three to five years is the lowest at which it could be put; no doubt there are many persons who might be fit to exercise the elective franchise who are not perhaps holding any lease, but if we are to take the holding of a lease as a rule, I should say that three years would be the lowest period one could allow it for.

4. What would you recommend as the minimum rental to entitle to the franchise, bearing in mind that the householders occupying houses worth 20*l.* a-year are entitled to vote?—I must confess I look at fixing on rental for a qualification, as altogether fallacious in this country; at home, no doubt, the payment of a rental is a sufficient index to the status of the individual paying it; but a man paying 20*l.* a-year rental in this colony, would in reality, as far as property qualification is concerned, be worth three times as much as a man paying a similar rental at home; because in this country the actual occupier and cultivator of the land necessarily takes a larger share of the produce than the tenant in England. The small tenant, in England or Ireland, simply obtains enough to subsist upon, the competition for land making a larger proportion of the surplus go to the landlord; whereas here, the position of things is directly the reverse. In most parts of the country, the landlords here may count themselves fortunate who have respectable tenants paying them a very small rental; again, in many parts of the country, at present a money rental is altogether out of the question, the rent being paid in kind; considering therefore all the circumstances of the colony, I should be inclined to place the rental that would entitle a person to vote at a very low amount indeed. It is to be noticed that the 20*l.* a-year paid for a house in a town, does by no means indicate the same thing as 20*l.* a-year paid for land in the country; houses in good business situations in a town are let much upon the same principle as land is at home, that is to say, as there are but a limited number of very good situations, those situations command a price, and they are let at the highest price that a great competition will bring; the same observations, although, of course, with less force, will apply to tenements in any part of a town; a man, therefore, who may be only paying 5*l.* a-year in the country, may be, in reality, a man with a larger income, and a greater stake in the country, than the little shopkeeper in Sydney paying 20*l.* a-year. I do not think there is any analogy whatever between the position of a house rented in town, and a renter of land in the country. If it were possible, I would much rather make the qualification in the country an educational one; say that every man who has attained to a certain proficiency in reading and writing, should be entitled to a vote. With regard to the objections that exist at home, and that have been very much felt, to renters of land having the franchise since the passing of the Reform Bill, they do not at all exist here; from the circumstances I have before stated, the renters are, generally speaking, perfectly independent of their landlords; but in case of that being started as an objection, I should be perfectly prepared to grant them the ballot, thinking that every person who is entitled to vote at all must of necessity be admitted to give his vote according to his opinion.

5. Is it your opinion that the registration of leases for a certain time previous to an election should be indispensably necessary to entitle the leaseholder to the franchise?—Supposing leases of any kind to be taken as a valuation, I think it might be well that they should be registered at the nearest police bench for a short time previously; I do not mean registry in Sydney, which would be vain.

6. What period would you say?—The object would be to secure *bonâ fides*, and I am afraid that that would not be perfectly secured under a very long period; but seeing that in a new country like this a vast number of individuals must necessarily be recent settlers, it would be hard upon them to exclude them from the franchise, merely to guard against a possible evil, which might, perhaps, be more easily guarded against by the provisions that must be requisite under the next query in the list which I now hold; I should say,

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therefore, if the registration were at all adopted, that six months previous registration would be sufficient for all practical purposes.

7. I think you have stated that registration could be effected at the nearest police bench; would it not be very expensive to have the registration in the Supreme Court?—I look upon the expense as a vital objection; I think the difficulty that would occur in searching the registry, and the expense that would be attendant upon making such search, put registration in the Supreme Court out of the question. I would rather have a registration similar to that of ticket-of-leave holders; that is to say, when a lease is granted by a landlord to his tenant he should send a notice, signed also by the tenant, to the clerk of the bench that a lease of such a piece of land had been granted, thereupon the name should be registered among the voters, and a list of them should be kept by the clerk of the bench, who has, under the present law, to make up the electoral lists.

8. Is it your opinion that residence on the land should also be indispensable in the case of a leaseholder exercising the franchise?—If the lease were short, or only a small quantity of land was held, I should say it would be indispensable, for otherwise the plan would be sure to lead to great abuse, and to give rise to the fabrication of votes; for as, very properly, a man is entitled to vote in every county where he has property, nothing would be easier than to multiply votes out of large properties, especially as the rental qualification ought, in my opinion, to be put very low; it is quite clear, that unless residence were required, there would be no end to the multiplication of votes. Therefore, except in the case of very large estates, or a certain high rental, residence should be an indispensable requisite.

9. (*By Mr. Suttor.*) Residence or occupation?—If it be a large tract of land rented for the purpose of pasturage, there is no doubt that residence might be dispensed with, and there *bonâ fides* might be secured by requiring a high amount of value in the lease, sufficient to secure the *bonâ fides* of the transaction.

10. (*By the Chairman.*) Is it your opinion that the elective franchise should be extended to squatters?—I do not think squatters should have any voice or influence in the legislature till they are made independent of government, which, at present, I do not consider them to be; I look upon them as utterly at the mercy of the executive, and for that political reason they are not fit to have the elective franchise entrusted to them; the effect of it would be to make the different squatting districts a species of government boroughs. We have no power of increasing the counties that are to be added to the present constituent part of the colony, so to speak, and it would be a temptation, therefore, to Government to withhold the incorporation of new counties into the colony; so that at last it might be, and that in a few years, that the whole tract of country from here to the Gulf of Carpentaria (including the beautiful grazing country, of which a description was given before the Committee which sat last year to inquire into the propriety of forming an overland route to Port Essington) might be parcelled out into districts inhabited by persons entirely under the control of the Executive; but if any plan be decided upon by which these parties should obtain a fixity of tenure, and an independence of the Executive Government, then, undoubtedly, they ought to have a direct voice in the government of the country; for it cannot be denied that the squatters are not only the source of the greater part of the wealth of the country, but that they are, perhaps, as a body, entitled of all others to the greatest influence; they are active, enterprising, educated, and intelligent in the highest degree.

11. In the event of the difficulties that press upon the question at the present moment being got over, supposing, for instance, that the squatters have fixity of tenure, and are placed independent of Government, on what would you recommend that the franchise should be based? on the payment of a license to depasture stock, or the possession of a certain quantity of stock subject to assessment?—Not on the payment of a licence, because I think the licence fee ought to be done away with altogether; and I should rather object to its being fixed upon any amount of assessment, as that would imply the existence of an assessment for ever: and that, therefore, as fast as the lands become appropriated and purchased, which, of course, ought to be the gradual effect of any system whatever, in the same degree will the constituency gradually get thinned till they might be reduced to the state that the Scotch counties were in before the passing of the Reform Bill; and when once an evil of that kind took root it would perhaps take years to get rid of it; I would rather, therefore, have an educational franchise, if possible, established beyond the boundaries also. Or if a franchise were adopted founded upon the amount of assessment paid, that it should not be alone, but in conjunction with some landed qualification, which should come into effect as fast as the other died out.

12. However desirable an educational qualification may be, do you think it practicable?—Yes, I think it very practicable; we must of necessity soon have some general scheme of education introduced; whatever scheme be introduced, it must embrace as a part of its plan of operation the establishment of a normal or model school for the education of teachers; these teachers would go through an examination, and according to their proficiency, would receive diplomas setting forth their qualifications; in parts of the continent of Europe, where that plan is in operation, a schoolmaster goes forth qualified to teach a school of the first, second, or third class. There being such a body in existence qualified to grant these diplomas, all preliminary difficulties are removed, and I see not why every person who is found competent to give instruction in a school of the lowest degree should not be qualified to vote; I think, therefore, that every person who had not a property quali-

fication might, if he chose to claim the rights of mind, go before this Board, be examined, and receive his diploma in that way. I think also that many persons of great respectability who now, from being lodgers instead of householders, and indeed that must always be the position of a large mass in cities, are prevented from voting, would in that way be able to attain a qualification; if it should be said that this might end in universal suffrage, my answer is, that if there were universal enlightenment, there would be no danger in universal suffrage, and the effect of this plan would be to render ignorance not only detrimental, which it must always be, but disgraceful; and possibly in that way there would be an additional stimulus of no mean value, added to all the motives that at present exist to the attainment of education.

13. (*By Mr. Suttor.*) Do you not think that persons leasing land worth 20*l.* a-year should be entitled to the same privilege that the occupants of houses of that annual value enjoy?—Certainly; I never meant to go into the question of whether the rent was actually paid either in money or kind, for it may happen that it is paid entirely in improvements. I know it is the fact with regard to vast numbers, that they are paying rent neither in money nor kind, but are making valuable improvements, which are considered fully equivalent to rent, and that must be a very general state of things in any new country; I have myself several large pieces of land that were let on those terms.

TUESDAY, June 25, 1844.

Present:

Rev. Dr. LANG, M.C., in the Chair.

Sir T. L. Mitchell.

Richard Windeyer, Esq.

W. H. Suttor, Esq.

Lachlan Macalister, Esq., called in and examined.

L. Macalister, Esq.

1. You have been residing for a considerable time in this colony?—Better than 27 years.

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2. And latterly in the district of Port Phillip?—Yes.

3. What is your opinion as to the propriety of extending the elective franchise to leaseholders of land?—I think it would be highly proper to do so.

4. What term of lease would you recommend as a minimum?—I should say three years lease to run would be quite enough; but the party should have the power of voting during the first year of his holding.

5. What would you recommend as the minimum rental to entitle to the franchise, bearing in mind that householders occupying houses worth 20*l.* a-year, are entitled to vote?—From 15*l.* to 20*l.* I should say would only place them on a quality with householders paying 20*l.* a-year rent.

6. What is your opinion as to the relative standing in society of persons paying 20*l.* a-year for land, as compared with the occupants of houses at that rent in towns?—I should say the standing of the leaseholder paying 20*l.* a-year rent is far superior to the house-occupier of 20*l.*

7. Is it your opinion that the registration of leases, for a certain time previous to an election, should be indispensably necessary to entitle the leaseholder to the franchise?—I should think it would be necessary for some time previously; three months would be quite enough.

8. You do not contemplate registration in the Supreme Court?—No; I think if the leases were registered at the nearest police bench, that would answer every purpose.

9. Is it your opinion that residence on the land should also be indispensable in the case of a leaseholder exercising the franchise?—I do not think it should; the residence of an overseer on the land should be sufficient.

10. You consider occupation would be sufficient, whether personally or through an agent?—I should say, for a *bonâ fide* leaseholder, occupation would be quite sufficient.

11. Is it your opinion that the elective franchise should be extended to squatters?—Yes, certainly.

12. On what would you recommend that the franchise should be based: the payment of a licence to depasture stock, or the possession of a certain quantity of stock subject to assessment?—I should say that the squatter who pays 10*l.* a-year licence, and 5*l.* a-year assessment, should be entitled to have a vote.

13. What do you think is the effect of the present system, in regard to the political influence it gives to the occupants of houses in towns, in the country districts of the colony?—It gives them a far greater political influence than the country people, and a very unfair one, I should say.

14. (*By Mr. Suttor.*) You consider, then, that the number of occupiers of houses, in small villages and towns in the country, is sufficiently great to swamp the landed interest?—Of course, a small village in the country will return a member, and swamp the landed interest.

15. (*By Sir T. L. Mitchell.*) With regard to the registration, do you not think there would be some difficulty if leases were registered in the Supreme Court; would it not be very expensive?—I think so.

16. Would not a simpler method answer as well?—I should say so; registration at the

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police bench would answer every purpose, and it would be far more convenient, and much less expensive.

17. You are aware that there are many tracts of land in the parts of the country with which you are acquainted that might be let in small farms with profit to the farmer?—Yes.

18. And if letting were encouraged by the Government, by entrusting the franchise to the small leaseholder, do you not think it would be considerably increased?—I think it would have this tendency, that it would lead to the establishment of a small tenantry.

19. Do you think that provision might be made for a considerable number of immigrants in that way?—If the Government introduced immigrants solely at the Government expense, for such an object, the colonists would have no cause to complain of their being located in any manner the Executive might think proper; but under the existing system of immigration, to locate immigrants on small portions of the Crown lands, on their arrival in the colony, would be opposed to the objects the colonists entertained in their introduction; and I conceive it would be an unwise measure on the part of the Government to attempt such a scheme.

20. Especially those with families who might have just sufficient money to undertake the management of a small farm?—My answer to the former question applies to this.

21. As to the climate and soil, have you seen instances of people giving up farms because the climate and soil did not suit their purposes?—Often enough.

22. (*By Mr. Suttor.*) Do you think if the franchise were extended to those persons, it would raise up a superior class of tenantry?—I do not know that it would have much effect upon them; it might perhaps induce a man to take a farm at 20*l.* a-year that otherwise would take a farm at 10*l.*

23. Do you think it would induce farmers to let out larger farms?—It might.

24. (*By Sir T. L. Mitchell.*) Are there tenants about Picton?—A great many on Major Antill's and the Camden property.

25. (*By Mr. Suttor.*) Would you recommend that the rental should be paid in cash, in improvements, or in produce?—That is a question between the landlord and tenant entirely.

26. You are aware that there is a great deal of land let in this colony on clearing and fencing leases?—Yes, in small patches.

27. (*By Sir T. L. Mitchell.*) Do these small leaseholders carry on their farms, when cleared, in a systematic way, or do they turn to new ground?—Clearing leases are always taken on new ground.

28. Do they attempt to raise a succession of crops on the same land?—Yes, they sometimes taken seven or eight crops off the land without manuring it, and when they have impoverished it, they go to new ground.

29. (*By Mr. Windeyer.*) With respect to squatters, do you think it would be right for them to have the elective franchise given them in any shape till they are made independent of Government?—I think that question should not alter it at all.

30. Why not?—Because it is just as necessary at this moment that they should have a voice in the Council as it would be if they had all the indulgence to which they are entitled.

31. Is it not the fact that the large mass of squatters is under the power of the executive Government?—No doubt of it.

32. Do you think it politically right that any large, perhaps what may become the largest, portion of the electoral body should be under the direct control of the Executive?—So far as the interests of the squatters is concerned, I do not see that it makes any difference.

33. Do you not think that, instead of an advantage, it might become an evil to them to have this political power, inasmuch as the Government would be thereby tempted to use its control over them, in order to coerce them to return Government nominees?—I do not think there is any danger of squatters returning Government nominees; at any rate, it is an evil which appears to me to be too distant to be taken into consideration.

34. But it would be an evil, would it not, that there should be a number of electoral districts from here to the Gulf of Carpentaria, that should all be under the control of the Government?—I think it would.

35. The true remedy would be to make the squatter independent of the caprice of the Government?—Certainly.

36. When land is leased in the first instance, it is generally upon the payment of no rent, but upon condition of certain improvements being made?—When it is let in small portions, after a certain number of years, varying according to whether the land is heavily or lightly timbered, they pay rent, some at the end of three years, and others not till the end of seven years.

37. Would you not think it desirable that the franchise, whatever rate is fixed, should be placed sufficiently low to enable any man cultivating a piece of land, and deriving a subsistence from it for himself and family, to have a vote?—I should not go so low as that, because, if you do, I do not know where you would draw the line; some of the most worthless characters in the colony are living on patches of ground in that way.

38. Have you ever calculated what is the proportion, in the part of the country you are best acquainted with, of the produce of land that the tenant draws to his own share, and

what proportion goes to the landlord?—Where farms are let for a certain share of the produce, it will entirely depend upon the terms of the lease.

39. With respect to residence; if the piece of land let be very small, do you not think it indispensable, in order to secure *bonâ fide* leaseholders, that residence should be enforced?—I do not think it is necessary; many persons might take farms at 20*l.* a-year merely as occasional residences. A man making 1,000*l.* a-year, might take a farm in order to have a place to go to up the country for a few weeks in the summer.

40. Then you would insist upon an establishment?—Assuredly.

Mr. John Inches called in, and examined.

Mr. J. Inches.

1. How long have you been residing in the colony?—Five years, nearly.
2. In what part principally?—Nearly three years on the Hunter.
3. You are aware that there are a considerable number of persons in that district holding land under lease?—I am.
4. What is your opinion as to the propriety of extending the elective franchise to leaseholders of land?—I think it is more than their just right.
5. What term of lease would you recommend as a minimum?—Three years would be quite sufficient; but longer leases are more to be recommended, as tending to introduce a rotation of cropping, and consequently of better farming.
6. What would you recommend as the minimum rental to entitle to the franchise, bearing in mind that householders occupying houses worth 20*l.* a-year are entitled to vote?—From my experience of small farmers on the Hunter, and of their general education and intelligence, I should say 20*l.*, being a better class than the tradesmen or mechanic of the village who pay that rent for a house.
7. Would you recommend that the rental should be payable in money, grain, or improvements?—I would prefer a money rental, varying according to the market price of grain.
8. Would you recommend that the rent should be also payable in improvements?—I would.
9. Calculated according to the market value of those improvements?—Quite so.
10. Is it your opinion that the registration of such leases, for a certain time previous to an election, should be indispensably necessary to entitle the leaseholder to the franchise?—Yes; three months would probably be sufficient.
11. Do you mean that the registration should be effected at the Supreme Court, or merely at the police office of the district?—The police clerks of the different districts could make the registration at their offices, charging 6*d.* or 1*s.* to each person.
12. Is it your opinion that residence on the land should also be indispensable in the case of a leaseholder exercising the franchise?—Certainly; partial residence. I would not compel a tenant to live constantly upon the farm, but there should be some kind of establishment kept on it.
13. You mean that there should be occupation, either personally or through an agent?—Yes.
14. Do you think the extension of the elective franchise to leaseholders of land paying an annual rental of 20*l.* would raise a better class of tenants than hitherto?—Yes; and that it would induce landlords to divide their estates into such farms as would entitle the holder to the franchise.

SATURDAY, July 20, 1844.

H. Macdermott, Esq.

Henry Macdermott, Esq., Alderman, called in, and examined.

July 20, 1844.

1. What is your opinion as to the propriety of extending the elective franchise to leaseholders of land?—I think it ought to be extended to leaseholders of land.
2. What term of lease would you recommend as a minimum?—Three years; in this colony three years is considered a long lease.
3. What would you recommend as the minimum rental to entitle to the franchise, bearing in mind that householders occupying houses worth 20*l.* a-year are entitled to vote?—I should say 20*l.*
4. Do you think the extension of the franchise to leaseholders of land paying 20*l.* a-year would have the effect of raising the character of that class of persons?—I think it would; a person becoming entitled to vote at an election is raised in his own estimation; has a higher opinion of himself.
5. Do you think it would hold out a premium to the establishment of small farms?—I think it would to a certain extent.
6. Is it your opinion that the registration of such leases for a certain time previous to an election should be indispensable, to entitle the leaseholder to the franchise?—Yes.
7. (*By Mr. Cowper.*) Previous to the preparation of the electoral lists?—Yes.
8. (*By the Chairman.*) Should that registration, do you think, take place in the Supreme Court or in the police office of the district?—In the police office of the district; that would be most simple and least expensive.

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9. Is it your opinion that residence on the land should also be indispensable in the case of a voter exercising the franchise?—Decidedly so.

10. (*By Mr. Cowper.*) Would you not think it sufficient, supposing there were *bonâ fide* occupation without residence?—No; I think the person occupying land in that way would be entitled by his own residence to vote, and I would not give him a second.

11. (*By the Chairman.*) Is it your opinion that the elective franchise should be extended to squatters?—I am very doubtful whether it should be extended to squatters; the great objection to them is that they are generally single men, and that however respectable they may be in other respects, they acquire unsettled and irregular habits from their wandering description of life; besides, many of the squatters, although they may take out licences in their own names, are merely the agents of other parties.

12. (*By Mr. Cowper.*) Do you not think the elective franchise would be peculiarly ill-placed in their hands, from the power the Commissioner of Crown Lands has over them?—I do.

13. (*By the Chairman.*) Supposing any arrangement were made by which fixity of tenure were granted them, do you think that object would be obviated?—Decidedly. I think that would induce them to marry and settle, and my objection would be thus removed.

14. (*By Mr. Bowman.*) With reference to the franchise being extended to leaseholders of land, do you think 20*l.* is sufficient rental to pay, without reference to the description of house upon it?—I think 20*l.* is a fair minimum.

15. You are aware what is the rental generally required for arable land; do you think a farm worth only 20*l.* a-year could be conducted upon a respectable system; would there be employment for a pair of horses on such a farm?—Many persons entertain different opinions as to respectability. I look upon a poor man working his farm of 40 acres as being quite as respectable as many who hold ten times the quantity of land; I speak without reference to dwelling, because I think in this country, where the climate is so mild, it is not necessary to have a good dwelling.

16. By respectability, I refer to the profits derivable from such a farm; are they likely to be such as would enable a man to rear his family respectably?—I think the profits on 40 acres are sufficient, if cultivated by the man himself.

17. (*By the Chairman.*) What may be the usual extent of farms paying 20*l.* a-year rent?—The very best land, I apprehend, may be taken at 10*s.* an acre.

18. (*By Mr. Cowper.*) Do you think the class of persons known as clearing leaseholders should have a qualification?—I think it would be dangerous to invest them with that power; it would lead to much corruption.

19. (*By Mr. Bowman.*) Do you not think where a person held a *bonâ fide* clearing lease for not a less period than three years, and expended 20*l.* a-year in improvements, he should be entitled to vote?—That would come under the head of rental, and I think it would be fair that he should be qualified to vote.

20. (*By the Chairman.*) Is it your opinion that the city of Sydney has obtained its proper share in the representation of the colony?—Certainly not.

21. Are there any interests, more especially connected with the city, which, in your opinion, are not adequately represented in the Legislative Council?—I do not consider the commercial and trading interests at all represented; there is only one commercial man in the Council.

22. Do you think, then, that the city of Sydney should have an addition to the present number of representatives?—I do.

23. What number of additional members would you consider necessary to ensure the proper representation of the city for Sydney?—I think four additional members would be quite enough.

24. Would you recommend, in the event of such an additional number being granted, they should be voted for collectively by the citizens, or that each member should represent a separate ward?—I do not see that it would make much difference; it would be better perhaps to have one for each particular ward, as it might create less excitement at the election; still in the house they would not represent the different wards, but the city.

25. (*By Mr. Cowper.*) Do you not think a bad effect might arise from representing the the different wards as separate from the city?—No, I do not see that any bad effect would arise, and the only good that I can see likely to result is, that it might create less excitement at elections.

26. (*By the Chairman.*) Would you state the grounds on which you would recommend the additional number you have stated?—The first ground is, that there is more wealth in the city of Sydney than in any six districts of the colony; the second is, the amount of population; and the third, the reason already stated, that the commercial and trading interests are not sufficiently represented.

27. (*By Mr. Cowper.*) Do you think if the number of city members were increased, that merchants generally would like to leave their business and give up their time to take seats in the Council?—Yes, I think merchants could be found who would do so; I think there would have been some merchants proposed at the last election if Messrs. Wentworth and Bland had not been early in the field, and their then extraordinary popularity deterred others from opposing them.

28. (*By Mr. Bowman.*) Do you think the manufacturing interest is properly represented?—I think there are no manufactures to speak of as requiring representation.

29. Soap, leather, pottery?—I look upon those as included in the general terms commerce and trade; our manufactures are not sufficiently extensive yet to give us a separate interest as manufacturers.

30. (*By Mr. Cowper.*) In fact, are not the chief manufactures of the colony conducted out of Sydney?—Yes.

31. (*By the Chairman.*) Do you not think six members would give the city an undue weight in the representation of the colony?—No; I think even then we should scarcely have sufficient influence, because I look upon the present Council as exclusively pastoral and agricultural.

32. (*By Mr. Cowper.*) A great number of the members of Council reside in Sydney, do they not?—Yes, but they have no interest in the commerce or trade of the city; even one of our own members is the peculiar representative of the squatters and agriculturists; and the other, being a practising surgeon, can scarcely be said to have any particular constituency; he was carried into the house on the shoulders of his colleague, and is his mere echo.

33. (*By the Chairman.*) Do you think it is necessary for the mercantile and commercial welfare of the colony to create a counterpoise to the strong agricultural and pastoral interests that are at present represented in the Council?—I do, and I am aware that many of the commercial interests look to the Government for protection rather than to the representatives of the people. I hold in my hand a memorandum showing the number of electors in the various wards, according to the first electoral list made in 1842, and the second made last year, the number of persons, electors, and non-electors, and the amount of the annual value or rental of Sydney property, according to the valuation made at the first-mentioned period. The particulars are as follows:—

WARD.	Total Number of Persons.	First Electoral List.	Second Electoral List.	Amount of Rental of Property per Annum.		
				£.	s.	d.
Bourke Ward . .	691	474	452	79,555	0	0
Macquarie Ward . .	740	544	425	71,646	0	0
Brisbane Ward . .	840	579	528	66,548	0	0
Phillip Ward . . .	970	717	576	61,796	0	0
Gipps Ward . . .	802	709	603	55,023	0	0
Cook Ward . . .	360	297	240	27,508	0	0
Total . . .	4,403	3,320	2,824	362,076	0	0

The present annual value or yearly rental is about 200,000*l.* a-year.

Thomas Broughton, Esq., Alderman, called in, and examined.

T. Broughton, Esq.

1. What is your opinion as to the propriety of extending the elective franchise to leaseholders of land?—I am of opinion that the elective franchise ought to be extended to leaseholders of land, although the measure would doubtless be subject to abuse, as proprietors of land might, by granting nominal leases, secure facilities for exercising undue influence at elections.

2. What term of lease would you recommend as a minimum?—I think the term of lease ought not to be under two years.

3. What would you recommend as the minimum rental to entitle to the franchise, bearing in mind that householders occupying houses worth 20*l.*, are entitled to vote?—The rental of 20*l.*, as in the case of householders, would form a sufficient qualification.

4. Do you think the granting the franchise to such tenants of land would have a tendency to raise a more respectable tenantry in the country; to give them a more favourable position in their own estimation?—I think it would.

5. Do you think it would have the effect of inducing proprietors to form farms of that class more generally than at present?—I am decidedly of opinion it would have that effect.

6. And that its moral effect on the country at large would be beneficial?—I think it would.

7. Is it your opinion that the registration of leases, for a certain time previous to making the electoral lists, should be indispensably necessary to entitle the leaseholder to the franchise?—The lease should be registered at least three months before the time of making out the electoral lists.

8. Where would you have the registration effected, in the Supreme Court or in the police office of the neighbourhood?—I think it would be most convenient for parties to have the leases registered in the neighbourhood; if there were a proper registry office in the locality it would be better that they should be registered there, as it would put the parties to great inconvenience and expense, to be obliged to come to Sydney to register them.

9. (*By Mr. Windeyer.*) Do you not think the registry might be formed at the police office, in the same way, and with as little difficulty, as the registries of voters or ticket-of-leave men are now formed?—I think it would be as easy to do the one as the other.

10. Might it not be done just as well?—I can see no difficulty in the matter at all.

11. (*By Mr. Cowper.*) Your object is merely to prevent the formation of fictitious leases?—Just so.

12. Would you not require the same term from the leaseholder as is required from the

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occupant of a house in Sydney—six months?—In the city the people are exceedingly migratory in their habits; they are constantly shifting about, and I conceive the term of six months is fixed as an inducement to them to reside permanently in one residence; but in the country I think persons taking leases of land are more likely to become permanent tenants than the occupants of houses in the city, and, therefore, three months would form a sufficient safeguard. There should be a distinction made between the city and the country.

13. (*By the Chairman.*) Is it your opinion that residence on the land should also be indispensable in the case of a leaseholder exercising the franchise?—I am of opinion that residence on the land should be indispensably necessary to entitle a leaseholder to exercise the franchise; it would also prevent the abuse mentioned in my answer to the first question.

14. Would you consider residence by an agent sufficient?—I am fearful that that would afford facility to the large landed proprietors of putting their own servants in possession of land, and so to create fictitious voters.

15. Is it your opinion that the elective franchise should be extended to squatters?—I am decidedly of opinion that the elective franchise should be extended to squatters; their intelligence and respectability fully entitle them to it.

16. On what would you recommend that it should be based, the payment of a licence to depasture stock, or the possession of a certain quantity of stock subject to assessment?—The sum paid as assessment on stock, together with the licence to depasture, should form the qualification; or stock to the value of 200*l.* should entitle the squatter to the franchise.

17. (*By Mr. Bowman.*) Would you think it at all necessary that any actual payment of rent should be made prior to a person being entitled to vote, in order to prevent the possibility of manufacturing fictitious leases?—I think, as I before stated, that the lease should be made three months before the electoral lists are made out. As to the payment of rent, that is a matter between landlord and tenant which it is impossible to legislate upon.

18. Would you make the qualification depend upon the money rental, or would you allow the rent to be paid in produce or improvements?—I should consider payment in produce or improvements sufficient.

19. (*By Mr. Cowper.*) Do you think a clearing leaseholder should be entitled to vote, bearing in mind the character of many of those who have taken clearing leases?—I doubt whether they should, looking at the class of persons hitherto employed on clearing leases.

20. (*By the Chairman.*) Is it your opinion that the city of Sydney has obtained its proper share in the representation of the colony?—It is my opinion that the city of Sydney has not obtained its proper share.

21. On what grounds do you form that opinion?—Firstly, that the population of the city, as compared with the electoral districts, would warrant an addition; and secondly, that a large portion of the inhabitants of the city being directly concerned with the agricultural and pastoral interests, the return of a member to represent the commercial, trading, and other interests, can rarely happen while the number is so small as at present.

22. Are there any interests more especially connected with the city which, in your opinion, are not adequately represented in the Legislative Council?—There are interests more especially not adequately represented, as the commercial, the trading, and artizan interests.

23. Do you think this state of things entitles the city to an additional number of representatives?—I do.

24. What number of additional members would you consider necessary to ensure the proper representation of the city of Sydney?—I would propose two additional members at the very least.

25. Would you state the grounds on which you would recommend the additional number you have stated?—The members returned for the electoral districts represent the agricultural and pastoral interests only, and those who represent the other interests of the colony bear no equitable proportion to them. The wealth and population of the city also form a very good ground for increasing the number of representatives for the city.

26. Do you think it necessary to create a counterpoise to the strong influence which the agricultural and pastoral interests at present have in the Council in favour of the commercial and trading interests of the city?—I think the agricultural and pastoral interests of the colony, at present, are much better represented than the commercial or trading, the great majority of the members now returned being particularly interested in the former.

27. (*By Mr. Bowman.*) With reference to the amount of rent paid by a leaseholder, do you think 20*l.* paid for a farm, whatever may be the dwelling upon it, sufficient to entitle a party to vote?—I think it would be a sufficient qualification.

TUESDAY, July 30, 1844.

Present:

Rev. Dr. LANG, M.C., in the Chair.

W. Bowman, Esq.

W. H. Suttor, Esq.

C. Cowper, Esq.

Thomas Walker, Esq., M.C., examined.

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WALES.T. Walker, Esq.,
M.C.

July 30, 1844.

1. What is your opinion as to the propriety of extending the elective franchise to leaseholders of land?—That it ought to be extended to them.

2. What term of lease would you recommend as a minimum?—I should say three years.

3. What would you recommend as the minimum rental, including the value of the house on the farm, to entitle to the franchise, bearing in mind that householders occupying houses worth 20*l.* a-year are entitled to vote?—I should say, if the annual rent were 20*l.* a-year, that would be sufficient.

4. Do you think granting the franchise to tenants paying 20*l.* a-year would have the effect of improving the character of the tenantry?—I think it is a reasonable object of desire, but I should couple with the rent qualification that of their being able to read and write. There are some of the tenantry here who are not able to read and write; I would not give them the franchise.

5. Do you think that the system of extending the franchise to tenants paying 20*l.* a-year would induce proprietors to establish farms of that character generally, to create a tenantry of that class rather than an inferior tenantry?—I do not know how landlords would feel with respect to that, but I should not expect it would operate very extensively on them.

6. Is it your opinion that the registration of these leases, for a certain time previous to an election, should be indispensably necessary to entitle the leaseholder to the franchise?—Yes; say six months previously.

7. Would you recommend that the registration should be effected in the Supreme Court, or in the police office of the district where the electoral lists were prepared?—In the district, I should say, where the right is to be exercised.

8. Is it your opinion that residence on the land should also be indispensable in the case of a leaseholder exercising the franchise?—It is.

9. Is it your opinion that the elective franchise should be extended to squatters?—Certainly; my opinion is that it should.

10. On what would you recommend that it should be based; the payment of licence to depasture stock, or the possession of a certain quantity of stock subject to assessment?—By squatters, I understand that class that must take out a licence. In addition to their paying the licence fee, I think it would be well to require that they should possess a certain quantity of stock.

11. What quantity would you recommend as a minimum?—Such a quantity as would entail a payment of 5*l.* a-year as assessment.

12. (*By Mr. Suttor.*) In the event of there being no assessment, what number of stock would you recommend the possession of?—I should not be disposed to determine the right according to the quantity of the stock; but so long as 15*l.* a-year were paid to Government for the privilege of squatting, either by assessment or licence fee, the party paying that sum should be entitled to the franchise.

13. The payment of 15*l.* a-year either in one way or the other would be sufficient?—Yes.

14. (*By Mr. Bowman.*) Respecting the franchise to be extended to renters of land, would you think the occupancy of a property worth only 20*l.* a-year, without reference to the kind of building, would be a sufficient qualification; do you think a farm which would be only worth 20*l.* a-year would enable a person to provide for his family respectably; would he be able to obtain a farm of 50 acres at that rent, in the ordinary circumstances of the colony?—Viewing the present low value of land in this country, I should say that a rent of 20*l.* a-year would command the use and occupation of at least 50 acres, and would be a sufficient rent to qualify him for the franchise.

15. Without reference to any further interest in improving the farm?—Yes, I think so.

16. Should you say the payment of 20*l.* a-year rent for land alone was a sufficient qualification?—I would not say for the land alone, but I think the payment of that rent for his farm would be a sufficient qualification.

17. Do you think the position of a man merely paying 20*l.* a-year rent for his farm in the country is equal to that of a person in town paying 20*l.* a-year for his house?—The man in town is likely to be more wealthy than the man in the country, but I think there are other reasons why the latter should be, equally with the former, entitled to the franchise.

18. (*By Mr. Suttor.*) You say you think persons in town occupying houses worth 20*l.* a-year are likely to be persons of greater wealth than renters of farms at 20*l.* a-year?—I think so.

19. Do not persons renting farms at 20*l.* a-year require considerable capital for carrying them on, in the shape of cattle teams and farming implements?—Not much, I think; I can conceive the probability of the 20*l.* tenantry in this country being possessed of very little capital. They hire or borrow teams, and do not necessarily possess them.

20. I suppose you are aware that many persons renting houses in towns, paying 20*l.* a-year,

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have no capital but their own labour?—Yes; mechanics paying 20*l.* a-year have very little capital.

21. (*By the Chairman.*) Is it your opinion that the city of Sydney has obtained its proper share in the representation of the colony?—Without going into the question of whether the population and wealth of Sydney, as compared with the population and wealth of the rest of the colony, have their exact proportion of representatives, I think Sydney is, and is likely to be virtually represented in the Council, with its present proportion of representatives.

22. Do you not think the population and wealth you allude to entitle the city to a larger portion of representation than it has obtained, without reference to any of those accidental circumstances to which you refer?—No, I do not; I think that wealth and population has their indirect effect for the protection of its interests, even with the present proportion.

23. Are there any interests more especially connected with the city which, in your opinion, are not adequately represented in the Legislative Council?—I think there are; but not arising from the paucity of representatives, but from those interests not being in possession of the elective franchise.

24. (*By Mr. Suttor.*) What class of persons do you allude to?—I had in my mind at the moment the body of assistants in merchants' counting-houses, in the banks, and in shops.

25. Could you suggest any mode of extending the franchise to that class of persons?—It might be based upon the amount of salary received by them.

26. Then, in addition to leaseholders, you would recommend that all persons having a certain income should be entitled to the franchise?—Of the class of persons to which I have referred.

27. What amount of salary would you recommend as a minimum?—100*l.* a-year.

28. (*By Mr. Bowman.*) You are probably aware that most of these parties have the right of voting in consequence of possessing a house?—No; it is because they are not householders generally that I recommend the extension of the franchise to them, on their proving themselves to be in receipt of a salary of 100*l.* a-year. The class I allude to are more generally boarders, but they are an order of men who must necessarily be qualified by education, and of good moral character.

29. (*By the Chairman.*) Do you think two members sufficiently represent all the interests of the city?—Yes; I do not think that Sydney will at all suffer from having no more than its present proportion of representatives in the Council.

30. (*By Mr. Suttor.*) You are aware, I suppose, that the city of London returns only four members?—The City proper, but what we call London returns 16. I do not see any great objection to an additional number, but I do not think it is necessary.

31. (*By the Chairman.*) Do you not think the agricultural and grazing interests have at present decidedly the preponderance in the council?—When I consider that this is emphatically an agricultural and grazing country, I do not know that they have an undue preponderance. We have no commerce arising from manufactures; there are no manufactures, and the merchants are merely the employées of the agriculturists and graziers.

32. (*By Mr. Suttor.*) You are aware, that a great number of persons resident in Sydney have property in the country, and are themselves graziers and agriculturists?—I am.

33. (*By Mr. Bowman.*) Do you not think the city of Sydney has the advantage of the talent of the country members, from their residence in Sydney?—I doubt not the interests of the city receive all due consideration from the country members.

34. Do you not think the interests of the city are more understood from the residence of a great quantity of the country members in Sydney?—I think that is implied in the reply I have already given.

W. C. Botts, Esq.

William Currie Botts, Esq., called in and examined.

1. What is your opinion as to the propriety of extending the franchise to leaseholders of land?—I should conceive it to be only just.

2. What term of lease would you recommend as a minimum?—Three years.

3. What would you recommend as the minimum rental to entitle to the franchise, bearing in mind that householders occupying houses worth 20*l.* a-year are entitled to vote?—20*l.*; certainly not less.

4. Do you think extending the franchise to leaseholders paying 20*l.* a-year rent would have the effect of raising up a better class of tenantry in the country?—I think it might prevent an improper class from rising up. I cannot speak from personal knowledge, but I have heard that there is a class of persons who, under cover of small leases, commonly clearing leases, are either themselves cattle-stealers or connected with persons of this description.

5. Is it your opinion that the registration of such leases for a certain time previous to an election, should be indispensably necessary to entitle the leaseholder to the franchise?—I should say, six months.

6. Would you recommend that that registration should be made in the Supreme Court, or in the district, at the police-office or some other place that might be appointed?—I can see no objection to their being registered at the police-office of the district.

7. Is it your opinion that residence on the land should also be indispensable in the case of a leaseholder exercising the franchise?—I think it should.

8. Is it your opinion that the elective franchise should be extended to squatters?—I think it should; they represent a large amount of property, and constitute an important class.

9. On what would you recommend that it should be based with reference to that class; the payment of a licence to depasture stock, or the possession of a certain quantity of stock subject to assessment?—On the stock subject to assessment.

10. What quantity of stock would you recommend as the minimum?—I have great difficulty in answering that question; from 1,000 to 1,500 sheep, I should think (which would, in fact, comprehend almost every sheepholder beyond the limits), or 150 head of cattle; but I am not well informed upon the subject.

11. (*By Mr. Cowper.*) Five hundred head of sheep have been suggested to the Committee as a minimum?—I am looking to the clear profits derivable from stock; regarding the question in that light I should say 500 was not a sufficient number.

12. (*By Mr. Suttor.*) Do you not think a profit of 20*l.* a-year might be made from 500 sheep?—I think not.

13. (*By the Chairman.*) Is it your opinion that the city of Sydney has obtained its proper share in the representation of the colony?—Considering its population and wealth, as compared with that of the whole colony, I should say not.

14. Are there any interests, more especially connected with the city, which, in your opinion, are not adequately represented in the Legislative Council?—I am not aware of any particular interests that are not adequately represented.

15. What number of additional members would you recommend to ensure the proper representation of the city of Sydney?—Two.

16. Would you state the grounds on which you would recommend the additional number you have stated?—Solely upon the grounds of the population and wealth of the city, as compared with, or in proportion to, that of the entire colony.

17. (*By Mr. Suttor.*) Are there any particular classes in Sydney to which you would recommend that the franchise should be extended?—I am not favourable to an extension of the franchise.

18. Would you recommend that it should be extended to merchants' clerks, having salaries to a certain amount, not being householders?—They are a very respectable class; I see no objection to them, but I think the franchise is already sufficiently extended.

19. (*By Mr. Cowper.*) Do you not think as two members are allotted for Edinburgh, two for Glasgow, and four for the city of London, two might suffice for the city of Sydney?—I think Sydney might be as well represented by two as it would be by four. My answer to a previous question was based solely upon the population and wealth of the city as compared with the population and wealth of the entire colony.

REPLIES to CIRCULAR LETTER addressed to Gentlemen residing too remote from Sydney to expect the favour of their Personal Attendance upon the Committee.

No. .(Circular.)

SIR,

Legislative Council Office, Sydney, June 17, 1844.

I HAVE the honour to request that you will be pleased to favour the Committee now sitting to ascertain whether any, and what measures are requisite for the extension or improvement of the representation of this colony, under the Act 5 & 6 Victoria, c. 76, with your reply to the following queries. The Committee will be obliged by your returning an answer at your earliest convenience, addressed to the Chairman of the Committee, Council Chamber, under cover to the Clerk of the Legislative Council.

I have, &c.,
(Signed) WM. MACPHERSON,

Clerk of the Legislative Council.

To

1. What is your opinion as to the propriety of extending the elective franchise to leaseholders of land?

2. In the event of your being favourable to the extension of the franchise to this class, what term of lease would you recommend as a minimum?

3. What would you recommend as the minimum rental to entitle to the franchise, bearing in mind that householders occupying houses worth 20*l.* a-year, are entitled to vote?

4. Is it your opinion that the registration of such leases for a certain time previous to an election should be indispensably necessary to entitle the leaseholder to the franchise?

5. Is it your opinion that residence on the land should also be indispensable in the case of a leaseholder exercising the franchise?

6. Is it your opinion that the elective franchise should be extended to squatters?

7. In the event of your being favourable to the extension of the franchise to this class, on what would you recommend that it should be based—the payment of a licence to depasture stock, or the possession of a certain quantity of stock subject to assessment?

NEW SOUTH
WALES.
Parramatta.

From the Bench of Magistrates, Parramatta.

1. We consider that the elective franchise should be extended to leaseholders of land.
2. Not less than five years.
3. 30*l.* per annum.
4. Registration at the police office six months previous to elections.
5. In actual possession either by cultivation or stocking.
6. No, unless there is a fixity of tenure, as by lease, of at least five years.
7. A holder of a lease, of at least five years, paying for a lease at least 10*l.* per annum.

Penrith.

From the Bench of Magistrates, Penrith.

1. We are of opinion that it is desirable to extend the elective franchise to leaseholders of land.
2. Believing it desirable to encourage leases for long terms, we are of opinion that five years should be the minimum.
3. We are further of opinion that the minimum rental should be 30*l.*, clear of all outgoings; tenants who hold such farms being in general on a par, in point of intelligence and character, with the renters of 20*l.* houses in the larger towns.
4. To prevent leases being granted for electioneering purposes only, we are of opinion a registration for at least six months previous to an election would be necessary.
5. Residence for at least six months in the year should be indispensable to qualify the leaseholder, the object being not to multiply voters, but to give *bonâ fide* improvers, or cultivators of the soil, a vote; it would also guard against the abuse of sub-tenancies, held for the mere purpose of voting.
6. As under the present system of occupation-licences their holders are in effect mere tenants at will of the Governor, it seems not advisable to extend the franchise to this species of property. It is moreover presumed, that a large majority of the squatters are now represented by their holding lands within the boundaries of location, and the relative numbers of such as are and are not in that position should be ascertained before so great an alteration in the constitution of the colony be effected. The present elected members of our Council are, with scarcely an exception, directly interested in property beyond the limits of the colony, and appear fairly to represent all the colonial interests. To add to their numbers, it is feared, would not tend to the benefit of the community, as the difficulty of procuring members, in all respects qualified, was proved by the small number of candidates at the last election. Fundholders in the mother country are not *quasi* fundholders represented, but it may be assumed their interests are efficiently protected for the common-weal.

From *H. Bayley, Esq., J.P.*—Agreeing to Answers to Queries 1, 2, 3, 4, and 5, and dissenting from Queries 6 and 7, my opinion being decidedly in favour of the elective franchise being extended to the squatters.

Bathurst.

From the Bench of Magistrates, Bathurst.

1. Our opinion is, that the enfranchisement of the leaseholders of land would ensure a more equitable representation of the people, and that the franchise should extend to them.
2. The minimum term of lease, to enfranchise a leaseholder, we should recommend to be three years.
3. As the occupancy of a house at the yearly rental of 20*l.*, at present gives the right to vote, we think the leaseholders of land to this amount should enjoy an equal privilege; we consider them in every respect as respectable and intelligent as the yearly householder of 20*l.* rental.
4. No; but we think that six months' occupancy should entitle a person to vote.
5. We are of opinion that the residence upon the land leased, should be indispensable to enfranchisement, if otherwise the privilege may be open to much abuse, as large landed proprietors may be induced to let lands upon lease to non-residents for the sole and express purpose of commanding their votes, and a residence upon the land would obviate such political frauds.
6. The squatters, with few exceptions, are persons of much higher standing than either the leaseholders or householders of 20*l.* annual rental. We consider them generally a highly respectable and intelligent class of colonists, and to have made rapid strides in a short period of time towards the development of the resources of the colony, and we are clearly of opinion that by the property they represent, and their superior intelligence and respectability, they should be entitled to the elective franchise.
7. We should recommend the franchise of the squatters, to be based both upon the payment of a licence and the possession of stock, provided the licence and assessment combined should amount to the annual sum of 20*l.*, the stock assessed being the *bonâ fide* property of the person paying licence.

From the Bench of Magistrates, Mudgee.

NEW SOUTH
WALES.
Mudgee.

1. We are of opinion that the elective franchise should be extended to leaseholders of land.
2. We consider that a term of lease for one year should be deemed a sufficient qualification to entitle the leaseholder to a vote.
3. We think that a rental of 20*l.* per annum may, with equal justice, be fixed as a minimum for the leaseholder of land.
4. We are of opinion that the registration of the lease, for at least six months previous, should be an indispensable pre-requisite to the exercise of the franchise.
5. We also think it indispensably necessary that a leaseholder should be resident on the land for which he may claim qualification.
6. We think that the franchise should be extended to squatters, as that very numerous and respectable body is, under the present constitution of the Council, totally unrepresented.
7. We should recommend that the possession of stock liable to the assessment of 10*l.*, that is, making together with the licence fee (10*l.*) a rental equivalent to that of the house or leaseholder, should be taken as the basis of qualification; and that the franchise should only be extended to actual residents beyond the boundaries.

From the Bench of Magistrates, Scone.

Scone.

1. It should be extended.
2. Three years.
4. An occupation for six months prior to the annual revision of the electoral lists will be sufficient; the lease to be produced to the Court of Revision, if required.
5. If residence on the land is made indispensable, it will exclude many large leaseholders who rent tracts of country, but employ an overseer to reside, the overseer generally holding a vote for the house; the servant will enjoy a franchise which is denied to the master; residence on the land should not therefore be indispensable in any case where the rental exceeds 20*l.*
6. Yes; especially if they are to be liable to taxation for local purposes.
7. The payment of a licence to depasture stock.

From the Bench of Magistrates, Merton.

Merton.

1. We think that justice to the class of leaseholders demands that the elective franchise should be extended to it; the individuals composing the class are, to say the least, as fit and proper in every respect for the exercise of the franchise, as the class of 20*l.* householders; this measure is also necessary, if the landed interest is to have any weight or influence in the state, for under the present system that interest is swamped by the little townships throughout the country, and that evil is likely to increase if that system be continued.
2. Long leases are not usually given, and are not likely to be, under the present circumstances of the colony; a two or three years' lease, therefore, should entitle to a vote.
3. Corn rents are very common, and under the very great fluctuation in the money value of produce to which the colony is liable, are likely to become more so, and are perhaps the most desirable; we think, therefore, that the lease of a certain number of acres, and looking to the household franchise, 30 acres should entitle to a vote.
4. We think that, to prevent the fraudulent making of votes, six months' possession of the lease should be necessary to qualify, unless in the case of a renewal of the former lease.
5. We think, for the same reason, that residence on the land should also be indispensable.
6. Under the present system, that is, so long as the squatters are tenants at will of the Crown, and subject to imposts, or removal, at the caprice of the executive, we are of opinion that the extension to them of the elective franchise would be an injury rather than a boon, inasmuch as they cannot be considered as free agents, or being in a condition to exercise the franchise according to their own will; but should their condition be made more secure, the franchise ought, undoubtedly, to be extended to that class, which is composed of the possessors of a very large portion of the real wealth of the colony, and who are at the same time the chief producers of its exports.
7. We think that the ownership of 200 head of cattle, 1,000 sheep, 30 horses, or an equivalent proportion of each, subject to assessment, should entitle to a vote.

From the Bench of Magistrates, Singleton.

Singleton

1. Our opinion is in the affirmative.
2. Three years.
3. The same as householders.
4. Yes, certainly.
5. Yes.
6. Yes.
7. A licence.

NEW SOUTH
WALES.

Maitland.

From the Bench of Magistrates, Maitland.

1. We are of opinion that the elective franchise should be extended to leaseholders as at present; this numerous class are not represented in the legislature of the colony.
2. We are of opinion that the minimum term of lease should not exceed 12 months from the date of revising the electoral roll, and that there should be an actual occupation of six months to that date.
3. We are of opinion that the minimum rental to entitle to the franchise should not be less than 20*l.* a-year.
4. We are of opinion that the registration of such leases previous to an election is unnecessary; but we consider that such leases should be produced as a proof of qualification, if required, at the revision of the electoral roll.
5. We are of opinion that residence and occupation are indispensable in the case of a leaseholder exercising the franchise.
6. We are of opinion that the elective franchise should be extended to squatters.
7. We are of opinion that the extension of franchise to squatters should be based on the possession of stock, subject to assessment; say 500 head of cattle, or other stock paying assessment to an equal amount

Macquarie.

From the Bench of Magistrates, Port Macquarie.

1. We consider that it would be advisable to extend the elective franchise to leaseholders of land.
2. Not less than a five years' lease, one year of which should be unexpired when the vote is registered.
3. Not less than 20*l.* a-year.
4. It is our opinion that the lease should be registered six months previous to an election to entitle the leaseholder to the franchise.
5. Decidedly; the leaseholder should be resident.
6. Yes.
7. Upon the payment of a licence, and also paying assessment, on not less than 200 head of horned cattle, or 1,000 sheep.

Wollongong.

From the Bench of Magistrates, Wollongong.

1. We are of opinion that the elective franchise should be extended to leaseholders of land.
2. That the minimum term of lease should be seven years.
3. A rental of 20*l.* a-year.
4. A registration of the lease at least six months previous to election.
5. That the leaseholder should reside on the land to entitle him to exercise the franchise.
6. It is our opinion that the elective franchise should be extended to squatters.
7. The payment of a licence, and assessment to the amount of 20*l.*

Campbelltown.

From the Bench of Magistrates, Campbelltown.

1. We are decidedly of opinion that the elective franchise should be extended to leaseholders of land.
2. We think that a leaseholder for one year should be entitled to vote.
3. We think that the minimum rental to entitle to a vote should be 20*l.* per annum.
4. It is our opinion that the registration of leases for a certain time previous to an election should be indispensably necessary to entitle the leaseholder to the franchise.
5. We are of opinion that residence on the land should also be indispensable in the case of a leaseholder exercising the franchise.
6. It is our most decided opinion that the elective franchise should be extended to squatters.
6. We are of opinion that the qualification should be based upon a licence being held to depasture stock, and the possession of 250 head of cattle, or 1,000 sheep.

Picton

From the Bench of Magistrates, Picton

1. We think it ought to be extended.
2. Three years.
3. Twenty pounds.
4. We think leases should be registered at the petty sessions, in the various police districts.
5. Not indispensable.
6. Most certainly.
7. The payment of a licence, and assessment, to the amount of 5*l.* per annum.

From James Blair, Esq., J.P., Portland.

NEW SOUTH
WALES.

Portland.

1. I am of opinion that the elective franchise should be extended to leaseholders of land; though perhaps not a numerous, they are a useful and respectable class, and seem to me to have at least as equitable a claim to the exercise of the franchise as householders occupying houses worth 20*l.* per annum. It seldom happens that a leaseholder of land can qualify as a householder; for few country houses, however costly, could be worth 20*l.* per annum if separated from that land which surrounds them.

2. I would recommend five years as the minimum term of lease; a shorter term I think might render the leaseholder too dependent on his landlord.

3. I think 20*l.* would be a sufficient rental to entitle to the franchise.

In the Portland Bay district, land is usually let at so much wheat per annum, giving to the rental a sort of fluctuating value regulated by the rise and fall in the corn market.

Five thousand or 6000 acres at Port Fairy have been leased in that way, and the tenants, an intelligent class, though paying in reality to the value of more than 20*l.* per annum, would be excluded from the franchise unless a special provision were made for such leases.

4. I think a lease should be registered at least six months previous to an election to entitle the holder to the franchise.

5. I am of opinion that residence on the land should be indispensable in the case of a leaseholder exercising the franchise.

6. I am decidedly of opinion that the elective franchise should be extended to squatters. They are a most important class; the chief producers of the wealth of the colony, and should therefore, I conceive, have a voice in choosing its representatives.

7. I would recommend that the extension of the franchise to squatters should be based on a property qualification, say the possession of 4,000 sheep, or 500 head of cattle, subject to assessment. If based on the payment of a licence to depasture stock, it would have the effect, in this district at least, of admitting to the franchise persons who obtain a squatting licence merely for the purpose of cultivating the ground, and afford them the same advantages on a yearly licence of 10*l.* as would be accorded to the holder of a lease for a term of years at 20*l.* per annum.

From the Bench of Magistrates, Berrima.

Berrima.

1. We are of opinion that the elective franchise should be extended to leaseholders of land.
2. We recommend that five years should be the minimum term of lease.
3. And that the minimum rental should be fixed at 20*l.* per annum.
4. We are of opinion that all leases should be registered at least six months before the day of election.
5. We think residence on the land should be indispensable.
6. We are not prepared to recommend the extension of the franchise to squatters.

From the Bench of Magistrates, Gosford.

Gosford.

1. Our opinion is in favour of extending the elective franchise to leaseholders of land.
2. We are unfriendly to short leases, but as at present there is no probability of a system of long leases in the colony, we recommend seven years as the minimum.
3. We recommend 30*l.* a-year as the minimum rental.
4. We think it will be sufficient if the leaseholder proves his qualification at the Court of Revision; but it would be convenient that no one should be admitted on the roll of electors who obtained his lease after the 1st March; should a lease expire between two Courts of Revision, the franchise to be quashed.
5. We think *bonâ fide* use and occupation of the leased land is indispensable, but residence upon it not so; a man may reside on a farm of his own, or leased, that does not qualify him, and may lease one that does.

We presume the Council will guard against collusive leases.

6. We are of opinion that the elective franchise should be extended to squatters.

7. As no one will go beyond the boundaries with stock of less value than a house of 20*l.* annual rental, we think that a payment of a licence to depasture stock is sufficient.

We would, in addition, beg to recommend to the serious attention of the Committee the practicability of refusing the elective franchise to any parent having a child of a certain age, and not sending it to school, or using means to educate it, if means are within his reach; we are aware the subject is a difficult one, but it is well worth consideration.

From the Bench of Magistrates, Bungonia.

Bungonia.

1. We consider that the extension of the franchise to leaseholders of land will be productive of many benefits to this class of persons, and to the colony generally; and will be an act of justice to a numerous portion of the rural population. A number of leaseholders are resident in this neighbourhood and county, to whom, generally speaking, the franchise may be safely intrusted.

2. We should be inclined to enfranchise leaseholders of 10*l.* per annum and upwards,

NEW SOUTH
WALES.

holding leases for a period of 10 years; of 20*l.* per annum and upwards, holding leases for a term of five years; of 50*l.* per annum and upwards, holding yearly leases.

3. We should hold it to be indispensably necessary that leases should be registered six months prior to an election.

4. Referring to the scale of leases, in the answer to the second question, we think that residence should be required in 10*l.* and 20*l.* leaseholds.

5. We consider squatters as much entitled to representation as any other class in the community; their interest in the colony is as great, and almost, if not quite, as fixed as the landholders, and their anxiety for its well-being consequently as strong.

6. We are of opinion that any person contributing to the public revenue the sum of 20*l.* per annum by licence and assessment, either or both, should possess a vote.

Yass.

From *Cornelius O'Brien, Esq., J.P.*, in the absence of the other Magistrates of the Bench at Yass.

1. I am in favour of that extension.
2. I recommend the term to be that which is given by the Government.
3. 10*l.* per annum.
4. Yes, for a twelvemonth's previous occupation.
5. I think residence indispensable.
6. Yes.
7. On the payment of licence only.

Wollombi.

From *David Dunlop, Esq., J.P.*, Wollombi.

1. I am favourable to the extension of the elective franchise.
2. Not less than seven years.
3. I would fix the minimum rate at the same sum that entitles householders to a vote, namely, 20*l.*
4. Most decidedly.
5. I consider residence indispensable.
6. It is.
7. I assume that every squatter is licensed; and would therefore recommend that the franchise be extended to those possessed of 200 head of cattle, or 1,000 sheep.

Archerfield.

From *George Bowman, Esq.*, Archerfield.

1. I am of opinion that it would be advisable to extend the elective franchise to leaseholders of land, having leases for a certain number of years.
2. I would recommend not less than a five years' lease.
3. I am of opinion that a leaseholder, paying 20*l.* rent per year, ought to be entitled to vote; that class of tenantry being generally more respectable than many of the householders paying the same rent.
4. I should think that all leaseholders ought to be in possession of the land, and their leases, 12 months, before they should be entitled to vote; as to the registering of the lease before voting, it might be dispensed with; the lease would speak for itself, as a grant does at present.
5. I am of opinion that residence on the land should be indispensable, in case of a leaseholder exercising the franchise.
6. I am of opinion that it should.
7. I am of opinion that the qualification to entitle a squatter to exercise the franchise should be the amount paid for his licence, being 10*l.*, and the amount of his annual assessment paid, together amounting to not less than 25*l.*

Dungog.

From *Thomas Cook, Esq., J.P.*, in the absence of the other Magistrates of the Bench at Dungog.

1. There are in this quarter two distinct classes of leaseholders, the smaller and larger settlers; the former, who possess from 10 to 25 acres of cultivation land, are in general uneducated persons, and I fear, in very many cases, mostly emancipists and tickets-of-leave holders, who lack principle, and would, if they had the privilege, sell their votes, as they do their produce, for grog; of such farmers I can number upwards of 100. The latter possess from 30 to 200 acres, and are respectable people, to whom the elective franchise might, with great propriety, be extended: I can count 15 of such in this district, independent of the respectable tenantry on the Australian Agricultural Company's estate.
2. The term of lease in this part of the country is seldom less than five years, and in some cases much longer, say seven, 10, and even 21 years. The minimum term of lease, to entitle the leaseholder to a vote, should not, I think, be less than five years.
3. I am of opinion that the minimum rental, in the rural districts, should not be less than 30*l.*, which would place them on a fair footing with those occupying town houses at 20*l.* per

annum; going below that would unavoidably introduce a great portion of those described by me, in my answer to question No. 1, as small settlers, seeing no land has been leased here as yet under 1*l.* per acre.

4. It is my decided opinion that the registration of such leases, for a certain time (six months) previous to an election, is indispensably necessary, to entitle the leaseholder to the franchise; such a rule would, in all probability, save many after-disputings.

5. It is my opinion that residence on the land should also be indispensable in the case of a leaseholder exercising the franchise.

6. I can see no objection to, the elective franchise being extended to the squatters, if it be practicable to do so.

7. I would recommend, in the event of this privilege being granted to that class, that it be on the possession of a certain quantity of stock subject to assessment.

From *Thomas Tebbutt, Esq.*, Windsor.

Windsor.

1. I am favourable to the extension of the elective franchise to leaseholders of land; I think them equally entitled to, and deserving of, that privilege with the occupiers of houses in boroughs and towns; they are equally interested in the welfare and good government of the colony, and are as well conducted and respectable a class of persons.

2. I am of opinion that three years should be the minimum term of lease; many proprietors of land will not let on lease for a longer term.

3. I should recommend that the minimum be 20*l.*, as in the case of occupiers of houses.

4. I am of opinion that the registration of leases, for a time previous to an election, should be indispensably necessary to entitle the leaseholder to the franchise; I would beg to suggest four months. As leases are generally dated on the 1st day of January, the leaseholder will be entitled to vote at the election of District Councillors in May, and Legislative Councillors in June following; whereas, if the time is extended to six months, they would be disqualified for that year, also six months of the next, which will happen on every renewal of lease and removal. I beg further to observe that, to carry this into effect, there should be an office for the registration of leases in each district, at a small fee; for should the office be in Sydney, and the fee high, the greater portion will not be at the trouble, and expense.

5. I am of opinion that residence on the land should be indispensably necessary to qualify a leaseholder to exercise the franchise; if not, there will be an opening for fraud, as fictitious leases could be granted by candidates possessing large landed property, to persons who have no interest in it.

6. I am not in possession of sufficient information on this subject to give an opinion with confidence, but so far as my own knowledge goes, and from the best information I can obtain, I believe a great proportion of the squatters have a vote in the election of members, for from one to three or four districts, and that there is at present, and likely to be for some years at least, a sufficient and fair proportion of members in the Legislative Council, who are in the squatting interest, and I think that interest as amply represented as any interest in the colony.

From *Samuel Moore, Esq.*, J. P., Moore Bank, Liverpool.

Liverpool.

1. I think that the franchise should, with the least possible delay, be extended to leaseholders, who at least are as respectable and intelligent as the enfranchised householders of towns.

2. I think five years' lease should be the minimum term.

3. The rental entitling to the franchise should not be less than 20*l.* a-year.

4. The registration of such lease, at least three months previously to the election, should be indispensable.

5. Residence on the land should be a necessary condition.

6. I think that, as the squatters comprise, in very many instances, the most educated portion of the community, they are entitled to the franchise.

7. I consider that, in all cases where a person possesses stock, the *bonâ fide* assessment on which annually amounts to 20*l.*, or where a person annually pays to Government 20*l.* or more, partly by his 10*l.* licence, and the remainder by assessment of stock, the franchise should be granted; and that such franchise should be exercised in the county nearest to the station of the party voting. Twelve months' registration, as well as residence of the parties, should be deemed necessary.

From *Charles Tompson, Esq.*, Clydesdale.

Clydesdale.

1. As leaseholders of land may be said generally to be a class of men who gain their living by practical agriculture, bringing up large families in the same habits of industry and useful occupation, they may be ranked amongst the most productive and valuable members of the community; and therefore, I am of opinion that by extending to them the franchise, it would tend to raise their importance as a body, create self-esteem, and eventually to effect an improvement in their political, as well as their moral and social habits; on these grounds I would recommend the extension of the franchise to leaseholders of land.

NEW SOUTH
WALES.

2. Terms of leases from three to five years being much more general in this colony than those of longer periods, I consider the minimum term on which to extend the franchise should not exceed three years.

3. As an industrious farmer would seldom or ever be able to obtain as much land of an available quantity as will repay his capital and exertions at a lower rent than 20*l.* a-year, I conceive the franchise should not be extended to leaseholders under that rate.

4. Leases might be registered as a matter of course or of necessity, as early as convenient after the execution thereof; but should that not be considered requisite, the registration of leases for the purposes of a general election, at least three months previous to such election, appears to me, for obvious reasons, indispensable.

5. The lessee's personal residence on the land should on no account be dispensed with; that circumstance being presumptive evidence of his *bonâ fide* right to the enjoyment of the franchise, which otherwise might be open to abuse.

6. A large proportion of the persons denominated "squatters" already possess the elective franchise in virtue of property held by them in the various counties of the colony; yet there are very many who, living entirely beyond the boundaries, possess no title to the franchise; I therefore think that, as the squatting interest is a main source of revenue to the State, it seems only reasonable and just that so important a body should be allowed to send two or more members to the Council.

7. The extension of the franchise to the squatters, I would suggest, might be based on a licence to depasture on Crown lands such number of sheep (but no other description of stock, for reasons presently to be explained) as, at the present rate of assessment, should produce to the revenue not less than 10*l.* a-year, and that the licence should invariably dwell entirely at the station, or in the district his licence may be granted for.

My reasons for excepting the holders of other descriptions of stock than sheep are based on the knowledge that there is a class of persons living beyond the boundaries, who have possessed themselves of horned cattle and horses to a great extent by fraudulent means, and who still have the same means and opportunities of adding to their ill-acquired property by a continuation of the same practices, without much prospect of detection, while it is not in the power of such persons to obtain possession of sheep in the same way. I therefore consider it would not be advisable to extend the franchise so as to enable such objectionable characters as those above alluded to to exercise the right of election. Besides, as an argument in favour of the sheepholder, it cannot be denied that almost every description of property in the colony acquires or loses value in proportion as sheep or wool rises or falls in the market. Thus it may be inferred that the sheepholders are the holders of the wealth of the colony, which I consider an additional reason why they ought to be represented in the senate.

EXTENSION OF THE ELECTIVE FRANCHISE.

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1844.—NEW SOUTH WALES.

NEW SOUTH WALES.

(ELECTIVE FRANCHISE.)

RETURN TO ADDRESS.—Dr. Lang, 26th July, 1844. Laid upon the table, and ordered to be printed, 27th August, 1844.

RETURN showing the Number of Electors on the Electoral Roll, in each of the Electoral Districts of the Colony of New South Wales, for each Year since the passing of the Act 6 Vict., No. 16.

ELECTORAL DISTRICT.	Number of Electors.		Increase.	Decrease.
	1843-44.	1844-45.		
1. Argyle, County of	133	152	19	..
2. Bathurst, County of	172	182	10	..
3. Camden, County of	365	386	21	..
4. Cook and Westmoreland (united)	249	255	6	..
5. Cumberland, County of	1,391	1,344	..	47
6. Cumberland Boroughs	287	278	..	9
7. Durham, County of	353	345	..	8
8. Gloucester, Macquarie, and Stanley (united)	244	239	..	5
9. Hunter, Brisbane, and Bligh (united)	212	187*	..	25
10. Melbourne, Town of	659	591	..	268
11. Murray, King, and Georgiana (united)	154	172	18	..
12. Northumberland, County of	352	369	17	..
13. Northumberland Boroughs	270	257	..	13
14. Parramatta, Town of	279	233	..	46
15. Port Phillip, District of	470	475	5	..
16. Roxburgh, Phillip, and Wellington (united)	133	129	..	4
17. St. Vincent and Auckland (united)	73	60	..	13
18. Sydney, City of	3,319	2,823	..	496
Totals	9,315	8,477	96	934
			Deduct Increase	96
			Total Decrease	836

* The returning officer of this district, in accounting for the decrease, states that he has received no return from the Court of Revision, held at Merton, for the Counties of Hunter and Brisbane, although repeatedly applied for.

Colonial Secretary's Office, Sydney,
26th August, 1844.

E. DEAS THOMSON,
Colonial Secretary.

(No. 13.)

No. 2.

No. 2.

COPY of a DESPATCH from Governor Sir GEORGE GIPPS to Lord STANLEY.

Government House, Sydney, January 18, 1846.

(Received May 21, 1846).

MY LORD,

I HAVE had the honour to receive your Lordship's Despatch, No. 82,* of the 16th August, 1845, on the subject of the proposed extension of the elective franchise in this colony to leaseholders, and I have to report, that I have taken measures for obtaining from the different benches of magistrates throughout the colony, the information sought for by your Lordship, it being through the benches alone that I can hope to obtain an account of the probable number of leaseholders in the colony.

* Page 106.

My own impression is that they are not very numerous; I am inclined to think that they will be chiefly found amongst the agricultural classes, and that the admission of them to the franchise will be advantageous, rather than otherwise, to the Government.

I think it right, however, to observe, that if leases be granted to occupiers of Crown lands under Mr. Hope's Bill, they will as leaseholders also claim the franchise; and that the admission of so large a body of new electors may render necessary some alterations in the local Act for the regulation of elections, 6 Vict., No. 16.

On the proposed extension of the electoral franchise to the squatters, I touched briefly in the concluding part of my Despatch,† No. 249, of the 29th

† Page 68.

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November, 1844. It would be in conformity with the opinion therein expressed, to give the franchise to squatters holding leases for seven years, and paying a rent not less than 30*l.* per annum; but some new arrangements would be required in respect to the registration of them and their polling places.

I have, &c.,

The Right Hon. Lord Stanley, (Signed) • GEORGE GIPPS.
&c. &c. &c.

No. 3.

(No. 115.)

No. 3.

COPY of a DESPATCH from GOVERNOR SIR GEORGE GIPPS to the Right Hon. W. E. GLADSTONE.

Government House, Sydney, June 11, 1846.

(Received November 2, 1846.)

SIR,

* Page 95.

† Page 106.

In my Despatch, No. 13*, of the 18th January, 1846, I partially replied to the inquiries contained in Lord Stanley's Despatch, No. 82,† of the 16th August, 1845, on the subject of the proposed admission of leaseholders to the elective franchise in New South Wales, and I added, that I had taken measures for obtaining further information from the benches of magistrates throughout the colony. I have now to report that I availed myself of the facilities afforded by the recent taking of a census of the colony, to obtain, as far as possible, the information required; and I have the honour to submit to your consideration the results of the inquiries then made.

February 6, 1846.

No. 1.

There are in New South Wales (including Port Phillip) 41 benches of magistrates, and to each bench a circular was written, of which a copy is enclosed. From 34 benches answers were received, as full and satisfactory as could reasonably have been expected; but from the other seven benches, either no answers were received, or answers which did not convey any satisfactory information.

Making, however, due allowances for these seven benches, or rather districts, the answers received lead to the conclusion, that by the admission to the elective franchise of leaseholders paying rent to the amount of 30*l.* a-year, and holding leases originally granted for not less than five years, an addition would be made to the general constituency of about 288 persons.

Should, however, the amount of rent which is to confer the franchise be fixed at 20*l.* instead of 30*l.*, the addition to the general constituency would be about 613, instead of 288; and as the constituency of the whole colony was in the year 1845-46, 8,232, it follows that the admission of 30*l.* leaseholders would increase the constituency about in the proportion of 3½ per cent; and the admission of 20*l.* leaseholders would increase it in the proportion of nearly 7½ per cent.

This is on the supposition that the franchise is to be extended to persons only who hold leases originally granted for not less than five years; should this restriction be deemed unnecessary, and the franchise be granted to persons holding even annual leases, provided they pay a rent of 20*l.* or 30*l.* per annum, the number of persons admitted to the franchise, not at present enjoying it, would be increased by the addition of about one-fifth, making in the case of 20*l.* leaseholders the entire increase about nine per cent. on the whole constituency.

In respect to the character or standing in society of leaseholders, either of 30*l.* or 20*l.*, compared with the character or standing of persons now in the enjoyment of the franchise, the result of the returns, making allowance for some trifling differences in the mode of expression, is, that of 26 benches who offered an opinion on this point,

Twenty benches consider the leaseholders equal,

Three benches consider them superior,

Three benches consider them inferior,

in character and standing to the persons now in the enjoyment of the franchise.

I scarcely think it necessary to burthen this Despatch with copies of all the answers received from the various districts or benches; but I enclose copies of

two documents, compiled from them by a very intelligent gentleman (Mr. Fitzpatrick), a clerk in the office of the Colonial Secretary.

I beg leave in conclusion to state, that after taking into full consideration the results herein communicated, I see no reason to alter the opinions originally expressed by me on the subject of the admission of leaseholders to the elective franchise, in my Despatch to Lord Stanley, No. 249,* of the 29th November, 1844.

The Right Hon. W. E. Gladstone,
&c. &c. &c.

(Signed)

I have, &c.
GEORGE GIPPS.

NEW SOUTH WALES.

Memorandum, with tabular results, June 6, 1846.

No. 2.

Return of electors in electoral districts.

No. 3.

* Page 68.

Enclosure 1 in No. 3.

Encl. 1 in No. 3.

GENTLEMEN,

Colonial Secretary's Office, Sydney,
February 6, 1846.

His Excellency the Governor being desirous of obtaining information on the under-mentioned points, which have been referred to his Excellency by the Right Hon. the Secretary of State for the Colonies, I do myself the honour to request that you will have the goodness to afford me such information as it may be in your power to offer in reply to the following queries:—

1st. What is the probable number of leaseholders in your district, paying rent for land, or for house and land together, to the amount of 30*l.* per annum, who are not at present qualified, either as freeholders or householders, to vote in the election of members for the Legislative Council?

2nd. What is the probable number of persons of the same class paying rent to the amount of 20*l.* but less than 30*l.* per annum?

3rd. How many of these leaseholders hold their lands on annual lease, and how many for a term of years?

4th. What is the average duration of leases granted for a term of years?

5th. Are the general character and standing in society of persons holding leases granted originally for not less than five years, equal or inferior to the character and standing of persons who now enjoy the elective franchise, under the fifth clause of the Constitutional Act of the colony, 5 and 6 Vic., c. 76?

I have, &c.

The Bench of Magistrates.

Enclosure 2 in No. 3.

Encl. 2 in No. 3.

ENCLOSED are the results, brought out in a tabular form, of the several replies received from the various benches of magistrates relative to leaseholders.

The circular was sent in all to 41 benches. Of these, 23 have given the information sought; 11 state definitely that the queries do not apply to their districts, either by reason of there being no such leaseholders, or of the leaseholders being otherwise qualified electors; three state that they cannot obtain the required information; and four have not replied at all.

As, therefore, seven districts are thus not brought to account, it is conceived that to arrive at a correct conclusion, the amounts shown at the foot of the table should be proportionably increased, more especially as the omitted districts are those chiefly in which it might be expected that leaseholders abound.—(See margin.)

Thus of the 34 districts from which definite replies have been received, there are leaseholders in 23, and none in the other 11; that is at the rate of two to one.

Following this proportion, it is fair to assume that of the seven districts from which no definite replies have been received, there will be leaseholders in (say) five, and none in the remainder.

Again, the numbers actually returned by the 23 districts are—

30 <i>l.</i> leaseholders	286 or 12 each.
20 <i>l.</i> „	320 „ 14 „
Showing	606

as the total of the 23 districts, or at the rate of 26 each district.

According to this average, the numbers in the five districts will be—

30 <i>l.</i> leaseholders	5 × 12 = 60
20 <i>l.</i> „	5 × 14 = 70

which, added to former totals, make—

30 <i>l.</i> leaseholders	286
Add	60
30 <i>l.</i> leaseholders	320
Add	70

23	
11	
3	34
4	
41	41

No replies from Sydney, Queanbeyan, Carcoar, Paterson.

Unsatisfactory from Penrith, Bathurst, Melbourne.

346

390

736

NEW SOUTH
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making a grand total of 36 leaseholders above 20l. per annum who do not possess the franchise.

It will be seen that the proportion between annual leases and those granted for a term of years is as one to five; there being 103 of the former, and 503 of the latter.

Again, the average duration of leases is given by 28 benches. The aggregate amount of these averages is 189, which, divided by 28 years, gives seven years nearly as the average duration throughout the colony of leases granted for a term of years.

20 "equal."
3 "superior."
3 "inferior."

Finally, 26 benches have given their opinions relative to the general character and standing in society of these leaseholders as compared with those persons who already enjoy the franchise. Allowing for some trifling differences in the modes of expression, the result is that 20 benches consider the leaseholders "equal," three benches consider them "superior," and three consider them "inferior" to freeholders or householders.

26.

Bungonia,
Yass,
Newcastle.

It will be observed that in two or three cases the average duration of leases is stated by the magistrates in districts where they report that there are no leases. In every such case I have retained the average, as it appeared to me that the opinion thus given by the magistrates, from, no doubt, personal knowledge, was entitled to the same consideration as the opinions of other benches. It will likewise be perceived that in many cases where definite averages have not been named, but merely the probable extremes given, the averages have for the sake of computation been fixed, to a certain extent, arbitrarily. I beg particularly to call attention to the case of "Belfast," which differs from all the others. The bench state that 14 years is the minimum of leases in the country, and 21 years the minimum in the town. I have supposed the average to be 21 years, on the principle that the country leases will range from 14 to 21, and, it may be, upwards, whilst the town leases of course range from 21 upwards to an uncertain extent.

In the case of Campbell Town the bench do not state the proportion between annual leases and leases for a term of years; it has, therefore, been arbitrarily fixed at 3 to 12, which is the nearest approach that can be made, by an integral division of the entire number (15) to the average in the other districts, namely, one to five.

June 6, 1846.

EXTENSION OF THE ELECTIVE FRANCHISE.

BENCHES OF MAGISTRATES to whom the Inquiry has been addressed.	Probable Number of Leaseholders paying £30 per Annum, who are not entitled to the Elective Franchise.	Probable Number paying £20 per Annum, but less than £30, who are not entitled to the Elective Franchise.	Number of the Foregoing who hold their Lands		Average Duration of Leases granted for a Term of Years.	Standing in Society of Persons holding Leases granted for not less than Five Years, as compared with that of Persons who now enjoy the Elective Franchise.	REMARKS.
			On Annual Lease.	For a Term of Years.			
Sydney (Commissioner of Police).	..	..	..	..	..	..	No reply received:
Parramatta	26	19	17	28	2 to 25 (say) 14	Fully equal.	
Liverpool	17	14	2	29	7	Equal, if not superior.	
Campbell Town	7	8	(say) 3	(say) 12	3 to 5 (say) 4	Not inferior.	
5. Picton	1	3	..	4	5	Fully equal; in many cases superior.	
Camden and Narellan	34	62	1	95	(say) 16	..	The Bench at Camden state, that of the 95 leases for terms, 60 are for 21 years, and the remainder for terms varying from 5 to 10. I calculate the average, therefore, to be 16 years.
Illawarra	20	20	..	40	5 to 8 (say) 6	Quite equal.	
Berrima	10	8	..	18	5	Equal.	
Goalburn	3	5	2	6	6	Equal.	
10. Bungonia . . . . .	..	..	..	..	5	Inferior.	
Braidwood . . . . .	..	..	..	..	..	..	There are no leaseholders in the Braidwood District, except those who are also freeholders, and, as such, enjoy the elective franchise.
Broulee	2	15	6	11	5	Generally not equal.	
Queanbeyan . . . . .	..	..	..	..	..	..	No reply received.
Yass . . . . .	..	..	..	..	3	..	
15. Windsor	30	50	25	55	5	Fully equal.	
Penrith . . . . .	..	..	..	..	5	Quite equal.	The Penrith Bench state they cannot obtain the other information required.
Hartley	5	8	1	13	3	Equal.	
Bathurst . . . . .	..	..	..	..	..	..	Cannot obtain the information.
Carcoar . . . . .	..	..	..	..	..	..	No reply received.
20. Wellington . . . . .	..	..	..	..	..	..	Queries do not apply to this district.
Mudgee	1	..	1	..	7	About equal.	
Gosford	1	1	..	2	5 to 7 (say) 6	Much superior.	
Newcastle . . . . .	..	..	..	..	3 to 7 (say) 5	Equal.	
Raymond Terrace	6	7	..	13	7	Quite equal.	
25. Dungog	3	6	3	6	5	Considerably inferior.	The Dungog Bench state that "most" of the leases are for a term of years. The numbers have therefore been arbitrarily fixed as 2 to 1.
Maitland	47	27	26	58	(say) 7	Equal.	
Wollombi	10	17	8	19	(say) 4	Of the same class.	
Paterson . . . . .	..	..	..	..	..	..	No reply received.
Patrick's Plains	7	5	2	10	(say) 8	Equal.	
30. Merton	1	6	3	4	3	Quite equal.	
Muswell Brook	1	11	4	8	7	Equal.	
Scone . . . . .	..	..	..	..	(say) 9	More than equal.	There are said to be no leaseholders of the description alluded to in the Scone district who are not otherwise qualified electors.
Murrurundi . . . . .	..	..	..	..	..	..	Queries do not apply to this district.
Cassilis . . . . .	..	..	..	..	..	..	Ditto.
35. Macquarie . . . . .	..	..	..	..	..	..	Ditto.
Moreton Bay . . . . .	..	..	..	..	..	..	Ditto.
Melburne . . . . .	..	..	..	..	..	..	No satisfactory reply.
Geelong	40	10	..	50	(say) 7	Decidedly superior.	
Portland	1	..	..	1	4	Not stated.	
40. Belfast	13	8	..	21	(say) 21	Equal.	
Alberton	Queries do not apply to this district.
	286	320	103	203	Total . 189	÷ 28 = 7 nearly, General Average.	

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Encl. 3 in No. 3.

Enclosure 3 in No. 3.

RETURN showing the NUMBER of ELECTORS on the ELECTORAL ROLL, in each of the Electoral Districts of the Colony of New South Wales, for each Year since the passing of the Act 6 Vic., No. 16.

ELECTORAL DISTRICT.	Number of Electors.		
	1843-44	1844-45	1845-46
1. Argyle, County of	133	152	*111
2. Bathurst, County of	172	182	218
3. Camden, County of	365	386	409
4. Cook and Westmoreland (united)	249	255	235
5. Cumberland, County of	1,391	1,344	1,329
6. Cumberland, Boroughs	287	278	251
7. Durham, County of	353	345	317
8. Gloucester, Macquarie, and Stanley	244	239	241
9. Hunter, Brisbane, and Bligh	212	187	204
10. Melbourne, Town of	859	591	525
11. Murray, King, and Georgiana	154	172	237
12. Northumberland, County of	352	369	357
13. Northumberland, Boroughs	270	257	274
14. Paramatta, Town of	279	233	230
15. Port Phillip, District of	470	475	470
16. Roxburgh, Phillip, and Wellington	133	129	146
17. St. Vincent and Auckland	73	60	160
18. Sydney, City of	3,319	2,823	2,618
	9,315	8,477	8,232

* The returning officer for the electoral district of the county of Argyle states that this number includes only the electors in the police district of Goulburn; the clerk of the bench at Bungonia not having this year furnished a roll for that police district.

† The Return from St. Vincent and Auckland has not yet been received. The number of electors on last year's roll has therefore been retained.

Despatches from Governor Sir C. A. FitzRoy.

No. 4.

(No. 38.)

No. 4.

COPY of a DESPATCH from Governor Sir C. A. FITZROY to Earl GREY.

Government House, Sydney, February 27, 1849.

MY LORD,

(Received June 27, 1849.)

I HAVE the honour to transmit to your Lordship a petition addressed to the Queen by certain inhabitants of this colony, praying that Her Majesty will be graciously pleased to advise such a reduction of the elective qualification as will give a full and fair share of representation in the legislature of the colony to the colonists at large.

2. This petition has been placed in my hands by the Mayor of Sydney, and is stated to be signed by the mayor, one of the city members, and some of the members of the city council, and by 3,355 persons; but in forwarding it, as requested, to be laid at the foot of the Throne, I feel it my duty to state, that in the present social state of this colony, I am not prepared to recommend any extension of the elective franchise.

I have, &c.,

The Right Hon. Earl Grey,
&c. &c. &c.

(Signed) C. A. FITZROY.

Encl. in No. 4.

Enclosure in No. 4.

COPY of a PETITION adopted by a Public Meeting in the City Theatre, January 22, 1849.
TO THE QUEEN'S MOST EXCELLENT MAJESTY.

The humble petition of the undersigned Inhabitants of the Colony of New South Wales,

MOST HUMBLY SHOWETH,

THAT your petitioners beg leave respectfully to approach Your Majesty, for the purpose of stating the grievance under which they labour with respect to that most important privilege of British subjects, the right of voting for members of the Legislature.

That in the United Kingdom of Great Britain the right of voting for members of the Imperial Parliament is conferred upon all persons in cities and borough towns who occupy household premises of the clear annual rental of 10*l.*, or who are possessed of freehold

estates of the value of 40s. per annum, whilst in the colony of New South Wales the exercise of the elective franchise is restricted to the occupants of houses of the annual rental of 20L., and to the possessors of freehold estates of the value of 200L.

That since the passing of the Act of the Imperial Parliament, 6 Vict. c. 76, by which this privilege was conferred on the colonists, a most serious depreciation in the value of property has taken place in the colony, by means of which many persons heretofore entitled to vote at elections are now deprived of that privilege, and although the population of the colony has greatly increased, the number of electors has continued almost stationary.

That the peculiar circumstances in which New South Wales is placed are such as to cause a great difference in the value of property situated in the city of Sydney, and in many other parts of the colony, the value of property in the interior being considerably less than it is in the metropolis.

That, in consequence of the high elective qualification, coupled with the depreciation in the value of property, in one electoral district of the colony containing a population of nearly 4,000 persons, there are not more than 70 electors; a state of things which your petitioners cannot for a moment imagine that Your Majesty would wish to see perpetuated.

That in the opinion of your petitioners, in order to place the colonists of New South Wales on a footing of equality with the people of the United Kingdom, the qualification of electors should be fixed in the following manner; that is to say: in the city of Sydney alone, every male person of the full age of 21 years, being a natural born subject of Your Majesty, or who shall have been naturalized, and who shall be in his own right possessed of a freehold estate in lands or tenements of the clear value of 50L. sterling; or a person occupying household premises within the said city, of the clear annual value of 10L., should be entitled to vote; and that in all other parts of the colony within the settled districts, the freehold qualification should be fixed at the clear value of 25L., and the rental qualification, whether as it regards tenants-at-will or lease holders of lands or tenements, should be fixed at the clear annual value of 5L. provided in all cases that the elector shall have been in possession of such qualification in any part of the same electoral district at least six months previous to his enrolment the electoral list.

Your petitioners therefore pray, that Your Majesty will be graciously pleased to take the above premises into your consideration, and advise such a reduction of the elective qualification as will give a full and fair share of representation in the legislature of the colony to the colonists at large.

And your petitioners, as in duty bound, will ever pray.

(No. 90.)

No. 5.

No. 5.

COPY of a DESPATCH from Governor Sir C. A. FITZROY to Earl GREY.

Government House, Sydney, May 12, 1849.

(Received Oct. 26, 1849.)

(Answered Nov. 27, 1849, No. 184, page 107.)

MY LORD,

1. I HAVE the honour to transmit to your Lordship, in order that it may be laid at the foot of the Throne, the enclosed petition, adopted at a public meeting of lessees of Crown lands, held at Geelong, in the district of Port Phillip, praying for the extension of the elective franchise to the lessees of Crown lands and the tenant farmers of the province.

2. I also beg to forward copies of two Despatches on this subject, addressed to me by his Honour the Superintendent of Port Phillip. In the first of these (dated February 23, last) Mr. La Trobe unreservedly states his conviction of the expediency of some such extension of the franchise as that prayed for in the petition.

3. I may take this opportunity of reminding your Lordship, that the subject of extending the elective franchise to leaseholders was very fully gone into by my predecessor, in his Despatch of the 18th January, 1846, No. 13.*

I have, &c.

The Right Hon. Earl Grey,
&c., &c., &c.

(Signed)

C. A. FITZROY.

February 23, 1849.

With 2 Enclosures.

April 17, 1849.

* Page 95.

Enclosure 1 in No. 5.

Encl. 1 in No. 5.

The EXTENSION of the ELECTIVE FRANCHISE.

A REQUISITION having been addressed to Mr. Addis, of Geelong, to call a public meeting of the squatters and tenant farmers at that place, on Friday the 26th instant, at three o'clock, P.M., in order to adopt the following petition to the Queen, the Houses of Parliament, and the Legislative Council of New South Wales; it is earnestly requested

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that those interested in these objects will attend the meeting in person, or authorize their respective agents in Melbourne and Geelong to affix their names to these petitions.

The humble petition of the undersigned Lessees of Land, in the district of Port Phillip,

SHOWETH,

THAT the elective franchise which was conferred on New South Wales by the constitution of 1842 was restricted to householders of 20*l.* per annum, and to freeholders to the value of 200*l.*, a basis of representation which has excluded a large body of the tenant farmers, and the whole of the pastoral interest.

That the principal wealth of Port Phillip consists in its flocks and herds, comprising respectively about 5,000,000 of sheep, and 500,000 head of cattle; that nearly all the exports of the colony are produced by the graziers; the total amount of colonial produce exported in 1847 (the last official return) being 652,122*l.*, of which 647,579*l.* was produced by the pastoral population.

That this class numbers in itself many of the most intelligent and best educated colonists, including nearly the whole of the territorial magistrates and many of the learned professions.

That this class, as has been shown, is at present deprived of the elective franchise, which they are now more than ever desirous to possess, inasmuch as the British Government has expressed its intention of conferring a separate government on Port Phillip.

That your petitioners suggest, that whatever objection might have been urged to their enfranchisement, so long as fixity of tenure was withheld from the squatting population, no such objection can now exist, since fixity of tenure has been granted them under the sanction of an Act of Parliament.

That the agricultural tenant farmers of the colony, a highly intelligent, important, numerous, and rapidly increasing class, are at present excluded from the enjoyment of that inestimable British right, the elective franchise.

That it would be highly conducive to the preservation of a just balance, that, in the allotment of the representation, the system of the mother country should be adhered to, so that each district of the colony may elect its own representative.

That your petitioners cannot omit this opportunity of expressing their feelings of loyalty to Your Majesty's person, of attachment to the institutions of their mother-country, and gratitude for the liberal spirit in which the Despatch of Your Majesty's Secretary of State for the Colonies is written, announcing the intention of Your Majesty's Government to erect Port Phillip into a separate colony.

Your petitioners, therefore, pray that, in framing the future constitution of Port Phillip, due regard may be had to the claims of your petitioners; and that as the elective franchise has been conferred on leaseholders in England, it may be also granted to similar classes here.

Encl. 2 in No. 5.

Enclosure 2 in No. 5.

TRANSMITTING Memorial from Inhabitants of *Geelong* for Extension of Elective Franchise to Lessees of Crown Lands and Tenant Farmers.

SIR,

Superintendent's Office, Melbourne, February 23, 1849.

I BEG to forward a copy of a communication which I have received from Mr. L. Mackinnon, enclosing printed copy of a petition addressed to the Queen, the British Houses of Parliament, and the Legislative Council of New South Wales, adopted at a public meeting held in *Geelong*, on the 26th of last month, praying for the extension of the elective franchise to the lessees of Crown lands, and the tenant-farmers of the province.

Mr. Mackinnon observes that, as the scattered position of the petitioners will necessarily delay the transmission of the original petitions to a period that may render their arrival in England before the passing of the New Constitution Act impossible, he was anxious thus to bring the matter prematurely before me, in the hope that the subject may receive such notice at the hands of Government as will bring it before the Imperial Government before their petitions can arrive.

In reply, I have pointed out to Mr. Mackinnon the expediency of bringing the subject under his Excellency's notice, and through the Governor, under that of Her Majesty the Queen, and the Houses of Parliament, in the proper form, with as little delay as possible.

I am aware that no steps can be taken by his Excellency in forwarding the views of the writer or the petitioners, until the subject is brought more formally and properly under his notice; but I embrace the opportunity offered me in making this communication, of stating unreservedly my conviction of the expedience and the justice of such an extension of the franchise to certain classes of licensed occupants of Crown lands, if not to all; and also, though of perhaps less importance, to the tenant-farmers.

It may readily be admitted, that even should this extension of the franchise be conceded, such is the disinclination of the majority of individuals in these colonies to bestir themselves, and steadily, upon principle, exercise the power placed in their hands for the common advantage, and the inertness and carelessness with which such advantages, even when secured, are regarded, that the result would scarcely, generally speaking, be what might be desired, or looked for. But it is clear to me, and I think that recent occurrences and proceedings in this district may lead his Excellency to come to the same conclusion,

* See above.

EXTENSION OF THE ELECTIVE FRANCHISE. 103

That should the future constitution of this province be upon the model of that of New South Wales, and the elective franchise confined to the classes who now alone possess it, the Legislative Assembly of the colony will, in all probability, be wholly in the hands, or move at the dictation of, a town clique.

NEW SOUTH WALES.

The Hon. the Colonial Secretary,
Sydney.

I have, &c,
(Signed) C. J. LATROBE.

(Enclosure in foregoing.)

SIR,

Melbourne, February 7, 1849.

I HAVE the honour to enclose a copy of petitions* addressed to the Queen, the British Houses of Parliament, and the Legislative Council of New South Wales, adopted at a public meeting held in Geelong, on the 26th of last month, of which I was chairman, praying for the extension of the elective franchise to the lessees of the Crown lands, and the tenant farmers of the province. The scattered position of the petitioners will, necessarily delay the transmission of the original petitions to a period that may render their arrival in England before the passing of the new constitution impossible. I am, therefore, anxious to bring the matter prematurely before your Honour, in the hope that the subject may receive such notice at the hands of the Government as will bring it before the Imperial Government before our petitions can arrive.

* Page 102.

To his Honour, J. C. Latrobe, Esq.

I have, &c.,
(Signed) L. MACKINNON.

Enclosure 3 in No. 5.

Encl. 3 in No. 5.

The SUPERINTENDENT of PORT PHILLIP to the COLONIAL SECRETARY, enclosing Petition for transmission to Her Majesty, praying Extension of Elective Franchise.

SIR,

Superintendent's Office, Melbourne, April 17, 1849.

REFERRING to my letter to you of the 23rd February, No. 49/135, enclosing copy of a communication addressed to me by Mr. Mackinnon, enclosing a printed copy of a petition which it was proposed to address to Her Majesty the Queen, the British Houses of Parliament, and the Legislative Council, in accordance with the resolution passed at a meeting held in Geelong on the 26th January, praying for the extension of the elective franchise to the lessees of Crown lands and the tenant farmers of the province, it is now my duty to transmit the petition to Her Majesty alluded to, which has just been placed in my hands, and to request that you will take an early opportunity of laying it before his Excellency with a view to its transmission home.

In the letter above cited, I take occasion to state the view which I personally took of the prayer of the petition, and I do not consider it necessary for me to do more at this time than bear witness to the respectability and standing of many of the gentlemen who have appended their names to the document now forwarded.

I have, &c.,
(Signed) C. J. LATROBE.

(No. 139.)

No. 6.

No. 6.

COPY of a DESPATCH from Governor Sir C. A. FITZROY to Earl GREY.

Government House, Sydney, June 29, 1849.

(Received December 3, 1849.)

MY LORD,

I HAVE the honour to transmit a letter addressed to your Lordship by several gentlemen occupying Crown lands beyond the settled districts of the colony, who, under Her Majesty's Order in Council of the 9th March, 1847, will be entitled to leases under the Crown, expressing their gratitude to your Lordship for the satisfactory settlement of the squatting question, and praying that the elective franchise may be extended to them. Your Lordship will observe that this letter is dated 2nd January last, but it has only just been delivered to me.

Copy.
January 2, 1849.

2. In my Despatch, No. 90,* of the 12th ultimo, transmitting the copy of a Despatch from the Superintendent of Port Phillip, covering a petition to Her Majesty from the lessees of Crown lands in the Port Phillip district, containing a similar application, I took occasion to refer your Lordship to my predecessor's Despatch, No. 13,† of the 18th January, 1846. In that Despatch, Sir George Gipps states, that it would be in conformity with the opinion he expressed in a former Despatch,‡ "to give the franchise to squatters holding leases for seven years, and paying a rent of not less than 30% a year;" but the

* Page 101.

† Page 95.

No. 249.
Nov. 29, 1844.

‡ Page 68.

NEW SOUTH
WALES.

position of the squatters is so much altered since the passing of the Imperial Act, 9 and 10 Vict., that I cannot but think that the franchise may now be safely extended to all occupiers of Crown lands in the intermediate and unsettled districts at present under license for 10% or upwards, who will, under the provisions of the Order in Council of the 9th March, 1847, be entitled to claim leases for periods not exceeding 8 and 14 years; while I cannot doubt, that such a boon granted to a, generally speaking, well educated and influential class of the community, would tend to strengthen the hands of the Government in the Legislative Council.

3. Should your Lordship be disposed to give favourable consideration to the application now transmitted, I have to request authority for endeavouring to obtain such alterations in the local Act for the regulation of elections, 6 Vict., No. 16, as may be necessary.

I have, &c.,

The Right Hon. Earl Grey,
&c. &c. &c.

(Signed) C. A. FITZROY.

Encl. in No. 6.

Enclosure in No. 6.

MY LORD,

Armadale, New England, January 2, 1849.

THE late Act of Parliament respecting the waste lands beyond the limits of location in Australia, and the Orders in Council founded thereon, having only come into full operation on the last day of the year, we take the earliest opportunity of addressing a few lines to your Lordship on the subject.

We cannot, in the first place, refrain from sincerely thanking your Lordship for the part you have taken in having satisfactorily settled this long-discussed question, and having conferred so great a benefit on ourselves and the colony in general.

We are satisfied your Lordship would derive very great pleasure could you see the advantages which have already accrued from fixity of tenure in the superior buildings which have since been erected, and in the great general improvement in society beyond the limits of location; and this, notwithstanding the unprecedented depression of the times, which you must be well aware of, but which is wholly beyond the control of any government.

We have the greater confidence in the maintenance by your Lordship and the Imperial Legislature of the Waste Lands Acts passed within the last few years, and we are satisfied any material infringement on the main principle contained in them would cause nothing but confusion and difficulties.

We do not for one moment pretend that all the waste lands are worth 1*l.* an acre; all that we maintain is, that it is by far the best policy in the Government not to dispose of the fee simple of the land until it may reach such a price.

We are satisfied that no one can afford to give any price that the Government could be justified in taking for the fee simple of the land, for the purpose of grazing only, and we are sure that if the price were materially reduced, the land would inevitably fall into the hands of public companies and speculators, to the great detriment of society at present, and material ultimate loss to the Government, as at some future period, from increase of population and other causes, the waste lands, or at all events a portion of them, may be disposed of at a substantial price. In the meantime, we are sure that the Government is making the best possible use of the waste lands by letting them on leases periodically renewable, according to the principle contained in the Order in Council.

We cannot conclude without calling your Lordship's attention to the fact that the lessees of the Crown beyond the limits of location, are at present wholly unrepresented in the Legislative Council.

It is obvious from our pursuits, and the great distance from any place at which the Council may meet, the duties of being in the Legislature would be personally more onerous than agreeable. We feel, however, most strongly, that as it would be our duty to exercise the elective franchise, if we already possessed it, upon the same grounds, being, as we think, entitled to it, we are bound to ask for it.

Should we obtain the elective franchise, we think we can safely assure your Lordship that there will be no members of Council more loyal or more likely to support the Government in all good measures, than the representatives of the lessees of the Crown.

We originally intended to have sent an address to the Queen on the above important subjects, but under our peculiar circumstances, from the great distances intervening between one another, and other causes, we adopted the less difficult plan of offering our sincere thanks to Her Majesty through the medium of your Lordship.

We have, &c.

[Here follow the signatures.]

NEW SOUTH WALES.

Despatches from the Secretary of State.

NEW SOUTH
WALES.

(No. 82.)

No. 1.

No. 1.

COPY of a DESPATCH from Earl GREY to Governor Sir GEORGE GIPPS.

SIR,

Downing-street, August 16, 1845.

I HAVE received your Despatch, dated November 29, 1844, No. 249, enclosing copy of an address which had been presented to you by the Legislative Council of New South Wales, requesting you to transmit to me a resolution passed by the Council on the 8th of October last, to the effect that it is the opinion of the Council that the elective franchise ought to be extended to all leaseholders occupying land of not less than 20*l.* of annual value, and holding leases of five years or upwards, on condition of actual residence thereon, for a period of at least six months previously to the last registration of electors in the district.

Your own view of the question appears to be, that if beneficial occupation of leasehold land be dispensed with (as you think it might be, on account of the difficulty which must always exist in proving that the occupation is beneficial), the amount of the rent ought at least to be 30*l.* instead of 20*l.*

Her Majesty's Government are necessarily desirous to avoid frequent changes in the constitution of the electoral body in New South Wales, and would not concur in any such changes, unless well assured that the results of it had been fully weighed, and that they were likely to prove beneficial. In the present case, we have no such assurance, because we have no statement, nor even any conjectural estimate of the probable effect, either of the alteration proposed by the Legislative Council or of that which is recommended by yourself. Without some means of judging what numerical addition would be made to the constituent bodies by the extension of the franchise to leaseholders of either 20*l.* or 30*l.* annual value, and without some information as to the classes of society on which the privilege would in fact be conferred, as to the effect of their admission on the authority exercised by the classes to which the franchise is at present confined, and as to the tendency of any such change to sustain or to enervate the powers of the Executive Government, any judgment which could be formed at this distance from the scene, must unavoidably be destitute of any real value. I can, therefore, answer your Despatch only by stating, that whenever such information shall have been transmitted to me, and the means of forming a correct view of the question shall be in the possession of Her Majesty's Government, we will submit to the Queen such advice as we may then be able to offer for Her Majesty's guidance, on a subject so deeply affecting the permanent interest of so important a part of Her Majesty's dominion.

I have, &c.

Governor Sir G. Gipps,
&c. &c.

(Signed)

STANLEY.

No. 2.

(No. 113.)

No. 2.

COPY of a DESPATCH from Earl GREY to Governor Sir C. A. FITZROY.

SIR,

Downing-street, July 12, 1849.

I HAVE received your Despatch (No. 38*) of the 27th February last, transmitting a Memorial addressed to the Queen by certain inhabitants of New South Wales, praying that Her Majesty would be graciously pleased to advise such a reduction of the elective qualification as would give a full and fair share of representation in the Legislature of the colony to the colonists at large.

2. In reply, I have to request that you will acquaint the memorialists that I have laid their memorial before the Queen, who was pleased to receive it very graciously. I have, however, to observe, that I consider the question as to whether any change ought to be made in the existing qualification to be one which may most properly be decided by the local Legislature, and that the Bill which is now before Parliament for altering and amending the Constitution of the Australian colonies, will, if passed into a law, give to that Legislature the power of effecting any such alteration which may be considered desirable.

I have, &c.

Governor Sir C. A. FitzRoy,
&c. &c.

(Signed)

GREY.

* Page 100.

EXTENSION OF THE ELECTIVE FRANCHISE.

107

(No. 184.)

No. 3.

NEW SOUTH
WALES.
No. 3.

COPY of a DESPATCH from Earl GREY to Governor Sir C. A. FITZROY.

SIR,

Downing-street, November 27, 1849.

I HAVE received and laid before the Queen your Despatch of the 12th of May last (No. 90),* forwarding, with two Despatches addressed by Mr. Latrobe to yourself on the subject, a petition addressed to Her Majesty, which had been adopted at a public meeting of lessees of Crown lands, held at Geelong, in the district of Port Phillip, praying for the extension of the elective franchise to the lessees of Crown lands and the tenant farmers of the province. * Page 101.

You will acquaint the parties who signed this Memorial, that Her Majesty was pleased to receive the same very graciously, and you will at the same time assure them that all questions connected with the subject to which it relates will be carefully considered in the approaching Session of Parliament, when the Bill for regulating the future Constitution of the Australian colonies shall again be brought under the notice of the Legislature.

For the views at present entertained by Her Majesty's Government on this subject, I must refer you to my Circular Despatch of the 24th* of May last, transmitting for your information the Report of the Committee of Her Majesty's Privy Council on the provisions of the proposed Bill.

* Page 33 of Papers relative to alteration in the Constitution of the Australian Colonies, presented by command, May, 1849.

Governor Sir C. A. FitzRoy,
&c. &c.

I have, &c.,
(Signed) GREY.

LONDON:

**Printed by WILLIAM CLOWES and SONS, Stamford Street,
For Her Majesty's Stationery Office.**

FURTHER PAPERS

RELATIVE TO

THE PROPOSED ALTERATION

IN

THE CONSTITUTION

OF THE

AUSTRALIAN COLONIES.

Presented to both Houses of Parliament by Command of Her Majesty,

23RD APRIL, 1850.

LONDON:

PRINTED BY WILLIAM CLOWES AND SONS, STAMFORD STREET,
FOR HER MAJESTY'S STATIONERY OFFICE.

1850.

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VAN DIEMEN'S LAND.

VAN DIEMEN'S
LAND.

(No. 14.)

No. 1.

No. 1.

COPY of a DESPATCH from Lieut.-Governor Sir W. DENISON to Earl GREY.

Van Diemen's Land, Government House, Jan. 11, 1850.

(Received April 17, 1850.)

MY LORD,

IN my Despatch, No. 138,* dated 25th September, 1849, on the subject of the new constitution which it is proposed to confer upon the Australian colonies, I alluded briefly to the difficulties which would be encountered in any attempt to decide, with reference to the Australian colonies considered as one federal whole, the important questions to which the consideration of the subject of the land revenue will give rise.

2. I pointed out to your Lordship the striking difference which exists between this colony and those on the mainland in many most important particulars; and I now propose to go more into detail upon this subject, to lay before your Lordship such facts as may afford substantial grounds for the formation of an opinion as to the actual value of land in this colony, and as to the mode in which the sale or transfer of it should be regulated.

3. It is hardly necessary that I should inform your Lordship that ever since my arrival my attention has been directed to this most important subject, and that I have taken every opportunity in my power to collect such information from unsuspected sources as might be properly submitted to Her Majesty's Government as elements for the formation of a system adapted to this colony. I should not, however, have written yet upon the subject, had I not been fearful that some general scheme might be brought into operation as part of the new constitution of these colonies, which might very much compromise the interests of Van Diemen's Land; but as the Bill for the new constitution will in all probability be brought forward in the course of the next session, I have no alternative but to lay before your Lordship such facts as are at present in my possession, and the opinions which I have formed upon the several branches into which the subject is divided.

4. In so doing I shall have to allude to a Report† of a Committee of the Legislative Council of New South Wales, upon the subject of the Crown lands, which sat during the last session of the Council, and which has, of course, been brought under your Lordship's notice.

5. The Committee has divided its Report into four parts. In the first, the question of the sale of land is discussed; in the second, that of the temporary occupation of land; in the third, that of the present appropriation of the Land Fund; and in the fourth, the claim of the Council to the management of the Crown lands, and the appropriation of the Land Fund. As the subject will be brought clearly under your Lordship's notice by the adoption of this division, and as I shall thus be enabled to refer to the particular statements or opinions of the Committee upon each head, I shall follow the course which they have marked out.

* Page 47 of Papers on the Australian Colonies Government Bill: presented to both Houses of Parliament by Command, 1st March, 1850.

† This Report has not been received from New South Wales.

VAN DIEMEN'S
LAND.1st.—*As to the Sale of Land.*

The Committee of the New South Wales Legislative Council, in considering this subject, has confined its attention to one single portion of it, namely, the minimum price at present established of 20s. an acre. The Report says, "it cannot be too often impressed upon the Home authorities, that to apply to these pastoral colonies theories and arguments derived from the practice of agricultural colonies, is to confound two things essentially distinct."

Without attempting to give an opinion as to the proper minimum price of land in New South Wales, I need only observe that if by the expression, "these pastoral colonies," it is intended that the arguments brought forward by the Committee in favour of a reduction in the minimum value of land from 20s. to 5s. per acre should apply to Van Diemen's Land, I wholly dissent from such an application of the term. It is true that at present a large proportion of the land granted or purchased by the settlers is devoted to pastoral purposes; but both the soil and climate of the colony are such as to render it more than probable, that in proportion as the population of the Australian group is increased, the amount of land requisite to provide corn for their maintenance will be brought under cultivation here, in preference to the colonies of the mainland.

6. At present, with a population of only one-third of that of New South Wales and Port Phillip, the quantity of land under cultivation exceeds that of both these colonies united. Van Diemen's Land cannot, therefore, be classed as one of the pastoral colonies; and the minimum price of waste land applicable to it must be determined upon different grounds from those which are laid down by the Committee.

7. I will now lay before your Lordship the data upon which it may be possible to form an opinion as to what this minimum price should be. Had any amount of waste land been sold of late years, there would of course have been sufficient proof that the minimum price of 1*l.* now established was not excessive; but this has not been the case, and an inference has been drawn from a cessation of the demand for waste land, that the minimum price is higher than the profits of capital invested in agricultural operations would justify. In point of fact, however, several causes have contributed to the cessation of this demand. The extravagant speculations which characterized the years 1839 and 1840, during which the prices of agricultural produce and stock ranged far beyond their legitimate value, have been the cause of the ruin of many of the settlers, and more of the granted and purchased lands of the colony have in consequence been thrown into the market than has been sufficient to supply the demand for the investment of capital.

8. The facility with which the settlers have been able to procure land from the Government upon pasturage licenses, under which upwards of one-and-a-half millions of acres are now occupied, has of course rendered unnecessary the purchase of an equivalent amount of land.

9. The absence of a sufficient demand for the timber which must be cleared from the land before it can be made available for agricultural purposes, the cheapness of the licenses which are issued to persons cutting timber upon Crown land, may be quoted as causes operating in some measure to diminish the demand for the purchase of such land. I cannot, therefore, admit that the cessation of the demand is a sufficient proof that the price is too high.

How then can an opinion be formed as to the fair value to be placed upon the waste lands of the Crown in this colony?

The only mode which occurs to me is by ascertaining the actual prices which have been paid of late years for land belonging to private parties which has been sold by auction in different parts of the colony.

10. I forward herewith to your Lordship such a return as I have been able to procure of the sales that have taken place; the fact which I conceive to be fully established by the price given for Kimberley's estate, and also by offers which have been made and refused for another property of the same character is, that the value of the best pasture land in the colony, when fenced and prepared for sheep, may be put at from 30s. to 40s. an acre; that under average circumstances the return from such land will be at the rate of 8 per cent. upon the amount invested in the purchase. It is true that this land is peculiarly fitted for pastoral purposes. It is very lightly timbered, and the herbage upon it is of the best quality; the amount of the outlay upon fences and clearing cannot at the utmost be put at more than 5s. an acre; and therefore it may be safely assumed that the best pasture land in a state of nature (supposing any of this quality to remain in the hands of the Crown), is worth at present from 25s. to 35s. an acre.

Encl. 1, page 8.

11. It is more difficult to put a value upon the land which could be bought for agricultural purposes; the estates which have been sold of late years may be said to have averaged 4*l.* per acre, but it is very difficult to say how much of this has been paid for the land, and how much for the buildings and improvements upon it: the actual cost of clearing land and preparing it for cultivation varies, at the present price of labour, from about 2*l.* 10*s.* an acre to 10*l.*; the value, however, of the land, when cleared, is to a certain extent in proportion to the cost of clearing. Land which is very heavily timbered is, generally speaking, of the best quality, and produces, to my knowledge, in some parts of the country, with the simplest possible cultivation by the hoe, from 10 to 12 tons of potatoes for two or three years in succession. Cropped, therefore, in this manner, the produce of the first year would be fully sufficient to pay not only the original cost price of the land, but also the whole cost of clearing and fencing.

12. There, however, is another element of value to which little or no attention until lately has been paid in these colonies, but which, by proper management, might be made to cover a large proportion, if not the whole, of the cost of clearing the land. I mean the crop which nature has provided—the timber which exists upon the land.

The timber trade of this colony is extending most rapidly: the demand in the adjacent colonies and in California is sufficient to carry off the whole of the materials which we have the means of preparing, and in many instances persons who have purchased land begin to look to the timber upon it as a means of repaying the cost of clearing and bringing it into cultivation. The land is grubbed at a cost of about 3*l.* or 4*l.* per acre, the timber is then let to men who saw it up and sell it, and the amount received by the owner is more than sufficient to pay the cost of grubbing and burning the refuse. This plan, however, can only be adopted where water carriage is close at hand. Upon the banks of the Huon, in the different bays upon the west shore of D'Entrecasteaux's Channel there is a large amount of land where this system might be carried out; and I believe on the north shore of the island there are large tracts of land of the richest description, which might be profitably cleared by the same means. Where, however, there is no market for the timber, there is still an article which is easily produced, and the value of which would fully repay the cost of clearing the land for cultivation. I mean the potash which might be prepared from the ashes of the wood. As I before stated, the cost of grubbing heavily timbered land may be taken at from 10*l.* to 12*l.*, or say even 15*l.* per acre; for this sum the land is perfectly cleared of timber, the whole of which is cut up and burned. If it be intended then to extract the potash from the ashes of this timber, the only addition which it will be necessary to make to this cost will be that which is due to the labour in collecting and washing the ashes, extracting the potash, and packing the latter for sale, together with the interest of the money expended in purchasing the necessary apparatus: a charge of 30*s.* an acre will more than cover the whole of this expenditure for the heavily timbered land; and according to experiments which I have made, the return on such land would amount to at least 10 cwt. of potash.

By the last accounts from England the market value of potash was stated at from 38*l.* to 40*l.* a ton; and if a reduction be made, for freight and charges, of 8*l.* a ton, the value on the spot of 10 cwt. of potash would amount to 15*l.*

13. I enclose herewith copies of two papers which I caused to be laid before the Royal Society of Van Diemen's Land on this subject, and I propose to carry on some experiments upon a large scale, in order to arrive at more positive data as to the actual amount per acre which can be calculated upon.

Encl. 2, p. 9.

14. Under any circumstances, therefore, it may be fairly assumed that an industrious man purchasing land, and clearing it, need not be subjected to an expense of more than 30*s.* an acre, in addition to the price of his land, before he is in a position to raise a crop from it, or, if the cost of fencing be included, of, say 3*l.* an acre.

Encl. 3, p. 13.

15. The question then is, whether the return which he may expect to obtain from such land is sufficient to justify this outlay, in addition to the price of 1*l.* per acre; whether, in point of fact, he can afford to pay a rent of 6*s.* 6*d.* an acre, or two bushels of wheat for the whole of a lot, a portion only of which is under cultivation.

A ready answer can be afforded to this by the fact, that the landed proprietors of the colony have been for the last few years in the habit of letting their land

6 FURTHER PAPERS *relative to the* PROPOSED ALTERATION

VAN DIEMEN'S
LAND.

upon clearing leases, at a rent more than equivalent to this; they have given over to tenants tracts of land varying from 20 to 500 acres, for periods generally of about seven years, exacting a corn rent of from one to two bushels per acre, and throwing upon the tenant the charge of clearing and fencing the land, erecting the necessary buildings, &c.

Encl. 4, p. 13.

16. I forward to your Lordship a return showing the various rates, rents, and sizes of farms, &c. in a district where this system has been extensively carried out.

17. It is evident, therefore, that even at the present low price of produce, of which so many complaints are made, a small farmer cultivating his land with the assistance of his family, can maintain himself and pay a high rent, even without availing himself of all the returns which the land might make; and I think, therefore, that no good reason can be shown why the minimum price of land in this colony should be reduced below 1*l.* an acre. I do not, of course, mean to say that the whole, or even the greater portion of the land, would be worth purchasing now at this rate, but a good deal will be taken up, I have no doubt; and when the best land is all occupied, a reduction might be made, if necessary, in the price of the secondary qualities, though, in all probability, the increased value of property will, in the natural course of things, have added to the value of these lands so as to bring them up to the level of 1*l.* per acre.

18. The Committee of the Legislative Council of New South Wales does not object to the details and policy of the Land Sales Act.

With regard to the survey, one recommendation in their report is, that it should always be kept well ahead of the demand.

As regards the details of the Act in question, they are generally well adapted to their objects, and there is only one point with regard to which I should be anxious to see an alteration made.

According to the present system a deposit is paid at once when the lot is knocked down to the bidder, and the whole price of the land must be paid within a short time after the sale.

It would tend very much to increase the sale of land and to induce men of small capital, say a few hundred pounds, to emigrate to this colony, and to invest their capital in land, were it made optional to them either to pay the whole of the purchase money at once as at present, or to pay it, with 5 per cent. interest, at any number of annual instalments not exceeding ten.

19. According to the present system, a person wishing to settle upon a lot of land of sufficient size to support himself and his family, say, for instance, 200 acres, is obliged to pay down at once the full price of the lot, namely, at least 200*l.*, and by so doing deprives himself, in all probability, of the capital necessary to enable him to clear and cultivate the land, to fence it, and erect the necessary buildings. He is thus obliged to borrow the money at a heavy rate of interest, and to mortgage his land as security, and thus, in too many instances, commences his career under circumstances which paralyze his exertions. Could he be allowed to pay down one-tenth of the purchase money at once, and at the expiration of twelve months another tenth, together with interest at the rate of 5 per cent. upon the outstanding balance of nine-tenths, and so on till the whole of the purchase money, with the interest thereon, were paid, he would have the means at his disposal of clearing his land and fixing himself upon it, while the returns from it would enable him to pay annually with greater facility his debt to the Government. With this sole exception, I think the present arrangements for the sale of the land require no alteration. It is, of course, essential that the survey should be kept well in advance of the demand, and for this purpose a radical change must be made in the organization of the survey department of the colony.

I have alluded to this subject in former Despatches; and having appointed a Board to inquire and report upon the state of the department, I shall be able to address your Lordship more fully upon this subject when I am in possession of the report.

2nd.—Temporary Occupation of Land.

In my Despatch, No. 126, dated 4th July, 1848, I have laid before your Lordship the details of a system upon which persons are now permitted to occupy Crown land for the purpose of pasturage; and all I need say at present with reference to this system is, that it appears to work well, and that the license fee of 10*l.* per 1,000 acres is by no means too high. Some representations as to the high

rate of license fee exacted here were made by the settlers during the past year, to which I alluded in my Despatch, No. 109, dated 26th July, 1849, but since the rise in the price of wool in the English markets I have not heard a single complaint.

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20. In my Despatch No. 109, above mentioned, I stated to your Lordship that the settlers here had attempted to institute a comparison between the rent of a run in New South Wales and in this colony, and had founded upon the alleged discrepancy between the amount paid to the Government in the two instances, a claim for a reduction of the rent charged in Van Diemen's Land. I then pointed out to your Lordship that the circumstances under which the runs were let in the two colonies were so very different as to render the attempted comparison between the rents paid here and in New South Wales a perfect delusion.

I have since then obtained from various sources, statements of the expenses incurred here and in New South Wales in the keep of sheep. Also a statement of the price asked for a run in a favourable situation near Geelong, copies of which I forward herewith. From the last-mentioned document it would appear that a run of 26,000 acres with a flock of 12,000 sheep was offered at the rate of 9s. a-head, or 5,400*l.*; the actual value of the sheep, without the run, could not be taken at the highest at more than 5s. per head, therefore the price which the previous occupant of the run required for his good-will, as it may be called, was 2,400*l.*; and if the interest of money be taken at 10 per cent., the rent of this run will be to its future occupant 240*l.*, in addition to 30*l.* paid to the Government, and 25*l.* the amount of the rate on the sheep, making a total of 295*l.* for 26,000 acres, or 11*l.* 7s. per 1,000 acres, while the charge in this colony is 10*l.* per 1,000 acres.

[Encl. 5, p. 14.]

21. It is true that the land in this colony may not in many instances be so good as that of the run in question, which appears to require about 2½ acres for each sheep; but taking the average of lands already leased, I do not imagine that more than 2½, or at the utmost 3 acres, are required for the purpose, and in many instances I know that 2 acres are sufficient.

22. The charge for fencing in this colony is fully met by the security conferred, which enables a single man to take charge of 2,000 sheep, for which in New South Wales three men at least would be required.

23. By the other returns, your Lordship will see that the actual cost per 1,000 sheep, including the expense of getting the wool to the shipping port, is stated to be, in New South Wales, 80*l.* 9s., while in this colony it cannot be said to average more than 90*l.* 9s., though the accounts vary very much, of course, in accordance with the views and objects of the persons by whom they are sent in.

24. The third head under which the Committee of the Legislative Council of New South Wales have considered the question is, that of the present appropriation of the Land Fund.

25. Upon this subject, as far as regards this colony, I have already written fully to your Lordship in former Despatches, and I do not think it necessary to allude further to it at present than to state my concurrence in the opinions expressed by the Committee of the impolicy of borrowing money on the security of the Land Fund for the purposes of immigration; and also as to the necessity of obtaining some guarantee on the part of immigrants who have been assisted by the colony, that the money advanced to them from Colonial Funds to defray the cost of their passage out should be repaid, in some manner or other, before they could be allowed to leave the colony.

26. The Committee, under the fourth head of its Report, viz., that of the claim of the Legislative Council to the management of the Crown Lands, and the appropriation of the Land Fund, has passed over very slightly the first part of this head, namely, the claim of the Legislative Council to the management of the Crown Lands. They have limited themselves to pointing out certain inconveniences which result from the restriction now imposed upon the Local Legislature, and they suggest certain advantages which would follow were the restriction removed; but they agree that the power thus given to the Local Legislature should be controlled by instructions issued by Her Majesty to the Governor, and thus virtually allow that the Council has not a claim to the management of the Crown Lands.

27. I have already, in my Despatch No. 138, dated 25th September, 1849, given my opinion as to the unadvisability of transferring to the Federal Assembly the power of regulating matters connected with the disposal of the Crown Lands in these colonies, and I think it would be equally unadvisable to hand over this

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power to the local legislative body, without indeed some very stringent instructions as to the extent to which it should be exercised.

28. In point of fact, the effect would be to hand over to interested persons what may be termed the whole capital of the colony, without any guarantee that it would be dealt with in a manner conducive to the permanent interests of the people. A body elected by the people, and out of the people, would be certain to adopt, to a great extent at least, those views of a particular subject which are most in unison with the immediate interests of their constituents; and the opinion, with regard to the Crown Lands, I feel certain would be, that it would be more to the advantage of the present settlers in the colony, were the upset price reduced, and the rate at which land is now leased brought down to the level of that in New South Wales.

The result, however, of such a reduction in price would be the occupation by a few individuals of immense tracts of country, either by purchase or lease, which lands they would retail to emigrants and others at a high rate of profit.

This is done to a great extent in New South Wales, as regards the leased land, as your Lordship will see by the statements relative to the run near Geelong, alluded to in a previous part of this Despatch. This run, for which the late occupier only paid about 30*l.* per annum to the Government, he transfers to another man for a sum of about 2,400*l.*, equivalent to 240*l.* per annum at the least; and the Government has thus lost, and is losing at the rate of 210*l.* per annum, the whole of which has gone into the pocket of a lucky individual. A sum has therefore been wasted which would, if properly applied, have brought out to the colony more emigrants than would have been sufficient to do all the work upon the run in question.

29. The same system is pursued, but to a much smaller extent, in this colony. I have heard of lands being transferred from the original lessee to another at an increased rent, or for a small premium; but these instances are comparatively few, and on a very small scale, and are now checked by prohibition of transfer.

30. Upon careful consideration of the question, I feel certain that it would be in every way more conducive to the prosperity of the colony, were the power of making rules as to the disposal of the Crown Lands retained in the hands of the Government, while the appropriation of the revenue arising from their sale or occupation should be entrusted to the Local Legislature.

31. I have entered into a variety of details upon several of the points discussed in this Despatch, but I have done so because in point of fact the working of any particular system can only be shown by such details. I trust, therefore, that your Lordship will excuse the length at which I have been obliged to address you on the subject.

I have, &c.,

The Right Hon. Earl Grey,
&c. &c. &c.

(Signed) W. DENISON.

Encl. 1 in No. 1

Enclosure 1 in No. 1.

SALE of LAND.—Taken from "THE LAUNCESTON EXAMINER" Newspaper, December, 1849.
LAUNCESTON DISTRICT.

Lot 1.—157 acres with house, stabling, &c.; sold for 4*l.* 1*s.* 6*d.* per acre.

Lot 2.—190 acres, with dwelling-house, barn, &c., all cultivated; sold for 5*l.* 6*s.* 4*d.* an acre.

Lot 3.—218 acres, all in cultivation, with dwelling-house and farm buildings; let for 100*l.* a-year; sold for 3*l.* 18*s.* 6*d.* per acre.

Lot 4.—344 acres: 70 in cultivation, with dwelling-house and garden; sold for 1*l.* 10*s.* 3*d.* an acre.

Lot 5.—105 acres: 80 under cultivation; cottage, barn, and other outbuildings; sold for 4*l.* 5*s.* 7*d.* an acre.

Lot 6.—43 acres; house and large garden; sold for 13*l.* an acre.

Lot 7.—97 acres; 80 have been cultivated; sold for 4*l.* 6*s.* 8*d.* an acre.

Lot 8.—18 acres; rich alluvial soil; let for 20*l.* an acre; sold for 10*l.* 6*s.* an acre.

Lot 9.—14 acres; weather-boarded cottage; let for 1*l.* an acre; sold for 10*l.* 7*s.* an acre.

Lot 10.—17 acres; sold for 8*l.* 10*s.* an acre.

Lot 11.—17 acres let to a tenant; sold for 8*l.* 16*s.* an acre.

Lot 12.—120 acres; house, barn, stables, and 2 acres of garden; sold for 4*l.* 6*s.* 6*d.* an acre.

From "THE COURIER" Newspaper, September, 1849.

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1,897 acres of pasture land in Oatlands District; sold for 40s. an acre. Kimberley's estate.
2,603 acres of pasture land in the same district; sold for 35s. an acre. Kimberley's estate.
3,174 acres of pasture land in the same district; sold for 34s. an acre. Kimberley's estate.

October, 1849.

140 acres; house, barn, and stables; sold for 9l. 5s. 1d. an acre.
3,400 acres; Richmond District; cottage and other buildings; sold for 17s. 8d. an acre.

November, 1849.

441 acres at New Norfolk, with house and other buildings on it; sold for 2l. 14s. 6d. an acre.
663 acres; Clarence Plains District; house and other buildings on it; sold for 2l. 14s. an acre.
3,420 acres in Hamilton District; pasture land, with house and other buildings; sold for 14s. 6d. an acre.
4,340 acres; same district; pasture land, house, and other buildings; sold for 22s. an acre.

Enclosure 2 in No. 1.

Encl. 2 in No. 1.

ACCOUNT of the ANALYSIS, by Dr. MOTHERWELL, of certain WOODS of TASMANIA, with a view to determine the amount of Potash contained. By his Excellency Sir WILLIAM THOMAS DENISON, F.R.S., &c., &c. [Read 10th January, 1849.]

IN a number of the "Farmers' Magazine," published, I think, in 1846, there appeared an article on the cultivation of the hop. The writer went very carefully into the subject, giving an account of the various analyses he had made of the plant, bine, leaves, and flower, showing, from the elements of which these various portions of the plant were composed, the amount of inorganic matter withdrawn from the ground by every crop. From these analyses it appeared that a large amount of potash was withdrawn annually in the flowers of the hop alone, supposing the leaves and bine to be returned to the ground, as would of course be the case.

It occurred to me that it would be desirable to ascertain the amount of wood ashes which it might be necessary to mix with a compost for hops, in order to restore to the ground the proper quantity of potash; and for this purpose I requested Dr. Motherwell to make some experiments, in order to ascertain the relative amount of potash in some of the woods of the colony. Dr. Motherwell very kindly complied with my request, and after carefully experimenting upon some of the most common woods of the colony, transmitted to me the accompanying paper, containing not only the results, but also the detailed statement of the mode in which the experiments were conducted. By this it would appear that the she-oak and the white gum, particularly the former, are the trees which contain the most potash.

While, however, these experiments are conclusive as far as they go, it would be very desirable that some attempts should be made on a large scale to ascertain the amount of the ordinary potash of commerce which can be extracted from the ashes of the different woods by lixiviation and evaporation in the ordinary manner. The operation is very simple, and the apparatus required may be cheaply and easily procured. The timber is heaped together in large stacks, and burnt; the ashes are then collected, and placed in wooden cisterns, having a plug at the bottom of one of the sides; under a false bottom (a cask would answer the purpose); a moderate quantity of water is then poured on the mass of ashes, and some quick-lime stirred in. After standing a few hours, so as to take up the soluble matter, the clear liquor is drawn off, evaporated to dryness in iron pots, and finally fused at a red heat into compact masses, which are grey on the outside, and pink-coloured within.

The best Canadian potashes, which are sent home in casks weighing about five hundred-weight, contain, on an average, 60 per cent of pure potassa, and the price is, I believe, about 1l. 4s. per cwt.

In Dr. Ure's "Dictionary of Arts and Manufactures," from which the above statement of the mode of manufacturing the potash is extracted, I find a table giving the amount of potassa contained in various woods and vegetables, from which it appears that—

1,000 parts of pine, yield	.	.	0.45 of potassa.
" poplar	.	.	0.75 "
" beechwood	.	.	1.45 "
" oak	.	.	1.53 "
" boxwood	.	.	2.26 "
" willow	.	.	2.85 "
" elm and maple	.	.	3.90 "
" wheat straw	.	.	3.90 "
" oak bark	.	.	4.20 "
" thistles	.	.	5.00 "
" small rushes	.	.	5.08 "
" barley straw	.	.	5.80 "
" dry beech bark	.	.	6.00 "
" fern	.	.	6.26 "
" large rush	.	.	7.22 "

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From the experiments made by Dr. Motherwell, it would appear that the woods of this country, especially that of the she-oak and the white gum, yield a very large quantity of potash, as compared with the elm and the maple, the most productive woods of the American forests. These latter produce 3.9 parts of pure potassa to 1,000 parts of wood; whereas the she-oak and white gum produce five parts of potassa to 1,000 parts of wood. If, then, it can answer in America, where labour is much dearer than it is here, to prepare potash from the ashes of timber containing a much smaller amount of that substance than the woods of this colony, it is reasonable to suppose that the manufacture might be attempted here with success. Should it be found to pay only a portion of the cost of clearing the dead wood from the pastures of the colony, a very great advantage would be gained, for it is not too much to say, that in some places one-third of the land is rendered valueless for pastura by the amount of dead wood scattered over it, throwing out of consideration the chance of casual injury to sheep, loss of wool, &c. The simplicity of the operation is one great point in its favour. Did it require a large outlay of capital, or any peculiar skill or dexterity in the manipulation, it might perhaps admit of a doubt whether the probable returns would be such as to justify the undertaking; but all that is required in the way of apparatus is an iron pot or boiler, a cask or two, with a false bottom, and cock to draw off the lixivium, and a few casks to pack the potash in when produced. The outlay, then, will be trifling; and if the return is not large in amount, yet if it prove sufficient to pay the cost of labour expended, the contingent benefit to the land will yield an ample profit to the owner or occupier.

In cases where the land, if cleared of trees, would be available for the purpose of agriculture, the value of the potash produced might be sufficient to make the expense of clearing and grubbing the land, so as to prepare it to receive a crop, a wise outlay, which, without such a return would be but a piece of extravagance. It is true that the removal of the potash, which would otherwise be restored to the soil in the ashes of the timber burnt upon it, may lessen its fertility; but not to an extent likely to prove injurious to good land. I have directed some experiments to be made on a large scale at the convict stations, and shall notify the results of these to the Society; and I may, at the same time state, that I shall be always glad to receive any suggestions, and to carry out any experiments, the object of which may be the development of the resources of the colony.

ANALYSIS of Seven Varieties of Wood, by DR. MOTHERWELL, with his Remarks, &c.
June 26th, 1847.

No.	Different Species of Wood.	Quantity. Parts.	Loss: by drying. Per Cent.	Produce of Ashes. Per Cent.	Point of Saturation.	Nitrate produced. Per Cent.
1	Casuarina quadrivalvis, (she-oak).	100	25	3	½ fluid oz. to 1½ ashes.	¼
2	Acacia affinis, (black wattle).	100	30	2	½ per oz.	½
3	„ mollissima, (silver wattle).	100	30	2	„ „	½
4	Eucalyptus resinifera (white gum tree).	100	30	3	„ „	½
5	„ piperita, (red gum tree).	100	25	2	„ „	not completed
6	„ robusta, (stringy bark tree).	100	20	1½	„ „	not completed
7	Banksia integrifolia, (honeysuckle).	100	25	1	„ „	not completed

N.B.—The half of the above nitrates will be the net potash, viz.—

1	½	¼ per cent.
2	½	„ „
3	½	„ „
4	½	„ „

Remarks.—The nitric acid used for saturation is of the specific gravity of 1.360, (equal to 64 per cent. of dry acid, according to Ure's table); consequently, ¼ of an ounce is equal to 3 drachms, which takes up very nearly the same quantity of potassa (say 3 drachms), making together 6 drachms. of nitrate of potash for every 100 ounces of wood, consumed where the saturating power has been equal, as in 2, 3, 4, 5, 6, 7; but in No. 1 the alkali is in larger proportion, 1½ ounces having required ¼ fluid ounce of nitric acid to saturate, or 6 drachms of dry acid, making the produce 12 drachms nitrate potash.

	lb.	oz.	oz.	drachms	
No. 1. She-oak reduced to ashes	12	8	or 200	produce 30 nitrate, or ¼ per cent.	
No. 2. Black wattle	12	8	„ 200	„ 24 „ „ ½ „	
No. 3. Silver wattle	12	8	„ 200	„ 24 „ „ ½ „	
No. 4. White gum tree	12	8	„ 200	„ 26 „ „ ½ 2.16	
No. 5. Red gum	12	8	„ 200	} Alkali not tried.	
No. 6. Honeysuckle	6	4	„ 100		
No. 7. Stringy bark	12	8	„ 200		

Nos. 1 and 4 contain the most alkali.

Manipulation.—1. Cut the wood in small pieces to facilitate the drying; weigh a decimal portion, and dry by a slow but regular heat; when perfectly dry, re-weigh and mark down the loss by the evaporation of the fluids; make up the loss, so as to have 100 parts net; if 6 lbs. 4 ozs. is weighed, it is equal to 100 ounces, or 100 parts.

2. Proceed to destructive distillation by charring; then reduce the carbon to ashes in a free current of atmospheric air to supply the requisite oxygen; take out the residuum, and when cold, pass it through a fine hair-sieve to separate any heterogeneous matter, or pieces of carbon.

not reduced to ashes, which put back into your calcining or charring vessel, and continue the process until the whole is reduced to ashes; add this to the first quantity, and weigh very carefully to ascertain the quantity of ashes.

3. Proceed to lixiviation by adding boiling water to the ashes in the proportion of 4 parts water to 1 of ashes, which will take up all the soluble salts.

4. Saturate with strong nitric acid as long as any effervescence takes place, or until the test-paper (litmus) turns slightly to red; ascertain the quantity of acid required for saturation which is generally $\frac{1}{2}$ of a fluid ounce to 1 ounce of ashes; then proceed to filtration through common canvas, washing with plenty of boiling water to carry off the whole of the alkaline salts; take the insoluble matter from the filtering cloth, dry it, and ascertain the deposition in weight, which will enable you to form an approximate idea of the quantity of alkaline salts or soluble matter contained in the ashes.

5. Having carefully collected all the washings or lixivium together, proceed to evaporation by a slow but regular heat, till the whole of the water is expelled and the nitrates are quite dry; weigh this salt carefully: every 100 parts contain net 48 parts of alkali, which can be proved by proceeding to combustion, when the nitric acid will fly off, and leave the pure potash.

The she-oak and white gum trees contain the most potash, the proportions being nearly $\frac{1}{2}$ lb. to every 100 lbs. of wood consumed, or 10 lbs. per ton.

ON the MANUFACTURE of POTASH from TASMANIAN WOODS. By His Excellency
SIR WILLIAM THOMAS DENISON. [Read 15th November, 1849.]

In a former communication to the Royal Society, I gave an account of some experiments which I had requested Dr. Motherwell to make upon the different timber-trees of the colony, for the purpose of ascertaining the amount of potash contained in them. The results were, as the members of the Society are aware, sufficiently promising to induce me to institute experiments upon a larger scale, for the purpose of ascertaining whether by the ordinary process, such as is employed in America, a sufficient quantity of merchantable potash might not be obtained from the timber of this colony to repay to the owners and occupiers of land a large portion, if not the whole, of the cost of clearing the land.

My late lamented friend, Captain Stanley, had the charge of those experiments; and, had he been spared, I should now have been able to have laid before the Society such positive and definite results, as would have enabled every individual to have formed his own judgment of the profit to be derived from the ash which the timber the natural produce of the land yields compared with the cost of the labour and apparatus necessary to reduce it to a marketable form. These, however, it is not in my power to give in detail: all that I am able to say is, that the results were so far satisfactory as to indicate the existence of potash, to a greater or less extent, in every species of timber upon which experiments were made, the amount being in a rough way equivalent to one-tenth of the weight of the ash produced; so that if one tree would produce 20 lbs. of ashes to a ton of wood, and another only 10 lbs., the former would give 2 lbs. of potash to the ton, the latter only 1 lb. The experiments were tried with the wood only of the tree; the results, therefore, were less favourable than they would have been had the smaller branches and leaves of the trees been burned together with the wood and bark.

The following sketch of the best mode of proceeding may perhaps be of service to those who are inclined to make the experiment, with the view of reducing the cost of clearing ground, and preparing it for cultivation. The timber should be piled in large heaps, and burned in still weather if possible; the ashes, when the heaps are consumed, ought to be sifted; the larger parts, or charcoal, should be returned to the fire, and burned to ashes. These, as soon as the sifting is completed, must be stowed away under cover, until it is desirable to commence the lixiviation.

For this a certain number of casks must be prepared, by having a false bottom placed at a few inches above the real bottom. The false bottom may either be formed of a plank perforated with holes, or an open framework: in either case it must be covered, either with a double thickness of blanket, or five or six inches of clean straw. A cock should be inserted below the false bottom in each cask. These casks will be ranged alongside of each other, and a gutter placed under the cocks, so that the liquor, after having been filtered in these casks, may pass off to a reservoir, from which it will either be pumped or ladled into the boilers for evaporation, or returned to the same, or a fresh set of casks, to be more strongly impregnated with the soluble salts of the ashes. The casks being thus arranged, a quantity of ashes is placed in each, and an equivalent bulk of water is poured in, the quantity of ash being so regulated as to nearly fill the cask when the water has been poured upon it. The water is allowed to remain undisturbed for about 24 hours, when the cocks are opened, and the whole is discharged into the reservoir. Another charge of water is then poured upon the ash; and this, after being allowed to remain in contact with the ash for about three or four hours, is drawn off into the same reservoir. In some instances, it may be as well to commence at once to evaporate these two solutions, in order to clear the reservoir for the reception of the liquor of two more washings of the same ash; but in others it may be as well to have a second reservoir for the water of the two last washings, which will never be rich enough in potash to make it worth while to evaporate it. After having been thus washed with four times its bulk of water, the ash, though still containing some potash, may be emptied out of the cask, and thrown away, and a second charge introduced. If the first lixiviation should prove weak, it

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may be used instead of water for the first washing of the second quantity of ash; but generally speaking, it will be as well to evaporate the product of the two first washings of the first quantity of ash, and to use the third and fourth washings instead of water for the first and second washings of the second charge of ashes. The process will then go on regularly; the two last washings of each charge being used as the two first of the succeeding charge, and the two first washings of each being removed to the boilers for the purpose of being evaporated.

The arrangements for evaporation are simple enough. A couple of iron pots, or a greater number in proportion to the quantity of ashes to be reduced, will be all the apparatus required. The solution before described will be pumped or ladled into these pots; and a fire being kept up, the water will gradually pass away in steam. It would be as well to keep filling the boiler with fresh solution as fast as the water was evaporated, so that the contents would become more and more concentrated; and at last, when the boiler was nearly full of matter of the consistence of honey, no more of the solution should be added; but the fire might be forced, until the whole of the water being drawn off, the potash itself would enter into fusion, which it would do at a low red heat. During this latter part of the process care must be taken to keep stirring the potash with an iron rod; and when the whole has entered into fusion, the fire may be withdrawn from under the boiler, and the mass allowed to cool; the stirring being still continued in order to granulate the potash, and to secure the escape of all carbonaceous matter, which might injure the marketable quality of the potash by darkening the colour. With reference, too, to this same risk, I may state that the solution should, after being withdrawn from the casks into the reservoir, be allowed to settle for 24 hours at least, in order to deposit any sediment or colouring matter which it may contain; and care should be taken in withdrawing the solution from the reservoir for the purpose of evaporating it, that the sediment should not be disturbed. In some cases, where the solution appears to be very dark-coloured, it may be as well, after evaporating the water till the solution is almost ready to enter into crystallization, to withdraw it from the boiler into some flat troughs or pans, and then allow it to crystallize. If these crystals be then dissolved in a quantity of water, only just sufficient for the purpose, and the solution be allowed to remain undisturbed for 24 hours, it is probable that a large portion of the extraneous matter will be separated and deposited; the liquor being then drawn off with a syphon, and evaporated, the product will be a clean well-coloured potash.

When the potash has been fused as before directed, and gradually cooled down, it will be removed from the boiler and packed in casks, well hooped and secured; and it is then fit for exportation.

I will now give a few details, which may serve as elements upon which some idea may be formed of the amount of the return from any given quantity of timber, or any given area of ground. From the experiments made by Captain Stanley, it appeared that the amount of ash from the wood and bark alone varied, according to the description of timber, from 10 to 25 lbs. per ton. In this case the timber was burnt in a reverberatory furnace, with a strong draught, and it is possible that a portion of the ash was carried up the chimney. In some experiments made at one of the convict stations, the proportion of ash was much larger in the same description of wood; but in this case there is reason to think that some extraneous matter may have been included in and weighed with the ash. The proportion of 1 lb. of potash to 10 lbs. of ash is that given in the best works which treat on the subject; and it is corroborated to a certain extent by the experiments made here. What then, in the first place, may be assumed to be the quantity of timber, including branches and leaves, in a heavily wooded district of this colony? Upon a rough computation, I should say from 600 to 1000 tons. If, then, the quantity of ash be taken on an average at 10 lbs. per ton of wood, the weight of ash will be from 6000 to 10,000 lbs., and the quantity of potash from 600 to 1000 lbs. per acre. The value of the potash in the English market is now from 38*l.* to 40*l.* per ton,—deducting 8*l.* for freight and charges, value of casks, &c. The value of the potash on the ground would be 30*s.* per cwt., or 26*s.* 9*d.* per 100 lbs., and the return per acre would amount to from 8*l.* to 16*l.*,—an ample return for the cost of manufacture, when it is considered that land which would otherwise be altogether unavailable will at the same time be laid open, and made ready for the plough. I am in hopes that I may be able to give at some future period some more positive statements than the above: but these are sufficiently valuable to warrant their adoption.

Enclosure 3 in No. 1.

WESTBURY DISTRICT.—SMALL FARMS UNDERLET to TENANTS by Large LANDED PROPRIETORS, 1850.

TENANTS.	Number of Acres.	Number Cleared.	Number Cleared.	Number Fenced.	Number not fenced.	AMOUNT OF RENTAL.	REMARKS.
R., Inner Plains	100	60	40	100	..	1 bushel wheat per acre	All bush when taken; no building on it at that time; nothing allowed for fencing.
G., "	350	120	230	350	..	Same	Same.
R., "	200	60	150	200	..	Same	Same.
N., Hagley	500	250	250	500	..	1½ bushel wheat per acre	Buildings, and 200 acres cleared when taken.
H., "	500	250	250	500	..	600 bushels per annum	Huts, and part cleared when taken.
R., "	500	250	250	500	..	800 bushels per annum	Huts and barn, and part cleared when taken.
S., Marsh Paddocks	200	..	200	..	200	1½ bushels first year, 2 second year, 3 remainder of 7 years from 1849.	One hut, no allowance for fencing or clearing.
M., "	200	..	200	..	200	3 bushels per acre, 7 years from 1849	No buildings, nothing allowed.
H., "	80	60	20	80	..	Same	Huts, &c., on this farm.
K., Quamby	200	150	50	200	..	2½ bushels per acre, 10 years from 1847	No huts when taken, very little cleared.
K., "	320	200	120	320	..	3 bushels per acre, 10 years from 1849	Three barns on this and hut; one year's rent allowed for uncleared land.
T., "	375	..	375	..	375	Same	No buildings or fences; one year's rent allowed.
M., "	500	100	400	500	..	2½ bushels per acre, 10 years from 1847	Same.
W., Adelphi	100	95	5	100	..	10s. an acre, 14 years from 1847	Hut, barn; great part cleared when taken.
W., "	95	95	..	95	..	10s. per acre per annum	No lease; hut, barn, &c., on this.
W., "	56	56	..	56	..	10s. per acre, 14 years from 1849	Very little cleared when taken, no buildings.
M., "	110	110	..	110	..	10s. per acre, 14 years from 1847	Hut on this, and part cleared when taken.
P., "	100	100	..	100	..	Same	Same.
B., "	60	50	10	50	10	10s. an acre, 7 years from 1847	Same.
W., "	60	60	..	60	..	10s. an acre, 7 years from 1846	No buildings on this, nothing allowed.
S., "	180	125	55	180	..	10s. an acre, 7 years from 1846	No buildings on this, nothing allowed, none cleared.
T., "	300	150	150	300	..	8s. an acre, 10 years from 1842	Same.
S., "	260	248	12	260	..	2½ bushels per acre, 9 years from 1843	Most cleared, with huts when taken.
M., "	260	210	50	260	..	10s. an acre, or 3 bushels wheat, 8 years from 1844	No buildings, none cleared, nothing allowed.
B., "	260	260	..	260	..	9s. an acre, 10 years from 1849	All cleared, with buildings thereon.
S., "	300	300	..	300	..	12s. 6d. an acre, 8 years from 1844	100 acres cleared, with buildings thereon.
G., "	183	183	..	183	..	10s. an acre, 10 years from 1842	Nothing cleared or fenced, no buildings.
B., "	183	183	..	183	..	12s. 6d. an acre, 3 years from 1849	All cleared, with buildings.
C., "	60	..	..	..	..	Rent free, first 3 years	Same.
L., "	60	..	..	..	..	Same	Same.
M., "	50	50	..	50	..	10s. an acre	Only partially fenced when taken.

Enclosure 4 in No. 1.

EXPENSE OF MANAGING a STATION of 20,000 SHEEP.

PORT PHILLIP.				VAN DIEMEN'S LAND.			
Item 1.—Wages.	£.	s.	d.	Item 1.	£.	s.	d.
20 shepherds and hut-keepers, at 21l. each	420	0	0	10 shepherds, at 16l.	160	0	0
2 bullock-drivers	50	0	0	1 principal shepherd	50	0	0
Overseer	45	0	0	5 hut-keepers, at 12l.	60	0	0
Married couple on home stations	30	0	0				
4 men for lambing	88	0	0				270 0 0
			633 0 0				
Item 2.—Rations.				Item 2.			
Rations for 30 men, at 9l.	270	0	0	Rations for 16 men, at 12l.	192	0	0
Ditto for men collecting for shearing	10	0	0	Extra rations for washers, &c.	40	0	0
Ditto for washers	20	0	0				
Ditto for extra shepherds, wool-pressers, cooks, hut-keepers, and men in shed	10	10	0				232 0 0
			310 0 0				
Item 3.—Stores and Miscellaneous.				Item 3.			
Cartage of stores	30	0	0	Cartage of stores and wool	67	10	0
Ditto of wool	55	0	0	200 wool-bags	55	0	0
170 wool-bags, at 5s. 3d. each	45	0	0	Packing, 2s. 6d. a bale	25	0	0
Twine, needles, paint	1	0	0	Annual repairs to fencing, &c.	130	0	0
Huts and hurdles	40	0	0	Contingent expenses, including travelling	100	0	0
Nails	10	0	0	Rams, say	30	0	0
Wear and tear of drays, carts, bullocks, and gear	50	0	0				
Repairs to buildings and fences	15	0	0				
Contingent expenses	50	0	0				
Rams	30	0	0				407 10 0
			326 0 0				

Expense of Managing a Station of 20,000 Sheep—*continued.*

PORT PHILLIP.		VAN DIEMEN'S LAND.	
<i>Item 4.—Shearing Expenses.</i>		<i>Item 4.</i>	
Wages of men collecting for shearing	10 0 0	Shearing, at 10s. per 100 . . .	100 0 0
Expenses of hiring and bringing men from town, including rations	20 0 0	Dressing and washing	200 0 0
Shearing, 12s. per 100	120 0 0		
Washing	60 0 0		
Extra men	30 0 0		
	240 0 0		300 0 0
<i>Item 5.</i>		<i>Item 5.</i>	
Assessment and license	100 0 0	Rent of 60,000 acres, at 10l. per 1,000 acres	600 0 0
	100 0 0		600 0 0
Total	1,609 0 0	Total	1,809 10 0

Or, per 1,000 sheep, 80l. 9s.

In this no charge is made for dressing the sheep, neither is any thing said as to the price paid for the goodwill of the run, which, in one instance is shown to have amounted to 4s. per sheep, or 4,000l., equivalent to 400l. per annum, or 20l. per 1,000 sheep, making the total cost 100l. per 1,000 sheep, which is the amount stated by other persons in New South Wales.

Or, per 1,000 sheep, 90l. 9s. 6d.

This is the highest estimate of the expenses of an establishment in Van Diemen's Land; in others the cost of a small establishment of 2,150 sheep and lambs, including rent of land, is as follows:—

	£.	s.	d.
Wages	24	0	0
Rations	24	0	0
Shearing	9	0	0
Cartage of wool	8	0	0
Fencing, say	20	0	0
Rent	50	0	0
	<u>£ 135</u>	<u>0</u>	<u>0</u>

Or 67l. per 1,000; but there are several items omitted in this, such as wool-bales, packing, rams, dressing, &c., which, if included, would run the amount up to 80l. or thereabouts. The cost of 10,000 sheep is stated as below:—

	£.	s.	d.
Shepherd's wages	48	0	0
Rations	36	0	0
Washing and shearing	70	0	0
Cartage of wool, &c.	30	0	0
Rent of land	250	0	0
Fencing	80	0	0
	10) 514	0	0
	<u>£ 51</u>	<u>8</u>	<u>0</u>

But to to this must also be added extra labour to hut-keepers, cost of wool-bales and packing, rams, and dressing, amounting on an average to 200l. or 20l. per 1,000, making the total 71l. 8s. per 1,000 sheep.

Encl. 5 in No. 1.

Enclosure 5 in No. 1.

PORT PHILLIP.—COST of a STATION near GEELONG.

EXTENT of station 26,000 acres, calculated to carry 12,000 sheep. The station, with the sheep upon it, offered at 9s. per head, or 5,400l., the value of sheep, on an average, certainly not more than 5s. at the utmost; therefore, the value of the run is put at 2,400l., in addition to the rent of say 30l. per annum, and the rate on sheep of $\frac{1}{4}$ d. per head, or 25l. per annum. Taking the interest of money at 10 per cent., the annual cost of this run would be $240l. \times 30l. + 25l. = 295l.$

NEW SOUTH WALES.

NEW SOUTH WALES.

(No. 274.)

No. 2.

No. 2.

COPY of a DESPATCH from Governor Sir C. A. FITZROY to Earl GREY.

Government House, Sydney, December 26, 1849.

(Received April 23, 1850.)

MY LORD,

I HAVE the honour to transmit to your Lordship a letter from certain licensed occupants of Crown lands beyond the settled districts, in which, adverting to the boon of leases of their runs which has been accorded to them by Her Majesty, they submit the necessity of having extended to the holders of such leases the privilege of the elective franchise, and of returning to the colonial legislature a fair proportion of members, in order that their interests may be duly represented.

August 23, 1849.

Appended to Minute of Executive Council.

2. I also enclose a copy of a Minute of my Executive Council, with whom I have consulted on the subject of this application. And as I concur in the opinion expressed by the Council of the justice of the claim advanced by the licensed occupiers of Crown lands to have their interests duly represented in the Colonial Legislature, I beg to submit for the favourable consideration of your Lordship that their desire should be acceded to, by the assigning to them four elective members, which would involve an addition of six members to the Legislative Council.

23 October, 1849.

3. Your Lordship will observe that the Council further suggest that the law should be so amended, in accordance with the principle of the British Act 1 and 2 Vict., c. 48, s. 2, as to render a personal property qualification admissible in this colony both as respects electors and members of the Legislative Council; and that following the rates fixed by sections 5 and 8 of the present Constitutional Act 5 and 6 Vict., c. 76, personal property within the electoral district of the clear value of 200*l.* sterling money, at the least, above all charges and incumbrances in any way affecting the same, should be made a legal qualification for electors; and personal property of the clear value of 2,000*l.* above all charges, &c., a legal qualification for members. These alterations being likewise, in my opinion, desirable, I beg to recommend them for your Lordship's consideration.

I have, &c.

The Right Hon. Earl Grey,
&c. &c. &c.

(Signed) C. A. FITZROY.

Enclosure 1 in No. 2.

Encl. 1 in No. 2.

PROCEEDINGS of the Executive Council relative to an Application from certain Licensed Occupants of Crown lands beyond the Settled Districts for the extension to them of the privilege of the Elective Franchise:

Extract from Minute No. 49/53, dated October 23, 1849.

Members present:

His Excellency the Governor.

The Hon. the Commander of the Forces.

The Hon. the Colonial Secretary.

The Hon. the Attorney-General

The Hon. the Colonial Treasurer.

His Excellency the Governor lays before the Council a letter signed by a number of licensed occupants of Crown lands beyond the settled districts in which, adverting to the boon of leases of their respective runs which has been accorded to them by Her Majesty, they submit the necessity of having extended to them and others, as holders of such leases, the privilege of the elective franchise, and of returning to the colonial legislature a fair proportion of members, in order that their interests may be duly represented; and they request that the Governor will give this application such a favourable recommendation to Her Majesty's Principal Secretary of State for the Colonies as his Excellency may deem fit.

2. Admitting the justice of the claim preferred in the letter before them, the Council express their opinion that the representation of the holders of land beyond the settled districts in this portion of the colony would, in the first instance, be sufficiently provided for by assigning to them four elective members, which would involve an addition of six members to the Legislative

16 FURTHER PAPERS *relative to the* PROPOSED ALTERATION

NEW SOUTH WALES.

200*l.*

2,000*l.*

Council. And in order to render this measure more completely beneficial to the interests in question, the Council suggest that the law should be so amended, in accordance with the principle of the British Act 1 and 2 Vict., c. 48, s. 2, as to render a personal property qualification admissible in this Colony, both as respects electors and members. Following the rates fixed by sections 5 and 8 of the present Constitutional Act, 5 and 6 Vict., c. 76, the Council propose that personal property within the electoral district of the clear value of 200*l.* sterling money, at the least, above all charges and incumbrances in any way affecting the same, should be made a legal qualification for electors; and that personal property of the clear value of 2,000*l.* above all charges, &c. should be made a legal qualification for members.

FRANCIS L. S. MEREWETHER,
Clerk of the Council.

Encl. 2 in No. 2.

Enclosure 2 in No. 2.

LICENSED OCCUPANTS of CROWN LANDS to His Excellency Sir C. A. FITZROY.

SIR,

Sydney, August 28, 1849.

Her Majesty's Government having been graciously pleased to accord to us, with the other proprietors of stock beyond the boundaries of location, the boon of leases of their respective runs, we deem this a proper opportunity of bringing under the notice of your Excellency the necessity which, we humbly submit, exists of having extended to them, and to us as holders of such leases, the privilege of the elective franchise, and of returning to the Colonial Legislature a due proportion of members, in order that our several interests may be duly represented.

The reasonableness of our application will, we apprehend, be so evident to your Excellency, that we do not think it necessary to add one word in support of it, beyond a simple remark, viz., That in the present House of Legislature in this colony, there is not one elected member to whom we can look up as representing our interests, an anomaly which we imagine to be quite unparalleled in the mother-country, or in any of its dependencies.

The period for which the Assessment Act was passed will expire in 1852; this impost, we submit, is virtually a tax. Upon the renewal of this Act, the Colonial Legislature may double or quadruple its amount without our having one voice as an elected member to rise up in our defence.

We do not think it necessary to enter into any details as to the manner in which the measure we now solicit may be efficiently and effectually carried out. Your Excellency is well aware of our position in this colony; and we have such confidence in the justness of the views entertained by your Excellency and the Executive Government, of what is due to us as a body, possessing such an amount of valuable and important unrepresented property, that we content ourselves with an humble request that your Excellency may be pleased to give this our application such a favourable recommendation to Her Majesty's Principal Secretary of State for the Colonies, as your Excellency may deem fit.

We think it proper to state, as a reason for the paucity of signatures, that at this season of the year the proprietors of stock beyond the boundaries of location, are, from the approaching lambing and shearing seasons, principally upon the stations far removed from Sydney; and we beg leave to state, most confidently, that did time permit to send this document to the different districts, signatures representing such an enormous amount of property could be easily procured, as would convince at once Her Majesty's Government of the fairness and reasonableness of our application.

We have, &c.

(Signed)

	Sheep.	Cattle.	Horses.
W. Dumaresq, J. P., Tilbuster, New England	10,000	2,000	..
Eliz. Sophia Dumaresq, Suamarez, New England, by her Attorney, W. Dumaresq	15,000	2,000	..
George Gammie, J. P., Darling Downs (Proprietor of)	33,000	..	..
George F. Leslie, J. P.	22,000	3,000	250
John Taylor (per A. S. Leathes), Sydney	23,000	5,000	50
Hugh Mackay, Burnett River	11,000	450	30
Alfred Denison, J. P., Burnett River	20,000	2,500	..
Francis Taafe, Murrumbidgee River	29,000	1,000	19
T. H. Hood, J. P., Boree, Wellington	10,000	200	..
A. C. Hood, J. P., Boree, Wellington	7,000	..	..
John Dobie, Clarence River District	13,000	2,600	240
R. Campbell, Moreton Bay District	25,000	5,000	..
William Dawes, J. P., Manager of the Royal Bank of Australia	125,000	10,000	500
Alexander Campbell, for self, and G. Burgess, and A. W. Young, New England and Clarence River	20,000	300	30
James C. Crawford, for Craford and Hodgson, Darling Downs	12,000	1,000	12
Ralph T. Gore, Darling Downs	16,000	..	..
A. Wauchope, J. P., New England	15,000	300	20
G. R. Griffiths } Burnett River, and Wellington Districts	20,000	..	..
John Griffiths }			

	Sheep.	Cattle.	Horses.
M. M. Marsh, J. P., New England and Darling Downs	60,000	1,500	200
Fra. Ebsworth, Clarence River.	6,000	..	..
C. W. Marsh, J. P., by his Attorney and brother M. H. Marsh	4,000	300	80
George H. Barney, J. P., New England	5,000	1,000	10
John Reeve, Gipps Land	24,000	2,000	20
William K. Ogilvie, J. P., Gwydir	..	5,000	150
Edward Ogilvie, J. P., Clarence River	20,000	2,000	60
W. C. Bundock, J. P., Richmond River	..	2,000	100
A. F. Bundock, J. P., Richmond River	10,000	..	..
James Donniethorne	12,000	..	..
John King, Darling Downs	4,000	..	..
John F. Leslie Foster, Port Phillip	23,000	..	..
H. Stuart Russell	..	3,200	18
J. W. Gosling, Burnett River, Moreton Bay, Wellington, and Gipps Land	10,000	..	..
Barton and Darvall, Boree	12,000	700	60
Lewis and Saul Samuel, Wellington	16,000	2,000	125
E. B. Boulton	17,000	..	50
T. B. Boulton			
G. B. Boulton			
Oswald Bloxsome, Rangers Valley, New England, Frocester, Clarence River	24,000	600	20
William Macpherson, for self (FitzRoy Downs) and A. Macpherson (Moronoa District)	9,000	800	13
William Macquarie Molle, by his Attorney, William Macpherson, Clarence River	..	703	6
Frederick Vigne, New England	10,000	50	10
Gilchrist and Alexander, Attorneys, per J. B. Reed	12,000	100	10
Lawson and Alexander	8,000	100	10
John Gilchrist, Joint Attorney for the Heirs of the late John M'Leay, New England	18,000	..	..
William Allison, Liverpool Plains	14,000	1,000	14
John Thacker, Arthur Daniell, Wellington District	11,000	..	..
William Verner, M. P., by his Attorney, John Thacker, Wellington District	9,000	..	..
James Mathews, M. P., by his Attorney, John Thacker, Maneroo	10,000	..	..
James Mathews, M. P., by his Attorney, John Thacker, Murrumbidgee	9,000	..	..
Henry Mort, by his Agent, Thomas S. Mort	8,000	..	20
Mort and Laidley, by their Agent, Thomas S. Mort	15,000	800	10
D. M. Sinclair, by his Agent, Thomas S. Mort	10,000	..	..
In trust for Mrs. Lairdley's family, Thomas S. Mort	6,000	..	..
H. Bowerman, by his Agent, Thomas S. Mort	10,000	..	..
C. W. Hughes, by his Agent, Thomas S. Mort	10,000	500	..
William Morgan, by his Agent, Thomas S. Mort	..	1,500	..
P. D. Hay, by his Agent, Thomas S. Mort	5,000	..	..
Thomas Barker, Murrumbidgee	14,000	..	..
George Macleay, Thomas Barker, Executors for the Estates of the late Alexander M'Leay, Esq., at Murrumbidgee and at Camden	30,000	1,500	120
Clark Irving	..	7,000	40
Check and Broadhurst, Liverpool Plains	18,000	2,000	10
Gilbert Elliott, New England	14,000	200	60
Henry Osborne, J. P., Murimbechi District	34,000	1,320	70
Ward Stephens, Richmond River	..	4,000	40
Thomas Small, sen., Clarence River	7,000	2,900	100
James Devlin, Lachlan	..	2,500	50
Hope and Ramsay, by their Agent, J. R. Young, Darling Downs	20,000	..	..
W. Russell, Bowen Plains and Namoi River	..	3,000	200
J. Edward Ebsworth, Nowendock, New England	8,000	..	4
J. Edward Ebsworth, Commissioner for the Australian Agricultural Company, Barnard River, New England	..	800	4
J. Edward Ebsworth, J. P., New England and Liverpool Plains	3,000	..	..
John A. Dallas, Murrumbidgee River	8,500	2,700	60
James Manning, J. P., Yass District	18,000	400	35
Wise and Marsh, by their Agent, G. Manning	15,000	100	20
A. W. Manning, J. P., by his Attorney, G. Manning, Clarence River	..	2,000	15
W. M. Manning, by his Attorney, G. Manning, Lachlan	12,000	500	10
J. Blaxland, Liverpool Plains and New England	17,000	..	..
John and Thomas Mylne, Clarence River	..	2,000	20
Charles James Walker, Clarence River	..	1,800	90
Lachlan Macalister, Gipps Land	..	2,000	25
William L. Smith, Murrumbidgee	20,000	5,000	..
John Scott, Lower Darling	10,000	200	..
	8,000	..	..

18 FURTHER PAPERS *relative to the* PROPOSED ALTERATION

NEW SOUTH WALES.

	Sheep.	Cattle.	Horses.
St. John T. Gore, Darling Downs . . . . .	..	8,000	..
Tom Ray, as Agent for Brisco Ray, South Branch, Clarence River . . . . .	..	700	50
T. Y. Armitage, and Co. Barroba, Liverpool Plains . . . . .	..	1,400	30
J. T. Armitage and Co., Ullumbarella, Bligh District . . . . .	..	1,000	..
Thomas Ryan, Waterview and Talaumbi, Clarence River . . . . .	..	..	..
A. P. Onslow, H. E. I. C. S., by his Attorney, George Macleay, Murrumbidgee	5,000	500	..
W. John M'Leay, by his Agent, George Macleay, Murrumbidgee	6,000	400	..
John Peter, by his Agent, George Macleay, Murrumbidgee	30,000	1,000	30
Alexander F. Mollison, Port Phillip	15,000	600	..
S. K. Salting, Lachlan District	22,000	..	..
James M'Evoy, Tumat, Lachlan . . . . .	..	2,000	..
John Brown, New England . . . . .	..	1,500	..
Thomas Kite, Bathurst	17,000	5,000	600
William Lee, Bathurst . . . . .	..	1,500	250
W. Lawson, Prospect, Bligh	21,000	3,000	..
Moses Joseph, Bulgarrie	7,450	..	250
William Bradley, J. P., Manaroo	85,000	4,500	40
	1,261,950	127,120	4,160

The quantity of stock beyond the boundaries of location in the Middle District, by official returns laid before the Legislative Council, June 12, 1849, was—

Sheep 6,530,542
 Cattle 1,366,164
 Horses 97,400

These documents contain 103 signatures of proprietors of stock beyond the boundaries of location, representing,

1,261,950 of sheep.
 127,120 of cattle.
 4,160 of horse.

(Signed) JOHN DOBIE.

SOUTH AUSTRALIA.

SOUTH
AUSTRALIA.

(No. 172.)

No. 3.

No. 3.

COPY of a DESPATCH from Lieut.-Governor Sir H. E. F. YOUNG to Earl GREY.

Adelaide, December 22, 1849.

(Received April 23, 1850.)

MY LORD,

I HAVE the honour of forwarding to your Lordship copies of the resolutions passed yesterday at a public meeting very numerous and respectably attended, and held in Adelaide, on the subject of the new Constitution or form of Government expected from the Imperial Parliament. Your Lordship and Her Majesty's other Ministers are thanked for the Bill introduced into Parliament, because it meets the wants and wishes of the inhabitants of South Australia. The Federal Union of the colonies of Australia is deprecated. The resolution of the Legislative Council recommending the creation of a second Chamber composed of nominees of the Crown serving for life, is declared to be repugnant to the views of the community; and the qualification of members of the proposed Representative Council in Sydney is declared inappropriate to South Australia, whose local Legislature should define the qualifications of its own members.

I have, &c.,

The Right Hon. Earl Grey,
&c. &c.

(Signed)

H. E. F. YOUNG.

Enclosure in No. 3.

Encl. in No. 3.

THE PROPOSED CONSTITUTION.—PUBLIC MEETING.

At a public meeting of the colonists, held at the Exchange, King William-street, Adelaide—Charles B. Newenham, Esq., sheriff, in the chair, the following resolutions were unanimously agreed to:—

Proposed by J. H. Fisher, Esq., and seconded by G. S. Kingston, Esq.—

1st. That the Bill laid before Parliament, entitled "A Bill for the better government of Her Majesty's Australian Colonies," so far as it relates to the colony of South Australia, meets the wishes and wants of the colonists in most of its most essential provisions; and by recommending the concession of a Representative Government with such extensive powers, deserves to be regarded as a wise, liberal, and comprehensive measure; and that the thanks of the colonists are due to the Right Hon. Earl Grey, Secretary for the Colonies, and to Mr. Hawes, Lord John Russell, and Mr. Labouchere, the members of the House of Commons who prepared and brought in the Bill.

Proposed by Samuel Davenport, Esq., and seconded by George Elder, Esq.—

2nd. That the formation of a General Assembly of the Australasian colonies, however desirable on the majority of matters proposed to be left to the decision of such Assembly, is in principle as in form a Federal Union; is, in a British sense, unconstitutional, as morally opposed to the social institution of the colony, and endangering our colonial independence.

Proposed by G. A. Anstey, Esq., and seconded by A. H. Davis, Esq.—

3rd. That the resolutions recently passed by the Legislative Council, recommending a second chamber, do not represent the opinion nor convey the sentiment of the colonists, particularly as the proposed Act confers all needful powers for amending the constitution, and adapting it to future exigencies; and that any provision which should enforce upon the colonists a system of life nominees in such a Chamber, this meeting deprecates as an intolerable evil, which might neutralize all the good to be anticipated from the proposed measure.

Proposed by F. S. Dutton, Esq., and seconded by G. M. Waterhouse, Esq.—

4th. The colonists being prepared as heretofore to bear the whole expenses of their civil government, consider that they have a constitutional right to regulate, by means of their representatives in Council, the mode of raising and of appropriating the colonial

SOUTH
AUSTRALIA.

revenue, free from all direction and control by Her Majesty's Treasury, or by the Commissioners of Customs; and they further consider that the Local Government should have the power of appointing all officers of government, and that the salaries should be fixed by the Colonial Legislature.

Proposed by J. B. Montefiore, Esq., and seconded by Wm. Peacock, Esq.—

5th. That this meeting considers the provisions in the Sydney Act, fixing the qualifications of members of the proposed Representative Council, and of the electors, inapplicable to the circumstances of the colony; and that power should be therefore given to the Local Legislature to qualify such provisions as they may see fit.

Proposed by Wm. Blyth, Esq., and seconded by Samuel Stocks, Esq.—

6th. That a copy of the resolutions passed at this meeting, and signed by the chairman, be forwarded to Earl Grey; and that the following gentlemen be appointed a committee, with power to add to their number, to prepare petitions to both Houses of Parliament embodying these resolutions, requesting his Excellency the Lieutenant-Governor to forward the same with the least possible delay.

(Signed)	J. H. FISHER,	R. D. HANSON,
	E. STEPHENS,	GEO. ELDER,
	A. H. DAVIS,	G. A. ANSTRY,
	JOHN BROWN,	S. STOCKS, junior.
	G. S. KINGSTON,	JOHN BAKER.
	S. DAVENPORT,	

A vote of thanks to the chairman was carried by acclamation.

(Signed) C. B. NEWENHAM, *Chairman.*

FURTHER PAPERS

RELATIVE TO THE

ALTERATIONS IN THE CONSTITUTIONS

OF THE

AUSTRALIAN COLONIES.

Presented to both Houses of Parliament by Command of Her Majesty,

4th FEBRUARY 1851.

LONDON:

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FOR HER MAJESTY'S STATIONERY OFFICE.

1851.

SCHEDULE.

NEW SOUTH WALES.

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NEW SOUTH WALES.

Despatches from Governor Sir C. A. FitzRoy.

NEW SOUTH
WALES.
No. 1.

(No. 221.)

No. 1.

Copy of a DESPATCH from Governor Sir C. A. FITZROY to Earl GREY.

Government House, Sydney, 31st October, 1849.

(Received 22nd May 1850.)

(Answered 6th June 1850, No. 67, page 30.)

MY LORD,

October 10, 1849.

I HAVE the honour to transmit the copy of a Despatch addressed to the Colonial Secretary of this Government by the Superintendent of Port Phillip, forwarding—

October 9, 1849.

(1st.) The copy of a letter addressed to him by the Mayor of Melbourne, enclosing a copy of a resolution passed by the City Council, censuring Mr. La Trobe for having expressed a doubt of the fitness of the Port Phillip district, when erected into a separate colony, for a Representative Legislature, and also, expressing the astonishment and regret of that Council at finding that I had considered it my duty to support Mr. La Trobe's opinion on that subject.

September 26, 1849.

(2ndly.) The copy of a letter from the Chairman of the "Geelong Incorporation Committee," enclosing copy of a resolution adopted by that body, repudiating the proceedings of the Town Council of Melbourne.

2. As both these documents relate to opinions expressed by Mr. La Trobe and myself in the strict exercise of our duty towards your Lordship and Her Majesty's Government, and as Mr. La Trobe has fully explained their contents, I have the honour to forward them without any further remark.

I have, &c.,

The Right Hon. Earl Grey,
&c. &c. &c.

(Signed)

CHAS. FITZROY.

Encl. 1 in No. 1.

Enclosure 1 in No. 1.

The SUPERINTENDENT of PORT PHILLIP to the COLONIAL SECRETARY, enclosing Copies of Letters from the Mayor of Melbourne, and the Chairman of the Geelong Incorporation Committee.

Superintendent's Office, Melbourne,
10th October 1849.

SIR,

It is my duty to request you to lay before his Excellency the Governor the enclosed documents:—

October 9, 1849.

1. Copy of a letter addressed to me by the Mayor of Melbourne on the 9th instant, enclosing copy of a resolution adopted by the City Council at their meeting held on the 20th ultimo, as it would appear, in consequence of the publication, by order of the House of Commons, of a letter addressed by the Superintendent of Port Phillip to the Colonial Secretary on the 10th* August 1848.

His Excellency will perceive that the City Council of Melbourne in its assumed character of the only representative institution existing in the province, and with reference to the opinion expressed by the Superintendent in the letter above cited, "consider it a duty they owe to the citizens of Melbourne, and the general body of the colonists, emphatically to deny the existence of any unfitness on the part of the inhabitants of this city and province for the full enjoyment of all the rights and privileges of free-born British subjects," and "express their extreme astonishment and regret that any attempt should have been made by the chief officer of the Government to prevent the colony of Victoria from obtaining a representative legislature, and such an extent of civil liberty as had previously been provided to the colonists by Her Majesty's Government."

His Excellency will remark that the Council request that I will "accompany this resolution with the expression of its grateful thanks to Earl Grey and Her Majesty's Government for the liberal concessions contained in the form of government proposed in the Report of Her Majesty's Privy Council."

* See paper presented to both Houses of Parliament—Australian Constitutions, 1849.

2. Copy of a letter from the Chairman of the "Geelong Incorporation Committee" of the 26th September, enclosing copy of a resolution adopted by them expressive of surprise, with reference to the documents above adverted to, "that the City Council of Melbourne should declare themselves to be the only representative body in the province," and "should assume it to be their duty to record their resolutions or acts as the public opinion of the body of the colonists on any matter affecting the general political interests of the province of Victoria," and further "vindicating themselves and the community they represent from all participation in and approval of the proceedings of the Melbourne Council;" and at the same time that they "record their deep feelings of gratitude to our gracious Sovereign and her enlightened advisers for the boon intended to be conferred upon the colony, honoured as it is by bearing the Sovereign's name, in the liberal constitution submitted to the approval of the Imperial Senate for its future government.

NEW SOUTH WALES.
September 26, 1849.

I do not think that his Excellency or the Right Honourable the Secretary of State will consider it necessary for me to offer any remark upon the contents of these respective documents.

The Hon. the Colonial Secretary, Sydney,
&c. &c. &c.

I have, &c.,
(Signed) C. J. LA TROBE.

Enclosure 2 in No. 1.

Encl. 2 in No. 1.

SIR,

Town Clerk's Office, Melbourne,
9th October 1849.

I HAVE the honour to request that your Honour will transmit to the Right Honourable the Secretary of State for the Colonies the enclosed copy of a resolution which was unanimously passed by the City Council at their meeting on the 20th ultimo, and that you will accompany the same with the expression of the grateful thanks of the Council to Earl Grey and Her Majesty's Government for the liberal concessions contained in the form of Government, proposed in the Report of Her Majesty's Privy Council.

His Honour the Superintendent,
&c. &c. &c.

I have, &c.,
(Signed) W. M. BELL, Mayor.

Sub-Enclosure to Enclosure 2 in No. 1.

Sub-Enclosure to
Encl. 2 in No. 1.

COPY of a RESOLUTION which was unanimously adopted by the City Council of Melbourne at their Meeting, held on the 20th September 1849.

THAT it having come to the knowledge of this Council from the publication, by order of the House of Commons, of the Report of the Committee of Her Majesty's Privy Council for Trade and Plantations, on the subject of the proposed separation of Port Phillip from New South Wales, that his Honour the Superintendent of Port Phillip, on the 10th August 1848, addressed the Colonial Secretary in the following terms:—

"No doubt the erection of the (Port Phillip) district into a distinct colony will at once remedy much that is anomalous in the present state of things, but one fact, if not clear before, seems to be demonstrated beyond dispute of the past proceedings in the district; that any form of constitution which may be proposed for the future colony, for some years to come at least, which takes the government out of the hands of a Governor Executive and Nominee Council, and substitutes for the latter a representative body, will be ill suited to its real state and position, and will render the administration of its Government as a distinct colony, upon whomsoever it may devolve, a task of exceedingly great difficulty and responsibility."

This Council, as the only representative institution existing in the province, deem it in these circumstances to be a duty they owe to the citizens of Melbourne, and to the general body of the colonists to place on record their emphatic denial of the existence of any unfitness on the part of the inhabitants of this city and province for the full enjoyment of all the rights and privileges of free-born British subjects, and they cannot refrain from the expression of their extreme astonishment and regret that any attempt should have been made by the chief officer of the Government to prevent the colony of Victoria from obtaining a representative legislature, and such an extent of civil liberty as had previously been promised to the colonists by Her Majesty's Government.

(Signed) JOHN C. KING, Town Clerk.

Enclosure 3 in No. 1.

Encl. 3 in No. 1.

SIR,

Kardimnia, 26th September 1849.

I HAVE the honour to enclose a resolution adopted at a meeting of the Geelong Incorporation Committee, of which I am chairman. At the same time I take the oppor-

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NEW SOUTH WALES.

tunity of expressing my own cordial concurrence in the terms of the resolution; for I am anxious not only to vindicate myself, but the inhabitants of Geelong, from the degrading stigma of being supposed to join in the malevolent feelings expressed towards your Honour, or the disgusting allusions to his Excellency by some members of the Melbourne Town Council.

I trust I shall always be found exerting whatever influence I may possess in the community in endeavouring to promote "peace and good will among men."

I have, &c.,

C. J. La Trobe, Esq.,
&c. &c.

(Signed) A. THOMPSON.

Sub-Enclosure to
Encl. 3 in No. 1.

Sub-Enclosure to Enclosure 3 in No. 1.

At a meeting of the Geelong Incorporation Committee held this day, the following resolution was adopted:—

That this Committee, being duly authorized by a public meeting of the inhabitants of Geelong and its suburbs to represent the said meeting, and to act in the name of the said inhabitants in communicating with the Legislative and Executive Government, in all matters affecting the general public interests of Geelong and its inhabitants, until the election of legally-constituted municipal authorities, has with surprise observed that the City Council of Melbourne, in a resolution passed by them, declared themselves to be the only representative body in the province, and assumed it to be their duty to record their resolutions or acts as the public opinion of the body of the colonists, on any matter affecting the general political interests of the province of Victoria,—cognizant as the Melbourne Council must have been of the existence of this Committee as duly authorized in all such matters to watch over the interests, and represent the sentiments of a large body of the colonists, as well as of the fact, that the body of colonists had, on a recent occasion, given a most unequivocal contradiction, and reproof to a similar assumption on the part of the Melbourne Council, in the matter of the late general election of members to represent the district of Port Phillip in the Legislative Council of New South Wales. That while this Committee, in their individual and representative capacities, consider that the very liberal constitution recommended by Her Majesty's Privy Council for this province, and the very high mark of Royal favour conferred on it, in giving to it the name of our beloved Sovereign, left no occasion for the unbecoming self-attestation of character put forth in the resolution of, the Melbourne Council,—this Committee cannot let pass the present occasion of vindicating themselves, and the community they represent, from all participation in, and approval of, the proceedings of the Melbourne Council, without recording their deep feelings of gratitude to our gracious Sovereign and her enlightened advisers for the boon intended to be conferred upon this colony, honoured as it is by bearing their Sovereign's name, in the liberal constitution submitted to the approval of the Imperial Senate for its future government.

That these resolutions be forwarded by the Chairman to his Honour the Superintendent for transmission to the Secretary of State for the Colonies.

(Signed) A. THOMPSON, Chairman.

No. 2.

(No. 8.)

No. 2.

COPY of a DESPATCH from Governor Sir C. A. FITZROY to Earl GREY.

Government House, Sydney, 8th January 1850.

(Received 27th May 1849.)

(Answered 12th June 1850, No. 74, page 30.)

My LORD,

December 20, 1849.

December 18, 1849.

I HAVE the honour to transmit the copy of a Despatch to the Colonial Secretary of this Government, from the Superintendent of the district of Port Phillip, forwarding the copy of a letter addressed to His Honour by the Mayor of Melbourne, with a petition to the Queen from the City Council, praying that Her Majesty will cause such instructions to be issued as will secure the early separation of the district of Port Phillip from New South Wales, and its erection into an independent colony.

I have, &c.

The Right Hon. Earl Grey,
&c. &c. &c.

(Signed) C. A. FITZROY.

Enclosure 1 in No. 2.

NEW SOUTH WALES.

SIR,

Superintendent's Office, Melbourne,
20th December 1849.

Encl. 1 in No. 2.

I HAVE the honour to transmit to you the enclosed copy of a letter from the Mayor of Melbourne, forwarding a petition addressed to Her Majesty adopted by the City Council of Melbourne, praying that such instructions may be issued as will ensure the early fulfilment of Her Majesty's gracious promise as regards the separation of this province from New South Wales, and its erection into a distinct and independent colony.

December 18, 1849.

I trust that his Excellency will be pleased to take advantage of an early opportunity of forwarding the petition for Her Majesty's most gracious consideration,

I have, &c.

(Signed for the Superintendent.)

EDWARD BELL.

The Hon. the Colonial Secretary, Sydney.

&c. &c. &c.

Enclosure 2 in No. 2.

Encl. 2 in No. 2.

Sir,

Town Clerk's Office, Melbourne,
18th December 1849.

I HAVE the honour, by instruction of the Council of this city, to request that your Honour will transmit to its destination by an early opportunity, the enclosed petition from that body to the Queen's most Excellent Majesty, with respect to the delay which has taken place in the promised separation of Port Phillip from New South Wales, and its erection into a distinct and independent colony.

I have, &c.

(Signed) A. J. A. GRVES, Myor.

His Honour the Superintendent of Port Phillip.

&c. &c. &c.

Enclosure 3 in No. 2.

Encl. 3 in No. 2.

PETITION adopted by the CITY COUNCIL of MELBOURNE, 17th December 1849.

To Her Most Gracious Majesty Victoria, by the Grace of God, of the United Kingdom of Great Britain and Ireland, Queen, Defender of the Faith, &c.

The Humble Petition of the Mayor, Aldermen, and Councillors of the City of Melbourne:

SHEWETH:—

THAT your Petitioners would, with becoming humility, remind your Majesty of the very many and urgent appeals which have been addressed to the Throne, by the inhabitants of this Province, of every grade and sect, for its separation from the Middle or New South Wales district of the territory, and the erection of the same into a distinct and independent colony.

That in the month of July, 1847, your Majesty was graciously pleased to recognize the justice of the claims preferred by the people of Port Phillip, and to signify your Royal pleasure that early steps should be taken to emancipate them from the state of civil bondage and spoliation to which their connexion with the district of New South Wales has so long subjected them, by the erection of their fertile and flourishing province into a separate colony, under the distinguished name of Victoria.

That notwithstanding this assurance of a speedy relief to your Majesty's loyal and devoted subjects, in this remote but important dependency of the British crown, and notwithstanding many other, and equally unequivocal promises of the like nature since given, in your Majesty's name, your Petitioners have observed, with extreme mortification and disappointment, that it was not until nearly the termination of the late session of Parliament, that any step was taken to give effect to your Majesty's benign intentions; while the Bill thus tardily introduced, involved so many debatable questions of colonial policy, and was immediately after so unaccountably abandoned by the Premier in the House of Commons, at the very instant of time when the noble Secretary of State for the Colonies was assuring the House of Peers of the fixed determination of the government to press the passing of the measure, that the belief has been induced, on the part of your Petitioners, that your Majesty's advisers had no real intention of affording that prompt redress of the grievous wrongs and injustices so long and bitterly complained of by the people of Port Phillip, which had been graciously vouchsafed by their Sovereign.

That your Petitioners feel they would be acting a part inconsistent with their duty towards their beloved Queen, did they not endeavour to impress your Majesty with a proper sense of the impolicy and exceeding cruelty of which your Majesty's Ministers have been guilty, in thus trifling with the vital interests and affections of as loyal and attached a people as can be found in any portion of the British dominions; for although it would be difficult to conceive any amount of misrule or oppression which could sap your Petitioners' allegiance to your Majesty's Royal person, and the glorious constitution of their fatherland, yet the fact is not to be disguised or disputed, that the rising generation, whose opinions are uninfluenced by that high veneration and esteem for the institutions of the empire which acknowledgedly characterise the older inhabitants, are becoming impressed with the

FURTHER PAPERS *relative to the ALTERATIONS*

NEW SOUTH
WALES.

* belief that amidst the more weighty and urgent concerns incidental to the nation at large, the interests of the Colonies, except in matters of patronage, are for the most part either forgotten or disregarded by the Home authorities.

That in approaching your Majesty, as your Petitioners now do, with a profoundly respectful representation, of their sentiments and feelings, they would humbly yet confidently hope, that the candid terms in which their appeal is couched may be appreciated by your Majesty as the sincere and truthful language of devoted and loyal subjects, whose most anxious wish is, that your Majesty and the illustrious house of which you are the Royal representative, may long continue to reign, not only over the wide dominions of the British crown, but in that still nobler empire, the affections of a contented and happy people.

Your Majesty's Petitioners, therefore, humbly pray their Sovereign to issue such instructions as will insure the early fulfilment of your Majesty's gracious promise as regards the separation of this province from New South Wales, and its erection into a distinct and independent colony; and that this step may be taken irrespective of all debateable questions of constitutional, colonial, or international policy whatsoever.

And your Majesty's Petitioners, as in duty bound, will ever pray, &c. &c.

AUGUSTUS F. A. GREEVES, Mayor.

(L.S.) JOHN C. KING, Town Clerk.

No. 3

(No. 24.)

No. 3.

COPY of a DESPATCH from Governor Sir C. A. FITZROY to Earl GREY.

Government House, Sydney, February 14, 1850.

(Received July 22, 1850.)

(Answered September 9, 1850, No. 128, page 39.)

MY LORD,

January 14, 1850.

I HAVE the honour to forward herewith the copy of a Despatch from the Superintendent of Port Phillip, enclosing a Petition to Her Majesty from the Inhabitants of Geelong and its vicinity, praying that a Bill for the separation of Port Phillip from the Middle District of New South Wales may be prepared and laid before Parliament, and for its erection under the designation of "Victoria" into a distinct Province.

February 5, 1850.

2. I also enclose copy of a further Despatch from Mr. La Trobe, covering two Petitions to Her Majesty, drawn up in consequence of resolutions passed at two public meetings, convened by the Mayor of Melbourne, and held on the 26th November and 6th December last, on the same subject.

I have, &c.,

The Right Hon. Earl Grey,
&c. &c. &c.

(Signed) C. A. FITZROY.

Encl. 1 in No. 3.

Enclosure 1 in No. 3.

Superintendent's Office, Melbourne,
January 14, 1850.

SIR,

Petition enclosed.

IT is my duty to forward for transmission by His Excellency, through the usual channel, the enclosed Petition to Her Majesty from the Inhabitants of Geelong and its vicinity, praying that a Bill for the separation of Port Phillip from the Middle District may be prepared and laid before Parliament, and for its erection, under the designation of "Victoria," into a distinct Province.

I have, &c.,

The Honourable the Colonial Secretary, Sydney,
&c. &c. &c.

(Signed) C. J. LA TROBE.

Enclosure 2 in No. 3.

NEW SOUTH WALES.

PETITION TO THE THRONE.

Encl. 2 in No. 3.

To Her Most Excellent Majesty, Victoria, by the Grace of God Queen of Great Britain and Ireland,

The humble Petition of the Burgesses of Geelong, and Inhabitants of the Municipal District of Grant, in the Province of Port Phillip, assembled in Public Meeting convened by the constituted authorities of the said Burgh and District,

MOST RESPECTFULLY SHEWETH,

THAT we, your Majesty's dutiful and loyal subjects, desire to approach your Throne with renewed assurance of our loyalty and attachment to your Majesty's Person and Government, and the expression of our gratitude for the regard and good intentions towards your Australian subjects manifested in the liberal form of constitution, according with the enlightened spirit of the age, and worthy of the great Nation from which it is our pride to claim descent, which your Majesty, by advice of your Council, was pleased to submit to the consideration of Parliament for the future Government of your Colonies in Australia.

That grateful as we were, in unison with all our fellow-colonists in this Province, and highly satisfied with the enactments and provisions recommended by your faithful ministers, for our future government :—

That depressed and suffering in our interests, and the progress of this fine territory retarded, and obstructed in all its improvements, by the large revenue derived from this province, having been abstracted from its legitimate application to the public improvements of the province, and expended in the District of New South Wales proper, on purposes from which the people from whom it was raised derive no benefit, and in which they have no interest; while this province is left without roads, bridges, or necessary wharves for its increasing commerce,—the improvements of its harbours, the forming and draining of its streets being either totally neglected or unassisted by the public revenue to any amount proportioned to the just claims of the inhabitants—tantalized by the often promised, and long delayed, accomplishment of the erection of the province into an Independent Colony :—it was with the deepest feelings of disappointment and dismay, that your Petitioners heard of the further postponement of the long expected and earnestly desired act of separation, in consequence of its being involved with other matters, demanding more deliberate consideration than could be bestowed upon them, at the late period of the Session at which they were introduced.

Your petitioners, while we deplore the evils that the colony must continue to suffer from the postponement of the act of separation, refrain from trespassing on your Majesty with a recapitulation of those evils in detail, being convinced that your Majesty's ministers, as well as every party in the senate, are fully aware of the expediency and urgent necessity for granting what we pray for,—yet being apprehensive that further delay may arise in consequence of a matter of such urgent importance to the prosperity of this province, and which can create no discussion or difference of opinion if dealt with separately, being combined with other very important matters of less urgency, which are likely to create much lengthened discussion and consequent delay,—we throw ourselves and our interest on the gracious consideration of our beloved Sovereign, and

Humbly pray that your Majesty will be graciously pleased to command your Ministers to prepare and lay before Parliament a Bill for the separation of this province from its dependence on New South Wales, and its erection into a separate colony, under the designation of "Victoria," to be, for the present, governed according to the constitution now in force in New South Wales, with separate executive and legislative authorities, and that the Legislative Council shall consist of eighteen members to be elected by the people, and nine members nominated by the Crown.

That your Majesty may be pleased to direct that the Colony shall be divided into Districts, and the members be returned according to the Schedule which accompanies this Petition.

And that whereas a large amount of revenue raised in this Province has been abstracted from the public improvements of the Province, and expended in New South Wales proper, on purposes from which the people of this Province derive no benefit, and which therefore remains as a debt due by the Treasurer of New South Wales to this Province—

Your Petitioners humbly pray, that the Bill for separation may contain a clause for the adjustment and liquidation of this debt, in such a manner as your Majesty, by order in Council, may be pleased to direct.

(Signed) FOSTER FYANS, *Chairman.*

SCHEDULE of ELECTORAL DISTRICTS, and ALLOTMENT of MEMBERS to each.

TOWNS.		COUNTIES.	
Melbourne	4 Members.	Bourke	2 Members.
Geelong	3 "	Grant	2 "
Portland	1 "	Dalhousie	1 "
Belfast and Warrnambool	1 "	Polwarth and Grenville	1 "
Alberton, and District of Gipps' Land	1 "	Normanby	1 "
		Villiers	1 "
	10		8

NEW SOUTH
WALES.

Encl. 3 in No. 3.

Enclosure 3 in No. 3.

Superintendent's Office, Melbourne,
February 5, 1850.

SIR,

ADVERTING to my Despatch to you of the 14th January, No. 50/35, enclosing for transmission to its destination a Petition addressed to Her Majesty the Queen by the inhabitants of the town and neighbourhood of Geelong, praying for the speedy separation of the District of Port Phillip from the older portion of this Colony, it now becomes my duty to transmit to you the enclosed two Petitions, drawn up in consequence of resolutions passed at two public meetings, convened by the Mayor of the city of Melbourne, and held on the 26th November and 6th December last respectively, addressed to Her Most Gracious Majesty the Queen, advertng to the delay that has taken place in effecting the long-proposed separation of the Port Phillip District from New South Wales, and the feelings with which that delay is contemplated by the petitioners in each instance, and praying that, irrespective of the General Bill for the Government of the Australian Colonies, Her Majesty would cause to be laid before Parliament on its reassembling, a Bill for the separation of this Province from New South Wales, and its immediate erection into a separate Colony, bearing Her Majesty's name of Victoria, with Legislative institutions corresponding with those now existing in the Colony.

I have to request that His Excellency may be moved to take an early opportunity of transmitting these documents to their destination.

In performing this duty, I can do no more than reiterate the opinion, which I have had occasion formerly to offer, that the longer the meditated separation, prayed for by the inhabitants of this District, from the older portion of the Colony may be delayed, the more embarrassing the task of governing it satisfactorily must become.

I have, &c.

The Hon. the Colonial Secretary, Sydney,
&c. &c. &c.

(Signed) C. J. LA TROBE.

Encl. 4 in No. 3.

Enclosure 4 in No. 3.

SIR,

Melbourne, January 16, 1850.

At the request of a large meeting of the inhabitants of this city and neighbourhood, publicly convened (on Requisition) by myself, I have to enclose the accompanying address to Her Most Gracious Majesty, and beg leave to request that it may be forwarded without delay for presentation. I should point out to your Honour that the present Petition is that which was agreed to at the first public meeting called, with the same object of asking for immediate separation, although it happens to be transmitted to you last.

I have, &c.

His Honour the Superintendent,
&c. &c. &c.(Signed) AUGUSTUS F. A. GREEVES,
Mayor of Melbourne.

Encl. 5 in No. 3.

Enclosure 5 in No. 3.

The PETITION of the COLONISTS of the District of Port Phillip, Colony of New South Wales, in public meeting assembled.

To Her most Gracious Majesty Victoria by the Grace of God, of the United Kingdom of Great Britain and Ireland, Queen, Defender of the Faith, &c.

SHEWETH:—

THAT the intelligence of the withdrawal from Parliament of the Australian Colonies Government Bill, and the consequent subjection of the inhabitants of this province to another year's endurance of the thraldom of the Sydney Government, has been received by this whole community with deep disappointment and dismay, and has produced a keen sense of injustice and a strong feeling of dissatisfaction in the minds of the colonists.

That your Majesty's Petitioners thankfully acknowledge the readiness evinced by your Majesty's Ministers and both Houses of Parliament in conceding to this province the right of separation from New South Wales, with the possession of local representative institutions, but they bitterly complain of that right having been unnecessarily withheld, and the inhabitants subjected to another year's continuance of the existing connexion with Sydney, when, as your Majesty's Petitioners learn from the reported debates in the House of Lords, even the opponents of the Australian Colonies' Government Bill expressed their readiness to consent to the passing of a Bill for the immediate separation of this province from Sydney, with a similar constitution to that which already exists in New South Wales.

That while your Majesty's Petitioners readily acknowledge the great liberality which characterises the proposal of your Majesty's Ministers for the future government of the Australian colonies, and will willingly await such a form of permanent government as the British Parliament, in its wisdom, may see fit to concede to this and to the other colonies

of the Australian group, they protest, in the strongest manner, against a question of such vital importance to this province being mixed up with any debatable subject whatsoever.

That your Majesty's Petitioners represent a body as loyal and attached to British institutions as exists on the face of the entire globe, but they cannot but feel that those feelings are the result of British sentiment and ancient prepossession; and have neither been formed nor encouraged by any kindness that this district has ever yet received; that unsupported and unassisted it has risen to its present condition; that the mother-country has made it a mere field of patronage and area of experiment; that she has received Port Phillip exports, but because she could not elsewhere supply herself with produce of a better character, or cheaper rate; that she has sent to this province large quantities of various merchandise, but because these shores furnished her the very best customers in the world; that she has sent emigrants, but solely by aid of Port Phillip funds; that her protection, in case of war, is more likely to lead Port Phillip into annoyance than secure her efficient assistance in time of need, and that it must never be forgotten that while the objects of thankfulness are so few as scarcely to have existence at all, this district has but lately been exposed at the hands of the British people to an attempt at conversion into a penal settlement—an attack at once insulting to its dignity and common sense, and utterly opposed to every interest and every principle; that while such has been the character of the Home Government of this province, the colonial government has never been found by the colonists anything but another name for oppression and unjustifiable spoliation, and they have no faith in the promises made of a better state of things in future, should separation be any longer deferred; that the natural effect of a continuance of this treatment is such as your Majesty's Petitioners are most unwilling to contemplate, for the inhabitants of this province having availed themselves of every legal and constitutional means in their power to rid themselves of a burden which has become altogether intolerable, having petitioned and remonstrated year after year, in every form and through every channel open to them, and still finding their deliverance unnecessarily delayed, and it may be seriously endangered, are likely to be wound up to such extreme irritation, as must be highly detrimental to the continuance of those feelings of loyalty to your Majesty's throne, and attachment to the institutions of their native land, which ought to distinguish a British colony. That your Majesty's Petitioners are therefore of the deliberate opinion that farther tantalising the inhabitants of Port Phillip with promises of deliverance, which have hitherto been made only to be broken, is altogether inexcusable; leaves the British government openly chargeable with having rashly tampered with the affections of a whole people, and renders it responsible for any step of which the irritation of disappointed hopes, and the continual failure of the customary means of securing redress, may eventually induce the adoption.

Your Majesty's Petitioners therefore, humbly pray that your Majesty will, irrespective of the general Bill for the Government of the Australian Colonies, cause to be laid before Parliament on its reassembling, a Bill for the separation of this province from New South Wales, and its immediate erection into a separate colony, bearing your Majesty's Royal name of Victoria, with legislative institutions, corresponding with those now existing in the colony.

And Your Majesty's Petitioners will ever pray.

(Signed) AUGUSTUS F. A. GREEVES, Mayor of Melbourne,
Chairman.

Enclosure 6 in No. 3.

Encl. 6 in No. 3.

To Her most Gracious Majesty Victoria, Queen of the United Kingdom of Great Britain and Ireland,

The humble PETITION of the Inhabitants of Port Phillip, in the Colony of New South Wales, in public meeting duly assembled,

SHewETH UNTO YOUR MAJESTY :—

THAT the intelligence of the withdrawal of the Bill for the better government of the Australian Colonies, has been received by the greatest dismay by the inhabitants of Port Phillip.

That while they gratefully acknowledge the numerous proposed concessions to their demands contained in the Bill lately laid before the British Parliament, they cannot but regret that the repeated petitions of this district, in favour of immediate separation from New South Wales, should have been made subservient to any other consideration whatsoever.

That your Majesty's Petitioners are virtually deprived of all self-government, as they cannot but look upon their present representative council (in which they possess neither the numbers they are entitled to, nor the means of electing those as Members who truly possess their confidence) as any thing but a mockery of the reality; they therefore, look upon any change granting to them self-government as a consideration paramount to all others.

That they are therefore desirous to offer no petitions or suggestions at present as to the details of their future constitution, which may in any way interfere with the chief objects of their hopes, but to confine their prayer to imploring that for no possible reason whatever may the separation of Port Phillip from New South Wales be longer delayed.

10. FURTHER PAPERS *relative to the* ALTERATIONS

NEW SOUTH
WALES.

That the feelings of the inhabitants of this province have ever been, and still are, those of loyalty to the Crown and attachment to the British constitution. That they are desirous above all things to see the same perpetuated, but that they neither can nor ought to conceal from your Majesty, that any further delay in granting your Petitioners' claims, the justice and necessity of which have been acknowledged by your Majesty's servants, for years past, will doubtless tend to produce excitement and irritation unfavourable to the continuance of such feelings.

That there is a steadily-growing conviction, that the interests of the colonies in general meet with neglect from your Majesty's Ministers.

That the claims of such colonies as are unable to force attention by the means adopted in the Canadas, Jamaica, and Guiana, are disregarded. They earnestly implore your Majesty not to permit your Majesty's Ministers to endanger the existence of those sentiments of loyalty and affection, which they trust may insure for years to come, a firm and cordial union between the kingdom of Great Britain and the colony of Victoria.

Your Majesty's Petitioners, therefore, humbly pray that your Majesty will, irrespective of the general Bill for the government of the Australian Colonies, cause to be laid before Parliament on its re-assembling, a Bill for the separation of this province from New South Wales, and its immediate erection into a separate colony, bearing your Majesty's Royal name of Victoria, with legislative institutions corresponding with those now existing in the colony.

And your Majesty's Petitioners will ever pray.

Signed on behalf and by authority of the meeting.

AUGUSTUS F. A. GREEVES, Mayor of Melbourne.

No. 4.

(No. 28.)

No. 4.

EXTRACT of a DESPATCH from Governor Sir C. A. FITZROY to Earl GREY, dated Government House, Sydney, February 22, 1850.

(Received July 22, 1850.)

(Answered September 9, 1850, No. 128, page 39.)

"I HAVE the honour to transmit a petition addressed to the Queen by certain members of the Legislative Council of this colony returned for the district of Port Phillip, praying for the speedy separation of Port Phillip from New South Wales, and its erection into a colony, with a constitution similar to that of New South Wales.

February 11, 1850.

"I also enclose a copy of the letter of the Superintendent of Port Phillip, addressed to the Colonial Secretary of this Government, forwarding this petition.

"As in all probability the promised measure for effecting the object of the petitioners will have been completed before the petition can be laid at the foot of the Throne, it does not appear to be necessary to trouble your Lordship with any lengthened observations upon it; but with reference to the application made in the 14th Section, that in the Bill for "the better Government of "the Australian Colonies," provisions should be inserted for the liquidation of a very large debt claimed by Port Phillip from New South Wales, on the grounds that both General and Crown Revenues have been misappropriated, partly by the act of the Executive with the concurrence of the Legislative Council, but more especially by the act of the Executive alone, I feel bound briefly to observe, that the rule laid down by my predecessor, and fully concurred in by myself, and which has hitherto been acted on under the sanction of Her Majesty's government, namely, that so long as Port Phillip forms an integral portion of the colony of New South Wales, the revenue raised in either district should be expended for the joint benefit of the whole colony, is in my opinion the only one that could have been adopted with propriety, and that any attempt to re-open this question at the period of separation would lead to interminable confusion and misunderstanding between the two colonies."

Enclosure 1 in No. 4.

NEW SOUTH WALES.
Encl. 1 in No. 4.

Superintendent's Office, Melbourne,
February 11, 1850.

SIR,

I HAVE the honour to forward, with a view to its transmission by his Excellency the Governor, by an early opportunity to its destination, the enclosed Memorial, addressed by certain members of the Legislative Council of New South Wales for the district of Port Phillip, to Her most Gracious Majesty, referring to the steps recently initiated by Her Majesty's Government in the Imperial Parliament in its last session to that end, and praying for the speedy separation of Port Phillip from New South Wales, and its erection into a colony with a constitution similar to that of New South Wales.

2. I regret that the Memorialists did not take an earlier opportunity of bringing the various points now adverted to under the notice of Her Majesty. Should, however, the document reach its destination in time to exercise any influence upon the details of the measure submitted by Her Majesty's Ministers to the consideration of Parliament, I would request for it the attention to which it may on various grounds be justly entitled. I have, &c.

The Hon. the Colonial Secretary, Sydney.
&c. &c. &c.

(Signed) C. J. LA TROBE.

Enclosure 2 in No. 4.

Encl. 2 in No. 4.

TO THE QUEEN'S MOST EXCELLENT MAJESTY.

The humble Memorial of the undersigned Members of the Legislative Council of New South Wales, for the District of Port Phillip.

SWEWETH—

THAT your Memorialists approach your Majesty with the deepest loyalty, and with assurances of the attachment both of themselves and of their constituents to the British Crown.

That they, in common with all the inhabitants of Port Phillip, hailed with feelings of the greatest satisfaction the intelligence of the introduction into the Imperial Parliament of a Bill for the Separation of their District from that of New South Wales, and beg to return their humble thanks for the many liberal concessions in the provisions of that measure to the repeated petitions of their fellow-colonists.

That the postponement of the above-mentioned Bill until the next Session of Parliament has caused deep and universal disappointment to the people of Port Phillip, who for many years have felt that although nominally enjoying self-government, they were in fact deprived of all efficient control over their affairs in consequence of their great distance from Sydney, the seat of Government.

Your Memorialists, therefore, humbly pray that no further delay may occur in passing this long looked for and essential measure; that no hesitation as to the details of a general constitution for the Australian Colonies, or doubts as to the anxiety or fitness of this portion of your Majesty's dominion for self-government, may procrastinate this Bill, and earnestly implore, on behalf of their constituents, that if any obstacle may arise to the enactment of a more comprehensive measure a short Bill may be passed in the next session of Parliament, enacting that Port Phillip shall be immediately separated from New South Wales, and erected into a colony, with a constitution, for the present, similar to that of New South Wales.

As, however, they have noticed with much gratitude that your Majesty's ministers have expressed a wish to be made aware of the opinion formed in this Colony of the Bill lately withdrawn, your Memorialists would, therefore, venture to point out a few particulars in which, according to their opinion, it might be materially amended.

In the first section, they observe that the proposed boundary of the new colony of Victoria is a line drawn from Cape Howe to the nearest source of the Murray River, and thence by the course of that river to the boundary of South Australia, they would humbly submit that Melbourne is the nearest and most frequented sea-port for much of the country to the North of the Murray. That the settlers on the Warcool Neimur and Edward Rivers, together with those on the Lower Murrumbidgee, all come with their produce to, and obtain their supplies from, Melbourne. That it would be most inconvenient for them to have all their business connexions in Melbourne, but to be compelled to go to Sydney, a distance of five hundred miles from some parts of it, for their communication with Government and for the administration of justice, instead of to Melbourne, their usual resort on their usual avocations, where indeed many of them reside.

That the demand for labour in that district is practically supplied from the Port Phillip Land Fund, and that, therefore, Port Phillip is justly entitled to whatever Crown Revenues may be derived from that portion of the country.

And inasmuch as the general revenue of Victoria will be augmented by the duties upon articles imported for the consumption of that locality, that it would be but just to New South Wales that the former should bear the expense of governing that portion of the country.

We would further observe, that in the despatch of the Secretary of State for the Colonies, dated 31st May, 1840, dividing New South Wales into northern, middle, and

NEW SOUTH
WALKS.

southern districts. The boundary of the last was fixed as the southern boundary of the Counties of Murray and Saint Vincent, to the nearest source of the Murrumbidgee, and thence by the course of that river to the Murray, and so to the boundary of South Australia. This was, perhaps, more than Port Phillip had any right to expect, as it would have included the district of Monaroo, which ought of right to remain attached to New South Wales. We would suggest as a fair division, a line from Cape Howe to Mount Kosciusko, thence by the Tarcatta Creek to the Murrumbidgee, and along that river and the Murray to South Australia,

Upon the third section they must remark, that in the proposed Bill the Electoral Districts of the Colony of Victoria are confined to "the limits of location." These never existed in Port Phillip. It is a term borrowed from the usages of New South Wales. If it has any meaning in this clause, they presume that it is intended to confine the right of representation to the "Settled Districts," which do not amount to the fortieth part of Port Phillip. There are many electors now registered, who would thus be disfranchised, as their freeholds would be included in no electoral district. They would respectfully submit that it is impossible for any person in Great Britain to be aware of such details, or to understand their bearing when pointed out. They therefore pray that the division of the whole Colony of Victoria into Electoral Districts may be left to the discretion of the Governor and Legislative Council of New South Wales.

Unless this anomaly be rectified, the whole body of squatters must be deprived of representation, although subject to taxation. Even such of them as may use the preemptive right granted to them under the existing Orders in Council, by purchasing the fee simple of their runs (which for many reasons ought to be encouraged), would still be unable to obtain the Elective Franchise. Your Memorialists would beg to call the particular attention of your Majesty and your Ministers to the position of this important class of the Colonists, producing, in 1848, 654,938*l.* of the exports of the Colony, the total amount being only 675,339*l.*, according to the statistical returns of the Government, but at the same time deprived of all direct political influence. We would urge that the elective franchise should be extended at once by Act of Parliament to them. They would suggest that it will be out of the power of the Colonial Legislature to confer it upon them if all the lands of the Squatters are excluded by the above-mentioned oversight from all Electoral Districts.

In the Report of the Right Honourable the Lords of the Committee of Council appointed for the consideration of all matters relating to Trade and Plantations upon the proposed Constitution for the Australian Colonies, it is recommended that the Census of 1846 should be taken as the basis of calculations. Your Memorialists would advert to the fact that the population of Victoria has since that time rapidly increased. It was then 32,000, now it is supposed to be considerably upwards of 50,000, a consideration which must seriously affect the amount of Revenue desired to be reserved under the Schedules.

Your Memorialists think it right either to reserve sufficient Schedules or none at all. The provision of 6,000*l.* for the support of public worship for all denominations is quite inadequate, and we fear that the odium of receiving State support would be incurred by the several churches without their deriving the requisite aid intended to be bestowed. The Schedule proposed to be reserved for similar purposes in Van Diemen's Land is 15,000*l.* The population of that country being 70,164 according to the Census of 1847.

Although your Memorialists are desirous that the Legislative Council of New South Wales should be intrusted with the arrangement of such details in Victoria as do not in any way conflict with the interests of the older Colony, still they must decidedly object to any power being left in its hands as to matters in which an opposition of interests may arise. They would call the attention of your Majesty to the fact that Port Phillip is not, nor ever has been, adequately represented in that body. That only one-fourth of the Representative Members are elected by Port Phillip, while all the Government Nominees and officials are chosen from New South Wales. From the difficulty of obtaining residents in Port Phillip to leave their occupations and to go as members to Sydney, inhabitants of New South Wales have to be elected to that office. There are at present only four residents of Port Phillip members of the Legislative Council, that Council consisting of thirty-six in all. Under such circumstances it is idle to hope for a satisfactory adjustment of any disputed claims. Your Memorialists therefore trust that your Majesty, in the Bill for the better Government of the Australian Colonies, will take care that provisions should be inserted for the liquidation of a very large debt claimed by Port Phillip from New South Wales on the grounds that both General and Crown Revenues have been misappropriated, partly by act of the Executive with the concurrence of the Legislative Council, but more especially by the act of the Executive alone.

It appears by the official returns hereunto annexed, that since the establishment of Port Phillip in 1836 to 31st December, 1848, the sum of 597,361*l.* 19*s.* 7*d.* has been raised under the head of General Revenue, exclusive of the duties received in Sidney, on imports subsequently transhipped to, and consumed in, Port Phillip, amounting, it is computed, to nearly 50,000*l.*, of which only 482,065*l.* 7*s.* 9*d.* has been spent directly upon that province. It is indeed argued on behalf of New South Wales, that a large sum, amounting to 86,280*l.*, was indirectly spent upon Port Phillip. Although a part of this is fairly chargeable, your Memorialists are far from admitting the justice of some of the items.

The proportionate expense of the Supreme Court in Sydney until 1842, when the Supreme Court of Port Phillip was established, is charged at 13,379*l.* 13*s.* 11*d.* This is

unreasonable, the only two cases arising in Port Phillip, which were tried in Sydney, were those of Carrington v. Hogue, for assault, in which one farthing damages were given, and an undefended action in which damages were, as a matter of course, assessed. Deputy Bailiff of the Sheriff of New South Wales performed all the duties of the Supreme Court in Port Phillip.

Again the charge of 4,942*l.* 17*s.* 8*d.* for Episcopal superintendence must be deemed inadmissible, inasmuch as there were, for the greater part of that time, only two Ministers of the Church of England (and for a portion of it only one) in Port Phillip.

Even admitting that this whole charge of 86,280*l.* is a fair one, still there is a balance of 29,016*l.* 11*s.* 9½*d.* due from New South Wales to Port Phillip. Your Memorialists are aware of the reply, that this money was appropriated with the consent of the Legislative Council, in which it was alleged that Port Phillip was represented, but they deny that this is a sound argument. They have before shown that Port Phillip never was fairly represented, and when it appears that a portion of this balance claimed, 15,641*l.*, accrued in 1841, when the Legislative Council had not been established, and that a large portion of it was incurred when there was not a single resident of Port Phillip in the Legislative Council, they feel that it is futile to contend that Port Phillip directly or indirectly consented to what its inhabitants have always felt to be a most grievous wrong.

The justice of this claim has, we would submit, been virtually acknowledged both by the Executive Government and Legislative Council. During the last session a resolution was passed affirming that, from the 1st January, 1850, all revenues, whether general or territorial, should be reserved for the exclusive use of Port Phillip, we are unable to see why, if it were entitled to the revenues of 1850, it was not equally entitled to those of '49, '48, '47, back to the date of its establishment.

But whatever weight may be attached to the objections to this demand of Port Phillip, your Memorialists apprehend that similar reasons cannot be urged against another and far larger claim for a restitution of the Crown Revenues of that District. It appears that up to 31st December, 1848, the large sum of 640,951*l.* 15*s.* 4*d.* was received under that head, while only 403,068*l.* was expended in Port Phillip, thus leaving a balance of 237,865*l.* 10*s.* 9*d.*, which ought to have been applied towards affording a supply of labour to it, but which was diverted from that object. This was the act of the Executive alone, in which the Legislature had no voice, and which can only be rectified by the act of the Executive. This was carried out in contravention of the express directions of the Secretary of State for the Colonies, as appears by the Despatch of the Governor, dated 21st January, 1841, and the answer to it dated 21st July, in the same year. "In the permissions to import Immigrants, it has been left to the discretion of the importers to land them either at Sydney or at Port Phillip, and it is to be presumed that by far the greater portion of them will be landed in Sydney, and the Bounties consequently claimed for them in Sydney; but if the intentions conveyed in the Despatches above-mentioned be carried into effect, and the General Land Fund of the Colony be divided into three portions, the portion applicable to the payment of bounties at Sydney may, and in all probability will, be altogether inadequate to meet the demands on it, and it is the difficulty in which this Government may consequently be placed that I respectfully beg to bring under the notice of your Lordship."

(Signed) GEORGE GIPPS.

"We have next to advert to the opinion urged in the Despatch under our consideration against the expediency of keeping separate accounts of the Land Funds of the Districts of the Colony.

"The general principle which we think it is of advantage to adopt is, that the sale of waste lands in one large division of the Colony is to be taken as a test of the want of labour in that division, and that unless labour is conveyed there by means of the purchase-money, the land will not be sold. This rule appears to us justly applicable to Port Phillip, which has in so great a degree already acquired the character of a distinct Colony.

"There is a local though subordinate government established there, and all the machinery necessary for the collection and custody of the land revenue. The demand for labour is also not less urgent than in the other Australian settlements. We therefore do not see any ground for disturbing the arrangement already made for employing that proportion of the land funds of Sydney and Port Phillip which is set apart for emigration, in conveying labour to the district which has furnished the fund.

"As regards Moreton Bay, however, if our recommendation be adopted of granting the Northern boundary of the Sydney district, which has been asked for by the Council of New South Wales, the district likely to be occupied by the name of Moreton Bay will for some time to come be inconsiderable in extent, and remaining directly under the authority of the Government at Sydney.

"We think, therefore, that until it has extended to the northward, and been placed on a footing in respect to the government resembling Port Phillip, it will be expedient to leave it to the discretion of the Governor to determine the extent of the land funds which shall be employed in conveying labour exclusively to the district.

(Signed) T. F. ELLIOT. E. E. VILLIERS.

"To His Excellency Sir George Gipps."

NEW SOUTH
WALES.

"Downing-street, August 30th 1841.

"On the question of keeping separate accounts of the land funds of the three districts of the colony, I adopt the opinion of the Commissioners, that there appears to be no sufficient grounds for disturbing the arrangement with regard to the management of those funds which at present exists.

(Signed) JOHN RUSSELL."

It will be seen by the foregoing despatch of Sir G. Gipps, that the number of emigrants landed respectively in Sydney and Melbourne was not regulated by any regard to the wants of either district; nor by any consideration of the amount of population withdrawn from New South Wales by the settlement of Port Phillip, but was left to chance, to the convenience of London merchants in sending ships to one port or another as their other mercantile concerns prompted. The result, however, was that New South Wales received the emigration for which Port Phillip paid.

The supporters of the Governor's views argued from a consideration of expediency, that the wants of New South Wales must be aided by the land fund of Port Phillip, and also from a view expressed by many, that labour, like water, would find its own level. It was also alleged that a large portion of the population of New South Wales had migrated to Port Phillip, together with the stock sold to the settlers of that district, and that the resources of New South Wales had been diminished by this removal of its stock. Your Memorialists cannot coincide in the view that the opening of this new market for the redundant stock of New South Wales acted as a drain upon its resources; on the contrary, it is well known to have given such an impulse to pastoral pursuits that the price of stock was doubled at the least; and also that money to a very large amount was paid to the older colonists for the stock thus purchased for Port Phillip. Nor do they admit that much of the population really did migrate to Port Phillip, as it is perfectly notorious that it was settled chiefly, and especially in its infancy, from the United Kingdom and Van Diemen's Land.

Nor can it be conceded that the demand for labour throughout a country is equally provided for by landing immigrants at any port indifferently. It is proved by the returns from the Government Immigration Office that the wages of labour have always been much higher in Port Phillip than in New South Wales. It is well known that immigrants were starving in Sydney, or subsisting at the expense of Government, at a time when a most pressing dearth of labour existed in the interior. Labour is always higher in the back woods of America than in the sea-ports where immigrants are landed. Labour never yet has found its own level between England and Ireland, separated only by a few hours' passage: how much less can it in a country where it takes a month to travel from Sydney to Melbourne.

If the above principle be true, we apprehend that no objection can exist to the landing in Port Phillip of a number of immigrants equal to the number so diverted, to be paid for by the land fund of New South Wales, as according to this reasoning the wants of the latter would be equally met by such a course. If its inhabitants object to this proposal, it must be from a sense of the fallacy of their own arguments.

Granting that there may be some force in them, still your Memorialists submit that no case has been made out for the misappropriation of the large sum of 237,865*l.* 10*s.* 9*d.*, from the use of Port Phillip, and that such an amount has been so misappropriated appears from the official returns annexed.

The remedy for this your Memorialists submit to your most gracious Majesty, is more easy than in the former claim. The land fund of both districts is in the power of the British Government. If it were simply to direct that its original instruction should be carried out, that a sufficient number of immigrants should be landed in Melbourne at the cost of New South Wales, so as to equalise the balance thus disturbed, substantial justice would be done.

The practical difficulties in the way of the adoption of this course, might be removed by the issue of debentures secured upon the territorial revenues of New South Wales, by which means a sufficient sum might be immediately raised for the proposed objects.

Your Memorialists therefore humbly pray that your Majesty would take these premises into your most gracious consideration, and take such steps as may, with the advice and consent of the Imperial Parliament, appear to be expedient, and your Memorialists will ever pray.

FINANCIAL RETURNS referred to at Page 12.
No. I.

NEW-SOUTH
WALES.

RETURN OF THE REVENUE.						
YEARS.	General Revenue as per Return No. 2 annexed.		Crown Revenue as per Return No. 3 annexed.		Total Revenue.	
	£.	s. d.	£.	s. d.	£.	s. d.
1836						
1837	2,358	15 10	3,712	14 0	6,071	9 10
1838	2,245	17 10	37,774	12 1	40,020	9 11
1839	14,008	5 10	60,689	14 7	74,698	0 5
1840	29,238	16 6	226,745	1 6	255,983	18 0
1841	73,065	19 9	79,759	11 10	152,825	11 7
1842	75,372	1 8	11,924	0 3	87,296	1 11
1843	61,792	1 9	11,772	13 2	73,564	14 11
1844	58,648	18 3	11,264	7 11	69,913	6 2
1845	66,001	19 10	32,537	5 9	98,539	5 7
1846	60,332	18 9	36,013	14 4	96,346	13 1
1847	68,142	14 7	70,150	5 7	138,293	0 2
1848	86,153	9 0	58,607	14 4	144,761	3 4
Total . £	594,361	19 7	640,951	15 4	1,238,313	14 11

RETURN OF THE EXPENDITURE.						
YEARS.	Chargeable on the General Revenue as per Return No. 4 annexed.		Chargeable on the Crown Revenue as per Return No. 5 annexed.		Total Expenditure.	
	£.	s. d.	£.	s. d.	£.	s. d.
1836	644	12 0½	1,520	4 7½	2,164	16 8
1837	3,949	18 11½	1,722	1 7½	5,872	0 6½
1838	10,321	11 8	6,552	13 0½	16,874	4 8½
1839	17,726	10 9½	18,122	1 7½	35,848	12 5½
1840	30,703	1 2½	39,425	14 4½	70,128	15 7
1841	57,424	19 2½	143,938	1 0½	201,363	0 3½
1842	61,854	16 5½	62,775	18 5½	124,630	14 11½
1843	44,487	11 10½	12,677	10 5	57,165	2 3½
1844	34,437	15 4½	28,610	9 5½	63,048	4 10
1845	38,606	9 11	4,634	11 3	43,241	1 2
1846	45,305	1 1	5,789	14 9	51,094	15 10
1847	63,058	3 9½	10,402	3 7	73,460	7 4½
1848	73,544	15 5	66,715	0 3	140,259	15 8
	482,065	7 9½	403,086	4 7	885,151	12 4½
The estimated proportion of the expenses of the General Government, and of other expenses not debited directly to Port Phillip	86,280	0 0	.....	.....	86,280	0 0
Total £	568,345	7 9½	*403,086	4 7	971,431	12 4½

* This amount does not include any portion of the sum of £25,712, 7s. 7d. paid for interest on land and immigration debentures in the years 1842 to 1848 inclusively.

Audit Office, New South Wales,
15th August, 1849.

WM. LITHGOW,
Auditor-General.

RETURN of the General Revenue of the District of Port Phillip, from

HEAD OF REVENUE.	1837	1838	1839	1840	1841
	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.
TAXES, DUTIES, RATES, AND IMPOSTS.					
Customs:—Duties on Spirits imported . . .	1,083 1 11	867 15 8	8,945 7 1	11,805 13 0	36,232 7 2
Duties on Tobacco imported . . .	718 4 0	801 2 0	2,966 11 9	5,533 0 3	8,456 11 10
Ad valorem duty on Foreign Goods imported . . .	174 3 5	169 15 0	751 14 6	1,567 10 6	6,384 11 9
Wharfage . . .	191 7 6	265 11 8	1,037 4 6	2,084 13 3	3,892 10 3
Fees on the entry and clearance of Vessels . . .	191 19 0	135 13 6	307 8 0	440 10 0	537 19 9
Lighthouse dues	65 11 8	554 16 11
Duties on Spirits distilled in the Colony
Post office Collections	778 8 6	1,300 17 9
Auction Duty	3,173 4 0	1,814 0 3
Licenses to Auctioneers	26 0 0	60 0 0
Licenses to retail Fermented and Spirituous Liquors	1,434 10 0	2,462 0 0
Collected by the clerks of Petty Sessions for Night Licences to Publicans and for Billiard Tables	60 0 0	280 0 0
Licenses to Rectifiers	25 0 0	2 0 0
Licenses to Hawkers and Pedlars
Rent of a Ferry
Rent of Wharfs
Assessment on Stock by the Commissioners of Crown Lands	1,707 5 3	3,720 13 4
Tonnage duty collected for the support of the Water Police	410 8 0
£	2,358 15 10	2,239 17 10	14,008 5 10	28,701 6 5	66,168 17 0
FEES AND FINES OF PUBLIC OFFICES.					
Fees:—On Commissions of Public Officers	26 5 0
On the preparation and enrolment of Title Deeds
Of the Harbour Master's Office	18 15 0	91 7 3
Collected as Pilotage	522 12 10
Of the Supreme Court	1,476 10 10
Deputy Sheriff's Office	1,207 4 3
Insolvent Court
Courts of Requests	492 12 0
Courts of Petty Sessions within the Settled Districts	139 12 8	155 15 0
Of the Courts of Petty Sessions beyond the Settled Districts
Collected by Commissioners of Crown Lands Of the Water Police Court	45 13 6	112 3 0
Fines:—Collected by the Deputy Sheriff	88 12 0
Collected in the Courts of Petty Sessions within the Settled Districts
Collected in the Courts of Petty Sessions beyond the Settled Districts
Collected by the Commissioners of Crown Lands	205 0 9	659 3 3
Collected in the Water Police Court	74 2 4
Imposed under the Act of Parliament 9 & 10 Vict., cap. 104
£	409 1 11	4,906 7 9
MISCELLANEOUS RECEIPTS.					
Interest on Public Moneys deposited in the Port Phillip Banks	1,870 7 6
Proceeds of the Sale of—
Beef and Flour belonging to the Government	52 6 0	..
Cast Horses and Bullocks	70 5 0
Confiscated Property
Surplus and unserviceable Stores, Charts, and Port Regulations	6 0 0	..	..	7 5 0
Crown's share of Seizures by the Department of Customs
Crown's shares of Seizures by Inspectors of Distilleries
Payments for Equipments retained by Surveyors
Work performed by Prisoners in gaol
Received in repayments of the Pilotage of H. M. Ships "North Star" and "Beagle"
Proceeds of the Sale of Unbranded Cattle by the Commissioners of Crown Lands
Surcharges recovered	76 2 2	36 19 0
Sundry small Receipts	5 18 6
£	..	6 0 0	..	128 8 2	1,990 15 0
Totals . . .	2,358 15 10	2,245 17 10	14,008 5 10	29,238 16 6	73,065 19 9

No. 2.

its Establishment in the Year 1836 to the 31st December 1848.

NEW SOUTH WALES

1832	1833	1834	1835	1836	1837	1838	TOTALS.
£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.
34,651 18 7	28,677 9 11	24,465 7 0	24,673 1 6	19,021 16 2	25,528 15 6	28,049 15 3	244,002 8 9
9,365 12 6	8,924 11 10	9,001 4 6	11,582 5 10	13,266 11 9	15,752 6 3	17,611 4 1	103,979 6 7
4,643 15 1	2,274 15 8½	1,683 0 0	4,080 3 1	5,371 18 0	6,638 2 11	7,337 19 1	41,077 9 0½
2,427 16 1	811 13 3½	708 2 8	1,316 6 4	1,606 6 7	..	..	14,341 12 1½
505 7 0	450 14 3	387 7 6	454 5 6	483 15 0	507 11 3	618 7 6	5,020 18 3
378 2 2	279 11 1	205 18 7	186 15 10	220 4 6	254 11 2	428 16 1	2,574 8 0
..	..	..	..	..	992 1 6	..	992 1 6
1,941 11 0	2,302 0 5	2,630 9 6	3,386 2 11	4,022 19 7	5,200 15 1	6,254 3 10	27,877 8 7
1,390 18 6	908 13 9	890 19 7	1,125 15 9	1,463 9 10	2,227 8 4	1,172 19 0	14,167 9 0
54 0 0	52 0 0	62 0 0	46 0 0	48 0 0	178 0 0	245 5 0	771 5 0
2,702 0 0	3,713 10 0	3,672 13 4	4,425 10 0	5,006 11 8	6,161 0 0	7,747 16 10	37,325 11 10
400 0 0	380 0 0	280 0 0	540 0 0	570 0 0	770 0 0	970 0 0	4,250 0 0
..	25 0 0	..	..	..	..	..	25 0 0
..	1 0 0	6 0 0	8 15 0	17 5 0	50 5 0	90 0 0	200 5 0
100 0 0	100 0 0	204 3 4	75 0 0	..	..	..	479 3 4
..	..	..	..	..	412 10 0	450 0 0	862 10 0
5,697 19 11	6,276 16 2	9,699 0 10	11,957 9 6	6,852 7 3	67 18 8	10,413 0 0	56,392 10 11
667 9 0	401 16 0	152 3 3	141 13 6	187 2 6	227 18 3	338 3 9	2,516 14 3
64,926 9 10	55,579 12 5	54,048 10 1	63,999 4 9	58,138 7 10	64,969 3 11	81,727 10 5	536,866 2 2
21 15 6	10 10 0	10 15 0	5 5 0	..	16 15 6	15 15 0	107 1 0
90 5 0	147 15 0	45 0 0	86 15 0	84 15 0	212 15 0	321 15 0	989 0 0
167 10 0	119 0 0	94 10 0	82 10 0	100 10 0	123 0 0	182 0 0	979 2 3
596 15 11	448 14 3	336 17 10	..	..	..	..	1,905 0 10
3,045 16 3	1,884 2 8	1,230 12 1	836 0 5	1,226 4 3	1,077 8 5	1,343 7 2	12,120 2 1
1,844 3 7	829 14 4	313 6 6	128 2 5	130 4 3	135 3 2	313 7 1	4,901 5 7
..	..	551 12 0	2 2 6	..	153 15 3	237 14 0	945 3 9
907 10 6	1,190 3 4	591 18 2	79 13 0	..	358 12 0	539 7 6	4,159 16 6
523 14 11	470 4 3	442 12 1	378 8 4	399 5 8	375 4 0	443 15 9	3,328 12 8
..	..	..	..	..	54 1 4	86 2 10	140 4 2
220 0 0	44 10 0	97 0 2	70 10 0	50 10 0	..	..	640 6 8
178 8 2	78 15 2	10 11 0	2 3 8	5 12 0	1 13 8	1 15 10	367 11 6
..	..	..	..	..	54 11 0	35 15 0	90 6 0
..	..	..	..	24 18 6	455 14 8	176 15 6	657 8 8
..	..	..	..	..	91 7 6	141 15 0	233 2 6
1,113 19 4	446 10 0	640 6 9	268 8 0	120 10 0	5 0 0	..	3,458 18 1
114 5 0	33 0 9	15 5 0	..	..	..	..	236 13 1
..	..	..	..	..	..	13 0 0	13 0 0
8,824 4 2	5,702 19 9	4,380 6 7	1,939 18 4	2,142 9 8	3,115 1 6	3,852 5 8	35,272 15 4
1,413 15 8	450 14 7	132 14 1	..	..	..	..	3,867 11 10
152 1 0	..	..	..	..	..	..	204 7 0
..	23 17 6	..	16 0 0	..	..	311 16 0	421 18 6
..	..	..	..	..	14 10 3	13 4 3	27 14 6
..	34 7 6	68 4 11	1 2 6	12 7 0	..	50 1 0	179 7 11
..	..	..	..	22 18 0	33 19 7	10 1 5	66 19 0
..	..	..	..	..	..	15 12 9	15 12 9
..	..	..	..	..	..	125 10 0	125 10 0
..	..	15 0 0	15 2 6	..	9 16 9	..	39 19 3
..	..	..	22 10 0	9 15 0	..	..	32 5 0
55 11 0	0 10 0	0 10 0	2 10 0	5 10 0	..	..	64 11 0
..	..	1 12 7	4 8 7	1 11 3	0 2 7	32 9 7	153 5 9
..	..	1 0 0	1 3 2	..	..	14 17 11	23 19 7
1,621 7 8	509 9 7	220 1 7	62 16 9	52 1 3	58 9 2	573 13 11	5,223 2 1
75,372 1 8	61,792 1 9	58,648 18 3	66,001 19 10	60,332 18 9	68,142 14 7	86,153 9 0	597,361 19 7

WM. LITHGOW,
Auditor-General.
D

A RETURN of the Crown Revenues of the District of Port Phillip, from

HEAD OF REVENUE.	1837	1838	1839	1840	1841
TERRITORIAL REVENUES.					
Proceeds of the Sale of Land--	<i>£ s. d.</i>	<i>£ s. d.</i>	<i>£ s. d.</i>	<i>£ s. d.</i>	<i>£ s. d.</i>
Received in the Colony . . . . .	..	25,287 17 9	30,986 11 11	134,584 6 3	68,435 7 0
" by the Land and Emigration Commissioners . . . . .	..	..	..	..	..
Received by the Colonial Agent General.	..	..	..	2,000 0 0	..
Sale of Town Allotments	3,712 14 0	11,906 14 4	9,008 2 8	82,543 10 3	2,716 14 3
	3,712 14 0	37,194 12 1	59,994 14 7	219,127 16 6	71,152 1 3
Rents of Land temporarily Leased .	..	..	..	..	..
Licenses to depasture Stock on Crown Lands	..	580 0 0	695 0 0	5,000 0 0	6,300 0 0
Licenses to cut timber on Crown Lands . .	..	..	..	272 0 0	460 0 0
Rents of Government buildings, paddocks, and premises . . . . .	..	..	..	..	37 10 0
	3,712 14 0	37,774 12 1	60,689 14 7	224,399 16 6	77,949 11 3
CASUAL REVENUE OR DROITS OF THE CROWN.					
Fines collected by the Deputy Sheriff . .	..	..	..	..	32 0 0
" " several Courts of Petty Sessions . . . . .	..	..	..	939 15 4	1,539 2 9
Crown's share of Seizures--					
By the Department of Customs . . . .	..	..	..	..	..
" Inspectors of Distilleries . . . . .	..	..	..	..	..
Proceeds of Sale of--					
Stores landed from Immigrant Vessels .	..	..	..	1,210 9 8	..
Confiscated Property . . . . .	..	..	..	..	45 7 11
Unclaimed Property . . . . .	..	..	..	..	15 1 5
Stores belonging to the Survey Department	..	..	..	..	..
Payments for Equipments supplied to Sur- veyors . . . . .	..	..	..	195 0 0	178 8 6
Amount of Interest and Profit received on Exchequer Bills, in which a portion of the sum paid for Land, to the Land and Emi- gration Commissioners, was temporarily invested . . . . .	..	..	..	..	..
Fees received in the Survey Office . . . .	..	..	..	..	..
	..	..	..	2,345 5 0	1,810 0 7
Totals	3,712 14 0	37,774 12 1	60,689 14 7	228,745 1 6	79,759 11 10

No. 3.

Establishment in the Year 1836 to the 31st December 1848.

1842	1843	1844	1845	1846	1847	1848	TOTALS.
£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.
2,000 0 0	1,168 9 2	353 6 7	4,968 14 9	13,079 14 8	18,701 7 6	24,190 15 6	343,756 11 1
..	..	..	9,860 0 0	..	..	..	9,860 0 0
..	..	..	100 0 0	..	..	..	2,100 0 0
729 12 8	725 0 0	303 17 3	1,918 16 11	6,116 11 8	34,169 17 9	14,760 8 0	168,611 19 9
2,729 12 8	1,893 9 2	657 3 10	16,847 11 8	19,196 6 4	52,871 5 3	38,951 3 6	524,328 10 10
..	..	39 13 2	414 15 1	1,028 16 11	297 15 4	406 10 10	2,187 11 4
6,890 0 0	8,200 0 0	9,648 0 0	14,031 0 0	14,735 10 0	16,355 10 0	18,655 0 0	101,090 0 0
514 0 0	516 0 0	302 0 0	469 0 0	522 0 0	522 0 0	480 0 0	4,057 0 0
60 0 0	102 0 0	32 18 10	45 0 0	72 10 8	103 15 0	115 0 0	569 4 6
10,193 12 8	10,711 19 2	10,679 15 10	31,807 6 9	35,555 3 11	70,150 5 7	58,607 14 4	632,232 6 8
104 0 0	74 0 0	60 0 0	74 0 0	66 0 0	..	..	410 0 0
1,384 2 4	651 18 3	450 9 10	382 4 7	359 6 2	..	..	5,707 9 3
..	165 7 6	39 19 3	21 12 3	7 18 5	..	..	234 17 5
..	..	6 12 8	4 3 9	..	..	..	10 16 5
..	..	..	..	..	..	..	1,210 9 8
4 14 8	..	..	2 16 0	11 6 11	..	..	64 5 6
..	..	..	17 5 5	13 18 11	..	..	46 5 9
..	..	27 10 4	0 7 6	..	..	..	27 17 10
236 3 7	169 8 3	..	..	..	..	..	779 0 4
..	..	..	226 19 6	..	..	..	226 19 6
1 7 0	..	..	..	..	..	..	1 7 0
1,730 7 7	1,060 14 0	584 12 1	729 19 0	458 10 5	..	..	8,719 8 8
11,924 0 3	11,772 13 2	11,264 7 11	32,537 5 9	36,013 14 4	70,150 5 7	58,607 14 4	640,951 15 4

Wm. LITHGOW,
Auditor-General.

A RETURN of the Expenditure chargeable on the General Revenue of the District of

HEAD OF EXPENDITURE.	1836			1837			1838			1839			1840			1841		
	£.	s.	d.	£.	s.	d.	£.	s.	d.	£.	s.	d.	£.	s.	d.	£.	s.	d.
"CIVIL."																		
His Honour the Superintendent and Establishment	881	2	3	1,192	0	10	1,618	2	2
Department of the Sub-Treasurer	820	6	5	1,049	4	11	1,054	7	0
Customs	2,367	15	11½	3,254	3	5½	3,468	10	5
Inspectors of Distilleries
Post Office
Harbour Master's Department	35	3	5	335	0	0	..	..	..	52	13	1	1,389	7	2	1,632	16	10½
Agent for Colonial Contracts	714	13	2	1,056	7	5½	1,205	9	5
Department of Public Works	216	8	4½	2,134	14	11½	3,387	1	9½	68	15	0	136	8	6	124	1	3
Superintendent of Bridges	2,595	4	8½	2,911	8	7½	2,565	11	8

	251	11	9½	2,469	14	11½	5,754	17	9½	8,386	18	1	11,203	7	10½	14,061	17	8½
PUBLIC WORKS AND BUILDINGS.																		
Buildings:—																		
New Gaol, Melbourne	24	4	0	5,305	16	8
New Court House
Custom House, Store, and Offices	3,301	7	11	4,157	0	10
Lunatic Asylum
Powder Magazines
New Public Offices
Hospital
Post Offices	1,415	5	0
Custom House, Geelong
Office for the Harbour Master, Melbourne	310	0	0	..	..	..
Purchase of a house built on Government Ground	200	0	0
Light House, Shortland's Bluff
" Cape Otway
Police Office, Melbourne
Watch House, Melbourne	132	0	0	1,210	14	0
" Geelong	761	0	0	1,660	0	0
Police Office, Geelong	550	5	0
Police Office and Watch House, Portland
Residence for the Police Magistrate, Portland	467	10	2
Watch House, Williams' Town	611	9	11	..	..	..
Police Office, at the Grange
Watch House, Collingwood
Additions, Alterations, and Repairs to various Public Buildings	403	10	11	139	13	11
Public Works:—																		
Bridge over the Yarra Yarra
Queen's Wharf, Melbourne, and approaches to the same	3,397	8	3
Dam at Melbourne	477	10	0
Jetty at Corio, and Breakwater at the Barwon	71	5	3
Bridge over the Barwon
Wharf and Pier at Portland
Surveying the River Yarra Yarra and the Harbour of Corio
Bridge over the Barrabool River
Road between Sydney and Port Phillip
Repairs to Roads and other Public Works
	5,543	12	9	19,058	9	1
RELIGIOUS ESTABLISHMENT.																		
Church of England:—																		
Salaries and Allowances	50	0	0	157	5	1	250	4	6	298	7	8
Buildings	1,000	0	0
Presbyterian:—																		
Salaries and Allowances	150	11	2	117	10	0	291	7	11	333	11	6
Buildings	1,558	15	0
Wesleyan:—																		
Salaries and Allowances	186	13	8
Buildings	716	13	4	253	6	8
Roman Catholic:—																		
Salaries and Allowances	125	0	0	162	10	0	249	16	6
Buildings
	200	11	2	399	15	1	1,420	15	9	3,940	11	0

No. 4.

NEW SOUTH WALES.

Port Phillip, from its Establishment in the Year 1836, to the 31st December 1848.

1842		1843		1844		1845		1846		1847		1848		TOTALS.	
£.	s. d.	£.	s. d.	£.	s. d.	£.	s. d.	£.	s. d.	£.	s. d.	£.	s. d.	£.	s. d.
1,577 15 4		2,065 9 4		2,030 14 9		2,049 8 5		1,971 16 3		2,327 5 4		2,328 12 5		18,042 7 1	
902 11 5		959 0 4		985 2 2		1,008 6 9		1,189 13 7		1,219 4 3		1,298 3 8		10,486 0 6	
4,741 15 10		4,621 12 2		3,408 0 0		3,993 17 0		5,411 10 11		4,845 1 6		6,128 10 3		48,187 6 10	
				170 0 0		25 0 0						30 0 0			
2,259 4 2		2,655 8 3		2,714 1 6		4,026 3 6		3,959 4 2		5,106 3 10		7,277 13 3		31,272 15 11	
705 10 2		802 1 6		1,590 9 2		1,163 18 5		1,798 13 6		1,399 2 3		2,258 13 8		13,065 2 2	
64 8 10														393 13 7	
2,121 6 10		1,568 5 4		419 18 2		385 4 10		406 8 7		445 6 2		727 7 10		19,884 7 11	
								295 12 6		298 17 10		410 16 6		1,005 6 10	
12,372 12 8		12,671 17 1		11,318 5 10		12,651 18 11		15,032 19 6		15,641 1 2		20,519 17 7		142,337 1 0	
14,308 7 1		2,302 9 7		963 17 8		609 19 0		448 7 0		117 18 4		486 18 1		24,567 17 5	
2,493 6 8		5,066 5 7		13 0 0		256 7 7								7,828 19 10	
										148 0 0				7,606 8 9	
								277 19 4		1,060 19 11		3,075 4 4		4,414 3 7	
								832 11 1		1,581 6 3		558 3 5		2,972 0 9	
						2,212 10 0		284 9 11						2,496 19 11	
								490 0 0		478 3 4		470 13 6		1,438 16 10	
														1,415 5 0	
						337 18 0						138 12 3		476 10 3	
														310 0 0	
														200 0 0	
2,172 0 0		47 12 0										631 11 2		2,851 3 2	
								79 17 11		3,418 7 4		3,225 0 1		6,723 5 4	
										290 7 0		2,340 18 8		2,631 5 8	
														1,342 14 0	
														2,421 0 0	
1,668 15 0														2,225 0 0	
				1,170 10 11		1,040 3 1								2,210 14 0	
														467 10 2	
														611 9 11	
102 8 6														102 8 6	
												180 0 0		180 0 0	
17 5 0		358 18 1		25 11 10		101 8 10		186 19 4		615 15 0		424 14 8		2,273 17 8	
				31 19 2		304 14 0		2,043 7 5		4,816 15 11		7,106 1 9		14,302 18 3	
3,275 18 4								903 1 3		1,322 2 4		496 6 11		9,394 17 1	
1,151 3 9		737 7 4						86 13 0				469 2 10		2,921 16 11	
1,350 16 10		707 18 6				226 4 2				420 0 0		408 9 2		3,184 13 11	
										148 15 0		565 5 0		714 0 0	
						800 10 6		624 0 0		359 8 9		280 19 3		2,064 18 6	
														495 10 0	
														491 0 0	
								253 15 0		1,009 10 0		192 2 6		1,455 7 6	
203 0 0		40 1 1						110 17 9		102 3 9		1,099 2 0		1,555 4 7	
26,743 1 3		9,260 12 2		2,204 19 7		5,889 15 2		6,621 19 0		15,889 12 11		23,135 15 7		114,347 7 7	
200 0 0		293 0 0		247 0 0		372 10 3		517 19 3		500 0 0		920 8 7		3,806 15 4	
		122 6 5		120 11 2		565 16 10		1,386 6 6		881 19 0		317 13 9		4,394 13 8	
350 0 0		475 2 0		435 19 4		374 14 5		469 6 8		378 9 10		450 0 0		3,826 12 10	
411 5 0														2,000 0 0	
173 2 4		200 0 0		200 0 0		200 0 0		200 0 0		200 0 0		200 0 0		1,559 16 0	
														1,000 0 0	
200 0 0		336 12 1		379 0 0		350 0 0		369 0 0		418 6 8		590 17 2		3,181 2 5	
974 6 0		25 14 0								800 0 0				1,800 0 0	
2,308 13 4		1,452 14 6		1,382 10 6		1,863 1 6		2,942 12 5		3,178 15 6		2,478 19 6		21,569 0 3	

A Return of the Expenditure chargeable on the General Revenue of the District of

HEAD OF EXPENDITURE.	1836	1837	1838	1839	1840	1841
	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.
SCHOOLS.						
Church of England :—						
Allowances to Teachers	164 0 9	124 2 6
Buildings
Presbyterian :—						
Allowances to Teachers	161 6 2	367 3 6	269 2 0
Buildings	168 0 3	..	..
Wesleyan	125 0 0
Baptist
Independent or Congregational	113 8 4
Roman Catholic	177 16 4	199 0 0
	329 6 5	709 0 7	930 12 10
JUDICIAL.						
Supreme Court	2,684 1 6
Allowances to Witnesses and Jurors	301 19 8
Law Officers of the Crown	202 18 1	400 0 0	400 0 0
Quarter Sessions	477 0 10	497 11 10	196 6 0
Allowances to Witnesses and Jurors	105 5 6	144 1 6	36 7 4
Courts of Requests	342 12 7
Insolvent Court
Department of the Deputy Sheriff	150 0 0	150 0 0	781 9 3½
Coroners	26 10 9	64 1 3	72 9 0	211 5 6
	26 10 9	999 5 8	1,264 2 4	4,954 1 10½
POLICE AND GAOLS.						
Police within the Settled Districts of the Colony, including Melbourne	352 13 9½	1,137 15 10	2,463 4 5½	2,387 5 3½	3,188 17 5	4,514 4 0
Police beyond the Settled Districts	743 3 4½	2,543 19 9	3,114 2 3	2,572 14 9
Mounted Police	265 0 0	1,803 9 9½	2,754 13 6½	3,598 16 5½
Border Police	178 10 4½	6 15 0	..	..
Native Police	1,170 15 6½
Water Police
	352 13 9½	1,137 15 10	3,649 18 3	6,746 9 10	9,057 13 2½	11,656 10 9
Gaol, Melbourne	280 7 11½	539 3 2	816 13 11	1,402 17 8½
	352 13 9½	1,137 15 10	3,930 6 2½	7,285 13 0	9,874 7 1½	13,259 8 5½
MEDICAL.						
Hospital Establishments	40 6 5½	217 8 2	370 13 7	325 12 6½	443 9 11	659 8 9
Lunatic Asylum
District Hospital, Melbourne
	40 6 5½	217 8 2	370 13 7	325 12 6½	443 9 11	659 8 9
MISCELLANEOUS SERVICES.						
Botanic Garden
Powder Magazine
Mechanics' Institution
Incorporation of the Town of Melbourne
Aid to the Corporation for general purposes
Electoral Expenses
Furniture for Public Offices
Fuel and Light
Stationery, Newspapers, and Printing	244 4 10	..
Expenses of taking the Census	289 0 0
Expenses of the Visits of Sir Richard Bourke and Sir George Gipps	125 0 0	15 18 11½	..	..	197 12 0
Gratuity to C. M. Lewis, late Harbour Master
Compensation to Mr. H. Fowler, for injuries received in the capture of Bushrangers
Sundry Expenses	22 13 3	..	..	20 0 0
REVENUE REFUNDED.						
Drawbacks and Duties returned	47 11 0
Assessment on Stock refunded	6 6 6
Fees of Public Offices, and other Receipts returned
	..	125 0 0	38 12 2½	..	244 4 10	560 9 6
Total Amount of Expenditure Debited directly to Port Phillip	644 12 0½	3,949 18 11½	10,321 11 8	17,726 10 9½	30,703 1 2½	57,424 19 2½

Ans.—Estimated Proportion

No. 4.—continued.

Port Phillip, from its Establishment in the Year 1836, to the 31st December, 1848.—continued.

	1843	1844	1845	1846	1847	1848	TOTALS.
£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.
62 11 4	95 11 7	149 17 2	178 1 6	212 8 5	513 13 5	436 0 11	1,926 7 7
..	..	119 6 0	..	..	..	..	119 6 0
5 7 4	8 15 11	86 15 1	109 3 2	102 6 11	69 12 4	117 14 4	1,397 5 9
93 19 9	..	..	..	..	..	..	262 0 0
60 1 1	74 17 7	200 2 0	261 5 5	228 0 10	339 1 5	306 12 9	1,595 1 1
..	25 19 1	81 0 7	91 11 0	74 9 6	13 7 7	..	286 7 9
22 7 6	61 4 3	97 12 9	82 5 0	84 4 6	148 0 11	199 1 11	808 5 2
87 16 3	61 1 0	138 18 3	204 4 9	182 18 6	229 11 6	285 11 3	1,586 17 10
322 3 3	347 9 5	873 11 10	926 10 10	684 8 8	1,313 7 2	1,345 1 2	7,981 12 2
2,437 6 5	2,541 6 0	2,672 4 0	2,751 10 0	2,568 13 4	8,525 11 0	2,902 16 4	27,083 8 7
231 1 4	321 0 8	328 5 8	332 3 0	216 3 1	527 7 10	762 2 7	3,020 3 10
700 0 0	700 0 0	701 15 4	700 3 0	711 8 4	717 1 2	719 14 1	5,953 0 0
..	..	..	..	..	..	..	1,170 18 8
..	..	..	..	..	..	..	285 14 4
532 17 9½	536 2 5	565 13 5	3 0 1	..	661 16 2	666 1 11	3,308 4 4½
..	..	692 16 1	..	..	390 11 9	422 0 9	1,505 8 7
825 12 7	667 19 10	719 11 1	742 14 8	707 8 1	721 14 6	793 9 1	6,259 19 1½
189 4 4	199 17 2	191 3 0	198 19 6	200 1 6	246 0 9	361 1 10	1,960 14 7
4,916 2 5½	4,966 6 1	5,871 8 7	4,728 10 3	4,403 14 4	11,790 3 2	6,627 6 7	50,547 12 0½
5,917 11 3½	5,076 12 9½	3,181 4 3½	3,287 14 10½	4,209 6 9	5,259 6 9½	7,329 9 1	46,305 6 8
..	..	..	..	..	2,010 2 4	2,716 14 8	4,726 17 0
2,339 14 11	2,232 16 0½	1,357 3 1	1,232 18 0	1,388 0 8	1,755 9 4	1,600 17 1	20,880 19 3
2,868 13 10½	3,719 4 11½	3,540 19 6½	3,831 6 2½	3,296 12 1	514 1 5	..	26,197 17 10½
776 12 0½	1,074 14 8½	1,109 8 6	1,557 19 9	2,671 12 9	2,061 14 2	2,332 17 4	11,770 4 7½
978 11 11½	574 0 3	218 1 5½	221 13 9	301 13 7	332 18 6	325 16 10	4,123 11 10½
12,881 4 1	12,677 8 8½	9,406 16 10½	10,131 12 7	11,867 5 10	11,933 12 6½	14,305 15 0	116,004 17 3½
1,103 19 11½	955 15 2	982 4 11½	1,249 1 7	1,429 9 4	1,863 3 5	2,201 1 5	12,823 18 7½
13,985 4 0½	13,633 3 10½	10,389 1 10	11,380 14 2	13,296 15 2	13,796 15 11½	16,506 16 5	128,828 15 10½
766 5 11	566 19 8	133 1 11	257 17 1	309 12 1	349 13 7	331 13 6	4,772 3 2
..	..	..	..	..	..	1,047 3 5	1,047 3 5
..	..	..	..	..	182 15 0	200 0 0	392 15 0
766 5 11	566 19 8	133 1 11	257 17 1	309 12 1	532 8 7	1,578 16 11	6,202 1 7
..	..	..	..	623 5 7	342 4 5	370 16 10	1,336 6 10
..	..	..	..	..	..	51 5 0	51 5 0
151 1 7	..	..	150 0 0	150 0 0	150 0 0	150 0 0	600 0 0
..	..	..	..	..	..	..	151 1 7
..	580 0 0	1,854 14 0	..	..	..	..	2,434 14 0
..	272 11 9½	100 4 1	53 0 0	63 17 3	97 2 9	137 9 2	724 5 0½
..	80 1 9½	57 16 0	81 12 6	141 15 7	118 14 7	244 14 1	724 14 6½
..	..	31 17 7	38 1 5	..	..	..	69 19 0
207 7 1	317 10 10	28 19 2	15 0 0	18 15 2	47 2 4	295 8 6	1,174 7 11
..	..	..	..	641 10 4	0 1 0	..	930 11 4
..	..	..	..	..	..	..	338 10 11½
..	..	..	300 0 0	..	..	..	300 0 0
..	200 0 0	..	..	..	..	..	200 0 0
..	..	33 19 6	20 0 0	4 18 9	50 11 3	2 0 9	154 3 6
50 14 6	59 16 8	136 11 8	158 16 7	74 15 1	63 12 3	72 10 8	664 8 5
21 10 3	7 9 7	16 18 3	76 11 6	14 9 2	34 4 9	27 16 8	205 6 8
10 0 0	70 18 4	3 15 0	15 0 0	79 13 0	12 6 0	..	191 12 4
440 13 5	1,588 9 0½	2,264 15 3	908 2 0	1,812 19 11	915 19 4	1,352 1 8	10,251 7 1½
61,854 16 5½	44,487 11 10½	34,437 15 4½	38,606 9 11	45,305 1 1	63,058 3 9½	73,544 15 5	482,065 7 9½
of the Expenses of the General Government, and other Expenses, not debited to Port Phillip.							86,280 0 0
Total . . .							£568,345 7 9½

A RETURN of the Expenditure chargeable on the Crown Revenues of the District of

HEAD OF EXPENDITURE.	1836	1837	1838	18	1840	1841
	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.
SURVEY, SALE, AND MANAGEMENT OF CROWN LANDS.						
Department of the Surveyor General.	1,300 1 3½	1,406 18 3½	3,038 1 2½	1,950 16 10½	2,722 0 10	4,495 7 4
Paid for Surveys by Contract . . . . .	..	..	..	700 0 0	1,810 0 10	3,926 0 3
Commissioners of Crown Lands within the Settled Districts. . . . .	..	..	..	..	..	155 0 0
Commissioners of Crown Lands beyond the Settled Districts . . . . .	..	..	..	..	..	..
Commission on the Sale of Crown Lands . . . . .	..	..	..	..	..	..
Commission paid by the Land and Emigration Commissioners in England . . . . .	..	..	..	..	..	..
IMMIGRATION.	1,300 1 3½	1,406 18 3½	3,038 1 2½	2,650 16 10½	4,532 1 8	8,576 7 7
Immigration :—						
Paid by the Colonial Treasurer . . . . .	..	..	294 0 0	11,474 11 4	22,454 4 6	121,714 11 1
Paid by the Colonial Agent General in England . . . . .	..	..	550 0 0	350 0 0	4,622 17 2	3,986 8 1
Paid by the Land and Emigration Commissioners in England . . . . .	..	..	..	..	96 11 8	384 15 0
Quarantine . . . . .	..	..	..	..	842 10 10	264 13 8
For the Employment of Distressed Immigrants . . . . .	..	..	..	..	..	..
ABORIGINES.			844 0 0	11,824 11 4	29,016 4 2	126,350 7 10
Aborigines	220 3 4	515 3 4	2,591 6 10	3,646 13 5	5,445 19 3½	8,118 12 6½
MISCELLANEOUS SERVICES.						
Expense of the Expedition employed in marking the Boundary Line between New South Wales and South Australia. . . . .	..	..	..	..	..	..
Opening a Line of Road from Western Port to Gipps' Land . . . . .	..	..	..	..	..	..
Expense of the Expedition sent in search of the White Woman supposed to be detained amongst the Aborigines of Gipps' Land. . . . .	..	..	..	..	..	..
Expense of the Expedition for examining the Coal Strata at Western Port . . . . .	..	..	..	..	281 6 2	..
Engraving Charts of Port Phillip Law (Expenses in the case of <i>Sprott v. Fyans</i> . . . . .	..	..	79 5 0	..	..	..
Rent of Buildings . . . . .	..	..	..	..	..	..
Printed Forms, Advertising, and Stamp Receipts . . . . .	..	..	..	..	..	..
Revenue returned :—						
Purchase Money of Land. . . . .	..	..	..	..	..	..
Fees for Depasturing Licenses . . . . .	..	..	..	..	22 10 0	..
Proceeds of the Sale of Confiscated Property . . . . .	..	..	..	..	390 0 0	150 0 0
Fines—By the Deputy Sheriff . . . . .	..	..	..	..	..	5 0 0
,, Courts of Petty Sessions . . . . .	..	..	..	..	..	..
	..	..	79 5 0	..	693 16 2	155 0 0
£	1,520 4 7½	1,922 1 7½	6,552 13 0½	18,122 1 7½	38,688 1 3½	143,200 7 11½
One half of the Sums, amounting to £100,000, remitted in the year 1848 to the Land and Emigration Commissioners, to enable them to provide free passages for Emigrants to this Colony, and for other Emigration purposes . . . . .	..	..	..	..	..	..
One-third the sum of 7,192l. 3s. 7d., paid to defray the Expenses of the Office Establishment of the Land and Emigration Commissioners . . . . .	..	..	..	..	737 13 1	737 13 1
Total	1,520 4 7½	1,922 1 7½	6,552 13 0½	18,122 1 7½	39,425 14 4½	143,938 1 0½

This Amount is exclusive of any portion of the Sums amounting to £25,712 7s. 7d., paid

Audit Office, Sydney, New South Wales,
15th August, 1849.

No. 5.

Port Phillip, from its Establishment, in the Year 1836, to the 31st December 1848.

1842	1843	1844	1845	1846	1847	1848	TOTALS.
£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.
4,821 2 2	2,678 2 11½	1,272 0 0½	1,284 17 3	2,164 14 11	1,593 17 3	4,651 5 5	33,379 5 10½
2,693 5 5	1,050 7 6	..	..	..	1,299 0 0	982 10 0	12,461 4 0
424 6 0	495 10 0	512 3 0	561 13 7	498 8 4	722 2 4	648 2 6	4,017 5 9
..	..	..	..	640 6 3	2,514 7 11	3,336 15 6	6,491 9 8
..	..	..	9 8 8	19 12 7	49 8 0	53 4 6	131 13 9
..	..	..	189 0 0	..	..	..	189 0 0
7,938 13 7	4,224 0 5½	1,784 3 0½	2,044 19 6	3,323 2 1	6,178 15 6	9,671 17 11	56,669 19 0½
34,974 9 6½	3,110 15 2	24,000 11 2	116 7 6	311 11 4	64 15 1	4,430 3 3	222,945 19 11½
145 2 3	..	..	114 0 0	..	..	..	9,768 7 6
1,269 0 6	1,038 0 4	..	..	..	..	..	2,788 7 6
1,780 10 9	..	..	..	..	..	..	2,887 15 3
6,984 3 1½	35 11 8	..	..	..	..	..	7,019 14 9½
45,153 6 1½	4,184 7 2	24,000 11 2	230 7 6	311 11 4	64 15 1	4,430 3 3	245,410 4 11½
8,926 5 8	4,064 14 2½	2,733 15 3	2,166 2 9	2,023 1 4	2,163 9 7	2,217 1 0	44,832 8 6½
..	..	..	..	..	834 2 6	143 7 2	977 9 8
..	..	..	..	..	147 12 10	21 19 0	269 11 10
..	..	..	..	..	234 11 10	..	234 11 10
..	..	..	..	..	..	..	281 6 2
..	..	..	..	..	..	..	79 5 0
..	..	..	..	122 0 0	..	..	122 0 0
..	..	..	..	..	73 10 0	42 0 0	115 10 0
..	..	..	1 14 0	..	..	27 1 11	28 15 11
..	..	..	..	..	677 16 3	..	700 6 3
20 0	20 0 0	80 0 0	191 7 6	10 0 0	27 10 0	61 10 0	950 7 6
..	..	..	..	..	..	..	5 0 0
..	..	2 0 0	..	..	..	..	2 0 0
..	..	10 0 0	..	..	..	..	10 0 0
20 0 0	20 0 0	92 0 0	193 1 6	132 0 0	1,995 3 5	395 18 1	3,776 4 2
62,038 5 4½	12,493 1 10	28,610 0 5½	4,634 11 3	5,789 14 9	10,402 3 7	16,715 3	350,688 16 9
..	..	..	..	..	..	50,000 0 0	50,000 0 0
737 13 1	184 8 7	..	..	..	..	..	2,397 7 10
62,775 18 5½	12,677 10 5	28,610 9 5½	4,634 11 3	5,789 14 9	10,402 3 7	66,715 0 3	403,056 4 7

for Interest on Land and Immigration Debentures, in the Years 1842 to 1848 inclusively.

WM. LITHGOW,
Auditor-General.

NEW SOUTH
WALES.

REVENUE AND EXPENDITURE OF PORT PHILLIP.

RETURN to ADDRESS; Mr. Mackinnon, 18th September, 1849.—Laid upon the Council Table by the Colonial Secretary, by command of His Excellency the Governor, and ordered by the Council to be printed, 27th September, 1849.

STATEMENT showing the Items composing the Sum of £86,280, the estimated Proportion of the Expenses of the General Government chargeable to Port Phillip, and of other Expenses not debited directly to that District, from its establishment in 1836 to 31st December, 1848.

HEAD OF EXPENSE.	Total Amount of Expenses from 1836 to the 31st December, 1848.			Estimated Proportion Chargeable to Port Phillip.			
	£.	s.	d.		£.	s.	d.
His Excellency the Governor	71,741	13	7	‡	17,935	8	5
Executive and Legislative Councils	26,417	7	7	‡	6,604	6	11
Colonial Secretary's Department	80,379	17	3	‡	20,094	19	4
Colonial Treasurer's Department	44,823	17	10	‡	7,470	12	11
Auditor-General's Department	32,978	6	10	‡	8,244	11	8
Bishop and Superior Clergy	34,600	0	0	‡	4,942	17	1
Supreme Court and Law Officers previous to the establishment of a Supreme Court at Port Phillip, Jan. 1, 1842.	93,637	17	10	‡	13,379	13	11
Mounted Police:—							
Pay of Commandant and Officers	6,481	0	0	‡	2,525	5	11
Cost of Horses	6,424	0	0				
Supplies received from England	7,297	7	6				
Border Police:—							
Supplies received from England	3,459	6	9	‡	432	8	4
Colonial Storekeeper:—							
Expenses of the Department	14,280	8	9	‡	3,398	9	3
Clothing purchased in advance to be issued to the several Public Establishments	5,997	14	8				
Stationery received from England	9,114	7	4				
Stores for Police and other Establishments	4,052	1	8				
Total	£				85,028	13	9
Showing an Average Annual Charge for the above period of £6,540. 1s.—							
Say £6,500 per annum				or	84,500	0	0
<i>Add—</i>							
For 23,703 days' support to Lunatics received from Port Phillip into the Asylum at Tarban Creek from 26th December, 1840, to 31st December, 1848, at 1s. 4d. per diem					1,580	0	0
For 5,471 days' support to Convicts received from Port Phillip at Cockatoo Island from 1st January to 31st December, 1848, at 8d. per diem—say					200	0	0
Estimated Amount chargeable to the Port Phillip District	£				86,280	0	0

Audit Office, Sydney, New South Wales,
24th September, 1849.

WM. LITHGOW,
Auditor-General.

(No. 69.)

No. 5.

NEW SOUTH
WALES.
No. 5.

EXTRACT of a DESPATCH from Governor Sir C.A. FITZROY to Earl GREY,
dated Government House, Sydney, April 12, 1850.

(Received Sept. 9, 1850.)

(Answered Sept. 23, 1850, No. 140, page 40.)

"I HAVE the honour to transmit a memorial addressed to your Lordship, and signed by a large number of the most respectable and influential inhabitants of this colony, submitting for your Lordship's consideration certain alterations which they conceive to be necessary in the proposed Act for regulating the government of the Australian colonies.

"As your Lordship, in your Despatch of the 18th August last, No. 135, expressed your intention of introducing this measure at an early period of the Session of Parliament which must be now in progress, and as the Memorial herewith transmitted has only been placed in my hands within the last few days, it appears to be scarcely necessary that I should offer an opinion on the several topics introduced into it by the Memorialists; but as the gentlemen who presented it to me expressed a wish that I should do so, and as the views of the Memorialists are on the whole moderate, and are in accordance, as I believe, with those of the majority of the most loyal portion of the colonists, I proceed to trouble your Lordship with the following observations.

"The first point submitted for your Lordship's consideration is, 'That the Government of New South Wales should consist of three Estates,—a Governor, to be appointed and paid by the Crown; a Legislative Council, to be composed of members appointed for life by the Crown; and of ex-officio members, in the proportion of not more than one to four; and a House of Assembly, to be elected by the colonists.'

"Having already expressed a strong opinion that the addition of a Second House, or Legislative Council, to the Legislature of this colony would be extremely desirable, and having in the same Despatch, No. 178,* of 11th August, 1848, pointed out the reasons why, if left to the present Legislative Council, such a measure would probably not meet with its concurrence, I need only remark, that the form of government proposed in the Memorial appears to me to be that which is best suited to every English colony which may be in a sufficiently advanced state to receive it.

"From the experience I have had, I should consider it to be a question of little moment whether the members of the Legislative Council are to be appointed for life, or only during the pleasure of the Sovereign; for if appointed under the latter tenure, it is not likely that, in the present day, they would be removed except on conviction of criminal offences, or for legally proved insolvency, or for any notoriously disgraceful act; while in every measure that might confer upon them the privilege of appointment for life, no doubt provision would be made for expelling them under similar circumstances.

"The question of the payment of the Governor by the Crown is one on which I hardly feel myself competent to offer an opinion; but I can see no reason why he should not be paid by the colony, if he is to be considered as the responsible administrator of its government, and the medium of representing its interests to the Home Government; and not as a mere agent or minister appointed solely to watch over the interests of the Crown. In the case of payment by the colony, however, the salary should be so fixed by law as to place it beyond the caprice of the local legislature.

"It has been remarked to me that a difficulty might exist in finding the materials for two Houses in this colony; and it has been asserted that a representative assembly, even in its present form, has been granted to it too soon. The apathy that has recently been displayed on more than one occasion by the inhabitants of the colony generally, with respect to matters of public interest, and particularly the reluctance that has been shown on the part of gentlemen of weight and influence in the community to offer themselves as candidates for vacancies which have occurred in representative seats in the present Legislative Council, have been adduced in support of these opinions; but I apprehend that other reasons may be justly assigned for, at least, the last-named fact. I believe that many gentlemen, well qualified by education, character, and property, have been deterred from coming forward, either by an unwillingness to

* Page 8 of Parliamentary Papers, by command. "Australian Constitutions," 25th May 1849." J

NEW SOUTH
WALES.

undergo the ordeal of popular suffrage in a contested election; the probability that, if elected, the tenure of their seats, from the approaching separation of Port Phillip from this district, would be but of short duration; the extravagant expenses which have been entailed on candidates at former elections; the great length to which the sittings of the Legislative Council have hitherto been protracted, taking up time which members from the country can ill spare from their private avocations; and some, perhaps, from an objection to enter a mixed assembly. There has never, however, been found any difficulty in filling up the vacancies that have occurred among the nominee members of the present Council.

“The second point submitted relates to the auditing of the Customs’ receipts and expenditure in the colony, and suggests ‘that the charges incurred in the collection of that and every other branch of the revenue, including the Land Fund, as well as the net revenues of the colony, should be placed under the control of the Colonial Legislature, which, in return, should make provision for a reasonable Civil List.’ The term *auditing* seems to me somewhat ambiguous. It is probably intended, however, that the salaries and contingent expenses of the Customs’ department should be included in the estimates, in a similar way as those of the other departments of the Colonial Government. This, under the present constitution of the colony, I think would be a very dangerous experiment. It will be in your Lordship’s recollection that an Act of Parliament was obtained for the purpose of relieving the Customs from such an audit; but, with an intermediate House, the same danger to the revenue might not be apprehended. This observation may also apply to the relinquishing of the Land Fund to the control of the Local Legislature, provided an adequate civil list, including a provision for the salaries of the Judges and higher public officers, were given in return; but this civil list ought to be made permanent, and included in the Act of Parliament in contemplation. I am strongly of opinion, however, that if emigration from the mother country to this colony is to be continued under the present system, which I am convinced is the most advantageous for the colony that could be adopted, the control and management of the Land Fund should remain in the same hands as at present.

“In the representation of the Memorialists, ‘that the Colonial Legislature is clearly entitled to the administration of the Waste Lands of the Crown, &c.’ it appears to me that they have taken up a very doubtful position. The proposition is an undefined one; but it is to be presumed that it is meant that the powers now exercised by the Executive alone are to be extended to the three Estates contemplated in the first portion of the Memorial. This is not the case in England, where the Crown retains the management of the Crown Lands, although the proceeds have been given up to Parliament in return for a civil list; and I cannot but fear that great inconvenience would arise, if such a distribution of power in this colony as that suggested by the Memorialists were to be allowed.

“To the concluding proposition, ‘that all vacancies’ in official appointments ‘should be filled up, as far as conveniently may be, from the inhabitants of the colony,’ I am not prepared to demur as to its general principle; but I am quite sure that, in practice, the occasional infusion of a little fresh blood from home—if I may so express myself—into the public departments of a colony is attended with many beneficial effects to the colonists themselves; or, at least, those persons should be preferred who have had the advantage of being educated, or of having resided for some time at home.”

Enclosure in No. 5.

NEW SOUTH
WALES.

THE NEW CONSTITUTION.

Enclosure in No. 5.

To the Right Honourable Her Majesty's Principal Secretary of State for the Colonies
&c., &c., &c.

The MEMORIAL of the undersigned Colonists of New South Wales.

SH EWETH,

THAT your Memorialists having a deep interest in the welfare of the colony of New South Wales, beg leave respectfully to submit, for your Lordship's consideration, certain alterations which they conceive to be necessary in the proposed Act for regulating the government of the Australian colonies.

That your Memorialists are most anxious that this colony should obtain a form of government in which all classes and interests of the community may be fairly represented, and which shall resemble the British Constitution as closely as the circumstances of the colony will allow. Your Memorialists therefore submit that the government of New South Wales should be vested in three estates—a Governor, to be appointed and paid by the Crown; a Legislative Council, to be composed of members appointed for life by the Crown and of *ex officio* members in the proportion of not more than one in four; and a House of Assembly, to be elected by the colonists.

Your Memorialists deem it of the highest importance to protect the colony against rash and hasty legislation by the interposition of a second chamber, and are of opinion that this step in the progress of constitutional government, which has from the first been contemplated, ought no longer to be deferred, whilst they cannot but feel apprehensive that if left dependent on the will of the Legislative Council, as now constituted, it may, from obvious causes, be indefinitely postponed.

Your Memorialists further submit, that the audit of the Customs receipts and expenditure should take place in the colony, and that the charges incurred in the collection of that and every other branch of the revenue, including the land fund, as well as the expenditure of the net revenues of the colony, should be placed under the control of the Colonial Legislature, which, in return, should make provision for a reasonable Civil List.

Your Memorialists most strongly urge that the adoption of any less liberal measures would be impolitic, injurious to this colony, and destructive of the kindly feelings which now bind the colonists to the parent state, and which they are most anxious to perpetuate.

Your Memorialists would also represent that the Colonial Legislature is clearly entitled to the administration of the waste lands of the colony, and that the most certain course to ensure an economical and judicious employment of those lands for the national benefit will be to confide their management to those who are the best acquainted with their value, and the most deeply interested in their profitable administration.

Your Memorialists are also impressed with the sound policy of intrusting to the Governor for the time being the patronage of official appointments, and would strongly urge that all vacancies, as far as conveniently may be, should be filled up from amongst the inhabitants of the colony.

Your Memorialists finally would suggest, that the proposed Act of Parliament ought, as far as possible, to contain within itself, and clearly define, the future constitution of the colony, without unnecessary reference to former Acts of Parliament.

And your Memorialists, &c.

NEW SOUTH
WALES.Despatches from the Right Hon. Earl Grey,
Secretary of State.

No. 1.

(No. 67.)

No. 1.

COPY of a DESPATCH from Earl GREY to Governor Sir C. A. FITZROY.

SIR,

Downing-street, June 6, 1850.

* Page 2.

I HAVE to acknowledge your Despatch No. 221*, of the 31st October last, transmitting the copy of a Despatch from the Superintendent of Port Phillip, in which are inclosed copies of a resolution passed by the City Council of Melbourne, reflecting on certain language used by the Superintendent in a Despatch of the 10th August, 1848, and also of a resolution passed at a public meeting of the inhabitants of Geelong, commenting on the former.

2. It is impossible but that officers occupying the position of yourself and the Superintendent, among whose duties it is not one of the least important to convey to Her Majesty's Government in this country a faithful representation of the state of the colony in which your functions are performed, should, in executing that duty, have to say many things which may be construed into reflections on particular portions of the community.

Such accounts which it may be the duty of such officers to transmit from time to time, can scarcely fail occasionally to be opposed to the views, and thus give offence to some portion of the community over which they preside, nor is any other course reconcileable with that strict discharge of their duty which the office they hold demands of them, or that impartiality and fidelity to the Crown which are alike expected of them.

3. It is, therefore, with great regret that I find that the observations of officers so circumstanced, are resented as personally offensive by members of the community, on whom, individually, there could be no intention of casting any aspersion whatever; but you may be assured, and I trust you will convey the same assurance to the Superintendent, that the expressions of such resentment, while they afford additional proof of the difficulties to which an officer administering the Government is exposed in the impartial exercise of his duty, only render it the more necessary, in my opinion, that Her Majesty's Government should distinctly convey to him their approval of his freedom of language, and his disregard of the undeserved obloquy to which it may expose him.

4. I learn, with much satisfaction, from the resolutions of the public meeting at Geelong, that the inhabitants of the colony in general are not disposed to adopt those which have been voted by the Town Council of Melbourne as an authoritative exposition of their sentiments; and that they give credit to Her Majesty's Government for their sincere desire to procure for the inhabitants of Port Phillip the advantage of a separate and independent government under representative institutions, although some unavoidable delay has been incurred in giving execution to these intentions.

Sir C. A. FitzRoy,
&c. &c.I have, &c.,
(Signed) GREY.

No. 2.

(No. 74.)

No. 2.

COPY of a DESPATCH from EARL GREY to Governor Sir C. A. FITZROY.

SIR,

Downing-street, June 12, 1850.

* Page 4.

I HAVE the honour to acknowledge the receipt of your Despatch No. 8,* of the 8th of January last, with a petition for the Queen from the City Council of Melbourne, praying for the early separation of the district of Port Phillip from New South Wales, and its erection into an independent colony; and I have to request that you will acquaint the Mayor of Melbourne, by whom this Memorial is signed, that I have laid it before the Queen and that Her Majesty was pleased to receive the same very graciously.

Sir C. A. FitzRoy,
&c. &c.I have, &c.,
(Signed) GREY.

(No. 77.)

No. 3.

NEW SOUTH WALES.
No. 3.

COPY of a DESPATCH from Earl GREY to Governor Sir C. A. FitzRoy.

SIR,

Downing-street, June 19, 1850.

I TRANSMIT to you herewith, for your information, copies of a correspondence with the Hon. Francis Scott, M.P., the Agent for New South Wales, on the subject of a petition presented on his behalf to the House of Lords, praying that he might be heard by himself or by counsel at the Bar of the House, against the Bill in progress for the better government of the Australian Colonies.

Lord Grey, June 5 1850.

Mr. Scott, June 8.

I also enclose a copy of that petition, and I have only to observe, that if Mr. Scott had authority from the Legislative Council to suggest any definite changes in the Bill, it would have been a far more convenient course that he should have brought them under the consideration of Her Majesty's Government.

Sir C. A. FitzRoy;
&c. &c.

I have, &c.,
(Signed) GREY.

Enclosure 1 in No. 3.

Encl. 1 in No. 3

SIR,

Downing-street, June 5, 1850.

I AM directed to inform you that Lord Grey's attention has been called to a notice given by Lord Monteagle, which appears on the Minutes of the House of Lords, that he will to-morrow present a petition from yourself, praying to be heard by yourself or counsel at the bar of the House, against the Bill now before it for the better government of the Australian Colonies. Lord Grey presumes that this petition has been signed by you in your capacity of Agent for the Colony; his Lordship, therefore, requests that you will be good enough to inform him whether you have received instructions from the Legislative Council to urge any objections, to the Bill now before Parliament, or to suggest any alterations, in it, and that if so, you will communicate to him the views of the Colonial Legislature as to the future government of the colony, in order that they may be brought under the consideration of Her Majesty's Government, whose immediate and best attention they will not fail to receive.

The Hon. F. Scott.

I have, &c.,
(Signed) BENJAMIN HAWES.

Enclosure 2 in No. 3.

Encl. 2 in No. 3

SIR,

Sandhurst Grange, Ripley, June 8, 1850.

I MUST apologise for the delay which has occurred in acknowledging the letter which you did me the honour to address to me on the 5th instant. It only reached me this morning, in consequence of its being addressed to me at the Carlton Club.

I regret this delay exceedingly, fearing that my silence may have been imputed to a want of courtesy, or of the respect which I entertain for Earl Grey and yourself. I have to thank his Lordship and you for the communication, and for the assurance that the views of the Colonial Legislature of New South Wales, as to the future government of the colony, will not fail to receive the immediate and best attention of Her Majesty's Government.

The petition, which was unfortunately presented to the House of Lords before I had the honour of receiving your communication respecting it, indicates the grounds on which I pray to be heard at the bar of the House on the Bill now before Parliament for the better government of the Australian Colonies.

The statements contained in the petition will, I hope, afford a sufficient motive to induce Earl Grey not to offer any opposition on the part of Her Majesty's Government to its prayer being granted.

Benjamin Hawes, Esq., M.P.,
&c. &c.

I have, &c.,
(Signed) FRANCIS SCOTT.

Enclosure 3 in No. 3.

To the Right Hon. the LORDS SPIRITUAL and TEMPORAL in PARLIAMENT assembled.

The Petition of the undersigned humbly sheweth—

THAT the Bill now before your Lordships' House, entitled "The Australian Colonies Government Bill," contains many provisions highly objectionable, as regards the colony of New South Wales.

That the absence of any provision creating a Second Chamber is an omission which considerations for the good government of the colony require to be promptly and definitively supplied by Parliament.

That the Federal Assembly proposed in the Bill is calculated to produce embarrassment and disunion.

That the existing qualification, for the elective franchise is too high in amount and too restricted in its application.

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That the control maintained by the Crown over the waste lands of the colony, and the continuance of the existing minimum price of 1*l*. per acre, in disregard of the repeated remonstrances of the colony, will create disappointment and discontent.

That in the above and other particulars, the Bill is opposed to the sense of the colony.

That for the reasons herein assigned, your petitioner prays that, as agent for the colony of New South Wales, he may be heard by himself, or by counsel on his behalf, at the bar of your Lordships' House.

And your petitioner, &c.,
(Signed) FRANCIS SCOTT.

No. 4.

(No. 125.)

No. 4.

COPY of a DESPATCH from Earl GREY to Governor Sir C. A. FITZROY.

SIR,

Downing-street, August 30, 1850.

13 & 14 Vict. c. 59.

1. THE Act for the better Government of Her Majesty's Australian colonies having at length received the Royal assent, it is with much satisfaction that I have now the honour of transmitting it to you. It was my earnest desire to have been enabled to do so at an earlier period; but the delay which has occurred in finally enacting this measure has been attended with this advantage, that it has given room for the thorough and repeated discussion of its provisions, both in Parliament and by the various organs of public opinion in the colonies. These protracted discussions, and the detailed Report of the Committee of Her Majesty's Privy Council, of which you are already in possession, and of which the recommendations have been closely followed in this Act, must have rendered both its principle and its details so well known to yourself and the public, that it is necessary for me, on the present occasion, to do little more than advert to some of the changes which the measure underwent during its progress through Parliament.

2. These changes, with one or two exceptions only, which I will presently notice, involve no departure from the fundamental principle of the measure, which is that of maintaining the existing constitution of New South Wales, with as little alteration as possible, in the separate colonies into which it is now about to be divided, and extending that constitution to the other colonies to which representative constitutions are, under this Act, to be granted.

3. The reasons which induced Her Majesty's Government to take this course in the first instance, and to adhere to it notwithstanding the objections which were urged against it in Parliament, have been fully stated in the Report already alluded to, and in the debates which took place during the progress of this measure. We were of opinion that changes in an existing colonial constitution ought not to be made, without very strong reason, by the Legislature of the mother country. The supreme power with which the British Constitution invests that Legislature ought, in our judgment, to be thus exercised only when called for by a case of clear and urgent necessity, or of great abuse, or by an authentic expression of the wishes of the community to be affected by the change. The proper authorities to introduce those gradual improvements which are really likely to be safe and profitable, are those which may be brought into action by the natural development of the colonial community itself. You are aware that, except in a very few cases which have occurred within the last century, the various forms of government established in the British colonies have not been determined by Parliament, but have been settled by the Crown, in concert with the inhabitants of the colonies, and that any alterations and amendments of the constitution originally adopted have been effected from time to time as they have been required by the same authority.

4. On full examination of the subject before them, Her Majesty's Government could find no evidence of any necessity, or of any abuse, which would, in their opinion, have justified a departure, with regard to New South Wales, from this principle of our early colonial policy, by having recourse to the authority of Parliament in order to effect in the constitution of that colony a change which has not been demanded by its inhabitants. We were by no means insensible to the force of the arguments commonly adduced against legislation by a single chamber. But, on the other hand, we were acquainted with the peculiar difficulties which, in the Australian colonies, at present impede the attendance of members from distant districts, and render it unadvisable to adopt for their legislature a constitution which would have increased the number of persons required for the satisfactory transaction of business.

We could not discover in the record of the proceedings of the existing legislature any reasons for supposing that it had substantially failed in its duty to its constituents, or had worked in a manner disadvantageous to their interests and the progress of the community. The evidence in our possession seemed to lead to very different conclusions; and above all we had no reason whatever to believe that the community were dissatisfied with the present constitution of the colony, nor any means of judging in what manner, if that constitution were to be altered, it could be so with advantage and in accordance with the wishes of the inhabitants. Though we were aware that in New South Wales, as elsewhere, there undoubtedly existed differences of opinion as to the best means of constituting a legislature, yet we did not find in the numerous petitions which the subject of this Act has elicited, any expressions whatever of discontent with that now established, or any prayer except for its substantial maintenance.

5. But while thus maintaining the existing constitution of New South Wales, Her Majesty's Government were, as I have stated, anxious to give to the legislature the fullest power, consistent with safety, of amending that constitution, and of modifying from time to time, without the intervention of Parliament, the political arrangements which may be suitable to existing circumstances, but which are likely to require adaptation to the changes which must take place in so rapidly advancing a society. The necessary powers for this purpose are given by section 32 of the Act. You will observe that they extend, among other things, to the formation of two Chambers, of which one or both may be elective. The only restriction, in short, on the general power of alteration appears to be this, that, if the present single Chamber is retained the proportion of elective to non-elective members cannot be varied, nor can the manner of appointment of the non-elective members be interfered with. The power of the existing legislature of effecting minor alterations in the arrangements for the election of members of the first Legislative Councils of New South Wales and Victoria is defined by section 11. The control of Her Majesty's Government and of Parliament over the more extensive changes which may be hereafter made in the constitution is provided for by the 32nd section, which enacts that these changes shall only be effected by reserved bills.

6. On the important subject of the use which may be made of these powers, it would be premature now to address you in detail. In my own opinion (strengthened undoubtedly by the general consent of the various petitions and addresses which have reached me in their expression of confidence in the existing legislature) it would be most advisable to abide for a time by the constitution as it now stands. I think that there will probably be more danger from the over-eagerness of some to make use of the power of change now placed in their hands, than from the reluctance of others to venture on untried experiments. I think, moreover, that the progress of most of the Australian colonies is so rapid, and the changes both in the general frame of society and its component parts, so continual, that any attempt to establish a more elaborate form of legislature, if too hastily entered upon, is likely to be found defective in some unforeseen particular; so that another legislature might probably find it necessary to commence the work of change anew, and that there would thus be danger of the institutions of the country becoming the subject of a succession of experiments, injurious to the public interest by the excitement they would be calculated to keep up, and by their tendency to divert public attention from measures of a more practical kind.

7. These are the views which my observation of public affairs, and especially of the course of events in Europe of late years, would lead me to impress on you; they are those of one deeply anxious for the continuance of that advance in material and moral prosperity, of which the Australian colonies have on the whole exhibited so striking an example, but like all general views, they must be received subject to the exigencies of times and events.

8. I have only to add, in reference to this part of the subject, that, under the definition of "reserved bills," given in section 33, you will observe that you retain the power of refusing your consent to all bills, and are in no case under the necessity of reserving them for the signification of the Queen's pleasure, if you think them clearly inadmissible, and that they ought, therefore, to be at once rejected.

9. The most important deviations from the general principle of leaving the existing constitution unaltered are to be found in section 4, which was intro-

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duced in the progress of the bill through the House of Lords. It was strongly urged on Parliament that the existing franchise was originally fixed on too high a scale, and that, from changes in the money value and distribution of property, it had become even more restricted than was contemplated. There existed, moreover, no legal means for the admission to the franchise of persons holding pasture licences, or of persons residing beyond the boundaries of location. It is true that by this bill, as originally framed, the new legislatures, after the division of the colony, would have possessed the power of lowering the franchise, and of admitting these voters; but it was felt that leaving these changes to be effected by the exercise of this power must cause some delay in the redress of what was clearly shown by petitions and other representations to be felt as a practical grievance. If, moreover, the same franchise was to be fixed for the several colonies at the outset (and any other course would have been manifestly inconvenient), it was thought objectionable to establish one recognized as too high.

10. You are therefore empowered, under section 3, with the assistance of the existing Legislative Council of the whole colony, to form new electoral divisions for both New South Wales and Victoria, admitting such districts as you think proper, without regard to the "boundaries of location." And the first election in each colony will take place under the new franchise provided by section 4.

11. I will next direct your attention to the clauses of the Act which relate to the power of the legislature as to the imposition of taxes and the appropriation of public money.

13. The expenses of collecting the revenue will be defrayed, as hitherto, out of the gross revenue, and the charges incurred on this account will, for the present, continue to be audited as they now are in the manner which has been directed by the Commissioners of the Treasury, under Act 7 and 8 Vict., c. 72. But in my Circular Despatch* of the 8th instant I have informed you that the management of the establishment of customs is henceforth to be placed under the local government, and the Lords of the Treasury concur with me in the desire that the local legislature should have the fullest information respecting the details of the charges on the gross revenue for the cost of collection. I enclose, for your information and guidance, the copy of a letter from the Treasury on this subject.

* Page 42.

Treasury Letter,
August 19, 1850.

13. The effect of sections 13, 17, and 18 is to give the legislature a considerably increased control over that part of the colonial expenditure now charged on what is called the Civil List. The legislatures will have the power to alter, by Acts passed for that purpose, all or any of the sums specified in the schedules. In the case of these alterations affecting the salary of the Governor, or the appropriation for public worship, it is required by the present Act of Parliament that the colonial Acts should be reserved for the signification of Her Majesty's pleasure.

14. In the former Act there was a power given to the Governor, by the 38th section, of varying the sum appropriated to the purposes of Schedule B, and the savings accruing from such alteration were exempted from the control of the Legislative Council. This latter proviso has been omitted in the present Act, as there appeared to be no sufficient reason why the ordinary power of the legislative body should not extend to these particular savings.

15. This extension of the authority of the legislature has been rendered expedient in the view of Her Majesty's Government, by the evidence of the hitherto successful progress of constitutional government. The manner in which the people of New South Wales have hitherto exercised the powers they possessed through their representatives seemed fully to justify the grant of the enlarged power which will now be entrusted to them in relation to their financial affairs; but it has been deemed right by Parliament, in order the more completely to maintain the independence of the Judges of the Supreme Court, to provide that no diminution of judicial salaries by colonial enactments shall affect judges appointed previously to the passing of such enactment.

16. All other salaries, except those of the Governor and Judges, are placed by Parliament under the ordinary control of the legislature. With regard to the mode of exercising this control, you will, however, observe that reductions of fixed establishments, or of any expenditure provided for by permanent laws, can only be effected by Acts of the Legislature, which, of course, require the

assent of the Crown, signified by yourself, and confirmed by Her Majesty; but I wish you distinctly to understand that there is no desire on the part of Her Majesty's Government to prevent prospective reductions of charges which, in the opinion of the colonists, will safely admit of being diminished. The interests of existing office-holders must be protected, because they accepted those offices with expectations which cannot justly be disappointed. But, subject to these interests, there is no objection to the legislature fixing whatever scale of emoluments they may think fit for public servants to be hereafter appointed. I should, for my own part, consider it highly injudicious to reduce the salary of an office so as to render it no longer an object of ambition to men of ability and of respectable station. But this is a matter in which the interests of the colonists only are involved, as they will be the sufferers from any failure to provide adequate remuneration for those by whom the public service is carried on; the determination, therefore, of what is sufficient must be left to the legislatures, with whom will rest the responsibility for the judicious exercise of the power.

17. I consider it, however, absolutely essential that, whatever may be the rate of payment, the salaries of all the principal officers of the Government should, for the reasons stated in the Report of the Committee of the Privy Council, be permanently granted; that is, not voted from year to year, but provided for in the same manner as charges on the Consolidated Fund in this country by Acts, and therefore only susceptible of alteration by Acts of the legislature passed in the ordinary manner, with the consent of the Crown. You will therefore understand that you are not at liberty to give the assent of the Crown to any Act which may be passed reducing the salaries of those who are now in the public service, or rendering dependent on annual votes any of the charges now provided for by permanent appropriations. Any Acts of this sort you will reserve for the signification of Her Majesty's pleasure, unless you consider them so manifestly objectionable as to call for their rejection. Subject to this restriction you are authorized to exercise your own judgment in giving or withholding your assent from Acts for the reduction of the fixed charges on the colonial revenue.

18. With regard to the land revenue, I am aware that much jealousy has existed of its being appropriated, as it hitherto has been, by the authority of the Crown, and it is therefore necessary that I should explain that though the Act of Parliament which I now transmit to you makes no alteration in the existing law upon the subject, Her Majesty's Government have no desire to exercise any control over the appropriation of this revenue beyond that which is necessary in order to insure its being expended on the objects to which it is legitimately applicable, and in a manner consistent with justice towards those from whom it is raised. But this revenue is of a very different character from that which is raised by taxation; and my views with regard to it will be best explained by the enclosed copy of a Despatch which I have lately had occasion to address to the Lieutenant-Governor of Van Diemen's Land. The principles there stated are, with very slight modification, applicable to New South Wales. The most important differences between the two colonies are—first, that in New South Wales the expenditure of half the income derived from the sale of land on emigration, as required by the Land Sales' Act, is, in the absence of any other source from which a sufficient supply of labour could be obtained, an appropriation of this fund which tends directly to increase the value of the land from the sale of which it is derived, and, secondly, that in Van Diemen's Land there is no longer occasion for any expenditure on account of the aboriginal natives, while in New South Wales the cost of the best arrangements which can be made for their protection and civilization ought to be regarded as a charge prior to all others on the revenue derived from the appropriation of the lands of which they were the original inhabitants. After providing for this charge and those incurred on account of surveys and the cost of collection, such proportion of the revenue derived from the sale or leasing of the Crown lands as is not required for emigration, ought, as far as possible, to be applied in local improvements in the district in which it arises; and I propose communicating with the Lords Commissioners of the Treasury on the steps which should be adopted in order to carry these views into effect.

19. The provisions of the Act respecting District Councils which are closely connected with the subject to which I have just adverted, appear to require no

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further explanation, as they are in exact conformity with the detailed recommendations of the Report of the Committee of Privy Council.

20. The effect of sections 27 and 31 is to give the several legislatures that full power, which is understood to have been hitherto curtailed by the restrictions of various Acts of Parliament, to impose such customs duties as they may think fit, provided only that they are not of a differential kind, and do not contravene certain other regulations of minor importance.

21. The provisions of section 29 were introduced on account of doubts which appeared to exist, whether a Supreme Court could be established in the new colony of Victoria without contravening the enactments of former statutes, and whether full liberty to make alterations in the existing Supreme Courts would, without these provisions, have been vested in the legislatures of the altered colony of New South Wales and of Van Diemen's Land. The effect of the clause is, that complete freedom of action in this respect is left to the several legislatures, and that the legislature of Victoria may either continue for the present the judicial arrangement now in force, or proceed forthwith to establish a new one.

22. The boundary between New South Wales and Victoria is the same with that now existing between the Sydney and Port Phillip districts. The mode by which any alteration is to be effected is pointed out in section 30. In the case of one legislature only petitioning, the Privy Council cannot take such a petition into consideration until six months after notice of the petition has reached the legislature which has not petitioned: a provision which appears to afford ample opportunity for any counter petition.

23. The provisions of sections 34 and 35 were introduced on consideration of the peculiar circumstances of that large and important portion of the colony which lies to the northward, particularly in the direction of Moreton Bay. The centre of the peopled part of that district is as far from Sydney as Melbourne itself; and it is impossible not to foresee that the same inconveniences which have led to the separation of Victoria from New South Wales, may at no distant time be felt in the north. It has been thought, therefore, expedient that the Crown should possess the power of forming a new colony or colonies so as to include Moreton Bay, and of communicating representative institutions to the inhabitants of any district so divided from New South Wales. But this power is only to be exercised on petition from the householders of the territory affected by the arrangement. Her Majesty's Government can have no interest in promoting the formation of any such new colony, and the clauses adverted to merely secure the means of carrying into execution the distinct wish of the inhabitants themselves.

24. The clauses giving power for the establishment under certain circumstances of a General Assembly for two or more of the colonies were omitted from the bill in its progress through the House of Lords. This omission was not assented to by Her Majesty's Government in consequence of any change of opinion as to the importance of the suggestions on this point which are contained in the Report of the Committee of the Privy Council. But it was found on examination that the clauses in question were liable to practical objections, to obviate which it would have been necessary to introduce amendments entering into details of legislation which there were no means of satisfactorily arranging without further communication with the colonies.

25. Her Majesty's Government have been the less reluctant to abandon for the present this portion of the measure which they proposed, inasmuch as even in New South Wales it appeared, as far as they could collect the opinion which prevails on the subject, not to be regarded as of immediate importance, while in the other colonies objections had been expressed to the creation of any such authority.

26. I am not, however, the less persuaded that the want of some such central authority to regulate matters of common importance to the Australian colonies will be felt, and probably at a very early period; but when this want is so felt, it will of itself suggest the means by which it may be met. The several legislatures will, it is true, be unable at once to give the necessary authority to a General Assembly, because the legislative power of each is confined of necessity within its territorial limits; but if two or more of these legislatures should find that there are objects of common interest for which it is expedient to create such an authority, they will have it in their power, if they can settle the terms of an arrangement for the purpose, to pass Acts for giving

effect to it, with clauses suspending their operation until Parliament shall have supplied the authority that is wanting. By such Acts the extent and objects of the powers which they are prepared to delegate to such a body might be defined and limited with precision, and there can be little doubt that Parliament, when applied to in order to give effect to an arrangement so agreed upon, would readily consent to do so.

27. In framing the Schedules to this Act, some difficulty was necessarily experienced from the imperfection of the materials at the command of Her Majesty's Government for ascertaining distinctly the division of the existing appropriations between the services of New South Wales and Port Phillip. We had no wish to increase the sum reserved by way of Civil List, but we felt that it was above all desirable that no existing interest should be sacrificed, or placed in a less secure position than at present. This circumstance, and the inevitable increase in the establishment of Victoria on being raised to a separate Government, have produced an augmentation of nearly 12,000*l.* on the whole amount of the charge for the fixed establishment. But if you find on examination that the amount required for any particular services, and charged on the Civil List, has been unnecessarily added to in the process of framing these Schedules, so that there is a surplus at your command consistently with justice to existing interests, the Act provides the means of making a reduction accordingly.

28. I have now gone through all the observations which appear to be requisite in order fully to explain to you the details of the measure which has just received the sanction of Parliament, and which it will be your duty to take the necessary steps for bringing into operation at as early a period as may be practicable. I have only in conclusion to assure you that in framing this measure and recommending it to Parliament, Her Majesty's Government have had no other object in view but that of establishing in the Australian Colonies a system of government founded on the same principles of well-regulated freedom, under which the inhabitants of this country have enjoyed so large a measure of security and of prosperity, and under which the British Empire has risen to so high a pitch of greatness and of power. It is my earnest and confident hope that by this Act of Parliament, the foundation is laid upon which institutions may gradually be raised, worthy of the great nation of British origin which seems destined rapidly to rise up in the Southern hemisphere, and to spread our race and our language, and carry the power of the British Crown over the whole of the vast territory of Australia.

I have, &c.,
(Signed) GREY.

Sir C. A. FitzRoy,
&c. &c.

Enclosure 1 in No. 4.

Encl. 1 in No. 4.

Sir CHARLES TREVELYAN to Mr. ELLIOT.

Treasury Chambers, August 19, 1850.

SIR,

IN reply to your letter dated the 1st instant, I am commanded by the Lords Commissioners of Her Majesty's Treasury to acquaint you, for the information of Earl Grey, that so long as the expenses of the Customs Establishment in New South Wales may continue to be regulated under the powers for that purpose reserved to my Lords' Board by the Act of 7th and 8th Victoria, cap. 72, and by the recently passed Act "for the better government of Her Majesty's Australian Colonies," my Lords are not aware of any objection to the nature and amount of that expenditure being communicated to the Local Legislature in any detail that may appear to the Local Government to be desirable.

I am at the same time to request that you will call Lord Grey's attention to the communication from this department, to Sir James Stephen, of the 20th April, 1844, and the accompanying instructions relating to the mode of paying expenses of Customs Establishments in the colonies defrayed from colonial revenues; and that you will observe to his Lordship, that in the case of New South Wales, my Lords apprehend that the course of proceeding enjoined by those instructions, which had previously been adopted in that colony, has continued; and although it has not been necessary to insert those expenses in detail in the Colonial Estimate, or that provision should be made for them in the Annual Appropriation Act of the colony, it appears to have been customary to include them in the gross estimate of the "whole charges for the year" laid before the Legislature; and as the details of those expenses are fully known to the Local Government, by which all payments on account of them must be specifically authorized, my Lords are not aware of any objection, pending the adoption of arrangements for placing that expenditure entirely under Local Legislative control, to the Legislature being furnished by the Government with any requisite information respecting it.

I have, &c.,
(Signed) C. E. TREVELYAN.

T. F. Elliot, Esq.,
&c. &c.

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(No. 116.)

Enclosure 2 in No. 4.

Earl GRAY to Sir WILLIAM DENISON.

Encl. 2 in No. 4. SIR,

Downing Street, July 27, 1850.

IN my Despatch on the general subject of the finances of Van Diemen's Land, I have thought it right to reserve for separate consideration the general principles by which the application of the Land Fund is to be governed. The question is one of so much importance that I am anxious that my views upon it should be thoroughly understood. I will accordingly proceed now to explain them. The money derived from sales of land I regard not as constituting a part of the revenue of the colony, in the proper sense of the word, since these receipts do not periodically recur, but arise from the permanent alienation of part of the public property, and ought therefore to be dealt with as capital to be invested in the accomplishment of objects of permanent public benefit. The proper object also of disposing of land by sale instead of by free grant, according to my view of the subject, is that of regulating the distribution of the Crown lands among those will turn them to the best account, not that of realizing a large sum of money for general purposes. Experience has demonstrated that when a colony is in progress of settlement, if land is disposed of either by free grants or by sales at a low price, no precautions can prevent its being engrossed by persons who acquire possession of it, not with a view to its occupation and improvement, but on the speculation of deriving a profit from its increase in value as the colony advances in wealth and population. In the meantime, land thus left unimproved, is a great obstacle to the general progress of the colony, and the settlement of emigrants is checked and discouraged by the high price they are compelled to pay for land to the speculators by whom it has been bought up. This evil is guarded against by selling land at a price too high to allow of its being acquired with any expectation of profit by persons who mean to let it lie idle. But as the object of imposing such a price is to ensure the gradual distribution of land to settlers as it is wanted, it has always been my opinion that the sums received for it should be applied in such a manner as to add to the value of the land to purchasers who mean really to occupy and improve it. The popular objections to the comparatively high price which has for some years been required for the Crown lands in the Australian colonies would in my judgment be well founded, and it would be highly impolitic to withdraw from settlers so much of their available capital, if this money were not in fact restored to them by its being applied in such a manner as to increase the value of the land they acquire. With this view, in the other Australian colonies, half the sums so received are by law devoted to the introduction of emigrants, by which a supply of labour is obtained, and a value is given to the land which it would not otherwise possess. In Van Diemen's Land it is not necessary, as there is an abundant supply of labour from another source, to apply any of the receipts from the sale of land directly to this purpose; but upon the same principle they ought to be applied to public works, such as roads, bridges, and buildings, which will conduce to the profitable occupation of the lands alienated. The Committee of Privy Council on the proposed Constitutions of the Australian Colonies has advised that whenever local bodies are constituted representing the inhabitants of the different districts, the application of half the land fund to objects of this kind should take place under their superintendence. I am strongly impressed with the importance of adopting this recommendation, and I should anxiously desire to see the establishment of such municipal bodies at the earliest possible period; and whenever they are established, it would be highly expedient that the expenditure of a portion of the Land Fund, in the manner I have described, should take place under their direction, subject to the approval of the Lieutenant-Governor. In the meantime this application of the money should take place under the directions of the Government, since, if it were placed at the disposal of the Legislature, it is almost certain that due regard would not be shown to the interests of the inhabitants of the remoter districts, whence it is principally derived, who are too few to have much influence in that body. In Van Diemen's Land, in consequence of the absence of any considerable demands for emigration, a larger proportion of the fund ought probably to be applied locally than in the other colonies, still a certain proportion of it ought, I think, to be retained for purposes of a similar character, but of more general advantage,—such as improvements of the great lines of communication, and of the principal harbours,—by which the general trade of the colony may be benefited. These instructions must, however, be regarded as subject to those contained in another Despatch which I have this day addressed to you, and in which I have informed you that instalments of 5,000*l.* annually, in payment of the Colonial debt to this country, must constitute a first charge on the land revenue.

I have, &c.,

(Signed) GRAY.

Sir W. Denison,
&c. &c.

(No. 126.)

No. 5.

COPY of a DESPATCH from Earl GRAY to Governor Sir C. A. FITZROY.

No. 5.

SIR,

Downing-street, August 30, 1850.

I HAVE to acknowledge your Despatch, No. 274,* of 26th December last, enclosing a letter from certain licensed occupants of Crown lands, applying for the extension of the elective franchise to them.

* Page 15 of Papers relative to the proposed Alterations in the Constitution of the Australian Colonies; presented to both Houses of Parliament by command, 1st March 1850.

It did not appear to Her Majesty's Government practicable, on full consideration, to accede to the prayer of this letter in the precise form in which it was made. This would have involved too large a departure from the principle adopted, of respecting the powers of the existing Legislative Council. But you will perceive, on reference to my Despatch of even date, herewith transmitting the Act for the better government of the Australian Colonies, in what manner it has been judged best to provide for the admitted exigency of the case.

Sir C. A. FitzRoy,
&c. &c.

I have, &c.,
(Signed) GREY.

(No. 128.)

No. 6.

No. 6.

COPY of a DESPATCH from Earl GREY to Governor Sir C. A. FITZROY.

SIR,

Downing-street, September 9, 1850.

I HAVE received your Despatch, No. 24,* of the 14th of February last, with three petitions addressed to the Queen, one by the inhabitants of Geelong and its vicinity, and the other two drawn up in consequence of resolutions passed at two public meetings convened by the Mayor of Melbourne; all of them praying for the separation of Port Phillip from the middle district of New South Wales, and for the erection of the former settlement into a distinct province, under the name of Victoria.

* Page 6.

A similar petition has also accompanied your Despatch,* No. 28, of the 22nd of February, from certain Port Phillip members of the Legislative Council of your government.

* Page 10.

You will acquaint the Memorialists that I have laid these several petitions before the Queen, who was pleased to receive them very graciously, and you will state that it gives me sincere pleasure to be able to announce, that an object, of which the attainment has so long been to them a matter of deep interest, has at length been happily accomplished.

I have not overlooked the remarks which the members for Port Phillip have made respecting the alleged misappropriation of the general and Crown revenues, but more especially of the latter, belonging to that district, and the consequent debt due to it from New South Wales. This subject was to a considerable extent examined in a Report from the Emigration Commissioners, which was enclosed in my former Despatch, No. 110, of the 10th of July, 1848. You will inform the petitioners that Her Majesty's Government are bound to assume that the acts done by the lawfully constituted authorities of the colony for the time being were correct, and that it is quite impossible therefore, to recognise a pecuniary claim of one district upon another of the former colony of New South Wales, founded upon a contrary assumption.

Sir C. A. FitzRoy,
&c. &c.

I have, &c.,
(Signed) GREY.

(No. 131.)

No. 7.

No. 7.

COPY of a DESPATCH from Earl GREY to Governor Sir C. A. FITZROY.

SIR,

Downing-street, September 14, 1850.

IN reference to my Despatch, No. 125, of the 30th* ultimo, transmitting you the Act for the better government of Her Majesty's Australian Colonies, I have now to inform you, that having every reason to be satisfied with the manner in which Mr. La Trobe has hitherto administered the affairs of the district of Port Phillip under the existing arrangement, I have advised Her Majesty to appoint him the first Lieut.-Governor of the new colony of Victoria.

* Page 34.

A Commission will, accordingly, be transmitted to that gentleman in time to enable him to execute the functions thus assigned to him as soon as the necessary arrangements can be made by the existing Legislature, and this Commission will be accompanied by the instructions requisite for his guidance.

Sir C. A. FitzRoy,
&c. &c.

I have, &c.,
(Signed) GREY.

(No. 140.)

No. 8.

NEW SOUTH
WALES.

No. 8.

* Page 27.

* Page 34.

COPY of a DESPATCH from Earl GREY to Governor Sir C. A. FITZROY.

SIR,

Downing-street, September 23, 1850.

I HAVE the honour to acknowledge the receipt of your Despatch, No. 69,* of the 12th of April last, forwarding a memorial signed by a numerous and influential body of the colonists of New South Wales, submitting for my consideration various alterations which they conceive to be necessary in the Act for the better government of Her Majesty's Australian Colonies.

My Despatch, No. 125,* of the 30th August, which encloses the Act in question, will be found to explain my views on the various topics adverted to in the memorial. It is, therefore, unnecessary now to do more than refer you to that Despatch, and to request that you will inform the petitioners that their memorial did not reach me until after the passing of the Act.

I have, &c.,

Sir C. A. FitzRoy,
&c. &c.

(Signed) GREY.

No. 9.

(No. 1.)

No. 9.

COPY of a DESPATCH from Earl GREY to Governor Sir C. A. FITZROY.

SIR,

Downing-street, January 13, 1851.

I TRANSMIT to you herewith four separate Commissions under the Great Seal of the United Kingdom, by which the Queen has re-appointed you to the office of Governor of the colony of New South Wales, with the style of Captain-General and Governor-in-Chief, and appointed you also to be Governor, with the same style, of each of the colonies of Van Diemen's Land, South Australia, and Victoria, together with the several Royal instructions to which those Commissions refer.

I also transmit to you Her Majesty's warrants, delegating to the Governor of each of the colonies the power of nominating the several non-elective members of the Legislative Councils.

I further transmit to you the Queen's Commission under the Great Seal, by which you are constituted Governor-General of all Her Majesty's Australian possessions, including the colony of Western Australia, together with Letters Patent under the Seal of the High Court of Admiralty, appointing you to the office of Vice-Admiral of each of the colonies of New South Wales, Van Diemen's Land, South Australia, and Victoria.

You will immediately open your Commission of Governor of New South Wales, and your Commission as Governor-General.

The first of these instruments with the Royal instructions, and your Commission as Vice-Admiral, are to be deposited in the archives of the colony of New South Wales. Your Commission as Governor-General is to remain in your personal charge, and is to accompany you to any of Her Majesty's Australian possessions to which you may eventually have occasion to repair.

The Commissions and Royal instructions for Van Diemen's Land, South Australia, and Victoria, you will transmit to the respective Lieut.-Governors of those colonies, together with your Commissions as Vice-Admiral, to be opened by those officers and to be by them deposited in the archives of their colonies.

You will, at the same time, transmit to the Lieut.-Governors their respective Commissions under the Royal Sign Manual, which are herewith enclosed.

As the Commission of Governor-General of the Australian Colonies is now for the first time issued by Her Majesty, it is necessary to explain to you, that in intrusting to you the extensive powers which are conveyed to you by this and by Her Majesty's other several Commissions, I neither desire nor intend that you should exercise practically any interference in the administration of the governments of the colonies of Van Diemen's Land, South Australia, and Victoria, with respect to matters affecting only the internal interests of any of these several colonies. No change is to be made in the mode in which the ordinary public business of each of the Australian Colonies has hitherto been transacted and carried on. This is to be performed as heretofore by their own

administrative officers, separately from, and irrespectively of the affairs of the other Colonies. NEW SOUTH WALES.

The Lieut.-Governors of Van Diemen's Land, South Australia, and Victoria, together with the Governor of Western Australia, will continue to administer, as heretofore, the governments of these colonies, and to correspond directly with the Secretary of State respecting their affairs.

But as the expanding interests and increasing relations of these communities with each other cannot fail to create a want of some means of establishing a mutual understanding and concert between them on a variety of subjects, Her Majesty's Government have considered it fitting that the officer administering the government of the oldest and largest of those colonies should be provided with a general authority to superintend the initiation and foster the completion of such measures as those communities may deem calculated to promote their common welfare and prosperity. I, therefore, deemed it proper to avail myself of the occasion which had arisen out of the recent Act of the Legislature of this country, for altering the Commissions of the Governor of New South Wales, Van Diemen's Land, and South Australia, and for issuing a new Commission to Victoria, in order to supply you with those fresh powers which seem to be needed for the purposes which I have thus very briefly indicated. In furtherance of the same purposes, the Lieut.-Governors of the other Australian Colonies will be directed to communicate with you on all points on which the measures adopted in any one colony may appear calculated to affect the interests of the others, and in the absence of any express instructions from Her Majesty's Government to be guided by your judgment should any question arise in which more than one of the colonies is concerned.

With the colony of Victoria, from its having hitherto formed part of New South Wales, the relations of the latter must necessarily continue to be more intimate than those which it will, at present, have with Van Diemen's Land and South Australia.

This remark applies more especially to the commercial relations of the two first-named colonies; and I should regard it as very injurious to both, that the freedom of intercourse which has hitherto existed between them should be restricted, as it must be if differences should arise in the scale of duties imposed in the ports of each on goods imported for consumption. Hence, I consider it to be highly necessary that there should be no legislation by either of these colonies for the purpose of altering the existing duties on imports without previous communication with the other, and I shall instruct Mr. La Trobe accordingly.

You will perceive from what I have said, that I do not contemplate any immediate necessity for your repairing to Van Diemen's Land, South Australia, or Victoria; but you will understand, that if such a necessity should arise you would, by virtue of the Queen's Commission to you, assume the government of any one of those colonies in which you might be present, and retain it during the whole period of your residence. During such period the functions of the Lieut.-Governor would be completely suspended. Bearing this in mind, you will take care that no unnecessary interruption to the ordinary government of any of those colonies takes place; and if it should in this manner devolve on yourself, you will, I have no doubt, take the utmost care, by all your acts and proceedings, to maintain unimpaired the respect and deference which are due to the authority of the Lieut.-Governor.

To Western Australia it is unlikely that you would have occasion under any circumstances to proceed. The administration of the government of that colony remains vested entirely in the present Governor.

I have transmitted a copy of this Despatch direct to the Lieut.-Governors of Victoria, Van Diemen's Land, and South Australia, and likewise to the Governor of Western Australia.

Sir C. A. FitzRoy,
&c. &c.

I have, &c.,
(Signed) GREY.

P.S.—Since writing this Despatch, I learn from the Board of Admiralty that your Commission as Vice-Admiral cannot be completed in time to be sent by this opportunity.

NEW SOUTH
WALES.

No. 10.

"Circular."

No. 10.

COPY of a DESPATCH from Earl GREY to Governor Sir C. A. FITZROY.

SIR,*

Downing-street, August 8, 1850.

Minute in Treasury
Letter, July 5, 1850.

1. I HEREWITH transmit, for your information and guidance, the copy of a Minute of the Lords Commissioners of the Treasury, relative to the Customs Establishment in the colony under your Government. From that Minute you will perceive that the Customs Establishments in New South Wales, and in the other colonies therein mentioned, are, with the exception of such officers as may be specially retained for imperial objects, to be considered henceforth as Colonial Establishments, and consequently, that as vacancies may occur, the appointments will be liable to reduction or modification as may be found expedient with reference to the requirements of the local trade and revenue; in recommending any such changes you will, however, take especial care to avoid arrangements that would place officers prematurely on the retired list.

2. It is necessary that I should explain to you the considerations which have led to the adoption of this arrangement.

3. Previously to the repeal by authority of the Act of 9 and 10 Vict., cap. 94, of the duties which had been levied in the colonies under the Act of 8 and 9 Vict., cap. 93, for regulating the trade of British possessions abroad, establishments were maintained in almost all the colonies, under the directions of the Board of Customs in this country, and holding appointments as officers under that Board. These establishments were also in most cases employed for the collection of colonial duties, under colonial laws; the expense of them was in general defrayed partly from the colonial revenue, partly from that of this country, and the retirement or superannuation of the officers was provided entirely from the latter.

4. The repeal before adverted to, of the Possessions Act Duties, has been followed in the North American and West Indian colonies by the removal of those Home Customs Establishments, and the substitution for them, of one or two officers only, with appointments from the Lords Commissioners of the Treasury to attend to the observance of the navigation laws and other imperial objects, and of establishments appointed by the Colonial Governments for the collection of colonial duties and the regulation of trade under local laws. In Jamaica and Canada, the imperial officers have as yet been retained for these purposes, by, and at the charge of, the Colonial Governments.

5. But these proceedings did not at first affect the Australian settlements, or other colonies to which the Possessions Trade Act of 9 and 10 Vict., did not specifically apply, and where trade was carried on and duties were levied under either,—

Special Legislative enactments, as in—

New South Wales,
Van Diemen's Land,
South Australia,
Western Australia,
New Zealand,
Ceylon,
Mauritius,
Malta,

Or orders of the Queen in Council, as in the colonies of the—

Cape of Good Hope,
St. Helena,
Sierra Leone,
Gambia,
Gibraltar.

6. In all these colonies, except Malta, Gibraltar, and Western Australia there are Customs Establishments appointed by the Lords Commissioners of the Treasury, on recommendations of the Board of Customs and in communication with and receiving direct instructions from that Board on subjects which

* A similar Dispatch addressed to the Governors of the other Australian colonies.

would more properly be left to the Colonial Governments, more especially now that the levy of differential duties, as well as other restrictions on colonial trade, have been, generally speaking, relinquished.

7. As regards the Australian colonies and New Zealand, an alteration in this state of things would, doubtless, soon naturally result from the constitutional changes now under the consideration of Parliament; but in the mean time, as propositions have already been brought before the Lords Commissioners of the Treasury, by the Customs Department, relating to the establishments in South Australia and New Zealand, it has been considered, on the whole, advisable that measures should at once be taken for putting the Customs Establishments and arrangements throughout the colonies, on the footing of those in the West Indies and North America; and relinquishing further interference on the part of the Treasury or of the Board of Customs, in the nomination of officers, or in any other details relating to the administration of the local customs laws and regulations.

8. These are the considerations which have led to the adoption of the arrangement in question; and it is one which has appeared to Her Majesty's Government both desirable in itself, and calculated to be acceptable to the colonies affected by it.

9. The effect will be, to place the future appointment of officers to the Customs Department precisely on the same footing as that of all other officers of the colonial establishment, under the rules on that subject, laid down in the volume of Colonial Regulations, chap. 3, section 1. You will, therefore, fill up all vacancies, but except in offices of the lowest of the three classes into which appointments are divided, you will only do so provisionally and subject to the confirmation of the Secretary of State. Both in the principles on which you will select the candidates to be recommended, and also in the course of reporting immediately all appointments, you will strictly follow the rules laid down in the above cited chapter of the Colonial Regulations, which is so full and clear in its directions, and so explanatory of the grounds on which those directions rest, that I feel it unnecessary to add anything more upon the subject in this Despatch.

I have, &c.,

Sir C. A. FitzRoy,
&c. &c.

(Signed) GREY.

Enclosure in No. 10.

Encl. in No. 10.

COPY OF TREASURY MINUTE of JUNE 25, 1850.

MY Lords refer to the arrangements respecting Customs Establishments in the American and West Indian Colonies, directed by their Minutes of 24th December, 1847, 29th July, 1849, and 29th January last, and to the provision made in those Colonies by substitution, in lieu of the establishment which had previously been employed under the management of the Board of Customs, in the collection of both Imperial and Colonial Duties, of such Officers only as are required for ensuring due observance of the Imperial laws relating to the navigation and trade, irrespective of any arrangements or appointments having reference to the collection of Colonial Duties, or to enforcement of local laws and regulations. And my Lords being of opinion that it is advisable that analogous arrangements should be adopted as regards the settlements in Australia and New Zealand, and likewise as regards other Colonies where the collection of Customs Duties is made under authority of local legislative enactments or special Orders of Her Majesty in Council, to raise revenue for the service of the Colonial Government or for other local objects, they direct that a letter be written to the Commissioners of Customs, adverting to the views above stated, and desiring the Commissioners will report to my Lords what portion of the business transacted by the present establishments at the stations hereafter specified it will be necessary to make provision for, with a view to the above-mentioned Imperial objects, and what Officers it will be necessary to retain for that purpose, in cases where it may not be expedient to employ Officers belonging to the Colony, viz.:

In the several Australian Colonies,

New Zealand,
Ceylon,
Mauritius,

Cape of Good Hope,
Natal,
St. Helena,

Sierra Leone,
The Gambia.

Also desire the Commissioners will report the names of the Officers constituting the actual establishments under the direction in the Colonies in question, with their several periods of service and rates of salary, shewing what claim these Officers, if at present reduced, might have to retired or redundant allowance from the funds of this country. Also desire the Commissioners will report whether the adoption of the arrangements above adverted to will render it necessary or expedient that any alteration should be made in the Orders in Council whereby trade is at present regulated and duties are levied at the Cape of Good Hope and Natal, or Sierra Leone, the Gambia, and St. Helena.

VICTORIA.

**Despatch from the Right Hon. Earl Grey,
Secretary of State.**

VICTORIA.

No. 1.

No. 1.

COPY of a DESPATCH from Earl GREY to Lieut.-Governor LA TROBE.

SIR,

Downing-street, January, 1851.

No. 1, 13 Jan. 1851.
Page 40.

I TRANSMIT to you, herewith, the copy of a Despatch which I have addressed to Sir C. FitzRoy, detailing the manner in which Her Majesty's Government have thought it advisable to alter the form of the Commissioners' and Royal Instructions, which had, up to this time, been issued for the government of the Australian colonies.

You will learn from this Despatch, that although the Governor-General of the Australian colonies will likewise be Governor of Victoria, Van Diemen's Land, and South Australia, in accordance with the precedent established in those of British North America, it is not intended that he should, in virtue of that office, interfere in matters connected with the ordinary government of these latter provinces.

At the same time, as Victoria has been so recently detached from New South Wales, and must still have so many subjects of public interest in common with that colony, you will probably find it expedient to keep up a closer communication with Sir C. FitzRoy, in reference to such subjects, than will be the case with the other two colonies now placed under his Commission as Governor-General.

And you will, I am certain, not fail to notice the caution conveyed against inadvertently allowing any legislative measures to affect that freedom of traffic between the two colonies which is so essential to their prosperity, and any infringement of which would do them injury, more than counterbalancing such benefit as they may have derived from separation.

You will receive your own Commission as Lieut.-Governor through Sir C. FitzRoy; and in conferring it on you, Her Majesty's Government have great pleasure in acknowledging the services which you have rendered to the community of Victoria, during your long and careful superintendence of its affairs, while constituting a district of New South Wales.

I have, &c.,

Lieut.-Governor La Trobe,
&c. &c.

(Signed) GREY.

VAN DIEMEN'S LAND.

Despatch from Lieut.-Governor Sir W. Denison.

VAN DIEMEN'S
LAND,
No. 1.

(No. 56.)

No. 1.

COPY of a DESPATCH from Lieut.-Governor Sir W. DENISON to Earl GREY.

Van Diemen's Land, Government House,
February 16, 1850.

(Received 7 June, 1850.)

(Answered No. 97, 28 June, 1850. Page 50.)

MY LORD,

I HAVE the honour to acknowledge the receipt of your Lordship's Despatch, No. 151, dated 31st August, 1849, informing me that the Bill for the better government of Her Majesty's Australian possessions had been withdrawn, but that it was the intention of Her Majesty's Government to introduce a similar Bill in the session of 1850, with one important modification, viz., that which relates to the establishment of an uniform tariff for all the Australian colonies.

2. In my Despatch No. 198,* dated 28th December, 1849, I have laid before your Lordship my views upon several of the provisions of the Bill in question, and I should not have thought it necessary to trouble your Lordship again, had I not, in discussing the provisions of the 3rd Geo. IV., chap. 96, by which the Local Acts for raising a revenue by means of customs' duties, are regulated and controlled, discovered certain very objectionable limitations which have operated injuriously upon the revenue, and will continue to do so, unless some further power can be given to the Local Legislatures in the new Act for regulating the constitution of these colonies.

3. In the first place, with the exception of spirits and tobacco, an *ad valorem* duty not exceeding 15 per cent. may be levied on all goods not the produce of Great Britain. By this provision, the legislatures of these colonies are prevented from levying a rateable duty upon any article imported.

4. The difficulty in determining the value of many articles is very great, and I shall be able, in a future Despatch, to bring clear evidence before your Lordship of the mode in which the revenue has suffered from undue valuation of imports. It would be very desirable that upon many articles a fixed duty per weight or per measure should be paid, as is done with regard to tobacco here, and in England and South Australia with regard to every article to which such a system can possibly be applied. This, however, I am advised by my law officers, cannot now be done, as the Act 3 Geo. IV., cap. 96, states specifically that the duty should be levied upon the value of the goods.

5. In Clause 7 of the Act above-mentioned, certain instructions are given as to the mode in which the value upon which the duty is to be paid is to be ascertained, first, by the declaration of the importer; then, if that be not thought satisfactory, by the oath of the importer to the invoice value of the goods which, with the addition of 10 per cent., is to be taken as the value in the colony, and, if there be still a suspicion on the part of the collector of customs that the goods are undervalued, the Lieut.-Governor may nominate two competent persons, who are to state what is the value of the article in this colony, and upon the value so declared the duty is to be levied.

6. With regard to the second mode, I would observe that an addition of 10 per cent. to the value of the goods at the port of export will not give even an approximation to their value here. Take, for instance, some of our imports from Sydney,—cattle and sheep, where the charge for freight alone amounts to 50 per cent., or even more of their value at the ports from whence they are shipped. Coals, too, are imported, on which the freight exceeds by 200 per cent. the invoiced price of the article. The freight of sugar, too, very much exceeds 10 per cent. upon its invoiced price; indeed, there is hardly a single article of which the same may not be said. If, then, the amount of the duty be decided by this mode of valuation, it is evident that the Government will, as has been the case here, be exposed to all the odium of levying a duty of 15 per cent., for the purpose of getting 5 per cent. upon the actual value of the imports; and in the same way, if 5 per cent. be demanded, the amount raised will only be from 1½ to 2.

7. I wished to establish a further check by which the Government might have been enabled to sell the goods, paying the owner the price assessed by the valuers, with an addition of 5 per cent. returning to the owner after deducting

* Page 1 of Papers relative to the Australian Constitutions presented to both Houses of Parliament by Com. and, 12th April 1840.

the duty upon the selling price, and all costs and charges, any balance which might be available; but I was informed that as the Act 3 Geo. IV., cap. 96, expressly declared that the value stated by the persons appointed by the Lieut.-Governor should be the value upon which the duty was to be paid, no limitation upon this declaration could be made.

8. I submit, therefore, that it would be advisable to give full power to the Colonial Legislatures to adopt such means as they may think necessary for the purpose of securing the collection of the revenue, and that instead of fixing a limit to the amount of duty to be imposed by them, directions should be given that a tariff should be submitted for the approval of Her Majesty.

The control which Her Majesty's Government will have over any Legislature will be a sufficient guarantee against any abuse of the power, and a properly adjusted tariff will place the revenue in a far more satisfactory state than an *ad valorem* duty limited to 5 per cent. upon all imports.

I have, &c.,

The Right Hon. Earl Grey,
&c. &c.

(Signed) W. DENISON.

VAN DIEMEN'S
LAND.

**Despatches from the Right Hon. Earl Grey,
Secretary of State.**

VAN DIEMEN'S

LAND.

No. 1.

(No. 97.)

No. 1.

COPY of a DESPATCH from Earl GREY to Lieut.-Governor Sir W. DENISON.
SIR, Downing-street, June 28, 1850.

* Page 48.

I HAVE the honour to acknowledge the receipt of your Despatch No. 56,* of the 16th of February last, relative to the present state of the customs duties in Van Diemen's Land as injuriously affecting the revenue of the colony, and submitting the question of an enlargement of the powers of the Colonial Legislature with regard to the imposition of such duties; and on this subject I have only now to observe that, so soon as the proposed Representative Legislature shall be established under the Bill for the better government of the Australian colonies, it will have full power to enact such a tariff as you very judiciously recommend.

Lieut.-Governor Sir W. Denison,
&c. &c. &c.

I have, &c.,
(Signed) GREY.

No. 2.

(No. 145.)

No. 2.

COPY of a DESPATCH from Earl GREY to Lieut.-Governor Sir W. DENISON.
SIR, Downing-street, September 7, 1850.

August 30, 1850.
No 125, p. 32.

THE Act for the better government of Her Majesty's Australian colonies having now received the Royal Assent, I transmit it, together with a copy of the Despatch accompanying it, which I have addressed to Sir C. FitzRoy, and which explains the greater and more important part of its provisions in relation as well to Van Diemen's Land as to the colony under his immediate government.

The enactments of section 26 have relation to the difficulties which have recently occurred in Van Diemen's Land from the application of certain provisions of the Act 9 Geo. IV., cap. 83, sec. 22 and 25. It is apprehended that the restrictions imposed by that Act on the proceedings of the Legislative Councils constituted under it will cease to have any force until the expiration of those Legislative Councils themselves, and that the new Legislature of Van Diemen's Land will enter on its functions altogether unfettered by them.

But in the mean time, and during the further continuance of the functions of the present Legislative Council, the provision of the former Act requiring the purpose of a tax to be stated in the body of the Ordinance imposing it, is repealed, and it is declared that no existing Ordinance is invalidated for not specifying it.

With respect to the sums reserved in the Schedules by way of Civil List, they have been settled on as exact an estimate as could be made with the materials in my possession of the sums now appropriated in Van Diemen's Land to the services provided for out of the so-called Civil List in New South Wales under 5 and 6 Vict., c. 76.

The appropriation for religious purposes is, however, large relatively to that made in the latter colony. It is founded on the best calculation which could be made of the existing salaries and emoluments of ministers of the several denominations provided for out of the revenue. And it is to be remembered that the circumstance of those who have once been convicts, and who form so great a proportion of the people of Van Diemen's Land, place them peculiarly in need of this assistance; while the large contribution they make to the revenue, and the difficulty under which they are placed of contributing to the support of their own religious advisers, seem to justify it.

But the Act itself provides (as I have pointed out to Sir C. Fitzroy) the constitutional mode of correcting any error which Her Majesty's Government may have fallen into in calculating these amounts.

Lieut.-Governor Sir W. Denison,
&c. &c. &c.

I have, &c.
(Signed) GREY.

(No. 16.)

No. 3.

VAN DIEMEN'S
LAND.
No. 3.

COPY of a DESPATCH from Earl GREY to Lieut.-Governor Sir W. DENISON.
SIR,* Downing-street, January 28, 1851.

I TRANSMIT to you a copy of a Despatch which I have addressed to Sir Charles FitzRoy. January 13, 1851,
No. 1, p. 40.

This Despatch will explain to you the reasons which have induced Her Majesty's Government to adopt the course of appointing a Governor-General of the Australian colonies, who, in accordance with the precedent established in the colonies of British North America, will be Governor severally of each of the colonies in which the recent Act establishes separate legislatures.

It will also show you that no interference with your ordinary powers of Government is contemplated by this change, but that on any question which may arise affecting the interests of any other of the Australian, as well as that which is placed immediately under your charge, it is expected that you should be guided by the judgment of the Governor-in-Chief, in the absence of instructions from Her Majesty's Government.

Your fresh commission and instructions, as Lieut.-Governor will reach you through Sir Charles FitzRoy.

I have, &c.,

Lieut.-Governor Sir W. Denison,
&c. &c. &c.

(Signed)

GREY.

* A similar Despatch to Lieut.-Governor Sir H. E. F. Young (No. 11.) 21st January, 1851.

SOUTH AUSTRALIA.

Despatch from Lieut.-Governor Sir H. E. F. Young.

(No. 131.)

No. 1.

COPY of a DESPATCH from Lieut.-Governor Sir H. E. F. YOUNG to Earl GREY.

Adelaide, August 16, 1850.

(Received November 26, 1850.)

(Answered December 5, 1850, No. 88, p. 57.)

MY LORD,

I HAVE the honour to acknowledge the receipt of your Lordship's Despatch, No. 31, of the 7th April *, 1850, directing me in future not to publish in the "Official Gazette," at a time when the Council is not sitting, the legislative projects of individual members of Council previous to their discussion.

2. Your Lordship observes that this publication was apparently some months before the next session, in ordinary course of business, would commence.

3. I have to report that the Session of the Council had not finally ended when Mr. Morphett's notice of motion was published on the 14th November. The non-session of the Council at that time was owing to one of many preceding temporary adjournments of the same ordinary session.

On the 10th October the Council adjourned to the 24th October, and this adjournment was extended to the 12th December, when it met, and received Mr. Morphett's notice of motion.

4. The interval preceding Mr. Morphett's motion, and the submitting of it for discussion in Council was therefore about one month.

5. It is the invariable practice to give notice in public Council of all intended motions or Legislative projects, and these are always published, not only in the "Official Gazette," as part of the recorded proceedings of the Council, but also in all the local newspapers whose reporters attend at the meetings of the Council.

6. I am under the impression that in non-session of Council, the Governor, as its President, may cause such mere formal acts to be done as it would be customary for the Council to order to be done when in session.

7. The intended motion of Mr. Morphett could, and would, have been published by the Council, and indeed was necessarily embodied in the published Minute of their proceedings on the 12th December.

8. Whatever may be the merits of Mr. Morphett's intended motion—be they many or none—the object which elicited it,—namely, the form of the future government of the settlement, was one of universal interest at that time throughout the colony. It obviously required such deliberate and general consideration as could not well be obtained in a shorter space of time than at least one month from the date of its becoming known to the Council and to the public.

9. Had the Council, and the inhabitants generally, taken a month from and after the 12th December (when only, under ordinary circumstances, Mr. Morphett's propositions would have obtained publicity from the Council Chamber) to mature and express their opinions, instead of devoting to this purpose the month antecedent to the 12th December, which my publication of the intended motion afforded, it is evident that the resolutions of the Council on the 15th December materially modifying Mr. Morphett's propositions; the repudiation on the 21st December, by a large public meeting, of those modified propositions; and the unanimous approval of the main enactments of the Australian Colonies Bill, as introduced by Her Majesty's Government, would not have reached home in time for the debates in the House of Commons.

10. By this explanation it is demonstrated, I think, that the many inconveniences to which your Lordship alludes as attending the publication of Mr. Morphett's legislative project, previous to discussion in the Council, have not only certainly not been experienced locally, but that, on the contrary, at least as concerned the interests of the inhabitants of the colony entrusted to my charge, I usefully exercised my authority in the case in question by publishing Mr. Morphett's proposition, without note or comment, as a piece of public intelligence, not inconsistent with the practice of the Local Legislature, and respecting which future discussion would take place in the Council when it assembled.

11. I hope, moreover, that the amount of inconvenience which may have resulted in England from the official publication of Mr. Morphett's intended motion will be held to be compensated for, or materially lessened, by the in-

* Page 16 of Papers, relative to the Australian Constitutions presented to both Houses of Parliament, by Command, April 12, 1850.

formation that thereby considerable time was probably saved in bringing local public opinion to bear on the subject; so that, happily, it was expressed opportunely enough to overtake the Parliamentary debates, and served as an authentic intimation of the approbation, for the most part, by the colonists, of the wise and liberal policy of the Australian Colonies Bill.

12. I feel it to be necessary not to close this subject without remarking that my Despatch forwarding Mr. Morphett's proposition has apparently, in some quarters, been interpreted as identifying his project with my own views. I had hoped that, having distinctly stated in my Despatch, No. 158, of 16th November, 1849, that detailed comment on the project would be premature until discussion had taken place in the Local Legislature, and by the Local Public, my paraphrase of Mr. Morphett's project could not be mistaken for a statement of my own views.

The Right Hon. Earl Grey,
&c. &c. &c.

I have, &c.,
(Signed) H. E. F. YOUNG.

SOUTH
AUSTRALIA
No. 1.

SOUTH
AUSTRALIA.Despatches from the Right Hon. Earl Grey,
Secretary of State.

No. 1.

(No. 61.)

No. 1.

COPY of a DESPATCH from Earl GREY to Lieut.-Governor Sir H. E. F. YOUNG.
SIR, Downing-street, September 7, 1850.

I HAVE to acknowledge your Despatch No. 172* of the 22nd December, enclosing copies of Resolutions passed at a public meeting at Adelaide, respecting the Bill for the better government of Her Majesty's Australian Colonies.

That Bill has now passed into a law, and you will observe that a large part of the Resolutions agreed to on that occasion, is in consonance with its provisions.

The members of Her Majesty's Government are fully sensible of the appreciation with which their endeavours to improve the institutions of the colony have met from the framers of these Resolutions, as well as they believe from the community of South Australia in general.

Lieut.-Governor Sir H. E. F. Young, I have, &c.
&c. &c. &c. (Signed) GREY.

No. 2.

(No. 62.)

No. 2.

COPY of a DESPATCH from Earl GREY to Lieut.-Governor Sir H. E. F. YOUNG.
SIR, Downing-street, September 7, 1850.

I TRANSMIT to you the Act for the better government of Her Majesty's Australian colonies, together with the copy of a Despatch explanatory of it, which I have addressed to Sir C. Fitzroy.

Such has been the happy exemption of the colony under your government from all disturbing causes which are likely to impede the free action of constitutional government at its outset, and so fully has that society been prepared for its introduction by the circumstances of its foundation, that I am not aware of any topics peculiar to South Australia, and therefore not noticed in my Despatch to Sir C. Fitzroy to which it is incumbent on me to advert on the present occasion.

With respect to the sums reserved in the schedule by way of Civil List, they have been settled on as exact an estimate as could be made with the materials in my possession of the sums now appropriated in South Arstralia to the services provided for out of the so called Civil List of New South Wales, under 5 & 6 Victoria, cap. 76, but if any serious error has been committed, the Act provides the constitutional mode of rectifying it.

There is no reservation for public worship, because no specific sums of any amount appear to be appropriated to that purpose out of the present revenue, but the existing law of the colony under which certain payments for this object are authorized, will of course remain in force until repealed or altered. Without entering at all into the question of the policy of such appropriation, it is sufficient for me to state that Her Majesty's Government having nothing but the preservation of existing interests in view in framing this part of the present Act, could not initiate them. It will be for the new legislature, if it shall at any time see fit, to modify in this respect the principle hitherto adopted.

In whatever measures may be adopted on this most important subject, I can have no doubt that the Legislature will be guided only by a desire to establish the happiness and welfare of the community on the only sure foundation, by diffusing among all its members a knowledge of the sacred truths of Christianity and a sense of the responsibilities they impose.

Lieut.-Governor Sir H. E. F. Young, I have, &c.,
&c. &c. &c. (Signed) GREY.

No. 125, August 10,
1850, p. 32.

* Page 19 of Papers relative to the Australian Constitution, presented to both Houses of Parliament by Command, April 1850.

(No. 88.)

No. 3.

SOUTH
AUSTRALIA.
No. 3.

COPY of a DESPATCH from Earl GREY to Lieut.-Governor Sir H. E. F. YOUNG.

SIR,

Downing-street, December 5, 1850.

I HAVE received your Despatch, No. 131,* of the 16th August last, in explanation of the circumstances under which you had published in the "Government Gazette" the notice which Mr. Morphett had given of a resolution, to be moved in the Legislative Council at its next meeting, on the subject of the new form of government to be introduced into Australia.

* Page 54.

It is not desirable to prolong the discussion of this question, and I therefore forbear from noticing most of the observations contained in your Despatch; but I think it right to point out to you, that you appear to have overlooked the importance of the distinction which exists between the publication of the general votes and proceedings of Council during its actual Session and the publication by authority, at the period of a prolonged adjournment, of the notice given by an individual member.

Although in this particular case some benefit may, as you state, have arisen from the opportunity afforded for an early consideration by the colonists of the question proposed, still I am convinced that the adoption of such a practice would be very objectionable.

In this country if a member gives notice in his place in Parliament of an intended motion, it is published in the Votes; but neither the Speaker of the House of Commons, nor the Lord Chancellor, with respect to the House of Lords, publishes by authority a notice of motion which a member of either House may desire to give when it is not sitting, nor could this be done without introducing a practice which would be in the highest degree inconvenient.

I have, &c.,

Lieut.-Governor Sir H. E. F. Young,
&c. &c. &c.

(Signed) GREY.

WESTERN AUSTRALIA.

Despatches from the Right Hon. Earl Grey,
Secretary of State.

WESTERN
AUSTRALIA.
No. 1.

(No. 123.)

No. 1.

COPY of a DESPATCH from Earl GREY to Governor FITZGERALD.

SIR,

Downing-street, September 13, 1850. *

August 30, 1850,
No. 25, p. 32.

I TRANSMIT to you the Act for the better government of Her Majesty's Australian Colonies, together with the copy of a Despatch explanatory of it which I have addressed to Sir C. FitzRoy.

The provisions of section 9, which apply to the colony under your government, have been framed entirely in accordance with the Report of the Committee of Her Majesty's Privy Council, which has been already communicated to you. As they are wholly of a prospective nature it is unnecessary for me to do more than direct your attention to them, and invite any suggestions which you may think proper to address me on the subject. Her Majesty's Government will receive the intelligence with much pleasure whenever the inhabitants of the colony shall feel willing to take on themselves the duties of self-government, with the increased burdens which these provisions contemplate.

The following section (10) was introduced in its present shape on account of a doubt suggested whether the Temporary Act, 10 Geo. IV., c. 22, and continuing Acts had not so completely expired that not only the power of the Queen to appoint new Legislative Councillors was at an end, but also the power of the existing Council itself. Although not sharing in their doubt I thought it advisable to cause words to be inserted sufficiently large to cure any such supposed invalidity.

I have, &c.,

Governor Fitzgerald,
&c. &c. &c.

(Signed)

GREY.

No. 2.

(No. 5.)

No. 2.

COPY of a DESPATCH from Earl GREY to Governor FITZGERALD.

SIR,

Downing-street, January 28, 1851.

No. 1. January 13,
1851, p. 40.

I TRANSMIT to you the copy of a Despatch, which I have addressed to Sir C. A. FitzRoy on the occasion of certain changes which it has been thought fit to introduce in the form of the commission under which the Australian colonies are now governed.

The change in question cannot immediately affect the province under your government, but I have thought it expedient that you should be thus officially made acquainted with the steps taken in regard to the government of other communities, with which, sooner or later, Western Australia will, I trust find itself connected by ties of common interest.

I have, &c.,

Governor Fitzgerald,
&c. &c. &c.

(Signed)

GREY.

FURTHER PAPERS
RELATIVE TO THE
ALTERATIONS IN THE CONSTITUTIONS
OF THE
AUSTRALIAN COLONIES.

(In continuation of Papers presented 4th February 1851.)

Presented to both Houses of Parliament by Command of Her Majesty,
July 1, 1852.



LONDON:
PRINTED BY GEORGE EDWARD EYRE AND WILLIAM SPOTTISWOODE,
PRINTERS TO THE QUEEN'S MOST EXCELLENT MAJESTY.
FOR HER MAJESTY'S STATIONERY OFFICE.

1852.

FURTHER PAPERS

RELATIVE TO THE

ALTERATIONS IN THE CONSTITUTIONS

OF THE

AUSTRALIAN COLONIES.

(In continuation of Papers presented 4th February 1851.)

Presented to both Houses of Parliament by Command of Her Majesty.
1st July 1852.



LONDON:
PRINTED BY GEORGE EDWARD EYRE AND WILLIAM SPOTTISWOODE,
PRINTERS TO THE QUEEN'S MOST EXCELLENT MAJESTY.
FOR HER MAJESTY'S STATIONERY OFFICE.

1852.

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NEW SOUTH WALES.

NEW SOUTH WALES.

Despatches from Governor-General Sir C. A. FitzRoy.

(No. 19.)

No. 1.

No. 1.

COPY of a DESPATCH from Governor Sir C. A. FITZROY to Earl GREY.

Government House, Sydney, January 31, 1851.

(Received, May 22, 1851.)

MY LORD,

(Answered, No. 69, June 9, 1851, page 24.)

I HAVE the honour to acknowledge the receipt, on the 11th instant, by the ship "Scotia," of your Lordship's Despatch, No. 125, dated 30th August* last, forwarding a copy of the Act of Parliament 13 & 14 Vict. c. 59. for the better-government of the Australian Colonies; and I beg to inform your Lordship, that on the 13th instant I issued a Proclamation publishing the Act for general information.

2. I have summoned the Legislative Council to meet on the 28th March next, so as to enable that body in deliberating upon the measures requisite for carrying into effect the provisions of the Act, to take into consideration the result of the Census Returns which, as I informed your Lordship in my Despatch No. 209, of the 2d ultimo, would be taken on the 1st March.

I have, &c.

The Right Hon. Earl Grey,
&c. &c.

(Signed) CHAS. A. FITZROY.

Enclosure in No. 1.

Encl. in No. 1.

PROCLAMATION.

By His Excellency Sir Charles Augustus FitzRoy, Knight Companion of the Royal Hanoverian Guelphic Order, Captain-General and Governor-in-Chief of the Territory of New South Wales and its Dependencies, and Vice-Admiral of the same, &c. &c. &c.

WHEREAS by an Act of the Imperial Parliament of Great Britain and Ireland, passed in the 13th and 14th years of Her Majesty's reign, intituled, "An Act for the better Government of Her Majesty's Australian Colonies," it is amongst other things enacted, that the said Act shall be proclaimed in New South Wales, Van Diemen's Land, South Australia, and Western Australia, by the respective Governors thereof within six weeks after a copy of such Act shall have been received by such Governors respectively, and save as therein expressly provided, shall take effect within such colonies respectively from the day of such proclamation thereof; and whereas I did on the 11th day of January instant duly receive from the Right Hon. Earl Grey, one of Her Majesty's Principal Secretaries of State, a copy of the said Act; Now, therefore, I, Sir Charles Augustus FitzRoy, as such Governor aforesaid, in pursuance of the directions in the said recited Act contained, do hereby proclaim the said Act, and that the same is in the words and figures here under written.

Given under my Hand and Seal, at Government House, Sydney, this thirteenth day of January, in the Year of Our Lord One thousand eight hundred and fifty-one, and in the fourteenth year of Her Majesty's reign.

(L.S.) CHAS. A. FITZROY.

By His Excellency's Command,
E. DEAS THOMSON.

God Save the Queen!

NEW SOUTH
WALES.

(No. 68.)

No. 2.

No. 2.

COPY of a DESPATCH from Governor Sir C. A. FITZROY to Earl GREY.

Government House, Sydney, April 2, 1851.

(Received, August 13, 1851.)

MY LORD,

I HAVE the honour to enclose herewith a copy of the speech with which, on the 28th ultimo, I opened the Session of the Legislative Council of this colony.

2. I also transmit a copy of the address presented to me by the Council, and my rejoinder.

3. The business of the Session will be confined to the consideration of the important measures which are necessary to carry out the provisions of the Imperial Act, 13 & 14 Victoria, c. 59, for the better government of the Australian colonies.

4. Major General Wynyard having resigned his seat as an official member of the Legislative Council, I have the honour to report that I have provisionally appointed William Montagu Manning, Esquire, the Solicitor General, in his stead.

I have, &c.

The Right Hon. Earl Grey,
&c. &c.

(Signed) CHAS. A. FITZROY.

Encl. 1 in No. 2.

Enclosure 1 in No. 2

EXTRACTS from the votes and proceedings of the Legislative Council.

Friday, March 28, 1851.

Governor's Speech:—His Excellency the Governor having been announced by the Serjeant-at-Arms, and conducted to his seat by the Speaker, read the following Speech:—

“Mr. Speaker, and Gentlemen of the Legislative Council,

“The object for which I have called you together is the consideration and enactment of the measures necessary for giving effect to the provisions of the Imperial Act 13 & 14 Victoria, chapter 59, for the better government of the Australian colonies, in the division of the colony into electoral districts on the separation of Port Phillip from the middle district, and of Port Phillip on its erection after such separation into the Colony of Victoria.

“2. A copy of this Act, and also of a Despatch from the Right Hon. the Secretary of State for the Colonies explanatory of the views of Her Majesty's Government in recommending to Parliament the enactment of its several provisions, will be immediately laid before you.

“3. It will also be my duty to transmit to you without delay the necessary Bills for carrying out the objects in question. It has been my anxious desire in the preparation of these measures to place upon a satisfactory and impartial basis the representation of the several interests of which the colonial community is constituted, and to arrange the electoral divisions of the two colonies in the best manner possible in the present scattered state of the population, especially in the pastoral districts of the interior.

“4. I have availed myself of the presence of his Honour the Superintendent of Port Phillip to obtain from him such suggestions as his long experience in the management of the district has enabled him to offer for the proper division of the new Colony of Victoria, over which, as a reward for his long career of usefulness, Her Majesty has been pleased to signify Her intention of appointing him the first Lieutenant Governor.

“5. It only remains for me to recommend these measures to your immediate and attentive consideration.

“CHAS. A. FITZROY.

“Legislative Council Chamber,

“Sydney, 28th March 1851.”

Mr. Ebdon having brought up the Address in reply to the Speech of his Excellency the Governor on opening the Session, as prepared by the Committee, the same was read, as follows:—

“To his Excellency Sir Charles Augustus FitzRoy, Knight Companion of the Royal Hanoverian Guelphic Order, Captain-General and Governor-in-Chief of the Territory of New South Wales and its Dependencies, and Vice Admiral of the same, &c. &c.

“May it please your Excellency,

“WE, Her Majesty's most dutiful and loyal subjects, the members of the Legislative Council of New South Wales, in council assembled, desire to express to

your Excellency our affection and loyalty to the person and government of our most gracious Sovereign, and to offer our respectful thanks for your Excellency's Speech to this Council.

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" 2. Whilst we abstain from expressing, at present, any opinion upon the various provisions of the Act of Parliament referred to in your Excellency's Speech, we beg to assure your Excellency that you may rely on our giving our immediate and most attentive consideration to that Act, and to those important measures which your Excellency has expressed your intention of laying before us."

" Legislative Council Chamber,
" Sydney, 28th March 1851."

Enclosure 2 in No. 2.

Encl. 2 in No. 2.

Tuesday, April 1, 1851.

" Mr. Speaker, and Gentlemen of the Legislative Council,

" I THANK you for this Address, containing the expression of your loyalty and affection to our most gracious Sovereign, and for the assurance of your attentive consideration of the important measures which I shall have to submit to you during the Session.

" CHAS. A. FITZROY."

" Government House, Sydney,
" 1st April 1851."

(No. 72.)

No. 3.

No. 3.

COPY of a DESPATCH from Governor Sir C. A. FITZROY to Earl GREY.

Government House, Sydney, April 6, 1851.
(Received, September 18, 1851.)

(Answered, (to Lieut.-Governor Latrobe,) October 31, 1851, No. 32, page 66.)

MY LORD,

I HAVE the honour to enclose an address from the inhabitants of the town of Geelong to your Lordship, adopted at a public meeting on the 4th February last, having reference to the measures recently adopted by Her Majesty's Government and the Imperial Parliament for the erection of the district of Port Phillip into a separate colony.

2. This address has been placed in my hands by Mr. Latrobe, to whom it was forwarded by the mayor of Geelong.

I have, &c.

The Right Hon. Earl Grey,
&c. &c.

(Signed) CHAS. A. FITZROY.

(Copy.)

Enclosure in No. 3.

Encl. in No. 3.

To the Right Hon. Earl Grey, Her Majesty's Secretary of State for the Colonies.

The respectful ADDRESS of the Inhabitants of the Town of Geelong, and Municipal District of Grant in the Colony of Victoria, assembled in public meeting, convened by the Mayor of Geelong and the Warden of the Municipal District of Grant at Geelong, on the 4th day of February 1851.

MAY IT PLEASE YOUR LORDSHIP,

1. ON the receipt of the proclamation by the Governor of New South Wales of the Act of Parliament for the better government of Her Majesty's Australian Colonies, which provides for the establishment of the colony of Victoria, the inhabitants of this town and district were impressed with the necessity of organizing a committee of their number to watch over their interests in the division of the electoral districts, and distribution of the representatives under the new Constitution of the Governor and Legislative Council of New South Wales.

2. This meeting resolved that before proceeding to the performance of any act in relation to the exercise of the privileges conferred upon us by the new Constitution, it was a primary duty to express our gratitude and convey our thanks to your Lordship and your enlightened and liberal colleagues in the Ministry, for having complied with the prayers of the inhabitants of this town and district, in unison with the other inhabitants of the province, for its separation from the Colonial Government of New South Wales; and also for the disposition which, through the whole progress of the measure, by which that separation has

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been so happily accomplished, your Lordship and colleagues manifested for extending to the Australian Colonies the enjoyment of the privileges and blessings which the British Constitution secures to the British people.

3. In conveying to your Lordship the expression of our grateful thanks, and our confidence for the proofs which we have before us, in the progress of the new Constitution through Parliament, of the enlightened and liberal views regarding our interest and constitutional rights by which you were guided, we felt that it was no less our interest than it was our duty to convey to your Lordship an expression of our opinion as to how far the provisions of the Constitutional Act are adapted for accomplishing the purposes desired by Her Majesty's Ministers and the Imperial Parliament in promoting and securing the interests of the colonists, for whose benefit they are evidently intended, we were not then possessed of your Lordship's sentiments upon the details of the measure, as they are so fully, clearly, and satisfactorily explained in your Despatches of the 30th August, addressed to Sir Charles A. FitzRoy, and the 27th July, addressed to Sir William Denison, which have been subsequently published in the colony. In this declaration of your Lordship's sentiments we have renewed cause for an expression of thanks, and confirmation of our confidence, your Lordship having anticipated and removed all our apprehensions and objections, except what related to the distribution of the representatives amongst the constituency created by the new constitution.

4. The explanation which your Lordship's Despatches convey of your views regarding the working of the new constitution are all confirmatory of what we believed to be the purpose of the Ministry and the intention of Parliament, and in strict accordance with all that we desired. Our apprehensions arose from a contravention of the letter and spirit of the orders in Council relating to the leasing of the Crown lands, whereby the declared purpose of the Imperial Ministers and of Parliament has been defeated; the sale of Crown lands and consequent improvement of the colony prevented, emigration obstructed, and a great amount of individual loss and wrong been inflicted.

5. We have had also an example of the purpose of the Imperial Ministry being defeated by the acts of the Local Executive in the case of Lord Stanley's instructions on the application of the land revenue to the public improvements of the district in which it was raised, and we now apprehend a similar defeating of your Lordship's expressed views on the same subject.

6. It is, in the face of these apprehensions, most satisfactory to us to find that your Lordship had anticipated us in communicating an unmistakable explanation of your views, on these points, in the new constitution, to which we had considered it necessary to solicit your attention.

7. There only remain two points which your Lordship's Despatch has not clearly and fully settled to our satisfaction, and on which we have some doubts as to the power of the local Legislature to accomplish what is required of them in accordance with the interests and wishes of the colonists, as well as with the liberal sentiments expressed by your Lordship.

8. The first of these is the amount of the qualification for a councillor of the district councils, which, in most situations, would exclude the men who are best qualified for the office, and who, by being resident, could best perform the duties, while it would render in many cases the election of non-residents compulsory, or, what would be still more prejudicial, throw the district councils into the hands of the squatters, who have an interest directly opposed to the effective performance of the duties for which these councils are required, namely, the making of roads and other public improvements that would promote the sale of the public lands, and thereby deprive the squatters of their enjoyment.

9. The nomination by the Governor of the first members of a District Council will, in most cases, be an insuperable obstacle to their introduction. These we respectfully submit to the attention of your Lordship, with every confidence that you will see the objection and give the necessary instructions for their removal, either by your direct order or by reference to the Local Legislature.

10. The inter-colonial Custom House duty levied on the importation of the produce or manufacture of one colony into any other is another serious oppression on trade and industry, for the removal of which it is not clear that the new Constitution has made any unquestionable provision, and to which no reference is made in your Lordship's Despatch. It would appear that the Colonial Legislatures have each in its own province the power to repeal this obnoxious tax, but some persons have started a difficulty in the 27th section of the Imperial Act, which prohibits the levying of differential duties. To obviate the consequences of such an objection being sustained by the executive authorities we would respectfully solicit the intimation of your Lordship's views of the effect of the British Act as an obstacle to the repeal of these duties. The clause contained in the original draft of the Bill providing for a union of the Australian Colonies by means of a general assembly, in which each colony should be represented, we regarded as intimation that the ministry were fully aware of the absurd impolicy of this unnatural exaction, and as an assurance that on the abandonment of that important measure for the present, instructions would be sent to the several Governors for the repeal of this very obnoxious and oppressive tax.

11. We take the liberty to accompany with this a copy of the resolutions* passed at the

* The Resolutions referred to were not received with this Despatch.

meeting at which this address was noted, although your Lordship in your Despatch has anticipated the object of them.

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12. We respectfully solicit your Lordship's attention to any appeal from the Committee which we have appointed to watch our interests in the division of the Electoral Districts and distribution of the representatives in the Legislature, in case an occasion for such an appeal should arise, as we have great reason to apprehend.

13. In conclusion we have great pleasure in conveying to your Lordship the assurance of our gratitude, and our thanks to yourself and her Majesty's Ministers acting with you, in framing and in carrying through Parliament the Act for the better government of Her Majesty's Australian Colonies. With the assurance of our unchanging loyalty and attachment to our Sovereign and to the institutions of the glorious nation of which we pray it may long be our happiness, and that of our posterity, to form a portion united in every interest, we would also respectfully convey to your Lordship an expression of our confidence in the Ministers who now direct the councils of our Sovereign in our parent country, and our sincere wish that they may long continue to do so with honour to themselves and advantage to Her Majesty and Her subjects in every region of the globe. With every sentiment of respect for your Lordship in your individual as well as your official capacity, we subscribe ourselves in the name and by appointment of the inhabitants of Geelong, and the municipal district of Grant,

(Signed) A. THOMSON, Mayor of Geelong, Chairman,
On behalf of the inhabitants assembled in public meeting.
Town of Geelong, March 15, 1851.

(No. 90.)

No. 4.

No. 4.

COPY of a DESPATCH from Governor-General Sir C. A. FitzROY to
Earl GREY.

Government House, Sydney, May 2, 1851.

(Received, October 6, 1851.)

MY LORD,

(Answered, No. 132, November 1, 1851, page 24.)

I HAVE the honour to enclose a copy of the speech with which I this day closed the Session of the Legislative Council which was opened on the 28th March, as reported in my Despatch, No. 68*, of the 2d ultimo.

2. As your Lordship will observe that I prorogued the Council instead of dissolving it I beg to explain that as I have not yet received Her Majesty's commission appointing Mr. Latrobe the Lieutenant Governor of the new colony of Victoria, I deemed it advisable, with the concurrence of Mr. Latrobe, who has been on a visit to me during the Session, to prorogue the Council until the 1st July next, which, being the commencement of the financial half year, will simplify the arrangements consequent upon the separation of the two colonies; and the dissolution will take place by proclamation on that day.

* Page 3.

The Right Hon. Earl Grey,
&c. &c.

I have &c.
(Signed) CHAS. A. FITZROY.

Enclosure in No. 4.

Encl. in No. 4.

EXTRACT from the Votes and Proceedings of the Legislative Council.

Friday, May 2, 1851.

Prorogation:—His Excellency the Governor having arrived at the Chamber, was conducted by the Speaker to an elevated seat provided for him near the Speaker's chair, and read the following speech:—

“Mr. Speaker, and Gentlemen of the Legislative Council,

“The business of this special Session having now been brought to a close, I am glad to be able to release you from further attendance on the important duties on which you have been engaged. I entertain a confident hope that the measures which you have passed for the electoral division of New South Wales and of the new colony of Victoria will be found not only congenial to the sentiments of a large majority of the colonists, but admirably adapted—because based on the principles of the British Constitution—to secure to them those blessings which can only flow from a proper balance of legislative power amongst the several interests composing the community. Feeling assured that these advantages are likely to accrue from the measures in question, it has been with no ordinary satisfaction that I have, on behalf of Her Majesty, given to them my assent.

“2. I shall, without delay, transmit to the Right Hon. the Secretary of State for the Colonies, the address adopted by you in relation to the Constitution Act, 13 & 14 Vict. cap. 59.

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3. "I might here close the observations which it is my duty to address to you on this occasion, were I not desirous of offering my hearty congratulations to the inhabitants of the new colony of Victoria on the certain prospect which is now opened to them of a speedy attainment of their long expressed desire to become a separate dependency of the Crown. The large revenue which is there collected,—the astonishing amount of exports which it now produces,—the fertility of its soil, and the salubrity of its climate, give the surest promise of its continuing, after separation, to increase in population, in wealth, and in general prosperity, with the same rapidity which has characterized its progress whilst forming an integral portion of New South Wales. It is gratifying to reflect that, whilst among the numerous settlements which have of late years been founded under the British Crown it is undoubtedly the most successful and the most promising; it has been established without that pecuniary aid from the British Treasury which it has been found necessary to afford to so large an extent to the other dependencies of the Crown contemporaneously founded in the Southern Hemisphere. It cannot be denied that so prosperous a community could not so suddenly have risen up but for its connexion with the older settlements of New South Wales, and the advantages which it thus possessed of obtaining sheep and cattle, and the experience necessary to their successful management. An immediate value was thus given to the lands of the district, the greater part of which would otherwise have remained for a considerable period comparatively unproductive and unsaleable. I trust that, although the two colonies are in future to be politically separated, there will always subsist between them mutual feelings of goodwill, which cannot fail to be highly beneficial to both communities; and that the legislation of the two colonies on all inter-colonial matters will be conducted on the most liberal principles of reciprocal advantage. It will be my duty, no less than a source of sincere gratification to me, to promote to the utmost of my power the accomplishment of these objects."

"Although it is not my intention immediately to dissolve the Council, lest circumstances should arise to render it necessary or expedient that I should have recourse to your advice or assistance before the requisite arrangements for the separation of Port Phillip and a general election under the new Constitution can be completed, it is not probable that I shall have occasion to call you together again for the despatch of business. I am desirous therefore, of availing myself of the present opportunity to express to you individually and collectively the high sense which I entertain of the cordial co-operation and able assistance which you have afforded me in passing those numerous measures for the public benefit which I have had occasion to bring before you, or which have originated with yourselves."

"I now declare this Council to stand prorogued to Tuesday, the 1st day of July next."

"CHAS. A. FITZROY."

"Legislative Council Chamber,
"2d May 1851."

His Excellency then retired, being conducted to the door by the Speaker, and the Council stood prorogued accordingly to Tuesday, the 1st day of July next.

CHARLES NICHOLSON, Speaker.

No. 5.

(No. 91.)

No. 5.

COPY of a DESPATCH from Governor Sir C. A. FITZROY to Earl GREY.

Government House, Sydney, May 5, 1851.

(Received, October 6, 1851.)

MY LORD,

(Answered, November 21, 1851, No. 142, page .)

I HAVE the honour to transmit to your Lordship, for Her Majesty's most gracious allowance, authenticated transcripts, and also printed copies, of five public Acts, passed by the Legislative Council of this Colony, during the Special Session recently concluded, together with copies, as usual, of the opinion of the Crown Law Officers on each Bill.

2. The Legislature having been called together for the special purpose of framing a law for giving effect to the Imperial Act 13 & 14 Vict. cap. 59, for the Better Government of the Australian Colonies, its legislation was sought to be confined strictly to matters connected with the altered constitution conferred by that Act, or necessarily growing out of the separation of the province of Victoria from New South Wales; and this determination was adhered to, with one exception only, herein-after explained.

3. I have, on Her Majesty's behalf, assented to these Acts; and I now proceed to offer a few observations on the nature and general objects of each.

14 Victoria, No. 45.*

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“An Act to preserve the jurisdiction and authority of public officers and magistrates within the colony of Victoria until new commissions shall have issued.”

5. The Act of Parliament for the better government of the Australian colonies, whilst providing for the separation of the colony of Victoria from New South Wales, preserves intact the jurisdiction of the Supreme Court of New South Wales within Victoria until a Court of Judicature shall be established therein by Her Majesty; but no such provision is made in respect to any other powers or functions. To quiet the doubts, therefore, which might otherwise arise, this Bill was introduced by the Government. It simply provides that all magistrates and other persons in the public service at the time when it receive the Royal Assent may continue legally to exercise their respective powers and jurisdiction.

14 Victoria, No. 46.

“An Act to enable the Council of the City of Sydney to assess, collect, and levy certain city and lighting rates for the year 1851.”

6. This Bill was introduced by an elected member. The matter to which it relates was considered so emergent as to justify a departure from the determination to which I have alluded, of not legislating on any subject unconnected with the special business for which the Council was convened.

7. During the Session of 1850 an Act was passed regulating the Corporation of the city of Sydney. Amongst other of its provisions that Act empowered the City Council to cause a valuation to be made of all city property; and it required the Council, on or before the 31st day of December in every year, to estimate the sums necessary for city purposes for the ensuing year, and to cause rates to be levied accordingly, based on the valuation so made; but although the City Council, before the close of the past year, made the necessary estimate of civic expenditure for 1851, it neglected to make the required valuation on which the rates were to be founded; and the omission was not detected until the rates were about to be levied. Under these circumstances the advice of counsel was taken; and the result was, an opinion that no rate could be levied for the current year without an Act of the Legislature.

14 Vict. No. 41.

14 Victoria, No. 47.*

“An Act to provide for the division of the colony of Victoria into electoral districts, and for the election of members to serve in the Legislative Council.”

8. This Bill, although passed into law before the corresponding bill for New South Wales, was introduced subsequently to the latter, and is, *mutatis mutandis*, almost a transcript of it.

9. The number of members, having reference to its population, of which it was proposed by the Government, in conjunction with his Honour the Superintendent of Port Phillip, that the future Legislature of Victoria should consist was 30; 10 to be nominated by Her Majesty and 20 to be elected by the people; and, although a trifling alteration was made during the passage of the Bill through the Council in the distribution of the elected members amongst the several electoral districts, the number so proposed was affirmed by the Council on division.

10. By the second clause of the Act the colony of Victoria is divided into 16 electorates; and the distribution of representatives effected by that and the succeeding clause is as follows:—

To the city of Melbourne, 3 members; to the town of Geelong (second only to Melbourne in importance), 2 members; to all other towns, 3 members; to the settled districts of Bourke and Grant, 3 members; to the intermediate districts, 5 members; and to the pastoral districts, 4 members.

11. With respect to the general principles of the measure I beg to refer your Lordship to the remarks which are attached to the New South Wales Electoral Act.

* These Acts will be found printed in the Appendix to the present Paper.

“ An Act to provide for the division of New South Wales after the separation of the district of Port Phillip therefrom into the electoral districts, and for the election of members to serve in the Legislative Council.”

12. The division of the colony into convenient electoral districts, and the fair apportionment thereto of the members to be returned, appeared to me to be a matter of so much importance that I caused it to be submitted for the consideration of my Executive Council; and, with their advice, the Bill presented to the Legislative Council proposed to divide New South Wales proper into 29 electorates, to return 32 members, who, with the proportion to be appointed by Her Majesty, would constitute a house of 48 members in all; but, besides some alterations in the electoral divisions, and the allotment of members proposed by the Government, the Legislative Council increased the total number of members to 54; 18 of whom will be appointed by Her Majesty, and the remaining 36 elected by the inhabitants of the colony.

13. The distribution of members effected by the 2d and 3d clauses of the Act, as it passed the Council, is as follows:—

To the city of Sydney and its suburbs are allotted 4 members; to all other towns, 7 members; to the settled counties (21 in number), 17 members; and to the pastoral districts (16 in number), 8 members.

* See Appendix
to this Paper.

I enclose a printed paper* laid before the Legislative Council, showing as well the proportion of the population comprised within these three great divisions as the number of inhabitants, with other particulars of each electorate separately.

14. It may be expedient that I should here explain in what particulars this measure differs from the Act passed in 1843, in order to give effect to the former Constitution Act 5 & 6 Vict. c. 76. The first and most important difference is one that has been determined by Parliament, namely, the qualification necessary to entitle persons to vote. Firstly, the freehold and household qualifications are reduced from 200*l.* and 20*l.* to 100*l.* and 10*l.* respectively; and, secondly, the franchise is extended to leaseholders and to the licensed occupants of Crown lands.

15. An important alteration has been introduced in the mode of issuing the writs of election. Under the former Act these were invariably issued by the governor. But, by the present measure, it is provided that the writs shall be issued by the speaker of the Legislative Council, except in cases of general elections, when, of course, there is no speaker, or in case of the death or absence of the speaker during recess; in which cases the writs are to be issued by the governor.

16. The next point of difference is also one of some moment, namely, the constitution of a tribunal for the trial of disputed returns. According to the Electoral Act of 1843 a court was established for the purpose in the following manner:—The governor appointed two persons *not* being members of the council, the council elected other two members out of its body, and the chief justice of the colony named the president. With a view, however, to assimilate the law of the colony to the law of England as closely as circumstances would permit, the Bill submitted to the Legislative Council proposed the appointment by the speaker of an Election Committee somewhat in the manner that the “General Committee of Elections” is appointed by the Speaker of the House of Commons, but without adopting the entire practice of Parliament with respect to the choice of Election Committees, which would be too complex for the requirements of the colony. This proposition was readily adopted by the Legislature. The clauses regulating election petitions and the proceedings of the Committee so to be chosen are for the most part borrowed from the Act of Parliament 11 & 12 Vict. c. 98.

17. There was one other particular in which the Bill introduced by the Government sought to follow the practice in England, that is to say, the appointment of barristers to revise the Electoral Rolls; but that proposition was, I regret to say, rejected by the Council, from an apprehension that the cost attending the revision by barristers would be burdensome on the colony.

18. In nearly all other respects the measure accords with the Act of 1843, which was itself framed, as nearly as circumstances would permit, on the model of the Reform Act.

* This Act will be found printed in the Appendix to the present Paper.

“An Act to provide that the revenue and other laws and regulations made in and for the colony of New South Wales shall, after the erection of the district of Port Phillip into the separate colony of Victoria, continue in force within the last mentioned colony until altered by the legislature thereof.”

19. This Bill, which in its scope is nearly akin to the first Bill reported in the present Despatch, was introduced by the government on the advice of the Crown law officers, who conceived that, under the circumstances stated in the preamble, doubts might arise as to the applicability of the customs' laws and regulations of New South Wales to the colony of Victoria. The third clause was added after the Bill had been submitted to the Council, by which it is provided that in respect of goods which have paid the import duty in the one colony, the usual drawback shall be allowed on their exportation to the other colony.

I have, &c.

The Right Hon. Earl Grey, (Signed) CHAS. A. FITZROY.
&c. &c.

(No. 103.)

No. 6.

No. 6.

COPY of a DESPATCH from Governor-General Sir C. A. FITZROY to Earl GREY.

Government House, Sydney, June 16, 1851.

(Received, November 14, 1851.)

MY LORD,

(Answered, No. 16, February 12, 1852. Page 31.)

* Page 6.

WITH reference to my Despatch, No. 91,* of the 5th ultimo, transmitting authenticated transcripts of the few Acts passed by the Legislative Council during its recent short Session, I venture to take the liberty of forwarding to your Lordship three copies of a Report † of the speeches of Mr. Edward Deas Thomson, Colonial Secretary of this Government, delivered in the Legislative Council, on the first and second reading of the Bill for the division of New South Wales into electoral districts.

2. This Report has been published by Mr. Thomson at my request and that of several respectable and influential persons in the colony; and the perusal of it may not, I trust, prove uninteresting to your Lordship, as the speeches fully develop the principles upon which the Bill is founded; and will also show the ability with which it was introduced, explained, and defended in the Council by Mr. Thomson.

3. Having, in another Despatch of this date, had an opportunity of placing on record my opinion of Mr. Thomson's merits, and of the services he has rendered to the Government and public of this colony during his long tenure of office, I will only trespass further on your Lordship's time to state, that the only merit I can claim with respect to this measure is the having assisted in determining and concurred in the principle that property and population combined, and not population alone, was the basis of representation best adapted to the social state of this community; and that the representation of the rural districts should be kept as separate as practicable from that of the towns. To Mr. Thomson belongs the entire credit of having framed the Bill, and worked out its details, as well as of having so ably advocated them when before the Council.

I have, &c.

The Right Hon. Earl Grey, (Signed) CHAS. A. FITZROY.
&c. &c.

* This Act will be found printed in the Appendix to the present Paper.

† The Enclosure referred to consists of a pamphlet intitled, “Corrected Report of the Speeches of the Honourable E. Deas Thomson, Colonial Secretary of New South Wales, delivered in the Legislative Council on the first and second reading of the Bill for the Division of the Colony into Electoral Districts in the first Session of 1851.” Sydney, published by W. and F. Ford, George-street, 1851.

10 FURTHER PAPERS *relative to the* ALTERATIONS

NEW SOUTH
WALES.
No. 7.

(No. 105.)

No. 7.

COPY of a DESPATCH from Governor-General Sir C. A. FitzRoy to Earl GREY.

Government House, Sydney, June 18, 1851.
(Received, November 14, 1851.)

MY LORD,

(Answered, No. 7, January 23, 1852, Page 25.)

May 1, 1851.

At the request of the Legislative Council of this colony, I have the honour to forward an address embodying a declaration and remonstrance against the New Constitution Act, 13 & 14 Vict. cap. 59.

The Right Hon. Earl Grey,
&c. &c.

(Signed)

I have, &c.

CHAS. A. FITZROY.

Encl. in No. 7.

Enclosure in No. 7.

To his Excellency SIR CHARLES AUGUSTUS FITZROY, Knight Companion of the Royal Hanoverian Guelphic Order, Captain General and Governor-in-Chief of the territory of New South Wales and its dependencies, and Vice-Admiral of the same, &c. &c. &c.

May it please your Excellency :

WE, Her Majesty's most dutiful and loyal subjects the Members of the Legislative Council of New South Wales, in Council assembled, beg respectfully to forward to your Excellency, for transmission to the Right Honourable the Secretary of State for the Colonies, the following declaration and remonstrance against the New Constitution Act, 13 & 14 Vict. cap. 59, this day adopted by the Council.

We, the Legislative Council of New South Wales, in Council assembled, feel it to be a duty which we owe to ourselves, to our constituents, and to posterity, before we give place to the New Legislature established by the 13 & 14 Vict. cap. 59, to record our deep disappointment and dissatisfaction at the constitution conferred by that Act on this colony. After the reiterated reports, resolutions, addresses, and petitions which have proceeded from us during the whole course of our Legislative career, against the schedules appended to the 5 & 6 Vict. cap. 76, and the appropriations of our ordinary revenue under the sole authority of Parliament,—against the administration of our waste lands and our territorial revenue thence arising,—against the withholding of the customs department from our Control,—against the dispensation of the patronage of the colony at dictation of the Minister for the colonies,—and against the vote reserved and exercised by the same minister, in the name of the Crown, in matters of local Legislation,—we feel that we had a right to expect that these undoubted grievances would have been redressed by the 13 & 14 Vict. cap. 59, or that power to redress them would have been conferred on the constituent bodies thereby created, with the avowed intention of establishing an authority more competent than Parliament itself to frame suitable constitutions for the whole group of the Australian Colonies. These our reasonable expectations have been utterly frustrated. The schedules, instead of being abolished, have been increased. The powers of altering the appropriations in these schedules, conferred on the Colonial Legislature by this new Act, limited as these powers are, have been in effect nullified by the subsequent instructions of the Colonial Minister. The exploded fallacies of the Wakefield theory are still clung to ; the pernicious Land Sales Act (5 & 6 Vict. cap. 36) is still enforced, and thousands of our fellow subjects (in consequence of the undue price put by that mischievous and impolitic enactment upon our waste lands, in defiance of the precedents of the United States, of Canada, and the other North American Colonies, and even of the neighbouring colony of the Cape of Good Hope,) are annually diverted from our shores, and thus forced, against their will, to seek a home for themselves and their children in the backwoods of America. Nor is this all. Our territorial revenue, diminished as it is by this most mistaken policy, is in a great measure confined to the introduction among us of people unsuited to our wants, and in many instances the outpourings of the poorhouses and unions of the United Kingdom, instead of being applied in directing to this colony a stream of vigorous and efficient labour, calculated to elevate the character of our industrial population. The bestowal of office among us, with but partial exception, is still exercised by or at the nomination of the Colonial Minister, and without any reference to the just claims of the colonists, as if the colony itself were but the fief of that Minister. The salaries of the officers of the customs, and all other departments of Government included in the schedules, are placed beyond our control ; and the only result of this new enactment, introduced into Parliament by the Prime Minister himself with the declared intention of conferring upon us enlarged powers of self-government, and treating us at last as an integral portion of the empire, is, that all the material powers exercised for centuries by the House of Commons are still withheld from us ; that our loyalty, and desire for the maintenance of order and good government, are so far distrusted that we are not permitted to vote our own civil list,

lest it might prove inadequate to the requirements of the public service; that our wastelands and our territorial revenue, for which Her Majesty is but a trustee, instead of being spontaneously surrendered, as the equivalent for such civil list, is still reserved, to the great detriment of all classes of Her Majesty's subjects, in order to swell the patronage and power of the ministers of the Crown; that whilst, in defiance of the Declaratory Act (18 George III. cap. 12. sect. 1), which has hitherto been considered the Magna Charta of the representative rights of all the British plantations, a large amount of our public revenue is thus levied and appropriated by the authority of Parliament, we have not even the consolation of seeing that portion of it which is applied to the payment of the salaries of our public officers distributed as it ought to be among the settled inhabitants; and that, as a fit climax to this system of misrule, we are not allowed to exercise the most ordinary legislation which is not subject to the veto of the Colonial Minister.

Thus circumstanced, we feel that, on the eve of the dissolution of this Council, and as the closing act of our legislative existence, no other course is open to us but to enter on our own journals our declaration, protest, and remonstrance, as well against the Act of Parliament itself (13 & 14 Vict. cap. 59) as against the instructions of the minister by which the small power of retrenchment that Act confers on the colonial Legislature has been thus overridden, and to bequeath the redress of the grievances which we have been unable to effect by constitutional means to the Legislative Council by which we are about to be succeeded.

We, the Legislative Council of New South Wales, do accordingly hereby solemnly protest, insist, and declare as follows:—

1st. That the Imperial Parliament has not, nor of right ought to have, any power to tax the people of this colony, or to appropriate any of the monies levied by authority of the colonial Legislature; that this power can only be lawfully exercised by the colonial Legislature; and that the Imperial Parliament has solemnly disclaimed this power by 18 Geo. III. cap. 12. sect. 1, which Act remains unrepealed.

2d. That the revenue arising from the public lands, derived as it is "mainly" from the value imparted to them by the labour and capital of the people of this colony, is as much their property as the ordinary revenue, and ought therefore to be subject only to the like control and appropriation.

3d. That the Customs and all other departments should be subject to the direct supervision and control of the colonial Legislature, which should have the appropriation of the gross revenues of the colony, from whatever source arising, and, as a necessary incident to this authority, the regulation of the salaries of all colonial officers.

4th. That offices of trust and emolument should be conferred only on the settled inhabitants, the office of Governor alone excepted; that this officer should be appointed and paid by the Crown; and that the whole patronage of the colony should be vested in him and the Executive Council, unfettered by instructions from the Minister for the Colonies.

5th. That plenary powers of legislation should be conferred upon and exercised by the colonial Legislature for the time being, and that no bills should be reserved for the signification of Her Majesty's pleasure, unless they affect the prerogatives of the Crown or the general interests of the empire.

Solemnly protesting against these wrongs, and declaring and insisting upon these our undoubted rights, we leave the redress of the one and the assertion of the other, to the people whom we represent, and the Legislature which shall follow us.

Legislative Council Chamber, Sydney,
May 1, 1851.

(Signed) CHARLES NICHOLSON,
Speaker.

(No. 109.)

No. 8.

No. 8.

COPY of a DESPATCH from Governor-General Sir C. A. FitzROY to
Earl GREY

Government House, Sydney, June 23, 1851.

(Received, November 14, 1851.)

MY LORD,

I HAVE the honour to acknowledge the receipt of your Lordship's Despatch, No. 1,* of the 13th January last, transmitting four separate commissions under the great seal of the United Kingdom, by which the Queen has re-appointed me to the office of Governor of New South Wales, with the style of Captain General and Governor-in-Chief, and appointed me to be Governor, with the same style of each of the colonies of Van Diemen's Land, South

* Page 40 of Papers relative to the Australian Constitution presented to both Houses of Parliament by command, 4th February 1851.

NEW SOUTH
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Australia, and Victoria, together with the several royal instructions to which these commissions refer; also transmitting to me Her Majesty's warrants delegating to the Governor of each of the colonies the power of nominating the several non-elective members of the Legislative Council; and further transmitting to me Her Majesty's commission under the great seal, constituting me Governor General of all Her Majesty's Australian possessions, including the colony of Western Australia.

2. I have now the honour to report, that in obedience to the instructions conveyed to me in that Despatch, I opened my commissions of Governor of New South Wales and of Governor General on the 12th instant; and that immediately thereon I took the prescribed oaths of allegiance and of office on both commissions before the Chief Justice and in the presence of the members of the Executive Council, heads of the naval, military, and civil departments, and other public bodies, and of a numerous assemblage of the inhabitants of Sydney, with the formalities usual on such occasions.

3. I have further to report, that I lost no time in forwarding the commissions and royal instructions for Van Diemen's Land, South Australia, and Victoria, to the Lieutenant Governors of those colonies, and also transmitting to those officers at the same time their respective commissions under the royal sign manual.

4. Your Lordship's instructions respecting the manner in which I am to exercise the powers conferred upon me by my commission of Governor General shall be duly observed.

5. I trust I may be permitted to take this opportunity of requesting your Lordship to convey to the foot of the throne my most respectful and grateful acknowledgment of the gracious mark of Her confidence which Her Majesty has been pleased to bestow upon me, and that I may also be allowed to offer your Lordship my sincere thanks for having recommended me for this distinction.

I have, &c.

The Right Hon. Earl Grey,
&c. &c.

(Signed) CHAS. A. FITZROY.

No. 9.

(No. 152.)

No. 9.

COPY of a DESPATCH from Governor-General Sir C. A. FitzROY to
Earl GREY.

Government House, Sydney, August 27, 1851.

(Received, February 5, 1852.)

MY LORD,

• Page 11.

WITH reference to my Despatch, No. 109,* of the 23d June last, acknowledging the receipt of your Lordship's Despatch, No. 1, of the 13th January last, and of the commissions which accompanied it, I have now the honour to enclose copies of letters from the Lieutenant Governors of Van Diemen's Land, South Australia, and Victoria, in reply to a Circular Despatch in which I forwarded to their Excellencies Her Majesty's commissions appointing me Governor-in-Chief of each of those colonies.

Van Diemen's
Land, July 3, 1851.
South Australia,
July 5, 1851.
Victoria, June 10,
1851

I have, &c.

The Right Hon. Earl Grey,
&c. &c.

(Signed) CHAS. A. FITZROY.

Encl. 1 in No. 9.

Enclosure 1 in No. 9.

Government House, Van Diemen's Land,
July 3, 1851.

SIR,

I HAVE the honour to acknowledge the receipt of your Excellency's Despatch of the 5th June, transmitting a commission under writ of privy seal, by which Her Majesty has been pleased to appoint you to be Captain General and Governor-in-Chief of Van Diemen's Land, together with an instrument, under Her Majesty's sign manual and signet, appointing me to be Lieutenant Governor of this colony.

2. I have, under cover of the same Despatch, received a warrant delegating to me the power of appointing a certain number of the members of the Legislative Council.

3. I caused your Excellency's commission to be opened and read in the presence of the chief officers and some of the principal inhabitants of this colony, and then to be deposited among the Records of Van Diemen's Land.

4. Accept my grateful acknowledgments of the expression of your Excellency's co-operation, and allow me to assure you that it will be my earnest desire to support your Excellency in all measures tending to the mutual advantage of the Australian colonies, and the particular interests of this colony.

His Excellency Sir Charles A. FitzRoy, K.H.
Governor General.

I have, &c.
(Signed) W. DENISON.

NEW SOUTH
WALES.

Enclosure 2 in No. 9.

Encl. 2 in No. 9.

SIR,

South Australia, Adelaide, July 5, 1851.

I HAD yesterday the honour to receive your Excellency's Despatches of the 5th and 10th ultimo, and I enclose copy of a proclamation which was issued to-day, notifying to the public the reading and publishing, in presence of the chief officers and others the principal inhabitants of this colony, Her Majesty's Commission under the great seal, appointing your Excellency to be Captain General and Governor-in-Chief of South Australia, and also Her Majesty's Commission, under the royal signet and sign manual, re-appointing me to be Lieutenant Governor thereof, and further requiring and authorizing me, in the absence of your Excellency, to assume and exercise all the powers and authorities contained in your Excellency's commission as Captain General and Governor-in-Chief of South Australia.

2. I request leave to offer to your Excellency my respectful and cordial congratulations on the very eminent rank and extended authority to which Her Majesty has been graciously pleased to elevate you as Governor General of all Her Majesty's Australian possessions. In that portion of them which is confided to me, during your absence from it, I shall ever be most cheerfully ready to act in co-operation with your Excellency in the spirit of Her Majesty's instructions.

His Excellency Sir Charles A. FitzRoy,
Captain General and Governor-in-Chief.

I have, &c.
(Signed) H. E. YOUNG.

Enclosure 3 in No. 9.

Encl. 3 in No. 9.

SIR,

Melbourne, June 10, 1851.

I TAKE the earliest opportunity of acknowledging the receipt of your Excellency's Despatch of the 5th June 1851, accompanying a commission, under the great seal of the United Kingdom, by which Her Majesty has been pleased to appoint your Excellency to be Captain General and Governor-in-Chief of Victoria, in conjunction with the other Australian colonies, together with an instrument, under the royal sign manual, appointing me to be Lieutenant Governor thereof.

2. I am also in possession of the warrant delegating to me the power of appointing a certain number of the members of the Legislative Council.

3. I have not yet received the copy of the Despatch in which these documents were transmitted to your Excellency by the Secretary of State, with other documents and instructions, which I gather must have been forwarded to me direct from home; but I presume I may look hourly for their arrival, as there are several vessels due.

4. It remains for me to offer my acknowledgments for the assurance which your Excellency is pleased to give me, that you will have pleasure in co-operating at all times with me in all measures which may tend to the mutual advantage of the respective colonies.

5. In offering my sincere congratulations to your Excellency upon the additional marks of estimation and confidence which Her Majesty is pleased to evince towards you, your Excellency will permit me to add, that I am fully sensible of the great advantages which I personally derive as Lieutenant Governor of the new colony from the arrangement which has received Her gracious sanction.

His Excellency Sir Charles A. FitzRoy, Kt.,
Governor General, &c.

I have, &c.
(Signed) C. J. LATROBE.

14 FURTHER PAPERS *relative to the* ALTERATIONS

NEW SOUTH WALES.

(No. 167.)

No. 10.

COPY of a DESPATCH from Governor-General Sir C. A. FitzROY to Earl GREY.

Government House, Sydney, October 7, 1851.

(Received, February 5, 1852.)

MY LORD,

(Answered, February 20, 1852, No. 21, Page 32.)

* Page 12.

Colonial Secretary to Lieut.-Governor, July 1, 1851.
Lieut.-Governor to Colonial Secretary, July 15, 1851.

IN my Despatch, No. 152,* of the 27th of August last, I forwarded a copy of a letter from the Lieutenant Governor of Victoria, acknowledging the receipt of Her Majesty's commission appointing him to that office; and I have now the honour to enclose copies of a correspondence which took place between the Colonial Secretary of this Government and the Lieutenant Governor, evincing the good feeling which existed between those officers during a period of fourteen years, and the satisfactory manner in which their official relations closed, which cannot but tend towards the good of the public service.

I have, &c.

The Right Hon. Earl Grey,
&c.

(Signed)

CHAS. A. FITZROY.

Encl. 1 in No. 10.

Enclosure 1 in No. 10.

Colonial Secretary's Office, Sydney,

July 1, 1851.

SIR,

I HAVE the honour to transmit to your Excellency a copy of the "New South Wales Government Gazette" of this date, containing a proclamation of his Excellency the Governor General, announcing the issue of the writs for the first election of members to serve in the Legislative Council of Victoria, whereby the territories hitherto comprised within the district of Port Phillip have been separated from New South Wales, and have been erected into a separate colony; and also declaring that the legislative authority of the Government and Council of New South Wales, and the powers of the Governor over and in respect of the territories comprised within Victoria, and the revenues thereof, have now ceased.

2. As the present communication will terminate the official correspondence between your Excellency and myself—a correspondence which has now extended over a period of twelve years—I cannot deny myself the present opportunity of expressing the great satisfaction I have always had in co-operating with you in the public service of a province whose progress in social and political importance has, under your administration of its local affairs, been almost without a parallel.

3. I have only further to add an expression of my sincere wishes for the continued advancement and well being of the flourishing colony whose destinies have been confided to your care.

I have, &c.

His Excellency the Lieut. Governor
of Victoria.

(Signed)

E. DEAS THOMSON.

Encl. 2 in No. 10.

Enclosure 2 in No. 10.

Government Office, Melbourne,

July 15, 1851.

SIR,

I HAVE the honour to acknowledge the receipt of your letter of the 1st instant, transmitting copy of the "New South Wales Government Gazette" of that date, containing a proclamation by his Excellency the Governor General, announcing the issue of the writs for the first election of members to serve in the Legislative Council of Victoria, whereby the territories hitherto comprised within the district of Port Phillip have been separated from New South Wales, and have been erected into a separate colony; and also declaring that the legislative authority of the Governor and Council of New South Wales over and in respect of the territories comprised within Victoria, and the revenues thereof, have now ceased.

The writs in question enclosed in your letter of the 1st instant have since come to hand.

I take leave to state, for the information of his Excellency the Governor General, that, such being the case, I have lost no time in taking such steps as devolve upon me as Lieutenant Governor of the new Colony, to carry out the instructions of Her Majesty's Government, and to make the arrangements which my own altered position and that of the colony demand.

I have this day, as his Excellency will learn from the enclosed document, publicly opened his Excellency's commission as Governor General, and my own as Lieutenant Governor, taken the requisite oaths, and issued the usual proclamation.

The position which his Excellency the Governor General will still hold towards the new colony, as its Captain-General and Governor-in-Chief, no less than the interest which he cannot but continue to feel in its progress and welfare, will justify my offering to his Excellency, through your medium, such further occasional information respecting my measures as may appear proper and expedient.

It is evident that the relation in which the colony and its Local Government has hitherto stood towards New South Wales, as well as the common interest which, it appears to me, must and ought to continue to unite them in future, however politically distinct, will give rise, doubtless, to the maintenance of a very considerable correspondence between the respective Governments in the time to come. It may be that I am no longer called upon personally to conduct such correspondence with the Colonial Secretary, as in times past; but with particular allusion to the kind terms in which you close your last communication to me, I would assure you that I most fully participate in the feelings you express. In looking back upon the many years close personal connexion, official and unofficial, that has existed between us, I congratulate myself that the administration of the Government of this district has been conducted under such circumstances of advantage to me; and while I, for my part, gratefully acknowledge your unwearied and anxious co-operation with me in the management of the affairs of Port Phillip, under our common chief, I am happy to reflect that our relative positions, however apparently altered, do not in any measure preclude my availing myself of your long experience, valuable counsel, and kindly offer of service.

The Hon. the Colonial Secretary, Sydney.

I have, &c.
(Signed) C. J. LATROBE.

(No. 178.)

No. 11.

No. 11.

COPY of a DESPATCH from Governor-General Sir C. A. FITZROY to
Earl GREY.

Government House, Sydney, October 18, 1851.

(Received, February 5, 1852.)

MY LORD,

(Answered, February 21, 1852, No. 24, page 32.)

I HAVE the honour to enclose herewith a copy of the speech with which, on the 16th instant, I opened the Session of the Legislative Council of this colony.

2. I also transmit a copy of the address presented to me by the Council, and of my rejoinder.

3. I have the honour to report that I have provisionally appointed the under-named public officers to be official members of the Legislative Council, in accordance with the Act 14 Victoria, No. 45, which was forwarded to your Lordship with my Despatch, No. 91,* of 5th May last:—

The Hon. Edward Deas Thomson, Esq., Colonial Secretary,
The Hon. John Hubert Plunkett, Esq., Attorney General,
The Hon. Campbell Drummond Riddell, Esq., Colonial Treasurer,
William Montague Manning, Esq., Solicitor General,
John George Nathaniel Gibbes, Esq., Collector of Customs,
William Lithgow, Esq., Auditor General,
Francis Lewis Shaw Merewether, Esq., Postmaster General,
George Barney, Esq., Chief Commissioner of Crown Lands, and
William Spain, Esq., Inspector General of Police.

4. I have also provisionally appointed the under-named gentlemen to seats in the Council as Crown Nominees, viz:—

George Allen,	Henry Hughes,
Alexander Berry,	Thomas Iceley,
Edward Broadhurst,	Alexander Longmore,
Alfred Denison,	Henry Watson Parker, Esquires.
John Dobie,	

The Right Hon. Earl Grey,
&c. &c.

I have, &c.
(Signed) C. A. FITZROY.

* Page 6.

Encl. 1 in No. 11. MR. SPEAKER, AND GENTLEMEN OF THE LEGISLATIVE COUNCIL,

IN calling you together for the first time since the general election, I gladly avail myself of the opportunity of expressing to you my anxious desire to co-operate with you in every way calculated to promote the best interests of the colony, and with the same cordiality which happily characterized my official intercourse with your predecessors. I regret that the necessary measures for the settlement of the electoral divisions of the colony and the preparation of the electoral lists according to the extended franchise created by the new Constitution Act have prevented your meeting at an earlier period of the year and one more convenient therefore, especially to those members of your body whose interests are connected with the agricultural and pastoral pursuits of the colony. I think under these circumstances I shall best consult your general convenience by confining the measures to be introduced by the Government in the present Session to those of such an urgent nature as will not admit of delay without inconvenience or injury to public interests, and by appointing an earlier period than usual for your meeting in the ensuing year.

2. Her Majesty having been graciously pleased to confer upon me the important appointment of Governor General of all Her Majesty's Australian possessions, I deem it proper to lay before you a copy of a Despatch from the Right Honourable the Secretary of State, explaining the objects for which this appointment has been created. It will afford me much gratification in the exercise of the powers which are thus conveyed to me to promote and cement those friendly relations between the several colonies over which my commission extends, which are so desirable for their mutual welfare and prosperity.

3. The writs for the first election of members to serve in the Legislative Council of Victoria having been issued on the 1st July last, that portion of the former territory of New South Wales became a separate colony, and the authority of the Governor and Council of this colony therefore finally ceased therein from that date.

4. In the very short period which has elapsed since the termination of the last Session, a most important change has taken place in the resources of the colony. The discovery of an extensive and productive gold field has opened out fresh prospects of advancement and prosperity which cannot fail eventually to prove highly advantageous in its results. I am happy to say that this discovery has not hitherto been attended with any serious interruption to or disturbance of the ordinary industrial pursuits of the colony. The order and obedience to the regulations which the Government has deemed it expedient provisionally to establish for the collection of revenue and for the decision of disputes in working the gold field are highly creditable to the large body of persons employed, and afford the gratifying presumption that the same orderly and satisfactory conduct will characterize their future proceedings, a result equally favourable to their own prosperity and the general welfare of the colony. I have found it necessary, under the peculiar circumstances which have so suddenly arisen out of this extraordinary state of things, to increase the pay of the constabulary force and of some other persons holding subordinate situations under the Government. I rely upon your giving your legislative sanction to this increase, which the great rise in the price of provisions and the temptation to leave the public service offered by the successful prosecution of gold digging, rendered absolutely necessary for the public advantage.

5. I regret to say that the wheat crops, both in this colony and in the neighbouring settlements, partially failed during the last season; and the price of flour—partly owing to this cause, and partly to the speculation created by the gold discovery—has been considerably higher than usual. I am happy to learn, however, that there is at present a larger breadth of land under wheat culture than at any former period; and, as the season has been very favourable, there is every prospect, under the Divine blessing, of an abundant harvest, while it is to be expected that the recent importation of wheat will prevent a further rise in the price of flour until the growing crops can be gathered in. The other necessaries of life fortunately continue both cheap and abundant.

6. I will immediately lay before you a Despatch from the Right Honourable Earl Grey, containing the decision of Her Majesty's Government on the address of the late Council to Her Most Gracious Majesty, of the 1st October 1850, on the subject of transportation, and intimating the intention of advising Her Majesty to take an early opportunity of revoking the existing Order in Council, so far as it relates to New South Wales.

7. I have also received from the Right Honourable the Secretary for the Colonies a Despatch in reply to an address of the late Council of the 9th October 1849, which requested me to forward to his Lordship the report of the Select Committee on Crown Lands. A copy of this Despatch will be immediately laid before you.

8. I will also lay before you without delay several other Despatches replying to various addresses from the late Council, together with such further documents of public interest as it will be desirable to communicate to you.

9. The estimates of revenue and expenditure have already been prepared and will be forthwith presented to you. The latter have been framed with an anxious desire to observe every possible economy in the public expenditure; but in the peculiar circumstances of the colony at the present time, some considerable additions will be necessary to ensure efficiency in the public service. The increase in the revenue has happily kept pace with the increasing demand upon it. Besides a considerable amount beyond its estimated produce in the present year when the estimates were laid before the late Council in the Session of 1850, there was a much larger balance unexpended at the close of that year than was anticipated. The particulars embracing the whole of the financial arrangements of the Session will be fully explained to you when the estimates are laid upon the table.

10. Amongst the most important measures to be laid before you is a Bill for imposing a new and improved tariff of duties on articles imported into the colony. This measure has been framed upon the most moderate scale consistent with the raising of a sufficient revenue to provide for the public requirements; and abolishes all distinction whatever in the rates imposed on articles in whatever country produced or from whatever country imported. I anticipate the most favourable result from a measure based on a liberal principle of this nature, no less to the interests of commerce than to those of the community generally. It is calculated by the removal of the present high duties on many articles of foreign produce and manufacture, to open out a market in this colony for their disposal, and thus to offer inducements for the sale of its numerous and valuable productions in those countries which may use this new field for their commercial enterprise. Whether it may be expedient to proceed with this important measure in the present Session, or whether the Bill should be merely printed, and its further progress postponed until next year, with a view to endeavour to obtain the enactment in the other Australian colonies of a similar comprehensive measure, is worthy of your serious and deliberate consideration. It appears to me that the general interests of all these communities render it desirable that the same principle should be adopted as far as local circumstances will permit in the enactment of a law of this nature.

11. By the Constitution Act 13 & 14 Vict. cap. 59 a considerably-increased control is given to the Colonial Legislature over that part of the expenditure which is included in the schedules to that Act. In consequence of the inadequacy of the sums thereby appropriated for the administration of justice, and an excess in the amount expended, arising principally from the establishment of Circuit Courts at Moreton Bay and Geelong, and for which some legislative provision will be necessary, I have availed myself of the assistance and advice of their Honours the Judges of the Supreme Court, and of the Crown Law officers, to suggest such measures as they might conceive desirable, having a due regard for all the interests concerned, for bringing the expenditure within the amount provided for the purpose. A copy of the able Report which has been drawn up by his Honour the Chief Justice as the Chairman of the Board, and the accompanying documents, together with a copy of the Minute of my Executive Council, containing the decision which has been made on the several recommendations of the Board, will be immediately laid before you. It will be perceived that the reductions prospectively proposed and ordered to be carried into effect fully accomplish the object required. The expenditure for the other departments chargeable on the schedules is within the amount appropriated for their support. I am desirous nevertheless that the whole subject of the expenditure in question should be brought under your careful and attentive review; and I beg to recommend that it should form the subject of investigation by a Select Committee of the Council, either in the present or the ensuing Session, as may be found most convenient. It will afford me much satisfaction to see the important interests concerned placed upon a satisfactory and permanent basis. I will readily concur with you in any measures for the purpose which may be consistent with a proper regard for the claims of existing office-holders, who accepted those offices with expectations which cannot justly be disappointed. It will also be necessary, under the instructions which I have received from Her Majesty's Government, that any reduction of fixed establishments or of any expenditure provided for by permanent laws, should be effected by Acts of the Legislature, subject, in the usual manner, to the assent of the Crown.

12. In accordance with the intention expressed in my message to the late Council, of the 29th April last, a copy of the Report of the Board on the management of the Post Office department will be laid before you, together with a copy of the Minutes of my Executive Council, containing the decision at which I arrived, with their advice, on the several points recommended by the Board. The necessary Bill to give effect to these recommendations will be immediately laid before you. In deference to public opinion which has been so generally expressed, it is my intention to introduce in it a provision for exempting in future all newspapers passing through the Post Office from the payment of any charge for postage. I have received and will lay before you without delay copies of a Despatch from the Secretary of State and correspondence with the Postmaster General of England, intimating the intention of Her Majesty's Government to comply with the request contained in the address of the late Council for the establishment of a system of optional prepayment in respect to letters passing between this colony and the United Kingdom.

NEW SOUTH
WALKS.

13. In consequence of the present unsatisfactory state of the marriage laws in the colony, and the uneasiness which is felt on this important subject, it is my intention to introduce in the present Session a Bill which I trust will have the effect of removing all future cause of complaint in this respect, and of placing the matter on a comprehensive, satisfactory, and permanent basis.

14. Having brought the subject of the military defences of Port Jackson under the consideration of Her Majesty's Government, I have received from the Secretary of State a Despatch, of which a copy shall be communicated to you, offering certain assistance in the execution of the works by means of military labour, provided the necessary funds be supplied by the colony, for the ordinary and working pay of the troops, who would be sent out for this purpose at the expense of the Home Government, and to whom inducement would be held out eventually to settle in the colony. This proposal appears to me to offer such advantages as to render it desirable that it should be favourably entertained; and I accordingly recommend it to your early and attentive consideration. I shall be glad to be favoured with the result of your conclusions on the subject as soon as may be convenient.

15. Any further measures that I may have occasion to submit to you shall be communicated to you in the usual way by message.

CHAS. A. FITZROY.

Legislative Council Chamber,
October 16, 1851.

Encl. 2 in No. 11.

Enclosure 2 in No. 11.

To His Excellency Sir Charles Augustus FitzRoy, Knight Companion of the Royal Hanoverian Guelphic Order, Captain General and Governor-in-Chief of the Territory of New South Wales and its Dependencies, and Vice-Admiral of the same, &c. &c.

MAY IT PLEASE YOUR EXCELLENCY.

WE, Her Majesty's most dutiful and loyal subjects the members of the Legislative Council of New South Wales, in Council assembled, desire to express to your Excellency our affection and loyalty for the person and government of our most gracious Sovereign, and to offer our respectful thanks for your Excellency's speech to this Council.

2. We beg to assure your Excellency of our earnest desire to preserve the same good understanding that has hitherto happily subsisted between your Excellency's administration and our predecessors; for we believe that by the cordial co-operation of the Legislative and Executive authorities, the welfare and good government of the colony will be best promoted.

3. The unavoidably late period at which we are now assembled, and the necessity that exists on the part of many members of bestowing their personal attention to those pastoral and agricultural pursuits in which they are engaged, furnish strong grounds for limiting the business of the present Session to the consideration of such measures as are of immediate and pressing necessity.

4. We congratulate your Excellency upon the high appointment of Governor General of the Australian colonies, which Her Majesty has been graciously pleased to confer upon you; and we join in the hope expressed by your Excellency that those feelings of mutual good will may be maintained amongst the several Australian dependencies, upon the continuance of which their general prosperity and advancement must greatly depend.

5. The recent discovery of extensive gold fields in New South Wales, their rich and highly productive character, is an event the importance of which it is impossible to overrate, whether as regards the interests of the British empire generally, or as affecting the political and social condition of the colony. That the ultimate result of this discovery will be highly beneficial we entertain strong hopes, although its immediate effect has been to impose very serious burthens upon the principal productive interests of the country. We feel that the greatest vigilance and circumspection will be required in enforcing obedience to the laws and maintaining that orderly and satisfactory conduct which has hitherto characterized the proceedings of those engaged in this pursuit.

6. The prospects of a favourable harvest, and of an abundant supply of all the necessaries of life, are subjects of congratulation, and it is earnestly hoped that sufficient labour may be found for securing the wheat crops when ripe, for shearing the sheep, and for the conveyance of our staple product, wool, to the places of shipment.

7. The several Despatches and Documents to which your Excellency refers shall receive, when laid before us, our most attentive consideration. It is satisfactory to us to hear that it was the intention of Her Majesty's Government to take an early opportunity of advising Her Majesty to revoke the existing Order in Council, appointing the places to which British convicts may be transported, so far as relates to New South Wales.

8. In considering the estimates of revenue and expenditure, we shall be prepared to maintain the greatest possible degree of economy consistent with the exigencies of the public service.

9. We shall carefully consider the Bill which your Excellency has intimated your intention of laying before us, establishing a new and improved tariff of duties on articles imported into this colony.

10. The Report of the Board appointed by the Government to inquire into the management of the Post Office, together with the Bill embodying the recommendations it contains, will receive our careful consideration. We are glad to learn that it is the intention of Her Majesty's Government to comply with the Address of the late Council, for the establishment of a system of optional prepayment in respect to letters passing between this colony and the United Kingdom. We agree with your Excellency that the present uncertain state of the marriage laws in this colony should be remedied, and that it is a question the consideration of which ought not to be postponed.

11. The Despatch from the Right Honourable the Secretary of State for the Colonies respecting the military defence of Port Jackson shall have our attentive consideration. We shall not fail to place your Excellency in possession of the result of our conclusions at the earliest possible period.

Legislative Council Chambers, Sydney, (Signed) CHARLES NICHOLSON, Speaker
October 14, 1851.

Enclosure 3 in No. 11.

Encl. 3 in No. 11.

MR. SPEAKER, AND GENTLEMEN OF THE LEGISLATIVE COUNCIL,

I THANK you for this address, and for the expression of your earnest desire to preserve the same good understanding between the Executive Government and the Legislative Council, which has hitherto been maintained during my administration of this Government.

2. I beg also to thank you for your congratulations on my appointment as Governor General of Her Majesty's Australian Colonies, and for the assurance that you will give attentive consideration to the measures I shall lay before you.

Government House, Sydney, (Signed) CHAS. A. FITZROY.
October 17, 1851.

(No. 202.)

No. 12.

No. 12.

COPY of a DESPATCH from Governor-General Sir C. A. FITZROY to
Earl GREY.

Government House, Sydney, December 22, 1851.

(Received, April 30, 1852.)

MY LORD,

(Answered, May 16, 1852, No. 17, page 32.)

I HAVE the honour to enclose a copy of the speech with which I this day closed the Session of the Legislative Council which was opened on the 16th October last, as reported in my Despatch, No. 178,* of the 18th of that month.

* Page 15.

2. In that Despatch I reported to your Lordship that I had provisionally appointed the gentlemen therein named to seats in the Legislative Council as Crown nominees; and I have now the honour to report that, Mr. Longmore having died, and Mr. Denison having resigned his seat, I have provisionally appointed William Bradley and Edward Cox, Esquires, to the vacancies.

3. As I shall have occasion to apprise your Lordship in another Despatch, the seat held as an official Member of the Legislative Council by the Inspector General of Police, Mr. Spain, has also become vacant.

The Right Hon. Earl Grey, (Signed) C. A. FITZROY.
&c. &c.

Enclosure in No. 12.

Encl. in No. 12.

MR. SPEAKER, AND GENTLEMEN OF THE LEGISLATIVE COUNCIL,

THE business of the Session being now brought to a close, I am happy to be able to release you from further attendance on your arduous and important duties. I am sensible of the sacrifice which many of you have made in being absent at the present season from the districts in which you reside. I trust that circumstances may not again arise to make it necessary for you to meet at so inconvenient a period of the year.

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2. It will be my duty to forward without delay to Her Majesty's Government your address to Her most gracious Majesty, stating your willingness to provide for the whole cost of the Government of the Colony, whether civil or military (the salary of the Governor General only excepted), and to grant an adequate civil list upon the surrender to the Colonial Legislature of the entire management of all the colonial revenues, territorial as well as general, and upon the establishment of a Constitution similar in its outline to that of Canada.

3. Your address to me embodying the resolutions passed by the Council against the continuance of transportation to any part of Her Majesty's Australian Possessions has been already, in compliance with your request, transmitted to the Right Hon. the Secretary of State for the consideration of Her Majesty's Government. Since the presentation of that address I have had the satisfaction to receive and to lay before you the Order of Her Majesty in Council rescinding that which appointed this colony one of the places to which criminals might be transported.

4. In consequence of the refusal of the Council to vote any increase of expenditure rendered necessary by the gold discovery, I have considered it my duty, in order to prevent the public inconvenience which would have arisen from any sudden reduction under present circumstances of the number or pay of the constabulary force and of other persons holding subordinate situations under the Government, to assume the responsibility, pending the receipt of definite instructions on the subject from Her Majesty's Government, of ordering this expenditure to be borne on the territorial revenue.

5. I will lose no time in transmitting to the Right Hon. the Secretary of State a copy of your address to me urging the continuance of immigration at the public expense, and the raising of an additional loan for the purpose by the issue of debentures secured on the territorial revenue. In the full expectation that, under the peculiar circumstances in which this colony is now placed in respect to the supply of labour, Her Majesty's Government will see fit to sanction the measure, I have already, in compliance with the recommendation of the Council, raised upon favourable terms the sum of 69,600*l.* for this object, and it is my intention to raise a further sum of about 30,000*l.*, or 100,000*l.* in all. The introduction of immigrants which will be obtained by this means will, I trust, have the effect of relieving the employers of labour from the injurious consequences which might otherwise be apprehended from the withdrawal from the ordinary industrial pursuits of the colony of the large portion of labour employed at the gold fields.

6. I will not fail to forward by an early opportunity your petition to Her most gracious Majesty praying that a branch of the Royal Mint may be established at Sydney.

7. Your other addresses not specifically noticed herein shall receive every consideration which the subject of them may appear to render necessary.

8. I have to thank you for the liberality with which you have voted the supplies for the public service. You may rely upon my using them with every regard to economy in the public expenditure. I have also to thank you for the Act of Indemnity in respect of certain unauthorized expenses of the administration of justice.

9. I now declare this Council to stand prorogued to Tuesday the 3d day of February next.

CHAS. A. FITZROY.

Legislative Council Chamber,
December 22, 1851.

No. 13.

(No. 7.)

No. 13.

COPY of a DESPATCH from Governor-General Sir C. A. FITZROY to
Earl GREY.

Government House, Sydney, January 15, 1852.

(Received, June 16, 1852.)

MY LORD,

At the request of the Legislative Council, I have the honour to transmit a petition addressed to the Queen, complaining to Her Majesty of being deprived of the management and control over the whole of the revenue of the colony, both general and territorial, and of the limited powers intrusted to the local Executive.

2. Your Lordship will observe that the petition commences by adopting the "declaration and remonstrance entered on the minutes of the proceedings of the late Legislative Council on the eve of being dissolved, and a copy of which was transmitted in my Despatch, No. 105, of the 18th June last." It states that the complaints therein referred to, and which have "formed the subject of repeated representations from the former Legislative Council, remain undressed," and it proceeds to declare that, "in order to afford no excuse for the continuance of these complaints," the Council "are prepared, upon the surrender

to the Colonial Legislature of the entire management of all our revenues, territorial as well as general, in which we include mines of every description, and upon the establishment of a constitution among us similar in its outline to that of Canada, to assume and provide for the whole cost of our internal Government, whether civil or military, the salary of the Governor-General only excepted, and to grant to your Majesty an adequate civil list on the same terms as in Canada, instead of the sums appropriated in the Schedules to the Imperial Act 13 & 14 Victoria, Cap. 59," and in conclusion humbly prays, that Her Majesty will be graciously pleased to cause such measures to be adopted as may be necessary to give early effect to this proposal.

3. I have already, in my Despatch, No. 69,† of the 12th April 1850, expressed my opinion on the principal points now submitted for Her Majesty's consideration; but I deem it right to add; that when the motion upon which this petition was adopted was brought before the Council it was carried (after a division, which was called for by the Colonial Secretary on the part of the Government,) by a majority of 21 to 81, the minority consisting entirely of the official nominee members, with the exception of one non-official nominee member, Mr. Parker.

4. It is also proper that I should state my conviction that the desire to have a constitution conferred upon the colony agreeing in its principles with that applied for in the petition is not confined to the Legislative Council alone, or to a party in the colony, but that it is supported by the general and deliberate opinion of the most loyal, respectable, and influential members of the community. I have reason to believe, however, that neither the Council nor the public are anxious for responsible Government to the extent that it now exists in Canada, as it must be evident to every unbiassed person conversant with the subject, that although there are probably in this colony more talented and educated gentlemen than are to be found in any one other British Colony, there are not as yet a sufficient number in it so independent in their fortunes as to be prepared to hold office under an administration depending upon the precarious tenure of being able to command a majority of the popular branch of the Legislature.

5. It has appeared to me to be my duty to bring the foregoing facts and opinions plainly under your Lordship's notice, because I think it is worthy of serious consideration whether it would not be more desirable to concede the terms proposed by the Legislative Council, which concession would be considered as a great favour conferred upon the colony, rather than to prolong a contest which in its progress cannot fail to engender such feelings of asperity and discontent as will it is to be feared weaken the strong attachment to the Crown and to the institutions of the mother country which at present exists in the colony. It is obvious also, that as long as this contest is continued that harmony between the local Executive and Legislature which is so essential to the good government and welfare of a colony cannot be properly maintained.

6. In any civil list to be accepted in lieu of the sums appropriated under the schedule, it would of course be indispensable that the salaries of the judges and other officers enjoying fixed salaries charged thereon or to the territorial revenue should be secured to the present incumbents.

I have, &c.

The Right Hon. Earl Grey,
&c. &c.

(Signed) CHAS. A. FITZROY.

Enclosure in No. 13.

Encl. in No. 13.

To the Queen's most Excellent Majesty.

The humble Petition of the Legislative Council of New South Wales, appointed by virtue of the Imperial Act 13th and 14th Victoria, Chapter 59.

Showeth,

That the Legislative Council established by the Imperial Act 5th and 6th Victoria, Chapter 76, did, on the eve of their supercession by the Legislative Council now existing, adopt and enter on the minutes of their house the following declaration and remonstrance:—

† Page 27, Papers relative to the "Australian Constitution." February 4, 1851.

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“ We, the Legislative Council of New South Wales in Council assembled, feel it to be a duty which we owe to ourselves, to our constituents, and to posterity, before we give place to the new Legislature established by the 13th and 14th Victoria, cap. 59., to record our deep disappointment and dissatisfaction at the constitution conferred by that Act on this colony. After the reiterated reports, resolutions, addresses, and petitions which have proceeded from us during the whole course of our legislative career, against the schedules appended to the 5th and 6th Victoria, cap. 76., and the appropriations of our ordinary revenue under the sole authority of Parliament, against the administration of our waste lands and our territorial revenue thence arising, against the withholding of the customs department from our control, against the dispensation of the patronage of the colony at the dictation of the Minister for the Colonies, and against the veto reserved and exercised by the same minister, in the name of the Crown, in matters of local legislation, we feel that we had a right to expect that these undoubted grievances would have been redressed by the 13th and 14th Victoria, cap. 59., or that power to redress them would have been conferred on the constituent bodies thereby created, with the avowed intention of establishing an authority more competent than Parliament itself to frame suitable constitutions for the whole group of the Australian colonies. These, our reasonable expectations, have been utterly frustrated. The schedules, instead of being abolished, have been increased. The powers of altering the appropriations in these schedules conferred on the Colonial Legislature by this new Act, limited as these powers are, have been in effect nullified by the subsequent instructions of the Colonial Minister. The exploded fallacies of the Wakefield theory are still clung to, the pernicious Land Sales Act (5 & 6 Vict. cap. 36.) is still enforced, and thousands of our fellow subjects (in consequence of the undue price put by that mischievous and impolitic enactment upon our waste lands, in defiance of the precedents of the United States of Canada and the other North American Colonies, and even of the neighbouring colony of the Cape of Good Hope,) are annually diverted from our shores, and thus forced, against their will, to seek a home for themselves and their children in the backwoods of America. Nor is this all. Our territorial revenue, diminished as it is by this most mistaken policy, is, in a great measure, confined to the introduction among us of people unsuited to our wants, and in many instances the outpourings of the poorhouses and unions of the United Kingdom, instead of being applied in directing to this colony a stream of vigorous and efficient labour, calculated to elevate the character of our industrial population. The bestowal of office among us, with but partial exception, is still exercised by or at the nomination of the Colonial Minister, and without any reference to the just claims of the colonists, as if the colony itself were but the fief of that minister. The salaries of the officers of the customs and all other departments of Government included in the schedules are placed beyond our control; and the only result of this new enactment, introduced into Parliament by the Prime Minister himself, with the declared intention of conferring upon us enlarged powers of self-government, and treating us at last as an integral portion of the empire, is, that all the material powers exercised for centuries by the House of Commons are still withheld from us; that our loyalty and desire for the maintenance of order and good government are so far distrusted that we are not permitted to vote our own civil list, lest it might prove inadequate to the requirements of the public service; that our waste lands and our territorial revenue, for which Her Majesty is but a trustee, instead of being spontaneously surrendered as the equivalent for such civil list, is still reserved, to the great detriment of all classes of Her Majesty's subjects, in order to swell the patronage and power of the ministers of the Crown; that whilst, in defiance of the Declaratory Act (18 Geo. 3. cap. 12. sec. 1.), which has hitherto been considered the Magna Charta of the representative rights of all the British plantations, a large amount of our public revenue is thus levied and appropriated by the authority of Parliament, we have not even the consolation of seeing that portion of it which is applied to the payment of the salaries of our public officers distributed as it ought to be among the settled inhabitants; and that, as a fit climax to this system of misrule, we are not allowed to exercise the most ordinary legislation which is not subject to the veto of the Colonial Minister.

“ Thus circumstanced, we feel that, on the eve of the dissolution of this Council, and as the closing act of our legislative existence, no other course is open to us but to enter, on our journals, our declaration, protest, and remonstrance, as well against the Act of Parliament itself (13 & 14 Vict. cap. 59.) as against the instructions of the Minister, by which the small power of retrenchment that Act confers on the Colonial Legislature has thus been overridden; and to bequeath the redress of the grievances, which we have been unable to effect by constitutional means, to the Legislative Council by which we are about to be succeeded.

“ We, the Legislative Council of New South Wales, do accordingly hereby solemnly protest, insist, and declare, as follows:—

“ 1st. That the Imperial Parliament has not, nor of right ought to have, any power to tax the people of this colony, or to appropriate any of the monies levied by authority of the Colonial Legislature; that this power can only be lawfully exercised by the Colonial Legislature; and that the Imperial Parliament has solemnly disclaimed this power by the 18 Geo. 3. c. 12. sec. 1., which Act remains unrepealed.

- " 2d. That the revenue arising from the public lands, derived as it is mainly from the
" value imparted to them by the labour and capital of the people of this
" colony, is as much their property as the ordinary revenue, and ought
" therefore to be subject only to the like control and appropriation.
- " 3d. That the customs and all other departments should be subject to the direct
" supervision and control of the Colonial Legislature, which should have the
" appropriation of the gross revenues of the colony from whatever source
" arising; and as a necessary incident to this authority, the regulation of the
" salaries of all colonial officers.
- " 4th. That offices of trust and emolument should be conferred only on the settled
" inhabitants, the office of Governor alone excepted; that this officer should
" be appointed and paid by the Crown; and that the whole patronage of the
" colony should be vested in him and the Executive Council, unfettered by
" instructions from the Minister for the colonies.
- " 5th. That plenary powers of legislation should be conferred upon and exercised by
" the colonial Legislature for the time being; and that no Bills should be
" reserved for the signification of Her Majesty's pleasure unless they affect
" the prerogatives of the Crown or the general interests of the empire.

" Solemnly protesting against these wrongs, and insisting upon these our undoubted
" rights, we leave the redress of the former, and the assertion of the latter, to the people
" whom we represent and the Legislature which shall follow us."

That we, the succeeding Legislative Council, do accordingly present to Your Majesty our affirmation of the same grievances, all of which, with a slight modification in the patronage of the Customs department, by no means commensurate with the rights in the said protest and declaration insisted upon, remain unredressed.

That these grievances having formed the subject of repeated representations and complaints from the former Legislative Council, all of which have met with neglect or disregard from Your Majesty's colonial Minister, we owe it to ourselves and our constituents to denounce to Your Majesty, as the chief grievance to which the people of this colony are subjected, the systematic and mischievous interference which is exercised by that Minister even in matters of purely local concernment.

That whilst we are most anxious to strengthen and perpetuate the connexion which still happily subsists with our fatherland, we feel it a solemn duty to Your Majesty and our fellow countrymen in the United Kingdom, to declare that it will be impossible much longer to maintain the authority of a local executive which is obliged by its instructions to refer all measures of importance, no matter how great the urgency for their immediate adoption, for the decision of an inexperienced, remote, and irresponsible department.

That in order, however, that Your Majesty's confidential advisers may have no excuse for the continuance of these abuses, we unhesitatingly declare that we are prepared, upon the surrender to the colonial Legislature of the entire management of all our revenues, territorial as well as general, in which we include mines of every description, and upon the establishment of a Constitution among us similar in its outline to that of Canada, to assume and provide for the whole cost of our internal Government, whether civil or military, the salary of the Governor-General only excepted, and to grant to Your Majesty an adequate civil list, on the same terms as in Canada, instead of the sums appropriated in the schedules to the Imperial Act 13 & 14 Victoria, Chapter 59.

We, the said Legislative Council, therefore humbly pray that Your Majesty will be graciously pleased to cause such measures to be adopted as may be necessary for the early redress of these grievances.

And Your Majesty's petitioners, as in duty bound, will ever pray, &c.

(Signed) CHARLES NICHOLSON,
Speaker.

Legislative Council Chamber, Sydney,
5th December 1851.

NEW SOUTH
WALESDespatches from the Secretary of State.

No. 1. (No. 69.) No. 1.
COPY of a DESPATCH from Earl GREY to Governor-General
Sir C. A. FitzRoy.

* Page 1. SIR, Downing Street, June 9, 1851.
I HAVE to acknowledge the receipt of your Despatch, No. 19,* of the
31st January, reporting that you had received the Act for the Better Govern-
ment of Her Majesty's Australian Colonies, and that it had been proclaimed for
the information of the inhabitants of New South Wales.

Governor Sir C. A. FitzRoy, I have, &c.
&c. &c. (Signed) GREY.

No. 2. (No. 132.) No. 2.
COPY of a DESPATCH from Earl GREY to Governor-General
Sir C. A. FitzRoy.

* Page 5. SIR, Downing Street, November 1, 1851.
I HAVE received your Despatch, No. 90,* of the 2d May last, enclosing
a copy of the speech with which you closed the Session of the Legislative
Council on that day; and I have to convey to you my approval of the senti-
ments expressed in that address, and of the course which you adopted with
regard to the prorogation of the Council.

Governor Sir C. A. FitzRoy, I have, &c.
&c. &c. (Signed) GREY.

No. 3. (No. 142.) No. 3.
COPY of a DESPATCH from Earl GREY to Governor-General
Sir C. A. FitzRoy.

Nos. 45, 46, 47, 48,
49, of 1851.
Schedule annexed.
* Page 6. SIR, Downing Street, November 21, 1851.
I HAVE received and laid before the Queen the Ordinances passed by the
Legislature of New South Wales, of which a schedule is subjoined, enclosed in
your Despatch No. 91* of the 5th May 1851.

I have received Her Majesty's commands to acquaint you that Her Majesty
has been pleased to confirm and allow these Ordinances.

You will make known Her Majesty's decision to the inhabitants of the
colony under your Government by a proclamation to be published in the usual
and most authentic manner.

Governor Sir C. A. FitzRoy, I have, &c.
&c. &c. (Signed) GREY.

Encl. in No. 3.

Enclosure in No. 3.

SCHEDULE of Titles of Ordinances, confirmed by Earl Grey's Despatch, No. 142,
November 21, 1851.

No. 45. To preserve the jurisdiction and authority of public officers and magistrates
within the Colony of Victoria until the new commissions shall have issued.

No. 46. To enable the Council of the City of Sydney to assess, collect, and levy certain
city and lighting rates for the year 1851.

No. 47. To provide for the division of the Colony of Victoria into electoral districts,
and for the election of members to serve in the Legislative Council.

No. 48. To provide for the division of the Colony of New South Wales, after the separation of the District of Port Phillip therefrom, into electoral districts, and for the election of members to serve in the Legislative Council.

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No. 49. To provide that the revenue and other laws and regulations made in and for the Colony of New South Wales shall, after the erection of the District of Port Phillip into the separate Colony of Victoria, continue in force within the last-mentioned colony until altered by the Legislature thereof.

(No. 7.)

No. 4.

COPY of a DESPATCH from Earl GREY to Governor-General
Sir C. A. FITZROY.

No. 4.

SIR,

Downing Street, January 23, 1852.

I HAVE to acknowledge your Despatch, No. 105,* of the 18th of June last, enclosing an address from the late Legislative Council of New South Wales, embodying a declaration and remonstrance against the Constitutional Act 13 & 14 Vict. cap. 59. The same document had reached me a short time before, with a letter from the Speaker of the Council.

* Page 10.

2. It cannot be otherwise than a subject of regret to me that the Council should have entertained so much objection to different provisions of that measure, and should have thought it necessary to declare those objections in this formal shape before separating for the last time. But I must be permitted to doubt whether this remonstrance accurately expresses the feeling of the community.

3. For it is certain that Her Majesty's Government, on framing this measure, took as much pains as was in their power to make themselves with and to consult the feelings as well as the wants of the colonists, and had every reason to believe that they had succeeded in doing so, for the report of the Committee of Privy Council, which was closely followed in the Bill they submitted to Parliament, was received in New South Wales with very general expressions of satisfaction.

In the Port Phillip district, which was chiefly affected by the proposed Bill, that satisfaction was expressed in the strongest manner; and in the remainder of the colony, likewise, public opinion, from such evidence as could be collected here, appeared decidedly favourable to it. I do not mean to say that there were not differences of opinion as to some of the proposed provisions. Such differences are unavoidable on political subjects of great interest, but assuredly there was no token of that deep disappointment and dissatisfaction which the Council now express.

4. The Act, therefore, which embodies the recommendations of that report, thus favourably received, from which it only slightly varies, and not, I believe, in any of those particulars to which the objections now taken by the Council relate, can hardly be supposed to be unacceptable to the colonists. If, indeed, the institutions created by it had been tried and found insufficient,—if any of its provisions had been found oppressive or impracticable,—then it would be perfectly natural that those whose anticipations had been favourable should profess themselves disappointed. But it had not been tried at all; and I am, therefore, entitled rather to suppose that this declaration of the Legislative Council does not, as I have said, accurately represent public feeling, than that public feeling has thus changed without a motive.

5. I feel, however, that too much weight is due to the authority of that body, which has now separated for the last time, after conducting the legislative affairs of the colony down to the period of its separation, to admit of my receiving a remonstrance from them condemning so strongly what has been done by Her Majesty's Government, or, rather, by the Imperial Parliament, without recording fully the grounds on which I think myself entitled to deny the justice of their objections to the measure which has called forth their censure.

6. And for this purpose I must repeat the declaration which Her Majesty's Government had frequent occasion to make when the Act was in contemplation, namely, that it did not purpose or profess to make a new constitution for New South Wales. Its primary object (as regarded that colony) was the separation of Port Phillip. Its further object was to accommodate the existing constitution to that separation. The changes made in that constitution were for the most part inconsiderable, and their effect was only to extend, in no one instance to

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curtail, existing rights. But there was one fundamental alteration, namely, that it gave (subject to certain conditions) to the two Legislatures the power which the former united one did not possess, of amending and altering, almost to the fullest extent, their own institutions. This, and this only, was the great constitutional change effected by the Act. And no allegation has as yet reached me that the powers thus conferred on the Legislatures are likely to prove in any degree inadequate to the purposes of good government and progressive improvement.

7. I must, therefore, regard the remonstrance, except in some points of detail, rather as a protest against the principles on which the Australian provinces have hitherto been governed, and against some laws affecting those colonies, which Parliament has thought fit to maintain, than against this particular Act.

8. With regard to the schedules of expenditure, it is obvious on the face of the Act that the powers of the new Legislatures over them will be considerably more extensive than those possessed by the old one. I am not aware to what particular expression of mine the Legislative Council refer, when they say those powers have been nullified by the subsequent instructions of the Colonial Minister. I stated in my despatch transmitting the Act, that it was essential that existing interests should be protected. To this I cannot suppose that the Legislative Council entertain any objection. The declaration was made out of regard to the natural apprehensions of those who were to be rendered more dependent on the votes of the Legislature than heretofore, and not from any expectation so injurious to the Legislature as that such a restriction would be distasteful. I referred, further, to the opinion of the Committee of the Privy Council, that the salaries of the principal officers ought to be permanently granted; and if this is the restriction complained of, I cannot do otherwise than repeat my agreement in that opinion. It was the conviction that the maintenance of this principle is very essential to the success of constitutional government at its outset, and not any wish to secure particular sums for particular services, which mainly induced Parliament to preserve this portion of the former constitution of New South Wales, subject to the increased power of alteration conferred on the Legislature.

9. The Legislative Council, if I understand them rightly, allege that the maintenance of these schedules involves a violation of the declaratory Act, 18 Geo. III. cap. 12.,—an objection which, as far as I am aware, is for the first time urged against them. It might be sufficient to answer, that the Act in question refers in terms only to the imposition of taxes by the Imperial Legislature, and the appropriation of the produce of taxes so imposed. But it is more important to observe that the Act of Geo. III. neither declares, nor was intended to declare, anything beyond the renunciation by Parliament of any right to interfere with chartered provincial Legislatures. The constitution of New South Wales is itself created by Act of Parliament superseding that form of government which, under the peculiar circumstances of the colony, it had been thought necessary to maintain until ten years ago. And Parliament, in creating such a constitution, had an unquestionable right to annex to the grant such conditions as it might think expedient.

10. The administration of the waste lands is a subject which I should have preferred to consider independently of the Constitutional Act, with which it does not appear to me to have any very close connexion; but as the Legislative Council have thought it right to introduce this topic into their remonstrance, I cannot do otherwise than advert to what they have urged. And in doing so it is my duty not to withhold the expression of my decided dissent from the doctrine, that the waste lands in New South Wales, or the revenue derived from them, are in any reasonable sense the exclusive property of its inhabitants, or that their representatives ought to have as of right the control and disposal of that revenue.

11. The waste lands of the vast colonial possessions of the British empire are held by the Crown as trustee for the inhabitants of that empire at large, and not for the inhabitants of the particular provinces divided by arbitrary geographical limits in which any such waste lands happen to be situate. Otherwise this consequence would follow, that the first inhabitants of any of these vast provinces (if possessing those representative institutions which arise as of right in ordinary British colonies) are indefeasibly entitled to administer all the lands and land revenue of the great unexplored tract called a province, of

which they may occupy an extremity, wholly without regard to the nation which has founded the settlement, perhaps at great expense, in order to serve as a home for her own emigrants and a market for her own industry.

For the right thus defined and claimed by the Legislative Council, if their expressions were to be strictly taken, would belong as fully to the 4,000 inhabitants of Western Australia as to the 200,000 of New South Wales; nay, would have equally belonged to the first few families which settled in a corner of New Zealand, and would entitle such small community from the first day of its planting to the ownership of tracts sufficient to maintain empires.

12. When and on what condition it may be desirable to transfer the control of the waste lands of a colony to its local Legislature is in my belief a question of expediency, and not of right. Of expediency respectively both to the local community and to the people of the empire at large, whose claims require joint consideration of mutual adjustment. And I consider that of the Australian waste lands,—lands to which I must add that their present value has been mainly given through the expenditure incurred by this country in founding, maintaining, and defending the several settlements,—to be, for the present, wisely as well as rightfully vested in the general Government, under the strict rules imposed by Parliament.

13. But while such are my views as to the right under which this revenue is administered, I willingly acknowledge that it is one most essential duty of those who administer it to regard in an especial manner the interests of those who have established themselves on the spot, and whose purchases afford the fund to be so disposed of; and I believe this object to be attained in a high degree by the existing arrangement.

14. It will be remembered that the Waste Lands Act, now termed “pernicious,” was adopted on the recommendation of a committee of the House of Commons, by which the whole subject was investigated with the utmost care. The object of this Act was to give permanence and more complete effect to a course of policy regarding those lands, which had already been adopted to some extent in the beginning of 1831 by the Executive Government. From the adoption of that policy may be dated the extraordinary, and I believe unparalleled, advance which the colony has made in wealth and prosperity.

15. Such being the circumstances under which Parliament has thought fit to entrust to the Crown the expenditure of the territorial revenue in the Australian colonies, with the obligation of applying not less than one half of the net receipts from the sale of land to emigration from the United Kingdom, it is to me equally a subject of surprise and great regret that the Council should have seen reason to express the opinion that the duty thus imposed on the advisers of the Crown has been so ill performed as to warrant the assertion that the use of the territorial revenue had been in great measure confined to the introduction of people unsuited to the wants of the colony, and in many instances the outpourings of the poor houses and unions of the United Kingdom. The view thus communicated to me is certainly inconsistent with any of the detailed information which had been furnished respecting the successive emigrant ships as they reached Australia, and with the general opinions previously transmitted from all the colonies to which emigrants have been sent.

16. Emigration to New South Wales by means of public funds having been resumed in the year 1847, no fewer than 31,400 persons had been sent out to this one colony since that time by the Emigration Commissioners at the date when they made their last annual report on the 2d of May 1851; and any one who consults the detailed reports which have been made respecting these emigrants on their reaching the colony, and which are republished in the annual reports of the Emigration Commissioners, may easily see how small, amidst this great multitude, is the proportion of persons of whom there has been any serious complaint. Nor have there been wanting general testimonials of a gratifying nature to the satisfaction felt with the character of the emigrants selected and sent out by the Emigration Commissioners.

17. The only part of this emigration against which any decidedly unfavourable opinion was expressed, was that which was called “Assisted Emigration.” But this mode of promoting emigration was adopted, contrary to my own opinion and that of the Emigration Commissioners, in deference to the urgent representations of gentlemen who were supposed to enjoy the confidence of the colonists, and more especially of one to whom the Legislative Council had

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granted a salary for his services as agent for the colony, and who was, therefore, entitled to be listened to with attention when he urged on its behalf that the plan to which I have adverted should be adopted. For this reason, and because in carrying on a service of so comprehensive a character, and comparatively so recent an origin, as emigration, I have always thought it right not to refuse a fair trial to any reasonable project advocated by gentlemen interested in the supply of labour to the colony, I gave directions to the Emigration Commissioners to try, as an experiment, and with great caution, the plan of what has been called Assisted Emigration. At Sydney (at Melbourne a different opinion was entertained) the experiment was considered to have failed, and it was therefore immediately discontinued.

18. But setting aside this experimental measure, I am fully justified in asserting that all the reports as to the emigrants made at the time of their arrival tend to establish the conclusion that the arduous undertaking of collecting and conveying to Australia so large a body of people from all parts of the United Kingdom has been executed in a manner highly advantageous to the colony, and creditable to the Board by which it was conducted. I must add, that the reports which support this conclusion were made by persons who have shown themselves vigilant in detecting, and prompt in exposing, those cases of abuse which it was impossible to expect should not occasionally occur in conducting emigration on so large a scale; nor can there be any doubt that these reports expressed what was the general opinion of the settlers at the time.

19. The Council further declare that the Customs and all other departments should be subject to the direct supervision and control of the Colonial Legislature, which should have the appropriation of the gross revenues of the colony from whatever source arising.

20. I have no wish to controvert the assertion that the Colonial Legislature ought to be enabled to exercise a superintendence, and, in one sense, a control over the administration of the Customs, as of other departments of the public service; but I have to point out that the power to exercise a superintendence over the Customs department has already been in effect conferred upon the Legislative Council by my circular despatch of the 8th of August 1850*, which the Legislative Council, in framing the remonstrance, seem to have entirely overlooked. By that despatch the management of the Customs department, which had formerly been retained in their own hands by the Lords Commissioners of the Treasury (as was necessary while the former navigation laws were in force), has been entrusted to the local Government, subject to the same conditions as other branches of the public service. That Government has ever shown a perfect readiness to communicate to the Legislative Council the most ample information as to the manner in which the administration is conducted; and thus the people of New South Wales, through their representatives, possess the same power with their fellow-subjects at home of interfering to correct any abuse or mismanagement which may occur in the conduct of their affairs, by advice or remonstrance addressed to the Crown, or the Governor by whom the Crown is represented. No more direct control than this over the Customs department could be given to the Legislative Council of New South Wales without violating those important constitutional principles as to the strict separation of the executive from legislative functions, which in this country it has always been considered expedient to maintain.

21. With regard to the claim that the gross instead of the net revenue derived from customs should be placed at the disposal of the Legislature, I have to observe that in this respect the law of New South Wales is precisely the same with that which has always existed in this country, where the Crown has always had the power of paying, out of the gross revenue, the expenses of collection, and the salaries of the officers employed in it. I believe this practice to be that best calculated to ensure an efficient performance of this important branch of the public business; and, coupled with the rule that full information as to the details of the expenditure incurred shall, when called for, be laid before the Legislatures, it affords also, in my judgment, ample security against abuse. At all events, it can hardly be considered that there is any grievance to be complained of in this matter, when the Legislative Council is placed with regard to it precisely on the same footing with the Imperial Parliament.

22. On the subject of official appointments, it is impossible for Her Majesty's

* Page 42, Papers relative to Australian Constitution, presented by Command, February 4, 1851.

Government to recognize, on the part of the inhabitants of New South Wales, any monopoly of a right to such situations, so as to preclude them from being bestowed on others of Her Majesty's subjects. The inhabitants of New South Wales are not considered disqualified from receiving similar appointments either in other colonies or at home: nor would anything be more injurious to the general interests of the British empire than to lay down a rule by which it should be broken up into a number of small communities, the members of each of which should be considered as only admissible to employment in that to which they more immediately belonged.

23. But while the principle of regarding all Her Majesty's subjects as admissible to office in New South Wales cannot be abandoned, there has assuredly been no practical grievance inflicted in this respect on the inhabitants of the colony, since for several years past public employments there have, with scarcely an exception, been filled by persons selected by the Governor, whose nominations have been almost invariably approved by the Secretary of State; and I consider it of great importance to the interests of the colony, as tending to secure a good selection of persons for such employments, that the existing rule should be maintained by which the Governor is required to report his appointments, and receive Her Majesty's confirmation of them, if they are to offices exceeding a certain value.

24. With regard to the last clause of the protest, which claims what are termed plenary powers for the local Legislature, it is scarcely necessary to remark, that although the Council naturally confine their declaration to the case of the province which they have represented, it is impossible for me to notice it in answer, except as applying generally to the colonial possessions of the British Crown. For the constitutional rule or principle, against which protest is here made, is equally in force in every colony, from the comparatively old and numerous communities in North America down to the smallest settlement enjoying a separate Legislature. It could scarcely be altered in one colony without a general change of system, and the introduction of so vast a change would require far more practical and pressing grounds to justify it than what I must term a theoretical preference of some different and untried scheme.

25. It is not denied that the Governor of a colony, as representing the Crown, must necessarily be a party to all legislation; and there would be obvious objections to placing in the hands of even the ablest Governor the power of binding the Crown from his acceptance of acts in necessary ignorance of the views which the Crown, through its advisers charged with the superintendence of the general interests of the empire, may entertain. This I believe to be the main ground on which this power has been generally retained and exercised by the Crown from the earliest periods of colonial history; nor does it seem to me that it could be abandoned with safety to the permanence of the connexion between the mother country and her colonies.

26. I am satisfied, at all events, that they are doing little service to the cause of good government who urge the adoption of a change of such magnitude as this, unless they are prepared with a well-considered substitute for the system which they propose to abandon. I am aware of no substitutes having been prepared which in my opinion answers this description. The only one which I have seen suggested, and to which I believe the Legislative Council to refer, though I am not certain of their meaning, is this, that subjects of legislation should be divided into local and imperial; that on the former the Governor should give or withhold the Royal assent, without further confirmation from the Crown; that on the latter, the local Legislature should have no power at all; its acts or any portions of them affecting these subjects being absolutely null and void; and the heads so reserved are of course numerous, including amongst others the very extensive one of the prerogative of the Crown.

27. I am unwilling to enter on a subject merely controversial, and which is not fully placed before me with the arguments of those who advocate the innovation. But I cannot refrain from observing on the practical inconveniences which would seem necessarily to attend a system under which large subjects, and many of them very difficult to define, would be absolutely withdrawn from the power of the local Legislature; so that they would be at once unable to legislate at all on many matters on which it is most desirable that they should legislate, subject to the control of the Crown, and at the same time under constant uncertainty whether Acts passed with strictly constitutional intentions might not be invalid through some inadvertent infringement of the limits of

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their authority,—limits which could ultimately only be defined and preserved through the uncertain process of judicial interpretation in courts of law. I say nothing of the extreme difficulty of constituting a tribunal fit to judge of the validity of such Acts, or the certainty that its decisions would soon be felt as far greater hardships than the refusal of the Crown through its ministers to allow an Act, which refusal further consideration may at all times change or modify.

28. If, indeed, this power of the Crown were complained of as practically a grievance, the representations of the Council would have great additional weight. But no such complaint appears to be made, nor do I see how it could be. From the information afforded by the records of this office, it seems that not more than seven Acts of the Legislature of New South Wales have been disallowed since the commencement of representative institutions, and about the same number returned for the insertion of amendments before Her Majesty's confirmation could be given; and of the trifling number thus interfered with, nearly all in the first three sessions, when the experiment was new, several were obviously such Acts as the local Legislature, under the proposed division of subjects, which I have above adverted to would have had no right to pass at all.

29. On the other hand, a very slight examination of the Acts, more than 200 in number, which have received the Royal confirmation, will probably show that many of them would have been either wholly or partially in excess of like powers of the Legislature, and absolutely void, if such a division of authorities had existed. And this shows the practical convenience of the law as it now stands; for the Council of New South Wales has legislated, and will continue to legislate, without hindrance, on many subjects either of Imperial cognizance, or touching the prerogative, to the great advantage of the community; because the interests of the Crown and the Empire are sufficiently guarded by the power of disallowance possessed by the Crown, rarely as it is found necessary to exercise it.

30. I have thus explained to you the views of Her Majesty's Government on all the principal heads of the declaration of the late Legislative Council; and I trust that, however this explanation may be received by those who as members of that body adopted the declaration, their constituents will be more disposed to weigh the considerations here advanced, and to endeavour to the best of their power to mitigate the opposition of opinions, and conciliate jarring interests, than to adopt, without demur, the sweeping conclusions which that declaration advocates.

At all events I feel certain, that on reflection they will acquaint Her Majesty's Government of any intention to inflict on them a system of misrule and oppression. We have had the interests of the local community and of the empire, which, rightly considered, are the same, solely in view; and to attribute to us other motives would be as unjust as it would be on my part to impute the language of this declaration, because I do not agree in it, to a spirit of faction or resentment. Whatever may be the censure in which the late Council may have thought fit to have indulged towards myself, I cannot be guilty of such injustice towards them. Amidst the deep satisfaction with which I have watched of late years the extraordinary progress of New South Wales in nearly all that constitutes the social and material welfare of a community, I have never ceased to appreciate the manner in which its Legislature has contributed to that advance by the zealous and constant discharge of its duty to its constituents; and it is my sincere hope that the now separate Legislatures, using with their best abilities the powers which the Act now under discussion has conferred on them, will follow in that career of improvement which their predecessors have marked out for them.

Governor Sir C. A. FitzRoy,
&c. &c.

I have, &c.
(Signed) GREY.

No. 5.

(No. 15.)

No. 5.

COPY of a DESPATCH from Earl GREY to Governor-General Sir C. A. FitzRoy.
SIR,*

Downing Street, February 12, 1852.

REFERRING to my Circular Despatches of the 8th August 1850† and 19th April 1851,‡ relative to the transfer of the customs establishment to the control

† Page 97 of
Appendix.

* Similar Despatches to the Lieut.-Governors of Victoria, No. 13, 12 February 1852; South Australia, No. 12, 12 February 1852; Van Diemen's Land, No. 18, 12 February 1852.

† Page 42, Papers of February 1851, relative to the "Austrian Colonies."

and management of the Colonial Government, I have to inform you that the Commissioners of Customs are about to issue to the Collector of Customs instructions, which have been settled with my concurrence, to communicate with you on the time at which the establishment should formally be transferred to the Colonial Government, and for making up and closing all his accounts to that date, transferring to the colony at the same time all goods which may then be in bond, and notifying the change to all his subordinate officers.

2. The Collector of Customs will be deputed by the Commissioners of Customs, under the power which they hold by law for that purpose, to be Comptroller of Customs and Navigation Laws.

3. They will address to him the instructions which will be necessary for his guidance in that capacity, in preparing the several documents and returns requisite for carrying on the trade of the colony; and the instructions addressed to him on these and any other points of duty attaching to him as Comptroller of Customs and Navigation Laws will be transmitted by me to you, to be forwarded to the Collector of Customs.

4. In paragraph 12 of my Despatch [to Sir C. FitzRoy,] No. 125* of the 30th August 1850, enclosing the Australian Government Act, I apprised you that the charges of collecting the revenue of customs might for a time continue to be audited as they then were in the manner which had been directed by the Lords Commissioners of the Treasury under the Act 7 & 8 Vict. c. 72. After the date, however, when the transfer of the establishment shall have been completed, the accounts can no longer be transferred to this country for examination. You will therefore proceed to consider and report to me upon the best mode of providing for their examination and audit in the colony, in order that I may communicate your report to the Lords Commissioners of the Treasury, who, I have no doubt, will be prepared to exercise the powers vested in them by the 15th section of the Constitutional Act in giving effect to any arrangement on this subject which may be considered desirable by the Colonial Government.

5. I have already stated in my former Circular Despatch, of the 19th April 1851, that it would be your duty to avail yourself as much as possible of the continued service of the officers on the existing establishment of Customs. I have merely to repeat that direction here, and to add that it will only be just that these officers, so long as they remain in their present situations, should continue to receive the salaries assigned to them by the Board of Customs under whom they accepted their respective employments; and further, that if in the course of time any of the existing appointments should be found superfluous it will be proper that the holders of them should, if possible, be employed in any other similar posts which may be created or become vacant, so that the public may in no case be prematurely charged with retiring allowances.

I have, &c.
(Signed) GREY.

Governor Sir C. A. FitzRoy;
&c. &c.

(No. 16.)

No. 6.

No. 6.

COPY of a DESPATCH from Earl GREY to Governor-General
Sir C. A. FitzRoy.

SIR,

Downing Street, February 12, 1852.

I HAVE received your Despatch, No. 103,* of the 16th of June last, transmitting copies of a Report of the speeches of Mr. Thomson, the Colonial Secretary of your Government, delivered in the Legislative Council on the first and second reading of the Bill for the division of New South Wales into electoral districts.

* Page 9.

I have read these speeches with great interest, as showing clearly the principles on which the representation of New South Wales has been reconstructed under the recent Act of Parliament; and the care which has been taken by those concerned in the measure to ensure a fair representation of the various districts and interests of the country.

I have, &c.
(Signed) GREY.

Governor Sir C. A. FitzRoy,
&c. &c.

* Page 32 of Papers relative to the Constitution of the Australian Colonies. By Command,
4 February 1851.

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No. 7.

(No. 21.)

No. 7.

COPY of a DESPATCH from Earl GREY to Governor-General
Sir C. A. FitzRoy.

• Page 14.

SIR,

Downing Street, February 20, 1852.

I HAVE received your Despatch, No. 167,* of the 7th of October, and I have observed with much satisfaction the good feeling which, after so long an official intercourse, the correspondence you have forwarded shows to continue to exist between the Colonial Secretary to your Government and the Lieut.-Governor of Victoria.

Governor Sir C. A. FitzRoy,
&c. &c.I have, &c.
(Signed) GREY.

No. 8.

(No. 24.)

No. 8.

COPY of a DESPATCH from Earl GREY to Governor-General
Sir C. A. FitzRoy.

* Page 15.

SIR,

Downing Street, February 21, 1852.

I HAVE to acknowledge the receipt of your Despatch, No. 178*, of the 18th October last, forwarding to me a copy of the speech with which, on the 16th of that month, you opened the Session of the Legislative Council of the colony of New South Wales, together with a copy of the address presented to you by the Legislative Council, and of your reply, and also submitting the names of the several persons whom, by virtue of the powers which are vested in you, you have, subject to Her Majesty's pleasure, appointed to be non-elective members of that body. I now transmit to you Her Majesty's warrant, ratifying and confirming those appointments.

21st Feb. 1852.

You are of course aware that your designation of the office-holders can only be understood to apply to the persons now invested with the functions of those offices, and, consequently, that any vacancy which might happen among them must be filled up by a fresh appointment.

Without being aware of the reasons which you may have had for applying that restricted designation to the holders of those offices, I think it right to observe, that the inconvenience to which I allude might have been avoided by appointing the holders for the time being of their respective offices, instead of designating the present holders of those offices by name. I refer you to the 12th section of the 5 & 6 Vict. c. 76.

Governor Sir C. A. FitzRoy,
&c. &c.I have, &c.
(Signed) GREY.

No. 9.

(No. 17.)

No. 9.

COPY of a DESPATCH from Right Hon. Sir JOHN S. PAKINGTON to Governor-General Sir C. A. FitzRoy.

• Page 19.

SIR,

Downing Street, May 16, 1852.

I HAVE laid before the Queen your Despatch addressed to my predecessor under date of the 22d December last, No. 202*, enclosing a copy of the speech with which on that day you closed the Session of the Legislative Council of New South Wales which was opened on the 16th October last, and also reporting that you have provisionally appointed Messrs. William Bradley and Edward Cox to the seats in the Legislative Council rendered vacant by the death of Mr. Longmore and the resignation of Mr. Denison.

15 May 1852.

I transmit to you Her Majesty's Royal Warrant, ratifying and confirming the appointments so made by you to the Legislative Council.

The several subjects adverted to in your speech shall not fail to receive the attention of Her Majesty's Government.

Governor Sir C. A. FitzRoy,
&c. &c.I have, &c.
(Signed) JOHN S. PAKINGTON.

VICTORIA.

Despatches from Lieut.-Governor Latrobe.

VICTORIA.

(No. 1.)

No. 1.

COPY of a DESPATCH from Lieut.-Governor LATROBE to Earl GREY.

Melbourne, July 22, 1851.

(Received, January 7, 1852.)

MY LORD,

I HAVE the honour to acknowledge the receipt of your Lordship's despatch, No. 1* (original and duplicate), of the 28th January 1851, enclosing copy of a Despatch addressed to Sir Charles FitzRoy, detailing the manner in which Her Majesty's Government have thought it advisable to alter the form of the Commissions and Royal Instructions which have up to this time been issued for the government of the Australian colonies.

2. Your Lordship, referring to this Despatch, apprises me, that although the Governor General of the Australian colonies will likewise be Governor of Victoria, Van Diemen's Land, and South Australia, in accordance with the precedent established in those of British North America, it is not intended that he should in virtue of that office interfere in matters connected with the ordinary government of those latter provinces, but further remarks, that as Victoria has been so recently detached from New South Wales, and must still have so many subjects of public interest in common with that colony, the Lieutenant Governor would probably find it expedient to keep up a closer communication with Sir Charles FitzRoy in reference to such subjects than will be the case with the other two colonies now placed under his commission as Governor General.

3. It is undoubted that the connexion that must spring out of the relation in which the new colony has hitherto stood with regard to New South Wales, will still remain an intimate one, even after the final settlement between the two governments of the various official details or questions of greater or less importance which must for a certain time engage their mutual attention; and I am fully prepared to receive and act upon the caution which your Lordship conveys against the inadvisability of allowing any legislative measures to affect that freedom of traffic between the two colonies which is so essential to their prosperity, and any infringement of which would do them injury more than counterbalancing any such benefit as they may have derived from separation.

4. It is satisfactory to me to believe that my long and intimate personal and official connexion with the Executive Government of New South Wales, may lend some facilities to the intercourse and the transaction of business between the two colonies.

5. I have received, as directed by your Lordship, my own commission as Lieutenant-Governor through Sir Charles FitzRoy. The Governor General also transmitted to me by the same opportunity his Excellency's commission under the great seal of the United Kingdom, appointing him Captain General and Governor-in-Chief of the colony of Victoria, with the Royal Instructions thereto annexed, and also Her Majesty's warrant under sign manual, delegating to him the power of nominating a certain number of members of the Legislative Council.

6. The terms in which your Lordship, in advising me of the transmission of my commission as Lieutenant-Governor, exercising in the absence of the Governor General the authority and powers vested in him under the above instruments, is pleased to allude to my past service, demand my sincere thanks. I acknowledge with gratitude the large measure of support and confidence which I have had the honour to experience at your Lordship's hands and those of your predecessor during my near twelve years' residence in Port Phillip, and during the short period when I was entrusted with the administration of the Government of Van Diemen's Land; and in applying myself to the diligent discharge of the duties of the honourable post which you are now pleased to assign to me, I ask no more than that your Lordship will still extend that confidence to me, and be persuaded that, whatever may be the result, I am actuated by no other principle than an earnest desire to discharge my trust fully and faithfully, both to the Crown and to the colony over whose advancement and welfare I am appointed guardian.

The Right Hon. Earl Grey,
&c. &c.

I have, &c.
(Signed) C. J. LATROBE.

(No. 2.)

No. 2.

VICTORIA.

No. 2.

COPY of a DESPATCH from Lieut.-Governor LATROBE to Earl GREY.

Melbourne, July 22, 1851.

(Received, January 7, 1852.)

MY LORD,

(Answered, No. 6, January 22, 1852, page 68.)

ALTHOUGH I have no doubt but that his Excellency Governor General Sir Charles FitzRoy, in the course of recent and direct correspondence with your Lordship, has kept you advised of the various measures adopted to give effect to the recent Act of Parliament, as far as it relates to the colony under his government, and to the separation of the new colony of Victoria from New South Wales, it may be expedient for me in opening a direct correspondence with your Lordship, as Lieutenant-Governor of Victoria, briefly to recapitulate the same to some extent.

13 & 14 Victoria,
cap. 59.

2. Your Lordship will doubtless have been apprised that the Legislative Council of New South Wales met in Session on the 28th March last to consider the Electoral Acts submitted to it by the Executive Government, to give effect to the proposed changes in the constitution and relative position of the two colonies; and that after a month's careful deliberation the two Acts of the Governor and Council, of the 14th Vict. c. 47 and 48, were duly passed and assented to by his Excellency on behalf of Her Majesty.

3. It was deemed proper by the law advisers of the Crown, in order to obviate any difficulty or doubt that might arise as to the power and jurisdiction of magistrates or civil officers within the limits of the colony of Victoria holding commissions and appointments under the Government of New South Wales, pending the issue of a new commission of the peace by the Lieutenant Governor of Victoria, and further as to the levying duties upon spirits, wines, and other goods and merchandize within the colony of Victoria after its separation from New South Wales, to pass two brief subsidiary Acts framed for these purposes.

14 Victoria, No. 45.
14 Victoria, No. 49.

4. I may mention that I had considered it my duty previously to repair to Sydney, on the invitation of the Governor General, both with a view to give any assistance in my power during the Session with regard to the provisions of the Electoral Act for Victoria, and for consultation with the Governor General on many points of common interest, the consideration of which became requisite in the prospect of a speedy separation of the two colonies.

5. Had the Government been at that time in possession of your Lordship's instructions since received, the period of the issue of the writs of election for members to serve in the Legislative Council of Victoria, which was indicated by the Imperial Act as the actual severance of the connexion between New South Wales and the new colony, might have been anticipated. But as at the commencement of May, when the Session being over it was incumbent upon me to return to Port Phillip, I was neither in possession of Her Majesty's commission or instructions, nor advised in any particular as to the manner in which your Lordship was disposed to sanction the formation of the Executive Government of the colony, it was considered more judicious to delay the issue of the writs, and consequently the separation of the colonies for a short time. The 1st July was then, however, prospectively indicated as a suitable date for such issue, should nothing unforeseen arise in the interval to accelerate or retard it, not only as it would allow time for the receipt of your Lordship's instructions, &c., and obviate the difficulty of leaving the Government of the two colonies for a period of some months after the dissolution of the present Legislative Council, without the power of assembling a Legislative Council, whatever the emergency might be, but being the termination of a quarter, would lend greater facilities to the settlement of the important financial questions which must arise between Victoria and New South Wales.

6. This being arranged, I returned to Port Phillip, and engaged at once in making such arrangements for giving force to the Electoral Act as were called for.

7. Your Lordship's Despatch and the commission which it accompanied reached the Governor General early in June, and, as I have already stated in my communication No. 1 of this day's date, his Excellency lost no time in transmitting to me those which had reference to the colony of Victoria. Your Lordship's Despatch, addressed direct to me, did not, however, reach me before the 26th June.

13 Jan. 1851, No. 1.

28 Jan. 1851, No. 1.

(No. 7.)

No. 3.

VICTORIA.

No. 3.

COPY of a DESPATCH from Lieut.-Governor LATROBE to Earl GREY.

Melbourne, July 28, 1851.

(Received, January 7, 1852.)

MY LORD,

I TAKE leave to forward for your Lordship's perusal the enclosed copies of correspondence which has passed between the Governor General Sir Charles FitzRoy and myself, through the Colonial Secretary of New South Wales, relative to the adjustment of the financial account between the two colonies.

The Superintendent to the Colonial Secretary, 3 May 1851.

2. I am not yet in possession of the financial details adverted to as in the course of preparation by the Auditor General, and am therefore neither able to ascertain the exact financial position of Victoria, nor to comprehend all the various questions and interests connected with it. But, awaiting further information and another opportunity of making a full statement upon the subject for your Lordship's satisfaction, I would take occasion to state my belief that no question, either as to principles or details, need arise from the past close financial connexion between the two Governments, which will not admit of satisfactory settlement.

The Colonial Secretary to the Superintendent, 22 May 1851. The Colonial Secretary to the Superintendent, 30th June 1851.

3. It is very natural that the popular view of the claims of this colony should be tinctured with suspicion, and to some extent be an erroneous one; and it is possible that the two Governments may, in certain particulars, be unable to coincide in taking the same view of their respective claims, particularly when information upon the general bearing or details of any financial question may be deficient; but I have every confidence that your Lordship will, so far as an appeal to your judgment may be made, decide justly between us, and whatever the decision may be, that it will be cheerfully acquiesced in.

I have, &c.

The Right Hon. Earl Grey,
&c.

(Signed) C. J. LATROBE.

Enclosure 1 in No. 3.

Encl. 1 in No. 3.

SIR,

Government House, Sydney, May 3, 1851.

WITH a view to facilitate adjustment of the financial accounts between the colony of New South Wales and the new colony of Victoria, and with reference to what has already passed between us upon that subject, I would take this opportunity of making the following observations and propositions, in a distinct form, for the consideration of his Excellency the Governor.

2. With regard to the territorial revenue, it is generally understood that whatever may have been the state of the case at an earlier period, since the resumption of emigration in 1847, the arrangements made in the colony and by the Home Government have had the effect of ensuring to Port Phillip all the advantages which she might justly lay claim to, in fact, that the entire territorial revenue raised within her limits has been, or is in the course of being, expended for her benefit, and that the financial statement under this head show this to be the case.

3. I therefore would advert here more particularly to the position that the new colony may be adjudged to hold with regard to the general revenue.

4. It appears, however, in the absence of any instructions from the Home Government respecting an adjustment of the accounts under this head, that it may be inexpedient to canvass any claim, real or supposed, that the Port Phillip district, while an integral part of the colony of New South Wales, might prefer or have preferred to the expenditure of the whole of her proportion of the general revenue raised within her limits upon objects of local interest or advantage. As far as the opinion of the Home Government has been expressed on this point, it would seem in favour of the advancement of such claim.

5. But it appears to me that whatever may be the merits of such pretensions, and assuming that Port Phillip had no real claim to any balance in the Treasury either at Melbourne or Sydney, previous to the time when the claims of the Port Phillip district to be erected into a distinct colony were entertained and admitted by Her Majesty's Government, she stands in a different position from the time this was done, and that not only in this point of view, but under a review of all the circumstances of the case, it is both just and expedient that, from that period, such claim should be freely and without hesitation conceded by the older colony.

6. It was in January 1849, that it pleased Her Majesty to direct formal steps to be taken towards effecting the separation of Port Phillip from New South Wales, with the authority of Parliament.

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It is therefore proposed that from and after the 1st day of January of that year, in adjusting the accounts between the two colonies, complete financial separation may be conceded and may be held dated; the Port Phillip district being credited from that time forward with the full amount of her general revenue, and debited of course with all her acknowledged expenditure, as well as such proportion of the expense of general government as may be shown and mutually agreed upon.

7. No real inconvenience can result from an adoption of this course, as it has, I believe, in fact, formed the basis of the actual financial arrangements between the divisions of the colony since that period, and were it adopted it might obviate many difficulties; and, as far as the two Governments are concerned, leave untouched many questions which could never be satisfactorily discussed or fairly and definitively settled.

8. Should his Excellency the Governor see reason to concur in the view I have taken, and bring the subject under the notice of the Secretary of State, an adjustment of accounts in the meantime might be proceeded with on this basis; any balance of funds in the banks of Port Phillip which may be handed over by the Colonial Treasury being received on account, and without prejudice to the final adjustment to either colony, whatever may be the terms which may be approved or prescribed by Her Majesty's Government.

9. I would further take this opportunity of pointing out the propriety of the Colonial Treasurer being instructed to abstain, from this time forward, from making further drafts upon his accounts in the Port Phillip banks, and further of being prepared to make the requisite transfer of such balances as may be found therein to his credit at the issue of the writs by his Excellency the Governor, and the completion of the actual separation of the colonies, to the Colonial Treasurer of Victoria.

I have, &c.
(Signed) C. J. LATROBE

To the Hon. the Colonial Secretary, Sydney.

Encl. 2 in No. 3.

Enclosure 2 in No. 3.

SIR,

Colonial Secretary's Office, Sydney, May 22, 1851.

I DO myself the honour to acknowledge the receipt of your honour's letter of the 3d instant, proposing that from and after the 1st January 1849 Port Phillip should be credited with the full amount of general revenue collected in the district, and debited with all the actual expenditure incurred.

2. In reply I am directed by his Excellency the Governor to inform your honour, that it is probable that you will receive with your commission instructions respecting the financial arrangements alluded to, and that similar instructions will be conveyed to his Excellency.

3. I am to add that the Governor considers it sufficient at present to avoid the drawing of any more money from the Melbourne banks by the Colonial Treasurer at this place, and that the necessary instructions have been issued accordingly.

I have, &c.
(Signed) E. DEAS THOMSON.

His Honour the Superintendent of Port Phillip.

Encl. 3 in No. 3.

Enclosure 3 in No. 3.

SIR,

Colonial Secretary's Office, Sydney, June 30, 1851.

WITH reference to my letter to your honour of the 22d May, No. 51/293 in reply to your communication of the 3d of the same month, on the subject of the adjustment of the financial accounts between New South Wales and the new colony of Victoria, I am directed by the Governor General to inform you that the time of separation having arrived his Excellency has had under his consideration, with a view to determine the balances to be transferred to the latter from the general revenue, the undermentioned statements, prepared by the Colonial Treasurer and the Auditor General, namely:—

A statement showing the probable balance payable to the colonies of New South Wales and Victoria respectively, after the separation of the latter on the 1st July 1851, according to the principle laid down in a Minute of the Executive Council, recommending the erection of Port Phillip into a separate colony, and dated 23d April 1846, viz, that the balance of the general or ordinary revenue remaining in the Colonial Treasury (at Sydney and Melbourne) be divided between the two colonies according to the proportion in which each colony shall have contributed to that revenue up to the 30th June 1851.

A statement showing the estimated amount of the unexpended balance of ordinary revenue in the Colonial Treasury on the 30th June 1851.

A statement showing the estimated balance of the general revenue payable to the colony of Victoria, according to the arrangement proposed to your honour, viz, to credit

the district of Port Phillip with the full amount of general revenue collected therein from the 1st January 1849 to the 30th June 1851, and to debit the district with the actual expenditure on account of it during the same period, as well as with a proportion of the expenses of the general government.

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2. It appears by these documents that the estimated balance of the general or ordinary revenue at this date is 101,613*l.* 9*s.* 8*d.*; and that under the arrangement proposed by your honour the sum to be transferred to the Treasury of Victoria would be 63,539*l.* 9*s.* 4*d.*, but, according to the principle laid down in the minute of the Executive Council before referred to, 33,688*l.* 3*s.* 3*d.*

101,613*l.* 9*s.* 8*d.*
63,539*l.* 9*s.* 4*d.*

33,688*l.* 3*s.* 3*d.*

3. The Governor General has therefore directed that the sum calculated on the principle laid down by the Executive Council, and communicated to the Secretary of State in the correspondence which has passed on the subject of the separation of Port Phillip from New South Wales, shall be immediately transferred to the new colony, leaving the general question for the ultimate decision of Her Majesty's Government; and the Auditor General has accordingly been instructed to prepare a warrant to enable the Colonial Treasury to make this payment to you as Lieutenant Governor of Victoria, for the purpose of being placed in the Colonial Treasury at Melbourne, to the credit of the general or ordinary revenue of the colony of Victoria.

4. With respect to the balance at the credit of the Territorial Revenue of Port Phillip, I am directed by his Excellency to inform you, that there does not appear to be any objection to its immediate transfer to the colony of Victoria; and that the Auditor General has therefore been instructed to prepare a warrant, as in the case of the general revenue, in your favour, for the sum of 72,699*l.* 11*s.* 8*d.*, being the present estimated balance of this revenue.

72,699*l.* 11*s.* 8*d.*

5. As soon as possible after the close of the present quarter and the accounts can be made up, it is intended that the exact balance payable out of the general revenue to Victoria, according to both the principles referred to, and also the balance payable on account of the territorial revenue of that colony at the period of separation, shall be ascertained, and accurate statements prepared showing the manner in which such balances have been struck, for transmission to the Secretary of State, in order that the decision of Her Majesty's Government may be obtained on the subject with as little delay as practicable. Of these statements copies will, of course, be furnished to you; and it seems, therefore, unnecessary to transmit those referred to in the first paragraph of this letter, which have been prepared in part from estimates only.

6. In the mean time the difference between the amount payable to Victoria out of the general revenue, on the principle laid down by the Executive Council, and that proposed by your honour, will remain at the credit of the Colonial Treasurer of New South Wales, but will not, of course, be liable to be appropriated in any manner until the Home Government shall decide to which of the two colonies it shall be absolutely handed over.

7. I am further directed to take this opportunity to point out to your honour that it will, of course, be requisite that from this date provision should be made for the half yearly payments from the Melbourne Treasury, of the interest accruing on the land and immigration debentures issued to the amount of 25,000*l.*, on the security of the territorial revenue of the Port Phillip district, and also for the ultimate liquidation of the principal.

25,000*l.*

I have, &c.
(Signed) E. DEAS THOMSON.

His Honour the Superintendent of Port Phillip.

(No. 10.)

No. 4.

No. 4.

COPY of a DESPATCH from Lieut.-Governor LATROBE to Earl GREY.

Melbourne, August 2, 1851.

(Received, January 7, 1852.)

MY LORD,

(Answered, No. 6, January 22, 1852, page 68.)

ADVERTING to the Act of the Governor and Council of New South Wales, 14 Victoria, No. 47, or Victoria Electoral Act, passed in the last Session of the Legislative Council of that colony, it may be proper for me to inform your Lordship, that all the measures requisite for the purpose of carrying out the provisions of the Imperial Act, which provide for the formation of a Legislative Council for the Colony of Victoria, are being taken, and that the return of the writs of election of 20 members to serve in the future Council, will, in due course, be made on the 1st October next.

13 & 14 Victoria,
cap. 59.

2. After that period I shall be at liberty to select the 5 official and 5 in-official nominee members, under the warrant under sign manual received from the Governor General at the same time that he transmitted the Royal Instructions.

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3. I will not fail to embrace an early opportunity of stating the manner in which I may execute the trust confided to me, and submitting those nominations for Her Majesty's approval.

4. It is my present purpose to call the Council together with as little delay as possible. The season, your Lordship may apprehend, will be an exceedingly inconvenient one for such of the members as may be personally engaged in pastoral pursuits. But without adverting to secondary reasons which might be assigned in favour of an early meeting of Council, the necessity of at once proceeding to the passing of a Supplementary Appropriation Act for the current year, and the Appropriation Act for 1852, make such early meeting imperative.

5. It is, however, my intention to confine the business of this first session to the above objects solely; and, by using every exertion, to bring the business forward in such form as may give every facility to its convenient and satisfactory despatch, and obviate any reasonable cause for prolongation.

The Right Hon. Earl Grey,
&c. &c.

I have, &c.
(Signed) C. J. LATROBE.

No. 5.

(No. 12.)

No. 5.

COPY of a DESPATCH from Lieut.-Governor LATROBE to Earl GREY.

Melbourne, August 4, 1851.

(Received, January 7, 1852.)

MY LORD,

(Answered, No. 2, January 16, 1852, page 67.)

As it may be gratifying to Her Majesty, as well as to your Lordship, to be made aware that proofs are not wanting, at this important era in the history of this rising community, of the existence of warm feelings of loyalty on the part of the inhabitants of Victoria, now separated from New South Wales, towards the person and throne of Her most Gracious Majesty, and attachment to the British Constitution, and confidence in the result of the arrangement which, under Her Majesty's favour, your Lordship has seen fit to make for its government, I take leave to enclose copies of the addresses from certain of the inhabitants of the colony, which I have had the gratification to receive on entering upon the duties of the office which I have now the honour to hold.

The Right Hon. Earl Grey,
&c. &c.

I have, &c.
(Signed) C. J. LATROBE.

Encl. in No. 5.

Enclosure in No. 5

ADDRESSES OF CONGRATULATION.

The following addresses were presented to his Excellency on the occasion of his inauguration as Lieutenant-Governor of Victoria, to each of which his Excellency's reply is appended:—

Address from the Right Worshipful the Mayor and Council of the City of Melbourne.

To his Excellency C. J. Latrobe.

May it please your Excellency,

WE, the mayor, aldermen, and councillors of the city of Melbourne, hail with welcome the arrival of the period, when, in obedience to the commands of our beloved Sovereign, your Excellency enters upon the administration of the government of the Colony of Victoria, and the final indication is given us of the consummation of our most anxious hopes—the colonial independence of Port Phillip.

We beg to assure your Excellency of our devoted loyalty to our Sovereign, of our attachment to the institutions of the United Empire, and of our high gratification that Her Majesty has been pleased to confer Her Royal name upon this young and flourishing colony. We hope that Her Majesty will never suffer that name to be sullied, nor our adopted land to be polluted by associations with the outcast criminal population of the mother country, and we confidently trust that your Excellency will persevere in your endeavour to preserve this bright gem of the British Crown stainless and pure.

We assure your Excellency of our continued desire to promote, as far as lies in our power, all measures tending to the prosperity of this city and the public good.

The distinguished mark of the royal confidence which Her Majesty has been pleased to confer upon your Excellency, in appointing you Her representative, with the power and authority which is indispensable to good government, combined with your Excellency's personal experience of the wants and wishes of the colonists of Victoria, lead us to hope that the future progress of this colony under your Excellency's administration of the government, will be commensurate with the unexampled career of the past.

His Excellency's reply.

Mr. Mayor and Gentlemen,—

THE expression of loyalty to our gracious Sovereign, and the attachment to the British constitution which you are pleased to present to me on this occasion, is the source of sincere pleasure to me; and will, I am persuaded, be appreciated by Her Majesty.

It is gratifying, I am sure, both to you and myself to reflect that the name by which this province will henceforth be designated, is one which will ever remind us and our posterity of the love and duty we owe to Her and Her children after her. I fully participate in your anxiety to watch over the moral character as well as the physical development of the country; and am assured of your desire to promote as far as may lie in your power, all measures tending to the prosperity of this city and the public good.

I would take this occasion of offering to the city council my testimony to the advantage which the community has reaped by the introduction of municipal institutions in the city of Melbourne, and to the general ability which had distinguished the labours of the corporation for the last nine years.

No one is better able than myself to appreciate and acknowledge the disadvantages under which, from circumstances, it had to enter upon its functions.

Its claims upon the attention of Government are undeniable, and I shall always feel it a duty to attend to them whenever reasonably advanced and supported, so far as the general interest of the colony and my powers permit.

C. J. LATROBE.

Melbourne, July 15, 1851.

Address from the colonists of Victoria,

To his Excellency C. J. Latrobe, Esq., Lieut.-Governor of Victoria, &c.

We, the undersigned inhabitants of the city of Melbourne and its vicinity, avail ourselves of the opportunity afforded by your Excellency's arrival as the first Governor of Victoria, to express through you our loyalty and affection to our most gracious Sovereign.

We would congratulate your Excellency upon assuming the government of this colony, and assure you of the satisfaction we feel in reflecting that Her Majesty's choice has fallen upon one who, from his late official position must have acquired that extensive and valuable local knowledge so essential to the efficient moulding of a new Government.

We assure your Excellency that we extend to the representative of majesty, sentiments of loyalty and respect befitting the dignity of so high an office; and trust that your Excellency will be enabled so as to administer the government of this colony that the effect of your measures may be beneficially felt by all classes of this community.

As the reward of your public services in this colony, you have the satisfaction of feeling that your Sovereign has elevated you to the distinguished position you now hold, and we offer the assurance that our confidence in your government is enhanced by a sense of the uprightness of your intentions.

The future advancement and prosperity of this colony, untrammelled as it now is by a distant Government, must mainly depend on your Excellency's measures; we shall, we trust, fairly appreciate them, and cheerfully co-operate in furthering all those which may tend to advance the social, moral, and religious interests of this our adopted country.

His Excellency's reply.

Citizens and Gentlemen,

I RECEIVE this address from the inhabitants of Melbourne and its vicinity with great pleasure, assuring you of my perfect confidence in the affection and loyalty it evinces towards our most gracious Sovereign.

I thank you for your general expression of good will towards myself, and for the trust you intimate, that I shall be enabled to administer the government of the colony in such a manner as may tend to the public advantage.

I am fully aware of the responsibility of the office which Her Majesty has been pleased to confer upon me, but I have good hope that, with the sincere and hearty co-operation

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of all classes of the community, it may be in my power to discharge the trust reposed in me, and, in conjunction with them, to secure the steady progress of the noble province which it has pleased God to attach to the British empire in this quarter of the world, in moral and physical prosperity.

You will never doubt my personal attachment to the city and neighbourhood in which we live, and my desire to further its growth and advancement, in every manner consistent with my public duty and the claims of the community at large.

C. J. LATROBE.

Melbourne, July 15, 1851.

Address from the Masonic Body.

To his Excellency C. J. Latrobe, Esq., Lieut.-Governor of the colony of Victoria.

May it please your Excellency,

WE, the undersigned officers of the ancient and honourable fraternity of Free and Accepted Masons, beg most respectfully to offer you our most sincere congratulations on the appointment which Her most gracious Majesty Queen Victoria has been pleased to confer upon you.

The allegiance due to the Sovereign of our native land, and our feelings of loyalty to your Excellency as Her representative, prompt us to this action, believing, as we do most sincerely, that you will, by a judicious line of policy, advance the prosperity of this promising colony, and promote by every means in your power the moral and social welfare of its inhabitants.

His Excellency's reply.

Gentlemen,

It is with feelings of sincere respect and consideration towards you, as a loyal body, comprised of individuals of various classes of the community, that I receive the address of congratulation which you present to me upon my appointment to the Lieut.-Governorship of the colony, with which I have been already so long connected. I thank you for your good wishes; and I trust that I shall be enabled to discharge the duties imposed upon me in such a manner as to promote the development of its resources, and the good of our fellow colonists.

C. J. LATROBE.

Melbourne, July 15, 1851.

Address from the Odd Fellows.

To his Excellency C. J. Latrobe, Esq., Lieut.-Governor of the colony of Victoria.

May it please your Excellency,

WE, the undersigned provincial officers on behalf of the officers and members of the various Lodges of the Independent Order of Odd Fellows, established in the colony of Victoria, in connexion with the Australian Supreme Grand Lodge, beg to approach your Excellency with the assurance of our profound attachment to Her most gracious Majesty, and our loyalty as British subjects.

We beg, at the same time, to congratulate your Excellency upon the high and important office which Her most gracious Majesty has been pleased to confer on you, and earnestly hope that your Excellency's administration may be blessed with that prosperity and success which it has ever been your Excellency's desire to forward.

We, for the benefit of our most ancient and honourable order, now flourishing within this happy colony, and which has been established in the Australian Colonies since the year 1836, beg to solicit the honour of your Excellency's name to stand as the patron of our order in the colony of Victoria.

We can boast of having Sir Charles Augustus FitzRoy, the Governor-in-Chief of Her Majesty's Australian possessions, as the patron of our order in New South Wales; but in consequence of Her Most Gracious Majesty having been pleased to separate the district of Port Phillip from New South Wales, and constituted in the colony of Victoria, we deem it our duty to solicit your Excellency, as the Lieutenant-Governor of the colony of Victoria, to become the patron of our order in the said colony, as his Excellency Sir Edward Fox Young is the patron of our order in the colony of South Australia. A considerable number of members of the Legislative Councils, as also of the clergy of the Australian colonies, are enrolled as members of our order; and we are led to hope that your Excellency will consent to our desire from a conviction that your Excellency is at all times ready to assist any society calculated to further the solemn objects of faith, hope, and charity, the characteristic of our order.

And in conclusion, we beg to assure your Excellency that it will ever be the earnest duty and desire of your most humble and attached servants to protect your Excellency's person and dignity, as the representative of Her most gracious Majesty.

His Excellency's reply.

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Gentlemen,

THE address which you have placed in my hands is a source of sincere pleasure to me. However unnecessary it may appear, because never questioned, it is gratifying to receive such decided testimony to the affection and attachment of a distinct portion of this community to the person and government of our gracious Sovereign, to whom I shall be honoured in conveying it.

I feel also that I may take this address as a recognition, on your part, of our being, equally in our respective spheres, intent upon the same charitable and Christian purposes; and I would again repeat, what I believe I have already intimated, that if in becoming your patron, in compliance with your desire, I can be considered at all instrumental in promoting the objects of your institution, I shall be happy to accept that honorary office.

C. J. LATROBE.

Melbourne, July 15, 1851.

Mr. James Hunter Ross presented the next address from the solicitors.

To His Excellency Charles Joseph Latrobe, Esq., Lieutenant-Governor of the colony of Victoria.

Sir,

WE, the solicitors of the Supreme Court of this colony, desire to approach your Excellency with our congratulations on your Excellency assuming the high office of Lieutenant-Governor of Victoria, to which Her Majesty the Queen has been graciously pleased to appoint you. It is, we are sure, matter of great satisfaction to your Excellency, that you should have been selected by our beloved Sovereign as the first Lieutenant-Governor of this colony, over which you have so long with honour to yourself presided, while it formed an integral portion of the colony of New South Wales. We feel confident that your Excellency will so administer the Government as to ensure a due respect to, and observance of the laws of the country, to preserve peace and good order, to maintain and protect the several interests of all classes of Her Majesty's subjects, and to encourage such measures only as shall tend to the prosperity and welfare of the colony at large.

That your Excellency's endeavours may be crowned with success, that the blessing of the Giver of all good may rest upon you, and that you may long enjoy the confidence of our gracious Sovereign, is our sincere and ardent hope.

His Excellency's reply.

Gentlemen,

I CAN assure you that I am greatly flattered by the kind manner in which you are disposed to offer your congratulations upon my assumption, of the office which Her most gracious Majesty has been pleased to confer upon me; and also to make allusion to my past period of service in this province.

I trust you do me no more than justice, while expressing your good wishes for the future, in believing that it is my wish to administer the government in such a manner as to ensure a due respect to, and observance of the laws of the country, to ensure peace and good order, to protect and maintain the interests of all classes of Her Majesty's subjects, and to introduce such measures only as will tend to the prosperity and welfare of the colony at large.

I have no other distinct object in remaining amongst you, and I trust you will allow me to remark, that I look with confidence to the assistance which you, gentlemen, in the advantageous and honourable position in which you stand with regard to the community, may give to all branches of Her Majesty's Government in the colony, whether employed in framing, administering, or in executing the law, in seeking to secure these great ends.

I beg to repeat my thanks for the address you present to me.

C. J. LATROBE.

Melbourne, July 15, 1851.

Address from the Government officers.

To his Excellency C. J. Latrobe, Esq., Lieut.-Governor.

WE, holding office in the public service, desire to offer to your Excellency our congratulations on the occasion of your accession to the government of this our new Colony of Victoria.

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As the representative of Her most gracious Majesty, we beg you to receive the assurance of our respectful and loyal attachment to Her person and throne. We would express also our gratitude to our Sovereign for having assented to the independence of Victoria, under circumstances so auspicious as the associations of Her own royal name with its foundation, and that of your Excellency with the first acts of its government.

It would be presumptuous in us to speak prophetically of the future, but we cannot contemplate the close of your Excellency's career as Superintendent of Port Phillip, without looking hopefully forward to the progress of that career which you have now commenced as Governor of Victoria.

We are moved also by other considerations in thus addressing your Excellency. Besides the memory of an integrity and an ability, of which we have had such ample proof of the kindness and courtesy universally experienced by us, during many years of official and private intercourse have taught us to feel, if we may be allowed to say so, a personal regard and esteem for your Excellency, which we think we may confidently predict no coming events can obliterate.

Trusting that this expression of our sentiments may not be deemed unacceptable to your Excellency, and tendering to you our warmest wishes for your success and welfare, in your new and arduous sphere of duties, we beg to subscribe ourselves.

His Excellency's reply.

Gentlemen,

I RETURN my hearty acknowledgments for this address of congratulation, which you are pleased to offer upon my assuming the authority and duties of Lieutenant-Governor of the colony of Victoria, after a service of nearly twelve years as Superintendent of the same province under a different appellation.

I am well assured of your attachment, both as individuals and as a body, to our most gracious Sovereign's person and throne.

I thank you for the kind and complimentary terms in which you make allusion to my past service, and to the connexion which has hitherto existed between us, as well as to your friendly anticipation for the future,—reciprocating most unaffectedly your expressions of good-will and attachment.

It has always been a source of pride and satisfaction to me, that whatever degree of credit has been awarded to the superintendent for steady and good government of the Port Phillip district during the past period, under very peculiar and somewhat anomalous circumstances, that credit could be shared in full measure by the great majority of public officers who have been associated with him. I have always esteemed their honour as my own, and there are very few instances in which my intimate acquaintance with the personal character and official conduct of my coadjutors, did not justify my unhesitatingly asserting, that if difficulties or disorder arose, it could be in no wise justly attributed to want of zeal, ability, or devotion to the public service. The future is in the hand of God; but I trust that no circumstances whatever may arise to weaken on either side the feeling of personal interest and esteem, which I am so happy at this time to share with you.

C. J. LATROBE.

Melbourne, July 15, 1851.

Address from the Bishop of Melbourne and the Clergy

To His Excellency Charles Joseph Latrobe, Esq., Lieutenant-Governor of the Colony of Victoria.

May it please your Excellency,

We, the Bishop of Melbourne and Clergy of the United Church of England and Ireland in this Diocese, beg respectfully to present to your Excellency our heartfelt congratulations on your appointment to your high position as Lieutenant-Governor of Victoria.

It is not our province to enter on political events, nor is it necessary for us to do so. The colony which has grown up under your firm and judicious rule, and which, without mineral wealth or external patronage, has by the Divine blessing on the energies of a free people advanced with a rapidity unexampled in the previous history of the world, is your best witness and your enduring monument; and we feel that we may as citizens express our thankfulness that he who has watched our colony in its feeble infancy, and guided its unsteady childhood, has been selected by our beloved Sovereign to govern its early, but we hope, not precocious maturity.

But we have higher grounds for thankfulness than these. In a young country like this, it is a peculiar blessing that religion should be exemplified in the person of the Governor, and to the reverence for Divine things and spotless morals which have adorned your Excellency, may, we think, in a great measure, be traced the high tone of religious and moral principle which distinguishes Victoria from other communities where a mixed population has suddenly grown into wealth and commercial activity. We cannot forget

that the last hours of your superintendence of Port Phillip were spent as chairman of a missionary meeting for sending the Gospel to the aborigines of this land, and the enthusiastic reception you met with from the multitude assembled there, proves that the good of all sects and parties appreciate your virtues and revere your character.

That God may preserve your Excellency long to rule over us and may grant to your Government even greater blessings than those which attended your administration, when both you and we were in a subordinate position, and that your Excellency and your honoured lady, Mrs. Latrobe, may enjoy in private life the fulness of sanctioned domestic happiness, and may be partakers of the life promised to all who love our Lord Jesus Christ in sincerity, is the prayer; &c.

His Excellency's reply.

My Lord Bishop, Mr. Archdeacon and Reverend Gentlemen,

I RECEIVE with very sincere acknowledgment the address which you present to me, and would express, however briefly, the sense I entertain of the terms in which you are pleased to advert to the past progress of the colony, over which I am now called to preside as Lieutenant-Governor, as well as to my own past services in connexion with it.

I am assured that you my Lord, and all whom I have now the honour to address, will believe me, when I say that in reviewing that progress, and the vigorous prosperity which distinguishes this young colony at the present hour, I am, in common with yourselves, disposed to look beyond the advantages held out by the material world, and the instruments through whose seeming agency this prosperity has been elicited and developed, to that gracious Providence which has been pleased to distinguish the settlement of this remote corner of the earth by our race, with so many marks of favour. To Him, with you, I would ascribe all the praise.

That I have been enabled in the plain discharge of official and social duty, to aid in carrying His designs with this colony and people, and perhaps to strengthen the hands of those who are specially called to impress upon the minds of all, the truth, that no country can become really great and prosperous, without reverence to God and obedience to His laws, is a matter of unfeigned thankfulness to me.

Allow me still to return you my best thanks for the terms in which you have expressed your good wishes for my future administration of the government of the colony, now more directly committed to my charge, and for the manner in which you include Mrs. Latrobe in your prayers and aspirations kind.

C. J. LATROBE.

Melbourne, July 15, 1851.

Address from the inhabitants of Kilmore.

To his Excellency C. J. Latrobe, Esq., Lieut.-Governor, &c. &c.

May it please your Excellency,

WE, the inhabitants of Kilmore, in public meeting assembled, beg most respectfully to approach your Excellency with our hearty congratulations on your appointment by Her most gracious Majesty, our beloved Sovereign, to rule as her Lieut.-Governor over this fair colony, henceforth to bear her own royal name. We recal with much satisfaction and with a happy augury for the future, that it has been under your wise and prudent sway that this territory has risen so rapidly to such an unexampled pitch of prosperity; and we have entire confidence that, under the blessing and guidance of the Supreme Disposer of human events, you are destined still further to advance the interests, civil, moral, and religious, of the people under your rule.

That your Excellency may be long spared to consolidate the free institutions of the Colony of Victoria, is the earnest prayer of your Excellency's, &c. &c.

His Excellency's reply.

Gentlemen,

I RECEIVE the address of congratulation which the inhabitants of Kilmore have been so good as to present to me with great pleasure. I thank them for this mark of good will and confidence, and assure them that I have no other purpose in assuming the authority which Her most gracious Majesty has placed in my hands, than with God's help to promote by every means in my power the welfare of the colony.

C. J. LATROBE.

July 15, 1851.

COPY of a DESPATCH from Lieut.-Governor LATROBE to Earl GREY.

Melbourne, September 27, 1851.

(Received, April 5, 1852.)

MY LORD,

(Answered, No. 26, June 2, 1852, page 57.)

ADVERTING to the financial position of the colony of Victoria upon its separation from New South Wales upon the 1st July last, I consider it may be proper for me to bring the following information and remarks under the attention of your Lordship.

2. The Despatch which I had the honour to address to your Lordship on the 28th July, No. 7,* with its enclosures, conveyed the information, that in accordance with the decision arrived at by the Governor General in Executive Council, the Treasurer of the new colony was at once credited with a certain amount of both ordinary and territorial revenue, pending your Lordship's decision as to the precise manner in which the final adjustment of the financial accounts between the two colonies should be eventually effected.

3. The sums thus transferred to the Treasury of the new colony, and placed at the disposal of the Executive, under the head of ordinary revenue, added to the revenue of the six months beginning 1st July 1851, the amount of which may pretty closely be calculated upon beforehand, will, it is clear, not only be sufficient to bear all existing charges upon it, but will, without doubt, leave the colony at the close of the year in possession of a very considerable balance in hand.

4. In the case of the territorial revenue also, although for many reasons more fluctuating and of less certain collection, and further, chargeable with certain liabilities, the precise amount of which I am not at this time exactly in a position to estimate, there can be no doubt but it would be found to be more than sufficient to meet all immediate claims upon it, inclusive of the cost of the year's immigration, and leave a considerable balance to the credit of the colony.

5. My present purpose, however, is not so much to point out to your Lordship the favourable financial position of the colony at the outset, which may be done more suitably and clearly at a later period, as to show in what position the Executive Government stands with regard to the legal appropriation of such portion of the revenue as may be necessary to carry on the public service up to the close of the year.

6. With regard to the expenditure to be carried to the account of the territorial revenue, it is not necessary for me here to make any remarks. I take it for granted, that your Lordship is prepared to admit all under this head, which may either be of an ordinary character, hitherto sanctioned by your Lordship, or of an extraordinary, if need be, which may be clearly shown to be requisite for the public service.

7. Turning then to the expenditure to be placed to account of the ordinary revenue, the Appropriation Act of the Governor and Legislative Council of New South Wales, 14 Vict., No. 26, providing for the expenditure of the whole colony, as then constituted, for the current year, gives authority for the outlay of the sums therein set apart to meet the general expenditure chargeable upon that revenue, not specially provided for by the schedules under the Imperial Act; and no obstacle interposes in the way of the Executive Government of the new colony continuing to provide for the public service, under its provisions, up to the 31st December.

8. It will be for the Legislative Council of the new colony to sanction, by the passing of a supplementary estimate for 1851, the application of such further expenditure as may be shown to have been absolutely called for, in carrying on the ordinary public service or in meeting the extraordinary call for prompt expenditure, consequent upon the separation of the colonies, since the Appropriation Act was passed; and it will be my duty to prepare and submit such supplementary estimate to the consideration of the future Legislature, immediately upon its meeting in Session.

9. With regard to the various branches of the public service held to be provided for by the Schedules from the 1st July last, all expenditure hitherto borne upon the Schedule B. 5 & 6. Vict. cap. 76, must be held to be

chargeable upon Schedules B. Part 2 of the new Imperial Act, 13 & 14 Vict. cap. 59.

10. As I have not yet been furnished from the Audit Office of New South Wales with a correct return of the expenditure of the departments at Port Phillip, admitted as a charge upon the Schedule 5 & 6 Vict. cap. 76, I can only make an approximate calculation of the amount of expenditure, which, having been admitted as a charge upon this Schedule, would more properly be chargeable upon, and held to be provided for by the Schedule of the new Act; and I therefore consider the following statement as liable to future correction.

11. It would appear from the accounts in the Audit Office in this colony, that the expenditure for the half year ending 30th June 1851 was as follows:

	£	s.	d.
Superintendents Departments - - -	792	18	8
Sub-treasurers ditto - - -	705	9	11
Audit branch - - -	31	16	8
Total - - -	£1,530	5	3

The estimated expenditure on account of the Colonial Secretary's Department, Colonial Treasury, and Audit Office, on the more complete and efficient footing which it has been found necessary to place them, since the separation of the colonies from the 1st July to the 31st December 1851, irrespective of the expenditure clearly and wholly chargeable to the territorial revenue, would be the following:

	£	s.	d.
Colonial Secretary's Department - - -	943	16	1
Colonial Treasurer's ditto - - -	798	16	0
Auditor General's ditto - - -	524	13	6
Total - - -	£2,267	5	7

The provision made for the half year's expenditure by Schedule B. Part 2, 13 & 14 Vict. cap. 59 being—

	£	s.	d.
Colonial Secretary's Department - - -	1,000	0	0
Colonial Treasurer - - -	750	0	0
Auditor General - - -	550	0	0
Total - - -	£2,300	0	0

12. According to this calculation, although the provision made by the Schedule may be inadequate in the case of the Colonial Secretary and Auditor General's departments, there may be a surplus in that of the Colonial Treasurer.

13. It is manifest, however, that looking to the natural augmentation of expenses in all these departments, consequent upon the rapid increase of the public revenue and of the public requirements, the sums set apart by these schedules will be insufficient to meet the call for such expenditure, without an appeal sooner or later to the Legislature.

14. The provision made by Schedule B. Part 2, of the Act 13 & 14 Vict. cap. 59, under the head of Clerk of Executive Council and Miscellaneous Expenses, is for the present judged sufficient for the respective purposes.

15. With regard to the judicial expenditure, chargeable before separation upon Schedule B. 5 & 6 Vict. cap. 76, it would appear that it amounted, for the half year ending 30th June 1851, to 2,620*l.* 0*s.* 0*d.* The charge upon Schedule B. Part 2, 13 & 14 Vict. cap. 59, for the six months ending 31st December 1851, making allowance for the increase consequent upon the nomination of the requisite law officers, is calculated to amount to 3,200*l.* 0*s.* 0*d.*, to meet which the sum of 2,500*l.* 0*s.* 0*d.* only is provided under the schedule.

16. With every desire to economize, I have found myself in a position to consider that the public requirements would not be adequately and efficiently provided for under any other modified arrangement; and it becomes, therefore, absolutely incumbent upon me to apply to the future Legislative Council for such further appropriation as may be judged indispensably necessary, both to meet the deficiency of the previous six months, ending 31st December 1851, and for the year 1852.

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17. I have intimated above, that in seeking to make the expenditure of the departments, supposed to be provided for by the schedules, coincide as closely as possible with the provision, I had excepted, expenditure clearly and wholly chargeable upon the territorial revenue.

18. To give your Lordship the further explanation of the actual state of the case, and to show the necessity and, as I trust it will be conceded, the propriety of the course which I have found it requisite to adopt, I take leave to submit for your Lordship's information the report of a Board, which I directed, immediately after the separation of the colonies had taken place, to inquire into the amount of business transacted in the departments in question, in connexion with the management of Crown lands and territorial revenue, and to report whether it were considered expedient to charge any of the expenditure of these departments against the Crown revenue. I think that the report fully vindicates the propriety of the course which, with the advice of my Executive Council, I have directed to be pursued, pending reference to your Lordship, viz. :—

To allow the whole charge of the land branch of the Colonial Secretary's office, wholly engaged in land business, to be borne upon the territorial revenue, and in the case of the two other departments, to admit of such temporary assistance being given and met from the same source, as may be clearly and justly expedient.

19. The land office, as at present constituted, consists of a chief clerk at 250*l.* per annum and seven subordinates. The total cost may be about 1,000*l.* or 1,100*l.* per annum. The annual expenditure which under this arrangement may be held chargeable against the Crown revenue, in relation to the Audit office, may be estimated at from 100*l.* to 200*l.* In the case of the Treasury, I have not as yet seen cause to admit the necessity of any such charge.

20. Your Lordship will, from these brief and necessarily imperfect details, be fully aware, that had I not felt myself justified in having recourse to the measures I have brought under notice, but had considered that the ordinary revenue should be charged with all the expenditure of these departments, I should have had no choice but, as in the case of the judicial expenditure, to turn to the Legislative Council for assistance, and for its sanction to the appropriation of additional funds, in augmentation of the insufficient appropriations under the schedule, with the certainty at the same time that the Council would never consent to admit that charges so clearly referable to the territorial revenue should be met from any other source.

The Right Hon. Earl Grey,
&c. &c.

I have, &c.
(Signed) C. J. LATROBE.

Encl. 1 in No. 6.

Enclosure 1 in No. 6.

PROCEEDINGS of a board composed of the Colonial Secretary, the Colonial Treasurer, and the Auditor General, and held by order of his Excellency the Lieutenant Governor, to inquire into the business transacted in the departments of the Colonial Secretary, the Colonial Treasurer, and the Auditor General, on account of the territorial branch of the public service; and to report whether in the opinion of the board it is considered expedient to charge any and what portion of the expenses of these departments against the Crown revenue.

The board, as above constituted, having assembled on the 30th July 1851, proceeded to enter into the investigation required of it, and find with respect to the Colonial Secretary's department that its establishment is very nearly the same as that which formed the department of his Honour the Superintendent; and is divided now, as it was then, into two branches, the one for transacting the general business of the colony, the other for those matters which are connected with Crown lands and emigration.

This division of the office, therefore, having been for some time in operation, it is fully ascertained, up to this time, what the requirements of each are; and the following summary will show the heads of the business transacted in the latter branch of the department, it being that which is now particularly under review; as also the clerks who are engaged in carrying on the business of it with the salaries they are at this time in receipt of.

The business of this branch of the department consists—

I. In corresponding on all matters connected with Crown lands, whether in the sale, lease, or licence of them, with the various public departments and private persons.

During the past year 2,506 letters have been received, and 2,315 have been written, and also copied into the letter books, on these subjects, besides about 7,000 references,

which occupy much time in preparing and registering. The letters received and despatched have also to be registered. The sorting and arranging of letters, after having been dealt with in their various stages, likewise occupy a considerable time.

2. The business connected with tenders for new runs occupies also a considerable amount of attention; and having to be referred between different departments in order to arrive at the full bearing of the tenders, takes up much time.

3. A great deal of the business connected with immigration has passed through this office requiring correspondence, keeping registers, and checking returns, which are received from the acting immigration agent.

4. The system of "land and immigration deposits" has been found to take up much time in preparing the deposit receipt, checking the nomination returns for immigrants, and the preparation of the certificates.

There is also a great deal of correspondence on these subjects—

5. Many matters also connected with estimates and statistics have to be attended to in this branch.

6. Besides the above matters, which have been heretofore attended to, the preparation of title deeds for land sold, and the registration of them, must now be added, which promises to be a considerable increase to the business of the office; and there can be little doubt but the same number of clerks which were heretofore employed will be still required; as if, on the one hand, it should happen that there may be a reduction of work in some particulars, yet in others it will be much increased.

The following are the clerks employed in this branch, with the salaries which have been sanctioned—

	£
C. Holmer - - -	250
J. Cusworth - - -	120 (till Sept. 1, £130.)
R. E. Smith - - -	110
F. W. Johnson - - -	110
T. J. Howard - - -	100
T. Simpson - - -	100

The duties which devolve on the colonial treasury, arising out of the management of the territorial revenue, are as follows:—

The office is divided into two branches, namely, the revenue and the treasury sides.

1. Revenue side.

The following books are kept for the purposes of territorial revenue, viz.—

Land Sales Book, containing a full account of all land sold;

Abstract Book, containing detailed account of the territorial revenue for each month;

Day Book, in which the daily receipts of all the territorial revenue are entered.

The further duties of this branch are—

Preparing and receiving payment for licences to depasture stock;

Preparing and receiving payment for leases of land within the settled districts;

Receiving land and immigration deposits, and keeping an account of their appropriation in payment for land;

Computing and receiving the deposits at land sales, when the attendance of the Colonial Treasurer and two clerks is given;

Receiving the balances of money due on such sales of land, making up reports of the same for the Colonial Secretary's office;

Making half-yearly return of land sold for the Land and Immigration Commissioners in England, and making yearly detailed return of land sold for the "Blue Book,"

Receiving miscellaneous items of territorial revenue, and preparing monthly detailed returns of territorial revenue, in duplicate for the Audit Office.

2. Treasury side.

The following books are kept—

Cash book,

Bank book,

Day book, and

Check book.

Returns in duplicate are made to the Audit Office of all expenditure out of territorial revenues. Much time is occupied in the payment of these accounts, and in witnessing receipts of the same.

In the Auditor General's department the duties connected with the accounts of the Crown revenues are—

1. The examination of the revenue accounts arising out of the land sales, leases, licences, sale of debentures, &c.

These accounts undergo a complete examination in the Audit Office. Every computation and casting throughout the accounts are carefully checked, the sums specified in the vouchers are compared with the entries in the treasurer's accounts, and all documents necessary to explain and support the accounts have to be ascertained and obtained.

2. Posting revenue accounts:—

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Every item of revenue is posted to its appropriate head. The entries are compared with those in the treasurer's books, and the two accounts are made to correspond.

3. The examination of the accounts of the expenditure, viz., for the survey, Commissioners of Crown Lands, immigration, interest on debentures, and immigration deposits, aborigines, quarantine, roads, special surveys, and miscellaneous services.

These undergo a complete examination with reference to the computations, prices, and quality of articles, contracts, authorities, and certificates.

4. Posting the accounts of expenditure:—

Every account is posted in detail, showing with reference to the warrant and voucher the amount and name of the party paid, the period of service, the nature of the same; and the several items are classed in separate columns, under the particular head of service to which they may relate.

5. Endorsing the accounts both of the revenue and expenditure:—

Every original voucher and abstract are folded and marked on the back with the year, number, and abstract.

6. Transmission of accounts to England:—

The accounts of the receipt and expenditure of the Crown revenue are required to be sent to England once every quarter.

For this purpose they undergo a special examination, are tied up in convenient parcels, packed up in a case, carefully and properly addressed, and forwarded to the postmaster.

7. The preparation of the annual abstracts for the Legislative Council, and for the Colonial Secretary's "Blue Book."

Having enumerated the several duties devolving on these departments, arising out of all matters connected with the so-termed "land fund," the board has arrived at the conclusion that it is but just and reasonable that the land fund should be charged with such proportion of the expense of each department as is shown to be incurred in its management; and the board respectfully submits, that with respect to the Colonial Secretary's office, the division of the department as herein set forth should be at once charged on this fund, and that with respect to the Treasury and Audit departments, one third of the whole expense of these respective departments should form a charge on that fund.

The board may be allowed further to remark, that in the opinion they have expressed as to the proportion of charge on this fund for the expense of the Treasury and Audit departments, they are fully borne out by the several reports published by the direction and authority of the late Governor Sir George Gipps.

(Signed)

W. LONSDALE, Colonial Secretary.

A. MACKENZIE, Colonial Treasurer.

C. H. EBDEN, Auditor General.

No. 7.

(No. 46.)

No. 7.

COPY of a DESPATCH from Lieut.-Governor LATROBE to Earl GREY.

Melbourne, November 3, 1851.

(Received, April 5, 1852.)

MY LORD,

(Answered, No. 12, May 13, 1852, page 68.)

I HAVE the honour to apprise your Lordship that in the exercise of the power delegated by Her Majesty to the Governor of the colony of Victoria, by warrant under sign manual dated 31st December 1850, to appoint provisionally a certain number of non-elective members of the Legislative Council of the colony, I have nominated and designated the under-mentioned gentlemen, being one third of the total number of which the Council consists, in Her Majesty's name and until Her Majesty's pleasure be known.

OFFICIAL.

William Foster Stawell, Esq., Attorney General.

William Lonsdale, Esq., Colonial Secretary.

Charles Hotson Ebden, Esq., Auditor General.

Redmond Barry, Esq., Solicitor General.

Robert Williams Pohlman, Master in Equity.

NON-OFFICIAL.

Alexander Cunninghame Wallace Dunlop, Esq.

Charles James Griffith, Esq.

William Clarke Haines, Esq.

James Hunter Ross, Esq.

Andrew Russell, Esq.

2. I would also inform your Lordship that I have summoned the Legislative Council to meet for the dispatch of business on the 11th of the current month.

I have, &c.

The Right Hon. Earl Grey,

(Signed) C. J. LATROBE.

&c.

&c.

COPY of a DESPATCH from Lieut.-Governor LATROBE to Earl GREY.

Melbourne, December 3, 1851.

(Received, April 6, 1852.)

MY LORD,

(Answered, No. 29 A., June 29, 1852, page 69).

REFERRING to my Despatch of the 3d ultimo, No. 46,* apprising your Lordship of my having nominated certain gentlemen in Her Majesty's name, and pending Her Majesty's approval, to be non-elective members of the Legislative Council of the colony of Victoria, and further stating that I had summoned the Legislative Council to meet for the dispatch of business on the 11th November, I have now the honour to inform your Lordship that the Council accordingly met on that day, and was formally opened by me on the 13th ultimo.

* Page 50.

2. In transmitting for your Lordship's perusal my Address to the Council on this occasion, and their reply thereto, I would only, at this time, draw your Lordship's attention to the intention which I expressed in the seventh paragraph of my Address, of proposing that the sum of 10,000*l.*, drawn from the territorial revenue, should be devoted to the purpose of internal improvements of the colony, and the construction of lines of interior communication during the year 1852, to meet equivalent appropriations from the ordinary revenue. Your Lordship will observe, that however just and expedient and in consonance with the general views and wishes of Her Majesty's Government this measure may be held to be, I considered it expedient to intimate to the Council, that it could only be carried into effect under your Lordship's sanction, provided that no unforeseen charges were thrown upon the territorial revenue, and it will be my duty to advert to this particular point at a future time, in forwarding the Act of Appropriation for 1852, now under consideration of the Council, and in setting before your Lordship the precise position in which the Colony may be placed with reference to the probable amount and charges upon its territorial revenue.

I have, &c.

The Right Hon. Earl Grey,
&c. &c.

(Signed) C. J. LATROBE.

Enclosure 1 in No. 8.

Encl. 1 in No. 8.

EXTRACT from the Votes and Proceedings of the LEGISLATIVE COUNCIL, Thursday, November 13, 1851.

Governor's Speech :—

MR. SPEAKER, AND GENTLEMEN OF THE LEGISLATIVE COUNCIL :

The public requirements have made it necessary for me to call upon you to assemble in Legislative Council before the close of the year, and I would express my regret that it has been quite out of my power, viewing the position of Government at this juncture, to do this at an earlier date. In now formally opening this first session, I would offer to you, and through you to the inhabitants of the colony at large, my most hearty congratulations upon the event which after so much delay has at length crowned your wishes.

Under the provisions of the recent Imperial Act, and Her Majesty's favour, you meet here this day as the representatives of the people of an independent colony of the British Empire, with power to watch over the general interests, and to control your own affairs, which has hitherto been from circumstances in a great measure denied you, and it is my earnest prayer to God, that you may be endowed with the wisdom and prudence which are requisite for a due discharge of the important duties entrusted to you.

For my own part, it is my most sincere desire, as far as I may be enabled, to co-operate with you in securing for the colony satisfactory and efficient Government, and every advantage consistent with the real interests of the community. I cannot recognize in the present case any necessity for antagonism between the governor and the governed, still less between the executive and the legislative branches of the administration, and I will not doubt but that you are disposed to entertain a similar feeling.

2. The Act of Parliament passed last year for the better government of the Australian colonies, was framed with the general purpose of maintaining the constitution of New South Wales, as determined by the Constitutional Act of 1842, and of extending its principal provisions to the neighbouring colonies. The modifications proposed, though

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few in number, and only in two or three instances affecting its fundamental principles are, however, very important.

These may be cited as :—

1st. The alteration in the franchise.

2dly. The increased control given to the legislative body over that portion of the colonial expenditure presumed to be provided for by the schedules ; and

3dly. The concession of the power, without the intervention of Parliament, to modify the constitution of the colony, at such times and in such a manner as may be clearly seen to be desirable or expedient

With respect to the alteration effected in the franchise, I may be permitted to remark, that nothing short of experience will decide the suitability or sufficiency of such change to the actual circumstances of the community into which it is introduced.

The second point is one which the Council will doubtless consider of great interest, and I think that I am acting in accordance with the general wish of Her Majesty's Government, and anticipating that of the legislative body, in proposing to take it at once into my counsels, and in placing before it a statement of that portion of the proposed colonial expenditure which is presumed to be covered by the schedules ; appealing to its judgment as to the adequacy or inadequacy of the provision made by law. I am disposed to avail myself of any suggestions which it may be inclined after due consideration to offer, calculated to remove any just cause of mistrust or dissatisfaction between the executive and legislative bodies, and to place the expenditure which may be requisite for the due administration of the public affairs upon a permanent and efficient footing ; due regard being had to the interests of those public servants who may be in a position to claim the observance on the part of the executive Government, of the distinct engagements under which they may have taken office.

The present limits to the powers of the Legislative Council in dealing with the reserved portion of the public revenue, are defined by the Imperial Act.

With respect to the third point I have alluded to, viz., the power conceded to the colonists by the Imperial Act to modify the existing constitution without its intervention, all I need say is, that however strongly and earnestly I must deprecate hasty or untimely legislation in this direction, and consider that situated as we actually are at this time, there are more immediate and pressing duties before us which must first claim attention, if we act well and wisely. I fully recognize the propriety and wisdom of this power being conceded, and I look forward with assurance to the time when it may be both judiciously and properly exercised with great advantage to the colony.

3. The issue of the writs for the election of members to serve in the future Legislative Council of the new colony, on the 1st of July, having completed the steps requisite for the severance of the Port Phillip district from the older colony, to which it had been hitherto attached, our history as a distinct community dates from that epoch.

It then devolved upon me under the commission and instructions transmitted to me as your Lieutenant-Governor to organise a distinct colonial Government, and to assume the responsibility of making such arrangements as were indispensably necessary in this view. It is gratifying to me to believe that these changes were carried into effect without any serious suspension of the functions of Government or embarrassment to the public, and that it has been in my power, in general accordance with the instructions furnished me, to embody and recommend for Her Majesty's approval, such an Executive Administration as may justly lay claim to public confidence and respect.

It has been my object from the very outset to seek to place the public service, as far as circumstances have permitted, upon such a footing as might give additional facilities to the convenient despatch of business, and assurance to both myself and the public that the duties are properly performed. There are further modifications of existing arrangements, which even if in the power of Government to operate can only be brought about gradually. In seeking to effect others, it may be necessary for me to ask the advice and assistance of the Legislative Council, I would at once state that I do not wish to rest satisfied with any system short of that which may combine the greatest economy both of time and money with convenience and efficiency.

In the meantime the inhabitants of the colony have been called upon to exercise their privilege of election of members to serve in this first Council ; and I have remarked with pleasure the general good order and temper which have distinguished the general election, both in town and country, even in cases where contests have taken place.

4. I am happy to be in a position to congratulate you upon the time and circumstances under which the erection of the district into an independent colony has taken place.

Notwithstanding the limited emigration from the mother country during the latter months of 1850 and earlier portion of the present year, and the unusual drought of last season, which, added to the previous discouragements under which the agricultural districts laboured, and the extraordinary visitation to which the colony was exposed in February last, restricted to a certain extent, our powers of internal supply, no material check whatever has been observable in the progressive advance of the colony in wealth and prosperity. The census of March last showed that Port Phillip had actually more than doubled its population within the space of five years, and the comparative returns of revenue exhibit proof that her resources were steadily on the increase.

It is not in my power to lay before the Council, at this time, full and complete state-

ments of our financial position at the date of separation from New South Wales, but I will take the earliest suitable opportunity of doing so, as soon as the requisite documents, now in the course of preparation, may be in my possession.

In the meantime certain papers will be laid on your table, showing the character of the financial arrangements which have taken place between the two colonies, pending the receipt of the decision of the Home Government as to the appropriation of balances in the Treasury at the above date.

From these it will be seen that the Colonial Treasury of Victoria was credited on the 1st of July with the sum of 33,688*l.* 3*s.* 3*d.* on account of the ordinary, and with that of 72,669*l.* 11*s.* 8*d.* on account of the territorial revenue of the province. The further sum of 29,851*l.* 6*s.* 1*d.*, which, according to another mode of adjustment of accounts proposed by me, would have been credited to Victoria, being held in abeyance until the definite decision of the Secretary of State were known.

It is scarcely requisite for me to state that the sums paid, as just stated, into the colonial treasury of this colony, in addition to the revenue under both heads accruing during the six months ending 31st December will not only be sufficient to meet all the expenditure of Government, but must leave a very considerable balance in hand.

The future financial prospects of the colony continue at this time most flattering and satisfactory. I see no reason to apprehend that the revenue of 1852 will fall short in any of its more important branches of the expectations now generally entertained, of gradual and steady increase. And I believe that it will be found amply sufficient to cover any increased expenditure which the circumstances of the colony may render necessary. The only branch of ordinary revenue in which a falling off may be anticipated may possibly be that of postage, as it is my intention, in submitting to the Council the consideration of a new Postage Act, which it may be requisite to introduce, without unnecessary delay, to propose a repeal of the present charge of the postage upon newspapers.

It is not requisite for me to enter here upon details which may be much better included in a financial minute, or more conveniently brought under your notice by the officials charged with the duty of offering detailed information and explanation in the Council.

6. It will be my duty to submit to the Council, early in the session of 1852, the necessity of a revision of the existing tariff. And, I would at once state, that whatever measure may be submitted by me to your consideration to this end, will be based upon the most liberal principles, and the admission of the strict community of interests, which not only binds us to the neighbouring colonies, but unites us with the whole commercial world. The Council will, however, doubtless agree with me, that as far as the Australian colonies are concerned, it is highly expedient that they should all concur in the same general views, and that our respective local Acts should, as far as possible, embody and carry out the same principles. I am led to believe that no insuperable difficulties need be anticipated in securing this advantage.

I would remind you that, although from the date of the separation of the colonies, the authority of the Governor and Council of New South Wales over that portion of the territory known as the Port Phillip district, altogether ceased, still it has pleased Her Majesty, by the appointment of a Governor-General over the Australian colonies, including the new colony of Victoria, to lend facilities to the consideration of inter-colonial questions, and to the arrangement and adoption of such measures as may be judged expedient for the general interests of the appendages of the Empire in this quarter of the globe.

7. Viewing the present position of our newly organized Government, the late and the perhaps inconvenient season of the year at which you are called together, it has appeared to me that, both on official and general grounds, I am justified in suggesting to the Council that the business of the session should be confined, as far as practicable, to the consideration of the requisite Acts of appropriation, and the passing of these and any subsidiary Bills which may have a direct reference to the scheme to be submitted to you. The estimates of public expenditure for 1852, and a supplementary estimate for the current year, will therefore be placed before you without delay. They have been framed with the strictest attention to economy, consistent with the efficiency of the various branches of the public service, or obligations of Government. They will be presented to you in what I am led to consider is an improved form, from which every detail has been excluded which might embarrass their consideration by the Council, or obscure the plain purpose of Government in seeking its sanction to such and such expenditure.

They will be accompanied by a financial minute, offering such general or detailed remarks on my part as may be usual or requisite, for the information of the Council. There are, however, one or two points to which I may here briefly advert.

In suggesting to the Council the appropriation of certain sums, amounting in all to 16,000*l.*, towards works of internal improvement, irrespective of those proposed to be expended under the head of "public buildings," I am quite aware of the disproportion which these sums bear to the number and magnitude of the claims which are advanced on every side for attention. But in determining the amount of appropriation under this head, not only has the ability of the Government to set aside a larger portion of our prospective revenue for this particular purpose, consistent with due regard to the efficiency of other branches of service to be considered, but its power of expending larger sums at this particular juncture, in a manner advantageous to the public, has to be duly weighed.

I would, however, state to the Council, that it is my intention to propose that a sum

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not exceeding 10,000*l.*, drawn from the territorial revenue, should be devoted to the purpose of internal improvements of the colony, and the construction of lines of interior communication during the year 1852, to meet equivalent appropriations from the ordinary revenue. I consider that this measure will be both just to the colony, and in general consonance with the views of Her Majesty's Government, and I am prepared to submit it without delay for the sanction of the Secretary of State, in the full persuasion, should no unforeseen charges be thrown upon that fund, that the state of the territorial revenue will warrant my carrying out my intentions.

I have little doubt but that, in future years, a larger proportion may be judiciously devoted to similar purposes, particularly if, as contemplated by the Imperial Act, a system of district councils and the local application of funds available for internal improvements should come into effective operation.

8. On the most important subject of education I would observe, that it was almost the first point of great and general interest which occupied the attention of my Executive Council, after the separation of the colonies had taken place, and I had been induced, in consequence of the anomalous position in which we are found to stand in the new colony, in seeking to carry out the existing arrangement, as authorized by the Act of the Governor and Council of New South Wales, 11 Victoria, No. 48, to propose the introduction of a system of public education, based upon somewhat modified principles to those now in force. The draft of a short bill will be submitted to you early in the session, constructed with this view. It will be accompanied by sufficient documentary or verbal explanation to enable the Council to form a conclusion upon the applicability of the scheme proposed to the circumstances of our population, and to decide whether it would be well to introduce it formally in this session, or defer the decision upon this most important subject to the early session of 1852. I shall be disposed to modify the estimate of appropriation for education, to be placed before you, in any manner consistent with my power, according to the decision you may arrive at on this head.

9. The present judicial arrangement of the colony being in many respects a peculiar and inconvenient one, I have to suggest that early advantage should be taken of the liberty conceded to the government of the colony by the Imperial Act, either to continue the arrangement now in force, or to proceed without much delay to the establishment of a supreme court for the colony of Victoria. In the impression that this will be held to be the proper course, the draft of certain bills, framed with the view to place the administration of justice upon a more satisfactory footing, will be laid upon your table, in order that the Council may come to a decision as to the course it may be expedient to adopt. The formal introduction of these measures may, if the Council judge proper, be deferred until next session.

In the meantime I am anxious that the whole subject of the administration of justice, in all its more important branches, and the public expenditure connected therewith, should receive the fullest consideration on the part of the Council.

10. There is still one subject of great and absorbing interest to which it may be proper for me to advert, as it is one which will undeniably exercise a great and lasting influence upon the future position and prospects of our colony.

The discovery of the existence of gold in large quantities in New South Wales, earlier in the year, has been quickly followed by that of mineral wealth in equal or perhaps greater abundance within our own limits, under circumstances which might leave it to be inferred that it may be found to exist throughout the length and breadth of the colony.

The immediate effects of this discovery, the influence which it has at the outset exercised, more or less upon the whole population, and monetary difficulties and anxiety to which it has given rise, can only be glanced at. I am encouraged, however, to hope, that the more immediate consequences of these discoveries at this particular season of the year may ultimately prove less productive of general embarrassment than may have been at first anticipated, and that it will be found, that neither the agricultural nor the pastoral interest will suffer to any very serious extent.

I am also encouraged to trust, that the large influx of population from the neighbouring colonies,—at the same time that it must involve many grave considerations of a general character,—may not be productive of the scarcity which some have apprehended. The prospects of the harvest throughout the whole of the colonies are most satisfactory, and there can be little doubt but that abundant supplies from without, sufficient to meet the demand, however great or unexpected, will not be wanting.

The position into which the executive government of the colony, scarcely in full and assured working, has been thrown by these unexpected events, has been an embarrassing one. The rise in the price of the necessaries of life, and the temptation held out to the subordinate officers of government to quit the service, even after the discoveries in New South Wales in March last, induced the Governor-General to sanction an increase of remuneration to certain classes; which events occurring within our own limits, subsequent to the separation of the colonies, have shown to be insufficient to effect the proposed object. I found it absolutely necessary at the commencement of October, to assume the responsibility of directing such further and more general increase in the scale of remuneration to the clerks in the various Government departments and subordinate Officers of Government as might present a remedy—give that degree of encouragement which is justly claimed at the hands of the public; and remove every just cause for desertion.

It has also become imperative upon me to make considerable additions to the public force of the colony, not only for the purpose of assisting the Crown officers in carrying out the regulations and furnishing escort for the gold sent to the towns, but also that of preserving good order and due observance of the laws amongst the large population congregated at the various workings, and pouring into the colony. In taking these measures I have relied upon the sanction of the Legislative Council of the colony, and its willingness to make provision for such portions of this expenditure as may justly be held to form a charge upon the ordinary revenue.

Many difficulties, arising from the very circumstances and the character of the public excitement, have been met by Government in seeking to carry out the prescribed regulations for the control of the gold fields, and in taking those measures which it was called upon to adopt, under every circumstance of disadvantage, for the preservation of order. No exertion has been spared, however, to attain these objects, and the general results up to this date, thanks to the orderly conduct of our own population, have been upon the whole satisfactory.

Whatever may be the course pursued ultimately with reference to this important subject, I am most anxious to advocate and adopt such measures as may be for the public interest; and I confidently rely upon the Legislative Council of the colony to afford its assistance to this end whenever the receipt of the instructions from home which, in the case of the older colony, may be expected before the close of the present year, may enable me to decide upon the character of the measures to be adopted, and the expediency of calling for that co-operation.

11. I shall consider it my duty at all times to afford the Council every information in my power upon subjects of general interest, and as occasion offers to place before it any documents explanatory of the state of the colony, the measures of the Local Government, or the results of existing arrangements which may assist its deliberations.

And now, Mr. Speaker and gentlemen, I am not, for my part, inclined to undervalue the responsibility of the task which the favour of our Gracious Sovereign, the law of our country, and the voice of the community have placed in our hands. It is a noble one, and far higher interests than those of the passing hour demand that it should be well performed. What we sow our children will reap.

It is for us to prove to the mother country, by the temper and prudence with which we fulfil our duties, that we are not unworthy of her; and we have to show to the world that in the case of Victoria early precocity, and an extraordinarily rapid, physical, and perhaps moral development are not necessarily followed by early decay and failure of power, but that, under God's good providence, her mature age will not be unworthy the promise of her youth.

C. J. LATROBE,
Lieutenant-Governor.

Melbourne, November 13, 1851.

Enclosure 2 in No. 8.

Encl. 2 in No. 8.

To his Excellency CHARLES JOSEPH LATROBE, Esquire, Lieutenant-Governor of the Colony of Victoria, and its Dependencies, &c. &c. &c.

MAY IT PLEASE YOUR EXCELLENCY :

We, Her Majesty most dutiful and loyal subjects, the members of the Legislative Council of Victoria, in Council assembled, beg respectfully to state that we are happy to avail ourselves of this opportunity to present to your Excellency our expression of loyalty to our most Gracious Sovereign, our attachment to the Government and institutions of our country.

We thank your Excellency for the speech you have addressed to this Council, and we beg to offer to your Excellency our congratulation upon your elevation to the high position of Lieutenant-Governor of this colony, and to participate in the feelings with which you regard the event of our separation from New South Wales, which after so much delay has at length crowned our wishes.

We trust that the important duties of watching over the general interests and controlling the affairs of the colony which have been confided to us, will with God's permission be discharged by us with the wisdom and discretion requisite for such high purposes, and we join with your Excellency in the sincere desire that we may be enabled to co-operate with your Excellency in securing for the colony a satisfactory and efficient Government, and every advantage consistent with the real interests of the community.

2. We are deeply sensible of the importance of the modification of the Constitutional Act of 1842, contained in the Act passed last year, and we will carefully consider the portions of those modifications specified by your Excellency, with a due regard to all the interests affected by them.

3. It is gratifying to us to learn that the conduct of the public business of the country was not embarrassed by the severance of our connexion from New South Wales, and that your Excellency has been enabled to organize such an executive administration for Her

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Majesty's approval as may be found entitled to public confidence and respect. In common with your Excellency, we have marked with pleasure the general good order and temper which have distinguished the elections both in town and country, even in places where contests have taken place.

4. It is a source of satisfaction to us to notice that, notwithstanding the limited emigration from the mother country during the latter months of 1850 and earlier portion of the present year, and the unusual drought of the present season, (which, added to the previous discouragements under which the agricultural interests laboured, and the extraordinary visitation to which the colony was exposed in February last, restricted to a certain extent our powers of internal supply), no material check whatever has been observable in the progressive advance of the colony in wealth and prosperity, and that the census of March last showed that Port Phillip had actually more than doubled its population within the space of five years, and that the comparative returns of revenue exhibit proof that her resources were steadily on the increase.

5. We feel desirous of possessing full and complete statements of our financial position at the date of separation from New South Wales, and we are glad to learn that your Excellency will take the earliest suitable opportunity of laying them before us, as soon as the requisite documents now in the course of preparation may be in your possession. Meanwhile we will consider the papers to which your Excellency refers, as showing the character of the financial arrangements which have taken place between the two colonies, pending the receipt of the decision of the Home Government as to the appropriation of the balance in the Treasury at the above date; and we receive with satisfaction your Excellency's statement that the amount of funds in the colonial treasury will not only be sufficient to meet all the expenditure of Government, but must leave a very considerable balance in hand. Equally with your Excellency, we see no reason to apprehend that the revenue of 1852 will fall short in any of its most important branches of the expectations now generally entertained of gradual and steady increase.

It affords us great gratification to learn that it is your Excellency's intention, in submitting to the Council the consideration of a new Postage Act, which it may be requisite to introduce without unnecessary delay, to propose a repeal of the present charge of postages upon newspapers.

6. We shall carefully consider your Excellency's measures for the revision of the tariff, and we agree with your Excellency that, as far as the Australian colonies are concerned, it is highly expedient that they should all concur in the same general mind on the question, and that our respective local Acts should, as far as possible, embody and carry out the same principles. It is especially satisfactory to us to learn that your Excellency is led to believe that no insuperable difficulties need be anticipated in securing this advantage at an early period.

7. We will carefully consider the estimates of expenditure for 1852, and the supplementary estimate for the current year, when they shall be placed before us, with the determination of exercising the strictest economy in the appropriation of the public money, consistent with the efficiency which may appear to be necessary for the conduct of the public service.

8. The Bill for establishing a system of public education shall meet with our earnest attention, and we will not fail to put your Excellency in possession of our decision upon it, at the earliest possible period.

9. We shall also be prepared to consider attentively, all measures that may be placed before us connected with the administration of justice within the colony.

10. The discovery of gold in abundance over an extensive portion of the territory of Victoria is an event of the utmost importance, and one which no doubt will lead to results of vital consequence to the social and political condition of the colony. The absorption of labour in the existing pursuit of gold digging, created considerable public anxiety for the welfare of the great productive interests of the country, but it is most satisfactory to us to learn that your Excellency is encouraged to hope that the more immediate consequence of their discoveries at this particular season of the year, may ultimately prove less productive of general embarrassment than may have been at first anticipated, and that it will be found that neither the agricultural nor pastoral interests will suffer to any serious extent.

11. We are convinced of your Excellency's desire to afford to the Council at all times every information upon subjects of general interest, and to place before it any documents explanatory of the state of the colony, and while we willingly admit your Excellency's expression of your deep sense of the responsibility of the task which has devolved upon you as the first Lieutenant-Governor of a newly-erected colony, we are anxious upon our part to record the serious feelings with which we approach the duties that devolve upon us, convinced that far higher interests than those of the passing hour demand that they should be well performed.

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(No. 52.)

No. 9.

No. 9.

COPY of a DESPATCH from Lieut.-Governor LATROBE to Earl GREY.

Melbourne, December 3, 1851.

(Received, April 6, 1852.)

MY LORD,

(Answered, No. 26, June 2, 1852, page 69.)

I do myself the honour to transmit, for your Lordship's information, a copy of a Financial Minute, forwarded by me to the Legislative Council of the colony, by message, on the 18th ultimo, accompanied by a copy of the proposed Estimates of Expenditure for the year 1852, and also of a Supplementary Estimate of Expenditure for the current year.

I have likewise the honour to transmit to your Lordship a statement of the amount intended to be appropriated to the several services named in Schedule B. part 2., annexed to the Act of the Imperial Parliament, 13 & 14 Vict. cap. 59, and forwarded to the Legislative Council by message on the same date. Amounting in all to 5,500*l*.

I have, &c.

The Right Hon. Earl Grey,
&c. &c.

(Signed) C. J. LATROBE.

Enclosure in No. 9.

Encl. in No. 9.

VICTORIA.

Finance, 1851-2.

MINUTE of his Excellency the Lieutenant Governor, explanatory of the Estimates of the Ways and Means and the probable Expenditure of the Colonial Government of Victoria, for the Year 1852, and the Supplementary Estimate for the Year 1851.

SUPPLEMENTARY ESTIMATE.

In directing attention to the supplementary estimate, amounting to 19,014*l*. 18*s*. 10*d*., it may be remarked that, had the relation between this colony and New South Wales continued the same as heretofore, it would have been in the power of the local Executive to have brought under the notice of the Legislative Council of the colony, at its usual session earlier in the year, the consideration of a supplementary estimate, by which the deficiencies of the Appropriation Act passed the preceding session might have been timely supplied. Extraordinary circumstances, however, rendered the adoption of this course out of the question; the last session of the Council of New South Wales previous to separation having been wholly confined to matters immediately connected with it. At the same time it became imperatively necessary, that certain expenditure, which doubtless would have been otherwise previously authorized, should be incurred, unless the public requirements in carrying out the arrangements consequent upon the Act of Separation were to be neglected. The supplementary estimate now submitted, will be found to embody all expenditure under this head, and further proposes to make provision for any which may be shown to be absolutely requisite in carrying on the public service to the close of the year.

2. It is satisfactory to observe, that the proposed addition to the sums voted by the Council of New South Wales in 1850, for the public service of the Port Phillip District, will not materially affect the probable results of the financial arrangements then made for the present year, inasmuch as the revenue of 1851, which at the present date has nearly equalled the whole of that collected in 1850, has increased at a rate beyond what was anticipated when the ways and means of 1851 were estimated; and will probably by the end of the year produce an amount in excess of that estimated more than sufficient to cover the entire amount of the supplementary estimate now submitted.

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Enclosure in No. 9.

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VICTORIA.

Finance, 1851-2.

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2. It is satisfactory to observe, that the proposed addition to the sums voted by the Council of New South Wales in 1850, for the public service of the Port Phillip District, will not materially affect the probable results of the financial arrangements then made for the present year, inasmuch as the revenue of 1851, which at the present date has nearly equalled the whole of that collected in 1850, has increased at a rate beyond what was anticipated when the ways and means of 1851 were estimated; and will probably by the end of the year produce an amount in excess of that estimated more than sufficient to cover the entire amount of the supplementary estimate now submitted.

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3. The probable revenue of 1851 may be compared with the revenue received in 1850 as follows:—

	£	s.	d.
The revenue of the Port Phillip District in 1850 was	-	122,781	0 4
The revenue of the present year	£	s.	d.
amounted on 31st of October last to	-	118,268	5 5
And the collections in the present and last month of the year will, upon a moderate estimate, amount probably to	-	25,000	0 0
Making the revenue of the whole year	-	143,268	5 5
And an excess over that of 1850, of	-	20,487	5 1

Or an increase on the revenue of that year of nearly 16·71 per cent.

4. In like manner it may be compared with the ways and means of 1851 as estimated in the previous year:—

	£	s.	d.
The estimate published in 1850, of the ways and means of 1851, amounted to	-	123,650	0 0
It is now estimated that the revenue of the present year will amount, as above, to	-	143,268	5 5
Which exceeds the previous estimate by	-	19,618	5 5
An amount more than sufficient, as above mentioned, to cover the additional expenditure for this year, amounting, as shown in the supplementary estimate, to	-	19,014	18 10

5. It is proper here to point out that, notwithstanding the care which has been taken to include every sum which may be required in addition to those already voted for the present year, this estimate cannot be relied upon as containing a complete statement of the requirements of the public service in 1851. Until the returns of the expenditure of the Port Phillip District up to 30th June last shall have been received from Sydney, and until the whole of the claims on the Government up to the 31st December next have been ascertained and liquidated, a comparison of the sums voted with those actually expended for the present year cannot be instituted. No material alteration of the amount now proposed is, however, anticipated by this Government.

6. As the chief causes of the increased expenditure of the colony since its separation from New South Wales proper, on 1st July last, will be found to be explained in adverting to the estimates for 1852, and as the sums specified in the estimate under notice will be fully explained by the proper officer when they pass in detail under the consideration of the Council, it is considered unnecessary now to enter more minutely into the subject.

7. It may nevertheless be proper here to call attention to the unforeseen addition to the public expenditure which it has been found necessary to incur, in consequence of the discovery of gold both in this and the neighbouring colony of New South Wales. In regard to this subject it may be stated, that it is not intended to place to the account of the ordinary revenue of the colony any charge which ought in fairness to be met by the territorial revenue; but while, on the one hand, the latter branch of revenue may with propriety be debited with the cost of the establishment and maintenance of such machinery as may be found necessary to enable the Government to assert the rights of the Crown, and carry out the regulation under which gold is under its authority removed from the soil; on the other hand, the cost of the maintenance of such extraordinary additions to the police force of the colony, as the congregation of large numbers of the inhabitants at the various gold fields, and the large influx of adventurers from the neighbouring colonies, render expedient for securing public order and respect to the laws, ought in common justice to be borne upon the ordinary revenue, which will reap so great an advantage from the discoveries, and their successful prosecution. In the same manner it is considered that the unforeseen expenditure incurred in enabling the servants of the public to maintain their position, and meet the great expense consequent upon the influence which these discoveries have exercised for a time upon the necessities of life, must also in justice be borne upon the same fund. It is proposed, therefore, to charge upon the ordinary revenue, in the case of departments chargeable upon that fund, the increase to the salaries of various classes of government officers, under the authority of the notices dated 23d June and 2d October 1851, respectively, up to the 31st December next; and further, such extraordinary police expenditure, including the establishment of benches of petty sessions, as it may have been or may yet become necessary to incur, in the maintenance of public order throughout the colony, and in carrying out the ends of justice; and thus, while it is proposed to charge upon the ordinary revenue the increase in the *foot* police of the colony, it is intended that the more serious charge of the maintenance of any extraordinary *mounted* force, which existing circumstances may compel the Executive at all hazards to assume the responsibility of embodying, together with all other expenses more immediately connected with the gold fields, will be defrayed from funds placed to account of the territorial revenue, pending instructions from Her Majesty's Government.

ESTIMATES FOR 1852.

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8. The abstracts of the probable revenue and of the estimated expenditure for 1852, together with the detailed estimate of the sums likely to be required to defray the expenses of the several departments of the public service which are chargeable upon the general revenue, now call for remark.

9. Referring to the abstracts of the estimated revenue and expenditure above mentioned, it will be perceived that a total general or ordinary revenue is anticipated in 1852 of - - - - - £175,350 0 0

And that it is proposed to make provision for services in the same year,
amounting to - - - - - 173,063 18 6

Or to within - - - - - 2,286 1 6

of the amount of the estimated revenue. It is to be borne in mind, however, that in this estimate of the revenue no account is taken of any surplus which may stand at the credit of the ordinary revenue on the 31st December next. Prior to the receipt of additional returns from the Government of New South Wales (for which sufficient time has not yet elapsed), it is found to be impracticable to show in a satisfactory manner the probable results of the financial transactions of the present year; but it may be mentioned that, with reference to the present state of the general revenue, it is not anticipated that there will be a less surplus on 31st December next than 25,000*l.*, after allowing the amount of the supplementary estimate for 1851, and after defraying the whole of the expenses incurred for the service of that year; and should it appear upon the final adjustment of the account between the two colonies of New South Wales and Victoria, that a further balance on account of the ordinary revenue of the latter (in addition to the sum of 33,688*l.* 3*s.* 3*d.* already received) is due from the former, the above-mentioned sum of 25,000*l.* will of course be increased by the addition of a corresponding amount.

10. It may also be added that, in framing this Estimate, it has not been thought advisable to include the full amount which will doubtless be realised, should the population of the colony and the number and amount of the shipping visiting its ports increase to the extent which the discovery in the present year of the auriferous deposits of this territory may reasonably be considered to render more than probable. Such additional revenue therefore, if realised, will of course augment the income of the year 1852 beyond that at which it has been thought advisable to estimate it.

11. It is almost unnecessary to notice specially any particular item of the estimated revenue, inasmuch as they have in each case been stated in anticipation of a progressive increase in the prosperity of the colony; and the same remark would therefore for the most part apply to all. It may, however, be briefly intimated that, in respect to the item "Fees of Office," besides the larger amount which is likely to accrue from increased business in the several Courts of Justice, a further augmentation of the amount under this head is anticipated in 1852, in the event of early steps being taken to provide that all fees shall be paid into the Colonial Treasury. It is considered highly desirable that the remuneration of Government officers should be placed upon such a footing as might do away with the system of remuneration by the receipt of fees in addition to fixed salary, under whatever pretext or authority they may now be receivable; and it should perhaps be considered whether it may not be better in the case of those holding office at this time, who may establish a just claim to consideration, to allow a measure of compensation rather than sanction a continuance of the system alluded to.

It may also be mentioned that in estimating the revenue in the ensuing year derivable from postage, an allowance has been made in anticipation of a reduction of the charge hitherto made on newspapers.

12. From the foregoing remarks it will be perceived that, while on the one hand, there appears no reasonable ground to fear, that the public revenue of the colony will be less productive in 1852 than is anticipated; on the other hand, the smallness of the amount by which it exceeds the estimated expenses of the necessary services and purposes of the Government, for that year, shows the necessity for observing the most rigid economy in its expenditure, in order to exclude all probability of a deficiency.

13. It is proper now to allude to the

DETAILED ESTIMATES OF THE EXPENDITURE.

In regard to these Estimates it may be remarked generally that, in preparing them, it has been considered to be of less importance to adhere to the arrangement observed in previous Estimates than to frame those now submitted to the Council in a simple and comprehensive form, with the view not only to afford increased facilities for reference, but that they may show (as it is undoubtedly desirable they should do) in one amount, the whole of the sums required for any one department or service; instead of showing the sums required for particular branches of a service in different sections of the estimate, as is the case, it may be perceived, in previous general Estimates of the colonial expenditure. These desirable objects, will, it is hoped, be found to have been accomplished, the first by the simple division of the expenses into "salaries" and "contingencies," and the last by com-

VICTORIA.

prising in these two divisions, in each case, the entire estimated expense of the department, and carrying out the total amount to a separate and distinct column. The nearest approach to an exception to this rule is in the case of "rents of buildings" which have been specified as a distinct item under the head "public buildings." The propriety of this arrangement must however be obvious.

14. With similar views, as well also for the purpose of showing the actual salaries of the several officers and servants of the Government, it has been thought advisable to specify in each case the full salary proposed to be allowed to any such officer or servant for his full services. It will be found that, in all cases where the duties of the officer or servant mentioned are connected with other departments, besides that under which his salary is stated, this circumstance is distinctly shown, and that the salary which appears on the Estimate includes the full amount allowed him for all the duties mentioned.

15. The only other remark of a general nature which it seems requisite to make, previous to a more particular notice of the several items of the proposed expenditure is, that, it has been considered unnecessary to contrast the sums now proposed for 1852 with those actually expended for similar services in 1850, in the manner adopted in respect to the Estimates of 1851. A comparison of the year of the estimate with the year previous to that in which the estimate is made, is considered to be unimportant as regards the expenditure, even under ordinary circumstances, inasmuch as the arrangements of the latter will be found to be in most instances superseded by those subsequently made for the intervening period; but the present greatly altered circumstances of the colony obviously preclude any just or useful comparison of this nature. It will no doubt however be found expedient in future years so far to modify the present form of Estimate as may be requisite to distinguish the proposed additions to the rates authorized by previous votes of the Legislature of Victoria.

16. The several sections of the detailed Estimates now to be more particularly noticed will be alluded to in the order in which they occur in the Estimate, as follows:—

No. I.—*Civil and Legislative Departments.*

17. The expenses for 1852 classed under this head are necessarily greater than those which it has been requisite to incur in any previous year for this branch of the service, in consequence of the erection of this province into a separate colony rendering the formation of new establishments indispensable. The increased charge from this cause is estimated to amount to 4,517*l.* 7*s.*, and consists chiefly of the items for the following departments:—

The Lieutenant Governor,
The Legislative Council,
Colonial agency in England.

18. The progressive advancement of the colony has rendered it necessary at the same time to extend some of the establishments previously formed,

19. The Estimate for the Post Office department includes provision of upwards of 1,000*l.* for the extension of postal communication with the interior.

20. The increased number of vessels frequenting Port Albert has rendered it expedient to propose the appointment of a harbour master with a boat's crew at that place, and to make provision for necessary buoys and moorings for the harbour. The whole expense of this service for the ensuing year is estimated at 1,397*l.* 16*s.* The item for pilots amounting to 2,557*l.* 12*s.*, is a new charge upon the revenue. Hitherto the pilots have received the fees levied under the Act, and have appropriated them exclusively to the maintenance of themselves and boat's crews, leaving the expense of buoys and moorings to form a direct charge upon the ordinary revenue. This arrangement received the sanction of the Legislature at a time when the trade of the port was comparatively very limited; and as it has not been found latterly to be a judicious arrangement, or conducive to the public advantage, it is proposed that from the commencement of the ensuing year, whatever rates of pilotage may be leviable by law, they should all be paid into the general revenue, and that the remuneration of the requisite number of pilots, with all other expenditure referable to this branch of the public service, should be under the control of the Government, and be provided for by vote of the Legislative Council.

21. In respect to the department of Customs it is proper to apprise the Council that it is the purpose of Her Majesty's Government that this establishment and all future appointments thereto should be shortly transferred to the colonial government. Pending the receipt of definite instructions, and the notification of final arrangements, the proposed expenditure for this department for 1852 is included in the general Estimate, for the information of the Legislative Council.

22. The departments of the Colonial Storekeeper and Government Printing Office are for the first time estimated for as separate establishments. In respect to the last-named department it is satisfactory to mention that more effectual arrangements having recently been made for its management and control, the office is now in a sufficiently prepared state to perform, it is thought, no inconsiderable amount of printing; and by the commencement of the ensuing year it will be able, it is anticipated, on receipt of the necessary additional

type, to perform the whole of the printing likely to be required by the Government and Legislative Council.

23. In most of the civil and legislative departments such moderate increase is proposed to the salaries, as the several individuals, from the importance of their duties or length of service, are considered to be justly entitled to. The aggregate amount of such increase is however inconsiderable, and will be more fully explained to the Council by the proper officer at the appropriate time.

No. II.—*Police Establishments.*

No. III.—*Gaol and Penal.*

24. Enlarged provision is proposed to be made under these heads in order to meet the urgent and reasonable demands of the inhabitants of several of the towns and districts of the colony for the advantages of greater and more prompt police protection; and also for the purpose of establishing a more effectual control over the increased number of prisoners under sentence. With these views it is proposed, besides the Court recently established at Buninyong, to establish petty sessions at Swan Hill, and to increase the number of the constabulary for other districts in the following manner:—

Melbourne, one sergeant and twenty-five constables.

Bourke, three petty officers and six men.

Geelong, eight constables.

Portland, one constable.

Penal establishment, Pentridge, one chief constable and seven ordinary constables.

And in order to afford inducement to active and intelligent individuals to enter this branch of the public service, it is further proposed to increase the fixed pay of the constables and others, as follows:—

Inspectors and sergeants, from 4s. 3d. to 4s. 9d. per diem.

Detective constables, from 4s. to 4s. 6d. ditto.

Ordinary constables, from 2s. 9d. to 3s. 3d. ditto.

Constables at the penal establishments,	} from 3s. 6d. to 4s. ditto.
and	
Turnkeys at the Gaols,	

This estimate also makes provision for an increase in the number of officers and men of the mounted constabulary, and the better organization of that body; at the same time it has appeared judicious to place the native police corps upon a somewhat more limited and manageable footing, circumstances having lately rendered its increase, or even maintenance in its present form, very difficult, if not inexpedient.

25. It is necessary here to point out that these estimates of the police force have been framed according to the views entertained in the earlier period of this year as to what the requirements of the public service would be in 1852, under ordinary circumstances. It was at that time impossible to foresee, and it is even now impossible to estimate the increase of the population, or the character or extent of the influx pouring into the colony, or the steps which it may be requisite to take under the extraordinary circumstances in which this colony is placed. Any additional expense, however, beyond what may be now provided for, and which might be absolutely necessary for the maintenance of good order in the community, would at once be incurred by the Government, in the belief that such expenditure would receive the sanction and vote of the Legislature, when duly brought under its consideration.

26. It has been considered to be more appropriate to class the coroners under the head of police, than to specify them as a separate head. The appointment of coroners for the districts of Portland and Belfast, and of a constable to the coroner at Geelong is recommended, and also a larger amount to remunerate the coroner for Melbourne and the county of Bourke.

No. IV.—*Works and Buildings.*

27. Works and buildings to a greater extent are proposed to be carried on in 1852 than previously. Very urgent applications have been received from many parts of the colony for police and other buildings; and from the increasing population and importance of many of these places the Government has felt no difficulty in believing that the necessity for their immediate erection is as great as it has been represented to be; while, at the same time, the demand for increased facilities for the safe and speedy transit of the yearly increasing products of this country, by the construction and repair of roads, bridges, and other works, are too obvious and reasonable to require to be pointed out. The several works for which provision is required, as well as the sums proposed for each respectively,

VICTORIA

are stated separately and with sufficient minuteness in the detailed estimate; but a general view of the whole may be shown as follows; viz.—

<i>Buildings—</i>	£	s.	d.	£	s.	d.
Civil and legislative	5,200	0	0			
Police	8,200	0	0			
Gaols	6,000	0	0			
Military	2,150	0	0			
Judicial	1,700	0	0			
Asylum for lunatics	4,000	0	0			
Rents and repairs	2,600	0	0			
				29,850	0	0
<i>Works—</i>						
Roads and bridges	9,900	0	0			
Wharfs and jetties	3,500	0	0			
Repairs	600	0	0			
				14,000	0	0
Colonial architect, superintendent of bridges, and civil engineer				2,588	19	0
				£ 46,438	19	0

28. The sum of 600*l.* for salary and passage from England of a civil engineer has been placed upon the estimate with the view of bringing out to this colony an officer of acknowledged ability in this particular department of science, to carry out such important Government works of public utility as it may be deemed expedient to construct.

29. It may be proper here to call attention to the probability that notwithstanding the great urgency of many of the works specified in the estimate, it may not be in the power of the Government to carry them out in every instance, even if sanctioned by the Council. The state of the labour market must in a great measure decide the course to be taken, and whether it may be possible to enter upon them without injury to the general interests and to private enterprise. Similar considerations have influenced the Government in considering it advisable to provide for the rent of the buildings required for the Government departments, rather than to take immediate steps for the erection of additional offices at this juncture.

No. V.—*Education.*

30. The amount placed upon the estimates for 1852 for education, though larger than has been authorized in previous years for this service, will not, it is expected, be deemed to be more than adequate provision for the important purposes for which it is required, whatever views may be entertained respecting the particular system of education for the maintenance of which it may be proposed to expend it.

No. VI.—*Medical.*

31. Provision is proposed to be made under this head for the increased number of patients receiving treatment in the lunatic asylum. A small increase is proposed to the salaries of the superintendent and several of the attendants at the asylum, it having been represented to be impracticable to procure eligible persons to fill these situations at the present fixed rates of pay. The salary and allowance specified for the colonial surgeon include the full amount allowed to him for the several duties committed to his charge. Provision is here proposed also for an assistant colonial surgeon.

No. VII.—*Charitable Institutions.*

32. Additional aid is proposed to be afforded for the establishment of asylums for the aged and the indigent. At the same time it is deemed desirable, with the view of encouraging private benevolence, to limit such aid to a moderate amount, and to make it, in most instances, conditional on the expenditure by the several institutions of at least an equal proportion raised by voluntary contribution.

No. VIII.—*Miscellaneous.*

33. The sum of 2,000*l.* for unforeseen expenses is the smallest amount which it is thought advisable to propose in order to exclude the otherwise great probability, under the present prospects of the colony, of the public business being materially obstructed in consequence of the Government being wholly unprovided with funds to meet unexpected demands in cases of emergency.

ADMINISTRATION OF JUSTICE.

34. By the detailed estimate of the probable expenditure for the administration of justice, it will be seen that the provision made in the Schedule (Part I.) for the maintenance of a judicial establishment is considered to be altogether inadequate for the purpose, and that, consequently, it is essential that the Council should be made aware of the fact, with a view to the appropriation under its sanction from the general revenue of a further sum to the amount, as stated in the estimate referred to, of 4,035*l.* 9*s.*

35. In the event of measures being adopted for establishing a distinct supreme court for this colony, the necessary arrangements for this purpose will of course require a larger provision than is herein proposed for the establishment in its present form.

SCHEDULE B. PART 2.

36. A statement showing the manner in which it is proposed to appropriate the sums set apart for the services and purposes specified in Part 2. of the Schedule (B.) appended to the Act 13 & 14 Victoria, chap. 59. is hereunto appended.

37. In regard to the services mentioned in this section of the schedule it is likewise necessary to mention that the sums appropriated for the departments of the Colonial Secretary, the Colonial Treasurer, and the Auditor General can only with great difficulty, even at the present time, be made to suffice for defraying only such necessary expenditure for those departments as it is strictly proper to charge upon the ordinary revenue—not to mention either the expenses for services connected with the territorial revenue and payable from that fund or the provision which will be requisite to meet the gradual increase of the business in all branches of these departments.

38. The financial arrangements for the year 1852 having thus been briefly explained, it now only remains to show the probable results of the whole, as follows; viz.

	£	s.	d.
As stated in paragraph 9 of this Minute, it is estimated that the Revenue of 1852 will exceed the Expenditure of that year by an amount of	-	-	-
	2,286	1	6
The amount received from Sydney on account of the proportion of the general balance on 30th June 1851, due to Victoria, was	-	-	-
	£33,688	3	3
The Revenue received since that date amounted on 31st October last to	-	-	-
	42,594	4	4
And it is estimated that a further sum of	-	-	-
will be received up to the 31st December next.	25,000	0	0
Making in all	-	-	-
	101,282	7	7
The Expenditure from 1st July to 31st December 1851 will probably amount to	-	-	-
	£73,500	0	0
To which must be added such portion of the amount included in the Supplementary Estimate for this year which may not be expended up to 31st December next, but which will still be required for the purposes specified, estimated to amount to	-	-	-
	2,500	0	0
The total	-	-	-
	76,000	0	0
Deducted from the Revenue, will show an estimated balance on 31st December 1851, applicable to the service of 1852, of	-	-	-
	25,282	7	7
Add to this the surplus Revenue of 1852, as shown above, and the Total	-	-	-
	£27,568	9	1

is the estimated probable balance of the ordinary revenue on 31st December 1852.

Government Office,
1st November 1851.

64 FURTHER PAPERS relative to the ALTERATIONS

VICTORIA.

AN ABSTRACT of the probable Revenue of the Colony of Victoria, (exclusively of the Territorial Revenue) for the Year 1852; showing also the Revenue actually received under similar Heads in the Year 1850.

REVENUE.	Amount.			Revenue received in 1850.		
	£	s.	d.	£	s.	d.
1 Customs	125,000	0	0	76,478	18	10
2 Port and Harbour Dues and Pilotage	5,500	0	0	2,932	7	3
3 Rents, exclusive of Land	2,500	0	0	2,252	3	3
4 Assessment on Stock	15,000	0	0	12,655	15	11
5 Auction Duties	2,000	0	0	2,134	15	9
6 Licences	11,250	0	0	10,037	15	1
7 Postage	7,000	0	0	6,526	1	6
8 Fines and Forfeitures	1,000	0	0	675	11	11
9 Police Reward Fund	300	0	0	201	8	9
10 { Fees of Office	5,500	0	0	4,866	7	1
{ Fees of Commissioners of disputed Boundaries	-	-	-	3,929	12	0
11 Sale of Government Property	100	0	0	23	6	0
12 Reimbursements in aid of Expenses incurred by Government	100	0	0	35	18	9
13 Miscellaneous Receipts	100	0	0	30	18	3
Total	175,350	0	0	122,781	0	4

Colonial Secretary's Office, Melbourne, }
November 1, 1851.

WILLIAM LONSDALE,
Colonial Secretary.

AN ABSTRACT of the estimated Expenditure of the Colony of Victoria, for the Year 1852.

EXPENDITURE.	Reference to the detailed Estimates.	Amount.		
		£	s.	d.
No. 1. Civil and Legislative Departments	Page 4 to 10.	40,645	18	0
" 2. Police Establishments and Coroners	" 11 to 15.	34,132	16	6
" 3. Gaol and Penal Establishments	" 16.	10,404	10	0
" 4. Public Buildings, Roads, Bridges, and other Works	" 17 to 18.	46,438	19	0
" 5. Education	" 19.	7,006	12	0
" 6. Medical	" 20.	3,149	14	0
" 7. Grants in aid of charitable and useful Institutions	" 21.	4,300	0	0
" 8. Miscellaneous Services	" 21.	2,950	0	0
" 9. Administration of Justice	" 23.	4,035	9	0
Amount reserved by the Schedule (B.) Parts 1. and 2, to the Act 13 & 14 Victoria, Cap. 59. for the Civil List	-	14,000	0	0
Amount reserved by the Schedule (B.) Part 3, to the said Act, for Public Worship	-	6,000	0	0
Total	-	173,063	18	6

Amounting in all to One hundred and seventy-three thousand and sixty-three pounds eighteen shillings and sixpence.

Colonial Secretary's Office, Melbourne, }
November 1, 1851.

WILLIAM LONSDALE,
Colonial Secretary.

(No. 54.)

No. 10.

VICTORIA.
No. 10.

COPY of a DESPATCH from Lieut.-Governor LATROBE to Earl GREY.

Melbourne, December 3, 1851.

(Received, April 6, 1852.)

MY LORD,

(Answered, No. 7, April 30, 1852, page 68.)

REFERRING to my Despatch of this date, No. 51*, announcing the meeting of the Legislative Council of the colony in Session on the 11th of November, I have to state, for your Lordship's information and Her Majesty's approval, that I have in due course signified that I did not disallow the selection of James Frederick Palmer, Esquire, as Speaker of the House, and have at the request of the Council confirmed, in Her Majesty's name, all the rights and privileges properly appertaining thereto.

* Page 51.

2. I would further state, that I have informed the Council that, until the pleasure of Her Majesty shall be known, the Speaker of the Legislative Council shall in all official documents be styled and addressed as the Honourable the Speaker of the Legislative Council of Victoria.

I have, &c.

The Right Hon. Earl Grey,
&c. &c.

(Signed) C. J. LATROBE.

(No. 8.)

No. 11.

No. 11.

COPY of a DESPATCH from Lieut.-Governor LATROBE to Earl GREY.

Melbourne, January 14, 1852.

(Received, May 12, 1852.)

MY LORD,

I TAKE the earliest opportunity of apprising your Lordship that the state of the public business permitting, I was enabled to bring the first Session of the Legislative Council of the colony to a close on the 6th instant, by pro-roguing it until the 10th February next.

2. I shall take the first opportunity of adverting to the proceedings of the Session, and of submitting in due course the various Bills, including the Appropriation Act for the present year, which have formed the subject of discussion, and which have passed and been assented to by me in Her Majesty's name.

I have, &c.

The Right Hon. Earl Grey,
&c. &c.

(Signed) C. J. LATROBE.

VICTORIA.

Despatches from the Secretary of State.

No. 1.

(No. 32.)

No. 1.

COPY of a DESPATCH from Earl GREY to Lieut.-Governor LATROBE.

SIR, Downing Street, October 31, 1851.

• Page 3.

I HAVE received a Despatch from Governor Sir Charles FitzRoy, bearing date the 6th April last, No. 72*, and transmitting an address to me from the inhabitants of the town of Geelong, which had been adopted at a public meeting on the 4th February preceding, and had been forwarded to you by the mayor of Geelong.

The address had reference to the provisions of the recent Act of Parliament for the better government of Her Majesty's Australian colonies, under the authority of which the district of Port Phillip was erected into a separate colony.

2. It has given me great gratification to find that the measures adopted by Her Majesty's Government, with reference to the Australian colonies, and the Act in question, which has been passed by Parliament on their recommendation, have given so much satisfaction to the very respectable body of settlers in Victoria, from whom that address proceeds. Their representation adverts to two points on which they consider that the arrangements which have been made stand in need of improvement:—

1st. With regard to the appointment of the members of the District Councils, and their qualifications; and, 2d, with reference to the imposition of inter-colonial duties.

3. On the first point I am disposed to concur in the opinion expressed in the address, that the qualification required by the existing law for district councillors is too high, and that it would be better that all ratepayers should be qualified as such to vote for members of the Council; but as Parliament has delegated the full power of amending the law on this subject to the local legislature, I do not conceive that it could now with propriety be altered by any other authority, and I should recommend that the subject be brought by petition under the consideration of the Legislative Council of Victoria, which I have no doubt would readily attend to the wishes expressed by those whom it represents. The same observation applies to the question of the nomination of the first members of district councils by the Governor or the Lieutenant-Governor; though practically I should apprehend that no difficulty would be likely to arise on this subject, as you would no doubt nominate the person recommended to you for that purpose by the inhabitants.

4. The second is a more difficult question. The restriction placed by Parliament on the power of the Colonial Legislatures to impose differential duties was considered necessary in order to secure a uniform adherence by all the colonies to that commercial policy which has been deliberately adopted by Parliament as the best for the whole British Empire, and to prevent the possible adoption by any of the Local Legislatures of measures inconsistent with the engagements of the Crown with foreign powers. For this purpose it was indispensable to establish the rule that the amount of duties to be imposed on various articles should not vary with the places from which these articles might be imported, but should be uniform on the same goods from whatever quarter they might come. The mother country did not desire that her own produce or manufactures should have any advantage in respect of the duties levied on their import into the colonies over similar produce or manufactures imported from foreign countries, since it was felt that to give such an advantage would be to impose a tax on the industry of the colonies. But if no peculiar abatement of duty was to be made in favour of imports from the mother country, it is obvious that none such could be made in favour of imports from the neighbouring colonies, since this would have been to create a distinction between the privileges enjoyed by different parts of Her Majesty's dominions in trading with British colonies which would have been quite inadmissible.

VICTORIA.
No. 3.

(No. 6.)

No. 3.

Copy of a DESPATCH from Earl GREY to Lieut.-Governor LATROBE.

SIR,

Downing Street, January 22, 1852.

* Pages 35, 39.

I HAVE received your Despatches, No. 2,* of the 22d July, and No. 10,* of the 2d August, informing me of the progress of events in Victoria since its separation from New South Wales, and of the measures which had been taken for giving effect to the proposed changes in the Constitution and relative position of the two colonies; and I have to inform you that the Acts passed by the Legislature of New South Wales in connexion with that subject and referred to in your present Despatches had already received the royal assent.

I have, &c.

Lieut.-Governor Latrobe,
&c. &c.

(Signed) GREY.

No. 4.

(No. 7.)

No. 4.

Copy of a DESPATCH from the Right Hon. Sir JOHN S. PAKINGTON to Lieut.-Governor LATROBE.

SIR,

Downing Street, April 30, 1852.

* Page 65.

I HAVE received your Despatch No. 54,* of the 3d December last addressed to my predecessor, in which you report, for his information and Her Majesty's approval, that you have in due course signified to the Legislative Council that you did not disallow the selection of Mr. J. F. Palmer as Speaker of that House, and that you have at the request of the Council confirmed in Her Majesty's name the rights and privileges properly appertaining thereto.

5 & 6 Vict. cap. 76,
s. 23, and 13 & 14
Vict. c. 59, s. 32.

In reply I have to point out to you that under the existing law you have the power to disallow the choice of a Speaker, and there appears to be no limit in point of time to the exercise of that power, but that the Crown has no power to exercise any authority in the matter.

I have, &c.

Lieut.-Governor Latrobe,
&c. &c.

(Signed) JOHN S. PAKINGTON.

No. 5.

(No. 12.)

No. 5.

Copy of a DESPATCH from the Right Hon. Sir JOHN S. PAKINGTON to Lieut.-Governor LATROBE.

SIR,

Downing Street, May 13, 1852.

* Page 50.

I HAVE laid before the Queen your Despatch addressed to my predecessor, No. 46*, of the 3d November last, forwarding a copy of a proclamation which you have issued for notifying the appointment, subject to Her Majesty's pleasure, of the several persons therein-mentioned to be non-elective members of the Legislative Council of the colony of Victoria.

I do not clearly understand whether the official members of the Council have been appointed by you by their proper names only, or by their names in conjunction with the offices held by them.

The Queen's warrant empowering you to appoint those persons, allows you the alternative of designating them by their names or as office holders.

But, as the proclamation which accompanies your Despatch, although you do not allude to it, designates the official members by their names only, I have assumed that it is in this manner that you have made their appointment. I now, however, transmit to you the Queen's warrant, ratifying and confirming those appointments, with the exception of those of Mr. Lonsdale and of Mr. Barry, in regard to which I am commanded to acquaint you that Her Majesty is pleased to reserve the signification of Her pleasure.

10th May 1852.

I have, &c.

Lieut.-Governor Latrobe,
&c. &c.

(Signed) JOHN S. PAKINGTON.

(No. 26.)

No. 6.

VICTORIA.

No. 6.

COPY of a DESPATCH from the Right Hon. Sir JOHN S. PAKINGTON to
Lieut.-Governor LATROBE.

SIR,

Downing Street, June 2, 1852.

I HAVE received your Despatch, No. 32*, of the 27th September last, containing a general view of the position in which the Executive Government of Victoria stood with regard to the legal appropriation of such portion of the revenue as might be necessary for carrying on the public service of the colony from the 1st July 1851, when the separation from New South Wales took place to the end of the year. I have also received your Despatch, No. 52†, of the 3d December, transmitting a copy of the Financial Minute which you had forwarded to the Legislative Council with the proposed estimates for the year 1852, with a supplementary estimate of expenditure for the year 1851.

* Page 46.

† Page 57.

I shall defer the final consideration of these financial statements until I shall have received from you the Act of the Council for confirming or modifying those estimates. In the mean time, I may state that, as at present informed, I do not see any reason for objecting to charge the territorial revenue with those portions of the expenses of some of the public departments which may be considered as connected with the management of the land, as well as the extra salaries and other charges arising directly out of the gold discoveries; but on this subject I refer you more particularly to my Despatch of even date herewith*, on the general subject of the crisis occasioned by those discoveries.

With reference, however to the provision which appears in the estimates on account of public works, and to the sum which you propose to devote from the land revenue in aid of the same purpose, it appears to me doubtful how far it may be prudent or desirable in the present state of the colony, and with the deficiency in the supply of labour of every description, to press on the execution of any public works which may not be of immediate as well as essential importance.

I have, &c.

Lieut.-Governor Latrobe,
&c. &c.

(Signed)

JOHN S. PAKINGTON.

(No. 29 A.)

No. 7.

No. 7.

COPY of a DESPATCH from the Right Hon. Sir JOHN S. PAKINGTON to
Lieut.-Governor LATROBE.

SIR,

Downing Street, June 29, 1852.

I HAVE to acknowledge your Despatch, No. 51,* of December 3d last, enclosing your address to the Legislative Council on its opening for the dispatch of business, and their reply.

* Page 51.

This Despatch, although received as long ago as April last, has remained hitherto unanswered by me, as the very important intelligence contained in subsequent Despatches relative to the gold discovery superseded, in great measure, its contents. I have, therefore, at present only to refer you to the correspondence which has since passed, at the same time expressing my general approval of the language of your address.

I have, &c.

Lieut.-Governor Latrobe,
&c. &c.

(Signed)

JOHN S. PAKINGTON.

* No. 25, June 2, 1852. Printed at page 97 of Papers on recent gold discovery "Australia," presented by Her Majesty's command, 14th June 1852.

70 FURTHER PAPERS *relative to the* ALTERATIONS

SOUTH AUSTRALIA.

Despatches from Lieut.-Governor Sir H. E. F. Young.

SOUTH
AUSTRALIA.

No. 1.

(No. 32.)

No. 1.

COPY of a DESPATCH from Lieut.-Governor Sir H. YOUNG to Earl GREY.

Adelaide, February 25, 1851.

(Received, June 20, 1851.)

MY LORD,

(Answered, No. 62, August 13, 1851, page 81.)

I HAVE the honour of transmitting, for Her Majesty's gracious allowance and confirmation, Ordinance No. 1.* of 1851, entitled "An Ordinance to establish the Legislative Council of South Australia, and to provide for the Election of Members to serve in the same."

This Ordinance was enacted on the 21st instant, under the authority of the Act of Parliament passed in the 13th and 14th years of the reign of Her most gracious Majesty Queen Victoria, intituled "An Act for the better Government of Her Majesty's Australian Colonies;" and I have the further satisfaction of reporting that it passed the present Legislative Council *nemine contradicente*.

The Right Hon. Earl Grey,
&c. &c.

I have, &c.
(Signed) H. E. F. YOUNG.

No. 2.

(No. 33.)

No. 2.

COPY of a DESPATCH from Lieut.-Governor Sir H. YOUNG to Earl GREY.

Adelaide, February 25, 1851.

(Received, June 20, 1851.)

MY LORD,

(Answered, No. 52, July 9, 1851, page 81.)

I HAVE the honour to report that Ordinance No. 1. of 1851, enclosed with my Despatch, No. 32, of this date, having made provision for the election of members to serve in the Legislative Council thereby established, in conformity with the Imperial Act of Parliament for the better Government of Her Majesty's Australian Colonies; the Session of the present Legislative Council was closed, with a short address of which, together with the reply of the Council, I have the honour to enclose copies for your Lordship's information.

The Right Hon. Earl Grey,
&c. &c.

I have, &c.
(Signed) H. E. F. YOUNG.

Encl. in No. 2.

Enclosure in No. 2.

SOUTH AUSTRALIA.

Extract from Minutes of the Proceedings of the Legislative Council.

Address of his Excellency the Lieutenant-Governor on the final adjournment of the Council.

GENTLEMEN,

THE ordinance which has just been enacted devolves on me the issuing of writs for an enlarged Council under the new Constitution, and from and after the date of the writs the existing Council will be no more. Between the present date and that at which the writs will be issued, there is no probability of this Council being again assembled. Under these circumstances, I cannot refrain from making one brief observation before we separate. Your successors, gentlemen, will have a field of increased extent and of increased responsibility. A field, however, well suited to the genius of Britons, and giving scope to that patriotic ambition of promoting the common weal which has ever been our national characteristic. Yet the colonial annals cannot fail to record that the prosperity which, with a continuance of the Divine blessing, it may be the happy privilege of a new Legislature to preserve, to develope, and to augment, took its rise

* This Ordinance will be found printed in the Appendix to the present Papers.

and acquired a character of stability under the sway of the present Council. This is a distinction and a satisfaction of which you can never be deprived. It is permanently useful, too, as affording an incentive to your successors to take care that the public resources receive at their hands not only no detriment, but increased productiveness. This result from the acts of the new Legislature we all anticipate with well founded confidence.

In bidding you farewell, I feel it to be a public and most agreeable duty to tender to you, individually and collectively, the expression of my sincere and grateful appreciation of the harmony and good feeling which have uninterruptedly marked your co-operation with me in the business of Legislation during the two years and a half in which I have had the honour of presiding in this Council.

H. E. F. YOUNG.

Council Chamber, Adelaide, February 21, 1851.

The Lieutenant-Governor then withdrew, when the Council unanimously agreed to the following reply, which was presented to his Excellency at Government House :

To His Excellency Sir H. E. Fox Young, Governor of the Province of South Australia.

WE, the members of the Legislative Council, beg to thank your Excellency for the gratifying address you have just delivered to us, and we would beg to assure your Excellency that we sincerely respond to the honourable sentiments and kindly feelings it expresses.

We have to thank your Excellency also for the courtesy invariably shown us individually and collectively, and are happy to believe that our own united efforts have conduced to the public weal.

We beg to offer your Excellency our heartfelt congratulations that, in calling into existence the new Legislature, your Excellency will be able to refer with pride and satisfaction to the prosperity of the province ; and we reciprocate the hope expressed by your Excellency, that our successors will patriotically labour in the enlarged field opened to them to secure the rights and liberties, and advance the social and moral condition of the people.

CHARLES STURT, Colonial Secretary,
WM. SMILLIE, Advocate General,
B. T. FINNISS, Registrar General,
T. S. O'HALLORAN,
JOHN MORPHETT,

} Members of the
Legislative
Council.

F. C. SINGLETON, Clerk of the Council.

Council Chamber, February 21, 1851.

(No. 88.)

No. 3.

No. 3.

COPY of a DESPATCH from Lieut.-Governor Sir H. YOUNG to Earl GREY.

Adelaide, July 5, 1851.
(Received, October 24, 1851.)

MY LORD, (Answered, November 4, 1851, No. 82, page 81.)

I HAVE the honour of enclosing to your Lordship a copy of a proclamation this day issued after the receipt yesterday of Despatches from the Governor General of Her Majesty's Australian possessions, enclosing to me his commission as Captain General and Governor-in-Chief of South Australia, and also a commission re-constituting and re-appointing me to be Lieut.-Governor.

I have also to enclose a copy of my Despatch to the Governor General, and to express my hope that these documents will meet with your Lordship's approval.

The Right Hon. Earl Grey,
&c. &c.

I have, &c.
(Signed) H. E. F. YOUNG.

SOUTH
AUSTRALIA.
Encl. 1 in No. 3.

Enclosure 1 in No. 3.

Proclamation by his Excellency Sir Henry Edward Fox Young, Knight, Lieut.-Governor of Her Majesty's province of South Australia, and Vice-Admiral of the same, &c.

WHEREAS I, Sir Henry Edward Fox Young, Knight, have received and have caused this day to be read and published, in the presence of the Executive Council, the Judges, and others, a commission, bearing date at Westminster, the 31st December, in the fourteenth year of Her Majesty's reign, under the Great Seal of the United Kingdom of Great Britain and Ireland, whereby Her Majesty has been graciously pleased to appoint his Excellency Sir Charles Augustus FitzRoy, Knight, to be Captain General and Governor-in-Chief of South Australia; and also another commission under the Royal Signet and Sign Manual, given at Windsor the 31st December, in the fourteenth year of Her Majesty's reign, whereby Her Majesty has been graciously pleased to re-constitute and re-appoint me, Sir Henry Edward Fox Young, Knight, to be Lieut.-Governor of the said colony of South Australia; and am thereby authorized and required, in case of the death or absence out of the colony of South Australia of the aforesaid Sir Charles Augustus FitzRoy, Knight, to assume and exercise all and singular the powers and authorities contained in the commission of Captain General and Governor-in-Chief of South Australia:

Now, therefore, I proclaim and make known that as Lieut.-Governor of South Australia, and in the absence out of the said colony of the said Sir Charles Augustus Fitzroy, Knight, I do hereby assume and exercise all and singular the powers and authorities contained in the commission of the Captain-General and Governor-in-Chief of South Australia.

And I further proclaim and make known that Her Majesty hath been pleased to command all and singular Her Majesty's officers—civil and military—Ministers, and loving subjects in South Australia, and its dependencies, and all others whom it may concern, to take due notice hereof, and to give their ready obedience accordingly.

Given under my hand and the public seal of the province at Adelaide this 5th day of July 1851, and in the fifteenth year of Her Majesty's reign.

By command,

CHAS. STURT, Colonial Secretary.

God save the Queen!

Encl. 2 in No. 3.

Enclosure 2 in No. 3.

SIR,

Adelaide, July 5, 1851.

I HAD yesterday the honour to receive your Excellency's Despatches of the 5th and 10th ultimo, and I enclose copy of a proclamation which was issued to day notifying to the public the reading and publishing, in presence of the chief officers and others the principal inhabitants of this colony, Her Majesty's commission under the Great Seal, appointing your Excellency to be Captain General and Governor-in-Chief of South Australia; and also Her Majesty's commission under the Royal Signet and Sign Manual, re-appointing me to be Lieut.-Governor thereof; and further requiring and authorizing me, in the absence of your Excellency, to assume and exercise, as Lieut.-Governor, all the powers and authorities contained in your Excellency's commission as Captain-General and Governor-in-Chief of South Australia.

2. I request leave to offer to your Excellency my respectful and cordial congratulations on the very eminent rank and extended authority to which Her Majesty has been graciously pleased to elevate you, as Governor General of all Her Majesty's Australian possessions.

In that portion of them which is confided to me during your absence from it, I shall ever be most cheerfully ready to act in co-operation with your Excellency, in the spirit of Her Majesty's instructions.

His Excellency Sir C. A. FitzRoy,
Captain General and Governor-in-Chief

I have, &c.
(Signed) H. E. F. YOUNG.

No. 4.

(No. 111.)

No. 4.

COPY of a DESPATCH from Lieut.-Governor Sir H. YOUNG to Earl GREY.

Adelaide, August 19, 1851.

(Received, December 20, 1851.)

MY LORD,

I HAVE the honour to report that in pursuance of Her Majesty's warrant delegating to me the requisite authority, I have provisionally and subject to Her Majesty's pleasure, nominated the Colonial Secretary, the Registrar General, the Advocate General, the Collector of Customs, John Morphett, John Grainger, E. C. Gwynne, Esqrs., and Major Norman Campbell to be non-elective members of the Legislative Council.

I have the honour to enclose a Gazette Extraordinary, notifying these provisional appointments, which have taken place under letters patent and the seal of the colony.

I respectfully submit them for the signification of Her Majesty's gracious pleasure.

The Right Hon. Earl Grey,
&c. &c.

(Signed) I have, &c.
H. E. F. YOUNG.

SOUTH AUSTRALIA.
No. 37, 19 Aug. 1851.

Enclosure in No. 4.

EXTRACT from the South Australian Government Gazette, dated Adelaide, Tuesday, August 19, 1851.

Encl. in No. 4.

Colonial Secretary's Office, Adelaide,
August 18, 1851.

THE writs issued for the several Electoral Districts under Ordinance No. 1 of 1851, having now all been returned to the Lieut.-Governor, his Excellency has directed the following list of the members who have been declared duly elected to be published for general information.

- | | | |
|-----------------|------------------|----------------------------------|
| District No. 1. | North Adelaide - | John Bentham Neales, Esq. |
| " 2. | East Adelaide - | Francis Stacker Dutton, Esq. |
| " 3. | West Adelaide - | Alexander Lang Elder, Esq. |
| " 4. | Port Adelaide - | George Hall, Esq. |
| " 5. | Yatala - | William Giles, Esq. |
| " 6. | East Torrens - | George Marsden Waterhouse, Esq. |
| " 7. | West Torrens - | Charles Simeon Hare, Esq. |
| " 8. | Noarlunga - | William Peacock, Esq. |
| " 9. | Mount Barker - | John Baker, Esq. |
| " 10. | Hindmarsh - | Robert Davenport, Esq. |
| " 11. | Barossa - | George Fife Angas, Esq. |
| " 12. | Victoria - | John Hart, Esq. |
| " 13. | Light - | Chales Harvey Bagot, Esq. |
| " 14. | Stanley - | William Youngusband, Esq. |
| " 15. | The Burra - | George Strickland Kingston, Esq. |
| " 16. | Flinders - | John Ellis, Esq. |

By his Excellency's command,
CHAS. STURT, Colonial Secretary.

Colonial Secretary's Office, Adelaide,
August 18, 1851.

HIS Excellency the Lieutenant-Governor has been pleased, subject to Her Majesty's confirmation, to nominate the Colonial Secretary, the Registrar General, the Advocate General, the Collector of Customs, John Morphett, John Grainger, Edward Castres Gywnne, Esqs., and Major Norman Campbell, to be non-elective members of the Legislative Council.

By his Excellency's command,
CHAS. STURT, Colonial Secretary.

(No. 112.)

No. 5.

No. 5.

COPY of a DESPATCH from Lieut.-Governor Sir H. E. F. YOUNG to Earl GREY.

Adelaide, August 20, 1851.
(Received, December 22, 1851.)

MY LORD, (Answered, No. 1, January 2, 1852, page 81.)

I HAVE the honour of enclosing copies of my address to the new Legislative Council at its first Session this day.

2. In this address I have reviewed the principal statistics of the condition of the colony during the past year, explained the legislative measures to be introduced, and have suggested to the Council the policy of abiding, at least for the present, by the constitution as recently fixed by Parliament. I trust it may meet with your Lordship's approval. The reply of the Council, if received in time, will be enclosed with this Despatch.

K 2

SOUTH
AUSTRALIA.

3. The choice of a Speaker by the new Council was unanimously in favour of Mr. John Morphett; he holds his seat in the council in virtue of the nomination to be a non-elective member, which I have made subject to Her Majesty's confirmation.

The Right Hon. Earl Grey,
&c. &c.

I have, &c.
(Signed) H. E. F. YOUNG.

Encl. 1 in No. 5.

Enclosure 1 in No. 5.

ADDRESS.

Gentlemen of the Legislative Council,

I CORDIALLY congratulate you that you are now duly assembled in order to enter on the free action of constitutional government, subject only to that supreme power of Her Majesty in Parliament, to which all our fellow countrymen, in Her Majesty's possessions, cheerfully render loyal obedience.

2. The constitution of the present Assembly is necessarily, in some respects, an experiment, and the Imperial Legislature in establishing it has, with a wise liberality, placed in your hands the power of introducing those modifications in the details, of which experience may show the necessity, by Bills, to be reserved for the signification of Her Majesty's pleasure. These modifications regard—

- 1st. The election of the elective members.
- 2d. The qualification of electors and elective members.
- 3d. The establishment of separate Legislative Houses.

Without deprecating the introduction of any changes in these particulars, which may enable the legislative body most effectually to represent the deliberate conviction and to advance the permanent interests of the colony, I would suggest the wisdom and expediency of such a trial of the present Constitution as may show, that any modifications which you may hereafter propose are designed to remedy proved inconvenience, and not to comply with theoretical requirements. This is, I think, due both to the imperial authority by which the Constitution was framed, and to your own position as the representatives, not alone of the present population of the colony, but also of the numbers by whom, in the course of a few years, that population may be recruited. And, considering that within a period but little greater than the allotted duration of this Assembly, the population of the colony has nearly trebled, we may reasonably expect that the number of those who will yet be added to our community, and whose opinions and wishes ought to have weight on this subject, will be such as to justify the delay which I suggest.

3. The amount payable to Her Majesty out of the colonial revenue, under the 17th clause of the Act for the better government of Her Majesty's Australian colonies, is 13,000*l.*, as specified in Schedule D., parts 1 and 2. In conformity with the 19th clause of the said Act, I shall make known by message, at an early period, the amount of the sums intended to be appropriated to the several services named in part 2 of Schedule D. I recommend an addition to be made to the salaries of the judges, which will alter, without increasing, the total amount appropriated under the Act of Parliament, in Schedule D., part 1; and this increase will be proposed to you in a Bill to be laid on your table.

4. Exclusively of the above-mentioned 13,000*l.*, I recommend to the Council to appropriate 140,320*l.* for the specific purposes set forth in the estimates. Of this amount, public buildings, a new council hall, a lighthouse on Troubridge Shoal, city waterworks, roads and streets, hospitals, charitable allowances, administration of justice, police and gaols, and education, are estimated to require 108,000*l.*

5. The lighthouse at Cape Willoughby is completed, but awaits the daily expected arrival of a lantern from England.

This lighthouse, the first erected in the province, guiding wayfarers by sea from the neighbouring colonies to South Australia, may serve also as a memorial of the services of him who, as the discoverer of the river Murray, opened up a great inland water communication between them; and I have therefore named it "The Sturt Light."

6. When the details of the estimates of expenditure are before you for discussion, there will also be laid on your table, for the like examination, the details of the estimated revenue.

It is sufficient at present to state, that the colonial revenue of 1850 exceeded the colonial expenditure; and that the clear surplus balance at the end of 1851 cannot be estimated at less than 40,000*l.*

The import duties being by far the largest source of revenue, it is obvious that in this colony—where the rewards of industry are ample, and, consequently, the ability and inclination to consume imported articles are great—the revenue is likely to augment in the proportion of the increase of the population. The past is an unexaggerated and moderate criterion by which to judge of the probable results of the future.

According to usual custom, I briefly mention some of the principal statistics of the colony during the last year.

7. The population of European descent, on the 31st December 1850, was 63,700. The excess of immigration over emigration during the year was 6,137.

The imports were, in value, 887,423*l.*, or about 13*l.* 18*s.* per head.

The exports, 571,348*l.*, or more than 8*l.* 19*s.* per head.

The population now exceeds 67,000.

The places of worship in the colony are 102.

The schools, 115.

The convictions in the supreme court were 93.

The convictions by the police commissioner and resident magistrate, 859.

The export of wool was 3,289,232 lbs.

The export of copper metal was 44,594 cwt.; copper ore, 8,784 tons.

The tonnage inwards and outwards was 168,468 tons.

The extent of enclosed land was 174,184 acres.

The Crown land occupied by squatters was 15,317 square miles. The maximum annual rent has been fixed at one and one-half farthing per acre; the minimum being one half of the above rent, and the medium rent the mean of these two rates.

The general colonial revenue, inclusive of the balance of the previous year, and exclusive of land fund receipts, was 178,726*l.* Of this, the customs produced 102,523*l.*; the duties on wines, spirits, and tobacco, amounted to 57,606*l.*

The general colonial expenditure, exclusive of land fund expenditure, was 136,304*l.*

The land fund receipts, including the balance of the previous year, were 114,467*l.*; of which, 72,772*l.* was appropriated to immigration, and 20,000*l.* to the liquidation of the bonded debt.

The land fund expenditure was 102,778*l.*

8. In compliance with instructions from Her Majesty, I lay before you, together with the estimates, an account of the manner in which the land fund is appropriated. The Act of Parliament for regulating the sale of waste land within the colony, which places this Fund at the disposal of Her Majesty, removes it from your control; and this statement of its appropriation is, therefore, made, not for the purpose of giving the Council a control over the fund, or of inviting any interference with its application, but to keep you informed upon a subject of public importance; and to enable you to consider whether it may not be expedient to appropriate to the purposes of emigration, out of the general funds of the colony, a sum equivalent to that portion of the land fund which is applied by Act of Parliament to other purposes than the introduction of emigrants.

9. I lay before the Council a Despatch from the Secretary of State, already published in the neighbouring colonies, and in Parliamentary papers, notifying Her Majesty's appointment of a Governor General of Her Majesty's Australian possessions, and of a Captain-General and Governor-in-Chief of South Australia.

I also lay over a Despatch and a Report of the Railway Commissioners on the subject of the railway to Port Adelaide.

10. I have directed drafts of various laws to be laid before you, which appear to me desirable to introduce for your consideration. It is not necessary to advert specially to all of them; but, in their enumeration, priority is due to the question of the continuance of aid from the public treasury to the erection of Christian churches, and to the support of Christian ministers. This precedence belongs to it, not only because of its intrinsic importance, but also on account of its being but the proposed renewal of an enactment to which an experience of three years, terminated on the 31st March last, was prescribed by law; and lastly, because the question would not now be in suspense, had not the former Council deferred its solution to the then near approach of that more popular legislature which is now assembled.

The frugal maximum of 150*l.* for churches, and 200*l.* for stipend, which may be reached in either case only conditionally on private contributions, at least of an equal amount, seems to me to ensure as large an infusion of the voluntary principle into the ecclesiastical system of all Christian congregations, as the present circumstances of the colonists can bear; but it remains for you, if you see fit, to affirm the principle hitherto adopted, or to modify its application.

There can be no doubt that, whatever be the measures taken on this most important subject, you will be guided only by a desire to establish the happiness and welfare of the community on the only sure foundation, by securing the diffusion among all its members of a knowledge of the sacred truths of Christianity, and a sense of the responsibilities they impose.

11. The next draft law to be submitted to you has reference to the undertaking of the city of Adelaide and Port Railway, at the expense and for the benefit of the public: and is rendered necessary by the abandonment of the project by a private company.

It appears to me that there is no object on which, under existing circumstances, the actual surplus revenue of this year, and, if necessary, some small part of its accruing increase, can be more usefully expended than in the construction and maintenance of this railway, whether regard be had to its immediate advantages, or to the reproductive nature of the investment arising from the sure increase of passengers and goods traffic, and the consequent future reduction by Government of fares and freights between the city and the port.

SOUTH
AUSTRALIA.

This Bill will be presented to you in a form best calculated to expedite the commencement of the railway undertaking, and to obviate for the future the delays which have postponed, during the last eighteen months, the opening up of this improved means of transit between the city and the port.

12. The next measure to which your attention is invited, is that of the raising of a loan of 500,000*l.*, secured on the colonial revenue, to be expended, one third in augmentation of the emigration fund, and the remaining two thirds in railways on main roads. The revenue of the colony can well afford an annual sum, equal not only to the payment of the interest of this capital, but also to its gradual liquidation, even computing both these charges together, at the unnecessarily high estimate of ten per cent.

Indeed, the revenue could well have borne such a charge from the time when, nearly three years ago, I recommended this application of the credit of the colony to the procuring of funds for the construction of local improvements. Year by year, since then, an expenditure has been incurred under this head, and provision appears on the estimate now proposed for 1852, equal to what our liabilities would be under the proposed loan. Railways once opened would not only substitute a convenient, punctual, and economical system, in the place of the present inconvenient, uncertain, and expensive mode of transit, but they would, moreover, restore to a considerable extent, to private employers, the labour of many men and animals now engrossed by the constantly recurring and comparatively ineffectual repairs of the common roads.

The tax paid by every department of industry because of the bad state of the common roads, during a great part of every year, is so heavy as to be almost incalculable.

13. Bills will also be introduced to authorize the employment on the public roads, under proper supervision, of prisoners sentenced to hard labour, for any period exceeding three months, at such places as may from time to time be declared to be convict stations within the colony.

To authorize sentences of imprisonment with hard labour, for a term of years, instead of sentences of transportation.

To confer on the judges, severally, an extended jurisdiction under the Local Courts Ordinance.

To separate the functions of police magistrate from the duties of police commissioners.

To remove impediments to distillation.

To provide for the creation of a Trinity Board at Port Adelaide, to regulate pilots, lights, beacons, and buoys, and the harbour department generally.

As respects the project to supply the city of Adelaide with pure water; the requisite pecuniary provision was voted by the former council; is repeated on the present estimates; and the Bill which was in committee will be re-introduced into the present Council as a new Bill.

The present system of registration of deeds is represented as wanting in those elements of simplicity and precision which are essential to its satisfactory working; and it has in numerous instances proved insufficient for the purposes of preventing fraud. You may probably deem it expedient to investigate the operation of the existing law with a view to its improvement, and to include within the scope of your inquiries other systems which have been adopted in some of Her Majesty's colonial possessions, as well as those which prevail on the continent of Europe. To facilitate the acquisition and transfer of landed property, by removing any obstacles in the way of an easy, safe, and inexpensive system, is a subject of deep import to the community, and I should rejoice if your inquiries should tend to the promotion of so desirable a result.

A Bill will also be introduced to give, to a certain extent, an elective character to the Central Road Board, and to extend the powers of the District Road Boards to several matters of local concern, viz., pounds, slaughter-houses, depasturing of commons of hundreds, and lastly, although first in importance, the erection and maintenance of District Schools. Applicable to this latter object, and in aid of local assessments, will be placed at the disposal of the district boards, the revenue derived from the pastoral use of the Crown common lands of hundreds, together with such other pecuniary aid as the Legislature, on the merits of each case, shall be disposed to give to district schools in addition to local contributions.

I feel confident that it is but an anticipation of your own aspirations, when I invite you to illustrate the commencement of your Legislative career by a practical recognition of the truism, that the powers of civil polity can never better permanently promote the greatest happiness of the greatest number, than by placing within reach of the whole people, unexclusively, the means of having their children taught and trained in, at least, the elements of knowledge and of morals. The more perfect our civil liberty, the more necessary is it to provide for the removal of ignorance, and for the discipline of virtue. The child is father of the man; and knowledge and virtue may, with God's blessing on education, be made to descend like an inheritance from generation to generation.

15. Gentlemen.—before closing my first address to you, in your new Legislative capacity, I cannot refrain from reminding you how truly it has been said, that representative institutions are not unmixed blessings, nor self-acting charms; their real value must depend on the wisdom and virtue of those to whom their administration is confided. In themselves, they can confer neither personal freedom, nor good government, nor national prosperity; they are simply the means by which, under certain conditions, those signal

advantages may be most effectually obtained. They are a spell of power—but not power for good alone; they afford the best field for the exercise of all patriotic virtues, while they dispense with none. He who takes a share in the direction of the community has not merely his own interests to consider, but the interests of his country and his fellow-citizens, even where these clash, or appear to clash, with his own.

The very essence of patriotism is an unselfish love of justice. Let our permanent and steady aim be, to seek that popularity which follows, not that which is run after; that popularity which, sooner or later, never fails to do justice to the pursuit of noble ends by noble means.

No other wish is nearer or dearer to my heart than that of realizing such a cordial co-operation with you as may best conduce to the good of the public service.

May my children and yours, whose future lot in life is probably fixed in the place of their nativity, ever perceive that we recognize, as the essential vitality of our political and social existence, a close conformity with the lofty and disinterested public spirit which is honoured in the parent state!

H. E. F. YOUNG.

Council Chamber, Adelaide, August 20, 1851

Enclosure 2 in No. 5.

Encl. 2 in No. 5.

May it please your Excellency,

We, the members of the Legislative Council of South Australia, assembled in conformity with your Excellency's proclamation, desire to thank you for the address with which your Excellency has opened this our first Legislative Session.

We participate in the satisfaction expressed by your Excellency at this commencement of constitutional Government, and trust that it may prove the dawn of a new era of prosperity to the community which we represent.

We are happy to be informed that the revenues of the colony are prosperous, and shall devote ourselves to advise your Excellency in their appropriation when the estimates are laid before us, with an anxious desire to promote useful public undertakings. The various topics which have formed the subject of your Excellency's address shall receive our early and careful attention; and your Excellency may be assured that in our deliberations we shall be animated by a desire to promote most effectually the progress, the happiness, and the virtue of the community. If upon any subject we should ultimately arrive at a different opinion from that pronounced by your Excellency, we shall not the less believe that you have been actuated by a sincere wish to advance the prosperity of the colony; and we feel confident that we may rely upon your Excellency's cordial co-operation in giving effect to our views.

We believe that the period has arrived when the colony of South Australia should be entrusted with complete independence in all matters not affecting imperial interests. We believe that nothing would more tend to confirm the loyalty of the inhabitants of the province, or more effectually strengthen the ties which bind us to the mother country.

JOHN MORPHETT, Speaker.

T. Wrighton, Clerk of Council.

LEGISLATIVE COUNCIL.

Tuesday, August 26.

Present—All the hon. members.

Minutes of the previous sitting read and confirmed.

The Speaker announced that his Excellency the Lieut.-Governor had intimated to him his willingness to receive the reply to the address; and if it would please hon. members to accompany him he would proceed to present it.

The Speaker then proceeded to wait on the Governor, attended by a deputation. On the return of the deputation the Speaker read the following reply of the Governor:—

Mr. Speaker, and Gentlemen of the Legislative Council,—I beg to return my best acknowledgments to you for your reply to my address at the opening of the Session. There can be no doubt Her Majesty and Parliament will receive, with every consideration, any measures which you may suggest to confirm the loyalty of the inhabitants, and effectually to strengthen the ties which bind the colony to the mother country.

H. E. F. YOUNG.

Government House, August 26, 1851.

SOUTH
AUSTRALIA:
No. 6.

(No. 2.—Legislative.)

No. 6.

COPY of a DESPATCH from Lieut.-Governor Sir H. E. F. YOUNG to
Earl GREY.

Adelaide, January 3, 1852.

(Received, May 22, 1852.)

MY LORD,

I HAVE the honour to report to your Lordship that the first Session of the Legislative Council under the "Act for the better Government of Her Majesty's Australian Colonies" was ended yesterday by prorogation; a copy of my address on the occasion is herewith enclosed.

2. Subjoined is an enumeration, with brief notes, of the Acts of the Session. Such of the Acts themselves as have not already been transmitted in previous Despatches will be duly forwarded as soon as possible. The votes* and proceedings of the Legislative Council accompany this Despatch.

3. It is very gratifying to me to be able to report that the business of the Session has been conducted in its general results to my satisfaction, and to the advantage of the public service.

The Right Hon. Earl Grey,
&c. &c.

I have, &c.
(Signed) H. E. F. YOUNG.

* These votes, &c.,
being very bulky,
are not printed.

Encl. in No. 6.

Enclosure in No. 6.

Mr. Speaker, and Gentlemen of the Legislative Council,

THE length of time which you have devoted to your legislative duties, and the period of the year at which we have arrived, render it expedient to relieve you from further attendance.

2. In compliance with the addresses which you have presented to me, I shall take an early opportunity of entering into correspondence with the Governors of the neighbouring colonies respecting the expediency of legislation to facilitate the execution of writs against debtors.

The resolutions expressive of the opinions of the Council on transportation shall be duly transmitted to the Right Hon. the Secretary of State.

A commission will be appointed to inquire into the present condition of the labouring population, and to prepare a comparative statement of the prices of the necessaries of life, and the wages of labour in South Australia, Victoria, and New South Wales.

3. In addition to the reservation already made of the Customs Amendment Act, I reserve also for the signification of Her Majesty's pleasure, the "Act to give relief to persons having claims against the Local Government of South Australia, by authorizing them to try the validity of such claims in a court of law or equity."

4. I anticipate great public advantage from your legislation this Session on the commutation of transportation, and the employment of prisoners sentenced to hard labour; on the apprehension of escaped offenders; and, especially, on the extension which you have given to the existing system of education, by aid towards the erection of schools, and the payment of stipends to teachers.

The increases which you have made by special enactment to the salaries of the Judges of the Supreme Court, and the reward of a pension for life which you have in like manner provided for Captain Sturt, the early benefactor of the colony, as the discoverer of the River Murray, are acts of wise liberality, redounding to the honour of the community, and the good of the public service.

I thank you for the general provision which you have made for the public service. The supplies which you have voted shall be used with the strictest economy.

6. In addition to the other Acts of the Session, which have already been disposed of, I assent, in the name and on behalf of Her Majesty, to the following Acts:—

"To secure to the Honourable Charles Sturt a Pension for Life of Six Hundred Pounds."

"For preventing the further Spread of the Scotch Thistle."

"For regulating the Trade or Business of Pawnbrokers in South Australia."

"To give a Preferable Lien on Wool from Season to Season, and to make Mortgages of Sheep, Cattle, and Horses valid, without Delivery to the Mortgagee."

"To provide for the Commutation of Sentences of Transportation; and to substitute Imprisonment with Hard Labour, as a Punishment in lieu of Transportation; and for the Employment of Prisoners sentenced to Hard Labour."

"To promote Education in South Australia, by Aids towards the Erection of Schools, and the payment of Stipends to Teachers."

"For the further Appropriation of the Revenue for the Year 1851, and for the general Appropriation of the Revenue for the Year 1852."

I now declare this Council to be prorogued to Monday the 1st March next.

H. E. F. YOUNG, Lieutenant-Governor.

Council Chamber, Adelaide, January 2, 1852.

Despatches from the Secretary of State.

SOUTH AUSTRALIA.

(No. 52.)

No. 1.

No. 1.

COPY of a DESPATCH from Earl GREY to Lieut.-Governor Sir H. YOUNG.

SIR, Downing Street, July 9, 1852.

I HAVE to acknowledge the receipt of your Despatch, No. 33,* of the 25th February, forwarding a copy of your address to the Legislative Council at the close of the last Session of that Council, together with the reply which was agreed to by that body on the occasion.

* Page 72.

Lieut.-Governor Sir H. Young,
&c. &c.

I have, &c.
(Signed) GREY.

(No. 62.)

No. 2.

No. 2.

COPY of a DESPATCH from Earl GREY to Lieut.-Governor Sir H. YOUNG.

SIR, Downing Street, August 13, 1851.

I HAVE laid before the Queen the Ordinance passed by the Legislature of South Australia, and enclosed in your Despatch, No. 32,* of the 25th February, entitled an "Ordinance to establish the Legislative Council of that Colony, and to provide for the Election of Members to serve in the same;" and I have to inform you that Her Majesty has been pleased to confirm this Ordinance.

* Page 72.

You will communicate Her Majesty's decision to the inhabitants of the colony under your government, by a proclamation to be published in the usual and most authentic manner.

Lieut.-Governor Sir H. Young,
&c. &c.

I have, &c.
(Signed) GREY.

(No. 82.)

No. 3.

No. 3.

COPY of a DESPATCH from Earl GREY to Lieut.-Governor Sir H. YOUNG.

SIR, Downing Street, November 4, 1851.

I HAVE received your Despatch, No. 88,* of the 5th of July last, and I approve of the proclamation which you have issued, and of the answer which you addressed to the Governor-in-Chief of the Australian possessions, upon receiving the notification of his having been invested with that appointment.

* Page 73.

Lieut.-Governor Sir H. Young,
&c. &c.

I have, &c.
(Signed) GREY.

(No. 1.)

No. 4.

No. 4.

COPY of a DESPATCH from Earl GREY to Lieut.-Governor Sir H. YOUNG.

SIR, Downing Street, January 2, 1852.

I HAVE to acknowledge the receipt of your Despatch, No. 112,* of the 20th August, enclosing copies of your address to the new Legislative Council at its first Session of the year 1851.

* Page 75.

Lieut.-Governor Sir H. Young,
&c. &c.

I have, &c.
(Signed) GREY.

82: FURTHER PAPERS *relative to the* ALTERATIONS

SOUTH
AUSTRALIA.
No. 5.

(No. 20.)

No. 5.

COPY of a DESPATCH from the Right Hon. Sir John S. PAKINGTON to
Lieut.-Governor Sir H. YOUNG.

* Page 80.

SIR, Downing Street, June 12, 1852.
I HAVE received your Despatch, No. 2,* of the 3d January last, reporting the termination of the first Session of the Legislative Council, under the recent Act for the better government of the Australian colonies, and enclosing minutes of the votes and proceedings of the Council during the Session, and a copy of your address on its prorogation.

I have great pleasure in expressing the satisfaction with which I have received this report of the manner in which the business of the Session has been conducted.

I have, &c.

(Signed) JOHN S. PAKINGTON.

Lieut.-Governor Sir H. Young,
&c. &c.

VAN DIEMEN'S LAND.

Despatches from Lieut.-Governor Sir W. Denison.

VAN
DIEMEN'S LAND.

No. 1.

(No. 30.)

No. 1.

COPY of a DESPATCH from Lieut.-Governor Sir W. DENISON to Earl GREY.

Government House, Van Diemen's Land,

February 17, 1851.

(Received, June 19, 1851.)

MY LORD,

(Answered, No. 132, July 4, 1851, page 92.)

I HAVE the honour to acknowledge the receipt of your Lordship's Despatch, No. 145,* dated 7th September 1850, containing a copy of the Act 13 & 14 Vict., chapter 59, intituled "An Act for the better government of the Australian Colonies," together with the necessary instructions for my guidance under certain contingencies which may perhaps occur when the Act is brought into operation.

2. The Act has been duly proclaimed, and the necessary steps for the election of the members of the new council will be taken as speedily as possible.

3. On looking over the clauses of the Act, I was struck with the wording of that part of the Clause 4 which defines those who are not entitled to exercise the right of voting.

The proviso to this clause is as follows:—

"Provided always, that no man shall be entitled to vote who has been attainted or convicted of treason, felony, or other infamous offence in any part of Her Majesty's dominions, unless he have received a free pardon, or one conditional on not leaving the colony, for such offence, or have undergone the sentence passed on him for such offence."

4. On reference to the Act 5 & 6 Vict. chapter 76, I find that the same expressions are made use in Clause 6 of that Act, and on examining the form of conditional pardon which was then issued to the convicts, I find that the words of the Act (which I may assume were intended to convey the right of voting to all convicts who had received a pardon, whether conditional or otherwise) did in point of fact correspond with those used in this document, the sole condition being that of not leaving the colony.

5. The form of pardon has, however, been materially altered, at all events in this colony. Here we have no wish at all to retain those to whom pardons have been granted, and the condition attached may be stated generally to be, that the convict should not return to Great Britain or to the colony from whence he was transported.

6. I forward, herewith, copies of the form now in use.

7. The effect, then, of this proviso of the fourth clause, worded as it is now, will be to disfranchise all those who, having received conditional pardons according to the latter form, have not yet undergone the whole of the sentence passed upon them, an effect which I do not imagine was contemplated by Her Majesty's Government.

8. It is true that by the Act power is given to the Legislative Council to alter or amend the provisions relating to the qualification of the electors, &c.; but I am afraid that jealousy of caste and the antagonistic feeling which has already exhibited itself between those who have been always free, and those who have at any time been convicts, might render it difficult to pass an Act for the sole purpose of extending the privilege of voting to persons holding conditional pardons. At all events, the attempt would probably originate opposition, which, whether successful or otherwise, would be productive of much bad feeling, and would tend to mark more strongly a line of demarcation, which it is most desirable, if possible, to obliterate.

9. Under these circumstances, I have thought it better to draw your Lordship's attention to the clause in question, in order that steps may be taken, should such be considered necessary, to amend the defect by an Imperial Act,—the effect of which would be to make clear the intention of the Legislature as to the political status of those persons who have received conditional pardons,—and to establish one uniform rule for all these colonies.

* Page 50. Papers relative to the Australian Constitution. By Command, 4th February 1851.

10. Those who have received pardons with other conditions attached than those mentioned in the Act will, of course, be disfranchised at the first election of members of the Legislative Council; but there will be ample time to remedy this, either by an Imperial or a Local Act previous to the second election.

VAN
DIEMEN'S LAND.

11. I shall, therefore, await your Lordship's instructions on the subject before I take any steps to introduce an Act into the Legislative Council of this colony, for the purpose of extending the franchise to all holders of a conditional pardon; though, should such an Act be introduced by a member unconnected with the Government, I should not attempt to oppose it.

I have, &c.
(Signed) W. DENISON.

Enclosure 1 in No. 1.

Encl. 1 in No. 1.

For persons who were tried in Great Britain or Ireland.

VAN DIEMEN'S LAND.

To all to whom these presents shall come, I, Sir WILLIAM THOMAS DENISON, Knight, Captain in the corps of Royal Engineers, Lieutenant-Governor of the island of Van Diemen's Land, and its dependencies, send greeting.

No.

Whereas _____ was tried at _____ in the year 18 _____ and arrived in this island in the year 18 _____; under sentence of transportation for _____. And whereas Her Majesty hath been pleased to signify to me Her approval, through one of Her principal Secretaries of State, of a pardon being granted to the said _____, upon condition that he shall not during the said period for which the said sentence was pronounced return to or be found within the United Kingdom of Great Britain and Ireland. Now therefore I, the said Sir WILLIAM THOMAS DENISON, in pursuance of the instructions to me in that behalf given and sent by the Secretary of State, and of the Act of Parliament, intituled "An Act to amend the Law affecting transported Convicts with respect to Pardons and Tickets-of-Leave," by this instrument in writing under the seal of the colony of Van Diemen's Land, grant to the said _____ a pardon, upon the condition that he shall not return to or be found within the United Kingdom of Great Britain and Ireland as aforesaid.

Per Ship

In testimony whereof I have hereunto set my hand and caused the seal of the colony of Van Diemen's Land to be hereunto affixed, at Hobart Town in Van Diemen's Land this _____ day of _____ in the year of our Lord one thousand eight hundred and _____

REGISTER B. FOLIO.

Comptroller-General.

Lieutenant-Governor.

[Then follows description of the said _____]

Enclosure 2 in No. 1.

Encl. 2 in No.

For persons tried in other colonies, or India or North America.

VAN DIEMEN'S LAND.

To all to whom these presents shall come, I, Sir WILLIAM THOMAS DENISON, Knight, Captain in the corps of Royal Engineers, Lieutenant-Governor of the island of Van Diemen's Land and its dependencies, send greeting.

No.

Whereas _____ was tried at _____ in the year 18 _____, and arrived in this island in the year 18 _____, under sentence of transportation for _____. And whereas Her Majesty hath been pleased to signify to me Her approval, through one of Her principal Secretaries of State, of a pardon being granted to the said _____, upon condition that he shall not during the said period for which the said sentence was pronounced return to or be found within _____ or the United Kingdom of Great Britain and Ireland. Now therefore I, the said Sir WILLIAM THOMAS DENISON, do, in pursuance of the instructions to me in that behalf given and sent by the Secretary of State, and of the Act of Parliament intituled "An Act to amend the Law affecting transported Convicts with

Per Ship

VAN
DIEMEN'S LAND.

respect to Pardons and Tickets-of-Leave," by this instrument in writing under the seal of the colony of Van Diemen's Land, grant to the said a pardon, upon the condition that he shall not return to or be found within or the United Kingdom of Great Britain and Ireland as aforesaid.

In testimony whereof I have hereunto set my hand, and caused the seal of the colony of Van Diemen's Land to be hereunto affixed, at Hobart Town in Van Diemen's Land, this day of in the year of our Lord one thousand eight hundred and

REGISTER C. FOLIO.

Comptroller-General.

Lieutenant-Governor.

[Then follows description of said

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Encl. 3 in No. 1.

Enclosure 3 in No. 1.

For Persons convicted a second time.

VAN DIEMEN'S LAND.

To all to whom these presents shall come, I, Sir WILLIAM THOMAS DENISON, Knight, Captain in the corps of Royal Engineers, Lieutenant-Governor of the Island of Van Diemen's Land, and its Dependencies, send greeting.

No.

WHEREAS was tried at in the year 18 , and received a sentence of transportation for and was also tried at in the year 18 , and received a sentence of transportation for : And whereas Her Majesty hath been pleased to signify to me Her approval, through one of Her principal Secretaries of State, of a pardon being granted to the said upon condition that he shall not during the said periods for which the said sentences were pronounced return to or be found within or the United Kingdom of Great Britain and Ireland. Now, therefore, I, the said Sir WILLIAM THOMAS DENISON, in pursuance of the instructions to me in that behalf given and sent by the Secretary of State, and of the Act of Parliament intituled "An Act to amend the Law affecting transported Convicts with respect to Pardons and Tickets-of-Leave," by this instrument in writing under the seal of the colony of Van Diemen's Land, grant to the said a pardon, upon the condition that he shall not return to or be found within or the United Kingdom of Great Britain and Ireland as aforesaid.

In testimony whereof I have hereunto set my hand, and caused the seal of the colony of Van Diemen's Land to be hereunto affixed, at Hobart Town, in Van Diemen's Land, this day of in the year of our Lord one thousand eight hundred and

REGISTER C. FOLIO.

Comptroller-General.

Lieutenant-Governor.

[Then follows description of the said

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Encl. 4 in No. 1.

Enclosure 4 in No. 1

For Persons convicted in Van Diemen's Land.

ISLAND OF VAN DIEMEN'S LAND.

To all to whom these presents shall come, I, Sir WILLIAM THOMAS DENISON, Knight, Captain in the corps of Royal Engineers, Lieutenant-Governor of the Island of Van Diemen's Land, and its Dependencies, send greeting.

No.

WHEREAS who was tried at in the Island of Van Diemen's Land in the year 18 , and received a sentence of transportation for , hath by his good conduct and behaviour appeared to me the said Lieutenant-Governor to be a fit object for the extension to him of a conditional remission of sentence: Now, therefore, in consideration of these premises, I, the Lieutenant-Governor aforesaid, by virtue of the power and authority in me in this behalf vested, do, by this instrument, remit all the residue or the remainder of the term of transportation yet to come and unexpired under the said sentence so passed upon the said as aforesaid, upon the express condition nevertheless that the said shall not continue to reside or be found within the said Island of Van Diemen's Land or its Dependencies

VAN
MEN'SLAND.

electoral districts were defined, and the Bill* thus completed was laid before the Legislative Council, by which, after having been carefully considered and modified in some instances, it has eventually been passed, and will be acted upon in the form in which I now submit it to your Lordship for Her Majesty's approval.

4. The principal points to which I wish to refer with regard to this Bill are—

1st. The division of the country into electoral districts.

2d. The provisions for registering the votes.

3d. The constitution of the court for the trial of contested elections.

4th. That portion of the Act, 13 & 14 Victoria, to which I have in a former Despatch called your Lordship's attention, namely, the limitation of the right of voting of the conditionally pardoned men to those who are compelled by the condition annexed to the pardon to remain in the colony.

5. The principles upon which the Government acted in dividing the country into electoral districts were—

First, to retain, as far as possible, known and recognized divisions, or in case this could not be done consistently with other and more essential conditions, to take some marked natural boundary, about the correctness of which no mistake could arise.

Secondly, to equalize as nearly as possible the number of electors in each rural district.

Thirdly, to give an adequate amount of representation to the commercial interests as represented by the towns, and to those of the agricultural and pastoral occupants of the rural districts.

6. The map showing the boundaries of the districts, and the accompanying return, which gives, in accordance with the information derived from the census, the number of free inhabitants above twenty-one years of age, and the number of houses in each electoral district, will give your Lordship an idea of the mode in which these requirements or principles have been carried into effect.

7. With regard to the town and country representation, I may add, that the two districts of Cornwall and Buckingham may be looked upon as suburban, and, as such, will be more likely to return a representative of the trading than of the agricultural interests.

8. In point of fact, however, at present the line of separation between these two classes is not so marked here as I believe it to be in New South Wales, and I do not anticipate that any attempt to legislate in favour of peculiar interests will be made, or that, if made, it will be successful.

9. With regard to the provision for registering the names of the electors, it was thought advisable to adopt the system of paid collectors, in accordance with that which has prevailed in New South Wales, in preference to the mode adopted in England of requiring each elector to register his own vote.

The districts in this colony are so extensive, and the places at which register offices could be established so few, that the adoption of the English system would have reduced very much the electoral roll, while many opportunities would have been offered for the insertion of the names of persons who might be in no way entitled to vote. The system has apparently worked well in New South Wales, for it has been continued in the new electoral Bill which has been adopted by the Legislative Council of the colony.

10. With regard to the constitution of the court for the trial of contested elections, it was at first intended to assimilate the practice here to that which has prevailed in New South Wales up to the present time; but, as the general feeling appeared to be that the court should be composed of members of the legislative body, the provisions embodied in clauses 32 and 33 were substituted for those contained in the original draft of the Bill.

The enactment making a majority of at least two thirds of the members present necessary to the nomination of the persons to constitute the court was introduced in order to obviate as far as possible the risk that a court composed of members of the council itself would represent the feelings and passions of a majority, however trifling such a majority might be.

* This Enactment will be found in the Appendix to the present Paper.

11. With regard to men who, having been transported to this colony, have received a conditional pardon, and have thus to a certain extent become possessed of the privilege of freemen, but whose right of voting is by the clause of the Act 14 Vict., cap. 59 restricted to those only to whom pardons have been granted on condition that they should remain in the colony, I have already in my Despatch, No. 30,* dated February 17, 1851, called your Lordship's attention to the hardship of their case; and all that it is necessary for me to do at present is to point out the provisions which have been made in the present Act in order to prevent the insertion of the names of persons so circumstanced upon the electoral lists.

* Page 84.

I have in former Despatches pointed out to your Lordship the difficulty, nay, the impossibility of bringing before a court of justice satisfactory legal evidence of the status of a prisoner transported to this colony. We have not the record of his conviction, nor a certified copy of it, and therefore were such a person to claim to have his name inserted in the electoral roll, even were he known to be a ticket-of-leave holder, that is, a convict, subject to all the restrictions and limitations which such a condition implies, the court of quarter sessions, not having before them or not being able to procure legal evidence of the fact of his trial, conviction, and sentence, would not be justified in refusing to admit his claim. A clause, No. 10, was therefore inserted in order to facilitate the proof of the status of those who might be at the time prisoners of the Crown, but it was not thought desirable to extend this so as to make it retrospective, and thus enable it to embrace those who had become free, although the conditions under which they had received their pardons might not be such as to entitle them to a vote. The hardship of the limitation in the clause of the Act 14 Vict., which in point of fact says that those who have received but a limited allowance of that freedom which is considered sufficient to entitle a man to the privileges conferred by the Bill, shall have it in his power to avail himself of that privilege, while those who have had bestowed upon them a more extended amount of freedom shall not be allowed to vote, will be made more apparent when I inform your Lordship that a great many have availed themselves of the offer made by Government to exchange the limited pardon which would have given them a vote for the more extended one which deprives them of the right. It was the acute feeling of this injustice, I have no doubt, that prompted the members, among whom was the Chief Justice, to vote against the retrospective action of the provision for facilitating the proof of the status of a convict.

12. I have now entered sufficiently into the details of the measure, which I herewith submit for Her Majesty's approval; and I have only to express my trust and belief that it will be found to work satisfactorily.

13. With regard to the other measures which were passed during the Session, and which are herewith submitted for Her Majesty's approval, they require but very little notice.

Nos. 13 and 14 were passed for the purpose of continuing enactments which had been passed in former Sessions for limited periods, and which would have expired had they not been prolonged by the enactments in question.

Nos. 15 and 16 were introduced for the purpose of amending road Acts, passed in former sessions, and which would otherwise have been hampered in their operation.

14. I trust that your Lordship will be able to advise Her Majesty to approve of these measures.

15. On reference to the minutes of the proceedings forwarded herewith, your Lordship will perceive that a resolution was submitted to the Council, and agreed to by the members, on the subject of the debt of 60,000*l.* owing by the colony to the British Treasury. A protest on the same subject is also appended to the minutes and signed by several members. As I propose to bring these more particularly under your Lordship's notice in a separate Despatch, I shall not further allude to them on the present occasion.

I have, &c.

The Right Hon. Earl Grey,
&c. &c.

(Signed) W. DENISON.

VAN
DIEMEN'S LAND.

Enclosure in No. 3.

Encl. in No. 3.

RETURN showing the Number of FREE MALES of the Age of Twenty-one Years and upwards, together with the Number of INHABITED HOUSES, in each Electoral District.

Name of Electoral District.	Number of Free Males, 21 years of age and upwards.	Number of Inhabited Houses.
Hobart Town	4,097	3,127
Launceston	2,336	1,644
Cornwall	800	596
Westbury	1,391	755
Longford	957	424
Morven	949	516
Campbell Town	872	471
Oatlands	898	452
Cumberland	821	462
Richmond	992	417
Brighton	702	409
Sorell	940	476
Buckingham	967	714
New Norfolk	603	362
Huon	805	567
Total -	18,130	11,392

No. 4.

(No. 8.)

No. 4.

COPY of a DESPATCH from Lieut.-Governor Sir W. DENISON to Earl GREY

Government House, Van Diemen's Land,
January 10, 1852.

(Received, May 15, 1852.)

MY LORD,

(Answered, No. 41, May 15, 1852, page 93.)

I HAVE the honour to inform your Lordship that the provisions of the Electoral Act, No. 1,* passed during the last Session of the Legislative Council, and which was submitted by me for Her Majesty's approval in a Despatch, No. 104,* dated 25th July last, have been duly carried into effect, the lists of voters were made out and revised, the writs for the election of the Members of Council issued, and the returns made to me, the last having been sent in on the 9th December.

* 15 Vict., No. 1.
* Page 166 of Appendix.
* Page 87.

2. As soon as the whole of these returns had been made, I exercised the power vested in me by the Imperial Act 13 & 14 Vict. chapter 49, to nominate eight Members of the Council in the following manner: I appointed

Mr. Peter Gordon Fraser, now acting as Colonial Secretary,

Dr. Adam Turnbull, now acting as Colonial Treasurer,

Mr. Valentine Fleming, Attorney General,

Mr. Francis Smith, jun., now acting as Solicitor General,

as the four official Members; and

John Leake, Esq.,

Edward Bisdee, Esq.,

William Race Allison, Esq., and

The Honourable Richard Gilbert Talbot,

as the four unofficial Members.

3. Of these latter the three first were Members of the former Legislative Council, and are fully entitled to the confidence which I have placed in them; and the last is a gentleman whose birth, education, and talents, as well as his position as the representative of one of the finest properties in the colony, fit him in every way to act as a Member of the Legislature.

VAN DIEMENS LAND,

DIVIDED INTO ELECTORAL DISTRICTS.



4. With regard to the official members, the three first are from their position necessarily Members of the Legislative Council, and I appointed Mr. Francis Smith, the acting Solicitor General, in preference to any other of the officers of the Government, in order to have the benefit of his talents and power as a debater in the various questions which must necessarily be brought under discussion.

I submit the names of these gentlemen, trusting that your Lordship will be able to recommend Her Majesty to approve of the selections which I have made.

The Right Hon. Earl Grey,
&c. &c.

I have, &c.
(Signed) W. DENISON.

VAN
DIEMEN'S LAND.

VAN DIEMEN'S
LAND.

Despatches from the Secretary of State.

No. 1.

(No. 132.)

No. 1.

COPY of a DESPATCH from Earl GREY to Lieut.-Governor Sir W. DENISON.

SIR,

Downing Street, July 4, 1851.

* Page 84.

I HAVE received your Despatch, No. 30,* of the 17th February last, in which you call my attention to that part of the 4th clause of the Act 13 & 14 Vict. cap. 59, for the better government of the Australian colonies, which defines the description of persons not entitled to exercise the right of voting at elections, and point out that by the wording of that clause, the majority of those persons who may have received a conditional pardon would be rendered incapable of voting until the expiration of their sentences.

In reply to your suggestion, it appears to me that this is a point which may more properly be rectified by the local Legislature, under the authority vested in them by the Act of Parliament; and you are authorized to propose to them a Bill for that purpose.

Lieut.-Governor Sir W. Denison,
&c. &c.

I have, &c.
(Signed) GREY.

No. 2.

(No. 9.)

No. 2.

COPY of a DESPATCH from the Right Hon. Sir JOHN S. PAKINGTON to Lieut.-Governor Sir W. DENISON.

SIR,

Downing Street, March 10, 1852.

* Page 87.

I HAVE to signify to you the confirmation and allowance, by the Queen, of the Acts passed by the Legislature of Van Diemen's Land which were submitted for consideration in your Despatch of the 25th July 1851, No. 104,* and are entitled, —

14 Vict.

No. 13. "An Act to continue the Act of Council or Ordinance of this Island, intituled An Act to repeal the Act of Council of this Island, intituled "An Act for the Regulation of Vehicles conveying Passengers for Hire within the Towns of this Island, and to substitute other Provisions in lieu thereof."

No. 14. "An Act to continue the Act of Council or Ordinance of this Island, intituled An Act to amend certain Acts of Council of this Island, intituled respectively An Act to consolidate and amend the Laws relating to the Sale by Retail of Wine and Malt and Spirituous Liquors, and to promote good Order in Public Houses, and an Act to amend an Act passed in the Fourth Year of the Reign of His late Majesty King William the Fourth, intituled An Act to consolidate and amend the Laws relating to the Sale by retail of Wine and Malt and Spirituous Liquors, and to promote good Order in Public Houses."

14 Vict.

No. 15. "An Act to amend the Act of Council of this Island, intituled An Act for making, repairing, and maintaining certain Roads in the District of "Hamilton."

14 Vict.

No. 16. "An Act to amend the Act of Council of this Island, intituled An Act for making, repairing, and maintaining the Road leading from the Township of Bothwell to the Main Road, and for making, repairing, and maintaining other Roads in the District of Bothwell."

No. 1. "An Act to provide for the Establishment of a Legislative Council, the Division of the Colony of Van Diemen's Land into Electoral Districts, and the Election of Members to serve in such Legislative Council."

With respect to the last and most important of these enactments it is unnecessary that I should remark upon the principle of that measure, as the subject has been disposed of in the previous correspondence with my predecessor.

But, adverting to the tenth paragraph of your covering Despatch, I see no reason to object to the constitution of the Committee for determining questions relating to controverted elections. I observe, however, that while the 32d section provides that no election of a Committee by the Legislative Council shall be valid unless it obtains the concurrence of two thirds of the members present, it does not provide any mode of nominating a Committee, when such an agreement cannot be arrived at. Probably this defect has already attracted the attention of the Legislature; but it is certainly one which ought to be removed. I observe, also, that it is not laid down whether each member of such Committee is to be elected singly or the whole by one vote; but this is a matter of detail which probably will be settled by a resolution of the Council.

I have not thought it right to interfere with the allowance of the Bothwell Road Act No. 16, as the principle which it recognizes of assessing unoccupied Crown lands has already been sanctioned. But in your Despatch of the 26th December 1849, No. 190, transmitting for the royal confirmation a former Act, 13 Victoria, No. 5, which the present law amends, you pointed out, and I think very forcibly, the inconvenience which might sometimes arise from thus assessing Crown lands, remarking that in some districts the amount claimable from the Crown might exceed the whole land revenue therein accruing.

I do not observe in your present Despatch any reasons for modifying these views; but I feel confident that this subject will not escape your attention, and that you will be able to prevail upon the Legislature to remedy any evil which may be found to result from the measure which Her Majesty has been pleased to sanction.

I have, &c.
(Signed) JOHN S. PAKINGTON.

Lieut.-Governor Sir W. Denison,
&c. &c.

(No. 41.)

No. 3.

No. 3.

COPY of a DESPATCH from the Right Hon. Sir JOHN S. PAKINGTON to
Lieut.-Governor Sir W. DENISON.

SIR,

Downing Street, May 28, 1852.

I HAVE laid before the Queen your Despatch, No. 8,* of the 10th January last, addressed to my predecessor, in which you submit the names of the several persons whom, by virtue of the powers which are vested in you, you have, subject to Her Majesty's pleasure, appointed to be non-elective members of the Legislative Council of Van Diemen's Land. I now transmit to you Her Majesty's Royal Warrant, ratifying and confirming those appointments.

* Page 90.

I have to observe that it might have been more convenient that you should have designated the official members of the Legislative Council as office holders, and not by their names. By having recourse to this alternative you would have avoided the necessities of filling up their places by new appointments as they became vacant.

May 27, 1852.

By the arrangement which you have actually made, Mr. Chapman, if he should accept the office of Colonial Secretary, must be especially appointed to the Council; Mr. Fraser, being appointed by name, will retain his place, although he will resume the office of Treasurer; Dr. Turnbull will virtually resign his place in the manner pointed out by the Act of the 5th and 6th of the Queen, cap. 76; and Mr. Francis Smith will equally have to vacate his place to make way for Mr. Stonor, who, as you will, I suppose, select him to be one of the official non-elective members, must receive a special appointment.

I have, &c.
(Signed) JOHN S. PAKINGTON.

Lieut.-Governor Sir W. Denison,
&c. &c.

[The text in this section is extremely faint and illegible due to the quality of the scan.]

APPENDIX.

96 APPENDIX to FURTHER PAPERS *relative to the* ALTERATIONS

NEW SOUTH WALES AND VICTORIA.

NEW SOUTH
WALES
AND VICTORIA.

Appendix No. 1.

COPY of a CIRCULAR DESPATCH from Earl GREY to the Governors of the Australian Colonies.

SIR,

Downing Street, 19th April 1851.

WITH reference to my Despatch of the *8th August last, on the subject of the customs establishment in the colony under your government, I have to acquaint you that I have since been in communication with the Lords Commissioners of the Treasury, with reference to certain arrangements which would become necessary, especially as regards the delegation to colonial officers after the transfer of the existing customs establishments to the colonial Governments, of such powers and functions as in the case of colonies which had been subject to the Imperial duties, imposed by the Act for regulating the trade of British possessions, have been vested in the Comptroller of Customs and Navigation Laws, and likewise as regards the preparation and punctual transmission by those officers of returns relating to trade and navigation.

It is the intention of Her Majesty's Government that the control of these establishments, and all future appointments in them, should be transferred to the respective Colonial Governments from such date, after the receipt in each colony of these and of corresponding instructions which will be addressed by the Commissioners of Customs to their officers, as may be arranged by the respective Governments and Legislatures; and thereupon the deductions from the officers salaries on account of the superannuation fund, under the provisions of the Act 4 & 5 W. 4. c. 24., will be discontinued, and any grants of superannuation or retired allowance, in respect of services subsequent to the date of the transfer of the establishment, will depend upon the Colonial Governments and Legislatures. At the same time it will be your duty to avail yourself, as much as possible, of the continued services of the officers on the present establishment.

As it appears to be essential for the interests and accommodation of the local traders and ship owners in the colonies to which the present arrangement is applicable, that officers should be stationed in them, competent and duly empowered to perform similar duties to those devolving on the Comptroller of Customs and Navigation Laws in the American and West Indian Colonies, Her Majesty's Government propose that provision for that purpose should be made by the Commissioners of Customs, by conferring the requisite powers in that respect on the colonial officers of customs, requiring at the same time, as a condition of the accommodation so to be afforded to the colonists, that it shall be incumbent on those officers to furnish such returns or other documents relating to trade, as are required for the information of the Imperial Government and Parliament, as well as perform the other functions attaching to the appointment of Comptroller of Customs and Navigation Laws.

You will be further informed of the details of this arrangement, and such deputations and instructions will be transmitted to you for the principal or other customs officers in as may be requisite.

I have, &c.

(Signed) GREY.

* Page 42. Papers relative to Alterations in the Australian Constitution, presented to both Houses of Parliament by Command, 4th February 1851.

NEW SOUTH
WALES
AND VICTORIA.

Appendix No. 2.

POPULATION OF THE PROPOSED ELECTORAL DISTRICTS.

PROXIMATE RETURN of the POPULATION, HOUSES, LAND under Culture, and STOCK, within the proposed Electoral Districts of NEW SOUTH WALES.

Proposed Electorates.	Population. 1846.	Houses. 1846.	Population. 1851.	Houses. 1851.	Acres in Cultivation, 1850.	Live Stock equated as Sheep. 1850.*	Licences.
1. Argyle	3,740	353	3,941		7,080	379,025	
1. Bathurst Wellington	2,435 970	292 90	4,802 1,620		4,001 546	446,132 172,133	
	3,405	382	6,422		4,546	618,265	
1. Camden West East or Illawarra	3,914 3,790	- -	3,962 5,279		- -	- -	
	7,704	1,386	9,241		14,063	278,468	
1. Cook Hunter	3,536 1,190	654 222	3,475 1,083		7,978 3,012	85,817 66,511	
	4,726	876	4,558		10,990	152,328	
2. Cumberland	21,240	3,941	23,000†		28,130	252,255	
1. Durham	6,988	1,159	8,000		19,647	448,040	
1. Gloucester Macquarie	2,024 1,973	419 316	2,663 1,636		4,385 1,278	195,690 125,200	
	3,997	735	4,299		5,663	320,890	
1. King Georgiana	1,651 953	244 101	2,206 1,539		2,910 2,245	320,864 396,954	
	2,604	345	3,745		5,155	717,818	
1. Murray St. Vincent	2,254 1,896	245 326	2,955 2,303		4,126 4,073	401,783 237,506	
	4,150	571	5,258		8,199	639,289	
1. Northumberland	7,292	1,527	8,066		16,310	269,419	
1. Philip Brisbane Bligh	641 1,237 593	39 148 65	674 1,700 1,108		868 1,204 157	100,611 233,751 194,316	
	2,476	252	3,500		2,229	528,678	
1. Roxburgh Westmoreland	1,889 1,575	253 260	2,192 1,662		2,568 1,717	335,375 161,730	
	3,464	513	3,854		4,285	497,105	
1. Stanley	1,599	257	4,000		148	71,307	
1. Maneroo	3,004	262	3,688		1,840	1,041,052	179
1. Murrumbidgee	2,592	243	4,000		2,175	1,599,867	259

*This column includes the live stock belonging to the towns situated within the respective electoral districts. The horses and cattle are equated as sheep, at the rate of 160 of the former to 1,000 of the latter.

† Wherever the quantities are stated in round numbers they are to be considered as approximations, the returns not having been all obtained.

Proposed Electorates.	Population.	Houses.	Population.	Houses.	Acres in	Live Stock	Licences.
	1846.	1846.	1851.	1851.	Cultivation.	equated	
	1850.				1850.	as Sheep.	
						1850.	
1. Lachlan Lower Darling	2,198	209	3,500		1,236	1,260,549	—
	-	-	1,000		-	185,430	—
	2,198	209	4,500		1,236	1,445,979	259
1. Wellington Bligh	1,199	92	1,478		187	766,693	—
	788	70	1,286		250	593,460	—
	1,987	162	2,764		437	1,360,153	335
1. Liverpool Plains Gwyder	2,110	233	3,500		166	1,281,681	209
	-	-	737		102	897,778	110
	2,110	233	4,200		268	2,179,459	319
1. New England M Leay	2,231	114	4,191		2,345	1,497,119	136
	466	52	391		367	110,662	34
	2,697	166	4,582		2,712	1,607,781	170
1. Clarence Darling Downs	1,225	72	2,000		288	528,244	—
	658	45	2,156		306	855,000	—
	1,883	117	4,000		594	1,383,244	136
1. Morston Wide Bay Burnett Maranoa	268	14	500		96	384,631	94
	-	-	350		2	26,844	
	-	-	844		-	359,079	10
	-	-	85		-	45,537	
	268	14	1,800		98	816,091	104
Sydney	38,358	7,109	44,168				
1. Hamlets	5,399	1,327	8,000				
1. Parramatta	4,454	832	4,293				
1. Midland Boroughs:—							
Windsor	1,679	424	1,422				
Liverpool	601	103	397				
Campbelltown	541	104	529				
Richmond	746	147	736				
Penrith	291	63	483				
Pitt Town	229	48	210				
Camden Village	242	52	342				
	4,329	941	4,119				
1. Western Boroughs:—							
Bathurst	1,883	364	2,252				
Kelso	464	96	339				
Hartley	62	12	88				
Carcoar	73	14	303				
	2,482	486	2,982				
1. Southern Boroughs:—							
Goulburn	1,171	228	1,525				
Berrima	377	55	192				
Queanbeyan	208	54	372				
Braidwood	206	41	214				
Yass	274	55	653				
	2,236	433	2,956				
1. Northern Boroughs:—							
Morpeth	635	154	1,176				
Paterson	141	23	86				
East Maitland	910	227	1,040				
West Maitland	2,409	558	3,118				
Singleton	565	127	635				
Muswellbrook	208	48	204				
Scone	117	24	200				
Murrurundi	52	11	88				
	5,037	1,172	6,500				

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NEW SOUTH
WALES
AND VICTORIA.

Proposed Electorates.	Population. 1846.	Houses. 1846.	Population. 1851.	Houses. 1851.	Acres in cultivation. 1850.	Live Stock equated as Sheep. 1850.	Licences.
I. North-eastern Boroughs:-							
Newcastle City and Suburbs	1,471	193	{ 971 333	{ 153 59			
Stockton	112	20	166	37			
Raymond Terrace	263	53	313				
Dungog	124	25	284				
Clarence Town	93	18	194				
Gosford	53	16	211*				
	2,116	325	2,472				

* East 116. West 95.

SUMMARY.

Proposed Electorates.	Population. 1846.	Houses. 1846.	Population. 1851.
14 Thirteen County Districts	73,385	12,532	87,000
8 Eight Pastoral Districts	16,739	1,406	30,000
10 Eight Urban Districts	64,410	12,625	75,000
32 Members.	154,534	26,563	192,000

POPULATION OF THE PROPOSED ELECTORAL DISTRICTS
OF VICTORIA.

PROXIMATE RETURN of the POPULATION, LIVE STOCK, &c. within the proposed
Electoral Districts of VICTORIA.

No. of Members.	Proposed Electorates.	Population. 1851.	Live Stock, returned for As- sessment, equated as Sheep. 1851.	Licences.
2	Bourke - { North of Yarra - - - 13,092 } - { South of Yarra - - - 4,377 }	17,469	132,733	28
1	Grant - - - - -	4,469	352,629	44
1	Normanby - - - - -	1,505	388,928	57
	Dundas - - - - -	911	459,812	40
	Follet - - - - -	648	120,960	32
		3,064	969,700	129
1	Villiers - - - - -	2,705	521,361	46
	Heytesbury - - - - -	59	70,175	13
		2,764	591,536	59
1	Ripon - - - - -	814	395,576	26
	Hampden - - - - -	789	490,460	35
		1,603	886,036	61
1	Grenville - - - - -	392	279,037	31
	Polwarth - - - - - (Includes a Portion of Grenville.)	1,552	159,366	22
		1,944	538,403	53
1	Talbot - - - - -	893	272,320	25
	Dalhousie - - - - -	790	221,915	28
	Anglesey - - - - -	568	199,006	28
		2,251	693,241	81

No. of Members.	Proposed Electorates.	Population. 1851.	Live Stock returned for Assessment, equated as Sheep. 1851.	Licences.
1	Evelyn Mornington	879	{ 23,214 93,760	{ 9 41
			116,974	50
1	Gipps Land	1,770	360,913	65
1	Murray District	2,693	1,069,185	146
1	Loddon District	1,127	693,889	76
1	Wimmera District (Includes a Portion of the Loddon District.)	2,019	1,114,755	125
3	Melbourne	23,143		
2	Geelong	8,243		
1	Portland Belfast Warnambool	1,025 964 383		
		2,372		
1	Kilmore Kyneton Seymour	1,137 296 117		
		1,550		

The Census having been taken in "Police Districts," which extend in some instances over portions of several adjacent Counties or Electoral Districts, the population has been divided into the several Electoral Districts as accurately as the present Returns admit of.

The population of Victoria, according to the papers received, which, it is believed, complete the Census, is 77,360.

Horses and Cattle are equated as Sheep at the rate of 160 of the former to 1,000 of the latter.

Sheep and Cattle not returned for Assessment, as far as they can be ascertained, in the "Settled Districts" of the Counties of Bourke, Evelyn, and Mornington are—

Cattle and Horses - - 31,766 Sheep - - 309,572

Returned for Assessment in Intermediate and Pastoral Districts of Victoria—

Cattle and Horses - - 321,178 Sheep - - 5,479,201

SUMMARY.

No. of Members.	Proposed Electorates.	Population. 1851.
3	Two Agricultural Counties	21,938
7	Seven intermediate Districts, including Gipps Land	14,275
3	Pastoral Districts	5,839
7	Four Urban Districts	35,308
20		77,360

Appendix No. 3.

A STATEMENT of the Revenue and Expenditure of the Colony of New South Wales during the Ten Years from 1839 to 1848.

Year ended 31st Dec.	REVENUE.								Expenditure.	REMARKS.
	Crown Revenue.					Ordinary Revenue.	Total Local Revenue.			
	From Sales of Land.		Other Receipts from Land.	Other Heads of Crown Revenue.	Total Crown Revenue.					
	Amount received in the Colony.	Amount received in Certificates from England.								
	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.		
1839	152,962 16 4	- - -	19,311 3 6	14,665 7 1	186,939 6 11	240,429 1 11	427,968 8 10	567,966 17 8½	This return includes the following receipts and disbursements by the Colonial Agent General and the Colonial Land and Emigration Commissioners in England, viz. :-	
1840	314,626 7 5	- - -	28,031 19 3	29,346 15 3	372,005 1 11	310,468 9 9	682,473 11 8	529,845 13 5½		
1841	90,387 16 10	- - -	29,937 6 8	1,194 0 8	121,519 4 2	373,655 1 6½	495,174 5 8½	741,048 7 4½		
1842	14,574 10 4	200 0 0	46,942 11 5	- - -	61,717 1 9	367,213 16 9	428,980 18 6	503,913 6 5½		
1843	10,756 11 6	- - -	39,124 5 6	6,698 19 6	56,579 9 6	294,311 14 8½	350,891 4 2½	343,889 18 2½		
1844	7,402 18 6	90 0 0	30,450 12 1	6,374 15 1	44,318 5 8	266,724 19 5	311,043 5 1	339,344 17 9		
1845	27,137 10 8	332 8 0	44,745 16 0	7,858 6 3	80,074 0 11	283,945 16 2	364,019 17 1	284,164 8 9		
1846	27,060 15 7	- - -	47,570 12 9	7,297 8 6	81,928 16 10	264,552 6 4	346,481 3 2	291,795 3 8½		
1847	60,320 8 2	- - -	58,067 10 3	4,860 9 2	123,248 7 7	273,011 7 0	396,259 14 7	334,886 9 6½		
1848	45,978 10 1	1,000 0 0	51,859 7 8	4,152 7 1	102,990 4 10	294,872 12 1	397,862 16 11	462,593 18 0½		
Totals -	751,308 5 3	1,622 8 0	396,041 5 1	82,448 1 7	1,231,320 0 1	2,969,185 5 8½	4,200,505 5 9½	4,392,449 1 0	Totals -	

Year.	Receipts.		Disbursements.	
	By the Colonial Agent General.	By the Land and Emigration Commissioners.	By the Colonial Agent General.	By the Land and Emigration Commissioners.
	£ s. d.	£ s. d.	£ s. d.	£ s. d.
1839	-	-	78,881 12 4	-
1840	2,000 0 0	-	48,257 10 10	-
1841	-	-	12,599 18 0	-
1842	-	-	9,626 17 10	-
1843	-	-	7,391 13 1	-
1844	-	-	6,587 11 3	-
1845	1,142 14 9	10,086 19 6	6,439 8 5	10,169 17 7
1846	361 9 8	-	4,814 12 10	-
1847	255 11 0	-	9,510 17 6	-
1848	-	-	13,139 16 1	-
Totals -	3,759 15 3	10,086 19 6	97,249 18 2	10,169 17 7

A STATEMENT of the Revenue and Expenditure of the Colony of New South Wales in the Years 1849 and 1850.

NEW SOUTH WALES AND VICTORIA.

Reference to Remarks.	Revenue.	1849.	1850.	Totals.	REMARKS.
	CROWN REVENUE.	£ s. d.	£ s. d.	£ s. d.	
	From Sales of Land:—				
1	Amount received in the Colony -	95,923 7 3	144,956 14 11	240,880 2 2	No. 1. This column shows the amount actually received within the calendar year.
2	Amount received in certificates from England -	3,238 8 11	732 10 0	3,970 18 11	No. 2. This column shows the extent to which credit has been claimed within the year by parties purchasing land under certificates of deposits granted by the Colonial Land and Emigration Commissioners.
3	Other receipts from Land	57,074 8 11	54,604 11 8	111,679 0 7	No. 3. Includes leases, licences, quit rents, and fees.
	Other heads of crown revenues -	6,518 16 8	5,232 14 10	11,751 11 6	
4	Total Crown revenues	162,755 1 9	205,526 11 5	368,281 13 2	
	Ordinary or general revenue -	323,762 12 1	356,715 14 7	680,478 6 8	No. 4. The amount stated in this column is exclusive of all sums not constituting real revenue; such as, sums received for remittance to England; repayment of loans; sums raised by debentures; balances received from public officers on account of advances previously made to them; and sums received for supplies furnished to other colonies.
	Total, local revenue -	486,517 13 10	562,242 6 0	1,048,759 19 10	
	EXPENDITURE.				
5	Total expenditure -	490,833 10 1	522,617 0 9	1,013,450 10 10	No. 5. In like manner the amount shown in this column is exclusive of all sums not constituting real expenditure, such as advances to public officers on account; loans to other colonies; and remittances to England. Note.—This return includes the following disbursements by the colonial agent general in England; viz.— 1849 - £11,532 9 8 1850 - 11,561 12 11 Total - £23,094 2 7

Audit Office, Sydney, New South Wales,
3d April 1851.

WM. LITHGOWE,
Auditor-General.

NEW SOUTH WALES.

RETURN of the Population, Trade, and Immigration of the Colony of New South Wales (including the District of Port Phillip) for the Years 1849 and 1850.

Year.	Population on 31st December in each Year.			Immigration.	TRADE.					
	Free.	Bond. - See Note (A.)	Total.		Imports Value.	Exports Value.	Shipping.		Wool exported.	
							Inwards.	Outwards.	Quantity.	Value.
1849	242,782	3,517	246,299	19,340	£ 1,793,420	£ 1,891,270	Tons. 218,967	Tons. 214,056	lbs. 27,963,530	£ 1,238,559
1850	263,139	2,364	265,503	8,856	2,078,338	2,399,580	234,215	263,849	32,361,829	1,614,241

REMARKS.—The population returns have been taken from the Blue Book. They include the "military" but not the "aborigines."

The immigration returns have been furnished by the agent for immigration. They include immigrants both at the public and at their own expense.

The trade returns have been taken from the printed statistics.

(A.) The bond population given above includes the following numbers of convicts who held "tickets of leave," viz.:

Year 1849	-	-	-	2,818
" 1850	-	-	-	1,626

Colonial Secretary's Office,
Sydney, New South Wales, August 1, 1851.

E. DEAS THOMSON,
Colonial Secretary.

Appendix No. 4.

NEW SOUTH
WALES
AND VICTORIA.

ANNO DECIMO QUARTO VICTORIÆ REGINÆ

By his Excellency Sir CHARLES AUGUSTUS FITZROY, Knight Companion of the Royal Hanoverian Guelphic Order, Captain General and Governor-in-Chief of the Territory of New South Wales and its Dependencies, and Vice-Admiral of the same, with the Advice and Consent of the Legislative Council.

Cap. 45.

An Act* to preserve the Jurisdiction and Authority of public Officers and Magistrates within the Colony of Victoria, until new Commissions shall have issued.

[Assented to, 2d May 1851.]

Preamble.

13 & 14 Vict. c. 59.

WHEREAS by an Act of the Imperial Parliament, passed in the session of the thirteenth and fourteenth years of the reign of Her present Majesty Queen Victoria, intituled "An Act for the better Government of Her Majesty's Australian Colonies," it is amongst other things enacted, that after such provisions for establishing electoral districts as therein mentioned shall have been made by the Governor and Legislative Council of New South Wales, and upon the issuing of the writs for the first election in pursuance thereof, the territories comprised within the district of Port Phillip shall be separated from the colony of New South Wales, and that thereupon the powers of the Governor of New South Wales over and in respect of the colony of Victoria shall cease: And whereas by the said recited Act it is provided that until a court of judicature, to be styled "The Supreme Court of the Colony of Victoria," shall be established by Her Majesty within the said colony of Victoria, all the authorities, powers, and jurisdictions of the supreme court of New South Wales, and of the judges thereof, within and in respect of the said colony of Victoria, shall remain as if the said recited Act had not been passed, or until the same shall be varied by an Act of the Governor and Council of the said colony of Victoria: And whereas no such or the like provision is made by the said recited Act of Parliament in respect of any other powers, authorities, and jurisdictions within the said colony of Victoria: And whereas doubts may arise whether the authorities, powers, and jurisdictions, duties, and obligations of justices of the peace and of all civil officers within the said district of Port Phillip holding commissions and appointments under the government of New South Wales will not, by reason of such separation, be thereupon suspended until revived by new commissions and appointments under the future government of the said colony of Victoria: And whereas it is expedient to prevent such doubts, and to make provision for the preservation of all such jurisdictions, powers, authorities, duties, and obligations: Be it therefore enacted, by his Excellency the Governor of New South Wales, with the advice and consent of the Legislative Council thereof, That all justices of the peace for the territory of New South Wales who at the time when this Act shall receive the royal assent shall be commonly resident within the district of Port Phillip, and all persons who at the said time shall hold commissions as justices of the peace for the city of Melbourne and for the town of Geelong respectively, and all and every public officer or servant who at the said time shall hold any office or employment within the said district of Port Phillip, shall and may lawfully continue to act in their several capacities, and to discharge their respective duties, and shall and may hold and exercise, in the same manner and subject to the like obligations as if the said recited Act had not been passed, their several authorities, jurisdictions, and powers within the territorial limits now comprised within the said district of Port Phillip, or within the said city of Melbourne and town of Geelong respectively, or at or within the places to which their several duties relate or appertain, as the case may require, until new commissions and appointments shall have been issued under the government of the colony of Victoria in the place of the previous commissions and appointments of such justices, officers, and public servants, or whereby or by the effect whereof such previous commissions and appointments shall have been revoked, or until and unless any such justice, officer, or public servant shall have been removed from his

Jurisdiction of public functionaries at Port Phillip to continue until new commissions and appointments shall have been issued and made under the Government of the colony of Victoria.

* Earl Grey's Despatch to Sir C. FitzRoy, No. 142., 21st November 1851, conveys Her Majesty's confirmation of this enactment. See page 24.

office or place by the governor or officer administering the government for the time being within the said territorial limits of the district of Port Phillip, anything in any law contained to the contrary notwithstanding.

NEW SOUTH WALES.

Passed the Legislative Council, this twenty-ninth }
 day of April One thousand eight hundred and }
 fifty-one. }

CHARLES NICHOLSON,
 Speaker.

WM. MACPHERSON, Clerk of the Council.

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

CHS. A. FITZROY,
 Governor.

Govt House, Sydney, 2d May 1851.

Appendix, No. 5.

ANNO DECIMO QUARTO VICTORIÆ REGINÆ.

No. 47.

An Act* to provide for the Division of the Colony of Victoria into Electoral Districts, and for the Election of Members to serve in the Legislative Council.

[Assented to, 2d May 1851.]

WHEREAS by an Act of the Imperial Parliament of Great Britain and Ireland, passed in the fifth and sixth years of the reign of Her Majesty Queen Victoria, intituled "An Act for the Government of New South Wales and Van Diemen's Land," it was amongst other things enacted, that there should be within the colony of New South Wales a Legislative Council, to be constituted in the manner and for the purposes therein mentioned: And whereas by a certain other Act of the said Parliament, passed in the thirteenth and fourteenth years of Her said Majesty's reign, intituled "An Act for the better Government of Her Majesty's Australian Colonies," after providing for the separation from the colony of New South Wales of the territories comprised within the district of Port Phillip, and its erection into a separate colony, to be known and designated as the colony of Victoria, it is amongst other things enacted, that there shall be within and for the said colony of Victoria a separate Legislative Council, to consist of such numbers of members as shall be determined by the Governor and Legislative Council of New South Wales, in such manner as is therein directed; and it is thereby further enacted, that after the proclamation of the said Act in the colony of New South Wales it shall be lawful for the Governor and Legislative Council of New South Wales, by an Act to be for that purpose made and enacted in the manner and subject to the conditions now by law required in respect of Acts made and enacted by the said Governor and Council, to determine the number of members of which the Legislative Council of the colony of Victoria shall consist; and also to make the necessary provisions for dividing the territories comprised within the said colony into convenient electoral districts, and for appointing and declaring the number of members of the Council of the colony of Victoria to be elected for each such district, and for the compilation and revision of lists of all persons qualified to vote at the elections to be holden within the several districts of the said colony, and for the appointing of returning officers, and for the issuing, executing, and returning of the necessary writs for such elections, and for taking the poll thereat, and for determining the validity of all disputed returns, and otherwise for ensuring the orderly, effective, and impartial conduct of such elections: And whereas it is expedient to fix the number of members to serve in the said Legislative Council, and otherwise to provide for the division of the said colony into electoral districts, and for the several other matters by the said Act required: Be it therefore enacted by his Excellency the Governor of New South Wales, with the advice and consent of the Legislative Council thereof, That the Legislative Council of the said colony of Victoria shall consist of thirty members, ten of whom shall be appointed by Her Majesty according to the provisions in the first above-recited Act in that behalf contained, and twenty of whom shall from time to time be elected by the inhabitants of the said colony in the manner herein-after mentioned.

Preamble.

5 & 6 Vict. c. 76.

13 & 14 Vict. c. 59.

NUMBER OF MEMBERS.

Legislative Council to consist of thirty members.

ELECTORAL DISTRICTS.

Victoria to be divided into sixteen electoral districts.

II. And be it enacted, That the said colony of Victoria shall be divided into electoral districts for the purpose of returning members to serve in the said Legislative Council in manner following; that is to say — (1) The northern division of the county or reputed county of BOURKE; (2) the southern division of the county or reputed county of BOURKE and the counties or reputed counties of EVELYN and MORNINGTON; (3) the county or reputed county of GRANT; (4) the united counties or reputed counties of NORMANBY, DUNDAS, and FOLLETT; (5) the united counties or reputed counties of VILLIERS and HEYTESBURY; (6) the united counties or reputed counties of RIPON, HAMPDEN, GRENVILLE, and POLWARTH; (7) the united counties or reputed counties of TALBOT, DALHOUSIE,

* Earl Grey's Despatch to Sir C. FitzRoy, No. 142, 21st November 1851, conveys Her Majesty's confirmation of this enactment. See page 24.

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and ANGLESEY; (8) the pastoral district of GIPPS LAND; (9) the pastoral district of MURRAY, with the exception of such part thereof as is comprised within the county or reputed county of Anglesey; (10) the pastoral district of the LODDON (heretofore known as WESTERN PORT), with the exception of such parts thereof as are comprised within the counties or reputed counties of DALHOUSIE, BOURKE, ANGLESEY, EVELYN, MORNINGTON, and TALBOT; (11) the pastoral district of the WIMMERA; (12) the city of MELBOURNE; (13) the town of GEELONG; (14) the town of PORTLAND; (15) the united towns of BELFAST and WARRNAMBOOL; and (16) the united towns of KILMORE, KYNETON, and SEYMOUR.

Members to be returned by each.

III. And be it enacted, That the city of Melbourne shall return three members to serve in the said Legislative Council; the town of Geelong, and the northern division of the county or reputed county of Bourke, shall each return two members; and that every other electoral district shall return one member to serve in the said Council.

Boundaries of electoral districts.

IV. And be it enacted, That the boundaries of the several electoral districts herein-before mentioned shall, for the purposes of this Act, be deemed and taken to be the boundaries set forth in the schedule hereunto annexed marked A.

Schedule A.

Towns, &c. to be excluded from counties.

V. Provided always, and be it enacted, That no part of the city of Melbourne, or of the towns, boroughs, or hamlets, which either alone or together form a separate electoral district, shall, for the purposes of this Act, be deemed to be included in the county or counties within the limits of which they are situated; nor shall any person be entitled to vote for the election of a member to represent any such county or counties in respect of any qualification situate within such separate electoral district as aforesaid.

RETURNING OFFICERS.

Mayors of Melbourne and Geelong to be returning officers.

VI. And be it enacted, That the mayors of the city of Melbourne and the town of Geelong shall be the returning officers of the electoral districts of Melbourne and Geelong, unless either of them shall signify to the Governor his desire to be excused from acting as such returning officer, on the ground either of intending to become a candidate at such election, or of ill health, or inability to act; and in the event of his so signifying to the Governor his desire to be excused, or his inability to act, or in the event of the office of mayor being vacant, it shall and may be lawful for the said Governor, by any writing under his hand, and the seal of the colony, to appoint some other fit and proper person to be the returning officer for the said electoral districts of Melbourne or Geelong, as the case may be.

Governor to appoint returning officers for other electoral districts.

VII. And be it enacted, That it shall be lawful for the Governor from time to time, by any writing under his hand and the seal of the said Colony, to appoint a fit and proper person to be the returning officer of each and every other electoral district in the said colony of Victoria, provided that the person so appointed be at the time of such appointment qualified to be an elector of the electoral district for which he shall act, and that his appointment be notified in the usual manner in the Government Gazette of the colony; and that in case of sickness or other accident disabling any returning officer from acting at any election, it shall be lawful for the said Governor to appoint a person to act in the stead of such returning officer; and every appointment of a returning officer made as aforesaid shall be good and valid until death, or until such appointment shall be cancelled, and some other person appointed to be returning officer by a writing under the hand of the Governor and seal of the colony.

Returning officer and other persons acting under this Act to make declaration of acceptance of office.

VIII. And be it enacted, That any and every person who may, under the provisions of this Act, be appointed a returning officer or deputy returning officer, or appointed to perform any other duty under this Act, shall, before he enter on the performance of such duty, make and subscribe the following declaration before any justice of the peace:

I, A.B., do hereby declare, that I accept the office of _____ for the electoral district of _____, and I do hereby promise and declare that I will faithfully perform the duties of the same to the best of my understanding and ability; and the justice before whom such declaration shall be made is hereby required to transmit the same by the first convenient opportunity to the Colonial Secretary of the colony.

POLLING PLACES.

Places named in Schedule B. to be polling places, and others may be appointed by the Governor.

IX. And be it enacted, That the places for taking the poll at elections in respect of the several electoral districts herein-before mentioned shall be those set forth in connexion with such electoral districts in the schedule to this Act annexed marked B.: Provided always, that such other places shall be polling places for the said electoral districts as shall be appointed for that purpose by the Governor by any proclamation to be issued by him in that behalf and published in the Government Gazette of the colony.

QUALIFICATION OF ELECTORS.

as if the said Act it is amongst other things enacted, that and powers with age of twenty-one years, being a natural-born or subject of Phillip, or within legally made a denizen of New South Wales, at the behalf, of the every man of the Her Majesty, or of the estate in possession clear value of one hundred pounds sterling in any way affecting such or in equity, for at least registration of electors, election, or in case a dwelling house of the cl resided therein six calendar months next to the date of holding at the date of at the district

Recites qualification fixed by the 13 & 14 Vict. c. 59.

* Earl Grey's Despatch Majesty's confirmation of this writ or at the which his vot

South Wales, or having a leasehold estate in possession situate within such district of the value of ten pounds sterling money per annum, held upon a lease which at the date of such writ or at the time of registration has not less than three years to run, shall be entitled to vote at the election of a member of the Legislative Council: Provided always, that no man shall be entitled to vote who has been attainted or convicted of treason, felony, or other infamous offence in any part of Her Majesty's dominions, unless he have received a free pardon, or one conditional on not leaving the colony, for such offence, or have undergone the sentence passed on him for such offence: And provided also, that no man shall be entitled to vote unless at the time of such election or registration of electors (as the case may be) he shall have paid up all rates and taxes which shall have become payable by him as owner or leaseholder in respect of such estate, or as occupier in respect of such occupancy, or as the holder of a licence in respect of such licence, except such as shall have become payable during three calendar months next before such election or registration respectively: And whereas the said several provisions are by the said Act made applicable to the colony of Victoria: And whereas it is expedient to form within every electoral district of the said last-mentioned colony a register of all persons entitled to vote at any election of a member or members of Council for such electoral district: Be it enacted, That on or before the first day of June in every year the mayors of the city of Melbourne and the town of Geelong shall respectively appoint a person or persons, to be called collector or collectors for each ward of the said city and town respectively; and such collectors shall, between the said first day of June and the twenty-fifth day of June in every year, make out lists, to be called the electoral lists, according to the form of the schedule to this Act annexed marked C., of all persons entitled to vote in elections for members of the Legislative Council in respect to property within such ward, and shall sign such list, and deliver the same to the town clerks of the said city and town respectively; and each collector shall keep a true copy of the list so delivered by him, to be perused by every person, without payment of any fee, at all reasonable hours; and each of the said town clerks shall forthwith cause copies to be printed of all such lists delivered to him, and shall deliver a copy of any such list to any person requiring the same, on payment of a reasonable price for each copy, and shall cause a copy of the electoral list of each ward to be fixed on some public and conspicuous building within the same, on every day during the fortnight commencing on the second day of July and ending on the fifteenth day of July in every year.

XI. And be it enacted, That in all other electoral districts the chief constables of the different police districts shall, for the purposes of this Act, be considered to be collectors, and shall, between the first day of June and twenty-eighth day of June in every year, make out alphabetical lists as aforesaid of all persons within their respective districts who shall be qualified to vote in the election of members of Council, and shall deliver the said lists to the clerks of petty sessions for the police districts within which the said chief constables act; and the said chief constables and the said clerks of petty sessions shall do and perform in respect to the said police districts the duties respectively where-with the collectors and town clerks as aforesaid are herein-before charged in respect to the said city of Melbourne and town of Geelong: Provided that if there be no chief constable of any such police district, or if there be no clerk of petty sessions for any such district, or if there be any impediment to any such chief constable or clerk of petty sessions acting in the performance of any of the said duties, the magistrates, at some court of petty sessions held for such district, shall and may appoint persons to act in the capacity of such collector or clerk of petty sessions for the purposes of this Act.

XII. And be it enacted, That whenever any such police districts shall form portions of two or more electoral districts, such collectors and clerks of petty sessions shall make separate lists for each portion of the police district which may be comprised within a separate electoral district.

XIII. And be it enacted, That it shall be lawful for the Governor to appoint such additional officers in any electoral district as may be necessary to complete the registration of electors in such district, and to assign to the persons so appointed such remuneration for their services as to the said Governor may seem proper.

XIV. And be it enacted, That the electoral lists delivered to the different clerks of petty sessions shall be by them either printed or fairly and legibly transcribed and hung up at the court-house in each police district, and in such other conspicuous place or places as may, by the magistrates in petty sessions assembled, be directed for the period aforesaid of fourteen days ending on the fifteenth day of July in every year.

XV. And be it enacted, That any person whose name shall have been omitted in any such electoral list, and who shall claim to have his name inserted therein, shall, on or before the fifteenth day of July in every year, give notice thereof to the town clerk or to the clerk of petty sessions, as the case may be, in the form in the schedule to this Act annexed marked D., or to the like effect; and any person whose name shall have been inserted in any electoral list may object to any other person as not entitled to have his name retained in the said electoral list; and any person so objecting shall, on or before the said fifteenth day of July in every year, give or cause to be given to the town clerk or clerk of petty sessions, as the case may be, and also to the person objected to, or leave at the premises for which his name shall appear to be inserted in the electoral list, notice thereof in writing, according to the form in the schedule to this Act annexed

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ELECTORAL LISTS.

Collectors of electoral lists to be appointed in the city of Melbourne and town of Geelong.

Schedule C.

Lists may be perused without payment of any fee;

and copies to be affixed on public buildings.

Chief constables to be collectors in other districts.

If no clerk of petty sessions or chief constable, magistrates may appoint persons to act as collectors.

As to police districts forming parts of two or more electoral districts.

Additional officers may be appointed by the governor.

ELECTORAL LISTS. (PREPARATION.)

Lists to be printed or transcribed, and hung up for public inspection.

Claims of persons to have their names inserted.

Schedule D.

Objections to names on the Lists.

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WALES.Schedule E.
Schedule F.
Schedule G.Lists may be perused
without payment of
any fee.ELECTORAL LISTS.
(REVISION.)Proceedings at Revi-
sion Courts in Mel-
bourne and Geelong.

Proviso.

Proceeding when
alderman, &c. desires
to be relieved from
revising electoral list,
&c.Revision courts to be
held by magistrates in
other electoral dis-
tricts.

marked E., or to the like effect; and the town clerk or clerk of petty sessions shall include the names of all persons so claiming to be inserted on the electoral list, in a list according to the form in the schedule to this Act annexed marked F., and shall include the names of all persons objected to in a list according to the form in the schedule to this Act annexed marked G., and shall cause copies of such several lists to be fixed on the outer doors or walls of the public or conspicuous buildings as aforesaid during the fourteen days ending on the thirty-first day of July in every year; and the town clerk or clerk of petty sessions shall likewise keep a list of the names of all persons so claiming as aforesaid, and also a list of the names of all persons so objected to as aforesaid, to be perused by any person, without payment of any fee, at all reasonable hours during the fourteen days (Sunday excepted) ending on the said thirty-first day of July in every year, and shall deliver a copy of each of such lists to any person requiring the same, on payment of a sum not exceeding one shilling for each copy.

XVI. And be it enacted, That in and for the city of Melbourne and the town of Geelong separate courts for the revision of the electoral lists shall be held for each ward of the said city and town respectively, by the alderman and assessors of such ward, some time between the first day of August and the twenty-first day of August, both inclusive, in every year; and such alderman shall give notice of the time of holding each such court accordingly; and the town clerk, or person appointed to act as such, shall, at the opening of the court of each ward, produce the lists relating thereto, and a copy of the lists of the persons so claiming, and of the persons so objected to, made out in the manner aforesaid; and all collectors of rates and persons acting as collectors under this Act shall, on being thereto summoned, attend the court, and shall answer upon oath all such questions as the alderman may put to them or any of them touching any matter necessary for revising the electoral lists; and the said alderman shall insert in such electoral lists respectively the names of every person who shall be proved to the satisfaction of the said court to be entitled to be inserted therein, and shall retain on the said lists the names of all persons to whom no objection shall have been duly made, and shall also retain on the said lists the name of every person who shall have been objected to by any person, unless the party so objecting shall appear by himself or by some one on his behalf in support of such objection; and when the name of any person inserted in either of the said lists shall have been duly objected to, and the person objecting shall appear by himself, or by some one on his behalf, in support of such objection, the court shall require proof of the qualification of the person so objected to; and in case the qualification of such person shall not be proved to the satisfaction of the said court, the said alderman shall expunge the name of every such person from the said list, and he shall also expunge therefrom the name of every person who shall be proved to be dead, or to have become disqualified or incapacitated, and shall correct any mistake or supply any omission which shall be proved to have been made in any of the said lists in respect of the name or place of abode of any person who shall be included therein, or in respect of the nature or local description of his property: Provided always, that no person's name shall be inserted by the said alderman in any such lists, or shall be expunged therefrom, except in the case of death, unless notice shall have been given, as is herein-before required, in each of the said cases; and the said alderman shall, in open court, write his initials against the names struck out or inserted, and against any part of the lists in which any mistake shall have been corrected, and shall sign his name to every page of the several lists so settled: Provided also, that no person who has declared himself a candidate for election for the city of Melbourne or town of Geelong respectively shall act as alderman or assessor within the same for any of the purposes of this Act.

XVII. And be it enacted, That if any alderman or assessor shall desire to be relieved from the duty of revising the electoral list of his ward, or of acting as a deputy returning officer, on the ground of his either intending to become a candidate at such election, or of ill-health or inability to act, and shall signify the same in writing to the mayor, the mayor shall appoint some other person duly qualified to be a councillor or assessor, to perform such duties; and every person so appointed shall have, exercise, and perform the same powers, authorities, and duties, and shall be subject to the same penalties, as the alderman or assessor in whose place he shall have been so appointed.

XVIII. And in order to provide for the revision of the electoral lists in all electoral districts, save those of the city of Melbourne and town of Geelong, be it enacted, That courts of revision for the purpose of revising the lists of electors shall be held in this and every succeeding year by justices of the peace assembled in petty sessions at their usual places of meeting in and for every police district throughout the territory of Victoria, which said courts shall be held some time between the first day of August and the twenty-first day of August, both inclusive, in every year; and the justices of petty sessions at and for every such last-mentioned police district shall cause notice to be given by the clerk of petty sessions, or other person appointed to act as such, for the purposes of this Act, within such district, by a notice to be affixed in some conspicuous situation or situations, on or about the court house, or place used as such, within their respective districts (such notice to be given at least ten days before the holding of the court of revision at any place mentioned therein) of the day and time or several days and times at which they will hold their courts for the revision of the said lists, and the said justices shall hold open courts accordingly for the revision of the said lists of electors at the times and at

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the places so to be announced ; and in the event of a deficiency or expected deficiency of justices in any such district at the requisite time the Governor may appoint other persons to perform any of the duties herein directed to be performed by, and to exercise any of the powers herein conferred upon, magistrates in petty sessions assembled : Provided always, that no magistrate or other person appointed as aforesaid who has declared himself a candidate for election for any electoral district shall take any part in the revision of the electoral lists of such districts or any part thereof.

XIX. And be it enacted, That the justices assembled in every court of petty sessions, or other persons appointed as aforesaid, shall perform and do the same duties and acts, and have and exercise the same powers and authorities, as the said alderman and assessors respectively are herein-before directed and empowered to do, perform, have, and exercise in respect of the lists to be revised by them : Provided that in such courts of petty sessions, the police magistrate, if there be one, and if not then the senior magistrate resident in the district who shall be present at any such court of revision, shall perform and do all and every thing which is herein-before expressly or impliedly required to be done under the hand of the alderman in relation to the lists under revision or to be revised by him ; and the clerks of petty sessions, or other persons appointed to act as such, and also the chief constables or other persons appointed as collectors for the respective districts for which such courts shall be held, shall, as far as may be necessary, perform at such courts the duties which are herein-before directed to be performed by the corresponding officers at the courts of revision held by an alderman and assessors for the city of Melbourne and town of Geelong.

Proceedings at revision courts held before magistrates.

XX. And be it enacted, That every court under this Act for the revision of the said lists shall have power to adjourn the same from time to time : Provided that no such adjourned court shall be held beyond the twenty-first day of August in any year ; and the said courts appointed for revising the lists for the city of Melbourne and town of Geelong shall have power to require any person having the custody of any book containing any rate made for the said city or town to produce the same, and allow it to be inspected at any court held for the revision of the said lists ; and all such courts of revision respectively shall have power to administer an oath or oaths (or in the case of a Quaker or Moravian, an affirmation,) as well to the town clerk, clerks of petty sessions, chief constables, or other collectors, as to all persons claiming to be inserted in or making or opposing objections to the omission or insertion of any name on the said lists, and to all persons objected to in the said lists, and to all persons claiming to have any mistake in the said lists corrected, and to all witnesses who may be tendered or examined on either side ; and if any person taking any oath or making any affirmation under this Act shall wilfully swear or affirm falsely, such person shall be deemed guilty of perjury, and shall be punished accordingly.

Powers of adjournment.

Courts of revision may administer oath or affirmation.

Penalty for swearing or affirming falsely.

XXI. And be it enacted, That no person claiming to register his vote in any electoral district, shall be obliged to appear in person to make proof of the nature and sufficiency of his qualification, unless required by the court at which he shall apply to be registered to attend in person : Provided, however, that if such personal attendance be rendered requisite, on the application of any party objecting to a claimant's right to register his vote, such party, if his objection be disallowed, shall defray such expenses as the court shall award for the claimant's attendance, which expenses so awarded shall be recoverable in any court of competent jurisdiction in which the party entitled thereto shall sue for the same.

Personal attendance of claimant, where necessary.

XXII. And be it enacted, That the electoral lists of each ward of the city of Melbourne and of the town of Geelong, so revised and signed as aforesaid, shall be delivered by the said alderman to the town clerks of the said city and town respectively, who shall keep the same, and shall cause each of the said electoral lists to be fairly and truly copied in alphabetical order into books to be by them provided for that purpose, the electoral list of each ward being kept separate, with every name therein numbered, beginning the numbers from the first name, and continuing them in regular series to the last name, and shall cause such books to be completed on or before the thirty-first day of August in every year, and shall deliver such books, together with the lists, at the expiration of their tenure of office, to the persons succeeding to such office ; and every such book in which the said electoral lists shall have been copied shall be the roll of the electors of the several wards of the said city and town respectively entitled to vote, after the passing of this Act, in the choice of members of the Legislative Council for the said city and town, at any election which may take place of a member for the said city or town between the first day of September inclusive in the year in which such electoral lists shall have been made and the first day of September in the succeeding year : Provided that if in any year the electoral lists for any of the said wards shall be omitted to be made out, or shall not be perfected, then and in that case the electoral roll of the preceding year, so far as it relates to the said ward, shall be the electoral roll for another year.

Revised lists in Melbourne or Geelong to be kept by town-clerk.

XXIII. And be it enacted, That the said town clerks shall respectively cause copies of the electoral roll in every year to be written or printed, and shall deliver to the alderman of each ward one copy of the electoral list of such ward, and further copies to all persons applying for the same, on payment of a reasonable price for each copy.

Copies to be printed for distribution.

XXIV. And be it enacted, That in all electoral districts, except the city of Melbourne and town of Geelong, the clerks of petty sessions, or persons appointed to act in that capacity, shall, on or before the thirty-first day of August in every year, deliver the

In other districts than Melbourne and Geelong lists to be delivered to the returning officer.

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several electoral lists revised in the manner herein-before directed to the returning officer of the electoral district to which the same belongs or relates, who shall cause a general alphabetical list of the electors of the whole electoral district to be fairly transcribed or printed with as little delay as possible from the lists so delivered to him; and such general list shall be the electoral list or roll of electors entitled to vote in each respective electoral district at all elections that may take place of members of the Legislative Council between the first day of September inclusive in the year in which such electoral lists shall have been made and the first day of September in the succeeding year: Provided that if in any year the electoral lists for any electoral district, or part of any electoral district, shall be omitted to be regularly made out, or shall not be perfected, then and in that case the electoral roll for the preceding year, or so much thereof as relates to such part of a district, shall be the electoral roll for another year.

WRITS OF ELECTION.

Writs for first general election to be issued by the Governor of New South Wales.

Writs to fill vacancies to be issued by the Speaker; or

by the Governor, if there be no Speaker.

Writs to be directed to returning officer.

Returning officer to endorse on writ the date of its receipt.

PROCEEDINGS AT
ELECTIONS.

Mode of proceeding on the day of nomination.

Returning officer may cause booths to be erected, &c.

XXV. And be it enacted, That for the purpose of the first election of members to serve in the Legislative Council of Victoria the writs for the several electoral districts shall be issued by the Governor of New South Wales, or by the person appointed for that purpose by Her Majesty, as in the said last-recited Act is provided; and the writs of every subsequent general election shall be issued by the Governor of Victoria.

XXVI. And be it enacted, That whenever, after any such general election, and during the continuance of any such Legislative Council it shall be established to the satisfaction of the Speaker of the said Legislative Council that the seat of any elective member of the said Council hath become vacant, whether by death or resignation, or by reason of any other of the causes of vacancy mentioned in the herein-before first-recited Act, the said Speaker shall forthwith issue a writ for the election of a member to serve in the place so vacated during the remainder of the continuance of the said Council, and no longer.

XXVII. Provided always, and be it enacted, That if at the time of the occurrence of such vacancy from any of the causes aforesaid there be no Speaker, and the Legislative Council be not in session, or if the Speaker for the time being be absent from the colony, then in any such case the Governor shall, if he be satisfied of the existence of such vacancy, issue a writ for the election of a member to serve in the place so vacated during the remainder of the term of the continuance of the said Council, and no longer.

XXVIII. And be it enacted, That every writ for the election of a member or members to serve in the Legislative Council, whether issued by the Governor or Speaker of the said Council, shall be directed to the returning officer of the electoral district, in which writ shall be named the day and place of nomination for such election, and the day for taking the poll at the different polling places in the event of the same being contested, and also the day on which such writ shall be made returnable to the Governor or Speaker, as the case may be: Provided always, that the writs issued by the Governor of New South Wales for the first elections of members of Council under the provisions of this Act shall nevertheless be made returnable and be returned to the Governor of Victoria.

XXIX. And be it enacted, That the returning officer of each electoral district shall endorse on the writ the day on which he receives it, and shall forthwith give public notice of the day and place of nomination mentioned in the said writ.

XXX. And be it enacted, That on the day of nomination named in the writ the returning officer shall preside at a meeting to be holden at noon at the place named for that purpose in the writ, and shall declare the purpose for which such meeting is held; and if there be at such meeting no more candidates proposed than the number of members to be returned, the returning officer shall declare such candidate or candidates to be duly elected, and make his return accordingly; and in the event of there being more candidates than the number to be elected, the returning officer shall call for a show of hands separately in favour of each candidate, and after such show of hands shall declare the person or persons on whom the election has fallen, and shall return the same accordingly, unless a poll be then and there demanded by some one of the candidates, or by not less than six of the electors of the district on his behalf; and if such demand be made for a poll, the polling shall take place at the different polling places for the district on the day appointed in the writ for that purpose.

XXXI. And be it enacted, That at every election the returning officer, if it shall appear to him expedient for taking the poll at such election, may cause booths to be erected, or rooms to be hired and used as such booths, in one place, or in several places at each polling place, as occasion may require, and the same shall be so divided and allotted into compartments as to the returning officer shall seem most convenient; and the returning officer shall appoint a clerk or clerks to take the poll at each compartment, and if there be a contest shall, before the day fixed for the taking the poll, cause to be furnished for the use of each booth or polling place a copy of the electoral list of the district, and shall, under his hand, certify such copy to be true; and all expenses of and attending the said election which the said returning officers shall necessarily incur in and about such election, under the provisions of this enactment or otherwise howsoever, shall be defrayed out of the general revenue, under the warrant of the Governor, addressed in the usual manner to the Colonial Treasurer.

XXXII. And be it enacted, That the returning officer of each electoral district shall preside at one polling place within or allotted to his district, and shall appoint, by writing under his hand, a deputy to act for him and take the poll at each of the other polling places: Provided that in the electoral districts of the city of Melbourne and the town of Geelong the aldermen of the different wards shall be the deputies of the returning officer, unless prevented by illness or other adequate cause, in which case the mayor of the said city or town, as the case may be, shall appoint a deputy from among the councillors of the said city or town.

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Returning officer to preside at one polling place, and his deputies at others.

XXXIII. And be it enacted, That in the city of Melbourne and in the town of Geelong every elector shall be required to vote at the polling place for the ward wherein the property shall be situated in respect of which his name shall stand on the electoral roll, but the registered electors of other electoral districts may vote at any polling place appointed for the electoral district to which they belong, whether such polling place be situate within their electoral district or not.

Where electors to vote.

XXXIV. And be it enacted, That where the proceedings at any election shall be interrupted or obstructed by any riot or open violence, whether such proceeding shall consist of the nomination of candidates or of the taking the poll, the returning officer or his deputy shall not, for such cause, terminate the business of such nomination, or finally close the poll, but shall adjourn the nomination or the taking the poll at the particular polling place or places at which such interruption or obstruction shall have happened, until the following day, and, if necessary, shall further adjourn such nomination or poll, as the case may be, until such interruption or obstruction shall have ceased, when the returning officer or his deputy shall again proceed with the business of the nomination, or with the taking the poll, as the case may be, at the place or places at which the same respectively may have been interrupted or obstructed; and the day on which the business of the nomination shall have been concluded shall be deemed to have been the day fixed for the nomination, and the commencement of the poll shall be regulated accordingly; and any day whereto the poll shall have been so adjourned shall, as to such place or places, be reckoned the day of polling at such election, within the meaning of this Act; and whenever the poll shall have been so adjourned by the deputy of a returning officer, he shall forthwith give notice of such adjournment to the returning officer, who shall not finally declare the state of the poll, or the name or names of the member or members chosen, until the poll so adjourned as aforesaid shall have been finally closed, and the voting papers delivered or transmitted to such returning officer.

Adjournment of nomination or of the poll in case of riot.

XXXV. And be it enacted, That at every poll the voting shall commence at nine o'clock in the forenoon, and shall finally close at four o'clock in the afternoon of the same day, unless adjourned by reason of riot or interruption, as herein-before provided for, and shall be conducted in manner following; that is to say,—Every elector entitled to vote in the election of members of Council for the particular electoral district in respect of which such election shall be held may vote for any number of persons not exceeding the number of members then to be chosen, by delivering to the returning officer or his deputy a voting paper, containing the Christian names and surnames of the persons for whom he votes, the name of the elector voting, and the name of the place in which the property for which his name appears on the electoral roll is situated.

Poll not to extend beyond one day.

Voting papers.

XXXVI. And be it enacted, That no inquiry shall be permitted at the time of polling as to the right of any person to vote, except only as follows; that is to say, the returning officer or his deputy shall, if he shall think fit, or if required by any two electors entitled to vote in the same electoral district, put to any voter, at the time of his delivering in his voting paper, and not afterwards, the following questions or any of them, and no other:—

Questions which may be asked of person tendering his vote.

FIRST.—Are you the person whose name is signed as A.B. to the voting paper now delivered in by you?

SECOND.—Are you the person whose name appears as A.B. in the electoral roll now in force for this electoral district, being registered therein for property described to be situated in (*here specify the street or place described in the electoral roll*)?

THIRD.—Have you already voted, either here or elsewhere, at the election for the electoral district of _____?

FOURTH.—Have you the same qualification for which your name was originally inserted in the Electoral Roll for the district of _____ (*specify in each case the particulars of the qualification as described in the register*)?

XXXVII. Provided always, and be it enacted, That the returning officer or his deputy, as the case may be, shall, if he think fit, or if called upon to do so by any candidate, or his agent appointed by him in writing at the time aforesaid, require any person tendering a voting paper to make a solemn affirmation or declaration in the manner following; that is to say, "You do solemnly declare that you are the same person whose name appears as _____ on the register now in force for the electoral district _____ of _____ (as the case may be); and such returning officer or his deputy shall likewise, if he shall think fit, or if called upon so to do by any candidate or by his agent appointed as aforesaid, at the time aforesaid, require any person so tendering a voting paper to make a solemn declaration against bribery in manner following; that is to say:

Returning officer may require declaration against bribery.

"I, (A.B.) do solemnly declare, that I have not received or had by myself, or any person whatsoever in trust for me or for my use and benefit, or for the use and benefit

Form of declaration against bribery.

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- " of any member of my family or kindred, or any friend or dependant, directly or indirectly, any sum or sums of money, office, place of emolument, gift, or reward, or any promise or security for any money, office, employment, or gift, by way of consideration, either expressed, implied, or understood for giving my vote at this election."
- XXXVIII. And be it enacted, That no person so required to answer the said questions, or to make the said declarations or either of them, shall be qualified or permitted to vote until he shall have answered such questions and made such declarations, as the case may be.
- XXXIX. And be it enacted, That if any person shall wilfully make a false answer to any of the questions aforesaid, or shall wilfully make a false declaration, in manner aforesaid, he shall be deemed guilty of a misdemeanor, and on conviction thereof shall suffer the like penalties as persons convicted of wilful and corrupt perjury.
- XL. And be it enacted, That no elector shall at any such election be required to take any oath or affirmation, except as aforesaid, either in proof of his freehold, or of his residence, age, or qualification, or right to vote, any law or statute to the contrary notwithstanding; and no person claiming to vote at any such election shall be excluded from voting thereat, except by reason of its appearing to the returning officer or his deputy, upon putting such questions as aforesaid or any of them, that the person so claiming to vote is not the person whose name is signed to the voting paper tendered by him, or that he is not a person whose name appears on such register as aforesaid, or that he has previously voted at the same election, or that he has not the same qualification for which his name was inserted in such register, or except by reason of such person refusing to make either of the said declarations.
- XLI. And be it enacted, That no voting paper shall be rejected by the returning officer or deputy returning officer for mere want of form, provided that the name and qualification of the elector and the name or names of the person for whom he votes be intelligibly expressed, and in a manner to be commonly understood.
- XLII. And be it enacted, That each deputy returning officer shall immediately on the close of the poll collect and seal up all the voting papers which have been taken at the polling place whereat he presided, and shall, with the least delay possible, deliver or cause the same to be delivered to the returning officer of the electoral district.
- XLIII. And be it enacted, That the returning officer of each electoral district shall, at the place of nomination, and as soon as may be practicable after the election shall have been held, openly declare the general state of the poll at the close of the election, as the same shall have been made up by him from the voting papers so delivered to him, and he shall at the same time and place declare the name or names of the person or persons who may have been duly elected at such election; and in the event of the number of votes being found to have been equal for any two or more candidates, he shall by a casting vote decide which of the same candidates shall be elected: Provided, however, that no returning officer shall vote at any election for the electoral district of which he is the returning officer, except in the case of an equality of votes as aforesaid.
- XLIV. And be it enacted, That the name or names of the person or persons so elected shall be endorsed on the writ by the returning officer, and the writ shall be by him returned to the Governor or Speaker, as the case may require, within the time specified therein.
- XLV. And be it enacted, That all voting papers shall be sealed up by the returning officer, and transmitted to the Clerk of the Legislative Council, who shall safely keep the same for the period of five years after the receipt thereof; and the sealed packets containing the same shall on the outside thereof be described to be the voting papers of the electoral district to which they relate, and be signed by the said returning officer; and in case any question shall at any time arise touching any vote alleged to have been given at any election, the voting paper containing such vote shall be received in evidence as proof of such vote in any court of justice, or by the committee of elections and qualifications herein-after mentioned, upon production thereof, together with a certificate thereon, under the hand of the Clerk of the Legislative Council, that the same was transmitted to him in due course by the returning officer of the district to which the same relates.
- XLVI. And for the prevention of bribery or corruption at any election, be it enacted, That from and after the passing of this Act all and each of the following acts shall be deemed and taken to be acts of bribery and corruption on the part of any candidate, whether committed by such candidate or by any agent authorized to act for him; that is to say, the giving of money or any other article whatsoever to any elector with a view to influence his vote, or the holding out to him any promise or expectation of profit, advancement, or enrichment to himself, or to any of his family or kindred, friends or dependants, in any shape, in order to influence his vote, or the making use of any threat to any voter, or otherwise intimidating him in any manner with a view to influence his vote; the treating of any voter, or the supplying him with meat, drink, lodging, or horse or carriage hire, or conveyance by steam or otherwise, whilst at such election, or whilst engaged in coming to or going from such election; the payment to any elector of any sum of money for acting or joining in any procession during such election, before or after the same; the keeping open or allowing to be kept open any public house, shop, booth, or tent, or place of entertainment, whether liquor or refreshment of any kind be distributed at such place of entertainment or not; the giving of any dinner,
- No person qualified to vote until he answers questions.
- False answers punishable as perjury.
- No other oath necessary.
- Voting papers not to be rejected for want of form.
- Voting papers to be transmitted to returning Officer.
- Name of person elected to be declared by returning officer.
- Name of person elected to be endorsed on writ.
- Voting papers to be transmitted by the returning officer to the clerk of the Legislative Council, who shall keep the same for five years.
- What shall be deemed acts of bribery.

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supper, breakfast, or other entertainment at any place whatsoever by a candidate to any number of electors with a view of influencing their votes: Provided always, that no action or suit shall be maintainable by any publican, or any owner or keeper of any shop, booth, tent, or other place of entertainment, against any candidate or any agent of any such candidate, for any liquor, food, or refreshment of any kind, whether for man or beast, supplied upon the credit of any such candidate or agent as aforesaid during the progress of any such election under this Act.

XLVII. And be it enacted, That the commission of any one of the above-mentioned acts shall, on proof thereof by the decision of the herein-after mentioned committee, be held to render void the election of the person committing such act, and to disqualify him from sitting and voting in the said Legislative Council during the whole period that may intervene between the commission of the same and the time of the next general election.

Commission of act of bribery to void election, &c.

XLVIII. And be it enacted, That the acts of all authorized agents of a candidate or member shall, in matters connected with elections, be held to be the acts of their principal: Provided that it shall be proved to the satisfaction of the said committee that such acts were committed with his knowledge, power, or consent.

Principals to be bound by acts of agents.

XLIX. And be it enacted, That any person, whether he shall or shall not be the authorized agent of any candidate, who shall have committed any of the above-mentioned acts hereby declared to be acts of bribery and corruption, shall be deemed guilty of a misdemeanor, and may be indicted for such act or acts, in the supreme court of the colony, or in any circuit court, or court of quarter sessions, as for a misdemeanor, and punished with fine not exceeding two hundred pounds, or imprisonment not exceeding six calendar months, on the complaint of Her Majesty's Attorney General, or of any registered elector of the district wherein such act of bribery or corruption shall be alleged to have been committed.

Penalty for commission of acts of bribery.

L. And be it enacted, That if any person who shall have or claim to have any right to vote in any election of a member or members of Council for any electoral district shall directly or indirectly ask, receive, or take any money or other reward, by way of gift, employment, or other reward whatsoever, for himself or any of his family or kindred, friends or dependants, as a consideration or inducement, expressed, implied, or understood, for giving his vote, or for abstaining from giving his vote in any such election, or if any person, by himself, his friends, or by any person employed by him, shall by any gift or reward, or by any promise and agreement or security for any gift or reward, procure any person or persons to give his or their vote or votes in any such election, or to abstain from giving the same, such person shall for such offence forfeit the sum of fifty pounds sterling to the person who shall bonâ fide for his own use, and not collusively, first sue for the same, to be recovered, with full costs, by action of debt, bill, plaint, or information in the supreme court at Melbourne, or in any circuit court of the colony.

Penalty on persons receiving or offering reward for voting or withholding vote.

LI. And be it enacted, That every person who shall poll a second time, or offer to poll a second time at the same election, for any electoral district, or who shall personate or attempt to personate any other person for the purpose of polling at such election, shall be guilty of a misdemeanor, and upon being thereof convicted shall be fined in any sum not exceeding one hundred pounds, or be imprisoned for any term not more than two years, at the discretion of the judge or judges who shall try the case.

Penalty for polling a second time.

LII. And be it enacted, That no election for any of the said electoral districts shall be held to be void in consequence solely of any delay in the holding of the election at the time appointed, or in the taking of the poll, or in the return of the writ, or in consequence of any impediment of a merely formal nature; and it shall be lawful for the Governor, with the advice of the Executive Council, to adopt or cause to be adopted such measures as may be necessary for removing any obstacle of a merely formal nature, by which the due course of any election may be impeded; provided that the validity of such election, and the measures so taken as aforesaid, shall be forthwith declared by the Governor by a proclamation to be for that purpose published in the official Gazette of the said colony of Victoria.

Election not to be void for delay in the return of writ, &c.

LIII. And whereas delays may occur in the return of writs from some parts of the said colony, and by the non-return of such writ or writs the number of the Council may not be completed on the day whereon it may be summoned to meet for the dispatch of business, and it is expedient to remove doubts which might otherwise arise as to the power of the said Council in its incomplete state to proceed to business: Be it enacted, That, notwithstanding the non-return of any writs on or before the day whereon such writs are returnable, the Council shall be competent to proceed to business if duly summoned thereto, and provided the number of members deficient in consequence of the non-return of such writs be not greater than three.

Council may proceed to business when not more than three members are deficient through non-return of writs.

LIV. And whereas it is expedient to make provision for the determination of all questions as to the validity of any returns made by the returning officers of the several electoral districts, and all questions as to the sufficiency of the qualification possessed by persons returned as members to serve in the said Legislative Council: Be it therefore enacted, That in the first session of every Council, and within seven days after the election of a Speaker of the said Legislative Council, and in every subsequent session, as soon as convenient after the commencement thereof, the Speaker shall, by warrant under his hand, appoint seven members of the Council who are willing to serve, and against whose

DISPUTED RETURNS (COMMITTEE).

Appointment of election committee by Speaker, subject to disapproval by the Council.

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- any election or return, to be members of a committee to be called "the committee of elections and qualifications;" and every such warrant shall be laid on the table of the Council, and if not disapproved by the Council in the course of the next three days on which the Council meets for the dispatch of business, shall take effect as an appointment of such committee: Provided, however, that every member who shall become a petitioner complaining of an undue election or return, or respecting whose return, qualification, or disqualification an inquiry is pending, shall for the time be disqualified to serve on the committee.
- Proceedings on disapproval by the Council of Speaker's nomination.** LV. And be it enacted, That if the Council disapprove of any such warrant the Speaker shall, on or before the third day on which the Council meets after such disapproval, lay upon the table of the Council a new warrant for the appointment of seven members qualified as aforesaid, and so from time to time until seven members have been appointed by a warrant not disapproved by the Council: Provided, however, that the disapproval of any warrant may be either general in respect of the constitution of the whole Committee, or special in respect of any particular member named in the warrant; and that the Speaker may, if he think fit, name in the second or any subsequent warrant any of the members named in any former warrant whose appointment has not been specially disapproved of by the Council as aforesaid.
- Duration of office of members of committee.** LVI. And be it enacted, That after the appointment of the committee of elections and qualifications, every member appointed shall continue to be a member of the committee until the end of that session of Council, or until he cease to be a member of the Council, or until he resign his appointment (which he may do by letter to the Speaker, but which resignation shall not take effect for three days after the receipt thereof, nor until the appointment of another member in the place of the one so resigning), or until the committee report that he is disabled by continual illness from attending the Committee, or until the committee be dissolved as herein-after provided.
- Resignation.**
- Illness.**
- Dissolution of Council to dissolve committee.** LVII. And be it enacted, That if the said committee at any time report that by reason of the continued absence of more than two of its members, or by reason of irreconcilable difference of opinion, it is unable to proceed satisfactorily in the discharge of its duties, or if the Council resolve that the said committee be dissolved, the same shall be thereby forthwith dissolved; and every re-appointment of the said committee after the dissolution thereof, as well also as every appointment to supply a vacancy in the committee, by resignation or otherwise, shall be made by the Speaker by warrant under his hand, laid upon the table of the Council on or before the third day on which the Council meets after the dissolution of the committee, or notification of the vacancy made to the Speaker (as the case may be); and such warrant shall be subject to the disapproval of the Council, in like manner as is herein-before provided in the case of the appointment of the first committee; and upon any re-appointment of the said committee the Speaker, may if he think fit, re-appoint any of the members of the former committee, who are then willing and not disqualified to serve on it; and every such new committee or new member shall have power to take up and continue the business which may have been pending at the time of the dissolution or vacancy as aforesaid, in the same manner as might have been done by the committee as previously constituted and composed.
- Re-appointment.**
- Time of meeting.** LVIII. And be it enacted, That the Speaker shall appoint the time and place of the first meeting of the said committee, and the committee shall meet at the time and place so appointed; but no member shall act upon the said committee until he shall have been sworn at the table of the Council, by the clerk, well and truly to try and determine the matters of any petitions and other questions referred to the said committee, and a true judgment to give according to the evidence, and truly and faithfully to perform the duties appertaining to a member of the said committee to the best of his judgment and ability, without fear or favour; and the said committee shall not be competent to transact any business unless at the least four members thereof shall be present together.
- Oath of committee-men.**
- Quorum.**
- PROCEEDINGS OF COMMITTEE.**
- Powers of adjournment.** LIX. And be it enacted, That the said committee shall have power to adjourn its sitting from time to time as in its discretion it shall think proper, provided that the interval of adjournment shall not in any instance exceed five days, unless by leave first obtained from the Council, upon motion (without notice), and special cause assigned for such adjournment; and in case four members shall not have met together within one hour of the time appointed for an original or adjourned meeting, it shall be competent to the members present to adjourn within the limits and subject to the restrictions aforesaid; and the said committee shall select its own chairman, and shall have power to regulate the form and manner of its own proceedings, provided that such proceedings shall be conducted openly, except when the committee shall think it necessary to deliberate among themselves, after hearing evidence and argument, if offered; and all questions before the committee shall be decided by a majority of voices, and whenever the voices are equal the chairman shall have a second or casting voice; and no member of the committee shall be allowed to refrain from voting on any question on which the committee is divided; and the said committee shall be attended by one of the clerks of the Council, and such clerk shall make a minute of all proceedings of the committee in such form and manner as shall be from time to time directed by the said committee; and a copy of the minutes so kept shall be laid from time to time before the Council.
- Election of chairman.**
- Majority to decide.**
- Casting vote.**
- Minutes of proceedings.**

LX. And be it enacted, That the said committee shall have power to inquire into and determine upon all election petitions, and upon all questions which may be referred to it by the Council respecting the validity of any election or return of a member or members to serve in the said Legislative Council, whether the disputes relating to such elections or returns arise out of an error in the return of the returning officer, or out of the allegation of bribery or corruption against any person concerned in any election, or out of any other allegation calculated to affect the validity of such election or return, and also upon all questions concerning the qualification or disqualification of any person who shall have been returned as a member of the said Council; and in the trial of any such questions the committee shall be guided by the real justice and good conscience of the case, without regard to legal forms and solemnities, and shall direct themselves by the best evidence they can procure, or that is laid before them, whether the same be such evidence as the law would require or admit in other cases or not; provided, however, that the said committee may receive or reject, as they may deem fit, any evidence that may be tendered to them.

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General powers and course of inquiry by committee.

LXI. And be it enacted, That the said committee shall have power to direct the attendance of witnesses, and to examine them upon oath (which oath it shall be competent for any member of the said committee to administer), and also to send for and examine papers, records, and other documentary evidence; and it shall be competent to the said committee, if in its discretion it shall see fit, to receive affidavits relative to any of the matters referred to them, taken before any justice of the peace (which affidavits such justice of the peace is hereby authorized to take); and if any person summoned by the committee shall disobey such summons, or shall refuse or neglect to produce any papers, records, or other documentary evidence relating to or affecting the matter under investigation which shall have been sent for by the said committee, or shall refuse to submit himself to examination, or shall give false evidence, or prevaricate, or otherwise misbehave in giving or refusing to give evidence, he shall be deemed guilty of a misdemeanor, and be liable accordingly; and any person wilfully or knowingly giving false evidence before the said committee or a quorum thereof, or in any such affidavit, shall be deemed guilty of wilful and corrupt perjury, and shall be liable to the ordinary penalties for such offence.

Powers in respect of witnesses, affidavits, and documentary evidence.

Punishment for contempt, &c. by witnesses.

LXII. And be it enacted, That the committee shall not have power to inquire into the correctness of the register of any electoral district, or into the qualifications of persons whose votes may, on the day of election, have been either admitted or rejected, but simply into the identity of the voters, and whether their votes were improperly admitted or rejected, assuming the register to be correct, and whether any voters, or persons entitled to vote, gave their votes under the influence of bribery or corruption, force, menace, or fraud, or were prevented from giving votes by force, menace, or fraud; and if the committee shall find any votes or vote to have been given under the influence of bribery or corruption, force, menace, or fraud, by or on the part of any candidate or candidates, or his or their agents or committee-men, or any of them, the same may be taken off the file of votes; and as often as the said committee shall find any voter to have been prevented from voting by force, menace, or fraud, by or on the part of any candidate or candidates, or his or their agents or committee-men, or any of them, it shall be competent to the voter so prevented from voting to tender his vote before the said committee, and such vote shall be taken accordingly; and on reckoning the votes received for any or either candidate such votes so rejected or received shall be taken into the account accordingly by the said committee.

Powers of committee in respect of inquiry as to individual votes.

LXIII. And be it enacted, That the said committee shall determine finally on all questions referred to them; and if the said committee shall determine and report to the Council that a person was not duly elected who was returned as elected by the returning officer, the person so declared not to be duly elected shall cease to be a member of the said Council; and if it shall determine and report any party to have been duly elected who was not returned by the returning officer, the person so declared shall, upon making the declaration required by law as to his qualification, be sworn a member of the said Legislative Council, and take his seat accordingly; and if the said committee shall declare any election to have been wholly void, or shall declare any sitting member to be unqualified or disqualified, it shall be lawful for the Speaker of the Council to issue a new writ for the holding of another election, and the person thereafter elected and duly returned shall be the member for the electoral district concerned; and if the said committee shall come to any resolution other than the determination above mentioned, they shall, if they think proper, report the same to the Council for its opinion, at the same time that they inform the Council of such determination; and the Council may confirm or disagree with such resolution, and make such order thereon as to it shall seem proper.

Decision of committee, and its effect.

Committee may report to the House their resolutions upon other matters.

LXIV. And be it enacted, That all petitions complaining of an undue election or return of a member to serve in the said Council, or complaining that no return has been made according to the requisition of the writ issued for the election of a member to serve in the said Council, or complaining of any special matter contained in any such return, shall be subscribed by some person who voted or had a right to vote at the election to which the same relates, or by some person or persons claiming to have had a right to be returned or elected thereat, or alleging himself to have been a candidate at the election, and shall, in the case of a general election, be addressed to the Governor, and in the case

ELECTION PETITIONS.

Manner and time of petitioning against undue return, &c.

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of elections to supply vacancies, shall be addressed to the Speaker of the said Council, and shall be presented to the said Governor or Speaker, as the case may be, within four weeks after the day of the return of the writ to which any such petition shall relate; and every such petition shall be forthwith notified in the official Gazette, and shall, as soon as conveniently may be after such presentation, be laid by the said Governor, or the said Speaker, as the case may be, before the Legislative Council, and shall by the said Council be referred to the "committee of elections and qualifications," either forthwith or as soon as the said committee shall have been duly appointed and confirmed.

Council may refer to committee question of qualification, &c.

LXV. And be it enacted, That it shall be competent to the said Legislative Council, upon any petition subscribed as aforesaid, and complaining of the insufficiency of the qualification of any member, and presented to the Speaker at any time within six months after such member shall have subscribed the declaration required by law to be made by him in his place in the said Legislative Council touching his qualification, to refer the said petition and the question thereby raised to the said committee, and shall also have power upon the like petition to refer to the said committee all questions respecting bribery or corruption alleged to have been committed at any election at any time within twelve months after such election, notwithstanding that in either of the above cases the period shall have elapsed for a petition against the said election, or the return thereof, according to the provisions herein-before in that behalf contained.

Deposits for costs of petition.

LXVI. And be it enacted, That before presenting any such petition as aforesaid to the said Governor or Speaker, the person or persons by whom the same shall be subscribed shall pay into one of the banks regulated by Act of Council within the said colony, or into a branch of one of such banks, a sum of one hundred pounds, to the credit of the Speaker of the Legislative Council, in relation to the said petition, which said sum shall be payable towards the costs of the petition as herein-after regulated, and shall be liable to be withdrawn upon the order or orders of the said Speaker, either for the purpose of such payment, or for the purpose of restoring the same to the petitioner or petitioners, wholly or in part, as the case may require.

Who may be heard in support of or opposition to petition.

LXVII. And be it enacted, That any person who voted or had a right to vote at the election to which any petition relates may petition the Legislative Council to be admitted as a party to defend the return, or to oppose the prayer of such petition, or support the said petition, in case the same shall be abandoned by the person by whom the same was presented; and such person shall thereupon be admitted as a party to defend such return, or oppose the prayer of such petition, or support the same, as the case may be.

Withdrawal of petition.

LXVIII. And be it enacted, That the petitioner may at any time after the presentation of his petition withdraw the same, upon giving notice under his hand or that of his agent to the speaker, and also to the sitting member or his agent, and also to any party who may have been admitted to defend the return, that it is not intended to proceed with the petition; and in such case the petitioner shall be liable to the payment of such costs and expenses as have been incurred by the sitting member or other party complained of in such petition, and also by any party admitted to oppose the prayer of such petition, to be taxed as herein-after provided.

Costs thereon.

Frivolous or vexatious petition or opposition.

LXIX. And be it enacted, That whenever the committee shall report to the Council that a petition so referred to them was frivolous or vexatious, the parties, if any, (to be named by the said committee,) who have appeared before the committee in opposition to such petition, shall be entitled to recover from the persons or any of them (also to be named by the said committee) who subscribed such petition the full costs and expenses which such parties have incurred in opposing the same; and whenever the committee shall report to the Council that the opposition made to any such petition by any party (to be named by them) appearing before them was frivolous or vexatious, the persons who signed the petition shall be entitled to recover from the party with respect to whom such report is made the full costs and expenses which such petitioners have incurred in presenting their petition; and whenever no party has appeared before the committee in opposition to the petition, and the committee reports to the Council that the election or return, or the omission or insufficiency of a return, complained of in such petition, was vexatious or corrupt, the persons who signed such petition shall be entitled to recover from the sitting members or member (if any) whose election or return is complained of (such members not having given notice as aforesaid of their intention not to defend the same), or from any other persons admitted by the committee as aforesaid to oppose such petition, the full costs and expenses which such petitioners have incurred in presenting the petition.

Costs of unopposed petition where election or return vexatious or frivolous.

Costs upon frivolous objection to individual voters.

LXX. And be it enacted, That if any ground of objection be stated against any individual voter, and the committee be of opinion that such objection was frivolous or vexatious, they shall report the same to the Council, together with their opinion on the other matters relating to the said petition; and the opposite party (who shall be named by the committee) shall in that case be entitled to recover from the party on whose behalf any such objection was made (who shall be named by the committee) the full costs and expenses incurred by reason of such frivolous or vexatious objections; and if any person shall make before the said committee any specific allegation, with regard to the conduct of either party or his agents, and either bring no evidence in support thereof, or such evidence that the committee is of opinion that such allegation was made without

Costs occasioned by unfounded specific allegations.

any reason or probable ground, the committee may make such orders as to them shall seem fit, for the payment by the person making such unfounded allegation, to the other party, of all costs and expenses incurred by reason of such unfounded allegation.

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LXXI. And be it enacted, That the costs and expenses which may become payable under the provisions of this Act, by any party prosecuting or opposing, or preparing to oppose the petition under the provisions of this Act, or to any witnesses summoned to attend before the committee under the provisions hereof, shall be ascertained by the said committee, who shall, upon application made to them, deliver to the party entitled to such costs and expenses a certificate thereof, signed by the chairman of the said committee, expressing the amount of the costs and expenses allowed, with the name of the party liable to pay the same, and the name of the party entitled to receive the same; and such certificate shall be conclusive evidence for all purposes whatever, as well of the amount of the demand, as of the title of the party therein named in that behalf, to recover the same from the party therein stated to be liable to the payment thereof.

Costs how to be ascertained.

LXXII. And be it enacted, That the Speaker may, by order under his hand, direct the payment of the said sum of one hundred pounds, deposited according to the provisions herein-before contained, or a sufficient portion or proportionate part thereof, to any party or parties who by such certificate shall appear to be entitled to recover costs and expenses against the person or any of the persons by whom such deposit was made; and the party entitled to any such costs and expenses, under such certificate, may recover the same, or so much thereof as shall not be paid out of any such deposit from the party liable to pay the same; and if the party liable to pay such costs and expenses shall not, upon demand being made, within seven days thereafter pay the same, the Speaker shall by warrant under his hand, directed to the sheriff of the said colony, command the said sheriff to levy for the amount named in such warrant upon the lands and tenements, goods and chattels of the party liable to pay the same; and thereupon the said sheriff shall forthwith levy for the said amount, and when the same shall be recovered pay over the same to the party entitled thereto; and any person from whom the amount of such costs and expenses shall have been recovered, or who shall have paid the same on demand thereof, shall be entitled to recover in any court of competent jurisdiction from the other persons, if such there be, who are liable to the payment of the same, a proportionate share thereof, according to the number of persons so liable, and according to the extent of the liability of each person.

Recovery of costs.

Proportionate recovery against persons jointly liable.

LXXIII. And be it enacted, That if any returning officer, or any deputy returning officer, after having accepted office as such, or any mayor, alderman, assessor, magistrate, or police magistrate shall neglect or refuse to perform any of the duties which, by the provisions of this Act, he is required to perform, every such returning officer, deputy returning officer, mayor, alderman, assessor, magistrate, or police magistrate shall, for every such offence, forfeit and pay any sum not less than fifty nor exceeding two hundred pounds; and in like manner if any town clerk, clerk of petty sessions, collector, or any other officer or person shall neglect or refuse to perform any of the duties which by the provisions of this Act he is required to perform, every such town clerk, clerk of petty sessions, collector, or other officer or person, shall, for every such offence, forfeit and pay any sum not less than twenty, and not exceeding fifty pounds; the said penalties to be recovered, with full costs of suit, by any person who shall sue for the same within three calendar months after the commission of such offence, by action of debt in the Supreme Court at Melbourne, or in any circuit court of the colony; and the money so recovered shall, after payment of the costs and expenses attending the recovery thereof, be paid and apportioned as follows, that is to say, one moiety thereof to the person so suing, and the other moiety thereof to Her Majesty, her heirs and successors, for the public uses of the said colony, and in support of the Government thereof, to be applied thereto as may be directed by any Act or Acts of the Governor and Legislative Council thereof: Provided nevertheless, that it shall be lawful for the Governor either to mitigate or wholly to remit any such penalty or forfeiture.

PENALTIES.

Penalty for neglect by returning officer, &c.

Recovery of penalties.

Appropriation of penalties.

Governor may mitigate or remit penalty.

LXXIV. And be it enacted, That when any matter or thing shall be directed by this Act to be performed on a certain day, and that day happen to be Sunday, Good Friday, or Christmas Day, the said matter or thing shall be performed on the next succeeding day.

Things directed to be done on a holiday to be done on the day following.

LXXV. And be it enacted, That whenever any person is sued in respect of anything done in pursuance of the provisions of this Act, it shall be competent for him to plead the general issue, and to give the special matter in evidence.

General issue.

LXXVI. And be it enacted, That whenever the word "Governor" is used in this Act in relation to anything to be done previous to the issue of the first writs under the provisions of this Act, the same shall be held to mean the Governor or person administering the Government of New South Wales for the time being; and whenever the word "Governor" is used in relation to anything to be done subsequently to the issue of the first writs as aforesaid, the same shall be held to mean the Governor or person administering the Government of Victoria for the time being; and whenever the word "Speaker" is used, the same shall be held to mean the Speaker of the Legislative Council of the colony of Victoria for the time being; and whenever in this Act words are used importing the singular number and masculine gender, the same shall be held to imply

INTERPRETATION.

Interpretation clause.

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Short title of Act.

several persons or things as well as one person or thing, and females as well as males, unless there be something in the context repugnant to this construction.

LXXVII. And be it enacted, That this Act may be quoted or referred to by the name of "The Victoria Electoral Act of 1851," without further or other description thereof.

Passed the Legislative Council, this first
day of May one thousand eight hun-
dred and fifty-one.

CHARLES NICHOLSON,
Speaker.

WM. MACPHERSON, Clerk of the Council.

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

Government House, Sydney, 2nd May 1851.

CH. A. FITZROY,
Governor.

Schedule A.

SCHEDULE A. referred to in this Act.

BOUNDARIES OF ELECTORAL DISTRICTS.

1. *The Electoral District of NORTH BOURKE.*

Bounded on the north by the great dividing range from the source of the River Plenty to the source of the Werribee River; on the west by the Werribee River to Port Phillip Bay; on the south by Port Phillip Bay to the mouth of the Yarra Yarra River, and by that river to the confluence of the River Plenty; and on the east by the River Plenty to its head in the great dividing range.

2. *The Electoral District of SOUTH BOURKE, EVELYN, and MORNINGTON.*

SOUTH BOURKE:—Bounded on the north by the Yarra Yarra River from the confluence of Deep Creek; on the west by that river, and by Port Phillip Bay; on the south by Port Phillip Bay to the mouth of Dandenong Creek and by that creek; and on the east by Dandenong Creek to its head by a line to the head of Deep Creek, and by that creek to the Yarra Yarra River.

EVELYN:—Bounded on the west by part of the eastern boundary of the county of Bourke, namely, first by the River Plenty, from its source to the River Yarra Yarra; thence by the River Yarra Yarra upwards to the confluence of the Deep Creek, thence by that creek upwards to the range between the Yarra Yarra and the Dandenong Creek; on the south-east and north by the range forming the basin of the River Yarra Yarra.

MORNINGTON:—Bounded on the north by part of the southern boundary of the county of Evelyn, being the dividing range from the source of the Buneep Buneep River, to the head of the Deep Creek, thence by that creek to the point where the main stream commences to run in a north-west direction; on the west by a line south two miles fifty-eight chains from the aforesaid bend to Dandenong Creek; thence by that creek downwards to the Carrum Swamp, by that swamp and the Mordialloc Creek to its embouchure at the long beach below Ben-ben-gin, thence by the shores of Port Phillip Bay to Point Nepean; on the south-west and south by the sea coast from Point Nepean to Cape Patterson, and on the east by a line north from Cape Patterson to the Warringin Range, thence along the said range in a northerly direction to the mouth of the Buneep Buneep River, and by that river to its source in the dividing range, including French and Phillip Island, and the small islands in Western Port Bay.

3. *The Electoral District of the County of GRANT.*

Bounded on the east by the western boundary of the county of Bourke, being the Werribee river from its mouth to its source in the great dividing range; on the north by the great dividing range, extending from the source of the Werribee River to that of the Yarrowee River; on the west and south-west by the Yarrowee River to its confluence with the Barwon River; thence by the Barwon River upwards to a creek in H. Hopkins's purchased land, by this creek upwards, and a line bearing south-east across the dividing range to the head of the Salt Creek two miles forty-eight chains, thence by the Salt Creek to the sea coast north of Point Roadknight; on the south by the sea coast, and on the remainder of the east by the waters of Port Phillip to the mouth of the Werribee River, including the small islands near the channels at the mouth of Port Phillip and those of Geelong Bay.

4. *The Electoral District of the United Counties of NORMANBY, DUNDAS and FOLLETT.*

NORMANBY:—Bounded on the north by the Grange Burn and Wannan River, until the latter joins the Glenelg River; on the west by the Glenelg River until it reaches the sea; on the south by the sea shore to the mouth of the Shaw River; and on the east by the western branch of the Shaw River to its source; thence a

line northerly to the source of the Swamp Creek; by that creek to where it empties itself into the Mount Napier Swamp, and thence by a line due north six miles fifteen chains to the Grange Burn, including the Lawrence and Lady Julia Percy's Islands.

DUNDAS:—Bounded on the west and north by the Glenelg River upwards, from the confluence of the Wannon to its source between the Victoria Range and the Grampians, near Mount William; on the east by the Grampians to its rocky extremity near Mount Abrupt, thence to Mount Sturgeon, and by a line crossing the Wannon River, to the north-east corner of the county of Normanby, at the Grange Burn; and on the south by the Grange Burn and the Wannon River to its confluence with the Glenelg.

FOLLETT:—Bounded on the west by the (141°) one hundred and forty-first meridian, being the line dividing the colony of New South Wales from South Australia; on the south and east by the Glenelg River upwards to the confluence with Power's Creek; and on the north-east and north by Power's Creek to its source; thence a line westward to the head of Mosquito Creek, and by that creek to the boundary line.

5. *The Electoral District of the United Counties of VILLIERS and HEYTESBURY.*

VILLIERS:—Bounded on the west by a line due south from the Grange Burn to the mouth of the Swamp Creek, thence by this creek upwards to its source by a line to the head of the western branch of the River Shaw, thence by the west branch of the River Shaw to the sea; on the south by the sea to the entrance of the River Hopkins; on the east by the said River Hopkins to the confluence of the creek above Wiselaskie's station, and by that creek to its source; on the north by a line westward from the source of the last-named creek to the rocky extremity of the Grampians near Mount Abrupt, thence by the principal range of the Grampians to Mount Sturgeon, and by a line south-westerly to the north-east corner of the county of Normanby at the Grange Burn, including all the islands at Port Fairy.

HEYTESBURY:—Bounded on the north-west and north by part of the eastern boundary of the county of Villiers and the southern boundary of the county of Hampden, being the Hopkins River from its estuary to the confluence of the Emu Creek, the Emu Creek, and a line easterly to the north end of Lake Burrumbeet, thence by a line east to Lake Korangamite, by the southern shore of that lake to the mouth of the Pirron Yalloak Creek; on the east and south-east by the Pirron Yalloak Creek to its source, thence by a range to the head of the Gellibrand River, by the Gellibrand River to the sea coast; and on the south-west and west by the sea coast to the estuary of the Hopkins River.

6. *The Electoral District of the United Counties of RIPON, HAMPDEN, GRENVILLE, and POLWARTH.*

RIPON:—Bounded on the west by the Grampian Range (which divides the waters of the Wimmera and Glenelg Rivers from those of the River Hopkins) to the rocky extremity near Mount Abrupt; on the south by a line easterly to the source of the first creek which joins the River Hopkins above Wiselaskie's station on the western side, and by that creek to the River Hopkins, thence by a line east to Lake Boloke, thence by the southern shores of Lake Boloke to the mouth of the Prackmingerrin Creek, and by that creek upwards to a point where a great bend of the creek turns northward, thence by a line to a point in Emu Creek about one mile below, and to the west of the confluence of Broken Creek; on the south-east and east by Emu Creek to the confluence with Baillie's Creek, by Baillie's Creek to Lake Burrumbeet, the southern shores of Lake Burrumbeet and Burrumbeet Creek to its source in the great dividing range; and on the north by the great dividing range to the western boundary aforesaid.

HAMPDEN:—Bounded on the west by the River Hopkins upwards, from the confluence of the Emu Creek to the point opposite the mouth of the small creek above Wiselaskie's station, dividing it from the county of Villiers; on the north by the southern boundary of the county of Ripon, being a line east from the confluence of the creek near Wiselaskie's station already mentioned to Lake Boloke, then by the southern shore of Lake Boloke to the mouth of the Prackmingerrin Creek, then by that creek upwards until it reaches the spot where it forms a great bend to the northward, from that point by a line in a south-easterly direction to Emu Creek, about one mile below and westward of the mouth of Broken Creek, thence by Emu Creek to the point north of the source of Guarkeet Ponds; then on the east by the west boundary of the county of Grenville, viz.—first, by a line southerly to the source of Guarkeet Ponds, then by Guarkeet Ponds to Lake Korangamite, and thence by the west shore of Lake Korangamite to a point east of Lake Pormbeet; and on the south by a direct line to the north end of Lake Pormbeet, and from the north end of Lake Pormbeet to the nearest part of Emu Creek, and thence by Emu Creek to its confluence with the River Hopkins.

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GREENVILLE :—Bounded on the west by the eastern boundary of the county of Hampden, namely, a line southerly from Emu Creek to Guarkeet Ponds, thence by the Guarkeet Ponds to Lake Korangamite, thence by the western shore of that lake to a point east of Lake Pormbeet; on the south by part of the northern boundary of the county of Heytesbury and the northern boundary of the county of Polwarth, namely, the southern shore of Lake Korangamite, thence an east line from Lake Korangamite to the north end of Lake Colac, thence by the north shore of Lake Colac to the point due west from the source of Birregurra Creek, and from that point by a line east to the source of Birregurra Creek, thence by that creek downwards to its confluence with the Barwon; on the east by the River Barwon to its confluence with the Yarrowee River, thence by the Yarrowee River up to its source in the great dividing range; and on the north by part of the great dividing range to the source of Burrambeet Creek, thence by that creek and the southern shores of Lake Burrambeet to the point where Bailie's Creek leaves the lake, by Bailie's Creek to its confluence with Emu Creek, thence by Emu Creek down to the point north of the source of Guarkeet Ponds aforesaid.

POLWARTH :—Bounded on the west by the eastern boundary of the county of Heytesbury, namely, the Gellibrand River upwards to its source, thence by the range to the head of the Pirron Yalloak Creek, by this creek to Lake Korangomite; on the north by the south-eastern shore of Lake Korangomite, and an east line from Lake Korangomite to the north end of Lake Colac, thence by the north shore of Lake Colac to the point due west from the source of the Birregurra Creek, from that point by a line east to the source of the Birregurra Creek, thence by the Birregurra Creek to its confluence with the River Barwon, thence following the course of the River Barwon to a creek in H. Hopkin's purchased land; on the north-east by this creek upwards and a line across the dividing range to the head of the Salt Creek, bearing south-east two miles forty chains, thence by the Salt Creek to the sea coast north of Point Roadknight; and on the south-east and south by the sea coast to the mouth of the Gellibrand River.

7. *The Electoral Districts of the United Counties of TALBOT, DALHOUSIE, and ANGLESEY.*

TALBOT :—Bounded on the north-west and north by the south-western branch of the Loddon River from its source near Mount Cole to its confluence with the main stream; thence by the Loddon River upwards to the confluence of Mount Alexander Creek; this creek to its source under Mount Alexander; thence by Mount Alexander Range to the head of Myrtle Creek, and by this creek to its confluence with the Colliban River; on the east by the Colliban River upwards to its source, being part of the western boundary of the county of Dalhousie; and on the south by the great dividing range to the source of the south-western branch of the Loddon River near Mount Cole.

DALHOUSIE :—Bounded on the west by the River Colliban from its source in the great dividing range to its confluence with the Campaspie River, and by the Campaspie River down to the confluence of Mount Ida Creek; on the north by Mount Ida Creek to its source near Mount Ida, and by the dividing range to the source of Sandy Creek, and by Sandy Creek to the Goulburn River; on the east by the Goulburn River upwards until it joins the Dabyminga Creek, and by that creek to its source in the dividing range; on the south by the great dividing range.

ANGLESEY :—Bounded on the west by part of the eastern boundary of the county of Dalhousie; viz.: from the River Goulburn upwards from the confluence of Hughes' Creek to the confluence of Dabyminga Creek, thence by Dabyminga Creek upwards to its source in the great dividing range; on the south by the great dividing range to the main source of the River Goulburn; on the east by the range dividing the waters of the main source of the Goulburn and Big Rivers from those of the Rubicon and Snod-pon-dock Creek northward to Mount Torbrick, thence by Jerusalem Creek to its confluence with the River Goulburn, thence by the River Goulburn downwards to the confluence of the Devil's River, thence by the Devil's River and its north-west arm to the dividing range between the last-named arm and Septimus Creek; and on the north by that range to the source of Hughes's Creek, thence by Hughes's Creek down to its confluence with the River Goulburn.

8. *The Electoral District of GIPP'S LAND.*

Bounded on the south and east by the sea; on the north by a line running in a westerly direction from Cape Howe to the source of the nearest tributary of the Murray, and the Australian Alps; again on the west by the Alps and the counties of Evelyn and Mornington.

6. *The Electoral District of MURRAY.*

Bounded on the south and west by the counties of Evelyn and Anglesea and the River Goulburn, to its junction with the Murray; on the north and north-east by the River Murray; and on the south-east by the dividing range (Alps).

10. *The Electoral District of LODDON.*

(Formerly Western Port):—Bounded on the south by the counties of Dalhousie, Talbot, and Ripon, from the Goulburn River to the source of the Avoca River; on the west by the Avoca River to Lake Bael Bael, and thence by a line due north to the River Murray; on the north and north-east by the River Murray and the Goulburn River; and on the east by the Goulburn River.

11. *The Electoral District of WIMMERA.*

Bounded on the east by the Avoca River to Lake Bael Bael, and thence by a line due north to the River Murray; on the north by the River Murray to the South Australian frontier; on the west by the South Australian frontier; and on the south by the counties of Follett, Dundas, and Ripon.

12. *The Electoral District of the CITY OF MELBOURNE.*

Comprising, first, North Melbourne and part of Jika Jika, commencing at the south-west angle of suburban allotment No. 1. on the River Yarra Yarra; bounded on the east by a line bearing north 110 chains, west 40 chains, north 80 chains, east 72 chains 50 links, to the Merri Creek; thence by the Merri Creek to the south-east corner of suburban allotment No. 90.; on the north by a line bearing west 235 chains to the Moonee Moonee Ponds; on the west by the Moonee Moonee Ponds, and a line bearing south 188 chains; on the south by the River Yarra Yarra, running eastward to the first-mentioned point. Second, South Melbourne, bounded on the east by the continuation of the eastern boundary of North Melbourne, bearing south 299 chains; on the south by Hobson's Bay; on the north by the River Yarra Yarra; and on the west by the continuation of the western boundary of North Melbourne to Hobson's Bay.

13. *The Electoral District of the TOWN OF GEELONG.*

Bounded by a line drawn from a point on the eastern shores of Corio Bay, near Point Henry, at a distance of 2 miles from the north-east corner of the Township of Geelong, as a centre, bearing southerly to a point bearing east from the said corner; thence by a line south crossing a small portion of Corio Bay, parallel with and at a distance of 2 miles from the eastern boundary of the said township, to a point bearing east from the south-east corner of the said Township of Geelong; thence by a line drawn westerly at a distance of 2 miles from the southern boundary of the said township, crossing the Barwon River and Waurin Chain of Ponds to a point 2 miles west of the south-west corner of the said township; thence by a line bearing north, parallel with and at a distance of 2 miles from the western boundary of the said township of Geelong, to a point bearing west from the north-west corner of the said township; thence by a line drawn at a distance of 2 miles from the north-west corner of the said township, as a centre, to the western shore of Corio Bay, near Cowie's Creek, and also to include the remaining portion of the reserve at Point Henry, and the reserve at the junction of the Moorabool with the Barwon River.

14. *The Electoral District of the TOWN OF PORTLAND.*

Commencing at a point on the beach bearing east 9 chains from the south-east corner of allotment No. 1, of Northern Suburbans; and bounded on the north by a line bearing west 91 chains; on the west by a line bearing south 204 chains; on the south by a line bearing east to the sea coast, and by the sea coast northerly to the point of commencement.

Note—The bearings of the above are true north.

15. *The Electoral District of the United Towns of BELFAST and WARRNAMBOOL.*

BELFAST:—Commencing at a point on the sea coast, bearing south 7 degrees 30 minutes, west 16 chains 25 links from the south-west corner of section No. 15, township of Belfast, and bounded on the west by a line bearing north 62 chains; on the north by a line bearing east 46 chains 25 links; again on the west by a line bearing north 3 chains 75 links to the Moyne River, by that river to its embouchure, and by the sea coast to the point of commencement;—also that portion commencing at the south-west corner of James Atkinson's purchase of 50 acres, at Port Fairy, and bounded on the north-east by a line bearing north-west 15 chains to the Moyne Salt Water Lagoon; by that lagoon and the River Moyne to its embouchure; and by the sea coast northerly to the point of commencement.

WARRNAMBOOL:—Commencing at Messrs Strong's and Foster's fence, where it strikes the Hopkins River, and bounded on a part of the east by a line bearing north 70 chains; on the north by a line bearing west to the Merri River; on the west and south-west by the Merri River to its embouchure; and on the south by the sea coast of Warrnambool Bay, from the mouth of the Merri to that of the Hopkins River to the point of commencement.

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16. *The Electoral District of the United Towns of KILMORE, KYNETON, and SEYMOUR.*

KILMORE :—Commencing at the south boundary line of Rutledge's special survey at a chain of ponds, 5 chains 50 links from the eastern boundary of the Sydney Road, and bounded on the east by that chain of ponds about 5 chains, and a line bearing north 45 chains; on the north by a line bearing west 46 chains; on the west by a line bearing south 53 chains 75 links; and on the south by a line bearing east 47 chains 25 links to the commencing point;—also, that portion commencing at the south-east corner of Rutledge's special survey, and bounded on the north by a line bearing west 41 chains 50 links; on the west by a line bearing south 80 chains; on the south by a line bearing east 41 chains 50 links; and on the east by a line bearing north 80 chains.

KYNETON :—Commencing at the south-west corner of the Reserve for Cattle Market, and bounded on the east by a line bearing north 93 chains 30 links; on the north-east by a line bearing north 53 degrees west 102 chains; on the north by a line bearing west 39 chains 68 links; on the west by a line bearing south 43 chains 50 links to the Campaspie River; and on the south-west and south by that river upwards to the point of commencement.

SEYMOUR :—Commencing at a point on Whitehead's Creek, 1 chain west from the north-west corner of portion No. 2. of section 1, containing 14 acres 2 roods and 8 perches; and bounded on the north by a line bearing west 200 chains; on the west by a line bearing south 160 chains; on the south by a line bearing east 200 chains; and on the east by a line bearing north 160 chains.

Schedule B.

SCHEDULE B. referred to in this Act.

POLLING PLACES.

Electoral Districts.	Polling Places.
1. North Bourke	{ Melbourne, Bacchus' Marsh, Heidelberg, and Richmond.
2. South Bourke, Evelyn, and Mornington	{ Melbourne, Brighton, and Dandenong.
3. The County of Grant	{ Geelong, Bacchus' Marsh, Leigh Bridge, and Buninyong.
4. The united counties of Normanby, Dundas, and Follet	{ Portland, the Grange, and Pearson's Station.
5. The united counties of Villiers and Heytesbury	{ Belfast and Warrnambool.
6. The united counties of Ripson and Hampden, Grenville and Polwarth	{ Chepstowe, Hexham, Fiery Creek, Colac, and Buninyong.
7. The united counties of Talbot, Dalhousie, and Anglesey	{ Kilmore, Kyneton, Seymour, and Carrisbrook.
8. The pastoral district of Gipps' Land	{ Alberton and Flooding Creek.
9. The pastoral district of Murray	{ Wangaratta, Benalla, Seymour, and Violet Town.
10. The pastoral district of Loddon	{ Carrisbrook, Burnbank, and Serpentine Inn.
11. The pastoral district of Wimmera	{ Horsham, Swan Hill, and Harland's Inn.
12. The city of Melbourne	{ Each ward of the said city.
13. The town of Geelong	{ Each ward of the said town.
14. The town of Portland	{ Portland.
15. The united towns of Belfast and Warrnambool	{ Each of the said towns.
16. The united towns of Kilmore, Kyneton, and Seymour	{ Each of the said towns.

Schedule C.

SCHEDULE C. referred to in this Act.

List of electors for the electoral district of the county of Bourke, in the police district of Bourke.

Christian Name and Surname of each Person at full length.	Nature of Qualification.	Where the Property affording the Qualification is situated.
Ashton, John	Freehold	Brighton.
Bates, Thomas	Dwelling house	Ditto.
Carter, James	Freehold	Heidelberg.
Dealtry, William	Ditto	Ditto.
Evelyn, John	Dwelling house	On the road to the beach.

SCHEDULE D. referred to in this Act.
NOTICE OF CLAIM.

To the town clerk of _____, or to the clerk of the bench of _____ (as the case may be.)
I hereby give you notice, that I claim to have my name inserted in the electoral list of _____ in virtue of the freehold property which I possess at _____, (or, as the case may be, of the dwelling house which I occupy at) _____
Dated at _____ day of _____ in the year 18 _____
(Signed) JOHN ASHTON, of (place of abode).

SCHEDULE E. referred to in this Act.
NOTICE OF OBJECTION.

Schedule E.

To the town clerk of _____, or, to the clerk of the bench of _____, (as the case may be,) and to the person objected to.
I hereby give you notice, that I object to the name of Thomas Bates, of _____ (describe the person objected to, as described in the electoral list,) being retained on the electoral list of the _____
Dated this _____
(Signed) JOHN ASHTON, of (here state the dwelling house or property for which he is included in the electoral list).

SCHEDULE F. referred to in this Act.
LIST OF CLAIMANTS.

Schedule F.

The following persons claim to have their names inserted in the electoral list of the _____

Christian name and surname of each claimant.	Nature of the property in respect to which he prefers his claim.	Place where the property is situated.
Alton, Frederick	Dwelling house	Kyneton.
Baker, Joseph	Ditto	One mile from Kyneton.
Chisholm, Charles	Freehold	Kilmore.
Dixon, John	Licensed to depasture	Loddon.
Everett, Samuel	Leasehold	Bourke.

(Signed) A. B.
Clerk of the bench.

Dated at _____ this _____ day of _____

SCHEDULE G. referred to in this Act.
LIST OF PERSONS OBJECTED TO.

Schedule G.

The following persons have been objected to, as not being entitled to have their names retained on the electoral list for the county of Bourke.

Christian name and surname of each person objected to.	Nature of the property for which his name is on the electoral list.	Place where the property is situated.
Amwell, Charles	Freehold	Brighton.
Barton, William	Dwelling house	Ditto.
Curtis, John	Freehold	Heidelberg.
Dobson, William	Licence to depasture	Wimmera.
Elton, David	Leasehold	Grant.

(Signed) A. B.
Clerk of the bench.

Dated at _____, this _____ day of _____

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Appendix, No. 6.

ANNO DECIMO QUARTO VICTORIÆ REGINÆ

No. XLVIII.

An Act to provide for the division of the colony of New South Wales, after the separation of the District of Port Phillip therefrom, into Electoral Districts, and for the election of members to serve in the Legislative Council [Assented to, 2d May 1851.]

Preamble.

5 & 6 Vict. c. 76.

13 & 14 Vict. c. 59.

WHEREAS by an Act of the Imperial Parliament of Great Britain and Ireland, passed in the fifth and sixth years of the reign of Her Majesty Queen Victoria, intituled "An Act for the Government of New South Wales and Van Diemen's Land," it was amongst other things enacted that there should be within the colony of New South Wales a Legislative Council, to be constituted in the manner and for the purposes therein mentioned: And whereas by a certain other Act of the said Parliament, passed in the thirteenth and fourteenth years of Her said Majesty's reign, intituled "An Act for the better Government of Her Majesty's Australian Colonies," provision is made for the separation of the territories comprised within the district of Port Phillip from the colony of New South Wales; and it is thereby amongst other things enacted, that after the proclamation of the said Act in the colony of New South Wales it shall be lawful for the Governor and Legislative Council of such colony, by an Act to be for that purpose made and enacted in the manner and subject to the conditions now by law required in respect of Acts made and enacted by the said Governor and Council, to determine the number of members of which, after the separation of the district of Port Phillip therefrom, the Legislative Council of the colony of New South Wales shall consist; and also to make the necessary provisions for dividing the territories which, after such separation, will be comprised within the colony of New South Wales into convenient electoral districts, or for continuing such of the existing electoral districts as shall be deemed convenient, and for appointing and declaring the number of members of the Council of the colony of New South Wales after such separation, to be elected for each such district, and for the compilation and revision of lists of all persons qualified to vote at the elections to be holden within the several districts of the said colony, and for the appointing of returning officers, and for the issuing, executing, and returning of the necessary writs for such elections, and for taking the poll thereat, and for determining the validity of all disputed returns, and otherwise for ensuring the orderly, effective, and impartial conduct of such elections: And whereas it is expedient to fix the number of members to serve in the said Legislative Council, and otherwise to provide for the division of the colony into electoral districts, and for the several other matters by the said Act required; be it therefore enacted by his Excellency the Governor of New South Wales, with the advice and consent of the Legislative Council thereof, That the Legislative Council of the said colony shall consist of fifty-four members, eighteen of whom are to be appointed by Her Majesty according to the provisions in the first above-recited Act in that behalf contained, and thirty-six of whom are from time to time to be elected by the inhabitants of the said colony in the manner herein-after mentioned.

MEMBERS.

Legislative Council
to consist of fifty four
members.

ELECTORAL DIS-
TRICTS.

New South Wales to
be divided into thirty-
one Electoral Dis-
tricts.

II. And be it enacted, That the said colony of New South Wales shall be divided into electoral districts for the purpose of returning members to serve in the said Legislative Council in manner following, that is to say:—(1) the county of ARGYLE; (2) the county of BATHURST; (3) the eastern division of the county of CAMDEN; (4) the western division of the county of CAMDEN; (5) the united counties of COOK and WESTMORELAND; (6) the county of CUMBERLAND; (7) the county of DURHAM; (8) the united counties of GLOUCESTER and MACQUARIE; (9) the united counties of KING and GEORGIANA; (10) the united counties of MURRAY and ST. VINCENT; (11) the united counties of NORTHUMBERLAND and HUNTER; (12) the united counties of PHILLIP, BRISBANE, and BLIGH; (13) the united counties of ROXBURGH and WELLINGTON; (14) the county of STANLEY; (15) the pastoral district of MANEROO; (16) the pastoral district of MURRUMBIDGEE; (17) the united pastoral districts of LACHLAN and LOWER DARLING; (18) the united pastoral districts of WELLINGTON and BLIGH; (19) the united pastoral districts of LIVERPOOL PLAINS and GWYDIR; (20) the united pastoral districts of NEW ENGLAND and MACLEAY; (21) the united pastoral districts of CLARENCE and DARLING DOWNS; (22) the united pastoral districts of MORETON, WIDE BAY, BURNETT, and MARANOA; (23) the CITY of SYDNEY; (24) the SYDNEY HAMLETS, comprising the Glebe, Camperdown, O'Connell Town, Chippendale, Redfern, Surrey Hills, Paddington, St. Leonard's, and Balmain; (25) the town of PARRAMATTA; (26) the CUMBERLAND BOROUGHs, comprising Windsor, Richmond, Liverpool, Campbell Town, and Penrith; (27) the WESTERN BOROUGHs, comprising Bathurst, Kelso, and Carcoar; (28) the SOUTHERN BOROUGHs, comprising Goulburn, Queanbeyan, Braidwood, and Yass; (29) the NORTHUMBERLAND BOROUGHs, comprising Morpeth, East Maitland, and West Maitland; (30) the NORTH-EASTERN BOROUGHs, comprising Newcastle (with Stockton), and Raymond Terrace; and (31) the STANLEY BOROUGHs, comprising North Brisbane, South Brisbane, Kangaroo Point, and Ipswich, shall respectively constitute electoral districts.

Number of Members
to be returned by each.

III. And be it enacted, That the city of Sydney shall return three members to serve in the said Legislative Council; the counties of Cumberland and Durham shall each return

* Earl Grey's Despatch to Sir C. Fitzroy, No. 142, 21st November 1851, conveys Her Majesty's confirmation of this enactment. See page 24.

two members; and the united counties of Northumberland and Hunter shall together return two members; and every other electoral district shall return one member to serve in the said Council.

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IV. And be it enacted, That the boundaries of the several electoral districts herein-before mentioned shall, for the purposes of this Act, be deemed and taken to be the boundaries set forth in the schedule hereunto annexed marked A.

Boundaries of electoral districts.
Schedule A.

V. Provided always, and be it enacted, That no part of the cities, towns, boroughs, or hamlets, which either alone or together form a separate electoral district, shall, for the purposes of this Act, be deemed to be included in the county or counties within the limits of which they are situated; nor shall any person be entitled to vote for the election of a member to represent any such county or counties in respect of any qualification situate within such separate electoral district as aforesaid.

Cities, towns, &c., to be excluded from counties.

VI. Provided further, and be it enacted, That in the event of the establishment of any new pastoral district, or of any addition to any existing pastoral district forming an electoral district or part of an electoral district under the provisions of this Act, it shall be lawful for the Governor, with the advice of the Executive Council, from time to time, by a proclamation under his hand and seal to be for that purpose published in the New South Wales Government Gazette, to add such new pastoral district or addition to a pastoral district to any one of the electoral districts named in this Act, to which such new district or addition to a district may be contiguous; and thereupon the provisions of this Act shall apply to such new pastoral district or addition to a district, and to all persons resident therein in as full and ample a manner as if such new district or addition to a district had been named in this Act as forming a part of such electoral district.

Governor may add new pastoral district contiguous to electoral district with the advice of the Executive Council.

VII. And be it enacted, That the mayor of the city of Sydney shall be the returning officer of the electoral district of Sydney, unless he shall signify to the Governor his desire to be excused from acting as such returning officer, on the ground either of his intending to become a candidate at such election, or of ill health, or inability to act; and in the event of his so signifying to the Governor his desire to be excused, or his inability to act, or in the event of his absence or of the office of mayor being vacant, it shall and may be lawful for the said Governor, by any writing under his hand, and the seal of the colony, to appoint some other fit and proper person to be returning officer for the said electoral district of Sydney.

RETURNING OFFICERS.

Mayor of Sydney to be returning officer for Sydney.

VIII. And be it enacted, That it shall and may be lawful for the Governor from time to time to appoint, by any writing under his hand, and the seal of the colony, a fit and proper person to be the returning officer of each and every other electoral district in the colony, provided that the person so appointed be, at the time of such appointment qualified to be an elector of the electoral district for which he shall act, and that his appointment be notified in the usual manner in the Government Gazette of the colony; and that in case of sickness or other accident disabling any returning officer from acting at any election, it shall be lawful for the Governor, at any time, to appoint one or more person or persons to act in the stead of such returning officer; and every appointment of a returning officer, made as aforesaid, shall be good and valid until death, or until such appointment shall be cancelled, and some other person appointed to be returning officer, by a writing under the hand of the Governor, and seal of the colony.

Governor to appoint returning officers for other electoral districts.

IX. And be it enacted, That any and every person who may, under the provisions of this Act, be appointed a returning officer or deputy returning officer, or appointed to perform any other duty under this Act, shall, before he enter on the performance of such duty, make and subscribe the following declaration before any justice of the peace, acting for the whole or any portion of the territory of New South Wales:—

Returning officers and other persons acting under this Act to make declaration of acceptance of office.

“ I, A.B., do hereby declare that I accept the office of _____ for the electoral district of _____ and I do hereby promise and declare that I will faithfully perform the duties of the same to the best of my understanding and ability;” and the justice before whom such declaration shall be made is hereby required to transmit the same, by the first convenient opportunity, to the colonial secretary of New South Wales.

Form of declaration.

X. And be it enacted, That the places for taking the poll at elections, in respect of the several electoral districts herein-before mentioned, shall be those set forth in connexion with such electoral districts, in the schedule to this Act annexed, marked B.: provided always, that such other places shall be polling places for the said electoral districts, as shall be appointed for that purpose by the Governor for the time being, by any proclamation, to be issued for that behalf, and published in the New South Wales Government Gazette.

POLLING PLACES.

Places named in Schedule B. to be polling places, and others may be appointed by the Governor.

XI. And whereas by the said last-recited Act, it is amongst other things enacted, that every man of the age of twenty-one years, being a natural-born or naturalized subject of Her Majesty, or legally made a denizen of New South Wales, and having a freehold estate in possession situate within the district for which his vote is to be given, of the clear value of one hundred pounds sterling money above all charges and incumbrances in any way affecting the same, of or to which he has been seised or entitled either at law or in equity, for at least six calendar months next before the date of the writ of such election, or in case a registration of electors shall be established, next before the last registration of electors, or, being a householder within such district, occupying a dwelling house of the clear annual value of ten pounds sterling money, and having resided therein six calendar months next before such writ or registration as aforesaid, or holding at the

QUALIFICATION OF ELECTORS.

Recites qualification fixed by the 13 & 14 Vict. c. 59.

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date of such writ or at the time of such registration, a licence to depasture lands within the district for which his vote is to be given, from the Government of New South Wales, or having a leasehold estate in possession, situate within such district, of the value of ten pounds sterling money per annum, held upon a lease which at the date of such writ or at the time of registration has not less than three years to run, shall be entitled to vote at the election of a member of the Legislative Council; provided always, that no man shall be entitled to vote who has been attainted or convicted of treason, felony, or other infamous offence in any part of Her Majesty's dominions, unless he have received a free pardon, or one conditional on not leaving the colony for such offence, or have undergone the sentence passed on him for such offence; and provided also, that no man shall be entitled to vote, unless at the time of such election, or registration of electors (as the case may be), he shall have paid up all rates and taxes which shall have become payable by him as owner or leaseholder in respect of such estate, or as occupier in respect of such occupancy, or as the holder of a licence in respect of such licence, except such as shall have become payable during three calendar months next before such election or registration respectively: And whereas it is expedient to form within every electoral district a register of all persons entitled to vote at any election of a member or members of Council for such electoral district: Be it enacted, That on or before the first day of June in every year the mayor of the city of Sydney shall appoint a person or persons, to be called collector or collectors, for each ward of the said city; and such collector or collectors shall, between the said first day of June and the twenty-fifth day of June in every year, make out a list, to be called the electoral list, according to the form in the schedule to this Act annexed marked C., of all persons entitled to vote in elections for members of the Legislative Council in respect to property within such ward, and shall sign such list, and deliver the same to the town clerk of the said city; and each collector shall keep a true copy of the list so delivered by him, to be perused by every person without payment of any fee, at all reasonable hours; and the town clerk shall forthwith cause copies to be printed of all such lists delivered to him, and shall deliver a copy of any such list to any person requiring the same, on payment of a reasonable price for each copy; and shall cause a copy of the electoral list of each ward to be fixed on some public and conspicuous building within the same on every day during the fortnight commencing on the second day of July, and ending on the fifteenth of July in every year.

ELECTORAL LISTS.

Collectors of electoral lists to be appointed in the city of Sydney.

Schedule C.

Chief constables to be collectors in other districts.

If no clerk of petty sessions or chief constable, magistrates may appoint persons to act as collectors.

As to police districts forming parts of two or more electoral districts.

ELECTORAL LISTS.
(PREPARATION.)

Additional officers may be appointed by the Governor.

Lists to be printed or transcribed and hung up for public inspection.

Claims of persons to have their names inserted.

Schedule D.
Objections to names on the lists.

Lists to be prepared of claimants and of persons objected to.
Schedule E.

XII. And be it enacted, That in all other electoral districts the chief constables of the different police districts shall, for the purposes of this Act, be considered to be collectors, and shall, between the first day of June and twenty-eighth day of June in every year, make out alphabetical lists as aforesaid of all persons within their respective districts, who shall be qualified to vote in the election of members of Council, and shall deliver the said lists to the clerks of petty sessions for the police districts within which they the said chief constables act; and the said chief constables, and the said clerks of petty sessions, shall do and perform, in respect to the said police districts, the duties respectively wherewith the collectors and town clerk as aforesaid are herein-before charged in respect to the said city of Sydney: provided that if there be no chief constable of any such police district, or if there be no clerk of petty sessions for any such district, or if there be any impediment to any such chief constable or clerk of petty sessions, acting in the performance of any of the said duties, the magistrates at some court of petty sessions held in for such district shall and may appoint persons to act in the capacity of such collector or clerk of petty sessions for the purposes of this Act.

XIII. And be it enacted, That whenever any such police district shall form portions of two or more electoral districts, such collectors and clerks of petty sessions shall make separate lists for each portion of the police district which may be comprised within a separate electoral district.

XIV. And be it enacted, That it shall be lawful for the governor to appoint such additional officers in any electoral district as may be necessary to complete the registration of electors in such district, and to assign to the persons so appointed such remuneration for their services as to the said governor may seem proper.

XV. And be it enacted, That the electoral lists delivered to the different clerks of petty sessions shall be by them either printed or fairly and legibly transcribed, and hung up at the court house in each police district, and in such other conspicuous place or places as may by the magistrates in petty sessions assembled be directed for the period aforesaid of fourteen days ending on the fifteenth day of July in every year.

XVI. And be it enacted, That any person whose name shall have been omitted in any such electoral list, and who shall claim to have his name inserted therein, shall, on or before the fifteenth day of July in every year, give notice thereof to the town clerk, or to the clerk of petty sessions, as the case may be, in the form in the schedule to this Act annexed, marked D., or to the like effect; and any person whose name shall have been inserted in any electoral list may object to any other person as not entitled to have his name retained in the said electoral list; and any person so objecting shall, on or before the said fifteenth day of July in every year, give or cause to be given to the town clerk, or clerk of petty sessions, as the case may be, and also to the person objected to, or leave at the premises for which his name shall appear to be inserted in the electoral list, notice thereof in writing, according to the form in the schedule to this Act annexed, marked E,

or to the like effect; and the town clerk or clerk of petty sessions shall include the names of all persons so claiming to be inserted on the electoral list in a list according to the form in the schedule to this Act annexed marked F.; and shall include the names of all persons objected to in a list according to the form of the schedule to this Act annexed marked G.; and shall cause copies of such several lists to be fixed on the outer doors or walls of the public or conspicuous buildings as aforesaid, during the fourteen days ending on the thirty-first day of July in every year; and the town clerk, or clerk of petty sessions, shall likewise keep a list of the names of all persons so claiming as aforesaid, and also a list of the names of all persons so objected to as aforesaid, to be perused by any person without payment of any fee, at all reasonable hours during the fourteen days (Sunday excepted) ending on the said thirty-first day of July in every year, and shall deliver a copy of each of such lists to any person requiring the same, on payment of a sum not exceeding one shilling for each copy.

XVII. And be it enacted, That in and for the city of Sydney separate courts for the revision of the electoral lists shall be held for each ward by the alderman and assessors of such ward sometime between the first day of August and the twenty-first day of August, both inclusive, in every year; and such alderman shall give notice of the time of holding each such court accordingly; and the town clerk, or person appointed to act as such, shall at the opening of the court of each ward produce the lists relating thereto, and a copy of the lists of the persons so claiming, and of the persons so objected to, made out in the manner aforesaid; and all collectors of rates, and persons acting as collectors under this Act, shall on being thereto summoned attend the court, and shall answer upon oath all such questions as the court may put to them or any of them touching any matter necessary for revising the electoral lists; and the said alderman shall insert in such electoral lists respectively the name of every person who shall be proved to the satisfaction of the said court to be entitled to be inserted therein, and shall retain on the said lists the names of all persons to whom no objection shall have been duly made, and shall also retain on the said lists the name of every person who shall have been objected to by any person, unless the party so objecting shall appear by himself or by some one on his behalf in support of such objection; and when the name of any person inserted in either of the said lists shall have been duly objected to, and the person objecting shall appear by himself or by some one on his behalf in support of such objection, the court shall require proof of the qualification of the person so objected to; and in case the qualification of such person shall not be proved to the satisfaction of the said court, the said alderman shall expunge the name of every such person from the said list, and he shall also expunge therefrom the name of every person who shall be proved to be dead, or to have become disqualified or incapacitated, and shall correct any mistake, or supply any omission which shall be proved to have been made in any of the said lists, in respect of the name or place of abode of any person who shall be included therein, or in respect of the nature or local description of his property: Provided always, that no person's name shall be inserted by the said alderman in any such lists or shall be expunged therefrom except in the case of death, unless notice shall have been given, as is herein-before required, in each of the said cases; and the said alderman shall in open court write his initials against the names struck out or inserted, and against any part of the lists in which any mistake shall have been corrected, and shall sign his name to every page of the several lists so settled: Provided always, that no person who has declared himself a candidate for election for the city of Sydney shall act as alderman or assessor within the same for any of the purposes of this Act.

XVIII. And be it enacted, That if any alderman or assessor shall desire to be relieved from the duty of revising the electoral list of his ward or of acting as a deputy returning officer, on the ground of his either intending to become a candidate at such election, or of ill health, or inability to act, and shall signify the same in writing to the mayor, the mayor shall appoint some other person duly qualified to be a councillor or assessor to perform such duties, and every person so appointed shall have, exercise, and perform the same powers, authorities, and duties, and be subject to the same penalties, as the alderman or assessor in whose place he shall have been so appointed.

XIX. And in order to provide for the revision of the electoral lists in all electoral districts save that of the city of Sydney, be it enacted, That courts of revision for the purpose of revising the lists of electors shall be held in this and every succeeding year by justices of the peace assembled in petty sessions at their usual places of meeting, in and for every police district throughout the territory of New South Wales, which said courts shall be held sometime between the first day of August and the twenty-first day of August, both inclusive, in every year, and the justices of petty sessions at and for every such last-mentioned police district shall cause notice to be given by the clerk of petty sessions or other person appointed to act as such, for the purposes of this Act within such district, by a notice to be affixed in some conspicuous situation or situations, on or about the court house or place used as such, within their respective districts (such notice to be given at least ten days before the holding of the court of revision at any place mentioned therein) of the day and time, or several days and times, at which they will hold their courts for the revision of the said lists, and the said justices shall hold open courts accordingly for the revision of the said lists of electors at the times and at the places so to be announced; and in the event of a deficiency or expected deficiency of justices in any such district at the requisite time, the governor may appoint other persons to perform

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Schedule F.

Schedule G.

ELECTORAL LISTS.
(REVISION.)

Proceedings at revision courts in Sydney.

Proceeding when alderman, &c. desires to be relieved from revising electoral list, &c.

Revision courts to be held by magistrates in other electoral districts.

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Proviso.

Proceedings at revision court held before magistrates.

Powers of adjournment.

Rate books to be produced ;

and oath or affirmation may be administered.

Penalty for swearing or affirming falsely.

Personal attendance of claimant, where necessary.

Revised lists in Sydney to be kept by town clerk.

Copies to be printed for distribution.

In other districts than Sydney, lists to be delivered to the returning officer.

any of the duties herein directed to be performed by, and to exercise any of the powers herein conferred upon magistrates in petty sessions assembled: Provided always, that no magistrate or other person appointed as aforesaid, who has declared himself a candidate for election for any electoral district, shall take any part in the revision of the electoral lists of such district or any part thereof.

XX. And be it enacted, That the justices assembled in every court of petty sessions, or other persons appointed as aforesaid, shall perform and do the same duties and acts, and have and exercise the same powers and authorities, as the said alderman and assessors respectively are herein-before directed and empowered to do, perform, have, and exercise in respect of the lists to be revised by them; provided that in such courts of petty sessions, the police magistrate, if there be one, and if not then the senior magistrate resident in the district who shall be present at any such court of revision shall perform and do all and every thing which is herein-before expressly or impliedly required to be done under the hand of the alderman in relation to the lists under revision or to be revised by him; and the clerks of petty sessions or other persons appointed to act as such, and also the chief constables or other persons appointed as collectors for the respective districts for which such courts shall be held, shall, as far as may be necessary, perform at such courts the duties which are herein-before directed to be performed by the corresponding officers at the courts of revision held by an alderman and assessors for the city of Sydney.

XXI. And be it enacted, That every court under this Act for the revision of the said lists shall have power to adjourn the same from time to time, provided that no such adjourned court shall be held beyond the twenty-first day of August in any year; and the said courts appointed for revising the lists for the city of Sydney shall have power to require any person having the custody of any book containing any rate made for the said city to produce the same, and allow it to be inspected at any court held for the revision of the said lists; and all such courts of revision respectively shall have power to administer an oath or oaths (or in the case of a Quaker or Moravian an affirmation,) as well to the town clerk, clerks of petty sessions, chief constables, or other collectors, as to all persons claiming to be inserted in or making or opposing objections to the omission or insertion of any name on the said lists, and to all persons objected to in the said lists, and to all persons claiming to have any mistake in the said lists corrected, and to all witnesses who may be tendered or examined on either side; and if any person taking any oath or making any affirmation under this Act shall wilfully swear or affirm falsely, such person shall be deemed guilty of perjury, and shall be punished accordingly.

XXII. And be it enacted, That no person claiming to register his vote in any electoral district shall be obliged to appear in person to make proof of the nature and sufficiency of his qualification, unless required by the court at which he shall apply to be registered to attend in person; provided however, that if such personal attendance be rendered requisite on the application of any party objecting to a claimant's right to register his vote, such party, if his objection be disallowed, shall defray such expenses as the court shall award for the claimant's attendance, which expenses so awarded shall be recoverable in any court of competent jurisdiction in which the party entitled thereto shall sue for the same.

XXIII. And be it enacted, That the electoral lists of each ward of the city of Sydney, so revised and signed as aforesaid, shall be delivered by the said alderman to the town clerk, who shall keep the same, and shall cause each of the said electoral lists to be fairly and truly copied in alphabetical order, into books to be by him provided for that purpose, the electoral list of each ward being kept separate, with every name therein numbered, beginning the numbers from the first name and continuing them in a regular series to the last name, and shall cause such books to be completed on or before the thirty-first day of August in every year, and shall deliver such books, together with the lists, at the expiration of his tenure of office to the person succeeding him in such office; and every such book, in which the said electoral lists shall have been copied shall be the roll of the electors of the several wards of the city entitled to vote, after the passing of this Act, in the choice of members of the Legislative Council for the said city, at any election which may take place of a member for the said city, between the first day of September inclusive, in the year in which such electoral lists shall have been made, and the first day of September in the succeeding year; provided that if in any year the electoral lists for any of the said wards shall be omitted to be made out, or shall not be perfected, then and in that case, the electoral roll of the preceding year, so far as it relates to the said ward, shall be the electoral roll for another year.

XXIV. And be it enacted, That the town clerk shall cause copies of the electoral roll in every year to be written or printed, and shall deliver to the alderman of each ward one copy of the electoral list of such ward, and further copies to all persons applying for the same, on payment of a reasonable price for each copy.

XXV. And be it enacted, That in all electoral districts, except the city of Sydney, the clerks of petty sessions, or persons appointed to act in that capacity, shall, on or before the thirty-first day of August in every year, deliver the several electoral lists revised in the manner herein-before directed to the returning officer of the electoral district to which the same belongs or relates, who shall cause a general alphabetical list of the electors of the whole electoral district to be fairly transcribed or printed with as little delay as possible from the lists so delivered to him; and such general list shall be the

electoral list or roll of electors entitled to vote in each respective electoral district, at all elections that may take place of members of the Legislative Council, between the first day of September inclusive in the year in which such electoral lists shall have been made and the first day of September in the succeeding year; provided, that if in any year the electoral lists for any electoral district or part of an electoral district shall be omitted to be regularly made out, or shall not be perfected, then and in that case the electoral roll for the preceding year; or so much thereof as relates to such part of a district, shall be the electoral roll for another year; and the returning officer in every electoral district shall deliver a copy of the electoral roll for such district to all persons applying for the same on payment of a reasonable price for each copy.

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XXVI. And be it enacted, That for the purpose of every general election of members to serve in the Legislative Council, the writs for the several electoral districts shall be issued by the Governor of New South Wales.

WRITS OF ELECTION.

Writs for general election to be issued by the Governor.

XXVII. And be it enacted, That whenever, after any such general election, and during the continuance of any such Legislative Council, it shall be established to the satisfaction of the Speaker of the said Legislative Council, that the seat of any elective member of the said Council hath become vacant, whether by death or resignation in manner aforesaid, or by reason of any other of the causes of vacancy mentioned in the herein-before first-recited Act, the said Speaker shall forthwith issue a writ for the election of a member to serve in the place so vacated during the remainder of the continuance of the said Council, and no longer.

Writs to fill vacancies to be issued by the Speaker;

XXVIII. Provided always, and be it enacted, That if at the time of the occurrence of such vacancy from any of the causes aforesaid there be no Speaker, and the Legislative Council be not in session, or if the Speaker for the time being be absent from the colony, then in any such case the Governor for the time being shall, if he be satisfied of the existence of such vacancy, issue a writ for the election of a member to serve in the place so vacated, during the remainder of the term of the continuance of the said council, and no longer.

or by the Governor, if there be no Speaker.

XXIX. And be it enacted, That writs for the election of members to serve in the Legislative Council, whether issued by the Governor or Speaker of the said Council, shall be directed to the returning officer of each electoral district, in which writs shall be named the day and place of nomination for such election, and the day for taking the poll at the different polling places, in the event of the same being contested, and also the day on which such writs shall be made returnable to the said Governor or Speaker, as the case may be.

Writs to be directed to returning officer.

XXX. And be it enacted, That the returning officer of each electoral district shall endorse on the writ the day on which he receives it; and shall forthwith give public notice of the day and place of nomination mentioned in the said writ.

Returning officer to endorse on writ the date of its receipt.

XXXI. And be it enacted, That on the day of nomination named in the writ the returning officer shall preside at a meeting to be holden at noon, at the place named for that purpose in the writ, and shall declare the purpose for which such meeting is held; and if there be at such meeting no more candidates proposed than the number of members to be returned, the returning officer shall declare such candidate or candidates to be duly elected, and make his return accordingly; and in the event of there being more candidates than the number to be elected, the returning officer shall call for a show of hands separately in favour of each candidate, and after such show of hands shall declare the person or persons on whom the election has fallen, and shall return the same accordingly, unless a poll be then and there demanded by some one of the candidates, or by not less than six of the electors of the district on his behalf; and if such demand be made for a poll, the polling shall take place at the different polling places for the district, on the day appointed in the writ for that purpose.

PROCEEDINGS AT ELECTIONS.

Mode of proceeding on the day of nomination.

XXXII. And be it enacted, That at every election the returning officer, if it shall appear to him expedient for taking the poll at such election, may cause booths to be erected, or rooms to be hired and used as such booths, in one place, or in several places at each polling place, as occasion may require; and the same shall be so divided and allotted into compartments as to the returning officer shall seem most convenient; and the returning officer shall appoint a clerk or clerks to take the poll at each compartment, and, if there be a contest, shall, before the day fixed for taking the poll, cause to be furnished for the use of each booth or polling place a copy of the electoral list of the district, and shall, under his hand, certify such copy to be true; and all expenses of and attending the said election which the said returning officers shall necessarily incur in and about such election, under the provisions of this enactment or otherwise howsoever, shall be defrayed out of the general revenue, under the warrant of the Governor addressed in the usual manner to the colonial treasurer.

Returning officer may cause booths to be erected, &c.

XXXIII. And be it enacted, That the returning officer of each electoral district shall preside at one polling place within or allotted to his district, and shall appoint, by writing under his hand, a deputy to act for him and take the poll at each of the other polling places: Provided that in the electoral district of the city of Sydney the aldermen of the different wards shall be the deputies of the returning officer, unless prevented by illness or other adequate cause, in which case the mayor of Sydney shall appoint a deputy from among the councillors of the said city.

Returning officer to preside at one polling place and his deputies at others.

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Where electors to vote.

XXXIV. And be it enacted, That in the city of Sydney every elector shall be required to vote at the polling place for the ward wherein the property shall be situated in respect of which his name shall stand on the electoral roll; but the registered electors of other electoral districts may vote at any polling place appointed for the electoral district to which they belong, whether such polling place be situate within their electoral district or not.

Adjournment of nomination or of the poll in case of riot.

XXXV. And be it enacted, That where the proceedings at any election shall be interrupted or obstructed by any riot or open violence, whether such proceeding shall consist of the nomination of candidates or of the taking the poll, the returning officer, or his deputy, shall not for such cause terminate the business of such nomination or finally close the poll, but shall adjourn the nomination or the taking the poll at the particular polling place or places at which such interruption or obstruction shall have happened until the following day, and, if necessary, shall further adjourn such nomination or poll, as the case may be, until such interruption or obstruction shall have ceased, when the returning officer or his deputy shall again proceed with the business of the nomination, or with the taking the poll, as the case may be, at the place or places at which the same respectively may have been interrupted or obstructed; and the day on which the business of the nomination shall have been concluded shall be deemed to have been the day fixed for the nomination, and the commencement of the poll shall be regulated accordingly; and any day whereto the poll shall have been so adjourned shall as to such place or places be reckoned the day of polling at such election, within the meaning of this Act; and whenever the poll shall have been so adjourned by the deputy of a returning officer, he shall forthwith give notice of such adjournment to the returning officer, who shall not finally declare the state of the poll, or the name or names of the member or members chosen, until the poll so adjourned as aforesaid shall have been finally closed, and the voting papers delivered or transmitted to such returning officer.

Poll not to extend beyond one day.

XXXVI. And be it enacted, That at every poll the voting shall commence at nine o'clock in the forenoon and shall finally close at four o'clock in the afternoon of the same day, unless adjourned by reason of riot or interruption as herein-before provided for, and shall be conducted in manner following; that is to say, every elector entitled to vote in the election of members of Council, for the particular electoral district in respect of which such election shall be held, may vote for any number of persons not exceeding the number of members then to be chosen, by delivering to the returning officer, or his deputy, a voting paper, containing the christian names and the surnames of the persons for whom he votes, the name of the elector voting, and the name of the place in which the property for which his name appears on the electoral roll is situated.

Voting papers.

Questions which may be asked of person tendering his vote.

XXXVII. And be it enacted, That no inquiry shall be permitted at the time of polling, as to the right of any person to vote, except only as follows; that is to say, the returning officer, or his deputy, shall, if he shall think fit, or if required by any two electors entitled to vote in the same electoral district, put to any voter, at the time of his delivering in his voting paper, and not afterwards, the following questions, or any of them, and no other:—

FIRST. Are you the person whose name is signed as A.B. to the voting paper, now delivered in by you?

SECOND. Are you the person whose name appears as A.B. in the electoral roll now in force for this electoral district, being registered therein for property described to be situated in (*here specify the street or place described in the electoral roll*)?

THIRD. Have you already voted, either here or elsewhere, at the election for the electoral district of _____?

FOURTH. Have you the same qualification for which your name was originally inserted in the electoral roll for the district of _____ (*specifying in each case the particulars of the qualification as described in the register*)?

Returning officer may require declaration against bribery.

XXXVIII. Provided always, and be it enacted, That the returning officer or his deputy, as the case may be, shall, if he think fit, or if called upon so to do by any candidate, or his agent appointed by him in writing, at the time aforesaid, require any person tendering a voting paper to make a solemn affirmation or declaration, in the manner following; that is to say:—

“ You do solemnly declare that you are the same person whose name appears as _____ on the register now in force for the electoral district of _____ (as the case may be).”

And such returning officer, or his deputy shall likewise, if he shall think fit, or if called upon so to do by any candidate, or by his agent appointed as aforesaid, at the time aforesaid, require any person so tendering a voting paper to make a solemn declaration against bribery, in manner following, that is to say:—

Form of declaration.

“ I (A.B.) do solemnly declare, that I have not received or had by myself, or any person whatsoever, in trust for me, or for my use and benefit, or for the use and benefit of any member of my family or kindred, or any friend or dependant, directly or indirectly, any sum or sums of money, office, place of emolument, gift or reward, or any promise or security for any money, office, employment, or gift, by way of consideration, either expressed, implied, or understood for giving my vote at this election.”

No person qualified to vote until he answers questions.

XXXIX. And be it enacted, That no person so required to answer the said questions, or to make the said declarations or either of them, shall be qualified or permitted to vote

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until he shall have answered such questions and taken such declarations, as the case may be.

XL. And be it enacted, That if any person shall wilfully make a false answer to any of the questions aforesaid, or shall wilfully make a false declaration in manner aforesaid, he shall be deemed guilty of a misdemeanor, and on conviction thereof shall suffer the like penalties as persons convicted of wilful and corrupt perjury.

False answers punishable as perjury.

XLI. And be it enacted, That no elector shall at any such election be required to take any oath or affirmation, except as aforesaid, either in proof of his freehold or of his residence; age, or qualification, or right to vote, any law or statute to the contrary notwithstanding; and no person claiming to vote at any such election shall be excluded from voting thereat, except by reason of its appearing to the returning officer or his deputy, upon putting such questions as aforesaid, or any of them, that the person so claiming to vote is not the person whose name is signed to the voting paper tendered by him, or that he is not a person whose name appears on such register as aforesaid, or that he has previously voted at the same election, or that he has not the same qualification for which his name was inserted in such register, or except by reason of such person refusing to make either of the said declarations.

No other oath necessary.

XLII. And be it enacted, That no voting paper shall be rejected by the returning officer or deputy returning officer, for mere want of form, provided that the name and qualification of the elector, and the name or names of the person for whom he votes, be intelligibly expressed, and in a manner to be commonly understood.

Voting papers not to be rejected for want of form.

XLIII. And be it enacted, That each deputy returning officer shall immediately on the close of the poll, collect and seal up all the voting papers which have been taken at the polling place whereat he presided, and shall, with the least delay possible, deliver or cause the same to be delivered to the returning officer of the electoral district.

Voting papers to be transmitted to returning officer.

XLIV. And be it enacted, That the returning officer of each electoral district shall, at the place of nomination, and as soon as may be practicable after the election shall have been held, openly declare the general state of the poll at the close of the election, as the same shall have been made up by him from the voting papers so delivered to him; and he shall at the same time and place declare the name or names of the person or persons who may have been duly elected at such election; and in the event of the number of votes being found to have been equal for any two or more candidates, he shall by a casting vote, decide which of the same candidates shall be elected: Provided however, that no returning officer shall vote at any election for the electoral district of which he is the returning officer, except in the case of an equality of votes as aforesaid.

Name of person elected to be declared by returning officer.

XLV. And be it enacted, That the name or names of the person or persons so elected, shall be endorsed on the writ by the returning officer, and the writ shall be by him returned to the Governor or Speaker, as the case may require, within the time specified therein.

Name of person elected to be endorsed on writ.

XLVI. And be it enacted, That all voting papers shall be sealed up by the returning officer, and transmitted to the clerk of the Legislative Council, who shall safely keep the same for the period of five years after the receipt thereof; and the sealed packets containing the same shall, on the outside thereof, be described to be the voting papers of the electoral district to which they relate, and be signed by the said returning officer; and in case any question shall at any time arise touching any vote alleged to have been given at any election, the voting paper containing such vote shall be received in evidence as proof of such vote in any court of justice, or by the committee of elections and qualifications herein-after mentioned upon production thereof, together with a certificate thereon, under the hand of the clerk of the Legislative Council, that the same was transmitted to him in due course by the returning officer of the district to which the same relates.

Voting papers to be transmitted by the returning officer to the clerk of the Legislative Council, who shall keep the same for five years.

XLVII. And for the prevention of bribery or corruption at any election, be it enacted, That from and after the passing of this Act all and each of the following acts shall be deemed and taken to be acts of bribery and corruption on the part of any candidate, whether committed by such candidate, or by any agent authorized to act for him; that is to say, the giving of money, or any other article whatsoever, to any elector, with a view to influence his vote, or the holding out to him any promise or expectation of profit, advancement, or enrichment to himself, or to any of his family or kindred, friends or dependants, in any shape, in order to influence his vote, or making use of any threat to any voter, or otherwise intimidating him in any manner with a view to influence his vote; the treating of any voter, or the supplying him with meat, drink, lodging, or horse or carriage hire, or conveyance by steam or otherwise, whilst at such election, or whilst engaged in coming to or going from such election; the payment to any elector of any sum of money for acting or joining in any procession during such election, before or after the same; the keeping open, or allowing to be kept open, any public house, shop, booth, or tent, or place of entertainment, whether liquor or refreshment of any kind be distributed at such place of entertainment or not; the giving of any dinner, supper, breakfast, or other entertainment at any place whatsoever by a candidate, to any number of electors with a view of influencing their votes; provided always, that no action or suit shall be maintainable by any publican or any owner or keeper of any shop, booth, tent, or other place of entertainment, against any candidate or any agent of any such candidate, for any liquor, food, or refreshment of any kind whether

What shall be deemed acts of bribery.

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bribery to void elec-
tion, &c.

for man or beast, supplied upon the credit of any such candidate or agent as aforesaid, during the progress of any such election under this Act.

XLVIII. And be it enacted, That the commission of any one of the above-mentioned acts shall, on proof thereof, by the decision of the herein-after mentioned committee, be held to render void the election of the person committing such act, and to disqualify him from sitting and voting in the said Legislative Council, during the whole period that may intervene between the commission of the same, and the time of the next general election.

Principals to be bound
by acts of agents.

XLIX. And be it enacted, That the acts of all authorized agents of a candidate or member shall, in matters connected with elections, be held to be the acts of their principal; provided that it shall be proved to the satisfaction of the said committee that such acts were committed with his knowledge, power, or consent.

Penalty for commission
of acts of bribery.

L. And be it enacted, That any person, whether he shall or shall not be the authorized agent of any candidate, who shall have committed any of the above-mentioned acts hereby declared to be acts of bribery and corruption, shall be deemed guilty of a misdemeanor, and may be indicted for such act or acts in the supreme court of the colony, or in any circuit court, or court of quarter sessions, as for a misdemeanor, and punished with fine not exceeding two hundred pounds, or imprisonment not exceeding six calendar months on the complaint of Her Majesty's attorney general or of any registered elector of the district wherein such act of bribery or corruption shall be alleged to have been committed.

Penalty on persons
receiving or offering
reward for voting or
withholding vote.

LI. And be it enacted, That if any person who shall have or claim to have any right to vote in any election of a member or members of council for any electoral district shall directly or indirectly ask, receive, or take any money or other reward by way of gift, employment, or other reward whatsoever, for himself or any of his family or kindred, friends or dependants, as a consideration or inducement expressed, implied, or understood, for giving his vote, or for abstaining from giving his vote, in any such election, or if any person by himself, his friends, or by any person employed by him, shall by any gift or reward, or by any promise and agreement or security for any gift or reward, procure any person or persons to give his or their vote or votes in any such election, or to abstain from giving the same, such person shall for such offence forfeit the sum of fifty pounds sterling to the person who shall bonâ fide for his own use and not collusively first sue for the same, to be recovered with full costs by action of debt, bill, plaint, or information in the supreme court at Sydney, or in any circuit court of the colony.

Penalty for polling a
second time.

LII. And be it enacted, That every person who shall poll a second time, or offer to poll a second time at the same election for any electoral district, or who shall personate or attempt to personate any other person for the purpose of polling at such election, shall be guilty of a misdemeanor, and upon being thereof convicted shall be fined in any sum not exceeding one hundred pounds, or be imprisoned for any term not more than two years, at the discretion of the judge or judges who shall try the case.

Election not be void
for delay in the return
of writ, &c.

LIII. And be it enacted, That no election for any of the said electoral districts shall be held to be void in consequence solely of any delay in the holding of the election at the time appointed, or in the taking of the poll, or in the return of the writ, or in consequence of any impediment of a merely formal nature; and it shall be lawful for the Governor, with the advice of the Executive Council, to adopt or cause to be adopted such measures as may be necessary for removing any obstacle of a merely formal nature, by which the due course of any election may be impeded; provided that the validity of such election and the measures so taken as aforesaid shall be forthwith declared by the Governor by a proclamation to be for that purpose published in the New South Wales Government Gazette.

Council may proceed
to business when not
more than six members
are deficient through
non-return of writs.

LIV. And whereas in consequence of the great extent of the territory of New South Wales delays may occur in the return of writs from some parts of the same, and by the non-return of such writ or writs the number of the Council may not be completed on the day whereon it may be summoned to meet for the despatch of business, and it is expedient to remove doubts which might otherwise arise as to the power of the said Council in its incomplete state to proceed to business: Be it enacted, That notwithstanding the non-return of any writs on or before the day whereon such writs are returnable, the Council shall be competent to proceed to business if duly summoned thereto, and provided the number of members deficient in consequence of the non-return of such writs be not greater than six.

DISPUTED RETURNS.
(COMMITTEE.)Appointment of Elec-
tion Committee by
Speaker subject to
disapproval by the
Council.

LV. And whereas it is expedient to make provision for the determination of all questions as to the validity of any returns made by the returning officers of the several electoral districts, and all questions as to the sufficiency of the qualification possessed by persons returned as members to serve in the said Legislative Council: Be it therefore enacted, That in the first session of every Council, and within seven days after the election of a Speaker of the said Legislative Council, and in every subsequent session as soon as convenient after the commencement thereof, the Speaker shall, by warrant under his hand, appoint seven members of the Council who are willing to serve, and against whose return no petition is then depending, and none of whom is a petitioner complaining of any election or return, to be members of a committee to be called "The Committee of Elections and Qualifications," and every such warrant shall be laid on the table of the Council, and if not disapproved by the Council in the course of the three next days on which the

Council meets for the despatch of business, shall take effect as an appointment of such committee; provided, however, that every member who shall become a petitioner complaining of an undue election or return, or respecting whose return, qualification, or disqualification an inquiry is pending, shall for the time be disqualified to serve on the committee.

LVI. And be it enacted, That if the Council disapprove of any such warrant the Speaker shall, on or before the third day on which the Council meets after such disapproval, lay upon the table of the Council a new warrant for the appointment of seven members qualified as aforesaid, and so from time to time until seven members have been appointed by a warrant not disapproved by the Council; provided, however, that the disapproval of any warrant may be either general in respect of the constitution of the whole committee, or special in respect of any particular member named in the warrant, and that the Speaker may, if he think fit, name in the second or any subsequent warrant any of the members named in any former warrant whose appointment has not been specially disapproved of by the Council as aforesaid.

LVII. And be it enacted, That after the appointment of the Committee of Elections and Qualifications, every member appointed shall continue to be a member of the committee until the end of that session of Council, or until he cease to be a member of the Council, or until he resign his appointment (which he may do by letter to the Speaker, but which resignation shall not take effect for three days after the receipt thereof, nor until the appointment of another member in the place of the one so resigning), or until the committee report that he is disabled by continued illness from attending the committee, or until the committee be dissolved as herein-after provided.

LVIII. And be it enacted, That if the said committee at any time report that by reason of the continued absence of more than two of its members, or by reason of irreconcilable difference of opinion, it is unable to proceed satisfactorily in the discharge of its duties, or if the Council resolve that the said committee be dissolved, the same shall be thereby forthwith dissolved; and every re-appointment of the said committee after the dissolution thereof, as well also as every appointment to supply a vacancy in the committee, by resignation or otherwise, shall be made by the Speaker by warrant under his hand, laid upon the table of the Council on or before the third day on which the Council meets after the dissolution of the committee, or notification of the vacancy made to the Speaker (as the case may be), and such warrant shall be subject to the disapproval of the Council, in like manner as is herein-before provided in the case of the appointment of the first committee; and upon any re-appointment of the said committee the Speaker may, if he think fit, re-appoint any of the members of the former committee, who are then willing and not disqualified to serve on it; and every such new committee or new member shall have power to take up and continue the business which may have been pending at the time of the dissolution or vacancy as aforesaid, in the same manner as might have been done by the committee as previously constituted and composed.

LIX. And be it enacted, That the Speaker shall appoint the time and place of the first meeting of the said committee, and the committee shall meet at the time and place so appointed, but no member shall act upon the said committee until he shall have been sworn at the table of the Council by the clerk well and truly to try and determine the matter of any petitions and other questions referred to the said committee, and a true judgment to give according to the evidence, and truly and faithfully to perform the duties appertaining to a member of the said committee to the best of his judgment and ability, without fear or favour; and the said committee shall not be competent to transact any business unless at the least four members thereof shall be present together.

LX. And be it enacted, That the said committee shall have power to adjourn its sitting from time to time as in its discretion it shall think proper, provided that the interval of adjournment shall not, in any instance, exceed five days unless by leave first obtained from the Council, upon motion (without notice) and special cause assigned for such adjournment; and in case four members shall not have met together within one hour of the time appointed for an original or adjourned meeting, it shall be competent to the members present to adjourn within the limits and subject to the restrictions aforesaid; and the said committee shall select its own chairman, and shall have power to regulate the form and manner of its own proceedings; provided that such proceedings shall be conducted openly, except when the committee shall think it necessary to deliberate among themselves, after hearing evidence and argument if offered; and all questions before the committee shall be decided by a majority of voices, and whenever the voices are equal the chairman shall have a second or casting voice, and no member of the committee shall be allowed to refrain from voting on any question on which the committee is divided; and the said committee shall be attended by one of the clerks of the Council, and such clerk shall make a minute of all proceedings of the committee in such form and manner as shall be from time to time directed by the said committee, and a copy of the minutes so kept shall be laid from time to time before the Council.

LXI. And be it enacted, That the said committee shall have power to inquire into and determine upon all election petitions, and upon all questions which may be referred to it by the Council respecting the validity of any election or return of a member or members to serve in the said Legislative Council, whether the disputes relating to such elections or returns arise out of an error in the return of the returning officer, or out of

Proceedings on disapproval by the Council of Speaker's nomination.

Duration of office of members of committee.

Resignation.

Resolution of House to dissolve committee.

Re-appointment.

Time of meeting.

Oath of committee-men.

Quorum.

PROCEEDINGS OF COMMITTEE.

Powers of adjournment.

Election of chairman.

Majority to decide.

Casting vote.

Minutes of proceedings.

General powers and course of inquiry by committee.

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the allegation of bribery or corruption against any person concerned in any election, or out of any other allegation calculated to affect the validity of such election or return; and also upon all questions concerning the qualification or disqualification of any person who shall have been returned as a member of the said Council; and in the trial of any such questions the committee shall be guided by the real justice and good conscience of the case, without regard to legal forms and solemnities, and shall direct themselves by the best evidence they can procure, or that is laid before them, whether the same be such evidence as the law would require or admit in other cases or not; provided, however, that the said committee may receive or reject, as they may deem fit, any evidence that may be tendered to them.

Powers in respect of witnesses, affidavits, and documentary evidence.

LXII. And be it enacted, That the said committee shall have power to direct the attendance of witnesses, and to examine them upon oath (which oath it shall be competent for any member of the said committee to administer), and also to send for and examine papers, records, and other documentary evidence; and it shall be competent to the said committee, if in its discretion it shall see fit, to receive affidavits relative to any of the matters referred to them taken before any justice of the peace (which affidavits such justice of the peace is hereby authorized to take); and if any person summoned by the committee shall disobey such summons, or shall refuse or neglect to produce any papers, records, or other documentary evidence relating to or affecting the matter under investigation which shall have been sent for by the said committee, or shall refuse to submit himself to examination, or shall give false evidence, or prevaricate, or otherwise misbehave in giving or refusing to give evidence, he shall be deemed guilty of a misdemeanor, and be liable accordingly; and any person wilfully or knowingly giving false evidence before the said committee, or a quorum thereof, or in any such affidavit, shall be deemed guilty of wilful and corrupt perjury, and shall be liable to the ordinary penalties for such offence.

Punishment for contempt, &c., by witnesses.

Powers of committee in respect of inquiry as to individual votes.

LXIII. And be it enacted, That the committee shall not have power to inquire into the correctness of the register of any electoral district, or into the qualification of persons whose votes may, on the day of election, have been either admitted or rejected, but simply into the identity of the voters, and whether their votes were improperly admitted or rejected, assuming the register to be correct, and whether any voters, or persons entitled to vote, gave their votes under the influence of bribery or corruption, force, menace, or fraud, or were prevented from giving votes by force, menace, or fraud; and if the committee shall find any votes or vote to have been given under the influence of bribery or corruption, force, menace, or fraud, by or on the part of any candidate or candidates, or his or their agents or committee-men, or any of them, the same may be taken off the file of votes; and as often as the said committee shall find any voter to have been prevented from voting by force, menace, or fraud by or on the part of any candidate or candidates, or his or their agents or committee-men, or any of them, it shall be competent to the voter so prevented from voting to tender his vote before the said committee, and such vote shall be taken accordingly; and on reckoning the votes received for any or either candidate such votes so rejected or received shall be taken into the account accordingly by the said committee.

Decisions of committee and their effect.

LXIV. And be it enacted, That the said committee shall determine finally on all questions referred to them, and if the said committee shall determine and report to the Council that a person was not duly elected who was returned as elected by the returning officer, the person so declared not to be duly elected shall cease to be a member of the said Council; and if it shall determine and report any party to have been duly elected who was not returned by the returning officer, the person so declared shall, upon making the declaration required by law as to his qualification, be sworn a member of the said Legislative Council, and take his seat accordingly; and if the said committee shall declare any election to have been wholly void, or shall declare any sitting member to be unqualified or disqualified, it shall be lawful for the Speaker to issue a new writ for the holding of another election, and the person thereafter elected and duly returned shall be the member for the electoral district concerned; and if the said committee shall come to any resolution other than the determination above mentioned, they shall, if they think proper, report the same to the Council for its opinion at the same time that they inform the Council of such determination, and the Council may confirm or disagree with such resolution, and make such order thereon as to it shall seem proper.

Committee may report to the Council their resolutions upon other matters.

ELECTION PETITIONS.

Manner and time of petition against undue return, &c.

LXV. And be it enacted, That all petitions complaining of an undue election or return, of a member to serve in the said Council, or complaining that no return has been made according to the requisition of the writ issued for the election of a member to serve in the said Council, or complaining of any special matter contained in any such return, shall be subscribed by some person who voted or had a right to vote at the election to which the same relates, or by some person or persons claiming to have had a right to be returned or elected thereat, or alleging himself to have been a candidate at the election, and shall, in the case of a general election, be addressed to the Governor, and in the case of elections to supply vacancies, shall be addressed to the Speaker of the said Council, and shall be presented to the said Governor or Speaker, as the case may be, within four weeks after the day of the return of the writ to which any such petition shall relate; and every such petition shall be forthwith notified in the Government Gazette, and shall, as soon as conveniently may be after such presentation, be laid by the said Governor or the said

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Speaker, as the case may be, before the Legislative Council, and shall by the said Council be referred to the "Committee of Elections and Qualifications" either forthwith or as soon as the said committee shall have been duly appointed and confirmed.

LXVI. And be it enacted, That it shall be competent to the said Legislative Council, upon any petition subscribed as aforesaid, and complaining of the insufficiency of the qualification of any member, and presented to the Speaker at any time within six months after such member shall have subscribed the declaration required by law to be made by him in his place in the said Legislative Council touching his qualification, to refer the said petition and the question thereby raised to the said committee, and shall also have power upon the like petition to refer to the said committee all questions respecting bribery or corruption alleged to have been committed at any election at any time within twelve months after such election, notwithstanding that the period in either of the above cases shall have elapsed for a petition against the said election or the return thereof, according to the provisions herein-before in that behalf contained.

Council may refer to committee question of qualification, &c.

LXVII. And be it enacted, That before presenting any such petition as aforesaid to the said Governor or Speaker, the person or persons by whom the same shall be subscribed shall pay into one of the banks regulated by Act of Council within the said colony, or into a branch of one of such banks, a sum of one hundred pounds, to the credit of the Speaker of the Legislative Council, in relation to the said petition, which said sum shall be payable towards the costs of the petition as herein-after regulated, and shall be liable to be withdrawn upon the order or orders of the said Speaker, either for the purpose of such payment, or for the purpose of restoring the same to the petitioner or petitioners, wholly or in part, as the case may require.

Deposit for costs of petition.

LXVIII. And be it enacted, That any person who voted or had a right to vote at the election to which any petition relates may petition the Legislative Council to be admitted as a party to defend the return, or to oppose the prayer of such petition, or support the said petition in case the same shall be abandoned by the person by whom the same was presented, and such person shall thereupon be admitted as a party to defend such return, or oppose the prayer of such petition, or support the same, as the case may be.

Who may be heard in support of, or opposition to, petition.

LXIX. And be it enacted, That the petitioner may at any time after the presentation of his petition withdraw the same, upon giving notice under his hand or that of his agent to the Speaker, and also to the sitting member or his agent, and also to any party who may have been admitted to defend the return, that it is not intended to proceed with the petition, and in such case the petitioner shall be liable to the payment of such costs and expenses as have been incurred by the sitting member or other party complained of in such petition, and also by any party admitted to oppose the prayer of such petition, to be taxed as herein-after provided.

Withdrawal of petition.

Costs thereon.

LXX. And be it enacted, That whenever the committee shall report to the Council that a petition so referred to them was frivolous or vexatious, the parties, if any, (to be named by the said committee,) who have appeared before the committee in opposition to such petition, shall be entitled to recover from the persons, or any of them, (also to be named by the said committee,) who subscribed such petition, the full costs and expenses which such parties have incurred in opposing the same; and whenever the committee shall report to the Council that the opposition made to any such petition by any party (to be named by them) appearing before them was frivolous or vexatious, the persons who signed the petition shall be entitled to recover from the party with respect to whom such report is made the full costs and expenses which such petitioners have incurred in presenting their petition; and whenever no party has appeared before the committee in opposition to the petition, and the committee reports to the Council that the election or return, or the omission or insufficiency of a return complained of in such petition was vexatious or corrupt, the persons who signed such petition shall be entitled to recover from the sitting members or member (if any) whose election or return is complained of (such members not having given notice as aforesaid of their intention not to defend the same), or from any other persons admitted by the committee as aforesaid to oppose such petition, the full costs and expenses which such petitioners have incurred in presenting the petition.

Frivolous or vexatious petition or opposition.

Costs of unopposed petition where election or return vexatious or frivolous.

LXXI. And be it enacted, That if any ground of objection be stated against any individual voter, and the committee be of opinion that such objection was frivolous or vexatious, they shall report the same to the Council, together with their opinion on the other matters relating to the said petition; and the opposite party (who shall be named by the committee) shall in that case be entitled to recover from the party on whose behalf any such objection was made (who shall also be named by the committee) the full costs and expenses incurred by reason of such frivolous or vexatious objections; and if any person shall make before the said committee any specific allegation with regard to the conduct of either party or his agents, and either bring no evidence in support thereof, or such evidence that the committee is of opinion that such allegation was made without any reasonable or probable ground, the committee may make such orders as to them shall seem fit for the payment by the person making such unfounded allegation to the other party of all costs and expenses incurred by reason of such unfounded allegation.

Costs upon frivolous objection to individual voters.

Costs occasioned by unfounded specific allegations.

LXXII. And be it enacted, That the costs and expenses which may become payable under the provisions of this Act by any party prosecuting or opposing or preparing to

Costs how to be ascertained.

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oppose any petition under the provisions of this Act, or to any witnesses summoned to attend before the committee under the provisions hereof, shall be ascertained by the said committee, who shall, upon application made to them, deliver to the party entitled to such costs and expenses a certificate thereof, signed by the chairman of the said committee, expressing the amount of the costs and expenses allowed, with the name of the party liable to pay the same, and the name of the party entitled to receive the same; and such certificate shall be conclusive evidence for all purposes whatever as well of the amount of the demand as of the title of the party therein named in that behalf to recover the same from the party therein stated to be liable to the payment thereof.

Recovery of costs.

LXXIII. And be it enacted, That the Speaker may, by order under his hand, direct the payment of the said sum of one hundred pounds, deposited according to the provisions herein-before contained, or a sufficient portion or proportionate part thereof, to any party or parties who by such certificate shall appear to be entitled to recover costs and expenses against the person or any of the persons by whom such deposit was made; and the party entitled to any such costs and expenses under such certificate may recover the same, or so much thereof as shall not be paid out of any such deposit, from the party liable to pay the same; and if the party liable to pay such costs and expenses shall not, upon demand being made within seven days thereafter, pay the same, the Speaker shall, by warrant under his hand, directed to the Sheriff of the said colony, command the said Sheriff to levy for the amount named in such warrant upon the lands and tenements, goods and chattels, of the party liable to pay the same, and thereupon the said Sheriff shall forthwith levy for the said amount, and when the same shall be recovered pay over the same to the party entitled thereto; and any person from whom the amount of such costs and expenses shall have been recovered, or who shall have paid the same on demand thereof, shall be entitled to recover in any court of competent jurisdiction, from the other persons (if such there be) who are liable to the payment of the same, a proportionate share thereof, according to the number of persons so liable, and according to the extent of the liability of each person.

Proportionate recovery
against persons jointly
liable.Penalty for neglect by
returning officer, &c.

LXXIV. And be it enacted, That if any returning officer or any deputy returning officer, after having accepted office as such, or any mayor, alderman, assessor, magistrate, or police magistrate, shall wilfully neglect or refuse to perform any of the duties which, by the provisions of this Act, he is required to perform, every such returning officer, deputy returning officer, mayor, alderman, assessor, magistrate, or police magistrate shall for every such offence forfeit and pay any sum not less than fifty nor exceeding two hundred pounds; and in like manner if any town clerk, clerk of petty sessions, collector, or any other officer or person shall wilfully neglect or refuse to perform any of the duties which by the provisions of this Act he is required to perform, every such town clerk, clerk of petty sessions, collector, or other officer or person shall for every such offence forfeit and pay any sum not less than twenty and not exceeding fifty pounds; the said penalties to be recovered, with full costs of suit, by any person who shall sue for the same within three calendar months after the commission of such offence, by action of debt in the supreme court at Sydney, or in any circuit court of the colony; and the money so recovered shall, after payment of the costs and expenses attending the recovery thereof, be paid and apportioned as follows; that is to say, one moiety thereof to the person so suing, and the other moiety thereof to Her Majesty, Her heirs and successors, for the public uses of the said colony, and in support of the Government thereof, to be applied thereto as may be directed by any Act or Acts of the Governor and Legislative Council thereof; provided, nevertheless, that it shall be lawful for the Governor either to mitigate or wholly to remit any such penalty or forfeiture.

Governor may miti-
gate or remit penalty.Things directed to be
done on a holiday, to
be done on the day
following.

LXXV. And be it enacted, That when any matter or thing shall be directed by this Act to be performed on a certain day, and that day happen to be Sunday, Good Friday, or Christmas Day, the said matter or thing shall be performed on the next succeeding day.

General Issue.

LXXVI. And be it enacted, That whenever any person is sued in respect of anything done in pursuance of the provisions of this Act it shall be competent for him to plead the general issue, and to give the special matter in evidence.

Interpretation.

LXXVII. And be it enacted, That whenever the word "Governor" is used in this Act the same shall be held to mean the Governor or person administering the Government for the time being; and whenever the word "Speaker" is used the same shall be held to mean the Speaker of the Legislative Council for the time being; and wherever in this Act words are used importing the singular number and masculine gender the same shall be held to imply several persons or things as well as one person or thing, and females as well as males, unless there be something in the context repugnant to this construction.

Short title of Act.

LXXVIII. And be it enacted, That this Act may be quoted or referred to by the name of "The Electoral Act of 1851," without further or other description thereof.

6 Vict. No. 16. re-
pealed.

LXXIX. And be it enacted, That the Act of the Governor and Legislative Council of New South Wales passed in the sixth year of Her Majesty's reign, intituled "An Act to provide for the Division of the Colony of New South Wales into Electoral Districts,

“ and for the Election of Members to serve in the Legislative Council,” shall be and the same is hereby repealed.

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Passed the Legislative Council this first day }
of May one thousand eight hundred and }
fifty-one.

CHARLES NICHOLSON,
Speaker.

WM. MACPHERSON, Clerk of the Council.

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

Government House, Sydney, 2d May 1851.

CH. A. FITZROY,
Governor.

SCHEDULE A. referred to in this Act.

BOUNDARIES OF ELECTORAL DISTRICTS.

Schedule A.

1. *The Electoral District of the County of ARGYLE.*

Bounded on the north by the River Guinecor from its junction with the Wollondilly to its source near Burra Burra Lagoon on the dividing range; on the west by the dividing range, from Burra Burra, by Cullarin, to Lake George, including the three Bredalbane plains; on the south by the northern margin of Lake George to Kenny's Station, from Lake George to the Alianoyonyiga Mountain by a small gully descending to the Lake, from Alianoyonyiga by the ridge extending south-east to the Hill of Wolowolar, and from Wolowolar by Boro Creek to the Shoalhaven River; on the east by the Shoalhaven River to the junction of the rivulet from Barber's, by the rivulet from Barber's to its source across a narrow neck of land to the head of the Uringalla, by the Uringalla to its junction with the Wollondilly, and by the Wollondilly to the junction of the Guinecor above mentioned.

2. *The Electoral District of the County of BATHURST.*

Bounded on the north-east by the River Campbell from Pepper Creek and the River Macquarie to the junction of Lewis' Ponds; on the west by Lewis' Ponds Creek to Blackman's Swamp, and thence by the range to the Conobolas Mountains, thence by the Pannara Range and Pannara Rivulet to the Belubula Stream, and by that stream to its junction with the Lachlan; on the south by that river to the Abercrombie and the junction of Rocky Bridge Creek, also by that creek and the range to the head of Pepper Creek, and by that creek to the River Campbell as aforesaid.

3. *The Electoral District of the Eastern Division of the County of CAMDEN.*

Bounded on the north by a line bearing west 20 degrees north from Bulli to the coast range; on the west by that range, and by the range dividing the waters of the Nepean and Shoalhaven Rivers to Mount Triangle, and thence by Yarringa Creek and the Kangaroo River to the Shoalhaven River; on the south by the Shoalhaven River to the sea; and on the east by the sea to Bulli aforesaid.

4. *The Electoral District of the Western Division of the County of CAMDEN.*

Bounded on the north by the Cataract River from its head in the coast range, and by the Nepean River to the confluence of the Wollondilly River (there called the Warragamba); on the west by that river to the confluence of Paddy's River, by that river to the confluence of Uringalla Creek, and by that creek to its head, thence by a line to the head of Barber's Creek, and by that creek to the Shoalhaven River; on the south by that river to the confluence of the Kangaroo River; on the east by that river to the confluence of Yarringa Creek, and by that creek to its head near Mount Triangle, thence by the range dividing the waters of the Nepean and Shoalhaven Rivers to the coast range, and by that range to the head of the Cataract River aforesaid.

5. *The Electoral District of the United Counties of COOK and WESTMORELAND.*

COOK:—Bounded on the north-east by the Colo River; on the west by Cook's Creek to its source in the dividing range, by that range to the Honeysuckle Hill, thence by Solitary Creek to its junction with Antonio's Creek at the boundary of Westmoreland; on the south by two small creeks from the dividing range in a direction due east from the aforesaid junction to Cox's River one mile south of the new road; on the south by Cox's River; and on the east by the Warragamba, Nepean, and Hawkesbury to the junction of the Colo as aforesaid.

WESTMORELAND:—Bounded on the north-east by Cox's River from its junction with the Wollondilly to the small creek entering the Cox from the west, one mile south of the

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new road to Bathurst; on the north by that creek and one descending to Solitary Creek, near its junction with Antonio's Creek, and thence by the Fish River to Campbell's River; on the west by Campbell's River to its source in the dividing range, and by the dividing range to Burra Burra Lagoon; on the south by the River Guinecor from Burra Burra Lagoon to its junction with the Wollondilly; on the east by the Wollondilly to the junction of Cox's River above mentioned.

6. *The Electoral District of the County of CUMBERLAND.*

Bounded on the north and west by the Rivers Hawkesbury and Nepean; on the south-west and west by the Nepean, the Cataract River, and a line bearing east 20 degrees south to Bulli, on the sea coast, which shall form the eastern boundary of the said county.

7. *The Electoral District of the County of DURHAM.*

Bounded on the north-east by the William's River to its source, and thence by the Mount Royal Range to the head of the River Hunter, in latitude $31^{\circ} 46''$, and by that river on the west and south to the junction of William's River above mentioned.

8. *The Electoral District of the United Counties of GLOUCESTER and MACQUARIE.*

GLOUCESTER:—Bounded on the south and west by the River Hunter (exclusive of the islands therein) to its confluence with the William River; then on the south-west by the William River to its source, and thence by the Mount Royal Range bounding the county of Durham to the head of the Barnard River; the principal source of the Manning; on the north by the Barnard and Manning Rivers to Farquhar Inlet; and on the east by the sea coast.

MACQUARIE:—Bounded on the south by the Manning River from Farquhar's Inlet to its confluence with the Barnard River; on the west by a line from the said confluence to Mount Sea View, and thence by a line to Kippara, a pass in the range dividing the waters of the M'Leay River from the waters of the Wilson River; on the north by that range to the source of the south branch of the Maria River, and thence by that stream to the first section line in the parish of Kalateenee, west of the eastern boundary of that parish, thence by that section line to the M'Leay River; on the north-west by the M'Leay River to its mouth (inclusive of the islands); and on the east by the sea coast.

9. *The Electoral District of the United Counties of KING and GEORGIANA.*

KING:—Bounded on the east by the dividing range forming the western boundary of the County of Argyle from the head of the Crookwell River, in latitude $34^{\circ} 30''$, to the head of the Gundaroo Creek, near Lake George; on the south by the Gundaroo Creek and the River Yass to the junction of Derringullen Creek near Bowning Hill; on the west by the range of Bowning Hill to the head of Borowra River, and by that River to its junction with the Lachlan; on the north-east by the Rivers Lachlan and the Crookwell to its source as before mentioned.

GEORGIANA:—Bounded on the east by the dividing range extending from the head of the Crookwell, in latitude $34^{\circ} 30''$, by Burra Burra Lake and Mount Werong to the head of Campbell's River; on the north by Campbell's River to Pepper Creek; on the west by Pepper Creek and the range extending from its head towards the source of Rocky Bridge Creek, and by that creek and the Abercrombie to the River Lachlan; on the south by the Lachlan and the Crookwell to its source as aforesaid.

10. *The Electoral District of the United Counties of MURRAY and ST. VINCENT.*

MURRAY:—Bounded on the north-east by the Boro Creek from its junction with the Shoalhaven River to its source on the hill of Wolowolar, by the range thence to the Alianoyonyiga Mountain, between Lake George and Lake Bathurst, and by a water-course descending from that mountain to Lake George, by the northern shore of Lake George to the hill on the dividing range, the range in the west overlooking its northern extremity, and thence by Gundaroo Creek and Yass River to the Murrumbidgee; on the west by the Murrumbidgee River to the junction of Miccaligo Creek; on the south by that creek to the Twins or Tinderry Pics, passing between them to the source of Tinderry Creek, and by that creek to Queanbeyan River, by that river to the creek entering it from the hill called Tumanung, and by a line from the source of Jerrabatgulla in that mountain to the junction of Carrabeene Creek with the Shoalhaven River; and on the east by Shoalhaven River to the junction of Boro Creek.

ST. VINCENT:—Bounded on the north and west by the Shoalhaven River; on the south by the Wianbene Creek to its source, and thence by the Moodong Creek and the Moruya River to the sea coast, which forms the eastern boundary.

11. *The Electoral District of the United Counties of NORTHUMBERLAND and HUNTER.*

NORTHUMBERLAND :—Bounded on the north by the River Hunter; on the west by Wolombi Brook to the junction of Parson's Creek, by that creek to its head in the range dividing the waters of the Hawkesbury from those of the Hunter, by Wareng Creek to its junction with the River Macdonald or Lower Branch of the Hawkesbury, and by the said Lower Branch to its junction with that river; on the south by the Hawkesbury to the sea coast which forms the eastern boundary.

HUNTER :—Bounded on the north by the River Hunter and the Goulburn to the junction of Widdin Creek; on the west by Widdin Creek to the Mountain of Coricudgy, by the range thence to the Durambang Hill; on the west by Umbiella Creek to the River Colo; on the south by that river to the Hawkesbury; on the east by the Hawkesbury to the mouth of the Macdonald River or Lower Branch; on the east by the Macdonald to the junction of Wareng Creek, and by Wareng Creek, Parson's Creek, and the Wollombi Brook to its junction with the Hunter.

12. *The Electoral District of the United Counties of PHILLIP, BRISBANE, and BLIGH.*

PHILLIP :—Bounded on the north by the River Goulburn from its source near the head of Wialdrar Creek to the junction of Widdin Creek; on the north-west by Wialdrar Creek to the Cudgegong River; on the south by the Cudgegong River from its source at Mount Durambang to Wialdrar Creek.

BRISBANE :—Bounded on the north-east by River Hunter from its source in latitude 31° 46" to the River Goulburn, and by that river to the Krui River; on the west by the Krui River to its source at Mount MacArthur or Moan in the Liverpool Range; on the north-west by that range Tinagaroo and Temi to the head of the River Hunter as aforesaid.

BLIGH :—Bounded on the north by the Liverpool Range from Mount MacArthur to the head of the Coolaburragundy River; by the Coolaburragundy and Talbragar Rivers to the junction of a small creek two miles east of Balara; and on the west by a connected ridge extending from the head of the creek aforesaid to a hill five miles north of the junction of the Bell with the Macquarie, and thence by a line south to the Macquarie; on the south-west by the Macquarie to the junction of the Cudgegong River; and on the south-east by the Cudgegong River and Wialdrar Creek to the source of the latter in the dividing range at the head of the Goulburn, thence by the Goulburn and Krui Rivers to Mount MacArthur or Liverpool Range.

13. *The Electoral District of the United Counties of ROXBURGH and WELLINGTON.*

ROXBURGH :—Bounded on the north by the River Cudgegong from the Mount Durambang by Canguddy Creek to the junction of Cudgegong Creek on the east of Mount Bocobel; on the west by that creek and by a creek in the opposite direction beyond the range descending to Cunningham's Creek, and by Cunningham's Creek and the Turon River to the Macquarie; on the south by the River Macquarie and the Fish River to the junction of Solitary Creek; on the east by Solitary Creek to Honey-suckle Hill, and thence by the dividing range to the head of Cook's Creek, and by that creek and the Colo River and Umbiella Creek to Mount Durambang aforesaid.

WELLINGTON :—Bounded on the north-east by the River Cudgegong; on the west by that river and the Macquarie to the junction of the River Bell near Wellington Valley; on the west by the Rivers Bell, Molong, and Boreenore Creek to the Conobolas Mountains; and on the east by the range thence to Blackman's Swamp, and by Lewis' Ponds, the Macquarie, Turon River, Cunningham's Creek, and Cudgegong Creek under Bocobel, to the Cudgegong River.

14. *The Electoral District of the County of STANLEY.*

To comprehend the portion of the colony of New South Wales lying between the parallels of 27 and 28 degrees of south latitude, and bounded on the east by the Pacific Ocean, and on the west by the mountain ridge which separates the waters which fall into the Pacific Ocean from those which run to the Darling River, and ultimately by the River Murray to the Southern Ocean.

15. *The Electoral District of the Pastoral District of MANEROO.*

Bounded on the north by the counties of St. Vincent and Murray from the sea to the Murrumbidgee River; on the west and again on the north by that river to its source in the Snowy Mountains; again on the west by those mountains, being the great dividing range, to the boundary between this colony and Port Phillip; on the south by that boundary, being a line bearing south-easterly from the nearest source of the Murray to Cape Howe; and on the east by the sea coast from that cape to the county of St. Vincent aforesaid.

16. *The Electoral District of the Pastoral District of MURRUMBIDGEE.*

Bounded on the north by the Murrumbidgee River from its confluence with the Murray to the confluence of the Yass River; on the east by the Murrumbidgee River, partly

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dividing it from the county of Murray and partly on the south by that river to its head in the Snowy Mountains; again on the east by those mountains, being the great dividing range, to the boundary between this colony and Port Philip at the nearest source of the River Murray to Cape Howe; and on the south and west by that boundary, being the River Murray to the confluence of the Murrumbidgee River aforesaid.

The Electoral District of the United Pastoral Districts of LACHLAN and LOWER DARLING.

LACHLAN:—Bounded on the west and north by the River Lachlan from its confluence with the Murrumbidgee River to the confluence of the Belubula River; on the east by the Lachlan River, dividing it from the county of Bathurst, and by the county of King to the Murrumbidgee River; and on the south by that river to the confluence of the Lachlan aforesaid.

LOWER DARLING:—Bounded on the west by a line due north from "Chowella," Fowler's station on the River Murray, being the approximation to the 141st meridian of east longitude to the 30th parallel of south latitude; on the north by that parallel easterly to the River Darling; on the east by that river downwards to Fort Bourke; thence by a line bearing south-easterly to the confluence of Kalingalungaguy Creek with the Lachlan River; and on the south by the Lachlan, Murrumbidgee, and Murray Rivers to "Chowella" aforesaid.

18. The Electoral District of the United Pastoral Districts of WELLINGTON and BLIGH.

WELLINGTON:—Bounded on the north-east by the River Macquarie; on the east by the counties of Wellington and Bathurst; on the south by the River Lachlan; on the south-west by a line extending from the confluence of the Kalingalungaguy Creek with the River Lachlan to Fort Bourke; and on the north by the River Barwan.

BLIGH:—Bounded on the south-west by the River Macquarie, which separates this district from the Wellington district; on the south-east by the county of Bligh; on the north-east by the Warrabangle Range and by the range bounding the valley of the River Castlereagh; and on the north by the River Barwan.

19. The Electoral District of the United Pastoral Districts of LIVERPOOL PLAINS and GWYDIR.

LIVERPOOL PLAINS:—Bounded on the east by the River Mooni downwards to its confluence with the River Barwan, and by that river to Pockataroo; on the north-east by the range dividing the valley of the River Gwydir from the valley of the Thalaba Creek and that of the River Namoi or Peel and its sources to the boundary of the New England district; again on the east by part of the New England district; on the south and west by the Liverpool and Warrabangle Ranges, by the range bounding the valley of the River Castlereagh and by the River Barwan, which divides this from the Bligh and Wellington districts; on the west and north the boundaries remain undefined.

GWYDIR:—Bounded on the west by the River Mooni downwards from Johnstone's Station called "Cunningundi," to the confluence with the River Barwan, and by the Barwan to Pockataroo; on the south-west by the range dividing the valley of the River Gwydir from the valley of the Thalaba Creek, and that of the River Namoi or Peel and its sources to the boundary of the New England district; on the east by part of the New England district; and on the north by a line due west from Mount Gerard, by the Barwan River (also there known as the Kuraula or Macintyre,) downwards to the marked and measured track from the Balonne, and by that track to the River Mooni at Cunningundi aforesaid.

20. The Electoral District of the United Pastoral Districts of NEW ENGLAND and M'LEAY.

NEW ENGLAND:—Bounded on the south-east by a line from the confluence of the Barnard and Manning Rivers to the top of Mount Seaview, dividing it from the county of Macquarie; thence by a line to the top of Werrikimbee Mount, and thence on the east by a line north by compass, dividing this from the M'Leay and Clarence River districts; on the north by a line due west, so as to intersect the top of Mount Gerard near the head of the north branch of the Clarence, and dividing this from the Darling Downs district; on the west by the fall at the western extreme of the table land; and on the south by the Barnard River, which forms the north boundary of the county of Gloucester.

M'LEAY:—Bounded on the west by a line from Mount Seaview to the top of Werrikimbee Mount, and thence by a line north by compass dividing this from the New England district; on the south-east and south by the county of Macquarie to the mouth of the M'Leay River; on the east by the sea-coast; and on the north by the ranges which form the basin of the Clarence on the south side of that river.

21. *The Electoral District of the United Pastoral Districts of CLARENCE and DARLING DOWNS.*

CLARENCE :—Bounded on the south by the ranges which form the basin of the Clarence on the south side of that river ; on the west by the New England district, the boundary being a line north by compass from Werrikimbee Mountain, which is at the head of the Hastings River, and by the great dividing range ; on the north by the ranges forming the basin of the Brisbane and the Logan, on the south side of those rivers ; and on the east by the sea coast.

DARLING DOWNS :—Bounded on the east by the great dividing range from the line forming the northern boundary of the New England district to the source of Sandy Creek, and separating this district from the Clarence, Moreton, and Burnett districts ; on the north-west and west by Tanning and Dogwood Creeks to the Balonne, and thence by a line south by compass to the River Barwan (known also as the Kuraula or Macintyre), separating this district from that of Maranoa ; and on the south by the River Barwan upwards until it intersects a line extending west from the top of Mount Gerard, which is near the head of the northern branch of the Clarence River, and by that line which divides this from the New England districts.

22. *The Electoral District of the United Pastoral Districts of MORETON, WIDE BAY, BURNETT, and MARANOA.*

MORETON :—Bounded on the south by the ranges which separate the sources of the Rivers Brisbane and Logan from those of the Richmond and Clarence ; on the west by the great dividing range ; on the north by the range dividing the heads of the Burnett from the heads of the Brisbane River, extending from the great dividing range to Jemma, and thence by the Glass House Range to the sea coast ; and on the east by the sea coast, but excluding the settled district of the reputed county of Stanley.

WIDE BAY :—Bounded on the south by the Glass House Range from the sea coast to "Jemma," separating this district from that of Moreton ; on the west by the range dividing the waters of the Burnett from those falling to Wide Bay, and the sea coast south thereof, and the range forming the western watershed of the Seven Hills or Degilba Creek to the River Burnett, and thence by a line bearing north by compass to the range forming the northern watershed of the River Burnett, separating this district from that of Burnett ; on the north by the last-mentioned range to the sea ; and on the east by the sea.

BURNETT :—Bounded on the south by the range dividing the waters of the Rivers Brisbane and Burnett from "Jemma" to the great dividing range, and separating this district from that of Moreton ; on the west by the great dividing range to the source of Palm Tree Creek, separating this district in part from that of Darling Downs ; on the north by Palm Tree Creek to the River Dawson, by that river to a point due west by compass from the northernmost source of the River Burnett by a line to that source, and by the range forming the northern watershed of the River Burnett to a point due north by compass from the point where the range forming the western watershed of the Seven Hills or Degilba Creek meets the River Burnett ; and on the east by a line to that point by the last-mentioned range, and by the range dividing the waters of the River Burnett from those falling to Wide Bay and the sea coast south thereof, and separating this district from that of Wide Bay.

MARANOA :—Bounded on the south by the surveyed and marked track from the River Barwan to Johnston's station called Cunningundi, on the River Mooni ; on the west thence by that river upwards to where the said marked track leaves the Mooni, thence by that track to St. George's Bridge on the River Balonne, thence by the Balonne to the confluence of the River Maranoa, and by the Maranoa to the confluence of the River Amby ; on the north by the River Amby to its source in Mount Bindango, thence by a line across the FitzRoy Downs to Mount Beagle, thence by a line across the same downs to the highest summit of the Grafton Range, and thence by a line east (by compass) to Tanning Creek ; on the east by Tanning and Dogwood Creeks to the Balonne, and thence by a line south (by compass) to the River Barwan (known also as the Karaula or Macintyre) ; and again on the south by that river downwards to the point where the surveyed track aforesaid crosses it at a tree marked No. 87.

23. *The Electoral District of the CITY OF SYDNEY.*

The space contained within the present boundaries of the town of Sydney as defined in a Government Notice dated 6th September 1833, and published in the "Government Gazette" of the 11th of that month ; to wit, "Bounded on the north by the waters of Port Jackson, from a landmark at the head of Blackwattle Bay to Rushcutter's Bay ; on the east, by the stream entering Rushcutters Bay to a bridge on the

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"South Head Road, at the northwest corner of Sydney Common, and by the western boundary of that common to a road extending westward to the back of Cleveland House; on the south by that road and its western fence prolonged to a landmark on the road to Cook's River; on the west by the western side of the road to Cook's River, and that line prolonged to the landmark at the head of Blackwattle Bay."

24. *The Electoral District of the SYDNEY HAMLETS.*

- GLEBE**:—Bounded on the east by part of the west boundary of the city of Sydney, being the prolongation of the western side of the Cook's River Road from the Parramatta Road northerly to a landmark at the head of Blackwattle Bay; on the north and west by that bay, the waters of Port Jackson and Johnston's Creek upwards, to the Orphan School Creek; on the south by that creek upwards to the Parramatta Road, and by that road easterly to the city boundary aforesaid.
- CAMPERDOWN**:—Bounded on the north and east by the Orphan School Creek from Johnston's Creek upwards to the Parramatta Road, by that road westerly to the western boundary of Grose Farm, and by that boundary southerly to the south-western corner of that farm; on the south by an allotment boundary line westerly to the western boundary line of the Camperdown estate, and at right angles to it; and on the west by that boundary line northerly to the Parramatta Road, by that road westerly to Johnston's Creek, and by that creek downwards to the Orphan School Creek aforesaid.
- O'CONNELLTOWN**:—Bounded on the south by the Newtown Road, from the western boundary line of the Camperdown estate easterly to Grose Farm; on the east by one of the western boundary lines of Grose Farm northerly; on the north by a southern boundary line of that farm westerly to its south-west corner, and by an allotment line, from that corner westerly to the western boundary line of the Camperdown estate, and at right angles to it; and on the west by that boundary line southerly to the Newtown Road aforesaid.
- CHIPPENDALE**:—Bounded on the south by the south boundary of the Chippendale Grant, crossing the Botany Road to Botany Street; on the east by Botany Street northerly to the city boundary in Cleveland Street; on the north by that boundary westerly along Cleveland Street prolonged to the western boundaries of the Chippendale Grant; and on the west by these boundaries southerly to its south boundary aforesaid.
- REDFERN**:—Bounded on the west by Botany Street, from Cleveland Street southerly to the south boundary of the Redfern Grant; on the south by that boundary easterly to Elizabeth Street south; on the east by that street northerly to the city boundary in Cleveland Street; on the north by that boundary westerly along Cleveland Street to Botany Street aforesaid.
- SURRY HILLS**:—Bounded on the east by Dowling Street, from the city boundary in Cleveland Street southerly to the southern boundary line of E. S. Hall's 185-acre grant; on the south by the southern boundary line of that grant westerly to Elizabeth-street south; on the west by Elizabeth Street south, northerly to the southern boundary line of the city of Sydney in Cleveland Street; and on the north by the southern boundary line of the city of Sydney along Cleveland Street easterly to Dowling Street aforesaid.
- PADDINGTON**:—Bounded on the west by the east boundary of the city of Sydney, being "the stream entering Rushcutters Bay to a bridge on the Old South Head Road at the north-west corner of Sydney Common;" on the south by the Old South Head Road extending eastwards to the Point Piper Road; on the east by that road to the New South Head Road, by that road to the prolongation of William Street in the village of Double Bay, by that prolongation to the bridge over the stream entering the east side of Double Bay, and by that stream to Double Bay; and on the north by the waters of Port Jackson to the east boundary of the city aforesaid, being the stream entering Rushcutters Bay.
- ST. LEONARDS**:—Bounded on the east by the stream entering Neutral Harbour, being the western boundary of A. Thrupp's 700 acres, and by the continuation of that western boundary northerly to Ernest Street; on the north by Ernest Street westerly to West Street; on the west by that street southerly to Edward Wolstoncroft's 524 acres, and by the eastern boundaries of that land to the waters of Port Jackson; and on the south by those waters to the stream entering Neutral Harbour aforesaid.
- BALMAIN**:—Bounded on the north-west by Church Street, from Waterview Bay south-westerly to the south-west side of Spring Street; on the north-east by Spring Street south-easterly to College Street; again on the north-west by College Street south-westerly 5 chains and 50 links; then again on the north-east by a line at right angles to College Street south-easterly to William Street; then on the west by a

line south to the south side of Darling Street (or the main road to Sydney); thence on the south by the south side of that street or road easterly to the north-west corner of A. W. Young's Land; thence on the west by the western boundary line of that land southerly to the waters of Johnston's Bay; on the south by the waters of Johnston's Bay; on the east by the waters of Darling Harbour; on the north by the waters of Waterview Bay to Church Street aforesaid.

25. *The Electoral District of the Town of PARRAMATTA.*

Commencing at a stake on the northern side of the Parramatta River nearly opposite the mouth of Clay Cliffe Creek; from this point a straight line up the Orphan School Road to a marked grey gum tree on the northern side of the Kissing Point Road, being a line bearing north 1 degree, west 55 chains 30 links; from this tree a line to a stake on the western side of the Windsor Road near to the Darling Mills Bridge, being a line bearing west $18\frac{1}{2}$ degrees, north 124 chains 40 links; from the aforesaid stake a line to a large dead stump on a hill to the west of the Old Mill, being a line bearing south 34 degrees, west 24 chains 50 links; from this stump a line through the Domain to a post of a small bridge situated to the west of the Governor's stables, being a line bearing south $2\frac{1}{4}$ degrees, 75 chains 70 links; from this post a line to a dead stump on the south side of the Bathurst Road and west of the Toll House, being a line bearing south 20 degrees, east 46 chains 90 links; from the aforesaid dead stump, a line to a stake on the top of the ridge at the western fence of the Race Course, being a line south $21\frac{1}{4}$ degrees, west 40 chains 50 links; from this stake a line across the Sydney Road to a stake near the constable's hut, formerly the toll house, being a line bearing east $19\frac{1}{4}$ degrees, north 40 chains; from the latter stake a line running along the ridge across Dr. Harris's ground to a stake on the outside of a fence that crosses a small dry watercourse situated to the west of Mr. Macarthur's residence, being a line bearing east $28\frac{1}{2}$ degrees, north 56 chains; from this stake by the watercourse to Clay Cliffe Creek, and by Clay Cliffe Creek to Parramatta River nearly opposite to the commencing point.

26. *The Electoral District of the CUMBERLAND BOROUGHS.*

WINDSOR:—Commencing at the point where the western side of Palmer Street meets South Creek, and bounded thence by South Creek, to a stake situated on the bank of the creek to Fitzgerald's Farm; from this stake by a line bearing west 91 chains to another stake; from this by a line passing the north fence of land belonging to the Benevolent Asylum, bearing west 34 degrees, north 52 chains 80 links, to a marked dead stump on Rickaby's Creek, from this stump by Rickaby's Creek to the Hawkesbury River; by the Hawkesbury River to the point where the western side of Palmer Street meets that river; and thence by the western side of Palmer Street to South Creek aforesaid.

RICHMOND:—Commencing at a marked post at the south-west corner of W. Townsend's land; from thence along Wilson's fence to the southern corner post, being a line bearing south 27 degrees, west 12 chains 12 links; from thence a line to the south-east corner of the Catholic Burial Ground allotment, being south 35 degrees 3 minutes, west 29 chains 10 links; from thence to the north-east corner post of the fence of Luttrell's 400 acres, being a line bearing south 62 degrees 9 minutes, west 19 chains 66 links; from thence along the fence dividing it from the road to Penrith, being a line bearing south 38 degrees 20 minutes, west 55 chains 27 links; from thence along the fence dividing it from the common to the corner post on the south side of the road to the Kurrajong, being a line bearing west 40 degrees, north 81 chains 75 links; from thence a line crossing the road, and along a fence as far as it goes, and then a continuous line to a stake on the west side of Pugh's Lagoon, bearing north 38 degrees 10 minutes, east 76 chains 30 links; from thence a line across the lagoon to the commencing corner post, bearing east 16 degrees, south 86 chains 70 links.

LIVERPOOL:—Commencing at a stake near a marked corner post of S. Lloyd's fence upon Brickmakers Creek; from thence along the fence to the Sydney Road; and thence a continuous line to a stake bearing east 13 degrees 30 minutes, north 80 chains 30 links; from thence a line easterly to Chippendale's fence, and along that fence to the river, being south 1 degree 54 minutes, east 48 chains 95 links; from thence along the river to a marked stump situated in Chipp's grant; from thence a line bearing west 70 chains 50 links to a stake on Brickmakers Creek in Maria Lock's grant; and from thence along Brickmakers Creek to the stake at the point of commencement.

CAMPBELL TOWN:—Commencing at a marked post situated by a small bridge on the high road from Sydney, north-easterly of Graham's Inn, being a line bearing east 49 degrees 15 minutes, south 59 chains 45 links, to a marked post near the eastern corner of the Campbell Town reserve; from thence by a line bearing south

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44 degrees 35 minutes, west 35 chains 45 links, to a marked post near the southern corner of the Campbell Town reserve; from thence by a line bearing west 3 degrees, north 47 chains 60 links, to a marked post on the western side of the Appin Road; from thence by a line bearing west 42 degrees, north 26 chains, to a marked post near the junction of the roads leading to the Menangle and Cowpasture Fords; from thence by a line bearing north 38 degrees, east 68 chains 35 links, to a marked post on the northern side of the continuation of the street which extends along the north-eastern boundary of the Campbell Town reserve; and from thence by a line bearing east 19 degrees 20 minutes, south 11 chains and 40 links, to the aforesaid post on the high road from Sydney.

PENRITH:—Bounded on the north by a line parallel to and 6 chains north of the Great Western Road; on the east by the east boundary of John M'Henry's 100 acres and its southerly continuation; on the south by a line parallel to and 6 chains south of the Great Western Road; and on the west by the Nepean River.

27. *The Electoral District of the WESTERN BOROUGHES.*

BATHURST:—Commencing at the north-east corner on the Macquarie River where the northern side of Hope Street joins that river, and bounded northerly by that side of Hope Street, bearing south $41\frac{1}{2}$ degrees, west to its intersection with the western side of Lambert Street; westerly by the western side of that street, being a line bearing south $48\frac{1}{2}$ degrees east to its intersection with the southern side of Seymour Street, and southerly by the southern side of Seymour Street, being a line bearing north $41\frac{1}{2}$ degrees, east to Queen Charlotte's Ponds, and then by a line in the same bearing to the Macquarie River, and by that river downwards to the north-east corner as aforesaid.

KELSO:—Commencing on the Macquarie River at the north-west corner of an allotment granted to John Cooke, and bounded south-easterly by a line bearing east 30 degrees, north 70 chains; north-easterly by a line bearing north $29\frac{1}{2}$ degrees, west 131 chains; north-westerly by a line bearing west 35 degrees, south 80 chains 33 links, to the Macquarie River; and south-westerly by that river upwards to the north-west corner of the allotment granted to John Cooke as aforesaid.

CARCOAR:—Bounded on the north by Rothery Street; on the west and south by the Belubula River; and on the east by Gomballa Street.

28. *The Electoral District of the SOUTHERN BOROUGHES.*

GOULBURN:—Commencing at the Mulwarree Ponds, and bounded thence on the north by the north-east side of Mayo Street to Lagoon Street, by the north-west side of Lagoon Street to the eastern boundary of William Bradley's 84 acres, and by the boundary of the town reserve westerly, dividing it from that 84 acres, William Bradley's two portions of 100 acres, William Lithgow's 100 acres, and William Bradley's 100 acres, to the western side of Deccan Street; on the west by the western side of Deccan Street to the north boundary of W. H. Broughton's 600 acres; on the south by the boundary of the town reserve, dividing it from that 600 acres, to the Mulwarree Ponds; and on the east by the Mulwarree Ponds to the north-east side of Mayo Street aforesaid.

QUEANBEYAN:—Bounded on the north by J. B. Bossley's 1,050 acres (from which it is partly divided by the Queanbeyan River); on the east by J. B. Bossley's 600 acres; on the south by A. T. Faunce's 810 acres, and Charles Campbell's 1,057 acres; and on the west by Robert Campbell's (senior) 1,040 acres.

BRAIDWOOD:—Bounded on the north by D. M'Kellar's 1,120 acres; on the east by T. B. Wilson's 2,560 acres; on the south by John Coghill's 5,600 acres; and on the west by the Church and School Estate.

YASS:—Bounded on the north by part of L. W. Reddall's 1,920 acres; on the east by the Yass River and Henry O'Brien's 650 acres; on the south by Hamilton Hume's 957 acres; and on the west by John Hanley's 10 acres, the southerly extension of its east boundary, and by Thomas Meehan's 640 acres.

29. *The Electoral District of the NORTHUMBERLAND BOROUGHES.*

MORPETH:—Bounded on the north by the River Hunter; on the east by the line dividing E. Close's 2,000 acres from J. Kelly's 300 acres, to a point 1 mile south of the River Hunter; thence on the south by a line bearing west 100 chains; and on the west by a line bearing north to the River Hunter.

EAST MAITLAND:—Commencing at the north-west corner of Goldenham's 500 acres, and bounded on the south by his northern boundary line bearing east; then by its continuation as the northern boundary of a portion of 320 acres reserved for the

extension of the town, and further easterly at the northern boundary line of Davis' 200 acres, to the north-eastern corner thereof; on part of the east by a line bearing north about 100 chains; on part of the north by a line bearing west to a southerly continuation of Eckford's eastern boundary line; on the remainder of the east by that continuation and by the said boundary line bearing north to his north-east corner; again on the north by Eckford's northern boundary line to the river; and on the residue of the north by Hunter's River to its confluence with Wallis' Creek; and on the west by Wallis' Creek southerly to the north-west corner of Goldenham's 500 acres as aforesaid.

WEST MAITLAND :—Commencing at the River Hunter at the confluence with the river of a creek dividing the allotments of Hall and Balcot, and bounded on part of the north by that creek, so far as it bears westerly, thence by a continued west line to the south-west corner of Hall's allotment; on the west by Balcot's western boundary, and its southerly continuation to P. F. Campbell's northern boundary line; again on the north by that boundary line bearing west to its north-west corner; again on the west by the western boundary line of Campbell and Luke Ralph's lands to the north-west corner of J. T. Hughes's 4 acres; on part of the south by the northern boundary line of that land, bearing east to Swamp Creek; on the remainder of the south and part of the east by that creek to its confluence with Wallis' Creek; and thence by Wallis' Creek to its own confluence with the River Hunter; and on the residue of the east and north by that river to its confluence with the creek dividing the allotments of Hall and Balcot as aforesaid.

30. *The Electoral District of the NORTH-EASTERN BOROUGHES.*

NEWCASTLE WITH STOCKTON :—Commencing at a point where Brown Street meets the River Hunter, and bounded on the north by that river to the sea; on the east by the South Pacific Ocean to a point in a line with the south side of Church Street; on the south by that line and the south side of Church Street to Brown Street; and on the west by the west side of Brown Street to the River Hunter aforesaid; also bounded on the north by the north boundaries of A. B. Spark's 50 acres, and A. W. Scott's 50 acres; on the west and south by the River Hunter to the sea; and on the east by the South Pacific Ocean.

RAYMOND TERRACE :—Bounded on the north by Bennett's 100 acres; on the east by Rd. Windeyer's 1,208 acres; on the south by part of A. Windeyer's 864 acres, and by T. Graham's 640 acres, and on the west by the River Hunter.

31. *The Electoral District of the STANLEY BOROUGHES.*

NORTH BRISBANE, SOUTH BRISBANE, AND KANGAROO POINT :—Commencing on the Brisbane River at the mouth of a small gully opposite Kangaroo Point, and bounded on the north by a line bearing west 91 chains 50 links; on the west by a line being 40 chains west from the centre of the Windmill, bearing south 45 chains 70 links to the Brisbane River, prolonged across that river, and thence south 60 chains; on the south by a line bearing east 140 chains; on the east by a line bearing north 49 chains 10 links to the Brisbane River, by that river upwards to the termination of the road running through Kangaroo Point, and thence by a straight line across the Brisbane River to the point of commencement.

IPSWICH :—Commencing at the north-west corner, 55 links west from a gum tree marked on four sides at the junction of the Mehe Creek with the Bremer River, and bounded on part of the north by a line bearing east 71 chains 5 links to a stake on the Bremer River bearing 118 degrees, and distant 21 links from a gum tree marked on four sides; on the remainder of the north by the north bank of the Bremer River downwards to a large gum tree marked on four sides; thence on the east by a line straight across the river bearing south 42 degrees west to the termination on the opposite bank of the west side of a road in the eastern suburbs, and further by the southerly extension of said road 167 chains 60 links to a stake on the top of a moderately bold ridge, distant 28 links from a dead ironbark tree marked on four sides bearing south 34 degrees 40 minutes east; on the south by a line bearing west 83 chains 65 links to a stake on Deebing Creek 30 links from a large gum tree marked on four sides at the junction of a small watercourse bearing south 22 degrees 30 minutes west; on the west by Deebing Creek downwards to its confluence with the Bremer River, and by that river downwards to the junction of Mehe Creek as aforesaid.

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Schedule B.

SCHEDULE B. referred to in this Act.

POLLING PLACES.

Electoral District.	Polling Places.
1. County of Argyle - - -	Goulburn and Marulan.
2. County of Bathurst - . .	{ Bathurst, Carcoar, Guyong, Canowindra, Orange, and Blayney.
3. Eastern Division of the County of Camden - - -	{ Wollongong, Kiama, and the Police Office, Shoalhaven.
4. Western Division of the County of Camden - - -	{ Berrima, Picton, Camden.
5. The United Counties of Cook and Westmoreland - - -	{ Hartley, Bathurst, Penrith, Picton, Town's Inn at North Richmond, and Wilberforce.
6. The County of Cumberland -	{ Sydney, Parramatta, Windsor, Campbell Town, Liverpool, Penrith, and St. Leonard's.
7. The County of Durham - -	{ Paterson, Dungog, Merton, Muswell Brook, East Maitland, Singleton, and Jerry's Plains.
8. The United Counties of Gloucester and Macquarie -	{ Raymond Terrace, Dungog, Stroud, Manning River (at Mr. Rowley's Bungay Bungay), Port Macquarie, and Kempsey.
9. The United Counties of King and Georgiana - - -	{ Yass, Gunning, Binda, Burrowa, Carcoar, and Bathurst.
10. The United Counties of Murray and St. Vincent - -	{ Yass, Queanbeyan, Braidwood, Bungendore, Broulee, Ulladulla, Jervis Bay, and Shoalhaven.
11. The United Counties of Northumberland and Hunter - -	{ Gosford, Newcastle, East Maitland, Wollombi, Singleton, at Jurd's Inn at St. Albans on the Macdonald River, and Mangrove Creek.
12. The United Counties of Philip, Brisbane, and Bligh -	{ Mudgee, Merton, Muswell Brook, Scone, Murrundi, Cassilis, and Montefiore.
13. The United Counties of Roxburgh and Wellington - -	{ Hartley, Bathurst, Ryalstone, Mudgee, Wellington, Orange, and Molong.
14. The County of Stanley - - -	Brisbane, Ipswich, and Drayton.
15. The Pastoral District of Maneroo - - -	{ Goulburn, Eden, Cooma, and Bombala.
16. The Pastoral District of Murrumbidgee - - -	{ Tumut, Gundagai, Albury, Wagga Wagga, Moulamein, and Yass.
17. The United Pastoral Districts of Lachlan and Lower Darling - - -	{ Binalong, Wagga Wagga, Balranald, Canowindra, Gundagai, and Yass.
18. The United Pastoral Districts of Wellington and Bligh -	{ Molong, Wellington, Dubbo, Canowindra, Coolah, and Mudgee.
19. The United Pastoral Districts of Liverpool Plains and Gwydir - - -	{ Murrurundi, Tamworth, Wee Waa, Warialda, and the Woolshed on the Namoi.
20. The United Pastoral Districts of New England and M'Leay -	{ Wellingrove, Armidale, Tenterfield, Walcha, Police Office M'Leay River, and Kempsey.
21. The United Pastoral Districts of Clarence and Darling Downs - - -	{ Grafton, Cassino, Warwick, Drayton, Tabulam, Myall Creek, Canal Creek, and Calandoon.
22. The United Pastoral Districts of Moreton, Wide Bay, Burnett, and Maranoa - - -	{ Ipswich, Cressbrook, Maryborough, Gayndah, and Surat.
23. The City of Sydney - - -	Each ward of the said city.
24. The Sydney Hamlets - . .	{ The Glebe, O'Connell Town, Redfern, Paddington, St. Leonard's, and Balmain.
25. The Town of Parramatta - -	Parramatta.
26. The Cumberland Boroughs - -	Windsor, Liverpool, Campbell Town, and Penrith.
27. The Western Boroughs - - -	Bathurst and Carcoar.
28. The Southern Boroughs - -	Each of the said boroughs.
29. The Northumberland Boroughs - - -	{ Each of the said boroughs.
30. The North-eastern Boroughs -	Newcastle and Raymond Terrace.
31. The Stanley Boroughs - - -	North Brisbane, South Brisbane, and Ipswich.

SCHEDULE C. referred to in this Act.

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Schedule C.

List of Electors for the Electoral District of the County of Cumberland in the Police District of Parramatta.

Christian Name and Surname of each Person at full length.	Nature of Qualification.	Where the Property affording the Qualification is situated.
Ashton, John - - -	Freehold - - -	Longbottom.
Bates, Thomas - - -	Dwelling House - - -	Dobroyd.
Carter, James - - -	Leasehold - - -	{ Three miles from Parramatta, on the Dog-trap Road.
Dealtry, William - - -	Ditto - - -	Ditto.
Evelyn, John - - -	Dwelling House - - -	Concord.

SCHEDULE D. referred to in this Act.

Schedule D.

NOTICE OF CLAIM.

To the Town Clerk of _____, or to the Clerk of the Bench of _____ (as the case may be).

I HEREBY give you notice, that I claim to have my name inserted in the Electoral List of _____, in virtue of the freehold property which I possess at _____ (or, as the case may be, of the dwelling house which I occupy at)

Dated at _____ day of _____ in the year 18 _____.
(Signed) JOHN ASHTON of (place of abode).

SCHEDULE E. referred to in this Act.

Schedule E.

NOTICE OF OBJECTION.

To the Town Clerk of _____, or to the Clerk of the Bench of _____, (as the case may be,) and to the person objected to.

I HEREBY give you notice, that I object to the name of Thomas Bates of _____ (describe the person objected to, as described in the Electoral List,) being retained on the Electoral List of the

Dated this _____
(Signed) JOHN ASHTON of (here state the dwelling house or property for which he is included in the Electoral List).

SCHEDULE F. referred to in this Act.

Schedule F.

LIST OF CLAIMANTS.

The following Persons claim to have their Names inserted in the Electoral List of the

Christian Name and Surname of each Claimant.	Nature of the Property in respect to which he prefers his claim.	Place where the Property is situated.
Alton, Frederick - - -	Dwelling House - - -	Bathurst.
Baker, Joseph - - -	Ditto - - -	One mile from Bathurst.
Chisholm, Charles - - -	Freehold - - -	Carcoar.
Dixon, John - - -	Licence to depasture - - -	Murrumbidgee.
Everett, Samuel - - -	Leasehold - - -	Cumberland.

(Signed) A.B.
Clerk of the Bench.
Dated at _____ this _____ day of _____

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Schedule G.

SCHEDULE G, referred to in this Act.

LIST OF PERSONS OBJECTED TO.

The following persons have been objected to as not being entitled to have their names retained on the Electoral List for the County of Cumberland.

Christian Name and Surname of each Person objected to.	Nature of the Property for which his name is on the Electoral List.	Place where the Property is situated.
Amwell, Charles - - -	Freehold - - -	Lane Cove.
Barton, William - - -	Dwelling House - - -	St. Leonards.
Curtis, John - - -	Freehold - - -	Half a mile from Bedlam Ferry.
Dobson, William - - -	Licence to depasture - - -	New England.
Elton, David - - -	Leasehold - - -	Camden.

(Signed)

A.B.

Clerk of the Bench.

Dated at _____, this _____ day of _____

Appendix No. 7.

No. XLIX.

Preamble.
13 & 14 Vict. c. 59.

An *Act to provide that the revenue and other laws and regulations made in and for the colony of New South Wales shall, after the erection of the district of Port Phillip into the separate colony of Victoria, continue in force within the last-mentioned colony until altered by the legislature thereof. [Assented to, 2d May 1851.]

Whereas by an Act of the Imperial Parliament, passed in the session of the thirteenth and fourteenth years of the reign of Her present Majesty Queen Victoria, intituled "An Act for the better government of Her Majesty's Australian colonies," it is amongst other things enacted, that after such provisions for establishing electoral districts as therein mentioned shall have been made by the Governor and Legislative Council of New South Wales, and upon the issuing of the writs for the first election in pursuance thereof, the territories comprised within the district of Port Phillip shall be separated from the colony of New South Wales, and that thereupon the powers of the Governor of New South Wales over and in respect of the colony of Victoria shall cease: And whereas it is expected that such writs will shortly be issued, whereupon the territories comprised within the said district of Port Phillip will cease to form part of the colony of New South Wales: And whereas certain Acts of the Governor and Council of the colony of New South Wales have provided for the levying of certain "duties upon spirits, wines, and other goods and merchandise imported into the said colony of New South Wales and its dependencies:" And whereas also a certain other Act of the said Governor and Council has provided for the "general regulation of the customs in New South Wales:" And whereas also divers other Acts of the said Governor and Council, and various government and other public regulations made in pursuance of some of such Acts, have made other provisions and regulations purporting to apply to the said "colony of New South Wales only:" And whereas doubts may arise whether after such separation as aforesaid the said several duties upon spirits, wines, and other goods and merchandise will be legally leviable within the said colony of Victoria, and also whether the said several other Acts, and the said government and other public regulations, will apply to and be in force within the said colony of Victoria after such separation as aforesaid: And whereas it is necessary to remove such doubts, and to provide that all laws and all rules and regulations founded thereon which now apply to the said district of Port Phillip as a part of the said colony of New South Wales, shall, until altered by the Legislature of Victoria, continue to be in full force and effect within the territories comprised within the said district after their separation as aforesaid, in the same manner as if such separation had not taken place: be it therefore enacted, that all and every the duties and duty now chargeable and payable within the colony of New South Wales upon all spirits, wines, and other goods and merchandise imported into the same shall be charged and paid within the district of

Laws now in force for the collection of customs in the colony of New South Wales,

* Earl Grey's Despatch to Sir C. FitzRoy, No. 142, 21st Nov. 1851, conveys Her Majesty's confirmation of this enactment. See Page 24.

Port Phillip, after its erection into the separate colony of Victoria, upon all spirits, wines, and other goods and merchandise imported into the last-mentioned colony, in the same manner in every particular as if such separation had not taken place; and that all and every the laws and regulations now in force for the collection and regulation of the customs in New South Wales shall in like manner, after such separation, continue to be in force and shall be applied to the said colony of Victoria as if such separation had not taken place, until such duties, laws, and regulations shall severally and respectively have been altered by the Governor and Legislative Council of Victoria.

NEW SOUTH WALES

including Port Phillip, to remain in force in the colony of Victoria, until altered by Legislature of the last-mentioned colony.

II. And be it enacted, that all and every other the laws, and government or other public regulations, which have at any time been passed or made for the colony of New South Wales or for the district of Port Phillip, and now in force within the said district, shall after such separation as aforesaid, and until other provisions shall have been made in respect of the same matters respectively by the Governor and Legislative Council of Victoria, or other competent authority, severally and respectively continue to be in force within and shall be applied to the territories comprised within the colony of Victoria, and to all persons, matters, and things therein, in the same manner to all intents and purposes as if such separation had not taken place.

All laws, and government and other public regulations, now in force in the district of Port Phillip, to remain in force in the colony of Victoria after separation, until altered as aforesaid.

III. And be it declared and enacted, That after the separation of the colony of New South Wales and Victoria all goods, merchandise, and articles now subject to duty on importation into the colony of New South Wales shall be liable to and shall pay duty in each of the said colonies respectively, irrespective of the place at which they were first landed: Provided that if such goods, merchandise, or articles have paid the import duty in the one colony, the usual drawback shall be allowed on its exportation to the other.

Duties to be paid on all imported goods in each colony after separation.

CHARLES NICHOLSON,
Speaker.

Passed the Legislative Council this first day of May, one thousand eight hundred and fifty-one.

Wm. MACPHERSON, Clerk of the Council.

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

CHs. A. FITZROY,
Governor.

Govt. House, Sydney, 2d May 1851.

SOUTH AUSTRALIA.

Appendix No. 8.

STATEMENT of REVENUE and EXPENDITURE of SOUTH AUSTRALIA during the Ten Years from 1839 to 1848.

Year ending 31st December	REVENUE.										EXPENDITURE.													
	CROWN REVENUE.																							
	From Sales of Land.		Other Receipts from Land.	Other Heads, if any, of Crown Revenue.	Total Crown Revenue.	Ordinary Revenue.	Total Local Revenue.																	
	Amount received in the Colony.	Amount received in Certificates for England.																						
	£	s.	d.	£	s.	d.	£	s.	d.	£	s.	d.												
1839	122,505	0	0	(a)	-	-	122,505	0	0	19,826	2	2	142,331	2	2	96,186	0	0						
1840	7,040	0	0	-	-	-	7,040	0	0	31,721	13	2	38,761	13	2	163,802	1	3						
1841	7,501	19	0	-	-	-	7,501	19	0	26,144	19	4	33,646	18	4	89,429	16	7						
1842	17,008	3	0	-	-	-	17,008	3	0	24,562	17	10	41,571	0	10	68,884	3	0						
1843	616	11	0	-	-	-	616	11	0	24,748	17	4	25,365	8	4	34,280	19	3						
1844	6,399	7	2	100	0	0	411	13	2	6,911	0	4	26,629	5	6	33,540	5	10						
1845	52,406	6	10	Nil.	454	17	3	Nil.	52,762	1	10	35,877	15	1	88,639	16	11	32,694	16	5				
1846	77,409	3	6	21,100	0	0	743	13	8	Nil.	99,252	16	9	47,533	11	1	125,686	7	10	42,203	11	7		
1847	85,445	8	0	300	0	0	1,416	13	6	Nil.	37,162	1	6	67,027	17	2	104,189	18	8	(b) 78,418	15	11		
1848	82,648	16	0	200	0	0	2,257	9	0	Nil.	85,106	5	0	75,879	17	3	110,986	2	3	(c) 99,349	2	7		
£	358,980	14	6	21,700	0	0	5,284	6	2	-	-	-	275,865	18	5	379,952	15	11	744,718	14	4	737,965	6	7

(a) The amount of land orders issued by the Colonisation Commissioners and exercised in the selection of land in the colony, under authority of the Act 5 & 6 Vict. c. 36., is not here given.

(b) and (c) The increased expenditure of 1847 and 1848 was owing to the payment in the colony in those years of half the cost of the passage of immigrants.

The expenditure column includes expenditure of land fund as well as ordinary revenue, but does not include remittances to the Land and Emigration Commissioners.

(Signed) B. T. FINNISS, Colonial Treasurer.

STATEMENT OF REVENUE and EXPENDITURE of SOUTH AUSTRALIA during the Years 1849 and 1850.

Years ending 31st December	REVENUE.							EXPENDITURE.
	CROWN REVENUE.					Ordinary Revenue.	Total Local Revenue.	
	From Sales of Land.		Other Receipts from Land.	Other Heads, if any, of Crown Revenue.	Total Crown Revenue.			
	Amount received in the Colony.	Amount received in Certificates from England.						
	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.
1849 - -	58,019 17 0	176 0 0	2,687 7 0	- - -	60,707 4 0	105,558 10 7	166,265 14 7	97,030 6 5
1850 - -	88,868 17 2	1,314 10 0	3,536 4 3	- - -	93,719 11 5	135,829 4 10	229,548 16 3	188,285 13 11
Totals - -	146,888 14 2	* 1,490 10 0	6,223 11 3	- - -	154,426 15 5	241,387 15 5	395,814 10 10	† 235,316 0 4

* The Receipts of Crown Revenue include sums received in England, for which certificates have reached the colony, and which have been presented at the Colonial Treasury in payment for land purchased in the colony.

† The Expenditure includes payments made in the colony on immigration account, but does not include remittances to the Lords of the Treasury on immigration account or bonded debt account, nor payments made in England under these heads.

B. T. FINNISS, Colonial Treasurer.

RETURN showing the PROGRESS of SOUTH AUSTRALIA during the Years 1849 and 1850.

Years.	POPULATION.			EMIGRATION.		TRADE RETURN.							
	British.	German.	Native.	Immigration.	Emigration.	Imports (Value).	Exports (Value).	Shipping Inwards.	Shipping Outwards.	Wool exported.		Minerals exported.	
										Quantity.	Value.	Quantity.	Value.
						£ s. d.	£ s. d.	Tonnage.	Tonnage.	lbs.	£ s. d.	Tons cwt. qrs.	£ s. d.
1849 -	52,904	-	3,730	16,166	2,694	599,518 10 0	402,853 10 0	80,623	75,297	2,585,512	108,539 5 0	10,587 6 3	219,797 0 0
1850 -	56,700	7,000	3,730	10,358	4,221	845,572 2 0	570,816 14 1	86,583	87,872	3,266,017	131,730 12 6	11,609 3 0	862,568 1 0

The Military Detachment, consisting of two officers and forty-four non-commissioned officers and privates, are not included in the above returns of population.

CHARLES STRUT, Colonial Secretary.

SOUTH
AUSTRALIA.

No. 9.

Appendix No. 9.

ORDINANCE enacted by the Governor of South Australia, with the advice and consent of the Legislative Council thereof

To establish the Legislative Council of South Australia, and to provide for the election of members to serve in the same.*

[21st February 1851.]

13 & 14 Vict. c. 59.

5 & 6 Vict. c. 76.

7 & 8 Vict. c. 74.

Number of Council.

Legislative Council be constituted of 24 members, one third to nominated by Her Majesty, and two thirds elected by the inhabitants.

Electoral Districts.

Province to be divided into 16 electoral districts, each to return a member.

Schedule A.

Boundaries of counties and hundreds to be as defined, by the Governor by proclamation.

Returning officers for electoral districts.

Polling places.

Electoral Lists.

Collectors of electoral lists to be appointed.

WHEREAS by an Act of the Imperial Parliament of Great Britain and Ireland, passed in the session of the thirteenth and fourteenth years of the reign of Her most Gracious Majesty Queen Victoria, intituled "An Act for the better Government of Her Majesty's Australian Colonies," it was amongst other things enacted (sec. 7.), that it should be lawful for the Legislature now by law established within the colony of South Australia, by laws or ordinances to be for that purpose made and enacted in the manner and subject to the conditions now by law required in respect of laws or ordinances made by such Legislature, to establish within the said colony a Legislative Council, to consist of such number of members, and such proportions respectively to be appointed by Her Majesty and elected by the inhabitants of the colony, as therein mentioned; and that it should be lawful for such Legislature, by such laws or ordinances as aforesaid, to make all necessary provisions for dividing the said colony into convenient electoral districts, and for appointing and declaring the number of members of Council to be elected for each such district, and for the compilation and revision of lists of all persons qualified to vote at the elections to be holden within such districts, and for the appointing of returning officers, and for the issuing, executing, and returning the necessary writs for such elections, and for taking the poll thereat, and for determining the validity of all disputed returns, and otherwise for ensuring the orderly, effective, and impartial conduct of such elections; And it was further enacted (sec. 12.), that all the provisions therein contained concerning the qualification and disqualification of electors, and, subject to the provisions therein contained, all the provisions of the therein firstly-recited Act of the sixth year of the reign of Her Majesty, as explained and amended by the therein secondly-recited Act of the eighth year of Her Majesty, concerning the several matters therein particularly enumerated, should apply to and be in force in the colony of South Australia: be it therefore enacted by the Governor of South Australia, with the advice and consent of the Legislative Council thereof, that for the purposes and subject to the provisions of the statutes before mentioned there shall be within the province of South Australia a Legislative Council, which shall consist of twenty-four members; and eight of the members of the said Council shall from time to time be appointed by Her Majesty, and sixteen of the members of the said Council shall from time to time be elected by the inhabitants of the said province.

II. And be it enacted, that the province of South Australia shall be divided into sixteen electoral districts, for the purpose of returning members to serve in the Legislative Council; and every such electoral district shall return one member to serve in the said Legislative Council, and that the counties, parts of counties, or other divisions, towns, and places specified in the schedule hereto annexed marked A, shall respectively form electoral districts, as the same are respectively named and set forth in the said schedule.

II. And whereas the boundaries of counties and hundreds have already been duly established by proclamation of the Governor, published in the "South Australian Government Gazette," from time to time: be it therefore enacted, that for the purposes of this ordinance the boundaries of the said counties and hundreds shall be deemed and taken to be the boundaries set forth in the said proclamations respectively: provided that in case of any doubt or dispute arising as to any such boundaries the same shall be deemed to be settled and limited in such manner as the Governor may by proclamation set forth and describe.

IV. And be it enacted, that it shall and may be lawful for the Governor to appoint by writing under his hand and the public seal of the province a fit and proper person to be the returning officer of each and every electoral district; provided that the person so appointed be qualified to be an elector of the province, and that his appointment be notified in the usual manner in the "Government Gazette," and that in case of absence from the province, death, sickness, or other accident disabling any returning officer from acting at any election, it shall be lawful for the Governor at any time to appoint some other person to act in the stead of such returning officer, and every appointment of a returning officer made as aforesaid shall be good and valid until such appointment shall be cancelled, and some other person appointed to be returning officer, by a writing under the hand of the Governor and public seal of the province.

V. And be it enacted, that for each of the electoral districts there shall be a polling place within the city of Adelaide; and also for each such electoral district there shall be within such district such other polling places as shall be declared by any proclamation to be issued by the Governor fourteen days at least before the day of any election.

VI. And whereas it is expedient to form a register of all persons entitled to vote at elections for any electoral district: be it enacted, that on or before the first day of March in every year the Governor shall appoint persons, to be called collectors, for each electoral

* Earl Grey's Despatch to Sir H. F. Young, No. 62, 13th August 1851, Page 81, conveys Her Majesty's confirmation of this enactment.

district, and such collectors shall forthwith cause to be affixed in the most public and conspicuous situations within their respective districts and in the city of Adelaide a notice according to the form of Schedule B. hereto annexed, requiring all persons who may be entitled to vote in the election of a member to serve in the Legislative Council in respect of any property situate wholly or in part in such district, to deliver or transmit to some such collector, on or before the first day of April in every year, a notice of their claim as such voters according to the form of Schedule D. or to the like effect: provided always, that after the formation of the register to be made in each year as herein-after mentioned no person whose name shall be upon such register for the time being shall be required thereafter to make any such claim as aforesaid so long as he shall retain the same qualification described in such register.

VII. And be it enacted, that the collectors shall, on or before the first day of April in every year, make out a list, to be called the electoral list, according to the form of the schedule hereto annexed marked C, of all persons entitled to vote in elections for members of Council for such district, and shall sign such list, and deliver the same to the clerk of the nearest local court, or to such person as the Governor may in that behalf appoint as electoral clerk; and each collector shall keep a true copy of the list so delivered by him, to be perused by every person, without payment of any fee, at all reasonable hours.

VIII. And be it enacted, that the clerks and collectors of the several district road boards appointed under the ordinances in that behalf shall ex officio be collectors under this ordinance, and shall within the time herein provided in every year give notices and make out electoral lists as aforesaid of all persons entitled to vote in the election of members of Council within their respective districts, and shall do and perform in respect to the said districts all the duties respectively wherewith the collectors of electoral lists are herein-before charged.

IX. And be it enacted, that whenever the precincts for the ordinary duties of which electoral clerks have been appointed shall form portions of two or more electoral districts, such clerks shall make separate lists for each precinct which may be comprised within a separate electoral district.

X. And be it enacted, That the electoral lists delivered to the different electoral clerks shall be by them either printed or fairly and legibly transcribed, and hung up for the period of seven days ending on the eighth day of April in every year at the court-house or place of meeting of the local court, and in such conspicuous places in the electoral district to which the same relate as may be directed by any magistrate sitting at such court.

XI. And be it enacted, that any person whose name shall have been omitted in any such electoral list, and who shall claim to have his name inserted therein, shall, on or before the fifteenth day of April in every year, give notice thereof to the electoral clerk in the form of the schedule to this Ordinance annexed marked D, or to the like effect; and any person whose name shall have been inserted in any electoral list may object to any other person as not entitled to have his name retained in the said electoral list; and any person so objecting shall, on or before the fifteenth day of April in every year, give or cause to be given to the clerk, and also to the person objected to, or leave at the premises for which his name shall appear to be inserted in the electoral list, notice thereof in writing according to the form in the schedule to this Ordinance annexed marked E, or to the like effect; and the said clerk shall include the names of all persons so claiming to be inserted on the electoral list in a list according to the form in the schedule to this Ordinance annexed marked F, and the names of all persons objected to in a list according to the form of the schedule to this Ordinance annexed marked G, and shall cause copies of such several lists to be fixed on the outer doors or walls of the public or conspicuous buildings or places aforesaid during the eight days next preceding the twenty-fifth day of April in every year; and the said clerk shall likewise keep a list of the names of all persons so claiming as aforesaid, and also a list of the names of all persons so objected to as aforesaid, to be perused by any person without payment of any fee at all reasonable hours during the eight days (Sunday excepted) next preceding the said twenty-fifth day of April in every year, and shall deliver a copy of each of such lists to any person requiring the same, on payment of a sum not exceeding one shilling for each copy.

XII. And be it enacted, that the several local courts holden before a special magistrate and two justices of the peace shall hold an open court for the purpose of revising the electoral lists of the district or districts within or nearest to which such court shall be holden, or of such districts as the Governor may in this behalf appoint, such revisions to take place at such time as the said court shall appoint, between the twenty-fifth day of April inclusive and eighth day of May inclusive in each and every year, they having first given ten clear days notice of the holding of such court, such notice to be placed on the outer doors respectively of some public and conspicuous building within each such district, and the clerk or person acting as such shall at the opening of the court produce the said electoral lists, and a copy of the lists of the persons so claiming, and of the persons so objected to, made out in the manner aforesaid; and all collectors of rates and persons acting as collectors under this Ordinance shall, on being thereto summoned, attend the court, and shall answer upon oath all such questions as the court may put to them or

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Their duties.
Schedule B.
Collectors to give notice annually, requiring electors to send in their claims.
Schedule D.

Electoral lists to be delivered to local courts.
Schedule C.

No. 14 of 1848 and 15 of 1850.
Clerks and collectors of district road boards to be collectors of electoral districts.

Electoral lists where clerks are appointed for two or more electoral districts.

Electoral lists to be printed or fairly transcribed, and hung up for public inspection by the clerks.

Claims of persons to have their names inserted on electoral lists.
Schedule D.

Schedule E.
List of claimants.

Schedule F.
Lists of persons objected to.
Schedule G.

Courts for revision of electoral lists to be the nearest local court of a special magistrate and two justices.

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AUSTBALLA.

any of them, touching any matter necessary for revising the electoral lists; and the said court shall insert in such lists respectively the name of every person who shall be proved to the satisfaction of the court to be entitled to be inserted therein, and shall retain on the said lists the names of all persons to whom no objection shall have been duly made, and shall also retain on the said lists the name of every person who shall have been objected to by any person, unless the party so objecting shall appear by himself, or by some one on his behalf, in support of such objection; and when the name of any person inserted in either of the said lists shall have been duly objected to, and the person objecting shall appear by himself or by some one on his behalf in support of such objection, the court shall require proof of the qualification of the person so objected to; and in case the qualification of such person shall not be proved to the satisfaction of the court, the said court shall expunge the name of every such person from the said lists, and shall also expunge therefrom the name of every person who shall be proved to the court to be dead, or to have become disqualified or incapacitated, and shall correct any mistake or supply any omission which shall be proved to the court to have been made in any of the said lists, in respect of the name or place of abode of any person who shall be included therein, or in respect of the local description of his property: provided always, that no person's name shall be inserted by the said court in any such lists, or shall be expunged therefrom, except in the case of death, unless notice shall have been given as is herein-before required in each of the said cases.

Power to the court to adjourn, and order the production of books, and administer the oath.

XIII. And be it enacted, that every such court or any magistrate then and there sitting for the revision of the said lists shall have power to adjourn from time to time, provided that no such adjourned court shall be held beyond the said eighth day of May; and the said court or any magistrate as aforesaid shall have power to require any person having the custody of any book containing any rate made for any such electoral district during that or the preceding year, to produce the said book, and allow the same to be inspected at any court to be held for the revision of the electoral lists; and the said court or any magistrate as aforesaid shall have power to administer oaths or affirmations, as the case may be, as well as to the clerk and to the collectors, as to all persons claiming to be inserted in or making objection to the omission or insertion of any name in any of the said lists, and to all persons objected to in any such lists, and to all persons claiming to have any mistake in any such lists corrected, and to all witnesses who may be tendered or examined on either side, by which oath or affirmation the person under examination shall be required to state the truth, the whole truth, and nothing but the truth, relating to the matter in hand, and shall be liable if he swear falsely in answer to any lawful question put to him at such examination to be prosecuted for perjury; and the magistrate presiding shall in open court write his initials against the names struck out or inserted, and against any part of the said lists in which any mistake shall have been corrected, and shall sign his name to every page of the several lists so settled.

Revised lists to be kept by the clerk.

XIV. And be it enacted, that the electoral lists of each electoral district so revised and signed as last aforesaid shall be delivered by the court to the electoral clerk, who shall keep the same, and shall cause each of the said electoral lists to be fairly and truly copied into an alphabetical list in books to be by him provided for that purpose, the electoral list of each electoral district being kept separate, with every name therein numbered, beginning the numbers from the first name and continuing them in a regular series to the last name, and shall cause such books to be completed on or before the fifteenth day of May in every year, and shall cause such books, together with the lists, to be preserved among the records of his office; and every such book in which the said electoral lists shall have been copied shall be the roll of the electors of the several electoral districts entitled to vote in the choice of members of Council for the said districts respectively at any election which may take place in the said districts respectively between the first day of June inclusive in the year wherein such electoral lists shall have been made and the first day of June in the succeeding year.

Copies of the electoral roll to be written or printed for distribution.

XV. And be it enacted, that the clerk shall cause copies of the electoral roll in every year to be written or printed, and on being required shall furnish to every magistrate residing in the several districts to which the same respectively relate one copy of the electoral list of such district, and further copies to all persons applying for the same, on payment of a reasonable price for each copy.

Personal attendance of electors not necessary to prove qualification to vote, unless required by the court.

XVI. And be it enacted, that no elector claiming to register his vote in any electoral district shall be obliged to appear in person to make proof of the nature and sufficiency of his qualification, unless required by the court at which he shall apply to be registered to attend in person; provided, however, that if such personal attendance be rendered requisite, on the application of any party objecting to a claimant's right to register his vote, such party, if his objection be disallowed, shall defray such expenses as the court shall award for claimant's attendance, which expenses so awarded shall be recoverable in any court of competent jurisdiction in which the party entitled thereto shall sue for the same.

No. 11 of 1849, Adelaide Corporation Ordinance.

XVII. And whereas an Ordinance was passed on the twenty-fourth day of August one thousand eight hundred and forty-nine (No. 11), "to constitute a municipal corporation for the city of Adelaide," which was to commence and take effect from and after a day to be for that purpose appointed by the Governor, by proclamation published in the

"South Australian Government Gazette," upon the petition of the ratepayers, and an Ordinance was passed on the nineteenth day of September one thousand eight hundred and forty-nine (No. 13), "further to amend and continue the Ordinance authorizing the levying of an assessment within the city of Adelaide, and to provide for the improvement of the city until municipal institutions shall be established:" be it enacted, that during the continuance of the last recited Ordinance the city commissioners, or such of them as shall be designated by the Governor in this behalf, and after the establishment of a corporation under the first-recited Ordinance the mayor or some of the aldermen designated by the city council, shall be returning officers for the said city, or such wards or divisions thereof as shall form part of separate electoral districts; and some one of the said city commissioners, together with two of Her Majesty's justices of the peace, designated by the Governor in this behalf, or an alderman and two assessors chosen in manner mentioned by the first-recited Ordinance, as the case may be, shall form a court for the revision of electoral lists in each ward, with the powers hereby given to the local courts; and the collectors of rates within the city shall have the powers and duties hereby given to collectors of electoral lists, subject always to the provisions hereof; and when and as often as any town or district shall hereafter be incorporated, the mayor, warden, or chief municipal officer of such corporation shall be the returning officer of such town or district; and the powers and duties of collecting and revising the electoral lists for such town or district, and other the powers and duties of executing this Ordinance, shall be had and exercised by such persons as shall have corresponding duties, or as shall be appointed by or in virtue of the Act or letters patent constituting such corporation.

XVIII. Provided always, and be it enacted, that no person who has declared himself a candidate for election in any electoral district shall be competent to act as a returning officer, or at any court for the revision of electoral lists holden for the purposes hereof; provided further, that in the event of a deficiency of special or other magistrates, or of the inability or incompetency of any person appointed to act as returning officer, or at any such court, or to perform any office or duty in execution of this Ordinance, the Governor may appoint such other persons as he may deem fit to perform any of the duties herein directed to be performed by such magistrates or persons.

XIX. And be it enacted, that writs for the election of members to serve in the Legislative Council for the said electoral districts shall be issued by the Governor, directed to the returning officer of each district, in which writs shall be named the day of nomination for such elections, and, in the event of such elections being contested, the day for taking the poll at the different polling places, and also the day on which such writs shall be made returnable to the said Governor; provided always, that no such writs shall be dated or issued less than ten nor more than thirty days previously to the days respectively named therein for the holding of the elections.

XX. And be it enacted, that all writs to be issued for the election of members of Council under this Ordinance shall be framed in any manner and form which may be necessary and sufficient for carrying the provisions hereof into effect.

XXI. And be it enacted, that at every election in any polling place the returning officer, if it shall appear to him expedient for taking the poll at such election, may cause booths to be erected, or rooms to be hired and used as such booths, in one place or in several places, at each polling place, as occasion may require; and the same shall be so divided and allotted into compartments as to the returning officer shall seem most convenient, and the returning officer shall appoint a clerk to take the poll at each compartment, and shall before the day fixed for the election, if there be a contest, cause to be furnished for the use of each booth or polling place a copy of the electoral list of the district, and shall under his hand certify such copy to be true.

XXII. And be it enacted, that every elector shall be required to vote at the polling place situate within the electoral district wherein the property shall be situated in respect to which his name shall stand on the electoral roll, or within the city of Adelaide at any polling place appointed for such electoral district.

XXIII. And be it enacted, that nothing herein contained shall be construed to prevent the taking of polls for different electoral districts at the same polling place within the city of Adelaide; provided that a deputy, and such polling clerk or clerks as may be necessary, shall be appointed for each electoral district, and that the name of such electoral district be affixed on the most conspicuous part of the compartment of the polling room or booth allotted to such district.

XXIV. And be it enacted, that the returning officer of each electoral district shall preside at one polling place within or allotted to his district, and that he may appoint a deputy to act for him, and take the poll at each of the other polling places; provided that such deputy be appointed by a writing under the hand of the said returning officer, and such writing be posted up at the court-house within or nearest to the district for which the said polling place may be allotted, at least seven days before the day of election; and provided that in case of failure of the returning officer duly to appoint any such deputy the appointment may be made by the Governor.

XXV. And be it enacted, that where the proceedings at any election shall be interrupted or obstructed by any riot or open violence, whether such proceeding shall consist of the nomination of candidates, or of the taking the poll, the returning officer, or the deputy of any returning officer, shall not for such cause terminate the business of such

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No. 13 of 1849. City Improvement Ordinance.

City of Adelaide and other incorporated districts to have their own returning officers, electoral courts, and collectors of electoral lists.

Proviso in case of magistrates or other appointed persons being candidates, or other deficiency of officers.

Elections.

Writs to be issued by the Governor, and to be returnable to him.

Form of writs.

Booths may be erected or hired for taking the poll.

Where electors to vote.

Polls for different electoral districts may be taken at the same place in Adelaide.

Returning officer to preside at one polling place, and appoint deputies to preside at the others.

Adjournment of nomination, or of poll, in case of riot.

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nomination nor finally close the poll, but shall adjourn the nomination or the taking the poll at the particular polling place at which such interruption or obstruction shall have happened, until the following day, and, if necessary, shall further adjourn such nomination or poll, as the case may be, until such interruption or obstruction shall have ceased, when the returning officer or his deputy shall again proceed with the business of the nomination or with the taking the poll, as the case may be, at the place at which the same respectively may have been interrupted or obstructed; and the day on which the business of the nomination shall have been concluded shall be deemed to have been the day fixed for the election, and the commencement of the poll shall be regulated accordingly; and any day whereon the poll shall have been so adjourned shall not as to such place be reckoned the day of polling at such election within the meaning hereof; and whenever the poll shall have been so adjourned by any deputy of any returning officer, such deputy shall forthwith give notice of such adjournment to the returning officer, who shall not finally declare the state of the poll, or make proclamation of the member chosen, until the poll so adjourned at such place shall have been finally closed, and the poll-books delivered or transmitted to such returning officer.

Returning officer to endorse the writ on receipt, and give notice of election.

XXVI. And be it enacted, that the returning officer of each electoral district shall endorse on the writ the day on which he received it; and that within four days from the date of his receiving it he shall give public notice of the day of nomination, which shall be the day on which the election is directed by the writ to be holden.

Mode of proceeding at election.

XXVII. And be it enacted, that on the day of nomination, which shall be on the day of election named in the writ, the returning officer shall preside at a meeting to be holden at noon at the chief polling place of each electoral district, and shall declare the purpose for which such meeting is held; and if there be at such meeting no more than one candidate proposed the returning officer shall declare such candidate to be duly elected, and make his return accordingly; and that in the event of there being more candidates the returning officer shall call for a show of hands separately in favour of each candidate, and after such show of hands shall declare the person on whom the election has fallen, and shall return the same accordingly, unless a poll be demanded by some of the candidates or by not less than six electors on his behalf; and on such demand being made for a poll the polling shall commence at the different polling places for the district, as nearly as may be at nine o'clock in the forenoon of the day appointed by the Governor in the writ for taking the poll at the different polling places, and no poll shall be kept open later than four o'clock in the afternoon.

Elections to be before returning officers and their deputies.

Hours when elections shall commence and terminate.

Manner of voting.

XXVIII. And be it enacted, that the election of members of Council at each polling place shall be held before the returning officer or his deputy, and the voting at every such election shall commence at nine o'clock in the forenoon, and shall finally close at four o'clock in the afternoon of the same day, and shall be conducted in manner following; that is to say, every elector entitled to vote in the election of members of Council may vote by delivering to the said returning officer or his deputy a voting paper containing the Christian name and surname of the person for whom he votes, such paper being previously signed with the name of the elector voting, and with the name of the place in which the property for which he appears on the electoral roll is situated, and the returning officer or his deputy shall cause the clerk openly to record every such vote in a poll-book to be kept by him for that purpose.

No inquiry of a voter except as to his identity, whether he has voted before on the same election, and as to qualification.

Form of questions to be put as to these points.

XXIX. And be it enacted, that no inquiry shall be permitted at any election as to the right of any person to vote, except only as follows; that is to say, that the returning officer or his deputy shall, if required by any two electors entitled to vote in the same electoral district, put to any voter at the time of his delivering in his voting paper, and not afterwards, the following questions, or any of them, and no other:—

First.—Are you the person whose name is signed as A.B. to the voting paper now delivered in by you?

Second.—Are you the person whose name appears as A.B. in the electoral roll now in force for this electoral district, being registered therein for property described to be situated in (here specify the street or place described in the electoral roll)?

Third.—Have you already voted at the present election?

Fourth.—Have you the same qualification for which your name was originally inserted in the electoral roll for the district of (specifying in each case the particulars of the qualification as described in the register)?

Punishment for false answer.

And no person required to answer any of the said questions shall be permitted or qualified to vote until he shall have answered the same; and if any person shall wilfully make a false answer to any of the questions aforesaid he shall be deemed guilty of a misdemeanour, and may be indicted and punished accordingly; and the returning officer or his deputy shall, if required, on behalf of any candidate or his agent, at the time aforesaid, administer an oath or affirmation, as the case may be, to any voter, in the following form; that is to say,

Oath to be administered, if required.

' You do swear (or being a person authorized by law to affirm, do affirm) that you are the same person whose name appears as A.B. on the register now in force for the electoral district of (as the case may be).

No other oath as to qualification.

And no elector shall hereafter, at any such election, be required to take an oath or affirmation, except as aforesaid, either in proof of his freehold or of his residence, age, or

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qualification, or right to vote, any law or statute, local or general, to the contrary notwithstanding, and no person claiming to vote at any such election shall be excluded from voting thereat, except by reason of its appearing to the returning officer or his deputy, upon putting such questions as aforesaid, or any of them, that the person so claiming to vote is not the same person whose name appears on such register as aforesaid, or that he has previously voted at the same election, or that he has not the same qualification for which his name was originally inserted in such register, or except by reason of such person refusing to take the said oath or make the said affirmation, or take or make the following oath or affirmation against bribery:—

‘ I, A.B., do swear (or, as the case may be, I, A.B., do solemnly affirm) I have not received or had, by myself or any person whatsoever in trust for me or for my use and benefit, directly or indirectly, any sum or sums of money, office, place, or emolument, gift, or reward, or any promise or security for any money, office, employment, or gift, in order to give my vote at this election.

Bribery oath to be administered, if required.

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XXX. And be it enacted, that each deputy returning officer shall immediately on the close of the poll publicly enclose and seal the poll-book, and collect and seal up all the voting papers which have been taken at the polling place whereat he presided, and shall with the least delay possible deliver or cause the same to be delivered to the returning officer of the electoral district.

Deputies to seal book and voting papers and deliver them forthwith to returning officers.

XXXI. And be it enacted, that the returning officer of each electoral district shall at the place of nomination, and as soon as may be practicable after the election shall have been held, openly declare the general state of the poll at the close of the election, as the same shall have been made up by him from the poll-books and voting papers kept at the several polling places, and he shall at the same time and place declare the name of the person who may have been duly elected at such election; and in the event of the number of votes being found to have been equal for any two or more candidates, he shall by his casting vote decide which of the same candidates shall be elected; provided, however, that no returning officer shall vote at any election for the electoral district of which he is the returning officer, except in the case of an equality of votes as aforesaid; provided also, that it shall and may be lawful for any mayor or other magistrate of the city of Adelaide, not being the returning officer thereof, and for the deputy of any returning officer in any other electoral district, to vote at any election for the electoral district in like manner as if he had not been appointed and acted as such deputy.

Names of persons elected to be declared by returning officer.

Returning officer not to vote except in case of equality of votes.

XXXII. And be it enacted, that the name of the person so elected shall be inserted in or endorsed on the writ by the returning officer, and the writ returned to the Governor within the time by which, according to the provisions hereof, the same may be returnable.

Return of writs with names of elected persons endorsed thereon.

XXXIII. And be it enacted, that all poll-books and voting papers shall be sealed up by the returning officer, and transmitted with the writ to the Governor.

Poll books and voting papers to be sealed, and transmitted with the writ to the governor.

XXXIV. And be it enacted, that voting papers shall be sufficient in the form of Schedule H; but no voting paper shall be rejected by the returning officer for mere want of form, provided that the name and designation of the party signing the paper, and the name of the party contained in it, be intelligibly expressed and in a manner to be commonly understood.

Voting paper not to be rejected for want of form. Schedule H.

XXXV. And whereas it is expedient and necessary to provide a court for the trial of any complaints which may be made against the validity of any returns made by the returning officers of the several electoral districts hereby created: be it enacted, that for the purpose of forming such court the Governor shall, within three days after the first meeting of the said Legislative Council to be constituted as aforesaid, name two persons to be members of the said court, such two persons not being members of the said Council; and that also within three days after the said first meeting of the said Council, the Council shall elect out of its own body two persons to be members of the said court; and that also within the same period the supreme court or any judge thereof shall nominate one person to be president of the said court, who shall be a barrister of the supreme court of at least five years' standing, and shall not be a member of the said Council.

Disputed Returns.

Court for trial of complaints against the validity of returns to consist of two members, appointed by the Governor, two members elected by the Council, and the president appointed by the supreme court or a judge thereof.

XXXVI. And be it enacted, that if the said Governor shall fail to nominate the two members as aforesaid within the said three days, the right of nomination of the said two members to be named by the Governor may at any time afterwards be exercised by the said Council according to the majority of their votes; and that if the said Council, or the said supreme court or a judge thereof, shall fail to elect or nominate the said other two members and the president of the said court within the said three days, such other two members and such president may be nominated at any time afterwards by the said Governor.

Proceedings where members shall not be nominated as prescribed.

XXXVII. And be it enacted, that if after the full number of the court shall have been completed, any member shall be incapacitated to attend a meeting of the court by reason of death, sickness, or any other impediment, his place shall be supplied by a person nominated for that purpose by the person or the authority whereby the member so dying, or so rendered unable to attend, was nominated, or in default of such nomination by the Governor.

Nomination of members of court to supply vacancies.

XXXVIII. And be it enacted, that the record of the nomination or election of the said members of the said court shall be entered by the clerk of the Council on the proceed-

Record of nomination of members to be proof of proper constitution of court.

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Court not to proceed to business unless convened by the Governor or Council.

Oath to be taken by members of the court.

Powers of court.

Court to be guided only by the real justice and good conscience of each case.

Court may regulate the form of its own proceedings.

Decisions to be given within five days, and to be final, without appeal.

Inquiries by court to be restricted to identity of voters, and propriety of admission or rejection of votes.

Remuneration to president of court.

Expenses by whom payable.

Complaints of undue returns to be by petition to the Governor or Council.

Petition to be referred to court by Governor, and copies presented to the Council.

Proceedings of court on petitions.

ings of the Council; and that proof of such entry having been made shall be sufficient authority for the proper constitution of such Court.

XXXIX. Provided, however, and be it enacted; that the said court shall not proceed to any business, unless convened by order of the Governor or of the Council, nor until each member comprising it shall take the following oath or affirmation, as the case may be, which shall be administered by the president to each of the members, and afterwards by any member to the president:

' I (A.B.) do swear or affirm, as the case may be, that I will duly administer justice in all matters which may be brought before this court, and that I will decide in all such matters according to the principles of good faith and equity, without partiality, favour, or affection, and according to the best of my understanding.

' SO HELP ME GOD.'

XL. And be it enacted, that the court thus constituted shall have power to inquire into all cases which may be brought before it by the Governor or the Council respecting disputed returns of members to serve in the said Legislative Council, whether such disputes arise out of an alleged error in the return of the returning officer, or out of the allegation of bribery or corruption against any person concerned in any election, or out of any other allegation calculated to affect the validity of the return.

XLI. And be it enacted, that in the trial of any complaints as aforesaid the members of the said court shall be guided by the real justice and good conscience of the case, without regard to legal forms and solemnities, and shall direct themselves by the best evidence that they can procure or that is laid before them, whether the same be such evidence as the law would require in other cases or not.

XLII. And be it enacted, that the said court shall be an open court, and shall have power to adjourn its sitting from time to time, as in its discretion it may think proper; provided that the interval of adjournment shall not in any instance exceed two days, and that the said court shall be competent to regulate the form of its own proceedings, but that such proceedings shall in no one case extend beyond the period of five sitting days; and that if no decision be adopted by a majority within five sitting days, the president of the court shall, on such evidence as may then be before the court, pronounce a decision, and that every decision, whether so pronounced by the president or by the court, shall be final and conclusive, without appeal.

XLIII. And be it enacted, that the court shall not have power to inquire into the correctness of the register of any electoral district, or into the qualification of persons whose votes may on the day of election have been either admitted or rejected, but simply into the identity of the persons, and whether their votes were improperly admitted or rejected, assuming the register to be correct.

XLIV. And be it enacted, that the president of the court shall be paid five guineas for each day the said court shall sit, and the two members not being of the Council shall be paid two guineas for each such day, the other members serving gratuitously; and that the said sums be defrayed in the first instance by the candidate or other party presenting a petition against the return, who shall be entitled to recover that amount, and any other costs or expenses that may be awarded to him by the court, under the hand of the president, by action of debt, from the candidate against whose return the petition shall have been presented, if he shall succeed in setting aside the return; otherwise all such costs, charges, and expenses must devolve on the petitioning candidate, or other party petitioning against the return.

XLV. And be it enacted, That all complaints of the undue return of members to serve in the said Legislative Council shall be addressed in the form of a petition to the Governor or the Legislative Council; and that no petition shall be noticed, nor any proceedings had thereon unless it shall have been addressed to the Governor or the Legislative Council by a person who was a candidate at the election whereof it may be alleged that an undue return has been made, or by a number of persons who either voted or were qualified to have voted at the said election, amounting to not less than one tenth of the whole number on the list of electors; and no petition shall be noticed which shall not be received by the Governor or the Legislative Council within twenty-one days from the day of election.

XLVI. And be it enacted, that the Governor or the Legislative Council, within ten days after any such petition shall have been duly received by him, if the Legislative Council be then sitting, or if the Council be not then sitting, within ten days after its next meeting following the receipt of the said petition, shall cause the same to be referred to the Court above mentioned; and the Governor, if such petition be addressed to him, shall cause a copy of the same to be at the same time presented to the said Legislative Council.

XLVII. And be it enacted, that the said court, in hearing and deciding on the merits of every such petition, shall be guided by the principles of good faith and equity, and shall receive or reject, at their discretion, any evidence that may be tendered to them, and shall have power to compel the attendance of witnesses, and to examine them on oath; and if the said court shall declare that any person was not duly elected who was returned as elected by the returning officer of any electoral district, the person so declared to have been not duly elected shall cease to be a member of the Council; and if the said court shall declare any person to have been duly elected who was not returned by any returning

officer, the person so declared to be duly elected shall be sworn a member of the said Council, and take his seat accordingly; and if the said court shall declare any election to have been absolutely void, it shall be lawful for the Governor, on the same being certified to him by the president of the court, to issue a new writ for the holding of another election, such writ to be issued within ten days after such certificate shall have been made to the Governor.

XLVIII. And for the prevention of bribery and corruption, be it enacted, that all and each of the following acts shall be deemed and taken to be acts of bribery and corruption on the part of any candidate, whether committed by such candidate or by any agent authorized to act for him, that is to say, the giving of money or any other article whatsoever, cockades included, to any elector, with a view to influence his vote, or the holding out to him any promise of expectation of profit, advancement, or enrichment in any shape, in order to influence his vote, or making use of any threat to any voter, or otherwise intimidating him in any manner with a view to influence his vote; the treating of any voter, or the supplying him with meat, drink, lodging, or horse or carriage hire, or conveyance by steam or otherwise, whilst at such election, or whilst engaged in coming to or going from such election; the payment to any elector of any sum of money for acting or joining in any procession during such election, or before or after the same; the keeping open, or allowing to be kept open, any public house, shop, booth, or tent, or place of entertainment, whether liquor or refreshment of any kind be distributed at such place of entertainment or not; the giving of any dinner, supper, breakfast, or other entertainment at any place whatsoever, by a candidate to any number of persons, with a view of influencing their votes.

General Provisions.

What shall be deemed acts of bribery and corruption.
7 & 8 G. 4. c. 37. s. 2.

XLIX. And be it enacted, that the commission of any one of the above-mentioned acts shall, on proof thereof, by decision of the above-mentioned court, be held to render void the election of the person committing such act, and to disqualify him from sitting and voting in the said Legislative Council during the whole period that may intervene between the commission of the same and the time of the next general election.

Any of the above acts to disqualify.

L. And be it enacted, that the acts of all authorized agents of a candidate or member shall, in matters connected with elections, be held to be the acts of their principal, provided that it shall be proved to the satisfaction of the above-mentioned court that such acts were committed with his knowledge, power, or consent.

Principals bound by acts of their agents.

LI. And be it enacted, that if any of the above-mentioned acts hereby declared to be acts of bribery and corruption shall be committed by any person not the authorized agent of any candidate or member, the person so committing or having committed them shall be deemed guilty of a misdemeanor, and may be indicted for such act as for a misdemeanor in the supreme court, and punished with fine not exceeding two hundred pounds, or imprisonment not exceeding six calendar months, at the suit or on the plaint of Her Majesty's Attorney or Advocate General, or of any registered elector of the district wherein such act of bribery or corruption shall be alleged to have been committed.

Acts of bribery and corruption by persons not being the authorized agents.

LII. And be it enacted, that if any person who shall have or claim to have any right to vote in any election of a member of Council for any electoral district shall directly or indirectly ask, receive, or take any money or other reward, by way of gift, employment, or other reward whatsoever, for himself or for any of his family or kindred, to give his vote or to abstain from giving his vote in any such election, or if any person, by himself, his friends, or by any person employed by him, shall, by any gift or reward or by any promise and agreement or security for any gift or reward, corrupt or procure any person to give his vote in any such election, or to abstain from giving the same, such offender shall for such offence forfeit the sum of fifty pounds sterling to the person who shall first sue for the same, to be recovered, with full costs, by action of debt, bill, plaint, or information in the supreme court.

Penalty on persons receiving or offering reward for voting or withholding vote.

LIII. And be it enacted, that every person who shall poll a second time or offer to poll a second time at the same election for any electoral district, or who shall personate any other person for the purpose of polling at such election, shall be guilty of a misdemeanor, and upon being thereof convicted shall be imprisoned for any term not more than two years, at the discretion of the court who shall try such person.

Punishment for voting twice, or personating voters.

LIV. And be it enacted, that for the remuneration of the collectors every person, upon giving notice of his claim as an elector to the collector, as herein-before mentioned, shall pay or cause to be paid to the said collector, for his own use, the sum of one shilling, and such notice of claim shall not be deemed valid until such sum shall have been paid.

Expenses of collectors, how to be paid.

LV. And be it enacted, that all booths erected or rooms hired for the convenience of taking polls shall be at the joint and equal expense of the several candidates; and the same shall be by contract with the candidates, if they shall think fit to make such contract, or if they shall not make such contract, then the same shall be erected or hired by the returning officer, at the expense of the several candidates as aforesaid, subject to such limitation as is herein-after next mentioned; that is to say, that the expense to be incurred shall not exceed the sum of twenty pounds in respect of any one polling place, and that all returning officers and deputy returning officers shall be paid each two guineas by the day, and all clerks employed in taking the poll shall be paid each one guinea by the day, at the expense of the candidates at such election: Provided always, that if any person shall be proposed without his consent, then the person so proposing

Candidates, or person proposing a candidate without his consent, to be at the expense of booths and poll-clerks.

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Payment of other expenses incurred.

Provision in the event of impediments of a formal nature.

Council may proceed to business when summoned, when there are not more than two members deficient by the non-return of writs.

Governor may order remuneration for officers.

Powers of Governor under this Ordinance may be given or be delegated to another.

Declaration to be made by officers before a justice, and be transmitted to Colonial Secretary.

Penalty on officers refusing or neglecting duty.

Recovery and application of penalties.

Where matters to be done fall on a holiday.

him shall be liable to defray his share of the said expenses, in like manner as if he had been a candidate.

LVI. And be it enacted, that all necessary and reasonable expenses which shall be incurred by any persons appointed under and by virtue of this Ordinance, for the purpose of carrying into effect the several provisions hereof, and not otherwise provided for, shall, if allowed by the Governor, be paid and discharged out of the general public revenues of the province by warrants under the hand of the Governor directed to the Colonial Treasurer.

LVII. And whereas divers of the electoral districts above named are far distant from the seat of Government, and unforeseen delays or difficulties may arise in carrying into effect the several provisions herein-before mentioned in regard to the elections for the said districts: be it therefore enacted, that no election for any of the said districts shall be held to be void in consequence solely of any such delay in the holding of such election at the time appointed, or in the return of the writ, or of any impediment of a mere formal nature; provided that the validity of such election shall be declared by the Governor, with the advice of the Executive Council, within thirty days from the day on which such election was held or ought to have been held; provided also, that within the period of twenty days before or after the day appointed for the holding of any election it shall be lawful for the said Governor, with the advice of the said Executive Council, to extend the time allowed for the holding of such election, or for the return of the writ issued for the same, and to adopt or cause to be adopted such measures as may be necessary to remove any obstacle by which the due course of any election may be impeded, and to supply any deficiency that may otherwise affect the same; provided further, that any measures so adopted by the Governor with the advice of the Executive Council shall be duly notified in the "South Australian Government Gazette."

LVIII. And whereas, in consequence of the great extent of the province of South Australia, delays may occur in the return of the writs from some parts of the same, and by the non-return of such writs the number of the Council may not be completed on the day whereon it may be summoned to meet for the dispatch of business, and it is expedient to remove doubts which might otherwise arise as to the power of the said Council in its incomplete state to proceed to business: be it enacted, that, notwithstanding the non-return of any writs on or before the day whereon such writs are returnable, the Council shall be competent to proceed to business if duly summoned thereto, and provided the number of members deficient in consequence of the non-return of such writs be not greater than two.

LIX. And be it enacted, that it shall and may be lawful for the Governor to assign to the persons appointed to perform any office or duty in execution of this Ordinance such remuneration for their services as to the said Governor may seem proper.

LX. And be it enacted, that the said Governor shall and may have power to delegate to any other person the performance of any act or thing which he is hereby empowered to perform; provided such delegation be made under his hand and the public seal of the province, and be duly announced by proclamation in the "South Australian Government Gazette."

LXI. And be it enacted, that any and every person who may, under the provisions hereof, be appointed a returning officer, or deputy returning officer, or appointed to perform any other duty under this Ordinance, shall, before he enters on the performance of any duty under the same, make and subscribe before a justice of the peace the following declaration; and the justice before whom such declaration may be made, is hereby required to transmit the same by the first convenient opportunity to the Colonial Secretary of South Australia:

' I (A. B.), do hereby declare, that I accept the office of
' and I do hereby promise and declare that I will faithfully perform the duties of the
' same, to the best of my understanding and ability.'

LXII. And be it enacted, that if any returning officer or any deputy returning officer, after having accepted office as such, or any mayor or magistrate, shall neglect or refuse to perform any of the duties which by the provisions hereof he is required to perform, every such returning officer, deputy returning officer, mayor, or magistrate shall for every such offence forfeit and pay any sum not less than ten nor exceeding two hundred pounds; and in like manner, if any clerk or other officer or person appointed under this Ordinance shall neglect or refuse to perform any of the duties which by the provisions hereof he is required to perform, every such clerk or other officer or person shall for every such offence forfeit and pay any sum not less than five and not exceeding fifty pounds.

LXIII. And be it enacted, that the respective penalties before mentioned shall be recovered, with full costs of suit, by any person who shall sue for the same within three calendar months after the commission of such offence, by action of debt or on the case in the supreme court of the province of South Australia, and the money so recovered shall, after payment of the costs and expenses attending the recovery thereof, be paid and apportioned as follows; that is to say, one moiety thereof to the person so suing, and the other moiety thereof to Her Majesty, for the public uses of the province and support of the government thereof.

LXIV. And be it enacted, that when any matter or thing shall be hereby directed to be performed on a certain day, and that day happen to be Sunday, Good Friday, Christmas

Day, or other public holiday, the said matter or thing may be performed on the next succeeding day.

LXV. And be it enacted, th this Ordinance shall commence and take effect from and after the passing thereof.

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Commencement.

H. E. F. YOUNG,
Lieutenant-Governor.

Passed the Legislative Council this twenty-first day of February one thousand eight hundred and fifty-one.

F. C. SINGLETON,
Acting Clerk of Council.

SCHEDULES referred to.

A.

Electoral Districts.

1. *District of North Adelaide* :—Comprising all that portion of the city of Adelaide to the north of the River Torrens, within the exterior boundaries of the park lands to the north of the River Torrens.

2. *District of East Adelaide* :—Comprising all that portion of the city of Adelaide within the exterior boundaries of the park lands south of the River Torrens, bounded on the west by a right line running north and south through the centre of King William Street, and produced both ways to the exterior boundaries of South Adelaide.

3. *District of West Adelaide* :—Comprising all that portion of the city of Adelaide within the exterior boundaries of the park lands to the south of the River Torrens, bounded on the east by a right line running north and south through the centre of King William Street, and produced both ways to the exterior boundaries of South Adelaide.

4. *District of Port Adelaide* :—Comprising the hundred of Port Adelaide, and all that portion of the hundred of Yatala being to the west of the north road, passing along the east boundaries of sections 2,064, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, and 360.

5. *District of Yatala* :—Comprising all that portion of the hundred of Yatala to the east of the north road, passing along the east boundaries of sections 2,064, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, together with the hundreds of Munno Para, Talunga, and Para Wirra.

6. *District of East Torrens* :—Comprising all that portion of the hundred of Adelaide being to the east of the city of Adelaide and to the north-east of the great eastern road passing through Glen Osmond, together with all that portion of the hundred of Onkaparinga being to the north of the south boundary line of sections 5,593, 5,594, 5,595, and 5,590, and to the west of the east boundaries of sections 5,595, 5,545, 5,544, 5,590, 5,589, 5,602, and 5,603.

7. *District of West Torrens* :—Comprising all that portion of the hundred of Adelaide being to the west and south of the city of Adelaide, and to the south-west of the great eastern road passing through Glen Osmond.

8. *District of Noarlunga* :—Comprising the hundreds of Noarlunga and Willunga.

9. *District of Mount Barker* :—Comprising all that remaining portion of the hundred of Onkaparinga not included in the electoral district of East Torrens, together with the hundreds of Kanmantoo and Monarto, and all that adjoining portion of the hundred of Macclesfield being to the north of the eastern road passing by Hahndorf, section 3,810, and between sections 4,463 and 4,459, where it enters the hundred of Strathalbyn.

10. *District of Hindmarsh* :—Comprising all that remaining portion of the hundred of Macclesfield not included in the electoral district of Mount Barker, together with the hundred of Kuitpo, and all that remaining portion of the county of Hindmarsh not included in any other electoral district.

11. *District of Barossa* :—Comprising the hundreds of Barossa and Moorooroo, and the town of Gawler and suburbs, being sections numbered 1, 2, 3, 4, 5, 6, 7, 8, and 24.

12. *District of Victoria* :—Comprising all that remaining portion of the county of Sturt not included in any hundred, together with the counties of Russell, Robe, and Grey, and all remaining portions of the province to the south-east of River Murray, being to the south of the 35th parallel of latitude.

13. *District of Light* :—The county of Light, except the hundred of Moorooroo, together with the county of Eyre, and all that north-eastern portion of the province being to the east of the counties of Sturt and Eyre, and east of a meridian line running northwards from the great bend of the Murray, and bounded on the south by the 35th parallel of latitude.

14. *District of Stanley* :—Comprising the county of Gawler, except the town of Gawler and suburbs, being sections numbered 1, 2, 3, 4, 5, 6, 7, 8, and 24, the county of Stanley,

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and all that northern portion of the province to the north of the counties of Stanley, Light, and Eyre, except the electoral district of the Burra, and of a line running from the south-west angle of the county of Stanley to Point Riley, bounded west by the east coast of Spencer's Gulf, and a meridian line northwards from the head of Spencer's Gulf, and bounded east by a meridian line running north from the Great Bend.

15. *District of the Burra*:—Comprising Koorunga, Redruth, Aberdeen, together with all that remaining portion of the province bounded south by a line passing west from the Great Bend of the River Murray along the north boundary of the county of Eyre, thence along the northern boundary of the county of Light as far as its intersection with the east boundary of the county of Stanley, bounded on the west by a line passing north from this last-named intersection along the east boundary of the county of Stanley as far north as a trigonometrical station called "Bald Hill," north, on the north-west by a line connecting the trigonometrical station of Bald Hill, north, and Mount Cone, north; on the north by a line produced due east from Mount Cone, north, until it intersects a meridian line produced north from the Great Bend of the River Murray, and on the east by the said meridian line.

16. *District of Flinders*:—Comprising the county of Flinders, and all those portions of the province to the westward of the west coast of Spencer's Gulf, and of a meridian line drawn northwards from the head of Spencer's Gulf, together with all that portion of Yorke's Peninsula being south of a line from Point Riley to the south-west angle of the county of Stanley, together with Kangaroo Island, and all islands west of the meridian of Cape Jarvis.

B

NOTICE BY THE COLLECTORS.

We hereby give notice, that we shall, on or before the first day of April in this year, make out a list of all persons entitled to vote in the election of a member of Council to serve for the district of _____ in respect of property situate wholly or in part within such district; and all persons so entitled are hereby required to deliver or transmit to us or one of us, on or before the said first day of April in this year, a claim in writing containing their christian name and surname, their place of abode, the nature of their qualification, and the name of the place and number of the sections wherein the property in respect of which they claim to vote is situate; and each of such persons so claiming must also at the same time pay the sum of one shilling. Persons omitting to deliver or transmit such claim or to make such payment (not being already registered) will be excluded from the register of voters for the said district.

C

LIST OF ELECTORS FOR THE ELECTORAL DISTRICT OF _____

Christian Name and Surname of each Person at full Length.	Nature of Qualification.	Where the Property affording the Qualification is situated.

(Signed) A. B. }
C. D. } Collectors.

Dated at _____ day of _____

D.

NOTICE OF CLAIM.

To the _____ of _____
I hereby give you notice, that I claim to have my name inserted in the electoral list of _____ in virtue of the freehold property which I possess at _____ (or of the dwelling-house which I occupy at _____), as the case may be)

Dated at _____ day of _____

(Signed) JOHN STILES of (place of abode).

E.

NOTICE OF OBJECTION.

To the Clerk of _____ (and to the person objected to).
 I hereby give you notice, that I object to the name of _____ of _____
 (name and describe the person objected to as in the electoral list), being retained on the
 electoral list of the _____

Dated this _____

(Signed)

JOHN STILES of (here state the dwelling house or pro-
 perty for which he is included in the electoral list).

F.

LIST OF CLAIMANTS.

The following persons claim to have their names inserted in the electoral list of the _____

Christian Name and Surname of each Claimant.	Nature of the Property or Qualification in respect to which he prefers his Claim.	Place where the Property or Qualification is situated.

Dated at _____

this _____

(Signed)

A. B., Clerk of the
 day of _____

G.

LIST OF PERSONS OBJECTED TO.

The following persons have been objected to as not being entitled to have their names retained on the electoral list for the district of _____

Christian Name and Surname of each Person objected to.	Nature of the Property or Qualification for which his Name is on the Electoral List.	Place where the Property or Qualification is situated.

Dated at _____

this _____

(Signed)

A. B., Clerk of
 day of _____

H.

VOTING PAPER.

I (A. B.), being a qualified elector in respect of the under-mentioned property, do hereby vote for _____ to be a member of Council for the electoral district of _____

(Signed)

A. B., Name of elector, and place where qualification is situate.

VAN DIEMEN'S LAND.

Appendix No. 10.

STATEMENT of the REVENUE and EXPENDITURE of the Colony of VAN DIEMEN'S LAND during the Ten Years from 1839 to 1848.

Year ending 31st December.	CROWN REVENUE.						Total Local Revenue.	Expenditure.										
	From Sales of Land.		Other Receipts from Land.	Other Heads (if any) of Crown Revenue.	Total of Crown Revenue.	Ordinary Revenue.												
	Amount received in the Colony.	Amount received in England.																
	£	s.	d.	£	s.	d.	£	s.	d.	£	s.	d.						
1839	26,974	2	0	6,179	7	1	33,153	9	1	129,800	11	2	162,954	0	8	129,363	13	0
1840	50,893	14	7	6,067	17	1	56,961	11	8	125,204	15	7	182,166	7	3	138,358	5	5
1841	58,038	18	1	6,031	18	3	64,070	16	4	119,430	5	4	183,501	1	8	157,077	12	11
1842	14,331	18	11	7,654	4	0	21,986	2	11	115,234	11	2	137,220	14	1	143,676	16	9
1843	19,804	8	6	5,185	0	6	24,989	9	0	104,160	1	7	129,149	10	7	160,725	0	0
1844	6,718	16	1	6,389	10	4	13,108	6	5	* 93,218	9	3	106,326	15	8	153,816	1	9
1845	1,609	17	0	10,240	0	8	11,849	17	8	† 92,091	7	2	103,941	4	10	137,095	4	4
1846	5,700	4	7	9,567	12	8	15,267	17	3	120,078	19	9	135,346	17	0	121,846	3	10
1847	-	-	-	-	-	-	-	-	-	129,457	18	6	129,457	18	6	123,390	1	10
1848	-	-	-	-	-	-	-	-	-	128,730	-	10	128,730	0	10	135,815	19	8
£	184,071	19	9	57,315	10	7	241,387	10	4	1,157,407	0	4	1,398,794	10	8	1,401,164	19	6

NOTE.—The amount of land revenue for 1847 was £ 28,159 s. 13 d. 11
Ditto ditto 1848 23,719 s. 4 d. 11

The expenditure of the land revenue for 1847 was £ 17,359 s. 2 d. 10
Ditto ditto ditto 1848 10,224 s. 10 d. 10

* Exclusive of a loan from Commissariat in aid of revenue, 50,000*l.*

† Exclusive of a loan from Bank Commercial, 32,000*l.*

Audit Office, Hobart Town, December 31, 1850.

(Signed) G. T. BOYES.

A RETURN of the Trade of Van Diemen's Land for the Ten Years from 1839 to 1848.

VAN
DIEMEN'S LAND.

Year.	TRADE.					
	Imports. (Value.)	Exports. (Value.)	SHIPPING.		WOOL EXPORTED.	
			Inwards.	Outwards.	Quantity.	Value.
	£	£	Tonnage.	Tonnage.	Bales.	£
1839	746,887	875,165	79,283	77,556	12,175	194,647
1840	988,356	867,007	85,081	86,701	12,123	223,667
1841	851,981	630,501	84,214	85,201	13,227	254,853
1842	582,553	540,733	82,983	82,866	13,390	236,078
1843	705,260	439,890	92,501	88,984	13,992	193,746
1844	442,988	408,799	68,462	71,756	15,575	176,269
1845	520,562	422,218	73,294	71,422	12,203	174,647
1846	561,238	532,585	74,795	79,430	14,581	213,522
1847	724,593	600,876	86,940	85,861	17,316	247,240
1848	594,154	490,281	91,883	95,988	13,433	195,143
	6,718,572	5,858,055	819,436	825,765	138,015	2,109,812

Custom House, Hobart Town,
10th January 1851.

(Signed) H. D'ARCH,
Collector.

A RETURN of the Trade of Van Diemen's Land for the Years 1849 and 1850.

Year.	TRADE.					
	Imports. (Value.)	Exports. (Value.)	SHIPPING.		WOOL EXPORTED.	
			Inwards.	Outwards.	Quantity.	Value.
	£	£	Tonnage.	Tonnage.	Bales.	£
1849	573,730	558,682	99,063	99,130	17,626	202,334
1850	658,542	613,848	104,018	104,848	19,517	248,869
	1,232,272	1,172,530	203,081	203,978	37,143	451,203

Custom House, Hobart Town,
10th January 1851.

(Signed) H. D'ARCH,
Collector.

POPULATION of Van Diemen's Land.

Year.	Free (see Note A).	Bond.	Total.
1839	27,034	17,077	44,111
1840	28,369	19,439	47,808
1841	32,815	17,454	50,269
1842	37,088	20,332	57,420
1843	} No census was taken during these years.		
1844			
1845			
1846			
1847	45,976	24,188	70,164
1848	—No census taken this year.		

Note A.—The following numbers of "Military" are included in the free population, as stated above:—In 1839, 1,249; in 1840, 1,099; in 1847, 2,246.

VAN
DIEMEN'S LAND.

No. 11.

Appendix No. 11.

By his Excellency Sir William Thomas Denison, Knight, Lieutenant-Governor of the Island of Van Diemen's Land and its Dependencies, with the Advice of the Legislative Council.

An Act to provide for the Establishment of a Legislative Council, the Division of the Colony of Van Diemen's Land into Electoral Districts, and the Election of Members to serve in such Legislative Council.*

Preamble.

13 & 14 Vict. c. 59

WHEREAS by an Act of the Imperial Parliament of Great Britain and Ireland passed in the fourteenth year of the reign of Her present Majesty Queen Victoria, intituled "An Act for the better Government of Her Majesty's Australian Colonies," it was amongst other things enacted, that it should be lawful for the Legislatures now by law established within the colonies of Van Diemen's Land and South Australia respectively, by laws or ordinances to be for that purpose made and enacted in the manner and subject to the conditions now by law required in respect of laws or ordinances made by such Legislatures, to establish within the said colonies of Van Diemen's Land and South Australia respectively a Legislative Council, to consist of such number of members, not exceeding twenty-four, as they should think fit, and that such number of the members of each Council so to be established as is equal to one third part of the whole number of members of such Council, or if such whole number be not exactly divisible by three, such number as is next greater than one third of the whole number, should be appointed by Her Majesty, and that the remaining members of such Council should be elected by the inhabitants of the colony in which such Council should be established: and whereas by the said Act it was further enacted, that it should be lawful for such Legislatures respectively by such laws or ordinances as aforesaid to make all necessary provisions for dividing the said colonies of Van Diemen's Land and South Australia into convenient electoral districts, and for appointing and declaring the number of members of Council to be elected for each such district, and for the compilation and revision of lists of all persons qualified to vote at the elections to be holden within such districts, and for the appointing of returning officers, and for the issuing, executing, and returning of the necessary writs for such elections, and for taking the poll thereat, and for determining the validity of all disputed returns, and otherwise for ensuring the orderly, effective, and impartial conduct of such elections: and whereas it is expedient to carry into effect the provisions of the said recited Act in the said colony of Van Diemen's Land: be it therefore enacted by his Excellency Sir William Thomas Denison, knight, Lieutenant-Governor of the island of Van Diemen's Land and its dependencies, by and with the advice of the Legislative Council of the said island, that there shall be within the colony of Van Diemen's Land a Legislative Council, and that such Council shall consist of twenty-four members.

Establishes a legislative council consisting of twenty-four members.

Electoral districts and members returned by each.

Electoral district of Hobart Town.

And be it enacted, that the colony of Van Diemen's Land shall be divided into electoral districts for the purpose of returning members to serve in the said Legislative Council in the manner following; (that is to say,) the city of Hobart Town shall form an electoral district, under the denomination of the electoral district of Hobart Town, and shall return two members to serve in the said Council, and for the purposes of this Act the boundaries of the said electoral district of Hobart Town shall be the boundaries of the town of Hobart Town as the same are defined in the "Government Gazette" under date the sixteenth day of January one thousand eight hundred and thirty-nine, (that is to say,) commencing at a mark at the angle of Arthur Street and Knocklofty Terrace, and passing along Knocklofty Terrace to the boundary of an allotment belonging to William Harris, and in a right line across Salvator Rosa's Glen to a mark on the rivulet at the angle of an allotment to Joseph Bowden, thence continuing along the north-eastern boundary of that allotment to Forest Road, across that road in a continued line to the north-eastern angle of an allotment to Peter Dudgeon, and along the north-eastern boundary of that allotment to a mark on the Hobart Town Rivulet, thence continuing along that rivulet to a mark at a point on the boundary of a grant belonging to the estate of the late Thomas William Birch, where it is intersected by the Hobart Town Rivulet, thence continuing along that boundary to Macquarie Street, crossing that street in a continued line proceeding along the before-mentioned boundary by El Bodon Place to its angle with Holebrook Place, and thence by the boundary of an allotment to Joseph Henry Moore to the Sandy Bay Rivulet, from this point to the Derwent the Sandy Bay Rivulet forms the boundary, and thence the Derwent by Secheron Mulgrave Battery and Sullivan's Cove to the mouth of a drain which formerly constituted the boundary of the Domain, thence the boundary passes along that drain to a mark in a line with the south-east boundary of an allotment to George Smith in Park Street, thence across Park Street to the east angle of George Smith's allotment, along that allotment to Argyle Street, across that street to an allotment occupied as the Dallas Arms Inn, through that allotment to the New Town Road, thence across the New Town Road to an allotment to Henry Condel, through that allotment to Arthur Street, and along Arthur Street to Knocklofty Terrace; and the town of Launceston shall form an electoral district

Electoral district of Launceston.

* Earl Grey's Despatch to Sir W. Denison, No. 9, 10th March 1852, page 92. conveys Her Majesty's confirmation of this enactment.

VAN
DIEMEN'S LAND

under the denomination of the electoral district of Launceston, and shall return one member to serve in the said Council; and for the purposes of this Act the boundaries of the said electoral district of Launceston shall be the boundaries of the town of Launceston as the same are herein-after defined, (that is to say,) commencing from a mark on the South Esk River and running in a south-easterly direction to Hill Street, along the north-east side of that street to Hillside Crescent, and along the north-east and north-west sides of the crescent to Franklin Street, continuing along the north-west side of that street to the south-west angle of a location to William Barnes, and along the west boundary of that location to its angle with an allotment to St. John E. Browne, to Abbott Street, crossing Abbott Street to the west boundary of an allotment to Richard Willis, and along that allotment to Alexander Patterson's allotment, along which continuing to the Patterson's Plains Road, crossing that road, and thence proceeding along an allotment to George Parkinson and to one to Richard White, and thence continuing along the front line of allotments to Joseph Archer, William Archer, Henry Arthur, and Henry Dowling, facing the Racecourse, to Henry Street, thence crossing that street, and proceeding by the north-west boundary of that street to the south angle of a location to Thomas Archer, thence by that location, and by allotments to Thomas Archer, Robert Garrett, and Charles Ross Nairne, to the west angle of that allotment, thence by the north-west boundary of that allotment, and a continued north-easterly line to a mark on the North Esk River, and afterwards by that river to its junction with the Tamar, by that river to its junction with the South Esk River, and by that river to the mark first before mentioned; and all that part of this colony bounded as follows, (that is to say,) bounded on the north-western side by Bass's Straits from Badger Head to Banks' Straits, thence on the north-eastern side by Banks' Straits to the Great Muscle Roe River, thence on the south-eastern side by that river to its source, dividing this district from the electoral district of Campbell Town as herein-after defined, thence by that district extending along the eastern side of Mount Cameron in a south-westerly direction to the source of the North Esk, thence on the south-eastern and southern sides by that river to the north-western boundary of a location to Elizabeth Paterson, extending south-westerly from the North Esk River to the Perth and Launceston Road by locations to Roderick McDonald, John Eagan, Arthur Maynes, Thomas Cooke Dyball, and John Eddison, to the South Esk River, thence on the south-western side by that river to the junction of the Meander, thence on the south-eastern and southern sides by that river, on the west by the electoral district of Westbury as herein-after defined, extending northerly along the east boundaries of a location to Samuel Spode and of lots 347 and 549 to lot 710, thence by a north-westerly line to Badger Head aforesaid, shall form an electoral district under the denomination of the electoral district of Cornwall, and shall return one member to serve in the said Council, provided that no part of the electoral district of Launceston as herein-before defined shall for the purposes of this Act be taken to form or be part of the said electoral district of Cornwall; and all that part of this colony bounded as follows, (that is to say,) bounded on the west and north by the sea from a point on the west coast distant twenty-three miles or thereabouts in a northerly direction from the mouth of King's River, and extending to Badger Head, from thence on the north-east by the south-western boundary of the said electoral district of Cornwall extending south-easterly to lot 710, thence on the east by the said district extending along the east boundaries of lots 549 and 347, and along the western boundaries of locations to R. Bostock and James Hill, to the Meander, thence on the north by that river to the junction of the Liffey, and on the east and south by that river to its source, thence by a westerly line to the River Meander, thence by that river to its source in Lake Meander, thence by a south-west line to Lake Julian, thence by a south-west line to Lake Pillans, thence in a south-easterly direction to Lake Ada, and thence by a westerly line to the point of commencement, shall form an electoral district under the denomination of the electoral district of Westbury, and shall return one member to serve in the said Council; and all that part of this colony bounded as follows, (that is to say,) bounded on the north-eastern side by the South Esk River from the junction of the Meander River to the junction of the Lake River, thence by that river to the junction of the Macquarie River, thence by that river to the north-east angle of a location to Lewis Von Bibra at the north-west angle of the parish of Lincoln, on the east by that parish, on the south by the parish of Tierney to the Lake River, thence on the east by that river to Wood's or Laycock's Lake, thence on the south side by that lake by part of the Upper Lake River, by a southerly line to the lagoon of islands, by the southern boundaries of lots 131 and 885 to the River Shannon, thence by that river to the Great Lake, and by that lake and a westerly line to the mouth of the Armytage Rivulet, thence along Armytage Rivulet and a westerly line to the Little Pine River, and thence by that river to Lake Ada, thence on the west and north by the said electoral district of Westbury to the junction of the Liffey with the Meander River aforesaid, and thence on the northern side by that river to the South Esk River aforesaid, shall form an electoral district under the denomination of the electoral district of Longford, and shall return one member to serve in the said Council; and all that part of this colony bounded as follows, (that is to say,) bounded on the south-eastern side by the Ben Lomond Rivulet to its source, and thence by a line to the lake on the top of Ben Lomond, thence by a line to the source of the River North Esk, on the northern side by that river to the parish of Launceston, on the north-west by that parish to the South Esk River, on the west by that river to its junction with the Lake River, thence

Electoral district of
Cornwall.

Electoral district of
Westbury.

Electoral district of
Longford.

Electoral district of
Morven.

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Campbell Town.

by that river to its junction with the Macquarie River, thence by that river to the parish of Cadbury, thence by the electoral district of Campbell Town as herein-after defined to the South Esk River, and crossing it by that river to the Ben Lomond Rivulet aforesaid, shall form an electoral district under the denomination of the electoral district of Morven, and shall return one member to serve in the said Council; and all that part of this colony bounded as follows, (that is to say,) bounded on the southern side by the electoral district of Oatlands as herein-after defined, extending along the Macquarie River from a rivulet on the west boundary of a location to John Dickenson opposite lot 290, purchased from the Crown by Henry S. Hurst, (known as the Island,) to the junction of the Blackman's River, thence by the Blackman's River and by Mill Brook, thence also by the electoral district of Oatlands aforesaid, extending westerly to Lake Crescent, thence by that lake to its intersection with Lake Sorell, thence by the south and west banks of Lake Sorell to the north boundary of lot 504, thence by a westerly line to the Lake River, thence on the western side by that river to the south boundary of the parish of Ramsbury, thence on the north and on the western side by that parish to the Macquarie River, thence crossing it by that river to the south-east angle of the parish of Bramber, thence on the north-west and south-west by the parish of Bramber to the parish of Chichester, thence by that parish to the south-west boundary of a location to D. W. Stalker, thence by the south-west and north-west boundaries of that location to the South Esk River, thence on the north-eastern side by that river to the Ben Lomond Rivulet on the north-western side, after crossing the South Esk by the Ben Lomond Rivulet to its source, thence by a line to the lake on the top of Ben Lomond, thence by a line to the source of the North Esk River, and thence by the said electoral district of Cornwall, extending north-easterly to the eastward of Mount Cameron to the source of the Great Muscle Roe River, thence by that river to its junction with the sea, thence on the north-eastern side by Banks' Straits to Eddystone Point, thence on the eastern side by the eastern coast to Doctor's Creek near Long Point, thence on the south-eastern and southern sides by the electoral district of Oatlands aforesaid, extending along Doctor's Creek aforesaid, and along the summit of the tiers lying on the southern side of the St. Paul's River to the division boundary of the parishes of Eastbourne and Salisbury, thence by the eastern boundary of the parish of Campbell Town to the Elizabeth River, thence by that river until opposite the north-eastern angle of the parish of Wincanton, thence crossing that river on the north-eastern side by the said electoral district of Oatlands, extending along the eastern boundaries of the parishes of Wincanton, Ross, Glenmorriston, and Peel to the Macquarie River aforesaid, shall form an electoral district under the denomination of the electoral district of Campbell Town, and shall return one member to serve in the said Council; and all that part of this colony bounded as follows; (that is to say,) bounded on the east by the sea from Doctor's Creek near Long Point to Little Swanport River, thence by that river to its junction with a rivulet, thence by a south-easterly line through James Hobbs's 1000 acres, thence by the south-east boundary of a grant to Daniel Stanfield of lots 253, 254, and 255, and by the south-east boundaries of the parishes of Whitefoord and Bisdee, on the south by the parish of Ormaig, extending westerly to the Coal River, and crossing that river to the Quoin Mount, thence by a north-westerly line to the Quoin Rivulet, by that rivulet to the River Jordan, thence on the western side by that river to the Exe Rivulet, thence on the south-western and southern sides by that rivulet to its source, thence by the southern and western boundaries of the parish of Exmouth, and by the eastern boundary of the parish of Woodstock to Lake Crescent, thence by that lake to the Parish of Milton in the said electoral district of Campbell Town, thence by that parish to Mill Brook, thence by Mill Brook and the Blackman River to the Macquarie River, thence by that river to a location to John Dickenson, thence on the south-western side by the said electoral district of Campbell Town, extending along the eastern tiers to the Elizabeth River, thence by that river and by the eastern boundary of the parish of Campbell Town to the junction of the three parishes of Campbell Town, Salisbury, and East Bourne, thence on the north by the said electoral district of Campbell Town, extending along the summit of the tiers lying on the eastern side of the St. Paul's River to Doctor's Creek aforesaid, shall form an electoral district under the denomination of the electoral district of Oatlands, and shall return one member to serve in the said Council; and all that part of this colony bounded as follows, (that is to say,) bounded on the east by the said electoral district of Oatlands, from Lake Crescent to the Table Mountain at the south-east extremity of the parish of Woodstock, thence by the Exe Rivulet to its junction with the River Jordan, thence on the east by that river to the north-east angle of the parish of Wallace, thence by that parish on the south-east, south, and north-east to Platform Bluff, thence on the south-east by the parish of Lansdown, extending south-westerly to Belmont Rivulet, and by that rivulet to its junction with the Derwent River, thence by that river to its junction with Russell's Falls, by Russell's Falls and by a line extending north-westerly by the lakes on Mount Field to the Florentine River, thence crossing that river by a south-westerly line to the bend of the Gordon, by the Gordon River to Macquarie Harbour, by Macquarie Harbour and the west coast to a point distant twenty-three miles or thereabouts in a northerly direction from the mouth of King's River, thence by the electoral district of Westbury aforesaid to its junction with the said electoral district of Longford at Lake Ada, on the north by the said electoral district of Longford to Wood's Lake, by the northern shore of that lake to the said electoral district

Electoral district of
Oatlands.Electoral district of
Cumberland.

of Campbell Town, and by that district to Lake Sorell, thence on the north-east by Lake Sorell to Interlaken, and on the east and south by the eastern boundary of Lake Crescent to the point of commencement, shall form an electoral district under the denomination of the electoral district of Cumberland, and shall return one member to serve in the said Council; and all that part of this colony bounded as follows, (that is to say,) bounded on the north by the parish of Hartington, extending along the northern boundaries of locations to Agnes Wilson, James Goodwin, and Andrew Tolmey, crossing the Coal River, and thence easterly for about three miles to the west angle of the electoral district of Sorell, as herein-after defined, thence on the east by a southerly line to the west boundary of a location to Philip Ries, thence by a line extending easterly across the Kangaroo Rivulet, on the east by the eastern boundaries of W. Bignell's and M. Ludgater's locations and a location to John Aldridge, and by the parish of Sorell to Pittwater, thence on the east by Pittwater and Frederick Henry Bay, on the south-east by Storm Bay, on the west by the River Derwent to Gage Brook, by that brook and by the electoral district of Brighton, as herein-after defined, to Alexander Patterson's location, thence on the west, by the same district, to the Tea Tree Brush, and still on the south and south-west by that district to the point of commencement, shall form an electoral district under the denomination of the electoral district of Richmond, and shall return one member to serve in the said Council; and all that part of this colony bounded as follows, (that is to say,) bounded on the western side by the River Jordan from the Quoin Rivulet to a location to David Reynolds, thence on the north by the parish of Pelham to the north-east angle of the parish of Grafton, thence by that parish to its south-east angle, thence by a south-east line to the Dromedary Creek, and by that creek to its junction with the River Derwent, thence on the south by that river to Gage Brook, thence on the south by that brook to a location to Mrs. Hames, by that location and by the parish of Forbes, on the north-eastern side by the parishes of Ulva and Staffa to the Tea Tree Brush on the north, and on the north-east by the parish of Yarlington, and, still on the north-east, by the parish of Hartington to the Quoin Rivulet, thence by that rivulet to the point of commencement, shall form an electoral district, under the denomination of the electoral district of Brighton, and shall return one member to serve in the said Council; and all that part of this colony bounded as follows, (that is to say,) bounded on the east by the sea from Little Swan Port to Cape Pillar, including Maria Island, thence on the south and west by the sea to North-west Point, thence on the north and west by Norfolk Bay to East Bay Neck, thence on the south and south-west by Norfolk Bay, Frederic Henry Bay, and Pittwater, to the western boundary of a location to Henry and John Young, thence by the said electoral districts of Richmond and Oatlands to Little Swan Port, shall form an electoral district under the denomination of the electoral district of Sorell, and shall return one member to serve in the said Council; and all that part of this colony bounded as follows, (that is to say,) bounded on the south by Brown's River and a westerly line to the Mountain Rivulet, thence by that rivulet to its junction with the Huon River, thence by that river to Lake Edgar, thence by a north-westerly line to the Gordon, thence by the electoral district of Cumberland as herein-before defined to Russell's Falls, thence by the electoral district of New Norfolk as herein-after defined to the south-east angle of the parish of Glenorchy, thence by the Parish of Wellington to Bridgewater on the River Derwent, thence by that river to the point of commencement, shall form an electoral district, under the denomination of the electoral district of Buckingham, and shall return one member to serve in the said Council, provided that no part of the electoral district of Hobart Town as herein-before defined shall for the purposes of this Act be taken to form or be part of the said electoral district of Buckingham; and all that part of this colony bounded as follows, (that is to say,) bounded on the north by Russell's Falls, the River Derwent, and by the south boundary of the parish of Grafton, on the north-east by the Dromedary Range and Dromedary Creek to the Derwent, thence crossing the Derwent on the north by that river to Bridgewater, on the south-east by the parish of Glenorchy, on the south by the Wellington Range, extending north-westerly to Russell's Falls aforesaid, shall form an electoral district, under the denomination of the electoral district of New Norfolk, and shall return one member to serve in the said Council; and all that part of this colony bounded as follows, (that is to say,) bounded on the north by Brown's River and a westerly line to the Mountain Rivulet, thence on the north-west by that rivulet to its junction with the River Huon, thence by that river to Lake Edgar, thence by a north-westerly line to the Gordon, thence by that river to the sea, by the sea on the west and south to Whale Head, thence on the east by Adventure Bay, Storm Bay, and the River Derwent to the point of commencement, shall form an electoral district under the denomination of the electoral district of Huon, and shall return one member to serve in the said Council.

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Electoral district of
Richmond.

Electoral district of
Brighton.

Electoral district of
Sorell.

Electoral district of
Buckingham.

Electoral district of
New Norfolk.

Electoral district of
Huon.

Appointment of re-
turning officers.

III. And be it enacted, that it shall and may be lawful for the Lieutenant-Governor of the colony of Van Diemen's Land from time to time, by any writing under his hand and the seal of the colony, to appoint to be the returning officer of and for each electoral district in this colony a fit and proper person willing to accept such office, which appointment shall be notified in the usual manner in the "Government Gazette;" and in case any returning officer shall by death, sickness, or other cause be prevented or disabled from acting or shall neglect or refuse to act at any election, it shall be lawful for the Lieutenant-Governor at any time to appoint in manner aforesaid some fit and

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Polling-places to be
fixed and appointed by
the Lieutenant-
Governor.

proper person to act in the stead of such returning officer at such election, and every appointment of a returning officer made as aforesaid shall be good and valid until death, or until such appointment shall be cancelled by the Lieutenant-Governor and some other person appointed to be returning officer in manner as aforesaid.

IV. And be it enacted, that it shall be lawful for the Lieutenant-Governor and he is hereby empowered, from time to time, as occasion may require, by any proclamation or proclamations for that purpose made and published in the "Government Gazette," to declare, fix, and appoint one or more place or places as and to be the polling-place or polling-places for each electoral district in this island, and such polling-place or polling-places in like manner from time to time to change or alter, and to declare, fix, or appoint other polling-place or polling-places in lieu thereof; provided that every such proclamation shall be made and published at least fourteen days before the day of any election of a member or members of Council for the electoral district for which any polling-place or places shall be so appointed.

V. And whereas by the said recited Act it was also enacted, that every man of the age of twenty-one years, being a natural-born or naturalized subject of Her Majesty, or legally made a denizen of New South Wales, and having a freehold estate in possession situate within the district for which his vote is to be given of the clear value of one hundred pounds sterling money above all charges and incumbrances in any way affecting the same, of or to which he has been seised or entitled either at law or in equity for at least six calendar months next before the date of the writ of such election, or, in case a registration of electors should be established, next before the last registration of electors, or being a householder within such district occupying a dwelling-house of the clear annual value of ten pounds sterling money, and having resided therein six calendar months next before such writ or registration as aforesaid, or holding at the date of such writ or at the time of such registration a licence to depasture lands within the district for which his vote is to be given from the Government of New South Wales, or having a leasehold estate in possession situate within such district of the value of ten pounds sterling money per annum, held upon a lease which at the date of such writ or at the time of registration should have not less than three years to run, should be entitled to vote at the election of a member of the Legislative Council, with a proviso that no man should be entitled to vote who should have been attainted or convicted of treason, felony, or other infamous crime in any part of Her Majesty's dominions, unless he should have received a free pardon, or one conditional on not leaving the colony, for such offence, or should have undergone the sentence passed on him for such offence; and that no man should be entitled to vote unless at the time of such election or registration of electors (as the case might be) he should have paid up all rates and taxes which should have become payable by him as owner or leaseholder in respect of such estate, or as occupier in respect of such occupancy, or as the holder of a licence in respect of such licence, except such as should have become payable during three calendar months next before such election or registration respectively: and whereas by the said recited Act it was amongst other things enacted, that all the provisions therein contained concerning the qualification and disqualification of electors in New South Wales should apply to and be in force in the colony of Victoria, and in each of the colonies of Van Diemen's Land, South Australia, and Western Australia, in which a Legislative Council should be established under that Act, as if all such provisions were there repeated, the name of such respective colony being substituted for the name of the colony of New South Wales; and whereas it is expedient to form within every electoral district in the colony of Van Diemen's Land a register of all persons entitled to vote at any election of a member or members of Council for such electoral district, be it enacted, that it shall be lawful for the Lieutenant-Governor of the island of Van Diemen's Land, and he is hereby empowered, on or before the twentieth day of July in this present year, and on or before the tenth day of March in each succeeding year, by any writing under his hand, to appoint one or more fit and proper person or persons as and to be called the collector or collectors for each electoral district; and such collector or collectors shall, between the said twentieth day of July and the twentieth day of August in this present year, and between the said tenth day of March and the tenth day of April in each succeeding year, make out alphabetical lists to be called electoral lists, according to the form of the schedule to this Act annexed marked A, of all persons entitled to vote in the election of members of Council within the respective electoral districts for which such collector or collectors shall be so appointed, and shall sign such lists, and shall, on or before the said last-mentioned day, deliver one of such lists so signed by such collector or collectors to the police clerk of each police district any portion whereof shall form part of such electoral district, and each such collector shall keep one of such lists to be perused by any person, without payment of any fee, at all reasonable hours; and every such police clerk shall forthwith cause copies to be made of such list so delivered to him, and shall deliver a copy of such list to any person requiring the same on payment of the fee or sum of five shillings for each copy, and also cause a copy of such list of such electoral district to be kept fixed on the police office of such police district on every day during the week ending on the third day of September in this present year, and the twenty-fourth day of April in each succeeding year.

Lieutenant-Governor
to appoint collectors,
who to make out
electoral lists for each
district.

Electoral lists to be
delivered to police
clerks.

Claims of persons to
have their names
inserted.

VI. And be it enacted, that any person whose name shall have been omitted in any such electoral list of any such electoral district, and who shall claim to have his name

inserted therein, shall, on or before the fifth day of September in this present year, and the twenty-sixth day of April in each succeeding year, give or cause to be given notice thereof in writing to the police clerk of the police district within which the premises in respect of which such person shall so claim to have his name inserted is situate, in the form in the schedule to this Act annexed marked B, or to the like effect; and any person whose name shall have been inserted in any electoral list of any electoral district may object to any other person as not entitled to have his name retained in the said electoral list, and any person so objecting shall, on or before the said fifth day of September in this present year, and the said twenty-sixth day of April in each succeeding year, give or cause to be given to the police clerk of the police district within which the premises for which the name of such person so objected to shall appear to be registered is situate, and also to the person objected to, or leave at such premises, notice thereof in writing in the form in the schedule to this Act annexed marked C, or to the like effect; and the police clerk for each such police district shall include the names of all persons so claiming to be inserted on the electoral list of any electoral district in a list in the form in the schedule to this Act annexed marked D, and a list of all persons objected to in the form in the schedule to this Act annexed marked E, and shall cause copies of such several lists to be kept fixed on the police office of such police district during the eight days next preceding the thirteenth day of September in the present year, and the fourth day of May in each succeeding year, and shall likewise keep a list of the names of all persons so claiming as aforesaid, and so objected to as aforesaid, to be perused by any person, without payment of any fee, at all reasonable hours during the eight days next preceding the said thirteenth day of September in this present year, and the said fourth day of May in each succeeding year, and shall deliver a copy of any of such lists to any person requiring the same, on payment of a fee or sum of one shilling for each copy.

VII. And (in order to provide for the revision of the electoral lists of the electoral districts) be it enacted, that courts of quarter sessions shall be courts for the revision of the said electoral lists, and that a court of quarter sessions shall be holden in each police district for the revision of the said electoral lists, so far as the same relate to or affect such police district, between the said thirteenth day of September inclusive and the twenty-eighth day of September inclusive in this present year, and the said fourth day of May inclusive and the nineteenth day of May inclusive in each succeeding year; and the police clerk of each police district shall give or cause to be given ten clear days notice of the time and place of holding such court, and the purpose for which the same is intended to be holden, by affixing the same on the police office of such police district; and the said police clerk shall, at the opening of such court of quarter sessions, produce the said electoral lists, and a copy of the list of persons so claiming as aforesaid, and of the persons so objected to as aforesaid, made out in the manner aforesaid; and all collectors of rates, and persons acting as collectors under this Act, shall, on being summoned thereto, attend the said court, and shall answer upon oath all such questions as the court may put to them or any of them touching any matter necessary for revising the said electoral lists; and the chairman of such court, or person acting as such, shall insert in such lists the name of every person who shall be proved to the satisfaction of the court to be entitled to have his name inserted therein, and shall retain on the said lists the names of all persons to whom no objection shall have been duly made as aforesaid, and shall also retain on the said lists the name of every person who shall have been objected to by any person, unless the person so objecting shall appear by himself or by some one on his behalf in support of such objection, and when the name of any person inserted in any such list shall have been duly objected to, and the person objecting shall appear by himself or by some one on his behalf in support of such objection, the court shall require proof that the person so objected to is by virtue of the said recited Act duly qualified to vote at the election of a member of such Legislative Council; and in case the qualification of such person shall not be proved to the satisfaction of the court, the said chairman, or person acting as such, shall expunge the name of every such person from the said lists, and shall also expunge therefrom the name of every person who shall be proved to the court to be dead, or to have become disqualified or incapacitated, and shall correct any mistake and supply any omission which shall be proved to the court to have been made in any such list in respect of the name or place of abode of any person who shall be included therein, or in respect of the local description of his property; provided always, that no person's name shall be inserted by the said chairman, or person acting as such, in any such list, or shall be expunged therefrom, except in the case of death, unless notice shall have been given as is herein-before required in each of the said cases; provided also, that no person who has declared himself a candidate for election in any electoral district shall sit or act as a magistrate at any court of quarter sessions at which the electoral lists of the electoral district for which he shall have so declared himself to be a candidate shall be revised; provided further that in the event of a deficiency of magistrates the Lieutenant-Governor may appoint other persons to perform any of the duties herein directed to be performed by magistrates in such courts of quarter sessions assembled.

VIII. And be it enacted, that the courts of quarter sessions holden under this Act for the revision of the said electoral lists shall have power to adjourn from time to time, provided that no such court shall be adjourned beyond the said twenty-eighth day of September in this present year and the said nineteenth day of May in each succeeding year; and the chairman of every such court, or person acting as such, shall have power to

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Objections to names
on the lists.

Lists to be prepared of
claimants and of per-
sons objected to.

Courts of quarter
sessions to be courts
for revision of electoral
lists and proceedings,
and powers of such
courts.

Powers of adjourn-
ment, to compel pro-
duction of books, and
to administer oaths.

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require any person having the custody of any book containing any rate made in or for any city or town or any part of this colony during that or the preceding year to produce the said book, and allow the same to be inspected by such court, and shall have power to administer an oath or oaths as well to any police clerk and to the collectors of rates and collectors under this Act, as to all persons claiming to be inserted in or making objections to the omission or insertion of any name in any of the said electoral lists, and to all persons objected to in any such list, and to all persons claiming to have any mistake in any such list corrected, and to all witnesses who may be tendered or examined on either side, by which oath the person under examination shall be required to state the truth, the whole truth, and nothing but the truth, relating to the matter in hand; and if any such person shall wilfully and knowingly swear falsely in answer to any lawful question put to him at such examination, he shall be liable to the pains and penalties to which persons are liable for wilful and corrupt perjury, and the chairman of every such court of quarter sessions, or person acting as such, shall, in open court, write his initials against the names struck out or inserted, and against any part of the said lists in which any mistakes or omissions shall have been corrected or supplied, and shall sign his name to every page of the several lists which shall be so revised and settled at such court of quarter sessions as aforesaid.

Revised lists to be delivered to returning officers and entered in books.

IX. And be it enacted, that the electoral lists of each electoral district, when so revised and settled as last aforesaid, shall, on or before the seventh day of October in this present year, and the twenty-ninth day of May in each succeeding year, be delivered by the chairman, or person acting as such, of each court of quarter sessions at which the same shall have been so revised and settled, to the returning officer of such electoral district, who shall keep the said electoral lists, and shall cause the same, as revised and settled, to be fairly and truly copied in alphabetical order into a book or books to be by him provided for that purpose, and shall cause such books to be completed on or before the thirteenth day of October in this present year, and the fourth day of June in each succeeding year, and shall deliver such books, together with the said lists, at the expiration of his tenure of office, to the person succeeding him in such office, and such book or books shall be the electoral list or roll of electors entitled to vote in such electoral district at all elections that may take place of members of the Legislative Council between the said thirteenth day of October in the present year and the fourth day of June in the year one thousand eight hundred and fifty-two, and between the fourth day of June in every subsequent year wherein such electoral roll shall have been prepared and the fourth day of June in the year then next ensuing: provided that if in any year the electoral lists of any electoral district or part of an electoral district shall be omitted to be regularly made out, or shall not be perfected, then and in that case the electoral roll for the preceding year, or so much thereof as relates to such part of an electoral district, shall be the electoral roll or portion of the electoral roll for that year.

Provides for an omission to make out electoral lists.

Power to court to expunge from lists names of transported offenders.

X. And be it enacted, that it shall be lawful for the courts of quarter sessions respectively, when revising the electoral lists as is herein-before provided, to expunge from such lists the name of any person inserted therein who shall be proved to their satisfaction to be ordinarily dealt with as or reputed to be a transported offender, whether such person shall hold a ticket of leave or not, unless such person shall satisfy such court, upon any evidence which in its discretion it shall decide to receive, that he was transported hither for some offence not within the meaning of the above-recited Act.

Copies to be printed for distribution.

XI. And be it enacted, that the returning officer of each electoral district shall in each and every year cause copies of the electoral list or roll of electors of such electoral district to be written or printed, and shall deliver copies thereof to all persons applying for the same on payment of the fee or sum of five shillings.

Personal attendance of claimants before courts where necessary.

XII. And be it enacted, that no person claiming to be registered as an elector in any electoral district shall be obliged to appear in person to make proof of the nature and sufficiency of his qualification, unless required by any such court of quarter sessions to attend in person, which attendance such court is hereby empowered to require by any order in writing for that purpose, signed by the chairman thereof or person acting as such: provided, however, that if any such claimant shall so attend personally, pursuant to any such order made on the application of any person objecting to such claimant's right to be registered as an elector, such person so objecting, if his objection be disallowed, shall pay to such claimant such expenses as such court of quarter sessions shall award for such claimant's attendance; and if such expenses so awarded shall not be paid, upon demand made for the same, to the person so objecting, it shall be lawful for such court and it is hereby empowered, upon proof of such demand and refusal, to issue a warrant to levy and raise the same by distress and sale of the goods and chattels of the person so objecting, together with the costs and charges of such distress and sale.

Writs to be issued by and to be returnable to the Lieutenant-Governor.

XIII. And be it enacted, that the writ or writs for the election of any member or members to serve in the Legislative Council for the said electoral districts, whether for the purpose of any general election or in the case of any vacancy, shall be issued by the Lieutenant-Governor of this colony directed to the returning officer of each district, in which writs shall be named the day and place of nomination for such elections, and in the event of such elections being contested the day for taking the poll at the different polling-places, and also the day on which such writs shall be made returnable to the said Lieutenant-Governor.

XIV. And be it enacted, that all writs to be issued for the election of members of Council under this Act may be framed in any manner and form which shall be sufficient for carrying the provisions of this Act into effect.

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Form of writs.
Returning officers may hire or erect polling-booths.

XV. And be it enacted, that at any election the returning officer, if it shall appear to him expedient for taking the poll at such election, may cause booths to be erected, or rooms to be hired and used as booths, in one place or in several places, at each polling-place, as occasion may require, and the same shall be so divided and allotted into compartments as to the returning officer shall seem most convenient, and the returning officer shall appoint a clerk or clerks, as to him may seem necessary, to take the poll at each compartment, and shall before the day fixed for the election, if there be a contest, cause to be furnished for the use of each booth or polling-place a copy of the electoral list of the electoral district for which such election shall take place, and shall under his hand certify such copy to be true.

XVI. And be it enacted, that the registered electors of the electoral districts established under this Act may vote at any polling-place appointed for the electoral district for which they are so registered, whether such polling-place be situate within such electoral district or not, and that nothing in this Act contained shall be construed to prevent the taking of polls for different electoral districts at the same polling-place: provided, however, that when polls for two or more electoral districts shall be taken at the same polling-place, separate booths or rooms shall be appointed for each separate electoral district, and that a deputy and such polling clerk or clerks as may be necessary shall be appointed for each such booth or room by the returning officer of the electoral district to which such booth or room may be allotted, and that the name of such electoral district shall be affixed on the most conspicuous part of the said booth or room.

At what polling-places electors may vote.

XVII. And be it enacted, that the returning officer of each electoral district shall preside at one polling-place within or allotted for his district, and that he may appoint a deputy to act for him and take the poll at each of the other polling-places; provided that such deputy be appointed by writing under the hand of the said returning officer, and that such writing be posted up at the police office of the police district within which the polling-place at which such deputy is intended to act may be situate, at least seven days before the day of election.

Returning Officer to preside at one polling-place, and to appoint deputies to preside at others.

XVIII. And be it enacted, that where the proceedings at any election shall be interrupted or obstructed by any riot or open violence, whether such proceedings shall consist of the nomination of candidates or of the taking the poll, the returning officer or the deputy of the returning officer shall not for such cause terminate the business of such nomination, nor finally close the poll, but shall adjourn the nomination or the taking the poll at the particular polling-place or places at which such interruption or obstruction shall have happened until the following day, and, if necessary, shall further adjourn such nomination, or poll, as the case may be, until such interruption or obstruction shall have ceased, when the returning officer or his deputy shall again proceed with the business of the nomination or with the taking the poll, as the case may be, at the place or places at which the same respectively may have been interrupted or obstructed, and the day on which the business of the nomination shall have been concluded shall be deemed to have been the day fixed for the election, and the commencement of the poll shall be regulated accordingly, and any day whereon the poll shall have been so adjourned shall not as to such place or places be reckoned the day of polling at such election within the meaning of this Act, and whenever the poll shall have been so adjourned by any deputy of any returning officer such deputy shall forthwith give notice of such adjournment to the returning officer, who shall not finally declare the state of the poll, or make proclamation of the member or members chosen, until the poll so adjourned at such place or places as aforesaid shall have been finally closed, and the voting papers delivered or transmitted to such returning officer.

Adjournment of nomination or poll in case of riot.

XIX. And be it enacted, that the returning officer of each electoral district shall endorse on the writ the day on which he received it, and within four days from the date of his receiving such writ shall give public notice of the day and place of nomination and day for taking the poll named in such writ.

Returning officer to endorse on writ date of receipt, and notify day of nomination and poll.

XX. And be it enacted, that on the day of nomination the returning officer shall preside at a meeting to be holden at noon at the place named for that purpose in the writ, and shall declare the purpose for which such meeting is held, and if there be at such meeting no more candidates proposed than the number of members to be returned, the returning officer shall declare such candidate or candidates to be duly elected, and make his return accordingly; and in the event of there being more candidates than the number of members to be elected, the returning officer shall call for a show of hands separately in favour of each candidate, and after such show of hands shall declare the person or persons on whom the election has fallen, and shall return the same accordingly, unless a poll be demanded by any of the candidates or by not less than six electors on his behalf, and on such demand being made for a poll, the polling shall take place at the different polling-places for such electoral district on the day appointed by the Lieutenant-Governor in the writ for that purpose.

Mode of proceeding on day of nomination.

XXI. And be it enacted, that the election of members of Council at each polling-place shall be held before the returning officer or his deputy, and the voting at every such election shall commence at nine o'clock in the forenoon, and shall finally close at four

Duration of poll and manner of voting.

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o'clock in the afternoon of the same day, unless adjourned by reason of riot or interruption, as herein-before provided for, and shall be conducted in manner following; (that is to say,) every elector entitled to vote in the election of members of Council may vote for any number of persons not exceeding the number of members then to be elected, by delivering to the said returning officer or his deputy a voting paper containing the Christian name and surname or Christian names and surnames of the person or persons for whom he votes, such paper being previously signed with the name of the elector voting and with the name of the place in which the property for which he appears on the electoral roll is situated.

Inquiries which may be asked of person tendering a vote.

XXII. And be it enacted, that no inquiry shall be permitted at any election as to the right of any person to vote, except only as follows, (that is to say,) that the returning officer or his deputy shall, if he shall think fit, or if required by any two electors entitled to vote for the same electoral district, put to any person tendering a voting paper at the time of his delivering in his voting paper, and not afterwards, the following questions or any of them, and no other:

Are you the person whose name is signed to the voting paper now delivered in by you?
Are you the person whose name appears as (here specify the name contained in the electoral roll) in the electoral roll now in force for this electoral district, being registered therein for property described to be situated in (here specify the property described in the electoral roll)?

Have you already voted at the present election?

Have you the same qualification for which your name was originally inserted in the electoral roll for the district of (specifying in each case the particulars of the qualification as described in the electoral roll)?

Oaths which may be administered to any person tendering a vote.

XXIII. Provided always, and be it enacted, that the returning officer or his deputy shall, if he shall think fit, or if required by any candidate, or on behalf of any candidate by his agent, at the time aforesaid, administer an oath, or in case of a Quaker or Moravian an affirmation, to any person so tendering a voting paper, in the following form; (that is to say,)

'I do swear (or, being one of the people called Quakers or Moravians, do solemnly and sincerely affirm), that I am the same person whose name appears as (here specify name) on the electoral roll now in force for the electoral district of (here specify electoral district). (In case of an oath) So help me God.'

And such returning officer or his deputy shall likewise, if he shall think fit, or if required by any candidate, or on behalf of any candidate by his agent, administer the oath, or in case of a Quaker or Moravian the affirmation, following, against bribery:

'I do swear (or, being one of the people called Quakers or Moravians, I do solemnly and sincerely affirm), that I have not received or had, by myself, or any person whatsoever in trust for me or for my use or benefit, or for the use or benefit of any member of my family or kindred, or any friend or dependant, directly or indirectly, any sum or sums of money, office, place of emolument, gift, or reward, or any promise or security for any money, office, employment, place of emolument, gift, or reward, by way of consideration, expressed or implied, for giving my vote at this election. (In case of an oath) So help me God.'

No person refusing to answer questions or take oaths entitled to vote.

XXIV. And be it enacted, that no person so required to answer the said questions, or make the affirmations or take the oaths aforesaid, or either of them, shall be qualified or permitted to vote until he shall have answered such question or questions, or made such affirmation or affirmations, or taken such oath or oaths, as the case may be.

Punishment for false answer or oath.

XXV. And be it enacted, that if any person shall wilfully make a false answer to any of the questions aforesaid, or shall upon any such oath or affirmation as aforesaid wilfully and corruptly swear or affirm falsely, such person shall be deemed guilty of a misdemeanor, and on conviction thereof shall suffer the like penalties as persons convicted of wilful and corrupt perjury.

No other oath to be necessary, and the grounds upon which a person may be excluded from voting.

XXVI. And be it enacted, that no elector shall at any such election be required to take any oath or affirmation, except as aforesaid, either in proof of his freehold, or of his residence, age, qualification, or right to vote, or otherwise, and no person claiming to vote at any such election shall be excluded from voting thereat, except by reason of its appearing to the returning officer or his deputy, upon putting such questions as aforesaid or any of them, that the person so claiming to vote is not the person whose name is signed to the voting paper tendered by him, or that he is not a person whose name appears on such electoral roll as aforesaid, or that he has previously voted at the same election, or that he has not then the same qualification for which his name was inserted in such electoral roll, or except by reason of such person refusing to answer the questions, or make the affirmations or take the oaths aforesaid, or any of them.

Voting papers not to be rejected for want of form.

XXVII. And be it enacted, that no voting paper shall be rejected by any returning officer or his deputy for mere want of form, provided that the name of the person signing the paper, the name of the place in which the property for which he appears on the electoral roll is situate, and the name or names of the candidate or candidates for whom he votes, be intelligibly expressed, and in a manner to be commonly understood.

Deputy returning officers to deliver voting papers to returning officers.

XXVIII. And be it enacted, that each deputy returning officer shall immediately on the close of the poll collect and seal up all the voting papers which have been taken at the polling-place whereat he presided, and shall with the least possible delay deliver the same

or cause the same to be delivered to the returning officer of the electoral district for which he shall act.

XXIX. And be it enacted, that the returning officer of each electoral district shall, at the place of nomination, and as soon as may be practicable after the election shall have been held, openly declare the general state of the poll at the close of the election, as the same shall have been made up and ascertained by him from the voting papers taken at the several polling places, and shall at the same time and place declare the name or names of the person or persons who shall have been duly elected at such election; and in the event of the number of votes being found to be equal for any two or more candidates, such returning officer may, if duly qualified under the said recited Act to vote as an elector at such election, by his casting vote or votes decide which of the said candidates shall be elected; provided, however, that no returning officer shall vote at any election for the electoral district of which he is the returning officer, except in the case of an equality of votes as aforesaid; provided also, that it shall and may be lawful for the deputy of any returning officer to vote at any election for the electoral district for which he is registered as an elector in like manner as if he had not been appointed and acted as deputy returning officer for such electoral district.

XXX. And be it enacted, that the name or names of the person or persons so elected shall be inserted in or endorsed on the writ by the returning officer, and such writ be returned to the Lieutenant-Governor within the time for that purpose specified therein.

XXXI. And be it enacted, that all voting papers shall be sealed up by the returning officer, and transmitted to the clerk of the Legislative Council, who shall safely keep the same for the period of five years after the receipt thereof, and the sealed packets containing the same shall on the outside thereof be described to be the voting papers of the electoral district to which they relate, and be signed by the said returning officer; and in case any question shall at any time arise touching any vote alleged to have been given at any election, the voting paper containing such vote shall upon production thereof, together with a certificate thereon under the hand of the clerk of the Legislative Council for the time being, that the same came to and then was in his custody as such clerk of the Legislative Council, be received in evidence before the committee of elections and qualifications herein-after mentioned, and in any court of justice in this colony, as proof of such vote having been so given.

XXXII. And whereas it is expedient to make provision for the determination of all questions as to the validity of any returns made by the returning officers of the several electoral districts, and all questions as to the sufficiency of the qualification possessed by persons returned as members to serve in the said Legislative Council: be it therefore enacted, that in the first session of every Legislative Council, and within seven days after the election of a speaker of the said Council, such Council shall, by the votes of a majority of two thirds of the members thereof who shall be then present, elect five members of the said Legislative Council as and to be a committee to be called "The committee of elections and qualifications;" provided, that if the whole number of members so present be not exactly divisible by three, such number of such members of such Council as is next smaller than two thirds shall be the majority to determine such election of such committee.

XXXIII. And be it enacted, that the said committee, when so elected as aforesaid, shall select from the members thereof a chairman; and the several members thereof shall continue, except as herein-after provided, to be members of such committee until the issue of the writs for the next general election of members to serve in the Legislative Council; and the said committee shall be attended by the clerk of the said Legislative Council or his assistant, who shall make a minute of all proceedings of the said committee in manner directed by the said committee, and a copy of the minutes so kept shall be laid from time to time before the said Council.

XXXIV. And be it enacted, that whenever, after the said Committee to be so elected as aforesaid shall have been completed, any member thereof shall die, or cease to be a member of the said Council, or from sickness or any other cause become incapacitated or disqualified to attend any meeting of the said committee, his place shall be supplied by a member of the said Council to be elected for that purpose by the said Council in like manner as the member of such committee so dying or ceasing to be a member of the said Council, or becoming so incapacitated or disqualified to attend, was elected; provided always, that such incapacity or disqualification of any member of the said committee to attend any meeting thereof as aforesaid shall be exclusively judged of and determined by the said council; provided also, that if the return of any member of the said Legislative Council elected as a member of the said committee shall be disputed in manner hereby directed, or if any such member shall be a petitioner against the return of any other member of such Council, the same shall be deemed and taken to be and shall be a disqualification to attend a meeting of the said committee within the meaning of this Act.

XXXV. And be it enacted, that the record of the election of the members of the said committee shall be entered by the clerk of the Legislative Council on the proceedings of such Council, and such entry having been made shall be sufficient proof of the due election of the said committee for the several purposes in this Act contained.

XXXVI. Provided, however, and be it enacted, that the said committee shall not proceed to any business until each member thereof shall have taken the following oath,

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Names of persons
elected to be declared
by returning officers.

Names of persons
elected to be endorsed
on writ.

Voting papers to be
transmitted to clerk of
the Council, and be
evidence of the votes
having been given.

Appointment of com-
mittee of elections and
qualifications.

Appointment of chair-
man, and duration of
office of member
thereof.

Provision for the
death or illness of a
member of committee.

Entry of election of
members of committee
by clerk of the Coun-
cil proof of due
election.

Oath to be taken by
members of committee.

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which oath shall be administered by the speaker of the said Council to each of such members :

'I, A. B., do swear, that I will duly administer justice in all matters which may be brought before this committee, and that I will decide in all such matters without partiality, favour, or affection, and according to the best of my judgment and understanding. 'So help me God.'

Provided, that if any such member shall be one of the people called Quakers or Moravians, it shall be sufficient if he make an affirmation before the said speaker to the same effect as the oath aforesaid.

General powers and subjects of inquiry by committee.

XXXVII. And be it enacted, that the said committee so elected as aforesaid shall have power to inquire into and determine all cases which may be brought before it by the Legislative Council respecting disputed returns of members to serve in the said Council, whether such disputes arise out of or relate to the capability of any person to be elected a member of such Council by reason that such person is not qualified as by the said recited Act is required, or arise out of or relate to any alleged error in the return of any returning officer, or the allegation of bribery or corruption against any person concerned in any election, or any other allegation affecting the validity of any election under this Act.

Powers of adjournment.

XXXVIII. And be it enacted, that the said committee shall be competent to regulate the form of its proceedings, and shall have power to adjourn its sittings in each case which may be referred to it from time to time, as occasion may require ; provided that the interval of adjournment shall not in any instance exceed five days, and that the proceedings before such committee shall not in any such case so referred to it as aforesaid extend beyond the period of twenty-one sitting days ; and if no decision be pronounced within such period, the chairman of the said committee shall, on such evidence as may then be before such committee, pronounce a decision ; and every decision, whether so pronounced by the chairman or by any such committee, shall be final and conclusive, without appeal.

Powers of committee in respect of inquiries as to individual votes.

XXXIX. And be it enacted, that the said committee shall not have power to inquire into or determine the correctness of the electoral roll of any electoral district, but shall simply inquire into and determine the identity of any person whose vote may on the day of the election have been either admitted or rejected, and whether, assuming the electoral roll to be correct, any such person then retained the same qualification for which his name was originally inserted in such electoral roll, and whether his vote was improperly admitted or rejected, and whether any voters, or persons entitled to vote, gave their votes under the influence of bribery or corruption, force, menace, or fraud, or were prevented from giving their votes by bribery, corruption, force, menace, or fraud ; and if the said committee shall find any vote or votes to have been given under the influence of bribery, corruption, force, menace, or fraud, by or on the part of any candidate or his agent, the same may be taken off the file of votes ; and if the said committee shall find any voter to have been prevented from voting by force, menace, or fraud, by or on the part of any candidate or his agent, it shall be competent to the voter so prevented from voting to tender his vote before the said committee, and such vote shall be taken accordingly ; and on reckoning the votes received for any candidate such votes so rejected, or received shall be taken into account by the said committee.

By whom expenses of petitions before committee payable.

XL. And be it enacted, that the person or persons presenting a petition against the return of any member of such Legislative Council shall, if successful in setting aside the said return, be entitled to recover such costs or expenses as shall be assessed and determined by such committee, under the hand of the chairman thereof, by action of debt from the member against whose return such petition shall have been presented ; and if the person or persons presenting any such petition shall not be successful in setting aside such return, such cost and expenses as shall be assessed and determined by such committee under the hand of the chairman thereof shall devolve on such person or persons so presenting such petition, and be in like manner recoverable by the member against whose return such petition shall have been presented.

Manner and time of petitions against undue returns.

XLI. And be it enacted, that all complaints of the undue return of members to serve in the said Legislative Council shall be addressed in the form of a petition to the said Council, and that no petition shall be taken cognizance of, nor any proceedings be had thereon, unless it shall be so addressed to the said Council by a person who was a candidate at the election whereof it may be alleged that an undue return has been made, or by a number of electors who either voted or were qualified to vote at the said election, amounting to not less than one tenth of the whole number of electors on the electoral roll of the electoral district for which such election shall take place, or by a member of the said Legislative Council ; neither shall any such petition be taken cognizance of unless the same shall be received by the said Council, in the case of a general election, within seven days next after the day of the first meeting of such Council, or, in the case of a vacancy, within seven days after the return of the writ for such election, if the Legislative Council be then sitting, but if not then within seven days next after the day of the next sitting of such Council which shall take place after such election ; and every such petition, when so presented as aforesaid, shall by the said Council be referred to the said "committee of elections and qualifications" forthwith, or as soon as conveniently may be after such committee shall have been duly elected in manner aforesaid.

XLII. And be it enacted, that the said committee, in hearing and deciding on the merits of any such petition, shall be guided by equity and good conscience, and the real and substantial justice of the case, without regard to legal forms and solemnities, and shall receive or reject, at its discretion, any evidence that may be tendered to such committee, whether such evidence be such as the law would require in other cases, or not; and if the said committee shall so decide and declare as aforesaid that any person was not duly elected who shall have been returned as elected by the returning officer of any electoral district, the person so decided and declared to have been not duly elected shall cease to be a member of the said Legislative Council, and vacate his seat accordingly; and if the said committee shall decide and declare as aforesaid any person to have been duly elected who shall not have been returned by any returning officer, the person so decided and declared to be duly elected shall be and be sworn a member of the said Council, and take his seat accordingly; and if the said committee shall decide and declare as aforesaid any election for any electoral district to have been absolutely void, which such committee is hereby authorized and empowered to do, it shall be lawful for the Lieutenant-Governor, on the same being certified to him under the hand of the speaker of the said Legislative Council, to issue a new writ for the holding of another election for such electoral district, and every such writ as last aforesaid shall be issued within ten days after such certificate shall have been received by the said Lieutenant-Governor.

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Committee to be
guided by equity and
good conscience.

Decisions of com-
mittee, and their effect.

XLIII. And be it enacted, that the said committee shall have power, by order in writing under the hand of the chairman, to direct the attendance of witnesses, and to examine them upon oath, and also by like order in writing to require the production of and to examine papers, records, and other documentary evidence; and it shall be competent to the said committee, if in its discretion it shall see fit, to receive affidavits relative to any of the matters referred to such committee, taken before any justice of the peace (which affidavit such justice of the peace is hereby authorized to take); and if any person summoned by the said committee, having had his or her reasonable expenses paid or tendered by the person or persons on whose behalf he or she shall have been so summoned, shall disobey such summons, or shall refuse or neglect to produce any papers, records, or other documentary evidence relating to or affecting the matter under investigation, the production whereof shall have been required by the said committee, or shall refuse to submit to be examined, or shall prevaricate or otherwise misbehave in giving or refusing to give evidence, such person shall be deemed guilty of a misdemeanor, and be liable to be punished accordingly: provided that no such affidavit shall be received by the said committee, unless it shall be made to appear to such committee that the person or persons making the same is or are incapable to attend before such committee by reason of sickness or old age: provided also, that before any such affidavit shall be taken by any such justice of the peace as aforesaid reasonable notice shall be given to the member against whose return such affidavit is intended to be used, or to the person or persons against whose petition such affidavit is intended to be used, as the case may be, that such affidavit is about to be made before such justice; and such member, or person or persons, shall be at liberty to examine upon oath before such justice, which oath such justice is hereby empowered to administer, the person or persons tendering such affidavit, upon the matters contained therein; and such justice shall in no case take any such affidavit until it shall be proved to the satisfaction of such justice that such reasonable notice has been given as aforesaid; and every such examination shall be taken down in writing, and being signed by the person so examined, and attested by the said justice, shall be admissible in evidence before such committee; and if any such person or persons tendering any such affidavit shall refuse to be examined or to answer any lawful question touching the matters in such affidavit, such justice shall refuse to take the same; and any person wilfully or knowingly giving false evidence before the said committee, or in any such affidavit, or on any such examination as aforesaid, shall be deemed guilty of wilful and corrupt perjury, and shall be liable to the ordinary pains and penalties for such offence.

Powers of committee
in respect of witnesses,
affidavits, and docu-
mentary evidence.

Punishment for con-
tempt, &c. by wit-
nesses.

Mode in which affida-
vits to be received by
committee to be taken.

Punishment for false
evidence or affidavit.

XLIV. And (for the prevention of bribery and corruption at any election as aforesaid) be it enacted, that from and after the passing of this Act each of the following Acts shall be deemed and taken to be an act of bribery and corruption on the part of any candidate at any such election, whether committed by such candidate or by any agent authorized to act for him, that is to say, the giving of money or any other article whatsoever to any elector, or the making with or giving to any elector any agreement or security for any gift or reward, or the holding out to any elector any promise or expectation of profit, advancement, or enrichment to himself, or to any of his family, or kindred or friends, or dependants, in any shape, or making use of any threat to any elector, or otherwise intimidating him in any manner, or the treating of any elector, or the supplying him with meat, drink, lodging, or horse or carriage hire, or conveyance by steam or otherwise, whilst at such election, or whilst engaged in or coming to or going from such election, or the payment to any elector of any sum of money for acting or joining in any procession during such election, or before or after the same, or the keeping open, or the authorizing or allowing to be kept open, any public house, shop, booth, tent, or place of entertainment, whether liquor or refreshment of any kind be distributed thereat or not, or the giving of any dinner, supper, breakfast, or other refreshment or entertainment at any place what-

What shall be deemed
acts of bribery.

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Commission of any such act by a candidate or his agent to disqualify candidate.

Decisions of committee to be final.

Candidates to be bound by the acts of their agents.

Punishment for commission of acts of bribery.

Punishment for receiving reward for voting or withholding vote.

Punishment for voting twice, or personating a voter.

Payment of expenses incurred at first election.

Provides for delays or impediments in the return of writs.

Council may proceed to business when not more than two are deficient through non-return of writs.

soever to any elector, with the view in any such case as herein specified of influencing the vote of any such elector.

XLV. And be it enacted, that if it shall be proved to the satisfaction of the said Committee that any such candidate or his agent as aforesaid shall have been guilty of any one of the acts of bribery and corruption aforesaid, such committee shall declare and decide the election of such candidate to be void, and such decision of such committee shall disqualify such candidate from sitting or voting in the said Legislative Council during the whole period that may intervene between such decision of such committee and the time of the next general election.

XLVI. And be it enacted, that the decision of such committee or chairman shall be final and conclusive to all intents and purposes, and shall not be nor shall any of the proceedings before the said committee be liable to be or be questioned by any writ of mandamus or other process whatsoever from the supreme court of this island, or be in any other manner taken cognizance of thereby, any law or usage to the contrary in anywise notwithstanding.

XLVII. And be it enacted, that upon the hearing of any such petition as aforesaid before such committee the acts in any matter connected with any election of any authorized agent of any candidate at such election shall be deemed and taken to be the acts of such candidate.

XLVIII. And be it enacted, that if any of the acts aforesaid so declared to be acts of bribery and corruption shall be committed by any person, whether such person shall be a candidate at such election or not, the person so committing the same, whether by himself or by any person employed by him for that purpose, shall be deemed guilty of a misdemeanor, and may be prosecuted for such act or acts as for a misdemeanor in the supreme court of Van Diemen's Land or in any quarter of sessions, and be punished for such offence by a fine not exceeding two hundred pounds, or imprisonment not exceeding six calendar months.

XLIX. And be it enacted, that if any person who shall have or claim to have any right to vote at any election of a member or members of such Council for any electoral district shall, by himself or any other person, directly or indirectly, ask for or receive any money or other emolument or reward by way of gift, employment, or otherwise, for himself or any other person whatsoever, as a consideration or inducement, expressed or implied, for giving his vote, or for abstaining from giving his vote at such election, such person shall for such offence forfeit and pay the penalty or sum of fifty pounds sterling to the person who shall first sue for the same, and such penalty or sum may be recovered, with full costs, by action of debt in the supreme court of Van Diemen's Land.

L. And be it enacted, that every person who shall vote a second time or offer to vote a second time at one and the same election for any electoral district, or who shall personate or attempt to personate any other person for the purpose of voting at any such election, shall be guilty of a misdemeanor, and shall on conviction thereof be imprisoned for any term not exceeding two years, at the discretion of the court before which such person shall be tried.

LI. And be it enacted, that all necessary and reasonable expenses which shall be incurred prior to the first meeting of the Legislative Council so established as aforesaid, by any person or persons appointed or acting under and by virtue of this Act, for the purpose of carrying the several provisions thereof into effect, shall, if the same be allowed by the Lieutenant-Governor, be paid and discharged out of the public funds of this colony, by warrants under the hand of such Lieutenant-Governor directed to the Colonial Treasurer of this island.

LII. And whereas divers of the electoral districts under this Act are far distant from the seat of government, and of great extent, and unforeseen difficulties or delays may arise in carrying into effect the several provisions herein contained with regard to the elections for the said districts: be it therefore enacted, that no election for any such district shall be held to be void in consequence solely of any delay in the holding of any election at the time appointed, or in the return of the writ, or in consequence of any impediment of a mere formal nature; provided that such election shall by the Lieutenant-Governor, with the advice of the Executive Council, within thirty days from the day on which such election was held, be declared not to be invalid for any such cause as aforesaid; provided also, that within the period of twenty days before or after the day appointed for the holding of any election it shall be lawful for the said Lieutenant-Governor, with the advice of the said Executive Council, to extend the time allowed for the holding of such election, or for the return of the writ issued for the same, and to adopt or cause to be adopted such measures as may be necessary to remove any obstacle by which the due course of any such election may be impeded, and to supply any deficiency that may otherwise affect the same; provided also, that any measures so adopted by the said Lieutenant-Governor, with the advice of the Executive Council, shall be duly notified by proclamation in the "Government Gazette."

LIII. And whereas delays may occur in the return of writs from some parts of this colony, and by the non-return of such writ or writs the number of members of the said Legislative Council may not be completed on the day whereon such Council may be summoned to assemble for the dispatch of business, and it is expedient to remove doubts

which might otherwise arise as to the power of the said Council in its incomplete state to proceed to business: be it enacted, that, notwithstanding the non-return of any writ or writs on or before the day whereon such writs are made returnable, the said Legislative Council shall be competent to proceed to business, if duly summoned for such purpose; provided always, that the number of members deficient in consequence of the non-return of such writ or writs shall not exceed two.

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LIV. And be it enacted, that it shall and may be lawful for the Lieutenant-Governor to appoint such additional officers in any electoral district as may be necessary to ensure the carrying into effect the several provisions of this Act.

Lieutenant-Governor
may appoint additional
officers.

LV. And be it enacted, that it shall be lawful for the said Lieutenant-Governor to delegate to any other person the performance of any act or thing which by this Act he is empowered to perform; provided always, that any such delegation shall be made under the hand of such Lieutenant-Governor and the seal of the colony, and be duly announced by proclamation in the "Government Gazette."

Lieutenant-Governor
may delegate his
powers to another.

LVI. And be it enacted, that any and every person who may under the provisions of this Act be appointed a returning officer or deputy returning officer, or be appointed to any other office under this Act, shall, before he enter on the performance of the duties of any such office, make and subscribe the following declaration before any justice of the peace for this island or its dependencies:

Declaration to be made
by officers before
entering on duties.

'I, A. B., do hereby declare, that I accept the office of _____ and I do hereby promise and declare that I will faithfully perform the duties of the same to the best of my understanding and ability.'

And the justice before whom any such declaration shall be made is hereby required to transmit the same by the first convenient opportunity to the Colonial Secretary of this island.

LVII. And be it enacted, that if any returning officer, deputy returning officer, after having accepted office as such, or any police clerk, collector, or any other person appointed or enjoined to perform any duty, matter, or thing under this Act, shall wilfully neglect or refuse to perform any of the duties, matters, or things which by the provisions of this Act he is so appointed, enjoined, or required to perform, every such returning officer, deputy returning officer, police clerk, collector, or other person shall for every such offence forfeit and pay a penalty or sum not less than twenty pounds nor exceeding one hundred pounds; and any such penalty or sum shall be recoverable, with full costs of suit, by any person who shall sue for the same, within three calendar months after such neglect or refusal as aforesaid, by action of debt in the supreme court of Van Diemen's Land, or if the sum sued for be in amount within the jurisdiction of any court of requests in this island, in such court of requests; and such penalty or sum, when recovered, shall be paid and apportioned as follows; (that is to say,) one moiety thereof to the person so suing for the same, and the other moiety thereof to Her Majesty, Her heirs and successors, for the public uses of this colony.

Punishment for mis-
conduct by officers.

LVIII. And be it enacted, that if any action shall be brought against any person for any matter or thing done under the authority or in pursuance of this Act, such person may plead the general issue, and give this Act and the special matter in evidence.

General issue.

LIX. And be it enacted, that when any matter or thing shall be directed by this Act to be performed on a certain day, and that day shall happen to be Sunday, Good Friday, or Christmas Day, the said matter or thing shall be performed on the day next succeeding such Sunday, Good Friday, or Christmas Day.

When things to be
done fall on Sunday.

LX. And be it enacted, that the word Lieutenant-Governor, as used in this Act, shall be held to mean and intend the Lieutenant-Governor or person for the time being administering the government of this colony; and the words lot and allotment, as used in this Act, shall be held to mean and intend the said several lots and allotments so respectively numbered and described as aforesaid, as the same appear and are delineated in the chart or charts in the office of the Surveyor-General of this colony.

Interpretation.

W. T. DENISON.

Passed the Legislative Council the second day
of July one thousand eight hundred and
fifty-one.

FR. HARTWELL HENSLOWE, Clerk of the Council.

FURTHER PAPERS

RELATIVE TO THE

ALTERATIONS IN THE CONSTITUTIONS

OF THE

AUSTRALIAN COLONIES.

(In continuation of Papers presented July 31 and August 10, 1854.)

Presented to both Houses of Parliament by Command of Her Majesty,
December 1854.



LONDON:

PRINTED BY GEORGE EDWARD EYRE AND WILLIAM SPOTTISWOODE,
PRINTERS TO THE QUEEN'S MOST EXCELLENT MAJESTY.

FOR HER MAJESTY'S STATIONERY OFFICE.

1854.

SCHEDULE.

DESPATCH FROM LIEUTENANT-GOVERNOR LATROBE.

Number in Series.	Date and Number.	SUBJECT.	Page.
1	April 15, 1854 (54)	Forwarding a petition from the residents at Heathcote, MtIvor Gold Fields, praying for the Royal Assent to clause in the New Constitution Act relative to the annual grant of 50,000 <i>l.</i> for religious purposes in Victoria -	3

DESPATCH FROM ACTING LIEUTENANT-GOVERNOR FOSTER.

2	May 22, 1854 (76)	Forwarding a memorial praying that the clause in the New Constitution Act granting 50,000 <i>l.</i> per annum for public worship may not become law - - - -	4
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DESPATCH FROM THE RIGHT HON. SIR GEORGE GREY, BART.

3	Aug. 29, 1854 (19)	Acknowledging the foregoing memorials and stating that they have been laid before Her Majesty - - - -	7
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FURTHER PAPERS

VICTORIA.

RELATIVE TO THE

ALTERATIONS IN THE CONSTITUTION OF THE
AUSTRALIAN COLONIES.

VICTORIA.

Despatches from Lieut.-Governor LaTrobe.

No. 1.

No 1.

COPY of a DESPATCH from Lieutenant-Governor LATROBE to the
Duke of NEWCASTLE.

(No. 54.)

Melbourne, April 15, 1854.

(Received August 8, 1854.)

MY LORD DUKE, (Answered No. 19, August 29, 1854, p. 7.)

I HAVE the honour to transmit the enclosed copy of a petition to Her Majesty from a number of residents at Heathcote, McIvor Gold Fields, praying that the Royal Assent may be given to the clause in the New Constitution Act which contains provision for an annual grant of 50,000*l.* for religious purposes in this colony.

2. I have to apologize for the informal manner in which the original petition has been presented to me for transmission; but as the returning of the original to the memorialists with a request that regard should be had in every particular to the prescribed forms would probably preclude them from making their wishes known at all, I have preferred replacing that soiled original by a fair copy, and would request your Grace to allow the prayer which it contains to be laid before Her most Gracious Majesty.

I have, &c.

(Signed) C. J. LATROBE.

The Duke of Newcastle;
&c. &c. &c.

Enclosure in No. 1.

Encl. I in No. 1.

Unto Her Most Gracious Majesty VICTORIA, Queen of the United Kingdom of Great Britain and Ireland,

The memorial and petition of the undersigned Colonists residing at Heathcote McIvor diggings, in the province of Victoria, Australia,
Humbly sheweth,

That your memorialists are loyal and devoted subjects of Your most Gracious Majesty: That your memorialists know and are well assured that Your most Gracious Majesty is at all times anxiously desirous to promote the social and moral prosperity of all classes of Your Majesty's subjects, both at home and in every British colony.

That a Bill has lately been introduced into the Legislative Council of this province, known to us by the name "The New Constitution Bill," intended for the better regulation of the laws of this province.

That, in the said Bill, the clause No. (60) sixty contains a provision for an annual grant of 50,000*l.* for religious purposes in the province of Victoria aforesaid.

VICTORIA.

That, a number of Your Majesty's subjects residing in the cities of Melbourne and of Geelong, and their suburbs, in the said province of Victoria, met at the Mechanics' Institute Hall, in the said city of Melbourne, on Wednesday, the 1st day of March last, 1854; and there and then proposed and carried a resolution to the effect that a memorial should be presented to Your most Gracious Majesty, petitioning therein Your most Gracious Majesty not to sanction the said clause No. (60) sixty in the New Constitution Bill of Victoria as aforesaid, on the grounds that such an annual grant of 50,000*l.* for religious purposes will create mutual jealousies, heartburnings, and strifes among the various religious denominations in the province of Victoria aforesaid.

That your memorialists, while giving the subscribers to that memorial or petition against the sixtieth clause of the New Constitution Bill every credit for the purity and goodness of their motives in so doing, your memorialists cannot at all agree with them in their expressed conclusions.

That your memorialists therefore would humbly pray Your most Gracious Majesty not to disallow the sixtieth clause of the New Constitution Bill of the province of Victoria herein-mentioned, on the following grounds:—

That your memorialists have been (some more and some less,) about sixteen years residing in the interior districts of New South Wales, Victoria, and South Australia, and more particularly (some more and some less,) about two years on the Gold Fields of the province of Victoria.

That your memorialists have, with deep sorrow, frequently observed that, owing to the scattered nature of the population of the interior of this province and of New Holland at large, and also the nomadic habits of a great many of Your Majesty's subjects sojourning there, a lamentable deficiency prevails throughout of the means of religious ordinances and religious instruction; in consequence of which many of the rising generation in the interior are now growing up without any knowledge of religion whatever.

That during the period of one year now most of your memorialists have resided on the Gold Fields at the M'IVOR diggings in the province of Victoria aforesaid; and that during that time your memorialists have seen no minister of religion officiating at this place, and only until lately a minister of the Church of England has come up to reside here, but who derives his only support at present from funds voted for religious purposes by the Legislative Council of this province, no other funds being available to support, in any way, religious ordinances on these diggings at the present moment.

That again, besides the towns of Melbourne and Geelong, there are many more inland townships in the province of Victoria who have not protested or shown any objection to the passing of the sixtieth clause in the New Constitution Bill of Victoria, besides many other inhabitants residing in the interior, though not in any township.

That, however good or just it may be considered by some the carrying out of the ordinances of religion and religious instruction on the voluntary principle, still, as no rule existeth without an exception, the said voluntary principle is not applicable to the rapidly increasing social and moral wants of the colony of Victoria.

That a mighty interior in this great island continent of New Holland has yet to be explored, opened up, and populated, and thereby urgently requiring, for the due maintenance of religious ordinances and religious instruction, all the pecuniary aid and support which Your most Gracious Majesty's Government in conjunction with the mutual assistance of Your Majesty's subjects can conjointly supply—if only in supporting missionaries from each religious denomination who may choose to send forth such pioneers in the great cause of God.

May it therefore please Your most Gracious Majesty to grant your Royal Assent to clause numbered (60) sixty, in the New Constitution Bill of the Province of Victoria, in Australia.

And your Majesty's Petitioners, as in duty bound, will for ever pray.

[Here follow 26 signatures.]

No. 2.

No. 2.

COPY of a DESPATCH from the OFFICER ADMINISTERING THE GOVERNMENT to the Duke of NEWCASTLE.

(No. 76.)

Melbourne, May 22, 1854.

(Received August 8, 1854.)

MY LORD DUKE. (Answered No. 19, August 29, 1854, p. 7.)

I HAVE the honour to forward to your Grace the enclosed copy of a memorial to Her most Gracious Majesty, signed by 11,221 names, together with the copy of a letter* which accompanied it, praying that the clause in the proposed New Constitution Act of Victoria, granting 50,000*l.* per annum for the purposes of public worship, might not become law.

2. It was impossible to forward it by the "Golden Age," from the time at which it was delivered to me; nor do I deem it right to forward the original by the overland mail, from its great size. It shall, however, be forwarded by the first eligible opportunity.

*Not forwarded with either the original or duplicate of this Despatch.

3. The petitioners are opposed on principle to any state support of religion, into which question it is not necessary for me to enter. I shall merely call your Grace's attention to the fact that the clause was carried in the Legislative Council by a majority of 29 to 10, and that the sum of 50,000*l.* was carried on a division by 25 to 4.

The Duke of Newcastle,
&c. &c. &c.

I have, &c.
(Signed) JOHN FORSTER,
Administering the Government.

VICTORIA.

Enclosure in No. 2

Encl. in No. 1

MEMORIAL AND PETITION.

Unto Her Most Gracious Majesty VICTORIA, Queen of the United Kingdom of Great Britain and Ireland,

The Memorial and Petition of the undersigned Citizens of Melbourne, and other Inhabitants of the Colony of Victoria, Australia,

Humbly showeth,

THAT your memorialists, cherishing the most sincere and respectful attachment to Your Majesty's person and government, and convinced of Your Majesty's anxious desire to promote the peace and prosperity of Your Majesty's subjects in all parts of your wide spread dominions, approach Your Majesty on the present occasion on a matter of the very last importance, involving as it does the interests of vital religion, and the harmony and peace of this new and important dependency of the British Empire.

That your memorialists complain of the introduction into the new constitution of the colony of a clause appropriating annually 50,000*l.* for ecclesiastical purposes, together with a serious aggravation of that evil by the insertion of another clause thrown out in the third reading of the Bill, requiring a majority of two thirds of the future Council before this or any other objectionable portion of the constitution can be removed; thus perpetuating beyond all remonstrance for an indefinite period, the grievous wrongs which your memorialists believe will inevitably result from the operation of such measure.

Your memorialists have further to complain that the aforesaid clause should have been enacted in opposition to public opinion, legitimately, emphatically, and repeatedly expressed. In the city of Melbourne, at the instance of a numerous signed and highly respectable requisition, embracing individuals belonging to the different denominations, a public meeting had been duly convened and presided over by the Right Worshipful the Mayor, with the view of obtaining the sense of the community in respect to the said clause. At that meeting, which was unusually large and spirited, resolutions condemnatory of the proposed endowment were all but unanimously passed, only four hands being held up in opposition; and a petition was forwarded to the Legislative Council, praying that the proposed clause should have no place in the new constitution. In Geelong and other parts of the colony similar public meetings had been held, where the measure had been protested against with similar unanimity and determination; and that from these meetings and congregational associations together there had gone to the Council no fewer than nineteen petitions against the clause, while not a single public meeting had declared for it, nor a single petition from any source had been forwarded in its favour.

In connexion with this point your memorialists cannot omit to state a very striking fact illustrative of the importance of the present question, and the depth of feeling with which it is generally entertained. That although the colonial government invited the free expression of public opinion on the various clauses of the proposed constitution, on this clause alone had any public agitation taken place, or any manifestation of public sentiment been given forth; if we may except a remonstrance and protest from the digging population against the competency of the present Council to deal with the new constitution at all, seeing that they were not an entirely representative body; and your memorialists have to complain, that the public opinion thus readily, earnestly, and extensively afforded, should have been so little regarded by the very parties who solicited it, and that apparently with so much humility and eagerness for their guidance and direction in laying a sound foundation for the future government and prosperity of this important colony. That your petitioners participated largely in the universal gratitude and joy with which the much wanted and long expected boon of colonial self-government was received; and their disappointment and regret are all the deeper on the present occasion to find that boon already damaged by the insertion of a clause which, besides the glaring absurdity and practical contempt of all religion which it involves, is certain to entail on the community a long series of mutual jealousies and alienations, heartburnings and strifes among the different religious denominations.

That your petitioners deeply deplore that the present Council, who may be regarded in the light of "mere returning officers" to the new constitution that is shortly to sit, did not see it to be their duty to leave this and other questions of an important character,

VICTORIA.

and concerning which the strongest and most conflicting feelings are entertained, to be disposed of in a House entirely composed of members chosen by the suffrages of their fellow colonists, as is contemplated by the new constitution. Indeed, your petitioners have to deplore the course pursued by the present Council in dealing with the new constitution at all, and they cannot but think that a wiser and more becoming course would have been to have dissolved the Council and entrusted the forming of the constitution to members wholly elected by the people. Had such a course been adopted, your petitioners feel persuaded that no such clause as the one now complained of would have been admitted into the constitution.

That the clause is objected to, not only by those committees who are opposed on principle to all state endowments of religion whatever, but by large numbers even in those bodies that are in actual receipt of state aid. A vast majority of the Wesleyans are opposed to all state grants, and no inconsiderable proportions of the Episcopalians, with their truly estimable bishop at their head, are strongly opposed to the indiscriminate endowment which the clause contemplates, and are prepared to encounter all the difficulties attending the immediate withdrawal of all assistance from the state rather than be parties to the fearful guilt which they believe the state is contracting. Of the Presbyterian persuasion more than two thirds are opposed to the clause, and in the Roman Catholic communion the opposition has many that sympathise with it, for it is asserted by leading men of that communion that the grant is valued more on account of the political equality which it is considered to impart than for any amount of emolument which it affords; forgetting, however, that were the grant entirely abolished, the equality of the different sects in a civil point of view would be necessarily perfect and permanent. In short, if all who are opposed to the clause on the ground of the indiscriminate endowment of truth and error which it contemplates are taken into account, with the large and increasing section who are opposed to all state endowments whatever as being unscriptural, unnecessary, impolitic and unjust, the introduction of such a cause will be found to be opposed to the wishes of a decided majority of the colonists.

That the jealousy and alarm with which this measure is regarded by the community, and the amount of opposition which has been directed against it, cannot be duly estimated without taking into consideration the general apathy that exists in the colony in respect to political matters, and the peculiar difficulties attending the manifestation of public sentiment on any great question arising from the mutual estrangement of an immigrant population, its unsettled and fluctuating character, the immediate pressure of private and domestic necessities, and the absorbing character of those mining and mercantile pursuits in which the great body of the people are engaged.

Collected during the year 1853 by the following Denominations,—
Independents, besides subscribed for 14,000*l*.
Five years annually, 5,000*l*.
Free Church 9,000*l*.
United Presbyterians 8,000*l*.
Baptists 7,500*l*.
Wesleyan Association 2,000*l*.
Primitive Methodists 1,000*l*.
Wesleyan Methodists 6,000*l*.
(From one circuit, eight circuits furnishing no statistics.)

Finally, your memorialists have only to bring under the notice of Your Majesty what has already been done by the free contributions of the people in the purchasing of sites, erection of churches and schools, and support of ministers of the gospel, and in overtaking generally, as detailed in the statistics in the margin, the religious wants of the community—in order to demonstrate how groundless are the fears of those who imagine that the country would lapse into heathenism, were state aid withdrawn. And if in any country the various religious denominations may be safely left to their own resources, and to stand upon their own merits, it is in this country, where wealth is so abundant. And your petitioners believe that, were the christian churches thrown on their own resources, an unwonted freshness and energy would characterize them, which would fully keep pace with the spiritual wants of the population.

May it please Your Majesty, were the present Legislative Council entirely composed of members elected by their fellow colonists, and had this clause been enacted by the acknowledged representatives of the people—however much your memorialists might have lamented such a decision—their respect for free institutions would not have permitted them to refer this matter to Your Majesty's revision; but the present constitution of the Council is such as leaves your memorialists no other alternative.

May it therefore please Your Majesty to withhold your Royal Assent from the sixtieth clause in the new constitution, appropriating 50,000*l* of the public funds for religious purposes.

And your memorialists and petitioners, as in duty bound, will ever pray.

[Signed by 13,000 persons.]

in the **CONSTITUTIONS of the AUSTRALIAN COLONIES.** 7

No. 3.

VICTORIA.

No. 3.

**COPY of a DESPATCH from the Right Hon. Sir GEORGE GREY, Bart., to
Lieutenant-Governor Sir C. HOTHAM.**

(No. 19.)

Downing Street, 29th August 1854.

SIR,

I HAVE to acknowledge the receipt of Mr. LaTrobe's Despatch, No. 54, of the 15th April, and of Mr. Foster's, No. 76, of the 22nd May, the one enclosing the copy of a petition to the Queen from a number of residents at Heathcote, McIvor Gold Fields, who pray that Her Majesty will give her assent to the clause in the New Constitution Act for providing an annual grant of 50,000*l.* for religious purposes in Victoria; and the other forwarding a numerously signed memorial, praying that the same clause may not become law.

You will inform the petitioners that I have had the honour to lay both of these memorials before Her Majesty.

I have, &c.,

(Signed) G. GREY.

LONDON:
Printed by GEORGE E. EYRE and WILLIAM SPOTTISWOODE,
Printers to the Queen's most Excellent Majesty.
For Her Majesty's Stationery Office.

FURTHER PAPERS

RELATIVE TO THE

ALTERATIONS IN THE CONSTITUTIONS

OF THE

AUSTRALIAN COLONIES.

(In continuation of Papers presented 31st July, 10th August, and December 1854.)

Presented to both Houses of Parliament by Command of Her Majesty,
March 1855.



LONDON,
PRINTED BY GEORGE EDWARD EYRE AND WILLIAM SPOTTISWOODE,
PRINTERS TO THE QUEEN'S MOST EXCELLENT MAJESTY.
FOR HER MAJESTY'S STATIONERY OFFICE.

1855.

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VAN DIEMEN'S LAND.

VAN DIEMEN'S
LAND.

Despatches from Lieut.-Governor Sir W. Denison.

No. 1.

No. 1.

COPY of a DESPATCH from Lieutenant-Governor Sir W. DENISON to the
Duke of NEWCASTLE.

(Confidential.)

Van Diemen's Land, Government House,
February 14, 1854.

(Received June 28, 1854.)

MY LORD DUKE,

(Answered July 3, 1854, Confidential, page 20.)

I HAVE the honour to acknowledge the receipt of your Grace's Despatch, dated 4th August 1853*, and marked "Confidential," enclosing a copy of a communication addressed to Sir Charles FitzRoy on the subject of the introduction at no distant period into the principal Australian Colonies of the system of Government commonly termed "Responsible," which communication your Grace has directed me to consider as equally addressed to myself.

I should have replied to this Despatch at an earlier period, and, in conformity with the wish expressed in the last paragraph but one of the communication to Sir Charles FitzRoy, have stated my views on the subject to which it refers; had I not been desirous to afford your Grace some clue to the opinions not only of the members of the present Legislative Council, but of the community at large.

As regards the views of the majority of the Legislative Council, they may be considered to be embodied in the report of the committee on the subject of the new constitution which was forwarded with my Despatch, No. 228†, dated 24th October 1853.

As regards the opinion of the community, it is more difficult to arrive at a conclusion. In one instance where an election has taken place since the prorogation of the Council a pledge was exacted from the successful candidate that he would give his support to a measure providing for an increase in the number of the present members of Council, before the question of the new constitution should be taken into consideration, and three or four petitions for such an increase have been sent in from different parts of the colony,—but upon the whole I should be disposed to say that the state of feeling in the colony was that of indifference to all merely political questions.

Before I say anything as to my own views on the subject of responsible Government, I wish to point out to your Grace, that although the Despatch to which I am now replying is couched in such terms as would justify the assumption that Her Majesty's Government is disposed to grant to the inhabitants of Van Diemen's Land the same privileges which have been conceded to the colonists on the mainland of Australia, yet I have not been honoured with a Despatch affirming this in positive terms.

Your Grace remarks, "that the peculiar circumstances of this colony must for some time continue to produce marked features of political difference from those exhibited by the provinces on the neighbouring continent, but they are not sufficient to affect the principles to which reference is made in the Despatch to Sir Charles FitzRoy, though they may modify their application."

* Page 166 } Of Papers relative to "Australian Constitutions" presented to Parliament by
† Page 162 } Her Majesty's Command, 31st July and 10th August 1854.

VAN DIEMEN'S
LAND.

Believing as I do that justice as well as policy would dictate the application to Van Diemen's Land of the same principles as those upon which the Government of the Colonies upon the mainland is hereafter to be conducted, I trust that I may be empowered to speak positively as to the intentions of Her Majesty's Government at the next meeting of the Legislative Council; for I am not of opinion that the difference between this colony and those on the mainland is so marked, at all events politically speaking, as to require any modification in the application of the principle upon which the system of Government of these Colonies is hereafter to be conducted. Indeed, were the present difference even greater than it is, the changes which are produced in the peculiar condition of society by the operation of ordinary causes would, long before the contemplated alteration in the present political system could be brought into action, have very much diminished, if not have entirely removed it.

Believing, then, that no distinction ought to be made between Van Diemen's Land and the other Australian Colonies, and agreeing most fully with your Grace that it would be most unwise to attempt to withhold from the inhabitants of Australia, on the ground of their unfitness to exercise them, privileges which have been conceded to the colonists of North America, I shall assume that the principles of responsible Government will be applied to Van Diemen's Land, and that the various concessions as detailed in the Despatch of Sir John Pakington to Sir Charles FitzRoy, dated 15th December 1852*, so far as they are applicable, will be extended to this colony.

This being the case, the only questions which present themselves for discussion are those which relate to the conditions upon which these privileges are to be conceded, and to the effect which is likely to be produced upon society by their operation.

With reference to these, I may be allowed to express my regret that Parliament should not have taken upon itself in 1850 to frame the new legislative system of these Colonies in accordance with the forms which universal experience has shown to be best adapted to secure wholesome legislation, to check mere party efforts, to neutralize attempts on the part of the Legislature to usurp the functions of the executive, and to check, if not to prevent, collision between the legislative and the executive. Had this been done, and had the measure contained a provision enabling the Legislature under certain conditions to modify the constitution so as to suit the changes which time might render necessary, the introduction of responsible Government would have entailed nothing more than a change in the persons of a certain number of the chief officers of the Government; provision being made, of course, for compensation to those who might justly claim it.

As it is, however, the measure is complicated by the preliminary obligation imposed upon each colony of framing for itself a legislative system in accordance with certain general principles as laid down in Sir John Pakington's Despatch, and as the views of the different Legislatures will not in all probability coincide, there will most likely be four constitutions devised, differing from each other in many essential particulars; it is also pretty certain that these constitutions will differ from the form which was stated by Sir John Pakington to be that which it was the wish of Her Majesty's Government should be adopted.

I believe that in all cases a Second Chamber will be considered as essential, but there will be great differences as to the mode in which this Second Chamber is to be constituted.

In a Despatch to Lord Grey, No. 144†, dated 15th August 1848, I suggested the formation of an Upper Chamber; and the following extracts from that Despatch will explain the grounds upon which I made the suggestion:—

“The members of this, call it Senate, or what you may, will be raised in some measure above the general level of society, they will be rendered independent of popular blame or approbation, but being also free from the suspicion of acting under the control of the Government, they will conciliate popular feeling, and hold a fair position between the Executive and the Legislature.

“I do not presume to enter into any detail of the mode in which such an Assembly should be constituted, further than to express an opinion that the

* Page 44 of Papers on “Australian Constitutions,” presented by Her Majesty's command, 14th March 1853.

† Page 50 of similar Papers, presented Her Majesty's command, 25th May 1849.

Government should have as little as possible to do in the nomination or selection of the members. VAN DIEMEN'S
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"There must, of course, be some ex-officio representatives of the Government in the House; the Bishops of the Church of England and of Rome might sit as representatives of the Ecclesiastical bodies; but as the object with which I advocate the establishment of a Second Chamber is more that of operating morally upon the body of the community than of facilitating generally the operations of the Executive Government, I should be loth to recommend the adoption of a plan which might in any way neutralize the beneficial action of such a body upon the mass of the people.

"I also think that in order to render the members perfectly independent of either the Government or the people, they should be appointed or elected for life."

In my Despatch, No. 198*, dated 28th December 1849, in discussing the form of the constitution to be granted to these Colonies, I said, "My opinion, I confess, remains unchanged by anything which I have heard or read since I last addressed your Lordship, indeed, every additional day that I remain in the colony serves to add to the strength of my conviction that it would be most desirable when the change in the form of the Government of this colony does take place, that a Second Chamber should be constituted at once by authority of Parliament. Such Chamber, however, should differ from those which did exist in the North American Colonies, inasmuch as a large proportion of the members should be elected, or otherwise rendered independent of the Government, and they should hold their position for a long period, if not for life."

Everything that has taken place in these Colonies since the passing of the Act 13 & 14 Vict. c. 59, has served to strengthen my conviction of the correctness of the opinions above quoted.

With regard to the constitution of the Second Chamber, it is evident that if the Government is to be conducted in strict accordance with the views of the majority of the Legislature, any attempt to secure a majority in one Chamber by the appointment of persons whose political opinions are known to coincide with those of the head of the executive would only lead to permanent differences between the Chambers, by which the action of the Government would be impeded, and a check imposed upon the onward progress of the Colony.

That the Second Chamber should be constituted in such a manner as to free it from any direct or immediate dependence upon the popular will, would be, I think, desirable.

That it should be elected upon a different principle, and that its members should have higher qualifications than those of the First Chamber, would also probably be advantageous; but I do not attach much importance to the mode of election, whether directly by different and more highly qualified constituencies, or indirectly by a species of double election.

Leaving, however, the consideration of these matters of detail, I may, I trust, be allowed to express a hope that as the principle upon which Her Majesty's Government has acted towards these Colonies, is that of the right of communities such as those now organized in Australia, to legislate generally for themselves, this principle will be carried out according to the spirit, and not according to the letter of Sir John Pakington's Despatch to Sir Charles FitzRoy, No. 95†, dated 15th December 1852.

In this Despatch it is said, "it is the wish of Her Majesty's Government that the Council should establish the new Legislature on the basis of an Elective Assembly, and a Legislative Council nominated by the Crown." I should deprecate any attempt on the part of the Government to compel or even to induce the different Colonial Legislatures to adopt this particular form.

It may, indeed, at first sight appear to be rather an anomalous proceeding on the part of the Government to sanction different systems in Colonies so closely connected as the Australias are with each other, especially as the object of the concessions made to these Colonies was the establishment of an uniformity in the form of Government between them and the Colonies of North America; but the differences, though marked, will not, I believe, be productive of any such

* Page 3 of Papers on "Australian Constitutions," presented to Parliament by Her Majesty's command, 12th April 1850.

† Page 44 of similar Papers, presented 14th March 1853.

VAN DIEMEN'S
LAND.

practical inconveniences as would render it necessary or desirable for Her Majesty's Government to insist upon their removal or modification, indeed, the very attempt would create much discontent and many angry feelings, and would afford an opening to the parties whose object it is to break asunder the ties which connect the Colonies to the mother country, of which the members would not fail to avail themselves.

It must be borne in mind, in considering the question of responsible Governments from the point of view in which it has been placed by your Grace—as Government by political parties—that the only clearly defined party objects in these Colonies are those which have reference to the connexion of the Colonies with the mother country,—that there is a party which advocates a complete separation of these Colonies from the mother country there can be no doubt,—and it numbers among its members several active and energetic persons, but the recent concessions made by Her Majesty's Government, by which every reasonable cause of complaint on the part of the colonists has been removed, have deprived this party of all the grounds upon which it could claim the support of the community, and have nearly silenced its members,—I should, therefore, very much regret the adoption of any course, the effect of which would be to recal this party to active existence.

With regard to the effect which will be produced by the introduction of the system of responsible Government into Australia, I am not disposed to think that they will be less satisfactory than those which have resulted from a similar source in North America. Your Grace in the confidential Despatch to Sir Charles FitzRoy, dated 4th August 1853*, has alluded to certain objections which may be made to the adoption of this system in these Colonies, such as the scanty amount of the population, its slight connexion with the soil, the engrossing pursuit of wealth, in which all or nearly all are engaged; that these, which constitute the chief differences between the Australias and the North American Colonies, must exercise a material influence in modifying the action of the system, there can be no doubt.

The scantiness of the population will very much limit the number of persons qualified to act as legislators. The slight connexion which many of the wealthiest and best educated have with the soil will lead on their parts to a practical indifference as to the action of the Government, the effect of which may probably be to throw the business of legislation into the hands of an inferior and less competent class.

The engrossing pursuit of wealth may and probably will lead to indifference as to those questions which, although of great importance to the ultimate welfare of the community, do not bear directly upon its material interests, and will in addition indispose men to devote that time to the service of the colony which might be employed with greater profit to themselves individually in attending to their private affairs, but the effect will be the same whatever may be the form of Government; and I cannot consider these objections to be valid as against the particular form called "responsible," when they would not be entertained for an instant as reasons for refusing to the people the right to control in any way the action of the Government.

Every day, too, will lessen the force of these objections, the rapid influx of immigrants from all parts of the world will speedily correct those evils which originate in the scanty and scattered character of the population.

The extraordinary increase of capital created by gold digging has led to its investment in land to an extent which will in a few years alter materially the character of the population, connecting it much more intimately with the soil; and although the engrossing pursuit of wealth, so long as temptations exist so exaggerated in their character as those which now present themselves to all classes, will of course produce many evil effects, these are not unaccompanied by good.

The facility of acquiring wealth will attract to these Colonies immigrants belonging to the educated class of the community, and though many of these will probably return sooner or later to their native country; their presence even for a time will be beneficial to society, and the very feeling which identifies them with England will be a guarantee that they will never lend themselves to

* Page 166 of Papers relative to the "Australian Constitution," 31st July and 10th August 1854.

the views of those whose object it is to separate the Colonies from the mother country.

VAN DIEMEN'S
LAND

That there are marked differences between the Australian Colonies, your Grace is well aware, differences proceeding principally from the variation in the conditions on which the waste lands have been alienated from the Crown.

In South Australia the land is more sub-divided and the population is more intimately connected with the soil than in any of the other Colonies. In Van Diemen's Land more capital has been expended in improvements, more fixed and permanent settlements have been made than either in New South Wales or Victoria; but it is unnecessary to allude to these local peculiarities, as they can have no influence in deciding the principle upon which the system of Government is to be based, though they may perhaps hereafter have a marked action upon the character of the legislation in the different Colonies.

I have, &c.
(Signed) W. DENISON.
The Duke of Newcastle, &c. &c. &c.

No. 2.

No. 2.

COPY of a DESPATCH from Lieutenant-Governor Sir W. DENISON to the Right Hon. Sir GEORGE GREY, Bart.
(No. 46.)

Van Diemen's Land, Government House,
November 15, 1854.
(Received February 12, 1855.)

SIR,

I HAVE the honour to forward herewith "An Act to establish new Electoral Districts in the Colony of Van Diemen's Land, and to increase the Number of Members of the Legislative Council thereof."

In my Confidential Despatch, dated 14th February 1854*, addressed to his Grace the Duke of Newcastle, I mentioned the fact that several petitions had been addressed to the Council, praying for an increase of the number of the members, and a better arrangement of the electoral districts, and I also stated that in one case a member had been returned to serve in the Council under a distinct and positive pledge to vote for a measure which should carry out the views embodied in these petitions. The Bill which I now forward was introduced by the member above alluded to, and having passed the Council after a good deal of opposition on the part of several of the elected members, was submitted to me for my assent, and as in my opinion it is most desirable that an addition should be made to the number of members, I had no hesitation in assenting to it.

* Page 1.

It is but right that I should inform you that a question was raised as to my power to assent to such an enactment; but on reference to the law officers, whose opinion I herewith enclose, I was assured that I should be justified in so doing, as the rule laid down by the law officers in England is applicable to the Customs Act (which opinion was forwarded in a Despatch from his Grace the Duke of Newcastle, No. 89,† dated 15th June 1853) was equally applicable to the enactment in question.

It may perhaps be thought that as the new Constitutional Act has passed, the proposed change in the number of the members of the present Council would be unnecessary; but as it must appertain to this body to divide the country into electoral districts, and to decide upon the mode of election of the members of the Upper Chamber, it is desirable that the expression of the opinion of the colonists on these subjects should be as full and as decided as possible.

I trust, therefore, that you will be able to advise Her Majesty to approve of this Act.

I have, &c.
(Signed) W. DENISON.
The Right Hon. Sir G. Grey, Bart. G.C.B.
&c. &c. &c.

† Page 165 of Papers on "Australian Constitutions," presented to Parliament by Her Majesty's command, 31st July and 10th August 1854.

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Encl. 1 in No. 2.

Enclosure 1 in No. 2.

ANNO DECIMO OCTAVO VICTORIÆ REGINÆ.

No. 15.

By his Excellency Sir William Thomas Denison, Knight, Lieutenant-Governor of the Island of Van Diemen's Land and its Dependencies, with the advice and consent of the Legislative Council.

AN ACT to establish new Electoral Districts in the Colony of Van Diemen's Land, and to increase the Number of Members of the Legislative Council thereof.

[1st November 1854.]

Preamble.

13 & 14 Vict. c. 59.

Sec. 7.

15 Vict. No. 1.

Re-defines the boundaries of the electoral districts of Westbury and Oatlands.

WHEREAS, by an Act of the Imperial Parliament of Great Britain and Ireland, passed in the fourteenth year of the reign of Her present Majesty Queen Victoria, intituled "An Act for the better Government of Her Majesty's Australian Colonies," it was, amongst other things, enacted that it should be lawful for the Legislatures, then by law established, within the colonies of Van Diemen's Land and South Australia respectively, by laws or ordinances to be for that purpose made and published, in the manner and subject to the conditions then by law required in respect of laws or ordinances made by such Legislatures, to establish within the said colonies of Van Diemen's Land and South Australia respectively a Legislative Council, to consist of such number of members, not exceeding twenty-four, as they should think fit, and that such number of the members of each Council so to be established as is equal to one third part of the whole number of members of such Council, or if such whole number be not exactly divisible, by three such number as is next greater than one third of the whole number should be appointed by Her Majesty, and that the remaining members of such Council should be elected by the inhabitants of the colony in which such Council should be established: And whereas, by the said recited Act of Parliament, it was further enacted that it should be lawful for such Legislatures respectively, by such laws or ordinances as aforesaid, to make all necessary provisions for dividing the said colonies of Van Diemen's Land and South Australia into convenient electoral districts, and for appointing and declaring the number of members of Council to be elected for each such district: And whereas, by the Act of Council or Ordinance of this Island, passed in the fifteenth year of the reign of Her said Majesty, numbered one, a Legislative Council, consisting of twenty-four members, has been established within the colony of Van Diemen's Land and the said colony, divided into electoral districts, and the number of members of Council for each such district, appointed and declared under and pursuant to the provisions of the said recited Act of Parliament: And whereas, by the said recited Act of Parliament, it was further enacted that it should be lawful for the Governors and Legislative Councils of the colonies of Victoria, Van Diemen's Land, South Australia, and Western Australia respectively, after the establishment of Legislative Councils therein, under the said recited Act of Parliament, from time to time, by any Act or Acts, to establish new electoral districts in any parts of the said colonies respectively, and to alter the divisions and extent of the electoral districts of the said colonies, and to alter and appoint the number of members of Council to be chosen by the said districts, and to increase the whole number of members of such Legislative Councils respectively, provided that where the whole number of members of Council should be increased, such number of the additional councillors as is equal to one third part of the whole increase, or, if such whole increase should not be exactly divisible by three, such number as is next greater than one third of the whole increase should be appointed by Her Majesty, and that the remaining additional members of Council should be elected by the inhabitants of the colony: And whereas it is deemed expedient to establish new electoral districts in this colony, and to alter the divisions and extent of certain of the electoral districts into which this colony is now divided as aforesaid, and to alter and appoint the number of members of Council to be chosen by certain of such electoral districts, and to increase the whole number of members of the Legislative Council of this colony in manner herein-after mentioned: Be it therefore enacted, by his Excellency Sir William Thomas Denison, Knight, Lieutenant-Governor of the island of Van Diemen's Land, and its dependencies, with the advice of the Legislative Council of the said island, as follows; (that is to say,)

I. So much of the said recited Act of Council of this island as defines the boundaries of the electoral districts of Westbury and Oatlands shall be and the same is hereby repealed, and thenceforth the said electoral district of Westbury shall be taken to be and be bounded as follows; (that is to say,) bounded on the north-east by the south-western boundary of the electoral district of Cornwall, commencing at the junction of that boundary with the north-west boundary of the parish of Wells, and extending south-easterly to Lot 710; thence on the east by the said district, extending along the east boundaries of Lots 549 and 347, and along the western boundaries of locations to R. Bostock and James Hill to the Meander River; thence on the north by that river to its junction with the Liffey, and on the east and south by that river to its source; thence by a westerly line to the river Meander; thence by that river to its source in Lake Meander, and thence by a westerly line to Platform Bluff; thence on the western side by a northerly line, passing the extreme Western Bluff, and extending to the river Mersey, at the crossing of the Van Diemen's Land Companies, or Great Western Road; thence, crossing that river on the southern side, by that road westerly for about five miles; thence by a line to the source of the Dasher River; thence

that river to its junction with the river Mersey; thence by a line crossing the river Rubicon, and extending north-easterly to the point of commencement: and the said electoral district of Oatlands shall be taken to be and be bounded as follows; (that is to say,) commencing at the southern angle of Lot 892, purchased from the Crown by Thomas Learmonth, on the Little Swanport River, and bounded on the east by the Little Swanport River, to its junction with a rivulet; thence by a south-easterly line through James Hobbs's 1,000 acres; thence by the south-east boundary of a grant to Daniel Stanfield of Lots 253, 254, and 255, and by the south-east boundaries of the parishes of Whitefoord and Bisbee, on the south by the parish of Ormaig, extending westerly to the Coal River, and crossing that river to the Quoin Mount; thence by a north-westerly line to the Quoin Rivulet, by that rivulet to the river Jordan; thence on the western side by that river to the Exe Rivulet; thence on the south-western and southern sides by that rivulet to its source; thence by the southern and western boundaries of the parish of Exmouth, and by the eastern boundary of the parish of Woodstock to Lake Crescent; thence by that lake to the parish of Milton, in the electoral district of Campbell Town; thence by that parish to Millbrook; thence by Millbrook and the Blackman River to Macquarie River, and by the Macquarie River, and crossing it to the south-east boundary of Lot 290, purchased from the Crown by Henry Stevenson Hurst, known as the Island, and by that boundary to the southern branch of the Macquarie River, and by that branch to Tooms' Lake; by the south-western margin of that lake, and by the eastern boundaries of the parishes of East Grinstead and Sligo to the north-west boundary of a location to George Marshall, and by that boundary, and by the north-west and south-west boundaries of Lot 892, purchased from the Crown by Thomas Learmonth, to the point of commencement.

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II. The following new electoral districts shall be, and the same are hereby established within this colony; (that is to say,) all that part of this colony bounded as follows; (that is to say,) bounded on the east by the sea from Doctor's Creek, near Long Point, to Little Swanport River; thence by that river to the southern angle of Lot 892, purchased from the Crown by Thomas Learmonth, on the west by the south-west and north-west boundaries of that lot and of a location to George Marshall, and by the eastern boundaries of the parishes of Sligo and East Grinstead to Tooms' Lake; thence by the south-western margin of that lake, and by the southern branch of the Macquarie River, to the south-east boundary of Lot 290, purchased from the Crown by Henry Stevenson Hurst, known as the Island, and by that boundary to the northern branch of the Macquarie River; thence by that river to a location to John Dickenson; thence on the south-western side by the electoral district of Campbell Town, extending along the Eastern Tiers to the Elizabeth River; thence by that river, and by the eastern boundary of the parish of Campbell Town, to the junction of the three parishes of Campbell Town, Salisbury, and Eastbourne; thence on the north by the said electoral district of Campbell Town, extending along the summit of the tiers lying on the eastern side of the St. Paul's River to the Doctor's Creek aforesaid, shall form an electoral district, under the denomination of the Electoral District of Glamorgan; and all that part of this colony bounded as follows; (that is to say,) bounded on the west and north by the sea from a point on the west coast, distant twenty-three miles or thereabouts, in a northerly direction, from the mouth of King's River, and extending to Badger Head; from thence on the north-east by the south-west boundaries of the parishes of Stockport and Phillips Norton; thence by a south-westerly line crossing the river Rubicon, and extending to the junction of the Dasher and Mersey Rivers; thence by the Dasher to its source, and a southerly line from thence to the old Van Diemen's Land Company's Road; thence by that road in an easterly direction to the river Mersey; thence crossing the same by a south line, passing the extreme Western Bluff to Platform Bluff, and by an easterly line to Lake Meander; thence by a south-west line to Lake Julian; thence by another south-westerly line to Lake Pillans; thence in a south-easterly direction to Lake Ada, and thence by a westerly line to the sea, at the point of commencement, shall form an electoral district, under the denomination of the Electoral District of Wellington.

Establishes the new electoral districts of Glamorgan and Wellington.

III. The whole number of members of the said Legislative Council of the colony of Van Diemen's Land shall be increased by the additional number of nine members, and the said Legislative Council shall thenceforth consist of the said twenty-four members and the said nine additional members, amounting in all to thirty-three members, three of which said additional members shall be appointed by Her Majesty, according to the provisions of the said recited Act of the Imperial Parliament, and the other six of such additional members be elected as herein-after provided.

Number of members of Council increased from 24 to 33.

IV. The said six additional elective members shall be chosen and returned according to the provisions of the said recited Act of Council of this island by the electoral districts following; (that is to say,) the electoral districts of Hobart Town, Launceston, Cornwall, and Buckingham, established by the said recited Act of Council of this island, shall respectively return one of such additional elective members, and the new electoral districts of Glamorgan and Wellington hereby established shall respectively return one of such additional elective members.

What districts to return the additional elective members.

V. It shall be lawful for the Lieutenant-Governor of this colony to issue the proper writs for the election of the said additional elective members in the same manner as he is now authorized and empowered to do by the said recited Act of Council of this island in the case of a general election.

Lieutenant-Governor to issue writs.

8. FURTHER PAPERS relative to the ALTERATIONS

VAN DIEMEN'S LAND.

Provisions of 15 Vict. No. 1. to apply to new electoral districts and to additional members.

VI. Nothing in this Act contained shall be taken to alter or repeal any part of the said recited Act of Council of this island, save in so far as it relates to the division of this colony into electoral districts to the persons entitled to vote at the election of members for the electoral districts of Westbury and Oatlands, and to the number of members of the said Legislative Council, but the same save as aforesaid shall be of full force and effect, as well with reference to existing electoral districts as to electoral districts hereby established, and as well with reference to existing Members as to such Members as are hereby added to the said Legislative Council, and all the enactments, clauses, provisions, and penalties of the said recited Act of the Imperial Parliament, and of the said recited Act of Council of this island shall be deemed and are hereby declared to extend and apply to the electoral districts hereby established, and to the appointment of returning officers, the fixing of polling-places, the appointment of collectors, the compilation of electoral lists, the revision thereof, and all matters otherwise relating thereto in respect of such new electoral districts, and to extend and apply to the said Council hereby increased, and all the proceedings thereof and connected therewith, and to the nomination, appointment, resignation, writs of election, proceedings at elections, disputed returns, and election petitions of, for, and against the aforesaid additional members in such and the same manner, and as fully and amply as the same extend or apply to existing electoral districts, and to the appointment of returning officers, the fixing of polling-places, the appointment of collectors, the compilation of electoral lists, the revision thereof, and otherwise relating thereto in respect of such existing electoral districts, and as the same extend or apply to the said Council previous to its being so increased as aforesaid, and to the nomination, appointment, resignation, writs of election, proceedings at elections, disputed returns, and election petitions of, for, and against the several members thereof.

Persons entitled to vote at the election of a member for Glamorgan and Wellington until proper electoral rolls made out.

VII. Provided that for the purposes of the first election of the additional member so to be returned by the said new electoral district of Glamorgan, and of any future election of a member for the said new electoral district of Glamorgan, which shall be holden prior to the electoral roll of such electoral district of Glamorgan, being made out pursuant to the provisions of the said recited Act of Council of this island, every person whose name is inserted in the electoral roll for the time being of the electoral district of Oatlands, in respect of property situate within the said new electoral district of Glamorgan, shall be entitled to vote at such election, and for the purposes of the first election of the additional member so to be returned by the said new electoral district of Wellington, and of any future election of a member for the said new electoral district of Wellington, which shall be holden prior to the electoral roll of such electoral district of Wellington, being made out pursuant to the provisions of the said recited Act of Council of this Island, every person whose name is inserted in the electoral roll for the time being of the electoral district of Westbury, in respect of property situate within the said new electoral district of Wellington, shall be entitled to vote at such election.

Persons entitled to vote for Glamorgan or Wellington not entitled to vote for Westbury or Oatlands.

VIII. No person whose name is inserted in the now existing electoral roll of the electoral district of Oatlands, in respect of property situate within the said new electoral district of Glamorgan, shall in respect of such property be entitled to vote at any future election of a member for the said electoral district of Oatlands; and no person whose name is inserted in the now existing electoral roll of the electoral district of Westbury, in respect of property situate within the said new electoral district of Wellington, shall, in respect of such property, be entitled to vote at any future election of a member for the said electoral district of Westbury.

Present Council not to be dissolved by this Act.

IX. Nothing in this Act contained shall be taken to imply the dissolution of the now existing Legislative Council of the colony of Van Diemen's Land, or to abridge, extend, or interfere with the period of the lawful determination thereof.

RICHARD DRY, Speaker.

Passed the Legislative Council this twenty-third day of October, One thousand eight hundred and fifty-four.

FR. HARTWELL HENSLOWE, Clerk of the Council.

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

W. DENISON, Lieut.-Governor.

Government House, Hobart Town, 1st November 1854.

Encl. 2 in No. 2.

Enclosure 2 in No. 2.

ROYAL ASSENT. OPINION OF THE LAW OFFICERS.

MESSAGE No. 32.

SIR, Crown Solicitor's Office, October 14, 1854. I do not feel any doubt in replying to the question submitted to me in your letter of the 4th instant, as to the power of the Lieutenant-Governor to assent in the name of Her Majesty to any Bill which may pass the Legislative Council having the effect of increasing the number of members.

The object of the Act 13th & 14th of Victoria—"An Act for the better Government of Her Majesty's Australian Colonies"—was obviously, and at no distant period, to establish in the Colonies, to the government of which its provisions are directed, the same general frame of government that prevailed in the mother country, modified and corrected merely by such limitations as their physical and social character must inevitably suggest. With this statesmanlike object, as it would seem, the Act to which I have referred originated and became law.

Its provisions are consistent. Few things in legislation are beyond the powers of the Lieutenant-Governor and the Legislative Council. To the validity of some of their Acts, however, the Queen's consent is a condition precedent.

By the 11th section of the Act which we are considering, the question, as it seems to me, is answered. By that section it is, amongst other things, provided that "after the establishment of a Legislative Council in Van Diemen's Land it should be lawful for the Governor and Legislative Council from time to time by any Act or Acts to establish new electoral districts in any parts of the said colonies respectively, and to alter the divisions and extent of the electoral districts of the said colonies, and to alter and appoint the number of members of Council to be chosen by the said districts, and to increase the whole number of members of such Legislative Council respectively."

There is here no such restriction as that contained in the 32nd section. By that section more extensive powers are conferred on the Governor and Legislative Council; such, for instance, as the substitution for a Legislative Council "a Council and a House of Representatives;" but it is thereby "provided that every such Bill so passed in the Colonies for any such purposes [I have thought it unnecessary to enumerate more than one] should be reserved for the consideration of Her Majesty's pleasure thereon, and that a copy of such Bill should be laid before both Houses of Parliament for the space of thirty days at the least before Her Majesty's pleasure thereon shall be signified."

I hold it to be clear and constitutional law, that where no such provision as this latter is contained in a statute, the assent to it by the Governor of the colony in the name of Her Majesty is above all question; and, holding such opinion, I can entertain no doubt that the Lieutenant-Governor has the power, in the name of Her Majesty, to assent to any Bill which may pass the Legislative Council having the effect of increasing the number of members.

I have, &c.
(Signed) EDWARD MACDOWELL.

The Hon. the Colonial Secretary,
&c. &c. &c.

October 25, 1854.

In obedience to his Excellency's directions conveyed in the Colonial Secretary's letter of the 4th instant, I have very carefully considered whether the Lieutenant-Governor has the power to assent in Her Majesty's name to any Bill which may pass the Legislative Council having the effect of increasing the number of members.

The solution of the question depends on the true construction of certain clauses of two statutes relating to the constitution of the Australian Colonies; viz.,—the 5 & 6 Vict., c. 76, the Constitutional Act of New South Wales, and the 13 & 14 Vict., c. 59, the Constitutional Act of the Australian Colonies.

I think it will be found convenient to bring together in one view the several portions of those statutes which bear upon the subject.

By the 5 & 6 Vict., c. 76, the Legislative Council of New South Wales was empowered by any Act (*inter alia*) to increase the number of members (section 4). But all Bills having that effect, as well as Bills altering the salaries of the Governor and Judges, or the Customs' Duties, were directed to be reserved for the signification of Her Majesty's pleasure in every case (section 31).

By the 13 & 14 Vict., c. 59, the Governor and Council of each of the Australian Colonies, and amongst others those of New South Wales and Van Diemen's Land, are expressly empowered by any Act, amongst other things, to increase the number of members (section 11); and also, subject to the provisions of that Act and notwithstanding any statutes in force to the contrary, to alter the Customs' Duties (section 27). But, subject to the provisions therein contained, all the provisions of the 5 & 6 Vict., c. 76, relating (*inter alia*) to the reservation of Bills for the signification of Her Majesty's pleasure, are to be in force in Van Diemen's Land, as if such provisions were there repeated, the name of Van Diemen's Land being substituted for that of New South Wales.

Such being the enactments bearing on the subject, the question arises whether it is still necessary that Bills increasing the number of members, and altering the Customs' Duties (for the same reason applies to both kinds of Bills), should be reserved for the signification of the Queen's pleasure since the 13 & 14 Vict., c. 59, as it was unquestionably necessary that they should under the 5 & 6 Vict., c. 76?

Now, on the one hand, it may be argued that if such Bills are no longer to be reserved, there was no need that the clause requiring such reservation should be incorporated with the

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statute. Taking the words of the incorporating section to the full extent of their meaning, the clause requiring such Bills to be reserved is to apply to Van Diemen's Land as if it had been repeated in the Act, with the substitution of the name of Van Diemen's Land for that of New South Wales. If it is to be taken as so repeated, it ought to have some operation; and yet if it is not to have the effect of causing Bills altering the number of members and the Customs' Duties to be reserved for the signification of the Queen's pleasure, it can have no operation whatever. For Bills altering the Governor's salary are expressly provided for by section 18, and the salaries of the Judges are expressly taken out of its operation by section 13. There only remain, then, the two other classes of Bills; viz.,—those affecting the constitution of the Council, and those affecting Customs' Duties; and either the clause is wholly nugatory, or it must operate to compel the reservation of Bills of the nature last alluded to.

On the other hand, it may be, with equal cogency, contended that it was wholly unnecessary to insert the 11th and 27th sections of the 13 & 14 Vict., c. 59, if it was not intended by those sections to confer other and fuller powers on the new Legislatures than those given by the former Act to that of New South Wales. The Legislature of New South Wales was invested (section 4 of 5 & 6 Vict., c. 76) with the power of altering the electoral districts and number of members,—subject, however, to the reservation of such Bills for the signification of the Queen's pleasure. There could clearly, therefore, be no object in the insertion of the clause (section 11), especially as regards New South Wales, unless a new and unconditional power was intended to be given. The fair inference, therefore, would appear to be, that a fuller power was intended; and that inference is much strengthened by the manner in which the restrictive clause (section 31 of 5 & 6 Vict., c. 76) is introduced. It is only "subject to the provisions herein contained" that the restrictive clause is applied to Van Diemen's Land by the 13 & 14 Vict., c. 59, sec. 12. And one of the provisions contained in the Act being an express power to alter the number of members, &c. the implication is very strong that the power so given was not intended to be affected by the restrictive clause. This is further strengthened by the fact that the more extended power contained in the 32nd section to alter the constitution of the Legislature is expressly made subject to the reservation of any Bill for the purpose.

There are difficulties, therefore, attendant on either construction,—difficulties arising from the mode in which the statute is framed. It appears to me, that the principal cause of the inconsistency between the several clauses affecting the question was the incorporation of the provisions of the 5 & 6 Vict., c. 76, by way of reference, instead of by express words. Some of the provisions appear to me to have been included in the general enumeration incautiously, which would have been less likely to occur if such provisions had been inserted at full length, instead of being adopted by general words of reference. It is not the first time that this mode of framing statutes has caused doubt, and, indeed, defeated the intention of the Legislature; for instance, in *Rex v. Recorder of Bath*, 9 A. and E. 837, the Judges of the Court of Queen's Bench were obliged to decide against a right of appeal plainly intended to be given, but which was given only by reference to another Act that did not give it; and they lamented that the Legislature had proceeded by way of reference, instead of directly telling what it meant.

The various provisions relating to the reservation of Bills for the signification of Her Majesty's pleasure contained in the statute being thus inconsistent and contradictory, it becomes really almost impossible to ascertain, with any degree of certainty, what is their actual operation; and I must confess that, in the absence of a better and more authoritative opinion on the point, I should have entertained too much doubt to enable me to advise his Excellency, on my own responsibility, that he possessed the power in question. The point has, however, been virtually decided by the opinion of the law officers of the Crown, in England—an opinion of high authority and great weight, and entitled to the utmost confidence. Those learned gentlemen have advised that the Governors of the Australian Colonies have power to assent to Bills altering the Customs' Duties, and, *pari ratione*, to Bills altering the number of members of Council. There can be no manner of doubt that the same rule governs both classes of Bills; for the 27th section, upon which the opinion of the law officers of England proceeds, gives no greater or other powers whatever with respect to the imposition of Customs' Duties than the 11th section does with regard to the alteration of the number of members of Council, &c. The non obstante clause ("notwithstanding any Act or Acts of Parliament now in force to the contrary") does not refer to the restrictive provisions contained in section 31 of the 5 & 6 Vict. c. 76, but to the series of statutes commencing with the 59 Geo. 3, c. 114, and ending with the 3 Geo. 4, c. 96, by which the colonial authorities were prohibited from levying customs' duties on any imports from Great Britain, except spirits and tobacco. Seeing, then, that the law officers of the Crown in England have virtually given their opinion that the Lieutenant-Governor has the power of assenting to a Bill of this nature, and considering that the power has been exercised without a question in some of the neighbouring colonies, I conceive that the Lieutenant-Governor may safely exercise his discretion as to whether he will assent or not in Her Majesty's name to a Bill having the effect of altering the number of members of Council, notwithstanding that I have not been able to dispel from my mind all doubts upon the subject.

F. SMITH, junior.

No. 3.

COPY of a DESPATCH from Lieutenant-Governor Sir W. DENISON to the
Right Hon. Sir GEORGE GREY, Bart.

VAN DIEMEN'S
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No. 3.

(No. 47.)

Van Diemen's Land, Government House,
November 15, 1854.

(Received February 12, 1855.)

SIR,

I HAVE the honour to forward herewith an Act intituled "An Act to establish a Parliament in Van Diemen's Land, and to grant a Civil List to Her Majesty," which has in accordance with the provisions of the Act of Parliament 5 & 6 Vict. c. 76. been reserved by me for the signification of Her Majesty's pleasure thereon.

2. In my Despatch, No. 228*, dated 24th October 1853, I forwarded to his Grace the Duke of Newcastle a series of resolutions affirming certain principles upon which the majority of the members of the present Legislative Council were of opinion the new constitutional Act for this colony should be framed. A committee was appointed at the commencement of the present session to frame a Bill in accordance with these principles, and the report with the Bill was brought up on the 29th September 1854.

In several instances the Bill differed most materially from the report of the former committee. In some instances the changes were for the better, in others for the worse, but the Bill still, as it was explained to the members by the Colonial Secretary, embodied many provisions relating to matters as to which the Council had no jurisdiction.

3. By the mail which arrived on the 21st October, I received your confidential Despatch, dated 2d August 1854,† in reply to one addressed by me to his Grace the Duke of Newcastle on the 14th February 1854,‡ in which I was told that the course which had been adopted by the Legislatures of the other Australian Colonies of passing Acts containing provisions which they were not competent to enact, was open to objection and productive of considerable inconvenience, and that it was desirable that in any Act to be passed in Van Diemen's Land, this course of proceeding should be avoided, and that the provisions of the Act should be restricted within the ample powers legally possessed by the existing Legislature of the colony.

†Page 20.

‡Page 1.

4. As the Bill had already been read a second time, and in most of the clauses had been considered in committee, the only mode in which it was competent to me to act without affording an opening to the charge of interfering with the privileges of the Council, was to send down a message containing the substance of the latter paragraph of your Despatch, as quoted above. In this case I should have been asked to lay the Despatch upon the table, and as on reference to that addressed by me to his Grace the Duke of Newcastle, as well as to your reply, I could not discern any matter of so confidential a character as to require to be kept secret, I thought it the most advisable plan to lay the whole of the correspondence before the Council—a course which was duly appreciated by the members.

5. In consequence of the suggestions contained in your Despatch, the Bill was recommitted, all the objectionable clauses expunged, and the enactment assumed the shape in which I now forward it.

6. Before I enter upon any explanations of the different clauses I may as well state, that while the Bill was in the hands of the committee I addressed a letter to the chairman, Mr. Dry, the Speaker of the Council, containing my views as to the constitution of the Upper Chamber. I subsequently laid a copy of this letter before the Council, and I forward it herewith, as bearing upon the subject now under consideration.

27th April 1854.

7. Having given this brief sketch of the proceedings of the Council with relation to the Act, I will now proceed to comment upon the enactment itself.

8. It provides for the substitution in the place of the present Council of two Houses to be named respectively the Legislative Council and House of Assembly.

These bodies are to be altogether elective, and to the present Council (as extended by the operation of the Act 18 Vict., No. 15, which will be forwarded shortly) will appertain the responsibility of dividing the colony into

* Page 162 of Papers on the "Australian Constitutions," presented to Parliament by Her Majesty's command, 31st July and 10th August 1854.

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proper electoral districts, and making all the necessary arrangements for the elections.

9. It will still therefore be in the power of the Council to adopt the scheme proposed in my letter to Mr. Dry, to make the whole colony into one electoral district, and to give to the members of the Upper House the *prestige* of being elected by the free unsolicited choice of the community.

10. By the third clause, the Governor and the Legislative Council and the House of Assembly are to be styled collectively the Parliament of Van Diemen's Land. The idea of combining the Legislature and Executive under one general head as "the Parliament" is a novel one, but I do not see that any practical inconvenience can arise from such a change of style.

11. The Legislative Council is to consist of fifteen members, who are to be elected by persons having a freehold estate worth fifty pounds per annum; certain other persons who are supposed from their position to be entitled to rank as the educated class of the community can claim to vote as electors without being possessed of such freehold estate.

12. Having thus provided for the respectability of the electors, the only limit placed upon their power of selection is, that the candidate should be thirty years of age, and a natural-born or naturalised subject of Her Majesty.

The members of the Legislative Council will go out in rotation, five retiring at the end of every three years, so that after the second election each member will sit for nine years.

13. The House of Assembly is to consist of thirty members, and any person (with the exception of the judges of the Supreme Court or ministers of religion) is competent to be elected a member.

14. The absence of any qualification for members would appear intended to throw open the doors of the House of Assembly to all classes of persons, but practically the expense attendant upon a residence in Hobart Town during the sessions of the Council, will operate to prevent persons without adequate means becoming candidates for the representation of any of the electoral districts, with the exception of perhaps those in Hobart Town itself, or in its immediate vicinity.

15. The qualification of the electoral body, though apparently the same as at present, inasmuch as it is based upon the occupancy of a house of the annual value of ten pounds, will admit of a great extension of the numbers on the electoral roll, inasmuch as all persons receiving a salary of 100*l.* per annum are entitled to vote, and all persons who may be considered to belong to the educated classes have a vote for the election of members of the House of Assembly as well as of the Legislative Council.

16. The Clauses from 18 to 29 inclusive, do not appear to call for any remark.

17. Clause 30 provides for the payment of the salaries of the Lieutenant-Governor, of the Judges, and law officers of the Crown, of the Colonial Secretary, Colonial Treasurer, and the Auditor. A sum of 2,000*l.* is also reserved for the payment of pensions, as in the Schedule of the Imperial Act 13 & 14 Vict. c. 59; and in Clause 31, a sum of 15,000*l.* is reserved for public worship.

18. The actual amount of the Civil List as exhibited in the Schedule to this Act is not equal to the amount reserved by the Schedules of the Imperial Act; the latter, however, includes not only the salaries of the principal officers in the service of the Government, but all the clerks and other subordinate agents in the departments of the Colonial Secretary, the Colonial Treasurer, and the Auditor, together with the sums required to cover the various expenses connected with the administration of justice, expenses which must necessarily fluctuate from year to year, and which had better therefore be provided for by an annual vote of the Council.

19. I am of opinion, therefore, that the amount of this Civil List is fully adequate to guarantee the independence of the Government and the Judges, and generally the objects for which the sums inserted in the Schedules of the Imperial Act were reserved.

20. By Clause 32, compensation is provided for officers who may be liable to loss of office; and it is left at the option of these officers either to accept at once a pension equal in amount to three-fourths of their salary, or to take the

amount shown in the second part of Schedule D., as a compensation for the loss of their chance of a pension hereafter, should they be able to retain office under the new system of responsible Government.

VAN DIEMEN'S
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21. The scheme adopted by the Council appears to me both reasonable and just. It affords the present holders of the offices of Colonial Secretary, Attorney General, and Colonial Treasurer, the option of either relinquishing office at once, in which case they will receive the full amount of the pension placed against their names in the first division of Schedule D., or of accepting the sum inserted in the second division of the said schedule, and of retaining office under the double liability of not being able to find a constituency to return them as members of the House of Assembly, or of not being able, if returned, to command a majority in the Assembly.

22. The Government too will be in the position of having a chance of securing the services of competent persons well acquainted with their duty, instead of being compelled to select its officers from the untried members of the Assembly.

23. Upon the whole I am disposed to anticipate favourably of the working of the Act, and have no hesitation in recommending it for Her Majesty's approval.

The Right Hon. Sir G. Grey, Bart.,
&c. &c. &c.

I have, &c.
(Signed) W. DENISON.

Enclosure 1 in No. 3.

Encl. 1 in No. 3.

ANNO DECIMO OCTAVO VICTORIÆ REGINÆ.

No. 17.

By his Excellency Sir William Thomas Denison, Knight, Lieutenant-Governor of the Island of Van Diemen's Land and its Dependencies, with the Advice and Consent of the Legislative Council.

AN ACT to establish a Parliament in Van Diemen's Land, and to grant a Civil List to Her Majesty. [1st November 1854.]

WHEREAS by an Act of Parliament passed in the fourteenth year of the reign of Her present Majesty, intituled "An Act for the better Government of the Australian Colonies," it was amongst other things enacted that notwithstanding anything therein contained it should be lawful for the Governor and Legislative Council of the colony of Van Diemen's Land after the establishment of a Legislative Council therein under the said Act from time to time by any Act or Acts, to alter the provisions or laws for the time being in force under the said Act or otherwise, concerning the election of the elective members of such Legislative Council, the qualification of electors and elective members, or to establish in the said colony, instead of the Legislative Council, a Council and a House of Representatives, or other separate Legislative Houses, to consist respectively of such members, to be appointed or elected respectively by such persons and in such manner as by such Act or Acts should be determined, and to vest in each Council and House of Representatives, or other separate Legislative Houses, the powers and functions of the Legislative Council for which the same might be substituted: And whereas it is expedient, for securing the peace, welfare, and good government of this colony, for the Governor and Legislative Council to exercise the powers given to them by the Imperial Act for the purpose of vesting the powers and functions of the Legislative Council of this colony in a Legislative Council and House of Assembly to be constituted in manner herein-after mentioned: Be it therefore enacted by the Lieutenant Governor of Van Diemen's Land, by and with the advice and consent of the Legislative Council thereof, as follows:—

I. There shall be in place of the present Legislative Council of Van Diemen's Land one Legislative Council and one House of Assembly in the said colony, to be severally constituted in the manner herein-after prescribed, and such Legislative Council and House of Assembly shall, after the dissolution as herein-after provided of the existing Legislative Council, have and exercise all the powers and functions of the said existing Legislative Council.

Preamble.

A Legislative Council and a House of Assembly substituted for present Legislative Council.

II. For the purpose of electing members to serve in the Legislative Council and House of Assembly, the Governor and now existing Legislative Council shall, by an Act to be passed for that purpose after this Act shall commence and take effect, establish convenient electoral districts for the return of members to the said Council and Assembly, and shall determine the number of members to be returned for each district to the said Council and Assembly, and shall make all necessary provisions for the issuing, executing, and returning

Present Council to make electoral districts.

- VAN DIEMEN'S LAND.**
- When existing Council dissolved. the necessary writs for the election of such members; the appointing of returning officers; the taking the poll; the place and time of the elections; the completion and revision of lists of persons qualified to vote; for determining the validity of all disputed returns; and for ensuring the orderly, impartial, and effective conduct of such elections; and immediately upon the issue of the writs for the first election of members of such Legislative Council and House of Assembly the existing Legislative Council shall ipso facto be dissolved, and the powers and functions thereof shall cease.
- Governor and two houses to be called the Parliament. III. The Governor and Legislative Council and House of Assembly together shall be called "The Parliament of Van Diemen's Land."
- Governor to fix the times and places for holding the session of Parliament. IV. The Governor shall fix such times and places for holding the first and every other session of the Parliament of the said colony, and vary and alter the same respectively in such manner as he may think fit, giving sufficient notice thereof, and also from time to time prorogue the said Parliament and dissolve the said House of Assembly, by proclamation or otherwise, whenever he shall deem it expedient: Provided always, that nothing herein contained shall be construed to empower the Governor to dissolve the Legislative Council.
- Session of Parliament once in every year. V. There shall be a session of the said Parliament at least once in every year, so that a period of twelve calendar months shall not intervene between the last sitting in one session and the first sitting in the next session.
- Legislative Council to consist of fifteen members. Qualification of electors. VI. The Legislative Council shall consist of fifteen elected members, and every man of the age of twenty-one years, being a natural-born or naturalized subject of Her Majesty, or legally made a denizen of Van Diemen's Land, and having a freehold estate in possession, legal or equitable, within the district for which his vote is to be given, of the clear annual value of fifty pounds sterling money above all charges and incumbrances in any way affecting the same of or to which he has been seised or entitled, either at law or in equity, for at least six months next before the date of the writ for such election, or when a registration of electors shall be established next before the last registration of electors, or being a graduate of any university in the British dominions, or a barrister or solicitor on the roll of the Supreme Court of Van Diemen's Land, or a legally qualified medical practitioner, or an officiating minister of religion, or an officer or retired officer of Her Majesty's land or sea forces not being on actual service and resident in the district for which his vote is to be given, at least twelve months before the date of the writ for such election, shall be entitled to vote at the election of a member to serve in such Legislative Council.
- Qualification of members. VII. No person shall be capable of being elected a member of the Legislative Council who shall not be of the full age of thirty years, and a natural born or naturalized subject of Her Majesty, or legally made a denizen of Van Diemen's Land.
- Election of President of Legislative Council. VIII. The Legislative Council shall at its first meeting, and before proceeding to the despatch of any other business, elect some member of the said Council to be the President thereof, and as often as the place of such President shall become vacant by death, resignation, or removal, by a vote of the said Council the said Council shall again elect some other member to be the President thereof, and the President so elected shall preside at all meetings of the said Council, and the election of the President of the Legislative Council shall be notified to the Governor by a deputation of the said Council.
- Order in which members to retire. IX. The Legislative Council shall, immediately after the election of the President thereof, proceed to determine by lot the order in which the names of the several members shall be entered upon a list to be called the "Members' Roll," and at the expiration of three years from the date of the issuing of the writs for the first election, under this Act and thenceforward at the expiration of every succeeding three years such five members as shall be the first five on such members' roll shall vacate their seats, and five new members shall be elected to supply the vacancies so created, and immediately after the five members so elected to fill the vacancies so created shall have taken their seats they shall proceed in like manner to determine by lot the order in which their names shall be respectively placed on the "Members' Roll," next after the names of the ten members previously on the said roll, and in the event of a single member being elected to fill a seat in the said Council, vacant by reason of death, acceptance of office, or otherwise, the name of such member shall be placed last on the said members' roll, to the intent that one-third of the whole number of members of the Legislative Council, consisting of such five members as shall have held their seats for the longest period shall vacate their seats every three years.
- Absence of President provided for. X. In case of the absence of the President, in consequence of leave of absence granted to him by the House, or of illness, or other unavoidable cause, it shall be lawful for the Legislative Council to choose some other member of the said House to fill temporarily the office and perform the duties of the President during his absence.
- Quorum of Legislative Council. XI. The Legislative Council shall not be competent to the despatch of business, unless there be present, including the President, at least seven members of the said Council, and all questions which shall arise shall be decided by the majority of the votes of those members of the Council who shall be present, exclusive of the President, who shall be allowed a casting vote.
- Members of Legislative Council may resign. XII. It shall be lawful for any member of the Legislative Council, by writing under his hand addressed to the Governor, to resign his seat in the said Legislative Council, and upon such resignation the seat of such member shall become vacant.
- Seat in Legislative Council how to become vacant. XIII. If any Legislative Councillor shall, for one entire session of the Legislative Council fail to give his attendance therein, without the permission of the said Council, or shall take any oath, or make any declaration or act of acknowledgment of allegiance or adherence to

any foreign prince or power, or shall do, concur in, or adopt any act whereby he may become a subject or citizen of any foreign state or power, or shall become bankrupt, or shall take the benefit of any law relating to insolvent debtors, or become a public defaulter, or be attainted of treason, or be convicted of felony or any infamous crime, or shall become of unsound mind, his seat in such Council shall thereby become vacant.

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XIV. Whenever any question shall arise respecting any vacancy in the Legislative Council the same shall be heard and determined by the Legislative Council itself.

Question of
vacancy how
determined.

XV. The House of Assembly shall consist of thirty elected members, and any person (except as herein-after excepted) shall be capable of being elected a member of the House of Assembly who shall be a natural-born or naturalized subject of Her Majesty, or legally made a denizen of Van Diemen's Land: Provided that no judge of the Supreme Court or minister of religion shall be capable of being elected a member of the House of Assembly.

House of Assem-
bly to consist of
thirty members
who may be elected
members.

XVI. Every Assembly hereafter to be summoned and chosen shall continue for five years from the day of the return of the writs for choosing the same, and no longer, subject nevertheless to be sooner dissolved by the Governor.

Duration of
Assembly.

XVII. Every man of the age of twenty-one years, being a natural-born or naturalized subject of Her Majesty, or legally made a denizen of Van Diemen's Land, and having a freehold estate in possession, legal or equitable, situate within the district for which his vote is to be given, of the clear value of one hundred pounds sterling money above all charges and incumbrances in any way affecting the same of or to which he has been seised or entitled, either at law or in equity, for at least two months next before the date of the writ for such election, or in case a registration of electors shall be established next before the last registration of electors, or being a householder within such district occupying any house, warehouse, counting-house, office, shop, or other building, of the clear annual value of ten pounds sterling money, and having resided therein two calendar months before such writ or registration as aforesaid, or holding at the date of such writ, or at the time of such registration, a licence to depasture lands within the district for which his vote is to be given from the Government of Van Diemen's Land, and paying for the same not less than ten pounds per annum, or having a leasehold estate in possession situate in such district, of the annual value of ten pounds sterling money held upon a lease, which at the date of such writ, or at the time of such registration, has not less than three years to run, or having a salary of one hundred pounds sterling a year, or being a graduate of any university in the British dominions, or a barrister or solicitor on the roll of the supreme court of Van Diemen's Land, or a legally qualified medical practitioner, or an officiating minister of religion, or an officer or retired officer of Her Majesty's land or sea forces, not being on actual service, and resident in the district for which his vote is to be given at least twelve months before the date of the writ for such election, shall be entitled to vote at the election of a member of the House of Assembly.

Qualification of
electors.

XVIII. Where any premises are jointly owned or occupied, or held upon lease by more persons than one, each of such joint owners, occupiers, or leaseholders, shall be entitled to be registered as an elector, and to vote at the election of members to serve in the House of Assembly in respect of such joint ownership, occupancy, or leasehold, provided each such person's share or interest in such premises would if several entitle him to vote under the provisions of this Act.

Qualification of
joint-tenants and
owners.

XIX. Any person who shall directly or indirectly, himself, or by any person whatsoever in trust for him or for his use or benefit or on his account, undertake, execute, hold, or enjoy in the whole or in part any contract or agreement for or on account of the public service, shall be incapable of being elected or of sitting or voting as a member of such Assembly, during the time he shall execute, hold, or enjoy any such contract or any part or share thereof, or any benefit or emolument arising from the same; provided always, that nothing herein contained shall extend to any contract or agreement made, entered into, or accepted by any incorporated company or any trading company, consisting of more than six persons, where such contract or agreement shall be made, entered into, or accepted for the general benefit of such incorporated or trading company; provided also, that if any person being a member of such assembly shall enter into any such contract or agreement, or having entered into it shall continue to hold it, his seat shall be void.

Disqualification of
contractors.

XX. The House of Assembly shall at its first meeting after every general election and before proceeding to the despatch of any other business, elect some one member of such Assembly to be the Speaker thereof, and in case of his death, resignation, or removal by a vote of the House of Assembly, the said House shall forthwith proceed to elect some other such member to be Speaker, and the Speaker so elected shall preside at all meetings of the said House of Assembly, and the election of such Speaker shall be notified to the Governor by a deputation of the said House.

Election of
Speaker.

XXI. In case of the absence of the Speaker in consequence of leave of absence granted to him by the House, or of illness or other unavoidable cause, it shall be lawful for the House of Assembly to choose some other member of the said House to fill temporarily the office and perform the duties of the Speaker during his absence.

Absence of
Speaker provided
for.

XXII. The House of Assembly shall not be competent to the despatch of business unless there shall be present, exclusive of the Speaker, one-third at least of the members of the said Assembly, and all questions which shall arise in the said House of Assembly shall be decided by the majority of votes of those members thereof who shall be present other than the Speaker, and when the votes shall be equal the Speaker shall have a casting vote.

Quorum.

- Member may resign. XXIII. It shall be lawful for any member of the House of Assembly, by any writing under his hand addressed to the Governor, to resign his seat therein, and from the time the same shall be received by the Governor, the seat of such member shall become vacant.
- Seat in House of Assembly how to become vacant. XXIV. If any member of the House of Assembly shall for one whole Session thereof fail to give his attendance in the said Assembly, without the permission of the said Assembly, or shall take any oath or make any declaration or act of acknowledgment of allegiance or adherence to any foreign prince or power, or do, concur in, or adopt any act whereby he may become a subject or citizen of any foreign state or power, or shall become bankrupt or take the benefit of any law relating to insolvent debtors, or become a public defaulter, or be attainted of treason, or be convicted of felony or any infamous crime, or shall become of unsound mind, his seat in such Assembly shall thereby become vacant.
- Disqualification from felony. XXV. No man shall be entitled to vote at the election of a member or be capable of being elected a member of either House of the Legislature, who has been attainted or convicted of treason, felony, or other infamous offence in any part of Her Majesty's dominions, unless he have received a pardon or have undergone the sentence passed upon him for such offence.
- Oath to be taken by members. XXVI. No member either of the Legislative Council or of the House of Assembly shall be permitted to act or vote therein respectively until he shall have taken and subscribed before the Governor of the said colony, or before some person authorized by such Governor to administer it, the oath set forth in the Schedule hereunto annexed, marked A.
- Seats in both Houses how vacated. XXVII. If any member, either of the Legislative Council or of the House of Assembly, shall accept any office of profit or any pension from the Government, during pleasure or otherwise, his seat shall thereupon become vacant.
- Penalty for sitting and voting in either House if disqualified. XXVIII. If any person by this Act disabled or declared to be incapable to sit or vote either in the said Legislative Council or in the House of Assembly, shall, nevertheless, be elected and returned as a member to serve in either of the said Houses of Legislature, such election and return are hereby declared to be void to all intents and purposes whatsoever; and if any person so elected and returned contrary to the provisions of this Act shall presume to sit or vote as a member thereof in either the Legislative Council or the House of Assembly, such person shall for each such offence forfeit the sum of five hundred pounds, to be recovered by any person who shall sue for the same in the Supreme Court of Van Diemen's Land, or any other court in the said colony having competent jurisdiction.
- Legislative Council and Assembly to make standing orders. XXIX. The Legislative Council and House of Assembly at the first sitting of each respectively, and from time to time afterwards as there shall be occasion; shall prepare and adopt such standing rules and orders as shall appear to them best adapted for the orderly conduct of the business of such Council and Assembly, and for the mode in which the said Council and Assembly shall confer, correspond, and communicate with each other for the manner in which Bills shall be introduced, passed, numbered, and intitled in the said Council and Assembly respectively, and for the proper presentation of the same to the Governor for Her Majesty's assent, and generally for the conduct of all business and proceedings of the said Council and Assembly severally and collectively, all of which rules and orders shall by such Council and Assembly respectively be laid before the Governor, and being approved of by him shall become binding and of force.
- Civil List granted to Her Majesty. XXX. There shall be payable to Her Majesty, her heirs and successors, in every year, out of the Consolidated Revenue Fund of Van Diemen's Land, the several sums not exceeding in the whole fifteen thousand three hundred pounds, for defraying the expenses of the services and purposes set forth in the Schedule to this Act annexed, marked B., and the said several sums shall be issued by the Treasurer of Van Diemen's Land in discharge of such warrants as shall from time to time be directed to him, under the hand of the Governor.
- Reserve for public worship. XXXI. There shall be reserved for public worship the sum of fifteen thousand pounds, to be appropriated in the manner set forth in Schedule C. of this Act, or in such other manner as the Legislature of Van Diemen's Land shall hereafter from time to time direct and appoint.
- Compensation for officers liable to loss of office. XXXII. And whereas by the operation of this Act certain officers of the Government will be more liable to loss of office on political grounds than heretofore, and it is just to compensate the present holders of such offices for the actual loss of their offices, in case the same should happen upon political grounds, or at their option, to compensate them for such increased liability to loss of office: Be it enacted, that the sums set opposite the names of the persons mentioned in Part I. to Schedule D. to this Act annexed, who at present respectively hold the offices therein mentioned, shall be payable annually by way of retiring allowance to such persons respectively during their respective lives upon their respective retirement or removal from office upon political grounds after this Act shall come into operation, or if any of the said persons shall, at least ten days before the commencement of the first Session of the said Parliament, by writing under his hand, addressed to the Governor, signify his desire to accept a compensation for such increased liability to loss of office in lieu of such annual retiring allowance as aforesaid, then the sum set opposite the name of such person in Part II. of the said Schedule D. shall be paid to him, forthwith, in lieu of such retiring allowance; and all such sums as aforesaid shall be payable and paid to such persons out of the general revenue: Provided, that if after any such annual retiring allowance as aforesaid shall have become payable the person entitled thereto shall accept any new appointment under the Crown, then such retiring allowance shall merge or be reduced pro tanto during the tenure

of such appointment, according as the salary or emoluments of such new appointment is or are of greater or less amount than such retiring allowance of such person.

XXXIII. All Bills for appropriating any part of the revenue, or for imposing any tax, rate, duty, or impost, shall originate in the said House of Assembly, and it shall not be lawful for the said House of Assembly to originate or pass any vote, resolution, or Bill for the appropriation of any part of the revenue, or of any tax, rate, duty, or impost, for any purpose which shall not have been first recommended by the Governor to the said House of Assembly during the Session in which such vote, resolution, or Bill shall be passed.

XXXIV. This Act shall be published in Van Diemen's Land by the Governor of the said colony within three months after Her Majesty's approval of the same shall have been received by proclamation for that purpose in the Hobart Town Gazette, and shall commence and take effect from the day of the date of such proclamation.

XXXV. In referring to this Act, it shall be sufficient to make use of the expression "The Constitutional Act."

VAN DIEMEN'S LAND.

Money Bills to originate in the Assembly.

All money votes to be recommended by the Governor

Act to be proclaimed.

Short title may be cited.

SCHEDULE A.

OATH OF ALLEGIANCE.

I do sincerely promise and swear, that I will be faithful and bear true allegiance to Her Majesty Queen Victoria, as lawful Sovereign of the United Kingdom of Great Britain and Ireland, and of this colony of Van Diemen's Land, dependent on and belonging to the said United Kingdom; and that I will defend her to the utmost of my power against all traitorous conspiracies and attempts whatever which shall be made against her person, crown, and dignity; and that I will do my utmost endeavour to disclose and make known to Her Majesty, her heirs and successors, all treasons and traitorous conspiracies and attempts which I shall know to be against her or any of them: and all this I do swear without any equivocation, mental evasion, or secret reservation, and renouncing all pardons and dispensations from any person or persons whatever to the contrary.

So help me God.

Sworn at Hobart Town this day
of one
thousand eight hundred and
before

SCHEDULE B.

CIVIL LIST.

PART I.

	£	s.	d.
Governor's salary	4,000	0	0
Allowances and contingent expenses	2,500	0	0
Total	£6,500	0	0

PART II.

	£	s.	d.
Chief Justice	1,500	0	0
Puisne Judge	1,200	0	0
Attorney-General	900	0	0
Solicitor-General	600	0	0
Total	£4,200	0	0

PART III.

	£	s.	d.
Colonial Secretary	1,200	0	0
Colonial Treasurer	800	0	0
Colonial Auditor	600	0	0
Total	£2,600	0	0

PART IV.

	£	s.	d.
Pensions	2,000	0	0

VAN DIEMEN'S
LAND.SCHEDULE C.
PUBLIC WORSHIP.

	£	s.	d.
Public Worship	15,000	0	0

SCHEDULE D.

PART I.

Compensation by way of Retiring Allowance.

	£	s.	d.
William Thomas Napier Champ, Colonial Secretary, three-fourths of Salary	900	0	0
Francis Smith, Attorney-General, three-fourths of Salary	675	0	0
Peter Gordon Fraser, Colonial Treasurer, three-fourths of Salary	600	0	0

PART II.

Compensation by way of Bonus to Holders of Office liable to Loss of Office on Political Grounds.

	£	s.	d.
William Thomas Napier Champ, Colonial Secretary, five years' Salary	6,000	0	0
Francis Smith, Attorney-General, five years' Salary	4,500	0	0
Peter Gordon Fraser, Colonial Treasurer, five years' Salary	4,000	0	0

RICHARD DRY, Speaker.

Passed the Legislative Council this thirty-first day of October, one thousand eight hundred and fifty-four.

FR. HARTWELL HENSLOWE,
Clerk of the Council.

In conformity with the provisions of the 31st clause of the Act for the better Government of New South Wales and Van Diemen's Land (5th & 6th Victoria, cap. 76), I reserve this Bill for the signification of Her Majesty's pleasure thereon.

W. DENISON, Lieut.-Governor.

Government House, Hobart Town,
1st November 1854.

Encl. 2 in No. 3.

Enclosure 2 in No. 3.

NEW CONSTITUTION.

MESSAGE No. 31.

MY DEAR DRY,

Government House, April 27, 1854.

YOU are aware, I have no doubt, that in the communications which I have made to the Secretary of State on the subject of the constitution of the Legislature of this Colony, I have always tried to impress upon the Government the advisability of constituting a legislative body consisting of two Chambers; and have, at the same time, expressed my opinion of the inexpediency of any interference on the part of the Government with the appointment of the members of either of these bodies.

In August 1848, I wrote to Lord Grey on this subject, and again in December 1849, and latterly I have written to the Duke of Newcastle, informing him that the conviction on my part of the correctness of the views I had before expressed had been strengthened by a knowledge of what had taken place in these Colonies.

The problem, then, of the constitution of a Second Chamber has, as you may imagine, occupied my attention for some time past; and, as the Council may soon have to solve it, I will give you the result of the consideration which I have bestowed on the subject.

In order, however, that the whole process by which I have arrived at the formation of a definite opinion on the subject may be made clear to you, I may as well state that the principal motives which induce me to advocate the formation of an Upper Chamber are the security afforded by it against hasty or class legislation, and against collisions between the Legislative and the Executive.

It is probable also that property would be more fully represented in the Upper than in the Lower Chamber; and I should wish to see the Upper Chamber looked upon as representing the colony at large, and to enhance the distinction thus conferred upon its members by every means in our power.

Having premised this, I presume that the qualification of the constituents of the members of the Upper Chamber will be higher than that now required for the Council, viz., 10^l household occupation, which is, in point of fact, household suffrage; but I should not wish to see such a marked difference made as might lead to jealousies on the part of those excluded, or so high a rate of franchise as might unduly narrow the constituency, and make it appear

that the Upper Chamber was the representative of a class, and not that of the property or intellect of the Colony.

VAN DIEMEN'S
LAND.

Supposing, then, the electoral roll to be drawn out and revised, how should the election be conducted?—and on this the principle of my scheme turns.

I propose that each elector should be addressed individually by the clerk of the Executive Council (I say the clerk of the Executive Council merely as being a permanent Officer), and requested to name a single individual as a member of the Upper Chamber. The reply should be returned within a given period, endorsed in some particular manner; but it should not be opened until all the answers are returned, and then formally by the Lieutenant-Governor in the Executive Council, the Judges being present. The papers being opened, a return of the names of those proposed as members should be made, and the number of votes for each; and the twelve or fifteen who have the highest number of suffrages should be declared to be members of the Second Chamber. No notice should be taken publicly of the number of votes given to each member. Nothing should be done to establish any distinction between them; they should stand on the proud distinction of having been elected by the intellect and property of the colony as its proper representatives.

I should not impose any limitation upon, or qualification for, the persons to be elected. I should not exclude any individual or any class; but, having established the constituency, leave to each member of it to select one proper person as his representative; and I feel quite certain that by such means you will attain a greater security against the election of improper persons than you could possibly hope to do by the adoption of property qualifications,—a scheme which is always open to objection, and which is sure to form a weak point, and one liable to attack in any remark upon the system of representation adopted.

I propose to limit the number of votes given by each elector to one, for the express purpose of securing, in the first place, the exercise of his unbiassed judgment, and in the second, of rendering the introduction of a property qualification unnecessary.

Tell an elector that he is to return one name, and he will look around him and select the most competent person in his neighbourhood or among his acquaintance; tell him to give a list of a dozen names, and he will either be reduced to put a number down at hazard, to adopt a list transmitted to him containing the names of many of whom he can know nothing, or to omit to fill up the whole number; three alternatives, all objectionable, though not, perhaps, equally so.

Another advantage accruing from the system of giving a single vote will be the absence of all canvassing, or of any steps which might bring angry and antagonistic feelings into play, by which the prestige which should attach to the members of the Upper House may be affected injuriously.

I could point out many other advantages which this system appears to me to present; but my time is running short, as Archer has informed me that the committee intend to bring up their report in a day or two.

I have therefore written hastily what I consider enough to give you a clear idea of the scheme proposed, in order that you might have an opportunity of considering it before any distinct expression of opinion may have been given, which might seem to pledge the members to something positive or definite.

Believe me,

Yours very truly,

W. DENISON.

Richard Dry, Esq.
&c. &c.

VAN DIEMEN'S
LAND.

Despatch from the Secretary of State.

COPY of a DESPATCH from the Right Hon. Sir GEORGE GREY, Bart.,
to Lieut.-Governor DENISON.

SIR,

Downing Street, August 3, 1854.

* Page 1.

I HAVE received your Despatch, marked Confidential, of the 14th February last*, expressing your views on the future constitution of the Australian Colonies and on the question of the introduction into Van Diemen's Land of the system of what is commonly designated responsible government.

The Despatch of the Duke of Newcastle, No. 10*, of 20th January last, will have removed any doubt which could have been previously entertained as to the disposition of Her Majesty's Government to grant to the inhabitants of Van Diemen's Land the same privileges which had been offered to other Australian Colonies. My Despatch, No. 9†, of 3rd July last, transmitting to you the copy of my Despatch of the same date to Sir C. FitzRoy, will have informed you of the present position of this question.

Your anticipation as to the views of the different Legislatures of the several Australian Colonies not coinciding in the details of their Constitutional Acts has been to a certain extent realized. Nor can it be matter of surprise that as these Legislatures are quite independent of each other, some differences, even on important points, should be found to exist in the provisions of their several Acts. I agree, however, with you, that there is no such practical inconvenience likely to result from this cause as to render it necessary or desirable for the Government to insist on the removal of these differences. You, moreover, express a hope, as the principle on which Her Majesty's Government has acted towards these Colonies is that of the right of communities such as those now organized in Australia to legislate generally for themselves, that this principle will be carried out according to the spirit and not according to the letter of Sir J. Pakington's Despatch to Sir C. FitzRoy of the 15th December 1852, in which it was stated to be the wish of the Government that the Council should establish the new Legislature on the basis of an Elective Assembly, and a Legislative Council nominated by the Crown. I have to acquaint you in reply, that Her Majesty's present Government are of opinion, that provided the Legislative Council is so constituted as to possess the respect and confidence of the community, and at the same time to be less directly liable than the Assembly to popular impulse, and to be capable of acting as a salutary check against hasty legislation, the particular mode of constituting it is not a matter of primary importance, and they do not therefore feel it necessary to insist on its being nominated by the Crown.

There is only one other point to which I feel it right to advert in connexion with this subject. The Constitutional Acts which have been received from three of the Australian Colonies, contain several important enactments which the Legislatures of these colonies were not competent to pass, and to which therefore no effect can be given without the authority of an Imperial Act. This course is open to objection, and may be productive of considerable inconvenience. It is therefore desirable that in any similar Act to be passed in Van Diemen's Land this course of proceeding should be avoided, and that the provisions of the Act should be restricted within the ample powers legally possessed by the existing Legislature of the colony.

Lieut.-Governor Sir W. Denison,
&c. &c. &c.I have, &c.
(Signed) G. GREY.

* Page 166 of Papers on "Australian Constitutions," presented to Parliament by Her Majesty's command, 31st July and 10th August 1854.

† Page 167, same paper.

LONDON:
Printed by GEORGE E. EYRE and WILLIAM SPOTTISWOODS,
Printers to the Queen's most Excellent Majesty.
For Her Majesty's Stationery Office.

FURTHER PAPERS
RELATIVE TO THE
ALTERATIONS IN THE CONSTITUTIONS
OF THE
AUSTRALIAN COLONIES.

*(In continuation of Papers presented 10th August and December 1854, and
March 1855.)*

**Presented to both Houses of Parliament by Command of Her Majesty,
April 20, 1855.**



LONDON:
PRINTED BY GEORGE EDWARD EYRE AND WILLIAM SPOTTISWOODE,
PRINTERS TO THE QUEEN'S MOST EXCELLENT MAJESTY.
FOR HER MAJESTY'S STATIONERY OFFICE.

1855.

(iii.)

SCHEDULE.

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NEW SOUTH WALES.

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VICTORIA.

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SOUTH
AUSTRALIA.

SOUTH AUSTRALIA.

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VAN DIEMEN'S
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RELATIVE TO THE

ALTERATIONS IN THE CONSTITUTIONS OF THE AUSTRALIAN COLONIES.

NEW SOUTH WALES.

Despatches from Governor General Sir C. A. FitzRoy.

NEW SOUTH WALES.

No. 1.

No. 1.

COPY of a DESPATCH from Governor General Sir C. A. FITZROY to the Right Hon. Sir GEORGE GREY, Bart.

(No. 176.)

Government House, Sydney,
December 30, 1854.
(Received March 17, 1855.)

SIR,

At the request of the chairman of a meeting of the citizens of Sydney, held at the Royal Victoria Theatre, on the 30th October last, as communicated to me in a letter of which I enclose a copy, I have the honour to forward a petition which was adopted by the meeting and addressed to Her Majesty against the constitution embodied in the Act of Council, 17 Vict. No. 41, which was transmitted to the Duke of Newcastle in my Despatch, No. 165,* of 29th December 1853. This petition I am informed bears the signatures of upwards of 5,000 persons.

21st Dec. 1854.

2. I take this opportunity of forwarding two similar petitions addressed to Her Majesty by certain inhabitants of the city of Newcastle and of the districts of Windsor, Richmond, and the Hawkesbury, which have been this day placed in my hands by Mr. Parkes in a note of which I enclose a copy.

I have, &c.

The Right Hon. Sir G. Grey, Bart.
&c. &c. &c.

(Signed) CHAS. A. FITZROY.

30th Dec. 1854.

Enclosure 1 in No. 1.

Encl 1 in No. 1.

SIR,

Sydney, December 21, 1854.

As chairman presiding over a meeting of the citizens of Sydney, held in the Royal Victoria Theatre, on Monday, the 30th October last, to address Her Majesty the Queen and both Houses of Parliament against the Bill for the establishment of a new Constitution for this colony, about to be submitted to the Imperial Parliament, I have the honour to transmit you herewith a petition adopted at that meeting, and to request that his Excellency the Governor-General will be pleased to cause the same to be forwarded to the Right Honourable the Secretary of State for the Colonies for presentation to Her Majesty.

It is my duty to mention that this petition has received the signatures of upwards of 5,000 persons.

I have, &c.

The Hon. the Colonial Secretary,
&c. &c.

(Signed) JACOB MONTEFIORE,
Chairman.

* Page 27 of Papers relative to the "Australian Constitutions," presented to Parliament July 31 and August 10, 1854.

NEW SOUTH
WALES.

Sub-Enclosure to Enclosure 1 in No. 1.

To the Queen's most Excellent Majesty.

The humble Petition of the undersigned Inhabitants of the city of Sydney, in the colony of New South Wales,

Showeth,

THAT in the year 1850, the Imperial Parliament passed an Act for the better government of the Australian colonies.

That as this Act extended the elective franchise from a 20*l.* to a 10*l.* rate, and empowered the Colonial Legislature to apportion the future representation agreeably to the principles of the British Constitution, it would have conferred a great benefit upon Your Majesty's petitioners and the other colonists of New South Wales if it had only been carried out fairly and equitably, agreeably to the evident intentions of the Imperial Parliament.

That from the unconstitutional character of the Local Legislature of the period, and the predominance of the pastoral interest in its councils, an Electoral Act was passed by the Legislative Council of this colony in the year 1851, under the alleged authority of the Imperial Act, which not only completely frustrated the beneficent intentions of that Act and deprived the colonists of the benefits of good government which it was meant to ensure them, but was entirely at variance with the acknowledged principles of the British Constitution, and wantonly trampled upon the political rights of the principal portion of the population.

That by this Act the county of Cumberland, the earliest settled, most densely populated, and wealthiest portion of the colony, containing as it does the city of Sydney and the towns of Paramatta and Windsor, and comprising four ninths of the entire population, was divided into five electoral districts, which return only eight members to the present colonial legislature, while the rest of the colony, comprising all the sheepwalks and cattle runs of the territory, with the remaining five ninths of the general population thinly scattered over an extent of country as large as all Great Britain and France, was divided into twenty-five electoral districts, which return twenty-eight members.

That, although the county of Cumberland contains only four ninths of the entire population, its inhabitants represent a much larger proportion, upwards of one half of the wealth of the colony, all the rest of the occupied territory being merely the progressive expansion of the older settlements of that county, and much of the property, both real and personal, in all parts of it, being held by persons residing in the county of Cumberland; whereas a large proportion of the population of the pastoral districts, which at present engross so disproportionate an amount of the representation, consists of mere tenants of the Crown and their dependants, including many foreigners, who are for the most part ignorant of the language, and unacquainted with the institutions of a British people.

That in proof of the correctness of these statements, it has just been ascertained that the number of duly qualified electors in the five electoral districts of the county of Cumberland is 12,504, while the whole number in all the other electoral districts of the colony is only 11,414; that is, 1,090 fewer than in the county of Cumberland alone.

That the natural effect of this policy has been virtually to extinguish the popular element in the actual Legislature by means of a mock representation of the thinly-peopled portions of the territory, and thereby to reduce the colonists to a state of entire helplessness, under the power of a virtually self-constituted and irresponsible Legislature.

That under this preposterous system, the election of members for the pastoral districts of the colony has in great measure degenerated into an unmeaning ceremony, which only excites the ridicule and scorn of the community, while on questions of public expenditure the proceedings of the legislative body not unfrequently exhibit the unheard of political phenomenon of small minorities outvoting large majorities of the representatives of the people by means of mere Government officials and nominees.

That is was by a Legislature of so questionable a character, both in its origin and proceedings, that the new Constitution Bill of 1853, which has since been forwarded for the consideration of Your Majesty and the Imperial Parliament, was framed, and that in so far as the representation is concerned the said Bill is merely a reproduction and expansion of the present Constitution under the Electoral Act of 1851, the county of Cumberland, with four ninths of the population and upwards of one half of the wealth of the colony, having only thirteen members assigned to it under the proposed new Constitution, while the rest of the colony, including all the pastoral districts, has forty-one.

That in the promulgation of the new Constitution Bill, Your Majesty's petitioners, in common with a large number of the inhabitants of the colony in all parts of the territory, petitioned against its adoption either to the Local Legislature or to Your Majesty and the Imperial Parliament, urging the utter incompetency of the present Legislative Council to frame a Constitution for this colony, and expressing their utter abhorrence of the principles embodied in the said new Constitution Bill.

That Your Majesty's petitioners having ascertained that the consideration of the said new Constitution Bill has been deferred till next session of Parliament, would again approach Your Majesty with unfeigned attachment to Your Majesty's person, humbly to reiterate the same expression of opinion, and to renew their earnest petition that the said Bill may never be permitted to become the law of the land in this colony.

1851, 31 August 53

That your Majesty's petitioners are sincerely desirous that an Upper House or Senate should be constituted for this colony in conjunction with a House of Assembly, but they decidedly and strongly object to the principle of nomineeism in any form or to any extent in either House of the future Legislature, and they respectfully but firmly insist, as their undoubted right, upon a fair and equitable distribution of the representation on the British principle of population and property combined.

That while your Majesty's petitioners are of opinion that the administration of the waste lands of this colony, as well as of all colonial revenues whatsoever, should be conceded to a Legislature constituted on the principles indicated with full power to deal with all existing arrangements as may be deemed expedient and necessary for public welfare, they are decidedly of opinion that the present land system not only checks the sale of land, and diminishes the land revenue to an incalculable extent, but affords unnecessary encouragement for the introduction of inferior races, impedes the prosperity and advancement of the community in an endless variety of ways, and thereby prevents the rapid settlement of the country with a thoroughly British population.

Your Majesty's petitioners therefore having no confidence either in the present Legislative Council of this colony, or in any Constitution which a Legislature so constituted would form, humbly pray, as they are reluctantly compelled to do, that the task of framing a Constitution for the Australian colonies generally, and for this colony in particular, may be devolved either on the Imperial Parliament in accordance with the principles indicated above, or on a Constituent Assembly, to be constituted under the authority of Parliament.

And Your Majesty's petitioners, as in duty bound, will ever pray.

(Signed) JACOB MONTEFIORE, Chairman.
And 4,412 others.

Dated 30th October 1854.

Enclosure 2 in No. 1.

Encl. 2 in No. 1.

SIR,

Empire Office, December 30, 1854.

By the post yesterday and this morning I have received two petitions, addressed to the Queen, against the new Constitution Bill, passed by the Legislative Council in the Session of 1853, with a request from the petitioners that I will take the necessary steps to have them forwarded for presentation to Her Majesty.

One petition is from the Windsor, Richmond, and the Hawkesbury district; and the gentleman writing to me says it is "headed by one of the magistrates of the district, and is signed by 235 of the principal inhabitants, including two clergymen, two medical men, and one of the two resident solicitors."

The other petition is from certain of the inhabitants of the city of Newcastle, and my letter from the petitioners states that 400 signatures are attached to it.

May I request that you will place these petitions in the hands of his Excellency the Governor General, and communicate the desire of the petitioners that they may be forwarded as early as possible to the Secretary of State for presentation.

Permit me to add, that the petitioners would feel greatly indebted to his Excellency if these petitions could be sent by the "Argo" ship, which sails to-morrow.

G. A. FitzRoy, Esq.

I have, &c.,
HENRY PARKES.

Sub-Enclosure 1 to Enclosure 2 in No. 1.

To the Queen's most Excellent Majesty.

The Petition of the undersigned Inhabitants of Windsor, Richmond, and the Hawkesbury District generally, in the colony of New South Wales,

Humbly sheweth,

THAT in the year 1850 the Imperial Parliament passed an Act for the better government of the Australian colonies.

That as this Act extended the elective franchise from a 20% to a 10% rate, and empowered the Colonial Legislature to apportion the future representation agreeably to the principles of the British Constitution, it would have conferred a great benefit upon Your Majesty's petitioners and the other colonists of New South Wales if it had only been carried out fairly and equitably, agreeably to the evident intentions of the Imperial Parliament.

That from the unconstitutional character of the local Legislature of the period, and the predominance of the pastoral interests in its councils, an Electoral Act was passed by the Legislative Council of this colony in the year 1851 under the alleged authority of the Imperial Act, which not only completely frustrated the beneficent intentions of that Act, and deprived the colonists of the benefits of good government which it was meant to ensure them, but was entirely at variance with the acknowledged principles of the British Constitution, and wantonly trampled upon the political rights of the principal portion of the population.

That the natural effect of the policy of this Act has been virtually to extinguish the popular element in the actual Legislature, by means of a mock representation for thinly-peopled portions of the territory, and thereby to reduce the colonists to a state of entire helplessness, under the power of a virtually self-constituted and irresponsible Legislature.

NEW SOUTH
WALES.

That under this preposterous system the election of members for the pastoral districts of the colony has, in a great measure, degenerated into an unmeaning ceremony, which only excites the ridicule and scorn of the community, while on questions of public expenditure the proceedings of the legislative body not unfrequently exhibit the unheard-of political phenomenon of small minorities outvoting large majorities of the representatives of the people by means of mere Government officials and nominees.

That it was by a Legislature of so questionable a character, both in its origin and proceedings, that the new Constitution Bill of 1853, which has since been forwarded for the consideration of Your Majesty and the Imperial Parliament, was framed, and that in so far as the representation is concerned, the said Bill is merely a reproduction and expansion of the present Constitution under the Electoral Act of 1851; the county of Cumberland, with four ninths of the population, and upwards of one half of the wealth of the colony, having only thirteen members assigned to it under the proposed new Constitution, while the rest of the colony, including all the pastoral districts, has forty-one

That on the promulgation of the new Constitution Bill, Your Majesty's petitioners, in common with a large number of the inhabitants of the colony, in all parts of the territory, petitioned against its adoption to the Local Legislature, expressing their utter repugnance to the principles embodied in the said new Constitution Bill.

That Your Majesty's petitioners, having ascertained that the consideration of the said new Constitution Bill has been deferred till next Session of Parliament, would approach Your Majesty with unfeigned attachment to Your Majesty's person, humbly to reiterate the same expression of opinion, and to renew their earnest petition that the said Bill may never be permitted to become the law of the land in this colony.

That Your Majesty's petitioners are sincerely desirous that an Upper House or Senate should be constituted for this colony in conjunction with a House of Assembly, but they decidedly, and strongly object to the principle of nomineeism in any form or to any extent in either House of the future Legislature, and they respectfully but firmly insist as their undoubted right, upon a fair and equitable distribution of the representation of the British principle of population and property combined.

That while your petitioners are of opinion that the administration of the waste lands of this colony, as well as of all colonial revenues whatsoever, should be conceded to a Legislature constituted on the principles indicated, with full power to deal with all existing arrangements as may be deemed expedient and necessary to public welfare, they are decidedly of opinion that the present land system not only checks the sale of land and diminishes the land revenue to an incalculable extent, but affords unnecessary encouragement to the introduction of inferior races, impedes the prosperity and advancement of the community in an endless variety of ways, and thereby prevents the rapid settlement of the country with a thoroughly British population.

Your Majesty's petitioners therefore, having no confidence either in the present Legislative Council of this colony or in any Constitution which a Legislature so constituted would form, humbly pray, as they are reluctantly compelled to do, that the task of framing a Constitution for the Australian colonies generally, and for this colony in particular, may be devolved either upon the Imperial Parliament in accordance with the principles indicated above, or on a Constituent Assembly to be constituted under the authority of Parliament.

And Your Majesty's petitioners, &c.

Windsor, December 16, 1854.

[234 signatures.]

Sub-Enclosure 2 to Enclosure 2 in No. 1.

To the Queen's most Excellent Majesty.

The Petition of the undersigned Inhabitants of the city of Newcastle, in the colony of New South Wales,

Humbly sheweth,—

THAT in the year 1850 the Imperial Parliament passed an Act for the better government of the Australian colonies.

That as that Act extended the elective franchise from a 20*l.* to a 10*l.* rate, and empowered the Colonial Legislature to apportion the future representation agreeably to the principles of the British Constitution, it would have conferred a great benefit upon Your Majesty's petitioners and upon the other colonists of New South Wales if it had only been carried out fairly and equitably, agreeably to the evident intentions of the Imperial Parliament.

That from the unconstitutional character of the Local Legislature of the period, and the predominance of the pastoral interest in its councils, an Electoral Act was passed by the Legislative Council of this colony in the year 1851, under the alleged authority of the Imperial Act, which not only completely frustrated the beneficent intentions of that Act, and deprived the colonists of the benefits of good government, which it was meant to ensure them, but was entirely at variance with the acknowledged principles of the British Constitution, and wantonly trampled upon the political rights of the principal portion of the population.

That by this Act the county of Cumberland, the earliest settled, most densely peopled, and wealthiest portion of the colony, containing, as it does, the city of Sydney and the towns

of Paramatta and Windsor, and comprising four ninths of the entire population, was divided into five electoral districts, which return only eight members to the present Colonial Legislature, while the rest of the colony, comprising all the sheepwalks and cattle runs of the territory, with the remaining five ninths of the general population thinly scattered over an extent of country as large as all Great Britain and France, was divided into twenty-five electoral districts, which return twenty-eight members.

That although the county of Cumberland contains only four ninths of the entire population, its inhabitants represent a much larger proportion, upwards of one half, of the wealth of the colony; all the rest of the occupied territory being merely the progressive expansion of the older settlements of that county, and much of the property, both real and personal, in all parts of it, being held by persons residing in the county of Cumberland; whereas a large proportion of the population of the pastoral districts, which at present engross so disproportionate an amount of the representation, consists of mere tenants of the Crown, and their dependants, including many foreigners, who are for the most part ignorant of the language, and unacquainted with the institutions of a British people.

That, in proof of the correctness of these statements, it has just been ascertained that the number of duly qualified electors in the five electoral districts of the county of Cumberland is 12,504, while the whole number in all the other electoral districts of the colony is only 11,414; that is, 1,090 less than in the county of Cumberland alone.

That the natural effect of this policy has been virtually to extinguish the popular element in the actual Legislature by means of a mock representation for the thinly-peopled portions of the territory, and thereby to reduce the colonists to a state of entire helplessness, under the power of a virtually self-constituted and irresponsible Legislature.

That under this preposterous system the election of members for the pastoral districts of the colony has in great measure degenerated into an unmeaning ceremony, which only excites the ridicule of the community, while on questions of public expenditure the proceedings of the legislative body not unfrequently exhibit the unheard-of political phenomenon of small minorities outvoting large majorities of the representatives of the people by means of mere Government officials and nominees.

That it was by a Legislature of so questionable a character, both in its origin and proceedings, that the new Constitution Bill of 1853, which has since been forwarded for the consideration of Your Majesty and the Imperial Parliament, was framed, and that in so far as the representation is concerned, the said Bill is merely a reproduction and expansion of the present Constitution under the Electoral Act of 1851; the county of Cumberland, with four ninths of the population, and upwards of one half of the wealth of the colony, having only thirteen members assigned to it under the proposed new Constitution, while the rest of the colony, including all the pastoral districts, has forty-one.

That on the promulgation of the new Constitution Bill, a large number of the inhabitants of the colony, in all parts of the territory, petitioned against its adoption, either to the Local Legislature or to Your Majesty and the Imperial Parliament, urging the utter incompetency of the present Legislative Council to frame a Constitution for this colony, and expressing their utter abhorrence of the principles embodied in the said new Constitution Bill.

That Your Majesty's petitioners having ascertained that the consideration of the said new Constitution Bill has been deferred till next Session of Parliament, would again approach Your Majesty with unfeigned attachment to Your Majesty's person, humbly to reiterate the same expression of opinion, and to renew their earnest petition that the said Bill may never be permitted to become law in this colony.

That Your Majesty's petitioners are sincerely desirous that an Upper House or Senate should be constituted for this colony in conjunction with a House of Assembly, but they decidedly and strongly object to the principle of nomineeism in any form or to any extent in either House of the future Legislature, and they respectfully but firmly insist, as their undoubted right, upon a fair and equitable distribution of the representation on the British principle of population and property combined.

That while Your Majesty's petitioners are of opinion that the administration of the waste lands of this colony, as well as of all colonial revenues whatsoever, should be conceded to a Legislature constituted on the principles indicated, with full power to deal with all existing arrangements as may be deemed expedient and necessary for the public welfare, they are decidedly of opinion that the present land system not only checks the sale of land and diminishes the land revenue to an incalculable extent, but affords unnecessary encouragement for the introduction of inferior races, impedes the prosperity and advancement of the community in an endless variety of ways, and thereby prevents the rapid settlement of the country with a thoroughly British population.

Your Majesty's petitioners therefore having no confidence, either in the present Legislative Council of this colony, or in any Constitution which a Legislature so constituted would form, humbly pray, as they are reluctantly compelled to do, that the task of framing a Constitution for the Australian colonies generally, and for this colony in particular, may be devolved either on the Imperial Parliament, in accordance with the principles indicated above, or on a Constituent Assembly to be constituted under the authority of Parliament.

And Your Majesty's petitioners, as in duty bound, will ever pray,

[Here follow 351 signatures.]

VICTORIA.

VICTORIA.

Despatches from Governor Sir Charles Hotham.

No. 1.

No. 1.

COPY of a DESPATCH from Governor Sir CHARLES HOTHAM to
the Right Hon. Sir GEORGE GREY, Bart.
(Separate.—No. 1.)

Toorac, near Melbourne, October 25, 1854.

(Received January 25, 1855.)

SIR,

ALTHOUGH I make no doubt that my predecessor has already brought under your notice those parts of the proposed Constitution for this colony, which must have struck a person of his intelligence as deserving of your serious consideration, nevertheless I feel it my duty to draw your attention to the results which I fear would ensue were the Royal Assent to be given to the Bill in its integrity.

It is more than probable that Her Majesty's Government may see fit to revise other clauses of the Bill; but, with the small experience which I have had in such matters, I do not deem it advisable to attempt any comment, excepting in cases wherein I clearly foresee danger to the community and disorder to the functions of Government.

The eighteenth clause of the Bill constitutes the responsible officers, and the Colonial Secretary, the Attorney General, the Colonial Treasurer, the Commissioner of Public Works, the Collector of Customs, the Surveyor General, and the Solicitor General, are so designated; of these officers, four at least are to be members of the Legislative Council and Legislative Assembly. By the Royal Instructions, the persons holding four out of these seven offices are appointed Executive Councillors, being the Chief Secretary to the Government, the principal Law Officer, the Treasurer, and the Collector of Customs.

The forty-fourth clause of the Bill says, "The appointment to all public offices under the Government of Victoria, hereafter to become vacant or to be created, whether such offices be salaried or not, shall be vested in the Governor, with the advice of the Executive Council, with the exception of the appointment of the officers liable to retire from office on political grounds, which appointments shall be vested in the Governor alone."

But as the Colonial Secretary is the chief organ of Government, the Treasurer the exponent of finance, the Attorney General the interpreter of the law, and the Comptroller of Customs the official representative of trade, it is clear that they who are by the Royal Instructions members of the Executive Council must also be the leaders of the party from whom the Governor is compelled to choose his principal advisers. The natural consequence is, that these officers carry into effect the 44th clause of the Bill—it would be useless for the Governor to dissent; it would be idle for him to resist the dismissal of an officer who is eminently qualified for his situation, and who perhaps cannot be replaced; the men who are his executive councillors are his ministers, and the Council or Assembly has no alternative but to be silent.

The danger to which this young colony would be exposed by this abandonment of the principles on which our own Constitution stands seems to me apparent. It is true that in England a change of Government brings with it a shift of places, but public opinion has limited the change to certain posts, and the time has gone by when a valuable public servant is dismissed because his ideas do not happen to be in accordance with those of the Government. The influence of the Crown tends to prevent any great abuse; the extent of the population prevents that acrimony of feeling which rends asunder smaller communities. The British Government is glad to retain men of ability, and tacitly only require of them an abstinence from political action during the time they hold office.

But in the colonies the effect might be very different; in a short time the people might range themselves into two parties, and carry into private life all

those irritations and angry feelings to which they would be prompted by self-interest, combined with political ties. Every man would be looking for official place, to attain which no end would seem too desperate; an incoming Government, to secure strength, would not scruple to remove every functionary down to the lowest clerk of the post-office, and Government would be subjected to be, "as it is termed, "at a dead lock."

Out of the population of this colony, which may at present be assumed to be 280,000, it would be passing difficult to find men competent to fill all the offices if suddenly vacated, and the public would suffer whilst the beginners were learning their lesson. But supposing the evil of frequent changes of Government to be avoided, there still remains as great a misfortune; I allude to the possibility of a party, through the abuse of the powers which I have endeavoured to point out, obtaining such root as to render their removal from office, by legal means, impracticable.

I will suppose the party to be administering the functions of government with all imaginable skill, but so inherent with many is the love of change, that the volatile public, although perhaps without a grievance, would yet lend a willing ear to the assertions of those wanting office, and in course of time proceed to revolutionary measures if unable to compass their ends in the ordinary way.

So that the 44th Clause of this Bill leaves a community exposed to two imminent dangers, one being that of frequent and entire change of office-holders, high and low of every degree, and a consequent suspension of business; the other, the instalment in power of one party until removed by violence or revolution.

I submit that one of two things should be done, either that the 44th Clause be altered as follows: "The appointment to all public offices under the Government of Victoria, hereafter to become vacant, or to be created, whether such offices shall be salaried or not, shall be vested in the Governor," or that the Royal Instructions be altered, allowing the Governor to increase the number of his Executive Council, and appoint other persons in addition to those who hold the offices related in the Article.

I do not scruple to give my own conviction, that the amendment first suggested is in every way the most advisable; the second recommendation I have ventured to make, an improvement; but I repeat, that to pass the Bill in its entirety, and leave the Royal Instructions as they now are, is to sow the seeds of anarchy and confusion. The corruption, intrigue, and faction which it is possible might pervade a community so governed I pass by; the price which each individual gave for his place would soon be as well-known as the price current of any article in the market.

It is to this indiscriminate change of office-holders on the advent of a new President that the American public attribute so much mischief, and the large proportion of men who are trained to the law thereby rendered competent to hold, and made expectant for civil occupation, is a matter on which many writers on the United States have dwelt with regret.

Be the Governor of this Colony who he may, so soon as Her Majesty gives the Royal Assent to the proposed Constitution, he must govern in the sense of the party dominant in the Council and Assembly; to do so, he naturally must place a very large share of patronage at its disposal; but I submit that it would be unwise to keep him in the office of Governor, and at the same time take all power from him.

The fact of his retaining some power will tend to avert those collisions which never fail to leave their impressions behind them. In extreme cases he will become the referee, the arbiter, the councillor, but every vestige of influence as relates to colonial affairs is taken away; the Constitution consists of three persons but in name, it is a republic in reality.

To the 25th Article of the Constitution I would also request your attention. It renders public contractors incompetent to sit as a member of the Council or Assembly.

I frankly confess that I cannot discover good grounds for this exclusion. The Colony is progressing at a pace which astounds the world; the best authorities believe that the man is not born who will see an end to the discovery of gold; a population is pouring in from Europe alone at the rate of 1,000 a-week; to meet their wants, immense public works must be created, railways

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initiated, wharves constructed, docks made, &c.; to do all this, and much more, contractors of character, enterprize, and capital must be employed, and yet this class of men are pointed at as unworthy to hold seats in the Legislature; at the present moment one of the objects which I have most at heart is to entice men of capital to settle in this colony, and follow the profession of Government contractors; the public is suffering from their absence. I cannot see that they would do more harm in the Council and Assembly than out of it, whilst I clearly perceive that great good might ensue from the legitimate right of putting questions to the Government in the presence of the contractor as to the mode in which the latter was performing a work.

By the observations which I have felt it my duty to make, I would not have it supposed that I am inimical to the proposed Constitution; on the contrary, I believe it to be well adapted to meet the political requirements of this colony, and generally speaking to be in accordance with the views of the community.

I also think it desirable, that no time should be lost in bringing it into operation; but I should be unworthy to hold the high trust reposed in me were I to refrain from mentioning the practical difficulties which occur to me as likely to present themselves, and produce a jar from which serious consequences may hereafter ensue.

I have, &c.

The Right Hon. Sir George Grey,
&c. &c. &c.

(Signed) CHAS. HOTHAM.

No. 2.

No. 2.

COPY of a DESPATCH from Governor Sir CHARLES HOTHAM to
the Right Hon. Sir GEORGE GREY, Bart.

(No. 147.)

Toorac, near Melbourne, November 18, 1854.

(Received February 12, 1855.)

SIR,

(Answered No. 28, March 28, 1855, Page 14.)

I HAVE the honour to forward an address from the Legislative Council of this colony to the Queen's most Excellent Majesty on the subject of the postponement of the proposed Constitution for Victoria, which has been presented to me by the Honourable the Speaker for transmission.

I have, &c.,

The Right Hon. Sir George Grey,
&c. &c. &c.

(Signed) CHAS. HOTHAM.

Encl. in No. 2.

Enclosure in No. 2.

MOST GRACIOUS SOVEREIGN,

WE, the Legislative Council of Victoria, approach Your Majesty with renewed assurances of our attachment to your Royal Person and loyalty to the Throne.

We learn with profound regret, participated in by all our fellow colonists, that it has been deemed advisable to postpone the consideration of the proposed new constitution of this colony for another year.

We would humbly represent to Your Majesty that the provisions of the Bill for conferring upon us this wished-for boon, are so entirely in unison with the views of the most eminent statesmen in England, were passed in this House by such decisive majorities, and gave such general satisfaction to the colonists at large, that in our opinion no valid reason can exist for any further delay in the consideration of its details; nor are there any grounds for supposing that, on a review, any alteration would be asked for by the colonists.

With reference to that portion of the Despatch from the Right Honourable the Secretary of State for the Colonies, which states the intention of Your Majesty's advisers to consider all the Bills for establishing new Constitutions in the several Australian colonies together, we humbly represent that we cannot see any necessity for uniformity in the Constitutions of these colonies, the capitals of which are more distant from each other than those of many European nations; but, on the contrary, we are led to believe that it may prove ultimately advantageous to test by trial the relative merits of each plan.

We would respectfully urge that this colony is not in a position to recede from the policy it has adopted. It does not insist that other colonies should be guided by its political views, and we submit to Your Majesty that it is unreasonable to delay our enfranchisement until other colonies have had afforded to them by the Imperial Government an opportunity of

changing Constitutions based on more narrow principles—if they have chosen such for themselves.

In the rapid, unprecedented, and continuous growth of Victoria, nothing is more required than a vigorous Government. Such a Government can only be permanently secured by a full and free representation of all classes; and we would earnestly urge on Your Majesty's consideration, that it is at once impolitic and unfair to the Government and to the existing Legislature of this colony, to leave us longer in the state of abeyance in which we are now placed; inasmuch as, by the Bill alluded to, we have, in fact, declared to the people of this colony that the present system of representation is imperfect, and it may naturally be urged against us, that we are thus without that full measure of confidence which it is most essential to the advancement and tranquility of any country should be felt by all classes of the people in the Legislature and Executive Government.

If, therefore, it should seem good to Your Majesty to remit, for further consideration, any of the proposed Australian Constitutions, we humbly but most earnestly entreat that the Bill for establishing a New Constitution in the colony of Victoria may, without delay, be passed into law.

J. PALMER, Speaker.

No. 3.

No. 1.

COPY of a DESPATCH from Governor Sir C. HOTHAM to the Right Hon. Sir GEORGE GREY, Bart.

(No. 1.)

Toorac, near Melbourne,

January 1, 1855.

(Received March 17, 1855.)

SIR,

It is my duty to transmit the accompanying petition, addressed to Her Majesty the Queen, by the members of the Jewish faith resident in this colony.

I have, &c.

(Signed) CHAS. HOTHAM.

The Right Hon. Sir G. Grey, Bart.

&c. &c. &c.

Enclosure in No. 3.

Encl. in No. 3.

To Her most Gracious Majesty Victoria, of the United Kingdom of Great Britain and Ireland Queen, Defender of the Faith.

The humble petition of Your most Gracious Majesty's subjects, members of the Jewish faith, residing in the Colony of Victoria,

Humbly sheweth—

1. THAT Your Majesty's petitioners are members of the Jewish persuasion residing in that part of Your most Gracious Majesty's dominions called the Colony of Victoria, in Australia.

2. That Your Majesty's petitioners were amongst the earliest settlers of this colony, and have always been distinguished for their loyalty and devotion to Your Majesty's person and Government, as well as for their love of order and adherence to the laws.

3. That there are at present in this colony upwards of five thousand (5000) persons professing the Jewish faith.

4. That amongst the members of the Jewish faith resident in the colony are persons of all grades and classes of society, members of eminent mercantile houses, wealthy proprietors, and many devoted to scientific and literary pursuits.

5. That from the facts stated in the allegation lastly above made, it naturally follows that whilst Your Majesty's petitioners are large contributors in every way to the general revenue, they also materially aid in the moral, social, and physical advancement of the colony.

6. That in this, as in all other colonies under Your most Gracious Majesty's dominion, members of the Jewish faith are eligible to sit and vote as members of the Legislative Council, and accordingly have a voice in the collection of the revenue and the appropriation of the funds of the colony.

7. That by an Act recently passed by the Legislative Council of this colony, entitled "An Act to establish a Constitution for the Colony of Victoria," now reserved for Your most Gracious Majesty's approval, the sum of Fifty thousand pounds (£50,000) is reserved out of the consolidated revenue of the colony for the erection of buildings for public worship and the maintenance of ministers of religion, and by the (61st) Sixty-first Clause of the said Act such sum is to be appropriated to the various denominations of the Christian religion only, according to the proportions as by that clause provided.

8. That Your most Gracious Majesty's petitioners humbly submit that it would be a manifest injustice to exclude them from participating in this grant to which they have contributed equally with the other portions and denominations of the community of this colony.

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9. That the right of the Jews to participate in this grant was strongly urged in the Legislative Council, on the passing of the Act above referred to, and their right to such participation only negatived by a bare majority of one vote, and that in consequence of the unavoidable absence of three representative members.

10. That in accordance with the provisions of the "Crown Land Sales Act," Fifth and Sixth Victoria, cap. 34., a reserve of land has been granted to the Jews for religious purposes.

11. That Your most Gracious Majesty's petitioners, on humbly submitting this their petition for Your Majesty's gracious consideration, beg most respectfully to assure Your Majesty that they are actuated by no mercenary motive, but desire only humbly to appeal to Your most Gracious Majesty against what your petitioners feel to be an act of injustice; and Your Majesty's petitioners further humbly submit for your august consideration, that as they are represented in all matters in the same manner as the rest of Your Majesty's subjects, any attempt at separate legislation for them is unjust and improper; and finally, Your Majesty's petitioners humbly submit that they ought not and cannot of right be deprived of a just proportion of all public grants.

Your petitioners therefore humbly pray that Your most Gracious Majesty may be pleased to cause the words "and Hebrew" to be inserted between the words "Christian" and "Religion" in Clause 61 of the above referred to Act intituled, &c., now reserved for Your Majesty's approval, so that Your Majesty's petitioners may be legally entitled to participate in just proportions in a fund to which your petitioners equally contribute in common with the rest of Your Majesty's subjects in Victoria.

And your petitioners as in duty bound will ever pray.

MICHL. CASHMORE,

Warden of the Congregation.

Despatches from the Secretary of State.

THE RIGHT HON. SIR GEORGE, GREY BART.

No. 1.

No. 1.

COPY of a DESPATCH from the Right Hon. Sir GEORGE GREY, Bart., to
Governor Sir CHARLES HOTHAM.

(No. 39.)

SIR, Downing Street, November 15, 1854.

IN my Despatch of 3d* July last, I informed you that Her Majesty's assent would be given by Order in Council to the Victoria Act of last Session, "to extend the Elective Franchise."

Nov. 6th, 1854.

2. But, subsequently to my addressing you, a doubt arose respecting Her Majesty's power to give that assent, which the enclosed letter from the Attorney and Solicitor General, to whom the question was referred, will explain.

3. In consequence of their opinion that the doubt was well founded, the assent of Her Majesty must be postponed until after the meeting of Parliament, when it will be given and communicated to you.

Governor Sir C. Hotham,
&c. &c. &c.

I have, &c.,
(Signed) G. GREY.

No. 2.

No. 2.

COPY of a DESPATCH from the Right Hon. SYDNEY HERBERT to
Governor Sir CHARLES HOTHAM.

(No. 3.)

SIR, Downing Street, February 15, 1855.

WITH reference to my predecessor's Despatch, No. 39, of the 15th of November last, I transmit to you herewith an Order of the Queen in Council, confirming the Act of your Government "to extend the Elective Franchise," which was reserved for the signification of Her Majesty's pleasure, and I have to acquaint you that the Act has now been laid before both Houses of Parliament for the space of thirty days, as required by section 32 of the Act 13 & 14 Vict. c. 59.

Governor Sir C. Hotham,
&c. &c. &c.

I have, &c.
(Signed) S. HERBERT.

Enclosure in No. 2.

Encl. in No. 2.

At the Court at Windsor, the 8th day of February 1855.

Present:

The Queen's most Excellent Majesty.
Prince Albert.

The Lord Chancellor,
The Lord President,
The Duke of Wellington,
Marquis of Lansdowne,
Marquis of Abercorn,
The Lord Steward,
Viscount Palmerston,

Viscount Canning,
Lord Panmure,
Mr. Herbert,
Sir George Grey, Bart.,
Mr. Chancellor of the Exchequer,
Sir William Molesworth, Bart.

WHEREAS by an Act passed in the session of Parliament holden in the fifth and sixth year of Her Majesty's reign, intituled "An Act for the Government of New South Wales and Van Diemen's Land," it is amongst other things enacted, that "no Bill, which shall be reserved for the signification of Her Majesty's pleasure thereon, shall have any force or authority within the colony of New South Wales until the Governor of the said colony shall signify, either by speech or message, to the Legislative Council of the said colony, or by proclamation as therein aforesaid, that such Bill has been laid before Her Majesty in Council, and that Her Majesty has been pleased to assent to the

* Page 125 of Papers relative to "Australian Constitutions," presented to Parliament by Her Majesty's command, July 31 and August 10, 1854.

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“ same.” And whereas by another Act, passed in the session of Parliament holden in the 13th and 14th years of Her Majesty’s reign, intituled “ An Act for the better Government of Her Majesty’s Australian Colonies,” it was provided, amongst other things that the provisions of the said former Act, concerning the reservation of Bills for the signification of Her Majesty’s pleasure, should apply to and be in force in the colony of Victoria. And whereas it was by the same Act further provided that it should be lawful for the Governor and Legislative Council of the colony of Victoria, after the establishment of a Legislative Council therein under the said Act, from time to time, by any Act or Acts, to alter the provisions or laws for the time being in force under the said Act, or otherwise, concerning the election of the elective members of such Legislative Council, the qualification of electors and elective members, or to establish in the said colony, instead of the Legislative Council, a Council and a House of Representatives, or other separate Legislative Houses, to consist respectively of such members to be appointed or elected respectively by such persons and in such manner as by such Act or Acts should be determined, and to vest in such Council and House of Representatives, or other separate Legislative Houses, the powers and functions of the Legislative Council, for which the same might be substituted: provided always, that every Bill which should be passed by the Council in the said colony for any of such purposes should be reserved for the signification of Her Majesty’s pleasure thereon, and a copy of such Bill should be laid before both Houses of Parliament for the space of thirty days at the least before Her Majesty’s pleasure thereon should be signified. And whereas the Lieutenant-Governor of the said colony of Victoria has reserved a certain Bill, passed by the Legislative Council of the said colony, in the Session of that Council holden in the year 1854, intituled “ An Act to extend the Elective Franchise of Victoria,” for the signification of Her Majesty’s pleasure thereon; and whereas the said Bill, so reserved as aforesaid, has been laid before both Houses of Parliament for the space of thirty days as aforesaid, and has now been laid before Her Majesty in Council, and it is expedient that the said Bill should be assented to by Her Majesty, now therefore Her Majesty, in pursuance of the said Acts, and in exercise of the powers thereby reserved to Her Majesty as aforesaid, doth, by this present Order, by and with the advice of Her Majesty’s Privy Council, declare her assent to the said Bill.

And the Right Honourable Sidney Herbert, one of Her Majesty’s Principal Secretaries of State, is to give the necessary directions herein accordingly.

No. 3.

No. 3.

COPY of a DESPATCH from the Right Hon. Sir GEORGE GREY, Bart., to Governor Sir C. HOTHAM.

(No. 28.)

SIR,

Downing Street, 23rd March 1855.

* Page 10.

I HAVE to acknowledge your Despatch,* No. 147, of the 18th November last, enclosing an address from the Legislative Council of Victoria to Her Majesty, on the subject of the postponement of the proposed Constitution for that colony.

2. I have laid this address before Her Majesty, who was pleased to receive the same very graciously.

3. The correspondence which has passed since the date of this address will no doubt have shown you that there was no needless postponement of this subject on the part of Her Majesty’s ministers, but that the period of the arrival of your Despatch containing the Constitutional Bill (May 31st, 1854), rendered it impossible to bring before Parliament, in the session then already far advanced, a measure involving extensive changes in four Acts of Parliament, and therefore requiring time both to prepare and to consider it.

4. The Act for extending the electoral franchise required to be laid for 30 days before Parliament in session; this has been done, and the Order has been transmitted to you, conveying Her Majesty’s assent.

5. Her Majesty’s Government hope to be able at a very early period to bring before Parliament the necessary measure for giving effect to the new Constitution in Victoria. While it was obviously desirable that the Constitutions of the three colonies should be considered together, it by no means follows from thence that Her Majesty’s Government are of opinion that there is any necessity for enforcing uniformity in respect of all the provisions if those Constitutions differ.

I have, &c.

Governor Sir C. Hotham,

(Signed) G. GREY.

&c. &c. &c.

in the CONSTITUTIONS *of the* AUSTRALIAN COLONIES. 15

SOUTH AUSTRALIA.

SOUTH
AUSTRALIA.

Despatches from Lieut.-Governor Sir H. E. F. Young.

No. 1.

No. 1.

COPY of a DESPATCH from Lieutenant-Governor Sir H. E. F. YOUNG to the
Right Hon. Sir GEORGE GREY, Bart.

(No. 97.)

Adelaide, November 5, 1854.

(Received January 30, 1855.)

SIR,

IN conformity with the enclosed address of the Council, I have the honour to enclose copies of the Proceedings of the Council on the 22d, 27th, and 28th September last, together with my messages therein, numbered 23 and 34, of the 10th and 18th October respectively, on the subject of the Colonial Parliament Act, now awaiting the signification of Her Majesty's pleasure. Not having received any communication from the Council since my message of the 18th October, I have felt it my duty to forward these documents by the present mail.

I have, &c.

The Right Hon. Sir G. Grey,
&c. &c. &c.

(Signed) H. E. F. YOUNG.

Encl. 1 in No. 1.

Enclosure 1 in No. 1.

To his Excellency Sir Henry Edward Fox Young, Knight, Lieutenant-Governor
of Her Majesty's Province of South Australia, &c. &c.

May it please your Excellency,

The humble Address of the Legislative Council of South Australia,

Showeth,—

THAT at a Meeting of the said Council, holden on the 28th day of September 1854,
It was resolved,—That an address be presented to his Excellency the Lieut.-Governor,
requesting him to forward to Her Majesty's Principal Secretary of State for the Colonies
a copy of the proceedings of this Council on the 22d, 27th, and 28th of September instant..

(Signed)

JOHN MORPHETT,
Speaker.

Legislative Council Chamber,
29th September 1854.

Encl. 2 in No. 1.

Enclosure 2 in No. 1.

EXTRACTS from the Votes and Proceedings of the Legislative Council (No. 25).

Friday, September 22, 1854.

1. Council met pursuant to adjournment. The Speaker took the chair.
2. Despatches on Parliament Bill:—Mr. Kingston, by leave, amended his motion, and moved—That the Council having taken into consideration Message No. 12 from the Lieutenant-Governor, forwarding copies of his Excellency's Despatches on the subject of the South Australian Parliament Bill, together with the reply of the Secretary of State for the Colonies thereto laid on the table on the 5th September, are of opinion—That the allegation of his Excellency's Despatch, dated 31st January 1854, stating that "the proposition to establish an Elective Upper Chamber was shelved by a majority of eight Elective Members," is not in accordance with the records of the Council, which show, on the division referred to, that seven Elective Members voted in favour of Mr. Dutton's motion for an Elective Upper Chamber, eight Elective Members voting in favour of the previous question; thereby proving

that the motion in favour of an Elective Upper Chamber was lost, so far as the Elected Members are concerned, by a majority of one.

**SOUTH
AUSTRALIA**

Debate ensued.

Mr. Fisher moved the previous question.

Debate continued.

Previous question put—Shall this question be now put?

Council divided.

Ayes, 11.

Mr. Scott
Mr. Bagot
Mr. Hart
Mr. Peacock
Mr. Reynolds
Mr. Giles
Mr. Angas
Mr. Baker
Mr. Dutton
Mr. Rankine
Mr. Kingston (Teller).

Noes, 10.

The Colonial Secretary
The Advocate-General
The Registrar-General
The Collector of Customs
Mr. Stephens
Mr. Gwynne
Mr. Ellis
Mr. Fenn
Mr. Younghusband
Mr. Fisher (Teller).

The Advocate-General moved—That Standing Order No. 1 be suspended, to permit an amendment being made on the main question.

Council divided.

Ayes, 10.

The Colonial Secretary
The Registrar-General
The Collector of Customs
Mr. Stephens
Mr. Gwynne
Mr. Fenn
Mr. Ellis
Mr. Younghusband
Mr. Fisher
The Advocate-General (Teller).

Noes, 11.

Mr. Kingston
Mr. Dutton
Mr. Angas
Mr. Giles
Mr. Peacock
Mr. Reynolds
Mr. Hart
Mr. Bagot
Mr. Rankine
Mr. Scott
Mr. Baker (Teller).

Main question put and passed.

3. Motion for adjournment :—The Advocate-General moved—That this House do now adjourn.

Council divided.

Ayes, 10.

The Colonial Secretary
The Registrar-General
The Collector of Customs
Mr. Stephens
Mr. Gwynne
Mr. Younghusband
Mr. Fenn
Mr. Ellis
Mr. Fisher
The Advocate-General (Teller).

Noes, 11.

Mr. Scott
Mr. Rankine
Mr. Bagot
Mr. Hart
Mr. Reynolds
Mr. Peacock
Mr. Angas
Mr. Baker
Mr. Dutton
Mr. Giles
Mr. Kingston (Teller).

4. Nominated Upper Chamber :—Mr. Kingston moved—For leave to amend his motion, No. 3 on notice paper, by inserting in the first line, between "is" and "opposed," the words "in the opinion of this Council," and striking out the words "opinions and."

Council divided.

Ayes, 12.

Mr. Younghusband
Mr. Scott
Mr. Rankine
Mr. Bagot
Mr. Hart
Mr. Reynolds
Mr. Peacock
Mr. Giles
Mr. Angas
Mr. Baker
Mr. Dutton
Mr. Kingston (Teller).

Noes, 9.

The Colonial Secretary
The Advocate-General
The Registrar-General
The Collector of Customs
Mr. Stephens
Mr. Gwynne
Mr. Fenn
Mr. Ellis
Mr. Fisher (Teller).

SOUTH
AUSTRALIA.

Mr. Kingston amended his motion, and moved—That a nominated Upper Chamber is, in the opinion of this Council, opposed to the wishes of a majority of the elected members of this Council, as well as of the colonists at large; and that any amendment of the Constitution establishing two Chambers, one of which shall consist of nominees of the Crown, will not meet with the approbation of the colonists of South Australia.

Debate ensued.

The Colonial Secretary moved an amendment—That all the words after “that” be struck out, and the following substituted: “any legislation by the present Council which involves a reconsideration of the fundamental principles of constitutional government, contained in the Parliament Act, is premature and impolitic, because the Parliament Act itself affords the most effectual means of ascertaining and carrying into effect the wishes of the constituencies, whether regarding an Elective Second Chamber or any other question of importance, by calling into action the higher and greater powers and privileges secured to the people by that Act.”

Debate ensued.

Amendment by leave withdrawn.

The Advocate-General moved an amendment on the main question—That all the words after the word “Council,” in the third line, be struck out.

Question—That the words proposed to be struck out stand part of the question.

Debate continued.

Council divided.

Ayes, 11.

Mr. Scott
Mr. Bagot
Mr. Hart
Mr. Rankine
Mr. Reynolds
Mr. Peacock
Mr. Dutton
Mr. Giles
Mr. Angas
Mr. Baker
Mr. Kingston (Teller).

Noes, 9.

The Colonial Secretary
The Registrar-General
The Collector of Customs
Mr. Stephens
Mr. Gwynne
Mr. Fenn
Mr. Younghusband
Mr. Fisher
The Advocate-General (Teller).

Question—That a nominated Upper Chamber is, in the opinion of this Council, opposed to the wishes of a majority of the elected members of this Council, as well as of the colonists at large; and that any amendment of the Constitution establishing two Chambers, one of which shall consist of nominees of the Crown, will not meet with the approbation of the colonists of South Australia.

Council divided.

Ayes, 12.

Mr. Younghusband
Mr. Scott
Mr. Rankine
Mr. Reynolds
Mr. Bagot
Mr. Hart
Mr. Peacock
Mr. Giles
Mr. Angas
Mr. Baker
Mr. Dutton
Mr. Kingston (Teller).

Noes, 8.

The Colonial Secretary
The Advocate General
The Collector of Customs
Mr. Stephens
Mr. Gwynne
Mr. Fenn
Mr. Fisher
The Registrar-General (Teller).

5. Amendment of Constitution:—Mr. Kingston, by leave, amended his motion No. 4, and moved—That an Address be presented to his Excellency, requesting him to cause a Bill to be immediately prepared and laid before this Council for the amendment of the Constitution, embodying the elective principle for both Chambers; so that the real wishes of the colonists may be laid before the Imperial Legislature previous to the passing any Act of Parliament granting amended Constitutions to the Australian Colonies during the Session of 1855.

Debate ensued.

The Colonial Secretary moved an amendment—That all the words after “That” be struck out, and the following substituted: “any legislation by the present Council which involves a reconsideration of the fundamental principles of constitutional government, contained in the Parliament Act, is premature and impolitic; because the Parliament Act itself affords the most effectual means of ascertaining and carrying into effect the wishes of the constituencies, whether regarding an Elective Second Chamber or any other question of importance, by calling into action the higher and greater powers and privileges secured to the people by that Act.”

Debate continued.

Question—That the words proposed to be struck out stand part of the question.

Council divided,

Ayes, 9.

Mr. Scott
Mr. Bagot
Mr. Peacock
Mr. Giles
• Mr. Reynolds
Mr. Hart
Mr. Dutton
Mr. Rankine
Mr. Kingston (Teller).

Noes, 11.

The Advocate-General
The Registrar-General
The Collector of Customs
Mr. Stephens
Mr. Gwynne
Mr. Fenn
Mr. Baker
Mr. Fisher
Mr. Angas
Mr. Younghusband
The Colonial Secretary (Teller).

Question—That the words proposed to be inserted be so inserted.

Debate ensued.

Mr. Angas moved an amendment—That this debate be adjourned till Wednesday next.

Council divided.

Ayes, 14.

The Colonial Secretary
The Advocate-General
Mr. Younghusband
Mr. Dutton
Mr. Bagot
Mr. Baker
Mr. Giles
Mr. Peacock
Mr. Kingston
Mr. Hart
Mr. Scott
Mr. Rankine
Mr. Reynolds
Mr. Angas (Teller).

Noes, 3.

Mr. Gwynne
Mr. Fisher
Mr. Stephens (Teller).

Enclosure 3 in No. 1.

Encl. 3 in No. 1.

EXTRACT from the Votes and Proceedings of the Legislative Council. (No. 27.)

Wednesday, September 27, 1854.

11. Amendment of the Constitution (adjourned debate):—The following words in Mr. Kingston's motion of the 22d September having been on that day struck out, viz., “an address be presented to his Excellency, requesting him to cause a Bill to be immediately prepared and laid before this Council, for the amendment of the Constitution, embodying the elective principle for both Chambers, so that the real wishes of the colonists may be laid before the Imperial Legislature, previous to the passing of any Act of Parliament granting amended Constitutions to the Australian Colonies during the Session of 1855”—

An amendment was proposed—That the following words be inserted: “Any legislation by the present Council which involves a reconsideration of the fundamental principles of constitutional government, contained in the Parliament Act, is premature and impolitic; because the Parliament Act itself affords the most effectual means of ascertaining and carrying into effect the wishes of the constituencies, whether regarding an Elective Second Chamber, or any other question of importance, by calling into action the higher and greater powers and privileges secured to the people by that Act.”

Debate ensued.

Question—That the words proposed to be inserted be so inserted.

Council divided.

Ayes, 10.

The Advocate-General
The Registrar-General
The Collector of Customs
Mr. Stephens
Mr. Gwynne
Mr. Ellis
Mr. Younghusband
Mr. Baker
Mr. Fisher
The Colonial Secretary (Teller).

Noes, 9.

Mr. Scott
Mr. Rankine
Mr. Bagot
Mr. Hart
Mr. Peacock
Mr. Reynolds
Mr. Giles
Mr. Angas
Mr. Kingston (Teller).

The question being proposed—That any legislation by the present Council which involves a reconsideration of the fundamental principles of constitutional government, contained in the Parliament Act, is premature and impolitic; because the Parliament Act itself affords the most effectual means of ascertaining and carrying into effect the wishes of the constituencies, whether regarding an Elective Second Chamber or any other question of importance,

SOUTH
AUSTRALIA.

by calling into action the higher and greater powers and privileges secured to the people by that Act—

Mr. Hart moved an amendment—That all the words after “That” be struck out, with a view to insert the following: “an Address be presented to his Excellency, requesting him to forward to Her Majesty’s Principal Secretary of State for the Colonies a copy of the “Votes and Proceedings of this Council on Friday the 22d of September instant.”

Debate continued.

Mr. Fisher moved—That this debate be adjourned till to-morrow, and stand the first order of the day.

Council divided.

Ayes, 11.
The Colonial Secretary
The Advocate-General
The Registrar-General
The Collector of Customs
Mr. Stephens
Mr. Gwynne
Mr. Rankine
Mr. Ellis
Mr. Baker
Mr. Younghusband
Mr. Fisher (Teller).

Noes, 9.
Mr. Angas
Mr. Peacock
Mr. Reynolds
Mr. Hart
Mr. Bagot
Mr. Scott
Mr. Kingston
Mr. Dutton
Mr. Giles (Teller).

12. Council adjourned at six o'clock, until to-morrow, at one o'clock.

NOTICES OF MOTION AND ORDERS OF THE DAY.

Thursday, September 28, 1854.

Government Business: Orders of the Day:—

1. Adjourned debate on amendment of Constitution: the question being proposed—That any legislation by the present Council which involves a reconsideration of the fundamental principles of constitutional government, contained in the Parliament Act, is premature and impolitic; because the Parliament Act itself affords the most effectual means of ascertaining and carrying into effect the wishes of the constituencies, whether regarding an Elective Second Chamber or any other question of importance, by calling into action the higher and greater powers and privileges secured to the people by that Act.

To which an amendment was made, to leave out all the words after “That,” with a view to insert the following: “an Address be presented to his Excellency, requesting him to forward to Her Majesty’s Principal Secretary of State for the Colonies a copy of the Votes and Proceedings of this Council on Friday the 22d September instant.”

Question—That the words proposed to be struck out stand part of the question.

Encl. 4 in No. 1.

Enclosure 4 in No. 1.

EXTRACT from the Votes and Proceedings of the Legislative Council (No. 28).

Thursday, September 28, 1854.

1. Council met pursuant to adjournment. The Speaker took the chair.

2. Adjourned debate on Amendment of the Constitution:—The question being proposed—That any legislation by the present Council which involves a reconsideration of the fundamental principles of constitutional government, contained in the Parliament Act, is premature and impolitic; because the Parliament Act itself affords the most effectual means of ascertaining and carrying into effect the wishes of the constituencies, whether regarding an Elective Second Chamber or any other question of importance, by calling into action the higher and greater powers and privileges secured to the people by that Act.

To which an amendment was made, to leave out all the words after “That,” with a view to insert the following: “an Address be presented to his Excellency, requesting him to forward to Her Majesty’s Principal Secretary of State for the Colonies a copy of the Votes and Proceedings of this Council on Friday the 22d September instant.”

Question—That the words proposed to be struck out stand part of the question.

Debate continued.

Mr. Hart having, by leave, withdrawn his amendment,

Mr. Giles moved—That all the words after “is,” in the fourth line, be struck out, with a view to insert the following: “inexpedient, because it is desirable that a reconsideration of the Parliament Act should not be undertaken until after a fresh Election, and the time “is now too short prior to the meeting of the Imperial Parliament to admit of such fresh “Election and reconsideration of the Constitution; and that an Address be presented to his “Excellency, requesting him to forward to Her Majesty’s Principal Secretary of State for the “Colonies a copy of the Proceedings of this Council on the 22d, 27th, and 28th of September. “instant.”

Mr. Gwynne moved—That the House do now divide.
Council divided.

Ayes, 1.
Mr. Gwynne (Teller).

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AUSTRALIA.

Noes, 17.
The Colonial Secretary
The Advocate-General
The Registrar-General
The Collector of Customs
Mr. Stephens
Mr. Rankine
Mr. Ellis
Mr. Scott
Mr. Dutton
Mr. Giles
Mr. Angas
Mr. Fisher
Mr. Peacock
Mr. Reynolds
Mr. Hart
Mr. Younghusband
Mr. Baker (Teller).

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

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

Question—That any legislation by the present Council which involves a reconsideration of the fundamental principles of constitutional government, contained in the Parliament Act, is inexpedient, because it is desirable that a reconsideration of the Parliament Act should not be undertaken until after a fresh Election, and the time is now too short prior to the meeting of the Imperial Parliament to admit of such fresh Election and reconsideration of the Constitution; and that an Address be presented to his Excellency, requesting him to forward to Her Majesty's Principal Secretary of State for the Colonies a copy of the Proceedings of this Council on the 22d, 27th, and 28th of September instant—put and passed.

Enclosure 5 in No. 1.

Encl. 5 in No. 1.

MESSAGE.

Message, No. 23.

LIEUTENANT-GOVERNOR Sir Henry Young has to acknowledge the receipt of an Address of the Legislative Council, requesting the transmission to the Secretary of State of the Proceedings of the Council on the 22d, 27th, and 28th September 1854.

The Lieutenant-Governor will take the earliest opportunity of complying with this request, consistent with due deliberation. It is, however, incumbent on him to note that the motion adopted by the Council on the 22d September separates a few words of the Lieutenant-Governor's Despatch, No. 17, of the 31st January 1854, from the context, and thus falls short of that full and complete version of the subject which is essential to a fair interpretation of that isolated passage of the Despatch which the Council, in the motion of the 22d September, describes as "not in accordance with the records of the Council."

The Lieutenant-Governor frankly admits and regrets that there is a defect of precision in the brief extract of his Despatch quoted by the Council, which renders that passage capable of the construction put upon it by the Council.

The statement of the Despatch is, that the motion for an Elective Upper Chamber resulted in the adoption of the "previous question" by fifteen votes against seven.

It is also shown by a specification of names that, of the fifteen, eight were elective members.

The difference between fifteen and seven was then described to be a majority of eight elective members; whereas a more precise description would have stated it to be a majority which included eight elective members.

H. E. F. YOUNG,
Lieutenant-Governor.

October 10, 1854.

Enclosure 6 in No. 1.

Encl. 6 in No. 1.

MESSAGE.

Message, No. 34.

WITH reference to the Address of the Council requesting that a copy of the Proceedings of the Council on the 22d, 27th, and 28th September last be forwarded to Her Majesty's Principal Secretary of State for the Colonies, the Lieutenant-Governor finds it necessary to make the following observations:

D

SOUTH
AUSTRALIA.

The adoption by a majority of four, in a House consisting of twenty members, of the second resolution of the 22d September last, viz.—“A nominated Upper Chamber is, in the opinion of this Council, opposed to the wishes of a majority of the elected members of this Council, as well as of the colonists at large, and that any amendment of the Constitution establishing two Chambers, one of which shall consist of nominees of the Crown, will not meet with the approbation of the colonists of South Australia”—is calculated to place Her Majesty’s advisers in a position of much difficulty.

That resolution can only be regarded as a protest, on the part of the Legislature of this colony, against the introduction of the nominee element into the Colonial Parliament Bill.

Nevertheless, a subsequent resolution of the Council, namely, that agreed to on the 28th September, may be taken to infer that the Parliament Bill should receive the sanction of Her Majesty and the adoption of Parliament.

It is, however, very questionable whether Her Majesty’s Government would be warranted in drawing such an inference; nor does the Lieutenant-Governor feel himself authorized to advise that such should be the interpretation to be given to the resolution of the Council on the 28th September.

It is possible that the meaning of the Council may be, to delegate to the Imperial Parliament the task of amending the Constitution proposed to be established by the Colonial Parliament Bill, so as to bring it into conformity with what the resolution in question represents to be the real wishes of the colonists of South Australia.

It is the wish, no less than the duty, of the Lieutenant-Governor to prevent the occurrence of any misconception on the part of Her Majesty’s Government of the intentions of the Local Legislature; and therefore the Lieutenant-Governor now suggests the expediency of some more explicit declaration than that which is to be collected from the resolutions of the 22d and 28th September.

The Lieutenant-Governor, at the same time, expresses his belief that, while it would be the desire of the Secretary of State to give effect to any amendment of the Constitution of this province passed by the existing Council, the Secretary of State would not desire to withdraw from the Local Legislature that privilege of settling all the details of the Constitution which it was the intention of Her Majesty to confer.

H. E. F. YOUNG,
Lieutenant-Governor.

Government House, October 18, 1854.

No. 2.

No. 2. COPY of a DESPATCH from Lieutenant-Governor Sir H. E. F. YOUNG to the
Right Hon. Sir GEORGE GREY, Bart.
(No. 108.)

Adelaide, November 27, 1854.
(Received February 12, 1855.)

SIR,

Page 16.

ADVERTING to my Despatch of the 5th instant,* No. 97, I have the honour of enclosing two Addresses, Nos. 28 and 29, dated the 22d instant, which I have this day received from the Legislative Council, further relating to the Colonial Parliament Bill.

I have, &c.

The Right Hon. Sir G. Grey,
&c. &c. &c.

(Signed) H. E. F. YOUNG.

Encl. 1 in No. 2.

Enclosure 1 in No. 2.

To his Excellency Sir Henry Edward Fox Young, Knight, Lieutenant-Governor of Her Majesty’s Province of South Australia, &c. &c.,

MAY IT PLEASE YOUR EXCELLENCY,—

The humble Address of the Legislative Council of South Australia

Showeth,—

THAT at a Meeting of the said Council, holden on the 22d November 1854,

It was resolved,—That an Address be presented to his Excellency the Lieutenant-Governor, in reply to his Excellency’s Message No. 34, stating that the Council having taken the same into consideration, submit the following remarks in reply thereto:—

The Council would call his Excellency’s further attention to the fact to which his Excellency has alluded in his message, that this resolution was “carried by a majority of four in a House consisting of twenty members.” His Excellency will see, on referring to the division lists, that such majority comprised the names of twelve elected members voting for the motion, against the names of two elected members voting in the minority with the Government against the motion; and, in so far as the elected members are concerned, the Council readily agree in his Excellency’s deduction as to its being “a protest against the nominee element of the Parliament Bill;” but as to the “difficulty in which it may place

Her Majesty's advisers," the Council are of opinion that the solution of the difficulty must be left in the hands of his Excellency's advisers, who, in their opinion, are the parties chargeable with having given rise to it, by the construction which they put on the Despatches of the Colonial Minister on the subject of the Amendment of the Constitution.

The Council have to express their satisfaction at the liberal views now stated by his Excellency to prevail in the Councils of Her Majesty's Secretary of State for the Colonies, but greatly regret that his Excellency's Government did not take the same view of the liberal intentions of the Colonial Minister when the Parliament Bill was introduced last Session: as, had his Excellency then done so, the resolution of the 22d September would not have been called for, and the difficulty in which his Excellency states Her Majesty's advisers are thereby placed would not have arisen.

The Council regret being obliged to address his Excellency at such unusual length; but the nature of his Excellency's message compels them to a minute reference to all matters connected with the Parliament Bill as introduced by his Excellency, and passed by this Council under the influence of the statements made by the official and nominee members, all of whom had been consulted by his Excellency on the details of the Parliament Bill, prior to its being laid before this Council. The member for East Adelaide, at the request of several of the elective members, brought forward a motion—"That, in the proposed Bill for constituting a Parliament in South Australia, this Council are of opinion that the Upper Chamber should be elective." During the debates on the first reading of the Parliament Bill and the motion above quoted, the government officials, as well as the nominee members, spoke and argued strongly in favour of the abstract principle of a nominated Upper Chamber, and were unanimous in their interpretation of the Despatches of Her Majesty's Secretary of State for the Colonies; first—"that in reference to the constitution of the Upper Chamber, as consisting of nominated members, it was impossible that the Government could arrive at any other conclusion than that the Despatches left them no choice;" "that a specific measure had been proposed for our adoption, which the Secretary of State left us free to accept or reject;" "that the vital principle of the Bill was a Second Chamber nominated by the Crown;" and, second—"that the Despatches confined the gift of the Crown lands to our acceptance of a Nominated Upper House;" "that the control of the Land Fund depended on our framing a Constitution similar to that of Canada;" and the Colonial Secretary stated that if the Council "affirmed the principle of the motion (in favour of an Elective Upper Chamber) it would be fatal to the Bill, and the Government would support no other unless it contained the desired principle" (a nominated Upper Chamber). Under these circumstances some of the elective members—who had declared that their own opinions and those of their constituents were in favour of an Elective Upper Chamber—voted for the "previous question," and entered into what is termed "the compromise," in pursuance of which some modifications were introduced into the nominee clauses, and the Parliament Bill was passed in its present form; some of those who signed the compromise considering the nominee element of the Bill less objectionable than the continuation of the present system, which deprives the colonists of all control over the Land Fund—leaving it to be expended by a party not responsible to them, and on projects often opposed to the wishes of the colonists.

The Council have to express their regret at the unusual course which his Excellency has taken on their Address, in Message No. 23. His Excellency states "he will take the earliest opportunity of complying with their request, (that it should be forwarded to Her Majesty's Secretary of State for the Colonies) consistent with due deliberation." The Council are of opinion, that it is his Excellency's duty to forward all such documents by the first opportunity that offers. And as to Message No. 34 and the Resolution, notice of which was given in accordance thereto by the Colonial Secretary, the Council can only regard these proceedings as another attempt to support and carry out the original views of his Excellency—as expressed by the officers of his Government during the discussions on the Parliament Bill and the resolution to which the Message refers—in explanation of the meaning of the Despatches in favour of a nominated Upper Chamber, together with the statement of his Excellency's Despatch of the 31st January 1854, "that the majority of the elected members preferred a nominated Upper Chamber." To affirm the resolution of which the Colonial Secretary had given notice, would not only be in direct opposition to the resolutions of the Council on the 22d, 27th, and 28th September, but would involve the further absurdity of declaring it to be advisable to call into existence a nominated Upper Chamber, opposed to the views and wishes of the colonists, for the purpose of immediately destroying it. And the Council are of opinion that the course taken by the Government during the late discussions, and by the present Message, is only calculated to mislead the Home Government into the belief that a majority of the colonists are not opposed to the nominee Upper Chamber. The Council do not consider that the Government has acted fairly by those members who were induced to sign the compromise by the representation as to the intentions of Her Majesty's Government, and thus to vote for a nominated Upper Chamber in opposition to their own opinions. The Colonial Secretary stated on a late occasion, that "the Government considered the compromise binding upon all parties until the views of the Home Government were made known." This statement is not justified by the terms of the document, which consists of a memorandum of the proposed alterations in clause 5. And the Council further regret that his Excellency's admission (in Message No. 34) of the willingness of the Home

24 FURTHER PAPERS *relative to the* ALTERATIONS

SOUTH
AUSTRALIA

Government to give effect to *any* amendment of the Constitution proposed by this Council, was not made at an earlier period of the Session, when an Act to amend the Constitution might have been passed in time to forward it to England prior to the meeting of the Imperial Parliament.

Having thus called his Excellency's attention to all the circumstances connected with the introduction and passing of the Parliament Bill, and the resolutions of the 22d, 27th, and 28th September, the Council request that his Excellency will be pleased to lay the same, together with a copy of this Address, before Her Majesty's Principal Secretary of State for the Colonies.

JOHN MORPHETT, Speaker.

Encl. 2 in No. 2.

Enclosure 2 in No. 2.

To his Excellency Sir Henry Edward Fox Young, Knight, Lieutenant-Governor of Her Majesty's Province of South Australia, &c. &c.

MAY IT PLEASE YOUR EXCELLENCY,

The humble Address of the Legislative Council of South Australia

Showeth,—

THAT at a Meeting of the said Council, holden on the 22d November 1854,

It was Resolved,—That an Address be presented to his Excellency the Lieutenant Governor, stating that on the 2d November 1853, a motion to recommit the Schedule annexed to the Civil List Bill was negatived by a majority of eleven to eight, such majority comprising the names of the Colonial Secretary, Advocate General, and Collector of Customs, each of whom was personally interested in the bonus proposed to be given in such Schedule of the Civil List Bill to themselves individually, as the present holders of the offices of Colonial Secretary, Advocate General, and Collector of Customs respectively; and, inasmuch as it appears to the Council that it is contrary to the practice of Parliament to allow members to vote on questions in which their private interests are involved, and that votes so given may afterwards be struck off, this Council now request that his Excellency will be pleased to bring the foregoing statement of facts to the notice of Her Majesty's Principal Secretary of State for the Colonies.

JOHN MORPHETT, Speaker.

VAN DIEMEN'S LAND.

SOUTH
AUSTRALIA.

Despatches from Lieutenant-Governor Denison.

No 1.

No. 1.

COPY of a DESPATCH from Lieutenant-Governor Sir W. DENISON to the
Right Hon. Sir GEORGE GREY, Bart.

(No. 38.)

Government House, Van Diemen's Land,
November 8, 1854.

(Received February 12, 1855.)

(Answered No. 12. March 1, 1855, page 27.)

23rd Oct. 1854.

I HAVE the honour to forward herewith a petition addressed by the
Legislative Council to Her Most Gracious Majesty, praying that in respect of
this colony the name of Tasmania be substituted for Van Diemen's Land.

There is a feeling here that to the name of Van Diemen's Land a certain
stigma is attached, and that the name is somehow connected with the former
condition of this Colony as a penal settlement.

As therefore the name "Tasmania" has been already recognized in the
letters patent of the bishop, I would beg to submit that it would be desirable
to accede to the prayer of the petitioners.

The Right Hon. Sir G. Grey, Bart. I have, &c.,
&c. &c. &c. (Signed) W. DENISON.

Encl. in No. 1.

Enclosure in No. 1.

To the Queen's most Excellent Majesty.

WE, Your Majesty's loyal and dutiful subjects, the members of the Legislative
Council of Van Diemen's Land, in Council assembled, beg leave to approach Your Majesty
with the assurance of our attachment to Your Majesty's person and government.

We beg leave humbly to represent to Your Majesty that this portion of Your Majesty's
dominions received the name of Van Diemen's Land when discovered in 1642, by Abel
Jans Tasman, a Dutch navigator, who it is said so named it after Anthony Van Diemen, at
that time Governor of Batavia, a Dutch settlement.

That a portion of the northern part of New Holland also bears the same designation.

That it is the humble opinion of this Council that the present time, when Your Majesty
has been graciously pleased to confer on us free institutions, and revoked the Order in
Council declaring this a penal settlement, and when Your Majesty has been further
graciously pleased to signify Your Majesty's purpose to confer increased power and privileges
on the colony, is a proper occasion for us to beg that Your Majesty will be pleased to
determine the name which shall be given in future to this portion of the British Empire.

That Your Majesty has been pleased to issue letters patent creating this colony into a
see, styled the Diocese of Tasmania.

That the colony is now frequently spoken of as Tasmania, and the colonists as Tasmanians,
and that that name is preferred by the colonists generally, and by this Council.

We therefore humbly pray that Your Majesty will be graciously pleased to proclaim, that,
in respect to this colony the name of Tasmania be substituted for that of Van Diemen's
Land.

(Signed) RICHARD DRY,
Speaker.

Passed the Legislative Council the 23d day of October 1854.

(Signed) FR. HARTWELL HENSLowe,
Clerk of the Council.

Despatches from the Secretary of State.

No. 1.

COPY of a DESPATCH from the Right Hon. Sir GEORGE GREY, Bart.,
to Governor Sir HENRY YOUNG.

(No. 12.)

SIR, Downing Street, March 1, 1855.

I HAVE received Sir W. Denison's Despatch, No. 38. of the 8th of November last, forwarding a petition addressed to the Queen by the Legislative Council of Van Diemen's Land, praying that the name of Tasmania may be given to the colony instead of the present designation of Van Diemen's Land.

You will acquaint the Council that I have laid this petition before the Queen, who was pleased to receive it very graciously, and you will further acquaint that body that an early opportunity will be taken to give legal effect to the change which they desire on behalf of the colonists.

Governor Sir Henry Young,
&c. &c. &c.

I have, &c.,
(Signed) G. GREY.

LONDON:

Printed by GEORGE E. EYRE and WILLIAM SPOTTISWOOD,
Printers to the Queen's most Excellent Majesty.
For Her Majesty's Stationery Office.

FURTHER PAPERS
RELATIVE TO THE
ALTERATIONS IN THE CONSTITUTIONS
OF THE
AUSTRALIAN COLONIES.

The Constitutional Bills of New South Wales and Victoria, with the
Portions which it is proposed to omit printed in *Italics*.

(In continuation of Papers presented 20th April 1855.)

Presented to both Houses of Parliament by Command of Her Majesty,
14 May 1855.



LONDON:
PRINTED BY GEORGE EDWARD EYRE AND WILLIAM SPOTTISWOODE,
PRINTERS TO THE QUEEN'S MOST EXCELLENT MAJESTY,
FOR HER MAJESTY'S STATIONERY OFFICE.

1855.

FURTHER PAPERS

RELATIVE TO THE

ALTERATIONS IN THE CONSTITUTION OF THE AUSTRALIAN COLONIES.

NEW SOUTH WALES.

ANNO DECIMO SEPTIMO VICTORIÆ REGINÆ.

By His Excellency Sir Charles Augustus Fitzroy, Knight Companion of the Royal Hanoverian Guelphic Order, Governor-General of all Her Majesty's Australian Possessions, and Captain-General and Governor-in-Chief of the territory of New South Wales and its dependencies, and Vice-Admiral of the same, with the advice and consent of the Legislative Council.

No. XLI.

An Act to confer a Constitution on New South Wales, and to grant a Civil List to Her Majesty.

WHEREAS by the thirty-second clause of the Imperial Act, passed in the Session holden in the thirteenth and fourteenth years of the reign of Her present Majesty, intituled "An Act for the better Government of Her Majesty's Australian Colonies," it was among other things enacted, that, notwithstanding anything therein-before contained, it should be lawful for the Governor and Legislative Council of this colony, from time to time, by any Act or Acts, to alter the provisions of laws for the time being in force under the said Imperial Act or otherwise concerning the election of the elective members of such Legislative Council, and the qualification of electors and elective members, or to establish in the said colony, instead of the Legislative Council, a council and a house of representatives, or other separate legislative houses, to consist of such members, to be appointed or elected by such person and in such manner as by such Act or Acts should be determined, and to vest in such council and house of representatives, or other separate legislative houses, the powers and functions of the Legislative Council for which the same may be substituted; And whereas it is expedient that the powers vested by the said Act in the said Governor and Legislative Council should be exercised, and that a Legislative Council and a Legislative Assembly, as constituted by this Act, should be substituted for the present Legislative Council, with the increased powers and functions herein-after contained: Be it therefore enacted, by his Excellency the Governor of New South Wales, with the advice and consent of the Legislative Council thereof, as follows:—

Recital of 32d
clause of 13 & 14
Vict. cap. 39.

I. There shall be in place of the Legislative Council now subsisting, one Legislative Council and one Legislative Assembly, to be severally constituted and composed in the manner herein-after prescribed; and within the said colony of New South Wales Her Majesty shall have power, by and with the advice and consent of the said council and assembly, to make laws for the peace, welfare, and good government of the said colony, in all cases whatsoever; *and all such laws being passed by the said council and assembly, and assented to by Her Majesty, or assented to in Her Majesty's name by the Governor of the said colony, shall be valid and binding to all intents and purposes within the said colony.* Provided that all bills for appropriating any part of the public revenue, for imposing any new rate, tax, or impost, subject always to the limitation contained in clause sixty-two of this Act, shall originate in the Legislative

Parliament of New
South Wales.
General powers of
the Parliament.
Assent to Bills.

Taxation and Ap-
propriation Bills to
originate in
Assembly.

NEW SOUTH
WALES.Bills affecting im-
perial subjects.What Bills may
be reserved for the
signification of Her
Majesty's pleasure.Question as to Go-
vernor's right to
reserve a Bill, or of
Her Majesty's
right to disallow a
Bill, to be deter-
mined by Judicial
Committee of Privy
Council.Appointment of
Legislative Coun-
cillors.Tenure of office
of Councillors.

Assembly of the said colony; and further that all bills affecting any imperial subject may, in the discretion of the Governor for the time being, be reserved for the signification of Her Majesty's pleasure thereon, and if assented to by such Governor in the first instance, on behalf of Her Majesty, may be disallowed by Her Majesty in the manner and within the period herein-after limited.

II. The bills on imperial subjects which may be reserved for the signification of Her Majesty's pleasure, or which, after being assented to by the Governor in Her Majesty's name, may be afterwards disallowed by Her Majesty within the period herein-after specified, are as follow; that is to say,—

1. Bills touching the allegiance of the inhabitants of this colony to Her Majesty's Crown.
2. Bills touching the naturalization of aliens.
3. Bills relating to treaties between the Crown and any foreign power.
4. Bills relating to political intercourse and communications between this colony and any officer of a foreign power or dependency.
5. Bills relating to the employment, command, and discipline of Her Majesty's sea and land forces within this colony, and whatever relates to the defence of the colony from foreign aggression, including the command of the municipal militia and marine.
6. Bills relating to the crime of high treason.

III. Whenever any question shall arise as to the right of the Governor to reserve any bill for the signification of Her Majesty's pleasure thereon, or as to the right of Her Majesty to disallow any such bill, the same shall be determined by the Judicial Committee of the Privy Council, and in no other manner, except by the consent of the said legislature of New South Wales, and such question shall be raised by an address to Her Majesty in Her Privy Council by both houses of the said legislature, setting forth the question so to be determined: Provided that all such bills shall be absolutely in abeyance pending any such determination, and that they shall be afterwards submitted for the signification of Her Majesty's pleasure thereon, or remitted to the colony for the exercise of the Governor's discretion, according to the decision of the Judicial Committee in each such case.

IV. For the purpose of composing the Legislative Council of New South Wales, it shall be lawful for Her Majesty before the time to be appointed for the first meeting of the said Legislative Council and Assembly, by an instrument under the sign manual, to authorize the Governor, with the advice of the Executive Council, in Her Majesty's name, by an instrument or instruments under the great seal of the said colony, to summon to the said Legislative Council of the said colony, such persons, being not fewer than twenty-one, as the said Governor and Executive Council shall think fit; and it shall also be lawful for Her Majesty from time to time to authorize the Governor in like manner to summon to the said Legislative Council such other person or persons as the said Governor and Executive Council shall think fit; and every person who shall be so summoned shall thereby become a member of the Legislative Council of the said colony: Provided always, that no person shall be summoned to the said Legislative Council who shall not be of the full age of twenty-one years, and a natural-born subject of Her Majesty, or naturalized by an Act of the Imperial Parliament, or by an Act of the legislature of the said colony: Provided also, that not less than four fifths of the members so summoned to the Legislative Council shall consist of persons not holding any office of emolument under the Crown, except officers of Her Majesty's sea and land forces on full or half pay, or retired officers on pensions.

V. The members of the first Legislative Council of the said colony who shall be so summoned by the Governor, with the advice of the Executive Council, shall hold their respective seats therein for five years from the date of the first summonses to the said Legislative Council; but all future members of the said Legislative Council who shall be summoned thereto after the expiration of the said five years, by the Governor, with the advice of the Executive Council, as aforesaid, shall hold their seats therein for the term of their natural lives, subject, nevertheless, to the provisions herein-after contained for vacating the same, and for altering and amending the future constitution of the said colony, as established by this Act.

VI. It shall be lawful for any member of the Legislative Council to resign his seat therein, by a letter to the Governor, and upon the receipt of any such letter by the Governor the seat of such legislative councillor shall become vacant.

NEW SOUTH WALES.

Resignation of Councillors.

VII. If any legislative councillor shall for two successive sessions of the legislature of the said colony fail to give his attendance in the said Legislative Council, without the permission of Her Majesty or of the Governor of the colony, signified by the said Governor to the Legislative Council, or shall take any oath or make any declaration or acknowledgment of allegiance, obedience, or adherence to any foreign prince or power, or shall do, concur in, or adopt any act whereby he may become a subject or citizen of any foreign state or power, or whereby he may become entitled to the rights, privileges, or immunities of a subject or citizen of any foreign state or power, or shall become bankrupt, or take the benefit of any law relating to insolvent debtors, or become a public contractor or defaulter, or be attainted of treason, or be convicted of felony, or of any infamous crime, his seat in such council shall thereby become vacant.

Vacating seat by absence.

VIII. Any question which shall arise respecting any vacancy in the Legislative Council, on occasion of any of the matters aforesaid, shall be referred by the Governor to the said Legislative Council, to be by the said Legislative Council heard and determined: Provided always, that it shall be lawful either for the person respecting whose seat such question shall have arisen, or for Her Majesty's Attorney-General for the said colony, on Her Majesty's behalf, to appeal from the determination of the said council in such case to Her Majesty, and that the judgment of Her Majesty, given with the advice of Her Privy Council, thereon shall be final and conclusive to all intents and purposes.

Trial of questions of vacancy.

IX. The Governor of the colony shall have power and authority from time to time by an instrument under the Great Seal of the said colony to appoint one member of the said Legislative Council to be President thereof, and to remove him and appoint another in his stead; and it shall be at all times lawful for the said President to take part in any debate or discussion which may arise in the said Legislative Council.

Appointment of President.

President may take part in debate.

X. The presence of at least one third of the members of the said Legislative Council, exclusive of the President, shall be necessary to constitute a quorum for the dispatch of business; and all questions which shall arise in the said Legislative Council shall be decided by a majority of votes of the members present, other than the President, and when the votes shall be equal the President shall have the casting vote: Provided always, that if the whole number of members constituting the said Legislative Council shall not be exactly divisible by three, the quorum of the said Legislative Council shall consist of such whole number as is next greater than one third of the members of the said Legislative Council.

Quorum, division, casting vote.

XI. For the purpose of constituting the Legislative Assembly of the said colony, it shall be lawful for the Governor thereof, within the time herein-after mentioned, and thereafter from time to time as occasion shall require, in Her Majesty's name, by an instrument or instruments under the great seal of the said colony, to summon and call together a Legislative Assembly in and for the said colony.

Convoking Assembly.

XII. The Legislative Assembly shall for the present consist of fifty-four members, to be elected by the inhabitants of the said colony having any of the qualifications mentioned in the next succeeding clause of this Act.

Number of Members of Assembly.

XIII. The qualifications for electors of the Legislative Assembly shall be as follows:—Every man of the age of twenty-one years, being a natural-born or naturalized subject of Her Majesty, or legally made a denizen of New South Wales, and having a freehold estate in possession, situate within the district for which his vote is to be given, of the clear value of one hundred pounds sterling money, above all charges and incumbrances in any way affecting the same, or to which he has been seised or entitled, either at law or in equity, for at

Qualification of Electors.

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least six calendar months next before the last registration of electors, or being a householder within such district, occupying any house, warehouse, counting-house, office, shop, or other building of the clear annual value of ten pounds sterling money, and having occupied the same for six calendar months next before such registration as aforesaid, or having a leasehold estate in possession, situate within such district, of the value of ten pounds sterling money per annum, held upon a lease which at the time of such registration has not less than three years to run, or having a leasehold estate so situate and of such value as aforesaid, of which he has been in possession for three years or upwards next before such registration, or holding at the time of such registration a licence from the Government to depasture lands within the district for which his vote is to be given, or having a salary of one hundred pounds a year, and having enjoyed the same for six calendar months next before such registration, or being the occupant of any room or lodging, and paying for his board and lodging forty pounds a year, or for his lodging only at the rate of ten pounds a year, and having occupied the same room or lodging for six calendar months next before such registration as aforesaid, shall be entitled to vote at the election of a member of the Legislative Assembly: Provided always, that no man shall be entitled to vote who has been attainted or convicted of treason, felony, or other infamous offence in any part of Her Majesty's dominions, unless he have received a free or conditional pardon for such offence, or have undergone the sentence passed on him for such offence; and provided also, that no man shall be entitled to vote unless at the time of such registration of electors he shall have paid up all rates and taxes which shall have become payable by him as owner or leaseholder in respect of such estate, or as occupier in respect of such occupancy, or as the holder of a licence in respect of such licence, except such as shall have become payable during three calendar months next before such registration.

When joint owners and occupiers shall be entitled to be registered as voters and to vote.

XIV. Where any premises are jointly owned, occupied, or held on lease within the meaning of the last preceding clause, by more persons than one, each of such joint owners, occupiers, or leaseholders shall be entitled to be registered as a voter and to vote in respect of the said premises, in case the value of his individual interest therein, separately considered, would, under the first four provisions of the said last preceding section, entitle such owner, occupier, or leaseholder to be registered as a voter and to vote.

Division of the Colony into Electoral Districts, and the number of Members to be returned by each.

XV. Until further provision shall be made by the legislature of the said colony, all the provisions contained in "the Electoral Act of 1851," passed by the late Legislative Council in the fourteenth year of Her Majesty's reign, numbered forty-seven, except so much of the first clause thereof as relates to the number and constitution of the present Legislative Council, and so much of the third and other clauses thereof as is repugnant to this Act, shall be in force and apply to the election of members to serve in the Legislative Assembly constituted under this Act, except as follows:—

Electoral Districts.

The electoral districts of East Camden and West Camden shall each return two members instead of one member to serve in the said Legislative Assembly; the electoral district of the united counties of Cook and Westmoreland shall return two members; the counties of Murray, Saint Vincent, Roxburgh, and Wellington shall each form an electoral district, and each return one member; the county of Cumberland shall be divided into two ridings, to be called the north and south ridings; the north riding commencing where the great western road crosses Johnstone's Creek, and bounded on the south by the centre of that road bearing westerly to where it crosses the southern boundary of the electoral district of Parramatta near Beckett's Bridge, thence by part of the southern, by the eastern, northern, and western boundaries of the said electoral district, to the great western road near the toll-bar, thence again by the centre of that road bearing westerly to Emu Ferry on the Nepean River, on the west and north by the Nepean and Hawkesbury rivers to Broken Bay, and on the east by the sea coast and the southern shores of Port Jackson to Johnstone's Creek, and by Johnstone's Creek to the point of commencement, exclusive of the hamlets of Saint Leonard's and Balmain,

and also excluding so much of the Cumberland boroughs as is embraced by the towns of Windsor and Richmond, and also so much of the borough of Penrith as is situated on the north side of the western road; and the south riding commencing where the great western road crosses Johnstone's Creek, and bounded on the north by the centre of that road bearing westerly to where it crosses the southern boundary of the electoral district of the town of Parramatta near Beckett's Bridge, thence by part of the southern boundary of the said electoral district bearing westerly to the great western road near the toll-bar, thence again by the centre of that road bearing westerly to Emu Ferry on the Nepean river, on the west by that river upwards to the confluence of the Cataract River, on the south by that river upwards to its source, and thence by a line bearing east twenty degrees south to the coast at Bulli, being the southern boundary of the county of Cumberland, on the east by the sea coast to Port Jackson, and again on the north by the southern shores of Port Jackson to Johnstone's Creek, and by Johnstone's Creek to the point of commencement, exclusive of the city of Sydney, and the hamlets of Paddington, Surrey Hills, Redfern, Chippendale, O'Connell Town, Camperdown, and Glebe, and also excluding so much of the Cumberland boroughs as is embraced by the towns of Liverpool and Campbell Town, and also so much of the borough of Penrith as is situated on the south side of the western road; and each of the said ridings shall return two members; the united counties of Northumberland and Hunter shall return three members instead of two; the county of Durham shall return three members instead of two; the city of Sydney shall return four members instead of three; the Sydney hamlets, the town of Parramatta, the Northumberland boroughs, and the Stanley boroughs, shall each return two members instead of one member; the electoral districts of the pastoral districts of the Murrumbidgee, of the Lachlan and Lower Darling, of Liverpool Plains, and the Gwydir, and of New England and the M'Leay, shall each return two members instead of one member to serve in the said Legislative Assembly as aforesaid.

XVI. The new classes of electors entitled to vote by this Act at the election of members of the Legislative Assembly shall be inserted in the electoral lists appointed to be made by the "Electoral Act of 1851," in the electoral districts in which they shall be respectively resident; and all such lists shall specify the christian and surnames of all such electors, the nature of the qualification and the place where they respectively reside; and all such lists shall be signed, delivered, printed, and hung up for public inspection by the persons and in the way in the said Act prescribed and shall be subject to the like claims and notice from any person whose name shall have been omitted therein, and to the like objections and notice as to the names of any person inserted therein, and to the like modes of altering, amending, or continuing any such lists, as are in these said several respects provided for in the said Electoral Act of 1851 as nearly as may be consistently with the rights of such new electors. Electoral Lists.

XVII. It shall be lawful for the Legislature of the colony, by any Act or Acts to be hereafter passed, to alter the divisions and extent of the several counties, districts, cities, towns, boroughs, and hamlets which shall be represented in the Legislative Assembly, and to establish new and other divisions of the same, and to alter the apportionment of representatives to be chosen by the said counties, districts, cities, towns, boroughs, and hamlets respectively, and to alter the number of representatives to be chosen in and for the colony, and in and for the several electoral districts in the same, and to alter and regulate the appointment of returning officers, and make such new and other provision as they may deem expedient for the issuing and return of writs for the election of members to serve in the said Legislative Assembly, and the time and place of holding such elections: Provided always, that it shall not be lawful to present to the Governor of the Colony, for Her Majesty's assent, any bill by which the number or apportionment of representatives in the Legislative Assembly may be altered, unless the second and third readings of such bill in Power to alter system of representation.

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the Legislative Council and the Legislative Assembly respectively shall have been passed with the concurrence of a majority of the members for the time being of the said Legislative Council, and of two thirds of the members for the time being of the said Legislative Assembly; and the assent of Her Majesty shall not be given to any such bill unless an address shall have been presented by the Legislative Assembly to the Governor, stating that such bill has been so passed.

Qualification of
Members of As-
sembly.

XVIII. Any person absolutely free (except as is herein-after excepted), who shall be qualified and registered as a voter in and for any electoral district within the said colony, shall be qualified to be elected a member of the Legislative Assembly for any electoral district within the said colony.

Members of Legis-
lative Council in-
capable of being
Members of Legis-
lative Assembly.

XIX. No person being a member of the Legislative Council shall be capable of being elected, or of sitting or voting, as a member of the Legislative Assembly.

Disqualifying
clause of Members
of Assembly.

XX. Any person holding any office of profit under the Crown, or having a pension from the Crown during pleasure or for term of years, shall be incapable of being elected or of sitting or voting as a member of the Legislative Assembly, unless he be one of the following official members of the Government, that is to say, the Colonial Secretary, Colonial Treasurer, Auditor-General, Attorney-General, and Solicitor-General, or one of such additional officers, not being more than five, as the Governor, with the advice of the Executive Council, may from time to time, by a notice in the Government Gazette, declare capable of being elected a member of the said assembly.

Further disquali-
fying clause of
Members of As-
sembly.
Pensions of officers
of the navy and
army.

XXI. If any member of the said assembly shall accept of any office of profit or pension from the Crown during pleasure, or for term of years, his election shall be thereupon and is hereby declared to be void, and a writ shall forthwith issue for a new election; provided that nothing in this Act contained shall extend to any person in receipt only of pay, half-pay, or a pension as an officer in Her Majesty's navy or army, or who shall receive any new or other commission in the navy or army respectively, or any increase of pay on such commission, or to any of the official members of the Government, or other officers referred to in the last preceding clause of this Act, who may accept any other office.

Disqualifying
ministers of
religion.

XXII. No person shall be capable of being elected a member to serve in the said assembly, and of sitting and voting therein, who shall be a minister of the Church of England, or a minister, priest, or ecclesiastic, either according to the rites of the Church of Rome or under any other form or profession of religious faith or worship.

Duration of
Assembly.

XXIII. Every Legislative Assembly of the said Colony, hereafter to be summoned and chosen, shall continue for five years from the day of the return of the writs for choosing the same, and no longer; subject, nevertheless, to be sooner prorogued or dissolved by the Governor of the said colony.

Election of the
Speaker.

XXIV. The members of the Legislative Assembly shall, upon the first assembling after every general election, proceed forthwith to elect one of their number to be Speaker; and in case of his death, resignation, or removal by a vote of the said Legislative Assembly, the said members shall forthwith proceed to elect another of such members to be such Speaker; and the Speaker so elected shall preside at all meetings of the said Legislative Assembly, except as may be provided by the standing rules and orders herein-after authorized to be made.

Quorum, division,
casting vote.

XXV. The presence of at least twenty members of the Legislative Assembly, exclusive of the Speaker, shall be necessary to constitute a meeting of the said Legislative Assembly for the dispatch of business; and all questions (except as herein is excepted) which shall arise in the said assembly shall be decided by the majority of votes of such members as shall be present, other than the Speaker, and when the votes shall be equal the Speaker shall have the casting vote.

Assembly may pro-
ceed to business,
although writs not

XXVI. Upon any general election, the Legislative Assembly shall be competent to proceed to the dispatch of business at the time appointed by the

Governor for that purpose, notwithstanding that any of the writs of election (not exceeding five) shall not have been returned, or that in any of the electoral districts the electors shall have failed to elect a member to serve in the said assembly.

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exceeding five shall not have been returned.

XXVII. It shall be lawful for any member of the assembly, by writing under his hand, addressed to the Speaker of the said House, to resign his seat therein, and upon the receipt of such resignation by the Speaker the seat of such member shall become vacant.

Resignation of seats in the Assembly.

XXVIII. If any member of the assembly shall for one whole session of the legislature, without the permission of the assembly, entered upon its journals, fail to give his attendance in the said House, or shall take any oath or make any declaration or acknowledgment of allegiance, obedience, or adherence to any foreign prince or power, or do or concur in or adopt any act whereby he may become a subject or citizen of any foreign state or power, or become entitled to the rights, privileges, or immunities of a subject of any foreign state or power, or shall become bankrupt or an insolvent debtor within the meaning of the laws in force within the said colony relating to bankrupts or insolvent debtors, or shall become a public defaulter, or be attainted of treason, or be convicted of felony or any infamous crime, his seat in such assembly shall thereby become vacant.

Vacating seats of Members of Assembly in certain cases.

XXIX. When and so often as a vacancy shall occur as aforesaid, upon a resolution by the assembly declaring such vacancy and the cause thereof, the Speaker shall cause a writ to be issued for supplying such vacancy; provided that the Speaker may issue such writ without such preceding resolution, when the assembly is not in session.

Election to take place on vacancies.

XXX. Any person who shall directly or indirectly, himself or by any person whatsoever in trust for him, or for his use or benefit or on his account, undertake, execute, hold, or enjoy, in the whole or in part, any contract or agreement for or on account of the public service, shall be incapable of being summoned or elected or of sitting or voting as a member of the Legislative Council or Legislative Assembly during the time he shall execute, hold, or enjoy any such contract, or any part or share thereof, or any benefit or emolument arising from the same; and if any person, being a member of such council or assembly, shall enter into any such contract or agreement, or having entered into it shall continue to hold it, his seat shall be declared by the said Legislative Council or Legislative Assembly, as the case may require, to be void, and thereupon the same shall become and be void accordingly; provided always, that nothing herein contained shall extend to any contract or agreement made, entered into, or accepted by any incorporated company, or any trading company, consisting of more than twenty persons, where such contract or agreement shall be made, entered into, or accepted for the general benefit of such incorporated or trading company.

Disqualifying contractors and persons interested in contracts from being Members of either House.

Proviso exempting from disqualification members of companies exceeding twenty in number.

XXXI. If any person by this Act disabled or declared to be incapable to sit or vote in the Legislative Council or Legislative Assembly shall nevertheless be summoned to the said council, or elected or returned as a member to serve in the said assembly for any electoral district, such summons, or election and return, shall and may be declared by the said council and assembly, as the case may require, to be void, and thereupon the same shall become and be void to all intents and purposes whatsoever; and if any person, under any of the disqualifications mentioned in the last preceding section, shall, whilst so disqualified, presume to sit or vote as a member of the said council or assembly, such person shall forfeit the sum of five hundred pounds, to be recovered by any person who shall sue for the same in the supreme court of New South Wales.

Election of disqualified persons void.

Penalty on their sitting or voting.

XXXII. It shall be lawful for the Governor of the colony for the time being to fix such place or places within any part of the colony, and such times for holding the first and every other session of the Legislative Council and Assembly of the said colony, as he may think fit, such times and places to be afterwards changed or varied as the Governor may judge advisable and most consistent with general convenience and the public welfare, giving sufficient notice thereof;

Place and time of holding Parliament.

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and also to prorogue the said Legislative Council and Assembly from time to time, and to dissolve the said assembly by proclamation or otherwise, whenever he shall deem it expedient.

One Session of
Parliament to be
held in each year.

XXXIII. There shall be a session of the Legislative Council and Assembly once at least in every year, so that a period of twelve calendar months shall not intervene between the last sitting of the Legislative Council and Assembly in one session and the first sitting of the Legislative Council and Assembly in the next session.

First calling to-
gether of Parliament.

XXXIV. The Legislative Council and Assembly shall be called together for the first time at some period not later than six calendar months next after the proclamation of this Act by the Governor of the said colony.

No Member to sit
or vote until he has
taken the follow-
ing Oath of Alle-
giance.

XXXV. No member either of the Legislative Council or of the Legislative Assembly shall be permitted to sit or vote therein until he shall have taken and subscribed the following oath before the Governor of the colony, or before some person or persons authorized by such Governor to administer such oath:—

“ I, A. B., do sincerely promise and swear, that I will be faithful and bear true allegiance to Her Majesty Queen Victoria, as lawful Sovereign of the United Kingdom of Great Britain and Ireland, and of this colony of New South Wales, dependent on and belonging to the said United Kingdom. So help me God.”

And whensoever the demise of Her present Majesty (whom may God long preserve), or of any of her successors to the Crown of the said United Kingdom, shall be notified by the Governor of the colony to the said council and assembly respectively, the members of the said council and assembly shall, before they shall be permitted to sit and vote therein, take and subscribe the like oath of allegiance to the successor for the time being to the said Crown.

Affirmation may
be made instead of
Oath.

XXXVI. Provided, that every person authorized by law to make an affirmation instead of taking an oath may make such affirmation in every case in which an oath is herein-before required to be taken.

Standing Rules and
Orders to be made.

XXXVII. The said Legislative Council and Assembly in the first session of each respectively, and from time to time afterwards as there may be occasion, shall prepare and adopt such standing rules and orders as shall appear to the said council and assembly respectively best adapted for the orderly conduct of such council and assembly respectively, and for the manner in which such council and assembly shall be presided over in case of the absence of the President or the Speaker, and for the mode in which such council and assembly shall confer, correspond, and communicate with each other relative to votes or bills passed by or pending in such council and assembly respectively, and for the manner in which notices of bills, resolutions, and other business intended to be submitted to such council and assembly respectively at any session thereof, may be published for general information, and for the proper passing, entitling, and numbering of the bills to be introduced into and passed by the said council and assembly, and for the proper presentation of the same to the Governor for the time being, for Her Majesty's assent; all of which rules and orders shall, by such council and assembly respectively, be laid before the Governor, and being by him approved shall become binding and of force.

Bills presented to
the Governor for
Assent.

XXXVIII. *Every bill which has been passed by the Legislative Council and Assembly shall be presented for Her Majesty's assent to the Governor of the said colony, and the Governor, in all bills relating to the local or municipal affairs of the said colony, shall declare at once, according to his discretion, that he assents to such bill in Her Majesty's name, or that he withholds Her Majesty's assent; and in all bills touching or affecting any imperial subject, the Governor shall declare, according to his discretion, but subject nevertheless to the provisions contained in this Act, and to such instructions as may from time to time be given in that behalf by Her Majesty, her heirs or successors, that he assents to such bill in Her Majesty's name, or that he withholds Her Majesty's assent, or that he reserves such bill for the signification of Her Majesty's pleasure thereon.*

XXXIX. Whenever any bill affecting any imperial subject which shall have been presented for Her Majesty's assent to the Governor of the colony shall by such Governor have been assented to in Her Majesty's name, the Governor shall by the first convenient opportunity transmit to one of Her Majesty's Principal Secretaries of State an authentic copy of such bill so assented to; and it shall be lawful, at any time within six calendar months after such bill shall have been so received by the Secretary of State, for Her Majesty by Order in Council to declare her disallowance of such bill, and such disallowance, together with a certificate under the hand and seal of the Secretary of State, certifying the day on which such bill was received as aforesaid, being signified by the Governor to the Legislative Council and Assembly of the said colony, by speech or message to the said council, or by proclamation in the New South Wales Government Gazette, shall make void and annul the same from and after the day of such signification.

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Disallowance of Bills assented to.

XL. No bill which shall be so reserved for the signification of Her Majesty's pleasure thereon shall have any force or authority within the said colony until the Governor shall signify, either by speech or message to the said Legislative Council and Assembly, or by proclamation, that such bill has been laid before Her Majesty in Council, and that Her Majesty has been pleased to assent to the said bill; and no bill which shall be so reserved as aforesaid shall have any force or authority in the said colony unless Her Majesty's assent thereto shall have been so signified as aforesaid, within the space of eighteen calendar months from the day on which such bill shall have been presented for Her Majesty's assent to the Governor as aforesaid.

Reserved Bill not to have force until Governor shall signify Her Majesty's assent thereto:

XLI. In either of the cases mentioned in the last two preceding clauses an entry shall be made in the journals of the said Legislative Council and Assembly of every such speech, message, or proclamation, and a duplicate thereof, duly attested, shall be delivered to the Registrar of the Supreme Court, or other proper officer, to be kept among the records of the said colony.

Entry of Message or Proclamation notifying disallowance of bills or assent to reserved bills to be made in Journals.

XLII. Notwithstanding anything herein-before contained, the legislature of the said colony as constituted by this Act shall have full power and authority, from time to time, by any Act or Acts, to alter the provisions or laws for the time being in force under this Act or otherwise concerning the Legislative Council, the nomination or election of another Legislative Council, to consist respectively of such members to be appointed or elected respectively by such person or persons and in such manner as by such Act or Acts shall be determined: Provided always, that it shall not be lawful to present to the Governor of the said colony, for Her Majesty's assent, any bill by which any such alteration in the constitution of the said colony may be made, unless the second and third readings of such bill shall have been passed with the concurrence of two thirds of the members for the time being of the said Legislative Council and of the said Legislative Assembly respectively: Provided also, that every bill which shall be so passed for any of such purposes shall be reserved for the signification of Her Majesty's pleasure thereon, and a copy of such bill shall be laid before both Houses of the Imperial Parliament for the period of thirty days at the least before Her Majesty's pleasure thereon shall be signified.

Legislature, as constructed by this Act, empowered to alter any of its provisions.

XLIII. It shall be lawful for Her Majesty, with the advice of Her Privy Council, or under Her Majesty's signet and sign manual through one of her Principal Secretaries of State, from time to time to convey to the Governor of New South Wales such instructions as to Her Majesty shall seem meet for the guidance of such Governor in the exercise of the powers hereby invested in him of assenting to or dissenting from, or for reserving for the signification of Her Majesty's pleasure, bills to be passed by the said Legislative Council and Assembly affecting any imperial subject, and so that such instructions do not in any way fetter the Governor's discretion in giving or refusing Her Majesty's assent to bills of mere local or municipal concernment.

Governor in certain cases to conform to Her Majesty's instructions.

XLIV. The appointment to all public offices under the government of the colony hereafter to become vacant or to be created, whether such offices be salaried or not, shall be vested in the Governor, with the advice of the Executive Council, with the exception of the appointments of the officers liable to retire from office on political grounds as herein-after mentioned, which appoint-

Appointment to offices under the Government of the Colony to be vested in the Governor.

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ments shall be vested in the Governor alone: Provided always, that this enactment shall not extend to minor appointments, which, by Act of the legislature or by order of the Governor and Executive Council, may be vested in heads of departments, or other officers or persons within the colony.

Judges continued in the enjoyment of their offices during their good behaviour, notwithstanding any demise of the Crown: But they may be removed by the Crown on the address of Parliament.

Their salaries secured during the continuance of their Commissions.

Existing Law saved.

Courts of Justice, Commissions, Officers, &c.

Legislature empowered to make laws regulating sale and other disposal of Waste Lands.

Duties not to be levied on supplies for troops, nor any duties inconsistent with treaties.

Customs duties may be imposed not differential, though contrary to existing Acts of Parliament.

Boundaries of the Colony.

XLV. The commissions of the present judges of the supreme court of the said colony, and of all future judges thereof, shall be, continue, and remain in full force during their good behaviour, notwithstanding the demise of Her Majesty (whom may God long preserve), or of her heirs and successors, any law, usage, or practice to the contrary thereof in anywise notwithstanding.

XLVI. It shall be lawful, nevertheless, for Her Majesty, her heirs or successors, to remove any such judge or judges upon the address of both houses of the legislature of this colony.

XLVII. Such salaries as are settled upon the judges for the time being by Act of Parliament or otherwise, and also such salaries as shall or may be in future granted by Her Majesty, her heirs and successors, or otherwise, to any future judge or judges of the said supreme court, shall in all time coming be paid and payable to every such judge and judges for the time being so long as the patents or commissions of them or any of them respectively shall continue and remain in force.

XLVIII. All laws, statutes, and ordinances which at the time of the passing of this Act shall be in force within the said colony shall remain and continue to be of the same force, authority, and effect as if this Act had not been made, except in so far as the same are repealed or varied by this Act, or in so far as the same shall or may hereafter, by virtue and under the authority of this Act, be repealed or varied by any Act or Acts of the legislature of the said colony.

XLIX. All the courts of civil and criminal jurisdiction within the said colony, and all charters, legal commissions, powers, and authorities, and all officers, judicial, administrative, or ministerial, within the said colony respectively, except in so far as the same may be abolished, altered, or varied by or may be inconsistent with the provisions of this Act, or shall be abolished, altered, or varied by any Act or Acts of the legislature of the colony, or other competent authority, shall continue to subsist in the same form and with the same effect as if this Act had not been made.

L. Subject to the provisions herein contained, it shall be lawful for the legislature of this colony to make laws for regulating the sale, letting, disposal, and occupation of the waste lands of the Crown within the said colony.

LI. It shall not be lawful for the legislature of the colony to levy any duty upon articles imported *bonâ fide* for the supply of Her Majesty's land or sea forces, nor to levy any duty, impose any prohibition or restriction, or grant any exemption from any drawback or other privileges upon the importation or exportation of any articles, nor to enforce any dues or charges upon shipping, contrary to or at variance with any treaty or treaties concluded by Her Majesty with any foreign power.

LII. Subject to the provisions of this Act, and notwithstanding any Act or Acts of the Imperial Parliament now in force to the contrary, it shall be lawful for the legislature of the colony to impose and levy such duties of customs as to them may seem fit on the importation into the colony of any goods, wares, and merchandise whatsoever, whether the produce of or exported from the United Kingdom or any of the colonies or dependencies of the United Kingdom, or any foreign country: Provided always, that no new duty shall be so imposed upon the importation into the said colony of any article the produce or manufacture of or imported from any particular country or place which shall not be equally imposed on the importation into the said colony of the like article the produce or manufacture of or exported from all other countries and places whatsoever.

LIII. For the purpose of this Act, the boundaries of the colony of New South Wales shall, except as herein-after excepted, comprise all that portion of Her Majesty's territory of Australia or New Holland lying between the one hundred and twenty-ninth and one hundred and fifty-fourth degrees of east

longitude, reckoning from the meridian of Greenwich, and northward of the fortieth degree of south latitude, including all the islands adjacent in the Pacific Ocean within the latitude aforesaid, and also including Lord Howe Island, being in or about the latitude of thirty-one degrees thirty minutes south, and the one hundred and fifty-ninth degree of east longitude, reckoning from the said meridian of Greenwich, save and except the territories comprised within the boundaries of the province of South Australia and the colony of Victoria, as at present established: Provided always, that nothing herein contained shall be deemed to prevent Her Majesty from altering the boundary of the colony of New South Wales on the north in such manner as to Her Majesty may seem fit, nor from detaching from the said colony that portion of the same which lies between the western boundary of South Australia and the one hundred and twenty-ninth degree of east longitude, reckoning from the said meridian of Greenwich.

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LIV. No alteration, except as is provided in the last preceding clause, shall take place in the boundaries of the respective colonies of New South Wales, Victoria, or South Australia, unless the assent of the colony losing any portion of its territory by such alienation shall be expressed in some legislative provision of such colony.

Boundaries of the Colonies of N. S. Wales, Victoria, & South Australia not to be altered without Legislative sanction of the Colony parting with its territory. Preamble to Civil List Clauses.

And whereas the Legislative Council of New South Wales, constituted under the Imperial Act passed in the session holden in the thirteenth and fourteenth years of the reign of Her present Majesty, intituled "An Act for the better Government of Her Majesty's Australian Colonies," are desirous that Her Majesty should owe to the spontaneous liberality of her people in this colony such grant by way of civil list, in lieu of the provision contained in the schedule to that Act, as shall be sufficient to give stability and security to the civil institutions of the colony, and to provide for the adequate remuneration of able and efficient officers in the executive, judicial, and other departments of Her Majesty's colonial service, the granting of which civil list belongs constitutionally only to Her Majesty's faithful people, through their representatives in the said Legislative Council; and Her Majesty's most dutiful and loyal subjects, the members of the said Legislative Council, in council assembled, being desirous that a certain competent revenue for the purpose may be settled upon Her Majesty (to whom may God grant a long and happy reign), as a testimony of their unfeigned affection to Her Majesty's person and government, have accordingly freely resolved, in lieu of the aforesaid statutable provision for the like purpose, to grant to Her Majesty, her heirs and successors, a certain revenue payable out of the consolidated revenue fund of this colony: Be it therefore further enacted as follows:—

LV. All taxes, imposts, rates, and duties, and all territorial, casual and other revenues of the Crown (including royalties), from whatever source arising within this colony, and over which the present or future legislature has or may have power of appropriation, shall form one consolidated revenue fund, to be appropriated for the public service of this colony, in the manner and subject to the charges herein-after mentioned.

All duties and revenues to form consolidated revenue fund.

LVI. The consolidated revenue fund of this colony shall be permanently charged with all the costs, charges, and expenses incident to the collection, management, and receipt thereof, such costs, charges, and expenses being subject nevertheless to be reviewed and audited in such manner as shall be directed by any Act of the legislature.

Such fund permanently charged with expenses of collection.

LVII. There shall be payable in every year to Her Majesty, her heirs and successors, out of the consolidated revenue fund of this colony, the several sums not exceeding in the whole the sum of sixty-four thousand and three hundred pounds for defraying the expense of the several services and purposes named in the schedules A., B., and C. to this Act annexed, the said several sums to be issued by the Colonial Treasurer in discharge of such warrant or warrants as shall be from time to time directed under the hand of the Governor; and the said Treasurer shall account to Her Majesty for the same through the Lords Commissioners of Her Majesty's Treasury, in such manner and form as Her Majesty shall be graciously pleased to direct.

Civil List of 64,300*l.* payable to Her Majesty.

LVIII. The said several sums mentioned in schedules A., B., and C. shall be accepted and taken by Her Majesty, her heirs and successors, by way of

Civil List to be accompanied by surrender of all

NEW SOUTH WALES.

Revenues of the Crown.

Pensions payable to Judges of Supreme Court. Pensions payable to certain Officers liable to removal from office upon political grounds. Provisions in reference to Judges and such officers.

Superannuation Pensions to certain other officers not liable to removal upon political grounds. To be regulated by Superannuation Act, 4 & 5 William IV. cap. 24. Consolidated Revenue to be appropriated by Act of the Legislature. Debenture or any other charges on Consolidated Revenue Fund not to be affected by such consolidation.

No money vote or bill lawful unless recommended by Governor.

No part of Public Revenue to be issued except on warrants from Governor.

civil list, instead of all territorial, casual, and other revenues of the Crown (including all royalties), from whatever source arising within the said colony, and to the disposal of which the Crown may be entitled, either absolutely or conditionally, or otherwise howsoever.

LIX. Not more than four thousand five hundred and fifty pounds in each year shall be payable for pensions to the judges of the supreme court, out of the sum set apart for pensions in the said schedule B.; and not more than five thousand nine hundred pounds in each year shall be payable by way of pension or retiring allowance for the present incumbents of any office or department mentioned in the said schedule B., who, on political grounds, may retire or be released from any such office or department: Provided always, that pensions shall be demandable by such judges to the amount of seven tenths of their actual salaries on permanent disability or infirmity, or after fifteen years service as such judge in this colony; and that so far as the present judges are concerned, every three years service in any judicial office in this colony, other than the office of a judge of the supreme court, shall be equivalent to one year's service as such judge of the supreme court: Provided also, that the officers so liable to retire or be released shall be the Attorney-General, and Solicitor-General, the Colonial Secretary, Colonial Treasurer, and Auditor-General, and upon the retirement or release from office of any of the present officers they shall be entitled by way of pension or retiring allowance to the full amount of the salaries respectively received by them at the time of the passing of this Act: Provided also, that if after the assignment of any such pension or retiring allowance any of such judges or officers shall accept any new appointment under the Crown, then and in every such case the pension or retiring allowance of any such judge or officer shall merge or be reduced pro tanto during the tenure of such appointment, according as the salary or emoluments of any such new appointment are of greater or less amount than the pension or retiring allowance of such judge or officer.

LX. Not more than three thousand five hundred pounds in each year shall be payable for pensions to superannuated officers: Provided always, that the amount of all such pensions for such superannuated officers shall be according to the several scales and rates fixed by the Superannuation Act of the Parliament of Great Britain and Ireland passed in the session of the fourth and fifth years of the reign of His late Majesty King William the Fourth, and that a list of all pensions granted under this Act, and of the persons to whom the same shall have been granted, shall be laid in every year before both houses of the legislature of the colony.

LXI. After and subject to the payments to be made under the provisions herein-before contained, all the consolidated revenue fund herein-before mentioned shall be subject to be appropriated to such specific purposes as by any Act of the legislature of the colony shall be prescribed in that behalf; provided that the consolidation of the revenues of this colony shall not affect the payment of the annual interest or the principal sums mentioned in any outstanding debentures or other charge upon the territorial revenue, as such interest, principal, or other charge severally becomes due, nor shall such consolidation affect the payment of any sum or sums heretofore charged upon the taxes, duties, rates, and imposts now raised, levied, and collected, or to be raised, levied, and collected to and for the use of this colony, for such time as shall have been appointed by any Acts of the said legislature by which any such charge was authorized.

LXII. It shall not be lawful for the Legislative assembly to originate or pass any vote, resolution, or bill for the appropriation of any part of the said consolidated revenue fund, or of any other tax or impost, to any purpose which shall not have been first recommended by a message of the Governor to the said Legislative Assembly, during the session in which such vote, resolution, or bill shall be passed.

LXIII. No part of Her Majesty's revenue in the said colony, arising from any of the sources aforesaid, shall be issued or shall be made issuable except in pursuance of warrants under the hand of the Governor of the colony directed to the public Treasurer thereof.

LXIV. This Act shall be proclaimed in New South Wales by the Governor thereof within one calendar month after official information of the Royal Assent thereto shall have been received by such Governor, and shall take effect within the said colony from the day of the proclamation thereof.

NEW SOUTH WALES.
Proclamation and commencement of Act.

LXV. In the construction of this Act, the term "Governor" shall mean the person for the time being lawfully administering the government of the colony of New South Wales.

Interpretation of term "Governor."

LXVI. The foregoing provisions of this Act shall have no force or effect until so much and such parts of the Act of the Parliament of the United Kingdom of Great Britain and Ireland, passed in the thirteenth and fourteenth years of Her Majesty's reign, intituled "An Act for the better government of the Australian Colonies," and the first, second, and third parts of the Schedule A. therein referred to, and of another Act passed in the fifth and sixth years of Her Majesty's reign, intituled "An Act for the government of New South Wales and Van Diemen's Land," and of another Act passed in the said fifth and sixth years of Her Majesty's reign, intituled "An Act for regulating the Sale of Waste Land belonging to the Crown in the Australian Colonies," and of another Act passed in the eighth year of Her Majesty's reign, intituled "An Act to clear up doubts as to the regulation and audit of the Customs of New South Wales," and of another Act passed in the same year, intituled "An Act to explain and amend the Act for the Government of New South Wales and Van Diemen's Land," and of another Act passed in the ninth year of the reign of His late Majesty King George the Fourth, intituled "An Act to provide for the Administration of Justice in New South Wales and Van Diemen's Land, and for the more effectual Government thereof, and for other purposes relating thereto," and of another Act passed in the ninth and tenth years of Her Majesty's reign, intituled "An Act to amend an Act for regulating the sale of waste land belonging to the Crown in the Australian colonies, and to make further provisions for the management thereof," as severally relate to the colony of New South Wales, and as are repugnant to this Act, shall have been repealed, and the entire management and control of the waste lands belonging to the Crown in the said colony of New South Wales, and also the appropriation of the gross proceeds of the sales of any such lands and of all other proceeds and revenues of the same, from whatever source arising within the said colony, including all Royalties, mines, and minerals, shall be vested in the legislature of the said colony: Provided, that nothing herein contained shall affect or be construed to affect any contract or to prevent the fulfilment of any promise or engagement made by or on behalf of Her Majesty, with respect to any lands situate within the said colony in cases where such contracts, promises, or engagements shall have been lawfully made before the time at which this Act shall take effect within this colony, nor to disturb or in any way interfere with or prejudice any vested or other rights which have accrued or belong to the licensed occupants or lessees of any Crown lands within or without the settled districts, under and by virtue of the aforesaid Act of the Parliament passed in the ninth and tenth years of Her Majesty's reign, or of any order or orders of Her Majesty in Council issued in pursuance thereof.

Provisions of this Act to have no force until so much of 13 & 14 Vict. cap. 59.,

and so much also of 5 & 6 Vict. cap. 76.,
5 & 6 Vict. cap. 36.,
and of 7 & 8 Vict. cap. 72.,
7 & 8 Vict. cap. 74.,

9 Geo. IV. cap. 83.,

and 9 & 10 Vict. cap. 104., as relates to this Colony, and is repugnant to reserved bills, be repealed, and the entire management of Crown Lands, and all revenues thence arising, be vested in the Local Legislature. This provision not to affect any previous contracts of Her Majesty respecting any such lands, nor any vested rights which have arisen under 9 & 10 Vict. cap. 104., nor any vested right or interest which has accrued under any Order of Council issued by Her Majesty in Council in pursuance thereof.

Passed the Legislative Council, this twenty-first day of December one thousand eight hundred and fifty-three.

CHARLES NICHOLSON,
Speaker.
W. MACPHERSON,
Clerk of the Council.

In the name and on behalf of Her Majesty, I reserve this bill for the signification thereon of Her Majesty's pleasure.

Government House, Sydney, December 22, 1853. **CHAS. A. FITZROY,**
Governor-General.

NEW SOUTH
WALES.

SCHEDULE A.

	Salaries payable whilst the present Incumbents are in Office.			Salaries to be paid in future as Vacancies occur.		
	£	s.	d.	£	s.	d.
To be placed at the disposal of Her Majesty, for the Salary of the Governor-General, if Her Majesty see fit; otherwise to revert to the Consolidated Revenue Fund	7,000	0	0	7,000	0	0
One Chief Justice	2,000	0	0	2,000	0	0
Three Judges, including one for Moreton Bay	4,500	0	0	4,500	0	0
Colonial Secretary	2,000	0	0	2,000	0	0
Colonial Treasurer	1,250	0	0	1,250	0	0
Auditor-General	900	0	0	900	0	0
Attorney-General	1,500	0	0	1,500	0	0
Solicitor-General	1,000	0	0	1,000	0	0
Governor's Private Secretary	400	0	0	400	0	0
Master in Equity and Curator of Intestate Estates and Chief Commissioner of Insolvent Estates	1,000	0	0			
Chairman of Quarter Sessions and Commissioner of Court of Requests	800	0	0			
	22,350	0	0	20,550	0	0

SCHEDULE B.

	£	s.	d.
Pensions to Judges on their ceasing to hold office. (Until demandable and claimed, this amount, or any unclaimed portion of it, to revert to the Consolidated Revenue Fund.)	4,550	0	0
Pensions to existing Officers of the Government liable on political grounds to retire or be released from office upon their retirement or release. (Upon the demise of these officers, or until their retirement or release, their respective pensions, or this amount, (as the case may be,) to revert to the Consolidated Revenue Fund.)	5,900	0	0
Pensions to officers of government not liable on political grounds to retire or be released from office, according to the scales and rates fixed by the Superannuation Act of the Imperial Parliament, 4 & 5 Wm. IV., c. 24. (Any portion of this fund which may not be drawn during any year to revert to the Consolidated Revenue Fund.)	3,500	0	0
	13,950	0	0

SCHEDULE C.

	£	s.	d.
Public worship	28,000	0	0

VICTORIA.

VICTORIA.

ANNO DECIMO SEPTIMO VICTORIÆ REGINÆ.

By his Excellency Charles Joseph La Trobe, Esquire, Lieutenant-Governor of the Colony of Victoria and its dependencies, with the advice and consent of the Legislative Council.

An Act to establish a Constitution in and for the Colony of Victoria.
[25th March 1854.]

WHEREAS by an Act of the Imperial Parliament of the United Kingdom of Great Britain and Ireland, passed in the session holden in the thirteenth and fourteenth years of the reign of Her present Majesty, intituled "An Act for the better government of Her Majesty's Australian colonies," it was amongst other things enacted that notwithstanding anything therein-before contained, it should be lawful for the Governor and Legislative Council of the colony of Victoria after the establishment therein of a Legislative Council under the said Act, from time to time by any Act or Acts to alter the provisions or laws for the time being in force under the said Act, or otherwise concerning the election of the elective members of such Legislative Council, the qualification of electors and elective members, or to establish in the said colony, instead of the Legislative Council, a Council and a House of Representatives, or other separate Legislative Houses, to consist respectively of such members to be appointed or elected respectively by such persons and in such manner as by such Act or Acts should be determined, and to vest in such Council and House of Representatives, or other separate Legislative Houses, the powers and functions of the Legislative Council for which the same might be substituted: And whereas it is expedient to establish in the said colony separate Legislative Houses, and to vest in them as well the powers and functions of the Legislative Council now subsisting, as the other and additional powers and functions herein-after mentioned: Be it therefore enacted by his Excellency the Lieutenant-Governor of the said colony of Victoria, by and with the advice and consent of the Legislative Council thereof, as follows:

Preamble.

I. There shall be established in Victoria, instead of the Legislative Council now subsisting, one Legislative Council and one Legislative Assembly, to be severally constituted in the manner herein-after provided, and Her Majesty shall have power by and with the advice and consent of the said Council and Assembly to make laws in and for Victoria in all cases whatsoever, and all such laws passed by the said Council and Assembly, and assented to by Her Majesty, or in Her Majesty's name by the Governor of Victoria, shall be valid and binding to all intents and purposes within Victoria, subject, nevertheless, as to bills so assented to by the Governor, to the provision for disallowance herein after described.

Separate Legislative Houses, established.

II. The Legislative Council of Victoria shall consist of thirty members, to be elected as herein-after provided, and for the purpose of returning such members the said colony shall be divided into six electoral provinces, the boundaries whereof for the purposes of this Act shall be taken to be those set forth in the schedule marked E., hereunto annexed, and each such province shall return an equal number of members.

Legislative Council constituted.

III. At the first election of the members of the said Council held after this Act shall have come into operation, each province shall return the number of members assigned thereto in the said schedule, and at the expiration of two years from the date of such first election, and thenceforward at the expiration of every succeeding period of two years, one of the members returned for each of the said electoral provinces respectively shall retire from the said Council, and those shall so retire who shall have been for the longest time members thereof without re-election: Provided that any member elected in the place of a member dying, resigning, or retiring, otherwise than by rotation, shall hold his seat only so long as the member in whose place he has been elected would have been entitled to have held the same: Provided further, that of members

Retirement of Members in rotation.

VICTORIA.

elected for any province at the first election, as aforesaid, the member who may at his election have received the least number of votes shall first so retire, and 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; provided also that any member so retiring shall, if otherwise qualified, be capable of being re-elected.

Qualification of members.

IV. No person shall be capable of being elected a member of the Legislative Council who shall not be of the full age of thirty years, and a natural-born subject of the Queen, and who shall not for one year previous to such election have been legally or equitably seised of or entitled to an estate of freehold in possession for his own use and benefit, in lands and tenements in the said colony of Victoria, of the value of five thousand pounds sterling money, or of the annual value of five hundred pounds sterling money above all charges and incumbrances affecting the same respectively: Provided that no judge of any Court of the said colony appointed during good behaviour, nor any minister of any religious denomination, whatever may be his title, rank, or designation, shall be capable of being elected a member of the Legislative Council: Provided further, that no person who shall have been attainted of any treason, or convicted of any felony or infamous offence within any part of Her Majesty's dominions, shall be capable of being elected a member of the Legislative Council.

Qualification of electors.

V. Every man of the age of twenty-one years, being a natural-born subject of Her Majesty, or being a naturalized subject or a legally made denizen of Victoria, (such naturalization or denization having made three years previous to the date of the last registration of electors made in pursuance of the provisions hereof,) and having resided in Victoria for any one year previous to such registration, who shall have a freehold estate in possession for his own use and benefit, in lands and tenements, situate within the electoral province for which his vote is to be given, of the clear value of one thousand pounds sterling money, or of the clear annual value of one hundred pounds sterling money above all charges and incumbrances affecting the same respectively, or shall have a leasehold estate in possession situated as aforesaid, held upon a lease whereby a rent of one hundred pounds or upwards shall be reserved, or of the clear annual value of one hundred pounds above all charges and outgoings, every such lease having been granted for a period of not less than five years, or who shall be resident within the electoral province for which his vote is to be given, and be a graduate of any university in the British dominions, or a barrister or solicitor on the roll of the Supreme Court of Victoria, or a legally qualified medical practitioner, or an officiating minister, or an officer or retired officer of Her Majesty's land or sea forces, except on actual service, shall, being duly registered, be entitled to vote at the election of a member or members of the Legislative Council: Provided that no person shall be entitled to be registered as such elector for any province in respect of any such estate, occupation, or qualification as aforesaid, unless he shall have been seised or possessed of, or occupied, or held the same respectively for the period of twelve calendar months at least previous to such registration as aforesaid: Provided also, that no person shall be entitled to be registered as aforesaid who shall have been attainted or convicted of treason, felony, or other infamous offence in any part of Her Majesty's dominions, unless he shall have received a free pardon or have undergone the sentence passed on him for such offence: Provided also, that no man shall be entitled to be registered in respect of any such estate or occupation as aforesaid, unless at the time of such registration of electors he shall have paid up all rates and taxes which shall have become payable by him as owner or leaseholder in respect of such estate, or as occupier in respect of such occupation, except such as shall have become payable during three calendar months next before such registration: Provided further, that no person who shall attain the age of twenty-one years after the expiration of two years from the passing hereof shall be entitled to be registered as aforesaid, unless he shall be able to read and write.

Election of President.

VI. The Legislative Council shall, at its first meeting, and before proceeding to the despatch of any other business, elect one member of the said Council to be the president thereof, and as often as the place of the said president shall

become vacant by death, resignation, or removal by a vote of the Council, or by disallowance, as herein-after mentioned, or otherwise, shall forthwith proceed to elect some other member to be the president thereof, and the president so elected shall preside at the meetings of the Council: Provided, that it shall be lawful for the Governor to disallow the choice of any such president, and upon such disallowance being signified by the Governor to the Council the place of such president shall become vacant.

VICTORIA.

VII. Every member of the Legislative Council before he shall sit or vote in the Council, after the election of a president, shall make and subscribe a declaration in writing under his hand, and deliver the same to the clerk of the Council at the place where and while the Council is sitting, with the president in the chair, which declaration shall be in the form set forth in the schedule hereunto annexed marked A. And the said declaration shall be filed and kept by the clerk with the other records of the office, and every member who shall sit or vote in the Council, after the election of a president, before making such declaration as aforesaid, shall be liable for every day on which he shall so offend to pay the sum of two hundred pounds, to be recovered by any person who shall sue for the same in any Court of competent jurisdiction.

Declaration by members.

VIII. It shall be lawful for any member to resign his seat in the Legislative Council by a letter addressed to the Governor, and from the time when the same shall have been received by the Governor, the seat of such member shall become vacant.

Resignation of members.

IX. The Legislative Council shall not be competent to the despatch of business unless there be present, exclusive of the president, one third at least of the members of the said Council, or if the whole number of members thereof shall not be exactly divisible by three, then such integral number as is next greater than one third of the members of the said Council, and all questions, save as herein excepted, which shall arise in the Council, shall be decided by a majority of the members present, other than the president, and when the votes shall be equal the president shall have the casting vote.

Quorum of Legislative Council.

X. The Legislative Assembly of Victoria shall consist of sixty members, to be elected as herein-after provided, and for the purpose of returning such members the said colony shall be divided into thirty-seven electoral districts, the boundaries whereof shall for the purposes of this Act be those set forth in the schedule hereunto annexed, marked F., each of which districts shall return the number of members assigned thereto in the said schedule.

Legislative Assembly, how constituted.

XI. No person shall be capable of being elected a member of the Assembly who shall not be of the full age of twenty-one years, or who shall not be a natural-born subject of the Queen, or have been naturalized by law for the space of five years, and been resident in Victoria for the space of two years previous to such election, and who shall not be legally or equitably seised of or entitled to an estate of freehold in possession for his own use and benefit in lands and tenements in Victoria of the value of two thousand pounds sterling money, or of the annual value of two hundred pounds sterling money above all charges and incumbrances affecting the same: Provided, that no person shall be capable of being elected a member to serve in the Assembly, who shall be a judge of any Court of the said colony appointed during good behaviour, or a minister of any religious denomination, whatever may be his title, rank, or designation; provided further, that no person who shall have been attainted of any treason, or convicted of any felony or infamous crime in any part of Her Majesty's dominions, shall be capable of being elected a Member of the said Assembly.

Qualification of members.

XII. Every man of the age of twenty-one years, being a natural born subject of Her Majesty, or being a naturalized subject or a legally made denizen of Victoria, and having resided in the said colony for any one year previous to the date of the last registration of electors, who shall have a freehold estate in possession, situate within the electoral district for which his vote is to be given, of the clear value of fifty pounds sterling money, or of the clear annual value of five pounds sterling money above all charges and incumbrances in any way affecting the same, or shall have a leasehold estate in possession, situate as aforesaid, of the annual value of ten pounds sterling money above all charges and incumbrances affecting the same, or shall be a householder within such district occupying any

Qualification of electors.

VICTORIA.

house, warehouse, counting-house, office, shop, or other building or premises of the clear annual value of ten pounds sterling money, or shall, in consideration of any payment to the public revenue, be entitled under any law now or hereafter to be in force to occupy for the space of twelve months or upwards any portion of the waste lands of the Crown situate as aforesaid, or shall, being resident within the electoral district for which his vote is to be given, be in receipt of an annual salary of one hundred pounds sterling money, shall, being duly registered, be entitled to vote at the election of a member or members of the Legislative Assembly: Provided, that no person shall be entitled to be registered as an elector upon the electoral roll of any electoral district, unless he shall have been seised or possessed of or occupied, used, enjoyed, held, or been in receipt of the qualifications in respect whereof he shall claim to be registered for the period of six calendar months at least previous to such registration: Provided also, that no person shall be entitled to be registered as aforesaid who shall have been attained or convicted of treason, felony, or other infamous offence in any part of Her Majesty's dominions, unless he shall have received a free pardon, or undergone the sentence passed on him for such offence: Provided further, that no man shall be entitled to be registered as aforesaid in respect of such estate or occupation, unless at the time of such registration he shall have paid up all rates and taxes which shall have become payable by him as owner or leaseholder in respect of such estate, or as occupier in respect of such occupation, except such as shall have become payable during three calendar months next before such registration: Provided lastly, that no person who shall attain the age of twenty-one years, after the expiration of two years from the passing hereof, shall be entitled to be registered unless he shall be able to read and write.

Joint interests.

XIII. Where any premises are jointly owned or occupied, or held upon lease by more persons than one, each of such joint owners, occupiers, or leaseholders shall be entitled to be registered as an elector, and to vote at the election of members to serve in the Council or Assembly, as the case may be, provided the value of his individual share or interest in the said premises would under the provisions of this Act entitle such owner, occupier, or leaseholder to be registered as such elector, and to vote as aforesaid.

Provision as to Trustees and Mortgagees.

XIV. No person shall be allowed to have any vote in the election of a Member of the Council or Assembly for or by reason of any trust, estate, or mortgage, unless such trustee or mortgagee be in actual possession or receipt of the rents and profits of the same estate, but the mortgagor or cestuique trust in possession shall and may vote for the same estate, notwithstanding such mortgage or trust.

What to be a charge or incumbrance.

XV. No public tax, rate, or charge shall be deemed to be any charge or incumbrance on lands within the meaning of this Act.

Members of Council incapable of being members of Assembly, and vice versa.

XVI. No person, being a member of the Council shall be capable of being elected, or of sitting or voting as a member of the Assembly, nor shall any person being a member of the said Assembly be capable of being elected, or of sitting or voting as a member of the said Council.

Persons becoming incapable.

XVII. If any member of the Legislative Council or the Legislative Assembly shall accept any office of profit under the Crown during pleasure, his seat shall thereupon become vacant, but such person shall, if otherwise duly qualified, be capable of being re-elected.

Who are to be responsible officers.

XVIII. Of the following officers of Government for the time being, that is to say, the Colonial Secretary, or Chief Secretary, Attorney General, Colonial Treasurer, or Treasurer Commissioner of Public Works, Collector of Customs, or Commissioner of Trade, and Customs Surveyor General, or Commissioner of Crown Lands and Survey, and Solicitor General, or the persons for the time being holding those offices, four at least shall be members of the Council or Assembly.

Duration of Assembly.

XIX. Every Assembly hereafter to be summoned and chosen shall continue for five years from the day of the return of the Writs for choosing the same, and no longer, subject nevertheless to be sooner dissolved by the Governor.

XX. The Legislative Assembly of Victoria shall, at its first meeting, after every general election, and before proceeding to the despatch of any other business, elect a member of such Assembly to be Speaker, and in case of his death, resignation, or removal by a vote of the Assembly, shall forthwith proceed to elect some other member to be Speaker, and the Speaker so elected shall preside at the meetings of the Assembly, except as may be provided by the standing rules and orders hereby authorized to be made.

VICTORIA.
Election of Speaker.

XXI. The Legislative Assembly shall not be competent to the despatch of business, unless there be present, exclusive of the Speaker, twenty members thereof. And all questions, save as herein excepted, which shall arise in the Assembly, shall be decided by the majority of members present, other than the Speaker, and when the votes shall be equal, the Speaker shall have the casting vote.

Quorum of Assembly.

XXII. No omission or failure to elect a member or members in or for any electoral province or district, nor the vacating the seat, or avoiding the election of any such member or members, shall be deemed or taken to make either the Legislative Council or the Legislative Assembly, as the case may be, incomplete, or to invalidate any proceedings thereof, or to prevent such Council or Assembly from meeting and despatching business so long as there shall be a quorum of members present.

Quorum of houses may act, though election may have failed.

XXIII. It shall be lawful for any member to resign his seat in the Legislative Assembly by writing under his hand, addressed to the Speaker, and from the time when the same shall have been received by the Speaker, the seat of such member shall become vacant.

Resignation of members.

XXIV. If any member of the Legislative Council or Legislative Assembly shall, for one entire session thereof, without the permission of the said Council or Assembly, as the case may be, fail to give his attendance in such Council or Assembly, or shall take any oath, or make any declaration or acknowledgment of allegiance, obedience, or adherence to any foreign prince or power, or adopt any act whereby he may become a subject or citizen of any foreign state or power, or shall become bankrupt or an insolvent debtor, within the meaning of the laws in force within Victoria relating to bankrupts or insolvent debtors, or shall become a public defaulter, or be attainted of treason, or be convicted of felony or any infamous crime, or become *non compos mentis*, his seat in the said Council or Assembly, as the case may be, shall thereby become vacant.

Seat, how vacated

XXV. Any person who shall directly or indirectly himself, or by any person whosoever in trust for him, or for his use or benefit, or on his account, undertake, execute, hold, or enjoy, in the whole or in part, any contract or agreement for or on account of the public service, shall be incapable of being elected, or of sitting or voting as a member of the Council or Assembly during the time he shall execute, hold, or enjoy any such contract, or any part or share thereof, or any benefit or emolument arising from the same: Provided that nothing herein contained shall extend to any contract or agreement made, entered into, or accepted by any company or association consisting of more than twelve persons, where such contract or agreement shall be made, entered into, or accepted for the general benefit of such company or association: Provided also, that if any member of the Council or Assembly shall enter into any such contract or agreement his seat shall be declared by the said Council or Assembly respectively to be and shall thereupon become void.

Public contractor incapable.

XXVI. If any person by this Act disabled or declared to be incapable to sit or vote in the Legislative Council or Legislative Assembly, be elected and returned as a member to serve in the said Council or Assembly, such election and return may be declared by the said Council or Assembly, as the case may be, to be void, and thereupon the same shall become void to all intents and purposes; and if any person so elected and returned contrary to the provisions of this Act shall sit or vote as member of the said Council or Assembly, he shall be liable to pay the sum of two hundred pounds, to be recovered by any person who shall sue for the same in any Court of the said colony having competent jurisdiction.

Effects of incapacity.

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Power for existing legislature to make provision for regulating elections, &c.

XXVII. The Legislature of Victoria in existence at the time of the proclamation of this Act, as herein-after mentioned, shall, by an Act or Acts to be for that purpose made and passed in the manner and subject to the conditions required in respect of any Act or Acts made or passed by such Legislature, make all necessary provision for the compilation and revision of lists of all persons qualified to vote at the elections of members to serve in the said Council and Assembly respectively, and for the registration of such persons, and for the appointing of returning officers at such elections, and for the issuing, executing, and returning the necessary writs for the same, and generally for declaring and filling up all vacancies in such Council and Assembly respectively, and for regulating the proceedings and taking the poll at all such elections, and for determining the validity of all disputed returns and elections, and otherwise for ensuring the orderly, effective, and impartial conduct of all such elections.

Convocation, prorogation, and dissolution.

XXVIII. It shall be lawful for the Governor to fix such places within Victoria, and, subject to the limitation herein contained, such times for holding the first and every other Session of the Council and Assembly, and to vary and alter the same respectively in such manner as he may think fit, and also from time to time to prorogue the said Council and Assembly, and to dissolve the said Assembly by proclamation or otherwise, whenever he shall deem it expedient, provided that nothing herein contained shall empower the Governor to dissolve the Council.

Sessions of Council and Assembly.

XXIX. There shall be a session of the Council and Assembly of Victoria once at least in every year, so that a period of twelve calendar months shall not intervene between the last sitting of the Council and Assembly in one session, and the first sitting of the Council and Assembly in the next session.

Time of first election.

XXX. The first writs for the election of members of the Council and Assembly respectively, shall issue at some period not later than twelve calendar months after the proclamation of this Act within Victoria.

Declaration by Members.

XXXI. Every member of the Legislative Assembly shall, after the election of the Speaker, before he shall sit or vote in such Assembly, make and describe a declaration in writing under his hand, and deliver the same to the clerk of the Assembly, at the place where and while the House is sitting, with the Speaker in the chair, which declaration shall be in the form set forth in the schedule hereunto annexed, marked B., and the said declaration shall be filed and kept by the clerk with the other records of the office, and every member who shall sit or vote in the said Assembly, after the election of a Speaker, before making such declaration as aforesaid, shall be liable, for every day on which he shall so offend, to a penalty of two hundred pounds.

Oath of allegiance.

XXXII. No member, either of the Council or of the Assembly, shall be permitted to sit or vote therein respectively until he shall have taken and subscribed before the Governor, or before some person authorized by the Governor in that behalf, the oath set forth in the schedule hereunto annexed, marked C. And every person authorized by law to make an affirmation instead of making an oath may make such affirmation in every case in which an oath is herein required to be taken.

False declaration.

XXXIII. If any member, either of the Council or Assembly, shall knowingly and wilfully make a false declaration respecting his qualification as aforesaid, such person shall be deemed to be guilty of a misdemeanor, and being thereof lawfully convicted, shall suffer the like pains and penalties as by law are incurred by persons guilty of wilful and corrupt perjury.

Standing rules and orders.

XXXIV. The Legislative Council and Legislative Assembly in the first session of each respectively, and from time to time afterwards, as there shall be occasion, shall prepare and adopt standing rules and orders for providing for the manner in which such Council and Assembly shall be presided over in case of the absence of the president or Speaker respectively, and for the mode in which such Council and Assembly shall communicate, and for the proper passing, intituling, and numbering of the bills to be introduced into and passed by the said Council and Assembly, and for the proper presentation of the same to the Governor for Her Majesty's assent, and for the consideration of all amendments proposed to be made by the Governor as herein mentioned,

and for the due publication of all proposed proceedings in such Council and Assembly, and generally for the conduct of all business and proceedings in the said Council and Assembly severally and collectively, all which rules and orders shall, by such Council and Assembly respectively, be laid before the Governor, and being by him approved shall become binding and of force; and until such standing rules and orders shall be adopted, resort shall be had to the rules, forms, and usages of the Imperial Parliament of Great Britain and Ireland, which shall be followed so far as the same may be applicable to the proceedings of the said Council and Assembly respectively: Provided that no standing rule or order which shall affect the communication between the said Council and Assembly, or the proceedings of the said Council and Assembly collectively, shall be of any force, unless the same shall have been adopted both by the said Council and Assembly.

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XXXV. It shall be lawful for the Legislature of Victoria by any Act or Acts to define the privileges, immunities, and powers to be held, enjoyed, and exercised by the Council and Assembly, and by the members thereof, respectively; provided that no such privileges, immunities, or powers shall exceed those now held, enjoyed, and exercised by the Commons House of Parliament, or the members thereof.

Privileges of Legislature.

XXXVI. It shall be lawful for the Governor to transmit by message to the Council Assembly for their consideration, any amendment which he shall desire to be made in any bill presented to him for Her Majesty's assent, and all such amendments shall be taken into consideration in such convenient manner as shall, by the rules and orders aforesaid, be in that behalf provided.

Governor's message.

XXXVII. *Every bill which shall have been passed by the Council and Assembly, whether with or without amendments, as aforesaid, shall be presented for Her Majesty's assent to the Governor, and in the case of any bill, which, according to the provisions hereof, may be reserved for the signification of Her Majesty's pleasure, the Governor shall, subject to such instructions as may from time to time be given in that behalf by Her Majesty, Her Heirs or successors, declare, according to his discretion, that he assents to such bill in Her Majesty's name, or that he withholds Her Majesty's assent, or that he reserves such bill for the signification of Her Majesty's pleasure thereon, but in the case of all other bills which shall be presented for Her Majesty's assent to the Governor, he shall, according to his discretion, declare whether he assents in the name of Her Majesty to such bill or dissents therefrom.*

Assent of Her Majesty to bills.

XXXVIII. *The following bills may, in the discretion of the Governor, be reserved for the signification of Her Majesty's pleasure, or having been assented to by the Governor in Her Majesty's name, may be afterwards disallowed by Her Majesty within the period herein specified; that is to say,—*

What bills may be reserved.

1. *Bills relating to the allegiance of the inhabitants of the colony of Victoria to Her Majesty's Crown.*
2. *Bills relating to the naturalization of aliens.*
3. *Bills relating to treaties between the Crown and any foreign power.*
4. *Bills relating to political intercourse and communications between the colony of Victoria and any officer of a foreign power or dependency.*
5. *Bills relating to the employment, command, and discipline of Her Majesty's sea and land forces within the colony of Victoria, and whatever relates to the defence from foreign aggression, including the command of the municipal militia and marine.*
6. *Bills relating to the crime of high treason.*

And also,

7. *Bills relating to the law of divorce.*

XXXIX. *Whenever any such bill shall have been presented for Her Majesty's assent to the Governor, and shall by such Governor have been assented to in Her Majesty's name, the Governor shall by the first convenient opportunity transmit to one of Her Majesty's Principal Secretaries of State an authentic copy of such bill so assented to, and it shall be lawful, at any time within one year after such bill shall have been so received by the Secretary of State, for Her Majesty, by order in Council, to declare Her disallowance of such bill, and such disallowance being signified by the Governor to the Legislative Council and Legislative Assembly of the said colony by speech or*

Disallowance of bills assented to.

* VICTORIA.

message, or by proclamation in the "Government Gazette," shall make void and annul the same from and after the day of such signification.

Reserved bills
when to be in force.

XL. No bill which shall be reserved for the signification of Her Majesty's pleasure thereon shall have any force or authority within Victoria until the Governor shall signify, either by speech or message to the Council and Assembly, or by proclamation published in the "Government Gazette," that such bill has been down before Her Majesty in Council, and that Her Majesty has been pleased to assent to the said bill, and no bill which shall be so reserved as aforesaid shall have any force or authority in Victoria unless Her Majesty's assent thereto shall have been so signified as aforesaid, within the space of one year from the day on which such bill shall have been presented for Her Majesty's assent to the Governor as aforesaid.

Entry of message
or proclamation
notifying disallow-
ance of bills, or as-
sent to reserved
bills, to be made in
Journals.

XLI. In either of the cases mentioned in the last two preceding clauses, an entry shall be made in the journals of the said Council and Assembly of every such speech, message, or proclamation, and a duplicate thereof duly attested shall be delivered to the registrar of the Supreme Court, or other proper officer, to be kept among the records of the said colony.

Questions as to
right of reserva-
tion or disallow-
ance.

XLII. Whenever any question shall arise as to the right of the Governor to reserve any bill for the signification of Her Majesty's pleasure thereon, or as to the right of Her Majesty to disallow any such bill, the same shall be determined by the Judicial Committee of the Privy Council, and in no other manner, except by the consent of the Council and Assembly of Victoria, and such question shall be stated in a joint address to Her Majesty in her Privy Council by the said Council and Assembly: Provided that all such bills shall be absolutely in abeyance pending any such determination, and that they shall afterwards, according to the decision of the Judicial Committee in each case, be submitted for the signification of Her Majesty's pleasure thereon, or remitted to Victoria for the exercise as aforesaid of the Governor's discretion.

Instructions to
the Governor.

XLIII. It shall be lawful for Her Majesty, with the advice of her Privy Council or under Her Majesty's signet and sign manual, through one of her Principal Secretaries of State, from time to time to convey to the Governor such instructions as to Her Majesty shall seem meet for the guidance of such Governor in the exercise of the powers hereby vested in him, of assenting to, or dissenting from, or for reserving for the signification of Her Majesty's pleasure, bills to be passed by the said Legislative Council and Legislative Assembly, and so that such instructions do not in any way fetter the Governor's discretion in giving or refusing Her Majesty's assent to bills of mere local or municipal concernment.

Appointment to
public offices.

XLIV. The appointment to public offices under the Government of Victoria, hereafter to become vacant, or to be created, whether such offices be salaried or not, shall be vested in the Governor, with the advice of the Executive Council, with the exception of the appointments of the officers liable to retire from office on political grounds, which appointments shall be vested in the Governor alone.

Commissions of
Judges.

XLV. The commissions of the present judges of the Supreme Court, and all future judges thereof, shall be, continue, and remain in full force during their good behaviour, notwithstanding the demise of Her Majesty, or of Her heirs and successors, any law, usage, or practice to the contrary thereof in anywise notwithstanding: Provided always, that it may be lawful for the Governor to remove any such judge or judges upon the address of both Houses of the Legislature.

Salaries of Judges.

XLVI. Such salaries as are settled upon the judges for the time being by Act of Parliament or otherwise, and all such salaries as shall or may be in future granted by Her Majesty, Her heirs and successors, or otherwise, to any future judges of the said Supreme Court, shall in all time coming be paid and payable to every such judge for the time being so long as his patent or commission shall continue and remain in force.

Existing laws.

XLVII. All laws and statutes which, at the time of the passing of this Act shall be in force within Victoria, shall remain and continue to be of the same force, authority, and effect, as if this Act had not been made, except in so far as the same are repealed or varied by this Act, or in so far as the same shall

or may hereafter, by virtue and under the authority of this Act, be repealed or varied by any Act or Acts of the Legislature of Victoria. **VICTORIA.**

XLVIII. All the courts of civil and criminal jurisdiction within Victoria, and all charters, legal commissions, powers, and authorities, and all offices, judicial, administrative, or ministerial therein respectively, except in so far as the same may be abolished, altered, or varied by, or may be inconsistent with, the provisions of this Act, or shall be abolished, altered, or varied by any Act or Acts of the Legislature, shall continue to subsist in the same form and with the same effect as if this Act had not been made. **Existing Cour and Offices.**

XLIX. It shall not be lawful for the Legislature of Victoria to levy any duty on articles imported bonâ fide for the supply of Her Majesty's land or sea forces, nor to levy any duty, impose any prohibition or restriction, or grant any exemption, bounty, drawback, or other privilege upon the importation or exportation of any articles, nor to impose or enforce any dues or charges upon shipping contrary to or at variance with any treaty or treaties concluded by Her Majesty with any foreign power. **Certain duties may not be levied.**

L. Subject to the provisions of this Act, and notwithstanding any Act of Parliament now in force to the contrary, it shall be lawful for the Legislature to impose and levy such duties of customs as to them may seem fit on the exportation from or importation into Victoria of any goods, wares, and merchandise whatsoever, whether the produce of or imported from the United Kingdom, or any of the colonies or dependencies of the United Kingdom, or any foreign country: Provided always, that no new duty shall be so imposed upon the importation into Victoria of any article, the produce or manufacture of or imported from any particular country or place, which shall not be equally imposed on the importation into Victoria of the like article, the produce or manufacture of or imported from all other countries and places whatsoever. **Power to levy duties on customs.**

LI. In case at any time hereafter the Legislative Houses of the said colony of Victoria, of the colony of New South Wales, of the colony of Van Diemen's Land, or of the colony of South Australia, shall petition Her Majesty to alter the boundaries of the said colonies, or any of them, so as to transfer to any of such colonies a portion of the territories comprised in the other of them, it shall be lawful for Her Majesty, by any order to be made with the advice of Her Privy Council, to alter the boundaries in pursuance of the prayer of any such petition, or in such other manner as Her Majesty with such advice shall think fit: Provided that no alteration shall take place in the boundaries of any such colony, unless the assent of the colony losing any portion of its territory by such alteration shall be expressed in some legislative provision of such colony. **Proviso.**

LII. All taxes, imposts, rates, and duties, and all territorial, casual, and other revenues of the Crown, (including royalties,) from whatever source arising within the colony of Victoria, or over which the present or any future Legislature has or may have power of appropriation, shall form one consolidated revenue to be appropriated for the public service of the colony of Victoria, in the manner and subject to the charges herein-after mentioned. **Boundaries of colony, how to be altered.**

LIII. The consolidated revenue of Victoria shall be permanently charged with all the costs, charges, and expenses incident to the collection, management, and receipt thereof, such costs, charges, and expenses being subject nevertheless to be reviewed and audited in such manner as shall be directed by any Act of the Legislature. **Consolidated revenues.**

LIV. There shall be payable in every year to Her Majesty, Her heirs and successors, out of the consolidated revenue of Victoria, the several sums not exceeding in the whole one hundred and twelve thousand seven hundred and fifty pounds, for defraying the expense of the several services and purposes named in the first, second, third, fourth, fifth, sixth, seventh, and eighth parts of the schedule to this Act annexed, marked D., and the said sums shall be issued by the Treasury of Victoria in discharge of such warrants as shall be from time to time directed to him under the hand of the Governor, and the said Treasurer shall account to Her Majesty for the same, through the Lords Commissioners of Her Majesty's Treasury, in such manner and form as Her Majesty shall be graciously pleased to direct. And accounts in detail of the expenditure of the several sums expended under the authority of this Act shall be laid before the Legislative Houses of Victoria within thirty days from the beginning of the Session next after the termination of the year in which such expenditure shall have been made. **Charges of collection and management.**

VICTORIA.

Civil list to be in lieu of Crown revenues.

LV. The said several sums mentioned in the first, second, third, fourth, fifth, sixth, seventh, and eighth parts of the said Schedule D., shall be accepted and taken by Her Majesty, her heirs and successors, by way of civil list, instead of all territorial, casual, and other revenues of the Crown (including all royalties), from whatever source arising within Victoria, and to the disposal of which the Crown may be entitled either absolutely or conditionally, or otherwise howsoever.

Governor may abolish certain offices.

LVI. It shall be lawful for the Governor to abolish any of the offices named in the third and fourth parts of the said Schedule, or to apply the sums thereby appropriated to such other purposes connected with the administration of the Government of Victoria as to Her Majesty, her heirs and successors, shall seem fit.

Pensions to judges.

LVII. Not more than four thousand pounds shall be payable at the same time for pensions to the judges of the Supreme Court out of the sums set apart for such pensions in the fifth part of the said Schedule: Provided that all such pensions shall be granted in accordance with regulations to be framed by the Governor and Executive Council, so that the same shall, as far as may be, accord with the Act of the Imperial Parliament, regulating the pensions of the judges of the United Kingdom.

Pensions to present incumbents of office.

LVIII. Not more than five thousand two hundred and fifty pounds shall be payable in the whole by way of pension or retiring allowance to the persons holding any of the offices mentioned in the sixth part of the said Schedule D. at the time of this Act coming into operation, who on political grounds may retire or be released from any such office, or whose office may be abolished after the time aforesaid, and upon the retirement or release from office of any of such persons mentioned in the said sixth part, or the abolition of any such office, he shall be entitled, by way of pension, or retiring allowance, to three-fourths of the salary granted to him in accordance with the Appropriation Act for the service of the year one thousand eight hundred and fifty-three, if he shall have held any office for ten years and upwards, and two thirds of such salaries if he shall have held office for a less period: Provided that if after the assignment of any such pension or retiring allowance, any such officer shall accept any new appointment under the Crown within Victoria or elsewhere, his pension or retiring allowance shall, during the tenure of such appointment, merge or be reduced pro tanto, according as the salary or emoluments of any such new appointment are in amount equal to or less than the pension or retiring allowance of such officer.

Proviso.

Pensions to responsible officers.

LIX. Not more than four thousand pounds shall be payable in the whole, by way of pensions or retiring allowance to the persons who may, after the time this Act shall come into operation, accept any of the offices mentioned in the said Schedule D., Part three, and who on political grounds may retire or be released from any such office; provided that no person shall be entitled to receive any pension or retiring allowance both under this and the preceding clause, provided that the amount of all such pensions and retiring allowances shall be granted in accordance with regulations to be framed by the Governor and Executive Council, so that the same shall, so far as may be, accord with the provisions of the Act of the Parliament of Great Britain and Ireland, passed in the session of the fourth and fifth years of the Reign of His late Majesty King William the Fourth, intituled "An Act to alter, amend, and consolidate the Laws for regulating the Pensions, Compensations, and Allowances to be made to Persons in respect to their having held Civil Offices in His Majesty's Service;" Provided also, that if after the assignment of any such pension or retiring allowance to any person, he shall accept any new appointment under the Crown either in Victoria or elsewhere, the pension or retiring allowance of such officer shall, during the tenure of such appointment, merge or be reduced pro tanto, according as the salary or emolument of any such new appointment is in amount equal to or less than the pension or retiring allowance of such officer: Provided further, that if any such officer shall be absent from the colony for more than two years, unless he shall be of the full age of sixty years, his pension shall cease and determine: Provided lastly, that the amount accumulating from any unexpended or unappropriated parts of the said sums mentioned in the fifth and seventh parts of the said Schedule D., shall in no case exceed the sum of ten thousand pounds on each, and that any balance above that

amount on either of the said fifth or seventh parts shall revert to the consolidated revenue of Victoria.

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LX. a list of all pensions granted under this Act, and of the persons to whom the same shall have been granted, shall be laid in every year before both Legislative Houses of the said colony.

List of Pensions, &c.

LXI. For the advancement of the Christian religion in Victoria, the sum of fifty thousand thousand pounds shall be reserved on the eighth part of the said Schedule to promote the erection of buildings for public worship, and the maintenance of ministers of religion, and such sum shall be apportioned to each denomination according to the relative proportion of the members of each denomination by the last census, every such appointment to be made under regulations to be framed by the Governor and Executive Council, and submitted to both the Legislative Houses, provided that no monies exceeding in the aggregate the sum of twenty-five thousand pounds shall be issued in any one year in aid of the stipends of the ministers of religion.

Money for purposes of religion.

LXII. Subject to the provisions herein contained, it shall be lawful for the Legislature of Victoria to make laws for regulating the sale, letting, disposal, and occupation of the waste lands of the Crown within the said colony, and of all mines and minerals therein.

Waste lands of the Crown.

LXIII. After and subject to the payments to be made under the provisions herein-before contained, and to any pensions now payable and received, under the Act firstly herein-before recited, and the Schedule thereunto annexed, marked B., all the consolidated revenue arising from taxes, duties, rates, and imposts levied by virtue of any Act of the Legislature, and from the disposal of the waste lands of the Crown under any such Act, made in pursuance of the authority herein contained, shall be subject to be appropriated to such specific purposes as by any Act of the said Legislature shall be provided in that behalf: Provided that the consolidation of the revenues shall not affect the payment of the annual interest or the principal sums mentioned in any outstanding debentures, or other charge upon the territorial revenue, as such interest, principal, or other charge severally becomes due, nor shall such consolidation affect the payment of any sums heretofore charged upon the taxes, duties, rates, and imposts now raised, levied, and collected, or to be raised, levied, and collected to and for the use of the colony, for such time as shall have been appointed by any Acts of the Legislature, by which any such charge was authorized.

Power to appropriate consolidated revenue.

Proviso.

LXIV. All bills for appropriating any part of the revenue of Victoria, and for imposing any duty, rate, tax, rent, return, or impost, shall originate in the Assembly, and may be rejected but not altered by the Council.

Appropriation bills.

LXV. It shall not be lawful for the Legislative Assembly to originate or pass any vote, resolution, or bill, for the appropriation of any part of the said Consolidated Revenue Fund, or of any other duty, rate, tax, rent, return, or impost, for any purpose which shall not have been first recommended by a message of the Governor to the Legislative Assembly during the session in which such vote, resolution, or bill, shall be passed.

Appropriation to be in pursuance of message.

LXVI. No part of Her Majesty's revenues in Victoria arising from any of the sources aforesaid shall be issued, or shall be made issuable, except in pursuance of warrants under the hand of the Governor, directed to the public treasurer thereof.

Warrants for issue of money.

LXVII. This Act shall be proclaimed in Victoria within three months after official information of the royal assent thereto shall have been received by the Governor thereof, and save as herein expressly provided, shall take effect in Victoria from the day of such proclamation.

Proclamation of this Act.

LXVIII. The Legislature of Victoria, as constituted by this Act, shall have full power and authority from time to time, by any Act or Acts, to repeal, alter, or vary all or any of the provisions of this Act, and to substitute others in lieu thereof; provided that it shall not be lawful to present to the Governor of the said colony for Her Majesty's assent any bill by which an alteration in the constitution of the said Legislative Council, or Legislative Assembly, or in the said Schedule hereunto annexed, marked D., may be made, unless the second and third readings of such bill shall have been passed with the concurrence of an absolute majority of the whole number of the members of the Legislative Council and of the Legislative Assembly respectively; provided also that every

Power for Legislature to alter this Act.

VICTORIA.

Power to alter
Electoral Act.

bill which shall be so passed shall be reserved for the signification of Her Majesty's pleasure thereon.

LXIX. Notwithstanding anything herein contained, it shall be lawful for the said Legislature from time to time, by any Act or Acts, to alter the qualifications of electors and members of the Legislative Council and Legislative Assembly respectively, and to establish new electoral provinces or districts, and from time to time to vary or alter any electoral province or district, and to appoint, alter, or increase the number of members of the Legislative Houses to be chosen by any electoral province or district, and to increase the whole numbers of members of the said Legislative Houses, and to alter and regulate the appointment of returning officers, and to make provision in such manner as they may deem expedient for the issue and return of writs for the election of members to serve in the said Legislative Houses respectively, and the time, place, and manner of holding such elections respectively.

Interpretation
clause.

LXX. In the construction of the provisions of this Act the term "Governor" shall mean the person from the time being lawfully administering the government of the colony of Victoria; the word "Victoria" shall mean the colony of Victoria; the words "officiating minister" shall be taken to mean any minister of religion authorized according to the forms and usages of any church, religious society, or denomination, to officiate and officiating in any building registered according to the law now in force in the said colony as a place of public worship; the word "occupy" shall include the occupation of or mining in any lands, or the right, power, or authority to enter on any lands for the purpose of mining therein; the word "Council" shall mean the Legislative Council of the said colony of Victoria; and the word "Assembly" shall mean the Legislative Assembly of the said colony.

This Act not to be
in force until the
repeal of the Acts
herein mentioned.
9 Geo. IV., cap. 83.

5 & 6 Vict. cap. 36.

5 & 6 Vict. cap. 76.

7 & 8 Vict. cap. 72.

7 & 8 Vict. cap. 74.

9 & 10 Vict. cap.
104.13 & 14 Vict. cap.
59.

LXXI. The foregoing provisions of this Act shall have no force or effect until so much and such parts of the Act of the Parliament of the United Kingdom of Great Britain and Ireland, passed in the ninth year of the reign of His Majesty King George the Fourth, intituled "An Act to provide for the Administration of Justice in New South Wales and Van Diemen's Land, and for the more effectual Government thereof, and for other Purposes relating thereto:" and of another Act passed in the fifth and sixth years of the reign of Her present Majesty, intituled "An Act for regulating the Sale of Waste Land belonging to the Crown in the Australian Colonies:" and of another Act passed in the fifth and sixth years of the reign of Her present Majesty, intituled "An Act for the Government of New South Wales and Van Diemen's Land:" and of another Act passed in the seventh and eighth years of the reign of Her present Majesty, intituled "An Act to clear up Doubts as to the Regulation and Audit of the Accounts of the Customs in New South Wales:" and of another Act passed in the same years, intituled "An Act to explain and amend the Act for the Government of New South Wales and Van Diemen's Land:" and of another Act passed in the ninth and tenth years of the reign of Her present Majesty, intituled "An Act to amend an Act for Regulating the Sale of Wastes Land belonging to the Crown in the Australian Colonies, and to make further Provision for the Management thereof:" and of another Act passed in the thirteenth and fourteenth years of the reign of Her present Majesty, intituled "An Act for the better Government of Her Majesty's Australian Colonies," and the first, second, and third parts of the Schedule B. therein referred to, as severally relate to the colony of Victoria, and are repugnant to this Act, shall have been repealed, and the entire management and control of the waste lands belonging to the Crown in the said colony, and of the proceeds thereof, including all royalties, mines, and minerals, shall be vested in the Legislature of the said Colony; provided that so much of the said last-mentioned Act as relates to the constitution, appointment, and powers of the Legislative Council of the said colony of Victoria shall continue in force until the first writs shall have issued for the election of members to serve in the Legislative Council and House of Assembly, in pursuance to the provisions hereof, but not longer: provided that nothing herein contained shall prevent or be construed to prevent the fulfilment of any contract, promise, or engagement made by or on behalf of Her Majesty, with respect to any lands situate within the said colony, in any cases where such contract, promise, or engagement shall have been lawfully made before the time at which this Act shall take effect within the said colony.

SCHEDULES REFERRED TO IN THE FOREGOING ACT.

SCHEDULE A.

I, _____ do declare and testify that I am duly seised at law, or in equity, of an estate of freehold for my own use and benefit, in lands or tenements, in the colony of Victoria, of the _____ value of _____ pounds sterling money, above all charges and incumbrances affecting the same; and further, that the lands or tenements out of which such qualification arises are situate in the parish of _____ in the county of or reputed county of _____ the description of which lands and tenements are as follow:—

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

SCHEDULE B.

I, A. B., do declare and testify that I am duly seised at law, or in equity, of an estate of freehold for my own use and benefit, in lands or tenements in the colony of Victoria, of the _____ value of _____ pounds, sterling money, above all charges and incumbrances affecting the same; and further, that the lands or tenements out of which such qualification arises are situate in the parish of _____, in the county or reputed county of _____, the descriptions of which lands and tenements are as follow:—

And I further declare, that I have not collusively or colourably obtained a title to or become possessed of the said lands and tenements, or any part thereof, for the purpose of qualifying or enabling me to be returned a member of the Legislative Assembly of the colony of Victoria.

SCHEDULE C.

I do sincerely promise and swear that I will be faithful and bear true allegiance to Her Majesty Queen Victoria, as lawful Sovereign of the United Kingdom of Great Britain and Ireland, and of this colony of Victoria. So help me GOD.

SCHEDULE D.

PART 1.		£
Governor's Salary	- - - - -	10,000
Salaries of Staff, Repairs to Government House, Travelling and other expenses	- - - - -	5,000
		<u>£15,000</u>
PART 2.		
Chief Justice	- - - - -	3,000
Three Puisne Judges, at 2,500 <i>l.</i> each	- - - - -	7,500
Master in Equity	- - - - -	1,500
		<u>£12,000</u>
PART 3.		
Colonial Secretary or Chief Secretary	- - - - -	2,500
Attorney General, Treasurer, Commissioner of Public Works, Collector of Customs, or Commissioner of Trade and Customs, Surveyor General, or Commissioner of Crown Lands and Survey, 2,000 <i>l.</i> each	- - - - -	10,000
Solicitor General	- - - - -	1,500
		<u>£14,000</u>
PART 4.		
Clerk and Expenses of the Executive Council	- - - - -	1,500
Clerk and Expenses of the Legislative Council	- - - - -	5,000
Auditor General	- - - - -	2,000
		<u>£8,500</u>
PART 5.		
Pensions to Officers appointed during good behaviour	- - - - -	£4,000
PART 6.		
Compensation to the present Incumbents who may retire or be released on political grounds from any of the following offices, or whose offices may be abolished:—		
The Colonial Secretary,	The Collector of Customs,	} - £5,250
The Attorney General,	The Solicitor General,	
The Colonial Treasurer,	The Surveyor General,	

VICTORIA.

PART 7.

Pensions to persons who may accept responsible offices and retire, or be released therefrom on political grounds	£4,000
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PART 8.

Public Worship	£50,000
Total	<u>£112,750</u>

SCHEDULE E.

Boundaries of the Electoral Provinces of the Legislative Council.

1. CENTRAL PROVINCE.

Commencing at a point on the coast of Port Phillip Bay, which is the south-eastern corner of portion A. in Section No. 3, parish of Cut-paw-paw; bounded on the west by the section line bearing due north as far as the north-eastern corner of section of No. 16; thence by a road also bearing north to the north-west corner of portion 4 in section No. 21; on the north by a road running east from last-mentioned point to the Saltwater River; thence by a continuation of said road to the south-west corner of portion 9 in section No. 5, in the parish of Doutta Galla; thence by the sectional line bearing due east, crossing the Moonee Ponds, the main road to Sydney, and the Merri Creek, which sectional line forms the southern boundaries of portions 91, 90, and 89, in the parish of Jika Jika, as far as the south-east corner of portion 89 aforesaid; on the east by the sectional line bearing south from the said point in portion 89 to the south-western corner of portion 113, where it strikes the river Yarra Yarra; again on the north by the said river Yarra Yarra, to the north-western corner of portion 59, in the parish of Boroondara; thence on the east by the western boundary of the said portion 59, till it strikes the road running due south to the Yarra Yarra river; thence by the said road to the Yarra Yarra river; by the course of the said river to the north-eastern corner of portion No. 18, in the parish of Prahran; thence again on the east by a road bearing due south from the last-mentioned point to the south-eastern corner of portion No. 32, east of Elsternwick; on the south by a road bearing west from the last-mentioned point till it strikes the sea-coast; thence by the line of sea-coast crossing the mouth of the said Yarra Yarra river to the point of commencement

Number of
Members of
the Legisla-
tive Council
assigned to
and to be re-
turned for
each Electoral
Province.

Five.

2. SOUTH PROVINCE.

Including part of the County Bourke and the Counties Evelyn and Mornington.

PART OF BOURKE :—Bounded on the south-west and west by the Werribee river to its source in the great dividing range; on the north by the great dividing range from the source of the Werribee river to that of the Plenty river; on the east by the Plenty river from its source to its confluence with the Yarra Yarra, thence by the Yarra Yarra river upwards to the confluence of the Deep Creek, thence by the Deep Creek upwards to the point where the main stream commences to run in a north-easterly direction; thence by a line south two miles fifty-eight chains from the aforesaid bend to Dandenong Creek, thence by that creek downward to the Currum Swamp; on the south by the Currum Swamp, and Mordialloc Creek to its embouchure at the long beach below Ben Ben Gin, and on the remainder of the south by the shores of Port Phillip Bay to the mouth of the Werribee river aforesaid; excluding the country comprised within the boundaries of the Central Province.

EVELYN :—Bounded on the west by part of the eastern boundary of the county of Bourke, namely, first by the river Plenty from its source to the river Yarra Yarra, thence by the river Yarra upwards to the confluence of the Deep Creek, thence by that creek upwards to the range between the Yarra Yarra and the Dandenong Creek; on the south-east and north by the range forming the basin of the river Yarra Yarra.

MORNINGTON :—Bounded on the north by part of the southern boundary of the county of Evelyn, being the dividing range from the source of the Buneep river, to the head of the Deep Creek, thence by that creek to the point where the main stream commences to run in a north-west direction; on the west by a line south two miles fifty-eight chains from the aforesaid bend to Dandenong Creek, thence by that Creek downwards to the Carrum Swamp, by that swamp and the Mordialloc Creek to its embouchure at the

long beach below Ben Ben Gin, thence by the shores of Port Phillip Bay to Point Nepean; on the south-west and south, by the sea coast from Point Nepean to Cape Patterson; and on the east by a line north from Cape Patterson to the Warringrin Range, thence along the said range in a northerly direction to the north of the Buneep Buneep river, and by that river to its source in the dividing range, including French and Phillip Island, and the small islands in Western Port Bay

Number of Members of the Legislative Council assigned to and to be returned for each Electoral Province.

Five.

3. SOUTH WESTERN PROVINCE,

Including the Counties of Grant, Grenville, and Polwarth.

GRANT:—Bounded on the east by the western boundary of the county of Bourke, being the Werribee river from its mouth to its source in the great dividing range; on the north by the great dividing range, extending from the source of the Werribee river to that of the Yarowee river; on the west and south-west by the Yarowee river to its confluence with the Barwon river; thence by the Barwon river upwards to a creek in H. Hopkins' purchased land, by this creek upwards and a line bearing south-east across the dividing range to the head of the Salt Creek, two miles forty-eight chains, thence by the Salt Creek to the sea coast north of Point Roadknight; on the south by the sea coast, and on the remainder of the east by the waters of Port Phillip to the mouth of the Werribee river, including the small islands near the channels at the mouth of Port Phillip and those of Geelong Bay.

GRENVILLE:—Bounded on the west by the eastern boundary of the county of Hampden, namely, a line southerly from Emu Creek to Gnarkeet Ponds, thence by the Gnarkeet Ponds to Lake Korangamite, thence by the western shore of that lake to a point east of Lake Pormbeet; on the south by part of the northern boundary of the county of Heytesbury and the northern boundary of the county of Polwarth, namely, the southern shore of Lake Korangamite, thence an east line from Lake Korangamite to the north end of Lake Colac, thence by the north shore of Lake Colac to the point due west from the source of Birregurra Creek; and from that point by a line east to the source of Birregurra Creek, thence by that Creek downwards to its confluence with the Barwon; on the east by the river Barwon to its confluence with the Yarowee river, thence by the Yarowee river up to its source in the great dividing range; and on the north by part of the great dividing range to the source of Burrambeet Creek, thence by that Creek and the southern shores of Lake Burrambeet, to the point where Bailie's Creek leaves the lake; by Bailie's Creek to its confluence with Emu Creek; thence by Emu Creek down to the point north of the source of Gnarkeet Ponds aforesaid.

POLWARTH:—Bounded on the west by the eastern boundary of the county of Heytesbury, namely, the Gellibrand river upwards to its source; thence by the range to the head of the Pirron Yallock Creek, by this creek to Lake Korangamite; on the north by the south-eastern shore of Lake Korangamite, and an east line from Lake Korangamite to the north end of Lake Colac; thence by the north shore of Lake Colac to the point due west from the source of the Birregurra Creek, from that point by a line east to the source of the Birregurra Creek; thence by the Birregurra Creek to its confluence with the river Barwon; thence following the source of the river Barwon to a creek in H. Hopkin's purchased land; on the north-east by this creek upwards, and a line across the dividing range to the head of the Salt Creek, bearing south-east two miles forty chains; thence by the Salt Creek to the sea coast north of Point Roadknight, and on the south-east and south by the sea coast to the mouth of the Gellibrand river

Five.

4. WESTERN PROVINCE,

Including the Counties of Ripon, Hampden, Heytesbury, Villiers, Normanby, Dundas and Follet

RIPON:—Bounded on the west by the Grampian Range (which divides the waters of the Wimmera and Glenelg rivers from those of the river Hopkins) to the rocky extremity near Mount Abrupt; on the south by a line easterly to the source of the first creek which joins the river Hopkins above Wiselaskie's Station on the western side, and by that creek to the river Hopkins, thence by a line east to lake Boloke, thence by the southern shores of lake Boloke to the mouth of the Prackmingerren creek, and by that creek upwards to a point where a great bend of the creek turns north-

VICTORIA.

ward, thence by a line to a point in Emu creek about one mile below, and to the west of the confluence of Broken creek; on the south-east and east by Emu creek to the confluence with Bailie's creek, by Bailie's creek to lake Burrumbeet, the southern shores of lake Burrumbeet and Burrumbeet creek to its source in the great dividing range; and on the north by the great dividing range to the western boundary aforesaid.

Number of
Members of
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tive Council
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and to be re-
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each Electoral
Province.

HAMPDEN:—Bounded on the west by the river Hopkins upwards, from the confluence of the Emu creek to the point opposite the mouth of the small creek above Wiselaskie's Station, dividing it from the county of Villiers; on the north by the southern boundary of the county of Ripon, being a line east from the confluence of the creek near Wiselaskie's Station already mentioned to lake Boloke, then by the southern shore of lake Boloke to the mouth of the Prackmingerrin creek, then by that creek upwards until it reaches a spot where it forms a great bend to the northward, from that point by a line in a south-easterly direction to Emu creek about one mile below, and westward of, the mouth of Broken creek, thence by Emu creek to the point north of the source of Gnarkeet ponds; then on the east by the west boundary of the county of Grenville, viz.:—1st, by a line southerly to the source of Gnarkeet ponds, then by Gnarkeet Ponds to lake Korangamite, and thence by the west shore of lake Korangamite to a point east of lake Pormbeet; and on the south by a direct line to the north end of lake Pormbeet, and from the north end of lake Pormbeet to the nearest part of Emu creek, and thence by Emu creek to its confluence with the river Hopkins.

HEYTESBURY:—Bounded on the north-west and north, by part of the eastern boundary of the county of Villiers and the southern boundary of the county of Hampden, being the Hopkins river from its estuary to the confluence of the Emu Creek, and a line easterly to the north end of Lake Burrumbeet, thence by a line east to Lake Korangamite, by the southern shore of that lake to the mouth of the Pirron Yalloak Creek; on the east and south-east by the Pirron Yalloak Creek to its source, thence by a range to the head of the Gellibrand river, by the Gellibrand river to the sea coast; and on the south-west and west by the sea coast to the estuary of the Hopkins river.

VILLIERS:—Bounded on the west by a line due south from the Grange Burn to the mouth of the Swamp Creek, thence by this creek upwards to its source by a line to the head of the western branch of the river Shaw, thence by the west branch of the river Shaw to the sea; on the south by the sea to the entrance of the river Hopkins; on the east by the said river Hopkins to the confluence of the creek above Wiselaskie's station, and by that creek to its source; on the north by a line westward from the source of the last-named creek to the rocky extremity of the Grampians near Mount Abrupt, thence by the principal range of the Grampians to Mount Sturgeon, and by a line south-westerly to the north-east corner of the County of Normanby at the Grange Burn, including all the islands at Port Fairy.

NORMANBY:—Bounded on the north by the Grange Burn and Wannan river, until the latter joins the Glenelg river; on the west by the Glenelg river until it reaches the sea; on the south by the sea shore to the mouth of the Shaw river; and on the east by the western branch of the Shaw river to its source; thence a line northerly to the source of the Swamp creek, by that creek to where it empties itself into the Mount Napier swamp; and thence by a line due north six miles fifteen chains to the Grange Burn, including the Lawrence and Lady Julia Percy's islands,

DUNDAS:—Bounded on the west and north by the Glenelg river upwards from the confluence of the Wannan to its source between the Victoria Range and Grampians, near Mount William; on the east by the Grampians to its rocky extremity near Mount Abrupt, thence to Mount Sturgeon and by a line crossing the Wannan river to the north-east corner of the County of Normanby, at the Grange Burn; and on the south by the Grange Burn and the Wannan river to its confluence with the Glenelg.

FOLLET:—Bounded on the west by the one hundred and forty-first meridian, being the line dividing the colony of Victoria from South Australia; on the south and east by the Glenelg river upwards to its confluence with Power's Creek, and on the north-east and north by Powers Creek to its source; thence a line westward to the head of Mosquito Creek, and by that creek to the boundary line

5. NORTH-WESTERN PROVINCE.

Including the Counties of Talbot and Dalhousie, and the pastoral District of the Wimmera and of the Loddon, except the proposed County of Rodney.

TALBOT :—Bounded on the north-west and north by the south-western branch of the Loddon River, from its source near Mount Cole to its confluence with the main stream; thence by the Loddon River upwards to the confluence of Mount Alexander Creek, by this creek to its source under Mount Alexander; thence by Mount Alexander range to the head of Myrtle Creek, and by this creek to its confluence with the Coliban river; on the east by the Coliban River upwards to its source, being part of the western boundary of the county of Dalhousie; and on the south by the great dividing range to the source of the south-western branch of the Loddon river near Mount Cole.

Number of Members of the Legislative Council assigned to and to be returned for each Electoral Province.

DALHOUSIE :—Bounded on the west by the river Coliban from its source in the great dividing range to its confluence with the Campaspe river, and by the Campaspe river down to the confluence of Mount Ida Creek; on the north by Mount Ida Creek to its source near Mount Ida, by the dividing range to the source of Sandy Creek, and by the Sandy Creek to Goulbourn river; on the east by the Goulbourn river upwards until it joins the Dabyminga Creek, and by that creek to its source in the dividing range; and on the south by the great dividing range.

WIMMERA :—Bounded on the east by a line from Mount Cole to the source of the Avoca river; thence by the Avoca river to Lake Bael Bael; thence by a line due north to the river Murray; on the north by the river Murray to the South Australian frontier; on the west by the South Australian frontier south to Mosquito Creek; on the south by Mosquito Creek to its head; thence by a line to the source of Power's Creek; by Power's Creek to its junction with the Glenelg river; by this river to its source between the Victoria range and the Grampians near Mount William; and by the dividing range easterly to Mount Cole.

LODDON :—Bounded on the south by part of the counties of Dalhousie, Talbot, and Ripon, from the Campaspe river to the source of the Avoca river; on the west by the Avoca river to Lake Bael Bael, and thence by a line due north to the river Murray; on the north and north-east by the river Murray; and on the east by the Campaspe river to the point of commencement

Five.

6. EASTERN PROVINCE.

Including the County of Anglesey, the proposed County of Rodney, and the Pastoral Districts of the Murray and Gipps' Land.

ANGLESEY :—Bounded on the west by part of the eastern boundary of the county of Dalhousie, namely, from the river Goulbourn upwards from the confluence of Hughes' Creek, to the confluence of the Dabyminga Creek, thence by the Dabyminga Creek, upwards to its source in the great dividing range; on the south by the great dividing range to the main source of the river Goulbourn; on the east by the range dividing the waters of the main source of the river Goulbourn and Big Rivers from those of the Rubicon and Snod-pon-dock Creek, northward to Mount Torbrick, thence by Jerusalem Creek to its confluence with the river Goulbourn, thence by the river Goulbourn downwards to the confluence with the Devil's river, thence by the Devil's river and its north-west arm to the dividing range between the last-named arm and Septimus Creek; and on the north by that range to the source of Hughes' Creek, thence by Hughes' Creek down to its confluence with the river Goulbourn.

RODNEY :—Commencing at the confluence of the rivers Campaspe and Coliban, thence by a line south-easterly to the M'Ivor or Patterson's Creek, above John Hunter Patterson's sheep station; thence by a line north-easterly to the confluence of Hughes Creek with the river Goulbourn, and by that river to the Murray; thence by the river Murray to its confluence with the river Campaspe, and by the river Campaspe upwards to the confluence of the rivers Campaspe and Coliban aforesaid.

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MURRAY:—Bounded on the south and west by the Counties of Evelyn and Anglesey, and the river Goulbourn to its junction with the Murray; on the north and north-east by the river Murray; and on the south-east by the dividing range (Alps).

Number of Members of the Legislative Council assigned to and to be returned for each Electoral Province.

GIPPS' LAND:—Bounded on the south and east by the sea; on the north by a line running in a westerly direction from Cape Howe to the source of the nearest tributary of the Murray and the Australian Alps; again, on the west by the Alps and the Counties of Evelyn and Mornington

Five.

SCHEDULE F.

LEGISLATIVE ASSEMBLY.

BOUNDARIES OF THE ELECTORAL DISTRICTS.

1. ELECTORAL DISTRICT OF MELBOURNE.

Commencing at a point in the Yarra Yarra River due south from the south-western angle of Gisborne-street, thence to Gisborne-street, and by the western side of that street to Victoria parade, thence by the south side of Victoria-parade, to the western side of Nicholson Street, thence by the said western side of Nicholson-street northwards to the boundary line of the corporate limits of Melbourne, thence by the last-mentioned boundary line bearing west to the Moonee Ponds, by the said Moonee Ponds downwards to the side of Main's Bridge, thence by a line bearing south to the Yarra Yarra River, and on the south by the Yarra Yarra River to the commencing point

Number of Members of the Legislative Assembly assigned to and returned for each Electoral District.

Five.

2. ELECTORAL DISTRICT OF SAINT KILDA.

Bounded on the east by a road bearing north from the south-east angle of portion No. 32. east of Elsternwick, to the Yarra Yarra River; on the north by the Yarra Yarra River to Prince's Bridge; on the west by a road bearing southwest to the northern angle of section No. 46; thence by Fitz Roy-street, St. Kilda, to the sea coast; thence by the sea coast and a road bearing east, south of Elsternwick, to the commencing point

Two.

3. ELECTORAL DISTRICT OF COLLINGWOOD.

Commencing at the junction of Nicholson-street and Victoria-parade, thence by the western side of Nicholson-street to the northern boundary of the corporate limits of Melbourne, thence on the north by the said boundary line bearing east to the Merri Merri Creek, thence by the Merri Merri Creek to its junction with the Yarra Yarra River, thence by the Yarra Yarra River to the south-east corner of section No. 63, parish of Jika Jika, thence by a line west to Victoria-street, and thence on the south by the northern side of Victoria-street and Victoria-parade to the commencing point

Two.

4. ELECTORAL DISTRICT OF SOUTH MELBOURNE.

Bounded on the north by the Yarra Yarra River, from its junction with the Saltwater River to Prince's Bridge, on the east by the road bearing southeast to the northern angle of section No. 46, St. Kilda, thence by Fitz-Roy-street to the sea coast, thence by the sea coast to the Yarra Yarra River, and by the said river to its junction with the Saltwater River, being the commencing point

One.

5. ELECTORAL DISTRICT OF RICHMOND.

Commencing at a point on the Yarra Yarra River due south from the south-eastern angle of Gisborne-street; bounded on the west by a line due north to the said angle; thence by the east side of Gisborne-street to Victoria-parade; thence by the southern sides of Victoria-parade and Victoria-street, and a prolongation of that line to the Yarra Yarra River; on the east and south by the Yarra Yarra River to the commencing point

Two.

6. ELECTORAL DISTRICT OF WILLIAMSTOWN.

Commencing on the sea coast at the south-east angle of portion A section 3, parish of Cut-paw-paw; bounded on the west by a line bearing north to the Stoney Creek; thence by the Stoney Creek to the River Yarra Yarra; by the River Yarra Yarra to the sea; thence by the sea coast to the commencing point

Number of
Members of
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tive Assembly
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and returned
for each Elec-
toral District.
One.

7. ELECTORAL DISTRICT OF BRIGHTON.

Commencing on the sea coast at the south-west angle of section 25, parish of Moorabbin, thence by a line east to the south-east angle of section 55; on the east by a line bearing north, being the parish boundary from the said point to the north-east angle of section 63; on the north by the road bearing west to the sea coast, and on the west by the sea coast to the commencing point

One.

8. ELECTORAL DISTRICT OF GEELONG.

Bounded by a line drawn from the point on the eastern shores of Corio Bay, near Point Henry, at a distance of two miles from the north-east angle of the township of Geelong, as a centre, bearing southerly to a point bearing east from the said angle; thence by a line south, crossing a small portion of Corio Bay, parallel with and at a distance of two miles from the eastern boundary of the said township, to a point bearing east from the south-east angle of the said township of Geelong; thence by a line drawn westerly, at a distance of two miles from the southern boundary of the said township, crossing the Barwon River and the Wauru Chain of Ponds to a point two miles west of the south-west angle of the said township; thence by a line drawn at a distance of two miles from the north-west angle of the township, as a centre, to the western shore of Corio Bay, near Cowie's Creek; and also to include the remaining portion of the reserve at Point Henry, and the reserve at the junction of the Marrabool with the River Barwon

Four.

9. ELECTORAL DISTRICT OF PORTLAND.

Commencing at a point on the beach bearing east 8 chains from the north angle of allotment No. 31 of Northern Suburbans, and bounded on the north by a line bearing west 65 chains; on the west by a line bearing south 233 chains 34 links; on the south by a line bearing east to the sea coast, and by the sea coast northerly to the point of commencement

Two.

10. ELECTORAL DISTRICT OF BELFAST.

Commencing at a point on the sea coast bearing south 7 degrees 30 minutes west, 16 chains 25 links from the south-west angle of section No. 15, township of Belfast, and bounded on the west by a line bearing north 62 chains; on the north by a line bearing east 45 chains 25 links; again on the west by a line bearing north 3 chains 75 links to the River Moyne, by that river to its mouth, and by the sea coast to the point of commencement; also that portion commencing at the south-west angle of section A, parish of Belfast, and bounded on the north-east by a line bearing north-west 15 chains to the Moyne Saltwater Lagoon, by that lagoon and the river Moyne to its mouth, and by the sea coast northerly to the last-mentioned point of commencement

One.

11. ELECTORAL DISTRICT OF WARRNAMBOOL.

Commencing at a point on the River Hopkins, being the south-western angle of section 1, parish of Wangoom, and bounded on the east by a line bearing north 20 chains; on the north by a line bearing west to the Merri River; on the west and south-west by the Merri River to its mouth; on the south by the sea coast of Warrnambool Bay, from the mouth of the said river to that of the River Hopkins, and thence to the point of commencement

One.

12. ELECTORAL DISTRICT OF COLAC.

Commencing at the south-west angle of section 17, in the parish of Nalangil, bounded on the west by a line north to the north-west angle of section 17, in the parish of Warrion; on the north by a line east from the last-mentioned point to the north-east angle of section 9, in the parish of Irrewarra; on the east by a line south from that point to the south-east angle of section 2, in the parish of Elliminyt; and on the south by a line west from that angle to the point of commencement

One.

VICTORIA

13. ELECTORAL DISTRICT OF KILMORE

Commencing at a point on the eastern branch of the Korkarruc Creek, two miles 55 chains south of its junction with the main stream, and bounded on the north by a line east from the said point to Dry Creek; on the east by the western branch of the Dry Creek to its source, thence by a line south to the boundary of the county of Bourke; on the south by the said boundary to the source of the eastern branch of the aforesaid Korkarruc Creek, and on the west by that eastern branch to the commencing point

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tive Assembly
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and returned
for each Elec-
toral District.

One.

14. ELECTORAL DISTRICT OF THE KYNETON BOROUGHS

KYNETON, CARLSRUHE, AND PART OF MALMESBURY:—Commencing at the south-east angle of section B 3, east of Carlsruhe, thence north 3 miles 40 chains, thence west 4 miles, thence north 3 miles, thence west 4 miles, thence north 2 miles, thence west 2 miles 55 chains to the River Coliban; by that river to the southern boundary of the parish of Lauriston; by that boundary to the River Campaspe, and thence to the south-western angle of section 2; and by the southern boundary of the parish of Carlsruhe to the point of commencement.

WOODEND:—Commencing at the south-western angle of section 1 A, south of Carlsruhe, bounded on the north by the southern boundary of the said section and of sections B 2, B 3, to the south-eastern angle of the said section B 3, east of Carlsruhe; on the east by a line south to the northern boundary of section 72, parish of Woodend; thence east to the north-east angle of the said section 72; thence on the east by a road south to the south-eastern angle of section 22, parish of Woodend; thence south 80 chains, crossing the Five Mile Creek; thence west 80 chains; thence north to the Five Mile Creek; and on the south-west and west by the Five Mile Creek and River Campaspe to the commencing point

One.

15. ELECTORAL DISTRICT OF THE MURRAY BOROUGHS.

WOODONGA:—Commencing at a point on the Woodonga Creek, being the north-east angle of suburban section A; thence on the east by a line bearing south 15 chains 50 links; thence west by a line 40 chains; thence south 21 chains 20 links; thence west 117 chains 30 links; thence north 60 chains; thence east 70 chains to the Woodonga Creek, and by the left bank of the said Creek to the commencing point.

WANGARATTA:—Commencing at a point on the left bank of the River Ovens, 120 chains north-west of its junction with the River King; from that point south 360 chains; thence east 440 chains; thence north 360 chains, crossing Reedy Creek; and thence west 440 chains, again crossing Reedy Creek and the River Ovens, to the commencing point.

BENALLA:—Commencing at a point on the north-east tributary of the Broken River, being the south-east angle of suburban allotment 4, section 8; thence by a line north to the north-east angle of suburban allotment 5, section 4; thence west to the north-west angle of suburban allotment 1, section 1; thence south-west by a line fifty chains to the north-west angle of suburban allotment 1, section 16; thence south to the south-west angle of suburban allotment 5, section 12; thence east to the south-east angle of suburban allotment 4, section 9; thence by the Broken River and its tributary aforesaid to the commencing point.

EUROA:—Commencing 5 chains south of a point on the Seven Creeks, being the south-east angle of suburban section 6; thence by a line west 190 chains; thence north 274 chains 50 links to the north-west angle of suburban section A 3; thence by the northern boundary of the said section to the Seven Creeks; thence by the said Seven Creeks to the north-west angle of suburban section B 2; thence east to the north-east angle of suburban section E 1; thence by a line south until it strikes the northern boundary of suburban section C 1, where the said boundary crosses the Seven Creeks; thence east to the north-east angle of the said section; thence by the eastern boundaries of suburban sections C and D and the Seven Creeks to the commencing point.

AVENAL:—Commencing at a point on Hughes' Creek, being the south-east angle of suburban portion E 6; thence west 118 chains; thence north 155 chains 40 links, crossing Hughes' Creek; thence east 134 chains 60 links; thence south 134 chains 40 links; thence west to Hughes' Creek, and by the said creek to the commencing point.

SEYMOUR:—Commencing at a point on Whitehead's Creek, being on the north-eastern boundary of the township of Seymour, thence east 200 chains,

thence south 160 chains, thence east 120 chains, thence south 200 chains; thence east 130 chains to a point on the River Goulburn, by the course of the said river to another point 80 chains eastward of the first-mentioned point on the said river; thence north 344 chains, crossing Whitehead's Creek; thence west 130 chains, recrossing Whitehead's Creek to the commencing point

Number of Members of the Legislative Assembly assigned to and returned for each Electoral District.

One.

16. ELECTORAL DISTRICT OF ALBERTON.

Commencing at the mouth of Worrigall Creek on the Ninety Mile Beach:— Bounded on the north by a line west seventeen miles to the eastern branch of the River Tarra; thence on the south-west by a line in a south-westerly direction to the mouth of the Little River in Corner Inlet; and on the south and south-east by the sea coast (including Snake Island) to the commencing point

One.

17. ELECTORAL DISTRICT OF THE CASTLEMAINE BOROUGHES.

CASTLEMAINE:—Commencing at a point one chain fifty links north from the north-west angle of section 39, township of Castlemaine; Bounded by lines bearing east 38 chains; south 160 chains; west 80 chains; north 160 chains; and east 42 chains to the commencing point.

ELPHINSTONE:—Commencing at the south-western corner of portion 3, section 1, north of Elphinstone: Bounded on the west by a line south 80 chains; on the south by a line east 80 chains; on the east by a line north 80 chains to the south-western angle of portion 18, section 1; and on the north by a line west, crossing the main road to Sandhurst to the commencing point.

MUCKLEFORD:—Commencing at the south-eastern angle of allotment 50, section 7; thence north 200 chains, thence west 200 chains, thence south 240 chains, thence east 200 chains, thence north to the commencing point.

HARCOURT:—Commencing at the south-western angle of portion 27, section 4; bounded on the east by a line north to the north-western angle of portion 27, section 3; on the north by a line west to the main road to Sandhurst; on the west by a line south crossing Barker's Creek 160 chains; and on the south by a line east 80 chains to the commencing point

Two.

18. ELECTORAL DISTRICT OF THE SANDHURST BOROUGHES.

SANDHURST:—Commencing at a point on the Bendigo Creek 40 chains south of the junction of Ash-street and High-street; thence east one mile and a half, thence west two and a half miles, crossing the Bendigo Creek, thence south four miles, thence east to the point of commencement.

LOCKWOOD:—Commencing at the south-western angle of suburban allotment 23, section 1; Bounded on the east by a line northward from that point to the south-eastern angle of portion 44, section 4; on the north by a line bearing west to the south-western angle of allotment No. 1, section 4; on the west by a line bearing south to a point due west from the commencing point; and on the south by a line east to the south-west angle of suburban allotment No. 23, section 1, being the commencing point aforesaid

One.

19. ELECTORAL DISTRICT OF NORTH GRANT.

Bounded on the north by the great dividing range, extending from the source of the Yarrowee River, to that of the River Werribee; on the east by the River Werribee aforesaid to the western boundary of the village reserve of Ballan; thence by a line south-westerly to the source of Williamson's Creek; and by that creek, and the said river Yarrowee to its source in the great dividing range aforesaid

One.

20. ELECTORAL DISTRICT OF NORTH GRENVILLE.

Bounded on the north by part of the great dividing range, from the source of the river Yarrowee to the source of the Burrumbeet Creek, thence by that creek, and the southern shores of Burrumbeet lake, to the point where Baillie's creek leaves the lake, by Bailie's creek to its confluence with Emu creek, thence by Emu creek down to the point north of the source of Gnarkeet ponds; on the west by a line southwards from the last-mentioned point, and by the Grankeet ponds to where they are crossed by the main road to Geelong; on the south by that road to the river Yarrowee; and on the east by the river Yarrowee to its source

One.

21. ELECTORAL DISTRICT OF THE OVENS.

Commencing at the Junction of Whorouly Creek with the river Ovens, bounded on the west by a line bearing north twenty miles; thence on the north by

VICTORIA.

a line bearing east to the Little River; on the east by the Little River to its source in the Dividing Range, thence by the Dividing Range and a line south to a point on the Ovens River nine miles above its junction with the River Buckland; on the south by a line from the last-mentioned point to the source of the River Buckland, thence by the Dividing Range to the source of the River Buffalo; and again on the south and west by that river and the Ovens to the commencing point

Number of
Members of
the Legisla-
tive Assembly
assigned to
and returned
for each Elec-
toral District.

One.

22. ELECTORAL DISTRICT OF RODNEY.

Commencing at the confluence of the rivers Campaspe and Coliban, thence by a line south-westerly to the source of the M'Ivor or Patterson's Creek; thence by a line north-easterly to the confluence of Hughes' Creek with the river Goulbourn, and by the rivers Goulbourn, Murray, and Campaspe to the confluence of the rivers Campaspe and Coliban aforesaid

One.

23. ELECTORAL DISTRICT OF THE LODDON.

Bounded on the west by the river Avoca, from its source in the great dividing range to its entrance to Lake Bael Bael, thence by a line northward to the river Murray; on the north by the river Murray, on the east by the river Campaspe to its junction with the Coliban, and on the south by the northern boundary of the counties of Dalhousie and Talbot to the commencing point, excepting the country comprised in the electoral districts of the Castlemaine Boroughs and of the Sandhurst Boroughs

Two.

24. ELECTORAL DISTRICT OF TALBOT.

Bounded on the north-west and north by the south-western branch of the river Loddon, from its source near Mount Cole to its confluence with the main stream; thence by the river Loddon upwards to its confluence with Mount Alexander Creek, by this creek to its source under Mount Alexander; thence by the Mount Alexander range to the head of Myrtle Creek, and by this creek to its confluence with the river Coliban; on the east by the river Coliban to its source, being part of the western boundary of the county of Dalhousie; on the south by the great dividing range to the source of the south-western branch of the river Loddon, near Mount Cole, excepting the country included in the electoral district of the Castlemaine boroughs

Two

25. ELECTORAL DISTRICT OF EAST BOURKE.

Bounded on the north by the great dividing range from the source of the river Plenty to that of the north-eastern branch of the Saltwater River, near Big Hill; on the west by the Saltwater river downwards to the south-western angle of section 12, parish of Bulla Bulla; thence by the southern boundary of the said portion, and by a line bearing east to the source of the Moonee Ponds in section 10, parish of Yuroke, thence by the Moonee Ponds southerly to Flemington Bridge, thence by a line south to the river Yarra Yarra; on the south by the river Yarra Yarra to its junction with the Plenty, and on the east by the river Plenty to the point of commencement, excepting the country included in the electoral districts of Melbourne, Collingwood and Richmond

Two.

26. ELECTORAL DISTRICT OF WEST BOURKE.

Bounded on the north by the great dividing range from the source of the river Werribee to that of the north-eastern branch of the Saltwater River near Big Hill; on the east by the Saltwater river to the south-western corner of portion 12, parish of Bulla Bulla; thence by the southern boundary of the said section, and by a line east to the source of the Moonee Ponds; in section 10, Parish of Yuroke; thence by the Moonee Ponds southerly to Flemington Bridge; thence by a line south to the river Yarra Yarra; on the south by the river Yarra Yarra, and the shores of Port Phillip Bay to the mouth of the river Werribee; on the west by the river Werribee to its source in the great dividing range, being the commencing point, excepting the country included in the electoral districts of Williamstown

Two.

27. ELECTORAL DISTRICT OF SOUTH BOURKE.

Bounded on the north and west by the river Yarra Yarra, from its mouth to its confluence with the deep creek; on the east by the deep creek and a line

south two miles fifty-eight chains from that creek to Dandenong creek ; by that creek to the northern margin of the Carrum swamp and Mordialloc creek to its mouth at the long beach below Ben Ben Gin, thence by the shores of Port Phillip Bay to the mouth of the river Yarra Yarra aforesaid, excepting the country included in the electoral districts of St. Kilda, South Melbourne, and Brighton - - - - - Two.

28. ELECTORAL DISTRICT OF SOUTH GRANT.

Bounded on the east by the river Werribee, from its mouth in Port Phillip Bay to the western boundary of the reserve of Ballan, thence by a line south-westerly to the source of Williamson's creek, by that creek to the river Yarrowee ; on the west and south-west by the Yarrowee to its confluence with the river Barwon; thence by the river Barwon to Hopkins' creek ; by that creek and a line south-east across the dividing range to the head of the salt creek two miles and forty-eight chains, thence by Salt creek to the sea coast, north of Point Roadknight ; on the south by the sea coast ; and on the remainder of the east by the waters of Port Phillip Bay to the mouth of the river Werribee, including the small island near the channels of the mouth of Port Phillip Bay and Geelong Bay, and excepting the country included in the electoral district of Geelong - - - Three.

29. ELECTORAL DISTRICT OF EVELYN AND MORNINGTON.

EVELYN :—Bounded on the west by part of the eastern boundary of the county of Bourke—that is to say, by the river Plenty from its source to the river Yarra Yarra ; thence by the river Yarra Yarra to the confluence of the deep creek ; thence by that creek to the range between the river Yarra Yarra and the Dandenong Creek ; on the south-east and north by the range forming the basin of the river Yarra Yarra.

MORNINGTON :—Bounded on the north by part of the southern boundary of the county of Evelyn, being the dividing range from the source of the river Buneep Buneep to the source of the deep creek ; thence by that creek and a line south two miles fifty-eight chains from that creek to Dandenong creek ; thence by that creek to the Carrum Swamp, by that swamp and the Mordiallac creek to its mouth at the long beach below Ben-Ben-Gin ; thence by the shores of Port Phillip Bay to Point Nepean ; on the south-west and south by the sea coast from Point Nepean to Cape Patterson ; on the east by a line north from Cape Patterson to the Warringrin Range ; thence along the said range in a northerly direction, to the mouth of the river Buneep Buneep, and by that river to its source in the dividing range, including French and Phillip Islands and the small islands in Western Port Bay - - - - - One.

30. ELECTORAL DISTRICT OF ANGLESEY.

PART OF DALHOUSIE :—Commencing at the junction of the Rivers Camaspe and Coliban, thence by a line south-easterly to the source of the M'Ivor or Paterson's Creek, thence by a line north-east to the confluence of Hughes's Creek with the River Goulburn ; on the east by the River Goulburn until it joins the Dabyminga creek, by that creek to its source in the dividing range ; on the south by the dividing range to the source of the river Coliban ; and on the west by the last-mentioned river to its junction with the river Campaspie, being the commencing point, excepting the country included in the electoral districts of the Kyneton boroughs and of Kilmore.

ANGLESEY :—Bounded on the west by part of the eastern boundary of the county of Dalhousie, namely, from the River Goulburn from the confluence of Hughes's Creek to the confluence of Dabyminga Creek, thence by Dabyminga Creek to its source in the great dividing range ; on the south by the great dividing range to the main source of the River Goulburn ; on the east by the range dividing the waters of the main source of the Goulburn and Big Rivers from those of the Rubicon and Snod-pon-dock Creek, northward, to Mount Torbrick, thence by Jerusalem Creek to its confluence with the River Goulburn, thence by the River Goulburn to the confluence of the River Delatite, thence by the River Delatite and its north-west arm to the dividing range between the last-named arm and Septimus Creek ; and on the north by that range to the source of Hughes's Creek, and thence by Hughes's Creek to its confluence with the River Goulburn, excepting the country included in the Borough of Seymour - - - - - One.

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31. ELECTORAL DISTRICT OF DUNDAS AND FOLLETT.

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tive Assembly
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toral District.

DUNDAS:—Bounded on the west and north by the River Glenelg from the confluence of the Wannon to its source, between the Victoria Range and the Grampians near Mount William; on the east by the Grampians to their base near Mount Abrupt, thence to Mount Sturgeon and by a line crossing the Wannon River to the north-east angle of the county of Normanby at the Grange Burn; and on the south by the Grange Burn and the Wannon to its confluence with the Glenelg.

FOLLETT:—Bounded on the west by the one hundred and forty-first meridian, being the line dividing Victoria from South Australia; on the south and east by the Glenelg River to its confluence with Power's Creek; and on the north-east and north by Power's Creek to its source, thence by a line west to the head of Mosquito Creek, and by that creek to the boundary line

One.

32. ELECTORAL DISTRICT OF NORMANBY.

Bounded on the north by the Grange Burn and River Wannon until the latter joins the River Glenelg; on the west by the River Glenelg to the sea; on the south by the sea shore to the mouth of the River Shaw; and on the east by the western branch of the River Shaw to its source; thence by a line north to the source of the Swamp Creek; by that creek to Mount Napier Swamp; and thence by a line north six miles fifteen chains, to the Grange Burn, including the Laurence's and Lady Julia Percy's Islands, excepting the country included in the Electoral District of Portland

One.

33. ELECTORAL DISTRICT OF VILLIERS AND HEYTESBURY.

VILLIERS:—Bounded on the west by a line south from the Grange Burn to the mouth of the Swamp Creek; thence by this creek to its source by a line to the source of the western branch of the River Shaw to the sea; on the south by the sea shore to the mouth of the River Hopkins; on the east by the said River Hopkins to the confluence of Wyselaskie's Creek, and by that creek to its source; on the north by a line westward from the source of the last-named creek to the base of the Grampians near Mount Abrupt; thence by the principal range of the Grampians to Mount Sturgeon, and by a line south-westerly to the north-east angle of the County of Normanby, including all the islands at Port Fairy, and excepting the country included in the electoral districts of Belfast and Warrnambool.

HEYTESBURY:—Bounded on the west by the River Hopkins from its estuary to the confluence of the Emu Creek, thence by Emu Creek to the point nearest Lake Pormbeet, thence by a line easterly to the north end of Lake Pormbeet, thence by a line east to Lake Korangamite, and by the southern shore of that lake to the mouth of the Pirron Yaloak Creek; on the east and south-east by the Pirron Yaloak Creek to its source, thence by a range to the source of the Gellibrand River, by the Gellibrand River to the sea coast; and on the south-west and west by the sea coast to the estuary of the River Hopkins

Two.

34. ELECTORAL DISTRICT OF POLWARTH, RIPON, HAMPDEN, AND SOUTH GRENVILLE.

POLWARTH:—Bounded on the west by the River Gellibrand upwards to its source, thence by the range to the source of the Pirron Yaloak Creek, by this creek to Lake Korangamite; on the north by the south-eastern shore of Lake Korangamite, and an east line from Lake Korangamite to the north of Lake Colac, thence by the north shore of Lake Colac to the point west from the source of Birregurra Creek, from that point by a line east to the source of the Birregurra Creek, thence by the Birregurra Creek to its confluence with the River Barwon, thence following the course of the River Barwon to Hopkin's Creek; on the north-east by this creek and a line across the dividing range to the source of the Salt Creek south-east two miles forty-eight chains, thence by the Salt Creek to the sea coast north of Point Roadknight; and on the south-east and south by the sea coast to the mouth of the River Gellibrand, excepting the country included in the Electoral District of Colac.

RIPON:—Bounded on the west by the Grampian Range dividing the waters of the Rivers Wimmera and Glenelg from those of the River Hopkins, to its base near Mount Abrupt; on the south by a line easterly to the source of Wyselaskie's Creek, and by that Creek to the River Hopkins, thence by a line east to Lake Boloke, thence by the southern Shores of Lake Boloke to

the mouth of Prackmijerrin Creek, and by that creek to the point nearest to Emu Creek, thence by a line east to a point in Emu Creek one mile to the west of its confluence with Broken Creek; on the south-east and east by Emu Creek to its confluence with Baillie's Creek, by Baillie's Creek to Lake Burrumbeet, by the southern shores of Lake Burrumbeet and Burrumbeet Creek to its source in the great dividing range; and on the north by the great dividing range to the western boundary aforesaid.

Number of
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tive Assembly
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and returned
for each Elec-
toral District.

HAMPDEN :—Bounded on the west by the River Hopkins; on the north by the southern boundary of the county of Ripon; on the east by a line southerly to the source of Gnarkeet Ponds, thence by Gnarkeet Ponds to Lake Korangamite, and thence by the west shore of Lake Korangamite to a point east of Lake Pormbeet, and from the north end of Lake Pormbeet to the nearest part of Emu Creek, and thence by Emu Creek to its confluence with the River Hopkins.

SOUTH GRENVILLE :—Bounded on the north by the main road between Portland and Geelong, from its intersection with the River Yarrowee to the Gnarkeet Ponds; on the west by the Gnarkeet Ponds to Lake Korangamite, thence by the western shores of that lake to a point east of Pormbeet; on the south by the southern shore of Lake Korangamite, thence by a line east from Lake Korangamite to the north shore of Lake Colac, thence by the north shore of Lake Colac to a point west from the Birregurra Creek, and from that point by a line east to the source of the Birregurra Creek, and by that creek to its confluence with the Barwon; and on the east by the Rivers Barwon and Yarrowee to the commencing point - - - Two

35. ELECTORAL DISTRICT OF MURRAY.

Bounded on the south and west by the counties of Evelyn and Anglesea and the River Goulburn to its junction with the River Murray; on the north and north-east by the River Murray; and on the east by the great dividing range, excepting the country comprised in the electoral districts of the Murray Boroughs and of Beechworth - - - Two.

36. ELECTORAL DISTRICT OF GIPPS' LAND.

Bounded on the south and east by the sea; on the north by a line bearing west from Cape Howe to the source of the nearest tributary of the Murray, and by the Alps; and on the west by the Alps and the counties of Evelyn and Mornington, excepting the country comprised in the electoral district of Alberton - - - One.

37. ELECTORAL DISTRICT OF THE WIMMERA.

Bounded on the west by the boundary line of Victoria and South Australia; on the north by the River Murray; on the east by a line to Lake Bael Bael, thence by the River Avoca to its source; and on the south by the boundaries of the counties of Follet, Dundas, and Ripon - - - Two.

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